

The Law Amending the Myanmar Pearl Law

(ThePyidaungsuHluttawLaw No. 34, 2014)

The 3rd Waxing Day of Wagaung, 1376 M.E.

(29 July, 2014)

The PyidaungsuHluttaw hereby enacts this Law.

1. This Law shall be called the Law Amending the Myanmar Pearl Law.

2. In section 2 of the Myanmar Pearl Law-

(a) sub-section (e) shall be substituted as follows:

“(e) **Oyster Rearing** means nursing and rearing of any fished and collected oyster or any oyster spat reared by spat collectors or reared oyster or nucleus inserted oyster in one’s keeping.”

(b) sub-section (f) shall be substituted as follows:

“(f) **Pearl Culturing** means operating and inserting nucleus into oyster, nursing and rearing of nucleus inserted oyster in the sea, operating and harvesting pearl, reinserting nucleus into harvested oyster.”

(c) The expression “the Union Government” shall be inserted before the expression “the Ministry of Mines” contained in sub-section (o).”

(d) Sub-sections (q) and (r) shall be inserted after sub-section (p) as follows:

“(q) Spat collector means a knot or hard core of material attached by spat obtained by fertilizing male and female oysters in a laboratory.

(r) The Valuation Board means Pearl Valuation Board formed under this Law.”

3. Sub-section (e) shall be inserted after sub-section (d) of section 3 of the Myanmar Pearl Law as follows:

“(e) to manage and perform not to be detrimental to the sea and natural environment due to pearl production.”

4. Section 5 of the Myanmar Pearl Law shall be substituted as follows:

“5. The Ministry shall:

(a) issue a permit with the approval of Government after scrutinizing the application submitted under sub-section (a) of section 4 if it is in conformity with the stipulations.

(b) issue a permit after scrutinizing the application submitted under sub-section (b) of section 4 if it is in conformity with the stipulations.”

5. The expression “may issue a permit” contained in section 7 of the Myanmar Pearl Law shall be substituted by the expression “shall issue a permit with the approval of the Union Minister.”

6. The title of chapter 4 of the Myanmar Pearl Law shall be substituted as follows:

“ Chapter 4

Rights and Duties of the Holder of a Permit”

7. Sub-section (c) of section 8 of the Myanmar Pearl Law shall be substituted as follows:

“ 8. (c) The holder of a permit under sub-section (a) of section 5 shall pay the fees prescribed by the Ministry in foreign currency in accordance with the stipulations.”

8. Sub-section (d), (e), (f), (g) and (h) shall be inserted after sub-section (c) of section 8 of the Myanmar Pearl Law as follows:

“(d) The holder of a permit under sub-section (b) of section 5 shall pay the tax at the rate of 2000 kyats per nucleus insertion of an oyster.

(e) Rules, procedures, orders and directives issued under this Law shall be applied regarding the following matters:

(1) appointing staff and workers, putting to work, determining the age, wage, salary and other fees;

- (2) determining working days and hours on and under the water regarding pearl production;
 - (3) managing and performing to be safe and to protect from an accident in the pearl production;
 - (4) drawing and implementing the projects for the welfare, health, sanitation and disciplinary measures of the staff and workers from the pearl production;
 - (5) managing and performing not to be detriment to the activities of environmental preservation due to pearl production;
 - (6) informing and reporting on the accidents and, death and bodily injuries due to such accidents in the pearl production;
 - (7) accepting the inspection of Chief Inspector and Inspectors.
- (f) The produced pearls may be carried and sold freely in Myanmar Kyat or foreign currency in Myanmar.
 - (g) The produced pearls may be exported abroad in foreign currency.
 - (h) The produced pearls may be sold by one's planning after inviting jewel merchants from abroad in accordance with the stipulations.
 - (i) After paying the tax under sub-section (d), it shall not pay again in cash or in kind for carrying out the pearl production.

9. Sub-sections (c), (d) and (e) shall be inserted after sub-section (b) of section 9 of the Myanmar Pearl Law-

- “ (c) working as an expert in artificial breeding of oysters;
- (d) working as an expert in oyster rearing;
- (e) working as an expert diver in pearl culturing.”

10. The expression “ Managing Director” contained in section 18 of the Myanmar Pearl Law shall be substituted by the expression “Director General of the Department of Mines.”

11. The expression “with the approval of the Ministry” shall be inserted after the expression “ The Director General” contained in section 24 of the Myanmar Pearl Law.

12. The following shall be inserted as Chapter 12 after Chapter 11 of the Myanmar Pearl Law-

“Chapter 12

Formation of the Valuation Board and Functions and Duties

25. The Ministry-

- (a) shall form the Valuation Board comprising of pearl professionals and experts led by Managing Director or Director General of any Enterprise or any Department with a minimum of seven members to a maximum of eleven members.
- (b) may re-form the Valuation Board formed under sub-section (a), as may be necessary.

26. The functions and duties and entitlements of the Valuation Board are as follows:

- (a) Registering and valuating the quality, quantity, weight and size of the pearls shown by the holders of a permit in accordance with the stipulations;
- (b) Performing functions and duties assigned by the Ministry from time to time;
- (c) The members of the Valuation Board who are not government servants shall be entitled to remuneration prescribed by the Ministry of Mines.

27. If a permit holder is not satisfied with the value of pearl valued by the Valuation Board may apply to the Ministry within 30 days from the date of Valuation for revaluation.

28. If it is applied under section 27, the Ministry may -

- (a) revalue the pearls;

(b) approve the value assessed by the Valuation Board.”

13. Chapter 12 and Chapter 13 of Myanmar Pearl Law shall be re-numbered as Chapter 13 and Chapter 14.

14. Section 32 of the Myanmar Pearl Law shall be deleted.

15. The expression “with fine Kyats 300,000” contained in section 25 of the Myanmar Pearl Law shall be substituted by the expression “with fine kyats fifty lakhs” and such section shall be renumbered as section 29.

16. Section 26 of the Myanmar Pearl Law shall be re-numbered as section 30 and substituted as follows-

“30. Whoever carries out any operation contained in section 9 without registration certificate shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to Kyats ten lakhs or with both.”

17. The expression “with fine Kyats 100,000” contained in section 27 of the Myanmar Pearl Law shall be substituted by the expression “with fine Kyats twenty lakhs” and such section shall be re-numbered as section 31.

18. The expression “with fine Kyats 500,000” contained in section 28 of the Myanmar Pearl Law shall be substituted by the expression “with fine Kyats fifty lakhs” and such section shall be re-numbered as section 32.

19. The expression “with fine Kyats 100,000” contained in section 29 of the Myanmar Pearl Law shall be substituted by the expression “with fine Kyats twenty lakhs” and such section shall be re-numbered as section 33.

20. The expression “Any public servant” contained in section 30 of the Myanmar Pearl Law shall be substituted by the expression “Any person” and such section shall be renumbered as section 34.

21. The expression “with fine Kyats 10,000” contained in section 31 of the Myanmar Pearl Law shall be substituted by the expression “with fine Kyats ten lakhs” and such section shall be renumbered as section 35.

22. Section 33, 34, 35, 36 and 37 of the Myanmar Pearl Law shall be renumbered as section 36, 37, 38, 39 and 40 respectively.

23. Section 38 of the Myanmar Pearl Law shall be re-numbered as section 41 and substituted as follows:

“41. In implementing of the provisions contained in this Law-

(a) The Ministry may issue necessary rules, regulations and by-Laws with the approval of the government.

(b) The Ministry and Myanmar pearl Enterprise may issue necessary orders, directives and procedures.”

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

Sd,

Thein Sein

President

Republic of the Union of Myanmar