

The Myanmar Money Lenders Rules, 1946

No. 132.

[Amendment : 18.06.1989]

No. 132.-In exercise of the power conferred by section 20 of the Money-lenders Act, 1945, the Governor makes the following rules:-

1. These rules may be called the Myanmar Money-lenders Rules, 1946.

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2. In these rules-

- (a) "the Act" means the Money-lenders Act, 1945;
- (b) "section" means a section of the Act; and
- (c) "rule" means a rule framed under the Act.

I. The Register of Money-lenders.

3. (1) The Register of Money-lenders prescribed by section 4 of the Act shall be kept in the form set out in Schedule A annexed to these Rules.

- (2) The Register shall be a stoutly bound book with leaves of sufficient size to allow all particulars prescribed to be entered clearly and legibly on a single page (or double page) of the book.
- (3) Only one entry shall be made on each page and Registrar shall sign each entry.
- (4) Each entry shall relate to the particulars of one business only conducted under one name and style only and if any applicant proposes to conduct business under more than one name and style, separate registration of each such business shall be necessary, a separate fee shall be charged, and a separate certificate issued.
- (5) It shall be the duty collectively and severally of the persons whose names appear in columns 6 and 7 of the Register to report to the Registrar any change in the particulars entered in columns 3, 4, 5, 6, 7 and 8 of the Register and on receipt of such report the Registrar shall make the necessary change in the Register over his signature.
- (6) A change in the entry in column 3 of the Register shall have the effect of cancelling the registration and a new application for registration must be made in such a case.

(7) When registration is renewed under the provisions of section 6 (3) of the Act it shall not be necessary for the Registrar to make a new entry in the Register, but it shall suffice for him to enter over his signature the fact and period of the renewal in the place appointed in the Register for this purpose. The Registrar may, however, for any reason which seems sufficient to him make a new entry on renewal and in such case shall terminate the original entry in the prescribed manner and make a note of the page in the Register on which the new entry appears.

(8) When by reason of failure to renew a time-expired registration under section 6 of the Act, or by reason of the removal of the name of the money-lender from the Register under section 18 of the Act, or under the provisions of clauses (6) and (7) of this Rule or from any other cause, the registration of a money-lender is terminated, the Registrar shall enter in the appropriate place in the Register over his signature the date of and reason for the termination and shall write or stamp across the page in a conspicuous manner the word "Cancelled". No entry thus closed may be reopened for any cause.

(9) The language in which particulars are entered in columns 2, 3, 4, 5, 6, 7 and 8 of the Register shall be the language in which these particulars appear in the form of application and these entries should be a true copy of the entries in this form as finally accepted by the Registrar. All other entries in the Register may be made either in the Myanmar or the English language except at all figures shall be entered in the English character.

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4. The Register of Money-lenders shall be kept in the possession of the Registrar. It shall be open to inspection by the public in the same way as the Registers maintained under the Registration Act and copies of any entry therein may be supplied to any person on written application and on payment of copying fees.

II. Application for Registration.

5. (1) Every application for registration as a money-lender shall be made in writing and in the form set forth in Schedule B annexed to these Rules.

(2) Every such application may be written in either the Myanmar or the English language except that-

- (a) all names of persons or places (other than the names of Myanmar persons or places) shall be written in block letters in the English character,
- (b) all names of Myanmar persons or places shall be written in the Myanmar character, and
- (c) all figures shall be written in the English character.

(3) Every application shall contain in addition to the particulars prescribed by section 5 of the Act the following information:-

(a) the names and addresses of all proprietors, partners, members of a Hindu undivided family, directors or other persons responsible for the carrying on of the business, and

(b) the name and address of the principal executive officer of the business and, if the business be a company as defined in section 2 (2) of the Act the name of the Secretary of the Company and the registered address of the company.

(4) On receipt of such application the Registrar shall examine it and, if he is satisfied that the application is in accordance with section 5 of the Act and these Rules he shall inscribe on the face of the application an order signifying his acceptance of the application and his intention to register it and shall seal the application with the seal of his office.

(5) The application shall then be registered and a note that this has been done shall be inscribed on its face after which the application shall be filed in a file set apart for this purpose and preserved until one year after the termination of the registration to which the application relates.

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6. (1) Every application for a renewal of a registration under section 6 (3) of the Act shall be made in the form set forth in Schedule C annexed to these Rules.

(2) Every such application shall be dealt with as if it were an application for registration under section 5 of the Act.

III. Certificate of Registration.

7. (1) Every Certificate of Registration shall be in the form set out in Schedule D of these Rules, shall be signed by the Registrar and shall be stamped with the seal of the Registrar's Office.

(2) Subject to the provisions of Rule 5 (2) and (3) above the Certificate may be written in the Myanmar or the English language according to the wish of the person applying for registration.

(3) The counterfoil of the Certificate shall be preserved in the office of the Registrar until 15 years after the date of expiry of the certificate.

(4) The Registrar may at the request of the person applying for registration and on receipt of the prescribed fee at the time of preparing the original make copies of the Certificate of Registration for the use of the person applying for registration. Such copies shall be clearly marked "True Copy" and certified by the signature of the Registrar.

(5) If the Certificate of Registration of a registered money-lender is lost or destroyed during the period of its currency the Registrar may on the application of the holder and on receipt of the prescribed fee issue a duplicate certificate which shall be clearly marked as such the particulars in such duplicate shall be obtained from the entries in the counterfoil of the original certificate and from the entry in the Register of Money-lenders.

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IV. Fees.

8. (1) The fee chargeable under the Act for the registration of a money-lender including the issue of an original Certificate of Registration shall be Rs. 10 in respect of registration in a single district. An additional fee of Rs. 10 shall be chargeable for each and every additional district in which the registration is to be made valid, subject to a maximum of Rs. 50 in all.

(2) The fee for renewal of a registration shall be the same as the fee which would be payable in respect of an original application.

9. The fees chargeable for the issue of additional copies of a Certificate of Registration under Rule 7 (4) above and for the issue of a duplicate certificate under Rule 7 (5) above shall be Rs. 5 in each case.

10. The fee for inspection of an entry in the Register of Money-lenders by a member of the public shall be Rs. 2 and the fee for the issue to a member of the public of a copy of any such entry shall be Rs. 5.

V. Miscellaneous.

11. Every or any duty imposed on a Registrar by the Act or under these Rules and every or any act which may be performed by the Registrar under the provisions of the Act or of the rules may be performed by a Sub-Registrar stationed at the headquarters of the district if the Registrar by written order so direct.

12. Nothing in the wording of these Rules shall be interpreted as requiring the Registrar, or Sub-Registrar to make any entry in his own hand in the Register of Money-lenders or on a Certificate of Registration or on any copy or duplicate of such Register or Certificate except his signature where this is prescribed.

13. When a Registrar removes the name of a money-lender from the Register of Money-lenders under the provisions of section 18 of the Act he shall send a copy of his order of removal to every other Registrar in Myanmar and thereafter no Registrar shall receive an application for registration from such money-lender until one year has elapsed from the date of passing of the said order.

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14. (1) If a Registrar proposes to pass and order of removal of the name of a money-lender from the Register of Money-lenders the Registrar shall-

- (a) reduce to writing the substance of the information on which he proposes to remove the name from the Register, and
- (b) forward a copy of the above to the money-lender concerned together with an order calling on the money-lender to appear before him on a date not less than 15 days from the date of the order to show cause why his name should not be removed from Register.

(2) On the day appointed or on any subsequent day to which the Registrar may adjourn the enquiry the Registrars, after hearing the money-lender concerned and any witnesses he may produce and after examining any documents which may be placed before him, and making any further enquiry which he considers necessary, shall come to a finding as to whether the name of the money-lender should be removed from the Register and shall record this finding in the form of an order, and shall give a certified copy of the order to the money-lender concerned.

(3) The Registrar may for the purpose of an enquiry under this Rule summon and enforce the attendance of witnesses and compel them to give evidence, as if he were a Civil Court, may examine any witness on oath, and may also direct by whom the whole or any part of the cost of any such enquiry shall be paid, and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure, 1908.

(4) An appeal against an order of the Registrar under this Rule shall lie with the Governor, provided that such appeal is presented within 30 days of the passing of the Registrar's order.

----- Footnote -----

[ပင်ရင်း- ၂၇.၄.၁၉၄၆ ရက်နေ့ထက် ပြန်တမ်းမှ ကူးယူတင်ပြသည်။]

----- Attachment -----

[ATTACH LIST 1] 01 SCHEDULE A. REGISTER OF MONEY-LENDERS. (See section 4 of the Money-lenders Act, 1945.)

[ATTACH LIST 2] 02 SCHEDULE B. FORM OF APPLICATION FOR REGISTRATION UNDER SECTION 5 OF THE MONEY-LENDERS ACT, 1945.

[ATTACH LIST 3] 03 SCHEDULE C. FORM OF APPLICATION FOR RENEWAL OF REGISTRATION (SECTION 6, MONEY-LENDERS ACT, 1945).

[ATTACH LIST 4] 04 SCHEDULE D. FORM OF CERTIFICATE OF REGISTRATION. Certificate of Registration under section 5, Money-lenders Act, 1945.

Myanmar Law Information System (MLIS)