

**NATIONAL COUNCIL OF PROVINCES**  
**QUESTION FOR WRITTEN REPLY**  
**QUESTION NUMBER: 33 [CW38E]**

**33. Mr W A S Aucamp (Northern Cape: DA) to ask the Minister of Finance:**

- (1) (a) In view of the amendment to Section 92 of the Customs and Excise Act, 1964 (Act No. 91 of 1964), (a) how much money was recovered under the said Act and paid to the Controller in the area in respect of fines and/or penalties, (b) what happened to the fines and/or penalties that were recovered, (c) who is responsible for oversight over such fines and/or penalties and (d) what happens to the proceeds of sale of anything which has been (i) forfeited and/or (ii) seized and condemned under the said Act;
- (2) how much (a) money was withheld by the Commissioner in respect of fines, penalties or proceeds and (b) such money was awarded and paid to any third party?

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**REPLY:**

(1)(a) The amount recovered for the period 1 April 2019 – 29 February 2020 amounts to

R171, 788,365.77. The amount includes all monies collected for penalties and forfeitures during this period.

The resources responsible for the revenue collected as follows:

- Customs Processing Centre (Service Manager) interventions (R 6 097 164.00) 3.5 % contribution
  - Enforcement interventions by the various Customs branch offices, Tactical Intervention Unit, the Detector Dog Unit etc. (R161 691 201.77) 96.5 % contribution.
- (b) Penalties that are recovered, are paid into the National Revenue Fund
- (c) Any penalty recovered under this Act shall be paid to the Controller/Branch Manager (*The Officer designated by the Commissioner to be the Controller / Branch Manager of Customs*

*and Excise in respect of that area and includes Officers acting under the control or direction of any officer so designated by the Commissioner) in the area where such penalty is recovered.*

(d) The proceeds of sale (State Warehouse Auction) of anything which has been forfeited/seized under this act are paid into the National Revenue Fund.

Provision is made for 'owners of goods "where applicable to submit a claim for surplus amounts (after deduction of duties and taxes etc.)

It is important to note that not all goods that are forfeited/seized under this act are sold as some goods are destroyed or exported in compliance to legislation e.g. Goods found to be in contravention of Other Government Agencies (OGA) legislation i.e. prohibited and restricted goods etc. which require ITAC permits etc.

(2)(a) All proceeds are withheld and can only be refunded or reduced through a formal dispute, the Internal appeals processes.

(b) None