2. FOREIGN POSTAL PACKETS

The Foreign Postal Packets (Customs) Warrant, 1948

1948 No. 562

Made - - - - 19*th March*, 1948
Coming into Operation 1*st April*, 1948

Whereas by section 14 of the Post Office (Parcels) Act, 1882(a), the provisions of the Customs enactments are applied to goods contained in foreign parcels and the Treasury are empowered to make, and when made to revoke and vary, regulations for the purpose of modifying or excepting the application of any of those enactments to foreign parcels, and for the purpose of securing, in the case of such parcels, the observance of those enactments:

And Whereas by section 3 of the Post Office (Amendment) Act, 1935(b), it is provided that the said section 14 shall have effect as if the references therein to " foreign parcels " included references to such foreign postal packets as may be specified by regulations made under the said section 14:

And Whereas by the Foreign Parcels (Customs) (No. 2) Warrant, 1935(c), made under the said section 14, as extended by the said section 3, it is provided that references in the said section 14 to foreign parcels shall include references to insured boxes, small packets and letter packets as therein defined:

And Whereas by sub-paragraph (1) of paragraph 1 of Part III of the Fifth Schedule to the Exchange Control Act, 1947(d), it is provided that the Customs enactments shall apply in relation to anything prohibited to be imported or exported by any of the provisions of Part IV of that Act as they apply in relation to goods prohibited to be imported or exported by or under any of the said enactments:

And Whereas by sub-paragraph (2) of the said paragraph 1 it is provided that references in the said paragraph 1 to the Customs enactments shall be taken as including references to the said section 14, and that, without prejudice to the provisions of the said section 3, references to foreign parcels in the said section 14 and in any regulations made or to be made thereunder shall, for the purposes of Part IV of the said Act of 1947, include references to all foreign postal packets (including letters and letter packets):

And Whereas it is expedient to make further provision for the application of the Customs enactments to the letter mails and to vary, in the case of such mails, the requirements of the regulations made under the said section 14 and the said section 3:

(a) 45 & 46 Vict. c. 74.
(b) 25 & 26 Geo. 5. c. 15.
(c) S.R. & O. 1935 (No. 680), p. 1433.
(d) 10 & 11 Geo. 6. c. 14.

Now, therefore, we, the Commissioners of His Majesty's Treasury, in exercise of the powers conferred on us by the said section 14, as extended by the said section 3, the said sub-paragraph (2), and subsection (7) of section 111 of the Finance Act, 1944(a) and of all other powers enabling us in this behalf, do by this Warrant, made on the recommendation of the Commissioners of His Majesty's Customs and Excise and of His Majesty's Postmaster General testified by their respectively signing the same, order, direct and declare as follows:—

1. References in section 14 of the Post Office (Parcels) Act, 1882, to foreign parcels shall include references to all foreign postal packets other than postcards and telegrams.

2. The Foreign Parcels (Customs) Warrant, 1885(b) (which amongst other things requires every foreign parcel to be accompanied by or have affixed to it a declaration of contents) shall not apply to foreign postal packets other than parcels to which it applied immediately before the making of the Foreign Parcels (Customs) (No. 2) Warrant, 1935.

Insured boxes.

3. Every foreign insured box shall be accompanied by, or have affixed to it, a declaration of such kind, and stating the contents of the box in such manner and form, and with such other particulars, as the Commissioners of Customs and Excise and the Postmaster General may direct.

Small packets and letter packets.

4. Every foreign small packet and every foreign letter packet shall—

(*a*) bear on the outside a green Customs label of such kind, and stating the contents of the packet in such manner and form, and with such other particulars, as the Commissioners of Customs and Excise and the Postmaster General may direct; or

(*b*) bear a green Customs label containing the words " Douane (peut être ouvert d'office) " only and have attached to or enclosed in the packet a declaration of such kind, and stating the contents of the packet in such manner and form, and with such other particulars, as the Commissioners of Customs and Excise and the Postmaster General may direct.

5. Every foreign insured box, and every small packet and letter packet which bears a green Customs label, shall upon arrival in, or before despatch from, the United Kingdom, as the case may be, be produced at the appointed place to the proper officer of Customs and Excise by an officer appointed in that behalf by the Postmaster General, who is hereby authorized to open the same for Customs examination if the officer of Customs and Excise so requires.

Letter mails.

6.—(1) This Regulation applies to all foreign postal packets other than—

(*a*) parcels to which the Foreign Parcels (Customs) Warrant, 1885, applied immediately before the making of the Foreign Parcels (Customs) (No. 2) Warrant, 1935;

(*b*) insured boxes which are accompanied by, or to which is affixed, a declaration in accordance with Regulation 3 of this Warrant;

(a) 7 & 8 Geo. 6. c. 23.
(b) S.R. & O. Rev. 1904, X, Post Office, p. 59.

(*c*) small packets and letter packets which bear a green Customs label in accordance with Regulation 4 of this Warrant; and

(*d*) postcards and telegrams.

(2) Upon the arrival in, or before the departure from, the United Kingdom, as the case may be, of a postal packet to which this Regulation applies such packet shall, if the proper officer of Customs and Excise so requires, be produced to him at the appointed place by an officer appointed in that behalf by the Postmaster General, who is hereby authorized to open the same, if the officer of Customs and Excise so requires, for such examination as may be necessary in order to determine whether or not the packet contains goods or articles of merchandise or anything prohibited to be imported or exported, as the case may be, by any of the provisions of the enactments relating to Customs or of Part IV of the Exchange Control Act, 1947.

(3) If any packet which has been opened in accordance with this Regulation is found not to contain any such goods or thing as aforesaid, it shall be immediately re-sealed and handed to the proper officer of the Post Office for transmission to its destination.

Prohibited and misdeclared articles.

7.—(1) Nothing in this Warrant shall authorize the sending by post of any article into or out of the United Kingdom contrary to the provisions of the Imperial and Foreign Post Warrant, 1940(**a**), or any Warrant for the time being in force amending or superseding that Warrant, or of any article of which the importation or the exportation, as the case may be, is prohibited by any of the enactments relating to Customs or by the Exchange Control Act, 1947; and any packet to which Regulation 5 or Regulation 6 of this Warrant applies and which is found to contain any prohibited goods or thing, or to contain any goods which have not been entered in accordance with the requirements of those enactments in the case of postal packets, shall be delivered to the proper officer of Customs and Excise to be dealt with according to law.

(2) If the contents of a packet to which Regulation 5 of this Warrant applies are found not to agree with the declaration or green Customs label attached thereto or enclosed therein, or by which the packet is accompanied, such packet shall for the purposes of sections 67 and 139 of the Customs Consolidation Act, 1876(**b**), be deemed to be a package containing goods not corresponding with the entry thereof and shall be delivered to the proper officer of Customs and Excise to be dealt with according to law.

Payment of duty, etc.

8.—(1) The proper officer of the Post Office may receive from the addressee of an incoming postal packet to which Regulation 5 or Regulation 6 of this Warrant applies and which is permitted to be delivered the amount of any duty and purchase tax payable in respect of any goods contained therein, and any sums so received shall be paid over to the Commissioners of Customs and Excise by the Postmaster General.

(2) If the addressee of any such packet refuses to pay any such duty or tax as aforesaid, the Postmaster General may retain the packet and may either pay to the Commissioners of Customs and Excise the duty

(**a**) S.R. & O. 1940 (No. 2040) I, p. 811; for revocation and replacement *see* S.I. 1948 No. 590, p. 3556 above.
(**b**) 39 & 40 Vict. c. 36.

and tax payable, and recover the amount thereof from the addressee or other person liable to pay the same in the same manner as if such duty and tax were a rate of postage, or may, at the expiration of seven days from the day on which such packet was presented at the place of address, deliver it to the proper officer of Customs and Excise to be dealt with according to law.

(3) A packet delivered to the officer in accordance with paragraph (2) of this Regulation shall for the purposes of the Acts relating to Customs be deemed to be goods unshipped without payment of duty.

Interpretation.

9.—(1) In this Warrant—

(*a*) the expression " foreign " in relation to a postal packet means a packet either posted in the United Kingdom and sent to a place out of the United Kingdom, or posted in a place out of the United Kingdom and sent to a place in the United Kingdom, and for this purpose the Isle of Man and the Channel Islands shall be deemed to be part of the United Kingdom;

(*b*) the expression " small packet " means a packet—

(i) which consists of or contains goods or articles of merchandise and contains or bears nothing else except an open invoice reduced to its simplest form, any Customs declaration required and the names and addresses of the sender and the addressee; and

(ii) which does not exceed two pounds in weight; and

(iii) which does not exceed two feet in length, breadth or depth, or three feet in length, breadth and depth combined; or, if it is made up in the form of a roll, of which the length and twice the diameter does not exceed three feet three inches and the greatest dimension does not exceed two feet eight inches;

(*c*) the expression " insured box " shall be deemed to include any insured box which is for the time being transmissible under the provisions of the Universal Postal Union Agreement for the exchange of Insured Letters and Boxes for the time being in force, and the detailed Regulations made thereunder;

(*d*) the expression " letter packet " means a packet transmitted at the letter rate of postage and containing goods or articles of merchandise but does not include any packet intended to be delivered in a country which has not given its consent to the admission in such packets of goods or articles liable to customs duty;

(*e*) the expression " appointed place " means such place as the Commissioners of Customs and Excise and the Postmaster General may appoint.

(2) The Interpretation Act, 1889(**a**), applies to the interpretation of this Warrant as it applies to the interpretation of an Act of Parliament.

10. The Foreign Parcels (Customs) (No. 2) Warrant, 1935(**b**) is hereby revoked, but anything prescribed or directed thereunder shall, if in operation at the date of this Warrant, continue in force as if directed underthis Warrant.

(**a**) 52 & 53 Vict. c. 63.
(**b**) S.R. & O. 1935 (No. 680) I, p. 1433.

11.—(1) This Warrant may be cited as the Foreign Postal Packets (Customs) Warrant, 1948. Short title and commencement.

(2) This Warrant shall come into operation on the first day of April, 1948.

Dated this nineteenth day of March, 1948.

R. J. Taylor,
C. James Simmons,
Two of the Commissioners of His Majesty's Treasury.

W. D. Croft,
Otto Mundy,
Two of the Commissioners of His Majesty's Customs and Excise.

Wilfred Paling,
His Majesty's Postmaster General.

EXPLANATORY NOTE

(This Note is not part of the Warrant, but is intended to indicate its general purport.)

Section 14 of the Post Office (Parcels) Act, 1882, applied the Customs Acts to goods contained in foreign parcels and provided for their examination, etc., by the Customs. The Foreign Parcels (Customs) Warrant, 1885, made under this section, provided that every foreign parcel sent by post, whether incoming or outgoing, should be accompanied by or have affixed to it a declaration of contents, and should be subject to Customs examination.

Section 3 (1) of the Post Office (Amendment) Act, 1935, provided for the extension of the scope of section 14 of the Act of 1882 to such foreign postal packets as might be specified by regulations, and in 1935 it was extended (by the Foreign Parcels (Customs) (No. 2) Warrant, 1935) to insured boxes, small packets and letter packets. For small and letter packets, however, a green Customs label on the outside, stating the contents (or a shorter green label plus a declaration) was required instead of the declaration required by the 1885 Warrant.

For exchange control purposes the scope of the 1882 and 1885 provisions was further extended to all foreign postal packets, including letters and letter packets, by the Exchange Control Act, 1947 (Fifth Schedule, Part III, paragraph 1 (2)).

The present Warrant (1) extends the scope of section 14 of the Act of 1882 to all foreign postal packets (except postcards and telegrams) for Customs as well as for exchange control purposes, but does not require a declaration of contents for any packet (such as an ordinary letter) for which such a declaration was not required by the 1885 or 1935 Warrants; (2) confines the 1885 Warrant to parcels, to which it originally applied; and (3) sets out the requirements (including production to the Customs) to be observed in the case of insured boxes, small packets and letter packets containing goods or merchandise (which requirements remain the same as those which have been in force since 1935).