

DEPARTMENT OF COMMERCE AND INDUSTRY.

COMMERCE BRANCH.

(The Myanmar Rubber Control Rules)

No. 101

Dated Rangoon, the 5th July 1940.

[[Amendment : 18.06.1989](#)]

No. 101.- In supersession of the rules published with Government of India, Department of Commerce, Notification No. 306, (1) . Tr. (I. E. R)-(B), dated the 19th December 1936, and of Revenue Department (Land Revenue Branch) Notification No. 44, dated the 15th June 1934, the Governor of Myanmar makes the following rules under the provisions of sections 10, 24 and 36 of the Rubber Control Act:-

Short Title and Definitions.

1. These rules may be called **the Myanmar Rubber Control Rules.**

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2. In these rules-

- (1) “**Act**” means the Rubber Control Act, as amended;
- (2) “**Committee**” means the Myanmar Rubber Licensing Committee;
- (3) “**Principal Executive Officer**” means the Principal Executive Officer at Rangoon, appointed under section 5 of the Act;
- (4) “**Crop basis of a rubber estate**” means the standard production of the estate as fixed under the provisions of these Rules;
- (5) “**Permissible exportable amount**” means the sum of the Myanmar export allotment as declared from time to time by the Governor by notification in the Gazette plus the imports of rubber during a year less the exports of imported rubber during the year;
- (6) “**First half year**” means the period of each year of regulation from the first of January to the 30th of June; and
- (7) “**Second half year**” means the period of each year of regulation from the first of July to the 31st of December.

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Rules under Section 10 prescribing the Committee's procedure and accounts.

3. The Committee shall maintain an office in Rangoon for the transaction of its business and may open offices in other localities should necessity arise.
4. Not less than two meetings of the Committee shall be held in each year.
5. Three members shall form a quorum for meetings of the Committee and three members shall form a quorum for meetings of any sub-committee.
6. A record shall be maintained of all business transacted by the Committee or by any sub-committee.
7. The Committee shall submit to the Governor and to the Imperial Institute, London, as soon as possible after the last day of each month abstract statements in Forms RA, RB and RC, set forth in the Second Schedule.
8. (1) The Committee shall, in the month of November each year, prepare an estimate of its income and expenditure for the year commencing on the first day of January next ensuing.
(2) A copy of such estimate shall be submitted to the Governor for information.
9. (1) The accounts of the Committee shall relate to the calendar year and shall be made up for each calendar year and be forwarded to the Governor as soon as possible after its close.
(2) The receipts shall include all sums received by the Committee during the calendar year to which the accounts relate and shall be shown under the following heads:-
 - (a) Sums received under section 22 of the Act;
 - (b) Interest accrued on investments;
 - (c) Miscellaneous.The opening balance shall be shown at the head of the account on the receipt side.
(3) The expenditure shall be shown under the following heads :-
 - (a) Office rent;
 - (b) Establishment:
 - (c) Travelling and daily allowances;
 - (d) Stationery and printing;
 - (e) Postage and telegrams;
 - (f) Payments to the International Rubber Regulation Committee;
 - (g) Miscellaneous.

The closing balance of the year shall be shown at the foot of the expenditure side.

10. (1) The current account of the Committee shall be kept in the Imperial Bank of India or such other bank as the Governor may approve, and all monies at the disposal of the Committee, with the exception of petty cash and monies placed in fixed deposit or invested in accordance with the provisions hereinafter contained, shall be paid into that account.
- (2) Any funds not required for current expenditure may be placed in fixed deposit with any bank approved in this behalf by the Governor or invested in the name of the Committee in any security in which trust property may lawfully be invested under the Trusts Act.
- (3) The placing of money in fixed deposit and the investment thereof and the disposal of monies so placed or invested shall require the sanction of the Chairman of the Committee.
- (4) Payments by or on behalf of the Committee shall be made in cash or by cheque drawn against the current account of the Committee.
- (5) Such cheques and all orders for making deposits or investments, or for the withdrawal of the same, or for the disposal in any other manner of the funds of the Committee, except in pursuance of the provisions of sub-section (2) of section 9 of the Act, shall be signed by the Principal Executive Officer and countersigned by any member of the Committee in this behalf.

Rules under Section 24 (a) prescribing the manner in which the export quotas of rubber estates shall be determined.

11. The export quota of a rubber estate for any year shall bear the same ratio to the crop basis of that estate as the permissible exportable amount bears to the total of the crop bases of all rubber estates in Myanmar.

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12. The unit for the purpose of calculating the crop basis of the estate shall be the area or areas under the same ownership within one district.
13. The crop basis of each estate shall be based on the average production of that estate for the years 1936 and 1937, as accepted by the Committee, with the addition of such allowance for untapped mature rubber or young rubber as the Committee thinks fit not exceeding, in the case of mature rubber, the average yield of other mature rubber on the estate in the years 1936 and 1937, or in the case of young rubber the yield of rubber of the same age on the estate in the years 1936 and 1937:

Provided that the Committee may make such deduction as it thinks suitable-

- (1) if normal methods of production were not followed, or,

(2) if the Committee is of opinion that the planted acreage is not capable of producing the yield arrived at by the above method.

14. The crop basis of an estate for which authenticated figures of production are not available shall be fixed in accordance with the scale set forth in the First Schedule:

Provided that-

- (i) for reasons to be recorded the Committee may, for any estate, substitute for the allowances set out in the First Schedule such allowances as it thinks fit not exceeding the yield of rubber in the same district for which authenticated figures of production have been accepted; and
- (ii) where planting is scattered and calculation on an acreage basis is not possible, 150 trees of normal development shall be held to constitute one acre.

15. The owner of a rubber estate desiring to be allotted an export quota in any calendar year shall, on or before the 1st August in the preceding year, furnish to the Committee the particulars necessary for the fixing of the crop basis of such estate. Failing such application and the supply of such further information as the Committee may call for under sub-section (1) of section 21 of the Act, the Committee may refuse to allot any quota or may allot a quota to the best of its judgment.

16. The Governor may, in cases of special hardship, modify the application of the foregoing rules.

17. All applications for special treatment under rule 16 shall be submitted to the Committee along with the application for the allocation of an export quota. The Committee shall forward all such applications with its recommendations to the Governor.

Rules under Section 24 (b) prescribing the conditions subject to which the export of imported rubber may be permitted.

18. Rubber imported into Myanmar may be exported without licence provided it is accompanied by a certificate of origin bearing an endorsement by the Principal Executive Officer, to the effect that export of the amount of rubber covered by the certificate is permitted.

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19. If the holder of the imported rubber does not wish to export at one time the whole consignment of imported rubber covered by a single certificate of origin, the endorsement on such certificate shall specify the amount to be exported in the first instance, and the Principal Executive Officer shall maintain a record of the quantity of imported rubber covered by such certificate and may from time to time issue permits

for the export of the previously unexported balance of such quantity in Form RD set forth in the Second Schedule.

Rules under Section 24 (c) prescribing the manner in which the right to export rubber against a deficiency of export in the previous year shall be allocated among rubber estates.

20. (1) If the holder of any estate does not wish to take a licence or licences for the export of the whole of the export quotas of that estate for any year, he may apply to the Committee for permission to carry over the following year a portion of such export quota; and the Committee may permit him to carry over a portion of such export quota not exceeding 10 per cent of the whole with the right to obtain licences for the export thereof in the following year in addition to the quantity covered by the export quota allotted to the estate for the latter year.

(2) If for any reason other than the application of Rule 20 (1) the net exports of rubber from Myanmar in any year are less than the Myanmar export allotment for that year, the Myanmar export allotment for the following year shall, for the purpose of Rule 11, be increased by the amount of such deficiency:

Provided that such increase shall be limited to an amount which, with the addition of the amount of any carry-over allowed under Rule 20 (1), shall not exceed 10 per cent of the export allotment for the former year:

Provided further that the Committee may withhold such portion of the deficiency as it thinks fit from inclusion in the Myanmar export allotment for general allotment, with a view to its special allocation to meet any cases of special hardship under the orders of the Governor under Rule 16.

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Rules under Section 24 (d) prescribing the form of export licence and certificate of origin.

21. (1) Export licences issued by the Committee shall be in Form RE set forth in the Second Schedule.

(2) Certificate of origin issued by the Committee shall be in Form RF set forth in the Second Schedule.

Rule under Section 36 prescribing returns of stocks of rubber.

22. The owner of every rubber estate and every person holding stocks of rubber shall submit to the Committee by the 15th day of the months of January and July each year a half-yearly statement in Form RG set forth in the Second Schedule, showing the stocks of rubber with him or on his account in warehouses on the first day of these months.

23. The Committee shall compile from the returns received under Rule 22 above a consolidated statement in Form RH set forth in the Second Schedule, showing the total amount of stocks of rubber held by rubber

estates and dealers or other holders of stokes in Myanmar, and shall submit the statement to the Imperial Institute and a copy to the Governor as soon as possible after the receipt of the returns and in any case not later than the end of January and July, as the case may be.

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----- Footnote -----

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----- Attachment -----

[ATTACH LIST 1] 01 FIRST SCHEDULE.(Rule 14.) FOR MATURED RUBBER.

[ATTACH LIST 2] 02 SECOND SCHEDULE. (Rule 7.) Form RA. Return of Export Licences issued by the Committee.