

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

THE MERCHANT SHIPPING (PORT, HARBOURS AND DUES) REGULATIONS, 1961

In exercise of the powers conferred upon him by section 277 of the Merchant Shipping Ordinance, 1960 [*Ord. No. 11 of 1960.*], and all other powers thereunto him enabling, the Governor in Council has made the following regulations:-

PART I INTRODUCTORY

1. These regulations may be cited as the Merchant Shipping (Ports, Harbours and Dues) Regulations, 1961 and shall come into force on the 1st day of January, 1962.

Interpretation.

2. In these regulations –

“customs officer” has the meaning ascribed to the words “officer of customs” in the Customs Ordinance [*Cap. 33.*];

“goods” includes livestock, minerals and wares and merchandise of every description;

“harbour” means any place of refuge for ships or any place used for any of the purposes as described under Regulation 59 other than a port;

“Health officer” means any person appointed as such by the Director of Medical Services;

“Immigration officer” has the meaning ascribed thereto in the Immigration Ordinance [*Cap. 58.*];

“owner” when used in relation to goods shall include any consignor, consignee, shipper or agent for the sale, custody or control of such goods, and when used in relation to any vessel shall include a manager or secretary of any body or person, corporate or incorporate, any part-owner, charterer, consignee or mortgagee in possession thereof;

“pier” includes any stage, stairs, landing place, landing stage, jetty, floating barge or pontoon and any bridges or other works connected therewith;

“rates” include any toll, due, rent, fee or charge leviable under these regulations;

“small ship” has the meaning ascribed thereto in the Merchant Shipping (Licensed Small Ships) Regulations, 1961 [*G.N. No. S 32 of 1961.*].

PART II PORTS

3. The places specified in the First Schedule are hereby prescribed as ports and the limits thereof shall be the

areas described therein.

4. Special quarantine, explosives, dangerous petroleum, prohibited anchorages and prohibited areas shall be those defined in the Second Schedule and shall only be used as specified in the Schedule.

5. No vessel shall anchor in any of the prohibited anchorages specified in the Second Schedule except when moving to or from a wharf berth.

6. No vessel shall anchor, berth, moor, lie or loiter –

(a) in the direct approaches to any port;

(b) in any principal fairway within a port;

(c) in such a manner as to obstruct the approach to any anchorage or wharf used by other vessels;

(d) in any cable reserve or any special anchorage specified in the Second Schedule except in the circumstances specified in such Schedule;

(e) in a position which is likely to foul a vessel which is anchored, moored or made fast to a buoy.

7. The owner and master of every vessel that is to be laid-up, shall anchor in a position as directed by the Port Officer and shall ensure that such vessel is securely anchored or moored so not to swing outside such limits as directed and clear of all other vessels and fishing stakes during all conditions of wind and tide.

PART III ARRIVAL AND DEPARTURE

8. The master of every ship entering or leaving port between sunrise and sunset shall cause to be hoisted the national colours and the signal letters, if any, of the ship. The signal letters may be lowered when the ship is safely berthed but the national colours shall be exhibited from 8 a.m. until sunset whilst the ship remains in port.

9. The master of every vessel, other than small ship trading within coastal trade limits, shall report his arrival on the form set out in the Third Schedule and at the same time shall hand in his last port clearance.

10. The master of every vessel, other than a small ship trading within coastal trade limits, upon entering or clearing from any port within North Borneo shall, if called upon to do so, produced to the Port Officer any or all of the documents set forth in the Fourth Schedule.

11. The master of every vessel arriving from outside North Borneo shall exhibit the Immigration and Quarantine signals contained in the Fifth Schedule and shall also at the request of a customs officer hoist the signal prescribed for this purpose and any such signal shall not be lowered until authority to do so has been given by an Immigration, Health or Customs officer as the case may be.

12. No vessel shall approach within six hundred feet of any other vessel which is exhibiting the Immigration, Health or Customs signals mentioned in regulation 11.

13. No person may board or disembark from any vessel, whether at anchor or alongside any wharf, until the vessel is cleared inwards and the Immigration, Quarantine and Customs signals, if any, have been lowered.

14. Every vessel coming within port limits shall anchor or be efficiently secured to a wharf or buoy before discharging passengers or cargo.

15. (1) No vessel, other than a small ship trading within coastal trade limits, shall leave any port without a port clearance to be issued by the Port Officer, nor any harbour without a port clearance issued by the nearest Port Officer:

Provided that a port clearance for a period not exceeding three months may be issued by the Port Officer at his discretion to any vessel of less than 100 gross registered tons if such vessel is solely operating offshore from a particular base and –

- (a) has paid in advance the annual or aggregate buoys and light dues as specified in the Sixth Schedule;
- (b) has paid in advance the annual and harbour dues as specified in the Seventh Schedule or the port dues as specified under Item No. 3 of Part I of the Schedule to the Sabah Ports Authority Tariff; and
- (c) is licensed under the provisions of any written law for the time being in force,

and the owner, master or agent of such vessel submits a monthly return in the form of the Ninth Schedule to the Port Officer.

(2) If the master of any ship obtains a port clearance and does not sail within forty-eight hours thereafter, he shall report to the Port Officer his reason for not sailing, and, if so required, obtain fresh port clearance.

(3) A Port Officer may refuse to issue a port clearance to any ship whose owner or master has not complied with any written law for the time being in force.

(4) Where under any other written law, a ship is to be detained, a Port Officer shall, and where under any written law a ship may be detained, a Port Officer may, refuse to issue a port clearance to that ship.

(5) A Port Officer shall not issue a port clearance for any ship, until the master of such ship has declared to that officer the name of the nation or state to which he claims that she belongs, and that officer shall thereupon, inscribe that name on the port clearance.

(6) A ship required by the Ordinance to be registered or licensed may be detained until the master of the ship, if so required by the Port Officer produces the certificate of the registry of the ship.

16. (1) The master of every vessel other than a small ship trading within coastal trade limits, about to proceed to sea shall give notice in writing to the Port Officer either personally or through his agents. Such notice shall normally be given during port office hours.

(2) The master of every such vessel shall so far as possible cause the International Code Flag "P" to be hoisted 24 hours prior to departure, and may, during the hours of daylight, sound one blast 30 minutes before sailing.

17. (1) A port clearance already issued under regulation 15 may be withdrawn if any breach of any law is discovered subsequent to the original issue of such clearance.

(2) Any person who takes the ship to sea after having been informed that his clearance has been withdrawn shall be guilty of an offence under section 275 of the Ordinance.

PART IV

NAVIGATION, BERTHING AND MOORING OF VESSELS

18. Every person in charge of a vessel shall comply with the requirements of the Port Officer, who may order such vessel to anchor or berth in any place he may direct, or prohibit anchoring or berthing in any place, and who may order the vessel to be removed to another place within or outside the limits of the port, and such order shall be carried out by the master with immediate effect.

19. All vessels whether lying at anchor or moored or navigating within port limits shall exhibit the respective lights and shapes as required by the Collision Regulations at Sea.

20. Mechanically driven vessels under way in any river or port shall proceed with due caution and at moderate speed. A moderate speed means a speed at which all way can be taken off a vessel in as short a time as possible having regard to the prevailing circumstances.

21. Any vessel causing damage by her wash shall be held primarily responsible for such damage in the absence of any contributory negligence on the part of the owner or person in charge of property, or vessels so damaged.

22. (1) Harbour craft shall not cross the bows or otherwise impede the movements of any sea-going vessel under way in the limits of the port but shall give such vessel as wide a berth as possible.

(2) Nothing in this regulation shall relieve the pilot or master of a sea-going vessel from his duty to prevent a collision or accident wherever possible.

23. The master or owner of a vessel shall be responsible for any insecure or improper mooring, anchoring or berthing of that vessel and for any damage caused by any defective mooring, anchoring or berthing or of any appliance used in connection therewith.

24. The safety of any vessel using the wharf shall be the sole responsibility of the vessel's master or owners.

25. Vessels coming alongside any wharf or other vessels shall provide and use suitable fenders of such material as will float.

25A. If the Port Officer is of the opinion that any vessel used in any port or harbour is or appears to be –

(a) unsafe or unfit for the purpose for which it is used; or

(b) a danger to the port or users thereof by virtue of its condition,

he may direct the owner or master thereof that such vessel shall be surveyed by a Government Surveyor and such vessel shall not be used in any port or harbour until the vessel has been surveyed and certified by a Government Surveyor to be safe and in a fit condition for the purpose for which it is used.

26. No person shall voluntarily sink, permanently strand, or voluntarily permit to be sunk or permanently stranded, any vessel or other craft in any port or harbour without first obtaining the permission of the nearest Port Officer.

27. Any person who shall voluntarily strand any vessel or craft for a temporary purpose in any port or harbour, shall, if so required by a Port Officer, remove such vessel within twenty-four hours.

28. The master of a vessel shall report immediately to the Port Officer the loss of any anchor or cable, or any obstruction caused by cargo dropped overside from his vessel in any port or harbour stating the position on the chart.

PART V
PORTS AND HARBOURS – GENERAL

29. In the event of any accident, damage to private or public property, or any birth or death or any casualty occurring to or on board any vessel within the port or harbour, the master shall report the same in writing to the Port Officer.

30. (1) Except within the limits of private premises no repairs shall be made to any vessel whilst within any port limits of such a nature as to disable such vessel or prevent it from being controlled or moved by its own power without the previous sanction in writing of the Port Officer.

(2) In all cases of repairs to vessels in port precautions to the satisfaction of the Port Officer shall be taken against fire and storm and the fire fighting apparatus on board such vessels shall be in constant readiness for immediate use.

31. (1) In case of fire breaking out on board any vessel in any port or harbour, the master shall take immediate steps to combat the fire and shall make or exhibit the appropriate signal as indicated in the Fifth Schedule.

(2) The master shall cause any explosive or highly inflammable substance which may be on board to be removed from the vessel as soon as possible after the fire is discovered.

(3) The master of any vessel on fire shall obey such orders relating to the movement or berthing of his vessel as may be given to him by the Port Officer, who may proceed on board such vessel with such assistance and persons as may seem to him fit and give such orders as may seem to him necessary for scuttling such vessel or for removing such vessel to such other place as may seem to him proper to prevent danger to other vessels or to wharves or buildings or for extinguishing the fire, and on such orders not being carried out forthwith by the master of such vessel, the Port Officer may himself proceed to carry them into effect.

32. (1) No steam whistle, siren, mechanical horn or other like instrument shall be used within port limits except –

- (a) as a signal of danger or emergency;
- (b) in conformity with the Collision Regulations; or
- (c) as provided in regulation 16.

(2) No radio telegraph or radio telephone installation shall, without the permission of the Director of Posts and Telegraphs or any person authorized by him in that behalf, be used for transmitting any message within a port.

33. No person shall without permission of the Port Officer discharge any cannon, gun, firearm or firework on any vessel in any port or harbour.

34. The signals to be exhibited in certain circumstances and emergencies in ports and harbours are prescribed in the Fifth Schedule.

35. No person shall exhibit a bright light, such as a searchlight in any port or harbour, in such a manner as to endanger navigation.

36. No vessel shall use an internal combustion engine in any port unless the exhaust pipe is fitted with an efficient silencer.

37. Efficient and easy means of access shall be provided to every vessel anchored or berthed within port limits and such means of access shall be adequately illuminated from sunset to sunrise.

38. If any oil or mixture containing oil is discharged into waters within port limits or in any harbour from any vessel, or from any place on land, or from any apparatus used for transferring oil from or to any vessel (whether to or from a place on land or to or from another vessel), then subject to the provisions of this regulation –

(a) if the discharge is from a vessel, the owner or master of the vessel; or

(b) if the discharge is from a place on land, the occupier of that place; or

(c) if the discharge is from apparatus used for transferring oil from or to vessel, the person in charge of the apparatus,

shall be guilty of an offence against these regulations.

39. (1) No refuse or filth of any description may be thrown into the waters within port limits.

(2) No dead body or carcase of any animal shall be thrown overboard within the limits of any port and any person offending against the provisions of this regulation shall be guilty of an offence and in addition shall be liable to pay any expense incurred in burying or otherwise disposing of the same.

40. No vessel shall emit smoke, soot, ash, grit or oil from the funnel within port limits in such quantity as to be a nuisance.

41. No private buoy or mooring shall be laid in any port or harbour without the permission of the Director and in accordance with such condition as he may think fit and all such moorings and buoys shall be kept and maintained in good condition and in the correct position by the owners thereof at their own expense, and the Director or any Port Officer may inspect the same, and direct repairs or relaying or removal thereof.

42. All wharves other than Government wharves, shall, if the Director so deem it necessary, display a light on such wharf and of such colour, characteristic and in such position as the Director may require.

PART VI

GENERAL RULES RELATING TO EXPLOSIVES AND DANGEROUS GOODS

43. (1) In this Part –

“Class” and “Division” has the same meaning as in any current report of the Minister’s Standing Advisory Committee on the Carriage of Dangerous Goods and Explosives;

“dangerous goods” means dangerous goods other than explosive and petroleum;

“petroleum” has the meaning ascribed thereto in the Petroleum Ordinance, 1960 [*Ord. No. 21 of 1960.*];

“ship’s ammunition” means any gunpowder, rockets or other explosives, on, or in course of conveyance to or from, any ship in pursuance of any enactment relating to merchant shipping.

(2) Wherever the weight of explosives is referred to, such weight shall mean the gross weight of such explosives

together with any envelope, case or contrivance forming part of such explosives, but shall not include the weight of any barrel, case or package in which such explosives is packed for conveyance.

44. (1) The master of any vessel carrying explosives or dangerous goods shall proceed to an explosive anchorage, or such other place as may be specified by the Port Officer.

(2) No vessel carrying explosives shall be moved, within the limits of the port or any river, without the permission of the Port Officer.

(3) Any vessel, including harbour craft, containing explosives or dangerous goods, shall not remain alongside any vessel, wharf, jetty or other landing place between the hours of sunset and sunrise without the permission of the Port Officer.

(4) No person shall smoke and no fire or naked light, shall be allowed on board any vessel which has or is about to receive on board any dangerous goods or explosives.

45. With the exception of regulation 46, paragraph (d) of regulation 47, regulations 51 and 58, this Part shall not apply to safety cartridges and other explosives of the First Division of the Sixth (Ammunition) Class.

46. (1) All ship's ammunition shall be kept and conveyed in a safe and suitable manner to the satisfaction of the Port Officer, and all due precautions shall be taken, by keeping the same in a securely locked receptacle and otherwise, to prevent the access of unauthorized persons to such ammunition.

(2) Time-expired signals shall on no account be allowed to get into the hands of irresponsible persons.

(3) Ship's ammunition shall not be stowed with, or near, explosives carried as merchandise.

(4) No rocket distress signal, rocket sound signal or sound signal rocket shall be discharged in a port except under the supervision of an officer of the Marine Department or in case of distress.

47. The following provision in regard to the loading or unloading of explosives and dangerous goods into or from vessels in any port or harbour shall be duly observed –

(a) no explosives or dangerous goods shall be loaded from, landed at, brought into or deposited upon any quay, wharf, jetty, landing stage, shed, warehouse, building or other place, except at such place as the Port Officer shall from time to time direct;

(b) during the loading or unloading of explosives, there shall be no fires or artificial lights on board the vessel or vessels into or from which explosives are being loaded or unloaded, or in the vicinity of the explosives at the place where such loading or unloading is being carried on:

Provided that –

(i) this regulation shall not prevent the use of an electric lighting installation or a safety lamp of a construction approved by the Port Officer nor of ships' riding or signal lights so disposed as to prevent any risk of fire or explosion; and

(ii) this regulation shall not be held to apply to engine-room fires when the same have been previously carefully banked;

- (c) no smoking shall be allowed at or near the place where explosives or dangerous goods are being loaded or unloaded, and no person engaged in such loading or unloading shall carry fuzees, matches or any appliances whatsoever for producing ignition;
- (d) no person engaged in loading or unloading explosives shall wear boots or shoes with iron nails, or shod or strengthened with iron, unless such boots or shoes are covered with leather, india-rubber, felt or other material, in the form of overshoes or otherwise;
- (e) no person under the influence of drink shall be allowed on board any vessel into or from which explosives or dangerous goods are being loaded or unloaded, or shall be permitted to approach any explosives or dangerous goods while in the course of being loaded or unloaded;
- (f) in loading or unloading explosives or dangerous goods, no package containing the same shall be thrown down or roughly handled; and, where a package is to be slung, due precaution shall be taken to sling the same in such manner as effectually to prevent the possibility of a fall;
- (g) no explosives or dangerous goods shall be placed on any wharf, quay or jetty until the vessel or carriage by which the same is to be removed therefrom shall be at the place in readiness to receive the same. When the loading or unloading of explosives or dangerous goods has been commenced, such loading or unloading shall be proceeded with due diligence;
- (h) the wharf and stages, and the hold, gangways and decks of any vessel into or from which explosives has been or is to be loaded or unloaded, shall be carefully cleaned and swept immediately before and after such loading or unloading;
- (i) if any explosive or dangerous goods shall escape from the package in which they are contained, or be split, such explosives or dangerous goods shall immediately be carefully collected and disposed of safely;
- (j) during the whole of the time when explosives or dangerous goods are being loaded into or unloaded from any ship, there shall be present an officer of such ship specially charged with the supervision of such loading or unloading;
- (k) cushions of leather stuffed with oakum, or of such description as may be approved by the Port Officer, shall be provided and used in the loading and unloading of explosives to protect the packages containing the same concussion, in such manner as the Port Officer may direct;
- (l) while the loading or unloading of explosives and dangerous goods are being carried out, all persons engaged in such loading and unloading shall take all due precautions for the prevention of accidents and for preventing unauthorized persons from having access to the explosives and dangerous goods, and shall abstain from any act which tends to cause fire explosion or other accidents and is not reasonably necessary for the purpose of such loading or unloading; and shall use every reasonable endeavour to prevent any other person from committing any such act;
- (m) the loading and unloading of explosives and dangerous goods shall not be carried out except between the hours of sunrise and sunset;
- (n) when the loading in a port of a vessel with explosives for discharge outside the port is completed, that vessel shall, as soon as is reasonably practicable, be taken out of the harbour area;

Provided that, where the Port Officer considers any one or more of the provisions contained in this regulation unnecessary for ensuring the safety of life and property in the case of the loading or unloading of any particular explosives or dangerous goods or of any particular cargo or consignment of explosives or dangerous goods, he may in writing exempt the owner of such consignment of explosives from compliance with such provision or provisions.

48. The following provisions in respect of the stowing explosives in any vessel in a port or harbour shall be duly observed, and no vessel in which explosives are stowed otherwise than in accordance with these provisions shall enter any port:-

- (a) before any explosives are stowed in any vessel, the hold or the other place of stowage shall be free from grit and otherwise clean;
- (b) there shall be no iron or steel in the interior of the hold or other place of stowage unless the same is covered, either permanently or temporarily with leather, wood, cloth or other suitable material;
- (c) at all times when not being loaded or unloaded, explosives shall be protected from fire from without, either by being stowed in the hold of a vessel with hatches closed, or by being completely covered by painted cloth, tarpaulin or other suitable material;
- (d) any explosives of the following classes –
 - (i) the Fifth (Fulminate) Class;
 - (ii) the Sixth (Ammunition) Class, Divisions I and III (containing its own means of ignition);
 - (iii) the Seventh (Firework) Class;

shall not be stowed in the same vessel with any explosives not of the same Class and Division, unless it is sufficiently separated therefrom to prevent any fire or explosion which may take place in one such explosive being communicated to another; explosives of Classes I to IV inclusive and of Class VI, Division II, may not be stowed together provided that in the cases of explosives of Class VI, Division II, in which there is exposed iron (for example, filled shells), such explosives shall not be stowed in such a manner as to allow of such exposed iron coming in contact with any other explosives or with any case containing the same;

- (e) explosives shall not be stowed in any vessel carrying as cargo matches, petroleum, carbide of calcium, spirits, mineral acids or other articles or substances liable to cause fire or to give off inflammable vapour or to affect injuriously such explosives, unless such precaution are taken by provision of a bulkhead or otherwise as shall effectually prevent danger to the explosives from such article or substance or from the vapour thereof;
- (f) the place of stowage of explosives exceeding one hundred pounds in weight shall be constructed or fitted in such manner as may from time to time directed by the Director:

Provided that where the Port Officer considers any one or more of the provisions contained in this regulation unnecessary for ensuring the safety of life and property in the case of the stowing of any particular explosives, or of any particular cargo or consignment of explosives, he may, in writing exempt the owner from compliance with such provision or provisions.

49. In any vessel or carriage containing explosives, no matches other than safety matches, shall be kept for use, and such safety matches shall be kept in a safe place apart from the explosives.

50. All explosives and dangerous goods brought into a port shall be packed and marked as required by any current report of the Minister's Standing Advisory Committee on the carriage of dangerous goods and explosives.

51. No explosives exceeding twenty pounds in weight of Classes I to IV inclusive, or Class VI, Division II, or Class VII, and no explosives of Class V or of Class VI, Division III, shall be brought on to or conveyed in any vessel whilst carrying or plying for public passengers and where any explosives not prohibited by this regulation are carried on such vessel, all due precautions for the prevention of accident by fire or explosion shall be observed.

52. No cartridge loaded into a firearm shall at all time be present on any vessel whilst carrying or plying for public passengers in any port or harbour.

53. Before any repairs or alterations are to be carried out in any part of vessel in which explosives have been stowed, all due precaution shall be taken to remove all explosives and any remnant of the same before repairs or alteration are commenced.

54. When two or more vessels contain explosives to an amount exceeding two thousand pounds a distance of not less than fifty yards shall be maintained between such vessels in any port or harbour, except during transshipment, and unless, in the opinion of the Port Officer, it is impracticable to maintain such distance.

55. Every vessel having explosives on board in any port or harbour as cargo shall at all times have a sufficient crew on board and a proper watch kept.

56. All vessels passing vessels in any port or harbour which bear the signal required by section 190 of the Ordinance shall keep at the safest distance practicable.

57. (1) In any port or harbour all due precautions shall be taken in respect of any explosives or dangerous goods in any vessel or port to prevent accidents by fire or explosion, and to prevent any unauthorized person having access to the explosives.

(2) If any explosives or dangerous goods are lost or stolen from any vessel or in any port or harbour the fact shall, as soon as possible, be reported to a police station.

58. The owner shall, when so required by the Port Officer, or by any police officer, show to such officer all explosives and dangerous goods under his control, or upon his vessel and shall afford every reasonable facility to enable any such officer to inspect and examine such explosives and to ascertain whether the provisions of these regulations are being duly observed.

PART VII

DUES

59. Every vessel, other than vessels of under 15 tons net and licensed under the Merchant Shipping (Licensed Small Ships) Regulations, 1961 [*G.N. No. S. 32 of 1961.*], entering any port or harbour for the purposes of –

- (a) loading or discharging cargo;
- (b) embarking or disembarking passengers;
- (c) bunkering, taking fresh water or stores;

(d) effecting repairs; or

(e) having communication with the shore for any purpose other than solely to comply with the formality of entering or clearing,

shall pay in respect of buoys and lights dues, the amounts specified in the Sixth Schedule, and in respect of ports and harbours dues, the amount specified in the Seventh Schedule and in respect of general port charges, the amounts specified in the Eighth Schedule. All such dues and charges shall be subject to a surcharge of two per cent calendar month being levied on the principal sum if such is not paid within sixty days of the date appearing on the bill:

Provided that non-sea-going vessels confined to port and harbour limits shall pay no buoys and lights dues.

PART VIII PENALTIES

60. (1) Any person who contravenes or fails to comply with any of these regulations shall be guilty of an offence against these regulations.

(2) Any person guilty of an offence against any of these regulations shall be liable on conviction to a fine of one thousand dollars and to imprisonment for one month.

FIRST SCHEDULE
PORTS AND LIMITS
(Regulation 3)

1. JESSELTON

Gaya Bay bounded by a line drawn from Tanjong Aru on the mainland to the most northerly point of Gaya Island and a line thence to Gaya Head with the passages and rivers entering the same.

2. KUDAT

Kudat Bay bounded by a line drawn from Tigasmil Point to Sandilands Rock and thence to Tanjong Kapor with all passages and rivers entering the same.

3. LABUAN

Victoria Harbour bounded by a line drawn from Tanjong Taras (formerly Collier Head) in a south-south-east direction to the beacon in a position latitude $5^{\circ} 15' 52''$ north longitude. $115^{\circ} 16' 41''$ east thence due south to latitude $5^{\circ} 14' 04''$ north thence due west to Trident shoal beacon thence in a 005° direction to Hamilton Point with all passages and rivers entering the same.

4. LAHAD DATU

A line drawn from Tanjong Melandong on the south-west point of Darvel Peninsula to the most westerly point of Sikar Island and thence to the mainland with all passages and rivers entering the same.

5. MEMPAKUL

A line drawn from Tanjong Sakat to Tanjong Klias and thence to the North or true right bank at the mouth of the Sungai Kalidoran.

6. SANDAKAN

Sandakan Bay bounded by a line drawn in a west-south-west direction from the northern point of Berhala Island to the mainland, and by another from the same point on Berhala to the most eastern extremity of Tanjong Aru on the South side of the Bay together with all passages and rivers entering the same.

7. SEMPORNA

Northern limit, from the point of the main land south of Langas peak to the south-west point of Bum Bum island. Southern limit, from south-west point of Bum Bum island due west to the mainland.

8. SIPITANG

A line drawn from the point where the boundary of North Borneo and Sarawak meets the sea to the North or true right bank at the mouth of the Sungei Lakutan.

9. TAWAU

A line drawn from Batu Tinagat on the mainland to the boundary mark on Sibatik Island between Indonesian Borneo and North Borneo and thence through the Island to Burs Point on the mainland, and thence intersecting all waterways to the west of Burs Point entering the Serudong River.

10. USUKAN

A line drawn from the western extreme of Usukan Island on the North side to Ambong Point on the South side. (Extended to include Ambong Bay).

11. WESTON

A line drawn from the north or true right bank at the mouth of the Sungei Kalidoran to the north or true right bank at the mouth of the Sungei Lakutan.

12. BAKAPIT

A line drawn from Shoal Point to Bagahak Point.

13. KUNAK

The waters contained West of longitude
118° – 20' E between the parallels of latitude 04° – 40' and 04° – 45' N.

SECOND SCHEDULE
(Regulation 4)
SPECIAL ANCHORAGES AND PROHIBITED AREAS

- i. *Prohibited Anchorages* – No vessel shall anchor so as to swing within any of the following areas prefixed (A).
- ii. *Prohibited Areas* – Except with the previous permission in writing of the Port Officer, no logs or timbers shall be allowed to lie afloat within any of the following areas prefixed (B).
- iii. *Explosives Anchorage* – A vessel having explosives on board shall anchor within any of the following areas prefixed (C).
- iv. *Dangerous Petroleum Anchorage* – A vessel having dangerous petroleum on board shall anchor within any of the following areas prefixed (D).
- v. *Restricted Dangerous Petroleum Anchorage* – A vessel having dangerous petroleum on board and having received permission from the Port Officer in writing may anchor within any of the following areas prefixed (E).
- vi. *Quarantine Anchorage* – A vessel which is required to proceed to a quarantine anchorage shall anchor within any of the following areas prefixed (F).

1. JESSELTON

(A) Within 3,000 feet of the F.R.G. light on the N.N.E. end of Government wharf in approximate position latitude $05^{\circ} 59' 51''$ N. Longitude $116^{\circ} 04' 30''$ E.

Vessels under 150 feet in length may anchor within this area, east of a line joining the F.R.G. light and Gueritz shoal light beacon.

(B) To the eastward of a line drawn in a 172° direction from Grieve Reef Beacon.

(C) Within a line drawn from a position in Latitude $06^{\circ} 01' 21''$ N. Longitude $116^{\circ} 05' 45''$ E. thence in a 360° direction for 6.5 cables thence in a 270° direction for 10 cables thence in 180° direction for 6.5 cables thence in a 090° direction for 10 cables to the starting point.

(D) Within a line drawn from a position in latitude $06^{\circ} 00' 42''$ N., Longitude $116^{\circ} 05' 45''$ E. thence in a 270° direction for 10 cables thence in a 360° direction for 6.5 cables thence in a 090° direction for 10 cables thence in a 18° direction for 6.5 cables to the starting point.

(E) Within an area bounded by a radius of 3 cables from a position in Latitude $06^{\circ} 01' 34''$ N., Longitude $116^{\circ} 03' 46''$ E.

2. KUDAT

(A) Within 3 cables of the Wharf light F.R.G. position Latitude $06^{\circ} 52' 53''$ N., Longitude $116^{\circ} 50' 41\frac{1}{2}''$ E.

(B) Within 3 cables of the Wharf light F.R.G. position Latitude $06^{\circ} 52' 53''$ N., Longitude $116^{\circ} 51' 41\frac{1}{2}''$ E.

(C) Any area not within 4,000 feet of the F.R.G. light as above nor within the approach fairway.

(D) Any area not within 3 cables of the Wharf light F.R.G. position Latitude $06^{\circ} 52' 53''$ N., Longitude $116^{\circ} 50' 41\frac{1}{2}''$ E.

(E) As directed by the Port Officer.

(F) As directed by the Port Officer.

3. LABUAN

(A) So as not to swing within 1,700 feet from the S.E. dolphin on Liberty Wharf; nor within 600 feet of any other wharf or landing place.

(B) (i) Within an area bounded by a line drawn from the F.R.G. light on Liberty Wharf in a direction of 180° for 1,700 feet thence in 331° direction to the shore in vicinity of L.C.T. Hard.

(ii) Within a radius of 800 feet of Ramsay Point Oil jetty.

(C) Within a line drawn from Enoe Beacon to Harbour Shoal Beacon thence in a 090° direction of six cables thence in a 180° direction until it joins the line between the south-west point of Pappan Island and Enoe Beacon.

(D) Within a line drawn from Harbour Shoal Beacon in a 360° direction for 2,500 feet, thence in a 090° direction for 3,600 feet; thence in a 180° direction to join the northern boundary limit of the Explosive Anchorage.

(E) As directed by the Port Officer.

(F) Within a line drawn 090° six cables from Harbour Shoal Beacon thence south to Pappan Island. On the south by a line drawn between the south-west point of Pappan Island and Enoe Beacon. On the west by the eastern boundary limit of the Explosive Anchorage.

4. LAHAD DATU

(A) Within 1,000 feet of the wharf unless permitted by the Port Officer.

(B) Within 1,000 feet of the wharf unless permitted by the Port Officer.

(C) Any area not within 4,000 feet of the wharf light F.R.G. position Latitude $05^{\circ} 08'$

19° N., Longitude 118° 19' 57" E.; nor in the approach fairway.

- (D) Any area not within 1,000 feet of the wharf unless permitted by the Port Officer.
- (E) As directed by the Port Officer.
- (F) As directed by the Port Officer.

5. SANDAKAN

- (A) Within 2,000 feet of the wharf light F.R.G. position Latitude 5° 50' 17½" N. Longitude 118° 07' 10" E.
- (B) (i) Within a radius of 5 cables from the F.R.G. light in (A) above.

(ii) Within the area specified in (E) below.
- (C) Within an area from position Latitude 5° 49' 54" N. Longitude 118° 09' 18" E. thence 270° for 10 cables thence 221° for 9½ cables thence 090° to the shore.
- (D) Within an area from the south-west limit of (B) above thence 180° for 7 cables thence 090° to the shore.
- (E) Within a radius of 3 cables from the centre of the "T: head on Shell installation jetty.
- (F) Within an area from the north-west limit of (B) above. 041° for 9 cables thence 090° to the shore.
- (G) Within 5 cables of the wharf light in (A) above.

6. SEMPORNA

- (A) Within 1,000 feet of the wharf.
- (B) Within 1,000 feet of the wharf.
- (C) In the Trusan Treacher, South of the parallel Latitude 04° 30' 00" N., nor within the approach fairway.
- (D) Any area not within 1,000 feet of the wharf.
- (E) As directed by the Port Officer.
- (F) As directed by the Port Officer.

7. TAWAU

- (A) Within 2,000 feet of the Government wharf. Vessels under 100 feet may anchor within this area, on the inshore of the wharf subject to the discretion of the Port Officer.

(B) As (A) above.

(C) Within an area from position Latitude $04^{\circ} 13' 00''$ N., Longitude $117^{\circ} 51' 0''$ E. in a 090° direction distance 1 mile thence 180° distance 1 mile thence 270° distance 1 mile thence 360° direction distance 1 mile.

(D) Within an area from position Latitude $04^{\circ} 16' 0''$ N., Longitude $117^{\circ} 51' 0''$ E., in a 090° direction distance 1 mile thence 180° direction distance 1 mile, thence 270° direction distance 1 mile, thence 360° direction distance 1 mile.

(E) As directed by the Port Officer.

(F) Within an area from position Latitude $4^{\circ} 13' 30''$ N., Longitude $117^{\circ} 54' 0''$ E., in a 090° direction distance 1 mile thence 180° distance 1 mile, thence 270° distance 1 mile thence 360° direction distance 1 mile.

THIRD SCHEDULE
(Regulation 9)
SHIPPING ARRIVAL REPORT

TO THE PORT OFFICER

at(name of Port)

Name of vessel Nationality (Flag)

Port of Registry Master's Name

Net Tonnage Gross Tonnage

Date and Hour of arrival (Harbour Limits).....

Nature of Cargo	Tonnage of Cargo
.....
.....
.....

Transit Cargo on board

Mail for North Borneo bags.

Total number of crew (including Master)

Horse Power (NHP) Service speed of vessel knots

Names of Owners

Name of Consignees or AGENTS

First loading port and date of departure

Last port and date of departure

Passengers disembarking: Berthed Unberthed

Passengers in transit: Berthed Unberthed

Infectious or contagious disease on board

Dangerous Goods on board

Accidents to vessel on voyage

Weather experienced

Draft of vessel: Fore Aft Mean

Maximum loaded draft (summer)

N.B. Port Regulations on board?

CERTIFICATES	Issuing Authority	Date of expiry
Passenger Ship	Safety Certificates	
Passenger or Cargo Ship	Exemption Certificate	
(Safety Equipment Certificate		
(Radio Certificate		
(Load Line Certificate		
(Annual Load Line Survey due		
(Life saving appliances		
sufficient for persons		

Berthed at

Remarks

.....

.....

Date (Sgd.)

Master of Vessel.

FOURTH SCHEDULE

(Regulation 10)

LIST OF DOCUMENTS THAT THE PORT OFFICER MAY CALL UPON TO BE
PRODUCED ON ENTERING OR CLEARING OF VESSEL FROM THE PORTS OF
NORTH BORNEO

ALL VESSELS

Certificate of Registry or National Papers,
International Loadline Certificate,
Local Freeboard Certificate,
Articles of Agreement,
Official Log Book,
Deck Log Book,
Certificates of Competency of Master and Officers.
Charts used on voyage.

PASSENGER VESSELS

Passenger Certificate,
Safety Convention Certificate (either combined with or separate from Passenger
Certificate),
Similar Certificate, if applicable (either combined with or separate from Safety
Convention Certificate),
Convention Exemption Certificate; if applicable,
Pilgrim Ship Certificates A and B and Report A and B; if applicable.

NON-PASSENGER VESSELS

Convention Safety Certificate (if over 500 gross tons),
Life Saving Appliances and Lights Certificate (if under 500 tons or non-convention
countries),
Safety Convention Radio telegraphy certificate (if over 1,600 tons gross),
Safety Convention Radiotelephony Certificate (if between 500 – 1,000 tons gross),
Report of Radio Inspection (if Non-Convention countries),
Convention Exemption Certificate – if applicable,
Any other Certificate that the Port Officer may deem necessary to be produced.

FIFTH SCHEDULE
(Regulation 11)
SPECIAL SIGNALS

	BY DAY	BY NIGHT
1. Significance Immigration (for ships not carrying passengers)	International Code Signal "2 5"	Two green lights, six feet apart, hoisted vertically where best seen.
Immigration (for ships carrying passengers)	International Code Signal "3 4"	Two green lights, six feet apart, hoisted vertically where best seen.
Quarantine (Vessel is Healthy request pratigue)	Pratigue messages shall be communicated in accordance with International Sanitary Regulations	Pratigue messages shall be communicated in accordance with International Sanitary Regulations.
Quarantine (not received pratigue)	Pratigue messages shall be communicated in accordance with International Sanitary Regulations	Pratigue messages shall be communicated in accordance with International Sanitary Regulations.
Request Police Assistance	International Code Signal "S T"	A green over white light, six feet apart hoisted vertically where best seen.
Request Medical Assistance	International Code Signal "W"	A red light over a green light, six feet apart, hoisted vertically where best seen.

2. The master of every vessel, shall at the request of a Customs Officer cause the following signals to be hoisted –

By Day – International Code Signal "G".

By Night – A green light over a red light, six feet apart hoisted vertically where best seen.

SIXTH SCHEDULE
(Regulation 59)
BUOYS AND LIGHT DUES

Buoys and light dues payable by vessel shall be –

- (a) 15 cents per net registered ton subject to a minimum payment \$2.00 per port up to ten calls at that port or harbour during a calendar year and thereafter free; or
- (b) a fee for each calendar year or part of a year, of \$1.15 per net registered ton for each port or harbour; or
- (c) an aggregate fee for each calendar year or part of a year of \$7 per net registered ton for all ports and harbours payable at the first port of entry .

SEVENTH SCHEDULE
(Regulation 59)
PORTS AND HARBOUR DUES

Port and harbour dues payable by vessel shall be –

- (a) For every vessel either entering a port or harbour or having been constructed therein thence commissioned for service and for a maximum stay therein of thirty days thereafter, per gross registered ton of the vessel 5 cents
(Subject to a minimum payment of \$2.00)
- (b) For each day or part thereof after the first thirty days, per gross registered ton of the vessel 1 cent
\$1.00 per day)
(Subject to a minimum payment of)
- (c) Vessels under 100 gross registered tons may in lieu of payments under (a) and (b) above, pay an optional payment for each port or harbour per annum, per gross registered ton of the vessel \$1.00
\$5.00 per annum per port)
(Subject to a minimum payment of)
- (d) For every harbour craft plying for hire or reward, per gross registered ton per annum \$1.00
\$5.00 per annum)
(Subject to a minimum payment of)

EIGHTH SCHEDULE
(Regulation 59)
GENERAL PORT CHARGE

A general port charge in respect of all goods loaded and/or discharged at Labuan shall be payable as follows –

- (a) per ton or part thereof 25 cents
provided that where a vessel loads or discharges any goods from or into another vessel such charge will be levied on both vessels except in the case where such goods have been or become subject to the landing and/or shipping dues as provided in the Second Schedule to the Merchant shipping (Government Wharves) Regulations, 1961, the vessel paying such landing or shipping due may claim exemption from payment of the general port charge.

NINTH SCHEDULE
(Regulation 15)
RETURN IN RESPECT OF VESSELS OPERATING OFFSHORE

To the Port Officer
at (Name of Port)
Return in respect of fishing vessels for the month of
..... 19.....

NAME OF VESSEL OFFICIAL NO:
GROSS TONNAGE NET TONNAGE

ARRIVAL		DEPARTURE	
DATE	TIME	DATE	TIME

Dated at Jesselton, this 30th day of November, 1961.

M. PIKE
Clerk of Executive Council.

6th October 2008