

[Subsidiary]

SUPPLIES CONTROL REGULATIONS
(Section 3)

S.R.O.
12/1959
18/1959

[30th May, 1959]

Title

1. These Regulations may be cited as the

SUPPLIES CONTROL REGULATIONS.

Import and
export
licences

2. (a) Subject to paragraph (b) of this regulation, the importation into and exportation from the State of all goods (which term includes all merchandise, wares and materials of whatever nature or kind and livestock) capable of being imported or exported is prohibited except under licence from the Controller of Supplies.

(b) The Controller of Supplies may, by notice published in the Gazette, release from import or export control, any goods or class of goods which in his opinion may be freely imported, and such release from import or export control may be made generally or in respect of any particular country or place or in respect of any person or class of persons.

Imp and
exp.
licensing

3. (1) Subject to any release by the Controller of Supplies in accordance with paragraph (b) of regulation 2 of these Regulations the shipment of any goods for use as ships stores, and the shipment of bunkering of coal, oil or any other fuel used for propelling a ship, shall be deemed to be an exportation of such goods.

(2) The taking into or out of the State of any ship may, in the discretion of the Controller of Supplies be deemed to be an importation or exportation of goods, whether or not such ship is conveying goods or passengers, and whether or not such ship is moving under its own power.

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Application
for licence

4. (a) Every person applying for a licence to import or export goods shall submit his application in the appropriate form approved by the Controller of Supplies setting out the particulars required therein, and shall subscribe to a declaration certifying the said particulars. The Controller of Supplies may call for such further particulars or evidence as he may consider necessary.

(b) The Controller of Supplies may in his discretion, refuse the grant of any licence applied for, either in respect of the importation or the exportation of any goods, or he may grant such a licence generally or in respect of any goods, or class of goods, or in respect of any particular country or place or in respect of any person or class of persons; and the Controller of Supplies may, when granting such a licence, impose such conditions, restrictions and limitations as he shall find necessary, and as may be applicable in the case of such goods, or such place or such person.

(c) When goods are entered for shipment in accordance with the conditions of the export licence issued in that behalf, and the Controller of Supplies has reason to suspect that the declaration is untrue in any material particular, the goods may be detained until the Controller of Supplies is satisfied as to the truth of the declaration, and, if the Controller of Supplies is not so satisfied, the goods shall be forfeited.

(d) Due entry and clearance before shipment of any goods intended for exportation from the State may be required together with the production to the Controller of Supplies of the relevant bills of lading.

(e) In any proceedings under this regulation an averment in the information that the Controller of Supplies is not satisfied as to any matter shall be sufficient evidence that he has not been so satisfied, unless the contrary is proved.

5. Any person who for the purpose of obtaining any licence under these Regulations—

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(a) makes or presents any declaration, statement of presentation which is false in any material particular, or

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(b) produces a guarantee certificate or undertaking which is false in any material particular, or has not been given by the person by whom it purports to have been given, or which has been in any way altered or tampered with, shall be guilty of an offence under these Regulations unless he proves that he had taken all reasonable steps to ascertain the truth of the statements made or contained in any documents so presented or produced or to satisfy himself of the genuineness of the guarantee certificate or undertaking.

False statements

6. If any person—

- (a) in answer to any request made in pursuance of any of these Regulations, or any order made under any of these Regulations, makes any statement, or furnishes any information which he knows or has reasonable cause to believe to be false in any material particular, or
- (b) makes such a statement as aforesaid in any account, declaration, estimate, return or other document which he is required by an order under any of these Regulations to make,

he shall be guilty of an offence against these Regulations.

Obstruction

7. Any person who obstructs any public officer, a member of the Police Force acting in the course of his duty as such, or any person exercising any powers, or performing any duties conferred or imposed on him by or under any of these Regulations or otherwise discharging any lawful functions in connection with any matter falling under these Regulations shall be guilty of an offence.

Licence, permits, etc.

8. (1) Any person claiming to be the holder of any permit, licence or written permission granted or issued for the purpose of any of these Regulations shall, on demand made in that behalf by any police officer, or any authorized person, produce the permit, licence or permission (as the case may be) to the person making the demand.

(2) If, with intent to deceive, any person alters or uses, or lends to, or allows to be used by any other person, a permit, licence or written permission granted or issued for the purposes of any of these Regulations, or makes or has in his

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possession any document so closely resembling such a permit, licence or permission as to be calculated to deceive, he shall be guilty of an offence against these Regulations.

(3) Any licence, permit or permission granted for the purpose of any of these Regulations may be revoked at any time by the authority or person empowered to grant it.

9. (1) For the purpose of securing compliance with the provisions of these Regulations or any licence issued thereunder or with any other enactment relating to the importation or exportation of goods—

Clearance may be refused, etc.

- (a) an officer of Customs and Excise may at any time refuse clearance to any ship, and
- (b) where clearance has been granted to a ship, an officer of Customs and Excise, an officer of Her Majesty's Navy, the Controller of Supplies or any person authorized in that behalf by him may, at any time whilst the ship is within the limits of a port in the State, demand that the clearance shall be returned to the person making the demand.

(2) Any such demand may be made orally on the master of the ship or by serving a written demand in any manner authorized by section six hundred and ninety-six of the Merchant Shipping Act, 1894, (U.K.), for the service of documents which are, under the Act, to be served on the master of a ship.

(3) Where a demand is so made for the return of a clearance—

- (a) the clearance shall forthwith become void, and
- (b) if the demand is not complied with, the master of the ship shall be guilty of an offence under these Regulations.

(4) This regulation shall apply to aircraft, as if references in this regulation and in section six hundred and ninety-six of the Merchant Shipping Act, 1894, (U.K.), to a ship, the master of a ship, and a port, included respectively references to an aircraft, the pilot of an aircraft and an aerodrome.

10. (1) If any goods—

Prohibited goods

- (a) are imported or exported in contravention either of these Regulations or of a licence issued thereunder; or

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(b) are brought to any quay or other place, or waterborne, for the purpose of being exported in contravention either of these Regulations or of a licence issued thereunder,

those goods shall be deemed to be prohibited goods and shall be forfeited; and the exporter of the goods or his agent, or the shipper of the goods shall, without prejudice to any other penalty incurred under the customs laws, be guilty of an offence under these Regulations.

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(2) If any such licence as aforesaid prohibits the exportation of goods, unless consigned to a particular place or person, and such goods so consigned are delivered otherwise than to that place or person, as the case may be, the vessel in which the goods were exported shall be deemed to have been used in the conveyance of prohibited goods.

(3) If any goods are imported or exported or are brought to any quay or other place or waterborne, for the purpose of being exported, an officer of Customs and Excise or the Controller of Supplies or a person authorized in that behalf by him may require any person possessing or having control of the goods to furnish, proof that the importation or exportation, as the case may be, is not unlawful by virtue either of these Regulations or of a licence issued under these Regulations; and if such proof is not furnished to the satisfaction of the Controller of Supplies, the goods shall be deemed to be prohibited goods unless the contrary is proved.

In any proceedings taken by virtue of this paragraph, an averment in the information that such proof as aforesaid has not been furnished to the satisfaction of the Controller of Supplies shall, unless the contrary is proved, be sufficient evidence that no such proof has been furnished to his satisfaction.

offences by
company

11. Where any offence under these Regulations is committed by a company or firm or other association of individuals, every director and officer of the company, every partner and officer of the firm or every member and every person concerned in the management of the affairs of such association, as the case may be, shall severally be liable to be prosecuted and punished for the offence in like manner as if he had himself committed

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the offence, unless the act or omission constituting the offence took place without his knowledge, consent or connivance.

12. Any power conferred by any of these Regulations to make any order shall be construed as including a power, exercisable in the like manner and subject to the like conditions, if any, to revoke or vary the order.

Revocation
and variation
of orders

13. All powers vested in the Controller of Supplies in all or any of these Regulations shall nevertheless be subject to such instructions as may be given to him by the Minister responsible for Trade.

Powers of
Controller of
Supplies

14. Any person guilty of an offence under these Regulations shall be liable on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding five thousand dollars or to both such imprisonment and such fine, and any goods the subject matter of the offence shall be forfeited to the Crown.

Penalty