

Acts Supplement (Amendment Acts)



LAWS OF MALAYSIA

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Date of Royal Assent:	4th September 1984
Date of Publication in the Gazette:	6th September 1984
Date of coming into operation:	2nd February 1991 - PU(B) 281/91

ARRANGEMENT OF SECTIONS

[Long Title & Preamble](#)

- Section 1. [Short title, application and commencement.](#)
- Section 2. [Amendment of section 2.](#)
- Section 3. [Substitution of the word "registrar" for the words "Registrar General" in several provisions.](#)
- Section 4. [Amendment of section 11.](#)
- Section 5. [Amendment of section 12.](#)
- Section 6. [Amendment of section 13.](#)
- Section 7. [New section 14.](#)
- Section 8. [Amendment of section 16.](#)
- Section 9. [Amendment of section 18.](#)
- Section 10. [New section 20.](#)
- Section 11. [Amendment of section 22.](#)
- Section 12. [Deletion of section 25.](#)
- Section 13. [New section 26.](#)
- Section 14. [New section 26A.](#)
- Section 15. [Amendment of section 27.](#)
- Section 16. [Amendment of section 31.](#)
- Section 17. [Amendment of section 33.](#)
- Section 18. [Amendment of section 51.](#)
- Section 19. [Amendment of section 57.](#)
- Section 20. [Amendment of section 59.](#)
- Section 21. [Amendment of section 63.](#)
- Section 22. [Amendment of section 65A.](#)
- Section 23. [Amendment of section 65B.](#)
- Section 24. [New section 65D.](#)
- Section 25. [Amendment of section 65H.](#)
- Section 26. [Amendment of section 65I.](#)
- Section 27. [Amendment of section 65K.](#)
- Section 28. [New section 65KA.](#)
- Section 29. [Amendment of section 65L.](#)
- Section 30. [Amendment of section 65M.](#)

- Section 31. [New sections 65R, 65S AND 65T.](#)
- Section 32. [New sections 437A and 473B.](#)
- Section 33. [Amendment of section 474.](#)
- Section 34. [Amendment of section 475.](#)
- Section 35. [Amendment of section 483.](#)
- Section 36. [New section 483B.](#)
- Section 37. [Amendment of section 484.](#)
- Section 38. [New section 485A.](#)
- Section 39. [New Fifteenth Schedule.](#)
- Section 40. [Extension of sections 437A to 485A of Ordinance to Sabah and Sarawak.](#)
- Section 41. [Amendment to the Merchant Shipping \(Amendment and Extension\) Act 1977.](#)
- Section 42. [Amendments to Sabah Merchant Shipping Ordinance 1960.](#)
- Section 43. [Amendment to Sarawak Merchant Shipping Ordinance 1960.](#)
- Section 44. [Repeal.](#)
- Section 45. [Provisions of sections 473A to 485A of Ordinance to prevail over inconsistent or contrary written law](#)
- Section 46. [References to "Ordinance in the Sabah and Sarawak Merchant Shipping Ordinance include references to extended provisions.](#)

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 1. Short title , application and commencement.

(1) This Act may be cited as the **Merchant Shipping (Amendment and Extension) Act 1984** and shall apply throughout Malaysia.

(2) This Act shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint.

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 2. Amendment of section 2.

Section 2 of the Merchant Shipping Ordinance 1952, which in this Act is referred to as the "Ordinance", is amended -

(a) by inserting immediately after the definition of "consular officer" the following new definition:

' "continental shelf" has the same meaning given to it in the Continental Shelf Act 1966 [Act 83];'

(b) by inserting immediately after the definition of "effects" the following new definition:

' "exclusive economic zone" means the exclusive economic zone of Malaysia as proclaimed by the Yang di-Pertuan Agong *vide* P.U. (A) 115/80, being an area beyond and adjacent to the territorial sea of Malaysia and extending to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured and where the limits of the exclusive economic zone are modified and altered in accordance with the provisions of any written law relating to the exclusive economic zone, the exclusive economic zone shall mean the exclusive economic zone as so modified and altered;'

(c) by inserting immediately after the definition of "radio rules" the following new definitions:

' "registrar" means the registrar of Malaysian ships appointed under subsection (1) of section 14 and includes the Registrar General;

"Registrar General" means the Registrar General of Ships appointed under subsection (1) of section 14;'; and

(d) by inserting immediately after the definition of "Superintendent" the following new definitions:

' "Surveyor of Ships" means the Surveyor of Ships appointed under subsection (1) of section 10 and includes -

(a) the Surveyor-General of Ships; and

(b) in relation to the States of Sabah and Sarawak, a surveyor of ships appointed under the provisions of any written law relating to merchant shipping in force in these States;

"Surveyor-General of Ships" means the Surveyor-General of Ships appointed under subsection (2) of section 10;'

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 3. Substitution of the word "registrar" for the words "Registrar General" in several provisions.

The Ordinance is amended by substituting for the words "Registrar General" wherever appearing in subsection (2) of section 11, section 17, subsection (4) of section 18 and subsection (2) of section 34 the word "registrar".

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 4. Amendment of section 11.

Section 11 of the Ordinance is amended -

(a) by substituting for subsection (1) the following:

"(1) Subject to subsection (1B), a ship shall not be deemed to be a Malaysian ship unless it is owned wholly by persons of the following descriptions, namely -

(a) Malaysian citizens; or

(b) corporations which satisfy the following requirements:

(i) the corporation is incorporated in Malaysia;

(ii) the principal office of the corporation is in Malaysia;

(iii) the management of the corporation is carried out mainly in Malaysia;

(iv) the majority, or if the percentage is determined by the Minister under subsection (1A) then the percentage so determined, of the shareholding, including the voting share, of the corporation is held by Malaysian citizens free from any trust or obligation in favour of non-Malaysians; and

(v) the majority, or if the percentage is determined by the Minister under subsection (1A) then the percentage so determined, of the directors of the corporation are Malaysian citizens.";

(b) by inserting immediately after subsection (1) the following new subsections (1A) and (1B):

"(1A) The Minister may, by notification in the *Gazette*, determine -

(a) the percentage of the shareholding for the purpose of subparagraph (iv) of paragraph (b) of subsection (1); and

(b) the percentage of the directors for the purpose of subparagraph (v) of paragraph (b) of subsection (1).

(1A) The Minister may, if he thinks it fit, prescribe other requirements in addition to the requirements prescribed in subsection (1)."; and

(c) by inserting the word "only" immediately after the word "vote" in the first line of paragraph (b) of subsection (3).

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 5. Amendment of section 12.

Section 12 of the Ordinance is amended -

(a) by substituting for subsection (2) the following:

"(2) If a ship required by this Ordinance to be registered is not so registered, she shall not be recognised as a Malaysian ship."; and

(b) by inserting immediately after subsection (2) the following new subsections (3) and (4):

"(3) A ship required by this Ordinance to be registered may be detained until the master of the ship, if so required, produces the certificate of registry of the ship.

(4) The Minister may prescribe the manner in which ships or classes of ships belonging to the Government of Malaysia or any State thereof or any statutory body therein may be registered under this Ordinance."

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 6. Amendment of section 13.

Section 13 of the Ordinance is amended -

(a) by substituting for the figures "474" in paragraph (b) the figures "475" and by substituting for the full stop at the end thereof a semi-colon and inserting immediately thereafter the word "and"; and

(b) by inserting immediately after paragraph (b) the following new paragraph (c):

"(c) any local fishing vessel not exceeding five hundred tons gross where such vessel is licensed under any written law relating to fisheries."

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 7. New section 14.

The Ordinance is amended by substituting for section 14 the following:

" 14. Appointment of Registrar General and registrars.

(1) For the purposes of this Part, the Minister may appoint a Registrar General of Ships and one or more registrar of Malaysian ships.

(2) The registrars shall perform their duties under the direction of the Registrar General.

(3) The Registrar General and every registrar shall be deemed to be public servants for the purpose of the Penal Code [*F.M.S. Cap. 45*].

(4) The Registrar General or a registrar shall not be liable to damages for any loss occurring to any person by reason of any act done or default by him in his capacity as Registrar General or registrar, as the case may be, unless the same occurred through his neglect or default."

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 8. Amendment of section 16.

The Ordinance is amended by substituting for section 16 the following:

" 16. Application for the registration of Malaysian ship.

(1) An application for the registry of a ship shall be made-

- (a) in the case of natural persons, by the person applying to be registered as owner, or by some one or more persons so applying if more than one, or by his or their agent; and
- (b) in the case of corporations, by their agent, and the authority of the agent shall be testified by writing under the common seal of that corporation.

(2) The application shall be made in the prescribed form and shall be supported by a statutory declaration containing the following particulars:

- (a) the name of the ship and its existing tonnages (if known);
- (b) a statement of the date when and the place where the ship was built, or if the date and place of building are not known, a statement that the declarant does not know the date and place of the building of the ship;
- (c) a statement as to the owner of the ship and the citizenship of such owner, and if the ship is owned by more than one person, the number of shares each is entitled to;
- (d) a statement of the name of the master of the ship and his citizenship;
- (e) a statement that no other person (other than those declared) is entitled as owner to any legal or beneficial interest in the ship or any share thereof;
- (f) except where the operator and the owner of the ship are the same person, the name and citizenship of the operator of the ship;
- (g) a declaration that the particulars stated in the form are true to the best of his knowledge and belief; and
- (h) such other particulars as may be prescribed.

(3) The registrar may demand proof of ownership to his satisfaction before proceeding with the registry of a ship."

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 9. Amendment of section 18.

Section 18 of the Ordinance is amended -

(a) by substituting for the words "four inches" in paragraph (a) of subsection (1) the words "one hundred millimetres";

(b) by substituting for the words "of feet" in paragraph (c) of subsection (1) and in subsection (3) the words "in metric"; and

(c) by substituting for the words "six inches" in paragraph (c) of subsection (1) the words "one hundred millimetres".

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 10. New section 20.

The Ordinance is amended by substituting for section 20 the following:

" 20. Entry of particulars in Registrar Book.

As soon as the requirements of this Ordinance preliminary to registry have been complied with, the registrar shall enter in the Register Book the following particulars respecting the ship:

- (a) the name of the ship and the name of the port to which the ship belongs;
- (b) the details comprised in the Surveyor of Ships' certificate;
- (c) the particulars respecting the origin of the ship stated in the declaration of ownership;
- (d) the name and description of the registered owner or owners of the ship, and if there are more than one owner, the proportions in which they are interested in the ship; and
- (e) such other particulars as may be prescribed."

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 11. Amendment of section 22.

Section 22 of the Ordinance is amended -

(a) by substituting for paragraph (b) of subsection (2) the following:

"(b) the name of the master and particulars of his certificate of competency;"

(b) by deleting the word "and" appearing immediately after the semi-colon in paragraph (c) of subsection (2);

(c) by substituting for the full stop appearing at the end of paragraph (d) of subsection (2) a semi-colon and inserting immediately thereafter the word "and";

(d) by inserting immediately after paragraph (d) of subsection (2) the following new paragraph (e):

"(e) such other particulars as may be prescribed."; and

(e) by inserting immediately after subsection (2) the following new subsections (2A) and (2B):

"(2A) Every registered owner of a registered Malaysian ship shall as soon as possible and in any case not later than fourteen days inform the registrar in writing of any changes affecting the particulars required to be stated in the certificate of registry under subsection (2).

(2B) Any person who contravenes subsection (2A) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit."

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 12. Deletion of section 25.

The Ordinance is amended by deleting section 25.

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 13. New section 26.

The Ordinance is amended by substituting for section 26 the following:

" 26. Provisional certificate of registry.

A registrar or a Malaysian diplomatic or consular officer may, upon application made to him and subject to the procedure, conditions and restriction as may be prescribed, issue in respect of any ship a provisional certificate of registry."

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 14. New section 26A.

The Ordinance is amended by inserting immediately after section 26 the following new section 26A:

" 26A. Cancellation of certificate.

(1) The Registrar General may cancel a Malaysian ship's certificate of registry or any provisional certificate of registry held by the ship, or impose such conditions as he may consider appropriate on the grounds of failure to comply with any requirements contained in or made under this Ordinance or any rules or regulations made thereunder, or on the grounds of failure to comply with the requirements of any international convention applicable to Malaysia.

(2) Any person aggrieved by any action of the Registrar General under subsection (1) may appeal to the Minister whose decision shall be final."

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 15. Amendment of section 27.

Section 27 of the Ordinance is amended by substituting for the word "two". in the last line of subsection (2) the word "five".

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 16. Amendment of section 31.

Section 31 Of the Ordinance is amended -

(a) by substituting for the marginal note the following:

"Endorsement of change of master on certificate.";

(b) by substituting for subsection (1) the following:

"(1) Where the master of a registered Malaysian ship is changed, the following person, that is to say -

(a) if the change is made at a Malaysian port, the registrar or, if none, the Port Officer; or

(b) if the change is made at a port outside Malaysia, a Malaysian diplomatic or consular officer,

shall endorse and sign on the certificate of registry a memorandum of the change, and shall (except in the case where the endorsement is done by the registrar of the ship's port of registry himself) notify the registrar of the ship's port of registry of the change."; and

(c) by deleting subsection (2).

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 17. Amendment of section 33.

Section 33 of the Ordinance is amended -

(a) by substituting for the words "If a registered ship is" in subsection (1) the words "If a registered ship is either actually or constructively";

(b) by substituting for the word "immediately" in subsection (1) the words "within fourteen days";

(c) by substituting for subsection (2) the following:

"(2) In any such case, except where the ship's certificate of registry is lost or destroyed, the master of the ship shall, if the event occurs in port immediately, but if it occurs elsewhere then within fourteen days after his arrival in port, deliver the certificate to the registrar, or, if there is none, to the Port Officer or to the Malaysian diplomatic or consular officer there, and the registrar, if he is not himself the registrar of her port of registry, or the Port Officer, or the Malaysian diplomatic or consular officer, shall forthwith forward the certificate delivered to him to the registrar of her port of registry.", and

(d) by substituting for the word "two" in subsection (3) the word "five".

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 18. Amendment of section 51.

Section 51 of the Ordinance is amended by substituting for the word "Minister" in subsection (1) the words "Registrar General".

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 19. Amendment of section 57.

Section 57 of the Ordinance is amended -

(a) by substituting for the full stop appearing at the end of paragraph (d) a semi-colon; and

(b) by inserting immediately after paragraph (d), the following new paragraphs (e), (f) and (g):

"(e) for requiring the periodic submission by registered owners of registered Malaysian ships to the registrar of the ship's port of registry -

(i) in the case where the ship is operated by a person other than the registered owner, of such particulars as may be prescribed concerning such person; and

(ii) in the case where the registered owner is a corporation, of such particulars as may be prescribed concerning the corporation;

(f) for giving effect to any recommendations of any international governmental organisation on the treatment of shelter deck and other open space; and

(g) for prescribing anything which is required to be or may be prescribed under this Part."

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 20. Amendment of section 59.

Section 59 of the Ordinance is amended by substituting for the words ", authority or statutory organisation established under any written law." in subsection (4) the words "of Malaysia or any State thereof or any statutory body therein."

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 21. Amendment of section 63.

Section 63 of the Ordinance is amended by substituting for the words "A Malaysian ship declared by the Minister as a non-Malaysian or ceasing to be a Malaysian" the words "Where it is provided by this Ordinance that a Malaysian ship shall not be recognised as a Malaysian ship, that".

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 22. Amendment of section 65A.

The Ordinance is amended by substituting for section 65A the following:

" 65A. Interpretation.

In this Part, unless the context otherwise requires, "domestic shipping" means the shipment of goods or passengers-

- (a) from any port or place in Malaysia to another port or place in Malaysia; or
- (b) from any port or place in Malaysia to any place in the exclusive economic zone or *vice versa*,

and includes the towing or pushing by a ship of any ship engaged in domestic shipping."

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 23. Amendment of section 65B.

Section 65B is amended-

(a) by substituting for subsection (2) the following:

"(2) The Board shall consist of the following members to be appointed by the Minister:

- (a) a Chairman;
- (b) a representative of the Ministry responsible for merchant shipping;
- (c) a representative of the Ministry of Trade and Industry;
- (d) a representative of the Marine Department, Peninsular Malaysia;
- (e) a representative of the Royal Customs and Excise Department; and
- (f) not less than three but not more than five other persons who have wide experience or special knowledge in matters relating to shipping.";

(b) by inserting immediately after subsection (2) the following new subsections (2A) and (2B):

"(2A) The Minister may in respect of each member of the Board other than the Chairman appoint an alternate member who may attend any meeting of the Board when the member, in respect of whom he is an alternate is, for any reason, unable to attend the meeting; and an alternate member when attending such a meeting shall be deemed to be a member of the Board,

(2B) An alternate member, unless he sooner resigns or his appointment is sooner revoked, shall cease to be an alternate member when the member in respect of whom he is an alternate member ceases to be a member of the Board."; and

(c) by inserting immediately after the word "member" wherever appearing in paragraph (ii) of subsection (4) the words "or an alternate member".

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 24. New section 65D.

The Ordinance is amended by substituting for section 65D the following:

" 65D. Regulations.

The Board may, with the approval of the Minister, make such regulations as may be necessary or expedient for giving full effect to the provisions of this Part, and without prejudice to the generality of the foregoing, such regulations may -

- (a) prescribe the procedure for the application of a licence and the particulars to be supplied;
- (b) prescribe the conditions to be satisfied by any person applying for a licence;
- (c) provide for the issue of licences and the fees payable and the manner of payment in respect thereof, and the terms and conditions attached to such licences;
- (d) prescribe the rates which may be charged for the carriage of passengers or cargo by any ship engaged in domestic shipping;
- (e) prescribe anything required to be or may be prescribed under this Part; and
- (f) prescribe penalties for the contravention of the provisions thereof of a fine not exceeding ten thousand ringgit or imprisonment for a term not exceeding one year or to both such fine and imprisonment."

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 25. Amendment of section 65H.

Section 65H of the Ordinance is amended -

- (a) by substituting for the words "Ordinance and any rules or" in subsection (3) the words "Part and any"; and
- (b) by substituting for subsection (5) the following:

"(5) A licence granted under this Part shall be in such form as may be prescribed, subject to such terms and conditions as may be imposed and to such duration as may be specified."

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 26. Amendment of section 65I.

The Ordinance is amended by substituting for section 65I the following:

"65I. Revocation of licence.

The Board may revoke any licence if it is satisfied that the licensee, his servant or agent has -

- (a) contravened any of the provisions of this Part or any regulations made thereunder; or
- (b) committed a breach of any of the terms or conditions of the licence:

Provided that no licence shall be revoked unless the licensee has been given a reasonable opportunity of making a representation against the intended revocation."

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 27. Amendment of section 65K.

Section 65K of the Ordinance is amended by substituting for the words "issue, renew, or revoke" the words "refuse to issue or renew, or to revoke,".

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 28. New section 65KA.

The Ordinance is amended by inserting immediately after section 65k. the following new section 65KA:

" 65KA. Prohibition of non-Malaysian ships to engage in domestic shipping.

- (1) No ship other than a Malaysian ship may engage in domestic shipping.
- (2) A person not qualified to own a Malaysian ship as provided by section 11 shall not charter or otherwise engage any Malaysian ship for domestic shipping except under and in accordance with such conditions as the Minister may direct or prescribe.
- (3) The master, owner or agent of any ship who contravenes subsection (1) or any person who contravenes subsection (2), shall be guilty of an offence and shall on conviction be liable to a fine not exceeding ten thousand ringgit.
- (4) Notwithstanding subsection (1), the Minister may, by order and subject to such conditions and restrictions as may be specified in the order, exempt any non-Malaysian ship or class of non-Malaysian ships from the provisions of subsection (1)."

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 29. Amendment of section 65L.

Section 65L. of the Ordinance is amended -

- (a) by substituting for the word "character" in subsection (2) the word "charterer"; and
- (b) by inserting immediately after subsection (2) the following new subsection (3):

"(3) The following vessels are exempted from subsection (1):

- (a) any ship under fifteen tons nett;
- (b) any vessel licensed under section 475;
- (c) in relation to the State of Sabah, any vessel licensed under the Merchant Shipping Ordinance 1960 of Sabah [*Sabah Ord. 11/60*];
- (d) in relation to the State of Sarawak, any vessel licensed under the Merchant Shipping Ordinance 1960 of Sarawak [*Sarawak Ord. 2/60*]; and
- (e) any ship belonging to or in the employment of the Government of Malaysia or any State thereof or any Port Authority therein."

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 30. Amendment of section 65M.

The Ordinance is amended by substituting for section 65M the following:

" 65M. Port clearance.

No port clearance shall be granted to a ship engaged in domestic shipping unless the owner, charterer, master or agent satisfies the proper officer of customs or such other authority authorised to issue port clearance that the ship is licensed to engage in domestic shipping or is exempted under section 65L from being required to be licensed."

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 31. New sections 65R, 65S AND 65T.

The Ordinance is amended by inserting immediately after section 650 the following new sections 65R, 65S and 65T:

" 65R. Power of Port Officer or officer of customs to board ship.

(1) For the purpose of seeing that the provisions of this Part have been complied with, any Port Officer or officer of customs may go on board any ship in any port or place or within Federation waters or the exclusive economic zone and require the master of such ship to give such information relating to the ship, cargo, stores, crew, passengers or voyage as he may consider necessary; and such officer may demand all documents which ought to be on board and require all or any of such documents to be brought to him for inspection.

(2) Any master of such ship who, without lawful excuse, refuses to allow any such officer to enter such ship or when so required refuses or fails to submit the required document to such officer or who, in submitting any required information, knowingly or recklessly makes any statement that is false in any material particular or who, with intent to deceive, submit a document that is false in any material particular, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

65S. Power to detain vessels.

Any Port Officer or officer of customs may detain any ship if such officer has reasonable cause to suspect that in respect of such ship there has been a contravention of any of the provisions of section 65KA or section 65L.

65T. Delegation of powers and duties.

(1) The Board, with the approval of the Minister, may by notification in the *Gazette* delegate to any person or body of persons any of its powers or duties under this Part except the power to make regulations.

(2) A delegation under subsection (1) may -

- (a) be made subject to such conditions, qualifications and exceptions as may be prescribed in the notification;
- (b) be revoked or varied by a subsequent notification made in the like manner.

(3) The Board may exercise a power or perform a duty notwithstanding that it has delegated its powers or duties under this section."

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 32. New sections 473A and 473B.

The Ordinance is amended by inserting immediately before section 474 the following new sections 473A and 473B:

" 473A. Interpretation.

(1) For the purposes of sections 474 to 485, "boat" means any vessel below five hundred tons gross plying-

- (a) within the rivers of a State navigable by sea-going vessels; or
- (b) within the coastal waters of such State extending up to the outer limits of the Federation waters,

for the purpose of trade or business.

(2) The expression "trade or business" includes -

- (a) the conveyance of goods or passengers;
- (b) fishing;
- (c) salvage operations;
- (d) dredging,
- (e) cable-laying;
- (f) off-shore exploration;
- (g) conservancy;
- (h) marine constructions;
- (i) oceanography;
- (j) hydrography; and
- (k) port services.

473B. Exemptions.

The following vessels are exempted from the provisions of sections 474 to 485:

- (a) any ship registered under Part IIA;
- (b) in relation to West Malaysia, any native sailing ship licensed under this Part;
- (c) in relation to the State of Sabah, any vessel licensed under the Merchant Shipping Ordinance 1960 of Sabah [*Sabah Ord. 11/60*]; and

(1) in relation to the State of Sarawak, any vessel licensed under the Merchant Shipping Ordinance 1960 of Sarawak [*Sarawak Ord.2/60*]."

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 33. Amendment of section 474.

Section 474 of the Ordinance is amended -

- (a) by inserting immediately after the word "provided" in subsection (1) the words "or under any written law relating to fisheries";
- (b) by substituting for the words "one hundred dollars" in subsection (2) the words "one thousand ringgit"; and
- (c) by deleting subsection (3).

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 34. Amendment of section 475.

Section 475 of the Ordinance is amended -

(a) by substituting for subsection (1) the following:

"(1) Any person desirous of having a boat licence shall apply to the Port Officer of the nearest port, who shall examine the boat, and, if he thinks it seaworthy and proper for the purpose for which licence is applied, may cause the boat to be licensed for such purpose."; and

(b) by deleting subsection (4).

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 35. Amendment of section 483.

Section 483 of the Ordinance is amended -

(a) by substituting for paragraph (b) the following:

"(b) for the management and working of boats (save in respect of fishing boats where such matters are regulated under any written law relating to fisheries); "; and

(b) by substituting for paragraph (i) the following:

"(i) as to the seaworthiness, survey and inspection of, and manning requirements for, fishing vessels; as to the requirements concerning their construction and equipment, including equipment relating to avoidance of collisions, life-saving and fire-fighting; and as to the requirements concerning accommodation on board fishing vessels, articles of agreement and discipline of the crew of such vessels;" .

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 36. New section 483B.

The Ordinance is amended by inserting immediately after section 483A the following new section 483B:

" 483B. Boat licensed under this Part shall not proceed beyond coastal waters of a State.

(1) Unless for special reasons express provision to the contrary is contained in the licence or unless such action is necessary due to Stress of weather or other cause beyond the control of the master, a boat licensed under section 475 in any State shall not proceed beyond the coastal waters of such State extending up to the outer limits of the Federation waters.

(2) The master or owner of any vessel who contravenes subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand ringgit."

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 37. Amendment of section 484.

Section 484 of the Ordinance is amended by substituting for the words "one hundred dollars" the words "one thousand ringgit".

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 38. New section 485A.

The Ordinance is amended by inserting immediately after section 485 the following new sub-heading and new section 485A:

" Registration of Off-shore Industry Structures, Off-shore Industry Mobile Units and Off-shore Industry Vessels

485A. Power to make regulations relating to off-shore industry structures, etc.

(1) Notwithstanding anything contained in this Act, the Minister may make regulations for the purposes of ensuring the safety of and control over off-shore industry structures, off-shore industry mobile units and off-shore industry vessels.

(2) Without prejudice to the generality of the powers under subsection (1), such regulations may make provisions for or in relation to any of the following matters, namely -

- (a) the registration of off-shore industry structures, off-shore industry mobile units and off-shore industry vessels;
- (b) the giving of effect to any recommendation of any international governmental organization with respect to off-shore industry structures, off-shore industry mobile units and off-shore industry vessels;
- (c) the inspection and survey of off-shore industry structures, off-shore industry mobile units and off-shore industry vessels and the issue of certificates in respect of such structures, units and vessels;
- (d) the construction, hull, equipment and machinery of off-shore industry structures, off-shore industry mobile units and off-shore industry vessels;
- (e) the stability of off-shore industry structures, off-shore industry mobile units and off-shore industry vessels;
- (f) the prevention of collisions involving off-shore industry structures, off-shore industry mobile units and off-shore industry vessels;
- (g) the navigation (including towing) of off-shore industry structures, off-shore industry mobile units and off-shore industry vessels;
- (h) the equipping of off-shore industry structures, off-shore industry mobile units and off-shore industry vessels with radio installations and the operation, maintenance and use on off-shore industry mobile units of radio installations;
- (i) the manning of off-shore industry structures, off-shore industry mobile units and off-shore industry vessels;
- (j) the securing to the seabed of off-shore industry structures, off-shore industry mobile units and off-shore industry vessels engaged in drilling, laying pipelines or other operations;
- (k) the prevention of pollution or other damage to the environment by off-shore industry structures, off-shore industry mobile units and off-shore industry vessels;
- (l) the carriage of dangerous goods on off-shore industry structures, off-shore industry mobile units and off-shore industry vessels;
- (m) the granting of exemptions, either conditionally or unconditionally, to off-shore industry structures, off-shore industry mobile units and off-shore industry vessels from any requirements contained in or prescribed under this Ordinance;
- (n) the prescribing of fees for anything to be done or permitted to be done under these regulations; and

(o) the prescribing of penalties for the contravention of the provisions thereof of a fine not exceeding fifty thousand ringgit or imprisonment for a term not exceeding three years or of both such fine and imprisonment:

Provided that no regulations shall be made in respect of the matters specified in paragraph (k) without prior consultation with the Minister charged for the time being with the responsibility for the protection of the environment.

(3) Such regulations may provide that a specified requirements contained in or prescribed under this Ordinance does not apply or applies with or without modifications as prescribed in relation to any off-shore industry vessel or any class of such vessels or any off-shore industry mobile unit or any class of such units.

(4) Such regulations may provide for the detention of any off-shore industry structure, of-shore industry mobile unit and off-shore industry vessel operating in contravention of any provision of this Ordinance or any rules or regulations made thereunder and the provisions of sections 504, 505, 506 and 507 shall apply in respect of any such off-shore industry structure, of-shore industry mobile unit and off-shore industry vessel detained thereunder whether or not such structure, unit or vessel is a ship.

(5) For the purposes of this section, the Minister may, subject to such conditions and limitations as he may impose in the instrument of appointment, appoint any person to exercise or perform any or all of the powers or duties of a Port Officer, Surveyor of Ships or Radio Surveyor under this Ordinance or any rules or regulations made thereunder; and any person so appointed shall exercise or perform his powers or duties under the direction of the Director of Marine.

(6) In this section, "off-shore industry structure" means a structure that -

- (a) is fixed to the seabed and is not able to move or be moved as an entity from one place to another; and
- (b) is used or intended for use in any operation or activity associated with or incidental to exploring or exploiting the natural resources in -

- (i) the seabed of the Federation waters or the subsoil thereof;
- (ii) the continental shelf; or
- (iii) the exclusive economic zone.

(7) In this section, "off-shore industry mobile unit" means -

- (a) a vessel that is used or intended for use wholly or primarily in, or in any operations or activities associated with or incidental to, exploring or exploiting the natural resources in -

- (i) the seabed of the Federation waters or the subsoil thereof;
- (ii) the continental shelf; or
- (iii) the exclusive economic zone, by drilling the seabed or its subsoil with equipment on or forming part of the vessel or by obtaining substantial quantities of material from the seabed or its subsoil with such equipment;

- (b) a structure (other than a vessel) that -

- (i) is able to float or be floated;
- (ii) is able to move or be moved as an entity from one place to another; and
- (iii) is used or intended for use wholly or primarily in, or in any operations or activities associated with or incidental to, exploring or exploiting the natural resources in -

- (aa) the seabed of the Federation waters or the subsoil thereof;
- (bb) the continental shelf; or
- (cc) the exclusive economic zone,

by drilling the seabed or its subsoil with equipment on or forming part of the structure or by obtaining substantial quantities of material from the seabed or its subsoil with such equipment; or

(c) a barge or like vessel fitted with living quarters for more than twelve persons and used or intended for use wholly or primarily in connection with the construction, maintenance or repair of off-shore industry structures.

(8) In this section, "off-shore industry vessel" means -

(a) a ship (not being an off-shore industry mobile unit) that is used or intended for use wholly or primarily in, or in any operations or activities associated with or incidental to, exploring or exploiting the natural resources of any or all of the following, namely -

(i) the seabed of the Federation waters or the subsoil thereof;

(ii) the continental shelf; or

(iii) the exclusive economic zone; or

(b) any other ship (not being an off-shore industry mobile unit, or a ship included in a class of ships declared by the Minister, by notification in the *Gazette*, as not being an off-shore industry vessel).".

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 39. New Fifteenth Schedule.

The Ordinance is amended by substituting for the Fifteenth Schedule the following:

FIFTEENTH SCHEDULE

(Section 65B (5))

SUPPLEMENTARY PROVISIONS RESPECTING THE BOARD

1. (1) There shall be paid to members of the Board, or to such of them as the Minister may determine, such allowances as he may determine.

(2) The appointment of every member and alternate member of the Board shall be published in the *Gazette*.

(3) No member of the Board shall incur personal liability for loss or damage caused by an act or omission in administering the affairs of the Board, unless the loss or damage is occasioned by an intentionally wrongful act or omission on his part.

2. (1) The quorum of the Board shall be five.

(2) If an any question to be determined by the Board there is an equality of votes, the Chairman shall have a casting vote.

(3) Subject to subparagraphs (1) and (2), the Board shall determine its own procedure.

3. All members of the Board shall be deemed to be public servants within the meaning of the Penal Code [F.M.S. Cap. 45].

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 40. Extension of sections 437A to 485A of Ordinance to Sabah and Sarawak.

(1) Sections 473A to 485A of the Ordinance are extended to the States of Sabah and Sarawak.

(2) Such of the definitions in section 2 of the Ordinance as are necessary to give effect to the extended provisions of the Ordinance shall, subject to the modifications prescribed by subsection (2) of section 5 of the Merchant Shipping (Amendment and Extension) Act 1977, apply to those provisions.

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 41. Amendment to the Merchant Shipping (Amendment and Extension) Act 1977.

The Merchant Shipping (Amendment and Extension) Act 1977 is amended -

- (a) by substituting for the semi-colon appearing at the end of paragraph (4 of subsection (2) of section 5 a full stop;
- (b) by deleting paragraph (e) of subsection (2) of section 5; and
- (c) by deleting subsection (2) of section 6.

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 42. Amendments to Sabah Merchant Shipping Ordinance 1960.

The Merchant Shipping Ordinance 1960 [*Sabah Ord 11/60*] of Sabah is amended in the manner specified in the First Schedule.

FIRST SCHEDULE
(Section 42)

AMENDMENTS TO THE MERCHANT SHIPPING ORDINANCE 1960 OF SABAH

(1) Provisions	(2) Amendments
The whole (except where it is expressly otherwise provided hereinafter)	(1) All references to British ship are deleted. (2) All reference to North Borneo ship shall be construed as references to Malaysian ship.
Section 2	(1) The definitions of "British ship" and "North Borneo ship" are deleted. (2) The following new definition is inserted immediately after the definition of "local trade ship": ' "Malaysian ship" has the same meaning as in the Merchant Shipping Ordinance 1952 of the Federation of Malaya,". (3) The following is substituted for the definition of "North Borneo licensed ship": ' "North Borneo licensed ship" means any vessel licensed under the regulations made under section 277 of the Ordinance,".
Section 3	This section is deleted.
Section 281	The words "and to a vessel licensed in Sabah under section 475 of the Merchant Shipping Ordinance 1952 of the Federation of Malaya" is inserted immediately after the words "licensed ship".
Second Schedule	The following reference to the provisions of the Merchant Shipping Act of the United Kingdom is deleted: "Merchant Shipping Act 1894 (57 and 58 Vict. C. 60) Part I (except section 85)".

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 43. Amendment to Sarawak Merchant Shipping Ordinance 1960.

The Merchant Shipping Ordinance 1960 of Sarawak is amended in the manner specified in the Second Schedule.

SECOND SCHEDULE

(Section 43)

AMENDMENTS TO THE MERCHANT SHIPPING ORDINANCE 1960 OF SARAWAK

(1) <i>Provisions</i>	(2) <i>Amendments</i>
The whole (except where it is expressly otherwise provided hereinafter)	(1) All references to British ship are deleted. (2) All references to Sarawak ship shall be construed as references to Malaysian ship.
section 2	(1) The definitions of "British ship" and "Sarawak ship" are deleted. (2) The following new definition is inserted immediately after the definition of "local trade ship": ' "Malaysian ship" has the same meaning as in the Merchant Shipping Ordinance 1952 of the Federation of Malaya;'. (3) The following is substituted for the definitions of "Sarawak licensed ship": ' "Sarawak licensed ship" means any vessel licensed under the regulations made under section 277 of the Ordinance;'. This section is deleted.
Section 3	
Section 279	The words "and to a vessel licensed in Sarawak under section 475 of the Merchant Shipping Ordinance 1952 of the Federation of Malaya" is inserted immediately after the words "licensed ship".
Second Schedule	The following reference to the provisions of the Merchant Shipping Act of the United Kingdom is deleted: "Merchant Shipping Act 1894 (57 and 58 Vict. C. 60) Part I (except section 85)".

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 44. Repeal.

The Merchant Shipping (Licensed Ships) Regulations 1961 [*Sabah S17/61*] of Sabah and the Merchant Shipping (Sarawak Licensed Ships) Regulations 1961 [*Sarawak S17/61*] Sarawak, are repealed.

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 45. Provisions of sections 473A to 485A of Ordinance to prevail over inconsistent or contrary written law.

The provisions of sections 473A to 485A of the Ordinance shall prevail notwithstanding anything inconsistent with or contrary to those provisions in any other written law.

ACT A603

Merchant Shipping (Amendment And Extension) Act 1984

Section 46. References to "Ordinance in the Sabah and Sarawak Merchant Shipping Ordinance include references to extended provisions.

In the Merchant Shipping Ordinance 1960 of Sabah and the Merchant Shipping Ordinance 1960 of Sarawak any reference to such Ordinance shall be construed as including a reference to the provisions of the Merchant Shipping Ordinance 1952 extended by the Merchant Shipping (Amendment and Extension) Act 1977 and by this Act.

