

1925

E. AFRICA

123

KENYA

C. O.
18953
27 APR 25

DATE

26th March 1925.

O.A.G.'S DEP NORTHGOTE.
CONF 32.

CIRCULATION :-

Mr.
Mr.
Mr. *Green*
Asst. U.S. of S.

CUSTOMS UNION.

Encloses copy of a Report of the Conference which was held at Dar-es-Salaam, 2nd to 7th March. Submits reasons. Considers that it is desirable to amalgamate the staffs of the Customs Depts of Kenya, Uganda, and T.T.

Permt. U.S. of S.
Permt. U.S. of S.
Secretary of State

Previous Paper

E.A.

(Copies in papers) MINUTES

A memorandum is attached summarising briefly the conclusions of the Conference, in which the Officer Administering the Government of Kenya concurs. The question of amalgamating the three Customs Departments was excluded from the deliberations of the Conference; but the O.A.G. considers that it is desirable and will probably be ultimately necessary. It is, however, laid down in the minutes on 9944/25 that the question of fusion is clearly one for future and mature consideration, and not to be taken up now. For the moment it will be sufficient

? To tell Uganda and Tanganyika that the Secretary of State has received this report from the O.A.G. Kenya, who concurs in the recommendations, and ask when the S. of S. may expect to receive their views.

Subsequent Paper

So for T.T.
Ugda
Conf. com - 20 MAY 25
Ans. d. Tel. 22nd Sept. 25. (CO/K 2067/24)

O.A.G. 26/3/25
Vg

Yes. I may say that

Col. Franklin has expressed himself
to me strongly in favour of uniformity,
as being the only way of securing uniformity
in interpretation of the common law. Personally
I have some doubts. Kenya & Uganda trade
is based on Mozambique, can easily
go together; but a single Commission
of Customs could not also deal with
D. & Z. & Zululand without
some risk of conflict.

C.S. 11.5.25

I share Mr. Montagu's doubts

J. M.G.
11.5.25

The result of the Conference is most satisfactory.
The question of ultimate "amalgamation" has not
arisen & need not be further considered at present.

? as proposed -

C.S.
11.5.25

W 12/5/25

I think that in addition to the
action proposed in which I concur
we should ask Sir Donald Cameron
for his views on the supplementary
memoranda put in by Col. Franklin
& Mr. Walsh. We should inform all
as soon as practicable that we
hope that the specific recommendations
of the conference should be put into
operation with the least possible delay
& the necessary legislative & regulatory

The conclusions of the Conference may be
briefly summarised as follows:-

(1) RE-EXPORTS.

Duty should be collected at the first port
of entry, and subsequently allocated to the consuming
territories. It is proposed to adopt in a modified
form the Regulations governing the exchange of goods
between the Union of South Africa and Northern and
Southern Rhodesia. The method of controlling the
traffic and allocating the duties is laid down in a
schedule to the Report, which was unanimously agreed
to. These proposals do not apply to goods ex bond
warehouse, on which duty is collected on importation
into the consuming Territory.

(2) CO-ORDINATION.

It is agreed that the principal Customs
Ordinances be uniform, and that the Tanganyika Ordinance
and Regulations should be adopted as a model subject
to the amendments shown on pages 5 - 9, which must,
however, be regarded as tentative.

(3) IMPORT AND EXPORT LISTS AND FORMS OF ENTRY.

- (a) Uniformity should be secured, and the various
Customs authorities will correspond to this
end.
- (b) Draft Regulations (other than purely local)
and amendments of the Law should be the
subject of reference between the Heads of the
respective Customs Departments before
publication.
- (c) An interchange of all tariff interpretations
should

should take place.

(4).

PETROLEUM.

The Conference made no recommendation, since the responsible Governors had already, after the fullest possible investigation, reported to the Secretary of State that they were in agreement as to the retention of the present flat rate.

This recommendation has been noted on the relevant paper 16230/25.

(5)

SPIRITS.

The Conference was unanimously of opinion that the method of levying duty at present in use was eminently satisfactory, and strongly urged that no change should be made.

This recommendation also has been noted on the relevant paper 45275/24.

JMN

11/5/25

KENYA.

No. 32.

CONFIDENTIAL.



18953

APR 25

126

GOVERNMENT HOUSE.

NAIROBI.

KENYA.

26th March, 1925.

Sir,

*As per 57/22/24
8a.*

With reference to Colonial Office Confidential despatch of the 29th January, relative to the possibility of effecting a complete Customs Union between Kenya, Uganda and the Tanganyika Territory, I have the honour to enclose a copy of a Report made at a Conference which sat at Dar-es-Salaam under the Chairmanship of His Majesty's Trade Commissioner, Colonel W. E. Franklin, C.B.E., D.S.O., the other members of which were Mr. G. Walsh, Commissioner of Customs for Kenya and Uganda, and Mr. Ernest Adams, O.B.E., Comptroller of Customs for the Tanganyika Territory.

E. The instructions which I gave to the Commissioner of Customs before proceeding to Dar-es-Salaam were that the basis of the deliberations at Dar-es-Salaam should be a complete Customs Union; this in my view included consideration of the method of fusion of staff. I was of the opinion that if the whole question was considered on this occasion it would secure the preparation of a full and complete scheme even though it might not be found possible to accept it in toto at present. I observe that this view was not shared by the Acting Governor of the Tanganyika Territory and, your instructions in the matter having been received by him, that (the) question was excluded from the deliberations of the Conference.

With

THE RIGHT HONOURABLE
LIEUTENANT COLONEL L.C.M.S. AMERY, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S. W.

Report.
2 Memoranda
by H.M.'s T.C.
and C/C.

With the approval of my Executive Council I support the recommendation contained in the Report and believe that it is in the interest of Kenya, Uganda and Tanganyika that the coordination of law and procedure and the acceptance of a single payment of duty be approved.

I consider however that it is desirable, and will be probably ultimately necessary, to amalgamate the staffs of the Customs Departments of the three dependencies and enclose memoranda by His Majesty's Trade Commissioner and the Commissioner of Customs covering this aspect of a Customs Union of Kenya and Uganda with Tanganyika Territory.

I have the honour to be,

Sir,

Your most obedient, humble servant,

J. A. A. - [Signature]
for ACTING GOVERNOR.
(Draft approved by Acting Governor)

Report of a Customs Conference held at Dar-es-Salaam on instructions from the Secretary of State for the Colonies contained in his Confidential Despatch to His Excellency the Acting Governor of Tanganyika dated January 29th, 1925.

2. The Conference opened at Dar-es-Salaam on March 2nd, 1925 and terminated on March 7th.

3. The Members nominated for the Conference by H.E. the Acting Governor of Tanganyika were:-

Col. W.H. Franklin, C.B.E., D.S.O., H.M. Trade Commissioner in East Africa (Chairman).

The Honourable Mr. Geoffrey Walsh, Commissioner of Customs for Kenya and Uganda, and

Mr. Ernest Adams, O.B.E., Comptroller of Customs for Tanganyika Territory.

4. At the request of the Chairman Mr. E.C.F. Bird, Asst. Comptroller of Customs, Tanganyika Territory, consented to act as Secretary.

5. The Secretary of State in paragraph 2 of his Despatch states "after full consideration I have come to the conclusion that the institution of a complete Customs Union between Kenya, Tanganyika and Uganda should no longer be delayed, and I take this opportunity of enclosing a memorandum which was recently submitted by Mr. G. Walsh, the Commissioner of Customs in Kenya and Uganda, outlining a system under which such a union might be achieved."

The preliminary discussion centred round the exact interpretation of the term "Complete Customs Union", more especially as this term was defined and embodied in the Report of the last Customs Conference held in Mombasa, November - December 1923.

The Commissioner of Customs for Kenya and Uganda informed the Conference that in the opinion of the Government of Kenya a complete Customs Union as operating between Kenya and Uganda was intended, which would include amalgamation of the Customs

staff, unity of control and uniformity of legislation, procedure and regulations.

The Comptroller of Customs for Tanganyika Territory informed the Conference that his Government considered that the duties of the Conference were restricted to the discussion of the proposals put forward in Mr. Walsh's memorandum on the control of the re-export trade between the territories with single payment of duty.

No final decision being possible it was decided that the Chairman should ask His Excellency the Acting Governor of Tanganyika to refer the matter to the Secretary of State for the Colonies for more specific directions.

6. Pending receipt of a reply from the Secretary of State His Excellency the Acting Governor of Tanganyika desired the Conference to continue their deliberations with the object of perfecting inter-departmental arrangements whereby re-exports might be admitted into any of the three territories without further payment of duty, and to assure to the consuming territory the proper allocation of revenue. He also desired efforts to be made to co-ordinate the procedure and regulations operating in the respective Territories.

7. The following cables were exchanged between:-
Governor, Daressalaam to Secretary of State

From the Gover, Dar-es-Salaam
To the Secretary of State for the Colonies.

3rd March, 1925

Your Confidential despatch of the 29th January I understand you mean scheme of customs co-ordination should be arranged on existing basis of separate departments. Governor Kenya thinks you mean complete fusion of departments and has so instructed Walsh who is now here with Franklin. Request immediate instructions.

Governor.

Reply.

b. a. C. 9941 20/11

REPLY. Telegram.

From Secretary of State for the Colonies.
To the Governor, Dar-es-Salaam.
Dated 4th March, 1925.
Received. 6th March, 1925.

b.o.c. 9964
5/11
1/11

Confidential. Your telegram confidential of the 3rd March, Customs. Your view that co-ordination should be arranged on existing basis is correct. It should be understood that one of the chief objects of the Customs Union is to avoid the difficulty arising from different interpretations of tariff law by two Customs Departments. You should consult the Acting Governor, Kenya, with a view to providing machinery to avoid such different interpretations.

HEGER.

8. RE-EXPORTS. The question does not arise in relation to goods ex bond warehouse, since duty thereon is collected on importation into the consuming Territory. It was unanimously agreed with reference to other re-exports that duty should be collected at the first port of entry such duty being allocated in due course to the consuming Territories.

In discussing Mr. Walsh's scheme it was found that the principal requirements could be met and all substantial difficulties overcome by the adoption in a modified form of the Regulations now in active operation in regard to goods passing between the Union of South Africa and Northern and Southern Rhodesia. As a result of full investigation unanimity was reached and a schedule is attached to this report showing the method by which it is proposed to control the traffic and allocate the duties collected thereon.

By the extension of this system to all re-exports between the Territories it is felt that in addition to providing a simple and equitable method of control and allocation of revenue

on re-exports between Tanganyika Territory and Kenya or Uganda a definite advance will be made on the present system of apportionment of revenue between Kenya and Uganda.

The Conference is agreed that with regard to broken bulk and parcel post traffic where the local purchase price is the only value disclosed, two thirds of this value should be accepted as a fair proportion upon which to base the duty payable to the consuming Territory as suggested by Mr. Walsh in paragraph 6 (c) of his memorandum and in paragraph 19 (d) of the ~~Summary~~ Report of the 1923 Customs Conference.

With the abolition of the drawback system the Conference is agreed that interchange of goods between the Territories should be allowed without any administrative charge to the public.

The following recommendations are made with the object of giving legal effect by the respective Governments to the scheme formulated above.

(a) By amendment of item 61. Table V of the Customs Tariff Ordinance 1923 by the inclusion of the words, after "manufacture of," of "or to have been duty paid in."

(b) By the addition of the following to the principal Customs Ordinance.

(1) The conditions under which the removal from or into the Territory may take place of goods which are subject to any agreement under this Ordinance with the Government of any Territory.

(2) The Governor in Council may enter into agreement with the Government of any Territory in Eastern Africa being a portion of British Dominions or under the protection of the Crown providing:-

Power to make Regulations.

Agreements with Governments of other East African territories.

That

That goods grown produced or manufactured in the
 Tanganyika Territory
 or
 Kenya and) Colony and Protectorate } shall be
 Uganda)

admitted into that Territory free of Customs duty
 and that goods grown produced and manufactured in
 that Territory shall be admitted into Tanganyika
 Territory free of Customs duty. Kenya
 Uganda

That one party to the agreement shall collect on
 behalf of the other party the Customs duties
 imposed in respect of goods which having been
 imported into its Territory are removed into the
 Territory of the other party.

9. CO-ORDINATION. In discussing this question the
 Conference were agreed that as all Regulations were based
 upon law it is essential that the principal Customs
 Ordinances should be uniform.

After careful consideration of various Customs
 Ordinances it was decided that the Ordinance in force in
 Tanganyika Territory was the one best suited as a model
 upon which to frame a uniform Ordinance.

A detailed examination of each Section of this
 Ordinance and the Regulations promulgated thereunder was
 then undertaken and an agreement reached that the Ordinance
 and Regulations should be suitable for adoption in the
 Territories subject to alteration in the following main
 particulars:-

CUSTOMS ORDINANCE.

- (a) Add to Section 27:-
 - (1) For the purpose of entry for Customs and
 collection of duty on goods imported into the

Territories

Territories by parcels post any form or label affixed to the parcel under the postal regulations shall be deemed to be an entry made under the provisions of this Ordinance, and the statement of value entered on any such form and signed by the sender shall, for the purpose of ascertaining for purposes of duty the value of the articles on importation into the Territories, take the place of the declaration to be made by the importer.

(2) All goods contained in any packets imported by parcels post and found not to agree with the value or description or quantity entered on the said form or label shall be subject to forfeiture or the importer shall be as liable to the penalties prescribed for under valuation or misdescription or wrong quantity as if an entry and a declaration had been made.

- (b) Sect.61. The time for perfecting entry to be increased from 14 days to three months.
- (c) Sect.90. In second line the words "deteriorated in value" to read "deteriorated in quality".
- (d) Sect.98. Period to be increased from one month to three months.
- (e) Sect.100. "Charge of the shipowner" to be altered to "Charge of wharfowner".
- (f) Sect.101. Amend to "Fees where payable to the Customs for goods deposited therein shall be paid as prescribed for goods in a King's Warehouse."
- (g) Sect.110. Time allowance of 24 hours be made for outward clearance as for inward.
- (h) Sect.126. Amend by substituting "allows" for "orders".
- (i) Sect.144 (1) (b). Delete "pillaged" and "lost", last line substitute "may" for "shall".
- (j) Sect.148. Words "other than spirits, wines and beer" to be deleted.

- (k) Sect. 215. For words "at Dar-es-Salaam" substitute "at the place of commission" and delete the remainder of the sentence.
- (l) Sect. 241. Final sentence to be altered to read "And the balance, if any, shall be paid into general revenue but may be refunded to the person entitled thereto if claimed within six months from ~~the~~ date of sale".
- (m) It is also proposed to insert a provision under Part IV authorising the Comptroller of Customs to dispose of minor offences in such manner as he considers justifiable.
- (n) A further provision should be made for the free admission of re-imported goods upon which duty has been previously paid and which have not been admitted to drawback.

REGULATIONS.

- Sect. 11. Delete all words after "Form I"
- Sect. 10 & 13. Delete, since already provided for in Tariff Ordinance.
- Sect. 18. Delete for Kenya.
- Sect. 21. Delete.
- Sect. 26. Entries to be submitted in Quadruplicate instead of Triplicate.
- Section. 27. Alter to read "for conveyance of uncustomed goods."
- Sect. 32. Delete.
- Sect. 35. Delete.
- Sect. 36. Substitute
"No unlicensed boat or lighter intended
"for the conveyance of uncustomed goods
"shall be allowed alongside a ship except

- (k) Sect. 215. For words "at Dar-es-Salaam" substitute "at the place of commission" and delete the remainder of the sentence.
- (l) Sect. 241. Final sentence to be altered to read "And the balance, if any, shall be paid into general revenue but may be refunded to the person entitled thereto if claimed within six months from ~~the~~ date of sale".
- (m) It is also proposed to insert a provision under Part IV authorising the Comptroller of Customs to dispose of minor offences in such manner as he considers justifiable.
- (n) A further provision should be made for the free admission of re-imported goods upon which duty has been previously paid and which have not been admitted to drawback.

REGULATIONS.

- Sect. 11. Delete all words after "Form I"
- Sect. 10 & 13. Delete, since already provided for in Tariff Ordinance.
- Sect. 18. Delete for Kenya.
- Sect. 21. Delete.
- Sect. 26. Entries to be submitted in quadruplicate instead of Triplicate.
- Section. 27. Alter to read "for conveyance of uncustomed goods."
- Sect. 32. Delete.
- Sect. 35. Delete.
- Sect. 36. substitute
"No unlicenced boat or lighter intended
"for the conveyance of uncustomed goods
"shall be allowed alongside a ship except

- (k) Sect. 215. For words "at Dar-es-Salaam" substitute "at the place of commission" and delete the remainder of the sentence.
- (l) Sect. 241. Final sentence to be altered to read "And the balance, if any, shall be paid into general revenue but may be refunded to the person entitled thereto if claimed within six months from ~~the~~ date of sale".
- (m) It is also proposed to insert a provision under Part IV authorising the Comptroller of Customs to dispose of minor offences in such manner as he considers justifiable.
- (n) A further provision should be made for the free admission of re-imported goods upon which duty has been previously paid and which have not been admitted to drawback.

REGULATIONS.

- Sect. 11. Delete all words after "Form I"
- Sect. 10 & 11. Delete, since already provided for in Tariff Ordinance.
- Sect. 18. Delete for Kenya.
- Sect. 21. Delete.
- Sect. 26. Entries to be submitted in quadruplicate instead of Triplicate.
- Section 27. Alter to read "for conveyance of uncustomed goods."
- Sect. 32. Delete.
- Sect. 35. Delete.
- Sect. 36. Substitute
"No unlicensed boat or lighter intended
"for the conveyance of uncustomed goods
"shall be allowed alongside a ship except

"except with the permission of the Collector."

Sect. 39. (1) Substitute "vessel" for "steamer" (2) Substitute "must be declared within 48 hours of landing or such further time as the Comptroller of Customs may allow."

Sect. 47 & 48. Add "Tobacco" to 47 and delete 48.

Sect. 50. After "shall be presented to the Collector" substitute "to be passed in the usual way".

Sect. 51. The duties on the following goods are required to be paid on first importation:-

(a) Firearms, gunpowder and matches, other than safety matches.

(b) Kerosene and Petroleum, except when stored in warehouses especially approved for the purpose.

Sect. 52. Delete. "Corrugated iron"

Sect. 53. Delete.

Sect. 62. Substitute "No goods shall be delivered by the wharfowner until released by the Customs."

Sect. 63. Preface with "Subject to Sect. 52".

Section 64. Delete.

Sect. 67. The declared value of the goods exported shall be F.O.B., i.e. the value of the goods at the port of shipment plus the charges for delivery on board the ship.

Section 73. Add "or which are certified by a Bank".

Sect. 74. Delete.

Sect. 76. Delete.

Sect. 88. The provision of section one hundred and forty three shall apply to the following goods:-

(1) Samples not exempt from duty.

(2) Articles, other than cinematograph films, brought in for local exhibition, including stage properties - provided they are re-exported within three months of date of importation.

(3) All articles not intended for consumption in the Territory imported by bona fide tourists for their use, convenience or comfort while in the Territory.

(The inclusion of this Regulation is suggested as it is felt that whilst the provision in Tanganyika Territory for the free admission of motor vehicles arms etc imported by tourists is reasonable the enumeration of particular articles is indefensible).

Sect. 84. When goods referred to in the previous regulation are imported, the importer shall deposit a sufficient amount to cover the duty on the goods and a permit shall be issued which shall contain:-

(a) A list of the goods imported specifying the nature of the goods and any remarks necessary for the purpose of identification.

(b) A statement of the duty chargeable and the amount of the deposit

and (c) The following conditions must be complied with

(1) The goods or articles must be re-exported within a period of six months from the date of importation.

(2) Due notice must be given to the Collector of Customs at the port of shipment of the intention to re-export the articles on which a refund of duty will be claimed, and at the same time the owner must produce proof of the original payment of duty

(3) A certificate must be produced from a proper Officer of Customs that the goods referred to therein have been duly shipped.

Sect. 97. Delete (a) and (f)

Sect. 104. (b) Delete "by registered post".

(d) Kenya regulations re General Transires to be incorporated.

Sect. 123. (2) Delete (f).

(3) All articles not intended for consumption in the Territory imported by bona fide tourists for their use, convenience or comfort while in the Territory.

(The inclusion of this Regulation is suggested as it is felt that whilst the provision in Tanganyika Territory for the free admission of motor vehicles arms etc imported by tourists is reasonable the enumeration of particular articles is indefensible).

Sect. 89. When goods referred to in the previous regulation are imported, the importer shall deposit a sufficient amount to cover the duty on the goods and a permit shall be issued which shall contain:-

(a) A list of the goods imported specifying the nature of the goods and any remarks necessary for the purpose of identification.

(b) A statement of the duty chargeable and the amount of the deposit

and (c) The following conditions must be complied with

(1) The goods or articles must be re-exported within a period of six months from the date of importation.

(2) Due notice must be given to the Collector of Customs at the port of shipment of the intention to re-export the articles on which a refund of duty will be claimed, and at the same time the owner must produce proof of the original payment of duty

(3) A certificate must be produced from a proper Officer of Customs that the goods referred to therein have been duly shipped.

Sect. 97. Delete (a) and (f)

Sect. 104. (b) Delete "by registered post".

(d) Kenya regulations re General Transires to be incorporated.

Sect. 123. (2) Delete (f).

(3) All articles not intended for consumption in the Territory imported by bona fide tourists for their use, convenience or comfort while in the Territory.

(The inclusion of this Regulation is suggested as it is felt that whilst the provision in Tanganyika Territory for the free admission of motor vehicles arms etc imported by tourists is reasonable the enumeration of particular articles is indefensible).

Sect. 95. When goods referred to in the previous regulation are imported, the importer shall deposit a sufficient amount to cover the duty on the goods and a permit shall be issued which shall contain:-

(a) A list of the goods imported specifying the nature of the goods and any remarks necessary for the purpose of identification.

(b) A statement of the duty chargeable and the amount of the deposit

and (c) The following conditions must be complied with

(1) The goods or articles must be re-exported within a period of six months from the date of importation.

(2) Due notice must be given to the Collector of Customs at the port of shipment of the intention to re-export the articles on which a refund of duty will be claimed, and at the same time the owner must produce proof of the original payment of duty

(3) A certificate must be produced from a proper Officer of Customs that the goods referred to therein have been duly shipped.

Sect. 97. Delete (a) and (f)

Sect. 104. (b) Delete "by registered post".

(d) Kenya regulations re General Transires to be incorporated.

Sect. 123. (2) Delete (f).

The question of securing uniformity in the Import and Export lists and the forms of entry used in the respective Departments was discussed. The desirability of this was admitted and the Commissioner of Customs, Kenya and Uganda, and the Comptroller of Customs, Tanganyika Territory agreed to correspond with a view to its attainment.

The Conference desire it to be clearly understood that the suggestions regarding the framing of a uniform ordinance are tentative, as a comprehensive survey of the Customs laws operating in other countries is obviously impossible in the brief period at its disposal.

With the object of securing the closest possible co-operation in the working of the two Customs Departments in future the Conference is agreed that it is desirable that:-

(a) All draft regulations (other than those purely local) and amendments to the law should be the subject of reference between the Heads of the respective Customs Departments before publication.

(b) That an interchange of all tariff interpretations should take place.

MISCELLANEOUS.

PETROLEUM. In view of the definite instructions contained in the last paragraph of the Secretary of State's Despatch, this matter was brought before the Conference. As the Governors of Kenya, Uganda, and Tanganyika respectively, after the fullest possible investigation, had already communicated to the Secretary of State that they were in agreement as to the retention of the present flat rate of duty, the Conference had no recommendations to offer.

SPIRITS. The question of the method of levying duty

Mr. W. S. 9a
on spirits was discussed with reference to the Confidential Despatch from the Secretary of State of the 11th of October 1924. Although the Conference was not convened for Tariff amendment yet they felt they should record that they were unanimously of opinion that the method of levying duty at present in use was eminently satisfactory and strongly urged that no change should be made.

The Conference wishes to record its appreciation of the valuable services of Mr. E. C. F. Bird as Secretary.

Sd. W. H. Franklin,
CHAIRMAN.

Sd. G. Walsh,
COMMISSIONER OF CUSTOMS
for KENYA AND UGANDA.

Sd. Ernest Adams,
COMPTROLLER OF CUSTOMS
for TANGANYIKA TERRITORY.

The other members of the Conference desire to express their sincere thanks to the Chairman for the able and tactful manner in which he has presided.

Sd. G. Walsh,
COMMISSIONER OF CUSTOMS
for KENYA & UGANDA.

Sd. Ernest Adams,
COMPTROLLER OF CUSTOMS
for TANGANYIKA TERRITORY.

Custom House,
Dar-es-Salaam.

7th March, 1925.

123. (3)

REMOVAL OF GOODS BETWEEN UGANDA, KENYA AND TANGANYIKA TERRITORY.

a. Whenever any imported goods, duty paid or free, whether on first importation or duty paid from a bonding warehouse, or out of open-stock, are despatched by any person for removal from the.....to and for consumption in.....such person, as the consignor of the goods, shall furnish a "Notice" (in the Form A in the Schedule hereto annexed) wherein shall be set forth the name of the person to whom and of the place and of the Colony or Territory to which the goods are to be consigned and removed for consumption, the mode of conveyance, the marks, numbers and description of the packages, description and net quantities with the landed value of the goods at the place of first importation into either Uganda, Kenya or Tanganyika Territory, and the name of the country where the goods were grown, produced or manufactured, sufficient to enable the duties, if any, paid thereon, to be assessed; and the consignor shall also frame an "Advice" (in the form B in the Schedule hereto annexed) which shall agree in all particulars with the relative Notice with the exception of the omission of the value.

b. Whenever any goods, the growth, produce or manufacture of.....are despatched by any person for removal from the.....such person shall furnish a Declaration and Advice (in the forms C and D in the Schedule annexed hereto), wherein shall be set forth the name of the person to whom and of the place into which such goods are to be consigned and removed for consumption, the mode of conveyance, the marks, numbers and description of the packages

packages, description and net quantities of the contents with the current market values thereof.

c. In the case of goods forwarded by Post, a form in the form E in the Schedule hereto annexed, may be substituted for the Notice and Advice or Declaration or Advice hereinbefore referred to. Such forms shall be handed in to the Post Office with the Parcel and shall be forwarded by the Postal Authorities to the Customs Statistical Office atand the Postal Authorities shall not forward such goods without the production of such form.

d. In the case of goods forwarded by Rail, the Notice or Declaration, as the case may be, shall be handed to the Railway Authorities, who shall after despatch of goods forward it to the Customs Statistical Office at and the Advice forms B and D, as the case may be, shall be transmitted or delivered to the Consignee, and no such goods shall be despatched by the Railway Authorities until such Notice or Declaration is supplied.

e. In the case of goods conveyed otherwise than by Post, Rail or Sea, the Notice or Declaration shall be sent direct to the Customs Statistical Office at by the Consignor; the Advice B or D, as the case may be, shall be handed to the carrier or other person conveying the goods, to be by him handed to the Consignee to be dealt with by him as directed in the Customs Regulations of the Territory he resides in.

f. Before any person in.....takes delivery of any goods from.....such person shall first have in his possession from the Consignor, the

Advice

Advice B or D hereinbefore referred to. In the case of goods conveyed by Rail, he shall endorse the arrival of the goods on the Advice B or D, as the case may be, and hand the same to the Railway Authorities, and in the case of goods otherwise conveyed, except by sea, he shall within twentyfour hours transmit the same duly endorsed to the Customs Statistical Office at.....

g. In the event of no such Advice B or D being received the Consignee shall within twenty-four hours report the arrival of the goods to the nearest Customs Officer, Administrative Officer or Police Officer.

h. Any person enteringand having or bringing with him any goods from either and having no Advice B or D, shall within twenty-four hours furnish to the nearest Customs Officer, Administrative Officer or Police Officer, a full and detailed list enumerating the net quantities and value of the goods, or shall produce his invoice to such officer, who will frame an account thereof and forward it or the list furnished by the importer, to the Customs Statistical Office at.....

i. In regard to goods removed by sea, the Notice A or Declaration C shall be furnished in triplicate and shall take the place of the Export Entry. The Advice B or D must be certified by the Customs at the Port of Despatch and forwarded to the Consignee as the warrant for the free admission of goods into the consuming Territory.

j. The foregoing regulations shall apply to goods removed from.....notwithstanding the fact that such goods may pass while in transit through the Territory of a Government that is not a party to any Customs Agreement with

NOTICE.

FOR IMPORTED GOODS DUTY PAID OR FREE
(Not to be used for Goods removed in Bond).

Imported goods removed to and for consumption in.....
in.....

To the of Customs the undermen-
tioned Imported Goods are removed from

Consignor..... to { Consignee.....

Address..... { Address.....

Marks and numbers.	No. and Description of packages	Name of Country where the Goods were grown, produced or manufactured.	No. & date of DESCRIPTION OF GOODS I. E. when particulars are available.	Customs Tariff Rate.	Net Value Quanti- ties as as- sented on importation into	Amount of duty paid on each part of the goods.	Amount of duty paid on each part of the goods.

I,.....do solemnly declare, to the best of my knowledge and belief, that the above particulars are true, and that the Goods are being despatched for consumption in.....

.....
Consignor.

The above goods have been delivered to the to be conveyed by Ship, } consigned to M.....
by Rail, }
Wagen, }
at..... Dated at..... this day of 192...

.....
(Customs Officer
Railway Officer
Carrier

If the goods hereon described are forwarded by rail this form is to be added in to the Railway official at the despatching Station for transmission to the..... of Customs..... If forwarded by sea the forms must be filed in at the Custom House at the Port of Despatch. If the goods are otherwise despatched, this form must be sent direct to the.....

FOR IMPORTED GOODS DUTY PAID OR FREE.
(NOT TO BE USED FOR GOODS REMOVED in Bond). 143

Imported Goods forwarded for consumption in in
.....

Consignor..... to (Consignee.....
Address..... (Address.....

Marks and numbers.	No. and Description of packages.	Name of Country where the Goods were grown, produce or manufactured.	DESCRIPTION OF GOODS.	Customs Tariff Rate.	Net Quantities as entered on importation into

To the Consignee I..... do solemnly declare that I have forwarded to the of Customs..... a notice as required by the Customs Regulations of the despatch of the above Goods. Upon delivery of goods to yourselves, the Advice must be endorsed accordingly and dealt with as directed in the instructions endorsed thereon.

Consignor

The above goods have been
delivered to the..... to be conveyed by Rail, Ship, or Wagon, consigned

to M..... at.....

Dated at..... this day of..... 192...

FORWARD DIRECT TO CONSIGNEE.

ENDORSEMENT TO ADVICE B.

To the..... at.....

The Goods described within have been received by me at.....

this..... day of 192.....

Consignee

N.B. In the case of goods received by rail, this Advice is to be handed to the Railway Authorities by the Consignee for transmission to the Principal Officer of Customs in the receiving territory. In the case of goods received by sea this Advice must be produced in support of free entry. In other cases it is to be forwarded by the Consignee to the Principal Officer of Customs in the receiving territory, marked "On Public Service". (Post Free).

THIS FORM IS REQUIRED IN DUPLICATE.

FORM C.

DECLARATION

**FOR GOODS, THE GROWTH, PRODUCE OR MANUFACTURE OF
UGANDA KENYA AND TANGANYIKA.**

144

(1) Name of Territory Removed from (1).....to and for consumption in
 (1).....
 To theof Customs.....
 Consignor..... to Consignee.....
 Address..... Address.....

Description of Packages	Name of Territory in which the goods were grown, produced or manufactured.	Particulars of the Goods in the Several Packages		Local Value of the Goods
		Description of Goods	Net Quantities	

I,..... do hereby solemnly declare, to be the best of my knowledge and belief, that the particulars of the goods above described are true, and that they are being despatched for consumption in.....as stated above.

Dated.....this.....day of.....192 .

 Consigner.

The Goods as above described, have been delivered to.....
to be conveyed by Ship, } consigned to
 Rail, }
 Wagon }

M.....at.....

Dated at.....192 .

On this form shall be shown all goods, the growth, produce or manufacture of Uganda, Kenya or Tanganyika Territory, including all goods containing an appreciable quantity of imported materials, and as regards such imported materials the quantities and values upon which duty was originally paid on first importation must be specified.

In the case of goods forwarded by Rail, this form is handed in to the Railway Authorities, who will forward it to the Customs. In other cases the form is to be sent direct to the of Customs..... by the Consigner marked "On Public Service". (Post Free).

N.B.- These forms are to be obtained at any Customs Office.

ADVICE TO CONSIGNEE.

FOR GOODS, THE GROWTH, PRODUCE OR MANUFACTURE OF UGANDA, KENYA
AND TANGANYIKA TERRITORY.

(1) Name of Territory Forwarded from (1) for consumption in
(1)

Consigner Consignee
Address Address

No. and Description of Packages.	Name of Territory in which the goods were grown, produced or manufactured.	Particulars of the goods in several packages		Local Value of the Goods
		Description of Goods.	Net Quantities.	

..... do hereby solemnly declare that I have forwarded
the of Customs a Declaration -
required by the Customs Regulations - of the despatch of the above-
mentioned goods. Upon the delivery of the goods to yours, use this Advice
must be endorsed accordingly and dealt with as directed further on.

Dated at this day of 192....

Consigner.

Goods as above described have been delivered to the
..... to be conveyed by Ship }
Rail }
Wagon }

Assigned to R.F. at
Dated at 192....

- This form is to be forwarded to the Consignee of the Goods.
- These Books of Forms are to be obtained at any Customs Office.

ENDORSEMENT TO ADVICE D.

the at
Goods described within have been received by me at
..... this day of 192....

Consignee.

- In the case of goods received by rail this Advice is to be handed by
the Consignee to the Railway Authorities for transmission to the Prin-
cipal Officer of Customs in together with the Railway
Advice Note relative to the Goods. In the case of goods received by sea
this Advice must be produced in support of Free Entry. In other cases
it is to be forwarded by the Consignee to the Principal Officer of
Customs in the receiving Territory marked "On Public Service". (Post

PARCEL POST.

For use in the case of Parcels between Uganda, Kenya and Tanganyika Territory.

Place to which the Parcel is addressed

Contents	Name of Country Overseas or Territory in which the Goods are Grown, Produced or Manufactured.	Net Weight of Contents lbs. oz.	X Current value of the Goods Shs. etc.

CAUTION - In the event of the above Declaration being found incorrect in any particular, the parcel will be liable to seizure by the Customs Authorities.

Name and Address of Sender:-

Name of Addressee

Address

Date of Posting 192....

X In the case of imported Goods, the original value on which duty was paid should, when known, be inserted in this column; where not known, the Local Purchase Value should be given and so described.

N.B.- This Form must be handed to the Postal Authorities at the place of despatch, who will forward it to the of Customs,.....

Your Excellency,

147

As requested by you I have, the honour to submit my reasons why I think the Customs Services on this Coast should be amalgamated and be under one head.

2. As you are aware I have had the honour of sitting as Chairman of three Customs Conferences and besides my official work brings me into close touch with the Customs Officers at all ports.

3. The agreement now proposed (see report of the Conference held at Dar-es-Salaam March 2nd to 7th, 1925) provides the facilities to trade and commerce that the commercial community have been asking for since 1920 but the basis of this agreement is the uniform tariff and co-operation in the interpretation of the law and regulations governing Customs matters.

4. I am afraid that differences will arise in application - even though the closest co-operation has been promised and I cannot think of any machinery to prevent these differences - Co-operation and goodwill being, as they must be - spontaneous.

5. I believe that the best interests of all the countries concerned would be fostered by the creation of H. M. Customs for East Africa a department purely for the collection of the Customs revenue on the Coast and elsewhere and allocating this revenue to the consuming countries.

The countries would then have a service all working on the same lines and the rules and regulations would be carried out in an identical manner at all stations.

I believe it would be better able to prevent smuggling.

The officers of the department would be able to be transferred to any part of the area instead of now being restricted to the country they are engaged in.

There would be a larger field for promotion open to promising young officers.

By the pooling of the cost of the services I believe the percentage cost of collection would be reduced ultimately.

Generally the commercial community would benefit by the Customs conditions at all ports of entry being the same.

6. I have mentioned that the basis of the Customs agreement is the "uniform tariff" - my strongest recollection of the last Tariff Conference was the difficulty in reaching agreement between Kenya and Uganda & Tanganyika in regard to the protective duties imposed at the wish of Kenya. I hope further tariff conferences will be delayed as long as possible so that some of these difficulties may disappear in the light of experience - but I am sure that if a tariff conference was called in the near future it would be almost impossible to reach agreement and the heads of the Customs Department would find themselves in the position of acting as "Advocates" for their countries' policy irrespective of how it affected revenue and it would be impossible to obtain sincere co-operation and smooth working under such conditions, especially as the result might easily be a severance on the tariff question and the loss to commerce of what has been gained after so many years endeavour. If there was one service for the Coast the danger of a split on the uniform tariff would be almost negligible as each country would see that compromises must be made in order to enable the Department to function.

7. I believe such a department of H. M. Customs in East Africa should and would be as coldly impartial and independent as my office strives to be.

8. In all tariff conferences I think the Head of the Amalgamated Services should attend, not as an advocate of policy, but as technical advisor to the conference as to how any advocated policy would affect revenue and trade in each and all of the countries represented.

9. I can quite understand that the matter of control would have to be considered - such a department could not have a loose rein - but I think control might easily be effected by a Customs Board consisting of the Treasurers of the countries interested sitting under an independent Chairman. Agreement between these financial officers would save all danger of disputes between the countries - being experts they could satisfy themselves as to the method of accounting and I would suggest that the proposed department should have attached to it a special Officer of the Colonial Audit Service. Such an Officer to be paid for from the Customs Vote.

10. At present the overhead costs of collection of the revenue of the whole area is unevenly divided, roughly speaking some 25% of Tanganyika's trade passes through Mombasa, the cost of Customs work in connection with this is paid by Kenya and Uganda, under the present agreement, this cannot be helped, but if an Amalgamated Service was inaugurated, each country would bear its right proportion.

CUSTOMS DEPARTMENT OF KENYA AND UGANDA

No. C. 136.

CUSTOMS HOUSE,

CONFIDENTIAL.

MOMBASA, 18th March, 1925.

y to
e Chief Secretary, Entebbe.

The Hon'ble Acting Colonial Secretary,
Nairobi.

Refce. Your B.22599/6/5/20 of 27.2.25.

With further reference to paragraph 5 of my memorandum of the 9th instant, the following are the main reasons which convince me of the desirability, and probable ultimate necessity for amalgamating the Customs Departments of Kenya, Uganda and Tanganyika Territory under one administrative Head.

2. The principle of single payment of duty, free interchange of goods, with co-ordination of law and procedure has been accepted by the Secretary of State and the Governments concerned. The Report of the recent Customs Conference indicates the steps by which it is proposed to effect the practical application of this principle.

3. On completion of the scheme formulated in the Report, the three territories will be working along almost identical lines so far as Customs matters are concerned, but whereas the Customs staffs of Kenya and Uganda are under one administration, the Customs Department of Tanganyika Territory remains entirely separate. As between Kenya and Uganda there can be no question of co-ordination because the laws are identical and are administered by one Department but in order to continue to follow the policy of co-ordination with Tanganyika Territory, it will be necessary in existing circumstances to arrange for periodical conferences between the Heads of the two Customs

No. C.136.

CUSTOMS HOUSE,

CONFIDENTIAL.

MOMBASA, 18th March, 1925.

Copy to
The Chief Secretary, Entebbe.

The Hon'ble Acting Colonial Secretary,
Nairobi.

Refce. Your B.22599/6/5/20 of 27.2.25.

With further reference to paragraph 5 of my memorandum of the 9th instant, the following are the main reasons which convince me of the desirability, and probable ultimate necessity for amalgamating the Customs Departments of Kenya, Uganda and Tanganyika Territory under one administrative Head.

2. The principle of single payment of duty, free interchange of goods, with co-ordination of law and procedure has been accepted by the Secretary of State and the Governments concerned. The Report of the recent Customs Conference indicates the step by which it is proposed to effect the practical application of this principle.

3. On completion of the scheme formulated in the Report, the three territories will be working along almost identical lines so far as Customs matters are concerned, but whereas the Customs staffs of Kenya and Uganda are under one administration, the Customs Department of Tanganyika Territory remains entirely separate. As between Kenya and Uganda there can be no question of co-ordination because the laws are identical and are administered by one Department but in order to continue to follow the policy of co-ordination with Tanganyika Territory, it will be necessary in existing circumstances to arrange for periodical conferences between the Heads of the two Customs

- 4 -

11. Though rather outside of your questions yesterday, I would like to say that as H. M. Trade Commissioner, I would very much like to see Zanzibar included in the Customs Agreement and her Customs be included in the new department I advocate.

Sd/- W. H. FRANKLIN.

H. M. TRADE COMMISSIONER.

18 - 3 - 25.

CUSTOMS DEPARTMENT OF KENYA AND UGANDA.

CUSTOMS HOUSE,

MOMBASA, 18th March, 1925.

No.C.136.

CONFIDENTIAL.

Copy to
The Chief Secretary, Entebbe.

The Hon'ble Acting Colonial Secretary,
Nairobi.

Re: Your B.22599/6/5/20 of 27.2.25.

With further reference to paragraph 5 of my memorandum of the 9th instant, the following are the main reasons which convince me of the desirability, and probable ultimate necessity for amalgamating the Customs Departments of Kenya, Uganda and Tanganyika Territory under one administrative Head.

2. The principle of single payment of duty, free interchange of goods, with co-ordination of law and procedure has been accepted by the Secretary of State and the Governments concerned. The Report of the recent Customs Conference indicates the steps by which it is proposed to effect the practical application of this principle.

3. On completion of the scheme formulated in the Report, the three territories will be working along almost identical lines so far as Customs matters are concerned, but whereas the Customs staffs of Kenya and Uganda are under one administration, the Customs Department of Tanganyika Territory remains entirely separate. As between Kenya and Uganda there can be no question of co-ordination because the laws are identical and are administered by one Department but in order to continue to follow the policy of co-ordination with Tanganyika Territory, it will be necessary in existing circumstances to arrange for periodical conferences between the Heads of the two Customs

Departments. Disagreement on questions of procedure is by no means an impossibility and in practice points of difference must arise so long as control is divided. Particularly is this likely to be the case in regard to the allocation of Revenue on re-exported goods, more especially on goods from broken bulk stocks, as each Departmental head will naturally desire to obtain the maximum amount of Revenue for the particular Government to which he is responsible. Under one central control such a danger will be avoided, as the element of possible partiality will be eliminated and a dis-interested and just allocation of Customs Revenue will be assured. An independent Audit check of the statistics of the combined Department would provide all necessary additional safeguard in this connection.

4. As regards Customs law and procedure generally, under two Departmental heads, differences are bound to occur, but if the Departments were amalgamated, the necessity for periodical conferences would be obviated as identical procedure at all Customs ports and stations in Kenya, Uganda and Tanganyika Territory would follow as a natural consequence.

5. So far as expenditure is concerned, the present position is that the Kenya & Uganda Governments contribute to the expenses of the combined Department in direct proportion to the amount of Customs Revenue accruing to each Government. Tanganyika Territory retains its own Customs Revenue and bears the expenses of collection. Under the proposed scheme of single payment of duty with two Departments functioning as in the past, the same system will apply, but the equity
of

Departments. Disagreement on questions of procedure is by no means an impossibility and in practice points of difference must arise so long as control is divided. Particularly is this likely to be the case in regard to the allocation of Revenue on re-exported goods, more especially on goods from broken bulk stocks, as each Departmental head will naturally desire to obtain the maximum amount of Revenue for the particular Government to which he is responsible. Under one central control such a danger will be avoided, as the element of possible partiality will be eliminated and a dis-interested and just allocation of Customs Revenue will be assured. An independent Audit check of the statistics of the combined Department would provide all necessary additional safeguard in this connection.

4. As regards Customs law and procedure generally, under two Departmental heads, differences are bound to occur, but if the Departments were amalgamated, the necessity for periodical conferences would be obviated as identical procedure at all Customs ports and stations in Kenya, Uganda and Tanganyika Territory would follow as a natural consequence.

5. So far as expenditure is concerned, the present position is that the Kenya & Uganda Governments contribute to the expenses of the combined Department in direct proportion to the amount of Customs Revenue accruing to each Government. Tanganyika Territory retains its own Customs Revenue and bears the expenses of collection. Under the proposed scheme of single payment of duty with two Departments functioning as in the past, the same system will apply, but the equity

of the arrangement will be somewhat disturbed ⁴⁵³ re-export traffic between the territories is in effect almost entirely re-export traffic from Kenya to the other dependencies. Consequently the work of collecting and allocating the duty on these re-exports will fall upon the Customs Department of Kenya and Uganda without any payment by the Tanganyika Territory Government for services rendered. I do not recommend that any charge can properly be made, but draw attention to this aspect of the matter, as I consider it a further argument in favour of unified control as expenses would then be posted and the several Governments would be responsible for a proportion in direct ratio to the amount of duty collected on articles consumed in each territory.

6. By co-ordination of law and procedure and acceptance of the principle of single payment of duty, the most important step towards "Complete Customs Union" as understood by this Government will have been taken, but the small vexatious problems arising and inseparable from divided control will remain. In my opinion these can all be overcome by a complete amalgamation of the Departments and this appears to me to be the only logical course to pursue.

7. I therefore strongly recommend that at the time of forwarding the Report of the Conference to the Secretary of State further representations regarding the desirability of complete fusion of the Departments should be made. In the meantime the work of co-ordination can proceed, but a final decision should be reached before the suggested amendments to the law are brought before the respective Legislatures.

Sd/- G. WALSH.
COMMISSIONER OF CUSTOMS, KENYA & UG.

of the arrangement will be somewhat disturbed at 53
re-export traffic between the territories is in effect
almost entirely re-export traffic from Kenya to the
other dependencies. Consequently the work of
collecting and allocating the duty on these re-exports
will fall upon the Customs Department of Kenya and
Uganda without any payment by the Tanganyika Territory
Government for services rendered. I do not recommend
that any charge can properly be made, but draw attention
to this aspect of the matter, as I consider it a
further argument in favour of unified control as
expenses would then be posted and the several Govern-
ments would be responsible for a proportion in direct
ratio to the amount of duty collected on articles
consumed in each territory.

6. By co-ordination of law and procedure and
acceptance of the principle of single payment of duty,
the most important step towards "Complete Customs
Union" as understood by this Government will have been
taken, but the small vexatious problems arising and
inseparable from divided control will remain. In my
opinion these can all be overcome by a complete
amalgamation of the Departments and this appears to me
to be the only logical course to pursue.

7. I therefore strongly recommend that at the
time of forwarding the Report of the Conference to the
Secretary of State further representations regarding
the desirability of complete fusion of the Departments
should be made. In the meantime the work of
co-ordination can proceed, but a final decision should
be reached before the suggested amendments to the law
are brought before the respective Legislatures.

Sd/- G. WALSH.

COMMISSIONER OF CUSTOMS, KENYA & UG.

Mr. Seel. 05.5.25.

Mr. Allen 15

Mr. Bottomley 15

Mr. Green 16

Mr. Strachey 16

Sir C. Davis.

Sir G. Grindle.

Sir J. Masterton Smith.

Mr. Ormsby-Gore.

Mr. Amery.

DAK. 18953 / 25 E.Af. Kenya.

C. D.
R 18 MAY
D *[initials]*

DRAFT.

2nd

20 May 1925

Uganda
Conf.
O.A.G.
T.T. Conf.
Gov. Cameron.

S2
SIR,

I have etc. to inform you that I have received from the As. Governor of Kenya a copy of the Report of the Customs Conference held at Dar-es-Salaam on the 2nd of March ~~29th of January~~, 1925.

2. The As. Governor of Kenya has informed me that he concurs in the recommendations of the Conference; and I shall be glad to learn when I

see (2) Ormsby-Gore's minutes. before writing as in last part of it will be necessary await views of Uga. T.T. Gov's approval of the Report in connection of those views.

I think it this is the intention
W.S. 1.7.25 C.P. 16/5