

THE TRANSFER OF IMMOVEABLE PROPERTY RESTRICTION ACT (1987)

[Unofficial Translation]

Pyithuhlyuttaw Act 1, 1987
[Exact date unknown]

CHAPTER 1 TITLE AND DEFINITION

1. This law shall be called the Transfer of Immoveable Property Restriction Act.
2. The following expressions contained in this Law shall have the meanings given hereunder:-
 - (a) “State” means Union of Socialist Republic of Burma.
 - (b) “Foreigner” includes the following –
 - (i) According to the Burmese Citizen Act, any person who is not a citizen of the Union; any person who is not a guest citizen or any person who is not allowed to be a citizen.
 - (ii) According to the Burmese Citizen Act, any person whose citizenship has ceased or any person who has withdrawn their citizenship, guest citizenship or their allowance to be a citizen.
 - (c) “Foreigner owned company” means a company or partnership organization whose administration and control is not vested in the hands of the citizens of the Union or whose major interest or shares are not held by citizens of the Union.
 - (d) “Immoveable property” means land, benefits from the land, building and things constructed or situated on that land and things installed on those buildings.
 - (e) “Transfer”, “loan”, “sell”, “give away”, “pawn” and “exchange” shall have the meanings assigned to them in the Transfer of Property Act.
 - (f) “Give away” shall include donation or “entrusted in believe”.

CHAPTER 2 RESTRICTIONS ON IMMOVEABLE PROPERTY

3. No person shall sell, buy, give away, pawn, exchange or transfer by any means immovable property with a foreigner or foreigner owned company.
4. No foreigner or foreign owned company shall acquire immovable property by way of purchase, gift, pawn, exchange or transfer.

5. No person shall grant a lease of immovable property, for a term exceeding one year:

(a) To a foreigner or foreigner owned company.

(b) No foreigner or foreigner owned company shall receive a lease of immovable property, for a term exceeding one year.

6. Whenever a foreigner dies or departs totally to a foreign country or is deported, the relevant Ministry shall scrutinize each case with the relevant procedures and, as regards any relevant immovable property owned by the foreigner, either:

(a) Allow inheritance according to the law.

(b) Confiscate the immovable property as state-owned property.

7. If the inheritance is allowed according to Section 6 subsection (a), the heir who will inherit the immovable property should be in accordance with any Court decision made under the Inheritance Act or agreement between the inheritors.

CHAPTER 3 REGISTRATION

8. A foreigner or foreigner owned company must register any immovable property and the location of such immovable property in the state concerned to the respective Township People Council according to the relevant procedure.

9. Prior to the enactment of this law, any foreigner who is staying abroad or a foreigner owned company must register their immovable property and the location of such to the respective Township People Council according to the relevant procedure through their agent.

10. Executive members of Township People Council must inquire and investigate any concealment of registration mentioned under Section 8 and 9, according to the relevant procedure.

CHAPTER 4 PENALTIES

11. Whoever contravenes the provisions of section 3 or 4 shall be sentenced to a minimum of three years and a maximum of five years imprisonment and the relevant immovable property shall be confiscated as public property.

12. Whoever contravenes the provisions of section 5 shall be punished with a fine not exceeding three times the rent agreed upon for the entire period of the lease and the relevant immovable property shall be confiscated as public property.

13. Whoever if found, after enquiry by the Township People Council, to have contravened the registration provisions in section 8 or section 9, shall be sentenced to a minimum of one year and a maximum of three years imprisonment and the relevant immoveable property in the case shall be confiscated as public property.

CHAPTER 5 GENERAL

14. The relevant Ministry may allow exemptions from the provisions of this Act to a foreign government for the use of its diplomatic mission accredited to the Union of Burma or to United Nations' organizations or to any other organizations of individuals.

15. The provision of this Act do not apply to companies or organizations that have relevant beneficial contracts with the state.

16. The relevant ministry, assigned by the cabinet of ministers, can scrutinize and decide to allow registration or not of immoveable property that was in the registration office before this act was prescribed.

17. Prior permission from the relevant ministry is required prior to any prosecution of offences committed under this Act.

18. To carry out the provisions of this act, the relevant ministry shall:

- (a) Issue necessary procedures with the agreement of the cabinet of ministers.
- (b) Issue necessary orders and directives.

19. The following enacted law and bye-law are hereby withdrawn.

- (a) The Transfer of Immoveable Property (Restriction) Act, 1947.
- (b) The Transfer of Immoveable Property (Restriction) Act, 1956.