

A BILL

intituled

An Ordinance to amend the Merchant Shipping Ordinance, 1952.

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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 :

1. This Ordinance may be cited as the Merchant Shipping (Amendment) Ordinance, 1953, and shall be deemed to have come into force at the same time as the Merchant Shipping Ordinance, 1952 (in this Ordinance referred to as "the principal Ordinance"). Short title and commencement.
No. 70 of 1952.
2. Sub-section (1) of section 445 of the principal Ordinance is hereby amended— Amendment of section 445.
 - (a) by inserting a new paragraph lettered (r) immediately after paragraph (q) thereof as follows :
“(r) prescribing fees for anything to be done or permitted to be done under these Rules;”
 - (b) by relettering paragraph (r) as paragraph (s).
3. Section 474 of the principal Ordinance is hereby amended— Amendment of section 474.
 - (a) by deleting paragraph (c) of sub-section (3) thereof; and
 - (b) by relettering paragraph (d) as paragraph (c).
4. Section 483 of the principal Ordinance is hereby amended by adding immediately after the word "Federation" at the end of paragraph (a) thereof the words "or elsewhere within Federation waters". Amendment of section 483.
5. Section 530 of the principal Ordinance is hereby amended by inserting the words "in Council" immediately after the words "the High Commissioner" which occur therein. Amendment of section 530.
6. The Eleventh Schedule of the principle Ordinance is hereby amended by the addition thereto of the following item: Amendment of Eleventh Schedule.

“For each transfer, transmission, licensing anew, mortgage and transfer of a mortgage, according

2 No. OF 1953.

to the gross tonnage of the ship, as follows—

Under 10 tons	\$ 1
10 tons and under 20 tons	2
20 " "	30	"	...	4
30 " "	40	"	...	5
40 " "	50	"	...	6
50 " "	75	"	...	7
75 " "	100	"	...	9
100 " "	125	"	...	10

and a further fee of \$1 for every additional 50 tons or part of 50 tons."

OBJECTS AND REASONS

In the course of preparation of the subsidiary legislation required under the Merchant Shipping Ordinance, 1952 (which has not yet come into force) certain defects in the Ordinance have come to light which it is the purpose of this Bill to remedy.

2. No specific provision is made in section 445 of the Ordinance for prescribing fees to be levied in ports. While it would be possible in most cases to prescribe such fees under the Fees Ordinance, 1951, it is considered more appropriate that this should be done under the Merchant Shipping Ordinance and the amendment to be effected by Clause 2 is designed for this purpose.

3. Section 474 (3) (c) provides that a passenger steamer shall not be a boat for the purposes of sections 474 to 485 of the Ordinance. A steamer under the Ordinance means any mechanically propelled vessel, and it is clearly desirable that the passenger boats to be licensed under section 475 should include mechanically propelled vessels. The amendment proposed in Clause 3 is designed to clarify this intention and to remove an apparent contradiction.

4. Section 483 (a) of the Ordinance gives power to prescribe fares for boats "at any or all of the ports of the Federation". Under certain of the State Enactments which are to be repealed under section 531 fares were prescribed for areas outside port limits, and the amendment proposed in Clause 4 would enable this to be done under the Ordinance.

5. It had been intended that the general power of exemption under section 530 should be conferred upon the High Commissioner in Council, but by accident the words "in Council" were omitted from the section. The amendment contained in Clause 5 seeks to remedy this omission.

6. The fees payable on the transfer and mortgage of a native sailing ship which are at present in force in the Settlements were inadvertently omitted from the Eleventh Schedule of the Ordinance.

The purpose of the amendment proposed in Clause 6 of the Bill is to remedy this omission.

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KUALA LUMPUR,
11th February, 1953.