

THE CONTROL OF IMPORTS AND EXPORTS (TEMPORARY) ACT. *

[BURMA ACT LVI, 1947.] (30th September, 1947.)

It is hereby enacted as follows :—

1. (1) This Act may be called the Control of Imports and Exports (Temporary) Act, 1947.

(2) It shall come into force at once and shall remain in force until the President of the Union, by notification, directs that it shall cease to be in force.

2. In this Act :—

(a) "Customs-collector" means a Customs-collector as defined in the Sea Customs Act, or a Collector of Land Customs appointed under the Land Customs Act ;

(b) "Import" and "Export" mean respectively bringing into, and taking out of, the Union of Burma by sea, land or air ;

(c) "Officer of Customs" means an officer of Customs appointed under the Sea Customs Act, or a Land Customs Officer appointed under the Land Customs Act.

3. (1) The President of the Union may, by order published in the Gazette, make provision for prohibiting, restricting or otherwise controlling, in all cases or in specified classes of cases, and subject to such exceptions, if any, as may be specified in such order.—

(a) the import, export, carriage coastwise or shipment as ships' stores, of goods of any specified description ;

(b) the bringing into any port or place in the Union of Burma of goods of any specified description intended to be taken out of

* Deleted by Act LXX, 1947.

* Published in Judicial Department Notification No. 373, dated 30th September 1947 (*Burma Gazette*, 1947, Part I, p. 638).

the Union of Burma without being removed from the ship or conveyance in which they are being carried.

¹ (1A) Without prejudice to the generality of the provisions contained in sub-section (1), the order made thereunder may—

- (a) provide for the issue of import or export licences ;
- (b) fix a period for which a licence shall remain valid ;
- (c) prescribe a fee payable in respect of each licence at a rate not exceeding five per cent of the value of the goods covered by such licence ;
- (d) prescribe the circumstances under which a licence shall be re-validated and the fees payable by the holder thereof on such re-validation at a rate not exceeding five per cent of the value of the goods covered by such licence.

(2) All goods to which any order under sub-section (1) applies shall be deemed to be goods of which the import or export has been prohibited or restricted under section 19 of the Sea Customs Act and all the provisions of that Act shall apply thereto, except that section 183 thereof shall have effect as if for the word " shall " therein the word " may " were substituted.

(3) Notwithstanding anything contained in the Sea Customs Act, the President of the Union may, by order published in the Gazette, prohibit, restrict or impose conditions on the clearance, whether for home consumption or for shipment abroad, of any goods or class of goods imported into the Union of Burma.

4. All proceedings pending and liabilities existing under orders or notifications made under Rule 84 of the Defence of Burma Rules, which continue to be enforceable by the Imports and Exports Control Act, 1947, at the commencement of this Act shall continue to be enforceable as if the Imports and Exports Control Act, 1947, have not been repealed.

² 5. (1) If any person contravenes any order made under this Act, he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Sea Customs Act, as applied by sub-section (2) of section 3, be punishable with imprisonment for a term which may extend to seven years and shall also be liable to fine.

¹ (2) Notwithstanding anything contained in any other law for the time being in force, if the contravention of any such order is in respect of paddy or rice or rice products, the offender shall be punishable with transportation for life or with imprisonment for a term which shall not be less than seven years, and with whipping and the property in respect of which, or in connection with which, such offence is committed, shall be liable to confiscation.

(3) Any person [who attempts to contravene any such order, or]³ who abets the contravention of any such order, shall be liable to the same punishment as is provided for the contravention thereof.

¹ Inserted by Act XLVIII, 1949.

² Substituted by Act LXXIV, 1947.

³ Inserted by Act XLIX, 1953.

16. * * * *

7. (1) No order made in exercise of any power conferred by or under this Act shall be called in question in any Court.

(2) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any order made thereunder.

8. Subject to the provisions of section 4, the Imports and Exports Control Act, 1947, is hereby repealed.
