

Sea Customs Act, 1878

8 of 1878

[01 April 1878]

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Sea Customs Act, 1878

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CHAPTER 1 PRELIMINARY

1. XXX XXX XXX :-

2. XXX XXX XXX :-

3. Interpretation :-

In this Act, unless there be something repugnant in the subject or context,

(a) "Chief Customs-authority" means such officer as the President of the Union may appoint in that behalf :

(b) "Chief Customs-officer" denotes the Chief Executive Officer of Sea-customs for any port to which this Act applies :

(c) "Customs-collector" includes every officer of Customs for the time" being in separate charge of a custom-house, or duly authorized to perform all, or any special, duties of an officer so in charge :

(d) "customs-port " means any place declared under section 11 to be a port for the shipment and landing of goods :

(e) "foreign port" means any place beyond the limits of the Union of Burma :

(f) "vessel" includes anything made for the conveyance by water of human beings or property:

(g) "coasting vessel" denotes any vessel proceeding from one customs-port to another customs-port, whether touching at any "intermediate foreign port or not, or proceeding from or to a customs-port to or from a place declared to be a port under section 12 :

(h) "master", when used in relation to any vessel, means any

personal except a pilot or harbour-master, having command or charge of such vessel :

(i) "warehousing port " means any customs-port declared under section 14 to be a warehousing port :

(j) "warehouse" denotes any place appointed or licensed under section 15 or section 16.

4. Agent of owner of goods to be deemed owner for certain purposes :-

When any person is expressly or impliedly authorized by the owner of any goods to be his agent in respect of such goods for all or any of the purposes of this Act, and such authorization is approved by the Customs-collector, such person shall, for such purposes, be deemed to be the owner of such goods.

5. When ships agent may act for master :-

Anything which a master is required or empowered to do under this Act may, with the express or implied consent of such master and the approval of the Customs-collector, be done by a ships agent.

CHAPTER 2 APPOINTMENT AND POWERS OF OFFICERS, ETC

6. Appointment of Customs-officers :-

The President of the Union may appoint such persons as he thinks fit to be officers of Customs, and to exercise the powers conferred, and perform the duties imposed, by this Act on such officers.

7. Delegation of powers under section 6 :-

The President of the Union may delegate to the Chief Customs-authority any power conferred upon him by section 6, and the Chief Customs-authority may delegate to any officer of Customs any power so delegated to it.

8. Performance of duties of Customs-collector, where no custom-house :-

At any place for which there is no custom-house the Collector of the district and the officers subordinate to him shall, unless the President of the Union otherwise directs, perform all duties imposed by this Act on a Customs-collector and other officers of Customs.

9. Power to make rules :-

The Chief Customs-authority may from time to time make rules consistent with this Act _

- (a) prescribing and limiting the powers and duties of officers of Customs ;
- (b) regulating the delegation of their duties by such officers ; and
- (c) generally to carry out the provisions of this Act.

10. Customs-officers exempted from service on jury or inquest !or as assessors :-

No Chief Customs-authority or Chief Customs-officer, and no other officer of Customs whom such Chief authority or Chief officer deems it necessary to exempt on grounds of public duty, shall be compelled to serve on any jury or inquest, or as air assessor.

CHAPTER3 APPOINTMENT OF PORTS, WHARVES, CUSTOM-HOUSES, WAREHOUSES, AND BOARDING AND LANDING STATIONS

11. Power to appoint ports, wharves and custom-houses :-

The Chief Customs-authority may from time to time, by notification in the Gazette, _

- (a) declare the places which alone shall be ports for the shipment and landing of goods;
- (b) declare the limits of such ports ;
- (c) appoint proper places therein to be wharves for the landing and shipping of goods, or of particular classes of goods ;
- (d) declare the limits of any such wharf ;
- (e) alter the name of any such port or wharf ; and
- (f) declare what shall, for the purposes of this Act, be deemed to be a custom-house, and the limits thereof.

12. Power to declare places to be ports for coasting-trade :-

The Chief Customs-authority may also from time to time in like manner declare places to be ports for the carrying on of coasting-trade with customs ports, or with any specified customs-port, and for no other purpose.

13. Power to declare that foreign ports shall be regarded as customs-ports for certain purposes. :-

The President of the Union may from time to time direct, by notification in the Gazette, that all goods or any specified class of goods imported from or exported to any foreign port to or from a customs-port shall, with such limitations and on such conditions (if any) as he thinks fit, be treated for any of the purposes of this Act as goods imported from or exported to a customs-port, as the case may be.

14. Power to declare warehousing ports :-

The Chief Customs-authority may from time to time declare, by notification in the Gazette, that any customs-port shall be a warehousing port for the purposes of this Act.

15. Power to appoint public warehouses :-

At any warehousing port the Chief Customs-officer may, from time to time, appoint public warehouses wherein dutiable goods may be deposited without payment of duty on the first importation thereof.

16. Power to license private warehouses. Form of application for licence. Revocation of licence :-

At any warehousing port the Chief Customs-officer may, from time to time, license private warehouses wherein dutiable goods may be deposited as aforesaid. Every application for a licence for a private warehouse shall be in writing, and shall be drawn up in such form as is from time to time prescribed by the Chief Customs-officer and shall be signed by the applicant.

Every licence granted under this section may be cancelled on conviction of the licensee of any offence under this Act relating to warehouses, unless it is otherwise provided in the licence, or on the expiration of one month's notice in writing given to the licensee by the Chief Customs-officer.

17. Stations for Customs-officers to board and land :-

The Chief Customs-officer may from time to time appoint, in or near any customsport, stations or limits at or within which vessels arriving at or departing from such port shall bring-to for the boarding or landing of officers of Customs, and may, unless separate provision therefor has been made under the Ports Act, direct at what particular place in any such port vessels, not brought

into port by pilots, shall anchor or moor.

CHAPTER 4 PROHIBITIONS AND RESTRICTIONS OF IMPORTATION AND EXPORTATION

18. Prohibitions :-

No goods specified in the following clauses shall be brought, whether by land or sea, into the Union of Burma :-

(a) * * * *

(b) counterfeit coin ; or coin which purports to be current coin but which is not of the established standard in weighs or fineness :

(c) any obscene book, pamphlet, paper, drawing, painting, representation, figure or article :

(d) goods having applied thereto a counterfeit trade-mark within the meaning of the Penal Code, or a false trade-description within the meaning of the Merchandise Marks Act :

(e) goods made or produced beyond the limits of the United Kingdom, India or Pakistan and the Union of Burma and having applied thereto any name or trademark being, or purporting to be, the name or trade-mark of any person who is a manufacturer, dealer or trader in the United Kingdom, in India or Pakistan or in the Union of Burma unless--

(i) the name or trade-mark is, as to every application thereof, accompanied by a definite indication of the goods having been made or produced in a place beyond the limits of the United Kingdom, India or Pakistan and the Union of Burma; and

(ii) the country in which that place is situated is in that indication indicated in letters as large and conspicuous as any letter in the name or trade-mark, and in the same language and character as the name or trade-mark :

(f) piece-goods, such as are ordinarily sold by length or by the piece, which

(i) have not conspicuously stamped in English numerals on each piece the length thereof in standard yards, or in standard yards and a fraction of such a yard, according to the real length of the piece; and

(ii) have been manufactured beyond the limits of the Union of Burma; or

(iii) having been manufactured within those limits have been manufactured beyond the limits of the Union of Burma in premises which, if they were in the Union of Burma, would be a factory as defined in the Factories Act :

(g) matches made with white phosphorus.

19. Power to prohibit or restrict importation or exportation of goods :-

The President of the Union may from time to time, by notification in the Gazette, prohibit or restrict the bringing or taking by sea or by land goods of any specified description into or out of the Union of Burma or any specified part thereof, either generally or from or to any specified country, region, port or place beyond the limits of the Union of Burma.

19A. Detention and confiscation of goods whose importation is prohibited :-

(1) Before detaining any such goods as are or may be specified Detention in or under section 18 or section 19, as the case may be, or taking any further proceedings with a view to the confiscation thereof under this Act, the Chief Customs-officer or other officer appointed by the Chief Customs-authority in this behalf may require the regulations under this section, whether as to information, security, conditions or other matters, to be complied with, and may satisfy himself in accordance with those regulations that the goods are such as are prohibited to be imported.

(2) The President of the Union may make regulations, either general or special, respecting the detention and confiscation of goods the importation of which is prohibited, and the conditions, if any, to be fulfilled before such detention and confiscation, and may by such regulations determine the information, notices and security to be given, and the evidence requisite for any of the purposes of this section and the mode of verification of such evidence.

(3) Where there is on any goods a name which is identical with, or a colourable imitation of, the name of a place in the United Kingdom, India or Pakistan or the Union of Burma that name, unless accompanied in equally large and conspicuous letters, and in the same language and character, by the name of the country in which such place is situate, shall be treated for the purposes of sections 18 and 19 as if it were the name of a place in the United Kingdom, India or Pakistan or the Union of Burma.

(4) Such regulations may apply to all goods the importation of which is prohibited by section 18 or under section 19, or different regulations may be made respecting different classes of such goods or of offences in relation to such goods.

(5) The regulations may provide for the informant reimbursing any public officer and the Government all expenses and damages incurred in respect of any detention made on his information, and of any proceedings consequent on such detention.

(6) All regulations under this section shall be published in the Gazette.

CHAPTER 5 LEVY OF, AND EXEMPTION FROM, CUSTOMS-DUTIES

20. Goods dutiable :-

Except as hereinafter provided, customs-duties shall be levied such rates as may be prescribed by or under any law 1 for the time being force, on

(a) goods imported or exported by sea into or from any customs-port from or to any foreign port ;

(b) opium, salt or salted fish imported by sea from any customs-port into any other customs-port ;

(c) goods brought from any foreign port to any customs-port, and, without payment of duty, there transhipped for, or thence carried; to, and imported at, any other customs-port ; and

(d) goods brought in bond from one customs-port to another.

21. Goods partially composed of dutiable articles :-

Except as otherwise expressly provided by any law for the time being in force, goods whereof any article liable to duty under this Act forms a part or ingredient shall be chargeable with the full duty which would be payable on such goods if they were entirely composed of such article, or, if composed of more than one article liable to duty, then with the full duty which would be payable on such goods if they were entirely composed of the article charged with the highest rate of duty.

22. Power to fix tariff-values :-

The President of the Union may from time to time, by notification in the Gazette, fix, for the purpose of levying duties, tariff-values of any goods exported or imported by sea on which customs-duties are by law imposed and alter any such values fixed by any Tariff Act for the time being in force.

23. General power to exempt from customs-duties :-

Power to authorize, in special cases, exemption from duty.

The President of the Union may from time to time, by notification in the Gazette, exempt any goods imported into, or exported from, the Union of Burma, or into or from any specified port therein, from the whole or any part of the customs-duties leviable on such goods. The Chief Customs-authority may, with the previous sanction of the President of the Union, by special order in each case, exempt from the payment of duty, under circumstances of an exceptional nature to be stated in such order, any goods on which customs-duties are leviable.

24. Baggage in actual use :-

The Customs-collector may, subject to any general rules relating to the landing and shipping of passengers baggage and the passing of the same through the custom-house which may be made under section 75, pass free of duty any baggage in actual use, and for this purpose may determine, subject to any Such rules, whether any goods shall be treated as baggage in actual use, or as goods subject to duty.

25. Re-imported articles of country-produce. Proviso :-

If goods produced or manufactured in the Union of Burma be imported into any customs-port from any foreign port, such goods shall be liable to all the duties, conditions and restrictions (if any) to which goods of the like kind and value not so produced or manufactured are liable on the first importation thereof : Provided that, if such importation takes place within three years after the exportation of such goods, and it is proved to the satisfaction of the Customs-collector that the property in such goods has continued in the person by whom, or on whose account, they were exported, the goods may be admitted without payment of duty.

26. Excise-duty on importation of certain country goods :-

Any goods produced or manufactured in the Union of Burma which have been exported therefrom, and on the exportation of which any drawback of excise has been received, shall on being imported into any customs-port be subjected, unless the Chief Customs-officer in any particular case otherwise directs by special order, to payment of excise duty at the rate to which goods of the like kind and quality are liable at such port.

27. Goods derelict and wreck :-

All goods derelict; jetsam; flotsam and wreck, brought or coming into any place in the Union of Burma, shall be subject to the same duties, if any, to which goods of the like kind are for the time being subject on importation at any customs-port, and shall in other respects be dealt with as if they were imported from a foreign port, unless it be shown to the satisfaction of the Customs-collector that such goods are the produce or manufacture of any place from which they are entitled to be admitted duty-free.

28. Country provisions and stores may be shipped free of duty :-

Provisions and stores produced or manufactured in the Union of Burma, required for use on board of any vessel proceeding to any foreign port, may be shipped free of duty, whether of customs or excise, in such quantities as the Customs-collector determines with reference to the tonnage of the vessel, the numbers of the crew and passengers, and the length of the voyage on which the vessel is about to depart :

Provided that no rum shall be so shipped on any vessel going on a voyage of less than thirty days probable duration.

29. Owner to declare real value, etc., of goods in bill of entry or shipping bill. Power to require production of invoice, etc. :-

On the importation into, or exportation from, any customs-port of any goods, whether liable to duty or not, the owner of such goods shall, in his bill of entry or shipping bill, as the case may be, state the real value; quantity and description of such goods to the best of his knowledge and belief, and shall subscribe a declaration of the truth of such statement at the foot of such bill.

In case of doubt, the Customs-collector may require any such owner or any other person in possession of any invoice, brokers note, policy of insurance or other document, whereby the real value, quantity or description of any such goods can be ascertained, to produce the same, and to furnish any information relating to such value, quantity or description which it is in his power to furnish. And thereupon such person shall produce such document and furnish s information :

Provided that, if the owner makes and subscribes a declaration

before the Customs collector, to the effect that he is unable, from want of full information to state the real value or contents of any case, package or parcel of goods, the Customs-collector shall permit him, previous to the entry thereof, (1) to open such case, package or parcel, and examine the contents in presence of an officer of Customs, or (2) to deposit such case, package or parcel in a public warehouse appointed under section 15 without warehousing the same, pending the production of such information.

30. "Real value" defined :-

For the purposes of this Act the real value shall be deemed to be—
(a) the wholesale cash price, less trade discount, for which goods of the like kind and quality are sold, or are capable of being sold, at the time and place of importation or exportation, as the case may be, without any abatement or deduction whatever, except (in the case of goods imported) of the amount of ¹ [the sales tax and of] the duties payable on the importation thereof : or
(b) where such price is not ascertainable, the cost at which goods of the like kind and quality could be delivered at such place, without any abatement or deduction except as aforesaid.

¹ Inserted by Act XVI, 1953

31. Examination of ad valorem goods :-

Goods chargeable with duty upon the value thereof, but for which a specific value is not fixed by law for the purpose of levying duties thereon, shall, without unnecessary delay, be examined by an officer of Customs. If it appears that the real value of such goods is correctly stated in the bill of entry or shipping bill, the goods shall be assessed in accordance therewith.

32. Procedure where such goods are undervalued by owner :-

If it appears that such goods are properly chargeable with a higher rate or amount of duty than that to which they would be subject according to the value thereof as stated in the bill of entry or shipping bill, such officer may detain such goods. In every such case the detaining officer shall forthwith give notice in writing to the owner of the goods of their detention, and of the value thereof as estimated by him ; and the Customs-collector shall, within two

clear working days after such detention, or within such reasonable period as may with the consent of the parties be arranged, determine either to deliver such goods on payment of duty charged according to the entry of such owner, or to retain the same for the use of Government.

If the goods be retained for the use of Government, the Customs-collector shall cause the full amount stated in the bill as their real value to be paid to the owner in full satisfaction for such goods in the same manner as if they had been transferred by ordinary sale, and shall, after due notice in the Gazette or some local newspaper, and without unnecessary delay, cause them to be put up to public auction in wholesale lots for cash on delivery. If the Customs-collector deems the highest offer made at such sale to be inadequate, he may either adjourn the sale to some other day to be notified as aforesaid, or buy in the goods, and without unnecessary delay dispose of them for the benefit of Government. If the proceeds arising from such sale exceed the sum paid to the owner, together with (in the case of goods imported) the duty to which the goods are liable and all charges incurred by Government in connection with them, a portion not exceeding one-half of the overplus shall, at the discretion of the Chief Officer of Customs, be payable to the officer who detected the undervaluation of the goods.

Nothing in this section shall prevent the Chief Officer of Customs, when he has reason to believe that any such undervaluation was solely the result of accident or error, from permitting the owner of the goods, on his application for that purpose, to amend such entry, on payment of such increased rate of duties on the excess of the amended over the original valuation, or on such other terms as the Chief Officer of Customs may determine.

33. Abatement allowed on damaged goods. Reduced duty how determined :-

If, on the first examination of any such goods under section 31, the Abatement owner thereof states in writing that such goods are, in consequence of damage sustained before delivery of the bill of entry, of value less than that stated in goods. such bill, the Customscollector, on being satisfied of the fact, may allow abatement of duty accordingly. The reduced duty to be levied on such goods may be ascertained by either Reduced of the following methods, at the option of the owner :-

(a) the real value of such goods may be fixed on appraisement by an officer of Customs and the duty may be assessed on the value so fixed ; or

(b) the goods may, after due notice in the Gazette or some local newspaper, be sold by public auction at such time (within thirty days from the date of delivery of the bill of entry), and at such place, as the Customs-collector appoints ; and the duty may be assessed on the gross amount realized by such sale, without any abatement or deduction, except (in the case, of goods imported) of so much as represents the duties payable on the importation thereof.

34. Deterioration of tariff-value goods :-

When any goods, the value of which has been fixed by law for the purpose of levying duties thereon, have, before delivery of the bill of entry, deteriorated to the extent of more than one-tenth of their value, the duty on such goods shall, if the owner thereof so desires, be assessed ad valorem.

The real value of such goods shall be ascertained as provided in section 33, and the duty shall be assessed thereon.

34A. Abatement of duty on goods en which duty is levied on quantity :-

Where the Customs-collector is satisfied that any goods on which duties are levied on quantity and not on value, and which are of a kind which the President of the Union has, by notification in the Gazette, declared that the provisions of this section shall apply, have before delivery of the bill of entry deteriorated to the extent of more than one-tenth of their value, he may allow an abatement of duty proportionate to the extent of such deterioration.

35. No abatement when duty is levied on quantity :-

No abatement of duty on account of any deterioration shall be allowed on wine, spirit or beer, or save as provided by section 34A on any other articles on which duties are levied on quantity and not on value.

36. Restriction on amendment of bill of entry or shipping bill :-

Except as provided in section 94, no amendment of a bill of entry

or shipping bill relating to goods assessed for duty on the declared value, quantity or description thereof shall be allowed after such goods have been removed from the custom-house.

37. Alteration of import-duty or tariff-valuation :-

The rate of duty and the tariff valuation (if any) applicable to any goods imported shall be the rate and valuation in force on the date on which the bill of entry thereof is delivered to the Customs-collector under section 86 : Provided that, if such goods are warehoused under this Act, the rate and valuation (if any) applicable thereto shall be the rate and valuation in force on the date of the actual removal of such goods from the warehouse in the case of goods delivered out of a warehouse for home consumption, and in the case of goods delivered out of a warehouse for removal under bond to be re-warehoused where the duty is paid on such goods without their being rewarehoused, the rate and valuation (if any) in force on the date on which duty is paid. Explanation.-A bill of entry shall, for the purposes of this section, be deemed to be delivered when it is first presented to the proper officer of Customs.

38. Alteration of export-duty or tariff-valuation :-

The rate of duty and tariff-valuation (if any) applicable to any goods exported shall be the rate and valuation in force when a shipping bill of such goods is delivered under section 137 : Provided that where the shipment of any goods is permitted without a shipping bill or in anticipation of the delivery of a shipping bill, the rate of duty and tariff valuation, if any, applicable shall be the rate and valuation in force at the time when shipment of the goods commences.

39. Payment of duties short-levied or erroneously refunded :-

When customs-duties or charges have been short-levied through inadvertence, error, collusion or misconstruction on the part of the officers of Customs, or through mis-statement as to real value, quantity or description on the part of the owner, or when any such duty or charge, after having been levied, has been, owing to any such cause, erroneously refunded, the person chargeable with the duty or charge so short-levied, or to whom such refund has erroneously been made, shall pay the deficiency or repay the

amount paid to him in excess, on demand being made within three months from the date of the first assessment or making of the refund ; and the Customs-collector may refuse to pass any goods belonging to such person until the said deficiency or excess be paid or repaid.

40. No refund of charges erroneously levied or paid, unless claimed within three months :-

No customs-duties or charges which have been paid, and of which repayment, wholly or in part, is claimed in consequence of the same having been paid through inadvertence, error or misconstruction, shall be returned, unless such claim is made within three months from the date of such payment.

41. Power to give credit for, and keep account-current of, duties and charges :-

The Customs-collector may, if he thinks fit, instead of requiring payment of customs duties and charges due from any mercantile firm or public body, at the time such duties and charges are payable under this Act, keep with such firm or body an account-current of such duties and charges. Such account shall be settled at intervals not exceeding one month, and such firm or body shall make a deposit or furnish security sufficient in the opinion of the Customs-collector to cover the amount which may at any time be due from then in respect of such duties and charges.

CHAPTER 6 DRAWBACK

42. Drawback allowable on re-export. Conditions for grant of drawback :-

When any goods, capable of being easily identified, which have been imported by sea into any customs-port from any foreign port, and upon which duties of customs have been paid on importation, are re-exported by sea from such customs-port to any foreign port, or as provisions or stores for use on board a ship proceeding to a foreign port, seven-eighths, or in the case of silver bullion the whole, of such duties shall, except as otherwise hereinafter provided, be repaid as drawback :

Provided that, in every such case, the goods be identified to the satisfaction of the Customs-collector at such customs-port, and that the re-export be made within two years from the date of

importation, as shown by the records of the custom-house, or within such extended term as the Chief Customs-authority or the Chief Customs-officer, on sufficient cause being shown, in any case determines : Provided further that the Chief Customs-officer shall not extend the term to a period exceeding three years.

43. Drawback on goods exported to customs-port and thence to foreign port.

Proviso. :-

When any goods, having been charged with import-duty at one customs-port and thence exported to another, are re-exported by sea as afore-said, drawback shall be allowed on such goods as if they had been so re-exported from the former port : Provided that, in every such case, the goods be identified to the satisfaction of the officer in charge of the custom-house at the port of final exportation, and that such final exportation be made within three years from the on which they were first imported into the Union of Burma.

43A. Drawback on goods taken into use between importation and re-exportation. :-

(1) Notwithstanding anything hereinbefore contained, the repayment of duty as drawback in respect of goods which have been taken into use between importation and reexportation shall be subject to the provisions the rules made under sub-section (2).

(2) The President of the Union may, subject to the condition of previous publication, from time to time, by notification in the Gazette, make rules in respect of goods which have been taken into use between importation and reexportation, _

(a) modifying the amount of duty which shall be repaid as drawback on any such goods or class of such goods, or

(b) prohibiting the repayment of duty as drawback on any such goods, or class of such goods, or

(c) varying the conditions for the grant of drawback on any such goods or class of such goods by restricting the period after importation within which the goods must be re-exported.

44. Drawback of duties on wine and spirit allowed for officers of Navy :-

A drawback of the whole of the customs-duties shall be allowed on

wine and spirit intended for the consumption of any officer of the Burma Navy, on board of any of Government ships in actual service, unless such wine and spirit have been warehoused without payment of duty on the first entry thereof. The quantity of wine and spirit on which drawback may be so allowed in any one year for the use of such officers shall not exceed the quantities hereinafter allowed for each such officer respectively ; that is to say__

	Gallons
For every Admiral	1,260
Vice-Admiral	1,050
Rear-Admiral .	840
Captain of 1st and 2nd rate	630
Captain of 3 d, 4th and 5th rate	420
Captain of an inferior rat	210
Liuetenant or other Commanding Officer, Marine-officer, Master, Purser or Surgeon	105

45. Persons entering such wine or spirit for drawback to declare name and rank of officer claiming same. :-

Every person clearing and claiming drawback for wine or spirit, as provided in section 44, shall state in the shipping bill the name of the officer for whose use such wine or spirit is intended, and of the ship in which he serves, as well as the place and date of the last supply for which drawback was allowed.

All such wine and spirit shall be delivered into the charge of the proper officers of Customs at the port of shipment, to be shipped under their care ; and when the officer commanding the ship has certified the receipt of such wine and spirit into his charge, and any such officer of Customs has certified the shipment, the drawback shall be paid to the person entitled to receive same.

46. Transfer of wine or spirit from one naval officer to another :-

The Customs-collector may permit the transfer of any such wine or spirit from one naval officer to another naval officer on board of the same or of any other such vessel, as part of his authorized quantity ; or may permit the transshipment of any such wine or spirit from one vessel to another for the use of the same naval officer ; or the re-landing and warehousing of any such wine or spirit for future re-shipment. The Customs-collector may also receive back the duties for any such wine or spirit, and allow the same to be cleared for

home-consumption.

47. Provisions and stores for the Burma Navy :-

Provisions and stores for the use of the Burma Navy or of any officer thereof which are subject to duty may, in like manner, be transferred, transhipped or re-landed and warehoused, free of duty ; and where duties have been paid on any such provisions or stores required for shipment, drawback of such duties, whether of customs or excise, shall be allowed on receipt of an application in writing from the officer commanding the ship for which they are intended, or from some other officer duly authorized to make such application.

48. XXX XXX XXX :-

¹ 48 xxx xxx xxx

1 Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

**49. (a) Power to declare what goods are identifiable,
(b) and to prohibit drawback in case of specified foreign port :-**

The President of the Union may from time to time, by notification in the Gazette

- (a) declare what goods shall, for the purpose of this Chapter, be deemed to be capable of being easily identified ; and
- (b) prohibit the payment of drawback upon the re-exportation of goods or any specified goods or class of goods to any specified foreign port.

50. When no drawback allowed :-

Notwithstanding anything hereinbefore contained, no drawback shall be allowed_

- (a) upon goods not included in the export manifest, or
- (b) where the goods to be exported are of less value than the amount of drawback claimed, or
- (c) where the claim is for drawback amounting, in respect of any single shipment, to less than five rupees, and the Customs-collector thinks fit to reject it, or
- (d) on salt, salted fish or opium.

51. Time to claim drawback. When payment made :-

No drawback shall be allowed unless the claim to receive such draw-back be made and established at the time of re-export.

No such payment of drawback shall be made until the vessel carrying the goods has put out to sea, or unless payment be demanded within six months from the date of entry for shipment.

52. Declaration by parties claiming drawback :-

Every person, or his duly authorized agent, claiming drawback on any goods duly exported, shall make and subscribe a declaration that such goods have been actually exported, and have not been re-landed and are not intended to be re-landed at any customs-port ; and that such person was at the time of entry outwards and shipment, and continues to be, entitled to drawback thereon.

CHAPTER 7 ARRIVAL AND DEPARTURE OF VESSELS

53. Power to fix places beyond which inward-bound vessels are not to proceed until manifest delivered. Delivery of manifest when vessel anchors below place so fixed :-

The Chief Customs-authority may, by notification in the Gazette, fix a place in any river or port, beyond which no vessel arriving shall pass until a manifest has been delivered to the pilot, officer of Customs or other person duly authorized to receive the same.

If, in any river or port wherein a place has been fixed by the Chief Customs authority under this section, the master of any vessel arriving remains outside anchors be- or below the place so fixed, such master shall, nevertheless, within twenty-four f ix apiat a so hours after the vessel anchors, deliver a manifest to the pilot, officer of Customs or other person authorized to receive the same.

54. Delivery of manifest where no place has been so fixed :-

If any vessel arrives at any customs-port in which a place has not been so fixed, the master of such vessel shall, within twenty-four hours after such vessel has anchored within the limits of the port, deliver a manifest to the pilot, officer of Customs or other person authorized to receive the same.

55. Signature and contents of manifest. Amendment of errors in manifest :-

Every manifest shall be signed by the master, and shall specify all goods imported in such vessel, showing separately all goods (if any) intended to be landed, transhipped or taken on to another port, and all ships stores intended for consumption in port or on the homeward voyage, and shall contain such further particulars, and be made out in such form, as the Chief Customs-officer may from time to time direct. The Customs-collector shall permit the master to amend any obvious error in the manifest, or to supply any omission which in the opinion of such Collector results from accident or inadvertence, by furnishing an amended or supplementary manifest, and may, if he thinks fit, levy thereon such fee as the Chief Customs-officer from time to time directs. Except as herein provided, no import manifest shall be amended

56. Duty of person receiving manifest :-

The person receiving a manifest under section 53 or 54 shall countersign the same and enter thereon such particulars as the Chief Customs-officer from time to time directs in this behalf.

57. Bulk not to be broken until manifest, etc., delivered, and vessel entered inwards :-

No vessel arriving in any customs-port shall be allowed to break bulk until a manifest has been delivered as hereinbefore provided ; nor until a copy of such manifest, together with an application for entry of such vessel inwards, has been presented by the master to the Customs-collector, and an order has been given thereon for such entry.

58. Master, if required, to deliver bill of lading, etc., to Customs-collector, and answer questions. :-

The master shall, if required so . to do by the Customs-collector at the time of presenting such application, deliver to the Customs-collector the bill of lading or a copy thereof for every part of the cargo laden on board, and any port-clearance, docket or other paper granted in respect of such vessel at the place from which she is stated to have come, and shall answer all such questions relating to the vessel, cargo, crew and voyage as are put to him by such officer.

The Customs-collector may, if any requisition or question made or

put by him under this section is not complied with or answered, refuse to grant such application.

59. Special pass for breaking bulk :-

Notwithstanding anything contained in section 57, the Customs-collector may grant, prior to receipt of the manifest, and to the entry inwards of the vessel, a special pass permitting bulk to be broken.

The granting of such pass shall be subject to such rules as may from time to time be made by the Chief Customs-authority.

60. Manifest, etc., may be delivered by ships agent :-

Notwithstanding anything contained in section 53, 54, 57 or 58, the Customs-collector may accept from the ships agent, in lieu of the master, delivery of the manifest or of any other document required by those sections to be delivered by the master. Entry outwards, Port-clearance and Departure of Vessels.

61. Order for entry outwards to be obtained before export cargo is shipped :-

No vessel shall take on board any part of her export cargo, until a written application for entry of such vessel outwards, subscribed by the master of such vessel, has been made to the Customs-collector, or before an order has been given thereon by such officer for such entry.

Every application made under this section shall specify the name, tonnage and national character of the vessel, the name of the master and the name of every place for which cargo is to be shipped.

62. No vessel to depart without port-clearance :-

No vessel, whether laden or in ballast, shall depart from any customs-port until a; port-clearance has been granted by the Customs-collector or other officer duly authorized to grant the same.

And no pilot shall take charge of any vessel proceeding to sea, unless the master of such vessel produces a port-clearance.

63. Application for port-clearance :-

Every application for port-clearance shall be made by the master at least twenty-four hours before the intended departure of the vessel. The master shall at the time of applying for port-clearance--

- (a) deliver to the Customs-collector a manifest in duplicate, in such form as may from time to time be prescribed by the Chief Customs-officer, signed by such master, specifying all goods to be exported in the vessel and showing separately all goods and stores entered in the import manifest, and not landed or consumed on board or transhipped ;
- (b) deliver to the Customs-collector such shipping bills or other documents as such Customs-collector acting under the general instructions of such Chief Customs-officer requires ; and
- (c) answer to the proper officer of Customs such questions touching the departure and destination of the vessel as are demanded of him. The provisions of section 55 relating to the amendment of import manifests shall, mutatis mutandis, apply also to export manifests delivered under this section.

64. Power to refuse port-clearance :-

The Customs-collector may refuse port-clearance to any vessel until--

- (a) the provisions of section 63 are complied with ;
- (b) all port-dues and other charges and penalties due by such vessel, or by the owner or master thereof, and all duties payable in respect of any goods shipped therein, have been duly paid, or their payment secured by such guarantee, or by deposit at such rate, as such Customs-collector directs ;
- (c) the ships agent (if any) delivers to the Customs-collector a declaration in writing to the effect that he will be liable for any penalty imposed under section 167, No. 17, and furnishes security for the discharge of the same ;
- (d) the ships agent (if any) delivers to the Customs-collector a declaration in writing to the effect that such agent is answerable for the discharge of all claims for damage or short delivery which may be established by the owner of any goods comprised in the import cargo in respect of such goods.

A ships agent delivering a declaration under clause (c) of this section shall be liable to all penalties which might be imposed on the master under section 167, No. 17, and a ships agent delivering a declaration under clause (d) of this section shall be bound to discharge all claims referred to in such declaration.

65. Grant of port-clearance :-

When the Customs-collector is satisfied that the provisions of section 63, and if necessary of clauses (b) and (c) and (d) of section 64, have been complied with, he shall grant a port-clearance to the master, and shall return at the same time to such master one copy of the manifest duly countersigned by the proper officer of Customs.

66. Grant of port-clearance on security of ships agent :-

Notwithstanding anything contained in sections 64 and 65, the Customs-collector may (subject to such rules as the Chief Customs-authority may from time to time prescribe) grant a port-clearance to the master when the ships agent furnishes such security as the Customscollector deems sufficient for duly delivering, within five days from the date of such grant, the manifest and other documents specified in section 63.

CHAPTER 8 GENERAL PROVISIONS AFFECTING VESSELS IN PORT

67. Power to depute Customs to board ships. Duty of such officer :-

The Customs-collector at any customs-port may at any time depute at his discretion one or more officers of Customs to board any vessel in or arriving at such port. Every officer of Customs so sent shall remain on board of such vessel by day and by night unless or until the Customs-collector otherwise orders.

68. Officer and servant to be received :-

Whenever an officer of Customs is so deputed on board of any vessel, the master of such vessel shall be bound to receive on board such officer, and one servant of such officer, and to provide such officer and servant with suitable shelter and accommodation, and likewise with a due allowance of fresh water, and with the means of cooking on board.

69. Officers of Customs to have free access to every part of ship, and m seal and secure goods.Officers of Customs to have free access to every part of ship, and m seal and secure goods. :-

Every officer of Customs so deputed shall have free access to every part of the vessel, and may fasten down any hatchway or entrance to the hold and mark any goods before landing, and lock up, seal, mark or otherwise secure any goods on board of such vessel.

If any box, place or closed receptacle in any such vessel be locked, and the key be withheld, such officer shall report the same to the Customs-collector, who may thereupon issue to the officer on board, or to any other officer under his authority, a written order to search. On production of such order, the officer bearing the same may require that any such box, place or closed receptacle be opened in his presence ; and, if it be not opened upon his requisition, he may break open the same.

70. Goods not to be shipped, discharged or water-borne except in presence of officer :-

Unless with the written permission of the Customs-collector or accordance with a general permission granted under section 74, no goods of than passengers baggage, or ballast urgently required to be shipped for t vessels safety, shall be shipped or water-borne to be shipped or discharge from any vessel in any customs-port, except in the presence of an officer of Customs.

71. Period allowed for discharge and shipment of cargo. Consequence of exceeding same :-

When an officer of Customs is deputed under section 67 to remain on board a vessel the tonnage of which does not exceed six hundred tons, a period of thirty working days, reckoned from the date on which he boards such vessel, or such additional period as the Customs-collector directs, shall be allowed for the discharge of import-cargo and the shipment of export-cargo on board of such vessel. One additional day shall, in like manner, be allowed for every fifty tons in excess of six hundred.

No charge shall be made for the services of a single officer of Customs for such allowed number of working days, or for the services of several such officers (if available) for respective periods not exceeding in the aggregate such allowed number of working days. I f the period occupied in the discharge and shipment of cargo be in excess of thirty working days, together with the additional period (if any) allowed under this section, the vessel shall be charged with the expense of the officer of Customs at a

rate not exceeding five rupees per diem (Sundays and holidays excepted) for such excess period. In calculating any period allowed, or any charge made under this section, the period (if any) during which a vessel, after the completion of the discharge of import-cargo, and before commencing the shipment of export-cargo, is laid up by the withdrawal of the officer of Customs, upon application from the master, shall be deducted.

72. Goods not to be landed, etc., on Sundays or holidays, without permission, nor except within fixed hours. :-

Except with the written permission of the Customs-collector, no goods, other than passengers baggage, shall in any customs-port be discharged from any vessel, or be shipped or water-borne to be shipped, _

(a) on any Sunday or on any holiday or day on which the discharge or shipping of cargo, as the case may be, is prohibited by the Chief Customs-authority ;

(b) on any day, except between such hours as such authority from time to time appoints by notification in the Gazette.

73. Goods not to be shipped, etc., except at wharves :-

No goods shall in any customs-port be landed at any place other than a wharf or other place duly appointed for that purpose, and unless with the written permission of the Customs-collector, or when a general permission has been granted under section 74, no goods shall in any customs-port be shipped or water-borne to be shipped from any place other than a wharf or other place duly appointed for that purpose.

74. Power to exempt from sections 70 and 73 :-

Notwithstanding anything contained in section 70 or 73, the Chief Customs-authority may, by notification in the Gazette, give general permission for goods to be shipped or waterborne to be shipped in any customs-port and 73. from all or any places not duly appointed as wharves, and without the presence or authority of an officer of Customs.

75. Power to make rules regarding baggage and mails :-

The Chief Customs-authority may from time to time make rules Power to for the landing and shipping of passengers baggage and

the passing of the goods same through the custom-house, and for the landing, shipping and clearing of baggage and parcels forwarded by Government or other mails, or by other regular packets mails. and passengervessels. When any baggage or parcels is or are made over to an officer of Landing-Customs for the purpose of being landed, a fee of such amount as the Chief fees. Customs-authority from time to time directs shall be chargeable thereon, as compensation for the expense and trouble incurred in landing and depositing the same in the custom-house.

76. Boat-note :-

When any goods are water-borne for the purpose of being landed Boat-note. from any vessel and warehoused or cleared for home consumption, or of being shipped for exportation on board of any vessel, there shall be sent, with each boatload or other separate despatch, a boat-note specifying the number of packages so sent and the marks and numbers or other description thereof.

Each boat-note for goods to be landed shall be signed by an officer of the vessel, and likewise by the officer of Customs on board, if any such officer be on board, and shall be delivered on arrival to any officer of Customs authorized to receive the same. Each boat-note for goods to be shipped shall be signed by the proper officer of Customs, and, if an officer of Customs is on board of the vessel on which such goods are to be shipped, shall be delivered to such officer. If no such officer be on board, every such boatnote shall be delivered to the master of the vessel, or to an officer of the vessel appointed by him to receive it.

The officer of Customs who receives .any boat-note of goods landed and the officer of Customs, master or other officer, as the case may be, who receives any boat-note of goods shipped, shall sign the same and note thereon such particulars as the Chief Customs-officer may from time to time direct.

The Chief Customs-authority may from time to time, by notification in the Gazette, suspend the operation of this section in any customs-port or part thereof.

77. Goods water-borne to be forthwith landed or shipped :-

All goods water-borne for the purpose of being landed or shipped shall be landed or shipped without any unnecessary delay.

78. Such goods not to be transhipped without permission :-

Except in cases of imminent danger, no goods discharged into loaded in any boat for the purpose of being landed or shipped shall transhipped into any other boat without the permission of an officer Customs.

79. Power to prohibit plying of unlicensed cargo-boats :-

The Chief Customs-authority may declare with regard to customs-port, by notification in the Gazette, that, after a date therein specified, no boat not duly licensed and registered shall be allowed to ply as a car boat for the landing and shipping of merchandise within the limits of s port.

80. Power to require goods to be weighed or measured on board before landing or after shipment :-

The Customs-collector may, whenever he thinks fit, require that goods stowed in bulk, and brought by sea or intended for exportation, shall. be weighed or measured on board ship before landing or after shipment, a may levy duty according to the result of such weighing or measurement.

In any port with regard to which such notification has been issued, the Chief Officer of Customs or other officer whom the Chief Customs-authority appoints in this behalf may, subject to such rules and on payment of s fees as the Chief Customs-authority from time to time prescribes notification in the Gazette, issue licences for and register cargo-boats. Su officer may also, subject to rules so prescribed, cancel any licence so issued.

CHAPTER 9 OF DISCHARGE OF CARGO AND ENTRY INWARDS OF GOODS

81. Discharge of cargo may commence on receipt of due permission :-

When an order for entry inwards of any vessel which has arrived in any Customs-port or a special pass permitting such vessel to break bulk has been given, the discharge of the cargo of such vessel may be proceeded with.

82. Goods not to leave ship unless entered in manifest :-

Except as otherwise provided in this Act, no goods shall be allowed to leave any such vessel, unless they are entered in the original manifest of such vessel, or in an amended or supplementary manifest received under section 55.

83. Procedure in respect of goods not landed within time allowed :-

If the owner of any goods (except such as have been shown in the import-manifest as not to be landed) does not land such goods within such period as is specified in the bill of lading of such goods, or, if no period is so specified, within such number of working days, not exceeding fifteen, after the entry of the vessel importing the same, as the Chief Customs authority from time to time appoints by notification in the Gazette, or if the cargo of any vessel, with the exception of only a small quantity of goods, has been discharged previously to the expiration of the period so specified or appointed, as the case may be the master of such vessel or, on his application, the proper officer of Customs, may then carry such goods to the custom-house, there to remain for entry. The Customs-collector shall thereupon take charge of, and grant receipts for, such goods ;* and if notice in writing has been given by the master that the goods are to remain subject to a lien for freight, primage, general average, or other charges of a stated amount, the Customs-collector shall hold such goods until he receives notice in writing that the said charges are paid.

84. Power to land small parcels. Notice regarding unclaimed packages :-

At any time after the arrival of any vessel the Customs-collector may, with the consent of the master of such vessel, cause any small package or parcel of goods to be carried to the custom-house, there to remain for entry, in charge of the officers of Customs, during the remainder of the working days allowed under this Act for the landing of such package or parcel.

If any package or parcel so carried to the custom-house remains unclaimed on the expiration of the number of working days so allowed for its landing, or at the time of the clearance outwards of the vessel from which it was landed, the master may give such notice as is provided in section 83, and the officer in charge of the custom-house shall thereupon hold such package or parcel as provided in that section.

85. Power to permit immediate discharge :-

Notwithstanding anything contained in sections 83 and 84, the Customs-collector in any customs-port to which the Chief Customs-authority, by notification in the Gazette, declares this section to be applicable, may permit the master of any vessel, immediately on receipt of an order under section 57 or a special pass under section 59, to discharge the cargo of such vessel or any portion thereof into the custody of the ships agents, if willing to receive the same, for the purpose of landing the same forthwith__

(a) at the custom-house or any specified landing-place or wharf ; or
(b) at any landing-place or wharf belonging to any Port Commissioners, Port Trust or other public body or company.

Any ships agent so receiving such cargo or portion shall be bound to discharge all claims for damage or short delivery which may be established in respect of the same by the owner thereof, and shall be entitled to recover from such owner his charges for service rendered, but not for commission or the like, where any agent for the landing of such cargo or portion has been previously appointed by the owner and such appointment is unrevoked.

The Customs-collector shall take charge of all goods discharged under clause (a) of this section, and otherwise proceed in relation thereto as provided in sections 83 and 88. A public body or company at whose landing place or wharf any goods are discharged under clause (b) of this section shall not permit the same to be removed without an order in writing from the Customs-collector.

86. Entry for home consumption or warehousing :-

The owner of any goods imported shall, on the landing thereof from the importing ship, make entry of such goods for home consumption or warehousing by delivering to the Customs-collector a bill of entry thereof in duplicate, in such form and containing such particulars, in addition to the particulars specified in section 29, as may, from time to time, be prescribed by the Chief Customs-officer. The particulars of such entry shall correspond with the particulars given of the same goods in the manifest of the ship.

87. Assessment of dutiable goods :-

On the delivery of such bill the duty (if any) leviable on such goods shall be assessed, and the owner of such goods may then proceed to clear the same for home consumption, or warehouse them,

subject to the provisions hereinafter contained.

88. Procedure in case of goods not cleared or warehoused within four months after entry of vessel :-

If any goods are not entered and cleared for home consumption or warehoused within four months from the date of entry of the vessel, such goods may, after due notice to the owner, if his address can be ascertained, and in the Gazette, be sold by public auction, and the proceeds thereof shall be applied, first, to the payment of freight, primage and general average, if the goods are held by the Customs-collector subject to such charges under notice given under section 83, 84 or 85, next to the payment of the duties which would be leviable on such goods if they were then cleared for home consumption, and next to the payment of the other charges (if any) payable to the Customs-collector in respect of the same.

The surplus, if any, shall be paid to the owner of the goods, on his application for the same : Provided that such application be made within one year from the sale of the goods, or that sufficient cause be shown for not making it within such period. If any goods of which the Customs-collector has taken charge under section 83, 84 or 85 be of a perishable nature, the Customs-collector may at any time direct the sale thereof, and shall apply the proceeds in like manner : Provided that, where any goods liable to be sold under this section are arms, ammunition or military stores, they may be sold or otherwise disposed of at such place (whether within or without the Union of Burma), and in such manner, as the Chief Customs-authority may, with the concurrence of the President of the Union, direct : Provided also that nothing in this section shall authorize the removal for home consumption of any dutiable goods without payment of duties thereon,

CHAPTER 10 OF CLEARANCE OF GOODS FOR HOME CONSUMPTION.

89. Clearance for home consumption :-

When the owner of any goods entered for home consumption, and (if such goods be liable to duty) assessed under section 87, has paid the import-duty (if any) assessed on such goods and any charges payable under this Act in respect of the same, the Customs-officer may make an order clearing the same , and such

order shall be sufficient authority for the removal of such goods by the owner.

CHAPTER 11 WAREHOUSING

90. Application to warehouse :-

When any dutiable goods have been entered for warehousing and Application assessed under section 87, the owner of such goods may apply for leave to to ware-deposit the same in any warehouse appointed or licensed under this Act. house.

91. Form of application :-

Every such application shall be in writing signed by the applicant, Form of and shall be in such form as is from time to time prescribed by the Chief Customs-authority.

92. Warehousing bond :-

When any such application has been made in respect of any goods, the owner of the goods to which it relates shall execute a bond, binding himself, in a penalty of twice the amount of duty assessed under section 87 on such goods, -

(a) to observe all rules prescribed by this Act in respect of such goods ;

(b) to pay, on demand, all duties, rent and charges claimable on account of such goods under this Act, together with interest on the same from the date of demand at such rate not exceeding six per cent per annum as is for the time being fixed by the Chief Customs-authority ; and

(c) to discharge all penalties incurred for violation of the provisions of this Act in respect of such goods.

Every such bond shall be in the form marked A hereto annexed, or, when such form is inapplicable or insufficient, in such other form as is from time to time prescribed by the Chief Customs-authority, and shall relate to the cargo or portion of the cargo of one vessel only.

93. Forwarding of goods to warehouse :-

When the provisions of sections 91 and 92 have been complied with in respect of any goods, such goods shall be forwarded in charge of an officer of Customs to the warehouse in which they are to be deposited.

A pass shall be sent with the goods specifying the name of the importing vessel and of the bonder, the marks, numbers and contents of each package, and the warehouse or place in the warehouse wherein they are to be deposited.

94. Receipt of goods at warehouse :-

On receipt of the goods, the pass shall be examined by the warehousekeeper, and shall be returned to the Customs-collector.

No package, butt, cask or hogshead shall be admitted into any warehouse unless it bears the marks and numbers specified in, and otherwise corresponds with, the pass for its admission.

If the goods be found to correspond with the pass, the warehouse-keeper shall certify to that effect on the pass, and the warehousing of such goods shall be deemed to have been completed.

If the goods do not so correspond, the fact shall be reported by the warehousekeeper for the orders of the Customs-collector, and the goods shall either be returned to the custom-house in charge of an officer of Customs, or kept in deposit pending such orders, as the warehouse-keeper deems most convenient.

If the quantity or value of any goods has been erroneously stated in the bill of entry, the error may be rectified at any time before the warehousing of the goods is completed, and not subsequently.

95. Goods how warehoused :-

Except as provided in section 100, all goods shall be warehoused in the packages, butts, casks or hogsheads in which they have been imported.

96. Warrant to be given when goods are warehoused. Form of warrant :-

Whenever any goods are lodged in a public warehouse or a licensed private warehouse, the warehouse-keeper shall deliver a warrant signed by him as such to the person lodging the goods.

Such warrant shall be in the form B hereto annexed, and shall be transferable by endorsement ; and the endorsee shall be entitled to receive the goods specified in such warrant on the same terms as those on which the person who originally lodged the goods would have been entitled to receive the same.

The Chief Customs-authority may, by notification in the Gazette, exempt salt and salted fish from the operation of this section, and

may in like manner cancel such exemption.

Rules relating to Goods in a Warehouse.

97. Access of Customs-officer to private warehouse :-

The Customs-collector, or any officer deputed by him for the purpose, shall have access to any private warehouse licensed under this Act.

98. Power to cause packages lodged in warehouse to be opened and examined :-

The Customs-collector, may at any time by order in writing direct that any goods or packages lodged in any warehouse shall be opened, weighed or otherwise examined ; and, after goods have been so opened or examined, may cause the same to be sealed or marked in such manner as he thinks fit.

When any goods have been so sealed and marked after examination, they shall not be again opened without the permission of the Customs-collector ; and, when any such goods have been opened with such permission, the packages shall, if he thinks fit, be again sealed or marked as before.

99. Access of owners to warehoused goods :-

Any owner of goods lodged in a warehouse shall, at any time within the hours of business, have access to his goods in presence of an officer of Customs, and an officer of Customs shall, upon application for the purpose being made in writing to the Customscollector, be deputed to accompany such owner.

When an officer of Customs is specially employed to accompany such owner, a sum sufficient to meet the expense thereby incurred shall, if the Customs-collector so require, be paid by such owner to the Customs-collector, and such sum shall, if the Customs-collector so direct, be paid in advance.

100. Owners power to deal with warehoused goods :-

With the sanction of the Customs-collector, and after such notice given, and under such rules and conditions as the Chief Customs-authority from time to time prescribes, any owner of goods may, either before or after warehousing the same,-

(a) sort, separate, pack and repack the goods, and make such alterations therein as may be necessary for the preservation, sale,

shipment or disposal thereof (such goods to be repacked _in the packages in which they were imported, or in such other packages as the Customs-collector permits) ;

(b) fill up any casks of wine, spirit or beer from any casks of the same secured in the same warehouse ;

(c) mix any wines or spirit of the same sort secured in the same warehouse, erasing from the casks all import brands, unless the whole of the wine or spirit so mixed be of the same brand ;

(d) bottle-off wine or spirit from any casks ;

(e) take such samples of goods as may be allowed by the Customs-collector with or without entry for home consumption, and with or without payment of duty, except such as may eventually become payable on a deficiency of the original quantity. After any such goods have been so separated and repacked in proper or approved packages, the Customs-collector may, at the request of the owner of such goods, cause or permit any refused, damaged or surplus goods remaining after such separation or repacking (or, at the like request, any goods which may not be worth the duty) to be destroyed, and may remit the duty payable thereon.

101. Payment of rent and warehouse-dues :-

If goods be lodged in a public warehouse, the owner shall pay monthly, on receiving a bill or written demand for the same from the Customs collector or other officer deputed by him in that behalf,, rent and warehouse- dues. dues at such rates as the Chief Customs-officer may fix.

A table of the rates of rent and warehouse-dues so fixed shall be placed in a conspicuous part of such warehouse.

I f any bill for rent or warehouse-dues presented under this section not discharged within ten days from the date of presentation, the Customs collector may, in the discharge of such demand (any transfer or assign ment of the goods notwithstanding) cause to be sold by public auction after due notice in the Gazette, such sufficient portion of the goods as he may select.

Out of the proceeds of such sale, the Customs-collector shall first satisfy the demand for the discharge of which the sale was ordered and shall then pay over the surplus (if any) to the owner of the goods :

Provided that the application for such surplus be made within one year from the date of the sale of the goods or that sufficient cause be shown for not making it within such period.

102. Goods not to be taken out of warehouse except as provided by this Act :-

No warehoused goods shall be taken out of any warehouse, except on clearance for home consumption or shipment, or for removal to another warehouse, or as otherwise provided by this Act.

103. Period for which goods may remain warehoused under bond. Goods in private warehouse on cancellation of licence :-

Any goods warehoused may be left in the warehouse in which they are deposited, or in any warehouse to which they may in manner hereinafter provided be removed, till the expiry of three years after the date of the bond executed in relation to such goods under section 92. The owner of any goods remaining in a warehouse on the expiry of such period shall clear the same for home consumption or shipment in manner hereinafter provided : Provided that when the licence for any private warehouse is cancelled, and the Customs-collector gives notice of such cancelment to the owner of any goods deposited in such warehouse, such owner shall in manner hereinafter provided, and within seven days from the date on which such notice is given, remove such goods to another warehouse or clear them for home consumption or shipment.
Of the Removal of Goods from one Warehouse to another.

104. Power to remove goods from one warehouse to another in same port :-

Any owner of goods warehoused under this Act may, at any time within three years from the date of the bond executed in respect of such goods under section 92, and with the permission of the Chief Customs-officer, and on such conditions and after giving such security (if any) as such officer directs, remove goods from one warehouse to another warehouse in the same port.

When any owner desires so to remove any goods, he shall apply for permission to do so in such form as the Chief Customs-officer from time to time precribes.

105. Power to remove goods from one port to another :-

Any owner of goods warehoused at any warehousing port may, from time to time, within the said period of three years, remove the

same by sea or by inland carriage, in order to be re-warehoused at any other warehousing port. When any owner desires so to remove any goods for such purpose, he procedure. shall apply to the Chief Customs-officer, stating the particulars of the goods to be removed, and the name of the port to which it is intended that they shall be removed, together with such other particulars, and in such manner and form, as the Chief Customs-officer from time to time prescribes.

106. Transmission of account of goods to officers at port of destination. Bond for due arrival and re-warehousing :-

When permission is granted for the removal of any goods from one warehousing port to another under section 105, an account containing the particulars thereof shall be transmitted by the proper officer of the port of removal to the proper officer of the port of destination ;

and the person requiring the removal shall before such removal enter into a bond, with one sufficient surety, in a sum equal at least to the duty chargeable on such goods, for the due arrival and re-warehousing thereof at the port of destination within such time as the Chief Customs-officer directs.

Such bond may be taken by the proper officer either at the port of removal or at the port of destination as best suits the convenience of the owner.

If such bond is taken at the port of destination, a certificate thereof, signed by the proper officer of such port, shall, at the time of the removal of such goods, be produced to the proper officer at the port of removal ; and such bond shall not be discharged unless such goods are produced to the proper officer, and duly re-warehoused at the port of destination within the time allowed for such removal, or are otherwise accounted for to the satisfaction of such officer ; nor until the full duty due upon any deficiency of such goods, not so accounted for, has been paid.

107. Remover may enter into a general bond :-

The Chief Customs-officer may permit any person desirous of removing warehoused goods to enter into a general bond, with such sureties, in such amount, and under such conditions, as the Chief Customs-officer approves, for the removal, from time to time, of any goods from one warehouse to another, either in the same or

in a different port, and for the due arrival and re-warehousing of such goods at the port of destination within such time as such officer directs.

108. Goods on arrival at port of destination to be subject to same laws as goods on first importation :-

Upon the arrival of warehoused goods at the port of destination, they shall be entered and warehoused in like manner as goods are entered and warehoused on the first importation thereof, and under the laws and rules, in so far as such laws and rules are applicable, which regulate the entry and warehousing of such last-mentioned goods.

109. Bond under section 92 to continue in force notwithstanding removal :-

Every bond executed under section 92 in respect of any goods shall, unless the Chief Officer of Customs in any case deems a fresh bond to be necessary, continue in force, notwithstanding the subsequent removal of such goods to another warehouse or warehousing port.

110. Clearance of bonded goods for home consumption :-

Any owner of goods warehoused may, at any time within three years from the date of the bond executed under section 92 in respect of such goods, clear such goods for home consumption by paying (a) the duty assessed on such goods under section 87, or, where the duty on such goods is altered under the provisions hereinafter contained, such altered duty ; and (b) all rent, penalties, interest and other charges payable to the Customs-collector in respect of such goods.

111. Clearance of same for shipment to foreign port :-

Any owner of goods warehoused may, at any time within three years from the date of the bond executed under section 92 in respect of such goods clear such goods for shipment to a foreign port on payment of all rent, penalties, interest and other charges payable as aforesaid and without payment of import-duty on the same Provided that the President of the Union may prohibit the shipment for exportation to any specified foreign port of warehoused goods in respect of which payment of drawback or

transshipment has been prohibited under section 49 or 134 respectively.

112. Clearance of same for shipment as provisions, etc., on vessel proceeding to foreign ports :-

Provisions and stores warehoused at the time of importation may, within the said period of three years, be shipped without payment of duty for use on board of any vessel proceeding to a foreign port.

113. Form of application for clearance of goods :-

Application to clear goods from any warehouse for home consumption or for shipment shall be made in such form as the Chief Customs-officer from time to time prescribes.

Such application shall ordinarily be made to the Customs-collector at least twentyfour hours before it is intended so to clear such goods.

114. Re-assessment of warehoused goods when damaged :-

If any goods upon which duties are leviable ad valorem or on a tariff valuation receive damage through unavoidable accident after they have been entered for warehousing and assessed under section 87, and before they are cleared for home consumption, they shall, if the owner so desires, be re-assessed for duty according to their actual value, and a new bond for the same may, at the option of the owner, be executed for the unexpired term of warehousing.

115. Re-assessment on alteration of duty or tariff-valuation :-

If, after any goods entered for warehousing have been assessed under section 87, any alteration is made in the duty leviable upon such goods or in the tariff-valuation (if any) applicable thereto, such goods shall be re-assessed in accordance with such alteration.

116. Allowance in case of wine, spirit, beer or salt :-

If it appear at the time of clearing any wine, spirit, beer or salt from any warehouse for home consumption that there exists a deficiency not otherwise accounted for to the satisfaction of the Customs-collector, an allowance on account of ullage and wastage shall be made in adjusting the duties thereon, as follows (namely)

:- -

(a) upon wine, spirit and beer in cask to an extent not exceeding the rates specified below, or such other rates as may, from time to time, be prescribed in this behalf by the Chief Customs-authority and notified in the Gazette : For any time not exceeding 6 months, 21/2 per cent. exceeding 6 months and not exceeding 12 months, 5 per cent. exceeding 12 months and not exceeding 18 months, 7 1/2 per cent. exceeding 18 months and not exceeding 2 years, 10 per cent. exceeding 2 years and not exceeding 3 years, 12 per cent.

(b) in the case of salt warehoused in a public warehouse, only the amount actually cleared shall be charged with customs-duties :

(c) in the case of salt warehoused in a private warehouse, wastage shall be allowed at such rate as may be prescribed from time to time by the Chief Customs-authority and notified in the Gazette.

117. Further special allowance :-

When any wine, spirit, beer or salt lodged in a warehouse is found to be deficient at the time of the delivery therefrom, and such deficiency is proved to be due solely to ullage or wastage, the Chief Customs-officer may direct, in respect of any such article, that allowance be made in any special case for a rate of ullage or wastage exceeding that contemplated in section 116. Of the Forfeiture and Discharge of the Bond.

118. If goods are improperly removed from warehouses or allowed to remain beyond time fixed, or lost or destroyed, or taken as samples, Collector may demand duty, etc. :-

If any warehoused goods are removed from the warehouse in contravention of section 102 ; or

if any such goods have not been removed from the warehouse at the expiration of the time during which such goods are permitted by section 103 to remain in such warehouse ; or if any goods in respect of which a bond has been executed under section 92 and which have not been cleared for home consumption or shipment, or removed under this Act, are lost: or destroyed otherwise than as provided in section 100 or as mentioned in section 122, or are not accounted for to the satisfaction of the Customs-collector ; or if any such goods have been taken under section 100 as samples without payment of duty ;

the Customs-collector may thereupon demand, and the owner of

such goods shall forthwith pay, the full amount of duty chargeable on account of such goods, together with all rent, penalties, interest and other charges payable to the Customs-collector on account of the same.

119. Procedure on failure to pay duty, etc. :-

If any owner fails to pay any sum so demanded, the Custom collector may forthwith either proceed upon the bond executed under sec 92, or cause such portion as he thinks fit of the goods (if any) in the warehouse on account of which the amount is due to be detained with a view to recovery of the demand ; and if the demand be not discharged within ten days from the date such detention (due notice thereof being given to the owner), the goods detained may be sold by public auction duly advertised in the Gazette.

The net proceeds of any sale so made of goods so detained shall be written off upon the bond in discharge thereof to the amount received, and if an surplus be obtained from such sale, beyond the amount of the demand, such surplus shall be paid to the owner of the goods : Provided that application for the same be made within one year from the sale, or that sufficient cause be shown for not making the application within such period. No transfer or assignment of the goods shall prevent the Customs. collector from proceeding against such goods in the manner above provided for any amount due thereon.

120. Noting removal of goods :-

When any warehoused goods are taken out of any warehouse, the Customs-collector shall cause the fact to be noted on the back of the bond.

Every note so made shall specify the quantity and description of such goods, the purposes for which they have been removed, the date or removal, the name of the person removing them, the number and date of the shipping bill under which they have been taken away if removed for exportation by sea or of the bill of entry if removed for home consumption, and the amount of duty paid. (if any).

121. Register of bonds. Cancellation and return of bonds :-

A register shall be kept of all bonds entered into for customs-duties

on warehoused goods, and entry shall be made in such register of all particulars required by section 120 to be specified.

When such register shows that the whole of the goods covered by any bond have been cleared for home consumption or shipment, or otherwise duly accounted for, and when all amounts due on account of such goods have been paid, the Customs-collector shall cancel such bond as discharged in full, and shall on demand deliver it, so cancelled, to the person who has executed or who is entitled to receive it. Miscellaneous.

122. Power to remit duties on warehoused goods lost or destroyed :-

If any goods in respect of which a bond has been executed under section 92 and which have not been cleared for home consumption are lost or destroyed by unavoidable accident or delay, the Chief Customs-officer may in his discretion remit the duties due thereon: Provided that, if any such goods be so lost or destroyed in a private warehouse, notice thereof be given to the Customs-collector within forty eight hours after the discovery of such loss or destruction.

123. Responsibility of warehouse-keeper :-

The warehouse-keeper in respect of goods lodged in a public warehouse, and the licensee in respect of goods lodged in a private warehouse, shall be responsible for their due reception therein and delivery therefrom, and for their safe custody while deposited therein, according to the quantity, weight or gauge reported by the Custom-house officer who has assessed such goods, allowance being made, if necessary, for ullage and wastage as provided in sections 116 and 117 :

Provided that no owner of goods shall be entitled to claim from the Customs-collector, or from any keeper of a public warehouse, compensation for any loss or damage occurring to such goods while they are being passed into or out of such warehouse, or while they remain therein, unless it be proved that such loss or damage was occasioned by the wilful act or neglect of the warehouse-keeper or of an officer of Customs.

124. Public warehouse to be locked :-

Every public warehouse shall be - under the lock and key of a warehouse-keeper appointed by the Chief Officer of Customs.

125. Power to decide where goods may be deposited in public warehouse, and on what terms. :-

The Chief Customs-officer may from time to time determine in what division of any public warehouse, and in what manner, and on what terms, any goods may be deposited, and what sort of goods may be deposited in any such warehouse.

126. Expenses of carriage, packing, etc., to be borne by owners. :-

The expenses of carriage, packing and stowage of goods on their reception into or removal from a public warehouse shall, if paid by the Customs-collector or by the warehouse-keeper, be chargeable on the goods and be defrayed by, and recoverable from, the owner, in the manner provided in section 119.

127. XXX XXX XXX :-

CHAPTER 12 TRANSHIPMENT

128. Power to permit transshipment without payment of duty :-

In the ports of Rangoon, Moulmein, Akyab, and such other ports as the Chief Customs-authority may from time to time, by notification in the Gazette, direct in this behalf, the Customs-collector may, on application by the owner of any goods imported into such port, and specially and distinctly manifested at the time of importation as for transshipment to some other customs or foreign port, grant leave to tranship the same without payment of the duty (if any) leviable at the port of transshipment, and without any security or bond for the due arrival and entry of the goods at the port of destination.

In any customs-port other than a port in which the preceding clause is for the time being in force, the Customs-collector may, on application by the owner of any goods so imported and manifested, grant leave for transshipment without payment of the duty (if any) leviable at such port : Provided that, where the goods so transhipped are dutiable, and are to be removed to some other customs-port, the applicant shall enter into a bond, with such security as may be required of him, in a sum equal at least to the duty chargeable on such goods, for the due arrival and entry thereof at the port of destination within such time as such Customscollector directs.

129. Superintendence of transhipment :-

An officer of Customs shall, in every case, be deputed free of charge to superintend the removal of transhipped goods from vessel to vessel.

130. Subsidiary rules as to transhipment :-

The powers conferred on the Customs-collector by section 128 shall be exercised, and the transhipment shall be performed, subject to such rules as may from time to time be made by the Chief Customs-authority.

No rules made under this section shall come into force until after the expiry of such reasonable time from the date of the publication of the same as the Chief Customs-authority may in each case appoint in this behalf.

131. Entry and warehousing, on arrival, of goods transhipped under section 128, clause 2 :-

All goods transhipped under the second clause of section 128 for removal to a customs-port shall, on their arrival at such port, be entered in like manner as goods are entered on the first importation thereof, and under the laws and rules, in so far as such laws and rules can be made applicable, which regulate the entry of such last-mentioned goods.

132. Transhipment of provisions and stores from one vessel to another of same owner without payment of duty. :-

If two or more vessels belonging wholly or in part to the same owner be at any customs-port at the same time, any provisions and stores in use or ordinarily shipped for use on board may, at the discretion of the Customs-collector, be transhipped from one such vessel to any other such vessel without payment of import-duty.

133. Levy of transhipment-fee :-

A transhipment-fee on any goods or class of goods transhipped under this Act may be levied at such rates, on each bale or package, or according to weight, measurement, quantity or number, and under such rules, as the Chief Customs-authority may from time to time, by notification in the Gazette, prescribe for each port.

134. Power to prohibit transshipment :-

The President of the Union may from time to time, by notification in the Gazette, prohibit, at any specified port or at all ports, the transshipment of any specified class of goods, generally or when destined for any specified ports, or prescribe any special mode of transshipping any specified class of goods.

135. No goods to be transhipped except as provided :-

Except as provided in this Act, no goods shall be transhipped at any port or place in the Union of Burma.

CHAPTER 13 EXPORTATION OR SHIPMENT AND RE-LANDING

136. No goods to be shipped, etc., till entry outwards of vessel :-

Except with the written permission of the Customs-collector, no goods, other than passengers baggage, or ballast urgently required for a vessels safety, shall be shipped or water-borne to be shipped in any vessel in a customs-port until an order has been obtained under section 61 for entry outwards of such vessel. When such order has been obtained, the export-cargo of such vessel may be shipped, subject to the provisions next hereinafter contained.

137. Clearance for shipment :-

No goods, except passengers baggage, shall be shipped or water-borne to be shipped for exportation until_

(a) the owner has delivered to the Customs-collector, or other proper officer, a shipping bill of such goods in duplicate, in such form and containing such particulars in addition to those specified in section 29 as may from time to time be prescribed by the Chief Customs-officer ;

(b) such owner has paid the duties (if any) payable on such goods ;
and

(c) such bill has been passed by the Customs-collector :

Provided that the Chief Customs-officer may, in the case of any customs-port or wharf, by notification in the Gazette, and subject to such restrictions and conditions, if any, as he thinks fit, exempt goods or any specified goods or class of goods or any specified person or class of persons from all or any of the provisions of- this section.

138. Bond required in certain cases before exportation :-

Before any warehoused goods or goods subject to excise-duties, or goods entitled to drawback of customs-duties on exportation, or goods exportable only under particular rules or restrictions, are permitted to be exported, the owner shall, if required so to do, give security by bond in such sum, not exceeding twice the duty leviable on such goods, as the Customscollector directs, with one sufficient surety, that such goods shall be duly shipped, exported and landed at the place for which they are entered outwards, or shall be otherwise accounted for to the satisfaction of such officer.

139. Additional charge on goods cleared for shipment after port-clearance granted :-

When goods are cleared for shipment on a shipping bill presented after port-clearance has been granted, the Customs-collector may, if he thinks fit, levy, in addition to any duty to which such goods are ordinarily liable, a charge not exceeding -

(a) in the case of goods liable to duties on fixed tariff-valuations, one per cent. on the tariff-value ;

(b) in the case of all other goods, one per cent. on the market-value. Nothing in this section shall apply to any shipment of treasure or opium.

140. Notice of non-shipment or re-landing, and return of duty thereon :-

If any goods mentioned in a shipping bill or manifest be not shipped, or be shipped and afterwards re-landed, the owner shall, before the expiration of five clear working days after the vessel on which such goods were intended to be shipped, or from which they were re-landed, has left the port, give information of such short-shipment or re-landing to the Customs-collector.

Upon an application being made to the Customs-collector, any duty levied upon goods not shipped, or upon goods shipped and afterwards re-landed, shall be refunded to the person on whose behalf such duty was paid: Provided that no such refund shall be allowed unless information has been given as above required.

141. Goods re-landed or transhipped from a vessel returning to port or putting into another port. :-

If, after having cleared from any customs-port, any vessel, without having discharged her cargo, returns to such port, or puts into any other customs-port, any owner of goods in such vessel, if he desires to land or tranship the same or any portion thereof for re-export, may, with the consent of the master, apply to the Customs-collector in that behalf.

The Customs-collector, if he grants the application, shall thereupon send an officer of Customs to watch the vessel, and to take charge of such goods during such relanding or transhipment.

Such goods shall not be allowed to be transhipped or re-exported free of duty by reason of the previous settlement of duty at the time of first export, unless they are lodged and remain, until the time of re-export, under the custody of an officer of customs in a place appointed by the Customs-collector, or are transhipped. All expenses attending such custody shall be borne by the owner.

142. Vessel returning to port may enter and land goods under import-rules :-

In either of the cases mentioned in section 141, the master of the vessel may enter such vessel inwards, and any owner of goods therein may, with the consent of the master, land the same under the rules herein contained for the importation of goods. In every such case, any export-duty levied shall be refunded to, and any amount paid in drawback shall be recovered from, such owner.

143. Landing of cargo during repairs :-

The Customs-collector may, on application by the master of any vessel which is obliged before completing her voyage to put into any customs-port for repairs, permit him to land the cargo, or any portion thereof, and to place it in the custody of an officer of Customs during such repairs, and to re-ship and export the same free of duty. All expenses attending such custody shall be borne by the master.

CHAPTER 14 SPIRIT

144. Rules for removal of spirit from distillery without payment of duty for exportation :-

The Chief Customs-authority may from time to time make rules prescribing the conditions on which spirit manufactured in the Union of Burma may be removed from any licensed distillery for

exportation without payment of excise-duty. The person so removing any such spirit shall execute a bond with one or more sureties, in the form marked C hereto annexed, or (when such form is inapplicable or insufficient) in such other form as the said authority from time to time prescribes, conditioned that such duty shall be paid on all such spirit as is.

(a) not exported within four months from the date of the bond, or
(b) exported to a customs-port, unless either the payment of excise-duty as provided by this Chapter in respect thereof at the port of destination or the delivery of the spirit into a warehouse appointed in this behalf by the Chief Customs-authority having authority at that port is within six months from the date of the bond proved to the satisfaction of the proper officer.

The Chief Officer of Customs of the port of exportation may, on sufficient cause shown, extend for a further term not exceeding four months the period allowed for the exportation of any such spirit, or for the production of such proof that duty has been so paid or the spirit so delivered.

145. Spirit for export to be taken direct from distillery to custom-house under pass :-

Spirit intended for exportation under bond for the excise-duty shall, except when provision is made by any enactment for the time being in force for its being intermediately deposited in a licensed warehouse, be taken from the distillery direct to the custom-house, under passes to be granted for that purpose by the officers of Excise.

146. Gauging and proving of spirit :-

Spirit brought to the custom-house for exportation under bond for the excise-duty may, previous to shipment, be gauged and proved by an officer of Customs, and the quantity of spirit for which credit is to be given in the settlement of any bond may be determined in the same manner.

147. Duty to be recovered on any deficiency in spirit under bond :-

Excise-duty shall be recoverable previous to shipment upon the excess (if any) of the quantity of spirit passed from a distillery over the quantity ascertained by gauge and proof at the custom-house,

less an allowance for ullage and wastage at such rates as are from time to time prescribed by the Chief Customs-authority and notified in the Gazette.

148. Duty on spirit exported under bond from one Burman port to another :-

Notwithstanding anything in the Burma Tariff Act, spirit exported under bond for excise-duty from any customs-port to any other customs-port shall be charged at the port of importation with excise-duty the ordinary rate to which the spirit of the like kind and strength is liable a such port:

Provided that the Chief Customs-authority may authorize the import of such spirit without the payment of that duty at the port of importation when, the spirit is to be delivered into a warehouse appointed by the Chief Customs-authority in this behalf, and the excise-duty thereon is to be paid on the, removal of the spirit from a warehouse so appointed.

149. Removal for local consumption of spirit intended for exportation :-

Spirit brought to the custom-house or to a warehouse licensed under any enactment for the time being in force for exportation under bond for the excise-duty may, on payment of such duty, be removed for local consumption under passes to be granted for that purpose by the officers of Excise.

Credit for every such payment shall be given in discharge of the bond to which it relates.

Drawback of Excise-duty on Export of Spirit.

150. Drawback of excise-duty on spirit exported :-

A drawback of excise-duty paid on spirit manufactured in the Union of Burma and exported to any foreign port under the provisions of section 138 shall be allowed by the Customs-collector at the port of exportation :

Provided that the exportation be made within one year from the date of payment of such excise-duty, and that the spirit, when brought to the custom-house, be accompanied by a pass in which such payment is certified.

Such drawback shall be regulated by the strength and quantity of such spirit as ascertained by gauge and proof by an officer of

Customs.

This section applies, so far as it can be made applicable, also to fermented liquor made in the Union of Burma from malt and so exported. Miscellaneous.

151. Differential duty to be levied in certain cases :-

Notwithstanding anything in the Burma Tariff Act, Now the Tariff Act, No. LXXII of 1953. if spirit manufactured in the Union of Burma upon which excise-duty has been paid is exported from one customs-port to another, and the rate of local excise-duty at the port of importation is higher than that already paid upon such spirit, a differential duty shall be charged thereon, at such rate as the President of the Union may, by notification in the Gazette, from time to time prescribe : Provided that the Chief Customs-authority may authorize the import of such spirit without the payment of the differential duty at the port of importation when the spirit is to be delivered into a warehouse appointed by the Chief Customs-authority in this behalf, and the differential duty is to be paid on the removal of the spirit from a warehouse so appointed.

152. Differential duty to be levied in certain cases :-

Rum-shrub, cordial and other such liquor prepared in a licensed distillery under the supervision of the surveyor or officer in charge of the distillery shall be charged with excise-duty under this Act according to the quantity of spirit used in its preparation as ascertained by such surveyor or officer. The provisions of this Act respecting spirit, except such as relate to gauge and proof, shall apply to such liquor.

153. Conditions of drawback and remission of duty on spirit :-

No drawback shall be allowed for any spirit on which duty has been paid, nor shall the duty due on any spirit under bond be remitted, unless the spirit is shipped from the custom-house, and in a vessel whereon an officer of Customs has been appointed to superintend the receipt of export-cargo.

154. Re-land of spirit shipped :-

No spirit shipped for exportation shall be re-landed without a special pass from an officer of Excise, in addition to any permission

of an officer of Customs which may be required by the law for the time being in force.

155. Power to make rules for ascertaining that imported spirit has been rendered unfit for human consumption :-

When, by any law for the time being in force, a special duty is imposed on denatured spirit, the President of the Union may make rules for ascertaining and determining what spirit imported into the Union of Burma shall be deemed to be denatured spirit for the purposes of such law, and for causing such spirit to be denatured, if necessary, by officers of Government at rendered the expense of the person importing the same, before the customs-duties unfit for leviable thereon are levied. In the absence of any such rules, or if any dispute arises as to their applicability, the Chief Customs-officer shall decide what spirit is subject only to the said special duty, and such decision shall be final,

CHAPTER 15 COASTING-TRADE

156. Chapters VII, IX, X, and part of XIII inapplicable to coasting-trade :-

Except as hereinafter provided, nothing in Chapters VII, IX, X and section 136, 139 and 141 to 143, inclusive, of this Act shall apply to coasting vessels or to goods importanted or exported in scuch vessels.

157. Power to regulate coasting-trade :-

The President of the Union may, from time to time, make rules consistent with the provisions of this Chapter -

(a) extending any provision of the Chapters and sections mentioned in section

156,

with or without modification, to any coasting-vessels or to any goods imported or exported in such vessels ;

(b) exempting any such vessels or goods from any of the other provisions of this Act except those contained in this Chapter ;

(c) prescribing the conditions on which goods, or any specified class of goods, may be (1) carried in a coasting-vessel, whether shipped at a foreign port, or at a customs-port, or at a place declared under scetion 12 to be a port; (2) shipped in a coasting-vessel before all dutiable goods and goods brought in such vessel from a foreign

port have been unladen ;

(d) prohibiting the conveyance of any specified class of goods generally, or to or between specified ports, in a coasting-vessel.

158. Coasting-vessels to deliver manifest and obtain port-clearance before leaving port of lading. :-

Before any coasting-vessel departs from the port of lading, or, when there are more ports of lading than one, the first port of lading, the master shall fill in, sign and deliver to the Customs-collector a manifest in duplicate, containing a true specification of all goods to be carried in such vessel, in such form, and accompanied by such shipping bills or other documents, as may from time to time be prescribed by the Chief Customs-authority. If the Customs-collector sees no objection to the departure of the vessel, he shall retain the duplicate and return the original manifest, dated and signed by him, together with its accompaniments ; and such manifest shall be the ; port-clearance of the vessel, unless, under the general orders of the Chief Customs authority, a separate portclearance be prescribed.

159. Delivery of manifest, etc., on arrival :-

Within twenty-four hours after the arrival of any coasting-vessel at any customsport, whether intermediate or final, and before any goods are there discharged, the manifest, together with the other documents referred to in section 158, shall be delivered to the Customs-collector, who shall note on the manifest the date of delivery.

If the vessel has touched at any foreign port between such port of arrival and her last preceding customs-port of departure. the master shall append to the manifest a declaration to that effect, and shall also indicate on the manifest the portions (if any) of the cargo therein described which have been discharged, and subjoin thereto a true specification of all goods shipped at such port.

If the customs-port of arrival be an intermediate port, and a portion only of the cargo is to be discharged thereat, the master shall likewise so deliver an extract from the manifest signed by him, relating to such portion, and the Customs-collector shall, after verifying such extract, return to him the original manifest and all documents accompanying it except those relating to such portion.

If in any case the cargo actually on board any coasting-vessel on her arrival at any customs-port does not, owing to short-shipment,

re-landing or other cause, correspond with the specification thereof in the manifest returned to the master under the second clause of section 158, such master shall, before delivery of such manifest under this section, note thereon the particulars of the difference. The Customs-collector, when satisfied with the manifest and other documents, shall grant an order to break bulk.

160. Departure from intermediate port :-

Before any coasting-vessel departs from any customs-port at which she has touched during her voyage, the master shall re-deliver the original manifest to the Customs-collector, after indicating thereon the portions (if any) of the cargo therein described which have been discharged, and subjoining thereto a true specification of all goods shipped at such port. He shall also deliver a duplicate, signed by him, of the specification so subjoined. If the Customs-collector sees no objection to the departure of the vessel, he shall proceed as prescribed in the second clause of section 158.

161. Power to require bond before port-clearance is granted :-

The Customs-collector may, for sufficient reason, refuse port clearance to any coasting-vessel declared to be bound to, or about to touch at, any customs-port, unless the owner or master gives a bond, with such security as the Customs-collector deems sufficient, for the production to the Customs-collector of a certificate from the proper officer of the port to which such vessel is said to be bound of her arrival at such port within a reasonable time to be prescribed in each case by the Customs-collector.

162. Discharge of cargo :-

When permission has been granted by the Customs-collector for the discharge of cargo from any coasting-vessel-

(a) if the vessel has not touched at any intermediate foreign port in the course of her voyage, and has not on board any dutiable goods, the cargo may be forthwith landed and removed by the owner without entry thereof at the custom-house and clearance for home consumption, but subject to such general check and control as the Chief Customs-officer may from time to time by rules prescribe ;

(b) if the vessel has so touched at any such port or has on board any such goods, such vessel shall be subject to all the provisions of

Chapter VII of this Act relating to vessels arriving and such goods, and until such goods have been duly discharged all other goods on board shall be subject to the provisions of Chapter IX of this Act relating to goods imported.

163. Goods on coasting-vessels, if excisable, not to be unladen without permission :-

If any of the goods on board of any coasting-vessel be subject to any excise-duty, they shall not be unladen without the permission of the proper officer of Excise.

164. Grant and revocation of general pass :-

Notwithstanding anything hereinbefore contained, the Chief Customs-officer may grant or authorize the Customs-collector to grant a general pass, on any conditions which the Chief Customs-officer thinks expedient for the lading and clearance, and for the entry and unloading, of any coasting steam-vessel at any ports of despatch or destination, or at any intermediate ports at which she touches for the purpose of receiving goods or passengers. Such pass shall be valid throughout the Union of Burma, or for such ports only as may be specified therein.

Any such general pass may be revoked by order of the Chief Customs-officer by whom the grant thereof was made or authorized by notice in writing under the hand of the Chief Customs-officer delivered to the master or to the owner of such steam-vessel, or to any of the crew on board.

165. Rules respecting cargo-books to be kept by masters of coasting-vessels :-

The Chief Customs-authority may direct that the master of any coasting-vessel which is square-rigged or propelled by steam shall keep, or cause to be kept, a cargo-book, stating the name of the master, the vessel, the port to which she belongs, and the port to which on each voyage she is bound.

At every port of lading such master shall enter, or cause to be entered, in such book the name of such port and an account of all goods there taken on board of such vessel, with a description of the packages, and the quantities and descriptions of the goods, contained therein or stowed loose, and the names of the respective shippers and consignees, in so far as such particulars are known to

him.

At every port of discharge of any such goods such master shall enter, or cause to be entered, in such book the respective days on which such goods or any of them are delivered out of such vessel. The respective times of departure from every port of lading, and of arrival at every port of discharge, shall in like manner be duly entered.

Every such master shall, on demand, produce his cargo-book for the inspection of any officer of Customs, and such officer shall be at liberty to make any note or remark therein. The Chief Customs-authority may, in the case of any vessel the master whereof has been directed to keep a cargo-book under this section, dispense with the manifest required under sections 158, 159 and 160.

166. Power to board and examine coasting-vessels :-

Any duly empowered officer of Customs may go on board of any coasting-vessel in any port or place in the Union of Burma, and may at any period of a voyage search any such vessel and examine all goods on board, and all goods then lading or unlading, and may demand the production of any document which ought to be on board of any such vessel. The Customs-collector may further require that any such document belonging to any coasting-vessel then in port shall be brought to him for inspection.

CHAPTER 16 OFFENCES AND PENALTIES

167. Punishments for offences :-

The offences mentioned in the first column of the following schedule shall be punishable to the extent mentioned in the third column of the same with reference to such offences respectively :-

Offences.	Section of this Act to which offence has reference.	Penalties.
1.--Contravening any rule made under this Act	General	Penalty not exceeding five hundred rupees. such goods shall be liable to confiscation.
2.—If any goods be landed or shipped, or... if an attempt be made to land or ship any goods, or if any goods be brought into any		

<p>bay, river, creek or arm of the sea, for the purpose of being landed or shipped, at any port or place which, at the date of such landing, shipment, attempt or bringing, is not a port for the landing and shipment of goods,</p>	<p>11</p>	
<p>3.—If any person ship or land goods, or aid in the shipment or landing of goods, or knowingly keep or conceal, or knowingly permit or procure to be kept or concealed, any goods shipped or landed, or intended to be shipped or landed, contrary to the provisions of this Act, or if any person be found to have been on board of any vessel liable to confiscation on account of the commission of an offence under No. 4 of this section, while such vessel is within any bay, river, creek or arm of the sea which is not a port for the shipment and landing of goods,</p>	<p>General 11</p>	<p>such person shall be liable to a penalty not exceeding one thousand rupees.</p>
<p>4. —If any vessel, which has been within the limits of any port in the Union of Burma with cargo on board, be afterwards found in any port, bay, river, creek or arm of the sea in the Union of Burma, light or in ballast, and if the master be unable to give a due account of the customs-port where such vessel lawfully discharged her cargo,</p>	<p>11</p>	<p>such vessel shall be liable to confiscation.</p>
<p>5.— If any goods are put, without the authority of the proper officer of Customs, on board of any tug-steamer or pilot-vessel from any seagoing vessel inward-bound, or if any goods are put, without such authority, out of any tug steamer or pilot-vessel for the purpose of being put on board of any such vessel outward-bound, or if any goods on which drawback has been granted are put, without such authority, on board of any tug-steamer or pilot-vessel for the purpose of being re-landed,</p>	<p>11</p>	<p>such goods shall be liable to confiscation, and the master of every such tug-steamer or pilot-vessel shall be liable to a penalty not exceeding one thousand rupees.</p>
<p>6,—If any vessel arriving at, or departing from, any customs-port fails, when so required under section 17, to bring-to at any such station as has been appointed by, the Chief Customs-officer for the boarding or landing of an officer of Customs,</p>	<p>17</p>	<p>the master of such vessel shall be liable to a penalty not exceeding one thousand rupees.</p>
<p>7.--If any vessel arriving at any customs-port, after having come to its proper place of mooring or unloading, removes from such place, except with the authority of the Conservator, obtained in accordance with the provisions of the Ports Act, or other lawful authority, to some other place of mooring or unloading, or if any vessel not brought into port by a pilot he not anchored</p>	<p>17</p>	<p>the master of such vessel shall be liable to a penalty not exceeding five hundred rupees and the vessel, if not entered, shall</p>

<p>or moored in accordance with any direction of the Chief Customs-officer under section 17,</p>		<p>not be allowed to enter until the penalty is paid</p>
<p>8.—If any goods, the importation or exportation of which is for the time being prohibited or restricted by or under Chapter IV of this Act, be imported into or exported from the Union of Burma contrary to such prohibition or restriction, or if any attempt be made so to import or export any such goods, or if any such goods be found in any package produced to any officer of Customs as containing no such goods, or if any such goods, or any dutiable goods, be found either before or after landing or shipment to have been concealed in any manner on board of any vessel within the limits of any port in the Union of Burma, or if any goods, the exportation of which is prohibited or restricted as aforesaid, be brought to any wharf in order to be put on board of any vessel for exportation contrary to such prohibition or restriction.</p>	<p>18 & 19</p>	<p>such goods shall be liable to confiscation ; any person concerned in any such offence shall be liable to a penalty not exceeding three times the value of the goods, or not exceeding one thousand rupees.</p>
<p>9.—If, upon an application to pass any goods through the custom-house, any person not being the owner of such goods, and not having proper and sufficient authority from the owner, subscribes or attests any receipt relating to any goods on behalf of such owner,</p>	<p>General</p>	<p>such person shall be liable to a penalty not exceeding one thousand rupees.</p>
<p>10.—If any goods, on the entry of which for re-export drawback has been paid, are not duly exported, or are unshipped or re-landed at any customs-port (not having been duly re-landed or discharged under the provisions of this Act),</p>	<p>42 & 43</p>	<p>such goods , together with any vessel used in so unshipping or re-landed them, shall be liable to confiscation ; and the master of the vessel from which such goods are so unshipped or re-landed, and any person by whom or by whose orders or means such goods are so unshipped or re-landed, or who aids or is concerned in such unshipping or re-landing, shall be liable to a penalty not</p>

		exceeding three times the value of such goods, or not exceeding one thousand rupees.
11.—If any wine, spirit, provisions or stores he not laden on board of the vessel on board of which they should, under the provisions of section 45, 46, 47 or 48, be laden, or be unladen from such vessel without the permission of the proper officer of Customs,	44 to 48	such wine, spirit, provisions or stores shall be liable to confiscation.
12.—If any goods be entered for drawback which, are of less value than the amount of the drawback claimed,	50	such goods shall be liable to confiscation.
13.—If, in any river or port wherein a place has been fixed under section 53 by the Chief Customs-authority, any vessel arriving passes beyond such place before delivery of a manifest to the pilot, officer of Customs, or other person duly authorized to receive the same.	53	the master of such vessel shall be liable to a penalty not exceeding one thousand rupees.
14.—If the master of any vessel arriving, which remains outside or below any place so fixed, wilfully omits, for the space of twenty-four hours after anchoring, to deliver a manifest as required by this Act,	53	such master shall be liable to a penalty not exceeding one thousand rupees.
15.—If, after any vessel arriving has entered any customs-port in which a place has not been fixed under section 53, the master of such vessel wilfully omits, for the space of twenty-four hours after anchoring, to deliver a manifest as required by this Act,	54	such master shall be liable to a penalty not exceeding one thousand rupees.
16.—If any manifest delivered under section 53, 54, 60, 63 or 66 is not signed by the person delivering the same and is not in the form or does not contain the particulars required by section 55 or 63, as the case may be, in so far as such particulars are applicable to the ship, cargo and voyage, or if any manifest so delivered does not contain a specification true to the best of such persons knowledge of all goods imported or to be exported in such vessel,	55 & 63	the person delivering such manifest shall be liable to a penalty not exceeding one thousand rupees.
17.—If any goods entered in the import-		the master of such vessel shall be liable to a penalty not exceeding twice the amount of duty chargeable on the missing or deficient goods,

manifest of a vessel are not found on board of the vessel, or if the quantity so found is short, and if such deficiency is not accounted for to the satisfaction of the officer in charge of the custom-house.	55 & 64	if they be dutiable and the duty leviable thereon can be ascertained, or otherwise to a penalty not exceeding five hundred rupees for every missing or deficient package or separate article.
18.—If any person required by this Act to receive a manifest from any master of a vessel refuses so to do, or fails to counter sign the same or to enter thereon the particulars referred to in section 56,	53, 54 & 56	such person shall be liable to a penalty not exceeding five hundred rupees.
19.—If bulk be broken in any vessel previous to the grant by the Customs-collector of an order for entry inwards or a special pass permitting bulk to be broken	57 & 59	the master of such vessel shall be liable to a penalty not exceeding one thousand rupees.
20.—If any bill of lading or copy required under section 58 is false and the master is unable to satisfy the Customs-collector that he was not aware of the fact, or if any such bill or copy has been altered with fraudulent intent, or if the goods mentioned in any such bill or copy have not been bond fide shipped as shown therein, or if any such bill of lading, or any bill of lading of which a copy is delivered, has not been made previously to the departure of the vessel from the place where the goods referred to in such bill of lading were shipped, or if any part of the cargo has been staved, destroyed or thrown overboard, or if any package has been opened and such part of the cargo or such package be not accounted for to the satisfaction of the Customs-collector,	58	the master of such vessel shall be liable to a penalty not exceeding one thousand rupees.
21.—If any master of a vessel attempts to depart without a port-clearance,	62	such master shall be liable to a penalty not exceeding five hundred rupees.
22.—If any vessel actually departs without a clearance,	62	the master of such vessel shall be liable to a penalty not exceeding one thousand rupees.
		such pilot, on

<p>23.—If any pilot takes charge of any vessel proceeding to s a, notwithstanding that the master of such vessel does not produce a port-clearance,</p>	<p>62</p>	<p>conviction before a Magistrate, shall be liable to fine not exceeding one thousand rupees.</p>
<p>24.-If any master of a vessel refuses to receive on board an officer of Customs deputed under section 67,</p>	<p>68</p>	<p>such master shall be liable to a penalty not exceeding five hundred rupees for each day during which such officer is not received on board, and the vessel, if not entered, shall not be allowed, to enter until such penalty is paid.</p>
<p>25.—If any master of a vessel refuses to receive on board one servant of such officer, or to provide such officer and servant with suitable shelter and accommodation, and with a d e allowance of fresh water, and with the means of cooking on board,</p>	<p>68</p>	<p>such master shall, in each such case, be liable to a penalty not exceeding five hundred rupees.</p>
<p>26.—If any master of a vessel refuses to allow such vessel, or any box, place or closed receptacle in such vessel, to be searched when so required by an officer of Customs bearing a written order to search, or if an officer of Customs places any lock, mark or seal upon ally goods in a vessel, and such lock, mark or seal is wlfully opened, altered or broken, before due delivery of such goods, or if any such goods are secretly conveyed away, or if any hatchway or entrance to the hold of vessel, after having been fastened down by an officer of Customs, is opened with-out his permission,</p>	<p>69</p>	<p>the master of such vessel shall he liable, on conviction before a Magistrate, to a fine not exceeding one thousand rupees.</p>
<p>27.—If the master of any vessel laid up by the withdrawal of the officer of Customs shall, before application is made by him for an officer of Customs to superintend the receipt of cargo, cause or suffer to be put on board of such vessel any goods what-ever, in contravention of section 70,</p>	<p>70</p>	<p>such master shall be liable to a penalty not exceeding one thousand rupees, and the goods, if protected by a pass, shall be liable to be re-landed for examination at the expense of the vessel, a nd,</p>

		if not protected by a pass, shall be liable to confiscation.
28.—If any master of a vessel, in any case other than that provided for by No. 27, causes or suffers any goods to be discharged, shipped or water-borne contrary to any of the provisions of section 70, 72 or 75,	70,72&75	such master shall be liable to a penalty not exceeding one thousand rupees, and all goods, s a discharged, shipped or water-borne shall be liable to confiscation.
29.—If, when a boat-note is required by section 76, any goods water-borne for the purpose of being landed from any vessel, and warehoused or passed for importation, or of being shipped for exportation, be found without such note, or if any goods are found on board any boat in excess of such boat-note, whether such goods are intended to be landed from, or to be shipped on hoard of, any vessel,	76	such goods shall be liable to confiscation, and the person by whose authority the goods are being landed or shipped and the person in charge o the boat, shall each be liablet to a penalty not exceeding twice the amount of duty (if any) leviabie on the said goods
30.-If any person refuses to receive, or fails to sign, or to note the prescribed particulars upon, any boat-note, as required by section 76, or if any master or officer of a vessel receiving the same fails to deliver it when required so to do by any officer of Customs authorized to make such requisition,	76	such person, master or officer shall be liable to a penalty not exceeding file hundred rupees.
31.—If any goods are, without permission, shipped or water-borne to be shipped, or are landed, except from or at a wharf or other place duly appointed for the purpose, or if any goods water-borne for the purpose of being landed or shipped are not landed or shipped without unnecessary delay, or if the boat containing such goods be found out of the proper track between the vessel and the wharf or other proper place of landing or shipping, and such deviation be not accounted for to the satisfaction of the Customs-collector, or if any goods are	73, 77, 78	such goods shall be liable to confiscation, and the person by whose authority the goods are shipped, landed, water-borne or transhipped, and the person in charge of the vessel employed in conveying them, shall each be liable to a penalty not

transhipped contrary to the provisions of section 78,		exceeding twice the amount of the duty (if any) leviable on such goods.
such goods shall be liable to confiscation, and the person by whose authority the goods are shipped, landed, water-borne or transhipped, and the person in charge of the vessel employed in conveying them, shall each be liable to a penalty not exceeding twice the amount of the duty (if any) leviable on such goods.	79	such goods, unless they are covered by a special permit from the Customs-collector, shall be liable to confiscation, and the owner or the person in charge of the boat shall be liable to a penalty not exceeding one hundred rupees.
33.—If any master of a vessel discharges or suffers to be discharged any goods not duly entered in the manifest of such vessel,	55&82	such master shall be liable to a penalty not exceeding one thousand rupees.
34.--If any goods are found concealed in any place, box or closed receptacle in any vessel, and are not duly accounted for to the satisfaction of the officer in charge of the custom-house,	General	such goods shall be liable to confiscation.
35.—If any goods are fund on board in excess of those entered in the manifest, or not corresponding with the specification therein contained,	55 & 82	such goods shall be liable to confiscation, or to be charged with such increased rates of duty as the Chief Officer of Customs directs.
36.—If, after any goods have been landed and before they have been passed through the custom-house, the owner removes or attempts to remove them, with the intention	86 & 87	such goods shall be liable to confiscation, or if the goods cannot be re-covered, the owner shall be liable, in addition to full duty, to a penalty not exceeding twice the amount of such duty, if the goods be dutiable and the

<p>of defrauding the revenue,</p>		<p>duty leviable thereon can be ascertained, or otherwise to a penalty not exceeding one thousand rupees for every missing or deficient package or separate article.</p>
<p>37 —If it be found, when any goods are entered at, or brought to be passed through, a custom-house, either for importation or exportation, that the packages in which they are contained differ widely from the description given in the bill of entry or application for passing them, or the contents thereof have been wrongly described in such bill or application as regards the denominations, characters or conditions according to which such goods are chargeable with duty, or are being imported or exported, or the contents of such packages have been misstated in regard to sort, quality, quantity or value, or if goods not stated in the bill of entry or application have been concealed in, or mixed with, the articles specified therein, or have apparently been packed so as to deceive the officers of Customs, and such circumstance is not accounted for to the satisfaction of the Customs-collector,</p>	<p>86 & 137</p>	<p>such packages, together with the whole of the goods contained therein, shall be liable to confiscation, and every person concerned in any such offence shall be liable to a penalty not exceeding one thousand rupees.</p>
<p>38.—If, when goods are passed by tale or by package, any omission or misdescription thereof tending to injure the revenue be discovered,</p>	<p>86 & 94</p>	<p>the person guilty of such omission or misdescription shall be liable to a penalty not exceeding ten times the amount of duty which might have been lost to Government by such omission or misdescription, unless it be proved to the satisfaction of the officer in charge of the custom-house that the variance was accidental.</p>
		<p>the person so taking or passing</p>

<p>39.—If, without entry duly made, any goods are taken or passed out of any custom-house or wharf,</p>	<p>86</p>	<p>such goods shall, in every such case, be liable to a penalty not exceeding five hundred rupees, and such goods shall be liable to confiscation.</p>
<p>40.—If any prohibited or dutiable goods are found, either before or after landing, concealed in any passengers baggage,</p>	<p>General</p>	<p>such passenger shall be liable to a penalty not exceeding five hundred rupees, and such goods shall be liable to confiscation.</p>
<p>41.—If any goods entered to be warehoused are carried into the warehouse, unless with the authority, or under the care, of the proper officers of Customs, and in such manner, by such persons, within such time, and by such roads or ways, as such officers direct.</p>	<p>93</p>	<p>such goods shall be liable to confiscation, and any person so carrying them shall be liable to a penalty not exceeding one thousand rupees.</p>
<p>42.—If any goods entered to be warehoused are not duly warehoused in pursuance of such entry, or are withheld, or removed from any proper place of examination before they have been examined and certified by the proper officer,</p>		<p>such goods shall be deemed not to have been duly warehoused, and shall be liable to confiscation.</p>
<p>43.—If any warehoused goods be not warehoused in accordance with sections 94 and 95</p>	<p>94 & 95</p>	<p>such goods shall be liable to confiscation.</p>
<p>44.—If the licensee of any private warehouse licensed under this Act does not open the same when required so to do by any officer entitled to have access thereto, or, upon demand made by any such officer, refuses access to any such officer,</p>	<p>97</p>	<p>such licensee shall be liable to a penalty not exceeding one thousand rupees, and shall further be liable to have his licence forthwith cancelled.</p>
<p>45.- If the keeper of any public warehouse, or the licensee of any private warehouse, neglects to stow the goods warehoused therein so that easy access may be had to every package and parcel thereof,</p>	<p>Chap. XI</p>	<p>such keeper or licensee shall, for every such neglect, be liable to a penalty not exceeding fifty rupees.</p>
<p>46.—If the owner of any warehoused goods, or any person in the employ of such owner,</p>		<p>such owner or person shall, in every such case,</p>

clandestinely opens any warehouse, or, except in presence of the proper officer of Customs, gains access to his goods,	99	be liable to a penalty not exceeding one thousand rupees
47.—if any warehoused goods be opened in contravention of the provisions of section 98, or if any alteration be made in such goods or in the packing thereof, except as provided in section 100,	98 & 100	such goods shall be liable to confiscation.
48.--If any goods lodged in a private warehouse are found at the time of delivery there-from to be deficient, and such deficiency is not due solely to ullage or wastage, as allowed under sections 116 and 117,	123	the licensee of such warehouse shall, unless the deficiency be accounted for to the satisfaction of the Customscollector, be liable to a penalty equal to five times the duty chargeable on the goods so deficient.
49.—If the keeper of any public warehouse, or the licensee of any private warehouse, fails, on the requisition of any officer of Customs, to produce any goods which have been deposited in such warehouse, and which have not been duly cleared and delivered therefrom, and is unable to account for such failure to the satisfaction, of the Customs-collector,	123	such keeper or licensee shall. for every such failure, he liable to pay the duties due on such goods, and also a penalty not exceeding fifty rupees in respect of every package or parcel so missing or deficient.
50.-If any goods, after being duly warehoused, are fraudulently concealed in, or removed from, the warehouse, or abstracted from any package, or transferred from one package to another, or otherwise, for the purpose of illegal removal or concealment,	Chap. XI	such goods shall be liable to confiscation, and any person concerned in any such offence shall be liable to a penalty not exceeding one thousand rupees.
51.-If any goods lodged in a private warehouse are found to exceed the registered quantity,	Ditto	such excess, unless accounted for to the satisfaction of the officer in charge of the custom-house, shall be charged

		with five times the ordinary duty thereon.
52.-If any goods be removed from the warehouse in which they were originally deposited, except in the presence, or with the sanction, of the proper officer, or under the proper authority for their delivery,	Ditto	such goods shall be liable to confiscation, and any person so removing them shall be liable to a penalty not exceeding one thousand rupees.
53.-If any person illegally takes any goods out of any warehouse without payment of duty, or aids, assists or is concerned therein,	Ditto	such person shall be liable to a penalty not exceeding one thousand rupees.
54.- If any person contravenes any rule regarding the process of transshipment made by the Chief Customs-authority, or any prohibition or order relating to transshipment notified by the President of the Union, or transships goods not allowed to be transhipped,	130, 134	such person shall be liable to a penalty not exceeding one thousand rupees, and any goods in respect of which such offence has been committed shall be liable to confiscation
55. - If any goods be taken on board of any vessel at any customs-port in contravention of section 136,	136	the master of such vessel shall be liable to a penalty not exceeding one thousand rupees.
56.--If any goods not specified in a duly passed shipping bill are taken on board of any vessel, contrary to the provisions of section 137,	137	the master of such vessel shall be liable to a penalty not exceeding fifty rupees to every package of such goods
57.-If any goods specified in the manifest of any vessel, or in any shipping bill, are not duly shipped before the departure of such vessel, or are re-landed, and notice of such short-shipment or re-landing be not given as required by section 140,	140	the owner of such goods shall be liable to a penalty not exceeding one hundred rupees, and such goods shall be liable to confiscation.
		the master of such vessel shall,

<p>58.-If ally goods duly shipped on board of any vessel be landed, except under section 141, 142 or 143, at any place other than that for which they have been cleared,</p>	<p>141</p>	<p>unless the lauding be accounted for to the satisfaction of the Customscollector, be liable to a penalty not exceeding three times the value of such goods so landed.</p>
<p>59.—If any goods on account of which drawback has been paid be not found on board of any vessel referred to in section 142,</p>	<p>142</p>	<p>the master of such vessel shalt be liable to a penalty not exceeding the entire value of such goods, unless the fact be accounted for to the satisfaction of the Customcollector.</p>
<p>60. —If any person, without a special pass from an officer of Excise at the place of exportation, re-lands or attempts to re-land any spirit shipped for exportation,</p>	<p>154</p>	<p>such person shall be liable to a penalty not exceeding five hundred rupees.</p>
<p>61. --If any person wilfully contravenes any rule relating to spirits made under section 155,</p>	<p>155</p>	<p>such person shall be liable to a penalty not exceeding five hundred rupees, and all such spirit shall be liable to confiscation.</p>
<p>62.—If, in contravention of any rules made under section 157, any goods are taken into, or put out of, or carried in, any coasting-vessel, or if any such rules he otherwise infringed,</p>	<p>157</p>	<p>the master of such vessel shall be liable to a penalty not exceeding one thousand rupees.</p>
		<p>the master of such vessel shall be liable to a penalty not exceeding one thousand rupees, and if any goods liable to export-duty have been landed from, or any goods liable to import-duty</p>

<p>63.—If, contrary to any such rules, any coasting-vessel touches at any foreign port, or deviates from her voyage, unless forced by unavoidable circumstances, or if the master of any such vessel which has touched at a foreign port fails to declare the same in writing to the Customs-collector at the customs-port at which such vessel afterwards first arrives,</p>	<p>159</p>	<p>have been shipped in, such vessel at such foreign port, such master shall further be liable to a penalty not exceeding three times the duty which would have been leviable on such goods if they had been exported from, or imported at, a customs-port to or from a foreign port, as the case may be.</p>
<p>64.--If in the case of any coasting-vessel any of the provisions of section 158, 159 or 160 are not complied with,</p>	<p>158, 129 & 160</p>	<p>the master of such vessel shall in each such case be liable to a penalty not exceeding five hundred rupees.</p>
<p>65.—If the person executing any bond given under section 161 fails to produce the certificate mentioned in the same section, ion, or to show sufficient reason for its nonproduction,</p>	<p>161</p>	<p>such person shall be bound to pay a penalty equal to double the amount of customs-duties which would have been chargeable on the exportcargo of the vessel had she been declared to be bound to a foreign port.</p>
<p>66.—If the master of any coasting vessel violates any of the conditions under which a general pass for such vessel has been granted,</p>	<p>164</p>	<p>such master shall be liable to a penalty not exceeding one thousand rupees.</p>
<p>67.--If any master of a coasting-vessel contravenes any of the provisions of section 165,</p>	<p>165</p>	<p>such master shall be liable to a penalty not exceeding five hundred rupees.</p>
<p>68.—If, upon examination, any package entered in the cargo-book required by section 165, as containing dutiable goods, is</p>		<p>such package,</p>

found not to contain such goods, or if any package is found to contain dutiable goods not entered, or not entered as such, in such book,	165	with its contents, shall be liable to confiscation,
69.—If the master of any coasting-vessel required under section 165 to keep a cargo-book fails correctly to keep, or to cause to be kept, such book, or to produce the same on demand, or if at any time there be found on board of any such vessel any goods not entered in such book as laden, or any goods noted as delivered, or if any goods entered as laden, and not noted as delivered, be not on board,	165	such master shall be liable to a penalty not exceeding five hundred rupees.
70.—If, contrary to the provisions of this or any other law for the time being in force relating to the Customs, any goods are laden on board of any vessel in any customs-port and carried coastwise, or if any goods which have been brought coastwise are so unladen in any such port, or if any goods are found on board of any coasting-vessel without being entered in the manifest or cargo-book or both (as the case may be) of such vessel,	Chap. XV	such goods shall be liable to confiscation, and the master of such vessel shall be liable to a penalty not exceeding five hundred rupees.
71.—If the master of any coasting-vessel refuses to bring any document to the Customs-collector when so required under section 166,	166	such master shall be liable to a penalty not exceeding two hundred rupees.
72.—If any person makes or signs, or uses, any declaration or document used in the transaction of any business relating to the Customs, knowing such declaration or document to be false in any particular, or counterfeits, falsifies or fraudulently alters or destroys any such document, or any seal, signature, initials or other mark made or impressed by any officer of Customs in the transaction of any business relating to the Customs, or, being required under this Act to produce any document, refuses or neglects to produce such document, or, being required under this Act to answer any question put to him by an officer of Customs, does not truly answer such question,	General	such person shall, on conviction of any such offence before a Magistrate, be liable to a fine not exceeding one thousand rupees.
73.—If any person on board of any vessel or boat in any customs-port, or who has landed from any such vessel or boat, upon being asked by any such officer whether he has dutiable or prohibited goods about his person or in his possession, declares that he has not, and if any such goods are, after such denial, found about his person or in his possession,	General	such goods shall be liable to confiscation, and such person shall be liable to a penalty not exceeding three times the value of such goods.

<p>74.-If any officer of Customs require any person to be searched for dutiable or prohibited goods, or to be detained, without having reasonable ground to believe that he has such goods about his person, or has been guilty of an offence relating to the Customs,</p>	<p>169</p>	<p>such officer shall, on conviction before a Magistrate, be liable to a fine not exceeding five hundred rupees.</p>
<p>75.--If any officer of Customs or other person duly employed for the prevention of smuggling is guilty of a wilful breach of the provisions of this Act,</p>	<p>General</p>	<p>such officer or person shall, on conviction before a Magistrate, be liable to simple imprisonment for any term not exceeding two years, or to fine, or to both.</p>
<p>76. --If any officer of Customs, or other person duly employed for the prevention of smuggling, practises, or attempts to practise, any fraud for the purpose of injuring the custom-revenue, or abets or connives at any such fraud, or any attempt to practise any such fraud,</p>	<p>Ditto</p>	<p>Ditto ditto.</p>
<p>77.-If any police officer, whose duty it is, under section 180, to send a written notice or cause goods to be conveyed to a custom-house, neglects so to do,</p>	<p>180</p>	<p>such officer shall, on conviction before a Magistrate, be liable to a penalty not exceeding one hundred rupees.</p>
<p>78. - If any person intentionally obstructs any officer of Customs or other person duly employed for the prevention of smuggling, in the exercise of any powers given under this Act to such officer or person,</p>	<p>General</p>	<p>such person shall, on conviction before a Magistrate, be liable to imprisonment for any term not exceeding six months, or to a fine not exceeding one thousand rupees, or to both.</p>
<p>79.-If any officer of Customs, except in the discharge in good faith of his duty as such officer, discloses any particulars learned by him in his official capacity in respect of any goods or shows any samples delivered to him in such capacity, or if any officer of Customs, except as permitted by this Act, parts with the possession of any samples</p>	<p>195</p>	<p>he shall be liable to a penalty not exceeding one thousand rupees.</p>

delivered to him in his official capacity,		
80.-If any person, without the approval of the Customs-collector under section 202, acts as an agent for the transaction of business as therein mentioned,	202	such person shall be liable to a penalty not exceeding five hundred rupees.

Nothing in the second column of the above schedule shall be deemed to have the force of law

167A. Burden of proof :-

1167A. Burden of proof.

If in any prosecution or in any proceeding in respect of any goods, Burden of the importation or exportation of which has been prohibited or restricted proof. under section 19, any question shall arise whether such goods have not been imported or whether no attempt has been made to export such goods, contrary to such prohibition or restriction, then in such case the burden of proof thereof shall be on the accused or on the person against whom the proceedings are opened.

1 Inserted by Act XVI, 1953

168. Packages and contents included in confiscation of goods :-

The confiscation of any goods under this Act includes any package Packages in which they are found, and all the other contents thereof.

Every vessel, cart or other means of conveyance, and every horse or other animal, used in the removal of any goods liable to confiscation under this Act, shall in like manner be liable to confiscation.

The confiscation of any vessel under this Act includes her tackle, apparel Tackle, etc., and furniture.

CHAPTER 17 PROCEDURE RELATING TO OFFENCES, APPEALS, ETC

169. Power to search on reasonable suspicion :-

Any officer of Customs duly employed in the prevention of smuggling may search any person on board of any vessel in any port in the Union of Burma, or any person who has landed from any vessel :

Provided that such officer has reason to believe that such person

has dutiable or prohibited goods secreted about his person.

170. Persons may, before search, require to be taken before Magistrate or Customscollector :-

When any officer of Customs is about to search any person under the provisions of section 169, such person may require the said officer to take him, previous to search, before the nearest Magistrate or Customs-collector.

If such requisition be made, the officer of Customs may detain the person making it until he can bring him before the nearest Magistrate or Customs-collector. The Magistrate or Customs-collector before whom any person is so brought shall, if he sees no reasonable ground for search, forthwith discharge such person ; but if otherwise, shall direct that the search be made.

A female shall not be searched by any but a female.

171. Power to stop vessels, carts, etc., and search for goods on reasonable suspicion :-

Any duly empowered officer of Customs, or other person duly employed for the prevention of smuggling, may stop and search for smuggled goods Any vessel, cart or other means of conveyance :Provided that he has reason to believe that smuggled goods are contained therein.

172. Power to issue search-warrants :-

Any Magistrate may, on application by a Customs-collector, stating his belief that dutiable or prohibited goods are secreted in any place within the local limits of the jurisdiction of such Magistrate, issue a warrant to search for such goods. Such warrant shall be executed in the same way, and shall have the same effect, as a search-warrant issued under the law relating to Criminal Procedure.

173. Persons reasonably suspected may be arrested :-

Any person against whom a reasonable suspicion exists that he has been guilty of an offence under this Act may be arrested in any place, either upon land or water, by any officer of Customs or other person duly employed for the prevention of smuggling.

174. Persons arrested to be taken to nearest Magistrate or Customs-collector :-

Every person arrested on the ground that he has been guilty of an offence under this Act shall forthwith be taken before the nearest Magistrate or Customs-collector.

175. Persons taken before Magistrate may be detained or admitted to hail :-

When any such person is taken before a Magistrate, such Magistrate may, if he thinks fit, either commit him to gaol or order him to be kept in the custody of the police for such time as is necessary to enable such Magistrate to communicate with the proper officers of Customs : Provided that any person so arrested, committed or kept shall be released on giving security to the satisfaction of the Magistrate to appear at such time and place as such Magistrate appoints in this behalf.

176. Persons escaping may be afterwards arrested, Sections :-

If any person liable to be arrested under this Act is not arrested at the time of committing the offence for which he is so liable, or after arrest makes his escape, he may at any time afterwards be arrested and taken before a Magistrate, to be dealt with as if he had been arrested at the time of committing such offence.

177. Persons in the Burma Navy, when arrested, to be secured on board, until warrant procured. :-

When any person employed on the crew of any of the ships of the Burma Navy is arrested under this Act, the arresting officer shall forthwith give notice thereof to the commanding officer of the ship, who shall thereupon place such person in security on board of such ship, until the arresting officer has obtained a warrant from a Magistrate for bringing up such person to be dealt with according to law.

The Magistrate shall grant such warrant upon complaint made to him by the arresting officer, stating the offence for which the person is detained.

178. Seizure of things liable to confiscation :-

Any things liable to confiscation under this Act may be seized in any place, either upon land or water, by any officer of Customs or

other person duly employed for the prevention of smuggling.

179. Things seized how dealt with :-

All things seized on the ground that they are liable to confiscation under this Act shall, as soon as conveniently may be, be delivered into the care of any Customs-officer authorized to receive the same.

If there be no such officer at hand, all such things shall be carried to and deposited at the custom-house nearest to the place of seizure.

If there be no custom-house within a convenient distance, such things shall be deposited at the nearest place appointed by the Chief Customs-officer for the deposit of things so seized.

180. Procedure in respect of things seized on suspicion :-

When any things liable to confiscation under this Act are seized by any police-officer on suspicion that they have been stolen, he may carry them to any police-station or Court at which a complaint connected with the stealing or receiving of such things has been made, or an enquiry connected with such stealing or receiving is in progress, and there detain such things until the dismissal of such complaint or the conclusion of such enquiry or of any trial thence resulting.

In every such case the police-officer seizing the things shall send written notice of their seizure and detention to the nearest custom-house ; and immediately after the dismissal of the complaint or the conclusion of the enquiry or trial he shall cause such things to be conveyed to, and deposited at, the nearest custom-house, to be there proceeded against according to law.

181. When seizure or arrest is made, reason in writing to be given :-

When anything is seized, or any person is arrested under this Act, the officer or other person making such seizure or arrest shall, on demand of the person in charge of the thing so seized, or of the person so arrested, give him a statement in writing of the reason for such seizure or arrest.

181A. Power to detain packages containing certain publications imported into the Union of Burma :-

(1) The Chief Customs-officer or other officer authorized by the President of the Union in this behalf may detain any package, brought whether by land or sea into the Union of Burma, which he suspects to contain-

(a) any newspaper or book as defined in the Press (Registration) Act, or

(b) any document, containing any seditious matter, that is to say, any matter the publication of which is punishable under section 124A of the Penal Code, and shall forward such package to such officer as the President of the Union may appoint in this behalf.

(2) Any officer detaining a package under the provisions of sub-section (1) shall, where practicable, forthwith send by post to the addressee or consignee of such package notice of the fact of such detention.

(3) The President of the Union shall cause the contents of such package to be examined, and if it appears to the President of the Union that the package contains any such newspaper, book or other document, containing any such seditious matter, may pass such orders as to the disposal of the package and its contents as he may deem proper, and, if it does not so appear, shall release the package and its contents unless the same be otherwise liable to seizure under any law for the time being in force :

Provided that any person interested in any package detained under the provisions of this section may, within two months from the date of such detention, apply to the President of the Union for release of the same, and the, President of the Union shall consider such application and pass such orders thereon as he may deem to be proper :

Provided further that, if such application is rejected, the applicant may, within two months from the date of the order rejecting the application, apply to the High Court for release of the package or its contents on the ground that the package did not contain any such newspaper, book or other document containing any such seditious matter.

(4) In this section " document " includes also any painting, drawing or photograph, or other visible representation.

181B. Procedure for disposal by High Court of applications for release of packages so detained :-

Every application under the second proviso to sub-section (3) of section 181A shall be heard and determined, in the manner

provided by section 99D to 99F of the Code of Criminal Procedure, by a Special Bench of the High Court constituted in the manner provided by section 99C of that Code.

181C. Jurisdiction barred :-

No order passed or action taken under section 181A shall be called in question in any Court otherwise than in accordance with the second proviso to sub-section (3) of that section.

182. Adjudication of confiscations and penalties :-

In every case, except the cases mentioned in section 167, [Nos. 23, 26, 72 and 74 to 78, both inclusive,]¹ in which, under this Act, anything is liable to confiscation or to increased rates of duty, or any person is liable to a penalty, such confiscation, increased rate of duty or penalty may be adjudged--

(a) without limit, by a Deputy Commissioner or Deputy Collector of Customs, or a Customs-collector ;

(b) up to confiscation of goods not exceeding two hundred and fifty rupees in value, and imposition of penalty or increased duty not exceeding one hundred rupees, by an Assistant Commissioner or Assistant Collector of Customs ;

(c) up to confiscation of goods not exceeding fifty rupees in value, and imposition of penalty or increased duty not exceeding ten rupees, by such other subordinate officers of Customs as the Chief Customs-authority may, from time to time, empower in that behalf in virtue of their office :

Provided that the Chief Customs-authority may, in the case of any officer performing the duties of a Customs-collector, limit his powers to those indicated in clause (b) or in clause

(c) of this section, and may confer on any officer, by name or in virtue of his office, the powers indicated in clauses (a), (b) or (c) of this section.

1 Substituted by Act LI, 1951

183. Option to pay fine in lieu of confiscation :-

Whenever confiscation is authorized by this Act, the officer adjudging it shall give the owner of the goods an option to pay in lieu of confiscation such fine as the officer thinks fit.

184. On confiscation, property to vest in the State :-

When anything is confiscated under section 182, such thing shall thereupon vest in the State.

The officer adjudging confiscation shall take and hold possession of the thing confiscated, and every officer of police, on the requisition of such officer, shall assist him in taking and holding such possession.

185. Levy of penalty for failure to bring-to :-

If any vessel actually departs without a port-clearance, or after failing to bring-to when required at any station appointed under section 17, the penalty to which the master of such vessel is liable may be adjudged by the Chief Customs-officer of any customsport to which such vessel proceeds, or in which she is.

A certificate of such departure or failure to bring-to when required purporting to be signed by the Chief Customs-officer of the port from which the vessel is stated to have so departed, shall be prima facie proof of the fact so certified.

186. Penalty under Act not to interfere with punishment under other law :-

The award of any confiscation, penalty or increased rate of duty under this Act by an officer of Customs shall not prevent the infliction of any punishment to which the person affected thereby is liable under any other law.

186A. Section 403, Code of Criminal Procedure, not applicable :-

² 186A. Section 403, Code of Criminal Procedure, not applicable.

The provisions of section 403 of the Code of Criminal Procedure shall not apply to any proceeding before an officer of Customs under sections 167 and 183 or to any appeal or revision under section 188 or 191.

² Inserted by Act LI, 1950

187. Offences not specially provided for how tried :-

All offences against this Act, other than those cognizable under section 182 by officers of Customs, may be tried summarily by a Magistrate.

188. Appeal from subordinate to Chief Customs-authority :-

Any person deeming himself aggrieved by any decision or order passed by an officer of Customs under this Act may, within three months from the date of such decision or order, appeal therefrom to the Chief Customs-authority, or, in such cases as the President of the Union directs, to any officer of Customs not inferior in rank to a Customs-collector and empowered in that behalf by name or in virtue of his office by the President of the Union.

Such authority or officer may thereupon make such further inquiry and pass such order as he thinks fit, confirming, altering, or annulling the decision or order appealed against :

Provided that not such order in appeal shall have the effect of subjecting any person to any greater confiscation, penalty or rate of duty than has been adjudged against him in the original decision or order.

[Every order passed in appeal under this section shall, subject to the power of review and revision conferred by section 191, be final.] ¹

1 Substituted by Act XXXIII, 1949

189. Deposit, pending appeal, of duty demanded :-

Where the decision or order appealed against relates to any duty or penalty leviable in respect of any goods, the owner of such goods, if desirous of appealing against such decision or order, shall, pending the appeal, deposit in the hands of the Customs-collector at the port where the dispute arises the amount demanded by the officer passing such decision or order.

When delivery of such goods to the owner thereof is withheld merely by reason of such amount not being paid, the Customs-collector shall, upon such deposit being made, cause such goods to be delivered to such owner.

If upon any such appeal it is decided that the whole or any portion of such amount was not leviable in respect of such goods, the Customs-collector shall return such amount or portion (as the case may be) to the owner of such goods on demand by such owner.

190. Power to remit penalty or confiscation :-

If, upon consideration of the circumstances under which any penalty, increased rate of duty or confiscation has been adjudged

under this Act by an officer of Customs, the Chief Customs-authority is of opinion that such penalty, increased rate or confiscation ought to be remitted in whole or in part, or commuted, such authority may remit the same or any portion thereof, or may, with the consent of the owner of any goods ordered to be confiscated, commute the order of confiscation to a penalty not exceeding the value of such goods.

191. Review and revision :-

² 191. Review and revision.

(1) An officer of Customs or the Chief Customs-authority or the President of the Union may, either of his own motion or on the application of any party interested, review, and on so reviewing modify, reverse or confirm, any order [other than one made on review]³ made by himself or by any of his predecessors in office :
Provided as follows :

(a) when an officer of Customs below the rank of Customs-collector proposes to review any order, whether made by himself or by any of his predecessors in office, he shall first obtain the sanction of the Customscollector ;

(b) an application for review of an order shall not be entertained unless it is made within ninety days from the making of the order, or unless the applicant satisfies the officer of Customs or the Chief Customsauthority or the President of the Union, as the case may be, that he had sufficient cause for not making the application within that period ;

(c) an order shall not be modified or reversed unless reasonable notice has been given to the parties affected thereby to appear and be heard in support of the order;

(d) an order against which an appeal has been preferred shall not be reviewed ;

¹(e) a review by a reviewing authority under this section on the own motion of such authority shall not be made after the expiry of two years from the making of the order.

(2)(a) The Chief Customs-authority may, at any time and on application or otherwise, call for the record of any case disposed of by any officer of Customs subordinate to him, and

(b) the President of the Union may, at any time and on application or otherwise, call for the record of any case disposed of by any officer of Customs or the Chief Customs-authority for the purpose of satisfying himself as to the correctness, legality or propriety of

any decision or order made and may make such order as he thinks fit :

² Provided that before any such decision or order is modified or reversed in revision the party concerned shall be given an opportunity to file a written statement, but he may not be permitted to give any oral statement, as to why such decision or order should not be modified or reversed.

2 Substituted *ibid*.

3 Inserted by Act LIX, 1949.

1 This proviso was substituted by Act LIX, 1949.

2 his proviso was inserted by Act LI, 1950.

192. Goods on which penalty incurred not to be removed till payment. Other goods of person liable to fine or penalty may be detained :-

When any fine, penalty or increased rate of duty is leviable under Goods on this Act, the goods in respect of which such fine, penalty or rate is leviable shall not be removed by the owner until such fine, penalty or rate is paid.

If any person has become liable to any such fine, penalty or rate in respect of any goods, the Customs-collector may detain any y other goods belonging to such person passing through the custom-house until such fine, penalty or rate is paid.

193. Enforcement of payment of penalty :-

When a penalty or increased rate of duty is adjudged against any person under this Act by any office of Customs, such officer, if such penalty or increased rate be not paid, may levy the same by sale of any goods of the said person which may be in his charge or in the charge of any other officer of Customs.

When an officer of Customs who has adjudged a penalty or increased rate of duty against any person under this Act is unable to realize the unpaid amount thereof from such goods, such officer may notify in writing, to any . Magistrate within the local limits of whose jurisdiction such person or any goods belonging to him may be, the name and residence of the said person and the amount of penalty or increased rate of duty unrecovered ; and such Magistrate shall thereupon proceed to enforce payment of the said amount in like manner as if such penalty or increased rate had

been a fine inflicted by himself.

CHAPTER 18 MISCELLANEOUS

194. Power to open packages and examine goods :-

Any officer of Customs may open any package, and examine any goods brought by sea to, or shipped or brought for shipment at, any customs port.

195. Power to take samples of goods :-

(1) The Customs-collector may, on the entry or clearance of any goods or at any time while such goods are being passed through the custom-house, take samples of such goods, for examination or for ascertaining the value thereof on which duties are payable, or for any other necessary purpose.

Every such sample shall, if practicable, be at the option of the owner either restored to him, or sold and the proceeds accounted for to him.

(2) In the case of goods which consist of drugs or articles intended for consumption as food, and in respect of which the taking of samples for the purposes of this sub-section may have been authorized by general or special order of the President of the Union, the Customscollector may also in like circumstances take samples thereof for submission to, and examination by, such officer of Government or of a local authority as may be specified in such order. The real value of all such samples shall be paid to the owner by the Customscollector.

195A. Power to make rules for determining whether mineral oil is suitable for use as an illuminant. :-

(1) When by any law for the time being in force a duty of customs is imposed on mineral oil which is specified as being suitable or as not being suitable for use as an illuminant in wick lamps, the Chief Customs-authority may make rules for determining in disputed cases whether any mineral oil is or is not suitable for such use.

(2) In particular such rules may -

- (a) specify the design, construction and materials of test lamps to be used for testing the burning properties of mineral oil in wick lamps and provide for the standardization of such test lamps ; and
- (b) prescribe the manner in which and the persons by whom tests are to be carried out, and the standards to be accepted for deciding

whether any mineral oil is or is not suitable for use as an illuminant in wick lamps.

196. Owner to pay expense incidental to compliance with Customs-law :-

The unshipping, carrying, shipping and landing of all goods; and the bringing of them to the proper place for examination or weighing, and the putting of them into and out of the scales, and the opening, unpacking, bulking, sorting, lotting, marking and numbering of goods, where such operations are necessary or permitted, and the removing of goods to, and the placing of them in, the proper place of deposit, shall be performed by or at the expense of the owner of such goods.

197. No compensation for loss or injury except on proof of neglect or wilful act :-

No owner of goods shall be entitled to claim from any officer of Customs compensation for any loss or damage occurring to such goods at any time while they remain or are lawfully detained in any custom-house, or on any custom-house wharf, or under charge of any officer of Customs, unless it be proved that such loss or damage was occasioned by the neglect or wilful act of such officer of Customs.

198. Notice of proceedings :-

No proceeding other than a suit shall be commenced against any person for anything purporting to be done in pursuance of this Act without giving to such person a months previous notice in writing of the intended proceeding and of the cause thereof ; or after the expiration of three months from the accrual of such cause.

199. Wharfage-fees :-

The Chief Customs-officer may from time to time fix the period after the expiration of which goods left on any custom-house wharf, or other authorized landing-place or part of the custom-house premises, shall be subject to payment of fees and the amount of such fees.

200. Duplicates of documents may be granted on payment of fee :-

A duplicate of any certificate, manifest, bill or other custom-house document may, on payment of a fee not exceeding ten rupees, be furnished at the discretion of the Customscollector to any person applying for the same, if the Customs-collector is satisfied that no fraud has been committed or is intended by the applicant.

201. Amendment of documents :-

Except in the cases provided for by sections 36, 55, 63 and 94, the Customs-collector may in his discretion, upon payment of one rupee, authorize any document, after it has been entered and recorded in the custom-house, to be amended.

202. Custom-house agents :-

No person authorized to act as an agent for the transaction of any business relating to the entrance or clearance of any vessel or the import or export of goods or baggage shall so act in any custom-house unless such authorization is approved by the Customs-collector. Such officer may require any person so authorized to give a bond with sufficient security in any sum not exceeding five thousand rupees for his faithful behaviour as regards the custom-house regulations and officers.

Such officer may, in case of misbehaviour of the person so authorized, suspend or withdraw such approval, but an appeal against every such suspension or withdrawal shall lie to the Chief Customs-authority, whose decision thereon shall be final. Every appeal under this section shall be made within one month of the suspension or withdrawal.

203. Agent to produce authority if required, Sections :-

When any person applies to any officer of Customs for permission to transact any specified business with him on behalf of any other person, such officer may require the applicant to produce a written authority from the person on whose behalf such business is to be transacted, and in default of the production of such authority may refuse such permission. The clerk, servant or agent of any person or mercantile firm may transact business generally at the custom-house on behalf of such person or firm : Provided that the Customscollector may refuse to recognize such clerk, servant or agent unless such person or a member of such firm identifies such

clerk, servant or agent to the Customs-collector as empowered to transact such business, and deposits with the Customs-collector an authority in writing duly signed, authorizing such clerk, servant or agent to transact such business on behalf of such person or firm.

204. Rules to be notified :-

All rules made under this Act shall be notified in the Gazette and shall thereupon have the force of law.

All such rules for the time being in force shall be collected, arranged and published at intervals not exceeding two years, and shall be sold to the public at a reasonable price.

205. XXX XXX XXX :-

206. Remission of duty and compensation to owner in certain cases :-

If, in any case relating to the removal of goods from a warehouse without payment of duty, the person offending be an officer of Customs not acting in execution of his duty, and be prosecuted to conviction by the owner of such goods, no duty shall be payable in respect of such goods. For any damage so occasioned by such officer, the Chief Customs-officer, or the Customs-collector with the sanction of the Chief Customs-officer, shall make due compensation to such owner :

Provided that compensation exceeding Rs. 250 shall be paid with the sanction of the Chief Customs-authority.

207. Saving of Rangoon Port Act :-

Nothing in this Act shall affect any law for the time being in force relating to the Commissioners for the Port of Rangoon or any like body created for any other port.