

No.49 of 1962
A LAW TO PROVIDE FOR THE REGULATION OF IMPORTS
(18th June, 1962.)

The House of Representatives enacts as follows:-

1. This Law may be cited as the Imports (Regulation) Law, 1962. Short title.
 2. In this Law, unless the context otherwise requires-
 - "Minister" means the Minister of Commerce and Industry and includes any officer of his Ministry authorized in writing to act on his behalf for any of the purposes of this Law other than those of section 3;
 - "goods" means any movable property capable of being imported;
 - "import" and "importation" have the meaning assigned to these expressions by the Customs Management Law; Cap.315
 - "Licence" means a licence issued under section 4;
 - "Order" means an order made under section 3.
 3. (1) The Council of Ministers may, by a decision, declare regulated, the importation of any goods into the Republic for the purpose of encouraging local production and manufacture or improving the balance of trade or complying with international obligations of the Republic or for the development of the economy of the Republic, provided that such regulation is in the public interest. Restriction and regulation of imports.

(2) Where a decision has been taken under subsection (1) the Minister may, from time to time, by an Order published in the Official Gazette of the Republic, restrict and regulate the importation of any goods, having regard to the criteria set out in subsection (1)

(3) Any Order may contain such incidental, consequential and supplementary provisions as the Minister may consider necessary or expedient for the carrying into effect of the Order and, without prejudice to the generality of the aforesaid provision, any Order may require prior licence from the Minister for the importation of any such goods.
 4. (1) Where under the provisions of any Order a licence is required, the licence shall be in the prescribed form. Issue, etc., of licence.

(2) The Minister may in his discretion-
 - (a) grant or refuse such licence;
 - (b) make such licence subject to such conditions as he may deem fit;
 - (c) cancel, suspend or vary any such licence or any conditions thereof;

Provided that where under the conditions of a licence a confirmed credit has been opened or a contractual obligation created, the licence and any condition thereof shall not be cancelled, suspended or varied, unless and until such confirmed credit has expired or such contractual obligation has been fulfilled or has been cancelled or otherwise has ceased to exist or can reasonably be deemed to have been fulfilled, cancelled or to have otherwise ceased to exist.
 5. No goods in respect of which a licence is required by or under the provisions of this Law shall be cleared unless the licence in respect of such goods is produced to the appropriate Customs Officer. Production of licence for clearance of goods.
- For the purposes of this section the expression "cleared" shall have the same meaning as in the Customs Management Law. Cap.315.

Power to require production of documents, etc.

6. The Minister may require-
- (a) any person applying for a licence or concerned with or interested in any such application; and
 - (b) any person by or on behalf of whom any goods, the importation of which is restricted or regulated under the provisions of this Law, have been, are or are to be, imported or any person concerned with or interested in the import of such goods,

to produce such relevant documents and to furnish such relevant information as the Minister may deem necessary for the effective and proper exercise of his powers and performance of this duties under this Law and any such person so required shall forthwith produce any such document and furnish such information;

- (c) any person to produce any licence issued under the provisions of this Law, and any such person so required shall forthwith produce such licence;
- (d) any person claiming that a contractual obligation has been created as in the proviso to subsection (2) of section 4 provided to produce within forty-eight hours of his being required by the Minister so to do such evidence of such contractual obligation as the Minister may deem satisfactory.

Power to require returns.

7. Whenever it appears necessary for the better regulating of imports and for the better carrying out of the provisions of this Law, the Minister may, by a notice in writing, require any person or any class of persons carrying on business, or otherwise dealing in goods, to render to him within such period, as may be specified in the notice, a return showing the quantities, values and other particulars of such goods produced, or held by him or them during such period as may be specified in such notice.

Offences.

8. (1) Any person who knowingly-
- (a) contravenes or fails to comply with the conditions of a licence;
 - (b) for the purpose of obtaining a licence or for any of the purposes of section 6 or 7 makes any declaration or statement or furnishes any information or produces any document which is to this knowledge false in a material particular;
 - (c) imports or knowingly attempts to import any goods, the importation of which is restricted or regulated under the provisions of this Law, in contravention of any provision of this Law or any regulation or Order made thereunder,

shall be guilty of an offence and shall on conviction be liable to imprisonment not exceeding two years, or to a fine not exceeding five hundred pounds or to both such imprisonment and fine:

Provided that nothing in paragraph (c) of this subsection contained shall apply to any such goods imported in good faith by any person on his arrival in the Republic, if at the time of his arrival such person declares such goods to the Customs Authorities and before their clearance obtains a licence under this Law.

- (2) Any person who-
- (a) fails to produce any document or to furnish information when required as provided in paragraph (b) of section 6 or fails to produce any licence when required as provided in paragraph (c) of section 6; or
 - (b) fails to render any return when required as provided in section 7, shall be guilty of an offence and shall be liable on conviction to imprisonment not exceeding six months, or to a fine not exceeding two hundred pounds, or to both such imprisonment and fine.

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| 9. | When any person is convicted of an offence under this Law the Court which convicts such person may, if it so thinks fit in the circumstances of the case, order that the goods to which such offence relates be forfeited. | Forfeiture of goods. |
| 10. | Where an offence under this Law is committed by a body corporate or unincorporate, every director, officer, partner or other person concerned in the management of such body, shall severally be liable to be prosecuted and punished for such offence in like manner as if he had himself committed the offence unless the act or omission constituting the offence took place without his knowledge, consent or connivance. | Offences by bodies corporate or unincorporate. |
| 11. | <p>(1) The Council of Ministers may make Regulations for the better carrying into effect of the provisions of this Law.</p> <p>(2) Without prejudice to the generality of subsection (1) any such Regulations may be made in respect of any of the following matters: -</p> <p style="margin-left: 20px;">(a) for prescribing anything which under the provisions of this Law is required or may be prescribed;</p> <p style="margin-left: 20px;">(b) the procedure to be followed for the issue of a licence, including the prescribing of any forms in connection therewith;</p> <p style="margin-left: 20px;">(c) the fees to be paid in connection with the issue of a licence;</p> <p style="margin-left: 20px;">(d) the procedure to be followed for the cancellation, suspension or variation of a licence or of any conditions thereof;</p> <p style="margin-left: 20px;">(e) the issue of a duplicate licence when the original is lost or destroyed and the fees to be payable therefor.</p> | Regulations. |
| 12. | Nothing in this Law contained shall affect the provisions of any other Law, in force for the time being, dealing with importation of goods. | Other Laws unaffected. |
| 13. | This Law shall come into operation on a date to be fixed, by notice to be published in the Official Gazette of the Republic, by the Council of Ministers; and on the date so fixed the Defence (Importation of Goods) Regulations, 1956, and the Defence (Registration of Importers) Order, 1956, shall be revoked and cancelled respectively: | Date of commencement, repeal and saving.
Notification No.377 Gazette Supplement No.3, 10.5.1956, as subsequently amended. |
| | Provide that if, in respect of any goods the importation of which is restricted or regulated under the provisions of this Law, any licence issued under the provisions of the Regulations hereby revoked is still in force, such licence shall be deemed to be a licence issued under the provisions of the Law and shall continue to operate as if issued thereunder. | Notification No.1067, Gazette Supplement No.3, 8.11.1956 as subsequently amended. |