



# **LAWS OF MALAYSIA**

**Act A1519**

**MERCHANT SHIPPING ORDINANCE  
(AMENDMENT) ACT 2016**

Date of Royal Assent	...	...	8 December 2016
Date of publication in the <i>Gazette</i>	...	...	15 December 2016

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Act A1519

## MERCHANT SHIPPING ORDINANCE (AMENDMENT) ACT 2016

An Act to amend the Merchant Shipping Ordinance 1952.

[ ]

**ENACTED** by the Parliament of Malaysia as follows:

### **Short title and commencement**

**1.** (1) This Act may be cited as the Merchant Shipping Ordinance (Amendment) Act 2016.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette* and the Minister may appoint different dates for the coming into operation of different provisions of this Act.

### **General amendment**

**2.** The Merchant Shipping Ordinance 1952 [*Ord.* 70/1952], which is referred to as the “Ordinance” in this Act, is amended—

(a) by substituting for the words “passenger steamer” wherever appearing the words “passenger ship”; and

- (b) by substituting for the word “seaman” wherever appearing the word “seafarer”.

### **Amendment of section 2**

#### **3. Section 2 of the Ordinance is amended—**

- (a) by deleting the definitions of “foreign going ship” and “foreign going passenger steamer”;
- (b) by inserting after the definition of “Malaysian ship” the following definition:

‘ “Malaysian waters” means the territorial waters of Malaysia as determined in accordance with the Territorial Sea Act 2012 [Act 750];’;

- (c) by substituting for the definition of “passenger steamer” the following definition:

‘ “passenger ship” means any ship carrying more than twelve passengers;’;

- (d) by substituting for the definition of “seaman” the following definition:

‘ “seafarer” means any person who is employed or engaged in any capacity on board a ship to which this Ordinance applies, but does not include—

- (a) a person not directly employed for the normal manning of the ship within the deck, engine or catering department;
- (b) pilot;
- (c) superintendent, surveyor, auditor, inspector;
- (d) supernumerary;
- (e) scientist, researcher, diver, specialist offshore technician or any person whose work is not part of the routine business of the ship;
- (f) a person who works on board the ship solely within a port or at a port facility;
- (g) repair and maintaining technician;

- (h) non-marine personnel, employed under outsourced service agreement;
  - (i) military and armed personnel; and
  - (j) temporary riding crew;’;
- (e) by inserting after the definition of “ship” the following definition:
- ‘ “shore leave” means the period during which a seafarer is allowed to take leave from the ship to go ashore while the ship he is working on is in the port;’; and
- (f) by inserting after the definition of “tidal water” the following definition:
- ‘ “unlimited voyage” means a voyage between a place in Malaysia and a place situated beyond the limit prescribed for near-coastal trade ship;’.

### **Substitution of Part III**

**4.** The Ordinance is amended by substituting for Part III the following Part:

#### **“PART III**

#### **SHIP PERSONNEL**

#### *Preliminary*

- Application. **69.** This Part shall, unless otherwise provided, apply to all ships except—
- (a) warships or naval auxiliaries;
  - (b) ships belonging to or in the employment of the Government of Malaysia or any State in Malaysia;
  - (c) fishing vessels;
  - (d) native sailing crafts;
  - (e) pleasure yachts;
  - (f) Malaysian ships that are trading or operating exclusively within the ports in Malaysia;