



THE CEYLON GOVERNMENT GAZETTE

EXTRAORDINARY

No. 9,231 — MONDAY, JANUARY 31, 1944.

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PART II.—LEGAL.

(Separate paging is given to each Part in order that it may be filed separately.)

PASSED ORDINANCES.

Ordinance enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof.

No. 1 of 1944.

L. D.—O. 41/43

994/1(CY)

An Ordinance to amend the Currency Ordinance, No. 21 of 1941.

[Assented to by His Majesty the King : See Proclamation dated January 30, 1944, published in Government Gazette Extraordinary No. 9,231 of January 31, 1944.]

A. CALDECOTT.

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

1. This Ordinance may be cited as the Currency Amendment Ordinance, No. 1 of 1944.

Short title.

2. Section 18 of the Currency Ordinance, No. 21 of 1941, (hereinafter referred to as "the principal Ordinance"), is hereby amended by the insertion, immediately after sub-section (2), of the following new sub-section :—

Amendment of section 18 of Ordinance No. 21 of 1941.

"(3) The holder of any Ceylon coin demonetized under sub-section (1) may, on tendering such coin at the office of the Board in Colombo at any time after the date specified in the Proclamation, be paid legal tender in exchange if the Board, having regard to all the circumstances of the case, considers it expedient to make such payment."

3. Section 23 of the principal Ordinance is hereby amended as follows :—

Amendment of section 23 of the principal Ordinance.

(1) in the proviso to sub-section (1) thereof, by the substitution, for the word "Colombo", of the words "Colombo, that part of the Security Fund which has been invested in securities issued by the Government of Ceylon by authority of the War Loan Ordinance, No. 1 of 1941, and";

(2) in sub-section (3) thereof, by the substitution for the words "Such proportion of the Security Fund", of the words "A part of the Security Fund, not being less than such proportion";

(3) in sub-section (6) thereof by the substitution, for all the words from "general or special directions" to "Secretary of State", of the words "general directions as may be given by the Board with the prior approval of the Governor and the Secretary of State, and to such special directions, not inconsistent with such general directions, as may from time to time be given by the Board".

Passed in Council the Sixteenth day of November, One thousand Nine hundred and Forty-three.

D. C. R. GUNAWARDANA,
Clerk of the Council.

DRAFT ORDINANCES.

MINUTE.

The following Draft of a proposed Ordinance is published for general information :—

Chapter 185.
Vol. IV., p. 491.

An Ordinance to amend the Customs Ordinance.

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

Short title.

1. This Ordinance may be cited as the Customs Amendment Ordinance, No. of 1943.

Amendment of section 21 of Chapter 185.

2. Section 21 of the Customs Ordinance (hereinafter referred to as "the principal Ordinance"), is hereby amended as follows :—

- (1) by the substitution, for the words "consular officers" wherever those words occur collectively in that section, of the words "consular officers or clerks";
- (2) in sub-section (2) (c) thereof, by the substitution, for the words "specified grade", of the words "specified country, grade".

Amendment of section 24 of the principal Ordinance.

3. Section 24 of the principal Ordinance is hereby amended as follows :—

- (1) in sub-section (1) thereof by the substitution in paragraph (d) of the Proviso, for the word "goods", of the words "goods (other than goods imported through the post by any person for his personal use)";
- (2) in sub-section (3) thereof by the substitution, for the words "visitors to the Island", of the words "persons making a temporary stay in the Island".

Amendment of section 34 of the principal Ordinance.

4. Section 34 of the principal Ordinance is hereby amended as follows :—

- (1) by the substitution, for all the words from "shall be liable to a penalty not exceeding two hundred rupees" to "can be ascertained", of the words "shall, in respect of any goods which are missing or deficient and not accounted for, be liable, if such goods are chargeable with duty, and if such duty can be ascertained, to a penalty not exceeding twice the amount of the duty chargeable thereon, or if such duty cannot be ascertained or if such goods are not chargeable with duty, to a penalty not exceeding two hundred rupees for each missing or deficient package";
- (2) by the substitution, for the words "payment of such fine and dues", of the words "payment of such penalty";
- (3) by the substitution, for the words "pay such fines and dues", of the words "pay such penalty".

Amendment of section 37 of the principal Ordinance.

5. Section 37 of the principal Ordinance is hereby amended as follows :—

- (1) by the substitution, for the words "before the hours of six in the morning or later than four o'clock in the afternoon", of the words "outside such hours as the Principal Collector with the sanction of the Governor may from time to time prescribe"; and
- (2) by the omission of the words "in writing".

Amendment of section 46 of the principal Ordinance.

6. Section 46 of the principal Ordinance is hereby amended by the substitution, for all the words from "If any goods" to "contrary to the prohibitions", of the words "If any person exports or attempts to export or take out of the Island any goods enumerated in the table of prohibitions and restrictions in Schedule B, in contravention of the prohibitions".

Replacement of section 48 of the principal Ordinance.

7. Section 48 of the principal Ordinance is hereby repealed and the following new section is substituted therefor :—

Abatement of duty on damaged goods.

"48. (1) Where any goods imported into Ceylon have sustained damage, the Principal Collector of Customs may, upon claim made in that behalf and upon proof to his satisfaction that such damage was sustained after the goods had been shipped in the importing ship and before the goods had been landed in Ceylon, make an abatement of the whole or any part of the duty chargeable thereon, as he may in his discretion determine.

(2) Every claim under sub-section (1) for the abatement of duty shall be made by the importer or consignee of the goods in such form and in such manner as the Principal Collector may prescribe.

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

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

(5) Where the importer or consignee of any goods fails to pay any sum incurred under sub-section (4) in the destruction or removal of such goods, it shall be lawful for the officers of customs to refuse to pass any other goods belonging to such importer or consignee until such sum is paid: Provided that nothing in the preceding provisions of this sub-section shall be deemed to prohibit the recovery of such sum from such importer or consignee as a debt due to the Crown.

8. Section 60 of the principal Ordinance is hereby amended by the substitution, for the words "except on days not being Sundays or holidays, nor before six in the morning or later than four in the afternoon", of the words "outside such hours as the Principal Collector with the sanction of the Governor may, from time to time, prescribe, or on any day when the custom house is closed for business, without permission from the Collector".

Amendment of section 60 of the principal Ordinance.

9. Section 74 of the principal Ordinance is hereby amended by the substitution, for the words "opened from ten o'clock in the forenoon to four o'clock in the afternoon daily, Sundays and public holidays excepted", of the words "opened on such days and during such hours as the Principal Collector with the sanction of the Governor may from time to time prescribe".

Amendment of section 74 of the principal Ordinance.

10. Section 103 of the principal Ordinance is hereby amended as follows:—

Amendment of section 103 of the principal Ordinance.

(1) by the re-numbering thereof as sub-section (1) of section 103;

(2) in the re-numbered sub-section (1), by the substitution, for the word "steamers" wherever that word occurs in that sub-section, of the word "ships";

(3) by the insertion, immediately after the re-numbered sub-section (1), of the following new sub-section:—

"(2) The regulations made under the foregoing sub-section 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 Principal Collector with the sanction of the Governor may from time to time prescribe, or on any day when the custom house is closed for business;

(b) provide for the collection or summary recovery of such fees and charges and the disposal thereof upon collection or recovery.

(4) in the marginal note thereto, by the substitution, for the word "steamers", of the word "ships".

11. Section 150 of the principal Ordinance is hereby amended in the proviso thereto by the substitution, for the word "issued", of the word "issue".

Amendment of section 150 of the principal Ordinance.

Objects and Reasons.

The object of this Bill is to effect in the Customs Ordinance certain amendments which experience in the administration of that Ordinance has shown to be necessary.

2. Clause 2 of the Bill will amend section 21 of the principal Ordinance so as to enable the privileges now conferred on consular officers by that section to be extended to consular clerks of specified countries in accordance with any reciprocal agreement entered into with those countries by His Majesty's Government.

3. Under section 24 (1) (d) of the principal Ordinance, no drawback is allowed on goods on which the import duty paid is less than five rupees. The object of Clause 3 (1) is to enable the payment of drawback irrespective of value in the case of goods imported through the post by any person for his personal use.

4. The whole or part of the import duty paid by visitors to Ceylon on articles imported for their personal use is refunded to them under section 24 (3) of the principal Ordinance when such articles are re-exported from Ceylon. As the interpretation of the word "visitors" has given some trouble, it is proposed in Clause 3 (2) to introduce an amendment which will enable such a refund to be made, as is done in other countries, in all cases where a person makes only a temporary stay in Ceylon.

5. Clause 4 will remove certain doubts which have arisen in the interpretation of section 34 of the principal Ordinance.

6. The amendment in Clause 6 is intended to make section 46 of the principal Ordinance apply to cases where an attempt is made to export or take goods out of the Island in contravention of the provisions of that Ordinance.

7. It is proposed in Clause 7 to replace section 48, relating to the abatement of duty on damaged goods, by a new section which will bring the law into line with modern practice.

8. Section 60 of the principal Ordinance prohibits the shipping of goods on Sundays and holidays and before six in the morning and after four in the afternoon on other days. This is inconsistent with section 37 under which cargo may be discharged at other times with the permission of the Collector. In order to facilitate the landing of cargo and the despatch of ships, it is proposed—

- (a) to amend section 37 so as to enable the Principal Collector of Customs, with the sanction of the Governor, to fix the working hours, (Clause 5);
- (b) to amend section 60 so as to enable goods to be shipped with the permission of the Collector outside the normal working hours (Clause 8); and
- (c) to make a corresponding amendment in section 74 which prescribes the hours during which bonded warehouses must be kept open (Clause 9).

Power will also be taken by Clause 10 to prescribe the fees payable by persons requiring the services of officers of customs outside normal working hours. The amendments will clarify the procedure but no change of practice is intended.

H. J. HUXHAM,
Financial Secretary.

Colombo, January 13, 1944.