

The Finance Ordinance, 1986

(Ordinance NO. XLV OF 1986)

An Ordinance to give effect to the financial proposals of the Government and to amend certain laws.

WHEREAS it is expedient to make provisions to give effect to the financial proposals of the Government and to amend certain laws for the purposes hereinafter appearing;

NOW, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

Short title and

1. (1) This Ordinance may be called the Finance Ordinance, 1986.

commencement

(2) This section and sections 5 and 7 shall come into force at once, section 11 shall come into force on the first day of August, 1986, and other sections shall come into force on the first day of July, 1986.

Amendment of Act I of 1878

2. In the Opium Act, 1878 (I of 1878), the following amendments shall be made, namely :-

(1) in section 9, for the words and comma "which may extend to two years or with fine, or with both" the words "not less than two years and not more than ten years and with fine which shall not be less than twenty thousand taka and not more than one hundred thousand taka" shall be substituted;

(2) in section 9D, for the words and commas "which may extend to two years, or with fine, or with both" the words "not less than two years and not more than ten years and with fine which shall not be less than twenty thousand taka and not more than one hundred thousand taka" shall be substituted;

(3) in section 9E, in the Explanation, the words, figure and letter “and in section 9F” shall be omitted; and

(4) in section 9G, for the comma, figures, letters and word “ , 9E or 9F” the word, figure and letter “or 9E” shall be substituted.

**Amendment
of Ben. Act
V of 1909**

3. In the Excise Act, 1909 (Ben. Act V of 1909), the following amendments shall be made, namely:-

(1) in section 46, for the words and commas “which may extend to six months, or to fine which may extend to one thousand taka, or to both” the words “not less than one year and not more than five years and with fine which shall not be less than five thousand taka and not more than twenty thousand taka” shall be substituted;

(2) in section 49, for the words “three months” the words “one year” and for the words “one thousand taka” the words “ten thousand taka” shall be substituted;

(3) in section 50, for the words “three months” the words “one year” and for the words “five hundred taka” the words “five thousand taka” shall be substituted;

(4) in section 51 (1), for the words “five hundred taka” the words “five thousand taka” shall be substituted;

(5) in section 52, for the words “six months” the words “two years” and for the words “one thousand taka” the words “ten thousand taka” shall be substituted;

(6) in section 53,-

(a) in sub-section (1), for the words “three months” the words “one year” and for the words “one thousand taka” the words “ten thousand taka” shall be substituted;

(b) in sub-section (2), for the words “two hundred taka” the words “two thousand taka” shall be substituted;

(7) in section 54, for the words “two hundred taka” the words “two thousand taka” and for the words “five hundred taka” the words “five

The Finance Ordinance, 1986
 thousand taka" shall be substituted;

(8) in section 59, for the words "two hundred taka" the words "two thousand taka" shall be substituted;

(9) in section 65(i)(a), for the words "one thousand taka" the words "ten thousand taka but not less than one thousand taka" shall be substituted;
 and

(10) for section 82 the following shall be substituted, namely:-

"82. Magistrate having jurisdiction to try offences- No Magistrate other than a Magistrate of the first class shall try any offence punishable under this Act."

**Amendment
 of Act II of
 1930**

4. In the Dangerous Drugs Act, 1930 (II of 1930), the following amendments shall be made, namely :-

(1) in sections 10, 11, 12 and 13, for the words and commas "which may extend to two years, or with fine, or with both" the words "for a term not less than two years and not more than ten years and with fine which shall not be less than twenty thousand taka and not more than one hundred thousand taka" shall be substituted;

(2) in section 14, for the words "or exports Inter-provincially" the comma and word ", exports" shall be substituted and for the words and commas "which may extend to two years, or with fine, or with both" the words "for a term not less than two years and not more than ten years and with fine which shall not be less than twenty thousand taka and not more than one hundred thousand taka" shall be substituted;

(3) in section 15, for the words and commas "which may extend to two years, or with fine, or with both" the words "for a term not less than two years and not more than ten years and with fine which shall not be less than twenty thousand taka and not more than one hundred thousand taka" shall be substituted;

(4) in sections 16 and 17, for the words and commas "which may extend to four years, or to fine, or to both" the words "for a term not less than four

years and not more than fourteen years and with fine which shall not be less than forty thousand taka and not more than two hundred thousand taka” shall be substituted; and

(5) in section 19, for the words “one thousand taka” the words “ten thousand taka” shall be substituted.

**Amendment
of Act I of
1944**

5. The following amendments shall be made in the Excises and Salt Act, 1944 (I of 1944), namely:-

(1) in section 1(2), after the word “Bangladesh”, the words, figures, comma and brackets “except the areas of Export Processing Zones declared under section 10 of the Bangladesh Export Processing Zones Authority Act, 1980 (XXXVI of 1980)” shall be added;

(2) in section 35(1A), after the words “respect of”, the words “services or of” shall be inserted;

(3) the FIRST SCHEDULE shall be amended in the manner set out in the FIRST SCHEDULE to this Ordinance.

**Amendment
of Act XV of
1963**

6. In the Wealth-tax Act, 1963 (XV of 1963), in the Schedule, in the proviso, for the figure and words “60 per cent.”, wherever occurring, the figure and words “50 per cent.” shall be substituted.

**Amendment
of Act IV of
1969**

7. The following amendments shall be made in the Customs Act, 1969 (IV of 1969), namely :-

(1) in section 78, in sub-section (2), for the full stop at the end a colon shall be substituted and thereafter the following new proviso shall be added, namely :-

“Provided that no agent so receiving such cargo or portion shall cause it to be removed or otherwise dealt with except in accordance with the written order of the appropriate officer.”;

(2) in section 156(1), in the TABLE,-

(a) after item 43 in column 1 and the entries relating thereto in columns 2 and 3, the following new item 43A shall be inserted, namely :-

The Finance Ordinance, 1986		Section of the Act to which offence has reference.
Offence	Penalties	
1	2	3
"43A.If any person or agent receiving goods	if such goods cannot be recovered, the person or the agent concerned shall be liable,	78";
or any portion into his custody, removes or attempts to remove them from the port area with the intention of defrauding the revenue,		in addition to full duty, to a penalty not exceeding ten times the amount of such duty, or, if such goods are not dutiable or duty thereon cannot be ascertained, to a penalty not exceeding fifty thousand taka for every missing or deficient package or separate article, and in the case of bulk goods, to a penalty not exceeding fifty thousand taka, or ten times the value of the goods, whichever be higher; and upon conviction by a Magistrate he shall further be liable to imprisonment for a term not exceeding six years.
(b) <i>for</i> the words "two hundred and fifty taka", "five hundred taka", "two thousand taka", "two thousand five hundred taka", "five thousand taka" and "ten thousand taka", wherever occurring, the words "two thousand five hundred taka", "five thousand taka", "twenty thousand taka", "twenty-five thousand taka", "fifty thousand taka" and "one hundred thousand taka" shall, respectively, be <i>substituted</i> ;		