

1923

217

UGANDA

14124

RE 19 MAR 23 113

DATE

Governor Archer 116

14 February /23

CIRCULATION:-

Mr. Parkinson

Mr. Clerk

Mr. [unclear]

W. St. [unclear]

[unclear]

U.S. of S. 4/12/23

U.S. of S. 4/12/23

Secretary of State

SUBJECT

Customs Tariff (Amend.)
Order No. 1 of 1923

Two copies, with legal report. Section 3 of present Ordinance respects Customs Tariff (Amend.) Order No. 34 of 1922.

Three copies to Library

Previous Paper

M. P.

11/23

MINUTES

21/23
Then in the Ordinance referred to in para. 2 of draft to the D.O.T. on 6/4/23. It reads in minutes on 11/30/23 Africa.

The O.A.G.'s despatch to the Governor of Kenya, enclosed with this despatch, shows the confusion which was caused by the [unclear] objection raised by F.T. to the introduction of free trade in exports from one dependency to another. The confusion is now at an end. The same in all three countries. The legislation provides for the exemption from import duties of goods entering a dependency which

Subsequent Paper

15515

are the present produce
 a manufacture of one
 of the other. In any case
 for those 6 of his duties
 to the favour of Kenya the
 favour must I think have
 been referring to the state
 of affairs which would
 have existed had Order
 No. 34 of 1922 (5064/22) (Kenya)
 been repealed by this Order
 been retained. Under the
 new Order imported goods
 cannot now reach Uganda
 or Tanganyika without
 payment of duty as
 they will not be the produce
 of a manufacture of
 T.T. Hence therefore many
 of the entries into Uganda
 either via Kenya or direct
 T.T. of such have not
 broken they can be
 also obtain refund of T.T.
 but that is a
 Uganda affair
 The position is fully
 clarified by the letter now in

see minutes
 on this paper

see

from the D.O.T. on 15/5/22 ¹¹⁴/₂₂
 may be left as it is for the
 present. As the D.O.T. have
 already got a copy of this
 new Uganda Ordinance in the
 Gazette of 5th February, we
 need not send them a copy.

But the following Ordinances
 are now awaiting formal sanction:

Kenya.

XIII of 1922 (56398/22)

XXIV of 1922 (11309/22)

Uganda

XXI of 1922 (59867/22)

I of 1923 (this paper)

T.T.

40 of 1922 (11018/22)

I have compared the drafts
 in the Kenya Order XIII of 1922
 & T.T. of Order 40 of 1922 & they
 are identical except for the
 provision in para 2 of the Schedule
 the Kenya Order (Table 1) for the
 exemption of goods intended for

the construction of the Ordinance
Havana Order

The Havana Ord^o 30 of
1922 ~~is~~ ^{is} ~~the~~ ^{the}
Kenya Tariff, except that
Raw Cotton, as provided in Sec. 3
of the Ordinance, is added
to the list of exempted articles.

The provision for free trade
in Articles the growth, produce
or manufacture of any of the
dependencies made by

Kenya Order ~~XXXX~~ of 1922
Havana Ord^o I of 1923
and Havana 44 of Table VI of
the Schedule to F.T. Order No 40
of 1922

Subject to legal views
sanction all these Ordinances
concerning of Kenya as to the
meaning of material in Havana
44 of Table VI, Schedule I
Order ~~XXXX~~ of 1922

as Havana Order ~~XXXX~~ of 1922
(5064/15) is now repealed, it
need not be sanctioned.

I have not mentioned
in this paper the question

of writing ball 3 for the purpose
the introduction of complete
free trade, in the ^{see} ~~order~~ ^{order}
is no exception for the
Please see minutes on 185/1/23

885
30/3/23

Have you any observations, please,
as regards the Ordinances
wh. are awaiting sanction?

T.F. has adopted the tariff
wh. is provided in the Kenya
Ord^o VIII of 1922 (1839/22),
with the exception referred
to by hotel, which is of
course not necessary in
a F.T. Ord^o - i.e. provision
presumption of goods
imported for use in Keloidia
Havana construction

In local Conf^o may
suggest minor modifications,
but as the Gals are
in fact agreed on these
duties, it seems more
wise to maintain that we should
have any difficulties,
but when you have looked
at the Ord^o from the legal
point

views I can discuss with
Mr. B. B. ... to some particular
items which he wishes to
look into further.

You will note that Uganda
imports into the Ord. are
additional - "A" articles
very hard cotton - see Ord.
30 of 1922 in 1923. This
does not appear in the
Kenya in S.I. schedule of
free articles. The explanation
is given in para 10 of A.P.
memo on Uganda Customs
Tariff Ord. 1921 in Report 1921
(Duplicate handle). I do not
wonder it is readily necessary
but there is no harm in
allowing their inclusion in
the new Uganda Ord. to
stand.

subject to any more details
you may desire to be
further each of the 5
+ ... prepared by Kenya
ref. "intercept" (T.T. has
the same phrase but in T.T.
Tables & from Kenya it will
appear to work Kenya)
Do complete action ref.
D.O.P. ref. 1923 that
these Ord. have been
sent to the
about 1923

main however
that as well as
the Ord. subject
to new one
Kenya
in view of
that Kenya
referred to in
Schedule 2 of
Kenya.

Kenya Ord.
44

I have no legal views to make on
these 5 proposals which will in any degree
affect their purpose.

A.H.
4/6

So far as the Uganda Ord. is concerned
it is based on the Report.

Kenya Ord. 23

4/6
4/11/23

at ... 6/9/23

4124

19 23
GOVERNMENT HOUSE,
UGANDA

No. 116.

14th February, 1923. 117

My Lord Duke,

With reference to Mr Jarvis's despatch No. 19 of the 10th January, enclosing copies of Ordinance No. 34 of 1922 entitled "The Customs Tariff (Amendment) Ordinance, 1922", and his telegram of the 5th February, I have the honour to transmit two authenticated and twelve printed copies of Ordinance No. 1 of 1923, entitled "The Customs Tariff (Amendment) Ordinance, 1923", which was passed in the Legislative Council on the 2nd February and published in the Official Gazette on the 12th February.

2. The genesis of this amendment is explained in the accompanying report by the Attorney General and in Mr Jarvis's Confidential despatch of the 22nd January, addressed to the Governor of Kenya, a copy of which is enclosed for Your Grace's information.

I have the honour to be,

Mr Lord Duke,

Your Grace's most devoted and most obedient servant.

G. F. Archer
GOVERNOR.

049/8064/23 EA

Ordinance No. 1

Report No.

Despatch

No. 110

118

AN ORDINANCE TO AMEND THE CUSTOMS TARIFF ORDINANCE, 1922.

.....

In my opinion His Excellency's assent may properly be given to the above-mentioned Ordinance.

Ala. Hogg
ATTORNEY-GENERAL.

at t e s t e,
3rd February, 1923.

R E P O R T

on an Ordinance entitled

"THE CUSTOMS TARIFF (AMENDMENT) ORDINANCE, 1923."

1. This Ordinance was enacted at the request of the Governor of Kenya.

2. By section 3 it repeals the Customs Tariff (Amendment) Ordinance, 1922, which came into force on the 1st of January of this year. That Ordinance, enacted on the instructions of the Secretary of State, adopted full reciprocity between Tanganyika Territory and this Protectorate. But it was subsequently discovered that neither Tanganyika Territory nor Kenya had adopted full reciprocity, but had adopted a modified reciprocity dealing only with goods being the growth, produce or manufacture of the other Colony and, under the prevailing system of giving rebates of customs duty on goods leaving Tanganyika, it was possible for goods to be imported into Uganda free of customs duty.

3. To prevent this taking place it was necessary to bring the Uganda Customs into line with that of Kenya, the Ordinance under report does this by adding to the list of free goods contained in section 3 of the Customs Tariff Ordinance, 1922, all goods being the growth, produce or manufacture of Tanganyika Territory.

4. In my opinion this Ordinance has been duly enacted.

Alvin K. ...
ATTORNEY-GENERAL.

T E B E E,
th February, 1923.

ENCLOSURE TO DESPATCH
No 116 OF 14.2

CONFIDENTIAL

22nd January, 1923

Sir,

I have the honour to refer to my secret despatch dated the 7th February, 1922, Your Excellency's secret despatch dated the 16th December, and subsequent telegraphic correspondence on the subject of Customs reciprocity between Kenya Colony, Uganda and the Tanganyika Territory, and to enclose, for Your Excellency's information, a copy of the Ordinance enacted here on the 30th December last with the object of removing Customs barriers between Uganda and Tanganyika.

2. In a cypher telegram from the Secretary of State dated the 30th November, I was instructed to legislate for the removal of these barriers, and in a further telegram dated the 7th December the Secretary of State, referring to Your Excellency's cypher telegram of the 6th December addressed to him, informed me that he agreed to the adoption of the 1st January, 1923, as the operative date for the "whole of the arrangements both as to local produce and imports".

3. It was clear from these instructions that the Secretary of State contemplated full and not merely a modified form of reciprocity between the three territories, and action was accordingly taken here on the lines of the draft bill which accompanied Your Excellency's secret despatch— of the 16th December.

HIS EXCELLENCY THE GOVERNOR,
COLONY AND PROTECTORATE OF KENYA
NAIROBI.

4. Your Excellency has indicated, in your earlier telegram of the 20th December, that objections had been raised by the Tanganyika Government and that reciprocity between the three territories would be limited to the free importation, from one to the other, of goods being the growth, produce or manufacture of either territory. Your Excellency also requested me to state whether legislation would be passed before the end of the year to secure free importation into Uganda of produce from Tanganyika, and in my earlier telegram of the 21st December I replied in the affirmative. Your Excellency's further earlier telegram of the 25th December confirms the position in regard to the agreement reached with the Government of Tanganyika Territory.

5. On the 30th December the Uganda Ordinance was enacted permitting the free import into Uganda of goods exported into Tanganyika Territory as well as goods originating therein. I was advised that the terms of the Uganda Ordinance complied with the Secretary of State's instructions and it had not been possible for Your Excellency to function as is envisaged with a copy of the later Bill superseding the draft Bill transmitted under cover of your secret despatch of the 18th December. I am, moreover, still unacquainted with the nature or force of the Tanganyika Government's objections to full reciprocity.

6. The position now appears to be that goods exported from Uganda into Tanganyika, other than those which are the growth, produce or manufacture of this Protectorate, are liable to duty, while all goods exported from Tanganyika into Uganda are duty free; and I understand that imported goods can now reach Uganda via Tanganyika without payment of any duty in respect of the Customs duties payable upon

in force. When this position is appreciated by the trading community, it is obvious that a serious loss of revenue may ensue.

I regret the mistake which has occurred and I see no alternative than to repeal Uganda Ordinance No 34 of 1922 and pass legislation in conformity with that enacted in Kenya and Tanganyika.

I have the honour to be,

Sir,

Your Excellency's most obedient servant.

(signed) E. B. Jarvis.

ACTING GOVERNOR.

From 14/24/23 Uganda

Draft

123

Uganda
NO 118

Downing Street,

Sir Archer

18 April

1923

Sir,

M. J. J.

10/4/23
K. J. J.

I have the honour to acknowledge the receipt of your despatch No. 602 of the 24th of October, 1922, and your despatch No. 116 of the 14th of February, 1923, and to inform

you that His Majesty will not be advised to exercise his power of disallowance in respect of Ordinances No. 30 of 1922 and No. 1 of 1923 of the Legislature of Uganda, entitled respectively

86/22
4/24/23

The Customs Tariff Ordinance, 1922, and
The Customs Tariff (Amendment) Ordinance, 1923

I have the honour to be,

Sir,

Your most obedient humble servant,

(Signed) DEVONSHIRE

Officer Administering
the Government of

Uganda

The Customs Tariff Ordinance,
1922, No 221 of 1922.

The Customs Tariff (Amendment)
Ordinance, 1923, No 19 of 1923.

Tanganyika Territory

The Customs Tariff

Ordinance, 1922, No 40 of 1922.

11018
23

(Signed) H. J. HEAD

DEPARTMENT OF OVERSEAS TRADE

(DEPARTMENT AND INTELLIGENCE)

35, OLD QUEEN STREET

LONDON, S.W.1

126



RECEIVED
18 APR 1923
COL OFFICE

15th April, 1923

Diagrams: Advantage, Parl, London
Telegrams: Victoria 9040

Any communication respecting
this matter should be addressed to THE
CONTROLLER-GENERAL, quoting

Ref. No. 9407/ED

P. ...

attach

14/10/23

cccl

6.23

class

Sir,

I am directed by Colonel Buckley to acknowledge
with thanks the receipt of your letter No. 14124/1923 of the 13th
April, notifying the sanctioning of Ordinances dealing
with Customs Amendments in Kenya, Uganda and Tanganyika
Territory.

I have the honour to be,

Sir,

Your obedient servant,

R. Edgecumbe

for the Comptroller-General.

(m)

The Under Secretary of State,
COLONIAL OFFICE,
S.W.1.