

PARLIAMENT OF CEYLON

2nd Session 1971-72



Passport (Regulation) and Exit Permit Act, No. 53 of 1971

Date of Assent: December 17, 1971

Printed on the Orders of Government

Printed at the DEPARTMENT OF GOVERNMENT PRINTING, CEYLON. To be purchased at the GOVERNMENT PUBLICATIONS BUREAU, COLOMBO

Annual Subscription (including Bills) Rs. 30 (Local), Rs. 40 (Foreign), payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, P. O. Box 500, COLOMBO 1, before 20th December each year in respect of the year following. Late subscriptions will be accepted on the condition that Bills issued before the date of payment will not be supplied.

Price: 45 cents

Postage: 15 cents

*Passport (Regulation) and Exit Permit Act,
No. 53 of 1971*

L. D.—O. 75/71.

AN ACT TO PROVIDE FOR THE REGULATION AND CONTROL OF THE ISSUE AND RENEWAL OF PASSPORTS; FOR THE ISSUE OF EXIT PERMITS TO CITIZENS OF CEYLON; TO IMPOSE AN OBLIGATION ON CITIZENS OF CEYLON EMPLOYED ABROAD TO REMIT A PART OF THEIR EARNINGS IN FOREIGN EXCHANGE TO CEYLON; AND TO PROVIDE FOR ALL MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: December 17, 1971]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Passport (Regulation) and Exit Permit Act, No. 53 of 1971, and shall come into operation on such date as the Minister may appoint by Notification published in the *Gazette*.

Short title and date of operation.

2. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other written law:

This Act to prevail over other written law.

Provided however that, in the event of any inconsistency or conflict between the provisions of this Act and the provisions of any other written law, the provisions of this Act shall to the extent, and to the extent only, of such inconsistency or conflict, prevail over the provisions of such other written law.

PART I

PASSPORTS AND EMERGENCY CERTIFICATES

3. It shall be in the discretion of the competent authority to issue or renew a passport or emergency certificate or to refuse to issue or renew a passport or emergency certificate, and no such refusal to issue or renew a passport or emergency certificate shall be called in question in any court of law or tribunal by way of writ or otherwise:

Discretion of competent authority to issue passports and emergency certificates.

Provided, however, that any person aggrieved by the decision of the competent authority shall be entitled to appeal to the Minister.

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Cancellation,
suspension or
restriction
of validity
of passport
or emergency
certificate.

4. (1) It shall be deemed to be a condition of the issue or renewal of any passport or emergency certificate that the competent authority may, at any time and in his discretion,—

(a) cancel or suspend such passport or emergency certificate; or

(b) restrict the validity of such passport or emergency certificate as regards its duration or as regards the countries of travel.

(2) Where the competent authority cancels or suspends or restricts the validity of any passport or emergency certificate under sub-section (1), he shall cause notice of such cancellation or suspension or restriction to be served on the holder of such passport or emergency certificate and upon the receipt of such notice, the holder of such passport or emergency certificate shall surrender such passport or emergency certificate to the competent authority or to an officer specified by him.

Period of
validity of
passports and
emergency
certificates.

5. (1) The duration of validity of a passport shall be a period not exceeding one year, provided that the competent authority may in special circumstances and in his discretion issue a passport which is valid for a period not exceeding three years. The competent authority may renew the validity of such passport from time to time for further periods, each such period not exceeding three years, so however that the total period of validity of such passport shall not exceed ten years from the date of its issue.

(2) The duration of validity of an emergency certificate shall be a period not exceeding one year, provided that the competent authority may in special circumstances and in his discretion issue an emergency certificate which is valid for a period not exceeding two years. The competent authority may renew the validity of such emergency certificate for a further period not exceeding two years.

Issue of
diplomatic
passports and
their period
of validity.

6. (1) A diplomatic passport shall be issued only to a person or category of persons approved by the Minister.

(2) The duration of validity of a diplomatic passport shall, in the first instance, be a period not exceeding five years. The competent authority may renew the validity of such passport for a further period not exceeding five years.

7. (1) The competent authority may, in his discretion, determine the countries of travel in respect of which any passport or emergency certificate shall be issued and such passport or emergency certificate shall be valid for travel only to the countries so specified.

Countries which may be visited on passports and emergency certificates.

(2) An emergency certificate may be endorsed by the competent authority as valid for travel only to India, Nepal or Pakistan.

8. The validity of a passport or emergency certificate may be restricted to a single journey or to a specified number of journeys. Where the number of journeys is not so specified, such passport or emergency certificate shall be valid for any number of journeys.

Restriction on number of journeys.

9. (1) The fee for the issue of a passport shall be twenty rupees and the fee for its renewal shall be five rupees *per annum*.

Fees for the issue and renewal of passports, diplomatic passports and emergency certificates.

(2) The fee for the issue of a diplomatic passport shall be thirty rupees and the fee for its renewal shall be five rupees *per annum*.

(3) The fee for the issue of an emergency certificate shall be five rupees and the fee for its renewal shall be five rupees *per annum*.

(4) The fees for the issue or renewal of a passport or emergency certificate under the proviso to section 17 (1) shall be five rupees and two rupees, respectively.

PART II

EXIT PERMITS

10. No citizen of Ceylon who, on the date of the coming into operation of this Act, is in possession of a valid passport or emergency certificate, shall leave Ceylon except under the authority of an exit permit issued by the competent authority:

Exit permits.

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Provided, however, that the preceding provisions of this section shall not apply to a citizen of Ceylon who has been residing in any foreign country for a period of not less than three months immediately prior to the date of the coming into operation of this Act and comes to Ceylon after that date.

Prohibition of the sale or issue of tickets for travel out of Ceylon, without exit permits.

11. No airline, shipping company or travel agent shall sell or issue a ticket or provide a passage, whether payment for such ticket or passage has been or will be made in Ceylon or otherwise, for travel out of Ceylon to any person who is required to obtain an exit permit under the provisions of section 10 unless such person is in possession of such an exit permit.

Issue of exit permits to persons seeking employment abroad.

12. Where the competent authority is of opinion that a person who has applied for an exit permit referred to in section 10, will be leaving Ceylon for the purpose of engaging in any employment in any foreign country, whether or not he had already obtained or sought such employment, the competent authority may, as a condition precedent to the issue of the exit permit, require such person to enter into an agreement with the competent authority of the nature specified in section 14.

Restriction of passport where exit permit is issued.

13. Where the competent authority issues an exit permit under this Part, he may, in his discretion, restrict the validity of the passport of the holder of the exit permit to expire on a date not later than three years from the date of the issue of such exit permit or restrict the countries to which the holder of such passport may travel:

Provided, however, that any person aggrieved by the decision of the competent authority shall be entitled to appeal to the Minister.

PART III

IMPOSITION OF CONDITIONS ON HOLDERS OF PASSPORTS, EMERGENCY CERTIFICATES AND EXIT PERMITS, WHEN LEAVING CEYLON

Agreement to remit foreign exchange to Ceylon by persons leaving Ceylon.

14. (1) Where a person applies to the competent authority for the issue or renewal of a passport or emergency certificate or for the issue of an exit permit referred to in section 10, and the competent authority is of opinion that the applicant will be leaving Ceylon

for the purpose of engaging in any employment in any foreign country, whether or not he has already obtained or sought such employment, the competent authority may, as a condition precedent to the issue or renewal of such passport or emergency certificate or to the issue of such exit permit, require the applicant to—

- (a) if he does not already have an account in his name in a commercial bank in Ceylon, open such an account; and
- (b) enter into an agreement with the competent authority for and on behalf of the Government, substantially in such form as may be required by the competent authority, that he shall remit in foreign exchange to his account in such bank, such amounts, at such intervals and for such period, as may be determined by the competent authority.

(2) In determining the amount to be remitted under sub-section (1), the competent authority shall take into consideration the ability of such person to remit such amount, so however that the amount determined shall in no case exceed ten *per centum* of the total monthly emoluments that he is likely to obtain from such employment.

PART IV

PROVISIONS APPLICABLE TO CITIZENS OF CEYLON IN FOREIGN COUNTRIES

15. (1) Where any citizen of Ceylon who is in a foreign country and is engaged in any employment in such country applies for the issue or renewal of his passport or emergency certificate to the competent authority in such country, the competent authority may, as a condition precedent to the issue or renewal of such passport or emergency certificate, require the applicant to enter into an agreement with the competent authority for and on behalf of the Government substantially in such form as may be provided by the competent authority and containing the following terms and conditions:—

Terms
applicable to
passports and
emergency
certificates
of citizens
of Ceylon
in foreign
countries.

- (a) that such person shall, if he does not already have an account in his name in a commercial bank in Ceylon, open such an account; and

(b) that he shall remit in foreign exchange to his account in such bank, such amounts, at such intervals and for such period, as may be determined by the competent authority.

(2) In determining the amount to be remitted under sub-section (1) the competent authority shall take into consideration the ability of such person to remit such sum, so however that the amount determined shall in no case exceed ten *per centum* of the total monthly emoluments that he obtains from such employment.

PART V

GENERAL

Power of
the Minister
to issue
directions.

16. The Minister may, from time to time, issue to the Controller such general or special directions as may be necessary to give full force and effect to the principles of this Act or to the policy of the Government, so however that no such direction shall be in conflict or inconsistent with the provisions of this Act or the regulations made thereunder.

Refusal or
cancellation
of passport,
emergency
certificate,
&c.

17. (1) Without prejudice to the powers of the competent authority under section 3, it shall be lawful for the competent authority to refuse to issue or renew a passport or emergency certificate or to refuse to issue an exit permit to—

(a) any person who does not enter into the agreement required to be entered into under the provisions of section 14 (1) or section 15 (1);
or

(b) any person who defaults in the performance of the terms of an agreement entered into under the provisions of section 14 (1) or section 15 (1); or

(c) any person who fails to discharge his obligations under the Compulsory Public Service Act, No. 70 of 1961:

Provided, however, that the competent authority shall, if such person applies for the issue or renewal of a passport or emergency certificate solely for the purpose of returning to Ceylon, issue to such person a passport or emergency certificate which is valid for a period not exceeding six months.

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(2) Any person who defaults in the performance of the terms of an agreement entered into under the provisions of section 14 (1) or section 15 (1) or who fails to discharge his obligations under the Compulsory Public Service Act, No. 70 of 1961, shall be liable to have his passport or emergency certificate cancelled.

18. Any person—

(a) who contravenes or fails to comply with any provisions of this Act or any regulation made thereunder; or

(b) who contravenes or fails to comply with any terms or conditions of his relevant agreement,

shall, in addition to any penalty or other punishment otherwise specially provided for, be guilty of an offence under this Act and shall on conviction after summary trial before a competent Magistrate be liable to a fine not exceeding five thousand rupees or to imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment.

19. No prosecution for an offence under this Act shall be instituted except by the Controller or with his written sanction.

20. The Controller, in consultation with the Governor of the Central Bank of Ceylon or a person deputed by him, may compound an offence committed under section 18 (b) by accepting from the offender the sum of foreign exchange which he has failed to remit to Ceylon under the agreement or a sum in Ceylon rupees not exceeding three times the value of such foreign exchange.

21. (1) The Minister may make all such regulations as may be necessary for the purpose of carrying out the provisions and giving effect to the principles of this Act.

(2) Every regulation made by the Minister shall as soon as may be possible be placed before the House of Representatives for approval, and every such regulation shall be valid and effectual from the date on which notification of such approval is published in the *Gazette*.

Offences.

Prosecutions.

Compounding
of offences.

Regulations.

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Interpretation.

22. In this Act, unless the context otherwise requires—

“ commercial bank ” has the same meaning as in the Monetary Law Act;

“ competent authority ” has the same meaning as in the Immigrants and Emigrants Regulations, 1956;

“ competent Magistrate ” means a Magistrate having jurisdiction within the limits of the judicial district of Colombo as defined in the First Schedule to the Courts Ordinance;

“ Controller ” has the same meaning as in the Immigrants and Emigrants Act, and includes any Deputy or Assistant Controller of Immigration and Emigration;

“ emergency certificate ” has the same meaning as in the Immigrants and Emigrants Regulations, 1956;

“ exit permit ” means an exit permit issued by the competent authority under this Act;

“ foreign country ” means any country other than Ceylon;

“ foreign exchange ” has the same meaning as in the Exchange Control Act.