NOTIS PERKAPALAN MALAYSIA
MALAYSIA SHIPPING NOTICE

MSN 1/2009

JABATAN LAUT MALAYSIA
MARINE DEPARTMENT MALAYSIA
Marine Department Headquaters, Jalan Limbungan, 42000 Port Klang, Malaysia
Tel: 03-3346 7777 Fax: 03-3168 5289/03-3167 2882
Email: kpgr@marine.gov.my Website: http://www.marine.gov.my

Notis kepada pemilik kapal, agen kapal, Nakhoda, pelaut, pengusaha pelabuhan dan industri maritime
Notice to shipowners, ship agents, Masters, seafarers, port operators and the maritime industry

PERLAKSANAAN/*IMPLEMENTATION OF*:

1. "INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR BUNKER OIL POLLUTION DAMAGE, 2001"
2. "CONVENTION FOR THE LIMITATION OF LIABILITY FOR MARITIME CLAIMS 1976 AS AMENDED BY THE PROTOCOL OF 1996"

Pendahuluan

1. Malaysia telah bersetuju menerima konvensyen-konvensyen Pertubuhan Maritim Antarabangsa (IMO) berikut-

- "**International Convention on Civil Liability for Bunker Oil Pollution Damage 2001**" (Konvensyen Bunkers) yang akan mula berkuatkuasa bagi Malaysia pada 12 Februari 2009; dan
- "**Convention for the Limitation of Liability for Maritime Claims 1976 as amended by the Protocol of 1996**" (Konvensyen LLMC 1996) yang akan mula berkuatkuasa bagi Malaysia pada 10 Februari 2009.

2. Sehubungan itu semua pihak yang berkaitan dinasihatkan untuk mengambil perhatian akan isi kandung dan mematuhi kehendak-kehendak dalam kedua-dua konvensyen tersebut.

3. Teks kedua-dua konvensyen boleh diperolehi dari-

Publishing Service,
International Maritime Organization,
4 Albert Embankment,
London SE1 7SR.
Tel: +44 (0) 20 7535 7611
Faks: +44 (0) 20 7587 3241
Laman web: www.imo.org/index.htm

Introduction

1. Malaysia has acceded to the following conventions of the International Maritime Organization –

- ***International Convention on Civil Liability for Bunker Oil Pollution Damage 2001*** *(Bunkers Convention) that will come into force for Malaysia on 12 February 2009; and*
- ***Convention for the Limitation of Liability for Maritime Claims 1976 as amended by the Protocol of 1996*** *(LLMC Convention 1996) that will come into force for Malaysia on 10 February 2009.*

2. With respect to the above all related parties are advised to take note of the contents and adhere to the requirements under both conventions.

3. The text of both conventions may be obtained from –

Publishing Service,
International Maritime Organization,
4 Albert Embankment,
London SE1 7SR.
Tel: +44 (0) 20 7535 7611
Faks: +44 (0) 20 7587 3241
Laman web: www.imo.org/index.htm

4. Teks konvensyen-konvensyen tersebut turut boleh diperolehi melalui agen penerbitan IMO di Malaysia iaitu –

(i) **Motion Smith**
Lot 20, Jalan 225, 46100 Petaling Jaya, Selangor
Telephone: +60 3 78743422, Fax: +60 3 78743414
Email: chart@mecomb.com

(ii) **Trinity Navigation SDN.BHD.**
1st Floor, No.7 Taman Seri Berembang, Jalan Kem, 42000 Port Klang, Selangor
Telephone: +60 3 3166 2414, Fax: +60 3 3166 2479
Email: trinitynavigation@hotmail.com
Website: www.trinitynavigation.com

4. The conventions may also be obtained from the local agents of IMO's publication as follows -

1. ***Motion Smith***
Lot 20, Jalan 225, 46100 Petaling Jaya, Selangor
Telephone: +60 3 78743422, Fax: +60 3 78743414
Email: chart@mecomb.com

2. ***Trinity Navigation SDN.BHD.***
1st Floor, No.7 Taman Seri Berembang, Jalan Kem, 42000 Port Klang, Selangor
Telephone: +60 3 3166 2414, Fax: +60 3 3166 2479
Email: trinitynavigation@hotmail.com
Website: www.trinitynavigation.com

Konvensyen Bunkers

5. Di bawah Konvensyen ini pemilik kapal adalah bertanggungjawab untuk membayar pampasan terhadap kerosakan pencemaran dari minyak bunker di atas kapal atau berpunca dari kapalnya.

6. Konvensyen Bunkers 2001 mewajibkan **semua kapal** melebihi 1,000 tanan berdaftar kasar memperolehi insurans atau jaminan kewangan yang lain, seperti jaminan bank atau institusi kewangan yang serupa. Insurans wajib ini bertujuan menentukan pemilik kapal yang didaftarkan tersebut mempunyai keupayaan kewangan bagi membayar pampasan bagi kerosakan pencemaran minyak bunker.

7. Lazimnya insurans diperolehi dari pihak P & I. Bagi tujuan ini Jabatan Laut menggalakkan perolehan insurans daripada kelab P & I yang telah menjadi ahli "International Group of P & I Clubs". (Rujuk laman web "International Group" di www.igpandi.org).

8. Tambahan dari di atas, setiap kapal yang terlibat hendaklah mempunyai perakuan insurans yang mengesahkan insurans atau jaminan kewangan yang lain adalah berkuatkuasa bagi kapal tersebut. Perakuan insurans (Perakuan Bunkers) ini boleh dipohon daripada Ibu Pejabat Laut, Jabatan Laut Malaysia. Keterangan lanjut dan contoh Perakuan Bunkers yang diperlukan di bawah Konvensyen Bunkers 2001 adalah seperti di **Lampiran**.

9. Setiap permohonan bagi Perakuan

Bunkers Convention

5. Under this Convention the shipowner is liable to pay compensation for any pollution damage caused by any bunker oil on board or originating from the ship.

*6. The Bunkers Convention makes it compulsory for **all ships** exceeding 1,000 gross registered tonnage to have insurance or other financial security, for example a guarantee from a bank or similar financial institution. The aim of the compulsory insurance is to ensure that the registered shipowner has the financial capacity to pay compensation for damage caused by bunker oil pollution.*

7. Usually insurance is obtained from P & I. For this purpose the Marine Department encourages insurance be obtained from P & I clubs that are members of the International Group of P & I Clubs. (Refer to the webpage "International Group" at www.igpandi.org).

*8. In addition to the above, every related ship shall be required to obtain a certificate of insurance attesting that insurance or other financial security is in force for that ship. The certificate of insurance (Bunkers Certificate) may be applied from the Headquarters, Marine Department Malaysia. Further details and a sample of the Bunkers Certificate required under the Bunkers Convention 2001 are provided in **Annex**.*

9. Every application for a Bunkers Certificate

Bunkers hendaklah disertakan dengan berikut –

- Salinan sijil pendaftaran kapal
- Salinan sijil insurans
- Bayaran RM100 bagi kapal Malaysia dan RM400 bagi kapal asing

shall be accompanied with the following –

- *A copy of the ship's certificate of registry*
- *A copy of the insurance certificate*
- *Payment of RM100 for Malaysian ship and RM400 for foreign ship*

Konvensyen LLMC 1996

10. Konvensyen LLMC 1996 menetapkan pembatasan liabiliti bagi semua tuntutan maritim yang dirankumi di bawah Konvensyen tersebut.

11. Skop Konvensyen LLMC 1996 adalah –

- Kehilangan nyawa dan kecederaan peribadi
- Kerosakan atau kehilangan harta benda termasuk kerosakan pada kerja-kerja pelabuhan, lurah dan alur pelayaran, dan alat-alat bantuan pelayaran
- Kerugian berpunca dari kelewatan pengangkutan kargo, penumpang dan bagasi melalui laut
- Kerugian berpunca dari pelanggaran hak dan lain-lain hak dalam kontrak
- Penimbulan, pengalihan, pemusnahan atau penamatan bahaya bangkai kapal
- Pengalihan, pemusnahan atau penamatan bahaya kargo kapal

12. Semua pihak adalah dinasihatkan untuk merujuk teks Konvensyen berkenaan bagi memahami sepenuhnya isikandungnya.

LLMC Convention 1996

10. The LLMC Convention 1996 sets the limits of liability for all maritime claims covered by the Convention.

11. The scope of the LLMC Convention 1996 is –

- *Loss of lives and personal injury*
- *Loss of or damage to property including damage to port works, basin and waterways and aids to navigation*
- *Loss resulting from delay in the carriage by sea of cargo, passengers or their luggage*
- *Loss resulting from infringement of rights other than contractual rights*
- *Raising, removal, destruction or the rendering harmless of wrecks*
- *Removal, destruction or the rendering harmless of the cargo of a ship*

13. All parties are advised to refer to the text of the Convention to understand fully its contents.

Ketua Pengarah Laut / *Director General of Marine*

Tarikh/ *Date*: Januari 2009/ *January 2009*

Lampiran/Annex

Permohonan Perakuan Bunkers / *Application for Bunkers Certificate*

1. Setiap permohonan bagi Perakuan Bunkers hendaklah disertakan dengan berikut –

- Salinan sijil pendaftaran kapal
- Salinan sijil insurans
- Bayaran RM100 bagi kapal Malaysia dan RM400 bagi kapal asing

2. Permohonan boleh dibuat dengan datang terus di Ibu Pejabat Laut, Jabatan Laut Malaysia, Bahagian Keselamatan Pelayaran, Jalan Foreshore, Pelabuhan Klang atau melalui emel. Bagi permohonan yang dibuat melalui emel pemohon hendaklah datang ke Ibu Pejabat Laut untuk pembayaran dan pengambilan sijil insurans.

3. Permohonan melalui emel boleh ditujukan kepada-

(i) Encik Md. Badron bin Ismail;
Tel: 603 31695239
Emel: badron@marine.gov.my

(ii) Puan Farah Juhaida bt Ariffin
Tel: 603 3169 5156
Emel: juhaida@marine.gov.my

4. Perakuan Bunkers akan hanya mula dikeluarkan oleh Jabatan Laut pada 12 Februari 2009. Walaubagaimanapun, permohonan boleh dibuat mulai dari tarikh Notis ini.

1. Every application for a Bunkers Certificate shall be accompanied with the following –

- *A copy of the ship's certificate of registry*
- *A copy of the insurance certificate*
- *Payment of RM100 for Malaysian ship and RM400 for foreign ship*

2. Application may be made by coming directly to the Marine Headquarters, Marine Department Malaysia, Safety of Navigation Division, Foreshore Road, Port Klang or through email. The applicant for any application made through email shall be required to come to the Marine Headquarters for payment and collection of the certificate of insurance.

3. Application made through email may be directed to –

(i) Mr. Md. Badron bin Ismail
Tel: 603 3169 5239
Email: badron@marine.gov.my

(ii) Mrs. Farah Juhaida bt Ariffin
Tel: 603 3169 5156
Email: juhaida@marine.gov.my

4. The Marine Department will only start issuing Bunkers Certificates on 12 February 2009. However, application may be made from the date of this Notice.

Certificate No: ....

AKTA PERKAPALAN SAUDAGAR (PENCEMARAN MINYAK) 1994
MERCHANT SHIPPING (OIL POLLUTION) ACT 1994

PERATURAN-PERATURAN PERKAPALAN SAUDAGAR (PENCEMARAN MINYAK) (INSURANS WAJIB) 1995
MERCHANT SHIPPING (OIL POLLUTION) (COMPULSORY INSURANCE) REGULATIONS 1995

PERAKUAN INSURANS ATAU CAGARAN KEWANGAN LAIN BERKENAAN DENGAN LIABILITI SIVIL BAGI KEROSAKAN PENCEMARAN DARI MINYAK BUNKER
CERTIFICATE OF INSURANCE OR OTHER FINANCIAL SECURITY IN RESPECT OF CIVIL LIABILITY FOR BUNKER OIL POLLUTION DAMAGE

Dikeluarkan menurut peruntukan Artikel 7 Konvensyen mengenai Liabiliti Sivil bagi Kerosakan Pencemaran dari Minyak Bunker, 2001
Issued in accordance with the provisions of Article 7 of the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001

Nama Kapal (Name of Ship)	**Nombor atau Huruf yang Jelas** (Distinctive Number or Letters)	**Nombor Pengenalan Kapal IMO** (IMO Ship Identification Number)	**Pelabuhan Pendaftaran** (Port of Registry)	**Nama dan alamat lengkap tempat berniaga utama pemunya berdaftar** (Name and full address of the principal place of business of the registered owner)

Adalah disahkan bahawa adalah berkuatkuasa berkenaan kapal seperti dinamakan di atas suatu polisi insurans atau cagaran kewangan lain yang mematuhi kehendak Artikel 7 Konvensyen Antarabangsa berhubung Liabiliti Sivil bagi Kerosakan Pencemaran dari Minyak Bunker, 2001

(This is to certify that there is in force in respect of the above-named ship a policy of insurance or other financial security satisfying the requirements of Article 7 of the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001)

Jenis cagaran: **Policy of Insurance / Financial Security**
(Type of security)

Tempoh cagaran: ....
(Duration of security)

Nama dan Alamat Penanggung Insurans dan / atau Penjamin:
(Name and Address of Insurer(s) and/or Guarantor(s))

Nama (Name): ....

Alamat (Address): ....

....

Perakuan ini adalah sah sehingga: ....
(This certificate is valid until)

Dikeluarkan atau diperakukan oleh Kerajaan MALAYSIA
(Issued or certified by the Government of)

Di (At) ....
Tempat (Place)

Pada (On) ....
Tarikh (Date)

....
PENGARAH LAUT
(Director of Marine)