

REVENUE DEPARTMENT.

(RULES UNDER THE UPPER MYANMAR RUBY REGULATION, 1887, FOR THE KENTUNG STONE-TRACT.)

No.73

Dated Rangoon, the 11th May 1928.

[Amendment : 18.06.1989]

Amending Law

No.73.- In exercise of the power conferred by sections 4 and 5 of the Upper Myanmar Ruby Regulation, 1887, His Excellency the Governor of Myanmar is pleased to make the following rules in respect of the Kengtung Stone-tract:-

RULES UNDER THE UPPER MYANMAR RUBY REGULATION, 1887, FOR THE KENTUNG STONE-TRACT.

<Amendment 18.06.1989>

Rules.

PART I.-Definition.

- 1.** In these rules, unless there is something repugnant in the subject or context,-
 - (i) "the Regulation" means the Upper Myanmar Ruby Regulation, 1887;
 - (ii) "stone" means a stone as defined in section 2 of the Regulation;
 - (iii) "Part" means a part of these rules;
 - (iv) "Assistant Superintendent" and "Commissioner" mean, respectively, the Assistant Superintendent, Kengtung Subdivision, and the Commissions Federated Shan States; and
 - (v) the "stone-tract" means the Kengtung Stone-tract

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PART II.- Residence in the Stone-tract.

- 2.** A person who is not a native of the stone-tract may reside therein unless ordered to depart by the Assistant Superintendent.

PART III.- Raising of Stones.

- 3.** Stones may be dug for or raised in pursuance of a license granted under this part.
- 4.** (1) License to dig for or raise stones shall be either ordinary or extraordinary.
 - (2) An ordinary license shall be a license to dig for or raise stones by the native methods, and shall not authorize the use of any machinery.
 - (3) An extraordinary license shall be a license to dig for or raise stones by any method.
- 5.** (1) An ordinary license to dig for or raise stones in the stone-tract may be granted to any person who resides in the tract by the Assistant Superintendent or by any other person empowered in this behalf by the Governor of Myanmar.
 - (2) An extraordinary license to dig for or raise precious stones in the stone-tract may with the previous sanction of the Governor of Myanmar, be granted by the Commissioner if any person.

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- 6.** (1) Application for an ordinary license shall be made to the Assistant Superintendent or officer empowered under Rule 5.
(2) An application for an extraordinary license shall be in writing and may be made to the Commissioner.
- 7.** (1) An ordinary license may be granted for any period not exceeding one year.
(2) The form and conditions of the license, and the payments, if any, to be made therefor, shall be such as the Governor of Myanmar prescribes.

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- 8.** An extraordinary license may be granted at any time for such period, in such form on such conditions, and in consideration of such payments as the Governor of Myanmar in each case directs.

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PART IV.- Cutting of Stones.

- 9.** Any person may cut or dress stones.

PART V.- Possession of Stones.

- 10.** Any person may possess in the stone-tract, or for the purpose of trade in any place beyond the limits of the stone-tract, any stone which has been raised by the holder of a license under these rules.

PART VI.- Buying and Selling of Stones.

- 11.** Any person may buy or sell, or be otherwise a party to the transfer of any stone which has been raised by the holder of a license under these rules.

PART VII.- Transport of Stones.

- 12.** Any person may transport any stone which has been raised by the holder of a license under these rules.

PART VIII.- Supplementary Rules.

- 13.** (1) If the holder of any license under these rules, other than an extraordinary license granted under Part III, contravenes any rule under the Regulation or commits any breach of, or fails to fulfil, any condition of his license, or fails to make any payment in respect of the license at the time for the making thereof, the Assistant Superintendent may cancel the license.
(2) The Assistant Superintendent may, in his discretion, instead of cancelling the license, permit the licensee to compound the contravention, breach or default by payment of such sum as the Assistant Superintendent thinks fit.
(3) Orders made by the Assistant Superintendent under this rule shall be subject to tax revision by the Commissioner.
- 14.** If the holder of an extraordinary license granted under Part III, contravenes any rule under the Regulation, or commits any breach of, or fails to fulfil, any condition of his license, or fails to make any payment in respect of the license at the time for the making thereof, the Assistant Superintendent shall

report the contravention, breach, or default to the Commissioner, and the Commissioner may thereupon, with the previous sanction of the Governor of Myanmar, cancel the license, or, in his discretion, permit the contravention, breach, or default to be compounded by payment of such sum as he thinks fit.

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PART IX.- Special Additional Rules as to Tourmaline Licenses.

15. (1) If the previous sanction of the Governor of Myanmar has been obtained, either generally or specially in this behalf, the Assistant Superintendent or any officer specially authorised in this behalf by the Commissioner may dispose by public auction, or in such other manner as the Governor of Myanmar may direct, of the right of granting ordinary licenses to dig for or raise tourmaline and of collecting fees thereon in any local area.

(2) When the right of granting such licenses and of collecting fees thereon has been disposed of under sub-rule (1) during a specified period in respect of any local area, the person to whom such right is granted shall have sole authority to grant ordinary licenses to dig for or raise tourmaline in such local area during such period, and shall receive all applications for such licenses and exercise in respect of the granting, cancelling or the compounding for a breach of such licenses all the powers conferred on the Assistant Superintendent by Parts III and VIII of these rules.

(3) During a period for which a grant of the right to issue tourmaline licenses in any local area is in force, the Assistant Superintendent and other officers mentioned in Rule 5 shall not grant any ordinary tourmaline licenses in such local area or exercise in respect of such licenses the powers conferred by sub-rule (2) on the grantee of such right.

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By order.

C. R. P. COOPER,

Secretary to the Govt. of Myanmar.

Revenue Dept.