

IMPORTS AND EXPORTS (CONTROL)

AN ACT TO PROVIDE FOR THE CONTROL OF THE IMPORTATION AND EXPORTATION OF GOODS, FOR THE REGULATION OF THE STANDARDS OF EXPORTABLE GOODS AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Act Nos,

1 of 1969

48 of 1985

28 of 1987

[27th December , 1985]

[2nd June , 1987]

[8th August , 1969]

Short title.

1. This Act may be cited as the Imports and Exports (Control) Act.

Appointment of officers and servants.

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

Powers and duties of officers.

3.

(1) Every Deputy or Assistant Controller of Imports and Exports shall, in the exercise of his powers, the performance of his duties and the discharge of his functions, be subject to the general direction and control of the Controller of Imports and Exports.

(2) Every Deputy or Assistant Controller of Imports and Exports may, subject to the general direction and control of the Controller of Imports and Exports, exercise, perform or discharge all such powers, duties or functions vested in, imposed upon or assigned to the Controller of Imports and Exports by or under this Act as may be delegated to such Deputy or Assistant by the Controller of Imports and Exports.

(3) A Deputy or an Assistant Controller of Imports and Exports exercising, performing or discharging any power, duty or function of the Controller of Imports and Exports under this Act shall be deemed for all purposes to have been delegated to exercise, perform or discharge that power, duty or function until the contrary is proved.

Control of the import and export of goods. **4.**

(1) Subject to the provisions of subsection (2) and of any regulations made under subsection (3), no person shall import into, or export from, Sri Lanka any goods except under the authority, or otherwise than in accordance with the conditions, of a licence issued in that behalf under this Act by the Controller.

(2) The importation into, or the exportation from, Sri Lanka after the date of commencement of this Act by any person of any goods without a licence issued in that behalf under this Act shall be deemed not to be a contravention of the provisions of subsection (1) if such importation or exportation was authorized by a licence issued under any written law for the time being in force-

(3) Regulations may be made exempting any specified class or classes of persons or goods from the provisions of subsection (1).

Application for licenses. **5.**

(1) Every application for a licence Shall-

(a) be made to the Controller in such one of the prescribed forms as is appropriate to the case,

(b) state the particulars which that form requires to be stated, and

(c) be signed by the applicant.

(2) The Controller may direct any applicant for a licence to furnish him with such information as he may indicate in the direction for the purpose of enabling him to dispose of the application; and if the applicant fails to comply with such direction, the Controller may refuse to issue the licence to the applicant.

Licence fee.

6. Where a fee is prescribed for the issue of a licence, such licence shall not be issued by the Controller except upon the payment of such fee.

Issue of licenses

7.

(1) The Controller shall have full power and discretion to make a decision either to issue or to refuse to issue a licence to an applicant therefor.

(2) The Controller may issue a licence subject to such conditions as he may deem necessary. Such conditions shall be set out in the licence.

(3) Subject as hereafter provided in this Act, the decision of the Controller to issue or to refuse to issue a licence to an applicant therefor shall be final and conclusive and shall not be called in question in any court or tribunal whether by way of writ or otherwise,

Authority granted by licences.

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8. A licence granted to any person shall, subject to the conditions set out in the licence and to the provisions of this Act or any regulation made thereunder, authorize such person to import into, or export from, Sri Lanka, goods of such value and in such quantity or quantities as may be specified in the licence to.

Power to amend, suspend or cancel licenses

9.

(1) It shall be deemed to be a condition of every licence that the Controller may, at any time by order in writing, amend, suspend or cancel such licence and accordingly any of the powers conferred on the Controller by the preceding provisions of this subsection may be exercised by the Controller at any time in respect of a licence.

(2) An order of the Controller amending, suspending or cancelling a licence shall, subject to any decision on an appeal under this Act from the order of the Controller, be final and conclusive and shall not be called in question in any court or tribunal whether by way of writ or otherwise.

Communication of refusal to issue a licence to applicant and of amendment or cancellation of a licence to the holder thereof.

10.

(1) Where the Controller decides to refuse to issue a licence under this Act, he shall cause notice of the decision to be given to the applicant for the licence.

(2) Where the Controller makes an order amending, suspending or cancelling a licence, he shall cause notice of such order to be given to the holder of such licence.

(3) A notice under this section to any person shall be given to him by registered letter addressed to him and despatched through the post.

(4) A notice given to any person in the manner provided in subsection (3) shall be deemed to have been served on him at the time at which the letter would have been delivered in the ordinary course of post.

Appeals.

11

(1) An applicant for a licence who is aggrieved by the decision of the Controller refusing to issue such licence and any person who is aggrieved by the order of the Controller amending, suspending or cancelling a licence issued to such person may appeal in writing from that decision or order to the Minister within a period of fourteen days reckoned from the date of the service of notice of that decision or order on him.

(2) The decision of the Minister on any appeal preferred under the preceding provisions of this section shall be final and conclusive and shall not be called in

question in any court or tribunal whether by way of writ or otherwise.

Publication of the list of persons who default in payments. **11A.** (1) Where the Controller is satisfied that any person outside Sri Lanka has made default in the payment for-
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- (a) any goods exported to such person from Sri Lanka, or
- (b) for any goods to be exported to such person from Sri Lanka in accordance with an agreement to sell,

the Controller shall in the interest of the national economy, publish in the Gazette a list (hereinafter referred to as "the defaulters' list") specifying the name of such person (hereinafter referred to as "the defaulter "), the address of such defaulter, and such other particulars that may be necessary to ascertain :the identity of such defaulter.

Prohibition of export of goods to a defaulter specified in the defaulters' list. **11B.** No person shall export any goods from Sri Lanka, to any defaulter for the time being specified in the defaulters' list.
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'Prohibition of exports to defaulters to be a condition of the licence. **11C.** It shall be deemed to be a condition of every licence, issued under this Act, that the holder of the licence shall not export any goods to any defaulter specified in the defaulter's list.
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'Deletion of the defaulter's name on payment of the amount in default. **11D.** Where the Controller is satisfied that subsequent to the publication of any person's name in the defaulters' list that such person has paid the amount in default the controller shall delete the name of such person from such list.
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Publication of list of importers who contravene regulations. **11E.** Where the Controller is satisfied that any importer has importer any goods into Sri Lanka which do not conform to the standards specified for those goods in regulations made under this Act, the Controller shall in the interest of the national economy and the protection of public health, publish in the Gazette a list specifying the name and address of such importer and such other particulars as may be necessary to ascertain the identity of such importer.
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Power of Controller to call for information and inspect documents. **12.**

(1) The Controller may, by written notice, direct any person to whom a licence to import goods into Sri Lanka is issued to furnish before a date specified in the notice such information as the Controller may by the notice require in respect of the warehousing of such goods.

(2) After the exportation of any goods the Controller may, by written notice, direct the exporter of such goods to produce within such time as is specified in the notice satisfactory evidence that the goods have reached the ultimate destination specified in the licence issued to such exporter or in any bill of lading or other shipping document relating to such goods.

(3) For the purposes of this Act, the Controller may, by written notice, direct any person, including the manager of any bank in Sri Lanka-

(a) to furnish to such officer, and within such time, as may be specified in the direction, information regarding such matters relevant to the purposes of this Act as may be so specified, and

(b) to cause to be produced for inspection by such officer, within such time, and at such place as may be so specified, such books, accounts and other documents relevant to the purposes of this Act as may be so specified, including certified copies of entries in those books, accounts or other documents.

(4) A notice under this section may be served-

- (a) on any individual by delivering it to him or by leaving it at, or sending it by post to, his residence;
- (b) on any firm by delivering it to any partner of the firm, or by leaving it at, or sending it by post to, the office of the firm;
- (c) on any company by leaving it at, or sending it by post to, the registered office of the company.

Verification of information.

13.

- (1) A person who furnishes any information under this Act shall verify it by a declaration that the statements contained therein are true and accurate.
- (2) Every declaration made under this Act shall be free from stamp duty.

Prohibition or regulation of certain imports and exports.

14. The Minister may by regulation-

- (a) prohibit or regulate the importation or exportation of goods from or to countries specified in the regulation, or
- (b) prohibit the importation or exportation of goods (whether from or to any country whatsoever or any country specified in the regulation) by any person, other than the Government of Sri Lanka and such corporate or unincorporate bodies of persons, if any, as may be specified in the regulation.

Confiscation.

15. It shall be deemed to be a condition of every licence that the Principal Collector of Customs shall have the power to confiscate on behalf of the Republic any goods or part thereof imported into, or intended to be exported from, Sri Lanka -

- (a) in contravention of the provisions of this Act or of the provisions of any regulation made under this Act, or
- (b) otherwise than in conformity with any terms or conditions stated in the licence relating to importation or exportation, as the case may be, of such goods,

Offences.

16. Any person who-

- (a) acts in contravention of any provision of this Act or of any regulation made thereunder, or
- (b) acts in contravention of, or fails to comply with the condition of, a licence issued under this Act, or
- (c) fails to comply with any direction given by the Controller in the exercise of his powers under section 12 of this Act, or
- (d) furnishes for the purposes of this Act, any information which is, or any document the contents of which are, or any part of the contents of which is, to his knowledge untrue or incorrect, shall be guilty of an offence under this Act.

Punishment for offences.

17.

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- (1) Every person who is guilty of an offence under this Act shall be liable, on conviction after summary trial before a Magistrate, to a fine not exceeding five thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment and in the case of any offence relating to the import of any goods in contravention of any regulations made under this Act relating to standards or quality control the Magistrate shall make order that such goods be forfeited to the State.
- (2) Any goods forfeited by an order made under subsection (1) shall, upon

such forfeiture, vest absolutely in the State and such vesting shall have effect

(a) where no appeal has been preferred against the order of forfeiture, after the expiration of the period within which an appeal may be preferred to the Court of Appeal against the order of forfeiture; or

(b) where an appeal has been preferred to the Court of Appeal against the order of forfeiture, upon the determination of such appeal confirming or upholding the order of forfeiture.

(3) The Controller shall have possession of any goods vested in the State under subsection (2) and may sell or otherwise dispose of them as he may think fit. Where the Controller sells any such goods, the proceeds of sale shall be credited to the Consolidated Fund.

Offences by bodies of persons.

18. Where an offence under this Act is committed by a body of persons, then-

(a) if that body of persons is a body corporate, every director and officer of that body corporate, or

(b) if that body of persons is a firm, every partner of that firm, shall be deemed to be guilty of that offence :

No prosecution without the sanction of the Controller. Regulations.

19. No prosecution for an offence under this Act shall be instituted except by, or with the written sanction of, the Controller.

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20.

(1) The Minister may make regulations for the purposes of carrying out or giving effect to the principles and provisions of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations for or in respect of all or any of the following matters ;"

(a) all matters stated or required by this Act to be prescribed or in respect of which regulations are authorized by this Act to be made; and

(b) the regulation of the standards, and the quality control of exportable or importable goods of any specified class or description.

(3) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on the date of publication or on such later date as may be specified in the regulation.

(4) Every regulation made by the Minister shall be brought before Parliament within a period of one month from the date of the publication of that regulation under subsection (3), or, if no meeting is held within that period, at the first meeting after the expiry of that period, by a motion that such regulation shall be approved.

(5) Any regulation which Parliament refuses to approve shall be deemed to be rescinded but without prejudice to the validity of anything previously done thereunder or to the making of any new regulation. The date on which such regulation shall be deemed to be rescinded shall be the date on which Parliament refuses to approve the regulation.

(6) Notification of the date on which any regulation made by the Minister is deemed to be rescinded shall be published in the Gazette.

(7) Any regulation made by the Minister shall, when approved by Parliament, be as valid and effectual as if it were herein enacted. Notification of such approval shall be published in the Gazette.

Application of customs Ordinance,

21. The provisions of this Act shall be read and construed as one with the Customs

Ordinance, and for the purpose of the application of the Customs Ordinance-

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

interpretation.

22. In this Act unless the context otherwise requires-

" Controller" means the Controller of Imports and Exports appointed under this Act, and includes a Deputy Controller and an Assistant Controller specially authorized by the Controller either generally or for some specific purpose to act on behalf of the Controller;

"export", with its grammatical variations and cognate expressions, when used in relation to any goods, means the carrying and taking out of Sri Lanka, or causing to be carried or taken out of Sri Lanka, whether by sea or by air of such goods ;

" goods" includes any article, animal, substance or property whatsoever;

" import ", with its grammatical variations and cognate expressions, when used in relation to any goods, means the importing or bringing into Sri Lanka, or causing to be imported or brought into Sri Lanka, whether by sea or by air of such goods;

" prescribed" means prescribed by regulation made under this Act.