

P & I Insurans

PENCERAHAN BERKENAAN PERLINDUNGAN INSURANS ATAU TAKAFUL KE ATAS KAPAL-KAPAL MALAYSIA DAN ASING YANG BEROPERASI DI DALAM DAN DI LUAR PERAIRAN MALAYSIA

PANDUAN KEPADA:

a) (i) Penanggung insurans (syarikat insurans) berlesen atau pengendali takaful (syarikat takaful) berlesen yang menjalankan perniagaan insurans atau takaful am di bawah Akta Perkhidmatan Kewangan 2013 (APK) atau Akta Perkhidmatan Kewangan Islam 2013 (APKI) bagi kapal/bot di bawah 300 GT yang beroperasi secara eksklusif di dalam perairan Semenanjung Malaysia, Labuan dan/atau Zon Eksklusif Ekonomi Malaysia; dan

(ii) Orang yang diberi pengecualian di bawah APK atau APKI bagi maksud menjalankan perniagaan insurans atau takaful berkenaan insurans atau takaful perlindungan dan indemniti bagi kapal termasuk kapal Malaysia tertakluk kepada tempoh dan syarat yang ditentukan dalam perintah pengecualian yang berkenaan;

b) Syarikat/anggota/koresponden/broker kumpulan syarikat P&I Club di bawah International Group (IG) dan Non International Group (NON I.G) yang diiktiraf oleh Jabatan Laut Malaysia; dan

c) Pemilik kapal-kapal Malaysia dan asing yang beroperasi di dalam dan di luar perairan Malaysia

BIL	SOALAN	JAWAPAN
1	(i) Adakah syarikat insurans atau takaful DALAM NEGARA DAN LUAR NEGARA yang tidak dilesenkan di bawah APK atau APKI boleh menjalankan perniagaan insurans atau takaful di Malaysia?	<p>Tidak. Mana-mana orang, termasuklah suatu syarikat insurans atau takaful yang tidak dilesenkan oleh Menteri Kewangan di bawah seksyen 10(4) APK atau APKI tidak boleh menjalankan perniagaan insurans atau takaful di Malaysia melainkan diberi pengecualian oleh Menteri Kewangan di bawah Seksyen 263 APK atau Seksyen 274 APKI. Seseorang yang didapati menjalankan perniagaan insurans atau takaful di Malaysia tanpa lesen dan tidak diberikan pengecualian di bawah APK atau APKI, melakukan suatu kesalahan di bawah seksyen 8(1)(a) APK atau APKI, mengikut mana yang berkenaan dan Bank Negara Malaysia (BNM) boleh mengambil tindakan penguatkuasaan ke atas orang tersebut.</p> <p>Setakat ini di bawah seksyen 263 APK, Menteri Kewangan telah mengeluarkan Perintah Perkhidmatan Kewangan (Pengecualian) 2019 (P.U.(A) 224/2019) dan Perintah Perkhidmatan Kewangan (Pengecualian) 2020 (P.U.(A) 219/2020) yang mengecualikan</p>

		syarikat insurans tertentu yang tidak dilesenkan di bawah APK bagi menjalankan perniagaan insurans perlindungan dan indemniti (insurans P&I) di Malaysia tertakluk kepada tempoh dan syarat yang dinyatakan dalam perintah pengecualian tersebut.
	(ii) Adakah syarikat pembrokeran DALAM NEGARA DAN LUAR NEGARA yang tidak mempunyai kelulusan di bawah APK atau APKI boleh menjalankan perniagaan pembrokeran insurans atau takaful di Malaysia?	Tidak. Mana-mana orang termasuklah suatu syarikat pembrokeran insurans atau takaful yang tidak diluluskan oleh BNM di bawah seksyen 11(2)(a) atau 15(1)(b) APK atau seksyen 11(2)(a) APKI tidak dibenarkan untuk menjalankan perniagaan pembrokeran insurans atau takaful melainkan diberi pengecualian oleh Menteri Kewangan di bawah seksyen 263 APK atau seksyen 274 APKI. Seseorang yang didapati menjalankan perniagaan pembrokeran insurans atau takaful tanpa kelulusan dan tidak diberikan pengecualian di bawah APK atau APKI, melakukan suatu kesalahan di bawah seksyen 8(1)(b) atau 15(9) APK atau seksyen 8(1)(b) APKI, mengikut mana yang berkenaan dan BNM boleh mengambil tindakan penguatkuasaan ke atas orang tersebut.
2	Adakah syarikat insurans atau syarikat takaful berlesen yang telah dilesenkan atau syarikat pembrokeran insurans atau takaful yang diluluskan di bawah APK atau APKI perlu mendapatkan pengecualian di bawah Seksyen 263 APK atau Seksyen 274 APKI?	Tidak. Syarikat insurans atau takaful berlesen serta syarikat pembrokeran insurans atau takaful yang mempunyai kelulusan di bawah APK atau APKI bebas menjalankan perniagaan yang berkenaan dan tidak perlu mendapatkan pengecualian di bawah seksyen 263 APK atau seksyen 274 APKI.
3	Dimanakah senarai nama syarikat insurans atau takaful yang dilesenkan serta syarikat broker insurans atau takaful yang diluluskan di bawah APK dan APKI boleh diperolehi?	Senarai nama syarikat insurans atau takaful yang dilesenkan serta syarikat broker insurans atau takaful yang diluluskan di bawah APK dan APKI disiarkan di laman sesawang BNM dan boleh dirujuk di pautan berikut:- <ul style="list-style-type: none"> • https://www.bnm.gov.my/list-of-licensed-financial-institutions • https://www.bnm.gov.my/list-of-approved-and-registered-intermediaries <p>Selain itu, BNM juga menyiarkan dalam Warta Kerajaan Persekutuan suatu senarai semua orang berlesen termasuk syarikat insurans dan takaful berlesen dan apa-apa tambahan atau pemotongan daripada senarai itu dari masa ke semasa menurut seksyen 27(1) APK dan 24(1) APKI.</p>

4	Adakah terdapat sebarang larangan bagi pemilik kapal Malaysia yang ingin mendapatkan perlindungan insurans atau takaful daripada syarikat insurans atau takaful yang tidak dilesenkan di bawah APK atau APKI?	<p>Ya. Mana-mana orang, termasuk pemilik kapal Malaysia, yang ingin memperolehi insurans/takaful am berkenaan dengan harta atau liabiliti daripada syarikat insurans atau takaful yang tidak dilesenkan di bawah APK atau APKI perlu mendapat kelulusan bertulis terlebih dahulu daripada BNM menurut seksyen 127 APK atau seksyen 139 APKI mengikut mana yang berkenaan:</p> <ul style="list-style-type: none"> i. harta alih atau harta tidak alih yang terletak di Malaysia; ii. kapal atau kapal terbang yang berdaftar di Malaysia; atau iii. liabiliti seseorang pemastautin di Malaysia kepada pihak ketiga. <p>Keperluan tersebut mesti dibaca bersama dengan Perintah Perkhidmatan Kewangan (Kontrak Insurans Am Untuk Harta Atau Liabiliti) 2013 (P.U.(A) 205/2013) dan Perintah Perkhidmatan Kewangan Islam (Kontrak Takaful Am Untuk Harta Atau Liabiliti Am) 2013 (P.U.(A) 211/2013).</p>
5	Adakah mana-mana syarikat insurans dan takaful berlesen di DALAM MALAYSIA DAN mana-mana orang dari LUAR MALAYSIA yang hendak menawarkan perkhidmatan insurans perkapalan di Malaysia perlu menjalankan perniagaan insurans melalui usahasama dengan Perlindungan dan Indemniti Malaysia Sdn. Bhd?	<p>Tidak. Mana-mana syarikat insurans atau takaful berlesen di bawah APK atau APKI boleh menawarkan insurans atau takaful di Malaysia tanpa perlu melalui usaha sama dengan Perlindungan dan Indemniti Malaysia Sdn. Bhd.</p> <p>Namun begitu, bagi syarikat tidak berlesen di bawah APK yang telah diberi pengecualian di bawah Perintah Perkhidmatan Kewangan (Pengecualian) 2019 (P.U.(A) 224/2019) dan Perintah Perkhidmatan Kewangan (Pengecualian) 2020 (P.U.(A) 219/2020) tertakluk kepada tempoh dan syarat yang dinyatakan dalam perintah pengecualian tersebut, antara lain, syarikat berkenaan hanya dibenarkan menawarkan insurans P&I di Malaysia melalui usaha sama dengan Perlindungan dan Indemniti Malaysia Sdn. Bhd.</p>
6	Adakah syarikat yang mendapat pengecualian di bawah Perintah Perkhidmatan Kewangan (Pengecualian) perlu mendapat kelulusan bertulis BNM terlebih dahulu sebelum menjalankan perniagaan insurans P&I di Malaysia?	<p>Tidak, syarikat yang telah mendapat pengecualian di bawah Perintah Perkhidmatan Kewangan (Pengecualian) tidak memerlukan kelulusan bertulis BNM terlebih dahulu bagi menjalankan perniagaan insurans P&I di Malaysia melalui usahasama dengan Perlindungan dan Indemniti Sdn. Bhd. bagi tempoh dan tertakluk kepada syarat yang dinyatakan dalam perintah pengecualian tersebut.</p>

		<p>i. Archipelago Insurance Limited - Financial Services (Exemption) Order 2021</p> <p>ii. The members of the International Group of Protection and Indemnity Clubs (IGP&I) - Financial Services (Exemption) (No. 2) Order 2021</p> <p>iii. Maritime Mutual Insurance Association (NZ) Limited - Financial Services (Exemption) (No. 3) Order 2021</p> <p>Talian khusus Bank untuk memudahkan pertanyaan awam mengenai Financial Services Exemption Order (FSEO) dan Blue Card hendaklah menghubungi talian berikut;</p> <p>BNMTELELINK:(https://www.bnm.gov.my/-/establishment-of-bank-negara-malaysia-telelink-1-300-88-link).</p>
7	Adakah pemilik kapal layar warga asing (sama ada individu yang bukan pemastautin di Malaysia atau syarikat yang diperbadankan di luar Malaysia) boleh memperoleh perlindungan insurans atau takaful harta atau liabiliti dari syarikat insurans atau takaful luar negara?	<p>Pemilik kapal layar warga asing (iaitu individu yang bukan pemastautin di Malaysia atau syarikat yang diperbadankan di luar Malaysia) boleh memperoleh insurans atau takaful liabiliti dari syarikat insurans atau takaful tidak dilesenkan di bawah APK atau APKI. Ini kerana mereka tidak tertakluk kepada seksyen 127 APK atau seksyen 139 APKI yang melarang pemerolehan perlindungan insurans atau takaful harta atau liabiliti dari syarikat insurans atau takaful yang tidak dilesenkan di bawah APK atau APKI.</p> <p>Namun begitu, bagi insurans atau takaful harta, hanya pemilik kapal layar bagi kapal yang tidak didaftarkan di Malaysia boleh memperoleh insurans atau takaful harta dari syarikat insurans atau takaful tidak dilesenkan di bawah APK atau APKI dan mereka tidak tertakluk kepada seksyen 127 APK atau seksyen 139 APKI.</p> <p>Seksyen 127 APK atau seksyen 139 APKI merupakan peruntukan yang terpakai kepada seseorang pemastautin di Malaysia¹, dan ini adalah termasuk seseorang yang mempunyai kehadiran fizikal sebagai penduduk di Malaysia ataupun syarikat yang melaksanakan atau berdaftar untuk melaksanakan sebarang aktiviti perniagaan di Malaysia. Sila rujuk kepada jawapan soalan 4 bagi definisi “harta” atau “liabiliti” dalam konteks seksyen 127 APK atau seksyen 139 APKI.</p>
8	Sekiranya saya hendak membuat aduan mengenai salah laku syarikat insurans atau takaful berlesen atau seseorang yang	Bagi sebarang aduan mengenai salah laku syarikat insurans atau takaful berlesen atau seseorang yang diberi pengecualian untuk menjalankan perniagaan insurans atau takaful di

	diberi pengecualian untuk menjalankan perniagaan insurans atau takaful di bawah APK dan APKI, kepada siapa aduan harus ditujukan?	bawah APK atau APKI, sila ajukan aduan anda kepada Bank Negara Malaysia, di talian 1-300-88-5465 atau e-mel ke bnmtelelink@bnm.gov.my .
9	Adakah syarikat insurans atau takaful berlesen di bawah APK atau APKI boleh menawarkan polisi insurans dengan tempoh perlindungan kurang dari 12 bulan? Sebagai contoh di Pantai Timur ketika musim monsun bot-bot tidak dapat beroperasi. Pemilik bot memerlukan tempoh perlindungan polisi insurans hanya untuk 6 atau 8 bulan sahaja.	Tempoh perlindungan insurans atau takaful yang ditawarkan oleh syarikat insurans atau takaful berlesen adalah bergantung kepada persetujuan antara syarikat insurans atau takaful dengan pembeli insurans. Pemilik bot boleh berunding dengan syarikat insurans atau takaful masing-masing mengenai tempoh perlindungan insurans atau takaful yang diperlukan.

Disediakan Oleh:

Urusetia: Jawatankuasa Penyelarasan & Pengiktirafan Syarikat Perlindungan Insurans P&I Di Malaysia
Dikemaskini pada: 1 Mac 2023

P & I Insurans

CLARIFICATION OF THE INSURANCE OR TAKAFUL COVERAGE FOR MALAYSIAN AND FOREIGN SHIPS OPERATING WITHIN AND OUTSIDE OF MALAYSIAN WATERS

GUIDELINE FOR:

a) (i) Licensed insurer (insurance company) or licensed takaful operator (takaful company) carrying on general insurance or takaful business under the Financial Services Act 2013 (APK) or the Islamic Financial Services Act 2013 (APKI) for ships/boats under 300 GT operating exclusively in the waters of Peninsular Malaysia, Labuan and/or the Malaysian Exclusive Economic Zone; and

(ii) Persons granted an exemption under APK or APKI for the purpose of carrying on insurance or takaful business concerning protection and indemnity insurance or takaful for ships including Malaysian ships subject to the period and conditions specified in the relevant exemption order; b) Companies/members/correspondents/brokers of the P&I Club group of companies under the International Group (IG) and Non-International Group (NON I.G) recognized by the Marine Department Malaysia; and and

b) Companies/members/correspondents/brokers of the P&I Club group of companies under the International Group (IG) and Non-International Group (NON I.G) recognized by the Marine Department Malaysia; and

c) Owners of Malaysian and foreign ships operating within and outside Malaysian waters.

NO	QUESTION	ANSWER
1	(i) Can a LOCAL AND FOREIGN insurance or takaful company that is not licensed under the APK or APKI conduct an insurance or takaful business in Malaysia?	<p>No. Any person, including an insurance or takaful company, not licensed by the Minister of Finance under section 10(4) of the APK or APKI cannot carry on an insurance or takaful business in Malaysia unless exempted by the Minister of Finance under Section 263 of the APK or Section 274 of the APKI. A person who is found carrying on an insurance or takaful business in Malaysia without a license and not granted an exemption under the APK or APKI, commits an offence under section 8(1)(a) of the APK or APKI as appropriate and Bank Negara Malaysia (BNM) may take enforcement action against the person.</p> <p>So far, under section 263 of the APK, the Minister of Finance has issued the Financial Services Order (Exemption) 2019 (P.U. (A) 224/2019) and the Financial Services Order (Exemption) 2020 (P.U. (A) 219/2020) which exempt certain insurance companies who are not licensed under the APK to carry on the business of protection and indemnity insurance (P&I</p>

		insurance) in Malaysia subject to the period and conditions specified in the exemption order.
	(ii) Can a LOCAL AND FOREIGN brokerage company that does not have approval under the APK or APKI conduct insurance or takaful brokerage business in Malaysia?	No. Any person, including an insurance or takaful brokerage company, who is not approved by BNM under section 11(2)(a) or 15(1)(b) of the APK or section 11(2)(a) of the APKI is not permitted to carry on an insurance or takaful brokerage business unless exempted by the Minister of Finance under section 263 of the APK or section 274 of the APKI. Anyone who is found conducting an insurance or takaful brokerage business without approval and not granted an exemption under the APK or APKI, commits an offence under section 8(1)(b) or 15(9) of the APK or section 8(1)(b) of the APKI as appropriate and BNM may take enforcement action against the person.
2	Does a licensed insurance or takaful company that has been licensed or an insurance or takaful brokerage company approved under the APK or APKI need to obtain an exemption under Section 263 of the APK or Section 274 of the APKI?	No. Licensed insurance or takaful companies as well as insurance or takaful brokerage companies that have approval under the APK or APKI are free to carry on their respected business and do not need to obtain an exemption under section 263 of the APK or section 274 of the APKI.
3	Where can a list of licensed insurance or takaful companies as well as approved insurance or takaful brokerage companies under the APK and APKI be obtained?	<p>The list of licensed insurance or takaful companies as well as approved insurance or takaful brokerage companies under the APK and APKI is posted on the BNM website and can be referred to at the following links:-</p> <ul style="list-style-type: none"> • https://www.bnm.gov.my/list-of-licensed-financial-institutions • https://www.bnm.gov.my/list-of-approved-and-registered-intermediaries <p>In addition, BNM also publishes in the Federal Government Gazette a list of all licensed persons including licensed insurance and takaful companies and any additions or deletions from the list from time to time pursuant to sections 27(1) of the APK and 24(1) of the APKI.</p>
4	Is there any restriction for Malaysian shipowners who wish to seek insurance or takaful coverage from insurance or takaful companies that are not licensed under the APK or APKI?	Yes. Any person, including a Malaysian shipowner, who wishes to obtain general insurance/takaful for properties or liabilities from an insurance or takaful company not licensed under the APK or APKI must obtain prior written approval from BNM pursuant to section 127 of the APK or section 139 of the APKI as appropriate:

		<ul style="list-style-type: none"> i. movable or immovable properties located in Malaysia; ii. ships or aircrafts registered in Malaysia; or iii. liabilities of a resident of Malaysia to third parties. <p>Such requirements must be read in conjunction with the Financial Services Order (General Insurance Contracts for Properties or Liabilities) 2013 (P.U.(A) 205/2013) and the Islamic Financial Services Order (General Takaful Contracts for General Properties or Liabilities) 2013 (P.U.(A) 211/2013).</p>
5	Do any licensed insurance and takaful company IN MALAYSIA AND any person from OUTSIDE MALAYSIA who wishes to offer a shipping insurance service in Malaysia need to conduct the insurance business through a joint venture with Perlindungan dan Indemniti Malaysia Sdn. Bhd.?	<p>No. Any insurance or takaful company licensed under the APK or APKI can offer insurance or takaful in Malaysia without having to go through a joint venture with Perlindungan dan Indemniti Malaysia Sdn. Bhd.</p> <p>However, for companies unlicensed under the APK that have been granted an exemption under the Financial Services Order (Exemption) 2019 (P.U. (A) 224/2019) and the Financial Services Order (Exemption) 2020 (P.U. (A) 219/2020) are subject to the period and conditions specified in the exemption order, among others, the company is only allowed to offer P&I insurance in Malaysia through a joint venture with Perlindungan dan Indemniti Malaysia Sdn. Bhd.</p>
6	Do companies that get an exemption under the Financial Services Exemption Order (FSEO) need to get BNM's prior written approval before conducting the P&I insurance business in Malaysia?	<p>No, companies that have obtained the Financial Services Exemption Order (FSEO) do not require BNM's prior written approval for carrying on P&I insurance business in Malaysia through a joint venture with Perlindungan dan Indemniti Sdn. Bhd. for the period and subject to the conditions specified in the exemption order.</p> <ul style="list-style-type: none"> i. Archipelago Insurance Limited - Financial Services (Exemption) Order 2021 ii. The members of the International Group of Protection and Indemnity Clubs (IGP&I) - Financial Services (Exemption) (No. 2) Order 2021 iii. Maritime Mutual Insurance Association (NZ) Limited - Financial Services (Exemption) (No. 3) Order 2021

		<p>The Bank's dedicated contact point to facilitate public queries concerning to the Financial Services Exemption Order (FSEO) and Blue Card matters should be directed to;</p> <p>BNMTELELINK:(https://www.bnm.gov.my/-/establishment-of-bank-negara-malaysia-telelink-1-300-88-link").</p>
7	Can a foreign yacht owner (whether an individual who is not a resident in Malaysia or a company incorporated outside Malaysia) obtain property or liability insurance or takaful coverage from a foreign insurance or takaful company?	<p>Foreign yacht owners (i.e. individuals who are not resident in Malaysia or companies incorporated outside Malaysia) can obtain liability insurance or takaful from insurance or takaful companies not licensed under the APK or APKI. This is because they are not subject to section 127 of the APK or section 139 of the APKI which prohibits the acquisition of insurance or takaful coverage of properties or liabilities from insurance or takaful companies that are not licensed under the APK or APKI.</p> <p>However, for property insurance or takaful, only yacht owners for ships not registered in Malaysia can obtain property insurance or takaful from insurance or takaful companies not licensed under the APK or APKI and they are not subject to section 127 of the APK or section 139 of the APKI.</p> <p>Section 127 of the APK or section 139 of the APKI is a provision that applies to a resident of Malaysia, and this includes a person who has a physical presence as a resident of Malaysia or a company that conducts or is registered to carry out any business activity in Malaysia. Please refer to the answer to question 4 for the definition of "property" or "liability" in the context of section 127 of the APK or section 139 of the APKI.</p>
8	If I want to lodge a complaint about the misconduct of a licensed insurance or takaful company or a person who has been granted an exemption to carry on insurance or takaful business under the APK and APKI, to whom should the complaint be addressed?	For any complaint regarding the misconduct of a licensed insurance or takaful company or a person who has been granted an exemption to carry on insurance or takaful business under the APK or APKI, please lodge your complaint with the Bank Negara Malaysia at 1-300-88-5465 or e-mail to bnmtelelink@bnm.gov.my .

9	<p>Can an insurance or takaful company licensed under the APK or APKI offer an insurance policy with a coverage period of less than 12 months?</p> <p>For example, in the East Coast during the monsoon season, the boats cannot be operated. Boat owners need an insurance policy coverage period of 6 or 8 months only.</p>	<p>The period of insurance or takaful coverage offered by a licensed insurance or takaful company depends on the agreement between the insurance or takaful company and the insurance buyer. Boat owners can consult with their respective insurance or takaful companies on the required insurance or takaful coverage period.</p>
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Prepared By:

Secretariat: The Marine Department Malaysia Advisory Panel on Financial Security (P&I) Organization in Malaysia
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