

EXPLANATORY STATEMENT

This Bill seeks to amend the Criminal Justice Act 1953 ("Act 345").

2. *Clause 1* of this Bill contains the short title and provisions on the commencement of the proposed Act.

3. *Clause 2* seeks to amend section 3 of Act 345 consequential to the amendment made to the Penal Code which amended the term of life imprisonment from twenty years to thirty years.

FINANCIAL IMPLICATIONS

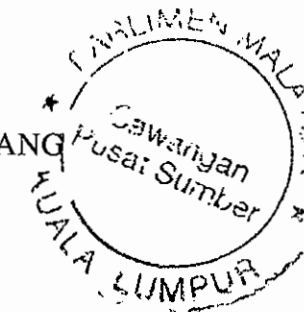
This Bill will involve the Government in extra financial expenditure the amount of which cannot at present be ascertained.

[PN(U²)2593]

D.R. 9/2007

RANG UNDANG-UNDANG

b e r n a m a



Suatu Akta untuk meminda Ordinan Perkapalan Saudagar 1952 dan untuk memperluaskan peruntukan tertentu ke Wilayah Persekutuan Labuan dan Negeri-negeri Sabah dan Sarawak, dan bagi mengadakan peruntukan mengenai perkara-perkara yang berkaitan dengannya.

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DIPERBUAT oleh Parlimen Malaysia seperti yang berikut:

Tajuk ringkas dan permulaan kuat kuasa

1. (1) Akta ini bolehlah dinamakan Akta Perkapalan Saudagar (Pindaan dan Peluasan) 2007.

(2) Tertakluk kepada subseksyen (3), Akta ini mula berkuat kuasa pada tarikh yang ditetapkan oleh Menteri melalui pemberitahuan dalam *Warta*, dan Menteri boleh menetapkan tarikh yang berlainan bagi permulaan kuat kuasa peruntukan yang berlainan dalam Akta ini.

(3) Akta ini mula berkuat kuasa dalam Negeri-negeri Sabah dan Sarawak pada tarikh yang Menteri boleh, selepas berunding dengan Pihak Berkuasa Negeri, menetapkan melalui pemberitahuan dalam *Warta*.

Pindaan seksyen 2

2. Ordinan Perkapalan Saudagar 1952 [Ord. 70/1952], yang disebut "Ordinan" dalam Akta ini, dipinda dalam seksyen 2 dengan memasukkan selepas takrif "load line rules" takrif yang berikut:

' "Malaysia Shipping Notice" means a notice described as such and issued by the Director of Marine in pursuance of section 519A in such manner as determined by him; '.

Pindaan tajuk Bahagian V

3. Ordinan dipinda dalam tajuk Bahagian V dengan menggantikan perkataan "SAFETY" dengan perkataan "MARITIME TRANSPORT SAFETY AND SECURITY".

Seksyen baru 249A, 249B, 249C, 249D, 249E, 249F, 249G, 249H, 249I, 249J, 249K, 249L, 249M, 249N, 249O, 249P, 249Q, 249R, 249S, 249T, 249U, 249V, 249W, 249X, 249Y, 249Z, 249AA dan 249AB

4. Ordinan dipinda dalam Bahagian V dengan memasukkan di bawah tajuk Bahagian itu tetapi sebelum tajuk kecil "*Prevention of Collisions*." tajuk kecil dan seksyen yang berikut:

"Maritime Transport Security.

Interpretation. **249A.** In this subheading, unless the context otherwise requires—

"certificate" means the International Ship Security Certificate, Statement of Compliance of a maritime transport security area or Statement of Compliance of a designated marine facility issued in accordance with section 249K;

"company" means the owner of a ship or, any other organisation or person such as the ashore manager or bareboat charterer who has assumed responsibility for

the operation of the ship from the owner of the ship and who on assuming such responsibility has agreed to take over all duties and responsibilities relating to the safe operation of the ship;

"declaration of security" means an agreement between a ship and either a marine facility or another ship with which it interfaces, that specifies the security measures each must implement;

"interim certificate" means the Interim International Ship Security Certificate issued in accordance with subsection 249K(4);

"marine facility" includes—

- (a) an area of land, water or other supporting surface used, designed, prepared, equipped or set apart for use, either in whole or in part, for the arrival, departure, movement or servicing of vessels;
- (b) a building or installation and equipment in the area associated with it or used or set apart for handling or storing goods that have been or are destined to be transported on a vessel;
- (c) equipment and facilities used to provide services relating to marine transportation;
- (d) a fixed and floating structure, including an off-shore industry structure;
- (e) an off-shore industry mobile unit;

"marine facility security assessment" means a process of risks identification in respect of a designated marine facility which contains the following elements:

- (a) identification and evaluation of assets and infrastructure that is important to protect;
- (b) identification of possible threats to the assets and infrastructure and the likelihood of their occurrence in order to establish and prioritise security measures;

- (c) identification, selection and prioritization of countermeasures and procedural changes and their level of effectiveness in reducing vulnerability; and
- (d) identification of weaknesses, including human factors, in the infrastructure, policies and procedures;

“marine facility security plan” means a plan developed to ensure the application of measures designed to protect a designated marine facility and ships, persons, cargo, cargo transport units and ship’s stores within the designated marine facility from the risks of a security incident;

“maritime transport security area security assessment” means a process of risks identification in respect of a maritime transport security area which contains the following elements:

- (a) identification and evaluation of assets and infrastructure that is important to protect;
- (b) identification of possible threats to the assets and infrastructure and the likelihood of their occurrence in order to establish and prioritise security measures;
- (c) identification, selection and prioritization of countermeasures and procedural changes and their level of effectiveness in reducing vulnerability; and
- (d) identification of weaknesses, including human factors, in the infrastructure, policies and procedures,

and does not include matters as contained in the ship security assessment and marine facility security assessment in respect of a ship and marine facility within that maritime transport security area;

“maritime transport security area security plan” means a plan developed to ensure the application of measures designed to protect a maritime transport security area

from the risks of a security incident, and does not include matters as contained in the ship security plan and marine facility security plan in respect of a ship and marine facility within that maritime transport security area;

“security incident” means any suspicious act or circumstance threatening the security of a ship, including a high-speed craft, or a marine facility, or any ship-marine facility interface or ship-to-ship activity;

“security level” means the quantification of the degree of risk that a security incident will be attempted or will occur;

“security level 1” means the level for which minimum appropriate protective security measures shall be maintained at all times;

“security level 2” means the level for which appropriate additional protective security measures shall be maintained for a period of time as a result of heightened risk of a security incident;

“security level 3” means the level for which further specific protective security measures shall be maintained for a limited period of time when a security incident is probable or imminent, although it may not be possible to identify the specific target;

“ship security assessment” means a process of risks identification in respect of a ship which contains the following elements:

- (a) identification of existing security measures, procedures and operations;
- (b) identification and evaluation of key shipboard operations that is important to protect;
- (c) identification of possible threats to key shipboard operations and the likelihood of their occurrence in order to establish and prioritise security measures; and
- (d) identification of weaknesses, including human factors, in the infrastructure, policies and procedures;

“ship security plan” means a plan developed to ensure the application of measures on board a ship designed to protect persons on board, cargo, cargo transport units, ship’s stores or the ship from the risks of a security incident;

“ship-to-ship activity” means any activity not related to a marine facility that involves the transfer of goods or persons from one ship to another ship.

Application. **249B.** This subheading applies to—

- (a) maritime transport security areas and ships in Malaysia and Malaysian waters;
- (b) marine facilities in Malaysia, Malaysian waters, the exclusive economic zone and continental shelf, and ships entering such marine facilities; and
- (c) Malaysian ships and off-shore industry mobile units registered under the Ordinance, wherever they are.

Exemption. **249C.** The Minister may exempt any ship or class of ships or designated marine facilities from any of the provisions of this subheading or any rules made hereunder, upon such terms and conditions as he deems fit.

Designated Authority. **249D.** (1) The Director of Marine shall be the Designated Authority for the purposes of implementing the provisions of this subheading.

(2) The Designated Authority shall be responsible for—

- (a) approving the ship security assessment and ship security plan and subsequent amendments to a previously approved assessment and plan;
- (b) approving the maritime transport security area security assessment and marine facility security assessment, and the maritime transport security area security plan and marine facility security plan and any subsequent amendments to any previously approved assessments and plans;

- (c) verifying the compliance of maritime transport security areas, ships and designated marine facilities with the approved security assessments and security plans;
- (d) exercising control and compliance with security measures to be adopted at the different security levels declared; and
- (e) testing approved security plans.

(3) The Designated Authority shall notify the company or master of the ship, or operator of a designated marine facility the security level declared for the ship or designated marine facility, respectively.

Maritime transport security area.

249E. The Designated Authority may by notification published in the *Gazette*—

- (a) declare any area or part of an area in Malaysian waters as a maritime transport security area; or
- (b) declare that a maritime transport security area ceases to be a maritime transport security area.

Designated marine facility.

249F. The Designated Authority may by notification published in the *Gazette*—

- (a) designate any marine facility as a designated marine facility, including the delineation of its boundary, its hours of operation and its name;
- (b) vary any particulars of a designated marine facility; or
- (c) declare that a designated marine facility ceases to be a designated marine facility.

Appointment of Maritime Transport Security Officer.

249G. (1) The Designated Authority may appoint a Maritime Transport Security Officer in respect of a maritime transport security area.

(2) The Maritime Transport Security Officer shall be responsible for the development, implementation, revision and maintenance of the maritime transport security area security assessment and maritime transport security area security plan.

(3) The Maritime Transport Security Officer may establish a committee to monitor and coordinate security matters within the maritime transport security area.

Appointment
of Marine
Facility
Security
Officer.

249H. (1) Every designated marine facility shall have a Marine Facility Security Officer who shall be accountable to—

- (a) the Designated Authority in respect of a designated marine facility situated outside the maritime transport security area;
- (b) the Maritime Transport Security Officer in respect of a designated marine facility situated within the maritime transport security area.

(2) The operator of a designated marine facility shall appoint a Marine Facility Security Officer.

(3) The Marine Facility Security Officer shall be responsible for the development, implementation, revision and maintenance of the marine facility security assessment and marine facility security plan, and for liaison with the Ship Security Officers and Company Security Officers.

Appointment
of
Company
Security
Officer.

249I. Every company shall appoint one or more Company Security Officers to be responsible for the development and supervision of the implementation of the ship security assessment and ship security plan in respect of its ships.

Appointment
of Ship
Security
Officer.

249J. (1) Every ship shall have a Ship Security Officer who shall be responsible for the security of the ship, including the implementation and maintenance of the ship security plan, and for liaison with the Company Security Officers and Marine Facility Security Officers.

(2) Subject to subsection (3), the Ship Security Officer shall be accountable to the master of the ship.

(3) Where the Ship Security Officer is also the master of the ship, he shall be accountable to the Company Security Officer.

Issuance of
certificate
or interim
certificate.

249K. (1) The Designated Authority may, upon receipt of a written application from a company and upon being satisfied that a ship of the company has complied with all the requirements of this subheading and the rules made hereunder, issue an International Ship Security Certificate in the prescribed form in respect of such ship upon payment of the prescribed fee.

(2) The Designated Authority may, upon receipt of a written application from a Maritime Transport Security Officer or operator of a designated marine facility and upon being satisfied that the maritime transport security area or designated marine facility has complied with all the requirements of this subheading and the rules made hereunder, issue—

- (a) a Statement of Compliance of a maritime transport security area; or
- (b) a Statement of Compliance of a designated marine facility,

in the prescribed form in respect of such maritime transport security area or designated marine facility, upon payment of the prescribed fee.

(3) The Designated Authority may issue the certificate in pursuance of subsection (1) or (2) subject to any conditions or restrictions that he may deem fit to impose.

(4) The Designated Authority may, pending the issuance of the International Ship Security Certificate, issue an Interim International Ship Security Certificate subject to such conditions or restrictions that he may deem fit to impose.

Revocation
of
certificate
or interim
certificate.

249L. (1) The Designated Authority may at any time revoke the certificate or interim certificate issued under section 249K if he is satisfied that—

- (a) there has been a contravention of any provision of this subheading or any rules made hereunder; or
- (b) there has been a breach of any condition or restriction of the certificate or interim certificate,

provided that no certificate or interim certificate shall be revoked unless the holder of the certificate or interim certificate has been given a reasonable opportunity of making a representation against the intended revocation.

(2) Notwithstanding subsection (1), the International Ship Security Certificate shall be deemed to have been revoked—

- (a) when a company assumes responsibility for the operation of a ship not previously operated by that company; or
- (b) upon transfer of the ship to the flag of another State.

Surrender
of
certificate
or interim
certificate.

249M. (1) Upon the revocation or expiry of the International Ship Security Certificate or Interim International Ship Security Certificate, the company or master of the ship shall surrender such certificate or interim certificate—

- (a) to the Designated Authority within fourteen days of the ship's arrival at a Malaysian port; or
- (b) to the nearest Malaysian diplomatic or consular officer who shall immediately forward the certificate to the Designated Authority, where the ship is at a port outside Malaysia.

(2) Upon the revocation or expiry of the Statement of Compliance of a maritime transport security area or Statement of Compliance of a designated marine facility,

the Maritime Transport Security Officer or operator of the designated marine facility, as the case may be, shall surrender the certificate to the Designated Authority within fourteen days from the date of its revocation or expiry.

(3) Any company, master of a ship, Maritime Transport Security Officer or operator of a designated marine facility who fails to surrender the certificate or interim certificate upon the revocation or expiry of such certificate or interim certificate in the manner as specified in subsection (1) or (2) shall be liable for each offence to a fine not exceeding twenty-five thousand ringgit.

Replacement
of
certificate
or interim
certificate.

249N. (1) Where the certificate or interim certificate issued under section 249K is lost, defaced or destroyed, the Designated Authority may, upon receipt of an application from the company, Maritime Transport Security Officer or operator of the designated marine facility and upon payment of the prescribed fee, issue a certificate or interim certificate in lieu of the original certificate or interim certificate, provided that the company, Maritime Transport Security Officer or operator of the designated marine facility proves to the satisfaction of the Designated Authority that he or it has not caused or contributed to the loss, defacement or destruction of the original certificate or interim certificate.

(2) Where the original certificate or interim certificate is found after the certificate or interim certificate has been issued in pursuance of subsection (1), the original certificate or interim certificate shall be deemed to have been revoked and of no effect.

Pre-arrival
notification.

249O. (1) Every master of a ship shall report to the Maritime Transport Security Officer before entering any designated marine facility within a maritime transport security area in accordance with the prescribed procedures.

(2) Every master of a ship shall report to the Designated Authority before entering any designated marine facility outside a maritime transport security area in accordance with the prescribed procedures.

Requirement for declaration of security. **249p.** The Designated Authority may require a declaration of security to be completed if he is satisfied that a ship-marine facility interface or ship-to-ship activity poses a risk to persons, property or the environment.

Request for declaration of security. **249q.** (1) The master of a ship or the Ship Security Officer may lodge a request with the Designated Authority, Marine Facility Security Officer or with the master or the Ship Security Officer of another ship for a declaration of security or modification of such declaration of security if—

- (a) the ship is operating at a higher security level than the designated marine facility or the other ship with which it is interfacing or intends to interface;
- (b) the ship is registered in a State that is a party to the Safety Convention, and there is an agreement on a declaration of security between that State and Malaysia covering certain international voyages or specific ships on those voyages;
- (c) a security incident involving the ship or the marine facility it is using or intends to use, has occurred; or
- (d) the ship is at a marine facility that is not required to have and implement an approved marine facility security plan.

(2) The master of a ship or the Ship Security Officer may lodge a request with the master of another ship for a declaration of security or modification of such declaration of security if the ship is conducting ship-to-ship activities with that other ship which is not required to have and implement an approved ship security plan.

(3) A Marine Facility Security Officer may, before or during ship-marine facility interface, lodge a request with the master of the ship or Ship Security Officer for a declaration of security or modification of such declaration of security, if—

- (a) the marine facility security plan identifies the ship-marine facility interface as being susceptible to a security incident; or

- (b) the designated marine facility is operating at a higher security level than the ship with which it is interfacing or intends to interface with.

Reporting of security incident.

249r. (1) The company, master of a ship, Maritime Transport Security Officer or operator of a designated marine facility shall report immediately to the Designated Authority upon the occurrence of the following security incidents:

- (a) an explosion that is not the result of an accident;
- (b) a bomb threat, armed attack, hostage taking, stowaway or hijacking; or
- (c) any breach of security.

(2) Any company, master of a ship, Maritime Transport Security Officer or operator of a designated marine facility who fails to report the security incident shall be liable for each offence to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding five years or to both.

Direction to ships.

249s. (1) Where the Designated Authority has reasonable grounds to suspect that a ship is a threat to the security of any person or thing, including any goods, maritime transport security area, ship or marine facility, the Designated Authority may direct the ship to—

- (a) proceed to a place specified by the Designated Authority in accordance with any instructions given by him and to remain at the place until he is satisfied that the security threat no longer exists;
- (b) proceed out of Malaysian waters in accordance with any instructions the Designated Authority may give regarding the route and manner of proceeding; or
- (c) remain outside Malaysian waters.

(2) The Designated Authority may in writing authorise any Maritime Transport Security Officer or port officer to exercise the power to issue directions to any ship in pursuance of subsection (1).

Power to
inspect.

249z. The Designated Authority, port officer or any person authorised in writing by the Designated Authority, may inspect any ship, maritime transport security area and designated marine facility to which this subheading applies for the purpose of ensuring that the provisions of this subheading and the rules made hereunder have been complied with.

Power to
investigate.

249AA. (1) Investigations in respect of offences under this subheading may, without prejudice to the provisions of any other written law relating to investigations, be conducted by the Designated Authority or any person authorised in writing by him.

(2) The Designated Authority or any person authorised in writing by him making investigations under this subheading shall have the power to—

- (a) go on board any ship or enter into any maritime transport security area or marine facility as he considers necessary;
- (b) require the company, master of any ship, Maritime Transport Security Officer or operator of a designated marine facility to facilitate the boarding of the ship or entry into the maritime transport security area or marine facility, as the case may be;
- (c) require information, whether orally or in writing, from any person supposed to be acquainted with the facts and circumstances of the case under investigation; or
- (d) require the production of any certificate, interim certificate, official log-book or other documents relating to the operation of the ship, maritime transport security area or designated marine facility from the company, master of the ship, Maritime Transport Security Officer or operator of the designated marine facility, as the case may be.

(3) Any person who—

- (a) without reasonable excuse refuses or fails to comply with a requirement made of him by the Designated Authority or any person authorised in writing by the Designated Authority in the exercise of his powers under subsection (2); or
- (b) in respect of a matter that he is required to respond to under subsection (2), makes a statement that is false or misleading in a material particular,

shall be liable for each offence to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding five years or to both.

Maritime
transport
security
rules.

249AB. The Minister may make such rules as may be necessary or expedient with respect to any matters relating to maritime transport security, and such rules may—

- (a) regulate the issuance and revocation of certificates and interim certificates, including procedures for the application of certificates and interim certificates, and the duration and replacement of such certificates;
- (b) provide for security measures in respect of access control, security monitoring, passengers, personnel, baggage, delivery of ship's stores and cargo security, including the development, implementation and review of security assessments and security plans for maritime transport security areas, ships and designated marine facilities and the procedure to be adopted and complied with when the security level has been declared;
- (c) prescribe the fees payable in connection with the provision of any service or any other matter under this subheading, including the manner of collecting and disbursing such fees and for matters relating to the failure to pay such fees;

- (d) prescribe the forms that are required for the purposes of this subheading;
- (e) prescribe the standards of security to be maintained on board ships and in the maritime transport security areas and designated marine facilities;
- (f) provide for the procedure in respect of pre-arrival notification of any ship;
- (g) regulate matters concerning the declaration of security, including the form of request for a declaration of security;
- (h) provide for the duties, responsibilities and training requirements of a Maritime Transport Security Officer, Marine Facility Security Officer, Company Security Officer and Ship Security Officer;
- (i) provide for penalties for the contravention of the provisions of the rules made hereunder of a fine not exceeding twenty-five thousand ringgit or imprisonment for a term not exceeding two years or to both.”.

Seksyen baru 249AC, 249AD, 249AE, 249AF, 249AG, 249AH, 249AI, 249AJ, 249AK, 249AL, 249AM, 249AN dan 249AO

5. Ordinan dipinda dalam Bahagian V dengan memasukkan selepas seksyen baru 249AB tetapi sebelum tajuk kecil “*Prevention of Collisions*.” tajuk kecil dan seksyen yang berikut:

“*Safe Operation of Ships*.”

Interpretation. 249AC. In this subheading, unless the context otherwise requires—

“certificate” means the Document of Compliance or the Safety Management Certificate issued in accordance with section 249AJ;

“company” has the same meaning as assigned to it in section 249A;

“interim certificate” means the Interim Document of Compliance or the Interim Safety Management Certificate issued in accordance with subsection 249AJ(4);

“Safety Management System” means a structured and documented system enabling the company to implement effectively the company’s safety and environmental-protection policy within the company and on its ships.

Application. 249AD. This subheading shall apply to—

- (a) passenger ships;
- (b) cargo ships of 500 gross tonnage and more; and
- (c) off-shore industry mobile units of 500 gross tonnage and more,

registered under the Ordinance.

Exemption. 249AE. (1) The Minister may, by notification published in the *Gazette* exempt any ship or class of ships from any of the provisions of this subheading or any rules made hereunder, upon such terms and conditions as he may deem fit.

(2) Subject to subsection (1), the Surveyor-General of Ships may exempt any ship from any of the provisions of this subheading for a particular voyage, upon such terms and conditions as he may deem fit.

General supervision by the Surveyor-General of Ships on matters relating to the safe operation of ships, etc.

249AF. For the purposes of this subheading, the Surveyor-General of Ships shall exercise general direction and supervision over all matters relating to the safe operation of ships and protection of the environment, and shall ensure compliance with the provisions of this subheading and the rules made hereunder.

Appointment of designated person.

249AG. (1) Every company shall appoint one or more designated persons ashore who shall provide a link between the company and those persons on board the ship, and shall have direct access to the highest level of management of the company.

(2) The designated person shall monitor the safety and pollution prevention aspects of the operation of each ship and shall ensure that adequate resources and shorebased support are applied.

Safety
Management
System.

249AH. (1) Every company shall develop, implement and maintain a Safety Management System that shall include the following functional requirements:

- (a) a safety and environmental-protection policy;
- (b) instructions and procedures to ensure the safe operation of ships and protection of the environment in compliance with relevant laws and international conventions;
- (c) defined levels of authority and lines of communication between and amongst shore and shipboard personnel;
- (d) procedures for reporting accidents and non-conformities with the provisions of this subheading;
- (e) procedures to prepare for and respond to emergency situations; and
- (f) procedures for internal audits and management reviews.

(2) The Surveyor-General of Ships shall carry out audits of the Safety Management System of every company and its ships to verify compliance with the provisions of this subheading and the rules made hereunder.

(3) The company shall notify the Surveyor-General of Ships of any amendments made to the Safety Management System within thirty days after the amendments have been made.

(4) Any company who fails to comply with subsection (1) or (3) shall be liable for each offence to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding five years or to both.

Master's
responsi-
bilities.

249AI. (1) The company shall ensure that the Safety Management System on board the ship contains a clear statement emphasizing the master's authority.

(2) The company shall establish in the Safety Management System that the master has the overriding authority and responsibility to make decisions with respect to safety and pollution prevention and to request the company's assistance as when necessary.

Issuance of
certificate
or interim
certificate.

249AJ. (1) The Surveyor-General of Ships may, upon receipt of an application from the company and upon verification that he is satisfied that the company has complied with all the requirements of this subheading and the rules made hereunder, issue a Document of Compliance in the prescribed form in respect of the type of ships indicated in that document upon payment of the prescribed fees.

(2) Upon obtaining the Document of Compliance, the company shall apply for a Safety Management Certificate in respect of each of its ships within the types of ships as indicated in the Document of Compliance, and the Surveyor-General of Ships may upon being satisfied that the company and its shipboard management operate in accordance with the Safety Management System, issue the Safety Management Certificate upon payment of the prescribed fees.

(3) The Surveyor-General of Ships may issue the certificate in pursuance of subsection (1) or (2) subject to any conditions that he may deem fit to impose.

(4) The Surveyor-General of Ships may, pending the issuance of the certificate, issue an interim certificate subject to such conditions as he may deem fit to impose.

(5) Where a company to whom a Document of Compliance has been issued, applies for the addition of new types of ships to the existing types of ships as

indicated in the Document of Compliance, the Surveyor-General of Ships may issue to that company an Interim Document of Compliance in respect of the new types of ships.

(6) A Safety Management Certificate shall not be issued based on an Interim Document of Compliance.

Revocation
of certificate
or interim
certificate.

249AK. (1) The Surveyor-General of Ships may at any time revoke the certificate or interim certificate issued to the company under section 249AJ if he is satisfied that—

- (a) there has been a contravention of any provision of this subheading or any rules made hereunder; or
- (b) there has been a breach of any condition of the certificate or interim certificate,

provided that no certificate or interim certificate shall be revoked unless the holder of the certificate or interim certificate has been given a reasonable opportunity of making a representation against the intended revocation.

(2) The Safety Management Certificate or Interim Safety Management Certificate, which has been issued and is associated with the Document of Compliance or Interim Document of Compliance which has been revoked in pursuance of subsection (1), shall be revoked.

Surrender
of certificate
or interim
certificate.

249AL. (1) Upon the revocation or expiry of the certificate or interim certificate, the company or master of the ship shall surrender—

- (a) the Document of Compliance or Interim Document of Compliance to the Surveyor-General of Ships, within fourteen days from the date of its revocation or expiry;
- (b) the Safety Management Certificate or Interim Safety Management Certificate to the Surveyor-General of Ships within fourteen days of the ship's arrival at a Malaysian port, or if the ship is at a port outside Malaysia, to the nearest

Malaysian diplomatic or consular officer who shall immediately forward the certificate or interim certificate to the Surveyor-General of Ships.

(2) Any company or master of a ship who fails to surrender the certificate or interim certificate in accordance with subsection (1) shall be liable for each offence to a fine not exceeding twenty-five thousand ringgit.

Replacement
of
certificate
or interim
certificate.

249AM. (1) Where any certificate or interim certificate issued under this subheading is lost, defaced or destroyed, the Surveyor-General of Ships may, upon receipt of an application from the company and upon payment of the prescribed fee, issue a certificate or interim certificate in lieu of the original certificate or interim certificate, provided that the company proves to the satisfaction of the Surveyor-General of Ships that he or it has not caused or contributed to the loss, defacement or destruction of the original certificate or interim certificate.

(2) Where the original certificate or interim certificate is found after the certificate or interim certificate has been issued in pursuance of subsection (1), the original certificate or interim certificate shall be deemed to have been revoked and of no effect.

Power to
investigate.

249AN. (1) Investigations in respect of offences under this subheading may, without prejudice to the provisions of any other written law relating to investigations, be conducted by the Surveyor-General of Ships.

(2) The Surveyor-General of Ships shall have the power to—

- (a) go on board any ship or enter into any premises as he considers necessary;
- (b) require the master of any ship or company to facilitate the boarding of the ship or entry into the premises;
- (c) require information, whether orally or in writing, from any person supposed to be acquainted with the facts and circumstances of the case under investigation; or

- (d) require the production of any certificate, interim certificate, official log-book or other documents relating to the operation of the ship and safe management of the company from the master of the ship or company.

(3) The Surveyor-General of Ships may direct any ship to be detained solely for the purpose of conducting an investigation.

(4) Any person who—

- (a) without reasonable excuse refuses or fails to comply with a requirement made of him by the Surveyor-General of Ships in the exercise of his powers under subsection (2); or

- (b) in respect of a matter that he is required to respond to under subsection (2), makes a statement that is false or misleading in a material particular,

shall be liable for each offence to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding five years or to both.

Safety rules. **249AO.** (1) The Minister may make rules providing for the safe management and operation of ships including the safe practices in ship operation, safe working environment on board ships, the management of persons ashore and avoidance of damage to the environment, in particular the marine environment and to property.

(2) Without prejudice to the generality of subsection (1), the rules may—

- (a) regulate the issuance and revocation of certificates and interim certificates, including procedures for the application of certificates and interim certificates, the duration and replacement of such certificates, and the annual verification of the Document of Compliance and intermediate verification of the Safety Management Certificate;

- (b) provide for standards for the safe management and operation of ships including the preparation of operational plans on board ships, emergency response, manning, documentation of the Safety Management System, master's responsibilities and any matters connected therewith;
- (c) provide for the establishment and maintenance of procedures to control all documents and data relevant to the Safety Management System;
- (d) provide for the verification of compliance of the Safety Management System through auditing procedures;
- (e) prescribe the fees payable in connection with the provision of any service or any other matter under this subheading, including the manner of collecting and disbursing such fees and for matters relating to the failure to pay such fees;
- (f) prescribe the forms that are required for the purposes of this subheading;
- (g) prescribe the competency requirement of persons who are carrying out the verification procedures and practices;
- (h) provide for penalties for the contravention of the provisions of the rules made hereunder of a fine not exceeding twenty-five thousand ringgit or imprisonment for a term not exceeding two years or to both.”.

Pindaan seksyen 306c

6. Seksyen 306c Ordinan dipinda—

- (a) dengan memasukkan selepas takrif “authorised officer” takrif yang berikut:

“certificate” means a valid document, by whatever name it may be known, issued under this Part or recognised by the Director of Marine;”;

(b) dalam takrif "discharge"—

- (i) dalam perenggan (i), dengan memotong perkataan "or" yang terdapat di hujung perenggan itu;
- (ii) dalam perenggan (ii), dengan memasukkan selepas koma bernoktah perkataan "or"; dan
- (iii) dengan memasukkan selepas perenggan (ii) perenggan yang berikut:

"(iii) release of harmful substances directly arising from the exploration, exploitation and associated off-shore processing of sea-bed mineral resources;" dan

(c) dengan menggantikan takrif "Malaysian waters" dengan takrif yang berikut.

" "Malaysian waters" means the territorial waters of Malaysia as determined in accordance with the Emergency (Essential Powers) Ordinance No. 7 1969 [P.U. (A) 307A/1969];".

Seksyen baru 306CA

7. Ordinan dipinda dengan memasukkan selepas seksyen 306c seksyen yang berikut:

"Prohibition of discharge of oil or harmful substance. **306CA.** (1) Subject to subsection (2) and any circumstances as may be specified in the rules or Malaysia Shipping Notice, the discharge of oil or harmful substances into any part of Malaysian waters, any Malaysian coast or Malaysian reef is prohibited.

(2) Subsection (1) shall not apply to any discharge of oil or harmful substances—

- (a) which is necessary for the purpose of securing the safety of a ship or saving life at sea;
- (b) resulting from damage, other than intentional damage, to a ship or its equipment and, all reasonable precautions have been taken after the occurrence of the damage or discovery of

the discharge for the purpose of preventing or, if it could not be prevented, stopping or minimizing the discharge; or

(c) which is for the purpose of combating specific pollution incidents in order to minimise damage from pollution and is approved by the Director of Marine and, where the discharge occurred within the jurisdiction of the government of a country other than Malaysia, by that government.

(3) For the purposes of subsection (2), damage to a ship or its equipment shall be deemed to be intentional damage if the damage arose in circumstances in which the owner or master of the ship—

(a) acted with intent to cause the damage; or

(b) acted in a reckless manner and with knowledge that the damage would probably result.

(4) Any person who contravenes subsection (1) shall be liable for each offence to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both."

Seksyen baru 306JA dan 306JB

8. Ordinan dipinda dengan memasukkan selepas seksyen 306j seksyen yang berikut:

"Investigation of a maritime casualty. **306JA.** (1) Where a maritime casualty has occurred, the Director of Marine may cause an investigation to be conducted by a port officer or an authorised officer to determine the nature and causes of the maritime casualty or damage which the ship has sustained or the extent of damage caused to Malaysian waters, any Malaysian coast or Malaysian reef.

(2) The person conducting the investigation under subsection (1) shall have the powers of an Inspector under the Ordinance and shall submit the findings of such investigation to the Director of Marine.

Protection
of acts
done in
exercise
of certain
powers of
the
Government.

306JB. The Government shall not be held liable in any circumstances where any discharge of oil or harmful substances is in consequence of the exercise of any of its powers in relation to the removal of wrecks, preventing an obstruction or danger to navigation, or the disposal of sunk, stranded or abandoned vessels.”.

Seksyen baru 306L, 306M, 306N, 306O, 306P, 306Q dan 306R

9. Ordinan dipinda dengan memasukkan selepas seksyen 306K seksyen yang berikut:

“Issuance
of
certificate
or interim
certificate.

306L. (1) The Director of Marine may, upon receipt of a written application from an owner of a ship and upon being satisfied that the ship has complied with all the requirements of this Part, the rules made hereunder or the technical requirements relating to marine pollution as issued by the Director of Marine in Malaysia Shipping Notices, issue a certificate in the prescribed form in respect of such ship upon payment of the prescribed fee.

(2) The Director of Marine may issue the certificate in pursuance of subsection (1) subject to any conditions or restrictions that he may deem fit to impose.

(3) The Director of Marine may, pending the issuance of the certificate, issue an interim certificate subject to such conditions or restrictions as he may deem fit to impose.

Revocation
of
certificate
or interim
certificate.

306M. (1) The Director of Marine may at any time revoke the certificate or interim certificate issued under section 306L to the ship if he is satisfied that—

(a) there has been a contravention of any provision of this Part, any rules made hereunder or any technical requirements relating to marine pollution as issued by the Director of Marine in Malaysia Shipping Notices; or

(b) there has been a breach of any condition or restriction of the certificate or interim certificate,

provided that no certificate or interim certificate shall be revoked unless the holder of the certificate or interim certificate has been given a reasonable opportunity of making a representation against the intended revocation.

Replacement
of
certificate
or interim
certificate.

306N. (1) Where the certificate or interim certificate issued under section 306L is lost, defaced or destroyed, the Director of Marine may, upon receipt of an application from the owner of the ship and upon payment of the prescribed fee, issue a certificate or interim certificate in lieu of the original certificate or interim certificate, provided that the owner of the ship proves to the satisfaction of the Director of Marine that he has not caused or contributed to the loss, defacement or destruction of the original certificate or interim certificate.

(2) Where the original certificate or interim certificate is found after the certificate or interim certificate has been issued in pursuance of subsection (1), the original certificate or interim certificate shall be deemed to have been revoked and of no effect.

Autho-
risation
to issue,
replace
or revoke
certificates,
etc.

306O. (1) Notwithstanding section 306L, the Director of Marine may authorise in writing any person or organisation to issue, replace or revoke certificates or interim certificates in accordance with the provisions of this Part.

(2) Every certificate or interim certificate issued by any person or organisation authorised under subsection (1) shall have effect for the purposes of this Part as if it had been issued by the Director of Marine.

Recognition
of
certificate.

306P. The Director of Marine may recognise a certificate issued to a ship by or under the authority of another party to an international convention relating to marine pollution, if he is satisfied that the requirements of the convention are fully complied with.

Inspection
and
detention of
ship.

306Q. (1) The Director of Marine or any authorised officer may go on board and inspect any ship and if satisfied after the inspection that there is a contravention of any provision of this Part or any rules made hereunder, or that the ship has failed to comply with any condition or restriction of the certificate, the Director of Marine may detain the ship.

(2) The Director of Marine may allow the ship detained under subsection (1) to leave any port or place in Malaysia or Malaysian waters for the purpose of continuing its voyage directly to the nearest and appropriate ship repair facility.

(3) The Director of Marine or any authorised officer shall not, in exercising his powers under this section, unreasonably detain any ship.

Prohibition
of foreign
ships
entering
Malaysian
waters for
reason of
non-compli-
ance.

306R. Where the Director of Marine has reasonable grounds to believe that a foreign ship does not comply with any provision of this Part or the rules made hereunder that is applicable to such ship, he may prohibit the ship from entering any area of Malaysian waters.”.

Pindaan seksyen 491B

10. Subseksyen 491B(1) Ordinan dipinda—

- (a) dalam perenggan (i), dengan memotong perkataan “or” yang terdapat di hujung perenggan itu;
- (b) dalam perenggan (j), dengan menggantikan koma di hujung perenggan itu dengan koma bernoktah; dan
- (c) dengan memasukkan selepas perenggan (j) perenggan yang berikut:
 - “(k) ship-to-ship activity; or
 - (l) any other activity as determined by the Director of Marine,”.

Seksyen baru 519A

11. Ordinan dipinda dengan memasukkan selepas seksyen 519 tajuk kecil dan seksyen yang berikut:

“Malaysia Shipping Notice.

Power of
Director of
Marine to
issue
Malaysia
Shipping
Notices.

519A. (1) Subject to the provisions of the Ordinance, the Director of Marine may issue Malaysia Shipping Notices in respect of administrative matters and, technical matters relating to shipping, navigation, maritime transport safety and security and marine pollution, as may be necessary for the purposes of the Ordinance.

(2) The Director of Marine may, in the Malaysia Shipping Notice, prescribe that any provision of that notice shall be applicable to any specified person or ship, or classes of ships.

(3) The rules relating to shipping, navigation, maritime transport safety and security and marine pollution made in pursuance of this Ordinance may provide that non-compliance with Malaysia Shipping Notices shall be an offence.”.

Peluasan Ordinan ke Wilayah Persekutuan Labuan

12. Tertakluk kepada Akta Perlembagaan (Pindaan) (No. 2) 1984 [Akta A585], Ordinan dipeluaskan ke Wilayah Persekutuan Labuan.

Ordnan Perkapalan Saudagar 1960 bagi Sabah berhenti mempunyai kuat kuasa di Wilayah Persekutuan Labuan

13. (1) Ordinan Perkapalan Saudagar 1960 bagi Sabah [Ord. Sabah 11/1960] hendaklah, pada tarikh mula berkuat kuasa Akta ini, berhenti mempunyai kuat kuasa di Wilayah Persekutuan Labuan.

(2) Mana-mana pelabuhan atau tempat di Wilayah Persekutuan Labuan yang diisytiharkan sebagai suatu pelabuhan di bawah

Inspection
and
detention of
ship.

306Q. (1) The Director of Marine or any authorised officer may go on board and inspect any ship and if satisfied after the inspection that there is a contravention of any provision of this Part or any rules made hereunder, or that the ship has failed to comply with any condition or restriction of the certificate, the Director of Marine may detain the ship.

(2) The Director of Marine may allow the ship detained under subsection (1) to leave any port or place in Malaysia or Malaysian waters for the purpose of continuing its voyage directly to the nearest and appropriate ship repair facility.

(3) The Director of Marine or any authorised officer shall not, in exercising his powers under this section, unreasonably detain any ship.

Prohibition
of foreign
ships
entering
Malaysian
waters for
reason of
non-compli-
ance.

306R. Where the Director of Marine has reasonable grounds to believe that a foreign ship does not comply with any provision of this Part or the rules made hereunder that is applicable to such ship, he may prohibit the ship from entering any area of Malaysian waters.”.

Pindaan seksyen 491B

10. Subseksyen 491B(1) Ordinan dipinda—

- (a) dalam perenggan (i), dengan memotong perkataan “or” yang terdapat di hujung perenggan itu;
- (b) dalam perenggan (j), dengan menggantikan koma di hujung perenggan itu dengan koma bernoktah; dan
- (c) dengan memasukkan selepas perenggan (j) perenggan yang berikut:
 - “(k) ship-to-ship activity; or
 - (l) any other activity as determined by the Director of Marine,”.

Seksyen baru 519A

11. Ordinan dipinda dengan memasukkan selepas seksyen 519 tajuk kecil dan seksyen yang berikut:

“Malaysia Shipping Notice.

Power of
Director of
Marine to
issue
Malaysia
Shipping
Notices.

519A. (1) Subject to the provisions of the Ordinance, the Director of Marine may issue Malaysia Shipping Notices in respect of administrative matters and, technical matters relating to shipping, navigation, maritime transport safety and security and marine pollution, as may be necessary for the purposes of the Ordinance.

(2) The Director of Marine may, in the Malaysia Shipping Notice, prescribe that any provision of that notice shall be applicable to any specified person or ship, or classes of ships.

(3) The rules relating to shipping, navigation, maritime transport safety and security and marine pollution made in pursuance of this Ordinance may provide that non-compliance with Malaysia Shipping Notices shall be an offence.”.

Peluasan Ordinan ke Wilayah Persekutuan Labuan

12. Tertakluk kepada Akta Perlembagaan (Pindaan) (No. 2) 1984 [Akta A585], Ordinan dipeluaskan ke Wilayah Persekutuan Labuan.

Ordnan Perkapalan Saudagar 1960 bagi Sabah berhenti mempunyai kuat kuasa di Wilayah Persekutuan Labuan

13. (1) Ordinan Perkapalan Saudagar 1960 bagi Sabah [Ord. Sabah 11/1960] hendaklah, pada tarikh mula berkuat kuasa Akta ini, berhenti mempunyai kuat kuasa di Wilayah Persekutuan Labuan.

(2) Mana-mana pelabuhan atau tempat di Wilayah Persekutuan Labuan yang diisytiharkan sebagai suatu pelabuhan di bawah

Ordinan Perkapalan Saudagar 1960 bagi Sabah hendaklah disifatkan sebagai suatu pelabuhan yang diisytiharkan di bawah Ordinan ini.

(3) Apa-apa pengecualian, permit atau lesen yang dikeluarkan atau diberikan di bawah Ordinan Perkapalan Saudagar 1960 bagi Sabah di Wilayah Persekutuan Labuan sebelum tarikh mula berkuat kuasa Akta ini, hendaklah pada tarikh mula berkuat kuasa Akta ini terus berkuat kuasa dan mempunyai kesan sehingga ia habis tempohnya, atau bagi tempoh satu tahun selepas tarikh mula berkuat kuasa Akta ini, mengikut mana-mana yang lebih awal.

(4) Apabila pengecualian, permit atau lesen habis tempohnya atau selepas tempoh satu tahun selepas tarikh mula berkuat kuasa Akta ini, mengikut mana-mana yang lebih awal, pemohon boleh memohon untuk suatu pengecualian, permit atau lesen mengikut peruntukan Ordinan ini.

(5) Semua permohonan, kelulusan atau, keputusan yang sedang dirayu atau sebaliknya, yang belum selesai di bawah Ordinan Perkapalan Saudagar 1960 bagi Sabah di Wilayah Persekutuan Labuan sebelum tarikh mula berkuat kuasa Akta ini, hendaklah pada tarikh mula berkuat kuasa Akta ini terus diuruskan seolah-olah Akta ini tidak dibuat.

(6) Semua daftar, buku log dan dokumen lain yang disimpan dan disenggarakan di bawah Ordinan Perkapalan Saudagar 1960 bagi Sabah di Wilayah Persekutuan Labuan sebelum tarikh mula berkuat kuasa Akta ini, hendaklah pada tarikh mula berkuat kuasa Akta ini disifatkan sebagai daftar, buku log dan dokumen yang disimpan dan disenggarakan di bawah Ordinan ini.

(7) Mana-mana prosiding, sama ada sivil atau jenayah, atau kausa tindakan yang belum selesai atau yang sedia ada sebelum tarikh mula berkuat kuasa Akta ini, hendaklah pada tarikh mula berkuat kuasa Akta ini terus diuruskan seolah-olah Akta ini tidak dibuat.

Peluasan Bahagian V dan VA Ordinan ke Sabah dan Sarawak

14. (1) Peruntukan Bahagian V dan VA Ordinan dipeluaskan ke Negeri-negeri Sabah dan Sarawak.

(2) Mana-mana takrif dalam seksyen 2 Ordinan yang perlu bagi memberi kesan kepada peruntukan-peruntukan Ordinan yang dipeluaskan hendaklah terpakai kepada peruntukan yang dipeluaskan itu.

(3) Apabila sebutan dibuat dalam peruntukan Ordinan yang dipeluaskan kepada peruntukan lain dalam Ordinan, peruntukan Ordinan itu hendaklah terpakai kepada peruntukan yang dipeluaskan itu setakat mana yang perlu bagi memberi kesan kepada peruntukan Ordinan yang dipeluaskan itu.

Pemansuhan peruntukan dalam undang-undang bertulis Sabah dan Sarawak yang bersamaan dengan peruntukan dalam Bahagian V Ordinan

15. Peruntukan mana-mana undang-undang bertulis yang bersamaan dengan peruntukan dalam Bahagian V Ordinan dan yang berkuat kuasa dalam Negeri Sabah atau Sarawak sebaik sebelum tarikh atau tarikh-tarikh yang ditetapkan dalam subseksyen 1(3) hendaklah, pada tarikh atau tarikh-tarikh yang ditetapkan itu, disifatkan telah dimansuhkan.

Peruntukan dalam Bahagian V Ordinan hendaklah mengatasi undang-undang bertulis yang tidak selaras atau berlawanan

16. Peruntukan dalam Bahagian V Ordinan hendaklah mengatasi walaupun terdapat apa-apa yang tidak selaras atau berlawanan dengan peruntukan itu dalam mana-mana undang-undang bertulis yang lain.

Sebutan mengenai "Ordinance" dalam Ordinan Perkapalan Saudagar 1960 bagi Sabah dan Ordinan Perkapalan Saudagar 1960 bagi Sarawak termasuk sebutan kepada peruntukan yang dipeluaskan

17. Dalam Ordinan Perkapalan Saudagar 1960 bagi Sabah dan Ordinan Perkapalan Saudagar 1960 bagi Sarawak [*Ord. Sarawak*

2/1960], apa-apa sebutan mengenai Ordinan tersebut hendaklah ditafsirkan sebagai termasuk sebutan mengenai peruntukan dalam Ordinan Perkapalan Saudagar 1952 yang dipeluaskan oleh Akta ini.

Pindaan kepada Ordinan Perkapalan Saudagar 1960 bagi Sabah

18. Ordinan Perkapalan Saudagar 1960 bagi Sabah dipinda mengikut cara yang dinyatakan dalam Jadual Pertama.

Pindaan kepada Ordinan Perkapalan Saudagar 1960 bagi Sarawak

19. Ordinan Perkapalan Saudagar 1960 bagi Sarawak dipinda mengikut cara yang dinyatakan dalam Jadual Kedua.

Pengesahan

20. (1) Semua Notis Perkapalan Malaysia yang dikeluarkan oleh Pengarah Laut sebelum permulaan kuat kuasa Akta ini adalah sah dan mempunyai kesan seolah-olah Notis Perkapalan Malaysia itu telah dibuat di bawah peruntukan Ordinan yang bersesuaian dan hendaklah disifatkan telah mula berkuat kuasa daripada tarikh ia mula berkuat kuasa atau berupa sebagai telah mula berkuat kuasa.

(2) Mana-mana keputusan atau perintah yang diberikan berkenaan dengan mana-mana orang atau apa-apa perbuatan atau perkara lain yang dibuat atau yang tidak dibuat di bawah atau menurut mana-mana Notis Perkapalan Malaysia yang dibuat pada bila-bila masa atau yang berupa sebagai telah dibuat diisytiharkan sebagai telah mengikut undang-undang dan dengan ini disahkan.

JADUAL PERTAMA

[seksyen 18]

PINDAAN KEPADA ORDINAN PERKAPALAN SAUDAGAR 1960 BAGI SABAH

(1) Peruntukan	(2) Pindaan
Seksyen 2	(1) Gantikan takrif "collision regulations" dengan takrif yang berikut: "collision regulations" means regulations made under section 252 of the Merchant Shipping Ordinance 1952 of the Federation of Malaya [Ord. 70/1952];'. (2) Gantikan takrif "radio rules" dengan takrif yang berikut: "radio rules" means rules made under section 262 of the Merchant Shipping Ordinance 1952 of the Federation of Malaya;'. (3) Gantikan takrif "Safety Convention" dengan takrif yang berikut: "Safety Convention" means the International Convention for the Safety of Life at Sea signed in London on 1 November 1974; and if any amendment of the Safety Convention comes into force with respect to Malaysia, references in this Ordinance to the Safety Convention shall, unless the context otherwise requires, be construed as references to the Safety Convention as amended;'. (4) Potong takrif "Safety Convention country".

JADUAL KEDUA

[seksyen 19]

PINDAAN KEPADA ORDINAN PERKAPALAN SAUDAGAR 1960
BAGI SARAWAK(1)
Peruntukan

Seksyen 2

(2)
Pindaan

- (1) Gantikan takrif "collision regulations" dengan takrif yang berikut:

"collision regulations" means regulations made under section 252 of the Merchant Shipping Ordinance 1952 of the Federation of Malaya [Ord. 70/1952];

- (2) Gantikan takrif "radio rules" dengan takrif yang berikut:

"radio rules" means rules made under section 262 of the Merchant Shipping Ordinance 1952 of the Federation of Malaya;

- (3) Gantikan takrif "Safety Convention" dengan takrif yang berikut:

"Safety Convention" means the International Convention for the Safety of Life at Sea signed in London on 1 November 1974; and if any amendment of the Safety Convention comes into force with respect to Malaysia, references in this Ordinance to the Safety Convention shall, unless the context otherwise requires, be construed as references to the Safety Convention as amended;

- (4) Potong takrif "Safety Convention country".

HURAIAN

Rang Undang-Undang ini bertujuan untuk meminda Ordinan Perkapalan Saudagar 1952 ("Ordinan") dan untuk memperluaskan peruntukan tertentu Ordinan kepada Wilayah Persekutuan Labuan serta Negeri-negeri Sabah dan Sarawak.

2. *Fasal 1* mengandungi tajuk ringkas dan kuasa Menteri untuk menetapkan tarikh permulaan kuat kuasa bagi Akta yang dicadangkan.

3. *Fasal 2* bertujuan untuk meminda seksyen 2 Ordinan dengan memasukkan takrif baru ke dalam Ordinan.

4. *Fasal 3* dan *4* memasukkan ke dalam Bahagian V Ordinan suatu tajuk kecil yang bernama "Maritime Transport Security" yang mengandungi seksyen baru 249A hingga 249AB. Peruntukan-peruntukan baru ini bertujuan untuk memberi kesan kepada Kod Keselamatan Antarabangsa bagi Kapal dan Kemudahan Pelabuhan yang telah dimasukkan sebagai suatu bab baru dalam Konvensyen Antarabangsa bagi Keselamatan Nyawa Di Laut (SOLAS), 1974. Peruntukan ini memperkatakan secara khusus mengenai keselamatan maritim dan menyediakan suatu piawai yang terperinci untuk mempertingkatkan langkah terhadap ancaman keselamatan di atas kapal, kawasan keselamatan pengangkutan maritim dan kemudahan marin.

Seksyen 249D memperuntukkan bahawa Pengarah Laut merupakan Pihak Berkuasa Dilantik bagi maksud tajuk kecil ini. Pihak Berkuasa Dilantik boleh mengisytiharkan suatu kawasan keselamatan pengangkutan maritim dan menamakan suatu kemudahan marin, masing-masing menurut seksyen 249E dan 249F. Di bawah seksyen 249P, Pihak Berkuasa Dilantik boleh menghendaki supaya suatu perisytiharan keselamatan diisikan jika dia berpuas hati bahawa ruang hubung kait antara kapal dan kemudahan marin atau kegiatan antara kapal dengan kapal menimbulkan suatu risiko kepada orang, harta atau alam sekeliling. Pada masa yang sama, nakhoda kapal atau Pegawai Keselamatan Kapal boleh meminta untuk suatu perisytiharan keselamatan dalam hal keadaan yang dinyatakan dalam seksyen 249Q. Seksyen 249S mengandungi peruntukan yang berhubungan dengan langkah yang perlu diambil oleh Pihak Berkuasa Dilantik apabila wujud ancaman terhadap keselamatan mana-mana orang atau benda, termasuk mana-mana kapal, kawasan keselamatan pengangkutan maritim atau kemudahan marin. Peruntukan yang berkaitan dengan persetujuan keselamatan setara dan persetujuan keselamatan alternatif terkandung masing-masing dalam seksyen 249W dan 249Y. Menteri diberi kuasa untuk membuat kaedah-kaedah keselamatan pengangkutan maritim di bawah seksyen 249AB berkenaan dengan apa-apa perkara yang berhubungan dengan keselamatan pengangkutan maritim, termasuk pengeluaran Perakuan Antarabangsa Mengenai Keselamatan Kapal dan Pernyataan Pemuatan bagi kawasan keselamatan pengangkutan maritim dan kemudahan marin dilantik, dan pembangunan, pelaksanaan dan kajian semula penilaian keselamatan dan pelan keselamatan untuk kapal, kawasan keselamatan pengangkutan maritim dan kemudahan marin dilantik.

5. *Fasal 5* memasukkan ke dalam Bahagian V Ordinan suatu tajuk kecil baru yang bernama "Safe Operation of Ships" yang mengandungi seksyen baru 249AC hingga 249AO. Peruntukan-peruntukan baru ini bertujuan untuk memberi kesan kepada Kod Pengurusan Antarabangsa bagi Pengendalian Kapal Secara Selamat dan Pencegahan Pencemaran yang telah dimasukkan sebagai suatu bab baru dalam SOLAS 1974.

Seksyen 249AF memperuntukkan bahawa Ketua Pemeriksa bagi Kapal hendaklah mengeluarkan arahan dan menjalankan penyeliaan secara am terhadap semua perkara yang berhubungan dengan pengendalian kapal secara selamat dan pemeliharaan alam sekeliling. Tiap-tiap syarikat hendaklah menurut seksyen 249AH membangunkan, melaksanakan dan menyenggarakan suatu Sistem Pengurusan Keselamatan yang termasuklah kehendak-kehendak seperti dasar keselamatan dan pemeliharaan alam sekitar. Seksyen 249AO memberi Menteri kuasa untuk membuat kaedah-kaedah keselamatan yang memperkatakan mengenai pengurusan dan amalan selamat dalam pengendalian kapal, termasuk mengenakan komitmen, tanggungjawab dan obligasi yang lebih besar terhadap pemunya kapal dan syarikat yang bertanggungjawab bagi pengurusan kapal untuk memastikan kapalnya dikendalikan dengan selamat dan untuk menyediakan suatu suasana kerja yang selamat di atas kapal.

6. *Fasal 6* bertujuan untuk memasukkan takrif baru dan meminda takrif yang sedia ada bagi maksud Bahagian VA Ordinan.

7. *Fasal 7* bertujuan untuk memasukkan seksyen baru 306CA ke dalam Ordinan yang melarang pelepasan minyak atau bahan berbahaya ke dalam mana-mana bahagian perairan Malaysia, mana-mana pantai Malaysia atau terumbu Malaysia. Namun demikian, peruntukan seksyen ini tidak terpakai dalam hal keadaan tertentu.

8. *Fasal 8* bertujuan untuk memasukkan dua seksyen baru, iaitu seksyen 306JA dan 306JB. Seksyen 306JA memperuntukkan bahawa Pengarah Laut boleh menyebabkan supaya dijalankan penyiasatan mengenai nahas maritim, manakala seksyen 306JB menyatakan hal keadaan yang mana Kerajaan tidak bertanggungjawab untuk perbuatan yang menyebabkan pelepasan minyak atau bahan berbahaya.

9. *Fasal 9* bertujuan untuk memasukkan seksyen baru 306L, 306M, 306N, 306O, 306P, 306Q dan 306R ke dalam Bahagian VA. Seksyen 306L memperuntukkan bahawa Pengarah Laut boleh mengeluarkan perakuan atau perakuan sementara di bawah Bahagian VA, manakala seksyen 306O memperuntukkan bahawa Pengarah Laut boleh memberikan kuasa kepada mana-mana orang atau organisasi untuk mengeluarkan perakuan atau perakuan sementara sedemikian. Seksyen 306P memberi Pengarah Laut kuasa untuk mengiktiraf perakuan yang dikeluarkan oleh pihak berkuasa bagi suatu pihak lain kepada konvensyen antarabangsa. Seksyen 306Q mengadakan peruntukan mengenai pemeriksaan dan penahanan kapal oleh Pengarah Laut atau pegawai yang diberi kuasa, dan seksyen 306R memberi Pengarah Laut kuasa untuk melarang kapal asing daripada memasuki perairan Malaysia jika peruntukan Bahagian VA tidak dipatuhi.

10. *Fasal 10* bertujuan untuk meminda seksyen 491B Ordinan untuk memasukkan aktiviti tambahan bagi tujuan Bahagian XIIA Ordinan.

11. *Fasal 11* bertujuan untuk memasukkan suatu seksyen baru 519A yang memberi Pengarah Laut kuasa untuk mengeluarkan Notis Perkapalan Malaysia.

12. *Fasal 12* mengadakan peruntukan bagi memperluaskan peruntukan-peruntukan Ordinan ke Wilayah Persekutuan Labuan.

13. *Fasal 13* memperuntukkan mengenai penghentian pemakaian Ordinan Perkapalan Saudagar 1960 bagi Sabah [*Ord. Sabah 11/1960*] kepada Wilayah Persekutuan Labuan pada tarikh mula berkuat kuasa Akta yang dicadangkan ini.

14. *Fasal 14* bertujuan untuk memperluaskan pemakaian Bahagian V dan VA Ordinan kepada Negeri-negeri Sabah dan Sarawak supaya memastikan keseragaman dalam tatacara mengenai keselamatan pengangkutan maritim dan piawai keselamatan bagi kapal-kapal Malaysia, dan kawalan pencemaran daripada kapal-kapal.

15. *Fasal 15* hingga *19* mengadakan peruntukan mengenai pengubahsuaian dan pindaan berbangkit yang dikehendaki bagi tujuan pelaksanaan Bahagian V Ordinan kepada Negeri-negeri Sabah dan Sarawak.

16. *Fasal 20* mengadakan peruntukan mengenai pengesahan semua Notis Perkapalan Malaysia yang telah dikeluarkan oleh Pengarah Laut sebelum permulaan kuat kuasa Akta yang dicadangkan ini, dan pengesahan semua keputusan dan perintah yang dibuat menurut notis tersebut.

17. Pindaan lain yang tidak diperkatakan secara khusus dalam Huraian ini merupakan pindaan yang kecil atau berbangkit.

IMPLIKASI KEWANGAN

Rang Undang-Undang ini akan melibatkan Kerajaan dalam perbelanjaan wang tambahan yang amaunnya belum dapat ditentukan sekarang ini.

[PN(U²)2433]