

(Rules for licensing and regulating passenger boats in the Port of Rangoon.)

No.3

THE BURMA GAZETTE, JANUARY 20, 1934.

No.3. - In exercise of the power conferred by section 6, sub-section (1), clause (k), of the Indian Ports Act, 1908, the Governor-in-Council is pleased to make the following rules for licensing and regulating passenger boats in the Port of Rangoon. The rules shall be brought into force with effect from the 1st January 1934, from which date the rules published with Marine and Commerce Department Notification No. 42, dated the 22nd December 1911, as subsequently amended, shall be superseded:-

Rules for licensing and regulating passenger boats in the Port of Rangoon.

Definitions.

1. In these rules-

- (1) "goods" includes wares and merchandise of every description;
- (2) "passenger boat" is any river craft of licensed carrying capacity of less than 20 tons however propelled or towed ordinarily used for the conveyance of passengers or goods, except those-
 - (a) which are part of the equipment of a larger vessel;
 - (b) belonging to Government;
- (3) "passenger boat-Class A" means any type of passenger boat possessing a certificate of survey issued under the Inland Steam-vessels Act, 1917;
- (4) "passenger boat-Class B" means any type of passenger boat not in class A;
- (5) "license" unless otherwise specified means the license issued under these rules;
- (6) "prescribed" means prescribed under these rules or the appendices or schedules thereto;
- (7) "Commissioners" means the Commissioners for the Port of Rangoon;
- (8) "Deputy Conservator" means the Deputy Conservator of the Port of Rangoon and includes any other officer or officers acting under the authority of the Deputy Conservator.

Exemptions applicable to passenger boats certificated under Inland Steam-vessels Act.

2. None of the provisions of these rules which provide for survey, number of crew, maximum number of passengers to be carried shall apply to any passenger boat possessing a certificate of survey issued under the Inland Steam-vessels Act, 1917, or surveyed by Government under the Petroleum Rules.

Passenger boats not to ply without license.

3. The fees prescribed by these rules shall be paid in respect of every passenger boat which shall ply within Harbour limits, whether for hire or not, and whether regularly or occasionally, excluding such exceptions as have been or may be made under these rules.

4. No passenger boat shall so ply unless it has been licensed under these rules and such license remains in force:

Provided that in the case of mechanically propelled passenger boats which ply entirely outside Harbour limits and enter the Harbour only for docking purposes or repairs, licensing shall be dispensed with if notice is given to the Deputy Conservator prior to such vessels entering the Harbour.

Application for license.

5. Application for the grant of a license shall be made to the Deputy Conservator.

Conditions under which a license is granted.

6. The Deputy Conservator shall grant a license in respect of a passenger boat-class A on payment of the fee prescribed in Appendix IV to these rules:

Provided that no fee shall be payable if application for the grant of a license is made to the Deputy Conservator-

(a) before the 1st day of April each year; and

(b) in the case of a new craft or craft brought into the Port, before it commences plying.

7. No license shall be granted in respect of a passenger boat-class B until such boat has been inspected by the Deputy Conservator and he has ascertained,-

(a) that it is in good order and suited for the conveyance of passengers;

(b) the maximum number of passengers as determined in the manner prescribed in Appendix III to these rules which may be carried safely in addition to the crew;

(c) the tonnage as determined in the manner prescribed in Appendix I to these rules;

(d) the number of the crew required for the safe navigation according to the scale prescribed in Appendix II to these rules;

(e) in the case of a mechanically propelled passenger boat the number and class of the certificate of the person in charge.

Passenger boats to bear a number fixed in a conspicuous position.

8. The Deputy Conservator shall assign to each passenger boat a number and shall issue a number plate which shall be displayed in the stern or in such other position as the Deputy Conservator may direct: Provided that the display of the number assigned may be dispensed with in the case of a mechanically propelled passenger boat whose name is legibly displayed in Roman characters on either side of the bow and on the stern.

Fees payable on issue of a license.

9. On payment of the fees prescribed in Appendix IV to these rules the Deputy Conservator shall issue to the owner in respect of each passenger boat a license in such form as the Commissioners may from time to time direct.

Term of license.

10. A license shall be in force unless cancelled or suspended until the 31st day of December next ensuing. On expiry or earlier determination thereof the license and the number plate shall be returned to the Deputy Conservator. If a number plate is not returned the owner shall pay a fee as prescribed in Appendix IV to these rules.

Renewal of a license.

11. Application for the renewal of a license shall be made to the Deputy Conservator. A new license shall be issued by the Deputy Conservator provided the provisions of these rules have been complied with.

Transfer of license on change of ownership.

12. When the ownership of a passenger boat is transferred the license shall lapse and the passenger boat shall not ply until again licensed in the name of the transferee. Application for a transfer of license shall be made in writing to the Deputy Conservator and the transfer effected on payment of the fee prescribed in Appendix IV to these rules.

Replacement of a lost or illegible license or number plate.

13. If a passenger boat license or number plate is lost or becomes illegible the owner shall apply to the Deputy Conservator for a new license. The Deputy Conservator shall issue a new license provided,-

- (a) in the case of loss, sufficient evidence is furnished;
- (b) in the case of illegibility, the license or number plate is returned;
- (c) the fee as prescribed in Appendix IV to these rules is paid.

Power to suspend or cancel license of a defective passenger boat.

14. The Deputy Conservator may at any reasonable time inspect a licensed passenger boat-class B and direct the carrying out of essential repairs and in default may suspend the license of any such boat found defective until such time as the defects have been remedied to his satisfaction.

Conditions under which a licensed passenger boat may ply.

15. A passenger boat when plying shall have on board the license which shall be produced whenever so required by the Deputy Conservator. The name of the owner of the passenger boat shall be recorded on the license.

16. The owner or person in charge of a passenger boat-class B shall not permit such boat to ply-

- (a) if the number of persons or the weight of goods is in excess of its licensed capacity;
- (b) unless the minimum crew as prescribed in Appendix II to these rules is on board.

17. The person in charge of a passenger boat plying for hire shall not, without good reason, refuse to carry a passenger in such boat.

Maximum rate of fares permissible.

18. The maximum rate of fares which may be demanded for the hire of a passenger boat is as prescribed in Appendix V to these rules.

Disposal of lost property.

19. When any property is left in a passenger boat, unclaimed, the property so left shall be sent at once by the person in charge to the nearest police station.

Report of casualties to nearest police station.

20. The person in charge of a passenger boat shall report at once to the officer in charge of the nearest police station any accident in respect of such boat causing hurt to any person or damage to any property.

Penalty for infringement of rules.

21. For any infringement of these rules or of any other rules for the time being in force relating or applicable to passenger boats the Deputy Conservator may suspend or cancel a license. An appeal shall lie from any order of suspension or cancellation to the Chairman of the Commissioners whose decision shall be final.

If there shall be any infringement of Rule 3, the Deputy Conservator may detain or arrest the passenger boat and the tackle, apparel and furniture belonging thereto in the manner provided under section 42 of the Indian Ports Act, 1908. In such cases the fee as prescribed in Appendix IV to these rules shall be payable by the owner of the passenger boat.

----- Footnote -----

[ပင်ရင်း- ၂၀၁၁၂၄ ရက်နေထုတ် ပြန်တမ်းမှ ကူးယူတင်ပြသည်။]

----- Attachment -----

[ATTACH LIST 1] 01 APPENDIX I. [See Rule 7 (c).] Rule for determining tonnage of licensed passenger boats.

[ATTACH LIST 2] 02 APPENDIX II. [See Rule 7 (d).] Minimum crew to be carried by licensed passenger boats not mechanically propelled.

[ATTACH LIST 3] 03 APPENDIX IV. (See Rules 9, 12, 13 and 21.)

[ATTACH LIST 4] 04 APPENDIX V. (See Rule 18.) Passenger boats—ordinary sampans. Scale of fares applicable from Phayre Street jetty to Harbour limits.