

CUSTOM HOUSE, LONDON,
25th July, 1917.

BAGGAGE EXAMINATION AND CONVEYANCE OF LETTERS, ETC.: CONSOLIDATED INSTRUCTIONS.

The following consolidated instructions cancel Circulars O. 650, 902, 978, 983, 1065, 1284, 1473, 1695, 1698, 2379, 2411, 2484, 2528, 2609, 2751, 3087, 3098, 3115, 3972, 4672.

Special attention is called to the directions of paragraph 4 (Baggage), to the revised terms of No. 24 and No. 54 of the Defence of the Realm Regulations, and to the rearrangement of the instructions for giving effect to those Regulations.

By Order of the Board,

J. P. BYRNE,

E. C. CUNNINGHAM.

(A.)

BAGGAGE.

I.—BAGGAGE, Etc., OUTWARDS.

1. A watch must be kept, so far as is possible without prejudice to other current work, on the baggage and personal effects of persons embarking as passengers or crews on ships bound for a foreign destination; and any trunks, boxes, or other receptacles shipped as baggage or personal effects, which from their size, weight, or appearance may be suspected of containing merchandise, should be opened and examined. This duty will fall primarily on the Waterguard staff; but officers engaged in supervising the loading of cargo should also co-operate when opportunity offers.

2. If it be found that any receptacle thus opened and examined contains goods of which exportation is prohibited (a) to the country to which the owner (being a passenger) has taken his passage, or to which the receptacle is labelled if the owner (being a passenger) cannot be found, or (b) (if the owner is a member of the crew) to any country or countries to which the ship is bound, then, if the quantity of such goods is greater than appears reasonably necessary for the personal use of the owner, or the goods are not covered by the concession in favour of commercial travellers' samples as contained in O. 4420, paragraph XIX, the goods must be taken out and placed under detention; the facts being reported to the Board. The receptacle itself with the rest of its contents, may then be allowed to go forward.

3. In any case where an attempt at smuggling prohibited or restricted goods out of the country is discovered in circumstances which raise a strong presumption that the person concerned (whether a passenger or member of the crew) is not taking the goods on board for his own personal use, but as a commercial undertaking, the person concerned is to be detained and brought before a magistrate. Application should in all such cases be made for a remand, as provided in paragraph 964 of the Importation Code, and the facts reported immediately for the Board's directions. In such cases the receptacle in which the smuggled goods are found, and the whole of its contents, are to be placed under detention.

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II.—BAGGAGE, ETC., INWARDS.

i.—GENERAL.

4. In any case in which prohibited goods are found concealed and there is a strong presumption that the goods were not for the personal use of the person concerned (whether a passenger or member of the crew), but were being introduced as a commercial undertaking, the person concerned and the goods are to be dealt with under the directions of paragraph 3 above.

5. In all other cases in which prohibited imports are found in baggage, &c. and are inadmissible under the standing regulations, the prohibited goods are to be detained and the facts reported to the Board. The receptacle itself with the rest of its contents may be delivered.

ii.—BAGGAGE OF PRISONERS OF WAR.

6. Baggage brought by prisoners of war arriving in this country may be allowed to go forward in charge of the military guard without Customs examination.

iii.—MERCHANDISE IN PASSENGERS' BAGGAGE.

7. Paragraph 38 of the Revised Instructions relating to the examination of passengers' baggage is hereby suspended.

8. If it is claimed in any case that the merchandise has been imported in baggage for the purpose of facilitating re-exportation and if satisfactory confirmatory evidence of such claim is forthcoming, the merchandise may be entered for transshipment or for removal under the transit regulations and dealt with under the directions of Circular O. 4351.

9. By way of exception to the rule laid down in paragraph VII of Circular O. 3600. prohibited imports entered for transshipment or for removal under the transit regulations in pursuance of paragraph 8 hereof may be entered on forms 15 (Sale) and 16 (Sale) without a transshipment bond. When in such cases the goods are not to be re-exported from the port of landing the form 16 (Sale) should not be forwarded to the Statistical Office, but sent direct and at once, to the prospective port of exportation, in order to ensure that the goods concerned may be recognised there as transit goods.

10. When non-dutiable merchandise is imported in baggage from France in circumstances which satisfactorily indicate that the merchandise has been thus imported for the purpose of facilitating re-exportation, and when an entry of the merchandise for transshipment or for removal under the transit regulations has been duly tendered, the entry may be accepted even if the merchandise has not been entered in the ship's report. In such cases, however, the ship's report should be subsequently amended.

11. A certificate from a French Chamber of Commerce, visaed by the British Consul, indicating the nature of the merchandise, and its non-enemy origin, the identity of the passenger accompanying it and its ultimate destination in a neutral country, may be accepted as satisfactory evidence that the merchandise is entitled to this concession.

12. The concessions contained in paragraphs 10 and 11 do not dispense with a report on form S. 90 if such a report is required under Circular O. 4351. If in any case so reported a certificate such as is mentioned in paragraph 11 has been produced, the fact should be stated on the relative form S. 90.

13. The Board rely upon Collectors to make arrangements for carrying out the directions of this Circular with the least possible inconvenience to passengers and to the Shipping Companies concerned. With this object the Shipping Companies (and, where necessary, the Railway Companies as well) should be invited to co-operate with the local Customs staff by giving such instructions to their staffs as will guard against smuggling by the crew and ensure expeditious production and examination of any baggage which ought to be searched under the directions of this Circular.

(B.)

LETTERS AND WRITTEN MESSAGES OR MEMORANDA.

I.—INSTRUCTIONS TO ALIENS OFFICERS AT PROHIBITED PORTS.

14. The attention of Collectors and officers performing the duties of aliens officers is directed to the following extracts from the Defence of the Realm Regulations :—

“ 23. Where the competent naval or military authority or any person
“ duly authorised by him or an aliens officer has reason to suspect that any
“ person who is about to embark on any ship, vessel, or aircraft is attempting
“ to leave the United Kingdom for the purpose of communicating directly or
“ indirectly with the enemy or with any subject of any sovereign or state at war
“ with His Majesty, he may prevent the embarkation of that person.

“ Where the embarkation of any person has been so prevented the case
“ shall be reported to a Secretary of State, and the Secretary of State may if he
“ thinks fit by order prohibit that person at any time subsequently from leaving
“ the United Kingdom so long as the order is in force, and if any person leaves
“ the United Kingdom in contravention of such an order he shall be guilty of
“ an offence against these regulations.

“ 24. (1) No person shall :—

“ (a) transmit otherwise than through the post, or convey, to or from
“ the United Kingdom, or receive or have in his possession for
“ such transmission or conveyance, any letter, written message
“ or memorandum ; or

“ (b) without a permit issued by or under the authority of the
“ Admiralty or Army Council transmit, consign or export,
“ otherwise than through the post, or convey, from the United
“ Kingdom to any neutral country in Europe or America or to
“ any enemy country any printed or written matter (including
“ plans, photographs and other pictorial representations), to
“ which paragraph (a) does not apply.

“ The foregoing provisions shall not apply :—

“ (i) to ‘ Shipowners’ letters’ as defined by section thirty of the Post
“ Office Act, 1908, nor to ship papers ;

“ (ii) to any letter, message or memorandum or any such written or
“ printed matter as aforesaid conveyed by any person if he
“ proves that it is required for his own use and does not
“ contravene the provisions of any other of these regulations
“ and is otherwise lawful ;

“ (iii) to any class of letters, messages and memoranda or any written
“ or printed matter for the time being exempted by a Secretary
“ of State.

“ (2.) If any person acts in contravention of the foregoing provision or
“ fails to comply with any condition subject to which a permit under this
“ regulation has been granted, he shall be guilty of an offence against these
“ regulations.

“ (3.) This regulation shall be in addition to and not in derogation of the
“ provisions of any enactment, order, proclamation or regulation respecting the
“ export of merchandise or trading with the enemy.

“ 54. Any person landing or embarking at any place in the United
“ Kingdom and any person who by reason of his occupation or habits has
“ special opportunities of communicating with the crews and passengers of
“ vessels, shall, on being required to do so by the competent naval or military
“ authority or any person authorised by him, or by an aliens officer or officer
“ of police, make a declaration as to whether or not he is carrying or conveying
“ any letters, written messages or memoranda or any written or printed matter
“ (including plans, photographs and other pictorial representations), and, if so
“ required, shall produce to the person making the requisition any such letters,
“ messages, memoranda or written or printed matter ; and the competent naval
“ or military authority or person authorised by him or aliens or police officer may
“ search any such person and any baggage with a view to ascertaining whether

“such person or the person to whom the baggage belongs is carrying or conveying any such letters, messages, memoranda or written or printed matter.

“The competent naval or military authority or persons authorised by him or aliens or police officer may examine any letters, messages, memoranda or written or printed matter so produced to him or found on such search, and may transmit them to an officer appointed to censor postal correspondence.

“Any person who knowingly makes any false declaration under this regulation, or on being required to produce any such letters, messages, memoranda or written or printed matter as aforesaid refuses or neglects to do so, shall be guilty of an offence against these regulations.

“55. Any person authorised for the purpose by the competent naval or military authority, or any police constable or officer of Customs and Excise or aliens officer, may arrest without warrant any person whose behaviour is of such a nature as to give reasonable grounds for suspecting that he has acted or is acting or is about to act in a manner prejudicial to the public safety or the defence of the Realm, or upon whom may be found any article, book, letter, or other document, the possession of which gives grounds for such a suspicion, or who is suspected of having committed an offence against these regulations.

“If any person assists or connives at the escape of any person who may be in custody under this regulation, or knowingly harbours or assists any person who has so escaped, he shall be guilty of an offence against these regulations.”

15. The effect of regulations 24 and 54 (which apply to all persons, whether of British or Alien nationality, and whether passengers or crew) is as follows:—

(1) It is an offence for any person to convey to or from the United Kingdom any letter or any written message or memorandum intended for any other person. (24.)

(2) An aliens officer may require any person landing or embarking in the United Kingdom to declare whether he is carrying or conveying any such letters or written messages, and if so, may require their production; the right to search the person and baggage for such letters, &c., is also given. (54.)

16. It is to be distinctly understood that no passenger or member of a ship's crew is to be specially questioned as to the possession of letters, &c., nor any special search for letters, &c., undertaken, except on the express request of the Home Office, or of the local Naval or Military Authorities, as provided respectively in paragraphs 17 and 18 below. In every case where action of this kind is taken, the facts are to be reported immediately afterwards to the Board.

17. When suspicion exists that a breach of Regulation 24 has been, or is about to be, committed by any particular person or persons, the Home Office will notify the fact by letter or telegram to the port concerned, indicating the person or persons suspected. On receipt of this notification the Aliens Officer will act upon paragraphs 19 to 22 below, any special instructions given in the Home Office letter or telegram being also observed.

18. Collectors and Officers in charge are authorised to comply, so far as they are able to do so without disorganising the ordinary work of their staff, with requests from the local Naval or Military Authorities to search a particular incoming or outgoing ship for letters suspected of being carried in contravention of Regulation 24. The procedure indicated in paragraphs 19 to 24 below is to be generally followed in such cases; but there will be no objection to any reasonable variation thereof which the Naval or Military Authorities may desire, e.g., any letters, &c., discovered may, if they so desire, be handed over to them to be dealt with.

19. A person who is suspected by the Home Office (see paragraph 17) or by the local Naval and Military Authorities (see paragraph 18) of an attempt to contravene Regulation 24, must be questioned by the Aliens Officer whether he has any letters or written messages or memoranda, for delivery to any other person by post or otherwise; and his verbal reply is to be treated as the declaration referred to in Regulation 54.

20. If a suspected person voluntarily produces any letters, or written messages or memoranda, whether before or after he is questioned under paragraph 19, the letters, etc., are to be impounded, and the suspected person handed over to the police.

21. If a suspected person when questioned under paragraph 19 replies in the negative, the Aliens Officer will proceed to exercise his right of searching the suspected person and his baggage. If, as the result of the search, any letters, &c., are discovered, they are to be impounded and the suspected person handed over to the police.

22. Any letters, &c., surrendered by a suspected person, or discovered and impounded after search, should be forwarded at once to the Competent Military Authority of the district with a report of the facts. A copy of the report is to be sent to H.M. Inspector under the Aliens Acts, Home Office.

23. If any person to whom no suspicion attaches by reference to previous information (*see e.g.* paragraph 17) or otherwise, voluntarily and on his own initiative, produces to the Aliens Officer any letters, or any written messages or memoranda, or if letters, or written messages or memoranda are discovered in the course of ordinary baggage examination, or during the rummage of a ship, the letters, &c., should be impounded. The person concerned need not be detained: but he should be informed of his offence against Regulation 24 and warned that a second offence will have serious consequences.

24. Letters, &c., impounded or detained in cases falling under paragraph 23 should be forwarded to The Deputy Chief Censor, Carey Street, London, W.C. 2., with a report of the facts, including the name of the ship by which the letters, &c., have been or were about to be conveyed, and the names and addresses of any persons concerned. A copy of the report is to be sent to H.M. Inspector under the Aliens Act, Home Office.

II.—APPROVED PORTS.

25. The directions of paragraph 18 apply at approved ports as well as at prohibited ports, but no special search for letters, &c., is to be made, except in pursuance of a definite request from the local Naval or Military Authorities as provided in paragraph 17.

26. Should letters or written messages or memoranda be found at approved ports in the course of ordinary baggage examination, or during the rummage of vessels, the attention of the Home Office aliens staff should, whenever possible, be called to the fact, and the matter left for them to deal with. At stations, however, where circumstances render communication with the Home Office staff impracticable, the letters or letter are to be detained, and dealt with as directed in paragraphs 23 and 24.

III.—GENERAL.

27. Letters and other documents which are to be conveyed out of the United Kingdom on any ship sailing for Archangel, and which relate to goods carried on the ship and consigned to Archangel are to be regarded as exempted by the Secretary of State from Regulation 24 of the Defence of the Realm Regulations. This should be borne in mind in the event of a search for letters on a ship bound for Archangel being requested by the Home Office or by the Naval or Military Authorities.

28. Masters and Agents of vessels and masters of tugs are to be informed that all letters received from passengers or from members of the crew of any vessel for posting should be handed over to the Customs Authorities. All letters so received and all letters received from Pilots (who have received similar instructions from the competent Authorities) are to be forwarded to the Deputy Chief Censor, Carey Street, London, W.C. 2, or to the Assistant Censor in Charge, Dock Offices, Liverpool, according to the proximity of either address to the officer transmitting the letters, with a note giving the date of receipt and the name of the ship from which they were received. Where, however, the officer is able to satisfy himself that a packet brought ashore and handed to him contains merely a list of the members of the crew, a crew return list, or other business papers which would be urgently needed by a shipowner or shipping agent, he should at his discretion post the packet without referring it to the censorship at London or Liverpool.

29. Any letters addressed to a Custom House for Masters of ships should be returned to the Post Office Officials.

30. For the purposes of Part D of this Circular the term "Prohibited Port" is to be read as including that part of an approved port where the Aliens work is not done by the Home Office staff. Conversely the term "Approved Port" is to be read as including those prohibited ports or parts of prohibited ports where the Aliens work is done by a Home Office staff.

31. The directions of Part D of this Circular apply only to letters and written messages or memoranda. For directions as to the exportation of printed matter, in baggage or otherwise, see Circular O. 4520 as amended. For general directions as to the importation of printed matter see Circulars O. 3600 and O. 4350, as respectively amended. For special directions as to imported enemy or pro-enemy books, newspapers and periodicals, see Circular O. 4660.

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