

PART XV
SUPPLEMENTAL
Rules of Minister (LN 332/58)

How rules to be made by Minister

518. (1) Any rules or regulations made by the *Minister (LN 332/58)* under this Ordinance shall be published in the *Gazette*.

(2) Every such rule or regulation shall, as soon as possible after the making thereof, be laid before the *House of Representatives (LN 332/58)* and if at the next meeting of the *House of Representatives (LN 332/58)* after any rule or regulation is laid before it a resolution is passed annulling such rule or regulation or any part thereof, the whole rule or regulation or such part thereof, as the case may be, shall thenceforth be void but without prejudice to the validity of anything previously done thereunder.

(3) Any such rule or regulation, unless so annulled, shall have the same force and effect as if it were enacted in this Ordinance.

Power to vary fees

519. The fees prescribed in any of the Schedules may be altered from time to time by the *Minister (LN 332/58)*, and the fees as altered shall come into force upon publication in the *Gazette*.

Inspection

Facilities for inspection and examination

520. The master of any ship, and any other person having charge of any person or thing liable to inspection or examination under this Ordinance, shall give to the officer entitled to inspect or examine every reasonable facility for the purpose of inspection or examination, and if he refuses or fails to do so, or if any person impedes or obstructs any inspection or examination under this Ordinance, he shall be liable for each offence to a fine not exceeding two hundred dollars.

Documents and Forms

Power of the Director of Marine to prescribe forms

521. (1) Subject to any special provisions of this Ordinance, the *Director of Marine (LN 332/58)* may prescribe for any book, instrument or paper required under this Ordinance.

(2) Every such book, instrument or paper required under this Ordinance shall be made in the form, if any, approved by the *Director of Marine (LN 332/58)* or as near thereto as circumstances permit.

Powers for Enforcing Compliance with Ordinance

Power of seeing that this Ordinance is complied with

522. (1) Where any Inspector under this Ordinance or a Port Officer has reason to suspect that the provisions of this Ordinance or of any law for the time being in force relating to merchant seamen or navigation are not complied with, that officer may -

- (a) require the owner, master or any of the crew of any British or Malayan ship to produce any official log-books or other documents relating to the crew or any member thereof in their respective possession or control;
- (b) require any such master to produce a list of all persons on board his ship, and take copies of the official log-books or documents or of any part thereof;
- (c) muster the crew of any such ship; and
- (d) summon the master to appear and give any explanation concerning the ship or her crew or the official log-books or documents produced or required to be produced.

(2) Any person who, on being duly required by an officer authorized under this section, fails without reasonable cause to produce to that officer any such official log-book or document as he is required to produce under this section, or who refuses to allow the same to be inspected or copied, or impedes any master of the crew required under this section, or refuses or neglects to give any explanation which he is required under this section to give, or knowingly misleads or deceives any officer authorised under this section to demand any such explanation, shall be liable for each offence to a fine not exceeding two hundred dollars.

Surveyors of Ships

Power of Surveyor for purpose of survey of ships

523. (1) A Surveyor of Ships in the execution of his duties may go on board any steamship, British, Malayan or foreign, at all reasonable times, and inspect the same or any part thereof, or any of the machinery, boats, equipments or articles on board thereof, or any certificate of any officer to which the provisions of this Ordinance or any of the rules or regulations made under this Ordinance apply, not unnecessarily detaining or delaying the ship from proceeding on any voyage.

(2) If in consequence of any accident to the ship or for any other reason he considers it necessary so to do, he may require the ship to be taken into dock for the purpose of surveying the hull thereof.

Returns by Surveyors

524. (1) Surveyors of Ships shall make such returns to the *Surveyor-General of Ships (LN 332/58)* as he requires with respect to the build, dimensions, draught, burden, rate of sailing, room for fuel and the nature and particulars of machinery and equipments of ships surveyed by them.

(2) Every owner, master and engineer of any ship so surveyed shall, on demand, give to the Surveyors all such information and assistance within his power as they require for the purpose of those returns.

(3) Any owner, master or engineer who, on being applied to for that purpose, fails without reasonable cause to give any such information or assistance shall be liable for each offence to a fine not exceeding fifty dollars.

Inspectors

Appointment of Inspector to report on accidents.

525. (1) The *Yang Di Pertuan Agong (LN 332/58)* may, as and when he thinks fit, appoint any person as an Inspector to report to him -

(a) upon the nature and causes of any accident or damage which any ship has sustained or caused or is alleged to have sustained or caused;

(b) whether the provisions of this or any other Ordinance, or of any Imperial Act in force in the Federation or any part thereof, any regulations made under or by virtue of this or any other other Ordinance, or under or by virtue of any such Act as aforesaid, have been complied with; or

(c) whether the hull and machinery of any steamship are sufficient and in good condition.

Powers of Inspectors

(2) An Inspector so appointed and any person having the powers of such an Inspector -

(a) may go on board any ship, British, Malayan or foreign, and inspect the same or any part thereof, or any of the machinery, boats, equipments or articles on board thereof to which any of the provisions referred in paragraph (b) of sub-section (1) apply, not unnecessarily detaining or delaying her from proceeding on any voyage;

(b) may enter and inspect any premises the entry or inspection of which appears to him to be requisite for the purpose of the report which he is directed to make;

(c) may, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for the purpose of his report, and may require answers or returns to any inquiries which he thinks fit to make;

(d) may require and enforce the production of all books, papers or documents which he considers important for the purposes of his report;

(e) may administer oaths or may, in lieu of requiring or administering an oath, require every person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination.

(3) Every witness summoned under this section shall be allowed such expenses as would be allowed to a witness attending on subpoena to give evidence before the High Court.

(4) In case of any dispute as to the amount of those expenses, the same shall be referred to a Registry of the Supreme Court, who shall, on request made to him for that purpose under the hand of the Inspector or person having the powers of an Inspector, ascertain and certify the proper amount of those expenses.

(5) Any person who refuses to attend as a witness before an Inspector or before any person having the powers of an Inspector, after having been required to do so in manner provided by this section, and after having had a tender made to him of the expenses, if any, to which he is entitled under this section, or who refuses or neglects to make any answer, or to give any return, or to produce any document in his possession, or to make or subscribe any declaration which an Inspector or person having the powers of an Inspector is hereby empowered to require, shall be liable for each offence to a fine not exceeding one hundred dollars.

General

Power of arrest

526. (1) Any Port Officer, Port Health Officer, Surveyor of Ships or police officer may arrest without warrant any person offending in his view against any of the provisions of this Ordinance and take him before a Magistrate's Court or Sessions Court, as the case may be, to be dealt with according to law.

(2) Any article concerning, by or for which an offence has been committed may be seized and taken to a police station, unless given up sooner by order of a Magistrate's Court or Sessions Court, until the charge is decided in due course of law.

Indemnity to Government

527. The Government shall not be responsible for any act or default of any person acting as Port Officer, Port Health Officer or Surveyor of Ships or the deputy of any of them.

Fees payable to Registrars of Shipping

528. (1) The fees specified in Part I of the Thirteenth Schedule shall be payable to the Registrars of Shipping under the Merchant Shipping Acts in respect of the Services therein set forth.

Fees payable to Surveyors of Ships

(2) The fees specified in Parts II and III of the said Schedule shall be payable to Surveyors of Ships in respect of the services therein set forth.

(3) The fees payable under this section shall be paid into the Treasury.

Fees for certified copies of certificates

529. Wherever under this Ordinance or any rules made thereunder a fee shall be prescribed for the issue of any certificate, a certified office copy of such certificate may be issued on payment of a fee, except where otherwise specified provided, of five dollars, or, where the fee payable for the original certificate is less than five dollars, a fee equivalent in amount to the fee payable in respect of the original certificate.

Power of exemption

530. Without prejudice to any other powers conferred by this Ordinance the Minister may, if he thinks fit, and upon such conditions (if any) as he thinks fit to impose, exempt any ship from any specified requirement contained in or prescribed under this Ordinance if he is satisfied that the requirement has been substantially complied with in the case of that ship, or that compliance with the requirement is unnecessary in the circumstances of the case, and that the action taken or provision made as respects the subject-matter of the requirement in the case of the ship is as effective as, or more effective than, actual compliance with the requirement.

Repeal and transitional provisions

531. (1) The Ordinance and the Enactments specified in the Fourteenth Schedule are hereby repealed to the extent specified in the third column thereof.

(2) Notwithstanding the repeal of the said Ordinance and Enactments (together in this section referred to as "the repealed enactments") the following provisions shall have effect -

- (a) any officer appointed, any body elected or constituted, and any office or fund established under the repealed enactments shall, so far as provision is made therefor in this Ordinance, continue and be deemed to have been appointed, elected, constituted or established, as the case may be, under this Ordinance;
- (b) any subsidiary legislation made under the repealed enactments and in force immediately before the commencement of this Ordinance shall, so far as it is not inconsistent with this Ordinance, be deemed to have been made under the corresponding provisions of this Ordinance, and shall continue in force until it has been revoked or replaced by subsidiary legislation made under the provisions of this Ordinance, and, unless the context or subject-matter otherwise requires, shall apply and have effect

throughout the Federation, with such formal alterations as to names, localities, officers and otherwise as may be necessary to make the same applicable and effective as aforesaid:

Provided that where there is any conflict between the provisions of any subsidiary legislation made under the repealed Ordinance and any subsidiary legislation made under any of the repealed enactments, the former shall prevail;

(c) any certificate, licence, notice, instruction, requirement, authority or other instrument issued served or granted under the repealed enactments shall, without prejudice to any power to amend such instrument, continue in force until superseded, revoked or otherwise terminated, and so far as it could have been issued, served or granted under this Ordinance, shall have effect as if issued, served or granted under this Ordinance:

Provided that any such instrument which is expressed to remain in force for a definite period shall not remain in force after the expiration of that period unless it shall be renewed in accordance with the provisions of this Ordinance;

(d) any form prescribed or approved under and for the purposes of any provisions of the repealed enactments shall, so far as may be appropriate, be deemed to have been prescribed or approved under and for the purposes of the corresponding provisions of this Ordinance, and shall continue in use with such formal alterations as may be required to make the same applicable for such purposes as aforesaid.

(3) Any provisions of the Merchant Shipping Acts which immediately before the coming into force of this Ordinance applied to British ships registered in the Settlements are, in so far as they be inconsistent with the provisions of this Ordinance, by virtue of section 735 of the Merchant Shipping Act, 1894, hereby repealed.