



UniKL
UNIVERSITI
KUALA LUMPUR

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LAW OF THE SEA & SHIP OPERATION

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CHAPTER 1

MERCHANT SHIPPING

ORDINANCE (MSO) 1952

INTRODUCTION

- Contain many parts and sections inside the parts.
- ▶ Contain 15 part which are:-
 - I. Introductory
 - II. (a) Registry¹ (b) The domestic shipping licensing board² (c) Malaysia International Ship Registry³
 - III. Master & Seamen
 - IV. Passenger ship
 - V. Maritime transport safety and security for part VA- Pollution from ship
 - VI. Load line & loading

- VII. Special Shipping Inquiries and courts
- VIII. Delivery of goods
- IX. Liability of ship owners
- X. Wreck and salvage
- XI. Lighthouse
- XII. Pilotage
- XIII. Ports and port officer (A) Control of shipping
- XIV. Legal proceedings
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1. INTRODUCTORY

(1) This Ordinance may be cited as the **Merchant Shipping Ordinance, 1952**, and shall come into force on such date as the Minister may by notification in the *Gazette* appoint and the Minister may appoint different dates for the coming into force of this Act in either State.

(2) The Minister may appoint different dates for the coming into force of different Parts and provisions of this Ordinance.

2. (a) Registry¹ (b) The domestic shipping licensing board² (c) Malaysia International Ship Registry³

- ▶ Wholly by persons of the following descriptions, namely -
- ▶ (a) Malaysian citizens; or
- ▶ (b) corporations which satisfy the following requirements:
 - ▶ (i) the corporation is incorporated in Malaysia;
 - ▶ (ii) the principal office of the corporation is in Malaysia;
 - ▶ (iii) the management of the corporation is carried out mainly in Malaysia;
 - ▶ (iv) the majority, or if the percentage is determined by the Minister under

3. PART IIB - THE DOMESTIC SHIPPING LICENCING BOARD

- ▶ In this Part, unless the context otherwise requires, "domestic shipping" means the use of a ship -
 - ▶ (a) to provide services, other than fishing, in the Federation waters or the exclusive economic Zone.
 - ▶ (b) for the shipment of goods or the carriage of passengers -
 - (i) from any port or place in Malaysia to another port or place in Malaysia
 - (ii) from any port or place in Malaysia to any place in the exclusive economic zone or vice versa.

4. PART IIC - MALAYSIA INTERNATIONAL SHIP REGISTRY⁷

► Interpretation and application.

(1) In this Part, unless the context otherwise requires, "age" in relation to a ship, means the difference between the year in which the ship was built and the year in which it is registered as a Malaysian ship.

(2) The provisions of Part IIA shall apply to ships registered under this Part, in so far as they are consistent with this Part.

▶ **Port of the Malaysia International Ship Registry.**

- ▶ The Minister may declare any port or place in Malaysia to be the port of the Malaysia International Ship Registry

▶ **Qualification to register ship in the Malaysia International Ship Registry.**

Notwithstanding section 11, the Registrar General may register a ship as a Malaysian ship under this Part, irrespective of where the ship was built, if it is owned by a corporation that satisfies the following requirements:

- ▶ (a) the corporation is incorporated in Malaysia
- ▶ (b) an office of the corporation is established in Malaysia; and
- ▶ (c) the majority of the shareholding, including the voting shares, of the corporation are not held by Malaysian citizens.

PART III - MASTERS AND SEAMEN

Application

- ▶ (1) Except as specifically provided and in accordance with such conditions as the Minister may deem fit to impose, none of the provisions of this Part shall apply to Malaysian vessels exclusively employed in fishing industry.
- ▶ (2) Subject to subsection (1) and to the next succeeding section, so far as it relates to pleasure yachts, this Part shall, unless the context or subject matter requires a different application, apply to Malaysian ships and to the owners, masters and crews thereof as follows:

- ▶ (a) engagement of seamen, discharge of seamen, payment of wages, advance and allotment of wages, mode of recovering wages, power of Courts to rescind contracts and recovery of expenses of relief of distressed seamen shall apply to every sea-going ship
- ▶ (b) the provisions relating to the property of deceased seamen and apprentices shall apply to every sea-going ship
- ▶ (c) the provisions relating to the rights of seamen in respect of wages, to the return of distressed seamen, to the provisions and health of seamen, to the power of seamen to make complaints, to the protection of seamen from imposition, and to discipline, shall apply to every sea-going ship
- ▶ (d) the provisions relating to official logs shall apply to sea-going ships registered in the Federation and to any sea-going ship employed in trading exclusively within.

PART IV - PASSENGER SHIPS

Survey of Passenger Steamers

- ▶ Every passenger steamer shall be surveyed once at least in each year in the manner provided in this part.
- ▶ No ship (other than a steam ferry boat working in chains) shall proceed to sea or on any voyage.
- ▶ Excursion with more than twelve passengers on board, unless there is in force in respect of the ship a certificate as to survey under this part, applicable to the voyage or excursion on which the ship is about to proceed.
- ▶ That voyage or excursion is in respect of which the minister of transport has exempted the ship from the requirements of this subsection.

PART V - MARITIME TRANSPORT SAFETY AND SECURITY

- ▶ In this subheading, unless the context otherwise requires—
- ▶ “Certificate” means the international ship security certificate, statement of compliance of a maritime transport security area or statement of compliance of a designated marine facility issued.
- ▶ “Company” means the owner of a ship or, any other organization or person such as the ashore manager or bareboat charterer who has assumed responsibility for the operation of the ship from the owner of the ship and who on assuming such responsibility has agreed to take over all duties and
- ▶ Responsibilities relating to the safe operation of the ship.

PART VA - POLLUTION FROM SHIPS

- ▶ This Part shall, unless the context otherwise requires, apply to -
 - ▶ (a) registered Malaysian ships
 - ▶ (b) vessels licensed under this Ordinance or under the Merchant Shipping Ordinance 1960 of Sabah or Sarawak
 - ▶ (c) foreign ships while in Malaysian waters
 - ▶ (d) pleasure crafts in Malaysian waters
 - ▶ (e) fishing vessels
 - ▶ (f) such vessels or class of vessels as the Minister may prescribe.

PART VI - LOAD LINE AND LOADING

Preliminary(load line rule)

- ▶ (1) The Minister shall make such rules (hereafter in this Part referred to as "the load line rules") as appear to him to be necessary for the purpose of giving effect to the provisions of the Load Line Convention.
- ▶ (2) For the purposes of this section and without prejudice to the generality of the powers therein contained, the load line rules made from time to time by the Minister of Transport under the Merchant Shipping Acts shall, unless varied by or repugnant to load line rules made under this section, be deemed to be load line rules made under this section.
- ▶ (3) Such of the load line rules as are made to give effect to the said Convention are hereafter in this Part referred to as "the conditions of assignment".

PART VII - SPECIAL SHIPPING INQUIRIES AND COURTS

- ▶ In this Part and in any rules made under it -
- ▶ "an officer certificated under the Merchant Shipping Acts" means the holder of any certificate as master, mate or engineer, granted under those Acts or of any certificate declared under section 102 of the Merchant Shipping Act, 1894, to be of the same force as if granted under that Act.
- ▶ "Malayan ship" shall be deemed to include any native sailing ship and any vessel of such class or classes as the Minister may by notification in the *Gazette* prescribe
- ▶ "the holder of a local certificate" means the holder of any certificate granted under this Ordinance.

PART VIII - DELIVERY OF GOODS

- ▶ In this Part, unless the context otherwise requires -
- ▶ "goods" include every description of wares and merchandise;
- ▶ "owner" used in relation to goods means every person who is for the time entitled, either as owner or agent for the owner, to the possession of the goods, subject in the case of a lien, if any, to that lien
- ▶ "ship owner" includes the master of the ship and every other person authorized to act as agent for the owner or entitled to receive the freight, demurrage, or other charges payable in respect of the ship;

PART IX - LIABILITY OF SHIPOWNERS

- ▶ In this Part - ____
- ▶ "Convention" means the International Convention relating to the limitation of the liability of owners of sea-going ships signed in Brussels on the 10th October 1957.
- ▶ "Convention country" means any country in respect of which the Convention is in force, including any country to which the Convention extends by virtue of article 14 thereof; and for the purpose of this
- ▶ definition an order made by the Minister declaring a country to be a Convention country shall be conclusive evidence that that country is a Convention country.

PART X - WRECK AND SALVAGE

- ▶ In this Part, unless the context otherwise requires - ____
- ▶ "receiver" means receiver of wreck;
- ▶ "salvage" includes all expenses properly incurred by the salvor in the performance of salvage services.
- ▶ "vehicle" includes any vehicle of any description, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.
- ▶ "wreck" includes jetsam, flotsam, lagan and derelict found in or on the shores of the sea or any tidal water.

PART XI - LIGHTHOUSES

- ▶ Any person who wilfully or negligently - ____
- ▶ (a) damages any lighthouse or the lights exhibited therein, or any buoy or beacon
- ▶ (b) removes, alters, or destroys any lightship, buoy, or beacon; or
- ▶ (c) rides by, makes fast to, or runs foul of any lightship, buoy, or beacon.
- ▶ shall, in addition to the expenses of making good any damage so occasioned, be liable for each offence to a fine not exceeding five hundred ringgit.

PART XII - PILOTAGE

- ▶ (1) A Pilot Board shall be appointed by the Minister for any area which the Minister, by notification in the *Gazette*, constitutes a pilotage district.
- ▶ (2) The limits of any pilotage district which is constituted by the Minister shall be prescribed by him in the notification constituting the pilotage district.
- ▶ (3) The limits of any pilotage district constituted under this section may be varied from time to time by the Minister by notification in the *Gazette*.

PART XIII - PORTS AND PORT OFFICERS

- ▶ The Minister may make port rules for all or any of the following purposes in any port in the Federation___-
- ▶ (a) regulating traffic within the limits of the port.
- ▶ (b) regulating the berths and stations to be occupied by vessels and the removal of vessels from one berth, station or anchorage to another berth, station or anchorage, and the time within which such removal shall be effected.
- ▶ (c) regulating vessels whilst taking in or discharging ballast or cargo.

PART XIII A - CONTROL OF SHIPPING

- ▶ For the purposes of this Part and the rules made thereunder, unless the context otherwise requires -
- ▶ "dumping" means any disposal at sea of any material from a ship but does not include the disposal of any material incidental to, or derived from, the normal operation of ships
- ▶ "Malaysian waters" means the territorial waters of Malaysia determined in accordance with the Emergency (Essential Powers) Ordinance, No. 7 1969;
- ▶ "owner" includes a charterer or operator of a ship

PART XIV - LEGAL PROCEEDINGS

- ▶ Unless the context otherwise requires, any offence under this Ordinance or under any provisions of the Merchant Shipping Acts in force in the Federation or any part thereof may be tried by a Sessions Court or by a Magistrate's Court.
- ▶ No person shall be charged with any offence under this Ordinance, other than an offence relating to discipline or order on board a ship, except on the complaint or with the sanction of a Port Officer, a Port Health Officer, a Surveyor of Ships or a police officer

PART XV - SUPPLEMENTAL

- ▶ Any rules or regulations made by the Minister under this Ordinance shall be published in the *Gazette*.
- ▶ Every such rule or regulation shall, as soon as possible after the making thereof, be laid before the House of Representatives and if at the next meeting of the House of Representatives after any rule
- ▶ regulation is laid before it a resolution is passed annulling such rule or regulation or any part thereof, the whole rule or regulation or such part thereof, as the case may be, shall thenceforth be void but without prejudice to the validity of anything previously done thereunder.

CONCLUSION

- ▶ The MSO was established to maintain safety and peaceful of ocean users.
- ▶ Seafarer cannot do anything that can give harm to ocean or others that use the ocean passage.
- ▶ Nowadays, we can see all the goodness of the rules and regulation that has been set.
- ▶ Even there are much part in MSO, the only aim is to maintain the harmonization of the ocean and all seafarers.



▶ Thank you