

THE MERCHANT SHIPPING ORDINANCE, 1960 (Ordinance No. 11 of 1960)

THE MERCHANT SHIPPING (EXEMPTIONS) ORDER, 1961

In exercise of the powers conferred upon him by section 273 of the Merchant Shipping Ordinance, 1960 [*Ord. No. 11 of 1960*], and all other powers thereunto him enabling, the Governor has made the following Order:-

Citation.

1. This Order may be cited as the Merchant Shipping (Exemptions) Order, 1961.

Interpretation.

2. In this order the term "extended coastal trade limits" means the waters, contiguous to the coastal trade limits, of the Sulu Sea and Celebes Sea.

Total exemptions.

3. The following ships shall be exempt from all the provisions of the Ordinance and subsidiary legislation thereunder

- (a) boats forming part of the equipment of any ship; and
- (b) ships which are of less than eighteen feet in length not used for the carriage of passengers for hire or reward.

Exemptions for small ships.

4. Small ships which are licensed under the Merchant Shipping (Licensed Small Ships) Regulations, 1961 *G.N. No. S 32 of 1961*], and which comply therewith shall be exempt from –

- (a) the provisions of Chapter 18, Part IV and Chapter 28 of the Ordinance;
- (b) the provisions of subsection (2) of section 247 of the Ordinance so long as the ship is owned by a person or body corporate ordinarily resident in North Borneo, Sarawak or Brunei;
- (c) any subsidiary legislation applied under section 278 of the Ordinance except –
 - (i) the Merchant Shipping (Implementation of Conventions Relating to Carriage of Goods by Sea and to Liability of Shipowners and Others) Regulations, 1960;
 - (ii) the Merchant Shipping (Signals of Distress) Regulations, 1961;
 - (iii) the Merchant Shipping (Crew Accommodation) Regulations, 1961;
 - (iv) the Merchant Shipping (Registration of Births and Deaths at Sea) Regulations, 1961;

- (v) the Merchant Shipping (Marine Courts) Regulations, 1961; and
- (vi) the Merchant Shipping (Medical Scales) Regulations, 1961.

Exemptions for ships under forty tons.

5. Ships of forty tons or less shall be exempt –

- (a) in the case of a North Borneo ship which does not proceed outside areas 1 to 6 as defined in the Merchant Shipping (Classification of Coastal Trade Ships) Regulations, 1961 [*G.N. No. S 33 of 1961*], from the provisions of section 19 of the Ordinance requiring an agreement with the crew;
- (b) in the case of a British ship registered in North Borneo trading direct between any open port in North Borneo and any territory abutting on the extended coastal trade limits, from the provisions of the Ordinance and subsidiary legislation relating to foreign trade ships if such ship complies with the provisions thereof relating to coastal trade ships classified for full coastal trade limits;
- (c) in the case of any ship not registered as a British ship and not licensed as a North Borneo licensed ship trading direct between any one port in North Borneo and any territory abutting in the extended coastal trading limits, from the requirement in paragraph (b) of subsection (1) of section 3 of the Ordinance that the ship be provided with a certificate of foreign registry or other document similar or equivalent to that required in the case of a British ship.

Exemption for official logs.

6. Any North Borneo ship, not being a foreign-going ship, the master of which complies with the provision of subsection (1) of section 121 of the Ordinance shall be exempt from the provisions of subsection (2) of that section.

Dated at Jesselton, this 9th day of March, 1961.

By His Excellency's Command,

A. M. GRIER,
Acting Chief Secretary.

9th October 2008