

C. S.

LEGAL
(Miscellaneous)
POSTAL
(Mails)

No. 143/46.

WAR/W2H/9#5

1946.

Competent Authority.	SUBJECT.
1946. 27th August.	
Previous Paper.	OFFENCES COMMITTED UNDER THE IMPORTS AND EXPORTS <i>CUSTOMS</i> (EMERGENCY POWERS) ORDINANCE, 1939.

	<p style="text-align: center;">MINUTES.</p> <p>1. Minute from Competent Authority of 27. 8.46</p> <p style="text-align: center;">2</p> <p>C.A.</p> <p><i>Prosecute.</i></p> <p>2. I understand that this is the first case. What steps have been taken to warn people in the past?</p> <p>3. I presume the cases have got a permit to export. If so, why didn't she, assuming that proper steps were taken as at x?</p> <p style="text-align: right;"><i>C. H. L.</i></p> <p style="text-align: right;">3. 9. 46</p>
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Subsequent Paper.

A. L. T.

The case was heard this morning. Defendant pleaded "guilty" and, the Crown not pressing for a severe penalty, was fined £1. I suggest that, should any further cases be detected, a heavy fine be pressed for. The print raised at x was discovered probably with H.E. M. G. Smith.

4

1 agree with 3.

2. P.A.

Abel
4.9.46

Memo. from Comp. Authy of 28.5.47.

5.

6.

Abel

Gen.

1

(5) This is good work by Mr. Biggs & consider
in that certainly prevents - as for -
staff penalty.

Abel
29.5

7
Blearly.

MC. 29/5

8

C.O.

So far as

Abel
29.5

9

H.C.S.

This paper was left with me by Mr. Biggs
and I have since discussed it with you.

2/ It will be recalled that there is
a declaration on postal parcels and on
it is printed a warning that forfeiture
may be the penalty for false declaration.

3/ I consider that these parcels are automatically
forfeited and that if the sender does so in
former and the fact published it should
be very salutary. (a) because these people
have lost all their trouble besides the value
of the goods, and (b) because it shows
that the parcels are examined and will
be opened if suspected.

I should myself be furious in similar
circumstances

J.S.D. May.
2-5-47

C.O.

As at 9 p.m. for reasons as discussed to the present.

- 2. Re. let me see draft Notice
- 3. In an drafting a compendious Proclamation under the Imports & Exports.

W.S?

C.S. 3.6

Your ~~Excellency~~,
~~Excellency~~

This M.P. only came to hand at 10.30 this a.m. (4th) after I had issued the Public Notice and after the matter of the Proclamation had been discussed with you. I sincerely hope the terms of the notice are what you would have wished.

2. I must apologise for what has apparently been a slip on my part in publishing the Public Notice without your approval, but I thought your intention was for me to issue it subject to a 'vetting' by the Magistrate which was the course taken.

3. The draft Proclamation has been forwarded to the Magistrate as directed.

A copy of the Public Notice and copies of letters sent to the persons concerned are attached for Your ~~Excellency's~~ ~~Excellency's~~ information pl.

C.S. 4.6.47.

X of (11a) was forwarded. The notice has been discussed & I had said that a Proclamation was desirable for several reasons of which D. Hamilton & Mr. Biggs are aware. But it is for H.E. to decide.

2. Re. when the draft Proclamation come in.

C.S. 4/6

5/6

H.C.S.

The public send parcels such as the two in 5 in the belief that "public notices" issued by the Competent Authority are sufficient licence.

2. I am unable to find that the C.A. has any authority at all with reference to imports and exports. His powers are set forth in the Defence Regulations 1939, ^{Gazette p. 152} para 41 and I consider that it is quite clear that they are only applicable to internal matters. If his powers included import and export there would have been no need for the Exports and Imports (Emergency Powers) Ordinance No. 17 of 1939. (Gazette p. 231)

3. Under that Ordinance imports and exports are to be controlled by Proclamation, and when they are restricted by Proclamation exports can only be made by licence "under the hand of the Collector of Customs", ^{para 4 L.C.}

4. I therefore conclude that all the acts of the C.A. with regard to exports are completely ultra vires and that no prosecution can be made under them, in fact I should go further and say that a court could not take any cognisance of them.

5. The matter is the more embarrassing as a prosecution on the grounds that there was no licence from the Collector of Customs might and should immediately raise publicly the question of the validity of the C.A.'s authority in the matter.

6. The forfeiture of the parcels I consider arises from a breach of the contract between the sender and the Post Master and is advertised as the penalty on the declaration form attached to each parcel.

J.E.D. No. 9-50-47

Specimen at 14.

J.E.

9-13

Will J.E. appear to Dept Proclamation in 224/46 below?

Abb^d. A.B.E.
9.6
MC 8/vi

PA - ^{made} A.B.E.
10.6
'Cont'

103/46

15 Memo. from Col. of Customs of 21. 2. 49

16.

Yb.

C of C. with my advice in the matters
disclosed in 15.

2. I would recommend the contents be given to
the Hospital.

Kth.
24/2.

17

App. NUC 24/2

C of C.

18.

for pl.

Kth.
28/2

19.

UCS.

The goods have been passed to the Hospital
acc. pl. Thank you.

D. J. Coff.
28/2/49

19
1/3

20. Memo. from C. of C. of 30/4/51.

b. of b.

2. see 20a pe

J
1/25.

H.C.

22.

The Secretary F. I. O. S. has been informed and will collect tobacco goods for return to store. The case referred to at 1 para 5 will be held by this Dept. pro tem.

Sud
3/5/51

23

Y.E.

Page 20a. Section 206 of the Customs Ordinance, 1945, reads..... "the penalty imposed shall, unless the Court for special reasons thinks fit to order otherwise, and without prejudice to the power of the Court to impose a greater penalty, be not less than treble the amount of duty payable".

2. Thus there is some discretion, but I know of no reason why in this case it should be exercised.

A

C.

24

7.5.51.

I have omitted elsewhere on this matter to you and to S/F through RBC

See spec file
15/51.

MC 7/6

U e/c.

Handwritten signature
31/5/51

Memo from CoFC of 14. 6. 55.

25

H.C.

26.

I have discussed 25 with e/c - he now suggests that the cigarettes be sold to the next shipment to come here.

J
18/6

27

A.C.S.

(26).

As suggested by C. of C.

P. 20/6

C/Customs 28

Proced. accy. pl

20/6

A.C.S.

29

Arrangements will be made on the arrival of the next "Guard Ship" which Shilling has today paid her fine of £3-15-0.

sep. 1/6

J.G.

C of C.

24/6/56

P. 27.6.

30 Memo from collector of Customs of 2.2.56

(31) see 30

Y.H.

(32)

note on 30 pt

W.H. 4/2

(33) see 30.

Record

(34)

C of C. informed

W.H. 8/2/56 (Pa)

35. Memo from C. of Customs & Harbour Master of 30.11.56

143|46.

36.

Y. H.

For your ruling on 35 pt.

W.H. 5/12

A.S.

37

To S.M.O. for distribution to
patient in Hospital at home.

P.H. 5/12

38. Memo. to C. of C. & Harbour Master of 5.12.56

39.

A.S.M.O.

To note 35-38 f. n. a. i. d. c. p.

W.H. 5/12

nos.

I think y-.

I shall discuss in reports on forms, so minutes.

P.H. 5/12 f. a. b.

SEE NOW 0462

No. _____

(It is requested that in any reference to this minute the above Number and the date may be quoted.)

MINUTE.

27th. August, 1946.

To The Hon. Colonial Secretary,
Stanley.

From the Competent Authority
(Supplies).

Stanley, Falkland Islands.

*Present
A.B.
27.8*

On Monday, August 26th., two parcels addressed to the United Kingdom, and declared to contain books, were presented at the post office by Mrs. Ralph Williams of Stanley. As there are no restrictions on the exportation of books, the parcels were accepted. On examining them, however, the Postmaster was not satisfied that the contents agreed with the declarations, and he had the parcels opened in the presence of witnesses. One was found to contain 3 packets of jelly, 1 packet of biscuits and a package of nuts; and the other, 1 packet of Reckitt's Blue, 1 packet of Lux and 2 cakes of Soap.

This appears to be a deliberate attempt to evade the law, and constitutes an offence against the Imports and Exports (Emergency Powers) Ordinance 1939, as applied by Proclamation no. 7. of 1942. I suggest, therefore, that a prosecution be carried out against Mrs. Williams. I consider it most important that an example should be made as it has long been suspected that evasions of the export control have been taking place, and a conviction would act as a powerful deterrent against other would-be offenders.

Should this recommendation be approved, I suggest that, as the offence affects my department, I should prosecute for the Government, calling three witnesses from the post office.

W. H. A. S.
Competent Authority (Supplies).

28th May, 1947.

FROM Competent Authority,
Stanley, (Supplies).

TO The Honourable,
The Colonial Secretary,
Stanley.

I have the honour to report that during my routine search of the outgoing parcel mail on Monday May 26th the following two irregularities were discovered in parcels of Mutton Dripping which as you are aware are exported at the present time ad lib.

No. (1).

1 parcel of 2 tins declared on the Customs Declaration Form as containing

"GREASE"

Sender : Mrs.A.P.Hardy, 11 Drury Street.

Actual contents were found upon probing to contain Margarine and Sausages possibly of ex-Army origin, carefully covered over with dripping. A more extensive examination disclosed a small label on the top of each tin indicating which held 'sausages' and which 'margarine'.

No. (2).

1 parcel declared on the Customs Declaration Form as containing

"COOKING FAT"

Sender: Mr. F.J.Reive, Stanley.

actual contents found to be ^{approx.} 12 yards white elastic plus dripping.

2. Both people are in my opinion taking advantage of the open general export licence granted in respect of locally produced fats which was sanctioned by C.A's Public Notice of the 4th of April, 1945. In the case of No.1 if the margarine and sausages are of ex-Army origin then she should have sent by "B" scheme. No 2, should have sent the elastic by the ordinary 5-lb parcel scheme which requires a permit signed by C.Authority.

3. I should be grateful for your opinion as to whether or not prosecution should be made. The necessary action could be taken under the Imports and Exports (Emergency Powers) Ordinance 1939, as applied by Proclamation No.7 of 1942.

On Biggs
Competent Authority, (S).

HC

Customs Department,
Stanley,

3rd June, 1947.

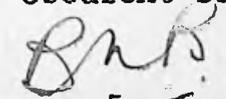
Ref. E/3.

Madam,

I have the honour to inform you that during the usual inspection of the outgoing parcels mail your parcel which was declared by you to contain 'GREASE' was found to contain in addition to Dripping both Margarine and Sausages. In accordance with the conditions laid down in the Customs Declaration Form which requires that the contents be accurately stated under pain of forfeiture, your parcel has been seized by the Customs Department.

2. A very serious view is taken of such irregularities and a repetition of these may result in the withdrawal of the priveleges now permitted with regard to the exportation of foodstuffs and other articles.

I am,
Madam,
Your obedient servant,


Actg. Customs Officer.

Mrs. A. P. Hardy,
Stanley.

Ref. E/3.

116
Customs Department,
Stanley,

3rd June, 1947.

Sir,

I have the honour to inform you that during the usual inspection of the outgoing parcels mail your parcel which was declared by you to contain "COOKING FAT" was found to contain in addition to Dripping approximately 12 yards Elastic. In accordance with the conditions laid down in the Customs Declaration Form which requires that the contents shall be accurately stated under pain of forfeiture, your parcel has been seized by the Customs Department.

2. A very serious view is taken of such irregularities and a repetition of these may result in the withdrawal of the privileges now permitted with regard to the exportation of foodstuffs and other articles.

I am,

Sir,

Your obedient servant,


Actg. Customs Officer.

Mr. F. J. Reive,
Stanley.

PUBLIC NOTICE.

CUSTOMS DEPARTMENT,
STANLEY,
3rd June, 1947.

Gift Parcels.

It has come to the notice of the Customs Department that the conditions laid down in the various Gift Parcel Schemes are not being complied with in some cases.

Two parcels have recently been found the contents of which were inaccurately described on the Customs Declaration Form and are therefore forfeited and have been seized by the Customs Department in accordance with the terms embodied in the Customs Declaration Form which is required to be accurately filled in before a postal package is accepted by the Post Office authorities.

A very serious view is taken of such irregularities and a repetition may result in the withdrawal of the present privileges.

In order to make the position quite clear to the public a Proclamation will shortly be issued consolidating the regulations now in force and the public are requested to carefully note the conditions under which they are permitted to export goods by post.

B. B. Bigg
Actg. Customs Officer.

Date Stamp.

PARCEL



POST.

FALKLAND ISLANDS.

FORM OF CUSTOMS DECLARATION.

Place to which the Parcel is addressed

Gross weight of Parcel.

CONTENTS.

The nature and value of the contents shall be accurately stated. Undervaluation of the contents, or failure to describe them fully, may result in the seizure of the parcel.

Net Weight of Contents.

Value as Merchandise.

.....lbs.ozs.

lbs. ozs.

£ s. d.

Date Stamp of Office of Exchange.

(For use of Post Office of Exchange only.)

Name and Address of Sender:—

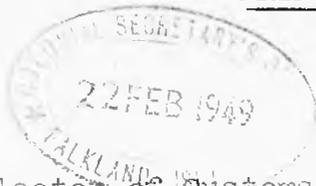
Parcel Bill No..... No. of Rates prepaid.... }

Entry No.....

No.

is requested that, in any reference to this memorandum the above number and the date may be quoted.

MEMORANDUM.



15
21st February, 19 49.

The Honourable,
The Colonial Secretary,
Stanley.

From The Collector of Customs,

Stanley, Falkland Islands.

SUBJECT :- False Declarations on Postal Packages.

I have the honour to inform you that the following persons have incurred penalties for offering false declarations as to the contents of postal packages:-

<u>Sender.</u>	<u>Penalty.</u>	<u>Goods forfeited.</u>
i) G.W.Grieve.	£2	1 package. 3 lbs Sweets.
ii) T.McKenzie.	£4	2 " s. 3 lbs Tea. 3 lbs. Raisins.
iii) Miss E.Betts.	£3	2 " s. 1 lb. Sweets. 1 tin Fish. accompanied with: 1 tin Margarine. 3 " Dripping & 1 tin Sausages.

2. In view of the terms of Section 205 of the Customs Ordinance 1943, which states that goods forfeited shall be disposed of "in such manner as the Governor shall direct", I should be glad if a ruling could be /

No. 143/46.

It is requested that, in any reference to this memorandum the above number and the date may be quoted.



MEMORANDUM.

30th April, 1951.

From The Collector of Customs,
Stanley.

To The Honourable,
The Colonial Secretary,
Stanley, Falkland Islands.

SUBJECT :- Disposal of goods seized by Customs Dept.

I have the honour to report that the following persons were fined by the Collector of Customs on the arrival of the "John Biscoe" from her last Antarctic voyage :-

D. Borland	£14.	A. Brooklyn	£12.
R. McGill	£3.	D. Nicholson	£2.
D. McLeod	£5.		
			<u>Total £36.</u>

2. Goods seized from the above, amounted to 7 lbs-14 ozs Tobacco and 1,050 cigarettes.

3. Again, in the Police Court, J.H. Chaplin was found guilty of (a) false declaration and fined £10; and (b) guilty of attempted smuggling and fined an additional £93. Goods confiscated from this individual were 12 lbs Tobacco and 5,000 cigarettes.

5. A further case of tobacco and cigarettes, containing 12 lbs and 5,000 respectively and marked K.G. has not yet been fully investigated. This matter may lead to separate action, depending on

the/

Doc result of the investigations.

6. In accordance with Section 205 of the Customs Ordinance 1943, may I have His Excellency the Governor's directions as to disposal of the goods seized?

7. As most of the tobacco seized were of the same type, and had presumably been F.I.D.S. free-issue in the first place, I would respectfully recommend that the whole of the amount seized might be returned to F.I.D.S. store here in Stanley.

B. Bagg
Collector of Customs.

J.F. Above. I agree with the recommendation in paragraph 7.

Accey. me 1/5.

1/5/51

(Chaplin has lodged an appeal or, alternatively, exercise of clemency in mitigation of fine. The latter is so far as I am aware automatic and does not admit of variation. It will certainly make a big slice in his pay.)
me.

ACS Pl so advise CAC.

1/5/51

No. C.5.

MEMORANDUM.

143/46 25
14th. June, 19 55.

It is requested that, in any reference to this memorandum the above number and date should be quoted.

From:-

The Collector of Customs.

Stanley, Falkland Islands.

The Honourable,

The Acting Colonial Secretary,

Stanley.

SUBJECT :- Seizure of Duty Free Cigarettes.

I have the honour to report that Leading Seaman Boyland Postman of H.M.S. "Burghead Bay" and Miss Rose Skilling of Stanley were both fined by the Collector of Customs on the 13th. June, 1955 for the intent to defraud Her Majesty of the import duty on 1,000 Cigarettes brought ashore by Boyland and handed over to Miss Skilling. Both parties pleaded guilty of the charge and were each fined £3. 15s. 0d., and 800 of the 1,000 Cigarettes recovered and seized. Miss Skilling has been given one month in which to pay her fine.

Under section 190 of the Customs Ordinance all seizures should be disposed of in such a manner as the Governor may direct, but, I would like to point out that Naval cigarettes are marked in such a way that a Customs Officer can detect a duty free cigarette while actually being smoked and therefore recommend that the cigarettes seized should not be auctioned or given to any charitable organizations as it will defeat the purpose they have been marked for.



Collector of Customs.

B.S.F.

17/6

No. C/5.

MEMORANDUM.

It is requested that, in any reference to this memorandum the above number and date should be quoted.

2nd. February, 19 ³⁰ 56.

The Honourable,
The Acting Colonial Secretary
Stanley.

From: - The Collector of Customs.
Stanley, Falkland Islands.

SUBJECT: - Seizure of Tobacco Goods.

I have the honour to report that on the arrival of the R.R.S. "Shackleton" on the 31st. January, 1956 while carrying out a systematic search of Eids personnel and Crews effects I found cleverly concealed in the Cabins of Chief Steward, W.J. Bedford 5 tins Tobacco and 60 Cigarettes and Cook W.S. Griffiths 8 tins Tobacco and 160 Cigarettes over and above the amount declared on the Crews Declaration Form. Both men were fined by the Collector of Customs Griffiths £9. 10s. and Bedford £6. -s. and the goods forfeited.

2. Under section 190 of the Customs Ordinance all seizures are disposed of in such a manner as the Governor may direct, but as it was proved that the goods in question had been stolen from the Ships Bond I respectfully recommend that His Honour may direct that that the goods be returned to the Ships Bond which at present is under Customs Seal.

W.J. Griffin
Collector of Customs.

S.H. 31
Will approve para 2 above?
33.
Yes ✓ approve.
R.H. 11/2/56.
3/2

No. C. 5.

MEMORANDUM.

It is requested that, in any reference to this memorandum the above number and date should be quoted.



30th. November, 19 56.

The Honourable,
The Colonial Secretary,
Stanley.

From: - The Collector of Customs &
Harbour Master.
Stanley, Falkland Islands.

SUBJECT: - Seizure of Tobacco Goods.

I wish to report that on the arrival of the m/v "Martin-S" on Sunday the 25th. November, 1956. Richard James Nicholson, passenger onboard the vessel was fined by the Collector of Customs for the intent to defraud Her Majesty of the import duty on 1,000 Cigarettes and two tins of Tobacco, Nicholson was fined £4. 10s. -d. and the goods seized.

Under section 190 of the Customs Ordinance all seizures should be disposed of in such a manner as the Governor may direct. I would therefore be grateful for instructions regarding the disposal of the above mentioned goods.

I respectfully recommend that the Cigarettes and Tobacco be handed over to the Senior Medical Officer for distribution among patients in Hospital at Christmas time.

W. J. Gueson
Collector of Customs &
Harbour Master.

Reply at 38

*Pg 160 in
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Laws.*

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143/46

5th December, 56.

To: The Collector of Customs

From: Acting Colonial Secretary.

Harbour Master,

STANLEY.

Seizure of Tobacco Goods.

35 I am directed to refer to your memorandum of 30th November, 1956, on the above subject and to inform you that your recommendation for the disposal of the confiscated cigarettes and tobacco is approved.

2. The Senior Medical Officer, to whom you are requested to hand the goods, is being informed.

(Sgd.) W. Hirtle.

FOR COLONIAL SECRETARY.