

PART XII

GENERAL REGULATIONS

- 101.** (1) The Minister may make regulations in respect of any matter required by this **Regulations** Ordinance to be prescribed or in respect of which regulations are required to be **(52, 83 of 1988)** made under this Ordinance and in particular for any of the following purposes -
- (a) For preventing accidents by fire, and as to the lighting or using of candles, fires, and lamps, and as to the smoking of tobacco or herbs within the customs premises;
 - (b) For governing and regulating porters, labourers, cartmen, and others carrying goods, or using or driving any animal or vehicle within the customs premises;
 - (c) For preventing damage being done to any goods or property within the customs premises;
 - (d) For prohibiting or regulating the admission of persons to the customs premises, and for excluding persons therefrom;
 - (e) For regulating the conduct of persons within the customs premises;
 - (f) For prescribing documents that should be furnished for the computation of customs duties for any goods and for regulating the examination of such goods for the levy of customs duties; and **(83, 83 of 1988)**
 - (g) For prescribing new forms for the warrants issued under sections 92 to 100, both inclusive, and the manner in which such warrants are to be defaced, and such regulations shall be published in the *Gazette*. Any person who shall disobey the same shall be guilty of an offence and shall on conviction after summary trial by a Magistrate be liable to a fine, not exceeding twenty-five thousand rupees or to imprisonment of either description for a term not exceeding three months or to both such fine and imprisonment. The Director-General may, having regard to the circumstances in which the offence was committed, compound an offence under this section on payment of an amount equal to one fifth of the fine imposable for such offence. The compounding of an offence **(83, 83 of 1988)**

under this sections shall have the effect of an acquittal.

- (2) In this section and in any regulation made there-under, "customs premises" means the customs premises as defined from time to time by the Director-General by Notification in the Gazette.

102. If the owner, consignee, or person having charge of any tar, pitch, spirituous liquor, turpentine, oil, aqua fortis, lucifer matches, or any other article of a combustible or dangerous nature whatsoever, shall suffer the same to remain in the customs premises beyond the space of five hours after he shall have been required by any officer of customs to remove the same therefrom, then and in every such case every person so offending shall for every such offence be liable to a fine not exceeding fifty rupees and not less than ten rupees for every hour that any of the said articles or goods shall be or remain in the place aforesaid after the expiration of the said five hours. **Goods of dangerous quality.**

103. (1) whereas it is desirable to facilitate the despatch of ships, it shall be lawful for the Minister to make special regulations from time to time relating to the entry inwards and outwards of such ships. and the landing, shipping, and transshipping of goods by them, and such regulations when duly published, shall have the same effect in law as if they formed part of this Ordinance. **Special regulations for ships.**
(2) The regulations made under the foregoing subsection may, amongst other matters-

- (a) Prescribe the fees and charges payable by persons requiring the services of any officer of customs outside such hours as the Director-General with the sanction of the Minister may from time to time prescribe, or on any day when the custom house is closed for business; **(83, 83 of 1988)**
(b) Provide for the collection or summary recovery of such fees and charges and the disposal thereof upon collection or recovery; and
(c) Require the furnishing of security in money for the payment of any duties, dues, fees or charges payable in respect. of goods imported or exported before the presentation of the bills of entry for such goods.

103A. (1) The Director-General may, with the approval of the Minister, by order made from time to time, for such periods and subjects to such terms and conditions as may be prescribed, establish Container freight stations, and Inland clearance depots for the purposes of this Ordinance. **(83, 83 of 1988) Container freight stations or inland clearing depots for customs clearance of cargo.(53, 83 of 1988)**
(2) The Director-General may prescribe having regard to the nature and value of the goods to be stored therein the amount of security to be furnished by **(83, 83 of 1988)**

the owner of a Container freight station or Inland clearance depot establish under this section. (83, 83 of 1988)

- (3) The Director-General may, with similar approval and subject to the terms and conditions referred to in subsection (1), at any time for reasonable cause revoke any order made under subsection (1) or vary the terms and conditions of any such order.

103B. (1) The Minister may make regulations relating to

- (a) Documentation, storage, movement, examination, sealing, security and all other matters pertaining to containers, containerized cargo and cargo intended for containerization;
- (b) The amount of security to be furnished by persons engaged in the transport of containers, containerized cargo, and cargo intended for containerization.

Regulation of the movement of containers, containerized cargo, cargo intended for containerisation and security to be furnished.
(53, 83 of 1988)

- (2) If any person contravenes or fails to comply with any regulations made under subsection (1) or any requirement imposed by or under such regulations, that person and the person for the time being in charge of the goods shall in each case forfeit either treble the value of the goods or be liable to a penalty not exceeding twenty-five thousand rupees at the election of the Director-General.
- (3) All other provisions of this Ordinance and the rules and regulations made thereunder in regard to the landing and clearance inwards or shipment and clearance outwards of cargo, shall, *mutatis mutandis* apply to containers and containerized cargo intended for containerization.

Penalties for violation of condition
(83, 83 of 1988)

All other provisions of the customs to apply.

104 (1) No goods imported or to be exported from any container freight station, bonded warehouse or customs premises after the goods have been sealed by customs, which are liable to duties and other charges under this Ordinance and on which such duties and other charges have not been paid to the customs, shall be transported overland from one point to another, other than by a transporter registered with the Director-General and who has furnished security by bond for the payment of such duties and other charges.

Transport of goods overland under bond.
(54, 83 of 1988)
(83, 83 of 1988)

- (2) Any person who transports goods in contravention of the provisions of this section shall be guilty of an offence and be liable to a penalty not exceeding one hundred thousand rupees.

- 105.** (1) All goods or merchandise which shall be lodged in any warehouse of the Republic under the provisions of this Ordinance, not being goods seized as forfeited, shall, when landed, continue and be subject and liable to such and the same claim for freight and general average in favour of the master, owner, or agent of the respective ship, or of any other person interested in the freight or general average from which such goods or merchandise shall have been so landed, as such goods or merchandise respectively were subject and liable to before the landing thereof.
- (2) The Director-General is hereby authorized and required, upon due notice in writing given to him by such master, owner, agent, or other person as aforesaid, specifying the particulars of the goods and requiring the goods or any portion thereof to remain subject to a lien for freight, primage, general average, or other charges, to detain and keep in the warehouse of the Republic the whole or such portion of such goods, not being seized as forfeited, until he receives notice in writing that the said charges are paid.
- (3) The Director-General shall not be bound to see to the validity of any lien claimed by any master, owner, agent, or other person as aforesaid.
- (4) If any goods or merchandise deposited as aforesaid be left in any custom-house or warehouse of the Republic for a longer period than thirty days from the date of landing, such goods shall, after public advertisement, be sold by public auction either for home use or exportation, and the proceeds thereof applied first to the payment of the duties due thereon, the warehouse rent, and expenses of sale, then to the payment of the freight, primage, general average; and charges claimed as aforesaid, and the overplus, if any, shall be paid to the proprietor of the goods; but if there be no such proprietor, such overplus shall be paid into the Treasury, and if not claimed within one year from the date of the sale of such goods, such overplus shall be brought to account as revenue:
- Provided that goods of a perishable nature or in a damaged condition may, after public advertisement, be sold forthwith, and if not saleable may be destroyed, and neither the proprietor nor the claimant of the freight, primage, general average, and charges as aforesaid, due on any goods sold or destroyed as aforesaid, shall have any claim on the Director-General for or on account thereof.
- (5) The Director General shall not be required to detain for freight, primage, general average, or charges as aforesaid horses, cattle, or other livestock, unless proper provision be made by the person detaining the same for the feeding, care, and housing of such livestock.
- Goods lodged in warehouse of the republic liable to claims for freight & c.**
(83, 83 of 1988)
Director- General required to detain goods for freight, & c.
(83, 83 of 1988)
Director - General not bound to see to validity of any liens.
Power to sell goods not cleared in thirty days.
Perishable goods may be sold at once.
Livestock.
(83, 83 of 1988)

- 106.** All bonds relating to the customs, required to be given in respect of goods or ships shall be taken by the Director-General for the use of State, and after the expiration of three years from the date thereof, or from the time, if any, limited therein for the performance of the condition thereof, every such bond upon which no prosecution or suit shall have been commenced shall be void, and may be cancelled and destroyed. **Bonds to be taken by Director -General (83, 83 of 1988)**
- 107.** If any goods, packages, or parcels, be landed, taken or passed out of any ship, or out of any warehouse, or be laden, taken on board or passed on to any ship, not having been duly entered, the same shall be forfeited: **Goods concealed in packages or delivered without entry forfeited. (55, 83 of 1988)**
 Provided always that no entry shall be required in respect of the baggage of passengers as defined by the regulations made under section 107A.
- 107A.** (1) Any passenger arriving in Sri Lanka may be searched and his baggage landed, examined and delivered by such officers and in accordance with such regulations as the Minister may prescribe by Notification published in the *Gazette*; and if any prohibited, restricted or uncustomed goods are found concealed in the baggage of any passenger arriving in Sri Lanka or upon his person or in any place in which they have been put by his direction or with his connivance either before or after landing, the same shall be forfeited, together with the contents of the packages and the packages containing the same. **Regulations of passengers, baggage inwards and outwards. (56, 83 of 1988)**
- (2) Any passenger leaving Sri Lanka may be searched and his baggage examined by such officers and in accordance with such regulations as the Minister may prescribe by Notification published in the *Gazette*, and if any prohibited, restricted or uncustomed goods are found concealed in the baggage of any passenger leaving Sri Lanka or upon his person or in any place in which they have been put by his direction or with his connivance either before or after embarkation, the same shall be forfeited, together with the contents of the packages and the packages containing the same. **(83, 83 of 1988)**
- (3) No female passenger shall be searched by any person other than a female duly authorized in that behalf by the Director-General.
- (4) Every regulation made by the Minister under this section shall, as soon as convenient after its publication in the *Gazette* be brought before Parliament for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval, but without prejudice to anything previously done thereunder.
- (5) Notification of the date on which any regulation made by the Minister is so deemed to be rescinded shall be published in the *Gazette*.
- 108.** All goods lodged or deposited in any warehouse of the Republic or other place of deposit provided by Government shall be so deposited at the risk of the owner, importer, or consignee, who shall have no claim on the State to compensation for loss by fire, theft, damage, or other cause, except such loss be proved by the **Goods in any warehouse to be at risk of the owner.**

prosecution to conviction (within one year from the date at which such wilful waste, spoil, destruction, or criminal breach of trust is alleged to have taken place) of the offending party to have been caused by the wilful waste, spoil, destruction or criminal breach of trust of any officer of customs, and in which case no duty shall be leviable on such goods.

- 109.** All goods left in any warehouse of the Republic or on the customs premises for a longer period than thirty days, unless permitted to remain by the special permission of the Director-General, shall, after public advertisement, be sold by auction to answer the duties, warehouse rent, or other charges due thereon, and any overplus shall be paid, if claimed within twelve months from the date of sale, to the owner of such goods, who shall have no further claim touching the same, but if there be no claimant such overplus shall be brought to account as revenue:
Provided that any goods of a perishable nature shall be left in the warehouse or customs premises, or in any bonded warehouse, uncleared, may be sold forthwith, or if not saleable may be destroyed, and the proprietor of any goods sold or destroyed as aforesaid shall have no further claim for or on account thereof.
- 110.** (1) If the Director-General considers it expedient to do so for any of the purposes of this Ordinance he may by written order require any importer of goods to have them removed from the warehouse or other place in the customs premises where they have been deposited to such other warehouse or place within the customs premises as may be specified in the order, within the period specified therein, and to be present on the date and time, if any, specified in the order for the due examination of the goods.
- (2) Any person who, without reasonable cause, fails to comply with an order issued to him under subsection (1) shall be liable to a penalty not exceeding ten thousand rupees.
- 111.** The Minister may by Order appoint any place to be a haven, creek, port, or warehousing port in Sri Lanka, and declare the limits thereof, and appoint proper places within the same to be legal quays for the lading and unlading of goods, and declare the bounds and extent of any such quays, or annul the limits of any port, haven, creek, or legal quay already appointed, or to be hereafter appointed, and declare the same to be no longer a port, warehousing port, haven, creek, or legal quay; and all ports, warehousing ports, havens, and creeks, and the respective limits thereof, and all legal quays appointed, set out, and existing as such at the time of the passing of this Ordinance shall continue to be such ports, havens, creeks, and quays until annulled or altered as aforesaid .
- 112.** The Director-General may from time to time, by any order under his hand, and under such restrictions and regulations as he shall see fit, appoint proper places for the lading and unlading of goods.
- 113.** The officers of customs may refuse to allow any person to do any act as master of
- Power to sell goods not cleared in thirty days. (83, 83 of 1988)**
- (83, 83 of 1988) Director - General to order removal of goods from one warehouse or customs premises to another warehouse or place. (57, 83 of 1988)**
- Government may appoint ports and quays and alter or annul the same.**
- Existing ports to continue.**
- (83, 83 of 1988) Director -General to appoint wharves.**
- Officers may refuse any**

- any British ship, unless his name is inserted in or endorsed upon the certificate of Director-General, be done by a ship's agent. **person to do any act as master of ship, unless his name is endorsed on registry.**
- 114.** Anything which a master is required or empowered to do under this Ordinance may, with the express or implied consent of such master and with the approval of the Director-General, be done by a ship's agent. **When ship's agent may act for master. (83, 83 of 1988)**
- 115.** (1) The Director-General may and he is hereby authorized to grant on payment of the prescribed fee, licenses in such form and manner and subject to such terms and conditions as are specified in Schedule G to this Ordinance to such persons who satisfy the requirements set out in that Schedule, to act as Customs House agents for transacting business which shall relate to the entry or clearance of any ship, or of any goods, or of any baggage, in any of the ports or places in Sri Lanka and only persons so licensed shall act as agents as aforesaid, and the Director-General may cancel or revoke for fraud or misconduct or for breach of any terms and conditions of any licence so granted to any such person. **Director - General to grant licences to customs house agents. (58, 83 of 1988)**
- (2) Every licence granted under this section shall be valid for a period of one year and may be renewed by the Director-General, at the end of the period on payment of the prescribed fee. **(83, 83 of 1988)**
- (3) Any employee of an importer or exporter shall be deemed to be a Customs House agent for the purposes of this section and shall not be permitted to transact business as aforesaid, unless he holds a licence under subsection (1). **(83, 83 of 1988)**
- 115A. (1)** It shall be lawful for the Director-General for the purpose of facilitating the discharge of his functions under this Ordinance to require every importer and exporter of goods to register with the customs, giving such particulars as may be required by him. **Employees deemed to be agents. (83, 83 of 1988)**
- (2) No goods shall be imported into or exported out of Sri Lanka except by a registered importer or exporter. **Importers and exporters to be registered with customs. (59, 83 of 1988)**
- (3) In this section importer shall mean a person who imports goods either for himself or on behalf of another for a commercial purpose and exporter shall mean a person who exports goods either in his name or on behalf of another for a commercial purpose.
- 116.** No ship or boat shall be hauled on shore at any public wharf, quay, beach, or landing place in Sri Lanka, for the purpose of repairs or otherwise, without permission from the Director-General, and no boat shall remain alongside of any wharf or landing place after the owner or person in charge shall be directed to remove the same by the proper officer of customs; and any person hauling any ship or boat on shore without such permission as aforesaid and the owner or person in charge of any boat refusing or neglecting to remove the same when ordered as aforesaid shall be liable to a fine not exceeding, one hundred rupees and such ship or boat may be detained by the Director-General until payment of the Fine **No vessel to be hauled on shore without permission. Boats to be removed from wharf when directed. Penalty (83, 83 of 1988) (2, Law 35 of 1974)**

imposed.

117. If any timber or other heavy or bulky articles be left on any public quay, jetty, wharf, beach, or landing place in Sri Lanka for more than one day, so as to interrupt or hinder the free use thereof, it shall be lawful for the Director-General, after twelve hours' notice in writing give to the owner thereof or to his agent, to remove the same; and such owner shall be liable to a penalty not exceeding one hundred rupees and such goods shall not be delivered up to the owner thereof until after' payment of the said penalty together with the charges attending the removal of the same ; and if such goods shall not be removed within six days after notice given as aforesaid, it shall be lawful for the Director-General to sell the same by public auction, and to deduct from the proceeds the amount of such penalty and all charges which may have been incurred on account of such goods, and the surplus, if any, shall be paid to the owner. **No timber & c. to be left on wharf for more than one day.(2, Law 35 of 1974)**
(83, 83 of 1988)
118. It shall be lawful for the officers of customs to go on board any ship in any port or place in Sri Lanka or hovering within the territorial waters of Sri Lanka and to rummage and search all parts of such ship for prohibited and uncustomed goods, and freely to stay on board such ship so long as such ship remains in such port or place or within such territorial waters ; and if any such ship is bound elsewhere, and continues so hovering for the space of twenty-four hours after the master has been required to depart it shall be lawful for the officers of customs to bring such ship into port and to search and examine her cargo, and to examine the master touching the cargo and voyage; and if there are any goods on board prohibited to be imported into Sri Lanka, and if the master does not truly answer the questions which are demanded of him on such examination, he shall forfeit a sum not exceeding one hundred thousand rupees. **Officers may board ships hovering within territorial waters and bring them into port.**
(18, Law 35 of 1974)
(60, 83 of 1988)
119. If any person shall make and subscribe any declaration, certificate, or other instrument required by this Ordinance to be verified by signature only, the same being false in any particular; or if any person shall make or sign any declaration made for the consideration of the Director-General or the proper officer of customs on any application presented to him the same being untrue in any particular; or if any person required by this Ordinance or any other enactment relating to the customs to answer questions put to him by the officers of customs shall not truly answer such questions ; or if any person shall counterfeit, falsify, or wilfully use when counterfeited or falsified any document required by this ordinance or any enactment relating to the customs or by or under the directions of the Director-General or any instrument used in the transaction of any business or matter relating to the customs, or shall fraudulently alter any document or instrument, or counterfeit the stamp, seal, signature, initials, or other mark of, or used by the officers of the customs for the verification of any such document or instrument, or for the security of goods, or any other purpose, in the conduct of business relating to the customs. every person so contravening shall be liable to forfeit a sum not **Making false declaration.**
Singing false documents and untruly answering question.
(61, 83 of 1988)
(83, 83 of 1988)
Counterfeiting and using false documents.
(83, 83 of 1988)

exceeding one hundred thousand rupees, and any goods, including currency in any form, in relation to which the document or statement was made shall be liable to forfeiture

Provided always that this penalty shall not attach to any particular contravention for which any other penalty shall be expressly imposed by any law in force for the time being.

- 120.** And whereas; it frequently occurs that certain indulgences are granted to merchants and others by the Director-General on bond being given for the security of the revenue, and as doubts may arise whether such bonds would in law be valid: **Bond entered into with the Director-General for the due performance of anything relating to the customs, to be valid in law.**
It is therefore enacted and declared that in all cases where bonds shall be entered into with the Director- General for the due performance of any order, matter or thing relative to the customs, such bonds shall be valid in law, and upon breach of any of the conditions thereof may be sued and proceeded upon in like manner as any other bond entered into by virtue of this Ordinance. **(83, 83 of 1988)**
- 121.** The Minister may by order published in the Gazette prohibit either absolutely or subject to such restrictions and conditions as he may in his discretion determine, the exportation or the carriage coastwise of all or any of the following goods, namely : - arms, ammunition and gunpowder, naval, military, and air stores and any articles which the Minister shall judge capable of being converted into or made useful in increasing the quantity of naval, military or air stores, provisions, or any sort of victual which may be used as food by man ; and if such goods shall be exported from Sri Lanka or carried coastwise in contravention of such prohibition or otherwise than in accordance with such restrictions and conditions, or be water-borne to be so exported or carried, such goods may be seized and shall be forfeited. **Export, &c. of naval, military and air stores may be prohibited.**
- 122.** Every person who shall make or cause to be made an entry inwards or entry outwards of any goods, not being duly authorized thereto by the proprietor or consignee or exporter of such goods, shall for every such offence forfeit a sum not exceeding one hundred thousand rupees. **Unauthorised persons not permitted to make entries. (62, 83 of 1988)**
- 123.** It shall be lawful for the Director-General to authorize the officers of customs to take samples of goods for the purpose of ascertaining the duties payable on such goods or for any other purpose relative to the customs, and such samples shall be accounted for in such manner as the Director-General may direct. **Samples. (83, 83 of 1988)**
- 123A.** Where goods imported have been cleared out of customs, and the Director-General deems it necessary for any customs purpose to examine samples of the said goods and authorizes the drawing of samples thereof, the importer or the person for the time being in charge of the place or premises where the goods are kept or stored shall hand-over to the Director-General or other customs officer authorized in writing by the Director-General in that behalf a sample or samples proved to the satisfaction of the Director-General as being authentic and representative of the said goods, provided the sample or samples are demanded within thirty days from the date such goods have been cleared from the customs- If the samples are not handed over within three working days of the demand **Drawing of samples on goods cleared out of customs control. (63, 83 of 1988)**
(83, 83 of 1988)
(83, 83 of 1988)
(83, 83 of 1988)
(83, 83 of 1988)
(83, 83 of 1988)

therefore, the Director-General or other customs officer authorized in writing by the Director-General in that behalf shall have the power to enter, and draw samples from, the premises where the goods may be stored.

- 124.** The Director-General may refuse to grant clearance to any ship until the owner, agent, or master of that ship, or some other person shall have paid all port dues, fees fines, penalties, or charges to which such ship or the owner or master of such ship in respect thereof shall be liable under this Ordinance or any other enactment: **(83, 83 of 1988) The Director-General may refuse clearance.**
Provided such port dues, fees, fines, penalties, or charges shall have been incurred during her present voyage inwards or outwards.