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WARTA KERAJAAN PERSEKUTUAN

FEDERAL GOVERNMENT GAZETTE

PERINTAH PENGANGKUTAN BARANG MELALUI LAUT (PINDAAN JADUAL PERTAMA) 2021

CARRIAGE OF GOODS BY SEA (AMENDMENT OF FIRST SCHEDULE) ORDER 2021

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AKTA PENGANGKUTAN BARANG MELALUI LAUT 1950

PERINTAH PENGANGKUTAN BARANG MELALUI LAUT
(PINDAAN JADUAL PERTAMA) 2021

PADA menjalankan kuasa yang diberikan oleh seksyen 6A Akta Pengangkutan Barang Melalui Laut 1950 [*Akta 527*], Menteri membuat perintah seperti yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Perintah ini bolehlah dinamakan **Perintah Pengangkutan Barang Melalui Laut (Pindaan Jadual Pertama) 2021**.

(2) Perintah ini mula berkuat kuasa pada 15 Julai 2021.

Pindaan Jadual Pertama

2. Jadual Pertama kepada Akta Pengangkutan Barang melalui Laut 1950 dipinda—

(a) dalam tajuk, dengan menggantikan perkataan “BILLS OF LADING” dengan perkataan “SEA CARRIAGE DOCUMENTS”;

(b) dalam Artikel I—

(i) dengan memasukkan selepas perenggan (a) perenggan yang berikut:

‘(aa) “consignment note” means a non-negotiable document that—

(i) contains or evidences a contract of carriage by sea in connection with which no bill of lading or similar document of title has been issued;

- (ii) clearly states that no liability for any loss of, damage to or delay of the goods will be accepted by the carrier of the goods; and
 - (iii) is clearly marked as being non-negotiable;';
- (ii) dengan menggantikan perenggan *(b)* dengan perenggan yang berikut—
 - '*(b)* "contract of carriage" applies only to contracts of carriage covered by a sea carriage document, in so far as such document relates to the carriage of goods by sea, including a negotiable sea carriage document issued under or pursuant to a charter-party from the moment at which the document regulates the relations between its holder and the carrier concerned;';
- (iii) dengan memasukkan selepas perenggan *(b)* perenggan yang berikut:
 - '*(ba)* "data message" means information generated, stored or communicated by electronic, optical or analogous means, including electronic data interchange, electronic mail, telegram, telex or telecopy, even if the information is never reproduced in printed form;';
- (iv) dalam perenggan *(c)*, dengan memotong perkataan "and cargo which by the contract of carriage is stated as being carried on deck and is so carried";
- (v) dalam perenggan *(e)*, dengan menggantikan perkataan "carriage of goods" dengan perkataan "carriage of goods by sea";

- (vi) dengan menggantikan noktah di hujung perenggan (e) dengan noktah bertindih; dan
- (vii) dengan memasukkan selepas perenggan (e) perenggan yang berikut:

(f) “negotiable sea carriage document” means—

- (i) a bill of lading other than a bill of lading that, by law, is not negotiable; or
- (ii) a negotiable document of title that is similar to a negotiable bill of lading and that contains or evidences a contract of carriage of goods by sea;

(g) “sea carriage document” means—

- (i) a bill of lading;
- (ii) a negotiable document of title that is similar to a bill of lading and that contains or evidences a contract of carriage of goods by sea;
- (iii) a bill of lading that, by law, is not negotiable; or
- (iv) a non-negotiable document including a consignment note and a document of the kind known as a sea waybill or the kind known as a ship’s delivery order which either contains or evidences a contract of carriage of goods by sea; and

(h) “writing” includes electronic mail, electronic data interchange, facsimile transmission, and entry in a database maintained on a computer system.’;

(c) dengan memasukkan selepas Artikel I artikel yang berikut:

“ARTICLE IA
APPLICATION TO SEA CARRIAGE DOCUMENT

1. These Rules apply, with necessary modifications, to a sea carriage document in the form of a data message in the same way as they apply to such a document in printed form.

2. Without limiting paragraph 1, for these Rules in their application to such sea carriage documents:

(a) a sea carriage document is issued when a data message is generated in a way that constitutes issue of such a document within the system being used by the parties to the relevant contract of carriage; and

(b) a sea carriage document is transferred when a data message is generated in a way that constitutes transfer of the sea carriage document within the system being used by the parties to the relevant contract of carriage.”;

(d) dalam Artikel II—

(i) dengan menomborkan semula perenggan sedia ada sebagai perenggan 1;