

SCHEDULE I.

RATES OF FEES.

[See sections 6 (a) and 19 (d).]

		T. ns.	Rs.
For steam-vessels	of less than	100	25
" "	100 tons and up to	200	40
" "	200 " " "	350	50
" "	350 " " "	700	60
" "	700 " " "	1,000	80
" "	1,000 " " "	1,500	100
" "	1,500 and upwards	120

THE OBSTRUCTIONS IN FAIRWAYS ACT.

[INDIA ACT XVI, 1881.] (15th March, 1881.)

Saving.

1. Nothing herein contained shall apply to vessels belonging to [* *]¹ or hired [* * * *]¹ by the Government.

President empowered to remove or destroy obstruction in fairway.

2. Whenever, in any fairway leading to any port in the Union of Burma, any vessel is sunk, stranded or abandoned, or any fishing-stake, timber or other thing is placed or left, the President of the Union may, if in his opinion such thing is, or is likely to become, an obstruction or danger to navigation,—

(a) cause such thing or any part thereof to be removed ; or

(b) if such thing is of such a description or so situate that, in the opinion of the President of the Union, it is not worth removing cause the same or any part thereof to be destroyed.

Government entitled to expenses incurred in removing obstruction.

3. Whenever anything is removed under section 2, the Government shall be entitled to receive a reasonable sum, having regard to all the circumstances of the case, for the expenses incurred in respect of such removal.

Dispute concerning such expenses.

Any dispute arising concerning the amount due under this section, in respect of anything so removed, shall be decided by the District Magistrate having jurisdiction at the place where such thing is, upon application to him for that purpose by either of the disputing parties ; and such decision shall be final.

Notice of removal to be given by President.

4. The President of the Union shall, whenever anything is removed under section 2, publish in the Gazette a notification containing a description of such thing, and the time at which and the place from which the same was so removed.

¹ Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

5. If, after publishing such notification, such thing is unclaimed, or if the person claiming the same fails to pay the amount due for the said expenses and any customs-duties or other charges properly incurred by the President of the Union in respect thereof, the President of the Union may sell such thing by public auction, if it is of a perishable nature, forthwith, and, if it is not of a perishable nature, at any time not less than six months after publishing such notification as aforesaid.

Things removed may, in certain cases, be sold

6. On realizing the proceeds of such sale, the amount due for expenses and charges as aforesaid, together with the expenses of the sale, shall be deducted therefrom, and the surplus (if any) shall be paid to the owner of the thing sold, or, if no such person appear and claim such surplus, shall be held in deposit for payment, without interest, to any person thereafter establishing his right to the same :

Proceeds how applied.

Provided that he makes the claim within one year from the date of the sale.

7. For the purposes of this Act, the term "vessel" shall be deemed to include also every article or thing or collection of things being or forming part of the tackle, equipment, cargo, stores or ballast of a vessel : and any proceeds arising from the sale of a vessel, and of the cargo thereof, or of any other property recovered therefrom, shall be regarded, as a common fund.

"Vessels" to include tackle, cargo, etc.

8. The President of the Union may, from time to time, by notification in the Gazette, make rules to regulate or prohibit, in any fairway leading to a port in the Union of Burma, the placing of fishing-stakes, the casting or throwing of ballast, rubbish or any other thing likely to give rise to a bank or shoal, or the doing of any other act which will, in his opinion, cause, or be likely to cause, obstruction or danger to navigation.

Power to make rules to regulate and prohibit the placing of obstructions in fairways.

9. Whoever is guilty of any act or omission in contravention of the rules made under section 8 may be tried for such offence in any district in which he is found, and shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Penalty for breach of such rules.

10. Whenever the maintenance or creation of an obstruction in any fairway has become lawful by long usage or otherwise, and such obstruction is removed or destroyed under section 2, or its creation is regulated or prohibited under section 8, any person having a right to maintain or create such obstruction shall be entitled to receive from the Government reasonable compensation for any damage caused to him by such removal, destruction, regulation or prohibition.

Compensation payable in certain cases for damage caused under this Act.

Every dispute arising concerning the right to such compensation, or the amount thereof, shall be determined according to the law for the time being in

force relating to like disputes in the case of land needed for public purposes¹ and not otherwise; and for the purposes of such law the fairway from or in which such obstruction was removed or destroyed, or in which its creation was regulated or prohibited, shall be deemed to be a part of the district in which the port to which such fairway leads is situate.

11. * * * *

Saving of other powers possessed by President.

12. Nothing herein contained shall be deemed to prevent the exercise by the President of the Union of any other powers possessed by him in this behalf.

Extent of Act.

13. This Act shall not extend to any part of Upper Burma unless it is extended thereto by the President of the Union by notification.²

THE DEFILE TRAFFIC ACT.

[BURMA ACT VIII, 1907.] (28th December, 1907.)

Extent.

1. This Act extends to the defile and waters of the Irrawaddy River between the village of Sinbo in the Myitkyina District and the town of Bhamo in the Bhamo District.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

- (1) "defile" means the defile and waters of the Irrawaddy River between the village of Sinbo in the Myitkyina District and the town of Bhamo in the Bhamo District;
- (2) "steam-vessel" includes a motor-launch or other vessel propelled by mechanical means; and
- (3) "vessel" includes a steam-vessel, boat, raft or timber.

Power to make rules.

3. (1) The President of the Union may make rules regulating the navigation of any traffic in the defile.

(2) Without prejudice to the generality of the foregoing power, such rules may contain directions as to all or any of the following matters, namely:—

- (a) prohibiting vessels or specified classes of vessels from entering the defile when the water is high or likely to rise or in other cases of special danger;
- (b) prohibiting or authorizing specified officers to prohibit specified classes of vessels from entering the defile or specified parts of the defile during specified periods or during a specified number

¹ See the Land Acquisition Act.

² This Act has been extended to the whole of the Union of Burma by Marine Branch Notification No. 124, dated 9th October 1950. [*Burma Gazette*, 1950, Part I, page 629.]