

The Union of Myanmar

The State Peace and Development Council

The Law Amending the Myanmar Merchant Shipping Act, 2007

(The State Peace and Development Council Law No. 1/2007)

The 6th Waning Day of Tabodwe, 1368 M.E.

(7th February, 2007)

The State Peace and Development Council hereby enacts the following

Law:

1. This Law shall be called **the Law Amending the Myanmar Merchant Shipping Act, 2007**.
2. The expression "**home-trade ship**" contained in the Myanmar Merchant Shipping Act shall be substituted respectively by the expression "**near coastal voyage ship**".

3. Sub-section (3) of section 2 of the Myanmar Merchant Shipping Act shall be substituted as follows:

"(3) **near coastal voyage ship** means a ship employed in trading between any ports in the Union of Myanmar or between any port in the Union of Myanmar and any port or place in India or Pakistan or in the Straits Settlements, or in the Island of Sri Lanka or countries as stated in the notification published by the Department of Marine Administration with the approval of the Ministry of Transport

4. In the Myanmar Merchant Shipping Act:

(a) the expression "**Chairman of the State Peace and Development Council may**" contained in sub-section (1) of section 21, section 37 J, section 84, sub-section (1) of section 145, section 145 A, section 191, sub-section (I) of section 213, section 216 A, section 219, section 224 C, sub-section (1) of section 224 M, sub-section (1) of section 245, section 245 J, section 245 Q, section 270 and section 294 A shall be substituted respectively by the expression "**Ministry of Transport may, with the approval of the Government**";

(b) the expression "**Chairman of the State Peace and Development Council**" contained in the other sections except sections mentioned in the aforesaid sub-section (a) shall be substituted respectively by the expression "**Ministry of Transport**".

5. In the Myanmar Merchant Shipping Act:

(a) sub-section (3) of section 8 shall be substituted as follows:

"(iii) to give to all persons desirous of apprenticing boys to the sea service and duty authorized so to do by the rules relating to the apprentices made under this Act, and also to owners and masters of Myanmar flagged ships requiring apprentices, such assistance as may be in their power for facilitating the making of such apprenticeships;"

(b) sub-section (1) of section 14 shall be substituted as follows:

"Grades of
Certificates of
competency"

(1) Certificates of competency shall be granted in accordance with this Act for each of the following grades, namely:
Master(foreign-going). - Deck Officer Class
First mate(foreign-going). - Deck Officer Class II.
Second mate(foreign-going). - Deck Officer Class III.

Master - Deck Officer Class IV.

(Near Coastal Voyage)

Mate - Deck Officer Class V.

(Near Coastal Voyage)

First class engineer - Marine Engineer Officer Class I.

Second class engineer-Marine Engineer Officer Class EL

Third class engineer - Marine Engineer Officer Class ID.

First class engineer - Marine Engineer Officer Class IV.

(Near Coastal Voyage)

Second class engineer-Marine Engineer Officer Class V.

(Near Coastal Voyage).

Engine driver ----- — — "

- (c) the expression "**as master or mate**" contained in sub-section (2) of section 14 **shall** be substituted by the expression "**as master, mate or engineer**";

- (d) section 17 shall be substituted as follows:

17.(1) A naval officer who has attained the rank of lieutenant in the Myanmar Navy may be issued with an equivalent certificate to serve as master or first mate of a sea going vessel.

- (2) A naval officer who has attained the rank of engineer or assistant engineer in the Myanmar Navy may be issued an equivalent certificate to serve as first class engineer or

second class engineer of a sea going vessel.

- (3) The equivalent certificate shall differ in form from a certificate of competency, and shall contain the name and rank of the person to whom it is delivered.
- (4) The provisions of this Act including the penal provisions shall apply in the case of an equivalent certificate as they apply in the case of a certificate of competency.
- (5) The Ministry of Transport may, with the approval of the Government make rules relating to the issue of the equivalent certificate for naval officers" ;
- (e) the expression **"every home-trade ship of more than three hundred tons burden"** contained in sub-section (2) of section 22 shall be substituted by the expression **"every near coastal voyage ship of more than five hundred gross tonnage"**;
- (f) sub-section (1) of section 23 shall be substituted as follows:
 - (l) Any boy not under sixteen years of age may be bound as an apprentice in the sea service to the owner of any ship registered in the Union of Myanmar to be employed in any such ship, being

the property of such person, and while so employed to be taught the craft and duty of a seaman, and the provisions of the rules relating to apprentices made under this Act shall, subject to the provisions of this Act, apply accordingly";

- (g) the expression "**except home-trade ships of a burden not exceeding three hundred tons**" contained in sub-section (1) of section 27 shall be substituted by the expression "**except near coastal voyage ships of gross tonnage not exceeding five hundred**";

- (h) section 37 B shall be substituted as follows:

Employment
of children

37 B. No young person under sixteen years of age shall be engaged or carried to sea to work in any capacity in any ship registered in the Union of Myanmar, and no young seaman under sixteen 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 near coastal voyage ship of gross tonnage not exceeding five hundred; 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";
- (i) clause (b) of sub-section (1) of section 251 shall be substituted as follows:
- "(b) if the master, mate or engineer holds a certificate under any of the Merchant Shipping Acts, in the following cases:
- (i) where the incompetency or misconduct has occurred on a Myanmar flagged ship on or near the coasts of the Union of Myanmar,, or on board a Myanmar flagged ship in the course of a voyage to a port outside of Myanmar waters;
 - (ii) where the incompetency or misconduct has occurred on board a ship registered in the Union of Myanmar;
 - (iii) where the master, mate or engineer of a ship, who is charged with incompetency or

misconduct on board that ship, is found in the
Union of Myanmar";

clauses (a) and (b) of sub - section (1) of section 260 shall
be substituted as follows:

- "(a) if, on any investigation made under the Merchant Shipping Act, or on any investigation made by any Court or tribunal for the time being authorized by the legislative authority in the Union of Myanmar 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 or 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 Myanmar, would be non-bailable."

In the Myanmar Merchant Shipping Act:

- (a) the amount of money contained in sections 122, 124 and 224 A shall be substituted respectively by the expression **"kyats 10,000."**
- (b) the amount of money contained in sections 40, 71, 113, 114, 115, sub-section (2) of section 116, sections 220, 221, 222, 224 B, 229, 245 H, 245 P, 274 and 284 shall be substituted respectively by the expression **"kyats 100, 000."**
- (c) the amount of money contained in section 224 M shall be substituted by the expression **" kyats 500,000."**

(Sd.) Than Shwe

Senior General

Chairman

The State Peace and Development Council