

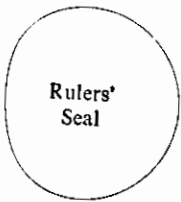
FEDERATION OF MALAYA

No. 49 OF 1955

MERCHANT SHIPPING (AMENDMENT) ORDINANCE, 1955

Highnesses the Rulers of the
Malay States assent hereto

I assent



Witnesses to the affixing of the Rulers' Seal:

AM SHAH

(in Jawi)

of Selangor

D. C. MACGILLIVRAY,
High Commissioner

26th November, 1955

T. ABDUL RAHMAN,
di-Pertuan Besar of Negri Sembilan

November, 1955

An Ordinance to amend the Merchant Shipping Ordinance, 1952.

[8th December, 1955.]

IT IS HEREBY ENACTED by the High Commissioner of the Federation of Malaya and Their Highnesses the Rulers of the Malay States, with the advice and consent of the Legislative Council, as follows:

Short title. 1. This Ordinance may be cited as the Merchant Shipping (Amendment) Ordinance, 1955.

Amendment of section 2. No. 70 of 1952. 2. Section 2 of the Merchant Shipping Ordinance, 1952 (in this Ordinance referred to as "the principal Ordinance") is amended—

(a) by substituting the following definition for the definition of "country to which the Load Line Convention applies" therein appearing—

“‘country to which the Load Line Convention applies’ means—

(a) a country the government of which has been declared by Her Majesty in Council to have ratified or acceded to the Load Line Convention, and has not been so declared to have denounced that Convention;

(b) a territory to which it has been so declared that the Load Line Convention has been applied under the provisions of Article twenty-one thereof, not being a territory to which it has been so declared that that Convention has ceased to apply;” and

(b) by deleting therefrom the definition of "load line rules" which appears immediately after the definition of "lighthouse".

Amendment of section 69. 3. Sub-section (1) of section 69 of the principal Ordinance is amended by substituting for the word "None" the words "Except as specifically provided none".

Amendment of section 72. 4. Paragraph (a) of sub-section (1) of section 72 of the principal Ordinance is amended by deleting therefrom the words "certificated for that port".

5. Sub-section (1) of section 76 of the principal Ordinance is amended— Amendment of section 76.

(a) by inserting in paragraph (a) thereof immediately below the word and punctuation "helmsman;" the words and punctuation "helmsman of a fishing boat;"; and

(b) by substituting a full stop for the semi-colon at the end of paragraph (b) thereof and deleting therefrom paragraph (c).

6. The following section is hereby inserted in the principal Ordinance immediately after section 76 thereof: New section 76A.

Certificates of efficiency. 76A. Certificates of efficiency shall be granted in accordance with this Ordinance for the grade of lifeboat man."

7. Section 79 of the principal Ordinance is amended— Amendment of section 79.

(a) by inserting in the marginal note immediately after the word "competency" the words "and efficiency";

(b) by substituting the following sub-section for sub-section (1) thereof:

"(1) For the purpose of granting certificates of competency as masters, mates, helmsmen and steersmen or of efficiency as lifeboat men to persons desirous of obtaining the same, examinations shall be held at such times and places as the ^{High} ~~Commissioner~~ directs."; and

(c) by inserting in the proviso to sub-section (3) the words "or certificate of efficiency as lifeboat man" immediately after the word "steersman".

8. Section 81 of the principal Ordinance is amended by inserting therein the words and punctuation "helmsman of a fishing boat," immediately after the word and punctuation "helmsman,". Amendment of section 81.

9. In sub-section (1) of section 82, sub-sections (1) and (2) of section 83, sub-section (1) of section 85 and in section 87 of the principal Ordinance there shall be inserted immediately after the word "competency", wherever appearing, the words "or efficiency". Amendment of sections 82 (1), 85 (1) and 87.

10. Sub-section (2) of section 209 of the principal Ordinance is amended by deleting therefrom the words "in Council". Amendment of section 209.

Director of Marine
11.312/58

Amendment
to
section 231.

11. Section 231 of the principal Ordinance is hereby amended—

(a) by substituting in sub-section (1) thereof the words "Every foreign-going ship" for the words "Every foreign passenger steamer"; and

(b) by substituting for the marginal note thereto the following—

"Foreign-going ships to carry medical practitioners."

Amendment
of section
297.

12. In section 297 of the principal Ordinance a new sub-section shall be inserted as follows:

"(6) In this section the expression 'grain' includes wheat, maize, oats, rye, barley, rice, pulses and seeds, and a ship shall be deemed to be laden with a grain cargo if it is carrying a quantity of grain exceeding one-third of the ship's registered tonnage, reckoning one hundred cubic feet, or two tons weight, of grain as equivalent to one ton of registered tonnage."

Amendment
of section
333.

13. Section 333 of the principal Ordinance is hereby amended—

(a) by inserting immediately below the word and punctuation "helmsman;" the words and punctuation "helmsman of a fishing boat;";

(b) by substituting a semi-colon for the full stop at the end of the definition of "the holder of a local certificate" and adding thereto the following—

"or of a certificate the holder of which is deemed by virtue of the proviso to section 75 of this Ordinance to be duly certificated for the purposes of this Ordinance."; and

(c) by adding the following new definition:

"'Malayan ship' shall be deemed to include any native sailing ship and any vessel of such class or classes as the ~~High Commissioner in Council~~ ^{High Commissioner in Council} may by notification in the *Gazette* prescribe."

L. Minister

Amendment
of section
335.

14. Sub-section (2) of section 335 of the principal Ordinance is amended by substituting the words "President of a Sessions Court" for "Magistrate".

15. Sub-section (5) of section 336 of the principal Ordinance is hereby amended by inserting immediately after the words "the High Commissioner" the words "or other authority by which the same was granted".

Amendment of section 336.

16. The following section is hereby substituted for section 367 of the principal Ordinance—

New section 367.

Appointment of a principal receiver of wreck and receivers of wreck.

367. (1) The Director of Marine shall be the Principal Receiver of Wreck and shall have all the powers of a receiver throughout the Federation.

(2) The Principal Receiver of Wreck shall exercise general direction and supervision over all matters relating to wreck and salvage.

(3) The ^{Minister} ~~High Commissioner~~ may appoint any person to be a receiver of wreck in any district and to perform the duties of receiver under this Part and shall give notice of the appointment in the *Gazette*."

LN 32/58

17. In section 420 of the principal Ordinance for the words "twenty" and "ten" respectively there shall be substituted the words "one hundred" and "twenty-five".

Amendment of section 420.

18. Section 449 of the principal Ordinance is amended by substituting the following paragraph for paragraph (a) thereof—

Amendment of section 449.

"(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;"

19. Sub-section (1) of section 460 of the principal Ordinance is amended by inserting immediately after the word "Federation" the words "or of the approaches thereto".

Amendment of section 460.

20. Section 472 of the principal Ordinance is amended by adding thereto the following sub-section:

Amendment of section 472.

"(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."

Amendment
of section
473.

21. In section 473 of the principal Ordinance there shall be inserted a new sub-section as follows:

“(14) If any native sailing ship required to be licensed under sub-section (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 sub-section, 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.”.

Amendment
of section
483.

22. Section 483 of the principal Ordinance is amended by substituting for paragraph (a) thereof the following new paragraph—

“(a) providing for the collection of fees for licences issued under this Part;”.

New section
483A.

23. Immediately after section 483 of the principal Ordinance there shall be inserted the following new section:

“Rules as
to fares.

~~Settlement Executive~~

0.60/56

L.N-332/58

483A. The Ruler in Council ^{in the Governor in Council} ~~in a State and the High-Commissioner in Nominated Council in a Settlement~~ 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:

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Provided that any rules made by the ^{Minister} ~~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.”.

Amendment
of section
509.

24. Sub-section (2) of section 509 of the principal Ordinance is amended by substituting for the words “Twelfth Schedule” the words “Eleventh, Twelfth and Thirteenth Schedules”.

Amendment
of the First
Schedule.

25. The First Schedule to the principal Ordinance is hereby amended—

(a) by inserting after the word “Competency” the words “or Efficiency”; and

(b) by inserting in its appropriate place the following—

“Helmsman of a fishing boat ... 6.00”.

26. The Tenth Schedule to the principal Ordinance is amended— Amendment of the Tenth Schedule.

(a) by substituting the words "*Sunday labour*" for the words "*Sunday Permits*" therein appearing; and

(b) by substituting the following proviso for the proviso therein appearing—

"Provided that no charge shall be made if not more than 20 tons weight of cargo is worked."

27. The Eleventh Schedule to the principal Ordinance is amended by inserting at the end thereof the following fees: Amendment of the Eleventh Schedule.

"Miscellaneous.

For every bill of sale (if made in the Port Office) 10.00

For every certified copy of documents or extract 2.00

For every inspection of any record ... 1.00

Fee for Licence Book.

For every licence book 1.00."

28. The Twelfth Schedule to the principal Ordinance is amended— Amendment of the Twelfth Schedule.

(a) by inserting, under the heading "*Fee for Licence Book*" the word "fishing," between the word "cargo" and the word "or"; and

(b) by adding the following fees at the end thereof—

"Fees for Transfers, etc.

For each transfer, transmission, mortgage and transfer of mortgage, according to the gross tonnage of the boat, as follows:

Under 10 tons	\$ 1.00
10 tons and under 20 tons	2.00
20 "	"	30 "	...	4.00
30 "	"	40 "	...	5.00
40 "	"	50 "	...	6.00
50 "	"	75 "	...	7.00
75 "	"	100 "	...	9.00
100 "	"	125 "	...	10.00

and a further fee of \$1.00 for every additional 50 tons or part of 50 tons.

For every bill of sale (if made in the Port Office) ...	\$10.00
For every certified copy of documents or extract ...	2.00
For every inspection of any record	1.00
<i>Fee for Boat Number Plates</i>	
Per pair	1.00."

Amendment
of the
Thirteenth
Schedule.

29. The Thirteenth Schedule to the principal Ordinance is hereby amended—

(a) by substituting the following reference for that appearing immediately below the heading thereof—

“(Sections 67, 509 (2) and 528)”, and

(b) by substituting the following item for item 3, of Part I thereof—

“3. For every bill of sale (if made in the Port Office) ...	10.00
For every certified copy of documents or extract ...	2.00
For every inspection of any record	1.00”

Amendment
of the
Fourteenth
Schedule.

30. (1) The Fourteenth Schedule to the principal Ordinance is hereby amended by adding thereto the following—

“Federation of Malaya
Ordinance No. 23
of 1950

Pilots Enactment
(Application to
Trengganu) Or-
dinance, 1950

The whole

”

(2) The amendment effected by this section shall be deemed to have come into force with the principal Ordinance.