

Acts Supplement (Amendment Acts)



LAWS OF MALAYSIA

ACT A561

Merchant Shipping (Amendment) Act 1983

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ARRANGEMENT OF SECTIONS

[Long Title & Preamble](#)

- Section 1. [Short title and commencement.](#)
- Section 2. [New sections 71, 71A and 72.](#)
- Section 3. [Amendment of section 73.](#)
- Section 4. [Amendment of section 74.](#)
- Section 5. [Amendment of section 76.](#)
- Section 6. [New section 76A.](#)
- Section 7. [Amendment of section 79.](#)
- Section 8. [Amendment of section 81.](#)

ACT A561

Merchant Shipping (Amendment) Act 1983

Section 1. Short title and commencement.

This Act may be cited as the **Merchant Shipping (Amendment) Act 1983** and shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint; and the Minister may appoint different dates for different provisions of this Act.

ACT A561

Merchant Shipping (Amendment) Act 1983

Section 2. New sections 71,71A and 72.

The Merchant Shipping Ordinance 1952 (hereinafter referred to as the "Ordinance") is amended by substituting for sections 71, 71A and 72 the following new sections:

" 71. Certificates of competency to be held by officers of foreign going ships.

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

(a) every ship shall have a master holding a certificate of competency as master of a foreign-going ship;

(b) if the ship is of five thousand gross register tons or more, there shall be, besides the master -

(i) a chief officer holding a certificate of competency not lower than that of first mate of a foreign-going ship;

(ii) a second officer holding a certificate of competency not lower than that of second mate of a foreign-going ship; and

(iii) a third officer holding a certificate of competency not lower than that of third mate of a foreign-going ship;

(c) if the ship is of less than five thousand gross register tons, there shall be, besides the master -

(i) a chief officer holding a certificate of competency not lower than that of first mate of a foreign-going ship; and

(ii) a second officer holding a certificate of competency not lower than that of third mate of a foreign-going ship;

(d) if the ship is a steamship of 3000 kw propulsion power or more, there shall be at least four engineers, as follows:

(i) one first-class engineer;

(ii) one engineer who shall be at least a second-class engineer; and

(iii) two engineers who shall be at least fourth-class engineers or first-class engine drivers;

(e) if the ship is a steamship of more than 750 kw propulsion power but less than 3000 kw propulsion power, there shall be at least three engineers, as follows:

(i) one engineer who shall be at least a second-class engineer;

(ii) one engineer who shall be at least a third-class engineer; and

(iii) one engineer who shall be at least a fourth-class engineer or a first-class engine driver;

(f) if the ship is a steamship of 750 kw propulsion power or less, there shall be at least two engineers, one of whom shall be at least a third-class engineer and the other at least 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.

(3) For the purposes of this section and of sections 71A and 72, 745.7 watts propulsion power is equal to one horsepower.

71A. Certificates of competency to be held by officers of home-trade ships.

(1) Every home-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 of five thousand gross register tons or more, there shall be -

(i) a master holding a certificate of competency as master of a foreign-going ship or a master holding both a certificate of competency as master of a home-trade ship and a certificate of competency as first mate of a foreign-going ship;

(ii) a chief officer holding a certificate of competency not lower than that of first mate of a foreign-going ship; and

(iii) a second officer holding a certificate of competency not lower than that of mate of a hometrade ship;

(b) if the ship is of less than five thousand gross register tons, there shall be-

(i) a master holding a certificate of competency not lower than that of master of a home-trade ship;

(ii) a chief officer holding a certificate of competency not lower than that of mate of a hometrade ship; and

(iii) a second officer holding a certificate of competency not lower than that of mate of a hometrade ship;

(c) if the ship is a steamship of 3000 kw propulsion power or more, there shall be at least three engineers, as follows:

(i) one engineer who shall be at least a second-class engineer;

(ii) one engineer who shall be at least a fourth-class engineer or first-class engine driver; and

(iii) one engineer who shall be at least a second-class engine driver;

(d) if the ship is a steamship of more than 750 kw propulsion power but less than 3000 kw propulsion power, there shall be at least three engineers, as follows:

(i) one engineer who shall be at least a first-class engine driver;

(ii) one engineer who shall be at least a second-class engine driver; and

(iii) one engineer who shall be at least a third-class engine driver;

(e) if the ship is a steamship of 350 kw to 750 kw propulsion power, there shall be at least two engineers, one of whom shall be at least a first-class engine driver and the other at least a second-class engine driver;

(f) if the ship is a steamship of less than 350 kw propulsion power, there shall be at least one engineer who shall be at least 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.

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

(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 of five thousand gross register tons, there shall be -

- (i) a master holding a certificate of competency as master of a foreign-going ship;
- (ii) a chief officer holding a certificate of competency not lower than that of first mate of a foreign-going ship; and
- (iii) a second officer holding a certificate of competency not lower than that of mate of a hometrade ship;

(b) if the ship is of one thousand and six hundred gross register tons or more but less than five thousand gross register tons, there shall be -

- (i) a master holding a certificate of competency not lower than that of master of a home-trade ship;
- (ii) a chief officer holding a certificate of competency not lower than that of mate of a hometrade ship; and
- (iii) a second officer holding a certificate of competency not lower than that of mate of a local trade ship;

(c) if the ship is of two hundred gross register tons or more but less than one thousand and six hundred gross register tons, there shall be-

- (i) a master holding a certificate of competency not lower than that of master of a local-trade ship;
- (ii) a chief officer holding a certificate of competency not lower than that of mate of a local trade ship; and
- (iii) if the ship plies between East and West Malaysia, then in addition to (i) and (ii), a second officer holding a certificate of competency not lower than that of mate of a local-trade ship;

(d) if the ship is of less than two hundred gross register tons, there shall be-

- (i) a master holding a certificate of competency not lower than that of master of a local-trade ship; and
- (ii) a chief officer holding a certificate of competency not lower than that of mate of a local trade ship;

(e) if the ship is a steamship of 3000 kw propulsion power or more, there shall be at least three engineers, as follows:

- (i) one engineer who shall be at least a second-class engineer;
- (ii) one engineer who shall be at least a fourth-class engineer or first-class engine driver; and
- (iii) one engineer who shall be at least a second-class engine driver;

(f) if the ship is a steamship of more than 750 kw propulsion power but less than 3000 kw propulsion power, there shall be at least three engineers, as follows:

- (i) one engineer who shall be at least a first-class engine driver;
- (ii) one engineer who shall be at least a second-class engine driver; and
- (iii) one engineer who shall be at least a third-class engine driver;

(g) if the ship is a steamship of 350 kw to 750 kw propulsion power, there shall be at least two engineers, one of whom shall be at least a first-class engine driver and the other at least a second-class engine driver;

(h) if the ship is a steamship of less than 350 kw propulsion power, there shall be at least one engineer who shall be at least 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."

ACT A561

Merchant Shipping (Amendment) Act 1983

Section 3. Amendment of section 73.

Section 73 of the Ordinance is amended by substituting for subsections (2) and (3) the following:

"(2) Every mechanically propelled vessel licensed under section 475 and employed exclusively within the limits of a port shall be provided with officers duly certificated under this Ordinance according to the following scale:

(a) if the vessel is of less than twenty-five gross register tons, there shall be an officer holding a certificate of competency not lower than that of helmsman;

(b) if the vessel is of twenty-five gross register tons or more, there shall be -

(i) an officer holding a certificate of competency not lower than that of helmsman; and

(ii) an engineer who shall be at least a third-class engine driver.

(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."

ACT A561

Merchant Shipping (Amendment) Act 1983

Section 4. Amendment of section 74.

Section 74 of the Ordinance is amended -

- (a) by substituting for the words "hundred dollars" in subsection (1) the words "thousand ringgit or imprisonment for a term not exceeding one year or to both such fine and imprisonment"; and
- (b) by substituting for the words "hundred dollars," in subsection (2) the words "thousand ringgit or imprisonment for a term not exceeding one year or to both such fine and imprisonment".

ACT A561

Merchant Shipping (Amendment) Act 1983

Section 5. Amendment of section 76.

Subsection (1) of section 76 of the Ordinance is amended -

(a) by inserting immediately below the words "second mate of a foreign-going ship;" in paragraph (a), the following; "third mate of a foreign-going ship; third mate (exempt) of a foreign-going, ship;";

(b) by deleting the word "steersman;" in paragraph (a); and

(c) by inserting immediately below the words "second-class engineer;" in paragraph (b), the following:

"third-class engineer; fourth-class engineer;".

ACT A561

Merchant Shipping (Amendment) Act 1983

Section 6. New section 76A.

The Ordinance is amended by substituting for section 76A the following new section:

" 76A. Certificates of efficiency of survival craftsman.

Certificates of efficiency shall be granted in accordance with this Ordinance for the grade of survival craftsman."

ACT A561

Merchant Shipping (Amendment) Act 1983

Section 7. Amendment of section 79.

Section 79 of the Ordinance is amended -

(a) by substituting for the words "mates, helmsmen and steersmen or of efficiency as lifeboat men" in subsection (1) the words "mates and helmsmen or of efficiency as survival craftsmen"; and

(b) by substituting for the words "steersman or certificate of efficiency as lifeboat man," in subsection (3) the words "certificate of efficiency as survival craftsman".

ACT A561

Merchant Shipping (Amendment) Act 1983

Section 8. Amendment of section 81.

Section 81 of the Ordinance is amended by substituting for the words "steersman, engineer, engine-driver or lifeboat man" the words "engineer, engine-driver or survival craftsman".

