

Acts Supplement (Amendment Acts)



LAWS OF MALAYSIA

ACT A433

Merchant Shipping (Amendment And Extension)(Amendment) Act 1978

Date of Royal Assent: 28th February 1978
Date of Publication in the Gazette: 2nd March 1978
Date of coming into operation: 18th March 1977

ARRANGEMENT OF SECTIONS

[Long Title & Preamble](#)

Section 1. [Short title and commencement.](#)

Section 2. [Amendment of Merchant Shipping \(Amendment and Extension\) Act 1977.](#)

ACT A433

Merchant Shipping (Amendment And Extension)(Amendment) Act 1978

Section 1. Short title and commencement.

(1) This Act may be cited as the **Merchant Shipping (Amendment and Extension) (Amendment) Act 1978** and shall be deemed to have come into force in West Malaysia on the 18th March 1977.

(2) This Act shall come into force in the States of Sabah and Sarawak on the date appointed by the Minister under section 1 (2) of the Merchant Shipping (Amendment and Extension) Act 1977 [*Act 393*].

ACT A433

Merchant Shipping (Amendment And Extension)(Amendment) Act 1978

Section 2. Amendment of Merchant Shipping (Amendment and Extension) Act 1977.

The Merchant Shipping (Amendment and Extension) Act 1977 is amended -

(a) by substituting for the long title the following -

"An Act to amend the Merchant Shipping Ordinance, 1952 and to extend specified provisions thereof, as amended, to the States of Sabah and Sarawak, and to provide for matters connected therewith.";

(b) by inserting after the words "by notification in the *Gazette* appoint" in section 1 (2) the words "and the Minister may appoint different dates for the coming into force of this Act in either State";

(c) by substituting for section 4 the following -

"Transitional provision.

4. (1) Notwithstanding the substitution of Part II of the Ordinance under section 3, any ship registered at any port in Malaysia under the provisions of the said Part II or the provisions of any written law corresponding thereto in force in the State of Sabah or Sarawak immediately before the coming into force of this Act shall, subject to subsection (2), be deemed to have been registered under the provisions of the new Part IIA of the Ordinance (introduced into the Ordinance by section 3) for a period of -

(a) in the case of West Malaysia, five years from 18th March 1977; and

(b) in the case of the State of Sabah or Sarawak, five years from the date or dates appointed under section 1 (2).

(2) Upon the expiry of the period as specified under subsection (1) the registration of the ship under the provisions of the new Part IIA of the Ordinance shall lapse unless prior to such expiry the ship has been registered afresh under the provisions of the aforesaid new Part IIA. ", and

(d) by inserting after section 4 the following sections 5,6, and 7 -

"Extension of Part IIA and IIB of the Ordinance to Sabah and Sarawak.

5. (1) The provisions of Part IIA and Part IIB of the Ordinance are extended to the States of Sabah and Sarawak.

(2) Such of the definitions in section 2 of the Ordinance as are necessary to give effect to the extended provisions of the Ordinance shall, subject to the following modifications, apply to those provisions:

(a) insert after the definition of "declaration of survey" the following definition -

" 'Director of Marine' means the Director of Marine, having authority over the port or place at which any ship is or will be registered;"

(b) insert after the definition of "effects" the following definition -

" 'Federation' means Malaysia;"

(c) insert after the definition of "foreign going passenger steamer" the following definition -

" 'High Court' means the High Court in Borneo, depending on where the cause or matter arose or occurred;";

(d) in the definition of "port", substitute for the words "under section 5" the words "under any written law in force in the State of Sabah or Sarawak, as the case may be;";

(e) insert after the definition of "Superintendent" the following definition -

" 'Surveyor of Ships', in relation to the State of Sabah or Sarawak, includes a surveyor of ships appointed under the provisions of any written law relating to merchant shipping in force in the State concerned;".

Repeal of *L.N. 191/64* and provisions in written laws of Sabah and Sarawak corresponding to provisions of Part IIA and IIB of Ordinance.

6. (1) The Modification of Laws (Merchant Shipping) (Malaysia Registry) Order 1964 is repealed.

(2) The provisions of any written law corresponding to the provisions of Part IIA and Part IIB of the Ordinance and in force in the State of Sabah or Sarawak immediately before the date or dates appointed under section 1 (2) shall, upon the date or dates so appointed, be deemed to be repealed.

Provisions of Part IIA and IIB of Ordinance to prevail over inconsistent or contrary written law.

7. The provisions of Part IIA and Part IIB of the Ordinance shall prevail notwithstanding anything inconsistent with or contrary to those provisions in any other written law."