

Subsidiary Legislation made under ss.13 and 54.

External Parcels and Postal Packets (Import and Export Control) Regulations

1961.10.10-1

	<i>Commencement</i>	13.10.1961
Amending enactments	Relevant current provisions	Commencement date
LN. 1975/076 Act. 2007-17	r. 20 rr. 3, 4(1)-(2), 5, 6(c)-(d), 8, 13, 15(1), 16(a)-(b), 17	14.6.2007

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**External Parcels and Postal Packets (Import and
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Title.

1. These regulations may be cited as the External Parcels and Postal Packets (Import and Export Control) Regulations.

Interpretation.

2. In these regulations, unless the context otherwise requires,—

“external”, in relation to a postal packet, means a packet either posted in Gibraltar and intended to be sent to a place out of Gibraltar or posted in a place out of Gibraltar and intended to be sent to a place in Gibraltar.

PART I.—PARCEL POST.

External parcels to have declaration affixed.

3. Every external parcel shall be accompanied by, or have affixed to it, a declaration of such kind, and stating the contents of the parcel in such manner and form, and with such other particulars as the Financial Secretary and the Director may direct.

External parcels to be produced for customs examination.

4.(1) Every external parcel shall either before departure from or on arrival in Gibraltar, as the case may be, be produced, at such place as the Financial Secretary may direct, by an officer of the Post Office appointed in that behalf by the Director to a revenue officer, and if the revenue officer so requires the parcel shall be thereupon opened by the officer of the Post Office who is hereby empowered and authorized to open the same for customs examination.

(2) In any case where the contents of an external parcel are found not to agree with the declaration which accompanies or is affixed to it, such parcel and all its contents shall be deemed to be goods liable to forfeiture under the Imports and Exports Act and shall be sent to a Government store or to such other place as the Financial Secretary may appoint for the purpose.

Documents to be delivered.

5. The authorized officer of the Post Office shall deliver to a revenue officer such entries of the contents or such other documents as the Financial Secretary may require.

Refusal to pay duty on external parcels.

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6. If the addressee of an external parcel posted outside Gibraltar and intended to be delivered in Gibraltar refuses to pay any duty payable in respect of the goods contained in such parcel, the Director may retain the parcel and may-

- (a) return it to the sender;
- (b) deal with it in accordance with any instructions given by the sender at the time of posting;
- (c) pay to the Financial Secretary the duty payable in respect of the goods contained therein, and recover the same from the addressee or other person liable to pay the same, in the same manner as if it were a rate of postage; or
- (d) at the expiration of seven days from the day on which it was presented at the place of address, send such parcel to a Government store or such other place as the Financial Secretary may appoint for that purpose.

External parcels liable to forfeiture.

7. Any external parcel sent by the Director to a Government store or other place appointed as aforesaid, under the provisions of regulation 48), together with all goods contained therein, shall be deemed to be goods liable to forfeiture under the Imports and Exports Act.

Payment of duty on external goods.

8. The duties payable on goods contained in any external parcel, which are not to be sent to a Government store or other appointed place as aforesaid, shall be paid over by the Director to the Financial Secretary at such times and in such manner as shall be from time to time required by the Financial Secretary.

PART II.-BONDED PARCELS.

Application of Part II.

9. This Part shall apply, and Part I shall not apply, to parcels of goods delivered from a Government store, hereinafter referred to as "bonded parcels".

Authority for delivery of bonded parcel.

10. Every bonded parcel delivered from a Government store to the sender shall be accompanied by an authority for such delivery signed by a revenue officer.

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Certificate of posting.

11. The officer of the Post Office accepting a bonded parcel, duly accompanied by the revenue officers' authority, shall give to the sender a certificate of the posting of the parcel.

Certificate to be evidence of export.

12. The certificate of posting thus given shall, for the purposes of any law relating to the exportation of bonded goods, be deemed to be evidence of an act equivalent to shipment under that law.

Delivery of bonded parcels.

13. The delivery of bonded parcels from a Government store shall be subject to such bond and to such special conditions as the Financial Secretary may from time to time require.

Claim for loss of bonded parcel.

14. If any claim shall be made on the Director for compensation in respect of the loss of, or damage to, any bonded parcel, that claim shall, in the absence of proof to the contrary, be deemed to be conclusive evidence that such parcel has not been duly exported, and that its contents have gone into consumption in Gibraltar and the duty thereon shall be paid accordingly.

PART III.—OTHER POSTAL PACKETS.

Insured boxes.

15.(1) Every external insured box shall be accompanied by or have affixed to it a declaration of such kind, and stating the contents of the box in such manner and form, and with such other particulars as the Financial Secretary and the Director may direct.

(2) In this Part "insured box" means any insured box which is for the time being transmissible under the provisions of the Universal Postal Union Agreement for the exchange of insured letters and boxes for the time being in force and the detailed regulations made thereunder.

Small packets and letter packets.

16. Every external small packet and external letter packet shall—

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- (a) bear on the outside a green customs label of such kind, and stating the contents of the packet in such manner and form and with such other particulars as the Financial Secretary and the Director may direct ; or
- (b) bear a green customs label containing the words “Douane (peut être ouvert d’office)” only and have attached to or enclosed in the packet a declaration of such kind, and stating the contents of the packet in such manner and form, and with such other particulars, as the Financial Secretary and the Director may direct.

External insured boxes, small packets and letter packets to be produced for customs examination.

17. Every external insured box and every external small packet and external letter packet which bears a green customs label, shall upon arrival in, or before despatch from, Gibraltar, as the case may be, be produced, at such place as the Financial Secretary may direct, by an officer of the Post Office appointed in that behalf by the Director to a revenue officer, and if the revenue officer so requires it shall be thereupon opened by the officer of the Post Office who is hereby empowered and authorized to open the same for customs examination.

Application of regulations.

18. Regulation 4(2) and regulations 5, 6, 7 and 8 shall apply to external insured boxes, external small packets and external letter packets as they apply to external parcels.

Other external postal packets.

19.(1) This regulation applies to all external postal packets other than—

- (a) parcels to which Part I applies;
- (b) insured boxes which are accompanied by, or to which is affixed, a declaration in accordance with regulation 15;
- (c) small packets and letter packets which bear a green customs label in accordance with regulation 16; and
- (d) postcards.

(2) Upon the arrival in, or before the departure from, Gibraltar, as the case may be, of a postal packet to which this regulation applies such packet shall, if a revenue officer so requires, be produced to him at such appointed place as he may require by an officer of the Post Office appointed in that behalf by the Director, and if the revenue officer so requires the postal packet

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shall thereupon be opened for such examination as may be necessary in order to determine whether or not the packet contains goods or articles of merchandise or anything prohibited to be imported or exported, as the case may be, by any of the provisions of the Imports and Exports Act or any other law relating to customs or to exchange control.

(3) If any packet which has been opened in accordance with this regulation is found not to contain any such goods or thing, it shall be immediately re-sealed and handed to an officer of the Post Office for transmission to its destination.

Interpretation of Part III. In this Part—

20. “letter packet” means a postal packet transmitted at the letter rate of postage and containing goods or articles of merchandise, but does not include any packet intended to be delivered in a country which has not given its consent to the admission of such packets of goods or articles liable to customs duty;

“small packet” means a packet—

- (a) which consists or contains goods or articles of merchandise and contains or bears nothing, except an open invoice, any customs declaration required and the names and addresses of the sender and addressee; and
- (b) which does not exceed one kilogramme in weight;
- (c) which does not exceed 900 millimetres in length, breadth and depth combined or 600 millimetres in length or breadth or depth or, if made up in the form of a roll, of which the length and twice the diameter does not exceed 1 040 millimetres and the greatest dimension does not exceed 900 millimetres.