

The Inland Vessel Law
(The Pyidaungsu Hluttaw Law No. 29, 2015)
The 2nd Waxing of Nayone, 1377, M.E.
(19 May, 2015)

The Pyidaungsu Hluttaw hereby enacts this Law.

Chapter I

Title, Definition and Application

1. This Law shall be called the **Inland Vessel 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) **Vessel** means any vessel transporting passengers, cargos or both and other trading in a variety of business in the inland water. In this expression, tug boats, toe boats, barges, oil barges and other vessels that could float, air cushioned boats, pleasure cruisers, rafts and yacht are included;
 - (c) **Inland Water** means the navigable river, creek, canal or lake in the State. In this expression, any other water surface area stipulated by the Department of Marine Administration, by issuing notification with the approval of the Ministry of Transport is also included;
 - (d) **Ship Owner** means a person or an organization belongs to a registered or liable to register vessel in the Department of Marine Administration. In this expression, the manager or the agent delegated by the ship owner is included;
 - (e) **Surveyor** means a person who is assigned duty under this Law to survey the vessel;
 - (f) **Inspector** means a person who is assigned duty under this Law to inspect the requirements for the inland water vessels under the provisions in this law;
 - (g) **Vessel Safety Certificate** means a certificate certifying that the vessel has been surveyed and approved the necessary construction, assembly and maintenance for safety of the vessel in accord with this Law;

- (h) **Survey Report** means a report which expresses on-scene survey condition of the vessel;
- (i) **High speed vessel** means any vessel of the following:
 - (i) a vessel which can be driven 15 nautical miles per hour and above within inland water;
 - (ii) a vessel of which the ratio of the length and breadth is 7 and above, and which can be driven 12 nautical miles per hour and above;
 - (iii) a vessel which can be shuffled and moved on the surface of the water;
 - (iv) any part of a vessel which can be driven proximity to the water surface or immune from the water surface;
- (j) **Environmental Pollution** means directly or indirectly causing to damage or pollute the environment and ecosystem in the inland water or causing to damage, lose, change or affect the process of the living thing and non-living thing in the volume of water and the atmosphere environment;
- (k) **Voyage** means a route from the place of departure to arrival at destination of inland water vessel. In such expression, the transit places are also included;
- (l) **Load line** means a load line's limit which is marked on the vessel's hull according to the regulations stipulated by the Department of Marine Administration in accord with the stipulations relating to load line for weight of loaded cargo onto the vessel;
- (m) **Ministry** means Ministry of Transport of the Union of Government;
- (n) **Department** means Department of Marine Administration;
- (o) **Master** means a vessel's commanding officer and mainly responsible person for its navigation in the relevant vessel;
- (p) **Engine driver** means a person controlling a vessel's engines, engineer or mainly responsible persons for the operation and maintenance of engines in the relevant vessel;
- (q) **Crew Member** means any person, other than master, working on board applicable to this law or any person working with the approval of the ship owner;

- (r) **Ship Building License** means any recognition certificate issued by the department in accord with the terms and conditions to the person who is desirous to perform for producing and drawing of ship design, calculation of the load line, gross tonnage, stability of the vessel, hull strength of the vessel, the ship building, consultancy of the ship building and other engineering activities in respect of the vessels which would be built by abiding by this Law;
 - (s) **Cargo** means all living and non-living things with the exception of the passenger transported by the vessel.
3. This law shall be applicable to the vessel, which is registered or liable to register under the Myanmar Registration of Ships Act, which is navigable in the inland water of the Union, the foreign vessel which temporarily transits in the inland water. However, the following vessels shall not be applied:
- (a) warship;
 - (b) the exempted vessel, by issuing the notification by the Ministry with the approval of the Union Government.

Chapter II

Survey and Inspection of Vessels and Issue of Vessel Safety Certificates

4. The Ministry shall stipulate terms and conditions in respect of the matters relating to survey and inspection of vessels and issue of vessel safety certificates.
5. The Department:
- (a) shall, by issuing notification, stipulate and declare appropriate places to carry out survey and inspection of vessels;
 - (b) shall appoint and assign the duty to the relevant officers from the department as surveyors and inspectors for enabling to carry out the works in the specified places under sub-section (a);
 - (c) may, by prescribing terms and conditions, assign duty to the persons and organizations which will perform on behalf of the department to carry out the matters related to survey and inspection of vessel, if necessary, with the approval of the Ministry;

- (d) may, by issuing notification, stipulate and declare allowable category and quantity of the vessel to issue the vessel safety certificate in respect of survey and inspection of vessels.
6. The Department shall stipulate and declare the matters related to the plying and the facts which shall be carried out for security and safety of high speed vessel.
 7. (a) Ship owner or master whose vessel will be surveyed and inspected shall deposit the prescribed costs and fees for survey and inspection to the department in advance.
(b) If it is surveyed and inspected on the request of the ship owner other than the place of port and schedules stipulated and declared for the vessels to be surveyed and inspected, the expenses shall be borne by the ship owner whose vessel is surveyed and inspected.
 8. (a) The ship owner shall apply to the department to issue the vessel safety certificate before registration of vessel and obtaining the license for inland water transportation under the relevant existing law.
(b) The surveyor, after scrutinizing the application made under sub-section (a) and surveying and inspecting the vessel whether or not it is in conformity with the stipulated standards, shall:
 - (i) submit the survey report to the department together with his recommendation to issue the vessel safety certificate if it is in conformity with the stipulated standards;
 - (ii) send the copy of survey report to the ship owner to fulfill the requirements and to resubmit if it is not in conformity with the stipulated standards. When the ship owner fulfils the requirements and resubmit it, the surveyor shall resurvey and submit the survey report to the department together with his recommendation to issue the vessel safety certificate if it is in conformity with the stipulated standards.
 9. The surveyor:
 - (a) may, by prescribing terms and conditions, issue the temporary vessel safety certificate one time for a term not exceeding three months to the ship owner during the period when the vessel is undergoing to fulfill requirements after

survey of vessel if the said requirements do not impede the operation of vessel.

(b) shall, if it is in conformity with the stipulated standards, after resurveying before the expiry of temporary vessel safety certificate issued under sub-section (a), submit the survey report to the department together with his recommendation to issue the vessel safety certificate.

10. (a) The department may, after scrutinizing the survey report of the surveyor submitted under Section 8 or sub-section (b) of Section 9, issue the vessel safety certificate to the ship owner by prescribing the terms and conditions, if necessary, or reject to issue if there is requirement to carry out.

(b) The term of a vessel safety certificate may stipulate for one year commencing from the date of issue.

11. (a) Any ship owner and master shall not ply or operate any vessel in voyage of inland water or in service without valid vessel safety certificate or temporary certificate or with such certificate which is not applicable to the voyage or service.

(b) When the validity of vessel safety certificate expires during the interim period of a voyage of inland water vessel, the provision of sub-section (a) shall not be applicable to plying or operation of vessel from the date of expiry until the time of arrival at the place of re-inspection to revalidate the term. However, the said interim period shall not exceed 60 days.

12. The surveyor:

(a) may, after boarding the inland water vessel, survey the body, engine and other machines of the vessel, and inspect any part of the vessel and the documents at a suitable time for a vessel's seaworthiness and safety.

(b) shall, in performing under sub-section (a), not cause to hinder and delay loading or unloading of cargo onto or from the vessel unnecessarily or not cause to delay the voyage of inland water which would depart as schedule.

13. The inspector:

(a) may inspect on board whether or not there are valid vessel safety certificate and stipulated competency certificates of the master and engine driver at the

vessel or whether or not the machinery of the vessel are in good condition and whether or not cargos are loaded in accord with the stipulations relating to the load line and the documents at a suitable time.

(b) shall, in performing under sub-section (a), not cause to hinder and delay loading or unloading of cargo onto or from the vessel unnecessarily or not cause to delay the voyage of inland water which would depart as schedule.

14. The ship owner, master and crew members shall, in carrying out the survey by the surveyor and in carrying out inspection by the inspector, assist and provide the necessary materials and the relevant information of the vessel to facilitate the survey and inspection.
15. If the ship owner and master receive the vessel safety certificate permitted by the department, the duplicate of such certificate shall be hanged and displayed at a conspicuous place on board until the term of it expiry.
16. The department:
 - (a) shall issue the stipulations in respect of application to revalidate the vessel safety certificate, revalidation, suspension and cancellation of such certificate;
 - (b) may, if the vessel which is issued the vessel safety certificate is not in conformity with the stipulated standard or the ship owner violates any prescribed terms and conditions, suspend subject to time limit or cancel the issued vessel safety certificate;
 - (c) may suspend the vessel safety certificate a minimum of 3 months to 6 months that a vessel loads passengers and cargo until the stipulated load line is submerged.
17. The ship owner and the master shall surrender the vessel safety certificate which has been suspended or cancelled to the department within 30 days from the date of suspension or cancellation.

Chapter III

Competency Certificates of Masters and Engine Drivers

18. The Ministry may prescribe the matters regarding specifying the competency level, testing the qualification, issuing the competency certificate and suspension of the

competency certificate subject to time limit, cancellation of the competency certificate and the matters regarding the necessary fees for the master and engine driver who will serve at the passenger and cargo vessels of inland water.

19. The master and engine driver who obtain the competency certificate:
 - (a) are entitled to navigate the vessel on which they have the right to operate without pilot within port area;
 - (b) shall comply with the terms and conditions of the competency certificate;
 - (c) shall, if their competency certificate is suspended subject to time limit or cancelled by the department after being convicted under this Law due to violation of any terms and conditions of the competency certificate, not carry out their function commencing from the date of such suspension or cancellation. The issued competency certificate shall be surrendered to the department within 30 days;
 - (d) may, if they desire to carry out function continuously after the expiry of competency certificate, apply to the department to revalidate the competency certificate in accord with the stipulations.
20. The department may:
 - (a) prescribe forms of competency certificates issued to the master and engine driver with the approval of the Ministry;
 - (b) issue the relevant competency certificate to master and engine driver who meet with competency level and qualification after causing to pay the prescribed examination fees;
 - (c) after scrutinizing the application made under sub-section (d) of Section 19, revalidate the competency certificate after causing to pay the prescribed fee for validity of competency certificate.
21. Any ship owner according to type of vessels:
 - (a) shall not assign duty for operation to the master or engine driver who does not have the competency certificate which would be held;
 - (b) shall not ply or operate the vessel with crew member less than minimum specified number of crew member.

22. Nobody shall perform duty as the master or engine driver without holding the competency certificate according to the type of vessel.

Chapter IV

Ship Building

23. The Ministry may perform the followings in respect of ship building:
- (a) inspection whether or not there is the registration certificate issued by the engineer council to the ship builder, draftsman, supervisor and engineers, specifying the competency level, testing the qualification and issuing the relevant license;
 - (b) specifying the matters related to the necessary fees;
 - (c) stipulating the standards relating to ship building.
24. (a) The person who desires to carry out the business related to the ship building which is applicable to this Law shall apply, in accord with the stipulations, to the department to obtain the license of ship building according to relevant business;
- (b) The department may grant or refuse to issue the license of ship building according to the type of business after scrutinizing the application made under sub-section (a);
 - (c) The department shall, after registration according to the type of business relevant to ship building, issue the license of ship building by specifying category of license, term and, terms and conditions if permitted under sub-section (b);
 - (d) No one shall carry out the business relating to the ship building without license of ship building issued under sub-section (c).

Chapter V

Safety Measures for Vessels, Transport of Passengers and Cargo

25. The Ministry may stipulate the followings in the inland water with the approval of the Union Government:

- (a) stipulations to take precaution for explosion on board, collision and other accidents;
- (b) measures for prevention of environmental water pollution and stipulations to set equipment on the vessel for prevention of environmental pollution;;
- (c) rules for dangerous goods which can be carried on board of inland water;
- (d) stipulations of the category of dangerous goods for loading, transportation of cargo in the inland water and terms and conditions which would be complied with loading and transportation of cargo, by classification of the level of danger according to the category of goods;
- (e) firefighting modes and stipulations for setting firefighting equipment on board of inland water for prevention of fire;
- (f) stipulations for sound signaling and flash signaling which would be set up on a board;
- (g) stipulations of life insurance for the passengers and insurance for damage and loss of cargo in accord with the existing law;
- (h) stipulations for vessel's speed in the specified inland water;
- (i) stipulations relating to sailing and steering of vessels;
- (j) stipulations which would be complied in operation of tug boat and the toe boat;
- (k) types and quantities of life-safety appliance which needs to be ready on board;
- (l) the limit number of passenger to be loaded on board;
- (m) parts of the vessel on which the carriage of passengers and cargo are prohibited and specified duties to be complied by the ship owner;
- (n) the standards of the load line according to the type of vessel;
- (o) standards for carriage of cargo;
- (p) number of master and engine driver holding the competency certificate who shall be appointed according to the type of vessel and the minimum number of crew member who shall perform duty;
- (q) communication equipment which shall be installed on board and terms and conditions which shall be complied;

- (r) management system relating to the safety measure which shall be practised by the ship owners;
- (s) stipulations to be complied for the vessels which engage in special purpose and operation which are unusual.

26. The department:

- (a) shall stipulate and declare the details which would be complied by the ship owner, master, engine driver and crew member in respect of stipulations under Section 25;
- (b) shall inspect whether or not the stipulations under Section 25 or the stipulations under sub-section (a) are complied by the ship owner, master, engine driver and crew member, assign duty to the inspectors to do so, supervise and take action if they fail to comply with, as may be necessary.

27. If ship owner or master suspects or has reason to believe that any luggage and parcel taken, delivered, or tendered for carriage on board:

- (a) refuse to load the dangerous goods on board;
- (b) open and inspect parcel and luggage to ensure what kind of dangerous goods contains in it.

28. No one:

- (a) shall load on board or transport any dangerous goods without informing to the ship owner or master;
- (b) shall load on board or carry by vessel any dangerous goods without marking distinctly the particular of goods outside the package in which the dangerous goods contains or by violating any terms and conditions stipulated by the department to be complied in carrying or transporting cargo by classifying the level of danger according to the type of dangerous goods.

29. The ship owner or the master:

- (a) has the right to discharge any dangerous goods including the parcel and luggage if the carrier of cargo violates any prohibition in Section 28 and loads any dangerous goods on board of inland water or any goods in the package may cause danger to the vessel and passengers;

(b) shall not be sued under the criminal or civil proceeding and are not liable to compensate for those goods discharged under sub-section (a).

30. Any ship owner or master:

(a) shall not ply or operate the vessel without arrangement of life-safety appliance according to the number of passenger which is permitted for safety of passengers;

(b) shall not load the passenger or the cargo exceeding the limited number of passenger according to the type of passenger vessel and cargo vessel or until the load line's limit is submerged;

(c) shall not fail to make the load line's limit in accord with the stipulations;

(d) shall not change the load line's limit without permission, obliterate or disfigure or blur the mark of load line's limit;

(e) shall not ply or operate the vessel with the load line's limit which is changed, obliterated or disfigured or blurred by any person;

(f) shall not load the cargo and the passenger on the roof and by the side of the vessel or other prohibited places on board;

31. If the ship owner or the master violates the prohibition in sub-section (b) of Section 30 and loads exceeding the limited number of passenger, he shall pay 10 time of passenger's fare for each over loaded passenger as a fine to the department and such over loaded passengers shall be disembarked at the appropriate nearest port. Moreover, the ship owner shall take responsibility for the arrangement of such disembarkment and shall bear the expenses for the end of the intended destination of the disembarked passenger.

32. No ship owner shall transport passengers and cargo on board without life insurance for passengers and insurance for damage and loss of cargo according to the existing law.

Chapter VI

Prevention of Environmental Pollution

33. The department shall:

- (a) take necessary measures and stipulate terms and conditions not to discharge or emit or seep or leak oil or mixing oil, chemicals, gases and any pollution substance from the vessels to prevent from environmental pollution with the approval of the Ministry in accord with environmental quality standard which is stipulated under Environmental Conservation Law;
 - (b) assign duty to the inspectors to inspect whether or not there is discharge, leakage and emission of the gases which causes environmental water pollution, dangerous goods, hazardous chemicals, oil and mixing oil and other materials from the vessel into the inland water and to take action as may be necessary.
34. No one shall discharge the dangerous goods, hazardous chemical, oil or mixing oil or other material into the inland water to pollute water environment except emergency measure for safety of vessel which will be endangered or life of a person.
35. The ship owner and master shall, as the crew member or the passenger from their vessel discharge the dangerous goods or hazardous chemical or oil or mixing oil or other material into the inland water to pollute water environment and that caused any loss and damage, discharge and damage due to any environmental water pollution arise the grievance, compensate to the aggrieved person for such loss and damage.

Chapter VII

Investigation into Accidents and Events

36. A master shall inform the following accidents and events to the department or the nearest police station from the scene of crime within 24 hours as possible:
- (a) capsizing, sinking, abandon ship or damage of vessel;
 - (b) serious injury or loss of life on board due to vessel accident;
 - (c) damage due to collision;
 - (d) occurrence of environmental water pollution.
37. The department shall, when receiving information, report to the Ministry in respect of the accident in Section 36.

38. The department shall, if it is necessary to investigate in respect of any accident and events in section 36, form the Investigation Body comprising the suitable persons in coordination with the relevant government departments, organizations, and assign duty to the Investigation Body to submit the investigation report.
39. The department shall, in coordination with the Investigation Body, arrange the necessary support to investigate at the place nearby the accident occurred or at the convenient place.
40. The Investigation Body:
 - (a) may investigate relevant master, engine driver and crew members who are necessary to be investigated, the aggrieved passengers and the carrier of cargo, other necessary witnesses in respect of any matters in Section 36 which is assigned duty by the department;
 - (b) may, in investigation, comply with the necessary provisions in the Code of Criminal Procedure, the Code of Civil Procedure and the Evidence Act reasonably in respect of summoning, examining the relevant persons to investigate, accepting testimonies evidences and documents;
 - (c) shall carry out investigation urgently and send the investigation report to the Ministry through the department.

Chapter VIII

Entry permits for Foreign Vessels into Inland Water

41. The ship owner or the master of the foreign vessel shall:
 - (a) request prior permission of the department if it needs to enter or transit in inland water;
 - (b) inform and request permission to the department as soon as possible after such entry has been done if the vessel enters into inland water unavoidably in emergency to repair the vessel's hull or engine or to escape from imminent danger.
42. The department:
 - (a) may grant by specifying the terms and conditions or refuse, after scrutinizing the request for permission made under the Section 41;

- (b) shall comply with the regional agreement or bilateral agreement in respect of entering into and transit in the inland water by the foreign vessel according to such agreement.

Chapter IX

Offences and Penalties

43. Any ship owner and master violates any of the prohibitions in sub-section (a) of Section 11 and sub-sections (a) and (b) of Section 30 shall, on conviction, be punished with imprisonment for a term which may extend to two years or with fine from a minimum of five hundred thousand kyats to a maximum of two million five hundred thousand kyats or with both.
44. Whoever violates any of the prohibitions in Sections 28 and 34 shall, on conviction, be punished with imprisonment for a term which may extend to two years or with fine from a minimum of five hundred thousand kyats to a maximum of two million five hundred thousand kyats or with both.
45. Any ship owner violates any of the prohibitions in Section 21 or 32 shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine from a minimum of three hundred thousand kyats to a maximum of one million five hundred thousand kyats or with both.
46. Whoever violates any of the prohibitions in Section 22 and sub-section (d) of Section 24 shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine from a minimum of three hundred thousand kyats to a maximum of one million five hundred thousand kyats or with both.
47. Any foreign ship owner or master fails to comply with any obligations in Section 41 shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine from a minimum of three hundred thousand kyats to a maximum of one million five hundred thousand kyats or with both.
48. Any master fails to inform the department and the nearest police station from the scene of crime within 24 hours in respect of any accident and event in Section 36 shall, on conviction, be punished with imprisonment for a term which may extend to

one year or with fine from a minimum of three hundred thousand kyats to a maximum of one million five hundred thousand kyats or with both.

49. Any ship owner and master fail to comply with any obligation in Section 15 or violate any prohibition in sub-sections (c), (d), (e) and (f) of Section 30 shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine from a minimum of one hundred thousand kyats to a maximum of five hundred thousand kyats or with both.
50. Any ship owner, master and crew member fails to comply with any obligation in Section 14 shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine from a minimum of one hundred thousand kyats to a maximum of five hundred thousand kyats or with both.
51. Any master and engine driver fail to comply with any obligation in sub-section (c) of Section 19 shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine from a minimum of one hundred thousand kyats to a maximum of five hundred thousand kyats or with both.
52. Any passenger rides on the roof of the vessel or side of the vessel or any other prohibited place shall, on conviction, be punished with fine from a minimum of ten thousand kyats to a maximum of fifty thousand kyats or with both.

Chapter X

Miscellaneous

53. The Ministry may stipulate and amend, if necessary, inspection fee, costs and fees for the vessel survey, examination fees for competency certificate and, relevant service license fees, revalidation fees and other necessary fees.
54. Any member of the Investigation Body or surveyor or inspector who are carries out, in good faith, the functions and duties assigned under this Law shall not be sued under the criminal or civil proceeding.
55. Any member of the Investigation Body, surveyor and inspector, not civil service personnel who are assigned duty under this Law shall be deemed as a public servant under Section 21 of the Penal Code while performing the duty.

56. The Ministry may exempt State owned vessels, government department and organization owned vessel or any inland water vessel which are performing the duty of the State from compliance with all or any part of the provisions in this Law with the approval of the government for public interests.
57. The department shall collect arrears of revenue which have to be received under this Law in accord with the existing tax laws.
58. The rules, notifications, orders, directives and procedures which are issued under the Inland Steam Vessels Act, 1917 shall be continued to exercise unless and until it is contrary to this Law.
59. If an exhibit involved in any offence prosecuted under this Law is not easily producible before the Court, such exhibit need 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 exhibit in accord with this Law.
60. The offences in this Law are defined as the cognizable offences.
61. In implementing the provisions of this Law:
 - (a) The Ministry may, with the approval of the Union Government, issue rules, regulations and by-laws;
 - (b) The Ministry may issue the notifications, orders, directives and procedures, and the department may issue the orders and directives.
62. The Inland Stem Vessels Act, 1917 shall be repealed by this Law.

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

(Sd.)

Thein Sein

President

The Republic of the Union of Myanmar