

**THE OBSTRUCTIONS IN FAIRWAYS ACT AMENDING LAW,  
1963.**

[THE UNION OF BURMA REVOLUTIONARY COUNCIL LAW No. 2 OF  
1963.]

The Chairman of the Union of Burma Revolutionary Council  
makes the following Law :—

1. (1) This Law may be called the Obstructions in Fairways Act  
Amending Law, 1963.

(2) It shall come into force at once.

2. For section 2 of the Obstructions in Fairways Act hereinafter  
referred to as the said Act, the following *shall be substituted* as section  
2, namely :—

- “ 2. (1) Whenever, in any fairway, any vessel is sunk, stranded  
or abandoned, or any fishing-stake,  
Power to remove or destroy obstruction in  
fairway. timber or other thing is placed or  
left, the Revolutionary Government  
of the Union of Burma may, if in  
its opinion such thing is, or is likely to become, an  
obstruction or danger navigation, issue an order to the  
owner of such thing to remove it or any part thereof  
within one year from the date of the order, and if after  
the receipt of the order, the owner does not, within the  
said period, remove it to the satisfaction of the Govern-  
ment, it may declare it to be the property of the Govern-  
ment and take necessary action to have it removed or  
destroyed as it deems appropriate.
- (2) Where the person entitled to the possession of such  
thing is unknown, the Government may publish  
in the Gazette a notification containing a description of  
such thing and the place where it is sunk, stranded,  
abandoned or left, and direct any person who has any  
claim thereto to remove it within one year from the date  
of the notification. If such person fails to comply with  
the direction it shall be declared to be the property of  
the Government to be disposed of in such manner as the  
Government may deem fit.
- (3) Notwithstanding anything contained in sub-sections (1)  
and (2), in cases where the Government considers that  
immediate action should be taken, it may—  
(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 its opinion, it is not worth removing cause the same  
or any part thereof to be destroyed.
- (4) Wherever any property is recovered as a result of action  
under sub-section (3) any officer authorized by the  
Government in this behalf shall publish in the Gazette a  
notice containing the description of such property and

the time at which and the place from which the same was recovered and requiring any person who has any claim thereto to appear and establish his right to the same within three months from the date of such notice.

(5) If any person entitled to the possession of such property appears and establishes his right thereto and pays the amount due for the expenses and any customs-duties or other charges properly incurred by the Government in respect thereof it shall be made over to him ; but if within three months from the date of such notice such property is unclaimed or if the person claiming the same fails to pay the amount due for expenses and charges as aforesaid, any officer authorized by the Government in this behalf may sell such property by public auction, if it is of a perishable nature, forthwith, and, if it is not of a perishable nature, at any time after three months from the date of such notice.

(6) On realizing the proceeds of such sale, the amount due for expenses and charges as aforesaid, together with the expenses of the said sale, shall be deducted therefrom, and the surplus (if any) shall be paid to the owner of the property sold, or, if no such person appears and claims such surplus, shall be held in deposit for payment, without interest, to any person thereafter establishing his right to the same ; provided that such person makes the claim within one year from the date of the sale."

3. Sections 3, 4, 5 and 6 of the said Act *shall be deleted.*

4. In section 7 of the said Act—

(a) for the semi-colon ( ; ) after the expression " stores or ballast of a vessel ", a period ( . ) *shall be substituted ;*  
and

(b) the expression " 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 " *shall be deleted.*

5. In section 8 of the said Act, after the expression " in any fairway ", the expression " leading to a port in the Union of Burma " *shall be deleted.*