

**PART XIII**  
**PORTS AND PORT OFFICERS**  
*Port Rules*

**Minister may make port rules**

**445.** (1) The *Minister (LN 332/58)* may make port rules for all or any of the following purposes in any port in the Federation -

- (a) regulating traffic within the limits of the port;
- (b) regulating the berths and stations to be occupied by vessels and the removal of vessels from one berth, station or anchorage to another berth, station or anchorage, and the time within which such removal shall be effected;
- (c) regulating vessels whilst taking in or discharging ballast or cargo;
- (d) keeping free passage of such width as is deemed necessary, within any such port and along or near to the piers, jetties, landing places, wharves, quays, docks, moorings and other similar works in or adjoining the same; and for marking out the space so to be kept free;
- (e) regulating the anchoring, fastening, mooring and unmooring and warping of all vessels, and the use of warps, mooring buoys, chain and other moorings;
- (f) regulating traffic, preventing obstruction and keeping order on piers, jetties and wharves, and for ensuring the safety of piers, jetties and wharves and any cargo thereon;
- (g) regulating the use of fires and lights, and the signals to be used and measures to be taken in case of fires in the port by day and by night;
  
- (h) enforcing and regulating the use of navigating lights, of signals and of signal lights by vessels;
  
- (i) regulating the flags and signals to be used by vessels arriving at, lying in and departing from the port;
- (j) regulating the manner in which vessels arriving shall be boarded by the Port Officer and the Port Health Officer, the information to be supplied to them by the master of the vessel, and the entries to be made in the Port Officer's book of arrivals;
- (k) regulating the use by vessels of steam whistles, steam sirens and other like instruments;
- (l) permitting, regulating and controlling the landing and movements on shore of soldiers and sailors in the services of foreign powers;
- (m) classifying goods as dangerous goods;
- (n) regulating and controlling the lighterage, landing, loading and unloading of dangerous goods;
- (o) ensuring the safety of workers employed in ports and on ships using ports;
- (p) prescribing the conditions subject to which and the times at which dangerous goods of any particular class or description may be lightered, landed, loaded or unloaded;
- (q) prescribing places where dangerous goods of any particular class or description may be loaded or unloaded;
- (r) *prescribing fees for anything to be done or permitted to be done under these Rules;*

- (s) *ensuring the provision in the port of facilities for the reception of -*
- (i) *oily residues and oily mixtures;*
  - (ii) *residues and mixtures containing harmful substances;*
  - (iii) *residues and mixtures containing noxious liquid substances;*
  - (iv) *sewage; and*
  - (v) *garbage;*

(t) *requiring vessels to discharge all residues and mixtures containing oil, or containing harmful substances, or containing noxious liquid substances, sewage or garbage, which remain on board, for disposal to the reception facilities before entering or leaving the port;*

(u) *generally carrying out the purposes of this part.*

(2) *Any person who commits a breach of any such rule shall where no other penalty is provided be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding one year or to both. (A792/91)*

### **Power of Port Officer to give directions as to anchorage or berthage**

**446.** Subject to any rules made under the last preceding section, the Port Officer may direct where any vessel shall be berthed, moored or anchored, and may direct removal of any vessel from one berth, station or anchorage to another berth, station or anchorage, and the time within which such removal is to be effected.

### **Penalty for disobedience of directions of Port Officer**

**447.** (1) Any person who, without lawful excuse, refuses or neglects to obey any direction of the Port Officer given under this Part or any rule made under it shall be liable for each offence to a fine not exceeding one hundred dollars and a further sum, not exceeding twenty dollars, for every day on which he wilfully continues to disobey such direction.

(2) In case of such refusal or neglect or of any failure to comply with any rule made under section 445, the Port Officer may do or cause to be done all such acts as are reasonable or necessary for the purpose of carrying such directions or rules into execution, and may hire and employ proper persons for that purpose.

(3) All reasonable expenses which are incurred in doing such acts shall be paid and borne by the person or persons so offending.

## ***Arrival and Departure of Vessels***

### **Vessels arriving to fly signals**

**448.** Every vessel of seventy-five tons gross tonnage and upwards, arriving within signalling distance of any of the flagstaffs at any port and intending to enter such port, shall fly the ensign or flag of the country to which the vessel belongs, and the house-flag, if any, and the Commercial Code signal letters of the vessel, and shall keep them flying till repeated at the Signal Station of such port.

### **Master to report arrival**

**449.** The master of every vessel anchoring in any of the ports of the Federation, or going alongside any wharf in any port, shall -

*(a) forthwith give or cause to be given at the Port Office a written report of the arrival of his vessel, which report shall be in such form as shall from time to time be prescribed by the Director of Marine and shall contain such particulars as the Director of Marine may require; (No.49 of 1955)*

(b) deposit or cause to be deposited there a list of passengers on board; and

(c) in the case of British or Malayan vessel and vessels belonging to a nation not having a consular officer at the port, produce to the Port Officer the certificate of registry and shall deposit with him the ship's articles.

### **Boats not to go alongside**

**450.** (1) No boat shall go alongside any vessel arriving at any port, unless and until permitted by the master.

(2) No boat shall be made fast astern of any vessel in any port at a greater distance from the stern of such vessel than three fathoms.

(3) The boats of the Port Officer and of the Port Health Officer and of the police are exempted from the operation of this section.

### **Vessels in port to have crew on board**

**451.** (1) Every vessel within the limits of any port shall have at all times on board a sufficient number of men to veer cable, let go anchors, brace the yards up, or lower a boat in case of accident.

(2) In the event of any vessels being laid up and not intended for navigation, the Port Officer may assign a place within the limits of the port where such vessels may be anchored and be exempted from the operation of this section.

### **Penalty**

**452.** Any owner or master of any vessel or any other person who offends against any of the provisions of sections 448 to 451 shall be liable to a fine not exceeding fifty dollars.

### *Port Clearance*

#### **No ship to leave without port clearance**

**453.** (1) Subject to all lawful exemptions no ship shall leave any port without a port clearance to be issued by an officer of customs in accordance with the provisions of Part V of the Customs Ordinance, 1952.

(2) Where under this or any other Ordinance or under any Imperial Act in force in the Federation or any part thereof, a ship is to be detained, a Port Officer shall, and where under this or any other Ordinance or any such act as aforesaid a ship may be detained, a Port Officer may notify the proper officer of customs that such ship is liable to be detained and thereupon the provisions of sub-section (2) of section 30 of the Customs Ordinance, 1952, (which provides that in such case the proper officer of custom shall not issue a port clearance without the written concurrence of the Port Officer) shall apply in the case of such ship.

### *Marking of Ship*

#### **Marking of ship**

**454.** (1) Every British ship, unless exempted from the operation of section 7 of the Merchant Shipping Act, 1894, and every Malayan ship unless exempted from the operation of section 17, of this Ordinance shall, whilst within any port in the Federation, unless otherwise marked under this Part be marked permanently and conspicuously to the satisfaction of the Port Officer as follows:-

- (a) her name shall be marked on each of her bows, and her name and the name of her part of registry shall be marked on her stern, on a dark ground in white or yellow letters or on a light ground in black letters, such letters to be of a length not less than four inches and of proportionate breadth;
- (b) her official number and the number denoting her registered tonnage shall be cut in on her main beam; and
- (c) a scale of feet denoting her draught of water shall be marked on each side of her stem and of her stern post in Roman capital letters or in figures, not less than six inches in length, the lower line of such letters or figures to coincide with the draught line denoted thereby, and those letters or figures shall be marked by being cut in and painted white or yellow on a dark ground, or in such other way as the Port Officer approves.

(2) If the scale of feet showing the ship's draught of water is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall be liable to a fine not exceeding one thousand dollars.

(3) The marks required by this section shall be permanently continued, and no alteration shall be made therein except in the event of any of the particulars thereby denoted being altered in the manner provided by the Merchant Shipping Act, 1894, or by this Ordinance.

(4) Any owner or master of a British or Malayan ship who neglects to cause his ship to be marked as required by this section or to keep her so marked, and any person who conceals, removes, alters, defaces or obliterates, or suffers any person under his control to conceal, remove, alter, deface or obliterate any of the said marks, except in the event aforesaid or except for the purpose of escaping capture by an enemy, shall be liable for each offence to a fine not exceeding one thousand dollars, and on a certificate from a Surveyor of Ships that a ship is insufficiently or inaccurately marked the ship may be detained until the insufficiency or inaccuracy has been remedied.

### ***Buoys and Moorings***

#### **Director of Marine may place buoys, etc.**

**455.** (1) The *Director of Marine (LN 332/58)* may cause or permit to be fixed and laid down such moorings, buoys, beacons and sea or land marks as seem to him to be necessary to assist in the navigation of any port in the Federation.

(2) Any person who wilfully and without lawful excuse lifts, injures, loosens or sets adrift any such moorings, buoys, beacons or sea or land marks shall be liable for each offence to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months.

(3) Any moorings, buoys, beacons or land or sea marks affected shall be forthwith replaced or repaired by the Port Officer, and all expenses incurred thereby shall be chargeable to the person convicted.

#### **Penalty for loosening vessels**

**456.** Any person who wilfully and without lawful excuse loosens or removes from its moorings or from its fastenings alongside any wharf or landing-place any vessel within any port without leave or authority from the owner or master of such vessel, or of the manager or person in charge of such wharf or landing place, shall be liable for each offence to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months.

#### **Civil rights reserved**

**457.** Nothing in the last two proceeding sections shall exempt a person from any civil liability to which he would otherwise be subject.

## *Obstructions and Nuisance*

### **Private moorings**

**458.** (1) No person shall keep or place any moorings or buoys in the waters of any port of the Federation, except with the permission in writing of the Port Officer, and except upon such conditions and subject to the payment of such fees as the Minister directs.

(2) If any person keeps or places any moorings or buoys in contravention of this section, the Port Officer may cause such moorings or buoys to be removed.

(3) Such person shall be liable to a fine not exceeding two hundred and fifty dollars, and also to pay all reasonable expenses which are incurred in such removal.

### **Hulks etc.**

**459.** (1) No person shall moor or anchor any hulk or vessel of like description within the waters of any port of the Federation without the permission in writing of the Port Officer, and except upon such conditions and subject to the payment of such fees as the *Minister (LN 332/58)* generally or in particular cases directs.

(2) If any person moors or anchors any hulk or vessel in contravention of this section, the Port Officer may cause such hulk or vessel to be removed.

(3) Such person shall be liable to a fine not exceeding two hundred and fifty dollars, and also to pay all reasonable expenses which are incurred in such removal.

### **Removal of obstructions**

**460.** (1) If any person without lawful excuse causes any obstruction or impediment to the navigation of any port in the Federation *or of the approaches thereto (No.49 of 1955)* or does or omits to do any act which act or omission is likely to cause any obstruction or impediment to such navigation, the Port Officer may cause such obstruction or impediment to be removed.

(2) Any person who causes any such obstruction or impediment shall be liable to a fine not exceeding one hundred dollars, and also to pay all reasonable expenses which are incurred in abating or removing such obstruction or impediment.

### **Port Officer may remove floating timber, raft, etc.**

**461.** (1) The Port Officer may remove or cause to be removed any timber or raft floating or being in any part of any port in the Federation which impedes the free navigation of such port, or anything which obstructs or impedes the lawful use of any pier, jetty, landing-place, wharf, quay, dock, mooring or other work on any part of the shore or bank which has been declared to be within the limits of such port and is not private property.

(2) The owner of any such timber or raft or other thing shall be liable to pay the reasonable expenses of such removal.

### **Leaving warp out after sunset**

**462.** (1) A master of a vessel shall not cause or suffer any warp or hawser attached to his vessel to be left out in any port in the Federation after sunset in such a manner as to endanger the safety of any other vessel navigating in the port.

(2) Any master of any vessel who contravenes this section shall be liable to a fine not exceeding one hundred dollars.

### **Removal of certain obstructions on compensation**

**463.** (1) If any obstruction or impediment to the navigation of any port has been lawfully made or has become lawful by reason of the long continuance of such obstruction or impediment or otherwise, the Port Officer shall report the same for the information of the *Director of Marine (LN 332/58)*, who may cause the same to be removed or altered, making to the person or persons who suffer damage by such removal or alteration reasonable compensation for the same.

(2) If any dispute arises concerning such compensation, the matter in dispute shall be determined according to the provisions of any written law relating to the acquisition of land.

### **Throwing ballast into ports**

**464.** If any ballast or rubbish or if any other thing likely to form a bank or shoal or to be detrimental to navigation is, without permission of the Port Officer or other lawful excuse, cast or thrown into any port or into or upon any place or shore from which the same is liable to be washed into any port, either by ordinary or high tides or by storms or land-floods, the person who so casts or throws the same or causes the same to be so cast or thrown as aforesaid, and the master of any vessel, from which the same is cast or thrown, shall be liable to a fine not exceeding two hundred and fifty dollars, in addition to any expenses which are incurred in removing the same.

### **Throwing dead bodies etc., into port**

**465.** (1) If any dead body or the carcass of any animal is thrown overboard or into the seas, rivers or channels within the limits of any port, the person throwing or causing the same to be thrown, shall be liable for each offence to a fine not exceeding two hundred and fifty dollars.

(2) Any expenses incurred in burying or otherwise disposing of any dead body or carcass so thrown shall be chargeable on the owner or master of the vessel from which the same has been thrown.

### **Removal of vessels, etc.**

**466.** (1) The Port Officer may, by notice in writing addressed to the owner or person in charge of any vessel, mooring post, anchor or thing placed or kept or sunk or buried in the foreshore, shore or bank of any port, the property of Her Majesty or High Highness the Ruler or His Excellency the Governor of any State, without a licence from the officer authorised by law to grant such licence, direct him to remove the vessel, mooring post, anchor or thing within the time limited by the notice.

### **Interpretation**

**467.** (1) In this section -

"cargo" shall not include ship's stores, bunker fuel, mails, personal luggage, livestock, ice or articles of food of a perishable nature;

*"weekly holiday" shall be deemed to commence at 6 a.m. to end at 9 p.m.; (No.34 of 1964)*

"ship subject to this section" includes all steamers and also all sailing ships (other than native sailing ships), except -

(a) ships of war, troop ships or other ships belonging to or for the time being in the services of Her Majesty, or of the Government of the Federation or of any State or any foreign State;

(b) steamers belonging to any Telegraph Company and such steamers as are from time to time exempted from the operation of this section by the *Minister (LN 332/58)*.

### **Working of cargo on weekly holiday**

(2) No cargo shall be received on board, loaded worked or discharged from any ship, subject to this section within the waters of the *states of Malaya on weekly holiday (No.34 of 1964)* except on payment by the master or agent of the ship of the fee prescribed in the Tenth Schedule.

(3) Where any cargo is received on board any ship subject to this section or loaded, worked by discharged contrary to this section, every master and owner or part owner of such ship respectively shall be liable to a fine not exceeding one thousand dollars.

(4) Any master of any ship on board which cargo is received, loaded, worked or discharged contrary to this section may be arrested by a police officer not below the rank of Inspector without warrant.

(5) The person in charge of every vessel assisting by the carriage of cargo or otherwise, in any contravention of this section shall be liable to a fine not exceeding fifty dollars.

(6) Any offence under this section may be tried either by a Magistrate's Court of a Sessions Court.

### **Fee to be paid into Mercantile Marine Funds**

*(7) There shall be maintained in respect of all ports to which this section applies a fund to be known as the Central Mercantile Marine Fund and there shall be placed to the credit of that fund all fees received under subsection (2). (No.34 of 1964)*

*(8) The Central Mercantile Marine Fund (No.34 of 1964) shall be administered by a Committee to be appointed by the Minister (LN 332/58) and shall be employed in accordance with rules to be made by the Minister. (LN 332/58)*

*(9) The Minister (LN 332/58) may by notification in the Gazette declare any port to be a port to which this section applies. (No. 49 of 1955)*

### **Lights and signals at anchor**

**468.** (1) The provisions contained in this section concerning lights shall be complied with in all weathers from sunset to sunrise, and during such time no other lights which may be mistaken for the prescribed lights shall be exhibited.

(2) A vessel under one hundred and fifty feet in length, when at anchor or at mooring within any port, shall carry forward, where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light in a lantern so constructed as to show a clear, uniform and unbroken light visible all round the horizon at a distance of at least one mile.

(3) A vessel of one hundred and fifty feet or upwards in length, when at anchor or at moorings within any port, shall carry in the forward part of the vessel, at a height of not less than twenty and not exceeding forty feet above the hull, one such light, and at or near the stern of the vessel, and at such a height that it shall be not less than fifteen feet lower than the forward light, another such light.

(4) The length of a vessel appearing in her certificate of registry shall be deemed to be the length of such vessel.

(5) The *Minister* (LN 332/58) may exempt from sub-sections (1) to (4) any particular description of vessels within any particular limits, and may specify the description and position of lights to be carried by such vessels.

(6) The master of every vessel, not exempted under subsection (5), not carrying lights as prescribed shall be liable to a fine not exceeding two hundred and fifty dollars.

(7) The master of every vessel exempted under subsection (5) not carrying the lights prescribed by the *Minister* (LN 332/58) shall be liable to a fine not exceeding two hundred and fifty dollars.

(8) The word "visible" in this section means visible on a dark night with a clear atmosphere.

### **Discharge of guns except as signals prohibited**

**469.** Any person who without lawful excuse discharges any gun in any port, except a gun loaded with gunpowder for the purpose of making a signal of distress or for such other purpose as is allowed by any rule made by the Minister under this Ordinance, shall be liable for each offence to a fine not exceeding fifty dollars.

### ***Fires***

#### **Graving, smoking, etc., vessels. Boiling pitch, etc.**

**470.** Any person who graves, breams or smokes any vessel in any port, or boils or heats any pitch, tar, resin, dammar, turpentine oil or other such combustible matter on board any vessel within any port, at any time or within any limits at or within which such act is prohibited by any order of the *Minister*, (LN 332/58) or contrary to the orders or directions of the Port Officer, and also the master of such vessel, shall be liable to a fine not exceeding one hundred dollars.

#### **Use of naked lights in drawing off spirits etc.**

**471.** Any person who uses a naked light when drawing off spirits, turpentine, or inflammable oils, or inflammable liquids of any kind on board any vessel in any ports, and also the master of such vessel, shall be liable to a fine not exceeding one hundred dollars.

#### **In case of fires on board ship Port Officer may give directions**

**472.** (1) In the event of fire breaking out on board any vessel in any port, the Port Officer may proceed on board such vessel with such assistants and persons as to him seem fit, and may give such orders as seem to him necessary for scuttling such vessel or for removing such vessel, or any other vessel, to such place for removing such vessel, or any other vessel, to such place as to him seems proper to prevent in either case danger to other vessels.

(2) If such orders are not forthwith carried out by the master of such vessel, the Port Officer may himself proceed to carry them into effect.

(3) *Any expenses properly incurred by the Port Officer in exercise of the powers conferred upon him by sub-section (1) hereof shall be recoverable from the owner, agent or master of the vessel concerned as a civil debt or in the manner provided by section 490 of this Ordinance. (No. 49 of 1955)*

### ***Licensing of Native Sailing Ships***

#### **When native sailing ships to be licensed**

**473.** (1) Save as hereinafter provided no native sailing ship shall ply at any port or place in the Federation without a licence issued by a Port Officer, unless such ship is duly registered or licensed as described in subsection (4) (b) of this section.

#### **Terms and conditions of licence**

(2) Every such licence shall be valid for the period of one year from the date thereof and shall be subject to such conditions, to be endorsed thereon, as the Port Officer shall determine.

#### **Markings**

(3) On a licence being so granted for any native sailing ship the master thereof shall cause the number of such licence to be painted on each bow, the name of the ship to be painted on the stern and the permanent number assigned by the Port Officer to such ship to be carved or branded on the main beam or other conspicuous part of the ship. All the requirements of this subsection shall be carried out to the satisfaction of the Port Officer:

#### **Provisos**

(4) No licence shall be granted under this section -

*(a) unless the intended licensee enters into a bond, together with one or more sureties resident in the Federation and to be approved of by the Port Officer, conditioned in any sum not exceeding one thousand dollars for the observances of the conditions of such licence; (A bond no longer required - LN 311/53)*

*(b) if the ship is duly registered or licensed in accordance with the laws of any country or territory outside the Federation.*

#### **Offences**

(5) Any owner or master of a native sailing ship to which the provisions of paragraph (b) of subsection (4) apply, who obtains or attempts to obtain or causes to be obtained a licence under this section, or who knowingly fails to report to the Port Officer that a licence has been obtained in contravention of this section, shall be guilty of an offence under this Ordinance and shall be liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months.

### **Register of licences to be kept**

(6) A register of all licences granted under this section shall be kept by the Port Officer and shall contain the following particulars -

- (a) the name of the licence;
- (b) the name, rig, dimensions and tonnage of the native sailing ship;
- (c) the name of the sureties of the licences;
- (d) the date of the licence;

and such other particulars as are directed by the *Director of Marine*. (LN 332/58)

### **Change of name and alteration of markings to be approved by Port Officer**

(7) The name of any native sailing ship in respect of which a licence has been granted under this section shall not be changed, nor any painting, carving or branding required by subsection (3) removed, altered or defaced, except with the approval in writing of the Port Officer.

(8) No such painting, carving or branding shall be obscured from view or overhung by any part of the ship or by anything thereon.

### **Change of name, transfer ,etc.**

(9) Every change of name, and every transfer, transmission, licensing anew, mortgage, and transfer of mortgage of and every bill of sale over any such native sailing ship shall be endorsed on or contained in such licence, and shall be entered in the register kept under the provisions of this section.

### **Cancellation of licence**

(10) The Port Officer may, with the sanction of the Director of Marine, cancel any licence granted under this section.

### **Fees**

(11) Such fees shall be charged for anything done in pursuance of this section as are specified in the Eleventh Schedule.

(12) The owner of every licensed or registered native sailing ship shall cause such licence or certificate of registry to be kept at all times on board his ship in custody of the person in charge of the ship and such last-mentioned person shall exhibit the same to the Port Officer or any police officer who demands to see the same.

(13) Failure to carry out the provisions of the last preceding subsection shall render the person or persons on board the ship liable to a fine not exceeding fifty dollars and the ship may be detained.

*(14) If any native sailing ship required to be licensed under subsection (1) of this section plies at any port or place in the Federation without a licence, or contrary to the conditions (if any) of a licence granted under that subsection, the owner and master and any person who causes or permits such vessel so to ply shall be liable to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding three months. (No. 49 of 1955)*

### ***Interpretation***

**473A.** *For the purpose of section 474 to 485-*

*"boat" means any vessel below 500 gross tonnage 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.*

*"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) conservation;*

*(h) marine construction;*

*(i) oceanography;*

*(j) hydrography; and*

*(k) port services.*

*(Amended vide Bill D.R.50/97)*

### ***Exemptions***

**473B.** *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; and*
- (d) in relation to the State of Sarawak, any vessel licensed under the Merchant Shipping Ordinance 1960 of Sarawak. (A603/84)*

### ***Licensing of Boats***

#### **When boats to be licensed**

**474.** *(1) Every boat that plies at any port, river or place in the Federation for any of the following purposes:*

- (a) trade or business;*
- (b) the transportation of any person other than for trade or business; or*
- (c) sports, leisure or recreational activity,*

*shall obtain a licence under this Part or under any written law relating to fisheries.  
(Amended - A895/1994)*

*(2) Any person who uses a boat or causes or permits a boat to be used without a licence or for a purpose other than the purpose for which it was licensed or contrary to the conditions (if any) of such licence shall be liable to a fine not exceeding one thousand ringgit. (A 603/84)*

*(3) (~~deleted~~) (A603/84)*

#### **Licensing how effected**

**475.** *(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 (A603/84)*

*(2) The Port Officer may by endorsement on the licence of a licensed cargo boat, license the boat to carry, when empty of cargo, such number of passengers as he thinks fit, and in that case it shall not be necessary for such licensed cargo boat to be separately licensed as a passenger boat.*

*(3) The following particulars shall be entered on the register licences:*

- (a) the name and residence of the owner and of the master;*
- (b) the length, breadth, depth and gross tonnage of the boat;*
- (c) the number of crew to be employed;*

(d) the number of persons which the boat is to be permitted to carry in addition to the crew, if a passenger boat;

(e) the number of persons which the boat, when empty of cargo, is to be permitted to carry in addition to the crew, if a cargo boat;

(f) the number in the register, which shall be the number of the boat.

(4) (*deleted*) (A603/84)

### **Fees for licensing**

**476.** The fees to be charged for licensing boats for each period of twelve months and the fee to be charged for the Licence Book shall be those specified in the Twelve Schedule provided that if the period for which the licence is issued, is less than twelve months but not less than three, a proportionate fee may be charged but in no case shall such fee be less than 50 cents.

### **Duration of licence**

**477.** (1) *Every licence issued shall be valid for a period not exceeding twelve months from the date of issue.* (A792/91)

(2) Every change of owner and of master shall be reported to the Port Officer who shall note the same on the register.

(3) Any owner or master who fails to report such change shall be liable to a fine not exceeding *one thousand dollars*, (A792/91) or to a term of imprisonment not exceeding ten days, or both.

### **Registered owner and master**

**478.** The persons whose names appear in the said register shall, for all the purposes of this Part and for the purposes of the police and prevention of offences, be considered the owner and master, respectively.

### **Numbering and marking of boats**

**479.** (1) The owner of every such licensed boat, before he receives a certificate that his boat is licensed, shall cause the licence number of the boat to be painted, marked or affixed on each side of the boat or elsewhere as the Port Officer directs and the permanent number assigned by the Port Officer to the boat to be carved or branded on the main beam or other conspicuous part of the boat.

(2) The painting, marking, affixing, carving or branding required by this section shall be carried out to the satisfaction of the Port Officer, and shall not be removed, altered or defaced except with the approval in writing.

(3) No such licence number or number so painted, marked, affixed, carved or branded shall be obscured from view or overhung by any part of the boat or by anything thereon.

### **Certificate of licensing**

**480.** The Port Officer shall deliver to the owner of every licensed boat a licence containing the particulars specified in subsection (3) of section 475.

### **Copy to be given to owner**

**481.** The owner of every such licensed boat shall cause such licence to be kept at all times on board his boat in custody of the person in charge of the boat, and such last-mentioned person shall exhibit the same to any police officer or intending employer who demands to see the same.

### **Cancellation of licence**

**482.** The Port Officer may cancel any boat licence issued under this Part.

### **Rules**

**483.** The *Minister (LN 332/58)* may make rules -

- (a) providing for the collection of fees for licences issued under this part; for elsewhere within the Federation waters;
- (b) for the management and working of passenger, cargo and fishing boats (*save in respect of fishing boats where such matters are regulated under any written law relating to fisheries; (A603/84)*);
- (c) as to the seaworthiness of the boats;
- (d) as to the number of passengers, and quantity of cargo to be allowed;
- (e) as to the number of men in the boats as boatmen, and the managers or persons to be in charge of boats;
- (f) as to lights to be used at night within Federation waters;
- (g) as to articles left in boats;
- (h) as to reports of accidents;
- (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; (A603/84)*
- (j) as to the furnishing of photographs by applicants for boat licence and by new owners on change of ownership; and

(k) generally for providing for the safety of persons and property carried in such boats and for preventing the commission of offences by persons employed in or being in such boats.

### **Rules as to fares**

**483A.** *The Ruler in Council or the Governor in Council (LN 332/58) may make rules for the fares to be paid for the use of cargo boats or passenger boats or both or of steam vessels not exceeding forty tons gross tonnage at any port in the State or Settlement or elsewhere within Federation waters adjacent to such State or Settlement:*

*Provided that any rules made by the High Commissioner in Council prior to the date of the coming into force of this section and in force at such date shall be deemed for all purposes to have been made under this section and shall continue in force until revoked or replaced by rules made under this section. (No.49 of 1955)*

### **Boat licensed under this Part shall not proceed beyond coastal waters of a State**

**483B.(1)** *Unless for special reasons express provisions 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. (A603/84)*

### **Manning of boats licensed under this Part**

**483C** *Every boat that is licensed under this Part shall be manned in accordance with the rules and regulations made under this Ordinance:*

*Provided that the Director of Marine may determine the manning requirements for a boat that is licensed for a purpose other than for the purpose of trade or business, which the requirements shall be included as a condition of the licence. (inserted vide A895/1994)*

### **Penalties**

**484.** Any person who offends against any of the provisions of sections 479 and 481, or against any rules made under section 483, shall if no other penalty is provided be liable to a fine not exceeding *one thousand ringgit. (A603/84)*

### **Refusing to let boat for hire**

**485.** Any person who refuses without reasonable excuse to let for hire his cargo or passenger boat licensed under this Part, on tender of the amount of hire to be fixed in any rules of the Minister in that behalf, shall be liable to a fine not exceeding *five hundred (A792/91)* dollars.

**REGISTRATION OF OFF-SHORE INDUSTRY  
STRUCTURES, OFF-SHORE INDUSTRY  
MOBILE AND OFF-SHORE INDUSTRY VESSELS**

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

**485A.(1)** *Notwithstanding anything contained in this Act, the Minister may make regulations for the purpose 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 organisation 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 collision 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 installation;*
- (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 requirement contained in or prescribed under this Ordinance does not apply or applies with or without modification 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, off-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, off-shore industry mobile unit and off-shore industry vessel detained thereunder whether or not such structures, unit or vessel is a ship.*

*(5) For the purpose 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;*
  - (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. (A603/84)*

### ***Procedure***

#### **Power of Port Officer and police officer to board vessel**

**486.** (1) Any Port Officer or police officer may be either alone or with any other person on board any vessel within the waters of the Federation whenever he suspects that any offence against this Part has been or is about to be committed in any vessel, or whenever he considers it is necessary for him so to do in the discharge of any duty imposed upon him by this Part, or otherwise by law.

(2) Any master of such vessel who without lawful excuse refuses to allow any other such officer so to enter such vessel shall be liable for each offence to a fine not exceeding one hundred dollars.

### **Penalty for obstructing persons in execution of duty**

**487.** Any person who wilfully obstructs or hinders any person in the execution of any duty imposed or power conferred by this Part, or assaults or ill-treats him in the discharge of such duty, or in the exercise of such power, shall be liable for each offence to a fine not exceeding one hundred dollars.

### **Execution of orders of Port Officer**

**488.** (1) All acts, orders, or directions by this Part authorised to be done or given by any Port Officer may be done or given by any person in the service of Government subject to his control and duly authorised by him.

(2) Any person authorised to do any such act may call to his aid such assistance as is necessary.

### **Damages and expenses to be recovered as fines**

**489.** In every case in which any person is liable under this Part to pay any sum of money, damages, or expenses, the sums may be recovered and levied in the same manner as a fine under this Ordinance, and, if necessary, the amount thereof may be fixed and assessed by the Court before which the case is tried.

### **Expenses for works done by Port Officers how recoverable**

**490.** (1) All expenses incurred for works or acts authorised or required to be done by a Port Officer under this Part shall, if any dispute arises as to the amount, be ascertained before a Magistrate's Court, and when so ascertained shall be recoverable in the same manner as a fine under this Ordinance.

### **Sale of property**

(2) The Port Officer may cause any timber, raft or other thing, or the materials of any vessel, boat or wreck, or of any nuisance, or obstruction whatsoever removed, or so much thereof as is necessary, to be sold by public auctions, and may retain all the expenses of such removal and sale out of the proceeds of such sale.

(3) He shall pay the surplus of such proceeds, or deliver so much of the said timber or other materials as remains unsold, to the owner or other person entitled to receive the same.

(4) If no such person appears, he shall cause the same to be kept and deposited in such manner as the Minister directs, and may, if necessary, from time to time realize the expenses of keeping the same together with the expenses of such sale by a further sale of so much of the said timber or other materials as remains unsold, and the balance shall be paid to the person entitled to the property.

### **Deposit in Treasury**

(5) If no person appears and claims the same, it shall be paid into the Treasury.

(6) The amount so paid into the Treasury shall be refunded without interest to any person who thereafter establishes his right to the same.

### **Power to exempt from provisions of Part XIII**

**491.** (1) The *Minister (LN 332/58)* may declare that any of the provisions of this Part, shall not be in force in any port or in any part of the Federation specified in the declaration.

(2) The *Minister (LN 332/58)* may exempt any vessel or any class or description of vessel from any of the provisions of this Part.