

THE BURMA IMMIGRATION (EMERGENCY PROVISIONS)
ACT, 1947.

[BURMA ACT No. XXXI OF 1947.]

[14th June 1947.]

WHEREAS it is expedient to restrict the entry into Burma of persons ;

AND WHEREAS by Proclamation, dated the tenth day of December, 1942, the Governor of Burma has assumed to himself all powers vested by or under the Government of Burma Act, 1935, in the Legislature or in either Chamber thereof ;

NOW, THEREFORE, in exercise of the said powers, it is hereby enacted by the Governor of Burma as follows :—

1. (1) This Act may be called the Burma Immigration (Emergency Provisions) Act, 1947.
Short title.

(2) It shall come into force at once.

2. In this Act unless there is anything repugnant in the subject or context—
Definitions.

(a) "Captain of an aircraft" includes any person in charge of the aircraft.

(b) "Controller" means the Controller of Immigration, immigration officers and also such other officers as may be authorized by the Governor to exercise any or all of the functions of the Controller under this Act.

(c) "prescribed" means prescribed by the Governor or by rules made by the Governor.

3. No person shall enter Burma without an immigration permit issued by the Controller or a valid passport duly visaed or endorsed by or on behalf of the Governor :
Prohibition of entry without immigration permit or duly visaed passport.

Provided that nothing in this section shall apply to a British subject domiciled in the United Kingdom so long as British subjects domiciled in Burma are not by or under the law of the United Kingdom subject to any restriction in respect of their entry into the United Kingdom.

4. (1) Permits and passport visas and endorsements shall be subject to such conditions as may be prescribed and also to such conditions as may be set out in the permit, visa or endorsement.
Conditions for immigration permits, passport visas and endorsements.

(2) All such conditions shall be deemed to be conditions for allowing the holder of such permit, visa or endorsements to enter Burma and a breach of any of these shall render the holder to deportation from Burma if the Governor so directs.

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5. (1) The master of a ship or the captain of an aircraft landing or embarking passengers at any seaport or airport in Burma shall furnish to such person and in such manner as the Governor may prescribe a return giving such particulars in respect of such passengers as may be required for the time being by order of the Governor, and such passengers shall furnish the master of the ship or the captain of the aircraft with all the information required by him for the purpose of the return.

(2) If any such passenger refuses to give any information required by the master of the ship or the captain of the aircraft for the purpose of the return under this section or gives any false information for the purpose of such return, he shall be liable on conviction to imprisonment for a term not exceeding three months.

(3) The Governor may by order exempt from the provisions of this section any class of passengers or voyages, or any ships or aircraft or seaports and airports ; and any such order may be withdrawn at any time at his discretion.

6. No person shall enter Burma by any means except at such seaports, airports or land stations prescribed by the Governor.

7. (1) Any person who enters Burma in contravention of this Act may be detained in such manner as the Governor may direct, and whilst so detained shall be deemed to be in legal custody and shall be liable to be deported.

(2) The Governor may exempt any person or classes of persons from any or all of the provisions of the Act with or without conditions.

9. Nothing in this Act shall apply to any duly accredited head of a foreign diplomatic mission or any member of his household or of his official staff or to any person declared by the Governor to be an official representative in Burma of the government of another country or any member of his household or staff.

10. The Controller or any police officer may arrest without warrant any person whom he may reasonably suspect of having entered Burma contrary to the provisions of this Act or of being about to make such entry.

11. Fees may be charged for the issue of immigration permits, passport visas or endorsements at such rates as may be prescribed.

12. Any person who has been brought into a seaport or airport in Burma on any vessel or aircraft and who is not entitled to enter Burma under the provisions of this Act, shall be detained by the master of the vessel or the captain of the aircraft pending a report to the Controller, and the master or captain

shall, if required by the Controller, remove him from Burma. Such detention on board a ship or aircraft shall be deemed to be legal custody.

13. (1) Whoever enters or attempts to enter Burma in contravention of any of the provisions of this Act shall be liable on summary conviction to imprisonment for a term not exceeding three months or to fine or to both. XL/48

(2) Whoever being the master of a ship or the captain of an aircraft knowingly brings or attempts to bring into Burma any person not authorized to enter Burma shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding Rs. 100 for every such person brought or attempted to be brought into Burma, or to both.

(3) The master of a ship or the captain of an aircraft who omits to make the return required of him under section 5 (1) of this Act or who makes a false return or who fails to carry out any duty laid upon him by this Act, shall be liable to imprisonment not exceeding one month or to a fine not exceeding Rs. 200, or to both.

(4) Any passenger refusing to give any information required by the master of a ship or by the captain of an aircraft under section 5 (1) of this Act, or who gives false information for the purpose, shall be liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding Rs. 200, or to both.

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14. No magistrate other than a first class Magistrate shall try cases under this Act. XVI/48
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15. (1) The Governor may make rules to carry out the purposes of this Act. Rule-making power.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for :—

- (a) the authorities by whom passport may be visaed or endorsed on behalf of the Governor under section 3;
- (b) the conditions to which immigration permits, passport visas and passport endorsements shall be subject ;
- (c) the particulars required in respect of passengers under section 5 (1) ;
- (d) fees under section 11 ;
- (e) such other matters as may be deemed necessary for the purpose of giving effect to the provisions of the Act.