

PORT (NEGERI SEMBILAN) RULES 1989

THE PORT (NEGERI SEMBILAN) ACT 1989

ENACTED BY THE PARLIAMENT OF MALAYSIA

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**PORT (NEGERI SEMBILAN)
RULES 1989**

PORT (NEGERI SEMBILAN) RULES 1989

[P.U. (A) 117/1989]

ARRANGEMENT OF RULES

Rule

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PORT (NEGERI SEMBILAN) RULES 1989

[P.U. (A) 117/1989]

IN exercise of the powers conferred by subsection (1) of section 445 of the Merchant Shipping Ordinance 1952, the Minister makes the following rules:

1. Citation.

These Rules may be cited as the **Port (Negeri Sembilan) Rules 1989** and shall be in addition to and not in substitution for the Federation Port Rules 1953.

2. Petroleum anchorage.

The anchorage for vessels loading or loaded with or carrying petroleum (flash point below 60°C), or having carried petroleum and not being certified "gas-free", shall be contained within the area specified in the First Schedule.

3. Explosives anchorage.

The anchorage of vessels loading or loaded with explosive shall be contained within the area specified in the Second Schedule.

4. Quarantine anchorage.

The quarantine anchorage shall be contained within the area specified in the Third Schedule.

5. Prohibited anchorage.

(1) To facilitate the safe berthing or unberthing of vessels proceeding to or departing from the installations therein situated, anchorage is prohibited within the area specified in paragraph (a) of the Fourth Schedule unless expressly permitted in writing by the Port Officer.

(2) Anchorage is prohibited in the safety corridor specified in paragraph (b) of the Fourth Schedule.

(3) No vessel having occasion to anchor in close proximity to the areas specified in the Fourth Schedule shall do so in such a manner as to permit, under any circumstances or conditions of wind or tide, any part of that vessel to lie within the aforementioned area.

6. Prohibition of passage between Single Buoy Mooring and shore.

To facilitate the safe berthing or unberthing of vessels proceeding to, or departing from, the Esso or Shell terminals, no vessel shall pass between the Single Buoy Mooring situated in Latitude 02° 31' 19.6" North, Longitude 101° 47' 03.5" East, and the shore except as may expressly permitted in writing by the Port Officer.

7. Prohibition on use of whistles and sirens.

No owner or master of a vessel shall permit the use of any whistle, siren or any other like instrument while the vessel is alongside any berth or anchored within port limits, except in the case of danger to life or property.

8. Prohibition on smoking, etc.

No person shall smoke, create or display any naked light — flame:

- (a) within the area specified in paragraphs (a) and (b) of the Fourth Schedule except with the prior written permission of the Port Officer;
- (b) in or near any open or partially open hatchway, or near to the hold, of any vessel;
- (c) within or outside any premises where a “No Smoking” sign is displayed; or
- (d) on board a vessel, other than a specified place in the vessel that has been certified safe for such purpose, or in a jetty, wharf or pier, where the loading or discharging of petroleum or any dangerous or inflammable goods is being carried out.

9. Vessels not to embark or disembark passengers, load or unload cargo until permitted.

No master of a vessel anchoring at the port or coming alongside any wharf, jetty or buoy shall embark or disembark passengers, or load or unload cargo until permission has been given by the Port Officer.

10. Prohibition of trial of main propulsion engines or movement of propellers.

(1) No person shall try the main propulsion engine or move the propellers, other than for immediate departure, without the written permission of the Port Officer.

(2) The master or owner of a vessel shall be held responsible for any damage that may result from trying the main propulsion engine or moving the propellers whether or not permission has been granted by the Port Officer.

11. Vessel not to be immobilised.

(1) The master or owner of a vessel shall not permit their vessel to be immobilised while in port without the written permission of the Port Officer.

(2) For the purposes of this rule, immobilising a vessel includes—

- (a) carrying out repairs to the engine or hull of a vessel;
- (b) not having sufficient fuel, fresh water or stores on board;
- (c) not having sufficient manpower on board;
- (d) carrying out any operation on board which may result in the vessel

not being able to safely sail out from the jetty, pier, buoy or anchorage position at short notice when so directed by the Port Officer.

12. Loading and discharging of firearms or explosives, etc.

The owner of a vessel or his representative shall, before loading or discharging any arms, ammunition, explosives, dangerous petroleum or other dangerous cargo within the port limits, give written notice to the Port Officer giving full particulars of persons importing or exporting, as the case may be, such goods. Any laws, regulations or codes of practice relating to the transportation, storage, handling or possession of such goods shall be complied with.

13. Readiness to move vessels at short notice.

Every vessel lying alongside a wharf or jetty shall be maintained and manned at all times in such condition as to permit her to safely sail out from the wharf or jetty at short notice when so required or when directed by the Port Officer.

14. Discharge of refuse, filth, etc., prohibited.

No refuse, filth, excreta or other waste material shall be discharged from any vessel via any discharge pipe, scupper, water closet or latrine or other means onto any jetty, wharf, pier or any water within the port limits.

15. Ship to ship transfer.

No transfer of passengers, cargo or goods is permitted between vessels lying at anchor or alongside each other without the written permission of the Port Officer who may impose such conditions as he deems fit.

16. Parking of vehicles.

- (1) No vehicle shall obstruct any passage or gangway leading to a vessel.
- (2) No vehicle shall be parked on any wharf, jetty or landing place without the permission of the Port Officer.
- (3) No vehicle shall be left unattended on the premises of any port unless such vehicle is left at an area specifically assigned for the parking of vehicles.

17. Vehicles in port area.

- (1) Vehicles may be permitted in the port area subject to compliance with such conditions as the Port Officer may deem fit to impose.
- (2) Where the Port Officer is of the opinion that a vehicle should be removed from any place, he may direct the person in charge or who appears to be in charge of the vehicle to remove such vehicle.
- (3) In the absence of any person in charge or who appears to be in charge of vehicle in port, the Port Officer may take action as he deems fit to remove the vehicle and the owner of such vehicle shall reimburse the cost of removal that may have been borne by the Port Officer.

18. Protection of wharfs, jetties or landing places.

The Port Officer may require any vessel to be provided and fitted with fenders, rat-guards, discharge covers and such fittings as he considers necessary for the protection of any wharf, jetty or landing place against damage to such wharf, jetty or landing place or for the safety of persons in port.

19. Qualifications of worker in the port.

(1) The Port Officer may require any person working in the port to hold such qualifications as he may deem fit for the purpose of ensuring the safety of the port.

(2) The Port Officer may require any person working on a vessel other than the master or the crew to hold such qualifications or to possess such experience as he may deem fit for the purpose of ensuring the safety of the vessel.

(3) Any person dissatisfied with such conditions required by the Port Officer may appeal to the Director of Marine for reconsideration.

20. Port dues.

(1) Port dues shall be levied on every vessel entering the limits of the port to load or discharge goods, to embark or disembark passengers or for any other purpose. The dues payable are prescribed in the Fifth Schedule.

(2) The following vessels shall be exempted from port dues:

- (a) vessels belonging to the Government of Malaysia;
- (b) warships, excluding troop carriers;
- (c) vessels which call at the port solely for the purpose of seeking medical aid, disembarking sick or injured persons or vessels forced to seek refuge due to damage or *force majeure*;
- (d) pleasure crafts of less than 15 tons registered and used as such;
- (e) vessels licensed under section 475 of the Merchant Shipping Ordinance 1952 (below 20 tons);
- (f) local fishing vessels licensed under the Fisheries Act 1985; and
- (g) other vessels as may be exempted by the Minister.

21. Vessels lying up and dues.

Vessels entering the port which do not intend to load or discharge cargo or to embark or disembark passengers or carry out repairs shall be considered lying up if the period of stay exceeds seven days. For the first seven days the vessels will be charged port dues as set out in rule 19 and thereafter the dues shall be levied as set out in the Sixth Schedule.

22. Declaration of heavy lifts.

(1) The master or owner of every vessel requiring to load or discharge

any heavy lift at any jetty, wharf or pier shall obtain the written permission of the Port Officer prior to the loading or discharging.

(2) For the purposes of this rule, any lift that is singularly heavier than 5000 kilogrammes in weight shall be deemed to be heavy lift.

23. Mooring services.

Vessels berthing at any jetty, quay, pier or wharf under the charge of the Marine Department shall, where so provided, use the mooring gang of the Marine Department. The fees payable for mooring services are as set out in the Seventh Schedule.

24. Towing of lighters and tug assistance.

(1) The towing of vessels and tug assistance for vessels berthing or for other services at the port may be provided by the Marine Department.

(2) Any tug wishing to tow lighters to or from vessels or wishing to assist vessels berthing shall obtain the prior written permission of the Port Officer and each permit shall expire at the end of each year.

(3) The fees for the use of the tug boats of the Marine Department, unless otherwise prescribed, shall be as set out in the Eighth Schedule.

25. Prohibition on beaching and mooring.

No vessel may be beached, moored or abandoned at any place which is not authorised by the Port Officer unless prior written permission has been obtained.

26. Repeal.

The Port (Negeri Sembilan) Rules 1953 is repealed.

FIRST SCHEDULE

(Rule 2)

PETROLEUM ANCHORAGE

Within the area bounded by the following imaginary lines:

The intersection of the parallel of Latitude 02° 30' 00" North and the meridian of Longitude 101° 45' 36" East; thence due north to the parallel of Latitude 02° 31' 00" North; thence due east to a position Latitude 02° 31' 00" North, Longitude 101° 46' 39" East (No. 3 Buoy); thence to a position Latitude 02° 30' 48" North, Longitude 101° 47' 19" East (Arang Shoal Buoy); thence to a position Latitude 02° 30' 00" North, Longitude 101° 47' 36" East; thence due west to the starting position. Vessels must not anchor within 2.5 cables of the No. 3 Buoy or the Arang Shoal Buoy.

SECOND SCHEDULE

(Rule 3)

EXPLOSIVES ANCHORAGE

Within an area bounded by the following imaginary lines:

The parallels of Latitude $02^{\circ} 30' 00''$ North and $02^{\circ} 31' 00''$ North and the meridians of Longitude $101^{\circ} 45' 24''$ East and $101^{\circ} 45' 36''$ East.

THIRD SCHEDULE

(Rule 4)

QUARANTINE ANCHORAGE

Within the area bounded by the following imaginary lines:

The parallels of Latitude $02^{\circ} 30' 00''$ North and $02^{\circ} 31' 00''$ North and the meridians of Longitude $101^{\circ} 44' 00''$ East and $101^{\circ} 45' 00''$ East.

FOURTH SCHEDULE

(Rule 5)

PROHIBITED ANCHORAGES

- (a) Within the area bounded by an imaginary line commencing at the shore-line in Latitude $02^{\circ} 31' 39''$ North; thence due west to Longitude $101^{\circ} 46' 30''$ East; thence 167° True Bearing to No. 3 Buoy in position Latitude $02^{\circ} 31' 00''$ North Longitude $101^{\circ} 46' 39''$ East (Approx.); thence $105\frac{1}{2}^{\circ}$ True Bearing to Arang Shoal Buoy in position Latitude $02^{\circ} 30' 48''$ North, Longitude $101^{\circ} 47' 19''$ East (Approx.); thence to Pulau Arang-Arang Light Beacon; thence to the Spherical Beacon in position Latitude $02^{\circ} 31' 00''$ North, Longitude $101^{\circ} 47' 54''$ East (Approx.); thence to the southeastern corner of the Railway Jetty; thence along the coast-line to the point of commencement. In no case shall any vessel anchor within 2.5 cables from any navigational aid.
- (b) Within an area bounded by the following imaginary lines:
The parallels of Latitude $02^{\circ} 30' 00''$ North and $02^{\circ} 32' 00''$ North and the meridians of Longitude $101^{\circ} 45' 24''$ East and $101^{\circ} 45' 36''$ East.

FIFTH SCHEDULE

(Rule 20)

PORT DUES

- | | |
|--|-----------------|
| | Per 100 GRT* |
| | or part thereof |
| | per call |
| (a) Vessels entering port limits to load or discharge cargo or to embark or disembark passengers | \$15.00 |

- (b) Vessels entering port limits to load ship stores, fresh water or bunkers or for any other purposes \$ 5.00
 Provided that dues shall not be payable more than three times in any one calendar month in respect of the same vessels.

*GRT means gross registered tonnage.

SIXTH SCHEDULE

(Rule 21)

LYING-UP DUES

	Per 100 GRT* or part thereof per calendar month
(a) Vessels of 10,000 GRT* and below ...	\$ 2.00
(b) Vessels above 10,000 GRT* ...	\$ 4.00

*GRT means gross registered tonnage.

SEVENTH SCHEDULE

(Rule 23)

MOORING SERVICE CHARGES

- | | Fees payable per
operation (berthing,
unberthing or
shifting) |
|---|--|
| 1. (a) Fees for the hire of mooring gang: | |
| (i) Vessels of 500 GRT* and below | \$ 30.00 |
| (ii) Vessels above 500 GRT* and up to 2,000 GRT* | \$ 60.00 |
| (iii) Vessels above 2,000 GRT* and up to 10,000 GRT* | \$100.00 |
| (iv) Vessels above 10,000 GRT* | \$150.00 |
| (b) On gazetted public holidays a surcharge of 50% of the fees payable in 1 (a) above shall be levied. | |
| 2. (a) An additional charge of 50% of the above fees shall be payable if any part of the mooring service is rendered between 1600 hours and 0800 hours on normal working days. | |
| (b) If the mooring gang is ordered and has to standby waiting for the vessel for more than half an hour, a standby fee shall be charged at 50% of the above fees subject to a minimum charge of \$30.00 per hour. | |

(c) If the mooring gang is ordered and not used and there is no cancellation before the time the gang is required, a fee of 50% of the fees in paragraph (a) above shall be charged subject to a minimum of \$30.00.

*GRT means gross registered tonnage.

EIGHTH SCHEDULE

(Rule 24)

TUG BOAT HIRE FEES

A. Charges for Berthing Service:

	Vessels up to 2,000 GRT*	Vessels above 2,000 GRT* and up to 15,000 GRT*	Vessels of 15,000 GRT* and above
1. Per tug boat for the first ½ hour or part thereof	\$150.00	\$200.00	\$300.00
2. Per tug boat for every subsequent ½ hour or part thereof	\$ 75.00	\$100.00	\$150.00

B. General charges for other services:

Per tug boat per period
of 6 hours or part
thereof \$800.00

- (a) Charges for tug services shall commence from the time the tug boat leaves its base until the time it returns to the base.
- (b) When a tug is ordered and attends, but it is not further employed, or when a tug is ordered and attends, but is dismissed before the operation of berthing or unberthing is completed or commenced, the charges as listed in paragraphs 1 and 2 above shall nevertheless be payable.
- (c) An additional charge of 50% of the abovementioned fees shall be payable if any part of the tug service is performed between the hours of 1600 and 0800 hours.
- (d) When a tug is ordered and the order is subsequently amended or cancelled less than two hours before the services are to be provided, a minimum charge of \$100.00 shall be made.

*GRT means gross registered tonnage.

Made the 20th March 1989.

DATO' DR. LING LIONG SIK,
Minister of Transport