

No. XXII.

CUSTOMS
REGULATION.

An Act further to amend the “ *Act for the General Regulation of Customs in New South Wales.*”
[23rd February, 1857.]

Preamble.

WHEREAS by an Act of the Parliament of this Colony passed during this present Session intituled “ *An Act for granting a duty upon Gold* ” a duty has been imposed upon Gold which said duty may after the fifteenth day of February now next be levied upon the exportation thereof And whereas it is expedient to amend the Act of Council passed in the ninth year of the reign of Her Majesty intituled “ *An Act for the General Regulation of Customs in New South Wales* ” and to make provision for preventing the evasion and to facilitate the collection of the said duty Be it therefore enacted by the Queen’s Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :—

Interpretation.

1. For the purposes of this Act the term “ Gold ” shall mean and include such Gold as by the first above recited Act is made liable to a duty upon exportation.

Master of ship to
produce bill of
lading.

2. The master of every ship bound from the Colony shall before departure if required by the Collector or other principal officer of Customs of the port or place at which such ship shall be produce to him a bill or bills of lading or a copy thereof for any and every part of the cargo laden on board.

Notice to be given
before entry of
Gold.

3. Before any Gold shall be entered to be exported a notice in such form as may be provided by the Collector of Customs signed by the exporter or his agent shall be delivered to such Collector or other such principal officer as aforesaid who shall fix the time and place for the examination of such Gold and after such examination
such

Customs Regulation.

such Gold shall remain in the charge of some officer of Customs until it shall have been entered for exportation and the duty payable thereon shall have been paid.

4. All Gold intended for exportation shall be placed in boxes or other secure packages and on the outside of every such box or package shall be marked the weight of the Gold contained therein and the gross weight of such box or package and such boxes or packages shall after examination be sealed and secured by an officer of Customs at the expense of the exporter.

Gold boxes to be sealed and secured.

5. It shall be lawful for the Governor with the advice of the Executive Council to name the places at which such examination as aforesaid may be held.

Places of examination to be named.

6. No Gold shall be exported except from such ports or sub-ports as the Governor with the advice of the Executive Council may appoint.

Gold to be exported only at appointed ports.

7. If any Gold shall be shipped or water-borne to be shipped on board any ship for exportation before due entry of such Gold and payment of duty thereon and due entry outward of such ship such Gold and all goods which may be found in the same package if any shall be forfeited and any person who shall ship or be aiding assisting or concerned in the shipment or carrying of such Gold shall forfeit either treble the value thereof or a penalty of one hundred pounds at the election of the Collector or other principal officer of Customs.

Penalty for illegal shipment of Gold.

8. All Gold found in any boat lighter or vessel or in any vehicle or in transit upon any beast of burthen or about the person of any one in charge of any boat lighter vessel vehicle or beast of burthen or in the possession of any person being conveyed towards any wharf or landing place or towards the coast or frontier of the said Colony for the purpose of being exported contrary to the provisions of this or the said recited Acts shall be forfeited together with such boat lighter vessel or vehicle or beast of burthen and all persons who shall aid or assist or be concerned in the conveyance of such Gold for the purpose aforesaid shall each forfeit either treble the value thereof or a penalty of one hundred pounds at the discretion of the convicting Justices.

Penalties for smuggling.

9. It shall be lawful for the Governor with the advice of the Executive Council to make rules and regulations for the receipt custody and transmission of Gold at and from any place in the said Colony and to remit in whole or in part the charges for such custody and transmission upon any Gold deposited at such place for exportation assay or coinage.

Power to regulate escort and remit escort fees.

10. All fines penalties and forfeitures recovered under this Act or any other Act for the time being in force for the general regulation of the Customs in New South Wales shall be paid and applied after deducting the charges of prosecution and expenses therefrom one moiety to Her Majesty Her Heirs and Successors for the public uses of the Colony and one moiety to the seizing officer but in case there shall have been any person who shall have given any information which shall have led to any seizure forfeiture or conviction then the fine penalty or forfeiture shall after deducting the charges of prosecution and expenses therefrom go one-third to the person giving such information and one-third to the seizing officer and one-third to Her Majesty for the public uses of the Colony and the decision whether any information led to such seizure forfeiture or conviction shall rest with the adjudicating Justices.

Fines and forfeitures how distributed.

11. All the provisions of the above-mentioned Act of Council of the ninth year of Her Majesty's reign having reference to the importation of goods upon which duty is payable upon their importation into this Colony and all the regulations and provisions contained in the said Act and not contrary to this Act for the prevention of

Certain provisions relative to dutiable imports to be applied to export of Gold.

Unstamped Conveyances Evidence.

contraband shipment transshipment or carriage or other matter or thing connected with the collection of any import duty or the prevention of its evasion or any other fraud in regard thereto shall equally apply and be applicable so far as the circumstances of the case will admit to the duty on Gold made payable as aforesaid and to the prevention of contraband shipments other contraband trade and smuggling of such Gold and every other matter and thing connected with the collection of such duty and the prevention of its evasion and every other fraud of contraband shipment other contraband trade and smuggling of such in regard thereto and in the construction of the said Act of Council the verb "to import" shall include the verb "to export" the word "import" shall include "export" the verb to "unship" or "tranship" shall include the verb "to ship" the verb to "unload" shall include "to load" and the verb to "unlade" shall include the verb "to lade" the noun "ship" shall include any ship or other vessel or boat and words importing carriage by water shall include carriage by land.

To be construed with
recited Acts.

12. This Act shall be incorporated with and except where expressly inconsistent therewith shall be construed with and deemed part of the Acts hereinbefore mentioned.
