THE HIGHWAYS LAW (2000)

The State Peace and Development Council Law No. 8/2000
The 7th Waning Day of Tazaungmon,1362 M.E.
17 November 2000

The State Peace and Development Council hereby enacts the following Law: -

Chapter 1
Title and Definition

1. This Law shall be called the Highways Law.

2. The following expressions contained in this Law shall have the meanings given hereunder: -

(a) Highway means the highway prescribed by notification by the Ministry of Construction. This expression also includes road boundaries on either side of the highway and bridges situated along the highways. However, the roads constructed or maintained by the relevant Development Committee are excluded;

(b) Vehicle means any vehicle propelled on land by mechanical power or by any type of energy, to ride or to transport goods;

(c) Animal means buffalo, ox or cow, elephant, horse, donkey, mule, sheep, goat and pig;

(d) Cart means any type of wheeled cart moved by being drawn, pushed or attached by man or by animal.

Chapter II
Objectives

The objectives of this Law are as follows: -

3. (a) to cause easier communication and transportation among states and divisions by constructing the highways and to strengthen national solidarity and friendship and to cause all-round development in all regions and areas in economic and social sectors,

(b) to give support in implementing the duty for security and convenience in road and communication and quickness in flow of commodities;

(c) to give support in the modernization and development of the State by constructing highways within the State or by constructing highways which connect with neighbouring countries;

(d) to carry out systematically the works of extension, repair and maintenance for durability of highways;

(e) to supervise systematically in respect of traffic and use of highways.

Chapter III
Duties and Powers of the Ministry of Construction

4. The duties and powers of the Ministry of Construction are as follows; -

(a) laying down policies with the approval of the Government for modernization and

development of road and communication within the State;

(b) submitting short-term, long-term and special plans to the Government and obtaining confirmation thereof for construction of highways;

(c) constructing highways which connect with neighbouring countries, with the confirmation of the Government:

(d) supervising to enable implementation of the plans within the prescribed period;

(e) prescribing and notifying as highways;

(f) prescribing and notifying the boundaries of highways;

(g) laying down the work programmes to construct and extend the highways; if necessary, coordinating with the relevant Government departments or organizations;

(h) giving guidance and supervising for repair and maintenance of highways;

(i) carrying out joint venture business with any individual or economic organization or permitting any individual or economic organization to operate, prescribing terms and conditions in accordance with the existing laws in respect of construction, extension, repair and maintenance of highways;

(j) carrying out land acquisition and removal of building in accordance with the existing laws, in constructing and extending highways;

(k) indenting and importing from abroad the necessary machineries to be used in constructing highways;

(l) exchanging technical know-how and co-operating with international organizations regional organizations and foreign countries in respect of construction of highways.

(m) carrying out works of research in respect of construction, repair and maintenance of highways.

Chapter IV
Duties and Powers of the Public Works

5. The duties and powers of the Public Works are as follows; -

(a) implementing in accordance with the policies laid down by the Ministry of Construction for modernization and development of communication within the State

(b) drawing up and submitting short-term, long-term and special plans and work programmes to the Ministry of Construction in respect of construction and extension of highways;

(c) implementing for the completion of plans within the prescribed period;

(d) repairing and maintaining highways for durability;

(e) planting trees and clearing dangerous trees within the boundary of high ways;

(f) determining the width of verge of highways;

(g) closing of vehicular traffic subject to a time limit in extending or repairing highways and constructing diversion for traffic at the time when traffic is closed;

(h) prescribing vehicle and type of wheel, vehicle and laden weigh, and iron rim of cart wheel the driving of which are not permitted on highways, and inspecting, supervising and taking action as to whether such stipulations are abided by or not;

(i) prescribing terms and conditions to be abided by in respect of traffic and stoppage of carts and animals on highways, and inspecting, supervising and taking action as to whether such terms and conditions are abided by or not;

(j) issuing necessary prohibitions to prevent damage to highways, inspecting whether such prohibitions are abided by or not; supervising and taking action thereof;

(k) scrutinizing and permitting construction across the highways, constructing and building within the boundary of highways and setting-up of the signboards for advertisement.

6. The Public Works may delegate and assign its duties and powers to the State, Division, District and Township Public Works.

Chapter V
Offences and Penalties

7. Whoever without the permission of the Public Works commits any of the following acts shall, on conviction, be punished with imprisonment for a term which may extend to 3 years or with fine or with both:

(a) building or constructing across the highway;

(b) constructing the building within the boundary of the highway;

(c) digging a pond within the boundary of the highway.

8. Whoever commits any of the following acts shall, on conviction, be punished with imprisonment for a term which may extend to6 months or with fine or with both:

(a) disturbing or obstruction the work of constructing, extension, repairing and maintenance of highway;

(b) driving a vehicle the traffic of which and the type of the wheel of which is prohibited and a vehicle with a laden weight or using an iron rim of cart wheel on highways;

(c) planting, cutting or destroying tree or crops within the boundary of the highway without permission of Public Works;

(d) disturbing or obstructing public works in clearing of trees which cause danger.

9. Whoever commits any of the following acts shall, on conviction, be punished with imprisonment for a term which may extend to 3 months or with fine or with both: -

(a) violating any prohibition issued to prevent damage of highways;

(b) violating any of the terms and conditions prescribed in respect of traffic of carts and animals on highways;

(c) intentionally placing of materials that may cause hindrance or danger to traffic on highways;

(d) setting up the signboard of advertisement within the boundary of high ways without permission of Public Works.

Chapter VI
Miscellaneous

10. Any Government department or organization desirous of connecting under ground pipeline, connecting underground electricity power line, connecting underground cable line or constructing drainage across the highway due to its departmental or organizational requirement of work shall co-ordinate with the Ministry of Construction in advance.

11. In respect of collecting tolls for traffic on highway prescribed by notification under this Law, the Ministry of Construction may carry out in accordance with the provisions of the Utilization of Roads and Bridges Law (Law No. 13/85).

12. Before the issuance of rules, procedures, notifications, orders and directives under this Law, rules, notifications, orders and directives issued under the High ways Act, 1907 may continue to be applicable in so far as they are not inconsistent with this Law.

13. For the purpose of carrying out the provisions of this Law;-

(a) the Ministry of Construction may, with the approval of the Govemmei4 issue such rules and procedures as may be necessary;

(b) the Ministry of Construction and the Public Works may issue such notifications, orders and directives as may be necessary.

14. The Highways Act,1907 is hereby repealed.

Sd./Than Shwe
Senior General
Chairman
The State Peace and Development Council