

(Rules to regulate the importation, possession, and transport of carbide of calcium in Myanmar.)

No. 186

The 27th April 1906.

[Amendment : 18.06.1989]

No. 186.- In exercise of the powers conferred by section 9 of the Indian Petroleum Act, 1899 (VIII of 1899), and with the previous sanction of the Governor-General in Council, the Lieutenant-Governor is pleased to make the following rules to regulate the importation, possession, and transport of carbide of calcium in Myanmar. These rules are published for general information in supersession of the rules published in this Department Notification No. 205, dated the 19th August 1901, as amended by this Department Notification No. 342, dated the 22nd October 1903.

PART I.- OF IMPORTATION OF CARBIDE OF CALCIUM.

Ports of importation.

1. Carbide of calcium may be imported only at the ports of Rangoon, Akyab, Bassein and Moulmein.

Duty of master or agent on arrival of ship.

2. The master or the agent of the owner of every ship arriving at any such port and carrying carbide of calcium shall, on entering the harbour and before landing any cargo declare, in writing to the Collector of Customs, and also to the port-officer or harbour-master, the quantity and description of such carbide of calcium; and the master shall moor the ship in such place as the port-officer or harbour-master may direct, and, while any carbide of calcium remains on board, shall not, except for the purpose of proceeding to sea, remove the ship without the written permission of the port-officer or harbour-master.

Description of vessel to be used.

3. Carbide of calcium shall be brought into port only in substantial, hermetically closed metal vessels each containing not more than two hundred and twenty-four pounds, having no copper in their construction, and bearing the label and caution hereinafter prescribed by Rule I of Part V.

Opening of vessels within limits of port.

4. No vessel containing carbide of calcium shall be opened within the limits of the port.

Precautions for safety.

5. (1) Every reasonable precaution shall be taken to prevent the contact of water or moisture with any carbide of calcium brought into port, and, where such contact may have occurred, to prevent the gas generated from being ignited.
- (2) The hold of every ship bringing carbide of calcium into port shall, from the time of the vessel's entering the port, until all the carbide of calcium on board has been discharged or until the ship has left the port, be efficiently ventilated.

Facilities to be afforded to inspecting officers.

6. The master of the agent of the owner of any ship in port with carbide of calcium on board shall, when so required by the Collector of Customs or by the Port-officer or Harbour-master, or by any police-officer of or above the rank of Inspector appointed by the (District Magistrate/ Commissioner of Police) in this behalf by order in writing, show to such officer all carbide of calcium under his control or on board, and shall afford every reasonable facility to enable such officer to inspect and examine such carbide of calcium so as to ascertain whether these rules are duly observed.

Time and place of landing.

7. Carbide of calcium shall be landed only between sunrise and sunset and at such place or places as the Collector of Customs shall direct.

Permission for landing.

8. On receipt of the declaration referred to in Rule 2, the Collector of Customs shall permit the carbide of calcium to be landed.

PART II.- OF POSSESSION AND SALE OF CARBIDE OF CALCIUM.

Carbide of calcium to be "commercially pure."

1. No carbide of calcium shall be kept at any place, with or without a license unless it is "commercially pure," i.e., unless it contains no impurities liable to generate phosphureted or siliciureted hydrogen so as to render the gas evolved liable to ignite spontaneously.
2. No license shall be required for the possession or sale of carbide of calcium-

Conditions of possession and sale without license.

- (i) in any quantity not exceeding five pounds, if it is kept in separate vessels, each containing not more than one pound, of the nature described in, and labelled as required by Rule I of Part V;
- (ii) in any quantity exceeding five and not exceeding twenty-eight pounds where the following conditions are observed and the vessels containing it are labelled as required by Rule I of Part V:-

- (a) the carbide shall be kept only in metal vessels hermetically closed at all times when the carbide is not actually being placed in or withdrawn from such vessels;
- (b) the vessels containing carbide shall be kept in a dry and well ventilated place;
- (c) due precautions shall be taken to prevent unauthorized persons from having access to the carbide;
- (d) notice shall be given of such keeping to the licensing authority referred to in Rule 8 of this Part, and free access shall be afforded to any duly authorised Inspector to inspect the portion of the premises where the carbide is kept and the generator, if any, is situated.

Where a fixed generator is used on the premises:-

- (e) full and detailed instructions as to the care and use of the generator shall be kept constantly posted up in such place as to be conveniently referred to by the generator attendant.

Where it is desired to keep a greater quantity, or where the above conditions cannot be complied with, application must be made to the licensing authority for a license.

Licenses for possession.

3. Carbide of calcium in any quantity exceeding twenty-eight pounds may be kept only under a license to possess carbide of calcium granted under these rules. Every application for such a license shall be in Form A in the schedule and where the applicant proposes to engage in the manufacture of acetylene gas, the generating apparatus to be used by the licensee must, if manufactured in British India, have been examined by such competent authority as the Local Government or Administration of the province of manufacture may from time to time specially authorize in this behalf, and certified by it to be suitable; or, if imported, must either have been so examined and certified, or be of a type approved by the Committee on Acetylene Generators appointed by the Department of His Majesty's Inspector of Explosives, London.

Storage of carbide of calcium.

4. Notwithstanding anything contained in Rule 3 of this Part, carbide of calcium may with the special permission of the Local Government, and on such conditions as may be fixed by it, be stored without a license in premises provided for the purpose.

NOTE.- This rule is intended to be applied only in the case of Port Trust and similar premises.

Situation of storage buildings.

5. Carbide of calcium shall be stored,-

- (1) If in quantities aggregating not more than four hundred and fifty pounds-in a suitable uninhabited building at least twenty feet away from any other premises: provided that quantities not exceeding two

hundred and twenty-five pounds may be stored in place connected with a shop at a distance of at least 10 feet from other premises;

- (2) if in quantities aggregating more than four hundred and fifty pounds and not more than three thousand pounds-in a suitable uninhabited building at least forty feet away from any other premises;
- (3) if in quantities aggregating more than three thousand pounds and not more than fifty tons-in an uninhabited building at least one hundred feet away from any other premises.

Not more than fifty tons of carbide of calcium shall be stored in any one building.

Construction of storage buildings.

6. Every building for the storage of carbide of calcium shall be-

- (a) constructed with stone, brick or iron walls, with terraced, tiled or iron roofs, and with tiled, paved or cemented, or iron (or steel) floors raised at least a foot above the ground level; and
- (b) well ventilated and water-tight to the satisfaction of the licensing officer.

Arrangements in storage buildings.

7. Carbide of calcium shall be stored only on racks or trestles standing at least one foot above the level of the ground, and no articles of an inflammable or combustible nature shall be kept in the same building.

Licenses for possession.

8. Licenses to possess carbide of calcium shall be in Form B in the schedule, and may be granted by the Commissioner of Police in the town of Rangoon and elsewhere by the District Magistrate or any Magistrate of the first class, or by such other officer as the Local Government may, from time to time, by an order in writing, appoint in this behalf.

Continuance of license.

9. Such licenses shall be in force for one year from the dates of issue:

Provided that the licensing officer may, at any time, for good and sufficient reasons, cancel any such license.

Fee for license.

10. The fee for a license to possess carbide of calcium shall be five rupees.

Renewal of license.

11. Every application for the renewal of a license to possess carbide of calcium shall be made in the same manner as an application for an original license.

Date of, and fee for, application for renewal.

12. Every such application shall be made at a date not less than fifteen days prior to the date on which the original license expires. The fee charged for the renewal of a license shall be three rupees.

Packing and marking on sale by retail vendor.

13. Every retail vendor of carbide of calcium, selling any quantity exceeding half a pound to a purchaser, shall deliver it to him in an air-tight tin or drum, packed and marked in accordance with these rules, and bearing the name of the vendor plainly printed on the package.

Packing and opening by retail vendor.

14. Every retail vendor shall keep his carbide of calcium in a receptacle which can be easily opened and closed again so as to be air-tight, and shall open for the purposes of sale, not more than one receptacle at a time.

PART III.- TRANSPORT OF CARBIDE OF CALCIUM.

Conditions of transport without license.

1. No license shall be required for the transport of carbide of calcium in any quantity not exceeding five pounds, if it is packed in separate vessels, each containing not more than one pound, of the nature described in, and labelled as required by, Rule I of Part V.

Conditions of transport under license.

2. Carbide of calcium in any quantity exceeding five pounds may be transported only under a license to transport carbide of calcium granted under these rules, and shall not be deposited at any time during transit in any building other than a building fulfilling the requirements of Rules 5 and 6 of Part II, and shall not be stored in any such building except in accordance with the conditions as to storage prescribed by Rule 7 of Part II.

Conditions of transport by railway.

3. Notwithstanding anything contained in Rule 2 of this part, carbide of calcium, while in the possession of a railway for transport, shall not be stored in any railway goods shed, but shall be stacked in the open under waterproof sheets and so placed as to prevent its getting wet.

Special precautions.

4. All lights shall be kept away from carbide of calcium stacked as provided in Rule 3 of this Part.

Method of disposal if wetted in transit.

5. If any carbide of calcium is wetted while in the possession of a railway for transport, it shall be destroyed by immersion in at least twenty times its bulk of water.

NOTE.- The fact of carbide of calcium having become wet will be indicated by the outward appearance of the drum, and probably by a disagreeable odour, showing a leakage of gas.

Condition of transport by passenger train.

6. (1) Where carbide of calcium is transported by passenger train, no quantity exceeding four hundred and fifty pounds shall be carried by any one train and the vehicles shall be well ventilated and as far as possible water-tight.
- (2) In no circumstances shall a naked lamp or other unprotected artificial light be taken into a wagon, vessel or conveyance containing carbide of calcium.

Transport licenses.

7. Licenses to transport carbide of calcium shall be either general or special in Form C or Form D in the schedule, and may be granted by the Commissioner of Police in the town of Rangoon and elsewhere by the District Magistrate or any Magistrate of the first class, or by such other officer as the Local Government may, from time to time, by an order in writing, appoint in this behalf.

Grant of general transport license.

8. A general license to transport carbide of calcium may be granted only to a person who holds an annual license to possess a quantity exceeding four hundred and fifty pounds of carbide of calcium.

Grant of special transport license.

9. A special license to transport carbide of calcium may be granted to any person for a particular consignment at the discretion of the licensing officer.

Fee for general transport license.

10. The fee for a general license to transport carbide of calcium shall be three rupees.

Application for general transport license.

11. An application for a general license to transport carbide of calcium shall state-
- (a) the number and date of the license to possess carbide of calcium held by the applicant; and
 - (b) the period of currency of that license.

Continuance of general transport license.

12. A general license to transport carbide of calcium shall be in force for not more than one year, and shall in no case remain in force after the date on which the license to possess carbide of calcium held by the applicant expires.

13. An application for special license to transport carbide of calcium shall state-

Application for special transport license.

- (a) the place from which the carbide of calcium is to be transported;
- (b) the place to which it is to be transported;
- (c) the number of drums or cases;
- (d) the quantity in each drum or cases;
- (e) the name and address of the consignee;
- (f) whether the consignee has a license to possess carbide of calcium sufficient to cover the amount transported; and
- (g) the date on which it is proposed to despatch the consignment.

Continuance of special transport license.

14. A special license to transport carbide of calcium shall be in force for such period, not exceeding one month from the date of the grant of the license, as may be specified on the same.

Fee for special transport license.

15. The fee for a special license to transport carbide of calcium shall be one rupee.

Issue and contents of passes.

16. The holder of a general license to transport carbide of calcium shall, with each consignment conveyed under cover of his license, issue a pass in Form E in the schedule specifying-
- (a) the places from and to which the carbide of calcium is to be transported;
 - (b) the quantity of carbide of calcium covered by the pass;
 - (c) the name and address of the consignee; and
 - (d) whether the consignee has a license to possess carbide of calcium sufficient to cover the amount transported.

Validity of license granted in another province.

17. Carbide of calcium may be transported within the province of Myanmar under cover of any license granted by the prescribed authority in any other province: provided that the conditions of such license are observed throughout the period during which the carbide of calcium is in transit.

<Amendment 18.06.1989>

PART IV.-OF INSPECTION.

Powers of inspecting officers.

1. The Commissioner, the Deputy Commissioner or an Assistant Commissioner of Police in the town of Rangoon, and elsewhere the District Magistrate, the Subdivisional Magistrate or any Magistrate subordinate to the District Magistrate appointed by him in this behalf, by order in writing, or any Police officer of or above the rank of Inspector appointed by the District Magistrate in this behalf, by order in writing, or any other officer appointed by the Local Government in this behalf, may at any time enter any premises in respect of which a license to possess carbide of calcium has been granted, for the purpose of inspecting the same.

Requisition of samples.

2. Any officer so inspecting may require a sample or samples to be delivered to him from any drum or case of carbide of calcium stored in the premises inspected.

Facilities to be afforded to inspecting officers.

3. The licensee of any premises inspected shall personally or through a representative show to the officer so inspecting every place and every vessel in which carbide of calcium in his possession is kept, deliver any samples required, and give such assistance as that officer may require.

Inspection during transit.

4. Where a license to transport carbide of calcium has been granted, any officer authorized under Rule I of this Part may, at any time and on or before the arrival of the carbide of calcium at its destination, board any ship or detain any conveyance, used for such transport, for the purpose of inspecting the license granted for the transport of the consignment, or the pass issued by the licensee, and seeing whether the provisions of these rules and the conditions of the license have been complied with.

PART V.- GENERAL.

Description and marking of vessels.

1. Where carbide of calcium-

- (a) is imported or kept at any place after seven days from the date of its importation, or
- (b) is transported, or
- (c) is sold or exposed for sale,

it shall be contained in substantial, hermetically closed metal vessels each containing not more than two hundred and twenty-four pounds, having no copper in their construction and having attached to them labels stating in conspicuous characters the words- "Carbide of calcium-dangerous if not kept dry," together with the following caution:-

“The contents of this package are liable, if brought into contact with moisture, to give off a highly inflammable gas.”

and with the addition,-

(d) in the case of a vessel kept, of the name and address of the consignee or owner;

(e) in the case of a vessel transported, of the name and address of the sender; and

(f) in the case of a vessel sold or exposed for sale, of the name and address of the vendor.

Refusal of license.

2. A licensing officer may, for reasons to be reported to the Local Government, refuse a license in any case, the reasons for refusal being communicated to the applicant if a request to that effect is preferred by him; and the Local Government may on receipt of such report, and of any representation made to it by the applicant, pass such orders on the case as it thinks fit.

Report of accident.

3. Any explosion or accident occurring in connection with the importation, transport, possession or sale of carbide of calcium shall be reported by the person in charge of the same for the time being without delay at the nearest police station.

Procedure on death or disability of licensee.

4. Where a licensee dies or becomes insolvent or becomes mentally incapable or otherwise disabled, the person carrying on the business of such licensee shall not be liable to any penalty or forfeiture under the Act or these rules, for acting under the license during such time as may reasonably be necessary to allow him to make an application for a new license in his own name for the unexpired portion of the original license. Such new license shall be granted on payment of one rupee.

Loss of license.

5. Where a license granted under these rules is lost or accidentally destroyed, a duplicate may be granted on payment of a fee of eight annas.

Levy of license-fees.

6. The fees chargeable under the these rules shall ordinarily be levied by means of impressed stamps. An application for the grant or the renewal of a license shall bear the proper stamp: provided that, if the application is refused, the value of the separate stamp (if any) which may have been already provided by the applicant for the desired license or renewed license, minus the deductions prescribed by section 54 of the Indian Stamp Act, 1899 (II of 1899), may be refunded to the applicant. An application should not be

made on the stamped paper intended for the license or renewed license; but where this has been wrongly done, the value of the stamp may be refunded minus-

- (i) the value of the stamp which should have been affixed to the application, and
- (ii) the deductions prescribed as aforesaid.

Where the fees leviable under these rules have been made over to any Local body, the fees shall be paid in such manner as that Local authority may from time to time direct.

Production of license.

7. Any person holding a license or acting under a license granted under these rules shall be bound to produce the same when called upon to do so by any Magistrate or Police officer of or above the rank of an officer in charge of a police station.

W. F. RICE,
Secretary to the Govt. of Myanmar.

----- Attachment -----

- [ATTACH LIST 1] 01 THE SCHEDULE. FORM A.
- [ATTACH LIST 2] 02 FORM B.
- [ATTACH LIST 3] 03 FORM C.
- [ATTACH LIST 4] 04 FORM D.
- [ATTACH LIST 5] 05 FORM E.