

**MERCHANT SHIPPING ORDINANCE 1952**  
**MERCHANT SHIPPING (CENTRAL MERCANTILE MARINE FUND) RULES 1984**

In exercise of the power conferred by subsection (8) of section 467 of the Merchant Shipping Ordinance 1952, the Minister makes the following rules:

70/52

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| Name          | 1. These Rules may be cited as the Merchant Shipping (Central Mercantile Marine Fund) Rules 1984.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Definition    | 2. In these Rules, unless the context otherwise requires- “adopted children”-<br><br>(a) in relation to a seaman who does not profess the religion of Islam, means the children legally adopted by the seaman at when he had reasonable means of supporting them;<br><br>(b) in relation to a seaman who professes the religion of Islam, means children adopted by the seaman. Whether or not any written law, custom or usage, at a time when he had reasonable means a supporting them:                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 70/52         | “Committee” means the Committee appointed by the Minister under subsection (8) of section 467 of the Ordinance;<br><br>“dependents means the wife and children, including adopted children of a seaman, who are wholly or partly dependent on his earnings at the time of his death.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 70/52         | “Fund means the Central Mercantile Marine Fund referred to in subsection (7) of section 467 of the Ordinance;<br><br>“seaman” means any person employed or engaged on any ship plying beyond the limits of any port.<br><br>“served at sea” means to be employed or engaged on any ship plying beyond the limits of any port.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Fund purposes | 3. (1) The Fund shall be employed for any or all of the following purposes:<br><br>a. the establishment, maintenance, alteration, repair, improvement, reconstruction, extension and staffing of homes and institutions for seamen and wherever expedient , the acquisition, purchase, leasing and charging of immovable property for any of such purposes and for the purpose by holding assets;<br><br>b. the defraying whether by loan or without security or by gift, of the cost of constructing and maintaining any sports ground, swimming pool or amenity of any kind for use in connection with the promotion of the moral, intellectual, physical or social welfare of seamen;<br><br>c. the provision of such accommodation and recreational facilities for seamen as may be considered expedient;<br><br>d. the provision of medical or surgical treatment to seamen as may, from time to time, be considered expedient; |

- e. the education and training of seamen of persons intending to become seamen;
- f. the development and promotion of employment of seamen;
- g. the granting of financial assistance to seamen or their dependents;
- h. the promotion generally of the welfare of seamen, retired seamen and their dependents; and
- i. the payment of legal and secretarial expenses incurred in administering the Fund.

Amendment  
P.U. (A)  
141(1999)

3. (1A) The provision for the facilities and services for the purposes prescribed (1) may be provided for free or for a fee to be determined by the Committee.

(2) The fund shall be invested to the best advantage as decided by the Committee

Eligibility for  
financial  
assistance

- 4.
1. Subject to these Rules, the person qualified to receive financial assistance from the Committee shall be seamen or persons who had been seamen and, in the event of their deaths, their dependents who satisfy the Committee that they are deserving of such assistance.
  2. Where a seamen at the time of his death did not possess the requisite qualification as stimulated in paragraph (3), no financial assistance shall be payable to his dependents.
  3. A seamen may be granted financial assistance by the Committee if-
    - a. he is over the age of fifty-five years and had served at sea for a total period of fifteen years; or
    - b. by reason of illness or physical injury contracted or sustained in the course of employment or within twelve months of last signing off, he is unfit for further employment as a seaman or in any other capacity.
  4. The Committee shall not grant financial assistance to a seaman or his dependents who-
    - a. is in receipt of any assistance from the Department of Social Welfare or from any other institution, organization, body or person; or
    - b. refuses suitable employment.
  5. Except in cases or urgent necessity, financial assistance shall not be granted to any foreign seamen entitled to financial assistance from his employer of Consul.

Application for  
financial  
assistance

- 6.
- (1) Subject to these Rules, any seaman or in the event of his death, any dependent of such seaman, desiring financial assistance from the Committee may apply to the Committee.

- (2) An application for financial assistance by a seaman qualified under paragraph (3) of rule 4 shall be made in writing to the Committee.
- (3) The Committee on receipt of such application shall cause investigation to be made and may after such investigation authorize and make payment of financial assistance to the applicant.

7.

The types of assistance

- (1) Subject to these Rules, the Committee may grant two types of financial assistance, namely-
  - a. regular financial assistance; and
  - b. temporary financial assistance.
- (2) Regular financial assistance is financial assistance in the form of regular periodical payments.
- (3) Temporary financial assistance is financial assistance in the form of a single or several payments for a specific period.
- (4) Regular financial assistance shall not, except where the applicant is in the opinion of the Committee especially deserving of assistance, be given to any person other than a Malaysian citizen.

8.

Grants and financial aid payment

- (1) Subject to these Rules, the Committee may grant financial assistance at such amount and for such period as may determined by the Committee and may review each case from time to time and decide whether the assistance shall be continued or revise in any way
- (2) The amount of financial assistance in force at any particular time shall be properly recorded.
- (3) A person in receipt of financial assistance from the Committee shall notify the Committee as soon as he obtains employment and report to the Committee any other changes in his financial circumstances.
- (4) The Committee may refuse to grant financial assistance to an applicant who-
  - a. makes a false statement; or
  - b. conceals the true state of his financial circumstances.
- (5) The Committee may make such arrangements for the payment of financial assistance as it considers necessary.

Committee may arrange for administrative way with the Dept.of Social Welfare

9. For the purposes of this Rules the Committee may make such administrative arrangements as it thinks fit to obtain the assistance of the Department of Social Welfare or any other institution, organization, body or person.

Withdrawal of financial assistance

10. The Committee may withdraw any financial assistance granted under this rule if for any reason the Committee thinks fit to do so.

Malaysian seamen registration

11. The Committee shall established and maintain a register of Malaysian seamen for the purposes set out in subparagraph (f) of paragraph (1) of rule 3.

Producing & issuing seamen's service books

12. The Committee may produce and issue seamen's service books, document and other reading materials in connection with the promotion of the moral, intellectual and social welfare of the seamen, whether for free or for a fee to be determined by the Committee.

Acceptance of donation, grants, etc

13. The Committee may receive donations, grants, gifts and contributions from any source given for the purposes of the Fund.

Money received shall be paid to the Fund

14. All moneys received in any manner by the Committee shall be paid into the Fund.

Annual budget

15.

- (1) The Committee shall submit to the Minister for his approval estimates of revenue and expenditure, including capital expenditure, not later than three months before the commencement of the financial year to which they relate.
- (2) The Minister may, within one month of receiving the annual estimates, disallow or amend any item of capital expenditure and return the same to the Committee for amendment.
- (3) The Committee shall forthwith amend any estimates returned to it under paragraph (2) and shall resubmit such estimates as emended to the Minister.
- (4) The Committee may, at any time during the year for which estimates have been approved under this rule, cause supplementary estimates to be prepared and submitted to the Minister for his approval.
- (5) Paragraphs (2) and (3) shall also apply to supplementary estimates.

Accounts and audits  
Amendment  
P.U.(A)558/94

16.

- (1) The Committee shall cause to be kept proper accounts and others records, in such form as may be required by the Minister, of all financial matters, and shall prepare and submit for audit.
- (2) The accounts of the Fund shall be audited by an auditor appointed by the Auditor General.

Annual  
report  
Amendment  
P.U. (A)558/94

17. The Committee shall within the period of one month after the account has been audited in accordance with the rule 16, furnish to the Minister a report of the administration of the Fund for the preceding year together with the audited accounts for that year and any observation made thereto by the auditor.

Revocation  
LN.16/65

18. The Merchant Shipping (Central Mercantile Marine Fund) Rules 1965 is revoked.

Made on 21st May 1984.  
[KP/JL/O.89,PN.(PU<sub>2</sub>) 199 Pt. VII.]

TAN SRI CHONG HON NYAN;  
*Minister of Transport*