

PART VII

GENERAL

Power of
Authority to send
warning.

55. (1) Notwithstanding anything to the contrary in any provisions of this Act, the Authority may, if it is satisfied after such inquiry as it may deem necessary that any person has contravened any of the provisions of this Act or any direction given thereunder, in the case of the first contravention, send to such person a warning in writing.

(2) A warning under subsection (1) shall be sent by the Authority by registered post.

Power to require
maintenance of
records and the
furnishing of
returns.

56. (1) The Authority may, for the proper discharge of its functions under this Act, require the manufacturers, importers, distributors and exporters of any goods or services—

(a) to maintain records in respect of such matters as the Authority may consider necessary for the proper discharge of its functions under this Act and in such form as may be determined by the Authority; and

(b) to furnish to the authority returns in respect of such matters as the Authority may consider necessary for the proper discharge of its functions under this Act, at such intervals and in such form as may be determined by the Authority.

(2) It shall be the duty of all manufacturers, importers, distributors and exporters who are required under paragraph (a) of subsection (1) to maintain records, to preserve the records being so maintained, for a period not exceeding six years.

57. (1) The Authority or any person authorised in that behalf by the Authority may, by notice in writing require any person within such period as shall be specified in the notice, to furnish any information or to produce any document as shall be specified in such notice, which the Authority may consider necessary for the proper discharge of its functions under this Act, and it shall be the duty of any person who receives such notice to comply with such requirement within the time specified in such notice, notwithstanding the provisions of any written law which may prohibit such person from disclosing such information or from producing such document :

Power of
Authority to call
for information.

Provided however, that nothing in this subsection shall be read and construed as enabling the Authority or any person authorised in that behalf by the Authority, by notice to require any person to furnish any information or to produce any document, if the disclosure of such information or the production of such document is prohibited by any provision of any law providing for the imposition and recovery of any tax.

(2) No information contained in a return furnished under section 56 and no information furnished or the contents of a document produced in compliance with the terms of a notice issued under this section, shall be published or communicated by the Authority to any other person except with the consent of the person furnishing such return or information, or producing such document, as the case may be, or in the course of the discharge of its functions by the Authority.

58. (1) The Authority or any other officer authorised in writing in that behalf by the Authority may, for the purpose of ascertaining whether the provisions of this Act or any regulation made thereunder are being complied with, have the power on reasonable grounds and on production, if so required, his credentials —

Power of entry,
inspection and
search.

- (a) to enter, inspect and search at all reasonable hours of the day the premises in which any manufacturer or trader is carrying on his business or any other premises where any goods are being stored or exposed for sale ;

- (b) to seize and detain any goods found in such premises in contravention of the provisions of section 16 or 17 ; and
- (c) to inspect, take copies of or seize and detain any records or documents required to be kept by or under this Act or any other law in respect of such business.

(2) Any goods seized and detained under paragraph (b) of subsection (1), shall be produced in court, and on conviction of such manufacturer or trader, be forfeited and disposed of in such manner as may be determined by court, and any money realised shall be credited to the Fund of the Authority.

Sale of perishable goods.

59. (1) Where any goods seized and detained under paragraph (b) of subsection (1) of section 58, is of such perishable nature, as in the opinion of the Authority render their immediate sale necessary or advisable, the Authority shall give not less than three days notice of the sale of such goods by an advertisement published in one Sinhala, Tamil and English newspaper each circulating in Sri Lanka and thereafter cause such goods to be sold.

(2) The proceeds of a sale under subsection (1) of any goods, shall be credited to a special account to be maintained for that purpose by the Authority, and where the person from whom the goods were seized is acquitted or discharged subsequently by the court, the amount realised from the sale of such goods shall be given to such person.

(3) Where the court convicts the person from whom the goods were seized, the money realised from the sale of such goods and lying to the credit of the special account referred to in subsection (2), shall be credited to the Fund of the Authority.

offences and Penalties.

60. (1) Any person who. —

(a) fails or refuses to furnish .—

- (i) a return when required by the Authority to do so under section 56 ; or

- (ii) any information or to produce any document when required to do so by a notice sent under section 57;
- (b) knowingly makes any false statement in any return furnished by him under this Act, or knowingly furnishes any false information when required by the Authority to furnish any information ; or
- (c) obstructs any officer acting in the exercise of his powers under section 58,

shall be guilty of an offence under this Act, and shall on conviction after trial before a Magistrate, be liable —

- (i) where such person is not a body corporate, to a fine not less than rupees one thousand and not exceeding rupees five thousand or to imprisonment of either description for a term not exceeding three months or to both such fine and imprisonment in the case of a first offence, and to a fine not less than rupees two thousand and not exceeding rupees ten thousand or to an imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment in the case of a subsequent offence ; or
- (ii) where such person is a body corporate, to a fine not less than rupees five thousand and not exceeding rupees ten thousand in the case of a first offence, and to a fine not less than rupees ten thousand and not exceeding rupees twenty thousand in the case of a subsequent offence.

(2) (a) Any person who fails or refuses to comply with an order made under paragraph (b) of subsection (1) of section 41 or acts in contravention of such order, shall be guilty of an offence under this Act, and shall on conviction after trial before a Magistrate be liable —