

1980

1980

16368

KENYA

16368

C0533/404

Importation of Second-hand Clothing

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1. In House for Nov. 623 \_\_\_\_\_ 21 September  
State Central Board of Health ~~recommended~~  
importation of second hand clothes ~~is prohibited~~  
as Acts of Uganda and T.T. make it possible to pass for  
prohibition for reasons stated, not in favour of  
putting innovation into effect

So / have you any bearing on  
this at all?

Question

I am afraid not. It depends on the origin  
of the goods.  
G. W. C. [Signature]  
5/12/30

D. B. Brown

Have you any views?

The OAG has not so far to take  
any action at present - He would  
not recommend it himself, but  
his health advisers are strong on  
the point & he has therefore  
referred it to the S/S for  
info & advice.

Especially in  
view of the  
T.T. certificate

Graham  
5.12.30

of the authorities ~~should~~ <sup>consider</sup> that the  
Certificate is not a guarantee that  
the disinfection has been efficient ~~disinfection~~  
they could desinfect themselves.  
This however could only be done by  
unfastening the goods and placing  
them in a high pressure steam  
chamber. Such a disinfecter  
may not be available.

From experience in West Africa I  
can state that the garment usually  
imported is not suitable for wear  
in the tropics. They are usually  
sold to the most ignorant and  
poor classes and after a time  
become filthy verminous  
from a health point of view  
their importation is undesirable

A. R. Allen  
8/12/30

Leaving

Can you trace any precedents  
in such a prohibition?

W. H. C.

8/12/30

The practice under  
the way from total prohibition  
as in transit to admission  
after inspection is in fact

The present ~~large~~ practice  
seems to provide <sup>reasonable</sup> adequate  
safeguards against the  
introduction of disease

It is only to be possible  
the attitude of the Government is  
in the first instance to see if  
it is not for the common  
good to limit the importation  
of such goods. It is possible  
to limit the importation of  
such goods.

(This was kept for further  
reference)

I understand that Dr. Smith does  
not think it worth referring to  
with the fact we have already  
been ascertained what the  
position is in this country, so  
that we can state that in  
the reply.

Final copy of the report

the Bd. of Trade - say that  
I'd be glad to learn  
what is the position  
in regard to the importation  
of used clothing  
into this country.

Recd  
23.1.31

at once

Letter B of T. w/ copy 1 - Cons - 26/1/31

DESTROYED UNDER STATUTE

in Eastwood

to reply to the 2 gals

hours

last call 11<sup>th</sup> day 28/2/31

*[Handwritten signature]*

6.3.31

now see to 3

hours

13/1/31

3

Board of Trade  
I have copy correspondence with Board of Customs  
and have from which it will be seen that there  
is no restriction on the importation of second hand  
clothing into this country, no regulations have  
been drawn up by the Ministry of Health

They ~~are~~ can't help at all

? now reply to nos. 1

Concerning - in the 1<sup>st</sup> sentence of  
para 3 & saying that there is

no legislation on the subject in this country.  
& send copy despatch to Uganda and T.T.  
LP information.

C.G. Eastwood

16.3.31

Dr. A.E. Paterson, Deputy Director of Sanitary  
Services, called recently and I took the opportunity  
to ask him about this. He told me that the fear  
of the introduction of disease was not the chief  
objection to the import of this clothing, but the  
main objection was the unsuitability of the clothing  
for local conditions - very unsuitable in design  
and not easily cleaned. He regarded the proposed  
prohibition as rather in the nature of a <sup>Sanitary and</sup> precautionary  
measure. I gathered that this secondhand clothing  
consequently from the Continent (possibly the greater  
part from Russia) to Antwerp and so to London. It  
is only admitted on a certificate of disinfection by  
a recognised authority. The London Authorities are,  
of course, recognised, but ~~it is~~ <sup>it is</sup> not known to what  
extent continental authorities would be so recognised.  
Dr. Paterson also told me that there was no disinfecting  
apparatus available at Mombasa except for the  
limited purpose of disinfection after a case of  
infectious disease, and, in these circumstances any  
clothing that was not accompanied by a certificate had  
necessarily to be re-shipped.

\* no mention in  
the report

In paragraph 3 of No. 1, the Acting Governor  
said that he considered in the circumstances that the  
best course was to lay the position clearly before  
the Secretary of State in all its aspects for informa-  
tion and advice, in the light of the dangers  
experienced elsewhere, and the methods, if any,  
adopted for dealing with the problem.

Gov. 268. (No. 2, 3 (Lords) + Memo. No. 1, a.) -  
(No. 1, Revised)

~~6' Present  
to see~~

I am afraid we are not in a position to return any very satisfactory reply, and I think that although the Acting Governor sent copies of his despatches to Tanganyika and Uganda, it is not much use taking up the matter with them. I must say that I do not think the attitude of the Tanganyika Government is very impressive, but perhaps with a double change of regime, we shall have less of this sort of thing in future.

Send to the Governor copies of the correspondence with the Board of Trade, Nos. 2, 3 (with enclosure), and also as a memorandum, a copy of Mr. Thompson's minute in No. 1A, as altered in red, and add as suggested by Dr. Stanton in his minute of the 29th December, that if the Governor concurs in the Acting Governor's view that, for practical reasons, it is not desirable in the circumstances to put to rest the question of prohibiting the employment of non-officials within the Secretary's office, the Secretary ~~is not free~~ <sup>not free</sup> to dissent.

W. Allen

8/4/31

W. Parry  
8.4.31

I should prefer to reply in the terms of Dr. Stanton's minute and not in the much stronger terms of Mr. Allen's minute, which appear to me to carry a ~~strong~~ <sup>strong</sup> in the TT not draft version

Home  
17/4/31

Added to the copy

C. O.

C. D.  
R 48  
D 20

Mr. Pooley 16/4/31

Mr. Hatcher 16/4

Mr. Tomlinson.

Sir C. Bellamy.

Sir J. Shuckburgh.

Sir G. Grindle.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

22 April, 1931.

Sir,

I have etc. to acknowledge the receipt of Mr. Moore's despatch No. 623 of the 24th September, 1930, regarding the question of prohibiting the importation of second-hand clothing into ~~XXXXX~~ East Africa.

**DRAFT.** for Genl. (No. 1)

Kenya.  
No. 268.  
Governor.

2. I enclose, for your information, a copy of correspondence with the Board of Trade, <sup>showing the</sup> from which will ~~be seen~~ the position with regard to the importation of used clothing in <sup>together with</sup> this country, and a memorandum <sup>which</sup> showing <sup>has been prepared in this Dept. regarding</sup> the restrictions in force in various other Colonies.

To B/Trade - 26/4/31 (No. 2)  
From - 11/3/31 (No. 3)  
(with enclos.)  
Memorandum (No. 1a).

3. ~~After careful consideration~~ of the question, I endorse <sup>Mr. Moore's</sup> ~~view~~ view that, for practical reasons, it is

not desirable to <sup>effect</sup> put into operation <sup>prohibit entirely the</sup> the innovation of prohibiting the

importation of second-hand clothing

into East Africa.

I have etc.


(Signed) P. H. FIELD.

73

Any further communication should be  
addressed to—  
**THE ASSISTANT SECRETARY,**  
at the address given opposite.  
The following letter and number should  
be quoted—  
**CRT. 488/31.**

**COMMERCIAL RELATIONS AND TREATIES  
DEPARTMENT,  
BOARD OF TRADE,  
GREAT GEORGE STREET,  
LONDON, S.W. 1.**

Telegraphic Address:  
**COLASTA, PARL. LONDON.**  
Telephone No.: 3440 Victoria.

  
**RECEIVED** 17th March, 1931.  
12 MAR 1931  
O'LOUGHEE

Sir,

With reference to your letter (16368/30) of the  
25th January last respecting the importation of second-hand  
clothing into Kenya and Uganda, I am directed by the  
Board of Trade to transmit herewith, for the information of  
the Secretary of State, copy of correspondence which has  
passed between this Department and the Board of Customs and  
Excise, from which it will be seen that there is no  
prohibition or restriction on the importation of second-hand  
clothing into this country. It has also been ascertained,  
semi-officially, that no regulations on the subject have  
been drawn up by the Ministry of Health, to which  
Department copy of this correspondence has been addressed.

1631  
22.4.31  
16  
22.4.31

I have the honour to be,

Sir,

Your obedient servant,

The Under-Secretary of State,  
Colonial Office,  
S.W. 1.



COPY.

Any further communication should be addressed to—

THE ASSISTANT SECRETARY,  
at the address given opposite.

The following letter and number should be quoted—

C.R.T. 488/31.

Telegraphic Address:

COLASTA, PARL. LONDON.

Telephone No.: 3840, Victoria.

COMMERCIAL RELATIONS AND TREATIES  
DEPARTMENT,  
BOARD OF TRADE,  
GREAT GEORGE STREET,  
LONDON, E. W. 1.



9th February, 1931.

Sir,

I am directed by the Board of Trade to transmit to you herewith copy of a letter with enclosure, which has been received from the Colonial Office, respecting a proposal to prohibit the importation of second-hand clothing into Kenya and Uganda.

The Board would be glad to receive the advice of the Commissioners of Customs and Excise as to the reply which should be returned to the enquiry as to the position in regard to the importation of second-hand clothing into this country.

Copies of this letter and enclosures are being sent to the Ministry of Health.

I am, Sir,

Your obedient Servant,

(Signed) H. FOUNTAIN.

The Secretary,  
Board of Customs and Excise,  
Custom House,  
E.C.3.

COPY.

9  
EMH.

Reference No. 9806/31.

Custom House,  
Lower Thames Street,  
E.C.3.

25th February, 1931.

Sir,

With reference to your letter (G.R.T.488/31) of the 9th instant, I am directed by the Commissioners of Customs and Excise to inform you that there is no prohibition or restriction on the importation of second-hand clothing into this country so far as this Department is concerned.

I am, Sir,

Your obedient Servant,

(Signed) H.H.RYDER.

The Assistant Secretary,  
Commercial Relations & Treaties Department,  
Board of Trade,  
Great George Street,  
S.W.1.

*Memorandum*

Mr. Allen

I have discovered <sup>Provisions</sup> regarding the importation of second hand clothing <sup>in the</sup> legislation of the undermentioned <sup>countries</sup>:-

Cyprus

Under Order-in-Council No. 340 published in Gazette No. 692 of the 1st March, 1901 the importation of rags and old clothing into any part or place of the Island of Cyprus, other than Larnaca, is prohibited, and such importation is liable to be prohibited in any case in which the Director of Health or officer acting for or delegated by him certifies that the importation of rags or old clothing is likely to be injurious to the public health.

Malta

Under Sec. 113 (1) and (2) of the Customs Ordinance No. 5 of 1881 -

"All second-hand clothing imported into the Colony as merchandise may at the discretion of a Collector of Customs be detained at a Custom-house with a view to its inspection by a Government medical officer and it shall be lawful for that officer after inspection of the clothing to order that it be fumigated at the expense of the importer or otherwise dealt with or destroyed as may appear to him to be necessary in the interest of public health.

No liability shall be incurred by the Government in respect of any loss which may be sustained by an importer by reason of any action taken or order given by a Government medical officer in the exercise of his duty pursuant to the provisions of this section."

Malta

Sec. 1 of Part II of the Regulations made under the Fourth Sanitary Ordinance, 1908 (vide Notice No. 368 in Malta Gazette for 4th December, 1925 as amended by Notice No. 333 in the Gazette for the 30th July, 1926) provides that -

CV 268-22 APR 92

"The importation of the following articles from infected places is prohibited

(a) Body linen, wearing apparel, clothing and bedding that has been in use and is not the property of any passenger, or any person belonging to the crew of the ship.

The importation, however of the articles specified in (a) from any place may be allowed, at the discretion of the Superintendent of Public Health, if official evidence is produced to the Superintendent that such articles have been so treated at the place of origin by the Sanitary Authority thereof as to remove the danger of infection, saving any precaution the Superintendent may consider it advisable to require."

"Infected place" is defined in the regulations as "a place where any infectious or contagious disease exists. Provided that a place shall not be regarded as an infected place because of the existence thereof of a communicable disease, but only when several non-reported cases have occurred, or where the cases constitute a 'fayer'."

#### Mauritius

The following are the relevant sections of the Public Health Ordinance (No. 47 of 1925) dealing with the importation of used clothes -

(187) "Any person landing or introducing cast off clothes in this Colony, or removing, or causing to be removed, cast off clothes from any ship with the intention of wearing the same in this Colony, shall be liable to a fine not exceeding one thousand rupees (Rs.1,000) to be recovered by any officer of Police or Customs before any District Magistrate.

Cont

(188) Cast off clothes landed, introduced or removed as aforesaid may be seized by any officer of Police or Customs and shall be destroyed.

#### New Hebrides

The following is a copy of a proclamation issued by the Resident Commissioner for the New Hebrides under the New Hebrides (Import Duties) Regulation No. 12 of 1914.

"Under the powers vested in us by section 88 (2) of the above-named Regulation we hereby proclaim that from this date the importation into the New Hebrides of part-worn clothing and wearing apparel of any kind, except as personal luggage, is prohibited, and any person found guilty before the Joint Court of an infraction of the provisions of this Proclamation shall be liable to the penalties prescribed in section 92 of the Regulation aforesaid."

From the above it would appear to be unnecessary to go outside the Colonies for methods of dealing with the importation of used clothing but it may be of interest to point out that under an Order in Council made under the New Zealand Health Act, 1920 -

"Rags or any clothing of any kind which has ceased to be in actual wear (and not forming part of the personal effects of a person arriving in the Dominion from overseas), unless

- (a) He can produce a certificate from a responsible officer of the Public Health Service of the country of origin that the said rags or clothing have been effectively cleaned and disinfected, or
- (b) The rags or clothing are cleansed and disinfected to the satisfaction of the Medical Officer of Health at the port of entry, such cleaning and disinfection to be at the expense and risk of the importer."

*I have not been able to trace the Order applies to Western Samoa, although the Health Act in part does apply.*

*Colonial Office*



KENYA

GOVERNMENT HOUSE  
NAIROBI

No. 623

RECEIVED  
1 DEC 1930  
COL OFFICE

24th SEPTEMBER, 1930  
7th NOVEMBER, 1930

My Lord,

I have the honour to state this Government has had under consideration the question of prohibiting the importation of second-hand, i.e. used, clothing and has been in correspondence with the Governments of Uganda and the Tanganyika Territory in the matter.

2. The facts are as follows:-

(a) In 1929 the Central Board of Health resolved:-

"That the attention of Government be drawn to the trade in second-hand clothing small at the moment but increasing. In the opinion of the Board this import trade is objectionable and the Board considers that the importation of second-hand clothing for sale should be prohibited. In this connection the Board desires to direct attention to a resolution which it understands was submitted to Government by the Local District Committee of Mombasa in 1927, recommending the prohibition of the importation for sale of second-hand clothing into the Colony".

and stated its opinion that the trade might fairly be described as an objectionable one. Apart from the possible danger of the introduction of infectious disease into the Colony the Board considered that second-hand European clothing, both as regards material and design, is an unsuitable form of dress for the African.

(b) Again in 1929 the Central Board of Health resolved by five votes to one as a recommendation under Section 6 of the Public Health Ordinance (Chapter 124 Laws of Kenya):-

"That/

THE RIGHT HONOURABLE LORD PASSFIELD, P.C.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET,  
LONDON S.W.1.

*copy of T. 26/1/31  
since 1/1/31*

"That in the opinion of this Board the importation for sale of all used clothing (exclusive of travellers' personal effects) should be prohibited including coats, vests, trousers, frocks, mantles, shawls, blankets, boots, shoes, hats and caps."

The dissenting vote was recorded as the member considered that the importation of second-hand blankets and boots should not be prohibited, provided they were accompanied by a satisfactory certificate of disinfection.

- (c). Prior to the year 1923 importations of second-hand clothing were not classified separately.

The total importations in respect of Kenya and Uganda are stated by the Commissioner of Customs to have been:-

	<u>Trade imports</u>	<u>Gross Duty</u>	<u>Government imports</u>
1923.	2,007.	602.	352.
1924.	2,481.	744.	-
1925.	1,811.	553.	-
1926.	2,588.	758.	-
1927.	4,025.	1,208.	-
1928.	7,017.	2,105.	-
1929.	6,433.	1,650.	-

and during the past five years the principal countries of origin of this trade have been Great Britain, India, Belgium, Germany and the United States of America.

Difficulties of interpretation of the pre-1930 tariff covering this particular class of goods were experienced e.g. when used clothing was reconditioned, whether or not blankets and boots were "clothing". These have, however, been avoided by the Customs Tariff Ordinance 1930, the schedule to

which/

which runs:-

"Item 38. Clothing, apparel and blankets, second-hand (reconditioned or otherwise), for sale..... ad valorem 30%."

(d). The question was referred to the Governments of Uganda and the Tanganyika Territory.

The Government of Uganda stated it was hardly in a position to press for prohibition of the importation of all second-hand clothing because there was no appreciable importation into Uganda and because an extensive market in Uganda was unlikely, but the Uganda Chamber of Commerce agreed that importation for sale should be prohibited.

In the Tanganyika Territory the general opinion of the leading commercial bodies was that prohibition of importation would be in restraint of a legitimate trade and that, in view of the fact that evidence of disinfection was required, matters should remain as they are. The Director of Medical and Sanitary Services expressed himself of the opinion that the Tanganyika Territory Government had ignored "the fact that clothing as used in Europe is unsuitable for natives in that it cannot be washed and that its texture is such that it becomes filthy and verminous to a degree and therefore a menace to health". As regards the evidence of disinfection the Central Board of Health is cognisant of the fact that the importation of second-hand clothing is prohibited unless accompanied by a certificate of disinfection and cleanliness, and that powers are provided for inspection even

where/

where there is such a certificate, but it is submitted that though these provisos minimize the danger involved they cannot furnish a guarantee that the disinfection has been efficient, and it is the case that second-hand clothing in a filthy condition has been held up by the medical authorities and its importation prohibited. These views were communicated to the Tanganyika Territory Government who replied that the matter had been considered in all its bearings and that it was not prepared to reconsider the question.

3. I may state that, as at present advised, I am not in favour for practical reasons of putting such an innovation into effect, particularly in view of the attitude of the Government of the Tanganyika Territory. My health advisers, however, continue to be emphatic in their representations and I have considered in the circumstances that the best course is to lay the position clearly before Your Lordship in all its aspects for information and advice in the light of the dangers experienced elsewhere and the methods, if any, adopted for dealing with the problem.

4. Copies of this despatch have been sent to the Tanganyika Territory and Uganda Governments.

I have the honour to be,

My Lord,

Your Lordship's most obedient, humble servant,

*Sd. H. M. In. Home*

for ACTING GOVERNOR.