CHAPTER 34.

An Act to amend the law with respect to customs in the Isle of Man. [2nd August 1935.]

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 :—

Duty on rice in the husk.

23 & 24 Geo. 5. c. 40.

1.—(1) There shall be payable on the removal or importation into the Isle of Man of rice in the husk a duty of customs at the rate of two-thirds of a penny per pound, and sections nine and ten of the Act of 1933, and any other enactment relating to those sections shall have effect as if the said duty were chargeable under the said section nine.

(2) The foregoing provisions of this section shall be deemed not to be in force at any time when the agreement between His Majesty's Government in the United Kingdom and the Government of India, set out in Part VI of the First Schedule to the Ottawa Agreements Act, 1932, is not in force within the meaning of that Act.

22 & 23 Geo. 5. c. 53.

(3) This section shall be deemed to have had effect as from the twelfth day of June, nineteen hundred and thirty-five.

Duty on soya beans.

2. As from the first day of August, nineteen hundred and thirty-five, soya beans shall cease to be exempted from the general ad valorem duty, and accordingly Part I of the first Act of 1932, as amended by any other enactment, shall have effect as if the words "Soya beans" were omitted from the First Schedule to that Act.

22 & 23 Geo. 5. c. 16.

Continuation of certain annual duties.

3. Subject as hereinafter provided, the duties of customs imposed on goods removed or imported into the Isle of Man, being goods of the descriptions set out in the first column of the following table, by the respective enactments set out in the second column of that table shall continue to be payable as from the first day of August, nineteen hundred and thirty-five,

until the first day of August, nineteen hundred and thirty-six :—

TABLE.

Description of Goods.	Enactment imposing Duty.	
Ale and beer	Section 8 of the second Act of 1932.	22 & 23 Geo. 5. c. 41.
Cinematograph films	Section 6 of the Act of 1925, as amended by section 12 of the Act of 1927 and section 14 of the Act of 1928.	15 & 16 Geo. 5. c. 56. 17 & 18 Geo. 5. c. 20.
Cocoa	Section 4 of the Act of 1924.	18 & 19 Geo. 5. c. 38.
Clocks and watches and component parts of clocks and watches.	Section 6 of the Act of 1925, as amended by section 5 of the Act of 1933.	14 & 15 Geo. 5. c. 24.
Hops and extracts, essences and other similar preparations (other than hop oil) made from hops.	Section 5 of the Act of 1925.	
Hop oil	Section 3 of the Act of 1929.	20 & 21 Geo. 5. c. 1.
Matches	Section 1 of the Act of 1933.	
Motor cars, including motor bicycles and motor tricycles, and their accessories and component parts.	Section 6 of the Act of 1925, as amended by section 6 of the Act of 1926 and section 11 of the Act of 1927.	16 & 17 Geo. 5. c. 27.
Musical instruments, including gramophones, pianolas and other similar instruments; and accessories and component parts of musical instruments, and records and other means of reproducing music.	Section 6 of the Act of 1925, as amended by section 5 of the Act of 1933.	
Silk and artificial silk and articles made wholly or in part of silk or artificial silk.	Section 7 of the Act of 1925, as amended by section 8 of the Act of 1926, section 9 of the second Act of 1932 and section 4 of the Act of 1933.	
Spirits	Section 2 of the Act of 1930.	20 & 21 Geo. 5. c. 42.
Sweets	Section 2 of the Act of 1929 as amended by section 3 of the Act of 1933.	
Tea	Section 7 of the second Act of 1932.	
Tobacco	Section 19 of the first Act of 1932.	
Wines	Section 1 of the Act of 1927 as amended by section 8 of the Act of 1933.	

Provided that—

(*a*) where any enactment set out in the second column of the foregoing table confers power on the Governor to make orders varying or repealing the duties of customs payable on the goods referred to in that enactment or imposing a new duty on such goods, the provisions of that enactment relating to the said power shall continue in force until the said first day of August, nineteen hundred and thirty-six, and the foregoing provisions of this section shall have effect subject to any orders made in pursuance of any such power (whether before or after the commencement of this Act) which are for the time being in force; and

(*b*) the provisions of this section relating to cinematograph films and records and other means of reproducing music shall have effect subject to the next following section of this Act.

Exemption of educational films, &c., from duty. 25 & 26 Geo. 5. c. 24.

4. Section seven of the Finance Act, 1935 (which exempts from customs duty certain educational cinematograph films, gramophone records, sound tracks and other forms of sound reproduction), shall have effect as if references to importation into the United Kingdom included references to removal into the Isle of Man.

Continuation of duties on certain Irish Free State goods. 24 & 25 Geo. 5. c. 46.

5. Section nineteen of the Act of 1933 (which, as amended by section six of the Act of 1934, imposes duties on certain Irish Free State goods set out in the first column of the Schedule to the Act of 1934 until the first day of August, nineteen hundred and thirty-five) shall as so amended have effect as if for the reference in the third column of the said Schedule to the said first day of August, nineteen hundred and thirty-five, there were substituted a reference to the first day of August, nineteen hundred and thirty-six.

Valuation of goods for purposes

6.—(1) For the purposes of any enactment for the time being in force whereunder a duty of customs is chargeable on goods removed or imported into the Isle

of Man by reference to their value, the value of any such goods shall be taken to be— of ad valorem duties.

(*a*) in the case of removed goods, the price which they would have fetched on a sale in the open market at the time of their importation into the United Kingdom; and

(*b*) in the case of imported goods, the price which they would have fetched on a sale in the open market at the time of their importation into the Isle of Man;

and duty shall be paid on that value as fixed by the Commissioners.

(2) For the purposes of computing the price aforesaid it shall be assumed—

(*a*) that the goods to be valued were to be delivered to the buyer at the port or place of importation into the United Kingdom or the Isle of Man, as the case may be, freight, insurance, commission and all other costs, charges and expenses incidental to the making of the contract of sale and the delivery of the goods at that port or place (except any duties of customs) having been paid by the seller; and

(*b*) that the price was the sole consideration for the sale of the said goods; and

(*c*) that neither the seller nor any person associated in business with him had any interest, direct or indirect, in the subsequent re-sale or disposal of the said goods; and

(*d*) that there has not been and will not be any commercial relationship between the seller and the buyer, whether created by contract or otherwise, other than that created by the sale of the said goods.

(3) Where the goods to be valued are manufactured in accordance with a patented invention or are goods to which a registered design has been applied, it shall also be assumed for the purpose of computing the price aforesaid that the buyer was not the patentee or the proprietor of the design and had not paid any

sum or given any consideration by way of royalty or otherwise in respect of the patent or design and, on payment of the price, would have been entitled to deal with the goods free from any restriction as regards the patent or design.

(4) Where a trade mark is used in the United Kingdom or the Isle of Man in relation to goods of the class or description to which the goods to be valued belong for the purpose of indicating that goods in relation to which it is used are goods of the foreign supplier of the goods to be valued or of a person to whom he has assigned the goodwill of the business in connection with which the trade mark is so used, it shall also be assumed for the purpose of computing the price aforesaid that the goods to be valued were sold under that trade mark, unless it is shown to the satisfaction of the Commissioners that the goods to be valued have not at any time been, and security is given to the satisfaction of the Commissioners that they will not be, so sold by or on behalf of the foreign supplier or any such person as aforesaid.

(5) For the purposes of this section—

(*a*) two persons shall be deemed to be associated in business with one another if, whether directly or indirectly, either of them has any interest in the business or property of the other or both have a common interest in any business or property or some third person has an interest in the business or property of both of them;

(*b*) the expression "foreign supplier," in relation to any goods to be valued, means any person by whom those goods have been grown, produced, manufactured, selected, dealt with or offered for sale outside the United Kingdom and the Isle of Man and includes any other person associated in business with such a person as aforesaid;

(*c*) the expression "trade mark" includes a trade name and a get-up.

(6) The Commissioners may make regulations for the purpose of giving effect to the provisions of this section,

and in particular for requiring any person concerned with the removal or importation of goods into the Isle of Man to furnish to the Commissioners, in such form as they may require, such information as is, in their opinion, necessary for a proper valuation of the goods, and to produce any books of account or other documents of whatever nature relating to the purchase, removal, importation or sale of the goods by that person.

(7) If any person contravenes or fails to comply with any regulations made under this section, he shall in respect of each offence be liable to a customs penalty of fifty pounds.

Determination of disputes as to value of goods.

7. If, in ascertaining the amount of any duty chargeable under any enactment for the time being in force on any goods removed or imported into the Isle of Man, any dispute arises as to the value of the goods, the question shall be referred to the arbitration of a referee appointed by the Governor, who shall not be an official of any Government Department, and the decision of the referee with respect to the matter in dispute shall be final and conclusive, and sections thirty and thirty-one of the Customs Consolidation Act, 1876, shall apply as if the dispute were such a dispute as is referred to in the said section thirty, with the substitution of the application for a reference to a referee under this section for the commencement of the action or suit mentioned in those sections.

39 & 40 Vict. c. 36.

Power to charge reduced duty in lieu of general ad valorem duty in exceptional cases.

22 & 23 Geo. 5. c. 8.

8.—(1) If an order is made by the Treasury under section eleven of the Finance Act, 1935, directing that such duty of customs as is specified in the order shall be charged on the importation into the United Kingdom of goods of the classes and descriptions therein specified in lieu of the general ad valorem duty chargeable under Part I of the Import Duties Act, 1932, the Governor may by order direct that the like duty of customs shall be payable under this section on the removal or importation into the Isle of Man of goods of the like classes and descriptions in lieu of the general ad valorem duty chargeable under Part I of the first Act of 1932, and references in any enactments relating to customs in the Isle of Man to the general ad valorem duty or the duty payable under Part I of the first Act of 1932 shall, unless the context otherwise requires, be deemed to

include, in relation to such goods, a reference to the duty payable under this section.

(2) Where an order made by the Treasury as aforesaid is varied or revoked, any corresponding order made by the Governor under this section may be varied or revoked accordingly by a subsequent order of the Governor.

Short title and repeals.

9.—(1) This Act may be cited as the Isle of Man (Customs) Act, 1935.

(2) The enactments set out in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

Section 9.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
22 & 23 Geo. 5. c. 16.	The Isle of Man (Customs) Act, 1932.	Sections seven and eight; and as from the first day of August, nineteen hundred and thirty-five, in the First Schedule the words "Soya beans."
23 & 24 Geo. 5. c. 40.	The Isle of Man (Customs) Act, 1933.	Section eighteen; in paragraph 8 of Part V of the Third Schedule the words "seven and eight"; and paragraph 2 of Part II of the Fifth Schedule.