ပြည်ထောင်စုမြန်မာနိုင်ငံ

ဥပဒေ

အတွဲ ၇

THE BURMA CODE

VOLUME VII

ပြည်ထောင်စုမြန်မာနိုင်ငံအစိုးရအမိန့်အရ ပုံနှိပ်ဖြန့်ချီသည်။

Published under the Authority of the Government of the Union of Burma.

TABLE OF CONTENTS.

အကျဉ်ပဒေများ၏အစီအစဉ်။

PART VIII.—COMMUNICATIONS AND CARRIERS.

အဝိုင်း ၈၊—ဆက်သွယ်ရေးနှင့် သယ်ယူပို့ဆောင်ရေး။

PAGE
စာမျက်နှာ

A. POSTS AND TELEGRAPHS.

က။ စာပို့ဆောင်ရေးနှင့်ကြေးနန်းဆက်သွယ်ရေး။

1. The Burma Post Office Act 1
2. The Burma Telegraph Act 28
3. The Burma Wireless Telegraphy Act 41

B. ROADS, BRIDGES AND FERRIES.

ခ။ လမ်းပန်း၊ တံတားနှင့်ကူးတို့များဆိုင်ရာ။

1. The Highways Act 43
2. The Tolls Act 45
3. The Tolls (Army) Act 47
4. The Ferries Act 50

C. CARRIERS.

ဂ။ သယ်ယူပို့ဆောင်ရေး။

1. The Carriers Act 58
2. The Burma Carriage of Goods by Sea Act 61
3. The Bills of Lading Act 68
4. The Burma Carriage by Air Act 69
5. ပြည်ထောင်စု မြန်မာနိုင်ငံ လေကြောင်းသယ်ယူပို့ဆောင်ရေးအဖွဲ့ အက်ဥပဒေ ၇၉

D. MOTOR VEHICLES AND HACKNEY CARRIAGES.

ဃ။ မော်တော်ယာဉ်နှင့်အငှါးရထားများဆိုင်ရာ။

1. The Burma Motor Vehicles Act 89
2. The Stage Carriages Act 93
3. The Hackney Carriage Act 98
4. The Rangoon Hackney Carriages Act 101

Table of Contents.

အက်ဥပဒေများ၏ အစီအစဉ်။

PAGE

စာမျက်နှာ

E. Railways and Tramways.

၎။ မီးရထားနှင့်ဓါတ်ရထားများဆိုင်ရာ။

1. The Railways Act 107
2. The Railway Companies Act 151
3. The Tramways Act 153
4. The Railways (Motor Transport Services) Act ... 175
5. ပြည်ထောင်စုမြန်မာနိုင်ငံ မီးရထားအုပ်ချုပ်ရေးအဖွဲ့ အက်ဥပဒေ ၁၇၆

F. River Transport.

၏။ မြစ်ကြောင်းသယ်ယူပို့ဆောင်ရေး။

1. The Inland Steam Vessels Act 184
2. The Obstructions in Fairways Act 208
3. The Defile Traffic Act 210
4. ပြည်တွင်းရေကြောင်းသယ်ယူပို့ဆောင်ရေး နိုင်ငံပိုင်ပြုလုပ်ခြင်း အက်ဥပဒေ ၂၁၂
5. ပြည်ထောင်စုမြန်မာနိုင်ငံ ပြည်တွင်းရေကြောင်း သယ်ယူပို့ဆောင်ရေးအဖွဲ့ အက်ဥပဒေ ၂၁၄
6. ရခိုင်တိုင်း ရေကြောင်း သယ်ယူပို့ဆောင်ရေးကို နိုင်ငံပိုင် ပြုလုပ်ခြင်း အက်ဥပဒေ ၂၂၄

G. Aircraft.

ဆ။ လေယာဉ်များဆိုင်ရာ။

1 The Burma Aircraft Act 226

H. Merchant Shipping.

၈။ ကုန်သည်သင်္ဘောများဆိုင်ရာ။

1. The Burma Merchant Shipping Act 233
2. The Burma Registration of Ships Act 360
3. ပင်လယ်ရေကြောင်းသွားလာမှု သဘောတူစာချုပ်များ အက်ဥပဒေ ၃၆၉
4. သင်္ဘောသွားလာမှု အုပ်ချုပ်ရေး အက်ဥပဒေ ၃၇၂

I. Ports, Pilots, Lighthouses.

၅။ ဆိပ်ကမ်း၊ ရေကြောင်းပြ၊ မီးပြတိုက်များဆိုင်ရာ။

1. The Ports Act 376
2. The Rangoon Port Act 403
3. The Outports Act 443
4. The Pilots Act 446
5. The Burma Lighthouse Act 449

နိဒါန်း။

ဤဥပဒေအတွဲ ၇ တွင်ပါဝင်သည့် ဥပဒေများမှာအဝိုင်း ၈၊—ဆက်သွယ်ရေးနှင့် သယ်ယူပို့ဆောင်ရေး ဟူသည့်ခေါင်းကြီးတရပ်တည်းနှင့်သာ သက်ဆိုင်သော ဥပဒေများဖြစ်ပါသည်။

၎င်းဥပဒေများကို၊ က။ စာပို့ဆောင်ရေးနှင့် ကြေးနန်းဆက်သွယ်ရေး၊ ခ။ လမ်းပန်း၊ တံတားနှင့် ကူးတို့များဆိုင်ရာ၊ ဂ။ သယ်ယူပို့ဆောင်ရေး၊ ဃ။ မော်တော်ယာဉ်နှင့် အင်ဂါးရထားများဆိုင်ရာ၊ င။ မီးရထားနှင့် ခါတ်ရထားများဆိုင်ရာ၊ စ။ မြစ်ကြောင်းသယ်ယူပို့ဆောင်ရေး၊ ဆ။ လေယာဉ်များဆိုင်ရာ၊ ဇ။ ကုန်သည် သဘော်များဆိုင်ရာ နှင့် ဈ။ ဆိပ်ကမ်း၊ ရေကြောင်းပြ၊ မီးပြတိုက် များဆိုင်ရာဟူ၍ အမျိုးအစားခွဲခြားထားသည့်ပြင်၊ ၁၉၅၄ ခုနှစ်၊ ဒီဇင်ဘာလ ၃၁ ရက်နေ့ထိ ပြင်ဆင်သည့်အတိုင်း ပုံနှိပ်ထားခြင်းဖြစ်ပါသည်။

စံညွှန့်၊

အတွင်းရေးမှူး၊
ဥပဒေပြင်ဆင်ရေး ကော်မရှင်၊
တရားရေးဝန်ကြီးဌာန။

ရန်ကုန်မြို့၊ ၁၃၁၈ ခု၊ သီတင်းကျွတ်လဆန်း ၁၂ ရက်။
(၁၉၅၆ ခု၊ ဧအောက်တိုဘာလ ၁၆ ရက်။)

PART VIII.—COMMUNICATIONS AND CARRIERS.

အပိုင်း ၈။—ဆက်သွယ်ရေးနှင့်သယ်ယူပို့ဆောင်ရေး။

A. POSTS AND TELEGRAPHS.

က။ ။စာပို့ဆောင်ရေးနှင့် ကြေးနန်းဆက်သွယ်ရေး။

THE BURMA POST OFFICE ACT.

CONTENTS.

CHAPTER I.

PRELIMINARY.

Sections.

1. Extent and application.
2. Definitions.
3. Meanings of " in course of transmission by post " and " delivery ".

CHAPTER II.

PRIVILEGE AND PROTECTION OF THE GOVERNMENT.

4. Exclusive privilege of conveying letters reserved to the Government.
5. Certain persons expressly forbidden to convey letters.
6. Exemption from liability for loss, misdelivery, delay or damage.

CHAPTER III.

POSTAGE.

7. Power to fix rates of inland postage.
8. Power to make rules as to payment of postage and fees in certain cases.
9. Power to make rules as to registered newspapers.
10. Power to declare rates of foreign postage.
11. Liability for payment of postage.
12. Recovery of postage and other sums due in respect of postal articles.
13. Customs-duty paid by the post office to be recoverable as postage.
14. Post office marks *primâ facie* evidence of certain facts denoted.
15. Official mark to be evidence of amount of postage.

CHAPTER IV.

POSTAGE STAMPS.

Sections.

16. Provision of postage stamps and power to make rules as to them.
17. Postage stamps to be deemed to be stamps for the purpose of revenue.

CHAPTER V.

CONDITIONS OF TRANSMISSION OF POSTAL ARTICLES.

18. Redelivery to sender of postal article in course of transmission by post.
19. Transmission by post of anything injurious prohibited.
20. Transmission by post of anything indecent, etc., prohibited.
21. Power to make rules as to transmission by post of postal articles.
22. Power to postpone despatch or delivery of certain postal articles.
23. Power to deal with postal articles posted in contravention of Act.
24. Power to deal with postal articles containing goods contraband or liable to duty.
24A. Power to deliver such articles to Customs authority.
25. Power to intercept notified goods during transmission by post.
26. Power to intercept postal articles for public good.
27. Power to deal with postal articles from abroad bearing fictitious or previously used stamps.
27A. Prohibition of transmission by post of certain newspapers.
27B. Power to detain newspapers and other articles being transmitted by post.
27C. Procedure for disposal by High Court of applications for release of newspapers and articles so detained.
27D. Jurisdiction barred.

CHAPTER VI.

REGISTRATION, INSURANCE AND VALUE-PAYABLE POST.

28. Registration of postal articles.
29. Power to make rules as to registration.
30. Insurance of postal articles.
31. Power to require insurance of postal articles.
32. Power to make rules as to insurance.
33. Liability in respect of postal articles insured.
34. Transmission by post of value-payable postal articles.
35. Power to make rules as to value-payable postal articles.
36. Power to give effect to arrangements with other countries.

CHAPTER VII.

UNDELIVERED POSTAL ARTICLES.

Sections.

37. Power to make rules as to disposal of undelivered postal articles.
38. Disposal of undelivered postal articles at office of Director.
39. Final disposal of undelivered postal articles.

CHAPTER VIII.

SHIP AND AIRCRAFT LETTERS.

40. Duty of master of ship and pilot of aircraft, departing from any port or place in the Union of Burma, and not being a mail ship or mail aircraft, to convey mail bags.
41. Duty of master of ship or pilot of aircraft arriving at any port or place in the Union of Burma in respect of postal articles and mail bags on board.
42. Allowance of gratuities for conveyance of postal articles by ships or aircraft other than mail ships or mail aircraft.

CHAPTER IX.

MONEY ORDERS.

43. Power to maintain money-order system and to make rules as to remittances thereby.
44. Power for remitter to recall money-order or alter name of payee.
45. Power to provide for the issue of postal-orders.
46. Power to give effect to arrangements with other countries.
47. Recovery of money-order paid to the wrong person.
48. Exemption from liability in respect of money-orders.

CHAPTER X.

PENALTIES AND PROCEDURE.

Offences by Officers of the Post Office.

49. Penalty for misconduct of person employed to carry or deliver mail bags or postal articles.
50. Penalty for voluntary withdrawal from duty, without permission or notice, of person employed to carry or deliver mail bags or postal articles.
51. Penalty for making false entry in register kept by person employed to carry or deliver postal articles.
52. Penalty for theft, dishonest misappropriation, secretion, destruction or throwing away of postal articles.

Sections.

53. Penalty for opening, detaining or delaying postal articles.
54. Penalty for fraud in connection with official marks and for receipt of excess postage.
55. Penalty for fraudulently preparing, altering, secreting or destroying post office documents.
56. Penalty for fraudulently sending unpaid postal articles.
57. * * * *

Other Offences.

58 Penalty for contravention of section 4.
59. Penalty for contravention of section 5.
60. Penalty for breach of rules under section 16.
61. Penalty for contravention of section 19 or 20.
62. Penalty for defiling or injuring post office letter-boxes.
63. Penalty for affixing without authority a thing to, or painting, tarring or disfiguring post office or post office letter-box.
64. Penalty for making false declaration.
65. Penalty for master of ship or pilot of aircraft failing to comply with the provisions of section 40 or 41.
66. Penalty for detention of letters on board vessel or aircraft arriving in port or place in the Union of Burma.
67. Penalty for detaining mails or opening mail bag.
68. Penalty for retaining postal articles wrongly delivered or mail bags.
69. Penalty for unlawfully diverting letters.

General.

70. Penalty for abetting, or attempting to commit, offences under Act.
71. Property in cases of offences to be laid in the post office.
72. Authority for prosecutions under certain sections of Act.

CHAPTER XI.

SUPPLEMENTAL.

73. District posts.
74. General power to make rules and provisions as to rules under Act.
75. Delegation of powers, other than rule-making powers, to Director.

THE FIRST SCHEDULE.– INLAND POSTAGE RATES.

THE BURMA POST OFFICE ACT.

[INDIA ACT VI, 1898.] (1st July, 1898.)

CHAPTER I.

PRELIMINARY.

Extent and application.

[1] **1.** This Act extends to the whole of the Union of Burma and applies also to all citizens of the Union wherever they may be.

Definitions.

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

[2] (*a*) the expression "Director" means the Director of Posts;

(*b*) the expression "inland." used in relation to a postal article, means—

(i) posted in the Unionof Burma and addressed to any place in the Union of Burma or to any place for which a post office is established by the President of the Union beyond the limits of the Union of Burma ; or

(ii) posted at any post office established by the President of the Union beyond the limits of the Union of Burma and addressed to any place for which any such post office is established or to any place in the Union of Burma :

Provided that the expression " inland " shall not apply to any class of postal articles which may be specified in this behalf by the President of the Union by notification in the Gazette, when posted in or at or addressed to any places or post offices which may be described in such notification ;

(*c*) the expression " mail bag " includes a bag, box, parcel or any other envelope or covering in which postal articles in course of transmission by post are conveyed, whether it does or does not contain any such article ;

(*d*) the expression " mail ship " means a ship employed for carrying mails, pursuant to contract or continuing arrangement, by the Government of the Union of Burma or His Britannic Majesty's Government or the Government of any British possession or foreign country ;

[3] (*dd*) the expression " mail aircraft " means an aircraft, as defined in the Burma Aircraft Act, employed for carrying mails, pursuant to a contract or continuing arrangement, by the Government of the Union of Burma, His Britannic Majesty's Government or the Government of any British possession or foreign country ;

(*e*) the expression " officer of the post office " includes any person employed in any business of the post office or on behalf of the post office ;

---

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.
[2] Substituted by Act XXXV, 1950.
[3] Inserted by Act VIII, 1944.

(*f*) the expression " postage " means the duty chargeable for the transmission by post of postal articles ;

(*g*) the expression " postage stamp " means any stamp provided by the President of the Union for denoting postage or other fees or sums payable in respect of postal articles under this Act, and includes adhesive postage stamps and stamps printed, embossed, impressed or otherwise indicated on any envelope, wrapper, postcard or other article ;

(*h*) the expression " post office " includes every house, building, room, carriage or place used for the purposes of the post office, and every letter-box provided by the post office for the reception of postal articles ;

(*i*) the expression " postal article " includes a letter, postcard, newspaper, book, pattern or sample packet, parcel and every article or thing transmissible by post ;

(*j*) * * * *

(*k*) the expression " the post office " means the department established for the purpose of carrying the provisions of this Act into effect and presided over by the [Director] [1].

Meanings of " in course of transmission by post " and " delivery ".

3. For the purposes of this Act,—

(*a*) a postal article shall be deemed to be in course of transmission by post from the time of its being delivered to a post office to the time of its being delivered to the addressee or of its being returned to the sender or otherwise disposed of under Chapter VII ;

(*b*) the delivery of a postal article of any description to a postman or other person authorized to receive postal articles of that description for the post shall be deemed to be a delivery to a post office ; and

(*c*) the delivery of a postal article at the house or office of the addressee or to the addressee or his servant or agent, or other person considered to be authorized to receive the article according to the usual manner of delivering postal articles to the addressee, shall be deemed to be delivery to the addressee.

CHAPTER II.

PRIVILEGE AND PROTECTION OF THE GOVERNMENT.

Exclusive privilege of conveying letters reserved to the Government.

4. (*1*) Wherever within the Union of Burma posts or postal communications are established by the President of the Union, the President of the Union shall have the exclusive privilege of conveying by post, from one place to another, all letters, except in the following cases, and shall also have the

[1] In this Act the word " Director " was substituted for the word " Director-General " by Act XXXV, 1950.

exclusive privilege of performing all the incidental services of receiving, collecting, sending, despatching and delivering all letters, except in the following cases, that is to say :—

(*a*) letters sent by a private friend in his way, journey or travel, to be delivered by him to the person to whom they are directed, without hire, reward or other profit or advantage for receiving, carrying or delivering them ;

(*b*) letters solely concerning the affairs of the sender or receiver thereof, sent by a messenger on purpose ; and

(*c*) letters solely concerning goods or property, sent either by sea or by land [or by air] [1], to be delivered with the goods or property which the letters concern, without hire, reward or other profit or advantage for receiving, carrying or delivering them :

Provided that nothing in this section shall authorize any person to make a collection of letters excepted as aforesaid for the purpose of sending them otherwise than by post.

(*2*) For the purposes of this section and section 5, the expression " letters " includes postcards.

Certain persons expressly forbidden to convey letters.

5. Wherever within the Union of Burma posts or postal communications are established by the President of the Union, the following persons are expressly forbidden to collect, carry, tender or deliver letters, or to receive letters for the purpose of carrying or delivering them, although they obtain no hire, reward or other profit or advantage for so doing, that is to say :—

(*a*) common carriers of passengers or goods, and their servants or agents, except as regards letters solely concerning goods in their carts or carriages ; and

(*b*) [owners and masters of vessels and pilots or other persons in charge of aircraft] [2] sailing or passing on any river or canal in the Union of Burma, or between any ports or places in the Union of Burma, and their servants or agents, except as regards letters solely concerning goods on board, and except as regards postal articles received for conveyance under Chapter VIII.

Exemption from liability for loss misdelivery, delay or damage.

6. The Government shall not incur any liability by reason of the loss, misdelivery or delay of, or damage to, any postal article in course of transmission by post, except in so far as such liability may in express terms be undertaken by the Government as hereinafter provided ; and no officer of the post office shall incur any liability by reason of any such loss, misdelivery, delay or damage, unless he has caused the same fraudulently or by his wilful act or default.

---

[1] Added by Act VIII, 1944.
[2] Substituted *ibid.*

CHAPTER III.

POSTAGE.

Power to fix rates of inland postage.

7. (*1*) The President of the Union may, by notification in the Gazette, fix the rates of postage and other sums to be charged in respect of postal articles sent by the inland post under this Act, and may make rules as to the scale of weights, terms and conditions subject to which the rates so fixed shall be charged :

Provided that the highest rate of postage, when prepaid, shall not exceed the rate set forth for each class of postal articles in the First Schedule.

(*2*) Unless and until such notification as aforesaid is issued, the rates set forth in the said Schedule shall be the rates chargeable under this Act.

(*3*) The President of the Union may, by notification in the Gazette, declare what packets may be sent by the inland post as book, pattern and sample packets within the meaning of this Act.

Power to make rules as to payment of postage and fees in certain cases.

8. The President of the Union may, by rule,—

(*a*) require the prepayment of postage on inland postal articles or any class of inland postal articles, and prescribe the manner in which prepayment shall be made ;

(*b*) prescribe the postage to be charged on inland postal articles when the postage is not prepaid or is insufficiently prepaid ;

(*c*) provide for the redirection of postal articles and the transmission by post of articles so redirected, either free of charge or subject to such further charge as may be specified in the rules ; and

(*d*) prescribe the fees to be charged for the " express delivery " of postal articles, in addition to, or instead of, any other postage chargeable thereon under this Act.

Explanation.—" Express delivery " means delivery by a special messenger or conveyance.

Power to make rules as to registered newspapers.

9. (*1*) The President of the Union may make rules providing for the registration of newspapers for transmission by inland post as registered newspapers.

(*2*) For the purpose of such registration, every publication, consisting wholly or in great part of political or other news, or of articles relating thereto, or to other current topics, with or without advertisements, shall be deemed a newspaper, subject to the following conditions, namely :—

(*a*) that it is published in numbers at intervals of not more than thirty-one days ; and

(*b*) that it has a *bonâ fide* list of subscribers.

(*3*) An extra or supplement to a newspaper, bearing the same date as the newspaper and transmitted therewith, shall be deemed to be part of the newspaper :

Provided that no such extra or supplement shall be so deemed unless it consists wholly or in great part of matter like that of the newspaper and has

the title and date of publication of the newspaper printed at the top of each page.

Explanation.—Nothing in this section or in the rules thereunder shall be construed to render it compulsory to send newspapers by the inland post.

Power to declare rates of foreign postage.

10. (*1*) Where arrangements are in force with the United Kingdom, or with any British possession or foreign country, for the transmission by post of postal articles between the Union of Burma and the United Kingdom or such possession or country, the President of the Union may, in conformity with the provisions of such arrangements, declare what postage rates and other sums shall be charged in respect of such postal articles, and may make rules as to the scale of weight, terms and conditions subject to which the rates so declared shall be charged.

(*2*) Unless and until such declaration as aforesaid is made, the existing rates and regulations shall continue in force.

Liability for payment of postage.

11. (*1*) The addressee of a postal article on which postage or any other sum chargeable under this Act is due shall be bound to pay the postage or sum so chargeable on his accepting delivery of the postal article, unless he forthwith returns it unopened :

Provided that, if any such postal article appears to the satisfaction of the Director to have been maliciously sent for the purpose of annoying the addressee, he may remit the postage.

(*2*) If any postal article on which postage or any other sum chargeable under this Act is due is refused or returned as aforesaid, or if the addressee is dead or cannot be found, then the sender shall be bound to pay the postage or sum due thereon under this Act.

Recovery of postage and other sums due in respect of postal articles.

12. If any person refuses to pay any postage or other sum due from him under this Act in respect of any postal article, the sum so due may, on application made by an officer of the post office authorized in this behalf by the written order of the Director, be recovered for the use of the post office from the person so refusing; as if it were a fine imposed under this Act by any Magistrate having jurisdiction where that person may for the time being be resident ; and the Director may further direct that any other postal article, not being on [Government] [1] service, addressed to that person shall be withheld from him until the sum so due is paid or recovered as aforesaid.

Customs-duty paid by the post office to be recoverable as postage.

13. When a postal article, on which any duty of customs is payable, has been received by post from any place beyond the limits of the Union of Burma, and the duty has been paid by the postal authorities at any customs-port or elsewhere, the amount of the duty shall be recoverable as if it were postage due under this Act.

---

[1] Substituted for the words " His Majesty's " by the Union of Burma (Adaptation of Laws) Order, 1948.

Post office marks *primâ facie* evidence of certain facts denoted.

14. In every proceeding for the recovery of any postage or other sum alleged to be due under this Act in respect of a postal article,—

(*a*) the production of the postal article, having thereon the official mark of the post office denoting that the article has been refused, or that the addressee is dead or cannot be found, shall be *primâ facie* evidence of the fact so denoted, and

(*b*) the person from whom the postal article purports to have come shall, until the contrary is proved, be deemed to be the sender thereof.

Official mark to be evidence of amount of postage.

15. The official mark on a postal article denoting that any postage or other sum is due in respect thereof to the post office of the Union of Burma, or to the post office of the United Kingdom or of any British possession or foreign country, shall be *primâ facie* evidence that the sum denoted as aforesaid is so due.

CHAPTER IV.

Postage Stamps.

Provision of postage stamps and power to make rules as to them.

16. (*1*) The President of the Union shall cause postage stamps to be provided of such kinds and denoting such values as he may think necessary for the purposes of this Act.

(*2*) The President of the Union may make rules as to the supply, sale and use of postage stamps.

(*3*) In particular, and without prejudice to the generality of the foregoing power, such rules may—

(*a*) fix the price at which postage stamps shall be sold ;

(*b*) declare the classes of postal articles in respect of which postage stamps shall be used for the payment of postage or other sums chargeable under this Act ;

(*c*) prescribe the conditions with regard to perforation, defacement and all other matters subject to which postage stamps may be accepted or refused in payment of postage or other sums ;

(*d*) regulate the custody, supply and sale of postage stamps ;

(*e*) declare the persons by whom and the terms and conditions subject to which postage stamps may be sold ; and

(*f*) prescribe the duties and remuneration of persons selling postage stamps.

Postage stamps to be deemed to be stamps for the purpose of revenue.

17. (*1*) Postage stamps provided under section 16 shall be deemed to be stamps issued by Government for the purpose of revenue within the meaning of the Penal Code, and, subject to the other provisions of this Act, shall be used for the prepayment of postage or other sums chargeable under this Act in respect of postal articles, except where the President of the Union directs that prepayment shall be made in some other way.

(*2*) Where the President of the Union has directed that prepayment of postage or other sums chargeable under this Act in respect of postal articles may be made by prepaying the value denoted by the impressions of stamping machines issued under his authority, the impression of any such machine shall likewise be deemed to be a stamp issued by Government for the purpose of revenue within the meaning of the Penal Code.

CHAPTER V.

CONDITIONS OF TRANSMISSION OF POSTAL ARTICLES.

Redelivery to sender of postal article in course of transmission by post.

18. (*1*) The President of the Union may, by rule, provide for the redelivery to the sender, without reference to the consent of the addressee and subject to such conditions (if any) as may be deemed fit, of any postal article in course of transmission by post.

(*2*) Save as provided by any rules that may be made under sub-section (*1*), the sender shall not be entitled to recall a postal article in course of transmission by post.

Transmission by post of anything injurious prohibited.

19. (*1*) Except as otherwise provided by rule and subject to such conditions as may be prescribed thereby, no person shall send by post any explosive, dangerous, filthy, noxious or deleterious substance, any sharp instrument not properly protected, or any living creature which is either noxious or likely to injure postal articles in course of transmission by post or any officer of the post office.

(2) No person shall send by post any article or thing which is likely to injure postal articles in course of transmission by post or any officer of the post office.

Transmission by post of anything indecent, etc. prohibited.

20. No person shall send by post—

(*a*) any indecent or obscene printing, painting, photograph, lithograph, engraving, book or card, or any other indecent or obscene article, or

(*b*) any postal article having thereon, or on the cover thereof, any words, marks or designs of an indecent, obscene, seditious, scurrilous, threatening or grossly offensive character.

Power to make rules as to transmission, by post of postal articles.

21. (*1*) The President of the Union may make rules as to the transmission of articles by post.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may—

(*a*) specify articles which may not be transmitted by post ;

(*b*) prescribe conditions on which articles may be transmitted by post;

(*c*) provide for the detention and disposal of articles in course of transmission by post in contravention of rules made under clause (*a*) or clause (*b*) ;

(*d*) provide for the granting of receipts for, and the granting and obtaining of certificates of, posting and delivery of postal articles and the sums to be paid, in addition to any other postage, for such receipts and certificates ; and

(*e*) regulate covers, forms, dimensions, maximum weights, and enclosures, and the use of postal articles, other than letters, for making communications.

(*3*) Postal articles shall be posted and delivered at such times and in such manner as the Director may, by order, from time to time appoint.

Power to postpone despatch or delivery of certain postal articles.

22. (*1*) Where the despatch or delivery from a post office of letters would be delayed by the despatch or delivery therefrom at the same time of book, pattern or sample packets and parcels, or any of them, such packets or parcels, or any of them, may, subject to such rules as the President of the Union may make in this behalf, be detained in the post office so long as may be necessary.

(*2*) Where separate parcel posts are established, parcels may be forwarded and conveyed by them, being detained, if necessary, in the post office for that purpose.

Power to deal with postal articles posted in contravention of Act.

23. (*1*) Any postal article sent by post in contravention of any of the provisions of this Act may be detained and either returned to the sender or forwarded to destination, in each case charged with such additional postage (if any) as the President of the Union may, by rule, direct.

(*2*) Any officer in charge of a post office or authorized by the Director in this behalf may open or unfasten any newspaper or any book, pattern or sample packet, in course of transmission by post, which he suspects to have been sent by post in contravention of section 20, clause (*a*), or of section 21, or of any of the provisions of this Act relating to postage.

(*3*) Notwithstanding anything in sub-section (*1*)—

(*a*) any postal article sent by post in contravention of the provisions of section 19 may, under the authority of the Director, if necessary, be opened and destroyed ; and

(*b*) any postal article sent by post in contravention of the provisions of section 20 may be disposed of in such manner as the President of the Union may by rule direct.

Power to deal with postal articles containing goods contraband or liable to duty.

24. Except as otherwise provided in this Act, where a postal article suspected to contain any goods of which the import by post or the transmission by post is prohibited by or under any enactment for the time being in force, or anything liable to duty is received for delivery at a post office, the officer in charge of the post office shall send a notice in writing to the addressee inviting him to attend, either in person or by agent, within a specified time at the post office, and shall in the presence of the addressee, or

his agent, or if the addressee or his agent fails to attend as aforesaid then in his absence, open and examine the postal article :

Provided, first, that if the Director so directs in the case of any post office or class of post offices, the officer in charge of the post office shall call in two respectable persons as witnesses before he opens a postal article in the absence of the addressee or his agent :

Provided, secondly, that in all cases a postal article, after being opened under this section, shall be delivered to the addressee, unless it is required for the purpose of any further proceeding under this or any other law or enactment for the time being in force, and that the opening of the postal article and the circumstances connected therewith shall be immediately reported to the Director.

Power to deliver such articles to Customs authority.

24A. The President of the Union may, by general or special order, empower any officer of the post office, specified in such order, to deliver any postal article, received from beyond the limits of the Union of Burma and suspected to contain anything liable to duty, to such Customs authority as may be specified in the said order, and such Customs authority shall deal with such article in accordance with the provisions of the Sea Customs Act or of any other law for the time being in force.

Power to intercept notified goods during transmission by post.

25. Where a notification has been published under section 19 of the Sea Customs Act in respect of any goods of any specified description, or where the import or export into or from the Union of Burma of goods of any specified description has been prohibited or restricted by or under any other enactment for the time being in force, any officer of the post office empowered in this behalf by the President of the Union may search, or cause search to be made, for any such goods in course of transmission by post, and shall deliver all postal articles reasonably believed or found to contain such goods to such officer as the President of the Union may appoint in this behalf, and such goods may be disposed of in such manner as the President of the Union may direct. In carrying out any such search, such officer of the post office may open or unfasten, or cause to be opened or unfastened, any newspaper or any book, pattern or sample packet in course of transmission by post.

Power to intercept postal articles for public good.

26. (*1*) On the occurrence of any public emergency, or in the interest of the public safety or tranquillity, the President of the Union or any officer specially authorized in this behalf by the President of the Union may, by order in writing, direct that any postal article or class or description of postal articles in course of transmission by post shall be intercepted or detained, or shall be disposed of in such manner as the authority issuing the order may direct.

(2) If any doubt arises as to the existence of a public emergency, or as to whether any act done under sub-section (*1*) was in the interest of the public safety or tranquillity, a certificate signed by a Secretary to the Government shall be conclusive proof on the point.

Power to deal with postal articles from abroad bearing fictitious or previously used stamps.

27. (*1*) Where a postal article is received by post from any place beyond the limits of the Union of Burma—

(*a*) bearing a fictitious postage stamp, that is to say, any facsimile or imitation or representation of a postage stamp, or

(*b*) purporting to be prepaid with any postage stamp which has been previously used to prepay any other postal article,

the officer in charge of the post office at which the postal article is received shall send a notice to the addressee inviting him to attend, either in person or by agent, within a specified time at the post office to receive delivery of the postal article.

(*2*) If the addressee or his agent attends at the post office within the time specified in the notice and consents to make known to the officer in charge of the post office the name and address of the sender of the postal article and to redeliver to the officer aforesaid the portion of the postal article which bears the address and the fictitious or previously used postage stamp, or, if the postal article is inseparable from the stamp, the entire postal article, the postal article shall be delivered to the addressee or his agent.

(*3*) If the addressee or his agent fails to attend at the post office within the time specified in the notice, or, having attended within that time, refuses to make known the name and address of the sender or to redeliver the postal article or portion thereof as required by sub-section (2), the postal article shall not be delivered to him, but shall be disposed of in such manner as the President of the Union may direct.

Explanation.—For the purposes of this section, the expression "postage stamp" includes any postage stamp for denoting any rate or duty of postage of any [* * * *][1] foreignc ountry, and the impression of any stamping machine provided or authorized for the like purpose by or under the authority of the Government of such [* * *][1] country.

Prohibition of transmission by post of certain newspapers.

27A. No newspaper printed and published in the Union of Burma without conforming to the rules laid down in the Press (Registration) Act shall be transmitted by post.

Power to detain newspapers and other articles being transmitted by post.

[2] **27B.** (*1*) Any officer of the post office authorized by the Director in this behalf may detain any postal article in course of transmission by post which he suspects to contain—

(*a*) (i) any newspaper or book as defined in the Press (Registration) Act, or

(ii) any document,

containing any seditious matter, that is to say, any matter the publication of which is punishable under section 124A of the Penal Code ; or

---

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

[2] As to the application of sections 27B to 27D in the case of any book, newspaper or other document containing matter which tends to prejudice the maintenance of friendly relations between the Government and the Government of a State adjoining the Union of Burma, *see* section 3 of the Foreign Relations Act (Volume I of this Code).

(*b*) any newspaper as defined in the Press (Registration) Act edited, printed or published otherwise than in conformity with the rules laid down in that Act ;

and shall deliver any postal article so detained to such officer as the President of the Union may appoint in this behalf.

(*2*) Any officer detaining any postal article under the provisions of sub-section (*1*) shall forthwith send by post to the addressee of such article notice of the fact of such detention.

(*3*) The President of the Union shall cause the contents of any postal article detained under sub-section (*1*) to be examined, and, if it appears to the President of the Union that the article contained any newspaper, book or other document of the nature described in clause (*a*) or clause (*b*) of sub-section (*1*), may pass such orders as to the disposal of the article and its contents as he may deem proper, and, if it does not so appear, shall release the article and its contents, unless the same be otherwise liable to seizure under any law for the time being in force :

Provided that any person interested in any article detained under the provisions of clause (*a*) of sub-section (*1*) may, within two months from the date of such detention, apply to the President of the Union for release of the same, and the President of the Union shall consider such application and pass such orders thereon as he may deem to be proper :

Provided also that, if such application is rejected, the applicant may, within two months from the date of the order rejecting the application, apply to the High Court for release of the article and its contents on the ground that the article did not contain any newspaper, book or other document containing any seditious matter.

(*4*) In this section " document " includes also any painting, drawing or photograph, or other visible representation.

Procedure for disposal by High Court of applications for release of newspapers and articles so detained.

[1]**27C.** Every application made under the second proviso to sub-section (*3*) of section 27B shall be heard and determined in the manner provided by sections 99D to 99F of the Code of Criminal Procedure by a Special Bench of the High Court constituted in the manner provided by section 99C of that Code.

Jurisdiction barred.

[1] **27D.** No order passed or action taken under section 27B shall be called in question in any Court otherwise than in accordance with the second proviso to sub-section (*3*) of that section.

---

[1] *See* footnote to section 27B.

CHAPTER VI.

REGISTRATION, INSURANCE AND VALUE-PAYABLE POST.

Registration of postal articles.

28. The sender of a postal article may, subject to the other provisions of this Act, have the article registered at the post office at which it is posted, and require a receipt therefor ; and the President of the Union may, by notification in the Gazette, direct that, in addition to any postage chargeable under this Act, such further fee as may be fixed by the notification shall be paid on account of the registration of postal articles.

Power to make rules as to registration.

29. (*1*) The President of the Union may make rules as to the registration of postal articles.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may—

(*a*) declare in what cases registration shall be required ;

(*b*) prescribe the manner in which the fees for registration shall be paid ; and

(*c*) direct that twice the fee for registration shall be levied on the delivery of a postal article required to be registered on which the fee for registration has not been prepaid.

(*3*) Postal articles made over to the post office for the purpose of being registered shall be delivered, when registered, at such times and in such manner as the Director may, by order, from time to time appoint.

Insurance of postal articles.

30. The President of the Union may, by notification in the Gazette, direct—

(*a*) that any postal article may, subject to the other provisions of this Act, be insured at the post office at which it is posted against the risk of loss or damage in course of transmission by post, and that a receipt therefor shall be granted to the person posting it ; and

(*b*) that, in addition to any postage and fees for registration chargeable under this Act, such further fee as may be fixed by the notification shall be paid on account of the insurance of postal articles.

Power to require insurance of postal articles.

31. The President of the Union may, by notification in the Gazette declare in what cases insurance shall be required, and direct that any postal article containing anything required to be insured, which has been posted without being insured, shall be returned to the sender or shall be delivered to the addressee, subject to the payment of such special fee as may be fixed by the notification :

Provided that the levy of such special fee as aforesaid shall not impose any liability upon [* * * *][1] the Government in respect of the postal article.

---

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

Power to make rules as to insurance.

32. (*1*) The President of the Union may make rules as to the insurance of postal articles.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may—

(*a*) declare what classes of postal articles may be insured under section 30 ;

(*b*) fix the limit of the amount for which postal articles may be insured ; and

(*c*) prescribe the manner in which the fees for insurance shall be paid.

(*3*) Postal articles made over to the post office for the purpose of being insured shall be delivered, when insured, at such places and times and in such manner as the Director may, by order, from time to time appoint.

Liability in respect of postal articles insured.

33. Subject to such conditions and restrictions as the President of the Union may, by rule, prescribe, the Government shall be liable to pay compensation, not exceeding the amount for which a postal article has been insured, to the sender thereof for the loss of the postal article or its contents, or for any damage caused to it in course of transmission by post :

Provided that the compensation so payable shall in no case exceed the value of the article lost or the amount of the damage caused.

Transmission by post of value-payable postal articles.

34. The President of the Union may, by notification in the Gazette, direct that, subject to the other provisions of this Act and to the payment of fees at such rates as may be fixed by the notification, a sum of money specified in writing at the time of posting by the sender of a postal article shall be recoverable on the delivery thereof from the addressee, and that the sum so recovered shall be paid to the sender :

Provided that the Government shall not incur any liability in respect of the sum specified for recovery unless and until that sum has been received from the addressee.

Explanation.—Postal articles sent in accordance with the provisions of this section may be described as " value-payable " postal articles.

Power to make rules as to value-payable postal articles.

35. (*1*) The President of the Union may make rules as to the transmission by post of value-payable postal articles.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may—

(*a*) declare what classes of postal articles may be sent as value-payable postal articles ;

(*b*) direct that no postal article shall be so sent unless the sender declares that it is sent in execution of a *bonâ fide* order received by him ;

(*c*) limit the value to be recovered on the delivery of any value-payable postal article ;

(*d*) prescribe the form of declaration to be made by the senders of value-payable postal articles, and the time and manner of the payment of fees ;

(*e*) provide for the retention and repayment to the addressee in cases of fraud of money recovered on the delivery of any value-payable postal article ; and

(*f*) prescribe the fees to be charged for inquiries into complaints regarding the delivery of or payment for value-payable postal articles.

(*3*) Postal articles shall be made over to the post office for the purpose of being sent as " value-payable ", and shall be delivered, when so sent, at such times and in such manner as the Director may, by order, from time to time appoint.

(*4*) No suit or other legal proceeding shall be instituted against the Government or any officer of the post office in respect of anything done, or in good faith purporting to be done, under any rule made under clause (*e*) of sub-section (*2*).

Power to give effect to arrangement with other countries.

36. (*1*) Where arrangements are in force with [any] [1] foreign country, for the transmission by post of registered, insured or value-payable postal articles between the Union of Burma and [such country] [1], the President of the Union may make rules to give effect to such arrangements.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may prescribe—

(*a*) the form of declaration to be made by the senders of such postal articles as aforesaid ; and

(*b*) the fees to be charged in respect thereof.

CHAPTER VII.

UNDELIVERED POSTAL ARTICLES.

Power to make rules as to disposal of undelivered postal articles

37. (*1*) The President of the Union may make rules as to the disposal of postal articles which for any reason cannot be delivered (hereinafter referred to as " undelivered postal articles ").

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may—

(*a*) prescribe the period during which undelivered postal articles at a post office shall remain in that office ; and

(*b*) provide for the publication of lists of undelivered postal articles, or of any class of undelivered postal articles.

(*3*) Every undelivered postal article, after being detained at a post office for the period prescribed by rule under the foregoing provisions of this section, shall be either forwarded, free of further charge, to the post office at

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

which it was posted, for return to the sender, or sent to the office of the Director.

Disposal of undelivered postal articles at office of Director.

38. (*1*) Every postal article received at the office of the Director under sub-section (*3*) of section 37 shall be dealt with as follows :—

(*a*) if practicable, it shall be redirected and forwarded by post to the addressee ; or.

(*b*) if it cannot be redirected and forwarded as aforesaid, it shall be opened by some officer, appointed by the Director in this behalf and bound to secrecy, in order to ascertain the name and address of the sender.

(*2*) If the name and address of the sender are so ascertained, it shall be returned by post to the sender, free of further charge or subject to such further charge as the President of the Union may, by rule, direct.

Final disposal of undelivered postal articles.

39. Undelivered postal articles which cannot be disposed of under the foregoing provisions shall be detained in the office of the Director for such further period (if any), and shall be dealt with in such manner, as the President of the Union may, by rule, direct :

Provided that—

(*a*) letters and postcards shall be destroyed ;

(*b*) money or saleable property, not being of a perishable nature, found in any undelivered postal article, shall be detained for a period of one year in the office of the Director, and, if on the expiration of that period no person has established his right thereto, shall, if money, be credited to the post office, and, if saleable property, be sold, the sale-proceeds being credited to the post office.

CHAPTER VIII.

Ship and Aircraft Letters.

Duty of master of ship and pilot of aircraft, departing from any port or place in the Union of Burma, and not being a mail ship or mail aircraft, to convey mail bags.

40. The master of a ship, not being a mail ship [and the pilot or other person in charge of an aircraft, not being a mail aircraft,][1] about to depart from any port or place in the Union of Burma to any port or place within, or any port or place beyond, the Union of Burma, shall receive on board any mail bag tendered to him by any officer of the post office for conveyance, granting a receipt therefor in such form as the President of the Union may, by rule, prescribe, and shall, without delay, deliver the same at the port or place of destination.

[1] Inserted by Act VIII, 1944.

Duty of master of ship or pilot of aircraft arriving at any port or place in the Union of Burma in respect of postal articles and mail bags on board.

41. (*1*) The master of a ship [or the pilot or other person in charge of an aircraft] [1] arriving at any port or place in the Union of Burma shall, without delay, cause every postal article or mail bag on board which is directed to that port or place, and is within the exclusive privilege conferred on the President of the Union by section 4, to be delivered either at the post office at that port or place or to some officer of the post office authorized in this behalf by the Director.

(*2*) If there is on board any postal article or mail bag which is directed to any other place within the Union of Burma, and is within the exclusive privilege aforesaid, [the master or pilot or other person as aforesaid] [2] shall, without delay, report the fact to the officer in charge of the post office at the port or place of arrival and act according to the directions he may receive from such officer, and the receipt of such officer shall discharge him from all further responsibility in respect of the postal article or mail bag.

Allowance of gratuities for conveyance of postal articles by ships or aircraft other than mail ships or mail aircraft.

42. The President of the Union may, by notification in the Gazette, declare what gratuities shall be allowed to masters of ships, not being mail ships [or pilots or other persons in charge of aircraft, not being mailair craft,][1] in respect of postal articles received by them for conveyance on behalf of the post office; and the master of a ship, not being a mail ship [or pilot or other person in charge of an aircraft, not being a mail aircraft,][1] about to leave any port or place in the Union of Burma as aforesaid shall, if he receives on board a mail bag for conveyance, be entitled to demand and obtain immediately the amount of the gratuity payable under this section in respect of the mail bag and its contents.

CHAPTER IX.

MONEY ORDERS.

Power to maintain money-order system and to make rules as to remittances thereby.

43. (*1*) The President of the Union may provide for the remitting of small sums of money through the post office by means of money-orders, and may make rules as to such money-orders.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may prescribe—

(*a*) the limit of amount for which money-orders may be issued;

(*b*) the period during which money-orders shall remain current; and

(*c*) the rates of commission or the fees to be charged on money-orders or in respect thereof.

Power for remitter to recall money-order or alter name of payee.

44. (*1*) Subject to such conditions as the President of the Union may, by rules made under section 43, prescribe in respect of the levy of additional rates of commission or fees or any other matters, a person remitting money through the post office by means of a money-order may require that the amount of the order, if not paid to the payee, be repaid to him, or be paid to such person other than the original payee as he may direct.

---

[1] Inserted by Act VIII, 1944.

[2] Substituted *ibid.*

(*2*) If neither the payee nor the remitter of a money-order can be found, and if within the period of one year from the date of the issue of the order no claim is made by such payee or remitter, the amount of such order shall not be claimable from the Government.

Power to provide for the issue of postal-orders.

45. The President of the Union may authorize the issue, in such form as may be suitable, of money-orders, to be called postal-orders or by such other designation as may be deemed appropriate, for certain fixed amounts, and may make rules as to the rates of commission to be charged thereon and the manner in which, and conditions subject to which, they may be issued, paid and cancelled :

Provided that no such order shall be issued for an amount in excess of ten rupees.

Power to give effect to arrangements with other countries.

[1] **46.** (*1*) Where arrangements are in force with the United Kingdom, or with any British possession, State in India or Pakistan or the Union of Burma or foreign country, for the issue and payment through the post office of money-orders between the Union of Burma and the United Kingdom or such possession, State or country, the President of the Union may make rules to give effect to such arrangements.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may prescribe—

(*a*) the manner in which, and the conditions subject to which, such orders may be issued and paid in the Union of Burma ; and

(*b*) the rates of commission to be charged thereon.

Recovery of money-order paid to the wrong person.

47. If any person, without reasonable excuse, the burden of proving which shall lie on him, neglects or refuses to refund—

(*a*) any amount paid to him in respect of a money-order by an officer of the post office in excess of what ought to have been paid to him in respect thereof, or

(*b*) the amount of a money-order paid by an officer of the post office to him instead of to some other person to whom it ought to have been paid,

such amount shall be recoverable by an officer of the post office authorized by the Director in this behalf from the person so neglecting or refusing as if it were an arrear of land-revenue due from him.

Exemption from liability in respect of money-orders.

48. No suit or other legal proceeding shall be instituted against the Government or any officer of the post office in respect of—

(*a*) anything done under any rules made by the President of the Union under this Chapter ; or

(*b*) the wrong payment of a money-order caused by incorrect or incomplete information given by the remitter as to the name and

[1] *Cf.* s. 36 *ante.*

address of the payee, provided that, as regards incomplete information, there was reasonable justification for accepting the information as a sufficient description for the purpose of identifying the payee ; or

(*c*) the payment of any money-order being refused or delayed by, or on account of, any accidental neglect, omission or mistake by, or on the part of, an officer of the post office, or for any other cause whatsoever other than the fraud or wilful act or default of such officer ; or

(*d*) any wrong payment of a money-order after the expiration of one year from the date of the issue of the order ; or

(*e*) any wrong payment or delay in payment of a money-order beyond the limits of the Union of Burma by an officer of any post office, not being one established by the President of the Union.

CHAPTER X.

PENALTIES AND PROCEDURE.

Offences by Officers of the Post Office.

Penalty for misconduct of person employed to carry or deliver mail bags or postal articles.

49. Whoever, being employed to carry or deliver any mail bag or any postal article in course of transmission by post,—

(*a*) is in a state of intoxication while so employed, or

(*b*) is guilty of carelessness or other misconduct whereby the safety of any such mail bag or postal article as aforesaid is endangered, or

(*c*) loiters or makes delay in the conveyance or delivery of any such mail bag or postal article as aforesaid, or

(*d*) does not use due care and diligence safely to convey or deliver any such mail bag or postal article as aforesaid,

shall be punishable with fine which may extend to fifty rupees.

Penalty for voluntary withdrawal from duty, without permission or notice, of person employed to carry or deliver mail bags or postal articles.

50. Whoever, being employed to carry or deliver any mail bag or any postal article in course of transmission by post, voluntarily withdraws from the duties of his office, without permission or without having given one month's previous notice in writing, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both.

Penalty for making false entry in register kept by person employed to

51. Whoever, being employed to carry or deliver any postal article in course of transmission by post and required while so employed to keep any register, makes, or causes or suffers to be made, any false entry in the register with intent to induce the belief that he has visited a place, or delivered a

postal article, which he has not visited or delivered, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both. carry or deliver postal articles.

52. Whoever, being an officer of the post office, commits theft in respect of, or dishonestly misappropriates, or, for any purpose whatsoever, secretes, destroys or throws away, any postal article in course of transmission by post or anything contained therein, shall be punishable with imprisonment for a term which may extend to seven years, and shall also be punishable with fine. Penalty for theft, dishonest misappropriation, secretion, destruction or throwing away of postal articles.

53. Whoever, being an officer of the post office, contrary to his duty opens, or causes or suffers to be opened, any postal article in course of transmission by post, or wilfully detains or delays, or causes or suffers to be detained or delayed, any such postal article, shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both : Penalty for opening, detaining or delaying postal articles.

Provided that nothing in this section shall extend to the opening, detaining or delaying of any postal article under the authority of this Act or in obedience to the order in writing of the President of the Union or the direction of a competent Court.

54. Whoever, being an officer of the post office,— Penalty for fraud in connection with official marks and for receipt of excess postage.

(*a*) fraudulently puts any wrong official mark on a postal article, or

(*b*) fraudulently alters, removes or causes to disappear any official mark which is on a postal article, or

(*c*) being entrusted with the delivery of any postal article, knowingly demands or receives any sum of money in respect of the postage thereof which is not chargeable under this Act,

shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine.

55. Whoever, being an officer of the post office entrusted with the preparing or keeping of any document, fraudulently prepares the document incorrectly, or alters or secretes or destroys the document shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine. Penalty for fraudulently preparing, altering, secreting or destroying post office documents.

56. Whoever, being an officer of the post office, sends by post, or puts into any mail bag, any postal article upon which postage has not been paid or charged in the manner prescribed by this Act, intending thereby to defraud the Government of the postage on such postal article, shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine. Penalty for fraudulently sending unpaid postal articles.

[1] **57.** * * * *

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

Other offences.

Penalty for contravention of section 4.

58. (*1*) Whoever—

(*a*) conveys, otherwise than by post, a letter within the exclusive privilege conferred on the President of the Union by section 4, or

(*b*) performs any service incidental to conveying, otherwise than by post, any letter within the exclusive privilege aforesaid, or

(*c*) sends, or tenders or delivers in order to be sent, otherwise than by post, a letter within the exclusive privilege aforesaid, or

(*d*) makes a collection of letters excepted from the exclusive privilege aforesaid for the purpose of sending them otherwise than by post,

shall be punishable with fine which may extend to fifty rupees for every such letter.

(*2*) Whoever, having already been convicted of an offence under this section, is again convicted thereunder, shall, on every such subsequent conviction, be punishable with fine which may extend to five hundred rupees.

Penalty for contravention of section 5.

59. (*1*) Whoever, in contravention of the provisions of section 5, carries, receives, tenders or delivers letters, or collects letters, shall be punishable with fine which may extend to fifty rupees for every such letter.

(*2*) Whoever, having already been convicted of an offence under this section, is again convicted thereunder, shall, on every such subsequent conviction, be punishable with fine which may extend to five hundred rupees.

Penalty for breach of rules under section 16.

60. Whoever, being appointed to sell postage stamps,—

(*a*) takes from any purchaser for any postage stamp or quantity of postage stamps a price higher than that fixed by any rule made under section 16, sub-section (*3*), clause (*a*), shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both; or

(*b*) commits a breach of any other rule made under section 16, shall be punishable with fine which may extend to two hundred rupees.

Penalty for contravention of section 19 or 20.

61. (*1*) Whoever, in contravention of the provisions of section 19 or section 20, sends or tenders, or makes over in order to be sent by post, any postal article or any thing shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(*2*) The detention in the post office of any postal article on the ground of its having been sent in contravention of the provisions of section 19 or section 20 shall not exempt the sender from any proceedings which might have been taken if the postal article had been delivered in due course of post.

Penalty for defiling or injuring post office letter-boxes.

62. Whoever places in or against any letter-box provided by the post office for the reception of postal articles any fire, match or light, any explosive, dangerous, filthy, noxious or deleterious substance, or any fluid, or commits a nuisance in or against any such letter-box, or does anything likely

to injure any such letter-box or its appurtenances or contents, shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

Penalty for affixing without authority a thing to or painting, tarring or disfiguring, post office or post office letter-box.

63. Whoever, without due authority, affixes any placard, advertisement, notice, list, document, board or other thing in or on, or paints, tars or in any way disfigures any post office, or any letter-box provided by the post office for the reception of postal articles, shall be punishable with fine which may extend to fifty rupees.

Penalty for making false declaration.

64. Whoever, being required by this Act to make a declaration in respect of any postal article to be sent by post or the contents or value thereof, makes in his declaration any statement which he knows, or has reason to believe, to be false, or does not believe to be true, shall be punishable with fine which may extend to two hundred rupees, and, if the false declaration is made for the purpose of defrauding the Government, with fine which may extend to five hundred rupees.

Penalty for master of ship or pilot of aircraft failing to comply with the provisions of section 40 or 41.

65. Whoever, [being the master of a ship or the pilot or other person in charge of an aircraft,][1]—

(*a*) fails to comply with the provisions of section 40, or,

(*b*) without reasonable excuse, the burden of proving which shall lie on him, fails to deliver any postal article or mail bag or to comply with the directions of the officer in charge of the post office at a port of arrival, as required by section 41,

shall be punishable with fine which may extend to one thousand rupees.

Penalty for detention of letters on board vessel or aircraft arriving in port or place in the Union of Burma.

66. (*1*) Whoever, being either the master of a ship [or pilot or other person in charge of an aircraft][2] arriving at any port or place in the Union of Burma or any one on board, knowingly has in his baggage or in his possession or custody, after the postal articles on board or any of them have been sent to the post office at the [port or place of arrival,][1] any postal article within the exclusive privilege conferred on the President of the Union by section 4, shall be punishable with fine which may extend to fifty rupees for every such postal article as aforesaid.

(*2*) Whoever, [being such master, pilot or other person as aforesaid or anyone on board,][1] detains any such postal article as aforesaid after demand made for it by an officer of the post office shall be punishable with fine which may extend to one hundred rupees for every such postal article.

Penalty for detaining mails or opening mail bag.

67. Whoever, except under the authority of this Act or of any other Act for the time being in force or in obedience to the order in writing of the President of the Union or the direction of a competent Court, detains the mails or any postal article in course of transmission by post, or on any

[1] Substituted by Act VIII, 1944.
[2] Inserted *ibid.*

pretence opens a mail bag in course of transmisssion by post, shall be punishable with fine which may extend to two hundred rupees :

Provided that nothing in this section shall prevent the detention of an officer of the post office carrying the mails or any postal article in course of transmission by post, on a charge of having committed an offence declared to be cognizable by the Code of Criminal Procedure or any other law for the time being in force.

Penalty for retaining postal articles wrongly delivered or mail bags.

68. Whoever fraudulently retains, or wilfully secretes or makes away with, or keeps or detains, or, when required by an officer of the post office, neglects or refuses to deliver up, any postal article in course of transmission by post which ought to have been delivered to any other person, or a mail bag containing a postal article, shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine.

Penalty for unlawfully diverting letters.

69. Whoever, not being an officer of the post office, wilfully and maliciously, with intent to injure any person, either opens or causes to be opened any letter which ought to have been delivered, or does any act whereby the due delivery of a letter to any person is prevented or impeded, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both :

Provided that nothing in this section shall apply to a person who does any act to which the section applies if he is a parent, or in the position of a parent or guardian, of the addressee, and the addressee is a minor or a ward.

General.

Penalty for abetting, or attempting to commit, offences under Act.

70. Whoever abets the commission of any offence punishable under this Act, or attempts to commit any offence so punishable, shall be punishable with the punishment provided for that offence.

Property in cases of offences to be laid in the post office.

71. In every prosecution for an offence in respect of a mail bag or of any postal article sent by post, it shall be sufficient, for the purpose of the charge, to describe the mail bag or postal article as being the property of the post office, and it shall not be necessary to prove that the mail bag or postal article was of any value.

Authority for prosecutions under certain sections of Act.

72. No Court shall take cognizance of an offence punishable under any of the provisions of sections 51, 53, 54, clauses (*a*) and (*b*), 55, 56, 58, 59, 61, 64, 65, 66 and 67 of this Act, unless upon complaint made by order of, or under authority from, the Director.

CHAPTER XI.

SUPPLEMENTAL.

District posts.

73. (*1*) The President of the Union may make rules for the management of any district post.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may declare what portions of this Act shall be applicable to district posts and to the persons employed in connection therewith.

General power to make rules and provisions as to rules under Act.

74. (*1*) In addition to the powers hereinbefore conferred, the President of the Union may make rules [1] to carry out any of the purposes and objects of this Act.

(*2*) In making any rule under this Act, the President of the Union may direct that a breach of it shall be punishable with fine which may extend to fifty rupees.

(*3*) All rules made by the President of the Union under this Act shall be published in the Gazette and, on such publication, shall have effect as if enacted by this Act.

Delegation of powers, other than rule-making powers, to Director.

75. The President of the Union may, by notification in the Gazette, authorize, either absolutely or subject to conditions, the Director to exercise any of the powers conferred upon the President of the Union by this Act, other than a power to make rules.

THE FIRST SCHEDULE. [2]

INLAND POSTAGE RATES.

(*See section 7.*)

ချော်စာများ။

	ပြား။
တိုလာချိန် ၁ ထက်မပိုလျှင်	၁၅
နောက်ထပ်တိုလာချိန် ၁၊ သို့တည်းမဟုတ် ၎င်း၏အစိတ်အပိုင်း	၇

စာပို့ကဒ်များ။

တစောင်လျှင်	၅
ပြန်စာအတွက်ပါ	၁၀

စာအုပ်ပုံစံနှင့် နမူနာအထုပ်များ။

ဝဋ္ဌမတိုလာချိန် ၅၊ သို့တည်းမဟုတ် ၎င်း၏အစိတ်အပိုင်း	၅
တိုလာချိန် ၅ ထက်ပိုသည့် နောက်ထပ်တိုလာချိန် ၂½၊ သို့တည်းမဟုတ် ၎င်း၏အစိတ်အပိုင်း	၃

မှတ်ပုံတင်ပြီး သတင်းစာများ။

တိုလာချိန် ၁၀ ထက်မပိုလျှင်	၂
တိုလာချိန် ၁၀ ထက်ပို၍ တိုလာချိန် ၂၀ ထက်မပိုလျှင်	၃
တိုလာချိန် ၂၀ ထက်ပိုသည့် တိုလာချိန် ၂၀ တိုင်း၊ သို့တည်းမဟုတ် ၎င်း၏အစိတ်အပိုင်း	၃

[1] For the Burma Post Office Rules, see *Burma Gazette*, 1941, Part, I, page 701.

[2] Inserted by the Finance Act, 1954, Act XXXV, 1954.
The Schedule is substituted every year by the Finance Act.

ပြား။

အထုပ်တခုတည်းတွင်ပါရှိသည့် တနေ့တည်းထုတ်မှတ်ပုံတင်ပြီးသတင်းစာ တစောင်ထက်ပိုသည့်အချက်တွင်—

တိုးလာချိန် ၁၀ ထက်မပိုလျှင်	....	....	၃
နောက်ထပ်တိုးလာချိန် ၅၊ သို့တည်းမဟုတ် ၎င်း၏အစိတ်အပိုင်း			၁

သို့ရာတွင် ထိုအထုပ်များကို လိပ်စာပါသူ၏ နေအိမ်သို့ မပို့ရ။ အသိအမှတ်ပြုထားသည့် ကိုယ်စားလှယ်အား စာပို့တိုက်၌ပေးအပ်ရမည်။

ပါဆယ်ထုပ်များ။

တိုးလာချိန် ၄၀ ထက်မပိုလျှင်	....	....	၄၀
တိုးလာချိန် ၈၀၀ ထိ၊ နောက်ထပ်တိုးလာချိန် ၄၀၊ သို့တည်းမဟုတ် ၎င်း၏အစိတ်အပိုင်း	....	....	၄၀

နိုင်ငံတွင်းစာပို့ကဒ်များ၊ ချောစာများနှင့် ငွေလွှဲလက်မှတ်များအတွက် နောက်ထပ်လေကြောင်းချောပို့ခများ။

စာပို့ကဒ်	....	....	၅
ချောစာအတွက် တိုးလာချိန် ၁၊ သို့တည်းမဟုတ် ၎င်း၏အစိတ်အပိုင်း	....	....	၅
နောက်ထပ် တိုးလာချိန် ၁၊ သို့တည်းမဟုတ် ၎င်း၏အစိတ်အပိုင်း	....	....	၅
ငွေလွှဲလက်မှတ်တစောင်လျှင်	....	....	၅

THE BURMA TELEGRAPH ACT.

CONTENTS.

PART I.

PRELIMINARY.

Sections.

1. Extent and application.
2. * * * *
3. Definitions.

PART II.

PRIVILEGES AND POWERS OF THE GOVERNMENT.

4. Exclusive privilege in respect of telegraphs, and power to grant licences.
5. Power for President to take possession of licensed telegraphs and to order interception of messages,

Sections.

6. Power to establish telegraph on land of railway company.
7. Power to make rules for the conduct of telegraphs.
8. Revocation of licences.
9. Government not responsible for loss or damage.

PART III.

POWER TO PLACE TELEGRAPH LINES AND POSTS.

10. Power for telegraph authority to place and maintain telegraph lines and posts.
11. Power to enter on property in order to repair or remove telegraph lines or posts.

Provisions applicable to Property vested in or under the Control or Management of Local Authorities.

12. Power for local authority to give permission under section 10, clause (*c*), subject to conditions.
13. Power for local authority to require removal or alteration of telegraph line or post.
14. Power to alter position of gas or water pipes or drains.
15. Disputes between telegraph authority and local authority.

Provisions applicable to other Property.

16. Exercise of powers conferred by section 10, and disputes as to compensation, in case of property other than that of a local authority.
17. Removal or alteration of telegraph line or post on property other than that of a local authority.

Provisions applicable to all Property.

18. Removal of trees interrupting telegraphic communication.
19. Telegraph lines and posts placed before the passing of this Act.
19A. Person exercising legal right likely to damage telegraph or interfere with telegraphic communication to give notice.
19B. Power to confer upon licensee powers of telegraph authority under this Part.

PART IV.

PENALTIES.

20. Establishing, maintaining or working unauthorized telegraph.
20A. Breach of condition of licence.
21. Using unauthorized telegraphs.

Sections.

22. Opposing establishment of telegraphs on railway land.
23. Intrusion into signal-room, trespass in telegraph office or obstruction.
24. Unlawfully attempting to learn contents of messages.
25. Intentionally damaging or tampering with telegraphs.
25A. Injury to or interference with a telegraph line or post.
26. Telegraph officer or other official making away with or altering or unlawfully intercepting or disclosing messages, or divulging purport of signals.
27. Telegraph officer fraudulently sending messages without payment.
28. Misconduct.
29. Sending fabricated message.
29A. Penalty.
30. Retaining a message delivered by mistake.
31. Bribery.
32. Attempts to commit offences,

PART V.

SUPPLEMENTAL PROVISIONS.

33. Power to employ additional police in places where mischief to telegraphs is repeatedly committed.

THE BURMA TELEGRAPH ACT.

[INDIA ACT XIII, 1885.] (1st October, 1885.)

Extent and application.

[1] **1.** This Act extends to the whole of the Union of Burma and applies also to all citizens of the Union wherever they may be.

2. * * * *

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

(1) " telegraph " means an electric, galvanic or magnetic telegraph, and includes appliances and apparatus for making, transmitting or receiving telegraphic, telephonic or other communications by means of electricity, galvanism or magnetism ;

(2) " telegraph officer " means any person employed either permanently or temporarily in connection with a telegraph established, maintained or worked by the Government or by a person licensed under, this Act.

---

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

(3) " message " means any communication sent by telegraph, or given to a telegraph officer to be sent by telegraph or to be delivered ;

(4) " telegraph line " means a wire or wires used for the purpose of a telegraph, with any casing, coating, tube or pipe enclosing the same, and any appliances and apparatus connected therewith for the purpose of fixing or insulating the same ;

(5) " post " means a post, pole, standard, stay, strut or other above-ground contrivance for carrying, suspending or supporting a telegraph line ;

(6) " telegraph authority " means the Director of Telecommunications[1], and includes any officer empowered by him to perform all or any of the functions of the telegraph authority under this Act ;

(7) " local authority " means any municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of any municipal or local fund.

PART II.

PRIVILEGES AND POWERS OF THE GOVERNMENT.

Exclusive privilege in respect of telegraphs, and power to grant licences.

4. (*1*) Within the Union of Burma, the President of the Union shall have the exclusive privilege of establishing, maintaining and working telegraphs :

Provided that the President of the Union may grant a licence, on such conditions and in consideration of such payments as he thinks fit, to any person to establish, maintain or work a telegraph within any part of the Union of Burma :

Provided further that the President of the Union may, by rules[2] made under this Act and published in the Gazette, permit, subject to such restrictions and conditions as he thinks fit, the establishment, maintenance and working—

(*a*) of wireless telegraphs on ships within Burman territorial waters, and

(*b*) of telegraphs other than wireless telegraphs within any part of the Union of Burma.

(*2*) The President of the Union may, by notification in the Gazette, delegate to the telegraph authority all or any of his powers under the first proviso to sub-section (*1*). The exercise by the telegraph authority of any power so delegated shall be subject to such restrictions and conditions as the President of the Union may, by the notification, think fit to impose.

---

[1] For the words "Director-General of Posts and Telegraphs", the words " Director of Telecommunications" were substituted by Act XXXVI, 1950.

[2] For the Burma Wireless (Territorial Waters) Rules, 1937, see *Burma Gazette* 1937, Part I, page 1335.

For the Burma Wireless (Foreign Aircraft) Rules, 1937, see *Burma Gazette* 1937, Part I, page 1336.

Power for President to take possession of licensed telegraphs and to order interception of messages.

5. (*1*) On the occurrence of any public emergency, or in the interest of the public safety, the President of the Union, or any officer specially authorized in this behalf by the President of the Union, may—

(*a*) take temporary possession of any telegraph established, maintained or worked by any person licensed under this Act ; or

(*b*) order that any message or class of messages to or from any person or class of persons or relating to any particular subject brought for transmission by, or transmitted or received by, any telegraph, shall not be transmitted, or shall be intercepted or detained, or shall be disclosed to the Government or an officer thereof mentioned in the order.

(*2*) If any doubt arises as to the existence of a public emergency, or whether any act done under sub-section (*1*) was in the interest of the public safety, a certificate signed by a Secretary to the Government shall be conclusive proof on the point.

Power to establish telegraph on land of railway company.

6. Any railway company, on being required so to do by the President of the Union, shall permit the Government to establish and maintain a telegraph upon any part of the land of the company, and shall give every reasonable facility for working the same.

Power to make rules for the conduct of telegraphs.

7. (*1*) The President of the Union may, from time to time, by notification in the Gazette, make rules [1] consistent with this Act for the conduct of all or any telegraphs established, maintained or worked by the Government or by persons licensed under this Act.

(*2*) Rules under this section may provide for all or any of the following among other matters, that is to say :—

(*a*) the rates at which, and the other conditions and restrictions subject to which, messages shall be transmitted ;

(*b*) the precautions to be taken for preventing the improper interception or disclosure of messages ;

(*c*) the period for which, and the conditions subject to which, telegrams and other documents belonging to, or being in the custody of, telegraph officers shall be preserved ; and

(*d*) the fees to be charged for searching for telegrams or other documents in the custody of any telegraph officer.

(*3*) When making rules for the conduct of any telegraph established, maintained or worked by any person licensed under this Act, the President

---

[1] For the Burma Telegraph Rules, see *Burma Gazette* 1941, Part I, page 481 ; and for the Burma Wireles Telegraph Ruless 1937, see *Burma Gazette* 1937, Part I, page 1337.

of the Union may, by the rules, prescribe fines for any breach of the same :

Provided that the fines so prescribed shall not exceed the following limits, namely :—

(i) when the person licensed under this Act is punishable for the breach, one thousand rupees, and in the case of a continuing breach, a further fine of two hundred rupees for every day after the first during the whole or any part of which the breach continues ;

(ii) when a servant of the person so licensed, or any other person, is punishable for the breach, one-fourth of the amounts specified in clause (i).

Revocation of licences.

8. The President of the Union may, at any time, revoke any licence granted under section 4 on the breach of any of the conditions therein contained, or in default of payment of any consideration payable thereunder.

Government not responsible for loss or damage.

9. The Government shall not be responsible for any loss or damage which may occur in consequence of any telegraph officer failing in his duty with respect to the receipt, transmission or delivery of any message ; and no such officer shall be responsible for any such loss or damage unless he causes the same negligently, maliciously or fraudulently.

PART III.

POWERS TO PLACE TELEGRAPH LINES AND POSTS.

Power for telegraph authority to place and maintain telegraph lines and posts.

10. The telegraph authority may, from time to time, place and maintain a telegraph line under, over, along or across, and posts in or upon, any immoveable property :

Provided that—

(*a*) the telegraph authority shall not exercise the powers conferred by this section except for the purposes of a telegraph established or maintained by the Government, or to be so established or maintained ;

(*b*) the Government shall not acquire any right other than that of user only in the property under, over, along, across, in or upon which the telegraph authority places any telegraph line or post ;

(*c*) except as hereinafter provided, the telegraph authority shall not exercise those powers in respect of any property vested in or under the control or management of any local authority, without the permission of that authority ; and

(*d*) in the exercise of the powers conferred by this section, the telegraph authority shall do as little damage as possible, and, when it has exercised those powers in respect of any property

other than that referred to in clause (*c*), shall pay full compensation to all persons interested for any damage sustained by them by reason of the exercise of those powers.

Power to enter on property in order to repair or remove telegraph lines or posts.

11. The telegraph authority may, at any time, for the purpose of examining, repairing, altering or removing any telegraph line or post, enter on the property under, over, along, across, in or upon which the line or post has been placed.

Provisions applicable to Property vested in or under the Control or Management of Local Authorities.

Power for local authority to give permission under section 10, clause (*c*), subject to conditions.

12. Any permission given by a local authority under section 10, clause (*c*), may be given subject to such reasonable conditions as that authority thinks fit to impose, as to the payment of any expenses to which the authority will necessarily be put in consequence of the exercise of the powers conferred by that section, or as to the time or mode of execution of any work, or as to any other thing connected with or relative to any work undertaken by the telegraph authority under those powers.

Power for local authority to require removal or alteration of telegraph line or post.

13. When, under the foregoing provisions of this Act, a telegraph line or post has been placed by the telegraph authority under, over, along, across, in or upon any property vested in or under the control or management of a local authority, and the local authority, having regard to circumstances which have arisen since the telegraph line or post was so placed, considers it expedient that it should be removed or that its position should be altered, the local authority may require the telegraph authority to remove it or alter its position, as the case may be.

Power to alter position of gas or water pipes or drains.

14. The telegraph authority may, for the purpose of exercising the power conferred upon it by this Act in respect of any property vested in or under the control or management of a local authority, alter the position thereunder of any pipe (not being a main) for the supply of gas or water, or of any drain (not being a main drain)

Provided that—

(*a*) when the telegraph authority desires to alter the position of any such pipe or drain, it shall give reasonable notice of its intention to do so, specifying the time at which it will begin to do so, to the local authority, and, when the pipe or drain is not under the control of the local authority, to the person under whose control the pipe or drain is;

(*b*) a local authority or person receiving notice under clause (*a*) may send a person to superintend the work, and the telegraph authority shall execute the work to the reasonable satisfaction of the person so sent.

Disputes between telegraph authority and local authority.

15. (*1*) If any dispute arises between the telegraph authority and a local authority in consequence of the local authority refusing the permission referred to in section 10, clause (*c*), or prescribing any condition under section 12, or in consequence of the telegraph authority omitting to comply with a requisition made under section 13, or otherwise in respect of the exercise of the powers conferred by this Act, it shall be determined by such officer as the President of the Union may appoint either generally or specially in this behalf.

(*2*) An appeal from the determination of the officer so appointed shall lie to the President of the Union; and the order of the President of the Union shall be final.

Provisions applicable to other Property.

Exercise of powers conferred by section 10, and disputes as to compensation, in case of property other than that of a local authority.

16. (*1*) If the exercise of the powers mentioned in section 10 in respect of property referred to in clause (*d*) of that section is resisted or obstructed, the District Magistrate may, in his discretion, order that the telegraph authority shall be permitted to exercise them.

(*2*) If, after the making of an order under sub-section (*1*), any person resists the exercise of those powers, or, having control over the property, does not give all facilities for their being exercised, he shall be deemed to have committed an offence under section 188 of the Penal Code.

(*3*) If any dispute arises concerning the sufficiency of the compensation to be paid under section 10, clause (*d*), it shall, on application for that purpose by either of the disputing parties in Rangoon to the Chief Judge of the [Rangoon City Civil Court][1] and elsewhere to the District Judge within whose jurisdiction the property is situate, be determined by him.

(*4*) If any dispute arises as to the persons entitled to receive compensation or as to the proportions in which the persons interested are entitled to share in it, the telegraph authority may pay into the Court of the Judge such amount as he deems sufficient, or, where all the disputing parties have in writing admitted the amount tendered to be sufficient or the amount has been determined under sub-section (*3*), that amount; and the Judge, after giving notice to the parties and hearing such of them as desire to be heard, shall determine the persons entitled to receive the compensation or, as the case may be, the proportions in which the persons interested are entitled to share in it.

(*5*) Every determination of a dispute by a Judge under sub-section (*3*) or sub-section (*4*) shall be final:

Provided that nothing in this sub-section shall affect the right of any person to recover by suit the whole or any part of any compensation paid by the telegraph authority from the person who has received the same.

---

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

Removal or alteration of telegraph line or post on property other than that of a local authority.

17. (*1*) When, under the foregoing provisions of this Act, a telegraph line or post has been placed by the telegraph authority under, over, along, across, in or upon any property, not being property vested in or under the control or management of a local authority, and any person entitled to do so desires to deal with that property in such a manner as to render it necessary or convenient that the telegraph line or post should be removed to another part thereof or to a higher or lower level or altered in form, he may require the telegraph authority to remove or alter the line or post accordingly :

Provided that, if compensation has been paid under section 10, clause (*d*), he shall, when making the requisition, tender to the telegraph authority the amount requisite to defray the expense of the removal or alteration, or half of the amount paid as compensation, whichever may be the smaller sum.

(*2*) If the telegraph authority omits to comply with the requisition, the person making it may apply to the District Magistrate within whose jurisdiction the property is situate to order the removal or alteration.

(*3*) A District Magistrate receiving an application under sub-section (*2*) may, in his discretion, reject the same or make an order, absolutely or subject to conditions, for the removal of the telegraph line or post to any other part of the property or to a higher or lower level, or for the alteration of its form; and the order so made shall be final.

Provisions applicable to all Property.

Removal of trees interrupting telegraphic communication

18. (*1*) If any tree standing or lying near a telegraph line interrupts, or is likely to interrupt, telegraphic communication, a Magistrate of the first or second class may, on the application of the telegraph authority, cause the tree to be removed or dealt with in such other way as he deems fit.

(*2*) When disposing of an application under sub-section (*1*), the Magistrate shall, in the case of any tree in existence before the telegraph line was placed award to the persons interested in the tree such compensation as he thinks reasonable, and the award shall be final.

Telegraph lines and posts placed before the passing of this Act.

19. Every telegraph line or post placed before the passing of this Act under, over, along, across, in or upon any property, for the purposes of a telegraph established or maintained by the Government, shall be deemed to have been placed in exercise of the powers conferred by, and after observance of all the requirements of, this Act.

Person exercising legal right likely to damage telegraph or interfere with telegraphic communication to give notice.

19A. (*1*) Any person desiring to deal in the legal exercise of a right with any property in such a manner as is likely to cause damage to a telegraph line or post which has been duly placed in accordance with the provisions of this Act, or to interrupt or interfere with telegraphic communication, shall give not less than one month's notice in writing of the intended exercise of such right to the telegraph authority, or to any telegraph officer whom the telegraph authority may empower in this behalf.

(*2*) If any such person without having complied with the provisions of sub-section (*1*) deals with any property in such a manner as is likely to cause damage to any telegraph line or post, or to interrupt or interfere with telegraphic

communication, a Magistrate of the first or second class may, on the application of the telegraph authority, order such person to abstain from dealing with such property in such manner for a period not exceeding one month from the date of his order and forthwith to take such action with regard to such property as may be in the opinion of the Magistrate necessary to remedy or prevent such damage, interruption or interference during such period.

(*3*) A person dealing with any property in the manner referred to in sub-section (*1*) with the *bonâ fide* intention of averting imminent danger of personal injury to himself or any other human being shall be deemed to have complied with the provisions of the said sub-section if he gives such notice of the intended exercise of the right as is in the circumstances possible, or where no such previous notice can be given without incurring imminent danger referred to above, if he forthwith gives notice of the actual exercise of such right to the authority or officer specified in the said sub-section.

Power to confer upon licensee powers of telegraph authority under this Part.

19B. The President of the Union may, by notification in the Gazette, confer upon any licensee under section 4, in respect of the extent of his licence and subject to any conditions and restrictions which the President of the Union may think fit to impose and to the provisions of this Part, all or any of the powers which the telegraph authority possesses under this Part with regard to a telegraph established or maintained by the Government or to be so established or maintained :

Provided that the notice prescribed in section 19A shall always be given to the telegraph authority or officer empowered to receive notice under section 19A (*1*).

PART IV.

PENALTIES.

Establishing, maintaining or working unauthorized telegraph.

20. (*1*) If any person establishes, maintains or works a telegraph within the Union of Burma in contravention of the provisions of section 4 or otherwise than as permitted by rules made under that section, he shall be punished, if the telegraph is a wireless telegraph, with imprisonment which may extend to three years, or with fine, or with both, and, in any other case, with a fine which may extend to one thousand rupees.

(*2*) Notwithstanding anything contained in the Code of Criminal Procedure, offences under this section in respect of a wireless telegraph shall, for the purposes of the said Code, be bailable and non-cognizable.

(*3*) When any person is convicted of an offence punishable under this section, the Court before which he is convicted may direct that the telegraph in respect of which the offence has been committed, or any part of such telegraph, be forfeited to [the State].[1]

Breach of condition of licence.

20A. If the holder of a licence granted under section 4 contravenes any condition contained in his licence, he shall be punished with fine which may

[1] Substituted for the words "His Majesty" by the Union of Burma (Adaptation of Laws) Order, 1948.

extend to one thousand rupees, and with a further fine which may extend to five hundred rupees for every week during which the breach of the conditions continues.

Using unauthorized telegraphs.

21. If any person, knowing or having reason to believe that a telegraph has been established or is maintained or worked in contravention of this Act, transmits or receives any message by such telegraph, or performs any service incidental thereto, or delivers any message for transmission by such telegraph, or accepts delivery of any message sent thereby, he shall be punished with fine which may extend to fifty rupees.

Opposing establishment of telegraphs on railway land.

22. If a railway officer neglects or refuses to comply with the provisions of section 6, he shall be punished with fine which may extend to one thousand rupees for every day during which the neglect or refusal continues.

Intrusion into signal-room, trespass in telegraph office or obstruction.

23. If any person—

(*a*) without permission of competent authority, enters the signal-room of a telegraph office of the Government, or of a person licensed under this Act, or

(*b*) enters a fenced enclosure round such a telegraph office in contravention of any rule or notice not to do so, or

(*c*) refuses to quit such room or enclosure on being requested to do so by any officer or servant employed therein, or

(*d*) wilfully obstructs or impedes any such officer or servant in the performance of his duty,

he shall be punished with fine which may extend to five hundred rupees.

Unlawfully attempting to learn contents of messages.

24. If any person does any of the acts mentioned in section 23 with the intention of unlawfully learning the contents of any message, or of committing any offence punishable under this Act, he may (in addition to the fine with which he is punishable under section 23) be punished with imprisonment for a term which may extend to one year.

Intentionally damaging or tampering with telegraphs.

25. If any person, intending—

(*a*) to prevent or obstruct the transmission or delivery of any message, or

(*b*) to intercept or to acquaint himself with the contents of any message, or

(*c*) to commit mischief,

damages, removes, tampers with or touches any battery, machinery, telegraph line, post or other thing whatever, being part of or used in or about any telegraph or in the working thereof,

he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

Injury to or interference with a telegraph line or post.

25A. If, in any case not provided for by section 25, any person deals with any property and thereby wilfully or negligently damages any telegraph line or post duly placed on such property in accordance with the provisions of this Act, he shall be liable to pay the telegraph authority such expenses (if any) as may be

incurred in making good such damage, and shall also, if the telegraphic communication is by reason of the damage so caused interrupted, be punishable with a fine which may extend to one thousand rupees :

Provided that the provisions of this section shall not apply where such damage or interruption is caused by a person dealing with any property in the legal exercise of a right if he has complied with the provisions of section 19A (*1*).

Telegraph officer or other official making away with or altering or unlawfully intercepting or disclosing messages, or divulging purport of signals.

26. If any telegraph officer, or any person not being a telegraph officer but having official duties connected with any office which is used as a telegraph office,—

(*a*) wilfully secretes, makes away with or alters any message which he has received for transmission or delivery, or

(*b*) wilfully and otherwise than in obedience to an order of the President of the Union, or of an officer specially authorized by the President of the Union to make the order, omits to transmit, or intercepts or detains, any message or any part thereof, or, otherwise than in pursuance of his official duty or in obedience to the direction of a competent Court, discloses the contents or any part of the contents of any message to any person not entitled to receive the same, or

(*c*) divulges the purport of any telegraphic signal to any person not entitled to become acquainted with the same,

he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

Telegraph officer fraudulently sending messages without payment.

27. If any telegraph officer transmits by telegraph any message on which the charge prescribed by the Government, or by a person licensed under this Act, as the case may be, has not been paid, intending thereby to defraud the Government or that person he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

Misconduct.

28. If any telegraph officer, or any person not being a telegraph officer but having official duties connected with any office which is used as a telegraph office, is guilty of any act of drunkenness, carelessness or other misconduct whereby the correct transmission or the delivery of any message is impeded or delayed, or if any telegraph officer loiters or delays in the transmission or delivery of any message, he shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Sending fabricated message.

29. If any person transmits or causes to be transmitted by telegraph a message which he knows to be false or fabricated, he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

Penalty.

29A. If any person, without due authority,—

(*a*) makes or issues any document of a nature reasonably calculated to cause it to be believed that the document has been issued by, or under the authority of, the Director of Telecommunications, or

(*b*) makes on any document any mark in imitation of, or similar to, or purporting to be, any stamp or mark of any telegraph office under the Director of Telecommunications, or a mark of a nature reasonably calculated to cause it to be believed that the document so marked has been issued by, or under the authority of, the Director of Telecommunications,

he shall be punished with fine which may extend to fifty rupees.

Retaining a message delivered by mistake.

30. If any person fraudulently retains, or wilfully secretes, makes away with or detains a message which ought to have been delivered to some other person, or, being required by a telegraph officer to deliver up any such message, neglects or refuses to do so, he shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

Bribery.

31. A telegraph officer shall be deemed a public servant within the meaning of sections 161, 162, 163, 164 and 165 of the Penal Code ; and in the definition of " legal remuneration " contained in the said section 161 the word " Government " shall, for the purposes of this Act, be deemed to include a person licensed under this Act.

Attempts to commit offences.

32. Whoever attempts to commit any offence punishable under this Act shall be punished with the punishment herein provided for the offence.

PART V.

SUPPLEMENTAL PROVISIONS.

Power to employ additional police in places where mischief to telegraphs is repeatedly committed.

33. (*1*) Whenever it appears to the President of the Union that any act causing or likely to cause wrongful damage to any telegraph is repeatedly and maliciously committed in any place, and that the employment of an additional police-force in that place is thereby rendered necessary, the President of the Union may send such additional police-force as he thinks fit to the place, and employ the same therein so long as, in the opinion of the President of the Union, the necessity of doing so continues.

(*2*) The inhabitants of the place shall be charged with the cost of the additional police-force, and the District Magistrate shall, subject to the orders of the President of the Union, assess the proportion in which the costs shall be paid by the inhabitants according to his judgment of their respective means.

(*3*) All moneys payable under sub-section (*2*) shall be recoverable either under the warrant of a Magistrate by distress and sale of the moveable property of the defaulter within the local limits of his jurisdiction, or by suit in any competent Court.

(*4*) The President of the Union may, by order in writing, define the limits of any place for the purposes of this section.

THE BURMA WIRELESS TELEGRAPHY ACT.

[INDIA ACT XVII, 1933.] (1st January, 1934.)

1. * * * *

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

(1) "wireless communication" means the making, transmitting or receiving of telegraphic, telephonic or other communications by means of electricity or magnetism without the use of wires or other continuous electrical conductors between the transmitting and the receiving apparatus ;

(2) "wireless telegraphy apparatus" means any apparatus, appliance, instrument or material used or capable of use in wireless communication, and includes any article determined by rule made under section 10 to be wireless telegraphy apparatus, but does not include any such apparatus, appliance, instrument or material commonly used for other electrical purposes, unless it has been specially designed or adapted for wireless communication or forms part of some apparatus, appliance, instrument or material specially so designed or adapted, nor any article determined by rule made under section 10 not to be wireless telegraphy apparatus ; and

(3) "prescribed" means prescribed by rules made under section 10.

3. Save as provided by section 4, no person shall possess wireless telegraphy apparatus except under and in accordance with a licence issued under this Act. Prohibition of possession of wireless telegraphy apparatus without licence.

4. The President of the Union may by rules made under this Act exempt any person or any class of persons from the provisions of this Act either generally or subject to prescribed conditions, or in respect of specified wireless telegraphy apparatus. Power of President to exempt persons from provisions of the Act.

5. The telegraph authority constituted under the Burma Telegraph Act shall be the authority competent to issue licences to possess wireless telegraphy apparatus under this Act, and may issue licences in such manner, on such conditions and subject to such payments as may be prescribed. Licences.

6. (*1*) Whoever possesses any wireless telegraphy apparatus in contravention of the provisions of section 3 shall be punished, in the case of the first offence, with fine which may extend to one hundred rupees, and, in the case of a second or subsequent offence, with fine which may extend to two hundred and fifty rupees. Offence and penalty.

(*2*) For the purposes of this section a Court may presume that a person possesses wireless telegraphy apparatus if such apparatus is under his ostensible charge, or is located in any premises or place over which he has effective control.

(*3*) If in the trial of an offence under this section the accused is convicted the Court shall decide whether any apparatus in respect of which an offence has been committed should be confiscated, and, if it so decides, may order confiscation accordingly.

Power of search.

7. (*1*) A Magistrate of the first class, or a Magistrate of the second class specially empowered by the President of the Union in this behalf, may issue a warrant for the search, at any time between sunrise and sunset, of any building, vessel or place in which he has reason to believe that any wireless telegraphy apparatus, in respect of which an offence punishable under section 6 has been committed, is kept or concealed.

(*2*) The officer to whom a search warrant under sub-section (*1*) is addressed may enter into any building, vessel or place mentioned in the warrant and seize any wireless telegraphy apparatus in respect of which he had reason to believe an offence under section 6 has been committed.

Apparatus confiscated or having no owner to be property of State.

8. All wireless telegraphy apparatus confiscated under the provisions of sub-section (*3*) of section 6, and all wireless telegraphy apparatus having no ostensible owner shall be the property of the [State].[1]

Power to Court to direct payment of fines to prescribed authority.

9. A Court inflicting a fine as punishment for any offence under section 6 or under the rules made under section 10 may direct that the amount of the fine or any part of it shall be paid to the prescribed authority to be utilised for the benefit of a Broadcasting Service approved in this behalf by the President of the Union.

Power of President to make rules.

10. (*1*) The President of the Union may, by notification in the Gazette, make rules [2] for the purpose of carrying into effect the provisions of this Act.

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

(i) determining that any article or class of article shall be or shall not be wireless telegraphy apparatus for the purposes of this Act ;

(ii) the exemption of persons or classes of persons under section 4 from the provisions of this Act ;

(iii) the manner of and the conditions governing the issue, renewal, suspension and cancellation of licences, the form of licences and the payments to be made for the issue and renewal of licences ;

---

[1] Substituted for the word "Crown" by the Union of Burma (Adaptation of Laws) Order 1948.

[2] For the Burma Wireless Telegraphy (Possession) Rules, see *Burma Gazette*, 1937, Part I, page 1344 ; for amendments, see *Burma Gazette*, 1940, Part I, page 494.

For the Burma Wireless Receiving Licence Rules, see *Burma Gazette*, 1940, Part I, page 494

(iv) the maintenance of records containing details of the acquisition and disposal by sale or otherwise of wireless telegraphy apparatus possessed by dealers in wireless telegraphy apparatus ;

(v) the conditions governing the sale of wireless telegraphy apparatus by dealers in and manufacturers of such apparatus ; and

(vi) determining the authority referred to in section 9.

(*3*) In making a rule under this section the President of the Union may direct that a breach of it shall be punishable with fine which may extend to one hundred rupees.

Saving of Burma Telegaph Act.

11. Nothing in this Act contained shall authorize the doing of anything prohibited under the Burma Telegraph Act, and no licence issued under this Act shall authorize any person to do anything for the doing of which a licence or permission under the Burma Telegraph Act is necessary.

B. ROADS, BRIDGES, FERRIES.

ခ။ ။လမ်းပန်း၊ တံတားနှင့်ကူးတို့မျှားဆိုင်ရာ။

THE HIGHWAYS ACT.

[BURMA ACT V, 1907.] (4th May, 1907.)

Application.

1. This Act shall apply to such local areas [1] as the President of the Union may, by notification, direct.

Power to make rules.

2. (*1*) The President of the Union may make rules for the regulation of traffic on public roads and places and for the preservation of the surface of such roads and places.

(*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*) prohibiting or restricting the use of vehicles of any particular class or description considered likely to cause damage or excessive wear to the surface of the roadway or to drop materials or obstructions thereon, and in particular, where a berm or side-track is provided, confining such vehicles to the berm or side-track during the dry season ;

(*b*) prohibiting or restricting the use of vehicles not provided with brakes of such character as may be required by the rules ;

(*c*) prohibiting or restricting the use of vehicles or animals which are of such a nature or in such a condition as to be likely to cause annoyance, inconvenience or danger to the public ;

(*d*) providing for the granting of licences to drive vehicles of any particular class or description, the fees chargeable in respect of

---

[1] This Act has been applied to several local areas.

such licences and the authority by which and the conditions upon which such licences may be granted, suspended and revoked ;

(*e*) prohibiting the driving of any such vehicles by unlicensed persons ;

(*f*) prohibiting the leaving of vehicles or animals unattended or in the charge of incompetent persons ;

(*g*) the speed at which vehicles or animals may be driven or ridden ;

(*h*) the rule of the road ;

(*i*) the registration of vehicles plying for hire, the fees chargeable in respect of such registration and the carrying of number or name plates on vehicles so registered ;

(*j*) prohibiting the driving or riding of vehicles or animals on footways or other places where their use may be attended with danger to the public ;

(*k*) prohibiting the halting of vehicles or animals at places other than the proper camps or refuges ;

(*l*) the carrying and use on vehicles and animals of a bell or other instrument for giving audible and sufficient warning of their approach or position ;

(*m*) the carrying of lights on vehicles between sunset and sunrise and the description of lights to be carried and the position in which they should be placed ;

(*n*) the stoppage of vehicles or animals when required by the police for the regulation of traffic or for other reasonable purpose ;

(*o*) the maximum weight or the number of passengers to be carried on each description of vehicle or animal ;

(*p*) empowering specified officers to issue notices requiring owners or occupiers of land—

(i) to lop the branches of any trees growing on such land and overhanging the road so as to cause obstruction or danger, and

(ii) to cut or trim any hedges or noxious vegetation, growing on such land, which may be considered likely to intercept a view of approaching traffic on the road, or any side road or other approach thereto, and

(iii) to remove from the road any branches, trimmings and vegetation lopped or cut by such owners or occupiers ;

(*q*) imposing on such owners or occupiers of land the duty to comply with such notices within a reasonable time, and authorizing such officers to lop, cut or trim such trees, hedges and vegetation in a case of default ;

(*r*) and generally the prevention of obstruction to traffic and of annoyance, danger or injury to the public.

(*3*) All rules made under this section shall be made after previous publication, and when made shall be finally published in the Gazette, and shall come into operation from the date of such final publication.

3. Any breach of any rule made under this Act may on conviction be punished with fine which may extend to fifty rupees, or, in the case of a second or subsequent conviction, to two hundred rupees. Penalties.

4. (*1*) Any police-officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his view a breach of any rule made under section 2, if the name and residence of such person be unknown to such officer and cannot be ascertained by him then and there. Arrest of offenders without warrant.

(*2*) When any such arrest has been made, the provisions of section 57, sub-sections (*2*) and (*3*), and sections 60 to 63 of the Code of Criminal Procedure shall apply.

THE TOLLS ACT.

[INDIA ACTS VIII, 1851 ; XV, 1864.] (4th July, 1851.)

1. * * * *

2. The President of the Union may cause such rates of toll, as he thinks fit, to be levied upon any road or bridge which has been, or shall hereafter be, made or repaired at the expense of the Government ; and may place the collection of such tolls under the management of such persons as may appear to him proper ; and all persons employed in the management and collection of such tolls shall be liable to the same responsibilities as would belong to them if employed in the collection of the land-revenue. Power to cause levy of tolls on roads and bridges and to appoint collectors. Collectors' responsibilities.

3. In case of non-payment of any such toll on demand, the officers appointed to collect the same may seize any of the carriages or animals on which it is chargeable, or any part of their burden of sufficient value to defray the toll, and, if any toll remains undischarged for twenty-four hours, with the cost arising from such seizure ; the case shall be brought before the officer appointed to superintend the collection of the said toll, who may sell the property seized for discharge of the toll, and all expenses occasioned by such non-payment, seizure and sale, and cause any balance that may remain to be returned, on demand, to the owner of the property ; and the said officer, on receipt of the property, shall forthwith issue a notice that, at noon of the next day, exclusive of Sunday or any close holiday, he will sell the property by auction : Their powers for recovery of toll.

Provided that, if, at any time before thes ale has actually begun, the person whose property has been seized shall tender the amount of all Release of seized propertyon

tender of dues

the expenses incurred and of double the toll payable by him, the said officer shall forthwith release the property seized.

Exemptions from payment of toll.

4. No tolls shall be paid for the passage of police-officers on duty, or of any person or property in their custody, or, in Upper Burma, of any person or property exempted by the President of the Union from payment of tolls, but no other exemption from payment of the toll levied under this Act shall be allowed.

Assistance of toll-collectors by police-officers.

5. All police-officers shall be bound to assist the toll-collectors, when required, in the execution of this Act ; and, for that purpose, shall have the same power which they have in the exercise of their common police-duties.

Penalty for offences under Act.

6. Every person, other than the persons appointed to collect the tolls under this Act, who shall levy or demand any toll on any public road or bridge, or for passing through any bazaar situated thereon, and also every person who shall unlawfully and extortionately demand or take any other or higher toll than the lawful toll, or under colour of this Act seize or sell any property knowing such seizure or sale to be unlawful, or in any manner unlawfully extort money or any valuable thing from any person under colour of this Act, shall be liable on conviction before a Magistrate to imprisonment for any term not exceeding six calendar months, or to fine not exceeding two hundred rupees, any part of which fine may be awarded by the Magistrate to the person aggrieved ; but this remedy shall not be deemed to bar or affect his right to have redress by suit in the civil Court.

Compensation to person aggrieved. Saving of his right to sue.

Exhibition of table of tolls, and statement of penalties.

7. A table of the tolls authorized to be taken at any toll-gate or station shall be put up in a conspicuous place near such gate or station legibly written or printed [in Burmese words and figures, and also in the language of the locality, if any,] [1] of the district, to which shall be annexed, written or printed in like manner a statement of the penalties for refusing to pay the tolls and for taking any unlawful toll.

Application of proceeds of tolls.

8. The tolls levied under this Act shall be deemed public revenue ; but the net proceeds thereof shall be applied wholly to the construction, repair and maintenance of roads and bridges within the Union of Burma.

Compounding of tolls.

9. Any person entrusted with the collection of tolls under this Act may compound (for any period not exceeding one year) with any person for a sum to be paid by such person for himself or for any vehicle or animal kept by him, in lieu of the rates of toll authorized to be levied under this Act.

---

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

THE TOLLS (ARMY) ACT.

[INDIA ACT II, 1901.] (1st April, 1901.)

[1] [* * * *]

1. * * * *

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

(*a*) " ferry " includes every bridge and other thing which is a ferry within the meaning of any enactment authorizing the levy of tolls on ferries, but does not include any ferry or other thing which is included in the definition of " railway " in section 3 of the Railways Act ;

[2] (*b*) the expression " the Burma forces" shall mean all forces subject to military or air force law and includes the Burma Reserve Forces when subject to military law ;

(*c*) " horse " includes a mule and any beast of whatever description which is used for burden or draught or for carrying persons ;

[2] (*d*) the expression " Burma Reserve Forces " means the Forces constituted under the Burma Reserve Forces Act and includes persons holding commissions in the Burma Army Reserve of Officers when called out in any military capacity ;

(*e*) " landing-place " includes a pier, wharf, quay, jetty and a stage, whether fixed or floating ;

(*f*) " local corps " means any corps which may be specified in this behalf by the President of the Union by notification ;

(*g*) " public authority " means the Government, the [Railway Administration] [2] or a local authority ; and so far as regards tolls levied by a railway company under section 51 of the Railways Act includes such a railway company ; and

(*h*) " tolls " include duties, dues, rates rents, fees and charges, but do not include customs-duties, octroi-duties or town-duties on the import of goods, or fares paid for the conveyance of passengers on a tramway.

3. The following persons and property, namely :— Exemptions from tolls.

(*a*) all officers, soldiers and airmen of—

(i) [the Burma Forces,] [2]

and all officers and soldiers of—

(ii) any local corps,

when on duty or on the march,

(*b*) all members of a corps of Volunteers when on duty or when proceeding to or returning from duty,

---

[1] The Preamble has been omitted by the Union of Burma (Adaptation of Laws) Order, 1948.
[2] Substituted *ibid.*

(*c*) all officers and soldiers of the [Burma Reserve Forces][1] when proceeding from their place of residence on being called out for training or service or when proceeding back to their place of residence after such training or service,

(*d*) all grass-cutters when employed in the service of--

(i) [the Burma Forces,] [1]

(ii) any local corps,

[2](iii) * * * *

(iv) any corps of Volunteers,

(*e*) all other authorized followers of—

(i) [the Burma Forces,] [1]

(ii) any local corps,

[2] (iii) * * * *

(iv) any corps of Volunteers,

when they accompany any body of such Forces, * * [2] or Volunteers or any members of such corps on the march, or when they are otherwise moving under the orders of military or air-force authority,

(*f*) all members of the families of officers, soldiers, airmen or authorized followers of—

(i) [the Burma Forces,] [1] or

(ii) any local corps,

when accompanying any body of troops, or any officer, soldier, airman or authorized follower thereof on duty or on the march,

(*g*) all prisoners under military or air-force escort,

(*h*) the horses and baggage, and the persons (if any) employed in carrying the baggage, of any persons exempted under any of the foregoing clauses, when such horses, baggage or persons accompany the persons so exempted under the circumstances mentioned in those clauses respectively,

(*i*) all carriages and horses belonging to [the State] [1] or employed in [the Burma] [1] military or air-force service and all persons in charge of or accompanying the same, when conveying any such persons as hereinbefore in this section mentioned, or when conveying baggage or stores, or when returning unladen from conveying such persons, baggage or stores,

(*j*) all carriages and horses, when moving under the orders of military or air-force authority for the purpose of being employed in [the Burma] [1] military or air-force service,

(*k*) all animals accompanying any body of troops which are intended to be slaughtered for food or kept for any purpose connected with the provisioning of such troops, and

---

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

[2] Omitted *ibid.*

(*l*) all persons in charge of any carriage, horse or animal exempted under any of the foregoing clauses when accompanying the same under the circumstances mentioned in those clauses respectively,

shall be exempted from payment of any tolls—

(i) on embarking or disembarking, or on being shipped or landed, from or upon any landing-place, or

(ii) in passing along or over any turnpike or other road or bridge, or

(iii) on being carried by means of any ferry,

otherwise demandable by virtue of any enactment or any rule or order of any public authority :

Provided that nothing in this section shall exempt any boats, barges or other vessels employed in conveying the said persons or property along any canal from payment of tolls in like manner as other boats, barges and vessels.

Tolls on vessels transporting troops and baggage, etc., of troops embarked or disembarked.

4. (*1*) No tolls shall be leviable by any local authority in respect of—

(*a*) any vessel employed by the Government solely for the transport of troops, or

(*b*) the horses, baggage or other effects of any troops embarking or disembarking at any port, or

(*c*) carriages belonging to [the State][1] or employed in [the Burma][1] military or air-force service embarking or disembarking at any port.

(*2*) In respect of all such vessels or troops, their families, their horses, baggage and their effects, or any such carriages as aforesaid, the local authority concerned shall, in addition to its duties in the embarking and disembarking of the same, perform and supply all such reasonable services and accommodation as may, from time to time, be required by the Government, and shall receive payment for all such services and accommodation on such terms and for such periods as may from time to time be determined by the Government in consultation with such local authority.

Penalty.

5. Any person who demands and receives any toll in contravention of the provisions of section 3 or section 4 shall be punishable with fine which may extend to fifty rupees.

Compensation.

6. (*1*) If any person claims compensation for any loss alleged to have been incurred owing to the operation of this Act, the claim shall be submitted to the President of the Union.

(*2*) On receiving any such claim, the President of the Union shall pass such order thereon as justice requires, and shall give all necessary directions for the purpose of ascertaining the facts of the case and of assessing the compensation, if any, to be paid.

---

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

Rules.

7. (*1*) The President of the Union may make rules to carry out the purposes and objects of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, the President of the Union may make rules providing for the form of passes to be given to persons or bodies of persons or in respect of property entitled to exemption from the payment of tolls under this Act.

(*3*) The power to make rules under this section is subject to the condition of the rules being made after previous publication.

(*4*) All rules made under this section shall be published in the Gazette and, on such publication, shall have effect as if enacted by this Act.

THE FERRIES ACT.

CONTENTS.

PART I.

PRELIMINARY.

Sections.

1-2. * * * *

3. Definitions

PART II.

PUBLIC FERRIES.

4. Power to declare and establish public ferries.
5. Control and superintendence of public ferries.
6. Superintendence may be vested in certain local bodies.
7. Letting public ferry tolls.
8. Recovery of arrears of rent.
9. Surrender of lease.
10. Prohibition of sub-letting.
11. Cancellation of lease with compensation.
12. Power to make rules.
13. Publication of rules.
14. Powers of Superintendent.
15. Exclusive privilege of public ferry.

PART III.

TOLLS.

16. Tolls.
17. Abatement of rent claimable in certain cases.

Sections.

18. Table of tolls.
19. Tolls, rents, etc., to be credited to local fund.

PART IV.

PENALTIES.

20. Penalty for failing to affix or for removing, altering or defacing table of tolls.
21. Penalty for taking unauthorized toll and for causing delay.
22. Cancellation of lease on default or breach of rules.
23. Cancellation of lease on failure to provide accommodation.
24. Power to take possession of boats, etc., on surrender or cancellation of lease.
25. Maintaining private ferry within prohibited limits.
26. Penalties on passengers offending.
27. Penalty for unauthorized plying.
28. Power to arrest without warrant.
29. Court may assess damage done.
30. Fines payable to lessee.
31. Power to try summarily.

PART V.

MISCELLANEOUS.

32. Delegation of powers.
33. Power to take possession of boats in case of public emergency.
34. Civil suits barred.

THE FERRIES ACT.

[BURMA ACT II, 1898.] (14th May, 1898.)

PART I.

PRELIMINARY.

1-2. * * * *

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

(1) "ferry" includes also a bridge of boats, pontoons or rafts, a swing bridge, a flying bridge and a temporary bridge, and the approaches to, and landing-places of, a ferry ;

(2) "Superintendent" means the authority vested with the immediate superintendence of a public ferry under section 5 or section 6, as the case may be ;

(3) "Deputy Superintendent" means any person appointed by the Superintendent under section 14, clause (*j*);

(4) "lessee" means a person to whom the right of levying tolls at a public ferry has been let under section 7;

(5) "Commissioner" and "Deputy Commissioner" mean, respectively, the Commissioner of the division and the Deputy Commissioner of the district in which a ferry is, under section 4, deemed to be situate;

(6) * * * *

(7) "toll-collector" means a person appointed by the Superintendent to levy tolls at a public ferry the right to levy the tolls of which has not been let under section 7; and

(8) "boat" includes a launch * * * * and a raft.

PART II.

PUBLIC FERRIES.

Power to declare and establish public ferries.

4. The President of the Union may, by notification,—

(*a*) declare what ferries shall be deemed public ferries and the respective districts in which they shall, for the purposes of this Act, be deemed to be situate;

(*b*) establish new public ferries where, in his opinion, they are necessary, and declare in what districts respectively they shall, for the purposes of this Act, be deemed to be situate;

(*c*) define and alter the limits of any public ferry;

(*d*) change the course of any public ferry;

(*e*) discontinue any public ferry which he deems unnecessary; and

(*f*) declare the proportions in which all tolls levied, moneys received under section 29 or by way of composition, and rents recovered, under this Act in respect of a public ferry, shall be credited to two or more funds.

Control and superintendence of public ferries.

5. (*1*) The control of all public ferries shall be vested in the Commissioner.

(*2*) The immediate superintendence of all public ferries shall, save as hereinafter provided, be vested in the Deputy Commissioner, and the Deputy Commissioner shall, except when the right to levy the tolls is leased, make all necessary arrangements for the supply of boats for such ferries and for the collection of the authorized tolls leviable thereat.

Superintendence may be vested in certain local bodies.

6. The President of the Union may, by notification, vest the immediate superintendence of any public ferry situate wholly or partly within the limits of a municipality or notified area or area subject to the authority of a District Council or any port in the Municipal or Town Committee or District Council thereof or in the authority of such port, as the case may be,

and may direct that all or any part of the tolls levied, moneys received under section 29 or by way of composition, and rents recovered under this Act in respect of such public ferry shall be credited to the Municipal or Town or District or Port Fund, as the case may be.

Letting public ferry tolls.

7. (*1*) The right to levy the tolls of any public ferry may be let by the Superintendent by public auction, subject to the rules (if any) made under section 12, clauses (*c*) and (*e*), or, with the previous sanction of the President of the Union, otherwise than by public auction :

Provided that, for reasons to be recorded by him in writing, any officer conducting a sale by auction under this section may refuse to accept the offer of the highest bidder and accept any other bid, or may withdraw from the auction.

(*2*) The lessee and his servants shall conform to the rules under this Act for the management and control of any public ferry of which the right to levy the tolls has been let to such lessee under this section, and shall obey all lawful orders issued to him or them by the Superintendent or Deputy Superintendent.

Recovery of arrears of rent.

8. (*1*) All fees, rents, penalties and other moneys due to the Government or to a Municipal or Town or District or Port Fund in respect of any lease or agreement to lease under this Act may be recovered from the lessee or his surety (if any) or from any person who has agreed to take a lease as if they were arrears of land-revenue.

(*2*) The President of the Union may make rules declaring on whose application and by whose order process shall issue for the recovery of any sum so due.

Surrender of lease.

9. The lessee may surrender his lease on the expiration of three months' notice in writing to the Superintendent and on payment of the rent for such three months.

Prohibition of sub-letting.

10. The lessee shall not transfer his lease without the permission in writing of the Superintendent.

Cancellation of lease with compensation.

11. (*1*) The President of the Union may cancel any lease under this Act on the expiration of six months' notice in writing to the lessee of his intention to cancel the same.

(*2*) When any lease is cancelled under sub-section (*1*), the Superintendent shall pay to the lessee such compensation as such Superintendent may, with the previous sanction of the Commissioner, think fit to award.

Power to make rules.

12. (*1*) The President of the Union may make rules, consistent with this Act,—.

(*a*) for the superintendence and management of all or any particular public ferries ;

(*b*) for regulating the traffic at such ferries ;

(*c*) prescribing the time and manner in which, and the terms on which, the right to levy the tolls of such ferries may be let ;

(*d*) regulating the manner in which a lease shall be dealt with in case of the death or insolvency of the lessee or of the attachment of his property ;

(*e*) for regulating the conduct of auctions and prescribing the persons by whom auctions may be conducted ;

(*f*) for compensating persons who have compounded for tolls when a public ferry has been discontinued before the expiration of the period compounded for and for recovering such compensation as if it were an arrear of land-revenue from the person who received the composition, and paying it to the persons entitled ;

(*g*) prescribing the circumstances under which the person in charge of a public ferry-boat may refuse to convey in it any passenger, animal, vehicle or thing ;

(*h*) for the regular maintenance of public ferry-boats in good condition for the safe conveyance of passengers and property ;

(*i*) for the submission of returns of traffic by the lessee or person in charge of a public ferry ; and

(*j*) generally, for carrying out the purposes and objects of this Act.

(*2*) In making any rule under sub-section (*1*), the President of the Union may direct that a breach of it shall be punishable with fine which may extend to fifty rupees.

Publication of rules.

13. Rules made under section 12 shall be published in such manner as the President of the Union may, by notification, prescribe.

Powers of Superintendent.

14. Subject to such rules as may be made under section 12 and to the control of the Commissioner, the Superintendent may, for each public ferry—

(*a*) fix the places of embarkation and debarkation ;

(*b*) fix the number and kinds of ferry-boats to be used, their dimensions and equipment, the number of crew for each ferry-boat, and the width of the bridges (if any) ;

(*c*) determine the maximum number of passengers, vehicles and animals and the maximum weight of goods to be carried in each ferry-boat at one trip ;

(*d*) regulate the times of opening and the construction and maintenance of pontoons, flying bridges, swing bridges, boat bridges, and temporary bridges ;

(*e*) appoint any person, by name or by virtue of his office, to inspect the ferry-boats and their equipment ;

(*f*) require the lessee (if any) to affix to each ferry-boat employed by him in the public ferry a distinguishing mark, or flag of a prescribed pattern, and to keep in a prescribed place a notice-board showing the maximum number of passengers, vehicles and ani mals and the maximum quantity of goods to be carried therein;

(*g*) fix the hours during which the public ferry shall ply, and the number of trips which the ferry-boat or boats shall make;

(*h*) require the lessee (if any) to maintain in a prescribed form, and, when so required by any officer authorized, by name or by virtue of his office, in this behalf by the Superintendent, to produce registers of passengers, vehicles, animals and goods conveyed;

(*i*) require the lessee (if any) to maintain weights, measures and scales for the weighment or measurement of goods; and

(*j*) appoint, by name or by virtue of his office, a person to be in charge of the ferry.

Exclusive privilege of public ferry.

15. No person shall ply a ferry-boat for hire or establish, maintain or work a ferry, or convey for hire any passenger, animal, vehicle or goods, between points both of which are within the limits of a public ferry, except with the sanction of the Superintendent or of the lessee of such public ferry:

Provided that the President of the Union may, by notification, exempt any persons or classes of persons from the operation of this section.

PART III.

TOLLS.

Tolls.

16. (*1*) Tolls, according to such rates as may from time to time be fixed by the Commissioner, shall be levied on all persons, animals, vehicles and goods conveyed at any public ferry.

(*2*) The President of the Union may from time to time, by notification, declare what persons, animals, vehicles or goods shall, when employed or transmitted on the public service, or for other sufficient reason, be exempt from payment of such tolls.

(*3*) The Commissioner may fix rates according to which persons may compound for the tolls payable during a quarter or other period.

(*4*) With the previous sanction of the Commissioner, the Superintendent may fix rates of toll for the use of any specially constructed landing-place by persons not liable to pay the tolls fixed under sub-section (*1*).

Abatement of rent claimable in certain cases.

17. Where the right to levy the tolls of any public ferry has been let by auction under section 7, any declaration made under sub-section (*2*) of the last foregoing section, if made after the date of the auction, shall entitle the lessee to such abatement of the rent payable in respect of the tolls as may be awarded by the Superintendent subject to appeal to the Commissioner.

Table of tolls.

18. The lessee or toll-collector of every public ferry shall affix a table of the tolls leviable under this Act, legibly written or printed in Burmese and in such vernacular language or languages as the Superintendent may prescribe, in a conspicuous position at each landing-place and in every ferry-boat, and shall be bound to produce on demand a list of such tolls signed by the Superintendent or by some person authorized by the Superintendent to sign the same on his behalf.

Tolls, rents, etc., to be credited to local fund.

19. All tolls levied, moneys received under section 29 or by way of composition, and rents recovered, under this Act shall, except in the cases provided for under powers conferred by sections 7 and 30, be credited—

(*a*) in the manner directed under section 4, clause (*f*), or

(*b*) in the manner directed under section 6, or

(*c*) * * * *

PART IV.

PENALTIES

Penalty for failing to affix or for removing, altering or defacing table of tolls.

20. Every lessee or toll-collector who—

(*a*) neglects to affix and keep in good order and repair the table of tolls mentioned in section 18, or

(*b*) wilfully removes, alters, or defaces such table, or allows it to become illegible, or

(*c*) fails to produce on demand the list of tolls mentioned in section 18, or

(*d*) neglects to keep any register or to furnish any return prescribed under section 12 or section 14, or

(*e*) commits a breach of any provision of this Act or of any rule thereunder for which no punishment is specially provided, or

(*f*) disobeys or fails to comply with any lawful order issued to him by the Superintendent or Deputy Superintendent,

shall be punishable with fine which may extend to twenty rupees.

Penalty for taking unauthorized toll and for causing delay.

21. Every lessee or toll-collector, or servant or agent of either, asking or taking more than the toll leviable under this Act, or without due cause delaying or interfering with any person, animal, vehicle or goods in lawful transit at a public ferry, shall be punishable with fine which may extend to fifty rupees.

Cancellation of lease on default or breach of rules.

22. When any lessee makes default in the payment of the rent or of any instalment thereof, or, having been convicted of an offence under section 20 or section 21, is again convicted of any such offence, the Superintendent may cancel the lease and make other arrangements for the working of the public ferry during the remainder of the term for which the right to levy tolls was let.

Cancellation of lease on failure to provide accommodation.

23. The Superintendent may, with the previous sanction of the Commissioner, cancel a lease granted under this Act if the lessee after fifteen days' notice fails to make due provision for the convenience or safety of the public.

Power to take possession of boats, etc., on surrender or cancellation of lease.

24. When the lease of the right to levy the tolls of a public ferry is surrendered or cancelled, the Superintendent may take possession of all boats and their equipments, and all other appliances used by the lessee, and may use them until he can procure substitutes, paying such hire for use of the same as the Commissioner may in each case direct.

Maintaining private ferry within prohibited limits.

25. Whoever plies a ferry-boat for hire, or establishes, maintains or works a ferry in contravention of the provisions of section 15 shall be punishable with fine which may extend to five hundred rupees, and, after a first conviction, with a further fine which may extend to one hundred rupees for every day during which such ferry-boat is plied for hire, or such ferry is maintained or worked by him in contravention of those provisions.

Penalties on passengers offending.

26. Whoever—

(*a*) refuses to pay the proper toll at a public ferry or on using a landing-place for which a toll has been fixed under section 16, sub-section (*4*), or

(*b*) fraudulently or forcibly evades, or attempts to evade, payment of toll due to any public ferry or any such landing-place as aforesaid, or

(*c*) obstructs any toll-collector or lessee, or any of his assistants in any way in the execution of his duty under this Act, or

(*d*) after being warned by any toll-collector, lessee or person in charge of a public ferry-boat or bridge not to do so, himself goes or takes any animals, vehicles or goods into any public ferry-boat or upon any bridge at a public ferry which is in such a state or so loaded as to endanger human life or property, or

(*e*) refuses or neglects to leave any such public ferry-boat or bridge or to remove any animals, vehicles or goods therefrom on being requested by such toll-collector, lessee or person in charge thereof to do so, or

(*f*) obstructs any part of a public ferry,

shall be punishable with fine which may extend to fifty rupees.

Penalty for unauthorized plying.

27. Whoever conveys for hire any passenger, animal, vehicle or goods in contravention of the provisions of section 15 shall be punishable with fine which may extend to fifty rupees.

Power to arrest without warrant.

28. Any police-officer may arrest without warrant any person committing an offence punishable under section 26 :

Provided that every person so arrested shall be released on his giving bail, or, if his true name and address are ascertained, on his executing a bond without sureties for his appearance before a Magistrate when required.

Court may assess damage done.

29. (*1*) The Court trying any offence under this Act may enquire into and assess the amount of the damage (if any) done or caused by the offender to the public ferry concerned, and shall order the amount so assessed to be paid by him in addition to any fine imposed upon him under this Act ; and the amount so ordered to be paid shall be leviable as if it were a fine.

(*2*) An appeal shall lie against every such order as if it were a sentence of fine passed under this Act.

Fines payable to lessee.

30. Where the right to levy the tolls of any public ferry has been let under section 7, the whole or any portion of fine realized under section 25, section 26

or section 27, and the whole or any portion of the amount realized under section 29 may, if the convicting Magistrate so directs, be paid to the lessee.

Power to try summarily.

31. Every Bench of Magistrates, invested under the Code of Crimina Procedure with power to try summarily the offences therein mentioned, shall also have power to try summarily any offence under this Act.

PART V.

MISCELLANEOUS.

Delegation of powers.

32. (*1*) The President of the Union may, by notification, delegate to the Commissioner, subject to such restrictions as he may think fit to prescribe, any of the powers conferred on him by this Act.

(*2*) The President of the Union may, by notification, confer upon a Municipal Committee or District Council, in respect of a public ferry of which the immediate superintendence is vested in such Municipal Committee or District Council under section 6, all or any of the powers conferred by this Act on the Commissioner.

Power to take possession of boats in case of public emergency.

33. When any boats or their equipments, or any materials or appliances suitable for setting up a ferry, are emergently required for facilitating the transport of troops, police or other persons on the business of [the Government][1], or of any animals, vehicles or goods attached or belonging to such troops or police or other persons as aforesaid, the Deputy Commissioner may take possession of and use the same until such transport is completed, paying such compensation or hire for the use of the same as the Commissioner may in each case direct.

Civil suits barred.

34. No suit to ascertain the amount of any compensation payable, or of any abatement of rent allowable, under this Act shall be brought in any civil Court.

C. CARRIERS.

ဂ။ ။သယ်ယူပို့ဆောင်ရေး။

THE CARRIERS ACT.

[INDIA ACT III, 1865.] (14th February, 1865.)

1. * * * *

Interpretation clause.

2. In this Act, unless there be something repugnant in the subject or context,—

"common carrier" denotes a person, other than the Government and any railway administration, engaged in the business of transporting for hire property from place to place, by land or inland navigation, for all persons indiscriminately.

---

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

3. No common carrier shall be liable for the loss of or damage to property delivered to him to be carried exceeding in value one hundred rupees and of the description contained in the Schedule to this Act, unless the person delivering such property to be carried, or some person duly authorized in that behalf, shall have expressly declared to such carrier or his agent the value and description thereof.

Carriers not to be liable for loss of certain good above one hundred rupees in value, unles delivered as such.

4. Every such carrier may require payment for the risk undertaken in carrying property exceeding in value one hundred rupees and of the description aforesaid, at such rate of charge as he may fix :

Provided that, to entitle such carrier to payment at a rate higher than his ordinary rate of charge, he shall have caused to be exhibited in the place where he carries on the business of receiving property to be carried, notice of the higher rate of charge required, printed or written in [Burmese and in such other language as the President of the Union may direct].[1]

For carryin such proper ty payment may be required at rates fixed by carrier.

5. In case of the loss or damage to property exceeding in value one hundred rupees and of the description aforesaid, delivered to such carrier to be carried, when the value and description thereof shall have been declared and payment shall have been required in manner provided for by this Act, the person entitled to recover in respect of such loss or damage shall also be entitled to recover any money actually paid to such carrier in consideration of such risk as aforesaid.

The pers on entitled to recover in respect of property lost or damaged may also re-cover mone paid for its carriage.

6. The liability of any common carrier for the loss of or damage to any property delivered to him to be carried, not being of the description contained in the Schedule to this Act, shall not be deemed to be limited or affected by any public notice ; but any such carrier may, by special contract, signed by the owner of such property so delivered as last aforesaid or by some person duly authorized in that behalf by such owner, limit his liability in respect of the same.

In respect of what property liability of carrier not limited or affected by public notice Carriers may limit liability by special con-tract.

7. * * * *

8. Notwithstanding anything hereinbefore contained, every common carrier shall be liable to the owner for loss of or damage to any property delivered to such carrier to be carried where such loss or damage shall have arisen from the criminal act of the carrier or any of his agents or servants and shall also be liable to the owner for loss or damage to any such property, other than property to which the provisions of section 3 apply and in respect of which the declaration required by that section has not been made, where such loss or damage has arisen from the negligence of the carrier or any of his agents or servants.

Common carrier liabl for loss or damage caused by neglect or fraud of himself or his agent

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

Plaintiffs, in suits for loss, damage or non-delivery, not required to prove negligence or criminal act.

9. In any suit brought against a common carrier for the loss, damage or non-delivery of goods entrusted to him for carriage, it shall not be necessary for the plaintiff to prove that such loss, damage or non-delivery was owing to the negligence or criminal act of the carrier, his servants or agents.

Notice of loss or injury to be given within six months.

10. No suit shall be instituted against a common carrier for the loss of, or injury to, goods entrusted to him for carriage, unless notice in writing of the loss or injury has been given to him before the institution of the suit and within six months of the time when the loss or injury first came to the knowledge of the plaintiff.

Power to President to add to the Schedule.

11. The President of the Union may, by notification in the Gazette, add to the list of articles contained in the Schedule to this Act, and the Schedule shall, on the issue of any such notification, be deemed to have been amended accordingly.

SCHEDULE.

Gold and silver coin.
Gold and silver in a manufactured or unmanufactured state.
Precious stones and pearls.
Jewellery.
Time-pieces of any description.
Trinkets.
Bills and hundis.
Currency notes or notes of any banks, or securities for payment of money, [local] [1] or foreign.
Stamps and stamped paper.
Maps, prints, and works of art.
Writings.
Title-deeds.
Gold or silver plate or plated articles.
Glass.
China.
Silk in a manufactured or unmanufactured state, and whether wrought up or not wrought up with other materials.
Shawls and lace.
Cloths and tissues embroidered with the precious metals or of which such metals form part.
Articles of ivory, ebony or sandal wood.
Art pottery and all articles made of marble.
Furs.
Government securities.
Opium.
Coral.

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

Musk, *itr*, sandal wood oil, and other essential oils used in the preparation of *itr* or other perfumes.
Musical and scientific instruments.
Feathers.
Narcotic preparations of hemp.
Crude india-rubber.
Jade, jade-stone and amber.
Cinematograph films and apparatus.

THE BURMA CARRIAGE OF GOODS BY SEA ACT.

[INDIA ACT XXVI, 1925.] (21st September, 1925.)

Preamble.

Whereas at the International Conference on Maritime Law held at Brussels in October, 1922, the delegates at the Conference, including the delegates representing His Britannic Majesty, agreed unanimously to recommend their respective Governments to adopt as the basis of a convention a draft convention for the unification of certain rules relating to bills of lading;

And whereas at a meeting held at Brussels in October, 1923, the rules contained in the said draft convention were amended by the Committee appointed by the said Conference ;

And whereas provision has been made by the Carriage of Goods by Sea Act, 1924, that the said rules as so amended and as set out with modifications in the Schedule shall, subject to the provisions of that Act, have the force of law with a view to establishing the responsibilities, liabilities, rights and immunities attaching to carriers under bills of lading ; 14 & 15 Geo. 5,c . 22.

And whereas it is expedient that like provision should be made in the Union of Burma ; It is hereby enacted as follows :—

1. * * * *

Application of Rules.

2. Subject to the provisions of this Act, the rules set out in the Schedule (hereinafter referred to as " the Rules ") shall have effect in relation to and in connection with the carriage of goods by sea in ships carrying goods from any port in the Union of Burma to any other port whether in or outside the Union of Burma.

Absolute warranty of seaworthiness not to be implied in contracts to which Rules apply.

3. There shall not be implied in any contract for the carriage of goods by sea to which the Rules apply any absolute undertaking by the carrier of the goods to provide a seaworthy ship.

Statement as to application of Rules to be included in bills of lading.

4. Every bill of lading, or similar document of title, issued in the Union of Burma which contains or is evidence of any contract to which the Rules apply, shall contain an express statement that it is to have effect subject to the provisions of the said Rules as applied by this Act.

Modification of Article VI of Rules in relation to goods carried in sailing ships and by prescribed routes.

5. Article VI of the Rules shall, in relation to—

(*a*) the carriage of goods by sea in sailing ships carrying goods from any port in the Union of Burma to any other port whether in or outside the Union of Burma, and

(*b*) the carriage of goods by sea in ships carrying goods from a port in the Union of Burma notified in this behalf in the Gazette by the President of the Union to a port in Ceylon specified in the said notification,

have effect as though the said Article referred to goods of any class instead of to particular goods and as though the proviso to the second paragraph of the said Article were omitted.

Modification of Rules 4 and 5 of Article III in relation to bulk cargoes.

6. Where under the custom of any trade the weight of any bulk cargo inserted in the bill of lading is a weight ascertained or accepted by a third party other than the carrier or the shipper and the fact that the weight is so ascertained or accepted is stated in the bill of lading, then, notwithstanding anything in the Rules, the bill of lading shall not be deemed to be *primâ facie* evidence against the carrier of the receipt of goods of the weight so inserted in the bill of lading, and the accuracy thereof at the time of shipment shall not be deemed to have been guaranteed by the shipper.

Saving and operation.

7. [1](*1*) Nothing in this Act shall affect the operation of any enactment for the time being in force limiting the liability of the owners of seagoing vessels.

(*2*) The Rules shall not by virtue of this Act apply to any contract for the carriage of goods by sea before the first day of January, 1926, nor to any bill of lading or similar document of title issued, whether before or after such day as aforesaid, in pursuance of any such contract as aforesaid.

SCHEDULE.

RULES RELATING TO BILLS OF LADING.

ARTICLE I.

Definitions.

In these Rules the following expressions have the meanings hereby assigned to them respectively, that is to say—

(*a*) "carrier" includes the owner or the charterer who enters into a contract of carriage with a shipper;

(*b*) "contract of carriage" applies only to contracts of carriage covered by a bill of lading or any similar document of title, in so far as such document relates to the carriage of goods by sea including any bill of lading or any similar document as aforesaid

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

issued under or pursuant to a charter party from the moment at which such bill of lading or similar document of title regulates the relations between a carrier and a holder of the same ;

(*c*) " goods " includes goods, wares, merchandises, and articles of every kind whatsoever, except live animals and cargo which by the contract of carriage is stated as being carried on deck and is so carried ;

(*d*) " ship " means any vessel used for the carriage of goods by sea ;

(*e*) " carriage of goods " covers the period from the time when the goods are loaded on to the time when they are discharged from the ship.

ARTICLE II.

Risks.

Subject to the provisions of Article VI, under every contract of carriage of goods by sea the carrier, in relation to the loading, handling, stowage, carriage, custody, care, and discharge of such goods, shall be subject to the responsibilities and liabilities, and entitled to the rights and immunities hereinafter set forth.

ARTICLE III.

Responsibilities and Liabilities.

1. The carrier shall be bound, before and at the beginning of the voyage, to exercise due diligence to—

(*a*) make the ship seaworthy ;

(*b*) properly man, equip, and supply the ship ;

(*c*) make the holds, refrigerating and cool chambers, and all other parts of the ship in which goods are carried, fit and safe for their reception, carriage and preservation.

2. Subject to the provisions of Article IV, the carrier shall properly and carefully load, handle, stow, carry, keep, care for and discharge the goods carried.

3. After receiving the goods into his charge, the carrier or the master or agent of the carrier, shall, on demand of the shipper, issue to the shipper a bill of lading showing among other things—

(*a*) the leading marks necessary for identification of the goods as the same are furnished in writing by the shipper before the loading of such goods starts, provided such marks are stamped or otherwise shown clearly upon the goods if uncovered, or on the cases or coverings in which such goods are contained, in such a manner as should ordinarily remain legible until the end of the voyage ;

(*b*) either the number of packages or pieces, or the quantity, or weight, as the case may be, as furnished in writing by the shipper ;

(*c*) the apparent order and condition of the goods :

Provided that no carrier, master or agent of the carrier, shall be bound to state or show in the bill of lading any marks, number, quantity, or weight which he has reasonable ground for suspecting not accurately to represent the goods actually received, or which he has had no reasonable means of checking.

4. Such a bill of lading shall be *primâ facie* evidence of the receipt by the carrier of the goods as therein described in accordance with paragraph 3 (*a*), (*b*) and (*c*).

5. The shipper shall be deemed to have guaranteed to the carrier the accuracy at the time of shipment of the marks, number, quantity, and weight, as furnished by him, and the shipper shall indemnify the carrier against all loss, damages, and expenses arising or resulting from inaccuracies in such particulars. The right of the carrier to such indemnity shall in no way limit his responsibility and liability under the contract of carriage to any person other than the shipper.

6. Unless notice of loss or damage and the general nature of such loss or damage be given in writing to the carrier or his agent at the port of discharge before or at the time of the removal of the goods into the custody of the person entitled to delivery thereof under the contract of carriage, or, if the loss or damage be not apparent, within three days, such removal shall be *primâ facie* evidence of the delivery by the carrier of the goods as described in the bill of lading.

The notice in writing need not be given if the state of the goods has at the time of their receipt been the subject of joint survey or inspection.

In any event the carrier and the ship shall be discharged from all liability in respect of loss or damage unless suit is brought within one year after delivery of the goods or the date when the goods should have been delivered.

In the case of any actual or apprehended loss or damage, the carrier and the receiver shall give all reasonable facilities to each other for inspecting and tallying the goods.

7. After the goods are loaded the bill of lading to be issued by the carrier, master or agent of the carrier, to the shipper shall, if the shipper so demands, be a " shipped " bill of lading, provided that, if the shipper shall have previously taken up any document of title to such goods, he shall surrender the same as against the issue of the " shipped " bill of lading, but at the option of the carrier, such document of title may be noted at the port of shipment by the carrier, master, or agent with the name or names of the ship or

ships upon which the goods have been shipped and the date or dates of shipment, and when so noted the same shall for the purpose of this Article be deemed to constitute a " shipped" bill of lading.

8. Any clause, covenant or agreement in a contract of carriage relieving the carrier or the ship from liability for loss or damage to or in connection with goods arising from negligence, fault or failure in the duties and obligations provided in this Article, or lessening such liability otherwise than as provided in these Rules, shall be null and void and of no effect.

A benefit of insurance or similar clause shall be deemed to be a clause relieving the carrier from liability.

ARTICLE IV.

Rights and Immunities.

1. Neither the carrier nor the ship shall be liable for loss or damage arising or resulting from unseaworthiness unless caused by want of due diligence on the part of the carrier to make the ship seaworthy, and to secure that the ship is properly manned, equipped and supplied, and to make the holds, refrigerating and cool chambers and all other parts of the ship in which goods are carried fit and safe for their reception, carriage and preservation in accordance with the provisions of paragraph 1 of Article III.

Whenever loss or damage has resulted from unseaworthiness the burden of proving the exercise of due diligence shall be on the carrier or other person claiming exemption under this section.

2. Neither the carrier nor the ship shall be responsible for loss or damage arising or resulting from—

(*a*) act, neglect, or default of the master, mariner, pilot, or the servants of the carrier in the navigation or in the management of the ship ;
(*b*) fire, unless caused by the actual fault or privity of the carrier ;
(*c*) perils, dangers and accidents of the sea or other navigable waters ;
(*d*) act of God ;
(*e*) act of war ;
(*f*) act of public enemies ;
(*g*) arrest or restraint of princes, rulers or people, or seizure under legal process ;
(*h*) quarantine restriction ;
(*i*) act or omission of the shipper or owner of the goods, his agent, or representative ;
(*j*) strikes or lock-outs or stoppage or restraint of labour from whatever cause, whether partial or general ;
(*k*) riots and civil commotions ;
(*l*) saving or attempting to save life or property at sea ;
(*m*) wastage in bulk or weight or any other loss or damage arising from inherent defect, quality, or vice of the goods ;

(*n*) insufficiency of packing ;
(*o*) insufficiency or inadequacy of marks ;
(*p*) latent defects not discoverable by due diligence ;
(*q*) any other cause arising without the actual fault or privity of the carrier, or without the fault or neglect of the agents or servants of the carrier, but the burden of proof shall be on the person claiming the benefit of this exception to show that neither the actual fault or privity of the carrier nor the fault or neglect of the agents or servants of the carrier contributed to the loss or damage.

3. The shipper shall not be responsible for loss or damage sustained by the carrier or the ship arising or resulting from any cause without the act, fault or neglect of the shipper, his agents or his servants.

4. Any deviation in saving or attempting to save life or property at sea, or any reasonable deviation shall not be deemed to be an infringement or breach of these Rules or of the contract of carriage, and the carrier shall not be liable for any loss or damage resulting therefrom.

5. Neither the carrier not the ship shall in any event be or become liable for any loss or damage to or in connection with goods in an amount exceeding 100*l*. per package or unit, or the equivalent of that sum in other currency, unless the nature and value of such goods have been declared by the shipper before shipment and inserted in the bill of lading.

This declaration if embodied in the bill of lading shall be *primâ facie* evidence, but shall not be binding or conclusive on the carrier.

By agreement between the carrier, master or agent of the carrier and the shipper another maximum amount than that mentioned in this paragraph may be fixed, provided that such maximum shall not be less than the figure above named,

Neither the carrier nor the ship shall be responsible in any event for loss or damage to or in connection with goods if the nature or value thereof has been knowingly mis-stated by the shipper in the bill of lading.

6. Goods of an inflammable, explosive or dangerous nature to the shipment whereof the carrier, master or agent of the carrier, has not consented with knowledge of their nature and character, may at any time before discharge be landed at any place or destroyed or rendered innocuous by the carrier without compensation, and the shipper of such goods shall be liable for all damages and expenses directly or indirectly arising out of or resulting from such shipment.

If any such goods shipped with such knowledge and consent shall become a danger to the ship or cargo, they may in like manner be landed at any place or destroyed or rendered innocuous by the carrier without liability on the part of the carrier except to general average, if any.

ARTICLE V.

Surrender of Rights and Immunities, and Increase of Responsibilities and Liabilities.

A carrier shall be at liberty to surrender in whole or in part all or any of his rights and immunities or to increase any of his responsibilities and liabilities under the Rules contained in any of these Articles, provided such surrender or increase shall be embodied in the bill of lading issued to the shipper.

The provisions of these Rules shall not be applicable to charter-parties, but if bills of lading are issued in the case of a ship under a charter-party they shall comply with the terms of these Rules. Nothing in these Rules shall be held to prevent the insertion in a bill of lading of any lawful provision regarding general average.

ARTICLE VI.

Special Conditions.

Notwithstanding the provisions of the preceding Articles, a carrier master or agent of the carrier, and a shipper shall in regard to any particular goods be at liberty to enter into any agreement in any terms as to the responsibility and liabil ty of the carrier for such goods, and as to the rights and immunities of the carrier in respect of such goods, or his obligation as to seaworthiness, so far as this stipulation is not contrary to public policy, or the care or diligence of his servants or agents in regard to the loading, handling, stowage, carriage, custody, care, and discharge of the goods carried by sea, provided that in this case no bill of lading has been or shall be issued and that the terms agreed shall be embodied in a receipt which shall be a non-negotiable document and shall be marked as such.

Any agreement so entered into shall have full legal effect :

Provided that this Article shall not apply to ordinary commercial shipments made in the ordinary course of trade, but only to other shipments where the character or condition of the property to be carried, or the circumstances, terms and conditions under which the carriage is to be performed, are such as reasonably to justify a special agreement.

ARTICLE VII.

Limitations on the Application of the Rules.

Nothing herein contained shall prevent a carrier or a shipper from entering into any agreement, stipulation, condition, reservation or exemption as to the responsibility and liability of the carrier or the ship for the loss or damage to or in connection with the custody and care and handling of goods prior to the loading on and subsequent to the discharge from the ship on which the goods are carried by sea.

ARTICLE VIII.

Limitation of liability.

The provisions of these Rules shall not affect the rights and obligations of the carrier under any statute for the time being in force relating to the limitation of the liability of owners of sea-going vessels.

ARTICLE IX.

The monetary units mentioned in these Rules are to be taken to be gold value.

THE BILLS OF LADING ACT.

[INDIA ACT IX, 1856.] (11th April, 1856.)

Preamble.

Whereas by the custom of merchants a bill of lading of goods being transferable by endorsement, the property in the goods may thereby pass to the endorsee, but nevertheless all rights in respect of the contract contained in the bill of lading continue in the original shipper or owner, and it is expedient that such rights should pass with the property ; And whereas it frequently happens that the goods in respect of which bills of lading purport to be signed have not been laden on board, and it is proper that such bills of lading in the hands of a *bonâ fide* holder for value should not be questioned by the master or other person signing the same, on the ground of the goods not having been laden as aforesaid ; It is enacted as follows :—

Rights under bills of lading to vest in consignee or endorsee.

1. Every consignee of goods named in a bill of lading, and every endorsee of a bill of lading to whom the property in the goods therein mentioned shall pass, upon or by reason of such consignment or endorsement shall have transferred to and vested in him all rights of suit, and be subject to the same liabilities in respect of such goods as if the contract contained in the bill of lading had been made with himself.

Not to affect right of stoppage *in transitu* or claims for freight.

2. Nothing herein contained shall prejudice or affect any right of stoppage *in transitu*,[1] or any right to claim freight against the original shipper or owner, or any liability of the consignee or endorsee by reason or in consequence of his being such consignee or endorsee, or of his receipt of the goods by reason or in consequence of such consignment or endorsement.

Bill of lading in hands of consignee, etc., conclusive evidence of the shipment

3. Every bill of lading in the hands of a consignee or endorsee for valuable consideration, representing goods to have been shipped on board a vessel, shall be conclusive evidence of such shipment as against the master or other person signing the same, notwithstanding that such goods or some part thereof may not have been so shipped, unless such holder of the bill of lading

[1] As to stoppage in transit, *see* sections 50 to 52 of the Sale of Goods Act (Volume X of this Code).

shall have had actual notice at the time of receiving the same that the goods had not in fact been laden on board : as against master, etc.

Provided that the master or other person so signing may exonerate himself, in respect of such misrepresentation, by showing that it was caused without any default on his part, and wholly by the fraud of the shipper or of the holder, or some person under whom the holder claims. Proviso.

THE BURMA CARRIAGE BY AIR ACT.

[INDIA ACT XX, 1934.] (18th February, 1935.)

Whereas a Convention for the unification of certain rules relating to international carriage by air (hereinafter referred to as the Convention) was, on the 12th day of October, 1929, signed at Warsaw ; It is hereby enacted as follows :— Preamble.

1. * * * *

2. (*1*) The rules contained in the First Schedule, being the provisions of the Convention relating to the rights and liabilities of carriers, passengers, consignors, consignees and other persons, shall, subject to the provisions of this Act, have the force of law in the Union of Burma in relation to any carriage by air to which those rules apply, irrespective of the nationality of the aircraft performing the carriage. Application of the Convention to the Union of Burma.

(*2*) The President of the Union may, by notification in the Gazette, certify who are the High Contracting Parties to the Convention, in respect of what territories they are parties, and to what extent they have availed themselves of the Additional Protocol to the Convention, and any such notification shall be conclusive evidence of the matters certified therein.

(*3*) Any reference in the First Schedule to the territory of any High Contracting Party to the Convention shall be construed as a reference to all the territories in respect of which he is a party.

[1](*3A*) Any reference in the First Schedule to the agents of the carrier shall be construed as including a reference to the servants of the carrier.

(*4*) Notwithstanding anything contained in the Fatal Accidents Act, or any other enactment or rule of law in force in any part of the Union of Burma, the rules contained in the First Schedule shall, in all cases to which those rules apply, determine the liability of a carrier in respect of the death of a passenger, and the rules contained in the Second Schedule shall determine the persons by whom and for whose benefit and the manner in which such liability may be enforced.

(*5*) Any sum in francs mentioned in rule 22 of the First Schedule shall, for the purpose of any action against a carrier, be converted into rupees at the rate of exchange prevailing on the date on which the amount of damages to be paid by the carrier is ascertained by the Court.

---

[1] Inserted by Act XXVIII, 1951.

Provisions regarding suits against High Contracting Parties who undertake carriage by air.

3. (*1*) Every High Contracting Party to the Convention who has not availed himself of the provisions of the Additional Protocol thereto shall, for the purposes of any suit brought in a Court in the Union of Burma in accordance with the provisions of rule 28 of the First Schedule to enforce a claim in respect of carriage undertaken by him, be deemed to have submitted to the jurisdiction of that Court and to be a person for the purposes of the Code of Civil Procedure.

(*2*) The High Court may make rules of procedure providing for all matters which may be expedient to enable such suits to be instituted and carried on.

(*3*) Nothing in this section shall authorize any Court to attach or sell any property of a High Contracting Party to the Convention.

Application of Act to carriage by air which is not international.

4. The President of the Union may, by notification in the Gazette, apply the rules contained in the First Schedule and any provision of section 2 to such carriage by air, not being international carriage by air as defined in the First Schedule, as may be specified in the notification, subject however to such exceptions, adaptations and modifications, if any, as may be so specified.

FIRST SCHEDULE.

(*See* section 2.)

RULES.

CHAPTER I.

SCOPE—DEFINITIONS.

1. (*1*) These rules apply to all international carriage of persons, luggage or goods performed by aircraft for reward. They apply also to such carriage when performed gratuitously by an air transport undertaking.

(*2*) In these rules "High Contracting Party" means a High Contracting Party to the Convention.

(*3*) For the purposes of these rules the expression "international carriage" means any carriage in which, according to the contract made by the parties, the place of departure and the place of destination, whether or not there be a break in the carriage or a transhipment, are situated either within the territories of two High Contracting Parties, or within the territory of a single High Contracting Party, if there is an agreed stopping place within a territory subject to the sovereignty, suzerainty, mandate or authority of another Power, even though that Power is not a party to the Convention. A carriage without such an agreed stopping place between territories subject to the soveerignty, suzerainty, mandate or authority of the same High Contracting Party is not deemed to be international for the purposes of these rules.

(*4*) A carriage to be performed by several successive air carriers is deemed, for the purposes of these rules, to be one undivided carriage, if it has been regarded by the parties as a single operation, whether it has been agreed

upon under the form of a single contract or of a series of contracts, and it does not lose its international character merely because one contract or a series of contracts is to be performed entirely within a territory subject to the sovereignty, suzerainty, mandate or authority of the same High Contracting Party.

2. (*1*) These rules apply to carriage performed by the State or by legally constituted public bodies provided it falls within the conditions laid down in rule 1.

(*2*) These rules do not apply to carriage per formed under the terms of any international postal Convention.

CHAPTER II.

DOCUMENTS OF CARRIAGE.

Part I.—Passenger ticket.

3. (*1*) For the carriage of passengers the carrier must deliver a passenger ticket which shall contain the following particulars :—

(*a*) the place and date of issue ;

(*b*) the place of departure, and of destination ;

(*c*) the agreed stopping places provided that the carrier may reserve the right to alter the stopping places in case of necessity, and that if he exercises that right the alteration shall not have the effect of depriving the carriage of its international character ;

(*d*) the name and address of the carrier or carriers ;

(*e*) a statement that the carriage is subject to the rules relating to liability contained in this Schedule.

(*2*) The absence, irregularity or loss of the passenger ticket does not affect the existence or the validity of the contract of carriage, which shall none the less be subject to these rules. Nevertheless, if the carrier accepts a passenger without a passenger ticket having been delivered he shall not be entitled to avail himself of those provisions of this Schedule which exclude or limit his liability.

Part II.—Luggage ticket.

4. (*1*) For the carriage of luggage, other than small personal objects of which the passenger takes charge himself, the carrier must deliver a luggage ticket.

(*2*) The luggage ticket shall be made out in duplicate one part for the passenger and the other part for the carrier.

(*3*) The luggage ticket shall contain the following particulars :—

(*a*) the place and date of issue ;

(*b*) the place of departure and of destination ;

(*c*) the name and address of the carrier or carriers ;

(*d*) the number of the passenger ticket ;

(*e*) a statement that delivery of the luggage will be made to the bearer of the luggage ticket ;

(*f*) the number and weight of the packages ;

(*g*) the amount of the value declared in accordance with rule 22 (*2*) ;

(*h*) a statement that the carriage is subject to the rules relating to liability contained in this Schedule.

(*4*) The absence, irregularity or loss of the luggage ticket does not affect the existence or the validity of the contract of carriage, which shall none the less be subject to these rules. Nevertheless, if the carrier accepts luggage without a luggage ticket having been delivered, or if the luggage ticket does not contain the particulars set out at (*d*), (*f*) and (*h*) of sub-rule (*3*), the carrier shall not be entitled to avail himself of those provisions of this Schedule which exclude or limit his liability.

Part III.—Air consignment note.

5. (*1*) Every carrier of goods has the right to require the consignor to make out and hand over to him a document called an " air consignment note "; every consignor has the right to require the carrier to accept this document.

(*2*) The absence, irregularity or loss of this document does not affect the existence or the validity of the contract of carriage, which shall, subject to the provisions of rule 9, be none the less governed by these rules.

6. (*1*) The air consignment note shall be made out by the consignor in three original parts and be handed over with the goods.

(*2*) The first part shall be marked " for the carrier, " and shall be signed by the consignor. The second part shall be marked " for the consignee "; it shall be signed by the consignor and by the carrier and shall accompany the goods. The third part shall be signed by the carrier and handed by him to the consignor after the goods have been accepted.

(*3*) The carrier shall sign an acceptance of the goods.

(*4*) The signature of the carrier may be stamped ; that of the consignor may be printed or stamped.

(*5*) If, at the request of the consignor, the carrier makes out the air consignment note, he shall be deemed, subject to proof to the contrary, to have done so on behalf of the consignor.

7. The carrier of goods has the right to require the consignor to make out separate consignment notes when there is more than one package.

8. The air consignment note shall contain the following particulars :—

(*a*) the place and date of its execution ;

(*b*) the place of departure and of destination ;

(*c*) the agreed stopping places, provided that the carrier may reserve the right to alter the stopping places in case of necessity, and that if he exercises that right the alteration shall not have the effect of depriving the carriage of its international character ;

(*d*) the name and address of the consignor ;
(*e*) the name and address of the first carrier ;
(*f*) the name and address of the consignee, if the case so requires ;
(*g*) the nature of the goods ;
(*h*) the number of the packages, the method of packing and the particular marks or numbers upon them ;
(*i*) the weight, the quantity and the volume or dimensions of the goods ;
(*j*) the apparent condition of the goods and of the packing ;
(*k*) the freight, if it has been agreed upon , the date and place of payment and the person who is to pay it ;
(*l*) if the goods are sent for payment on delivery, the price of the goods and, if the case so requires, the amount of the expenses incurred ;
(*m*) the amount of the value declared in accordance with rule 22 (2) ;
(*n*) the number of parts of the air consignment note ;
(*o*) the documents handed to the carrier to accompany the air consignment note ;
(*p*) the time fixed for the completion of the carriage and a brief note of the route to be followed, if these matters have been agreed upon ;
(*q*) a statement that the carriage is subject to the rules relating to liability contained in this Schedule.

9. If the carrier accepts goods without an air consignment note having been made out, or if the air consignment note does not contain all the particulars set out in rule 8 (*a*) to (*i*) inclusive and (*q*), the carrier shall not be entiled to avail himself of the provisions of this Schedule which exclude or limit his liability.

10. (*1*) The consignor is responsible for the correctness of the particulars and statements relating to the goods which he inserts in the air consignment note.

(*2*) The consignor will be liable for all damage suffered by the carrier or any other person by reason of the irregularity, incorrectness or incompleteness of the said particulars and statements.

11. (*1*) The air consignment note is *primâ facie* evidence of the conclusion of the contract, of the receipt of the goods and of the conditions of carriage.

(*2*) The statements in the air consignment note relating to the weight, dimensions and packing of the goods, as well as those relating to the number of packages, are *primâ facie* evidence of the facts stated ; those relating to the quantity, volume and condition of the goods do not constitute evidence against the carrier except so far as they both have been, and are stated in the air consignment note to have been, checked by him in the presence of the consignor, or relate to the apparent condition of the goods.

12. (*1*) Subject to his liability to carry out all his obligations under the contract of carriage, the consignor has the right to dispose of the goods by withdrawing them at the aerodrome of departure or destination, or by stopping them in the course of the journey on any landing, or by calling for them to be delivered at the place of destination or in the course of the journey to a person other than the consignee named in the air consignment note, or by requiring them to be returned to the aerodrome of departure. He must not exercise this right of disposition in such a way as to prejudice the carrier or other consignors and he must repay any expenses occasioned by the exercise of this right.

(*2*) If it is impossible to carry out the orders of the consignor the carrier must so inform him forthwith.

(*3*) If the carrier obeys the orders of the consignor for the disposition of the goods without requiring the production of the part of the air consignment note delivered to the latter, he will be liable, without prejudice to his right of recovery from the consignor, for any damage which may be caused thereby to any person who is lawfully in possession of that part of the air consignment note.

(*4*) The right conferred on the consignor ceases at the moment when that of the consignee begins in accordance with rule 13. Nevertheless, if the consignee declines to accept the consignment note or the goods, or if he cannot be communicated with, the consignor resumes his right of disposition.

13. (*1*) Except in the circumstances set out in rule 12, the consignee is entitled, on arrival of the goods at the place of destination, to require the carrier to hand over to him the air consignment note and to deliver the goods to him, on payment of the charges due and on complying with the conditions of carriage set out in the air consignment note.

(*2*) Unless it is otherwise agreed, it is the duty of the carrier to give notice to the consignee as soon as the goods arrive.

(*3*) If the carrier admits the loss of the goods, or if the goods have not arrived at the expiration of seven days after the date on which they ought to have arrived, the consignee is entitled to put into force against the carrier the rights which flow from the contract of carriage.

14. The consignor and the consignee can respectively enforce all the rights given them by rules 12 and 13, each in his own name, whether he is acting in his own interest or in the interest of another, provided that he carries out the obligations imposed by the contract.

15. (*1*) Rules 12, 13 and 14 do not affect either the relations of the consignor or the consignee with each other or the mutual relations of third parties whose rights are derived either from the consignor or from the consignee.

(*2*) The provisions of rules 12, 13 and 14 can only be varied by express provision in the air consignment note.

16. (*1*) The consignor must furnish such information and attach to the air consignment note such documents as are necessary to meet the formalities of customs, octroi or police before the goods can be delivered to the consignee. The consignor is liable to the carrier for any damage occasioned by the absence, insufficiency or irregularity of any such information or documents, unless the damage is due to the fault of the carrier or his agents.

(*2*) The carrier is under no obligation to enquire into the correctness or sufficiency of such information or documents.

CHAPTER III.

LIABILITY OF THE CARRIER.

17. The carrier is liable for damage sustained in the event of the death or wounding of a passenger or any other bodily injury suffered by a passenger, if the accident which caused the damage so sustained took place on board the aircraft or in the course of any of the operations of embarking or disembarking.

18. (*1*) The carrier is liable for damage sustained in the event of the destruction or loss of, or of damage to, any registered luggage or any goods, if the occurrence which caused the damage so sustained took place during the carriage by air.

(*2*) The carriage by air within the meaning of the preceding paragraph comprises the period during which the luggage or goods are in charge of the carrier, whether in an aerodrome or on board an aircraft, or, in the case of a landing outside an aerodrome, in any place whatsoever.

(*3*) The period of the carriage by air does not extend to any carriage by land, by sea or by river performed outside an aerodrome. If, however, such a carriage takes place in the performance of a contract for carriage by air, for the purpose of loading, delivery or transhipment, any damage is presumed, subject to proof to the contrary, to have been the result of an event which took place during the carriage by air.

19. The carrier is liable for damage occasioned by delay in the carriage by air of passengers, luggage or goods.

20. (*1*) The carrier is not liable if he proves that he and his agents have taken all necessary measures to avoid the damage or that it was impossible for him or them to take such measures.

(*2*) In the carriage of goods and luggage the carrier is not liable if he proves that the damage was occasioned by negligent pilotage or negligence in the handling of the aircraft or in navigation and that, in all other respects, he and his agents have taken all necessary measures to avoid the damage.

21. If the carrier proves that the damage was caused by or contributed to by the negligence of the injured person the Court may exonerate the carrier wholly or partly from his liability.

22. (*1*) In the carriage of passengers the liability of the carrier for each passenger is limited to the sum of 125,000 francs. Where damages may be awarded in the form of periodical payments, the equivalent capital value of the said payments shall not exceed 125,000 francs. Nevertheless, by special contract the carrier and the passenger may agree to a higher limit of liability.

(*2*) In the carriage of registered luggage and of goods, the liability of the carrier is limited to a sum of 250 francs per kilogram, unless the consignor has made, at the time when the package was handed over to the carrier, a special declaration of the value at delivery and has paid a supplementary sum if the case so requires. In that case the carrier will be liable to pay a sum not exceeding the declared sum, unless he proves that that sum is greater than the actual value to the consignor at delivery.

(*3*) As regards objects of which the passenger takes charge himself the liability of the carrier is limited to 5,000 francs per passenger.

(*4*) The sums mentioned in this rule shall be deemed to refer to the French franc consisting of 65½ milligrams gold of millesimal fineness 900.

23. Any provision tending to relieve the carrier of liability or to fix a lower limit than that which is laid down in these rules shall be null and void but nullity of any such provision does not involve the nullity of the whole contract, which shall remain subject to the provisions of this Schedule.

24. (*1*) In the cases covered by rules 18 and 19 any action for damages however founded, can only be brought subject to the conditions and limits set out in this Schedule.

(*2*) In the cases covered by rule 17 the provisions of sub-rule (*1*) also apply, without prejudice to the questions as to who are the persons who have the right to bring suit and what are their respective rights.

25. (*1*) The carrier shall not be entitled to avail himself of the provisions, of this Schedule which exclude or limit his liability, if the damage is caused by his wilful misconduct or by such default on his part as is in the opinion of the Court equivalent to wilful misconduct.

(*2*) Similarly the carrier shall not be entitled to avail himself of the said provisions, if the damage is caused as aforesaid by any agent of the carrier acting within the scope of his employment.

26. (*1*) Receipt by the person entitled to delivery of luggage or goods without complaint is *primâ facie* evidence that the same have been delivered in good condition and in accordance with the document of carriage.

(*2*) In the case of damage, the person entitled to delivery must complain to the carrier forthwith after the discovery of the damage, and, at the latest, within three days from the date of receipt in the case of luggage and seven days from the date of receipt in the case of goods. In the case of delay the complaint must be made at the latest within fourteen days from the date on which the luggage or goods have been placed at his disposal.

(*3*) Every complaint must be made in writing upon the document of carriage or by separate notice in writing despatched within the times aforesaid.

(*4*) Failing complaint within the times aforesaid, no action shall lie against the carrier, save in the case of fraud on his part.

27. In the case of the death of the person liable, an action for damages lies in accordance with these rules against those legally representing his estate.

28. An action for damages must be brought, at the option of the plaintiff, either before the Court having jurisdiction where the carrier is ordinarily resident or has his principal place of business, or has an establishment by which the contract has been made, or before the Court having jurisdiction at the place of destination.

29. The right of damages shall be extinguished if an action is not brought within two years, reckoned from the date of arrival at the destination, or from the date on which the aircraft ought to have arrived, or from the date on which the carriage stopped.

30. (*1*) In the case of carriage to be performed by various successive carriers and falling within the definition set out in sub-rule (*4*) of rule 1, each carrier who accepts passengers, luggage or goods is subjected to the rules set out in this Schedule, and is deemed to be one of the contracting parties to the contract of carriage in so far as the contract deals with that part of the carriage which is performed under his supervision.

(*2*) In the case of carriage of this nature, the passenger or his representative can take action only against the carrier who performed the carriage during which the accident or the delay occurred, save in the case where, by express agreement, the first carrier has assumed liability for the whole journey.

(*3*) As regards luggage or goods, the passenger or consignor will have a right of action against the first carrier, and the passenger or consignee who is entitled to delivery will have a right of action against the last carrier, and further, each may take action against the carrier who performed the carriage during which the destruction, loss, damage or delay took place. These carriers will be jointly and severally liable to the passenger or to the consignor or consignee.

CHAPTER IV.

PROVISIONS RELATING TO COMBINED CARRIAGE.

31. (*1*) In the case of combined carriage performed partly by air and partly by any other mode of carriage, the provisions of this Schedule apply only to the carriage by air, provided that the carriage by air falls within the terms of rule 1.

(*2*) Nothing in this Schedule shall prevent the parties in the case of combined carriage from inserting in the document of air carriage conditions relating to other modes of carriage, provided that the provisions of this Schedule are observed as regards the carriage by air.

CHAPTER V.

GENERAL AND FINAL PROVISIONS.

32. Any clause contained in the contract and all special agreements entered into before the damage occurred by which the parties purport to infringe the rules laid down by this Schedule, whether by deciding the law to be applied or by altering the rules as to jurisdiction, shall be null and void. Nevertheless for the carriage of goods arbitration clauses are allowed, subject to these rules, if the arbitration is to take place in the territory of one of the High Contracting Parties within one of the jurisdictions referred to in rule 28.

33. Nothing contained in this Schedule shall prevent the carrier either from refusing to enter into any contract of carriage, or from making regulations which do not conflict with the provisions of this Schedule.

34. This Schedule does not apply to international carriage by air performed by way of experimental trial by air navigation undertakings with the view to the establishment of a regular line of air navigation, nor does it apply to carriage performed in extraordinary circumstances outside the normal scope of an air carrier's business.

35. The expression " days " when used in these rules means current days, not working days.

36. When a High Contracting Party has declared at the time of ratification of or of accession to the Convention that the first paragraph of Article 2 of the Convention shall not apply to international carriage by air performed directly by the State, its colonies, protectorates or mandated territories or by any other territory under its sovereignty, suzerainty or authority, these rules shall not apply to international carriage by air so performed.

SECOND SCHEDULE.

(*See* section 2.)

PROVISIONS AS TO LIABILITY OF CARRIERS IN THE EVENT OF THE DEATH OF A PASSENGER.

1. The liability shall be enforceable for the benefit of such of the members of the passenger's family as sustained damage by reason of his death.

In this rule the expression " member of a family" means wife or husband, parent, step-parent, grandparent, brother, sister, half-brother, half-sister, child, step-child, grandchild :

Provided that, in deducing any such relationship as aforesaid any illegitimate person and any adopted person shall be treated as being, or as having been, the legitimate child of his mother and reputed father or, as the case may be, of his adopters.

2. An action to enforce the liability may be brought by the personal representative of the passenger or by any person for whose benefit the liability is under the last preceding rule enforceable, but only one action shall be brought in the Union of Burma in respect of the death of any one passenger, and every such action by whomsoever brought shall be for the benefit of all such persons so entitled as aforesaid, [as either are citizens of the Union or, not being citizens][1], express a desire to take the benefit of the action.

3. Subject to the provisions of the next succeeding rule the amount recovered in any such action, after deducting any costs not recovered from the defendant, shall be divided between the persons entitled in such proportions as the Court may direct.

4. The Court before which any such action is brought may at any stage of the proceedings make any such order as appears to the Court to be just and equitable in view of the provisions of the First Schedule to this Act limiting the liability of a carrier and of any proceedings which have been, or are likely to be, commenced outside the Union of Burma in respect of the death of the passenger in question.

ပြည်ထောင်စု မြန်မာနိုင်ငံ လေကြောင်း သယ်ယူဆိုင်ရေး အဖွဲ့ အက်ဥပဒေ။

[၁၉၅၂ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၃၉။] (၁၉၅၃ ခု၊ အောက်တိုဘာလ ၁ ရက်။)

အောက်ပါအတိုင်း၊ အက်ဥပဒေအဖြစ် ပြဋ္ဌာန်းလိုက်သည်။

အခန်း ၁။

စကားချီး။

၁။ ။(၁) ဤအက်ဥပဒေကို ၁၉၅၂ ခုနှစ်၊ ဖြည်ထောင်စု မြန်မာနိုင်ငံလေကြောင်း သယ်ယူဆိုင်ဆောင်ရေးအဖွဲ့ အက်ဥပဒေဟုခေါ်ရမည်။

(၂) ဤအက်ဥပဒေသည်၊ နိုင်ငံတော်သမတက၊ အမိန့်ကြော်ငြာစာထုတ်ပြန်သတ်မှတ်သည့်နေ့[2] တွင်၊ စတင်အာဏာတည်ရမည်။

၂။ ။ဤအက်ဥပဒေတွင်၊ ဖွဲ့နောက် စကား တို့၏ အဓိပ္ပါယ်ကို ထောက်ထားရန် မလိုလျှင်—

(က) "အဖွဲ့" ဆိုသည်မှာ၊ ပုဒ်မ ၃ အရ၊ ဖွဲ့စည်းသည့် ပြည်ထောင်စု မြန်မာ နိုင်ငံလေကြောင်းသယ်ယူဆိုင်ဆောင်ရေး အဖွဲ့ကိုဆိုလိုသည်။

---

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

[2] ၁၉၅၃ ခု၊ အောက်တိုဘာလ ၁ ရက်။ ။မြန်မာနိုင်ငံပြဋ္ဌာန်းတမ်း၊ ၁၉၅၃ ခု။ အပိုင်း ၁၊ စာမျက်နှာ ၁၄၅၃ တွင်ကြည့်။

(ခ) "ပြဋ္ဌာန်းသည့်" ဆိုသည်မှာဤအက်ဥပဒေဖြင့်သော်၎င်း၊ ဤအက်ဥပဒေအရဖြစ်သည့်နည်းဥပဒေများဖြင့်၊ သို့တည်းမဟုတ် စည်းကမ်း ဥပဒေဟူး ဖြင့်သော်၎င်း ပြဋ္ဌာန်းသည်ကို ဆိုလိုသည်။

(ဂ) "နိုင်ငံတော်သမတ" ဆိုသည်မှာ၊ ပြည်ထောင်စုမြန်မာနိုင်ငံ၏ သမတကိုဆိုလိုသည်။

အခန်း ၂။

အဖွဲ့-ဖွဲ့စည်းပုံ။

၃။ ။(၁) "ပြည်ထောင်စုမြန်မာနိုင်ငံ လေကြောင်း သယ်ယူပို့ဆောင်ရေး အဖွဲ့" ဟူသော အမည်ဖြင့် အဖွဲ့တခုကို နိုင်ငံတော်သမတက ဖွဲ့စည်းရမည်။

(၂) အဖွဲ့သည်၊ စဉ်ဆက်မပြတ် ဆက်ခံဆောင်ရွက်နိုင်ခွင့်နှင့်တကွ၊ အဖွဲ့ပိုင်တံဆိပ်တခုရှိသော တရားဝင်အဖွဲ့ဖြစ်ရမည့်ပြင်၊ အဆိုပါအမည်ဖြင့်၊ တရားစွဲဆိုနိုင်၍ တရားစွဲဆိုခြင်းကိုလည်းခံရမည်။

(၃) ၁၉၄၇ ခုနှစ်၊ အရေးကြီးသောကုန်စည်ပစ္စည်းများနှင့် ဆောင်ရွက်မှုများဆိုင်ရာ အက်ဥပဒေ (The Essential Supplies and Services Act, 1947) အရ၊ ပြုလုပ်သည့်၊ ၁၉၅၀ ပြည့် နှစ်၊ ပြည် ထောင်စု မြန် မာ နိုင်ငံ လေ ကြောင်း သယ် ယူပို့ ဆောင်ရေး အမိန့် (The Union of Burma Airways Order, 1950) အရ၊ ဖွဲ့စည်းထားသော ပြည်ထောင်စုမြန်မာနိုင်ငံ လေကြောင်းသယ်ယူပို့ဆောင်ရေး အဖွဲ့ပိုင် ပစ္စည်းနှင့်ကြေးမြီ တာဝန်အားလုံးကို၊ အဖွဲ့ကဆက်ခံရမည့်ပြင်၊ အဆိုပါ မြန်မာနိုင်ငံ လေကြောင်း သယ်ယူပို့ဆောင်ရေး အဖွဲ့က ချုပ်ဆိုခဲ့သည့် ဝဋ္ဌညာဉ်အားလုံးကိုလည်း အဖွဲ့ကပင်၊ ချုပ်ဆိုသည်ဟု မှတ်ယူရမည်။

၄။ ။(၁) အဖွဲ့တွင်၊ နိုင်ငံတော်သမတက။ ခန့်ထားရမည့် ဥက္ကဋ္ဌနှင့်ခြောက်ဦးထက်မပိုသော၊ အခြားအဖွဲ့ဝင်များ ပါဝင်ရမည်။ ဥက္ကဋ္ဌသည်၊ အချိန်ပြည့်တာဝန် ဝတ်တရားဆောင်ရွက်ရမည်။

(၂) အဖွဲ့တွင်ပါဝင်သည် ခြောက်ဦးထက်မပိုသော အခြားအဖွဲ့ဝင်များအနက်၊ နှစ်ဦးသည်၊ အောက်ပါပုဂ္ဂိုလ်များဖြစ်ရမည်။

(က) ဘဏ္ဍာရေးနှင့် အခွန်တော်ဝန်ကြီးဌာနမှ ကိုယ်စားလှယ်။

(ခ) သယ်ယူ ပို့ဆောင်ရေးနှင့် လမ်းပန်း ဆက်သွယ် ရေးဝန်ကြီးဌာနမှ ကိုယ်စားလှယ်။

၅။ ။(၁) ပုဂ္ဂိုလ်တဦးကို၊ အဖွဲ့ဝင်အဖြစ်ခန့်ထားခြင်း၊ ထိုပုဂ္ဂိုလ်မှာ အဖွဲ့ဝင်အဖြစ် မိမိအလုပ်ဝတ်တရားများဆောင်ရွက်ခြင်းကို ထိခိုက်စွမ်းရာရှိသည့်၊ ငွေရေးကြေးရေး၊ အကျိုးသက်ဆိုင်ခွင့်၊ သို့တည်းမဟုတ် အခြားအကျိုးသက်ဆိုင်ခွင့်ရှိမည်မဟုတ်ဟု နိုင်ငံတော်သမတက ကျေနပ်ရမည့်ပြင်၊ အဖွဲ့ဝင်တဦးဦး၌၊ ထိုသို့သောအကျိုးသက်ဆိုင်ခွင့် မရှိဟူ၍လည်း နိုင်ငံတော်သမတက၊ အခါအားလျော်စွာ မိမိကျေနပ်အောင်ပြုလုပ်ရမည်။

(၂) အဖွဲ့ကပြုလုပ်သည့်၊ သို့တည်းမဟုတ် ပြုလုပ်ရန်ကြံ ရွယ်သည့် ပဋိညာဉ်၊ ရောင်းမှု၊ သို့တည်းမဟုတ် စယ်မှုတခုခုတွင် တိုက်ရိုက်ဖြစ်စေ၊ သွယ်ဝိုက်၍ဖြစ်စေ၊ တနည်းနည်းဖြင့်အကျိုးသက်ဆိုင်သည့်အဖွဲ့ဝင်သည်၊ မိမိမည်သို့အကျိုးသက်ဆိုင်ကြောင်းကို အဖွဲ့အစည်းအဝေးတွင် ထုတ်ဖော်ပြောဆိုရမည်။ ထိုသို့တုတ်ဖော်ပြောဆိုချက်ကို၊ အဖွဲ့အ စည်း အဝေး မှတ် တမ်း များ တွင်ရေး

မှတ်ထားရမည်။ ထို့ဖြင့်၊ ထိုအဖွဲ့ဝင်သည်၊ ထိုပဋိညာဉ်နှင့်၊ သို့တည်းမဟုတ် ထိုရောင်းမှုနှင့်၊ သို့တည်းမဟုတ် ထိုငယ်မှုနှင့်စပ်လျဉ်း၍၊ အဖွဲ့ကဆွေးနွေးရာတွင်၊ သို့တည်းမဟုတ်ဆုံးဖြတ်ရာတွင် မပါဝင်ရ။

(၃) ဥက္ကဋ္ဌမှတပါး၊ အခြားအဖွဲ့ဝင်တဦးဦးမှာ၊ အကျိုးသက်ဆိုင်ခွင့်ရှိမရှိဆုံးဖြတ်ရန် ပြဿနာပေါ်ပေါက်လျှင်၊ ဥက္ကဋ္ဌ၏ဆုံးဖြတ်ချက်သည် အပြီးအပြတ်အတည် ဖြစ်ရမည်။ ဥက္ကဋ္ဌနှင့် ပတ်သက်၍၊ ထိုပြဿနာမျိုးပေါ်ပေါက်လျှင်၊ နိုင်ငံတော်သမတ၏ဆုံးဖြတ်ချက်သည်၊ အပြီးအပြတ် အတည်ဖြစ်ရမည်။

၆။ ။ဥက္ကဋ္ဌ၏၊သို့တည်းမဟုတ် အဖွဲ့ဝင်တဦး၏ရာထူးသက်တမ်းသည်၊ နိုင်ငံတော်သမတက၊ ပြဋ္ဌာန်းသည့်အတိုင်းဖြစ်ရမည်။ ဥက္ကဋ္ဌသည်၊ သို့တည်းမဟုတ် အဖွဲ့ဝင်တဦးသည်၊ ဥက္ကဋ္ဌအဖြစ်၊ သို့တည်းမဟုတ် အဖွဲ့ဝင်အဖြစ်ဆက်လက်ဆောင်ရွက်ရန်မသင့်လျော်ဟု နိုင်ငံတော်သမတက ယူဆသည့်အခါ၊ ထိုဥက္ကဋ္ဌကို၊ သို့တည်းမဟုတ် ထိုအဖွဲ့ဝင်ကို၊ နိုင်ငံတော်သမတကရာထူးမှထုတ်ပယ်နိုင်ရမည်။

၇။ ။အစိုးရအရာရှိမဟုတ်သည့်အဖွဲ့ဝင်များနှင့် လက်အောက်အဖွဲ့ဝင်များအား နိုင်ငံတော်သမတက၊ ပြဋ္ဌာန်းသည့်အခမျာနှင့်စရိတ်ကြေးငွေများပေးရမည့်။

၈။ ။(၁) သေဆုံး၍ဖြစ်စေ၊ ရာထူးမှနုတ်ထွက်၍ဖြစ်စေ၊ ရာထူးမှထုတ်ပယ်ခြင်းခံရ၍ ဖြစ်စေ၊ အခြားအကြောင်းကြောင့်ဖြစ်စေ၊ အဖွဲ့ဝင်ရာထူးလစ်လပ်သည့်အခါ၊ ထိုလစ်လပ်သည့်နေရာတွင် အဖွဲ့ဝင်သစ်တဦးကို ဖြည့်သွင်းခန့်ထားရမည်။ ထိုသို့ခန့်ထားခြင်းခံရသော အဖွဲ့ဝင်သစ်သည်၊ မိမိအားခန့်ထားသည့်နေရာတွင် ထမ်းရွက်ခဲ့သည့်အဖွဲ့ဝင်ဟောင်း၏ ရာထူးသက်တမ်းစွေ့ကုန်သည့် အချိန်အထိသာ၊ ရာထူးလက်ရှိထမ်းရွက်ရမည်။

(၂) အဖွဲ့က စီမံဆောင်ရွက်သည့် မှုခင်းကိစ္စများသည်၊ အဖွဲ့ဝင်ရာထူးလစ်လပ်သည့် အကြောင်းကြောင့်သော်၎င်း၊ အဖွဲ့ဝင်တဦးဦးခန့်ထားရာတွင်၊ချွတ်ယွင်းချက်တခုခုရှိသည့်အကြောင်းကြောင့်သော်၎င်း၊ မပျက်ပြယ်စေရ။

အခန်း ၃။

အဖွဲ့နှင့်စပ်လျဉ်းသည့်နိုင်ငံတော်သမတ၏အာဏာများ။

၉။ ။နိုင်ငံတော်သမတသည်၊အောက်ပါကိစ္စများအတွက် နည်းဥပဒေများကို၊ အမိန့်ကြော်ငြာစာထုတ်ပြန်၍ပြဋ္ဌာန်းသည့်။

(က) နိုင်ငံတော်သမတက၊ အဖွဲ့သို့ ပုဒ်မ ၂၁ အရ ထုတ်ချေးသည့်ငွေများပြန်လည်ပေးဆပ်ရမည့်နည်းလမ်းကိုပြဋ္ဌာန်းရန်ကိစ္စ။

(ခ) အဖွဲ့ဥက္ကဋ္ဌ၏လစာနှင့် စရိတ်ကြေးငွေများကိုငင်း၊ အမှုထမ်းစည်းကမ်းများကိုငင်း ပြဋ္ဌာန်းရန်ကိစ္စ။

(ဂ) ပုဒ်မ ၁၇ (ဃ) အရခန့်ထားသည့်၊ သို့တည်းမဟုတ် အမည်တင်သွင်းခန့်ထားသည့်ပုဂ္ဂိုလ်တို့အား၊ ပေးသင့်သည့်အခန့်စရိတ်ကြေးငွေများကို ပြဋ္ဌာန်းရန်ကိစ္စ။

(ဃ) အဖွဲ့အတွက်မြေသိမ်းယူနိုင်သည့်အချက်များနှင့် သိမ်းယူရန်နည်းလမ်းကို၊ ပြဋ္ဌာန်းရန်ကိစ္စ။

(င) အဖွဲ့အစည်းအဝေး၊ သို့တည်းမဟုတ် ကော်မီတီအစည်းအဝေး အထမြောက်စေရန်တက်ရောက်ရမည့်အဖွဲ့ဝင်ဦးရေကို ပြဋ္ဌာန်းရန်ကိစ္စ၊ ထို့ပြင်

(စ) ယေဘုယျအားဖြင့်၊ ဤအက်ဥပဒေပါကိစ္စများကိုဆောင်ရွက်ရန်ကိစ္စ။

၀၀။ ။နိုင်ငံတော်သမတသည်၊ အဖွဲ့နှင့်ညှိနှိုင်းတိုင်ပင်ပြီးနောက်၊ နိုင်ငံတော်အကျိုးနှင့် သက်ဆိုင်သည်ဟု မိမိထင်မြင်သောကိစ္စများနှင့် စပ်လျဉ်း၍၊ အဖွဲ့၏အာဏာများနှင့် တာဝန် ဝတ်တရားများကို၊ အဖွဲ့ကမည်သို့သုံးစွဲဆောင်ရွက်ရမည်ဟု ဆင့်ဆိုနိုင်သည်။ ထိုသို့ဆင့်ဆိုသည့် အတိုင်း၊ အဖွဲ့ကလိုက်နာဆောင်ရွက်ရမည်။

၁၁။ ။နိုင်ငံတော်သမတသည်၊ အဖွဲ့နှင့်ညှိနှိုင်းတိုင်ပင်ပြီးနောက်၊ အဖွဲ့၏လုပ်ငန်းဆောင် တာတရပ်ရပ်ကိုရပ်စဲရန်၊ အဖွဲ့အားဆင့်ဆိုနိုင်သည်။ ထိုသို့ဆင့်ဆိုသည့်အတိုင်း အဖွဲ့ကလိုက်နာ ဆောင်ရွက်ရမည်။

၁၂။ ။(၁) ဤအက်ဥပဒေဖြင့်ပေးအပ်ထားသော တာဝန်ဝတ်တရားများကို၊ သို့တည်းမဟုတ် အလုပ်ဝတ်တရားများကို၊ သို့တည်းမဟုတ် အခြားတာဝန်များကို၊ အဖွဲ့ကဆောင်ရွက် ရန်ပျက်ကွက်သည်ဟု နိုင်ငံတော်သမတကယူဆလျှင်၊ နိုင်ငံတော်သမတသည် အဖွဲ့ကိုဖျက်သိမ်း ကြောင်းအမိန့်ကြော်ငြာစာထုတ်ပြန်ကျေညာနိုင်သည်။ ထိုသို့ထုတ်ပြန်ကျေညာပြီးနောက်၊ အဖွဲ့၏ လုပ်ငန်းအရပ်ရပ်စီမံခန့်ခွဲညွှန်ကြားဆောင်ရွက်မှုကို၊ နိုင်ငံတော်သမတကသတ်မှတ်သော ကိုယ်စား လှယ်သို့အပ်နှင်းရမည်။ ထိုသို့အပ်နှင်းခြင်းခံရသော ကိုယ်စားလှယ်သည်၊ ဤအက်ဥပဒေအရ၊ အဖွဲ့က သုံးစွဲဆောင်ရွက်နိုင်သည့်အာဏာနှင့်တာဝန်ဝတ်တရားများကိုသုံးစွဲဆောင်ရွက်နိုင်သည်။

(၂) ပုဒ်မခွဲ (၁) အရအရေးယူသောအခါ၊ နိုင်ငံတော်သမတသည်၊ မည်သို့ အရေးယူပုံနှင့် အရေးယူရသည့် အကြောင်းရင်းအခြေအနေများကို၊ အစုံအလင်ဖေါ်ပြပါရှိသော အစီရင်ခံစာကိုအဖွဲ့ဖျက်သိမ်းကြောင်းကျေညာသည့် နေ့ရက်မှစ၍၊ သုံးလအတွင်း လွှင်မြန်နိုင် သမျှလျင်မြန်စွာပါလီမန်သို့တင်ပြရမည်။

(၃) ဤပုဒ်မအရ၊ ထုတ်ပြန်သောမည်သည့် အမိန့်ကြော်ငြာစာမျှ ခြောက်လထက် ပို၍ အာဏာမတည်စေရ။ သို့ရာတွင်နိုင်ငံတော်သမတသည်၊ ထိုကဲ့သို့ထုတ်ပြန်သည့်အမိန့် ကြော်ငြာစာကို အသစ်ထပ်မံ၍ထုတ်ပြန်နိုင်သည်။ ထိုသို့အသစ်ထပ်မံ၍ထုတ်ပြန်သည့်အမိန့်ကြော်ငြာ စာတိုင်းသည်၊ ခြောက်လထက်ပို၍အာဏာမတည်စေရ။

ခြွင်းချက်။ ။သို့ရာတွင်နိုင်ငံတော်သမတသည်၊ ဤပုဒ်မအရ၊အဖွဲ့ကိုဖျက်သိမ်းပြီးသည့်နောက် မည်သည့်အခါ၌မဆိုသင့်တော်သည်ဟုထင်မြင်လျှင်၊ပုဒ်မ ၃ အရ၊အဖွဲ့အသစ်တဖွဲ့ကိုဖွဲ့စည်းနိုင်သည်။

အခန်း ၄။

အဖွဲ့၏တာဝန်ဝတ်တရား။

၁၃။ ။(၁) အဖွဲ့၏ တာဝန်ဝတ်တရားသည်၊ နိုင်ငံတော်သမတ၏ ကြီးကြပ်အုပ်ချုပ်ခြင်းကို လိုက်နာလျက်၊ ပြည်တွင်းပြည့်ပလေကြောင်း သယ်ယူပို့ဆောင်ရေး လုပ်ငန်းများကို စီမံအုပ်ချုပ် ခြင်းနှင့် ပြုပြင်စီမံထားရှိခြင်း၊ လေကြောင်းသယ်ယူပို့ဆောင်မှုနှင့် စပ်လျဉ်းသည့်ကိစ္စများကို ယေဘု ယျအားဖြင့်ဆောင်ရွက်ရန်ဖြစ်သည်၊ ထို့ပြင်အဖွဲ့သည် နိုင်ငံတော်သမတ၏ ကြီးကြပ်အုပ်ချုပ်ခြင်း ကိုလိုက်နာလျက်၊ ဤအက်ဥပဒေအရ၊ အဖွဲ့၏ဗဟာဝန်ဝတ်တရားကို နည်းလမ်းတကျ ဆောင်ရွက်ရန် အလို့ငှါ၊ လိုအပ်သော၊ သို့တည်းမဟုတ် သင့်တော်သော အခြားလုပ်ငန်းဆောင်တာများကိုလည်း လုပ်ကိုင်ဆောင်ရွက်ရမည်။

(၂) အထက်ပါပြဋ္ဌာန်းချက်၏ ယေဘုယျသဘောကို မထိခိုက်စေဘဲ၊ အဆိုပါ တာဝန်ဝတ်တရားများတွင် အထူးအားဖြင့် အောက်ပါတို့လည်း ပါဝင်ရမည်။

(က) လေကြောင်းသယ်ယူပို့ဆောင်ရေး နှင့်သက်ဆိုင်သည့် သုတေသနလုပ်ငန်းများလုပ် ကိုင်ခြင်းနှင့် ၎င်းလုပ်ငန်းများကို လုပ်ကိုင်သော ပုဂ္ဂိုလ်တို့အား အကူအညီပေးခြင်း။

(ခ) အဖွဲ့၏လက်အောက်တွင် လုပ်ကိုင်သော ရာထမ်း မှုထမ်း၏ အလုပ်ကျွမ်းကျင် မှုနှင့် နားလည်မှုများတိုးတက်အောင် ပြုပြင်ပေးခြင်း၊ ထို့ပြင်နောင်အခါ အဖွဲ့၏လက်အောက်၌ ခန့်ထားရန်အလို့ငှါ၊ သင့်တော်သောသူများအား၊ အတတ်ပညာအလွယ်တကူသင်ကြားနိုင်စေရန် စီမံပေးခြင်း။

(ဂ) လေယာဉ်ပုံများ၊ ဝတ္ထုပစ္စည်းများ၊ ယာဉ်များ၊ စက်ကိရိယာများနှင့်ပစ္စည်း များကိုဝယ်ယူခြင်း၊ သို့တည်းမဟုတ်ငှါးခြင်း၊ သို့တည်းမဟုတ် ရောင်းခြင်း၊ သို့တည်းမဟုတ် ထုခွဲခြင်း။

(ဃ) မြေနှင့်အဆောက်အဦများကို ဝယ်ယူခြင်း၊ သို့တည်းမထုတ် ဆောက်လုပ်ခြင်း၊ သို့တည်းမဟုတ် ငှါးခြင်း၊ သို့တည်းမဟုတ် ရောင်းခြင်း၊ သို့တည်းမဟုတ် ထုခွဲခြင်း။

၁၄။ ။အဖွဲ့သည်၊ မိမိ၏တာဝန်ဝတ်တရားကိုဆောင်ရွက်ရာ၌၊ လယ်ယာစိုက်ပျိုးရေး၊ စက်မှု လက်မှုလုပ်ငန်း၊ ကူးသန်းရောင်းဝယ်ရေးနှင့် အများပြည်သူတို့၏ အကျိုးများကို အထူးရှေ့ရှု၍၊ ကုန် သွယ်လုပ်ငန်း စည်းမျဉ်းများအတိုင်း ဆောင်ရွက်ရမည်ဖြစ်ပြီး၊ လိုက်နာရမည့် မူနှင့် စပ်လျဉ်းသည့် အချက်များတွင်၊ နိုင်ငံတော် သမတ က၊ အဖွဲ့အား ညွှန်ကြားသည့်အတိုင်း လိုက်နာ ဆောင်ရွက်ရ မည်။

၁၅။ ။အဖွဲ့သည်၊ မိမိအစည်းအဝေးအားလုံး၏လုပ်ငန်းအစီအစဉ်မိတ္တူနှင့် မှတ်တမ်းမိတ္တူ ကို နိုင်ငံတော်သမတထံ ပေးပို့ရမည်။

၁၆။ ။အဖွဲ့သည်၊ အဖွဲ့၏အလုပ် လုပ်သည့်နှစ် အသီးသီးကုန်ဆုံးပြီးနောက်၊ ဆောလျင်နိုင် သမျှ ဆောလျင်စွာ၊ ထိုနှစ်အတွင်း အဖွဲ့၏တာဝန်ဝတ်တရားကို ဆောင်ရွက်ခြင်းနှင့်ငင်း၊ အဖွဲ့က လိုက် နာသည့်မူနှင့်ငင်း၊ လုပ်ငန်းအစီအစဉ်များနှင့်ငင်း စပ်လျဉ်း၍၊ နိုင်ငံတော်သမတထံ အစီရင်ခံစာ တင် သွင်းရမည်။ နိုင်ငံတော်သမတသည်၊ အဆိုပါ အစီရင်ခံစာ အသီးသီး၏မိတ္တူကို ပါလီမန်သို့ တင်ပြ ရမည်။

အခန်း ၅။

အဖွဲ့၏အာဏာများ။

၁၇။ ။ဤအက်ဥပဒေဖြင့် အပ်နှင်းထားသည့်အာဏာများ၏ ယေဘုယျသဘောကိုမထိခိုက် စေဘဲ၊ အဖွဲ့မှာ ဤအက်ဥပဒေအရ၊ အဖွဲ့၏တာဝန်ဝတ်တရားကို ဆောင်ရွက်ရန်အလို့ငှါ လိုအပ်သော၊ သို့တည်းမဟုတ် သင့်တော်သော မည်သည့်ကိစ္စမဆို၊ ဆောင်ရွက်နိုင်သည့် အာဏာများရှိရမည်။ ထို့ပြင် အဆိုပါအာဏာများတွင် အောက်ပါအာဏာများလည်း ပါဝင်ရမည်။

(က) နိုင်ငံတော်သမတ၏ ကြိုတင်သဘောတူချက်ဖြင့် ငွေချေးယူရန်နှင့် ငွေထုတ်ချေး ရန် အာဏာ၊

(ခ) အဖွဲ့၏အုပ်ချုပ်ရေးမှူးဖြစ်ရမည့် ဥက္ကဋ္ဌအား၊ ဤအက်ဥပဒေပါ ကိစ္စများ ဆောင် ရွက်ရန်အလို့ငှါ၊ အဖွဲ့ကလိုအပ်သည်ထင်မြင်သည့်အဖွဲ့၏တာဝန်ဝတ်တရားနှင့်အာဏာများကို လွှဲအပ် နိုင်သည့် အာဏာ၊

(ဂ) အဖွဲ့ဝင်နှစ်ဦးဖြစ်စေ၊ နှစ်ဦးထက်ပို၍ဖြစ်စေ ပါဝင်သည့် ကော်မီတီများကို ခန့် ထား၍၊ ထိုကော်မီတီများအား၊ ဤအက်ဥပဒေပါကိစ္စများဆောင်ရွက်ရန်အလို့ငှါ၊ အဖွဲ့ကလိုအပ်သည့် ထင်မြင်သည့် အဖွဲ့၏တာဝန်ဝတ်တရားနှင့် အာဏာများကို လွှဲအပ်နိုင်သည့်အာဏာ၊ ထို့ပြင်

(ဃ) ကိစ္စတခုခုနှင့်စပ်လျဉ်း၍ အဖွဲ့အား၊ အကြံဉာဏ်ပေးရန် ပုဂ္ဂိုလ်တဦးဦးကို ခန့်ထား၍၊ သို့တည်းမဟုတ် အမည်တင်သွင်းခန့်ထား၍၊ ထိုပုဂ္ဂိုလ်အား နိုင်ငံတော်သမတက၊ ပြဋ္ဌာန်းသည့်အခမျာနှင့် စရိတ်ကြေးငွေများ ပေးနိုင်သည့်အာဏာ။

၁၀။ ။(၁) ဤအက်ဥပဒေပါ ကိစ္စများ အလို့ငှါ၊ ထားရန် လိုအပ်သည်ဟု၊ သို့တည်းမဟုတ် သင့်တော်သည်ဟု အဖွဲ့ကထင်မြင်သော ရာထူးမှုထမ်းစာရင်းများကို အခါအားလျော်စွာ၊ အဖွဲ့ကစီစဉ်ရေးသား၍ အစည်းအဝေး၌ ဆုံးဖြတ်ခွင့်ပြုရမည်။

(၂) ဆိုခဲ့သည့်အရာရှိ အသီးသီးအတွက်သော်၎င်း၊ အမှုထမ်းအသီးသီးအတွက်သော်၎င်း၊ အဖွဲ့ကခွင့်ပြုသည့်လစာများ၊ အခများနှင့် စရိတ်ကြေးငွေများ၏ အမျိုးအစားနှင့် အရေအတွက်ကို၊ ထိုစာရင်းများတွင်ဖေါ်ပြရမည်။

(၃) အဖွဲ့ကနောက်ဆုံးခွင့်ပြုသည့် စာရင်းအားလုံးကို ပုဒ်မ ၂၅ အရ၊ ပြုလုပ်သည့် နှစ်စဉ် ရ-သုံးမှန်းခြေငွေစာရင်းနှင့် ပူးတွဲ၍၊ နိုင်ငံတော်သမတ၏ သဘောတူညီချက်ရရန်အလို့ငှါ၊ တင်ပြရမည်

(၄) ရာထူး မှုထမ်းများနှင့် ပတ်သက်သည့် အခြားအမှုထမ်း စည်းကမ်းများကို အဖွဲ့က၊ နိုင်ငံတော်သမတ၏ ကြိုတင်သဘောတူညီချက်ကိုခံယူသျက်၊ စည်းကမ်းဥပဒေဖြင့် ပြဋ္ဌာန်းရမည်။

၁၉။ ။အဖွဲ့သည်၊ မိမိ၏လုပ်ငန်းကို စီမံခန့်ခွဲရန်အလို့ငှါ၊ ဤအက်ဥပဒေနှင့် ညီညွတ်သော စည်းကမ်းဥပဒေများကိုပြုရမည်။ ထို့ပြင် ဤအက်ဥပဒေဖြင့် အပ်နှင်းထားသော အာဏာများ၏ ယေဘုယျသဘောကိုမထိခိုက်စေဘဲ၊ ထိုစည်းကမ်းဥပဒေများသည်၊ အထူးအားဖြင့်၊ အောက်ပါကိစ္စများအတွက် ဖြစ်ရမည်။

(က) အဖွဲ့၏လုပ်ငန်းကို စီမံဆောင်ရွက်ခြင်းနှင့် အဖွဲ့ အစည်းအဝေးများတွင် ဖြစ်စေ၊ အဖွဲ့၏ကော်မိတီအစည်းအဝေးတွင်ဖြစ်စေ လိုက်နာရန်ကျင့်ထုံး၊

(ခ) အဖွဲ့၏ ရာထူး မှုထမ်းများ၏ တာဝန်ဝတ်တရားများနှင့် အာဏာများ၊

(ဂ) အဖွဲ့က၊ မိမိ၏အာဏာများကို ဥက္ကဋ္ဌ၊ ကော်မိတီနှင့် လက်အောက် အဖွဲ့များသို့ လွှဲအပ်ခြင်း၊

(ဃ) အဖွဲ့ကိုယ်စား၊ ပဋိညာဉ်များနှင့် အခြားစာချုပ်စာတမ်းများကို လက်မှတ်ရေးထိုးခြင်း၊ ထို့ပြင်

(င) အဖွဲ့သို့ အပ်နှင်း ထားသော တာဝန် ဝတ်တရားများကို၊ ယေဘုယျ အားဖြင့် ထိရောက်စွာဆောင်ရွက်ခြင်း။

အခန်း ၆။

ငွေရေးကြေးရေးနှင့် ငွေစာရင်းများ။

၂၀။ ။အဖွဲ့သည်၊ "ပြည်ထောင်စုမြန်မာနိုင်ငံ လေကြောင်း သယ်ယူပို့ဆောင်ရေးအဖွဲ့ရံပုံငွေ"ခေါ်တွင်သည့် ရံပုံငွေတခုထား၌၍၊ အောက်ပါငွေများကို ထိုရံပုံငွေ၌ ထည့်သွင်းရမည့်။

(က) ဤအက်ဥပဒေအရ အဖွဲ့ကရရှိသောငွေအားလုံး။

(ခ) မိမိ၏အာဏာနှင့်တာဝန်ဝတ်တရားကိုအဖွဲ့ကသုံးစွဲဆောင်ရွက်နိုင်ရန်၊ နိုင်ငံတော်သမတထံမှ ရရှိသောငွေအားလုံး။

၂၁။ ။အဖွဲ့က မိမိ၏အာဏာများနှင့် အလုပ်ဝတ်တရားများကို သုံးစွဲဆောင်ရွက်နိုင်ရန်အ လို့ငှါ၊ နိုင်ငံတော်သမတသည်၊ မိမိသင့်သည်ထင်မြင်သည့် ငွေများကို မိမိသင့်သည်ထင်ပြင်သည့် စည်းကမ်း ချက်များဖြင့်၊ အခွန်တော်ငွေစာရင်းတွင် ထည့်သွင်း၍ဖြစ်စေ၊ မ,တည်ငွေစာရင်းတွင် ထည့်သွင်း၍ ဖြစ်စေ၊ အဖွဲ့သို့ ထုတ်ပေးနိုင်သည်။

၂၂။ ။(၁) အဖွဲ့သည်၊ ချက်ချင်းအသုံးမလိုသည့် မိမိ၏ငွေအားလုံးကို၊ အစိုးရ၏ ဘဏ္ဍာတော်ငွေထားရှိသောဘဏ်တွင်၊ သို့တည်းမဟုတ် ဘဏ်များတွင်ထားရမည်။

(၂) အဖွဲ့၏ ရံပုံငွေများကို၊ အဖွဲ့ကပြုလုပ်သည့် စည်းကမ်းဥပဒေများအရ ထုတ်ယူသုံးစွဲရ မည်။

၂၃။ ။ပြည်ထောင်စုမြန်မာနိုင်ငံ လေကြောင်း သယ်ယူပို့ဆောင်ရေး အဖွဲ့ရံပုံငွေကို၊ နိုင်ငံ တော် သမတ၏ ကြိုတင်သဘောတူညီချက်ပြင့်သာ ရင်းနှီးရမည်။

၂၄။ ။(၁) ဤအက်ဥပဒေအရ အဖွဲ့၏တာဝန်ဝတ်တရားများကို ဆောင်ရွက်ရန်အလို့ငှါ၊ အဖွဲ့၏ ရံပုံငွေများကို အဖွဲ့ကသုံးစွဲရမည်။

(၂) အထက်ပါပြဋ္ဌာန်းချက်၏ ယေဘုယျသဘောကို မထိခိုက်စေဘဲ၊ အဖွဲ့၏ရံပုံငွေများကို အထူးအားဖြင့် အောက်ပါကိစ္စများအတွက် သုံးစွဲရမည်။

(က) ပြည်တွင်းပြည်ပ လေကြောင်းသယ်ယူပို့ဆောင်ရေး လုပ်ငန်းများနှင့် စပ်လျဉ်း၍၊ တိုက်ရိုက်ကုန်ကျသော၊ သို့တည်းမဟုတ် ကိုယ်စားလှယ်များမှတဆင့် ကုန်ကျသောစရိတ်များအပြင် အခြားသက်ဆိုင်သည့်စရိတ်များနှင့် ကုန်ကျစရိတ်များကို ပေးရန်ကိစ္စ။

(ခ) အဖွဲ့၏ အမှုထမ်းရွက်ဆဲ ရာထမ်း မှုထမ်းများနှင့် အမှုထမ်းရွက်ဆဲ မဟုတ်သည့် ရာထမ်းမှုထမ်းများအတွက် ကုန်ကျစရိတ်များကို ကျခံရန်ကိစ္စ။

(ဂ) အဖွဲ့သို့နိုင်ငံတော်သမတကထုတ်ချေးထားသောငွေများနှင့်စပ်လျဉ်း၍၊ အရင်းကို၊ သို့တည်းမဟုတ် အတိုးကို နိုင်ငံတော်သမတအား ပေးဆပ်ရန်ကိစ္စ။

(ဃ) အဖွဲ့ကဝယ်ထားသော လေယာဉ်ပျံများနှင့် ပစ္စည်းများကို ထိန်းသိမ်းပြုပြင် ထား ရှိခြင်း၊ အသစ်လဲလှယ်ခြင်း၊ တိုးတက်ကောင်းမွန်အောင်ပြုလုပ်ခြင်းနှင့် တန်ဘိုး ယုတ်လျော့ခြင်း အတွက် နည်းလမ်းတကျ ရံပုံငွေများ စိမံထားရှိရန်ကိစ္စ။

(င) သင့်တော်သည်ဟု ယူဆသည့်အခါတိုင်းတွင်၊ ကုန်တင်ခများနှင့် အခြားအခများ ကို နိုင်ငံတော် သမတ ၏ သဘောတူညီချက်ဖြင့်၊ သင့်လျော်စွာ ပြန်လည်ပေးရန်အတွက် ရံပုံငွေများ စိမံထားရှိရန်ကိစ္စ။

(စ) လိုအပ်သည်ဟု ထင်မြင်သည့် အခြားအသုံးစရိတ်များကို နိုင်ငံတော် သမတ၏ သဘောတူညီချက်ဖြင့် ကျခံရန်ကိစ္စ။

ရှင်းလင်းချက်။ ။ဤပုဒ်မခွဲကိစ္စအလို့ငှါ ''အမှုထမ်းရွက်ဆဲ ရာထမ်းမှုထမ်းများအတွက် ကုန် ကျစရိတ်များ'' ဆိုသည်မှာ၊ အဖွဲ့၏ ရာထမ်းမှုထမ်းများအား ပေးသည့် လစာနှင့် စရိတ်ကြေးငွေများ အတွက် ကုန်ကျစရိတ်များကိုဆိုလိုသည်။ ''အမှုထမ်းရွက်ဆဲမဟုတ်သည့် ရာထမ်းမှုထမ်းများအတွက် ကုန်ကျစရိတ်များ'' ဆိုသည်မှာ၊ အဖွဲ့က အိုနာစာရံပုံငွေသို့ပေးသွင်းသည့် ထောက်ပံ့ငွေများ၊ ဆုငွေ များနှင့် အခြား အလားတူပေးငွေများကို ဆိုလိုသည်။

၂၅။ ။(၁) အဖွဲ့သည်၊ ဘဏ္ဍာတော် နှစ်အသီးသီး မထုန်မဲ၊ ထိုနှစ် နောက်လာမည့် ဘဏ္ဍာတော်နှစ်အတွက်၊ မိမိ၏ ရ-သုံးမှန်းခြေငွေစာရင်းကို နိုင်ငံတော်သမတထံ သဘောတူညီချက် ရရန် တင်သွင်းရမည့်ပြင်၊ အဆိုပါ မှန်းခြေငွေစာရင်းများကို ပြင်ဆင်သည့် နောက်ထပ်မှန်းခြေ ငွေစာ ရင်းများကိုလည်း အခါအားလျော်စွာ ထိုနည်းတူ တင်သွင်းနိုင်သည်။

(၂) ပုဒ်မခွဲ (၁) အရ၊ ခွင့်ပြုသည့် မှန်းခြေငွေစာရင်းထက်ပို၍၊ မည်သည့်အသုံးစရိတ်ကိုမျှ အဖွဲ့က ကျခံခြင်းမပြုရ။

၂၆။ ။(၁) အဖွဲ့သည်၊ ငွေစာရင်းများကိုငင်း၊ ထိုငွေစာရင်းများနှင့်သက်ဆိုင်သည့် အခြား မှတ်တမ်းများကိုငင်း၊ ထားရှိရမည့်ပြင်၊ အဖွဲ့၏ အလုပ်လုပ်သည့်နှစ်အသီးသီးနှင့်စပ်လျဉ်း၍၊ နှစ်ချုပ် ငွေစာရင်းကိုလည်း နိုင်ငံတော်သမတ၏သဘောတူညီချက်ဖြင့်၊ နိုင်ငံတော် စာရင်းစစ်ချုပ် သတ်မှတ် သည့် ပုံစံအတိုင်း စိစဉ်ရေးသားရမည်။

(၂) အဖွဲ့၏ငွေစာရင်းများကို၊ နိုင်ငံတော်စာရင်းစစ်ချုပ်က၊ နှစ်စဉ်စစ်ဆေး၍၊ နိုင်ငံတော် သမတထံ အစီရင်ခံစာတင်သွင်းရမည်။ ထိုအစီရင်ခံစာကို နိုင်ငံတော်သမတက၊ ပါလီမန်သို့ တင်ပြရ မည်။ သို့ရာတွင် အဖွဲ့သည် နိုင်ငံတော်စာရင်းစစ်ချုပ်၏ ကြိုတင်သဘောတူညီချက်ဖြင့်၊ ခန့်သော ပြည်သူ့ဝန်ထမ်းမဟုတ်သည့် နာမည်ရစာရင်းစစ်အား၊ နိုင်ငံတော်သမတ၏ သဘောတူညီချက်ဖြင့် အဖွဲ့၏ ငွေစာရင်းများကို၊ ကုန်သည်တို့နည်းလမ်းအတိုင်း ကြားဖြတ်စစ်ဆေးနိုင်သည်။

၂၇။ ။ကုမ္ပဏီတခုက မိမိ၏ အသားတင်ဝင်ငွေအပေါ်တွင် အခွန်များ ပေးဆောင်ရသည့် နည်းလမ်းအတိုင်း၊ ထိုကုမ္ပဏီ၌ အခွန်ပေးဆောင်ရန် တာဝန်ရှိသည်နှင့်အမျှ၊ အဖွဲ့မှာလည်း၊ မိမိ၏ အသားတင်ဝင်ငွေပေါ်တွင် အခွန်များပေးဆောင်ရန် တာဝန်ရှိရမည်။

၂၈။ ။အဖွဲ့သည်၊ တန်ဘိုးယုတ်လျော့ခြင်းအတွက်နှင့် သီးသန့် ရံပုံငွေမှစ၍၊ အခြားရံပုံငွေ အတွက် နိုင်ငံတော်သမတက၊ နိုင်ငံတော်စာရင်းစစ်ချုပ်နှင့် ညှိနှိုင်းတိုင်ပင်၍၊ ပြဋ္ဌာန်းသည့်နှုန်းများ နှင့် စည်းကမ်းချက်များအတိုင်း ရံပုံငွေ စီမံရာထားရမည်။

၂၉။ ။ပုဒ်မ ၂၈ တွင်ဖော်ပြထားသည့် ရံပုံငွေစီမံရာထားပြီးသည့်နောက် သတ်မှတ်ရမည့် အဖွဲ့၏ အသားတင်အမြတ်ငွေကို အမ၊အားလျော်စွာ အဖွဲ့နှင့်ညှိနှိုင်းတိုင်ပင်၍၊ နိုင်ငံတော် သမတက ဆုံးဖြတ်သည့်နည်းလမ်းအတိုင်းပင် သုံးစွဲရမည်။

အခန်း ၇။

လက်အောက်အဖွဲ့။

၃၀။ ။(၁) နိုင်ငံတော်သမတသည်၊ အဖွဲ့၏ထောက်ခံချက်အရ၊ အဖွဲ့၏ လက်အောက်ခံ လက်အောက်အဖွဲ့များကို ဖွဲ့စည်းနိုင်သည်။ အဆိုပါ လက်အောက်အဖွဲ့များသည်၊ အဖွဲ့၏ ကြီးကြပ် အုပ်ချုပ်ခြင်းကိုလိုက်နာ၍ မိမိတို့အား အဖွဲ့ကလွှဲအပ်သည့်အဖွဲ့၏အာဏာများနှင့် တာဝန် ဝတ်တရား များကို သုံးစွဲဆောင်ရွက်ရမည်။

(၂) လက်အောက်အဖွဲ့များ၏ ဥက္ကဋ္ဌနှင့် အခြားအဖွဲ့ဝင်တို့ကို၊ နိုင်ငံတော်သမတက၊ အဖွဲ့ နှင့်ညှိနှိုင်းတိုင်ပင်လျက် ခန့်ထားရမည်။

အခန်း ဂ။

အထွေထွေ။

၃၁။ ။အဖွဲ့၏ ရာထမ်း မှုထမ်းအားထုံးသည်၊ ဤအက်ဥပဒေပါ ပြဋ္ဌာန်းချက်များနှင့်အညီ ဆောင်ရွက်သောအခါ၊ သို့တည်းမဟုတ်ဆောင်ရွက်သည့်သဘောသက်ရောက်သော အပြုအမူကို ပြု သောအခါ၊ ရာဇသတ်ကြီး ပုဒ်မ ၂၁ အရ ပြည်သူ့ဝန်ထမ်းများဖြစ်သည်ဟုမှတ်ယူရမည်။

၃၂။ ။ဤအက်ဥပဒေအရ သဘောရိုးဖြင့်ဆောင်ရွက်သော၊ သို့တည်းမဟုတ် ဆောင်ရွက် သည့်သဘော သက်ရောက်သော ကိစ္စအတွက် အဖွဲ့အားသော်၎င်း၊ လက်အောက်အဖွဲ့များအား သော်၎င်း၊ အဖွဲ့ဝင်အားသော်၎င်း၊ လက်အောက်အဖွဲ့ဝင်အားသော်၎င်း၊ အဖွဲ့၏၊ သို့တည်းမဟုတ် လက်အောက်အဖွဲ့များ၏ ရာထမ်းမှုထမ်းအားသော်၎င်း၊ တရားမမှုဖြစ်စေ၊ ရာဇဝတ်မှုဖြစ်စေ၊ အခြားမှုခင်းဖြစ်စေမစွဲဆိုရ။

ခြွင်းချက်။ ။သို့ရာတွင် ကူးသန်းရောင်းဝယ်ရေး ကုမ္ပဏီတခုက တရားမမှုစွဲဆိုနိုင်သကဲ့သို့၊ သို့တည်းမဟုတ် စွဲဆိုခံရထိုက်သကဲ့သို့၊ အလားတူအမှုများတွင်၊ အလားတူနည်းလမ်းဖြင့် အဖွဲ့က၊ သို့တည်းမဟုတ် ပုဂ္ဂိုလ်ကဖြစ်စေ၊ အဖွဲ့ကို၊ သို့တည်းမဟုတ် ပုဂ္ဂိုလ်ကိုဖြစ်စေ၊ တရားမမှုစွဲဆိုခြင်းကို ဤပုဒ်မပါ မည်သည့်ပြဋ္ဌာန်းချက်ကမျှ ဝိတ်ပင်ခြင်းမရှိစေရ။

၃၃။ ။(၁) ၁၉၅၀ ပြည့်နှစ်၊ ပြည်ထောင်စုမြန်မာနိုင်ငံ လေကြောင်းသယ်ယူပို့ဆောင် ရေးအမိန့် (The Union of Burma Airways Order, 1950) ကိုဤအက်ဥပဒေဖြင့် ရုပ်သိမ်း သည်။

(၂) ၁၉၅၀ ပြည့်နှစ်၊ ပြည်ထောင်စု မြန်မာနိုင်ငံ လေကြောင်း သယ်ယူ ပို့ဆောင်ရေး အမိန့်ကို ရုပ်သိမ်းစေကာမူ ထိုအမိန့်အရ ဖွဲ့စည်းထားသော ပြည်ထောင်စု မြန်မာနိုင်ငံ လေကြောင်း သယ်ယူပို့ဆောင်ရေးအဖွဲ့သည် ပုဒ်မ ၃ အရဖွဲ့စည်းသည့် ပြည်ထောင်စုမြန်မာနိုင်ငံ လေကြောင်း သယ်ယူပို့ဆောင်ရေးအဖွဲ့၏ ပဋမအကြိမ် အစည်းအဝေးတိုင်အောင်၊ မိမိအာဏာများနှင့် တာဝန် ဝတ်တရားများကိုဆက်လက်သုံးစွဲဆောင်ရွက်ရမည်။

အခန်း ၉။[၁]

မှုခင်းနှင့်ပြစ်ဒဏ်။

၃၄။ ။တည်ဆဲအခြားတရားဥပဒေတွင် မည်သို့ပင်ဝါရှိစေကာမူ၊ မည်သူမဆို—

(က) လေယာဉ်ခပေးဆောင်ခြင်းမှ လွတ်ကင်းရန် ရည်ရွယ်ချက်ဖြင့်၊ လေယာဉ်ခကြိုတင် ပေးဆောင်ခြင်းမပြုဘဲ၊ အဖွဲ့ပိုင်လေယာဉ်တွင် စီးနင်းလိုက်ပါလျှင်၊ သို့တည်းမဟုတ် စီးနင်းလိုက်ပါရန်ကြိုးစားအားထုတ်လျှင်၊

(ခ) အဖွဲ့ပိုင်လေယာဉ်တွင် တခုခုသောခရီးအတွက် လက်မှတ်ဝယ်ယူစီးနင်းလိုက်ပါပြီး နောက်၊ အဆိုပါခရီးထို ကျော်လွန်ကြောင်းသိလျက်နှင့် ထိုကျော်လွန်သည့်ခရီး အတွက် နောက်ထပ်လေယာဉ်ခပေးဆောင်ခြင်းမှ လွတ်ကင်းရန်ရည်ရွယ်ချက်ဖြင့်၊ နောက်ထပ်လေယာဉ်ခ ကြိုတင်ပေးဆောင်ခြင်းမပြုဘဲ၊ အဖွဲ့ပိုင်လေယာဉ်တွင် တမင်ဆက်လက်စီးနင်းလိုက်ပါလျှင်၊ သို့တည်းမဟုတ်ဆက်လက်စီးနင်းလိုက်ပါရန် ကြိုးစားအားထုတ်လျှင်၊

---

[၁] ၁၉၅၄ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၇၀ အရ ထည့်သွင်းသည်။

(ဂ) အဖွဲ့ပိုင်လေယာဉ်တွင် တခုခုသောခရီးအတွက် လက်မှတ်ဝယ်ယူစီးနင်းလိုက်ပါပြီး နောက်၊အဆိုပါခရီးသို့ ရောက်ရှိကြောင်း သိလျက်နှင့် လေယာဉ်မှထွက်ခွါသွားရန်တမင်ပျက်ကွက်လျှင်၊ သို့တည်းမဟုတ်ငြင်းဆန်လျှင်၊

(ဃ) လူနှင့်အတူယူဆောင်သော ပစ္စည်းများအတွက် တန်ဆာခ ပေးဆောင်ခြင်းမှ လွှတ်ကင်းရန်ရည်ရွယ်ချက်ဖြင့်၊ ကျသင့်သောတန်ဆာခကို လုံးဝပေးဆောင်ခြင်း မပြုဘဲ၊ သို့တည်းမဟုတ် ကျသင့်သောတန်ဆာခကို အပြည့်ပေးဆောင်ခြင်း မပြုဘဲ၊ အဖွဲ့ပိုင်လေယာဉ်တွင် လူနှင့်အတူပစ္စည်းများ တင်ဆောင်လျှင်၊သို့တည်း မဟုတ်တင်ဆောင်ရန် ကြိုးစားအားထုတ်လျှင်၊

(င) အကယ်ကျသင့်သော လေယာဉ်ခကို ပေးဆောင်ခြင်းမှ လွှတ်ကင်းရန်ရည်ရွယ်ချက်ဖြင့်၊ အဖွဲ့ပိုင်လေယာဉ်တွင် လေယာဉ်နေရာ အဆင့်အတန်း တခုအတွက် လေယာဉ်ခပေးဆောင်လျက်၊ ထိုနေရာအဆင့်အတန်းထက် မြင့်သောသီးသန့် နေရာတွင်၊ သို့တည်းမဟုတ်အခန်းတွင် စီးနင်းလိုက်ပါလျှင်၊

(စ) အဖွဲ့ပိုင်လေယာဉ်တွင် စီးနင်းလိုက်ပါလျက်၊ လေယာဉ်၏ ရာထမ်းမှထမ်းများက လေယာဉ်လက်မှတ်ဝယ်ယူရန် စေခိုင်းသော်လည်း လေယာဉ်လက်မှတ်မဝယ်ယူလျှင်၊ သို့တည်းမဟုတ် လေယာဉ်လက်မှတ်ထုတ်ပြရန် စေခိုင်းသော်လည်း လေယာဉ်လက်မှတ်ထုတ်မပြလျှင်၊ သို့တည်းမဟုတ် ခရီးအဆုံးတွင် လေယာဉ်လက်မှတ်ပြန်အပ်ရန် တောင်းဆိုသော်လည်း လေယာဉ်လက်မှတ်ပြန်မအပ်လျှင်၊

(ဆ) အဖွဲ့ပိုင်လေယာဉ်တွင် စီးနင်းလိုက်ပါသော သူတဦးအတွက် ကျသင့်သောလေယာဉ်ခကိုပေးဆောင်ခြင်းမှ လွှတ်ကင်းစေရန်ရည်ရွယ်ချက်ဖြင့်၊ လက်မှတ်စစ်အားလိမ်လည်ပြသနိုင်စေခြင်း အလို့ငှါ၊ မိမိ၏လက်မှတ်ကို ထိုသူအားလွှဲပြောင်းပေးလျှင်၊

(ဇ) ကုန်တင်ခပေးဆောင်ခြင်းမှလုံးဝလွှတ်ကင်းရန်ရဲသွဲ့ရွယ်ချက်ဖြင့်ဖြစ်စေ၊ ကုန်တင်ခ အပြည့်ပေးဆောင်ခြင်းမှလွှတ်ကင်းရန်ရည်ရွယ်ချက်ဖြင့်ဖြစ်စေ၊အဖွဲ့ပိုင်လေယာဉ်ပေါ်တွင်မတရားသောနည်းဖြင့် ကုန်ပစ္စည်းများတင်ဆောင်လျှင်၊ သို့တည်းမဟုတ်တင်ဆောင်ရန်ကြိုးစားအားထုတ်လျှင်၊

(ဈ) အဖွဲ့ပိုင်လေယာဉ်များတွင် အသုံးပြုသော လူစီးလက်မှတ်များကိုဖြစ်စေ၊ တန်ဆာလက်မှတ်များကိုဖြစ်စေ၊အခြားလက်မှတ်ကို၊ သို့တည်းမဟုတ် ပုံစံများကိုဖြစ်စေ၊ မတရားသဖြင့်အစားထိုးအသုံးပြုရန် ရည်ရွယ်ချက်ဖြင့် အတုပြုလုပ်လျှင်၊သို့တည်းမဟုတ် အတုပြုလုပ်ရန်ကြိုးစားအားထုတ်လျှင်၊ သို့တည်းမဟုတ် အဆိုပါအတုလက်မှတ်ကိုဖြစ်စေ၊ ပုံစံများကိုဖြစ်စေ၊ သိန်းသိမ်းထားလျှင်၊ သို့တည်းမဟုတ် ရောင်းဝယ်လျှင်

ထိုသူသည်၊ ပြစ်မှုထင်ရှားစီရင်ခြင်းခံရသည့်အခါ၊ အထက်ပါပြစ်မှုအသီးသီးအတွက် သုံးလထိထောင်ဒဏ်ဖြစ်စေ၊ ကျပ်ငါးရာထိငွေဒဏ်ဖြစ်စေ၊ ဒဏ်နှစ်ရပ်လုံးဖြစ်စေ၊ စီရင်ခြင်းခံထိုက်စေရမည်။ ထို့ပြင် ဤပုဒ်မအရ ကျူးလွန်သောပြစ်မှုများသည်၊ ရဲအရာရှိအရေးယူပိုင်သော ပြစ်မှုများဖြစ်ရမည်။

D. MOTOR VEHICLES AND HACKNEY CARRIAGES.

၁၁။ ။မော်တော်ယာဉ်နှင့် အငှါးရထားများဆိုင်ရာ။

THE BURMA MOTOR VEHICLES ACT.

[INDIA ACT VIII, 1914.] (1st April, 1915.)

PART I.

PRELIMINARY.

1. * * * *

Definitions.

[1] 2. "Motor vehicle" includes a vehicle, carriage or other means of conveyance propelled, or which may be propelled, on a road by electrical or mechanical power either entirely or partially;

"prescribed" means prescribed by rules under this Act;

"public place" means a road, street, way or other place, whether a thoroughfare or not, to which the public are granted access or over which they have a right to pass.

PART II.

PROVISIONS OF GENERAL APPLICATION.

Prohibition of driving motor vehicles by persons under 18.

3. (*1*) No person under the age of eighteen years shall drive a motor vehicle in any public place.

(*2*) No owner or person in charge of a motor vehicle shall allow any person under the age of eighteen years to drive the same in any public place; and in the event of a contravention of sub-section (*1*), the Court may presume that the motor vehicle was driven with the consent of the owner or person in charge.

Duty to stop vehicle for regulating traffic and in case of accident.

4. The person in charge of a motor vehicle shall cause the vehicle to stop and to remain stationary so long as may reasonably be necessary—

(*a*) when required to do so by any police-officer for the purpose of regulating traffic or of ascertaining his name and address with a view to prosecuting such person under this Act or for any purpose connected with the enforcement of the provisions of this Act or the rules thereunder, or

(*b*) when required to do so by any person having charge of any animal if such person apprehends that the animal is, or will be, alarmed by the motor vehicle, or

(*c*) when he knows or has reason to believe that an accident has occurred to any person or to any animal or vehicle in charge of a person owing to the presence of the motor vehicle, and he shall also, if so required, give his name and address and the name and address of the owner of such motor vehicle.

---

[1] Section 41A of the Tramways Act says that a carriage forming part of a tramway shall not be deemed to be a motor vehicle within the meaning of this Act.

Reckless driving.

5. Whoever drives a motor vehicle in a public place recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the place, and the amount of traffic which actually is at the time, or which might reasonably be expected to be, in the place, shall, on conviction, be punishable with fine which may extend to five hundred rupees.

PART III.

LICENSING AND CONTROL.

Licensing of drivers.

6. No person shall drive a motor vehicle in a public place unless he is licensed in the prescribed manner, and no owner or person in charge of a motor vehicle shall allow any person who is not so licensed to drive it :

Provided that, subject to rules made by the President of the Union in this behalf, this section shall not apply to a person receiving instruction in driving a motor vehicle.

Transfer of licence.

7. The holder of a licence shall not allow it to be used by any other person.

Production of licence.

8. The driver of a motor vehicle shall produce his licence upon demand by any police-officer.

Extent of validity of licence to drive.

9. Every licence to drive a motor vehicle shall be valid in such area as may be specified therein.

Registration of motor vehicles.

10. (*1*) The owner of every motor vehicle shall cause it to be registered in the prescribed manner.

(*2*) Such registration shall be valid in such area as may be specified in the certificate of registration.

Power of President to make rules.

11. (*1*) The President of the Union, subject to the condition of previous publication, shall make rules for the purpose of carrying into effect the provisions of this Act and of regulating, in the whole or any part of the Union of Burma, the use of motor vehicles or any class of motor vehicles in public places.

(*2*) In particular, and without prejudice to the generality of the foregoing powers, the President of the Union may make rules for all or any of the following purposes, namely:—

(*a*) providing for the registration of motor vehicles, and the conditions subject to which such vehicles may be registered, the fees payable in respect of and incidental to registration, the issue of certificates of registration, the notification of any changes of ownership, and the area in which and the duration for which certificates of registration shall be valid ;

(*b*) providing for facilitating the identification of motor vehicles by the assignment of distinguishing numbers to such vehicles and the displaying of number and name plates thereon, or in any other manner ;

(*c*) regulating the construction and equipment of motor vehicles, including the provision and use of lights, bells, horns, brakes, speed-indicators or other appliances ;

(*d*) prescribing the authority by which, and the conditions subject to which, drivers of motor vehicles or any class of such drivers may be licensed, the fees payable in respect of such licences, and the area within which, and the duration for which, licences shall be valid ;

(*dd*) prescribing the authority by which, and the conditions and limitations subject to which, licences may be suspended or cancelled ;

(*e*) prescribing the conditions subject to which, and the fees (if any) on payment of which, motor vehicles may be let or plied for hire in public places, generally or in any particular public place ;

(*f*) prescribing the precautions to be observed when motor vehicles are standing in any public place ;

(*g*) limiting the speed at which motor vehicles may be driven generally or in any particular public place ;

(*h*) prohibiting or regulating the driving of motor vehicles in public places, where their use may, in the opinion of the President of the Union, be attended with danger or inconvenience to the public ; and

(*i*) providing generally for the prevention of danger, injury or annoyance to the public or any person, or of danger or injury to property, or of obstruction to traffic.

(*3*) All rules made under this section shall be published in the Gazette ; and, on such publication, shall have effect as if enacted in this Act.

Posting of notices.

12. The prescribed authority shall give, in the prescribed manner, public notice of any rule, made by the President of the Union under section 11, prohibiting or regulating the driving of motor vehicles in any public place, or limiting the speed of motor vehicles in any such place ; and for the purpose of giving effect to any such rule shall display conspicuous notices at or near the place to which the rule refers.

Power of President to exclude areas or motor vehicles from this Part.

13. The President of the Union may, by notification in the Gazette, exclude any area specified in such notification from the operation of this Part ; and may, by a like notification, exempt either generally or for a specified period any motor vehicle or class of motor vehicles from the operation of all or any of the provisions of this Part.

PART IV.

MOTOR VEHICLES TEMPORARILY LEAVING OR VISITING THE UNION OF BURMA.

Power of President to make rules.

14. (*1*) The President of the Union may make rules for all or any of the following purposes, namely :—

(i) for the grant and authentication of any travelling passes, certificates or authorities for the use of persons temporarily taking their

motor vehicles out of the Union of Burma, or to drivers of such vehicles when proceeding out of the Union of Burma for the purpose of driving such vehicles, and

(ii) prescribing the conditions subject to which motor vehicles brought temporarily into the Union of Burma by persons intending to make a temporary stay there may be possessed, used and driven.

(*2*) All rules made under this section shall be published in the Gazette, and, on such publication, shall have effect as if enacted in this Act.

Saving.

15. Nothing in this Act or in any rule made by the President of the Union under section 11 relating to—

(*a*) the registration of motor vehicles,

(*b*) requirements as to construction, identification or equipment of such vehicles, or

(*c*) the licensing or qualifications of drivers of such vehicles,

shall apply in the case of any motor vehicle such as is referred to in clause (ii) of sub-section (*1*) of section 14, or of any person possessing, using or driving the same, provided that the requirements of any rule made under the said clause and applicable to such vehicle or person are complied with.

PART V.

MISCELLANEOUS.

Penalties.

16. (*1*) Whoever contravenes any of the provisions of this Act or of any rule made thereunder shall, if no other penalty is elsewhere provided in this Act for such contravention, be punishable with fine which may extend to one hundred rupees, and, in the event of such person having been previously convicted of an offence under this Act or any rule made thereunder, with fine which may extend to two hundred rupees.

(*2*) Any person contravening any rule made under clause (*b*) of sub-section (*2*) of section 11, prohibiting any person from displaying or allowing to be displayed on any motor vehicle in his possession or under his control for the time being a number purporting to be a registration number other than the registered number of that motor vehicle, shall be punishable with imprisonment which may extend to one year, or with fine which may extend to five hundred rupees or with both.

Power to arrest without warrant.

16A. Any police-officer may arrest without warrant any person contravening the provisions of any rule punishable under sub-section (*2*) of section 16.

Cognizance of offences.

17. No Court inferior to that of a Magistrate of the second class shall try any offence punishable under this Act or any rule made thereunder.

Cancellation and suspension of licence and disqualification for obtaining licence.

18. (*1*) The President of the Union may, if he thinks fit,—

(i) cancel or suspend any licence granted under this Act, and

(ii) declare any person disqualified for obtaining a licence under this Act either permanently or for such period as he thinks fit.

(*1A*) The prescribed authority may, subject to such conditions and limitations as may be prescribed, cancel or suspend any licence granted under this Act.

(*2*) Any Court by which any person is convicted of an offence against the provisions of this Act or any rule made thereunder or of any offence in connection with the driving of a motor vehicle shall, if such person holds a licence under the Act, cause particulars of the conviction to be endorsed thereon and may, in respect of such person and of his licence, if any, exercise the like powers as are conferred by sub-section (*1*) on the President of the Union :

Provided that no order made by a Court under this sub-section shall affect any person or licence for a period exceeding one year from the date of such conviction.

(*3*) Any Court before which the holder of a licence under this Act is accused of any offence mentioned in sub-section (*2*) may suspend such licence until the termination of the proceedings before it.

(*4*) A copy of every order of cancellation, suspension or disqualification made under this section in respect of a licence or the holder of a licence shall be endorsed on the licence, and a copy of every endorsement in accordance with the provisions of this section shall be sent to the authority by which such licence has been granted.

(*5*) Every holder of a licence shall, when called upon to do so, produce his licence before any authority acting under this section.

(*6*) A person whose licence has been cancelled or suspended in accordance with the provisions of this section shall, during the period for which such order of cancellation has effect, or during the period of suspension, as the case may be, be disqualified for obtaining a licence.

(*7*) No person whose licence has been endorsed or who has been disqualified for obtaining a licence shall apply for, or obtain, a licence without giving particulars of such endorsement or disqualification.

THE STAGE CARRIAGES ACT.[1]

[INDIA ACT XVI, 1861.] (7th July, 1861.)

Definition of stage-carriage.

1. Every carriage drawn by one or more horses[2] which shall ordinarily be used for the purpose of conveying passengers for hire to or from any place in the Union of Burma shall, without regard to the form or construction of

[1] As to the application of this Act, see section 22.

[2] All expressions and provisions in this Act applied to horses also apply to all other animals employed in drawing stage carriages, see section 21.

such carriage, be deemed to be a stage-carriage within the meaning of this Act.

Carriages to be licensed.

2. No carriage shall be used as a stage-carriage unless licensed by a Magistrate.

Power to refuse licence.

3. The Magistrate to whom the application for a licence of a stage-carriage is made may refuse to license the same if he shall be of opinion that such stage-carriage is unserviceable or is unsafe or unfit for public accommodation or use.

Particulars of licence.

If a Magistrate shall grant a licence, the licence shall set forth the number thereof, the name and residence of the proprietor of the stage-carriage, the place at which his head office is held, the largest number of passengers and the greatest weight of luggage to be carried in or on such carriage, the number of horses by which such carriage is to be drawn, and the name of the place at which such carriage is licensed.

Charge for and duration of licence.

4. For every such licence there shall be paid by the proprietor of the stage-carriage the sum of five rupees or such less sum as the President of the Union may fix, and such licence shall be in force for one year from the date thereof.

When a licensed stage-carriage is transferred to a new proprietor within the year, the name of such new proprietor shall, on application to that effect, be substituted in the licence for the name of the former proprietor without any further payment for that year ; and every person who appears by the licence to be the proprietor shall be deemed to be such proprietor for all the purposes of this Act.

Particulars to be painted on conspicuous part of carriage.

5. On any stage-carriage being licensed the proprietor thereof shall cause the number of the licence and all the other particulars of the licence to be distinctly painted in the [Burmese][1] language and character upon a conspicuous part of such stage-carriage.

Penalty for letting carriage without having particulars painted.

6. The proprietor of any licensed stage-carriage who shall let such stage-carriage for hire without the particulars specified in section 3 being painted on such carriage in the manner directed in the last preceding section shall be liable to a fine not exceeding one hundred rupees.

Penalty for letting for hire unlicensed carriage.

7. Whoever lets for hire any stage-carriage without the same being licensed as provided by this Act shall be liable, on a first conviction, to a fine not exceeding one hundred rupees, and on any subsequent conviction, to a fine which may extend to five hundred rupees.

Penalty for allowing carriage to be drawn by fewer animals or more passengers, etc., to be carried than provided by licence

8. Any proprietor, or agent of a proprietor, or any driver of a licensed stage-carriage, who knowingly permits such carriage to be drawn by a less number of horses, or who knowingly permits a larger number of passengers, or a greater weight of luggage, to be carried by such stage-carriage than shall be provided by the licence, shall be liable, on a first conviction, to a fine not exceeding one hundred rupees, and on any subsequent conviction, to a fine which may extend to five hundred rupees.

---

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

In every case where such stage-carriage shall be proved to have been drawn by a less number of horses, or to have carried a larger number of passengers or a greater weight of luggage, than shall be provided by the licence, the proprietor of such carriage shall be held to have knowingly permitted such offence, unless he shall prove that the offence was not committed with his connivance, and that he had taken every reasonable precaution and had made reasonable provision to prevent the commission of the offence.

Penalty for ill-treating animals.

9. Any person who shall cruelly beat, ill-treat, over-drive, abuse torture or cause or procure to be cruelly beaten, ill-treated, over-driven, abused or tortured, any horse employed in drawing or harnessed to any stage-carriage, or who shall harness to or drive in any stage-carriage any horse which from sickness, age, wounds or other cause is unfit to be driven in such stage-carriage, shall for every such offence be liable to a fine not exceeding one hundred rupees.

Revocation of licence.

10. Any Magistrate within the local limits of whose jurisdiction any stage-carriage shall ply, or who has granted the licence of any stage-carriage, may cancel the licence of such stage-carriage if it shall appear to him that such stage-carriage or any horse or any harness used with such carriage is unserviceable or unsafe or otherwise unfit for public accommodation or use

Penalty for not conforming to provisions of section 5.

11. In any station or place in which a Magistrate shall reside and be any police-officer may, in any place within two miles of the office of such Magistrate, seize any stage-carriage with the horse harnessed thereto, if the full particulars of the licence of such stage-carriage be not distinctly painted on such stage-carriage in the manner provided in section 5 of this Act.

Such carriage with the horse harnessed thereto shall be taken without delay by such police-officer before such Magistrate, who shall forthwith proceed to hear and determine the complaint of such police-officer; and, if thereupon any fine is imposed by such Magistrate and such fine is paid, such stage-carriage and horse shall be immediately released; and if such fine be not paid, such stage-carriage and horse may be detained for twenty days as security for the payment thereof; and if the fine be not sooner paid, they may be sold and the proceeds applied (so far as they extend) to the payment of the said fine, and all costs and charges incurred on account of the detention and sale; and the surplus (if any), when claimed, shall be paid to the proprietor of such carriage and horse; and if such surplus be not claimed within a further period of two months from such sale, the same shall be forfeited to the State.

If the proceeds of such sale do not fully pay the fine and costs and charges aforesaid, the balance may be recovered as hereinafter provided.

Penalty for misconduct on part of drivers.

12. If any driver of any stage-carriage, or any other person having the care thereof, shall through intoxication, neglect or by wanton or furious driving, or by any other misconduct, endanger the safety of any passenger or other person, or shall injure or endanger the property of the proprietor of such stage-carriage or of any other person, every such person so offending shall be liable to a fine not exceeding one hundred rupees.

Penalty when recoverable from proprietor.

13. Whenever the driver of any stage-carriage or the owner of any horse employed in drawing any stage-carriage shall have committed any offence against this Act for the commission whereof any penalty is by this Act imposed, other than an offence specified in section 8, and such driver or owner shall not be known, or being known cannot be found, or if the penalty cannot be recovered from such driver or owner, the proprietor of such carriage shall be liable to every such penalty as if he had been the driver of such carriage or owner of such horse at the time when such offence was committed :

Proviso.

Provided that if any such proprietor shall make out, to the satisfaction of the Magistrate before whom any complaint or information shall be heard, by sufficient evidence, that the offence was committed by such driver or owner without the privity or knowledge of such proprietor, and that no profit, advantage or benefit, either directly or indirectly, has accrued or can accrue to such proprietor therefrom, and that he has used his endeavour to find out such driver or owner, and has done all that was in his power to recover the amount of the penalty from him, the Magistrate may discharge the proprietor from such penalty, and shall levy the same upon such driver or owner when found.

Issue of summons.

14. Whenever any charge is made before any Magistrate of any offence under this Act on which it is necessary to issue a summons to the proprietor of a stage-carriage, the Magistrate shall issue such summons directed to such proprietor or his nearest agent, and may transmit such summons by letter-post, which shall be deemed to be good service thereof.

The letter shall be registered at the post-office, and the cost of the registration shall be borne by the Government in the first instance, but may be charged as costs in the case.

The summons shall allow a reasonable time, in reference to the distance to which the summons is sent, for the appearance of such proprietor or his agent as aforesaid.

Adjudication of penalties.

15. All penalties incurred under this Act shall be adjudged by a Magistrate, and all orders made under this Act by such Magistrate shall be final.

Recovery of penalties, etc.

16. All penalties imposed under this Act, or any balance of any fine, costs or charges as mentioned in section 11 of this Act, may in case of non-payment or non-recovery thereof be levied by distress and sale of the moveable property of the offender by warrant under the hand of the Magistrate who imposed the same,

17. In case any such penalties shall not be forthwith paid, such Magistrate may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Magistrate for his appearance at such place and time as shall be appointed for the return of the warrant of distress. Offender may be apprehended and detained in custody until return of warrant of distress.

18. If upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such penalty, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Magistrate by the confession of the offender or otherwise that he has not sufficient goods and chattels whereupon such penalty could be levied if warrant of distress were issued, such Magistrate may, by warrant under his hand, commit the offender [* * * *][1] to prison, there to be imprisoned, according to the discretion of such officer, for any term not exceeding two calendar months when the amount of penalty shall not exceed fifty rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount. Imprisonment of offender if distress not sufficient.

[1]**19.** * * * *

20. On complaint made before any Magistrate of any offence committed under this Act, it shall not be necessary to prove that the offence was committed within the local limits of such Magistrate or other officer. Jurisdiction.

Power to make rules.

20A. (*1*) The President of the Union may, by notification in the Gazette, make rules to carry out the purposes and objects of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may—

(*a*) prescribe forms for licences under this Act, the sums payable for the same and the conditions on which they may be granted, and the cases in which they may be revoked ;

(*b*) provide for the inspection of stage-carriages, and of the animals employed in drawing them ; and

(*c*) regulate the number and length of the stages for which animals may be driven in stage-carriages and the manner in which they shall be harnessed and yoked.

(*3*) In making any rule under this section, the President of the Union may direct that a breach thereof shall be punishable with fine which may extend to one hundred rupees.

21. All expressions and provisions which in this Act are applied to horses shall also apply to all other animals employed in drawing any carriage [2] ordinarily used for the purpose of conveying passengers for hire to or from any place in the Union of Burma. Act applicable to all animals used for drawing carriages.

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

[2] That is, a " stage-carriage ", *see* section 1 *supra*.

Extent of Act.

22. This Act shall not apply to carriages ordinarily plying for hire within the limits of any municipality or cantonment or other place in which any law for the regulation of carriages is for the time being in force and it shall not extend to any part of Upper Burma unless it is extended thereto by the President of the Union by notification.

Power to President to exempt.

23. The President of the Union may, by notification in the Gazette, exempt any carriages or class of carriages from all or any of the provisions of this Act.

THE HACKNEY CARRIAGE ACT.[1]

[INDIA ACT XIV, 1879.] (5th September, 1879.)

Saving.

1. Nothing herein contained shall affect any power conferred by any law relating to municipalities, or any rule made in exercise of any such power.

Interpretation clause.

2. In this Act—

"hackney-carriage" means any wheeled vehicle drawn by animals and used for the conveyance of passengers, which is kept or offered, or plies, for hire ; and

"committee" means a municipal committee, or a body of municipal commissioners, constituted under the provisions of any enactment for the time being in force.

Application of Act to municipalities.

3. The President of the Union may, by notification, apply this Act to any municipality in the Union of Burma.

Power of committees to make rules.

When this Act has been so applied to any municipality, the committee of such municipality may from time to time make rules for the regulation and control of hackney-carriages within the limits of such municipality, in the manner in which, under the law for the time being in force, it makes rules or bye-laws for the regulation and control of other matters within such limits.

Confirmation and publication of rules.

Every rule made under this section shall, when confirmed by the Commissioner and published for such time and in such manner as the Commissioner may from time to time prescribe, have the force of law :

Provided that the Commissioner may at any time rescind any such rule.

Power to make rules for cantonments.

4. The President of the Union may, by notification, make rules for the regulation and control of hackney-carriages in any cantonment in the Union of Burma.

All rules made under this section, when published for such time and in such manner as the authority making the same may from time to time prescribe, shall have the force of law.

Power to extend operation of rules beyond limits of municipality or cantonment.

5. The authority making any rules under this Act may extend their operation to any railway-station or specified part of a road, not more than six miles from the local limits of the municipality or cantonment concerned.

---

[1] There is a special Act for Rangoon *see* the Rangoon Hackney Carriages Act, *post*

Provided that such extension shall be made, in the case of a municipality, with the sanction of the Commissioner and, in the case of a cantonment, subject to the control of the President of the Union.

When any rules have been made under this Act for any municipality, the President of the Union may extend the operation of such rules to any cantonment the boundary of which is not more than six miles distant from the boundary of such municipality.

What rules under sections 3 and 4 may provide for.

6. The rules to be made under section 3 or section 4 may, among other matters,—

(*a*) direct that no hackney-carriage, or no hackney-carriage of a particular description, shall be let to hire, except under a licence granted in that behalf ;

(*b*) direct that no person shall act as driver of a hackney-carriage except under a licence granted in that behalf ;

(*c*) provide for the issue of the licences referred to in clauses (*a*) and (*b*), prescribe the conditions (if any) on which such licences shall be granted, and fix the fees (if any) to be paid therefor ;

(*d*) regulate the description of animals, harness and other things to be used with licensed carriages, and the condition in which such carriages, and the animals, harness and other things used therewith, shall be kept, and the lights (if any) to be carried after sunset and before sunrise ;

(*e*) provide for the inspection of the premises in which any such carriages, animals, harness and other things are kept ;

(*f*) fix the time for which such licences shall continue in force, and the events (if any) upon which within such time they shall be subject to revocation or suspension ;

(*g*) provide for the numbering of such carriages ;

(*h*) determine the times at which, and the circumstances under which, any person keeping a hackney-carriage shall be bound to let or refuse to let such carriage to any person requiring the same ;

(*i*) appoint places as stands for hackney-carriages and prohibit such carriages waiting for hire except at such places ;

(*j*) limit the rates or fares, as well for time as distance, which may be demanded for the hire of any hackney-carriage ; and prescribe the minimum speed at which such carriages when hired by time shall be driven ;

(*k*) limit the number of persons, and the weight of property, which may be conveyed by any such carriage ;

(*l*) require the owner or person in charge of any such carriage to keep a printed list of fares in [Burmese][1] and such other language as may be prescribed affixed inside such carriage in such place as may be determined by the rules, and prohibit the destruction or defacement of such list ;

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

(*m*) require drivers to wear a numbered badge or ticket, and to produce their licences when required by a Magistrate or other person authorized by the rules in this behalf, and prohibit the transfer or lending of such licences and badges ; and

(*n*) provide for the deposit of property found in such carriages, and the payment of a fee by the owner of such property on the delivery thereof to him.

Penalty for breach of rules.

7. Any person breaking any rule made under this Act shall be punished with fine which may extend to fifty rupees.

Disposal of fees and payment of expenses.

8. The amount of any fees received and the amount of any expenses incurred in giving effect to this Act shall, in any municipality, be credited and debited, respectively, to the municipal fund, and, in any cantonment where there is a cantonment fund, to such fund.

Power of Magistrate to decide disputes regarding fares.

9. If any dispute arises between the hirer of any hackney-carriage and the owner or driver of such carriage as to the amount of the fare payable by such hirer under any rule made under this Act, such dispute shall, upon application made in that behalf by either of the disputing parties, be heard and determined by any Magistrate or Bench of Magistrates within the local limits of whose jurisdiction such dispute has arisen ; and such Magistrate or Bench may, besides determining the amount so in dispute, direct that either party shall pay to the other such sum as compensation for loss of time as such Magistrate or Bench thinks fit.

Any sum determined to be due or directed to be paid under this section shall be recoverable as if it were a fine.

The decision of any Magistrate or Bench in any case under this section shall be final.

When any such case is heard by a Bench, any difference of opinion arising between the members of such Bench shall be settled in the same manner as differences of opinion arising between such members in the trial of criminal cases.

In case of dispute hirer may require driver to take him to Court.

10. If, at the time any dispute mentioned in section 9 arises, any Magistrate or Bench of Magistrates having jurisdiction in respect of such dispute is sitting within the local limits to which the rules apply, the hirer of the carriage may require the driver thereof to take him in the same to the Court of such Magistrate or Bench for the purpose of making an application under that section.

Any driver neglecting or refusing to comply with such requisition shall be punished with imprisonment for a term which may extend to one month, or with fine not exceeding fifty rupees, or with both.

THE RANGOON HACKNEY CARRIAGES ACT.

[BURMA ACT IV, 1917.] (19th May, 1917.)

Extent.

1. This Act extends to the City and Cantonment of Rangoon.

Power to extend.

2. The President of the Union may, by notification, extend all or any of the provisions of this Act, with such modifications as to him may seem necessary, to any other local area in the Union of Burma.

Definitions.

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

(*a*) "Commissioner of Police" means the officer appointed a Commissioner of Police for Rangoon Town and includes any person authorized by him to exercise or perform any power or duty imposed or conferred on the Commissioner of Police by this Act ;

(*b*) "hackney carriage" means any horse-drawn vehicle used for the conveyance of passengers, which plies for hire, or is kept or offered for the purpose of plying for hire ;

(*c*) "horse" includes mule ;

(*d*) "owner" includes an agent or trustee ,

(*e*) "rickshaw" means a vehicle drawn or propelled by one or more men, and used for the conveyance of passengers, which plies for hire, or is kept or offered for the purpose of plying for hire ;

(*f*) "to drive" means to drive a hackney carriage or to draw or propel a rickshaw ;

(*g*) "vehicle" means a hackney carriage or a rickshaw.

Vehicles to be licensed.

4. No vehicle shall be let to hire, or taken to ply, or offered for hire, except under a licence duly granted to the owner thereof in that behalf by the Commissioner of Police.

Drivers of vehicles to be licensed.

5. No person shall drive a vehicle except under a licence granted in that behalf by the Commissioner of Police.

Penalty for breach of section 4.

6. (*1*) The owner of any vehicle which is let to hire, or taken to ply, or offered for hire, in contravention of section 4 shall be punished with fine which may extend to fifty rupees for each day on which such vehicle is so let to hire, or taken to ply or offered for hire.

(*2*) When any change takes place in the ownership of a vehicle and the vehicle is let to hire, or taken to ply or offered for hire, without the licence granted for such vehicle having been transferred to the new owner, the new owner shall be punished with fine which may extend to twenty-five rupees for each day on which such vehicle is so let to hire, or taken to ply or offered for hire.

Seizure of and disposal of vehicle or horse plying in contravention of section 4.

7. Any police-officer may seize a vehicle, together with any horse drawing the same, which is let to hire, or taken to ply, or offered for hire, in contravention of section 4. Any vehicle or horse so seized shall be detained in such manner as the President of the Union may prescribe by any rule or rules framed in this behalf.

If the vehicle or horse so seized be not claimed within one month from the date of such seizure, or if any fine imposed together with all costs and charges incurred in respect thereof and of the detention be not paid within one month from the date of the imposition of such fine, such vehicle or horse may be sold by public auction and the proceeds applied to the payment of the fine, if any, and of all costs and charges in respect thereof and of the detention and sale. The surplus, if any, if not claimed by the owner or keeper within a further period of three months, shall be credited to Government.

Penalty for breach of section 5.

8. Any person who drives a vehicle without a licence in contravention of section 5 shall be punished with fine which may extend to fifty rupees if the vehicle be a hackney carriage or to ten rupees if the vehicle be a rickshaw.

Penalty for suffering person to drive a vehicle without a licence

9. Any person who, having himself a licence to drive a vehicle, or being himself the owner of a vehicle, knowingly suffers any person, who has not a licence as required by section 5, to drive such vehicle shall be punished with fine which may extend to fifty rupees if the vehicle be a hackney carriage or to ten rupees if the vehicle be a rickshaw.

Penalty for use of false badge or number.

10. Any person who, for the purposes of deception, uses or wears any badge resembling or intended to resemble a badge granted under the authority of this Act, or uses or wears any badge granted under the authority of this Act when not entitled thereto, or attaches to a vehicle a number resembling or intended to resemble a number granted under the authority of this Act, or brands or marks any horse with intent that it may be thought that the horse has been branded or marked under the authority of this Act, shall be punished with fine which may extend to fifty rupees, and in case of a subsequent conviction under this section with fine which may extend to one hundred rupees.

Penalty for misconduct on part of driver or attendant of vehicle.

11. Every driver or attendant of a vehicle who shall be drunk during his employment ;

or who shall make use of insulting or abusive language or gesture ;

or who shall refuse to give way (when he reasonably and conveniently may do so) to any other carriage ;

or who shall wilfully obstruct or hinder the driver or attendant of any vehicle in taking up or setting down any person into, or from, such other vehicle ;

or who shall wrongfully prevent or endeavour to prevent the driver or attendant of any other vehicle from being hired ;

or who shall demand or exact more than the proper fare to which he is legally entitled ;

or who shall refuse to admit and carry in such vehicle the number of passengers the vehicle is licensed to carry ;

or who shall carry more than such number of passengers ;

or who shall refuse to carry a reasonable quantity of luggage as provided by any rules framed under this Act ;

or who, being hired by time, shall, before he has been discharged by the hirer, wilfully and without due cause desert from the hiring ;

or who, being hired, permits or suffers any person to be carried in or upon or about such vehicle during such hire without the consent of the person hiring the same ;

or who shall ply for hire with any vehicle or animal which shall at the time be unfit for public use ;

or who shall, without such previous disinfection as may be required by any rules framed under this Act, knowingly use for hire any vehicle recently used for the conveyance of any person suffering from any contagious or infectious disease, or the corpse of any person who has died of any such disease ;

shall be punished with fine which may extend to fifty rupees, and in case of a subsequent conviction under this section with fine which may extend to one hundred rupees.

Conviction to be endorsed on driver's licence.

12. When any driver is convicted of an offence under this Act the Magistrate by whom he is convicted shall endorse on his licence the nature of the offence, the date of the conviction and the nature of the penalty inflicted and shall forward the licence to the Commissioner of Police.

Owners of vehicles may be summoned to appear and produce drivers or attendants.

13. (*1*) When a complaint is made before a Magistrate against the driver or attendant of a vehicle for any offence committed by him against the provisions of this Act, such Magistrate may summon the owner of the vehicle personally to appear and to produce the driver or attendant, as the case may be, of such vehicle to answer the complaint.

On failure Magistrate may proceed with case.

(*2*) If such owner, after being duly summoned, shall, without reasonable excuse, neglect or refuse personally to appear or to produce the driver or attendant according to such summons he shall be liable to a fine not exceeding fifty rupees, and continue to be so from time to time as often as he shall be so summoned until such driver or attendant be produced by him:

Provided that, if such owner, without reasonable excuse, neglects or refuses to appear and produce such driver on the second or any subsequent summons requiring him to do so, it shall be lawful for the Magistrate to proceed to hear and determine the case in the absence of the owner and driver or attendant, or either of them, in the same manner as if the driver or attendant had been produced, and to adjudge payment by the owner of any penalty awarded against the driver or attendant.

Payment of compensation to owner in case of

(*3*) If, when such owner has been summoned, the Magistrate by whom the case is heard discharges or acquits the driver or attendant and is satisfied that the accusation against him was frivolous or vexatious, the Magistrate may,

frivolous or vexatious complaint.

in his discretion, by his order of discharge or acquittal, direct the complainant to pay to the owner compensation not exceeding fifty rupees,

Settlement of disputes.

14. In the case of any dispute as to the amount of fare payable between the hirer and driver of any vehicle the hirer may require the driver to proceed forthwith to the nearest police-station, and the dispute shall be decided by any police-officer present at such station of rank not below that of Inspector.

If either party refuse to accept the decision of such police-officer, the police-officer shall enter the complaint in his diary and require the parties to appear before the Magistrate at his next sitting.

On failure of either party to attend such sitting the Magistrate may, if he think fit, decide the case *ex-parte*.

If any driver shall refuse to obey such requisition of the hirer it shall be lawful for the hirer to give the driver into the custody of the nearest police-officer; such police-officer shall thereupon take the driver and the hirer together with the vehicle and any horse drawing the same to the nearest police-station, where the dispute shall be decided as aforesaid.

Procedure in case of refusing to pay fares.

15. (*1*) If any person who shall have hired a vehicle shall refuse to pay to the owner, driver or attendant thereof, on demand, the fare payable under this Act, it shall be lawful for the Magistrate who hears the case to order payment of such fare, and also of such compensation for loss of time as shall seem reasonable.

Penalty for fraudulent evasion.

(*2*) If any hirer who shall have used any such vehicle shall fraudulently attempt to evade payment of his fare, he shall be punished for every such offence with fine which may extend to fifty rupees or with simple imprisonment which may extend to two months, in addition to the payment of such fare and compensation as hereinbefore mentioned.

Penalty for destroying table of fares.

16. Every person who shall maliciously or knowingly tear, destroy, deface, obliterate, or remove any table of fares which shall have been put up in any vehicle in accordance with rules made under this Act shall be punished for every such offence with fine which may extend to twenty rupees.

Penalty for wilful injury to vehicle.

17. Every person using a vehicle who shall wilfully injure the same shall be punished for every such offence with fine which may extend to twenty rupees or with simple imprisonment which may extend to one month, and shall also pay to the owner such compensation for the injury as the Magistrate may direct.

Prosecution to be instituted before Magistrate.

18. (*1*) Every prosecution under this Act may be instituted before any Magistrate having local jurisdiction, who may summon the person charged to appear at a time and place to be mentioned in the summons; and if such person does not appear, the Magistrate may, upon proof of service of the summons and if no sufficient cause be shown for the non-appearance of the person charged, proceed to hear and determine the case in his absence.

(*2*) If such person do appear, then the procedure for the trial of summons cases laid down in the Code of Criminal Procedure shall be followed. Procedure in case of prosecutions.

19. (*1*) No person shall be liable to prosecution for any offence under this Act unless the complaint respecting such offence be made within three months next after the commission of such offence. Liability to prosecutions when incurred.

(*2*) The omission to take out a licence for a vehicle or a licence as a driver or to register a horse used for drawing a hackney carriage shall, when such omission is an offence, be deemed to be a continuing offence.

20. In any case in which a Magistrate is satisfied that a complainant had no reasonable ground for instituting a prosecution, it shall be lawful for such Magistrate to direct the complainant to pay to the accused such compensation not exceeding fifty rupees as he thinks fit, and the sum so awarded shall be recoverable as if it were a fine. Compensation for groundless prosecutions.

21. Any police-officer or constable may arrest without warrant any person who is not licensed under this Act and who commits in his view any offence against this Act, and may seize and detain in any place of safety until judgment is pronounced in the case any vehicle, harness or animal which it may be necessary so to seize and detain. Power of arrest and seizure without a warrant by police.

22. All fees collected and fines imposed under the provisions of this Act shall be credited to Government, and all charges incurred in the administration of this Act shall be met from such fees and fines. At the end of each year the balance of fees and fines collected and imposed during the year, after all such charges have been met, shall be paid to the Rangoon Municipal Fund. Disposal of fees and fines under the Act.

23. (*1*) The President of the Union may from time to time make rules for carrying into effect the objects of this Act. Power to make rules.

(*2*) Rules under this section may provide for the following among other matters, namely :—

(*a*) the conditions under which licences may be issued to the owners of vehicles ;

(*b*) the conditions under which such licences may be transferred, renewed, suspended or cancelled ;

(*c*) the period for which such licences shall be valid ;

(*d*) the fees to be paid for the issue, transfer or renewal of such licences ;

(*e*) the numbering of, and affixing of a list of fares in or on, vehicles ;

(*f*) the lights to be carried on vehicles after sunset and before sunrise ;

(*g*) the description of hackney carriages which may be licensed and of the horses, harness and other things to be used with such hackney carriages, the condition in which such hackney carriages, horses, harness and other things shall be kept, and inspection of the premises in which they are kept ;

(*h*) the registration of horses used for drawing hackney carriages and the prohibition of the use of horses which by reason of not being broken or by reason of illness or otherwise are unfit to draw a hackney carriage ;

(*i*) the description of rickshaws which may be licensed and the condition in which such rickshaws shall be kept ;

(*j*) the conditions under which licences may be issued to drivers ;

(*k*) the conditions under which such licences may be renewed, suspended or cancelled ;

(*l*) the period for which such licences shall be valid ;

(*m*) the fees to be paid for the issue of or renewal of such licences ;

(*n*) the examination of applicants for such licences ;

(*o*) the wearing of badges by drivers ;

(*p*) the surrender by owners or drivers and the seizure by the police of licences which have expired or been suspended or cancelled and the surrender by drivers and the seizure by the police of badges worn in contravention of the rules ;

(*q*) the furnishing of copies of licences to owners or drivers and the fee to be paid therefor ;

(*r*) the production of licences, badges and certificates of registration of horses for inspection or any other purpose ;

(*s*) the times at which and the circumstances in which any person keeping a vehicle shall be bound to let or shall or may refuse to let such vehicle to any person requiring the same ;

(*t*) the appointment of places as stands for vehicles, the prohibition of such vehicles waiting for hire except at such places, and the manner of taking up or setting down any passenger or of waiting for such purposes ;

(*u*) the rates of fares, as well for time as for distance, which may be demanded for the hire of any vehicle, and the speed at which hackney carriages when hired by time shall be driven ;

(*v*) the number of persons and the weight of property which may be conveyed by a vehicle ;

(*w*) the deposit of property found in any vehicle, and the payment of a fee by the owner of such property on the delivery thereof to him ; and

(*x*) the disinfection of vehicles.

(*3*) Any rule under this section may contain a provision that any person committing a breach of it shall be punished with fine which may extend to one hundred rupees, or with simple imprisonment which may extend to fourteen days, or with any less fine or period of imprisonment.

(*4*) The power to make rules under this section is subject to the condition of the rules being made after previous publication.

E. RAILWAYS AND TRAMWAYS.

c။ ။မီးရထားနှင့်ဓါတ်ရထားများဆိုင်ရာ။

THE RAILWAYS ACT.

CONTENTS.

CHAPTER I.

PRELIMINARY.

Sections.

1. Extent and application.
2. * * * *
3. Definitions.
3A. * * * *

CHAPTER II.

INSPECTION OF RAILWAYS.

4. Appointment and duties of Inspectors.
5. Powers of Inspectors.
6. Facilities to be afforded to Inspectors.

CHAPTER III.

CONSTRUCTION AND MAINTENANCE OF WORKS.

7. Authority of railway administration to execute all necessary works.
8. Alteration of pipes, wires and drains.
9. Temporary entry upon land for repairing or preventing accident.
10. Payment of compensation for damage caused by lawful exercise of powers under section 7, 8 or 9.
11. Accommodation works.
12. Power for owner, occupier or local authority to cause additional accommodation works to be made.
13. Fences, screens, gates and bars.
14. Over and under bridges.
15. Removal of trees dangerous to or obstructing the working of a railway.

CHAPTER IV

Opening of Railways.

Sections.

16. Right to use locomotives.
17. Notice of intended opening of a railway.
18. Sanction of the Board a condition precedent to the opening of a railway.
19. Procedure in sanctioning the opening of a railway.
20. Application of the provisions of the three last foregoing sections to material alterations of a railway.
21. Exceptional provision.
22. Power to make rules with respect to the opening of railways.
23. Power to close an opened railway.
24. Re-opening of a closed railway.
25. Delegation of powers under this Chapter to Inspectors.

CHAPTER V.

Traffic Facilities.

26—40. * * * *
41. Bar of jurisidiction.
42. Duty of railway administrations to arrange for receiving and forwarding traffic without unreasonable delay and without partiality.
43. Undue preference in case of unequal rates for like traffic or services.
44. Provision for facilities and equal treatment where ships or boats are used which are not part of a railway.
45. Terminals.
46. Power of Board to fix terminals.
46A. Decision of Board final.
46B. * * * *

CHAPTER VI.

Working of Railways.

General.

47. General rules.
48. Disposal of differences between railways regarding conduct of joint traffic.
49. Agreements with the Board for construction or lease of rolling-stock.
50. Powers of railway companies to enter into working agreements.
51. Establishment of ferries and roadways for accommodation of traffic.
51A. Additional power to provide and maintain transport services.
52. Returns.

Carriage of Property.

Sections.

53. Maximum load for wagons.
54. Power for railway administration to impose conditions for working traffic.
55. Lien for rates, terminals and other charges.
56. Disposal of unclaimed things on a railway.
57. Power for railway administration to require indemnity on delivery of goods in certain cases.
58. Requisitions for written accounts of description of goods.
59. Dangerous or offensive goods.
60. Exhibition to the public of authority for quoted rates.
61. Requisitions on railway administration for details for gross charges.

Carriage of Passengers.

62. Communication between passengers and railway servants in charge of trains.
63. Maximum number of passengers for each compartment.
64. Reservation of compartments for females.
65. Exhibition of time-tables and table of fares at stations.
66. Supply of tickets on payment of fares.
67. Provision for case in which tickets have been issued for trains not having room available for additional passengers.
68. Prohibition against travelling without pass or ticket.
69. Exhibition and surrender of passes and tickets.
70. Return and season tickets.
71. Power to refuse to carry persons suffering from infectious or contagious disorder.

CHAPTER VIA.

LIMITATION OF EMPLOYMENT OF RAILWAY SERVANTS.

71A. Definitions.
71B. Application of Chapter VIA.
71C. Limitation of hours of work.
71D. Grant of periodical rest.
71E. Power to make rules.
71F. Railway servant to remain on duty.
71G Supervisors of railway labour.
71H. Penalty.

CHAPTER VII.

RESPONSIBILITY OF RAILWAY ADMINISTRATION AS CARRIER.

72. Measure of the general responsibility of a railway administration as a carrier of animals and goods.

Sections.

73. Further provision with respect to the liability of a railway administration as a carrier of animals.
74. Further provision with respect to the liability of a railway administration as a carrier of luggage.
75. Further provision with respect to the liability of a railway administration as a carrier of articles of special value.
76. Burden of proof in suits in respect of loss of animals or goods.
77. Notification of claims to refunds of overcharges and to compensation for losses.
78. Exoneration from responsibility in case of goods falsely described.
79. Settlement of compensation for injuries to officers, soldiers, sailors, airmen and followers on duty.
80. Suits for compensation for injury to through-booked traffic.
81. * * * *
82. Limitation of liability of railway administration in respect of accidents at sea.

CHAPTER VIII.

ACCIDENTS.

83. Report of railway accidents.
84. Power to make rules regarding notices of and inquiries into accidents.
85. Submission of return of accidents.
86. Provision for compulsory medical examination of person injured in railway accident.

CHAPTER IX.

PENALTIES AND OFFENCES.

Forfeitures by Railway Companies.

87. Penalty for default in compliance with requisition under section 13.
88. Penalty for contravention of section 16, 18, 19, 20, 21 or 24.
89. Penalty for not having certain documents kept or exhibited at stations under section 47, 54 or 65.
90. Penalty for not making rules as required by section 47.
91. Penalty for failure to comply with decision under section 48.
92. Penalty for delay in submitting returns under section 52 or 85.
93. Penalty for neglect of provisions of section 53 or 63 with respect to carrying capacity of rolling-stock.
94. Penalty for failure to comply with requisition under section 62 for maintenance of means of communication between passengers and railway servants.
95. Penalty for failure to reserve compartments for females under section 64.

Sections.

96. Penalty for omitting to give the notices of accidents required by section 83 and under section 84.
97. Recovery of penalties.
98. Alternative or supplementary character of remedies afforded by the foregoing provisions of this Chapter.

Offences by Railway Servants.

99. Breach of duty imposed by section 60.
100. Drunkenness.
101 Endangering the safety of persons.
102. Compelling passengers to enter carriages already full.
103. Omission to give notice of accident.
104. Obstructing level-crossings.
105. False returns.

Other Offences.

106. Giving false account of goods.
107. Unlawfully bringing dangerous or offensive goods upon a railway.
108. Needlessly interfering with means of communication in a train.
109. Entering compartment reserved or already full, or resisting entry into a compartment not full.
110. Smoking.
111. Defacing public notices.
112. Travelling or attempting to travel without proper pass or ticket or with insufficient pass or ticket or beyond authorized distance.
113. * * * *
114. Transferring any half of return ticket.
115. Disposal of fines under the two last foregoing sections.
116. Altering or defacing pass or ticket.
117. Being or suffering person to travel on railway with infectious or contagious disorder.
118. Entering carriage in motion, or otherwise improperly travelling on a railway.
119. Entering carriage or other place reserved for females.
120. Drunkenness or nuisance on a railway.
121. Obstructing railway servant in his duty.
122. Trespass and refusal to desist from trespass.
123. Disobedience of omnibus drivers to directions of railway servants.
124. Opening or not properly shutting gates.
125. Cattle-trespass.
126. Maliciously wrecking or attempting to wreck a train.
127. Maliciously hurting or attempting to hurt persons travelling by railway.
128. Endangering safety of persons travelling by railway by wilful act or omission.

Sections.

129. Endangering safety of persons travelling by railway by rash or negligent act or omission.
130. Special provision with respect to the commission by children of acts endangering safety of persons travelling by railway.

Procedure.

131. Arrest for offences against certain sections.
132. Arrest for offences against other sections.
133. Magistrates having jurisdiction under Act.
134. Place of trial.

CHAPTER X.

SUPPLEMENTAL PROVISIONS.

135. Taxation of railways by local authorities.
136. Restriction on execution against railway property.
137. Railway servants to be public servants for the purposes of Chapter IX of the Penal Code.
138. Procedure for summary delivery to railway administration of property detained by railway servant.
139. * * * *
140. Service of notices on railway administrations.
141. Service of notices by railway administrations.
142. Presumption where notice is served by post.
143. Provisions with respect to rules.
144. * * * *
145. Representation of Chief Railway Commissioner and Agents of railways in Courts.
146. Power to extend Act to steam-tramways.
147. Power to exempt railways from Act.
148. Matters supplemental to the definitions of "railway" and "railway servant."

THE FIRST SCHEDULE.— * * * *

THE SECOND SCHEDULE.—ARTICLES TO BE DECLARED AND INSURED.

THE RAILWAYS ACT.

[INDIA ACT IX, 1890.] (1st May, 1890.)

CHAPTER I.

PRELIMINARY.

Extent and application.

[1] **1.** This Act extends to the whole of the Union of Burma and applies also to all citizens of the Union wherever they may be.

2. * * * *

---

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

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

(1) "tramway" means a tramway constructed under the Tramways Act or any special Act relating to tramways;

(2) "ferry" includes a bridge of boats, pontoons or rafts, a swing-bridge, a flying bridge and a temporary bridge, and the approaches to, and landing places of, a ferry;

(3) "inland water" means any canal, river, lake or navigable water;

(4) "railway" means a railway, or any portion of a railway, for the public carriage of passengers, animals or goods, and includes—

(*a*) all land within the fences or other boundary-marks indicating the limits of the land appurtenant to a railway;

(*b*) all lines of rails, sidings or branches worked over for the purposes of, or in connection with, a railway;

(*c*) all stations, offices, warehouses, wharves, workshops, manufactories, fixed plant and machinery and other works constructed for the purposes of, or in connection with, a railway; and

(*d*) all ferries, ships, boats and rafts which are used on inland waters for the purposes of the traffic of a railway and belong to or are hired or worked by the authority administering the railway;

(5) "railway company" includes any persons, whether incorporated or not, who are owners or lessees of a railway or parties to an agreement for working a railway;

[1](5A) "the Board" means "the Union of Burma Railway Board" constituted under the Union of Burma Railway Board Act, 1951;

[2](6) "Railway Administration" means the Burma Railway Administration and includes in the case of a railway administered by a railway company the railway company;

(7) "railway servant" means any person employed by a railway administration in connection with the service of a railway;

(8) "Inspector" means an Inspector of Railways appointed under this Act;

(9) "goods" includes inanimate things of every kind;

(10) "rolling-stock" includes locomotive engines, tenders, carriages, wagons, trucks and trollies of all kinds;

(11) "traffic" includes rolling-stock of every description, as well as passengers, animals and goods;

(12) "through traffic" means traffic which is carried over the railways of two or more railway administrations;

(13) "rate" includes any fare, charge or other payment for the carriage of any passenger, animal or goods;

(14) "terminals" includes charges in respect of stations, sidings, wharves, depôts, warehouses, cranes and other similar matters, and of any services rendered thereat;

---

[1] Substituted by Act LVI, 1951.

[2] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

(15) "pass" means an authority given by a railway administration, or by an officer appointed by a railway administration in this behalf, and authorizing the person to whom it is given to travel as a passenger on a railway gratuitously;

(16) "ticket" includes a single ticket, a return ticket and a season ticket;

(17) "maund" means a weight of three thousand two hundred tolas, each tola being a weight of one hundred and eighty grains Troy; and

(18) "Collector" means the chief officer in charge of the land-revenue administration of a district, and includes any officer specially appointed by the President of the Union to discharge the functions of a Collector under this Act.

[1]3A. * * * * *

CHAPTER II.

INSPECTION OF RAILWAYS.

Appointment and duties of Inspectors.

4. (*1*) The Board may appoint persons, by name or by virtue of their office, to be Inspectors of Railways.

(*2*) The duties of an Inspector of Railways shall be—

(*a*) to inspect railways with a view to determine whether they are fit to be opened for the public carriage of passengers, and to report thereon to the President of the Union as required by this Act;

(*b*) to make such periodical or other inspections of any railway or of any rolling-stock used thereon as the President of the Union may direct;

(*c*) to make inquiry under this Act into the cause of any accident on a railway;

(*d*) to perform such other duties as are imposed on him by this Act, or any other enactment for the time being in force relating to railways.

Powers of Inspectors.

5. An Inspector shall, for the purpose of any of the duties which he is required or authorized to perform under this Act, be deemed to be a public servant within the meaning of the Penal Code, and, subject to the control of the Board, shall for that purpose have the following powers, namely:—

(*a*) to enter upon and inspect any railway or any rolling-stock used thereon;

(*b*) by an order in writing under his hand addressed to the railway administration, to require the attendance before him of any railway servant, and to require answers or returns to such inquiries as he thinks fit to make from such railway servant or from the railway administration;

(*c*) to require the production of any book or document belonging to or in the possession or control of any railway administration (except a communication between a railway company and its legal advisers) which it appears to him to be necessary to inspect.

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

6. A railway administration shall afford to the Inspector all reasonable facilities for performing the duties and exercising the powers imposed and conferred upon him by this Act. Facilities to be afforded to Inspectors.

CHAPTER III.

CONSTRUCTION AND MAINTENANCE OF WORKS.

7. (*1*) Subject to the provisions of this Act and, in the case of immoveable property not belonging to the railway administration, to the provisions of any enactment for the time being in force for the acquisition of land for public purposes and for companies, and subject also, in the case of a railway company, to the provisions of any contract between the company and the Government or the Board, a railway administration may for the purpose of constructing a railway or the accommodation or other works connected therewith, and notwithstanding anything in any other enactment for the time being in force,— Authority of railway administration to execute all necessary works.

(*a*) make or construct in, upon, across, under or over any lands, or any streets, hills, valleys, roads, railways or tramways, or any rivers, canals, brooks, streams or other waters, or any drains, water-pipes, gas-pipes or telegraph lines, such temporary or permanent inclined planes, arches, tunnels, culverts, embankments, aqueducts, bridges, roads, lines of railway, ways, passages, conduits, drains, piers, cuttings and fences as the railway administration thinks proper ;

(*b*) alter the course of any rivers, brooks, streams or watercourses, for the purpose of constructing and maintaining tunnels, bridges, passages or other works over or under them, and divert or alter, as well temporarily as permanently, the course of any rivers, brooks, streams or watercourses, or any roads, streets or ways, or raise or sink the level thereof, in order the more conveniently to carry them over or under or by the side of the railway, as the railway administration thinks proper ;

(*c*) make drains or conduits into, through or under any lands adjoining the railway for the purpose of conveying water from or to the railway ;

(*d*) erect and construct such houses, warehouses, offices and other buildings, and such yards, stations, wharves, engines, machinery, apparatus and other works and conveniences as the railway administration thinks proper ;

(*e*) alter, repair or discontinue such buildings, works and conveniences as aforesaid or any of them and substitute others in their stead ; and

(*f*) do all other acts necessary for making, maintaining, altering or repairing and using the railway.

(*2*) The exercise of the powers conferred on a railway administration by sub-section (*1*) shall be subject to the control of the Board.

Alteration of pipes, wires and drains.

8. A railway administration may, for the purpose of exercising the powers conferred upon it by this Act, alter the position of any pipe for the supply of gas, water or compressed air or the position of any electric wire or of any drain not being a main drain:

Provided that—

(*a*) when the railway administration desires to alter the position of any such pipe, wire or drain, it shall give reasonable notice of its intention to do so, and of the time at which it will begin to do so, to the local authority [1] or company having control over the pipe, wire or drain, or when the pipe, wire or drain is not under the control of a local authority [1] or company, to the person under whose control the pipe, wire or drain is;

(*b*) a local authority, [1] company or person receiving notice under proviso (*a*) may send a person to superintend the work, and the railway administration shall execute the work to the reasonable satisfaction of the person so sent, and shall make arrangements for continuing during the execution of the work the supply of gas, water, compressed air or electricity or the maintenance of the drainage, as the case may be.

Temporary entry upon land for repairing or preventing accident.

9. (*1*) The Board may authorize any railway administration, in case of any slip or other accident happening or being apprehended to any cutting, embankment or other work under the control of the railway administration, to enter upon any lands adjoining its railway for the purpose of repairing or preventing the accident, and to do all such works as may be necessary for the purpose.

(*2*) In case of necessity the railway administration may enter upon the lands and do the works aforesaid without having obtained the previous sanction of the Board, but in such a case shall, within seventy-two hours after such entry, make a report to the Board, specifying the nature of the accident or apprehended accident, and of the works necessary to be done, and the power conferred on the railway administration by this sub-section shall cease and determine if the Board, after considering the report, considers that the exercise of the power is not necessary for the public safety.

Payment of compensation for damage caused by lawful exercise of powers under section 7, 8 or 9.

10. (*1*) A railway administration shall do as little damage as possible in the exercise of the powers conferred by any of the three last foregoing sections, and compensation shall be paid for any damage caused by the exercise thereof.

(*2*) A suit shall not lie to recover such compensation, but in case of dispute the amount thereof shall, on application to the Collector, be determined and paid in accordance, so far as may be, with the provisions of sections 11 to 15, both inclusive, sections 18 to 34, both inclusive, and sections 53 and 54 of the Land Acquisition Act, and the provisions of sections 51 and 52 of that Act shall apply to the award of compensation.

---

[1] For definition of "local authority" see section 135 (5) *infra*.

Accommdoation works.

11. (*1*) A railway administration shall make and maintain the following works for the accommodation of the owners and occupiers of lands adjoining the railway, namely:—

(*a*) such and so many convenient crossings, bridges, arches, culverts and passages over, under or by the sides of, or leading to or from, the railway as may, in the opinion of the President of the Union, be necessary for the purpose of making good any interruptions caused by the railway to the use of the lands through which the railway is made, and

(*b*) all necessary arches, tunnels, culverts, drains, watercourses or other passages over or under or by the sides of the railway, of such dimensions as will, in the opinion of the President of the Union, be sufficient at all times to convey water as freely from or to the lands lying near or affected by the railway as before the making of the railway, or as nearly so as may be.

(*2*) Subject to the other provisions of this Act, the work specified in clauses (*a*) and (*b*) of sub-section (*1*) shall be made during or immediately after the laying out or formation of the railway over the lands traversed thereby and in such manner as to cause as little damage or inconvenience as possible to persons interested in the lands or affected by the works.

(*3*) The foregoing provisions of this section are subject to the following provisos, namely:—

(*a*) a railway administration shall not be required to make any accommodation works in such a manner as would prevent or obstruct the working or using of the railway, or to make any accommodation works with respect to which the owners and occupiers of the lands have agreed to receive and have been paid compensation in consideration of their not requiring the works to be made;

(*b*) save as hereinafter in this Chapter provided, a railway administration shall not, except on the requisition of the President of the Union, be compelled to defray the cost of executing any further or additional accommodation works for the use of the owners or occupiers of the lands after the expiration of ten years from the date on which the railway passing through the lands was first opened for public traffic;

(*c*) where a railway administration has provided suitable accommodation for the crossing of a road or stream, and the road or stream is afterwards diverted by the act or neglect of the person having the control thereof, the administration shall not be compelled to provide other accommodation for the crossing of the road or stream.

(*4*) The President of the Union may appoint a time for the commencement of any work to be executed under sub-section (*1*), and if for fourteen days next after that time the railway administration fails to commence the work or, having commenced it, fails to proceed diligently to

execute it in a sufficient manner, the President of the Union may execute it and recover from the railway administration the cost incurred by him in the execution thereof.

Power for owner, occupier or local authority to cause additional accommodation works to be made.

12. If an owner or occupier of any land affected by a railway considers the works made under the last foregoing section to be insufficient for the commodious use of the land, or if the President of the Union or a local authority desires to construct a public road or other work across, under or over a railway, he or it, as the case may be, may at any time require the railway administration to make at his or its expense such further accommodation works as he or it thinks necessary and are agreed to by the railway administration or as, in case of difference of opinion, may be authorized by the President of the Union.

Fences, screens, gates and bars.

13. The Board may require that, within a time to be specified in the requisition, or within such further time as it may appoint in this behalf,—

(*a*) boundary-marks or fences be provided or renewed by a railway administration for a railway or any part thereof and for roads constructed in connection therewith ;

(*b*) any works in the nature of a screen near to or adjoining the side of any public road constructed before the making of a railway be provided or renewed by a railway administration for the purpose of preventing danger to passengers on the road by reason of horses or other animals being frightened by the sight or noise of the rolling-stock moving on the railway ;

(*c*) suitable gates, chains, bars, stiles or hand-rails be erected or renewed by a railway administration at places where a railway crosses a public road on the level ;

(*d*) persons be employed by a railway administration to open and shut such gates, chains or bars.

Over and under bridges.

14. (*1*) Where a railway administration has constructed a railway across a public road on the level, the Board may at any time, if it appears to it necessary for the public safety, require the railway administration, within such time as the Board thinks fit, to carry the road either under or over the railway by means of a bridge or arch, with convenient ascents and descents and other convenient approaches, instead of crossing the road on the level, or to execute such other works as, in the circumstances of the case, may appear to the Board to be best adapted for removing or diminishing the danger arising from the level-crossing.

(*2*) The Board may require, as a condition of making a requisition under sub-section (*1*), that the local authority, if any, which maintains the road, shall undertake to pay the whole of the cost to the railway administration of complying with the requisition or such portion of the cost as the Board thinks just.

15. (*1*) In either of the following cases, namely,— Removal of trees dangerous to or obstructing the working of a railway.

(*a*) where there is danger that a tree standing near a railway may fall on the railway so as to obstruct traffic,

(*b*) when a tree obstructs the view of any fixed signal,

the railway administration may, with the permission of any Magistrate, fell the tree or deal with it in such other manner as will in the opinion of the railway administration avert the danger or remove the obstruction, as the case may be.

(*2*) In case of emergency the power mentioned in sub-section (*1*) may be exercised by a railway administration without the permission of a Magistrate.

(*3*) Where a tree felled or otherwise dealt with under sub-section (*1*) or sub-section (*2*) was in existence before the railway was constructed or the signal was fixed, any Magistrate may, upon the application of the persons interested in the tree, award to those persons such compensation as he thinks reasonable.

(*4*) Such an award, subject, where made by any Magistrate other than the District Magistrate, to revision by the District Magistrate, shall be final.

(*5*) A civil Court shall not entertain a suit to recover compensation for any tree felled or otherwise dealt with under this section.

CHAPTER IV.

Opening of Railways.

16. (*1*) A railway administration may, with the previous sanction of the Board, use upon a railway locomotive engines or other motive power, and rolling-stock to be drawn or propelled thereby. Right to use locomotives.

(*2*) But rolling-stock shall not be moved upon a railway by steam or other motive power until such general rules for the railway as may be deemed to be necessary have been made, sanctioned and published under this Act.

17. (*1*) Subject to the provisions of sub-section (*2*), a railway administration shall, one month at least before it intends to open any railway for the public carriage of passengers, give to the Board notice in writing of its intention. Notice of intended opening of a railway.

(*2*) The Board may in any case, if it thinks fit, reduce the period of, or dispense with, the notice mentioned in sub-section (*1*).

18. A railway shall not be opened for the public carriage of passengers until the Board, or an Inspector empowered by the Board in this behalf, has by order sanctioned the opening thereof for that purpose. Sanction of the Board a condition precedent to the opening of a railway.

19. (*1*) The sanction of the Board under the last foregoing section shall not be given until an Inspector has, after inspection of the railway, reported in writing to the Board— Procedure in sanctioning the opening of a railway

(*a*) that he has made a careful inspection of the railway and rolling-stock ;

(*b*) that the moving and fixed dimensions prescribed by the Board have not been infringed ;

(*c*) that the weight of rails, strength of bridges, general structural character of the works, and the size of and maximum gross load upon the axles of any rolling-stock, are such as have been prescribed by the Board ;

(*d*) that the railway is sufficiently supplied with rolling-stock ;

(*e*) that general rules for the working of the railway when opened for the public carriage of passengers have been made, sanctioned and published under this Act ; and

(*f*) that, in his opinion, the railway can be opened for the public carriage of passengers without danger to the public using it.

(*2*) If in the opinion of the Inspector the railway cannot be so opened without danger to the public using it, he shall state that opinion, together with the grounds therefor, to the Board, and the Board may thereupon order the railway administration to postpone the opening of the railway.

(*3*) An order under the last foregoing sub-section must set forth the requirements to be complied with as a condition precedent to the opening of the railway being sanctioned, and shall direct the postponement of the opening of the railway until those requirements have been complied with or the Board is otherwise satisfied that the railway can be opened without danger to the public using it.

(*4*) The sanction given under this section may be either absolute or subject to such conditions as the Board thinks necessary for the safety of the public.

(*5*) When sanction for the opening of a railway is given subject to conditions, and the railway administration fails to fulfil those conditions, the sanction shall be deemed to be void, and the railway shall not be worked or used until the conditions are fulfilled to the satisfaction of the Board.

Application of the provisions of the three last foregoing sections to material alterations of a railway.

20. (*1*) The provisions of sections 17, 18 and 19 with respect to the opening of a railway shall extend to the opening of the works mentioned in sub-section (*2*) when those works form part of, or are directly connected with, a railway used for the public carriage of passengers and have been constructed after the inspection which preceded the first opening of the railway.

(*2*) The works referred to in sub-section (*1*) are additional lines of railway, deviation lines, stations, junctions and crossings on the level, and any alteration or re-construction materially affecting the structural character of any work to which the provisions of sections 17, 18 and 19 apply or are extended by this section.

Exceptional provision.

21. When an accident has occurred resulting in a temporary suspension of traffic, and either the original line and works have been rapidly restored to their original standard, or a temporary diversion has been laid for the purpose of restoring communication, the original line and works so restored, or the temporary diversion, as the case may be, may, in the absence of the Inspector

be opened for the public carriage of passengers, subject to the following conditions, namely,—

(*a*) that the railway servant in charge of the works undertaken by reason of the accident has certified in writing that the opening of the restored line and works, or of the temporary diversion, will not in his opinion be attended with danger to the public using the line and works or the diversion ; and

(*b*) that notice by telegraph of the opening of the line and works or the diversion shall be sent, as soon as may be, to the Inspector appointed for the railway.

Power to make rules with respect to the opening of railways.

22. The Board may make rules defining the cases in which, and in those cases the extent to which, the procedure prescribed in sections 17 to 20 (both inclusive) may be dispensed with.

Power to close an opened railway.

23. (*1*) When, after inspecting any open railway used for the public carriage of passengers, or any rolling-stock used thereon, an Inspector is of opinion that the use of the railway or of any specified rolling-stock will be attended with danger to the public using it, he shall state that opinion, together with the grounds therefor, to the Board, and the Board may thereupon order that the railway be closed for the public carriage of passengers or that the use of the rolling-stock so specified be discontinued, or that the railway or the rolling stock so specified be used for the public carriage of passengers on such conditions only as the Board may consider necessary for the safety of the public.

(*2*) An order under sub-section (*1*) must set forth the grounds on which it is founded.

Re-opening of a closed railway.

24. (*1*) When a railway has been closed under the last foregoing section, it shall not be re-opened for the public carriage of passengers until it has been inspected and its re-opening sanctioned, in accordance with the provisions of this Act.

(*2*) When the Board has ordered under the last foregoing section that the use of any specified rolling-stock be discontinued, that rolling-stock shall not be used until an Inspector has reported that it is fit for use and the Board has sanctioned its use.

(*3*) When the Board has imposed under the last foregoing section any conditions with respect to the use of any railway or rolling-stock, those conditions shall be observed until they are withdrawn by the Board.

Delegation of powers under this Chapter to Inspectors

25. (*1*) The Board may, by general or special order, authorize the discharge of any of its functions under this Chapter by an Inspector, and may cancel any sanction or order given by an Inspector discharging any such function or attach thereto any condition which the Board might have imposed if the sanction or order had been given by itself.

(*2*) A condition imposed under sub-section (*1*) shall for all the purposes of this Act have the same effect as if it were attached to a sanction or order given by the Board.

CHAPTER V.

TRAFFIC FACILITIES

26—40. * * * * *

Bar of jurisdiction.

41. Except as provided in this Act, no suit shall be instituted or proceeding taken for anything done or any omission made by a railway administration in violation or contravention of any provision of this Chapter.

Duty of railway administrations to arrange for receiving and forwarding traffic without unreasonable delay and without partiality.

42. (*1*) Every railway administration shall, according to its powers, afford all reasonable facilities for the receiving, forwarding and delivering of traffic upon and from the several railways belonging to or worked by it and for the return of rolling-stock.

(*2*) A railway administration shall not make or give any undue or unreasonable preference or advantage to or in favour of any particular person or railway administration, or any particular description of traffic, in any respect whatsoever, or subject any particular person or railway administration or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

(*3*) A railway administration having or working railways which form part of a continuous line of railway communication, or having its terminus or station within one mile of the terminus or station of another railway administration, shall afford all due and reasonable facilities for receiving and forwarding by one of such railways all the traffic arriving by the other at such terminus or station, without any unreasonable delay, and without any such preference or advantage or prejudice or disadvantage as aforesaid, and so that no obstruction may be offered to the public desirous of using such railways as a continuous line of communication, and so that all reasonable accommodation may by means of such railways be at all times afforded to the public in that behalf.

(*4*) The facilities to be afforded under this section shall include the due and reasonable receiving, forwarding and delivering by every railway administration, at the request of any other railway administration, of through traffic to and from the railway of any other railway administration at through rates :

Provided as follows :—

(*a*) the railway administration requiring the traffic to be forwarded shall give written notice of the proposed through rate to each forwarding railway administration, stating both its amount and its apportionment and the route by which the traffic is proposed to be forwarded. The proposed through rate for animals or goods may be per truck or per maund ;

(*b*) each forwarding railway administration shall, within the prescribed period after the receipt of such notice, by written notice inform the railway administration requiring the traffic to be forwarded whether it agrees to the rate, apportionment and route, and, if it has any objection, what the grounds of the objection are ;

(*c*) if at the expiration of the prescribed period no such objection has been sent by any forwarding railway administration, the rate shall come into operation at the expiration of that period ;

(*d*) if an objection to the rate, apportionment or route has been sent within the prescribed period, the Board shall, on the request of any of the railway administrations, decide the matter ;

(*e*) if the objection is to the granting of the rate or to the route, the Board shall consider whether the granting of the rate is a due and reasonable facility in the interests of the public, and whether, regard being had to the circumstances, the route proposed is a reasonable route, and shall allow or refuse the rate accordingly or fix such other rate as may seem to the Board to be just and reasonable ;

(*f*) if the objection is only to the apportionment of the rate, the rate shall come into operation at the expiration of the prescribed period, but the decision of the Board as to its apportionment shall be retrospective ; in the case of any other objection the operation of the rate shall be suspended until the Board makes its order in the case ;

(*g*) the Board in apportioning the through rate shall take into consideration all the circumstances of the case, including any special expense incurred in respect of the construction, maintenance or working of the route or any part of the route, as well as any special charges which any railway administration is entitled to make in respect thereof ;

(*h*) the Board shall not in any case compel any railway administration to accept lower mileage rates than the mileage rates which the administration may for the time being legally be charging for like traffic carried by a like mode of transit on any other line of communication between the same points, being the points of departure and arrival of the through route ;

(*i*) subject to the foregoing provisions of this sub-section, the Board shall have full power to decide that any proposed through rate is due and reasonable notwithstanding that a less amount may be allotted to any forwarding railway administration out of the through rate than the maximum rate which the railway administration is entitled to charge, and to allow and apportion the through rate accordingly ;

(*j*) the prescribed period mentioned in this sub-section shall be one month, or such longer period as the Board may by general or special order prescribe.

Undue preference in case of unequal rates for like traffic or services.

43. (*1*) Whenever it is shown that a railway administration charges one trader or class of traders or the traders in any local area lower rates for the same or similar animals or goods, or lower rates for the same or similar services, than it charges to other traders or classes of traders, or to the traders in another local area, the burden of proving that such lower charge does not amount to an undue preference shall lie on the railway administration.

(*2*) In deciding whether a lower charge does or does not amount to an undue preference, the Board may, so far as it thinks reasonable, in addition to any other considerations affecting the case, take into consideration whether such lower charge is necessary for the purpose of securing, in the interests of the public, the traffic in respect of which it is made.

Provision for facilities and equal treatment where ships or boats are used which are not part of a railway.

44. Where a railway administration is a party to an agreement for procuring the traffic of the railway to be carried on any inland water by any ferry, ship, boat or raft which does not belong to or is not hired or worked by the railway administration, the provisions of the two last foregoing sections applicable to a railway shall extend to the ferry, ship, boat or raft in so far as it is used for the purposes of the traffic of the railway.

Terminals.

45. A railway administration may charge reasonable terminals.

Power of Board to fix terminals.

46. (*1*) The Board shall decide any question or dispute which may arise with respect to the terminals charged by a railway administration.

(*2*) In deciding the question or dispute, the Board shall have regard only to the expenditure reasonably necessary to provide the accommodation in respect of which the terminals are charged, irrespective of the outlay which may have been actually incurred by the railway administration in poroviding that accommodation.

Decision of Board final.

46A. Any decision given by the Board in accordance with the provisions of this Chapter shall be final and binding on all parties concerned.

[1] **46B.** * * * * *

CHAPTER VI.

WORKING OF RAILWAYS.

General.

General rules.

47. (*1*) Every railway administration shall make general rules consistent with this Act for the following purposes, namely:—

(*a*) for regulating the mode in which, and the speed at which, rolling-stock used on the railway is to be moved or propelled ;

(*b*) for providing for the accommodation and convenience of passengers and regulating the carriage of their luggage ;

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

(*c*) for declaring what shall be deemed to be, for the purposes of this Act, dangerous or offensive goods, and for regulating the carriage of such goods ;

(*d*) for regulating the conditions on which the railway administration will carry passengers suffering from infectious or contagious disorders, and providing for the disinfection of carriages which have been used by such passengers ;

(*e*) for regulating the conduct of the railway servants ;

(*f*) for regulating the terms and conditions on which the railway administration will warehouse or retain goods at any station on behalf of the consignee or owner ; and

(*g*) generally, for regulating the travelling upon, and the use, working and management of, the railway.

(*2*) The rules may provide that any person committing a breach of any of them shall be punished with fine which may extend to any sum not exceeding fifty rupees, and that in the case of a rule made under clause (*e*) of sub-section (*1*), the railway servant shall forfeit a sum not exceeding one month's pay, which sum may be deducted by the railway administration from his pay.

(*3*) A rule made under this section shall not take effect until it has received the sanction of the Board and been published in the Gazette :

Provided that, where the rule is in the terms of a rule which has already been published at length in the Gazette, a notification in the Gazette, referring to the rule already published and announcing the adoption thereof, shall be deemed a publication of a rule in the Gazette within the meaning of this sub-section.

(*4*) The Board may cancel any rule made under this section, and the authority required by sub-section (*1*) to make rules thereunder may at any time, with the previous sanction of the Board, rescind or vary any such rule.

(*5*) * * * * *

(*6*) Every railway administration shall keep at each station on its railway a copy of the general rules for the time being in force under this section on the railway, and shall allow any person to inspect it free of charge at all reasonable times.

Disposal of differences between railways regarding conduct of joint traffic.

48. Where two or more railway administrations whose railways have a common terminus or a portion of the same line of rails in common, or form separate portions of one continued line of railway communication, are not able to agree upon arrangements for conducting at such common terminus, or at the point of junction between them, their joint traffic with safety to the public, the Board, upon the application of either or any of the administrations, may decide the matters in dispute between them so far as those matters relate to the safety of the public, and may determine whether the whole or what proportion of the expenses attending on such arrangements shall be borne by either or any of the administrations respectively.

Agreements with the Board for construction or lease of rolling-stock.

49. Any railway company may from time to time make and carry into effect agreements with the Board for the construction of rolling-stock, plant or machinery used on, or in connection with, railways, or for leasing or taking on lease any rolling-stock, plant, machinery or equipments required for use on a railway, or for the maintenance of rolling-stock.

Powers of railway companies to enter into working agreements.

50. Any railway company may from time to time make with the Board, and carry into effect, or, with the sanction of the Board, make with any other railway administration, and carry into effect, any agreement with respect to any of the following purposes, namely :—

(*a*) the working, use, management and maintenance of any railway ;

(*b*) the supply of rolling-stock and machinery necessary for any of the purposes mentioned in clause (*a*) and of officers and servants for the conduct of the traffic of the railway ;

(*c*) the payments to be made and the conditions to be performed with respect to such working, use, management and maintenance ;

(*d*) the interchange, accommodation and conveyance of traffic being on, coming from or intended for, the respective railways of the contracting parties, and the fixing, collecting, apportionment and appropriation of the revenues arising from that traffic ;

(*e*) generally the giving effect to any such provisions or stipulations with respect to any of the purposes hereinbefore in this section mentioned as the contracting parties may think fit and mutually agree on

Provided that the agreement shall not affect any of the rates which the railway administrations, parties thereto, are, from time to time, respectively authorized to demand and receive from any person, and that every person shall, notwithstanding the agreement, be entitled to the use and benefit of the railways of any railway administrations, parties to the agreement, on the same terms and conditions, and on payment of the same rates, as he would be if the agreement had not been entered into

Establishment of ferries and roadways for accommodation of traffic.

51. Any railway company may from time to time exercise with the sanction of the Board all or any of the following powers, namely :—

(*a*) it may establish, for the accommodation of the traffic of its railway, any ferry equipped with machinery and plant of good quality and adequate in quantity to work the ferry ;

(*b*) it may work for purposes other than the accommodation of the traffic of the railway any ferry established by it under this section ;

(*c*) it may provide and maintain on any of its bridges, roadways for foot-passengers, cattle, carriages, carts or other traffic ;

(*d*) it may construct and maintain roads for the accommodation of traffic passing to or from its railway ;

(*e*) it may provide and maintain any means of transport which may be required for the reasonable convenience of passengers, animals or goods carried or to be carried on its railway ;

(*f*) it may charge tolls on the traffic using such ferries, roadways, roads or means of transport as it may provide under this section, according to tariffs to be arranged from time to time with the sanction of the Board.

Additional power to provide and maintain transport services.

51A. (*1*) Any railway company may frame a scheme for the provision and maintenance of a motor transport or air-craft service for passengers, animals or goods with a terminus at or near a station on the railway owned or managed by such company.

(*2*) The scheme shall be submitted to the Board, which, after consultation with the President of the Union, may sanction it, subject to such modifications and conditions as it may prescribe.

(*3*) The scheme shall be published in the Gazette and thereupon the railway company shall, subject to sub-section (*4*), have the power to provide and maintain a service in accordance therewith.

(*4*) In respect of any service provided and maintained by any railway company under this section—

(*a*) the company shall be deemed not to be a railway administration for the purpose of this Act or of any other enactment affecting railways, and no property used exclusively for purposes of the service shall be deemed to be included in the railway or its rolling-stock ; and

(*b*) all enactments and rules for the time being in force relating to motor vehicles, air-craft and roads shall apply accordingly.

(*5*) The Board, after consultation with the President of the Union, may, by notification in the Gazette, after giving to the railway company six months' notice of its intention so to do, withdraw its sanction to any scheme sanctioned under sub-section (*2*) or may modify the scheme or impose further conditions on it.

Return

52. Every railway administration shall, in forms to be prescribed by the Board, prepare, half-yearly or at such intervals as the Board may prescribe, such returns of its capital and revenue transactions and of its traffic as the Board may require, and shall forward a copy of such returns to the Board at such times as it may direct.

Carriage of Property.

Maximum load for wagons.

53. (*1*) Every railway administration shall determine the maximum load for every wagon or truck in its possession, and shall exhibit the words or figures representing the load so determined in a conspicuous manner on the outside of every such wagon or truck.

(*2*) Every person owning a wagon or truck which passes over a railway shall similarly determine and exhibit the maximum load for the wagon or truck.

(*3*) The gross weight of any such wagon or truck bearing on the axles when the wagon or truck is loaded to such maximum load shall not exceed such limit as may be fixed by the Board for the class of axle under the wagon or truck.

Power for railway administration to impose conditions for working traffic.

54. (*1*) Subject to the control of the Board, a railway administration may impose conditions, not inconsistent with this Act or with any general rule there under, with respect to the receiving, forwarding or delivering of any animals or goods,

(*2*) The railway administration shall keep at each station on its railway a copy of the conditions for the time being in force under sub-section (*1*) at the station, and shall allow any person to inspect it free of charge at all reasonable times.

(*3*) A railway administration shall not be bound to carry any animal suffering from any infectious or contagious disorder.

Lien for rates terminals and other charges.

55. (*1*) If a person fails to pay on demand made by or on behalf of a railway administration any rate, terminal or other charge due from him in respect of any animals or goods, the railway administration may detain the whole or any of the animals or goods or, if they have been removed from the railway, any other animals or goods of such person then being in or thereafter coming into its possession.

(*2*) When any animals or goods have been detained under sub-section (*1*), the railway administration may sell by public auction, in the case of perishable goods at once, and in the case of other goods or of animals on the expiration of at least fifteen days' notice of the intended auction, published in one or more of the local newspapers, or where there are no such newspapers, in such manner as the Board may prescribe, sufficient of such animals or goods to produce a sum equal to the charge, and all expenses of such detention, notice and sale, including, in the case of animals, the expenses of the feeding, watering and tending thereof.

(*3*) Out of the proceeds of the sale the railway administration may retain a sum equal to the charge and the expenses aforesaid, rendering the surplus, if any, of the proceeds, and such of the animals or goods (if any) as remain unsold, to the person entitled thereto.

(*4*) If a person on whom a demand for any rate, terminal or other charge due from him has been made fails to remove from the railway within a reasonable time any animals or goods which have been detained under sub-section (*1*) or any animals or goods which have remained unsold after a sale under sub-section (*2*), the railway administration may sell the whole of them and dispose of the proceeds of the sale as nearly as may be under the provisions of sub-section (*3*).

(*5*) Notwithstanding anything in the foregoing sub-sections, the railway administration may recover by suit any such rate, terminal or other charge as aforesaid or balance thereof.

Disposal of unclaimed things on a railway.

56. (*1*) When any animals or goods have come into the possession of a railway administration for carriage or otherwise and are not claimed by the owner or other person appearing to the railway administration to be entitled thereto, the railway administration shall, if such owner or person is known, cause a notice to be served upon him, requiring him to remove the animals or goods.

(*2*) If such owner or person is not known, or the notice cannot be served upon him, or he does not comply with the requisition in the notice, the railway administration may within a reasonable time, subject to the provisions of any other enactment for the time being in force, sell the animals or goods as nearly as may be under the provisions of the last foregoing section, rendering the surplus, if any, of the proceeds of the sale to any person entitled thereto.

Power for railway administration to require indemnity on delivery of goods in certain cases.

57. Where any animals, goods or sale-proceeds in the possession of a railway administration are claimed by two or more persons, or the ticket or receipt given for the animals or goods is not forthcoming, the railway administration may withhold delivery of the animals, goods or sale-proceeds until the person entitled in its opinion to receive them has given an indemnity, to the satisfaction of the railway administration, against the claims of any other person with respect to the animals, goods or sale-proceeds.

Requisitions for written accounts of description of goods.

58. (*1*) The owner or person having charge of any goods which are brought upon a railway for the purpose of being carried thereon, and the consignee of any goods which have been carried on a railway, shall, on the request of any railway servant appointed in this behalf by the railway administration, deliver to such servant an account in writing signed by such owner or person, or by such consignee, as the case may be, and containing such a description of the goods as may be sufficient to determine the rate which the railway administration is entitled to charge in respect thereof.

(*2*) If such owner, person or consignee refuses or neglects to give such an account, and refuses to open the parcel or package containing the goods in order that their description may be ascertained, the railway administration may (*a*) in respect of goods which have been brought for the purpose of being carried on the railway, refuse to carry the goods unless in respect thereof a rate is paid not exceeding the highest rate which may be in force at the time on the railway for any class of goods, or (*b*) in respect of goods which have been carried on the railway, charge a rate not exceeding such highest rate.

(*3*) If an account delivered under sub-section (*1*) is materially false with respect to the description of any goods to which it purports to relate, and which have been carried on the railway, the railway administration may charge in respect of the carriage of the goods a rate not exceeding double the highest rate which may be in force at the time on the railway for any class of goods.

(*4*) If any difference arises between a railway servant and the owner or person having charge, or the consignee, of any goods which have been brought to be carried or have been carried on a railway, respecting the description of goods of which an account has been delivered under this section, the railway servant may detain and examine the goods.

(*5*) If it appears from the examination that the description of the goods is different from that stated in an account delivered under sub-section (*1*), the person who delivered the account, or, if that person is not the owner of the goods, then that person and the owner jointly and severally, shall be liable to pay to the railway administration the cost of the detention and examination of the goods, and the railway administration shall be exonerated from all responsibility for any loss which may have been caused by the detention or examination thereof.

(*6*) If it appears that the description of the goods is not different from that stated in an account delivered under sub-section (*1*), the railway administration shall pay the cost of the detention and examination, and be responsible to the owner of the goods for any such loss as aforesaid.

Dangerous or offensive goods.

59. (*1*) No person shall be entitled to take with him, or to require a railway administration to carry, any dangerous or offensive goods upon a railway.

(*2*) No person shall take any such goods with him upon a railway without giving notice of their nature to the station-master or other railway servant in charge of the place where he brings the goods upon the railway, or shall tender or deliver any such goods for carriage upon a railway without distinctly marking their nature, on the outside of the package containing them or otherwise giving notice in writing of their nature to the railway servant to whom he tenders or delivers them.

(*3*) Any railway servant may refuse to receive such goods for carriage, and, when such goods have been so received without such notice as is mentioned in sub-section (*2*) having to his knowledge been given, may refuse to carry them or may stop their transit.

(*4*) If any railway servant has reason to believe any such goods to be contained in a package with respect to the contents whereof such notice as is mentioned in sub-section (*2*) has not to his knowledge been given, he may cause the package to be opened for the purpose of ascertaining its contents.

(*5*) Nothing in this section shall be construed to derogate from the Explosives Act or any rule under that Act, and nothing in sub-sections (*1*), (*3*) and (*4*) shall be construed to apply to any goods tendered or delivered for carriage by order or on behalf of the Government, or to any goods which an officer, soldier, sailor, airman or police-officer, or a member of the Territorial Force or the Auxiliary Force, may take with him upon a railway in the course of his employment or duty as such.

Exhibition to the public of authority for quoted rates.

60. At every station at which a railway administration quotes a rate to any other station for the carriage of traffic other than passengers and their luggage, the railway servant appointed by the administration to quote the rate

shall, at the request of any person, show to him at all reasonable times, and without payment of any fee, the rate books or other documents in which the rate is authorized by the administration or administrations concerned.

Requisitions on railway administration for details for gross charges.

61. (*1*) Where any charge is made by and paid to a railway administration in respect of the carriage of goods over its railway, the administration shall, on the application of the person by whom or on whose behalf the charge has been paid, render to the applicant an account showing how much of the charge comes under each of the following heads, namely :—

(*a*) the carriage of the goods on the railway ;
(*b*) terminals ;
(*c*) demurrage ; and
(*d*) collection, delivery and other expenses ;

but without particularizing the several items of which the charge under each head consists.

(*2*) The application under sub-section (*1*) must be in writing and be made to the railway administration within one month after the date of the payment of the charge by or on behalf of the applicant, and the account must be rendered by the administration within two months after the receipt of the application.

Carriage of Passengers.

Communication between passengers and railway servants in charge of trains.

62. The Board may require any railway administration to provide and maintain in proper order, in any train worked by it which carries passengers, such efficient means of communication between the passengers and the railway servants in charge of the train as the Board has approved.

Maximum number of passengers for each compartment.

63. Every railway administration shall fix, subject to the approval of the Board, the maximum number of passengers which may be carried in each compartment of every description of carriage, and shall exhibit the number so fixed in a conspicuous manner inside or outside each compartment, [in Burmese and in one or more of the languages in common use in the territory traversed by the railway][1], as the Board, after consultation with the railway administration, may determine.

Reservation of compartments for females.

64. (*1*) Every railway administration shall, in every train carrying passengers, reserve for the exclusive use of females one compartment at least of the lowest class of carriage forming part of the train.

(*2*) One such compartment so reserved shall, if the train is to run for a distance exceeding fifty miles, be provided with a closet.

Exhibition of time-tables and table of fares at stations.

65. Every railway administration shall cause to be posted in a conspicuous and accessible place at every station on its railway, in English and in a vernacular language in common use in the territory where the station is situate, a copy of the time-tables for the time being in force on the railway, and lists of the fares chargeable for travelling from the station where the lists

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

are posted to every place for which card-tickets are ordinarily issued to passengers at that station.

Supply of tickets on payment of fares.

66. (*1*) Every person desirous of travelling on a railway shall, upon payment of his fare, be supplied with a ticket, specifying the class of carriage for which, and the place from and the place to which, the fare has been paid and the amount of the fare.

(*2*) The matters required by sub-section (*1*) to be specified on a ticket shall be set forth—

(*a*) if the class of carriage to be specified thereon is the lowest class, then in a vernacular language in common use in the territory traversed by the railway, and

(*b*) if the class of carriage to be so specified is any other than the lowest class, then in English.

Provision for case in which tickets have been issued for trains not having room available for additional passengers.

67. (*1*) Fares shall be deemed to be accepted, and tickets to be issued, subject to the condition of there being room available in the train for which the tickets are issued.

(*2*) A person to whom a ticket has been issued and for whom there is not room available in the train for which the ticket was issued shall, on returning the ticket within three hours after the departure of the train, be entitled to have his fare at once refunded.

(*3*) A person for whom there is not room available in the class of carriage for which he has purchased a ticket and who is obliged to travel in a carriage of a lower class shall be entitled on delivering up his ticket to a refund of the difference between the fare paid by him and the fare payable for the class of carriage in which be travelled.

Prohibition against travelling without pass or ticket.

68. No person shall, without the permission of a railway servant, enter any carriage on a railway for the purpose of travelling therein as a passenger unless he has with him a proper pass or ticket.

Exhibition and surrender of passes and tickets.

69. Every passenger by railway shall, on the requisition of any railway servant appointed by the railway administration in this behalf, present his pass or ticket to the railway servant for examination, and at or near the end of the journey for which the pass or ticket was issued, or, in the case of a season pass or ticket, at the expiration of the period for which it is current, deliver up the pass or ticket to the railway servant.

Return and season tickets.

70. A return ticket or season ticket shall not be transferable and may be used only by the person for whose journey to and from the places specified thereon it was issued.

71. (*1*) A railway administration may refuse to carry, except in accordance with the conditions prescribed under section 47, sub-section (*1*), clause (*d*), a person suffering from any infectious or contagious disorder. Power to refuse to carry persons suffering from infectious or contagious disorder.

(*2*) A person suffering from such a disorder shall not enter or travel upon a railway without the special permission of the station-master or other railway servant in charge of the place where he enters upon the railway.

(*3*) A railway servant giving such permission as is mentioned in sub-section (*2*) must arrange for the separation of the person suffering from the disorder from other persons being or travelling upon the railway.

CHAPTER VIA.

LIMITATION OF EMPLOYMENT OF RAILWAY SERVANTS.

71A. In this Chapter, unless there is anything repugnant in the subject or context,— Definitions.

(*a*) the employment of a railway servant is said to be "essentially intermittent" when it has been declared to be so by the authority empowered in this behalf, on the ground that it involves long periods of inaction during which the railway servant is on duty but is not called upon to display either physical activity or sustained attention ; and

(*b*) except in section 71B, a "railway servant" means a railway servant to whom this Chapter applies.

71B. This Chapter applies only to such railway servants or classes of railway servants as the Board may, by rules made under section 71E, prescribe. Application of Chapter VIA.

71C. (*1*) A railway servant, other than a railway servant whose employment is essentially intermittent, shall not be employed for more than sixty hours a week on the average in any month. Limitation of hours of work.

(*2*) A railway servant whose employment is essentially intermittent shall not be employed for more than eighty-four hours in any week.

(*3*) Subject to rules made under section 71E, temporary exemptions of railway servants from the provisions of sub-section (*1*) and sub-section (*2*) may be made—

(*a*) when such temporary exemptions are necessary to avoid serious interference with the ordinary working of the railway, in cases of accident, actual or threatened, or when urgent work is required to be done to the railway or to rolling-stock, or in any emergency which could not have been foreseen or prevented ; and

(*b*) in cases of exceptional pressure of work not falling within the scope of clause (*a*) :

Provided that a railway servant exempted under clause (*b*) shall be paid for overtime at not less than one and a quarter times his ordinary rate of pay.

Grant of periodical rest.

71D. (*1*) A railway servant shall be granted, each week commencing on Sunday, a rest of not less than twenty-four consecutive hours :

Provided that this sub-section shall not apply to a railway servant whose employment is essentially intermittent, or to a railway servant to whom sub-section (*2*) applies.

(*2*) The Board may, by rules made under section 71E, specify the railway servants or classes of railway servants to whom periods of rest may be granted on a scale less than that laid down in sub-section (*1*), and may prescribe the periods of rest to be granted to such railway servants.

(*3*) Subject to rules made under section 71E, temporary exemptions from the grant of periods of rest may be made in the cases or circumstances specified in sub-section (*3*) of section 71C :

Provided that a railway servant shall, as far as may be possible, be granted compensatory periods of rest for the periods he has foregone.

Power to make rules.

71E. (*1*) The Board may make rules—

(*a*) prescribing the railway servants or classes of railway servants to whom this Chapter shall apply ;

(*b*) prescribing the authorities who may declare that the employment of any railway servant or class of railway servants is essentially intermittent ;

(*c*) specifying the railway servants or classes of railway servants to whom sub-section (*2*) of section 71D shall apply ;

(*d*) prescribing the authorities by whom exemptions under sub-section (*3*) of section 71C or sub-section (*3*) of section 71D may be made ;

(*e*) providing for the delegation of their powers by the authorities prescribed under clause (*d*) ; and

(*f*) providing for any other matter which is to be provided for by rules or which the Board may deem to be requisite for carrying out the purposes of this Chapter.

(*2*) Such rules shall be subject to the provisions of section 143.

Railway servant to remain on duty.

71F. Nothing in this Chapter or the rules made thereunder shall authorize a railway servant to leave his duty, where due provision has been made for his relief, until he has been relieved.

Supervisors of railway labour.

71G. (*1*) The Board may appoint persons to be Supervisors of railway labour.

(*2*) The duties of Supervisors of railway labour shall be—

(*a*) to inspect railways in order to determine if the provisions of this Chapter and of the rules made thereunder are duly observed, and

(*b*) such other duties as the Board may prescribe.

(*3*) A Supervisor of railway labour shall be deemed to be an Inspector for the purposes of sections 5 and 6.

71H. Any person under whose authority any railway servant is employed in contravention of any of the provisions of this Chapter or of the rules made thereunder shall be punishable with fine which may extend to five hundred rupees. Penalty.

CHAPTER VII.

RESPONSIBILITY OF RAILWAY ADMINISTRATION AS CARRIER.

72. (*1*) The responsibility of a railway administration for the loss, destruction or deterioration of animals or goods delivered to the administration to be carried by railway shall, subject to the other provisions of this Act, be that of a bailee under sections 152 and 161 of the Contract Act. Measure of the general responsibility of a railway administration as a carrier of animals and goods.

(*2*) An agreement purporting to limit that responsibility shall, in so far as it purports to effect such limitation, be void, unless it—

(*a*) is in writing signed by or on behalf of the person sending or delivering to the railway administration the animals or goods, and

(*b*) is otherwise in a form approved by the Board.

(*3*) Nothing [* * * *][1] in the Carriers Act, regarding the responsibility of common carriers with respect to the carriage of animals or goods, shall affect the responsibility as in this section defined of a railway administration.

73. (*1*) The responsibility of a railway administration under the last foregoing section for the loss, destruction or deterioration of animals delivered to the administration to be carried on a railway shall not in any case exceed, in the case of elephants or horses, five hundred rupees a head or, in the case of mules, camels or horned cattle, fifty rupees a head or, in the case of donkeys, sheep, goats, dogs or other animals, ten rupees a head, unless the person sending or delivering them to the administration caused them to be declared or declared them, at the time of their delivery for carriage by railway, to be respectively of higher value than five hundred, fifty or ten rupees a head, as the case may be. Further provision with respect to the liability of a railway administration as a carrier of animals.

(*2*) Where such higher value has been declared, the railway administration may charge, in respect of the increased risk, a percentage upon the excess of the value so declared over the respective sums aforesaid.

(*3*) In every proceeding against a railway administration for the recovery of compensation for the loss, destruction or deterioration of any animal, the burden of proving the value of the animal, and, where the animal has been injured, the extent of the injury, shall lie upon the person claiming the compensation.

74. A railway administration shall not be responsible for the loss, destruction or deterioration of any luggage belonging to or in charge of a passenger unless a railway servant has booked and given a receipt therefor. Further provision with respect to the liability of a railway administration as a carrier of luggage.

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

Further provision with respect to the liability of a railway administration as a carrier of articles of special value.

75. (*1*) When any articles mentioned in the Second Schedule are contained in any parcel or package delivered to a railway administration for carriage by railway, and the value of such articles in the parcel or package exceeds one hundred rupees, the railway administration shall not be responsible for the loss, destruction or deterioration of the parcel or package unless the person sending or delivering the parcel or package to the administration caused its value and contents to be declared or declared them at the time of the delivery of the parcel or package for carriage by railway, and, if so required by the administration, paid or engaged to pay a percentage on the value so declared by way of compensation for increased risk.

(*2*) When any parcel or package of which the value has been declared under sub-section (*1*) has been lost or destroyed or has deteriorated, the compensation recoverable in respect of such loss, destruction or deterioration shall not exceed the value so declared, and the burden of proving the value so declared to have been the true value shall, notwithstanding anything in the declaration, lie on the person claiming the compensation.

(*3*) A railway administration may make it a condition of carrying a parcel declared to contain any article mentioned in the Second Schedule that a railway servant authorized in this behalf has been satisfied by examination or otherwise that the parcel actually contains the article declared to be therein.

Burden of proof in suits in respect of loss of animals or goods.

76. In any suit against a railway administration for compensation for loss, destruction or deterioration of animals or goods delivered to a railway administration for carriage by railway, it shall not be necessary for the plaintiff to prove how the loss, destruction or deterioration was caused.

Notification of claims to refunds of overcharges and to compensation for losses.

77. A person shall not be entitled to a refund of an overcharge in respect of animals or goods carried by railway or to compensation for the loss, destruction or deterioration of animals or goods delivered to be so carried, unless his claim to the refund or compensation has been preferred in writing by him or on his behalf to the railway administration within six months from the date of the delivery of the animals or goods for carriage by railway.

Exoneration from responsibility in case of goods falsely described.

78. Notwithstanding anything in the foregoing provisions of this Chapter, a railway administration shall not be responsible for the loss, destruction or deterioration of any goods with respect to the description of which an account materially false has been delivered under sub-section (*1*) of section 58 if the loss, destruction or deterioration is in any way brought about by the false account, nor in any case for an amount exceeding the value of the goods if such value were calculated in accordance with the description contained in the false account.

Settlement of compensation for injuries to officers, soldiers, sailors, air-

79. Where an officer, soldier, sailor, airman or follower, while being or travelling as such on duty upon a railway belonging to, and worked by, the Government, loses his life or receives any personal injury in such circumstances that, if he were not an officer, soldier, sailor, airman or follower being or travelling as such on duty upon the railway, compensation would be payable

under the Fatal Accidents Act or to him, as the case may be, the form and amount of the compensation to be made in respect of the loss of his life or his injury shall, where there is any provision in this behalf in the military, naval or air-force regulations to which he was immediately before his death, or is, subject, be determined in accordance with those regulations, and not otherwise. men and followers on duty.

80. Notwithstanding anything in any agreement purporting to limit the liability of a railway administration with respect to traffic while on the railway of another administration, a suit for compensation for loss of the life of, or personal injury to, a passenger, or for loss, destruction or deterioration of animals or goods, where the passenger was or the animals or goods were booked through over the railways of two or more railway administrations, may be brought either against the railway administration from which the passenger obtained his pass or purchased his ticket, or to which the animals or goods were delivered by the consignor thereof, as the case may be, or against the railway administration on whose railway the loss, injury, destruction or deterioration occurred. Suits for compensation for injury to through-booked traffic.

81. * * * *

82. (*1*) When a railway administration contracts to carry passengers, animals or goods partly by railway and partly by sea, a condition exempting the railway administration from responsibility for any loss of life, personal injury or loss of or damage to animals or goods which may happen during the carriage by sea from the act of God, the [enemies of the State],[1] fire, accidents from machinery, boilers and steam and all and every other dangers and accidents of the seas, rivers, and navigation of whatever nature and kind soever shall, without being expressed, be deemed to be part of the contract, and, subject to that condition, the railway administration shall, irrespective of the nationality or ownership of the ship used for the carriage by sea, be responsible for any loss of life, personal injury or loss of or damage to animals or goods which may happen during the carriage by sea, to the extent to which it would be responsible under [any law relating to merchant shipping,][1] and the railway administration were owner of the ship, and not to any greater extent. Limitation of liability of railway administration in respect of accidents at sea.

(*2*) The burden of proving that any such loss, injury or damage as is mentioned in sub-section (*1*) happened during the carriage by sea shall lie on the railway administration.

CHAPTER VIII.

ACCIDENTS.

83. When any of the following accidents occur in the course of working a railway, namely :— Report of railway accidents.

(*a*) any accident attended with loss of human life, or with grievous hurt as defined in the Penal Code, or with serious injury to property;

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

CHAPTER IX.

PENALTIES AND OFFENCES.

Forfeitures by Railway Companies.

Penalty for default in compliance with requisition under section 13.

87. If a railway company fails to comply with any requisition made under section 13, it shall forfeit to the Board the sum of two hundred rupees for the default and a further sum of fifty rupees for every day after the first during which the default continues.

Penalty for contravention of section 16, 18, 19, 20, 21 or 24.

88. If a railway company moves any rolling-stock upon a railway by steam or other motive power in contravention of section 16, sub-section (*2*), or opens or uses any railway or work in contravention of section 18, section 19, section 20 or section 21, or re-opens any railway or uses any rolling-stock in contravention of section 24, it shall forfeit to the Board the sum of two hundred rupees for every day during which the motive power, railway, work or rolling-stock is used in contravention of any of those sections.

Penalty for not having certain documents kept or exhibited at stations under section 47, 54 or 65.

89. If a railway company fails to comply with the provisions of section 47, sub-section (*6*), section 54, sub-section (*2*), or section 65, with respect to the books or other documents to be kept open to inspection or conspicuously posted at stations on its railway, it shall forfeit to the Board the sum of fifty rupees for every day during which the default continues.

Penalty for not making rules as required by section 47.

90. If the railway company fails to comply with the provisions of section 47 with respect to the making of general rules, it shall forfeit to the Board the sum of fifty rupees for every day during which the default continues.

Penalty for failure to comply with decision under section 48.

91. If a railway company refuses or neglects to comply with any decision of the Board under section 48, it shall forfeit to the Board the sum of two hundred rupees for every day during which the refusal or neglect continues.

Penalty for delay in submitting returns under section 52 or 85.

92. If a railway company fails to comply with the provisions of section 52 or section 85 with respect to the submission of any return, it shall forfeit to the Board the sum of fifty rupees for every day during which the default continues after the fourteenth day from the date prescribed for the submission of the return.

Penalty for neglect of provisions of section 53 or 63 with respect to carrying capacity of rolling-stock.

93. If a railway company contravenes the provisions of section 53 or section 63, with respect to the maximum load to be carried in any wagon or truck, or the maximum number of passengers to be carried in any compartment, or the exhibition of such load on the wagon or truck or of such number in or on the compartment, or knowingly suffers any person owning a wagon or truck passing over its railway to contravene the provisions of the former of those sections, it shall forfeit to the Board the sum of twenty rupees for every day during which either section is contravened.

Penalty for failure to comply with requisition under section 62 for maintenance of means of communication between passengers and railway servants.

94. If a railway company fails to comply with any requisition of the Board under section 62 for the provision and maintenance in proper order, in any train worked by it which carries passengers, of such efficient means of communication as the Board has approved, it shall forfeit to the Board the sum of twenty rupees for each train run in disregard of the requisition.

Penalty for failure to reserve compartments for females under section 64.

95. If a railway company fails to comply with the requirements of section 64 with respect to the reservation of compartments for females or the provision of closets therein, it shall forfeit to the Board the sum of twenty rupees for every train in respect of which the default occurs.

Penalty for omitting to give the notices of accidents required by section 83 and under section 84.

96. If a railway company omits to give such notice of an accident as is required by section 83 and the rules for the time being in force under section 84, it shall forfeit to the Board the sum of one hundred rupees for every day during which the omission continues.

Recovery of penalties.

97. (*1*) When a railway company has through any act or omission forfeited any sum to the Board under the foregoing provisions of this Chapter, the sum shall be recoverable by the Board by suit in the District Court having jurisdiction in the place where the act or omission or any part thereof occurred.

(*2*) Nothing in this Chapter shall be construed as requiring the Board to recover any penalty in any case in which it thinks it proper to refrain from so doing.

Alternative or supplementary character of remedies afforded by the foregoing provisions of this Chapter.

98. Nothing in those provisions shall be construed to preclude the Board from resorting to any other mode of proceedings instead of, or in addition to, such a suit as is mentioned in the last foregoing section, for the purpose of compelling a railway company to discharge any obligation imposed upon it by this Act.

Offences by Railway Servants.

Breach of duty imposed by section 60.

99. If a railway servant whose duty it is to comply with the provisions of section 60 negligently or wilfully omits to comply therewith, he shall be punished with fine which may extend to twenty rupees.

Drunkenness.

100. If a railway servant is in a state of intoxication while on duty, he shall be punished with fine which may extend to fifty rupees, or, where the improper performance of the duty would be likely to endanger the safety of any person travelling or being upon a railway, with imprisonment for a term which may extend to one year, or with fine, or with both.

101. If a railway servant, when on duty, endangers the safety of any person— Endangering the safety of persons.

(*a*) by disobeying any general rule made, sanctioned, published and notified under this Act, or

(*b*) by disobeying any rule or order which is not inconsistent with any such general rule, and which such servant was bound by the terms of his employment to obey, and of which he had notice, or

(*c*) by any rash or negligent act or omission,

he shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to five hundred rupees, or with both.

102. If a railway servant compels or attempts to compel, or causes, any passenger to enter a compartment which already contains the maximum number of passengers exhibited therein or thereon under section 63, he shall be punished with fine which may extend to twenty rupees. Compelling passengers to enter carriages already full.

103. If a station-master or a railway servant in charge of a section of a railway omits to give such notice of an accident as is required by section 83 and the rules for the time being in force under section 84, he shall be punished with fine which may extend to fifty rupees. Omission to give notice of accident.

104. If a railway servant unnecessarily— Obstructing level crossings.

(*a*) allows any rolling-stock to stand across a place where the railway crosses a public road on the level, or

(*b*) keeps a level-crossing closed against the public,

he shall be punished with fine which may extend to twenty rupees.

105. If any return which is required by this Act is false in any particular to the knowledge of any person who signs it, that person shall be punished with fine which may extend to five hundred rupees, or with imprisonment which may extend to one year, or with both. False returns.

Other Offences.

[1]**106.** If a person having charge of any articles which are brought to the railway for transport by rail, gives an account which is materially false regarding description and weight, with the object of obtaining a lower freight than that which is chargeable, he and, if he is not the owner of the articles, the owner also shall be punished with fine which may extend to five hundred kyats in addition to any freight and other charges due to the railway, or with imprisonment for a term not exceeding three months, or with both. Giving false account of goods

[1] Substituted by Act LXXII, 1954.

Unlawfully bringing dangerous or offensive goods upon a railway.

107. If in contravention of section 59 a person takes with him any dangerous or offensive goods upon a railway, or tenders or delivers any such goods for carriage upon a railway, he shall be punished with fine which may extend to five hundred rupees, and shall also be responsible for any loss, injury or damage which may be caused by reason of such goods having been so brought upon the railway.

Needlessly interfering with means of communication in a train.

108. If a passenger, without reasonable and sufficient cause, makes use of or interferes with any means provided by a railway administration for communication between passengers and the railway servants in charge of a train, he shall be punished with fine which may extend to fifty rupees.

Entering compartment reserved or already full or resisting entry into a compartment not full.

109. (*1*) If a passenger, having entered a compartment which is reserved by a railway administration for the use of another passenger, or which already contains the maximum number of passengers exhibited therein or thereon under section 63, refuses to leave it when required to do so by any railway servant, he shall be punished with fine which may extend to twenty rupees.

(*2*) If a passenger resists the lawful entry of another passenger into a compartment not reserved by the railway administration for the use of the passenger resisting or not already containing the maximum number of passengers exhibited therein or thereon under section 63, he shall be punished with fine which may extend to twenty rupees.

Smoking.

110. (*1*) If a person, without the consent of his fellow-passengers, if any, in the same compartment, smokes in any compartment except a compartment specially provided for the purpose, he shall be punished with fine which may extend to twenty rupees.

(*2*) If any person persists in so smoking after being warned by any railway servant to desist, he may, in addition to incurring the liability mentioned in sub-section (*1*), be removed by any railway servant from the carriage in which he is travelling.

Defacing public notices.

111. If a person, without authority in this behalf, pulls down or wilfully injures any board or document set up or posted by order of a railway administration on a railway or any rolling-stock, or obliterates or alters any of the letters or figures upon any such board or document, he shall be punished with fine which may extend to fifty rupees.

Travelling or attempting to travel without proper pass or ticket or with insufficient pass or ticket or beyond authorized distance.

[1]**112.** If a person—

(*a*) enters or remains in any carriage on the railway in contravention of section 68 ; or

(*b*) travels or attempts to travel without having a proper pass or a proper ticket with him ; or

(*c*) being in or having alighted from a train fails or refuses to present for examination or to deliver up his pass or ticket immediately on requisition being made therefor under section 69 ; or

[1] Substituted by Act LXXII, 1954.

(*d*) travels or attempts to travel in or on a carriage of a higher class than for which he has obtained a pass or purchased a ticket ; or

(*e*) travels in or on a carriage beyond the place authorized by his pass or ticket,

he shall be punished with fine which may extend to five hundred kyats in addition to the amount of fare due to the railway, or with imprisonment for a term not exceeding three months, or with both.

[1] **113.** * * * *

[2] **114.** If a person sells or attempts to sell, or parts or attempts to part with the possession of any half of a return ticket in order to enable any other person to travel therewith, or purchases such half of a return ticket, he shall be punished with fine which may extend to five hundred kyats or with imprisonment for a term not exceeding three months, or with both, and if the purchaser of such half of a return ticket travels or attempts to travel therewith, he shall be punished with an additional fine which may extend to the amount of the single fare for the journey authorized by the ticket. Transferring any half of return ticket.

115. That portion of any fine imposed under section 112 or the last foregoing section which represents the single fare therein mentioned shall, as the fine is recovered, be paid to the railway administration before any portion of the fine is credited to the Government. Disposal of fines under the two last foregoing sections.

[2] **116.** If a person alters or defaces his pass or ticket so as to render the date, number or any material portion thereof illegible, he shall be punished with fine which may extend to five hundred kyats or with imprisonment for a term not exceeding three months, or with both. Altering or defacing pass or ticket.

117. (*1*) If a person suffering from an infectious or contagious disorder enters or travels upon a railway in contravention of section 71, sub-section (*2*), he, and any person having charge of him upon the railway when he so entered or travelled thereon, shall be punished with fine which may extend to twenty rupees, in addition to the forfeiture of any fare which either of them may have paid, and of any pass or ticket which either of them may have obtained or purchased, and may be removed from the railway by any railway servant. Being or suffering person to travel on railway with infectious or contagious disorder.

(*2*) If any such railway servant as is referred to in section 71, sub-section (*2*), knowing that a person is suffering from any infectious or contagious disorder, wilfully permits the person to travel upon a railway without arranging for his separation from other passengers, he shall be punished with fine which may extend to one hundred rupees.

118. (*1*) If a passenger enters or leaves, or attempts to enter or leave, any carriage while the train is in motion, or elsewhere than at the side of the carriage adjoining the platform or other place appointed by the railway administration Entering carriage in motion, or otherwise

[1] Deleted by Act LXXII, 1954.
[2] Substituted *ibid.*

improperly travelling on a railway.

for passengers to enter or leave the carriage, or opens the side-door of any carriage while the train is in motion, he shall be punished with fine which may extend to twenty rupees.

(2) If a passenger, after being warned by a railway servant to desist, persists in travelling on the roof, steps or footboard of any carriage or on an engine, or in any other part of a train not intended for the use of passengers he shall be punished with fine which may extend to fifty rupees, and may be removed from the railway by any railway servant.

Entering carriage or other place reserved for females.

119. If a male person, knowing a carriage, compartment, room or other place to be reserved by a railway administration for the exclusive use of females, enters the place without lawful excuse, or, having entered it, remains therein after having been desired by any railway servant to leave it, he shall be punished with fine which may extend to one hundred rupees, in addition to the forfeiture of any fare which he may have paid and of any pass or ticket which he may have obtained or purchased, and may be removed from the railway by any railway servant.

Drunkenness or nuisance on a railway.

120. If a person in any railway carriage or upon any part of a railway—

(*a*) is in a state of intoxication, or

(*b*) commits any nuisance or act of indecency, or uses obscene or abusive language, or

(*c*) wilfully and without lawful excuse interferes with the comfort of any passenger or extinguishes any lamp,

he shall be punished with fine which may extend to fifty rupees, in addition to the forfeiture of any fare which he may have paid and of any pass or ticket which he may have obtained or purchased, and may be removed from the railway by any railway servant.

Obstructing railway servant in his duty.

121. If a person wilfully obstructs or impedes any railway servant in the discharge of his duty, he shall be punished with fine which may extend to one hundred rupees.

Trespass and refusal to desist from trespass.

122. (*1*) If a person unlawfully enters upon a railway, he shall be punished with fine which may extend to twenty rupees.

(*2*) If a person so entering refuses to leave the railway on being requested to do so by any railway servant, or by any other person on behalf of the railway administration, he shall be punished with fine which may extend to fifty rupees, and may be removed from the railway by such servant or other person.

Disobedience of omnibus drivers to directions of railway servants.

123. If a driver or conductor of a tramcar, omnibus, carriage or other vehicle while upon the premises of a railway disobeys the reasonable directions of any railway servant or police-officer, he shall be punished with fine which may extend to twenty rupees.

124. In either of the following cases, namely :—

Opening or not properly shutting gates.

(*a*) if a person, knowing or having reason to believe that an engine or train is approaching along a railway, opens any gate set up on either side of the railway across a road, or passes or attempts to pass, or drives or takes, or attempts to drive or take, any animal, vehicle or other thing across the railway,

(*b*) if, in the absence of a gate-keeper, a person omits to shut and fasten such a gate as aforesaid as soon as he and any animal, vehicle or other thing under his charge have passed through the gate,

the person shall be punished with fine which may extend to fifty rupees.

125. (*1*) The owner or person in charge of any cattle straying on a railway provided with fences suitable for the exclusion of cattle shall be punished with fine which may extend to five rupees for each head of cattle, in addition to any amount which may have been recovered or may be recoverable under the Cattle Trespass Act.

Cattle trespass.

(*2*) If any cattle are wilfully driven, or knowingly permitted to be, on any railway otherwise than for the purpose of lawfully crossing the railway or for any other lawful purpose, the person in charge of the cattle or, at the option of the railway administration, the owner of the cattle shall be punished with fine which may extend to ten rupees for each head of cattle, in addition to any amount which may have been recovered or may be recoverable under the Cattle Trespass Act.

(*3*) Any fine imposed under this section may, if the Court so directs, be recovered in manner provided by section 25 of the Cattle Trespass Act.

(*4*) The expression "public road" in sections 11 and 26 of the Cattle Trespass Act shall be deemed to include a railway, and any railway servant may exercise the powers conferred on officers of police by the former of those sections.

(*5*) The word "cattle" has the same meaning in this section as in the Cattle Trespass Act.

126. If a person unlawfully—

Maliciously wrecking or attempting to wreck a train.

(*a*) puts or throws upon or across any railway any wood, stone or other matter or thing, or

(*b*) takes up, removes, loosens or displaces any rail, sleeper or other matter or thing belonging to any railway, or

(*c*) turns, moves, unlocks or diverts any points or other machinery belonging to any railway, or

(*d*) makes or shows, or hides or removes, any signal or light upon or near to any railway, or

(*e*) does or causes to be done or attempts to do any other act or thing in relation to any railway,

with intent, or with knowledge that he is likely, to endanger the safety of any person travelling or being upon the railway, he shall be punished with transportation for life or with imprisonment for a term which may extend to ten years.

Maliciously hurting or attempting to hurt persons travelling by railway.

127. If a person unlawfully throws or causes to fall or strike at, against, into or upon any rolling-stock forming part of a train any wood, stone or other matter or thing with intent, or with knowledge that he is likely, to endanger the safety of any person being in or upon such rolling-stock or in or upon any other rolling-stock forming part of the same train, he shall be punished with transportation for life, or with imprisonment for a term which may extend to ten years.

Endangering safety of persons travelling by railway by wilful act or omission.

128. If a person, by any unlawful act or by any wilful omission or neglect, endangers or causes to be endangered the safety of any person travelling or being upon any railway, or obstructs or causes to be obstructed or attempts to obstruct any rolling-stock upon any railway, he shall be punished with imprisonment for a term which may extend to two years.

Endangering safety of persons travelling by railway by rash or negligent act or omission.

129. If a person rashly or negligently does any act, or omits to do what he is legally bound to do, and the act or omission is likely to endanger the safety of any person travelling or being upon a railway, he shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

Special provision with respect to the commission by children of acts endangering safety of persons travelling by railway.

130. (*1*) If a minor under the age of twelve years is with respect to any railway guilty of any of the acts or omissions mentioned or referred to in any of the four last foregoing sections, he shall be deemed, notwithstanding anything in section 82 or section 83 of the Penal Code, to have committed an offence, and the Court convicting him may, if it thinks fit, direct that the minor, if a male, shall be punished with whipping, or may require the father or guardian of the minor to execute, within such time as the Court may fix, a bond binding himself in such penalty as the Court directs to prevent the minor from being again guilty of any of those acts or omissions.

(*2*) The amount of the bond, if forfeited, shall be recoverable by the Court as if it were a fine [1] imposed by itself.

(*3*) If a father or guardian fails to execute a bond under sub-section (*1*) within the time fixed by the Court, he shall be punished with fine which may extend to fifty rupees.

Procedure.

Arrest for offences against certain sections.

131. [2](*1*) If a person commits any offence mentioned in section 100, 106, 111, 112, 114, 116, 119, 120, 121, 126, 127, 128 or 129 or in section 130, sub-section (*1*), he may be arrested without warrant or other written authority by any railway servant or police-officer, or by any other person whom such servant or officer may call to his aid.

(*2*) A person so arrested shall, with the least possible delay, be taken before a Magistrate having authority to try him or commit him for trial.

---

[1] *See* sections 386 to 389 of the Code of Criminal Procedure

[2] Substituted by Act LXXII, 1954.

Arrest for offences against other sections.

132. [1](*1*) If a person commits any offence under this Act other than an offence mentioned in the last foregoing section, any railway servant or police-officer, or any other person whom such railway servant or police-officer may call to his aid, may, without warrant or other written authority, arrest him,

[1](*2*) The person arrested shall be released on his giving bail.

[1](*3*) If the person cannot give bail, he shall with the least possible delay be taken before the nearest Magistrate having jurisdiction.

(*4*) The provisions of the Code of Criminal Procedure shall, so far as may be, apply to bail given and bonds executed under this section.

Magistrates having jurisdiction under Act.

133. No Magistrate other than a Magistrate whose powers are not less than those of a Magistrate of the first[1] class shall try any offence under this Act.

Place of trial.

134. (*1*) Any person committing any offence against this Act or any rule thereunder shall be triable for such offence in any place in which he may be or which the President of the Union may notify in this behalf, as well as in any other place in which he might be tried under any law for the time being in force.

(*2*) Every notification under sub-section (*1*) shall be published in the Gazette, and a copy thereof shall be exhibited for the information of the public in some conspicuous place at each of such railway stations as the President of the Union may direct.

CHAPTER X.

SUPPLEMENTAL PROVISIONS.

Taxation of railways by local authorities.

135. Notwithstanding anything to the contrary in any enactment or in any agreement or award based on any enactment, the following rules shall regulate the levy of taxes in respect of railways and from railway administrations in aid of the funds of local authorities, namely :—

(*1*) A railway administration shall not be liable to pay any tax in aid of the funds of any local authority unless the President of the Union has, by notification in the Gazette, declared the railway administration to be liable to pay the tax.

(*2*) While a notification of the President of the Union under clause (*1*) of this section is in force, the railway administration shall be liable to pay to the local authority either the tax mentioned in the notification or, in lieu thereof, such sum, if any, as an officer appointed in this behalf by the President of the Union may, having regard to all the circumstances of the case, from time to time determine to be fair and reasonable.

(*3*) The President of the Union may at any time revoke or vary a notification under clause (*1*) of this section.

(*4*) Nothing in this section is to be construed as debarring any railway administration from entering into a contract with any local authority for the

---

[1] Substituted by Act LXXII, 1954.

supply of water or light, or for the scavenging of railway premises, or for any other service which the local authority may be rendering or be prepared to render within any part of the local area under its control.

(5) "Local authority" in this section means a local authority as defined in the Burma General Clauses Act and includes any authority legally entitled to or entrusted with the control or management of any fund for the maintenance of watchmen or for the conservancy of a river.

Restriction on execution against railway property.

136. (*1*) None of the rolling-stock, machinery, plant, tools, fittings, materials or effects used or provided by a railway administration for the purpose of the traffic on its railway, or of its stations or workshops, shall be liable to be taken in execution of any decree or order of any Court, or of any local authority or person having by law power to attach or distrain property or otherwise to cause property to be taken in execution, without the previous sanction of the Board.

(*2*) Nothing in sub-section (*1*) is to be construed as affecting the authority of any Court to attach the earnings of a railway in execution of a decree or order.

Railway servants to be public servants for the purposes of Chapter IX of the Penal Code.

137. (*1*) Every railway servant shall be deemed to be a public servant for the purposes of Chapter IX of the Penal Code.

(*2*) In the definition of "legal remuneration" in section 161 of that Code, the word "Government" shall, for the purposes of sub-section (*1*), be deemed to include any employer of a railway servant as such.

(*3*) A railway servant shall not—

(*a*) purchase or bid for, either in person or by agent, in his own name or in that of another, or jointly or in shares with others, any property put up to auction under section 55 or section 56, or

(*b*) in contravention of any dircetion of the railway administration in this behalf, engage in trade.

(*4*) Nothwithstanding anything in section 21 of the Penal Code, a railway servant shall not be deemed to be a public servant for any of the purposes of that Code except those mentioned in sub-section (*1*).

Procedure for summary delivery to railway administration of property detained by railway servant.

138. If a railway servant is discharged or suspended from his office, or dies, absconds or absents himself, and he or his wife or widow, or any of his family or representatives, refuses or neglects, after notice in writing for that purpose, to deliver up to the railway administration, or to a person appointed by the railway administration in this behalf, any station, dwelling-house, office or other building with its appurtenances, or any books, papers or other matters, belonging to the railway administration and in the possession or custody of such railway servant at the occurrence of any such event as aforesaid, any Magistrate of the first class may, on application made by or on behalf of the railway administration, order any police-officer, with proper assistance, to enter upon the building and remove any person found therein and take possession thereof, or to take possession of the books, papers or other matters, and to deliver the same to the railway administration or a person appointed by the railway administration in that behalf.

139. * * * *

140. Any notice or other document required or authorized by this Act to be served on a railway administration may be served, in the case of a railway administered by the Board, on the Chief Railway Commissioner and, in the case of a railway administered by a railway company, on the Agent in the Union of Burma of the railway company— Service of notices on railway administrations

(*a*) by delivering the notice or other document to the Chief Railway Commissioner or Agent ; or

(*b*) by leaving it at his office ; or

(*c*) by forwarding it by post in a prepaid letter addressed to the Chief Railway Commissioner or Agent at his office and registered [under the Burma Post Office Act]. [1]

141. Any notice or other document required or authorized by this Act to be served on any person by a railway administration may be served— Service of notices by railway administrations.

(*a*) by delivering it to the person ; or

(*b*) by leaving it at the usual or last known place of abode of the person ; or

(*c*) by forwarding it by post in a prepaid letter addressed to the person at his usual or last known place of abode and registered [under the Burma Post Office Act]. [1]

142. Where a notice or other document is served by post, it shall be deemed to have been served at the time when the letter containing it would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the letter containing the notice or other document was properly addressed and registered. Presumption where notice is served by post.

143. (*1*) A rule under section 22, section 34 or section 84, or the cancellation, rescission or variation of a rule under any of those sections or under section 47, sub-section (*4*), shall not take effect until it has been published in the Gazette. Provisions with respect to rules.

(*2*) Where any rule made under this Act, or the cancellation, rescission or variation of any such rule, is required by this Act to be published in the Gazette it shall, besides being so published, be further notified to persons affected thereby in such manner as the Board, by general or special order, directs.

144. * * * *

145. (*1*) The Chief Railway Commissioner of a railway administered by the Board and the Agent of a railway administered by a railway company may, by instrument in writing, authorize any railway servant or other person to act for or represent him in any proceeding before any civil, criminal or other Court. Representation of Chief Railway Commissioner and Agents of railways in Courts.

[1] Substituted for the words and figures "under Part III of the Indian Post Office Act, 1866," by Act II, 1945.

(*2*) A person authorized by a Chief Railway Commissioner or Agent to conduct prosecutions on behalf of a railway administration shall, notwithstanding anything in the Code of Criminal Procedure, be entitled to conduct such prosecutions without the permission of the Magistrate.

Power to extend Act to steam tramways.

146. (*1*) This Act or any portion thereof may be extended by notification in the Gazette :—

(*a*) to any tramway not wholly within a municipal area, by the Board ; and

(*b*) to any other tramway, by the President of the Union.

(*2*) This section does not apply to any tramway not worked by steam or other mechanical power.

Power to exempt railways from Act.

147. The Board may, by a like notification, exempt any railway from any of the provisions of this Act.

Matters supplemental to the definitions of "railway" and "railway servant."

148. (*1*) For the purposes of section 3, clauses (5), (6) and (7), and sections 4 to 19 (both inclusive), 47 to 52 (both inclusive), 59, 79, 83 to 92 (both inclusive), 66, 97, 98, 100, 101, 103, 104, 107, 111, 122, 124 to 132 (both inclusive), 134 to 138 (both inclusive), 140, 141, 145 and 147, the word "railway," whether it occurs alone or as a prefix to another word, has reference to a railway or portion of a railway under construction and to a railway or portion of a railway not used for the public carriage of passengers, animals or goods as well as to a railway falling within the definition of that word in section 3, clause (4).

(*2*) For the purposes of sections 5, 21, 83, 100, 101, 103, 104, 121, 122, 125 and 137, sub-sections (*1*), (*2*), and (*4*), and section 138, the expression "railway servant" includes a person employed upon a railway in connection with the service thereof by a person fulfilling a contract with the railway administration.

THE FIRST SCHEDULE.

* * * *

THE SECOND SCHEDULE.

ARTICLES TO BE DECLARED AND INSURED.

(See *section 75.*)

(*a*) Gold and silver, coined or uncoined, manufactured or unmanufactured ;

(*b*) plated articles ;

(*c*) cloths and tissue and lace of which gold or silver forms part, not being the uniform or part of the uniform of an officer, soldier, sailor, police-officer or person enrolled as a volunteer, or of any public officer, [* * * *][1] entitled to wear uniform ;

(*d*) pearls, precious stones, jewellery and trinkets ;

---

[1] The words "British or foreign" were omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

(*e*) watches, clocks and timepieces of any description ;
(*f*) Government securities ;
(*g*) Government stamps ;
(*h*) bills of exchange, hundis, promissory-notes, bank-notes and orders or other securities for payment of money ;
(*i*) maps, writing and title-deeds ;
(*j*) paintings, engravings, lithographs, photographs, carvings, sculpture and other works of art ;
(*k*) art pottery and all articles made of glass, china or marble ;
(*l*) silks in a manufactured or unmanufactured state, and whether wrought up or not wrought up with other materials ;
(*m*) shawls ;
(*n*) lace and furs ;
(*o*) opium ;
(*p*) ivory, ebony, coral and sandalwood ;
(*q*) musk, sandalwood-oil and other essential oils used in the preparation of *itr* or other perfume ;
(*r*) musical and scientific instruments ;
(*s*) any article of special value which the Board may, by notification in the Gazette, add to this Schedule.

THE RAILWAY COMPANIES ACT.

[INDIA ACT X, 1895.] (7th March, 1895.)

Whereas it is expedient to provide for the payment by Railway Companies registered under the Burma Companies Act of interest out of capital during construction ; it is hereby enacted as follows :— Preamble.

1. * * * *

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

(1) " railway " means a railway as defined in section 3, clause (4), of the Railways Act ;
(2) " the railway " means the railway in relation to the construction of which interest out of capital is permitted to be paid as hereinafter provided ; and
(3) " railway company " means a company registered under the Burma Companies Act and formed for the purpose of making and working, or making or working, a railway in the Union of Burma, whether alone or in conjunction with other purposes.

3. A railway company may pay interest on its paid-up share capital out of capital, for the period, and subject to the conditions and restrictions in this Payment of interest out of capital

section mentioned, and may charge the same to capital as part of the cost of construction of the railway :—

(1) Such interest shall be paid only for such period as shall be determined by the President of the Union and such period shall in no case extend beyond the close of the half-year next after the half-year during which the railway shall be actually completed and opened for traffic.

(2) No such payment shall be made unless the same is authorized by the company's memorandum of association or by a special resolution of the company.

(3) No such payment, whether authorized by the company's memorandum of association or by special resolution as aforesaid, shall be made without the previous sanction of the President of the Union.

(4) The amount so paid out of capital by way of interest, in respect of any period, shall in no case exceed a sum which shall, together with the net earnings of the railway during such period, make up the rate of four per cent. per annum.

(5) No such payment of interest shall be made until such railway company has satisfied the President of the Union that two-thirds at least of its share capital, in respect whereof interest is to be so paid, has been actually issued and accepted, and is held by shareholders who, or whose representatives, are legally liable for the same.

(6) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear.

(7) The payment of such interest shall not operate as a reduction of the amount paid up on the shares in respect of which it is paid.

Provisions of section 3 applicable to additional share capital for extensions.

4. A railway in course of construction and intended to be made or worked by a railway company in addition to or by way of extension of any railway owned or worked by such company, shall be deemed to be the railway of such company for the purposes of this Act, and all the provisions of the last preceding section shall apply to such railway and to the share capital issued for the purpose of its construction.

Notice in prospectus and other documents.

5. When a railway company has power to pay interest under this Act, notice to that effect shall be given in every prospectus, advertisement or other document inviting subscriptions for shares therein, and in every certificate of such shares.

Accounts.

6. When any interest has been paid by a railway company under this Act, the annual or other accounts of such company shall show the amount on which, and the rate at which, interest has been so paid.

Construction of borrowing powers.

7. If by any memorandum of association, articles of association or other document any power of borrowing money is conferred on a railway company, or on its directors, with or without the sanction of any meeting, and if such power of borrowing is limited to an amount bearing any proportion to the capital of such company, the amount of capital applied or to be applied in payment of interest under this Act shall, for the purpose of ascertaining the extent of such power of borrowing, be deducted from the capital of such company.

Application of Act to tramway companies.

8. The President of the Union may, by notification, direct that the provisions of this Act (in so far as the same are applicable) shall apply to any company formed for the construction of a tramway ; and thereupon it shall be lawful for such company to pay interest upon its paid-up share capital out of capital in the manner and subject to the conditions prescribed by this Act.

THE TRAMWAYS ACT.

CONTENTS.

Preliminary.

Sections.

1. * * * *
2. Powers under Act exercisable by Burma Railway Administration in certain cases.
3. Definitions.

Orders authorizing the Construction of Tramways.

4. Application for and consent necessary to making of order.
5. Consent of local or road authority not necessary in certain cases.
6. Procedure for making order.
7. Contents of order.
7A. Substitution of trackless for track system.
8. Further order.
9. Power to authorize joint work by local authorities.
10. Cessation of powers given by an order.

Construction and Maintenance of Tramways.

11. Mode of formation of tramway.
12. Inspection of tramway before opening.
13. Agreement between road-authority and promoter as to repair of roadway.

Traffic on Tramways.

Sections.

14. Rights of promoter and the public over tramways.
15. Tolls leviable by promoter or lessee.
16. Carriage of dangerous or offensive goods.

Licences to use Tramways.

17. Grant to third parties of licences to use tramway in certain events.
18. Licensee to give to promoter or lessee an account of traffic.

Discontinuance of Tramways.

19. Cessation of powers of promoter and lessee on discontinuance of tramway.
20. Powers of road-authority on cessation of powers of promoter.

Insolvency of Promoter.

21. Proceedings in case of insolvency of promoter.

Purchase of Tramways.

22. Future purchase of undertaking by local authority.

Working of Tramways owned by Local Authorities.

23. Lease of, or working of, tramway by local authority.

Rules.

24. Power to make rules.
25 Power to impose penalty by rule.
26. Procedure for making rules.

Offences.

27. Penalty for failure of promoter, lessee or licensee to comply with Act or order.
28. Penalty for obstructing promoter in exercise of his powers.
29. Penalty for interfering with tramway.
30. Penalty for using tramway with carriage having flange-wheels.
31. Penalty for evading payment of proper toll.
32. Penalty for taking or sending dangerous or offensive goods without giving notice.
33. Penalty for licensee not giving to promoter or lessee an account of traffic or giving false account.
34. Saving of prosecutions under other laws.

Settlement of Differences.

Sections.

35. Differences between promoters or lessees and authorities.

Recovery of Tolls.

36. Recovery of moneys due from promoters and, in certain cases, from lessees.
37. Recovery of tolls from licensees.
38. Recovery of tolls from passengers.

Savings.

39. Promoter to have right of user only.
40. Saving of power over roads traversed by tramways.
41. Saving of power of local authority and police to regulate traffic on roads.
41A. Carriages forming part of a tramway not to be deemed motor vehicles.

Supplemental Provisions.

42. Promoters, lessees and licensees to be responsible for all injuries.
43. Want of funds not a sufficient reason for default.
44. Power to exempt from municipal taxation.
45. Application by local authorities of local funds to tramways.
46. Extension of Act to existing tramways.
47. Prohibition of construction of tramways except under this Act.
48. Transfer of control on exclusion of local area from circle of local authority.

THE TRAMWAYS ACT.[1]

[INDIA ACT XI, 1886.] (12th March, 1886.)

Preliminary.

1. * * * *

Powers under Act exercisable by Burma Railway Administration in certain cases.

2. The powers conferred by this Act on the President of the Union shall, in the case of a tramway which is not wholly within a municipal area, be exercised by the [Burma Railway Administration].[2]

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

(1) * * * *

[1] For power to apply the Railway Companies Act, *ante*, to companies formed for the construction of tramways, *see* section 8 of the Railway Companies Act.

[2] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

(2) " road " means the way of a road, street, thoroughfare, passage or place along or across which a tramway authorized under this Act is, or is intended to be, laid, and includes the surface-soil and subsoil of a road, and the footway, berms, drains and ditches of a road, and any bridge, culvert or causeway forming part of a road ;

(3) " road-authority," in relation to a road, means—

(*a*) if a local authority maintains and repairs the road, then that authority ;

(*b*) if a local authority does not maintain and repair the road, and the road is neither vested in [the State] [1] nor maintained and repaired by the Government, then the person in whom the road is vested ; and

(*c*) if a local authority does not maintain and repair the road, and the road is vested in [the State] [1] or maintained and repaired by the Government, then the President of the Union ;

(4) " circle," in relation to a local authority or road-authority, means the area within the control of that authority ;

(5) " tramway " includes—

(*a*) a track system of tramways on which the carriages however propelled run upon one, two or more rails ;

(*b*) a trackless system of tramways on which carriages electrically propelled derive power from overhead conductors or trolley wires ;

(*c*) any part of any such system including any siding, turn-out or connection ;

(*d*) any line or track, supports for aerials, electrical equipment or carriage forming part of or used in connection with any such system ;

(*e*) any electric supply line transmitting power from a generating station or sub-station to any such system or from a generating station to a sub-station from which power is transmitted to any such system ;

(6) " order " means an order authorizing the construction of a tramway under this Act, and includes a further order substituted for, or amending, extending or varying, that order ;

(7) " promoter " means a local authority or person in whose favour an order has been made, and includes a local authority or person on whom the rights and liabilities conferred and imposed on the promoter by this Act and by the order and any rules made under this Act, as to the construction, maintenance and use of the tramway, have devolved ;

(8) " undertaking " includes all moveable and immoveable property of the promoter suitable to and used by him for the purposes of the tramway ;

(9) " carriage," in the case of a tramway on which steam-power or any other mechanical power or electrical power is used, includes an engine worked on the tramway for the purpose of producing or utilizing that power ;

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

(10) "toll" includes any charge leviable in respect of the use of a tramway;

(11) "lessee" means a person to whom a lease has been granted of the right of user of a tramway and of demanding and taking the authorized tolls;

(12) "District Magistrate" includes an officer empowered by the President of the Union by name or by virtue of his office to discharge within any local area all or any of the functions of a District Magistrate under this Act;

(13) "District Court" means a principal civil Court of original jurisdiction, and includes the High Court;

(14) "Collector" means the chief officer in charge of the revenue administration of a district, and includes an officer empowered by the President of the Union by name or by virtue of his office to discharge within any local area the functions of a Collector under this Act;

(15) "prescribed" means prescribed by rules made by the President of the Union under this Act; and

(16) "lay" with its grammatical variations shall include "construct" with its grammatical variations.

Orders authorizing the Construction of Tramways.

Application for and consent necessary to making of order.

4. (*1*) The President of the Union may make an order authorizing the construction of a tramway in a circle on application made :—

(*a*) by the local authority of the circle with the consent of the road-authority of any road or part of a road which is to be traversed by the tramway and of which the local authority is not itself the road-authority; or

(*b*) by any person with the consent of the local authority of the circle, and of the road-authority of any road or part of a road which is to be traversed by the tramway and of which the local authority is not the road-authority.

(*2*) A local authority shall not make an application for an order or be deemed to consent to an application being made by any person for an order, unless the making of the application or the giving of the consent has been approved by the local authority in manner prescribed.

Consent of local or road-authority not necessary in certain cases.

5. When it is proposed to lay a tramway in two or more circles, and a local authority or road-authority having control in either or any of the circles does not consent thereto, or attaches conditions to its consent, the President of the Union may, nevertheless, make an order authorizing the construction of the tramway in the circle, or by the order impose on the promoter any conditions which he deems fit, if, after considering the reasons of the authority for withholding its consent or attaching the conditions thereto, he is satisfied that the construction of the tramway in the circle is expedient, or, as the case may be, that the conditions attached by the authority to its consent ought not to be imposed.

Procedure for making order.

6. (*1*) The President of the Union on receiving an application shall consider it, and, if satisfied as to the propriety of proceeding thereon, publish in the Gazette, and in such other manner as he deems sufficient for giving information to persons interested, a draft of a proposed order authorizing the construction of the tramway.

(*2*) A notice shall be published with the draft stating that any objection or suggestion which any person may desire to make with respect to the proposed order will, if submitted to the President of the Union on or before a date to be specified in the notice, be received and considered.

(*3*) If, after considering any objections or suggestions which may have been made with respect to the draft on or before the date so specified, the President of the Union is of opinion that the application should be granted, with or without addition or modification, or subject or not to any restriction or condition, he may make an order accordingly.

(*4*) Every order authorizing the construction of a tramway shall be published in the Gazette [* * * *] [1]; and that publication shall be conclusive proof that the order has been made as required by this section.

Contents of order.

7. (*1*) An order made under section 6 shall empower the promoter therein specified to construct and maintain the tramway therein described in the manner therein provided, and shall specify the time within which the tramway shall be commenced and the time within which it shall be completed and opened for public traffic.

(*2*) The order may also provide, in manner consistent with this Act, for all or any of the following, among other matters, that is to say :—

(*a*) a period before the expiration of which the tramway shall not be commenced, and the conditions subject to which the local authority, when it is not itself the promoter, may within that period elect to be substituted in the place of the promoter in respect of the undertaking or of so much thereof as is within its circle ; and the limits of time within which, and the terms upon which, the local authority may, after the tramway has been constructed, require the promoter to sell to it the undertaking or so much thereof as is within its circle ;

(*b*) the acquisition by the promoter of land for the purposes of the tramway, and the disposal by him of land which has been acquired but is no longer required for those purposes ;

(*c*) the conditions subject to which roads may be opened and broken up for the purposes of the construction or maintenance of the tramway or any part thereof, and the method of, and materials to be used in, the reinstating of the roads, and the approval of the method and materials by the President of the Union or the road-authority before the commencement of the work ;

---

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

(*d*) the conditions on which the tramway may be constructed over a bridge or across a railway or tramway when the carriage-way over the bridge is to form part of the tramway or when the tramway is to cross a railway or another tramway on the level ;

(*e*) the space which shall ordinarily intervene between the outside of the carriage-way on either side of a road whereon the tramway is to be constructed, and—

(i) in the case of a tramway having one rail, the rail of the tramway, or

(ii) in the case of a tramway having two or more rails, the nearest rail of the tramway,

and the conditions on which a smaller space may be permitted ;

(*f*) the gauge of the tramway, the rails to be used, and the mode in which, and the level at which, they shall be laid and maintained; and the adoption and application by the promoter of such improvements in the rails, and in their situation, and in the sub-structure upon which they rest, as the President of the Union may from time to time require ;

(*g*) the portion of the road or roads traversed by the tramway to be kept in repair by the promoter ; the maintenance by the promoter to the satisfaction of the President of the Union or the road-authority, or both, of that portion of the road or roads ; and the liability of the promoter, on the requisition of the President of the Union, from time to time to adopt and apply such improvements in the tramway as the President of the Union may consider necessary or desirable for the safety or convenience of the public, and to alter the position or level of the tramway to suit future alterations in the road or roads ;

(*h*) the application of material excavated by the promoter in the construction or maintenance of the tramway ;

(*i*) the provision of such crossings, passing-places, sidings, junctions and other works, in addition to those specified in or authorized by the order, as may from time to time be necessary or convenient to the efficient working of the tramway ;

(*j*) the powers which may from time to time be exercised by the President of the Union, the local authority, the road-authority or any person in respect of sewers, drains, telegraph-lines, gas-pipes, water-pipes or other things in or on land occupied by the tramway ; the notice (if any) to be given of the intended exercise of those powers ; the manner in which the powers shall be exercised ; and the extent to which the tramway and the traffic thereon may be interfered with in the exercise thereof ;

(*k*) the conditions subject to which the promoter may from time to time interfere with, or alter or require the alteration of the position of, drains (not being sewers or main drains), telegraph-lines, gas-pipes, water-pipes or other things as aforesaid ;

(*kk*) except as otherwise provided for by this Act, the conditions subject to which a promoter may discontinue or remove a tramway or any section thereof ;

(*l*) the provision of a temporary tramway in place of a part of a tramway which has been removed, or of which the use has been discontinued, by reason of the execution of any work affecting a road along which the part of the tramway was laid, or by reason of the use of the road being interrupted by floods or other cause ;

(*m*) the motive power to be used on the tramway, and the conditions on which steam-power or any other mechanical power or electrical power may be used ;

(*n*) the nature, dimensions, fittings, appliances and apparatus of the carriages to be used on the tramway, and the inspection and examination thereof by officers of the President of the Union or the local authority, and the liability of the promoter or lessee, on the requisition of the President of the Union, from time to time, to adopt and apply such improvements in the carriages, and in the fittings, appliances and apparatus, as the President of the Union may consider necessary or desirable for the safety or convenience of the public ;

(*o*) the traffic which may be carried on the tramway, the traffic which the promoter or lessee shall be bound to carry, and the traffic which he may refuse to carry ; the tolls to be leviable by the promoter or lessee, and the periodical revision thereof by the President of the Union ; and the regulation of the traffic and of the levy of the tolls ;

(*p*) the use of the tramway free of toll by the local authority, with its own carriages, for specified purposes, during specified hours, with power to the local authority to make such sidings and other works as may be necessary for communication between its premises and the tramway ;

(*q*) the conditions subject to which the promoter may transfer the undertaking, or any part thereof, by sale, mortgage, lease, exchange or otherwise ; and the conditions subject to which the local authority may be the transferee ;

(*r*) the performance by the President of the Union or by the local authority or road-authority of any work required by the Act or the order to be done by the promoter ; and

(*s*) the penalty to be incurred by the promoter or lessee for failure to observe any condition or direction contained in the order, and the application of the penalty when recovered.

(*3*) The President of the Union may, in providing in the order for the acquisition of land for the purposes of a tramway of which the promoter is not a company, direct that land may be acquired for the promoter under the provisions of the Land Acquisition Act in the same manner and on the same conditions as

it might be acquired for the purposes of the tramway if a company were the promoter.

(*4*) The order shall imply the condition—

(*a*) in the case of a tramway of which a local authority is the promoter, that a lease thereof shall be granted only in manner by this Act provided ; and

(*b*) in the case of a tramway of which a local authority is not the promoter, that a lease thereof shall be only of the right of user and of demanding and taking the authorized tolls, and shall not confer or impose on the lessee any of the powers or duties of the promoter in respect of the construction or maintenance of the tramway.

Substitution of trackless for track system.

7A. Subject to the consent of the President of the Union after consultation with the local authority, a promoter may at any time substitute a trackless for a track system along the whole or any section of a tramway, and, where such substitution has taken place but the rails of the track system have not been removed, may at any time restore the track system in place of the trackless system.

Further order.

8. (*1*) The President of the Union may, on the application of the promoter, revoke, amend, extend or vary the order by a further order.

(*2*) An application for a further order shall be made in the same manner and subject to the same conditions as an application for an order.

(*3*) The President of the Union may either grant or reject the application.

(*4*) If he grants the application, he shall make the further order in the same manner as an order, except that no addition to, or modification of, the rights, powers and authorities asked for in the application, or restriction or condition with respect thereto, shall be made or imposed by the further order without the consent in writing of the promoter.

Power to authorize joint work by local authorities.

9. (*1*) Subject to, and in accordance with, the provisions of this Act, the President of the Union may, on a joint application, or on two or more separate applications, make an order empowering two or more local authorities, respectively, jointly to construct the whole, or separately to construct parts, of a tramway, and jointly or separately to own the whole or parts thereof.

(*2*) All the provisions of this Act which relate to the construction of tramways shall extend and apply to the construction of the whole and the separate parts of the tramway, and the form of the order may be adapted to the circumstances of the case.

Cessation of powers given by an order.

10. (*1*) If a promoter authorized by an order to construct a tramway—

(*a*) does not within the time specified in the order substantially commence the construction of the tramway, or

(*b*) having commenced the construction suspends it without a reason sufficient in the opinion of the President of the Union to warrant the suspension, or

(*c*) does not within the time specified in the order complete the tramway and open it for public traffic,

the following consequences shall ensue :—

(i) the powers given by the order to the promoter for constructing the tramway and otherwise in relation thereto shall, unless the President of the Union, by special direction in writing, prolongs the time or condones the suspension, cease to be exercised except as to so much of the tramway as is then completed ;

(ii) as to so much of the tramway asis then completed, the President of the Union may either permit, or refuse to permit, the powers given by the order to continue ;

(iii) if the President of the Union refuses to permit the powers to continue, then so much of the tramway as is then completed may be dealt with, under the provisions of this Act relating to the discontinuance of tramways, as a tramway of the working whereof the discontinuance has been proved to the satisfaction of the President of the Union.

(*2*) A notification published by the President of the Union in the Gazette to the effect that on a date specified in the notification the construction of a tramway had not been substantially commenced or a tramway had not been completed and opened for public traffic, or that the construction of a tramway had been suspended without sufficient reason, shall, for the purposes of this section, be conclusive proof of the matter stated therein.

Construction and Maintenance of Tramways.

Mode of formation of tramway.

11. A tramway shall be constructed and maintained in the manner provided by the order.

Inspection of tramway before opening.

12. A tramway, or portion or extension of, or addition to, a tramway, shall not be opened for public traffic until an engineer appointed in this behalf by the President of the Union has inspected it and certified it to be fit for such traffic.

Agreement between road-authority and promoter as to repair of roadway.

13. Subject to the provisions of any order for the time being in force with respect to the matters mentioned in section 7, sub-section (*2*), clause (*g*), the road-authority and the promoter may from time to time enter into agreements as to the keeping in repair of the whole or a part of a road traversed by a tramway, and as to the proportion to be paid by either of them of the expense of keeping the road or part in repair.

Traffic on Tramways.

Rights of promoter and the public over tramways.

14. (*1*) The promoter of a tramway shall, subject to the provisions of sub-section (*2*) and to the other provisions of this Act and of the order, have the exclusive use of the tramway for carriages with flange-wheels or other wheels suitable

to run on the rail described in the order as the rail to be used on the tramway :

Provided that nothing in this Act or in the order or any rule made under this Act shall affect the right of any person authorized to use a tramway or railway to pass across a tramway constructed under this Act with carriages having wheels suitable to run on the rail thereof.

(*2*) The public shall have a right to pass along or across any part of a road along or across which a tramway is constructed, whether on or off the tramway, with carriages not having flange-wheels or other wheels suitable to run on the rail of the tramway :

Provided—

(*a*) that this sub-section shall not apply where the tramway is constructed on land the right to the exclusive possession of which has been acquired by the promoter ; and

(*b*) that the President of the Union may by an order authorize the construction of a tramway on any part of a road with rails raised above the surface of the road, if he is satisfied that the convenience of the public will not be injuriously affected thereby.

Tolls leviable by promoter or lessee.

15. (*1*) The promoter or lessee may demand and take, in respect of the tramway, tolls not exceeding the limits specified in or determinable under the order, or if the order contains no provision in this behalf, then such sums as may from time to time be fixed by the promoter or lessee with the previous sanction of the President of the Union.

(*2*) A list of all the tolls authorized to be levied shall be exhibited, in such languages as the District Magistrate may direct, in a conspicuous place inside and outside each of the carriages used upon the tramway.

Carriage of dangerous or offensive goods.

16. (*1*) A person shall not be entitled to carry, or to require to be carried, on a tramway constructed under this Act, any goods of a dangerous or offensive nature.

(*2*) A person taking such goods with him on the tramway shall, before entering the carriage, give notice of their nature to the servant of the promoter or lessee in charge of the carriage.

(*3*) A person sending such goods by the tramway shall distinctly mark their nature on the outside of the package containing them, or otherwise give notice thereof in writing to the servant of the promoter or lessee with whom he leaves them for the purpose of their being sent by the tramway.

(*4*) Any servant of the promoter or lessee may refuse to carry upon the tramway a parcel which he suspects to contain goods of a dangerous or offensive nature, and, if any such parcel has been received for the purpose of being carried upon the tramway, may stop the transit thereof until he is satisfied as to the nature of its contents.

(5) Where a servant of the promoter or lessee refuses under sub-section (*4*) to carry a parcel which has been received for the purpose of being carried

upon the tramway, he shall, as soon as may be, give notice of his refusal to the consignor or consignee if he refuses at a time when neither of them is present.

Licences to use Tramways.

Grant to third parties of licences to use tramway in certain events.

17. If, at any time after a tramway or part of a tramway has been for three years opened for public traffic in a circle, the local authority of the circle represents in writing to the President of the Union that the public is deprived of the full benefit of the tramway or of the part thereof, the President of the Union may, if after considering any statement which the promoter or lessee or both may desire to make, and after such further enquiry as he deems necessary, he is satisfied as to the truth of the representation, grant a licence to any person to use the tramway conformably to this Act and to the order and the rules made under this Act, subject to the following provisions, namely :—

(*a*) the licence shall be for a period not less than one year or more than three years from the date of the licence, but the President of the Union may renew it ;

(*b*) the licence shall be to use the whole of the tramway for the time being opened for public traffic, or such part or parts of the tramway as the President of the Union, having regard to the cause for granting the licence, thinks fit ;

(*c*) the licence shall specify the number of carriages which the licensee shall run upon the tramway, the mode in which, and times at which, the carriages shall be run, the tolls to be paid to the promoter or lessee by the licensee for the use of the tramway, and the tolls, being those for the time being leviable by the promoter or lessee, which the licensee may demand and take for the use of his carriages ;

(*d*) the licensee and his officers and servants shall permit one person, duly authorized for that purpose by the promoter or lessee, to travel free of toll in or upon each carriage of the licensee run upon the tramway for the whole or any part of a journey ;

(*e*) any provision of this Act, or of the order or rules made under this Act, relating to the functions of a servant of a promoter or lessee shall be construed, so far as may be, as referring to a servant of the licensee ; and

(*f*) the President of the Union may revoke, alter or modify the licence for any cause sufficient in his opinion to warrant the revocation, alteration or modification thereof.

Licensee to give to promoter or lessee an account of traffic.

18. A licensee shall, on demand, give to an officer or servant authorized in that behalf by the promoter or lessee an exact account in writing, signed by the licensee, of the number of passengers, or number or quantity of goods, conveyed by any and every carriage used by him on the tramway.

Discontinuance of Tramways.

Cessation of powers of promoter and lessee on discontinuance of tramway.

19. If it is proved to the satisfaction of the President of the Union, at any time after the opening of a tramway for public traffic, that the working of the tramway, or any part thereof, has been practically discontinued for the space of three months, without a reason sufficient, in the opinion of the President of the Union, to warrant the discontinuance, the President of the Union, if he thinks fit, may, by notification in the Gazette, declare that the powers of the promoter and of the lessee, if any, in respect of the tramway or the part thereof of which the working has been so discontinued, shall, from the date of the notification, be at an end ; and thereupon the said powers shall cease and determine, except in so far as they may be purchased by a local authority in manner by this Act provided.

Powers of road-authority on cessation of powers of promoter.

20. (*1*) Where a notification has been published under section 19, the road-authority may, at any time after the expiration of two months from the date of the notification, remove the tramway or part of the tramway of which the working has been so discontinued, and use the materials thereof in reinstating the road.

(*2*) The promoter shall pay to the road-authority the cost incurred by that authority in removing the tramway or the part thereof and in reinstating the road.

(*3*) The cost shall be certified by an officer of the road-authority, and the certificate, countersigned by the District Magistrate, shall be conclusive proof as to the cost incurred.

(*4*) If the promoter does not pay the amount so certified within one month after the delivery to him of the certificate or of a copy thereof, the road-authority may, without any previous notice to the promoter and without prejudice to any other remedy which it may have for the recovery of the amount, sell and dispose of such materials of the tramway or part thereof removed as it has not used in reinstating the road, either by public auction or by private sale, and for such sum or sums, and to such person or persons, as it thinks fit, and may, out of the proceeds of the sale, pay and reimburse itself the amount of the cost aforesaid and of the expenses of the sale, and shall pay over the residue (if any) of the proceeds of the sale to the promoter.

Insolvency of Promoter.

Proceedings in case of insolvency of promoter.

21. (*1*) If, at any time after the opening of a tramway in a circle for public traffic, it appears to the road-authority or local authority of the circle that the promoter of the tramway is insolvent, so that he is unable to maintain the tramway, or to work it with advantage to the public, and either of those authorities makes a representation to that effect to the President of the Union, the President of the Union may, if after considering any statement which the promoter may desire to make, and after such further enquiry as he deems necessary, he is satisfied as to the truth of the representation, declare, by notification in the Gazette, that the powers of the promoter shall, at the

expiration of six months from the publication of the notification, be at an end; and the powers of the promoter shall cease and determine at the expiration of that period, except in so far as they may be purchased by a local authority in manner by this Act provided.

(*2*) Where a notification has been published under sub-section (*1*), the road-authority may, at any time after the expiration of six months from the date thereof, remove the tramway in the same manner, and subject to the same provisions as to the payment of the cost of the removal and to the same remedy for recovery of the cost, in every respect as in cases of removal under section 20.

Purchase of Tramways.

Future purchase of undertaking by local authority.

22. (*1*) Where the promoter of a tramway in a circle is not the local authority, the local authority, with the previous sanction of the President of the Union, may—

(*a*) within such limits of time as may be specified in this behalf in the order, or

(*b*) if a time was not specified in the order, then within six months after the expiration of a period of twenty-one years from the date of the order, and within six months after the expiration of every subsequent period of seven years, or

(*c*) within two months after the publication of a notification under section 19 or within six months after the publication of a notification under section 21,

by notice in writing, require the promoter to sell to the local authority his undertaking or the part thereof which is within the circle of the local authority; and thereupon the promoter shall sell the same upon the terms specified in the order, or, if the terms were not specified in the order, then upon the terms of paying the then value of the undertaking or of the part thereof, exclusive of any allowance for past or future profits of the undertaking or any compensation for compulsory sale or other consideration whatsoever.

(*2*) A requisition shall not be made under sub-section (*1*) unless the making thereof has been approved by the local authority in manner prescribed

(*3*) When a sale has been made under this section, all the rights, powers and authorities of the promoter in respect of the undertaking or part thereof sold, or, where a notification has been published under section 19 or section 21, all the rights, powers and authorities of the promoter previous to the publication of the notification in respect of the undertaking or part thereof sold, shall be transferred to the authority to whom the undertaking or part has been sold, and shall vest in, and may be exercised by, that authority in the same manner as if the tramway had been constructed by it under an order made under this Act.

(*4*) Subject to, and in accordance with, the preceding provisions of this section, two or more local authorities may jointly purchase an undertaking or so much thereof as is within their circles.

Working of Tramways owned by Local Authorities.

Lease of, or working of, tramway by local authority.

23. (*1*) When a local authority has under the authority of an order completed a tramway, or has under the provisions of this Act or of an order acquired possession of a tramway, it may, by a lease to be approved by the President of the Union, let to any person the right of user of the tramway and of demanding and taking the authorized tolls.

(*2*) On the determination of a lease the local authority may from time to time let the right for such further term and on such conditions as the President of the Union may approve.

(*3*) Every lease made under this section shall imply a condition of re-entry if at any time after the making thereof it is proved to the satisfaction of the President of the Union that the lessee has practically discontinued the working of the tramway leased, or of any part thereof, for the space of one month without a reason sufficient, in the opinion of the President of the Union to warrant the discontinuance.

(*4*) Notice of the intention of the local authority to make a lease shall be given in manner prescribed.

(*5*) If the local authority cannot by means of a lease obtain what it deems to be a fair rent for the tramway, it may itself, with the previous sanction of the President of the Union and for such term as the President of the Union directs, place and run carriages upon the tramway, and demand and take the authorized tolls in respect of the use of the carriages.

Rules.

Power to make rules.

24. (*1*) In addition to any other power to make rules expressly or by implication conferred by this Act, the President of the Union may make rules consistent with this Act—

(*a*) as to the form in which an application for an order shall be made;

(*b*) as to the costs to be paid by an applicant in respect of an order, and the time when, and the place where, those costs shall be paid;

(*c*) as to the payment of money or lodgment of securities, by way of deposit, by the applicant for an order before the order is published under section 6, sub-section (*4*), or a further order is made under section 8; the investment of money so paid; the disposal of interest or dividends from time to time accruing due on money or securities so paid, lodged or invested; the application of the money or securities or the produce thereof to the discharge of any liability incurred by the promoter; and the forfeiture, repayment or return of the money or securities;

(*d*) as to the plans and section of any works to be deposited by applicants for orders or by promoters;

(*e*) for regulating the use of steam-power or any other mechanical power or electrical power on a tramway;

(*f*) as to any matter specified in section 7, sub-section (*2*), clauses (*c*), (*d*), (*e*), (*j*) and (*k*), as a matter which may be provided for in an

order, when that matter has not been so provided for, or has not, in the opinion of the President of the Union, been effectually so provided for ;

(*g*) as to the periodical submission, by promoters, lessees and licensees, of accounts of traffic and receipts to the President of the Union or as the President of the Union directs, and as to the forms in which those accounts are to be submitted ;

(*h*) as to the accidents of which report is to be made to the President of the Union or as the President of the Union directs ;

(*i*) as to any matter respecting which rules may be made under this section by a local authority or a promoter or lessee ; and

(*j*) generally, as to any other matter or thing in respect of which it may seem to the President of the Union to be expedient to make rules for carrying out the purposes of this Act.

(*2*) A local authority may, from time to time, with the previous sanction of the President of the Union, make rules consistent with this Act and with the order and any rules made by the President of the Union under this Act, for regulating—

(*a*) the rate of speed to be observed in travelling upon a tramway within the circle of the local authority ;

(*b*) the use of animal power on the tramway ;

(*c*) the distances at which carriages using the tramway are to be allowed to follow one after the other ;

(*d*) the stopping of carriages using the tramway, and the notice to be given to the public of their approach ;

(*e*) the manner in which carriages using the tramway after sunset and before sunrise are to be lighted ;

(*f*) the traffic on roads along or across which the tramway is laid ;

(*g*) the number of passengers which may be carried in any carriage ;

(*h*) the licensing and control of drivers, conductors and other persons having charge of the carriages of the promoter or lessee or a licensee ; and,

(*i*) generally, the mode of use of the tramway.

(*3*) The promoter or lessee of a tramway may, from time to time, with the previous sanction of the President of the Union, make rules consistent with this Act and with the order and any rules made under this Act—

(*a*) for preventing the commission of any nuisance in or upon any carriage, or in or against any premises, belonging to him ; and

(*b*) for regulating the travelling in any carriage belonging to him.

(*4*) The President of the Union may cancel any rule made by a local authority or by a promoter or lessee under this section.

Power to impose penalty by rule.

25. The authority making any rule under section 24 may direct that a breach of it shall be punishable with fine which may extend,—

(*a*) if the authority making the rule is the President of the Union, to two hundred rupees, and,

(*b*) if that authority is a local authority or a promoter or lessee, to twenty rupees ;

and, when the breach is a continuing breach, with a further fine which may extend,—

(*c*) if the authority making the rule is the President of the Union, to fifty rupees, and,

(*d*) if that authority is a local authority or a promoter or lessee, to five rupees,

for every day after the first during which the breach continues.

Procedure for making rules.

26. Rules made under this Act shall be made after previous publication.

Offences.

Penalty for failure of promoter, lessee or licensee to comply with Act or order.

27. If a promoter—

(*a*) constructs or maintains a tramway otherwise than in accordance with the order, or

(*b*) opens the tramway for traffic, or permits it to be so opened, before it has been inspected and certified in manner required by section 12, or

(*c*) fails to observe any requirement or condition of the order for neglect or breach whereof no penalty has been expressly provided in the order,

or if a promoter, lessee or licensee runs a carriage on a tramway otherwise than in accordance with the order,

he shall (without prejudice to the enforcement or specific performance of the requirements of this Act or of the order, or to any other remedy which may be obtained against him in a Court of civil judicature), on complaint made by the President of the Union or by the local authority or road-authority or by the District Magistrate or, with the previous sanction of the District Magistrate, by any person injuriously affected by the act or omission, be punished with fine which may extend to two hundred rupees, and in the case of a continuing offence to a further fine which may extend to fifty rupees for every day after the first during which the offence continues to be committed.

Penalty for obstructing promoter in exercise of his powers.

28. If any person without lawful excuse, the burden of proving which shall lie upon him, wilfully obstructs any person acting under the authority of the promoter in the lawful exercise of his powers in constructing or maintaining a tramway, or injures or destroys any mark made for the purpose of setting out the line of the tramway, he shall be punished with fine which may extend to fifty rupees.

Penalty for interfering with tramway.

29. If any person without lawful excuse, the burden of proving which shall lie upon him, wilfully does any of the following things, namely :—

(*a*) interferes with, removes or alters any part of a tramway constructed under this Act, or of the works connected therewith, or

(*b*) places, throws upon or across any such tramway any wood, stone, refuse or other thing, or

(*c*) does anything in such a manner as to obstruct any carriage using any such tramway, or

(*d*) abets the doing of, or attempts to do, anything mentioned in clause (*a*), clause (*b*), or clause (*c*),

he shall (without prejudice to any other remedy which may be obtained against him in a Court of civil judicature) be punished with fine which may extend to one hundred rupees.

Penalty for using tramway with carriage having flange-wheels.

30. If any person, except under a lease from, or by agreement with, the promoter, or under licence from the President of the Union granted under this Act, uses on a tramway, otherwise than as permitted by section 14, a carriage having flange-wheels or other wheels suitable to run on the rail of the tramway, he shall be punished with fine which may extend to two hundred rupees.

Penalty for evading payment of proper toll

31. (*1*) If any person travelling or having travelled in a carriage of the promoter or lessee or of a licensee evades or attempts to evade payment of toll, or if any person having paid toll for a certain distance wilfully proceeds in any such carriage beyond that distance and does not pay the additional toll for the additional distance or attempts to evade payment thereof, or if any person wilfully refuses or neglects on arriving at the point to which he has paid toll to quit the carriage, he shall be punished with fine which may extend to ten rupees.

(*2*) When a person commits an offence under this section and refuses on demand of a servant of the promoter, lessee or licensee to give his name and residence, or gives a name or residence which the servant has reason to believe to be false, he may be arrested and taken to the nearest police-station by the servant or any person whom the servant may call to his aid.

(*3*) When the person is taken to the police-station he shall with the least possible delay be forwarded to the nearest Magistrate, unless his true name and residence are ascertained, in which case he shall be released on his executing a bond for his appearance before a Magistrate if so required.

Penalty for taking or sending dangerous or offensive goods without giving notice.

32. If any person takes or sends by a tramway any goods of a dangerous or offensive nature without giving the notice required by section 16, he shall be punished with fine which may extend to fifty rupees.

Penalty for licensee not giving to promoter or lessee an account of traffic or giving false account.

33. (*1*) If a licensee fails on demand to give the account mentioned in section 18, or, with intent to evade the payment of tolls, gives a false account when he is called upon to give an account under that section, he shall be punished with fine which may extend to fifty rupees.

(2) The fine shall be in addition to any tolls payable by the licensee to the promoter or lessee in respect of the passengers or goods conveyed by the carriage or carriages used by the licensee on the tramway.

Saving of prosecutions under other laws.

34. Nothing in this Act shall prevent a person from being prosecuted under any other law for an act or omission which constitutes an offence against this Act or the rules made under it, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act or the rules made under it :

Provided that a person shall not be punished twice for the same offence.

Settlement of Differences.

Differences between promoters or lessees and authorities.

35. (*1*) If any difference arises between the promoter or lessee on the one hand and the President of the Union, or the local authority, or the road-authority, or a person having the charge of any sewers, drains, telegraph-lines, gas-pipes, water-pipes or other things in or on land occupied by the tramway, on the other hand, with respect to any interference or control exercised or claimed to be exercised by, or on behalf of, either party by virtue of this or any other Act, or of the order or the rules made under this Act, or with respect to the propriety of, or the mode of, the execution of any work, or with respect to any compensation to be made by or to the promoter or lessee, or on the question whether any work is such as ought reasonably to satisfy the President of the Union or the road-authority or both, or with respect to any other subject or thing regulated by, or comprised in, this Act or the order or the rules made under this Act, and not otherwise expressly provided for therein, the matter in difference shall, except where the parties elect to proceed under [the Arbitration Act, 1944,][1] be settled, on the application of either party, by a referee.

(*2*) Where the difference is—

(*a*) between the promoter or lessee on the one hand and the President of the Union, either as such or as the road-authority, on the other, or

(*b*) between the promoter on the one hand and the local authority on the other, with respect to the sum to be paid by the local authority for an undertaking or part of an undertaking which that authority has required the promoter to sell under section 22,

the referee shall be the District Court within the jurisdiction of which the tramway is situate, or, where the tramway is within the jurisdiction of more than one District Court, the District Court within the jurisdiction of which the greater part of the tramway is situate.

(*3*) In other cases the referee shall be appointed by the President of the Union.

(*4*) Except where the referee is the District Court, the powers and procedure of the referee may be prescribed.

(*5*) In the case of a difference between a promoter on the one hand and a local authority on the other, with respect to the sum to be paid by the local authority for an undertaking or part of an undertaking which that authority has required the promoter to sell under section 22, an appeal shall lie to the High

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

Court from the award of the referee as from an original decree of the District Court.

(*6*) In the case of every other difference the award of the referee shall be final.

Recovery of Tolls.

Recovery of moneys due from promoters and, in certain cases, from lessees.

36. Any of the following moneys, namely, any rent due to a local authority from a lessee, any penalty recoverable from a promoter or lessee under an order, any sum payable by a promoter or lessee under an award of a referee, the cost of the performance under this Act by the President of the Union or by a local authority or road-authority of any work required by this Act or by an order to be done by a promoter, and the cost incurred by a road-authority in removing a tramway and reinstating a road under this Act, may, without prejudice to any other remedy that the authority to which the money is due may have by suit or otherwise, be recovered by that authority, on application made in this behalf to the Collector, as if the sum due were an arrear of land-revenue due by the promoter or lessee or his surety (if any):

Provided that nothing in this section shall authorize the arrest of the promoter or lessee or his surety in execution of any process issued by the Collector.

Recovery of tolls from licensees.

37. (*1*) If a licensee fails to pay on demand the tolls due for the use of a tramway, the promoter or lessee to whom the tolls are due may, without prejudice to the remedy which he may have by suit, apply to a Magistrate to recover the amount of the tolls, and the Magistrate may, after giving notice to the licensee, if possible, and allowing him an opportunity of being heard, proceed to recover the amount by distress and sale of any carriages or other moveable property of the licensee which may be found on the tramway or on premises connected therewith.

(*2*) When a licensee has failed to pay on demand the tolls due from him, the promoter or lessee to whom the tolls are due may seize any carriage or other moveable property of the licensee on the tramway or on premises connected therewith, and detain the same for forty-eight hours unless the tolls are sooner paid.

(*3*) When application is made to a Magistrate under sub-section (*1*), he may make an interim order of distraint pending his final decision.

Recoveries of tolls from passengers.

38. Any tolls due to a promoter, lessee or licensee from a passenger may be recovered either by suit or, on application to a Magistrate having jurisdiction within any local area in which any part of the tramway is laid, by distress and sale of any moveable property belonging to the passenger within the local limits of the jurisdiction of the Magistrate.

Savings.

Promoter to have right of user only.

39. (*1*) Notwithstanding anything contained in this Act, or in an order or any rule made under this Act, a promoter shall not acquire any right other than that of user only over a road along or across which he lays a tramway,

nor shall anything contained in this Act, or in an order or any rule made under this Act, exempt the promoter of a tramway, or any other person using the tramway, from the payment of such charges as may lawfully be levied in respect of the use of a road or bridge along or across which the tramway is laid.

(*2*) The President of the Union may, if he thinks fit, fix rates at which a promoter, lessee or licensee may compound for the charges payable in respect of the use of a road or bridge.

Saving of power over roads traversed by tramways.

40. (*1*) Nothing in this Act, or in an order or any rule made under this Act, shall take away or abridge any power which a road-authority, local authority or other person has by law to break up, widen, alter, divert or improve a road, railroad or tramway along or across which a tramway is laid.

(2) The road-authority, local authority or other person executing any work referred to in sub-section (*1*) shall not be liable to pay to a promoter, lessee or licensee any compensation for injury done to a tramway by the execution of the work or for loss of traffic occasioned by the reasonable use of any power lawfully exercised for the execution thereof.

Saving of power of local authority and police to regulate traffic on roads.

41. Nothing in this Act, or in an order or any rule made under this Act, shall affect the powers of a local authority or of a Magistrate or police-officer to regulate the passage of traffic along or across a road along or across which a tramway is laid; and the authority, Magistrate or officer aforesaid may exercise its or his powers as well on as off the tramway and with respect as well to the traffic of a promoter, lessee or licensee as to the traffic of other persons.

Carriages forming part of a tramway not to be deemed motor vehicles.

41A. A carriage forming part of a tramway shall not be deemed to be a motor vehicle within the meaning of the Burma Motor Vehicles Act.

Supplemental Provisions.

Promoters, lessees and licensees to be responsible for all injuries.

42. A promoter, lessee or licensee shall be answerable for all injuries happening through his act or default or through the act or default of any person in his employment, by reason or in consequence of any of his carriages or works, and shall save harmless all authorities and persons collectively and individually, and their officers and servants, from all damages and costs in respect of injuries so happening.

Want of funds not a sufficient reason for default.

43. For the purposes of this Act want of funds shall not be deemed to be a sufficient reason for the suspension of the construction, or the discontinuance of the working, of a tramway by a promoter or lessee.

Power to exempt from municipal taxation.

44. When a tramway is constructed under this Act within the limits of a municipality, the President of the Union may exempt the animals, plant, rolling-stock, yards, workshops, engine-sheds, electrical generating stations or

sub-stations and depôts of the promoter, lessee or licensee, for such period as he thinks fit, from all or any municipal taxes leviable within those limits.

Application by local authorities of local funds to tramways.

45. (*1*) The fund to or with the control or management of which the local authority of a municipality, cantonment or district is entitled or entrusted shall, notwithstanding anything in any enactment respecting the purposes to which that fund may be applied, be applicable, subject to the control of the President of the Union, to the payment of expenses incidental to the exercise of the powers and functions which may be vested in, or exercised by, a local authority under this Act.

(*2*) The fund shall also be applicable, with the previous sanction of the President of the Union, to a guarantee of the payment of interest on money to be applied, with the concurrence in writing of the local authority, within the limits of the local area under its control, to any of the purposes to which the fund might be applied by the local authority under sub-section (*1*).

Extension of Act to existing tramways.

46. The President of the Union may, with the consent of the local authority and road-authority and of the promoter and his lessee (if any), extend any part of this Act, or any rules made under this Act, either with or without modification, to the whole or any part of a tramway constructed, or authorized by the President of the Union to be constructed, before the 12th March, 1886,[1] and may withdraw any part of the Act or any rules so extended.

Prohibition of construction of tramways except under this Act.

47. (*1*) A tramway of which the construction has not been authorized before the 12th March, 1886,[1] shall not, after the said date, be constructed for public traffic in any place to which this Act extends, except in pursuance of an order made under this Act.

(*2*) A person constructing a tramway in contravention of sub-section (*1*) of this section, or maintaining or using for public traffic, otherwise than in pursuance of an order made under this Act, a tramway which was not constructed, or authorized to be constructed, before the said date, shall be liable to double the penalty to which a promoter acting otherwise than in accordance with an order is liable under section 27.

Transfer of control on exclusion of local area from circle of local authority.

48. If at any time a local area comprising a tramway to which this Act or any part thereof or any rule thereunder applies ceases to be included in the circle of a local authority, the functions of that authority under this Act, or the part thereof or the rule thereunder, and under the order (if any) shall, in respect of that local area, devolve on the President of the Union or, if the President of the Union so directs, on the local authority of the circle in which the tramway has been included.

---

[1] Date of commencement of this Act.

THE RAILWAYS (MOTOR TRANSPORT SERVICES) ACT.*

[BURMA ACT XXII, 1947.] (2nd May, 1947.)

WHEREAS it is expedient that the Railway Board should be authorized to undertake the operation of motor transport services in the Union of Burma,

* * * * *

It is hereby enacted as follows :—

1. (*1*) This Act may be called the Railways (Motor Transport Services) Act, 1947.

(*2*) It shall extend to the whole of the Union of Burma.

(*3*) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context, "the Railway Board" means the Railway Board as constituted [* * *][1] under the provisions of the Burma Railways (Emergency Provisions) Act, 1943 (Burma Act II of 1943).[2]

3. (*1*) Notwithstanding anything to the contrary contained in any other law for the time being in force, the Railway Board may frame a scheme for the operation, maintenance and control of motor transport services for passengers, animals or goods with termini at or near railway stations.

(*2*) The scheme shall be submitted to the President of the Union who may sanction it subject to such modifications and conditions as he may prescribe.

(*3*) The scheme shall set out for the information of the public and of the road transport operators in the areas in question,

(*a*) the routes of the motor transport operation,

(*b*) an indication of the probable frequency of services,

(*c*) an indication of the probable date on which the scheme shall come into effect in each area,

(*d*) the places where the motor transport services will carry local passengers and goods or will be merely the extension of the railway services, and

(*e*) the places where the motor transport services under this scheme will be operated on the general profit and loss account of the Railway.

(*4*) The scheme shall be published in the Gazette and upon such publication the Railway Board shall, subject to the provisions of section 4, have the powers to provide and maintain motor transport services in accordance therewith.

4. The motor transport services operated, controlled and maintained by the Railway Board under this Act shall not be deemed to be included in the

---

* Published in Judicial Department Notification No. 161, dated 2nd May 1947. (*Burma Gazette*, 1947, Part I, page 253.)

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

[2] Repealedby Act LVII, 1951, *infra*.

Railway or its rolling-stock and shall be subject to all the enactments and rules for the time being in force relating to motor vehicles and roads.

5. The President of the Union may, by notification in the Gazette, after giving to the Railway Board twelve months' notice of his intention so to do, withdraw his sanction to any scheme sanctioned under sub-section (2) of section 3, or may modify the scheme or impose further conditions on it.

မြည်ထောင်စုမြန်မာနိုင်ငံ မီးရထားအုပ်ချုပ်ရေးအဖွဲ့ အက်ဥပဒေ။

[၁၉၅၁ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၅၇။] (၁၉၅၁ ခု၊ အောက်တိုဘာလ ၁ ရက်။)

အောက်ပါအတိုင်း အက်ဥပဒေအဖြစ် ပြဋ္ဌာန်းလိုက်သည်။

အခန်း ၁။

စကားချီး။

၁။ ။(၁) ဤအက်ဥပဒေကို၊ ၁၉၅၁ ခုနှစ်၊ ပြည်ထောင်စုမြန်မာနိုင်ငံ မီးရထားအုပ်ချုပ်ရေးအဖွဲ့ အက်ဥပဒေဟု ခေါ်ရမည်။

[1](၂) ဤအက်ဥပဒေသည်၊ ၁၉၅၁ ခုနှစ်၊ အောက်တိုဘာလ ၁ ရက်နေ့တွင် စတင်အာဏာတည်သည်ဟု မှတ်ယူရမည်။

၂။ ။ဤအက်ဥပဒေတွင်၊ ရှေ့နောက်စကားတို့၏အဓိပ္ပါယ်ကို ထောက်ထားရန်မလိုလျှင်—

(က) "အဖွဲ့" ဆိုသည်မှာ၊ ပုဒ်မ ၃ အရ ဖွဲ့စည်းသည့် ပြည်ထောင်စုမြန်မာနိုင်ငံ မီးရထားအုပ်ချုပ်ရေးအဖွဲ့ကို ဆိုလိုသည်။

(ခ) "ပြဋ္ဌာန်းသည်" ဆိုသည်မှာ၊ ဤအက်ဥပဒေဖြင့်သော်၎င်း၊ ဤအက်ဥပဒေအရ ပြုလုပ်သည့်နည်းဥပဒေများ၊ သို့တည်းမဟုတ် စည်းကမ်းဥပဒေများဖြင့်သော်၎င်း၊ ပြဋ္ဌာန်းသည်ကို ဆိုလိုသည်။

(ဂ) "နိုင်ငံတော်သမတ" ဆိုသည်မှာ၊ ပြည်ထောင်စုမြန်မာနိုင်ငံ၏ သမတ ကို ဆိုလိုသည်။

အခန်း ၂။

အဖွဲ့ ဖွဲ့စည်းပုံ။

၃။ ။(၁) "ပြည်ထောင်စုမြန်မာနိုင်ငံ မီးရထားအုပ်ချုပ်ရေးအဖွဲ့" ဟူသော အမည်ဖြင့် အဖွဲ့တခုကို နိုင်ငံတော်သမတက ဖွဲ့စည်းရမည်။

(၂) အဖွဲ့သည်၊ စဉ်ဆက်မပြတ် ဆက်ခံဆောင်ရွက်နိုင်ခွင့်နှင့်တကွ၊ အဲ့ပိုင်တံဆိပ်တခု ရှိသော တရားဝင်အဖွဲ့ဖြစ်ရမည့်ပြင်၊ အဆိုပါအမည်ဖြင့် တရားစွဲဆိုနိုင်၍ တရားစွဲဆိုခြင်းကိုလည်း ခံထိုက်ရမည်။

---

[1] ၁၉၅၂ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၂၄ အရ အစားထည့်သွင်းသည်။

(၃) ၁၉၄၃ ခုနှစ်၊ မြန်မာနိုင်ငံ မိုးရထား (အရေးပေါ်ပြဋ္ဌာန်းချက်များ) အက်ဥပဒေ အရ ဖွဲ့စည်းထားသော၊ မိုးရထားအုပ်ချုပ်ရေးအဖွဲ့ပိုင် ပစ္စည်းနှင့် ကြွေးမြီတာဝန်အားလုံးကို၊ အဖွဲ့က ဆက်ခံရမည့်ပြင်၊ အဆိုပါ မိုးရထားအုပ်ချုပ်ရေးအဖွဲ့က ချုပ်ဆိုခဲ့သည့် ပဋိညာဉ်အားလုံးကိုလည်း အဖွဲ့ကပင်ချုပ်ဆိုသည်ဟု မှတ်ယူရမည်။

၄။ ။[၃] (၁) အဖွဲ့တွင် နိုင်ငံတော်သမတက ခန့်ထားရမည့်ဥက္ကဋ္ဌနှင့် ဆယ်ဦးထက်မပိုသော အခြားအဖွဲ့ဝင်များပါဝင်ရမည်။ ဥက္ကဋ္ဌသည် အချိန်ပြည့်ဘာဝန်ဝတ်တရားဆောင်ရွက်ရမည်။

(၂) အဖွဲ့ဝင် ပါဝင်သည့် အခြားအဖွဲ့ဝင်များအနက်၊ နှစ်ဦးသည် အောက်ပါပုဂ္ဂိုလ်များ ဖြင့်ရမည်။

(က) ဘဏ္ဍာရေးနှင့် အခွန်တော်ဝန်ကြီးဌာနမှ ကိုယ်စားလှယ်။

(ခ) သယ်ယူပို့ဆောင်ရေးနှင့် လမ်းပန်းဆက်သွယ်ရေးဝန်ကြီးဌာနမှ ကိုယ်စားလှယ်။

၅။ ။(၁) ပုဂ္ဂိုလ်တဦးကိုအဖွဲ့ဝင်အဖြစ်မခန့်ထားမီ၊ ထိုပုဂ္ဂိုလ်မှာ အဖွဲ့ဝင်အဖြစ် မိမိအလုပ် ဝတ်တရားများ ဆောင်ရွက်ခြင်းကို ထိခိုက်ဘွယ်ရာရှိသည့်၊ ငွေရေး ကြေးရေး အကျိုးသက်ဆိုင်ခွင့်၊ သို့တည်းမဟုတ် အခြားအကျိုးသက်ဆိုင်ခွင့် ရှိမည်မဟုတ်ဟု နိုင်ငံတော်သမတက ကျေနပ်ရမည့်ပြင်၊ အဖွဲ့ဝင်တဦးဦး၌၊ ထိုသို့သောအကျိုးသက်ဆိုင်ခွင့် မရှိဟူ၍လည်း၊ အခါအားလျော်စွာ နိုင်ငံတော် သမတက ကျေနပ်ရမည်။

(၂) အဖွဲ့ကပြုလုပ်သည့်၊ သို့တည်းမဟုတ် ပြုလုပ်ရန်ကြံရွယ်သည့် ပဋိညာဉ်၊ ရောင်းမှု၊ သို့တည်းမဟုတ် ဝယ်မှုတခုခုတွင်၊ တိုက်ရိုက်ဖြစ်စေ၊ သွယ်ဝိုက်၍ဖြစ်စေ၊ တနည်းနည်းဖြင့် အကျိုး သက်ဆိုင်သည့် အဖွဲ့ဝင်သည်၊ မိမိ မည်သို့ အကျိုးသက်ဆိုင်ကြောင်းကို အဖွဲ့ အစည်းအဝေးတွင် ထုတ်ဖော်ပြောဆိုရမည်။ ထိုသို့ထုတ်ဖော်ပြောဆိုချက်ကို၊ အဖွဲ့အစည်းအဝေးမှတ်တမ်းများတွင် ရေး မှတ်ထားရမည်၊ ထို့ပြင် ထိုအဖွဲ့ဝင်သည်၊ ထိုပဋိညာဉ်၊ ရောင်းမှု၊ သို့တည်းမဟုတ် ဝယ်မှုနှင့် စပ် လျဉ်း၍၊ အဖွဲ့ကဆွေးနွေးရာတွင်၊ သို့တည်းမဟုတ် ဆုံးဖြတ်ရာတွင် မပါဝင်ရ။

(၃) ဥက္ကဋ္ဌမှတပါး၊ အခြားအဖွဲ့ဝင် တဦးဦးမှာ အကျိုးသက်ဆိုင်ခွင့် ရှိမရှိ ဆုံးဖြတ်ရန် ပြဿနာပေါ်ပေါက်လျှင်၊ ဥက္ကဋ္ဌ၏ဆုံးဖြတ်ချက်သည် အပြီးအပြတ်အဘည်ဖြစ်ရမည်၊ ဥက္ကဋ္ဌနှင့် ပတ် သက်၍၊ ထိုပြဿနာမျိုးပေါ်ပေါက်လျှင်၊ နိုင်ငံတော်သမတ၏ ဆုံးဖြတ်ချက်သည် အပြီးအပြတ် အတည်ဖြစ်ရမည်။

၂၆။ ။ဥက္ကဋ္ဌ၏၊ သို့တည်းမဟုတ် အဖွဲ့ဝင်တဦး၏ ရာထူးသက်တမ်းသည် နိုင်ငံတော် သမတက ပြဋ္ဌာန်းသည့်အတိုင်းဖြစ်ရမည်။ ဥက္ကဋ္ဌသည်၊ သို့တည်းမဟုတ် အဖွဲ့ဝင်ဘဦးသည် ဥက္ကဋ္ဌ အဖြစ် ဆက်လက် ဆောင်ရွက်ခွင့်မသင့်ဟု နိုင်ငံတော်သမတက ယူဆသည့်အခါ၊ ထိုဥက္ကဋ္ဌကို၊ သို့တည်းမဟုတ် ထိုအဖွဲ့ဝင်ကို နိုင်ငံတော်သမတက၊ ရာထူးမှထုတ်ပယ်နိုင်ရမည်။

၇။ ။အစိုးရအရာရှိမဟုတ်သည့် အဖွဲ့ဝင်များအား၊ နိုင်ငံတော်သမတက ပြဋ္ဌာန်းသည့် အခ များနှင့် စရိတ်ကြွေးငွေများ ပေ ရမည်။

၈။ ။(၁) သေဆုံး၍ဖြစ်စေ၊ ရာထူးမှနုတ်ထွက်၍ဖြစ်စေ၊ ရာထူးမှထုတ်ပယ်ခြင်းခံရ၍ ဖြစ်စေ၊ အခြားအကြောင်းကြောင့်ဖြစ်စေ၊ အဖွဲ့ဝင်ရာထူး လစ်လပ်သည့်အခါ၊ ထိုလစ်လပ်သည့် နေရာတွင် အဖွဲ့ဝင်သစ်တဦးကို၊ ဖြည့်သွင်းခန့်ထားရမည်။ ထိုသို့ခန့်ထားခြင်းခံရသော အဖွဲ့ဝင်သစ် သည်၊ မိမိအားခန့်ထားသည့်နေရာဘွင် ထမ်းရွက်ခဲ့သည့်အဖွဲ့ဝင်ဟောင်း၏ ရာထူးသက်တမ်းစေ့ ကုန်သည့် အချိန်အထိသာ၊ ရာထူးလက်ရှိထမ်းရွက်ရမည်။

---

[၃] ၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၆ အရ အစားထည့်သွင်းသည်။

[၄] ၁၉၅၂ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၂၄ အရ အစားထည့်သွင်းသည်။

(၂) အဖွဲ့က စိမံ့ဆောင်ရွက်သည့် မှခင်းကိစ္စများသည်၊ အဖွဲ့ဝင်ရာထူး လစ်လပ်သည့် အကြောင်းကြောင့်သော်၎င်း၊ အဖွဲ့ဝင်တဦးဦးခန့်ထားရာတွင်၊ ချွတ်ယွင်းချက်တခုခုရှိသည့် အကြောင်းကြောင့်သော်၎င်း မမျက်ပြယ်စေရ။

အခန်း ၃။

အဖွဲ့နှင့်ပစ္စည်းသည့် နိုင်ငံတော်သမတ၏အာဏာများ။

၉။ ။နိုင်ငံတော်သမတသည်၊ အောက်ပါကိစ္စများအတွက် နည်းဥပဒေများ[၁] ကို အမိန့်ကြော်ငြာစာထုတ်ပြန်၍၊ ပြဋ္ဌာန်းသည်။

(က) နိုင်ငံတော်သမတက၊ အဖွဲ့သို့ပုဒ်မ ၂၁ အရ ထုတ်ချေးသည့်ငွေများ ပြန်လည်ပေးဆပ်ရမည့်နည်းလမ်းကို ပြဋ္ဌာန်းရန်ကိစ္စ။

(ခ) အဖွဲ့ဥက္ကဋ္ဌ၏လစာနှင့် စရိတ်ကြေးငွေများကိုဎ၊ အမှုထမ်း စည်းကမ်းများကိုဎ ပြဋ္ဌာန်းရန်ကိစ္စ။

(ဂ) ပုဒ်မ ၁၇ (ဃ) အရခန့်ထားသည့်၊ သို့တည်းမဟုတ် အမည်တင်သွင်းခန့်ထားသည့် ပုဂ္ဂိုလ်တို့အား ပေးသင့်သည့်အခနှင့် စရိတ်ကြေးငွေများကိုပြဋ္ဌာန်းရန်ကိစ္စ။

(ဃ) အဖွဲ့အတွက် မြေသိမ်းယူနိုင်သည့် အချက်များနှင့် သိမ်းယူရန်နည်းလမ်းကိုပြဋ္ဌာန်းရန်ကိစ္စ။

(င) အဖွဲ့အစည်းအဝေး၊ သို့တည်းမဟုတ် ကော်မိတီအစည်းအဝေး အထပြောက်စေရန် တက်ရောက်ရမည့်အဖွဲ့ဝင်ဦးရေကိုပြဋ္ဌာန်းရန်ကိစ္စ၊ တို့ပြင်

(စ) ယေဘုယျအားဖြင့်၊ ဤအက်ဥပဒေပါကိစ္စများကို ဆောင်ရွက်ရန်ကိစ္စ။

၁၀။ ။နိုင်ငံတော်သမတသည်၊ အဖွဲ့နှင့်ညှိနှိုင်း တိုင်ပင်ပြီးနောက်၊ နိုင်ငံတော်အကျိုးနှင့် သက်ဆိုင်သည်ဟု မိမိထင်မြင်သောကိစ္စများနှင့်စပ်လျဉ်း၍၊ အဖွဲ့၏အာဏာများနှင့် အလုပ်ဝတ်တရားများကို အဖွဲ့ကမည်သို့သုံးစွဲဆောင်ရွက်ရမည်ဟု ဆင့်ဆိုနိုင်သည်။ ထိုသို့ဆင့်ဆိုသည့်အတိုင်း၊ အဖွဲ့က လိုက်နာဆောင်ရွက်ရမည်။

၁၁။ ။နိုင်ငံတော်သမတသည်၊ အဖွဲ့နှင့်ညှိနှိုင်းတိုင်ပင်ပြီးနောက်၊ အဖွဲ့၏ လုပ်ငန်းဆောင်တာတရပ်ရပ်ကို ရပ်စဲရန်အဖွဲ့အား ဆင့်ဆိုနိုင်သည်။ ထိုသို့ဆင့်ဆိုသည့်အတိုင်း၊ အဖွဲ့က လိုက်နာဆောင်ရွက်ရမည်။

၁၂။ ။(၁) ဤအက်ဥပဒေဖြင့် ပေးအပ်ထားသော တာဝန်ဝတ်တရားများကို၊ သို့တည်းမဟုတ် အလုပ်ဝတ်တရားများကို၊ သို့တည်းမဟုတ် အခြားတာဝန်များကို၊ အဖွဲ့က ဆောင်ရွက်ရန် ပျက်ကွက်သည်ဟု နိုင်ငံတော်သမတကထင်မြင်သဘောရရှိလျှင်၊ နိုင်ငံတော်သမတသည်၊ အဖွဲ့ကို ဖျက်သိမ်းရမည်ဟု အမိန့်ကြော်ငြာစာထုတ်ပြန်နိုင်သည်။ ထိုသို့ထုတ်ပြန်ပြီးနောက်၊ အဖွဲ့၏လုပ်ငန်းအရပ်ရပ် စီမံခန့်ခွဲညွှန်ကြားဆောင်ရွက်မှုကို၊ နိုင်ငံတော်သမတကခန့်ထားသော ကိုယ်စားလှယ်သို့

---

[၁] ၁၉၅၃ ခုနှစ်၊ မြန်မာနိုင်ငံ မိုးရထားအုပ်ချုပ်ရေးအဖွဲ့ (စရိတ်ကြေးငွေများ၊ လစာများနှင့် အမှုထမ်းစည်းကမ်းများ) နည်းဥပဒေများကို၊ မြန်မာနိုင်ငံပြန်တမ်း၊ ၁၉၅၃ ခု၊ အပိုင်း ၁၊ စာမျက်နှာ ၀၀၈ တွင် ထုတ်ပြန်ကြေညာသည်။

အပ်နှင်းရမည်။ ထိုသို့အပ်နှင် ခြင်းခံရသော ကိုယ်စားလှယ်သည်၊ ဤအက်ဥပဒေအရ၊ အဖွဲ့က သုံးစွဲဆောင်ရွက်နိုင်သည့် အာဏာနှင့်အလုပ်ဝတ်တရားများကို၊ သုံးစွဲဆောင်ရွက်နိုင်သည်။

(၂) ပုဒ်မခွဲ (၁) အရ အရေးယူသောအခါ၊ နိုင်ငံတော်သမတသည်၊ ထိုသို့ အရေးယူရသည့် အကြောင်းရင်း အခြေအနေများနှင့် အရေးယူပုံအစုံအလင်ဖေါ်ပြပါရှိသော အစီရင်ခံစာကို၊ အဖွဲ့ဖျက်သိမ်းကြောင်းကျေညာသည့်နေ့ရက်မှစ၍၊ သုံးလအတွင်း လျှင်မြန်နိုင်သမျှ လျှင်မြန်စွာ ပါလီမန်သို့ တင်ပြရမည်။

(၃) ဤပုဒ်မအရ ထုတ်ပြန်သော မည်သည့်အမိန့် ကြော်ငြာစာမျှ ခြောက်လထက်ပို၍ အာဏာမတည်စေရ၊ သို့ရာတွင်နိုင်ငံတော်သမတသည်၊ ထိုကဲ့သို့ထုတ်ပြန်သည့်အမိန့်ကြော်ငြာစာကို အသစ်ထပ်မံ၍ ထုတ်ပြန်နိုင်သည်။ ထိုသို့အသစ်ထပ်မံ၍ ထုတ်ပြန်သည့်အမိန့်ကြော်ငြာစာတိုင်းသည်၊ ခြောက်လထက်ပို၍ အာဏာမတည်စေရ။

ခြွင်းချက်။ ။သို့ရာတွင် နိုင်ငံတော်သမဘသည်၊ ဤပုဒ်မအရ အဖွဲ့ကို ဖျက်သိမ်းပြီးသည့်နောက်၊ မည်သည့်အခါ၌မဆို၊ သင့်တော်သည်ဟုထင်မြင်လျှင်၊ ပုဒ်မ ၃ အရ အဖွဲ့အသစ်တဖွဲ့ကို ဖွဲ့စည်းနိုင်သည်။

အခန်း ၄။

အဖွဲ့၏တာဝန်ဝတ်တရား။

၁၃။ ။အဖွဲ့၏ တာဝန်ဝတ်တရားသည်၊ နိုင်ငံတော်သမတ၏ ကြီးကြပ်အုပ်ချုပ်ခြင်းကို လိုက်နာလျက်၊ ပြည်ထောင်စုမြန်မာနိုင်ငံတွင် မိုးရထားများကို စီမံအုပ်ချုပ်ခြင်း၊ မိုးရထားများ၊ မိုးရထားလမ်းများ၊ တည်ဆောက်ဖေါက်လုပ်ခြင်းနှင့် ပြုပြင်စီမံထားရှိခြင်း၊ မိုးရထားသွားလာမှုနှင့် စပ်လျဉ်းသည့်ကိစ္စများကို ယေဘုယျအားဖြင့်ဆောင်ရွက်ရန်ဖြစ်သည်။ ထို့ပြင်အဖွဲ့သည်၊ နိုင်ငံတော်သမတ၏ ကြီးကြပ်အုပ်ချုပ်ခြင်းကိုလိုက်နာလျက်၊ ဤအက်ဥပဒေအရ အဖွဲ့၏ တာဝန်ဝတ်တရားကို နည်းလမ်းဘက္ခ ဆောင်ရွက်ရန်အလို့ငှါ၊ လိုအပ်သော၊ သို့တည်းမဟုတ် သင့်တော်သောအခြားလုပ်ငန်းဆောင်တာများကိုလည်း၊ လုပ်ကိုင်ဆောင်ရွက်ရမည်။

၁၄။ ။အဖွဲ့သည်၊ မိမိ၏တာဝန်ဝတ်တရားကို ဆောင်ရွက်ရာ၌၊ လယ်ယာစိုက်ပျိုးရေး၊ စက်မှုလက်မှုလုပ်ငန်း၊ ကူးသန်းရောင်းဝယ်ရေးနှင့် အများပြည်သူတို့၏အကျိုးများကို အထူးရှေ့ရှု၍၊ ကုန်သွယ်လုပ်ငန်းစဉ်းမျဉ်းများအတိုင်း ဆောင်ရွက်ရမည့်ပြင်၊ လိုက်နာရမည့်မူနှင့် စပ်လျဉ်းသည့် အချက်များတွင်၊ နိုင်ငံတော်သမတက အဖွဲ့အား ညွှန်ကြားသည့်အတိုင်း လိုက်နာဆောင်ရွက်ရမည်။

၁၅။ ။အဖွဲ့သည်၊ မိမိအစည်းအဝေးအားလုံး၏ လုပ်ငန်းအစီအစဉ်မိတ္တူနှင့် မှတ်တမ်းမိတ္တူကို နိုင်ငံတော်သမတထံပေးပို့ရမည်။

၁၆။ ။အဖွဲ့သည်၊ ဘဏ္ဍာတော်နှစ်ကုန်ဆုံးပြီးနောက် ဆောလျင်နိုင်သမျှ ဆောလျင်စွာ၊ ထိုနှစ်အတွင်း အဖွဲ့၏တာဝန်ဝတ်တရားကို ဆောင်ရွက်ခြင်းနှင့်ငင်း၊ အဖွဲ့ကလိုက်နာသည့် မူနှင့်ငင်း၊ လုပ်ငန်းနှင့်ငင်း စပ်လျဉ်း၍၊ နိုင်ငံတော်သမတထံအစီရင်ခံစာတင်သွင်းရမည်။နိုင်ငံတော်သမတသည်၊ အဆိုပါအစီရင်ခံစာအသီးသီး၏ မိတ္တူကိုပါလီမန်သို့တင်ပြရမည်။

အခန်း ၅။

အဖွဲ့၏အာဏာများ။

၁၇။ ။ဤအက်ဥပဒေဖြင့် အပ်နှင်းထားသည့် အာဏာများ၏ယေဘုယျသဘောကို မထိခိုက်စေဘဲ၊ အဖွဲ့မှာ၊ ဤအက်ဥပဒေအရ အဖွဲ့၏တာဝန်ဝတ်တရားကို ဆောင်ရွက်ရန်အလို့ငှါ လိုအပ်သော၊ သို့တည်းမဟုတ် သင့်တော်သော မည်သည့်ကိစ္စမဆို၊ ဆောင်ရွက်နိုင်သည့် အာဏာများရှိရမည်။ ထို့ပြင်အဆိုပါအာဏာများတွင် အောက်ပါအာဏာများလည်းပါဝင်ရမည်။

(က) နိုင်ငံတော်သမတ၏ကြိုတင်သဘောတူချက်ဖြင့် ငွေချေးယူရန်နှင့် ငွေထုတ်ချေးရန် အာဏာ။

(ခ) အဖွဲ့၏အုပ်ချုပ်ရေးမှူးဖြစ်ရမည့်ဥက္ကဋ္ဌအား၊ ဤအက်ဥပဒေပါကိစ္စများဆောင်ရွက်ရန် အလို့ငှါ၊ အဖွဲ့က လိုအပ်သည်ထင်မြင်သည့် အဖွဲ့၏တာဝန်ဝတ်တရားနှင့် အာဏာများကို လွှဲအပ်နိုင်သည့်အာဏာ။

(ဂ) အဖွဲ့ဝင်နှစ်ဦးဖြစ်စေ၊ နှစ်ဦးထက်ပို၍ဖြစ်စေ ပါဝင်သည့်ကော်မိတီများကိုခန့်ထား၍၊ ထိုကော်မိတီများအား၊ ဤအက်ဥပဒေပါကိစ္စများဆောင်ရွက်ရန်အလို့ငှါ၊ အဖွဲ့က လိုအပ်သည်ထင်မြင်သည့်အဖွဲ့၏ တာဝန်ဝတ်တရားနှင့် အာဏာများကို လွှဲအပ်နိုင်သည့်အာဏာ၊ ထို့ပြင်

(ဃ) ကိစ္စတခုခုနှင့် စပ်လျဉ်း၍အဖွဲ့အားအကြံဉာဏ်ပေးရန် ပုဂ္ဂိုလ်တဦးဦးကိုခန့်ထား၍၊ သို့တည်းမဟုတ် အမည်တင်သွင်း၍၊ ထိုပုဂ္ဂိုလ်အား နိုင်ငံတော်သမတက ပြဋ္ဌာန်းသည့်အခများနှင့် စရိတ်ကြေးငွေများပေးနိုင်သည့်အာဏာ။

၁၈။ ။(၀) ဤအက်ဥပဒေပါကိစ္စများအလို့ငှါ ထားရန်လိုအပ်သည်ဟု၊ သို့တည်းမဟုတ် သင့်သည်ဟု၊ အဖွဲ့ကထင်မြင်သော ရာထမ်း မှုထမ်းစာရင်းများကို အခါအားလျော်စွာ အဖွဲ့က စီစဉ်ရမည်။

(၂) ဆိုခဲ့သည့် အချုပ်ရှိ အသီးသီးအတွက်သော်ငင်း၊ အမှုထမ်း အသီးသီးအတွက်သော်ငင်း၊ အဖွဲ့ကခွင့်ပြုသည့်လစာများ၊ အခများနှင့်စရိတ်ကြေးငွေများ၏ အမျိုးအစားနှင့် အရေအတွက်ကို ထိုစာရင်းများတွင်ဖော်ပြရမည်။

(၃) အဖွဲ့က နောက်ဆုံး ခွင့်ပြုသည့် စာရင်းအားလုံးကို၊ ပုဒ်မ ၂၅ အရ ပြုလုပ်သည့် နှစ်စဉ် ရ-သုံးမှန်းခြေငွေစာရင်းနှင့်ပူးတွဲ၍၊ နိုင်ငံတော်သမတ၏ သဘောတူညီချက်ရရန်အလို့ငှါ တင်ပြရမည်။

(၄) ရာထမ်း မှုထမ်းများနှင့် ပတ်သက်သည့် အခြား အမှုထမ်းစည်းကမ်းများကို အဖွဲ့က၊ နိုင်ငံတော်သမတ၏ ကြိုတင်သဘောတူညီချက်ကိုခံယူလျက်၊ စည်းကမ်းဥပဒေဖြင့် ပြဋ္ဌာန်းရမည်။

၁၉။ ။အဖွဲ့သည်၊ မိမိ၏လုပ်ငန်းကို စီမံခန့်ခွဲရန်အလို့ငှါ၊ ဤအက်ဥပဒေနှင့် ညီညွတ်သော စည်းကမ်း ဥပဒေများကိုပြုရမည်။ ထို့ပြင် ဤအက်ဥပဒေဖြင့် အပ်နှင်းထားသော အာဏာများ၏ ယေဘုယျသဘောကို မထိခိုက်စေဘဲ၊ ထိုစည်းကမ်းဥပဒေများသည်၊ အထူးသဖြင့် အောက်ပါကိစ္စများအတွက်ဖြစ်ရမည်။

(က) အဖွဲ့၏လုပ်ငန်းကို စီမံဆောင်ရွက်ခြင်းနှင့် အဖွဲ့အစည်းအဝေးများတွင် လိုက်နာရန် ကျင့်ထုံး၊

(ခ) အဖွဲ့၏ရာထူးမှထမ်းများ၏တာဝန်ဝတ်တရားများနှင့် အာဏာများ၊
(ဂ) အဖွဲ့က၊ မိမိ၏အာဏာများကို ဥက္ကဋ္ဌ၊ ကော်မီတီနှင့် လက်အောက်အဖွဲ့များသို့ လွှဲအပ်ခြင်း၊
(ဃ) အဖွဲ့ကိုယ်စား၊ ပဋိညာဉ်များနှင့် အခြားစာချုပ်စာတမ်းများကို လက်မှတ်ရေးထိုးခြင်း၊ ထို့ပြင်
(င) အဖွဲ့သို့အပ်နှင်းထားသော တာဝန်ဝတ်တရားများကို ယေဘုယျအားဖြင့် ထိရောက်စွာ ဆောင်ရွက်ခြင်း။

အခန်း ၆။

ဌေးရေးကြေးရေးနှင့် ဌေစာရင်းများ။

၂၀။ ။အဖွဲ့သည်၊ '' မိုးရထားအုပ်ချုပ်ရေးအဖွဲ့ရံပုံငွေ '' ခေါ်တွင်သည့်ရံပုံငွေတခုထား၍၊ အောက်ပါငွေများကို ထိုရံပုံငွေ၌ထည့်သွင်းရမည်။

(က) ဤအက်ဥပဒေအရ အဖွဲ့ကရရှိသောငွေ။
(ခ) မိမိ၏ အာဏာနှင့်တာဝန်ဝတ်တရားကို အဖွဲ့ကသုံးစွဲဆောင်ရွက်နိုင်ရန်၊ နိုင်ငံတော်သမတထံမှရရှိသောငွေ။

၂၁။ ။အဖွဲ့က မိမိ၏အာဏာများနှင့် အလုပ်ဝတ်တရားများကို သုံးစွဲဆောင်ရွက်နိုင်ရန် အလို့ငှါ၊ နိုင်ငံတော်သမတသည်၊ မိမိသင့်သည် ထင်မြင်သည့်ငွေများကို မိမိသင့်သည် ထင်မြင်သည့် စည်းကမ်းချက်များဖြင့်၊ အခွန်တော်ငွေစာရင်းတွင် ထည့်သွင်း၍ဖြစ်စေ၊ မ-တည် ငွေစာရင်းတွင် ထည့်သွင်း၍ဖြစ်စေ၊ အဖွဲ့သို့ထုတ်ပေးနိုင်သည်။

၂၂။ ။(၁) အဖွဲ့သည်၊ ချက်ချင်းအသုံးမလိုသည့် မိမိ၏ငွေအားလုံးကို၊ အစိုးရ၏ဘဏ္ဍာတော်ငွေထားရှိသောဘဏ်တွင်၊ သို့တည်းမဟုတ် ဘဏ်များဘွင်ထားရမည်။

(၂) အဖွဲ့၏ရံပုံငွေများကို၊ အဖွဲ့ကပြုလုပ်သည့်စည်းကမ်းဥပဒေများအရ ထုတ်ယူသုံးစွဲရမည်။

၂၃။ ။မိုးရထားအုပ်ချုပ်ရေးအဖွဲ့ရံပုံငွေကို၊ နိုင်ငံတော်သမတ၏ ကြိုတင်သဘောတူညီချက်ဖြင့်သာ ရင်းနှီးရမည်။

[1]၂၄။ ။(၁) အဖွဲ့၏ရံပုံငွေများကို ဤအက်ဥပဒေအရ၊ မိမိ၏ အလုပ်ဝတ်တရားများဆောင်ရွက်ရန်အလို့ငှါ အဖွဲ့ကသုံးစွဲရမည်။

(၂) အထက်ဝါ ပြဋ္ဌာန်းချက်၏ ယေဘုယျသဘောကိုမထိခိုက်စေဘဲ၊ အဖွဲ့၏ ရံပုံငွေများကို အထူးအားဖြင့်အဖွဲ့က အောက်ပါကိစ္စများတွင်သုံးစွဲရမည်။

(က) ပြည်ထောင်စု မြန်မာနိုင်ငံတွင် မိုးရထားဖြင့် သယ်ယူပို့ဆောင်ရေးလုပ်ငန်းကို တိုက်ရိုက်ဖြစ်စေ၊ ကိုယ်စားလှယ်များမှတဆင့်ဖြစ်စေ၊ လုပ်ကိုင်ရာ၌၊ကုန်ကျသည့် စရိတ်များအပြင်၊ အကြောင်းအားလျော်စွာကုန်ကျသည့် အခြား အခကြေးငွေများနှင့် စရိတ်များကို ပေးရန်ကိစ္စ။

---

[1] ၁၉၅၂ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၂၄ အရ၊ ဖြစ်စေ ထည့်သွင်းသည်။

(ခ) အဖွဲ့၏ အမှုထမ်းရွက်ဆဲ ရာထမ်း မှုထမ်း များနှင့် အမှုထမ်းရွက်ဆဲမဟုတ်သည့် ရာထမ်း မှုထမ်းများအတွက် ကုန်ကျစရိတ်များကိုကျခံရန်ကိစ္စ။

(ဂ) နိုင်ငံတော်တမတက၊ အဖွဲ့သို့ ထုတ်ချေးထားသောငွေများနှင့် စပ်လျဉ်း၍၊ နိုင်ငံတော်သမတအား အရင်းကို၊ သို့တည်းမဟုတ် အတိုးကို ပေးဆပ်ရန်ကိစ္စ။

(ဃ) မီးရထားအစရှိသော အဖွဲ့ပိုင်ပစ္စည်းများကိုပြုပြင်ထားရှိခြင်း၊ အသစ်လဲလှယ်ခြင်း၊ တိုးတက်ကောင်းမွန်အောင် ပြုလုပ်ခြင်းနှင့် တန်ဘိုးယုတ်လျော့ခြင်းအတွက် နည်းလမ်းတကျ ရံပုံငွေစိမ်ထားရှိရန်ကိစ္စ။

(င) ကုန်တင်ခများနှင့် အခြားအခများမှ လျော့ငွေပြန်ပေးရန် လိုအပ်သည်ဟု ထင်မြင်သည့်အခါတိုင်း၊ နိုင်ငံတော်သမဘ၏ သဘောတူညီချက်ဖြင့်သင့်လျော်သော လျော့ငွေပြန်ပေးရန်ကိစ္စ။

(စ) ကုန်ကျရန် လိုအပ်သည်ဟုထင်မြင်သော အခြားကုန်ကျစရိတ်ကို နိုင်ငံတော်သမတ၏ သဘောတူညီချက်ဖြင့် ကျခံရန်ကိစ္စ။

ရှင်းလင်းချက်။ ။ဤပုဒ်မခွဲကိစ္စအလို့ငှါ ''အမှုထမ်းရွက်ဆဲ ရာထမ်း မှုထမ်းများအတွက် ကုန်ကျစရိတ်များ'' ဆိုသည်မှာ အဖွဲ့၏ရာထမ်း မှုထမ်း များအား ပေးသည့်လစာနှင့်စရိတ်ကြေးငွေများအတွက် ကုန်ကျစရိတ်များကိုဆိုလိုသည်။ ''အမှုထမ်းရွက်ဆဲ မဟုတ်သည့်ရာထမ်း မှုထမ်းများအတွက် ကုန်ကျစရိတ်များ''ဆိုသည်မှာ အဖွဲ့ကအို နာစာရံပုံငွေသို့ ဝေးသွင်းသည့်ထောက်ပံ့ငွေများ၊ ဆုငွေများနှင့် အခြားအလားတူပေးငွေများ၊ ကုန်ကျစရိတ်များကိုဆိုလိုသည်။

၂၅။ ။(၁) အဖွဲ့သည်၊ ဘဏ္ဍာတော်နှစ် အသီးသီးမကုန်မီ၊ ထိုနှစ် နောက်လာမည့် ဘဏ္ဍာတော်နှစ်အတွက် မိမိ၏ ရ-သုံးမှန်းခြေငွေစာရင်းကို၊ နိုင်ငံတော်သမတထံ သဘောတူညီချက်ရရန်တင်သွင်းရမည့်ပြင်၊ အဆိုပါမှန်းခြေငွေစာရင်းများကို ပြင်ဆင်သည့်နောက်ထပ်မှန်းခြေငွေစာရင်းများကိုလည်း အခါအားလျော်စွာ ထိုနည်းတူတင်သွင်းနိုင်သည်။

(၂) ပုဒ်မခွဲ (၁) အရ၌ပြုသည့် မှန်းခြေငွေစာရင်းထက်ပို၍ မည်သည့်အသုံးစရိတ်ကိုမျှ အဖွဲ့ကကျခံခြင်းမပြုရ။

၂၆။ ။(၁) အဖွဲ့သည်၊ ငွေစာရင်းများကိုငင်း၊ ထိုငွေစာရင်းများနှင့် သက်ဆိုင်သည့် အခြားမှတ်တမ်းများကိုငင်း၊ ထားရှိရမည့်ပြင်၊ အဖွဲ့၏အလုပ်လုပ်သည့်နှစ်တိုင်း နှစ်ချုပ်ငွေစာရင်းကိုလည်း၊ နိုင်ငံတော်သမတ၏သဘောတူညီချက်ဖြင့်၊ နိုင်ငံတော်စာရင်းစစ်ချုပ်သတ်မှတ်သည့် ပုံစံအတိုင်းဦစဉ်ရေးသားရမည်။

(၂) အဖွဲ့၏ငွေစာရင်းများကို၊ နိုင်ငံတော်စာရင်းစစ်ချုပ်က နှစ်စဉ်စစ်ဆေး၍ နိုင်ငံတော်သမတထံ အစီရင်ခံစာတင်သွင်းရမည်။ ထိုအစီရင်ခံစာကို နိုင်ငံတော်သမတက ပါလီမန်သို့တင်ပြရမည်။

၂၇။ ။ကုမ္ပဏီတခုက မိဒိ၏အသားတင်ဝင်ငွေပေါ်တွင် အခွန်များ ပေးဆောင်ရသည့် နည်းလမ်းအတိုင်း၊ ထိုကုမ္ပဏီ၌ အခွန်ပေးဆောင်ရန် တာဝန်ရှိသည်နှင့်အမျှ၊ အဖွဲ့မှာလည်း မိမိ၏ အသားတင်ဝင်ငွေပေါ်တွင် အခွန်များပေးဆောင်ရန်တာဝန်ရှိရမည်။

၂၀။ ။အဖွဲ့သည်၊ တန်ဘိုးယုတ်လျော့ခြင်းအတွက်နှင့် သိုးသန့်ရံပုံငွေမှစ၍ အခြားရံပုံငွေအတွက်၊ နိုင်ငံတော်သမတက၊ နိုင်ငံတော်စာရင်းစစ်ချုပ်နှင့်ညှိနှိုင်းတိုင်ပင်၍၊ ပြဋ္ဌာန်းသည့်နှုန်းများနှင့် စည်းကမ်းချက်များအတိုင်း ရံပုံငွေစိမ်ခံရာထားရမည်။

၂၉။ ။ပုဒ်မ ၂၀ တွင်ဖေါ်ပြထားသည့် ရံပုံငွေစီမံရာထားပြီးသည့်နောက် သတ်မှတ်ရမည့် အဖွဲ့၏အသားတင်အမြတ်ငွေကို၊ အခါအားလျော်စွာ အဖွဲ့နှင့်ညှိနှိုင်းတိုင်ပင်၍ နိုင်ငံတော်သမတက ဆုံးဖြတ်သည့်နည်းလမ်းအတိုင်း သုံးစွဲရမည်။

၃၀။ ။ဤအက်ဥပဒေအာဏာမတည်မီ၊ အဖွဲ့ကအစိုးရအပေါ်တွင်တင်ရှိသည့် ငွေကြေးများနှင့် အစိုးရက အဖွဲ့အပေါ်တွင်တင်ရှိသည့် ငွေကြေးများအတွက် ငွေရေးကြေးရေး စေ့စပ်ချက်များကို၊ နိုင်ငံတော်သမတက အဖွဲ့နှင့် ညှိနှိုင်းတိုင်ပင်၍ ဆင့်ဆိုသည့်နည်းလမ်းအတိုင်း အမိုးရနှင့်အဖွဲ့တို့က၊ အချင်းချင်းညှိနှိုင်းပြုလုပ်ရမည်။

အခန်း ၇။

လက်အောက်အဖွဲ့။

၃၁။ ။(၁) နိုင်ငံတော်သမတသည်၊ အဖွဲ့၏ထောက်ခံချက်အရ၊ အဖွဲ့၏လက်အောက်ခံလက်အောက်အဖွဲများကိုဖွဲ့စည်းနိုင်သည်။ အဆိုပါလက်အောက်အဖွဲများသည်၊ အဖွဲ့၏ကြီးကြပ် အုပ်ချုပ်ခြင်းကိုလိုက်နာ၍ မိမိတို့အား အဖွဲ့ကလွှဲအပ်သည့်အဖွဲ့၏အာဏာများနှင့် တာဝန်ဝတ်တရားများကို သုံးစွဲဆောင်ရွက်ရမည်။

(၂) လက်အောက်အဖွဲများ၏ ဥက္ကဋ္ဌနှင့်အဖွဲ့ဝင်တို့ကို၊ နိုင်ငံတော်သမတက အဖွဲ့နှင့်ညှိနှိုင်းတိုင်ပင်လျက်ခန့်ထားရမည်။

အခန်း ၈။

အထွေထွေ။

၃၂။ ။အဖွဲ့၏ ရာထမ်း မှုထမ်း အားလုံးသည်၊ ဤအက်ဥပဒေပါ ပြဋ္ဌာန်းချက်များနှင့်အညီ ဆောင်ရွက်သောအခါ၊ သို့တည်းမဟုတ် ဆောင်ရွက်သည့်သဘော သက်ရောက်သောအပြုအမူကို ပြုသောအခါ၊ ရာဇသတ်ကြီးပုဒ်မ ၂၁ အရ၊ ပြည်သူ့ဝန်ထမ်းများဖြစ်သည်ဟု မှတ်ယူရမည်။

၃၃။ ။ဤအက်ဥပဒေအရ၊ သဘောရိုးဖြင့်ပြုလုပ်သော၊ သို့တည်းမဟုတ် ပြုလုပ်သည့် သဘောသက်ရောက်သော အပြုအမူတခုခုနှင့်စပ်လျဉ်း၍၊ အဖွဲ့ပေါ်တွင်ဖြစ်စေ၊ လက်ခအောက်အဖွဲများအပေါ်တွင်ဖြစ်စေ၊ အဖွဲ့ဝင်၊ သို့တည်းမဟုတ် လက်အောက်အဖွဲ့ဝင်တဦးဦးပေါ်တွင်ဖြစ်စေ၊ အဖွဲ့၏၊ သို့တည်းမဟုတ် လက်အောက်အဖွဲများ၏ရာထမ်းမှုထမ်း တဦးဦးအပေါ်တွင်ဖြစ်စေ၊တရားမမှုဖြစ်စေ၊ ရာဇဝတ်မှုဖြစ်စေ၊ အခြားတရားမှုခင်းဖြစ်စေ မစွဲဆိုရ။

သို့ရာတွင် ကူးသန်းရောင်းဝယ်ရေး ကုမ္ပဏီတခုက တရားမမှုစွဲဆိုနိုင်သကဲ့သို့၊ သို့တည်းမဟုတ် စွဲဆိုခံရထိုက်သကဲ့သို့၊ အလားတူအမှုများတွင်၊ အလားတူနည်းလမ်းဖြင့် အဖွဲ့က၊ သို့တည်းမဟုတ် ဆိုခဲ့သည့်ပုဂ္ဂိုလ်ကဖြစ်စေ၊ အဖွဲ့ကို၊ သို့တည်းမဟုတ် ဆိုခဲ့သည့်ပုဂ္ဂိုလ်ကိုဖြစ်စေ၊ တရားမမှုစွဲဆိုခြင်းကို၊ ဤပုဒ်မပါ မည်သည့်ပြဋ္ဌာန်းချက်ကမျှ ပိတ်ပင်ခြင်းမရှိစေရ။

၃၄။ ။(၁) ၁၉၄၃ ခုနှစ်၊ မြန်မာနိုင်ငံ မီးရထား (အရေးပေါ်ပြဋ္ဌာန်းချက်များ) အက်ဥပဒေ (၁၉၄၃ ခုနှစ်၊ မြန်မာနိုင်ငံ အက်ဥပဒေအမှတ် ၂)နှင့်၊ ၁၉၄၃ ခုနှစ်၊ မြန်မာနိုင်ငံမီးရထား (အရေးပေါ်ပြဋ္ဌာန်းချက်များ) (ပြင်ဆင်ချက်) အက်ဥပဒေ (၁၉၄၃ ခုနှစ်၊ မြန်မာနိုင်ငံ အက်ဥပဒေအမှတ် ၂၃) ကို၊ ဤအက်ဥပဒေဖြင့်ရုပ်သိမ်းသည်။

° (၂) သို့ပင်ရုပ်သိမ်းစေကာမူ၊ ၁၉၄၃ ခုနှစ်၊ မြန်မာနိုင်ငံ မီးရထား (အရေးပေါ်ပြဋ္ဌာန်းချက်များ) အက်ဥပဒေ (၁၉၄၃ ခုနှစ်၊ မြန်မာနိုင်ငံ အက်ဥပဒေအမှတ် ၂) (Burma Railways Emergency Provisions Act, 1943) အရ ဖွဲ့စည်းထားသည့် မီးရထားအုပ်ချုပ်ရေးအဖွဲ့သည်၊ ဤအက်ဥပဒေပုဒ်မ ၃ အရ၊ နည်းလမ်းတကျဖွဲ့စည်းသည့် ပြည်ထောင်စုမြန်မာနိုင်ငံ မီးရထားအုပ်ချုပ်ရေးအဖွဲ့၏ ပဌမအကြိမ်အစည်းအဝေးတိုင်အောင် မိမိ၏အာဏာများနှင့် တာဝန်ဝတ်တရားများကို ဆက်လက်သုံးစွဲဆောင်ရွက်ရမည်။

F. RIVER TRANSPORT.

စ။ ။မြစ်ကြောင်းသယ်ယူပို့ဆောင်ရေး။

THE INLAND STEAM VESSELS ACT.

CONTENTS.

CHAPTER I.

PRELIMINARY.

Sections.

1. * * * *
2. Definitions.

CHAPTER II.

SURVEY OF INLAND STEAM-VESSELS.

3. Inland steam-vessel not to proceed on voyage, or to be used for service, without certificate of survey.
4. Appointment of surveyors and places of survey.
5. Powers of surveyors.
6 Fees in respect of surveys.
7. Declaration of surveyor.
8. Sending of declaration by owner or master to President.
9. Power for President to grant or authorize the grant of certificates of survey.
10. Certificate of survey to be affixed in conspicuous part of steam-vessel.
11. Term of certificates of survey.
12. Renewal of certificates of survey.
13. Power for President to suspend or cancel certificate of survey.
13A. Suspension or cancellation of certificate in addition to other penalty for wilful contravention of Act.

° ၁၉၅၂ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၂၄ အရထည့်သွင်းသည်။

Sections.

14. Power for President to require delivery of expired or cancelled certificates.
15. * * * *
16. Power for President to direct survey by two surveyors.
17. Power for President to order a second survey.
18. Division of duties when two surveyors employed.
19. Power for President to make rules as to surveys.
19A. Power of President to make rules as to inspectors.

CHAPTER III.

MASTERS INCLUDING SERANGS AND ENGINEERS INCLUDING ENGINE-DRIVERS OF INLAND STEAM-VESSELS.

20. Appointment of examiners.
21. Grant of masters', serangs', engineers' and engine-drivers' certificates of competency.
22. Grant of masters', serangs', engineers' and engine-drivers' certificates of service.
22A. Licences.
23. Certificates to be made in duplicate.
24. Copy of certificate or licence to be granted in certain cases.
25. Certificates to be held by master and engineer of vessel of one hundred or more horse-power.
26. Certificates to be held by master and engineer of vessel of between forty and one hundred horse-power.
27. Certificates to be held by master and engineer of vessel of less than forty horse-power.
28. Power for President to require master or engineer to hold certificate granted under Act in addition to other certificate.
29. Power for President to make rules as to grant of certificates of competency.
30. Power for President to make rules as to grant of certificates of service.
30A. Power for President to make rules as to grant of licences.
31. * * * *

CHAPTER IV.

INVESTIGATIONS INTO CASUALTIES.

32. Report of casualties to be made to nearest police-station.
33. Power for President to appoint Court of investigation.
34. Power of Court of investigation to inquire into charges of incompetency or misconduct.

Sections.

35. Power for President to direct investigation otherwise than under section 33.
36. Person charged to be heard.
37. Assessors.
38. Powers of Court as to evidence and regulation of proceedings.
39. Power of Court to effect arrest of witnesses by entry and detention of vessels.
40. Power of Court to commit for trial and to bind over witnesses.
41. Depositions of absent witnesses.
42. Report by Court to President.
43. Court to exercise its powers independently of the assessors.
44. Power for President to direct investigations into causes of explosions on steam-vessels.

CHAPTER V.

SUSPENSION AND CANCELLATION OF CERTIFICATES GRANTED UNDER THE ACT.

45. Power for President to suspend or cancel certificates in certain cases.
46. Obligation to deliver up suspended or cancelled certificate.
47. * * * *
48. Power for President to revoke suspension or cancellation and to grant new certificate.

CHAPTER VI.

PROTECTION OF, AND CARRIAGE OF PASSENGERS IN, INLAND STEAM-VESSELS.

49. Power for President to declare dangerous goods.
50. Carriage of dangerous goods.
51. Power of owner or master of steam-vessel to throw overboard dangerous goods.
52. Power for President to make rules for protection of inland steam-vessels from accidents.
53. Power for President to make rules as to carriage of passengers in inland steam-vessels.
54. Power for President to make rules for protection of passengers.
54A. Power of President to fix maximum and minimum rates for passenger fares and freight for goods.
54B. Appointment of Advisory Committees.

CHAPTER VII.

PENALTIES AND LEGAL PROCEEDINGS.

55. Penalty for making voyage without certificate of survey.
56. Penalty for neglect to affix certificate of survey in inland steam-vessel.
57. Penalty for neglect or refusal to deliver up certificate of survey.

Sections.

58. Penalty for carrying excessive number of passengers on board.
59. Penalty for serving, or engaging a person to serve, as master or engineer without certificate.
60. Penalty for master failing to give notice of wreck or casualty.
61. Penalty for failing to deliver up suspended or cancelled certificate.
62. Penalty for taking or delivering or tendering for carriage dangerous goods on board inland steam-vessel without notice.
63. Penalty for misconduct or neglect endangering inland steam-vessel or life or limb.
63A. Penalty for forging of surveyor's declaration or certificate of survey.
63B. Penalty for forging or altering a certificate of competency.
63C. Penalty for carriage of passengers or cargo on awnings.
64. Levy of fine by distress of inland steam-vessel.
65. Jurisdiction of Magistrates.
66. Place of trial.

CHAPTER VIII.

SUPPLEMENTAL.

67. Power for President to make general rules.
68. Power for President to modify application of Act to certain inland steam-vessels.
69. Exemption of vessels belonging to the Government.
70. Power for President to define tidal-water.
71. Fees recoverable as fines.
72. Certificated masters of inland steam-vessels to be deemed pilots under section 31 of Ports Act.
73. Application of Act to vessels propelled by electricity or other mechanical power.
74. Publication of rules.

SCHEDULE I.—RATES OF FEES.

THE INLAND STEAM VESSELS ACT.

[INDIA ACT I, 1917.] (1st June, 1917.)

CHAPTER I.

PRELIMINARY.

1. * * * *

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

(*1*) "inland steam-vessel" means a steam-vessel which ordinarily plies on any inland water ;

[1](2) " inland water " means any canal, river, lake or other navigable water in the Union of Burma ;

[2](2A) " inspector " means an inspector appointed under this Act ;

(3) " passenger " includes any person carried in a steam-vessel other than the master and crew and the owner, his family and servants ;

(4) " prescribed " means prescribed by any rule under this Act ;

(5) " steam-vessel " means every description of vessel propelled wholly or in part by [machinery][3] ;

(6) " survey " means the survey of a steam-vessel under this Act;

(7) " surveyor " means a surveyor appointed under this Act ; and

(8) " voyage " includes the plying of a steam-vessel at or about any place.

CHAPTER II.[4]

SURVEY OF INLAND STEAM-VESSELS.

Inland steam-vessel not to proceed on voyage or to be used for service without certificate of survey.

3. (1) An inland steam-vessel shall not proceed on any voyage, or be used for any service, unless she has a certificate of survey in force and applicable to such voyage or service.

(2) Nothing in this section shall apply to any steam-vessel proceeding on a voyage during the interval between the time at which her certificate of survey expires and the time at which it is first practicable to have the certificate renewed ; [provided that such interval shall not exceed sixty days.][2]

Appointment of serveyors and places of survey.

4. (1) The President of the Union may, by notification in the Gazette,—

(a) declare such places in the Union of Burma as he thinks fit to be places of survey,

(b) appoint so many persons to be surveyors at the said places as he thinks fit, for the purposes of this Act,

[2](c) appoint so many persons to be inspectors as he thinks fit, for the purposes of this Act, and

[2](d) declare, for any district, a maximum number of steam-vessels of various classes in respect of which certificates of survey will be granted.

(2) Every surveyor [or inspector][2] shall, for the purposes of any survey [or inspection][2] made by him, be deemed to be a public servant within the meaning of the Penal Code.

Powers of surveyors.

5. (1) For the purposes of a survey, the surveyor may, at any reasonable time, go on board any inland steam-vessel, and may inspect the steam-vessel

---

[1] For power to define how much of any tidal-water shall be deemed to be an "inland water ", *see* section 70.

[2] Inserted by Act LI, 1953.

[3] Substituted *ibid.*

[4] For power to modify application of Chapters II and III to certain class of steam-vessels, *see* section 68, and fo exemption of Government vessels, *see* section 69.

and every part thereof, including the hull, boilers, engines and other machinery, and all equipments and articles on board :

Provided that he shall not unnecessarily hinder the loading or unloading of the steam-vessel, or unnecessarily detain or delay her from proceeding on any voyage.

(*2*) The owner, master and officers of the steam-vessel shall afford to the surveyor all reasonable facilities for a survey, and all such information respecting the steam-vessel, and her machinery or any part thereof, and all equipments and articles on board, as he may require for the purposes of a survey.

[1](*3*) For the purposes of an inspection an inspector may, at any time, go on board an inland steam-vessel and may inspect the certificate of survey, the certificates of competency of the master and the engineer, the equipments of the steam-vessel and its cargo.

Fees in respect of surveys.

6. Before a survey is commenced, the owner or master of the steam-vessel to be surveyed shall pay to such officer as the President of the Union may, by notification in the Gazette, appoint in this behalf—

(*a*) a fee calculated on the tonnage of the steam-vessel according to the rates mentioned in Schedule I, or according to any other prescribed rates ; and

(*b*) when the survey is to be made in any place of survey other than Rangoon, such additional fee in respect of the expense (if any) of the journey of the surveyor to the place as the President of the Union may by such notification direct.

Declaration of surveyor.

7. When the survey of a steam-vessel is completed, if the surveyor making it is satisfied that—

(*a*) the hull, boilers, engines and other machinery of the steam-vessel are sufficient for the voyage or service intended and in good condition, and

(*b*) the equipments of the steam-vessel and the certificates of the master and engineer are such and in such condition as are required by any law for the time being in force and applicable to the steam-vessel,

the surveyor shall forthwith give to the owner or master a declaration in the prescribed form containing the particulars mentioned in clauses (*a*) and (*b*), and the following further particulars, namely :—

(i) the time (if less than one year) for which the hull, boilers, engines and other machinery and equipments of the steam-vessel will be sufficient ;

(ii) the limit (if any) beyond which, as regards the hull, boilers, engines and other machinery or equipments, the steam-vessel is in the surveyor's judgment not fit to ply ;

---

[1] Inserted by Act LI, 1953.

(iii) the number of passengers (if any) which the steam-vessel is, in the judgment of the surveyor, fit to carry, specifying, if necessary, the respective numbers to be carried on the deck and in the cabins, and in different parts of the deck and cabins, the number to be subject to such conditions and variations, according to the time of year, the nature of the voyage, the cargo carried or other circumstances, as the case requires ; and

(iv) any other prescribed particulars.

Sending of declaration by owner or master to President.

8. (*1*) The owner or master of a steam-vessel to whom a declaration is given under section 7 shall, within fourteen days after the date of the receipt thereof, send the declaration to such officer as the President of the Union may, by notification in the Gazette, appoint in this behalf.

(*2*) If any owner or master fails to send a declaration as required by sub-section (*1*), he shall forfeit a sum not exceeding five rupees for every day during which the sending of the declaration is delayed.

Power for President to grant or authorize the grant of certificates of survey.

9. (*1*) The President of the Union shall, if satisfied that all the provisions of this Act have been complied with in respect of a declaration sent under section 8, cause—

(*a*) a certificate of survey, in duplicate, to be prepared, and

(*b*) notice thereof to be given by post or otherwise to the owner or master of the steam-vessel to which the certificate relates.

(*2*) On application made by the owner or master to such officer at the place of survey as the President of the Union may, by notification in the Gazette, appoint in this behalf, and on payment to such officer by the owner or master of the sum (if any) forfeited by him under section 8, sub-section (*2*) (the actual amount of which within the limit thereby fixed shall be determined by the President of the Union), the certificate, in duplicate, so prepared shall be granted to the owner or master by the President of the Union and issued to him through such officer.

(*3*) A certificate granted under this section shall be in the prescribed form, shall contain a statement to the effect that all the provisions of this Act with respect to the survey of the steam-vessel and the declaration of survey have been complied with, and shall set forth—

(*a*) the particulars concerning the steam-vessel mentioned in the declaration of survey as required by clauses (i), (ii) and (iii) of section 7, and

(*b*) any other prescribed particulars.

(*4*) The President of the Union may, by notification in the Gazette, delegate to any person all or any of the functions assigned to the President of the Union under this section :

Provided that no delegation shall be made under sub-section (2) so as to authorize the grant of a certificate of survey by the surveyor who made the declaration of survey under section 7.

(iii) the number of passengers (if any) which the steam-vessel is, in the judgment of the surveyor, fit to carry, specifying, if necessary, the respective numbers to be carried on the deck and in the cabins, and in different parts of the deck and cabins, the number to be subject to such conditions and variations, according to the time of year, the nature of the voyage, the cargo carried or other circumstances, as the case requires ; and

(iv) any other prescribed particulars.

Sending of declaration by owner or master to President.

8. (*1*) The owner or master of a steam-vessel to whom a declaration is given under section 7 shall, within fourteen days after the date of the receipt thereof, send the declaration to such officer as the President of the Union may, by notification in the Gazette, appoint in this behalf.

(*2*) If any owner or master fails to send a declaration as required by sub-section (*1*), he shall forfeit a sum not exceeding five rupees for every day during which the sending of the declaration is delayed.

Power for President to grant or authorize the grant of certificates of survey.

9. (*1*) The President of the Union shall, if satisfied that all the provisions of this Act have been complied with in respect of a declaration sent under section 8, cause—

(*a*) a certificate of survey, in duplicate, to be prepared, and

(*b*) notice thereof to be given by post or otherwise to the owner or master of the steam-vessel to which the certificate relates.

(*2*) On application made by the owner or master to such officer at the place of survey as the President of the Union may, by notification in the Gazette, appoint in this behalf, and on payment to such officer by the owner or master of the sum (if any) forfeited by him under section 8, sub-section (*2*) (the actual amount of which within the limit thereby fixed shall be determined by the President of the Union), the certificate, in duplicate, so prepared shall be granted to the owner or master by the President of the Union and issued to him through such officer.

(*3*) A certificate granted under this section shall be in the prescribed form, shall contain a statement to the effect that all the provisions of this Act with respect to the survey of the steam-vessel and the declaration of survey have been complied with, and shall set forth—

(*a*) the particulars concerning the steam-vessel mentioned in the declaration of survey as required by clauses (i), (ii) and (iii) of section 7, and

(*b*) any other prescribed particulars.

(*4*) The President of the Union may, by notification in the Gazette, delegate to any person all or any of the functions assigned to the President of the Union under this section :

Provided that no delegation shall be made under sub-section (2) so as to authorize the grant of a certificate of survey by the surveyor who made the declaration of survey under section 7.

Certificate of survey to be affixed in conspicuous part of steamev-ssel.

10. The owner or master of every steam-vessel for which a certificate of survey has been granted shall forthwith, on the receipt of the certificate, cause one of the duplicates thereof to be affixed and kept affixed, so long as it remains in force and the steam-vessel is in use, on some conspicuous part of the steam-vessel where it may be easily read by all persons on board.

Term of certificates of survey.

11. A certificate of survey shall not be in force—

(*a*) after the expiration of one year from the date thereof ; or

(*b*) after the expiration of the period (if less than one year) for which the hull, boilers, engines or other machinery, or any of the equipments of the steam-vessel to which the certificate relates, have been stated in the certificate to be sufficient ; or

(*c*) after notice has been given by the President of the Union, to the owner or master of such steam-vessel, that the President of the Union has cancelled or suspended it.

Renewal of certificates of survey.

12. After a certificate of survey has ceased to be in force the same shall only be renewed after a fresh survey of the steam-vessel to which the certificate relates has been held in accordance with the provisions of this Chapter, save so far as any relaxation thereof may be prescribed.

Power for President to suspend or cancel certificate of survey.

13. A certificate of survey may be suspended or cancelled by the President of the Union if he has reason to believe—

(*a*) that the declaration by the surveyor of the sufficiency and good condition of the hull, boilers, engines,or other machinery or of any of the equipments of the steam-vessel has been fraudulently or erroneously made ; or

(*b*) that the certificate has otherwise been granted upon false or erroneous information ; or

(*c*) that since the making of the declaration the hull, boilers, engines or other machinery, or any of the equipments of the steam-vessel, have sustained any material injury, or have otherwise become insufficient.

Suspension or cancellation of certificate in addition to other penalty for wilful contravention of Act.

[1] **13A.** If the owner of an inland steam-vessel is found wilfully to have contravened any provision of this Act, the President of the Union may, in addition to any other penalty imposed upon him under this Act, suspend or cancel, for any period as he may think fit, the certificate of survey of the steam-vessel in respect of which the contravention took place.

Power for President to require delivery of expired or cancelled certificate.

14. The President of the Union may require any certificate of survey, which has expired or has been suspended or cancelled, to be delivered up to such officer as the President of the Union may, by notification in the Gazette, appoint in this bahalf.

15. * * * *

[1] Inserted by Act LI, 1953.

Power for President to direct survey by two surveyors.

16. A survey shall ordinarily be made by one surveyor, but two surveyors may be employed if the President of the Union, by order in writing, so directs, either generally in the case of all steam-vessels at any place of survey, or specially in the case of any particular steam-vessel or class of steam-vessels at any such place.

Power for President to order a second survey.

17. (*1*) If the surveyor making a survey of a steam-vessel refuses to give a declaration under section 7 with regard to the steam-vessel, or gives a declaration with which the owner or master of the steam-vessel is dissatisfied, the President of the Union may, on the application of the owner or master, and the payment by him of such fee, not exceeding twice the amount of the fee payable for the previous survey, as the President of the Union may require, direct two other surveyors to survey the steam-vessel.

(*2*) The surveyors so directed shall forthwith survey the steam-vessel, and may, after the survey, either refuse to give a declaration or give such declaration as, under the circumstances, seems to them proper.

(*3*) Any declaration given, or any refusal to give a declaration, under sub-section (*2*) shall be final.

Division of duties when two surveyors employed.

18. When a survey is made by two surveyors, under either section 16 or section 17, each of the surveyors shall perform the prescribed portion of the duties assigned to a surveyor under this Act or the rules made thereunder.

Power for President to make rules as to surveys.

19. (*1*) The President of the Union may make rules to regulate the making of surveys.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may prescribe—

(*a*) the times and places at which, and the manner in which, surveys are to be made ;

(*b*) the duties of the surveyor making a survey and, where two surveyors are employed, the respective duties of each such surveyor ;

(*c*) the form in which declarations of survey and certificates of survey are to be framed, and the nature of the particulars to be stated therein under sections 7 and 9 ;

(*d*) the rates other than those mentioned in Schedule I according to which the fees payable in respect of surveys are to be calculated in the case of all or any of the places of survey ; and

(*e*) the cases in, and the extent to, which a survey may be dispensed with before the grant of a new certificate.

Power of President to make rules as to inspectors.

[1] **19A.** (*1*) The President of the Union may make rules to regulate the inspection of inland steam-vessels by duly appointed inspectors.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may prescribe—

(*a*) the times and places at which, and the manner in which, an inspection may be made ; and

(*b*) the duties of an inspector making the inspection.

---

[1] Inserted by Act LI, 1953.

CHAPTER III.[1]

MASTERS INCLUDING SERANGS AND ENGINEERS INCLUDING ENGINE-DRIVERS OF INLAND STEAM-VESSELS.

Appointment of examiners.

20. The President of the Union may appoint examiners for the purpose of examining the qualifications of persons desirous of obtaining certificates (hereinafter called certificates of competency), to the effect that they are competent to act as masters or serangs, or as engineers or engine-drivers, as the case may be, on board inland steam-vessels.

Grant of masters', serangs', engineers' and engine-drivers' certificates of competency.

21. (*1*) The President of the Union or such officer as he may, by notification in the Gazette, appoint in this behalf, shall grant to every person who is reported by the examiners to possess the prescribed qualifications, a certificate of competency to the effect that he is competent to act as a first-class master, second-class master or serang, or as an engineer, first-class engine-driver or second-class engine-driver, as the case may be, on board an inland steam-vessel :

Provided nevertheless that, before granting a certificate of competency under this Act, the authority empowered to grant such certificate may, if it considers the report of the examiners regarding any applicant for such certificate to be defective, or has reason to believe that such report has been unduly made, require a further examination or a re-examination of the applicant.

(*2*) Every certificate granted under this section shall be in the prescribed form.

Grant of masters', serangs', engineers' and engine-drivers' certificates of service.

22. (*1*) The President of the Union may grant, without examination, to any person who has served as a master or as an engineer of an inland steam-vessel before the first day of April, 1890, a certificate (hereinafter called a certificate of service) to the effect that he is, by reason of his having so served, competent to act as a first-class master, second-class master or serang, or as an engineer, first-class engine-driver or second-class engine-driver, as the case may be, on board an inland steam-vessel.

(*2*) A certificate of service so granted shall have the same effect as a certificate of competency granted under this Act after examination.

Licences.

22A. (*1*) The President of the Union may also grant—

(*a*) to a person who is in possession of a second-class master's certificate granted under section 21 or section 22, and has, by virtue of such certificate, acted as master of an inland steam-vessel having engines of forty or more nominal horse-power for a period of not less than five years, or

(*b*) to a person who is in possession of a first-class engine-driver's certificate granted under section 21 or section 22, or an engine-driver's certificate granted under the Indian Steamships Act, 1884[2] and has,

[1] See the footnote to Chapter II.

[2] Repealed by the Indian Merchant Shipping Act, 1923 (India Act XXI, 1923).

by virtue of such certificate, served as an engine-driver of an inland steam-vessel having engines of not less than seventy nominal horse-power for five years, for not less than two and a half years of which period he has been the engine-driver of such vessel within the meaning of section 26,

a licence authorizing such person to act as master or engineer, as the case may be, of any inland steam-vessel having engines of one hundred and seventy nominal horse-power or of such less nominal horse-power as the President of the Union may deem fit.

(*2*) Any such licence shall remain in force only for such time as the person holding the same is in possession of and entitled to a master's or an engine-driver's certificate, as the case may be, of the nature referred to in sub-section (*1*):

Provided that the President of the Union may suspend, cancel, or vary the conditions of any such licence.

Certificates to be made in duplicate.

23. Every certificate of competency or service and every licence granted under this Act shall be made in duplicate, and one copy shall be delivered to the person entitled to the certificate or licence and the other shall be kept and recorded in the prescribed manner.

Copy of certificate or licence to be granted in certain cases.

24. Whenever a master or serang, or an engineer or engine-driver, proves to the satisfaction of the authority which granted his certificate or licence, that he has, without fault on his part, lost or been deprived of it, a copy of the certificate or licence to which, according to the record kept under section 23, he appears to be entitled shall be granted to him, and shall have the same effect as the original.

Certificates to be held by master and engineer of vessel of one hundred or more horse-power.

25. An inland steam-vessel having engines of one hundred or more nominal horse-power shall not proceed on any voyage unless she has—

(*a*) as her master a person possessing a first-class master's certificate granted under this Act, or a master's certificate granted under the Indian Merchant Shipping Act, 1859,[1] or granted under, or continued in force by, the Merchant Shipping Act, 1894, or a master's licence granted under section 22A and applicable to such vessel and voyage, and

India I, 1859.

57 & 58 Vict. c. 60.

(*b*) as her engineer a person possessing an engineer's certificate granted under this Act, or the Indian Steamships Act, 1884,[1] or granted under, or continued in force by, the Merchant Shipping Act, 1894, or an engine-driver's licence granted under section 22A and applicable to such vessel and voyage.

India VI 1884.

57 & 58 Vict., c. 60.

Certificates to be held by master and engineer of vessel of between forty and one hundred horse-power.

26. An inland steam-vessel having engines of forty or more nominal horse-power, but of less than one hundred nominal horse-power, shall not proceed on any voyage unless she has—

(*a*) as her master a person possessing a second-class master's certificate granted under this Act, or any certificate referred to in clause (*a*) of section 25, and

[1] Repealed by the Indian Merchant Shipping Act, 1923 (India Act XXI, 1923).

(*b*) as her engineer a person possessing a first-class engine-driver's certificate granted under this Act, or an engine-driver's certificate granted under the Indian Steamships Act, 1884,[1] or any certificate referred to in clause (*b*) of section 25 :

India VII, 1884.

Provided that a steam-vessel shall be deemed to have complied with this section if she has as her master and engineer a person possessing both a certificate referred to in clause (*a*) and a certificate referred to in clause (*b*) of this section.

Certificates to be held by master and engineer of vessel of less than forty horse-power.

27. An inland steam-vessel having engines of less than forty nominal horse-power shall not proceed on any voyage unless she has—

(*a*) as her master a person possessing a serang's certificate granted under this Act, or any certificate referred to in clause (*a*) of section 26, and

(*b*) as her engineer a person possessing a second-class engine-driver's certificate granted under this Act, or any certificate referred to in clause (*b*) of section 26 :

Provided that a steam-vessel shall be deemed to have complied with this section if she has as her master and engineer a person possessing both a certificate referred to in clause (*a*) and a certificate referred to in clause (*b*) of this section.

Power for President to require master or engineer to hold certificate granted under Act in addition to other certificate.

28. Notwithstanding anything in this Chapter, the President of the Union may, by general or special order, direct that a person possessing—

(*a*) a master's certificate granted under the Indian Merchant Shipping Act, 1859,[1] or granted under, or continued in force by, the Merchant Shipping Act, 1894, or

India I, 1859. 57 & 58 Vict., c. 60.

(*b*) an engineer's or engine-driver's certificate granted under the Indian Steamships Act, 1884,[1] or an engineer's certificate granted under, or continued in force by, the Merchant Shipping Act, 1894,

India VII, 1884. 57 & 58 Vict., c. 60.

shall not act as master or engineer, as the case may be, of an inland steam-vessel unless he also possesses—

(i) in case (*a*), such a master's or serang's certificate granted under this Act as qualifies him under this Chapter to act as master of the steam-vessel, or

(ii) in case (*b*), such an engineer's or engine-driver's certificate granted under this Act as qualifies him under this Chapter to act as engineer of the steam-vessel :

Provided that, for the purposes of this section, the President of the Union may grant to any person, without examination, a master's or serang's or an engineer's or engine-driver's certificate of competency under this Act, and such certificate shall have the same effect as a certificate of competency granted under this Act after examination.

[1] Repealed by the Indian Merchant Shipping Act, 1923 (India Act XXI, 1923).

Power for President to make rules as to grant of certificates of competency.

29. (*1*) The President of the Union may make rules to regulate the granting of certificates of competency under this Chapter.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may prescribe—

(*a*) the times and places of holding and the mode of conducting the examination of persons desirous of obtaining certificates of competency ;

(*b*) the qualifications to be required of persons desirous of obtaining such certificates ;

(*c*) the examination fees to be paid by such persons ; and

(*d*) the forms in which such certificates are to be framed, and the authority by whom, and the manner in which, copies are to be kept and recorded under section 23.

Power for President to make rules as to grant of certificates of service.

30. The President of the Union may also make rules to regulate the granting of certificates of service under section 22, and may by such rules prescribe in particular—

(*a*) the fees to be paid for such certificates, and

(*b*) the forms in which such certificates are to be framed, and the authority by whom, and the manner in which, copies are to be kept and recorded under section 23.

Power for President to make rules as to grant of licences.

30A. The President of the Union may also make rules to regulate the granting of licences under section 22A, and may by such rules prescribe in particular —

(*a*) the fees (if any) to be paid for such licences, and

(*b*) the forms in which such licences are to be framed, and the authority by whom, and the manner in which, copies are to be kept and recorded under section 23.

31. * * * *

CHAPTER IV.

INVESTIGATION INTO CASUALTIES.

Report of casualties to be made to nearest police-station.

32. Whenever—

(*a*) any inland steam-vessel has been wrecked, abandoned or materially damaged ; or

(*b*) by reason of any casualty happening to, or on board of, any inland steam-vessel, loss of life has ensued ; or

(*c*) any inland steam-vessel has caused loss or material damage to any other vessel,

the master of the steam-vessel shall forthwith give notice of the wreck, abandonment, damage, casualty, or loss to the officer in charge of the nearest police-station [who shall take such action as may be prescribed.] [1]

[1] Inserted by Act LI, 1953.

Power for President to appoint Court of investigation.

33. (*1*) If a formal investigation into the facts of any case reported under section 32 appears to the President of the Union to be expedient, the President of the Union may—

(*a*) appoint a special Court and direct the Court to make the investigation at such place as the President of the Union may fix in this behalf ; or

(*b*) direct any principal Court of ordinary criminal jurisdiction or the Court of any District Magistrate to make the investigation.

(*2*) A special Court appointed under clause (*a*) of sub-section (*1*) shall consist of not less than two nor more than four persons, of whom one shall be a Magistrate, one shall be a person conversant with maritime affairs or with the navigation of inland steam-vessels, and the other or others (if any) shall be conversant with either maritime or mercantile affairs or with the navigation of inland steam-vessels.

Power of Court of investigation to inquire into charges of incompetency or misconduct.

34. (*1*) Any Court making an investigation under section 33 may inquire into any charge of incompetency or misconduct arising in the course of the investigation against any master, engineer or engine-driver, or any person holding a certificate granted under Chapter III, as well as into any charge of a wrongful act or default on his part causing any wreck, abandonment, damage, casualty, or loss referred to in section 32.

(*2*) In every case in which any such charge arises against any master, engineer or engine-driver, or any person holding a certificate granted under Chapter III, in the course of an investigation, the Court shall, before the commencement of the inquiry into the charge, cause to be furnished to him a copy of the report or of any statement of the case upon which the investigation has been directed.

Power for President to direct investigation otherwise than under section 33.

35. (*1*) If the President of the Union has reason to believe that there are grounds for charging any master, engineer or engine-driver, or any person holding a certificate granted under Chapter III, with incompetency or misconduct, otherwise than in the course of an investigation under section 33, he may send a statement of the case to the principal Court of ordinary criminal jurisdiction, or the Court of the District Magistrate, at or nearest to the place at which it may be convenient for the parties and witnesses to attend, and may direct the Court to make an investigation into the charge.

(*2*) Before commencing an investigation under sub-section (*1*), the Court shall cause the person charged to be furnished with a copy of the statement of the case sent by the President of the Union.

Person charged to be heard.

36. For the purpose of an investigation under this Chapter into any charge against a master, engineer or engine-driver, or any person holding a certificate granted under Chapter III, the Court may summon him to appear, and shall give him full opportunity of making a defence, either in person or otherwise.

Assessors.

37. (*1*) When, in the opinion of the Court making an investigation under this Chapter, the investigation involves, or appears likely to involve, any question as to the cancelling or suspension of the certificate of a master, engineer or engine-driver, or any person holding a certificate granted under Chapter III, the Court shall appoint as its assessors, for the purposes of the investigation, two persons having experience in the merchant service or in the navigation of inland steam-vessels.

(*2*) In every other investigation the Court may, if it thinks fit, appoint as its assessor, for the purposes of the investigation, any person conversant with maritime affairs or the navigation of inland steam-vessels and willing to act as assessor.

(*3*) Every person appointed as an assessor under this section shall attend during the investigation and deliver his opinion in writing, to be recorded on the proceedings.

Powers of Court as to evidence and regulation of proceedings.

38. For the purpose of any investigation under this Chapter, the Court making the investigation shall, so far as relates to compelling the attendance and examination of witnesses, and the production of documents and the regulation of the proceedings, have—

(*a*) if the Court is a special Court—the same powers as are exercisable by the principal Court of ordinary criminal jurisdiction for the place at which the investigation is made ; or

(*b*) if the Court is a principal Court of ordinary criminal jurisdiction or the Court of the District Magistrate—the same powers as are exercisable respectively by either Court in the exercise of its criminal jurisdiction.

Power of Court to effect arrest of witnesses by entry and detention of vessels.

39. (*1*) If any Court making an investigation under this Chapter issues a warrant of arrest to compel the attendance of any person whose evidence is in its opinion necessary, it may, for the purpose of effecting the arrest, but subject to any general or special instruction issued by the President of the Union in this behalf, authorize any officer to enter any vessel.

(*2*) An officer so authorized to enter any vessel may, for the purpose of enforcing the entry, call to his aid any officers of Police or Customs, or any other persons, and may seize and detain the vessel for such time as is reasonably necessary to effect the arrest; and every such officer or other person shall be deemed to be a public servant within the meaning of the Penal Code.

(*3*) No person shall be detained under this section for more than forty-eight hours.

Power of Court to commit for trial and to bindover witnesses.

40. Whenever, in the course of an investigation under this Chapter, it appears to the Court making the investigation that any person has committed, within the Union of Burma, an offence punishable under any law in force in the Union of Burma, the Court making the investigation may (subject to such rules

consistent with this Act as the High Court may, from time to time, make in this behalf)—

(*a*) cause such person to be arrested ;

(*b*) commit him or hold him to bail to take his trial before the proper Court ;

(*c*) bind over any other person to give evidence at such trial ; and

(*d*) exercise, for the purposes of this section, all the powers of a Magistrate of the first class.

Depositions of absent witnesses.

41. (*1*) Whenever, in the course of a trial referred to in section 40, the evidence of any witness is required in relation to the subject-matter, any deposition previously made by him in relation to the same subject-matter before any Court making an investigation under this Chapter shall, if authenticated by the signature of the Magistrate or presiding Judge of such Court, be admissible in evidence on proof—

(*a*) that the witness cannot be found within the jurisdiction of the Court before which the trial is held ; and

(*b*) that the deposition was made in the presence of the person accused, and that he had an opportunity of cross-examining the witness.

(*2*) A certificate signed by such Magistrate or presiding Judge that the deposition was made in the presence of the accused, and that he had an opportunity of cross-examining the witness, shall, unless the contrary be proved, be sufficient evidence that it was so made and that the accused had such opportunity.

Report by Court to President.

42. The Court shall, in the case of every investigation under this Chapter, transmit to the President of the Union a full report of the conclusions at which it has arrived, together with the evidence recorded and the written opinion of any assessor.

Court to exercise its powers independently of the assessors.

43. Notwithstanding the appointment under section 37 of an assessor or assessors by a Court making an investigation under this Chapter, the exercise of all powers conferred on such Court by this Act shall rest with the Court alone.

Power for President to direct investigations into causes of explosions on steam-vessels.

44. (*1*) Whenever any explosion occurs on board any inland steam-vessel, the President of the Union may direct that an investigation into the cause of the explosion be made by such person or persons as he may appoint in this behalf.

(*2*) The person or persons so appointed may, for the purpose of the investigation, enter into and upon the steam-vessel, with all necessary workmen and labourers, and remove any portion of the steam-vessel or of the machinery thereof, and shall report to the President of the Union what, in his or their opinion, was the cause of the explosion.

(*3*) Every person making an investigation under this section shall be deemed to be a public servant within the meaning of the Penal Code.

CHAPTER V.

SUSPENSION AND CANCELLATION OF CERTIFICATES GRANTED UNDER THE ACT.

Power for President to suspend or cancel certificates in certain cases.

45. Any certificate granted under Chapter III may be suspended or cancelled by the President of the Union in the following cases, namely :—

(*a*) if, on any investigation made under this Act, the Court reports that the wreck or abandonment of, or loss or damage to, any vessel, or loss of life, has been caused by the wrongful act or default of the holder of such certificate, or that the holder of such certificate is incompetent, or has been guilty of any gross act of drunkenness, tyranny or other misconduct ; or

(*b*) if the holder of such certificate is proved to have been convicted of any non-bailable offence ; or

(*c*) if, in the case of a person holding a certificate of competency or service as second-class master or serang, or as engine-driver, such person is or has become, in the opinion of the President of the Union, unfit to act as a second-class master or serang, or as an engine-driver, as the case may be ; [or] [1]

[1](*d*) if the holder of such certificate is found wilfully to have contravened any provision of this Act :

Provided that a certificate shall not be suspended or cancelled under clause (*a*) unless the President of the Union is satisfied that the holder of the certificate has, before the commencement of the investigation, been furnished with a copy of the report or statement of the case as required by section 34 or section 35, as the case may be.

Obligation to deliver up suspended or cancelled certificate.

46. Every person whose certificate is suspended or cancelled under this Chapter shall deliver it up to such person as the President of the Union may direct.

47. * * * *

Power for President to revoke suspension or cancellation and to grant new certificate.

48. (*1*) The President of the Union may, at any time, revoke any order of suspension or cancellation which he may have made under this Chapter, or grant, without examination, to any person whose certificate he has so cancelled a new certificate.

(*2*) A certificate so granted shall have the same effect as a certificate of competency granted under this Act after examination.

---

[1] Inserted by Act LI, 1953.

CHAPTER VI.

PROTECTION OF, AND CARRIAGE OF PASSENGERS IN, INLAND STEAM-VESSELS.

Power for President to declare dangerous goods.

49. The President of the Union may, by notification in the Gazette, declare what shall, for the purposes of this Act, be deemed to be dangerous goods.

Carriage of dangerous goods.

50. (*1*) No person shall—

(*a*) take with him on board an inland steam-vessel any dangerous goods without giving notice of their nature to the owner or master of the steam-vessel; or

(*b*) deliver or tender for carriage on such steam-vessel any dangerous goods without giving such notice, and without distinctly marking their nature on the outside of the package containing the goods.

(*2*) If the owner or master of an inland steam-vessel suspects, or has reason to believe, that any luggage or parcel taken, delivered, or tendered for carriage on the steam-vessel contains dangerous goods, he may—

(i) refuse to carry it upon the steam-vessel; or

(ii) require it to be opened to ascertain the nature of its contents; or

(iii) if it has been received for carriage, stop its transit until he is satisfied as to the nature of its contents.

Power of owner or master of steam-vessel to throw overboard dangerous goods.

51. Where any dangerous goods have been taken or delivered on board any inland steam-vessel in contravention of section 50, the owner or master of the steam-vessel may, if he thinks fit, cause the goods to be thrown overboard, together with any package or receptacle in which they are contained, and neither the owner nor the master shall, in respect of his having so caused the goods to be thrown overboard, be subject to any liability, civil or criminal, in any Court.

Power for President to make rules for protection of inland steam-vessels from accidents.

52. (*1*) The President of the Union may make rules for the protection of inland steam-vessels against explosion, fire, collision and other accidents.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may—

(*a*) prescribe the conditions on, and subject to, which dangerous goods may be carried on board inland steam-vessels;

(*b*) prescribe precautions to be taken to prevent explosions or fires on board inland steam-vessels;

(*c*) prescribe the apparatus which is to be kept on board inland steam-vessels for the purpose of extinguishing fires;

(*d*) regulate the making of sound signals;

(*e*) regulate the carriage and exhibition of lights by inland steam-vessels;

(*f*) regulate the carriage and exhibition of lights by other vessels on specified inland waters on which steam-vessels ply;

(*g*) prescribe the steering rules to be observed ;

(*h*) regulate the towing of vessels astern or alongside ;

(*i*) prescribe the speed at which inland steam-vessels may be navigated in specified areas ;

(*j*) regulate the navigation of inland steam-vessels to prevent danger to other vessels, or to the banks, channels, navigation marks, or any property, moveable or immoveable, in or abutting on navigable channels ;

[1](*k*) prescribe the form and scale of life-saving appliances to be carried ; and

[1](*l*) prescribe the parts of the inland steam-vessel on which the carriage of passengers and cargo is prohibited.

(*3*) Any rule made under this section may contain a provision that any person committing a breach of it shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Power for President to make rules as to carriage of passengers in inland steam-vessels.

53. (*1*) The President of the Union may make rules to regulate the carriage of passengers in inland steam-vessels.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may—

(*a*) prescribe the cases in which passengers may be refused admission to, or may be required to leave, inland steam-vessels ;

(*b*) provide for the payment of fares, and the exhibition of tickets or receipts (if any) showing the payment of their fares, by passengers in inland steam-vessels ; and

(*c*) regulate generally the conduct of passengers in inland steam-vessels.

(*3*) Any rule made under this section may contain a provision that any person committing a breach of it shall be punishable with fine which may extend to twenty rupees.

(*4*) The master or any other officer of an inland steam-vessel, and any person called by him to his assistance, may arrest any person who has committed a breach of any rule made under this section if the name and address of such person are unknown to the master or such other officer.

(*5*) The procedure prescribed by section 59 of the Code of Criminal Procedure in the case of arrest by private persons shall apply to every arrest made under this section.

Power for President to make rules for protection of passengers.

54. (*1*) The President of the Union may also make rules for the protection of passengers in inland steam-vessels, and may by such rules require—

(*a*) the prices of passenger tickets to be printed or otherwise denoted on such tickets ; and

---

[1] Inserted by Act LI, 1953.

(*b*) the supply, free of charge, of a sufficient quantity of fresh water for the use of such passengers.

(*2*) Any rule made under this section may contain a provision that any person committing a breach of it shall be punishable with fine which may extend to fifty rupees.

Power of President to fix maximum and minimum rates for passenger fares and freight for goods.

54A. (*1*) The President of the Union may, by notification in the Gazette, after such inquiry as he may consider necessary, in respect of any system of inland waterways, or of any stretch of inland waterway, or of the run between any two stations on an inland waterway,—

(*a*) fix the maximum or minimum rate per mile which may be charged for passenger fares for passengers of any class travelling on inland steam-vessels ;

(*b*) fix the maximum rate per mile which may be charged for freight on goods of any description carried in inland steam-vessels ;

(*c*) fix the minimum rate per mile which may be charged for freight on goods of any description carried in inland steam-vessels ; and

(*d*) declare what shall be deemed to be the distance between any two stations on an inland waterway for the purpose of calculating passengers' fares or freight on goods where maximum or minimum rates have been fixed under this section.

(*2*) The President of the Union shall not fix any minimum rate under clause (*a*) or clause (*c*) of sub-section (*1*) in respect of any class of passengers or description of goods carried on any system of waterways, or stretch of waterway, or on the run between any two stations on an inland waterway, unless he is satisfied that the rates charged on any inland steam-vessel or group of such vessels in respect of such passengers or goods have been reduced to such an extent as to disclose an intention to force any other inland steam-vessel or group of such vessels to cease from carrying such passengers or goods.

Appointment of Advisory Committees.

54B. The President of the Union may make rules providing for the appointment, constitution, procedure and functions of committees to advise the owners, agents and charterers of inland steam-vessels on questions affecting the interests of passengers and shippers of goods.

CHAPTER VII.

PENALTIES AND LEGAL PROCEEDINGS.

Penalty for making voyage without certificate of survey.

55. (*1*) If any inland steam-vessel proceeds on a voyage in contravention of section 3, the owner and the master of the steam-vessel shall each be punishable with fine, which may extend to [two thousand kyats, or with imprisonment which may extend to three months, or with both.][1]

[1] Substituted by Act LI, 1953.

(*2*) If the master or any other officer on board an inland steam-vessel which proceeds on voyage in contravention of section 3 is a licensed pilot he shall be liable to have his licence as a pilot suspended or cancelled, for any period, by the President of the Union.

[1] (*3*) If the master or any other officer on board an inland steam-vessel which proceeds on a voyage in contravention of section 3 holds a certificate of competency as master, serang, engineer or engine-driver he shall be liable to have his certificate suspended or cancelled by the President of the Union, for any period, as he thinks fit.

Penalty for neglect to affix certificate of survey in inland steam-vessel.

56. If the certificate of survey is not kept affixed in an inland steam-vessel as required by section 10, the owner and the master of the steam-vessel shall each be punishable with fine which may extend to one hundred rupees.

Penalty for neglect or refusal to deliver up certificate of survey.

57. If the owner or master of an inland steam-vessel, without reasonable cause, neglects or refuses to deliver up a certificate of survey when required under section 14 so to do, he shall be punishable with fine which may extend to one hundred rupees.

Penalty for carrying excessive number of passengers on board.

58. If an inland steam-vessel has on board or in any part thereof a number of passengers which is greater than the number set forth in the certificate of survey as the number of passengers which the vessel or the part thereof is, in the judgment of the surveyor, fit to carry, the owner and the master shall each be punishable with fine which may extend to ten rupees for every passenger over and above that number.

Penalty for serving or engaging a person to serve as master or engineer without certificate.

59. If any person—

(*a*) proceeds on any voyage in an inland steam-vessel as the master or engineer of such vessel without being at the time entitled to, and possessed of, a master's or serang's or an engineer's or engine-driver's certificate or a master's or engine-driver's licence, as the case may be, as required under this Act ; or

(*b*) employs as the master or engineer of an inland steam-vessel any person without ascertaining that he is at the time entitled to, and possessed of, such certificate or licence,

he shall be punishable with fine which may extend to five hundred rupees.

Penalty for master failing to give notice of wreck or casualty.

60. If any master wilfully fails to give notice, as required by section 32, of any wreck, abandonment, damage, casualty, or loss, he shall be punishable with fine which may extend to five hundred rupees, and, in default of payment of such fine, with simple imprisonment for a term which may extend to three months.

---

[1] Inserted by Act LI, 1953.

61. If any person, whose certificate is suspended or cancelled under this Act, fails to deliver up the certificate as required by section 46, he shall be punishable with fine which may extend to five hundred rupees.

Penalty for failing to deliver up suspended or cancelled certificate.

62. If any person, in contravention of section 50, takes with him on board any inland steam-vessel any dangerous goods, or delivers or tenders any such goods for carriage on any inland steam-vessel, he shall be punishable with fine which may extend to two hundred rupees, and the goods shall be forfeited to Government.

Penalty for taking or delivering or tendering for carriage dange ous goods on board inland steam-vessel without notice.

63. If any person employed or engaged in any capacity on board an inland steam-vessel, by wilful breach or by neglect of duty, or by reason of drunkenness,—

Penalty for misconduct or neglect endangering inland steam-vessel or life or limb.

(*a*) does any act tending immediately to wreck, destroy or materially damage the vessel, or to endanger the life or limb of any person on board, or belonging to the vessel ; or

(*b*) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the vessel from immediate wreck, destruction or material damage, or for preserving any such person from immediate danger to life or limb,

he shall be punishable with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to two years, or with both.

[1] **63A.** If any person—

Penalty for forging of surveyor's declaration or certificate of survey.

(*a*) knowingly and wilfully makes, or assists in making, or procures to be made, a false or fraudulent declaration of survey or certificate of survey ; or

(*b*) forges, assists in forging, procures to be forged, fraudulently alters, assists in fraudulently altering or procures to be fraudulently altered, any such declaration or certificate, or anything contained in, or any signature to, any such declaration or certificate,

he shall, in respect of each offence, be punishable with fine which may extend to one thousand kyats and the declaration or certificate shall be cancelled.

[1] **63B.** If any person—

Penalty for forging or altering a certificate of competency.

(*a*) forges or fraudulently alters or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered, any certificate of competency or an official copy of such certificate ; or

[1] Inserted by Act LI, 1953.

(*b*) makes, assists in making, or procures to be made any false representation for the purpose of procuring either for himself or any other person a certificate of competency ; or

(*c*) fraudulently uses a certificate of competency or a copy of a certificate of competency which has been forged, altered, cancelled or suspended, or to which he is not entitled ; or

(*d*) fraudulently lends his certificate of competency or allows it to be used by any other person,

he shall be punishable for each offence with fine which may extend to five hundred kyats and shall, if he is the holder of a certificate of competency, be liable to have his certificate cancelled, if the President of the Union so directs.

Penalty for carriage of passengers or cargo on awnings.

[1] **63C.** (*1*) If an inland steam-vessel carries passengers on a permanent or removeable awning or on any other part of the steam-vessel not authorized for the carriage of passengers, the owner and the master shall each be punishable with fine which may extend to one thousand kyats, or with imprisonment which may extend to three months, or with both.

(*2*) If an inland steam-vessel carries cargo on a permanent or removeable awning, the owner and the master shall each be punishable with fine which may extend to one thousand kyats, or with imprisonment which may extend to three months, or with both.

Levy of fine by distress of inland steam-vessel.

64. Where the owner or master of an inland steam-vessel is convicted of an offence under this Act or any rule made thereunder committed on board, or in relation to, that steam-vessel, and is sentenced to pay a fine, the Magistrate who passes the sentence may direct the amount of the fine to be levied by distress and sale of the steam-vessel and the tackle, apparel and furniture thereof, or so much thereof as is necessary.

Jurisdiction of Magistrates.

65. Except in the case of an offence against any rule made under section 53, no Magistrate shall try an offence under this Act, or any rule made thereunder, unless he is a Magistrate whose powers are not less than those of a Magistrate of the first class.

Place of trial.

66. If any person commits an offence against this Act or any rule made thereunder, he shall be triable for the offence in any place in which he may be found or which the President of the Union, by notification in the Gazette, appoints in this behalf, or in any other place in which he might be tried under any other enactment for the time being in force.

CHAPTER VIII.

SUPPLEMENTAL.

Power for President to make general rules.

67. (*1*) The President of the Union may make rules to carry out the purposes of this Act not otherwise specially provided for.

(*2*) Any rule made under this section may contain a provision that any person committing a breach of it shall be punishable with imprisonment for a

[1] Inserted by Act LI, 1953.

term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Power for President to modify application of Act to certain inland steam-vessels.

68. The President of the Union may, by notification in the Gazette, declare that all or any of the provisions of Chapters II and III shall not apply in the case of any specified class of steam-vessels, or shall apply to them with such modifications as may be specified in the notification.

Exemption of vessels belonging to the Government.

69. Save in so far as the President of the Union may, by notification in the Gazette, otherwise direct, nothing in this Act, or any rule made thereunder, shall apply to any inland steam-vessel belonging to or in the service of the Government.

Power for President to define tidal water.

70. The President of the Union may, by notification in the Gazette, define how much of any tidal water shall be deemed to be an inland water for the purposes of this Act.

Fees recoverable as fines.

71. All fees payable under this Act may be recovered as fines under this Act.

Certificated masters of inland steam-vessels to be deemed pilots under section 31 of Ports Act.

72 (*1*) Every master of an inland steam-vessel who possesses a master's certificate granted under this Act and in force shall, in ports to which section 31 of the Ports Act has been extended, be deemed, for the purposes of that section, to be the pilot of the steam-vessel of which he is in charge.

(*2*) * * * *

Application of Act to vessels propelled by electricity or other mechanical means.

73. The provisions of this Act shall also apply to all vessels which ordinarily ply on inland waters and are propelled by electricity or other mechanical power (except steam):

Provided that the President of the Union may, by notification in the Gazette, declare that any provision of this Act shall, in its application under this section to such vessels, be subject to such modifications, for the purpose of adaptation, as may be specified in the notification.

Publication of rules.

74. (*1*) The power to make rules conferred on the President of the Union by this Act is subject to the condition of the rules being made after previous publication.

(*2*) All such rules shall, when made, be published in the Gazette, and shall thereupon have effect as if enacted in this Act.

SCHEDULE I.

RATES OF FEES.

[*See sections 6 (a) and 19 (d).*]

	Tons.	Rs.
For steam-vessels of less than	100	25
,, ,, 100 tons and up to . .	200	40
,, ,, 200 ,, ,, ,, . .	350	50
,, ,, 350 ,, ,, ,, . .	700	60
,, ,, 700 ,, ,, ,, . .	1,000	80
,, ,, 1,000 ,, ,, ,, . .	1,500	100
,, ,, 1,500 and upwards . .	...	120

THE OBSTRUCTIONS IN FAIRWAYS ACT.

[INDIA ACT XVI, 1881.] (15th March, 1881.)

Saving.

1. Nothing herein contained shall apply to vessels belonging to [* *] [1] or hired [* * * *] [1] by the Government.

President empowered to remove or destroy obstruction in fairway.

2. Whenever, in any fairway leading to any port in the Union of Burma, any vessel is sunk, stranded or abandoned, or any fishing-stake, timber or other thing is placed or left, the President of the Union may, if in his opinion such thing is, or is likely to become, an obstruction or danger to navigation,—

(*a*) cause such thing or any part thereof to be removed ; or

(*b*) if such thing is of such a description or so situate that, in the opinion of the President of the Union, it is not worth removing cause the same or any part thereof to be destroyed.

Government entitled to expenses incurred in removing obstruction.

3. Whenever anything is removed under section 2, the Government shall be entitled to receive a reasonable sum, having regard to all the circumstances of the case, for the expenses incurred in respect of such removal.

Dispute concerning such expenses.

Any dispute arising concerning the amount due under this section, in respect of anything so removed, shall be decided by the District Magistrate having jurisdiction at the place where such thing is, upon application to him for that purpose by either of the disputing parties ; and such decision shall be final.

Notice of removal to be given by President.

4. The President of the Union shall, whenever anything is removed under section 2, publish in the Gazette a notification containing a description of such thing, and the time at which and the place from which the same was so removed.

---

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

Things removed may, in certain cases, be sold

5. If, after publishing such notification, such thing is unclaimed, or if the person claiming the same fails to pay the amount due for the said expenses and any customs-duties or other charges properly incurred by the President of the Union in respect thereof, the President of the Union may sell such thing by public auction, if it is of a perishable nature, forthwith, and, if it is not of a perishable nature, at any time not less than six months after publishing such notification as aforesaid.

Proceeds how applied.

6. On realizing the proceeds of such sale, the amount due for expenses and charges as aforesaid, together with the expenses of the sale, shall be deducted therefrom, and the surplus (if any) shall be paid to the owner of the thing sold, or, if no such person appear and claim such surplus, shall be held in deposit for payment, without interest, to any person thereafter establishing his right to the same :

Provided that he makes the claim within one year from the date of the sale.

"Vessels" to include tackle, cargo, etc.

7. For the purposes of this Act, the term "vessel" shall be deemed to include also every article or thing or collection of things being or forming part of the tackle, equipment, cargo, stores or ballast of a vessel ; and any proceeds arising from the sale of a vessel, and of the cargo thereof, or of any other property recovered therefrom, shall be regarded, as a common fund.

Power to make rules to regulate and prohibit the placing of obstructions in fairways.

8. The President of the Union may, from time to time, by notification in the Gazette, make rules to regulate or prohibit, in any fairway leading to a port in the Union of Burma, the placing of fishing-stakes, the casting or throwing of ballast, rubbish or any other thing likely to give rise to a bank or shoal, or the doing of any other act which will, in his opinion, cause, or be likely to cause, obstruction or danger to navigation.

Penalty for breach of such rules.

9. Whoever is guilty of any act or omission in contravention of the rules made under section 8 may be tried for such offence in any district in which he is found, and shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Compensation payable in certain cases for damage caused under this Act.

10. Whenever the maintenance or creation of an obstruction in any fairway has become lawful by long usage or otherwise, and such obstruction is removed or destroyed under section 2, or its creation is regulated or prohibited under section 8, any person having a right to maintain or create such obstruction shall be entitled to receive from the Government reasonable compensation for any damage caused to him by such removal, destruction, regulation or prohibition.

Every dispute arising concerning the right to such compensation, or the amount thereof, shall be determined according to the law for the time being in

force relating to like disputes in the case of land needed for public purposes [1] and not otherwise; and for the purposes of such law the fairway from or in which such obstruction was removed or destroyed, or in which its creation was regulated or prohibited, shall be deemed to be a part of the district in which the port to which such fairway leads is situate.

11. * * * *

Saving of other powers possessed by President.

12. Nothing herein contained shall be deemed to prevent the exercise by the President of the Union of any other powers possessed by him in this behalf.

Extent of Act.

13. This Act shall not extend to any part of Upper Burma unless it is extended thereto by the President of the Union by notification. [2]

THE DEFILE TRAFFIC ACT.

[BURMA ACT VIII, 1907.] (28th December, 1907.)

Extent.

1. This Act extends to the defile and waters of the Irrawaddy River between the village of Sinbo in the Myitkyina District and the town of Bhamo in the Bhamo District.

Definitions.

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

(*1*) "defile" means the defile and waters of the Irrawaddy River between the village of Sinbo in the Myitkyina District and the town of Bhamo in the Bhamo District;

(*2*) "steam-vessel" includes a motor-launch or other vessel propelled by mechanical means; and

(*3*) "vessel" includes a steam-vessel, boat, raft or timber.

Power to make rules.

3. (*1*) The President of the Union may make rules regulating the navigation of any traffic in the defile.

(*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*) prohibiting vessels or specified classes of vessels from entering the defile when the water is high or likely to rise or in other cases of special danger;

(*b*) prohibiting or authorizing specified officers to prohibit specified classes of vessels from entering the defile or specified parts of the defile during specified periods or during a specified number

---

[1] *See* the Land Acquisition Act.

[2] This Act has been extended to the whole of the Union of Burma by Marine Branch Notification No. 124, dated 9th October 1950. [*Burma Gazette*, 1950, Part I, page 629.]

of days in each month or except on such days and between such hours as may be fixed in that behalf by an officer appointed for the purpose ;

(*c*) prescribing the earliest and latest hours at which steam-vessels may enter the defile, or any specified part of the defile, from above or below ;

(*d*) prohibiting steam-vessels from entering the defile, or from passing specified places therein, without permission, and prescribing by what officer and on what conditions such permission may be given ;

(*e*) providing for the stoppage, or the stoppage and reporting of the arrival or departure, of vessels or of specified classes of vessels at specified places in the defile or above or below the defile ;

(*f*) restricting or prohibiting the stoppage of vessels or of specified classes of vessels in the defile or in specified parts thereof ;

(*g*) prescribing the special precautions to be taken by vessels or specified classes of vessels when disabled or not under control or when compelled to moor or anchor in the defile, or when meeting or likely to meet other vessels or when navigating specified parts of the defile ;

(*h*) prohibiting the passage of rafts through the defile or any specified part thereof without a pass, and prescribing the officer by whom and the conditions subject to which such passes may be issued;

(*i*) requiring the persons in charge of rafts to report the arrival of the rafts at specified places to officers appointed by the Deputy Commissioner of the district, and to produce such passes (if any) for inspection and signature, and to deliver up the passes on arrival at Bhamo ;

(*j*) providing for the production of raft passes to village-headmen and police-officers on demand of such officers and for the inspection of such passes by them ; and

(*k*) authorizing the detention of vessels in respect of which any breach of rules may have been committed or may be contemplated.

(*3*) All rules made under this section shall be made after previous publication, and, when made, shall be finally published in the Gazette and shall come into operation from the date of such publication.

Penalty for breach of rules.

4. Any breach of any rule made under this Act may, on conviction, be punished with fine which may extend to one thousand rupees.

Saving of Acts.

5. Nothing in this Act shall affect the operation of the Inland Steam-vessels Act, the Forest Act or any other enactment relating to vessels.

ပြည်တွင်းရေကြောင်း သယ်ယူပို့ဆောင်ရေး နိုင်ငံပိုင် ဖြုတ်ခြင်းအက်ဥပဒေ။*

[၁၉၄၈ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၂၄။] (၁၉၄၈ ခု၊ဖေဖော်လဝါ ၃၀ ရက်။)

အောက်ပါအတိုင်း အက်ဥပဒေအဖြစ် ပြဋ္ဌာန်းသည်။

၁။ ။ဤအက်ဥပဒေသည်၊ ချက်ချင်းအာဏာတည်ရမည်။

၂။ ။ဤအက်ဥပဒေ၌ပါရှိသည့်—

ကုမ္ပဏီဆိုသည်မှာ၊ ဧရာဝတီကုမ္ပဏီလိမိတက်ကိုဆိုလိုသည်။

အဖွဲ့ဆိုသည်မှာ၊ ပြည်တွင်း ရေကြောင်းသယ်ယူပို့ဆောင်ရေး အမိန့်အရ၊ ဖွဲ့စည်းထားသည့် ပြည်တွင်းရေကြောင်းသယ်ယူပို့ဆောင်ရေးအဖွဲ့ကိုဆိုလိုသည်။

ကိုယ်စားလှယ် သဘောတူ စာချုပ်ဆိုသည်မှာ၊ ၁၉၄၆ ခုနှစ်၊ ဇန္နဝါရီလ ၂၈ ရက် [၁] နေ့တွင်၊ မြန်မာနိုင်ငံတော်ဘုရင်ခံမင်းကြီးနှင့် ဧရာဝတီကုမ္ပဏီ လိမိတက်တို့ ချုပ်ဆိုထားသည့် သဘောတူစာချုပ်ကိုဆိုလိုသည်။

၃။ ။ကိုယ်စားလှယ် သဘောတူစာချုပ်၊ သို့တည်းမဟုတ် တည်ဆဲ တရားဥပဒေ၌ မည်သို့ပင်ပါရှိစေကာမူ၊ ၁၉၄၈ ခုနှစ်၊ ဇွန်လ ၁ ရက်နေ့ထက်နောက်မကျသော သမတက သီးခြားဖေါ်ဖြမည့်နေ့ရက်တွင်၊ ယင်းကိုယ်စားလှယ်သဘောတူစာချုပ်အရ၊ ပြည်ထောင်စုအစိုးရ ကိုယ်စားပြုလုပ်ဆောင်ရွက်နေသည့် ပြည်တွင်းရေကြောင်းသယ်ယူပို့ဆောင်ရေးလုပ်ငန်းများကို၊ သမတကြောင်းကုမ္ပဏီမှ တရားဥပဒေအရ လက်ခံယူနိုင်ရမည်။ သမတက အဆိုပါလုပ်ငန်းများကို လက်ခံယူသည့်အခါ၊ ကုမ္ပဏီပိုင်ပစ္စည်းအရပ်ရပ်နှင့် အဖွဲ့အောက်တွင် ကုမ္ပဏီထားရှိသည့်၊ သို့တည်းမဟုတ် အခြားနည်းထားရှိသည့် ကြိုးကြပ်အုပ်ချုပ်မှုနှင့် လုပ်ငန်းများ၊ ဆောင်ရွက်မှုများတို့တွင်၊ အမှုထမ်းနေသူများအားလုံးတို့သည်၊ သမတကြိုး၏ ကြိုးကြပ်မှုအောက်သို့ ရောက်ရှိလာရမည်။

၄။ ။ပုဒ်မ ၃ တွင် ရည်ညွှန်းထားသည့် ကြိုးကြပ်အုပ်ချုပ်မှုနှင့် လုပ်ငန်းဆောင်ရွက်မှုများတွင်၊ အမှုထမ်းနေသူများအား၊ ကုမ္ပဏီကဝေးသည့် လစာစရိတ်ငွေများအတိုင်း၊ ပြည်တွင်းရေကြောင်းသယ်ယူပို့ဆောင်ရေးကို ပြည်ထောင်စုအစိုးရက လက်ခံယူရသည့်နေ့မှ၊ သုံးလအောက်မနည်းသည့်အချိန်ကာလအတွင်း၊ သမတက၊ မိမိ၏လက်အောက်တွင်ဆက်လက်အမှုထမ်းစေရမည်။

၅။ ။ဤအက်ဥပဒေစတင်အတည်ဖြစ်သည့်နေ့မရက်သတ္တပတ် ၂ ပတ်အတွင်းအောက်ပါကိစ္စများအလို့၎၊ ဥက္ကဋ္ဌတဦးနှင့် အဖွဲ့ဝင် ၂ ဦးပါဝင်သည့် ကော်မရှင်အဖွဲ့တခုကို သမတက ခန့်ရမည်။

(က) ကုမ္ပဏီထံမှ အမြတ်မဲသိမ်းယူမည့်ပစ္စည်းများ၏အကြောင်းအရာများကိုသတ်မှတ်ဆုံးဖြတ်ရန်။

---

* ဤအက်ဥပဒေကို၊ မြန်မာနိုင်ငံပြန်တမ်း၊ ၁၉၄၈ ခု၊ အပိုင်း ၁၊ စာမျက်နှာ ၄၇၇ တွင် ထုတ်ပြန်ကျေညာသည်။

[၁] ၁၉၄၈ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၆၁ အရ၊ ''ဇန္နဝါရီလ ၂၆ ရက်နေ့'' ဆိုသည့်စကားရပ်အစား ထည့်သွင်းသည်။

[၁](ခ) ကုမ္ပဏီသို့ပေးသင့်သည့်တရားမျှတသောလျော်ကြေးငွေနှင့်ဝပေးမည့် နည်းများကိုသတ်မှတ်ဆုံးဖြတ်ရန်။

[၂]၅ (က)။ ။(၁) ကော်မရှင်အဖွဲ့သည် အမှုစစ်ဆေးသောအခါ၊ အောက်ပါကိစ္စများနှင့် စပ်လျဉ်း၍၊ တရားမကျင့်ထုံးဥပဒေအရ၊ တရားရုံးသို့အပ်နှင်းထားခံသော အာဏာများရှိရမည်။

(က) ရှာဖွေခြင်းနှင့်စစ်ဆေးကြည့်ရှုခြင်း။
(ခ) ကော်မရှင်အဖွဲ့သို့တက်ရောက်ရန် သက်သေများကို ဆင့်ဆိုခြင်းနှင့် တရားစရိတ်များကို ပေးသွင်းထားစေခြင်း။
(ဂ) စာချုပ်စာတမ်းများကို ထုတ်ဖေါ်တင်ပြအောင်ပြုခြင်း။
(ဃ) သက်သေများကို ကျမ်းသစ္စာကျိန်စေ၍ စစ်ဆေးခြင်း။
(င) ရွှေဆိုင်းခွင့်ပေးခြင်း။
(စ) ကျမ်းကျိန်လွှာဖြင့်ထွက်ဆိုသော သက်သေထွက်ချက်ကိုလက်ခံခြင်း။
(ဆ) သက်သေများကို စစ်ဆေးရန်အာဏာလွှဲအပ်နိုင်းများကိုထုတ်ခြင်း။

ထို့ပြင်၊ ကော်မရှင်အဖွဲ့ကို၊ ရာဇဝတ်ကျင့်ထုံး ဥပဒေပုဒ်မ ၄၀၀ နှင့် ၄၀၂ တို့၏ သဘောအတွင်း၌ သက်ဝင်နေသည့် တရားမရုံးဟူ၍ မှတ်ယူရမည်။

(၂) ကော်မရှင်အဖွဲ့ဝင်များထင်မြင်ယူဆချက် ကွဲလွဲသည့်အခါ၊ ထိုကော်မရှင်အဖွဲ့ဝင်များ၏ ထင်မြင်ယူဆချက်သည် အတည်ဖြစ်ရမည်။

(၃) ကော်မရှင်အဖွဲ့ဝင်တယောက်သည်၊ ကော်မရှင်အဖွဲ့ဝင်အဖြစ် ဆက်လက်မဆောင်ရွက်နိုင်လျှင်၊ နိုင်ငံတော်သမတသည်၊ ထိုအဖွဲ့ဝင်အစား အခြားသူတယောက်ကို ခန့်ထားရမည်။ ကော်မရှင်အဖွဲ့သည်၊ မိမိတို့၏ဆောင်ရွက်မှုကို ကော်မရှင်အဖွဲ့စတင်ဖွဲ့စည်းစဉ်ကပင် ထိုသူအား၊ အဖွဲ့ဝင်ခန့်ထားဘိသကဲ့သို့ ဆက်လက်ဆောင်ရွက်ရမည်။

၆။ ။ပုဒ်မ ၅ အရ၊ ပေးသင့်သည့် တရားမျှတသော လျော်ကြေးကိုသတ်မှတ်ဆုံးဖြတ်ရာတွင်၊ ဤအက်ဥပဒေစတင်အတည်ဖြစ်သည့်နေ့တွင်၊သိမ်းယူရမည့်ပစ္စည်း၏ကာလတန်ဘိုးကို၊ သို့တည်းမဟုတ် ထိုနေ့အထိကုမ္ပဏီ၌ ၎င်းပစ္စည်းအပေါ်တွင်ကုန်ကျသည့်စရိတ်ကိုကော်မရှင်အဖွဲ့ကသင့်တော်မည်ထင်မြင်သည့်အတိုင်း ထည့်သွင်းစဉ်းစားရမည်။

၇။ ။ပေးသင့်သည့်တရားမျှတသောလျော်ကြေးကို သတ်မှတ်ဆုံးဖြတ်ရာတွင်၊ကော်မရှင်အဖွဲ့သည် တရားမကျင့်ထုံးဥပဒေ၊ သို့တည်းမဟုတ် အခြားဥပဒေတခုခုကိုလိုက်နာရန်မလိုအပ်စေရ။ သို့သော်လည်း ၎င်းကော်မရှင်အဖွဲ့သည်၊ တရားမျှတစွာဆောင်ရွက်ရမည်။

၈။ ။ပေးသင့်သည့်လျော်ကြေးနှင့်စပ်လျဉ်း၍၊ကော်မရှင်အဖွဲ့ကချမှတ်သောဆုံးဖြတ်ချက်ကို ဥပဒေကြောင်းနှင့်ဖြစ်စေ၊အမှုခြင်းရာနှင့်ဖြစ်စေ၊ ပြည်ထောင်စုအစိုးရ၊ သို့တည်းမဟုတ် ကုမ္ပဏီသည် တရားလွှတ်တော်ချုပ်သို့အယူခံနိုင်သည်။

၉။ ။(၁) အမြဲတမ်းသိမ်းယူရမည့်ပစ္စည်းများအပေါ်တွင် အပြီးသတ် ဆုံးဖြတ်ချက်ချမှတ်ခြင်းနှင့်ကုမ္ပဏီသို့ပေးရမည့်တရားမျှတသော လျော်ကြေးငွေကိုသတ်မှတ်ဆုံးဖြတ်ခြင်းတို့ကိုမပြုမီ၊

---

[၁] ရှိရင်းအပိုဒ်(ခ)ကိုပယ်ဖျက်၍၊ အပိုဒ်(ဂ)ကို အပိုဒ်(ခ)အဖြစ်၊ ၁၉၄၈ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၆၁ အရ ပြန်လည်အက္ခရာစဉ်သည်။

[၂] အဆိုပါအက်ဥပဒေအရ ထည့်သွင်းသည်။

ကိုယ်စားလှယ်သဘောတူစာချုပ်အပိုဒ် ၁၁တွင်၊ သီးခြားဖေါ်ပြထားသောစရိတ်ငွေများအားလုံးတို့ကို၊သမတက ကုမ္ပဏီသို့ဆက်လက်ပေးရမည်။ သို့သော်လည်း အပိုဒ် ၁၂ အရ၊ လုပ်ငန်းများဆောင်ရွက်ခြင်းကြောင့် ပေးရသောအကောက်အစား (ကော်မရှင်)ကို သမတက ကုမ္ပဏီမှပြည်တွင်းရေကြောင်းပို့ဆောင်ရေးလုပ်ငန်းများတို့ကို လွှဲပြောင်းသိမ်းယူသည့်နေ့၌ရပ်စဲရမည်။

(၂) ဗြိတိသျှနိုင်ငံ (ယူနိုက်တက်ကင်းဒမ်း)ရှိ၊ ရေယာဉ်များရယူရေးနှင့် အခြားကိစ္စများအတွက်၊ ကုမ္ပဏီ၏ ဆောင်ရွက်မှုကို သမတက အသုံးချသမျှကာလပတ်လုံး၊ ကိုယ်စားလှယ်သဘောတူစာချုပ်အပိုဒ် ၈ အရ၊ဗြိတိသျှနိုင်ငံ(ယူနိုက်တက်ကင်းဒမ်း)တွင် ကုန်ကျသည့်အထွေထွေစရိတ်ငွေများ(Overhead Charges)အတွက် ပေးရမည့်ငွေများကို၊ သမတက ကုမ္ပဏီသို့ ဆက်လက်ပေးနိုင်သည်။

၁၀။ ။အခြားအဖွဲ့အစည်းတခု၊ ဤအဖွဲ့အစား မတည်ထောင်သေးသမျှ၊ ဤအဖွဲ့သည် သမတကလက်ခံသိမ်းယူသည့် ပြည်တွင်းရေကြောင်းသယ်ယူပို့ဆောင်ရေးလုပ်ငန်းများကို ဆက်လက်ဆောင်ရွက်ရမည်။

ပြည်ထောင်စုမြန်မာနိုင်ငံ ပြည်တွင်းရေကြောင်း သယ်ယူပို့ဆောင်ရေး အဖွဲ့ အက်ဥပဒေ။

[၁၉၅၂ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၃၅။] (၁၉၅၃ ခု၊ အောက်တိုဘာလ ၁ ရက်။)

အခန်း ၁။

စကားချီး။

၁။ ။(၁) ဤအက်ဥပဒေကို၊ ၁၉၅၂ ခုနှစ်၊ ပြည်ထောင်စုမြန်မာနိုင်ငံ ပြည်တွင်းရေကြောင်းသယ်ယူပို့ဆောင်ရေးအဖွဲ့ အက်ဥပဒေဟုခေါ်ရမည်။

(၂) ဤအက်ဥပဒေသည်၊ နိုင်ငံတော်သမတက၊ အမိန့်ကြော်ငြာစာထုတ်ပြန် သတ်မှတ်သည့်နေ့ [၁] တွင် စတင်အာဏာတည်ရမည်။

၂။ ။ဤအက်ဥပဒေတွင်၊ ရှေ့နောက်စကားတို့၏အဓိပ္ပါယ်ကိုထောက်ထားရန်မလိုလျှင်—

(က) ''အဖွဲ့''ဆိုသည်မှာ၊ ပုဒ်မ ၃ အရ၊ ဖွဲ့စည်းသည့် ပြည်ထောင်စု မြန်မာနိုင်ငံ ပြည်တွင်းရေကြောင်း သယ်ယူပို့ဆောင်ရေးအဖွဲ့ကို ဆိုလိုသည်။

(ခ) ''ပြဋ္ဌာန်းသည်''ဆိုသည်မှာ၊ ဤအက်ဥပဒေဖြင့်သော်၎င်း၊ ဤအက်ဥပဒေအရပြုသည့် နည်းဥပဒေများပြင့်၊ သို့တည်းမဟုတ် စည်းကမ်း ဥပဒေ များဖြင့်သော်၎င်း ပြဋ္ဌာန်းသည်ကိုဆိုလိုသည်။

(ဂ) ''နိုင်ငံတော်သမတ''ဆိုသည်မှာ၊ ပြည်ထောင်စုမြန်မာနိုင်ငံ၏ သမတကို ဆိုလိုသည်။

---

[၁] ၁၉၅၃ ခု၊ အောက်တိုဘာလ ၁ ရက်၊ မြန်မာနိုင်ငံပြန်တမ်း။ ၁၉၅၃ ခု၊ အပိုင်း ၁၊ စာမျက်နှာ ၁၀၅၄ တွင်ကြည့်။

အခန်း ၂။

အဖွဲ့ ဖွဲ့စည်းပုံ။

၃။ ။(၁) "ပြည်ထောင်စု မြန်မာနိုင်ငံ ပြည်တွင်းရေကြောင်း သယ်ယူပို့ဆောင်ရေး အဖွဲ့" ဟူသောအမည်ဖြင့် အဖွဲ့တခုတို့ နိုင်ငံတော်သမတက ဖွဲ့စည်းရမည်။

(၂) အဖွဲ့သည်၊ စဉ်ဆက်မပြတ် ဆက်ခံဆောင်ရွက်နိုင်ခွင့်နှင့်တကွ၊ အဖွဲ့ပိုင်တံဆိပ်တခုရှိသော တရားဝင်အဖွဲ့ဖြစ်ရမည့်ပြင်၊ အဆိုပါအမည်ဖြင့်၊ တရားစွဲဆိုနိုင်၍ တရားစွဲဆိုခြင်းကိုလည်း ခံရမည်။

(၃) ၁၉၄၆ ခုနှစ်၊ ပြည်တွင်းရေကြောင်း သယ်ယူပို့ဆောင်ရေးအမိန့် (The Inland Water Transport Order, 1946) အရ၊ ဖွဲ့စည်းထားသော ပြည်တွင်းရေကြောင်း သယ်ယူပို့ဆောင်ရေးအဖွဲ့ပိုင် ပစ္စည်းနှင့်ကြွေးမြီတာဝန်အားလုံးကို အဖွဲ့ကဆက်ခံရမည့်ပြင်၊ အဆိုပါပြည်တွင်းရေကြောင်း သယ်ယူပို့ဆောင်ရေးအဖွဲ့က ချုပ်ဆိုခဲ့သည့် ပဋိညာဉ်အားလုံးကိုလည်း အဖွဲ့ကပင်ချုပ်ဆိုသည်ဟု မှတ်ယူရမည်။

၄။ ။[*](၁) အဖွဲ့တွင် နိုင်ငံတော်သမတက ခန့်ထားရမည့် ဥက္ကဋ္ဌနှင့်ဆယ်ဦးထက်မပိုသော အခြားအဖွဲ့ဝင်များပါဝင်ရမည်။ ဥက္ကဋ္ဌသည် အချိန်ပြည့်တာဝန်ဝတ်တရားဆောင်ရွက်ရမည်။

(၂) အဖွဲ့တွင်ပါဝင်သည့် အခြားအဖွဲ့ဝင်များအနက်၊ နှစ်ဦးသည် အောက်ပါပုဂ္ဂိုလ်များဖြစ်ရမည်။

(က) ဘဏ္ဍာရေးနှင့် အခွန်တော်ဝန်ကြီးဌာနမှ ကိုယ်စားလှယ်။

(ခ) သယ်ယူပို့ဆောင်ရေးနှင့် လမ်းပန်းဆက်သွယ်ရေး ဝန်ကြီးဌာနမှ ကိုယ်စားလှယ်။

၅။ ။(၁) ပုဂ္ဂိုလ်တဦးကို အဖွဲ့ဝင်အဖြစ်မခန့်ထားမီ၊ ထိုပုဂ္ဂိုလ်မှာ အဖွဲ့ဝင်အဖြစ်မိမိအလုပ်ဝတ်တရားများဆောင်ရွက်ခြင်းကို ထိခိုက်ဘွယ်ရာရှိသည့် ငွေရေးကြေးရေး အကျိုးသက်ဆိုင်ခွင့်၊ သို့တည်းမဟုတ် အခြားအကျိုးသက်ဆိုင်ခွင့်ရှိမည့် မဟုတ်ဟု နိုင်ငံတော်သမတက ကျေနပ်ရမည့်ပြင်၊ အဖွဲ့ဝင်တဦးဦး၌၊ ထိုသို့သောအကျိုးသက်ဆိုင်ခွင့်မရှိဟူ၍လည်း နိုင်ငံတော်သမတက၊ အခါအားလျော်စွာ၊ မိမိကျေနပ်အောင်ပြုလုပ်ရမည်။

(၂) အဖွဲ့ကပြုလုပ်သည့်၊ သို့တည်းမဟုတ် ပြုလုပ်ရန်ကြံရွယ်သည့် ပဋိညာဉ်၊ ရောင်းမှု၊ သို့တည်းမဟုတ် ဝယ်မှုတခုခုတွင် တိုက်ရိုက်ဖြစ်စေ၊ သွယ်ဝိုက်၍ဖြစ်စေ၊ တနည်းနည်းဖြင့် အကျိုးသက်ဆိုင်သည့် အဖွဲ့ဝင်သည်၊ မိမိမည်သို့ အကျိုးသက်ဆိုင်ကြောင်းကို အဖွဲ့အစည်းအဝေးတွင် ထုတ်ဖော်ပြောဆိုရမည်။ ထိုသို့ထုတ်ဖော်ပြောဆိုချက်ကို၊ အဖွဲ့အစည်းအဝေး မှတ်တမ်းများတွင် ရေးမှတ်ထားရမည်။ ထို့ပြင် ထိုအဖွဲ့ဝင်သည် ထိုပဋိညာဉ်နှင့်၊ သို့တည်းမဟုတ် ထိုရောင်းမှုနှင့်၊ သို့တည်းမဟုတ် ထိုဝယ်မှုနှင့်စပ်လျဉ်း၍ အဖွဲ့ကဆွေးနွေးရာတွင်၊ သို့တည်းမဟုတ် ဆုံးဖြတ်ရာတွင် မပါဝင်ရ။

(၃) ဥက္ကဋ္ဌမှတပါး၊ အခြားအဖွဲ့ဝင်တဦးဦးမှာ၊ အကျိုးသက်ဆိုင်ခွင့် ရှိမရှိ ဆုံးဖြတ်ရန် ပြဿနာပေါ်ပေါက်လျှင်၊ ဥက္ကဋ္ဌ၏ဆုံးဖြတ်ချက်သည် အပြီးအပြတ်အတည်ဖြစ်ရမည်။ ဥက္ကဋ္ဌနှင့် ပတ်သက်၍ ထိုပြဿနာမျိုးပေါ်ပေါက်လျှင်၊ နိုင်ငံတော်သမတ၏ ဆုံးဖြတ်ချက်သည်၊ အပြီးအပြတ် အတည်ဖြစ်ရမည်။

---

[*] ၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၇ အရ အစားထည့်သွင်းသည်။

၆။ ။ဥက္ကဋ္ဌ၏၊ သို့တည်းမဟုတ်အဖွဲ့ဝင်တဦးဖြ၊ ရာထူးသက်တမ်းသည်၊ နိုင်ငံတော်သမတက ပြဋ္ဌာန်းသည့်အတိုင်းဖြစ်ရမည်။ ဥက္ကဋ္ဌသည်၊ သို့တည်းမဟုတ် အဖွဲ့ဝင်တဦးသည်၊ဥက္ကဋ္ဌအဖြစ်၊ သို့တည်းဟုတ် အဖွဲ့ဝင်အဖြစ် ဆက်လက်ဆောင်ရွက်ရန်မသင့်ဟု နိုင်ငံတော်သမတက ယူဆသည့် အခါ၊ ထိုဥက္ကဋ္ဌကို၊ သို့တည်းမဟုတ် ထိုအဖွဲ့ဝင်ကို၊နိုင်ငံတော်သမတက၊ ရာထူးမှ ထုတ်ပယ်နိုင်ရမည်။

၇။ ။အစိုးရအရာရှိမဟုတ်သည့် အဖွဲ့ဝင်များနှင့်၊ လက်အောက်အဖွဲ့ဝင်များအားနိုင်ငံတော်သမတက၊ ပြဋ္ဌာန်းသည့်အခများနှင့် စရိတ်ကြေးငွေများပေးရမည်။

၈။ ။(၁) သေဆုံး၍ဖြစ်စေ၊ ရာထူးမှနုတ်ထွက်၍ဖြစ်စေ၊ ရာထူးမှ ထုတ်ပယ်ခြင်းခံရ၍ဖြစ်စေ၊ အခြားအကြောင်းကြောင့်ဖြစ်စေ အဖွဲ့ဝင်ရာထူးလစ်လပ်သည့်အခါ ထိုလစ်လပ်သည့်နေရာတွင် အဖွဲ့ဝင်သစ်တဦးကိုဖြည့်သွင်းခန့်ထားရမည်။ ထိုသို့ခန့်ထားခြင်းခံရသော အဖွဲ့ဝင်သစ်သည်၊ မိမိအားခန့်ထားသည့်နေရာတွင်ထမံးရွက်ခဲ့သည့် အဖွဲ့ဝင်ဟောင်း၏ ရာထူးသက်တမ်း စေ့ကုန်သည့် အချိန်အထိသာ၊ ရာထူးလက်ရှိထမံးရွက်ရမည်။

(၂) အဖွဲ့ကစိမံဆောင်ရွက်သည့် မှုခင်းကိစ္စများသည်၊ အဖွဲ့ဝင်ရာထူး လစ်လပ်သည့် အကြောင်းကြောင့်သော်၎င်း၊ အဖွဲ့ဝင်တဦးဦးခန့်ထားရာတွင် ချွတ်ယွင်းချက်တခုခုရှိသည့်အကြောင်းကြောင့်သော်၎င်း၊ မပျက်ပြယ်စေရ။

အခန်း ၃။

အဖွဲ့နှင့်စပ်သျဉ်းသည့် နိုင်ငံတော်သမတ၏အာဏာများ။

၉။ ။နိုင်ငံတော်သမတသည်၊ အောက်ပါကိစ္စများအတွက်၊ နည်းဥပဒေများကို အမိန့်ကြော်ငြာစာထုတ်ပြန်၍ပြဋ္ဌိနိုင်ဆည်။

(က) နိုင်ငံတော်သမတက၊ အဖွဲ့သို့ ပုဒ်မ ၂၁ အရ ထုတ်ချေးသည့်ငွေများပြန်လည်ပေးဆပ်ရမည့်နည်းလမ်းကို ပြဋ္ဌာန်းရန်ကိစ္စ၊

(ခ) အဖွဲ့ဥက္ကဋ္ဌ၏ လစာနှင့် စရိတ်ကြေးငွေများကိုဝင်း၊ အမှုထမ်း စည်းကမ်းများကိုဝင်း ပြဋ္ဌာန်းရန်ကိစ္စ၊

(ဂ) ပုဒ်မ ၁၇ (ဃ) အရ ခန့်ထားသည့်၊ သို့တည်းမဟုတ် အမည်တင်သွင်းခန့်ထားသည့် ပုဂ္ဂိုလ်တို့အား၊ ပေးသင့်သည့်အခနှင့် စရိတ်ကြေးငွေများကို ပြဋ္ဌာန်းရန်ကိစ္စ၊

(ဃ) အဖွဲ့အတွက် မြေသိမ်းယူနိုင်သည့် အချက်များနှင့် သိမ်းယူရန် နည်းလမ်းကို ပြဋ္ဌာန်းရန်ကိစ္စ၊

(င) အဖွဲ့အစည်းအဝေး၊ သို့တည်းမဟုတ် ကော်မိတီ အစည်းအဝေးအထမြောက်စေရန်၊ တက်ရောက်ရမည့် အဖွဲ့ဝင်ဦးရေကို ပြဋ္ဌာန်းရန်ကိစ္စ၊

(စ) အဖွဲ့၏ လုပ်ငန်း ဆောင်တာများမှ ခြွင်းချန်ထားရမည့် ပြည်တွင်းရေကြောင်းသယ်ယူဆောင်ရေးလုပ်ငန်းမျိုးများကို သတ်မှတ်ရန်ကိစ္စ၊

(ဆ) ဗဟိုနှင့် ဒေသန္တရအကြံပေးကောင်စီများ ဖွဲ့စည်းရမည့်နည်းလမ်းကို ပြဋ္ဌာန်းရန်နှင့်၊ အဆိုပါကောင်စီများ၏ အာဏာများနှင့် အလုပ်ဝတ်တရားများကို သတ်မှတ်ရန်ကိစ္စ၊

(၈) အဖွဲ့၏ရာထမ်းမှထမ်းများ၏ ဌာနဆိုင်ရာကောင်စီများနှင့် အခြားသက်ဆိုင်ရာ ကောင်စီများ ဖွဲ့စည်းရမည့် နည်းလမ်းကို ပြဋ္ဌာန်းရန်နှင့် အဆိုပါကောင်စီများ၏အာဏာများနှင့် အလုပ်ဝတ်တရားများသတ်မှတ်ရန်ကိစ္စ၊ ထို့ပြင်

(၈) ယေဘုယျအားဖြင့်၊ ဤအက်ဥပဒေပါကိစ္စများကို ဆောင်ရွက်ရန်ကိစ္စ။

၁၀။ ။နိုင်ငံတော်သမတသည်၊ အဖွဲ့နှင့်ညှိနှိုင်းတိုင်ပင်ပြီးနောက်၊ နိုင်ငံတော်အကျိုးနှင့် သက်ဆိုင်သည်ဟု မိမိထင်မြင်သောကိစ္စများနှင့်စပ်လျဉ်း၍၊ အဖွဲ့၏အာဏာများနှင့် တာဝန်ဝတ်တရားများကို အဖွဲ့ကမည်သို့ထိုးစွဲဆောင်ရွက်ရမည်ဟု ဆင့်ဆိုနိုင်သည်။ ထိုသို့ဆင့်ဆိုသည့်အတိုင်း၊ အဖွဲ့ကလိုက်နာဆောင်ရွက်ရမည်။

၁၁။ ။နိုင်ငံတော်သမတသည်၊ အဖွဲ့နှင့်ညှိနှိုင်းတိုင်ပင်ပြီးနောက်၊ အဖွဲ့၏လုပ်ငန်းဆောင်တာတရပ်ရပ်ကိုရပ်စဲရန်၊ အဖွဲ့အားဆင့်ဆိုနိုင်သည်။ ထိုသို့ဆင့်ဆိုသည့်အတိုင်း အဖွဲ့ကလိုက်နာဆောင်ရွက်ရမည်။

၁၂။ ။(၁) ဤအက်ဥပဒေဖြင့် ပေးအပ်ထားသော တာဝန်ဝတ်တရားများကို၊ သို့တည်းမဟုတ် အလုပ်ဝတ်တရားများကို၊ သို့တည်းမဟုတ် အခြားတာဝန်များကို အဖွဲ့က ဆောင်ရွက်ရန် ပျက်ကွက်သည်ဟု နိုင်ငံတော်သမတက ယူဆလျှင်၊နိုင်ငံတော်သမတသည်၊ အဖွဲ့ကိုဖျက်သိမ်းကြောင်း အမိန့်ကြော်ငြာစာထုတ်ပြန်ကျေညာနိုင်သည်။ ထိုသို့ထုတ်ပြန်ကျေညာပြီးနောက်၊ အဖွဲ့၏လုပ်ငန်းအရပ်ရပ်စီမံခန့်ခွဲညွှန်ကြားဆောင်ရွက်မှုကို၊ နိုင်ငံတော်သမတက သတ်မှတ်သော ကိုယ်စားလှယ်သို့ အပ်နှင်းရမည်။ ထိုသို့အပ်နှင်းခြင်းခံရသော ကိုယ်စားလှယ်သည်၊ ဤအက်ဥပဒေအရ၊ အဖွဲ့ကသုံးစွဲဆောင်ရွက်နိုင်သည့်အာဏာနှင့် တာဝန်ဝတ်တရားများကို သုံးစွဲဆောင်ရွက်နိုင်သည်။

(၂) ပုဒ်မခွဲ (ဃ) အရအရေးယူသောအခါ၊ နိုင်ငံတော်သမတသည်၊ မည်သို့အရေးယူပုံနှင့် အရေးယူရသည့်အကြောင်းရင်းအခြေအနေများကို အစုံအလင်ဖေါ်ပြပါရှိသောအစီရင်ခံစာကို အဖွဲ့ဖျက်သိမ်းကြောင်း ကျေညာသည့်နေ့ရက်မှစ၍၊ သုံးလအတွင်း လုံခြုံမှုနိုင်သမျှလျင်မြန်စွာ ပါလီမန်သို့တင်ပြရမည်။

(၃) ဤပုဒ်မအရ၊ ထုတ်ပြန်သောမည်သည့်အမိန့် ကြော်ငြာစာမျှ ခြောက်လထက်ပို၍ အာဏာမတည်စေရ၊ သို့ရာတွင် နိုင်ငံတော်သမတသည်၊ ထိုကဲ့သို့ထုတ်ပြန်သည့် အမိန့်ကြော်ငြာစာကို အဆစ်ဆက်မံ၍ထုတ်ခြေနိုင်သည်။ ထိုသို့အသစ်ထပ်မံ၍ထုတ်ပြန်သည့် အမိန့်ကြော်ငြာစာတိုင်းသည်၊ ခြောက်လထက်ပို၍ အာဏာမတည်စေရ။

ခြွင်းချက်။ ။သို့ရာတွင် နိုင်ငံတော်သမတသည်၊ ဤပုဒ်မအရ၊ အဖွဲ့ကို ဖျက်သိမ်းပြီးသည့်နောက်၊ မည်သည့်အခါ၌မဆို သင့်တော်သည်ဟု ထင်မြင်လျှင်၊ ပုဒ်မ ၃ အရ၊ အဖွဲ့အသစ် တဖွဲ့ကို ဖွဲ့စည်းနိုင်သည်။

အခန်း ၄။

အဖွဲ့၏တာဝန်ဝတ်တရား။

၁၃။ ။(၁) အဖွဲ့၏တာဝန်ဝတ်တရားများသည်၊ ပုဒ်မ ၉ (စ) အရ၊ ပြုသည့်နည်းဥပဒေများဖြင့် နိုင်ငံတော်သမတက၊ အဖွဲ့၏လုပ်ငန်းဆောင်တာများမှ ခြွင်းချန်ထားသော ရေကြောင်းသယ်ယူပို့ဆောင်ရေးလုပ်ငန်းမျိုးများမှတပါး၊ အခြားပြည်သောင်စုမြန်မာနိုင်ငံအတွင်း၊ အခြားရေကြောင်းသယ်ယူပို့ဆောင်ရေးလုပ်ငန်းအားလုံးကို ယေဘုယျအားဖြင့် ဆောင်ရွက်ရန်ဖြစ်သည့်ပြင်၊ ဤအက်

ဥပဒေအရအဖွဲ့၏ တာဝန်ပတ်တရားများကို နည်းလမ်းတကျဆောင်ရွက်ရန် အလို့ငှါလိုအပ်သော၊ သို့တည်းမဟုတ် သင့်လျော်သော အခြားလုပ်ငန်းဆောင်တာများကိုလည်း လုပ်ကိုင်ဆောင်ရွက်ရန် ဖြစ်သည်။

(၂) အထက်ပါပြဋ္ဌာန်းချက်၏ ယေဘုယျသဘောကို မထိခိုက်စေဘဲ၊ အဆိုပါတာဝန်ဝတ်တရားများတွင် အထူးအားဖြင့် အောက်ပါတို့လည်းပါဝင်ရမည်။

(က) မည်သည့်ပြည်တွင်းရေကြောင်းသယ်ယူပို့ဆောင်ရေးယာဉ်၊ ဘော့တ်တား၊ ကုန်လှောင်ရုံ၊ ကုန်းတက်ဆိပ်နှင့်ပစ္စည်းများကို မဆိုဝယ်ယူခြင်း၊ ဆောက်လုပ်ခြင်း၊ ငှါးရမ်းခြင်း၊ ရောင်းချခြင်း၊ သို့တည်းမဟုတ် ထုခွဲခြင်း။

(ခ) ပြည်ထောင်စုမြန်မာနိုင်ငံတဝှန်းလုံး ခရီးသွားလာနိုင်သည့် ရေကြောင်းများတွင် ပြည်တွင်းရေကြောင်းသယ်ယူပို့ဆောင်ရေးလုပ်ငန်းများကို ဆောင်ရွက်ခြင်း။

(ဂ) ရေကြောင်းသယ်ယူပို့ဆောင်ရေးလုပ်ငန်း၏ အခြေခံအုပ်ဖြစ်သောအခြားမည်သည့်သယ်ယူပို့ရေးလုပ်ငန်းမျိုးကိုမဆို စီမံထားရှိခြင်း။

(ဃ) အလည်အပတ်ခရီးထွက်သူ သယ်ယူပို့ဆောင်ရေး ကုန်သွယ်ရေးနှင့်ခရီးသွားလာရေးအတွက် စီစဉ်ပေးခြင်း။

(င) သဘော်ဘကျင်းများ၊ အလုပ်ရုံများ၊ သံရည်ကျိုရုံများ၊ စက်ရုံများ၊ အဝိစိတွင်းများ၊ သို့တည်းမဟုတ် အဝိစိပိုက်တွင်းများနှင့် ပြည်တွင်းရေကြောင်းသယ်ယူပို့ဆောင်ရေးလုပ်ငန်းအတွက် လိုအပ်သည်အခြားလုပ်ငန်းဆောင်တာများကို စီမံအုပ်ချုပ်ခြင်း။

(စ) ကုန်တင်ခမျာ၊ လူစီးခမျာနှင့်အခြားအခကြေးငွေများကို၊ အခါအားလျော်စွာသတ်မှတ်ခြင်း၊ တိုးမြှင့်ခြင်း၊ သို့တည်းမဟုတ် လျော့ပေါ့ခြင်း။

(ဆ) ယေဘုယျအားဖြင့်၊ ဤအက်ဥပဒေပါကိစ္စများကို ဆောင်ရွက်ခြင်း။

၁၄။ ။အဖွဲ့သည်၊ မိမိ၏တာဝန်ဝတ်တရားကိုဆောင်ရွက်ရာ၌၊ လယ်ယာစိုက်ပျိုးရေး၊ စက်မှုလက်မှုလုပ်ငန်း၊ ကူးသန်းရောင်းဝယ်ရေးနှင့် အများပြည်သူတို့၏အကျိုးများကို အထူးရှေ့ရှု၍၊ ကုန်သွယ်လုပ်ငန်းစည်းမျဉ်းများအတိုင်း ဆောင်ရွက်ရမည့်ပြင်၊ လိုက်နာရမည့်မူနှင့် စပ်လျဉ်းသည့်အချက်များတွင်၊ နိုင်ငံတော်သမတက၊ အဖွဲ့အားညွှန်ကြားသည့်အတိုင်း လိုက်နာဆောင်ရွက်ရမည်။

၁၅။ ။အဖွဲ့သည်၊ မိမိအစည်းအဝေးအားလုံး၏ လုပ်ငန်းအစီအစဉ်မိတ္တူနှင့် ဓာတ်တမ်းမိတ္တူကို၊ နိုင်ငံတော်သမတထံ ပေးပို့ရမည်။

၁၆။ ။ အဖွဲ့သည်၊ အဖွဲ့၏အလုပ်လုပ်သည့် နှစ်အသီးအသီးကုန်ဆုံးပြီးနောက်၊ ဆောလျင်နိုင်သမျှဆောလျင်စွာ၊ ထိုနှစ်အတွင်း အဖွဲ့၏တာဝန်ဝတ်တရားကို ဆောင်ရွက်ခြင်းနှင့်ငင်း၊ အဖွဲ့က လိုက်နာသည့်မူနှင့်ငင်း၊ လုပ်ငန်းအစီအစဉ်များနှင့်ငင်း စပ်လျဉ်း၍၊ နိုင်ငံတော်သမတထံအစီရင်ခံစာတင်သွင်းရမည်။ နိုင်ငံတော်သမတသည်၊ အဆိုပါအစီရင်ခံစာအသီးသီး၏မိတ္တူကို ပါလီမန်သို့တင်ပြရမည်။

အခန်း ၅။

အဖွဲ့၏အာဏာများ။

၁၇။ ။ဤအက်ဥပဒေဖြင့်အပ်နှင်းထားသည့်အာဏာများ၏ ယေဘုယျသဘောကိုမထိခိုက်စေဘဲ၊ အဖွဲ့မှာ ဤအက်ဥပဒေအရ၊ အဖွဲ့၏တာဝန်ဝတ်တရားကို ဆောင်ရွက်ရန်အလို့ငှါ လိုအပ်

သော၊ သို့တည်းမဟုတ် သင့်တော်သောမည်သည့်ကိစ္စမဆို၊ ဆောင်ရွက်နိုင်သည့်အာဏာများရှိရမည်။ ထို့ပြင်အဆိုပါအာဏာများတွင် အောက်ပါအာဏာများလည်း ပါဝင်ရမည်။

(က) နိုင်ငံတော်သမတ၏ ကြိုတင်သဘောတူချက်ဖြင့် ငွေချေးယူရန်နှင့်ငွေထုတ်ချေးရန် အာဏာ။

(ခ) အဖွဲ့၏အုပ်ချုပ်ရေးမှူးဖြစ်ရမည့် ဥက္ကဋ္ဌအား၊ ဤအက်ဥပဒေပါ ကိစ္စများဆောင်ရွက်ရန်အလို့ငှါ၊ အဖွဲ့ကလိုအပ်သည်ထင်မြင်သည့်အဖွဲ့၏ တာဝန်ဝတ်တရားနှင့် အာဏာများကိုလွှဲအပ်နိုင်သည့်အာဏာ။

(ဂ) အဖွဲ့ဝင်နှစ်ဦးဖြစ်စေ၊ နှစ်ဦးထက်ပို၍ဖြစ်စေ၊ ပါဝင်သည့်ကော်မိတီများကို ခန့်ထား၍ထိုကော်မိတီများအား၊ ဤအက်ဥပဒေပါကိစ္စများ ဆောင်ရွက်ရန်အလို့ငှါ၊အဖွဲ့ကလိုအပ်သည် ထင်မြင်သည့်အဖွဲ့၏တာဝန်ဝတ်တရားနှင့် အာဏာများကို ပွဲ့အပ်နိုင်သည့်အာဏာ၊ ထို့ပြင်

(ဃ) ကိစ္စတခုခုနှင့်စပ်လျဉ်း၍၊ အဖွဲ့အား၊အကြံဉာဏ်ပေးရန် ပုဂ္ဂိုလ်တဦးဦးကို ခန့်ထား၍၊သို့တည်းမဟုတ် အမည်တင်သွင်းခန့်ထား၍၊ ထိုပုဂ္ဂိုလ်အား နိုင်ငံတော်သမတက၊ ပြဋ္ဌာန်းသည့် အခများနှင့် စရိတ်ကြေးငွေများပေးနိုင်သည့် အာဏာ။

၁၈။ ။(၁) ဤအက်ဥပဒေပါ ကိစ္စများအလို့ငှါ ထားရန်လိုအပ်သည်ဟု၊ သို့တည်းမဟုတ် သင့်တော်သည်ဟုအဖွဲ့ကထင်မြင်သော ရာထူးမှူထမ်းစာရင်းများကို အခါအားလျော်စွာ အဖွဲ့ကစီစဉ်ရေးသား၍ အစည်းအဝေးခွင့်ဆုံးဖြတ်ခွင့်ပြုရမည်။

(၂) ဆိုခဲ့သည့်အချုပ်အသီးသီးအတွက်သော်၎င်း၊ အမှုထမ်းအသီးသီး အတွက် သော်၎င်း၊အဖွဲ့ကခွင့်ပြုသည့်လစာများ၊ အခများနှင့် စရိတ်ကြေးငွေများ၏ အမျိုးအစားနှင့်အရေအတွက်ကို ထိုစာရင်းများတွင် ဖေါ်ပြရမည်။

(၃) အဖွဲ့က နောက်ဆုံးခွင့်ပြုသည့်စာရင်းအားလုံးကို၊ပုဒ်မ ၂၅ အရ ပြုလုပ်သည့်နှစ်စဉ်ရ-သုံးမှန်းခြေငွေစာရင်းနှင့်ပူးတွဲ၍၊ နိုင်ငံတော်သမတ၏သဘောတူညီချက်ရရန်အလို့ငှါ တင်ပြရမည်။

(၄) ရာထူးမှူထမ်းများနှင့် ပတ်သက်သည့် အခြားအမှုထမ်းစည်းကမ်းများကို အဖွဲ့က နိုင်ငံတော်သမတ၏ ကြိုတင်သဘောတူညီချက်ကိုခံယူလျက်၊ စည်းကမ်းဥပဒေဖြင့် ပြဋ္ဌာန်းရမည်။

၁၉။ ။အဖွဲ့သည် မိမိ၏လုပ်ငန်းကို စီမံခန့်ခွဲရန်အလို့ငှါ၊ ဤအက်ဥပဒေနှင့်ညီညွတ်သော စည်းကမ်းဥပဒေများကိုပြုရမည်။ ထို့ပြင် ဤအက်ဥပဒေဖြင့် အပ်နှင်းသားသောအာဏာများ၏ယေဘုယျသဘောကို မထိခိုက်စေဘဲ၊ ထိုစည်းကမ်းဥပဒေများသည် အထူးအားဖြင့် အောက်ပါကိစ္စများအတွက်ဖြစ်ရမည်။

(က) အဖွဲ့၏လုပ်ငန်းကို စီမံဆောင်ရွက်ခြင်းနှင့် အဖွဲ့အစည်းအဝေးများတွင်ဖြစ်စေ၊အဖွဲ့၏ကော်မိတီအစည်းအဝေးတွင်ဖြစ်စေ၊ လိုက်နာရန်ကျင့်ထုံး၊

(ခ) အဖွဲ့၏ရာထူးမှူထမ်းများ၏ တာဝန်ဝတ်တရားများနှင့် အာဏာများ၊

(ဂ) အဖွဲ့ကမိမိ၏အာဏာများကို ဥက္ကဋ္ဌ၊ ကော်မိတီနှင့် လက်အောက်အဖွဲ့များသို့ လွှဲအပ်ခြင်း၊

(ဃ) အဖွဲ့ကိုယ်စား၊ ပဋိညာဉ်များနှင့် အခြားစာချုပ်စာတမ်းများကို လက်မှတ်ရေးထိုးခြင်း၊ ထို့ပြင်

(င) အဖွဲ့သို့အပ်နှင်းထားသော တာဝန်ဝတ်တရားများကို ယေဘုယျအားဖြင့် ထိရောက်စွာဆောင်ရွက်ခြင်း။

အခန်း ၆။

ငွေရေးကြေးရေးနှင့် ငွေစာရင်းများ။

၂၀။ ။အဖွဲ့သည် '' ပြည်ထောင်စုမြန်မာနိုင်ငံ ပြည်တွင်းရေကြောင်းသယ်ယူပို့ဆောင်ရေး အဖွဲ့ရံပုံငွေ'' ခေါ်တွင်သည့် ရံပုံငွေတခုထားရှိ၍၊ အောက်ပါငွေများကို ထိုရံပုံငွေ၌ထည့်သွင်းရမည်။

(က) ဤအက်ဥပဒေအရ အဖွဲ့ကရရှိသောငွေအားလုံး။

(ခ) မိမိ၏အာဏာနှင့် တာဝန်ဝတ်တရားကို အဖွဲ့ကသုံးစွဲဆောင်ရွက်နိုင်ရန် နိုင်ငံတော်သမတထံမှ ရရှိသောငွေအားလုံး။

၂၁။ ။အဖွဲ့က မိမိ၏အာဏာများနှင့် အလုပ်ဝတ်တရားများကို သုံးစွဲဆောင်ရွက်နိုင်ရန် အလို့၄၊ နိုင်ငံတော်သမတ သည်၊ မိမိသင့်သည်ထင်မြင်သည့်ငွေများကို မိမိသင့်သည်ထင်မြင်သည့် စည်းကမ်းချက်များဖြင့် အစွန့်တော်ငွေစာရင်းတွင် ထည့်သွင်း၍ဖြစ်စေ၊ မ-တည်ငွေစာရင်းတွင် ထည့်သွင်း၍ဖြစ်စေ အဖွဲ့သို့ထုတ်ပေးနိုင်သည်။

၂၂။ ။(၁) အဖွဲ့သည် ချက်ချင်းအသုံးမလိုသည့် မိမိ၏ငွေအားလုံးကို၊ အစိုးရ၏ဘဏ္ဍာတော်ငွေထားရှိသောဘဏ်တွင်၊ သို့တည်းမဟုတ် ဘဏ်များတွင်ထားရမည်။

(၂) အဖွဲ့၏ရံပုံငွေများကို အဖွဲ့ကပြုလုပ်သည့် စည်းကမ်းဥပဒေများအရ ထုတ်ယူသုံးစွဲရမည်။

၂၃။ ။ပြည်ထောင်စုမြန်မာနိုင်ငံပြည်တွင်းရေကြောင်းသယ်ယူပို့ဆောင်ရေးအဖွဲ့ ရံပုံငွေကို၊ နိုင်ငံတော်သမတ၏ ကြိုတင်သဘောတူညီချက်ဖြင့်သာ ရင်းနှီးရမည်။

၂၄။ ။(၁) အဖွဲ့၏ရံပုံငွေများကို ဤအက်ဥပဒေအရ၊ မိမိ၏တာဝန်ဝတ်တရားများ ဆောင်ရွက်ရန်အလို့၄၊ အဖွဲ့ကသုံးစွဲရမည်။

(၂) အထက်ဝါပြဋ္ဌာန်းချက်၏ ယေဘုယျသဘောကို မထိခိုက်စေဘဲ၊ အဖွဲ့၏ရံပုံငွေများကို အထူးအားဖြင့် အဖွဲ့ကအောက်ဝါကိစ္စများတွင်သုံးစွဲရမည်။

(က) ပြည်ထောင်စု မြန်မာနိုင်ငံတွင် ပြည်တွင်း ရေကြောင်း သယ်ယူပို့ဆောင်ရေး လုပ်ငန်းကို ကိုက်ရုံက်ဖြစ်စေ၊ ကိုယ်စားလှယ်များမှတဆင့်ဖြစ်စေ၊ ထုပ်ကိုင်ရာ၌ ကုန်ကျသည့်စရိတ်များအပြင်အကြောင်းအားလျော်စွာကုန်ကျသည့်အခြားအခကြေ ငွေများနှင့်စရိတ်များကိုပေးရန်ကိစ္စ၊

(ခ) အဖွဲ့၏အမှုထမ်းရွက်ဆဲ ရာထမ်းမှုထမ်းများနှင့် အမှုထမ်းရွက်ဆဲမဟုတ်သည့် ရာထမ်းမှုထမ်းများအတွက် ကုန်ကျစရိတ်များကို ကျခံရန်ကိစ္စ၊

(ဂ) နိုင်ငံတော်သမတက အဖွဲ့သို့ ထုတ်ချေးထားသောငွေများနှင့်စပ်ထျဉ်း၍အရင်းကို၊ သို့တည်းမဟုတ် အတိုးကို၊ နိုင်ငံတော်သမတ အားပေးဆပ်ရန်ကိစ္စ၊

(ဃ) အဖွဲ့ရရှိသည့်ပစ္စည်းများကိုထိန်းသိမ်းခြင်း၊အသစ်လဲလှယ်ခြင်း၊ တိုးတက်ကောင်းမွန်အောင် ပြုသုပ်ခြင်းနှင့် တန်ဘိုးယုတ်လျော့ခြင်းအတွက် နည်းလမ်းတကျရံပုံငွေ စီမံထားရှိရန်ကိစ္စ၊

(င) ကုန်တင်ခများနှင့် အခြားအခများကို လျော့ပေါ့ရန် လိုအပ်သည်ဟု ထင်မြင်သည့် အခါတိုင်း၊ နိုင်ငံတော်သမတ ၏သဘောတူချက်ဖြင့် လျော့ပေါ့ခွင့်ပြုရန်ကိစ္စ၊ထို့ပြင်

(စ) ကုန်ကျရန် လိုအပ်သည့်ဟုထင်မြင်သော အခြားကုန်ထျစရိတ်ကို နိုင်ငံတော်သမတ ၏ သဘောထူချက်ဖြင့် ကျခံရန်ကိစ္စ။

ရှင်းလင်းချက်။ ။ဤပုဒ်မ၌ကိစ္စအလိုငှါ၊ ''အမှုထမ်းရွက်ဆဲ ရာထမ်း မှုထမ်းများ အတွက် ကုန်ကျစရိတ်များ'' ဆိုသည်မှာ၊ ဒေဖွဲ့၏ ရာထမ်းမှုထမ်းများအားပေးသည့် လစာနှင့် စရိတ်ကြေးငွေများအတွက်၊ ကုန်ကျစရိတ်များကိုဆိုလိုသည်။ ''အမှုထမ်းရွက်ဆဲမဟုတ်သည့် ရာထမ်းမှုထမ်းများအတွက်၊ ကုန်ကျစရိတ်များ'' ဆိုသည်မှာ အဖွဲ့က အိုနာစာရံပုံငွေသို့ ပေးသွင်းသည့်ထောက်ပံ့ငွေများ၊ ဆုငွေများနှင့် ဒေခြားအလားတူပေးငွေများကို ဆိုလိုသည်။

၂၅။ ။(၁)အဖွဲ့သည် ဘဏ္ဍာတော်နှစ် အသီးသီးမကုန်မီ၊ ထိုနှစ်နောက်လာမည့် ဘဏ္ဍာတော်နှစ်အတွက်၊ မိမိ၏ ရ-သုံးမှန်းခြေ ငွေစာရင်းကို၊ နိုင်ငံတော်သမတ ထံ သဘောတူညီချက်ရရန်တင်သွင်းရမည်ဖြစ်၊ အဆိုပါ မှန်းခြေငွေစာရင်းများကို ပြင်ဆင်သည့် နောက်ထပ်မှန်းခြေ ငွေစာရင်းများကိုလည်း အခါအားလျော်စွာ ထိုနည်းတူတင်ထွင်နိုင်သည်။

(၂) ပုဒ်မခွဲ(၁)အရ၊ ခွင့်ပြုသည့်မှန်းခြေငွေစာရင်းထက်ပို၍ မည်သည့် အသုံးစရိတ်ကိုမျှ အဖွဲ့ကကျခံခြင်းမပြုရ။

၂၆။ ။(၁) အဖွဲ့သည် ငွေစာရင်းများကိုငင်း၊ ထိုငွေစာရင်းများနှင့် သက်ဆိုင်သည့် အခြားမှတ်တမ်းများကိုငင်း ထားရှိရမည်ဖြစ်၊ အဖွဲ့၏အလုပ်လုပ်သည့် နှစ်အသီးသီးနှင့် စပ်လျဉ်း၍ နှစ်ချုပ်ငွေစာရင်းကိုလည်း နိုင်ငံတော်သမဘာ၏ သဘောတူညီချက်ဖြင့်၊ နိုင်ငံတော်စာရင်းစစ်ချုပ်သတ်မှတ်သည့်ပုံစံအတိုင်း စီစဉ်ရေးသားရမည်။

(၂) အဖွဲ့၏ ငွေစာရင်းများကို နိုင်ငံတော်စာရင်းစစ်ချုပ်က နှစ်စဉ်စစ်ဆေး၍၊ နိုင်ငံတော်သမတထံအစီရင်ခံစာတင်သွင်းရမည်။ ထိုအစီရင်ခံစာကို နိုင်ငံတော်သမတ က ပါလီမန်သို့တင်ပြရမည်။ သို့ရာတွင် အဖွဲ့သည်၊ နိုင်ငံတော်စာရင်းစစ်ချုပ်၏ ကြိုတင်သဘောတူညီချက်ဖြင့် ခန့်သောပြည်သူ့ဝန်ထမ်းမဟုတ်သည့် နာမည်ရစာရင်းစစ်အား၊ နိုင်ငံတော်သမတ၏ သဘောတူညီချက်ဖြင့် အဖွဲ့၏ငွေစာရင်းများကို ကုန်သည်တို့နည်းလင်းအတိုင်း ကြားဖြတ်စစ်ဆေးစေနိုင်သည်။

၂၇။ ။ကုမ္ပဏီတခုက မိမိ၏အသားတင်ဝင်ငွေပေါ်တွင် အခွန်များပေးဆောင်ရသည့် နည်းလမ်းအတိုင်း၊ ထိုကုမ္ပဏီ၌အခွန်ပေးဆောင်ရန် တာဝန်ရှိသည်နှင့်အမျှ၊ အဖွဲ့မှာလည်း မိမိ၏အသားတင်ဝင်ငွေပေါ်တွင် အခွန်များပေးဆောင်ရန် တာဝန်ရှိရမည်။

၂၈။ ။အဖွဲ့သည်တန်ဘိုးယုတ်လျော့ခြင်းအတွက်နှင့် သီးသန့်ရံပုံငွေမှစ၍၊ အခြားရံပုံငွေအတွက် နိုင်ငံတော်သမတက၊ နိုင်ငံတော်စာရင်းစစ်ချုပ်နှင့် ညှိနှိုင်းတိုင်ပင်၍၊ ပြဋ္ဌာန်းသည့်နှုန်းများနှင့် စည်းကမ်းချက်များအတိုင်း ရံပုံငွေစီမံရာထားရမည်။

၂၉။ ။ပုဒ်မ ၂၈ တွင်ဖော်ပြထားသည့် ရံပုံငွေစီမံရာထား ပြီးသည့်နောက်၊သတ်မှတ်ရမည့် အဖွဲ့၏အသားတင်အမြတ်ငွေကို၊ အခါအားလျော်စွာ အဖွဲ့နှင့်ညှိနှိုင်းတိုင်ပင်၍၊ နိုင်ငံတော်သမတ က ဆုံးဖြတ်သည့် နည်းလမ်းအတိုင်းသုံးစွဲရမည်။

၃၀။ ။ဤအက်ဥပဒေအာဏာမတည်မီ၊ အဖွဲ့ကအစိုးရအပေါ်တွင် တင်ရှိသည့်ငွေကြေးများနှင့်အစိုးရက အဖွဲ့အပေါ်တွင် တင်ရှိသည့် ငွေကြေးများအတွက်၊ငွေရေးကြေးရေး စေ့စပ်ချက်များကို နိုင်ငံတော်သမတ က၊ အဖွဲ့နှင့်ညှိနှိုင်းတိုင်ပင်၍၊ ဆင့်ဆိုသည့်နည်းလမ်းအတိုင်း အစိုးရနှင့် အဖွဲ့တို့က အချင်းချင်းညှိနှိုင်းပြုလုပ်ရမည်။

အခန်း ၇။

လက်အောက်အဖွဲ့။

၃၁။ ။(၁) နိုင်ငံတော်သမတ သည်၊ အဖွဲ့၏ထောက်ခံချက်အရ၊ အဖွဲ့၏လက်အောက်ခံလက်အောက်အဖွဲ့များကို ဖွဲ့စည်းနိုင်သည်။ အဆိုဝါလက်အောက်အဖွဲ့များသည်၊ အဖွဲ့၏ကြီးကြပ်အုပ်ချုပ်ခြင်းကို လိုက်နာ၍၊ မိမိတို့အားအဖွဲ့ကလွှဲအပ်သည့် အဖွဲ့၏အာဏာများနှင့် တာဝန်ဝတ်တရားများကိုသုံးစွဲဆောင်ရွက်ရမည်။

(၂) လက်အောက်အဖွဲ့များ၏ဥက္ကဋ္ဌနှင့် အခြားအဖွဲ့ဝင်တို့ကို နိုင်ငံတော်သမတ က၊ အဖွဲ့နှင့်ညှိနှိုင်းတိုင်ပင်လျက်ခန့်ထားရမည်။

အခန်း ၈။

အထွေထွေ။

၃၂။ ။အဖွဲ့၏ရာထမ်းမှုထမ်း အားလုံးသည်၊ ၎င်အက်ဥပဒေပါ ပြဋ္ဌာန်းချက်များနှင့် အညီဆောင်ရွက်သောအခါ၊ သို့တည်းမဟုတ် ဆောင်ရွက်သည့်သဘော သက်ရောက်သောအပြုအမူကို ပြုသောအခါ၊ ရာဇသက်ကြိုးပုဒ်မ ၂၁ အရ၊ ပြည်သူ့ဝန်ထမ်းများဖြစ်သည်ဟုမှတ်ယူရမည်။

၃၃။ ။၎င်အက်ဥပဒေအရ၊ သဘောရိုးဖြင့် ဆောင်ရွက်သော၊ သို့တည်းမဟုတ် ဆောင်ရွက်သည့်သဘောသက်ရောက်သောကိစ္စအတွက်၊ အဖွဲ့အားသော်၎င်း၊ လက်အောက်အဖွဲ့များအားသော်၎င်း၊ အဖွဲ့ဝင်အားသော်၎င်း၊ လက်အောက် အဖွဲ့ဝင်အား သော်၎င်း၊ အဖွဲ့၏၊ သို့တည်း မဟုတ် လက်အောက်အဖွဲ့များ၏ ရာထမ်းမှုထမ်းအား သော်၎င်း၊ တရားမမှုဖြစ်စေ၊ ရာဇဝတ်မှုဖြစ်စေ၊ အခြားမှုခင်းဖြစ်စေမစွဲဆိုရ။

ခြွင်းချက်။ ။သို့ရာတွင် ကုသနိုးရောဝါးဝယ်ရေးကုမ္ပဏီတခုက၊ တရားမမှုစွဲဆိုနိုင်သကဲ့သို့၊ သို့တည်းမဟုတ် စွဲဆိုခံရထိုက်သကဲ့သို့ အလားတူအမှုများတွင် အလားတူ နည်းလမ်းဖြင့် အဖွဲ့က၊ သို့တည်းမဟုတ်ဆိုခဲ့သည့်ပုဂ္ဂိုလ်ကဖြစ်စေ အဖွဲ့ကို၊ သို့တည်းမဟုတ်ဆိုခဲ့သည့်ပုဂ္ဂိုလ်ကိုဖြစ်စေ၊ တရားမမှုစွဲဆိုခြင်းကို ၎င်ပုဒ်မပါမည်သည့်ပြဋ္ဌာန်းချက်ကမျှ ပိတ်ပင်ခြင်းမရှိစေရ။

၃၄။ ။(၁) ၁၉၄၆ ခုနှစ်၊ ပြည်တွင်းရေ ကြောင်းသယ်ယူပို့ဆောင်ရေးအဓိန္ဓ (The Inland Water Transport Order, 1946) ကို ၎င်အက်ဥပဒေဖြင့် ရုပ်သိမ်းသည်။

(၂) ၁၉၄၆ ခုနှစ်၊ ပြည်တွင်းရေကြောင်းသယ်ယူဆောင်ရေးအဓိန္ဓကို ရုပ်သိမ်းစေကာမူ၊ ထိုအဓိန္ဓအရ ဖွဲ့စည်းထားသော ပြည်တွင်းရေကြောင်း သယ်ယူဆောင်ရေးအဖွဲ့သည်၊ ပုဒ်မ ၃ အရ ဖွဲ့စည်းသည့် ဖြည်ထောင်စုမြန်မာနိုင်ငံ ပြည်တွင်းရေကြောင်းသယ်ယူပို့ဆောင်ခွင့်အဖွဲ့၏ပဋမအကြိမ်အစည်းအဝေးတိုင်အောင်၊ မိမိ၏ အာဏာများနှင့် တာဝန် ဝတ်တရားများကို ဆက်လက် သုံးစွဲဆောင်ရွက်ရမည်။

အခန်း ၉။[၁]

မှုခင်းနှင့်ပြစ်ဒဏ်။

၃၅။ ။တည်ဆဲအခြားတရားဥပဒေတွင် မည်သို့ပင်ပါရှိစေကာမူ၊ မည်သူမဆို—

(က) သင်္ဘောခ ပေးဆောင်ခြင်းမှ လွှတ်ကင်းရန် ရည်ရွယ်ချက်ဖြင့်၊ သင်္ဘောခကြိုတင်ပေးဆောင်ခြင်းမပြုဘဲ၊ အဖွဲ့ပိုင်သင်္ဘောတွင် စီနင်းလိုက်ပါလျှင်၊ သို့တည်းမဟုတ် စီးနင်းလိုက်ပါရန်ကြိုးစားအားထုတ်လျှင်၊

(ခ) အဖွဲ့ပိုင်သင်္ဘောတွင် တခုခုသောခရီးအတွက် လက်မှတ်ဝယ်ယူ စီးနင်းလိုက်ပါပြီးနောက်၊ အဆိုပါခရီးကို ကျော်လွန်ကြောင်းသိလျက်နှင့် ထိုကျော်လွန်သည့်ခရီးအတွက် နောက်ထပ် သင်္ဘောခပေးဆောင်ခြင်းမှ လွှတ်ကင်းရန် ရည်ရွယ်ချက်ဖြင့်၊ နောက်ထပ်သင်္ဘောခကြိုတင်ပေးဆောင်ခြင်းမပြုဘဲ၊ အဖွဲ့ပိုင်သင်္ဘောတွင် တမင်ဆက်လက် စီးနင်းလိုက်ပါလျှင်၊ သို့တည်းမဟုတ် ဆက်လက်စီးနင်းလိုက်ပါရန် ကြိုးစားအားထုတ်လျှင်၊

(ဂ) အဖွဲ့ပိုင်သင်္ဘောတွင် တခုခုသောခရီးအတွက် လက်မှတ်ဝယ်ယူစီးနင်းလိုက်ပါပြီးနောက်၊ အဆိုပါခရီးသို့ ရောက်ရှိကြောင်းသိလျက်နှင့် သင်္ဘောမှထွက်ခွါသွားရန် တမင်ဣန္ဒြက်ကွက်လျှင်၊ သို့တည်းမဟုတ် ငြင်းဆန်လျှင်၊

(ဃ) လူနှင့်အတူ ယူဆောင်သော ပစ္စည်းများအတွက် တန်ဆာခ ပေးဆောင်ခြင်းမှ လွှတ်ကင်းရန်ရည်ရွယ်ချက်ဖြင့်၊ ကျသင့်သောတန်ဆာခကို လုံးဝပေးဆောင်ခြင်းမပြုဘဲ၊ သို့တည်းမဟုတ် ကျသင့်သောတန်ဆာခကို အပြည့် ပေးဆောင်ခြင်းမပြုဘဲ၊ အဖွဲ့ပိုင်သင်္ဘောတွင် လူနှင့်အတူပစ္စည်းများတင်ဆောင်လျှင်၊ သို့တည်းမဟုတ် တင်ဆောင်ရန်ကြိုးစားအားထုတ်လျှင်၊

(င) အကယ်ကျသင့်သော သင်္ဘောခကိုပေးဆောင်ခြင်းမှ လွှတ်ကင်းရန်ရည်ရွယ်ချက်ဖြင့်၊ အဖွဲ့ပိုင်သင်္ဘောတွင် သင်္ဘောနေရာ အဆင့်အတန်း တခုအတွက် သင်္ဘောခပေးဆောင်လျက်၊ ထိုနေရာအဆင့်အတန်းထက်မြင့်သော သီးသန့်နေရာတွင်၊ သို့တည်းမဟုတ် အခန်းတွင်စီးနင်းလိုက်ပါလျှင်၊

(စ) အဖွဲ့ပိုင်သင်္ဘောတွင် စီးနင်းလိုက်ပါလျက်၊ သင်္ဘော၏ ရာထူးမှူထမ်းများက သင်္ဘောလက်မှတ် ဝယ်ယူရန် စေခိုင်းသော်လည်း သင်္ဘောလက်မှတ်မဝယ်ယူလျှင်၊ သို့တည်းမဟုတ် ဘသင်္ဘောလက်မှတ် ထုတ်ပြရန် စေခိုင်းသော်လည်း၊ သင်္ဘောလက်မှတ်ထုတ်မပြလျှင်၊ သို့တည်းမဟုတ် ခရီးအဆုံးတွင်သင်္ဘောလက်မှတ်ပြန်ပေးရန် တောင်းဆိုသော်လည်း သင်္ဘောလက်မှတ်ပြန်မအပ်လျှင်၊

(ဆ) အဖွဲ့ပိုင် သင်္ဘောတွင် စီးနင်း လိုက်ပါသော သူတဦးအတွက် ကျသင့်သော သင်္ဘောခကိုပေးဆောင်ခြင်းမှ လွှတ်ကင်းစေရန် ရည်ရွယ်ချက်ဖြင့်၊ လက်မှတ်စစ်အားလိမ်လည်ပြသခြင်း အလို့ငှါ၊ မိမိ၏လက်မှတ်ကို ထိုသူအားလွှဲပြောင်းပေးလျှင်၊

(ဇ) ကုန်တင်ခပေးဆောင်ခြင်းမှ [illegible] ရည်ရွယ်ချက်ဖြင့်ဖြစ်စေ၊ ကုန်တင်ခအပြည့် ပေးဆောင်ခြင်းမှ လွှတ်ကင်းရန် ရည်ရွယ်ချက်ဖြင့် ဖြစ်စေ၊ အဖွဲ့ပိုင်

---

[၁] ၁၉၅၄ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၇၁ အရ ထည့်သွင်းသည်။

သင်္ဘောဝေါ်တွင် မတရားသော နည်းဖြင့် ကုန်ပစ္စည်းများ တင်ဆောင်လျှင်၊ သို့တည်းမဟုတ် တင်ဆောင်ရန်ကြိုးစားအားထုတ်လျှင်၊

(ဈ) အဖွဲ့ပိုင်သင်္ဘောများတွင် အသုံးပြုသော လူစီးလက်မှတ်များကိုဖြစ်စေ၊ တန်ဆာလက်မှတ်များကိုဖြစ်စေ၊ အခြားလက်မှတ်ကို၊ သို့တည်းမဟုတ် ပုံစံများကိုဖြစ်စေ၊ မတရားသဖြင့် အစားထိုးအသုံးပြုရန် ရည်ရွယ်ချက်ဖြင့် အတုပြုလုပ်လျှင်၊ သို့တည်းမဟုတ် အတုပြုလုပ်ရန် ကြိုးစားအားထုတ်လျှင်၊ သို့တည်းမဟုတ် အဆိုပါအတု လက်မှတ်ကို ဖြစ်စေ၊ ပုံစံများကိုဖြစ်စေ၊ ထိန်းသိမ်းထားလျှင်၊ သို့တည်းမဟုတ် ရောင်းဝယ်လျှင်

ထိုသူသည်၊ ဖြစ်မှုထင်ရှားစီရင်ခြင်း ခံရသည့် အခါ၊ အထက်ပါ ပြစ်မှုအသီးသီးအတွက် သုံးလထိထောင်ဒဏ်ဖြစ်စေ၊ ကျပ်ငါးရာထိငွေဒဏ်ဖြစ်စေ၊ ဒဏ်နှစ်ရပ်လုံးဖြစ်စေ စီရင်ခြင်းခံထိုက်စေရမည်။ ထို့ပြင် ဤပုဒ်မအရ ကျူးလွန်သော ပြစ်မှုများသည်၊ ရဲအရာရှိအရေးယူပိုင်သော ပြစ်မှုများဖြစ်ရမည်။

ရခိုင်တိုင်း ရေကြောင်း သယ်ယူပို့ဆောင်ရေးကို နိုင်ငံပိုင်ပြုလုပ်ခြင်း အက်ဥပဒေ။

[၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၃၂။] (၁၉၅၃ ခု၊ အောက်တိုဘာလ ၁ ရက်။)

အောက်ပါအတိုင်းအက်ဥပဒေအဖြစ်ပြဋ္ဌာန်းလိုက်သည်။

၁။ ။(၁) ဤအက်ဥပဒေကို၊ ၁၉၅၃ ခုနှစ်၊ ရခိုင်တိုင်းရေကြောင်းသယ်ယူပို့ဆောင်ရေးကို နိုင်ငံပိုင်ပြုလုပ်ခြင်းအက်ဥပဒေဟုခေါ်ရမည်။

(၂) ဤအက်ဥပဒေသည် နိုင်ငံတော်သမတ က အမိန့်ကြော်ငြာစာဖြင့် သတ်မှတ်သည့်နေ့[၁] တွင် စတင်အာဏာတည်ရမည်။

၂။ ။ဤအက်ဥပဒေတွင် အကြောင်းအရာနှင့်ဖြစ်စေ၊ ရှေ့နောက်စကားတို့၏ အဓိပ္ပါယ်နှင့်ဖြစ်စေ မဆန့်ကျင်လျှင်—

(က) ''ကုမ္ပဏီ'' ဆိုသည်မှာ၊ အာရက် ဇလိုတီလာကုမ္ပဏီလီမိတက်ကိုဆိုလိုသည်။

(ခ) ''ပင်လယ်ရေကြောင်းသယ်ယူပို့ဆောင်ရေးအဖွဲ့'' ဆိုသည်မှာ၊ ၁၉၅၂ ခုနှစ် ပြည်ထောင်စုမြန်မာနိုင်ငံပင်လယ်ရေကြောင်း သယ်ယူပို့ဆောင်ရေး အဖွဲ့ဆိုင်ရာအမိန့်အရ ဖွဲ့စည်းထားသည့် ပင်လယ်ရေကြောင်း သယ်ယူပို့ဆောင်ရေး အဖွဲ့ကိုဆိုလိုသည်။

(ဂ) ''ပြည်တွင်းရေကြောင်း သယ်ယူပို့ဆောင်ရေးအဖွဲ့'' ဆိုသည်မှာ၊ ၁၉၄၆ ခုနှစ်၊ ပြည်တွင်းရေကြောင်း သယ်ယူပို့ဆောင်ရေးအမိန့်အရ၊ ဖွဲ့စည်းထားသည့် ပြည်တွင်းရေကြောင်း သယ်ယူပို့ဆောင်ရေးအဖွဲ့ကိုဆိုလိုသည်။

၃။ ။နိုင်ငံတော်သမတမှာအမိန့်ကြော်ငြာစာဖြင့်၊ မိမိသတ်မှတ်သည့်နေ့ရက်တွင်၊ ကုမ္ပဏီဆောင်ရွက်နေသည့် ရေကြောင်းသယ်ယူပို့ဆောင်ရေးလုပ်ငန်းများကို ကုမ္ပဏီထံမှ နိုင်ငံပိုင်အဖြစ်ဖြင့်

---

[၁] ၁၉၅၃ ခု၊ အောက်တိုဘာလ ၁ ရက်၊ မြန်မာနိုင်ငံပြန်တမ်း၊ ၁၉၅၃ ခု၊ အပိုင်း ၁၊ စာမျက်နှာ ၁၀၅၃ တွင်ကြည့်။

လွှဲယူရန်အာဏာရှိရမည်။ ယင်းသို့လွှဲယူသည့်အခါ အဆိုပါနေ့မှစ၍၊ ကုမ္ပဏီပိုင်လုပ်ငန်းအရပ်ရပ်နှင့် တုမ္ပဏီ၏လက်ရှိပစ္စည်းအရပ်ရပ်သည်၎င်း၊ ကုမ္ပဏီ၏ ရာထမ်းမှုထမ်း အားလုံးသည်၎င်း၊ ပင်လယ်ရေကြောင်းသယ်ယူပို့ဆောင်ရေးအဖွဲ့၏ ကြီးကြပ်အုပ်ချုပ်မှုအောက်သို့ရောက်လာရမည်။

၄။ ။ပုဒ်မ ၃ တွင် ရည်ညွှန်းထားသည့် ရာထမ်းမှုထမ်းများအား တုမ္ပဏီကပေးသည့်နှုန်းများအတိုင်း လစာနှင့်စရိတ်များပေးလျက် ပင်လယ်ရေကြောင်းသယ်ယူပို့ဆောင်ရေးအဖွဲ့၏ ကြီးကြပ်အုပ်ချုပ်မှုအောက်သို့ရောက်သည့်နေ့မှစ၍၊ သုံးလအောက်မနည်းသည့် အချိန်ကာလမျှ၊ ထိုအဖွဲ့က မိမိ၏လက်အောက်တွင် ဆက်လက်အမှုထမ်းစေရမည်။

၅။ ။(၁) နိုင်ငံတော်သမတသည် ပုဒ်မ ၃ အရ၊အမိန့်ကြော်ငြာစာဖြင့် မိမိသတ်မှတ်သည့်နေ့ နောက်တလအတွင်း ဥက္ကဋ္ဌတဦးနှင့် အခြားအဖွဲ့ဝင်နှစ်ဦးပါဝင်သည့် ကော်မရှင်အဖွဲ့တခုကို ခန့်ရမည်။ ထိုကော်မရှင်အဖွဲ့သည် အောက်ပါကိစ္စများကို သတ်မှတ်ဆုံးဖြတ်ရမည်။

(က) ဤအက်ဥပဒေအရ တုမ္ပဏီထံမှလွှဲယူသည့်ပစ္စည်းများ၏ အကြောင်းအရာများ၊
(ခ) ထိုပစ္စည်းများအတွက် ကုမ္ပဏီကိုပေးသင့်သည့်တန်ဖိုးမှတပါး လျော်ကြေးငွေနှင့်
(ဂ) လျော်ကြေးပေးမည့်နည်းလမ်းများ။

(၂) ပုဒ်မခွဲ (၁) အရ၊ လျော်ကြေးကို သတ်မှတ်ဆုံးဖြတ်ရာတွင် ဤအက်ဥပဒေအရ တုမ္ပဏီထံမှ လွှဲယူသည့်ပစ္စည်းများ၏ မူလတန်ဘိုး၊ ယင်းသို့လွှဲယူသည့်နေ့အထိ ပစ္စည်းများဟောင်းနွမ်း၊ သို့တည်းမဟုတ် ပျက်စီးသည့်အတွက် လျော့သင့်သောကြေးငွေနှင့် ထိုပစ္စည်းများကို ပြုပြင်သည့်အတွက် ကုန်ကျသည့်စရိတ်၊ သို့တည်းမဟုတ် ပြန်လည်ထူထောင်သည့်အဘွက် ကုန်ကျသည့်ကြေးငွေတို့ကို ကော်မရှင်အဖွဲ့က တရားမျှတသည် ထင်ဖြင့်သည့်အတိုင်းထည့်သွင်းစဉ်းစားရမည်။

၆။ ။ပုဒ်မ ၅ အရ လျော်ကြေးကို သတ်မှတ်ဆုံးဖြတ်ရာတွင် ကော်မရှင်အဖွဲ့သည် တရားမကျင့်ထုံးဥပဒေကို၊ သို့တည်းမဟုတ် အခြားတည်ဆဲဥပဒေ တခုခုကိုလိုက်နာရန်မလိုအပ်စေရ။ သို့သော်လည်း ထိုကော်မရှင်အဖွဲ့သည် တရားမျှတစွာဆောင်ရွက်ရမည်။

၇။ ။(၁) ကော်မရှင်အဖွဲ့သည်၊အောက်ပါကိစ္စများနှင့် စပ်လျဉ်း၍ တရားမကျင့်ထုံးဥပဒေအရ တရားရုံးအား အပ်နှင်းထားသော အာဏာများရရှိရမည်။

(က) အကြောင်းအရာများကို ဖွင့်လှစ်ထုတ်ဖော်စေခြင်းနှင့် ကြည့်ရှုစစ်ဆေးခြင်း၊
(ခ) သက်သေများကို လာရောက်စေရန် အတင်းအကြပ်ဆင့်ခေါ်ယူခြင်း၊သက်သေစရိတ်တင်သွင်းစေရန် ဆင့်ဆိုခြင်း၊
(ဂ) စာချုပ်စာတမ်းများကို ဟင်းပြစေရန် အတင်းအကြပ်ဆင့်ဆိုခြင်း၊
(ဃ) သက်သေများကို ကျမ်းသစ္စာဖြင့်စစ်ဆေးခြင်း၊
(င) ရွှေဆိုင်းခွင့်ပေးခြင်း၊
(စ) ကျမ်းကျိန်လွှာဖြင့် ထွက်ဆိုသော သက်သေထွက်ချက်ကို လက်ခံခြင်း၊
(ဆ) သက်သေများကိုစစ်ဆေးရန် အာဏာလွှဲအပ်နှင်းများထုတ်ခြင်း။

ထိုမှတပါး ကော်မရှင်အဖွဲ့သည်၊ ရာဇဝတ်ကျင့်ထုံးဥပဒေ ပုဒ်မ ၄၈၀ နှင့် ၄၈၂ တို့၏ အဓိပ္ပါယ်အရ၊ တရားမရုံးဖြစ်သည်ဟု မှတ်ယူရမည်။

(၂) ကော်မရှင်အဖွဲ့ဝင်များ ထင်မြင်ယူဆချက် ကွဲလွဲသည့်အခါ၊ ထိုကော်မရှင်အဖွဲ့ဝင်များ၏ထင်မြင်ယူဆချက်သည်အတည်ဖြစ်ရမည်။

(၃) ကော်မရှင်အဖွဲ့ဝင်တယောက်သည်၊ ကော်မရှင်အဖွဲ့ဝင်အဖြစ်ဖြင့် ဆက်လက်မဆောင်ရွက်နိုင်လျှင်၊ နိုင်ငံတော်သမတသည်၊ ထိုအဖွဲ့ဝင်အစားအခြားသူတယောက်ကိုခန့်ထားရမည်။ ထိုသူကို ကော်မရှင်အဖွဲ့စတင်ဖွဲ့စည်းစဉ်ကပင် အဖွဲ့ဝင်အဖြစ် ခန့်ထားဘိသကဲ့သို့ ကော်မရှင်အဖွဲ့သည်မိမိ၏ မှုခင်းကိစ္စများကို ဆက်လက်ဆောင်ရွက်ရမည်။

၈။ ။ကုမ္ပဏီကသော်၎င်း၊ အစိုးရကသော်၎င်း၊ လျော်ကြေးနှင့် စပ်လျဉ်းသည့် ကော်မရှင်အဖွဲ့၏ဆုံးဖြတ်ချက်ကို [ထိုဆုံးဖြတ်ချက်ချမှတ်သည့်နေ့မှစ၍ ရက်ပေါင်း ၉၀ အတွင်း][3] ဥပဒေကြောင်းနှင့်ဖြစ်စေ၊ အမှုခြင်းရာနှင့်ဖြစ်စေ၊ တရားလွှတ်တော်ချုပ်သို့ အယူခံဝင်နိုင်သည်။

၉။ ။ဤအက်ဥပဒေ ပုဒ်မ ၃ အရ ဝင်လယ်ရေကြောင်း သယ်ယူပို့ဆောင်ရေးအဖွဲ့၏ ကြီးကြပ်အုပ်ချုပ်မှုအောက်သို့ရောက်လာသော ပစ္စည်းများ အနက်၊ ပြည်တွင်းရေကြောင်းသယ်ယူပို့ဆောင်ရေးအဖွဲ့ပိုင် ကုန်တင်သင်္ဘောများအတွက် ပင်လယ်ရေကြောင်း သယ်ယူပို့ဆောင်ရေး အဖွဲ့က ပြည်တွင်းရေကြောင်းသယ်ယူပို့ဆောင်ရေးအဖွဲ့အား ပေးရမည့်ငှါးရမ်းခ၊ သို့တည်းမဟုတ် အဘိုးငွေမှာ နိုင်ငံတော်သမတ ညွှန်ကြားသည့်အတိုင်းဖြစ်ရမည်။

၁၀။ ။ဤအက်ဥပဒေအရ နိုင်ငံပိုင်ပြုလုပ်သည့် လုပ်ငန်းများကို ဆောင်ရွက်ရန်အလို့ငှါ နိုင်ငံတော်သမတ က အဖြားအဖွဲ့တခုမဖွဲ့စည်းသေးသမျှ၊ သို့ဘည်းမဟုတ် အခြားစီစဉ်မှုပြုသေးသမျှ ထိုလုပ်ငန်းများကို ပင်လယ်ရေကြောင်းသယ်ယူပို့ဆောင်ရေးအဖွဲ့က ဆက်လက်ဆောင်ရွက်ရမည်။

၁၁။ ။(၁) ဤအက်ဥပဒေနှင့်အညီ သဘောရိုးဖြင့်ပြုလုပ်သည့်၊ သို့တည်းမဟုတ်ပြုလုပ်ရန်ကြံရွယ်သည့်အပြုအမူတခုခုအတွက်၊ မည်သူ့ကိုမျှ တရားမမှု၊ ရာဇဝတ်မှု၊ သို့တည်းမဟုတ် အခြားမှုခင်းစွဲဆိုခြင်းမပြုရ။

(၂) ဤအက်ဥပဒေတွင် အတည့်အလင်း ပြဋ္ဌာန်းထားသည်မှ တပါး ဤအက်ဥပဒေအရ ပြုလုပ်သည့်အပြုအမူအတွက်၊ အစိုးရအား မည်သည့်တရားမမှု၊ သို့တည်းမဟုတ် အခြားမှုခင်းမျှ စွဲဆိုခြင်းမပြုရ။

G. AIRCRAFT.

၁၀။ ။လေယာဉ်များဆိုင်ရာ။

THE BURMA AIRCRAFT ACT.

[INDIA ACT XXII, 1934.] (19th August, 1934.)

Extent.

[1] **1.** This Act extends to the whole of the Union of Burma and applies also—

(*a*) to citizens of the Union wherever they may be, and

(*b*) to, and to person on, aircraft registered in the Union, wherever they may be.

---

[3] ၁၉၅၄ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၄၈ အရထည့်သွင်းသည်။

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

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

(*1*) " aircraft " means any machine which can derive support in the atmosphere from reactions of the air, and includes balloons whether fixed or free, airships, kites, gliders and flying machines ;

(*2*) " aerodrome " means any definite or limited ground or water area intended to be used, either wholly or in part, for the landing or departure of aircraft, and includes all buildings, sheds, vessels, piers, and other structures thereon or appertaining thereto ;

(*3*) " import " means bringing into the Union of Burma; and

(*4*) " export " means taking out of the Union of Burma.

3. The President of the Union may, by notification in the Gazette, exempt from [all or any of the provisions of this Act,][1] any aircraft or class of aircraft and any person or class of persons, or may direct that such provisions shall apply to such aircraft or persons subject to such modifications as may be specified in the notification. Power of President to exempt certain aircraft.

4. The President of the Union may, by notification in the Gazette, make such rules as appear to him to be necessary for carrying out the Convention relating to the regulation of Aerial Navigation signed at Paris, October 13, 1919, with Additional Protocol, signed at Paris, May 1, 1920, and any amendment which may be made thereto under the provisions of Article 34 thereof. Power of President to make rules to implement the Convention of 1919.

5. (*1*) The President of the Union may, by notification in the Gazette, make rules regulating the manufacture, possession, use, operation, sale, import or export of any aircraft or class of aircraft. Power of President to make rules.

(*2*) Without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the authorities by which any of the powers conferred by or under this Act are to be exercised ;

[2](*aa*) the regulation of air transport services, and the prohibition of the use of aircraft in such services except under the authority of and in accordance with a licence authorising the establishment of the service ;

[2](*ab*) the information to be furnished, to such authorities as may be specified in the rule, by an applicant for, or the holder of, a licence authorising the establishment of an air transport service ;

(*b*) the licensing, inspection and regulation of aerodromes, the conditions under which aerodromes may be maintained and the fees which may be charged thereat, and the prohibition or regulation of the use of unlicensed aerodromes ;

---

[1] Substituted by Act XXI, 1947.

[2] Inserted *ibid.*

(*c*) the inspection and control of the manufacture, repair and maintenance of aircraft and of places where aircraft are being manufactured, repaired or kept ;

(*d*) the registration and marking of aircraft ;

(*e*) the conditions under which aircraft may be flown, or may carry passengers, mails or goods, or may be used for industrial purposes, and the certificates, licences or documents to be carried by aircraft ;

(*f*) the inspection of aircraft for the purpose of enforcing the provisions of this Act and the rules thereunder, and the facilities to be provided for such inspection ;

(*g*) the licensing of persons employed in the operation, manufacture, repair or maintenance of aircraft ;

(*h*) the air-routes by which and the conditions under which aircraft may enter or leave the Union of Burma, or may fly over the Union of Burma, and the places at which aircraft shall land ;

(*i*) the prohibition of flight by aircraft over any specified area, either absolutely or at specified times or subject to specified conditions and exceptions ;

(*j*) the supply, supervision and control of air-route beacons, aerodrome lights, and lights at or in the neighbourhood of aerodromes or on or in the neighbourhood of air-routes ;

[1](*jj*) the installation and the maintenance of lights on private property in the neighbourhood of aerodromes or on or in the neighbourhood of air-routes by the owners or occupiers of such property, the payment by the President of the Union for such installation and maintenance, and the supervision and control of such installation and maintenance, including the right of access to the property for such purposes ;

(*k*) the signals to be used for purposes of communication by or to aircraft and the apparatus to be employed in signalling ;

(*l*) the prohibition and regulation of the carriage in aircraft of any specified article or substance ;

(*m*) the measures to be taken and the equipment to be carried for the purpose of ensuring the safety of life ;

(*n*) the issue and maintenance of log-books ;

(*o*) the manner and conditions of the issue or renewal of any licence or certificate under the Act or the rules, the examinations and tests to be undergone in connection therewith, the form, custody, production, endorsement, cancellation, suspension or surrender of such licence or certificate, or of any log-book ;

(*p*) the fees to be charged in connection with any inspection, examination, test, certificate or licence, made, issued or renewed under this Act ;

---

[1] Inserted by Act XXI, 1947.

(*q*) the recognition for the purposes of this Act of licences and certificates issued elsewhere than in the Union of Burma relating to aircraft or to the qualifications of persons employed in the operation, manufacture, repair or maintenance of aircraft; and

(*r*) any matter subsidiary or incidental to the matters referred to in this sub-section.

Power of President to make orders in emergency.

6. (*1*) If the President of the Union is of opinion that in the interests of the public safety or tranquillity the issue of all or any of the following orders [1] is expedient, he may, by notification in the Gazette,—

(*a*) cancel or suspend, either absolutely or subject to such conditions as he may think fit to specify in the order, all or any licences or certificates issued under this Act ;

(*b*) prohibit, either absolutely or subject to such conditions as he may think fit to specify in the order, or regulate in such manner as may be contained in the order, the flight of all or any aircraft or class of aircraft over the whole or any portion of the Union of Burma ;

(*c*) prohibit, either absolutely or conditionally, or regulate the erection, maintenance or use of any aerodrome, aircraft factory, flying-school or club, or place where aircraft are manufactured, repaired or kept, or any class or description thereof; and

(*d*) direct that any aircraft or class of aircraft, or any aerodrome, aircraft factory, flying-school or club, or place where aircraft are manufactured, repaired or kept, together with any machinery, plant, material or things used for the operation, manufacture, repair or maintenance of aircraft, shall be delivered, either forthwith or within a specified time, to such authority and in such manner as he may specify in the order, to be at the disposal of [the State] [2] for the public service.

(*2*) Any person who suffers direct injury or loss by reason of any order made under clause (*c*) or clause (*d*) of sub-section (*1*) shall be paid such compensation as may be determined by such authority as the President of the Union may appoint in this behalf.

(*3*) The President of the Union may authorize such steps to be taken to secure compliance with any order made under sub-section (*1*) as appear to him to be necessary.

(*4*) Whoever knowingly disobeys, or fails to comply with, or does any act in contravention of, an order made under sub-section (*1*) shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both, and the Court by which he is convicted may direct that the aircraft or thing (if any) in respect of which the offence has been committed, or any part of such thing, shall be forfeited to [the State] [2].

---

[1] For orders relating to civil aircraft, *see* Burma Gazette, 1940, Part I, page 278.

[2] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

Power of President to make rules for investigation of accidents.

7. (*1*) The President of the Union may, by notification in the Gazette, make rules providing for the investigation of any accident arising out of or in the course of [the navigation—

(*a*) in or over the Union of Burma of any aircraft, or

(*b*) anywhere of aircraft registered in the Union of Burma.] [1]

(*2*) Without prejudice to the generality of the foregoing power, such rules may—

(*a*) require notice to be given of any accident in such manner and by such person as may be prescribed ;

(*b*) apply for the purposes of such investigation, either with or without modification, the provisions of any law for the time being in force relating to the investigation of accidents ;

(*c*) prohibit pending investigation access to or interference with aircraft to which an accident has occurred, and authorize any person so far as may be necessary for the purposes of an investigation to have access to, examine, remove, take measures for the preservation of, or otherwise deal with any such aircraft ; and

(*d*) authorize or require the cancellation, suspension, endorsement or surrender of any licence or certificate granted or recognised under this Act when it appears on an investigation that the licence ought to be so dealt with, and provide for the production of any such licence for such purpose.

Power to detain aircraft.

8. (*1*) Any authority authorized in this behalf by the President of the Union may detain any aircraft, if in the opinion of such authority—

(*a*) having regard to the nature of an intended flight, the flight of such aircraft would involve danger to persons in the aircraft or to any other persons or property ; or

(*b*) such detention is necessary to secure compliance with any of the provisions of this Act or the rules applicable to such aircraft ; or such detention is necessary to prevent a contravention of any rule made under clause (*h*) or clause (*i*) of sub-section (*2*) of section 5.

(*2*) The President of the Union may, by notification in the Gazette, make rules regulating all matters incidental or subsidiary to the exercise of this power.

Power of President to make rules for protecting the public health.

8A. The President of the Union may, by notification in the Gazette, make rules for the prevention of danger arising to the public health by the introduction or spread of any infectious or contagious disease from aircraft arriving at or being at any aerodrome and for the prevention of the conveyance of infection or contagion by means of any aircraft leaving an aerodrome, and in particular, and without prejudice to the generality of this provision, may make, with respect to aircraft and aerodromes or any specified aerodrome,

[1] Substituted by Act XXI, 1947.

rules providing for any of the matters for which rules under sub-clauses (*i*) to (*viii*) of clause (*p*) of sub-section (*1*) of section 6 of the Ports Act may be made with respect to vessels and ports.

Emergency powers for protecting the public health.

[1]8B. (*1*) If the President of the Union is satisfied that the Union of Burma or any part thereof is visited by or threatened with an outbreak of any dangerous epidemic disease, and that the ordinary provisions of the law for the time being in force are insufficient for the prevention of danger arising to the public health through the introduction or spread of the disease by the agency of aircraft, the President of the Union may take such measures as he deems necessary to prevent such danger.

(*2*) In any such case the President of the Union may, without prejudice to the powers conferred by section 8A, by notification in the Gazette, make such temporary rules with respect to aircraft and persons travelling or things carried therein and aerodromes as he deems necessary in the circumstances.

(*3*) Notwithstanding anything contained in section 14, the power to make rules under sub-section (*2*) shall not be subject to the condition of the rules being made after previous publication, but such rules shall not remain in force for more than three months from the date of publication, provided that the President of the Union may by special order continue them in force for a further period or periods of not more than three months in all.

Wreck and salvage.

9. (*1*) The provisions of Part VII of the Burma Merchant Shipping Act, relating to Wreck and Salvage, shall apply to aircraft on or over the sea or tidal waters as they apply to ships, and the owner of an aircraft shall be entitled to a reasonable reward for salvage services rendered by the aircraft in like manner as the owner of a ship.

(*2*) The President of the Union may, by notification in the Gazette, make such modifications of the said provisions in their application to aircraft as appear necessary or expedient.

Penalty for act in contravention of rule made under this Act.

10. In making any rule under section 5, section 7, [section 8, section 8A or section 8B] [2], the President of the Union may direct that a breach of it shall be punishable with imprisonment for any term not exceeding three months, or with fine of any amount not exceeding one thousand rupees, or with both.

Penalty for flying so as to cause danger.

11. Whoever wilfully flies any aircraft in such a manner as to cause danger to any person or to any property on land or water or in the air shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalty for abetment of offences and attempted offences.

12. Whoever abets the commission of any offence under this Act or the rules, or attempts to commit such offence, and in such attempt does any act towards the commission of the offence, shall be liable to the punishment provided for the offence.

---

[1] Inserted by Act XXI, 1947.
[2] Substituted *ibid.*

Power of Court to order forfeiture.

13. Where any person is convicted of an offence punishable under any rule made under clause (*i*) or clause (*l*) of sub-section (*2*) of section 5, the Court by which he is convicted may direct that the aircraft or article or substance, as the case may be, in respect of which the offence has been committed, shall be forfeited to the [State.] [1]

Rules to be made after publication.

14. Any power to make rules conferred by this Act is subject to the condition of the rules being made after previous publication for a period of not less than three months :

[Provided that any rules made under the provisions of the Burma Aircraft (Amendment) Act, 1947, may, if they are published within six months from the date on which the Act comes into force and if the urgency of the circumstances so requires, be made after previous publication for a period of one month.] [2]

[3] **15.** * * * *

Power to apply customs procedure.

16. The President of the Union may, by notification in the Gazette, declare that any or all of the provisions of the Sea Customs Act shall, with such modifications and adaptations as may be specified in the notification, apply to the import and export of goods by air.

Bar of certain suits.

17. No suit shall be brought in any civil Court in respect of trespass or in respect of nuisance by reason only of the flight of aircraft over any property at a height above the ground which having regard to wind, weather and all the circumstances of the case is reasonable, or by reason only of the ordinary incidents of such flight.

Saving for acts done in good faith under the Act.

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

Saving of application of Act.

19. (*1*) [Except as otherwise provided in section 16, nothing] [4] in this Act or in any order or rule made thereunder shall apply to or in respect of any aircraft belonging to or exclusively employed in [the Burma] [1] naval, military or air forces, or to any person in such forces employed in connection with such aircraft.

(*2*) Nothing in this Act or in any order or rule made thereunder shall apply to or in respect of any lighthouse to which the Burma Lighthouse Act applies or prejudice or affect any right or power exercisable by any authority under that Act.

---

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.
[2] Inserted by Act XXI, 1947.
[3] Deleted *ibid.*
[4] Substituted by Act XVIII, 1948.

H. MERCHANT SHIPPING.

၉။ ။ကုန်သည်သင်္ဘောများဆိုင်ရာ။

THE BURMA MERCHANT SHIPPING ACT.

CONTENTS.

PART I.

INTRODUCTORY.

Sections.

1. * * * *
2. Definitions.
3. Application of Act to ships propelled by electricity or mechanical power.
4. Exemption of public ships.

4A. * * * *

PART II.

MASTERS AND SEAMEN.

5. Application.

Shipping Offices.

6. Shipping offices.
7. Power to direct that business of shipping office be transacted at custom house, office or elsewhere.
8. Business of shipping-masters.
9. Fees to be paid.
10. Prohibition on taking other remuneration at shipping office.

Certificates of Competency.

11. Certificates of competency to be held by officers of foreign-going and home-trade ships and foreign passenger ships.
12. When officer deemed duly certificated.
13. Penalty for serving, etc., as a master, mate or engineer without a certificate.
14. Grades of certificates of competency.
15. Examinations for certificates.
16. Grant of certificates on passing examinations.
17. Certificates of service of naval officers.
18. Form of certificates.
19. Record of orders affecting certificates.
20. Loss of certificates.
21. Power to make rules as to grant of certificates of competency.
22. Production of certificates of competency to shipping-master.

Apprenticeships to the Sea Service.

Sections.

23. Application of Apprentices Act.

Licences to supply Seamen.

24. Licences to supply seamen.
25. Penalties for engaging seamen without licence.
26. Penalty for receiving remuneration from seamen for shipping them.

Engagement of Seamen.

27. Agreements with crew.
28. Form and contents of the agreement.
29. Engagement of single seaman where agreement is made out of the Union of Burma.
30. Special provisions with regard to agreements with crew of foreign-going ships.
31. Renewal of running agreements in certain cases.
32. Special provisions as to agreements with crew of home-trade ship over three hundred tons burden.
33. Changes in crew of foreign-going ship to be reported.
34. Certificate as to agreement with crew of foreign-going ship.
35. Certificate as to agreement with crew of home-trade ship.
36. Copy of agreement to be made accessible to the crew.
37. Alteration in agreement with the crew.

Employment of Young Persons.

37A. Definitions of "coasting-ship," "young lascar" and "young person".
37B. Employment of children.
37C. Engagement of young persons as trimmers or stokers.
37D. Medical examination of young persons.
37E. Maintenance of list or register of young persons in a ship.
37F. Penalty for contravention of sections 37B, 37C and 37D.
37G. Penalty for false representation by parent or guardian.
37H. Penalty for failure to produce medical certificate for inspection,
37I. Penalty for failure to keep or produce for inspection a register of young persons.
37J. Power to make rules.

Engagement of Lascars by Masters of Foreign Ships.

38. Engagements between masters of foreign ships and lascars or native seamen.
39. Penalty for master of foreign ship illegally engaging native seamen.

Sections.

40. Power to prohibit engagement of native seamen.
41. Power to board ships and muster seamen.

Discharge of Seamen.

42. Discharge before shipping-master.
43. Certificate of discharge and return of certificate to officer on discharge.
43A. Certificate as to work of seaman.

Payment of Wages.

44. Master to deliver account of wages.
45. Deductions from wages of seamen.
46. Payment of wages before shipping-master.
47. Time of payment of wages.
48. Settlement of wages.
49. Decision of questions by shipping-masters.
50. Power of shipping-master to require production of ship's papers.
51. Rate of exchange for payment of seamen in local currency.

Advance and Allotment of Wages.

52. Advances and allotments.
53. Regulations as to allotment notes.
54. Payment of sums allotted.

Rights of Seamen in respect of Wages.

55. Right to wages and provisions.
56. Right to recover wages and salvage not to be forfeited.
57. Wages not to depend on freight.
58. Wages on termination of service by wreck or illness.
58A. Special provision for ship-wrecked lascars.
59. Wages not to accrue during refusal to work or imprisonment.
60. Power to deduct from wages cost of procuring conviction.
61. Compensation to seamen.
62. Restriction on sale of and charge upon wages.

Mode of recovering Wages.

63. Summary proceedings for wages.
64. Restriction on suits for wages.
65. Remedies of masters for wages.

Property of deceased Seamen.

66. Master to take charge of the effects of deceased seamen.
67. Disposal of property of seamen who die during the voyage.

Sections.

68. Penalty for non-compliance with provisions as to property of deceased seamen.
69. Payment over of property of deceased seamen by shipping-master.
70. Disposal of unclaimed property of deceased seamen.

Distressed Seamen.

71. Relief of distressed seamen.
72. Recovery of wages, etc., of distressed seamen under the Merchant Shipping Acts.

Relief of distressed Seamen to whom the Merchant Shipping Acts do not apply.

73. * * * *
74. Relief of distressed seamen at the Union of Burma ports.
75. Distressed seamen to be sent home on board British or Union of Burma ship wanting seamen to make up its crew.
76. Name and other particulars with regard to seamen to be endorsed on agreement of British ship.
77. Master of British ship compelled to convey and give subsistence to such seamen.
78. Conditions under which master may claim payment.
79. Wages and expenses incurred in respect of distressed seamen to be charged on ship to which they belong in certain cases.
80. Mode of recovering such wages and expenses.
81. President may authorize persons to recover same.
82. * * * *
83. What shall be evidence of distress and expenses incurred.
84. Power of President to make rules.

Provisions, Health and Accommodation.

85. Complaints as to provisions or water.
86. Allowance for short or bad provisions.
87. Medicines to be provided and kept on board certain ships.
88. Weights and measures on board.
89. Expenses of medical attendance in case of illness.
90. Accommodation for seamen.
91. Inspection of provisions, water, medicines and appliances, weights and measures and accommodation.

Facilities for making Complaints.

92. Facilities for making complaints.

Protection of Seamen from Imposition.

Sections.

93. Assignment or sale of salvage invalid.
94. No debt exceeding three rupees recoverable till end of voyage.
95. Penalty for overcharges by lodging-house-keepers.
96. Penalty for detaining seamen's effects.
97. Penalty for solicitations by lodging-house-keepers.
98. Penalty for being on board ship without permission before seamen leave.

Provisions as to Discipline.

99. Misconduct endangering life or ship.
100. Desertion and absence without leave.
101. Conveyance of deserter or imprisoned seaman on board ship.
102. Power to Court to order offender to be taken on board ship.
103. General offences against discipline.
104. Penalty for false statement as to last ship or name.
105. Entry of offences in official log.
106. Report of desertions and absences without leave.
107. Entries and certificates of desertion abroad.
108. Facilities for proving desertion in proceeding for forfeiture of wages.
109. Application of forfeitures.
110. Decision of questions of forfeiture and deduction in suits for wages.
111. Ascertainment of amount of forfeiture out of wages.
112. Payment of fines imposed under agreement to shipping-master.
113. Penalty for enticing to desert.
114. Penalty for harbouring deserters.
115. Penalty on stowaways and discipline of stowaways and seamen carried under compulsion.
116. Procedure where seaman or apprentice not shipped in the Union of Burma is imprisoned on complaint of master or owner.
117. Power to send on board seaman or apprentice not shipped in the Union of Burma who is undergoing imprisonment.
118. On change of master, documents to be handed over to successor.

Leaving Seamen or Apprentices in the Union of Burma.

119. Discharge or leaving behind in the Union of Burma of seamen or apprentices not shipped in the Union of Burma.

Official Logs.

120. Official logs to be kept and to be dated.
121. Entries required in official log-book.
122. Offences in respect of official logs.
123. Delivery of official logs to shipping-masters.

Sections.

124. Official logs to be sent to shipping-master in case of transfer of ship and in case of loss.

PART III.

PASSENGER SHIPS.

Survey of Passenger Ship.

125. No steam-ship to carry passengers without a certificate of survey.
126. Power for President to exempt certain steam-ships.
127. No port-clearance until certificate of survey produced.
128. Power to detain steam-ship not having certificate of survey.
129. Appointment of surveyors and ports of survey.
130. Powers of surveyor.
131. Fees in respect of surveys.
132. Power for President to direct that two surveyors be employed.
133. Division of duties when two surveyors employed.
134. Declaration of surveyor.
135. Sending of declaration by owner or master to President.
136. Grant of certificate of survey by President.
137. Power for President to order a second survey.
138. Duration of certificates of survey.
139. Cancellation or suspension of certificate of survey by President.
139A. Alterations in steam-ships subsequent to grant of certificate of survey, and additional surveys.
140. Power to require delivery of expired or cancelled certificate of survey.
141. * * * *
142. Certificate of survey to be affixed in conspicuous part of steam-ship.
143. Penalty for carrying passengers in contravention of the Act.
143A. Prohibition of carriage of dangerous cargo.
144. Steam-ships with foreign certificates of survey or certificates of partial survey.
145. Power for President to make rules as to surveys.
145A. Power of President to make rules as to safety of life.

Provisions in case of Wreck of Ship carrying Steerage Passengers.

146. * * * *

PART IV.

UNBERTHED PASSENGER SHIPS AND PILGRIM SHIPS.

147. Application of Part.
148. Power to exempt ship from provisions of Part IV.
149. Definitions.

General Provisions as to Unberthed Passenger and Pilgrim Ships.

Sections.

150. Places appointed by the President.
151. Notice to be given of day of sailing.
152. Power to enter on and inspect ship.
153. Ship not to sail without two certificates.
154. Contents of certificate A.
155. Contents of certificate B.
156. * * * *
157. Grant of certificates.
158. Substitute for certificate A.
159. Survey of ship.
160. Discretion as to grant of certificate.
161. Copy of certificates to be exhibited.
162. Penalty for ship unlawfully departing or receiving passengers on board.
163. Penalty for opposing entry on, or inspection of, ships.
164. Penalty for not exhibiting copy of certificates.
165. Penalty for fraudulent alteration in ship after certificate obtained.
166. Penalty for failing to supply unberthed passengers or pilgrims with prescribed provisions.
167. Penalty for having excessive number of passengers on board.
168. Penalty for landing unberthed passenger or pilgrim at a place other than that at which he has contracted to land.
169. Penalty for making voyage in contravention of contract.
170 Information to be sent to ports of embarkation and discharge.
171. Report of Consul.
172. Authority to institute proceedings for penalties.
173. Appointment of officers,

Special Provisions relating to Unberthed Passenger Ships.

174. Definitions.
175. Power to declare what shall be deemed "seasons of fair weather," "seasons of foul weather," and "long voyages" and "short voyages."
176. Space to be available for passengers.
177. Ship taking additional passengers at intermediate place
178. Deaths on voyage.
179. Space to be available for passengers.
180. Statements concerning passengers.
181. Deaths on voyage.
182. Ship taking additional passengers at intermediate place.
183. Certain ships to be propelled by steam.
184. Certain ships to carry medical officer
185—188. * * * *

Sections.

189. Penalty for not complying with requirements as to statements concerning passengers and certain other matters.
190. Penalty for bringing passengers from foreign port in excess of authorized number.
191. Power for President to make rules.
192. Power to prescribe space to be available for passengers.

Special Provisions regarding Pilgrim Ships.

193. Space to be provided for pilgrims.
194. Disposal of pilgrims' baggage.
195. Hospital accommodation.
196. Statement concerning pilgrims to be delivered before ship departs.
197. Deaths on voyage.
198. Pilgrim ship taking additional pilgrims at intermediate place.
199. Statement concerning pilgrims to be delivered before pilgrims disembark in the Union of Burma.
200. Pilgrim ships to be propelled principally by steam and to be of certain tonnage and steam-power.
201. Certain pilgrim ships to carry medical officers and attendants.
202. Medical officers' diaries and reports.
203. Pilgrim ships to touch at Aden on the outward voyage.
204. * * * *
205. Bond where pilgrim ship proceeds on outward voyage.
206. Medical inspection and permission required before embarkation of pilgrims.
207. Medical inspection after embarkation in certain cases.
208. Medical inspection of women.
208A. Conditions for securing return passages for pilgrims.
208B. Issue or production of tickets.
208C. Refund of deposits and passage-money.
209. Unclaimed deposits and passage-money to lapse to the State.
209A. Cost of return journey of pilgrims on ships other than those for which return ticket is available.
209B. Notice of sailing of pilgrim ship.
209C. Compensation for delay in sailing.
209D. Substitution of ships.
210. Sanitary taxes payable by master of pilgrim ship.
211. Penalty on master for not complying with requirements as to statements concerning pilgrims and certain other matters.
212. Penalty on master or medical officer of pilgrim ship disobeying rules under this Act.
213. Power for President to make rules.

PART V.

SAFETY.

Sections.

213A. Definition.

Prevention of Collisions.

214. Appointment of inspectors of lights and fog-signals.
215. Notice of deficiency to be given to master or owner by such inspectors.
216. Ship not to be cleared by Customs-collector till inspector certifies it is properly provided with lights, etc.

Life-saving Appliances.

216A. Power of President to make rules as to life-saving appliances.
216B. Inspection of provision of life-saving appliances.

Load-Lines.

217. * * * *
218. Ships exempt from provisions relating to load-lines.
219. Power of President to make rules as to load-lines.
220. Marking of deck line and load-lines.
221. Submersion of load-line.
222. Offences in relation to marks.
223. Inspection of ships with respect to load-lines.

Certificates.

224. Issue of load-line certificates and effect thereof.
224A. Duration, renewal and cancellation of certificates.
224B. Ships not to proceed to sea without certificate.
224C. Publication of load-line certificate and particulars relating to depth of loading.
224D. Insertion of particulars as to load-lines in agreements with crew.

Special Provisions as to Ships not registered in the Union of Burma.

224E. Load-line certificates of ships not registered in the Union of Burma.
224F. Inspection and control of ships not registered in the Union of Burma.
224G. Certificate of ship not registered in the Union of Burma to be produced to Customs.
224H. Marking of deck line and load-lines of ships not registered in the Union of Burma.
224I. Submersion of load-line of ships not registered in the Union of Burma.
224J. Inspection of ships not registered in the Union of Burma.

Sections.

224K. Load-line certificates of ships not registered in the Union of Burma.
224L. Certificates to be produced to Customs by ships not registered in the Union of Burma.

Loading of Timber.

224M. Power of President to make rules as to timber cargo.

Grain Cargoes.

225. Stowage of cargo of grain, etc.
226. Penalty for improper stowage of such cargo.

Subdivision Load-Lines.

227. Submersion of subdivision load-lines in case of British passenger steamer registered in the Union of Burma.
228. Application of section 227 to steamers not registered in the Union of Burma.

Unseaworthy Ships.

229. Every person sending unseaworthy ship to sea liable to penalty.
230. Unseaworthy ships.
231. Obligation of owner to crew with respect to seaworthiness.

Detention of Unsafe Ships by the President of the Union.

232. Power to detain unsafe ship and procedure for detention.

Costs of Detention and Damages incidental thereto.

233. Liability of Government for costs and damages when ship wrongly detained.
234. Liability of ship-owner for costs when ship rightly detained.
235. What included in costs of detention and survey.
236. Power to require from complainant security for costs, etc.
237. Costs, etc., payable by Government recoverable from complainant.
238 Application to foreign ships of provisions as to detention.
239. Delegation of powers to Port Commissioners, etc.

Installation of Wireless Telegraphy.

240. Commencement.
241. * * * *
242. Wireless telegraphy requirements.

Sections.

242A. Wireless direction-finding apparatus.
242B. Wireless telegraph log.
243. Appointment and powers of wireless telegraphy inspectors.
244. Application to ships other than ships registered in the Union of Burma.
245. Power to make rules.

Signalling Lamps.

245A. Signalling lamps.

Safety Certificates, Radio-telegraphy Certificates and Exemption Certificates.

245B. Operation of provisions relating to Safety Certificates and Exemption Certificates.
245C. Safety Certificates and Qualified Safety Certificates.
245D. Safety Radio-telegraphy Certificate.
245E. Exemption Certificate.
245F. Duration of certificates.
245G. Issue of certificates to ships of foreign countries.
245H. Prohibition on proceeding to sea without certificates.
245I. Recognition of certificates issued outside the Union of Burma.
245J. Power of President to make rules as to certificates.
245K. Application of sections 139, 139A, 140 and 142 of Act to certificates.
245L. Issue by foreign Government of certificate to ships registered in the Union of Burma.
245M. Detention of foreign ships in cases not referred to in section 238.

PART V-A.

NAVIGATION.

245N. Method of giving helm orders.
245O. Duty to report dangers to navigation.
245P. Obligation to render assistance on receiving signal of distress.
245Q. Power of President to make rules as to signals.

PART VI.

SPECIAL SHIPPING INQUIRIES AND COURTS.

246. Shipping casualties and report thereof.
247. Report of shipping casualties to President.
248. Application to Court for a formal investigation.
249. Court empowered to make formal investigation.
250. Power for Court of Investigation to inquire into charges against masters, mates and engineers.

Sections.

251. Power for President to direct investigation into charges of incompetency or misconduct.
252. Person accused to be heard.
253. Powers of Courts as to evidence and regulation of proceedings.
254. Assessors.
255. Power to arrest witnesses and cause entry and detention of vessels.
256. Power to commit for trial and bind over witnesses.
257. Report by Court to President.

Suspension and cancellation of Certificates and grant of fresh Certificates.

258. * * * *
259. Power to issue local certificates in lieu of cancelled or suspended certificates.
260. Power for President to suspend or cancel certificates in certain cases.
261. * * * *
262. Report to Board of Trade.
263. Power to revoke cancellation or suspension and grant new certificate.
264. Power of Court of Investigation or Inquiry as to certificates granted by the President.
265. Power to remove master and appoint a new master.
266. Delivery of certificate cancelled or suspended.

Investigations into Explosions.

267. Power to investigate causes of explosions on board steam-ships.

Courts of Survey.

268. Constitution of Court of Survey.
269. Powers and procedure of Court of Survey.
270. Power of President to make rules with respect to Court of Survey.

Scientific Referees.

271. Reference in difficult cases to scientific persons.

PART VII.

WRECK AND SALVAGE.

272. "Wreck" defined.
273. Appointment of receivers.
274. Rules to be observed by persons finding wreck.

Sections.

275. Government or person finding wreck entitled to salvage.
276. Notice to be given by receiver.
277. Wreck may in certain cases be sold.
278. Proceeds how applied.
279. Savings.

PART VIII.

LEGAL PROCEEDINGS.

280. Certain persons to be deemed public servants.
281. Jurisdiction of Magistrates.
282. Place of trial of the offender.
283. Depositions to be received in evidence when witnesses cannot be produced.
284. Enforcing detention of ship.
285. Levy of wages, etc., by distress of moveable property.
286. Levy of wages, fines, etc., by distress of ship.
287. Service of documents.
288. Application of fines.

PART IX.

SUPPLEMENTAL.

289. Powers to see Act is complied with.

Ship Surveyors.

290. Power to appoint examiners and to make rules as to qualifications of ship surveyors.
291. No person to practise as ship surveyor unless qualified.
292. Penalty for practising as ship surveyor without certificate.
293. Powers of person appointed or authorized to survey ship.
294. Provisions with respect to rules.
294A. Power to appoint committees to advise on rules and scales.
295. Protection to persons acting under Act.
296. Application of Merchant Shipping Acts to British ships and ships registered in the Union of Burma.

SCHEDULE I.—Tables A and B.
SCHEDULE II.—Rates of fees payable in respect of survey of steam-ships.
SCHEDULE III.— * * * *
SCHEDULE IV.— * * * *

THE BURMA MERCHANT SHIPPING ACT.[1]

[INDIA ACT XXI, 1923.] (1st May, 1923.)

PART I.

INTRODUCTORY.

1. * * * *

Definitions.

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

(1) " effects " incudes clothes and documents ;

(2) " foreign-going ship " means a ship, not being a home-trade ship, employed in trading between any port in the Union of Burma and any other port or place ;

(3) " home-trade ship " means a ship employed in trading between any ports in the Union of Burma or between any port in the Union of Burma and any port or place in India or Pakistan or in the Straits Settlements, or in the Island of Ceylon ;

(4) " master " includes every person (except a pilot or harbour-master) having command or charge of a ship ;

(5) " Merchant Shipping Acts " means the Merchant Shipping Acts, 1894—1932 ;

(6) " passenger " includes any person carried in a ship other than the master and crew and the owner, his family and servants, but does not include any persons on board the ship either in pursuance of the obligation laid upon the master to carry ship-wrecked, distressed or other persons, or by reason of any circumstance which neither the master nor the owner could have prevented or forestalled ;

(6A) " passenger steamer " means a steamship carrying more than twelve passengers ;

(7) " prescribed " means prescribed by rules made under this Act ;

(8) " seaman " means every person (except masters, pilots and apprentices duly indentured and registered) employed or engaged in any capacity on board any ship ;

(9) " steam-ship " means every description of vessel used in navigation and propelled wholly or in part by the agency of steam ;

(10) " wages " includes emoluments ; and

[2] (11) * * * *

Application of Act to ships propelled by electricity or mechanical power.

3. The provisions of this Act applying to steam-ships shall apply to ships propelled by electricity or other mechanical power, with such modifications as the President of the Union may, by notification in the Gazette, direct for the purpose of adaptation.

---

[1] For provisions relating to the registration of Government and other ships, *see* the Burma Registration of Ships Act (*post*).

[2] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

Exemption of public ships.

[1] **4.** This Act shall not, except where specially provided, apply to ships belonging to the Government or to ships belonging to any foreign Prince or State and employed otherwise than for profit in the public service of that foreign Prince or State.

4A. * * * *

PART II.

MASTERS AND SEAMEN.

Application.

5. (*1*) The provisions of this Part relating to the requirement of masters and mates to hold certificates of competency shall not apply to ships registered under the Burma Registration of Ships Act, and trading between ports in the Union of Burma and the coast of Arabia, when such ships are navigated and manned exclusively by [* * *][2] Asiatic masters and seamen.

(*2*) Save as hereinbefore provided in this section, this Part shall, unless there is anything repugnant in the subject or context, apply to British ships and to the owners, masters and crews thereof as follows :—

(*a*) The provisions relating to licences to supply seamen, engagement of the crew, agreements with lascars, discharge of seamen, payment of wages, advance and allotment of wages, mode of recovering wages, and recovery of expenses of relief of distressed seamen, shall apply to every sea-going ship in the Union of Burma.

(*aa*) The provisions relating to the employment of young persons shall apply to ships registered in the Union of Burma and to foreign ships in the manner prescribed in the said provisions.

(*b*) The provisions relating to the property of deceased seamen and apprentices shall apply to every sea-going ship, not being a ship registered in the United Kingdom or a ship employed in trading or going from or to any port in the United Kingdom, where the crew are discharged or the final port of destination of the ship is in the Union of Burma.

(*c*) The provisions relating to the rights of seamen in respect of wages, to the return of distressed seamen, to the provisions and health of seamen, to the power of seamen to make complaints, to the protection of seamen from imposition and to discipline shall apply to sea-going ships registered in the Union of Burma, while such ships are in the Union of Burma.

(*d*) The provisions relating to official logs shall apply to sea-going ships registered in the Union of Burma, and to any sea-going ship, not being a ship registered in the United Kingdom, employed in trading or going between any port in the Union of Burma and

---

[1] For provisions relating to the registration of Government and other ships, *see* the Burma Registration of Ships Act (*post*).

[2] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

any port not situated in the part of His Britannic Majesty's dominions in which the ship is registered other than in the United Kingdom.

[1](3) * * * *

Shipping Offices.

Shipping offices.

6. (*1*) Shipping offices shall be maintained at every port in the Union of Burma where there is a shipping office on the 1st May, 1923[2], and may be established and maintained at such other ports as the President of the Union may deem necessary.

(*2*) For every such office there shall be a shipping-master with such deputy shipping-masters, clerks and servants (if any) as the President of the Union may consider necessary.

(*3*) Shipping-masters and deputy shipping-masters shall be appointed by the President of the Union and shall be subject to his control or to the control of any intermediate authority which he may appoint.

(*4*) Every act done by or before a deputy shipping-master shall have the same effect as if done by or before a shipping-master.

Power to direct that business of shipping office be transacted at custom house, office or elsewhere.

7. (*1*) The President of the Union may direct that, at any port at which no separate shipping office is established, the whole or any part of the business of the shipping office shall be conducted at the custom house, or at the office of the port officer, or at such other office as the President of the Union shall direct, and thereupon the same shall be conducted accordingly.

(*2*) In respect of such business such custom house or office as aforesaid shall for all purposes be deemed to be a shipping office, and the officer to whom such business is committed shall for all purposes be deemed to be a shipping-master within the meaning of this Act.

Business of shipping-masters.

8. It shall be the general business of shipping-masters—

(i) to superintend and facilitate the engagement and discharge of seamen in manner in this Act provided ;

(ii) to provide means for securing the presence on board at the proper times of the seamen who are so engaged ;

(iii) to give to all persons desirous of apprenticing boys to the sea service and duly authorized so to do by the Apprentices Act, and also to owners and masters of British ships requiring apprentices, such assistance as may be in their power for facilitating the making of such apprenticeships ;

(iv) to perform such other duties relating to seamen, apprentices and merchant ships as are for the time being committed to them by or under this Act or the Merchant Shipping Acts

Fees to be paid.

9. (*1*) Such fees, not exceeding the sum specified in Table A in Schedule I, as may be fixed by the President of the Union shall be payable upon all engagements and discharges effected before shipping-masters.

---

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

[2] Date of commencement of this Act.

(*2*) Scales of the fees payable for the time being shall be conspicuously placed in the shipping office, and all shipping-masters, their deputies, clerks and servants may refuse to proceed with any engagement unless the fees payable thereon are first paid.

(*3*) Every owner or master of a ship engaging or discharging any seaman in a shipping office or before a shipping-master shall pay to the shipping-master the whole of the fees hereby made payable in respect of such engagement or discharge, and may, for the purpose of in part reimbursing himself, deduct in respect of each such engagement or discharge from the wages of all persons (except apprentices) so engaged or discharged and retain any sums not exceeding the sums specified in that behalf in Table B in Schedule I :

Provided that, if in any cases the sums which the owner is so entitled to deduct exceed the amount of the fee payable by him, such excess shall be paid by him to the shipping-master in addition to such fee.

(*4*) For the purpose of determining the fees to be paid upon the engagement and discharge of seamen belonging to foreign-going ships which have running agreements as hereinafter provided, the crew shall be considered to be engaged when the agreement is first signed, and to be discharged when the agreement finally terminates ; and all intermediate engagements and discharges shall be considered to be engagements and discharges of single seamen.

Prohibition on taking other remuneration at shipping office.

10. If a shipping-master, deputy shipping-master, clerk or servant in a shipping office demands or receives, other than the fees authorized under this Act, any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for a ship or transacting any business which it is his duty to transact, he shall be liable for every such offence to a fine which may extend to two hundred rupees, and shall also be dismissed from his office.

Certificates of Competency.

Certificates of competency to be held by officers of foreign-going and home-trade ships and foreign passenger ships.

11. (*1*) Every [foreign-going ship][1] and every [home-trade ship][1] of three hundred tons or upwards when going to sea from any place in the Union of Burma shall be provided with officers duly certificated under this Act according to the following scale, namely :—

(*a*) in any case, with a duly certificated master ;

(*b*) if the ship is of three hundred tons or upwards, with at least one officer besides the master holding a certificate not lower than that of a mate.

(*2*) Every [foreign-going steam-ship][1] when going to sea from any place in the Union of Burma shall be provided with engineers duly certificated under this Act according to the following scale, namely :—

(*a*) if the ship is of one hundred nominal horse-power or upwards, with at least two engineers, one of whom shall be a first class and the other a first class or second class engineer duly certificated ;

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

(*b*) if the ship is of less than one hundred nominal horse-power, with at least one engineer who is a first class or second class engineer duly certificated.

(*3*) Every [home-trade steam-ship][1] when going to sea from any place in the Union of Burma, and every foreign steam-ship carrying passengers between places in the Union of Burma, shall be provided with engineers duly certificated according to the following scale, namely :—

(*a*) if the ship is of fifty nominal horse-power or upwards, with at least one engineer who is a first class or second class engineer duly certificated ;

(*b*) if the ship is of less than fifty nominal horse-power, with at least one engineer who is a first class or second class engineer, or an engine driver duly certificated.

(*4*) Nothing in this section which relates to engineers or engine drivers shall apply to any steam-ship to which the provisions of the Inland Steam-vessels Act apply.

When officer deemed duly certificated.

12. An officer shall not be deemed to be duly certificated under this Act, unless he holds a certificate of a grade appropriate to his station in the ship or of a higher grade,

(*a*) granted in accordance with the Merchant Shipping Acts or any Act repealed thereby, or this Act or any Act repealed by the Indian Merchant Shipping Act, 1923 ; or India XXI, 1923.

(*b*) issued by a competent authority in any British possession, the certificates of which have been declared by Order in Council made under section 102 of the Merchant Shipping Act, 1894, to have the same force as if they were granted under that Act. 57 & 58 Vict. c. 60.

Penalty for serving, etc., as a master, mate or engineer without a certificate.

13. Any person who,—

(*a*) having been engaged as one of the officers mentioned in section 11, goes to sea as such officer without being duly certificated, or

(*b*) employs a person as an officer in contravention of section 11, without ascertaining that the person so serving is duly certificated,

shall be liable for each such offence to a fine which may extend to five hundred rupees.

Grades of certificates of competency.

14. (*1*) Certificates of competency shall be granted in accordance with this Act for each of the following grades, namely :—

Master of foreign-going ship.
First mate of foreign-going ship.
Second mate of foreign-going ship.
Master of a home-trade ship.
Mate of a home-trade ship.

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

First class engineer.
Second class engineer.
Engine driver.

(*2*) A certificate of competency for a foreign-going ship shall be deemed to be of a higher grade than the corresponding certificate for a home-trade ship, and shall entitle the lawful holder thereof to go to sea in the corresponding grade in such last-mentioned ship; but no certificate for a home-trade ship shall entitle the holder to go to sea as master or mate of a foreign-going ship.

Examinations for certificates.

15. The President of the Union or a person duly authorized by the President of the Union in this behalf shall appoint persons for the purpose of examining the qualifications of persons desirous of obtaining certificates of competency under this Act.

Grant of certificates on passing examinations.

16. The President of the Union or such authorized person shall deliver to every applicant, who is duly reported by the examiners to have passed the examination satisfactorily and to have given satisfactory evidence of his sobriety, experience and ability and general good conduct on board ship, such a certificate of competency as the case requires :

Provided that the President of the Union may, in any case in which he has reason to believe that the report has been unduly made, require, before granting a certificate, a re-examination of the applicant or a further inquiry into his testimonials and character.

Certificates of service of naval officers.

17. (*1*) A person who has attained the rank of lieutenant in [the Burma Navy][1] [* * * *][2] shall be entitled to a certificate of service as the master of a foreign-going ship without examination.

(*2*) A person who has attained the rank of engineer or assistant engineer in [the Burma Navy][1] [* * * *][2] shall be entitled without examination, if an engineer, to a certificate of service as first class engineer, and, if an assistant engineer, to a certificate of service as second class engineer.

(*3*) A certificate of service shall differ in form from a certificate of competency, and shall contain the name and rank of the person to whom it is delivered, and the President of the Union shall deliver a certificate of service to any person who proves himself to be entitled thereto.

(*4*) The provisions of this Act (including the penal provisions) shall apply in the case of a certificate of service as they apply in the case of a certificate of competency.

Form of certificates.

18. Every certificate of competency granted under this Act shall be in the prescribed form and shall be made in duplicate, and one copy shall be delivered to the person entitled to the certificate, and the other shall be kept by the President of the Union and recorded in the prescribed manner.

---

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.
[2] Omitted *ibid.*

Record of order affecting certificates.

19. A note of all orders made for suspending, cancelling, altering or otherwise affecting any certificate of competency, in pursuance of the powers contained in this Act, shall be entered on the copy of the certificate kept by the President of the Union.

Loss of certificates.

20. Whenever a master, mate, engineer or engine driver proves to the satisfaction of the President of the Union that he has, without fault on his part, lost or been deprived of a certificate already granted to him under this Act the President of the Union shall cause a copy of the certificate, to which by the record kept in accordance with this Act he appears to be entitled, to be granted to him, and such copy shall have all the effect of the original.

Power to make rules as to grant of certificates of competency.

21. (*1*) The President of the Union may make rules [1] to regulate the granting of certificates of competency under this Act, and may, by such rules,—

(*a*) provide for the conduct of the examination of persons desirous of obtaining certificates of competency as masters, mates, engineers or engine drivers;

(*b*) prescribe the qualifications to be respectively required of persons desirous of obtaining certificates of competency as masters, first mates, second mates, first class engineers, second class engineers or engine drivers;

(*c*) fix the fees to be paid by applicants for examination; and

(*d*) prescribe the form in which such certificates are to be framed and the manner in which the copy of the certificate to be kept by the President of the Union is to be recorded.

Production of certificates of competency to shipping-master.

22. (*1*) The master of a foreign-going ship—

(*a*) on signing the agreement with his crew shall produce to the shipping-master, before whom the same is signed, the certificates of competency which the master, mate and engineers of the ship are by this Act required to hold; and

(*b*) in the case of a running agreement shall also, before the second and every subsequent voyage, produce to the shipping-master the certificate of competency of any mate or engineer then first engaged by him who is required by this Act to hold a certificate.

(*2*) The master or owner of every home-trade ship of more than three hundred tons burden shall produce to some shipping-master in the Union of Burma, within twenty-one days after the thirtieth of June and the thirty-first of December in every year, or (if the ship is not at any port in the Union of Burma within twenty-one days after either the thirtieth of June or the thirty-first day of December in any year) within forty-eight hours after her next

[1] For such rules see *Burma Gazette*, 1952, Part I, page 1092.

arrival at any port in the Union of Burma, the certificates of competency which the master, mates and engineers of the ship are by this Act required to hold.

(*3*) Upon the production of the certificates of competency, the shipping-master shall, if the certificates are such as the master, mates, and engineers of the ship ought to hold, give to the master a certificate to the effect that the proper certificates of competency have been so produced.

(*4*) The master shall, before proceeding to sea, produce the certificate given to him by the shipping-master to the Customs-collector, or, if there is no Customs-collector, to the officer whose duty it is to grant a port-clearance.

(*5*) No officer of Customs or other officer shall clear any such ship outwards without such production ; and, if any ship attempts to go to sea without a clearance, any such officer may detain her until the certificate is produced.

Apprenticeships to the Sea Service.

Application of Apprentice Act.

23. (*1*) Any boy not under fourteen years of age may be bound as an apprentice in the sea service to the owner of any ship registered in the Union of Burma to be employed in any such ship, being the property of such person, the master of which is a British subject, and while so employed to be taught the craft and duty of a seaman, and the provisions of the Apprentices Act shall, subject to the provisions of this Act, apply accordingly.

(*2*) The master of any ship in which any apprentice bound to the sea service shall be appointed to serve by the party to whom he is bound shall be deemed to be the agent of such party for the purposes of the said Act.

(*3*) The duties of the Magistrate under that Act in respect of the contract of apprenticeship and of the endorsements thereon of any assignment, alteration or cancellation of the contract, and of the certification of the offer of the continuation of the contract by the executors or administrators of a deceased master of the apprentice, shall be performed by the shipping-master of the port where the apprentice is to begin his service.

Licences to supply Seamen.

Licences to supply seamen.

24. (*1*) The President of the Union or any person duly authorized by the President of the Union in this behalf may grant to such persons as may be deemed fit licences to engage or supply seamen for merchant ships in the Union of Burma.

(*2*) Any such licence shall continue for such period, and may be granted and revoked on such terms and conditions, as the President of the Union thinks proper.

Penalties for engaging seamen without licence.

25. (*1*) A person shall not engage or supply a seaman to be entered on board any ship in the Union of Burma unless that person either holds a licence under this Act for the purpose, or is the owner or master or mate of the ship, or is *bonâ fide* the servant and in the constant employ of the owner, or is a shipping-master.

(*2*) A person shall not employ, for the purpose of engaging or supplying a seaman to be entered on board any ship in the Union of Burma, any person unless that person either holds a licence under this Act for the purpose, or is the owner or master or mate of the ship, or is *bonâ fide* the servant and in the constant employment of the owner, or is a shipping-master.

(*3*) A person shall not receive or accept to be entered on board any ship any seaman if that person knows that the seaman has been engaged or supplied in contravention of this section.

(*4*) If a person acts in contravention of this section, he shall for each seaman in respect of whom an offence is committed be liable to a fine which may extend to one hundred rupees, and, if a licensed person, shall forfeit his licence.

Penalty for receiving remuneration from seamen for shipping them.

26. (*1*) A person shall not demand or receive, either directly or indirectly, from any seaman, or from any person seeking employment as a seaman, or from any person on his behalf, any remuneration whatever for providing him with employment other than the fees authorized by this Act.

(*2*) If a person acts in contravention of this section, he shall for each such offence be liable to a fine of fifty rupees, and, if a licensed person, shall forfeit his licence.

Engagement of Seamen.

Agreements with crew

27. (*1*) The master of every [* * *][1] ship, except home-trade ships of a burden not exceeding three hundred tons, shall enter into an agreement (in this Act called the agreement with the crew) in accordance with this Act with every seaman whom he engages in, and carries to sea as one of his crew from, any port in the Union of Burma.

(*2*) If a master of a ship carries any seaman to sea without entering into an agreement with him in accordance with this Act, the master shall for each offence be liable to a fine which may extend to fifty rupees.

Form and contents of the agreement.

28. (*1*) An agreement with the crew shall be in a form sanctioned by the President of the Union, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same.

(*2*) The agreement with the crew shall contain as terms thereof the following particulars, namely :—

(*a*) either the nature and, as far as practicable, the duration of the intended voyage or engagement or the maximum period of the voyage or engagement, and the places or parts of the world, if any, to which the voyage or engagement is not to extend ;

(*b*) the number and description of the crew, specifying how many are engaged as sailors ;

(*c*) the time at which each seaman is to be on board or to begin work ;

(*d*) the capacity in which each seaman is to serve ;

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

(*e*) the amount of wages which each seaman is to receive ;

(*f*) a scale of the provisions which are to be furnished to each seaman such scale being, in the case of lascars or other native seamen, not less than a scale to be fixed by the President of the Union and published in the Gazette ;

(*g*) any regulations as to conduct on board and as to fines, short allowance of provisions or other lawful punishments for misconduct, which have been sanctioned by the President of the Union as regulations proper to be adopted, and which the parties agree to adopt ; and

(*h*) where it is agreed that the services of any lascar or other native seaman shall end at any port not in the Union of Burma, a stipulation to provide him either fit employment on board some other ship bound to the port at which he was shipped or to such other port in the Union of Burma as may be agreed upon, or a passage to some port in the Union of Burma free of charge or on such other terms as may be agreed upon, and in this provision the word " seaman " shall include also any native of the Union of Burma carried to sea from any port in the Union of Burma as one of the crew :

Provided that any such stipulation shall be signed by the owner of the ship or by the master on his behalf.

(*3*) The agreement with the crew shall be so framed as to admit of such stipulations to be adopted at the will of the master and seaman in each case (not being inconsistent with the provisions of any enactment for the time being in force relating to Merchant Shipping) as to advance of wages and supply of warm clothing, and may contain any other stipulations which are not contrary to law.

(*4*) If a master enters into an agreement with a lascar or other native seaman for a scale of provisions less than the scale fixed under this section, he shall be liable to a fine which may extend to two hundred rupees.

Engagement of single seaman where agreement is made out of the Union of Burma.

29. If the master of a ship registered at a port outside the Union of Burma has an agreement with the crew made in due form according to the law of that port or of the port in which her crew were engaged and engages a single seaman not being a lascar or other native seaman in any port in the Union of Burma, the seaman may sign the agreement so made, and it shall not be necessary for him to sign an agreement under this Act.

Special provisions with regard to agreements with crew of foreign-going ships.

30. (*1*) The following provisions shall have effect with respect to the agreements with the crew made in the Union of Burma in the case of foreign-going ships registered either within or without the Union of Burma, namely :—

(*a*) The agreement shall, subject to the provisions of this Act as to substitutes, be signed by each seaman in the presence of a shipping-master.

(*b*) The shipping-master shall cause the agreement to be read over and explained to each seaman, in a language understood by him, or shall otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature.

(*c*) When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the shipping-master, and the other part shall be delivered to the master, and shall contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship.

(*d*) When a substitute is engaged in the place of a seaman who has duly signed the agreement and whose services are lost within twenty-four hours of the ship's putting to sea by death, desertion, or other unforeseen cause, the engagement shall, if practicable, be made before a shipping-master, and if not practicable the master shall, before the ship puts to sea, if practicable, and, if not, as soon afterwards as possible, cause the agreement to be read over and explained to the substitute; and the substitute shall thereupon sign the same in the presence of a witness, who shall attest the signature.

(*e*) The agreement may be made for a voyage of the ship or, if the voyages of the ship average less than six months in duration, may be made to extend over two or more voyages, and agreements so made are in this Act referred to as running agreements.

(*f*) Save as otherwise provided in this section, running agreements shall not extend beyond the next following thirtieth day of June or thirty-first day of December, or the first arrival of the ship at her port of destination in the Union of Burma after such date, or the discharge of cargo consequent upon that arrival.

(*g*) On every return to a port in the Union of Burma before the final termination of a running agreement, the master shall discharge or engage before the shipping-master at such port any seaman whom he is required by law so to discharge or engage; and shall upon every such return endorse on the agreement a statement (as the case may be) either that no such discharge or engagement have been made or are intended to be made before the ship leaves port, or that all those made have been made as required by law, and if the master wilfully makes a false statement in any such endorsement, he shall for each offence be liable to a fine which may extend to two hundred rupees.

(*h*) The master shall deliver the running agreement so endorsed to the shipping-master, and the shipping-master shall, if the provisions of this Act relating to agreements have been complied with, sign the endorsement and return the agreement to the master.

(*2*) In the case of a ship—

(*a*) registered in the Union of Burma, or

(*b*) registered in the United Kingdom but not employed in trading with any port in the United Kingdom,

a running agreement may be made to extend over two or more voyages so that it shall terminate either within six months from the date on which it was executed, or on the first arrival of the ship at her port of destination in the Union of Burma after the expiration of that period, or on the discharge of cargo consequent upon such arrival, whichever of these dates shall be the latest :

Provided that no such agreement shall continue in force if, after the expiration of such period of six months as aforesaid, the ship proceeds on a voyage from a port out of the Union of Burma to any other such port which is not on the direct road or a customary route to her port of destination in the Union of Burma :

Provided also, that every such agreement shall, in addition to any other particulars required by law, contain such stipulations for the discharge of the crew and payment of their wages, for securing their return to the port at which they were shipped or to some other port in the Union of Burma, and for other purposes on the termination of the agreement at a port out of the Union of Burma under the foregoing proviso, as the President of the Union may direct.

Renewal of running agreements in certain cases.

31. (*1*) When a running agreement has been made with the crew of a foreign-going ship and the ship arrives after the next following thirtieth day of June or thirty-first day of December, as the case may be, or after the expiration of a period of six months from the date on which it was executed at a port of destination in the Union of Burma which is not the port at which the crew have agreed to be discharged, the master may, with the previous sanction of the shipping-master, renew the agreement with the crew, or may be required by the shipping-master so to renew the agreement, for the voyage from such port of destination to the port in the Union of Burma at which the crew have agreed to be discharged.

(*2*) If the master of the ship is required by the shipping-master to renew the agreement as aforesaid and refuses so to renew it, any expenses which may be incurred by Government for the subsistence of the crew and their conveyance to the port at which they have agreed to be discharged shall be a charge upon the ship, and shall be recoverable as if they were expenses incurred in respect of distressed seamen under the provisions of this Act.

Special provisions as to agreements with crew of home-trade ship over three hundred tons burden.

32. The following provisions shall have effect with respect to the agreements with the crew of home-trade ships for which an agreement with the crew is required under this Act, namely :—

(*a*) Agreements may be made either for service in a particular ship or for service in two or more ships belonging to the same owner,

but, in the latter case, the names of the ships and the nature of the ships and the nature of the service shall be specified in the agreement.

(*b*) Crews or single seamen may, if the master thinks fit, be engaged before a shipping-master in the same manner as they are required to be engaged for service in foreign-going ships, but, if the engagement is not so made, the master shall, before the ship puts to sea, if practicable, and, if not, as soon afterwards as possible, cause the agreement to be read over and explained to each seaman, and the seaman shall thereupon sign the same in the presence of a witness, and the witness shall attest the signature.

(*c*) An agreement for service in two or more ships belonging to the same owner may be made by the owner instead of by the master; and the provisions of this Act with respect to the making of the agreement shall apply accordingly.

(*d*) Agreements shall not extend beyond the next following thirtieth day of June or thirty-first day of December or the first arrival of the ship at her final port of destination in the Union of Burma after such date, or the discharge of cargo consequent on that arrival :

Provided that the owner or his agent may enter into time agreements in forms sanctioned by the President of the Union with individual seamen to serve in any one or more ships belonging to such owner, which agreements need not expire on either the thirtieth day of June or the thirty-first day of December.

Changes in crew of foreign-going ship to be reported.

33. (*1*) The master of every foreign-going ship, of which the crew has been engaged before a shipping-master, shall, before finally leaving the Union of Burma, sign and send to the nearest shipping-master a full and accurate statement in a form sanctioned by the President of the Union of every change which takes place in his crew before finally leaving the Union of Burma, and that statement shall be admissible in evidence.

(*2*) If any master fails without reasonable cause to comply with the requirements of this section, he shall be liable for each offence to a fine which may extend to fifty rupees.

Certificate as to agreement with crew of foreign-going ship.

34. (*1*) In the case of a foreign-going ship, on the due execution of an agreement with the crew in accordance with this Act, and also when the agreement is a running agreement, on compliance by the master, before the second and every subsequent voyage made after the first commencement of the agreement, with the provisions of this Act respecting that agreement, the shipping-master shall grant the master of the ship a certificate to that effect.

(*2*) The master of every foreign-going ship shall, before proceeding to sea, produce that certificate to the Customs-collector, or, if there is no Customs-collector, to the officer whose duty it is to grant a port-clearance.

(*3*) No officer of Customs or other officer shall clear any such ship outwards without such production ; and, if any such ship attempts to go to sea without a clearance, any such officer may detain her until such certificate as aforesaid is produced.

(*4*) The master of every foreign-going ship shall, within forty-eight hours after the ship's arrival at her final port of destination in the Union of Burma, or upon the discharge of the crew, whichever first happens, deliver such agreement to a shipping-master at the place ; and such shipping-master shall thereupon give to the master a certificate of such delivery ; and no officer of Customs or other officer shall clear any foreign-going ship inwards without the production of such certificate.

(*5*) Any master who fails without reasonable cause so to deliver the agreement with the crew shall be liable for each offence to a fine which may extend to fifty rupees.

Certificate as to agreement with crew of home-trade ship.

35. (*1*) The master or owner of a home-trade ship of more than three hundred tons burden shall, within twenty-one days after the thirtieth day of June and the thirty-first day of December in every year, or (if the ship is not at any port in the Union of Burma within twenty-one days after either the thirtieth day of June or the thirty-first day of December) within forty-eight hours of her next arrival at a port in the Union of Burma, deliver or transmit to a shipping-master in the Union of Burma every agreement made within the six months next preceding such days respectively.

(*2*) The shipping-master on receiving such agreement shall give the master or owner of the ship a certificate to that effect ; and no officer of Customs or other officer authorized to grant a port-clearance shall grant a clearance for any such ship without a production of the certificate, and, if any such ship attempts to go to sea without such clearance, any such officer may detain her until the certificate is produced.

(*3*) Any master or owner who fails, without reasonable cause, to comply with this section shall be liable for each offence to a fine which may extend to fifty rupees.

Copy of agreement to be made accessible to the crew.

36. (*1*) The master shall, at the commencement of every voyage or engagement, cause a legible copy of the agreement and, if necessary, a translation thereof in a language understood by the majority of the crew (omitting the signatures), to be placed or posted up in such part of the ship as to be accessible to the crew.

(*2*) Any master who fails without reasonable cause to comply with this section shall be liable for each offence to a fine which may extend to fifty rupees.

Alteration in agreement with the crew.

37. Every erasure, interlineation or alteration in any agreement with the crew (except additions made for the purpose of shipping substitutes or persons engaged subsequently to the first departure of the ship) shall be wholly inoperative, unless proved to have been made with the consent of all the persons interested in such erasure, interlineation or alteration by the written attestation

[* * *][1] of some shipping-master, Justice, officer of Customs, or other public functionary, or [* * *][1] of a [British or Burma Consular officer],[2] or, where there is no such officer, of two respectable British merchants.

Employment of Young Persons.

Definitions of "coasting-ship", "young lascar" and "young person".

37A. For the purposes of the following provisions—

(i) "coasting-ship" means a ship exclusively employed in trading between any ports or places in the Union of Burma [* * *][1];

(ii) "young lascar" means a lascar or other native seaman under eighteen years of age; and

(iii) "young person" means a person under eighteen years of age, and includes a young lascar.

Employment of children.

37B. No young person under fourteen years of age shall be engaged or carried to sea to work in any capacity in any ship registered in the Union of Burma, and no young lascar under fourteen years of age shall be engaged or carried to sea to work in any capacity in any foreign ship, except—

(*a*) in a school-ship, or training-ship, in accordance with the prescribed conditions; or

(*b*) in a ship in which all persons employed are members of one family; or

(*c*) in a home-trade ship of a burden not exceeding three hundred tons; or

(*d*) where such young person is to be employed on nominal wages and will be in the charge of his father or other adult near male relative.

Engagement of young persons as trimmers or stokers.

37C. (*1*) Subject to the provisions of sub-sections (*2*) and (*3*), no young person shall be engaged or carried to sea to work as a trimmer or stoker in any ship registered in the Union of Burma, and no young lascar shall be engaged or carried to sea to work as a trimmer or stoker in any foreign ship.

(*2*) Sub-section (*1*) shall not apply—

(*a*) to any work of trimming or stoking done by a young person in a school-ship or training-ship in accordance with the prescribed conditions; or

(*b*) to any work of trimming or stoking done by a young person in a ship which is mainly propelled otherwise than by steam; or

(*c*) to the engagement or carrying to sea of a young person over sixteen years of age to work as a trimmer or stoker on a coasting-ship, provided he is employed in accordance with the prescribed conditions.

---

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

[2] Substituted *ibid.*

(*3*) Where in any port a trimmer or stoker is required for any ship mentioned in sub-section (*1*), other than a coasting-ship, and no person over eighteen years of age is available, two young persons over sixteen years of age may be engaged and carried to sea to do the work which would otherwise have been done by one person over eighteen years of age.

(*4*) There shall be included in every agreement with the crew in ships to which this section applies a short summary of the provisions of this section.

Medical examination of young persons.

37D. (*1*) Subject to the provisions of sub-section (*2*), no young person shall be engaged or carried to sea to work in any capacity in any ship registered in the Union of Burma, and no young lascar shall be engaged or carried to sea to work in any capacity in any foreign ship, unless there has been delivered to the master a certificate granted by a prescribed authority that the young person is physically fit to be employed in that capacity.

(*2*) Sub-section (*1*) shall not apply—

(*a*) to the employment of a young person in a ship in which all persons employed are members of one family ; or

(*b*) where the shipping-master, on the ground of urgency, has authorized a young person to be engaged and carried to sea, without the certificate required by sub-section (*1*) being delivered to the master, and the young person is not employed beyond the first port at which the ship in which he is so engaged calls except in accordance with the provisions of sub-section (*1*).

(*3*) A certificate of physical fitness required under this section shall remain in force for one year only from the date on which it is granted.

Maintenance of list or register of young persons in a ship.

37E. There shall be included in every agreement with the crew of every ship registered in the Union of Burma and every foreign ship, which engages young persons in the Union of Burma, a list of young persons who are members of the crew, together with particulars of the dates of their birth, and, in the case of any such ship where there is no agreement, the master shall keep a register of young persons with particulars of the dates of their birth and of the dates on which they became or ceased to be members of the crew.

Penalty for contravention of sections 37B, 37C and 37D.

37F. If any young person is carried to sea to work in contravention of section 37B, section 37C or section 37D, the master of the ship shall for each such offence be liable to a fine which may extend to fifty rupees.

Penalty for false representation by parent or guardian.

37G. If any young person is engaged to work in any capacity in a ship in contravention of section 37B, section 37C or section 37D on a false representation by his parent or guardian that the young person is of an age at which such engagement is not in contravention of those sections, such parent or guardian shall be liable to a fine which may extend to fifty rupees.

Penalty for failure to produce medical certificate for inspection.

37H. If the master of any ship refuses or neglects to produce for inspection any medical certificate delivered to him under section 37D when required so to do by a shipping-master, he shall for each such offence be liable to a fine which may extend to fifty rupees.

Penalty for failure to keep or produce for inspection a register of young persons.

37I. If the master of a ship where there is no agreement with the crew fails to keep the register of young persons required to be kept by him under section 37E, or refuses or neglects to produce such register for inspection when required so to do by a shipping-master, he shall be liable to a fine which may extend to two hundred rupees.

Power to make rules.

37J. (*1*) The President of the Union may make rules prescribing—

(*a*) the conditions of employment of young persons, in any capacity, in school-ships and training-ships, and the authorities by whom and the manner in which the inspection of their work shall be carried out ;

(*b*) the conditions of employment of young persons as trimmers or stokers in coasting-ships ;

(*c*) the authorities whose certificates of physical fitness shall be accepted for the purposes of section 37D ; and

(*d*) the form of the register of young persons to be maintained in ships where there is no agreement with the crew.

(*2*) Rules under clause (*b*) shall be made after consultation with such organisations in the Union of Burma as the President of the Union may consider to be most representative of the employers of seamen and of seamen.

Engagement of Lascars by Masters of Foreign Ships.

Engagements between masters of foreign ships and lascars or native seamen.

38. (*1*) When the master of a foreign ship being at any port in the Union of Burma engages any lascar or other native seaman to proceed to any port out of the Union of Burma, he shall enter into an agreement with such seaman, and the agreement shall be made before a shipping-master in the manner provided by this Act for the making of agreements in the case of foreign-going ships.

(*2*) All the provisions of this Act, respecting the form of such agreements and the stipulations to be contained in them and the making and signing of the same, shall be applicable to the engagement of such seaman.

(*3*) The master of the foreign ship shall give to the shipping-master a bond with the security of some approved person resident in the Union of Burma for an amount calculated at the rate of one hundred rupees for every such seaman and conditioned for the due performance of such agreement and stipulations, and for the repayment to the Government of all expenses which may be incurred by Government in respect of any such lascar or other native seaman who is discharged or left behind at any port out of the Union of Burma and becomes distressed and is relieved under the provisions of the Merchant Shipping Acts.

(*4*) The prescribed fees shall be payable in respect of every such engagement and deductions from the wages of seamen so engaged may be made to the extent and in the manner allowed under this Act.

Penalty for master of foreign ship illegally engaging native seamen.

39. If any lascar or other native seaman is engaged by the master of any foreign ship otherwise than is allowed in section 38, the master shall be liable to a fine which may extend to one hundred rupees for every seaman so engaged.

Power to prohibit engagement of native seamen.

40. (*1*) The President of the Union or such officer as he may appoint in this behalf may, by order in writing, prohibit any person from engaging in the Union of Burma, or in any specified portion of the Union of Burma, any native of the Union of Burma to serve as a seaman on any ship specified in such order, but in every case the reasons for the prohibition shall be stated in writing;

(*2*) Whoever wilfully disobeys any such prohibition shall be liable to imprisonment for a term which may extend to three months, or to a fine which may extend to one thousand rupees, or to both.

Power to board ships and master seamen.

41. (*1*) For the purpose of preventing seamen from being taken on board any British ship or lascars or native seamen being taken on board any foreign ship at any port in the Union of Burma contrary to the provisions of this Act, any shipping-master or deputy shipping-master may enter at any time on board any such ship upon which he has reason to believe that seamen or lascars or native seamen, as the case may be, have been shipped, and may muster and examine the several seamen employed therein.

(*2*) If any person obstructs a shipping-master or deputy shipping-master in the exercise of his powers under sub-section (*1*), he shall be liable to a fine which may extend to one hundred rupees.

Discharge of Seamen.

Discharge before shipping-master.

42. (*1*) When a seaman serving in a British foreign-going ship is, on the termination of his engagement, discharged in the Union of Burma, he shall, whether the agreement with the crew be an agreement for the voyage or a running agreement, be discharged in the manner provided by this Act in the presence of a shipping-master.

(*2*) If the master or owner of the ship acts in contravention of this section, he shall, for each offence, be liable to a fine which may extend to one hundred rupees.

(*3*) If the master or owner of a home-trade ship of more than three hundred tons burden so desires, the seamen of that ship may be discharged in the same manner as seamen discharged from a foreign-going ship.

Certificate of discharge and return of certificate to officer on discharge.

43. (*1*) The master shall sign and give to a seaman discharged from his ship in the Union of Burma, either on his discharge or on payment of his wages, a certificate of his discharge in a form sanctioned by the President of the Union specifying the period of his service and the time and place of his discharge.

(*2*) If a master acts in contravention of this section, he shall for each offence be liable to a fine which may extend to one hundred rupees.

(*3*) The master shall also, upon the discharge of every certificated officer, whose certificate of competency has been delivered to and retained by him, return the certificate to the officer, and if, without reasonable cause, he fails so to do, he shall for each offence be liable to a fine which may extend to two hundred rupees.

Certificate as to work of seaman.

43A. (*1*) The master of every ship, except home-trade ships of a burden not exceeding three hundred tons, shall sign and give to a seaman discharged from his ship in the Union of Burma, either on his discharge or on payment of his wages, a certificate in a form sanctioned by the President of the Union stating—

(*a*) the quality of the work of the seaman ; or

(*b*) whether the seaman has fulfilled his obligations under the agreement with the crew.

(*2*) If the master acts in contravention of this section, he shall for each offence be liable to a fine which may extend to one hundred rupees.

Payment of Wages.

Master to deliver account of wages.

44. (*1*) The master of every British ship shall, before paying off or discharging a seaman, deliver at the time and in the manner provided by this Act a full and true account in a form sanctioned by the President of the Union of the seaman's wages and of all deductions to be made therefrom on any account whatever.

(*2*) The said account shall be delivered—

(*a*) where the seaman is not discharged before the shipping-master, to the seaman himself not less than twenty-four hours before his discharge or payment off ; and

(*b*) where the seaman is to be discharged before a shipping-master, either to the seaman himself, at or before the time of his leaving the ship, or to the shipping-master not less than twenty-four hours before the discharge or payment off.

(*3*) If the master of a ship fails, without reasonable cause, to comply with this section, he shall for each offence be liable to a fine which may extend to fifty rupees.

Deductions from wages of seamen.

45. (*1*) A deduction from the wages of a seaman shall not be allowed unless it is included in the account delivered in pursuance of this Act except in respect of a matter happening after the delivery.

(*2*) The master shall, during the voyage, enter the various matters in respect of which the deductions are made, with the amount of the respective deductions as they occur, in a book to be kept for that purpose, and shall, if required, produce the book at the time of the payment of wages and also upon

the hearing before any competent authority of any complaint or question relating to that payment.

Payment of wages before shipping-master.

46. (*1*) Where a seaman is discharged before a shipping-master in the Union of Burma, he shall receive his wages through, or in the presence of, a shipping-master unless a competent Court otherwise directs, and in such a case, if the master or owner of the ship pays his wages in the Union of Burma in any other manner, he shall for each offence be liable to a fine which may extend to one hundred rupees.

(*2*) If the master or owner of a home-trade ship so desires the seamen of that ship may receive their wages in the same manner as seamen discharged from a foreign-going ship.

Time of payment of wages.

47. (*1*) The master or owner of every ship shall pay to every seaman his wages within three days after the cargo has been delivered or within five days after the seaman's discharge, whichever first happens, and the seaman shall at the time of his discharge be entitled to be paid on account a sum equal to one-fourth part of the balance due to him.

(*2*) If a master or owner fails without reasonable cause to make payment at that time, he shall pay to the seaman a sum not exceeding the amount of two days' pay for each of the days during which payment is delayed beyond the respective times, but the sum payable shall not exceed ten days' double pay.

(*3*) Any sum payable under this section may be recovered as wages.

Settlement of wages.

48. (*1*) Where a seaman is discharged and the settlement of his wages completed before a shipping-master, he shall sign in the presence of the shipping-master a release in a form sanctioned by the President of the Union of all claims in respect of the past voyage or engagement, and the release shall also be signed by the master or owner of the ship and attested by the shipping-master.

(*2*) The release so signed and attested shall be retained by the shipping-master and shall operate as a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement.

(*3*) A copy of the release, certified under the hand of the shipping-master to be a true copy, shall be given by him to any party thereto requiring the same, and such copy shall be receivable in evidence upon any future question touching such claims, and shall have all the effect of the original of which it purports to be a copy.

(*4*) Where the settlement of a seaman's wages is by this Act required to be completed through, or in the presence of, a shipping-master, no payment, receipt or settlement made otherwise than in accordance with this Act shall operate or be admitted as evidence of the release or satisfaction of any claim.

(*5*) Upon any payment being made by a master before a shipping-master, the shipping-master shall, if required, sign and give to the master a statement of the whole amount so paid, and this statement shall, as between the master and his employer, be admissible as evidence that the master has made the payments therein mentioned.

Decision of questions by shipping-masters.

49. (*1*) Where any question of whatever nature and whatever the amount in dispute between a master or owner and any of his crew is raised before a shipping-master, and both parties agree in writing to submit the same to him, the shipping-master shall hear and decide the question so submitted and an award made by him upon the submission shall be conclusive as to the rights of parties, and any document purporting to be such submission or award shall be *primâ facie* evidence thereof.

(*2*) An award made by a shipping-master under this section may be enforced by a Magistrate in the same manner as an order for the payment of wages made by such Magistrate under this Act.

Power of shipping-master to require production of ship's papers.

50. (*1*) In any proceedings under this Act before a shipping-master relating to the wages, claims or discharge of a seaman the shipping-master may require the owner or his agent or the master or any mate or other member of the crew to produce any log-books, papers, or other documents in his possession or power relating to any matter in question in the proceedings, and may require the attendance of and examine any of those persons being then at or near the place on the matter.

(*2*) If any person so required fails, without reasonable cause, to comply with the requisition, he shall for each offence be liable to a fine which may extend to fifty rupees.

Rate of exchange for payment of seamen in local currency.

51. Where a seaman or apprentice has agreed with the master of a British ship for payment of his wages in British currency, the seaman or apprentice shall be entitled to demand and recover in local currency the amount due to him estimated according to the rate of exchange for the time being fixed for the adjustment of financial transactions between the [British][1] and the Union of Burma Governments.

Advance and Allotment of Wages.

Advances and allotments.

52. (*1*) Any agreement with the crew may contain a stipulation for payment to a seaman, conditional on his going to sea in pursuance of the agreement, of a sum not exceeding the amount of one month's wages payable to the seaman under the agreement.

(*2*) Stipulations for the allotment of a seaman's wages may be made in accordance with this Act.

(*3*) Save as aforesaid, an agreement by or on behalf of the employer of a seaman for the payment of money to or on behalf of the seaman, conditional on his going to sea from any port in the Union of Burma, shall be void, and no money paid in satisfaction or in respect of any such agreement shall be deducted from the seaman's wages, and a person shall not have any right of action, suit or set-off against the seaman or his assignee in respect of any money so paid or purporting to have been so paid.

[1] Substituted for the word 'Imperial' by the Union of Burma (Adaptation of Laws) Order, 1948

Regulations as to allotment notes.

53. (*1*) Any stipulation made by a seaman at the commencement of a voyage for the allotment of any part of his wages during his absence shall be inserted in the agreement with the crew, and shall state the amounts and times of the payments to be made.

(*2*) A seaman may require that a stipulation be inserted in the agreement for the allotment, by means of an allotment note, of any part (not exceeding one-third) of his wages in favour either of a relative of the seaman or some member of his family to be named in the note.

(*3*) Allotment notes shall be in a form sanctioned by the President of the Union.

Payment of sums allotted.

54. (*1*) The owner or any agent who has authorized the drawing of an allotment note shall pay to the shipping-master on demand the sums due under the note, and, if he fails to do so, the shipping-master may sue for and recover the same with costs:

Provided that no such sum shall be recoverable if it is shown to the satisfaction of the Court or Magistrate trying the case that the seaman has forfeited or ceased to be entitled to the wages out of which the allotment was to have been paid, but the seaman shall be presumed to be duly earning his wages unless the contrary is shown to the satisfaction of the Court or Magistrate either by the official statement of the change in the crew caused by his absence made and signed by the master as by this Act is required, or by a certified copy of some entry in the official log-book to the effect that he has died or left the ship, or by a credible letter from the master of the ship to the same effect, or by such other evidence, of whatever description, as the Court or Magistrate may consider sufficient.

(*2*) The shipping-master on receiving any such sum as aforesaid shall pay it over to the person named in that behalf in the allotment note.

(*3*) All such receipts and payments shall be entered in a book to be kept for the purpose, and all entries in the said book shall be authenticated by the signature of the shipping-master or the deputy shipping-master.

(*4*) The said book shall be at all reasonable times open to the inspection of the parties concerned.

Rights of Seamen in respect of Wages.

Right to wages and provisions.

55. A seaman's right to wages and provisions shall be taken to begin either at the time at which he commences work or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

Right to recover wages and salvage not to be forfeited.

56. (*1*) A seaman shall not by any agreement forfeit his lien on the ship or be deprived of any remedy for the recovery of his wages to which in the absence of the agreement he would be entitled, and shall not by any agreement abandon his right to wages in case of the loss of the ship, or abandon any right that he may have or obtain in the nature of salvage.

and every stipulation in any agreement inconsistent with any provisions of this Act shall be void.

(2) Nothing in this section shall apply to a stipulation made by the seamen belonging to any ship which according to the terms of the agreement is to be employed on salvage service with respect to the remuneration to be paid to them for salvage service to be rendered by that ship to any other ship.

Wages not to depend on freight.

57. (1) The right to wages shall not depend on the earning of freight, and every seaman and apprentice who would be entitled to demand and recover any wages if the ship in which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to demand and recover the same notwithstanding that freight has not been earned; but in all cases of wreck or loss of the ship, proof that the seaman has not exerted himself to the utmost to save the ship, cargo and stores shall bar his claim to wages.

(2) Where a seaman or apprentice who would but for death be entitled by virtue of this section to demand and recover any wages dies before the wages are paid, they shall be paid and applied in manner provided by this Act with respect to the wages of a seaman who dies during a voyage.

Wages on termination of service by wreck or illness.

58. Where the service of a seaman terminates before the date contemplated in the agreement by reason of the wreck or loss of the ship, or of his being left on shore at any place out of the Union of Burma under a certificate granted as provided by the Merchant Shipping Acts of his unfitness or inability to proceed on the voyage, he shall be entitled to wages up to the time of such termination, but not for any longer period.

Special provision for ship-wrecked lascars.

58A. (1) Where the service of a lascar or native seaman employed on a ship registered in the Union of Burma or engaged in the Union of Burma for employment on a foreign ship terminates before the date contemplated in the agreement by reason of the wreck or loss of the ship, the lascar shall, notwithstanding anything contained in section 58, but subject to the provisions of this section, be entitled to receive—

(*a*) wages at the rate to which he was entitled at the date of the termination of service, until he is sent home or to a port near his home in accordance with section 75, or until he has been sent home or to a proper port of return in accordance with the Merchant Shipping Acts, or has in any other way reached his port of departure from the Union of Burma or a port near his home, as the case may be; and

(*b*) compensation for the loss of his effects up to one month's wages at the said rate.

(2) A lascar shall not be entitled to receive wages under clause (*a*) of subsection (1) in respect of any period during which—

(*a*) he was or could have been suitably employed; or

(*b*) he negligently failed to apply to the proper authority for relief as a distressed or destitute lascar.

Wages not to accrue during refusal to work or imprisonment.

59. A seaman or apprentice shall not be entitled to wages for any time during which he unlawfully refuses or neglects to work when required, whether before or after the time fixed by the agreement for his commencement of such work, nor, unless the Court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed by him.

Power to deduct from wages cost of procuring conviction.

60. Whenever in any proceeding relating to a seaman's or apprentice's wages it is shown that a seaman or apprentice has in the course of the voyage been convicted of any offence by a competent Court and rightly punished therefor by imprisonment or otherwise, the Court hearing the case may direct any part of the wages due to the seaman or apprentice not exceeding thirty rupees to be applied to reimbursing any cost properly incurred by the master in procuring the conviction and imprisonment.

Compensation to seamen.

61. If a seaman having signed an agreement is discharged otherwise than in accordance with the terms thereof before the commencement of the voyage or before one month's wages are earned, without fault on his part justifying that discharge and without his consent, he shall be entitled to receive from the master or owner, in addition to any wages he may have earned, due compensation for the damage caused to him by the discharge, not exceeding one month's wages, and may recover that compensation as if it were wages duly earned.

Restriction on sale of and charge upon wages.

62. (*1*) As respects wages due or accruing to a seaman or apprentice—

(*a*) they shall not be subject to attachment by order of any Court;

(*b*) an assignment or sale thereof made prior to the accruing thereof shall not bind the person making the same;

(*c*) a power-of-attorney or authority for the receipt thereof shall not be irrevocable;

(*d*) a payment of wages to a seaman or apprentice shall be valid in law notwithstanding any previous sale or assignment of those wages or any attachment or encumbrance thereof.

(*2*) Nothing in this section shall affect the provisions of this Act or any other law for the time being in force with respect to allotment notes.

Mode of recovering Wages.

Summary proceedings for wages.

63. A seaman or apprentice or a person duly authorized on his behalf may, as soon as any wages due to him not exceeding five hundred rupees become payable, sue for the same in a summary manner before any Magistrate exercising jurisdiction in or near the place at which his service has terminated or at which he has been discharged, or at which any person upon whom the claim is made is or resides, and the order made by the Magistrate in the matter shall be final.

Restriction on suits for wages.

64. A proceeding for the recovery of wages not exceeding five hundred rupees shall not be instituted by or on behalf of any seaman or apprentice

[* * * *][1] in any civil Court other than the Court of Small Causes where such a Court exists, except—

(*a*) where the owner of the ship is adjudged bankrupt or declared insolvent;

(*b*) where the ship is under arrest or is sold by the authority of any Court; or

(*c*) where a Magistrate under the authority of this Act refers a claim to the Court.

Remedies of masters for wages.

65. (*1*) The master of a ship shall, so far as the case permits, have the same rights, liens and remedies for the recovery of his wages as a seaman has under this Act or by any law or custom.

(2) If in any proceeding [* * * *][1] touching the claim of a master in respect of wages any right of set-off or counter-claim is set up, the Court may enter into and adjudicate upon all questions and settle all accounts then arising or outstanding and unsettled between the parties to the proceeding and may direct payment of any balance found to be due.

Property of Deceased Seamen.

Master to take charge of the effects of deceased seamen.

66. (*1*) If any seaman or apprentice belonging to a British ship the voyage of which is to terminate in the Union of Burma dies during that voyage, the master of the ship shall take charge of any money or effects belonging to the seaman or apprentice which are on board the ship.

(2) The master may, if he think fit, cause any effects to be sold by auction at the mast or otherwise by public auction.

(*3*) The master shall enter in the official log-book the following particulars, namely:—

(*a*) a statement of the amount of money and a description of the effects;

(*b*) in the case of a sale, a description of each article sold and the sum received for each; and

(*c*) a statement of the sum due to the deceased for wages and of the amount of deduction, if any, to be made from the wages.

(*4*) The said money, effects, proceeds of sale of effects, and balance of wages, are in this Act referred to as the property of the seaman or apprentice.

Disposal of property of seamen who die during the voyage.

67. (*1*) The master shall, within forty-eight hours after his arrival at his port of destination in the Union of Burma, deliver and pay the property of any deceased seaman or apprentice to the shipping-master at that port, and shall give to such shipping-master an account of the property so delivered and paid.

(*2*) A deduction claimed by the master in such account shall not be allowed unless verified, if an official log-book is required to be kept, by an entry in that book, and also by such other vouchers, if any, as may be reasonably required by the shipping-master.

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

68. (*1*) If the master fails to comply with the provisions of this Act with respect to taking charge of the property of a deceased seaman or apprentice, or to making in the official log-book the proper entries relating thereto, or to the payment or delivery of the property, he shall be accountable for the property to the shipping-master as aforesaid, and shall pay and deliver the same accordingly, and shall in addition, for each offence, be liable to a fine not exceeding treble the value of the property not accounted for or, if such value is not ascertained, not exceeding five hundred rupees. Penalty for non-compliance with provisions as to property of deceased seamen.

(*2*) The property may be recovered in the same Court and manner in which the wages of seamen may be recovered under this Act.

69. Where any property of a deceased seaman or apprentice is paid or delivered to a shipping-master, the shipping-master, after deducting for expenses incurred in respect of that seaman or apprentice or of his property such sums as he thinks proper to allow, may:— Payment over of property of deceased seamen by shipping-master.

(*a*) pay and deliver the residue to any claimants who can prove themselves to the satisfaction of the said shipping-master to be entitled thereto, and the said shipping-master shall be thereby discharged from all further liability in respect of the residue so paid or delivered; or

(*b*) if he thinks fit so to do, require probate or letters of administration or a succession certificate to be taken out, and thereupon pay and deliver the residue to the legal representative of the deceased.

70 (*1*) Where no claim to the property of a deceased seaman or apprentice received by a shipping-master is substantiated within one year from the receipt thereof by such shipping-master, the shipping-master shall cause such property to be sold and pay the proceeds of the sale into the public treasury. Disposal of unclaimed property of deceased seamen.

(*2*) If, after any money has been so paid into the public treasury, any claim is made thereto, then if the claim is established to the satisfaction of the shipping-master the amount, or so much as shall appear to be due to the claimant, shall be paid to him, and if the claim is not so established the claimant may apply by petition to the High Court, and such Court, after taking evidence either orally or on affidavit, shall make such order on the petition as shall seem just:

Provided that, after the expiration of six years from the receipt of such property by the shipping-master, no claim to such property shall be entertained without the sanction of the President of the Union.

Distressed Seamen.

71. (*1*) A certificate of the President of the Union or of such officer as the President of the Union may appoint in this behalf to the effect that any seaman named therein is distressed shall in all proceedings [* * * *][1] Relief of distressed seamen.

[1] The words "under the Merchant Shipping Acts" were omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

regarding the maintenance and relief of distressed seamen be conclusive evidence that such seaman is distressed [within the meaning of those Acts].[1]

(2) Any master of a [* *] [2] ship refusing to accept such seaman as a distressed seaman [* * * *] [2] shall for each seaman with respect to whom he so refuses be liable to a fine which may extend to one thousand rupees.

Recovery of wages, etc., of distressed seamen under the Merchant Shipping Acts.

72. (*1*) Where any wages or expenses recoverable in respect of distressed seamen under the Merchant Shipping Acts are, under the said Acts, a charge upon any ship, or recoverable from any master, owner or other person, within the jurisdiction of any Court in the Union of Burma, the President of the Union may, from time to time by notification in the Gazette, authorize, either generally or specially, such persons as he thinks fit to sue for and recover, in manner in the Merchant Shipping Acts provided, those wages or expenses.

(*2*) Every person so authorized shall be entitled to sue and recover accordingly in any such Court, and shall be deemed to be a person filling a public office within the meaning of clause (*7*) of section 57 of the Evidence Act

(*3*) All suits and proceedings under this section shall be instituted and carried on in the name of the Government.

Relief of Distressed Seamen to whom the Merchant Shipping Acts do not apply.

[2] **73.** * * * *

Relief of distressed seamen at Union of Burma ports.

74. (*1*) Where any seamen or apprentices—

(*a*) being [citizens of the Union][3] are found at any place in the Union of Burma and have been shipwrecked, discharged or left behind, [* * * *][2] and are in distress in that place, or who have been engaged by any person acting either as principal or agent to serve in any ship belonging to any foreign power, or to the subject of any foreign State, and are in distress in the Union of Burma ; and

(*b*) not being [citizens of the Union][3] have been shipwrecked, discharged or left behind at any place in the Union of Burma from any [* *] [2] ship registered in the Union of Burma and are in distress in any such place,

the local authority may, in accordance with the prescribed conditions, provide for the subsistence of those seamen and apprentices (who are hereinafter referred to as distressed seamen) until such time as such authority is able to provide them with a passage as hereinafter provided.

---

[1] The words in brackets should have been omitted in view of the above omission.
[2] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.
[3] Substituted *ibid.*

(*2*) " Local authority " in relation to the provisions of this Act as to distressed seamen, means such person as the President of the Union may appoint to exercise the powers conferred, and to perform the duties imposed, on the local authority under this Act.

Distressed seamen to be sent home on board British or Union of Burma ship wanting seamen to make up its crew.

75. (*1*) Subject to the prescribed conditions, the local authority may cause distressed seamen to be put on board some ship belonging to any subject of [His Britannic Majesty or the Union of Burma][1] which is in want of men to make up its complement and is bound—

(*a*) in the case of distressed seamen who are [citizens of the Union] [1], to their home or to a port in the Union of Burma near their home;

(*b*) in the case of [distressed seamen who are subjects of His Britannic Majesty][1], to any port in the United Kingdom or the British possession to which they belong (as the case requires) ; and

(*c*) in the case of [other distressed seamen][1], to such place as the local authority, subject to the control of the President of the Union, may in each case determine.

(*2*) In default of any such ship, the local authority may, subject as aforesaid, provide such distressed seamen with a passage in any ship [* * *][2] bound as aforesaid.

Name and other particulars with regard to seamen to be endorsed on agreement of British ship.

76. The local authority shall endorse on the agreement with the crew of any British ship on board of which any distressed seaman is sent the name of every person so sent on board thereof, with such particulars concerning the case as may be prescribed.

Master of British ship compelled to convey and give subsistence to such seamen.

77. (*1*) The master of every British ship shall receive and afford a passage and subsistence to all distressed seamen whom he is required to take on board his ship under the provisions of section 75, not exceeding one for every fifty tons burden, and shall, during the passage, provide every such seaman with a proper berth or sleeping-place effectually protected against sea and weather.

(*2*) If the master of any such ship fails or refuses to receive on board his ship, or to give a passage or subsistence to, or to provide for, any such seaman contrary to the provisions of sub-section (*1*), he shall, for each such seaman with respect to whom he so fails or refuses, be liable to a fine which may extend to one thousand rupees.

Conditions under which master may claim payment.

78. (*1*) When the master of a British ship has conveyed a distressed seaman in excess of the number (if any) wanted to make up the complement of his crew to any place in accordance with the requisition of a local authority under this Act, such master shall be entitled to be paid by the Government in

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.
[2] Omitted *ibid.*

respect of the subsistence and passage of such distressed seaman such sum *per diem* as the President of the Union may fix :

Provided that no such payment shall be made except on the production of the following documents (that is to say) :—

(*a*) a certificate signed by the local authority by whose direction such distressed seaman was received on board, specifying the name of such seaman and the time when he was received on board ; and

(*b*) a declaration in writing by such master made and verified in manner hereinafter provided, and stating—

(i) the number of days during which such distressed seaman received subsistence and was provided for as aforesaid on board his ship ;

(ii) the number of men and boys forming the complement of his crew ;

(iii) the number of seamen and apprentices employed on board his ship during the time such distressed seaman was on board ; and

(iv) every variation (if any) of such number.

(2) The declaration required by this section shall, in the case of a ship conveying [citizens of the Union][1] to a port in the Union of Burma, be made before a shipping-master or such other officer as the President of the Union may appoint. In other cases such declaration shall be made and verified in the same manner as declarations made under section 48 of the Merchant Shipping Act, 1906. 6 Edw. c. 48.

Wages and expenses incurred in respect of distressed seamen to be charged on ship to which they belong in certain cases.

79. Where any expenses are incurred by a local authority under this Part on account of a distressed seaman, either for his subsistence, necessary clothing, conveyance home, or in case he should die before reaching home, for his burial, those expenses (together with the wages, if any, due to the seaman) shall be a charge upon the ship [* * *][2] to which he belonged.

Mode of recovering such wages and expenses.

80. All such expenses and wages shall be recoverable with costs either from the master of such ship or from the person who is owner thereof for the time being, or, in the case of an engagement for service in a foreign ship from such master or owner, or from the person by whom such engagement was so made, in the same manner as other debts due to the Government, or in the same manner and by the same form and process in which wages due to the distressed seaman would be recoverable by him.

President may authorize persons to recover same.

81. (*1*) The President of the Union may, by notification in the Gazette, authorize, either generally or specially, such persons as he thinks fit to sue for any such expenses and wages and recover the same.

---

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

[2] Omitted *ibid.*

(*2*) Every person so authorized shall be entitled to sue and recover accordingly, and shall be deemed to be a person filling a public office within the meaning of clause (*7*) of section 57 of the Evidence Act.

[1] **82.** * * * *

What shall be evidence of distress and expenses incurred.

83. In all proceedings under this Part [* * *][1] the production of a certificate signed by the local authority by which any distressed seaman named therein was relieved or any expenses were incurred under this Part, to the effect that such seaman was in distress, and that such expenses were incurred in respect of such seaman, shall be sufficient evidence that such seaman was relieved, conveyed home or buried, as the case may be, at the expense of the revenues of the Union of Burma.

Power of President to make rules.

84. The President of the Union may make rules to determine under what circumstances and subject to what conditions distressed seamen may be relieved and provided with passages under this Part, and generally to carry out the provisions of this Part regarding distressed seamen.

Provisions, Health and Accommodation.

Complaints as to provisions or water.

85. (*1*) All [* * *][1] ships upon which seamen have been shipped in the Union of Burma shall have on board sufficient provisions and water of good quality and fit for the use of the crew on the scale specified in the agreement with the crew.

(*2*) If any person making an inspection under section 91 finds that the provisions or water are of bad quality and unfit for use or deficient in quantity, he shall signify it in writing to the master of the ship.

(*3*) If the master does not thereupon provide other proper provisions or water in lieu of any so signified to be of bad quality and unfit for use, or does not procure the requisite quantity of any provisions or water so signified to be deficient in quantity or uses any provisions or water so signified to be of bad quality and unfit for use, he shall be liable for each offence to a fine which may extend to two hundred rupees.

(*4*) The person making the inspection shall enter a statement of the result of the inspection in the official log-book, and shall, if he is not the shipping-master, send a report thereof to the shipping-master, and that report shall be admissible in evidence in any legal proceeding.

(*5*) If the inspection was made in pursuance of a request by members of the crew and the person making the inspection certifies in the statement of the result of the inspection that there was no reasonable ground for the request, every member of the crew who made the request shall be liable to forfeit to the owner out of his wages a sum not exceeding one week's wages.

Allowance for short or bad provisions.

86. (*1*) In either of the following cases—

(i) if during the voyage the allowance of any of the provisions for which a seaman has by his agreement stipulated is reduced

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

(except in accordance with any regulations for reduction by way of punishment contained in the agreement with the crew, and also except for any time during which the seaman wilfully and without sufficient cause refuses or neglects to perform his duty or is lawfully under confinement for misconduct either on board or on shore) ; or

(ii) if it is shown that any of those provisions are or have during the voyage been bad in quality or unfit for use ;

the seaman shall receive by way of compensation for that reduction or bad quality according to the time of its continuance the following sums to be paid to him in addition to and to be recoverable as wages :—

(*a*) if his allowance is reduced by not more than one-third of the quantity specified in the agreement, a sum not exceeding three annas in the case of a European seaman or other person shipped on the same footing as a European seaman, or one anna in the case of a lascar or native seaman ;

(*b*) if his allowance is reduced by more than one-third of such quantity, six annas in the case of a European seaman or other person shipped on the same footing as a European seaman, or two annas in the case of a lascar or native seaman ;

(*c*) in respect of such bad quality as aforesaid, a sum not exceeding eight annas in the case of a European seaman or other person shipped on the same footing as a European seaman, or three annas in the case of a lascar or native seaman.

(*2*) If it is shown to the satisfaction of the Court before which the case is tried that any provisions, the allowance of which has been reduced, could not be procured or supplied in proper quantities, and that proper and equivalent substitutes were supplied in lieu thereof, the Court shal take those circumstances into consideration and modify or refuse the compensation as the justice of the case requires.

Medicines to be provided and kept on board certain ships.

87. (*1*) All foreign-going British ships and all home-trade ships of more than three hundred tons burden shall have always on board a sufficient supply of medicines and appliances suitable for diseases and accidents likely to happen on sea voyages according to such scale as is from time to time issued by the President of the Union and published in the Gazette.

(*2*) If any requirement in this section with respect to the provision of medicines and appliances is not complied with in the case of any ship, the owner or master of that ship shall for each offence be liable to a fine which may extend to two hundred rupees, unless he can prove that the non-compliance was not caused by his inattention, neglect or wilful default.

(*3*) This section shall not apply to ships navigating between the United Kingdom and any port in the Union of Burma and to which section 200 of the Merchant Shipping Act, 1894, applies. 57 & 58 Vict. c. 60.

88. The master of a ship shall keep on board proper weights and measures for determining the quantities of the several provisions and articles served out and shall allow the same to be used at the time of serving out the provisions and articles in the presence of witnesses whenever any dispute arises about the quantities. If the master of a ship fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine which may extend to one hundred rupees. Weights and measures on board.

89. (*1*) If the master of, or a seaman or apprentice belonging to, a ship registered in the Union of Burma receives any hurt or injury in the service of the ship, the expense of providing the necessary surgical and medical advice and attendance and medicine, and also the expenses of the maintenance of the master, seaman or apprentice until he is cured or dies or is brought back to the port from which he was shipped or other port agreed upon, and of his conveyance to that port, and in case of death, the expense, if any, of his burial, shall be defrayed by the owner of the ship without any deduction on that account from his wages. Expenses of medical attendance in case of illness.

(*2*) Where any expenses referred to in this section have been paid by the master, seaman, or apprentice himself, the same may be recovered as if they were wages duly earned, and, if any such expenses are paid or allowed out of any money forming part of the revenues of the Union of Burma, the amount shall be a charge upon the ship and may be recovered with full costs of suit by the Government.

90. (*1*) Every place in a British ship which is occupied by seamen or apprentices engaged under this Act and appropriated for their use shall have for each seaman or apprentice a space of not less than twelve superficial feet and not less than seventy-two cubic feet. Accommodation for seamen.

(*2*) In every case the place shall be below a well caulked and substantial deck, securely constructed, properly ventilated and properly protected from weather and sea.

(*3*) If any of the foregoing requirements of this section is not complied with in the case of any ship, the owner of the ship shall for each offence be liable to a fine which may extend to two hundred rupees.

(*4*) Every place so occupied and appropriated shall be kept free from goods and stores of any kind not being the personal property of the crew in use during the voyage.

(*5*) If any such place is not so kept free, the master shall for each offence be liable to a fine which may extend to one hundred rupees.

91. A shipping-master, deputy shipping-master, or other officer duly appointed in this behalf by the President of the Union at any port— Inspection of provisions, water, medicines and appliances, weights and measures and accommodation.

(*a*) in the case of any ship upon which seamen have been shipped at that port, may at any time, and

(*b*) in the case of any British ship, may at any time, and, if the master or three or more of the crew so request, shall,

enter on board the ship and inspect--

(i) the provisions and water,
(ii) the medicines and appliances,
(iii) the weights and measures,
(iv) the accommodation for seamen,

with which the ship is required to be provided by or under this Act or the Merchant Shipping Acts.

Facilities for making Complaints.

Facilities for making complaints.

92. (*1*) If a seaman or apprentice, whilst on board ship, states to the master that he desires to make complaint to a Magistrate against the master or any of the crew, the master shall, so soon as the service of the ship will permit,

(*a*) if the ship is then at a place where there is a Magistrate, after such statement, and

(*b*) if the ship is not then at such place, after her first arrival at such a place,

allow the complainant to go ashore or send him ashore in proper custody so that he may be enabled to make the complaint.

(*2*) If the master of a ship fails without reasonable cause to comply with the provisions of this section, he shall for each such offence be liable to a fine which may extend to one hundred rupees.

Protection of Seamen from Imposition.

Assignment or sale of salvage invalid.

93. Subject to the provisions of this Act, an assignment or sale of salvage payable to a seaman or apprentice made prior to the accruing thereof shall not bind the person making the same, and a power-of-attorney or authority for the receipt of any such salvage shall not be irrevocable.

No debt exceeding three rupees recoverable till end of voyage.

94. A debt exceeding in amount three rupees incurred by any seaman after he has engaged to serve shall not be recoverable until the service agreed for is concluded.

Penalty for overcharges by lodging-house-keepers.

95. If a person demands or receives from a seaman or apprentice payment in respect of his board or lodging in the house of that person for a longer period than the seaman or apprentice has actually resided or boarded therein, that person shall for each offence be liable to a fine which may extend to one hundred rupees.

Penalty for detaining seamen's effects.

96. (*1*) If a person receives or takes into his possession or under his control any money or effects of a seaman or apprentice and does not return the same or pay the value thereof when required by the seaman or apprentice, subject to such deduction as may be justly due to him from the seaman or apprentice in respect of board or lodging or otherwise, or absconds therewith,

he shall for each offence be liable to a fine which may extend to one hundred rupees.

(2) Any Magistrate imposing a fine under this section may direct the amount of such money or the value of the effects, subject to such deduction as foresaid, if any, or the effects themselves to be forthwith paid or delivered to the seaman or apprentice.

Panalty for solicitations by lodging-house-keepers.

97. If within twenty-four hours after the arrival of a ship at a port in the Union of Burma a person then being on board the ship solicits a seaman to become a lodger at the house of any person letting lodgings for hire, or takes out of the ship any effects of a seaman except under the personal direction of the seaman and with the permission of the master, he shall for each offence be liable to a fine which may extend to fifty rupees.

Penalty for being on board ship without permission before seamen leave.

98. Where a ship is about to arrive or is arriving or has arrived at the end of the voyage and any person not being in [the Government service][1] or not being duly authorized by law for the purpose goes on board the ship without the permission of the master before the seamen lawfully leave the ship at the end of their engagement or are discharged (whichever happens last), that person shall for each offence be liable to a fine which may extend to two hundred rupees, and the master of the ship may take him into custody and deliver him up forthwith to a police-officer to be taken before a Magistrate to be dealt with according to the provisions of this Act.

Provisions as to Discipline.

Misconduct endangering life or ship.

99. If a master, seaman or apprentice belonging to a British ship by wilful breach of duty or by neglect of duty or by reason of drunkenness—

(*a*) does any act tending to the immediate loss, destruction or serious damage of the ship or tending immediately to endanger the life or limb of a person belonging to or on board the ship; or

(*b*) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from immediate loss, destruction or serious damage or for preserving any person belonging to or on board the ship from immediate danger to life or limb;

he shall be liable for every such offence to a fine which may extend to one thousand rupees or to imprisonment for a term which may extend to two years, or to both.

Desertion and absence without leave.

100. If a seaman lawfully engaged or an apprentice commits any of the following offences, he shall, notwithstanding anything in the Code of Criminal Procedure, be liable to be tried in a summary manner and to be punished as follows:—

(i) if he deserts from his ship, he shall be guilty of the offence of desertion and be liable to forfeit all or any part of the effects

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

he leaves on board and of the wages which he has then earned and also, if the desertion takes place at any place not in the Union of Burma, to forfeit all or any part of the wages which he may earn in any other ship in which he may be employed until his next return to the Union of Burma, and to satisfy any excess of wages paid by the master or owner of the ship from which he deserts to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him, and also he shall be liable to imprisonment for a term which may extend to twelve weeks;

(ii) if he neglects or refuses without reasonable cause to join his ship or to proceed to sea in his ship or is absent without leave at any time within twenty-four hours of the ship's sailing from a port, either at the commencement or during the progress of a voyage, or is absent at any time without leave and without sufficient reason from his ship or from his duty, he shall, if the offence does not amount to desertion or is not treated as such by the master, be guilty of the offence of absence without leave and be liable to forfeit out of his wages a sum not exceeding two days' pay and in addition for every twenty-four hours of absence either a sum not exceeding six days' pay, or any expenses properly incurred in hiring a substitute, and also he shall be liable to imprisonment for a term which may extend to ten weeks.

Conveyance of deserter or imprisoned seaman on board ship.

101. (*1*) If a seaman or apprentice is guilty of the offence of desertion or of absence without leave or otherwise absents himself from his ship without leave, the master, any mate, the owner, ship's husband or consignee of the ship may, with or without the assistance of police-officers, convey him on board his ship, and those officers are hereby directed to give assistance if required.

(*2*) If the seaman or apprentice so requires, he shall first be taken before some Court capable of taking cognizance of the matter to be dealt with according to law.

(*3*) If it appears to the Court before whom the case is brought that the seaman or apprentice has been conveyed on board or taken before the Court on improper or insufficient grounds, that Court may inflict on the master, mate, owner, ship's husband or consignee, as the case may be, a fine which may extend to two hundred rupees.

(*4*) The infliction of such fine shall be a bar to any action for false imprisonment in respect of the arrest.

(5) If a seaman or apprentice is imprisoned for having been guilty of the offence of desertion or of absence without leave, or for having committed any other breach of discipline, and during his imprisonment and before his engagement is at an end his services are required on board his ship, any Magistrate may, on the application of the master or of the owner or his agent, notwithstanding that the period of his imprisonment is not at an

end, cause the seaman or apprentice to be conveyed on board his ship for the purpose of proceeding on the voyage, or to be delivered to the master or any mate of the ship, or to the owner or his agent, to be by them so conveyed.

Power to Court to order offender to be taken on board ship.

102. Where a seaman or apprentice is brought before a Court on the ground of the offence of desertion or of absence without leave or of otherwise absenting himself without leave, the Court, if the master or the owner, or his agent, so requires, may, in lieu of committing him to prison, cause him to be conveyed on board his ship for the purpose of proceeding on the voyage, or deliver him to the master or any mate of the ship or the owner or his agent, to be by them so conveyed, and may in such case order any costs and expenses properly incurred by or on behalf of the master or owner by reason of the conveyance to be paid by the offender and, if necessary, to be deducted from any wages which he has then earned or by virtue of his then existing engagement may afterwards be earned.

General offences against discipline.

103. If a seaman lawfully engaged or an apprentice commits any of the following offences (in this Act referred to as offences against discipline), he shall, notwithstanding anything in the Code of Criminal Procedure, be liable to be tried in a summary way and to be punished as follows, namely:—

(i) if he quits the ship without leave after her arrival at her port of delivery and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay;

(ii) if he is guilty of wilful disobedience to any lawful command, he shall be liable to imprisonment for a period which may extend to four weeks and shall also be liable to forfeit out of his wages a sum not exceeding two days' pay;

(iii) if he is guilty of continued wilful disobedience to lawful commands or continued wilful neglect of duty, he shall be liable to imprisonment for a term which may extend to twelve weeks, and shall also be liable for every twenty-four hours' continuance of such disobedience or neglect for a sum not exceeding six days' pay or any expenses which may have been properly incurred in hiring a substitute;

(iv) if he assaults the master or any mate or a certificated engineer of the ship, he shall be liable to imprisonment for a term which may extend to twelve weeks;

(v) if he combines with any of the crew to disobey lawful commands or to neglect duty or to impede the navigation of the ship or the progress of the voyage, he shall be liable to imprisonment for a term which may extend to twelve weeks;

(vi) if he wilfully damages his ship or commits criminal misappropriation or breach of trust in respect of or wilfully damages any of her

stores or cargo, he shall be liable to forfeit out of his wages a sum equal to the loss thereby sustained, and also to imprisonment for a term which may extend to twelve weeks;

(vii) if he is convicted of any act of smuggling whereby loss or damage is occasioned to the master or owner of the ship, he shall be liable to pay to that master or owner a sum sufficient to re-imburse the loss or damage, and the whole or a proportionate part of his wages may be retained in satisfaction on account of that liability without prejudice to any further remedy.

Penalty for false statement as to last ship or name.

104. (*1*) If a seaman on or before being engaged wilfully and fraudulently makes a false statement of the name of his last ship or alleged last ship or wilfully and fraudulently makes a false statement of his own name, he shall for each offence be liable to a fine which may extend to fifty rupees.

(*2*) The fine may be deducted from any wages the seaman may earn by virtue of his engagement as aforesaid and shall, subject to re-imbursement of the loss or expenses, if any, occasioned by any desertion previous to the engagement, be paid and applied in the same manner as other fines under this Act.

Entry of offences in official log.

105. If any offence within the meaning of this Act of desertion or absence without leave or against discipline is committed, or if any act of misconduct is committed for which the offender's agreement imposes a fine and it is intended to enforce the fine,—

(i) an entry of the offence or act shall be made in the official log-book and signed by the master and also by the mate or one of the crew; and

(ii) the offender, if still in the ship, shall, before the next subsequent arrival of the ship at any port, or, if she is at the time in port, before her departure therefrom, either be furnished with a copy of the entry or have the same read over distinctly and audibly to him and may thereupon make such reply thereto as he thinks fit; and

(iii) a statement of a copy of the entry having been so furnished or the entry having been so read over and in either case the reply, if any, made by the offender shall likewise be entered and signed in manner aforesaid; and

(iv) in any subsequent legal proceedings the entries by this section required shall, if practicable, be produced or proved, and, in default of that production or proof, the Court hearing the case may, in its discretion, refuse to receive evidence of the offence or act of misconduct.

Report of desertions and absences without leave.

106. (*1*) Whenever any seaman or apprentice not shipped in the Union of Burma deserts or otherwise absents himself in the Union of Burma without leave from a British ship in which he is engaged to serve, the master of the ship shall, within forty-eight hours of discovering such desertion or absence, report the same to the shipping-master or to such other officer as the President of the Union appoints in this behalf, unless in the meantime the deserter or absentee returns.

(*2*) Any master wilfully neglecting to comply with the provisions of this section shall be liable to a fine which may extend to one hundred rupees, or to imprisonment for a term which may extend to one month, or to both.

Entries and certificates of desertion abroad.

107. (*1*) In every case of desertion from a ship registered in the Union of Burma whilst such ship is at any place out of the Union of Burma, the master shall produce the entry of the desertion in the official log-book to the person authorized by the Merchant Shipping Act, 1906, to grant certificates for leaving seamen behind abroad, and that person shall thereupon make and certify a copy of the entry.

6 Edw. 7, c. 48.

(*2*) The master shall forthwith transfer such copy to the shipping-master at the port at which the seaman or apprentice was shipped, and the shipping-master shall, if required, cause the same to be produced in any legal proceeding.

(*3*) Such copy, if purporting to be so made and certified as aforesaid, shall, in any legal proceeding relating to such desertion, be admissible in evidence.

Facilities for proving desertion in proceeding for forfeiture of wages.

108. (*1*) Whenever a question arises whether the wages of any seaman or apprentice are forfeited for desertion from a ship, it shall be sufficient for the person insisting on the forfeiture to show that the seaman or apprentice was duly engaged in or belonged to the ship, and either that he left the ship before the completion of the voyage or engagement or, if the voyage was to terminate in the Union of Burma and the ship has not returned, that he is absent from her and that an entry of his desertion has been duly made in the official log-book.

(*2*) The desertion shall thereupon, so far as relates to any forfeiture of wages under this Part, be deemed to be proved unless the seaman or apprentice can produce a proper certificate of discharge or can otherwise show to the satisfaction of the Court that he had sufficient reasons for leaving his ship.

Application of forfeitures.

109. (*1*) Where any wages or effects are under this Act forfeited for desertion from a ship, they shall be applied towards re-imbursing the expenses caused by the desertion to the master or the owner of the ship and, subject to that re-imbursement, shall be paid into the public treasury and carried to the account of Government.

(*2*) For the purposes of such re-imbursement the master or the owner or his agent may, if the wages are earned subsequent to the desertion, recover them in the same manner as the deserter could have recovered them if not

forfeited; and the Court in any legal proceeding relating to such wages may order them to be paid accordingly.

(*3*) Where wages are forfeited under the foregoing provisions of this Act in any case other than for desertion, the forfeiture shall, in the absence of any specific provision to the contrary, be for the benefit of the master or owner by whom the wages are payable.

Decision of questions of forfeiture and deduction in suits for wages.

110. Any question concerning the forfeiture of or deductions from the wages of a seaman or apprentice may be determined in any proceeding lawfully instituted with respect to those wages notwithstanding that the offence in respect of which the question arises, though by this Act made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

Ascertainment of amount of forfeiture out of wages.

111. (*1*) If a seaman contracts for wages by the voyage or by the run or by the share and not by the month or other stated period of time, the amount of forfeiture to be incurred under this Act shall be an amount bearing the same proportion to the whole wages or share as a month or any other period hereinbefore mentioned in fixing the amount of forfeiture (as the case may be) bears to the whole time spent in the voyage or run.

(*2*) If the whole time spent in the voyage or run does not exceed the period for which the pay is to be forfeited, the forfeiture shall extend to the whole wages or share.

Payment of fines imposed under agreement to shipping-master.

112. (*1*) Every fine imposed on a seaman for any act of misconduct for which his agreement imposes a fine shall be deducted and paid over as follows, namely :—

(i) if the offender is discharged at any port or place in the Union of Burma, and the offence and such entries in respect thereof as aforesaid are proved, in the case of a foreign-going ship to the satisfaction of the shipping-master before whom the offender is discharged, and in the case of a home-trade ship to the satisfaction of the shipping-master at or nearest to the place at which the crew is discharged, the master or owner shall deduct such fine from the wages of the offender and pay the same over to such shipping-master ; and

(ii) if before the final discharge of the crew in the Union of Burma, any such offender as aforesaid enters into any of His Britannic Majesty's ships or is discharged at any place not in the Union of Burma, and the offence and such entries as aforesaid are proved to the satisfaction of the officer in command of the ship into which he so enters, or of the consular officer, officer of Customs, or other person by whose sanction he is so discharged, the fine shall thereupon be deducted as aforesaid, and an entry of such deduction shall then be made in the official log-book (if any) and signed by such officer or other person, and on the return of the

ship to the Union of Burma the master or owner shall pay over such fine, in the case of foreign-going ships, to the shipping-master before whom the crew is discharged, and in the case of home-trade ships, to the shipping-master at or nearest to the place at which the crew is discharged.

(*2*) If any master or owner neglects or refuses so to pay over the fine, he shall for each such offence incur a penalty not exceeding six times the amount of the fine retained by him.

(*3*) An act of misconduct for which any such fine has been inflicted and paid shall not be otherwise punished under the provisions of this Act.

Penalty for enticing to desert.

113. If a person by any means whatever persuades or attempts to persuade a seaman or apprentice to neglect or refuse to join or proceed to sea in or desert from his ship, or otherwise to absent himself from his duty, he shall for each offence in respect of each seaman or apprentice be liable to a fine which may extend to one hundred rupees.

Penalty for harbouring deserters.

114. If a person wilfully harbours or secretes a seaman or apprentice who has wilfully neglected or refused to join or has deserted from his ship, knowing or having reason to believe the seaman or apprentice to have so done, he shall for every seaman or apprentice so harboured or secreted be liable to a fine which may extend to one hundred rupees.

Penalty on stowaways and discipline of stowaways and seamen carried under compulsion.

115. (*1*) If a person secretes himself and goes to sea in a ship without the consent of either the owner, consignee or master, or of a mate, or of the person in charge of the ship, or of any other person entitled to give that consent, he shall be liable to a fine which may extend to two hundred rupees, or to imprisonment for a term which may extend to four weeks.

(*2*) Every sea-faring person whom the master of a ship is under the authority of this Act or any other law compelled to take on board and convey, and every person who goes to sea in a ship without such consent as aforesaid, shall, so long as he remains in the ship, be subject to the same laws and regulations for preserving discipline and to the same fines and punishments for offences constituting or tending to a breach of discipline as if he were a member of, and had signed the agreement with, the crew.

Procedure where seaman or apprentice not shipped in the Union of Burma is imprisoned on complaint of master or owner.

116. (*1*) If any seaman or apprentice who is not shipped in the Union of Burma is imprisoned on complaint made by or on behalf of the master or owner of the ship or for any offence for which he has been sentenced to imprisonment for a term not exceeding one month, then—

(*a*) while such imprisonment lasts, no person shall, without the previous sanction in writing of the President of the Union or of such officer as he may appoint in this behalf, engage any native of the Union of Burma or India or Pakistan to serve as a seaman on board such ship; and

(*b*) the President of the Union or such officer as he may appoint in this behalf may tender such seaman or apprentice to the master or owner of the ship in which he is engaged to serve, and if such master or owner, without assigning reasons satisfactory to the President of the Union or to such officer as aforesaid, refuses to receive him on board, may require such master or owner to deposit in the local shipping office—

(i) the wages due to such seaman or apprentice and his money and effects ; and

(ii) such sum as may, in the opinion of the President of the Union or such officer as aforesaid, be sufficient to defray the cost of the passage of such seaman or apprentice to the port at which he was shipped according to the scale of costs usual in the case of distressed seamen.

(*2*) If any person wilfully disobeys the prohibition contained in clause (*a*) of sub-section (*1*), he shall be liable to imprisonment for a term which may extend to three months, or to a fine which may extend to one thousand rupees, or to both.

(*3*) Any master or owner refusing or neglecting to deposit any wages, money, effects or sum, when so required by this section, shall be liable to a fine which may extend to five hundred rupees.

Power to send on board seaman or apprentice not shipped in the Union of Burma who is undergoing imprisonment.

117. If any seaman or apprentice who is not shipped in the Union of Burma is imprisoned for any offence for which he has been sentenced to imprisonment for a term not exceeding one month, and if during such imprisonment and before his engagement is at an end his services are required on board his ship, any Magistrate may, at the request of the master or owner or his agent, cause the seaman or apprentice to be conveyed on board the ship for the purpose of proceeding on the voyage or to be delivered to the master or any mate of the ship or to the owner or his agent to be by them so conveyed, notwithstanding that the period for which he was sentenced to imprisonment has not terminated.

On change of master, documents to be handed over to successor.

118. (*1*) If during the progress of a voyage the master of any ship registered in the Union Burma is removed or superseded or for any other reason quits the ship and is succeeded in the command by some other person, he shall deliver to his successor the various documents relating to the navigation of the ship and the crew thereof which are in his custody, and shall in default be liable to a fine which may extend to one thousand rupees.

(*2*) Such successor shall immediately on assuming the command of the ship enter in the official log-book a list of the documents so delivered to him.

Leaving Seamen or Apprentices in the Union of Burma.

Discharge or leaving behind in the Union of

119. (*1*) No seaman or apprentice who was not shipped in the Union of Burma shall be discharged at any port in the Union of Burma without the previous sanction in writing of such officer as the President of the Union

appoints in this behalf. Such sanction shall be given or withheld at the discretion of the officer so appointed, but, whenever it is withheld, the reasons for so withholding it shall be recorded by him in writing. Burma of seamen or apprentices not shipped in the Union of Burma.

(*2*) If any person discharges a seaman or apprentice in wilful disobedience to the prohibition contained in sub-section (*1*), he shall be liable to imprisonment for a term which may extend to three months, or to a fine which may extend to one thousand rupees, or to both.

Official Logs.

120. (*1*) An official log shall be kept in every ship registered in the Union of Burma, except home-trade ships not exceeding three hundred tons burden, in the form sanctioned by the President of the Union. Official logs to be kept and to be dated.

(*2*) The official log may, at the discretion of the master or owner, be kept distinct from or united with the ordinary ship's log so that in all cases the spaces in the official log-book be duly filled up.

(*3*) An entry required by this Act in the official log-book shall be made as soon as possible after the occurrence to which it relates, and, if not made on the same day as that occurrence, shall be made and dated so as to show the date of the occurrence and of the entry respecting it; and if made in respect of an occurrence happening before the arrival of the ship at her final port of discharge, shall not be made more than twenty-four hours after that arrival.

(*4*) Every entry in the official log-book shall be signed by the master and by the mate or some other of the crew and also—

(*a*) if it is an entry of injury or death, shall be signed by the surgeon or medical practitioner on board, if any; and

(*b*) if it is an entry of wages due to or of the sale of the effects of a seaman or apprentice who dies, shall be signed by the mate and by some member of the crew besides the master; and

(*c*) if it is an entry of wages due to a seaman who enters His Britannic Majesty's naval service, shall be signed by the seaman or by the officer authorized to receive the seaman into that service.

(5) Every entry made in an official log-book in the manner provided by this Act shall be admissible in evidence.

121. The master of a ship for which an official log is required shall enter or cause to be entered in the official log-book the following matters, namely :— Entries required in official log-book.

(i) every conviction by a legal tribunal of a member of his crew, and the punishment inflicted;

(ii) every offence committed by a member of his crew for which it is intended to prosecute or to enforce a forfeiture or exact a fine, together with such statement concerning the reading over of that entry, and concerning the reply (if any) made to the charge, as is by this Act required;

(iii) every offence for which punishment is inflicted on board and the punishment inflicted ;

(iv) a statement of the conduct, character, and qualifications of each of his crew, or a statement that he declines to give an opinion on those particulars ;

(v) every case of illness or injury happening to a member of the crew with the nature thereof, and the medical treatment adopted (if any) ;

(vi) every case of death happening on board and the cause thereof ;

(vii) every birth happening on board with the sex of the infant and the names of the parents ;

(viii) every marriage taking place on board with the names and ages of the parties ;

(ix) the name of every seaman or apprentice who ceases to be a member of the crew otherwise than by death, with the place, time, manner and cause thereof ;

(x) the wages due to any seaman who enters His Britannic Majesty's naval service during the voyage ;

(xi) the wages due to any seaman or apprentice who dies during the voyage and the gross amount of all deductions to be made therefrom ;

(xii) the sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold and of the sum received for it ;

(xiii) every collision with any other ship and the circumstances under which the same occurred ;

(xiv) the times of closing and opening the hinged doors, portable plates, side scuttles, gangway cargo and coaling ports and other openings which are required by any rules made under this Act to be kept closed during navigation ;

(xv) a record of all drills and inspections required by any rules made under this Act with an explicit record of any defects disclosed ; and, if boat-drill is not practised on board the ship in any week, the reasons why boat-drill was not practised in that week.

Offences in respect of official logs.

122. (*1*) If an official log-book is not kept in the manner required by this Act, or if an entry directed by this Act to be made therein is not made at the time and in the manner directed by this Act, the master shall, if no other penalty is provided by this Act, be liable for each offence to a fine which may extend to fifty rupees.

(*2*) If any person makes or procures to be made or assists in making any entry in any official log-book in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge more than twenty-four hours after such arrival, he shall for each offence be liable to a fine which may extend to three hundred rupees.

(*3*) If any person wilfully destroys or mutilates or renders illegible any entry in any official log-book or wilfully makes or procures to be made or

assists in making a false or fraudulent entry in or omission from an official log-book, he shall be liable to imprisonment for a term which may extend to one year.

Delivery of official logs to shipping-masters.

123. (*1*) The master of every foreign-going ship shall, within forty-eight hours after the ship's arrival at her final port of destination in the Union of Burma or upon the discharge of the crew, whichever first happens, deliver the official log-book of the voyage to the shipping-master before whom the crew is discharged.

(*2*) The master or owner of every home-trade ship, for which an official log is required to be kept, shall, within twenty-one days of the thirtieth day of June and the thirty-first day of December in every year, transmit or deliver to some shipping-master in the Union of Burma the official log-book for the preceding half-year.

(*3*) If the master or owner of a ship fails without reasonable cause to comply with this section, he shall be liable to a fine which may extend to two hundred rupees.

Official logs to be sent to shipping-master in case of transfer of ship and in case of loss.

124. (*1*) Where, by reason of transfer of ownership or change of employment of a ship, the official log ceases to be required in respect of the ship or to be required on the same date, the master or owner of the ship shall, if the ship is then in the Union of Burma, within one month, and, if she is elsewhere, within six months, after the cessation, deliver or transmit to the shipping-master at the port to which the ship belonged the official log-book, if any, duly made out at the time of the cessation.

(*2*) If a ship is lost or abandoned, the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the shipping-master at the port to which the ship belonged the official log-book, if any, duly made out to the time of the loss or abandonment.

(*3*) If the master or owner of the ship fails without reasonable cause to comply with the provisions of this section, he shall for each offence be liable to a fine which may extend to one hundred rupees.

PART III.

PASSENGER SHIPS.

Survey of Passenger Ship.

No steam-ship to carry passengers without a certificate of survey.

125. (*1*) No steam-ship shall carry more than twelve passengers between places in the Union of Burma or to or from any place in the Union of Burma from or to any place out of the Union of Burma, unless she has a certificate of survey under this Part in force and applicable to the voyage on which she is about to proceed or the service on which she is about to be employed.

(*2*) Nothing in sub-section (*1*) shall apply to—

(*a*) any steam-ship having a certificate of survey granted by the Board of Trade, or by the Government of any part of His Britannic Majesty's dominions where such certificate has been declared

under section 284 of the Merchant Shipping Act, 1894, to be of the same force as if granted under that Act, unless it appears from the certificate that it is inapplicable to the voyage on which the steam-ship is about to proceed or the service on which she is about to be employed, or unless there is reason to believe that the steam-ship has, since the grant of the certificate, sustained injury or damage or been found unseaworthy or otherwise inefficient ; or 57 & 58 Vict. c.

(*b*) any steam-ship having a certificate of survey granted under the Inland Steam Vessels Act in force and applicable to the voyage on which the steam-ship is about to proceed or the service on which she is about to be employed ; or

(*c*) any steam-ship carrying passengers during the interval between the time at which her certificate of survey under this Part expires and the time at which it is first practicable to have the certificate renewed.

Power for President to exempt certain steam-ships.

126. The President of the Union may, by notification in the Gazette, declare that all or any of the provisions of this Part relating to the survey of steam-ships shall not apply in the case of any specified steam-ship or class of steam-ships, or shall apply thereto with such modifications as the President of the Union may direct.

No port-clearance until certificate of survey produced.

127. No officer of Customs shall grant a port-clearance, nor shall any pilot be assigned, to any steam-ship for which a certificate of survey is required by this Part until after the production by the owner or master thereof of a certificate under this Part in force and applicable to the voyage on which she is about to proceed and the service on which she is about to be employed.

Power to detain steam-ship not having certificate of survey.

128. If any steam-ship for which a certificate of survey is required by this Part leaves or attempts to leave any port of survey without a certificate, any officer of Customs or any pilot on board the steam-ship may detain her until she obtains a certificate.

Appointment of surveyors and ports of survey.

129. The President of the Union may appoint so many persons as he thinks fit to be surveyors for the purposes of this Part at such ports in the Union of Burma as he may appoint to be ports of survey.

Powers of surveyor.

130. (*1*) For the purposes of a survey under this Part, any surveyor appointed under this Part may, at any reasonable time, go on board a steam-ship, and may inspect the steam-ship and any part thereof, and the machinery, equipments or articles on board thereof :

Provided that he does not unnecessarily hinder the loading or unloading of the steam-ship, or unnecessarily detain or delay her from proceeding on any voyage.

(2) The owner, master and officers of the steam-ship shall afford to the surveyor all reasonable facilities for a survey, and all such information respecting the steam-ship and her machinery and equipments, or any part thereof, respectively, as he reasonably requires.

Fees in respect of surveys.

131. Before a survey under this Part is commenced, the owner or master of the steam-ship to be surveyed shall pay to such officer as the President of the Union may appoint in this behalf—

(*a*) a fee calculated on the tonnage of the steam-ship according to the rates in Schedule II or according to any other prescribed rates ; and

(*b*) when the survey is to be made in any port of survey other than Rangoon, such additional fee, in respect of the expense (if any) of the journey of the surveyor to the port, as the President of the Union may, by notification in the Gazette, direct.

Power for President to direct that two surveyors be employed.

132. A survey under this Part shall ordinarily be made by one surveyor, but two surveyors may be employed if the President of the Union, by order in writing, so directs, either generally in the case of all steam-ships at any port of survey, or specially in the case of any particular steam-ship or class of steam-ships at any such port.

Division of duties when two surveyors employed.

133. When a survey is made under this Part by two surveyors, each of the surveyors making the survey shall perform a prescribed portion of the duties assigned by this Part or the rules made thereunder to a surveyor making a survey.

Declaration of surveyor.

134. When a survey under this Part is completed, the surveyor making it shall forthwith, if satisfied that he can with propriety do so, give to the owner or master of the steam-ship surveyed a declaration of survey in the prescribed form containing the following particulars, namely :—

(*a*) that the hull and machinery of the steam-ship are sufficient for the service intended and in good condition ;

(*b*) that the equipments (including life-saving appliances and wireless telegraphy installation) of the steam-ship and the certificates of the master, mate or mates, and engineer or engineers or engine-driver, and of the wireless telegraphy operators and watchers, are such and in such condition as are required by any law for the time being in force and applicable to the steam-ship ;

(*c*) the time (if less than one year) for which the hull, machinery and equipments of the steam-ship will be sufficient ;

(*d*) the voyages or class of voyages on which, as regards construction, machinery and equipments, the steam-ship is in the surveyor's judgment fit to ply ;

(*e*) the number of passengers which the steam-ship is, in the judgment of the surveyor, fit to carry, distinguishing, if necessary, between the respective numbers to be carried on the deck and in the cabins and in different parts of the deck and cabins ;

the number to be subject to such conditions and variations, according to the time of year, the nature of the voyage, the cargo carried or other circumstances, as the case requires ; and

(*f*) any other prescribed particulars.

Sending of declaration by owner or master to President.

135. (*1*) The owner or master to whom a declaration of survey is given shall, within fourteen days after the date of the receipt thereof, send the declaration to such officer as the President of the Union may appoint in this behalf.

(*2*) If he fails to do so, he shall forfeit a sum not exceeding five rupees for every day during which the sending of the declaration is delayed.

(*3*) The owner or master shall pay any sum so forfeited on the delivery of the certificate of survey.

Grant of certificate of survey by President.

136. (*1*) Upon receipt of a declaration of survey, the President of the Union shall, if satisfied that the provisions of this Part have been complied with, cause a certificate, in duplicate, to be prepared and delivered, through such officer at the port at which the steam-ship was surveyed as the President of the Union may appoint in this behalf, to the owner or master of the steam-ship surveyed, on his applying and paying the sums (if any) mentioned in this Part as payable on delivery of a certificate.

(*2*) A certificate granted under this section shall be in the prescribed form ; shall contain a statement to the effect that the provisions of this Part with respect to the survey of the steam-ship and the transmission of the declaration of survey in respect thereof have been complied with ; and shall set forth—

(*a*) the particulars concerning the steam-ship which clauses (*c*), (*d*) and (*e*) of section 134 require the declaration by the surveyor to contain ; and

(*b*) any other prescribed particulars.

(*3*) When a certificate is ready for delivery under this section, the President of the Union shall cause notice thereof to be given by post or otherwise to the owner or master of the steam-ship to which the certificate relates.

(*4*) The President of the Union may delegate to any person—

(*a*) the function, assigned to the President of the Union by sub-section (*1*), of granting a certificate of survey under that sub-section ;

(*b*) the function, assigned to the President of the Union by sub-section (*3*), of causing notice to be given of a certificate of survey being ready for delivery :

Provided, with respect to clause (*a*) of this sub-section, that no delegation of the function mentioned in that clause shall be construed to authorize the grant of a certificate of survey by the surveyor who gave the declaration of survey.

Power for President to order a second survey.

137. (*1*) If the surveyor or surveyors making a survey under this Act refuses or refuse to give a declaration of survey under section 134 with regard to any steam-ship, or gives or give a declaration with which the owner or master of the steam-ship surveyed is dissatisfied, the President of the Union may, on the application of the owner or master, and the payment by him of such fee, not exceeding twice the amount of the fee for the previous survey, as the President of the Union may require, direct two other surveyors appointed under this Part to survey the steam-ship.

(*2*) The surveyors so directed shall forthwith survey the steam-ship, and may, after the survey, either refuse to give a declaration or give such declaration as under the circumstances seems to them proper, and their decision shall be final.

Duration of certificates of survey

138. A certificate of survey granted under this Part shall not be in force—

(*a*) after the expiration of one year from the date thereof ; or

(*b*) after the expiration of the period, if less than one year, for which the hull, boilers, engines or any of the equipments have been stated in the certificate to be sufficient ; or

(*c*) after notice has been given, by the President of the Union, to the owner or master of the steam-ship to which the certificate relates that the President of the Union has cancelled or suspended it.

Cancellation or suspension of certificate of survey by President.

139. Any certificate of survey granted under this Part may be cancelled or suspended by the President of the Union if he has reason to believe—

(*a*) that the declaration by the surveyor of the sufficiency and good condition of the hull, boilers, engines or any of the equipments of the steam-ship has been fraudulently or erroneously made ; or

(*b*) that the certificate has otherwise been issued upon false or erroneous information.

Alterations in steam-ships subsequent to grant of certificate of survey and additional surveys.

139A. (*1*) The owner or master of a steam-ship in respect of which a certificate of survey has been granted under this Part, shall, as soon as possible after any alteration is made in the steam-ship's hull, equipments or machinery which affects the efficiency thereof or the sea-worthiness of the steam-ship, give written notice to such person as the President of the Union may direct containing full particulars of the alteration.

(*2*) If the owner or master of a steam-ship, without reasonable cause, neglects to give the notice required by this section, he shall be liable to a fine which may extend to five hundred rupees.

(*3*) If the President of the Union has reason to believe that since the making of the last declaration of survey in respect of a steam-ship—

(*a*) any such alteration as aforesaid has been made in the hull, equipments or machinery of the steam-ship, or

(*b*) the hull, equipments or machinery of the steam-ship have sustained any injury or are otherwise insufficient,

the President of the Union may require the steam-ship to be again surveyed

to such extent as he may think fit, and, if such requirement is not complied with, may cancel any certificate of survey issued under this Part in respect of the said steam-ship.

Power to require delivery of expired or cancelled certificate of survey.

140. (*1*) The President of the Union may require any certificate of survey granted under this Part which has expired, or has been cancelled or suspended, to be delivered up to such person as he directs.

(*2*) If the owner or master of a steam-ship, without reasonable cause, neglects or refuses to deliver up a certificate when required to do so under this section, he shall be liable to a fine which may extend to one hundred rupees.

141. * * * *

Certificate of survey to be affixed in conspicuous part of steam-ship.

142. (*1*) The owner or master of every steam-ship for which a certificate of survey has been granted under this Part shall forthwith, on the receipt of the certificate, cause one of the duplicates thereof to be affixed, and kept affixed so long as the certificate remains in force and the steam-ship is in use, on some conspicuous part of the steam-ship where it may be easily read by all persons on board thereof.

(*2*) If the certificate is not so kept affixed, the owner and master of the steam-ship shall each be liable to a fine which may extend to one hundred rupees.

Penalty for carrying passengers in contravention of the Act.

143. If a steam-ship on any voyage carries or attempts to carry passengers in contravention of section 125, or has on board or in any part thereof a number of passengers which is greater than the number set forth in the certificate of survey as the number of passengers which the steam-ship or the part thereof is fit to carry on that voyage, the owner and the master shall each be punishable with a fine which may extend to one thousand rupees, and also with an additional fine not exceeding twenty rupees for every passenger above the number so set forth, or, if the fare of any passenger on board exceeds twenty rupees, not exceeding double the amount of the fares of all the passengers above the number so set forth, reckoned at the highest rate of fare payable by any passenger on board ; and if the master or any other officer of any steam-ship which carries or attempts to carry passengers in contravention of section 125 is a licensed pilot, he shall be liable to have his licence as a pilot suspended or cancelled for any period by the President of the Union.

Prohibition of carriage of dangerous cargo

143A. (*1*) No steam-ship for which a certificate of survey is required by this Part shall carry as ballast or as cargo any goods which by reason of their nature, quantity or mode of stowage are either singly or collectively liable to endanger the lives of the passengers or the safety of the ship.

(*2*) The President of the Union may, subject to the condition of previous publication, make rules determining what goods are to be considered dangerous goods and prescribing the precautions which must be taken in the package and stowage thereof.

(*3*) If goods are carried in any steam-ship in contravention of the provisions of this section or of the rules made thereunder, the owner or master shall for each offence be liable to a fine which may extend to three thousand rupees and the steam-ship shall be deemed for the purpose of section *232* to be unsafe by reason of improper loading.

Steam-ships with foreign certificates of survey or certificates of partial survey.

144. (*1*) When a steam-ship requires to be furnished with a certificate of survey under this Part and the President of the Union is satisfied, by the production of a certificate of survey, that the ship has been officially surveyed at a foreign port, and that the requirements of this Act are proved by that survey to have been substantially complied with, the President of the Union may, if he thinks fit, dispense with any further survey of the ship in respect of the requirements so complied with, and give a certificate which shall have the same effect as a certificate given after survey under this Part :

Provided that this sub-section shall not apply in the case of a foreign steam-ship to an official survey at any foreign port with respect to which His Britannic Majesty has by Order in Council directed that section 363 of the Merchant Shipping Act, 1894, shall not apply.

57 & 58 Vict., c. 60.

(*2*) When the President of the Union has, by notification in the Gazette, declared that he is satisfied that an official survey at any foreign port specified in the declaration is such as to prove that the requirements of this Act have been substantially complied with, any person appointed by the President of the Union in this behalf may exercise the power to dispense with a survey and to give a certificate conferred on the President of the Union by sub-section (*1*) in the case of any steam-ship furnished with a valid certificate of survey granted at such foreign port.

(*3*) The procedure prescribed in sub-section (*1*) shall be applicable in the case of steam-ships furnished with valid certificates of partial survey, including docking certificates, granted by the Board of Trade or any British Colonial Government, as if they were steam-ships furnished with like certificates of survey granted at foreign ports, subject to the modification that the powers of the President of the Union under the said sub-section may be exercised by any person appointed by the President of the Union in this behalf.

Power for President to make rules as to surveys.

145. (*1*) The President of the Union may, subject to the condition of previous publication, make rules to regulate the making of surveys under this Part.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may—

(*a*) declare the times and places at which, and the manner in which, surveys are to be made ;

(*aa*) declare the requirements as to construction, machinery, equipments (including life-saving appliances and wireless telegraphy installation) and marking of sub-division load-lines, which are to be fulfilled before a declaration of survey may be granted ;

(*b*) regulate the duties of the surveyor making a survey and, where two surveyors are employed, assign the respective duties of each of the surveyors employed ;

(*c*) declare the form in which the declarations of surveyors and certificates of survey under this Part are to be framed, and the nature of the particulars which are to be stated therein, respectively ; and

(*d*) fix the rates according to which the fees payable in respect of surveys are to be calculated in the case of all or any of the ports of survey.

Power of President to make rules as to safety of life.

145A. (*1*) The President of the Union may, subject to the condition of previous publication, make rules in respect of steam-ships for which a certificate of survey is required by this Part, regulating the provisions to be made for the safety of life at sea.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may regulate—

(*a*) the control of hinged doors, portable plates, side scuttles, gangway cargo and coaling ports and other openings ;

(*b*) the methods to be adopted and the appliances to be carried for the prevention, detection and extinction of fire ;

(*c*) the provision of means of making signals of distress and the supply of lights inextinguishable in water and fitted for attachment to life-buoys ;

(*d*) the provision of boats, life-boats, life-rafts and buoyant apparatus, their equipment, and the specifications with which they shall comply, and the marking of these so as to show the dimensions thereof and the number of persons that may be carried thereon ;

(*e*) the manning of boats and life-boats and the qualifications and certificates of life-boat men ;

(*f*) the provision to be made for mustering the passengers and crew and for embarking them in the boats and life-boats (including provision as to the lighting of, and as to the means of ingress to, and egress from, different parts of the ship) ;

(*g*) the practising of boat-drills ; and

(*h*) the assignment of specific duties to each member of the crew in the event of an emergency.

(*3*) In making a rule under this section the President of the Union may direct that a breach of it shall be punishable with fine which may extend to two hundred rupees, and, when the breach is a continuing breach, with a further fine which may extend to twenty rupees for every day after the first during which the breach continues.

Provisions in case of Wreck of Ship carrying Steerage Passengers.

[1]**146.** * * * *

PART IV.

UNBERTHED PASSENGER SHIPS AND PILGRIM SHIPS.

Application of Part.

147. [2](*1*) This Part applies to all citizens of the Union wherever they may be.

(*2*) But the provisions of this Part relating to unberthed passenger ships do not apply—

(*a*) to any steam-ship not carrying more than sixty unberthed passengers ;

(*b*) to any ship not intended to carry unberthed passengers to or from any port in the Union of Burma ; or

(*c*) to any ships to which the provisions of the Inland Steam Vessels Act are applicable.

(*3*) Notwithstanding anything in sub-sections (*1*) and (*2*), the President of the Union may declare all or any of the provisions of this Part relating to unberthed passenger ships to apply to sailing-ships, or any class of sailing ships, carrying more than fifteen unberthed passengers and to steam-ships, or any class of steam-ships, carrying more than thirty such passengers.

Power to exempt ship from provisions of Part IV.

148. (*1*) The President of the Union may, subject to such condition as he thinks fit, exempt any ship or class of ships from any provision of this Part relating to unberthed passenger ships.

(*2*) In imposing a condition under this section the President of the Union may direct that a breach of it shall be punishable with fine which may extend to two hundred rupees, and, when the breach is a continuing breach, with a further fine which may extend to twenty rupees for every day after the first during which the breach continues.

Definitions.

149. In this Part, unless there is anything repugnant in the subject or context,—

(1) " unberthed passenger " means a passenger of the age of twelve years or upwards for whom no separate accommodation in any cabin, state-room or saloon is reserved ; but it does not include either a passenger in attendance on a person who is not an unberthed passenger or a child under one year of age ; and, in the computation of passengers for any of the purposes of this Part, two persons of the age of one year or upwards and under the age of twelve years shall be reckoned as one unberthed passenger ;

(2) " unberthed passenger ship " means, save as otherwise provided in this Part, a ship carrying more than thirty unberthed passengers ;

(3) " pilgrim " means a Muhammadan passenger going to, or returning from, the Hedjaz ; but it does not include a child under one year of age, and,

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.
[2] Substituted *ibid.*

in the computation of pilgrims for all or any of the purposes of this Act, the President of the Union may, by notification in the Gazette, direct that two persons of the age of one year or upwards and under the age of twelve years shall be reckoned as one pilgrim ;

Explanation I.—A Muhammadan passenger who has embarked with the intention of going to the Hedjaz, but is returning without having actually landed there, shall be deemed to be a pilgrim for the purposes of this Act ;

Explanation II.—Every passenger, whether a pilgrim or not, on board a pilgrim ship shall be deemed to be a pilgrim for the purposes of this Part ;

(4) " pilgrim ship " means a ship conveying or about to convey pilgrims from or to any port in the Union of Burma to or from any port in the Red Sea other than Suez :

Provided that no ship carrying passengers other than pilgrims of the lowest class and having on board pilgrims of the lowest class in a less proportion than one pilgrim for every one hundred tons of the gross tonnage of the ship shall be deemed to be a pilgrim ship within the meaning of this Act ;

Explanation.—" A pilgrim of the lowest class " is a pilgrim for whom no separate accommodation in any cabin, state-room or saloon is reserved ;

(5) " voyage " means the whole distance between the ship's port or place of departure and her final port or place of arrival ;

(6) " Chief Customs-officer " means the chief executive officer of sea-customs in any port or place to which this Part applies.

General provisions as to Unberthed Passenger and Pilgrim Ships.

Places appointed by the President.

150. (*1*) An unberthed passenger ship shall not, nor shall a pilgrim ship, depart or proceed from, or discharge unberthed passengers or pilgrims, as the case may be, at any port or place within the Union of Burma other than a port or place appointed in this behalf by the President of the Union for unberthed passenger ships or pilgrim ships, as the case may be.

(*2*) After a ship has departed or proceeded on a voyage from a port or place so appointed, a person shall not be received on board as an unberthed passenger or pilgrim, as the case may be, except at some other port or place so appointed.

Notice to be given of day of sailing.

151. (*1*) The master, owner or agent of an unberthed passenger or pilgrim ship so departing or proceeding shall give notice to an officer, appointed in this behalf by the President of the Union that the ship is to carry unberthed passengers or pilgrims and of her destination and of the proposed time of sailing.

(*2*) The notice shall be given—

(*a*) in the case of an unberthed passenger ship not less than twenty-four hours before that time ;

(*b*) in the case of a pilgrim ship at the original port of departure if in the Union of Burma, and in other cases at the first port at which she touches in the Union of Burma, not less than three days, and at all other ports not less than twenty-four hours before that time.

Power to enter on and inspect ship.

152. After receiving the notice, the officer or a person authorized by him shall be at liberty at all times to enter on the ship and inspect her and her fittings and the provisions and stores on board.

Ship not to sail without two certificates.

153. (*1*) A ship intended to carry unberthed passengers or pilgrims shall not commence a voyage from a port or place appointed under this Part, unless the master holds two certificates to the effect mentioned in the two next following sections.

(2) The officer whose duty it is to grant a port-clearance for the ship shall not grant it unless the master holds those certificates.

Contents of certificate A.

154. The first of the certificates (hereinafter called "certificate A") shall state that the ship is sea-worthy and properly equipped, fitted and ventilated, and—

(*a*) in the case of an unberthed passenger ship, the number of passengers which she is capable of carrying ;

(*b*) in the case of a pilgrim ship, the number of pilgrims of each class which she is capable of carrying.

Contents of certificate B.

155. The second of the certificates (hereinafter called "certificate B") shall state—

(*a*) the voyage which the ship is to make, and the intermediate ports (if any) at which she is to touch ;

(*b*) that she has the proper complement of officers and seamen ;

(*c*) that the master holds certificate A ;

(*d*) in the case of an unberthed passenger ship, if the ship is to make a short voyage, as hereinafter defined, in a season of foul weather, and to carry upper-deck passengers, that she is furnished with substantial bulwarks and a double awning or with other sufficient protection against the weather ;

(*e*) in the case of an unberthed passenger ship, if she is to carry passengers to any port in the Red Sea, that she is propelled principally by machinery and, if she is to carry more than one hundred passengers to any such port, that she has on board a medical officer licensed in the prescribed manner ;

(*f*) in the case of an unberthed passenger ship, that food, fuel and pure water over and above what is necessary for the crew, and the other things (if any) prescribed for unberthed passenger ships, have been placed on board, of the quality prescribed, properly packed, and sufficient to supply the unberthed passengers on board during the voyage which the ship is to make (including such detention in quarantine as may be probable) according to the prescribed scale :

Provided that, if the officer appointed in this behalf by the President of the Union is satisfied that an unberthed passenger has brought on board for his own use food of the quality and in the quantity prescribed, such unberthed passenger shall not

be included among the number of unberthed passengers for the purpose of the supply of food under this clause ;

(*g*) in the case of a pilgrim ship, that she is propelled principally by machinery and that she is of the tonnage and power (if any) prescribed ;

(*h*) in the case of a pilgrim ship, if she is to carry more than one hundred pilgrims, that she has on board the medical officer or officers required by this Part and the prescribed attendants ; and

(*i*) in the case of a pilgrim ship, that food and pure water over and above what is necessary for the crew, and the other things (if any) prescribed for pilgrim ships, have been placed on board, of the quality prescribed, properly packed, and sufficient to supply the pilgrims on board during the voyage which the ship is to make (including such detention in quarantine as may be probable) according to the prescribed scale ;

(*j*) such other particulars, if any, as may be prescribed for unberthed passenger or pilgrim ships, as the case may be.

156. * * * *

Grant of certificates.

157. The person by whom certificate A and certificate B are to be granted shall be the officer appointed under section 151 who is hereinafter referred to as the certifying officer.

Substitute for certificate A.

158. Where the master of a ship produces to the certifying officer one of the certificates of survey referred to in sections 136 and 144 in respect of the ship in force and applicable to the voyage on which the ship is to proceed or the service to which she is about to be employed, the certifying officer may, if the particulars required by section 154 are certified thereby, take the certificate as evidence of those particulars, and it shall then be deemed to be a certificate A for the purposes of this Part.

Survey of ship.

159. (*1*) After receiving the notice required by section 151 the certifying officer may, if he thinks fit, cause the ship to be surveyed at the expense of the master or owner by competent surveyors, who shall report to him whether the ship is, in their opinion, seaworthy and properly equipped, fitted and ventilated for the service on which she is to be employed :

Provided that he shall not cause a ship holding one of the certificates of survey referred to in Part III to be surveyed unless by reason of the ship having met with damage or having undergone alterations, or on other reasonable ground, he considers it likely that she may be found unseaworthy or not properly equipped, fitted or ventilated for the service on which she is to be employed.

(*2*) If the officer causes a survey to be made of a ship holding any such certificate, and the surveyors report that the ship is seaworthy and properly equipped, fitted and ventilated for the voyage, and that there was no reasonable ground why the officer should have thought it likely that she would

be found unseaworthy, or not properly equipped, fitted or ventilated for the service on which she is to be employed, the expense of the survey shall be paid by Government.

Discretion as to grant of certificate.

160. (*1*) The certifying officer shall not grant a certificate if he has reason to believe that the ship has on board any cargo likely from its quality, quantity or mode of stowage to prejudice the health or safety of the unberthed passengers or pilgrims.

(*2*) Save as aforesaid, and subject to the provisions of sub-section (*3*), it shall be in the discretion of the certifying officer to grant or withhold the certificate.

(*3*) In the exercise of that discretion that officer shall be subject to the control of the President of the Union and of any intermediate authority which he may appoint in this behalf.

Copy of certificates to be exhibited

161. The master or owner shall post up in a conspicuous part of the ship, so as to be visible to persons on board thereof, a copy of each of the certificates granted under this Part in respect of the ship, and shall keep those copies so posted up throughout the voyage.

Penalty for ship unlawfully departing or receiving passengers on board.

162. (*1*) If an unberthed passenger or pilgrim ship departs or proceeds on a voyage from, or discharges unberthed passengers or pilgrims at, any port or place within the Union of Burma in contravention of the provisions of this Part, or if a person is received as an unberthed passenger or pilgrim on board any such ship in contravention of the provisions of this Part, the master or owner shall, for every unberthed passenger or pilgrim carried in the ship, or for every unberthed passenger or pilgrim so discharged or received on board, be liable to a fine which may extend to one hundred rupees, or to imprisonment for a term which may extend to one month, or to both :

Provided that the aggregate term of imprisonment awarded under this section shall not exceed one year.

(*2*) The ship, if found within two years in any port or place within the Union of Burma, may be seized and detained by a Chief Customs-officer until the penalties incurred under this Part by her master or owner have been adjudicated, and the payment of the fines imposed on him under this Part with all costs has been enforced, under the provisions of this Part.

Penalty for opposing entry on or inspection of ships.

163. If a person impedes or refuses to allow any entry or inspection authorized by or under this Part, he shall be liable to a fine which may extend to five hundred rupees for each offence, or to imprisonment for a term which may extend to three months, or to both.

Penalty for not exhibiting copy of certificates.

164. If the master or owner of an unberthed passenger or pilgrim ship without reasonable excuse, the burden of proving which shall lie upon him, fails to comply with the requirements of this Part with respect to the posting of copies of certificates, he shall be liable to a fine which may extend to two hundred rupees, or to imprisonment for a term which may extend to one month, or to both.

Penalty for fraudulent alteration in ship after certificate obtained.

165. If the master of an unberthed passenger or pilgrim ship after having obtained any of the certificates mentioned in this Part fraudulently does or suffers to be done anything whereby the certificate becomes inapplicable to the altered state of the ship, her unberthed passengers or pilgrims, as the case may be, or other matters to which the certificate relates, he shall be liable to a fine which may extend to two thousand rupees, or to imprisonment for a term which may extend to six months, or to both.

Penalty for failing to supply unberthed passengers or pilgrims with prescribed provisions.

166. If the master of an unberthed passenger ship without reasonable excuse, the burden of proving which shall lie upon him, omits to supply to any unberthed passenger the prescribed allowances of food, fuel and water, or if the master of a pilgrim ship, without reasonable excuse, the burden of proving which shall lie upon him, omits to supply to any pilgrim the prescribed allowances of cooked and uncooked food and of water, as required by the provisions of this Part, he shall be liable to a fine which may extend to twenty rupees for every unberthed passenger or pilgrim who has sustained detriment by the omission.

Penalty for having excessive number of passengers on board.

167. (*1*) If an unberthed passenger or pilgrim ship has on board a number of unberthed passengers or pilgrims which is greater than the number allowed for the ship by or under this Part, the master and owner shall, for every such passenger or pilgrim over and above that number, be each liable to a fine which may extend to fifty rupees, and the master shall further be liable to imprisonment for a term which may extend to one week in respect of each such passenger or pilgrim :

Provided that the aggregate term of imprisonment awarded under this section shall not exceed six months.

(*2*) Any officer authorized in this behalf by the President of the Union may cause all unberthed passengers or pilgrims over and above the number allowed by or under this Part to disembark, and may forward them to any port at which they may have contracted to land, and recover the cost of so forwarding them from the master or owner of the ship as if the cost were a fine imposed under this Part, and a certificate under the hand of that officer shall be conclusive proof of the amount of the cost aforesaid.

Penalty for landing unberthed passenger or pilgrim at a place other than that at which he has contracted to land.

168. If the master of an unberthed passenger or pilgrim ship lands any unberthed passenger or pilgrim at any port or place other than the port or place at which the unberthed passenger or pilgrim may have contracted to land, unless with his previous consent, or unless the landing is made necessary by perils of the sea or other unavoidable accident, the master shall, for every such offence, be liable to a fine which may extend to two hundred rupees, or to imprisonment for a term which may extend to one month, or to both.

Penalty for making voyage in contravention of contract.

169. If an unberthed passenger or pilgrim ship, otherwise than by reason of perils of the sea or other unavoidable accident, touches at any port or place in contravention of any express or implied contract or engagement with the unberthed passengers or pilgrims with respect to the voyage which the ship

was to make and the time which that voyage was to occupy, whether the contract or engagement was made by public advertisement or otherwise, the master and owner shall each be liable to a fine which may extend to five hundred rupees, or to imprisonment for a term which may extend to three months, or to both.

Information to be sent to ports of embarkation and discharge.

170. (*1*) The Chief Customs-officer, or other officer, if any, appointed by the President of the Union in this behalf, at any port or place within the Union of Burma at which an unberthed passenger or pilgrim ship touches or arrives, shall, with advertence to the provisions of this Part, send any particulars which he may deem important respecting the unberthed passenger or pilgrim ship, and the unberthed passengers or pilgrims carried therein, to the officer at the port or place from which the ship commenced her voyage, and to the officer at any other port or place within the Union of Burma where the unberthed passengers or pilgrims or any of them embarked or are to be discharged.

(*2*) The Chief Customs-officer, or other officer, if any, appointed by the President of the Union in this behalf, at any port or place in the Union of Burma at which a ship to which this Part applies touches or arrives, may enter on the ship and inspect her in order to ascertain whether the provisions of this Act as to the number of unberthed passengers or pilgrims and other matters have been complied with.

Report of Consul.

171. In any proceeding for the adjudication of any penalty incurred under this Part any document purporting to be a report of such particulars as are referred to in sub-section (*1*) of the last foregoing section, or a copy of the proceedings of any Court of Justice duly authenticated, and also any like document purporting to be made and signed by any person lawfully exercising consular authority on behalf of [the Government] [1] in any foreign port, shall be received in evidence, if it appears to have been officially transmitted to any officer at or near the place where the proceeding under this Part is held.

Authority to institute proceedings for penalties.

172. The penalties to which masters and owners of unberthed passenger and pilgrim ships are made liable by this Part shall be enforced only on information laid at the instance of a certifying officer, or, at any port or place where there is no such officer, at the instance of the Chief Customs-officer.

Appointment of officers.

173. The President of the Union shall appoint such persons as he thinks fit to exercise and perform the powers and duties which are conferred and imposed by this Part or may be conferred and imposed thereunder.

Special provisions relating to Unberthed Passenger Ships.

Definitions.

174. (*1*) "Long voyage" means, subject to the provisions of this Part relating to unberthed passenger ships, any voyage during which the ship performing it will in ordinary circumstances be one hundred and twenty hours or upwards continuously out of port.

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

(*2*) " Short voyage " means, subject to the provisions of this Part relating to unberthed passenger ships, any voyage during which the ship performing it will not in ordinary circumstances be one hundred and twenty hours continuously out of port.

Power to declare what shall be deemed "seasons of fair weather", "seasons of foul weather" and " long voyages" and "short voyages".

175. The President of the Union may declare, by notification in the Gazette, what shall be deemed to be, for the purposes of this Part relating to unberthed passenger ships, " seasons of fair weather " and " seasons of foul weather " and, for sailing-ships and steam-ships, respectively, a " long voyage " and a " short voyage ".

Space to be available for passengers.

176. (*1*) For seasons of fair weather, an unberthed passenger ship performing a short voyage shall, subject to the provisions of this Part, contain in the between-decks at least six superficial feet and thirty-six cubic feet of space available for every between-decks passenger, and on the upper-deck at least four superficial feet available for each such passenger and six superficial feet available for each upper-deck passenger.

(*2*) For seasons of foul weather, an unberthed passenger ship propelled by sails and performing a short voyage shall, subject as aforesaid, contain in the between-decks at least twelve superficial feet and seventy-two cubic feet of space available for every between-decks passenger, and on the upper-deck at least four superficial feet available for each such passenger and twelve superficial feet available for each upper-deck passenger.

(*3*) For seasons of foul weather an unberthed passenger ship propelled by steam, or partly by steam and partly by sails, and performing a short voyage shall, subject as aforesaid, contain in the between-decks at least nine superficial feet and fifty-four cubic feet of space available for every between-decks passenger, and on the upper-deck at least four superficial feet available for each such passenger and nine superficial feet available for each upper-deck passenger.

(*4*) In seasons of foul weather an unberthed passenger ship shall not carry upper-deck passengers unless she is furnished with substantial bulwarks and a double awning or with other sufficient protection against the weather.

Ship taking additional passengers at intermediate place.

177. If an unberthed passenger ship performing a short voyage takes additional unberthed passengers on board at an intermediate port or place, the master shall obtain from the certifying officer at that port or place a supplementary certificate stating—

(*a*) the number of unberthed passengers so taken on board, and

(*b*) that food, fuel and pure water over and above what is necessary for the crew, and the other things, if any, prescribed for the ship, have been placed on board, of the quality prescribed, properly packed, and sufficient to supply the unberthed

passengers on board during the voyage which the ship is to make (including such detention in quarantine as may be probable) according to the scale for the time being prescribed :

Provided that, if the certificate B held by the master of the ship states that food, fuel and pure water over and above what is necessary for the crew, and the other things, if any, prescribed for her, have been placed on board, of the quality prescribed by the rules, properly packed, and sufficient to supply the full number of unberthed passengers which she is capable of carrying, the master shall not be bound to obtain any such supplementary certificate but shall obtain from the certifying officer an endorsement on the certificate B showing the number of passengers taken on board, and the number of passengers discharged, at that port or place.

Deaths on voyage.

178. When the ship after performing a short voyage reaches her final port or place of arrival, the master shall notify to such officer as the President of the Union appoints in this behalf the date and supposed cause of death of every passenger dying on the voyage.

Space to be available for passengers.

179. (*1*) An unberthed passenger ship propelled by sails and performing a long voyage shall, subject to the provisions of this Act, contain in the between-decks at least twelve superficial feet and seventy-two cubic feet of space available for every passenger.

(*2*) An unberthed passenger ship propelled by machinery, or partly by machinery and partly by sails, and performing a long voyage shall, subject as aforesaid, contain in the between-decks at least nine superficial feet and fifty-four cubic feet of space available for every passenger.

Statements concerning passengers.

180. The master of an unberthed passenger ship departing or proceeding on a long voyage from any port or place in the Union of Burma shall sign two statements, specifying the number and the respective sexes of all the unberthed passengers, and the number of the crew, and shall deliver them to the certifying officer, who shall thereupon, after having first satisfied himself that the numbers are correct, countersign and return to the master one of the statements.

Deaths on voyage.

181. The master of any such ship shall note in writing on the statement returned to him, and on any additional statement to be made under the next following section, the date and supposed cause of death of any unberthed passenger who may die on the voyage, and shall, when the ship arrives at her port or place of destination or at any port or place where it may be intended to land unberthed passengers, and before any passenger leaves the ship, produce the statement with any additions made thereto to a person lawfully exercising consular authority on behalf of [the Government][1] at the port or place or to the Chief Customs-officer thereat or the certifying officer, if any, appointed there.

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

Ship taking additional passengers at intermediate place.

182. (*1*) In either of the following cases, namely,—

(*a*) if after the ship has departed or proceeded on a long voyage any additional unberthed passengers are taken on board at a port or place within the Union of Burma appointed under this Part for the embarkation of unberthed passengers, or

(*b*) if the ship upon her voyage touches or arrives at any such port or place, having previously received on board additional unberthed passengers at any place beyond the Union of Burma,

the master shall obtain a fresh certificate to the effect of certificate B from the certifying officer at that port or place, and shall make additional statements specifying the number and the respective sexes of all the additional passengers.

(*2*) All the foregoing provisions of this Part with respect to certificate B and statements concerning unberthed passengers shall be applicable to any certificate granted or statement made under this section.

Certain ships to be propelled by steam.

183. (*1*) A ship carrying unberthed passengers from or to any port in the Union of Burma to or from any port in the Red Sea shall be propelled principally by machinery.

(*2*) If this section is not complied with, the master and owner shall each be liable to a fine which may extend to five hundred rupees, or to imprisonment which may extend to three months, or to both.

Certain ships to carry medical officer.

184. (*1*) A ship carrying more than one hundred unberthed passengers shall have on board a medical officer licensed in the prescribed manner.

(*2*) If this section is not complied with, the master shall be liable to a fine which may extend to five hundred rupees, or to imprisonment for a term which may extend to three months, or to both.

185–188. * * * *

Penalty for not complying with requirements as to statements concerning passengers and certain other matters.

189. If a master fails to comply with any of the requirements of section 180 or section 181 as to the statements concerning unberthed passengers, or wilfully makes any false entry or note in or on any such statement, or without reasonable excuse, the burden of proving which shall lie upon him, fails to obtain any such supplementary certificate as is mentioned in section 177 or to report deaths as required by section 178, or to obtain any such fresh certificate or to make any such statement of the number of additional unberthed passengers as is mentioned in section 182, he shall be liable to a fine which may extend to five hundred rupees for every such offence, or to imprisonment for a term which may extend to three months, or to both.

Penalty for bringing passengers from foreign port in excess of authorized number.

190. If a ship carrying unberthed passengers from any port or place beyond the Union of Burma to any port or place in the Union of Burma has on board a number of passengers greater either than the number allowed for the ship by or under this Part or than the number allowed by the licence or certificate, if any, granted in respect of the ship at her port or place of departure, the master and owner shall, for every unberthed passenger in excess of that number, be each liable to a fine which may extend to twenty rupees.

191. (*1*) The President of the Union may make rules consistent with this Part to regulate, in the case of any unberthed passenger ship or class of such ships, all or any of the following matters, namely:— Power for President to make rules.

(*a*) the scale on which food, fuel and water are to be supplied to the passengers or to any class or classes of passengers, and the quality of the food, fuel and water ;

(*b*) the medical stores and other appliances and fittings to be provided on board for maintaining health, cleanliness and decency ;

(*c*) the licensing and appointment of medical officers in cases where they are required by this Part to be carried ;

(*d*) the boats, anchors and cables to be provided on board ;

(*e*) the instruments for purposes of navigation to be supplied ;

(*f*) the apparatus for the purpose of extinguishing fires on board and the precautions to be taken to prevent such fires ;

(*g*) the provision of appliances for saving life and of means for making signals of distress, and the supply of lights inextinguishable in water and fitted for attachment to lifebuoys ;

(*h*) the functions of the master, medical officer (if any) and other officers of the ship during the voyage ;

(*i*) the access of between-decks passengers to the upper-deck ;

(*j*) the local limits within which, and the time and mode at and in which, passengers are to be embarked or discharged at any port or place appointed under this Part in that behalf ;

(*k*) the time within which the ship or any ship of the class is to depart or proceed on her voyage after commencing to take passengers on board, and

(*l*) generally, to carry out the purposes of this Part.

(*2*) In making a rule under this section, the President of the Union may direct that a breach of it shall be punishable with fine which may extend to two hundred rupees, and, when the breach is a continuing breach, with a further fine which may extend to twenty rupees for every day after the first during which the breach continues.

(*3*) The power to make rules under this section is subject to the condition of the rules being made after previous publication.

192. The President of the Union may by order prescribe, in the case of any unberthed passenger ship or class of such ships and for all or any voyages, the number of superficial or of cubic feet of space to be available for unberthed passengers ; and the order shall be alternative to, or override as the President of the Union may direct, the requirements on that subject of this Part so far as they apply to that ship or class of ships. Power to prescribe space to be available for passengers.

Special provisions regarding Pilgrim Ships.

193. (*1*) The President of the Union may by order determine the number of superficial and cubic feet of space (not being less than sixteen and ninety- Space to be provided for pilgrims.

six respectively) to be available in the between-decks for pilgrims of each class, respectively, on board pilgrim ships.

(*2*) Every pilgrim ship shall have reserved for the use of the pilgrims on board gratuitously by day and by night so such of the upper-deck as is not required for the airing space of the crew or for permanent structures:

Provided that the upper-deck space available for pilgrims shall in no case be less than six superficial feet for each pilgrim of the age of twelve years or upwards on board.

(*3*) Subject as aforesaid and to any rules which may be made under this Act, such space may be allotted among the different classes of pilgrims in such proportion as may be thought fit:

Provided that not less space shall be allotted to any one class than will provide six superficial feet of space available for each pilgrim of the age of twelve years or upwards of that class on board.

Disposal of pilgrims' baggage.

194. The baggage of all pilgrims shall be disposed of on board in such manner as may be prescribed.

Hospital accommodation.

195. There shall be a regularly appointed hospital on board every pilgrim ship, offering such conditions of security, health and space, and capable of accommodating such number, not exceeding five per cent. of the pilgrims embarked, as may be prescribed.

Statement concerning pilgrims to be delivered before ship departs.

196. The master of every pilgrim ship departing or proceeding from any port or place in the Union of Burma shall sign a statement in duplicate in the prescribed form, specifying the total number and the number of each sex of all the pilgrims embarked and the number of the crew, and such other particulars as may be prescribed, and shall deliver both copies to the certifying officer, who shall thereupon, after having first satisfied himself that the entries are correct, countersign and return to the master one of the copies.

Deaths on voyage.

197. The master of every pilgrim ship shall note in writing on the copy of the statement returned to him under the last foregoing section, and on any additional statement to be made under the next following section, the date and supposed cause of death of any pilgrim who may die on the voyage, and shall, when the pilgrim ship arrives at her port or place of destination or at any port or place at which it may be intended to land pilgrims, and before any pilgrims disembark, produce the statement, with any additions thereto made, to a person lawfully exercising consular authority on behalf of [the Government] [1] at the port or place or to the Chief Customs-officer thereat or the certifying officer (if any) appointed there.

Pilgrim ship taking additional pilgrims at intermediate place.

198. (*1*) In either of the following cases, namely:—

(*a*) if, after a pilgrim ship has departed or proceeded on her voyage, any additional pilgrims are taken on board at a port or place within the Union of Burma appointed under this Act for the embarkation of pilgrims, or

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

(*b*) if a pilgrim ship upon her vovage touches or arrives at any such port or place, having previously received on board additional pilgrims at any place beyond the Union of Burma,

the master shall obtain a fresh certificate to the effect of certificate B from the certifying officer at that port or place, and shall furnish an additional statement, in duplicate in the prescribed form, respecting such additional pilgrims.

(*2*) All the foregoing provisions of this Part with respect to certificate B, and the statement concerning pilgrims to be signed and delivered by the masters of pilgrim ships, shall be applicable to any certificate granted or statement furnished under this section.

Statement concerning pilgrims to be delivered before pilgrims disembark in the Union of Burma.

199. The master of every pilgrim ship arriving at any port or place in the Union of Burma at which it may be intended to discharge pilgrims shall, before any pilgrims disembark, deliver a statement signed by him specifying the total number and the number of each sex of all the pilgrims on board and the number of the crew, and such other particulars as may be prescribed, to the certifying officer appointed thereat.

Pilgrim ships to be p opelled principally by steam and to be of certain tonnage and steam-power.

200. (*1*) Every pilgrim ship shall be propelled principally by machinery, and shall be of the tonnage and power (if any) prescribed.

(*2*) If this section is not complied with, the master and owner shall each be liable to a fine which may extend to five hundred rupees, or to imprisonment which may extend to three months, or to both.

Certain pilgrim ships to carry medical officers and attendants.

201. (*1*) Every pilgrim ship carrying more than one hundred pilgrims shall have on board a medical officer licensed as prescribed and, if the number carried exceed one thousand, a second medical officer similarly licensed, and also in all cases such attendants as may be prescribed, and such medical officers and attendants shall give their services free to all sick pilgrims on board.

(*2*) If medical officers and attendants are not carried on a pilgrim ship in accordance with the provisions of sub-section (*1*), the master shall be liable to a fine which may extend to three thousand rupees, or to imprisonment which may extend to three months, or to both.

(*3*) Any medical officer or attendant on a pilgrim ship who charges any pilgrim on such ship for his services shall be liable to a fine which may extend to two hundred rupees.

Medical officers' diaries and reports.

202. The medical officer or officers of every pilgrim ship shall keep such diaries, and shall submit such reports or other returns, as may be prescribed.

Pilgrim ships to touch at Aden on the outward voyage.

203. (*1*) Any officer empowered by the President of the Union in this behalf may, by order in writing, require any pilgrim ship proceeding from any port in the Union of Burma to any port in the Red Sea to touch at Aden and not to leave that port without having obtained from the proper authority a certificate stating whether any case of cholera has or has not occurred on board since the ship left the port of last departure.

(*2*) If the master of any such ship, in respect of which an order has been made under this section, without reasonable excuse, the burden of proving which shall lie upon him, fails to touch at Aden, or leaves that port without having obtained the certificate required under this section, he shall for every such offence be liable to a fine which may extend to two thousand rupees, or to imprisonment for a term which may extend to six months, or to both.

204. * * * *

Bond where pilgrim ship proceeds on outward voyage.

205. (*1*) Port-clearance shall not be granted from any port in the Union of Burma to any pilgrim ship unless the master, owner or agent and two sureties resident in the Union of Burma have executed, in favour of the Government, a joint and several bond for the sum of ten thousand rupees covering all voyages which may be made by the ship in the current pilgrim season, conditioned that—

(*a*) the ship shall, if so required by an order under section 203, touch at Aden on the outward voyage and there obtain the certificate required under that section,

(*b*) the master and medical officer or officers, if any, shall comply with the provisions of this Part and the rules made thereunder, and

(*c*) the master, owner or agent (as the case may be) shall pay any sum claimed by the President of the Union under section 209A.

(*2*) A bond may be given under this section covering any or all of the pilgrim ships owned by one owner, and in such cases the amount of the bond shall be ten thousand rupees for each ship covered.

Medical inspection and permission required before embarkation of pilgrims.

206. (*1*) No pilgrim shall be received on board any pilgrim ship at any port or place in the Union of Burma unless and until he has been medically inspected, at such time and place, and in such manner, as the President of the Union may fix in this behalf, nor until the certifying officer has given permission for the embarkation of pilgrims to commence.

(*1A*) No pilgrim shall be received on board any pilgrim ship unless he produces medical certificates signed by persons who, in the opinion of the officer making an inspection under this section, are duly qualified to grant such certificates, showing that such pilgrim—

(*a*) has been inoculated against cholera within six months before the inspection, and

(*b*) has been vaccinated against small-pox within five years before the inspection :

Provided that the officer making the inspection may dispense with the certificate of vaccination, if in his opnion the pilgrim has marks showing that he has had small-pox.

(*2*) If, in the opinion of the officer making an inspection under this section, any pilgrim is suffering from cholera or choleraic indisposition, or any dangerously infectious or contagious disease, or shows any signs of the same or any other suspicious symptoms, such pilgrim shall not be permitted to embark.

(*3*) All articles which have been contaminated by persons suffering from cholera or choleraic indisposition, or any dangerously infectious or contagious disease, or are suspected of having been so contaminated, shall, before being taken on board a pilgrim ship, be disinfected, under the supervision of a medical officer appointed by the President of the Union for the purpose, in such manner as may be prescribed.

(*4*) If the master of any such ship knowingly receives on board any pilgrim or contaminated article in contravention of this section, he shall be liable to a fine which may extend to five hundred rupees for each pilgrim, or fifty rupees for each article so received, or to imprisonment which may extend to three months, or to both.

Medical inspection after embarkation in certain cases.

207. (*1*) If in any case a pilgrim ship does not proceed on her voyage within forty-eight hours after all the pilgrims have been received on board, and there is reason to suspect that any person on board is suffering from cholera or choleraic indisposition or any dangerously infectious or contagious disease, a medical inspection of all persons on board may be held in such manner as the President of the Union may direct.

(*2*) If on such inspection any person is found to be suffering from cholera or choleraic indisposition or any dangerously infectious or contagious disease, or shows any signs of the same or any other suspicious symptoms, he shall, together with all articles belonging to him, be at once removed from the ship.

(*3*) If the master of any such ship knowingly keeps on board any pilgrim or article ordered to be removed under this section, he shall be liable to a fine which may extend to five hundred rupees for each pilgrim, or fifty rupees for each article so kept on board, or to imprisonment which may extend to three months, or to both.

Medical inspection of women.

208. So far as may be practicable, and subject to any rules which may be made under this Act, the medical inspection of female pilgrims shall be carried out by women.

Conditions for securing return passages for pilgrims.

208A. No pilgrim shall be received on board any pilgrim ship at any port or place in the Union of Burma for conveyance in the lowest class available on the ship, unless he—

(*a*) is in possession of a return ticket, or

(*b*) has deposited with the prescribed person such sum for the purpose of defraying the cost of a return ticket as the President of the Union may specify by notification in the Gazette :

Provided that the prescribed person may exempt any pilgrim from any or all of the above requirements, if he is satisfied that it is inexpedient, in the special circumstances of the case, to enforce them.

Issue or production of tickets.

208B. (*1*) Every pilgrim travelling on a pilgrim ship shall be entitled, on payment of his passage-money and fulfilment of other prescribed conditions, if any, to receive a ticket in the prescribed form, and shall be bound to produce it to such officers and on such occasions as may be prescribed and otherwise to deal with it in the prescribed manner :

Provided that no pilgrim, who has not been exempted under the proviso to section 208A, shall be given a ticket other than a return ticket unless he has made the deposit required by that section.

(*2*) Any ticket issued to a pilgrim for a voyage on a pilgrim ship shall entitle him to receive food and water, on the scale and of the quality prescribed, free of further charge, throughout the voyage.

Refund of deposits and passage-money.

208C. (*1*) Every pilgrim prevented from embarking under section 206, or removed from the ship under section 207, or otherwise prevented from proceeding, shall be entitled to the refund of any passage-money which he may have paid, and of any deposit which he may have made under section 208A.

(*2*) Any pilgrim who, within eighteen months of his sailing from the Union of Burma, satisfies His Britannic Majesty's Representative at Jeddah that he intends to remain in the Hedjaz or to return to the Union of Burma by a route other than the route by which he came from the Union of Burma, shall be entitled to a refund of any deposit made by him under section 208A, or, if he is in possession of a return ticket, to a refund of half the passage-money paid by him.

(*3*) Where any pilgrim dies in the Hedjaz or on the voyage thereto, any person nominated by him in this behalf in writing in the prescribed manner, or, if no person has been so nominated, his legal representative, shall be entitled to a refund of any deposit made by such pilgrim under section 208A, or, if such pilgrim was in possession of a return ticket, to a refund of half the passage-money paid by such pilgrim.

(*4*) Where any pilgrim fails to return to the Union of Burma from the Hedjaz within eighteen months of his sailing from the Union of Burma, or returns to the Union of Burma by a route other than the route by which he came from the Union of Burma, he or any person nominated by him in this behalf in writing in the prescribed manner shall be entitled to a refund of any deposit made by such pilgrim under section 208A, or, if such pilgrim was in possession of a return ticket, to a refund of half the passage-money paid by such pilgrim, except where such deposit or passage-money has already been refunded under this section.

(*5*) Refunds under sub-sections (*1*), (*2*), (*3*) and (*4*) of deposits shall be subject to such conditions and of passage-money to such deductions and conditions as may be prescribed.

Unclaimed deposits and passage-money to lapse to the State.

209. (*1*) All deposits made under section 208A which have been unclaimed for the prescribed period shall become the property of the [State].[1]

(*2*) If any pilgrim entitled to a refund of passage-money under sub-section (*1*) of section 208C does not claim such refund within the prescribed period,

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

or if any pilgrim who has purchased a return ticket does not on the basis of such ticket obtain a return passage from the Hedjaz within the prescribed period and the value of the return half of such ticket has not been refunded under sub-section (*2*) or sub-section (*3*) or sub-section (*4*) of section 208C, such passage-money or value shall, subject to the exercise of the rights conferred by sub-section (*4*) of section 208C, become the property of the [State][1] and shall be paid to the [State][1] by the master, owner or agent to whom it was paid.

Cost of return journey of pilgrims on ships other than those for which return ticket is available.

209A. (*1*) Where any pilgrim who has been carried to the Hedjaz by a pilgrim ship with a return ticket issued in the Union of Burma within the previous eighteen months is, owing to his inability to obtain accommodation on a ship for which the return ticket is available, detained at Jeddah for a longer period than twenty-five days from the day on which he presents his ticket to His Britannic Majesty's Representative at Jeddah, notifying his desire to embark for the return passage, the master, owner or agent of the ship in which such pilgrim was carried to the Hedjaz shall pay to the President of the Union in respect of such pilgrim such sum not exceeding double the whole sum received by such master, owner or agent in respect of the return ticket as the President of the Union claims as the cost of repatriating the pilgrim, together with a sum of one rupee for each day after the expiry of the twenty-five days aforesaid during which the pilgrim has been detained at Jeddah :

Provided that, for the purpose of computing the said period of twenty-five days, no period shall be taken into account during which the ship is prevented from carrying pilgrims on the return passage by reason of the port of Jeddah having been declared by proper authority to be infected or by reason of war disturbance or any other cause not arising from any act or default of the master, owner or agent :

Provided further that in the case of any pilgrim whose ticket has been deposited with His Britannic Majesty's Representative at Jeddah the said period of twenty-five days shall, during the period of six weeks following the Haj day, be reduced to fifteen days beginning on the day on which such pilgrim notifies to His Britannic Majesty's Representative at Jeddah his desire to embark for the return passage.

(*2*) A certificate of such detention purporting to be made and signed by His Britannic Majesty's Representative at Jeddah shall be received in evidence in any Court in the Union of Burma without proof of the signature or of the official character of the person who has signed the same.

Notice of sailing of pilgrim ship.

209B. (*1*) The master, owner or agent of any ship which is intended to sail on a voyage as a pilgrim ship from any port or place in the Union of Burma shall, before advertising such ship for the conveyance of pilgrims or offering to convey any pilgrim by such ship or selling or permitting any person to sell a passage ticket to any pilgrim for conveyance by such ship, supply to the prescribed officer (hereinafter referred to as the Pilgrim Officer) at the port or place from which the ship is to commence the voyage, and at each port or place in the Union of Burma at which it is to touch for the purpose of embarking pilgrims,

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

full particulars as to the class, tonnage and age of the ship, the maximum number of passage tickets of each class to be issued, the maximum price of each class of ticket, the date on which the ship is to sail from that port or place, the ports, if any, at which it is to touch, the place of its destination, and the probable date of its arrival thereat.

(*2*) The master, owner or agent shall supply to the Pilgrim Officer, within three days from the date of demand, such further information in regard to the matters mentioned in sub-section (*1*) as that officer may in writing demand from him.

(*3*) Before such reasonable and sufficient interval as may be prescribed before the date of the sailing of any such ship from any port or place in the Union of Burma, the master, owner or agent of the ship shall advertise at such port or place in such manner as may be prescribed—

(*a*) the place of destination of the ship,

(*b*) the proposed date of sailing from that port or place which shall be the date communicated to the Pilgrim Officer under sub-section (*1*), and

(*c*) the price of each class of passage tickets, which shall not be in excess of the price communicated to the Pilgrim Officer under sub-section (*1*).

(*4*) Any master, owner or agent, who—

(*a*) without reasonable cause, the burden of proving which shall lie upon him, fails or refuses to supply any particulars or information which he is by or under this section required to supply or supplies false particulars or information, or

(*b*) advertises any ship for the conveyance of pilgrims, or offers to convey pilgrims by any ship, or sells or promises or permits any person to sell passage tickets to pilgrims for conveyance by any ship, without having first supplied the particulars required by sub-section (*1*) and in accordance with the provisions of that sub-section, or

(*c*) advertises a date of sailing from any port or place other than the date communicated to the Pilgrim Officer at that port or place under sub-section (*1*), or advertises a price for passage tickets at that port or place in excess of the price so communicated, or

(*d*) offers to convey pilgrims by any ship from any port or place in the Union of Burma or sells or promises or permits any person to sell passage tickets to pilgrims for conveyance by a ship from any such port or place without having made advertisement, as required by sub-section (*3*), of the matters specified in th at sub-section, or

(*e*) sells or permits any person to sell to any pilgrim any passage ticket at a price in excess of the price communicated to the Pilgrim Officer under sub-section (*1*),

shall be punishable with fine which may extend to two thousand rupees.

Compensation for delay in sailing.

209C. (*1*) If the pilgrim ship fails to proceed from any port or place on the date advertised under sub-section (*3*) of section 209B as the date of sailing therefrom, the master, owner or agent shall become liable to pay as compensation to each pilgrim who has paid his passage money on or before such date the sum of one rupee for each completed day during which the sailing of the ship is delayed after that date :

Provided that such compensation shall not be payable in respect of any period during which the departure of the ship is impossible owing to any cause not arising from the act or default of the master, owner or agent, and the burden of proving such cause shall lie on such master, owner or agent :

Provided further that, where compensation has beed paid or has become payable to any pilgrim in respect of delay in the sailing of the ship from any port or place and the sailing of the ship from any other port or place is thereafter delayed beyond the date advertised in that behalf, the pilgrim shall be entitled to compensation only in respect of any period by which the duration of such further delay exceeds the duration of the delay in respect of which he has already received or become entitled to compensation.

(*2*) In the event of such failure, the master, owner or agent shall be bound forthwith to inform the Pilgrim Officer at the port or place at which the delay occurs of the number of passage tickets of each class which have been issued for the voyage on or before the advertised date of sailing.

(*3*) Any sum payable as compensation under sub-section (*1*) shall be paid on behalf of the pilgrims entitled thereto to the Pilgrim Officer at the port or place at which the delay occurs on receipt by the master, owner or agent of a notice from that officer specifying the sum payable, and that officer shall, in such manner as may be prescribed, pay to each such pilgrim the compensation paid in respect of his detention :

Provided that, if an objection is made by the master, owner or agent that the sum specified in any such notice or any part of such sum is not payable by him, the sum paid or, as the case may be, the balance thereof remaining after payment to the pilgrims entitled thereto of compensation the right to which is not in dispute, shall be held in deposit until the objection has been decided :

Provided further that, if for any reason the compensation due to any pilgrim cannot be paid to him at the time of embarkation or at or before the time of his disembarkation at the port of his destination, the sum so remaining unpaid shall be made over to such authority administering any fund maintained for the assistance of pilgrims as the President of the Union may, by general or special order, designate in this behalf.

(*4*) If the master, owner or agent objects that the sum specified in the notice issued under sub-section (*3*) or any part thereof is not payable by him, he may, at the time of payment of such sum, give to the Pilgrim Officer notice of his objection, together with a statement of the grounds thereof, and the Pilgrim Officer shall thereupon either cancel or modify the aforesaid notice in accordance with the objection and refund the sum held in

deposit under sub-section (*3*), or refer the objection for decision to a Magistrate of the first class exercising jurisdiction in the port or place at which the ship is delayed ; the decision of the Magistrate on such reference shall be final, and there shall be refunded to the master, owner or agent any amount allowed to him by such decision.

(*5*) On the failure of any pilgrim ship to proceed from any port or place on the date advertised under sub-section (*3*) of section 209B as the date of sailing therefrom, the Pilgrim Officer at that port or place shall forthwith give notice of such failure to the officer authorized to grant port-clearance to ships thereat, and such officer shall refuse port-clearance to the pilgrim ship until the master, owner or agent produces to him a certificate of the Pilgrim Officer that all sums payable by way of compensation under this section up to the day on which the ship is to proceed have been paid.

(*6*) Nothing in this section or in section 209B shall apply to any advertisement made before the interval prescribed under sub-section (*3*) of section 209B, and intended to give the public information of the approximate date of the sailing of a pilgrim ship, provided that such advertisement clearly states that the date so advertised is approximate only and that the correct proposed date will be advertised later.

Substitution of ships.

209D. Notwithstanding anything contained in section 209B or section 209C, where any ship which has been advertised under sub-section (*3*) of section 209B for the conveyance of pilgrims has been or is likely to be delayed beyond the advertised date of sailing, the owner or agent may, with the permission in writing of the Pilgrim Officer, substitute for it any other ship which is of the same class and is capable of carrying not less than the same number of pilgrims of each class, and on such permission being given the advertisement shall be deemed to have been made in respect of the ship so substituted, and all the provisions of those sections shall apply accordingly in respect of such ship.

Sanitary taxes payable by master of pilgrim ship.

210. The master of every pilgrim ship shall be bound to pay the whole amount of the sanitary taxes imposed by lawful authority at the ports visited if and so far as such taxes are included in the cost of the tickets issued to the pilgrims.

Penalty on master for not complying with requirements as to statements concerning pilgrims and certain other matters.

211. If the master of a pilgrim ship fails to comply with any of the requirements of section 196, section 197 or section 199 as to the statements concerning pilgrims, or wilfully makes any false entry or note in or any such statement, or fails to obtain any such fresh certificate or to make any such statement of the number of additional pilgrims as mentioned in section 198, he shall be liable to a fine which may extend to five hundred rupees for every such offence, or to imprisonment for a term which may extend to three months, or to both.

Penalty on master or medical officer of

212. If the master or the medical officer (if any) of a pilgrim ship, without reasonable excuse, the burden of proving which shall lie upon him, breaks or omits or neglects to obey any rule under this Part, he shall be liable to a

fine which may extend to five hundred rupees, or to imprisonment for a term which may extend to three months, or to both. pilgrim ship disobeying rules under this Act.

213. (*1*) The President of the Union may make rules to regulate all or any of the following matters, namely :— Power for President to make rules.

(*a*) the boats, anchors and cables to be provided on board pilgrim ships ;

(*b*) the instruments for purposes of navigation to be supplied ;

(*c*) the apparatus for the purpose of extinguishing fires on board and the precautions to be taken to prevent and deal with such fires ;

(*d*) the provision of appliances for saving life and of means for making signals of distress, and the supply of lights inextinguishable in water and fitted for attachment to life-buoys ;

(*e*) the fittings and other appliances to be provided in the upper and between-decks for the comfort and convenience of pilgrims ;

(*f*) the scale on which, and the manner in which, cooked and uncooked food and water are to be supplied to pilgrims, and the quality of such food and water ;

(*ff*) the kinds of food to be provided for pilgrims on payment, in addition to the food to be supplied in accordance with the rules made under clause (*f*), and the charges which may be made for the same ;

(*g*) the quality, quantity and storage of the cargo to be carried ;

(*h*) the allotment of the upper-deck space between the various classes of pilgrims ;

(*i*) the amount and distribution of the baggage of pilgrims ;

(*j*) the nature and the extent of the hospital accommodation and the medical stores, disinfectants, and other appliances and fittings to be provided on board free of charge to pilgrims for maintaining health, cleanliness and decency ;

(*k*) the form of the statements to be furnished by the master under sections 196 and 199, and the particulars to be entered therein ;

(*l*) the tonnage and power to be required in the case of pilgrim ships, and the voyages to which, and seasons at which, such rules shall respectively apply ;

(*m*) the licensing and appointment of medical officers and other attendants in cases where they are required by this Part to be carried, and the diaries, reports and other returns to be kept or submitted by such medical officers ;

(*n*) the manner in which contaminated articles shall be disinfected before being taken on board a pilgrim ship ;

(*o*) the manner in which, and the persons by whom, the medical inspection of women shall be carried out ;

(*p*) the manner in which deposits shall be made for the purposes of section 208A, and any matter in respect of which provision is, in the opinion of the President of the Union, necessary or expedient for the purpose of giving effect to the provisions of that section ;

(*q*) the supply of tickets to intending pilgrims, the form of such tickets and the conditions and other matters to be specified thereon, and the amount of the sanitary taxes to be included in the cost thereof ;

(*r*) the refund of deposits and passage-money under section 208C, and the manner in which persons shall be nominated under that section for the purpose of entitling them to a refund ;

(*s*) the period after which unclaimed passage-money and deposits liable to be refunded shall lapse to the Government, and the purposes to which sums so lapsing shall be applied ;

(*t*) the manner in which the proposed date of sailing shall be advertised under section 209B ; the appointment of Pilgrim Officers for the purposes of that section and sections 209C and 209D ; the manner in which payment shall be made under section 209C to pilgrims and to the Pilgrim Officer ; and the procedure to be followed by masters, owners or agents and by Pilgrim Officers and Magistrates in proceedings under that section ;

(*u*) the functions of the master, medical officer or officers (if any) and other officers during the voyage ;

(*v*) the local limits within which and the time and mode at and in which, pilgrims shall be embarked or discharged at any port or place appointed under this Part in that behalf ;

(*w*) the time within which a pilgrim ship shall depart or proceed on her voyage after commencing to take pilgrims on board ;

(*ww*) providing that a pilgrim shall not be received on board any pilgrim ship, unless he is in possession of a passport or a pilgrim's pass, regulating the issue of pilgrims' passes, and prescribing the form of and fees which may be charged for such passes ; and

(*x*) generally, to carry out the provisions of this Part relating to pilgrim ships.

(*2*) In making a rule under this section, the President of the Union may direct that a breach of it shall be punishable with fine which may extend to three hundred rupees, and, when the breach is a continuing breach, with a further fine which may extend to twenty rupees for every day after the first during which the breach continues.

(*3*) The power to make rules under this section is subject to the condition of the rules being made after previous publication.

PART V.

SAFETY.

Definition.

213A. In this Part the expressions "Country to which the International Convention respecting Load-Lines, 1930, applies" and "Country to which the International Convention for the Safety of Life at Sea, 1929, applies," mean—

(i) a country which has been declared by Order in Council made by His Britannic Majesty under section 65 or section 37 of the Merchant Shipping (Safety and Load-Line Conventions) Act, 1932, to have ratified or acceded to the Convention specified in the expression and has not been so declared to have denounced the Convention;

(ii) any colony or overseas territory of, or any protectorate or territory under suzerainty or mandate of a country so declared, in respect of which a declaration under the said section of the said Act has been made that the Convention specified in the expression has been applied to such colony, territory or protectorate, and no declaration has been made that the said Convention has ceased to apply.

Prevention of Collisions.

Appointment of inspectors of lights and fog-signals.

214. (*1*) The President of the Union may appoint persons to inspect, in any port, ships to which the regulations for preventing collisions at sea, issued under the provisions of the Merchant Shipping Acts, or any other similar law for the time being in force, may apply, for the purpose of seeing that such ships are properly provided with lights and with the means of making fog-signals, in pursuance of such regulations or law.

(*2*) Every person so appointed shall in the port for which he is appointed have, for the purposes of such inspection, the following powers—

(*a*) he may go on board any ship and may inspect the same or any part thereof or any of the machinery, equipments and cargo on board thereof, and may require the unloading or removal of any cargo, ballast or tackle, not unnecessarily detaining or delaying her from discharging, unloading or proceeding on any voyage;

(*b*) he may, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him, may examine such persons, and may, by a like summons, require returns in writing to any inquiries he thinks fit to make;

(*c*) he may require and enforce the production of all books, papers, or documents which he considers important; and

(*d*) he may administer oaths, or may, in lieu of administering an oath, require every person examined by him to make and subscribe a

declaration of the truth of the statements made by him in his examination.

Notice of deficiency to be given to master or owner by such inspectors.

215. If any person so appointed finds that any ship is not so provided, he shall give to the master or owner notice in writing pointing out the deficiency, and also what is, in his opinion, requisite in order to remedy the same.

Ship not to be cleared by Customs-collector till inspector certifies it is properly provided with lights, etc.

216. Every notice so given shall be communicated in such manner as the President of the Union may direct to the Customs-collector at any port from which such ship may seek to clear; and no Customs-collector to whom such communication is made shall grant such ship a port-clearance or allow her to proceed to sea without a certificate under the hand of some person appointed as aforesaid, to the effect that the said ship is properly provided with lights and with the means of making fog-signals in pursuance of the said regulations or law.

Life-saving Appliances.

Power of President to make rules as to life-saving appliances.

216A. (*1*) The President of the Union may, subject to the condition of previous publication, make rules prescribing the life-saving appliances to be carried by every British ship going to sea from any port in the Union of Burma.

(*2*) In making a rule under this section, the President of the Union may direct that a breach of it shall be punishable with fine which may extend to two hundred rupees, and, when the breach is a continuing breach, with a further fine which may extend to twenty rupees for every day after the first during which the breach continues.

Inspection of provision of life-saving appliances.

216B. (*1*) A surveyor appointed under section 129 of this Act may, at any reasonable time, inspect any ship for the purpose of seeing that she is properly provided with life-saving appliances in conformity with the rules made under this Act.

(*2*) If the said surveyor finds that the ship is not so provided he shall give to the master or owner notice in writing pointing out the deficiency, and also pointing out what in his opinion is requisite to remedy the same.

(*3*) Every notice so given shall be communicated in the manner directed by the President of the Union to the Chief Officer of Customs of any port at which the ship may seek to obtain a clearance and the ship shall be detained until a certificate signed by such surveyor is produced to the effect that the ship is properly provided with life-saving appliances in conformity with the said rules.

(*4*) Such fees may be charged for the grant of the certificate referred to in sub-section (*3*) as the President of the Union may prescribe.

Load-Lines.

217. * * * *

Ships exempt from provisions relating to load-lines.

218. (*1*) The provisions of this Part relating to load-lines shall not apply to—

(i) any sailing ship of less than 150 tons gross tonnage employed in plying coastwise between ports situated in the Union of Burma, India or Pakistan and Ceylon ;

(ii) any ship solely engaged in fishing ;

(iii) any pleasure yacht.

(*2*) The President of the Union may, on such conditions as he may think fit, exempt from the provisions of this Part relating to load-lines—

(i) any ship plying between the near neighbouring ports of two or more countries if the President of the Union and the Governments of those countries are satisfied that the sheltered nature and conditions of the voyages between those ports make it unreasonable or impracticable to apply to ships so plying the provisions of this Part relating to load-lines ;

(ii) any ship plying between near neighbouring ports of the same country if the President of the Union is satisfied as aforesaid ;

(iii) wooden ships of primitive build if the President of the Union considers that it would be unreasonable or impracticable to apply the said provisions to them ;

(iv) any class of steam-ships of less than 150 tons gross tonnage which are employed in plying coastwise between ports situated in the Union of Burma and Ceylon and do not carry cargo.

Power of President to make rules as to load-lines.

219. The President of the Union may, subject to the condition of previous publication, make rules (hereafter in this Act referred to as " the load-line rules ") regulating the survey of ships for the purpose of assignment and marking of load-lines and prescribing the conditions (hereafter in this Act referred to as " the conditions of assignment ") on which load-lines may be assigned.

Marking of deck line and load-lines.

220. (*1*) No [* *][1] ship registered in the Union of Burma, being a ship of which the keel was laid after the 30th day of June, 1932, and not being exempt from the provisions of this Part relating to load lines, shall proceed to sea unless—

(i) the ship has been surveyed in accordance with the load-line rules ;

(ii) the ship complies with the conditions of assignment ;

(iii) the ship is marked on each side with a mark (hereafter in this Act referred to as a " deck line ") indicating the position of the uppermost complete deck as defined by the load-line rules, and with marks (hereafter in this Act referred to as " load-lines ") indicating the several maximum depths to which the ship can be

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

safely loaded in various circumstances prescribed by the load-line rules ;

(iv) the deck line and load-lines are of the description required by the load-line rules, the deck line is in the position required by those rules, and the load-lines are of the number required by such of those rules as are applicable to the ship ; and

(v) the load-lines are in the position required by such of the load-line rules as are applicable to the ship.

(*2*) No [* *][1] ship registered in the Union of Burma, being a ship of which the keel was laid before the first day of July, 1932, and not being exempt from the provisions of this Part relating to load-lines, shall proceed to sea unless—

(i) the ship has been surveyed and marked in accordance with clauses (i), (iii) and (iv) of sub-section (*1*) ;

(ii) the ship complies with the conditions of assignment in principle and also in detail so far as, in the opinion of the President of the Union, is reasonable and practicable having regard to the efficiency of the protection of openings, the guard rails, the freeing ports and the means of access to the crew's quarters provided by the arrangements, fittings and appliances existing on the ship at the time when she is first surveyed under this section ; and

(iii) the load-lines are either in the position required by clause (v) of sub-section (*1*) or in the position required by the tables used by the Board of Trade on the 31st day of December, 1906, for fixing the position of load-lines, subject to such modifications of those tables and of the application thereof as were in force immediately before the 5th day of July, 1930.

(*3*) If any ship proceeds or attempts to proceed to sea in contravention of this section, the master or owner thereof shall for each offence be liable to a fine which may extend to one thousand rupees.

(*4*) Any ship attempting to proceed to sea without being surveyed and marked as required by this section may be detained until she has been so surveyed and marked, and any ship which does not comply with the conditions of assignment to the extent required in her case by this section shall be deemed to be unsafe for the purpose of section 232.

Submersion of load-lines.

221. (*1*) A [* *][1] ship registered in the Union of Burma (not being exempt from the provisions of this Part relating to load-lines) shall not be so loaded as to submerge in salt water, when the ship has no list, the appropriate load-line on each side of the ship, that is to say, the load-line indicating or purporting to indicate the maximum depth to which the ship is for the time being entitled under the load-line rules to be loaded.

(*2*) If any such ship is loaded in contravention of this section, the owner or master of the ship shall for each offence be liable to a fine which may extend to one thousand rupees and to such additional fine, not exceeding the

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

amount hereinafter specified, as the Court thinks fit to impose having regard to the extent to which the earning capacity of the ship was, or would have been, increased by reason of the submersion.

(*3*) The said additional fine shall not exceed one thousand rupees for every inch or fraction of an inch by which the appropriate load-line on each side of the ship was submerged, or would have been submerged if the ship had been in salt water and had had no list.

(*4*) In any proceedings against an owner or master for a contravention of this section, it shall be a good defence to prove that the contravention was due solely to deviation or delay, being deviation or delay caused solely by stress of weather or other circumstances which neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.

(*5*) Without prejudice to any proceedings under the foregoing provisions of this section, any ship which is loaded in contravention of this section may be detained until she ceases to be so loaded.

Offences in relation to marks.

222. If—

(i) the owner or master of a [* *] [1] ship registered in the Union of Burma, which has been marked in accordance with the foregoing provisions of this Part, fails without reasonable cause to keep the ship so marked, or

(ii) any person conceals, removes, alters, defaces or obliterates, or suffers any person under his control, to conceal, remove, alter, deface or obliterate, any mark placed on any such ship in accordance with the foregoing provisions of this Part, except with the authority of a person entitled under the load-line rules to authorize the alteration of the mark or except for the purpose of escaping capture by an enemy,

he shall for each offence be liable to a fine which may extend to one thousand rupees.

Inspection of ships with respect to load-lines.

223. A surveyor authorized in this behalf by the President of the Union may inspect any [* *] [1] ship registered in the Union of Burma for the purpose of seeing that the provisions of this Part relating to load-lines have been complied with and for this purpose may go on board the ship at all reasonable times and do all things necessary for the proper inspection of the ship and may also require the master of the ship to supply him with any information which it is in the power of the master to supply for that purpose, including the production of any certificate granted under this Part in respect of the ship.

Certificates.

Issue of load-line certificates and effect thereof.

224. (*1*) Where a [* *][1] ship registered in the Union of Burma has been surveyed and marked in accordance with the foregoing provisions of this Part and complies with the conditions of assignment to the extent required in

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

her case by those provisions, there shall be issued to the owner of the ship on his application and on payment of the prescribed fee—

(i) in the case of a ship of 150 tons gross tonnage or upwards which carries cargo or passengers, a certificate to be called " an international load-line certificate " ; and

(ii) in the case of any other ship, a certificate to be called " a Union of Burma load-line certificate."

(*2*) Every such certificate shall be issued either by the President of the Union or by such other person as may be authorized in that behalf by the President of the Union and shall be issued in such form and manner as may be prescribed by the load-line rules.

(*3*) The President of the Union may request the Government of a country to which the International Convention respecting Load-Lines, 1930, applies to issue a load-line certificate in the form of an international load-line certificate under that Convention in respect of a [* *][1] ship registered in the Union of Burma, and a certificate issued in pursuance of such a request and containing a statement that it has been so issued shall have effect for the purposes of this Part as if it had been issued by the President of the Union.

(*4*) Where a load-line certificate, issued in pursuance of this section and for the time being in force, is produced in respect of a ship, the ship shall, for the purposes of the foregoing provisions of this Part, be deemed to have been surveyed as required by those provisions, and, if the deck line and load-lines on the ship are of the number and description required by the load-line rules and the position of the deck line and load-lines corresponds with the position specified in the certificate, the ship shall be deemed to be marked as required by those provisions.

Duration, renewal and cancellation of certificates.

224A. (*1*) Every load-line certificate issued by or under the authority of the President of the Union shall, unless it is renewed in accordance with the provisions of sub-section (*2*), expire at the end of such period, not exceeding five years from the date of its issue, as may be specified therein.

(*2*) Any such load-line certificate may, after a survey not less effective than the survey required by the load-line rules before the issue of the certificate, be renewed from time to time by the President of the Union or by any person authorized by the President of the Union to issue a load-line certificate for such period (not exceeding five years on any occasion) as the President of the Union or the person renewing the certificate thinks fit.

(*3*) The President of the Union shall cancel any such load-line certificate in force in respect of a ship if he has reason to believe that—

(i) material alterations have taken place in the hull or superstructures of the ship which affect the position of the load-lines ; or

(ii) the fittings and appliances for the protection of openings, the guard rails, the freeing ports or the means of access to the crew's quarters

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

have not been maintained on the ship in as effective a condition as they were in when the certificate was issued.

(*4*) The owner of every ship in respect of which any such certificate has been issued shall, so long as the certificate remains in force, cause the ship to be surveyed in the prescribed manner once at least in each year after the issue of the certificate for the purpose of seeing whether the certificate should, having regard to sub-section (*3*), remain in force, and if the ship is not so surveyed, the President of the Union shall cancel the certificate :

Provided that the President of the Union, if he thinks fit in any particular case, may extend the said period of one year.

(5) Where any such load-line certificate has expired or been cancelled, the President of the Union may require the owner or master of the ship to which the certificate relates to deliver up the certificate as he directs, and the ship may be detained until such requirement has been complied with, and if the owner or master fails without reasonable cause to comply with such requirement he shall for each offence be liable to a fine which may extend to one hundred rupees.

(*6*) On the survey of any ship in pursuance of this section there shall be paid by the owner of the ship such fee as may be prescribed.

Ships not to proceed to sea without certificate.

224B. (*1*) No [* *] [1] ship registered in the Union of Burma shall proceed to sea unless there is in force in respect of the ship a load-line certificate issued under the provisions of section 224.

(*2*) The master of every [* *][1] ship registered in the Union of Burma shall produce to the officer of customs, from whom a port-clearance for the ship is demanded, the certificate which is required by the foregoing provisions of this section to be in force when the ship proceeds to sea, and the port-clearance shall not be granted, and the ship may be detained, until that certificate is so produced.

(*3*) The master of any ship which proceeds or attempts to proceed to sea in contravention of this section shall for each offence be liable to a fine which may extend to one thousand rupees.

Publication of load-line certificate and particulars relating to depth of loading.

224C. (*1*) When a load-line certificate has been issued in pursuance of the foregoing provisions of this Part in respect of a [* *] [1] ship registered in the Union of Burma other than a home-trade ship not exceeding 300 tons burden—

(i) the owner of the ship shall forthwith on the receipt of the certificate cause it to be framed and posted up in some conspicuous place on board the ship, and to be kept so framed and posted up and legible so long as the certificate remains in force and the ship is in use ; and

(ii) the master of the ship, before making any other entry in any official log-book, shall enter or cause to be entered therein the particulars

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

as to the position of the deck line and load-lines specified in the certificate.

(*2*) Before any such ship leaves any dock, wharf, harbour or other place for the purpose of proceeding to sea, the master thereof shall—

(i) enter or cause to be entered in the official log-book such particulars relating to the depth to which the ship is for the time being loaded as the President of the Union may by rules made in this behalf prescribe ; and

(ii) cause a notice, in such form and containing such of the said particulars as may be required by the said rules, to be posted up in some conspicuous place on board the ship and to be kept so posted up and legible until the ship arrives at some other dock, wharf, harbour or place :

Provided that the President of the Union may by the said rules exempt home-trade ships or any class of home-trade ships from the requirements of clause (ii) of this sub-section.

(*3*) If the master or owner of any [* *][1] ship registered in the Union of Burma fails to comply with the provisions of this section, he shall for each offence be liable to a fine which may extend to two hundred rupees.

Insertion of particulars as to load-lines in agreements with crews.

224D. (*1*) Before an agreement with the crew of any [* *] [1] ship registered in the Union of Burma, in respect of which a load-line certificate is in force, is signed by any member of the crew, the master of the ship shall insert in the agreement the particulars as to the position of the deck line and load-lines specified in the certificate, and if he fails to do so he shall for each offence be liable to a fine which may extend to two hundred rupees.

(*2*) In the case of a [* *][1] ship registered in the Union of Burma, being a foreign-going ship, the shipping-master shall not proceed with the engagement of the crew until—

(i) there is produced to him a load-line certificate for the time being in force in respect of the ship ; and

(ii) he is satisfied that the particulars required by this section have been inserted in the agreement with the crew.

Special provisions as to ships not registered in the Union of Burma.

Load-line certificates of ships not registered in the Union of Burma.

224E. (*1*) The President of the Union may, at the request of a country to which the International Convention respecting Load-Lines, 1930, applies, issue an international load-line certificate in respect of a ship of that country if he is satisfied in like manner as in the case of a [* *] [1] ship registered in the Union of Burma that he can properly issue the certificate, and where a certificate is issued at such a request it shall contain a statement that it has been so issued.

---

[1] Omitted by the Union of Burma (Adaptation of Law), Order 1948.

(*2*) With a view to determining the validity in the Union of Burma of certificates purporting to have been issued in accordance with the International Convention respecting Load-Lines, 1930, in respect of ships not registered in the Union of Burma, the President of the Union shall make such rules as appear to him to be necessary, and for the purpose of the provisions hereafter contained in this Part relating to ships not registered in the Union of Burma, the expression " a valid international load-line certificate " means a certificate complying with such of those rules as are applicable in the circumstances.

Inspection and control of ships not registered in the Union of Burma.

224F. (*1*) A surveyor authorized in this behalf by the President of the Union may, at any reasonable time, go on board any ship not registered in the Union of Burma, being a ship of 150 tons gross tonnage or upwards carrying cargo or passengers and belonging to a country to which the International Convention respecting Load-Lines, 1930, applies, when such ship is within any port in the Union of Burma, for the purpose of demanding the production of any load-line certificate for the time being in force in respect of the ship.

(*2*) If a valid international load-line certificate is produced to the surveyor on any such demand, the surveyor's powers of inspecting the ship with respect to load-line shall be limited to seeing—

(i) that the ship is not loaded beyond the limits allowed by the certificate ;

(ii) that the position of the load-lines on the ship corresponds with the position specified in the certificate ;

(iii) that no material alterations have taken place in the hull or superstructures of the ship which affect the position of the load-lines ;

(iv) that the fittings and appliances for the protection of openings, the guard rails, the freeing ports and the means of access to the crew's quarters have been maintained on the ship in as effective a condition as they were in when the certificate was issued.

(*3*) If it is found on any such inspection that the ship is loaded beyond the limits allowed by the certificate, the ship may be detained and the provisions of section 238 shall apply.

(*4*) If it is found on any such inspection that the load-lines on the ship are not in the position specified in the certificate, the ship may be detained until the matter has been rectified to the satisfaction of the surveyor.

(*5*) If it is found on any such inspection that the ship has been so materially altered in respect of the matters referred to in clauses (iii) and (iv) of sub-section (*2*) that the ship is manifestly unfit to proceed to sea without danger to human life, the ship shall be deemed to be unsafe for the purpose of section 232 (in the case of a [* *][1] ship) or for the purpose of section 238 (in the case of a foreign ship) :

Provided that where the ship has been detained under either of the last-mentioned sections, the President of the Union shall order the ship to be released as soon as he is satisfied that the ship is fit to proceed to sea without danger to human life.

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

(*6*) If a valid international load-line certificate is not produced to the surveyor on such demand as aforesaid, the surveyor shall have the same power of inspecting the ship, for the purpose of seeing that the provisions of this Part relating to load-lines have been complied with, as if the ship were a [* *][1] ship registered in the Union of Burma.

(*7*) For the purposes of this section a ship shall be deemed to be loaded beyond the limits allowed by the certificate if she is so loaded as to submerge in salt water, when the ship has no list, the appropriate load-line on each side of the ship, that is to say, the load-line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled under the International Convention respecting Load-Lines, 1930, to be loaded.

Certificate of ship not registered in the Union of Burma to be produced to customs.

224G. The master of every ship not registered in the Union of Burma, being a ship of 150 tons gross tonnage or upwards carrying cargo or passengers and belonging to a country to which the International Convention respecting Load-Lines, 1930, applies, shall produce to the officer of customs from whom a port-clearance for the ship from any port in the Union of Burma is demanded—

(i) in a case where port-clearance is demanded in respect of a voyage to a port or place outside the Union of Burma, a valid international load-line certificate ;

(ii) in a case where port-clearance is demanded in respect of any other voyage, either a valid international load-line certificate or a valid Union of Burma load-line certificate ;

and the port-clearance shall not be granted and the ship may be detained until the certificate required by this section is so produced.

Marking of deck line and load-lines of ships not registered in the Union of Burma.

224H. The provisions of section 220 shall apply to ships not registered in the Union of Burma proceeding or attempting to proceed to sea from ports in the Union of Burma as they apply to [* *][1] ships registered in the Union of Burma, subject to the following modifications, namely :—

(i) the said section shall not apply to a ship not registered in the Union of Burma if a valid international load-line certificate is produced in respect of the ship ; and

(ii) subject to the provisions of clause (i) of this section a foreign ship which does not comply with the conditions of assignment to the extent required in her case by the said section 220 shall be deemed to be unsafe for the purpose of section 238.

Submersion of load-line of ships not registered in the Union of Burma.

224I. The provisions of section 221 shall apply to ships not registered in the Union of Burma, while they are within any port in the Union of Burma, as they apply to ships registered in the Union of Burma, subject to the following modifications, namely :—

(i) no ship of 150 tons gross tonnage or upwards carrying cargo or passengers, and belonging to a country to which the International

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

Convention respecting Load-Lines, 1930, applies, shall be detained and no proceedings shall be taken against the owner or master thereof by virtue of the said section except after an inspection by a surveyor as provided by section 224F; and

(ii) the expression "the appropriate load-line" in relation to any ship not registered in the Union of Burma shall mean—

(*a*) in the case of a ship in respect of which there is produced on such an inspection as aforesaid a valid international load-line certificate, the load-line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled under the International Convention respecting Load-Lines, 1930, to be loaded;

(*b*) in any other case, the load-line which corresponds with the load-line indicating the maximum depth to which the ship is for the time being entitled under the load-line rules to be loaded, or, if no load-line on the ship corresponds as aforesaid, the lowest load-line thereon.

Inspection of ships not registered in the Union of Burma.

224J. The provisions of section 223 shall apply, in the same manner as they apply to [* *][1] ships registered in the Union of Burma, to all other ships while they are within any port in the Union of Burma, except ships to which the provisions of section 224F apply.

Load line certificates of ships not registered in the Union of Burma.

224K. (*1*) The provisions of this Part relating to the issue, effect, duration, renewal and cancellation of the Union of Burma load-line certificates shall apply to ships not registered in the Union of Burma as they apply to [* *][1] ships registered in the Union of Burma, subject to the following modifications, namely:—

(i) any such certificate may be issued in respect of any such ship as in respect of a ship registered in the Union of Burma, provided that any such certificate issued in respect of a ship of 150 tons gross tonnage and upwards carrying cargo or passengers, and belonging to a country to which the International Convention respecting Load-Lines, 1930, applies, shall only be valid so long as the ship is not plying on voyages from or to any place in the Union of Burma to or from any place outside the Union of Burma and shall be endorsed with a statement to that effect and shall be cancelled by the President of the Union if he has reason to believe that the ship is so plying; and

(ii) the survey required for the purpose of seeing whether the certificate should remain in force shall take place when required by the President of the Union.

---

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

(2) If the President of the Union is satisfied—

(i) either—

(*a*) that by the law in force in any part of His Britannic Majesty's dominions [* * *][1] provision has been made for the fixing, marking and certifying of load-lines on [* *][1] ships (or any class or description of [* *][1] ships) registered in that part of His Britannic Majesty's dominions, or

(*b*) that provision has been made as aforesaid by the law in force in any foreign country with respect to ships (or any class or description of ships) of that country and has also been so made (or has been agreed to be so made) for recognising the Union of Burma load-line certificates as having the same effect in ports of that country as certificates issued under the said provision, and

(ii) that the said provision for the fixing, marking and certifying of load-lines is based on the same principles as the corresponding provisions of this Part relating to load-lines and is equally effective,

he may, by notification in the Gazette, direct that load-line certificates issued in pursuance of the said provision in respect of [* *][1] ships (or that class or description of [* *][1] ships) registered in that part of His Britannic Majesty's dominions, or in respect of ships (or that class or description of ships) of that foreign country, as the case may be, shall have the same effect for the purpose of this Part as the Union of Burma load-line certificates :

Provided that such direction shall not apply to ships of 150 tons gross tonnage and upwards carrying cargo or passengers, and belonging to countries to which the International Convention respecting Load-Lines, 1930, applies, if such ships are engaged in plying on voyages from or to any place in the Union of Burma to or from any place outside the Union of Burma.

Certificates to be produced to customs by ships not registered in the Union of Burma.

224L. The master of every ship not registered in the Union of Burma, other than ships to which the provisions of section 224G apply, shall produce to the officer of customs from whom a port-clearance for the ship from any port in the Union of Burma is demanded either a Union of Burma load-line certificate or a certificate having effect under this Act as such a certificate, being a certificate for the time being in force in respect of the ship, and the port-clearance shall not be granted and the ship may be detained until the certificate required by this section is so produced.

Loading of Timber.

Power of President to make rules as to timber cargo.

224M. (*1*) The President of the Union shall, subject to the condition of previous publication, make rules (hereafter in this section referred to as the " timber cargo rules ") as to the conditions on which timber may be carried as cargo in any uncovered space on the deck of any ship.

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

(*2*) The timber cargo rules may prescribe a special load-line to be used only when the ship is carrying timber as cargo on deck and the conditions on which such special load-line may be assigned, and may further prescribe either generally or with reference to particular voyages and seasons the manner and position in which such timber is to be stowed and the provisions which are to be made for the safety of the crew.

(*3*) If any provision of the timber cargo rules is contravened in the case of any [* *] [1] ship registered in the Union of Burma, the master of the ship shall be liable to a fine which may extend to five thousand rupees :

Provided that in any proceedings against a master in respect of a contravention of the timber cargo rules it shall be a good defence to prove that the contravention was due solely to deviation or delay, being deviation or delay caused solely by stress of weather or other circumstances which neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.

(*4*) Any surveyor authorized in this behalf by the President of the Union may, at any reasonable time, inspect any ship carrying timber as cargo in any uncovered space on her deck for the purpose of seeing whether the timber cargo rules have been complied with.

(*5*) The foregoing provisions of this section and the timber cargo rules shall apply to ships not registered in the Union of Burma while they are within any port in the Union of Burma as they apply to [* *][1] ships registered in the Union of Burma.

Grain-Cargoes.

Stowage of cargo of grain, etc.

225. No cargo of which more than one-third consists of any kind of grain, corn, rice, paddy, pulse, seeds, nuts or nutkernels (hereinafter referred to as grain-cargo) shall be carried on board any British or foreign ship unless the same be contained in bags, sacks or barrels, or secured from shifting by boards or bulk-heads or otherwise.

Penalty for improper stowage of such cargo.

226. If the owner or master of any ship, or any agent of such owner who is charged with the loading of such ship or the sending her to sea, knowingly allows any grain-cargo or part of a grain-cargo to be shipped therein for carriage contrary to the provisions of the last foregoing section, he shall be liable to a fine which may extend to three thousand rupees.

Subdivision Load-Lines.

227. (*1*) Where—

Submersion of subdivision load-lines in case of passenger steamer registered in the Union of Burma.

(*a*) a [* *][1] passenger steamer registered in the Union of Burma has been marked with subdivision load-lines, that is to say, load-lines indicating the depth to which the steamer may be loaded having regard to the extent to which she is subdivided and to the space for the time being allotted to passengers, and

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

(*b*) the appropriate subdivision load-line, that is to say, the subdivision load-line appropriate to the space for the time being allotted to passengers on the steamer, is lower than the load-line indicating the maximum depth to which the steamer is for the time being entitled under the provisions of this Part to be loaded,

the steamer shall not be so loaded as to submerge the appropriate subdivision load-line on each side of the steamer when the steamer has no list.

(*2*) If any such steamer is loaded in contravention of this section, the owner or master of the steamer shall for each offence be liable to a fine which may extend to one thousand rupees and to such additional fine, not exceeding the amount hereinafter specified, as the Court thinks fit to impose, having regard to the extent to which the earning capacity of the ship was, or would have been, increased by reason of the submersion.

(*3*) The said additional fine shall not exceed one thousand rupees for every inch or fraction of an inch by which the appropriate subdivision load-line on each side of the ship was submerged, or would have been submerged if the ship had had no list.

(*4*) Without prejudice to any proceedings under the foregoing provisions of this section, any such steamer which is loaded in contravention of this section may be detained until she ceases to be so loaded.

Application of section 227 to steamers not registered in the Union of Burma.

228. The provisions of section 227 shall apply to passenger steamers not registered in the Union of Burma while they are within any port in the Union of Burma as they apply to British passenger steamers registered in the Union of Burma.

Unseaworthy Ships.

Every person sending unseaworthy ship to sea liable to penalty.

229. (*1*) Every person who sends or attempts to send a [* *][1] ship to sea from any port in the Union of Burma in such an unseaworthy state that the life of any person is likely to be thereby endangered shall, unless he proves that he used all reasonable means to insure her being sent to sea in a seaworthy state or that her going to sea in such unseaworthy state was under the circumstances reasonable and justifiable, be liable to imprisonment for a term which may extend to six months, or to a fine which may extend to one thousand rupees, or to both.

(*2*) Every master of a [* *][1] ship who knowingly takes such ship to sea in such unseaworthy state that the life of any person is likely to be thereby endangered shall, unless he proves that her going to sea in such unseaworthy state was, under the circumstances, reasonable and justifiable, be liable to imprisonment for a term which may extend to six months, or to a fine which may extend to one thousand rupees, or to both.

(*3*) For the purpose of giving such proof, every person charged under this section may give evidence in the same manner as any other witness.

(*4*) No prosecution under this section shall be instituted except by, or with the consent of, the President of the Union.

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

Unseaworthy ships.

230. A ship is "unseaworthy" within the meaning of this Part when the materials of which she is made, her construction, the qualifications of the master, the number and description of the crew, the weight, description and stowage of the cargo, the tackle, sails, rigging, stores, ballast, and other equipment are not such as to render her in every respect fit for the proposed voyage or service.

Obligation of owner to crew with respect to seaworthiness.

231. (*1*) In every contract of service, express or implied, between the owner of a [* *] [1] ship and the master or any seaman thereof, and in every instrument of apprenticeship whereby any person is bound to serve as an apprentice on board any such ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner that such owner and the master, and every agent charged with the loading of such ship or the preparing thereof for sea, or the sending thereof to sea, shall use all reasonable means to secure the seaworthiness of such ship for the voyage at the time when such voyage commences, and to keep her in a seaworthy state for the voyage during the same.

(*2*) Nothing in this section shall subject such owner to any liability by reason of such ship being sent to sea in an unseaworthy state where, owing to special circumstances, the so sending her to sea is reasonable and justifiable.

Detention of Unsafe Ships by the President of the Union.

Power to detain unsafe ship and procedure for detention.

232. (*1*) Where a [* *] [1] ship in any port to which the President of the Union may specially extend this section is an unsafe ship, that is to say, is by reason of the defective condition of her hull, equipments or machinery, or by reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life, having regard to the nature of the service for which she is intended, such ship may be provisionally detained for the purpose of being surveyed and either finally detained or released as follows, namely :—

(*a*) The President of the Union, if he has reason to believe, on complaint or otherwise, that any such ship is unsafe, may order the ship to be provisionally detained as an unsafe ship for the purpose of being surveyed.

(*b*) A written statement of the grounds of such detention shall be forthwith served on the master of such ship.

(*c*) When the President of the Union provisionally orders the detention of a ship, he shall either refer the matter to the Court of Survey for the port where the ship is detained, or forthwith appoint some competent person to survey such ship and report thereon ; and, on receiving the report, may either order the ship to be released or, if in his opinion the ship is unsafe, may order her to be finally detained, either absolutely or until the

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

performance of such conditions with respect to the execution of repairs or alterations, or the unloading or reloading of cargo, as the President of the Union thinks necessary for the protection of human life.

(*d*) Before an order for final detention is made, a copy of the report shall be served upon the master of the ship, and within seven days after such service the owner or master may appeal against such report, in the manner prescribed, to the Court of Survey for the port where the ship is detained.

(*e*) Where a ship has been provisionally detained and a person has been appointed under this section to survey such ship, the owner or master of the ship, at any time before such person makes that survey, may require that he shall take with him as assessor such person as the owner or master may select, being a person named in the list of assessors for the Court of Survey, or, if there is no such list, or if it is impracticable to procure the attendance of any person named in such list, a person of nautical, engineering or other special skill and experience. If the surveyor and assessor agree that the ship should be detained or released, the President of the Union shall cause the ship to be detained or released accordingly, and the owner or master shall have no appeal. If the surveyor and assessor differ in their report, the President of the Union may act as if the requisition had not been made, and the owner or master shall have such appeal touching the report of the surveyor as is hereinbefore provided in this section.

(*f*) Where a ship has been provisionally detained, the President of the Union may at any time, if he thinks it expedient, refer the matter to the Court of Survey for the port where the ship is detained.

(*g*) The President of the Union may at any time, if satisfied that a ship detained under this section is not unsafe, order her to be released either upon or without any conditions.

(*2*) Any person appointed by the President of the Union for the purpose (in this Act referred to as a "detaining-officer") shall have the same power as the President of the Union has under this section of provisionally ordering the detention of a ship for the purpose of being surveyed, and of appointing a person to survey her; and if he thinks that a ship so detained by him is not unsafe, may order her to be released.

(*3*) A detaining-officer shall forthwith report to the President of the Union any order made by him for the detention or release of a ship.

(*4*) A ship detained under this section shall not be released by reason of her British or [Burman or Indian or Pakistan] [1] register being subsequently closed.

---

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

(5) A detaining-officer shall have, for the purpose of his duties under this Part, the following powers, namely :—

(*a*) he may go on board any [* *][1] ship and may inspect the same or any part thereof, or any of the machinery, equipments and cargo on board thereof, and may require the unloading or removal of any cargo, ballast or tackle, not unnecessarily detaining or delaying her from discharging, unloading or proceeding on any voyage ;

(*b*) he may, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him, may examine such persons, and may, by a like summons, require returns in writing to any inquiries he thinks fit to make ;

(*c*) he may require and enforce the production of all books, papers or documents which he considers important ; and

(*d*) he may administer oaths, or may, in lieu of administering an oath, require every person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination.

Costs of Detention and Damages incidental thereto.

Liability of Government for costs and damages when ship wrongly detained.

233. If it appears that there was not reasonable and probable cause, by reason of the condition of the ship or the act or default of the owner, for the provisional detention of a ship, the Government shall be liable to pay to the owner of the ship his costs of and incidental to the detention and survey of the ship, and also compensation for any loss or damage sustained by him by reason of the detention or survey.

Liability of ship owner for costs when ship rightly detained.

234. If a ship is finally detained under this Part, or if it appears that a ship provisionally detained was at the time of such detention unsafe, or if a ship is detained in pursuance of any provision of this Part which provides for the detention of a ship until a certain event occurs, the owner of the ship shall be liable to pay to Government its costs of and incidental to the detention and survey of the ship ; and such costs shall, without prejudice to any other remedy, be recoverable as salvage is recoverable.

What included in costs of detention and survey.

235. For the purposes of this Act, the costs of and incidental to any proceeding before a Court of Survey, and a reasonable amount in respect of the remuneration of the surveyor or any person appointed to represent the President of the Union before the Court, shall be deemed to be part of the costs of the detention and survey of the ship.

Power to require from complainant security for costs, etc.

236. When a complaint is made to the President of the Union or a detaining-officer that a British ship is unsafe, it shall be in the discretion of the President of the Union or the detaining-officer (as the case may be) to require the complainant to give security to the satisfaction of the President of

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

the Union or the detaining-officer for the costs and compensation which such complainant may become liable to pay as hereinafter mentioned:

Provided that, where the complaint is made by one-fourth, being not less than three, of the seamen belonging to the ship, and is not in the opinion of the President of the Union or the detaining-officer frivolous or vexatious, such security shall not be required; and the President of the Union or the detaining-officer shall, if the complaint is made in sufficient time before the sailing of the ship, take proper steps to ascertain whether the ship ought to be detained under this Part.

Costs, etc., payable by Government recoverable from complainant.

237. Where a ship is detained in consequence of any complaint, and the circumstances are such that the Government is liable under this Part to pay to the owner of the ship any costs or compensation, the complainant shall be liable to pay to the Government all such costs and compensation as the Government incurs, or is liable to pay, in respect of the detention and survey of the ship.

Application to foreign ships of provisions as to detention.

238. When a foreign ship is in a port in the Union of Burma and is, whilst at that port, unsafe by reason of the defective condition of her hull, equipments or machinery, or by reason of overloading or improper loading, the provisions of this Part with respect to the detention of ships shall apply to that foreign ship as if she were a British ship, with the following modifications, namely:—

(i) a copy of the order for the provisional detention of the ship shall forthwith be served on the consular officer for the country to which the ship belongs at or nearest to the port in which such ship is detained;

(ii) the consular officer, at the request of the owner or master of the ship, may require that the person appointed by the President of the Union to survey the ship shall be accompanied by such person as the consular officer may select, and in that case, if the surveyor and that person agree, the President of the Union shall cause the ship to be detained or released accordingly; but if they differ the President of the Union may act as if the requisition had not been made, and the owner and master shall have the like appeal to a Court of Survey touching the report of the surveyor as is hereinbefore provided in the case of a British ship; and

(iii) where the owner or master of the ship appeals to the Court of Survey, the consular officer, at his request, may appoint a competent person to be assessor in the case in lieu of the assessor who, if the ship were a British ship, would be appointed otherwise than by the President of the Union.

Delegation of powers to Port Commissioners, etc.

239. (*1*) The President of the Union may, from time to time, by notification in the Gazette, delegate, either absolutely or subject to such conditions or restrictions as he thinks fit, to any body of Commissioners or trustees appointed for managing the affairs of a port, all or any of the powers,

and require the said body to discharge all or any of the functions, of the President of the Union under the foregoing sections of this Part, except the power of making rules.

(*2*) While any such notification remains in force, all costs and damages which would otherwise be recoverable under this Part by or from the Government shall be recoverable in like manner by or from such body ; and such body shall, notwithstanding anything to the contrary contained in any enactment for the time being in force, credit or pay, as the case may be, the amount of any costs or damages so recovered to or from the funds held by them in trust as such body.

Installation of Wireless Telegraphy.

Commencement.

240. The provisions of this Part in regard to the installation of wireless telegraphy on ships registered in the Union of Burma shall come into force on such date as the President of the Union may, by notification [1] in the Gazette, direct.

241. * * * *

Wireless telegraphy requirements.

242. (*1*) Every sea-going [* *] [2] ship registered in the Union of Burma, being a passenger steamer or a ship of sixteen hundred tons gross tonnage or upwards shall be provided with a wireless telegraph installation of the prescribed description, and shall maintain a wireless telegraph service of the prescribed nature, and shall be provided with such certificated operators and watchers as may be prescribed :

Provided that the President of the Union may, by notification in the Gazette, exempt from the obligations imposed by this section any ships or classes of ships if he is of opinion that, having regard to the nature of the voyages on which the ships are engaged, or other circumstances of the case, the provision of a wireless telegraph installation is unnecessary or unreasonable.

(*2*) If this section is not complied with in the case of any such ship, the master or owner of the ship shall be liable in respect of each offence to a fine which may extend to one thousand rupees.

Wireless direction-finding apparatus.

242A. (*1*) On and after such date as the President of the Union may, by notification in the Gazette, appoint in this behalf every [* *] [2] ship registered in the Union of Burma, being a passenger steamer of 5,000 tons gross tonnage or upwards, shall be provided with a wireless direction-finding apparatus of the preseribed description.

(*2*) If this section is not complied with in the case of any such ship, the master or owner of the ship shall be liable in respect of each offence to a fine which may extend to two hundred rupees.

---

[1] Sections 241 to 245 were brought into force from 5th May, 1923, *see* Gazette of India, 1923, Part I, page 402a.

[2] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

Wireless telegraph log.

242B. (*1*) Every ship compulsorily equipped under the provisions of section 242 with a wireless telegraph installation shall maintain in the wireless telegraph room a wireless telegraph log in which shall be entered such particulars relating to the operation of the wireless telegraph installation and as to the maintenance of the wireless telegraph service as may be prescribed.

(*2*) The provisions of section 122 shall apply to the wireless telegraph log kept under this section as if it were an official log-book.

Appointment and powers of wireless telegraphy inspectors.

243. (*1*) The President of the Union may appoint officers (hereinafter referred to in this Act as "wireless telegraphy inspectors") for the purpose of seeing that the requirements of this Part relating to wireless telegraphy are complied with on board any ship.

(*2*) A wireless telegraphy inspector may inspect any ship for the purpose of seeing that she is properly provided with a wireless telegraph installation and certificated operators and watchers in conformity with this Part, and for this purpose may go on board any ship at all reasonable times and do all things necessary for the proper inspection of the ship for the purpose of the provisions of this Part relating to wireless telegraphy, and may also require the master of the ship to supply him with any information which it is in the power of the master to supply for that purpose, including the production of any certificate granted under this Part in respect of the installation, and of the certificates of the operators and watchers on the ship.

Provided that if a valid Safety Convention Certificate is produced in respect of any ship not registered in the Union of Burma, the inspection shall be limited to seeing that the ship is provided with a wireless telegraph installation and that the number of certified operators and watchers corresponds substantially with the particulars stated in the certificate.

(*3*) If a wireless telegraphy inspector finds that a ship is not so provided, he shall give to the master or owner notice in writing pointing out the deficiency, and also pointing out what in his opinion is requisite to remedy the same.

(*4*) Every notice given under sub-section (*3*) shall be communicated, in the prescribed manner, to the Chief Officer of Customs of any port at which the ship may seek to obtain port-clearance, who shall order that the ship shall be detained until a certificate under the hand of a wireless telegraphy inspector is produced to the effect that the ship is properly provided with a wireless telegraph installation and certified operators and watchers in conformity with this Part.

Application to ships other than ships registered in the Union of Burma.

244. The provisions of this Part relating to wireless telegraphy shall, as from a date three months after the coming into force[1] of those provisions, apply to ships other than [* *][2] ships registered in the Union of Burma while they are within any port in the Union of Burma in like manner as they apply to [* *][2] ships registered in the Union of Burma.

---

[1] 5th May, 1923, *see* the footnote to section 240.

[2] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

Power to make rules.

245. (*1*) The President of the Union may make rules[1] to carry out the purposes of the provisions of this Part relating to wireless telegraphy.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may prescribe—

(*a*) the nature of the wireless telegraph installation and wireless direction-finding apparatus to be provided and of the service to be maintained, the form of the wireless log and the particulars to be entered therein, and the number, grades and qualifications of certified operators and watchers to be carried ;

(*b*) the manner in which a notice given under sub-section (*3*) of section 243 shall be communicated to the Chief Officer of Customs ;

(*c*) the charging of fees for the grant of the certificate referred to in sub-section (*4*) of section 243, the amount of such fees and the manner in which they shall be recoverable.

Signalling Lamps.

Signalling lamps.

245A. (*1*) Every [* *][2] ship registered in the Union of Burma being a ship of over 150 tons gross tonnage shall, when proceeding to sea from any port or place in the Union of Burma to any port or place outside the Union of Burma, be provided with a signalling lamp of the type approved by the President of the Union.

(*2*) If any ship proceeds or attempts to proceed to sea in contravention of this section, the owner or master thereof shall for each offence be liable to a fine which may extend to two hundred rupees.

Safety Certificates, Radio-telegraphy Certificates and Exemption Certificates.

Operation of provisions relating to Safety Certificates and Exemption Certificates.

245B. The provisions of this Part relating to Safety Certificates, Qualified Safety Certificates, Safety Radio-telegraphy Certificates and Exemption Certificates, that is to say, the provisions of section 245C to section 245M inclusive, shall have effect only from such date[3] as the President of the Union may, by notification in the Gazette, appoint in this behalf.

Safety Certificates and Qualified Safety Certificates.

245C. (*1*) Upon receipt of a declaration of survey granted under Part III in respect of a steam-ship for which a certificate of survey is required by that Part, the President of the Union shall, if satisfied that the steam-ship complies with all the provisions as to construction, machinery and equipments (including life-saving appliances, and wireless telegraphy installation) applicable to such steam-ship under this Act, cause a certificate, to be called a Safety Certificate or a Qualified Safety Certificate, as the case may be, to be prepared and delivered through such officer as the President of the Union may appoint in this behalf to the owner or master of the steam-ship.

---

[1] For the Burma Merchant Shipping (Wireless Telegraphy) Rules, *see Burma Gazette*, 1937, Part I, page 1347.

[2] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

[3] Sections 245C to 245M came into force on the 1st January, 1935 ; *see* Gazette of India, 1934, Part I, page 1538.

(*2*) The Safety Certificate shall be in the prescribed form and shall state that the steam-ship complies with the requirements of the International Convention for the Safety of Life at Sea, signed in London on the 31st day of May, 1929.

(*3*) The Qualified Safety Certificate shall be in the prescribed form and shall state in what respects the steam-ship complies with the requirements of the International Convention for the Safety of Life at Sea, signed in London on the 31st day of May, 1929.

Safety Radio-telegraphy Certificate.

245D. (*1*) The owner or master of any [* *][1] ship registered in the Union of Burma which is not a passenger steamer but which is required by the provisions of section 242 to be provided with a wireless telegraphy installation and which is intended to ply on voyages from or to any place in the Union of Burma to or from any place outside the Union of Burma shall, if the President of the Union is satisfied that the ship complies with all the provisions as to wireless telegraphy applicable to such ship under this Part, receive a certificate to be called a Safety Radio-telegraphy Certificate, to be prepared and delivered through such officer as the President of the Union may appoint in this behalf.

(*2*) The Safety Radio-telegraphy Certificate shall be in the prescribed form and shall state that the ship complies in respect of wireless telegraphy installation with the requirements of the International Convention for the Safety of Life at Sea, signed in London on the 31st day of May, 1929.

Exemption certificate.

245E. The owner or master of any [* *][1] ship registered in the Union of Burma, which is intended to ply on voyages from or to any place in the Union of Burma to or from any place outside the Union of Burma and in regard to which the President of the Union has made a declaration under section 126 or an order of exemption under the proviso to sub-section (*1*) of section 242, shall, on application to the officer appointed in this behalf by the President of the Union, receive from such officer a certificate in the prescribed form to be called an Exemption Certificate.

Duration of certificates.

245F. (*1*) A Safety Certificate, Qualified Safety Certificate, Safety Radio-telegraphy Certificate or Exemption Certificate issued under the provisions of section 245C, 245D or 245E, shall not remain in force for more than one year from the date of its issue, nor after notice is given by the authority issuing it to the owner or master of the ship in respect of which it has been issued that that authority has cancelled the certificate.

(*2*) If the ship in respect of which any such certificate has been issued is absent from the Union of Burma at the date when the certificate expires, the authority issuing the certificate, or any person authorized by that authority for the purpose, may, if it appears proper and reasonable so to do, grant such extension of the certificate as will allow the ship to return to the Union

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

of Burma, but no such extension shall have effect for more than five months from the said date.

(*3*) If the ship in respect of which a Safety Certificate issued under section 245C is in force has on board in the course of a particular voyage a total number of persons less than the number stated in the certificate to be the number for which the life-saving appliances on the ship provide, the owner or master of the ship may obtain from the authority issuing the certificate, or any person authorized by that authority for the purpose, a memorandum to be attached to the certificate stating the total number of persons carried on the ship on that voyage and the modifications which may be made for the purpose of that voyage in the particulars with respect to life-saving appliances stated in the certificate.

Issue of certificates to ships of foreign countries.

245G. (*1*) The President of the Union may, at the request of the Government of a country to which the International Convention for the Safety of Life at Sea, 1929, applies, cause a Safety Certificate or Safety Radio-telegraphy Certificate to be issued in respect of a ship of that country if he is satisfied in like manner as in the case of a [* *][1] ship registered in the Union of Burma that such a certificate can properly be issued, and, where a certificate is issued at such a request, it shall contain a statement that it has been so issued.

(*2*) With a view to determining the validity in the Union of Burma of certificates purporting to have been issued in accordance with the International Convention for the Safety of Life at Sea, 1929, in respect of ships not registered in the Union of Burma, the President of the Union shall make such rules as appear to him to be necessary, and for the purpose of the provisions of this Act the expression " a valid Safety Convention Certificate " means a certificate or certificates complying with such of those rules as are applicable in the circumstances.

(*3*) Where a valid Safety Convention Certificate is produced in respect of a passenger steamer not registered in the Union of Burma and there is attached to the certificate a memorandum which—

(*a*) has been issued by or under the authority of the Government of the country to which the steamer belongs, and

(*b*) modifies for the purpose of any particular voyage, in view of the number of persons actually carried on that voyage, the particulars stated in the certificate with respect to life-saving appliances,

the certificate shall have effect for the purpose of that voyage as if it were modified in accordance with the memorandum.

Prohibition on proceeding to sea without certificates.

245H. (*1*) No [* *][1] ship registered in the Union of Burma being a passenger steamer shall proceed on a voyage from any place in the Union of Burma to any place outside the Union of Burma unless there is in force in respect of the ship either—

(*a*) a Safety Certificate issued under section 245C, or

---

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

(*b*) a Qualified Safety Certificate issued under section 245C and an Exemption Certificate issued under section 245E,

being a certificate or certificates which by the terms thereof is or are applicable to the voyage on which the ship is about to proceed and to the trade in which she is for the time being engaged.

(*2*) No sea-going [* *][1] ship registered in the Union of Burma being a ship of 1,600 tons gross tonnage or upwards other than a passenger steamer shall proceed on a voyage from any place in the Union of Burma to any place outside the Union of Burma unless there is in force in respect of the ship—

(*a*) such certificate or certificates as would be required in her case by the provisions of sub-section (*1*) if she were a passenger steamer, or

(*b*) a Safety Radio-telegraphy Certificate issued section 245D, or

(*c*) an Exemption Certificate, issued under section 245E, relating to the wireless telegraphy equipment,

being a certificate or certificates which by the terms thereof is or are applicable to the voyage on which the ship is about to proceed and to the trade in which she is for the time being engaged.

(*3*) If any ship to which this section applies proceeds or attempts to proceed to sea in contravention of this section—

(*a*) in the case of a ship being a passenger steamer, the master or owner of the steamer shall, without prejudice to any other remedy or penalty under this Act, be liable for each offence to a fine which may extend to one hundred rupees for every passenger carried on board the steam-ship; and

(*b*) in the case of a ship not being a passenger steamer, the master or owner of the ship shall for each offence be liable to a fine which may extend to one thousand rupees.

(*4*) The master of every ship to which this section applies shall produce to the officer of customs from whom a port-clearance for the ship is demanded the certificate or certificates required by the foregoing provisions of this section to be in force when the ship proceeds to sea, and the port-clearance shall not be granted and the ship may be detained until the said certificate or certificates are so produced.

(*5*) Where an Exemption Certificate issued under section 245E in respect of any ship to which this section applies specifies any conditions on which the certificate is issued and those conditions are contravened, the master or owner of the ship shall for each offence be liable to a fine which may extend to one thousand rupees.

Recognition of certificates issued outside the Union of Burma.

245I. (*1*) Where there is produced in respect of any steam-ship not registered in the Union of Burma a valid Safety Convention Certificate, such certificate shall be accepted as having the same force as the corresponding certificate issued in respect of a ship registered in the Union of Burma by the President of the Union.

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

(*2*) The master of every ship not registered in the Union of Burma, being a passenger steamer or being a ship of 1,600 tons gross tonnage or upwards, belonging to a country to which the International Convention for the Safety of Life at Sea, 1929, applies, shall produce a valid Safety Convention Certificate to the officer of customs from whom a clearance for the ship is demanded in respect of a voyage from a place in the Union of Burma to a place outside the Union of Burma, and a clearance shall not be granted and the ship may be detained until such a certificate is so produced.

(*3*) Where a valid Safety Convention Certificate is produced in respect of a passenger steamer not registered in the Union of Burma the steamer shall not be deemed to be unsafe for the purposes of section 238 of this Act by reason of the defective condition of her hull, equipments or machinery unless it appears that the steamer cannot proceed to sea without danger to the passengers or crew owing to the fact that the actual condition of the ship does not correspond substantially with the particulars stated in the certificate.

Power of President to make rules as to certificates.

245J. (*1*) The President of the Union may, subject to the condition of previous publication, make rules to carry out the purposes of the provisions of this Part relating to Safety Certificates, Qualified Safety Certificates, Safety Radio-telegraphy Certificates and Exemption Certificates.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may prescribe the form of the certificates referred to in sub-sections (*2*) and (*3*) of section 245C, sub-section (*2*) of section 245D, and section 245E, the charging of fees for the grant of such certificates, the amount of such fees, and the manner in which they shall be recoverable.

(*3*) The President of the Union may delegate to any person the functions assigned to the President of the Union by sections 245C, 245D and 245G of granting a Safety Certificate, a Qualified Safety Certificate or a Safety Radio-telegraphy Certificate in respect of any ships or classes of ships.

Application of sections 139,139A, 140 and 142 to certificates.

245K. The provisions of sections 139, 139A, 140 and 142 of this Act shall apply to and in relation to every certificate issued by the President of the Union under sections 245C, 245D and 245E in the same manner as they apply to and in relation to a certificate of survey.

Issue by foreign Government of certificate to ships registered in the Union of Burma.

245L. The President of the Union may request the Government of a country to which the International Convention for the Safety of Life at Sea, 1929, applies to issue a Safety Certificate or a Safety Radio-telegraphy Certificate in respect of a British ship registered in the Union of Burma, and a certificate issued in pursuance of such a request and containing a statement that it has been so issued shall have effect for the purposes of this Act as if it had been issued by the President of the Union.

Detention of foreign ships in cases not referred to in section 238.

245M. Where any foreign ship is detained under this Part in any case to which the provisions of section 238 do not apply, or where any proceedings are taken under this Part against the master or owner of any such ship, notice shall forthwith be served on the Consular Officer for the country to which the ship belongs at or nearest to the port where the ship is for the time being, and such

notice shall specify the grounds on which the ship has been detained or the proceedings have been taken.

PART VA.

NAVIGATION.

Method of giving helm orders.

245N. (*1*) No person on any [* *][1] ship registered in the Union of Burma shall when the ship is going ahead give a helm or steering order containing the word "starboard" or "right" or any equivalent of "starboard" or "right," unless he intends that the head of the ship shall move to the right, or give a helm or steering order containing the word "port" or "left" or any equivalent of "port" or "left," unless he intends that the head of the ship shall move to the left.

(*2*) Any person who contravenes the provisions of this section shall for each offence be liable to a fine which may extend to five hundred rupees.

Duty to report dangers to navigation.

245O. (*1*) The master of any [* *][1] ship registered in the Union of Burma on meeting with dangerous ice, a dangerous derelict, a tropical storm or any other direct danger to navigation shall send information accordingly by all means of communication at his disposal, and in accordance with such rules as the President of the Union may make in this behalf, to ships in the vicinity and to such authorities on shore as may be prescribed by these rules.

(*2*) If the master of a ship fails to comply with the provisions of this section, he shall be liable for each offence to a fine which may extend to five hundred rupees.

(*3*) For the purposes of this section the expression "tropical storm" means a hurricane, typhoon, cyclone or other storm of a similar nature, and the master of a ship shall be deemed to have met with a tropical storm if he has reason to believe that there is such a storm in the vicinity.

Obligation to render assistance on receiving signal of distress.

245P. (*1*) The master of a [* *][1] ship registered in the Union of Burma on receiving a signal of distress by wireless telegraphy from any other ship shall proceed with all speed to the assistance of the persons in distress, unless he is unable or, in the special circumstances of the case, considers it unreasonable or unnecessary to do so, or unless he receives information that his assistance is no longer required.

(*2*) If the master is unable or in the special circumstances of the case considers it unreasonable or unnecessary to proceed to the assistance of the persons in distress, he shall forthwith send a message by wireless telegraphy informing the master of the ship in distress accordingly, and shall enter in the official log-book his reasons for not going to the assistance of those persons.

(*3*) Any master failing to comply with the provisions of sub-section (*1*) shall be liable to imprisonment for a term which may extend to six months, or to a fine which may extend to one thousand rupees, or to both.

---

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

(*4*) Any master failing to comply with the provisions of sub-section (*2*) shall be liable to a fine which may extend to one thousand rupees.

Power of President to make rules as to signals.

245Q. (*1*) The President of the Union may, subject to the condition of previous publication, make rules prescribing—

(*a*) the manner of communicating information regarding dangers to navigation, and the authorities on shore to whom such information is to be communicated,

(*b*) the signals which shall be signals of distress and of urgency, respectively,

(*c*) the circumstances in which and the purposes for which any such signal is to be used, and the circumstances in which it is to be revoked, and

(*d*) the speed at which any message sent by wireless telegraphy in connection with such signal is to be transmitted.

(*2*) In making any rule under this section the President of the Union may direct that the breach of it shall be punishable with fine which may extend to five hundred rupees.

PART VI.

Special Shipping Inquiries and Courts.

Shipping casualties and report thereof.

246. (*1*) For the purpose of inquiries and investigations under this Part a shipping casualty shall be deemed to occur when—

(*a*) on or near the coasts of the Union of Burma, any ship is lost, abandoned, stranded or materially damaged ;

(*b*) any loss of life ensues by reason of any casualty happening to, or on board of, any ship on or near those coasts ;

(*c*) on or near those coasts, any ship causes loss or material damage to any other ship ;

(*d*) in any place any such loss, abandonment, stranding, damage or casualty occurs to, or on board of, any British ship, and any competent witness thereof is found at any place in the Union of Burma ; or

(*e*) any British ship is supposed to have been lost, and any evidence can be obtained in the Union of Burma as to the circumstances under which she proceeded to sea or was last heard of.

(*2*) In sub-section (*1*), the word " coasts " includes the coasts of creeks and tidal rivers.

(*3*) In the cases mentioned in clauses (*a*), (*b*) and (*c*) of sub-section (*1*), the master, pilot, harbour-master or other person in charge of the ship, or (where two ships are concerned) in charge of each ship, at the time of the shipping casualty, and

in cases under clause (*d*) of sub-section (*1*), where the master of the ship concerned or (except in the case of a loss) where the ship concerned proceeds

to any place in the Union of Burma from the place where the shipping casualty has occurred, the master of the ship,

shall, on arriving in the Union of Burma, give immediate notice of the shipping casualty to the nearest Magistrate and also to the officer appointed in this behalf by the President of the Union.

(*4*) Any person bound to give notice under this section and wilfully failing to give the same shall be liable to a fine which may extend to five hundred rupees, and, in default of payment, to simple imprisonment for a term which may extend to three months.

Report of shipping casualties to President.

247. (*1*) Whenever any such officer receives credible information that a shipping casualty has occurred, he shall forthwith report in writing the information to the President of the Union and may proceed to make a preliminary inquiry into the casualty.

(*2*) Any such officer—

(i) may go on board any ship, and may inspect the same or any part thereof, or any of the machinery, boats, equipments or articles on board thereof, to which the provisions of this Act apply, not unnecessarily detaining or delaying her from proceeding on any voyage;

(ii) may enter and inspect any premises the entry or inspection of which appears to him to be requisite for the purpose of the report which he is directed to make;

(iii) may, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for such purpose, and may require answers or returns to any inquiries he thinks fit to make;

(iv) may require and enforce the production of all books, papers or documents which he considers important for such purpose; and

(v) may administer oaths, or may, in lieu of requiring or administering an oath, require any person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination.

(*3*) An officer making a preliminary inquiry under this section shall send a report thereof to the President of the Union.

Application to Court for a formal investigation.

248. The officer appointed under sub-section (*3*) of section 246, whether he has made a preliminary inquiry or not, may, and, where the President of the Union so directs, shall, make an application to a Court empowered under section 249, requesting it to make a formal investigation into any shipping casualty; and the Court shall thereupon make such investigation.

Court empowered to make formal investigation

249. Magistrates of the first class specially empowered in this behalf by the President of the Union shall have jurisdiction to make formal investigations into shipping casualties under this Part.

Power for Court of Investigation to inquire into charges against masters, mates and engineers.

250. (*1*) Any Court making a formal investigation into a shipping casualty may inquire into any charge of incompetency or misconduct arising, in the course of the investigation, against any master, mate or engineer, as well as into any charge of a wrongful act or default on his part causing the shipping casualty.

(*2*) In every case in which any such charge, whether of incompetency or misconduct, or of a wrongful act or default, as aforesaid, arises against any master, mate or engineer in the course of an investigation, the Court shall, before the commencement of the inquiry, cause to be furnished to him a copy of the report or statement of the case upon which the investigation has been directed.

Power for President to direct investigation into charges of incompetency or misconduct.

251. (*1*) If the President of the Union has reason to believe that there are grounds for charging any master, mate or engineer with incompetency or misconduct, otherwise than in the course of a formal investigation into a shipping casualty, the President of the Union—

(*a*) if the master, mate or engineer holds a certificate under this Act, in any case,

(*b*) if the master, mate or engineer holds a certificate under the Merchant Shipping Acts, in the following cases :—

(i) where the incompetency or misconduct has occurred on a British ship on or near the coasts of the Union of Burma, or on board a British ship in the course of a voyage to a port within the colony ;

(ii) where the incompetency or misconduct has occurred on board a [* *][1] ship registered in the Union of Burma ;

(iii) where the master, mate or engineer of a British ship, who is charged with incompetency or misconduct on board that British ship, is found in the Union of Burma ;

may transmit a statement of the case to any Court mentioned in section 249 at or nearest to the place at which it may be convenient for the parties and witnesses to attend, and may direct that Court to make an investigation into that charge.

(*2*) Before commencing the investigation, the Court shall cause the master, mate or engineer so charged to be furnished with a copy of the statement transmitted by the President of the Union.

Person accused to be heard.

252. For the purpose of an investigation under this Part into any charge against a master, mate or engineer, the Court may summon him to appear, and shall give him full opportunity of making a defence either in person or otherwise.

---

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

Powers of Courts as to evidence and regulation of proceedings.

253. For the purpose of any investigation under this Part, the Court making the investigation, so far as relates to compelling the attendance and examination of witnesses and the production of documents and the regulation of the proceedings, shall have the same powers as are exercisable by that Court in the exercise of its criminal jurisdiction.

Assessors.

254. (*1*) A Court making a formal investigation shall constitute as its assessors not less than two and not more than four persons, of whom one shall be a person conversant with maritime affairs and the other or others shall be conversant with either maritime or mercantile affairs :

Provided that, where the investigation involves, or appears likely to involve, any question as to the cancellation or suspension of the certificate of a master, mate or engineer, two of the assessors shall be persons having also experience in the merchant service.

(*2*) The assessors shall attend during the investigation and deliver their opinions in writing, to be recorded on the proceedings, but the exercise of all powers conferred on the Court by this Part or any other enactment for the time being in force shall rest with the Court.

(*3*) The assessors shall be chosen from a list to be prepared from time to time by the President of the Union.

Power to arrest witnesses and cause entry and detention of vessels.

255. (*1*) If any Court making an investigation under this Part thinks it necessary for obtaining evidence that any person should be arrested, it may issue a warrant for his arrest, and may, for the purpose of effecting the arrest, authorize any officer subject, nevertheless, to any general or special instructions from the President of the Union to enter any vessel.

(*2*) Any officer so authorized may, for the purpose of enforcing the entry, call to his aid any officers of police or customs, or any other persons, and may seize and detain the vessel for such time as is reasonably necessary to effect the arrest.

(*3*) No person shall be detained by virtue of this section for more than forty-eight hours.

Power to commit for trial and bind over witnesses.

256. Whenever, in the course of any such investigation, it appears that any person has committed within the jurisdiction of any Court in the Union of Burma an offence punishable under any law in force in the Union of Burma, the Court making the investigation may (subject to such rules consistent with this Act as the High Court may from time to time prescribe) cause him to be arrested, or commit him or hold him to bail to take his trial before the proper Court, and may bind over any person to give evidence at the trial, and may, for the purposes of this section, exercise all its powers as a criminal Court.

Report by Court to President.

257. (*1*) The Court shall, in the case of all investigations under this Part, transmit to the President of the Union a full report of the conclusions at which it has arrived, together with the evidence.

(*2*) In cases in which, under the Merchant Shipping Acts, the Court is required to send a report to the Board of Trade, the report shall be sent

through the President of the Union and the transmission of the report to the President of the Union shall be a sufficient compliance with this sub-section.

Suspension and cancellation of Certificates and grant of fresh Certificates.

[1] **258.** * * * *

Power to issue local certificates in lieu of cancelled or suspended certificates.

259. (*1*) When any such Court cancels or suspends any such certificate, the President of the Union may, if he thinks fit, grant without examination, to the holder of the certificate, when the certificate is a certificate as master, a certificate as mate, and, when the certificate is a certificate as mate or engineer, a certificate as mate or engineer, as the case may be, of a grade lower than that which he held at the time of the cancellation or suspension.

(*2*) A certificate so granted shall have the same effect as if it had been granted after examination, but shall not have the effect of a certificate granted under the provisions of the Merchant Shipping Acts.

(*3*) The President of the Union may act under this section either in pursuance of a recommendation from the Court or of his own motion.

Power for President to suspend or cancel certificates in certain cases.

260. (*1*) Any certificate which has been granted under this Act to any master, mate or engineer, may be suspended or cancelled by the President of the Union in the following cases, that is to say :—

(*a*) if, on any investigation made under the Merchant Shipping Acts, or on any investigation made by any Court or tribunal for the time being authorized by the legislative authority in any [British possession or the Union of Burma][2] to make inquiry into charges of incompetency or misconduct on the part of masters, mates or engineers of ships, or as to shipwrecks or other casualties affecting ships, the Court or tribunal reports that the master, mate or engineer is incompetent or has been guilty of any gross act of misconduct, drunkenness or tyranny, or that the loss, stranding or abandonment of, or damage to, any ship, or loss of life has been caused by his wrongful act or default ;

(*b*) if he is proved to have been convicted of any offence which, if committed in the Union of Burma, would be non-bailable, or, if committed in England, would be a felony ; and

(*c*) if (in case of a master) he has been superseded by the order of any Admiralty Court, or of any Naval Court constituted as provided by the Merchant Shipping Act, 1894, or by any other law for the time being in force.

& 58 c. 60.

(*2*) Notwithstanding anything contained in this Act, the President of the Union may, at any time, without any formal investigation, suspend or cancel

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.
[2] Substituted *ibid.*

any engine driver's certificate granted by him if, in his opinion, the holder is, or has become, unfit to act as an engine driver.

261. * * * *

Report to Board of Trade

262. When the President of the Union cancels or suspends under section 260 the certificate of a master, mate or engineer he shall, as soon as may be practicable, report to the Board of Trade the fact of such cancellation or suspension.

Power to revoke cancellation or suspension and grant new certificate.

263. (*1*) The President of the Union may at any time revoke any order of cancellation or suspension which he may have made under section 260, or grant, without examination, to any person whose certificate he has so cancelled a new certificate of the same or of any lower grade.

(*2*) A certificate so granted shall have the same effect as if it had been granted after examination, but shall not have the effect of a certificate granted under the provisions of the Merchant Shipping Acts.

Power of Court of Investigation or Inquiry as to certificates granted by the President.

264. (*1*) A certificate of a master, mate or engineer which has been granted by the President of the Union under this Act may be cancelled or suspended—

(*a*) by a Court holding a formal investigation into a shipping casualty under this Part if the Court finds that the loss, stranding or abandonment of, or damage to, any ship, or loss of life has been caused by the wrongful act or default of such master, mate or engineer;

(*b*) by a Court holding an investigation under this Part into the conduct of the master, mate or engineer if the Court finds that he is incompetent or has been guilty of any gross act of drunkenness, tyranny or other misconduct.

(*2*) At the conclusion of the investigation, or as soon afterwards as possible, the Court shall state in open sitting the decision to which it may have come with respect to the cancelment or suspension of any certificate.

(*3*) Where the Court cancels or suspends a certificate, the Court shall forward it to the President of the Union together with the report which it is required by this Part to transmit to him.

(*4*) A certificate shall not be cancelled or suspended by a Court under this section unless a copy of the report or a statement of the case on which the investigation or inquiry has been ordered has been furnished before the commencement of the investigation or inquiry to the holder of the certificate.

(*5*) The duties imposed and powers conferred by sections 262 and 263 on the President of the Union shall, when a Court has under this section cancelled or suspended a certificate, be performed and exercised by the President of the Union as if he had himself cancelled or suspended the certificate under section 260.

Power to remove master and appoint a new master.

265. (*1*) The principal Court of ordinary criminal jurisdiction at any port in the Union of Burma [* * * *] [1] may remove the master of any ship within the jurisdiction of that Court if that removal is shown to the satisfaction of the Court by evidence on oath to be necessary.

(*2*) The removal may be made upon the application of the owner of any ship or his agent, or of the consignee of the ship, or of any certificated mate, or of one-third or more of the crew of the ship.

(*3*) The Court may appoint a new master instead of the one removed, but where the owner, agent or consignee of the ship is within the jurisdiction of the Court, such an appointment shall not be made without the consent of that owner, agent or consignee.

(*4*) The Court may also make such order and require such security in respect of the costs of the matter as the Court thinks fit.

Delivery of certificate cancelled or suspended.

266. (*1*) A master, mate, or engineer whose certificate is cancelled or suspended by any Court or by the President of the Union shall deliver his certificate—

(*a*) if cancelled or suspended by a Court, to that Court ;

(*b*) if cancelled or suspended by the President of the Union, to him, or to a shipping master or other person appointed in this behalf by him.

(*2*) If a master, mate or engineer fails to comply with this section, he shall for each offence be liable to a fine which may extend to five hundred rupees.

Investigations into Explosions.

Power to investigate causes of explosions on board steam-ships.

267. (*1*) Whenever any explosion occurs on board any steam-ship on or near the coasts of the Union of Burma, the President of the Union or a person duly appointed by him in this behalf may, if he thinks fit, direct that an investigation into the cause of the explosion be made by such person or persons as he thinks fit.

(*2*) The person or persons so directed may enter into and on the steam-ship, with all necessary workmen and labourers, and remove any portion of the steam-ship, or of the machinery thereof, for the purpose of the investigation, and shall report to the President of the Union or such authorized person what, in his or their opinion, was the cause of the explosion.

Courts of Survey.

Constitution of Court of Survey

268. (*1*) A Court of Survey for a port shall consist of a Judge sitting with two assessors.

(*2*) The Judge shall be a District Judge, Judge of a Court of Small Causes, Magistrate of the first class or other fit person appointed in this

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

behalf by the President of the Union either generally or for any specified case.

(*3*) The assessors shall be persons of nautical, engineering or other special skill or experience.

(*4*) Subject to the provisions of Part V as regards foreign ships, one of the assessors shall be appointed by the President of the Union either generally or in each case, and the other shall be summoned by the Judge in the manner prescribed, out of a list of persons from time to time prepared for the purpose and published by the President of the Union in the Gazette, or, if there is no such list or if it is impracticable to procure the attendance of any person named in such list, shall be appointed by the Judge.

Powers and procedure of Court of Survey.

269. (*1*) The Judge shall, on receiving notice of an appeal or a reference from the President of the Union, immediately summon the assessors to meet forthwith in the prescribed manner.

(*2*) The Court of Survey shall hear every case in open Court.

(*3*) The Judge and each assessor shall, for the purposes of this Act, have the same powers of inspection, and of enforcing the attendance of witnesses and the production of evidence, as are by this Act conferred on a detaining-officer.

(*4*) The Judge may appoint any competent person to survey the ship and report thereon to the Court.

(*5*) The Judge shall have the same power as the President of the Union has to order the ship to be released or finally detained ; but, unless one of the assessors concurs in an order for the detention of the ship, the ship shall be released.

(*6*) The owner and master of the ship and any person appointed by the owner or master, and also any person appointed by the President of the Union, may attend at any inspection or survey made in pursuance of this section.

(*7*) The Judge shall report the proceedings of the Court in each case to the President of the Union in the manner prescribed, and each assessor shall either sign such report or report to the President of the Union the reasons for his dissent.

Power of President to make rules with respect to Court of Survey.

270. The President of the Union may make rules to carry into effect the provisions of this Act with respect to a Court of Survey, and in particular, and without prejudice to the generality of the foregoing power, with respect to —

(*a*) the procedure before the Court ;

(*b*) the requiring, on an appeal, of security for costs and damages ;

(*c*) the amount and application of fees ; and

(*d*) the ascertainment, in case of dispute, of the proper amount of costs.

Scientific Referees.

Reference in difficult cases to scientific persons.

271. (*1*) If the President of the Union is of opinion that an appeal to a Court of Survey involves a question of construction or design or of scientific difficulty, or important principle, he may refer the matter to

such one or more out of a list of scientific referees to be from time to time prepared by the President of the Union, as may appear to possess the special qualifications necessary for the particular case, and may be selected by agreement between a person duly appointed by the President of the Union in this behalf and the appellant, or, in default of any such agreement, by the President of the Union, and thereupon the appeal shall be determined by the referee or referees instead of by the Court of Survey.

(*2*) The President of the Union, if the appellant in any such appeal so requires and gives security to his satisfaction to pay the costs of and incidental to the reference, shall refer such appeal to a referee or referees selected as aforesaid.

(*3*) The referee or referees shall have the same powers as a Judge of the Court of Survey.

PART VII.[1]

WRECK AND SALVAGE.

"Wreck" defined.

272. In this Part "wreck" includes the following when found in the sea or any tidal water or on the shores thereof :—

(*a*) goods which have been cast into the sea and then sink and remain under water ;

(*b*) goods which have been cast or fall into the sea and remain floating on the surface ;

(*c*) goods which are sunk in the sea, but are attached to a floating object in order that they may be found again ;

(*d*) goods which are thrown away or abandoned ; and

(*e*) a ship abandoned without hope or intention of recovery.

Appointment of receivers.

273. (*1*) The President of the Union may, by notification in the Gazette, appoint such person as he thinks fit to receive and take possession of wreck and to perform such duties connected therewith as are hereinafter mentioned, within such local limits as he may prescribe.

(*2*) Persons so appointed shall be called receivers of wreck.

Rules to be observed by persons finding wreck.

274. (*1*) Any person finding and taking possession of any wreck within any local limits for which a receiver of wreck has been so appointed, or bringing within such limits any wreck which has been found and taken possession of elsewhere, shall, as soon as practicable,—

(*a*) if he be the owner thereof, give the receiver of wreck notice in writing of the finding thereof and of the marks by which such wreck is distinguished ;

(*b*) if he be not the owner of such wreck, deliver the same to the receiver of wreck.

---

[1] Section 9 of the Burma Aircraft Act *ante* makes the provisions of this Part (with such modifications as the President of the Union may make therein) applicable to aircraft on or over the sea or tidal waters.

(*2*) Any person omitting to give notice of the finding of, or to deliver, any wreck to the receiver of wreck as required by sub-section (*1*) shall be liable to a fine which may extend to one thousand rupees, and, in the case of omission to deliver any wreck, shall, in addition to such fine, forfeit all claim to salvage, and pay to the owner of such wreck if the same is claimed, or if the same is unclaimed to the Government, a penalty not exceeding twice the value of such wreck.

Government or person finding wreck entitled to salvage.

275. (*1*) Whenever any wreck is found by the receiver of wreck or has been delivered to him in accordance with the provisions of this Part by any person, not being the owner thereof, the Government or such other person so delivering such wreck, as the case may be, shall be entitled to receive a reasonable sum for salvage, having regard to all the circumstances of the case.

(*2*) Any dispute arising concerning the amount due under this section shall be determined by a Magistrate upon application to him for that purpose by either of the disputing parties.

Notice to be given by receiver.

276. The receiver of wreck shall, on taking possession of any wreck, publish a notification, in such manner and at such place as the President of the Union may prescribe in this behalf, containing a description of the same and the time at which and the place where the same was found.

Wreck may in certain cases be sold.

277. If after the publication of such notification the wreck is unclaimed, or if the person claiming the same fails to pay the amount due for salvage and for charges incurred by the receiver of wreck in respect thereof, the receiver of wreck may sell such wreck by public auction, if of a perishable nature, forthwith, and, if not of a perishable nature, at any period not less than six months after such notification as aforesaid.

Proceeds how applied.

278. On the realization of the proceeds of such sale, the amount due for salvage and charges as aforesaid, together with the expenses of the sale, shall be deducted therefrom, and the balance shall be paid to the owner of the wreck, or if no such person appear and claim the same, shall be held in deposit for payment, without interest, to any person thereafter establishing his right to the same :

Provided that he makes his claim within one year from the date of the sale.

Savings.

279. Nothing in this Part shall be deemed to—

(*a*) affect the declaration of the twenty-third day of October, 1889, in Schedule IV, between the Government of the United Kingdom of Great Britain and Ireland and the Government of the French Republic, with reference to the disposal of the proceeds of wrecks on their respective coasts ; or

(*b*) affect section 29 of the Ports Act, or entitle any person to salvage in respect of any property recovered by creeping or sweeping in contravention of that section.

PART VIII.

LEGAL PROCEEDINGS.

Certain persons to be deemed public servants.

280. The following persons shall be deemed to be public servants within the meaning of the Penal Code, namely :—

(*a*) every surveyor appointed under this Act;

(*b*) every Judge, assessor or other person acting under Part VI ;

(*c*) every person appointed under this Act to report information as to shipping casualties ;

(*d*) every person authorized under this Act to make any investigation under Part VI, and all persons whom he calls to his aid ;

(*e*) every person directed to make an investigation into an explosion on a steam-ship under section 267 ;

(*f*) every Wireless Telegraphy Inspector appointed under this Act.

Jurisdiction of Magistrates.

281. No Magistrate shall try any offence against this Act or any rule made thereunder unless he is a Magistrate whose powers are not less than those of a Magistrate of the first class.

Place of trial of the offender.

282. Any person committing any offence against this Act or any rule thereunder may be tried for the offence in any place in which he may be found or which the President of the Union may, by notification in the Gazette, direct in this behalf, or in any other place in which he might be tried under any other law for the time being in force.

Depositions to be received in evidence when witnesses cannot be produced.

283. (*1*) Whenever, in the course of any legal proceeding under this Act instituted at any place in the Union of Burma before any Court or Magistrate, or before any person authorized by law or by consent of parties to receive evidence, the testimony of any witness is required in relation to the subject-matter, and the defendant or the person accused (as the case may be), after being allowed a reasonable opportunity for so doing, does not produce the witness before the Court, Magistrate or person so authorized, any deposition previously made by the witness in relation to the same subject-matter before any Court, Justice or Magistrate in His Britannic Majesty's dominions or before any British consular officer, if elsewhere, shall be admissible in evidence—

(*a*) if the deposition is authenticated by the signature of the presiding officer of the Court or of the Justice, Magistrate or consular officer before whom it is made ;

(*b*) if the defendant or the person accused had an opportunity by himself or his agent of cross-examining the witness ;

(*c*) if the proceeding is criminal, on proof that the deposition was made in the presence of the person accused.

(*2*) It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition ; and a certificate by such person that the defendant or the person accused had an opportunity of cross-examining the witness, and that the deposition, if made in

a criminal proceeding, was made in the presence of the person accused, shall, unless the contrary is proved, be sufficient evidence that he had that opportunity and that it was so made.

Enforcing detention of ship.

284. (*1*) Where under this Act a ship is authorized or ordered to be detained, any commissioned officer on full pay in the naval or military service of [the Government],[1] or any port officer, harbour-master, conservator of a port, or officer of customs may detain the ship.

(*2*) If any ship after detention, or after service on the master of any notice of, or order for, such detention, proceeds to sea before she is released by competent authority, the master of the ship shall be liable to a fine which may extend to one thousand rupees.

(*3*) When a ship so proceeding to sea takes to sea, when on board thereof in the execution of his duty, any person authorized under this Act to detain or survey such ship, the owner and master of such ship shall each be liable to pay all expenses of, and incidental to, such person being so taken to sea, and shall also each be liable to a fine which may extend to one thousand rupees.

(*4*) When any owner or master is convicted of an offence under sub-section (*3*), the convicting Magistrate may inquire into and determine the amount payable on account of expenses by such owner or master under that sub-section, and may direct that the same shall be recovered from him in the manner provided for the recovery of fines.

Levy of wages, etc., by distress of moveable property.

285. When an order under this Act for the payment of any wages or other money is made by a shipping-master or a Magistrate and the money is not paid at the time or in the manner directed, the sum mentioned in the order, with such further sum as may be thereby awarded for costs, may be levied by distress and sale of the moveable property of the person directed to pay the same under a warrant to be issued for that purpose by a Magistrate.

Levy of wages, fines, etc., by distress of ship.

286. Where any Court or Magistrate has power to make an order directing payment to be made of any seaman's wages, fines or other sums of money, then if the person so directed to pay the same is the master or owner of a ship, and the same is not paid at the time or in the manner directed by the order, the Court or Magistrate may, in addition to any other power it or he may have for the purpose of compelling payment by warrant, direct the amount remaining unpaid to be levied by distress and sale of the ship, her tackle, furniture and apparel.

Service of documents.

287. Where for the purposes of this Act any document is to be served on any person, that document may be served—

(*a*) in any case by delivering a copy thereof personally to the person to be served, or by leaving the same at his last place of abode ; and

(*b*) if the document is to be served on the master of a ship, where there is one, or on a person belonging to a ship, by leaving the same

---

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

for him on board that ship, with the person being or appearing to be in command or charge of the ship ; and

(*c*) if the document is to be served on the master of a ship where there is no master and the ship is in the Union of Burma, on the managing owner of the ship, or, if there is no managing owner, on some agent of the owner residing in the Union of Burma, or, where no such agent is known or can be found, by affixing a copy thereof to the mast of the ship.

Application of fines.

288. A Magistrate imposing a fine under this Act may, if he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any detriment which he may have sustained by the act or default in respect of which the fine is imposed or in or towards payment of the expenses of the prosecution.

PART IX.

SUPPLEMENTAL.

Powers to see Act is complied with.

289. (*1*) Where a shipping-master has reasons to suspect that the provisions of this Act are not complied with, that officer may—

(*a*) enter on board any [* *][1] ship, and

(*b*) muster and examine the crew.

(*2*) If any person obstructs any shipping-master in the execution of his duty under this section, he shall be liable to a fine which may extend to one hundred rupees.

Ship Surveyors.

Power to appoint examiners and to make rules as to qualifications of ship surveyors.

290. The President of the Union may appoint competent persons for the purpose of examining the qualifications of persons desirous of practising the profession of a ship surveyor at any port in the Union of Burma, and may make rules—

(*a*) for the conduct of such examinations and the qualifications to be required,

(*b*) for the grant of certificates to qualified persons,

(*c*) for the fees to be paid for such examinations and certificates,

(*d*) for holding inquiries into charges of incompetency and misconduct on the part of holders of such certificates, and

(*e*) for the suspension and cancellation of such certificates.

No person to practise as ship surveyor unless qualified.

291. No person shall, in any port in which there is a person exercising the profession of a ship surveyor and holding a certificate granted under section 290, exercise such profession in such port unless he holds a certificate granted under that section :

Provided that nothing herein contained shall prevent any person employed by Lloyd's Register of British and Foreign Shipping or Bureau Veritas from

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

discharging any of the duties of such employment, or apply to any person specially exempted by the President of the Union from the operation of this section.

Penalty for practising as ship surveyor without certificate.

292. Any person exercising the profession of a ship surveyor in contravention of the provisions of section 291 shall be liable to a fine not exceeding one thousand rupees and shall be incapable of maintaining any suit for any fee or reward for anything done by him.

Powers of person appointed or authorized to survey ship.

293. Any person appointed or authorized under this Act to survey a ship may, in the execution of his duties, go on board the ship and inspect the same and every part thereof, and the machinery, equipments and cargo, and may require the unloading or removal of any cargo, ballast or tackle.

Provisions with respect to rules.

294. All rules made under this Act shall be published in the Gazette and, on such publication, shall have effect as if enacted in this Act.

Power to appoint committees to advise on rules and scales.

294A. (*1*) The President of the Union may, if he thinks fit, appoint committees for the purpose of advising him when considering the making or alteration of any rules or scales under this Act, consisting of such persons at he may appoint representing the interests principally affected, or having special knowledge of the subject-matter.

(*2*) There shall be paid to the members of any such committee such travelling and other allowances as the President of the Union may fix.

(*3*) Committees may be appointed under this section to advise the President of the Union especially as regards any special rules or scales, or, generally, as regards any class or classes of rules or scales which the President of the Union may assign to them.

Protection of persons acting under Act.

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

Application of Merchant Shipping Acts to British ships and ships registered in the Union of Burma.

[1] **296.** (*1*) For the avoidance of doubts it is hereby declared that subject to the provisions of any law for the time being in force, the Merchant Shipping Acts shall, in so far as other provisions have not been made in this or in any other law, continue to apply to British ships and ships registered in the Union of Burma in the same manner and to the same extent as they would have applied if the Constitution had not come into operation.

(*2*) For the purpose of facilitating the application of the Merchant Shipping Acts hereby declared to be in force in the Union of Burma any Court or other authority may construe the Acts with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before such Court or authority.

---

[1] Inserted by the Union of Burma (Adaptation of Laws) Order, 1948.

SCHEDULE I.

(*See section 9.*)

TABLE A.

FEES TO BE CHARGED FOR MATTERS TRANSACTED AT SHIPPING OFFICES.

1. Engagement or discharge of crews :—

	Rs.	a.	p.
in ships under 100 tons	3	0	0
from 100 to 200 "	7	0	0
200 to 300 "	10	0	0
300 to 400 "	12	8	0
400 to 500 "	15	0	0
500 to 600 "	17	8	0
600 to 700 "	20	0	0
700 to 800 "	22	8	0
800 to 900 "	25	0	0
900 to 1,000 "	27	8	0
Above 1,000 "	30	0	0

and so on for ships of larger tonnage, adding for every one hundred tons above one thousand, two rupees and eight annas.

2. Engagement or discharge of seamen separately—one rupee for each seaman.

TABLE B.

SUMS TO BE DEDUCTED FROM WAGES BY WAY OF PARTIAL REPAYMENT OF FEES IN TABLE A.

1. In respect of engagements and discharges of crews, upon each engagement and each discharge—

	Rs.	a.	p.
from wages of any mate, purser, engineer, surgeon, carpenter or steward	0	12	0
from wages of all others except apprentices	0	8	0

2. In respect of engagements and discharges of seamen,—
separately, upon each engagement and each discharge 0 8 0

SCHEDULE II.

(*See section 131.*)

Rates of Fees payable in respect of Survey of Steam-ships.

						Tons	Rs.
For steam-ships of less than					...	200	40
"	"	200	tons	and up to		350	50
"	"	350	"	"		700	60
"	"	700	"	"		1,000	80
"	"	1,000	"	"		1,500	100
"	"	1,500	"	and upwards			120

SCHEDULE III.[1]

* * * *

SCHEDULE IV.

* * * *

THE BURMA REGISTRATION OF SHIPS ACT.

CONTENTS.

Sections.

1. * * * *
Ships to be registered.
Certificate of registry.
1A. * * * *
2. Ports of registry.
3. Registrars.
4. Book of registry.
5. Declaration.
6. Further declaration by owners who attend.
7. Measurement to be made.
8. Certificate of surveying-officer.
9. Measurement of tonnage for purpose of registry.
10-11. * * * *
12. Marking of register tonnage on ship.
13. * * * *
14. Registered tonnage to be repeated in every subsequent register.

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

Sections.

15. Fraudulent use of certificate.
16. Change of master.
17. Name of ship.
18. Certificate of building.
19. Certificate lost or mislaid.
20. Detention of certificate.
21. Registration *de novo*.
22. Testimony of registering-officers.
23. False declaration.
Falsifying documents.
24. * * * *
25. Fees.
26. Ports to which ships belong.

THE BURMA REGISTRATION OF SHIPS ACT.

[INDIA ACT X, 1841.] (5th July, 1841.)

[1] 1. * * * *

[No ship shall be deemed a registered ship, except as regards ships registered before the coming into operation of the Constitution][2] unless the person or persons claiming property therein shall have caused the same to have been registered at some one of the ports hereinafter mentioned and shall have obtained a certificate of such registry from the person or persons authorized to make such registry and grant such certificate as hereinafter directed, the form of which certificate shall be as follows :— Ships to be registered.

" This is to certify that in pursuance of the Burma Registration of Ships Act (here insert the names and occupation and residence of subscribing owners) having made and subscribed the declaration required by the said Act and having declared that (he or they) together with (names, occupations and residence of non-subscribing owners) (is or are) sole owner or owners, in the proportions specified on the back hereof, of the ship called the (ship's name) of (place at which the vessel shall be registered), which is of the burden of (number of tons), and whereof (master's name) is master, and that the said ship was (when and where built), and (name and employment of surveying-officer) having certified to us that the said ship has (number) decks and (number) masts, that her (here insert measurement as ascertained by the rules hereinafter mentioned), that she is (how rigged) rigged with a (standing or running) bowsprit, is (description of stern) sterned, (carvel or clincher) Certificate of registry.

[1] The recitals were omitted by the Union of Burma (Adaptation of Laws) Order, 1948.
[2] Substituted *ibid.*

built, has (whether any or no) gallery, and (kind of head, if any) head : and the said subscribing owners having consented and agreed to the above description, the said ship called the (name) has been duly registered at the port of (name of port). Certified under our hands at the custom-house, in the said port of (name of port), this (date) day of (name of month) in the year (words at length).

(Signed)————, *Collector or Registrar of Shipping.*"

And on the back of such certificate of registry there shall be an account of the parts or shares held by each of the owners mentioned and described in such certificate, in the form and manner following :—

Names of several owners within mentioned.				Number of shares held by each owner.
Name	...	...	...	Thirty-two.
Name	...	...	...	Sixteen.
Name	...	..	...	Eight.
		etc., etc.,		

(Signed)———— , *Collector.*

[1] **1A.** * * * *

Ports of registry.

2. The ports at which registration shall be made shall be such places as the President of the Union may, from time to time, declare to be registering ports under this Act :

Provided that ships built at any place other than any of such ports shall be allowed to make their first voyage to any of such ports, being the ports at which it is intended they shall be registered, under a certificate to be granted by the Deputy Commissioner at the place where the ship is built, which certificate shall contain all the particulars with regard to the ownership and description of the ships contained in a certificate of registry, and shall specify the ports at which it is intended that they shall respectively be registered, and which certificate shall have all the effect of a certificate of registry under this Act during the first voyage from the place of building to the ports at which the ships shall be afterwards registered :

Provided that such ships so proceeding on their first voyage as aforesaid shall be deemed [registered ships] [2] only whilst duly prosecuting such first voyage for the purpose of registry, and, if they be not registered within a reasonable time after their arrival at the port of registry, the owner or owners, or master or other person having or taking the command or charge of such ship, shall be liable, on conviction before a Magistrate of the first class, to a fine not exceeding five thousand rupees.

Registrars.

3. The persons authorized to make such registry, and to grant such certificates as aforesaid, shall be such persons as the President of the Union may, from time to time, appoint.

---

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.
[2] Substituted *ibid.*

Book of registry.

4. At every port where registry shall be made in pursuance of this Act a book shall be kept by the registering-officer, in which all the particulars contained in the form of the certificate of the registry shall be duly entered ; and every registry shall be numbered in progression, beginning such progressive numeration at the commencement of each and every year. And such registering-officer shall forthwith, or within one month at the furthest, send to the President of the Union a true and exact copy, together with the number of every certificate which shall be by him so granted.

Declaration.

5. No registry shall be made or certificate be granted, until the following declaration be made or subscribed before the registering-officer by the owner or major part of the owners of the ship required to be registered :—

> " I, A. B., of (place of residence and occupation) do truly declare that the ship (name) of (port or place) whereof (master's name) is at present master, being (kind of build, burden, et cetera, as described in the certificate of the surveying-officer) was (when and where) built, and that I, the said (A. B.), and the other owners (names and occupations, if any, and where they respectively reside), am (or are) sole owner (or owners) of the said ship and that no other person whatever has any right, title, interest, share or property therein or thereto ; and that I, the said (A. B.), and the said other owners (if any), am (or are) truly and *bona fide* a [citizen of the Union] [1] (or [citizens of the Union] [1]) and that no person not being a [citizen of the Union],[1] directly or indirectly, has any share or part interest in the said ship : "

Provided that, if the registering-officer shall see occasion to doubt the truth of any of the facts contained in the above declaration, he shall not deem such declaration to be conclusive, but may refuse the registry or certificate, and his discretion exercised in this behalf shall be subject only to an appeal to the President of the Union.

Further declaration by owners who attend.

6. In case the required number of joint owners of any ship shall not personally attend to make and subscribe the declaration hereinbefore directed to be made and subscribed, then and in such case such owner or owners as shall personally attend and make and subscribe the declarations aforesaid shall further declare that the part owner or part owners of such ship then absent is or are not resident within twenty miles of such port or place, and has or have not to the best of his or their knowledge or belief wilfully absented himself or themselves in order to avoid the making of the declaration hereinbefore directed to be made and subscribed, or is or are prevented by illness from attending to make and subscribe the said declaration.

Measurement to be made.

7. And in order to enable the registering-officer to grant a certificate truly and accurately describing every ship to be registered in pursuance of this Act, and also to enable all other officers of customs, on due examination, to

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

discover whether any such ship is the same with that for which a certificate is alleged to have been granted, it is hereby enacted that—

previous to the registering or granting of any certificate of registry as aforesaid some one or more person or persons appointed by the President of the Union, taking to his or their assistance, if he or they shall judge it necessary, one or more person or persons skilled in the building and measurement of ships, shall go on board of every such ship that is to be registered, and shall strictly and accurately examine and measure every such ship as to all and every particular contained in the form of the certificate hereinbefore directed in the presence of the master, or of any other person who shall be appointed for that purpose on the part of the owner or owners, or in his or their absence by the said master, and shall deliver a true and just account in writing of all such particulars of the build, description and measurement of every such ship as are specified in the form of the certificate above recited to the officer authorized to make such registry and grant such certificate of registry as aforesaid ; and the said master or other person attending on the part of the owner or owners is hereby required to sign his name also to the certificate of such surveying or examining officer, in testimony of the truth thereof, provided such master or other person shall consent and agree to the several particulars set forth and described therein.

Certificate of surveying-officer.

8. The certificate of the surveying-officer shall be in such form as the President of the Union may from time to time prescribe ; and such certificate shall be delivered to the registering-officer before registry.

Measurement of tonnage for purpose of registry.

9. The tonnage of a ship required by law to be registered shall, previous to her being registered, be measured and ascertained according to the Merchant Shipping law for the time being in force.

10-11. * * * *

Marking of register tonnage on ship.

12. The true amount of the register tonnage of every ship shall be deeply carved or cut in figures of at least three inches in length on the main beam of every such ship prior to her being registered.

13. * * * *

Registered tonnage to be repeated in every subsequent register.

14. Whenever the register tonnage of any ship shall have been ascertained according to the said rules and orders, such account of register tonnage shall ever after be deemed the register tonnage of such ship, and shall be repeated in every subsequent registry of such ship, unless it shall happen that any alteration has been made in the form of burden of such ship or it shall be discovered that the register tonnage of such ship had been erroneously taken and computed.

15. If such certificate as aforesaid shall be sold, lent or otherwise disposed of to any person other than those for whose use it is granted, or shall be made use of for the service of any other ship than the ship for which it is granted, such certificate shall thenceforth be void, and the master or any owner of the ship who shall be proved to have sold, lent or disposed of such certificate, or made use of the same as aforesaid, or shall have concurred in or been privy to the committing of any such offence, shall be liable, on conviction before a Magistrate of the first class, to a fine not exceeding ten thousand rupees. Fraudulent use of certificate.

And in case such ship shall be lost or taken by the enemy, burnt or broken up, or otherwise prevented from returning to the port at which she is registered, or shall on any account have lost and forfeited the privileges of a [registered ship] [1] or shall have been seized and legally condemned for illicit trading, or shall have been taken in execution for debt and sold by due process of law, or shall have been sold to the Government, or shall under any circumstances have been registered *de novo*, the certificate, if preserved, shall be delivered up, within one month after the arrival of the master in any port or place in the Union of Burma, to the registering-officer at such port, in default whereof the master or any of the owners shall be liable, on conviction before a Magistrate of the first class, to a fine not exceeding five thousand rupees.

And if any person not being a [citizen of the Union] [1] shall purchase or otherwise become entitled to the whole or to any part or share of or any interest in such ship and the same shall be within the limits of any port of the Union of Burma, then and in such case the certificate of registry shall, within seven days after such purchase or transfer of property in such ship, be delivered up to the registering-officer at such port, and if such ship shall be in any place not within the Union of Burma when such purchase or transfer of property shall take place, then the certificate shall be delivered up within fourteen days after the arrival of such ship or of the master thereof in any port of the Union of Burma to the registering-officer at such port, in default whereof the master or any of the owners shall be liable on conviction to fine not exceeding five thousand rupees.

16. When and so often as the master of any ship registered in manner hereinbefore directed shall be changed, the master or owner of such ship shall deliver to the person hereinbefore authorized to make such registry and grant such certificates of registry at the port where such change shall take place, if it be a port within the Union of Burma, the certificate of registry belonging to such ship, who shall thereupon endorse and subscribe a memorandum of such change, and shall forthwith give notice of the same to the proper officer of the port or place where such ship was last registered pursuant to this Act, who shall likewise make a memorandum of the same in the book of registers which is hereby required to be kept, and shall forthwith give notice thereof in like manner as of the original entry. But if the change do not take place in Change of master.

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

any port within the Union of Burma, then such delivery, memorandum and endorsement shall be made and notice given at the first port within the Union of Burma at which the new master shall arrive after such change. In default of which delivery of the certificate such new master or any of the owners shall be liable, on conviction, to fine not exceeding five thousand rupees.

Name of ship.

17. It shall not be lawful for any owner of any ship to give any name to such ship other than that by which she was first registered in pursuance of this Act, and the owner of every ship which shall be so registered shall, before such ship after such registry shall begin to take in any cargo, paint or cause to be painted, in white or yellow letters of a length of not less than four inches upon a black ground on some conspicuous part of the stern, the name by which such ship shall have been registered pursuant to this Act, and the port to which she belongs, in a distinct and legible manner, and shall so keep and preserve the same.

And if such owner or master or other person having or taking the charge or command of such ship shall permit such ship to begin to take in cargo before the name of such ship has been so painted as aforesaid, or shall wilfully alter, erase, obliterate or in any wise hide or conceal, or cause or procure or permit the same to be done, or shall in any written or printed paper or other document describe such ship by any name other than that by which she was first registered pursuant to this Act, or shall verbally describe or cause or procure or permit such ship to be described by any other name to any officer of revenue in the due execution of his duty, then and in every such case the certificate of registry shall thenceforth become void, and such owner, or master or other person having or taking the charge or command of such ship shall be liable, on conviction by a Magistrate of the first class, to a fine not exceeding ten thousand rupees.

Certificate of building.

18. Every person who shall apply for a certificate of the registry of any ship shall produce to the person authorized to grant such certificate a true and full particular under the hand of the builder of such ship, or in case the want of such certificate can be satisfactorily accounted for, then to produce other sufficient evidence of the proper denomination, and of the time when, and the place where, such ship was built, and also an exact account of the tonnage of such ship, and shall also make and subscribe a declaration before the person or persons hereinbefore authorized to grant such certificate that the ship for which such certificate is required is the same with that which is so described by the builder as aforesaid.

Certificate lost or mislaid.

19. If the certificate of registry of any ship shall be lost or mislaid, so that the same cannot be found or obtained for the use of such ship when needful, and proof thereof shall be made to the satisfaction of the registering-officer of the port at which the ship is registered, such officer shall, where the certificate

shall have been lost or mislaid, permit such ship to be registered *de novo*, and a certificate thereof to be granted :

Provided always that, if such ship be absent and far distant from the port to which she belongs, or by reason of the absence of the owner or owners, or of any other impediment, registry of the same cannot then be made in sufficient time, such registering-officer shall and may grant a licence for the present use of such ship, which licence shall for the time and to the extent specified therein, and no longer, be of the same force and virtue as a certificate of registry granted under this Act :

Provided always that, if the certificate of registry shall at any time afterwards be found, the same shall be forthwith delivered to the proper officers of customs to be cancelled, and that no illegal use be made of the same, in default whereof the original certificate and the renewed certificate and licence shall thenceforth become void, and any person wilfully detaining the certificate so required to be cancelled, or making any illegal use thereof, shall be liable on conviction to fine not exceeding five thousand rupees.

Detention of certificate.

20. In case any person who shall have received or obtained by any means or for any purpose whatever the certificate of the registry of any such ship (whether such person shall claim to be the master or to be the owner or one of the owners of such ship or not), shall wilfully detain and refuse to deliver up the same to the proper officers of customs, for the purposes of such ship, as occasion shall require, or to the person having the actual command, possession and management of such ship as the ostensible and reputed master, or as the ostensible and reputed owner thereof, it shall be lawful for any such last-mentioned person to make complaint on oath of such detainer and refusal to any Magistrate of the first class having jurisdiction at the place where such detainer and refusal shall be ;

and on such complaint the said Magistrate shall by warrant cause the person so complained against to be brought before him to be examined touching such detainer and refusal ;

and if it shall appear to the said Magistrate on examination of such person or otherwise that the said certificate of registry is wilfully detained by the said person, such person shall be subject on conviction before such Magistrate to a fine not exceeding one thousand rupees, and the said Magistrate shall certify the aforesaid detainer, refusal and conviction to the person or persons who granted such certificate of registry for such ship, who shall on the terms and conditions of law being complied with make registry of such ship *de novo*, and grant a certificate thereof conformably to law, notifying on the back of such certificate the ground upon which the ship was so registered *de novo* ;

and if the person who shall have detained and refused to deliver up such certificate of registry as aforesaid, or shall be verily believed to have detained the same, shall have absconded so that the said warrant of the Magistrate cannot be executed upon him, and proof thereof shall be made to the satisfaction of the registering-officer of the port at which the ship was

registered, it shall be lawful for the said officer to permit such ship to be registered *de novo*, or otherwise, in his discretion, to grant a licence for the present use of such ship in like manner as is hereinbefore provided in the case wherein the certificate of registry is lost or mislaid.

Registration *de novo*.

21. If any ship, after she shall have been registered pursuant to the directions of this Act, shall in any manner whatever be altered so as not to correspond with all the particulars contained in the certificate of her registry, or if any alteration shall take place in the ownership of any ship or of any share or shares thereof, in such cases such ship shall be registered *de novo* in manner hereinbefore required as soon as she returns to the port to which she belongs, or to any other port within the Union of Burma, on failure whereof such ship shall be deemed to be a ship not duly registered, and any person making use of a certificate for the purposes of any ship which has been granted in respect of the same, after the same ought to have been registered *de novo*, shall be liable on conviction to fine not exceeding five thousand rupees.

Testimony of registering-officers.

22. The registering-officer at any port shall, upon reasonable request by any person, produce for his inspection any declaration made by any owner and any register or entry in any book of registry required, and shall permit such person to take a copy or an extract thereof.

False declaration.

Falsifying document.

23. If any person shall falsely make declaration to any of the matters hereinbefore required to be verified by declaration, or if any person or persons shall counterfeit, erase, alter or falsify any certificate or other instrument in writing required to be obtained, granted or produced by this Act, or shall knowingly or wilfully make use of any certificate or other instrument so counterfeited, erased, altered, falsified, or shall wilfully grant such certificate or other instrument in writing, knowing it to be false, such person shall for every such offence be liable, on conviction by a Magistrate of the first class, to a fine not exceeding ten thousand rupees and, if any such offence be committed by the owner of any ship, the certificate of such ship shall thenceforth be void.

24. * * * *

Fees.

25. The fees demandable in respect of the granting any certificate or pass under this Act shall be fixed from time to time according to the directions of the President of the Union, but so that the same shall not exceed the amount of fees now payable for registering or granting passes to ships.

Ports to which ships belong.

26. All ships registered under this Act shall be deemed to belong to the ports at which they shall be respectively registered.

ပင်လယ်ရေကြောင်းသွားလာမှု သဘောတူစာချုပ်များ အက်ဥပဒေ။*

[၁၉၅၂ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၁၉။] (၁၉၅၂ ခု၊ စက်တင်ဘာလ ၃၀ ရက်။)

၁၉၁၀ ပြည့်နှစ်၊ ဘရပ်ဆယ် (လ်စ်) မြို့တွင် ကျင်းပသော အစည်းအဝေးကြီး၌ သဘော်ဝင်ချင်းတိုက်မိသော မှုခင်းများနှင့် ပတ်သက်သည့် သဘောတူ စာချုပ်ကိုလည်း၊ ဆယ်တင်မှုများနှင့် ပတ်သက်သည့် သဘောတူစာချုပ်ကိုလည်း၊ ဗြိတိသျှအစိုးရက မြန်မာနိုင်ငံအစိုးရကိုယ်စား လက်မှတ်ရေးထိုးခဲ့သည်လည်း ထပ်ကြောင်း၊ ထိုသဘောတူ စာချုပ်များကို အကျိုးသက်ရောက် စေခြင်းငှါ၊ ကုန်သဘော်ဝများနှင့် သက်ဆိုင်သောတရားဥပဒေတွင် ပြင်ဆင်ချက်များပြုလုပ်ရန် လိုအပ်သည်လည်း တရားကြောင်း၊ ထိုအကြောင်းများကြောင့် အောက်ပါအတိုင်း အက်ဥပဒေအဖြစ် ပြဋ္ဌာန်းထိုက်သည်။

သဘော်ဝချင်းတိုက်မိသောမှုခင်း စသည်များနှင့် ပတ်သက်သည့်ပြဋ္ဌာန်းချက်များ။

အမည်တို အဓိပ္ပါယ် ကောက်ယူ ခြင်း။

၁။ ။ဤအက်ဥပဒေကို၊ ၁၉၅၂ ခုနှစ်၊ ပင်လယ်ရေကြောင်းသွားလာမှု သဘောတူစာချုပ်များ အက်ဥပဒေဟုခေါ်ရမည်။ ထို့ပြင် ဤအက်ဥပဒေသည် မြန်မာနိုင်ငံ ကုန်သဘော်ဝအက်ဥပဒေနှင့် တခုတည်းဖြစ်သည်ဟု အဓိပ္ပါယ်ကောက်ယူရမည်။

ဆုံးရှုံးမှုတာဝန် ခဲ့ဝေရန် နည်း လမ်း။

၂။ ။(၁) သဘော်ဝနှစ်စင်း၏၊ သို့တည်းမဟုတ် နှစ်စင်းထက်ပိုသော သဘော်ဝများ၏ အပြစ်ကြောင့်၊ သဘော်ဝတစင်းကိုဖြစ်စေ၊ တစင်းထက်ပိုသော သဘော်ဝများကိုဖြစ်စေ၊ ထိုသဘော်ဝများ၏ ကုန်စည်များထို၊ သို့တည်းမဟုတ် သဘော်ဝကုန်တင်ခများကိုဖြစ်စေ၊ သဘော်ဝပေါ်ရှိ ပစ္စည်းဘဏ္ဍာကိုဖြစ်စေ၊ ပျက်စီး၊ သို့တည်းမဟုတ် ဆုံးရှုံးစေလျှင်၊ ထို့သို့ပျက်စီး၊ သို့တည်းမဟုတ် ဆုံးရှုံးသည့် အတွက် လျော်ကြေးပေးရန် တာဝန်ကို အပြစ်ရှိသည့် သဘော်ဝများက မိမိတို့အသီးသီး၏ အပြစ်ကြီးငယ်နှင့် လျော်ညီစွာ ခွဲဝေခံယူရမည်။

သို့ရာတွင်—

(က) ဖြစ်ပွါးသော အကြောင်းခြင်းရာ အားလုံးကိုထောက်၍၊ သဘော်ဝအသီးသီး၏ အပြစ် မည်၍မည်မျှ ရှိသည်ကို သေချာစွာ မဆုံးဖြတ်နိုင်လျှင် လျော်ကြေးပေးရန်တာဝန်ကို ညီတူညီမျှခံရမည်၊ ထို့ပြင်

(ခ) ဤပုဒ်မပါ စကားကြောင့် မည်သည့်သဘော်ဝမှာမျှ မိမိ၌ရှိသည့် အပြစ်ကြောင့် မဟုတ်ဘဲ၊ ပျက်စီး၊ သို့တည်းမဟုတ် ဆုံးရှုံးသည့်အတွက် လျော်ကြေးပေးရန် တာဝန်မရှိစေရ၊ ထို့ပြင်

(ဂ) ဤပုဒ်မပါ စကားကြောင့်၊ သင်္ဘောပို့ဆောင်မှု ပဋိညာဉ်စာချုပ်အရ၊ သို့တည်း မဟုတ် ပဋိညာဉ် စာချုပ်တခုခုအရ၊ လူတဦးတယောက်မှာရှိသည့် တာဝန်ကို မထိခိုက်စေရ၊ သို့တည်းမဟုတ် ပဋိညာဉ်စာချုပ် တခုခုအရဖြစ်စေ၊ တရားဥပဒေပါ ပြဋ္ဌာန်းချက်တခုခုအရဖြစ်စေ၊ လူတဦးတယောက်အား ကင်းလွတ်ခွင့်ပြုထားသည့် တာဝန်ကို ထိုသူခံရမည်ဟူ၍ သော်၎င်း၊ လူတဦးတယောက်က တရားဥပဒေဖြင့် ပြဋ္ဌာန်းထားသည့် နည်းလမ်းအတိုင်း၊ မိမိ၏ တာဝန်ကန့်သတ်နိုင်သည့် အခွင့်အရေးကို ထိခိုက်သည်ဟူ၍ သော်၎င်း၊ အဓိပ္ပါယ်မကောက်ယူရ။

---

* မြန်မာနိုင်ငံပြန်တမ်း၊ ၁၉၅၂ ခု၊ အပိုင်း ၁၊ စာမျက်နှာ ၉၅၃ တွင်ထုတ်ပြန်ကျေညာသည်။

(၂) ဤအက်ဥပဒေပါ ကိစ္စများအလို့ငှါ ''သဘော်ကုန်တင်ခ'' ဆိုသည့် စကားရပ်တွင် သဘော်ခနှင့် ငှါးရမ်းခများပါဝင်သည်။ ထို့ပြင် သဘော်တစင်း၏ အပြစ်ကြောင့် ဖြစ်ရသော ပျက်စီးမှုကို၊ သို့တည်းမဟုတ် ဆုံးရှုံးမှုကို ရှည်သွန်းချ၌၊ ထိုအပြစ်ကြောင့် လျော်ကြေးအဖြစ် တရားစွဲဆို၍ အရဘောင်းယူနိုင်သည့် ဆယ်တင်ခ၊ သို့တည်းမဟုတ် အခြားစရိတ်ကိုလည်း ရည်ညွှန်းသည်ဟူ၍ အဓိပ္ပါယ်ကောက်ယူရမည်။

ကိုယ်တွင်းဒဏ်ရာရရှိသည့် အတွက် လျော်ကြေး။

၃။ ။သဘော်ဝေါ်ရှိ လူတဦးတယောက်သည်၊ ထိုသဘော်နှင့် အခြားသဘော်တစင်း၏၊ သို့တည်းမဟုတ် အခြားသဘော်များ၏ အပြစ်ကြောင့် အသက်ဆုံးရှုံးရသူင့်၊ သို့တည်းမဟုတ် ကိုယ်တွင်းဒဏ်ရာရရှိလူင့်၊ ထိုသဘော်များ၏ ပိုင်ရှင်များက ပူးတွဲ၍ငင်း၊ သီးခြား၍ငင်း တာဝန်ခံရမည်။

သို့ရာတွင်၍ ပုဒ်မပါ စကားကြောင့် လူတဦးတယောက်အပေါ်၌၊ ဒဏ်ရာရရှိသူကဖြစ်စေ၊ အသက်ဆုံးရှုံးသည့်အတွက် တရားစွဲဆိုပိုင်ခွင့်ရှိသူ တဦးတယောက်က၊ သို့တည်းမဟုတ်တရားစွဲဆိုပိုင်ခွင့်ရှိသူများကဖြစ်စေ၊ စွဲဆိုသည့်အမှုတွင် တရားစွဲဆိုခံရသူက ဤပုဒ်မနှင့် မပတ်သက်ဘဲ သုံးစွဲနိုင်မည့် ငွေး၏ ထုချေပိုင်ခွင့်ကို ဆုံးရှုံးစေသည်ဟူ၍ အဓိပ္ပါယ်မကောက်ယူရ၊ သို့တည်းမဟုတ် ဤပုဒ်မနှင့် သက်ဆိုင်သည့်အမှုများ၌၊ တရားဥာဒေဖြင့် ပြဋ္ဌာန်းထားသည့် နည်းလမ်းအတိုင်း မိမိ၏တာဝန်ကို ကန့်သတ်နိုင်သည့် လူတဦးတယောက်၏ အခွင့်အရေးကို မထိခိုက်စေရ။

လျော်ကြေးဝေပုံကျအရ တောင်းယူနိုင်သည့်အခွင့်အရေး။

၄။ ။(၀) သဘော်ပေါ်ရှိ လူတဦးတယောက်သည် ထိုသဘော်နှင့် အခြားသဘော်တစင်း၏၊ သို့တည်းမဟုတ် အခြားသဘော်များ၏ အပြစ်ကြောင့် အသက်ဆုံးရှုံး၍၊ သို့တည်းမဟုတ် ကိုယ်တွင်းဒဏ်ရာများရရှိ၍ ထိုသဘော်တစင်းစင်း၏ ပိုင်ရှင်များက ပေးရသည့်အချိုးကျ လျော်ကြေးသည် ထိုသဘော်၏ အပြစ်အတွက် ပေးထိုက်သည့် အချိုးကျ လျော်ကြေးထက်ပိုလျင်၊ ထိုပိုသော ကြေးငွေကို ထိုသဘော်ပိုင်ရှင်များက အခြားသဘော်တစင်း၏၊ သို့တည်းမဟုတ် အခြားသဘော်များ၏ပိုင်ရှင်များအပေါ်တွင်၊ ၎င်းတို့သဘော်အသီးသီး၏ အပြစ်ကြီးငယ်နှင့် လျော်ညီသော လျော်ကြေးဝေပုံကျကိုပေးရန် အရတောင်းယူနိုင်သည်။

သို့ရာတွင် လျော်ကြေးပေးရန် တာဝန်ကို၊ ဥပဒေအရဖြစ်စေ၊ ဝဋ္ဋညာဉ်စာချုပ်အရ ဖြစ်စေ၊ ကန့်သတ်ထားသည့်၊ သို့တည်းမဟုတ် ကင်းလွတ်ခွင့်ပြုထားသည့် အကြောင်းကြောင့် သော်၎င်း၊ အခြားအကြောင်း တခုခုကြောင့်သော်၎င်း၊ လျော်ကြေးအတွက် တရားစွဲဆိုပိုင်ခွင့်ရှိသူများက၊ ရှေးဦးစွာလျော်ကြေးအဖြစ် အရမဘောင်းယူနိုင်သည့် မည်သည့်ငွေကိုမျှ ထိုသို့ခွဲဝေ၍ အရတောင်းယူခြင်း မပြုရ။

(၂) တရားဥပဒေအရ ပြဋ္ဌာန်းထားသည့် အခြားသက်သာခွင့်အပြင်၊ အထက်တွင် ဆိုခဲ့သည့်အတိုင်း လျော်ကြေးဝေပုံကျကို တောင်းယူပိုင်ခွင့်ရှိသူများသည်၊ ထိုလျော်ကြေးဝေပုံကျကို အရတောင်းယူရန်ကိစ္စအလို့ငှါ ဤအက်ဥပဒေပါ ပြဋ္ဌာန်းချက်များနှင့် မဆန့်ကျင်ဘဲ၊ ရှေးဦးစွာ လျော်ကြေးအတွက် တရားစွဲဆိုပိုင်ခွင့်ရှိသူများရရှိသည့်အခွင့်အရေးများနှင့်အာဏာများကို ရရှိရမည်။

ဆယ်တင်ခြင်းနှင့်ပတ်သက်သည့် ပြဋ္ဌာန်းချက်များ။

ပင်လယ်တွင် ဘေးအန္တရာယ်နှင့် ကြုံသူများအား အကူ

၅။ ။(၀) သဘော်သူကြီးသည်၊ သို့တည်းမဟုတ် သဘော်ကြီးကြပ် အုပ်ချုပ်သူသည်၊ ပင်လယ်တွင်အသက်ဆုံးရှုံးမည့် ဘေးအန္တရာယ်နှင့်ကြုံနေသူကိုတွေ့ရှိလျင်၊ ထိုသူသည်၊ ပြည်ထောင်စုမြန်မာနိုင်ငံနှင့် စပ်ဖြစ်နေသည့်အခြားနိုင်ငံ၏ နိုင်ငံသားပင်ဖြစ်စေကာမူ၊ ထိုသူအား မိမိ၏သဘော်ကို၊ ငင်း၊ သဘော်သားများကိုငင်း၊ (ခရီးသည်များပါရှိလျင်) ခရီးသည်ပြုများကိုငင်း၊ အကြီးအကျယ်

ဘေးအန္တရာယ်မဖြစ်စေဘဲ၊ တတ်နိုင်သမျှ အကူအညီပေးရမည်။ ထိုသို့အကူအညီပေးရန် ပျက်ကွက်လျှင်၊ ထိုသင်္ဘောသူကြီးသည်၊ သို့တည်းမဟုတ် ထိုသင်္ဘောကြီးကြပ်အုပ်ချုပ်သူသည်၊ ငွေငါးရာထက်မပိုသည့် ငွေဒဏ်ကိုစီရင်ခြင်းခံရမည်။ အညီပေးရန် ယေဘုယျတာဝန်ဝတ်တရား။

(၂) သင်္ဘောသူကြီးကဖြစ်စေ၊ သင်္ဘော ကြီးကြပ်အုပ်ချုပ်သူက ဖြစ်စေ၊ ဤပုဒ်မပါ ပြဋ္ဌာန်းချက်များနှင့်အညီ လိုက်နာဆောင်ရွက်ခြင်းသည် ထိုသင်္ဘောသူကြီး၏၊ သို့တည်းမဟုတ် ထိုသင်္ဘော ကြီးကြပ်အုပ်ချုပ်သူ၏၊ သို့တည်းမဟုတ် အခြားသူတဦးတယောက်၏ ဆယ်တင်ခရရှိင်သည့်အခွင့်အရေးကို ထိခိုက်ခြင်းမရှိစေရ။

၆။ ။နိုင်ငံခြားသင်္ဘောပိုင်ရှင်များ၊ သင်္ဘောသူကြီး၊ရေကြောင်းပြအရာရှိ၊ သင်္ဘောသားများနှင့် သင်္ဘောတွင် အလုပ်လုပ်ကိုင်သည့် အခြားသူများကို ဆယ်တင်ခ ခွဲဝေပေးခြင်းနှင့် ပတ်သက်၍ အငြင်းပွားမှု ပေါ်ပေါက်ခဲ့သော်၊ ထိုဆယ်တင်ခကို ခွဲဝေပေးမည့် တရားရုံးက၊ သို့တည်းမဟုတ် ပုဂ္ဂိုလ်က၊ ထိုသင်္ဘောဆိုင်ရာနိုင်ငံ၏ တရားဥပဒေနှင့်အညီ ခွဲဝေပေးရမည်။ နိုင်ငံခြားသင်္ဘော ပိုင်ရှင်စသည်များကို ဆယ်တင်ခ ခွဲဝေပေးခြင်း။

အရပ်ရပ်ပြဋ္ဌာန်းချက်များ။

၇။ ။သင်္ဘောဘေးသင့်သည်၊ မိမိ၏အပြစ်သက်သက်၊ သို့တည်းမဟုတ်အပြစ်တစိတ်တဒေသကြောင့် အခြားသင်္ဘောတစင်းကိုဖြစ်စေ၊ ထိုသင်္ဘော၏ကုန်စည်ကို၊ သို့တည်းမဟုတ် ထိုသင်္ဘော ကုန်တင်ခကိုဖြစ်စေ၊ ထိုသင်္ဘောပေါ်ရှိ ပစ္စည်းတခုခုကိုဖြစ်စေ ပျက်စီးစေခြင်း၊ သို့တည်းမဟုတ် ဆုံးရှုံးခြင်းနှင့် ပတ်သက်၍သော်၎င်း၊ ထိုသင်္ဘောပေါ်ရှိ လူတဦးတယောက်၏ အသက်ဆုံးရှုံးခြင်း၊ သို့တည်းမဟုတ် ကိုယ်တွင်ဒဏ်ရာရရှိခြင်းနှင့် ပတ်သက်၍သော်၎င်း၊ ဆယ်တင်သည့် ကိစ္စများကို ဆောင်ရွက်ခြင်းနှင့် ပတ်သက်၍ သော်၎င်း၊ ထိုအပြစ်ရှိသည့် သင်္ဘောထံမှ၊ သို့တည်းမဟုတ် ထိုသင်္ဘော၏ပိုင်ရှင်များထံမှ လျော်ကြေး၊ သို့တည်းမဟုတ် ပစ္စည်းလက်ရှိထားခွင့် ရထိုက်ကြောင်း တောင်းဆိုသည့်အမှုကို၊ ယင်းသို့ပျက်စီးခြင်း၊ သို့တည်းမဟုတ် ဆုံးရှုံးခြင်းဖြစ်စေသည့်၊ သို့တည်းမဟုတ် ဒဏ်ရာရရှိစေသည့်၊ သို့တည်းမဟုတ် ဆယ်တင်သည့် ကိစ္စဆောင်ရွက်ပေးရသည့် နေ့ရက်မှ ၂ နှစ်အတွင်း စတင်မစွဲဆိုလျှင်၊ နောင်မည်သည့်အခါမျှ စွဲဆိုပိုင်ခွင့်မရှိစေရ။ ထို့ပြင် အသက်ဆုံးရှုံးသည့်၊ သို့တည်းမဟုတ် ကိုယ်တွင် ဒဏ်ရာရရှိသည့်အတွက် အချိုးကျ လျော်ကြေးထက် ပို၍ပေးထားသည့် ကြေးငွေနှင့်စပ်လျဉ်း၍ လျော်ကြေးဝေပုံကျ တောင်းဆိုသည့်အမှုကို၊ ထိုလျော်ကြေးပေးသည့်နေ့ရက်မှ တနှစ်အတွင်း စတင်မစွဲဆိုလျှင်၊ နောင်မည်သည့်အခါမျှ၊ ဤအက်ဥပဒေအရ စွဲဆိုပိုင်ခွင့်မရှိစေရ။ အမှုစွဲဆိုခြင်းကို ကန့်သတ်ခြင်း။

သို့ရာတွင် ဤပုဒ်မနှင့်သက်ဆိုင်သည့်အမှုကို စီရင်ပိုင်ခွင့်ရှိသော တရားရုံးက၊ တရားရုံး၏နည်းဥပဒေများနှင့်အညီ၊ အဆိုပါကာလအပိုင်းအခြားကို၊ မိမိသင့်သည် ထင်မြင်သည့် ကာလအပိုင်းအခြားသို့၊ မိမိသင့်သည် ထင်မြင်သည့်စည်းကမ်းချက်များဖြင့် တိုးချဲ့ပေးနိုင်သည်။ ထို့ပြင်တရားရုံးက အဆိုပါကာလအပိုင်းအခြားအတွင်း တရားခံသင်္ဘောကို၊ တရားရုံး၏စီရင်ပိုင်ခွင့်ရှိသော နယ်နိမိတ်အတွင်းတွင်ဖြစ်စေ၊ တရားလို၏သင်္ဘောဆိုင်ရာနိုင်ငံ၏၊ သို့တည်းမဟုတ် တရားလိုနေထိုင်သည့်၊ သို့တည်းမဟုတ် တရားလို၏ အဓိကလုပ်ငန်းဌာန တည်ရှိသည့်နိုင်ငံ၏ ပင်လယ်နယ်နိမိတ်အတွင်းတွင်ဖြစ်စေ၊ ဖမ်းဆီးရန် အခါအခွင့်မရသေးဟုယူဆလျှင်၊ အဆိုပါ ကာလအပိုင်းအခြားကို၊ ဖမ်းဆီးရန် အခါအခွင့်ရနိုင်မည့် ကာလအပိုင်းအခြားထိ တိုးချဲ့ပေးရမည်။

အက်ဥပဒေ သက်ဆိုင်ခြင်း။

၈။ ။(၁) ဤအက်ဥပဒေသည်၊ ၎င်းကို အတည်မပြုမီ စွဲဆိုသည့်အမှုများနှင့်မသက်ဆိုင်ရ။ ဤအက်ဥပဒေကို အတည်ပြုပြီဘိသကဲ့သို့ ထိုအမှုအား လုံးကို ဆုံးဖြတ်ရမည်။

(၂) ''ပိုင်ရှင်များ'' ဆိုသည့် စကားရပ်တွင်၊ ပိုင်ရှင်များအပြင် သဘော်၏အပြစ်အတွက် တာဝန်ရှိသည့် အခြားသူများလည်း ပါဝင်ဘိသကဲ့သို့၊ ဤအက်ဥပဒေသည် ထိုအခြားသူများနှင့်လည်း သက်ဆိုင်ရမည်။ ထို့ပြင်သဘော်ပိုင်ရှင်များသည်၊ သဘော်ကို အငှါးချထားသောကြောင့်ဖြစ်စေ၊ လွှဲပြောင်းထားသောကြောင့်ဖြစ်စေ၊ အခြားအကြောင်း တရပ်ရပ်ကြောင့် ဖြစ်စေ၊ သဘော်သွားလာမှုနှင့် စီမံကိုင်းကြပ်မှုအတွက် တာဝန်မရှိသျှင်၊ ပိုင်ရှင်များဆိုသည့် ရည်ညွှန်းချက်များအစား၊ တာဝန်ရှိနေသော သဘော်အငှါးယူထားသူများ၊ သို့တည်းဟုတ် အခြားသူများဆိုသည့် ရည်ညွှန်းချက်များကို ထည့်သွင်းထားဘိသကဲ့သို့ ဤအက်ဥပဒေကို အဓိပ္ပါယ်ကောက်ယူရမည်။

သဘော်သွားလာမှုအုပ်ချုပ်ရေးအက်ဥပဒေ။

[၁၉၅၄ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၂၀။] (၁၉၅၄ ခု၊ မေလ ၁ ရက်။)

အောက်ပါအတိုင်း အက်ဥပဒေအဖြစ် ပြဋ္ဌာန်းလိုက်သည်။

အမည်တို၊ တည်ရာနယ်အဝှန်း၊ အာဏာတည်သည့် နေ့ရက်နှင့် ကာလ အပိုင်းအခြား။

၁။ ။(၁) ဤအက်ဥပဒေကို၊ ၁၉၅၄ ခုနှစ်၊ သဘော်သွားလာမှု အုပ်ချုပ်ရေးအက်ဥပဒေဟုခေါ်ရမည်။

(၂) ဤအက်ဥပဒေသည် ပြည်ထောင်စုမြန်မာနိုင်ငံတော် တဝှန်းလုံးနှင့် သက်ဆိုင်ရမည့်ပြင်၊ မည့်သည့်နေရာတွင်မဆို ရှိသည့် ပြည်ထောင်စုမြန်မာနိုင်ငံတွင် မှတ်ပုံတင်ထားသော သဘော်များနှင့်ငင်း၊ ထိုသဘော်များပေါ်ရှိ လူများနှင့်ငင်း သက်ဆိုင်ရမည်။

(၃) ဤအက်ဥပဒေသည် နိုင်ငံတော် သမတ က အမိန့်ကြော်ငြာစာဖြင့် သတ်မှတ်သည့် နေ့ရက်မှစ၍၊ ထိုအမိန့်ကြော်ငြာစာဖြင့် သတ်မှတ်သည့် နေ့ရက်အထိ အာဏာတည်ရမည်။[၁]

အဓိပ္ပါယ်ပိုင်းခြားဖော်ပြချက်။

၂။ ။ဤအက်ဥပဒေဘွင် ရှေ့နောက် စကားတို့၏ အဓိပ္ပါယ်ကို ထောက်ထားရန် မလိုလျှင်—

(က) ''နိုင်ငံတော် သမတ'' ဆိုသည်မှာ၊ ပြည်ထောင်စု မြန်မာနိုင်တော် သမတကိုဆိုလိုသည်။

(ခ) ''မြန်မာနိုင်ငံ ပင်လယ်ကမ်းရိုးတန်း ရေကြောင်း သယ်ယူပို့ဆောင်မှု'' ဆိုသည်မှာ၊ ခရီးသည်များကိုဖြစ်စေ၊ ကုန်စည်များကိုဖြစ်စေ၊ ပြည်ထောင်စုမြန်မာနိုင်ငံတွင် ဆိပ်ကမ်းတခုမှတခုသို့၊ သို့တည်းမဟုတ် တနေရာမှ တနေရာသို့ ရေကြောင်းဖြင့် သယ်ယူပို့ဆောင်မှုကိုဆိုလိုသည်။

(ဂ) ''သဘော်သူကြီး'' နှင့် ''ခရီးသည်'' ဟူသော စကားရပ်များ၏ အဓိပ္ပါယ်မှာ၊ မြန်မာနိုင်ငံ ကုန်သဘော် အက်ဥပဒေ (**The Burma Merchant Shipping Act**) တွင် ဖော်ပြထားသည့် ထိုစကားရပ်အသီးသီး၏ အဓိပ္ပါယ်အတိုင်းဖြစ်ရမည်။

---

[၁] ဤအက်ဥပဒေ အာဏာတည်ရှိနေမည့် အချိန်ကာလအပိုင်းအခြားမှာ ၁၉၅၄ ခု၊ မေလ ၁ ရက်နေ့မှစ၍ ၁၉၅၇ ခု၊ ဇွန်လ ၃၀ ရက်နေ့ထိ ဖြစ်ရမည်ဟု သတ်မှတ်သည်။ ။မြန်မာနိုင်ငံပြန်တမ်း၊ ၁၉၅၄ ခု၊ အပိုင်း ၁၊ စာမျက်နှာ ၇၁၈ တွင်ကြည့်။

(ဃ) ''သဘော်ပိုင်ရှင်'' ဆိုသည်တွင်၊ သဘော်ပိုင်ရှင်၏ ကိုယ်စားလှယ် ပါဝင်သည်။

(င) ''ပြဋ္ဌာန်းသည်'' ဆိုသည်မှာ၊ ပုဒ်မ ၀၀ အရ ပြုသည့်နည်းဥပဒေများဖြင့် ပြဋ္ဌာန်းသည်ကို ဆိုလိုသည်။

(စ) ''သဘော်'' ဆိုသည်တွင်၊ စုစုပေါင်းမှာ်ပုံဝင် တန်ချိန် တရာ အောက်ရှိ သဘော်သေ်ာင်း၊ ရွက်သဘော်သေ်ာင်း မဝါဝင်ချေ။

(ဆ) ''အာဏာပိုင်'' ဆိုသည်မှာ၊ ဤအက်ဥပဒေအရ အာဏာပိုင်၏ အလုပ် ဝတ်တရားများကို ဆောင်ရွက်ရန်၊ နိုင်ငံတော် သမဘ က အမိန့်ကြော်ငြာ စာဖြင့် အာဏာအပ်နှင်းထားသည့် ပုဂ္ဂိုလ်၊ သို့တည်းမဟုတ် အရာရှိ တဦးဦးကို ဆိုလိုသည်။

လိုင်စင်များ။

၃။ ။(၁) ပြည်ထောင်စုမြန်မာနိုင်ငံတွင် မှတ်ပုံတင်ထားသော မည်သည့်သဘော်ကိုမျှ၊ ဤပုဒ်မအရ၊ အာဏာပိုင်က ထုတ်ပေးသည့် ခိုင်လုံသော လိုင်စင်မရရှိဘဲ၊ ပြည်ထောင်စု မြန်မာနိုင်ငံ အတွင်း၊ သို့တည်းမဟုတ် ပြင်ပရှိ ဆိပ်ကမ်းတခုခုမှ၊ သို့တည်းမဟုတ် တနေရာရာမှ ပင်လယ်သို့ ထွက်ခွါမသွားစေရ။

(၂) ဤပုဒ်မအရ လိုင်စင်ကို၊ သာမန်လိုင်စင်အဖြစ်ဖြင့် သော်ငင်း၊ သီးခြားဖေါ်ပြထား သည့် ရေကြောင်းခရီးသွား လိုင်စင်အဖြစ်ဖြင့် သော်ငင်း ထုတ်ပေးနိုင်သည်။

(၃) သာမန်လိုင်စင်သည်၊ ငင်းကိုထုတ်ပေးသော အာဏာပိုင်က မရုပ်သိမ်းသေးသမျှ ကာလပတ်လုံး အတည်ဖြစ်ရမည်။ သီးခြားဖေါ်ပြထားသည့် ရေကြောင်းခရီးသွား လိုင်စင်သည်၊ ငင်းကိုထုတ်ပေးသည့် သီးခြားရေကြောင်းခရီးအတွက်သာ အတည်ဖြစ်ရမည်။

(၄) ဤပုဒ်မအရ ထုတ်ပေးသည့် လိုင်စင်တွင်၊ သဘော်ကဆောင်ရွက်သည့် သယ်ယူ ပို့ဆောင်မှုနှင့်ငင်း၊ ဃဘော်သွားလာသည့် ရေကြောင်းခရီးများနှင့်ငင်း၊ စပ်လျဉ်း၍၊ လိုင်စင်ထုတ် ပေးသည့် အာဏာပိုင်က ပြဋ္ဌာန်းရန်သင့်သည်ထင်မြင်သည့် ကန့်သတ်ချက်များနှင့် စည်းကမ်းချက် များကို ထည့်သွင်းနိုင်သည်။ အဆိုပါကန့်သတ်ချက်များနှင့် စည်းကမ်းချက်များကို၊ မည်သည့်နေရာ တွင်မဆိုရှိသည့်၊ သို့တည်းမဟုတ် သီးခြားဖေါ်ပြထားသော ပင်လယ်ရေကြောင်းတွင် ရှိဆဲဖြစ်သည့်၊ သို့တည်းမဟုတ် သီးခြားဖေါ်ပြထားသော သယ်ယူပို့ဆောင်မှုကို ဆောင်ရွက်ဆဲဖြစ်သည့်၊ သို့တည်း မဟုတ် သီးခြားဖေါ်ပြထားသော ရေကြောင်းခရီးတွင် သွားလာဆဲဖြစ်သည့် သဘော်နှင့်သက်ဆိုင် စေရန် ပြဋ္ဌာန်းနိုင်သည်။

(၅) လိုင်စင် အတည်ဖြစ်ခြင်းမှ ရပ်စဲသည့်အခါ လိုင်စင်ရရှိသူသည်၊ ထိုလိုင်စင်ကို အကြောင်းမဲ့ နှောင့်နှေးကြန့်ကြာခြင်းမရှိဘဲ၊ လိုင်စင်ထုတ်ပေးသည့် အာဏာပိုင်ထံ ပြန်အပ်ရမည်၊ သို့တည်းမဟုတ် ပြန်အပ်စေရမည်။

ပြည်ထောင်စု မြန်မာနိုင်ငံ ပင်လယ်ကမ်းရိုးတန်း ရေကြောင်းသယ်ယူပို့ဆောင်မှု လိုင်စင်များ။

၄။ ။(၁) မည်သည့်သဘော်မျှ၊ ဤပုဒ်မအရ အာဏာပိုင်က ထုတ်ပေးသည့် ခိုင်လုံသော လိုင်စင်မရရှိဘဲ၊ ပြည်ထောင်စု မြန်မာနိုင်ငံ ပင်လယ်ကမ်းရိုးတန်း ရေကြောင်းသယ်ယူပို့ဆောင်မှုကို မဆောင်ရွက်ရ။

(၂) ဤပုဒ်မအရ လိုင်စင်ကို၊ သာမန်လိုင်စင်အဖြစ်ဖြင့်သော်ငင်း၊ သီးခြားဖေါ်ပြထားသည့် ရေကြောင်းခရီးသွားလိုင်စင် အဖြစ်ဖြင့်သော်ငင်း၊ သီးခြားဖေါ်ပြထားသည့် ကာလအပိုင်း အခြားအတွက် လိုင်စင်အဖြစ်ဖြင့်သော်ငင်း၊ ထုတ်ပေးနိုင်သည်။ ထိုလိုင်စင်သည်၊ ငင်းကိုထုတ်ပေး သော အာဏာပိုင်က သီးခြားဖေါ်ပြထားသည့် စည်းကမ်းချက်များနှင့် မဆန့်ကျင်ရ။

(၃) အာဏာပိုင်သည်၊ ဤပုဒ်မအရ ထုတ်ပေးသောလိုင်စင်ကို၊ အကြောင်းလုံလောက်သည်ဟုယူဆလျှင် အချိန်မရွေးရုပ်သိမ်းနိုင်သည်၊ သို့တည်းမဟုတ် ဝယ်ဖျက်နိုင်သည်၊ သို့တည်းမဟုတ် ငြင်ဆင်နိုင်သည်။

လိုင်စင် မတင်ပြလျှင်၊ ဆိပ်ကမ်းမှ ထွက်ခွင့် လက်မှတ် ထုတ်မပေးရ။

၅။ ။မြန်မာနိုင်ငံ ကုန်သဘော် အက်ဥပဒေပုဒ်မ ၁၂၇ ပါပြဋ္ဌာန်းချက်များကို မထိခိုက်စေဘဲ၊ မည်သည့်အကောက်တော်အရာရှိမျှ၊ ပြည်ထောင်စု မြန်မာနိုင်ငံတွင် မှတ်ပုံတင်ထားသော သဘော်ကိုသော်၎င်း၊ ပြည်ထောင်စုမြန်မာနိုင်ငံ ပင်လယ်ကမ်းရိုးတန်း ရေကြောင်းသယ်ယူပို့ဆောင်မှုကို ဆောင်ရွက်သည့် သဘော်ကိုသော်၎င်း၊ ထိုသဘော်နှင့် စပ်လျဉ်း၍၊ ဤအက်ဥပဒေအရ ထုတ်ပေးသည့် ခိုင်လုံသောလိုင်စင်ကို သဘော်ပိုင်ရှင်က၊ သို့တည်းမဟုတ် သဘော်သူကြီးက မတင်ပြသေးသမျှကာလပတ်လုံး ဆိပ်ကမ်းမှထွက်ခွင့်လက်မှတ် ထုတ်မပေးရ။

ညွှန်ကြားချက်များ ထုတ်ဆင့်နိုင်သည့် အာဏာ။

၆။ ။(၁) ပုဒ်မ ၃ နှင့် ပုဒ်မ ၄ အရ၊ သဘော်တစ်စင်းနှင့်စပ်သျဉ်း၍၊ လိုင်စင်ထုတ်ပေးသည့် အာဏာပိုင်က၊ လိုင်စင်အတည်ဖြစ်ဆဲအတွင်း၊ အောက်ပါ အကြောင်းအရာများနှင့် စပ်လျဉ်း၍၊ အခါအားလျော်စွာ အမိန့်စာဖြင့် ညွှန်ကြားချက်များ ထုတ်ဆင့်နိုင်သည်။

(က) ကိစ္စတခုခု အတွက် သဘော်သွားရမည့် ပြည်ထောင်စု မြန်မာနိုင်ငံအတွင်း၊ သို့တည်းမဟုတ် ပြင်ပရှိဆိပ်ကမ်းများ၊ သို့တည်းမဟုတ် နေရာများ၊ ထို့ပြင် ခရီးလမ်းစဉ်များ။

(ခ) သဘော်တွင် သယ်ယူပို့ဆောင်နိုင်သည့် ခရီးသည်၊ သို့တည်းမဟုတ် ကုန်စည်အမျိုးအစားများ။

(ဂ) ပြည်ထောင်စုမြန်မာနိုင်ငံအတွင်း၊ သို့တည်းမဟုတ် ပြင်ပရှိမည်သည့်ဆိပ်ကမ်း၊ သို့တည်းမဟုတ် မည်သည့်နေရာ၌မဆို၊ သဘော်ပေါ်သို့ဖြစ်စေ၊ သဘော်ပေါ်မှဖြစ်စေ၊ ခရီးသည်များ၊ သို့တည်းမဟုတ် ကုန်စည်များတင်ချရန် ဦးစားပေး အစီအစဉ်။

(၂) ပြည်ထောင်စုမြန်မာနိုင်ငံအတွင်းရှိ ဆိပ်ကမ်းတခုမှတခုသို့၊ သို့တည်းမဟုတ် တနေရာမှ တနေရာသို့သွားမည့် ပြည်တောင်စုမြန်မာနိုင်ငံပြင်ပတွင် မှတ်ပုံတင်ထားသော သဘော်တစ်စင်းနှင့် သက်ဆိုင်သည့်သာမန်၊ သို့တည်းမဟုတ် အထူးညွှန်ကြားချက်များကို၊ ပြည်ထောင်စုမြန်မာနိုင်ငံတွင် အဆိုပါဆိပ်ကမ်း၊ သို့တည်းမဟုတ် နေရာရှိ ထိုသဘော်ပေါ်သို့ ခရီးသည်များ၊ သို့တည်းမဟုတ် ကုန်စည်များတင်ဆောင်ရန် ဦးစားပေးအစီအစဉ်နှင့်စပ်လျဉ်း၍၊ နိုင်ငံတော်သမတက၊ သို့တည်းမဟုတ် အာဏာပိုင်တဦးဦးက၊ အမိန့်စာဖြင့် အခါအားလျော်စွာ ထုတ်ဆင့်နိုင်သည်။

ခြွင်းချက်။ ။သို့ရာတွင် ဤပုဒ်မခွဲအရ ထုတ်ဆင့်သော ညွှန်ကြားချက် များသည်၊ ပြည်ထောင်စုမြန်မာနိုင်ငံအတွင်းရှိ ဆိပ်ကမ်းတခုခု၊ သို့တည်းမဟုတ် တနေရာရာမှ၊ ပြည်ထောင်စုမြန်မာနိုင်ငံအတွင်းရှိ ဆိပ်ကမ်းတခုခု၊ သို့တည်းမဟုတ် တနေရာရာသို့၊ ခရီးသည်များကိုဖြစ်စေ၊ ကုန်စည်များကိုဖြစ်စေ၊ တင်ဆောင်ခြင်းမပြုသည့် အဆိုပါသဘော်တစ်စင်းနှင့် မသက်ဆိုင်ရ။

သဘော်တင်ဆောင်ခ နှုန်းများ သတ်မှတ်ရန် အာဏာ။

၇။ ။နိုင်ငံတော် သမတ သည်၊ ပြည်ထောင်စု မြန်မာနိုင်ငံတွင် မှတ်ပုံတင်ထားသော သဘော်တစ်စင်းစင်းငှါးရန် နှုန်းများကိုဝင်း၊ ပြည်ထောင်စု မြန်မာနိုင်ငံတွင် မှတ်ပုံတင်ထားသော သဘော်ဟုတ်သည် ဖြစ်စေ၊ မဟုတ်သည်ဖြစ်စေ၊ အဆိုပါသဘော်ဖြင့် ပြည်ထောင်စုမြန်မာနိုင်ငံအတွင်းရှိ ဆိပ်ကမ်းတခုမှတခုသို့၊ သို့တည်းမဟုတ် တနေရာမှတနေရာသို့ ခရီးသည်များ၊ သို့တည်းမဟုတ် ကုန်စည်များ သယ်ယူပို့ဆောင်သည့်အတွက် တောင်းခံနိုင်သည့် နှုန်းများကိုဝင်း၊ ပြဋ္ဌာန်

ထားသည့် နည်းလမ်းအတိုင်း အခါအားလျော်စွာ ပြန်တမ်းတွင် အမှန်ထုတ်ပြန်၍ သတ်မှတ်နိုင်သည်။

သတင်းပေးရန် ဆင့်ဆိုနိုင်သည့် အာဏာ။

၈။ ။အာဏာပိုင်သည် လူတဦးတယောက်ကို စေလွှတ်၍ဖြစ်စေ၊ စာရွှိတိုက်မှဖြစ်စေ၊ ချအပ်သည့် နှိုတစ်စာဖြင့်—

(က) ဤအက်ဥပဒေအရ အာဏာပိုင်က သဘော်နှင့် စပ်လျဉ်း၍၊ ထုတ်ပေးသည့် တည်ဆဲလိုင်စင်နှင့် သက်ဆိုင်သော သဘော်တစင်းစင်း၏သဘော်သူကြီးကို ဖြစ်စေ၊ သဘော်ပိုင်ရှင်ကိုဖြစ်စေ၊ သို့တည်းမဟုတ်

(ခ) ပုဒ်မ ၆၊ ပုဒ်မခွဲ (၂) အရ သဘော်နှင့်စပ်လျဉ်း၍၊ ထုတ်ဆင့်ပြီးဖြစ်သည့်၊ သို့တည်းမဟုတ် ထုတ်ဆင့်နိုင်သည့် ညွှန်ကြားချက်များနှင့် သက်ဆိုင်သော သဘော် တစင်းစင်း၏ သဘော်သူကြီးကို ဖြစ်စေ၊ သဘော် ပိုင်ရှင်၏ ပြည်ထောင်စုမြန်မာနိုင်ငံအတွင်းရှိ ကိုယ်စားလှယ်ကိုဖြစ်စေ

အောက်ပါကိစ္စတရပ်ရပ်နှင့် စပ်လျဉ်း၍၊ နှိုတစ်စာတွင် သီးခြားဖေါ်ပြထားသည့် ကာလအတွင်း သတင်းပေးရန် ဆင့်ဆိုနိုင်သည်။

(၁) သီးခြား ဖေါ်ပြဆားသည့် ကာလအပိုင်းအခြားအတွင်း၊ သဘော်ဖြင့် သယ်ယူပို့ဆောင်မည့်၊ သို့တည်းမဟုတ် သယ်ယူပို့ဆောင်နိုင်သည့်၊ သို့တည်းမဟုတ် သယ်ယူပို့ဆောင်ခဲ့သည့် ခရီးသည်နှင့် ကုန်စည်အမျိုးအစားများ။

(၂) သဘော်နှင့်သက်ဆိုင်သည့် ခရီးသည်နှင့် ကုန်စည်တင်ဆောင်ခနှုန်းများ။

(၃) ပြဋ္ဌာန်းနိုင်သည့် အခြားကိစ္စတရပ်ရပ်။

ပြစ်ဒဏ်များနှင့် လိုက်နာရန် ကျင့်ထုံး။

၉။ ။(၁) အပုဒ် ၃၊ ပုဒ်မခွဲ (၁) ပါ ပြဋ္ဌာန်းချက်များကိုငင်း၊ ပုဒ်မ ၇ အရ၊ ထုတ်ပြန်သည့် အမိန့်တရပ်ရပ်၏ ပြဋ္ဌာန်းချက်များကိုငင်း၊ ဤအက်ဥပဒေအရ ထုတ်ပေးသည့် လိုင်စင်တွင် ပါရှိသော ကန့်သတ်ချက်၊ သို့တည်းမဟုတ် စည်းကမ်းချက်တရပ်ရပ်ကိုငင်း၊ ပုဒ်မ ၆ အရ ထုတ်ဆင့်သည့် ညွှန်ကြားချက်တရပ်ရပ်ကိုငင်း၊ သင့်လျော်သော အကြောင်းပြချက်မရှိဘဲ၊ ကျူးလွန်လျှင်၊ ထိုသို့ကျူးလွန်သည့် သဘော်၏ သဘော်သူကြီးနှင့် သဘော်ပိုင်ရှင်တို့သည်၊ သို့တည်းမဟုတ် ပြည်ထောင်စု မြန်မာနိုင်ငံ ပြင်ဝတွင် မှတ်ပုံတင်ထားသော သဘော်ဖြစ်လျှင်၊ သဘော်ပိုင်ရှင်၏ ပြည်ထောင်စုမြန်မာနိုင်ငံအတွင်းရှိ ကိုယ်စားလှယ်သည် ခြောက်လထိ ထောင်ဒဏ်ဖြစ်စေ၊ ငွေဒဏ်ဖြစ်စေ၊ ဒဏ်နှစ်ရပ်လုံးဖြစ်စေ၊ အသီး သီးစီရင်ခြင်းခံရမည်။

(၂) ပုဒ်မ ၈ အရ၊ နှိုတစ်စာချအပ်ခြင်းခံရသူ မည်သူမဆို လိုအပ်သော သတင်းကို သီးခြားဖေါ်ပြထားသည့် အချိန်အတွင်း ပေးရန်ပျက်ကွက်လျှင်၊ သို့တည်းမဟုတ် အဆိုပါသတင်းပေးရာ၌၊ အရေးကြီးသောအချက် တရပ်ရပ်တွင်၊ မဟုတ်မမှန်ကြောင်း မိမိသိလျက်နှင့် ဖေါ်ပြထွက်ဆိုလျှင်၊ ထိုသူသည် ခြောက်လထိ ထောင်ဒဏ်ဖြစ်စေ၊ ငွေဒဏ်ဖြစ်စေ၊ ဒဏ်နှစ်ရပ်လုံးဖြစ်စေ၊ စီရင်ခြင်းခံရမည်။

(၃) လိုင်စင်တခုခု အတည်ဖြစ်ခြင်းမှ ရပ်စဲပြီးနောက် သင့်လျော်သည့် ကာလအပိုင်းအခြားအတွင်း၊ လိုင်စင်ထုတ်ပေးသည့် အာဏာပိုင်ထံသို့ ထိုလိုင်စင်ကို ပြန်မအပ်လျှင်၊ လိုင်စင်ရသူသည် ကျပ်တရာထိ ငွေဒဏ်စီရင်ခြင်းခံရမည်။

(၄) ခရိုင်ရာဇဝတ်တရားသူကြီးနှုံး၊ သို့တည်းမဟုတ် ပဌမတန်း ရာဇဝတ်တရားသူကြီးရုံးအောက်နိမ့်သော မည်သည့်တရားရုံးကမျှ၊ ဤပုဒ်မအရ အပြစ်ပေးနိုင်သော ပြစ်မှုတခုခုကို စစ်ဆေးစီရင်ခြင်းမပြုရ။

(၅) ဤပုဒ်မအရ အပြစ်ပေးနိုင်သည့် ပြစ်မှုကို ကျူးလွန်သူသည်၊ ကုမ္ပဏီ၊ သို့တည်းမဟုတ် အခြားတရားဝင်အဖွဲ့ဖြစ်လျှင်၊ ထိုကုမ္ပဏီ၏၊ သို့တည်းမဟုတ် ထိုအဖွဲ့၏ စီမံအုပ်ချုပ်သူ ဒါရိုက်တာလူကြီး၊ မန်နေဂျာ အတွင်းရေးမှူး၊ အခြားအရာရှိ၊ သို့တည်းမဟုတ် ကိုယ်စားလှယ် အသီးသီးသည်၊ ပြစ်မှုမကျူးလွန်ရအောင် မိမိက လုံ့လနိုက်ထုတ်နိုင်သမျှ နိုက်ထုတ်၍ တားဆီးပိတ်ပင်ကြောင်းကို သက်သေထင်ရှား မပြနိုင်လျှင်၊ အဆိုပါပြစ်မှုကို ကျူးလွန်သည်ဟူ မှတ်ယူရမည်။

နည်းဥပဒေများ ပြုရန် အာဏာ။

၁၀။ ။(၁) နိုင်ငံတော် သမတ သည်၊ ဤအက်ဥပဒေပါ ကိစ္စများကို ဆောင်ရွက်ရန် အလို့ငှါ၊ အမိန့်ကြော်ငြာစာဖြင့် နည်းဥပဒေများ ပြဋ္ဌာန်းနိုင်သည်။

(၂) အထက်က ဖေါ်ပြခဲ့သော အာဏာ၏ ယေဘုယျသဘောကို မထိခိုက်စေဘဲ၊ အထူးအားဖြင့် အဆိုပါနည်းဥပဒေများကို၊ အောက်ပါကိစ္စ တရပ်ရပ်အတွက် ပြဋ္ဌာန်းနိုင်သည်။

(က) ဤအက်ဥပဒေအရ ထုတ်ပေးသောလိုင်စင် ပုံစံများ။

(ခ) ပုဒ်မ ၇ အရ နှုန်းများကို သတ်မှတ်ရမည့် နည်းလမ်း၊ အဆိုပါနှုန်းများနှင့် စပ်ယှဉ်၍၊ ပြည်ထောင်စု မြန်မာနိုင်ငံအစိုးရအား အကြံဉာဏ်ပေးရန်အဖွဲ့ ဖွဲ့စည်းပုံနှင့်၊ အဖွဲ့၏ အလုပ်ဝတ်တရားများ။

(ဂ) ပုဒ်မ ဂ အရ သတင်းများပေးရန် လိုအပ်သောကိစ္စများ။

I.—PORTS, PILOTS, LIGHTHOUSES.

စျှေး ။ဆိပ်ကမ်း၊ ရေကြောင်းပြ၊ မီးပြကိုက်များဆိုင်ရာ။

THE PORTS ACT.

CONTENTS.

CHAPTER I.

PRELIMINARY.

Sections.

1. Extent.
2. Savings.
3. Definitions.

CHAPTER II.

POWERS OF THE PRESIDENT OF THE UNION.

4. Power to extend or withdraw the Act or certain portions thereof.
5. Alteration of limits of ports.
6. Power to make port-rules.

CHAPTER III.

PORT-OFFICIALS AND THEIR POWERS AND DUTIES.

Sections.

7. Appointment of conservator.
8. Power of conservator to give and enforce directions for certain specified purposes.
9. Power to cut warps and ropes.
10. Removal of obstructions within limits of port.
11. Recovery of expenses of removal.
12. Removal of lawful obstructions.
13. Fouling of Government moorings.
14. Raising or removal of wreck impeding navigation within limits of port.
15. Power to board vessels and enter buildings.
16. Power to require crews to prevent or extinguish fire.
17. Appointment and powers of health-officer.
18. Indemnity of Government against act or default of port-official or pilot.

CHAPTER IV.

RULES FOR THE SAFETY OF SHIPPING AND THE CONSERVATION OF PORTS.

General Rules.

19. Injuring buoys, beacons and moorings.
20. Wilfully loosening vessel from moorings.
21. Improperly discharging ballast.
22. Graving vessel within prohibited limits.
23. Boiling pitch on board vessel within prohibited limits.
24. Drawing spirits by unprotected artificial light.
25. Warping.
26. Leaving out warp or hawser after sunset.
27. Discharge of fire-arms in port.
28. Penalty on master omitting to take order to extinguish fire.
29. Unauthorized person not to search for lost stores.
30. Removing stones or injuring shores of port prohibited.

Special Rules.

31. Moving of vessels without pilot or permission of harbour-master.
32. Provision of certain vessels with fire-extinguishing apparatus.

CHAPTER V.

PORT-DUES, FEES AND OTHER CHARGES.

33. Levy of port-dues.
34. Variation of port-dues by President.

Sections.

35. Fees for pilotage and certain other services.
36. Receipt, expenditure and account of port-charges.
37. Grouping of ports.
38. Receipts for port-charges.
39. Master to report arrival.
40. Conservator may in certain cases ascertain draught and charge expense to master.
41. Ascertainment of tonnage of vessel liable to port-dues.
42. Distraint and sale on refusal to pay port-charges.
43. No port-clearance to be granted until port-charges are paid.
44. Port-charges payable in one port recoverable at any other port.
45. Penalty for evading payment of port-charges.
46. * * * *
47. Port-due on vessel not discharging or taking in cargo.
48. Port-due not to be chargeable in certain cases.
49. Power to impose hospital port-dues.
50. Application and account of hospital port-dues.

CHAPTER VI.

HOISTING SIGNALS.

51. Master to hoist number of vessel.
52. Pilot to require master to hoist number.
53. Penalty on pilot disobeying provisions of this Chapter.

CHAPTER VII.

PROVISIONS WITH RESPECT TO PENALTIES.

54. Penalty for disobedience to rules and orders of the President.
55. Offences how triable, and penalties how recovered.
56. Costs of conviction.
57. Ascertainment and recovery of expenses and damages payable under this Act.
58. Cost of distress.
59. Magistrate to determine the amount to be levied in case of dispute.
60. Jurisdiction over offences beyond local limits of jurisdiction.
61. Conviction to be quashed on merits only.

CHAPTER VIII.

SUPPLEMENTAL PROVISIONS.

62. Hoisting unlawful colours in port.
63. Foreign deserters.

Sections.

64. Application of sections 10 and 21.
65. Grant of sites for sailors' institutes.
66. Exercise of powers of conservator by his assistants.
67. Service of written notices of directions.
68. Publication of orders of President.
68A. Authorities exercising jurisdiction in ports to co-operate in manoeuvres for defence of port.
68B. Duties of the said authorities in an emergency.
THE FIRST SCHEDULE.—PORTS, VESSELS CHARGEABLE, RATE OF PORT-DUES AND FREQUENCY OF PAYMENT.

THE PORTS ACT.

[INDIA ACT XV, 1908.] (18th December, 1908.)

CHAPTER I.

PRELIMINARY.

Extent. **1.** This Act shall, save as otherwise appears from its subject or context, extend (*a*) to the ports mentioned in the First Schedule and to all parts of the navigable rivers and channels leading to such ports respectively to which the Indian Ports Act, 1908, extended on the 1st April 1937,[1] and (*b*) to the other ports or parts of navigable rivers or channels to which the President of the Union, in exercise of the power hereinafter conferred, extends this Act.

India XV, 1908.

But nothing in section 31 or section 32 shall apply to any port, river or channel to which the section has not been specially extended by the President of the Union.

Savings. **2.** Nothing in this Act shall—

(i) apply to any vessel belonging to, or in the service of, [the Government] [2] or to any vessel of war belonging to any foreign Prince or State, or

(ii) deprive any person of any right of property or other private right, except as hereinafter expressly provided, or

(iii) affect any law or rule relating to the customs or any order or direction lawfully made or given pursuant thereto.

Definitions. **3.** In this Act, unless there is anything repugnant in the subject or context,—

(1) "Magistrate" means a person exercising powers under the Code of Criminal Procedure, not less than those of a Magistrate of the second class;

---

[1] Date of separation of Burma and India.

[2] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

(2) " master ", when used in relation to any vessel, means, subject to the provisions of any other enactment for the time being in force, any person (except a pilot or harbour-master) having for the time being the charge or control of the vessel ;

(3) " pilot " means a person for the time being authorized by the President of the Union to pilot vessels ;

(4) " port " includes also any part of a river or channel in which this Act is fot the time being in force ;

(5) " port-officer " is synonymous with master-attendant ;

(6) " ton " means a ton as determined or determinable by the rules for the time being in force for regulating the measurement of the net tonnage of British ships ; and

(7) " vessel " includes anything made for the conveyance by water of human beings or of property.

CHAPTER II.

POWERS OF THE PRESIDENT OF THE UNION.

Power to extend or withdraw the Act or certain portions thereof.

4. (*1*) The President of the Union may, by notification in the Gazette,—

(*a*) extend this Act to any port in which this Act is not in force or to any part of any navigable river or channel which leads to a port and in which this Act is not in force ;

(*b*) specially extend the provisions of section 31 or section 32 to any port to which they have not been so extended ;

(*c*) withdraw this Act or section 31 or section 32 from any port or any part thereof in which it is for the time being in force.

(*2*) A notification under clause (*a*) or clause (*b*) of sub-section (*1*) shall define the limits of the area to which it refers.

(*3*) Limits defined under sub-section (*2*) may include any piers, jetties, landing-places, wharves, quays, docks and other works made on behalf of the public for convenience of traffic, for safety of vessels, or for the improvement, maintenance or good government of the port and its approaches, whether within or without high-water-mark, and, subject to any rights of private property therein, any portion of the shore or bank within fifty yards of high-water-mark.

(*4*) In sub-section (*3*) the expression " high-water-mark " means the highest point reached by ordinary spring tides at any season of the year.

Alteration of limits of ports.

5. (*1*) The President of the Union may, subject to any rights of private property, alter the limits of any port in which this Act is in force.

(*2*) When the President of the Union alters the limits of a port under sub-section (*1*), he shall declare or describe, by notification in the Gazette, and by such other means, if any, as he thinks fit, the precise extent of such limits.

Power to make port-rules

6. (*1*) The President of the Union may, in addition to any rules which he may make under any other enactment for the time being in force, make such rules, consistent with this Act, as he thinks necessary for any of the following purposes, namely :—

(*a*) for regulating the time and hours at and during which, the speed at which, and the manner and conditions in and on which, vessels generally or vessels of any class defined in the rules, may enter, leave or be moved in any port subject to this Act ;

(*b*) for regulating the berths, stations and anchorages to be occupied by vessels in any such port ;

(*c*) for striking the yards and top masts, and for rigging-in the booms and yards, of vessels in any such port, and for swinging or taking-in davits, boats and other things projecting from such vessels ;

(*d*) for the removal or proper hanging or placing of anchors, spars and other things being in or attached to vessels in any such port ;

(*e*) for regulating vessels whilst taking-in or discharging passengers, ballast or cargo, or any particular kind of cargo, in any such port, and the stations to be occupied by vessels whilst so engaged ;

(*ee*) for regulating the manner in which oil or water mixed with oil shall be discharged in any such port and for the disposal of the same ;

(*eee*) for regulating the bunkering of vessels with liquid fuel in any such port and the description of barges, pipe lines or tank vehicles to be employed in such bunkering ;

(*f*) for keeping free passages of such width as may be deemed necessary within any such port, and along or near to the piers, jetties, landing-places, wharves, quays, docks, moorings and other works in or adjoining to the same, and for marking out the spaces so to be kept free ;

(*g*) for regulating the anchoring, fastening, mooring and unmooring of vessels in any such port ;

(*h*) for regulating the moving and warping of all vessels within any such port and the use of warps therein ;

(*i*) for regulating the use of the mooring buoys, chains and other moorings in any such port ;

(*j*) for fixing the rates to be paid for the use of such moorings when belonging to the Government, or of any boat, hawser or other thing belonging to the Government ;

(*jj*) for regulating the use of piers, jetties, landing-places, wharves, quays, warehouses and sheds when belonging to the Government, and for fixing the rates to be paid for the use of the same ;

(*k*) for licensing and regulating catamarans plying for hire, and flats and cargo, passenger and other boats plying, whether for hire

or not, and whether regularly or only occasionally, in or partly within and partly without any such port, and for licensing and regulating the crews of any such vessels and for determining the quantity of cargo or number of passengers or of the crew to be carried by any such vessels, and may by such rules provide for the fees payable in respect of any such licence, and in the case of passenger vessels plying for hire for the rates of hire to be charged and the conditions under which such vessels shall be compelled to ply for hire, and further for the conditions under which any licence may be revoked ;

(*l*) for regulating the use of fires and lights within any such port ;

(*m*) for enforcing and regulating the use of signals or signal-lights by vessels by day or by night in any such port ;

(*n*) for regulating the number of the crew which must be on board any vessel afloat within the limits of any such port ;

(*o*) for regulating the employment of persons engaged in cleaning or painting vessels, or in working in the bilges, boilers or double bottoms of vessels in any such port ;

(*p*) for the prevention of danger arising to the public health by the introduction and the spread of any infectious or contagious disease from vessels arriving at, or being in, any such port, and for the prevention of the conveyance of infection or contagion by means of any vessel sailing from any such port, and in particular and without prejudice to the generality of this provision, for—

(i) the signals to be hoisted and the places of anchorage to be taken up by such vessels having any case, or suspected case, of any infectious or contagious disease on board, or arriving at such port from a port in which, or in the neighbourhood of which, there is believed to be, or to have been at the time when the vessel left such port, any infectious or contagious disease ;

(ii) the medical inspection of such vessels and of persons on board such vessels ;

(iii) the questions to be answered and the information to be supplied by masters, pilots and other persons on board such vessels ;

(iv) the detention of such vessels and of persons on board such vessels ;

(v) the duties to be performed in cases of any such disease by masters, pilots and other persons on board such vessels ;

(vi) the removal to hospital or other place approved by the health-officer and the detention therein of any person from any such vessel who is suffering or suspected to be suffering from any such disease ;

(vii) the cleansing, ventilation and disinfection of such vessels or any part thereof and of any articles therein likely to retain infection or contagion, and the destruction of rats or other vermin in such vessels ; and

(viii) the disposal of the dead on such vessels ; and

(*q*) for securing the protection from heat of the officers and crew of vessels in any such port by requiring the owner or master of any such vessel—

(i) to provide curtains and double awnings for screening from the sun's rays such portions of the deck as are occupied by or are situated immediately above the quarters of the officers and crew ;

(ii) to erect windsails so far as the existing portholes or apertures in the deck admit of their being used for ventilating the quarters of the officers and crew ;

(iii) when the deck is made of iron and not wood-sheathed, to cover with wooden planks or other suitable non-conducting material such portions of the deck as are situated immediately above the quarters of the officers and crew ;

(iv) when the quarters used by the crew and the galley are separated by an iron bulk-head only, to furnish a temporary screen of some suitable non-conducting material between such quarters and the galley.

(*1A*) In addition to any rules which he is empowered to make under sub-section (*1*), the President of the Union shall make rules prohibiting the employment at piers, jetties, landing-places, wharves, quays, docks, warehouses and sheds of children under the age of twelve years upon the handling of goods.

(*2*) The power to make rules under sub-section (*1*) and sub-section (*1A*) is subject to the condition of the rules being made after previous publication.

(*3*) If any person disobeys any rule made under clause (*p*) of sub-section (*1*), he shall be punishable for every such offence with fine which may extend to one thousand rupees.

(*4*) If a master fails wholly or in part to do any act prescribed by any rule made under clause (*p*) of sub-section (*1*), the health-officer shall cause such act to be done, and the reasonable expenses incurred in doing such act shall be recoverable by him from such master.

CHAPTER III.

PORT-OFFICIALS AND THEIR POWERS AND DUTIES.

7. (*1*) The President of the Union shall appoint some officer or body of persons to be conservator of every port subject to this Act. Appointment of conservator.

(*2*) Subject to any direction by the President of the Union to the contrary,—

(*a*) in ports where there is a port-officer, the port-officer shall be the conservator;

(*b*) in ports where there is no port-officer, but where there is a harbour-master, the harbour-master shall be the conservator.

(*3*) Where the harbour-master is not conservator, the harbour-master and his assistants shall be subordinate to, and subject to the control of, the conservator.

(*4*) The conservator shall be subject to the control of the President of the Union, or of any intermediate authority which the President of the Union may appoint.

Power of conservator to give and enforce directions for certain specified purposes

8. (*1*) The conservator of any port subject to this Act may, with respect to any vessel within the port, give directions for carrying into effect any rule for the time being in force therein under section 6.

(*2*) If any person wilfully and without lawful excuse refuses or neglects to obey any lawful direction of the conservator, after notice thereof has been given to him, he shall, for every such offence, be punishable with fine which may extend to one hundred rupees, and in the case of a continuing offence with a further fine which may extend to one hundred rupees for every day during which, after such notice as aforesaid, he is proved to have wilfully and without lawful excuse continued to disobey the direction.

(*3*) In case of such refusal or neglect, the conservator may do, or cause to be done, all acts necessary for the purpose of carrying the direction into execution, and may hire and employ proper persons for that purpose, and all reasonable expenses incurred in doing such acts shall be recoverable by him from the person so refusing or neglecting to obey the direction.

Power to cut warps and ropes.

9. The conservator of any such port may, in case of urgent necessity, cut, or cause to be cut, any warp, rope, cable or hawser endangering the safety of any vessel in the port or at or near to the entrance thereof.

Removal of obstructions within limits of port.

10. (*1*) The conservator may remove, or cause to be removed, any timber, raft or other thing, floating or being in any part of any such port, which in his opinion obstructs or impedes the free navigation thereof or the lawful use of any pier, jetty, landing-place, wharf, quay, dock, mooring or other work on any part of the shore or bank which has been declared to be within the limits of the port and is not private property.

(*2*) The owner of any such timber, raft or other thing shall be liable to pay the reasonable expenses of the removal thereof, and if such owner or any other person has without lawful excuse caused any such obstruction or impediment, or causes any public nuisance affecting or likely to affect such free navigation or lawful use, he shall also be punishable with fine which may extend to one hundred rupees.

(*3*) The conservator or any Magistrate having jurisdiction over the offence may cause any such nuisance to be abated.

Recovery of expenses of removal.

11. If the owner of any such timber, raft or other thing, or the person who has caused any such obstruction, impediment or public nuisance as is mentioned in the last foregoing section, neglects to pay the reasonable expenses incurred in the removal thereof, within one week after demand, or within fourteen days after such removal has been notified in the Gazette or in such other manner as the President of the Union by general or special order directs, the conservator may cause such timber, raft or other thing, or the materials of any public nuisance so removed, or so much thereof as may be necessary, to be sold by public auction ;

and may retain all the expenses of such removal and sale out of the proceeds of the sale, and shall pay the surplus of such proceeds, or deliver so much of the thing or materials as may remain unsold, to the person entitled to receive the same ;

and, if no such person appears, shall cause the same to be kept and deposited in such manner as the President of the Union directs ;

and may, if necessary, from time to time, realize the expenses of keeping the same, together with the expenses of sale, by a further sale of so much of the thing or materials as may remain unsold.

Removal of lawful obstructions.

12. (*1*) If any obstruction or impediment to the navigation of any port subject to this Act has been lawfully made, or has become lawful by reason of the long continuance of such obstruction or impediment, or otherwise, the conservator shall report the same for the information of the President of the Union, and shall, with the sanction of the President of the Union, cause the same to be removed or altered, making reasonable compensation to the person suffering damage by such removal or alteration.

(*2*) Any dispute arising concerning such compensation shall be determined according to the law relating to like disputes in the case of land required for public purposes. [1]

Fouling of Government moorings.

13. (*1*) If any vessel hooks or gets foul of any of the buoys or moorings laid down by or by the authority of the President of the Union in any such port, the master of such vessel shall not, nor shall any other person, except in case of emergency, lift the buoy or mooring for the purpose of unhooking or getting clear from the same without the assistance of the conservator ;

and the conservator, immediately on receiving notice of such accident, shall assist and superintend the clearing of such vessel ;

and the master of such vessel shall, upon demand, pay such reasonable expenses as may be incurred in clearing the same.

(*2*) Any master or other person offending against the provisions of this section shall, for every such offence, be punishable with fine which may extend to one hundred rupees.

---

[1] *See* the Land Acquisition Act (Volume X of this Code).

Raising or removal of wreck impeding navigation within limits of port.

14. (*1*) If any vessel is wrecked, stranded or sunk in any such port so as to impede, or be likely to impede, the navigation thereof, the conservator may cause the vessel to be raised, removed or destroyed.

(*2*) If any property recovered by a conservator acting under sub-section (*1*) is unclaimed or the person claiming it fails to pay the reasonable expenses incurred by the conservator under that sub-section and a further sum of twenty per cent. of the amount of such expenses, the conservator may sell the property by public auction, if the property is of a perishable nature, forthwith, and, if it is not of a perishable nature, at any time not less than six months after the recovery thereof.

(*3*) The expenses and further sum aforesaid shall be payable to the conservator out of the sale-proceeds of the property, and the balance shall be paid to the person entitled to the property recovered, or, if no such person appears and claims the balance, shall be held in deposit for payment, without interest to any person thereafter establishing his right thereto:

Provided that the person makes his claim within three years from the date of the sale.

Power to board vessels and enter buildings.

15. (*1*) The conservator or any of his assistants may, whenever he suspects that any offence against this Act has been, or is about to be, committed, or whenever it is necessary for him so to do in the performance of any duty imposed upon him by this Act, and the person appointed under this Act to receive any port-dues, fees or other charges, payable in respect of any vessel, may, whenever it is necessary for him so to do in the performance of any duty imposed upon him by this Act, either alone or with any other person, board any vessel, or enter any building or place, within the limits of any port subject to this Act.

(*2*) If the master of the vessel, or any person in possession or occupation of the building or place, without lawful excuse, refuses to allow any such person as is mentioned in sub-section (*1*) to board or enter such vessel, building or place in the performance of any duty imposed upon him by this Act, he shall for every such offence be punishable with fine which may extend to two hundred rupees.

Power to require crews to prevent or extinguish fire.

16. (*1*) For the purpose of preventing or extinguishing fire in any port subject to this Act, the conservator or port-officer may require the master of any vessel within the port to place at his disposal such number as he requires, not exceeding three-fourths, of the crew then under the orders of such master.

(*2*) Any master refusing or neglecting to comply with such requisition shall be punishable with fine which may extend to five hundred rupees, and any seaman then under his orders who, after being directed by the master to obey the orders of the conservator or port-officer for the purpose aforesaid, refuses to obey such orders, shall be punishable with fine which may extend to twenty-five rupees.

Appointment and powers of health-officer.

17. (*1*) The President of the Union may appoint at any port subject to this Act an officer to be called the health-officer.

(*2*) A health-officer shall, subject to the control of the President of the Union, have the following powers, within the limits of the port for which he is appointed, namely :—

(*a*) with respect to any vessel, the powers conferred on a shipping-master by the Burma Merchant Shipping Act, section 91 ;

(*b*) power to enter on board any vessel and medically examine all or any of the seamen or apprentices on board the vessel ;

(*c*) power to require and enforce the production of the log-book and any other books, papers or documents which he thinks necessary for the purpose of enquiring into the health and medical condition of the persons on board the vessel ;

(*d*) power to call before him and question for any such purpose all or any of those persons and to require true answers to any questions which he thinks fit to ask ;

(*e*) power to require any person so questioned to make and subscribe a declaration of the truth of the statements made by him.

Indemnity of Government against act or default of port official or pilot.

18. The Government shall not be responsible for any act or default of any conservator, port-officer or harbour-master of any port subject to this Act, or of any deputy or assistant of any of the authorities aforesaid, or of any person acting under the control or direction of any such authority, deputy or assistant, or for any act or default of any pilot, or for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers or other things belonging to the Government which may be used by the vessel :

Provided that nothing in this section shall protect [* * * *] [1] the Government from a suit in respect of any act done by or under the express order or sanction of the Government.

CHAPTER IV.

RULES FOR THE SAFETY OF SHIPPING AND THE CONSERVATION OF PORTS.

General Rules.

Injuring buoys, beacons and moorings.

19. (*1*) No person shall, without lawful excuse, lift, injure, loosen or set adrift any buoy, beacon or mooring fixed or laid down by, or by the authority of, the President of the Union in any port subject to this Act.

(*2*) If any person offends against the provisions of this section, he shall for every such offence be liable, in addition to the payment of the amount of damage done, to fine which may extend to two thousand rupees, or to imprisonment for a term which may extend to two years.

---

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

Wilfully loosening vessel from moorings.

20. If any person wilfully and without lawful excuse loosens or removes from her moorings any vessel within any such port without leave or authority from the owner or master of the vessel, he shall, for every such offence, be punishable with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to six months.

Improperly discharging ballast.

21. (*1*) No ballast or rubbish, and no other thing likely to form a bank or shoal or to be detrimental to navigation, shall, without lawful excuse, be cast or thrown into any such port or into or upon any place on shore from which the same is liable to be washed into any such port, either by ordinary or high tides, or by storms or land-floods, and no oil or water mixed with oil shall be discharged in or into any such port, to which any rules made under clause (*ee*) of sub-section (*1*) of section 6 apply, otherwise than in accordance with such rules.

(*2*) Any person who by himself or another so casts or throws any ballast or rubbish or any such other thing or so discharges any oil or water mixed with oil, and the master of any vessel from which the same is so cast, thrown or discharged, shall be punishable with fine which may extend to five hundred rupees, and shall pay any reasonable expenses which may be incurred in removing the same.

(*3*) If, after receiving notice from the conservator of the port to desist from so casting or throwing any ballast or rubbish or such other thing or from so discharging any oil or water mixed with oil, any master continues so to cast, throw or discharge the same, he shall also be liable to simple imprisonment for a term which may extend to two months.

(*4*) Nothing in this section applies to any case in which the ballast or rubbish or such other thing is cast or thrown into or the oil or water mixed with oil is discharged in or into any such port with the consent in writing of the conservator, or within any limits within which such act may be authorized by the President of the Union.

Graving vessel within prohibited limits.

22. If any person graves, breams or smokes any vessel in any such port contrary to the directions of the conservator, or at any time or within any limits at or within which such act is prohibited by the President of the Union, he and the master of the vessel shall for every such offence be punishable with fine which may extend to five hundred rupees each.

Boiling pitch on board vessel within prohibited limits.

23. If any person boils or heats any pitch, tar, resin, dammer, turpentine, oil, or other such combustible matter on board any vessel within any such port, or at any place within its limits where such act is prohibited by the President of the Union, or contrary to the directions of the conservator, he and the master of the vessel shall for every such offence be punishable with fine which may extend to two hundred rupees each.

Drawing spirits by unprotected artificial light.

24. If any person, by an unprotected artificial light, draws off spirits on board any vessel within any port subject to this Act, he and the master of the vessel shall for every such offence be punishable with fine which may extend to two hundred rupees each.

Warping.

25. (*1*) Every master of a vessel in any port subject to this Act shall, when required so to do by the conservator, permit warps or hawsers to be made fast to the vessel for the purpose of warping any other vessel in the port, and shall not allow any such warp or hawser to be let go until required so to do.

(*2*) A master offending against sub-section (*1*) shall be punishable for every such offence with fine which may extend to two hundred rupees.

Leaving out warp or hawser after sunset.

26. (*1*) A master of a vessel shall not cause or suffer any warp or hawser attached to his vessel to be left out in any port subject to this Act after sunset in such a manner as to endanger the safety of any other vessel navigating in the port.

(*2*) A master offending against sub-section (*1*) shall be punishable for every such offence with fine which may extend to two hundred rupees.

Discharge of fire-arms in port.

27. If any person, without lawful excuse, discharges any fire-arm in any port subject to this Act, or on or from any pier, landing-place, wharf or quay thereof, except a gun loaded only with gunpowder for the purpose of making a signal of distress, or for such other purpose as may be allowed by the President of the Union, he shall for every such offence be punishable with fine which may extend to fifty rupees.

Penalty on master omitting to take order to extinguish fire.

28. If the master of any vessel in which fire takes place while lying in any such port wilfully omits to take order to extinguish the fire or obstructs the conservator or the port-officer, or any person acting under the authority of the conservator or port-officer, in extinguishing or attempting to extinguish the fire, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Unauthorized person not to search for lost stores.

29. (*1*) No person, without the permission of the conservator, shall, in any port subject to this Act, creep or sweep for anchors, cables or other stores lost or supposed to be lost therein.

(*2*) If any person offends against the provisions of sub-section (*1*), he shall be punishable with fine which may extend to one hundred rupees.

Removing stones or injuring shores of port prohibited.

30. (*1*) No person without the permission of the conservator shall in any port subject to this Act remove or carry away any rock, stones, shingle, gravel, sand or soil or any artificial protection from any part of the bank or shore of the port ;

and no person shall sink or bury in any part of such bank or shore, whether the same is public or private property, any mooring-post, anchor or any other thing, or do any other thing which is likely to injure or to be used so as to injure such bank or shore, except with the permission of the conservator, and with the aid or under the inspection of such person, if any, as the conservator may appoint to take part in or overlook the performance of such work.

(*2*) If any person offends against sub-section (*1*), he shall for every such offence be punishable with fine which may extend to one hundred rupees and shall pay any reasonable expenses which may be incurred in repairing any injury done by him to the bank or shore.

Special Rules.

Moving of vessels without pilot or permission of harbour-master.

31. (*1*) No vessel of the measurement of two hundred tons or upwards shall enter, leave or be moved in any port to which this section has been specially extended without having a pilot, harbour-master or assistant of the port-officer or harbour-master on board ;

and no vessel of any measurement less than two hundred tons and exceeding one hundred tons shall enter, leave or be moved in any such port without having a pilot, harbour-master or assistant of the port-officer or harbour-master on board, unless authority in writing so to do has been obtained from the conservator or some officer empowered by him to give such authority :

Provided that the President of the Union may, by notification in the Gazette, direct that in any port specified in such notification the provisions of this sub-section shall not apply to sailing vessels of any measurement not exceeding a measurement so specified.

(*2*) Notwithstanding anything in sub-section (*1*), the owner or master of a vessel which is by that sub-section required to have a pilot, harbour-master or assistant of the port-officer or harbour-master on board, shall be answerable for any loss or damage caused by the vessel or by any fault of the navigation of the vessel, in the same manner as he would have been if he had not been so required by that sub-section.

(*3*) If any vessel, except in case of urgent necessity, enters, leaves or is moved in the port contrary to the provisions of sub-section (*1*) the master of the vessel shall for every such offence be punishable with fine which may extend to two hundred rupees, unless upon application to the proper officer the master was unable to procure a pilot, harbour-master or assistant of the port-officer or harbour-master to go on board the vessel.

Provision of certain vessels with fire-extinguishing apparatus.

32. (*1*) Every vessel exceeding the measurement of two hundred tons, and lying in any port to which this section has been specially extended, shall be provided with a proper force-pump and hose and appurtenances for the purpose of extinguishing any fire which may occur on board.

(*2*) The master of such a vessel who, having been required by the conservator to comply with the provisions of sub-section (*1*), neglects or refuses, without lawful excuse, so to do for the space of seven days after such requisition, shall be punishable with fine which may extend to five hundred rupees.

CHAPTER V.

PORT-DUES, FEES AND OTHER CHARGES.

Levy of port-dues.

33. (*1*) Subject to the provisions of sub-section (*2*), in each of the ports mentioned in the First Schedule such port-due, not exceeding the amount specified for the port in the third column of the Schedule, as the President of the Union directs shall be levied on vessels entering the port and described in the second column of the Schedule, but not oftener than the time fixed for the port in the fourth column of the Schedule.

(*2*) The President of the Union may, by notification in the Gazette, alter or add to any entry in the First Schedule relating to ports in the Union of Burma, and this power shall include the power to regroup any such ports.

(*3*) Whenever the President of the Union declares any other port to be subject to this Act, he may, by the same or any subsequent declaration, further declare,—

(*a*) in the terms of any of the entries in the second column of the First Schedule, the vessels which are to be chargeable with port-dues on entering the port,

(*b*) the highest rates at which such dues may be levied in respect of vessels chargeable therewith, and

(*c*) the times at which such vessels are to be so chargeable.

[1] [* * * *]

(*4*) All port-dues now leviable in any port shall continue to be so leviable until it is otherwise declared in exercise of the powers conferred by this section.

(*5*) An order increasing or imposing port-dues under this section shall not take effect till the expiration of sixty days from the day on which the order was published in the Gazette.

Variation of port-dues by President.

34. The President of the Union may, after consulting the authority appointed under section 36, exempt, subject to such conditions, if any, as he thinks fit to impose, any vessels or class of vessels entering a port subject to this Act from payment of port-dues and cancel the exemption, or may vary the rates at which port-dues are to be levied in the port, in such manner as, having regard to the receipts and charges on account of the port, he thinks expedient, by reducing or raising the dues or any of them, or may extend the periods for which any vessel or class of vessels entering a port shall be exempt from liability to pay port-dues :

Provided that the rates shall not in any case exceed the amount authorized to be taken by or under this Act.

Fees for pilotage and certain other services.

35 (*1*) Within any port subject to this Act, fees may be charged for pilotage, hauling, mooring, re-mooring, hooking, measuring and other services rendered to vessels, at such rates as the President of the Union may direct.

---

[1] The proviso to sub-section (*3*) of section 33 was omitted by Act II, 1945.

(*2*) The fees now chargeable for such services shall continue to be chargeable unless and until they are altered in exercise of the power conferred by sub-section (*1*).

Receipt, expenditure and account of port charges.

36. (*1*) The President of the Union shall appoint some officer or body of persons at every port at which any dues, fees or other charges are authorized to be taken by or under this Act to receive the same and, subject to the control of the President of the Union, to expend the receipts on any of the objects authorized by this Act.

(*2*) Such officer or body shall keep for the port a distinct account, to be called the port fund account, showing, in such detail as the President of the Union prescribes, the receipts and expenditure of the port, and shall publish annually as soon after the first day of April as may be practicable an abstract, in such form as the President of the Union prescribes, of the account for the past financial year.

(*3*) * * * *

(*4*) All money received under this Act at or on account of any port subject to this Act, excluding receipts on account of pilotage but including—

(*a*) fines,

(*b*) proceeds of waifs, and

(*c*) any balance of the proceeds of a sale under section 14 where no right to the balance has been established on a claim made within three years from the date of the sale,

shall be credited in the port fund account of the port.

(*5*) All expenses incurred for the sake of any such port, excluding expenses on account of pilotage but including—

(*a*) the pay and allowances of all persons upon the establishment of the port,

(*b*) the cost of buoys, beacons, lights and all other works maintained chiefly for the benefit of vessels being in or entering or leaving the port or passing through the rivers or channels leading thereto,

(*c*) pensions, allowances and gratuities of persons who have been employed in the port under this or any other enactment relating to ports and port-dues, or such portion of those pensions, allowances and gratuities as the President of the Union may by rule determine,

(*d*) with the previous sanction of the President of the Union, contributions towards the support of public hospitals or dispensaries suitable for the reception or relief of seamen or otherwise towards the provision of sanitary superintendence and medical aid for the shipping in the port and for seamen whether ashore or afloat belonging to vessels in the port, and

(*e*) with the like sanction, contributions towards sailors' homes, institutes, rest-houses and coffee-houses and for other purposes connected with the health, recreation and temporal well-being of sailors,

shall be charged to the port fund account of the port.

(*6*) Subject to the provisions of any local law as to the disposal of any balance from time to time standing to the credit of a port fund account, any such balance may be temporarily invested in such manner as the President of the Union may direct.

Grouping of ports.

37. (*1*) The President of the Union may direct that for the purposes of the last foregoing section any number of ports (other than Rangoon) shall be regarded as constituting a single port, and thereupon all moneys to be credited to the port fund account under sub-section (*4*) of that section shall form a common port fund account which shall be available for the payment of all expenses incurred for the sake of any of the ports.

(*2*) Where ports are grouped by or under this Act, the following consequences ensue, namely :—

(*a*) the President of the Union, in the exercise of his control over expenditure debitable to the common port fund account of the group, may make rules with respect to the expenditure of the fund for the sake of the several ports of the group on the objects authorized by this Act, and

(*b*) the President of the Union may exercise his authority under section 34 as regards all the ports in the group collectively or as regards any of them separately.

Receipts for port-charges.

38. The person to whom any dues, fees or other charges authorized to be taken by or under this Act are paid shall grant to the person paying the same a proper voucher in writing under his hand, describing the name of his office, the port or place at which the dues, fees or other charges are paid, and the name, tonnage and other proper description of the vessel in respect of which the payment is made.

Master to report arrival.

39. (*1*) Within twenty-four hours after the arrival within the limits of any port subject to this Act of any vessel liable to the payment of port-dues under this Act the master of the vessel shall report her arrival to the conservator of the port.

(*2*) A master failing without lawful excuse to make such report within the time aforesaid shall for every such offence be punishable with fine which may extend to one hundred rupees.

(*3*) Nothing in this section applies to tug-steamers, ferry-steamers or river steamers plying to and from any of the ports subject to this Act.

Conservator may in certain cases ascertain draught and charge expense to master.

40. If any vessel liable to the payment of port-dues is in any such port without proper marks on the stem and stern posts thereof for denoting her draught, the conservator may cause the same to be ascertained by means of the operation of hooking, and the master of the vessel shall be liable to pay the expenses of the operation.

Ascertainment of tonnage of vessel liable to port-dues

41. In order to ascertain the tonnage of any vessel liable to pay port-dues the following rules shall be observed, namely :—

(*1*) (*a*) [If the vessel is registered under any][1] law for the time being in force for the registration of vessels in the Union of Burma, the conservator may require the owner or master of the vessel or any person having possession of her register to produce the register for inspection.

(*b*) If the owner or master or such person neglects or refuses to produce the register or otherwise to satisfy the conservator as to what is the true tonnage of the vessel in respect of which the port-dues are payable, he shall be punishable with fine which may extend to one hundred rupees, and the conservator may cause the vessel to be measured, and the tonnage thereof to be ascertained, according to the mode of measurement prescribed by the rules for the time being in force for regulating the measurement of British vessels, and in such case the owner or master of the vessel shall also be liable to pay the expenses of the measurement.

(*2*) [If the vessel is not a vessel registered under any law][1] for the time being in force for the registration of vessels in the Union of Burma, and the owner or master thereof fails to satisfy the conservator as to what is her true tonnage according to the mode of measurement prescribed by the rules for the time being in force for regulating the measurement of [* *][2] vessels, the conservator shall cause the vessel to be measured and the tonnage thereof to be ascertained, according to the mode aforesaid, and in such case the owner or master of the vessel shall be liable to pay the expenses of the measurement.

(*3*) If the vessel is a vessel of which the tonnage cannot be ascertained according to the mode of measurement mentioned in clauses (*1*) and (*2*), the tonnage of the vessel shall be determined by the conservator on such an estimate as may seem to him to be just.

Distraint and sale on refusal to pay port-charges.

42. If the master of any vessel in respect of which any port-dues, fees or other charges are payable under this Act refuses or neglects to pay the same on demand, the authority appointed to receive such port-dues, fees or other charges may distrain or arrest the vessel, and the tackle, apparel and furniture belonging thereto or any part thereof, and detain the same until the amount due is paid ;

---

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

[2] Omitted *ibid.*

and in case any part of the port-dues, fees or other charges, or of the costs of the distress or arrest or of the keeping of the vessel or other thing distrained or arrested, remains unpaid for the space of five days next after any such di tress or arrest, may cause the vessel or other thing distrained or arrested to be sold, and with the proceeds of such sale may satisfy the port-dues, fees or other charges and the costs including the costs of sale remaining unpaid, and shall render the surplus, if any, to the master of the vessel upon demand.

No port-clearance to be granted until port-charges are paid.

43. The officer of Government whose duty it is to grant a port-clearance for any vessel shall not grant such clearance—

(*a*) until her owner or master, or some other person, has paid or secured to the satisfaction of such officer the amount of all port-dues, fees and other charges, and of all fines, penalties and expenses to which the vessel or her owner or master is liable under this Act;

(*b*) until all expenses, which [* * * *][1] are to be borne by her owner, incurred since her arrival in the port from which he seeks clearance, have been paid.

Port-charges payable in one port recoverable at any other port.

44. (*1*) If the master of any vessel in respect of which any such sum as is mentioned in the last foregoing section is payable causes her to leave any port without having paid the sum, the authority appointed to receive port-dues, fees and other charges at the port under this Act may require in writing the authority appointed to receive port-dues, fees and other charges under this Act at any other port in the Union of Burma to which she may proceed, or in which she may be, to levy the sum.

(*2*) The authority to whom the requisition is directed shall proceed to levy such sum in the manner prescribed in section 42, and a certificate purporting to be made by the authority appointed to receive port-dues, fees and other charges at the port where such sum as is mentioned in the last foregoing section became payable, stating the amount payable, shall be sufficient *primâ facie* proof of such amount in any proceeding under section 42 and also (in case the amount payable is disputed) in any subsequent proceeding under section 59.

Penalty for evading payment of port-charges.

45. (*1*) If the master of a vessel evades the payment of any such sum as is mentioned in section 43, he shall be punishable with fine which may extend to five times the amount of the sum.

(*2*) In any proceeding before a Magistrate on a prosecution under sub-section (*1*), any such certificate as is mentioned in section 44, sub-section (*2*), stating that the master has evaded such payment, shall be sufficient *primâ facie* proof of the evasion, unless the master shows to the satisfaction of the

[1] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

Magistrate that the departure of the vessel without payment of the sum was caused by stress of weather, or that there was lawful or reasonable ground for such departure.

(*3*) Any Magistrate having jurisdiction under this Act in any port to which the vessel may proceed, or in which she may be found, shall be deemed to have jurisdiction in any proceeding under this section.

46. * * * *

Port-due on vessel not discharging or taking in cargo.

47. When a vessel enters a port subject to this Act, but does not discharge or take in any cargo or passengers therein (with the exception of such unshipment and reshipment as may be necessary for purposes of repair), she shall be charged with a port-due at a rate to be determined by the President of the Union and not exceeding half the rate with which she would otherwise be chargeable.

Port-due not to be chargeable in certain cases.

48. No port-due shall be chargeable in respect of—

(*a*) any pleasure-yacht, or

(*b*) any vessel which, having left any port, is compelled to re-enter it by stress of weather or in consequence of having sustained any damage.

Power to impose hospital port-dues.

49. (*1*) The President of the Union may, by notification in the Gazette, order that there shall be paid in respect of every vessel entering any port subject to this Act, within a reasonable distance of which there is a public hospital or dispensary suitable for the reception or relief of seamen requiring medical aid, such further port-dues not exceeding one anna per ton as the President of the Union thinks fit.

(*2*) Such port-dues shall be called hospital port-dues, and the President of the Union shall, in making any order under sub-section (*1*), have regard to any contributions made under section 36, sub-section (*5*), clause (*d*).

(*3*) An order imposing or increasing hospital port-dues shall not take effect till the expiration of sixty days from the day on which the order was published in the Gazette.

(*4*) Whenever the President of the Union is satisfied that proper provision has been made by the owners or agents of any class of vessels for giving medical aid to the seamen employed on board such class of vessels, or that such provision is unnecessary in the case of any class of vessels, he may, by notification in the Gazette, exempt such class of vessels from any payment under this section.

Application and account of hospital port-dues.

50. (*1*) Hospital port-dues shall be applied, as the President of the Union may direct, to the support of any such hospital or dispensary as aforesaid, or otherwise for providing sanitary superintendence and medical aid for the

shipping in the port in which they are levied and for the seamen belonging to the vessels therein, whether such seamen are ashore or afloat.

(*2*) The President of the Union shall publish annually in the Gazette, as soon after the first day of April as may be, an account, for the past financial year, of the sums received as hospital port-dues at each port where such dues are payable, and of the expenditure charged against those receipts.

(*3*) Such account shall be published as a supplement to the abstract published under section 36, sub-section (*2*).

CHAPTER VI.

HOISTING SIGNALS.

Master to hoist number of vessel.

51. (*1*) The master of every inward or outward bound vessel, on arriving within signal distance of any signal-station established within the limits of any part of a river or channel leading to a port subject to this Act, shall, on the requisition of the pilot in charge of the vessel, signify the name of the vessel by hoisting the number by which she is known, or by adopting such other means to this end as may be practicable and usual, and shall keep the signal flying until it is answered from the signal-station.

(*2*) If the master of a vessel arriving as aforesaid offends against sub-section (*1*), he shall be punishable for every such offence with fine which may extend to one thousand rupees.

Pilot to require master to hoist number.

52. (*1*) Every pilot in charge of a vessel shall require the number of the vessel to be duly signalled as provided by the last foregoing section.

(*2*) When, on such requisition from the pilot, the master refuses to hoist the number of a vessel, or to adopt such other means of making her name known as may be practicable and usual, the pilot may, on arrival at the first place of safe anchorage, anchor the vessel and refuse to proceed on his course until the requisition has been complied with.

Penalty on pilot disobeying provisions of this Chapter.

53. Any pilot in charge of a vessel who disobeys, or abets disobedience to, any of the provisions of this Chapter, shall be punishable with fine which may extend to five hundred rupees for each instance of such disobedience or abetment, and, in addition, shall be liable to have his authority to act as a pilot withdrawn.

CHAPTER VII.

PROVISIONS WITH RESPECT TO PENALTIES.

Penalty for disobedience to rules and orders of the President.

54. If any person disobeys any rule or order which the President of the Union has made in pursuance of this Act and for the punishment of disobedience to which express provision has not been made elsewhere in this Act, he shall be punishable for every such offence with fine which may extend to one hundred rupees.

Offences how triable, and penalties how recovered.

55. All offences against this Act shall be triable by a Magistrate, and any Magistrate may, by warrant under his hand, cause the amount of any fine imposed upon the owner or master of any vessel, for any offence committed on board of the vessel or in the management thereof or otherwise in relation thereto, whereof the owner or master is convicted, to be levied by distress and sale of the vessel, and the tackle, apparel and furniture thereof, or so much thereof as is necessary.

Costs of conviction.

56. (*1*) In case of any conviction under this Act, the convicting Magistrate may order the offender to pay the costs of the conviction in addition to any fine or expenses to which he may be liable.

(*2*) Such costs may be assessed by the Magistrate and may be recovered in the same manner as any fine under this Act.

Ascertainment and recovery of expenses and damages payable under this Act.

57. (*1*) If any dispute arises as to the sum to be paid in any case as expenses or damages under this Act, it shall be determined by a Magistrate upon application made to him for that purpose by either of the disputing parties.

(*2*) Whenever any person is liable to pay any sum, not exceeding one thousand rupees, as expenses or damages under this Act, any Magistrate, upon application made to him by the authority to whom the sum is payable, may, in addition to or instead of any other means for enforcing payment, recover the sum as if it were a fine.

Cost of distress.

58. Whenever any fine, expenses or damages is or are levied under this Act by distress and sale, the cost of the distress and sale may be levied in addition to such fine, expenses or damages, and in the same manner.

Magistrate to determine the amount to be levied in case of dispute.

59. If any dispute arises concerning the amount leviable by any distress or arrest under this Act or the costs payable under the last foregoing section, the person making the distress or using the arrest may detain the goods distrained or arrested, or the proceeds of the sale thereof, until the amount to be levied has been determined by a Magistrate, who, upon application made to him for that purpose, may determine the amount, and award such costs to be paid by either of the parties to the other of them as he thinks reasonable, and payment of such costs, if not paid on demand, shall be enforced as if they were a fine.

Jurisdiction over offences beyond local limits of jurisdiction.

60. (*1*) Any person offending against the provisions of this Act in any port subject to this Act shall be punishable by any Magistrate having jurisdiction over any district or place adjoining the port.

(*2*) Such Magistrate may exercise all the powers of a Magistrate under this Act, in the same manner and to the same extent as if the offence had been committed locally within the limits of his jurisdiction, notwithstanding that the offence may not have been committed locally within such limits, and, in case any such Magistrate exercises the jurisdiction hereby vested in him, the offence shall be deemed, for all purposes, to have been committed locally within the limits of his jurisdiction.

Conviction to be quashed on merits only.

61. (*1*) No conviction, order or judgment of any Magistrate under this Act shall be quashed for error of form or procedure, but only on the merits, and it shall not be necessary to state, on the face of the conviction, order or judgment, the evidence on which it proceeds.

(*2*) If no jurisdiction appears on the face of the conviction, order or judgment, but the depositions taken supply that defect, the conviction, order or judgment shall be aided by what so appears in the depositions.

CHAPTER VIII.

SUPPLEMENTAL PROVISIONS.

Hoisting unlawful colours in port.

62. [1] (*1*) If any vessel belonging to any citizen of Burma, or sailing under the colours of the Union of Burma, hoists, carries or wears within the limits of any port subject to this Act, any flag, jack, pennant or colours, the use whereof is prohibited by rules made under this Act, the master of the vessel shall for every offence be punishable with fine which may extend to fifty rupees.

(*2*) Such fine shall be in addition to any other penalty recoverable in respect of such an offence.

(*3*) The conservator of the port, or any officer of [the Burma Navy] [1] may enter on board any such vessel and seize and take away any flag, jack, pennant or colours so unlawfully hoisted, carried or worn on board the same.

Foreign deserters.

63. Any Magistrate, upon an application being made to him by the Consul of any foreign Power [to which the President of the Union may, by notification, apply this section,] [1] or by the representative of such Consul, and upon complaint on oath of the desertion of any seaman, not being a slave, from any vessel of such foreign Power, may [* * * *] [2] issue his warrant for the apprehension of any such deserter, and, upon due proof of the desertion, may order him to be conveyed on board the vessel to which he belongs, or, at the instance of the Consul, to be detained in custody until the

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.
[2] Omitted *ibid.*

vessel is ready to sail, or, if the vessel has sailed, for a reasonable time not exceeding one month :

Provided that a deposit be first made of such sum as the Magistrate deems necessary for the subsistence of the deserter during the detention and that the detention of the deserter shall not be continued beyond twelve weeks.

Application of sections 10 and 21.

64. (*1*) The provisions of sections 10 and 21 shall be applicable to all ports heretofore or hereafter declared by the President of the Union to be ports for the shipment and landing of goods but not otherwise subject to this Act, and may be enforced by any Magistrate to whose ordinary jurisdiction any such port is subject.

(*2*) Any penalties imposed by him, and any expenses incurred by his order, under the said provisions shall be recoverable respectively in the manner provided in sections 55 and 57.

(*3*) In any of the said ports for the shipment and landing of goods the consent referred to in section 21, sub-section (*4*), may be given by the principal officer of customs at such port or by any other officer appointed in that behalf by the President of the Union.

Grant of sites for sailors' institutes.

65. Any local authority in which any immoveable property in or near a port is vested may, with the previous sanction of the President of the Union, appropriate and either retain and apply, or transfer by way of gift or otherwise, the whole or any part of the property as a site for, or for use as, a sailors' home or other institution for the health, recreation and temporal well-being of sailors.

Exercise of powers of conservator by his assistants.

66. (*1*) All acts, orders or directions by this Act authorized to be done or given by any conservator may, subject to his control, be done or given by any harbour-master or any deputy or assistant of such conservator or harbour-master.

(*2*) Any person authorized by this Act to do any act may call to his aid such assistance as may be necessary.

Service of written notices of directions.

67. Any written notice of a direction given under this Act, left for the master of any vessel with any person employed on board thereof, or affixed on a conspicuous place on board of the vessel, shall, for the purposes of this Act, be deemed to have been given to the master thereof.

Publication of orders of President.

68. Every declaration, order and rule of the President of the Union made in pursuance of this Act shall be published in the Gazette, and a copy thereof shall be kept in the office of the conservator and at the custom-house, if any, of every port to which the declaration, order or rule relates, and shall there be open at all reasonable times to the inspection of any person without payment of any fee.

68A. Every authority exercising any powers or jurisdiction in, or relating to, any port to which this Act for the time being applies shall, if so required by an officer authorized by general or special order of the President of the Union in this behalf, co-operate, in such manner as such officer may direct, in carrying out any manœuvres in connection with any scheme or preparations for the defence of the said port in time of war, and for this purpose shall, if so required, temporarily place at the disposal of such officer the services of any of its staff and the use of any of its vessels, property, equipment or other material :

Authorities exercising jurisdiction in ports to co-operate in manœuvres for defence of ports.

Provided, firstly, that if any vessels are placed at the disposal of such officer in accordance with this section, the Government shall, in respect of the period during which they are so at his disposal, bear the running expenses of such vessels, and be responsible for any damage thereto.

Explanation.—The expression "running expenses" in this proviso includes all outlay incurred in connection with the use of the vessels other than any charges for their hire, or for the wages of the officers and crews of such vessels :

Provided, secondly, that any officer making a requisition under this section shall exercise his powers in such a way as to cause as little disturbance to the ordinary business of the port as is compatible with the exigencies of the efficient carrying out of the manœuvres :

Provided, thirdly, that no suit or other legal proceeding shall lie against any authority for any default occurring by reason only of compliance with a requisition under this section.

68B. Whenever the President of the Union is of opinion that an emergency has arisen which renders it necessary that the duties imposed for the purposes specified in section 68A on the authorities therein mentioned, or other duties of a like nature, should be imposed on such authorities continuously during the existence of the emergency, he may, by general or special order, authorize any officer to require the said authorities to perform such duties until the President of the Union is of opinion that the emergency has passed, and the said authority shall comply accordingly, and the provisions of the said section shall apply subject to the following modification, namely :—

Duties of the said authorities in an emergency.

The Government shall pay any authority, on whom a requisition has been made, such compensation for any loss or damage attributable to such requisition, and for any services rendered or expenditure incurred in complying therewith, as, in default of agreement, shall be decided to be just and reasonable, having regard to the circumstances of the case, by the arbitration of a person to be nominated in this behalf by the President of the Union, and the decision of such person shall be final.

THE FIRST SCHEDULE.

PORTS, VESSELS CHARGEABLE, RATE OF PORT-DUES AND FREQUENCY OF PAYMENT.

(See sections 1 and 33.)

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
1	2	3	4
Rangoon	Sea-going vessels of ten tons and upwards.	Not ceexedin six annasp erton.	Once in sixty days.
	Tug-steamers and river-steamers.	Not exceeding four annas per ton.	Once between the 1st January and the 30th June, and once between the 1st July and the 31st December, in each year.
Moulmein	Sea-going vessels of ten tons and upwards, but less than twenty-five tons.	Not exceedin four annas per ton.	Once in sixty days.
	Sea-going vessels of twenty-five tons and upwards.	Not exceeding five annas six pies per ton.	Ditto
Kyaukpyu	Sea-going vessels of ten tons and upwards.	Not exceeding four annas per ton.	Ditto
Akyab	Sea-going vessels of ten tons and upwards.	Not exceeding four annas per ton.	Ditto
Bassein	Sea-going vessels of ten tons and upwards, but less than twenty-five tons.	Ditto	Ditto
	Sea-going vessels of twenty-five tons and upwards.	Not exceeding five annas six pies per ton.	Ditto
Tavoy	Sea-going vessels of ten tons and upwards.	Not exceeding four annas per ton.	Ditto
Mergui	Ditto	Ditto	Ditto

THE RANGOON PORT ACT.

CONTENTS.

CHAPTER I.

PRELIMINARY.

Sections.

1-3. * * * *
4. Definitions.
5. Power to define and alter limits of port.

CHAPTER II.

CONSTITUTION OF THE BOARD.

6. Constitution of Board.
7. Number, election and appointment of members.
8-9. * * * *
10. Terms of office of Chairman and other members.
10A. Filling of vacancies in Board.
11. Disqualification of members.
12. Appointments, etc., to be notified.

CHAPTER III.

CONDUCT OF BUSINESS BY THE BOARD.

13. Meetings of Board.
14. Special and ordinary meetings.
15. Chairman to attend.
16. Conduct of business at meetings.
17. Proceedings not invalidated by vacancy, defect of form, etc.
18. Bye-laws as to conduct of business, etc.
19. * * * *
20. Powers to carry out repairs and effect recurring expenditure.
21. Sanction required for new works.
22. Power to enter into contracts.
23. Form of contracts.
23A. Powers conferred on an officer in charge of a department to be subject to control of Chairman.
24. * * * *

CHAPTER IV.

OFFICERS AND SERVANTS.

Sections.

25. Schedules of officers and servants.
26. Bye-laws relating to officers and servants.
27. Appointment, etc., of officers and servants.
28. Temporary establishment.

Control of Pilots.

28A. Inapplicability to port of the Pilots Act.
28B. Board to be vested with the right of maintaining pilots.
28C. Appointment of pilots.
28D. Powers and duties of Pilot Council.
28E. Bye-laws relating to Pilot Council and pilots.
28F. Previous publication and confirmation by President of bye-laws under section 28E.
28G. Enforcement of bye-laws under section 28E (*e*).

CHAPTER V.

PROPERTY OF THE BOARD.

29. Power to acquire and dispose of property.
30. Property vested in Board.
31 Restrictions respecting Government land vested in Board.
32. Acquisition of land.
33. Property to be in trust.

CHAPTER VI.

BORROWING POWERS.

34. Loans.
35. Mode of raising money.
36. Form and transferability of debentures.
Right to sue on debentures.
Like remedies in respect of loans from Government.
36A. Signature of coupons attached to debentures.
37. Loans to be a first charge on property and income of Board.
38. Loans to be raised in the Union of Burma and in local currency.
39. Establishment of sinking fund.
Application and investment of sinking fund.
40. Annual examination of sinking fund.
41. Power to repay loans from Government before due date.
42. Saving of power to borrow under the Local Authorities Loans Act.

CHAPTER VII.

DISPOSAL OF FUNDS.

Sections.

43. Constitution of Rangoon Port Management Board Fund.
44. Moneys to be kept in bank.
44A. Investment of fund.
45. Application of fund.
45A. Application of moneys credited to pilotage account.
46. Compensation to Municipal Corporation of the City of Rangoon.
47. Cost of Port Police.

CHAPTER VIII.

ANNUAL ESTIMATES AND ACCOUNTS.

48. Annual estimates.
49. Accounts and audit.
50. Provision for depreciation, reserve and other funds.
51. Board not liable to pay Income-tax, etc.
52-56. * * * *

CHAPTER IX.

CONTROL OF PRESIDENT OF THE UNION.

57. Board's acts subject to approval.
58. Annual, etc., reports to be submitted to the President.
59. Board to provide for fulfilment of liabilities.
60. President may require Board to impose or increase rates, etc., and in case of non-compliance may impose or increase the same.
61. President may order survey.
62. President may carry out neglected works.
63. President may revoke powers of Board.

CHAPTER X.

GENERAL POWERS OF THE BOARD.

Construction of Works, etc.

64. Works to be constructed, etc.

Port Bye-laws.

65. Power to make port bye-laws.
Power to attach penalty to breach of bye-laws.
Procedure for making bye-laws.

Public Landing-places, etc.

Sections.

66. Free public landing-places.
67. Removal of bathing and landing-places.

Use of Wharves, and Landing and Shipping of Goods.

68. Appliances for shipping, etc., for sea-going vessels.
69. Declaration that wharves, etc., are ready.
Power to compel sea-going vessel to use wharves, etc.
70. If accommodation sufficient, all sea-going vessels compelled to use wharves, etc.
71. Inland vessels compelled to use wharves, etc.
72. Previous publication of intended notification under section 69, 70 or 71.
73. Power to order removal of vessels from wharves, etc.
74. Power to exempt from obligation to use wharves, etc.
75. Discharge of liability on goods landed.
76. Accommodation for Customs officers on wharves, etc.
77. Dues at Customs wharves, etc.

Private Wharves, etc.

78. Private wharves, etc., prohibited.
79. Power to permit erection of private wharves, etc., within the port subject to conditions.
80. Wharves, etc., beyond port limits.

Tolls, Charges, etc., and Liens and other Remedies.

81. Scale of tolls and charges to be framed.
82. Power to impose river-due and to vary the rates thereof.
83. Board's lien for tolls and charges.
84. Detention of goods on account of owner's lien for freight.
85. Discharge of shipowner's lien for freight.
86. Power to remove goods to warehouses.
Notice of removal, etc.
Charges for warehousing such goods.
Continuance of liens, etc.
87. Recovery of tolls and charges by sale of goods.
Public notice of sale.
Notice to owner of goods.
88. Application of proceeds of sale.
89. Recovery of tolls and charges by distraint of vessel.
Sale of distrained vessel, etc.
90. Recovery of dues as arrears of revenue.
91. Port-clearance not to be granted until tolls, etc., are paid.

Compensation for Damage to Port Property.

Sections.

92. Compensation for damage to property of Board.
Issue of warrant.

CHAPTER XI.

PENALTIES.

93. Penalty for officer or servant interested in contract, etc.
94. Penalty for member interested in contract, etc.
95. Penalty for infringement of section 55, 69, 70, 74 or 79.
95A. Penalty, etc., for infringement of section 71.
96. Infringement of section 78.
96A. Penalty for understating quantity or weight of goods or tonnage of vessels.
97. Penalty for infringement of port bye-laws.
98. Prosecutions.

CHAPTER XII.

MISCELLANEOUS.

99. Members not personally liable.
100. Members liable for breach of trust.
101. Limitation of suits.
102. Responsibility of Board for loss, destruction or deterioration of animals or goods.
103. Indemnity to Board for acts of officer, harbour-master, etc.
104. * * * *
105. Place of business.
106. Members are public servants.
107. Power to make rules.

THE FIRST SCHEDULE.— * * * *

THE SECOND SCHEDULE.—Property vested in the Board of Management.

THE THIRD SCHEDULE.— * * * *

THE FOURTH SCHEDULE.—Form of receipt for goods landed.

THE RANGOON PORT ACT.

[BURMA ACT IV, 1905.] (15th July, 1905.)

CHAPTER I.

PRELIMINARY.

1-3. * * * *

Definitions.

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

"Board." [1](1) "Board" means "Board of Management for the Port of Rangoon" hereinafter incorporated;

"Member." [1](2) "Member" means "a member of the said Board";

"High-water-mark" (3) "high-water-mark" means a line drawn through the highest points reached by ordinary spring-tides at any season of the year;

"Land." (4) "land" includes the bed of the river below high-water-mark, and also things attached to the earth or permanently fastened to anything attached to the earth;

"Low-water-mark." (5) "low-water-mark" means the lowest point reached by ordinary ebb spring-tides at any season of the year;

"Master." (6) "master," when used in relation to any vessel, means any person (except a pilot or harbour-master) having for the time being the charge or control of such vessel;

"Owner." (7) "owner" includes also any agent to whom a vessel is consigned;

"Pilot." (8) "pilot" means a person for the time being authorized by the President of the Union to pilot vessels;

"Port." (9) "port" means the Port of Rangoon as for the time being defined under the provisions of section 5 for the purposes of this Act;

"Vessel." (10) "vessel" includes ships, boats, rafts, timber and anything made for the conveyance by water of human beings or of property;

"Dock." (11) "dock" includes all basins, cuts, quays, wharves, warehouses, tramways and other works and things appertaining to any dock;

"Wharf." (12) "wharf" includes any portion of the bank of the river which has been improved to facilitate the loading or unloading of goods, and any foreshore used for the same and any wall enclosing or adjoining such bank or foreshore;

"Person in legal occupation." (13) "person in legal occupation," when used with reference to a dock, wharf, quay, stage, jetty, pier or erection, means the person permitted to erect the same by an order under section 79 or other person (holding the same or any land in the vicinity by derivative title from or under such licensee) for whose use the continuance of such dock, wharf, quay, stage, jetty, pier or erection is permitted by an order under that section;

---

[1] Substituted by Act XVI, 1954.

and, when used with reference to any other land, means a person in occupation thereof personally or by his agent or servant, but does not include a lessee, sub-lessee or occupier whose rent or charge under such lease or sub-lease or for the occupation thereof depends on or varies with the quantity of goods to be dealt with thereon or whose lease, sub-lease or right of occupation is for any period less than a month ;

(14) " foreshore " means the area between high-water-mark and low-water-mark ; "Foreshore."

(15) "natural foreshore " means any portion of the foreshore used for the landing or shipping of goods where such landing or shipping is effected otherwise than over or by means of any dock, wharf, quay, stage, jetty, pier or other erection for which the sanction of the President of the Union is necessary under sections 78 and 79 ; and " Natural foreshore."

(16) " goods " includes wares and merchandise of every description together with the cases or coverings in which they are contained and all fastenings thereof. " Goods."

5. (*1*) The President of the Union may, by notification, define the limits of the port for the purposes of this Act. Power to define and alter limits of port.

(*2*) Such limits may extend to any part of the navigable approaches to the port, and may include any docks, wharves, quays, stages, jetties, piers, tramways, warehouses, sheds and other works made on behalf of the public for convenience of traffic, for safety of vessels, or for the improvement, maintenance and good government of the port or river, whether within or without high-water-mark, and (subject to any rights of private property therein) any portion of the shore or bank within fifty yards of high-water-mark.

CHAPTER II.

CONSTITUTION OF THE BOARD.

[1] **6.** The duty of carrying out the provisions of this Act shall, subject to such conditions and limitations as are hereinafter contained, be vested in a Board to be called " The Board of Management for the Port of Rangoon." Constitution of Board.

The Board shall be a body corporate and have perpetual succession and a common seal, and may sue and be sued in its corporate name, and, in addition to the powers expressly conferred by this Act, shall have power, subject to the provisions of this Act, to do all other things necessary for the purposes of its constitution.

7. [1](*1*) There shall be fourteen members of whom— Number, election and appointment of members.

(*a*) one shall be the Chairman appointed by the President of the Union ;

(*b*) one shall be a representative of the Ministry of Transport and Communications not below the rank of Deputy Secretary ;

[1] Substituted by Act XVI, 1954.

(*c*) one shall be a representative of the marine interests of Government appointed by the President of the Union ;

(*d*) one shall be the Collector of Customs, Rangoon ;

(*e*) one shall be a representative of Inland Water Transport Board not below the rank of Deputy General Manager ;

(*f*) one shall be elected by the Municipal Corporation of the City of Rangoon ;

(*g*) one shall be a representative of sea-going shipping elected by shipping agents, to be approved by the President of the Union;

(*h*) two shall be elected by the Union of Burma Chamber of Commerce, to be approved by the President of the Union ;

(*i*) five shall be appointed by the President of the Union.

(*2*) The elections under sub-section (*1*) shall be made in such manner as may be determined by the electing bodies subject to the approval of the President of the Union.

(*3*) If any person is elected by more than one electing body he shall, by notice in writing signed by him and addressed to the President of the Union, within seven days from the date of such election, choose which of these bodies he shall represent, and the choice shall be conclusive.

When any such choice has been made, the electing body or bodies which such person has not chosen to represent shall elect another person in his place, and if no choice is made, the elections of such person shall be void and each of the electing bodies shall elect another person, as if a vacancy had occurred within the meaning of section 10A.

[1] **8-9.** * * * *

Terms of office of Chairman and other members.

[2] **10.** (*1*) The terms of office of the Chairman or other members of the Board shall be such as may be prescribed by the President of the Union and the tenure of office of Chairman or any other member may at any time be terminated by the President of the Union.

(*2*) The non-official members of the Board shall be paid such fees and allowances as may be prescribed by the President of the Union.

(*3*) Any person who has been convicted of any such offence as implies in the opinion of the President of the Union a defect of character or who has been punished for any offence under this Act shall be disqualified for being elected or appointed a member of the Board.

Filling of vacancies in Board.

10A. Whenever through the death, resignation, disqualification, absence on leave or expiry of the term of office of any [member,][2] whether elected or appointed under this Act, a vacancy occurs [in the number of the members,][2] such vacancy shall be filled by election or appointment, as the case may be, within one month ;

Provided that a [member][2] elected or appointed under this section to fill a temporary vacancy caused by absence on leave shall hold office until the

[1] Deleted by Act XVI, 1954.
[2] Substituted *ibid*.

expiry of the term of office or sooner return from leave of the [member][1] whose place he fills.

Disqualification of members.

11. (*1*) Every person who, at any time after his election or appointment as a [member,][1] shall be absent for three consecutive months from the meetings of the [Board] [1] without having the permission in that behalf of the [Board,] [1] or who, not being the Chairman, shall with such permission be absent from the meetings for a period exceeding a year, shall thenceforth cease to be a [member] [1] and his office shall thereon become vacant.

(*2*) Every person—

(*a*) who at any time after his election or appointment as a [member] [1] shall [* * * *][2] accept or agree to accept any office or place of profit under this Act, except the office of Chairman, or

(*b*) who shall, save with the sanction of the President of the Union participate or agree to participate in the profits of any work done by order of the [Board,] [1] or be concerned or participate in the profits of any contract entered into with the [Board,] [1]

shall thenceforth cease to be a [member] [1] and his office shall thereon become vacant :

Provided that no [member][1] shall vacate his office by reason only of his being a shareholder in or member or employee of any company registered under the provisions of any Act for the registration of joint-stock companies, passed by the Union Parliament or by any Indian Legislature or by the Parliament of the United Kingdom or incorporated by Act of Parliament, Royal Charter, or otherwise, with which the [Board] [1] may enter into any contract, or by reason of his being interested in any loan of money to the [Board;] [1]

Provided also that no [member][1] shall vacate his office by reason of his being interested in any purchase or lease of land or premises, the sale or lease of which the [Board] [1] may determine on at a meeting under the provisions of this Act, or of his being interested in any agreement under which facilities may be granted for the landing and shipment of goods in return for stipulated income guaranteed to the [Board] [1] in consideration of their undertaking to construct or provide such facilities.

(*3*) Every person who, in contravention of the provisions of the proviso to clause (*e*) of section 16, shall take part in the discussion of or vote on any matter in which he or his partner or principal is pecuniarily interested shall thenceforth cease to be a [member] [1] and his office shall thereon become vacant.

Appointments, etc., to be notified.

12. Every election or appointment to office made and resignation accepted under the provisions of this Chapter shall be notified in the Gazette, and shall be valid and take effect from the date of such notification.

---

[1] Substituted by Act XVI, 1954.
[2] Deleted *ibid.*

Constitution of Advisory Committees.

[1]**12A.** (*1*) The President of the Union may, by notification, constitute one or more Advisory Committees for the purposes of this Act.

(*2*) The number and terms and conditions of service of members of, the procedure to be followed by and the manner of filling casual vacancies among members of such Advisory Committees and the circumstances in which and the authority by which members thereof may be removed shall be such as may be prescribed by the President of the Union.

CHAPTER III.

CONDUCT OF BUSINESS BY THE BOARD.

Meetings of Board.

13. (*1*) The [Board][2] shall meet for the transaction of business at least once in every month.

(*2*) At least three days' notice shall be given of every meeting of the [Board][2] and the notice shall state the nature of the business to be transacted.

Special and ordinary meetings.

14. The Chairman [* * * *][3] may, whenever he thinks fit, and shall upon a requisition in writing signed by not less than [three members,][2] convene [a meeting of the Board][2] for the transaction of any special business.

Meetings so convened are special meetings; all other meetings are ordinary meetings.

Chairman to attend.

15. The Chairman [* * *][3] shall, unless prevented by sickness or other reasonable cause, attend all meetings of the [Board.][2]

Conduct of business at meetings.

16. At all [meetings of the Board][2] the business shall be conducted in accordance with the following provisions, namely :—

[2](*a*) the Chairman shall be the presiding authority ; and if he is absent, the members may elect one of their number to be the presiding authority ;

(*b*) the [presiding authority][2] may, with the consent of the meeting, adjourn the meeting from time to time ;

(*c*) at special meetings no business shall be transacted other than the special business for the consideration of which the meeting was specially called ; at ordinary meetings any business may be transacted of which due notice has been given ;

(*d*) the quorum necessary for the transaction of business shall be such number, not less than five, as the [Board][2] may, from time to time by bye-law, prescribe ; but no [member][2] who is prohibited as hereinafter provided from voting or taking part in any proceedings shall be counted in the quorum so far as regards such proceedings ;

---

[1] Inserted by Act XVI, 1954.
[2] Substituted *ibid.*
[3] Deleted *ibid.*

(*e*) all questions which may come before the [Board][1] at any meeting shall be decided by a majority of votes. Each [member][1] shall have one vote ; and, in case of equality of votes, the [presiding authority][1] shall have a second or casting vote :

Provided that no [member][1] shall at any meeting take part in the discussion of or vote on any matter (other than matters of general policy) in which he or his partner or principal has a pecuniary interest or in which any person or body (other than the Government, a local authority or a railway administration) for whom he is acting as an agent, has such an interest, but no [member][1] shall be so debarred from taking part in the discussion of or voting on any matter by reason only of a pecuniary interest which he or his partner or principal may have in the matter in common with the community at large or with a number of persons interested in common otherwise than as members of the same trading firm or syndicate or other association formed for profit ;

(*f*) minutes of the proceedings of the [Board][1] shall be drawn up after each meeting and shall be signed by the [presiding authority][1] and at least one other [member,][1] who was present at such meeting ; a copy of all such minutes shall, as soon as conveniently may be, be transmitted to the President of the Union ;

(*g*) another copy of such minutes, except such portions thereof as the Chairman may in any particular case direct, shall be open to the inspection of the public.

Proceedings not invalidated by vacancy, defect of form, etc.

[1] **17.** No proceedings of the Board at any special or ordinary meeting shall be deemed invalid by reason only of any vacancy in the number of the members or defect in the election or appointment of any of the members or defect of form.

Bye-laws as to conduct of business, etc.

18. The [Board][1] may, from time to time, make bye-laws consistent with this Act for regulating the time and place of their meetings, the conduct of their business, the division of the duties among themselves, the guidance of persons employed by them, and for other similar matters.

[2] **19.** * * * *

Powers to carry out repairs, and effect recurring expenditure.

20. (*1*) The Chairman may carry out or effect repairs, renewals or other recurring expenditure provided for in an estimate sanctioned under the provisions of Chapter VIII at the time in force, subject to such rules as the [Board][1] may prescribe in regard to the preparation and sanction of detailed estimates therefor.

(*2*) The [Board][1] in meeting may, from time to time by bye-law, authorize any officer of the [Board][1] in charge of a department to carry out or effect

[1] Substituted by Act XVI, 1954.
[2] Deleted *ibid.*

repairs, renewals or other recurring expenditure provided for in the said estimate of which the estimated cost in any one case does not exceed such sum (not being more than two thousand rupees) as may be specified in such bye-law, subject to such rules as the [Board][1] may prescribe for the preparation and sanction of detailed estimates therefor :

Provided that no bye-law framed under this sub-section shall come into force until it has been confirmed by the President of the Union.

Sanction required for new works.

21. (*1*) Sanction for the execution of any works authorized by this Act and provided for in a n estimate sanctioned under the provisions of Chapter VIII at the time in force may be granted by the [Board][1] in meeting or, if the estimated cost of such work taken alone does not exceed one thousand rupees, by the [Board][1] in meeting or by the Chairman, and when any new work has been so sanctioned it may be carried out by the Chairman or by any officer authorized to do so, subject to such restrictions as may be imposed in this behalf by the order sanctioning it or by any resolution or bye-law passed or framed by the [Board][1] :

Provided that no new work shall be commenced and no contract in respect thereof shall be entered into, if the estimated cost of such work exceeds—

(i) two thousand rupees, until the plan and estimate therefor shall have been determined on and approved by the [Board] [1] in meeting or by the Chairman ; or

(ii) five thousand rupees, until the plan and estimate therefor shall have been determined on and approved by the [Board] [1] in meeting ; or

(iii) two lakhs of rupees, until the plan and estimate therefor shall have been submitted to and approved by the President of the Union.

(*2*) The [Board][1] in meeting may, from time to time by bye-law, authorize any officer of the [Board] [1] in charge of a department to sanction the execution of and to carry out any new work so authorized and provided for as aforesaid, of which the estimated cost does not exceed such sum (not being more than five hundred rupees) as may be specified in the bye-law :

Provided that no bye-law framed under this sub-section shall come into force until it has been confirmed by the President of the Union.

Power to enter into contracts.

22. (*1*) The [Board][1] may enter into contracts authorized by this Act with any person for the execution or supply of any works, labour, materials, machinery, stores or for other matters necessary for carrying into effect the trusts and purposes of this Act.

(*2*) Any such contract of which the value does not exceed five thousand rupees may be made by the Chairman in the case of any work or matter which he is authorized to carry out by this Act or the bye-laws thereunder or which has been sanctioned by the [Board,][1] but other contracts shall not be

[1] Substituted by Act XVI, 1954.

entered into except in accordance with a resolution passed by the [Board][1] in meeting.

(*3*) The [Board][1] in meeting may, from time to time by bye-law, authorize any officer of the [Board][1] in charge of a department to enter into any such contracts of a particular class or of particular classes to be specified in the bye-law, of which the value in the case of any one contract does not exceed such sum (not being more than five hundred rupees) as may be specified in the bye-law and of which the aggregate value for the particular class in one month does not exceed such limit as may be specified in the bye-law :

Provided that no bye-law framed under this sub-section shall come into force until it has been confirmed by the President of the Union.

Form of contracts.

23. (*1*) Any such contract whereof the value does not exceed five thousand rupees, made by the Chairman for and on behalf of the [Board][1] may be made in such manner and form as would bind him if such contract were on his own behalf.

(*2*) Any such contract made for and on behalf of the [Board][1] by any officer in charge of a department expressly authorized to make such contract by a bye-law under section 22, sub-section (*3*), and whereof the value does not exceed the specified pecuniary limit, may be made in such manner and form as would bind him if such contract were on his own behalf.

[1](*3*) Every contract and agreement by or on behalf of the Board, the value of which shall exceed the sum of five thousand rupees,

(*a*) shall, if made in Rangoon Town, be in writing signed by the Chairman and by two other members, and shall be sealed with the common seal of the Board, or

(*b*) may, if made outside Rangoon Town, be made in such manner and form as, according to the law for the time being, would bind him if made on his own behalf, by an agent duly appointed, either generally or specially, in that behalf by the Board under a power-of-attorney signed by the Chairman and by two other members and sealed with the common seal of the Board.

[1](*4*) No contract or agreement in value exceeding the said sum, which is not executed in accordance with the provisions of this section, shall be binding upon the Board.

Powers conferred on an officer in charge of a department to be subject to control of Chairman.

23A. Any powers conferred by bye-law under section 20, sub-section (*2*), or section 21, sub-section (*2*), or section 22, sub-section (*3*), on an officer of the [Board][1] in charge of a department shall be exercised by him subject to the control of the Chairman.

[2]**24.** * * * *

[1] Substituted by Act XVI, 1954.
[2] Deleted *ibid.*

CHAPTER IV.

OFFICERS AND SERVANTS.

Schedules of officers and servants.

25. (*1*) The [Board][1] shall from time to time prepare and in meeting sanction schedules of the staff of officers and servants whom they deem it necessary or proper to maintain for the purposes of this Act:

Provided that artisans, porters, labourers and sirdars of porters and labourers shall not be deemed to be officers or servants within the meaning of this Chapter.

(*2*) Such schedules shall also set forth the amount and nature of the salaries, fees and allowances which the [Board][1] in meeting may sanction for each such officer or servant.

[1](*3*) A copy of all such schedules as last sanctioned by the Board shall be appended to the annual estimate prepared by the Board.

Bye-laws relating to officers and servants.

26. The [Board][1] in meeting may, from time to time, make bye-laws—

(*a*) for regulating the grant of leave to officers and servants of the [Board][1];

(*b*) for authorizing the payment of allowances to any such officers and servants whilst absent on leave;

(*c*) for determining the remuneration to be paid to the persons appointed to act for any such officers and servants during their absence on leave;

(*d*) for regulating the period and other terms of service of all such officers and servants;

(*e*) for determining the conditions under which any such officers and servants shall, on retirement, receive pensions, gratuities or compassionate allowances, and the amount of such pensions, gratuities and compassionate allowances;

(*f*) for establishing and maintaining a provident or annuity fund and in respect thereto—

(i) compelling all or any of such officers or servants (other than Government officials) to subscribe to such fund, and, if necessary, providing for the deduction of such subscriptions out of the salaries or emoluments of such officers or servants;

(ii) fixing the conditions under which payments may be made out of such fund and under which such payment shall discharge the fund from further liability;

(iii) providing for the settlement by arbitration or otherwise of disputes relating to such fund, or the payments of subscriptions thereto or claims thereon between the [Board][1] and other persons or between persons claiming any share or interest therein; and

(iv) regulating generally other matters incidental to such fund and the investment thereof; and

---

[1] Substituted by Act XVI, 1954.

(*g*) for providing for the payment, by the [Board][1] out of other funds vested in the [Board,] [1] of contributions to any provident or annuity fund established by or with the approval of the [Board] [1]:

Provided that no bye-law framed under this section shall come into force until it has been confirmed by the President of the Union.

Appointment, etc., of officers and servants.

27. (*1*) Subject to the provisions of such bye-laws, the power of appointing, promoting, fining, and reducing the officers and servants of the [Board] [1] required for the appointments sanctioned for the time being in the schedules framed under section 25, may be exercised—

(i) in the case of any officer or servant whose monthly salary shall not exceed two hundred rupees, by the Chairman, or by any officer specially empowered in this behalf by a bye-law framed by the [Board] [1] in meeting, to the extent authorized by such bye-law, and

(ii) in the case of any officers or servants, by the [Board] [1] in meeting.

(*2*) Subject to such bye-laws, the power of suspending, dismissing or granting leave to such officers and servants may be exercised—

(*a*) by the Chairman, in the case of any officers or servants whose monthly salary shall not exceed two hundred rupees, and

(*b*) in the case of any officers or servants, by the [Board] [1] in meeting:

Provided that the power of temporary suspension or of granting short leave for a period not exceeding ten days may be exercised by the Chairman in any case, or by any officer specially empowered in this behalf under a bye-law framed by the [Board] [1] in meeting to the extent authorized in such bye-law.

(*3*) No bye-law framed under this section shall come into force until it has been confirmed by the President of the Union

(*4*) Nothing in this section shall apply to pilots of the port.

Temporary establishment.

28. Subject to the provisions [of section 48,] [1] the Chairman may appoint any temporary establishment of officers and servants that may be necessary for any period not exceeding three months at a time.

Control of Pilots.

Inapplicability to port of the Pilots Act.

28A. (*1*) The Pilots Act shall cease to be in force in the port.

(*2*) * * * *

Board to be vested with the right of maintaining pilots.

28B. The [Board][1] shall have the right of maintaining pilots for the navigation of vessels at the port and shall be bound to provide a sufficient number of pilots for that purpose and all fees for pilotage shall be paid to the [Board] [1]: provided that no person shall be appointed to be a pilot by the [Board] [1] who is not for the time being authorized by the President of the Union to pilot vessels in the port under the provisions of the Ports Act.

[1] Substituted by Act XVI, 1954.

Appointment of pilots.

28C. No person, other than a person appointed by the [Board] [1] under the provisions of this Act, shall act as a pilot within the port.

Powers and duties of Pilot Council.

[1] **28D.** The powers conferred and duties imposed by this Act on the Board shall, in respect of all matters affecting the pay and allowances, discipline, general administration and internal economy of the pilot service of the port, be exercised and carried out, subject to such conditions and limitations as may be prescribed by bye-laws made under section 28E and subject also to the control of the Board, by a Pilot Council consisting of six councillors, namely,

the Chairman ;

two councillors elected from amongst themselves by the members ;

two councillors elected from amongst themselves from the pilots of the port ; and

the Deputy Conservator of the Port or such other officer as may be appointed in his place by the Board :

Provided—

(i) that no act or proceeding of the Pilot Council shall have effect until confirmed by the Board ; and

(ii) that an act or proceeding of the Pilot Council which has received the confirmation of the Board shall be deemed to be an act or proceeding of the Board for the purpose of section 57.

Bye-laws relating to Pilot Council and pilots.

28E. The [Board] [1] shall make bye-laws—

(*a*) for regulating the appointment or election, as the case may be, and the term of office of [the councillors of the Pilot Council] [1] ;

(*b*) for prescribing the conditions and limitations under which the [Pilot Council] [1] may exercise or carry out the powers and duties conferred or imposed on the [Board] [1];

(*c*) for regulating the times and places of meetings and the conduct of business of [the Pilot Council] [1] ;

(*d*) for regulating the conditions, including the qualifications, examination and probation, for appointment as a pilot of the port ;

(*e*) for regulating the duties of the pilots and all matters relating to the maintenance, discipline, administration and internal economy of the pilot service of the port ; and

(*f*) generally for the carrying out of the purposes of section 28D.

Previous publication and confirmation by President of bye-laws under section 28E.

28F. All bye-laws made under section 28E shall be made subject to previous publication in the Gazette and after consideration of any recommendation in respect thereof made by the [Pilot Council] [1], and upon confirmation by the President of the Union shall have the same effect as if enacted in this Act: provided that if the [Board] [1] fail, after a reasonable period, to make suitable bye-laws for the carrying out of any of the purposes specified in section 28E, the President of the Union may do so and, on publication in the Gazette, such bye-laws shall have the same effect as if enacted in this Act.

[1] Substituted by Act XVI, 1954.

Enforcement of bye-laws under section 28E (*e*).

28G. The [Board] [1] may enforce the observance of all bye-laws made under clause (*e*) of section 28E by the imposition of pecuniary penalties not exceeding two hundred rupees for each offence, or by suspension or deprivation of appointment, or in such other manner as to them may appear expedient, and pending any orders of the [Board] [1] under this section the Chairman may temporarily suspend any pilot : provided that no pilot shall be deprived of his appointment except with the approval of the President of the Union.

CHAPTER V.

PROPERTY OF THE BOARD.[1]

Power to acquire and dispose of property.

29. The [Board][1] may, for the purposes of this Act, acquire and hold moveable or immoveable property within or without the limits of the port ;

and may, in meeting, lease, mortgage, sell or exchange any moveable or immoveable property vested in or held by the [Board][1] :

Provided that no sale of immoveable property and no lease or alienation thereof for a term exceeding ten years shall be valid unless such sale, lease or alienation shall have been made with the previous sanction of the President of the Union.

Property vested in Board.

30. The property specified in the Second Schedule shall be vested in the [Board][1] and shall be held by them subject to the provisions of sections 29, 31 and 33.

Restrictions respecting Government land vested in Board.

31. (*1*) In the case of any property specified in Part I of the Second Schedule or which may, after the 15th July, 1905,[2] be transferred from [the State][3] to the [Board][1] otherwise than in exchange for its market-value, no buildings or other permanent structures shall be erected thereon except with the general or special sanction of the President of the Union and no works for the reclamation or protection thereof shall be undertaken without the like sanction.

(*2*) If any portion of the property referred to in sub-section (*1*) is required by Government for a public purpose, the same may be resumed by Government without claim to compensation [on the part of the Board][1], except—

(*a*) for the amount of any consideration or other payment made in respect of the transfer [to the Board][1];

(*b*) for the cost of the reclamation and other works for the protection thereof effected by the Commissioners for the Port of Rangoon appointed under the Rangoon Port Commissioners Act, 1879,[4] or effected with the previous sanction of the President of the Union [by the Board] [1] ; and

India XV, 1879.

---

[1] Substituted by Act XVI, 1954.
[2] Date of commencement of this Act.
[3] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.
[4] Repealed by this Act.

(*c*) for buildings or other permanent structures erected thereon with the sanction of the President of the Union subsequently to the date on which such land became vested in or was transferred to the Commissioners of the Port of Rangoon appointed under the Rangoon Port Commissioners Act, 1879,[2] or may, after the commencement of this Act, have been transferred from [the State][3] [to the Board, as the case may be][1]: India XV, 1879.

Provided that the compensation to be awarded under clause (*b*) shall not in any case exceed the market-value of the land resumed at the time of such resumption, and the compensation to be awarded in respect of any building or permanent structure under clause (*c*) shall be either the original cost of such building or permanent structure or the market-value of the same at the date of resumption, whichever is the less.

(*3*) If any question arises between the [Board][1] and the Government as to the boundaries of any portion of the land referred to in sub-section (*1*), the President of the Union may define and demarcate such boundaries, and the decision of the President of the Union in respect thereto shall be final.

Acquisition of land.

32. When any land is required for the purposes of this Act the President of the Union may, on the request of the [Board][1] proceed to acquire it under the provisions of the Land Acquisition Act, and, on payment by the [Board][1] of the compensation awarded under that Act, the land shall vest in the [Board][1].

Property to be in trust.

33. All property vested in, or acquired or held by, and all moneys paid or payable to, the [Board,][1] shall be held and applied by them in trust for the purposes of this Act.

CHAPTER VI.

BORROWING POWERS.

Loans.

[1]34. (*1*) For the purpose of enabling the Board to carry out the provisions of this Act the President of the Union may advance to the Board such sums of moneys as and on such conditions as he may think fit.

(*2*) For carrying out the provisions of this Act the Board may float loans in the open market upon such terms and conditions as may be prescribed by the President of the Union:

Provided that the provisions of sections 35 to 41, both inclusive, shall not apply to such loans.

Mode of raising money.

35. (*1*) All loans raised under this Act shall be raised on the security of—

(*a*) the property now vested, or which may hereafter become vested, in the [Board][1]; and

(*b*) the tolls, dues, rates, rents and charges leviable under this Act, less any sums set apart by the [Board][1] as a sinking fund for the purpose of paying off loans.

---

[1] Substituted by Act XVI, 1954.
[2] Repealed by this Act.
[3] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

(*2*) Loans may be floated in the open market or obtained from the Government, but the terms of every loan shall be subject to the approval of the President of the Union.

Form and transferability of debentures.

36. (*1*) All debentures issued under this Act shall be in such form as the [Board][1] shall from time to time determine : provided that in the case of loans raised out of the Union of Burma [* *][2], the form of the debentures shall require the previous sanction of the President of the Union.

(*2*) The holder of any debenture in any form duly authorized under this section may obtain in exchange therefor, upon such terms as the [Board][1] shall from time to time determine, a debenture in any other form so authorized.

(*3*) Every debenture issued by the [Board][1] shall be transferable in such manner as shall be therein expressed.

Right to sue on debentures.

(*4*) The right to sue in respect of moneys secured by such debentures shall be exercisable by the holders thereof for the time being, without any preference by reason of some of such debentures being prior in date to others.

Like remedies in respect of loans from Government.

(*5*) The Government shall have, in respect of all loans made by it or by the Secretary of State in Council to the [Board,][1] the same remedies as debenture holders ; but shall not be deemed to possess any prior or greater rights in respect of such loans than debenture holders.

Signature of coupons attached to debentures.

36A. All coupons attached to debentures issued under the authority of this Act shall bear the signature of the Chairman, and such signature may be engraved, lithographed or impressed by any mechanical process.

Loans to be a first charge on property and income of Board.

37. All loans repayable by the [Board][1] whether contracted prior to or after the 15th July, 1905[3], shall be a first charge on the income of the [Board][1] and on the property now vested, or which hereafter may become vested, in the [Board][1].

Loans to be raised in the Union of Burma and in local currency.

38. All loans contracted by the [Board][1] shall be raised in the Union of Burma, and in local currency, unless the President of the Union shall, by notification, otherwise direct.

Establishment of sinking fund.

39. (*1*) In respect of every loan raised by the [Board][1] after the 15th July, 1905[3], for a term exceeding one year (except a loan taken from the Secretary of State for India in Council or the Government), the [Board][1] shall provide a sinking fund. Payments shall be made half-yearly to such sinking fund, and such payments shall be of such amount as will be sufficient to liquidate the loan within a period which shall not exceed thirty years or, with the previous sanction of the President of the Union, sixty years.

Application and investment of sinking fund.

(*2*) The [Board][1] may apply the whole or any part of the sums accumulated in the sinking fund in or towards the discharge of the moneys for the repayment of which the fund has been established, provided that they pay into the

---

[1] Substituted by Act XVI, 1954.
[2] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.
[3] Date of commencement of this Act.

fund in each year, and accumulate until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been produced by the sinking fund, or the part of the sinking fund so applied.

The sums so set apart as a sinking fund shall be invested in securities of the Government of the Union of Burma or the Government of India or Pakistan or in the [Board's] [1] debentures, or in such other securities as the President of the Union may approve in this behalf, and shall be held in trust for the purposes of this Act by two trustees, one being the [Board][1] and the other a person appointed by the President of the Union.

Annual examination of sinking fund.

40. The sinking fund established for the liquidation of any loan shall be subject to annual examination by the [Auditor-General][1], Burma, who shall ascertain whether the cash and the current value of the securities at the credit of the fund are actually equal to the amount which would have been accumulated, had investments been regularly made, and had the rate of interest as originally estimated been obtained thereon.

The [Board][1] shall pay forthwith into the sinking fund any amount which the [Auditor-General][1] may certify to be deficient, unless the President of the Union specially sanctions a gradual readjustment.

Power to repay loans from Government before due date.

41. The [Board][1] may apply any sums, which can be so applied without prejudicing the security of the other debenture holders of the [Board][1] in repaying any sum which may remain due to the Government in respect of the principal of any loan, although the time fixed for the repayment of the same may not have arrived:

Provided that no such repayment shall be made of any sum less than ten thousand rupees; and that if such repayment is made, the amount of interest in each succeeding instalment shall be adjusted so as to represent exactly the interest due on the outstanding principal.

Saving of power to borrow under the Local Authorities Loans Act.

42. Nothing contained in this Act shall prevent the [Board][1] from raising, with the sanction of the President of the Union, loans under the Local Authorities Loans Act.

CHAPTER VII.

DISPOSAL OF FUNDS.

Constitution of Rangoon Port Management Board Fund.

[1] **43.** There shall be maintained by the Board a fund which shall be known as the "Rangoon Port Management Board Fund" (hereinafter referred to as "the Fund") and there shall be credited thereto—

(*a*) all moneys received by the Board under this Act;

(*b*) all moneys received from Government to enable the Board to carry out the provisions of this Act.

---

[1] Substituted by Act XVI, 1954.

Moneys to be kept in Bank.

[1]**44.** (*1*) The Board shall deposit or keep deposited all its moneys which are not immediately required in the bank or banks approved by the President.

(*2*) The Fund shall be operated under the bye-laws made by the Board subject to confirmation by the President of the Union.

Investment of Fund.

[1]**44A.** The investment of the Fund shall only be made with the prior approval of the President of the Union.

Application of Fund.

[1]**45.** (*1*) The Fund shall be applied by the Board for the purposes of carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provision, the Fund shall be applied by the Board in—

(*a*) meeting the effective and the non-effective charges of its establishment ;

(*b*) making payments either by way of interest or by way of return of principal, in respect of any money borrowed by the Board ;

(*c*) making due provision for maintenance, renewals, improvements and depreciation of the properties belonging to the Board ;

(*d*) allowing, with the appproval of the President of the Union, reasonable rebates in port dues and charges whenever considered necessary ; and

(*e*) defraying such other expenditure as, with the approval of the President of the Union, is considered necessary.

Explanation.—For the purpose of this sub-section the term " effective charges " means such charges as would cover the payment on account of pay and allowances to the employees of the Board and the term " non-effective charges " means such charges as would cover the payment towards contributory provident fund, gratuities and other similar payments.

Application of moneys credited to pilotage account.

45A. All sums credited to the pilotage account may be applied, in such proportions as the [Board][1] shall with the sanction of the President of the Union direct, to the following purposes only, namely :—

(*a*) the purchase and maintenance in repair of such vessels, and the supply of such materials, stores or other things, as the [Board][1] may deem it necessary to maintain or supply for the efficiency of the pilot service ;

(*b*) the payment of pay and allowances of pilots and other officers and servants of the [Board][1] employed in the pilot service or in the supervision thereof ;

(*c*) the payment of pensions or retiring gratuities or compassionate allowances to pilots and other officers and servants engaged in the pilot service and of the contribution, if any, duly authorized to be made in their behalf to any provident fund ;

(*d*) the payment of pensions, gratuities, and compassionate allowances granted by the [Board][1] to pilots and other officers and servants

[1] Substituted by Act XVI, 1954.

engaged in the pilot service, who have been disabled in the execution of their duty, and to the surviving relatives of pilots or officers and servants so engaged, who have been killed or have died as a result of injuries received in the execution of their duty ; and

(*e*) such other purposes as the President of the Union may direct.

Compensation to Municipal Corporation of the City of Rangoon.

46. [The Board][1] shall pay to the Municipal Corporation of the City of Rangoon the annual sum of ten thousand rupees as and by way of compensation for loss of income from sources of revenue now vested in [the Board][1] which were, prior to the commencement of the Rangoon Port Commissioners Act, 1879,[2] vested in the Municipal Committee of Rangoon. India XV, 1879.

Cost of Port Police.

47. The [Board][1] shall provide such sums as the President of the Union may from time to time require for the establishment and maintenance of police, to be called "Port Police," for the protection of the port and the approaches to the port.

CHAPTER VIII.[1]

Annual Estimates and Accounts.

Annual Estimates.

48. (*1*) The Board shall submit, before the close of each financial year, for the sanction of the President of the Union an estimate of its receipts and expenditure for the financial year next following and may from time to time submit in like manner further estimates in modification of such annual estimates. To such estimate there shall be appended—

firstly, an appendix containing particulars of all new works covered by the estimate and of the estimated cost of same, and

secondly, the schedule of the officers and servants sanctioned under the provision of section 25.

(*2*) No expenditure shall be incurred by the Board in excess of the estimate sanctioned under sub-section (*1*).

Accounts and Audit.

49. (*1*) The Board shall maintain accounts and other records in relation thereto, and shall prepare in respect of each working year of the Board a statement of accounts in such form as may be prescribed by the Auditor-General with the approval of the President of the Union.

(*2*) The accounts of the Board shall be audited by the Auditor-General whose report thereon shall be submitted to the President of the Union, who shall cause it to be laid before the Parliament.

Provision for depreciation, reserve and other Funds.

50. The Board shall make provision for depreciation, reserve, sinking and other funds at such rates and on such terms as may be prescribed by the President of the Union in consultation with the Auditor-General.

---

[1] Substituted by Act XVI, 1954.

[2] Repealed by this Act.

51. The Board shall not be liable to pay any Income-tax or Super-tax. Board not liable to pay Income-tax, etc.

52—56. * * * *

CHAPTER IX.

CONTROL OF PRESIDENT OF THE UNION.

57. All acts and proceedings of the [Board][1] shall be subject to the approval of the President of the Union. Board's acts subject to approval.

58. The [Board][1] shall annually, or oftener if directed by the President of the Union so to do, submit, in such form and at such time as the President of the Union may direct, reports of all works executed and proceedings taken by them under this Act. Annual, etc., reports to be submitted to the President.

59. It shall be incumbent upon the [Board][1] to make ample provision year by year, either by retrenchment of expenditure or by increase of rates, for the due fulfilment of all their liabilities and for the efficient administration of this Act ; and, in the event of any deficiency being at any time anticipated in the income of the [Board][1], they shall forthwith take such measures as may seem most expedient for preventing such deficiency. Board to provide for fulfilment of liabilities.

60. (*1*) If at any time it appears to the President of the Union that sufficient provision is not being made by the [Board][1] to meet their liabilities, the President of the Union may require the [Board][1], by an order in writing, to make such provision in either or both of the following ways, namely :— President may require Board to impose or increase rates, etc., and in case of non-compliance may impose or increase the same.

(*a*) to increase, subject to the sanction of the President of the Union, to such extent and for such period as may appear necessary, the rates or any of the rates for the time being in force under section 81, or

(*b*) to exercise, subject to the like sanction, all or any of the powers conferred by section 82 with reference to all or any goods referred to in that section.

(*2*) If within fifteen days after receipt of an order under sub-section (*1*), clause (*a*), the [Board][1] do not comply with the same, the President of the Union may, by notification, increase the said rates or any of them and such notification shall have the same force as if a new scale of rates to the same effect had been duly framed, sanctioned and published under section 81.

(*3*) If the [Board][1] do not forthwith comply with an order under sub-section (*1*), clause (*b*), the President of the Union may, by notification, impose or increase any river-due on all or any goods referred to in section 82, and such notification shall have the same force as if a river-due to the same extent had been duly imposed, sanctioned and published under section 82.

---

[1] Substituted by Act XVI, 1954.

President may order survey.

61. The President of the Union may at any time order a survey and examination of any works of the [Board][1] under this Act, or the site thereof, and the cost of such survey or examination shall be borne and paid by the [Board].[1]

President may carry out neglected works.

62. If the [Board][1] allow any work acquired or constructed by them under this Act to fall into disrepair, or do not complete any work commenced by them or duly estimated for and sanctioned, and do not, after notice given by the President of the Union in writing, proceed effectually to repair or complete such work, the President of the Union may cause such work to be restored, completed or constructed, and the cost thereof shall be borne and paid by the [Board][1].

President may revoke powers of Board.

63. (*1*) If at any time the President of the Union is satisfied that the purposes intended to be accomplished under this Act have not been and are not likely to be properly accomplished by the [Board,][1] the President of the Union may, by notification, give notice that, unless within six months the [Board][1] take measures to the satisfaction of the President of the Union for properly accomplishing such purposes, the powers by this Act conferred on the [Board][1] will, at the end of such period, be withdrawn and revoked.

(*2*) On the expiration of the period aforesaid, the President of the Union may, if no such measures to his satisfaction have been taken by the [Board,][1] declare such powers to be withdrawn or revoked, and may assume such powers ; and thereupon such powers shall be withdrawn and revoked accordingly, and all the powers, rights and authorities and all the property vested in or held by the [Board][1] for the purposes of this Act shall thereupon vest in the [Government][2].

CHAPTER X.

General Powers of the Board.

Construction of Works, etc.

Works to be constructed, etc.

64. The [Board][1] may construct and carry out the following works :—

(*a*) docks, wharves, quays, stages, jetties and piers, with all necessary and convenient drains, arches, landing-places, stairs, fences and approaches ;

(*b*) tramways, warehouses, sheds, engines and other appliances for conveying, receiving and storing goods and merchandise landed or to be shipped ;

(*c*) laying down moorings and the erection of cranes, scales and all other necessary appliances for loading and unloading vessels ;

(*d*) reclaiming, enclosing and raising any part of the bank or bed of the river within the limits of the port ;

---

[1] Substituted by Act XVI, 1954.

[2] Substituted by Act II, 1945, and then by the Union of Burma (Adaptation of Laws) Order, 1948.

(*e*) the construction and employment of dredgers and other machines for cleaning, deepening and improving the bed of the river within the limits of the port ;

(*f*) procuring and employing steam-vessels for towing vessels into, out of, in or upon, the river or the port ;

(*g*) such works without the limits of the port as shall be necessary for the protection of works executed under this Act ; and

(*h*) all such other works and appliances as may, in the opinion of the [Board][1] be necessary for carrying out the objects of this Act.

Port Bye-laws.

Power to make port bye-laws.

65. (*1*) The [Board][1] may, from time to time, make bye-laws, consistent with this Act and with the Ports Act, for any of the following purposes, (that is to say).—

(*a*) for regulating, declaring and defining the docks, wharves, quays, stages, jetties and piers on and from which goods shall be landed from and shipped in vessels within the port ;

(*b*) for the safe and convenient use of such docks, wharves, quays, stages, jetties and piers, and of landing-places, tramways, warehouses, sheds and other works in and adjoining the same ;

(*c*) for regulating the reception and removal of goods within and from the premises of the [Board][1] and the procedure to be followed in taking charge of goods which may have been damaged before landing or may be alleged to be so damaged ;

(*d*) for regulating the mode of payment of tolls, charges, dues and rates levied under this Act ;

(*e*) for providing water for ships and for licensing and regulating water-boats within the port ;

(*f*) for the removal of wrecks from the port or the river, and keeping clean the port, the river, the bank of the river and the works of the [Board][1], and for preventing filth or rubbish being thrown therein or thereon ; and

(*g*) for otherwise carrying out the purposes of this Act.

Power to attach penalty to breach of bye-laws.

(*2*) The [Board][1] may by such bye-laws attach to the infringement of any bye-law made under this section a punishment not exceeding a fine, which may extend to one hundred rupees, and, if the infringement be continuing, a further fine which may extend to one hundred rupees for every day after notice of such infringement has been given by the [Board][1].

Procedure for making bye-laws.

(*3*) Before making any bye-law under this section, the [Board][1] shall publish a draft of the proposed bye-law, together with a notice specifying a date on or after which the draft will be taken into consideration ; and shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

[1] Substituted by Act XVI, 1954.

(*4*) No bye-law made under this section shall come into force until it has been confirmed by the President of the Union. Every such bye-law shall, when so confirmed, be published in the Gazette, and shall thereupon have the same effect as if enacted by this Act.

Public Landing-places, etc.

Free public landing-places.

66. The [Board][1] shall make a sufficient number of landing-places within the port from and upon which the public shall be permitted to embark and land free of charge.

Removal of bathing and landing-places.

67. The [Board][1] may occupy or remove, or alter, or prohibit the public from resorting to or using any bathing-place or landing-place within the port :

Provided that the [Board][1] shall provide for the use of the public such other bathing-places or landing-places (if any) as the President of the Union may direct.

Use of Wharves, and Landing and Shipping of Goods.

Appliances for shipping, etc., for sea-going vessels.

68. For the expeditious and convenient shipment and landing of goods in and from sea-going vessels within the port, and for the storing of such goods, the [Board][1] shall, to such an extent as may be required by the President of the Union, provide and maintain sufficient docks, wharves, quays, stages, jetties, piers, warehouses and sheds, and sufficient servants and appliances ;

and shall by their servants land and ship all goods from and in any such vessels coming to any such dock, wharf, quay, stage, jetty or pier, except where there is a lawful excuse for refusing to land or ship such goods, or such vessel is under any enactment for the time being in force not entitled to have her cargo shipped or discharged :

Provided that—

(*a*) the [Board][1] shall not be bound to land, ship or move any single article or package exceeding twenty-five tons of twenty hundredweights in weight, except at such special charge as may be agreed on in respect of such article or package ;

(*b*) the [Board][1] may, by special agreement with the masters of vessels or the owners of goods permit goods to be landed and shipped by others than the servants of the [Board][1].

Declaration that wharves, etc., are ready.

69. (*1*) When any dock, wharf, quay, stage, jetty or pier has been made and completed, with sufficient warehouses, sheds and appliances for landing and shipping or for landing or for shipping goods from and in sea-going vessels with reasonable rapidity, the [Board][1] may, after previous publication in the manner provided in section 72 and with the previous sanction of the President of the Union, declare by notification that such dock, wharf, quay, stage, jetty or pier is ready for receiving, landing and shipping, or for landing or for shipping, as the case may be, goods from and in sea-going vessels.

[1] Substituted by Act XVI, 1954.

Power to compel sea-going vesse to use wharves, etc.

(2) From and after such notification the [Board][1] may, from time to time, when there is room in or at such dock, wharf, quay, stage, jetty or pier, order to enter or come alongside of such dock, wharf, quay, stage, jetty or pier for the purposes of landing and shipping goods, or for landing or for shipping the same, as the case may be, any sea-going vessel within the port which has not commenced to discharge cargo, or which, being about to take in cargo, has not commenced to take in cargo.

If accommodation sufficient, all sea-going vessels compelled to use wharves, etc.

70. When a sufficient number of docks, wharves, quays, stages, jetties, piers, warehouses, sheds and appliances have been provided as aforesaid, the [Board][1] may, after previous publication in the manner provided in section 72 and with the previous sanction of the President of the Union, direct by notification that no goods shall be landed or shipped from or in any sea-going vessels within the port save at such docks, wharves, quays, stages, jetties and piers.

Inland vessels compelled to use wharves, etc.

71. (*1*) Within such limits of the port as the [Board][1] may, after previous publication in the manner provided in section 72 and with the previous sanction of the President of the Union, declare by notification in this behalf, and until such notification is made, within the limits of the harbour of Rangoon as defined for the purposes of the Ports Act, no person shall land or ship goods from or in any vessel, not being a sea-going vessel, at any place other than the docks, wharves, quays, stages, jetties or piers belonging to the [Board][1], except as permitted by or under this section ; and no person in legal occupation of any piece of land adjoining the foreshore or of any private dock, wharf, quay, stage, jetty, pier or erection shall permit such landing or shipping thereon or therefrom except as permitted by or under this section, and within such limits it shall not be lawful for any vessel, not being a sea-going vessel, without the consent of the [Board],[1] to anchor, fasten or lie within fifty yards of low-water-mark in front of—

(*a*) any portion of the shore or bank which is vested in the [Board][1], or

(*b*) any portion of the shore or bank which is vested in or legally occupied by any person other than the [Board][1], except for the purposes specified in sub-sections (*2*), (*3*) and (*4*) or for the purposes of any trade or business carried on by a person in legal occupation of such portion.

(*2*) In the case of any piece of land adjoining a natural foreshore and owned or leased by or in the legal occupation of any person other than the [Board],[1] any person in legal occupation of the whole or any portion of such piece of land may use or permit the use of the same for the purpose of landing or shipping thereon or therefrom any goods which are either owned by or required for the purpose of any trade or business carried on by himself or any other person in legal occupation as aforesaid :

Provided that a person in occupation of a portion thereof having no river frontage or of an area (being the whole or a portion thereof)—

(*a*) of less than 10,000 square feet, or

(*b*) having a river frontage of less than 100 linear feet,

---

[1] Substituted by Act XVI, 1954.

shall not use or be permitted to use such piece of land for the landing or shipping of any goods other than goods which not only comply with the aforesaid conditions but which also have been or are intended to be stored, manufactured or used on such piece of land :

Provided further that no toll or charge other than a reasonable charge for the ordinary labour expenses for such landing or shipping or a fixed rent on a lease of land or of a godown shall be levied by the owner or any occupier of the land directly for such landing or shipping or indirectly as remuneration for services in connection with such goods which are confined to the landing, shipping, packing, storage and carriage of the same.

(*3*) In the case of any private dock, wharf, quay, stage, jetty, pier or other erection permitted under section 79, goods may be landed or shipped thereon or therefrom to the extent permitted by, and subject to the performance and observance of all conditions and restrictions imposed by, the order permitting such dock, wharf, quay, stage, jetty, pier or erection.

(*4*) In the case of the Strand Municipal Market any goods connected with the retail trade carried on in the said market may be landed or shipped thereon or therefrom over the adjoining foreshore subject to such restrictions and conditions as the President of the Union may from time to time prescribe.

(*5*) The President of the Union or the [Board][1] may, at any time by an order in writing, exempt any person, vessel not being a sea-going vessel, local area or goods from any restriction or prohibition imposed by this section, and either generally or specially or subject to such restrictions and conditions as may seem fit ; and any such exemption may be varied or cancelled at any time by the authority which granted the same.

(*6*) If any vessel not being a sea-going vessel anchors, fastens or lies within fifty yards of low-water-mark in contravention of the provisions of sub-section (*1*), the [Board][1] may cause the same to be removed to any other place selected by the [Board] [1].

Previous publication of intended notification under section 69, 70 or 71.

72. Before issuing any notification under section 69, 70 or 71, the [Board][1] shall publish 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 shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

Power to order removal of vessels from wharves, etc

73. The [Board][1] may, by notice in writing, order the master or owner of any vessel to remove such vessel from any dock, wharf, quay, stage, jetty or pier belonging to the [Board][1] ;

and, unless such vessel is removed therefrom within twelve hours after service of such notice on the master or owner thereof, the [Board][1] may charge in respect of such vessel such sum as they think fit, not exceeding five hundred rupees for each day of twenty-four hours or portion of such day after the expiry of such twelve hours, during which such vessel remains in or at such dock, wharf, quay, stage, jetty or pier.

---

[1] Substituted by Act XVI, 1954.

Power to exempt from obligation to use wharves, etc.

74. Notwithstanding anything contained in section 69 or 70, the President of the Union may, by notification, permit certain specified vessels or classes of vessels to discharge or ship cargo, or certain specified cargo or classes of cargo, at such part of the port, in such manner, during such period, subject to such payments and on such conditions, as the President of the Union may think fit, and otherwise grant exemption from the provisions of such sections.

Discharge of liability on goods landed.

75. (*1*) Whenever any goods are landed by the [Board][1] from any vessel, the [Board][1] shall, if so required, give to the master of such vessel a receipt in the form or to the effect set forth in the Fourth Schedule, and may in any such receipt include all goods landed from such vessel during one day.

(*2*) No master or owner of a vessel, from which the goods in respect of which a receipt is given under sub-section (*1*) may have been landed, shall be liable for any loss or damage to such goods which may occur after they have been so landed.

Accommodation for Customs officers on wharves, etc.

76. When the President of the Union appoints, under the provisions of any Act for the regulation of duties of Customs, any dock, wharf, quay, stage, jetty, pier, warehouse or shed, provided under this Act for the use of sea-going vessels, to be a dock or wharf for the landing or shipping or a warehouse for the storing of goods within the meaning of such Act, the [Board][1] shall set apart, maintain and secure on or in such dock, wharf, quay, stage, jetty, pier, warehouse or shed such portion thereof or place therein, or adjoining thereto, for the use of the officers of Customs as the President of the Union approves of or appoints in that behalf.

Dues at Customs wharves, etc

77. Notwithstanding that any dock, wharf, quay, stage, jetty, pier, warehouse or shed, or portion thereof, has, under the provisions of the last section, been set apart for the use of the officers of Customs, all dues, rates, tolls, charges and rents payable under this Act in respect thereof, or for the use thereof, or for the storage of goods therein, shall be paid and be payable to the [Board][1] or to such persons as they may appoint to receive the same.

Private Wharves, etc.

Private wharves, etc., prohibited.

78. (*1*) Save as hereinafter provided, no person except the [Board][1] shall make, erect or fix below high-water-mark within the port any dock, wharf, quay, stage, jetty, pier, erection or mooring.

(*2*) Any matter or thing made, erected or fixed in contravention of the provisions of sub-section (*1*) of this section or of section 29 of the Rangoon Port Commissioners Act, 1879,[2] may be removed [by the Board][1], and the person by whom the same is or has been so made, erected or fixed shall be liable to pay all expenses which may be incurred [by the Board][1] in such removal.

India XV, 1879.

---

[1] Substituted by Act XVI, 1954.
[2] Repealed by this Act.

Power to permit erection of private wharves, etc., within the port subject to conditions.

79. The President of the Union may, by an order in writing, permit, with or without conditions, any person to make, erect, fix or maintain below high-water-mark within the port any dock, wharf, quay, stage, jetty, pier, erection or mooring, and may, at any time by like order, revoke any such permission, and direct the removal of such dock, wharf, quay, stage, jetty, pier, erection or mooring.

Wharves, etc., beyond port limits.

80. Any dock, wharf, quay, stage, jetty, pier, erection or mooring originally made, erected or fixed below high-water-mark without the limits for the time being of the port, and thereafter included within the said limits, may be removed, filled up or destroyed by the [Board][1] without payment of any compensation unless such dock, wharf, quay, stage, jetty, pier, erection or mooring was made, erected or fixed prior to the first day of January, 1880,[2] or with the consent in writing of the President of the Union.

Tolls, Charges, etc., and Liens and other Remedies.

Scale of tolls and charges to be framed.

81. (*1*) The [Board][1] shall frame—

(*a*) a scale of tolls, dues, rates and charges for the landing and shipment of goods from and in sea-going vessels and vessels not being sea-going vessels, respectively, at the docks, wharves, quays, stages, jetties and piers, and for the use of such docks, wharves, quays, stages, jetties and piers by such vessels, and for the storing and keeping of any goods stored in any premises belonging to the [Board][1], and for the removal of goods, and for the use of any mooring ;

(*b*) a scale of tolls for the use of the said docks, wharves, quays, moorings, stages, jetties and piers by any such vessels, in case the [Board][1] permit the goods to be landed or shipped by others than their own servants ; and

(*c*) a scale of charges for any services to be performed by the [Board][1] or their servants in respect of any vessels or goods, or for the use of any docks, works or appliances to be provided by the [Board][1].

(*2*) Such scale shall be submitted to the President of the Union, and, after approval or modification by the President of the Union, shall be published by the [Board][1] in the Gazette, and shall forthwith come into operation and remain in operation until altered or revoked by the [Board][1] in meeting with the sanction of the President of the Union, and such tolls, dues, rates and charges shall be forthwith leviable by, and due to, the [Board][1].

(*3*) Every such scale shall be printed in the English and Burmese languages and characters, and shall be hung up and kept hung up in some conspicuous place at the several docks, wharves, quays, stages, jetties, piers, warehouses and sheds.

---

[1] Substituted by Act XVI, 1954.

[2] That is, before the commencement of the Rangoon Port Commissioners Act, 1879 (India Act XV, 1879).

Power to impose river-due and to vary the rates thereof.

82. (*1*) The [Board][1] may, with the previous sanction of the President of the Union, impose, by notification, a river-due on all goods discharged from or shipped into any sea-going vessel within the limits of the port, whether such goods shall or shall not be so discharged or shipped at any dock, wharf, quay, stage, jetty or pier belonging to the [Board][1].

[2](*2*) * * * *

(*3*) The [Board][1] may, with the previous sanction of the President of the Union, declare, by notification, in the case of specified goods or classes of goods or goods in specified form, what number of packages, articles, gallons or cubic feet shall be deemed to constitute a ton for the purposes of this section. Save as otherwise so declared a ton shall be deemed to be a ton of 20 cwts.

(*4*) Subject to the limits enacted by sub-section (*2*), the [Board][1] may, with the previous sanction of the President of the Union, at any time or from time to time, by notification, raise, reduce or revoke the due so imposed, either generally or on transhipped goods or coal intended for bunkers.

(*5*) The [Board][1] may, by notification, prescribe conditions in respect of the discharging, storage or shipping of coal intended for bunkers, and the breach of all or any of such conditions shall render the persons in fringing the same liable to pay the full rate of river-due.

(*6*) At least [one month][3] before issuing any notification under this section, the [Board][1] 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 [Board][1] shall receive and consider any objection which may be made by any person with respect to the draft before the date so specified.

(*7*) When the notification as finally sanctioned is published by the [Board][1] in the Gazette, it shall forthwith come into operation, and the due thereby imposed shall be forthwith leviable by, and due to, the [Board][1], and a copy of the notification in the English and Burmese languages and characters shall be hung up and kept hung up in some conspicuous place at the several docks, wharves, quays, stages, jetties, piers, warehouses and sheds belonging to the [Board][1].

Board's lien for tolls and charges.

83. (*1*) For the amount of all tolls, dues, rates and charges levied under this Act in respect of any goods, the [Board][1] shall have a lien on such goods, and shall be entitled to seize and detain the same until such tolls, dues, rates and charges are fully paid.

(*2*) Tolls, dues, rates and charges in respect of goods to be landed shall become payable immediately on the landing of the goods, and, in respect of goods to be removed from the premises of the [Board][1] or to be shipped for export, shall be payable before the goods are removed or shipped.

---

[1] Substituted by Act XVI, 1954.
[2] Deleted by Act XXXII, 1946.
[3] Substituted *ibid.*

(*3*) The lien provided for in sub-section (*1*) for such tolls, dues, rates and charges shall have priority over all other liens and claims except—

(i) a lien for freight, primage or general average where such lien has been preserved in the manner hereinafter provided, and

(ii) a lien for money payable to [* * *][1] the Government under any law for the time being in force.

Detention of goods on account of owner's lien for freight.

84. (*1*) If the master or owner of any vessel, at or before the time of landing from such vessel of any goods at any dock, wharf, quay, stage, jetty or pier, gives to the [Board][2] notice in writing that such goods are to remain subject to a lien for freight, primage or general average of an amount to be mentioned in such notice, such goods shall continue liable after the landing thereof to such lien.

(*2*) Such goods shall be retained either in the warehouses and sheds of the [Board][2], or, with the consent of the Chief Officer of Customs, in the public warehouses, at the risk and expense of the owners of the said goods, until the lien is discharged as hereinafter mentioned.

Discharge of ship-owner's lien for freight.

85. Upon the production to any officer appointed by the [Board][2] in that behalf of a document purporting to be a receipt for, or release from, the amount of such lien, executed by the person by or on whose behalf such notice has been given, the [Board][2] may permit such goods to be removed without regard to such lien .

Provided they shall have used reasonable care in respect to the authenticity of such document.

Power to remove goods to warehouses.

86. (*1*) Whenever goods have, without any default on the part of the [Board][2], been left for any period beyond that fixed by bye-laws made under section 65 on or in any wharf or shed belonging to the [Board][2], the [Board][2] may cause such goods to be removed either to any warehouse belonging to them, or, with the consent of the Chief Officer of Customs, to the public warehouses, and the removal to and detention in any such warehouse shall be at the risk and expense of the owners of the said goods.

Notice of removal, etc.

(*2*) Whenever any goods are so removed, the [Board][2] shall give notice to the consignee or owner of such goods of such removal, if his address be known, by letter sent by post to such address or left thereat ; and shall also publish in the Gazette and in two local newspapers notice of such removal, and shall specify therein the numbers, marks and descriptions of such goods so far as the same appear.

Charges for ware-housing such goods.

(*3*) The consignee or owner of such goods, in addition to the expenses of the removal of the same, shall be liable,—

(i) in case the goods are removed to any warehouse of the [Board][2], to a charge for ware-housing for the time during which the goods shall remain in the said warehouse ; or

---

[1] Omitted by the Union of Burma (Adaptation of Laws Order, 1948.

[2] Substituted by Act XVI, 1954.

(ii) in case the goods are removed to the public warehouses, to the charges for ware-housing goods in such public warehouses.

Continuance of liens, etc.

(*4*) If such goods are removed to the public warehouses, the said good shall remain subject to all liens to which they would have been liable if they had remained in the possession of the [Board][1], and shall be subject to the power of sale hereinafter given.

Recovery of tolls and charges by sale of goods.

87. (*1*) If the tolls, dues, rates and charges payable to the [Board][1] in respect of any goods under this Act are not paid, or if the lien for freight, primage or general average, where such notice as aforesaid has been given, is not discharged, the [Board][1] may, and in the latter event, if required by or on behalf of the person claiming such lien for freight, primage or general average, shall, at the expiration of four months from the time when the goods were placed in their custody, or, if the goods are of a perishable nature, at such earlier period, being not less than twenty-four hours after the landing of the goods as they shall think fit, sell by public auction the said goods, or so much thereof as may be necessary to satisfy the amounts to be paid out of the proceeds of such sale under the provisions of section 88, sub-section (*1*).

Public notice of sale.

(*2*) Before making such sale, ten days' notice of the same shall be given by publication thereof in the Gazette and in two local newspapers, unless the goods are of so perishable a nature as, in the opinion of the officer appointed by the [Board][1] in that behalf, to render an early or immediate sale necessary or advisable, in which event such notice, if any, shall be given to the owner of the goods as the urgency of the case admits of.

Notice to owner of goods.

(*3*) Subject to the provisions of the exception to sub-section (*2*), if the address of the owner of the goods has been stated on the manifest of the cargo or in any of the documents which have come into the hands of the [Board][1], or is otherwise known to the [Board][1], notice shall also be given to the owner of the goods by letter delivered at such address or sent by post ; but the title of a *bonâ fide* purchaser of such goods shall not be invalidated by reason of the omission to send such notice, nor shall any such purchaser be bound to enquire whether such notice has been sent.

Application of proceeds of sale.

88. (*1*) The proceeds of every such sale shall be applied as follows :—

(*a*) in payment of the expenses of the sale ;

(*b*) in payment, according to their respective priorities, of the liens and claims excepted in section 83, sub-section (*3*), from the priority of the lien of the [Board][1] ;

(*c*) in payment of the tolls, dues, rates, and charges of landing, removing, storing or ware-housing the same, and of all other charges due to the [Board][1] in respect thereof.

---

[1] Substituted by Act XVI, 1954.

(*2*) The surplus, if any, shall be paid to the importer, owner or consignee of the goods or to his agent 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 [Board][1] why such application was not so made ; and, in case such application shall not be so made nor reason shown, such surplus shall be held by the [Board][1] upon trust for the purposes of this Act.

Recovery of tolls and charges by distraint of vessel.

89. If the master of any vessel in respect of which any tolls, dues, rates, charges or penalties are payable under this Act, or any bye-laws or orders made in pursuance thereof, refuses or neglects to pay the same or any part thereof on demand, the [Board][1] may apply to the Collector of Customs of the port ; and such Collector shall distrain or arrest such vessel, and the tackle, apparel and furniture belonging thereto, or any part thereof, and detain the same until the amount so due to the [Board][1] is paid ;

Sale of distrained vessel, etc.

and, in case any part of the said tolls, dues, rates, charges or penalties, or of the costs of the distress or arrestment, or of the keeping of the same, remains unpaid for the space of five days next after any such distress or arrestment has been so made, the Collector of Customs may cause the vessel or other thing so distrained or arrested to be sold, and, with the proceeds of such sale, shall satisfy such tolls, dues, rates, charges or penalties, and costs, including the costs of sale remaining unpaid, rendering the surplus (if any) to the master of such vessel on demand.

Recovery of dues as arrears of revenue.

90. (*1*) All fees and sums due on account of property for the time being vested in the [Board][1], and all arrears of tolls, dues, rates and charges imposed under this Act, may be recovered as if they were arrears of land-revenue, in addition to the other modes hereinbefore provided.

(*2*) The President of the Union may, by notification, prescribe by whose order and on whose application such arrears may be recovered.

Port-clearance not to be granted until tolls, etc., are paid.

91. If the [Board][1] give to the officer of Government whose duty it is to grant the port-clearance of any vessel, a notice stating that an amount therein specified is due in respect of tolls, dues, rates, charges or penalties chargeable under this Act, or any bye-laws or orders made in pursuance thereof—

(i) against such vessel, or

(ii) by the owner or master of such vessel, in respect thereof, or

(iii) against or in respect of any goods on board such vessel,

such officer shall not grant such port-clearance until the amount so chargeable has been paid.

Compensation for Damage to Port Property.

Compensation for damage to property of Board.

92. (*1*) In case any damage or mischief is done to any docks, wharves, quays, jetties, stages, piers or works, constructed or acquired by the [Board][1] under this Act, by any vessel, through the negligence of the master thereof or

[1] Substituted by Act XVI, 1954.

of any of the mariners or persons employed therein, any Magistrate of Rangoon Town may, on the application of the [Board][1] and on declaration by them that payment for such damage or mischief has been refused or has not been made on demand, issue a summons to the master or owner of such vessel requiring him to attend on a day and at an hour named in the summons to answer touching such damage or mischief :

Provided that if, at the time of the damage or mischief, the vessel was under the orders of a duly authorized officer belonging to the Pilot Service or the Deputy Conservator's Department, the case shall not be cognizable by the Magistrate under this section.

Issue of warrant.

(*2*) If, at the time appointed in the summons, and whether the person summoned appears or not, it is proved that the alleged damage was done through such negligence as aforesaid and that the pecuniary amount of the same does not exceed two hundred rupees, the Magistrate may issue his warrant under which a sufficient portion of the boats, masts, spars, ropes, cables, anchors or stores of the vessel may be seized and sold to cover the expenses of the execution of the warrant and the pecuniary amount of damage as aforesaid ; and such amount shall be paid to the [Board][1] out of the proceeds.

CHAPTER XI.

PENALTIES.

Penalty for officer or servant interested in contract, etc.

93. Any officer or servant of the [Board][1] who directly or indirectly—

(*a*) lends money to the [Board][1], or

(*b*) becomes pecuniarily interested in any contract made by or on behalf of the [Board][1]. or

(*c*) participates or agrees to participate in any profits of any work done by order or on behalf of the [Board][1],

shall forfeit his office or employment, and shall thenceforward be incapable of holding any office or employment under the [Board][1], and shall further be punishable with fine which may extend to five hundred rupees :

Provided that nothing in this section shall apply to any officer or servant of the [Board][1] by reason only of his—

(*a*) being a shareholder in or member of an incorporated or registered company which may lend money to, or make contracts with, or do work for or on behalf of, the [Board][1] ; or

(*b*) holding one or more debentures in any loan raised by the [Board][1] in open market.

Penalty for member interested in contract, etc.

94. Except as permitted by the provisos to section 11, [any member][1] who, without the previous sanction in writing of the President of the Union, directly or indirectly—

(*a*) lends money to the [Board[1], or

---

[1] Substituted by Act XVI, 1954.

of any of the mariners or persons employed therein, any Magistrate of Rangoon Town may, on the application of the [Board][1] and on declaration by them that payment for such damage or mischief has been refused or has not been made on demand, issue a summons to the master or owner of such vessel requiring him to attend on a day and at an hour named in the summons to answer touching such damage or mischief :

Provided that if, at the time of the damage or mischief, the vessel was under the orders of a duly authorized officer belonging to the Pilot Service or the Deputy Conservator's Department, the case shall not be cognizable by the Magistrate under this section.

Issue of warrant.

(*2*) If, at the time appointed in the summons, and whether the person summoned appears or not, it is proved that the alleged damage was done through such negligence as aforesaid and that the pecuniary amount of the same does not exceed two hundred rupees, the Magistrate may issue his warrant under which a sufficient portion of the boats, masts, spars, ropes, cables, anchors or stores of the vessel may be seized and sold to cover the expenses of the execution of the warrant and the pecuniary amount of damage as aforesaid ; and such amount shall be paid to the [Board][1] out of the proceeds.

CHAPTER XI.

PENALTIES.

Penalty for officer or servant interested in contract, etc.

93. Any officer or servant of the [Board][1] who directly or indirectly—

(*a*) lends money to the [Board][1], or

(*b*) becomes pecuniarily interested in any contract made by or on behalf of the [Board][1], or

(*c*) participates or agrees to participate in any profits of any work done by order or on behalf of the [Board][1],

shall forfeit his office or employment, and shall thenceforward be incapable of holding any office or employment under the [Board][1], and shall further be punishable with fine which may extend to five hundred rupees :

Provided that nothing in this section shall apply to any officer or servant of the [Board][1] by reason only of his—

(*a*) being a shareholder in or member of an incorporated or registered company which may lend money to, or make contracts with, or do work for or on behalf of, the [Board][1] ; or

(*b*) holding one or more debentures in any loan raised by the [Board][1] in open market.

Penalty for member interested in contract, etc.

94. Except as permitted by the provisos to section 11, [any member][1] who, without the previous sanction in writing of the President of the Union, directly or indirectly—

(*a*) lends money to the [Board[1], or

[1] Substituted by Act XVI, 1954.

(*b*) becomes pecuniarily interested in any contract made by or on behalf of the [Board][1], or

(*c*) participates or agrees to participate in any profits of any work done by order or on behalf of the [Board][1], and

[any member][1] who votes or takes part in any proceedings relating to any loan, contract or work, in which he is pecuniarily interested,

shall, in addition to the disqualification provided for under section 11, be punishable with fine which may extend to five hundred rupees.

Penalty for infringement of section 69, 70, 74 or 79.

95. Whoever infringes any order issued [* * * *][2] under section 69, sub-section (*2*), or under section 70, or under section 79, or any condition prescribed under section 74 or 79, shall be punished with fine which may extend to one hundred rupees ; and, if the infringement be continuing, with a further fine which may extend to one hundred rupees for every day such order is infringed.

Penalty, etc., for infringement of section 71.

95A. Whoever infringes any provision of section 71 shall be punished with fine which may extend to one hundred rupees for every day on which such section is so infringed, and, if the infringement is in respect of the landing or shipping of goods, shall also be liable to pay to the [Board][1] such sum as may be assessed by the Magistrate, subsequently to the conviction, as the amount of landing or shipping charges which the [Board][1] would have recovered if all goods so landed or shipped in contravention of that section had been landed or shipped, as the case may be, at the nearest dock, wharf, quay, stage, jetty or pier belonging to the [Board][1], at which such landing or shipping would be permitted.

Infringement of section 78.

96. Any person who makes, erects or fixes any dock, wharf, quay, stage, jetty, pier, erection or mooring in contravention of the provisions of section 78, shall be punished with fine, which may extend to one thousand rupees, and with a further fine which may extend to one hundred rupees for every day during which such dock, wharf, quay, stage, jetty, pier, erection or mooring remains so made, erected or fixed after notice to remove the same has been given to him.

Penalty for understating quantity or weight of goods or tonnage of vessels.

96A. (*1*) If it be found, in respect of any goods which are intended to be or are being or have at any time previously been landed at, or shipped from, any dock, wharf, quay, stage, jetty, pier or other part of the port, that the weight, measurement or quantity of such goods has been understated in any document presented to any officer or servant of the [Board][1] for the purpose of enabling him to determine the rates or charges payable in respect of the said goods, the consignee in the case of goods landed and the consignor in the case of goods shipped shall be liable to pay to the [Board][1] such sum not exceeding twice the proper rates or charges on the weight, measurement or quantity of goods so understated as may be determined by the [Board][1] (in addition to the

---

[1] Substituted by Act XVI, 1954.

[2] Deleted *ibid.*

charges or rates ordinarily leviable), and the said sum shall, on the application of the [Board][1], be recoverable under a warrant issued by any Magistrate of the first class in Rangoon Town as if it were a fine imposed by such Magistrate.

(*2*) If it be found that the tonnage of any vessel has been understated in any document presented to any officer or servant of the [Board][1] for the purpose of enabling him to determine the rates or charges payable in respect of the said vessel, the person who is liable for or who pays, either as principal or as agent, the said rates or charges shall also be liable to pay to the [Board][1] such sum not exceeding twice the proper rate or charge on the amount of tonnage so understated as may be determined by the [Board][1], and the said sum shall, on the application of the [Board][1], be recoverable under a warrant issued by any Magistrate of the first class in Rangoon Town as if it were a fine imposed by such Magistrate.

(*3*) Before making any such application under this section the [Board][1] shall call upon the person sought to be made liable to show cause against such application.

Penalty for infringement of port bye-laws.

97. Whoever infringes any bye-law made by the [Board][1] under section 65, to which a penalty has been attached by a bye-law made under that section, shall be punishable with the penalty prescribed therefor by such bye-law.

Prosecutions.

98. No Court shall take cognizance of any offence punishable under this Act or any bye-law thereunder except on the complaint of the [Board][1] or of some person whom the [Board][1] may have generally or specially authorized by name or by virtue of his office in this behalf.

CHAPTER XII.

MISCELLANEOUS.

Members not personally liable.

99. [No member][1] shall be personally liable for any contract made or expense incurred by or on behalf of [the Board][1], but the funds from time to time in the hands of [the Board][1] shall be liable for, and chargeable with, all contracts made in manner hereinbefore provided.

Members liable for breach of trust.

100. [Every member][1] shall be liable for any misapplication of money entrusted to [the Board][1], to which he has been a party, or which happens through or is facilitated by the neglect of his duty.

Limitation of suits.

101. (*1*) No suit shall be brought against [the Board][1], or against [any member][1], or against any of the officers or servants of [the Board][1] or any person acting under their direction, for anything purporting to be done under this Act, until the expiration of one month next after notice in writing has been delivered or left at the office of [the Board][1] or at the place of abode of such person, stating the cause of suit and the name and place of abode of the intending plaintiff.

---

[1] Substituted by Act XVI, 1954.

Unless such notice be proved the Court shall dismiss the suit.

(*2*) Every such suit shall be commenced within six months next after the accrual of the right to sue and not afterwards.

(*3*) If any person to whom any such notice of suit is given tenders sufficient amends before suit is brought, such plaintiff shall not recover.

Responsibility of Board for loss, destruction or deterioration of animals or goods.

102. The responsibility of the [Board][1] for the loss, destruction or deterioration of animals or goods, during such time as the same remain in the possession or under the control of the [Board][1], shall, subject to the other provisions of this Act, be that of a bailee under sections 151, 152 and 161 of the Contract Act.

Indemnity to Board for acts of officer, harbour-master, etc.

103. Except as provided in the last preceding section the [Board][1] shall not be answerable—

(i) for any misfeasance, malfeasance or nonfeasance of any officer appointed under this Act, or of any Deputy Conservator or Harbour Master or of any pilot, or of any deputy or assistant of any of the officers abovementioned, or of any person acting under the authority or direction of any such officer or assistant, or

(ii) for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers or other things within the limits of the port which may be used by such vessel:

Provided that nothing in this section shall protect the [Board][1] from a suit in respect of any negligence or default on their part or of any act done by or under their express order or sanction.

104. * * * *

Place of business.

105. The [Board][1] shall have an office, where they shall ordinarily meet for the transaction of business.

Members are public servants.

106. [Every member and the officers and servants of the Board,][1] other than artisans, porters, labourers, and sirdars of porters and labourers, shall be deemed to be public servants within the meaning of section 21 of the Penal Code.

Power to make rules.

[2]**107.** (*1*) The President of the Union may, by notification, make rules for the purpose of giving effect to the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the appointment and terms and conditions of service of the Chairman and other members of the Board;

(*b*) fees and allowances payable to non-official members appointed under section 12A;

[1] Substituted by Act XVI, 1954.
[2] Inserted *ibid.*

(*c*) the number and term of office of, the procedure to be followed by, and the manner of filling casual vacancies among members of the Advisory Committees, and circumstances in which and the authority by which members thereof may be removed ;

(*d*) the terms and conditions upon which loans may be floated in the open market ;

(*e*) the terms upon which and the rates at which provision for depreciation, reserve and other funds may be made ;

(*f*) any other matter which has to be, or may be prescribed.

THE FIRST SCHEDULE.

* * * * *

THE SECOND SCHEDULE.

PROPERTY VESTED IN THE [BOARD OF MANAGEMENT].[1]

(*Referred to in sections 30 and 31.*)

PART I.—*Immoveable Property transferred by Government to the [Board of Management].*[1]

(*1*) All the land which immediately before the 1st January, 1880, belonged to Government (including subsequent accretions to the river-bank), between the river on the south and the Strand Road and the Monkey Point Battery Road on the north, but not including those roads from Monkey Point on the east to and including the Canal on the west, except—

(*a*) the land occupied by the Municipal Committee of Rangoon otherwise than as lessees or licensees under the Commissioners for the Port of Rangoon appointed under Act XV of 1879 ;

(*b*) the land occupied by the military authorities as an approach to Godwin's Wharf and to an extent of one hundred feet on either side thereof ;

(*c*) the land occupied by the military authorities for the defences at Monkey Point, as extended by the addition of the land resumed in the year 1884 to provide an esplanade for the battery ;

(*d*) the land assigned for railway purposes, as extended by the addition of the lands resumed at Latter Street, Keighly Street and Botataung, and described in Notification No. 1, dated the 25th March, 1902, of the Local Government, in the Public Works Department (Railway Branch) ;

(*e*) the land occupied on the east side of Judah Ezekiel Street by the Department of Public Works ;

[1] Substituted by Act XVI, 1954.

(*f*) the land occupied by the Customs Officers' quarters and by the Principal Port Officer's residence and compound ;

(*g*) * * * *

(*h*) any other land which was, immediately before the commencement of this Act, vested in any person other than the Commissioners for the Port of Rangoon appointed under Act XV of 1879.

(*2*) Subject to any rights of private property therein all other land lying within the limits of the port within a line drawn at fifty yards from high-water-mark, except—

(i) the land occupied by the saw-mill formerly known as the Jail Saw-mill and subsequently worked by lessees under Government ;

(ii) the land occupied as Government timber depôts at Alôn and Monkey Point ;

(iii) the Dalla Dockyard and the lands attached thereto.

PART II.—*Moveable and Immoveable Property acquired otherwise than by direct transfer from Government.*

(*3*) All the moveable property, buildings, erections and fixtures belonging, immediately before the commencement of this Act, to the Commissioners for the Port of Rangoon, appointed under Act XV of 1879.

(*4*) The land at Elephant Point acquired for the purposes of a segregation camp and described in the *kwin* map of the year 1901-1902 as fields numbered 405 and 422 of the Yebyaung *Kwin*, Zepathwe Circle, in the Kungyangôn Township.

(*5*) The land at King's Point, acquired for the purposes of a segregation camp, known as field numbered 414 of the Shwedawchaung Myauk *Kwin*, Danôk Circle, of the Twante Township, and bounded on the north by fields numbered 858, 812, 407, 411, 412 and 429, and on the west by fields numbered 428 and 427, all in Holding No. 10 of 1900-1901 of the said *kwin*, on the east by the Rangoon River and on the south by the Shwedawchaung Taung *Kwin*.

(*6*) The land at King's Point, acquired for the purposes of a semaphore station, known as field No. 382 of the Tedachaung *Kwin*, Pyawbwè Circle, of the Twante Township, bounded on the north by fields numbered 375 and 386, on the south by field numbered 383, on the east by fields numbered 385 and 386 and on the west by field numbered 381, all in Holding No. 3 of 1901-1902 of the said *Kwin*.

(*7*) The land situated and known as first class lots numbered one and two and the southern half of first class lot numbered three, all in Block F, in the Town of Rangoon, and the buildings thereon in Phayre Street, Strand Road and Thirty-seventh Street.

(*8*) The land situated and known as first class lot numbered twelve in Block F, in the Town of Rangoon, and the buildings thereon in Thirty-seventh and Thirty-eighth Streets.

THE THIRD SCHEDULE.

* * * *

THE FOURTH SCHEDULE.

FORM OF RECEIPT FOR GOODS LANDED.

(*Referred to in section 75.*)

By [the Board of Management][1] for the Port of Rangoon.

Landed during the day of from the by [the Board of Management][1] for the Port of Rangoon, the noted in the margin ; contents and state of the contents unknown.

NOTE.—If there be any apparent injury, this is to be stated.

For [the Board of Management][1] for the Port of Rangoon.

RANGOON, A.B.

The *19* .

THE OUTPORTS ACT.

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

1. (*1*) * * * *

(*2*) The President of the Union may, by notification[2], 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 transhipping 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 transhipment 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.

Receipt of dues.

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.

Bar to claims for refund 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.

Recovery of dues by distress and sale of goods.

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.

(*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 a 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.

THE PILOTS ACT.[1]

[INDIA ACT XII, 1883.] (1st September, 1884.)

1. * * * *

Definition of "port."

2. In this Act—

" port " means any port, or any part of a navigable river or channel, in which the Ports Act is for the time being in force.

Licensing of Pilots.

Licensing of pilots.

3. The President of the Union may from time to time appoint, or cause to be appointed, competent persons for the purpose of examining the qualifications of persons desirous of acting as pilots at any port, and make rules—

(*a*) for the conduct of the examinations and for the qualifications to be required ;

(*b*) establishing grades of pilots and determining the duties which may be undertaken by pilots of each grade ;

(*c*) for the grant to qualified persons of licences to act as pilots of any grade at any port ; and

(*d*) for the fees to be paid for the examinations and licences.

No person to act as pilot except under licence.

4. (*1*) A person shall not act as a pilot at any port, after such date as the President of the Union may fix in this behalf for that port, except as permitted by a licence granted under section 3.

(*2*) Any person acting as a pilot in contravention of this section shall be punished, for every time he so acts, with fine which may extend to two hundred rupees.

Regulation of Pilots.

Power to make rules to regulate conduct of pilots.

5. (*1*) The President of the Union may from time to time, by notification in the Gazette, make rules to regulate the conduct of pilots licensed under this Act in all matters connected with the performance of their duties as such pilots.

---

[1] This Act applies to Lower Burma only. [*See* section 1 of this Act, now omitted, and section 7 of the Burma Laws Act, (Burma Act XIII, 1898), omitted by the Government of Burma (Adaptation of Laws) Order, 1937.]

This Act ceased to operate in the Port of Rangoon since the passing of the Rangoon Port (Amendment) Act, 1922, *see* section 28A of the Rangoon Port Act, *ante*.

(*2*) Any such rule may contain a provision that a pilot committing a breach of the rule shall be punished with imprisonment which may extend to one month, or with fine which may extend to two hundred rupees, or with both :

Provided that a prosecution shall not be instituted in respect of any such breach except by order of such officer as the President of the Union may from time to time appoint in this behalf.

Special Court.

Power to direct investigation by special Court into charges against pilots.

6. (*1*) If the President of the Union has reason to believe that there are grounds for charging any pilot licensed under this Act with incompetency or misconduct in the discharge of his duties as such pilot, or with any act or omission in breach of a rule made under section 5, and that the charge cannot be satisfactorily investigated by an ordinary Court, the President of the Union may direct that a special Court be constituted, under this Act, at the port at which it will, in the opinion of the President of the Union, be most convenient for the parties and witnesses to attend, and shall then send to the Court a statement of the grounds of the charge, and direct the Court to make an investigation into the charge.

(*2*) When the President of the Union directs an investigation under this section, he may, if he thinks fit, appoint a person to act as prosecutor in the investigation.

Constitution of Court.

7. Every Court constituted under section 6 shall consist of a president sitting with three assessors.

Appointment of President.

8. (*1*) The president shall be such person as the President of the Union appoints in this behalf, either generally or for any specified case.

(*2*) Every person so appointed shall be deemed to be a public servant within the meaning of the Penal Code.

Assessors.

9. (*1*) The first assessor shall be a master of a sea-going vessel or a person who has served as an officer for not less than five years on a sea-going vessel and holds a master's certificate of competency for sea-going vessels.

(*2*) The second assessor shall be a merchant, and the third assessor shall be a person who has personally exercised the calling of a pilot for not less than five years.

Appointment of assessors.

10. (*1*) The first assessor shall be appointed in each case by the President of the Union and shall be summoned by the president.

(*2*) The other assessors shall be summoned by the president, in such manner as may be prescribed by rule, out of two lists, one of merchants, the other of pilots, to be, from time to time, prepared for the purpose and published by the President of the Union in the Gazette. If there are no such lists, or if it is impracticable to procure the attendance of two persons, one of whom is named in the list of merchants and the other in the list of pilots, the other assessors or assessor, as the case may be, shall be appointed and summoned by the president.

Penalty for non-attendance of assessor.

10A. If any person who has been duly summoned as an assessor under section 10 shall, without such excuse as the president may allow to be sufficient, neglect or refuse to attend at the time appointed or to remain in attendance until the investigation shall be completed, it shall be lawful for the president to impose upon such person a fine which may extend to two hundred rupees for each such default.

If the president is a Magistrate having jurisdiction in the district from which the assessor is summoned, such fine shall be recovered by him ; in all other cases he shall transmit the order imposing the fine to the District Magistrate having jurisdiction, who shall thereupon cause such fine to be recovered as if it had been imposed by himself.

Fees to be paid to assessors.

11. The assessors shall receive such fees as the President of the Union may from time to time, by rule, prescribe.

Copy of grounds of charge to be supplied to pilot.

12. Before any investigation under this Act is commenced the special Court shall supply the pilot with a copy of the statement sent, under section 6, to the Court.

Person charged to be heard.

13. For the purpose of an investigation under this Act the special Court may summon the pilot to appear before it, and shall give him full opportunity of making a defence, either in person or otherwise.

Powers of the Court as to evidence and regulating proceedings.

14. For the purpose of an investigation under this Act the special Court shall, so far as relates to compelling the attendance, and to the examination, of witnesses, the production of documents and the regulation of the proceedings, have the same powers as are exercisable by the principal Court of original criminal jurisdiction for the place at which the investigation is made.

Court to report to President.

15. On the completion of the investigation, the special Court shall send to the President of the Union a full report of the conclusions at which it has arrived. The report shall be in accordance with the opinion of the majority of the members of the Court, or, if the Court is equally divided, in accordance with the opinion of the president and with the member with whom he concurs. In the latter case, any member who does not concur in the report may separately record his opinion.

Power of President to make rules.

16. (*1*) The President of the Union may from time to time make rules to carry into effect the provisions of this Act with respect to the special Court and in particular with respect to—

(*a*) the mode in which the president shall, under section 10, summon the assessors ;

(*b*) the amount of the fees to be paid to the assessors ; and

(*c*) the procedure of the Court.

(*2*) All such rules shall be published in the Gazette, and shall thereupon have the force of law.

Power to cancel, suspend or reduce Licences.

17. The President of the Union may cancel or suspend, or reduce the grade of any licence granted to a pilot under this Act in the following cases, that is to say:— Power to cancel, suspend or reduce licence for misconduct, etc.

(*a*) if the pilot is found guilty by a criminal Court of any offence punishable under section 5, or of any other offence the commission of which, in the opinion of the President of the Union, shows him to be unfit to discharge the duties of a pilot; or

(*b*) if on considering a report submitted under section 15 of this Act, or transmitted under the Burma Merchant Shipping Act, the President of the Union is of opinion that the pilot is incompetent, or has been guilty of any misconduct in the discharge of his duty as pilot, or of any breach of a rule made under section 5 of this Act.

18. When a prosecution has been instituted against a pilot under section 5, or an investigation has been ordered in respect of him under section 6, or an investigation affecting his conduct has been ordered under the Burma Merchant Shipping Act, the President of the Union may suspend his licence until the final orders of the President of the Union in respect of the findings on such trial or investigation have been communicated to the pilot or during such shorter period as the President of the Union may consider necessary: Power to suspend licence pending trial or investigation.

Provided that the order directing such temporary suspension may be cancelled at any time by the President of the Union, or after the conclusion of the trial by the Magistrate, or after the conclusion of the investigation by the president of the special Court, but such Magistrate or president shall submit to the President of the Union a special report stating his reasons for cancelling such order.

Delegation of functions of the President of the Union.

19. The President of the Union may from time to time, by notification in the Gazette, delegate his functions under section 6, section 8, section 10, sub-section (*1*), or section 18 to such person as he thinks fit. Power to delegate functions of President.

THE BURMA LIGHTHOUSE ACT.

[BURMA ACT II, 1937.] (1st April, 1937.)

PART I.

PRELIMINARY.

[1]**1.** * * * *

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

(*a*) "Customs-collector" means an officer of customs exercising the powers of a Customs-collector under the Sea Customs Act, and

[1] Omitted by Act II, 1945.

includes any person appointed by the President of the Union to discharge the functions of a Customs-collector under this Act ;

(*b*) " general lighthouse " means any lighthouse included in the Schedule or any lighthouse which the President of the Union may, by notification, declare to be a general lighthouse for the purposes of this Act ;

(*c*) " lighthouse " includes any light-vessel, fog-signal, buoy, beacon or any mark, sign or apparatus exhibited or used for the guidance of ships ;

(*d*) " local lighthouse " means any lighthouse in the Union of Burma which is not a general lighthouse ;

(*e*) " local lighthouse authority " means a person appointed by the President of the Union to have the superintendence and management of a local lighthouse ;

(*f*) " owner " includes any part-owner, charterer, or mortgagee in possession and any agent to whom a ship is consigned ;

(*g*) " port " means any port to which the Ports Act extends ; and

(*h*) words and expressions used in this Act and not otherwise defined have the same meanings respectively as in the Burma Merchant Shipping Act.

Power to make rules.

3. The President of the Union may make rules consistent with this Act to carry into effect the purposes thereof.

Appointment of Inspectors.

4. The President of the Union may, by notification, appoint Inspectors and a Chief Inspector of Lighthouses.

Appointment of Advisory Committee.

5. (*1*) The President of the Union shall appoint an Advisory Committee to advise him generally on matters connected with the administration of this Act, and in particular shall consult it in regard to—

(*a*) the erection and position of local lighthouses or of any works appertaining thereto ;

(*b*) additions to, or alterations or removal of, local lighthouses ;

(*c*) the variation of the character of any local lighthouse or of the mode of use thereof ;

(*d*) the cost of any proposals relating to local lighthouses ; or

(*e*) the making or alteration of any rules under this Act.

(*2*) Such Advisory Committee shall consist of persons representing interests affected by this Act or having special knowledge on the subject-matter thereof.

PART II.

GENERAL LIGHTHOUSES.

Superintendence and Management.

Superintendence and management.

6. The superintendence and management of general lighthouses shall vest in the President of the Union with the power to make what arrangements he thinks fit, by contract or otherwise, to discharge this responsibility.

Light-Dues.

Levy and collection of light-dues.

7. For the purpose of providing or maintaining or of providing and maintaining general lighthouses in the Union of Burma for the benefit of ships voyaging to or from the Union of Burma or between ports in the Union of Burma the President of the Union shall, subject to the provisions of this Act, cause light-dues to be levied and collected in respect of every ship arriving at or departing from any port in the Union of Burma.

Rates of light-dues leviable.

8. (*1*) The President of the Union may, by notification, prescribe rates at which light-dues in respect of general lights shall be payable, and may prescribe different rates for different classes of ships, or for ships of the same class when in use for different purposes or in different circumstances.

(*2*) Light-dues payable in respect of a ship shall be paid by the owner or master of the ship on its arrival at, and on its departure from, any port in the Union of Burma :

Provided that, if light-dues have been paid in accordance with the provisions of this Act in respect of any ship, no further dues shall become payable in respect of that ship for a period of thirty days from the date on which the dues so paid became payable.

(*3*) An order under sub-section (*1*) imposing, abolishing or varying light-dues shall not take effect till the expiration of thirty days from the day on which the order was notified in the Gazette.

Receipts for light-dues.

9. Light-dues shall be paid to the Customs-collector who shall grant to the person paying the same a receipt in writing specifying—

(*a*) the port at which the dues have been paid ;

(*b*) the amount of the payment ;

(*c*) the date on which the dues became payable, and

(*d*) the name, tonnage and other particulars of the ship in respect of which the payment is made.

Ascertainment of tonnage.

10. (*1*) For the purpose of the levy of light-dues, a ship's tonnage shall be reckoned [as prescribed by rules made under this Act]. [1]

(*2*) In order to ascertain the tonnage of any ship for the purpose of levying light-dues, the Customs-collector may—

(*a*) if the ship is registered under any law for the time being in force in the Union of Burma or under the law of any foreign country [in respect of which the President of the Union has, by notification, declared] [1] that ships of that country shall be deemed to be of the tonnage denoted in their certificates of registry or other national papers (any such ship being hereafter in this section referred to as a registered ship), require the owner or master or other person having possession of the ship's register or other papers denoting her tonnage to produce the same for inspection and, if such owner, master or other person refuses or neglects to

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

produce the register or papers, as the case may be, or otherwise to satisfy the Customs-collector as to the tonnage of the ship, cause the ship to be measured and the tonnage to be ascertained; or

(*b*) if the ship is not a registered ship and the owner or master fails to satisfy the Customs-collector as to the true tonnage thereof according to the mode of measurement prescribed by the law for the time being in force for regulating the measurement of registered ships, cause the ship to be measured and the tonnage thereof to be ascertained according to such mode.

(*3*) If any person refuses or neglects to produce any register or other papers or otherwise to satisfy the Customs-collector as to the true tonnage of any ship when required to do so under this section, such person shall be liable to pay the expenses of the measurement of the ship and of the ascertainment of the tonnage, and, if the ship is a registered ship, shall further, on conviction by a Magistrate of the first class having jurisdiction in the port where the ship lies or in any port to which she may proceed, be punishable with fine which may extend to one thousand rupees.

Recovery of Dues.

Recovery of light-dues, expenses and costs

11. (*1*) If the owner or master of any ship refuses or neglects to pay to the Customs-collector on demand the amount of any light-dues or expenses payable under this Part of this Act in respect of the ship, the Customs-collector may seize the ship and the tackle, apparel and furniture belonging thereto, or any part thereof, and detain the same until the amount of the dues or expenses, together with the costs of the seizure and detention, is paid.

(*2*) If any part of such dues, expenses or costs remains unpaid after the expiry of five days following the date of the seizure, the Customs-collector may cause the ship or other thing seized to be sold, and with the proceeds of the sale may satisfy the dues, expenses or costs remaining unpaid, together with the costs of the sale, and shall repay the surplus, if any, to the person by whom the same were payable.

Refusal of port-clearance.

12. The officer whose duty it is to grant a port-clearance for any ship shall not grant the port-clearance until the amount of all light-dues, expenses and costs payable in respect of the ship under this Part of this Act and of any fines imposed thereunder has been paid, or until security for the payment thereof has been given to his satisfaction.

Determination of disputes as to liability for payment.

13. If any dispute arises as to whether light-dues, expenses or costs are payable in respect of any ship under this Part of this Act or as to the amount of such dues, expenses or costs, the dispute shall, on application made in this behalf by either of the disputing parties, be heard and determined by a Magistrate of the first class having jurisdiction at the place where the dispute arises, and the decision of such Magistrate shall be final.

Light-dues payable at one port recoverable at another.

14. (*1*) If the master of any ship in respect of which any light-dues are payable under this Part of this Act at any port causes the ship to leave such port without having paid the same, the Customs-collector at that port may by writing require the Customs-collector at any other port in the Union of Burma to which the ship may proceed or in which she may be to recover the dues remaining unpaid.

(*2*) Any Customs-collector to whom such a requisition is directed shall proceed to levy such sum as if it were payable under this Part of this Act at the port at which he is the Customs-collector, and a certificate by the Customs-collector at the port at which the light-dues first became payable, stating the amount payable, shall be sufficient proof in any proceeding under section 11 or section 13 that such amount is payable.

Penalty for evading payment of light-dues.

15. (*1*) If the owner or master of a ship evades or attempts to evade the payment of any light-dues, expenses or costs payable in respect of the ship under this Part of this Act, he shall, on conviction by a Magistrate of the first class having jurisdiction in any port in the Union of Burma to which the vessel may proceed or in which she may be found, be punishable with fine which may extend to five times the amount of the sum payable.

(*2*) In any proceeding before a Magistrate in a prosecution under sub-section (*1*), any such certificate as is mentioned in sub-section (*2*) of section 14, stating that the owner or master has evaded such payment, shall be sufficient proof of the evasion, unless the owner or master shows to the satisfaction of the Magistrate that the departure of the vessel without payment of the sum was caused by stress of weather, or that there was lawful or reasonable ground for such departure.

Exemption.

Exemption from payment of light-dues.

16. The following ships shall be exempted from the payment of light-dues under this Act, namely :—

(*a*) any ship belonging to the Government or to a foreign Prince or State and not carrying cargo or passengers for freight or fares, and

(*b*) any ship of a tonnage of less than fifty tons ;

and the President of the Union may, by notification, exempt any other ships, or classes of ships, or ships performing specified voyages, from such payment either wholly or to such extent only as may be specified in the notification.

Refund.

Refund of excess payments.

17. Where light-dues have been paid in respect of any ship in excess of the amount payable under this Part of this Act, no claim to refund of such excess payment shall be admissible, unless it is made within six months from the date of each payment.

Accounts.

Accounts.

18. The President of the Union shall cause to be maintained a separate account of all amounts received by way of light-dues, expenses, costs and fines

under this Part of this Act and of all expenditure incurred for the purposes of this Act, as soon as possible after the close of each financial year.

PART III.

LOCAL LIGHTHOUSES.

Local Lighthouse Authority.

Local lighthouse authority.

19. The President of the Union may appoint any person to be the local lighthouse authority as respects any local lighthouse.

All powers conferred on such authority by or under any enactment enabling such authority to maintain such lighthouse shall be exercised subject to this Act.

Inspection.

Power to inspect local lighthouses.

20. (*1*) The Chief Inspector of Lighthouses may, at any time, and any Inspector of Lighthouses may, if authorized in this behalf by a general or special order in writing of the President of the Union, enter upon and inspect any local lighthouse and make such inquiries in respect thereof or of the management thereof as he thinks fit.

(*2*) Every person having the charge of, or concerned in the management of, any local lighthouse shall be bound to furnish to any officer authorized by or under sub-section (*1*) to inspect the lighthouse all such information regarding the same as the officer may require.

(*3*) Every local lighthouse authority shall furnish all such returns and other information in respect of the lighthouses under its supervision and management, or of any of them, as the President of the Union may require.

Control.

Control of local light-houses by the President.

21. (*1*) If, after an inspection under section 20 or such other inquiry as he thinks fit, the President of the Union is satisfied that a direction under this sub-section is necessary or expedient for the safety, or otherwise in the interests, of shipping, he may direct any local lighthouse authority—

(*a*) to remove or discontinue or to refrain from moving or discontinuing any lighthouse under its superintendence and management or to make or refrain from making any variation in the character or mode of use of any such lighthouse, or

(*b*) to erect, place or maintain, or to refrain from erecting, placing or maintaining, any lighthouse within the local limits within which the local lighthouse authority exercises its powers.

(*2*) A local lighthouse authority shall not erect, place, remove or discontinue any lighthouse or vary the character or mode of use of any lighthouse, unless it has given to the President of the Union at least one month's notice in writing of its intention so to do :

Provided that, in cases of emergency, a local lighthouse authority may take such action as it deems necessary and shall give immediate notice of the

same to the President of the Union and, so far as is possible, to all shipping approaching or in the vicinity of the lighthouse.

(*3*) If a local lighthouse authority—

(*a*) fails to comply with any direction made under sub-section (*1*), or

(*b*) fails to exercise or perform, or exercises or performs in an improper, inefficient or unsuitable manner, any power or duty relating to the superintendence or management of lighthouses conferred or imposed upon it by or under any law for the time being in force, or

(*c*) fails to make adequate financial provision for the performance of any such duty,

the President of the Union may, by order in writing, require the local lighthouse authority to comply with the direction, or to make arrangements to his satisfaction for the proper exercise of the power or performance of the duty, or to make financial provision to his satisfaction for the performance of the duty, as the case may be, within such period as he may specify.

(*4*) If the local lighthouse authority fails to comply with an order made under sub-section (*3*) within the specified period or within such further time as the President of the Union may allow, the President of the Union may exercise the power or perform the duty or make the requisite financial provision, as the case may be, and the local lighthouse authority shall be liable to repay to the Government any expenditure incurred in so doing.

Management by Government.

Management of local lighthouses by the Government.

22. The President of the Union may, at the request of a local lighthouse authority, undertake the superintendence and management of any local lighthouse on its behalf, and the local lighthouse authority shall pay to the Government such sums to defray the cost of superintendence and management as may be agreed.

Repeal.

[1]**23.** * * * *

SCHEDULE.

(*1*) Lighthouse on islands or reefs :—

(*a*) Oyster Island.

(*b*) Beacon Island.

(*c*) Alguada Reef.

(*d*) Table Island.

(*e*) Double Island.

(*2*) The Baragua Flats Light vessel and the Krishna Light vessel.

(*3*) The Mergui Archipelago beacons.

(*4*) Any other lighthouse in the Union of Burma which the President of the Union may declare to be a general lighthouse.

---

[1] Deleted by Act II, 1945.

INDEX TO VOLUME VII.

အတွဲ ၇ ၏အညွှန်း။

	PART	PAGE
Aircraft Act, Burma	VIII-G	226
Bills of Lading Act	VIII-C	26
Burma Aircraft Act	VIII-G	261
Burma Carriage by Air Act	VIII-C	69
Burma Carriage of Goods by Sea Act	VIII-C	43
Burma Lighthouse Act	VIII-I	439
Burma Merchant Shipping Act	VIII-H	286
Burma Motor Vehicles Act	VIII-D	1
Burma Post Office Act	VIII-A	86
Burma Registration of Ships Act	VIII-H	360
Burma Telegraph Act	VIII-A	28
Burma Wireless Telegraphy Act	VIII-A	41
Carriers Act	VIII-C	58
Carriage of Goods by Sea Act, Burma	VIII-C	61
Carriage by Air Act, Burma	VIII-C	69
Carriage Act, Hackney	VIII-D	98
Carriages Act, Rangoon Hackney...	VIII-D	101
Carriages Act, Stage	VIII-D	93
Companies Act, Railway	VIII-E	151
Defile Traffic Act	VIII-F	210
Fairways Act, Obstructions in	VIII-F	208
Ferries Act	VIII-B	50
Hackney Carriage Act	VIII-D	98
Hackney Carriages Act, Rangoon	VIII-D	101
Highways Act	VIII-B	43
Inland Steam Vessels Act	VIII-F	184
Lighthouse Act, Burma	VIII-I	449
Merchant Shipping Act, Burma	VIII-H	233
Motor Transport Services Act, Railways	VIII-E	175
Motor Vehicles Act, Burma	VIII-D	89
Obstructions in Fairways Act	VIII-F	208
Outports Act	VIII-I	443
Pilots Act	VIII-I	446
Ports Act	VIII-I	376
Post Office Act, Burma	VIII-A	1
Railways Act	VIII-E	107
Railway Companies Act	VIII-E	151
Railways (Motor Transport Services) Act	VIII-E	175
Rangoon Hackney Carriages Act	VIII-D	101
Rangoon Port Act	VIII-I	403
Registration of Ships Act, Burma	VIII-H	360
Steam Vessels Act, Inland	VIII-F	184
Shipping Act, Burma Merchant	VIII-H	233
Ships Act, Burma Registration of	VIII-H	360
Stage Carriages Act	VIII-D	93
Tolls Act	VIII-B	45
Tolls (Army) Act	VIII-B	47
Telegraph Act, Burma	VIII-A	28
Telegraphy Act, Burma Wireless	VIII-A	41
Tramways Act	VIII-E	153
Traffic Act, Defile	VIII-F	210
Wireless Telegraphy Act, Burma	VIII-A	41

	အပိုင်း	စာမျက်နှာ
နိုင်ငံပိုင်ပြုလုပ်ခြင်း အက်ဥပဒေ၊ ပြည်တွင်းရေကြောင်းသယ်ယူပို့ဆောင်ရေး	ဂ-စ	၂၁၂
နိုင်ငံပိုင်ပြုလုပ်ခြင်း အက်ဥပဒေ၊ ရခိုင်တိုင်းရေကြောင်းသယ်ယူပို့ဆောင်းရေးကို	ဂ-စ	၂၂၄
ပင်လယ်ရေကြောင်းသွားလာမှု သဘောတူစာချုပ်များ အက်ဥပဒေ	ဂ-ဇ	၃၆၉
ပြည်ထောင်စုမြန်မာနိုင်ငံ မီးရထားအုပ်ချုပ်ရေး အဖွဲ့ အက်ဥပဒေ	ဝ-ဂ	၁၇၆
ပြည်ထောင်စုမြန်မာနိုင်ငံ ပြည်တွင်းရေကြောင်းသယ်ယူပို့ဆောင်ရေး အဖွဲ့ အက်ဥပဒေ	ဝ-စ	၂၁၄
ပြည်ထောင်စုမြန်မာနိုင်ငံ လေကြောင်းသယ်ယူပို့ဆောင်ရေး အဖွဲ့ အက်ဥပဒေ	ဝ-ဂ	၇၉
ပြည်တွင်းရေကြောင်းသယ်ယူပို့ဆောင်ရေး နိုင်ငံပိုင်ပြုလုပ်ခြင်း အက်ဥပဒေ	ဂ-စ	၂၁၂
မီးရထားအုပ်ချုပ်ရေးအဖွဲ့ အက်ဥပဒေ၊ ပြည်ဈေထောင်စုမြန်မာနိုင်ငံ	ဂ-ဂ	၁၇၆
ရခိုင်တိုင်းရေကြောင်း သယ်ယူပို့ဆောင်ရေးကို နိုင်ငံပိုင်ပြုလုပ်ခြင်း အက်ဥပဒေ	ဂ-စ	၂၂၄
ရေကြောင်းသယ်ယူပို့ဆောင်ရေးအဖွဲ့ အက်ဥပဒေ၊ ပြည်ထောင်စုမြန်မာနိုင်ငံ ပြည်တွင်း	ဂ-စ	၂၁၄
ရေကြောင်းသယ်ယူပို့ဆောင်ရေး နိုင်ငံပိုင်ပြုလုပ်ခြင်း အက်ဥပဒေ၊ ပြည်တွင်း	ဂ-စ	၂၁၂
ရေကြောင်းသယ်ယူပို့ဆောင်ရေးကို နိုင်ငံပိုင်ပြုလုပ်ခြင်း အက်ဥပဒေ၊ ရခိုင်တိုင်း	ဂ-စ	၂၂၄
ရေကြောင်းသွားလာမှု သဘောတူစာချုပ်များ အက်ဥပဒေ၊ ပင်လယ် ...	ဂ-ဇ	၃၆၉
လေကြောင်း သယ်ယူပို့ဆောင်ရေး အဖွဲ့ အက်ဥပဒေ၊ ပြည်ထောင်စုမြန်မာနိုင်ငံ	ဂ-ဂ	၇၉
သဘောသွားလာမှု အုပ်ချုပ်ရေးအက်ဥပဒေ....	ဝ-ဇ	၃၇၂

ပ၊မ၊၈၊ဂ၊—အမှတ် ၁၅၂၊ တရားရေးဝန်ကြီးဌာန၊ ၂၉-၄-၅၀—၅,၀၀၀—၉။

CORRIGENDA

Page 43.—Section 11, marginal caption, *for* Telegaph" *read* "Telegraph".

Page 52.—Section 3, clause (5), second line, *delete* the comma *after* "Deputy".

Page 59.—Section 3, marginal caption *for* "good" *read* "goods", and *for* "unles" *read* "unless".

Page 59.—Section 4, marginal caption, *for* "carryin" *read* "carrying".

Page 59.—Section 5, marginal caption, *for* "mone" *read* "money".

Page 59.—Section 8, marginal caption, *for* "liabl" *read* "liable".

Page 66.—Rule 5, first line, *for* "not" *read* "nor".

Page 67.—Article VI, first line, *insert* a comma *after* "carrier".

Page 70.—Section 3, marginal caption, *for* "Pontracting arties" *read* "Contracting parties", and *for* "cnder take arriage" *read* "undertake carriage".

Page 73.—Rule 9, fourth line, *for* "entiled" *read* "entitled".

Page 76.—Rule 25 (*1*), first line, *delete* the comma *after* "provisions".

Page 124.—Section 46, sub-section (*2*), fourth line, *for* "poroviding" *read* "providing".

Page 126.—Section 50, *insert* a colon at end of clause (*e*), and a fullstop at end of proviso.

Page 127.—Section 52, marginal caption, *for* "Return" *read* "Returns"

Page 188.—Section 4, marginal caption, *for* "serveyors" *read* "surveyors".

Page 191.—Section 10, marginal caption, *for* "steamev-ssell" *read* "steamvessel".

Page 252.—Section 19, marginal caption, *for* "order" *read* "orders".

Page 279.—Section 96, sub-section (*2*), third line, *for* "foresaid" *read* "aforesaid".

Page 348.—Section 255, marginal caption, *for* "weitnesses" *read* "witnesses"

Page 380.—Section 3, clause (*4*), second line, *for* "fot" *read* "for".

Page 383.—Section 6, sub-section (*1*), clause (*q*), sub-clause (*ii*), first line, *for* "a" *read* "as".

Page 402.—First Schedule, column 3, first line, *for* "ceexedin" *read* "exceeding".

Page 407.—Contents, against section 95, *delete* "55".

Page 420.—Section 31, sub-section (*2*), clause (*c*), fourth line, *for* "Commissioners of" *read* "Commissioners for".

Page 429.—Section 69, sub-section (*2*), marginal caption, *for* " vesse " *read* " vessel ".

Page 445.—Section 7, sub-section (*2*), proviso, second line, *for* " a " *read* " as ".

Index, under the heading " Page ",—

second line, *for* " 26 " *read* " 68 ".

third line, *for* " 261 " *read* " 226 ".

fifth line, *for* " 43 " *read* " 61 ".

sixth line, *for* " 439 " *read* " 449 ".

seventh line, *for* " 286 " *read* " 233 ".

eighth line, *for* " 1 " *read* " 89 ".

ninth line, *for* " 86 " *read* " 1 ".

အမှားပြင်ချက်များ

စာမျက်နှာ ၁၇၀။ ။အခန်း ၃ ခေါင်းစဉ်တွင်၊ ''ဝိစလျှဉ်း'' အစား၊ ''စဝ်လျှဉ်း'' ဟုဘတ်ပါ။

စာမျက်နှာ ၃၇၄။ ။ပုဒ်မ ၇၊ စာကြောင်းရေ ၅ တွင်၊ "ပြဋ္ဌာန်" အစား၊ ''ပြဋ္ဌာန်း'' ဟုဘတ်ပါ။