

## D. MOTOR VEHICLES AND HACKNEY CARRIAGES.

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### THE BURMA MOTOR VEHICLES ACT.

[INDIA ACT VIII, 1914.] (1st April, 1915.)

#### PART I.

##### PRELIMINARY.

1. \* \* \* \* \*

2. "Motor vehicle" includes a vehicle, carriage or other means of conveyance propelled, or which may be propelled, on a road by electrical or mechanical power either entirely or partially;

"prescribed" means prescribed by rules under this Act;

"public place" means a road, street, way or other place, whether a thoroughfare or not, to which the public are granted access or over which they have a right to pass.

#### PART II.

##### PROVISIONS OF GENERAL APPLICATION.

3. (1) No person under the age of eighteen years shall drive a motor vehicle in any public place.

(2) No owner or person in charge of a motor vehicle shall allow any person under the age of eighteen years to drive the same in any public place; and in the event of a contravention of sub-section (1), the Court may presume that the motor vehicle was driven with the consent of the owner or person in charge.

4. The person in charge of a motor vehicle shall cause the vehicle to stop and to remain stationary so long as may reasonably be necessary—

(a) when required to do so by any police-officer for the purpose of regulating traffic or of ascertaining his name and address with a view to prosecuting such person under this Act or for any purpose connected with the enforcement of the provisions of this Act or the rules thereunder, or

(b) when required to do so by any person having charge of any animal if such person apprehends that the animal is, or will be, alarmed by the motor vehicle, or

(c) when he knows or has reason to believe that an accident has occurred to any person or to any animal or vehicle in charge of a person owing to the presence of the motor vehicle, and he shall also, if so required, give his name and address and the name and address of the owner of such motor vehicle.

Prohibition of driving motor vehicles by persons under 18.

Duty to stop vehicle for regulating traffic and in case of accident.

<sup>1</sup> Section 41A of the Tramways Act says that a carriage forming part of a tramway shall not be deemed to be a motor vehicle within the meaning of this Act.

Reckless driving.

5. Whoever drives a motor vehicle in a public place recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the place, and the amount of traffic which actually is at the time, or which might reasonably be expected to be, in the place, shall, on conviction, be punishable with fine which may extend to five hundred rupees.

### PART III.

#### LICENSING AND CONTROL.

Licensing of drivers.

6. No person shall drive a motor vehicle in a public place unless he is licensed in the prescribed manner, and no owner or person in charge of a motor vehicle shall allow any person who is not so licensed to drive it :

Provided that, subject to rules made by the President of the Union in this behalf, this section shall not apply to a person receiving instruction in driving a motor vehicle.

Transfer of licence.

7. The holder of a licence shall not allow it to be used by any other person.

Production of licence.

8. The driver of a motor vehicle shall produce his licence upon demand by any police-officer.

Extent of validity of licence to drive.  
Registration of motor vehicles.

9. Every licence to drive a motor vehicle shall be valid in such area as may be specified therein.

10. (1) The owner of every motor vehicle shall cause it to be registered in the prescribed manner.

(2) Such registration shall be valid in such area as may be specified in the certificate of registration.

Power of President to make rules.

11. (1) The President of the Union, subject to the condition of previous publication, shall make rules for the purpose of carrying into effect the provisions of this Act and of regulating, in the whole or any part of the Union of Burma, the use of motor vehicles or any class of motor vehicles in public places.

(2) In particular, and without prejudice to the generality of the foregoing powers, the President of the Union may make rules for all or any of the following purposes, namely:—

(a) providing for the registration of motor vehicles, and the conditions subject to which such vehicles may be registered, the fees payable in respect of and incidental to registration, the issue of certificates of registration, the notification of any changes of ownership, and the area in which and the duration for which certificates of registration shall be valid ;

(b) providing for facilitating the identification of motor vehicles by the assignment of distinguishing numbers to such vehicles and the displaying of number and name plates thereon, or in any other manner ;

- (c) regulating the construction and equipment of motor vehicles, including the provision and use of lights, bells, horns, brakes, speed-indicators or other appliances ;
  - (d) prescribing the authority by which, and the conditions subject to which, drivers of motor vehicles or any class of such drivers may be licensed, the fees payable in respect of such licences, and the area within which, and the duration for which, licences shall be valid ;
  - (dd) prescribing the authority by which, and the conditions and limitations subject to which, licences may be suspended or cancelled ;
  - (e) prescribing the conditions subject to which, and the fees (if any) on payment of which, motor vehicles may be let or plied for hire in public places, generally or in any particular public place ;
  - (f) prescribing the precautions to be observed when motor vehicles are standing in any public place ;
  - (g) limiting the speed at which motor vehicles may be driven generally or in any particular public place ;
  - (h) prohibiting or regulating the driving of motor vehicles in public places, where their use may, in the opinion of the President of the Union, be attended with danger or inconvenience to the public ; and
  - (i) providing generally for the prevention of danger, injury or annoyance to the public or any person, or of danger or injury to property, or of obstruction to traffic.
- (3) All rules made under this section shall be published in the Gazette ; and, on such publication, shall have effect as if enacted in this Act.

12. The prescribed authority shall give, in the prescribed manner, public notice of any rule, made by the President of the Union under section 11, prohibiting or regulating the driving of motor vehicles in any public place, or limiting the speed of motor vehicles in any such place ; and for the purpose of giving effect to any such rule shall display conspicuous notices at or near the place to which the rule refers.

Posting of notices.

13. The President of the Union may, by notification in the Gazette, exclude any area specified in such notification from the operation of this Part ; and may, by a like notification, exempt either generally or for a specified period any motor vehicle or class of motor vehicles from the operation of all or any of the provisions of this Part.

Power of President to exclude areas or motor vehicles from this Part.

**PART IV.**

**MOTOR VEHICLES TEMPORARILY LEAVING OR VISITING THE UNION OF BURMA.**

14. (1) The President of the Union may make rules for all or any of the following purposes, namely :--

Power of President to make rules.

- (i) for the grant and authentication of any travelling passes, certificates or authorities for the use of persons temporarily taking their

motor vehicles out of the Union of Burma, or to drivers of such vehicles when proceeding out of the Union of Burma for the purpose of driving such vehicles, and

(ii) prescribing the conditions subject to which motor vehicles brought temporarily into the Union of Burma by persons intending to make a temporary stay there may be possessed, used and driven.

(2) All rules made under this section shall be published in the Gazette, and, on such publication, shall have effect as if enacted in this Act.

Saving.

15. Nothing in this Act or in any rule made by the President of the Union under section 11 relating to—

(a) the registration of motor vehicles,

(b) requirements as to construction, identification or equipment of such vehicles, or

(c) the licensing or qualifications of drivers of such vehicles,

shall apply in the case of any motor vehicle such as is referred to in clause (ii) of sub-section (1) of section 14, or of any person possessing, using or driving the same, provided that the requirements of any rule made under the said clause and applicable to such vehicle or person are complied with.

## PART V.

### MISCELLANEOUS.

Penalties.

16. (1) Whoever contravenes any of the provisions of this Act or of any rule made thereunder shall, if no other penalty is elsewhere provided in this Act for such contravention, be punishable with fine which may extend to one hundred rupees, and, in the event of such person having been previously convicted of an offence under this Act or any rule made thereunder, with fine which may extend to two hundred rupees.

(2) Any person contravening any rule made under clause (b) of sub-section (2) of section 11, prohibiting any person from displaying or allowing to be displayed on any motor vehicle in his possession or under his control for the time being a number purporting to be a registration number other than the registered number of that motor vehicle, shall be punishable with imprisonment which may extend to one year, or with fine which may extend to five hundred rupees or with both.

Power to arrest without warrant.

16A. Any police-officer may arrest without warrant any person contravening the provisions of any rule punishable under sub-section (2) of section 16.

Cognizance of offences.

17. No Court inferior to that of a Magistrate of the second class shall try any offence punishable under this Act or any rule made thereunder.

18. (1) The President of the Union may, if he thinks fit,—

- (i) cancel or suspend any licence granted under this Act, and
- (ii) declare any person disqualified for obtaining a licence under this Act either permanently or for such period as he thinks fit.

Cancellation and suspension of licence and disqualification for obtaining licence.

(1A) The prescribed authority may, subject to such conditions and limitations as may be prescribed, cancel or suspend any licence granted under this Act.

(2) Any Court by which any person is convicted of an offence against the provisions of this Act or any rule made thereunder or of any offence in connection with the driving of a motor vehicle shall, if such person holds a licence under the Act, cause particulars of the conviction to be endorsed thereon and may, in respect of such person and of his licence, if any, exercise the like powers as are conferred by sub-section (1) on the President of the Union :

Provided that no order made by a Court under this sub-section shall affect any person or licence for a period exceeding one year from the date of such conviction.

(3) Any Court before which the holder of a licence under this Act is accused of any offence mentioned in sub-section (2) may suspend such licence until the termination of the proceedings before it.

(4) A copy of every order of cancellation, suspension or disqualification made under this section in respect of a licence or the holder of a licence shall be endorsed on the licence, and a copy of every endorsement in accordance with the provisions of this section shall be sent to the authority by which such licence has been granted.

(5) Every holder of a licence shall, when called upon to do so, produce his licence before any authority acting under this section.

(6) A person whose licence has been cancelled or suspended in accordance with the provisions of this section shall, during the period for which such order of cancellation has effect, or during the period of suspension, as the case may be, be disqualified for obtaining a licence.

(7) No person whose licence has been endorsed or who has been disqualified for obtaining a licence shall apply for, or obtain, a licence without giving particulars of such endorsement or disqualification.

### THE STAGE CARRIAGES ACT. <sup>1</sup>

[INDIA ACT XVI, 1861.] (7th July, 1861.)

1. Every carriage drawn by one or more horses <sup>2</sup> which shall ordinarily be used for the purpose of conveying passengers for hire to or from any place in the Union of Burma shall, without regard to the form or construction of

Definition of stage-carriage.

<sup>1</sup> As to the application of this Act, see section 22.

<sup>2</sup> All expressions and provisions in this Act applied to horses also apply to all other animals employed in drawing stage carriages, see section 21.