

(Rules Under the Myanmar Ferries Act, 1898)

No. 29

THE MYANMAR GAZETTE, JANUARY 27TH, 1900.

[Amendment : 18.06.1989]

No. 29.-The following rules, which have been made by His Honour the Lieutenant-Governor under the provisions of section 12 of the Myanmar Ferries Act, 1898, are published for general information:-

Clause (a).

For the superintendence and management of public ferries.

1. The persons appointed by the Superintendent under clause (j) of section 14 of the Act to be in charge of a public ferry shall be the Subdivisional or Township Officer within whose jurisdiction the ferry is situate in the case of ferries of which the immediate superintendence is not vested in a Municipal or Town Committee, and shall be a person not below the rank of Township Officer in the case of ferries of which the immediate superintendence is vested in a Municipal or Town Committee under section 6 of the Act.
2. The lessee of a ferry shall at any time, if so required, produce the ferry-boats and their equipment for the inspection of the Superintendent or Deputy Superintendent, or of any person appointed to inspect the ferry-boats under clause (e) of section 14 of the Act.

Clause (b).

For regulating the traffic at ferries.

3. Except as provided below (Rule 17) the lessee of a ferry shall, without unnecessary delay, carry any person presenting himself for conveyance at any time, day or night, and tendering the authorized fare, and shall carry any animal, vehicle or thing presented for conveyance during the hours of day light.
4. The lessee of a ferry shall not interfere with any person swimming cattle across the stream on with any boat employed by its owner in conveying himself, his property, or any other person or property across the stream provided such boat does not ply for hire.

Clause (c).

The time and manner in which and the terms on which the right to levy tolls may be let.

5. Leases of tolls at ferries may be granted by the Superintendent for a period not exceeding two years, and, with the sanction of the Commissioner, for any number of years not exceeding five. Leases for a period exceeding five years require the sanction of the Local Government. Leases shall expire on the 31st March.

Clause (d).

Procedure in case of the death or insolvency of the lessee, or of the attachment of his property.

6. Upon the death of a lessee, his heirs or other legal representatives shall not be entitled to succeed to his rights and liabilities under the lease, unless they shall apply to the Superintendent to be admitted in the place of the deceased within 30 days after his death and unless they shall be approved of by the Superintendent as persons qualified under these rules to bid for the lease at an auction. The applicants may give notice that they desire to relinquish the lease at the expiration of the then current year thereof and may be admitted subject to such notice.
7. If no such application is made, the remainder of the term of the lease shall be disposed of by auction and the estate of the deceased shall be liable for all loss which may result upon such disposal during the year in which the lease is resold.
8. If a lessee becomes insolvent, or if any of the lessee's boats or their equipment are attached in execution of a decree so as to interfere with the regular plying of the ferry, the Superintendent may cancel the lease and the lessee shall be liable for all loss which may result or re-sale during the year in which the lease is cancelled.

Clause (e).

The conduct of auctions and the persons by whom auctions may be conducted.

9. Leases shall be put up to auction (i) in the case of ferries of which the superintendence is vested in a Municipal or Town Committee, at such place within the municipality or town as the Superintendent may direct, and (ii) in the case of all other ferries at the head-quarters of the township within which the whole or any portion of the ferry is situated, or at such other place as the Superintendent may in any special case direct; and upon such dates as may be fixed by the Superintendent.
10. Auctions shall be held by the Superintendent or, if he shall so direct, by the Deputy Superintendent or by the Subdivisional or Township Officer within whose jurisdiction the ferry is situated; but every sale shall be subject to the confirmation of the Superintendent and no lease shall be granted except by him.
11. An advertisement in English and Myanmar specifying-
- (a) the name, limits and full description of the ferry;

- (b) the rates of toll fixed by the Commissioner;
- (c) the minimum number and kinds of boats to be used, and their dimensions and equipment, and the minimum number of crew of each boat;
- (d) the hours during which the ferry will be bound to ply and the minimum number of trips which the boats shall make;
- (e) when the ferry consists of a bridge, the width, the times of opening of the bridge and the manner in which such bridge is to be constructed and maintained;
- (f) the place and date of the auction; and
- (g) the dates on which the rent will be payable and other conditions of the lease with respect to payment of rent;

shall be published not less than ten days prior to the date of the auction. The advertisement shall be published by affixing copies at the ferry and in the offices of the Superintendent and Deputy Superintendent, and the advertisement shall be read out by the officer holding the auction before the bidding is commenced to those present at the auction.

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12. The Superintendent may fix an upset rent for a ferry.
13. When the amount of the annual rent does not exceed Rs. 50, the auction purchaser shall pay in the whole rent for the year on the day of sale to the officer conducting the auction. When the annual rent exceeds Rs. 50, the auction-purchaser shall pay one-fourth of the rent for the year on the day of sale to the officer conducting the auction, and the balance shall be payable in three equal instalments on or before the 10th day of June, the 10th day of September, and the 10th day of December next ensuing, or in case the ferry can be worked only during certain months of the year, on such other dates as the Superintendent may fix. The auction-purchaser shall within one week of the date of the auction furnish such security as the Superintendent may consider necessary for the punctual payment of the instalments of rent as they fall due, and shall at any time during the period of the lease furnish further security if so required by the Superintendent.
14. So soon as the auction-purchaser has paid in the amount of rent due on the day of auction and has given satisfactory security for punctual payment of the balance outstanding, if any, he shall be given a lease by the Superintendent in the form attached to these rules. If security is furnished, the lessee and his sureties will be required to execute a security bond in the form attached.

15. If the auction-purchaser shall fail-

- (i) to pay the whole of the first instalment, as provided by Rule 13, on the day of sale;
- (ii) to furnish security for due payment of the remaining instalments to the satisfaction of the Superintendent within seven days of the date of sale;

(iii) to furnish further security if required to do so by the Superintendent at any time;

the lease may be re-sold and the auction-purchaser shall be liable for any loss during the first year of the term disposed of.

Clause (f).

For compensating persons who have compounded for tolls when a public ferry has been discontinued.

16. When any person has compounded with the lessee of a public ferry for the tolls payable during any period, and the ferry has been discontinued before the expiration of such period, the person who has compounded for the tolls may apply to the Superintendent or Deputy Superintendent of the ferry for recovery of an amount proportionate to the unexpired portion of the period compounded for. This amount will then be recovered from the lessee as if it were an arrear of land revenue and will be paid to the person who compounded for the tolls.

Clause (g).

The circumstances under which the person in charge of a public ferry-boat may refuse to convey any passenger, animal, or thing.

17. The person in charge of a public ferry-boat may refuse to convey in it-

- (a) any person who, owing to intoxication or other cause, is likely to endanger the safety of the boat or persons thereon, and who is not in the custody of some fit person;
- (b) any person whom he has reason to believe to be an absconder from justice;
- (c) any person or any animal suffering from an infectious or contagious disease;
- (d) any animal or thing which he has reason to believe to be stolen and any person in charge thereof.

Clause (h).

For the regular maintenance of ferry-boats.

18. The Superintendent may at any time require such repairs or alterations as he considers necessary, to be made in the ferry-boats or their equipment, and may fix a time within which such alterations or repairs shall be carried out. If the lessee fails to carry out the orders within the time fixed, he shall be punishable with fine which may extend to fifty rupees.

19. The Superintendent may declare that any ferry-boat or any part of the equipment is unfit for further use. The lessee shall thereupon discontinue the use of such boat or equipment, and shall be punishable with fine which may extend to fifty rupees for every occasion on which such boat or equipment is employed at the ferry after receipt of the Superintendent's order.

Clause(i).

For the submission of returns.

20. The Deputy Commissioner may require the lessee of a public ferry to maintain a register in which the numbers and description of all cattle, buffaloes or other animals conveyed across the ferry, the names of the owners and of the persons in charge, the place from which they are said to have come and to which they are said to be going, shall be entered. The Superintendent may require such register to be open to the inspection of all Revenue, Judicial, and Police officers, and may direct the lessee to furnish periodical returns from such register.

Clause (j).

General.

21. An appeal shall lie, within 30 days, to the Superintendent from any order passed by the Deputy Superintendent under the Act or Rules.
22. An appeal shall lie, within 60 days, to the Commissioner from any order passed by the Superintendent or Deputy Commissioner under the Act or Rules. The Commissioner's decision shall be final.

----- Footnote -----

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----- Attachment -----

- [ATTACH LIST 1] 01 Form of Lease.
- [ATTACH LIST 2] 02 SCHEDULE. Conditions of lease.
- [ATTACH LIST 3] 03 Form of Security Bond.