

**CUSTOMS (IMPORT LICENSING) REGULATIONS.<sup>(1)</sup>****Regulations.****No. 34 of 1951.**

- Short title. 1. These Regulations may be cited as the *Customs (Import Licensing) Regulations*.<sup>(1)</sup>
2. In these Regulations, unless the contrary intention appears:—  
 “licence” means a licence granted in pursuance of these regulations;  
 “Licensing Officer” means an Officer authorized by the Administrator to act as a Licensing Officer for the purpose of these regulations;  
 “Territory” means the Territory of Papua and New Guinea.
- Prohibition of imports. 3. The importation of any goods shall be prohibited unless—  
 (a) a licence to import the goods is in force and the terms and conditions (if any) to which the licence is subject are complied with; or  
 (b) the goods are excepted from the application of these regulations.
- Application of regulations. 4. These regulations shall apply with respect to the importation of any goods notwithstanding that a licence or other authority for the importation of the goods is in force under the provisions of any other law.
- Saving of other laws. 5. The grant of a licence under these regulations with respect to any goods or the exception of any goods from the application of these regulations shall not absolve any person from the obligation to comply with the provisions of any other law relating to the importation of goods.
- Applications for licences. 6.—(1.) Any person desiring to import goods not excepted from the application of these regulations shall make application in accordance with the form in the Schedule hereto, for a licence to import the goods.

(1) Particulars of these Regulations are as follows:—

Ordinance under which made.	Date on which made by Administrator in Council.	Date on which published in Papua and N.G. Govt. Gaz.	Date on which took effect and came into operation.
<i>Customs Ordinance 1951</i> . . . .	22.11.1951	1.12.1951	“forthwith” (a)

(a) These Regulations stated in their introductory part that they were “to come into operation forthwith”. At the relevant dates in 1951 the *Customs Ordinance 1951* (under which these Regulations were made) made no provision as to the date of commencement of regulations made thereunder but Section 37 (1.) of the *Ordinances Interpretation Ordinance 1949-1951* of the Territory of Papua and New Guinea provided that “Regulations . . . made . . . under an Ordinance, unless the contrary intention appears in the Ordinance—

(a) shall be published in the *Gazette*; and

(b) shall . . . take effect from the date of publication, or where another date is specified in the regulations, from the date specified”.

At the relevant dates in 1951, there was no Ordinance or regulation of general application providing for the meaning of “forthwith”.

(2.) The application shall be delivered, in such manner as the Administrator directs, to the Collector of the port at which it is proposed to import the goods:

Provided that where the Administrator so directs the application shall be delivered to the Chief Collector of Customs.

7. A person shall not, except where the Administrator otherwise approves, apply for a licence to import any goods unless he intends forthwith to give to the overseas supplier firm directions for the exportation to the Territory of all the goods (other than goods so exported at the date of the grant of the licence).

Licence not to be applied for unless goods ordered.

8.—(1.) Any person to whom a licence is granted shall, except insofar as the Administrator otherwise directs—

Notification of directions for exportation to Territory.

(a) if firm directions for the exportation, to the Territory, of all the goods to which the licence relates (other than goods so exported at the date of the grant of the licence) are not despatched to the overseas supplier within one month after that date;

(b) if any firm directions so despatched are countermanded; or

(c) if all the goods are not imported within the time specified in the licence;

notify the Collector in writing accordingly.

(2.) In the last preceding sub-regulation the term "Collector" means the Collector at the port in respect of which the licence was granted.

9. Every applicant for a licence shall supply to a Licensing Officer such information additional to that required in accordance with the form of application as the Licensing Officer requires.

Additional information.

10. The Administrator may grant a licence in respect of all the goods included in an application made in accordance with these regulations or in respect of part only of such goods or may refuse to grant a licence.

Licences.

11.—(1.) The Administrator may grant any licence subject to such terms and conditions as he approves or determines.

Terms and conditions of licences.

(2.) The Administrator may vary or modify the terms and conditions of any licence and may order that a licence granted free from terms and conditions shall be subject to such terms and conditions as he determines.

12. The Administrator may revoke any licence.

Revocation of licences.

13. A licence shall not be transferable.

Licences not transferable.

14.—(1.) The Administrator may, by writing under his hand, delegate to any Licensing Officer all or any of his powers of granting, refusing to grant and revoking licences and of approving, determining, varying and modifying the terms and conditions of licences, so that the delegated powers may be exercised by the delegate.

Delegation.

(2.) An appeal shall lie to the Administrator from any decision of a Licensing Officer in pursuance of any power delegated to him by the Administrator.

(3.) The decision of the Administrator in any such appeal shall be final.

PART A : CUSTOMS—

(4.) Every delegation under this regulation shall be revocable at will, and no delegation shall prevent the exercise of any power by the Administrator.

Exceptions.

15.—(1.) The Administrator may except from the application of these regulations any goods or any classes of goods.<sup>(2)</sup>

(2.) Without prejudice to the generality of sub-regulation (1.) of this regulation, the exception of any goods from the application of these regulations may be limited to—

- (a) goods produced or manufactured in any particular country or countries specified by the Administrator;
- (b) any goods to be imported in a manner, or at or within a time, specified by the Administrator; or
- (c) any goods to be used for a particular purpose specified by the Administrator.

(3.) The Administrator may vary or revoke any exception made in pursuance of this regulation.

16.—(1.) Before any licence is granted the applicant for the licence shall, if required so to do by the Licensing Officer, give security that he will order and import the goods in accordance with the particulars contained in the application, and will comply with the terms and conditions (if any) to which the licence is subject and with the requirements of these regulations.

(2.) Any security given in respect of a licence shall, unless the Licensing Officer otherwise determines, be for a sum equal to twice the estimated value of the goods to which the licence relates.

THE SCHEDULE.

CUSTOMS (IMPORT LICENSING) REGULATIONS OF THE TERRITORY OF PAPUA AND NEW GUINEA.

APPLICATION FOR LICENCE TO IMPORT GOODS.

(It is necessary to observe the instructions on the back of this form.)

The Collector of Customs at the Port of

I/We *(Full name)* *(Address)*

hereby apply for a Licence to import at the port of  
the goods specified hereunder being goods of  
origin which I/We have ordered to be shipped  
or will order to be shipped to the Territory of Papua and New Guinea, on or  
about  
or by the first available vessel thereafter:—

(A)	(B)	(C)	(D)
Quantity and Full Description of Goods.	Price per Unit of Sale.	C.I.F. & E. Value (Australian Currency).*	Other payments (if any) to be made outside the Territory.†
	TOTAL ..		

\* If value stated is not C.I.F. & E., state whether F.O.B., &c.

† As far as can be estimated if additional to column (C).

(2) A notice dated 6.12.1951 and published in Papua and N.G. *Govt. Gaz.* of 13.12.1951 exempting goods from the application of these Regulations is printed in this Volume on pp. 459-461.

*Customs (Import Licensing) Regulations—cont.*

THE SCHEDULE—*continued.*

In the event of any licence being granted on this application I undertake to advise the Collector of Customs in writing—

- (a) if firm directions for the exportation of the goods to the Territory are not despatched to the overseas supplier within one month of the date of issue of the licence;
- (b) if such firm directions are countermanded; or
- (c) if all the goods are not imported into the Territory within the time specified in the licence.

I declare that all the particulars contained in this application, including those shown on the back hereof, are true and correct in every particular.

Signature of Applicant\*

Date of Application

19 .

\* To be signed by the merchant or person directly interested unless the signatory has been specially approved to sign applications on behalf of the merchant or interested person.

FOR OFFICIAL USE ONLY.

Licence No.

Subject to the provisions of the *Customs (Import Licensing) Regulations* I hereby grant a Licence licensing the importation of the goods specified above to the total value of £ (Australian) provided the goods are imported into the Territory on or before

Licensing Officer

19

Customs Stamp.

The licence does not absolve the licensee from the obligation to comply with the provisions of any other law relating to the importation of the goods.

LICENCES ARE NOT TRANSFERABLE.

[Back of Schedule.]

PARTICULARS RELATIVE TO THE GOODS SPECIFIED ON THE FACE OF THIS FORM.

1. State whether the goods have or have not been ordered and the name and address of the overseas supplier.		This space for official use only.
2. State what instructions have been given or will be given to the overseas supplier regarding time of shipment to the Territory (Name of vessel should not be given)		
3. State the Official No. or Nos. of any licences received during the current licensing period for goods of the kind named in this application		
4. State in what manner payment will be made to the overseas supplier and when		
5. State the currency in which the supplier of the goods in the country of origin will be paid		
6. State the name of the Bank (and Branch thereof) or other agency in the Territory through which payment will be arranged	(Name)  (Place)	

PART A : CUSTOMS—

THE SCHEDULE—*continued.*

7. If payment to be made otherwise than directly to the overseas supplier of the goods, state the name and address of the person to whom payment to be made		
8. For what purpose or purposes are the goods to be used ?		
*9. Are similar goods or substitutes therefor, of Australian origin, obtainable ?		
*10. Are similar goods or substitutes therefor obtainable from "sterling" countries and if so, the names of such countries ?		

\* The applicant must indicate whether he had made inquiries.

INSTRUCTIONS.

Applicants for import licences are requested in their own interests to fill up the form fully and correctly and to observe the following directions:—

1. Make your applications as and when it is decided to order the goods in the quantities specified in the application and limit the application to goods which have actually been ordered or will be firmly ordered to be shipped to the Territory as soon as possible after a licence is obtained.
2. Tender the application on the approved form in quadruplicate (4) to the Collector of Customs at the port at which it is intended to import the goods.
3. Do not include goods the produce or manufacture of different countries on the same form.
4. Any licence issued in respect of this application must be presented to the Bank or other agency in the Territory through which overseas payment for the goods is to be arranged, before overseas exchange will be provided.
5. Do not include in the same application goods for which overseas payment will be arranged through different Banks or agencies or under different banking transactions.
6. As soon as possible after the issue of the licence, make arrangements with your banker regarding the provision of the necessary overseas exchange.
7. Send the duplicate of the licence to the overseas supplier or your overseas agent in the country of supply in order that it may be used overseas to indicate to any authorities concerned the degree of priority which the Administration desires the goods to be accorded.