

**THE SEA CUSTOMS (AMENDMENT) ACT, 1959\***

[Act No. XIX of 1959.]

(The 21<sup>st</sup> September 1959.)

It is hereby enacted as follows: —

1. This Act may be called the Sea Customs (Amendment) Act, 1959.

2. In section 3 of the Sea Customs Act, hereinafter referred to as the said Act—

“(a) for clause (a) the following *shall be substituted* as clause (a); namely:—

“(a) ‘Financial Commissioner’ means the Financial Commissioner appointed by the President of the Union under section 2 of the Financial Commissioners Act.”;

(b) for the period (.) at the end of clause (j) a colon(:) *shall be substituted* ;

and

(c) after clause (j) the following *shall be inserted* as clause (k), namely:—

“(k) ‘Shipment’ means loading of goods on board a vessel bound for a customs-port or a foreign port.”

3. In Section 7 of the said Act, for the expression “Chief Customs-authority any power conferred upon him by section 6 and the Chief Customs-authority may delegate to any officer of the Customs any power so delegated to it” the expression “Commissioner of Customs any power conferred upon him by section 6, and the Commissioner of Customs may delegate to any other officer of Customs any power so delegated to him” *shall be substituted*.

4. In section 9 of the said Act, for the words “Chief Customs authority” the words “President of the Union” *shall be substituted*.

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\* မြန်မာနိုင်ငံပြန်တမ်း၊ အပိုင်း - ၁၊ ၁၉၅၉ ခုနှစ်၊ အောက်တိုဘာလ (၃)ရက်၊ စာမျက်နှာ - ၁၈၄၅။

5. For section 10 of the said Act, the following *shall be substituted*; namely:—

“10. The Commissioner of Customs and other officers of Customs whom he  
*The Commissioner of Customs and other officers exempted from service on jury or inquest or assessors.* deems it necessary to exempt on grounds of public duty shall not be compelled to serve on any jury or inquest or as an assessor.”

6. In section 19A of the Said Act, for the words “Chief Customs-authority” the words “President of the Union” *shall be substituted*.

7. Clause (b) of section 20 of the said Act *shall be deleted*.

8. In section 21 of the said Act for the word “shall” the word “may” *shall be substituted*.

9. In section 27 of the said Act, after the words “coming into” the words “or found in” *shall be inserted*.

10. In section 42 of the said Act, for the words “Chief Customs-authority” the words “President of the Union” *shall be substituted*.

11. Section 44, 45, 46 and 47 of the said Act *shall be deleted*.

12. In section 49 of the said Act—

(a) for the word “capable” in clause (a) the word “incapable” *shall be substituted*; and

(b) for the word “identifiable” in the marginal note the word “unidentifiable” *shall be substituted*.

13. In section 50 of the said Act —

(a) for the comma (,) at the end of clause (c) a period (.) *shall be substituted*, and the word “or” *shall be deleted*; and

(b) clause (d) *shall be deleted.*

14. In section 59, 66 and 76 of the said Act, *for the words "Chief Customs-authority" the words "President of the Union" shall be substituted.*

15. In section 88 of the said Act, *for the words "four months the words "two months" shall be substituted, the words "and in the Gazette," shall be deleted and for the words "the Chief Customs-authority may, with the concurrence of the President of the Union," occurring in the first proviso the words "the President of the Union may" shall be substituted.*

16. The last paragraph of section 96 of the said Act *shall be deleted.*

17. In section 100 of the said Act, *for the words "Chief Customs authority" the words "President of the Union" shall be substituted.*

18. In section 119 of the said Act, the words "duly advertised in the Gazette" *shall be deleted.*

19. In sections 130 and 133 of the said Act, *for the words "Chief Customs-authority" wherever they occur the words "President of the Union" shall be substituted.*

20. In section 144 of the said Act —

(a) *for the words "Chief Customs - authority" the words "Financial Commissioner" shall be substituted;*

(b) *for the words "the Chief Customs-authority having authority at that port" in clause (b) the words "the Financial Commissioner" shall be substituted; and*

(c) *for the words "Commissioner of Customs" in the third paragraph the words "Customs- collector" shall be substituted.*

21. In sections 147, 148 and 151 of the said Act, *for* the words "Chief Customs-authority" wherever they occur the words "Financial Commissioner" *shall be substituted*.

22. In the schedule to section 167 of the said Act, *for* the words "Chief Customs-authority", in item 54 the words "President of the Union" *shall be substituted*.

23. *After* section 167A of the said Act, the following *shall be inserted* as section 167B, namely:—

*Attempt* "167B. For the purposes of item 8 of the schedule to section 167 and section 167A the word "attempt" means any act of concealment keeping or conveying of goods under such circumstances as are sufficient to satisfy the Customs-collector that the goods are being concealed, kept or conveyed with intent to import or export the goods contrary to the prohibition or restriction under section 19."

24. *After* section 172 of the said Act, the following *shall be inserted* as section 172A, namely:—

*Power of Commissioner of Customs to search.* 172A. If the Commissioner of Customs or any Customs-collector in charge of a custom-house has reason to believe that dutiable or prohibited goods illegally imported or to be illegally exported are stored or secreted in any building, vessel or place, within his jurisdiction, and that a search warrant under section 172 cannot be obtained without affording the offender an opportunity of escape or of concealing or destroying evidence of the offence, he may authorize any officer of Customs in writing in such form as may be prescribed by the Commissioner of Customs to, or may himself,  
(a) enter into any such building, vessel or place;  
(b) in case of resistance, break open any door and remove any other obstacle to such entry;

- (c) seize any goods which he has reason to believe to be liable to confiscation under this Act;
- (d) detain and search, and, if he thinks proper, arrest any person whom he has reason to believe be guilty of any offence under this Act; and
- (e) seize any book, receipt, record or other document or anything which he has reason to believe to be connected with the importation of, or the attempt to export, the goods seized or liable to be seized under the provisions of this Act.

The written authority for the search shall have the same effect as a search-warrant issued under the Code of Criminal Procedure and all searches under this section shall be made in accordance with the provisions of the said Code.”

25. In section 182 of the said Act, *for* the words “Chief Customs-authority” wherever they occur the words “President of the Union” *shall be substituted*.

26. In section 188 of the said Act, *for* the words “three months from the date of such decision or order, appeal therefrom to the Chief Customs-authority, or, in such cases as the President of the Union directs, to any officer of Customs not inferior in rank to a Customs-collector and empowered in that behalf by name or in virtue of his office by the President of the Union.” the words “one month from the date of such decision or order, appeal therefrom to the Financial Commissioner, or in such cases as the President of the Union directs, to any officer of Customs not inferior in rank to a Customs-collector and empowered in that behalf by name or in virtue of his office by the President of the Union. Such officer may, on sufficient cause being shown, extend the period of appeal from one month to a period not exceeding three months.” *shall be substituted* and *for* the words “Such authority or officer ” the words “Such officer” *shall be substituted*.

27. In section 191 of the said Act, *for* the words "Chief Customs-authority" wherever they occur the words "Financial Commissioner" *shall be substituted*, and *after* the proviso to sub-section (2) thereof, the following *shall be inserted* as the second proviso thereto, namely:—

"Provided also that no application under this sub-section shall be entertained unless the party concerned has exercised the right of appeal under section 188 and complied with the provisions of section 189."

28. Section 195A of the said Act *shall be deleted*.

29. In section 202 of the said Act, *for* the words "Chief Customs-authority" the words "Financial Commissioner" *shall be substituted*.

30. In section 206 of the said Act, *for* the words "Chief Customs - authority" the words "President of the Union" *shall be substituted*.

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Signed by me in pursuance of the Constitution.

U WIN MAUNG,  
*President of the Union of Myanmar.*

YANGON, *the twenty-first day of September, 1959.*

By Order,

PA SEIN,  
*President's Secretary.*