

**Myanmar Coastal and Inland Water Transport  
Service License Law**

# The Myanmar Coastal and Inland Water Transport Service License Law

(The Pyidaungsu Hluttaw Law No. 10,2015)

The 1<sup>st</sup> Waning of Taboung, 1376 ME

(5<sup>th</sup> March, 2015)

The Pyidaungsu Hluttaw hereby enacts this Law.

## Chapter I

### Title and Definition

1. This Law shall be called **the Myanmar Coastal and Inland Water Transport Service License Law**.
2. The following expressions contained in this law shall have the meanings given hereunder:
  - (a) **Union** means the Republic of the Union of Myanmar.
  - (b) **Government** means the Union Government of the Republic of the Union of Myanmar.
  - (c) **The Ministry** means Ministry of Transport of the Union Government.
  - (d) **Department** means Department of Water Transport Administration.
  - (e) **Central Supervising Body** means the Central Supervising Body of the Myanmar coastal and inland water transport service formed under this Law.
  - (f) **Regional Supervising Body** means the regional bodies which are formed in the necessary Region, State, District and Township under this Law for enabling to exercise duties and powers conferred by the Central Supervising Body of the Myanmar Coastal and Inland Water Transport Service and enabling to supervise the Myanmar Coastal and Inland Water Transport Service.
  - (g) **Myanmar coastal** means coastal within territory water of the Union.
  - (h) **Inland water** means the navigable waterway within the Union. In this expression the stipulated any other waterway with the approval of the government by the Ministry of Transport is also included.
  - (i) **Service License** means a permit issued by the Central Supervising Body or the Regional Supervising Body conferred duty by such body to operate water transport service.
  - (j) **Vessel** includes any vessel with or without engine which is used to transport passengers or goods or both passengers and goods in waterway for the purpose of economic business.
  - (k) **Water transport service** means the transport service by vessel of passengers, goods or both passengers and goods for commercial purpose within Myanmar coastal or inland water. In this expression any other service which is used by vessel is also included.

- (l) **Myanmar coastal and inland water transport service** means the Myanmar coastal water transport service and inland water transport service.

## **Chapter II**

### **Objectives**

3. The objectives of this law are as follows :
- (a) to implement the agreements which is relevant to water transport service concluded by regional countries or neighboring countries or regional organizations ;
  - (b) enable to lay down the policies relating to water transport service;
  - (c) causing to systematically perform the service of transportation passenger and goods in the Myanmar coastal and inland water in accord with the stipulations.

## **Chapter III**

### **Formation of the Central Supervising Body**

4. The Ministry shall, with the approval of government, form the central supervising body contained in the following persons to supervise water transport service :

(a) Deputy Minister, Ministry of Transport	Chairman
(b) Director General, Department of Transport	Member
(c) Director General, Directorate of Water Resource & Improvement of River Systems	Member
(d) Director General, General Administration Department	Member
(e) Managing Director , Myanma Port Authority	Member
(f) Managing Director , Inland Water Transport	Member
(g) Managing Director , Myanma Dockyard Service	Member
(h) Commander of Marine Police, Myanmar Police Force	Member
(i) Two suitable persons	Member
(j) Director General , Department of Marine Administration	Member

5. The Ministry may:
- (a) determine Vice-president and joint-secretary, if necessary, in forming under section 4;
  - (b) reform, with the approval of government, the Central Supervising Body formed under section 4, if necessary.

## **Chapter IV**

### **Duties and Rights of the Central Supervising Body**

6. The duties and rights of the Central Supervising Body are as follows :
  - (a) implementing the agreements related to water transport services concluded by the regional countries, neighboring countries or regional organizations;
  - (b) permitting to issue the service license according to the categories of service license stipulated in respect of applying the service license, issuing the service license after demarcating the relevant itinerary and area, renewing the service license, changing the service contained in the service license, amending , suspending the service license by determining the period , cancelling and levying the fees;
  - (c) conferring the duties and rights contained in sub-section (b) to the Regional Supervising Bodies;
  - (d) specifying the terms and conditions of service license;
  - (e) appointing and assigning duty the necessary officers and staffs after forming staff office in accord with organizational set-up to support in performing their functions and duties;
  - (f) inspecting whether or not it is in conformity with the stipulations after halting the vessel if there is necessity and coordinating with the relevant departments for securing and seizure of such necessary documents;
  - (g) cooperating with the relevant departments for prohibiting and temporarily detaining of the vessel which violates the prohibition contained in this Law and rules, orders and directives made under this Law;
  - (h) performing the duties relating to water transport service assigned by the Ministry from time to time.
  
7. The Central Supervising Body may, in exercising the duties and rights, confer duty to the department by stipulating the duties and rights if it is necessary.

## **Chapter V**

### **Formation of the Regional Supervising Bodies and Functions and Duties**

8. The Central supervising Body may, after coordinating with the relevant Region or State government organizations, form the Regional Supervising Bodies with the suitable persons from the government department, organizations relating to water transport service to supervise Myanmar Coastal and Inland Water Transport Service in the necessary Region or State, District and Township.
  
9. The Regional Supervising Bodies , shall implement and carry out the functions and duties conferred by the Central Supervising Body from time to time. In performing so, the Supervising Bodies relating to water transport service with the suitable persons may, after obtaining the

agreement of the Regional or State government, if it is necessary, cause to form in the district or township.

10. The Regional Supervising Bodies shall report to the Central Supervising Body regarding their activities in accord with the stipulations.

## **Chapter VI**

### **Myanmar Coastal and Inland Water Transport Service License**

11. The person who desires to carry out any water transport service or all shall apply to the relevant Regional Supervising Body to obtain service license in accord with the stipulations.

12. The Regional Supervising Bodies which obtain the application under section 11;

- (a) may, if it is the type of vessel which is entitle to issue service license according to the category of vessel stipulated by the Central Supervising Body, permit or refuse to issue service license after scrutinizing in accord with the stipulations;
- (b) shall, after stipulating terms and conditions, issue a service license without delay according to the category of service if permitted under sub-section (a);
- (c) shall submit to the Central Supervising Body if the type of vessel is not entitle to issue the service license by the Regional Supervising Body

13. The Central Supervising Body, when obtains the submission under sub-section (c) of section 12, scrutinizes in accord with the stipulations:

- (a) may permit or refuse to issue service license.
- (b) shall issue the service license to the applicant through the relevant Regional Supervising Body after stipulating the terms and conditions according to the category of service if permitted under sub-section (a).

14. A person who obtains the service license:

- (a) shall pay prescribed service license fee to the Central Supervising Body or the relevant Regional Supervising Body ;
- (b) comply with stipulate terms and conditions according to category of service license;
- (c) shall, after expiring the term of service license, apply to renew the term of license according to the stipulations, if desirous to continue the water transport service.

15. The Ministry:

- (a) may exempt the vessels belong to government department, government organization with operates the water transport service in respect of obtaining service license with the approval of the Government;
- (b) shall issue by notification that the exemption is made as such.

16. A person who is providing the Myanmar coastal water transport service with a license issued under Shipping Administrative Act 1954, or providing the inland water transport service with a license issued under Road and Inland Water Transport Enterprises Law, 1963 in the date of enforcement of this Law desires to continue to provide the service after expiring such term of license shall apply service license within a prescribed period in accord with section 11.

## **Chapter VII**

### **Taking Administrative Action**

17. If the person who obtains the service license issued by the Central Supervising Body or the Regional Supervising Body fails to comply with any rules, orders or directives made under this Law or any terms and conditions contained in service license, he may be made any of the following administrative actions:

- (a) warning and causing to pay the stipulated fine;
- (b) suspending the service license by stipulating the period;
- (c) cancelling the service license.

## **Chapter VIII**

### **Appeal**

18. A person who is dissatisfied with any administrative action taken under section 17 by the Regional Supervising Body may appeal to the Central Supervising Body within 60 days from the date of taking action.

19. The Central Supervising Body may, after scrutinizing the appeal under section 18, confirm, cancel or amend the action taken by the Regional Supervising Body.

20. A person who is dissatisfied with any administrative action taken under section 17 by the Central Supervising Body may appeal to the Ministry within 60 days from the date of taking action.

- 21. (a) The Ministry may, after scrutinizing the appeal made under section 20, confirm, cancel or amend the action taken by the Central Supervising Body.
- (b) The decision of the Ministry shall be final and conclusive.

## **Chapter IX**

### **Prohibition and Penalties**

22. No person shall operate or cause to operate the service of water transport service without a service license.
23. (a) Whoever violates the prohibition contained in section 22 shall, on conviction, be punished with imprisonment for a term not exceeding six months or be liable with a fine not exceeding five hundred thousand kyats or with both;
- (b) Whoever violates the prohibition contained in sub-section (a) shall, on conviction, be punished with imprisonment for a term not exceeding six months or a fine not exceeding ten hundred thousand kyats.

## **Chapter X**

### **Miscellaneous**

24. The Ministry shall:
- (a) specify the service license fee, renewal of service license fee, overdue fee, fine and other fees according to the category to service license with the approval of the Union Government;
- (b) specify term of service license and conditions according to the category of service license.
25. The offences contained in this law are prescribed as the cognizable offences.
26. If an exhibit involved in any offence prosecuted under this law is not easily producible before the Court, such exhibit needs not be produced before the Court. However, a report or other relevant documentary evidence as to the manner of custody of the same may be submitted. Such submission shall be deemed as if it were a submission of the exhibit before the Court and the relevant Court shall pass an order for disposal of the same in accord with this Law.
27. The prohibition contained in section 22 of this law shall not be applied for using vessels in transporting the ill or injured persons or transporting foods, goods or medicines to rescue from disaster.
28. The Central Supervising Body and the Regional Supervising Body shall, in accord with the existing Revenue Laws, collect the fees and the fines to be obtained under this Law from the person who fails to pay.
29. The members of Central Supervising Body and Regional Supervising Body who are non-civil service personnel shall be deemed as public official under section 21 of the Penal Code, while performing the functions and duties which are assigned under this Law.

30. In implementing the provisions contained in this law:
- (a) The Ministry may issue the necessary rules, regulations and bye-laws with the approval of the Union Government;
  - (b) The Ministry and the Central Supervising Body may issue the necessary notifications, orders, directives and procedures.
  - (c) The department may issue the necessary orders and directives.
31. The Shipping Administrative Act, (Act no. 20, 1954) is repealed by this law.

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I hereby sign under the Constitution of the Republic of the Union of Myanmar.

President  
Republic of the Union of Myanmar