

**CUSTOMS.**

**Ordinance No. 6 of 1903.**

[26th October, 1903.]

*An Ordinance relating to Customs.*

Be it enacted by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows :—

1. In this Ordinance—

Interpretation.

“Collector” shall mean the Collector of Customs, and include any Deputy Collector.

“Officer” shall mean any person, temporarily or otherwise an officer of Customs, duly appointed in writing by the Governor or Collector, and shall include all police constables.

“Vessel” shall mean every description of ship or vessel used in navigation not ordinarily propelled by oars.

“Hulk” shall mean any vessel which has been condemned or dismantled.

“Warehouse” shall mean any place covered or otherwise, or any hulk, now or hereafter to be constituted as such by the Governor, where goods may be placed while in the custody of the Government.

“Port” and “Port of entry” shall mean the port of Stanley or Fox Bay, and include any place where a collector shall be stationed and any place hereafter declared a port by the Governor in Council by notice published in the *Gazette*.

“Place” shall (unless such meaning shall be repugnant to the context) mean any bay or other part of the Colony which shall not be a “Port of entry” as defined above.

Master to report  
within 24 hours.

2. The master of every vessel, whether laden or in ballast, shall, within twenty-four hours after arrival from parts beyond the seas at any port, make due report of such vessel to the Collector in the Form I set out in the First Schedule hereto; provided that if any suspicion arise as to the character of such vessel, such report and the lodging of the ship's papers may be required forthwith. Such reports shall be made before bulk be broken or any goods whatever, except personal luggage passed by an officer, shall be removed, landed or waterborne from any such vessel. If the master shall fail to make due report, or if the particulars or any of them contained in such report be false, he shall forfeit the sum of fifty pounds :

Provided that the Collector may forego the prosecution where no wilful error has in his opinion been made, and subject the master to a fine not exceeding five pounds.

Master to  
answer  
questions.

Bulk not to be  
broken within  
four leagues.

Penalty.

Forfeiture if  
fraud intended.

3. The master of every such vessel shall, at the time of making report, answer all such questions relating to the vessel, cargo, crew and voyage as shall be put to him by the Collector or officer, and if such master does not answer the questions demanded of him or does not answer truly, or if, after the arrival within four leagues of the port for which the vessel is bound, bulk shall be broken or any alteration made in the stowage of the cargo of such vessel, or if any part be staved, destroyed or thrown overboard, or any package opened, unless cause be shown to the satisfaction of the Collector, in every such case the master shall be liable to a penalty not exceeding one hundred pounds, and in case the said master shall fail to pay the amount of the penalties incurred under this section and all costs of recovering the same, the Collector or officer shall have full power and authority to detain such vessel until such amount and all expenses attendant thereon have been duly paid; and in case any goods be not reported, such goods shall be forfeited unless it appear that there was no fraudulent intention, in which case the master shall be allowed to amend his report, and the goods may in the meantime be removed to a warehouse.

4. If a master arriving from parts beyond the seas brings any vessel to anchor at or has any communication with any part of the Colony other than a port (hereinafter called a place) before making due report inwards or without authority as hereinafter provided for, he shall be liable to a penalty not exceeding one hundred pounds, and such vessel shall be liable to forfeiture :

Vessel may only anchor in a port.

Provided that if any vessel is driven into any place by stress of weather or being disabled, on proof thereof no such penalty or forfeiture shall be incurred :

Provided also that nothing herein contained shall prevent the Collector, upon being applied to by the agent of the owner or of the master of a vessel expected to arrive within the Colony, from issuing, if he thinks advisable, a permit for such vessel to enter any place, upon the said agent agreeing to pay the expenses of an officer or officers to be dispatched to await the arrival of the vessel at such place.

unless by permit.

5. The master of every vessel arriving from any port out of the Colony at any port of the Colony other than Stanley, for the purpose of landing or receiving cargo, shall, upon being admitted to entry inwards, pay to the officer at such port a duty of one shilling per ton on the registered tonnage of such vessel :

Tonnage dues.

Provided that no vessel shall be liable to a payment of a larger amount than ten pounds in respect of the aforesaid duty on each entry, and no vessel shall be suffered to clear out until the said duty has been paid, and the same and other duties collected by such officer shall be transmitted with all convenient speed by such officer to the Treasurer at Stanley. All vessels liable to the payment of tonnage duties shall be liable to the same only for the first two voyages after the 1st day of January in any one year, and, after payment of tonnage duties on such two voyages, shall be exempt from any further duties during the remainder of such year.

Limit of tonnage dues.

Only on two voyages in one year.

- Officer to remain on board.
6. On the arrival of any vessel from any port out of the Colony at any port in the Colony, it shall be lawful for the Collector to send one or more officers on board of such vessel, to remain on board at the discretion of the Collector till all goods are landed from such vessel and the duties (if any) shall have been paid or otherwise accounted for to the satisfaction of the Collector, and there shall be paid for the services of every officer so proceeding or remaining on board as aforesaid, by the master or consignee of such vessel to the Treasurer for the purposes of general revenue, the sum of ten shillings for every day or part of a day during which such officer shall be so employed; and further it shall be lawful for the Collector and other officers to go on board any vessel at any time and rummage and search all parts of such vessel in order to ascertain the quantity of articles liable to duty which the vessel may contain.
- Pay 10s. a day.
- May search vessel.
- Officer must be fed and housed.
7. The master of any vessel on board of which any officer may be placed by the Collector under the powers given by the preceding section shall provide food for and sufficient room and accommodation under the deck for the bed or hammock of every such officer, for which a sum of three shillings per diem for each officer shall be allowed to the master.
- His return passage.
8. The master of every vessel on board of which an officer may have been placed shall, at the discretion of the Collector, either give an undertaking for payment or make a deposit of such sum as, in the opinion of the Collector, shall be sufficient, on the termination of the duties of such officer to pay his return passage and other expenses (if any).
- Master's report on return to a port.
9. In case of any vessel returning to any port from any other port or place without having left the Colony the master shall, within twenty-four hours after her arrival and before any goods be unladen, deliver a report to the Collector or officer in the Form 2 set out in the First Schedule hereto, and the said Collector or officer shall note thereon the date of delivery; and if any of the goods on board such vessel be subject to any Customs' duty, the same shall not be unladen without the authority and permission



of the Collector or officer; and if any goods shall be unladen contrary hereto, the master shall be liable to a penalty not exceeding fifty pounds.

REGULATIONS AS TO UNLADING.

10. Cargo shall not be unshipped from any vessel arriving from any port out of the Colony without the special permission in writing of the Collector, and such cargo shall be landed at the landing place for which a sufferance has been granted in the presence of the proper officer and any goods unshipped or landed without permission shall be liable to forfeiture.

Permit to unload cargo must be obtained.

11. No goods (except passengers' luggage, which may be delivered as hereinafter provided for by Section 52) shall be waterborne or landed from any vessel arriving from any port out of the Colony except in the daytime and within the usual working hours, according to the season of the year, unless special permission be given in writing by the Collector, and any goods so waterborne or landed contrary to this section shall be liable to forfeiture.

Passengers' luggage.

12. The unshipping, carrying, and landing of all goods and bringing them to the proper place for examination shall be performed by the importer, and the expenses attending the weighing, putting them into the scales, opening, unpacking, repacking, bulking, sorting, lotting, marking and numbering (where such operations respectively are considered necessary by the Collector or officer), removing to and placing them in the proper place of deposit until duly delivered shall be defrayed by the importer.

Handling goods to be at importer's expense.

13. The importer of any dutiable goods intended for home use shall, before the unshipment thereof, make in duplicate perfect entry of such goods by delivering to the Collector a bill of entry thereof in duplicate in the Form 3 set out in the First Schedule hereto, and shall produce to the Collector, if required by him, the invoice, bills of lading and other documents relating to the goods.

Entry of dutiable goods.

Invoices.

Dues to be paid  
on entry.

14. The importer or his agent shall, immediately upon the entry of any dutiable goods for home use, pay all duties, and such entry, when signed by the Collector, shall be transmitted to the proper officer and be his warrant for the landing and delivery of such goods.

Bill of sight  
when contents  
unknown.

Perfect entry  
within seven  
days.

Penalty.

When contents  
unknown  
package to be  
examined.

15. If the importer of any goods, or his agent, shall make and subscribe a declaration in writing that he cannot for the want of full information, or contents being unknown, make perfect entry thereof, he shall make in duplicate an entry by bill of sight of such goods by the best description which can be given in the Form 4 set out in the First Schedule hereto, and such entry when signed by the Collector shall be the warrant for landing such goods, and such goods shall be opened and examined in the presence of an officer and within seven days after the goods have been landed the importer or his agent shall make a perfect entry thereof and pay all duties, and in default of such entry or payment such goods shall be conveyed to a warehouse, and if the duties upon the same be not paid within three months after such seven days shall have expired, together with all charges for removal, warehouse rent, or charges for guarding the same, if such shall not be bonded, the Collector or officer shall cause such goods to be publicly sold to the best bidder, after giving not less than seven days' public notice in the *Gazette* or otherwise, of the time and place appointed for the sale; and the money arising from the sale thereof shall be applied in the first place in payment of duties, warehouse rent, or other charges, and the expenses occasioned by the sale, and the surplus (if any) shall be paid to the owner of the goods or other person authorised to receive the same.

16. If the contents of any package in any vessel shall be reported by the master as being unknown to him any officer duly authorised by the Collector shall open and examine such package on board such vessel, or cause the same to be brought to the warehouse for examination at the expense of the owner of such package.

17. When the importer of any goods fails to make entry or to land or take delivery thereof, the consignee or master of the vessel may make entry of and land or unship and warehouse the said goods in the manner directed by the Collector.

Master to enter goods if importer fails.

18. If the importer of any goods or the consignee or master of the vessel shall not within fourteen days after the arrival of the importing vessel make perfect entry or entry by bill of sight, or if having made such entry he shall not land such goods within fourteen days it may be lawful for the Collector to order such goods to be warehoused.

Goods not landed within 14 days to be warehoused.

19. The importer of any goods not liable to duties of Customs, or his agent, shall deliver to the Collector or officer an entry in duplicate of such goods in the Form 5 set out in the First Schedule hereto, and shall produce to the Collector or officer, required, the invoice, bills of lading and other documents relating to the goods. Should such entry be incorrect in any particular, the importer or his agent shall within fourteen days after the landing of the goods deliver to the Collector a full and accurate account thereof. The bill of entry, when signed by the Collector, shall be transmitted to the proper officer and be his warrant for the delivery of goods mentioned therein.

Entry of non-dutiable goods.

Invoices.

#### WAREHOUSING.

20. The importer of any goods to be warehoused or his agent shall deliver to the Collector a bill of entry in duplicate of such goods, and such entry in the Form 3 set out in the First Schedule hereto, when signed by the Collector, shall be the warrant for the due warehousing of such goods in a warehouse appointed for that purpose without payment of duty on the first entry thereof subject to the restrictions herein contained, and to such regulations as may be made under Section 63 of this Ordinance, and the importer or proprietor shall pay in respect of every package so warehoused rent according to such scale as the Governor in Council shall from time to time fix.

Entry of goods to be warehoused.

Bond for duty.

21. Upon the entry of any goods to be warehoused the importer shall give a general bond with two sureties approved by the Collector in a sum to be approved by the Governor, with the condition for the safe depositing of such goods in the warehouse mentioned in such entry and for the payment of all duties due on such goods, according to the first account taken of such goods upon the landing of the same and with the further conditions that no part thereof shall be taken out of such warehouse until cleared upon due entry and payment of duty, or upon due entry for exportation and that the whole of such goods shall be cleared and the duties paid within two years from the date of the first entry thereof, and such general bond shall cover all imports and exports for twelve months and shall not be discharged until the goods shall have been accounted for to the satisfaction of the Collector nor until the full duties due upon any deficiency of such goods not so accounted for shall have been paid :

Bond  
discharged.

Double duties  
for breach of  
bond.

Provided that no greater sum shall be recovered than the double amount of the duties payable on the goods in respect of which a breach of the said bond shall be made.

Export of  
warehoused  
goods.

22. Before any warehoused goods shall be exported, the exporter shall give security by bond in double the amount of duty payable on such goods with two sureties that such goods shall be duly shipped and exported to some port out of the Colony and shall be landed at the port for which they are entered outwards within such time as the collector may deem reasonable or be otherwise accounted for to his satisfaction :

Provided that the collector may accept a general bond with such security in such amount and under such conditions as he may require in lieu of a separate bond for each exportation.

Goods to be  
warehoused  
not deposited,  
or cleared and  
not shipped,  
forfeited.

23. If any goods entered to be warehoused shall not be duly deposited in the warehouse, or having been deposited for home consumption shall afterwards be taken out of the warehouse without due entry and payment of duty, or having been entered

and cleared for exportation shall not be duly shipped or shall afterwards be relanded, except with the permission of the Collector, such goods shall be forfeited and the party offending shall be liable to a penalty not exceeding one hundred pounds or treble the value of the goods at the option of the Collector.

24. Upon the landing of goods to be warehoused the officer shall take a particular account of the same and shall mark each package or lot with distinguishing marks or numbers, and shall enter the same in a book to be kept for that purpose, and whenever the whole of the goods warehoused under any entry shall be cleared from the warehouse, or whenever further time shall be granted for any such goods to remain warehoused, an account shall be made out of the quantity upon which the duties have been paid and of the quantity exported and of the quantity (to be then ascertained) of the packages of goods still remaining in the warehouse, as the case may be, deducting from the whole the quantity contained in any whole packages (if any) which may have been abandoned for duties; and if upon such account there shall in either case appear to be a deficiency of the original quantity the duty payable upon the amount of such deficiency shall then be paid.

Warehouse  
ledger.

Duty on  
deficiencies.

25. No goods shall be warehoused unless the duties thereon amount to twenty shillings, nor shall any goods be taken out of bond unless the duties thereon amount to ten shillings, nor for exportation unless the duties thereon would, if entered for home consumption, have amounted to ten shillings:

Small  
quantities.

Provided that the foregoing restrictions shall not apply to remainders of warehoused goods; and it shall be lawful for the Collector under such regulations as he shall think fit to permit moderate samples to be taken of any goods so warehoused without entry and without payment of duty except as the same shall eventually become payable as on a deficiency of the original quantity.

Samples.

26. It shall be lawful for the Collector under such regulations as he shall think fit to permit the proprietor or other person having control over goods

Sorting and  
separating.

May be  
abandoned  
for duty.

warehoused to sort, separate, pack and repack any such goods, and to make such lawful alterations thereto or arrangements, or assortments thereof, as may be necessary for the preservation of such goods or in order to further the sale, shipment, or legal disposal of the same, and also to permit any parts of such goods so separated to be destroyed, but without prejudice to claim for duty upon the original quantity of such goods. It shall be lawful, however, for any person having first paid warehouse rent and other charges to abandon any whole packages to the Collector for the duties without being liable for any duty upon the same.

Warehousing,  
limit of time  
two years.

27. If any bonded goods shall not have been cleared within two years from the date of their entry, the Collector may cause the same to be sold, and the proceeds applied first to the payment of the duties (if any), next of warehouse rent and other charges, and the surplus (if any) shall be paid to the proprietor or other person authorised to receive the same :

Provided that it may be lawful for the Collector to grant further time for any such goods to remain warehoused if he shall see fit to do so.

Warehousing  
ports and  
places.

28. It shall be lawful for the Governor in Council from time to time to appoint the ports which shall be warehousing ports, and the Governor shall provide from time to time all necessary warehouses for bonding goods.

Hulk  
warehouses.

29. In all cases where it may be expedient to constitute a hulk a warehouse such hulk shall be fitted with a secure store room, and the key of such store room shall be in the custody of an officer, who shall keep a correct account of all dutiable goods removed from the importing vessel and placed therein, but no goods shall be kept on board any such hulk for a longer period than seven days, unless by special permission in writing of the Collector, and any such goods received on board any hulk without being placed in such secure store room as aforesaid, shall be liable to forfeiture, and the owner of such hulk shall be liable to a penalty not exceeding fifty

pounds for each offence. The removal of any such goods to and from such hulk shall be carried out in the presence of one or more officers, and there shall be paid by the owner of such hulk the sum of ten shillings per day for the services of each officer so employed, and the Collector may send one or more officers on board such hulk there to remain during the time any dutiable goods shall be on board, and the owner of such hulk shall pay for the service of each officer at the above mentioned rate.

#### EXPORTING.

30. The Collector may allow all goods brought into any port and reported for exportation to be transhipped under the care and superintendence of one or more officers on due entry inward and outward being previously passed for such goods, and in the case of dutiable goods upon bond being entered into for due exportation of the same in like manner as if they had been landed.

Export of imports.

31. The exporter of any goods shall before clearance outwards of the exporting vessel, or at such other period as the Collector may allow, either by himself or his agent, deliver to the Collector an export entry in the Form 6 set out in the First Schedule hereto, and shall if required produce the bills of lading or other documents relating to the goods; and on failure to comply with any of the foregoing requirements shall be liable to a penalty not exceeding five pounds for each day's default.

Export entry.

#### WRECKAGE, SALVAGE, ETC.

32. Goods liable to duty landed from vessels in distress and partially or considerably damaged may be removed to a warehouse for the purpose of being rendered merchantable, either for home consumption or exportation, under such directions as may be issued by the Collector.

Wrecked dutiable goods.

33. The master of every vessel which shall arrive at any port or place with goods on board

All wrecked goods to be reported and entered by master.

stranded, wrecked, derelict or unladed from any other vessel, whether such goods were got within or without the limits of the Colony, shall report and enter the quantity and particulars of the said goods in like manner and as nearly as can be ascertained as goods regularly imported, and no such goods shall on any pretence whatsoever be landed at any place within the Colony from any such vessel until such report and entry shall have been made and a permit for that purpose granted by the Collector. For any contravention of this section the master of the vessel shall be liable to a penalty not exceeding one hundred pounds, and such vessel may be liable to forfeiture.

#### REGULATIONS OUTWARDS.

Clearance of  
vessel for port  
out of the  
Colony.

34. Before any vessel, whether laden or in ballast, lying at any port or place and about to sail thence for any port out of the Colony, shall be cleared outwards, the master shall attend before the Collector or officer and shall answer all such questions as shall be required of him concerning the vessel, the cargo and the destination, and shall deliver to the said Collector or officer a content of such vessel in the Form 7 set out in the First Schedule hereto, and for any contravention of this section the master shall be liable to a penalty not exceeding one hundred pounds.

Clearance  
for port in  
Colony.

35. In the case of vessels sailing from any port in the Colony for any other port or place and not bound for any port out of the Colony, an account, with a duplicate thereof in the Form 8 set out in the First Schedule hereto, shall be delivered by the master to the Collector or officer, who shall retain the duplicate and return the original, dated and signed by him; and such account shall be the clearance of the vessel for the voyage and the transire or pass for the goods expressed therein; and if the master fail to deliver a correct account, he shall be liable to a penalty not exceeding twenty pounds.

#### POWER OF OFFICERS.

Samples of  
goods may be  
taken by  
officer and  
returned.

36. Any officer may on the entry of any goods or at any time afterwards open and, if he desires,



take samples of such goods for examination, or for ascertaining the duties payable on such goods, or for such other purposes as the Collector or officer may deem necessary, and such samples shall be returned after due examination unless the Collector shall direct such samples to be otherwise disposed of.

37. It shall be lawful for the Collector or officer, within a reasonable time from their removal from off the vessel, to search, weigh, gauge or measure all and any spirits, wines, tobacco, beer and other articles subject to duty, in order to arrive at the exact amount of duty payable on such articles, even if a warrant for landing them has been duly given.

Spirits, etc., may be measured, gauged, weighed.

38. When any vessel has been entered, on board of which there shall be any goods on which any duty has been paid or which are liable to duty, and the said goods shall have been injured during the voyage or shall thereafter be lost or destroyed before the same shall be landed from such vessel or from any vessel or boat employed to land the same, then, on proof being made to the satisfaction of the Collector that such goods or any part thereof have been so lost or destroyed before landing of the same, the duties on the whole or the part thereof so proved to be lost or destroyed shall be remitted, or if the same shall have been paid be returned to the owner by the Treasurer on certificate to that effect from the Collector or officer, and on security being given to the satisfaction of the Collector that if such goods be subsequently found the remission or rebate of duty will be repaid by the owner.

Remission of duties on goods lost or destroyed.

39. It shall be lawful for the Collector or officer to search any person on landing, and to examine and open all and any goods, wares or packages which he may suspect to contain tobacco, spirits or other articles liable to duty, of which no proper entry has been made, upon the same being landed, and it shall be lawful for such officer to seize any articles liable to duty which he may find upon any person or amongst such goods or packages.

Person landing may be searched and any package opened.

Vessel may  
be rummaged.

40. Any officer, acting under authority from the Collector, may go on board any vessel, hulk or boat which shall be within the limits of the Colony and rummage and search all parts thereof for prohibited or uncustomed goods, and remain on board so long as the Collector may deem necessary, and every such officer shall have free access to every part of the said vessel, hulk or boat, with power to fasten down the hatchways and to lock up, seal, mark or otherwise secure any goods on board such vessel, hulk or boat.

Search  
warrant.

41. Any Justice may, upon information upon oath of an officer, issue a search warrant under his hand and seal for the discovery and seizure of any goods illegally imported into the Colony, and it shall be lawful, upon the authority of such warrant, for any officer to enter any building or other place at any time and search for and seize and secure any spirits, wine, beer, tobacco, cigars, cigarettes or other articles liable to forfeiture under this Ordinance.

When vessels  
may be  
detained and  
vessels and  
goods seized.

42. The Collector and officers are hereby invested with full power and authority to detain all persons committing any breach of this Ordinance and to make seizures of all vessels or goods liable to forfeiture hereunder, and otherwise to carry out the law of the Colony.

Special permits  
to meet  
special cases.

43. The Collector may permit the entry and landing of goods and the loading and clearance of ships at such place in such manner and under such conditions as he may direct to meet the exigencies of any case to which this Ordinance or the regulations made thereunder may not be applicable.

All "officers"  
are excise  
officers.

44. All officers are hereby constituted Excise officers, and also shall have and exercise all the powers of officers appointed under any Quarantine Ordinance.

#### PROCEDURE AND JURISDICTION.

Summary  
jurisdiction.  
159.

45. All articles of whatsoever nature liable to forfeiture under this Ordinance shall, when the value thereof exceeds fifty pounds, be proceeded against

and condemned in the Supreme Court of the Colony, and when the value aforesaid shall not exceed the sum of fifty pounds, such condemnation shall take place before a Magistrate.

46. The value of articles seized as aforesaid shall, for the purpose of the preceding section, be ascertained by two appraisers to be appointed for that purpose by the Collector.

Value of seizures to be appraised.

47. No claim to anything seized under this Ordinance shall be admitted unless such claim be made on behalf of and entered in the name of the owner of the same.

Claims to be in name of owner.

48. It shall be lawful for the Governor in Council, if he shall deem it advisable so to do, to direct that all articles of whatsoever nature seized under this Ordinance be delivered to the owner thereof, whether condemnation shall have taken place or not, and also to mitigate or remit any penalty or fine incurred under this law, or to release from confinement any person committed under this Ordinance, on such terms and conditions as to the Governor in Council shall appear to be proper :

Governor may restore seizures and reduce penalties.

Provided that no person shall be entitled to the benefit of any order for such delivery, mitigation, remission or release unless such terms and conditions are fully and effectually complied with, and if the owner of the same shall accept the terms and conditions prescribed by the Governor in Council, he shall not have or maintain any action for recompense or damage on account of such seizure or detention, and the person making such seizure shall not proceed in any manner for condemnation.

49. If in any prosecution, instituted in respect of any goods seized any question arises as to whether the import duties have been paid or whether such goods have been lawfully imported or lawfully laden, unladen, or exported, then and in every such case the proof thereof shall be on the defendant.

Defendant must prove he has not committed an offence.

50. (i) No proceeding shall be taken against any officer or person acting under the authority of this Ordinance for anything done in the execution or

Action against officer must be commenced within six months.

by reason of his office, unless such proceeding be commenced within six months after the cause of action has arisen: and no such proceeding shall be commenced until one month has elapsed after notice in writing has been delivered to such officer or person, or left at his usual place of abode by the agent of the plaintiff.

Cause of  
action to  
be stated.

(ii) In such notice there shall be clearly stated the cause of action and the name and place of abode of the plaintiff, and no evidence of the cause of such action shall be produced except of such as is contained in the notice.

Officer may  
tender amends.

51. It shall be lawful for any officer or other person to whom such notice is given at any time before the commencement of the action to tender amends to the plaintiff, and in case such tender is not accepted to plead the same:

Provided that such defendant may by leave of the Court where such action is brought at any time before issue joined pay money into Court by way of amends:

Provided also that in any such action if the Court before which such action is tried shall certify upon the record that the defendant acted upon reasonable and probable cause the plaintiff shall not be entitled to more than one shilling damages nor to any costs of suit.

#### PENALTIES.

Goods concealed  
or delivered  
without entry,  
forfeited.

52. If any goods liable to duty shall be found concealed in any way or packed in any package or parcel to deceive any officer, such package and all the contents thereof shall be forfeited: and if any goods be taken or delivered out of any vessel not having been duly entered the same shall be forfeited:

Passengers'  
luggage.

Provided that no entry shall be required in respect of the luggage of passengers, which may be landed, examined, and delivered under such regulations as the Collector may direct; but if any goods liable to duty shall be concealed therein, either before or after landing, the same shall be liable to forfeiture, together with everything packed therewith.

Fraudulent  
entries and  
concealments.

53. If any person shall import, or cause to be imported, goods of one denomination concealed in

packages of goods of any other denomination, or any package containing goods not corresponding with the entry thereof, or shall directly or indirectly import or cause to be imported or entered, any package of goods as one denomination which shall afterwards be discovered, either before or after delivery thereof, to contain other goods subject to a higher rate or other amount of duty than those of the denomination by which such package or the goods in such package were entered, such package and the goods therein shall be forfeited, and such person shall for every such offence be liable to a penalty not exceeding one hundred pounds, or treble the value of the goods contained in such package together with the duty payable thereon.

Penalty.

54. If any vessel or boat shall be found within the limits of the Colony with cargo on board and such vessel shall afterwards be found light or in ballast, and the master is unable to give a due account of the port or place where such vessel shall have legally discharged her cargo, such vessel or boat, with all gear and appurtenances belonging to her, shall be forfeited.

When deficient cargo not accounted for, vessel may be forfeited.

55. All vessels, boats, carts, wagons and other means of conveyance, together with all horses and other animals made use of in the unlawful removal, carriage or conveyance of any goods liable to forfeiture under this Ordinance, shall be liable to forfeiture.

Means of conveyance in unlawful removals may be forfeited.

56. All vessels, boats, carts, wagons and other means of conveyance, together with all horses or other animals, and all goods and articles whatsoever seized under the authority of this Ordinance shall as soon as possible be delivered into the care of the Collector or proper officer who shall secure the same, and if condemned the Collector shall cause the same to be sold by public auction to the highest bidder in accordance with such order as shall be made by the Court before which such articles shall be condemned.

All seizures and forfeitures to be sold by auction.

57. Every person who shall knowingly harbour, keep, or conceal, or knowingly permit or suffer, or

Evasion of duties.

cause or procure to be harboured, kept or concealed, any goods liable to Customs duties which shall have been illegally imported, or shall knowingly acquire possession of any such goods, or shall be in any way knowingly concerned in carrying, removing, depositing, concealing, or in any manner dealing with any such goods with intent to defraud His Majesty of any duties due thereon, or shall be in any way knowingly concerned in any fraudulent evasion or attempt at evasion of any duties or of any Customs law, shall for each such offence be liable to a penalty not exceeding one hundred pounds or treble the value of the goods including the duty payable thereon, at the option of the Collector.

Evasion of seizures and rescuing person arrested.

58. Every person who shall rescue, or endeavour to rescue, any goods seized, or before or after seizure shall stave, break or destroy or attempt to stave, break or destroy any goods to prevent the seizure or the securing thereof, or shall rescue or attempt to rescue any person apprehended for any offence punishable by fine or imprisonment under this Ordinance, or prevent or attempt to prevent his apprehension, or shall assault or obstruct any person duly employed for the prevention of smuggling in the execution of his duty, or in seizing any goods liable to forfeiture under this Ordinance, or shall aid, abet, or assist in committing any of the foregoing offences, shall for each such offence be liable to a penalty not exceeding one hundred pounds, or such person may be imprisoned and kept to hard labour for any term not exceeding twelve months without the option of a penalty.

Bribes.

59. Any officer who shall take or accept any fee, gratuity, reward or perquisite, directly or indirectly, for the neglect or non-performance of his duty, and any person who shall promise, give, or offer, or procure to be given, to an officer any such fee, gratuity, reward or perquisite, shall be liable to a penalty not exceeding one hundred pounds.

Injuring seals and fastenings.

60. Any person who shall knowingly and wilfully tamper with, alter, break or injure any lock, seal or fastening on any vessel, hulk, boat, store room or warehouse, placed thereon in the due execution of

his duty by any duly authorised officer, shall be liable to a penalty not exceeding one hundred pounds.

61. All penalties and forfeitures incurred under this Ordinance shall be paid to the Treasurer, and apportioned by him as follows, that is to say : After deducting the charges of prosecution from the proceeds thereof, one moiety to the person who shall have given the information, and the other moiety to His Majesty for the use of the Colony.

Half penalties to Crown, half to informers.

62. All Collectors and Officers of Customs at present holding office shall continue to hold such offices as if appointed hereunder.

Existing officers confirmed.

63. The Governor in Council may prohibit the importation of any article and from time to time to fix the charges to be paid for officers' services and to be levied for the warehousing of any goods, and vary or alter any of the forms hereto annexed, and make rules for regulating the mode of proceeding in all cases of seizure and generally for carrying out the provisions of this Ordinance in all matters not otherwise specially provided for.

Rules, fees, rents, forms.

64. (i) The Governor may, by proclamation, from time to time prohibit the carrying coastwise or the exportation to any country or place therein named of all or any of the following articles, namely :—

Power to prohibit exportation of material of war to any country.

Arms, ammunition, military and naval stores, and any article which in the opinion of the Governor is capable of being converted into or made useful in increasing the quantity of arms, ammunition, or military or naval stores.

(ii) Such proclamation may be made whenever in the opinion of the Governor it is expedient in order to prevent the articles specified therein being used against His Majesty's subjects or forces, or against any forces engaged or which may be engaged in military or naval operations in co-operation with His Majesty's forces.

(iii) Without in any way limiting the nature or description of the articles which may be specified

in any such proclamation, the articles set forth in the Second Schedule hereto may be so specified.

(iv) Proceedings under this section shall be taken and heard before a Magistrate.

Short title.

65. This Ordinance may be cited as "The Customs Ordinance, 1903."

#### FIRST SCHEDULE.

Form 1. (*Section 2.*)

#### SHIP'S MANIFEST.

Official Number.

Number of Register.

Date of Registry.

If Sailing Vessel or Steamer.

Port of

Falkland Islands.

#### *Report.*

Ship's Name.	Tonnage.	British or Foreign? If British, Port of Registry; if Foreign, Country to which she belongs.	Number of Crew.		Name of Master and whether a British or Foreign Subject.	Port or Place from whence arrived.
			British Seamen.	Foreign Seamen.		

#### *Cargo.*

Name or Names of Places where laden in order of time.	Marks.	Nos.	Packages and Descriptions of Goods. Particulars of goods stowed loose, and general denomination of contents of each package of Tobacco, Cigars, Cigarettes or Snuff, intended to be imported at this Port.	Particulars of packages and goods (if any) for any other Port.	Goods (if any) to be transhipped or remain on board for exportation.	Name of Consignee.
<i>If in ballast, state in "Ballast only."</i>						
If any wreck fallen in with or picked up to be stated.						



Stores.

Surplus Stores remaining on board, viz.:—

I declare that the above is a just report of my vessel and of her lading, and that the particulars therein inserted are true to the best of my knowledge, and that I have not broken bulk or delivered any goods out of my said vessel since her departure from the last foreign place of loading [except, *if so*, at ] [*stating where*].

Master.

Signed and declared before me this                      day of  
19                      .

Collector.

FORM 2. (Section 9.)

LOCAL REPORT.

Port of

Ship's Name.	Tonnage.	Port of Registry.	Master's Name.	Where from.
Foreign Goods.	Colonial Goods.	Goods liable to Customs Duty.	Here state "Sundry other Goods," or "No other Goods," as the case may be.	

Master.

Entered before me this                      day of                      , 19                      .

Collector.

## FORM 3. (Sections 13 and 20.)

## ENTRY DUTIABLE.

Port of \_\_\_\_\_, Falkland Islands.  
 Ship " \_\_\_\_\_ " arrived on \_\_\_\_\_  
 Importer \_\_\_\_\_

Marks and Numbers.	No. of Packages.	Description.	CONTENTS AND VALUE.				Quantities and Country of origin.	Duty.		
			Value to include invoice cost (less trade discount); freight; insurance; cost of packages.	£	s.	d.		£	s.	d.

I solemnly declare that I have set forth and made due entry of every package imported by me in above-named ship, and that the foregoing particulars are accurate, and that not one of the packages enumerated in this entry contains any article prohibited to be imported or any article liable to duty, except as above described.

Date

, 19

Importer.

## FORM 4. (Section 15.)

## PROVISIONAL ENTRY.

Port of \_\_\_\_\_ Importer's Name. \_\_\_\_\_

Ship's Name.	Date of Report.	Master's Name.	Port or Place from whence arrived.
Marks.	Numbers.	Number of Packages with the best description the Importer is able to give.	

I, \_\_\_\_\_, the importer [or the agent of the importer] of the goods above mentioned, hereby declare [if importer] that I have not or [if agent] that to the best of my knowledge he has not received sufficient invoice, bill of lading or other advice from whence the quality, quantity or value of the goods above mentioned can be ascertained.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

, 19

Importer or Agent.

Collector or Officer of Customs.

FORM 5. (Section 19.)

ENTRY FREE.

Port of \_\_\_\_\_, Falkland Islands.  
 Ship " \_\_\_\_\_" arrived on \_\_\_\_\_  
 Importer \_\_\_\_\_

Marks and Numbers.	Number of Packages.	Description.	CONTENTS AND VALUE.				Quantities and Country of origin.
			Value to include invoice cost (less trade discount): freight: insurance: cost of packages.	£	s.	d.	

I solemnly declare that I have set forth and made due entry of every package imported by me in above-named ship, and that the foregoing particulars are accurate and that not one of the packages enumerated in this entry contains any article prohibited to be imported or any article liable to duty.

Date \_\_\_\_\_, 19 \_\_\_\_.

Importer.

FORM 6. (Section 31.)

DUTIABLE GOODS.

Export.

Ship's name and date of departure.  
 Port or place to which consigned.  
 Exporter's name.  
 Port of export.

Exporter.	Description of Export.	Quantity.	Duty.			Value.		
			£	s.	d.	£	s.	d.

I solemnly declare that the foregoing particulars are to the best of my knowledge accurate, and that I have herein fully described and set forth all goods liable to duty on export.

Date \_\_\_\_\_, 19 \_\_\_\_.

Importer or Agent.

FORM 7. (*Section 34.*)

## OUTWARD MANIFEST.

*Content.*

Ship's Name and Destination.	Number of Tons.	Number of Boats.	If British, Port of Registry; if Foreign the Country.	Number of Crew.	Master's Name.	With or without passengers or troops.

  

Marks and Numbers of Packages.	Shippers.	Quantity and Description of Goods.	Consignee.

I declare that the above content is a true account of all goods shipped or intended to be shipped on board the above-named vessel.

Signed and declared before me this                      day of                      ,  
 19                      .  
*Master.*  
*Collector.*

FORM 8. (*Section 35.*)

## TRANSIRE.

*Coasting Vessels.*

Port of

Ship's Name.	No. of Crew.	Tonnage.	Port of Registry.	Master's Name.	Whither bound.

  

Foreign Goods.	Colonial Goods.	Goods liable to Customs Duty.	Here state "Sundry other Goods," or "No other Goods," as the case may be.

Cleared before me this                      day of                      , 19                      .  
*Master.*  
*Collector.*

## SECOND SCHEDULE.

Guns and arms of all kinds and the machinery for manufacturing them.

Ammunition and explosives of all kinds, the ingredients used in their manufacture and the machinery for manufacturing them.

Military stores of all kinds, including—

Clothing, equipments, accoutrements, harness, saddlery, implements and tools, wire, chemicals used in the manufacturing of explosives.

Signalling and searchlight equipment, telegraphic and electric light plant suitable for field use, limelight apparatus, heliographs, optical instruments used in military operations.

Naval stores of all kinds, including—

Materials used in ship construction, such as rivet-iron, angle-iron, round bars, rivets, sheet-plate iron, forgings and armour-plates; machinery used in constructing ships and torpedo-boats; marine engines and the component parts thereof, including screw propellers, paddle-wheels, cylinders, cranks, shafts, boilers, tubes for boilers, boiler-plates, fire-bars.

Every article whatsoever which is, can, or may become applicable for the manufacture of marine machinery:—

Anchors, chain cables, wire hawsers, capstans, windlasses, steam winches, masts, derricks, davits.

Torpedoes and their component parts and machinery for manufacturing them.

All apparatus for projecting inflammable materials or firing torpedoes.

Steam and other boats suitable for use for warlike purposes.

Submarine cables.

Submarine mines and apparatus appertaining to them.

Marconi apparatus.

Electrical fittings used on board ship.

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**LAND.**


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Ordinance No. 9 of 1903.

*As amended by No. 7 of 1906.*

[18th December, 1903.]

*An Ordinance relating to Land.*

Be it enacted by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. In this Ordinance, and in the construction of any lease or Crown grant— Interpretation.

“Land” includes islands, country, suburban and town land.