

AIRCRAFT MANUAL
CHAPTER I
ACT No. XXII of 1934

AN ACT TO MAKE BETTER PROVISION FOR THE CONTROL OF THE MANUFACTURE, POSSESSION, USE, OPERATION, SALE, IMPORT AND EXPORT OF AIRCRAFT.

WHEREAS it is expedient to make better provision for the control of the manufacture, possession, use, operation, sale, import and export of aircraft; It is hereby enacted as follows:—

1. This act extends to the whole of the Republic of the Union of Myanmar and applies also—

- (a) to citizens of the Union wherever they may be, and
- (b) to, and to the persons on, aircraft registered in the Union, wherever they may be.
- ¹(c) to, and to the persons on, aircraft registered outside the Union but for the time being in or over the Union; and
- ²(d) to an aircraft operated by a person who is not a citizen of the Union but has his principal place of business in the Union.

2. Definitions.- In this Act, unless there is annoying repugnant in the subject or context-

- ³(1) “**aircraft**” means any machine which can derive support in the atmosphere from reactions of the air, other than reactions of the air against the earth's surface and includes balloons, whether fixed or free, airships, kites, gliders and flying machines;
- (2) “**aerodrome**” means any definite or limited ground or water are intended to be used, either wholly or in part, for the landing or departure of aircraft, and includes all buildings, sheds, vessels, piers, and other structures thereon or appertaining thereto;
- ⁴(3) “**aerodrome reference point**”, in relation to any aerodrome, means a designated point established in the horizontal plane at or near the geometric centre of that part of the aerodrome reserved for the departure or landing of aircraft;
- ⁵(4) “**air navigation services**” means ‘air traffic management’, ‘communication, navigation and surveillance’, ‘aeronautical information services’, ‘aeronautical charts’, ‘procedures for air navigation services-operations’, ‘aviation meteorology’, and ‘search and rescue’.
- ⁶(5) “**safety oversight**” means a function by means of which ICAO Contracting States ensure effective implementation of the safety-related Standards and Recommended Practices (SARPs) and associated procedures contained in the Annexes to the Convention on International Civil Aviation and related ICAO documents.
- (6) “**import**” means bringing into the Republic of the Union of Myanmar; and
- (7) “**export**” means taking out of the Republic of the Union of Myanmar.

3. Power of the President of the Union to exempt certain aircraft.—

The President of the Union may, by notification in the Gazette, exempt from all or any of the provisions of this Act and of the rules made thereunder or from any of such provisions, any aircraft or class of aircraft and any person or class of persons, or may direct that such provisions shall apply to such aircraft or persons subject to such modifications as may be specified in the notification.

1. inserted *ibid*
2. inserted *ibid*
3. Union Parliament Amendment Act No. 33/2013, 15th October 2013
4. inserted *ibid*
5. inserted *ibid*
6. inserted *ibid*

4. Power of the President of the Union to make rules to implement the Convention of 1944._

The president of the Union may, by notification in the Gazette, make such rules as appear to him to be necessary for carrying out the provisions of the Convention on International Civil Aviation, signed at Chicago on 7 December 1944 [including any annex thereto relating to international standards and recommended practices as amended from time to time].¹

²4A. Safety oversight functions.-

The Director General of the Department of Civil Aviation or any other officer specially empowered in this behalf by the President of the Union shall perform the safety oversight functions in respect of matters specified in this Act or the rules made there under.

5. Power of the President of the Union to make rules._

- (1) The President may, by notification in the Gazette, make rules regulating the manufacture, possession, use, operation, sale, import or export of any aircraft or class of aircraft [and the safety and the security of Civil Aviation.
- (2) Without prejudice to the generality of the foregoing power, such rules may provide for_
 - (a) the authorities by which any of the powers conferred by or under this Act are to be exercised;
 - (aa) The regulation of the air transport services, and the prohibition of the use of aircraft in such services except under the authority of and in accordance with a licence authorizing the establishment of the service;
 - (ab) The information to be furnished, to such authorities as may be specified in the rule, by an applicant for, or the holder of a licence authorizing the establishment of an air transport service;
 - (ac) The economic regulation of civil aviation and air transport services, including the approval, disapproval or revision of tariff of operators of air transport services, the officers or authorities who may exercise powers in this behalf, the procedure to be followed, and the factors to be taken into account by such officers or authorities, appeals to the Government against orders of such officers or authorities and all other matters connected with such tariff.
 - (b) [the licensing, certification, inspection]³ and regulation of aerodromes, the conditions under which aerodromes may be maintained and the fees which may be charged thereat, and the prohibition or regulation of the use of [unlicensed or uncertified aerodromes]⁴;
 - (c) the inspection and control of the manufacture, repair and maintenance of aircraft and of places where aircraft are being manufactured, repaired or kept;
 - (d) the registration and marking of aircraft;
 - (e) the conditions under which aircraft may be flown or may carry passengers, mails or goods, or may be used for industrial purposes and certificates, licences or documents to be carried by aircraft;
 - (f) the inspection of aircraft for the purpose of enforcing the provisions of this Act and the rules thereunder, and the facilities to be provided for such inspection;

1. Union Parliament Amendment Act No. 33/2013, 15th October 2013
2. Union Parliament Amendment Act No. 33/2013, 15th October 2013
3. Union Parliament Amendment Act No. 33/2013, 15th October 2013
4. Union Parliament Amendment Act No. 33/2013, 15th October 2013

- (g) the licensing of persons employed in the operation, manufacture, repair or maintenance of aircraft;
 - ¹(ga) the licensing of persons engaged in air traffic control;
 - ²(gb) the certification, inspection and regulation of air navigation services.
 - ³(gc) the certification, inspection and regulation of Training Organization and Aircraft Maintenance Organization;
 - ⁴(gd) the measures to safeguard civil aviation against acts of unlawful interference;
- (h) the air- route by which and, the conditions under which aircraft may enter or leave Myanmar, or may fly over the Union of Myanmar and the places at which aircraft shall land;
- (i) the prohibition of flight by aircraft over any specified area, either absolutely or at specified times, or subject to specified conditions and exceptions;
- (j) the supply, supervision and control of air-route beacons, aerodome lights and lights at or in the neighbourhood of aerodromes or on or in the neighbourhood of air-routes;
 - (jj) the installation and the maintenance of lights on private property in the neighbourhood of aerodomes or on or in the neighbourhood of air routes, by the owners or occupiers of such property, the payment by the President of the Union for such installation and maintenance, and the supervision and control of such installation and maintenance, including the right of access to the property for such purposes;
- (k) the signals to be used for purposes of communication by or to aircraft and the apparatus to be employed in signalling;
- (l) the prohibition and regulation of the carriage in aircraft of any specified article or substance;
- (m) the measures to be taken and the equipment to be carried for the purpose of ensuring the safety of life [and the limitation and regulation of aircraft noise and engine emission]⁵;
- (n) the issue and maintenance of log-books;
- (o) the manner and conditions of the issue or renewal of any licence or certificate under the Act or the rules, the examinations and tests to be undergone in connection therewith, the form, custody, production, endorsement, cancellation, suspension or surrender of such licence or certificate or of any log-book;
- (p) the fees to be charged in connection with any inspection, examination, test, certificate or licence, made, issued or renewed under this Act;
- (q) the recognition for the purposes of this Act of licences and certificates issued elsewhere than in the Union of Myanmar relating to aircraft or to the qualifications of persons employed in the operation, manufacture, repair or maintenance of aircraft;
 - ⁶(qq) the prohibition of slaughtering and flaying of animals and of depositing rubbish, filth and other polluted and obnoxious matter within a radius of ten kilometers from the aerodrome reference point; and
- (r) any matter subsidiary or incidental to the matters referred to in this sub-section.

1. inserted *ibid*
2. inserted *ibid*
3. inserted *ibid*
4. inserted *ibid*
5. Union Parliament Amendment Act No. 33/2013, 15th October 2013
6. inserted *ibid*

5A. (a) The President of the Union may confer on the Ministry of Transport the power to make rules prescribed in section 5.

(b) Under the power conferred by sub-section (a), the Ministry of Transport may, with the approval of the Government, [make such rules, regulations, and by-laws as may be necessary]¹.

²**(c)** For the implementation of the provision of this Act, the Ministry of Transport may issue necessary notifications, orders, directives and notices and special empowered to the Director General of the Department of Civil Aviation to issue necessary notifications, orders, requirements, directives and procedures for any matters specified in clauses (aa), (b), (c), (e), (f), (g), (ga), (gb), (gc), (gd), (h), (i), (j), (m), (n), (o) and (q).

6. Power of the President of the Union to make orders in emergency.-

(1) If the President of the Union is of opinion that in the interests of the public safety or tranquillity, the issue of all or any of the following orders is expedient, he may, by notification in the Gazette_

(a) cancel or suspend, either absolutely or subject to such conditions as he may think fit to specify in the order, all or any licences or certificates issued under this Act;

(b) prohibit, either absolutely or subject to such conditions as he may think to specify in the order, or regulate in such manner as may be contained in the order, the flight of all or any aircraft or class of aircraft over the whole or any portion of the Union of Myanmar.

(c) prohibit either absolutely or conditionally, or regulate the erection, maintenance or use of any aerodrome, aircraft factory, flying- school or club, or place where aircraft are manufactured, repaired or kept, or any class of description thereof; and

(d) direct that any aircraft or class of aircraft or any aerodrome, aircraft factory flying- school or club, or place where aircraft are manufactured, repaired or kept, together with any machinery, plant, material or things used for the operation manufacture, repair or maintenance of aircraft shall be delivered, either forthwith or within a specified time, to such authority and in such manner as he may specify in the order, to be at the disposal of the state for the public service.

(2) Any person who suffers direct injury or loss by reason of any order made under clause (c) or clause (d) of sub-section (1) shall be paid such compensation as may be determined by such authority as the President of the Union may appoint in this behalf.

(3) The President of the Union may authorize such steps to be taken to secure compliance with any order made under sub-section (1) as appear to him to be necessary.

(4) Whoever knowingly disobeys, or fails to comply with, or does any act in contravention of, an order made under sub-section (1) shall be punishable, with imprisonment for a term which may extend to three years, with fine or with both, and the Court by which he is convicted may direct that the aircraft or thing (if any) in respect of which the offence has been committed, or any part of such thing, shall be forfeited to the State.

7. Power of the President of the Union to make rules for investigation of accidents [or serious incidents]³-

(1) The President of the union may, by notification in the Gazette, make rules providing for the investigation of any accident [or serious incident]⁴ arising out of or in the course of air navigation_

(a) in or over the Union of Myanmar of any aircraft, or

(b) anywhere of aircraft registered in the Union of Myanmar

1. Union Parliament Amendment Act No. 33/2013, 15th October 2013

2. inserted *ibid*

3. Union Parliament Amendment Act No. 33/2013, 15th October 2013

4. Union Parliament Amendment Act No. 33/2013, 15th October 2013

- (2) Without prejudice to the generality of the foregoing power, such rules may_
- (a) Require notice to be given of any accident or serious incident in such manner and by such person as may be prescribed;
 - (b) Apply for the purpose of such investigation, either with or without modification, the provisions of any law for the time being in force relating to the investigation of accidents [or serious incidents]¹.
 - (c) prohibit pending investigation access to or interference with aircraft to which an accident [or serious incident]² has occurred, and authorize any person so far as may be necessary for the purposes an investigation to have access to, examine, remove, take measures for the preservation of, or otherwise deal with any such aircraft;
 - (d) authorize or required the cancellation, suspension, endorsement or surrender of any licence or certificate granted or recognized under this Act, when it appears on an investigation that the licence ought to be so dealt with, and provide for the production of any such licence for such purpose.

8. Power to detain Aircraft. _

- (1) Any authority authorized in this behalf by the President of the Union, may detain any aircraft, if in the opinion of such authority_
- (a) having regard to the nature of an intended flight, the flight of such aircraft would involve danger to persons in the aircraft or to any other persons or property; or
 - (b) such detention is necessary to secure compliance with any of the provisions of this Act or the rules applicable to such aircraft; or such detention is necessary to prevent a contravention of any rule made under clause (h) or clause (i), of sub-section (2) of section 5.
- (2) The president of the union may, by notification in the gazette make rules regulating all matters incidental or subsidiary to the exercise of this power.

8A.Power of the President of the Union to make rules for protecting the Public Health. _

The President of the Union may, by notification in the Gazette, make rules for the prevention of danger arising to the public health by the introduction or spread of any infectious or contagious disease from aircraft arriving at or being at any aerodrome and for the prevention of the conveyance of infection or contagion by means of any aircraft leaving an aerodrome and in particular and without prejudice to the generality of this provision may make, with respect to aircraft and aerodromes or any specified aerodrome, rules providing for any of the matters for which rules under sub-clauses (i) to (viii) of clause (p) of sub-section (1) of section 6 of the Myanmar Ports Act, may be made with respect to vessels and ports.

8B.Emergency Powers for Protecting the Public Health. _

- (1) If the President of the Union is satisfied that the Union of Myanmar or any part thereof is visited by or threatened with an outbreak of any dangerous epidemic disease, and that the ordinary provisions of the law for the time being in force are insufficient for the prevention of danger arising to the public health through the introduction or spread of the disease by the agency of aircraft, the president of the Union may take such measures as he deems necessary to prevent such danger.
- (2) In any such case the President of the Union may, without prejudice to the powers conferred by section 8A, by notification in the Gazette, make such temporary rules with respect to aircraft and persons travelling or things carried therein and aerodromes as he deems necessary in the circumstances.

1. Union Parliament Amendment Act No. 33/2013, 15th October 2013
2. Union Parliament Amendment Act No. 33/2013, 15th October 2013

- (3) Notwithstanding anything contained in section 14, the power to make rules under sub-section (2) shall not be subject to the conditions of the rules being made after previous publication, but such rules shall not remain in force or more than three months from the date of publication, provided that the President of the Union may by special order continue them in force for a further period or periods of not more than three months in all.

¹8C. Power of President to make rules for securing safe custody and re-delivery of unclaimed property.-

(1) Subject to the provisions of section 14, the President of Union may, by notification in the Official Gazette, make rules which may provide for securing the safe custody and re- delivery of any property which, while not in proper custody, is found on any aerodrome or in any aircraft on any aerodrome and any such rules may, in particular, provide for -

- (a) the payment of charges in respect of any such property before it is re-delivered to the person entitled thereto; and
- (b) the disposal of any such property in cases where the same is not re-delivered to the person entitled thereto before the expiration of such period as may be specified therein.

9. Wreck and Salvage. _

(1) The provisions of Part VII of the Myanmar Merchant Shipping Act, relating to Wreck and Salvage shall apply to aircraft on or over the sea or tidal waters as they apply to ships, and the owner of aircraft shall be entitled to a reasonable reward for salvage services rendered by the aircraft in like manners as the owner of a ship.

(2) The President of the Union may, by notification in the Gazette, make such modifications of the said provisions in their application to aircraft as appear necessary or expedient.

²9A. Power of President to prohibit or regulate construction of buildings, planting of trees etc.-

(1) If the President is of opinion that it is necessary or expedient so to do for the safety of aircraft operations, it may, by notification in the Official Gazette_

(a) direct that no building or structure shall be constructed or erected, or no tree shall be planted on any land within such radius, not exceeding ten kilometers from the aerodrome reference point, as may be specified in the notification and where there is any building, structure or tree on such land, also direct the owner or the person having control of such building, structure or tree to demolish such building or structure or, as the case may be, to cut such tree within such period as may be specified in the notification;

(b) direct that no building or structure higher than such height as may be specified in the notification shall be constructed or erected, or no tree, which is likely to grow or ordinarily grows higher than such height as may be specified in the notification, shall be planted, on any land within such radius, not exceeding ten kilometers from the aerodrome reference point, as may be specified in the notification and where the height of any building or structure or tree on such land is higher than the specified height, also direct the owner or the person having control of such building, structure or tree to reduce the height thereof so as not to exceed the specified height, within such period as may be specified in the notification.

(2) In specifying the radius under clause (a) or clause (b) of sub - section (1) and in specifying the height of any building, structure or tree under the said clause (b), the President shall have regard to -

- (a) the nature of the aircraft operated or intended to be operated in the aerodrome; and

- (b) the international standards and recommended practices governing the operations of aircraft.
- (3) Where any notification has been issued under sub-section (1) directing the owner or the person having control of any building, structure or tree to demolish such building or structure or to cut such tree or to reduce the height of any building, structure or tree, a copy of the notification containing such direction shall be served on the owner or the person having the control of the building, structure or tree, as the case may be,-
- (a) by delivering or tendering it to such owner or person; or
- (b) if it cannot be so delivered or tendered, by delivering or tendering it to any officer of such owner or person or any adult male member of the family of such owner or person or by affixing a copy thereof on the outer door or on some conspicuous part of the premise in which such owner or person is known to have last resided or carried on business or personally worked for gain; or failing service by these means;
- (c) by post.
- (4) Every person shall be bound to comply with any direction contained in any notification issued under sub - section (1).

¹9B. Payment of Compensation.- If in consequence of any direction contained in any notification issued under sub- section (1) of section 9A, any person sustains any loss or damage, such person shall be paid compensation. Where the amount of compensation may be fixed by agreement, it shall be paid in accordance with such agreement.

10. Penalty for act in contravention of rule made under this Act. _ In making any rule under section 5, sub-section (b) of section 5 A, section 7, section 8, section 8 A or section 8 B, the President of the Union may direct that a breach of it shall be punishable with imprisonment for any term not exceeding three months, or with fine of any amount not exceeding kyats 50,000 or with both.

11. Penalty for flying so as to cause danger. _ Whoever willfully flies any aircraft in such a manner as to cause danger to any person or to any property on land or water or in the air shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to kyats 100,000 or with both.

²11A. Penalty for failure to comply with directions issued under section 5A.-_ Whoever willfully fails to comply with any notifications, orders, notices and directives issued under sub-section (c) of section 5 A, shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to kyats 20,000, or with both.

³11B. Penalty for failure to comply with directions issued under section 9A.-

- (1) If any person willfully fails to comply with any direction contained in any notification issued under section 9A, he shall be punishable with fine.
- (2) Without prejudice to the provisions of sub-section(1), if any person fails to demolish any building or structure or cut any tree or fails to reduce the height of any building, structure or tree in pursuance of any direction contained in any notification issued under sub-section (1) of section 9A within the period specified in the notification, then, subject to such rules as the President may make in this behalf, it shall be competent for any officer authorized by the President in this behalf to demolish such building or structure or cut such tree or reduce the height of such building, structure or tree: Provided that the power to make rules under this sub-section shall be subject to the provisions of section 14.

1. Union Parliament Amendment Act No. 33/2013, 15th October 2013
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12. Penalty for abetment of offences and attempted offences. _ Whoever abets the commission of any offence under this Act or the rules, or attempts to commit such offence, and in such attempt does any act towards the commission of the offence, shall be liable to the punishment provided for the offence.

13. Power of Court to order forfeiture. _ Where any person is convicted of an offence punishable under any rule made under clause (i) or clause (l) of sub-section (2) of section 5, the Court by which he is convicted may direct that the aircraft or substance, as the case may be, in respect of which the offence, has been committed shall be forfeited to the State.

14. Rules to be made after publication. _ Any power to make rules conferred by this Act is subjected to the condition of the rules being made after previous publication for a period of not less than three months: Provided that any rules made under the provisions of the Burma Aircraft Amendment Act, 1947, may, if they are published within six months from the date on which the Act comes into force and if the urgency of the circumstances so requires, be made after previous publication for a period of one month.

15. * * * Deleted *ibid*

16. Power to apply customs procedure. _ The President of the Union of Myanmar may, by notification in the Gazette, declare that any or all of the provisions of the Sea Customs Act shall, with such modifications and adaptations as may be specified in the notification, apply to the import and export of goods by air.

¹**16A.** The President of the Union of Myanmar may delegate to the Ministry of Transport the power to grant the permission for import or export of aircraft and its spares, tools or equipment without the need to obtain an import or export license.

²**16B.** The President of the Union of Myanmar may exempt or relieve from import duties and other taxes in respect of aircraft and its spares, tools or equipment, subject to compliance with the customs regulations.

17. Bar of certain suits. _ No suit shall be brought in any Civil Court in respect of trespass or in respect of nuisance by reason only of the flight of aircraft over any property at a height above the ground which having regard to wind, weather and all the circumstances of the case is reasonable or by reason only of the ordinary incidents of such flight.

18. Saving for acts done in good faith under the Act. _ No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.

19. Saving of application of Act. _

- (1) Except as otherwise provided in section 16, nothing in this Act or in any order or rule, made there under shall apply to or in respect of any aircraft belonging to or exclusively employed in the Myanmar Naval, Military or Air forces, or to any person in such forces, or to any person in such forces employed in connection with such aircraft.
- (2) Nothing in this Act or in any order or rule made there under shall apply to or in respect of any lighthouse to which the Myanmar Lighthouse Act, applies or prejudice or affect any right or power exercisable by any authority under that Act.

1. Union Parliament Amendment Act No. 33/2013, 15th October 2013
2. Union Parliament Amendment Act No. 33/2013, 15th October 2013