

DOMESTIC SHIPPING LICENSING BOARD REGULATIONS 1981

1981, No. 27

1981, No. 27

Part I

General

Regulation

1. Commencement
2. Interpretation

Part II

1981, No. 27

3. Application for licence
4. Issuance of licence

Part III

DOMESTIC SHIPPING LICENSING BOARD REGULATIONS 1981

5. Terms of licence
6. Conditions of licence
7. Validity of licence
8. Renewal of licence
9. Surrender of licence
10. Revocation of licence
11. Suspension of licence
12. Appeal against licence
13. Appeal against suspension of licence
14. Appeal against revocation of licence
15. Appeal against suspension of licence

Part IV

1981, No. 27

16. Revocation of licence

Part V

1981, No. 27

17. Revocation of licence
18. Revocation of licence

19

DOMESTIC SHIPPING LICENSING BOARD REGULATIONS 1981

[P.U. (A) 27/1981]

ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY

Regulation

1. Citation and commencement.
2. Interpretation.

PART II

PROCEDURE OF THE BOARD

3. Meetings of the Board.
4. Proceedings to be recorded.

PART III

LICENSING PROCEDURE

5. Application for licence.
6. Further particulars.
7. Procedure on approval.
8. Form of licence.
9. Duration of licence.
10. Fees payable.
11. Collection of fees.
12. Licence not transferable.
13. Compliance with other laws.
14. Certified true copy of licence.
15. Renewal of licence.

PART IV

REVOCAATION

16. Revocation of licence.

PART V

APPEAL

17. Notice and document relating to appeal.
18. Chairman to prepare summary of proceedings in case of appeal.

PART VI
MISCELLANEOUS

Regulation

19. Licence to be kept on board ship.
20. Giving of false information.
21. Lost or damaged licence.
22. Amendment or variation of terms or conditions of licence.
23. Liability of servant or agent.
24. Penalty.
25. Validation of acts done and expenditure incurred.

First Schedule.

Second Schedule.

Third Schedule.

DOMESTIC SHIPPING LICENSING BOARD REGULATIONS 1981*

[P.U. (A) 27/1981]

IN exercise of the powers conferred by section 65D of the Merchant Shipping Ordinance 1952, the Domestic Shipping Licensing Board, with the approval of the Minister, makes the following regulations:

PART I

PRELIMINARY

1. Citation and commencement.

These regulations may be cited as the **Domestic Shipping Licensing Board Regulations 1981** and, except for sub-regulation (4) of regulation 16 and regulations 19, 20, 21, 23 and 24 which shall come into force on the date of publication of these Regulations, shall be deemed to have come into force on the 1st January 1980.

2. Interpretation.

In these Regulations, unless the context otherwise require—

“appeal” means an appeal made under section 65K of the Ordinance;

“Board” means the Domestic Shipping Licensing Board established under section 65B of the Merchant Shipping Ordinance 1952;

“Chairman” means the Chairman of the Board;

“licence” means a licence to engage in domestic shipping as required by subsection (1) of section 65L of the Ordinance;

“Ordinance” means the Merchant Shipping Ordinance 1952.

PART II

PROCEDURE OF THE BOARD

3. Meetings of the Board.

- (1) The Board shall meet as frequently as the Chairman considers necessary.
- (2) Unless the Chairman otherwise decides, every notice calling for a meeting shall be given at least one week before the date of the meeting.
- (3) A copy of the proceedings of every meeting shall be transmitted to the Minister as soon as possible after such meeting.

* As amended by P.U. (A) 419/81, 346/84, 246/91.

4. Proceedings to be recorded.

The proceedings of every meeting of the Board shall be recorded and such record shall include the names of the Chairman and all other members of the Board present.

PART III

LICENSING PROCEDURE

5. Application for licence.

Every application for a licence shall be made to the Board in the form prescribed in the First Schedule and such form may be obtained without any payment of fee.

6. Further particulars.

Any applicant on whom a notice has been served by the Board requiring further information may appear in person before the Board or may do so by a person authorised by him in writing.

7. Procedure on approval.

(1) Where the Board approves an application, it shall cause a notice to be sent to the applicant informing him of the approval and requiring the applicant to pay to the Board the appropriate fee.

(2) Upon receipt of the appropriate fee, the Board shall issue to the applicant the appropriate licence subject to the terms and conditions imposed by the Board.

(3) Any applicant who is aggrieved by any term or condition imposed on a licence may, within thirty days from the date of issue of the licence, make a representation to the Board whose decision shall be final.

(4) A licence issued by the Board shall be signed by the Chairman or by any member of the Board authorised in writing by the Chairman.

8. Form of licence.

A licence issued by the Board shall be in the form prescribed in the Second Schedule.

9. Duration of licence.

A licence issued by the Board shall be valid for such period as stipulated in the licence.

10. Fees payable.

The fees payable in respect of a licence shall be—

(a) in the case of—

(i) *Malaysian ships*, fifty ringgit per year or part thereof for ships

of fifteen tons nett to fifty tons nett and the sum of ten sen per ton for each additional ton after fifty tons nett;

(ii) *foreign registered ships*, two hundred ringgit per year or part thereof for ships of fifteen tons nett to fifty tons nett and forty sen per ton for each additional ton after fifty tons nett; and

(b) fifty ringgit for each certified true copy of a licence.

11. Collection of fees.

(1) The Board may authorise in writing such of its officers as it may think fit to receive any payments under these Regulations.

(2) All payments collected under these Regulations shall be credited to the Government.

12. Licence not transferable.

No licence shall be transferable.

13. Compliance with other laws.

The licensing of an applicant by the Board shall not be construed as a recognition by the Board that the applicant has complied with the requirements of any other written law affecting the activities that the applicant proposes to engage in by virtue of the licence or as exempting him from compliance with such requirements.

14. Certified true copy of licence.

(1) A certified true copy of a licence may be issued on application and payment of the fee as prescribed in paragraph (b) of regulation 10 and every such application shall be accompanied by a statutory declaration made by the applicant to the effect that the original copy of the licence has been lost or damaged, as the case may be.

(2) An application for a certified true copy of a licence shall be made in the form prescribed in the Third Schedule.

(3) Any person applying for a certified true copy of a licence on the ground that his licence had been damaged shall, at the time of such application, return his damaged licence to the Board.

15. Renewal of licence.

A licensee desirous of renewing his licence may, not later than two months before the date of expiry of the licence, apply to the Board for the renewal of his licence, and the provisions of regulations 5, 6, 7, 8, 9 and 10 and section 65H of the Ordinance shall apply in respect of such application.

PART IV
REVOCATION

16. Revocation of licence.

(1) Where the Board wishes to revoke a licence under section 65i of the Ordinance, the Board shall furnish the licensee with written particulars of the grounds for revocation and the licensee may appear before the Board in person or by a duly authorised agent, to make a representation against the revocation.

(2) Where, after hearing the licensee or his duly authorised agent, the Board is of the opinion that the licensee has contravened any of the terms or conditions of the licence, the Board may revoke the licence.

(3) Where a licence is revoked, no portion of any fee paid to the Board shall be refundable in respect of the unexpired period.

(4) Where a licence is revoked, the licensee shall, within fourteen days of the service of the notice of revocation upon him, surrender the licence to the Board.

PART V
APPEAL

17. Notice and document relating to appeal.

Every notice of appeal shall be sent in duplicate and by registered post to the Minister, with a copy to the Chairman.

18. Chairman to prepare summary of proceedings in case of appeal.

(1) Where an appeal is made, the Chairman shall cause to be prepared a summary of the relevant proceedings before the Board and a statement setting out the grounds on which the Board arrived at its decision.

(2) The summary of proceedings and grounds of decision shall be submitted to the Minister.

PART VI
MISCELLANEOUS

19. Licence to be kept on board ship.

A licence issued by the Board or a certified true copy thereof shall at all times be kept and displayed on board the ship for which it is issued.

20. Giving of false information.

Any person who, in applying for a licence or for renewal thereof or for a certified true copy of a licence, gives any information which he knows or has reason to believe to be false in any material fact shall be guilty of an offence.

21. Lost or damaged licence.

- (1) Where a licence is lost or damaged, the licensee shall—
 - (a) as soon as possible, lodge a police report in respect of such loss or damage and thereafter inform the Port Officer of the nearest Marine Department of such loss or damage by producing a certified true copy of the police report; and
 - (b) notify the Board of such loss or damage not later than two weeks from the date when the licence was lost or damaged.
- (2) Where any licence reported lost is subsequently found after the issue of a certified true copy thereof, such licence shall be returned to the Board as soon as possible.

22. Amendment or variation of terms or conditions of licence.

- (1) The Board may, if it thinks fit, amend or vary any term or condition of any licence.
- (2) The Board may publish notice of any amendment or variation in the manner it thinks fit and where it does so it shall, in such manner and at such time as it may determine, serve a copy of the same on the licensee.
- (3) Any amendment or variation shall take effect from the date of the publication of the notice of the amendment or variation.
- (4) The Board shall consider any representations made in relation to such amendments or variations and may amend or vary any term or condition of a licence for the purpose of giving effect thereto.

23. Liability of servant or agent.

In the event of any act or omission by a servant or agent of a licensee which would have been an offence under these Regulations if committed by the licensee, such servant or agent shall also be guilty of an offence.

24. Penalty.

Any person who contravenes any of the provisions of these Regulations for which no specific penalty has been provided for shall be liable on conviction to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

25. Validation of acts done and expenditure incurred.

All acts and things done by any person or any expenditure incurred in relation thereto prior to the commencement of and in anticipation of these Regulations shall be deemed to have been authorised by these Regulations provided that such acts or things done or expenditure incurred are not inconsistent with the general intention and purposes of these Regulations and all rights and obligations acquired or incurred as a result of the doing of those acts or things including any expenditure thereof shall be deemed to be the rights and obligations of the Board.

FIRST SCHEDULE

(Regulation 5)

APPLICATION FOR DOMESTIC SHIPPING LICENCE

(This form is to be filled in duplicate)

MERCHANT SHIPPING ORDINANCE 1952

DOMESTIC SHIPPING LICENSING BOARD REGULATIONS 1980

(Regulation 5)

1. PARTICULARS OF APPLICANT:

- (i) Name of applicant/company.....
- (ii) Nationality/Country of incorporation.....
- (iii) Date of incorporation.....
- (iv) Address of registered office.....
-Telephone.....

2. SHAREHOLDERS:

(i) Malaysians:

Aborigines, Malays and Natives of Sabah
and Sarawak percent

Others percent

(ii) Non Malaysians percent

3. PARTICULARS OF CHIEF EXECUTIVE AND DIRECTORS:

(i) Chief Executive:

- (a) Full name (with Chinese characters if any).....
-Sex.....
- (b) Occupation.....
- (c) Date and place of birth.....
- (d) Nationality.....
- (e) Identity card number.....Colour.....
- (f) Residential address.....
-

5. EMPLOYMENT:

FULL-TIME EMPLOYMENT					NON MALAY- SIANS
MALAYSIANS					
	Aborigines, Malays and Natives of Sabah and Sarawak	Chinese	Indians	Others	
(i) Management Staff					
(a) Professional ...					
(b) Non Professional ...					
(ii) Technical/Supervisory					
(iii) Floating Staff ...					
(a) Officers					
(b) Crew					
Total					

6. VESSELS:

No.	Name of vessel and date of registration	Place of registration and registration number	Date of Construction	Tonnage Gross Nett	Official number	Call sign

7. PORTS OF CALL:

Present

.....

.....

Proposed.....

.....

.....

8. PARTICULARS OF CARGO:-

(i) Please tick in the appropriate box and give details where appropriate (e.g. bulk liquid palm oil)—

Dry cargo	<input type="checkbox"/>	_____
Bulk liquid	<input type="checkbox"/>	_____
Petroleum	<input type="checkbox"/>	_____
Passengers	<input type="checkbox"/>	_____
Others...	<input type="checkbox"/>	_____

9. DECLARATION:

I/we.....
the undersigned, do solemnly and sincerely declare that to the best of my/our knowledge and belief, the information given above is correct.

Date.....
.....
Signature and official seal

This form should be forwarded to the Secretary, Domestic Shipping Licensing Board, Ministry of Transport, Wisma Perdana, Damansara Heights, Kuala Lumpur through the Marine Department.

FOR OFFICIAL USE

.....
.....
.....
.....

SECOND SCHEDULE
(Regulation 8)
DOMESTIC SHIPPING LICENCE
MERCHANT SHIPPING ORDINANCE 1952
DOMESTIC SHIPPING LICENSING BOARD REGULATIONS 1980
(Regulation 8)

The Domestic Shipping Licensing Board, Malaysia hereby grants this licence to:

Name of ship.....

Official number.....

Tonnage.....

Port of registry.....

Owner.....

This licence is valid from.....to.....

This licence is granted subject to the following terms and conditons.....

.....

.....

Payment of \$.....received.....

.....

Receipt number.....dated.....

.....

Date of issue.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....
*Chairman/Authorised Officer,
Domestic Shipping Licensing Board,
Malaysia*

In case of loss/damage the licensee must as soon as possible lodge a police report and inform the Port Officer of the nearest Marine Department.

THIRD SCHEDULE

(Regulation 14)

APPLICATION FOR A COPY OF A LOST OR DAMAGED
DOMESTIC SHIPPING LICENCE

MERCHANT SHIPPING ORDINANCE 1952

DOMESTIC SHIPPING LICENSING BOARD REGULATIONS 1980

(Regulation 14)

1. PARTICULARS OF APPLICANT:

- (i) Name of applicant/company.....
.....
- (ii) Nationality/Country of incorporation.....
.....
- (iii) Date of incorporation.....
- (iv) Address of registered office.....
..... Telephone.....

2. PARTICULARS OF PREVIOUS LICENCE:

- (i) Number of licence.....
- (ii) Date of issue.....
- (iii) Issuing authority.....
- (iv) Give a brief description of *loss/damage of the licence,.....
.....
.....

3. (a) PARTICULARS OF POLICE REPORT LODGED:

- (i) Name of police station.....
- (ii) Report number.....
- (iii) Date of report.....
(Attach a certified true copy of the report made)

(b) PARTICULARS OF INFORMATION LODGED:

- (i) Name of Marine Department.....
- (ii) Date when information given.....
(Attach a certified true copy of the information given)

4. PARTICULARS OF VESSEL:

- (i) Name of vessel.....
- (ii) Place of registration.....
- (iii) Registration number.....

5. DECLARATION:

I/we.....
 the undersigned, do solemnly and sincerely declare that to the best of my/our knowledge and belief, the licence number.....
 issued on..... by the Domestic Shipping Licensing Board for the vessel.....
 registration number.....is lost/damaged*.

Date.....

Signature and official seal

6. I/we.....
 would like to apply for a copy of the licence that is lost. I/we enclose the sum of M\$..... ringgit being payment for the copy of the licence.

Date.....

Signature and official seal

This form should be forwarded to the Secretary, Domestic Shipping Licensing Board, Ministry of Transport, Wisma Perdana, Damansara Heights, Kuala Lumpur through the Marine Department.

* Delete where applicable.

FOR OFFICIAL USE

.....

Made the 6th December 1980.

DATO' MOHD. NOOR BIN HASSAN,
 Chairman,
 Domestic Shipping Licensing Board