

PARLIAMENT OF CEYLON

3rd Session, 1954-55



Imports and Exports (Control) Act, No. 9 of 1955

Date of Assent : April 8, 1955

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L. D.—C. F. 4/53.

AN ACT TO PROVIDE FOR THE CONTROL OF THE IMPORTATION AND EXPORTATION OF GOODS, TRADING IN IMPORTED GOODS, STANDARDS OF EXPORTABLE GOODS, AND THE CARRYING ON OF BUSINESS AS AN INDENT AGENT, AND FOR THE VALIDATION OF THE REFUSAL OF LICENCES UNDER THE DEFENCE (CONTROL OF IMPORTS) REGULATIONS TO CERTAIN PERSONS.

[Date of Assent: April 8, 1955.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Imports and Exports (Control) Act, No. 9 of 1955.

Short title.

2. (1) The Minister may, with the approval of the Cabinet of Ministers, by regulations make provisions—

Regulations for control of imports and exports, trading in imported goods, standards of exportable goods, the carrying on of business as an indent agent, etc.

(a) prohibiting or regulating, subject to such exceptions, if any, as may be made by or under the regulations, the importation or exportation of goods of any description specified in the regulations;

(b) regulating trading in imported goods of any description specified in the regulations;

(c) regulating the standards of exportable goods of any description specified in the regulations;

(d) regulating the carrying on of business as an indent agent; and

(e) prescribing fees for the issue of any licences or for any matter provided for in any scheme of control contained in the regulations.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), any regulations made by the Minister, with the approval of the Cabinet of Ministers, under this section may—

(a) provide for the introduction and operation of a system of quotas for the purposes of the scheme of control contained in the regulations;

- (b) provide for the prohibition or restriction of the importation or exportation of goods which are not of a prescribed standard or quality, or in any quantity exceeding a prescribed quantity;
- (c) prohibit or regulate the importation or exportation of goods from or to prescribed countries;
- (d) prohibit the importation or exportation of goods (whether from or to any country whatsoever or any prescribed country) by any person, other than the Government of Ceylon and such corporate or unincorporate bodies of persons, if any, as may be prescribed;
- (e) restrict the issue of licences required by the scheme of control contained in the regulations to persons of any prescribed class or description;
- (f) specify the persons or authorities by whom and the circumstances in which licences under the regulations may be issued, refused, cancelled or suspended; and
- (g) provide for a right of appeal to the Minister against any decision of the Controller of Imports and Exports appointed under this Act.

(3) Any regulations made under this section may declare the contravention of, or the failure to comply with, any prescribed provisions of the regulations to be an offence triable summarily by a Magistrate, and specify as punishment for such offence a fine of an amount not exceeding two thousand rupees or a term of imprisonment of either description not exceeding six months or both such fine and such imprisonment.

Any punishment imposed by any regulation made in pursuance of the powers conferred by the preceding provisions of this sub-section shall be in addition to any fine, penalty, forfeiture or other punishment to which a person may be or become liable under the Customs Ordinance.

(4) All regulations made under this section shall be published in the *Gazette* and shall come into force on the date specified in that behalf in the regulations or, if no date is so specified, upon such publication, and shall, as soon as practicable after such publication, be brought before the Senate and the House of Representatives for approval. Where any such regulation

is not approved either by the Senate or by the House of Representatives, it shall be deemed to be rescinded and the rescission shall take effect on the date on which the regulation is not approved.

(5) The validity of anything done under a regulation made and published under the preceding provisions of this section shall not be affected by the subsequent rescission of the regulation under sub-section (4).

(6) Notification of the date on which the rescission of a regulation under sub-section (4) takes effect shall be published in the *Gazette*.

(7) Where regulations made under this section provide for a right of appeal to the Minister against any decision of the Controller of Imports and Exports appointed under this Act, the decision of the Minister on any such appeal shall be final and conclusive and shall not be subject to review or called in question in any court.

3. There may be appointed, for the purposes of this Act, a Controller of Imports and Exports and such Deputies and Assistants to him and such other officers and servants as may be necessary.

Appointment
of officers
and servants.

4. (1) For the purposes of any regulations made under section 2 (2) (e) of this Act, the Controller of Imports and Exports may direct any person, including the manager of any bank in Ceylon, to furnish to such officer, and within such time, as may be specified in the direction, information regarding such matters relevant to those purposes as may be so specified and to cause to be produced for inspection by such officer, within such time, and at such place as may be so specified, such books, accounts and other documents relevant to those purposes as may be so specified, including certified copies of entries in those books, accounts, or other documents.

Power to
require
information
and inspect
documents.

(2) If any person who is directed to furnish information under sub-section (1), furnishes any information which to his knowledge is untrue, he shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

Application
of Customs
Ordinance.
Cap. 185.

5. The provisions of this Act shall be read and construed as one with the Customs Ordinance, and for the purpose of the application of the Customs Ordinance—

- (a) goods the importation of which is prohibited by regulation made under this Act shall be deemed to be goods the importation of which is prohibited by Ordinance;
- (b) goods the exportation of which is prohibited by regulation made under this Act shall be deemed to be goods the exportation of which is prohibited by Ordinance;
- (c) goods the importation of which is restricted by regulation made under this Act shall be deemed to be goods the importation of which is restricted by Ordinance; and
- (d) goods the exportation of which is restricted by regulation made under this Act shall be deemed to be goods the exportation of which is restricted by Ordinance.

Offences by
Corporations.

6. Where a person convicted of an offence under this Act or under any regulation made under this Act is a body corporate, every person who, at the time of the commission of such offence, was a director or an officer of such body shall be deemed to be guilty of such offence unless he proves that such offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Validation
of refusal
of licences
under Defence
(Control of
Imports)
Regulations
to certain
persons.

7. The refusal by the Controller of Imports, at any time after March 31, 1949, and prior to the date of the commencement of this Act, to grant a licence of any description under the Defence (Control of Imports) Regulations to any person on the ground that such person was not a citizen of Ceylon or a Ceylonese company or a Ceylonese partnership or on the ground that such person did not employ for the purposes of his business as an importer or as a trader in imported goods a sufficient percentage of citizens of Ceylon, shall be deemed for all purposes to have been as valid as though at the time of such refusal those Regulations had authorised such refusal on any of the grounds aforesaid.

8. In this Act unless the context otherwise requires— Interpretation.

“ exportation ”, with its grammatical variations and cognate expressions, means the carrying and taking out of Ceylon, or causing to be carried or taken out of Ceylon, whether by sea or by air;

“ goods ” includes any article, animal, substance or property whatsoever;

“ importation ”, with its grammatical variations and cognate expressions, means the importing or bringing into Ceylon, or causing to be imported or brought into Ceylon, whether by sea or by air;

“ indent agent ” means a person who canvasses orders in Ceylon for any goods from other persons and places or causes to be placed with his principals in a country of export indents for such orders; and

“ prescribed ” means prescribed by regulation made under this Act.