

FINANCE AND REVENUE DEPARTMENT.

CURRENCY AND BANKING BRANCH.

(The Government of Myanmar (Note Refund) Rules, 1946)

No.204

Rangoon, the 23rd October 1946.

[Amendment : 18.06.1989]

No.204.- In exercise of the powers conferred by sub-section (2) of section 7 of the Currency Notes Act, 1946 (Myanmar Act No.XXV of 1946), the Governor of Myanmar makes the following rules prescribing the circumstances in which, and the conditions and limitations subject to which, the value of any lost, stolen, mutilated or imperfect Myanmar notes, as defined in sub-section (2) section 2 of said Act, may be refunded as of grace.

Short title.

1. These rules may be called the Government of Myanmar (Note Refund) Rules, 1946.

<Amendment 18.06.1989>

Definitions.

2. In these rules, unless there is anything repugnant in the subject or context,-

- (a) "altered note" means a note in which an alteration has been made in the number, date, signature or value or in any other respect;
- (b) "the Bank" means the Reserve Bank of India;
- (c) "half note" means a half of a note which has been divided vertically through or near the centre;
- (d) "mismatched note" means an imperfect note formed by joining a half note of one note to a half note of another note;
- (e) "mutilated note" means a note of which a portion is missing;

Provided that the portion presented is clearly more than a half note and that if the portion presented consists of parts of a note joined together each part of such portion is identifiable as part of the same note;

- (f) "note" means a Myanmar note as defined in sub-section (2) of section 2 of the Currency Notes Act, 1946;

- (g) “number” includes the letters of the series to which the note belongs;
- (h) “obliterated note” means a note, not being a mutilated or altered note, of which a portion has become, or has been rendered, undecipherable;
- (i) “prescribed officer” means the Officer in Charge of the Reserve Bank of India, Rangoon.

<Amendment 18.06.1989>

Presentation of claims.

3. All claims in respect of Myanmar notes shall be presented at the Reserve Bank of India, Rangoon.

<Amendment 18.06.1989>

Time limit to claims.

4. If it appears to the prescribed officer authorised to entertain the claim that any claim was not made by the claimant within 12 months of the time when it might first have been made by him, the prescribed officer shall not entertain the claim.

Value limit to claims.

5. (1) No claim in respect of a note alleged to have been lost, stolen or wholly destroyed, or of which the portion presented is neither a half note nor a mutilated note, shall be entertained unless the denomination of the note exceeds ten rupees.
- (2) No claim in respect of a half note or a mismatched note, shall be entertained unless such half note or one of the half notes comprising the mismatched note is part of a note of which the denomination exceeds ten rupees.

Enquiry into claims.

6. (1) Where any claim is made under these rules the prescribed officer authorised to entertain the claim shall hold an enquiry unless the claim relates to a note alleged to have been stolen, in which case he may reject the claim without holding any inquiry.
- (2) If in the course of the inquiry referred to in sub-rule (1) the claimant fails without reasonable cause in the opinion of the prescribed officer to furnish within three months any information called for by the prescribed officer, the prescribed officer may reject the claim.

Rejection of claim concerning half note.

7. A claim for the value of a half note shall be rejected unless the number of the note is identified by the prescribed officer on the half note and the half note is entire and has not been divided and rejoined.

Rejection of claim concerning mutilated note of less than ten rupees.

8. A claim for the value of a mutilated note of a denomination not exceeding ten rupees shall be rejected unless in the opinion of the prescribed officer the portion presented clearly forms part of a genuine note and the missing portion is too small to be used in support of any other claim under these rules.

Rejection of claim concerning mutilated note of more than ten rupees.

9. (1) A claim for the value of a mutilated note of a denomination exceeding ten rupees shall be rejected unless the number of the note on examination is identified with certainty by the prescribed officer as one of not more than six numbers.

Provided that, if the number of the note though not capable of such identification is declared by the claimant, the claim shall be dealt with under Rules 13 and 15 as a claim to the value of a wholly destroyed note:

Provided further that, where the claimant is unable to declare the number, if the prescribed officer is of opinion that the number may be identified with certainty within a reasonable period, he may permit the claimant to leave the note in deposit with a view to future identification.

- (2) Where a claim is rejected under sub-rule (1) the note shall be stamped by the prescribed officer and returned to the claimant.
- (3) If a mutilated note of a denomination exceeding ten rupees has been identified with certainty by the prescribed officer as one of not more than six numbers he may order the claim to be paid at once.

Deposit of mutilated notes.

10. (1) The prescribed officer shall enter the particulars of any mutilated note placed in deposit under the second proviso to sub- rule (1) of Rule 9 in a register to be maintained in this behalf and shall give a receipt to the claimant for such note.
- (2) Where the number of a note so placed in deposit is not identified within a period of three years to the extent specified in sub-rule (1) of Rule 9 the claim shall be rejected and the note shall be stamped and returned to the claimant or, if the claimant cannot be found, shall be destroyed.

Disposal of claims concerning half notes.

11. (1) A claim for half the value of a note of which a half note only is presented by the claimant shall be dealt with as follows:-
- (a) If a counter- claim for the full value of the note has not been received at the office of issue before the presentation of the claim or within a period of fourteen working days thereafter, half the value of the note may be paid to the claimant on the expiration of such period.

(b) If the full value of the note has already been paid on a claim under Rule 14, the claim shall be rejected.

(c) If a counter-claim for the full value of the note has been received before the presentation of the claim or is received before payment of half the value of the note is made under clause (a), the prescribed officer may order that one claimant be paid forthwith the full value of the note or that one or both claimants be paid forthwith half the value of the note or that both claims be rejected.

(2) Claims in respect of a mismatched note shall be deemed to be separate claims in respect of each half note thereof and shall be dealt with as provided in sub-rule (1).

Obliterated and altered notes.

12. A claim in respect of an obliterated or altered note or half note shall be rejected unless the prescribed officer is satisfied as to the identify of such note or half note and that the note or half note has not been fraudulently altered so as to appear to be of a higher denomination.

Method of presenting certain claims.

13. (1) A claim for the full value of a note-

(a) where a half note only is presented by the claimant, or

(b) where the note is alleged to have been lost or wholly destroyed, or where the portion of the note presented is neither a half note nor a mutilated note,

shall be accompanied by a signed statement (or if the prescribed officer so requires, an affidavit) asserting that the claimant was the last lawful holder of the entire note and detailing the circumstances attending the loss or destruction of the missing half note or note as the case may be, and by a statement obtained from the police or postal authorities of the result of the enquiry; if any, held by them.

(2) The prescribed officer shall consider the statements furnished and the affidavit, if any, and shall make such further enquiry, if any, as he may consider necessary.

Disposal of claims under Rule 13 (1) (a).

14. (1) Where a claim is made under clause (a) of sub-rule (1) of Rule 13 and a counter-claim has been presented in respect of the counterpart of the half note-

(a) if the full value of the note has been paid, the claim shall be rejected;

(b) if half the value of the note has been paid, the prescribed officer may order half the value of the note to be paid to the claimant forthwith;

(c) if the counter-claim is pending the prescribed officer may order that one claimant be paid forthwith the full value of the note or that each claimant be paid forthwith half the value of the note or that both claims be rejected.

(2) Where a claim is made under clause (a) of sub-rule (1) of Rule 13 and the counterpart of the half note has been presented.

(a) if the prescribed officer is not satisfied that counterpart of the half note has been lost or destroyed in such circumstances that there is no probability of its being presented at some future date, he may order payment of half the value of the note forthwith;

(b) if he is so satisfied and is also satisfied that the claimant was the last lawful holder of the whole note he shall cause to be published in three successive issues of the Myanmar Gazette a notification setting forth the particulars of the note of which one half is alleged to have been lost or destroyed and the name of the claimant and calling upon any person having any claim in respect of such note to submit the claim forthwith;

(c) if on the expiration of two years from the date of the first publication under clause (b) the counterpart of the half note has not been presented, he may invest in Government securities or deposit in the Post Office Savings Bank an amount equivalent to the full value of the note;

(d) if on the expiration of a period which shall be determined by him but which unless the Governor of Myanmar otherwise directs shall not be less than five years from the date of the first publication referred to in clause (b) the counterpart of the half note has not been presented, he shall deliver the securities or deposit referred to in clause (c) with any interest which has in the meantime accumulated thereon to the claimant, or if the claimant is dead, to his legal representative, on such claimant or representative executing a bond with or without sureties in the form set forth in Schedule I or II;

(e) if before the expiration of such period the counterpart is presented with a claim for the full value or for half the value of the note, the proceedings under clauses (b), (c) and (d) shall be cancelled and the two claims shall be dealt with under sub-rule (1).

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Disposal of claims under Rule 13 (1) (b).

15. Where a claim is made under clause (b) of sub-rule (1) of Rule 13-

- (a) if the prescribed officer is not satisfied that the note or the unrepresented portion of the note has been wholly destroyed or lost in such circumstances that there is no probability of its being presented at some future date, he shall reject the claim;
- (b) if he is so satisfied and is also satisfied that the claimant was the last lawful holder of the note, he shall cause to be published in three successive issues of the Myanmar Gazette a notification setting forth the particulars of the note alleged to have been lost or destroyed and the name of the claimant and calling upon any person having any claim in respect of such note to submit the claim forthwith;
- (c) if on the expiration of two years from the date of the first publication under clause (b) the note has not been presented, he may invest in Government securities or deposit in the Post Office Savings Bank an amount equivalent to the value of the note;
- (d) if on the expiration of a period which shall be determined by him but which unless the Governor of Myanmar otherwise directs shall be not less than five years from the first publication referred to in clause (b) the note has not been presented and no subsequent claim in respect thereto has been substantiated, he shall deliver the securities or deposit referred to in clause (c) with any interest which has in the meantime accumulated thereon to the claimant, or if the claimant is dead to his legal representative, on such claimant or representative executing a bond, with or without sureties, in the form set forth in Schedule III or IV;
- (e) if before the expiration of such period a subsequent claim in respect of the note is substantiated, the securities or deposit referred to in clause (d) shall be delivered in the manner provided in that clause to the person making such subsequent claim, or if such person is dead, to his legal representative;
- (f) if before the expiration of such period the note alleged to have been lost or destroyed is produced by the claimant or any other person, the proceedings under this rule in respect of such note shall be cancelled.

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16. Where a claim is made in respect of Myanmar notes belonging to any of the series issued prior to the 1st of May 1945, the prescribed officer authorised to entertain the claim shall decide the claim in accordance with these rules subject to the following modifications:-
- (1) No claim shall be entertained under Rules 13 to 15.
 - (2) Notwithstanding anything to the contrary contained in Rule 9 a claim for the value of a mutilated note exceeding ten rupees shall not be paid unless in the opinion of the prescribed officer the portion

presented clearly forms part of a genuine note and the missing portion is too small to be used in support of any other claim, and unless in the case of mutilated notes of Rs. 1,000 and Rs. 10,000 the payment of the notes is specifically authorised by the Government of Myanmar.

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Bonds.

17. Printed forms, to be supplied by the Bank, shall be used in the execution of any bond required in pursuance of clause (d) of Rule 14 or clause (d) of Rule 15 and the value of the stamp on any such bond shall be recovered from the person executing the bond.

Retention of notes by Bank.

18. Save as otherwise provided in Rule 9 and Rule 10, any note presented in prosecution of a claim shall be retained by the Bank whatever be the decision on the claim.

Procedure when payee is untraced.

19. Where as the result of a claim under these rules the value or part of the value of a note is payable to a claimant, and such claimant, or if he is dead his legal representative, cannot be found or fails within a period of three months from the communication to him of the decision to take steps to receive payment, the amount payable shall be paid by the Issue Department of the Bank to the Governor of Myanmar.

<Amendment 18.06.1989>

----- Footnote -----

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----- Attachment -----

[ATTACH LIST 1] 01 SCHEDULE I. [See Rule 14 (2) (d).] HALF NOTE BOND WITH SURETIES.

[ATTACH LIST 2] 02 SCHEDULE II. [See Rule 14 (2) (d).] HALF NOTE BOND WITHOUT SURETIES.

[ATTACH LIST 3] 03 SCHEDULE III. [See Rule 15 (d).] WHOLLY DESTROYED OR LOST NOTE BOND WITH SURETIES.

[ATTACH LIST 4] 04 SCHEDULE IV. [See Rule 15 (d).] WHOLLY DESTROYED OR LOST NOTE BOND WITHOUT SURETIES.