

PAPUA



No. 7 of 1928.

AN ORDINANCE

To Amend the "Customs Ordinance, 1909-1916."

J. H. P. MURRAY.

[L.S.]

11th June, 1928.

BE it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

1. (1) This Ordinance may be cited as the *Customs Ordinance, 1928*. Short title and citation.

(2) The *Customs Ordinance, 1909-1916*, is in this Ordinance referred to as the Principal Ordinance.

(3) The Principal Ordinance as amended by this Ordinance may be cited as the *Customs Ordinance, 1909-1928*.

2. This Ordinance shall commence on a date to be fixed by the Lieutenant-Governor by Proclamation published in the *Gazette*. Commencement.

3. The Principal Ordinance is amended as set out in the Schedule. Amendment of Principal Ordinance.

Amendment of
s. 5.

4. Section Five of the Principal Ordinance is amended—

(a) by inserting before the definition of “Answer questions” the following definitions:—

“ ‘Aerodrome’ means any landing-place for aircraft appointed for the purposes of this Ordinance.

‘Aerodrome owner’ includes the occupier of any aerodrome.

‘Aircraft’ includes aeroplanes seaplanes airships balloons or any other means of aerial locomotion.”

(b) by inserting in the definition of “Owner” after the word “ship” (wherever occurring) the words “or aircraft”; and

(c) by inserting after the definition of “Package” the following definition:—

“ ‘Pilot’ means the person in charge or command of any aircraft.”

Amendment of
s. 15.

5. Section Fifteen of the Principal Ordinance is amended—

(a) by inserting in Paragraph (a) thereof after the word “ships” the words “and aircraft”; and

(b) by adding at the end thereof the following paragraph:—

“ (d) Appoint aerodromes whether within the limits of a proclaimed port or otherwise and fix their limits.”

Heading to
Division 2 of
Part IV.

6. Division 2 of Part IV of the Principal Ordinance is amended by adding at the end of the heading thereto the words “and aircraft.”

7. Section Fifty-five of the Principal Ordinance is amended by adding at the end thereof the following subsection:—

“(2) The pilot of every aircraft arriving within one league of the shore shall bring his aircraft to the nearest aerodrome for boarding on being approached by or signalled from any vessel or aircraft

Ship to bring
to and aircraft
to land on
being
signalled.

in the service of His Majesty or of the Territory having hoisted the proper ensign or pendant or displayed the proper signal.

Penalty: One hundred pounds."

8. Section Fifty-six of the Principal Ordinance is amended by adding at the end thereof the following subsection:—

"(2) The pilot of every aircraft from parts beyond the seas bound to or calling at any place within the Territory shall bring his aircraft for boarding to the aerodrome nearest to the place at which he enters the Territory. Ship to bring to at boarding station and aircraft to land at aerodrome.

Penalty: Fifty pounds."

9. Section Sixty of the Principal Ordinance is repealed and the following section is inserted in lieu thereof:—

"60. As to every ship or aircraft arriving from parts beyond the seas— Report of cargo.

(a) the master owner or pilot shall within one day after arrival at any port or aerodrome make report of the ship or aircraft and her cargo by delivering to the Collector an Inward Manifest in duplicate of goods for that port or aerodrome;

(b) the master and owner of the ship or the pilot and owner of the aircraft shall severally answer questions relating to the ship or aircraft and her cargo crew passengers stores and voyage;

(c) the master and owner or the pilot and owner shall severally produce documents relating to the ship or aircraft and her cargo.

Penalty: One hundred pounds."

10. Section Sixty-one of the Principal Ordinance is amended by adding at the end thereof the following subsection:—

"(2) When any aircraft arriving from parts beyond the seas is lost or wrecked at any place Master or pilot of wrecked ship or aircraft to report.

within the Territory the pilot or owner shall without any unnecessary delay make report of the aircraft and cargo by delivering to the Collector a Manifest as far as it may be possible for him to do so at the Customs House nearest to the place where the aircraft was lost or wrecked.

Penalty: Twenty pounds.”

11. Section One hundred and eleven of the Principal Ordinance is repealed and the following section is inserted in lieu thereof:—

Requisites for
obtaining
clearance.

“111. Before any Certificate of Clearance is granted to a ship or aircraft—

(a) the master owner or pilot shall deliver to the Collector an Outward Manifest in duplicate;

(b) the master and owner of the ship or the pilot and owner of the aircraft shall severally answer questions relating to the ship or aircraft and her cargo crew passengers stores and voyage;

(c) the master and owner or the pilot and owner shall severally produce documents relating to the ship or aircraft and her cargo.

12. Section One hundred and fifteen of the Principal Ordinance is amended by adding at the end thereof the following subsection:—

Ship to bring
to and aircraft
to land at
proper
stations.

“(2) The pilot of every aircraft departing from any aerodrome shall bring his aircraft to the boarding station appointed for the port or aerodrome and by all reasonable means facilitate boarding by the officer and shall not depart with his aircraft from any port or aerodrome with any officer on board such aircraft without the consent of such officer.

Penalty: One hundred pounds.”

Heading to
Part VII.

13. Part VII of the Principal Ordinance is amended by inserting in the heading thereto after the word “ships” the words “and aircraft’s.”

14. Section One hundred and twenty-one of the Principal Ordinance is amended by adding at the end thereof the following subsection :—

“(2) The prescribed allowance of aircraft’s stores for the use of the passengers and crew and for the service of the aircraft may be shipped free of duty on board any aircraft entered outwards for parts beyond the seas.” Ship’s and aircraft’s stores.

15. Section One hundred and seventy-six of the Principal Ordinance is amended by inserting after the word “ship” (wherever occurring) the words “boat or aircraft.” Amendment of s. 176.

16. Section One hundred and seventy-eight of the Principal Ordinance is amended by inserting after the word “ship” the words “boat or aircraft.” Amendment of s. 178.

17. Section Two hundred and seventeen of the Principal Ordinance is repealed and the following section inserted in lieu thereof :—

“217. The following ships or boats not exceeding two hundred and fifty tons registered tonnage and the following aircraft shall be forfeited to His Majesty :— Forfeited ships and aircraft.

(1) Any ship boat or aircraft used in smuggling or knowingly used in the unlawful importation exportation or conveyance of any prohibited imports or prohibited exports.

(2) Any ship boat or aircraft found within one league of the coast or of land failing to bring to or failing to land at an aerodrome for boarding upon being lawfully required to do so.

(3) Any ship boat or aircraft hovering within one league of the coast or of land and not departing within twelve hours after being required to depart by an officer.

(4) Any ship boat or aircraft from which goods are thrown overboard staved or

destroyed to prevent seizure by the Customs.

(5) Any ship boat or aircraft found within any port or aerodrome with cargo on board and afterwards found light or in ballast or with the cargo deficient and the master or pilot of which is unable to lawfully account for the difference.

(6) Any ship boat or aircraft within one league of the coast or land having false bulk heads false bows sides or bottoms or any secret or disguised place adapted for the purpose of concealing goods or having any hole pipe or other device adapted for the purpose of running goods.

The owner of a ship exceeding two hundred and fifty tons registered tonnage which would be forfeited if the ship were less than two hundred and fifty tons registered tonnage shall be liable to a penalty not exceeding One thousand pounds and the ship may be detained until the penalty is paid or until security is given for its payment."

Passed in Council this eleventh day of June, in the year of Our Lord One thousand nine hundred and twenty-eight.

THE SCHEDULE.

Consequential Amendments in the Principal Ordinance.

Section.	Extent of Amendment.
4	After "ships" insert "and aircraft." After "ships" insert "and aircraft's."
14	Omit "and boats" (wherever occurring) and insert in lieu thereof "boats and aircraft." After "flag" insert "or in such other manner."
16	Omit "and wharfs" and insert in lieu thereof "wharfs and aerodromes."
19	After "wharf owner" insert "and aerodrome owner." After "wharf" (first occurring) insert "or at his aerodrome." After "wharf" (second occurring) insert "or aerodrome."

Customs Ordinance, 1928.

THE SCHEDULE.—*continued.*

Section.	Extent of Amendment.
28	Omit "or boat" (wherever occurring) and insert in lieu thereof "boat or aircraft."
38	After "ship" insert "or aircraft."
46	After "ship" insert "or aircraft."
48	After "ship" insert "or aircraft."
54	After "ship" (first occurring) insert "or the pilot of any aircraft."
	After "ship" (second occurring) insert "or aircraft."
	After "port" insert "or aerodrome."
57	After "ship" insert "or the pilot of every aircraft."
	After "to" insert "or landing at an aerodrome."
58	After "ship" (first occurring) insert "or the pilot of every aircraft."
	After "ship" (second occurring) insert "or aircraft."
	After "station" insert "or landed at the aerodrome."
59	After "ship" insert "or aircraft."
	After "harbour" insert "or aerial."
	After "port" insert "or aerodrome."
68	After "ship" insert "or aircraft."
69	After "ship" insert "or aircraft."
71	After "wharf" insert "or aerodrome."
	After "ship" (second and last occurring) insert "or aircraft."
72	After "ship" (wherever occurring) insert "or the pilot or owner of the aircraft."
106	After "ship" (wherever occurring) insert "or aircraft."
107	After "wharf" (wherever occurring) insert "or aerodrome."
	After "ship" insert "or aircraft."
	Omit "or lighter" and insert in lieu thereof "lighter or vehicle."
108	After "ship" insert "or aircraft."
110	After "ship" (first occurring) insert "or the pilot of any aircraft."
	After "ship" (second occurring) insert "or aircraft."
	After "port" insert "or aerodrome."
112	After "ship" (first occurring) insert "or the pilot of any aircraft."
	After "ship" (second occurring) insert "or aircraft."
114	After "ship" (wherever occurring) insert "or aircraft."
116	After "ship" (first occurring) insert "and the pilot of every aircraft."
	After "ship" (second occurring) insert "or aircraft."
119	After "ships" insert "or aircraft's."
	After "ship" (wherever occurring) insert "or aircraft."
120	After "ships" insert "or aircraft's."
139	After "ship" (first occurring) insert "or aircraft."
	After "ship" (second occurring) insert "or the pilot or owner of the aircraft."

Customs Ordinance, 1928.

THE SCHEDULE.—*continued.*

Section.	Extent of Amendment.
164	After "ships" (wherever occurring) insert "or aircraft." After "port" (wherever occurring) insert "aerodrome."
165	After "ship" (first occurring) insert "or the pilot of any aircraft." After "ship" (second and last occurring) insert "or aircraft." After "sea" insert "or into any other aircraft."
166	After "ship" (first and second occurring) insert "or aircraft." After "ship" (last occurring) insert "or the pilot of such aircraft."
173	Omit "or boat" (wherever occurring) and insert in lieu thereof "boat or aircraft." After "ship" (third and last occurring) insert "or aircraft." After "bring to" (wherever occurring) insert "or land at the aerodrome."
174	After "ship" (first occurring) insert "or the pilot of any aircraft." After "coast" insert "or of land." After "ship" (second third fourth fifth and last occurring) insert "or aircraft." After "port" insert "or aerodrome."
177	After "ship" (wherever occurring) insert "or aircraft." After "master" insert "or pilot."
180	After "ship" insert "or aircraft."
181	After "ship" (wherever occurring) insert "or aircraft." After "port" (wherever occurring) insert "or aerodrome." After "master" insert "or pilot."
184	Omit "or boat" (wherever occurring) and insert in lieu thereof "boat or aircraft."
192	After "ship" (wherever occurring) insert "aircraft."
194	After "ship" (wherever occurring) insert "aircraft." After "master" (wherever occurring) insert "pilot."
195	After "ship" insert "aircraft."
197	After "ships" insert "aircraft."
209	After "ship" insert "aircraft."
218	Omit "or boat" (wherever occurring) and insert in lieu thereof "boat or aircraft." After "port" insert "or aerodrome." After "coast" insert "or land." Omit "ships" and insert "ship's or aircraft's." After "ship" (third and seventh occurring) insert "or aircraft."
222	After "ship" insert "or aircraft." After "ship's" insert "or aircraft's." After "port" (wherever occurring) insert "or aerodrome."

Customs Ordinance, 1928.

THE SCHEDULE.—*continued.*

Section.	Extent of Amendment.
222A	After "boat" (first occurring) insert "or the pilot of an aircraft."
	Omit "or boat" (second occurring) and insert in lieu thereof "boat or aircraft."
222B	After "ship" insert "or aircraft."
233	Omit "or goods" and insert in lieu thereof "aircraft or goods."
259	After "ship" insert "or aircraft."
	After "ships" insert "or aircraft's."
260	After "ships" (wherever occurring) insert "or aircraft."
	After "ships" insert "or aircraft's."