

PART IV

REGULATIONS INWARDS

27. And whereas it is expedient that the officers of customs should have full cognizance of all ships coming into any port or place in Sri Lanka, or approaching the coast thereof, and of all goods on board or which may have been on board such ships, and also of all goods unladen from any ships in any port or place in Sri Lanka; **(9, Law 35 of 1974)**

No goods to be landed nor bulk broken before report.

It is enacted that no goods shall be unladen from any ship arriving from parts beyond the seas at any port or place in Sri Lanka, nor shall bulk be broken after the arrival of such ship within the territorial waters of Sri Lanka, before due report of such ship and sufferance granted, in manner hereinafter directed; and that no goods shall be so unladen except at such times and places and in such manner and by such persons and under the care of such officers as hereinafter directed; and that all goods not duly reported, or which shall be unladen contrary hereto, shall be forfeited; and if bulk be broken contrary hereto the master of such ship shall forfeit a sum not exceeding one hundred thousand rupees; and if after the arrival of any ship within the territorial waters of Sri Lanka any alteration be made in the stowage of the cargo of such ship so as to facilitate the unloading of any part of such cargo, or if any part be staved, destroyed, or thrown overboard, or any package be opened, such ship shall be deemed to have broken bulk:

Times and places of landing and care of officers. (17, 83, of 1988) Goods not reported or entered, forfeited.

Penalty.

Provided always that coin, bullion, cattle and other livestock, and passengers with their baggage, may be landed previous to report, entry or sufferance.

28. The master of every ship arriving at any port or place in Sri Lanka, whether laden or in ballast, shall come within twenty-four hours after such arrival, and before bulk be broken, to the Custom-house, and there make a report in writing, and such report shall be in duplicate, and shall make and subscribe a declaration to the truth of the same before the Director-General or other officer of Customs of the arrival and voyage of such ship, stating the name, country, and tonnage, and if British, the Port of registry, the name and country of master, the country of the owners, the number of the crew, and how many are of the country of such ship, the number of passengers, if any, and whether such ship be laden or in ballast, and if laden, the marks, numbers, and contents of every package or parcel of goods on board, and the particulars of such goods as are stowed loose, and where any such goods were laden, and where and to whom consigned and where and what goods, if any, had been unladen during the voyage, and what **Ship and Cargo to be reported within twenty four hours of arrival of ship. Particulars of report. (83,83 of 1988)**

part of the cargo, if any, is intended for exportation in such ship to parts beyond the seas, and what stores or stock remain on board such ship, as far as any of such particulars can be known to him; and further the master shall answer all such questions concerning the ship and the cargo, and the crew and the voyage, as shall be demanded of him by such officers; and if any goods shall be unladen from any ship before such report be made, or if the master shall fail to make such report, or if after such report any package shall have been opened, or if he shall make an untrue report, or shall not truly answer the question demanded of him, he shall be liable to a penalty not exceeding one hundred thousand rupees.

(38, 83 of 1988)

- 29.** The master of every ship shall at the time of making such report, deliver to the Director-General the manifest of the cargo of such ship, when a manifest is required, and, if required by the Director-General, shall produce to him any bill or bills of lading, or a true copy thereof, for any and every part of the cargo laden on board; and in case of failure or refusal to produce such manifest or to produce such bill of lading or copy, or if such manifest or bill of lading or copy shall be false, or if any bill of lading be uttered. or produced by any master, and the goods expressed therein shall not have been bona fide shipped on board such ship, or if any bill of lading uttered or produced by any master shall not have been signed by him or other duly authorized person, or any such copy shall not have been received or made by him previously to his leaving the place where the goods expressed in such bill of lading or copy were shipped, then in every such case such master shall be liable to forfeit a sum not exceeding one hundred thousand rupees.
- Master to deliver manifest and, required, bill of lading or copy. (83, 83 of 1988)**
- Penalty on failure. (19, 83 of 1988)**
- 30.** Officers of the Customs may board any ship arriving at any port in Sri Lanka, and freely stay on board until all goods laden therein shall have been duly delivered from the same, and such officers shall have free access to every part of the ship, with power to fasten down hatchways, and to mark any goods before landing, and to lock up, seal, mark, or otherwise secure any goods on board such ships; and if any place or any box or chest be locked and the keys be withheld, such officers, if they be of a degree superior to tide waiters or boatmen, may open any such place, box, or chest in the best manner in their power, and if they be tide waiters, or boatmen, or only of that degree, they shall. send for their superior officer who may open or cause to be opened any such place, box, or chest in the best manner in his power; and if any goods be found concealed on board any such ship they shall be forfeited; and if the officers shall place any lock, mark, or seal upon any goods on board, and such lock, mark, or seal be wilfully opened, altered,. or broken before the delivery of such goods, or if any of such goods be secretly conveyed away, or if the hatchways after being fastened down by the officer be opened, the master of such. ship shall be liable to forfeit a sum no exceeding one hundred thousand rupees.
- Officers to board ships. To have free access to all parts. May seal or secure goods and open locks. Goods concealed forfeited. If seal, & . c. broken, master to forfeit one hundred thousand rupees. (20, 83 of 1988).**

31. Officers of the Customs may be stationed on board any ship while within, the limits of any port or place in Sri Lanka, and the master of every ship on board of which any officer is so stationed shall provide every such officer with suitable shelter and accommodation while on board, and in case of neglect or refusal so to do shall be liable to forfeit a sum not exceeding ten thousand rupees

Officers may be stationed, in ships within the limits of any port (22, 83 of 1988)

32. If any ship shall arrive at any port in Sri Lanka without clearance or other paper which it is usual to grant at the place or places from which such ship shall have come, the master shall be liable to a penalty not exceeding twenty-five thousand rupees or if any goods entered on any clearance, or other paper granted at the place from which any ship shall have come, shall not be found on board such ship, or if the quantity found be short, and the deficiency be not duly accounted for, or if goods sent out of the ship be not landed at the appointed places, the master shall, in respect of any goods which are missing or deficient and not accounted for, be liable, if such good are chargeable with duty, and if such duty can be ascertained, to a penalty of twenty-five thousand rupees or a sum not exceeding the amount of the duty chargeable thereon, whichever is the greater amount, or if such duty cannot be ascertained or if such goods are not chargeable with duty, to a penalty not exceeding ten thousand rupees for each missing or deficient package, and the Director-General is authorized to require the payment of such penalty, and to decline the granting of clearance outwards to the master of any vessel so liable, and refusing to pay such penalty;

Penalty on master not having clearance and if cargo do not correspond with ships' papers, or if goods sent out of vessels be not landed at the appointed places. (22, 83 of 1988)

Provided always that nothing herein contained shall be construed to prevent the Director-General from accepting an explanation in the absence of clearance, or permitting at his discretion the master of any ship to amend obvious errors or to supply omissions from accidents or inadvertence, by furnishing an amended report, or accepting at his discretion on estimated single duty in respect of any class of goods.

(83, 83 of 1988)

33. No goods shall be unshipped or carried from the importing ship to any wharf or other place, except under such rules, regulations, and restrictions as the Director-General may from time to time direct and appoint; and all goods unshipped or carried contrary to such rules, regulations, and restrictions, or any of them, shall be forfeited, together with the boat or other means used for the conveyance of such goods; and every person knowingly concerned in the unshipping or carrying of such goods, or into whose hands and possession such goods shall knowingly come, contrary to such rules, regulations, and restrictions shall forfeit and pay a sum not exceeding one hundred thousand rupees, or treble the value of such goods, at the election of the said Director-General.

Goods unshipped from the importing vessel, or landed contrary to the regulations of the Director-General forfeited. Penalty on persons concerned.

(23, 83 of 1988)

(83, 83 of 1988)

34. (1) No goods shall be unladen from any ship until a sufferance shall have been granted by the Director-General for the landing of the same, and no goods shall be landed except at the place appointed and expressed in such

Provision with respect to unloading goods, depositing and removing of the same

sufferance; and all goods so landed shall be taken and deposited in the warehouse of the Republic, and within three clear days from the date of landing the importer shall make a full and complete entry thereof as hereinafter provided, and shall either pay down all duties which shall be due and payable on such goods, or shall duly warehouse the said goods, or, if the goods be free of duty, shall so enter the same; and in default of such entry being made and the said goods being removed within three clear days as aforesaid such goods shall during such time as they may remain in the warehouse be liable to additional rent at such rate as may be fixed by the Minister by regulation under section 15; and all goods unladen, landed, or removed without such sufferance, or contrary to the directions in such sufferance, shall be forfeited.

from the warehouse of the republic; and penalties for failure to remove within prescribed time.

(11, Law 35 of 1974).

(2) In computing the said period of three clear days, public holidays shall not be taken into account; but, in ascertaining the period for which any goods are liable to double rent, account shall be taken of public holidays, and a fractional part of a period of twenty-four hours shall count as a full period of twenty-four hours.

35. The master of any ship from which goods or cargo shall be unladen outside such hours as the Director-General with the sanction of the Minister may from time to time prescribe, or on any day when the Customs house is closed for business, without permission from the Director-General shall be liable to a fine not exceeding one thousand rupees and the boat and other means used for the conveyance of such goods shall be liable to be forfeited.

No goods to be unladen except during the legal hours and days of business.

(83, 83 of 1988).

(2 Law 35 of 1974).

36. Except in special cases sanctioned by the Director-General, ten days, exclusive of Public holidays, shall be allowed for the discharge of the import cargoes of vessels not exceeding 150 tons burthen ; and twenty-five days for vessels exceeding that burthen; and the said period shall be calculated from the date on which the vessel was admitted to entry and sufferance granted; and if any goods remain on board after the periods above fixed the Director-General may order such goods to be at once landed, and in case of neglect of such directions or of unnecessary delay or other unwarranted cause the Director-General may authorize the landing of the cargo and its conveyance to the warehouse of the Republic; and if the duties warehouse rent, and charges of landing and freight due upon any goods so landed shall not be paid within one month after such landing the same shall be sold and the produce thereof applied, first to the payment of freight and landing charges, next of duties and warehouse rent, and the overplus , if any, shall be paid to the owner of the goods, if claimed within twelve months from the date of such sale, otherwise such surplus shall be brought to account as revenue:

(83, 83 of 1988) Cargo in ships of 150 tons to be landed within ten days, and exceeding 150 tons within 25 days after arrival of such ship.

(83, 83 of 1988) In default Director General may land and convey goods to warehouse of the Republic.

Duties, & . c. to be paid within one month, or goods to be sold.

(83, 83 of 1988)

Provided that it shall be lawful for the Director-General to have any small

package or parcel of goods landed and conveyed to the warehouse of the Republic out of any ship whatever, although the periods above specified shall not have expired.

(83, 83 of 1988)

37. (1) Any goods in a vessel being goods mentioned in the import manifest as good intended for transit in the same vessel to any port outside Sri Lanka may be allowed. to be so transmitted without payment of duty.

Goods in transit and goods transhipped allowed without payment of duty. (24, 83 of 1988)

(2) No transshipment of any goods shall be made without payment of duty except by the special order of the Director-General or other proper officer, and after due entry of the goods and subject to such conditions as may be prescribed by the Minister. If any goods are transhipped, or attempted to be removed from one vessel to another contrary to the provisions of this section, such goods, together with the boat and other means used for conveying the same, may be seized and shall be liable to forfeiture.

(83, 83 of 1988)

38. With all goods unladen from any ship there shall be sent with each boat load a boat-note, specifying the number of packages the marks and numbers or other description thereof, and such boat- note shall be furnished and signed by an officer of the ship, and if there be a custom-house officer on board the boat-notes shall be signed by such officer also; and the tindal and owner of the boat into which the goods have been laden shall be held responsible for the due landing and delivery at the custom-house of all the goods so laden and specified in the boat-note, and shall be liable to treble the duties due on any deficiency ; and if any goods be found in a boat Without a boat-note, as above provided for, or in excess of the quantity specified in the boat-note, or if the boat be found deviating from the proper course to the proper place of landing, the boat containing such goods may be detained by any officer of the customs, and unless the cause of deviation or excess be explained to the satisfaction of the Director-General such boat and such goods shall be liable to forfeiture.

Boat notes to accompany goods unladen from any ship &. c.

The owner of each such boat shall provide the Director-General within such period as may be specified in that behalf by the Director-General a statement setting out the quantity and description of the goods so laden, the person to whom and the place at which he has delivered those goods, and such other particulars as the Director-General may, by written order issued to him not less than seven days before the expiration of the aforesaid period, require him to furnish. Any such owner who fails to provide such statement within such period shall be liable to a penalty of ten thousand rupees.

(83, 83 of 1988)

(83, 83 of 1988)

(83, 83 of 1988)

25, 83 of 1988)

39. The stores of every ship shall be subject to the same duties and the same prohibitions, restrictions, regulations, fines, and penalties, as goods and

Ship's stores

merchandise on importation, and may in like manner be entered for payment of proper duties or to be warehoused.

40. The unshipping, carrying, and landing of all goods and the bringing of the same to the proper place for examination or for weighing, and the putting of the same into and out of the scales, and the measuring, counting, unpacking, and repacking, and the opening and closing of the same, and removing to and placing them in the proper place of deposit shall be performed by and at the expense and risk of the importer, consignee, or agent.

Goods to be landed and examined at the expense of importer.

41. All goods placed in the warehouse of the Republic or other warehouses by any person shall be stowed by such person so as to afford easy access thereto, and in such parts or divisions of the warehouse and in such manner as the Director-General shall direct; and if the stowage be broken the goods shall be re-piled by the person breaking such stowage. in such manner as the Director-General may require.

Goods in warehouse must be properly showed and re-piled.

(83, 83 of 1988)

(83, 83 of 1988)

42. If any person placing such goods or breaking the stowage shall neglect or refuse to stow or re-pile them as herein-before directed, he shall for such neglect or refusal be guilty of an offence, and be liable to a fine not exceeding one hundred rupees.

Penalty for neglect or refusal (2, Law 35 of 1974)

Expenses to be paid to Director General.

Provided that it shall be lawful for the person so offending to avoid prosecution for the offence by tendering double the sum incurred in properly stowing or re-piling the goods; and if such sum be duly tendered before the institution of the prosecution, no further proceedings shall be had against such person for the offence aforesaid. In case of prosecution, the Magistrate shall direct so much of the fine as shall be sufficient to cover the expense of properly stowing and re-piling the goods to be paid to the Director-General.

(83, 83 of 1988)

43. If any goods enumerated in the table of prohibitions and restrictions in Schedule B shall be imported or brought into Sri Lanka contrary to the prohibitions and restrictions contained in such table in respect thereof, such goods shall be forfeited, and shall be destroyed or disposed of as the Director-General may direct:

Prohibitions and restrictions.

(83, 83 of 1988)

Provided that if any dangerous substance be imported or brought in to Sri Lanka without the license of the Minister, or contrary to any of the regulations which may be made from time to time by the Minister, for the safe landing and deposit of such substance, the person importing or bringing the same to Sri Lanka and any person concerned in such importation or bringing of the same, shall, in addition to the forfeiture above provided, be guilty of an offence and be liable to a fine not exceeding two thousand rupees.

(2, Law 35 of 1974)

44. If any person exports or attempts to export or take out of Sri Lanka any goods enumerated in the table of prohibitions and restrictions in Schedule B, in contravention of the prohibitions and restrictions contained in such table in respect thereof, such goods shall be forfeited, and shall be destroyed or disposed of as the Director-General may direct. **Goods exported contrary to the prohibitions and restrictions in schedule B to be forfeited. (83, 83 of 1988)**

*46. (1) Where any goods imported into Sri Lanka have sustained damage, the Director-General may, upon claim made in that behalf and upon proof to his satisfaction that such damage was sustained after the goods had been shipped in the importing ship and before the goods had been landed in Sri Lanka, make an abatement of the whole or any part of the duty chargeable thereon, as he may in his his discretion determine. **Abatement of duty on damaged goods. (83, 83 of 1988)**

(2) Every claim under subsection (1) for the abatement of duty shall be made by the importer or consignee of the goods in such form and in such manner as the Director-General may prescribed. **(83, 83 of 1988)**

(3) If the importer or consignee of the goods is not satisfied with the abatement made by the Director-General, the Director-General may call upon two impartial merchant or representatives of insurance companies to examine the goods and report to what extent in their judgment the goods are lessened in value by the damage they have sustained, and may, in his discretion, having regard to such report, vary the original abatement. **(83, 83 of 1988)**

(4) Where an abatement of the whole duty originally chargeable on any goods is made under subsection (1), or where any damaged goods are abandoned by the importer or consignee thereof, the Director-General may in his discretion take those goods for the use of the State, or order that those goods be destroyed or removed from the customs premises under the supervision of an officer of customs and at the expense of the importer or consignee of the goods. **(83, 83 of 1988)**

(5) Where the importer or consignee of any goods fails to pay any sum incurred under subsection (4) in the destruction or removal of such goods, it shall be lawful for the officers of customs to refuse to pass any other goods belonging to such importer or consignee until such sum is paid:

Provided that nothing in the preceding provisions of this subsection shall be deemed to prohibit the recovery of such sum from such importer or consignee as a debt due to the State.

47. The person entering any goods inwards, whether for payment of duty or to be warehoused, or for payment of duty upon the taking out of the warehouse, or whether such goods be free of duty, shall deliver to the Director-General a bill of entry of such goods, on a form of such size and colour as may be specified in that behalf by the Director-General by Notification published in the *Gazette*, and be fairly written in words at length, expressing the name of the ship, and of the master of the ship in which the goods were imported, and of the place from which they were brought, and of the description and situation of the warehouse, if they are to be warehoused, and the name of the person in whose name the goods are to be entered, and the quantity, value, and description of the goods and the number, dimensions, and denomination or description of the respective packages containing the goods, and such other particulars as the Director-General by that or a subsequent Notification may require him to furnish, and in the margin of such bill shall delineate the respective marks and numbers of such packages. The particulars furnished in the bill of entry shall be supported by such documents containing such particulars as the Director-General may, by Notification published in the *Gazette*, require. If such person fails to deliver a bill of entry prepared, and supported by such documents, as aforesaid, he shall be liable to a penalty not exceeding one thousand rupees. Such person shall pay any duties and dues which may be payable upon the goods mentioned in such entry; and such person shall also deliver at the same time two or more duplicates of such bill, in which bill all sums and numbers shall be expressed in figures, and the particulars to be contained in such bill shall be legibly written and arranged in such form and manner, and the number of such duplicates shall be such, as the Director-General shall require, and such bill of entry when signed by the Director-General, or person authorized by him, and transmitted to the proper officer, shall be the warrant to him for the examination and delivery of such goods; but if such goods shall not agree with the particulars in the bill of entry the same shall be forfeited, and such forfeiture shall include all other goods which shall be entered or packed with them as well as the packages in which they are contained.

Importer to deliver bill of entry together together with other documents.

(27, 83 of 1988)

(83, 83 of 1988)

48. Notwithstanding anything contained in section 47, it shall be lawful for the Director-General, on application made and subject to such regulations as the Director-General may from time to time issue, to allow the delivery of goods with or without examination, prior to the presentation of the bill of entry:

Delivery of goods prior to entry.

(83, 83 of 1988)

Provided that-

(83, 83 of 1988)

(a) any misdescription or under-valuation appearing in the application shall render the importer liable to the penalties imposed by this Ordinance for misdescription or under-valuation in the bill of entry;

misdescription or under-valuation in the bill of entry;

(b) such delivery shall not in any way be construed as a waiver of the Director-General's right to order forfeiture of the goods for any breach of this Ordinance committed in respect of such goods by the importer thereof, or relieve such importer from any penalty or liability to which he would have been subject had delivery been claimed on the presentation of the bill of entry; **(83, 83 of 1988)**

(c) If any sum of money imposed as a penalty be not duly paid, it shall be lawful for the officers of customs to refuse to pass any other goods imported by that importer until the said sum of money is paid.

49. The importer of any goods, or his agent, if unable, for want of full information, to make perfect entry of such goods, may on making and subscribing a declaration to that effect before the Director-General¹ or other proper officer of customs, make a perfect entry by bill of sight for the packages or parcels of such goods'. in order that the same may be seen and examined by the proper officer¹ and within three days after the goods shall have been so examined the importer shall make an entry thereof, either for payment of duty or for warehousing, as the case may be; but if the importer shall neglect to pass such perfect entry within one month after the date of the examination, such goods shall be sold for the payment of duties, warehouse rent, and other charges due thereon, and the overplus, if any, shall be paid to the proprietor of the goods. **Entry by bill of sight (83, 83 of 1988)**
Perfect entry to be made within three days
In default goods to be sold after one month.

50. No entry nor any warrant for the delivery of any goods, or for the taking of any goods out of any warehouse, shall be valid unless the particulars of the goods and packages in such entry shall correspond with the particulars of the goods and packages purporting to be the same in the report of the ship, and in the manifest where a manifest is required, and in the certificate or document, where any is required, by which the importation or entry of such goods is authorized, nor unless the goods shall have been properly described in such entry by the denominations and with the characters and circumstance according to which such goods are charged with duty, or may be imported, either to be used in Sri Lanka or to be warehoused for exportation only; and any goods taken or delivered out of any ship, or out of any warehouse, or for the delivery of which, or for any order for the delivery of which, from any warehouse, demand shall have been made, not having been duly entered, shall be forfeited. **Entry to agree with manifest & c.**
Goods not duly entered forfeited.

50A. (1) Where any goods imported into Sri Lanka have been- **Action applicable to goods excepted from customs duties and other dues conditionally (28, 83 of 1988)**

(a) exempted from the payment of customs duties or other dues chargeable on their importation or charged with customs duty at reduced rate, subject to any conditions stipulated in that behalf; or

(b) allowed into Sri Lanka, under any other law subject to any conditions

to be fulfilled after their importation, and where such conditions are not complied with, then such goods shall be forfeited.

- (2) If such goods are not at the time of forfeiture in the possession of the person in whose name such goods were imported, then such person shall forfeit a sum not exceeding three times the value of such goods as at the time of their importation.
- (3) The provisions of this section shall apply whether or not any undertaking or security' has been given under any other provisions of this Ordinance for compliance with the conditions stipulated or for the payment of the duty payable and the forfeiture of any goods under this section shall not affect any liability of any person who has given any such undertaking or security.

- 51.** In all cases when the duties imposed upon the importation of articles are charged according to the value thereof, the respective value of each such article shall be stated in the entry together with the description and quantity of the same, and duly affirmed by declaration by the importer or his agent, and such value shall be determined in accordance with the provisions of Schedule E, and duties shall be paid on a value so determined. **Value of goods for the purpose of ad valorem duties. (29, 83 of 1988)**
- 52.** Where it shall appear to the officers of the customs that the value declared in respect of any goods is not in accordance with the provisions of Schedule E, the goods in respect of which such declaration has been made shall be forfeited together with the package in which they are contained. Where such goods are not recoverable, the person making such false declaration shall forfeited either treble the value of such goods or be able to a penalty of two thousand rupees, at the election of the Director-General. **Forfeiture for non-compliance or false declaration. Forfeiture of value where goods not recoverable. (30, 83 of 1988) (83, 83 of 1988)**