

NATIONAL COUNCIL OF PROVINCES

QUESTION FOR WRITTEN REPLY

QUESTION NUMBER: 658 [CW755E]

DATE OF PUBLICATION: 16 SEPTEMBER 2022

658. Ms H S Boshoff (Mpumalanga: DA) to ask the Minister of Finance:
(Interdepartmental transfer – 16 September 2022)

- (1) How many inspections were conducted by (a) police officers, (b) customs and excise officials and/or (c) any other persons who are designated as inspectors by him to carry out inspections on premises where illegal manufacturing or illicit trade in counterfeit products are taking place in each province in the (i) 2019/20 and (ii) 2020/21 financial years;
- (2) whether any such inspections led to the arrest of any persons; if not, why not; if so, (a) how many (i) arrests were made, (ii) fines were imposed, (iii) imprisonments were imposed and/or (iv) both fines and imprisonments were imposed and (b) what was the (i) value of the fines and (ii) length of each imprisonment?

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REPLY

(1)(a) For SAPS Response

(b)(i)(ii) Section 15 of the Counterfeit Goods Act no 37 of 1997, administered by the Department of Trade, Industry and Competition, only empowers SARS to act as inspectors with respect to (suspected) counterfeit goods **imported into or entering the Republic** and for which the brand holder has registered with us and indemnified us. Therefore, SARS primarily performs this mandate at ports of entry/exit and has no mandate to search premises where illegal manufacturing or illicit trade in counterfeit products are taking place within the country.

(c) Not for SARS Response

(2)(a)(i)(ii)(iii)(b)(i)(ii)

As per the above, inspections conducted inland is outside of the mandate of SARS, however, SARS is often involved in joint operations with other law enforcement agencies that frequently results in traders not taking ownership of the identified illicit goods resulting in seizure, and subsequent destruction by brand holders.

SARS performs an agency function, and therefore instruction on arrest, fines and imprisonment is the responsibility of the DTIC, Brand holders and SAPS.