(၃) ကော်မရှင်အဖွဲ့ဝင်တယောက်သည်၊ ကော်မရှင်အဖွဲ့ဝင်အဖြစ်ဖြင့် ဆက်လက်မဆောင်ရွက်နိုင်လျှင်၊ နိုင်ငံတော်သမတသည်၊ ထိုအဖွဲ့ဝင်အစားအခြားသူတယောက်ကိုခန့်ထားရမည်။ ထိုသူကို ကော်မရှင်အဖွဲ့စတင်ဖွဲ့စည်းစဉ်ကပင် အဖွဲ့ဝင်အဖြစ် ခန့်ထားတိသကဲ့သို့ ကော်မရှင်အဖွဲ့သည်မိမိ၏ မူခင်းကိစ္စများကို ဆက်လက်ဆောင်ရွက်ရမည်။

၈။ ။ကုမ္ပဏီကသော်၎င်း၊ အစိုးရကသော်၎င်း၊ လျော်ကြေးနှင့် စပ်လျဉ်းသည့် ကော်မရှင်အဖွဲ့၏ဆုံးဖြတ်ချက်ကို [ထိုဆုံးဖြတ်ချက်ချမှတ်သည့်နေ့မှစ၍ ရက်ပေါင်း ၉၀ အတွင်း] [1] ဥပဒေကြောင်းနှင့်ဖြစ်စေ၊ အမှုခြင်းရာနှင့်ဖြစ်စေ၊ တရားလွှတ်တော်ချုပ်သို့ အယူခံဝင်နိုင်သည်။

၉။ ။ဤအက်ဥပဒေ ပုဒ်မ ၃ အရ ပင်လယ်ရေကြောင်း သယ်ယူပို့ဆောင်ရေးအဖွဲ့အ၏ ကြီးကြပ်အုပ်ချုပ်မှုအောက်သို့ရောက်လာသော ပစ္စည်းများ အနက်၊ ပြည်တွင်းရေကြောင်းသယ်ယူပို့ဆောင်ရေးအဖွဲ့ပိုင် ကုန်တင်သင်္ဘောများအတွက် ပင်လယ်ရေကြောင်း သယ်ယူပို့ဆောင်ရေး အဖွဲ့က ပြည်တွင်းရေကြောင်းသယ်ယူပို့ဆောင်ရေးအဖွဲ့အား ပေးရမည့်ငွေဒါးရင်းခ၊သို့တည်းမဟုတ် အဘိုးငွေမှာ နိုင်ငံတော်သမတ ညွှန်ကြားသည့်အတိုင်းဖြစ်ရမည်။

၁၀။ ။ဤအက်ဥပဒေအရ နိုင်ငံပိုင်ပြုလုပ်သည့် လုပ်ငန်းများကို ဆောင်ရွက်ရန်အလို့ငှါ နိုင်ငံတော်သမတ က အခြားအဖွဲ့တခုမဖွဲ့စည်းသေးသမျှ၊ သို့ဘည်းမဟုတ် အခြားစီစဉ်မှုပြုသေးသမျှ ထိုလုပ်ငန်းများကို ပင်လယ်ရေကြောင်းသယ်ယူပို့ဆောင်ရေးအဖွဲ့က ဆက်လက်ဆောင်ရွက်ရမည်။

၁၁။ ။(၁) ဤအက်ဥပဒေနှင့်အညီ သဘောရိုးဖြင့်ပြုလုပ်သည့်၊သို့ကဲ့းမဟုတ်ပြုလုပ်ရန်ကြိုးရွယ်သည့်အပြုအမူတခုခုအတွက်၊ မည်ယူ့ကိုမျှ တရားမမှု၊ ရာဇဝတ်မှု၊ သို့တည်းမဟုတ် အခြားမူခင်းစွဲဆိုခြင်းမပြုရ။

(၂) ဤအက်ဥပဒေတွင် အတည့်အလင်း ပြဋ္ဌာန်းထားသည်မှ တပါး ဤအက်ဥပဒေအရ ပြုလုပ်သည့်အပြုအမူအတွက်၊ အစိုးရအား မည်သည့်တရားမမှု၊ သို့တည်းမဟုတ် အခြားမူခင်းမျှ စွဲဆိုခြင်းမပြုရ။

G. AIRCRAFT.

ဆ။ ။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.

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[2] ၁၉၅၄ ခုနှစ်၊ အက်ဥပဒေ အမှတ် ၄၀ အရထည့်သွင်းသည်။

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

Definitions.

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

(*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.

Power of President to exempt certain aircraft.

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 make rules to implement the Convention of 1919.

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.

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.

(*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 ;

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[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 ;

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[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].

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[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.

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[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.

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[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.