

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 4933

DATED 14th December 98

[Despatch Abstract.]

Commg. to the Bd. of Rev. Encl. of the
Govt of India forwarding copies of the circular
from the Custom House, London, on the subject
of the treatment of transhipped goods under
the English Merchandise Marks Act.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

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Revenue (1898) Department.

CURRENT No. 8472

11/12/98

From

Order his N 24933 of 14th Dec 1898

Communicated to the Board of Rev

11/12/98

The Government of India -
Finance & Commerce Dept.

No. 5349 S.R.

Dated 6th Dec 1898

Received 11th Dec.

Registered 12th

Enclosures 8

Spare copies.

5 To the Board of Rev (S.R.) 15.12.98
Ch. D. C. of Commerce Madras
with 7 copies of the Circular

KQ
13/12/98

The Board of Rev

SUBJECT.

Forwarding, for communi-
-cation to the Collector of Customs,
Madras, copies of the Circular from
the Customs House, London, on
the Subject of the treatment of
transhipped goods under the
English Merchandise Marks Act

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17/12/98

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No.5349-S.R.

Government of India.

FINANCE and COMMERCE DEPARTMENT.

Calcutta, the 6th December 1898.

Read-

Circular of the Custom House, London, No.10812 dated the 4th October 1898, received with a letter from the India Office dated the 9th November 1898, on the subject of the treatment of transhipped goods under the English Merchandise Marks Act.

Ordered that copies of the circular be forwarded to the Governments of Madras, Bombay, Bengal and Burma, for communication to the Collectors of Customs.

J.A. Robinson
Offg.Asstt.Secy.to the Govt.of India.

Secy., Customs,

10,812,

No. 1898. To the Secretary of the Customs, London. Sir, I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the subject of the proposed amendment of the Customs Act, 1859, and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

Note for communication to the Government of India and to Colonial Governments.

It is thought that it may be advisable, in connection with the subject of Merchandise Marks, to invite the attention of the Government of India, and of the Governments of those Colonies which have legislated for the protection of Industrial Marks, to the following extract from the Forty-Second Annual Report of the Commissioners of Her Majesty's Customs, being that for the financial year 1897-98:—

* The Select Committee of the House of Commons on Merchandise Marks, Session of 1897.

"The Select Committee* further recommended that goods in transit should be exempted from the operation of the Merchandise Marks Acts. To give full effect to this recommendation, an alteration of the law would be required. But, acting in the spirit of the recommendation, we have, with your Lordships' concurrence, adopted the principle that no examination of goods in transit is to be made specially for the purpose of scrutinising marks. Accordingly we now take notice of marks on such goods only if we meet with them in the course of examination of the goods for revenue purposes; and as we are revising our Transit Regulations with a view to reducing to a minimum the opening and examination of packages in transit, the occasions on which, in future, marks will come under observation will be rare. As further recommended by the Committee, steps are being taken to ascertain what precautions may be necessary to prevent the Customs authorities in India and the Colonies from being misled as to the origin of goods that have passed through the United Kingdom in transit."

Goods of foreign manufacture may pass through the ports of the United Kingdom for places abroad in several ways. They may be imported into the United Kingdom, may remain there for some time, and then be re-exported. In that case the goods, on their arrival in the United Kingdom, are treated as though they were for home consumption, and are subjected to full examination by the Customs. To goods of this class this Memorandum has no reference. It refers only to goods that pass through the United Kingdom avowedly in transit, and such goods may be of two kinds. They may form part of a cargo loaded abroad, remaining undisturbed in a vessel that completes her loading in a British port; or they may be transhipped in the United Kingdom, and form part of the cargo placed on board in this country. In the former case they are not, and never have been, subjected to inspection by the British Customs; but in the latter case they have, until recently, undergone a certain amount of examination; and occasional detentions have been made of goods in transit that violated the provisions of the Merchandise Marks Acts. In future, as will be gathered from the above extract, goods entered for transhipment will very seldom be examined by the British Customs, and it seems right that the Customs

authorities in India and the Colonies should be made aware of this, in order that they may not assume that goods arriving in vessels that have cleared from a port in the United Kingdom must have been passed by the Customs in this country as satisfactory in respect of marks.

It will thus be necessary for the Indian and Colonial authorities to satisfy themselves that goods bearing marks suggestive of British origin, arriving in a vessel that has cleared from a British port, are really of British production or manufacture, and are not foreign goods that have merely passed through the United Kingdom. As some guide on this point it may be well to remark that, according to the regulations in this country, when goods are reported and entered as in transit for a British possession, a Transhipment Certificate (in form annexed, usually printed on pink paper) is made out by the exporter or his agent, and, when signed by the proper Customs officer, is attached to the "Clearance" of the ship. Thus a ship's papers contain evidence as to what portion of her cargo has been brought from abroad and put on board after transhipment; and it would be open to the Customs officers in India and the Colonies to inspect such evidence if they thought fit. The evidence would not apply to goods loaded abroad, and carried forward to their destination in the same vessel; in regard to these it would remain necessary, in cases of suspicion, to find other means of ascertaining the circumstances under which they had been placed on board a vessel arriving from the United Kingdom.

Custom House, London,
4th October 1898.

TRANSHIPMENT GOODS (Form No. 59).

CUSTOM HOUSE,

day of

189

THE following Goods having been imported per

from

, which Vessel reported

day of

, 189

, have been entered for Transhipment on board

the

for

Collector.

Secy., Customs,

No. 10,812,
1898.

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Goods of foreign manufacture may pass through the ports of the United Kingdom for places abroad in several ways. They may be imported into the United Kingdom, may remain there for some time, and then be re-exported. In that case the goods, on their arrival in the United Kingdom, are treated as though they were for home consumption, and are subjected to full examination by the Customs. To goods of this class this Memorandum has no reference. It refers only to goods that pass through the United Kingdom avowedly in transit, and such goods may be of two kinds. They may form part of a cargo loaded abroad, remaining undisturbed in a vessel that completes her loading in a British port; or they may be transhipped in the United Kingdom, and form part of the cargo placed on board in this country. In the former case they are not, and never have been, subjected to inspection by the British Customs; but in the latter case they have, until recently, undergone a certain amount of examination; and occasional detentions have been made of goods in transit that violated the provisions of the Merchandise Marks Acts. In future, as will be gathered from the above extract, goods entered for transhipment will very seldom be examined by the British Customs, and it seems right that the Customs

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Custom House, London,
4th October 1898.

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day of 189

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from , which Vessel reported
day of , 189 , have been entered for Transhipment on board
the for

Collector.

When given for copying _____
When copied _____
When examined _____
When signed _____

189

READ AGAIN G.O., No.

DATED

189

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

.. .. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT OF THE DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.