

The State Peace and Development Council
The Law Amending the Myanmar Registration of Ships Act
(The State Peace and Development Council Law No. 4/2003)
The 12th Waxing Day of Taboung, 1364 M.E. (14th March,2003)

The State Peace and Development Council hereby enacts the following law;-

1. This Law shall be called the Law Amending the Myanmar Registration of Ships Act.
2. In the Myanmar Registration of Ship Act, the expression "five thousand kyats" contained in section 2, 15, 16 and 21, the expression "ten thousand kyats" contained in section 15 and 23 and the expression "one thousand kyats" contained in section 20 shall be substituted by the expression "Kyats 75,000" and "Kyats 15,000" respectively.
3. Section 10 and 11 of the Myanmar Registration of Ships Act shall be substituted as follows:-
 10. (a) A Myanmar ship or any share therein shall be transferred by a bill of sale.

(b) The bill of sale for the transfer of a ship or any share therein to a person qualified to own a Myanmar ship shall be in the prescribed form and shall contain such description of the ship as is contained in the register and shall be executed by the transferor in the presence of and be attested by two witnesses.

(c) Every bill of sale be produced to the registering-officer and the registering officer shall thereupon enter in the register the name of the transferee and shall endorse on the bill of sale the fact of that entry having been made with the date and time thereof.

(d) Bills of sale shall be entered in the register in the order of their production to the registering-officer.

(e) The registering-officer shall not make an entry under this section in respect of any ship if there is:-
 - (1) any unsatisfied mortgage entered in its register, unless, where the ship or any share therein is transferred to a person qualified to own a Myanmar ship, the mortgagee has given his consent in writing;
 - (2) any subsisting entry made by an order of the Supreme Court prohibiting any dealing with the ship.
 - (f) Sub-section (e) shall not apply in respect of a bill of sale executed pursuant to an order of the Supreme Court for the sale of a Myanmar ship or any share therein.
11. (a) The owner of a Myanmar ship may make a written application to close its registry if there is no:-
 - (1) unsatisfied mortgage entered in its register;

(2) subsisting entry made by an order of the Supreme Court prohibiting any dealing with the ship.

(b) The application shall specify the name of the ship, the intended port and country of registry (if applicable) or otherwise the reason for the closure and shall be submitted to the registering-officer together with the certificate of registry of the ship.

(c) On receipt of the application and the certificate of registry, the registering-officer shall, if he is satisfied of the matters mentioned in sub-section (a), close the registry of the ship and make an entry thereof in the register.

4. Section 13 of the Myanmar Registration of Ships Act shall be substituted as follows:-

13. (a) A Myanmar ship or any share therein may be made a security for a loan or other valuable consideration, and the instrument creating the security (referred to in this Act as a mortgage) shall be in the prescribed form or as near thereto as circumstances permit, and on production of that instrument the registering-officer shall record it in the register.

(b) Mortgages shall be recorded by the registering-officer in the order in time in which they are produced to him for that purpose, and the registering-officer shall endorse and sign a memorandum on each mortgage stating the date and time of that record.

5. Section 17 of the Myanmar Registration of Ships Act shall be substituted as follows:-

17. (a) Every ship shall, before registry, be marked permanently and conspicuously to the satisfaction of the registering-officer as follows:-

(1) its name shall be marked on each of its bows, and its name and the name of its port of registry shall be marked on its stem, on a dark ground in white or yellow letters or on a light ground in black letters, such letters to be of a length not less than one decimetre and of proportionate breadth.

(2) its official number shall be cut in on its main beam; and

(3) a scale of decimetres, or of metres and decimetre, denoting its draught of water shall be marked on each side of its stem and of its stern post:-

(i) in figures at two-decimeter intervals, if the scale is in decimetres;

(ii) in figures at each metre interval and at intervening two-decimetres intervals, if the scale is in metres and decimetres; and

(iii) the capital letter "M" being placed after each metre figure; the top figure of the scale showing both the metre and (except where it marks a full metre interval) the decimetre figure; the lower line of figures, or figures and letters (as the case may be), coinciding with the draught line denoted thereby, the figures and letters being not less than one decimetre in length and being marked by being cut in and painted white or yellow on a dark ground, or in such other way

as the Director-General of the Department of Marine Administration may approve.

(b) The registering-officer may exempt any ship or class of ships from all or any of the requirements of subsection (a).

(c) If the owner or master of ship 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 willfully 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 ever 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 to fine not exceeding Kyats 150,000.

6. Section 19 of the Myanmar Registration of Ships Act shall be substituted as follow:-

19. (a) 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.

(b) The certificate of registry of a ship shall be used only for the lawful navigation of the ship and shall not be subject to detention by reason of any title, lien, charge or interest whatsoever had or claimed by any owner, mortgagee or other person to, on or in the ship.

(c) If any person, whether interested in the ship or not refuses, without reasonable cause, on request to deliver up the certificate of registry when in his possession or under his control to the person entitled to the custody thereof for the purpose of the lawful navigation of the ship, or to the registering-officer, or to any other person entitled by law to require such delivery, he shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding Kyats 75,000.

(d) Where the registry of a ship is closed or deemed to be closed under this Act, the registered owner of the ship at the time of the closure shall deliver up the certificate of registry to the registering officer for cancellation within 60 days of the closure and if he fails, without reasonable cause, to deliver up the certificate of registry within that period, he shall be guilty of an offence and shall be liable, on conviction to a fine not exceeding Kyats 75,000.

(e) If any person uses or attempts to use for the navigation of a ship a certificate of registry which is not legally granted in respect of the ship or the registry of which has been closed or deemed to be closed, he shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding Kyats 75,000.

7. Section 24 of the Myanmar Registration of Ships Act shall be substituted as follows:-

24. In imposing a punishment of fine on the convicted person who is not a citizen of the Union of Myanmar under this Act, it shall be paid in foreign currency equivalent to the amount in Myanmar currency as determined by the Government.

8. Section 25 of the Myanmar Registration of Ships Act shall be substituted as follows:-

25. (a) The fees demandable in respect of the granting any certificate or pass under this Act for a foreign ship, shall be paid according to the rates prescribed for this purpose by the Ministry of Transport by notification.

(b) The fees for the initial registration or registration anew of a Myanmar ship registered under this Act shall be Kyats 100 per gross ton of the ship.

(c) All unpaid fees in respect of any ship due to the registering officer shall constitute a maritime lien on the ship, subject only to liens for wages.

(d) The Ministry of Transport may, with the approval of Government either generally or on specific occasions reduce the fees prescribed under this section.

9. After section 26 of the Myanmar Registration of Ships Act, section 27 shall be inserted as follows:-

27. For the implementation of the provisions of this Act:-

(a) Ministry of Transport may, with the approval of the Government issue necessary rules and procedures;

(b) the Ministry of Transport and the Department of Marine Administration may issue necessary notifications, orders and directives.

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