

EAST AFR. PROT

C/O
31633

30630

Customs

1910

S. Post

original Paper

10/10/10

Customs Office

No. 1910

Submits above.

Mr. Postle

It has been necessary, essentially to have
 out these items, some of the
 Board of Trade (No. 73) to the Postmaster
 and suggest amendments in these lines
 - of the necessity to better to have
 had also introduced the amendments
 proposed. But before making any
 had better wait for P.D. 273,449 to see
 better of 10 Sept. on 273,449. We can then
 check with the whole matter at all.

W. Read.

WRS:W

27/10/10

W. 10/10/10

Subsequent Paper.

10/10/10

course look into the observations of
the B. of T. the Board
Customs before we send them out.

Incent
10x

Wait as proposed?

2/23

04

to look

7/8

See now 7.0.
32446

2/23

Oct 31

Any reply to this Letter
should be addressed to—
the Secretary,
Custom House,
London, E.C. 1,
and the following number
quoted.

No. 24716
1910

C O
30630
REC'D
RFG 6 OCT 10

Custom House, London,

5th October, 1910.

Sir,

In reply to Mr. Fiddes' letter of the 28th July last, No. 21877/1910, forwarding copy of Ordinance IV 1910 (East Africa Protectorate), I am directed by the Board of Customs and Excise to offer the following observations:—

- (1) The Ordinance appears to meet the conditions of Customs work in the East Africa Protectorate which differ in many respects from those obtaining in the United Kingdom where neither export nor ad valorem duties are in operation.
- (2) No restrictions appear to have been imposed upon the importation of goods liable to high rates of duty. In the United Kingdom the importation of tobacco and saccharin is restricted to particular ports, and a minimum size of package is prescribed. The latter restriction is also imposed upon ordinary spirits imported in cask. It is possible that the difficulties of land transport may render it undesirable to place any similar restrictions on goods imported into the Protectorate.

(3)

(3) There are some points to which attention is drawn as to which difficulty might arise if certain of the provisions had to be enforced. Most of them are common ^{both} to the Ordinance of the East Africa Protectorate and to the Gold Coast Customs Ordinance, 1876, and it is possible that they are not of practical consequence as it does not appear that it has been found necessary to modify the Gold Coast Ordinance which was made in 1876. The points in the East African Ordinance to which reference is made are as follows :-

Clause 18 (3) authorises the detention of goods under certain circumstances in a King's Warehouse, but the goods are not forfeited and there is no power given to sell them. Clause 23 authorises the detention by the Customs of goods in a licensed warehouse, but the mode in which they are to be detained is not expressed :- probably it is intended to be by refusal to grant clearance of the goods. Some responsibility might rest on the Officer of Customs in the event of goods being improperly detained, and it would seem to be a matter which might be left to the warehousekeeper who would presumably have a lien on the goods.

Clause 60. The forfeiture of a ship or part of a ship provided for by this clause could not often be enforced as it would probably only be in very rare cases that the complicity of an owner could be established, and in the case of a foreign ship the forfeiture of a part of a ship could not be made effective.

Clause 151. The Ordinance does not indicate what are the "reasons for which the transit agent is not responsible", and it would perhaps be better if possible to substitute for the words quoted, "to the satisfaction of the Chief of Customs" c.f. Clause 106.

Clause 158. Under the provisions of this clause, before the full duty could be charged it would be necessary to prove that drawback had in fact been paid, and in many cases this would be difficult. In the corresponding provision in the Act 42 and 43 Vict. c. 21, the goods are described as goods "for which any drawback might have been received".

Clause 205. The words "without any information being filed" appear to be unnecessary, and it would be better if they were omitted, as by inserting them and omitting

any reference to the Writ of Appraisement, which forms the commencement of the proceedings for forfeiture in the High Court, and which is issued before the Appraisement is made or the Information is filed, it might be inferred that the Writ would have to be issued. The words do not occur in the corresponding clause 168 of the Gold Coast Ordinance.

The provisions in Clauses 226, 227 and 235, and the forms in the second Schedule, appear to be more applicable to proceedings before Justices than to proceedings in the High Court (c.f. section 223 of the Customs Consolidation Act, 1876) but they do not in terms appear to be so restricted.

Clause 244. It is not clear what the effect of the words "in the name of the Officer of Customs" have. c.f. Clause 159.

The title of His late Majesty is not correctly given in the forms of bond in the second Schedule, and the title should now be that of His present Majesty, the usual way of drawing the titles in bonds is as follows :-

"Our Sovereign Lord George the Fifth, by
 "the Grace of God, of the United Kingdom
 "of Great Britain and Ireland and the
 "British Dominions beyond the Seas, King
 "Defender of the Faith",

and

23

and to refer to His Majesty afterwards as "Our said Lord the King". If the title "Emperor of India" is used in the Protectorate it should be included in the titles. It may be observed also that the words "jointly and severally" are omitted from Bond No. 8.

(4) Attention is also drawn to the following minor points:

Clause 3. The definition of "King's Warehouse" appears to include storage of goods "entered to be warehoused". Having regard to the definition of "Warehouses", and to the regulations set forth in Sections 52/56 &c., it is suggested that the words "or entered to be warehoused" at the end of the definition of "King's Warehouse" are unnecessary.

Clauses 32 and 33. No limit of time is laid down within which goods may be admitted free of duty on re-importation. The corresponding Clause 70 in the Gold Coast Ordinance provides for re-importation within one year after exportation.

Clause 39, line 2. "Consigners" appears to be a mis-print for "Consignors" or "Consignees".

Clause 57.

Clause 57, line 1. "Parts" might perhaps
be substituted for "ports".

Clause 72, line 12. "thereof" appears to
have been intended instead of "hereof".

Clause 102. The marginal index appears too
comprehensive. It might read
"Deficiencies on goods exported from
warehouses".

Clause 117, line 2. The apostrophe in the
word "Customs" might be deleted.

Clause 173, line 1. "forein" should be
"foreign".

First Schedule, Forms E. and D. No column
is provided for the description and
quantity of goods.

I am,

Sir,

Your obedient servant,

J. Browning

The Under Secretary of State,
&c., &c., &c.,
Colonial Office.