

FEDERATION OF MALAYA

Act of Parliament

No. 34 OF 1963

MERCHANT SHIPPING (AMENDMENT) ACT, 1963

An Act to amend the Merchant Shipping Ordinance, 1952.

[12th September, 1963.]

BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Ra'ayat in Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Merchant Shipping (Amendment) Act, 1963. Short title.
2. Section 2 of the Merchant Shipping Ordinance, 1952 (hereinafter referred to as "the principal Ordinance") is hereby amended by substituting for the definitions of "certificated officer", "home-trade voyage" and "local-trade voyage", the following definitions, respectively: Amendment of section 2. 70 of 1952.

"certificated officer" includes an officer certificated under the Merchant Shipping Acts, the holder of a local certificate as defined in each case in Part III and the holder of any certificate of competency issued by the territories of the Federation, the State of Singapore, Sarawak, North Borneo and Brunei;";

"home-trade voyage" means a voyage, not being a local-trade voyage, within the following limits:

The limits bound by a line drawn from a position in the Gulf of Martaban in Latitude 16° 15' North, Longitude 96° 00' East in a south-easterly direction to a position in Latitude 15° 00' North, Longitude 97° 00' East, thence due south to a position in Latitude 9° 00' North, Longitude 97° 00' East, thence in a south-westerly direction to a position in Latitude 6° 00' North, Longitude 94° 00' East, then due south to a position in Latitude 4° 00' North, Longitude 94° 00' East, thence in a south-easterly direction to a position in Latitude 8° 00' South, Longitude 104° 00' East, thence in an easterly direction to a position in Latitude 10° 00' South, Longitude 120° 00' East, thence due east to a position in Latitude 10° 00' South, Longitude 125° 00' East, thence due north to a position in Latitude 8° 00' North, Longitude 125° 00' East, thence due west to a

position in Latitude $8^{\circ} 00'$ North, Longitude $110^{\circ} 00'$ East, thence in a 315° direction (N.W. true) to the coast of Vietnam thence initially westward following the coasts of Vietnam, Cambodia, Thailand, Malaya and Burma to the starting point:

Provided that those waters which include the west and south-west coasts of Sumatra, the south coast of Java and the south coasts of the islands lying due east of Java (namely Bali, Lombok, Sumbawa, Flores and other islands) shall be excluded from these limits between the 15th day of April and the 15th day of October in each year;"

"local-trade voyage" means a voyage within the following limits:

The limits bound by a line drawn from the north point of Junk Ceylon to the north-west point of Pulo Weh, thence to the north point of Pulo Bras, thence following the east coasts of Pulo Bras and Pulo Nasi Besar to Acheen Head on the north coast of Sumatra, thence along the north and east coasts of Sumatra to the southern entrance of Banka Strait, thence in an easterly direction to Cape Sambar off the south-west corner of Indonesian Borneo (Kalimantan Barat), thence following the coast of Indonesian Borneo, Sarawak, Brunei and British North Borneo in an approximately northerly, north-easterly and south-easterly direction to the territorial boundary stone on the eastern end of Sibatik Island in position Latitude $4^{\circ} 10'$ North, Longitude $117^{\circ} 54' 14''$ East, thence in a south-easterly direction to a position in Latitude $3^{\circ} 45'$ North, Longitude $118^{\circ} 20'$ East and returning in the reverse direction with the line forming an imaginary 30 mile wide corridor along the coast to a position Latitude $3^{\circ} 13'$ North, Longitude $111^{\circ} 16'$ East, thence in a west-north-westerly direction to Cape Datu (Great Natuna Island) in position Latitude $4^{\circ} 13'$ North, Longitude $108^{\circ} 15'$ East, thence in a north-westerly direction to a position on the east coast of Thailand where it is intersected by the eighth parallel of north latitude, thence, initially in a southerly direction following the coast of the Malay Peninsula to the west coast of Thailand back to the starting point;"

3. There shall be substituted for sections 71 and 72 of the principal Ordinance (which prescribe the certificates of competency to be held by officers of foreign-going ships

and home-trade ships and by local-trade ships, respectively) the following new sections:

“Certificates of competency to be held by officers of foreign-going ships.

71. (1) Every foreign-going ship when going to sea from any place in the Federation, shall be provided with officers duly certificated under this Ordinance according to the following scale:

- (a) every ship shall have a duly certificated master;
- (b) if the ship is one hundred tons or upwards, there shall be at least one officer besides the master holding a certificate not lower than that of—
 - (i) second mate in the case of a foreign-going sailing ship of not more than two hundred tons; and
 - (ii) first mate in the case of any other foreign-going ship;
- (c) if the ship carries more than one mate, at least the first and second mate shall be duly certificated;
- (d) if the ship is a steamship of one hundred nominal horse-power or upwards, there shall be at least two engineers, one of whom shall be a first-class and the other a first-class or second-class engineer duly certificated; and
- (e) if the ship is a steamship of less than one hundred nominal horse-power, there shall be at least one engineer who is a first-class or second-class engineer duly certificated.

(2) The Minister may, subject to such conditions as he thinks fit, exempt any ship or class of ship from any of the provisions of this section.

Certificates of competency to be held by officers of home-trade voyage ships.

71A. (1) Every home-trade ship when going to sea from any place in the Federation, shall be provided with the following officers duly certificated under this Ordinance—

- (a) master of home-trade ship;
- (b) mate of home-trade ship;
- (c) second-class engineer; and
- (d) a first-class engine driver.

(2) The Director of Marine may, subject to such conditions as he thinks fit, exempt any ship or class of ship from any of the provisions of this section.

Certificates of competency to be held by officers of local-trade ships.

72. (1) Every local-trade ship, when going to sea from any place in the Federation, shall be provided with officers duly certificated under this Ordinance according to the following scale:

- (a) if the ship is 1,000 gross tons or over, there shall be a master of a home-trade ship and a mate of local-trade ship;
- (b) if the ship is under 1,000 gross tons, there shall be a master of a local-trade ship, and a mate of a local-trade ship;
- (c) if the ship is a steamship, there shall be one second-class engineer and one first-class engine driver;
- (d) if the ship is a motor-ship of 1,000 brake horse-power or over, there shall be one second-class engineer and one first-class engine driver;
- (e) if the ship is a motor-ship of under 1,000 brake horse-power, there shall be one first-class engine driver and one second-class engine driver;
- (f) if the ship is mechanically propelled, and is over 25 but under 100 gross tons, and does not proceed beyond 30 miles from the port at which it is licensed, there shall be a master of a local-trade ship and a second-class engine driver; and
- (g) if the ship is mechanically propelled, and is under 25 gross tons, and does not proceed beyond 30 miles from the port at which it is licensed, there shall be a helmsman and a third-class engine driver.

(2) The Director of Marine may, subject to such conditions as he thinks fit, exempt any ship or class of ship from any of the provisions of this section.

(3) For the purpose of sub-section (1), 'motor-ship' means any mechanically propelled ship other than a steamship."

Amendment of section 73.

4. There shall be substituted for sub-sections (2) and (3) of section 73 of the principal Ordinance (which prescribe a scale according to which certificated officers are to be provided in respect of steamers licensed under section 475 of the Ordinance) the following new sub-sections:

"(2) Every mechanically propelled vessel plying at any port or place within the Federation for any

purpose of trade or business shall be provided with officers duly certificated under this Ordinance according to the following scale:

- (i) if the vessel is over one gross ton and does not exceed 25 gross tons, there shall be a steersman;
- (ii) if the vessel exceeds 25 gross tons, there shall be a steersman and a third-class engine driver:

Provided that if any of the vessels detailed above carry more than twelve passengers, a helmsman and a third-class engine driver shall be provided.

(3) For the purpose of this section, a vessel is mechanically propelled if it is fitted with any mechanical means of propulsion, whether such means are being used or not.”.

5. Section 76 of the principal Ordinance (which prescribes the grade of certificates of competency) is hereby amended by substituting for paragraph (b) of sub-section (2) the following: Amendment of section 76.

“(b) unless the Minister in any particular case otherwise directs, a certificate as master of a local-trade ship of under one hundred tons or of under seventy-five tons shall be deemed to be a certificate of master of a local-trade ship, and a certificate as gunner shall be deemed to be a certificate of mate of a local-trade ship; and”.

6. The amendments to the principal Ordinance specified in the Schedule to this Act, being minor and consequential amendments, shall have effect. Minor and consequential amendments.

SCHEDULE

1. In section 2—

- (a) there shall be substituted for the words “Malay Peninsula” appearing in the definition of “coasting trade voyage” the word “Federation”;
- (b) there shall be deleted the definition of “Minister of Transport”.

2. In sub-section (1) of section 73 there shall be deleted the word “exclusively”.

3. In paragraph (b) of sub-section (1) of section 73 and in paragraphs (a) and (b) of sub-section (1) of section 74 there shall be substituted for the figure “71” the figures “71, 71A”.

4. In the proviso to section 75, there shall be substituted for the words “the Colony or of the Colony of Sarawak” the words “the State of Singapore or of Sarawak, North Borneo or Brunei”.

- 5. In section 76—
 - (a) in paragraph (a) of sub-section (1) there shall be deleted the words "under one hundred tons"; and
 - (b) in sub-section (3) there shall be substituted for the words "in the United Kingdom by the Minister of Transport" the words "by the Minister".
- 6. In section 77 there shall be substituted for the figure "(iii)" the figure "(ii)".
- 7. In sub-section (2) of section 80, there shall be substituted for the word "two" the word "one".

[Received the Royal Assent
on the 9th day of
September, 1963.]