

The Government of the Union of Myanmar
The Ministry of Livestock and Fisheries
The Minister's Office
Notification No. 5/89
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Introduction

In exercising the power conferred under section 39(a) of Aquaculture Law, the Ministry of Livestock and Fisheries, with the approval of the Union Government, hereby issues the following procedure:

Chapter I
Title and Definitions

- 1 These procedures shall be called "The Procedures relating to Aquaculture Law".
- 2 The expressions in these procedures shall have the same meaning of those prescribed under the Law relating to Aquaculture. In addition, the following expressions shall have the definitions given hereunder:-
 - (a) **Law** means the Aquaculture Law;
 - (b) **Head Officer of Department** means the Head Officer of Department of Fisheries of State/Division or Township;
 - (c) **Fishery Area** means any water areas of fish farming; and
 - (d) **La-Na(39) Land** means the land exempted from cultivation under section 39 of the Land Nationalization Act 1953 for the purposes of Aquaculture.

Chapter II
Lease Grant, License and Permit Application

- 3 A fish breeder can apply for the Lease Grant in Form (A) at the Department to operate a fishery business on aquaculture land, any non-government land or water area, in an exclusive fishery or on La/Na 39 Land.
- 4 For the purpose of aquaculture on any land of the government department, a person who has already been granted an approval by the relevant government department or a land ownership title holder under any law is no longer required to apply the Lease Grant at the Department.
- 5 The following fish breeder must apply for the License in Form (B) at the Department:-
 - (a) The person permitted lease grant under paragraph 3;
 - (b) The person approved under paragraph 4;
 - (c) Any departmental land of government except Department or the person granted an approval by the relevant department for the purpose of fish farming at a water area;
 - (d) The land mentioned in paragraph 5(c) or the person who had gotten an approval from the lease grant holder who does not conduct the business himself.

- (e) The person who is able to submit documentary evidence in relation to the aquaculture land granted La/Na(39).
- 6 When a fish breeder applies for the License under paragraph 5, the following documents shall be enclosed:-
- (a) **Lease grant** (if the person has been given the Lease Grant by the Department);
- (b) **La/Na (39)** (if the Lease Grant is issued for farmland in relation to any government department);
- (c) **An approval of the relevant department** (if fishery area is related to any government department);
- (d) **An approval of the Lease Grant holder** (if the Lease Grant holder obtains the Lease Grant from any other government department except from the Department of Fisheries and does not operate the business by himself/herself);
- (e) **An approval of the Lease Grant holder** (if the Lease Grant holder obtains the Lease Grant from the Department of Fisheries and does not want to operate the business by himself/herself in an exclusive fishery area or leasable fishery area.)
- 7 A person who wishes to do breeding of fish commercially or ornamental fish breeding commercially shall apply the Department for the License in Form (C).
- 8 A person who wants to import live fish into the country or export them to abroad shall apply the Department for the Permit in Form (D).
- 9 A person who wants to collect fingerlings commercially or to collect ornamental fish commercially shall apply the Department for Permit in Form (E).
- 10 ¹
- 11 ²
- 12 ³
- 13 ⁴

¹ Paragraph 10 is missing in the Myanmar version.

² Paragraph 11 is missing in the Myanmar version.

³ Paragraph 12 is missing in the Myanmar version.

⁴ Paragraph 13 is missing in the Myanmar version.

Chapter IV
Powers of Director General and Head Officers of Department

- 14 In the case of license application in relation to the land of any government department's water area or the land of any private organization/person, the Director General can issue the License to the extent of the land area owned by the said government department or private organization/person.
- 15 If a person applies to operate fish breeding on aquaculture land or in an exclusive fishery area, on a non-governmental land or La/Na (39) Land, the Director General can stipulate the land or water area based on the following facts:-
- (a) Government Department;
 - (b) Legal Entity; and
 - (c) Private.
- 16 When the Township Head Officer of Department receives the Lease Grant application, he/she will forward it to the relevant Regional or State Head Officer of Department after screening it whether or not:-
- (a) the application is completely filled up;
 - (b) the applicant is desirous to do the business;
 - (c) the applicant is in line with the Department's specifications; and
 - (d) the applicant agrees to comply with the terms and conditions set by the Department.
- 17 When the Township Head Officer receives the application for License, he/she will examine the following facts:-
- (a) Lease grant which has already been permitted by the Department;
 - (b) Ownership which has already been received under any law;
 - (c) La/Na(39) which has already been granted;
 - (d) An approval of the relevant department (if the land or water area is related to such department of government except the Department);
 - (e) An approval of the Lease Grant holder (if the Lease Grant holder does not conduct the fishery business by himself/herself);
 - (f) whether or not the prescribed form (B) is already filled up; and
 - (g) whether or not the Lease Grant is still valid if the person is granted the Lease Grant under any law.
- 18 The relevant Township Head Officer of Department can, if necessary, summon/question a license applicant and ask supporting documents in relation to application of Lease Grant or License.
- 19 The Township Head Officer of Department shall screen the application and promptly report it to the Regional or State Head Officer if it is complete.

- 20 The Regional or State Head Officer of Department shall examine the Lease Grant and license application and continuously forward it to the Director General for approval or refusal.
- 21 The Director General may approve or refuse the lease grant and license application after checking it.
- 22 Based on the findings of the Head Officers of Department, the Director General may allow and refuse the application made in relation to importation of live fish into the country or exporting live fish to abroad.
- 23 When the Director General issues a permit for the importation and exportation of live fish, health certificate shall be issued as well.
- 24 The Head Officer of Department shall instruct fish breeders to pay payable Lease Grant's fees, license fees, overdue payment and other fees and taxes into the account of the Department at the stipulated bank.
- 25 When a fish breeder makes an application under paragraph 30, the Director General shall examine and conduct as follows:-
- (a) An issuance of Lease Grant if it is in compliance with paragraph 38(b);
 - (b) An issuance of temporary license if La/Na(39) is still being applied;
 - (c) Fish breeder is to be instructed to pay payable fine and apply La/Na(39);
 - (d) Suspension and cancellation of fishery business;
 - (e) Instructing as required in relation to above-mentioned sub-paragraphs.

Chapter V Powers of Inspectors

- 26 The Inspector shall serve the following duties:-
- (a) Checking exported/imported fish whether the type, size and number of such fish are permitted by the Department or not;
 - (b) When checking under sub-paragraph (a), prohibiting exported/ imported fish, forfeiting or destroying fish if the export/import is not in line with the permission of the Department;
 - (c) Checking whether or not the health certificate in relation to live fish imported into the country is enclosed or not;
 - (d) Issuing the health certificate if live fish exported to abroad are found to be in good health;
 - (e) When license application is made in relation to commercial breeding of ornamental fish and collection of fingerlings, checking the conditions of breeding fish whether fish are healthy and they are bred in clean environment or not; and
 - (f) After conducting as per sub-paragraphs (a) and (b), submitting a report, together with supporting documents under sub-paragraphs (d) and (e), to the Director General promptly.

- 27 The Chief Inspector has the following powers in relation to breeding of fish within the area he/she is in charge or within specific area he/she is assigned.
- (a) Checking the Fishery Area or Fish Ponds to confirm whether or not they are in compliance with provisions of the Law or regulations imposed by the Department;
 - (b) If any provision of the Law or any conditions imposed by the Department is found to have violated when checking under sub-paragraph (a), forfeiting/seizing aquaculture equipment, fishing equipment and fish, suing offender, informing the Director General and acting under his/her instructions if fish ponds are required to be forfeited; and
 - (c) Depositing the sale proceeds of fish to the bank in accordance with the instruction of the Director General.

Chapter VI Inspection and Taking Action

- 28 The Inspector must seize exhibits/evidence by using the search form before two witnesses. In doing so, the offender and two witnesses shall sign the search form. A copy of the search form shall be given to the offender.
- 29 The Inspector shall immediately report to Director General in relation to forfeiting exhibits/evidence and taking action of offenders.
- 30 The Head Officer of Department shall securely keep the forfeited evidence under his/her control and can request the Police Force to help for security.
- 31 When the Director General passes an order to forfeit fish pond and evidence and dispose them in relation to the case filed to the Court, the Inspector shall report such arrangements to the relevant court in writing.
- 32 The Department shall follow the order passed by the Court in relation to evidence of the case filed at the Court.

Chapter VII Lease Grant or License Renewal

- 33 If the Licensee wants to continue operating the aquaculture business when the lease grant is expired, then, the renewal of license application shall be applied before its expiry. If the license renewal application is made after thirty (30) days of its expiry, overdue fees stipulated by the Department shall be paid. If aquaculture business is found to have continuously done next six months without applying renewal of license after expiry of the License, action shall be taken under section 30 of the Law.
- 34 The Licensee of Lease Grant holder can apply the renewal of the Lease Grant in Form (F) at Department when the Lease Grant is expired.
- 35 When renewal of lease grant application is made, the Director General can examine it and then, allow or refuse the renewal.
- 36 If the Licensee of Lease Grant holder applies a certify copy of the Lease Grant or operating license for loss or damage, the Director General can examine it and issue a copy thereof after causing the stipulated fines to be paid.

Chapter VIII
Suspension and Cancellation of Lease Grant or License

- 37 If the Director General suspends/cancels the Lease Grant and the License under paragraph 19, a relevant person shall be informed about the date/reason of the cancellation/suspension of it. Such informing letter shall be registered and sent through the relevant Post Office.
- 38 If the Director General suspends/cancels the Lease grant or the License, the Lease Grant holder or licensee shall stop the business within thirty (30) days after receiving an order letter.
- 39 If the Lease Grant holder or Licensee is found to have continued operating the business after thirty (30) days of receiving the order letter in relation to cancellation/suspension of the lease and license, action shall be taken under paragraph 31 of the law.

Chapter IX
Miscellaneous

- 40 If the Department discovers that fish are infected with virus or water is polluted by or it was reported by licensee, the Director General then can pass a suspension order until certain period in relation to aquaculture business of said area.
- 41 The Director General can delegate his/her powers to the Head Officer of Department or any officers of the Department under the law or procedure.
- 42 If Lease Grand Title holder or Licensee passes away before the lease/license is expired, his/her legal successor shall apply name change of the lease/license within thirty (30) days if he/she wishes to continue operating the business. In case where the business is continued without applying name change within thirty (30) days, action shall be taken under paragraph 31 of the law.
- 43 If the procedures in relation to taking actions under the aquaculture law are not included in these procedures, the provisions of the Criminal Procedure Code shall be applied and followed.

General Chit Swe
Minister

The Government of the Union of Myanmar
The Ministry of Livestock and Fisheries

**The Government of the Union of Myanmar
The Ministry of Livestock and Fisheries
The Department of Fisheries**

Application

He/she/organizations hereby apply lease grant to be issued in order to do fishery business:-

- 1 (a) Applicant/Organization name:
- (b) N.R.C. No.:
- (c) Father's name:
- (d) Address:
- (e) Organization address:
- (f) Designation:
- 2 Type of Land or Water Area:
 - (a) Aquaculture Land;
 - (b) La/Na (39) Land(Two maps of Land Statics Department is attached as evidence);
 - (c) Land and Water area in relation to Government;
 - (d) Fishery Area;
 - (e) Leased Grant Water Area;
- 3 Particulars in terms of Aquaculture Land and Water Area:

Land and Water Area for the purpose of Aquaculture.				
Location:	Area:	Method:	Type of fish:	Remark:

- 4 Number of Family Members

Name:	Relationship:	Age:	Occupation:	Remark:

- 5 Terms of Lease Grant Applied:

- 6 Whether aquaculture business was before conducted or not. (Please briefly state if any).
- 7 I hereby undertake to conduct fishery business in compliance with provisions of the Law relation to Aquaculture and regulations stipulated by Department of Fisheries.

Date:

Applicant Signature

Remark: If the applicant is an organization, facts on the application shall be amended as necessary and other unnecessary facts are to be crossed out.

**The Government of the Union of Myanmar
The Ministry of Livestock and Fisheries
Department of Fisheries**

Aquaculture License Application

He/she/Organization is able to conduct aquaculture business, fishery license was hereby applied to issue:-

- 1 (a) Applicant's/Organization Name:
 (b) N.R.C No.:
 (c) Father's Name:
 (d) Address:
 (e) Designation:
- 2 Type of Aquaculture Land or Fishery Area:
 (a) Aquaculture Land;
 (b) La/Na(39) Land (Two Land maps from Land Statics Department are to be enclosed as evidence);
 (c) Governmental Land or Fishery Area;
 (d) Aquaculture Land or Water Area;
 (e) Lease Grant Land.
- 3 Aquaculture Location and Area (map is to be enclosed).
- 4 Whether aquaculture business was conducted before or not. (Please briefly state if any).

**The Government of the Union of Myanmar
The Ministry of Livestock and Fisheries
Department of Fisheries**

**Aquaculture License Application in relation to commercially fingerling culture
business and commercially ornamental fish culture business.**

He/she/organization hereby applies license in order to wish to commercially conduct fish breeding business and ornamental fish breeding business:-

- 1 (a) Applicant/Organization Name:
 - (b) N.R.C.:
 - (c) Father's Name:
 - (d) Address:
 - (e) Organization Address:
 - (f) Business Address:
 - (g) Business Volume:
- 2 Whether fish breeding business or ornamental fish breeding business was before commercially conducted or not.
- 3 He/she/organization hereby undertakes to commercially conduct fish breeding business and ornamental fish breeding business in compliance with provisions of the Law relating to Aquaculture and regulations stipulated by Department of Fisheries.

Date:

Applicant signature

If the applicant is an organization, the facts on the applications are to be amended as require and irrelevant facts are to be crossed out.

**The Government of the Union of Myanmar
The Ministry of Livestock and Aquaculture
The Department of Fisheries**

Permit Application for exportation/importation of live fish

He/she/organization hereby apply permit in relation to import/export live fish.

1 (a) Applicant/Organization Name:

(b) N.R.C. No.:

(c) Father's Name:

(d) Company Name:

2 (a) Export/import License No.:

(b) Quantity:

(c) Size:

3 (a) Import/Export County:

(b) Import/Export Method:

(c) Estimated Import/Export Date:

He/she/organization hereby undertakes to import/export live fish in compliance with provisions of the Law relating to Aquaculture and regulations prescribed by the Department of Fisheries.

Date:

Applicant signature

Mark: If the applicant is an organization, the facts on the applications are to be amended as required and irrelevant facts are to be crossed out.