

CONDOMINIUM DES NOUVELLES-HEBRIDES
NEW HEBRIDES CONDOMINIUM

ARRETE CONJOINT 17 de 1914

et
6 de 1935

JOINT REGULATION 12 of 1914

and
6 of 1935

A JOINT REGULATION

No. 12 of
1914.
[French text
No. 17 of
1914.]

To amend the Joint Regulation No. 3 of 1912 to provide for the collection and management of the revenue of customs within the New Hebrides Condominium.

Joint Regulation No. 12 of 1914 was published in Western Pacific High Commission Gazette No. 9 of 1915 and is reprinted with the following Joint Regulations which refer to or amend it.

- 5 of 1915 W.P.H.C. Gazette No. 9 of 1915
- 6 of 1935 Condominium Gazette No. 79
- 8 of 1939 Condominium Gazette No. 115
- 4 of 1951 Condominium Gazette No. 181
- 14 of 1953 Condominium Gazette No. 181
- 4 of 1958 Condominium Gazette No. 199
- 18 of 1963 Condominium Gazette No. 221
- 19 of 1964 Condominium Gazette No. 223
- 22 of 1964 Condominium Gazette No. 224
- 24 of 1973 Condominium Gazette No. 326

1. Joint Regulations No. 3 of 1912 and 6 of 1914 are hereby repealed and the following substituted therefor.

Repeal of
Regulations
of 1912 and
1914.

[2. Every vessel arriving in the New Hebrides must proceed direct to a Port of Entry. The Port of Vila, in the island of Efate, and the Port of Santo, in the island of Espiritu Santo, are Ports of Entry.]

Port of
entry.
Amended by
J.R. No. 14
of 1953.

[2. (1) If any vessel anchors at any place not being a port of entry as provided for in this Regulation, save in the case of stress of weather or in accordance with special permission granted under the provisions of the preceding section thereof, or approaches the coast beyond the limits of a port of entry for the purpose of anchoring there the master of the said vessel shall be guilty of an offence and shall be liable to a fine not exceeding £Stg 500 or to imprisonment for a term not exceeding five years or to both the fine and such imprisonment.

Amended by
J.R. No. 19
of 1964.

(2) Where the master of a vessel is convicted of an offence under the provisions of the preceding subsection of this section the Court may order the confiscation of the vessel concerned.

Provided that in every case the said vessel shall not exceed 500 tons burden.]

[2. (a) Where a District Agent has reason to suspect that the master of any vessel has contravened or intends to contravene the provisions of Section 1 of this Regulation he may, using such force as may be necessary, arrest the said vessel and order it to proceed to the nearest convenient port and there detain it pending the outcome of

Amended by
J.R. No. 22
of 1964.

proceedings (if any) against the said master thereof under the provisions of the preceding Section of this Regulation.]

3. Every vessel which shall have anchored at any place not a Port of Entry, save in the case of stress of weather, provided for in this Regulation, or in accordance with permission so granted or which shall approach the coast beyond the limits of a Port of Entry for the purpose of anchoring there shall be forfeited together with her cargo and the master of the vessel shall be held responsible for such breach of the Regulations and shall be punished with a fine of £20.

Penalty for entering other ports.

[4. No merchandise of any kind shall be imported into the New Hebrides without the production of a manifest on which shall clearly appear the nature of the goods, the number of packages of every description, together with their marks and numbers and tonnage, also their provenance and destination and the method of their transport.]

Manifesto.

Amended by J.R. 5 of 1915.

5. If the manifest be not produced or if the merchandise on board be not included therein or if the merchandise actually carried on board and the manifest do not agree in every particular the master shall be liable to pay a sum of money equal to the value of the merchandise omitted from the manifest or which differs from that shown in the manifest and shall also be fined a sum of £20.

Penalty for no manifest.

6. If it shall appear that the number of packages actually on board is less than the number shown in the manifest the master of the vessel shall be fined £12 for every missing package unless he can explain in a satisfactory manner that the packages have been lost or were not embarked on board the vessel.

Penalty for incorrect manifest.

7. The master of every vessel arriving within four miles of the coast of any island in the New Hebrides shall deliver to the proper officer proceeding on board of the vessel a copy of the manifest after the said officer has seen and checked the original manifest. Any master neglecting or refusing to provide the proper officer with a copy of the manifest as hereinbefore mentioned shall be liable to a fine of £20.

Copy of manifest.

8. The master of any vessel, whether in ballast or not, arriving in the New Hebrides, shall within twenty four hours of his arrival and in any case before proceeding to load or unload the vessel deposit at the Customs House his ship's papers together with the original manifest accompanied by a translation of the same and signed by him. If he neglects to so deposit the ship's papers and manifest he shall be liable to a fine of £20. The ship's papers shall remain in the custody of the Customs Authorities until the departure of the vessel.

Ship's papers to be deposited.

9. Every master of a vessel leaving a Port of Entry or departing from the New Hebrides shall deposit with the Port Authorities and the Customs Officials a declaration of the departure together with information as to his destination. He shall not touch at any places within the New Hebrides other than Ports of Entry without the permission first obtained of the Resident Commissioners and he shall execute any bond or undertaking to that effect which the Resident Commissioners may consider necessary. Any breach of this section shall be punishable by confiscation of the goods on board the vessel, and by a fine of £20 to be inflicted on the master of the vessel.

Declaration to be supplied.

10. No outward cargo shall be taken or received on board until all inward cargo shall have been removed from the vessel.

Outward cargo.

11. The master of every vessel whether with cargo or in ballast shall before leaving the Group or a Port of Entry deposit at the Custom Office the ship's manifest in the approved form accompanied by a declaration of the same nature as that prescribed for imports in sections 24 and 25 hereof, in default of which the ship and cargo shall be liable to confiscation and the master to a fine of £20.

Manifest on leaving.

12. (a) The loading and unloading of goods for direct export from or on first entry into the New Hebrides shall only take place in the ports of Vila and Santo or in such other ports or anchorages as the Resident Commissioners may license by Joint Decision issued in accordance with Joint Rules made under this Joint Regulation and subject to such conditions as may be imposed by such Joint Decision.

Amended by J.R. No. 4 of 1958.

[(b) The unloading of imported goods and the loading of goods for export at the ports and airports of Vila and Santo may take place only in the presence of Customs Officer and, except where prior approval has been given, only within normal service hours.

J.R. 24/1973

(c) Where the attendance of a Customs Officer is requested for any purpose whatsoever, outside normal service hours at the Customs Offices, airports or Joint Administration Wharves at Vila or Santo, or at any time elsewhere, the person or firm making the request shall pay for such Officer's attendance at rates fixed by the Resident Commissioners.]

13. The loading and unloading of goods shall not take place except in the case of force majeure properly established outside the Port of Vila and Santo or other Ports and Harbours where the Customs Service has been properly established. In the case of any vessel wishing to discharge or take in cargo outside any such prescribed limits the master shall obtain permission to do so from the Collector of Customs. Any loading or unloading of cargo as aforesaid shall only take place between the hours of 6 a.m. and 6 p.m. under the superintendence of a Customs Officer. On Sundays and other public holidays the Customs Offices shall be closed and all loading and unloading of cargo shall be forbidden. An exception of this rule shall be made in the case of vessels making a schedule service and carrying passengers and their

Hours and places for loading and unloading.

luggage. In such cases where work is allowed to proceed outside the specified hours the Customs Officers employed by reason of such work shall receive additional pay at the expense of the vessels before-mentioned and at such rates as the Resident Commissioners may approve.

14. Any infraction of the preceding article shall render the master of the vessel committing the infraction and every person engaged in or about the said vessel at the time of the infraction liable to a fine of from £4 to £20.

Penalty for Breach of 13.

15. Any Officer of Customs may proceed on board any vessel (with the exception of vessels of war) entering any Port of Entry and shall be allowed access to all cabins, lockers and compartments of the ship for the purpose of inspection and any master who shall refuse to allow an officer of Customs free access as aforesaid shall be liable to pay a fine of £20.

Boarding officers.

16. Any vessel which is within four miles of the shore and which is hailed by a boat flying the flag of an Officer of the Customs is bound to stop and receive such officer on board. In any case of non-compliance with this rule the vessel may be pursued and if the goods are thrown overboard or destroyed such vessel and cargo may be confiscated.

Boarding officers.

17. Upon the cessation of the work of loading or unloading of any vessel the Officer of Customs shall close the hatches and shall place his seals thereon. Such seals may only be removed by himself. Breakages or alteration of any such seals except by the proper person shall be punishable with a fine of £20 provided that such fine shall not be a bar to the imposition, if necessary, of any other penalties previously provided for.

Sealing hatches.

18. An Officer of Customs may be placed on board any vessel during the whole period of loading or unloading of cargo in a port or on board of any vessel going from one port to another within the Group. Such officer shall be berthed and boarded in the first class at the ship's expense and if specially engaged shall be paid by the master such daily allowance as the Resident Commissioners may conjointly direct.

Entertainment of Customs Officers on ships.

19. The provisions of the foregoing article shall be only applicable to vessels of war in cases where they are carrying merchandise.

Entertainment of Customs Officers on ships.

20. In every case provided for in the preceding articles where there shall have been reason to inflict a fine the vessel in question shall be held in Port as surety for the sum unless the fine shall have been immediately paid or a good and sufficient bond shall have been entered into for its payment.

Security for fines.

21. Masters of ships, who shall put into any Port in the Group, having some other Port as their Port of Destination, shall be bound to observe all the formalities laid down for the entry inwards and outwards of ships provided in this Regulation. Entries.

22. The same formalities shall be fulfilled and a statement of the facts made within twenty-four hours from the time of anchoring in such Port to the nearest Customs authorities by the master of any vessel putting into any place in the Group by reason of stress of weather or any other circumstances which shall be submitted to the consideration of the Resident Commissioners. Entries.

23. All wrecks shall be subject to the provisions of the Tariff and Regulations in force. Wrecks.

INWARD DECLARATIONS

24. No goods imported into the Group shall be landed before a detailed declaration shall have been deposited at the Customs Office by the owner or importer of such goods or his agent. Vessels may, however, be authorised to discharge goods upon showing the ordinary ship's manifest, provided that the master or his agents shall enter into a bond undertaking that the goods so landed shall be subject to all necessary supervision until such time as the import declaration shall have been made. Declarations before landing.

[25. (1) The declaration aforesaid shall enumerate each article and package separately and shall contain all information necessary for the assessment of the Customs dues and shall be in the Customs Form no. 1 set out in the Schedule hereto. When more than one form is required to complete a declaration, Form no. 2 and Form no. 2 (continuation) shall be completed. Declarations before landing. Amended by J.R. No. 18 of 1963.

(2) The declaration aforesaid shall be completed by the owner or importer of the goods imported or his agent.]

26. Goods which have been exported from the Group and which are imported again from places beyond the Group shall be treated as goods coming from abroad, except in the case where there is no doubt as to their origin and after authorisation by the Resident Commissioners. Reimports.

27. Importers who have been able to show that they were not in a position to furnish the required import declaration by reason of lack of necessary information, shall be allowed to give a provisional declaration and to examine the packages consigned to them. When goods have to be landed at some place other than a Port of Entry special permission may be given, the conditions of which will be determined by the circumstances of each case and all expenses incurred shall be chargeable to the interested parties, who shall also enter into necessary bonds. Provisional declarations.

28. Every person making an Import Declaration shall be bound under penalty of a fine of from £4 to £20 to show, upon being required to do so by an Officer of Customs, in support of his Import Declaration, all Bills of Lading, Invoices, Waybills, and documents likely to be of use to the Officer of Customs in determining the origin, provenance, nature, quality, and value of the goods noted in the said Import Declaration.

Import declaration.

29. Except with special permission no declaration can be received before the goods mentioned therein shall have arrived at the Port at which the said Declaration has been made and provided that the manifest covering the goods in question shall have been deposited at the Customs Office.

Import declaration.

30. Any goods which have not been declared, or which have not been removed within one week from the date of arrival, shall be warehoused at the cost and risk of the owners during a period of two months and the consignees shall be bound to pay three times the ordinary rate of warehousing besides all other charges. If at the expiry of two months the goods have not been declared and removed they shall be sold after due notice has been given and the proceeds devoted to Condominium funds.

Goods not declared.

31. The owners of dangerous goods or goods objectionable by reason of their offensive smell shall be requested to remove them immediately and if this is not done they shall be sold without delay and the proceeds after deduction of all expenses and charges, shall be held at the disposal of the interested parties for a period for one year, after which they shall lapse to the Condominium Treasury.

Dangerous and offensive goods.

FALSE DECLARATION

32. Every person making a false declaration in respect of the origin quality nature or value of goods shall, if the goods in respect of which such false declaration has been made are non-dutiable goods, or if the duty payable upon such goods is less than sixteen shillings, be liable to pay a fine of £4. If the duty payable is more than sixteen shillings the fine shall be from £4 to £20 in addition to confiscation of the goods.

False declarations.

33. In every case in which the number of packages declared shall be in excess of the number received the penalties set forth in the preceding article shall be applicable. In every case in which the number of packages declared is less than the number received a fine of £12 in respect of each non-declared package shall be imposed.

Incorrect declarations.

34. Any person who shall make, or attempt to make or shall abet in making any fraudulent payment or who shall remove goods without having made a declaration or with a false declaration or without permission of any kind shall render himself liable to confiscation of such goods, as well as any vessel or vehicle used

Frauds on Customs.

for the purpose of carrying them away and to a fine equal to the value of the goods but in no case less than £20, and to imprisonment of from five days to one month. Every person who shall receive any goods which have been fraudulently removed and every owner or tenant of any house in which such goods may be found shall be prosecuted and punished in the same manner as above set forth unless he shall give information to the Customs Authorities which shall enable them to proceed against the person who has fraudulently removed such goods or shall prove that the goods have been received or stored in such person's house or premises without fraudulent intent.

POWERS OF POLICE

35. All goods fraudulently introduced into the Group may be seized at whatever place they may be found provided that their removal to such place can be proved by the evidence of eyewitnesses. In default of eyewitnesses any evidence legally admissible may be accepted in order to prove such fraudulent removal and to secure a conviction. All Officers of Customs shall for the execution of their duty have a right of way to the seashore and if necessary may cross any private properties irrespective of boundaries.

Frauds on Customs.

OUTWARD DECLARATIONS

36. Before being placed on any vessel all goods to be exported from the Group shall be declared in the same manner as provided for Import Entries.

Export declarations.

37. Re-exported goods shall only be shipped on vessels whose net tonnage is greater than 100 tons.

Re-exports.

38. In any case in which goods have been embarked on any vessel in any Port of the Group for Export through any other Port any Customs Officer shall, before allowing such goods to leave the Port, exact such guarantee as may be necessary from the person making the export declaration.

Export declarations.

39. In exceptional cases, and provided that they enter into sufficient bonds, a period may be allowed to persons making an export declaration to enable them to obtain full information for the declaration of their goods upon arrival at their port of destination beyond the Group.

Export declaration.

40. In exceptional cases and under conditions which shall be determined by the Customs Officer of the nearest Port permission may be given to embark goods at any place not within the limits of a Port of Entry.

Exportation from other than Ports of Entry.

TRANSHIPMENT

41. All goods subject to the provisions of this Regulation, which have entered any Port of the Group for transhipment to any other Port of the Group shall be declared in the manner hereinbefore provided. The shipper will also enter into a bond to transmit to the Customs Office of the first port within such period as may be prescribed by the Resident Commissioners the duplicate of the Import Declaration bearing an endorsement by the Officer of Customs of the port of destination that the goods mentioned therein have been duly examined and passed. Any person failing to furnish such declaration as aforesaid shall be liable to pay a sum equal to the value of the goods so transhipped together with a fine of £20 and the amount of the surety given shall also be forfeited. Goods thus declared shall be examined and any discrepancies observed shall be noted on the declaration.

Transhipment declaration.

42. The same declaration and formalities with the same penalties for non-observance thereof shall be fulfilled in every case of transhipment or of re-export, whether these operations take place in the same or different ports.

Transshipment declaration.

BONDED WAREHOUSES

43. Goods imported into the Group may be declared and placed in a Government bonded warehouse or in a private bonded store under the conditions hereunder set forth. Goods may be transferred from one bonded warehouse to another upon production of further export and import declarations. The liabilities of persons using any bonded warehouses shall only be discharged (1) in the case of goods for home consumption after payment of duties; (2) in the case of goods for export after the passing of an export declaration upon which the proper Officer of Customs shall have noted that such goods have been placed on board a vessel and exported. All persons making declarations shall be held to be the owners of the goods in respect of which they make declarations.

Bonded warehouses rules.

GOVERNMENT BONDED WAREHOUSES

44. Goods in respect of which a declaration for admission to a Government Bonded Warehouse has been made shall, after verification by the proper officer, be taken over and entered in the register by the Officer in Charge of the Bonded Warehouse. No action for damages shall lie either against this Officer or against the Condominium Government for any loss or damage which may occur to such goods in any manner whatever.

Declaration for bonded warehouse.

45. Dangerous or damaged goods, or goods objectionable by reason of any offensive smell, shall not be admitted into the Bonded Warehouse. Except for the removal of samples or for the purpose of

Dangerous and objectionable goods.

preserving the safety or good condition of other goods, all unpacking of goods in the Bonded Warehouse is forbidden.

46. Goods may remain in a Bonded Warehouse for a period of two years. After such period, if the goods have not been removed, notice to do so shall be given to the owner. If, after delivery of such notice, the owner shall still fail to remove such goods, they shall be sold by public auction and the proceeds of such sale, after all dues and expenses have been paid, shall, unless claimed within a period of one year from the date of sale, be paid into the Condominium Treasury to the credit of Condominium revenue. The same procedure shall be followed in any case in which goods so deposited shall become dangerous or shall be discovered to be in a perishable condition during such period.

Bonded warehouses. Period of storage.

47. Any owner of goods, which have been placed in a Government Bonded Warehouse, may after the payment of duty on such goods, demand from the Officer in charge of such Government Bonded Warehouse a certificate which shall be called a "Bond Certificate" in which shall be given full information concerning the goods of such owner then in bond. Such certificate shall be entered in a special register and the goods in respect of which the certificate has been issued shall not be removed from the Bond except on presentation of the certificate. Such certificate may be formally transferred from one person to another.

Bond certificates.

PRIVATE BONDED STORES

48. Any merchants who shall have made a formal request for that purpose to the Resident Commissioners may be authorised to place in their stores goods upon which dues are still payable. Such merchants shall enter into bond by which they shall undertake that the quantity and quality of the goods received in such stores shall be the same each time that an examination of such goods may be made, and that they will either re-export such goods or pay such duty as may be leviable thereon within a period of two years and any person removing such goods from one store to another without permission shall be liable to pay a sum equal to double the duty leviable on such goods. Licences in a form to be determined by the Resident Commissioners may be issued to such Private Bonded Storekeepers in respect of such Bonded Stores.

Private bonds.

49. After the Import Declaration has been made the goods in respect of which such declaration has been made shall be placed in the Customs Office, or any other suitable place agreed upon between the Customs Officers and the merchants for the purpose of assessment of the dues payable if the Officer of Customs shall consider such a course necessary.

Declaration for bonds.

50. Examination of such goods can only take place in the presence of the person making the declaration or of his duly author-

Examination of goods.

ised agent. In case of the refusal of such person or of his agent aforesaid to be present at the examination such goods shall remain in Bond and the procedure shall be the same as that laid down for cases of a like nature, provided always that nothing in this article shall prevent any criminal prosecution upon the discovery of any breach of this Regulation.

51. The cost of transport, unpacking, packing, weighing, stowage and all expenses whatsoever incurred in dealing with goods designated for inspection shall be defrayed by the declarant. The inspection may only be made in daylight and during regular office hours. In case of a special inspection outside the office or after regular office hours the expenses shall be paid by the declarant.

Expenses.

52. Statements of fact made by any Customs Officer in respect of the weight measure and number of goods shall be final and shall serve as a base for the levy of duty. The Customs Officer may take samples to assist him in determining the duty to be paid.

Statement of Customs Officers.

53. Where goods are unfit for human consumption the Customs Officer shall cause them to be destroyed. When goods are partly damaged the owner may make a selection and shall pay duty on the portions which are fit for use.

Destruction of spoiled goods.

54. When a Customs Officer shall dispute the correctness of a declaration in respect of nature, kind, quality, origin or value of goods he shall give notice to the party concerned or to his representative, who shall, within twenty-four hours, state whether he accepts or contests the estimate of such Officer of Customs.

Disputes as to goods.

55. When the declarant, or his legal representative accepts the estimate of an Officer of Customs he shall sign with such Officer the final report of the examination.

Disputes as to goods.

56. If the declarant or his representative shall refuse to accept the valuation of an Officer of Customs he shall be summoned before the Joint Court, which shall decide summarily upon expert evidence as to the amount of duty to be paid.

Dispute as to goods.

PAYMENT OF DUTIES

57. Duties and charges of all kinds payable under this Regulation shall be paid in English or French legal currency without delay to the Collector of Customs, or to the Assistant Collector or to any other Officer who may be duly authorised in that behalf by the Resident Commissioners.

Duties to be paid to Collector of Customs.

58. Goods which are security for duty shall in no case be taken away or embarked until the duties shall have been paid or deposited. In all cases the Resident Commissioners may accept secured cheques or bills and may allow the parties concerned, who shall give security

Mode of payment.

to pay the duties within a maximum period of ten days, to take away or embark their goods immediately after examination.

59. Except in cases of errors of account committed by any Officer of Customs to the prejudice of persons paying duty which may be adjusted by such officer, no refund of import duties shall be made without the order of the Resident Commissioners. In the case of a person failing to pay the duty incurred by him the Customs Officer may detain all goods belonging to him or consigned to his address.

Refund of duties.

LIMITATION

60. No action at law for the recovery of import duties shall be brought after the expiration of one year from the date on which such duties became payable. This limitation, however, shall only apply to such duties as may have been verified in the manner and within the time prescribed by this Regulation. Provided that nothing in this Article shall nullify the right of the Condominium Government to claim the payment of duties payable on goods, in respect of which such verification has been rendered impossible by reason of fraudulent acts on the part of the person liable for payment conformably with the law, which does not allow a debtor to plead limitation when by fraudulent acts of such debtor the creditor has been kept in ignorance of the material facts which form the foundation of his claim.

Litigation.

61. No person shall be entitled to formulate any claim for repayment of duties after the expiration of one year from the date on which the duties became payable or the goods were deposited.

Period of claims.

62. After the expiry of three years, following on each completed year, the Administration shall, in respect of persons who have failed to pay the duties required of them, be freed from the responsibility for the custody of the registers of the said year, and they shall not be liable to produce such registers even if there are still cases existing for the due prosecution of which the production of the said registers and documents might be necessary.

Limitation of demand for records.

63. The limitations aforesaid shall not have force when there has been enforced, ordered, signified, or commenced an action at law, conviction, promise, agreement or individual or special obligation in respect of the goods they claimed.

Limitation of demand for records.

OFFICERS QUALIFIED TO REPORT BREACHES

64. The officers of the Customs Department, District Agents and Commandants of Constabulary shall be competent to report breaches of this Regulation.

Amended by J.R. No. 8 of 1939.

ARREST ON WARRANT

65. Where the Resident Commissioners have reason to believe that a person against whom proceedings have been or are intended to be instituted, will attempt to leave the New Hebrides in order to escape such proceedings, they may issue to a District Agent or to a Commandant of Police a warrant for the arrest of such person.

Any person so arrested shall be charged and brought before a Court within seven days after his arrest, and shall not be detained further except on an order of a Court, which the competent Court is hereby empowered to make.

66. [—]

Amended by
J.R. No. 8
of 1939.

ISSUE OF SEARCH WARRANTS

67. The Resident Commissioners may issue search warrants whenever they may consider it necessary for the investigation of suspected breaches of this Regulation.]

Issue of
search
warrants.

68. [—]

SEIZURES

69. If the goods which have been seized are perishable and the accused has not taken delivery of them, either because of his unwillingness or of his inability through his omission to provide the security required by law to exercise the option of release, the Administration shall proceed to effect the sale of the said goods. The same procedure shall be observed in respect of animals seized for any cause whatever.

Con-
fiscations.

70. The issue of the joint order authorising the sale shall be notified the same day to the person whose property has been seized, if his domicile is known, and in default of known domicile the order shall be notified to the Residency of the Officer responsible for the prosecutions with the intimation that the sale will be immediately proceeded with, either in the absence or in the presence of the owner of the goods seized.

Sale of
seized goods.

71. The sale shall be made by public auction at the instance of the proper Officer of Customs. Notification of the day of sale shall be posted twenty-four hours beforehand unless the Resident Commissioners order a sale without any previous formalities.

Sale of
seized goods.

72. The proceeds of the sale shall be deposited with the Collector of Customs to be disposed of in accordance with the final decision of the Court empowered to deal with the said seizure.

Sale of
seized goods.

73. When the judgment ordering the confiscation of goods is finally made the prosecuting officer shall notify the sale of such goods by a notification affixed to the office door.

Sale of
seized goods.

74. The sale shall not take place until five days after posting such notice. The sale shall be by public auction and on the condition that purchasers shall pay all dues or taxes to which the said goods may be liable within a period of fifteen days from date of purchase of such goods.

Sale of seized goods

75. Goods without monetary value may be destroyed in the presence of the proper officers who shall draw up a report in respect thereof.

Worthless goods.

76. Notice whether of sales or otherwise shall be exempt from taxation.

77. From the money received as fines and from the proceeds of confiscations there may be granted by joint decision of the Resident Commissioners to the officers who have reported the offences and to any person who shall have facilitated their detection a reward or rewards the total of which shall in no case exceed one half of the amount of such fines, seizures or sales:

Rewards to informers.

[Provided that no such grant shall be made to any person who by virtue of his office shall have been concerned in pronouncing and judgment ordering such fine or confiscation.]

Amended by J.R. No. 8 of 1939.

78. When a seizure is found to have been made without just cause the owner of the goods seized shall be entitled to compensation in the form of interest at the rate of one per centum per mensem on the value of the goods seized and such interest shall be calculated from the date of the seizure up to the date when an offer of the return of the goods has been made. Provided that no such compensation shall be made if the officers concerned shall have shown valid reasons for their action.

Compensation for wrongful seizure.

79. In case the goods have been previously sold under the authority of an order, the owner may only claim the re-imbusement of the proceeds of the sale of the goods together with interest at the rate of one per cent. per month on this amount, calculated from the date of the seizure up to the day when re-imbusement is offered.

Compensation for wrongful seizure.

SETTLEMENT OF DISPUTES

80. The Resident Commissioners may come to a settlement of any dispute either before or after judgment.

Compromise.

ENFORCEMENT OF PAYMENTS

81. An order for the enforcement of payment may be made—
- (1) Against any person refusing or neglecting to pay dues justly due by him;
 - (2) Against any person who shall have failed in any undertaking entered into under this Regulation and against the surety of such person;

Order for payment.

- (3) Against any person who after a breach of this Regulation, shall refuse to carry out a contract which has been signed and has been finally approved by the competent authority.

82. The order of enforcement of payment should recite at the beginning the copy of the instrument establishing the debt in question, it shall be signed by the Resident Commissioners after notification and shall be executed notwithstanding any caveat according to the due course of law.

Order for payment.

83. An order of imprisonment may be issued under the same conditions against any person who refuses to pay the fines imposed.

Imprisonment.

PROCESS

84. The Customs Agents may serve for all matters relative to their duties all notices and other processes usually effected by bailiffs. They may however make use of such bailiff as they may think proper.

Service of process.

LIEN

85. The Condominium Government shall have a lien on all movables of the principals debtors or guarantors, for the recovery of dues, confiscations, fines, restitutions and generally for any debt accruing under this Regulation, or from the repression of fraud.

Recovery of dues.

86. No claim to or against goods or the value of goods that have been seized or confiscated in connection with frauds as provided in this Regulation shall be admitted from or on behalf of the owners or creditors of the owners of such goods; provided always that such owner or creditor may prosecute any such claim against the person or persons charged with the commission of such fraud.

Claim against seized and confiscated goods.

INTERFERING WITH AGENTS

87. It shall be unlawful to obstruct or to interfere in any way with the Customs Officers in the exercise of their duties, or to abuse or to ill treat, or to offer any violence to their persons under penalty of a fine of £20 independent of any other action.

Penalty for obstruction.

POWERS OF THE RESIDENT COMMISSIONERS

88. (a) Subject to the approval within three months of the High Commissioners, the Resident Commissioners may by Joint Proclamation under their hands and seals—

Powers of Resident Commissioners.

- (1) Fix the rate of duty payable upon imports into or exports from the New Hebrides. Order payment to be made in respect of wharfage dues accommodation of goods in bonded stores and bond rent. Alter or repeal any portion

of the Tariff and fix the date upon which the levying of Customs dues in the New Hebrides shall begin or terminate.

- (2) Prohibit the importation of any article, the introduction of which into the New Hebrides may be contrary to the public interest and declare what articles shall be exempt from Customs duty.

(b) It shall be lawful for the Resident Commissioners by Proclamation under their hands and seals and without referring the matter to the High Commissioners for their approval or disallowance—

- (1) To declare Ports of Entry and to fix the limits of such Ports of Entry.
- (2) To fix places where goods must be landed in any Port and to define the anchorages for vessels therein.
- (3) To proclaim the sites upon which Customs sheds and bonded stores shall be erected.
- (4) To pass Regulations for the management of the loading, or unloading of goods at places not declared Ports of Entry when the necessity for such Regulations shall become apparent.
- (5) To make any order which to them may appear necessary for the carrying into effect of the provisions of this Regulation.

MISCELLANEOUS

89. Upon application made by the Customs authorities to the civil or military powers it shall be the duty of these powers to assist the Customs authorities in every way and to use all necessary force so to assist them.

Assistance to Customs authorities.

90. Any person who shall—

Offences.

- (a) Wilfully make any false entry in any form, declaration, entry, bond, return, receipt or in any document whatever required by or produced to any Customs Officer under this Regulation; or
- (b) Counterfeit, falsify or wilfully use when counterfeited or falsified any document required by or produced to any Customs Officer; or
- (c) Falsely produce to any Customs Officer under any of the provisions of this Regulation in respect of any goods or in respect of any vessel any document of any kind or description whatever that does not truly refer to such goods or to such vessel; or
- (d) Make a false declaration to any Customs Officer under any of the provisions of this Regulation, whether that declaration be an oral one or a declaration subscribed by a person making it or a declaration on oath or otherwise; or

MARCHANDISES

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avoir d'effet rétroactif
r l'Administration ni
raire aux suites d'une
précité.

communiqué partout

décembre, 1914.

NDE

missaire de la
ans l'Archipel des
s-Hébrides.

re-Résident de

- (e) Untruthfully answer any reasonable questions put to him by any Customs Officer under any of the provisions of this Regulation; or
- (f) Alter or tamper with any document or instrument after the same has been officially issued, or counterfeit the seal, signature or initials of or used by any Customs Officer for the identification of that document or instrument or for the security of any goods or for any other purpose under this Regulation shall be punished with a fine of £20 in addition to any penalty inflicted by common law.

[90. A. Any person who fraudulently introduces goods into the New Hebrides in breach of the provisions of this Regulation shall be liable, on conviction, to the penalties set out in Article 92 hereof, and also to the confiscation of the goods so introduced.]

Penalties for fraudulent introduction of goods. Amended by J.R. No. 8 of 39. Officers to be sworn.

91. Every officer appointed by the Resident Commissioners for the purpose of carrying out the provisions of this Regulation shall take an oath before the Resident Commissioners faithfully to carry out his duties under this Regulation. Any person who makes a false declaration or oath shall be liable to a fine of £20 besides the penalty for the offence provided by common law.

92. Any offence against the provisions of this Regulation for which no specific penalty is provided shall render any person guilty of the same liable to a fine of from £1 to £20 in addition to imprisonment of from five days to one month. In case of a second offence the punishment of imprisonment shall always be inflicted.

Penalties.

93. Nothing in this Regulation provided shall be held to invalidate any action taken under the Joint Regulation of 28th December, 1912, for the recovery of import duties or for any other purpose connected with such Regulation.

Regulation not to have retroactive effect.

94. This Regulation shall come into force on the date of publication and may be cited for all purposes as the New Hebrides (Import Duties) Regulation (No. 12) 1914.

Short title.

Published and exhibited in the public offices of the Resident Commissioners for His Britannic Majesty and for the French Republic this fourth day of December in the year one thousand nine hundred and fourteen.

(S.) J. MIRAMENDE
Resident Commissioner for
the French Republic.

(L.S.) M. KING
H.B.M. Resident Commissioner.

(Form No. 2)

SCHEDULE
NEW HEBRIDES
CONDOMINIUM
NOUVELLES-HEBRIDES

Declaration No.

Importer's Name
Address
Port of

ENTRY for goods *free of duty
*subject to duty

Name of ship and Voyage No.

Date of Arrival

	£Sterling VALUE			£Sterling Exemption Service Tax	£Sterling DUTY		
	£	s.	d.		£	s.	d.
Page 1				(
" 2)			
" 3)			
" 4)			
" 5)			
"							
"							
TOTAL VALUE				TOTAL DUTY			
Exempt: Service Tax							
Value: Service Tax				Service Tax			

TOTAL PAYABLE THIS ENTRY

Receipt No.

Date

.....
for Controller of Customs

(dated)19....

(signed)
Importer or Agent

I declare the above particulars to be true

.....
Total number of packages entered (in words)

Joint Regulations

[12 of 1914

89

