

THE MYANMAR REGISTRATION OF SHIPS ACT.

[INDIA ACT X,1841.]

(5th July, 1841.)

[Amendment : 16.10.1987, 18.06.1989, 14.03.2003]

Ships to be registered.

1. ****

[No ship shall be deemed a registered ship, except as regards ships registered before the coming into operation of the Constitution] unless the person or persons claiming property therein shall have caused the same to have been registered at some one of the ports hereinafter mentioned and shall have obtained a certificate of such registry from the person or persons authorized to make such registry and grant such certificate as hereinafter directed, the form of which certificate shall be as follows: -

Certificate of registry.

“This is to certify that in pursuance of the Burma Registration of Ships Act (here insert the names and occupation and residence of subscribing owners) having made and subscribed the declaration required by the said Act and having declared that (he or they) together with (names, occupations and residence of non-subscribing owners) (is or are) sole owner or owners, in the proportions specified on the back hereof, of the ship called the (ship’s name) of (place at which the vessel shall be registered), which is of the burden of (number of tons), and whereof (master’s name) is master, and that the said ship was (when and where built), and (name and employment of surveying-officer) having certified to us that the said ship has (number) decks and (number) masts, that her (here insert measurement as ascertained by the rules hereinafter mentioned), that she is (how rigged) rigged with a (standing or running) bowsprit, is (description of stern) sterned, (carvel or clincher) built, has (whether any or no) gallery, and (kind of head, if any) head: and the said subscribing owners having consented and agreed to the above description, the said ship called the (name) has been duly registered at the port of (name of port). Certified under our hands at the custom-house, in the said port of (name of port), this (date) day of (name of month) in the year (words at length).

(Signed)

“Collector or Registrar of Shipping.”

And on the back of such certificate of registry there shall be an account of the parts or shares held by each of the owners mentioned and described in such certificate, in the form and manner following:-

Names of several owners within mentioned.			Number of shares held by each owner.	
Name	...	...	...	Thirty-two.
Name	...	...	...	Sixteen.
Name	...	..	...	Eight.
etc., etc.,				
			(Signed)	----- , Collector.

1A.****

Ports of registry.

2. The ports at which registration shall be made shall be such places as the President of the Union may, from time to time, declare to be registering ports under this Act:

Provided that ships built at any place other than any of such ports shall be allowed to make their first voyage to any of such ports, being the ports at which it is intended they shall be registered, under a certificate to be granted by the Deputy Commissioner at the place where the ship is built, which certificate shall contain all the particulars with regard to the ownership and description of the ships contained in a certificate of registry, and shall specify the ports at which it is intended that they shall respectively be registered, and which certificate shall have all the effect of a certificate of registry under this Act during the first voyage from the place of building to the ports at which the ships shall be afterwards registered:

Provided that such ships so proceeding on their first voyage as aforesaid shall be deemed [registered ships] only whilst duly prosecuting such first voyage for the purpose of registry, and, if they be not registered within a reasonable time after their arrival at the port of registry, the owner or owners, or master or other person having or taking the command or charge of such ship, shall be liable, on conviction before a Magistrate of the first class, to a fine not exceeding Kyats 75,000.

<Amendment 14.03.2003>

Registrars.

3. The persons authorized to make such registry, and to grant such certificates as aforesaid, shall be such persons as the President of the Union may, from time to time, appoint.

Book of registry.

4. At every port where registry shall be made in pursuance of this Act a book shall be kept by the registering-officer, in which all the particulars contained in the form of the certificate of the registry shall be duly entered; and every registry shall be numbered in progression, beginning such progressive numeration at the commencement of each and every year. And such registering-officer shall forthwith, or within one month at the furthest, send to the President of the Union a true and exact copy, together with the number of every certificate which shall be by him so granted.

Declaration.

5. No registry shall be made or certificate be granted, until the following declaration be made or subscribed before the registering-officer by the owner or major part of the owners of the ship required to be registered:-

“I, A. B., of (place of residence and occupation) do truly declare that the ship (name) of (port or place) whereof (master’s name) is at present master, being (kind of build, burden, et cetera, as described in the certificate of the surveying-officer) was (when and where) built, and that I, the said (A. B.), and the other owners (names and occupations, if any, and where they respectively reside), am (or are) sole owner (or owners) of the said ship and that no other person whatever has any right, title, interest, share or property therein or thereto; and that I, the said (A. B.), and the said other owners (if any), am (or are) truly and bona fide a [citizen of the Union] (or [citizens of the Union]) and that no person not being a [citizen of the Union], directly or indirectly, has any share or part interest in the said ship:”

Provided that, if the registering-officer shall see occasion to doubt the truth of any of the facts contained in the above declaration, he shall not deem such declaration to be conclusive, but may refuse the registry or certificate, and his discretion exercised in this behalf shall be subject only to an appeal to the President of the Union.

- 5A. Notwithstanding anything contained in section 1 and section 5, temporary registration may be granted, with the approval of the authorities, to ships bareboat chartered by an authorised organization or to ships chartered for a similar purpose in accordance with international practice.

<Amendment 16.10.1987>

Further declaration by owners who attend.

6. In case the required number of joint owners of any ship shall not personally attend to make and subscribe the declaration hereinbefore directed to be made and subscribed, then and in such case such owner or owners as shall personally attend and make and subscribe the declarations aforesaid shall further declare that the part owner or part owners of such ship then absent is or are not resident within twenty miles of such port or place, and has or have not to the best of his or their knowledge or belief wilfully absented himself or themselves in order to avoid the making of the declaration hereinbefore directed to be made and subscribed, or is or are prevented by illness from attending to make and subscribe the said declaration.

Measurement to be made.

7. And in order to enable the registering-officer to grant a certificate truly and accurately describing every ship to be registered in pursuance of this Act, and also to enable all other officers of customs, on due examination, to discover whether any such ship is the same with that for which a certificate is alleged to have been granted, it is hereby enacted that-

Previous to the registering or granting of any certificate of registry as aforesaid some one or more person or persons appointed by the President of the Union, taking to his or their assistance, if he or they shall judge it necessary, one or more person or persons skilled in the building and measurement of ships, shall go on board of every such ship that is to be registered, and shall strictly and accurately examine and measure every such ship as to all and every particular contained in the form of the certificate hereinbefore directed in the presence of the master, or of any other person who shall be appointed for that purpose on the part of the owner or owners, or in his or their absence by the said master, and shall deliver a true and just account in writing of all such particulars of the build, description and measurement of every such ship as are specified in the form of the certificate above recited to the officer authorized to make such registry and grant such certificate of registry as aforesaid; and the said master or other person attending on the part of the owner or owners is hereby required to sign his name also to the certificate of such surveying or examining officer, in testimony of the truth thereof, provided such master or other person shall consent and agree to the several particulars set forth and described therein.

Certificate of surveying-officer.

8. The certificate of the surveying-officer shall be in such form as the President of the Union may from time to time prescribe; and such certificate shall be delivered to the registering-officer before registry.

Measurement of tonnage for purpose of registry.

9. The tonnage of a ship required by law to be registered shall, previous to her being registered, be measured and ascertained according to the Merchant Shipping law for the time being in force.

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 shall 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) Subsection (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.

<Amendment 18.06.1989, 14.03.2003>

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 subsection (a), close the registry of the ship and make an entry thereof in the register.

<Amendment 18.06.1989, 14.03.2003>

Marking of register tonnage on ship.

12. The true amount of the register tonnage of every ship shall be deeply carved or cut in figures of at least three inches in length on the main beam of every such ship prior to her being registered.

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.

<Amendment 18.06.1989, 14.03.2003>

Registered tonnage to be repeated in every subsequent register.

14. Whenever the register tonnage of any ship shall have been ascertained according to the said rules and orders, such account of register tonnage shall ever after be deemed the register tonnage of such ship, and shall be repeated in every subsequent registry of such ship, unless it shall happen that any alteration has been made in the form of burden of such ship or it shall be discovered that the register tonnage of such ship had been erroneously taken and computed.

Fraudulent use of certificate.

15. If such certificate as aforesaid shall be sold, lent or otherwise disposed of to any person other than those for whose use it is granted, or shall be made use of for the service of any other ship than the ship for which it is granted, such certificate shall thenceforth be void, and the master or any owner of the ship who shall be proved to have sold, lent or disposed of such certificate, or made use of the same as aforesaid, or shall have concurred in or been privy to the committing of any such offence, shall be liable, on conviction before a Magistrate of the first class, to a fine not exceeding Kyats 150,000.

And in case such ship shall be lost or taken by the enemy, burnt or broken up, or otherwise prevented from returning to the port at which she is registered, or shall on any account have lost and forfeited

the privileges of a [registered ship] or shall have been seized and legally condemned for illicit trading, or shall have been taken in execution for debt and sold by due process of law, or shall have been sold to the Government, or shall under any circumstances have been registered de novo, the certificate, if preserved, shall be delivered up, within one month after the arrival of the master in any port or place in the Union of Burma, to the registering-officer at such port, in default whereof the master or any of the owners shall be liable, on conviction before a Magistrate of the first class, to a fine not exceeding Kyats 75,000.

And if any person not being a [citizen of the Union] shall purchase or otherwise become entitled to the whole or to any part or share of or any interest in such ship and the same shall be within the limits of any port of the Union of Burma, then and in such case the certificate of registry shall, within seven days after such purchase or transfer of property in such ship, be delivered up to the registering-officer at such port, and if such ship shall be in any place not within the Union of Burma when such purchase or transfer of property shall take place, then the certificate shall be delivered up within fourteen days after the arrival of such ship or of the master thereof in any port of the Union of Burma to the registering-officer at such port, in default whereof the master or any of the owners shall be liable on conviction to fine not exceeding Kyats 75,000.

<Amendment 14.03.2003>

Change of master.

16. When and so often as the master of any ship registered in manner hereinbefore directed shall be changed, the master or owner of such ship shall deliver to the person hereinbefore authorized to make such registry and grant such certificates of registry at the port where such change shall take place, if it be a port within the Union of Burma, the certificate of registry belonging to such ship, who shall thereupon endorse and subscribe a memorandum of such change, and shall forthwith give notice of the same to the proper officer of the port or place where such ship was last registered pursuant to this Act, who shall likewise make a memorandum of the same in the book of registers which is hereby required to be kept, and shall forthwith give notice thereof in like manner as of the original entry. But if the change do not take place in any port within the Union of Burma, then such delivery, memorandum and endorsement shall be made and notice given at the first port within the Union of Burma at which the new master shall arrive after such change. In default of which delivery of the certificate such new master or any of the owners shall be liable, on conviction, to fine not exceeding Kyats 75,000.

<Amendment 14.03.2003>

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 stern, 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 decimetres, denoting its draught of water shall be marked on each side of its stern and of its stern post:-
 - (i) in figures at two-decimetre intervals, if the scale is in decimetres;
 - (ii) in figures at each metre interval and at intervening two-decimetre 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 wilfully 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 every 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 a fine not exceeding Kyats 150,000.

<Amendment 14.03.2003>

Certificate of building.

18. Every person who shall apply for a certificate of the registry of any ship shall produce to the person authorized to grant such certificate a true and full particular under the hand of the builder of such ship, or in case the want of such certificate can be satisfactorily accounted for, then to produce other sufficient evidence of the proper denomination, and of the time when, and the place where, such ship was built, and also an exact account of the tonnage of such ship, and shall also make and subscribe a declaration before the person or persons hereinbefore authorized to grant such certificate that the ship for which such certificate is required is the same with that which is so described by the builder as aforesaid.
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 purposes 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.

<Amendment 14.03.2003>

Detention of certificate.

20. In case any person who shall have received or obtained by any means or for any purpose whatever the certificate of the registry of any such ship (whether such person shall claim to be the master or to be the owner or one of the owners of such ship or not), shall wilfully detain and refuse to deliver up the same to the proper officers of customs, for the purposes of such ship, as occasion shall require, or to the person having the actual command, possession and management of such ship as the ostensible and reputed master, or as the ostensible and reputed owner thereof, it shall be lawful for any such last-mentioned person to make complaint on oath of such detainer and refusal to any Magistrate of the first class having jurisdiction at the place where such detainer and refusal shall be:

and on such complaint the said Magistrate shall by warrant cause the person so complained against to be brought before him to be examined touching such detainer and refusal:

and if it shall appear to the said Magistrate on examination of such person or otherwise that the said certificate of registry is wilfully detained by the said person, such person shall be subject on conviction before such Magistrate to a fine not exceeding Kyats 15,000, and the said Magistrate shall certify the aforesaid detainer, refusal and conviction to the person or persons who granted such certificate of registry for such ship, who shall on the terms and conditions of law being complied with make registry of such ship de novo, and grant a certificate thereof conformably to law, notifying on the back of such certificate the ground upon which the ship was so registered de novo:

and if the person who shall have detained and refused to deliver up such certificate of registry as aforesaid, or shall be verily believed to have detained the same, shall have absconded so that the said warrant of the Magistrate cannot be executed upon him, and proof thereof shall be made to the satisfaction of the registering- officer of the port at which the ship was registered, it shall be lawful for the said officer to permit such ship to be registered de novo, or otherwise, in his discretion, to grant a licence for the present use of such ship in like manner as is hereinbefore provided in the case wherein the certificate of registry is lost or mislaid.

<Amendment 14.03.2003>

Registration de novo.

21. If any ship, after she shall have been registered pursuant to the directions of this Act, shall in any manner whatever be altered so as not to correspond with all the particulars contained in the certificate of her registry, or if any alteration shall take place in the ownership of any ship or of any share or shares thereof, in such cases such ship shall be registered de novo in manner hereinbefore required as soon as she returns to the port to which she belongs, or to any other port within the Union of Burma, on failure whereof such ship shall be deemed to be a ship not duly registered, and any person making use of a certificate for the purposes of any ship which has been granted in respect of the same, after the same ought to have been registered de novo, shall be liable on conviction to fine not exceeding Kyats 75,000.

<Amendment 14.03.2003>

Testimony of registering-officers.

22. The registering-officer at any port shall, upon reasonable request by any person, produce for his inspection any declaration made by any owner and any register or entry in any book of registry required, and shall permit such person to take a copy or an extract thereof.

False declaration. Falsifying document.

23. If any person shall falsely make declaration to any of the matters hereinbefore required to be verified by declaration, or if any person or persons shall counterfeit, erase, alter or falsify any certificate or other instrument in writing required to be obtained, granted or produced by this Act, or shall knowingly or wilfully make use of any certificate or other instrument so counterfeited, erased, altered, falsified, or shall wilfully grant such certificate or other instrument in writing, knowing it to be false, such person shall for every such offence be liable, on conviction by a Magistrate of the first class, to a fine not exceeding Kyats 150,000 and, if any such offence be committed by the owner of any ship, the certificate of such ship shall thenceforth be void.

<Amendment 14.03.2003>

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.

<Amendment 18.06.1989, 14.03.2003>

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.

<Amendment 18.06.1989, 14.03.2003>

Ports to which ships belong.

26. All ships registered under this Act shall be deemed to belong to the ports at which they shall be respectively registered.

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

- (a) the 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.

<Amendment 14.03.2003>

----- Footnote -----

- (1) Sec 1. * * * * = The recitals were omitted by the Union of Burma (Adaptation of Laws) Order, 1948.
- (2) Sec 1. [No ship shall be deemed a registered ship, except as regards ships registered before the coming into operation of the Constitution] = Substituted *ibid*.
- (3) 1A. * * * * = Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.
- (4) Sec 2. [registered ships] = Substituted *ibid*.
- (5) Sec 5. [citizen of the Union] = Substituted by the Union of Burma (Adaptation of laws) Order, 1948.
- (6) Sec 15. [citizen of the Union] = Substituted by the Union of Burma (Adaptation of laws) Order, 1948.

[ပင်ရင်း- The Burma Code Volume (VII) မှ ကူးယူတင်ပြသည်။]