CHAPTER 102.

An Act to amend the Customs (War Powers) Acts, 1915. A.D. 1916.

[27th January 1916.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Notice of seizure of goods seized under 5 Geo. 5. c. 31. s. 6. 5 & 6 Geo. 5. c. 71. 39 & 40 Vict. c. 36.

1. Where in pursuance of the powers conferred by section six of the Customs (War Powers) Act, 1915, as extended by section two of the Customs (War Powers) (No. 2) Act, 1915, any goods have been seized on the ground that the Commissioners of Customs and Excise have reason to suspect that the country of origin of the goods is an enemy country, or that the goods are being imported in contravention of the law relating to trading with the enemy, the notice of the seizure required by section two hundred and seven of the Customs Consolidation Act, 1876, to be given to the owner of the goods may, if the owner has no address in the United Kingdom, be given by the publication of a notice of the seizure in the London, Edinburgh, or Dublin Gazette, as the case may require.

Provisions as to declarations as to ultimate destination of exported goods.

2.—(1) Subsection (1) of section five of the Customs (War Powers) Act, 1915, as amended by section one of the Customs (War Powers) (No. 2) Act, 1915, shall apply to cases where a declaration as to the person or country to whom any goods are ultimately destined is made in a shipping document lodged after shipment, in like manner as it applies to a declaration made in the course of making entry before shipment.

(2) In the case of proceedings taken under the said subsection, an averment in the information that the defendant has failed to produce evidence to the satisfaction of the Commissioners that the goods in question have not reached a person who is an enemy, or treated as an enemy, or a country which is enemy, or treated as enemy, under any law for the time being in force relating to trading with the enemy shall be sufficient unless the defendant proves to the contrary.

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Action in anticipation of restriction of exports.
42 & 43 Vict. c. 21.
63 & 64 Vict. c. 44.

3.—(1) Pending the issue of a Proclamation or the making of an Order in or of Council under section eight of the Customs and Inland Revenue Act, 1879, or under the Exportation of Arms Act, 1900 (as amended in each case by any subsequent enactment), prohibiting or restricting the exportation of any article, the Commissioners of Customs and Excise shall, if the Board of Trade so direct, have power to take any action for preventing the exportation of that article as if the Proclamation or Order were in force at the time.

(2) Where, before the passing of this Act, any Proclamation or Order under either of the said Acts as so amended has been issued or made and in anticipation thereof the Commissioners of Customs and Excise have taken any action for preventing the exportation of any articles subsequently comprised in the Proclamation or Order, such action of the Commissioners shall be deemed to have been as valid in all respects as if the Proclamation or Order had been in force at the time when such action was taken.

Penalty for attempting to ship goods in contravention of order under 39 & 40 Vict. c. 36. s. 139.

4. The following subsection shall be added to section five of the Customs (War Powers) Act, 1915:—

"If any person who is required by any order of the Commissioners of Customs and Excise under section one hundred and thirty-nine of the Customs Consolidation Act, 1876, to make entry and obtain clearance before shipment attempts to ship any goods in contravention of the order, he shall be liable in respect of each offence to a penalty of one hundred pounds, without prejudice to the operation of any other provisions of that section or any other provisions of that Act."

Application of s. 6 of the Customs (War Powers) Act, 1915.

5. Section six of the Customs (War Powers) Act, 1915, shall apply to all goods which at the commencement of this Act are under detention as being of suspected enemy origin, notwithstanding that they were originally detained or imported into the United Kingdom before the commencement of the first-mentioned Act.

Short title and construction.

6. This Act may be cited as the Customs (War Powers) Act, 1916, and shall be construed as one with the Customs (War Powers) Act, 1915; and the Customs (War Powers) (No. 2) Act, 1915, and those Acts and this Act may be cited together as the Customs (War Powers) Acts, 1915 and 1916.

Printed by EYRE and SPOTTISWOODE, LIMITED,
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