

THE OUTPORTS ACT.

[BURMA ACT II, 1914.] (6th June, 1914.)

1. (1) * * * *

(2) The President of the Union may, by notification², declare any outport in the Union of Burma to be a port for the purposes of this Act. Application of Act.

(3) Such notification shall define the limits of the area to which it refers.

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

(a) “outport” means any port in the Union of Burma other than the Port of Rangoon ;

(b) “owner,” when used in relation to goods, includes any consignor, consignee, shipper or agent for the sale, custody, landing, shipping or transshipping of such goods ;

(c) “Port Officer” means any person declared by the President of the Union to be a Port Officer for the purposes of this Act.

3. Dues according to the rates and in the manner and at the times fixed by the President of the Union shall be paid by the owners of goods landed or discharged from or shipped or transhipped into any vessel within the limits of a port in addition to any dues leviable otherwise than under the provisions of this Act. Levy of dues.

¹ Substituted by Act XVI, 1954.

² The ports of Akyab, Moulmein, Mergui and Tavoy have been declared to be ports for the purposes of this Act and the limits of the said ports have been defined, see the Arakan, Moulmein, Mergui and Tavoy Port Manuals.

Rates.

4. (1) The President of the Union shall, by notification, declare the rates at which dues leviable under this Act shall be paid, and

(a) may cause such rates to vary in any or all of the following cases —

- (i) according to the class of the goods,
- (ii) according as the goods are exported from or imported into a port,
- (iii) according to the place to which the goods are to be exported or from which they are imported, and
- (iv) according to the class of vessel ; and

(b) may exempt specified classes of vessels or goods from the operation of this Act.

(2) At least three months before issuing any notification under this section the President of the Union shall publish in the Gazette a draft of the proposed notification, together with a notice specifying a date on or after which the draft will be taken into consideration, and the President of the Union shall receive and consider any objection which may be made by any person with respect to the draft before the date so specified.

(3) The rates when finally sanctioned shall be published by notification in the Gazette and shall come into operation on such date as the President of the Union may prescribe.

Power to make rules.

5. (1) The President of the Union may make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may contain directions as to all or any of the following matters, namely :—

- (a) appointing places where goods landed or discharged from, or intended for shipment in or transshipment into, vessels are to be placed for the purpose of assessing the dues payable under this Act,
- (b) regulating the manner in which any dues payable under this Act shall be assessed,
- (c) regulating the time at which and the persons to whom such dues shall be paid,
- (d) enabling owners of private jetties or of specified classes of vessels to compound for the dues payable in respect of goods landed or discharged or shipped or transhipped on or from such jetties or out of or into such vessels by payment of fixed annual or monthly sums,
- (e) prescribing the method of publishing the notice referred to in sub-section (2) of section 7.

(3) All rules made under sub-section (1) shall be published in the Gazette and shall thereupon have effect as if enacted by this Act.

6. All dues levied under this Act shall be credited to the Port Fund Account of the port prescribed by sub-section (2) of section 36 of the Ports Act. Receipt of dues.

6A. No right to any refund of dues shall be recognised unless a claim therefor is preferred to the Port Officer and evidenced by satisfactory proofs within six months of the date of payment of such dues. Bar to claims for refund of dues.

7. (1) The Port Officer may cause any goods in respect of which dues are payable under this Act to be seized and detained, at the risk of the owner, until such dues are satisfied. Recovery of dues by distress and sale of goods.

(2) Where any goods have been seized, the Port Officer shall publish a notice in such manner as the President of the Union may direct, stating the description of the goods, the amount of dues payable in respect thereof, and that, if the dues remain unpaid after one month from the date of publication of such notice, the goods will be so'd. He shall also send a copy of such notice to the owner when his address is known. At the expiration of such period, if the dues and all costs of removal and warehousing and other expenses incidental to the detention of the goods have not been paid, the Port Officer may cause the goods, or any part of them, to be sold by public auction :

Provided that, if the goods are of a perishable nature, the Port Officer may give such notice to the owner at the urgency of the case admits of, and may cause the goods to be sold at such time, being not less than 24 hours after the seizure of the same, as he shall think fit.

(3) The title of a *bonâ fide* purchaser of goods at such sale shall not be invalidated by reason of the omission of, or any defect in, any such notice, nor shall any such purchaser be bound to inquire whether such notice has been given.

(4) The proceeds of such sale shall be applied—

(a) first, in payment of the expenses of such sale ;

(b) secondly, in payment of freight and other charges due to the master or owner of any vessel in respect of which such master or owner had a lien upon such goods at the time when the same were seized : provided that notice of such claim shall have been given to the Port Officer at or before such seizure : provided further that proof of such claims is given to the satisfaction of the Port Officer :

(c) thirdly, in payment of the dues and expenses mentioned in sub-section (2).

(5) The surplus, if any, of such proceeds shall be paid to the owner of the goods on his applying for the same : provided that such application be made within one year from the sale, or reason be shown to the satisfaction of the Port Officer why such application was not so made ; and, if no such application is made or reason shown, such surplus shall be credited to the Port Fund Account.

Penalties.

8. Whoever removes, or attempts to remove, or abets the removal of any goods with the intention that the payment of any dues payable under this Act may be evaded, and whoever wilfully commits any breach of any rule made under section 5, shall be punishable with a fine which may extend to one hundred rupees.