

PORTS AND HARBOURS (FEES) REGULATIONS 2008

In exercise of the powers conferred by subsection 15(1) of the Ports and Harbours Enactment 2002 [No. 5 of 2002], the Minister makes the following regulations:

Citation and commencement

1. (1) These regulations may be cited as the Ports and Harbours (Fees) Regulations 2008.

(2) These Regulations come into operation on a date to be appointed by the Minister by notification in the *Gazette*. [1st June 2009]

Interpretation

2. In these Regulations, unless the context otherwise requires –

“Director” means the Director of the State Department of Ports and Harbours;

“Enactment” means the Ports and Harbours Enactment 2002 [No. 5 of 2002];

“GRT” means the Gross Registered Tonnage;

“port limits” means the ports and limits prescribed in regulation 3 of the Ports and Harbours (Ports, Harbours and Dues) Regulations 2008.

Payment of fees and charges

3. (1) The fees and charges as prescribed in the Schedule shall be payable in respect of the several purposes therein mentioned.

(2) The fees and charges payable under these Regulations shall –

(a) be payable to the Director;

(b) be subject to a surcharge of two per cent per calendar month being levied on the principal sum if such is not paid within thirty days from the date of invoice; and

(c) be subject to review by the Minister from time to time.

SCHEDULE
[Subregulation 3(1)]

PART I
PILOT LICENCE FEES

The licence fees are as follows:

pilot licence	...	...	...	...	...	RM200.00
renewal of pilot licence	...	...	...	...	...	RM200.00

PART II
PILOTAGE FEES AND CHARGES

Within port limits

1. Pilotage fees payable within any port limits -
 - (a) for a distance not exceeding five miles (to or from any wharf berth or anchorage) inclusive of a single wharf berthing or unberthing shall be as follows:

	GRT of vessel				RM
(i)	under 2,000	...	...	...	600.00
(ii)	2,000 and above but below 4,000	...	...	...	750.00
(iii)	4,000 and above but below 6,000	...	...	...	900.00
(iv)	for each additional GRT over 6,000	...	...	...	0.03

- (b) for a distance exceeding five miles, pilotage fees of one sen per GRT per mile shall be payable in addition to the fees in item (a).

Pilotage fees outside port limits

2. Pilotage fees payable outside port limits are as follows:

(i)	first mile	per GRT per mile (RM) 0.03
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(ii) thereafter 0.02

Other pilotage fees

3. (1) A minimum fee of half of the pilotage fees shall be paid when the services of a pilot are requested, whether or not his services are subsequently used.

(2) A detention fee of RM500.00 an hour will be charged if a pilot is delayed or detained beyond the period which would normally be required for the execution of his duties by reason of the vessel not being ready for movement or being delayed by weather or otherwise.

(3) An additional 50 per cent of the pilotage fees is charged if any pilotage services is performed between the hours of 18.00 and 06.00 or on any Sundays or gazetted Public Holidays.

Administrative charge for pilotage services

4. All private pilots and corporations licensed by the Director under the Ports and Harbours (Pilotage) Regulations 2008 shall pay an administrative charge of seven per cent of the pilotage fees for every movement.

PART III
TUG CHARGES

Charges for tug services

1. The charges for tug services shall be as follows:

(a) within port limits –

Charges

(i) for attendance upon any vessel for a period not exceeding one hour or for any other operation for a period not exceeding one hour RM0.10 per GRT with a minimum charge of RM2,000.00.

(ii) for every half an hour or part thereof in excess of one hour half the fee calculated in accordance with subitem (i) with a minimum charge of RM1,000.00.

- (iii) for every occasion on which an order for tug attendance is cancelled provided that the standby period does not exceed a period of half an hour half the fee calculated in accordance with subitem (i) with a minimum charge of RM800.00.
- (iv) for every additional period of half an hour or part thereof half the fee calculated in accordance with subitem (iii) with a minimum charge of RM500.00
- (v) an additional 50 per cent of tug charges is charged if any of the foregoing tug services is performed between the hours of 18.00 and 06.00 or on any Sundays or gazetted Public Holidays.

(b) Outside port limits –

Charges

- (i) for the towage of any vessel from the limits of one port to the limits of another port ... RM0.15 per GRT with a minimum charge of RM2,000.00.
- (ii) for the towage of any vessel from outside any port limits to a port, if the vessel is not considered a subject of salvage RM0.15 per GRT with a minimum charge of RM2,000.00.

(c) Other tug charges –

- for use of tug's towing hawsers (at tug's option) RM1,500.00

Administrative charges for tug services

2. All tugs operators appointed and permitted by the Director to carry out tug services shall pay to the Government of the State of Sabah an administrative charges of seven per cent of the charges of the tug services for every movement

PART IV
LAY-UP FEES AND CHARGES

1. The licence fee for lay-up shall be as follows:

		per licence (RM)
(a)	for agency services to laid-up anchorage ...	200.00
(b)	for ships/rigs care and maintenance services ...	200.00
(c)	for ships/rigs chandler or supplier ...	200.00
(d)	for underwater works (for inspections, maintenance and repairs)	200.00

2. The permit fee for lay-up shall be as follows:

		per permit (RM)
(a)	for each work boat to operate in laid-up anchorage ...	100.00
(b)	for each worker to work in a laid-up anchorage ...	20.00
(c)	for each watchman employed for each vessel in a laid-up anchorage ...	20.00

3. The laid-up charges shall be as follows:

		per gross ton per month (RM)
(a)	for first month ...	0.10
(b)	for subsequent months ...	0.02

PART V
MISCELLANEOUS FEES

1. Survey and inspection fees

Survey and inspection pursuant to the Enactment or any Regulations thereunder for which fees are not provided in these Regulations and any other Regulations under the Enactment shall be RM100.00 per hour.

2. Registration of shipping agency fees

Fees for registering a shipping agency relating to pilotage and towage of vessels which are not provided for in these Regulations and any other Regulations under the Enactment shall be RM200.00 per year.

Made this 24 November 2008.

DATUK RAYMOND TAN SHU KIAH,
Minister of Infrastructure Development.

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