

## **The Myanmar Port Authority Law**

( The Pyidaungsu Hluttaw Law No. 21 / 2015 )

The 6<sup>th</sup> Waning Day of Tagu, 1376 M.E.

( 9<sup>th</sup> April, 2015)

The Pyidaungsu Hluttaw hereby enacts this Law.

### **Chapter I**

#### **Title, Application and Definitions**

1. This law shall be called **the Myanmar Port Authority Law**.
2. This Law:
  - (a) shall apply to the ports within the port limit determined by notification under sub-section (a) of section 5;
  - (b) shall not apply to non-commercial vessels owned or managed by any local or foreign Government department and organization, any vessel of war contained in sub-section (f) of section 7, and vessels exempted under this Law from time to time.
3. The following expressions contained in this Law shall have the meaning as follows:
  - (a) **State** means the Republic of the Union of Myanmar;
  - (b) **Port** means the ports within the port limit determined, by notification, under sub-section (a) of section 5. This expression includes waterway, riverway and shore area;
  - (c) **Port limit** means the boundary determined, by notification, under sub-section (a) of section 5;
  - (d) **Main Port** means any port determined by the Ministry, by notification, as the pivotal port in international maritime transport, among the ports defined in sub-section (b);
  - (e) **Deep sea port** means the ports where the sea-going vessels with draught of at least 13.72 meters may harbour within the port limit determined by notification;
  - (f) **Out-ports** means all other ports except the Yangon Port;
  - (g) **Shore limit area** means, if the port limit for embarking and disembarking of passengers and loading and unloading of goods is not specifically determined, the foreshore land area up to fifty yards shoreward from the highest water mark. This expression does not include the lands where the private property rights situate;
  - (h) **Foreshore**, in relation to a port, means the area including the deep bank or sliding land area between **the** high-water mark and low-water mark relating to the port.
  - (i) **Berth area** means a place where the vessels load or unload the goods, jetties, transit-sheds and shipyards. This expression includes other structures relating to the berthing place of the vessels ;

- (j) **Pier** means any bank area or shore area or any adjacent wall fencing the forehead of the river bank or shore area made for the facilitation of embarking and disembarking of passengers and loading and unloading of goods. This expression includes any landing stage, jetty, pontoon jetty, wharf and ladder walling;
- (k) **High -water mark** means the mark where the water reaches the maximum height at the rising time of normal tide at any season of a year;
- (l) **Low-water mark** means the mark where the water reaches the minimum height at the rising time of normal tide at any season of a year;
- (m) **Goods** means the various kinds of merchandised goods, containers and receptacles where they are put in, materials fastened, fuels, live animals and moveable property;
- (n) **Vessel** means any ship, boat, sampan, timber raft, bamboo raft, and any other motored or non-motored vessel;
- (o) **Owner** means an owner of a vessel or a person who has chartered it from such owner by taking responsibility for maritime transport and agreed to transfer, accept duties and obligations that shall fall on owner of the vessel. This expression includes, when it is used relating to the goods, consignor, consignee, shipper, and assignee, by power of attorney, for the sale, maintenance, loading and unloading at the port and transshipment of such goods;
- (p) **Port Service Fees** means the service fees of the port determined, by notification, by the Myanmar Port Authority with the approval of the Ministry;
- (q) **Service** means a work carried out for a fee, consideration or agreement. This expression includes a work, trading, entertainment, hotel, rest-room and restaurant business, tourism industry carried out for entering into the port, harbouring, use, departure and regular voyage by the vessels and the works determined, from time to time, by the Union Government as the services;
- (r) **Ministry** means the Ministry of Transport of the Union Government;
- (s) **Chief Executive Officer** means the head of the Myanmar Port Authority;
- (t) **Myanmar Port Authority** means the Myanmar Port Authority formed under this Law;
- (u) **Administration Body** means the Administration Body of the Myanmar Port Authority formed under this Law;
- (v) **Pilot** means a person to whom a pilot licence was issued by the Myanmar Port Authority to pilot the vessels within the port limit;
- (w) **Master of the vessel** means a person who controls and sails the vessel by taking responsibility. This expression does not include a pilot;
- (x) **Port conservator** means a person appointed by the Myanmar Port Authority under this Law or under the existing laws to exercise duties and powers on behalf of the Myanmar Port Authority.

## Chapter II Objective

4. The objectives of this Law are as follows:
  - (a) to cause develop the ports of the State more and to cause develop the economy more;
  - (b) to cause the port works free from danger and safe;
  - (c) to enable to transform the works relating to port as an independent Myanmar Port Authority institution;
  - (d) to enable to allow to operate by the local and foreign investors by prescribing the conditions systematically in accord with the State's market economy system;
  - (e) to enable to cooperate with the foreign countries, regional organizations or international organizations for the further development of port port operation.

## Chapter III

### Determining the Ports, Jetties and Land Places of the Vessel

5. The Ministry, with the approval of the Union Government:
  - (a) may determine the port limit, , by notification, by demarcating the ports, out-ports, principal ports and deep sea ports at the suitable places within the State for the harbouring of sea-going vessels, coastal and inland-going vessels;
  - (b) in determining the port limit under sub-section (a), may determine it by inserting the shore boundary adjacent to the port **limit** ;
  - (c) in determining the ports under sub-section (a), it may determine by inserting the jetties, wharfs, buoys, landing stage, shipyards, warehouses, and other worksites for the facilitation of the navigation of vessels, safety of the vessels, development and conservation of the port works;
  - (d) may extend, reduce, alter, cancel and revise the port limit port territory and shore territory stipulated under the sub-sections (a), (b) and (c), by notification;
  - (e) in carrying out the determining, extension, alteration and revision of the ports; if there are private lands and property, it shall carry out in accord with the existing laws by negotiating with the person who are entitled to own such lands and property.
  
6. The ports, the Yangon Port and the out-ports determined under any of the Ports Act, the Yangon Port Act, the Out-ports Act shall be deemed as ports determined under sub-section (a) of section 5, so long as they are otherwise extended, reduced, altered, canceled or revised in accord with this Law.
  
7. The Myanmar Port Authority, within the port limit:
  - (a) when the construction of a harbouring place of the vessel or jetty is complete, shall notify, by notification, that it is ready to be used;

- (b) may determine harbouring places and jetties for the sea-going vessels whenever there is vacant place in the harbouring places and jetties;
- (c) may determine the jetties to harbor by the inland-going vessels according to the category of the vessel;
- (d) shall prescribe the regulations and by-laws for placing anchoring places and buoys for the private vessel;
- (e) shall carry out determining terms and conditions and places for anchoring of the vessels carrying the dangerous cargoes;
- (f) may restrict on the entering into, harbouring, stopping and their activities of the warships from local or any foreign country with the order of the Ministry.

#### **Chapter IV**

##### **Allowing the right for the development of the Port Industry**

- 8. The Ministry, with the approval of the Union Government;
  - (a) may allow to operate by the local or foreign investors, by causing to conclude the contract with the Myanmar Port Authority and by prescribing terms and conditions, to assign and operate, by any means, for exploring new places for port, building, upgrading, extension and maintenance works, for the development of ports;
  - (b) shall assign duty to the Myanmar Port Authority to take principal responsibility, control, inspect the detailed work performance and supervise the works allowed to operate under sub-section (a);
  - (c) may cause the Myanmar Port Authority to carry out the port related services by issuing the regulations and by-laws relating to port functions.
  
- 9. The Myanmar Port Authority shall, in accord with the guidance of the Ministry, carry out by communicating with the foreign governments and organizations, and by participating in the international organizations as a member on behalf of the State.

#### **Chapter V**

##### **Determining the Port-dues**

- 10. The Myanmar Port Authority, with the approval of the Ministry;
  - (a) shall determine the port dues, by notification, in Myanmar kyat or foreign currency, by classifying according to vessel, goods or number of passengers relating to the navigation, harbouring at the ports and using of ports by sea-going vessels and inland-going vessels;
  - (b) may amend, alter or cancel the port-dues stipulated under sub-section (a) from time to time;
  - (c) may exempt from or reduce the port dues for any special matter for the public interest.

**Chapter VI**  
**Forming the Myanmar Port Authority**

11. (a) The Myanmar Port Authority shall be formed and established according to the constitution approved by the Union Government.
- (b) The Myanmar Port Authority shall abide by the functions and duties, constitution and procedures stipulated under this Law.
12. The Myanmar Port Authority:
- (a) is an organization which has its own name, its own seal, the right of perpetual succession, the right to sue and be sued;
- (b) shall, in concluding business contracts and other contracts between itself and Government organizations or other private organizations, cause the Chief Executive Officer or an officer authorized by him sign it;
- (c) shall succeed the capital issued by the State, fund and moveable property, immoveable property owned by the Department, and rights and liabilities;
- (d) shall have the right to acquire, possess and use its owned or succeeded fund, moveable property and immoveable property; moveable property, immoveable property trusted or allowed concession by the State.
13. (a) The employees who have served with the Myanmar Port Authority formed before the coming into force of this Law, when they transfer to and carry out duty with the Myanmar Port Authority formed under this Law, it shall negotiate and carry out not to lower than the rank, duty and right they obtained when they served the duty.
- (b) The employees who are not desirous to transfer and serve duty under sub-section (a), may be transferred to any suitable department under the Ministry of Transport.
14. The Ministry shall incur and allow the gratuity, emoluments, pension, matters relating to pension for the employees who transfer to and assume duty with the Myanmar Port Authority formed under this Law, under its expenditure heading, by calculating according to the period they served.
15. The Chief Executive Officer shall carry out the following functions, duties and powers:
- (a) taking responsibility and carrying out to fulfill the functional and financial aims stipulated by the Administration Body;
- (b) carrying out selection, appointment, removal, promotion in accord with the stipulations of the officers and staff of the Myanmar Port Authority below the rank of head of office;

- (c) allowing to enable to enjoy pension by the officers and staff contained in sub-section (b) when they attain 60 years of age. However, if those persons are desirous to continue to serve duty because of the requirement of work or because of the health situation of the person concerned, allowing to extend their service, once in each year, till they attain 65 years of age;

16. To enable to carry out the functions and duties conferred under this Law, the necessary staff may be appointed and supervised, from time to time, in accord with the regulations and by-laws. If it is necessary to carry on its behalf, the agents may be appointed and assigned duty after prescribing the terms and conditions.

## **Chapter VII**

### **Functions, Duties and Powers of the Myanmar Port Authority**

17. The Myanmar Port Authority:

- (a) shall implement the projects' aims of the Ministry;
- (b) shall implement port development projects with the approval of the Ministry;
- (c) shall adopt the work programmes and carry out for the development of port industry and facilitation of services, the development of ports and foreshore within the port limit;
- (d) shall carry out, , to increase its income, with the manners that may lower the production and service costs, and with the manners that may increase the production and service force;
- (e) shall prevent, maintain and protect not to occur the waste, loss and destruction of the State owned property and funds;
- (f) has the right for scrutinizing and allowing the receipts and expenditures, maintaining and managing of fund relating to the Myanmar Port Authority Fund established under this Law;
- (g) may manage to provide fuels and other requirements for the vessels within the port limit. It may carry out issuing business licence to the businessmen for such businesses and taking administrative action against the violators of discipline;
- (h) may carry out issuing business license to the tow vessels, tug vessels, dredging vessels and salvage vessels, and taking administrative action against the violators of discipline;
- (i) shall exercise other powers conferred, from time to time, by the Ministry for the facilitation of port functions and operations within the port;

- (j) shall carry out for the public awareness of navigational information within the port limit;
- (k) shall upgrade and carry out, in accord with the international standards and norms, to be lowering the cost of and effective implementation for the persons who obtain the permission to do port functions;
- (l) shall carry out, in accord with the international standards, for upgrading the capacity of the staff at port and safety of the port workers;
- (m) shall carry out doing research works and cooperation with the technical institutions for the development and technical advancement of the port services;
- (n) has the right to make inquiry on and necessary management for any unsafe of the vessels and any destructions or losses caused by the vessels within the port limit;
- (o) shall carry out the functions and duties conferred under any existing law.

18. The Myanmar Port Authority:

- (a) has the right to produce, repair, purchase, sell and trade the necessary machineries and other materials and equipment, and provide services with them;
- (b) has the right to purchase or lease land plots and structures necessary to utilize;
- (c) has the right to liquidate or exchange its own vessels, vehicles, machineries and other materials which are no longer necessary to utilize.

19. The Myanmar Port Authority:

- (a) may claim damages from the relevant organization or person if the water pollutions, destructions or losses to the natural and environmental resources occur within the port limit, because of the petroleum, oil or chemical spills from the vessel carrying petroleum, oil or chemical; or from the oil test wells, oil wells and oil pipelines; or from collision or grounding of vessels; or for any other causes; or from the disposal and emissions of pollutants and wastes from the vessels and natural resource exploration rigs and structures from over and sub-water;
- (b) has a right, relating to the destructions and losses contained in sub-section (a), to retain the relevant vessels, over and sub-water natural resource exploration rigs and structures before obtaining the compensations of consequential damages.

20. The Myanmar Port Authority:

- (a) may direct a vessel which is required to leave from the port for any cause, to leave from any pier within the stipulated time, by intimating to the master or owner of the relevant vessel;

- (b) after being directed under sub-section (a), if such vessel does not leave at the first time of tide or ebb, may impose the stipulated fine so long as it harbours at the pier;
- (c) shall not be necessary to collect the port service fees again on the vessel that re-haboured after leaving with the direction contained in sub-section (a);

21. The Myanmar Port Authority, for enabling to carry out for the safety of maritime transport within the port limit, and in accord with the conventions relating to safety of life at sea, law and regional agreements for the safety of equipment managed or kept for the facilitation of international vessels and ports, after negotiating with the relevant Government departments and Governmental organizations;

- (a) shall cooperate for enabling to take necessary action against the following terrorists;
  - (i) seizing the vessel or controlling the navigation of the vessel by force or by threatening or causing afraid by any other means;
  - (ii) committing violence on the persons on-board the vessel, destruction of vessel, damaging the persons and goods on-board the vessel to endanger the navigation of the vessel;
  - (iii) destruction of supporting materials and equipment managed within the port limit for the safety of navigation of the vessel or facilitation of maritime transport and serious interruption or destruction of services;
  - (iv) communicating, sending the incorrect information so as to endanger the navigation;
  - (v) damaging, destruction seriously to the wharf for harbouring international sea-going vessels, the supporting materials, equipment and services managed for facilitation;
  - (vi) causing to death, to grievous hurt and to have severely damage to the infrastructural entities by the destruction the vessel with explosives, radioactive materials; biological, chemical and atomic weapons; using such materials on-board the vessel and at the ports, or disposal, discharge of them from the vessel, or disposal and discharge of oil, natural gas, dangerous materials and toxic materials from the vessel;
- (b) in committing the terrorist acts contained in sub-section (a), may retain the vessels used and take necessary actions.

22. The Myanmar Port Authority:

- (a) shall adopt and take necessary measures, in accord with the security level, for the protection, prevention, counteracting, and asking help for the threatening to jeopardy of the vessels, ports, supporting materials and equipment managed for harbouring of vessels;



- (b) shall direct the relevant owner of vessel, the vessel companies, masters of the vessels and responsible persons of ports for sending, exchange of information for the suppression of terrorist acts, after coordinating with international organizations, regional organizations and relevant countries.

23. The Myanmar Port Authority, relating to the protection and conservation of environment:

- (a) shall carry out, after adopting the plans, the protection and prevention for non-existence of wastes derived from the bank area and land, wastes created at the seabed and other wastes disposed by any means, air pollution, water pollution, discharge and emission of dangerous materials, toxic materials, rubbishes, dirty things, wastes into the water from the vessels, jetties and above-water and sub-water natural resource exploration rigs and structures within the port limit, distribution of information and technology;
- (b) shall carry out the distribution of information and technology, taking precautionary measures not to cause oil spills from vessels which carry petroleum, oil, chemical plying within the port limit, or from oil test wells, oil wells and oil pipelines, or from collision and grounding of vessels;
- (c) if an oil and chemical spill contained in sub-section (b) occurs, shall arrange and carry out, in coordination with the experts, for not causing water pollution, clearing and sanitation. In doing so, the cost may be claimed from the responsible person in accord with the stipulations.

24. The Myanmar Port Authority:

- (a) shall give the goods to the consignee or manage in any means as directed by the consignor;
- (b) has to take the responsibility to maintain and care the goods consigned with best endeavor as its own goods of the same weight, amount and value;
- (c) shall not be responsible for the loss, destruction, deterioration or deficit of goods consigned to it, though it is maintained and cared in accord with the responsibility contained in sub-section (b), if there is no specific agreement with the consignor for this purpose;
- (d) if there is an specific agreement with the consignor, shall be responsible if the loss, destruction, deterioration or deficit arises to the goods due to its default;
- (e) has the right to sell such goods consigned, by auction, after two months from the date of consignment.

25. The Myanmar Port Authority shall not be responsible, relating to the loss, destruction, deterioration, deficit of goods, wrong delivery of goods, detain the goods or damage of the goods if any of the following particulars arises:

- (a) the occurrence of natural disaster such as fire, flood, storm, earthquake;
- (b) the occurrence of war, riot, people power uprising, demonstration or block or any other situation which cannot be expected;

- (c) the occurrence for the act or mistake of the shipper, consignor, consignee or their representative or employee;
- (d) shortage and loss in weight and goods because of the unapparent defect, natural wear and tear etc.;
- (e) occurrence of unapparent defect in the goods;
- (f) non-disclosure of the consignor that the goods may be deteriorated or impaired;
- (g) being the goods or parcels which is not well-packed or defective, or defect or leakage of container.

26. The Myanmar Port Authority may, with the approval of the Union Government through the Ministry, carry out the following businesses in accord with the existing laws:

- (a) leasing and allowing to do port related business it administered by concluding agreement with the local or foreign investor;
- (b) doing business in port related operations with local or foreign investors by concluding specific agreement on any mutually agreed system;
- (c) allowing to do business relating to government-owned port on which it administers, after changing it as the private-owned businesses, by the local or foreign investors by prescribing the terms and conditions, doing business as a partnership firm between the government and private sector;
- (d) doing port related business after concluding a specific joint venture agreement with the local or foreign investors and establishing a joint venture company;
- (e) doing port related business after establishing a non-public port business company or port business corporation with the capitals of the Myanmar Port Authority and share contributions of the local or foreign investors;
- (f) doing port related business after establishing a public port company or port business corporation with the capitals of the Myanmar Port Authority and public share contributions after inviting them.

27. The Myanmar Port Authority shall carry out the following functions and duties:

- (a) allocation of the functions and duties of the officials and staff appointed and assigned duty, according to the category of functions and individual skills and qualifications; determining the rate of wages, operation standards, working hours and discipline of working environment;
- (b) supervision, promotion, taking departmental action against the persons who violate the employee's disciplines, removal, allowing to enjoy leave, allowing to enjoy pension, causing to obtain the rights, honouring and rewarding the persons who serve dutifully, giving reward money of the officials and staff appointed and assigned duty according to the laws, rules, regulations and by-laws relating to service personnel;
- (c) managing and maintaining the navigational aids, supporting materials and equipment for the incoming and outgoing vessels to and from the ports and the vessels moving from a place to another;

- (d) determining the date and time, speed of the vessel and other necessary terms and conditions for entering into, going out, and moving of the vessels at the navigation channel within the port limit;
- (e) managing, keeping machineries, vehicles, trains, warehouses and other appliances, necessary to use in loading, unloading, transferring and storing of goods;
- (f) arranging, keeping the water supply vehicles, vessels and equipment necessary for water supply to the vessels within the port limit;
- (g) arranging, keeping the fire protection vehicles and fireman for the fire safety at the port;
- (h) arranging, carrying out for the electricity supply for the vessels harbouring at the port;
- (i) arranging, keeping the lighthouses, light vessels, signal lights, buoys, pilot vessels necessary for the navigation channel within the port limit; communication materials and equipment and other appliances, materials and equipment necessary for the maritime safety;
- (j) Building **the break water, river training** walls and **embankment** to protect from the damage, destruction to the port; and arranging other necessary actions;
- (k) arranging, carrying out the maintenance works for the sustainable development of the navigational channel;
- (l) issuing and determining necessary disciplines for the matter of the use of signal lights and minimum number of crew to be kept onboard the vessel while harbouring at the port;
- (m) arranging, keeping the places for the discharge of duty by custom officers, Immigration officers and quarantine officers.

### **Chapter VIII**

#### **Forming the Administration Body**

28. (a) The Ministry shall form the Administration Body as follows comprising not more than nine members including the chairman, with the approval of the Union Government:
- |  |          |
|--|----------|
| (i) A person appointed and assigned duty by the Ministry               | Chairman |
| (ii) Chief Executive Officer   | Member   |
| (iii) A person expert in port related functions                        | Member   |
| (iv) A person expert in vessel related functions                       | Member   |
| (v) A legal professional expert in subject                             | Member   |
| (vi) A person expert in economics and business                         | Member   |
| (vii) A person expert in management                                    | Member   |
| (viii) Two representatives appointed and assigned duty by the Ministry | Members  |

- (b) (i) Any person appointed by the Chairman of the Administration Body shall be assigned duty as the Secretary;
- (ii) The Chairman of the Administration Body shall hold the meetings of the Administration Body in accord with the stipulated procedures.

29. (a) The term of the office of the Chairman or members is five years.

- (b) When such term of office expires, the Chairman and members shall continue to serve their functions and duties until the Ministry has formed and assigned duty to the new Chairman and members;
- (c) The Chairman and members shall not serve not more than two terms of office.
- (d) If the Chairman or a member is appointed in substitution as such office is vacant for any causes, the term of office of the Chairman or member shall be only for the expiration of the original term of office.
- (e) The period in which duty is served as the interim Chairman or a member shall not be determined as a term of office.

30. The Chairman and members are entitled to enjoy the Salaries, Allowances and Emoluments in accord with the stipulations of the Ministry.

31. (a) A person who is appointed as the Chairman or a member shall be free from pecuniary interests or other interests that may affect the discharging of functions and duties as the Chairman or a member, at the time before he was appointed as such.

(b) If the Chairman or a member is interested in any means, directly or indirectly, in a contract or any sale, purchase, lease made or intended to be made by the Administration Body, he shall disclose who he is interested at the meeting of the Administration Body.

(c) The statement disclosed under sub-section (a) shall be recorded in the meeting minutes of the Administration Body, and the relevant member shall not participate in the discussion, decision of the Administration Body relating to such contract, sale, purchase or lease.

(d) If a matter arises whether or not the Chairman or a member has pecuniary interest or other interest, the decision of the Administration Body shall be final and conclusive.

32. The Chairman or a member of the Administration Body shall be terminated from appointed position if any of the following causes arises:

- (a) terminating order by the Ministry;

- (b) failing to attend the meetings of the Administration Body for three consecutive months without sufficient cause;
- (c) on the occurrence of the acceptance and carrying out of any other functions and duties which cause negative effect on the interest of the Ministry and the Myanmar Port Authority, at the submission of the Administration Body, being decided by the Ministry to terminate from post
- (d) being scrutinized and found by the Ministry that a person has pecuniary interest or any other interest that affects the discharging of his works and obligations as a member, before appointing as a member.

33. If the position of the Chairman or a member is vacant because of the termination from post under section 32, the Ministry shall appoint and assign duty to the new Chairman or new member within 30 days in accord with the stipulations.

## **Chapter IX**

### **Functions, Duties and Powers of the Administration Body**

34. The functions, duties and powers of the Administration Body are as follows:

- (a) supervising and guiding closely for enabling to implement the powers, functions, duties or port related functions of the Myanmar Port Authority;
- (b) carrying out the selection, appointment after submitting to the Ministry, removal from position, promotion in accord with the stipulations of the head of department and above level;
- (c) allowing to enjoy superannuation pension if the official appointed under sub-section (b) attains 60 years of age, allowing the said official who is desirous to continue in service, for the requirement of work or according to the health situation of the person concerned, to carry out after extending the service once in a year, until he attains 65 years of age, with the approval of the Ministry;
- (d) determining the functions and duties after adopting policies, processes and programmes for the port security, safety, health and environmental conservation of the port and forming necessary security bodies and inspection teams;
- (e) managing and carrying out to be in conformity with the standards practically applied by the international and ASEAN countries for the speediness, smoothness, safety and healthiness in carrying out loading and unloading of goods from the vessels, the development of the maritime transport trade, and environmental conservation of the port area;
- (f) communicating, coordinating and carrying out with the international and regional organizations in accord with the conventions and decisions prescribed by the International Maritime Organization (IMO) for the port security, supervision and implementation;
- (g) carrying out other functions and duties conferred by the Ministry, from time to time;
- (h) managing for the increase or reducing salaries and allowances of the officials and staff.

## Chapter X

### Collection of Port Service Fees, Retaining for the Debts and Recovery of Such Debts

35. (a) The owner and the master of the vessel shall pay the port service fees stipulated under this Law to the Myanmar Port Authority relating to navigation, harbouring, mooring, utilizing, departing and using in any other means etc. of the sea-going vessels and inland-going vessels at the port.
- (b) If it is failed to pay the port service fees stipulated under this Law without sufficient cause and intentionally, five times of such port service fees shall be paid to the Myanmar Port Authority as penalty. If it is failed to pay such penalty, the vessel and equipment onboard the vessel may be retained until all the penalty to be paid has been recovered.
- (c) If the master or any person serving duty at the vessel cause to destroy or lost the jetty or any materials or equipments of port facilitation owned or possessed and used by the Myanmar Port Authority, for his act or negligence, it is responsible to compensate the compensation for such destruction or loss as stipulated by the Myanmar Port Authority.
36. The Myanmar Port Authority:
- (a) has the right to recover the port service fees, costs, penalties, compensations stipulated to pay under this Law from the defaulter in accord with the existing tax laws;
- (b) may assign duty to a suitable officer as a collector to carry out under sub-section (a);
- (c) shall direct the relevant officer not to issue the clearance certificate to the relevant vessel for the departure from the port, during the period of default to pay the port service fees, costs and compensations; and the period being collected on such defaulter in accord with the existing tax laws;

## Chapter XI

### Financial Duties and Powers

37. The Myanmar Port Authority may take loan, in accord with law, from the local, foreign banks and financial institutions, with the approval of the Union Government through the Ministry, for the financial capitals necessary to enable to carry out work under this Law.
38. The State-own fixed assets to be taken over by the Myanmar Port Authority shall be valued at the market price, with the approval of the Union Government, and mention as the State's investment.
39. The due dividend on the State's investment value shall be allocated to the State.

40. (a) In any financial year, the following expenses may be incurred and used from the fund of the Myanmar Port Authority:
- (i) remunerations, honorariums and allowances for the members of the Administration Body;
  - (ii) Salaries, Allowances, Emoluments, pension and gratuities of the employees, advisors, staff representatives and officers who serve duty with the Myanmar Port Authority;
  - (iii) operational costs, maintenance costs, estimated depreciation expenses to be incurred by the Myanmar Port Authority;
  - (iv) interests and costs paid on the loans by the Myanmar Port Authority;
  - (v) necessary sums required for the repayment for the loans by the Myanmar Port Authority;
  - (vi) necessary sums required to transfer to the account of reserved fund for the repayment of the long-term loans and to enable to substitute consumable assets and depreciable assets;
  - (vii) sums considered to be necessary to reserve for the replacement anew and depreciation of the assets of the Myanmar Port Authority;
  - (viii) costs for new works, ongoing projects, machines, vessels, vehicles, machineries, appliances allowed to incur by the Myanmar Port Authority;
  - (ix) other expenses decided by the Myanmar Port Authority that it should be incurred;
- (b) The net profit of the Myanmar Port Authority may be opened with the general fund and the suitable reserved accounts after determining appropriate percentage;
- (c) The Myanmar Port Authority may determine and prescribe the salaries, the rates of wages and allowances with the approval of the Ministry.
41. (a) The Myanmar Port Authority shall prepare the annual budget based on the actual incomes and expenditures of the previous financial years.
- (b) The budget estimates may be accepted and approved at the meeting of the Administration Body of the Myanmar Port Authority.
- (c) A copy of budget estimates approved by the Myanmar Port Authority shall be sent to the Ministry.
- (d) The gross income and expenditure of the Myanmar Port Authority according to the financial year shall drawn, by mentioning separately, in the budget of the Union in accord with the budget law.
42. The Myanmar Port Authority shall contribute the annual contribution stipulated by the Union Government and the due tax and revenue under the existing law.

43. The Myanmar Port Authority:
- (a) may open individual specific accounts as the Kyat account and foreign currency account at the suitable banks under the name of Myanmar Port Authority;
  - (b) shall open individual specific accounts according to the group of work, or according to individual work so as to be apparent in the situation of income and expenditure;
  - (c) has the right to draw and expend its income in foreign currency with the approval of the Ministry;
  - (d) shall carry out after forming an internal audit team.
44. The Myanmar Port Authority shall submit the following statements as directed by the Ministry:
- (a) the statement of staff;
  - (b) statement of cash flow;
  - (c) statement of production, Trading or services;
  - (d) statement of profit and loss;
  - (e) balance sheet;
45. The Myanmar Port Authority shall carry out, with the approval of the Ministry, relating to the financial mutual cooperation among the enterprises under the Ministry.
46. The Myanmar Port Authority may invest its fund in accord with the Citizens' Investment Law and the Foreign Investment Law.
47. The financial accounts of the Myanmar Port Authority shall be audited by the Union Auditor General's Office or an audit team registered with the Myanmar Accountants Council.
48. The audit fees of the audit team shall be incurred from the fund of the Myanmar Port Authority.
49. The auditor's report for the financial year shall be reported annually to the departments and organizations in accord with the stipulations.
50. The audit report shall contain the following facts:
- (a) work performance situations, financial statements of the Myanmar Port Authority;
  - (b) lists of property, contributions, successive right and other financial data of the Myanmar Port Authority;
  - (c) ownership of the Myanmar Port Authority to be succeeded under this Law, list of income and expenditure for the investment after liquidating property;
  - (d) specific auditor's report, if necessary to report on other matters.
51. The audit team shall audit and report specifically according to the requirement of the Myanmar Port Authority or on assignment of the Ministry.
52. The audit team or any other authorized person:



- (a) has the right to require the financial and operational lists from the Myanmar Port Authority;
- (b) may take extract or copy the financial and operational lists.

53. The Myanmar Port Authority may, with the approval of the Ministry, allow to enjoy pensions, bonuses and gratuities relating to the death, removal from work, allowing to enjoy pension of its staff.

## **Chapter XII**

### **Pilotage Licence and Assigning Duty as Pilot**

54. (a) A person desirous to carry out the functions and duties as a pilot shall apply to the Myanmar Port Authority to obtain the licence in accord with the stipulation;
- (b) The Myanmar Port Authority shall assess on the applicant under sub-section (a) whether or not he is qualified by examining in writing and in practice, and on selection, may issue the pilot licence after prescribing the terms and conditions;
  - (c) The Myanmar Port Authority shall determine the classification of pilots according to their skill and prescribe their functions and duties.

55. The Myanmar Port Authority may, on occurrence of any of the following causes, carry out taking action against the pilot in accord with the stipulations, suspension of pilot licence for a limited time according to the administrative manner or termination:

- (a) violation of any prohibitions contained in the rules, regulations, by-laws and orders issued under this Law;
- (b) violation of any terms and conditions contained in the pilot licence issued under this Law;
- (c) performing duties negligently or corruptly;
- (d) considering that it is unsuitable to assign duty as a pilot for any other sufficient causes.

56. The master of the vessel entering into or leaving from the port, and having more than 500 gross tons of vessel and cargo:

- (a) if it is not in conformity with the regulations and by-laws stipulated by the marine department for enabling to ask for entering and leaving permission without pilot, he shall ask and obtain the assistance of a pilot compulsorily and carry out entering into and harbouring at the port, mooring, leaving or moving place within the port limit
- (b) when the vessel arrives to and moors within the stipulated port limit, he shall report such arrival and mooring of the vessel to the port conservator in accord with the stipulations. Moreover, he shall report to the port conservator, in accord with the stipulations, when such vessel leaves the port;

- (c) shall pay the due compensation for the loss or destruction arisen from the vessel or from the negligence maneuvering the vessel through the navigation channel or from the accidental collision of the vessels after taking responsibility and settling it;
- (d) if it is allowed permission to enter and exit without pilot, half of the stipulated pilotage fee shall be paid to the Myanmar Port Authority.

57. If the master of the vessel refuses to take the lawful advice of the pilot controlling the vessel, the pilot may refuse to continue to carry out pilotage service after anchoring the vessel when it arrives to the first anchorage area.

### **Chapter XIII**

#### **Carrying out for Health within the Port limit**

58. The Ministry shall, in order to prevent against the contiguous diseases that may affect the public health through the passengers or goods carried onboard the vessels within the port limit, appoint the port health and officer at each port and assign duty to them.

59. The Myanmar Port Authority shall carry out, by itself or by assigning to the port health officer appointed and assigned duty under section 58, the following functions and duties relating to the prevention of contiguous disease, health of the sick persons within the Port limit where the sea-going vessels harbour:

- (a) managing, carrying out, keeping the programmes for prevention, inspection, treatment and emergent response to the contiguous diseases which used to occur from the vessels within the Port limit;
- (b) raising signal flag, determining the anchorage area, issuing public notice on the occurrence of such contiguous disease, for the vessels on which the contiguous disease is affecting or is suspicious of affecting or for the vessels that left from a port which is believed or actually happening of the occurrence of contiguous disease at or near to that port;
- (c) inspecting the health of persons onboard the vessel that contains the persons suffering contiguous disease;
- (d) determining questionnaires which shall be answered and information that shall be reported by the masters of the vessel, pilots and other persons relating to the occurrence of contiguous disease;
- (e) determining the duties to be carried out by the masters and pilots of such vessel, and other persons onboard the vessel on the occurrence of such kind of contiguous disease;
- (f) causing to send any person onboard the vessel who is suffering or is suspicious of suffering the contiguous disease to a hospital or clinic agreed or allowed by the health officer and take treatment, and retaining such vessel;
- (g) sanitizing the vessel occurring contiguous disease, any part of the vessel or any material or equipment onboard the vessel where the viruses of contiguous disease may exist; carrying out to obtain fresh and clean air, sterilization, pest controlling including the rats and other infectious insects and viruses onboard the vessel;

- (h) carrying out the necessary precautionary measures and treatments relating to the occurrence of contiguous disease from the persons and goods onboard the vessel;
- (i) informing to the Ministry of Health and the World Health Organization (WHO) to take necessary measures for not spreading of contiguous disease;
- (j) arranging and managing for the persons died onboard the vessel because of contiguous disease.

60. The master of the vessel entering from abroad:

- (a) before entering to any port in the State, shall inform in advance to the Myanmar Port Authority that it is free from contiguous disease onboard the vessel;
- (b) when it enters to any port of the State, the declaration on free of contiguous disease shall be given, in the predefined form, to the port health officer, by himself or through the port health officer.

61. The port health officer shall, by accepting the guidance of the Myanmar Port Authority, obtain the following powers within the port limit assigned duty to him:

- (a) the right to board the vessel and inspect whether or not the water supply, medicines and pharmaceutical equipment, foods, accommodations for the seamen are in conformity with the stipulations;
- (b) the right to board any vessel and inspect the health of all or some of the seamen or apprentices onboard the vessel;
- (c) the right to claim to produce the ship's diary and other notes, papers and documents necessary to inspect the health and treatment situation of the persons onboard the vessel and if refused, the right to enforce;
- (d) in carrying out under sub-sections (a), (b) and (c), the right to call and examine any relevant person and the right to require to answer the questions correctly;
- (e) the right to require to write and sign on the admission that the person asked has answered correctly.

62. The port health officer shall, after boarding and inspecting the sea-going vessels entering into and harbouring at the Port limit for which he is assigned duty, issue the certificate to the relevant master of the vessel and responsible persons that contiguous disease has been prevented onboard such vessel and the free of contiguous disease.

63. The port health officer shall not claim for the fee for boarding and inspecting onboard the vessel, prevention of contiguous disease and the issue of certificate on the free of contiguous disease.

**Chapter XIV**  
**Conservation of Ports**

64. The Myanmar Port Authority:

- (a) may appoint and assign duty to one or more port conservators to conserve each port stipulated under this Law;
- (b) may assign duty on all or a part of powers and duties relating to conservation of ports to the port conservators;
- (c) may carry out supervision on the work performance of the port conservator, rewarding the persons who carried out dutifully and taking action against the violators of the staff's discipline;
- (d) shall carry out the maintenance of buoys and other navigation aids managed and kept by the Myanmar Port Authority within and without the port limit;
- (e) shall manage and carry out systematic storing and transshipment of dangerous goods within the port limit;
- (f) shall manage and carry out to be systematic relating to locating the goods within the port limit;
- (g) shall direct the master of the vessel, owner, agent and any other persons to be systematic in sending the time and data relating to loading and unloading of goods at the piers;
- (h) shall manage and carry out to embark and disembark the passengers onboard the vessel at the place stipulated by the Myanmar Port Authority according to the requirement of the work;
- (i) shall manage and carry out the manners by which the port service fees shall be collected under this Law;
- (j) shall manage and carry out for enabling construction of other works safely in or adjacent to the harbouring places of the vessel, jetties, landing places, wharfs, disembarking places, railways, warehouses, free warehouses;
- (k) shall determine the procedures which shall be carried out in the structure, land and premises owned by the Myanmar Port Authority for the receiving of the goods, transshipment matters, receiving goods which has been destroyed or proposed to be destroyed before unloading from vessels,

65. The port conservator may, by order, direct any vessel within the port for the safety, security and maintenance of discipline.

66. The port conservator:

- (a) when the vessels are required to remove urgently because of the occurrence of any danger at the port, may cut or remove the mooring rope or anchors chain, or cause any suitable person to do so;
- (b) may carry out removal of timber-raft, bamboo-raft which causes obstruction to the free navigation of the vessels, any harbouring place of the vessel, jetty, unloading place of the cargos, anchorage area; or any other objects which obstructs the navigation; salvage, removal, destruction of the wrecks of the vessel, grounded

vessel or sunk vessel. In doing so, the expenses and additional 20 % of such sum may be claimed from the owner of the cargos. If it cannot be claimed as such, such cargos may be disposed, sold, with the approval of the Myanmar Port Authority and such expense may be recovered. If the proceed of the disposal is not sufficient for the expense, it can be claimed in accord with the existing tax laws;

- (c) may enter into and inspect any vessel or structure within the port limit if an information is received about the committing of offence or that an offence is likely to commit;
- (d) may ask help from any person within the port limit and carry out for the prevention of fire and extinguishing fire within the port limit;
- (e) may remove, evict the persons who trespassed, without permission, into the port limit and bank area, shore area, in accord with the existing law;
- (f) may carry out removal, clearance of the sewage of the vessel disposed or dumped not in conformity with the discipline so as not to affect the navigation channel; claiming the expenses from the relevant master of the vessel in doing such removal, clearance; and taking action against the master of the vessel who disposed or dumped the sewage of the vessel;
- (g) when it is considered necessary to clearly know the cargos and estimated time of existence of the vessel entering into or leaving from the port, may direct the owner, agent or master of the vessel to provide information at the time before entering into or leaving from the port and at the time about to enter into or leave from the port;
- (h) shall announce information for the location, anchoring and determining **waterway** of the vessels at the restricted areas.

67. The owner, agent or master of the vessel arriving to the port:

- (a) shall report the arrival as directed, from time to time, by the port conservator when the vessel enters into the port;
- (b) shall report the followings to the port conservator within the stipulated time in the stipulated manner:
  - (i) general declaration about the arrival of vessel in the stipulated form;
  - (ii) port clearance certificate of the last port of call;
  - (iii) passengers list onboard the vessel;
  - (iv) crew list of the vessel;
  - (v) copy of the documents of the cargo declaration to be carried out loading or unloading at the port;
  - (vi) other documents stipulated, from time to time, by the port conservator.

68. The Myanmar Port Authority shall not be responsible to pay compensation for any damage caused to a vessel because of any act, negligence or omission of a port conservator or pilot of any port stipulated under this Law, or for any defect in anchorage equipment, mooring rope of the vessel and any other materials used by the vessel.

69. Except for the provisions contained in section 68, one may file suit on the Myanmar Port Authority for any activity carried out by the Myanmar Port Authority, or for any activity carried out under the order or with the permission expressly issued by the Myanmar Port Authority.

## **Chapter XV**

### **Constructing and Management of Wharves and Shipyards**

70. The Myanmar Port Authority shall carry out, with the approval of the Ministry, constructing and maintaining of necessary wharves within the port limit for harbouring, stopping and leaving of the vessels easily and smoothly, and for enabling embarking and disembarking of passengers and loading and unloading of cargoes.

71. The Myanmar Port Authority shall, with the approval of the Ministry, build necessary shipyard, dry dock and slip way and arrange the necessary machineries, equipment and skilled engineers for building and repairing vessels.

72. (a) A person desirous to build any kinds of wharf, shipyard, dry dock, slip way shall apply to the Myanmar Port Authority to obtain the business licence in accord with the stipulations.

(b) The Myanmar Port Authority may allow or refuse the application under sub-section (a) after scrutiny. If allowed, it shall issue the business licence, with the approval of the Ministry, by determining the terms and conditions.

(c) The person who obtains the business licence under sub-section (b) shall pay the stipulated licence fee.

73. The Myanmar Port Authority may, if the person who obtains the business licence under sub-section (b) of section 72 violates any prohibitions contained in the Rules, Regulations, Bye-Laws and Orders; or any terms and conditions which shall be complied and contained in the business licence allowed under this Law, take action against such violator in administrative manner by causing him to pay penalty in accord with the stipulations, suspension for a limited time or termination of business licence.

**Chapter XVI**  
**Prohibitions**

74. Any person shall not carry out constructing or operating any kind of wharf, shipyard, dry dock and slip way without business licence within the port limit.

75. Any master of the vessel:

- (a) shall not carry out, without obtaining the assistance of a pilot, entering into, harbouring at any stipulated port, leaving from any port or moving place in a port of any kind of vessel having more than 500 gross tons of vessel and cargo.
- (b) shall not fail to hoist up the international signal flag if the marine pilot of pilot vessel asks to show signal, when the vessel arrives to a distance where the signal is visible from any signal centre kept in the boundary of any river way or waterway adjacent to a stipulated port from the sea.

76. Any master of the vessel:

- (a) shall not fail to light up the signal lights of the vessel stipulated for the safety of the vessels within the port;
- (b) shall not refuse to comply if a conservator asks, according to the requirement of work, to allow fastening rope at the vessel for any other vessel or unfasten such rope until receiving the order to unfasten the rope;
- (c) shall not extrude any rope fasten to the vessel or material out of the vessel to endanger the navigation of other vessels within the port from sunset to sunrise;
- (d) within the port limit:
  - (i) shall not carry out hoisting, showing illegal flag and signal;
  - (ii) shall not fail to show and hoist any stipulated flag and signal;
  - (iii) shall not berth the vessels side by side;
  - (iv) shall not fail to comply with the order to remove the vessel from the wharf;
  - (v) shall not fail to comply with the directive of the conservator to tow the vessel with rope to the necessary destination;
  - (vi) shall not fail to report the arrival of the vessel or shall not report falsely;

77. Any master or owner of the vessel, to evade the payment of the port dues:

- (a) shall not sail out the vessel;
- (b) shall not show less of the weight or amount of the cargoes or shift or conceal the cargoes;
- (c) shall not show less of the registered tonnage of the vessel and cargo tonnage.

78. Any person, without a business licence allowed under this Law, within the port limit

- (a) shall not carry out any business for supplying fuels and other requirements to the vessels by a private vessel businessman;
- (b) shall not carry out the business of towing, tugging, dredging or salvaging vessel by the private businessman;

- (c) shall not carry out business as a pilot for the vessels having more than 500 gross tons of vessel and cargo and plying within the port limit.

79. Any person:

- (a) shall not carry out removing, heaving, destroying, causing to destroy, loosening the rope, drifting in water or stealing any buoy, anchorage equipment or signal posted or managed by the Myanmar Port Authority or under the order of the Myanmar Port Authority;
- (b) shall not destroy or cause to destroy any berthing place for the vessel or wharf, any navigation aids within the port limit any appliance, material, equipment managed for the facilitation of port operations within the port limit
- (c) shall not fail to comply with the order of conservator within the port limit
- (d) shall not carry out any measure which shall cause obstruction to navigation channel without the permission of the Myanmar Port Authority within the port limit
- (e) shall not obstruct or interrupt with the entrance and inspection of the responsible persons including the port conservator onboard the vessel and within the port limit
- (f) shall not carry out firing ammunitions and releasing fireworks unlawfully within the port limit
- (g) shall not fail to comply with the order of the conservator directed for the prevention of fire or extinguishing of fire or shall not report falsely relating to the fire safety;
- (h) shall not loosen the anchors chain of the vessel anchored within the port limit without the permission of the conservator;
- (i) shall not heave or remove the anchorage equipment or buoy without the permission or help of the conservator if any vessel attaches or hooks with anchorage equipment or buoy.

80. Any person, so as to cause water pollution or destruction and loss of the resources of the natural environment:

- (a) shall not cause oil spill or discharge of sludge from the petroleum tanker, oil tanker, chemical tanker; from oil test wells, oil wells and oil pipelines; or from collision or grounding of vessels;
- (b) shall not carry out discharge, emission or fall of the dangerous materials, toxic materials, rubbishes, sludge from the vessels, above and underwater resource exploration rigs and structures within the port limit
- (c) shall not throw, discharge or cause to fall other materials, from the vessels, which may cause obstruction to the navigation;
- (d) shall not discharge or drop the materials that may slide into the port because of tide, storm or flood over the land.



81. Any person:

- (a) shall not carry out landing, scorching or fumigating any vessel at any port contrary to the directive of the conservator or contrary to prohibition of the Myanmar Port Authority;
- (b) shall not carry out, without obtaining the permission of the Myanmar Port Authority, welding, boiling or heating pitch, tar, resin, dammar, turpentine, oil or other flammable matters onboard the vessel or at the restricted area within the port;
- (c) shall not draw off fuels with unprotected light, onboard the vessel within any port;
- (d) shall not creep or sweep for anchors, chain or other materials without the permission of the conservator within the port limit
- (e) shall not remove or carry away the rocks, stones, gravels, sand, soil and materials protecting not to collapse the bank of the bank area and shore area of any bank without the permission of the conservator;
- (f) shall not post or embed the buoy, moor, anchor or any other objects at the bank area and shore area without permission;
- (g) shall not discharge or dump the ballast of vessel used to adjust its balance not in conformity with the discipline.

82. Any officer or staff of the Myanmar Port Authority, for his personal interest:

- (a) shall not involve in and carry out any business relating to port directly or indirectly;
- (b) shall not participate or involve in the contracting related to port business, and shall not lend money to the Myanmar Port Authority with interest.

83. Any person shall not fail to comply with any order or directive issued by the Myanmar Port Authority, the person assigned duty by the Myanmar Port Authority or the port conservator.

## **Chapter XVII**

### **Offences and Penalties**

84. Any person who violates any prohibition contained in section 74 shall be, on conviction, punished with imprisonment for a term not exceeding three years or with a fine which may extend from the minimum of five hundred thousand kyats to the maximum of fifty million kyats, or with both.

85. Any master of the vessel who violates any prohibition contained in sections 75, 76 or 77 shall be, on conviction, punished with imprisonment for a term not exceeding one year or with a fine which may extend from the minimum of three hundred thousand kyats to the maximum of three million kyats, or with both.

86. Any person who violates any prohibition contained in section 78 shall be, on conviction, punished with imprisonment for a term not exceeding one year or with fine which may extend from the minimum of one million kyats to the maximum of ten million kyats, or with both.

87. Any person who violates any prohibition contained in section 79 or section 81 shall be, on conviction, punished with imprisonment for a term not exceeding six months, or with fine which may extend from the minimum of fifty thousand kyat to the maximum of five hundred thousand kyats, or with both.

88. Any person who violates any prohibition contained in section 80 shall be, on conviction, punished with imprisonment for a term not exceeding two years, or with a fine which may extend from one million kyats to the maximum of twenty million kyats, or with both.

89. Any officer, staff of the Myanmar Port Authority who violates any prohibition contained in section 82 shall be, on conviction, punished with imprisonment for a term not exceeding three years, or with a fine which may extend to from the minimum of five hundred thousand to the maximum of fifty million kyats, or with both.

90. Any person who violates any prohibition contained in the rules and orders issued under this Law or who intentionally fails to comply with any stipulated duty shall be, on conviction, punished with imprisonment for a term not exceeding three months, or with a fine which may extend to the minimum of thirty thousand kyats to the maximum of three hundred thousand kyats, or with both.

91. Any person who attempts to or conspires with the commission of any offences contained in this Law or who abets with the commission of offence shall be punished with the punishment prescribed for such offence under this Law.

## **Chapter XVIII**

### **Awarding Bonus**

92. The Myanmar Port Authority may award bonus to its staffs if they can carry out according to the stipulated operational cost and income ratio, or better than that operation ratio in implementing its project appropriation.

93. In awarding **bonus** after allocating **bonus** for staff according to the stipulated percentage from the reward fund, the additional performance **bonus** may be awarded again to the individual person or the group based on the following basic principles:

- (a) being able to produce or provide services more than the stipulated standard;
- (b) being able to invent new systems for production or providing services;
- (c) being able to perform innovative production which quality of product shall meet the standard;

- (d) being enable to utilize the raw materials systematically in accord with the stipulated standards;
- (e) lessening the waste, destruction and loss.

## **Chapter XIX**

### **Miscellaneous**

94. The staff-in-charge of the factory, workshop, department or wharf and sub-department under the Myanmar Port Authority shall take responsibility for the development and failure of the work .

95. As the Myanmar Port Authority is an enterprise which has to carry out under the guidance of the Ministry of Transport, Union Government, all its running capital and the property owned shall be presumed as the State-own.

96. The Myanmar Port Authority shall determine, by notification, the term of licence, licence fees, licence renewal fees and other fees for services relating to allowing to do any business under this Law, with the approval of the Ministry.

97. The offences under this Law shall be presumed and carried out as the cognizable offences.

98. If the goods have been unloaded from the vessel and receipt for the transfer has been obtained, the master or owner of the vessel shall not be responsible for any loss, destruction occurred to such goods after unloading from the vessel.

99. The members of the Myanmar Port Authority, the conservators assigned duty under this Law and the staffs shall be presumed as the public servant under section 21 of the Penal Code while they are serving the duty assigned under this Law.

100. The Myanmar Port Authority may apply to the Union Government through the relevant ministry to obtain suitable tax exemption, relief in accord with the existing laws.

101. The item 149 of the first schedule of the Limitation Act shall concern with the suits instituted by the Myanmar Port Authority or on behalf of the Myanmar Port Authority.

102. The Rules, Regulations, Notifications, Orders, Directives and Procedures issued under the Yangon Port Act (Act No. IV of 1905) and the Out-ports Act (Act No. II of 1914) may be applied so far as they are not contrary to this Law.

103. In implementing the provisions contained in this Law:

- (a) the Ministry may issue the Rules, Regulations and Bye-Laws with the approval of the Union Government;
- (b) the Ministry and the Myanmar Port Authority may issue the necessary Notifications, Orders, Directives and Procedures;
- (c) the person assigned duty by the Myanmar Port Authority or the conservator may issue the necessary Orders and Directives.

104. The Yangon Port Act ( Act No. IV of 1905) and the Out-ports Act ( Act No. II of 1914 ) are hereby repealed.

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I sign according to the Constitution of the Republic of the Union of Myanmar.

(Sd.) Thein Sein  
President of the Union  
The Republic of the Union of Myanmar