

PART VII

REGULATIONS OUTWARDS

56. And whereas it is expedient that the officers of customs should have full cognizance of all ships departing from any port or place in Sri Lanka and of all goods taken out of Sri Lanka it is enacted that the master of every ship shall, before any goods be laden therein, deliver to the Director-General a certificate from the proper officer of the due landing of the inward cargo of such ship, of her last voyage and also an entry outwards under his hand, stating her name, country, and tonnage, the port of registry, the name of the master and of the owners, and the number of the crew and passengers, and the destination of such ship. If any goods be laden on board any ship before such entry be made the master of such ship shall forfeit a sum not exceeding ten thousand rupees. **Ship to be entered and goods cleared before shipment.** (83 ,83 of 1988)
57. The person exporting any goods whether liable to the payment of duty or free of duty shall deliver to the Director-General a bill of entry of such goods, on a form of such size and colour as may be specified in that behalf by the Director-General by notification published in the Gazette, and fairly written in words at length expressing the name of the ship in which the goods are to be exported and of the port to which they are to be taken, and containing an accurate specification of the quantity, quality and value of such goods, and the number, denomination, dimensions, and description of the respective packages containing the goods and such other particulars as the Director-General by that or a subsequent notification may require him to furnish, and in the margin of such bill of entry shall delineate the respective marks and numbers of such packages. If such person fails to deliver a bill of entry prepared as aforesaid, he shall be liable to a penalty of one thousand rupees. Such person shall pay any duties and dues which may be payable on the goods mentioned in such entry, and such person shall also deliver at the same time two or more duplicates of such bill in which all sums and numbers shall be expressed in figures, and the particulars to be contained in such bill shall be legibly written and arranged in such form and manner and the number of such duplicates shall be such as the Director-General shall require, and such bill of entry when signed by the Director-General or person authorized by him and transmitted to the proper officer shall be the warrant to him for the examination of and delivery for shipment of such goods, and if such goods shall not agree with the particulars in the bill of entry, or if such goods are removed from the warehouse or other place appointed for shipment before such entry is passed and all duties and dues paid, and in the absence of any explanation to the satisfaction of the Director-General the same shall be forfeited, and such forfeiture shall include all other goods which shall be entered or packed with them as well as the packages in which they are contained. **Exporter to deliver bill of entry.** (83 ,83 of 1988)
(83 ,83 of 1988)

(83 ,83 of 1988)

58. Notwithstanding anything contained in section 57, it shall be lawful for the Director-General, on application made in that behalf by an exporter of goods and subject to such conditions as may be imposed by the Director-General and notified in the *Gazette*, to permit the exportation of such goods prior to the presentation of the bill of entry for such goods:

Exportation prior to the presentation of the bill of entry

(83 ,83 of 1988)

Provided that-

- (a) any misdescription or under-valuation appearing in the application shall render the exporter liable to the penalties imposed by this Ordinance for misdescription or under-valuation in the bill of entry;
- (b) Such permission to export shall not in any way be construed as a waiver of the Director-General's right to order forfeiture of the goods, if the goods have not already been shipped out of Sri Lanka, for any breach of this Ordinance committed in respect of the goods by the exporter, or shall not relieve the exporter from any penalty or liability to which he would have been subject had the goods been exported after the presentation of the bill of entry; and
- (c) If any sum of money imposed as a penalty be not duly paid, it shall be lawful for the officers of customs to refuse to pass any other goods brought for exportation by the exporter until the said sum of money is paid.

(83 ,83 of 1988)

59. No goods shall be laden, put off, or waterborne to be shipped for exportation or coastwise, or shipped on board any ship, boat, or lighter, outside such hours as the Director General with the sanction of the Minister may, from time to time, prescribe, or on any day when the Customs-house is closed for business, without permission from the Director-General, nor from any place except some legal quay or other place duly appointed by the Director-General, nor without the presence or authority of the proper officer of Customs, nor before due entry outwards of the vessel on which the goods are to be shipped, nor before such goods shall have been duly entered and duly cleared for shipment by such officer, who may open all packages and fully examine all goods brought and intended for shipment; and all goods laden, put off or waterborne, in any ship, boat, or lighter shall be accompanied by a boat-note signed by the locker or other officer of Customs and specifying the number of packages and the marks and numbers and other descriptions of the goods, and all goods shut out for any reason shall be immediately reconveyed to the place of lading; and the Director-General shall have power, with the approval of the Minister, to make regulations from time to time relating to the shipping of goods and to the re-landing of shutout cargo, and all goods which are laden, put off, waterborne, or shipped

Boat-notes to accompany goods laden for export.

(83 ,83 of 1988)

(83,83 of 1988)

(83 ,83 of 1988)

contrary to the provisions of this section or of any regulations made hereunder, or which are found in a boat without a boat-note, or in excess of the quantity specified in boat-note or in excess of the quantity shutout, or which are shipped on board any vessel not duly entered outwards may be re-landed by the proper officer of Customs, and, in the absence of any explanation to the satisfaction of the Director-General, shall be forfeited together with the means of conveyance. (83 ,83 of 1988)

Every person knowingly concerned in the lading, putting off or carrying of such goods, or into whose hands and possession such goods shall knowingly come, contrary to the provisions of this section or of any such regulation, shall forfeit and pay a sum not exceeding one hundred thousand rupees, or treble the value of such goods, at the election of the Director-General. (83 ,83 of 1988)

(83 ,83 of 1988)

(83 ,83 of 1988)

59A. All such steps as are deemed necessary by the Director-General or proper officer of Customs for the purpose of the examination of any goods brought and Intended for shipment shall be performed by and at the expense and risk of the exporter or his agent. **Goods to be examined at expense of exporter.** (13 Law 35 of 1974)

60. When it shall become necessary to lade heavy goods on board any ship before the whole of the inward cargo is discharged, the Director-General may, previous to the entry outwards of the ship, issue a stiffening order, sanctioning the shipment of the goods. **Stiffening order (83, 83 of 1988)**

61. One due requisition by the master the Director-General may allow for the use of such ship such stores as may appear necessary according to the voyage upon which she is about to depart, but no articles taken on board any ship shall be deemed to be stores unless duly shipped as such by entry or by permit of the Director-General or other proper officer. **Stores (83 ,83 of 1988)**

62. On the entry outwards of any ship the Director-General shall grant a general **Director General may grant general sufferance** sufferance for the shipment and lading of any sort of goods, the produce or

sufferance for the shipment and lading of any sort of goods, the produce or manufacture of Sri Lanka, except such as shall be expressly excepted therein: **for the shipping of goods. (14, Law 35 of 1974)**

Provided always that before the clearing outwards of such ship, the exporter of any goods on board the same shall deliver to the Director-General an entry, containing an accurate specification of the quantity, quality, and value of such goods; and if such declaration be false, or if he fails to make such entry before the content of the ship is delivered in by the master, he shall forfeit a sum not exceeding five thousand rupees; and the Director-General may refuse to certify such shipment on the clearance of such ship. **(83, 83 of 1988)**
(83, 83 of 1988)
(35, 83 of 1988)

(83, 83 of 1988)

63. Before any ship, whether laden or in ballast shall be cleared outwards at any port in Sri Lanka, the master shall deliver a content of such ship, setting forth the name and tonnage of such ship and the place or places of her destination, and the name of the master, the number of passengers, also, if laden, an account of the goods shipped on board, and of the packages containing such goods, and of the marks and numbers upon such packages, and a like account of the goods on board, if any, which had been reported inwards for exportation in such ship, so far as any of such particulars can be known by him, and the master of the ship shall furnish such content in duplicate, and shall make and sign a declaration before the Director-General to the truth of such content, and shall also answer such questions concerning the ship, the cargo and the intended voyage, as the Director-General shall demand of him, and, if required by the Director-General copy thereof, for any and every part of the cargo laden on board, and thereupon the Director General or other proper officer shall make out and give to the master a certificate of the clearance of such ship for her intended voyage, containing an account of the total quantities of the several sorts of goods laden therein, or a certificate of her clearance in ballast, as the case may be; and if the ship shall depart without such clearance, or if the master shall deliver a false content, he shall forfeit a sum not exceeding one hundred thousand rupees. **Master to deliver content**
(83, 83 of 1988)
Answer questions(83, 83 of 1988)
(83, 83 of 1988) and produce bills of lading
(83, 83 of 1988)
Certificate of clearance

(36, 83 of 1988)

64. It shall be lawful for the officers of the customs to go on board any ship before and after clearance outwards within the limits of any port in Sri Lanka, or within the territorial waters of Sri Lanka, and to demand the certificate of clearance and the victualling bill, and if there be any goods on board subject to duty and not duly entered outwards, such goods shall be re-landed and forfeited and if any goods contained in such clearance or victualling bill be not on board, the master shall forfeit a sum not exceeding five thousand rupees for every package or parcel of goods contained in such clearance or victualling bill and not on board. **Officers may board vessels after clearance**
(15, Law 35 of 1974)
(37, 83 of 1988)