

(The Registration of Foreigners Ordinance, 1940.)

ORDINANCE NO. 1 OF 1940.

The 5th January 1940.

AN ORDINANCE TO Provide for the Registration of Foreigners entering, being present in and departing from British Burma.

The Governor of Burma has promulgated the following Ordinance under the powers conferred by section 41 of the Government of Burma Act, 1935.

WHEREAS it is necessary to provide for the registration of foreigners entering, being present in and departing from British Burma;

NOW, THEREFORE, in exercise of the powers conferred by Section 41 of the Government of Burma Act, 1935, the Governor promulgates the following Ordinance:-

1. (i) This Ordinance may be called **the Registration of Foreigners Ordinance, 1940.**

(ii) It shall come into force at once.

Definitions.

2. In this Ordinance-

(a) **“Foreigner”** means a foreigner as defined in the Foreigners Act: provided that the following shall not be deemed to be foreigners for the purposes of this Ordinance-

(i) a person duly appointed by a foreign Government to exercise diplomatic functions; or

(ii) a consul or a vice-consul; or

(iii) a ruler or subject of the Karenni States; or

(iv) a ruler or subject of an Indian State;

(b) **“prescribed”** means prescribed by rules made under this Ordinance;

(c) **“vessel”** includes all sea craft, river craft and aircraft.

Power to make rules.

3. The Governor may by notification make rules with respect to foreigners for any or all of the following purposes, that is to say-

(a) for requiring any foreigner entering, or being present in, British Burma to report his presence to a prescribed authority within such time and in such manner and with such particulars as may be prescribed;

(b) for requiring any foreigner moving from one place to another place in British Burma to report, on arrival at such other place, his presence to a prescribed authority within such time and in such manner and with such particulars as may be prescribed;

(c) for requiring any foreigner who is about to leave British Burma to report the date of his intended departure and such other particulars as may be prescribed to such authority and within such period before departure as may be prescribed;

- (d) for requiring any foreigner entering, being present in, or departing from, British Burma to produce, on demand by a prescribed authority, such proof of his identity as may be prescribed;
- (e) for requiring any person having the management of any hotel, boarding-house, or any other premises of like nature-
- (i) to record particulars of any person residing therein, and
 - (ii) in the case of foreigners, to report such particulars to such authority as may be prescribed,
- in accordance with prescribed conditions;
- (f) for requiring any person in charge of any vessel or other conveyance to furnish to a prescribed authority such information as may be prescribed regarding any person entering, or intending to depart from, British Burma in such vessel or other conveyance, and to furnish to such authority such assistance as may be necessary or prescribed for giving effect to this Ordinance; and
- (g) generally for carrying out the purposes of this Ordinance.

Burden of proof.

4. If any question arises with reference to this Ordinance or any rule made thereunder, whether any person is or is not a foreigner, or is or is not a foreigner of a particular class or description, the onus of proving that such person is not a foreigner or is not a foreigner of such particular class or description, as the case may be, shall, notwithstanding anything contained in the Evidence Act, lie upon such person.

Penalties.

5. Any person who contravenes, or attempts to contravene, or fails to comply with, any provision of this Ordinance or of any rule made thereunder shall be punished, (i) if a foreigner, with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both and shall also be liable to be deported: or (ii) if not a foreigner, with fine which may extend to five hundred rupees.

Power to exempt from application of Ordinance.

6. The Governor may, by order, declare that any or all of the provisions of the rules made under this Ordinance shall not apply, or shall apply only with such modifications or subject to such conditions as may be specified in the said order, to or in relation to any individual foreigner or any class or description of foreigners.

Protection to persons acting under this Ordinance.

7. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Ordinance.

Application of other laws not barred.

8. The provisions of this Ordinance shall be in addition to, and not in derogation of, the provisions of the Foreigners Act, and any other law for the time being in force.

By order,

(The Registration of Foreigners Ordinance, 1940.)

F. S. V. DONNISON,

Secretary to the Govt. of Burma,

Judicial Dept.

[ATTACH LIST 1] 01 FOOTNOTE.- The British Nationality and Status of Aliens Act, 1914. PART I.