

D.R. 50/97

Naskhah Sahih—Bahasa Inggeris

RANG UNDANG-UNDANG

bernama

Suatu Akta untuk meminda Ordinan Perkapalan Saudagar 1952.

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MAKA INILAH DIPERBUAT UNDANG-UNDANG oleh Seri Paduka Baginda Yang di-Pertuan Agong dengan nasihat dan persetujuan Dewan Negara dan Dewan Rakyat yang bersidang dalam Parlimen, dan dengan kuasa daripadanya, seperti berikut:

1. (1) Akta ini bolehlah dinamakan Akta Perkapalan Saudagar (Pindaan) 1997.

Tajuk ringkas dan mula berkuat kuasa.

(2) Akta ini hendaklah mula berkuat kuasa pada tarikh yang ditetapkan oleh Menteri melalui pemberitahuan dalam *Warta*, dan Menteri boleh menetapkan tarikh yang berlainan bagi peruntukan yang berlainan dalam Akta ini.

2. Ordinan Perkapalan Saudagar 1952, yang disebut "Ordinan" dalam Akta ini, adalah dipinda dalam seksyen 26—

Pindaan seksyen 26. Ord. 70/52.

(a) dengan menomborkan semula seksyen itu sebagai subseksyen (1); dan

(b) dengan memasukkan selepas subseksyen (1) subseksyen yang berikut:

"(2) The provisional certificate of registry of a ship shall be valid for a maximum period of one year from the date of its issue.

(3) This Ordinance and other written laws shall apply to—

(a) a ship that is issued with a provisional certificate of registry under this section;

(b) the owner of the ship; and

(c) the provisional certificate of registry,

in the same manner as they apply to a Malaysian ship, its owner and its certificate of registry."

Pindaan
seksyen 65A.

3. Ordinan adalah dipinda dengan menggantikan seksyen 65A dengan seksyen yang berikut:

ⁿ_{Inter-pretation.} 65A. In this Part, unless the context otherwise requires, "domestic shipping" means the use of a ship—

(a) to provide services, other than fishing, in the Federation waters or the exclusive economic zone; or

(b) for the shipment of goods or the carriage of passengers—

(i) from any port or place in Malaysia to another port or place in Malaysia; or

(ii) from any port or place in Malaysia to any place in the exclusive economic zone or *vice versa*".

4. Ordinan adalah dipinda dengan memasukkan selepas Bahagian IIB Bahagian yang berikut: Bahagian baru IIc.

"PARTIIc

MALAYSIA INTERNATIONAL
SHIP REGISTRY

Interpretation and application. 66. (1) In this Part, unless the context otherwise requires, "age" in relation to a ship, means the difference between the year in which the ship was built and the year in which it is registered as a Malaysian ship.

(2) The provisions of Part HA shall apply to ships registered under this Part, in so far as they are consistent with this Part.

Port of the Malaysia International ship registry. 66A. The Minister may declare any port or place in Malaysia to be the port of the Malaysia International ship registry.

Qualification to register ship in the Malaysia International ship registry. 66B. (1) Notwithstanding section 11, the Registrar General may register a ship as a Malaysian ship under this Part, irrespective of where the ship was built, if it is owned by a corporation that satisfies the following requirements:

- (a) the corporation is incorporated in Malaysia;
- (b) an office of the corporation is established in Malaysia; and
- (c) the majority of the shareholding, including the voting shares, of the corporation are not held by Malaysian citizens.

(2) The Registrar General may, without assigning any reason, refuse to register any ship as a Malaysian ship under this Part.

(3) The Minister may, if he thinks fit, prescribe other requirements in addition to the requirements stipulated in subsection (1).

(4) A ship shall cease to be registered under this Part if any of the requirements in this section are no longer fulfilled.

Appointment
of a ship
manager.

66c. (1) The owner of a ship shall, before applying for a ship to be registered under this Part, appoint a ship manager.

(2) A ship manager appointed under this section shall be—

(a) a Malaysian citizen having his permanent residence in Malaysia; or

(b) a company incorporated in Malaysia and having its principal place of business in Malaysia.

(3) The owner of a ship shall ensure that a ship manager is appointed for the entire period that his ship remains registered under this Part.

(4) The owner of a ship shall submit to the Registrar General the particulars of the ship manager appointed by him, including the name, the identity card number or the corporation's registration number, the address, the telex number and the cable address of the ship manager.

(5) The particulars submitted under subsection (4) shall be entered in the Register Book.

(6) The owner of a ship or the ship manager shall notify the Registrar General of any change in any of the particulars submitted under subsection (4) within seven days of the change.

Paid-up capital for corporate ownership.

66D. (1) A ship shall not be registered under this Part unless the corporation has a minimum paid-up capital of ten per cent of the value of the ship or one million ringgit, whichever is higher.

(2) Subsection (1) shall apply only to the first ship registered by the corporation.

Registration of ship.

66E. (1) No ship shall be registered under this Part unless—

(a) it is fitted with mechanical means of propulsion;

(b) it is of not less than 1,600 gross tonnage; and

(c) the age of the ship is—

(i) not more than 15 years if it is a tanker or a bulk carrier; or

(ii) not more than 20 years if it is of a type other than a tanker or a bulk carrier.

(2) The Minister may exempt any ship from any requirements of this section on such terms and conditions as he may deem fit.

Initial registration fee and annual tonnage fee.

66F. (1) An initial registration fee as prescribed in the Thirteenth Schedule and an annual tonnage fee of 30 sen per gross tonnage shall be payable in respect of every ship registered under this Part.

(2) The annual tonnage fee shall be paid by the owner of a ship at the time of the initial registration or renewal of registration of the ship and thereafter annually on or before the anniversary date of the initial registration or renewal of registration, as the case may be.

(3) All unpaid registration fees and annual tonnage fees due to the Registrar General shall constitute a maritime lien on the ship, subject only to liens for wages and salaries.

Offence. 66G. Any owner of a ship or ship manager who fails to comply with this Part shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit."

Pindaan
seksyen
473A.

5. Ordinan adalah dipinda dengan menggantikan seksyen 473A dengan seksyen yang berikut:

^u Inter-pretation 473A. For the purposes of sections 474 to 485—

"boat" means any vessel below 500 gross tonnage plying—

- (a) within the rivers of a State navigable by sea-going vessels; or
- (b) within the coastal waters of such State extending up to the outer limits of the Federation waters;

"trade or business" includes—

- (a) the conveyance of goods or passengers;
- (b) fishing;
- (c) salvage operations;
- (d) dredging;
- (e) cable-laying;
- (f) off-shore exploration;
- (g) conservation;
- (h) marine construction;
- (i) oceanography;
- (j) hydrography; and
- (k) port services."

HURAIAN

Rang Undang-Undang ini bertujuan meminda Ordinan Perkapalan Saudagar 1952 ("Ordinan").

2. *Fasal 1* memperkatakan tajuk ringkas dan tarikh mula berkuat kuasa Akta yang dicadangkan.

3. *Fasal 2* bertujuan meminda seksyen 26 dengan memasukkan dua subseksyen baru, iaitu subseksyen (2) dan (3) dalam Ordinan. Subseksyen (2) yang dicadangkan menetapkan tempoh keesahan yang maksimum bagi perakuan pendaftaran sementara suatu kapal. Subseksyen (3) yang dicadangkan mengadakan peruntukan bagi pemakaian Ordinan dan undang-undang bertulis yang lain pada suatu kapal yang kepadanya dikeluarkan suatu perakuan pendaftaran sementara di bawah seksyen ini, pemunyaanya dan perakuan pendaftaran sementara.

4. *Fasal 3* bertujuan meminda seksyen 65A dengan meminda takrif istilah "domestic shipping".

5. *Fasal 4* bertujuan memasukkan Bahagian IIc yang baru dalam Ordinan untuk memperuntukkan pendaftaran kapal Antarabangsa Malaysia. Seksyen 66 yang dicadangkan mengadakan peruntukan bagi pemakaian Bahagian IIc. Seksyen 66A yang dicadangkan bertujuan memberi Menteri kuasa untuk mengisytiharkan mana-mana pelabuhan atau tempat di Malaysia sebagai pelabuhan bagi pendaftaran kapal Antarabangsa Malaysia. Seksyen 66B hingga 66F yang dicadangkan menyatakan kehendak-kehendak yang suatu perbadanan mesti memenuhi sebelum mana-mana kapal boleh didaftarkan sebagai kapal Malaysia di bawah Bahagian ini. Seksyen 66F yang dicadangkan memperuntukkan bahawa suatu fee pendaftaran permulaan dan suatu fee tanan tahunan hendaklah kena dibayar berkenaan dengan tiap-tiap kapal yang didaftarkan di bawah Bahagian ini. Seksyen 66G yang dicadangkan memperkatakan penalti bagi kesalahan di bawah Bahagian ini.

6. *Fasal 5* bertujuan meminda seksyen 473A dengan meminda takrif istilah "boat" dan "trade or business".

IMPLIKASI KEWANGAN

Rang Undang-Undang ini akan melibatkan Kerajaan dalam perbelanjaan wang tambahan yang amaunnya belum dapat ditentukan sekarang. [PN. (U²) 2051.]