



**Draft: Myanmar Gemstone Law, 2017**  
**Suggestions from the public are solicited.**  
**(2017, Pyidaungsu Hluttaw Law number-----)**  
**1378, -----month, -----date**  
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**The Pyidaungsu Hluttaw hereby enacts this law.**

**Chapter (1)**

**Name and definitions**

1. This law shall be called the Myanmar Gemstone Law, 2017.
2. The following expressions contained in this law shall have the meanings given hereunder:-
  - (a) **“Gemstone”** means ruby, sapphire, jade, diamond, spinel, peridot, chrysoberyl, tourmaline, danburite, aquamarine, zircon, topaz, phenakite, garnet, moonstone, iolite, apatite, fluoride, epidote, lapislazuli, diopside, amber, fluorspar or nephrite. This expression also includes stones of gem quality of the quartz group and substances which may be declared by the Ministry to be a gemstone from time to time by notification with the approval of the Union Government.
  - (b) **“Gemstone production”** means all operational stages for obtaining raw gemstones that occur naturally.
  - (c) **“Raw gemstone”** means raw gemstone logs which are obtained by digging, raw logs or portions of gemstones which are sliced and cut, sliced and ground, or pounded.
  - (d) **“Finished gemstone”** means a gemstone that is cut, ground, polished, engraved or carved from raw gemstone and which has not been converted to jewelry.
  - (e) **“Jewelry”** means jewelry comprising finished gemstone.
  - (f) **“Material made of gemstones”** means a material which is composed using gemstones or a material in which gemstones are contained.
  - (g) **“Jewelry manufacturing”** means all operational stages of making jewelry from finished gemstones.
  - (h) **“Permit”** means a permit issued under this law allowing gemstone production.
  - (i) **“License”** means a license issued under this law allowing the sale of raw gemstones, finished gemstones, jewelry or material made of gemstones, or allowing the production of finished gemstones from raw gemstones.



- (j) **“Gemstone tax”** means a tax imposed under this law on raw gemstones obtained from the production of gemstones.
- (k) **“Service fees”** means service fees which are levied in accordance with this law on the gemstone trading business of a person who has obtained a permit or license, for selling raw gemstones for which gemstone tax was paid, finished gemstones, jewelry or material made of gemstones in gemstone exhibitions that are administered and held by the Union Government or in places which are arranged by the Ministry.
- (l) **“Company”** means a company formed as a Myanmar company under the Myanmar Companies Act or a company formed solely with Myanmar citizens under the Special Company Act, 1950.
- (m) **“Society”** means a primary co-operative society, co-operative syndicate, union of co-operative syndicates, or central co-operative society registered under the Co-operative Society Law.
- (n) **“Mid-scale excavation and production”** means the excavation and production of gemstones for at most 3 years which uses an excavation system and useful machines. Operation is done in a gemstone area that is not more than 5 acres and specified by notification of the Ministry with the approval of the Union Government. This area possesses an average output of gemstones and has the potential to produce [gemstones].
- (o) **“Small-scale excavation and production”** means the excavation and production of gemstones for at most 2 years which uses an excavation system and useful machines. Operation is done in a gemstone area or worksite outside a gemstone area that is specified by notification of the Ministry with the approval of the Union Government. This area possesses a small output of gemstones and costs and investment are not too high.
- (p) **“Manual excavation and production”** means the excavation and production of gemstones using ordinary and manual equipment or a machine that has not more than the specified horsepower under the rules issued under this law in a gemstone area or an outside area that are specified, with the approval of the Union Government, by the Ministry after discussions with the relevant Regional or State government.
- (q) **“Devoid block”** means a block for which no application for continuous operation was filed after the expiration of the term of the excavation permit.
- (r) **“Permit to use land”** means a permit that is issued to allow the use of a place for the construction of a temporary building, warehouse, hut or hall, or for storing a vehicle,



machine, produced raw stones and tailings, or for cleaning loose soil, pounding rocks and discarding loose soil.

- (s) “**Permit holder**” means a person who has received a permit for gemstone production.
- (t) “**License holder**” means a person who has received a license which is issued, in accordance with this law, for any operation contained in the license definition under section 2, sub-section (i).
- (u) “**Head Association**” means an association formed by gemstone entrepreneurs and registered according to the Myanmar Companies Act.
- (v) “**Ministry**” means the Ministry of Natural Resources and Environmental Conservation of the Union Government.
- (w) “**Central Committee**” means the Central Gemstone Supervisory Committee formed under this law.
- (x) “**Valuation Body**” means the Gemstone Valuation Body formed under this law.
- (y) “**Director-General**” means the director-general of the Department of Mines under the Ministry of Natural Resources and Environmental Conservation.

## Chapter (2)

### Objectives

3. The objectives of this law are as follows:
  - (a) To establish and develop a complete gemstone and jewelry market within the country for gemstones produced in Myanmar.
  - (b) To allow persons having received a license or permit to freely engage in the production and marketing of gemstones in accordance with the market-oriented economic system.
  - (c) To open gemstone markets in order to trade gemstones and jewelry freely at all times.
  - (d) To eradicate illegal production of gemstones within the country and to prevent and suppress the unlawful export of gemstones and their sale abroad.
  - (e) To ensure the development of continuous production of gemstones and to plan and perform research.



- (f) To execute the renovation and rehabilitation of land after closing and confiscating gemstone blocks and have gemstone excavation with the least harmful impact on the environment.

### **Chapter (3)**

#### **Designation of a gemstone tract**

- 4. The Ministry :
  - (a) Shall issue, for public knowledge, a notification to designate a gemstone tract with the approval of Union Government when information about an area where gemstones can be commercially produced is received or such an area is discovered.
  - (b) Shall form and assign duties to a committee consisting of skillful persons with the guidance of the Director-General in order to explore the right of ownership, right of taking action, right of cultivation, right of possession, right of use, beneficial enjoyment, right of succession or transfer and other rights of any person or organization in the area which is supposed to be designated as a gemstone tract, and to scrutinize and enforce reasonable rights and benefits after investigating whether a loss occurs in the area which is to be designated as a gemstone tract, and to demarcate the gemstone tract.
  - (c) Shall negotiate with the relevant governmental department or governmental organization in advance if it desires to designate land under the administration of any governmental department or governmental organization as a gemstone tract.
  - (d) Can, with the approval of the relevant person or organization, buy [the land] at a reasonable market price and transfer and receive it in accordance with the law if it desires to designate the land in which any person or organization has the right of ownership, right of taking action, right of cultivation, right of possession, right of use, enjoyment of benefits, right of succession or transfer or other rights.
  - (e) Shall, with the approval of the Union Government, designate [land] as a gemstone tract by issuing a notification after acting in accordance with sub-sections (a), (b), (c) and (d).
  - (f) Can remove and confiscate materials, machines, equipment and buildings that are illegally brought into and constructed in a gemstone tract designated under sub-section (e) if the relevant person or organization does not move the item; [the Ministry] does not have to pay compensation for any damage or loss when taking such action.
- 5. The relevant governmental department or governmental organization shall, with the approval of the Union Government, act after negotiating with the Ministry if it desires to extend a town



or village or houses, specify religious land, extend and cultivate agricultural land, extend and operate a forest or farm, dig a well or pool, construct a dam or canal or do other planning or business in an area that is specified as a gemstone tract.

6. The existing gemstone tracts designated by notification before the enactment of this law shall be deemed to be gemstone tracts designated under this law.
7. The Ministry can, with the approval of the Government, revise or revoke the designation of the whole or a portion of a gemstone tract.
8. All naturally occurring gemstones found either on or under the soil of any land in which an individual or an organization has obtained the right of cultivation, right of possession, right of use, beneficial enjoyment, or the right of succession or transfer, and all naturally occurring gemstones found in the continental shelf under the law in force shall be deemed to be owned by the State.

#### **Chapter (4)**

##### **Designation of gemstone worksites**

9. In order to permit gemstone production, the Ministry shall designate areas where gemstones can be extracted within the gemstone tract as gemstone worksites where mid-scale excavation and production is allowed.

#### **Chapter (5)**

##### **Gemstone production permit**

10. The Ministry :
  - (a) Shall specify the suitable and approved price depending on the location for each gemstone block where mid-scale excavation and production is allowed. If submissions of competitive bids for a gemstone worksite are solicited, the Ministry shall specify the necessary regulations for selection.
  - (b) Shall invite bids in order to issue a permit on the basis of the specified price according to the class of the gemstone worksite.
11. A company desirous of carrying out gemstone production shall have the right to operate such gemstone production according to its memorandum of association or, if it is a society, according to its by-laws. In addition, it shall act in conformity with the conditions specified by the Ministry.



12. A company or society which is in conformity with the provision of section 10 has the right to participate in, compete in and submit bids for gemstone worksites where mid-scale manufacturing and production is allowed by the Ministry.
13. The Ministry shall issue a gemstone production permit to the company or society which submitted a bid and was selected and approved according to the specifications prescribed in the rule issued under this law.
14. The Ministry shall implement, for mid-scale excavation and production, a system to allot, by percentage or by profit, the production done by the permit holder in accordance with the rules under this law. In this allotment, costs incurred for investigating environmental damages shall be included.
15. The Ministry:
  - (a) Can approve the extension of the term of a permit after scrutinizing and reviewing the performance of a business upon an application for continuous operation if the term of gemstone worksites has expired and mid-scale excavation and production is allowed.
  - (b) May issue an order to allow the extension of the term for at most 3 years for gemstone production and, if necessary, re-determine the price for each mid-scale excavation and production worksite for which the term was approved under sub-section (a).
16. The Ministry can, with the approval of the Union Government, form Regional or State Worksite Allocation Teams.
17.
  - (a) The relevant Regional or State Worksite Allocation Team formed and authorized with the approval of the Union Government can, after having obtained the opinion of the Ministry, designate a worksite from the permissible areas as a small-scale excavation and production site or mid-scale excavation and production site in the gemstone tract or outside the area of the gemstone tract.
  - (b) A person who desires to engage in the small-scale operation and production or manual excavation and production on land in the area specified under sub-section (a) shall apply for a permit to the Regional or State Worksite Allocation Team as prescribed.
18. A Regional or State Worksite Allocation Team:
  - (a) Shall specify the permissible term and approved price for operating small-scale excavation and production or manual excavation and production after scrutinizing the application under section 14, sub-section (b) [*translator's note: reference not clear*] in order to the issue permit for small-scale excavation and production or manual



- excavation and production. If competitive bids are submitted for the same worksite, it shall specify the necessary regulations for selection.
- (b) Shall issue a permit, if an applicant deposits the specified price within the stipulated period.
  - (c) When extending the term of a permit after its expiry, it shall specify the term (up to two years) of the permit for the small-scale excavation and production and the price.
  - (d) Shall issue the permit, if a current permit holder deposits the specified price within the stipulated period.
19. The Ministry shall designate a public place for discarding loose soil within the gemstone tract if a permit holder engages in gemstone production.
20. (a) A permit holder shall apply for a permit to use land within the gemstone tract to the Ministry as prescribed.
- (b) The Ministry:
- (1) Can issue the permit to use land after scrutinizing the application and specifying the conditions.
  - (2) When issuing the permit to use land under sub-section (1), shall specify the rent and the term of the permit to use land for a place outside the worksite for which a *[gemstone production]* permit was obtained.
  - (3) Can extend the term when the specified term of the permit to use land under sub-section (2) has expired.

## Chapter (6)

### Duties and rights of a permit holder

21. A permit holder:
- (a) Shall comply with the rules, regulations, orders, directives and procedures issued under this law.
  - (b) Shall comply with the conditions contained in the permit, license or permit to use land.
  - (c) Shall disclose the raw gemstones produced to the relevant Valuation Body and register them as prescribed.
  - (d) Shall pay gemstone tax in accordance with this law.



- (e) Shall not sub-lease or in any way transfer the permit obtained.
  - (f) Shall not fail to report once in 6 months the state of the gemstone excavation and production, payment of gemstone tax, sold gemstones and remaining gemstones in respect of each worksite to the department or team that issued the permit.
  - (g) Shall comply with the rules, procedures, orders and directives with regard to the following matters:
    - (1) Appointment of personnel and workers, assignment of work, determination of the age and the wages, salaries and other remuneration in respect of gemstone production.
    - (2) Determination of the working days and working hours work above and underground relating to gemstone production.
    - (3) Planning for safety and the prevention of accidents relating to gemstone production.
    - (4) Formulation and implementation of plans relating to the welfare, health, sanitation and discipline of personnel and workers in a gemstone production operation.
    - (5) Making provisions for the prevention of detrimental effects on environmental conservation due to the gemstone production.
    - (6) Reporting of accidents, loss of life and bodily injury suffered due to such accidents in the gemstone production.
    - (7) Compliance with the inspection of the chief inspector and inspectors.
22. If a permit holder has completed registration of the raw gemstones produced and paid the gemstone tax according to the specifications contained in the rules which are issued under the laws in force and this law, it
- (a) Has the right to manufacture finished gemstones and materials made from gemstones by cutting, grinding, polishing, shaping and engraving, in compliance with the laws, rules and regulations of gemstone cutting and grinding enacted by the relevant Region or State Hluttaw, the raw gemstones produced.
  - (b) Has the right to manufacture jewelry and materials made from gemstones from the finished gemstones which were manufactured by cutting, grinding, polishing, shaping and engraving such raw gemstones.





- (c) Has, in respect of the raw gemstones or finished gemstones which are already cut, ground, polished, shaped and engraved or jewelry or materials made from gemstones:
- (1) The right to carry them freely within the country.
  - (2) The right to sell them freely in Myanmar currency and foreign currency within the country.
  - (3) The right to sell them at gemstone exhibitions organized in accordance with the trading rules and regulations in border cities with permission from the Ministry and under supervision of the Head Association and the Myanmar Gems Enterprise.
  - (4) The right to export them and sell them abroad in foreign currency.
  - (5) The right to sell them in a gemstone market which operates legally and at the shops and places permitted under the license, at gemstone exhibitions held with permission from the Ministry, or at domestic gemstone exhibitions held by individuals from time to time.
  - (6) The right to sell to them to gemstone merchants from abroad with the approval of the Ministry by inviting them on its own arrangement.
  - (7) The right to go to foreign gemstone exhibitions and sell them there.
23. A permit holder, if dissatisfied with the value of a gemstone as determined by the Valuation Body, has the right to submit [an appeal] to the Central Committee for revaluation within 30 days from the date of such valuation.
24. A permit holder has the right to apply, to the relevant Ministry, for exemption from, or reduction of, customs duty for the import of raw materials, machines and equipment that are actually required for the production and sale of finished gemstones and jewelry.

## **Chapter (7)**

### **Permission for the marketing of raw gemstones, finished gemstones and jewelry**

25. Any person desirous of operating any of the following businesses shall, in order to obtain a license, apply to the Ministry or the relevant Regional or State Government in accordance with the rules issued under this law.
- (a) Business of selling raw gemstones, finished gemstones, jewelry or materials made from gemstones.



- (b) Business of manufacturing finished gemstones or jewelry with foreign investment.
  - (c) Business of manufacturing finished gemstones from raw gemstones.
26. The Ministry or the relevant Regional or State Government :
- (a) Can issue the license or refuse to issue the license after scrutinizing the application submitted under section 25 as prescribed.
  - (b) Shall determine the term of the license, the license fees and conditions if it allows the issuance of the license under sub-section (a).
27. A license holder:
- (a) Shall comply with the rules, procedures, orders and directives issued under this law.
  - (b) Shall comply with the conditions contained in the license.
  - (c) Shall pay the specified license fee.
  - (d) Shall only sell, according to the categories of the license, at a gemstone exhibition held with the approval of the Ministry or the relevant Regional or State Government, at domestic gemstone exhibitions held by individuals from time to time, at international gemstone exhibitions, a gemstone market which was opened legally, and shops permitted under the license.
  - (e) Shall not sub-lease or in any way transfer the license obtained.
28. A license holder:
- (a) If a permit holder already paid the gemstone tax for raw gemstones, the license holder has the right to purchase, carry and possess these raw gemstones and produce, from these raw gemstones, finished gemstones, jewelry and material made from gemstones.
  - (b) Has, in respect of the purchased raw gemstones, finished gemstones, jewelry and material made from gemstones referred to in sub-section (a) the following rights in accordance with the specifications contained in the rule issued under this law:
    - 1) The right to carry them freely within the country.
    - 2) The right to sell them freely in Myanmar currency or foreign currency within the country.
    - 3) The right to export them and sell them in foreign currency.



## **Chapter (8)**

### **Formation of the Valuation Body and its functions and duties**

29. The Ministry :
- (a) Shall form Valuation Bodies comprising gemstone experts, technicians and other suitable people in the required regions.
  - (b) Can reconstitute the Valuation Body as necessary.
30. Members of the Valuation Body who are not government servants are entitled to receive a specified allowance and remuneration from the Ministry.
31. The functions and duties of the Valuation Body are as follows:
- (a) Registering quality, quantity, weight and size of the raw gemstones disclosed by a permit holder under section 21, sub-section (c) as prescribed.
  - (b) Determining the value of the registered raw gemstones as prescribed.
  - (c) Co-coordinating with the department concerned in order to collect gemstone tax on the valuation under sub-section (b).
  - (d) Taking action in accordance with this law if information is received that a permit holder has unlawfully disposed of produced raw gemstones without bringing them to, and registering them with, the Valuation Body.
  - (e) Carrying out the functions and duties assigned by the Ministry from time to time.

## **Chapter (9)**

### **Paying gemstone tax and service fees**

32. A permit holder shall pay gemstone tax in Myanmar currency according to the following percentages and based on the value specified by the Valuation Body after registering the produced raw gemstones:
- (a) 20 percent in the case of a ruby, sapphire, jade and diamond.
  - (b) 10 percent in the case of a gemstone that is not a gemstone mentioned in clause (a).
33. A permit holder selling, in a place where service fees have to be paid, raw gemstones for which gemstone tax was paid under section 32, shall pay 3 percent of the actual sales price as service fees.



34. A permit holder selling finished gemstones made by cutting and grinding raw gemstones for which gemstone tax was paid under section 32, jewelry, or material made from gemstones in a place where service fees have to be paid, shall pay 1 percent of the actual sales price as service fees.
35. A license holder:
- (a) Selling raw gemstones for which gemstone tax was paid under this law in a place where service fees have to be paid, shall pay 3 percent of the actual sales price as service fees.
  - (b) Selling finished gemstones made by cutting and grinding raw gemstones for which gemstone tax was paid under this law, jewelry, or material made from gemstones in a place where service fees have to be paid, shall pay 1 percent of the actual sales price as service fees.

## **Chapter (10)**

### **Formation of the Central Gemstone Supervisory Committee and its functions and duties**

36. The Ministry :
- (a) Shall form the Central Gemstone Supervisory Committee comprising of persons in charge of duties at the relevant government departments and organizations, gemstone experts, technicians and representatives of the Head Association of Myanmar Gemstone Entrepreneurs.
  - (b) Can reconstitute the Central Committee formed under sub-section (a) as necessary.
37. A member of the Central Committee who is not a government servant is entitled to receive a specified allowance and remuneration from the Ministry.
38. The functions and duties of the Central Committee are as follows:
- (a) Suggesting, to the Ministry, measures to be taken for the complete establishment and development of the gemstone and jewelry market within the country, in respect of gemstones produced in Myanmar.
  - (b) Making suggestions, to the Ministry, in association with the designation of a gemstone tract, designation of the class of gemstone worksites, determination of a floor price, designation of a public place to discard loose soil under section 19, and determination of the land rent for permit to use land.



- (c) Making suggestions, to the Ministry, as to the assistance that the Government should render for the smooth and successful operation of the production and sale of gemstones.
- (d) Making recommendations to the Ministry regarding the determination of percentages which should be specified from time to time for the imposition of gemstone tax according to the different kinds of gemstones.
- (e) Rendering a final decision in case of an application made by a person dissatisfied with the valuation of a gemstone by the Valuation Body for the purpose of assessment of gemstone tax.
- (f) Re-assessing, as necessary, the value of a gemstone assessed by the Valuation Body if it is found that the determined value of the gemstone is lower or higher than the actual value.
- (g) Making suggestions to the Ministry on ways and means to eradicate, suppress and prevent the excavation and production of gemstones within the country and the export and sale of gemstones abroad which are in violation of this law and the rules, orders, directives and procedures issued under this law.
- (h) Allowing the holding of gemstone exhibitions under the supervision of the Head Association with the approval of the Central Committee and allowing the holding of gemstone exhibitions under the supervision of the Head Association in the border cities where they are permitted by the Ministry according to the rules and regulations for border trade in order to establish and develop a complete gemstone and jewelry market and to support the full levying of gemstone tax.
- (i) Reporting to the Ministry to designate, as gemstone market, places in regions where gemstones are produced and which have the potential to develop as a gemstone market, places in regions where gemstones are not produced, but which have the potential to develop as a gemstone market, and places where gemstones are traded.
- (j) Opening training schools with respect to gemstone techniques, gemstone markets with international standard and gemstone museums.
- (k) Assisting if individuals submit proposals to hold *[domestic]* gemstone exhibitions to enlarge the market or if domestic entrepreneurs submit proposals to hold exhibitions of finished gemstones and jewelry abroad.



## **Chapter (11)**

### **Functions and duties of the chief inspector**

39. The Director-General of the Department of Mines under the Ministry shall be the chief inspector for the purpose of this law.
40. The functions and duties of the chief inspector are as follows:
- (a) Inspecting a permit holder, license holder or holder of a permit to use land whether they comply with the provisions of this law and the rules, orders and directives that are issued under this law, and the terms and conditions contained in the permit, license or permit to use land.
  - (b) Inspecting health, sanitation, safety, accident prevention, welfare and disciplinary measures with regard to personnel and workers engaged in gemstone production.
  - (c) Inspecting environmental damages due to the excavation and production of gemstones and acting as prescribed.
  - (d) Determining the functions and duties of the inspectors and supervising them.
  - (e) Carrying out the duties that are assigned from time to time by the Ministry.
41. The chief inspector:
- (a) Can assign any suitable officer from the Myanmar Gems Enterprise or the Department of Mines under the Ministry as an inspector for the purpose of this law.
  - (b) Can delegate his powers to an inspector.

## **Chapter (12)**

### **Taking administrative action**

42. If a permit holder, license holder, manager acting on behalf of a permit holder or license holder, or a person having received a permit to use land fails to comply with any rules, orders, directives and procedures issued under this law or violates any conditions contained in the permit, license or permit to use land, the Ministry can order one or more than one of the following administrative actions:
- (a) Suspension of the permit, license or permit to use land by specifying the period.
  - (b) Allowing the continuation of the operation after levying a fine.



- (c) Revocation of the permit, license or permit to use land.
- (d) Informing the relevant Ministry to take action as necessary against the permit holder, license holder or person who received a permit to use land.

## **Chapter (13)**

### **Offences and penalties**

- 43. Anyone having taken raw gemstones, finished gemstones or jewelry to a foreign country who is convicted of having failed to comply with this law and the rules, orders, directives and procedures issued under this law shall be punished with imprisonment of at least five years and at most ten years and with a fine.
- 44. A permit holder, any director of a permit holder and any manager acting on behalf of a permit holder convicted of having committed any of the following acts shall be punished with imprisonment of at least three years and at most seven years and with a fine:
  - (a) Production of gemstones in a worksite or area other than the gemstone worksite permitted.
  - (b) Having failed to register a produced raw gemstone or registering another, substituted raw gemstone instead of the raw gemstone actually produced.
- 45. Anyone having taken material made from gemstones to a foreign country who is convicted of having failed to comply with this law and the rules, orders, directives and procedures issued under this law shall be punished with imprisonment of at least one year and at most three years and with a fine.
- 46. Anyone convicted of having committed any of the following acts shall be punished with imprisonment of at least three years and at most seven years and with a fine:
  - (a) Engaging in gemstone production without having obtained a permit.
  - (b) Prospecting and exploration of raw gemstones without permission.
- 47. Anyone convicted of having committed any of the following acts shall be punished with imprisonment of at least one year and at most three years and with a fine:
  - (a) Keeping, transporting, marketing or transferring raw gemstones without complying with this law and the rules, orders, directives and procedures issued under this law.
  - (b) Operation of any business contained in section 25 without a license.



48. A permit holder or a manager acting on behalf of a permit holder convicted of having failed to comply with the rules and orders regarding section 21, sub-section (g) shall be punished with imprisonment of at most three years or with a fine or with both.
49. Anyone convicted of having engaged, without the permission of a permit holder, in any process to produce gemstones in an area for which this person has obtained a permit to use land shall be punished with imprisonment of at least one month and at most three months, and with a fine.
50. Anyone having attempted, conspired, or abetted to commit any offence under this law shall be punished with the punishment provided for under this law for such offence.
51. The court shall, in respect of any legal proceeding instituted under this law, punish the relevant offence and in addition:
  - (a) Shall render an order to confiscate the gemstones, jewelry and money in association with the offence as public property.
  - (b) Can give an order to confiscate vehicles, machines, animals and other equipment and tools which were used in the offence.

## **Chapter (14)**

### **Miscellaneous**

52. A permit holder shall:
  - (a) Seriously operate with minimum environmental damage and not disturb the social and economic situation of the locals when engaging in gemstone production.
  - (b) Implement measures of reconstruction and green growth and development as prescribed after the gemstone production is closed.
  - (c) Establish a budget of not less than two percent of the investment in order to develop health, education, transportation and other improvements for the local area.
  - (d) Cooperate with the Myanmar Extractive Industries Transparency Initiative (MEITI) and local organizations for environmental conservation when they investigate implementation of the above items.
53. An authorized officer of the Ministry shall have the powers of a collector under the laws in force for the collection of money that has to be levied under this law.





54. (a) A license or permit to use land which was issued for the production of gemstones under any laws in force before the enactment of this law shall, if its term has not expired, be valid until the date of expiry of its term.
- (b) Cooperative businesses and individual businesses engaging in gemstone production under sub-section (a) within the term prior to its expiry shall continue operation in accordance with directives issued by the Ministry and the provisions of this law.
55. If an exhibit involved in any offence prosecuted under this law cannot be easily disclosed before the court, such exhibit does not have to be disclosed. However, a report on how the exhibit is being kept and other relevant documentary evidence may be submitted. Such submission shall be deemed a submission of the exhibit before the court and the relevant court may dispose of the same in accordance with the law.
56. The Ministry can, with the approval of the Union Government, give permission to an individual or an organization desirous of using foreign investment for making finished gemstones or jewelry and selling finished gemstones, jewelry and material made from gemstones.
57. The Ministry can delegate its powers conferred by this law to the department or enterprise that is under its supervision in order to exercise the same.
58. The Union Government may, in the interest of the State, allow any company, organization or individual to prospect and explore in any appropriate area within a region where gemstone may be found by specifying conditions.
59. The Ministry can provide a recommendation letter for importing raw gemstones or finished gemstones according to the requirement of the domestic market.
60. When implementing the provisions of this law:
- (a) The Ministry can issue rules and regulations with the approval of the Union Government.
- (b) The Ministry can issue notifications, orders and procedures.
- (c) The Department of Mines and Myanmar Gems Enterprise can issue orders and directives with the approval of the Ministry.