

KEDAH PORT RULES 1984

[P.U. (A) 389/1984]

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IN exercise of the powers conferred by subsection (1) of section 445 and subsection (1) of section 244 of the Merchant Shipping Ordinance 1952, the Minister makes the following rules:

1. Citation and application.

These Rules may be cited as the **Kedah Port Rules 1984** and shall, except as otherwise provided, apply to every port in the State of Kedah, and shall be in addition to and not in substitution for the Federation Port Rules 1953.

2. Allocation of berth.

(1) The allocation of berth under the charge of the Marine Department shall as a general rule, be on a first come first serve basis, but the Port Officer is empowered to allocate berth at his discretion in consideration of the circumstances of the case.

(2) The Port Officer may require a vessel to leave any berth under paragraph (1) upon completion of loading or discharging cargo or embarking or disembarking passengers or other services for which it is intended upon the expiry of the period of berth allocation or if the vessel is lying idle.

(3) Vessels that have been directed to leave a berth under paragraph (2) may continue loading or disembark passengers or the service for which it is intended at anchorage provided that such operations shall be carried out at a distance of not less than 30 metres from the berth or at such a distance as specified by the Port Officer.

(4) For safety reasons, the Port Officer may direct a vessel to leave any berth or anchorage at any time he deems fit.

3. Prohibition of trial of main propulsion engines or movement on propellers.

(1) No person shall try the main propulsion engine or move the propeller, 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 propeller whether or not permission has been granted by the Port Officer.

4. Vessel not to be immobilised.

(1) The master or owner of vessels shall not permit their vessels 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 engines 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, wharf, pier or anchorage position at short notice when so directed by the Port Officer.

5. Submission of documents.

The master or owner of every vessel shall submit such documents containing such particulars as may be required by the Port Officer in connection with the embarking or disembarking of passengers, loading, discharging or transiting of cargo and stores of the vessel, or in connection with the performance of such services as intended by the vessel, and such documents shall be deposited at the office of the Port Officer prior to the loading or discharging or performance of the intended services and prior to the departure of the vessel in the case of transit cargo or stores.

6. 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 5,000 kilograms in weight shall be deemed to be a heavy lift.

7. Prohibition on smoking, etc.

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

(a) in or near any open or partially open hatchway, or near to the hold of any vessel;

(b) within or outside any premises where a "No Smoking" sign is displayed; or

(c) on board a vessel, other than a specified place that has been certified safe for such purpose or on a jetty, wharf or pier, where the loading or discharging of petroleum or any dangerous or inflammable goods is being carried out.

8. 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.

9. 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.

10. Vehicles in port.

(1) Vehicles may be permitted in 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 appears to be in charge of the vehicle to remove such vehicle and the refusal to remove such vehicle is an offence under these Rules.

(3) In the absence of any person in charge or appears to be in charge of a vehicle in port, the Port Officer may take such actions 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.

11. 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 are necessary to his satisfaction 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.

12. Qualifications of worker in a port.

(1) The Port Officer may require any person working in a 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 qualification or experience for the purpose of ensuring the safety of the vessel.

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

13. Port dues.

(1) The port dues shall be levied on every vessel entering the limits of Kedah ports for any purpose unless exempted and where a Port Authority has not been established under the Port Authorities Act 1963, and the dues payable are set out in the First Schedule.

(2) The following vessels shall be exempted from the 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 person, 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); and
- (f) other vessels as may be exempted by the Minister.

14. Towing of lighter and tug assistance and fees to be charged.

(1) The towing of vessels and tug assistance for vessels berthing at the ports of Kedah 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 Second Schedule.

15. Tonnage dues.

(1) Tonnage dues shall be levied on every vessel berthed at the jetties, quays, piers or wharves under the charge of the Marine Department for the purpose of working cargo, replenishing oil, water or supplies, or transfer of cargo unless exempted, and the dues payable are set out in the Third Schedule.

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

- (a) vessels belonging to the Government of Malaysia;
- (b) warships excluding troop carriers; and
- (c) other vessels as may be exempted by the Minister.

16. Further fees after 36 hours.

All goods and live-stock which are left upon the jetty, quay, pier or wharf under the charge of the Marine Department for more than 36 hours shall be subject to storage fee as prescribed in the Fourth Schedule.

17. Power of detention and sale.

The Port Officer may detain any goods or live-stock which have been removed on to a jetty, quay, pier or wharf under the charge of the Marine Department, or which have been stored there, and sell the same after giving reasonable notice in any case, not longer than two weeks, to the owner or consignee if the fees due cannot be conveniently recovered, provided that only such quantity of such goods or live-stock may be sold as may suffice to realise the amount of fees due.

18. Power to auction goods.

Any goods, live-stock or vehicle left upon a jetty, quay, pier or wharf under the charge of the Marine Department for more than one month without being called for by the owner or consignee may be auctioned by the Port Officer and the proceeds thus realised shall be paid into the revenue.

19. Supply of fresh water.

The supply of fresh water to ships within the limits of Kedah ports may be arranged through the Marine Department and the charges shall be as set out in the Fifth Schedule.

20. Garbage disposal charges.

Garbage disposal service may be provided to vessels and charges shall be levied as set out in the Sixth Schedule.

21. Mooring services and fees to be charged.

Vessels berthing at jetties, quays, piers or wharves under the charge of the Marine Department or at any port in the State of Kedah shall use the mooring gang of the Marine Department where provided and the fees to be charged for the mooring services are set out in the Seventh Schedule.

22. Vessels lying-up and dues.

Vessels entering any port in the State of Kedah 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 and for the first seven days the vessels will be charged port dues as set out in rule 13 and thereafter the dues shall be levied as set out in the Eighth Schedule.

23. Anchorage.

The anchorages and prohibited anchorages for the ports in the State of Kedah shall be those specified in the Ninth Schedule.

24. Repeal.

The Port (Kedah) Rules 1953 is repealed.

FIRST SCHEDULE

(Rule 13 (1))

PORT DUES

	Per 100 GRT* or part thereof per call
(a) Vessels entering port limits to load, discharge or transfer goods or to embark, disembark or transfer passengers	\$15.00
(b) Vessels entering port limits to load ship stores, fresh water or bunkers or 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 vessel.

*GRT means gross registered tonnage.