

**THE OBSTRUCTIONS IN FAIRWAYS ACT AMENDING LAW,
1963.**

**[THE UNION OF BURMA REVOLUTIONARY COUNCIL LAW No. 2 OF
1963.]**

The Chairman of the Union of Burma Revolutionary Council
makes the following Law :—

1. (1) This Law may be called the Obstructions in Fairways Act
Amending Law, 1963.

(2) It shall come into force at once.

2. For section 2 of the Obstructions in Fairways Act hereinafter
referred to as the said Act, the following *shall be substituted* as section
2, namely :—

“ 2. (1) Whenever, in any fairway, any vessel is sunk, stranded
or abandoned, or any fishing-stake,
Power to remove or destroy obstruction in
fairway. timber or other thing is placed or
left, the Revolutionary Government
of the Union of Burma may, if in
its opinion such thing is, or is likely to become, an
obstruction or danger navigation, issue an order to the
owner of such thing to remove it or any part thereof
within one year from the date of the order, and if after
the receipt of the order, the owner does not, within the
said period, remove it to the satisfaction of the Govern-
ment, it may declare it to be the property of the Govern-
ment and take necessary action to have it removed or
destroyed as it deems appropriate.

(2) Where the person entitled to the possession of such
thing is unknown, the Government may publish
in the Gazette a notification containing a description of
such thing and the place where it is sunk, stranded,
abandoned or left, and direct any person who has any
claim thereto to remove it within one year from the date
of the notification. If such person fails to comply with
the direction it shall be declared to be the property of
the Government to be disposed of in such manner as the
Government may deem fit.

(3) Notwithstanding anything contained in sub-sections (1)
and (2), in cases where the Government considers that
immediate action should be taken, it may—

- (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 its opinion, it is not worth removing cause the same
or any part thereof to be destroyed.

(4) Wherever any property is recovered as a result of action
under sub-section (3) any officer authorized by the
Government in this behalf shall publish in the Gazette a
notice containing the description of such property and

the time at which and the place from which the same was recovered and requiring any person who has any claim thereto to appear and establish his right to the same within three months from the date of such notice.

(5) If any person entitled to the possession of such property appears and establishes his right thereto and pays the amount due for the expenses and any customs-duties or other charges properly incurred by the Government in respect thereof it shall be made over to him ; but if within three months from the date of such notice such property is unclaimed or if the person claiming the same fails to pay the amount due for expenses and charges as aforesaid, any officer authorized by the Government in this behalf may sell such property by public auction, if it is of a perishable nature, forthwith, and, if it is not of a perishable nature, at any time after three months from the date of such notice.

(6) On realizing the proceeds of such sale, the amount due for expenses and charges as aforesaid, together with the expenses of the said sale, shall be deducted therefrom, and the surplus (if any) shall be paid to the owner of the property sold, or, if no such person appears and claims such surplus, shall be held in deposit for payment, without interest, to any person thereafter establishing his right to the same ; provided that such person makes the claim within one year from the date of the sale. "

3. Sections 3, 4, 5 and 6 of the said Act *shall be deleted*.

4. In section 7 of the said Act—

(a) *for* the semi-colon (;) *after* the expression " stores or ballast of a vessel ", a period (.) *shall be substituted* ;
and

(b) the expression " 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 " *shall be deleted*.

5. In section 8 of the said Act, *after* the expression " in any fairway ", the expression " leading to a port in the Union of Burma " *shall be deleted*.