

The State Peace and Development Council  
**The Law Amending the Myanmar Merchant Shipping Act**  
(The State Peace and Development Council Law No. 4/99)  
The 11th Waxing Day of Thadingyut 1361 M.E.)  
(20th October, 1999)

The State Peace and Development Council hereby enacts the following Law:-

1. This Law shall be called the Law Amending the Myanmar Merchant Shipping Act.
2. After section 2, sub - section (11) of the Myanmar Merchant Shipping Act, the following shall be inserted as sub - section (12): -
  - (12) "Administration "means the Department of Marine Administration.
3. Section 11 of the Myanmar Merchant Shipping Act shall be substituted as follows: -
  11. (a) The provisions of section 11 to 13 shall apply to any Myanmar ship and also to any ship that enters or leaves any port in Myanmar except to -
    - (1) any ship employed exclusively in the fishing industry;
    - (2) any pleasure craft;
    - (3) any harbour craft; and
    - (4) any ship which is not propelled by mechanical means.
  - (b) The Administration may, with the approval of the Ministry of Transport carry out the following : -
    - (1) requiring ships to carry such number of qualified officers of any description, qualified doctors and such number of qualified seamen of any description as may be specified in the notifications
    - (2) prescribing standard of competence to be attained and other conditions to be satisfied by officers, doctors and other seaman of any description in order to be qualified for the purposes of this section; and
    - (3) providing that existing certificates granted before 1 August 1998, except in such cases as are specified in the notifications, shall be deemed for the purposes of this Act to be issued in pursuance of this section and to confer on the persons to whom they are issued such qualifications as may be specified in the notifications.
  - (c) Without prejudice to the generality of sub - section (b) (2) above, conditions prescribed or specified under that sub - section may include conditions as to nationality and may make provision for -
    - (1) the manner in which the attainment of any standard or the satisfaction of any other condition is to be evidenced;
    - (2) the conduct of any examination, the condition for admission to the examination and the appointment and remuneration of examiners;
    - (3) the issue, surrender, replacement, form and recording of certificates and other documents.
- (4) Section 12 of the Myanmar Merchant Shipping Act shall be substituted as follows;
  12. (a) If a ship goes to sea or attempts to go to sea without carrying such number of qualified officers, doctors and seamen, the owner or the master of the ship shall, on conviction, be liable with a fine not exceeding Kyats 100,000 and the ship may be detained.

(b) If a person goes to sea as a qualified officer, doctor or seamen of any description without being such a qualified officer, doctor or seaman, that person shall, on conviction, be liable with a fine not exceeding Kyats 50,000.

(c) Any person serving or engaged to serve in any ship and holding any certificate or other document which is evidence that he is qualified, shall on demand produce it to any person authorized by the Administration and to the master of the ship; and if he fails to produce as such without reasonable cause he shall, on conviction, be liable with a fine not exceeding Kyats 20,000.

(d) Any person who fraudulently obtains a certificate shall, on conviction, be liable with a fine not exceeding Kyats 50,000 with imprisonment for a term not exceeding 2 years or with both.

(5). Section 13 of the Myanmar Merchant Shipping Act shall be substituted as follows:

13. The Administration may cancel any certificate issued under this part which is fraudulently obtained and the person to whom the certificate has been issued shall, upon being notified by the Administration of its cancellation, forthwith deliver it or cause it to be delivered to the Administration.

6. After section 294 A of the Myanmar Merchant Shipping Act, the following shall be inserted as section 294 B;-

294 B. For the purpose of carrying out the provisions of this Act -

(a) the Ministry of Transport may, with the approval of the Government, issue necessary procedures; and

(b) the Ministry of Transport and the Administration may issue necessary orders, notifications and directives.

**Sd./Than Shwe**  
**Senior General**  
**Chairman**  
**The State Peace and Development Council**

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