

[L.S.]



## FALKLAND ISLANDS.

Ordinance No. 17 of 1939.

I ASSENT,

H. HENNIKER HEATON,

*Governor.*

9th December, 1939.

### An Ordinance

To provide for the prohibition or restriction of the exportation or importation of goods during any public emergency.

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. This Ordinance may be cited as the "Exports and Imports (Emergency Powers) Ordinance, 1939." Short Title.

2. (1) The Governor may, on the occurrence of any public emergency or whenever it appears to him to be necessary in the interest of the public safety or tranquility, by Proclamation published in the Gazette, prohibit absolutely, or restrict by means of such conditions and limitations as may be defined by him in the Proclamation, the exportation or importation from or to the Colony of all or any specified goods or class or description of goods to or from any specified country or place or to or from any specified person or class of persons.

Power to prohibit or restrict exportation or importation of goods.

(2) For the purposes of this Ordinance, "Goods" shall be deemed to include gold or silver coin.

(3) The publication of a Proclamation by the Governor under this section shall be deemed for all purposes to be conclusive proof of the occurrence of a public emergency or of the necessity for the prohibition or restriction imposed by the Proclamation in the interest of the public safety or tranquility.

Goods not to be exported or imported in contravention of Proclamation prohibiting exportation or importation thereof.

Licences for exportation of goods.

Particulars to be set out in licences.

Names contained in licence to be set out in all documents relating to exported goods.

Penalty for contravention of section 3 or section 4.

Declaration as to ultimate destination of goods entered for exportation.

3. Where the exportation of any goods or class of goods to any country or place or person or class of persons or the importation of any goods from any country or place or person or class of persons is absolutely prohibited by a Proclamation of the Governor under section 2, no person shall, while such Proclamation is in force, export or attempt to export such goods or class of goods from the Colony to such country or place or person or class of persons, or as the case may be, import or attempt to import such goods from any such country or place or person or class of persons.

4. Where the exportation of any goods or class of goods to any country or place is restricted by any Proclamation of the Governor under section 2, no person shall, while such Proclamation is in force, export such goods or class of goods from the Colony to such country or place except under the authority of a licence under the hand of the Collector of Customs or otherwise than in accordance with the conditions of such licence.

5. In every licence issued for the purposes of section 4, the Collector of Customs shall set out :-

- (a) the name of the person to whom or the place to which, or as the case may be, the names both of the person to whom and the place to which, exportation of the goods is authorised by the licence; and
- (b) such of the conditions and limitations defined in the Proclamation imposing the restriction as may be applicable in the case of such goods, such person or such place.

6. The name or names set out in each licence in accordance with the requirements of section 5 shall be inserted in all bills of lading, manifests and other documents relating to each consignment of goods to be exported under the authority of such licence.

Where the requirements of this section are not complied with in the case of any such document, the person by whom or on whose behalf the document purports to have been made out or signed shall -

- (a) if he is the exporter of the goods, be deemed to have exported or attempted to export the goods in contravention of the provisions of section 4; or
- (b) if he is not the exporter of the goods, be guilty of an offence punishable after summary trial by a Magistrate with a fine not exceeding fifty pounds.

7. Any person who contravenes the provisions of section 3 or section 4 shall be guilty of an offence punishable after summary trial by a Magistrate with a fine not exceeding fifty pounds or with imprisonment for a term not exceeding one year or with both such fine and such imprisonment, and, in addition, with the forfeiture of the goods in respect of which the offence was committed.

8. (1) When any consignment of goods, of which the exportation is restricted by a Proclamation under this Ordinance, is entered for shipment in accordance with the conditions of the licence issued in that behalf -

- (a) the Collector of Customs may require the person entering the consignment for shipment to make a declaration as to the person for whom or the country for which the goods are ultimately destined, and

- (b) where the Collector of Customs has reasonable cause to suspect that the declaration so made is false in any material particulars, he may detain the consignment until he is satisfied as to the truth of the declaration and may declare the goods in the consignment to be forfeited if the truth of the declaration is not established to his satisfaction.

(2) After the exportation of any consignment of goods referred to in sub-section (1) -

- (a) the Collector of Customs may require the exporter to produce satisfactory evidence that the consignment has reached the ultimate destination specified in the declaration made in respect of that consignment under sub-section (1); and
- (b) where such evidence is not produced or is not satisfactory, the Collector of Customs may, in his absolute discretion, impose on and recover from the exporter either a penalty of treble the value of the goods in that consignment or a penalty not exceeding fifty pounds unless the exporter proves that he took all reasonable steps to ensure that the ultimate destination of the goods should be the person or country specified in the declaration and in the licence, the bill of entry and other documents relating to that consignment.

9. Any person who for the purpose of obtaining any licence under this Ordinance -

Penalties for false statements, &c.

- (a) makes or presents any declaration or statement or representation which is false in any material particular; or
- (b) produces a guarantee certificate or undertaking which is false in any material particular, or has not been given by the person by whom it purports to have been given, or which has been in any way altered or tampered with,

shall be guilty of an offence, and liable on conviction after summary trial by a Magistrate to a fine not exceeding five hundred pounds or alternatively, in the case of goods for export, treble the value of the goods, or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment, unless he proves that he had taken all reasonable steps to ascertain the truth of the statements made or contained in any documents so presented or produced, or to satisfy himself of the genuineness of the guarantee certificate or undertaking.

10. Where any offence under this Ordinance is committed by a company or firm or other association of individuals, every director and officer of the company, every partner and officer of the firm or every member and every person concerned in the management of the affairs of such association, as the case may be, shall severally be liable to be prosecuted and punished for the offence in like manner as if he had himself committed the offence, unless the act or omission constituting the offence took place without his knowledge, consent or connivance.

Offences committed by company, firm or other association.

11. The provisions of this Ordinance and every prohibition or restriction imposed thereunder shall be deemed to be supplementary to the provisions of the Customs Ordinance, 1903; and the provisions of that Ordinance shall apply accordingly.

Ordinance to be supplementary to Customs Ordinance.

Provided, however, that in the case of any conflict or inconsistency, the provisions of this Ordinance or a prohibition or restriction imposed thereunder shall prevail over the provisions of the Customs Ordinance.

Interpretation.

12. In this Ordinance, unless the context otherwise requires—

“exportation” means carrying or taking out of the Colony, or causing to be carried or taken out of the Colony, whether by sea or by air;

“importation” means carrying or bringing into the Colony, or causing to be carried or brought into the Colony, whether by sea or by air.

Passed by the Legislative Council this 5th day of December, 1939.

A. I. FLEURET,

*Clerk of the Legislative Council.*

Assented to by the Governor and given under the Public Seal of the Colony this 9th day of December, 1939.

M. C. CRAIGIE-HALRETT,

*Colonial Secretary.*