

MERCHANT SHIPPING (CENTRAL MERCANTILE
MARINE FUND) RULES 1984

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MERCHANT SHIPPING (CENTRAL MERCANTILE MARINE FUND) RULES 1984

[P.U. (A) 235/1984]

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MERCHANT SHIPPING (CENTRAL MERCANTILE MARINE FUND) RULES 1984

[P.U. (A) 235/1984]

IN exercise of the powers conferred by subsection (8) of section 467 of the Merchant Shipping Ordinance 1952, the Minister makes the following rules:

1. Citation.

These Rules may be cited as the **Merchant Shipping (Central Mercantile Marine Fund) Rules 1984**.

2. Interpretation.

In these Rules, unless the context otherwise requires—

“adopted children”—

- (a) in relation to a seaman who does not profess the religion of Islam, means children legally adopted by the seaman at when he had reasonable means of supporting them;
- (b) in relation to a seaman who professes the religion of Islam, means children adopted by the seaman, whether or not under any written law, custom or usage, at a time when he had reasonable means of supporting them;

“Committee” means the Committee appointed by the Minister under subsection (8) of section 467 of the Ordinance;

“dependants” means the wife and children, including adopted children, of a seaman, who are wholly or partly dependent on his earnings at the time of his death;

“Fund” means the Central Mercantile Marine Fund referred to in subsection (7) of section 467 of the Ordinance;

“seaman” means any person employed or engaged on article or agreement on any ship plying beyond the limits of any port, and includes any person who is regularly available for work as seaman and who depends on his work as such for his main annual income;

“served at sea” means to be employed or engaged on any ship plying beyond the limits of any port.

3. Purposes of the Fund.

- (1) The Fund shall be employed for any or all of the following purposes:
 - (a) the establishment, maintenance, alteration, repair, improvement, reconstruction, extension and staffing of homes and institutions for

- seamen and, wherever expedient, the acquisition, purchase, leasing and charging of immovable property for any of such purposes and for the purpose by holding assets;
- (b) the defraying whether by loan with or without security or by gift, of the cost of constructing and maintaining any sports ground, swimming pool or amenity of any kind for use in connection with the promotion of the moral, intellectual, physical or social welfare of seamen;
 - (c) the provision of such accommodation and recreational facilities for seamen as may be considered expedient;
 - (d) the provision of medical or surgical treatment to seamen as may, from time to time, be considered expedient;
 - (e) the education and training of seamen or persons intending to become seamen;
 - (f) the development and promotion of employment of seamen;
 - (g) the granting of financial assistance to seamen or their dependants;
 - (h) the promotion generally of the welfare of seamen, retired seamen and their dependants; and
 - (i) the payment of legal and secretarial expenses incurred in administering the Fund.

(2) The Fund shall be invested to the best advantage as decided by the Committee.

4. Qualification for obtaining financial assistance.

(1) Subject to these Rules, the persons qualified to receive financial assistance from the Committee shall be seamen or persons who had been seamen and, in the event of their deaths, their dependants who satisfy the Committee that they are deserving of such assistance.

(2) Where a seaman at the time of his death did not possess the requisite qualification as stipulated in paragraph (3), no financial assistance shall be payable to his dependants.

(3) A seaman may be granted financial assistance by the Committee if—

- (a) he is over the age of fifty-five years and had served at sea for a total period of fifteen years; or
- (b) by reason of illness or physical injury contracted or sustained in the course of employment or within twelve months of last signing off, he is unfit for further employment as a seaman or in any other capacity.

(4) The Committee shall not grant financial assistance to a seaman or his dependants who—

- (a) is in receipt of any assistance from the Department of Social Welfare or from any other institution, organization, body or person; or
- (b) refuses suitable employment.

5. Exceptions.

Except in cases of urgent necessity, financial assistance shall not be granted to any foreign seaman entitled to financial assistance from his employer or Consul.

6. Application for financial assistance.

(1) Subject to these Rules, any seaman or, in the event of his death, any dependant of such seaman, desiring financial assistance from the Committee may apply to the Committee.

(2) An application for financial assistance by a seaman qualified under paragraph (3) of rule 4 shall be made in writing to the Committee.

(3) The Committee on receipt of such application shall cause investigation to be made and may after such investigation authorise and make payment of financial assistance to the applicant.

7. Types of financial assistance.

(1) Subject to these Rules, the Committee may grant two types of financial assistance, namely—

(a) regular financial assistance; and

(b) temporary financial assistance.

(2) Regular financial assistance is financial assistance in the form of regular periodical payments.

(3) Temporary financial assistance is financial assistance in the form of a single or several payments for a specific period.

(4) Regular financial assistance shall not, except where the applicant is in the opinion of the Committee especially deserving of assistance, be given to any person other than a Malaysian citizen.

8. Granting and payment of financial assistance.

(1) Subject to these Rules, the Committee may grant financial assistance at such amount and for such period as may be determined by the Committee and may review each case from time to time and decide whether the assistance shall be continued or revised in any way.

(2) The amount of financial assistance in force at any particular time shall be properly recorded.

(3) A person in receipt of financial assistance from the Committee shall notify the Committee as soon as he obtains employment and report to the Committee any other changes in his financial circumstances.

(4) The Committee may refuse to grant financial assistance to an applicant who—

(a) makes a false statement; or

(b) conceals the true state of his financial circumstances.

(5) The Committee may make such arrangements for the payment of financial assistance as it considers necessary.

9. Committee may make administrative arrangements with the Department of Social Welfare, etc.

For the purposes of these Rules the Committee may make such administrative arrangements as it thinks fit to obtain the assistance of the Department of Social Welfare or any other institution, organization, body or person.

10. Withdrawal of financial assistance.

The Committee may withdraw any financial assistance granted under this rule if for any reason the Committee thinks fit to do so.

11. Registration of Malaysian seamen.

The Committee shall establish and maintain a register of Malaysian seamen for the purposes set out in subparagraph (f) of paragraph (1) of rule 3.

12. Produce and issue seaman's service books, documents and other reading materials.

The Committee may produce and issue seaman's service books, documents and other reading materials in connection with the promotion of the moral, intellectual and social welfare of seamen, whether for free or for a fee to be determined by the Committee.

13. Receive donations, grants, etc.

The Committee may receive donations, grants, gifts and contributions from any source given for the purposes of the Fund.

14. Moneys received to be paid into the Fund.

All moneys received in any manner by the Committee shall be paid into the Fund.

15. Annual estimates.

(1) The Committee shall submit to the Minister for his approval estimates of revenue and expenditure, including capital expenditure, not later than three months before the commencement of the financial year to which they relate.

(2) The Minister may, within one month of receiving the annual estimates, disallow or amend any item of capital expenditure and return the same to the Committee for amendment.

(3) The Committee shall forthwith amend any estimates returned to it under paragraph (2) and shall resubmit such estimates as amended to the Minister.

(4) The Committee may, at any time during the year for which estimates have been approved under this rule, cause supplementary estimates to be prepared and submitted to the Minister for his approval.

(5) Paragraphs (2) and (3) shall also apply to supplementary estimates.

16. Accounts and audit.

(1) The Committee shall cause to be kept proper accounts and other records, in such form as may be required by the Minister, of all financial matters, and shall prepare and submit for audit not later than the 1st July of each year a statement of account of the financial year immediately preceding.

(2) The accounts of the Fund shall be audited by an auditor appointed by the Auditor General.

17. Annual report.

(1) The Committee shall, not later than the 1st September in each year, furnish to the Minister a report of the administration of the Fund for the preceding year together with the audited accounts for that year and an observation made by the Minister thereon.

(2) The Minister shall cause a copy of every such report and accounts to be laid before each House of Parliament.

18. Revocation.

The Merchant Shipping (Central Mercantile Marine Fund) Rules 1965 is revoked.

Made the 21st May 1984.

TAN SRI CHONG HON NYAN,
Minister of Transport