

**CHAPTER 232.****FOLDED WOVEN GOODS.****ARRANGEMENT OF SECTIONS.**

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**SCHEDULE OF EXEMPTIONS.****CHAPTER 232.****FOLDED WOVEN GOODS.**

13 of 1933.  
4 of 1936.

**An Ordinance to consolidate the laws relating to the importation and sale of folded woven goods.**

[13TH JULY, 1933.]

Short title.

1. This Ordinance may be cited as the *Folded Woven Goods Ordinance*, and shall apply to the Colony and Protectorate.

2. No folded woven goods, other than those specified in the Schedule, shall be imported into Sierra Leone for any purpose, except for transshipment to or in transit for any other country, port or place in which the manner of folding or marking such goods is regulated by law, unless the same shall be folded in folds of not less than thirty-six inches in length and each piece shall be marked with the number of yards and inches (if any) contained. Such mark shall be stamped upon the fabric of each piece. Any words, figures, marks or abbreviations of the words "yards" and "inches" which according to common use or the custom of the trade are commonly taken to indicate the measure of folded woven goods may be used in such marking. No piece shall be made up so as to show more folds than the full number of yards it actually contains, any portion of a yard (over such number of yards) not to be shown as a fold.

Prohibition of the importation of woven goods not folded and marked as provided in this Ordinance.

3. No folded woven goods other than those specified in the Schedule shall be sold, or form the subject of any contract of sale, unless the same be folded and marked in accordance with the provisions of section 2.

Prohibition of sale of woven goods not so folded and marked.

4. Any person who contravenes the provisions of either of the last two preceding sections shall be liable, on summary conviction, to a penalty of one hundred pounds for each offence and the goods in respect of which the offence is committed may be forfeited:

Penalties.

Provided that no prosecution or proceeding shall lie or be taken under this Ordinance against any importer or holder of folded woven goods (1) where such goods are shorter than indicated by the mark upon them by not more than

Allowance for shrinkage, etc.

- 4 inches in piece marked 10 yards or under,
- 5 " " " " above 10 yards and up to 23 yards,
- 7 " " " " 23 yards and up to 36 yards,
- 9 " " " " 36 yards and up to 47 yards,
- 18 " " " " 47 yards;

and (2) where the contents of a piece are properly marked as to total length but the final fold only is less than thirty-six inches.

5. On the sale or contract for the sale of any goods to which the provisions of this Ordinance apply the vendor shall be deemed to warrant, within the limits provided by section 4, that the material bears on the face thereof the true and correct number of yards or inches actually contained in the folded woven goods on which such number appears.

Warranty by vendor of correctness of numbers on material.

Saving.

6. This Ordinance shall not exempt any person from any action, suit or other proceeding which might, but for the provisions of this Ordinance, be brought against him.

Discovery.

7. Nothing in this Ordinance contained shall—

(a) entitle any person to refuse to make a complete discovery, or to answer any question or interrogatory, in any action or suit; but such discovery or answer shall not be admissible in evidence against such person in any prosecution for an offence against this Ordinance; or

Acts of servants.

(b) be construed so as to render liable to any prosecution or punishment any servant of a master resident in Sierra Leone who *bona fide* acts in obedience to instructions of such master and, on demand made by or on behalf of the prosecutor, has given full information as to his master.

Powers of Customs officers.

8. The Comptroller of Customs or any officer of Customs may call upon the importer of any package or parcel supposed to contain folded woven goods, other than those specified in the Schedule, to produce the original invoices, bills of lading, bills of parcels, or other such documents showing the character of the goods contained in such package or parcel, and the place and date of shipment thereof, and to open such package or parcel, and produce the goods therein contained for inspection; and such package or parcel may be detained in the Customs until such demands, or any of them, shall have been complied with.

Search warrant.

9. When any Magistrate is satisfied, by information on oath, that there is reasonable ground to believe that any goods in relation to which an offence against this Ordinance has been committed, are in any house or premises, he may issue a warrant under his hand, by virtue of which it shall be lawful for any constable or court messenger named or included in such warrant, to enter such house or premises at any reasonable time by day, and to search therefor and seize and take away such goods; and any goods seized under any such warrant shall be brought before a Magistrate having jurisdiction in the place in which such goods or things were found, with a view to determining whether the same are or are not liable to forfeiture under this Ordinance.

Costs.

10. On any prosecution under this Ordinance the Court may order costs to be paid to the defendant by the prosecutor, or to the prosecutor by the defendant, having regard to the information given by, and the conduct of the defendant and the prosecutor respectively.

11. If any person feels aggrieved by any conviction or order made under this Ordinance by a Magistrate, he may appeal against such conviction to the Supreme Court either upon any question of fact or upon any question of law.

Appeals.

12. All forfeitures incurred under this Ordinance shall be disposed of in such manner as the Governor shall direct.

Disposal of forfeitures.

13. The Governor may award to the person prosecuting or to any person by whose means or aid any penalty under this Ordinance may have been recovered, any sum not exceeding in the aggregate one moiety of such penalty.

Application of penalties.

14. Nothing in this Ordinance contained shall be deemed to affect the importation, folding or marking of any of the various classes of goods specified in the Schedule.

Goods in Schedule exempted.

15. Nothing herein contained shall affect any enactment or provision of the Merchandise Marks Ordinance, except so far as that Ordinance relates to trade descriptions as to the measure only of folded woven goods within the scope and meaning of this Ordinance.

Folded woven goods partly exempted from provisions of Cap. 245.

16. (1) The Governor in Council may make rules with regard to all or any of the following matters—

Power of Governor in Council to make rules.

(a) for increasing or reducing allowances for shrinkage under section 4 and generally for altering or amending the rates of allowance therein mentioned;

(b) for exempting from the operation of this Ordinance any goods, or classes of goods, not specified in the Schedule; and

(c) generally, for the further and better carrying into effect the purposes of this Ordinance.

(2) No rules made under this section shall come into force before the same have been approved by a resolution of the House of Representatives.

Rules to be approved by House of Representatives.

(3) The House of Representatives may amend any rules made by the Governor in Council under this section or may substitute other rules therefor. Rules so amended or substituted shall be deemed to have been made by the Governor in Council and to have been approved by the House of Representatives.

## SCHEDULE OF EXEMPTIONS.

Indian bafts, cashmeres, serges, alpaca, silicia, tabourettes, gold and silver cloths, tinsel woven cloths, damasks, flannels, silks, silk velvets, tweeds, handkerchief cloth, broad cloth, worsted cloth and fents (by which term is meant remnants of cloth of irregular lengths being under six yards):

Provided that—

(a) all pieces of handkerchief cloth, other than real Madras folded thirty-six inches to the fold, for which exemption is claimed shall have a dividing mark between each handkerchief in the length of the piece, and shall be folded in the first instance at this division;

(b) such piece shall not have the folds stitched together at the selvage;

(c) to the face of the piece as finally folded there shall be attached a ticket showing in plain figures the length and breadth of each handkerchief and the number of handkerchiefs in each piece:

Provided also that the following variations shall be allowed on each handkerchief:—

In width up to but not exceeding two and a half per centum below the ticketed width.

In length up to but not exceeding four per centum below the ticketed length.

The total limit of variation of length on a piece of eight handkerchiefs shall not, however, exceed two per centum of the total ticketed length of the eight handkerchiefs.

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