

The Union of Myanmar

The State Peace and Development Council

The Law Amending the Ports Act -

(The State Peace and Development Council Law No. 5/2008)

The 14th Waxing of Wagaung 1370 ME'

(15 August, 2008)

The State Peace and Development Council hereby enacts the following

Law:

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1. This Law shall be called the Law Amending the Ports Act.
2. The expression " British" contained in sub-section (6) of section 3 of the Ports Act shall be deleted.
3. Clause (3) of sub-section (1 A) of section 6 of the Ports Act shall be substituted as follows:

 "(3) If any person disobeys any rule made under clause (p) of sub-section (1), he shall be punishable for every such offence with fine not exceeding one hundred thousand kyats."

4. Sub-section (2) of section 8 of the Ports Act shall be substituted as follows:

'(2) If any person wilfully and without lawful excuse refuses or neglects to obey any lawful direction of the conservator, after notice thereof has been given to him. he shall, for every such offence, be punishable with fine not exceeding ten thousand kyats, and in the case of a continuing'offence with a further fine not exceeding ten thousand kyats for every day during which, after such notice as aforesaid, he is proved to have wilfully and without lawful excuse continued to disobey the direction."

5. Sub-section (2) of section 10 of the Ports Act shall be substituted as follows:

"(2) The owner of any such timber, raft or other thing shall be liable to pay the reasonable expenses of the removal thereof, and if such owner or any other person has without lawful excuse caused any such obstruction or impediment, or causes

any public nuisance affecting or likely to affect such free navigation or lawful use, he shall also be punishable with fine not exceeding ten thousand kyats."

6. Sub-section (2) of section 13 of the Ports Act shall be substituted as follows:

"(2) Any master or other person offending against the provisions of this section shall, for every such offence, be punishable with fine not exceeding ten thousand kyats."

7. Sub-section (2) of section 15 of the Ports Act shall be substituted as follows:

"(2) If the master of the vessel, or any person in possession or occupation of the building or place, without lawful excuse, refuses to allow any such person as is mentioned in sub-section^ to board or enter such vessel, building or place in the performance of any duty imposed upon him by this Act, he shall for every such offence be punishable with fine not exceeding twenty thousand kyats." ■

8. Sub-section (2) of section 16 of the Ports Act shall be substituted as follows:

"(2) Any master refusing or neglecting to comply with such requisition shall be punishable with fine not exceeding fifty thousand kyats and any seaman then under his orders who,

after being directed by the master to obey the orders of the conservator or port-officer for the purpose aforesaid, refuses to obey such orders, shall be punishable with fine not exceeding two thousand five hundred kyats."

9.* Sub-section (2) of section 19 of the Ports Act shall be substituted as follows:

"(2) If any person offends against the provisions of this section, he shall for every such offence be liable, in addition to the payment of the amount of damage done, to fine not exceeding two hundred thousand kyats, or to imprisonment for a term not exceeding two years."

10. Section 20 of the Ports Act shall be substituted as follows:.

"Wilfully loosening 20. If any person wilfully and without lawful excuse loosens vessel from or removes from her moorings any vessel within any such moorings. Without leave or authority from the owner or master of the vessel, he shall, for every such offence, be punishable with fine not exceeding twenty thousand kyats, or with imprisonment for a term not exceeding six months."

11. Sub-section (2) of section 21 of the Ports Act shall be substituted as follows:-

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"(2) Any person who by himself or another so casts or throws any ballast or rubbish or any such other thing or so discharges any oil or water mixed with oil, and the master of any vessel from which the same is so cast, thrown or discharged, shall be punishable with fine not exceeding fifty thousand kyats, and shall pay any reasonable expenses which may be incurred in removing the same."

12. Section 22 of the Ports Act shall be substituted as follows:

"Graving vessel within prohibited limits." 22. If any person graves, breams or smokes any vessel in any such Port contrary to the directions of the conservator, or at any time or within any limits at or within which such act is prohibited by the Government he and the master of the vessel shall for every such offence be punishable with fine not exceeding fifty thousand kyats each."

13. . Section 23 of the Ports Act shall be substituted as follows:

"Boilingpitch23. on board vessel" If any person boils or heats any pitch, tar, resin, dammer, turpentine, oil, or other such combustible matter on board any vessel within any such port, or at any place within its limits where such act is prohibited by the .Government or contrary to the directions of the conservator, he and the

master of the vessel shall for every such offence be punishable with fine not exceeding twenty thousand kyats each."

14. . Section 24 of the Ports Act shall be substituted as follows:

" Drawing 24. If any person, by an unprotected artificial lights draws spirits by spirits on board any vessel within any port subject to this Unprotected spirits i v the master of the vessel shall for every such * * * i . k_e andj . light. the master of the vessel shall for every such offence be punishable with fine not exceeding twenty thousand kyats each."

15. - Sub-section (2) of section 25 of the Ports Act shall be substituted as follows:

"(2) A master offending against sub-section (1) shall be punishable for every such offence with fine not exceeding twenty thousand kyats."

16. Sub-section (2) of section 26 of the Ports, Act shall be substituted as follows:

"(2) A master offending aganist sub-section (1) shall be punishable for every such offence with fine not exceeding twenty thousand kyats."

17. Section 27 of the Ports Act shall be substituted as follows:

" Discharge of 27. If any person, without lawful excuse, discharges any
firearms in
port 11 firearm in any port subject to this Act, or on or from any
pier, landingplace, wharf or quay thereof, except a gun loaded
only with gunpowder for the purpose of making a signal of
distress, or for such other purpose as may be allowed by the
Government, he shall for every such offence be punishable
with fine not exceeding five thousand kyats."

18. Section 28 of the Ports Act shall be substituted as follows:

" Penalty on 28. If the master of any vessel in which fire takes place
iiiuoivi while lying in any such port wilfully omits to take order to
to take order to extinguish fire." extinguish the fire or obstructs the conservator or the port-
officer, or any person acting under the authority of the
■ conservator or port-officer, in extinguishing or attempting to
extinguish the fire,, he shall be punishable with imprisonment
not exceeding six months, or with fine not exceeding one
hundred thousand kyats, or with both."

19. Sub-section (2) of section 29 of the Ports Act shall be substituted
as follows: .

"(2) If any person offends against the provisions of sub-section (1), he shall be punishable with fine not exceeding ten thousand kyats."

20. Sub-section (2) of section 30 of the Ports Act shall be substituted as follows:

"(2) If any person offends against sub-section (1), he shall- for every such offence be punishable with fine not exceeding ten thousand kyats and shall pay any reasonable expenses which may be incurred in repairing any injury done by him to the bank or shore."

21. Sub-section (3) of section 31 of the Ports Act shall be substituted as follows:

"(3) If any vessel except in case of urgent necessity, enters, leaves or is moved in the port contrary to the provisions of sub-section (1) the master of the vessel shall for every such offence be punishable with fine not exceeding twenty thousand kyats, unless upon application to the proper officer the master was unable to procure a pilot, harbour-master or assistant of the port-officer or harbour-master to go on board the vessel." -

22. Sub-section (2) of section 32 of the Ports Act shall be substituted as follows: *

"(2) The master of such a vessel who, having been required by the conservator to comply with the provisions of sub-section (1), neglects or refuses, without lawful excuse, so to do for the space of seven days after such requisition, shall be punishable with fine not exceeding fifty thousand kyats."

23. Sub-section (2) of section 39 of the Ports Act shall be substituted as follows:

"(2) A master failing without lawful excuse to make such report within the time aforesaid shall for every such offence be punishable with fine not exceeding ten thousand kyats."

24. Clause (b) of sub-section (1) of section 41 of the Ports Act shall be substituted as follows:

"(b) If the owner or master or such person neglects or refuses to produce the register or otherwise to satisfy the conservator as to what is the true tonnage of the vessel in respect of which the port-dues are payable, he shall be punishable with fine not exceeding ten thousand kyats, and the conservator

may cause the vessel to be measured, and the tonnage thereof to be ascertained, according to the mode of measurement prescribed by the rules for the time being in force for regulating the measurement of vessels, and in such case the owner or master of the vessel shall also be liable to pay the expenses of the measurement."

25. Sub-section (2) of section 51 of the Ports Act shall be substituted as follows:

■"(2) If the master of a vessel arriving as aforesaid offends against sub-section (1), he shall be punishable for every such offence with fine not exceeding one hundred thousand kyats." ,

26. Section 53 of the Ports Act shall be substituted as follows:

" Penalty on 53. Any pilot in charge of a vessel who disobeys, or abets provkion^of¹⁸ disobedience to, any of the provisions of this Chapter, shall this Chapter." b_e p_uni_s, hable with fine not exceeding fifty thousand kyats for each instance of such disobedience or abetment, and, in addition, shall be liable to have his authority to act as a pilot withdrawn."

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27. Section 54 of the Ports Act shall be substituted as follows:

"Penalty for disobedience to rules and orders of the Government." 54. If any person disobeys any rule of order-which the Government has made in pursuance of this Act and for the punishment of disobedience to which express provision has not been made elsewhere in this Act, he shall be punishable for every such offence with fine not exceeding ten thousand kyats."

28, Sub-section (2) of section 57 of the Ports Act shall be substituted as follows:

"(2) Whenever any person is liable to pay any sum, not exceeding one hundred thousand kyats, as expenses or damages under this Act, any Magistrate, upon application made to him by the authority to whom the sum is payable, may, in addition to -or instead of any other means for enforcing payment, recover the sum as if it were a fine."

29. Sub-section (1) of section 62 of the Ports Act shall be substituted as follows:

"Hoisting (i) if any vessel belonging to any citizen of the Union of unlawful - colours in , Myanmar, or sailing under the colours to the Union of port. Myanmar, hoists, carries or wears within the limits of any

port subject to this Act, any flag, jack, pennant or colours, the use whereof is prohibited by rules made under this Act, the master of the vessel shall for every offence be punishable with fine not exceeding five thousand kyats."

(Sd.) Than Shwe

Senior General

Chairman

The State Peace and Development Council