

THE SARAWAK RIVERS ORDINANCE, 1993  
THE SARAWAK RIVERS (TRAFFIC) REGULATIONS, 1993

[Swk. L.N. 130/93]

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(Made under section 38)

In exercise of the powers conferred by section 38 of the Sarawak Rivers Ordinance, 1993 [*Cap. 4*], the Minister, with the approval of the Yang di-Pertua Negeri, has made the following Regulations:

PART I

INTRODUCTION

**Citation and commencement**

1. These Regulations may be cited as the **Sarawak Rivers (Traffic) Regulations, 1993**, and shall come into force on the 1st day of November, 1993.

**Interpretation**

2. In these Regulations—

“aids of navigation” means any light, beacon, buoy, structure, sign, flag, mark, device or object which is established or maintained to be used for the guidance of vessels in a river, and includes a vessel whose principal use is to provide an aid to other vessels but in the case of such a vessel other than a lightship it does not include any light, structure, or equipment which is part of that vessel, and includes markings established under regulation 55 for cables, pipelines and apparatus;

“anchorage area” means an area designated by the Controller under regulation 18 for the safe anchorage of vessels in a river;

“domestic shipping” shall have the same meaning assigned to that expression in section 65A of the Merchant Shipping Ordinance, 1952 [*F.M. Ord. 70/52*], of the Federation of Malaya;

“Enforcement Officer” means any officer authorized in writing by the Controller for the purpose of enforcing the provisions of the Ordinance and any subsidiary legislation made thereunder;

“fairway” means an open navigable passage used by vessels proceeding up and down a river;

“International Collision Regulations” means the International Regulations for Preventing Collisions at Sea 1972 as set out in the Schedule to the Merchant Shipping Collision Regulations) Order, 1984 [*P.U. (A) 438/84*], or any subsisting statutory modification thereof;

“licence” means—

(a) a licence issued under the Merchant Shipping Ordinance, 1960 [*Ord. No. 2/60*], or regulations made thereunder; or

(b) a licence issued by a Port Officer or a Certificate of Registry issued by the Registrar of Malaysian Ships under the Merchant Shipping Ordinance, 1952 [*F.M. Ord. 70/52*], of the Federation of Malaya;

“Marine Officer” means any officer of the Marine Department acting under the general or special authority of the Director of Marine;

“navigation light” means—

(a) lights which a power-driven vessel when under way or at anchor shall display in accordance with the International Collision Regulations; and

(b) such other lights which a vessel shall display as directed by the Controller;

“Ordinance” means the Sarawak Rivers Ordinance, 1993 [*Cap. 4*];

“owner” includes

(a) in relation to any vessel, the master or hirer; and

(b) in relation to any goods, a consignor, consignee, shipper, broker or agent;

“passenger landing terminal” includes any jetty, wharf, pier, or other structures approved by the Controller for the purpose of allowing passengers to embark onto and disembark from any vessel;

“Police Officer” means any member of the Royal Malaysia Police established under the Police Act 1967 [*Act 344*], and includes any member thereof attached to the Marine Police or any other bodies established or raised for police duties under the said Act;

“Port Authority” means an authority established under the Port Authorities Ordinance, 1961 [*Ord. No. 1/61*], or the Bintulu Port Authority Act 1981 [*Act 243*];

“port side” means the left side of the vessel when navigating in a river;

“power-driven vessel” means any vessel propelled by machinery;

“private” means owned by some person other than the Government of the Federation or of the State or a statutory body established by a Federal or State Law;

“Register” means the Register of vessels kept pursuant to section 16(1) of the Ordinance;

“river” means a river within the meaning of the Ordinance;

“river raft” means any non-propelling float or raft of timber logs or other logs, fish cages or other materials or objects tied together and being towed or pushed ahead in any river by a power-driven vessel from one place to another;

“safety equipment” means the equipment which a vessel is required under any written law to have on board for the safety of her crew, passenger and the vessel herself, and includes fire fighting equipment;

“speed limit” means the speed limit prescribed under regulation 10;

“starboard side” means that side which would be on the right side of the vessel when navigating in a river;

“underway” means that a vessel is not at anchor, or made fast to the shore, or ground;

“wharf” means any wharf, pier, harbour, jetty, or other structures on or abutting a river authorized by the Board for the loading or unloading of goods or passengers, and includes a private wharf.

## PART II

### REGULATION OF RIVERINE TRAFFIC

#### **Side of river to be taken**

3.—(1) Every vessel proceeding up or down the river shall, when it is safe and practicable, keep to that side of the fairway or mid-river which lies on the starboard side of such vessel.

(2) When two vessels, proceeding in opposite directions the one up and the other down the river, are approaching each other so as to involve risk of collision they shall pass port side to port side unless the special circumstances of the case made departure from this regulation necessary.

(3) Every vessel coming from one side of the river to the other side shall do so at a proper time having regard to vessels navigating up and down the river, and shall be navigated so as not to cause obstruction, injury or damage to any other vessel.

(4) A vessel shall not come into the fairway of the river from any of the tributaries or creeks at such a time and in such a manner as to hamper traffic passing up and down such fairway.

(5) When vessels proceeding in opposite directions are approaching each other they shall be kept on their proper sides, and if necessary speed shall be slackened, the vessels going against the tide in all cases giving way to the one going with the tide; and when vessels are approaching each other so as to involve risk of collision their wheels shall be put to starboard and if necessary their engines shall be stopped or reversed.

#### **Ferry boats**

4.—(1) Vessels plying as ferries when crossing directly from one side of the river towards the other side shall keep out of the way of vessels navigating up and down the river.

(2) Vessels navigable by oars and paddles and sailing vessels navigating in the river must avoid crossing the bows of an oncoming power-driven vessel when to do so would involve a risk of collision.

#### **Vessels to slacken speed when rounding sharp bends and when meeting sailing vessels, etc.**

5.—(1) Every vessel navigating against the tidal stream shall if necessary in order to avoid risk of collision ease her speed or stop on approaching or when rounding a point or sharp bends so as to allow any vessel navigating with the tidal stream to pass clear of her.

(2) When any vessel is approaching any sailing vessel or vessels in tow or navigable by oars or paddles proceeding in the opposite direction, the speed of such vessel shall, if necessary, be slackened when it is within 27 metres of, and until it shall have passed, such vessels.

#### **Navigation of vessel in unsafe or dangerous condition**

6. Vessels which are in an unsafe or dangerous condition, shall not be navigated in the port further than may be necessary to admit of their being unloaded or reaching some place where they may be repaired. Any unnecessary navigation of any such vessel shall for each day on which the same happens constitute a separate breach of this regulation.



**Vessels not to tow vessel in line or abreast nor rafts over a certain size**

7.—(1) A vessel shall not tow at one time, two or more vessels in line so that the stern of the hindmost vessel is distant more than 137 metres from the stern of the towing vessel, or two or more vessels abreast, or rafts exceeding 76 metres in length, and 12 metres in breadth.

(2) A vessel shall not tow at one time more than six keels, ferries or other boats.

**Vessels to be properly manned and a proper look-out to be kept**

8. Every vessel while underway shall be manned by a properly qualified master and a sufficient number of able bodied and experienced men, and shall during the day time have one person and during the night time, two persons, properly qualified stationed at the bow as a look-out, and to give notice in due time of any obstruction or danger.

**Goods not to be shipped or unshipped into or from craft without permission**

9. Goods shall not be shipped into or unshipped from any vessel while lying moored or anchored in any river from or into any craft without the permission of the Riverine Transport Officer.

**Speed limit**

10.—(1) No vessel when using any river or any part of a river shall exceed the speed limit prescribed by the Controller with the approval of the Minister by notification in the *Gazette*.

(2) Speed limit notices shall be displayed at various points along the river or in any passenger landing terminal or wharf.

**Movement of traffic**

11.—(1) All vessels while navigating or anchored or moored or berthed in any river, except those exempted under section 35(2) of the Ordinance, shall—

- (a) proceed with due caution and within the prescribed speed limit for vessels using the river;
- (b) observe and comply with the International Collision Regulations where nothing to the contrary is prescribed by these Regulations;
- (c) carry, use, display or comply with all the navigation lights, signs, sounds and warnings in accordance with these Regulations;

(d) sail or proceed abreast only if there is sufficient room in the navigable channel of a river and without causing inconvenience or danger to riverine traffic;

(e) not pass or overtake another moving vessel in the river, unless such passing or overtaking can be accomplished without causing danger to that vessel, other riverine traffic, aids to navigation or other property on the river; and the vessel desiring to overtake and pass a vessel ahead shall indicate this by two short blast from her whistle; if the vessel ahead accepts this signal she shall reply with one short blast and keep as far on the starboard side of the river as the person in charge thinks safe; the onus of passing is in any case on the overtaking vessel;

(f) not blow her whistle or siren, except to make the necessary signals as laid down in these Regulations; and

(g) comply with such directions as may be given from time to time by the Riverine Transport Officer, Marine Officer, Police Officer or Enforcement Officer.

(2) The master of every vessel shall obey any signal made to him by flag, sound or light from a preventive or police vessel, or any instructions given, by any Riverine Transport Officer, Marine Officer, Police Officer or Enforcement Officer from any vessel or place requiring him to stop, or heave to or to perform any other act.

(3) No vessel of any class or a specified class shall enter, lie or loiter in any river which the Controller, by notification published in the *Gazette*, has marked off and defined in notice boards set up by the Controller along the river, as being a part of the river in which no such vessel shall enter, lie or loiter.

(4) The owner or master of a vessel shall immediately notify the Controller of any damage caused by the vessel to any aids to navigation put up by the Board for the guidance of vessels in the rivers and shall be liable to pay the Board.

#### **Distress signals**

12.—(1) When a vessel in any river is in distress and requires assistance from other vessels or from the shore, the following shall be the signals to be used or displayed:

(a) a flag or any other suitable object waved in a circle;

(b) a flag having above or below it a ball or anything resembling a ball;

- (c) a light waved in a circle;
- (d) rockets or shells throwing red stars, fired one at a time at short intervals;
- (e) a luminous signal consisting of the group ... - - - ... (SOS) in Morse Code;
- (f) flames such as may be produced by burning tar or oil;
- (g) parachute flares or hand-held flares emitting a red light;
- (h) slow, repeated up-and-down movements of the arms extended on each side;
- (i) a continuous sounding with any fog-signalling apparatus;
- (j) a smoke signal giving off orange-coloured smoke;
- (k) a signal sent by radiotelephony consisting of the spoken word "Mayday";
- (l) the radiotelephone alarm signal;
- (m) signals transmitted by emergency position-indicating radio beacons; or
- (n) any approved signals transmitted by radio communication system.

(2) The use or display of any of the foregoing signals other than for the purpose of indicating that a vessel is in distress and in need for assistance is prohibited.

#### **Fog and bad visibility signals**

13. In fog, mist, heavy rainstorm or any other conditions similarly restricting visibility whether by day or night, the signals prescribed in this regulation shall be used as follows:

- (a) a vessel making way through the water shall sound at intervals of not more than 2 minutes a prolonged blast;
- (b) a vessel under way but stopped and making no way through the water shall sound at intervals of not more than 2 minutes 2 prolonged blasts with an interval of about 1 second between them;

(c) a vessel dropping up or down river with her anchor on the ground shall sound at intervals of not more than 2 minutes 2 prolonged blasts with an interval of 1 second between them;

(d) a vessel when towing shall sound at intervals of not more than 2 minutes 3 blasts in succession, 1 prolonged blast followed by 2 short blasts; a vessel towed may use this signal and she shall not give any other;

(e) a vessel under way which for any reason is not under command or which is unable to manoeuvre as required by these Regulations, shall sound at intervals of not more than 2 minutes 4 short blasts in rapid succession;

(f) a vessel when at anchor or moored in the fairway shall at intervals of not more than 1 minute ring the bell rapidly for about 5 seconds.

#### **Sailing vessels and vessels navigable by oars or paddles**

14.—(1) Sailing vessels and vessels navigable by oars or paddles crossing the river or fairway of any river shall do so with care and caution and in such a manner as not to endanger the safety of other vessels and causing such other vessels to change their course, direction or speed abruptly.

(2) All such vessels when not operating shall berth at such wharf as the Controller may approve or, if not berthed at any wharf, lie in an anchorage area or in such position in the river so as not to obstruct or endanger riverine traffic.

#### **Safety of vessels**

15.—(1) Every vessel using a river must have on board at all times the safety equipment and navigation lights.

(2) No vessel shall be loaded with goods or passengers beyond their maximum draught markings.

(3) Any vessel permitted or licensed to carry passengers shall not have on board more passengers than the number authorized by the vessel's permit or licence to carry.

#### **Damage by wash**

16. Every vessel shall, when underway in any river, be so navigated as not to involve risk of collision, and shall take all reasonable precautions to prevent damage being caused by her wash to any other vessel, person or property transported by water, and river banks.

### **Obstruction**

17.—(1) Subject to Parts III and VII of these Regulations, no vessel or river raft or plant, equipment and apparatus used for extraction of sand, road materials or prospecting of minerals or the execution of any works, shall anchor in or otherwise obstruct the fairway of any river or any wharf or passenger landing terminal.

(2) No fishing trap or trawling, or other net shall be cast or placed in any part of the river so as to be, or likely to become, an obstruction or danger to the navigation of any vessel.

(3) The Controller or any person authorized by him or a Marine Officer may, in order to prevent obstruction or impediments, whether fixed or floating, arising or being occasioned in the river, remove, or endeavour to remove, any sunken vessel, wreck, floating timber, drift craft, anchor or other obstructions which at any time impedes, or may impede navigation in any part of the river, or obstructs or may obstruct, the free approach to any wharf or anchorage or landing places; and the expense of removing or endeavouring to remove any such sunken vessel, wreck, floating timber, drifting craft, anchor or other obstructions shall be repaid by the owner of the same; and the Controller or any person authorized by him or a Marine Officer may detain such sunken vessel, wreck, floating timber, draft craft, anchor or other obstructions for securing the expenses, and, on non-payment of such expenses on demand, may sell such sunken vessel, wreck, floating timber, drift craft, anchor or other obstructions, and out of the proceeds of such sale, pay such expenses, rendering the overplus, if any, to the owner on demand, and in case such proceeds shall not defray the whole of the expenses incurred, the Controller may recover the same from the owner.

### **PART III**

#### **ANCHORING, MOORING AND BERTHING**

### **Anchorage**

18.—(1) The Controller shall designate by signs or moorings any area in a river where he considers it safe for vessels and river rafts to anchor, moor or berth (hereinafter referred to as “anchorage area”).

(2) No person shall anchor, moor or berth any vessel or river raft in any area outside an anchorage area, save in an emergency or in the case of an accident or grounding or for the purpose of manoeuvring or where the vessel or raft is unable to proceed because of poor tidal or weather conditions, in which case the master of the vessel shall at once, until the vessel is removed, exhibit lights and marks prescribed by the International Collision Regulations, and shall also immediately take steps to inform the Controller or Marine Officer.

- (3) Every vessel anchoring, mooring or berthing in any river shall—
- (a) when at anchor in an anchorage area, maintain continuously an efficient watch;
  - (b) when berthed at any wharf or passenger landing terminal be kept under surveillance by a person capable of compliance with any direction issued under regulation 11 (1) (g); and
  - (c) display such navigation lights, signs or warning as are prescribed in regulation 23.

**Loss of anchor, etc.**

19.—(1) The master of a vessel shall immediately report to the Controller or a Marine Officer the loss of any anchor or cable or obstruction caused by his vessel in any river and shall carry or otherwise adequately mark the position where such anchor or cable or obstruction is, and such report shall contain precise details of such position.

(2) If any person finds in the waters of any river any anchor or cable not connected to any vessel and without any apparent owner, he shall report his finding to the Riverine Transport Officer or Marine Officer.

(3) The Director of Marine shall deal with such anchor or cable as if it were a wreck and shall have such responsibility in regard thereto in his capacity as Receiver of Wreck under Part VII of the Merchant Shipping Ordinance, 1960 [*Ord. No. 2/60*].

**Discharge of goods and passengers**

20.—(1) All vessels shall, for purposes of loading or unloading of goods, or embarking or disembarking passengers, use the wharf or passenger landing terminal specified in the First Schedule or at such other wharf or place as may be authorized by the Board.

(2) There shall be erected and exhibited at each such wharf or passenger landing terminal a sign or signs depicting such information and particulars as may be directed by the Board.

(3) Without prejudice to the provisions of regulation 32, the Board may, in its discretion, suspend the use of any such wharf or passenger landing terminal for such period as may be notified by the Board.

[*Am. Swk. L.N. 56/95.*]

#### **Securing of vessel before discharge of goods and passengers**

21.—(1) Every vessel shall anchor or be sufficiently secured to a wharf or passenger landing terminal before discharging any goods or passengers.

(2) Unless otherwise directed by the Controller, the master of every vessel lying alongside a wharf or passenger landing terminal shall provide lighting and proper gangway with adequate stanchions and handrails, between his vessel and the wharf or passenger landing terminal. Such gangways shall be sufficiently lighted during the hours of sunset and sunrise.

#### **Responsibility of master of vessel**

22. The master of every vessel and the owner thereof shall generally responsible for—

(a) any insecure or improper mooring, anchoring or berthing of that vessel and for any damage caused by any defective or negligent mooring, anchoring or berthing or any faulty equipment or apparatus used in connection therewith; and

(b) the due compliance and performance of any of the provisions of these Regulations.

#### **Lights and signals**

23.—(1) All vessels, when anchored or moored or berthed in any river, shall display the navigation lights prescribed by the International Collision Regulations, unless the contrary is prescribed by these Regulations.

(2) All vessels with anchors so placed that they may be a danger to traffic in the river shall mark such anchors by a yellow float with a radar reflector.

(3) Any vessel at anchor with nets or poles extending from the vessel onto the river or with such nets or poles placed on the river near to the vessel shall have such nets or poles marked by yellow floats or flags in sufficient numbers to show their positions.

(4) Any vessel which is unable to manoeuvre shall, in addition to displaying the lights prescribed under paragraph (1), display a red light, visible from all directions and placed at a height of not less than three metres.

**Control of anchorage area, wharf, etc.**

24.—(1) The Controller may require any vessel, anchored at any anchorage area, to leave that area to facilitate the clearing or cleaning of a river, or if the area is required for the holding of a public event in the river or if the Controller deems it necessary, in the interest of safety or to avoid hazards or obstruction to riverine traffic, to require all vessels anchored there to leave the area.

(2) Any vessel which had completed loading or discharging of cargo or passenger in any wharf or passenger landing terminal shall leave the same if required to do so by any Riverine Transport Officer or any Enforcement Officer.

(3) The Board may, from time to time, issue such directions, as it deems fit or necessary, relating to the anchorage of vessels at any anchorage area and the use of any wharf or passenger landing terminal.

(4) Such directions issued by the Board shall be published in the *Gazette* and advertised in such manner as the Board may deem fit or appropriate.

**Wharf fees**

25.—(1) Any vessel calling on or berthing at a wharf or passenger landing terminal specified in the First Schedule shall be required to pay to the Board such fees as are prescribed in Part I of the Second Schedule.

(1A) The owner of a double decker vessel may, instead of paying the appropriate daily fee prescribed in item 1(a) to (e) of Part I of the Second Schedule, elect to pay the appropriate monthly fee prescribed in item 1(f) and (g) of Part I of the same Schedule.

*[Ins. Swk. L.N. 29/2000.]*

(2) Any vessel anchored at an anchorage area shall pay to the Board such fees as are prescribed in Part II of the Second Schedule.

(3) The class or type of vessels specified in Part III of the Second Schedule shall be exempted from payment of the fees prescribed in the Second Schedule.

(4) The fees provided in Part I of the Second Schedule shall not apply to private wharves.

(5) The Controller may tow away and detain any vessel which fails to pay or has defaulted in the payment to the Board of any fees specified in the Second Schedule: Provided that this power of detention shall not be exercised unless the amount owing by that vessel is in excess of five hundred ringgit.



(6) Any vessel so towed away or detained by the Controller shall not be released to its master or owner until the outstanding fees have been duly settled and the costs and expense incurred by the Controller in having the vessel towed away or detained have been duly paid: Provided always that such costs of towing away or of detention shall not exceed one thousand ringgit.

(7) Without prejudice to paragraphs (5) and (6), the Controller may refuse to permit any vessel which fails or had defaulted in the payment of any wharf fees to the Board, from using, calling on, berthing or coming alongside any wharf or passenger landing terminal specified in the First Schedule.

(8) The Controller may require the owner, master or agent of any vessel to furnish the Board with acceptable security for payment of wharf or passenger landing terminal fees.

(9) The Board and its officers shall not be liable for any damage caused to the vessel, goods or object in the course of towing away or while in the custody of the Board.

#### **Supply of fresh water to vessels**

26. The supply of fresh water to vessels at anchor in any river or berthing alongside a wharf or passenger landing terminal specified in the First Schedule may be arranged through the Controller. The charges payable are prescribed in Part IV of the Second Schedule.

#### **No obstruction to be placed to any inside passage or ferry**

27. Any craft, raft, boat, timber or other obstruction shall not lie, or be made fast, or moored between any vessels and the shore nearest to them, so as to prevent the free transit of any ferry boat or any other vessel, or in the rivers so as to form an obstruction to the approach to any public or private wharf or landing place (except while loading or unloading cargo, or landing or embarking passengers thereat, or while proceeding thereto, or lying alongside thereof for such purpose as aforesaid, or returning therefrom and with the previous consent in writing of the Riverine Transport Officer).

#### **Vessel not to remain at Government wharves more than two hours**

28. Vessels using Government wharves or landing places for the purpose of—

- (a) loading or unloading goods, shall not remain at such wharf or landing stage more than two hours; or

(b) landing or embarking passengers, shall not remain at such wharf or landing stage more than 30 minutes.

and shall, on the expiration of that time, be moved away, and while a vessel shall be thereat, another vessel shall not be placed, or be alongside of her.

#### PART IV

#### WHARVES

##### Wharves

29.—(1) Subject to the provisions of paragraphs (2) and (3), no wharf may be built, constructed or erected on or abutting any river, except on plans approved by the Controller and authorized by the Board.

(2) In relation to a wharf to be built, constructed or erected by any Port Authority, the Port Authority concerned shall notify the Board and seek the concurrence of the Board before proceeding with the building, construction or erection of such wharf.

(3) The provisions of regulations 30, 31 and 32 shall not apply to any wharf, built, constructed or erected by, or which is within the jurisdiction of, a Port Authority.

##### Application for authorization

30.—(1) Application for authorization to build, construct, erect, maintain or use a wharf shall be made by completing Form A in the Third Schedule.

##### *Form A*

(2) Such application shall be submitted together with—

(a) a certified true copy of the issue document of title or such other form of document prescribed under the Land Code *[Cap. 81 (1958 Ed.)]* to prove that the applicant is the registered owner of the land upon which the wharf is to be built or to use the land for the purpose of a wharf;

(b) a map or plan to show the location of the wharf;

(c) a complete set of engineering or structural plan prepared by a registered engineer for the wharf and if there are any building on the wharf, there shall also be submitted with such engineering or structural plans, an architectural plan for such building, prepared by a registered architect; and

(d) a processing fee of one hundred ringgit.

(3) The provisions of this regulation shall also apply to all existing private wharves.

**Authorization for wharf**

31.—(1) The Board on an application for authorization under regulation 30 shall have the power—

(a) to require that the application be appropriately amended or completed and resubmitted or that a fresh application be submitted in its place for reason of omission, error or incompleteness; or

(b) to refuse or grant the application subject to such terms and conditions as to the usage and maintenance thereof.

(2) Upon granting of such authorization, the Board shall cause to be issued to the applicant a Wharf Authorization Certificate as set out in Form B in the Third Schedule.

***Form B***

(3) In the absence of any provision to the contrary in the Wharf Authorization Certificate, no private wharf shall be used by vessels for the transportation of passengers for reward, without the written permission of the Board.

(4) The Controller shall maintain a register of all Government and private wharves authorized by the Board and such register shall contain the particulars as set out in Form C in the Third Schedule.

***Form C***

**Suspension and withdrawal**

32.—(1) The Board may, by notice, withdraw or suspend for such period of time as the Board deems fit, its authorization under regulation 30 for the use of any wharf if it is of the opinion that—

(a) the wharf is no longer safe or unfit for use by vessels for any purpose specified by the Board when authorization for its use is granted;

(b) the continued use of the wharf is not in the public interest or may cause erosion to the banks of the river at or in the vicinity where the wharf is situated;

(c) the continued use of the wharf would cause obstruction or danger to traffic on the river;

(d) there has been a breach of any of the terms or conditions stipulated in the Wharf Authorization Certificate by the Board for the use of the private wharf; or

(e) the land on which the wharf is built has been surrendered to or re-entered by the Government under the provisions of the Land Code [Cap. 81 (1958 Ed.)] or that the term stated in the issue document of title or any other document, issued by a Superintendent of Lands and Surveys for the land, has expired.

(2) Upon service of such notice, no vessel may use, anchor, berth, moor or draw alongside such wharf.

(3) Upon the withdrawal of the authorization for the use of the wharf, the owner thereof shall, within thirty (30) days from the date of service of such notice, demolish, dismantle or remove completely the wharf and all structures and materials thereon or affixed thereto.

(4) If the owner of such wharf fails to comply with the provision of paragraph (3), the Board shall, without prejudice to paragraph (5), be entitled to take steps to demolish or dismantle the wharf and charge the costs and expenses so incurred to the owner thereof. Such costs and expenses shall be recoverable as a civil debt from the owner.

(5) If the owner of a wharf contravenes any of the provisions of this regulation, or uses or permits the use of any wharf for anchoring, mooring or berthing of any vessel or for embarking or disembarking passengers or for loading or unloading of goods after service of any such notice, he shall be guilty of an offence: Penalty, imprisonment for two years and a fine of two thousand and five hundred ringgit.

(6) Any person aggrieved with the decision of the Board made under this regulation may, in conformity with section 10(9) of the Ordinance, appeal against such decision to the Minister within fourteen (14) days when the decision is conveyed to him. The decision of the Minister shall be final and shall not be questioned or challenged in any court of law.

(7) Service of the notice referred to in paragraph (1) may be effected by delivering it to the owner personally or, if his address is known, by sending it by registered mail at his last known address, or, in any other case, in such manner as the Board deems fit.

## PART V

### PERMITS FOR RIVERINE TRANSPORT

#### Application for permit

33.—(1) The owner of any vessel, who wishes to obtain a permit for the purposes of hire or trade or carriage of passengers and goods for reward, shall apply to the Board in Form D in the Third Schedule together with the documents specified in that Form.

*Form D*

(2) The application under paragraph (1) shall be accompanied by a registration fee of ten ringgit.

#### Classes of vessels

34. For the purposes of registration, vessels shall be divided into three classes

1st Class: Vessels of 15 tonnes burden and upwards;

2nd Class: Vessels of less than 15 tonnes burden, navigated otherwise than by oars, paddles or poles only;

3rd Class: Outboard motors and launches.

#### Prerequisites for granting of permits

35.—(1) The Board shall not issue any permit to any vessel unless the Board is satisfied that—

(a) the vessel has a valid licence;

(b) the vessel is engaged in domestic shipping and is licensed under Part IIB of the Merchant Shipping Ordinance, 1952 [*F.M. Ord. 70/52*], of the Federation of Malaya;

(c) the vessel has on board all the requisite safety equipment and navigation lights;

(d) the vessel has a policy of insurance acceptable to the Board covering all passengers or goods to be carried on board the vessel;

(e) the vessel is of a type or class, the use of which is not likely to cause hazards to other riverine users or property on the rivers or cause substantial erosion to the banks or beds of the rivers;

(f) the vessel is not likely to be used for any activity that would cause damage or substantial risks to aquatic, marine or plant life or resources in the rivers; and

(g) the master or owner of the vessel shall furnish such other particulars and information as may be required by the Board.

(2) The Board may, with the approval of the Minister, waive any or all of the conditions set out in paragraph (1).

#### **Register of vessels**

36.—(1) On receipt of the application and the registration fee as prescribed under regulation 33(2), the Board or any officer designated by the Board for that purpose shall, if satisfied after inspecting the vessel that the requirements of regulation 35 and section 17 of the Ordinance have been complied with, register her in the Register of Vessels as set out in Form E in the Third Schedule.

#### ***Form E***

(2) The Register shall be open for inspection by the public during such times as may be determined by the Controller.

(3) Any person who wishes to inspect the Register shall pay to the Controller an inspection fee of three ringgit.

#### **Registration and permit**

37.—(1) On registration of the vessel the Board shall issue to the applicant a permit as set out in Form F in the Third Schedule, upon payment of the prescribed permit fee as set out in Part V of the Second Schedule.

#### ***Form F***

(2) The Board may stipulate in the permit conditions to be complied with by the vessel, its owner or master and such conditions may, in addition to the implied conditions stipulated in regulation 35(1), include

(a) the number of passengers that the vessel may carry on board the vessel;

(b) the nature of goods that the vessel shall or shall not be carried on board or that may be towed or pushed by the vessel;

(c) the rivers or any part of a river or the routes wherein the vessel shall or shall not ply or operate;

(d) the charges or maximum or minimum fare that the vessel may charge its passengers or the maximum amount of freight that the vessel may charge for each tonne or any part thereof of any cargo transported aboard;

(e) the times within which the vessel may operate in any river;

(f) if the vessel is to carry passengers for reward, a time table or schedule for operation as may be set out in an appendix to the permit;

(g) the wharves or places where the vessel may load or unload cargo, or the passenger landing terminals where passengers carried by the vessel may embark or disembark;

(h) the minimum number of crews on board the vessel;

(i) prohibition against sale on board the vessel of alcoholic drinks of whatever nature without the written approval of the Board; and

(j) such other conditions as the Board may deem necessary in the public interest, or for preventing uneconomic competition, or otherwise for the effective carrying out the purposes of these Regulations.

(3) The Board may from time to time cancel or vary any of the conditions attached to a permit issued under these Regulations.

(4) The grant of a permit under section 15 of the Ordinance and these Regulations shall not relieve the owner or master of the vessel thereof from complying with the provisions of any other written law in force in respect of merchant shipping.

(5) (a) Every permit issued shall, in conformity with section 15(4) of the Ordinance, commence on the day it is granted, and shall terminate on the 31st December following, unless otherwise stipulated by the Board in the permit.

(b) There shall be charged for every permit such fee as are prescribed in Part V of the Second Schedule.

(6) Every owner or master of every vessel in respect of which a permit has been issued by the Board shall ensure that the permit is carried on board the vessel at all times and shall, whenever required by the Controller, a Marine Officer, a Police Officer or an Enforcement Officer, produce the same for his inspection.

(7) If a permit issued by the Board has been lost, the Board upon being satisfied as to such loss shall on payment of the fee prescribed in Part V of the Second Schedule issue to him a duplicate permit and shall endorse thereon any particulars endorsed upon the original permit and the duplicate so issued shall have the same effect as the original.

### **Cancellation or suspension of permit**

38.—(1) The Board may, subject to section 6 of the Ordinance, cancel, withdraw or suspend for such period of time as it deems fit, any permit issued to any vessel, if the Board is of the opinion that—

(a) there has been a breach or failure to comply with any of the conditions stipulated in the permit;

(b) the vessel has been involved in any accident and suffered such damage as to render the vessel unsafe or unfit to be used for any purpose in the river;

(c) the owner or master has committed any offence prescribed under the Ordinance or any regulations made thereunder; or

(d) the vessel has been engaged in or used for any purpose that is declared unlawful or illegal under any written law.

(2) The owner of the vessel shall, upon service of the Order of the Board to cancel, withdraw or suspend the permit, deliver the permit immediately to the Controller who shall endorse on the permit the Order made by the Board and retain such permit: Provided that when the Order of suspension is subsequently revoked by the Board, the Controller shall forthwith return the permit to the owner of the vessel after endorsing thereon the Order revoking the suspension.

(3) Upon service of the Order of cancellation, withdrawal or suspension of the permit on the owner of the vessel, the vessel shall forthwith cease to carry out any of the activities which under the permit the vessel is entitled to carry out.

(4) (a) Service of the Order referred to in paragraph (2) may be effected by affixing the Order at any place in the wheel-house or main mast of the vessel and shall be deemed to be served at the time when such Order is so affixed.

(b) Where it is not possible to effect service in the manner set out above, the Order may be served by sending the same through registered mail addressed to the address of the owner of the vessel as stipulated in the permit and the same shall be deemed to be served on the day after the posting of the Order by registered mail.

### **Appeals**

39. Any person who—

(a) being an applicant for the grant of a permit is aggrieved by the decision of the Board on the application; or



(b) being the holder of a permit is aggrieved by the cancellation, withdrawal or suspension thereof,

may in conformity with section 10(9) of the Ordinance appeal in writing to the Minister, within fourteen (14) days of the date of such decision being communicated to him.

(2) The decision of the Minister on any appeal made to him under this regulation shall be final and shall not be questioned or challenged in any court of law.

**Change of name of vessel and ownership of vessel, etc.**

40.—(1) Every change in the name of the vessel or of the ownership or master of a vessel or any other particulars registered under these Regulations shall be reported to the Board in Form G in the Third Schedule.

**Form G**

(2) Upon receipt of the report together with the permit which is required to be amended and the fee prescribed in Part V of the Second Schedule, the Board shall make the necessary amendments to the register of vessels and the permit thereof.

**PART VI**

**PASSENGERS**

**Permit to carry passenger for reward**

41.—(1) No vessel shall be used for the carriage of passengers in any river for reward unless such vessel is registered and a permit is issued in accordance with section 15 of the Ordinance and these Regulations.

(2) A vessel shall be deemed to be carrying passengers for reward if that vessel is authorized under its licence to carry passengers.

*[Am. Swk. L.N. 29/2000.]*

**Provisions relating to passenger vessels**

42.—(1) It shall be the duty of the owner and master of every passenger vessel to ensure that his vessel complies with the provisions of Chapter 21 of Part IV of the Merchant Shipping Ordinance, 1960 *[Ord. No. 2/60]*, and regulations 20, 21 and 22.

(2) No person shall enter or be in any vessel—

(a) without a valid ticket or pass to show that he has paid the fares for the journey;

(b) who behaves in an unruly manner or is drunk or whose conduct is not conducive to the safety of the vessel or other passengers; or

(c) who is in possession of any dangerous weapon which has not been surrendered to the master of the vessel for safe custody.

(3) It shall be the duty of the master of the vessel to require such persons to leave the vessel before it departs from the passenger landing terminal.

#### **Prohibited activities on board vessels**

43. The owner or master of any vessel to which the permit is issued by the Board under section 15 of the Ordinance and these Regulations shall not—

(a) sell, serve or provide or cause or permit to be sold, served or provided on board such vessel any alcoholic drinks without the written approval of the Controller;

(b) screen or show any pornographic or obscene film, movie or video tape; or

(c) permit smoking by any person except in such areas in the vessel as may be approved by the Controller.

### **PART VII**

#### **RIVER RAFTS, LOG PONDS AND CHECKING STATIONS**

##### **River raft and log ponds**

44.—(1) Subject to regulation 18(2) and to any directions of the Controller, no river raft may be moored, beached or allowed to berth in any place in the river or wharf except at such places as may be approved by the Controller.

(2) No log pond or area along any river or at any river bank shall be established or be used for the storage or assembly of timber logs or other timber products except with the written approval of the Controller.

(3) Application for such approval shall be made in Form H in the Third Schedule together with a fee of twenty ringgit.

**Form H**

(4) Approval for the establishment of a log pond or a storage place on the river for timber logs may be given by the Controller in Form I in the Third Schedule.

**Form I**

### **Loose timber**

45. The floating of loose logs on any river is prohibited.

### **Movement of river rafts**

46.—(1) When moored or under way, every river raft shall, between sunset and sunrise, exhibit all round white lights not less than two metres above the water at each end and visible in clear weather at a distance of one kilometre and if such rafts exceed twenty metres in length, an additional white light shall be borne at the middle thereof.

(2) When any river raft is moored or under way in daylight red flags of not less than one and a half metre square shall be carried and displayed in lieu of the white lights.

(3) Every power-driven vessel used in the towing of river rafts shall be of sufficient horse-power to hold her tow in control in all sections of the river and under all tidal conditions.

### **Records of logs towed or carried by vessel**

47.—(1) The master of every vessel which is being used for the towing or carrying of timber logs shall keep proper and accurate records of—

(a) the quantity of logs originally towed or carried by the vessel and the quantity of logs which has been or will be discharged, delivered or transmitted to a log pond, vessel or other places;

(b) the name of the person, place, vessel or location of the premises to whom and where such logs were delivered;

(c) the quantity of logs lost during transit and, where possible, the location of such loss;

(d) the particulars of Forest Produce Removal Passes issued by the Department of Forests or other documents as evidence that royalty, premia, cess and other dues chargeable on such logs have been paid or assessed for payment and that such logs may be exported; and

(e) if the timber logs towed or carried are to be exported or transported from Sarawak, the particulars of the vessel intended to ship the logs out of the State, the estimated time of loading of the logs onto such vessel and the location for loading of such logs.

(2) The particulars required under paragraph (1) shall be entered in a log book approved by the Controller.

(3) Such log book shall be kept on board the vessel.

(4) Any alteration or erasure of any entry made in a log book shall be initialled by the master of the vessel at the time when such alteration or erasure is made.

(5) Any person who defaces, tampers with or destroys any log book or any entry or pages thereof shall be guilty of an offence: Penalty, a fine of two thousand ringgit and imprisonment for eighteen months.

(6) Any master of a vessel who enters or causes to be entered into a log book required to be kept under this regulation which is false shall be guilty of an offence: Penalty, a fine of three thousand ringgit and imprisonment for two years.

(7) The Controller or any person authorized by him in writing may at any time inspect or take copies of any entry in such log book and that such inspection may take place at such checking station or place as may be designated by the Controller under regulation 49.

(8) Where all the pages of a log book has been completely used up, the log book shall be kept with the master or owner of the vessel and shall not be destroyed without the written permission of the Controller. The Controller may by notice to the master or owner of the vessel require such a log book to be delivered to him for custody or retention.

#### **Loss of timber logs**

48. The master of any vessel towing river rafts shall immediately report to the Controller the loss of any timber logs while proceeding along the river.

#### **Checking stations**

49.—(1) The Controller shall, in consultation with the Director of Forests, designate such place, station or premises on any river for the inspection of timber logs and the log book required to be carried on board under regulation 47(3), and shall ensure that the master of the vessel complies with the provisions of this Part.

(2) Such inspection may be carried out by any person authorized by the Controller or any officer of the Department of Forests duly authorized in writing by the Director of Forests.

PART VIII  
EXCAVATION AND OTHER WORKS OR  
ACTIVITIES ON RIVERS

**Works and activities carried out on rivers**

50.—(1) Any person who—

- (a) has been licensed under the Land Code [*Cap. 81 (1958 Ed.)*] to extract sand or rock materials;
- (b) has been licensed under the Mining Ordinance \**[Cap. 83 (1958 Ed.)]* to prospect for minerals;
- (c) desires to set up fish trap, stacks or any fishing devices or appliances; or
- (d) wishes to undertake any dredging operation, construction, civil engineering or other similar works (hereinafter referred to as “engineering works”),

in any river, shall, prior to the commencement of any activities referred to above, notify the Controller in writing of the precise location in the river where he intends to carry out such activities and the approximate duration required for carrying out the same.

(2) All vessels used for such activities shall display the lights, signs or warnings and all plants, equipment, platform and other apparatus shall have such lights, signs or warnings as the Controller may direct.

(3) At the request of the Controller, the person undertaking such activities shall forthwith furnish to him certified copies of any licence or authority issued under any written law to enable him to undertake the same.

**No obstructions to other riverine users**

51.—(1) The undertaking of any extraction, prospecting, fishing activities or engineering works in any river shall not obstruct or endanger riverine traffic.

(2) Where, in the opinion of the Controller, the undertaking of any extraction, prospecting, fishing activities or engineering works obstructs or endangers riverine traffic, he may direct the person responsible for such undertaking either to suspend such undertaking for such period of time or during certain hours of the day, or to move or shift any of his vessel, plant, equipment, platform or other apparatus to such position so as to remove such obstruction or danger.

\*

*Now see also the Minerals Ordinance, 2004 [Cap. 56].*

(3) Any costs or expenses incurred in complying with the direction of the Controller shall be borne by the person responsible for such undertaking.

#### **Works at night**

52. No extraction, prospecting, fishing activities or engineering works shall be carried out in any river between the hours of sunset and sunrise, without the prior written approval of the Controller.

#### **Records**

53.—(1) The persons undertaking any extraction, prospecting, fishing activities or engineering works in a river shall furnish to the Controller on demand records of the quantity of any sand, rock materials, earth or other substances excavated or removed from the river.

(2) If any records furnished pursuant to paragraph (1) shall contain any figure, particular or statement which is false, the person furnishing such records shall be guilty of an offence: Penalty, a fine of two thousand ringgit and imprisonment for two years.

#### **Cables and pipelines**

54. No person shall lay, construct or place any cable, pipeline or apparatus across or in any river without the prior written approval of the Controller.

(2) Every application for such approval shall be made in Form J in the Third Schedule and shall be sent to the Controller together with a plan showing the precise location of the cable, pipeline or apparatus in the river together with a processing fee of twenty ringgit.

**Form J**

*[Am. Swk. L.N. 32/97.]*

(3) The Controller may require any person laying the cable, pipeline or apparatus to remove, replace or alter the position of any cable, pipeline or apparatus if he is of the opinion that such cable, pipeline or apparatus is causing obstruction to traffic in the river or which constitutes a danger to such traffic.

#### **Markings**

55. It shall be the duty of the person who lays, constructs or places the cable, pipeline or apparatus which is below the level of water even at low tide or in the river bed, to clearly mark their precise position by the use of buoys, boards, flags, or other types of markings approved by the Controller.

**Alteration of position of cable, etc.**

56.—(1) No person may, without the prior approval of the Controller, alter, shift or remove the position of any cable, pipeline or apparatus once they have been laid or constructed.

(2) Where there has been any alteration or change in the position of such cable, pipeline or apparatus, a plan showing their new position must be submitted to the Controller within seven days from the date when such change or alteration is effected.

**Damage to cable, etc.**

57.—(1) Any person who damages, accidentally or otherwise, any cable, pipeline or apparatus laid, constructed or placed across or in any river shall forthwith notify the Controller of such damage.

(2) Upon receipt of such notification, the Controller shall inform the owner of such cable, pipeline or apparatus as indicated in the application under regulation 54(2).

(3) The owner shall take immediate steps to repair, replace or remove the damaged cable, pipeline or apparatus and may charge or recover the costs, expenses and loss thereby incurred from the person causing or responsible for the damage.

**Vessel lost or sank in river**

58.—(1) Without prejudice to Part VIII of the Merchant Shipping Ordinance, 1960 [Ord. No. 2/60], it shall be the duty of the owner or master or any crew member of a vessel lost or sank or stranded in any river, to forthwith notify the Controller of such loss, sinking or stranding and the precise location where the loss, sinking or stranding occurred.

(2) It shall be the duty of the owner, master or any crew member of the vessel which has sank or grounded to mark the position of the vessel by placing—

(a) a flag with red upper half and white lower half, or two flags flown one above the other, the upper flag being red and the lower flag white, on the side or sides of the river channel which is clear; and

(b) a red flag on the side where the river channel is not clear or obstructed by the sunken or grounded vessel.

**Controller to be notified of salvage of vessel**

59. The Controller shall be notified in writing of any action which is to be taken to salvage or refloat a sunken or grounded vessel.

#### **Controller to notify public of loss of vessel in rivers**

60. It shall be the duty of the Controller to notify all riverine users and the general public of the hazards resulting from the loss, sinking or stranding of any vessel in the river.

#### **Water sports**

61.—(1) Water skiing, racing of speed boats or other form of water sports in a river shall not be undertaken without the written approval of the Controller, and only permitted—

- (a) during daylight;
- (b) in areas and during times where visibility is greater than two hundred metres; and
- (c) where no danger or obstruction is caused to riverine traffic.

(2) Underwater diving for sports or pleasure in any river is prohibited unless approved by the Controller.

### **PART IX MISCELLANEOUS**

#### **Wharf working hours and overtime**

61A.—(1) Except on Sundays and prescribed Public Holidays, the official working hours at the Board's wharves shall be as follows:

- (a) Monday to Thursday :

8.00	a.m.	—	12.45	p.m.
2.00	p.m.	—	4.15	p.m.
- (b) Friday :

8.00	a.m.	—	11.30	p.m.
2.30	p.m.	—	4.45	p.m.
- (c) Saturday :

8.00	a.m.	—	12.45	p.m.
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(2) Where the services of any staff of the Board are required by any wharf user outside the hours specified in paragraph (1), overtime charges at the rate of RM6.00 per man hour or part thereof shall be payable to the Board.



(3) The provision of such services outside the hours specified in paragraph (1) shall be worked solely at the discretion of the Controller or the Riverine Transport Officer in-charge of the wharf concerned.

*[Ins./Swk. L.N. 32/97.]*

#### **Storage of goods**

61B.—(1) Goods may be placed on storage in any wharf or premises of the Board on receipt of instructions from a vessel's owner or agent, or from a consignee or his agent if—

- (a) storage space is available; and
- (b) on payment of the charges prescribed in Part VI of the Second Schedule.

(2) The Board shall not be bound to find storage space for any goods within its wharves or premises, and after notification to the owner or his agent of the goods concerned that accommodation for such goods is not available, any Riverine Transport Officer may order the owner or agent of such goods to make his own arrangements for storage of such goods, failing which, the goods may be removed by the Board at the expense of the owner thereof.

(3) The Board reserves the right to refuse for storage, the following goods:

- (a) articles of unusual length, bulk or weight;
- (b) articles improperly, insecurely or insufficiently packed, which are consequently liable to loss or damage;
- (c) fragile or brittle goods;
- (d) dangerous, hazardous or offensive goods; or
- (e) any wild animal or any large animal.

(4) The Board shall not be responsible for any loss or damage that may accrue from whatsoever cause or reason to any goods placed or kept at any of its wharves or premises unless such loss or damage has been caused by the negligence or misconduct of any officer or servant of the Board.

(5) Any goods which are left unclaimed for a period exceeding thirty days after its arrival at the wharf may be removed or disposed of by the Board without prior notice to the owner or agent of such goods and no claim in respect thereof shall be entertained thereafter.

*[Ins. Swk. L.N. 32/97.]*

#### **Vehicle pass**

61C.—(1) No person shall drive a motor vehicle into any designated area of a wharf save under and in accordance with the terms and conditions of a pass issued by the Controller.

(2) The fee for a pass shall be one hundred ringgit per year or part thereof.

(3) Where a pass has been lost, destroyed or defaced, a duplicate thereof may be issued at a fee of ten ringgit.

*[Ins. Swk. L.N. 32/97.]*

#### **Site inspection fee**

61D. Where the Board—

(a) is empowered under any provision of the Sarawak Rivers Ordinance, 1993 *[Cap. 4]*, or of these Regulations; or

(b) is required to assist any department or agency of the Government, and has to carry out a site inspection for purposes of any of the following:

(i) application for authorization to construct a private wharf;

(ii) application for approval to establish a log pond;

(iii) application under the Land Code *[Cap. 81 (1958 Ed.)]* for a licence to extract sand or rock materials in any river;

(iv) application under the \*Mining Ordinance *[Cap. 83 (1958 Ed.)]* to prospect for minerals in any river;

(v) undertaking of any dredging operation, construction, civil engineering work or other similar works in any river; or

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\* Now see also the Minerals Ordinance, 2004 *[Cap.56]*.

- (vi) laying of cables, pipelines or similar apparatus in any river,

a fee of six hundred fifty ringgit shall be payable to the Board by the person who applies for such authorization, approval or licence or who undertakes any such works or activities, as the case may be.

*[Ins. Swk. L.N. 32/97.]*

#### **General authority of Board over rivers**

62. The Board, with the approval of the Minister, may by Order declare any river closed for traffic for any class of vessels either for such period as the Board deems fit or permanently, if it is considered expedient and necessary—

- (a) to protect aquatic and marine lives in such river or any part thereof;
  - (b) to protect the economic activities of the inhabitants living along or in the vicinity of the river;
  - (c) to facilitate the dredging, cleaning or approved works or activities to be carried out in the river;
  - (d) to enable certain public functions or events to be held in the river;
- or
- (e) to prevent excessive erosion on the banks or beds thereof or damage to properties thereon.

#### **Order, etc., of the Board**

63.—(1) Any Order or declaration made by the Board under these Regulations shall be signed by the Controller on behalf of the Board and shall bear its official seal.

(2) All notices, directions or warnings required to be given by the Board shall be signed by the Controller on behalf of the Board.

#### **Controller to act on the directions of the Board**

64. In the exercise of any powers conferred on the Controller by these Regulations, the Controller shall act under the general directions of the Board.

#### **Right of entry**

65. For the purpose of enforcement of these Regulations, the Controller, any Riverine Transport Officer, Marine Officer, Police Officer or Enforcement Officer may board or enter any vessel and examine the vessel, or its cargo or inspect the crew, or order any vessel to stop or be diverted to any wharf or passenger landing terminal or issue such other directions as may be necessary to any vessel.

#### **General penalty**

66. Any person who—

(a) wilfully refuses or neglects to act or do anything in accordance with the directions of the Controller, Riverine Transport Officer, Marine Officer, Police Officer or Enforcement Officer; or

(b) contravenes or fails to comply with any of the provisions of these Regulations,

shall, where no specific penalty is provided in the Ordinance or these Regulations, be liable—

(A) in the case of a first offence, to a fine of two thousand ringgit; and

(B) in the case of a second or subsequent offence, to a fine of five thousand ringgit and imprisonment for two years.

#### **Parts IV, V and VII of the Merchant Shipping (Ports and Rivers) Regulations, 1961, shall cease to apply**

67. Upon the coming into force of these Regulations, Parts IV, V and VII of the Merchant Shipping (Ports and Rivers) Regulations, 1961 [G.N.S. 43/61], as extended to apply to vessels operating within the rivers of the State under section 38 (2) of the Ordinance, shall cease to apply in so far as they relate to the regulation of traffic, control of mooring, anchoring or berthing of vessels or the towing or beaching of floating timber or logs in Sarawak ports and rivers.

## FIRST SCHEDULE

(Regulation 20(1))

### WHARVES AND PASSENGER LANDING TERMINALS FOR LOADING OR DISCHARGE OF GOODS AND PASSENGERS

1. The following wharves and passenger landing terminals may be used by vessels for the loading or discharge of goods and passengers:

#### KUCHING DIVISION

- (1) Bunker and Lorna Doone Wharf, Gambier Road, Kuching
- (2) *[Deleted by Swk. L.N. 29/2000]*
- (3) Ban Hock Wharf at Java Street, Kuching
- (4) Bintawa Express Wharf, Bintawa
- (5) Sejingkat Wharf at Kampung Sejingkat
- (6) Muara Tebas Wharf at Kampung Muara Tebas
- (7) Lundu Wharf, Lundu Bazaar
- (8) Sematan Wharf, Sematan
- (8A) Sejingkat Terminal at Sejingkat Industrial Estate

*[Ins. Swk. L.N. 65/2003]*

#### SRI AMAN DIVISION

- (9) Commercial Wharf at Main Bazaar, Sri Aman
- (10) *[Deleted by Swk. L.N. 29/2000]*
- (11) R.C. Wharf at Betong
- (12) *[Deleted by Swk. L.N. 29/2000]*
- (13) *[Deleted by Swk. L.N. 29/2000]*

#### SIBU DIVISION

- (14) Fish Trawler Wharf at Btg. Igan, Sibu
- (15) Speed Boat Wharf at Sungai Lembangan, Sibu
- (16) Riverside Petrol Filling Pontoon at Sungai Lembangan, Sibu
- (17) R.C. Wharf at Sg. Antu, Sibu
- (18) Coastal Wharf, Jalan Maju, Sibu
- (19) R.C. Pontoon Wharf, Pulau Babi, Sibu
- (20) R.C. Pontoon Wharf, Temple Street, Sibu
- (21) Burong Apu R.C. Wharf, Sibu
- (22) R.C. Wharf at Kpg. Igan
- (23) R.C. Commercial Wharf at Balingian Bazaar, Balingian

- (24) Oya R.C. Wharf, Oya Bazaar, Oya
- (25) R.C. Pontoon Wharf, Dalat Bazaar, Dalat
- (26) Dalat Commercial Timber Wharf, Dalat Bazaar, Dalat
- (27) Coastal Wharf, Mukah Bazaar, Mukah
- (28) Timber Fisherman Wharf, Mukah Bazaar, Mukah
- (29) Commercial Wharf, Mukah Bazaar, Mukah
- (30) R.C. Pontoon Wharf, Kanowit Bazaar, Kanowit
- (31) New R.C. Wharf, Kanowit Bazaar, Kanowit
- (32) R.C. Jetty, Kanowit Bazaar, Kanowit

#### MIRI DIVISION

- (33) J.K.R. R.C. Wharf, Piasau Industrial Estate, Miri
- (34) Coastal Wharf, adjacent Miri Fish Market, Miri
- (35) Custom Wharf, near Miri Coastal Wharf, Miri
- (36) Express Wharf, Kuala Baram, Miri
- (37) Ferry Ramp, Kuala Baram, Baram
- (38) R.C. Wharf, Kuala Baram, Baram
- (39) Express Pontoon Wharf, Marudi
- (40) Commercial Wharf, Marudi
- (41) New R.C. Pontoon Wharf, Marudi
- (42) Custom Wharf, Marudi
- (43) *[Deleted by Swk. L.N. 29/2000]*
- (44) Wharf near Long Lama Bazaar, Long Lama

#### LIMBANG DIVISION

- (45) Limbang R.C. Wharf, Main Bazaar, Limbang
- (46) New Limbang Custom Wharf, Main Bazaar, Limbang
- (47) R.C. Commercial Wharf, Limbang
- (48) *[Deleted by Swk. L.N. 29/2000]*
- (49) Custom R.C. Pontoon, Main Bazaar, Limbang
- (50) R.C. Commercial Wharf, Lawas
- (51) New R.C. Custom Wharf, Lawas
- (52) R.C. Pontoon Wharf, Lawas

#### SARIKEI DIVISION

- (53) R.C. Coastal Wharf, Sg. Nyelong
- (54) R.C. Pontoon Wharf, Main Bazaar, Sarikei

- (55) R.C. Commercial Wharf, Main Bazaar, Sarikei
- (56) R.C. Pontoon Wharf Bintangor, Main Bazaar, Bintangor
- (57) R.C. Commercial Wharf, Main Bazaar, Bintangor
- (58) R.C. Wharf at Tanjung Manis
- (59) R.C. Commercial Wharf at New Town Extension, Sarikei
- (59A) New R.C. Coastal Pontoon Wharf, New Town Extension, Sarikei
- (59B) Express Boat Terminal, Tanjung Manis

[Ins. Swk. L.N. 29/2000.]

#### KAPIT DIVISION

- (60) Beleteh Wharf, Jalan Beleteh, Kapit
- (61) New Bazaar Wharf, New Bazaar Kapit, Kapit
- (62) Belaga Wharf, Town Square, Kapit
- (63) Sibu Wharf, Old Bazaar, Kapit
- (64) Long Boat Jetty, Kapit
- (65) R.C. Ramp Jalan Kubu, Kapit
- (66) Song R.C. Wharf, Song
- (67) R.C. Wharf, Belaga Bazaar, Belaga
- (67A) R.C. Ramp, Song

[Ins. Swk. L.N. 29/2000.]

#### BINTULU DIVISION

- (68) R.C. Commercial Wharf, Bintulu
- (69) R.C. Express Pontoon, Bintulu
- (70) R.C. Fisheries Wharf, Bintulu
- (71) R.C. Passenger Boats Ramp, Bintulu
- (72) R.C. Boats Ramp, Bintulu
- (73) J.K.R. Wharf at Kemena
- (74) R.C. Pontoon, Sebauh Bazaar, Sebauh
- (75) R.C. Wharf, Tubau
- (76) Belian Express Wharf, Tatau Old Bazaar, Tatau
- (77) R.C. Commercial Wharf, Tatau New Bazaar, Tatau
- (78) Kuala Tatau Commercial Wharf
- (79) BDA Wharf at Pasar Utama, Bintulu
- (80) BDA Wharf at Kemena Industrial Estate 1, Bintulu
- (81) R.C. Pontoon Wharf at Pekan Lama, Tatau
- (81A) R.C. Commercial Wharf, Sebauh
- (81B) Dermaga Konkrit, Kampung Jepak, Bintulu

[Ins. Swk. L.N. 29/2000.]

**SAMARAHAN DIVISION**

(82) Sebuyau R.C. Commercial Wharf, Main Bazaar, Sebuyau

(83) R.C. Fisheries Wharf, Sebuyau

[\[Sub. Swk. L.N. 32/97.\]](#)

2. All such wharves and passenger landing terminals shall be under the control of the Board which shall be responsible for their maintenance.

**SECOND SCHEDULE**

**FEES**

**PART I**

**FEES FOR WHARVES  
AND PASSENGER LANDING TERMINALS**

(Regulation 25 (1))

Any vessel calling on, berthing or moored at or alongside any of the wharves and passenger landing terminals shall pay to the Board the following fees:

1. USAGE OF WHARF

<i>Type of vessels</i>	<i>Fees</i>
(a) Vessel of 50 Gross Tonnage and below	RM10.00 for the first day or part thereof RM15.00 for the second day or part thereof RM25.00 for each subsequent day or part thereof
(b) Vessel of 51 to 100 Gross Tonnage	RM15.00 for the first day or part thereof RM25.00 for the second day or part thereof RM35.00 for each subsequent day or part thereof



(c)	Vessel of 101 to 200 Gross Tonnage	RM25.00 for the first day or part thereof RM40.00 for the second day or part thereof RM55.00 for each subsequent day or part thereof
(d)	Vessel of 201 to 300 Gross Tonnage	RM55.00 for the first day or part thereof RM75.00 for the second day or part thereof RM100.00 for each subsequent day or part thereof
(e)	Vessel of exceeding 300 Gross Tonnage	RM70.00 for the first day or part thereof RM90.00 for the second day or part thereof RM120.00 for each subsequent day or part thereof
(f)	Double decker vessel of 100 Gross Tonnage and below	RM300 per month
(g)	Double decker vessel of exceeding 100 Gross Tonnage	RM350 per month

[Ins. Swk. L.N. 29/2000]

## 2. USAGE OF PASSENGER LANDING TERMINALS

Type of vessels	Fees
(a) Vessel of 100 Gross Tonnage and below	RM1.50 for the first hour or part thereof RM3.00 for the second hour or part thereof RM5.00 for each subsequent hour or part thereof
(b) Vessel of exceeding 100 Gross Tonnage	RM7.00 for the first hour or part thereof RM10.00 for the second hour or part thereof RM12.00 for each subsequent hour or part thereof

[Sub. Swk. L.N. 32/97.]

PART II

**FEEES FOR ANCHORAGE AREA**

(Regulation 25(2))

<i>Type of vessels</i>	<i>Fees</i>
1. Vessels of 10 Gross Tonnage and below	RM2.00 per day or part thereof
2. Vessels of 11 to 100 Gross Tonnage	RM5.00 per day or part thereof
3. Vessels of 101 to 300 Gross Tonnage	RM10.00 per day or part thereof
4. Vessels of 301 to 500 Gross Tonnage	RM15.00 per day or part thereof
5. Vessels of 501 to 1000 Gross Tonnage	RM25.00 per day or part thereof
6. Vessels of 1001 to 5000 Gross Tonnage	RM50.00 per day or part thereof
7. Vessels of 5001 to 10,000 Gross Tonnage	RM75.00 per day or part thereof
8. Vessels of exceeding 10,000 Gross Tonnage	RM100.00 per day or part thereof

[Sub. Swk. L.N. 32/97.]

PART III

**EXEMPTION**

(Regulation 25(3))

The following types of vessels are exempted from payment of any fees prescribed in Parts I, II and V under this Schedule:

- (a) all vessels belonging or under charter to the State or Federal Government;
- (b) longboats not used for the carriage of passengers for reward;
- (c) fishing vessels, other than trawlers;
- (d) vessels navigable only by oars, paddies or poles; and
- (e) vessels specifically exempted by the Board.

PART IV

**CHARGES FOR SUPPLY OF FRESH WATER**

(Regulation 26)

Fresh water supplied via hydrant to vessels berthed alongside a wharf or passenger landing terminal specified in the First Schedule.

*Charges*

Actual water charges as levied by a Water Supply Authority plus a service charge of 50 sen per 1000 litres.

(A minimum service charge of RM20.00 shall be imposed)

[Am. Swk. L.N. 32/97.]

**PART V**  
**FEES FOR RIVER TRANSPORT PERMIT**

(Regulations 37(1) and 40(2))

	<i>Fees</i>
1. Issue or renewal of annual permit (per year or part thereof)	
(a) For vessels of 10 Gross Tonnage and below	RM 5.00
(b) For vessels of 11 to 50 Gross Tonnage	RM 15.00
(c) For vessels of 51 to 100 Gross Tonnage	RM 30.00
(d) For vessels of 101 to 200 Gross Tonnage	RM 50.00
(e) For vessels of 201 to 300 Gross Tonnage	RM 80.00
(f) For vessels of 301 to 500 Gross Tonnage	RM120.00
(g) For vessels exceeding 500 Gross Tonnage	RM160.00
2. Duplicate permit	RM 10.00
3. Change of name or alteration, of any other particulars in the permit	RM 15.00

*[Sub. Swk. L.N. 32/97.]*

**PART VI**  
**CHARGES FOR STORAGE OF GOODS**

(Regulation 61B)

<i>Type of charges</i>	<i>Rate</i>
	<i>(Rate chargeable is based on per tonne or cubic metre or part thereof, whichever is higher)</i>
(a) Cargo overtime charge	(i) Free storage for the first 48 hours exclusive of Sunday, Public Holiday and Saturday afternoon
	(ii) RM2.00 per day or part thereof, from the third to the seventh day
	(iii) RM3.00 per day or part thereof after the seventh day
(b) Container storage charge	<i>(Free storage for the first 24 hours exclusive of Sunday, Public Holiday and Saturday afternoon)</i>
(i) Without cargo	(i) RM4.00 per day or part thereof after the first day, for length up to 6 metres
	(ii) RM7.00 per day or part thereof after the first day, for length above 6 metres
(ii) With cargo	(i) RM10.00 per day or part thereof after the first day, for length up to 6 metres
	(ii) RM18.00 per day or part thereof after the first day, for length above 6 metres.

*[Ins. Swk. L.N. 32/97.]*

THIRD SCHEDULE

FORM A

(Regulation 30(1))

APPLICATION FOR AUTHORIZATION TO BUILD OR  
MAINTAIN WHARF

To: The Controller,  
Sarawak Rivers Board

(1) Name of Applicant .....

(2) Identity Card No. (if natural person): .....

OR

Certificate of Incorporation No.  
(if corporation or business firm): .....

(3) Address: .....

(4) Location where  
wharf is to be built  
or maintained  
(if existing wharf): .....

(5) Details of land  
where wharf is to be  
built or maintained  
(if existing wharf): .....

(6) Type of Vessels  
using the wharf: .....

(7) Use or intended use  
of the wharf: .....

(8) Whether approval has been given by other authorities, such as Lands and  
Surveys Department and Department of Customs and Excise for the use of  
the land as a wharf; if so, furnish particulars and copies of such approval:  
.....

(9) Any other relevant  
information or  
particulars: .....

Dated this ..... day of ....., 19 .....

Signature: .....

(Name of Applicant) (If natural person)

or

Name of officer signing for Applicant

(If corporation or business firm)

Note: This application form must, as required by regulation 30(2), be accompanied by the following documents:

- (a) a certified true copy of the issue document of title or such other form of document prescribed under the Land Code [*Cap. 81 (1958 Ed.)*] to prove that the applicant is the registered owner of the land upon which the wharf is to be built or to use the land for the purpose of a wharf;
- (b) a map or plan to show the location of the wharf;
- (c) a complete set of engineering, structural or architectural plan for the wharf; and
- (d) a processing fee of RM100.00.

**FORM B**

(Regulation 31(2))

**WHARF AUTHORIZATION CERTIFICATE**

This is to certify that .....  
of ..... is hereby  
authorized by the Sarawak Rivers Board to build/construct/erect/maintain/use\* a wharf as described in  
the Schedule below subject to the following terms and conditions—

- (1)
- (2)
- (3)

**SCHEDULE**

Locality: .....

Description of Land: .....

Type of Vessels using  
the wharf: .....

Use or intended use  
of the wharf: .....

Dated this ..... day of ....., 19 .....

.....  
Controller,  
Sarawak Rivers Board

Processing Fees: ..... paid vide ..... dated .....

\* Delete where inapplicable.

**FORM C**

(Regulation 31(4))

**REGISTER OF ALL WHARVES APPROVED BY BOARD**

(1) Name of Owner/ Operator of Wharf	(2) Location	(3) Description of Land	(4) Duration of Approval (if any)	(5) Type of Vessel to Call at Wharf	(6) Usage of Wharf	(7) Remarks
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**FORM D**

(Regulation 33(1))

**APPLICATION FOR RIVER TRANSPORT PERMIT**

To: The Controller,  
Sarawak Rivers Board

- (1) Name of Applicant .....
- (2) Name of Vessel: .....
- (3) Port of Registry of Vessel: .....
- (4) Particulars of Licence of Vessel—
- (a) Licence No: .....
- (b) Date of issue of Licence: .....
- (c) Date of Expiry of  
Licence (if any): 31st December, 20.....
- (d) Issuing Authority  
of Licence: .....
- (5) Gross Tonnage of Vessel: .....
- (6) Places or rivers where  
the Vessel intends to  
ply or operate: .....
- (7) Type of Vessel: (i) Goods
- (ii) Passenger  
(delete where inapplicable)
- (8) Particulars of Insurance Policy—
- (i) Name of Insurer: .....
- (ii) Date of Validity  
of Insurance: .....

- (iii) Extent/scope of coverage of insurance policy: .....
- (iv) Amount covered by policy: .....
- (9) For passenger vessel, state—
- (i) Fares the vessel intends to charge: .....
- (ii) Maximum number of passengers the vessel can carry: .....
- (iii) Type of safety equipment carried on board: .....
- (iv) Whether permission required to serve alcoholic drinks: .....
- (10) Any other relevant particulars: .....

Signature: .....

(Name of Applicant) (If natural person)  
or  
Name of Officer signing for Applicant  
(If corporation or business firm)

Note: This Application must be accompanied by:

- (i) a processing fee of RM10.00;
- (ii) certified true copy of Vessel's Licence, valid insurance certificate, list of safety equipment and navigation lights carried on board;
- (iii) full names and particulars of master and other crew members of the vessel;
- (iv) in case of corporation or firm, a list of all directors/shareholders/partners of the corporation or firm; and
- (v) such other documents as may be required by the Controller.

Sarawak LawNet



# FORM E

## REGISTER OF ALL VESSELS ISSUED WITH PERMITS BY SARAWAK RIVERS BOARD

(Regulation 36(1))

(1) Permit No.	(2) Name of Vessel	(3) Particulars of Licence of Vessel	(4) Name of Owner	(5) Name of Master	(6) Rivers or Places where vessel may ply or operate	(7) Whether Goods or Passenger Vessels	(8) Remarks
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# FORM F

(Regulation 37(1))

## RIVER TRANSPORT PERMIT

No. ....

This is to certify that .....  
(name of vessel)

owned by .....  
(owner of vessel)

is permitted to—

\*(a) transport goods and/or

\*(b) carry passengers for reward

for a period of ..... months from .....

to 31st December, 19 ..... and shall be entitled to operate  
and ply in the following rivers, viz.:

(a) .....

(b) .....

(c) .....

(d) .....

2. The vessel shall be entitled to \*load and unload goods/allow the embarkation or disembarkation  
of passengers at the following wharves or passenger landing terminals, viz.:

(a) .....

(b) .....

(c) .....

(d) .....

3. The maximum freight or fare which the vessel is entitled to charge shall be .....

\*4. The vessel shall adhere to the time table or schedule appended hereto, and shall not, without  
the approval of the Controller alter or change such time table or schedule, unless the vessel is  
prevented by weather or tidal condition or other reasons acceptable to the Controller from adhering to  
such time table or schedule.

5. The name of the master of the vessel is .....

\*6. This Permit has been renewed until .....

Dated this ..... day of ..... 19 .....

.....  
Controller,  
Sarawak Rivers Board

Processing Fees: ..... paid vide ..... date .....

\* Delete where inapplicable.

† To be completed if required.

**FORM G**

(Regulation 40(1))

**REPORT OF CHANGE OF NAME**

To: The Controller,  
Sarawak Rivers Board

I, ..... being the  
\*owner/master of ..... which is issued  
(name of vessel)

with Permit No. .... by the Sarawak Rivers Board  
hereby make report of change of the name of the owner/master to .....

2. A copy of the permit of the vessel is attached.

Signature .....  
Owner/master as stated  
in the permit

\* Delete where inapplicable

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**FOR OFFICIAL USE**

Date of Amendment: .....

Processing Fees: ..... paid vide ..... dated .....

**FORM H**

(Regulation 44(3))

**APPLICATION FOR ESTABLISHMENT OF LOG POND OR  
AREA FOR STORAGE OR ASSEMBLY OF TIMBER**

To: The Controller,  
Sarawak Rivers Board

- (1) Name of Applicant: .....
- (2) Identity Card No.  
OR  
Certificate of Incorporation or Registration No. (if corporation or  
business firm): .....
- (3) Details of Log Pond  
or Storage or  
Assembly Area for  
timber logs
- (i) Locality  
(state name of  
river and name  
of town/kampung  
or district): .....
- (ii) Capacity  
(volume of  
timber to be  
stored or  
assembled there): .....
- (iii) Particulars of  
title of land: .....
- (iv) Timber Concession  
Areas from which  
the logs stored or  
assembled originate: .....
- (v) Whether any  
building, shed or  
facility will be  
erected; if so,  
provide details: .....
- (4) Names of all parties, including timber licensee, contractors or  
sub-contractors using the log pond or timber storage/ assembling  
area: .....

Dated this ..... day of ....., 20 .....

Signature: .....

(  
Name of Applicant (if natural person)

or

Name of Officer signing on behalf of  
Applicant, if Applicant is a  
corporation or business firm.

Note: This application must be accompanied by:

- (a) a processing fee of RM20.00;
- (b) a copy of issue document of title, if any, for the land covered by this corporation;
- (c) where applicable, a copy of authorization from a Superintendent of Lands and Surveys certifying that the land is approved for storage or assembly of timber logs;
- (d) if required, a map or plan showing the location of the land;
- (e) if Applicant is not owner of the land, the written approval of the owner to use the land as storage or assembly of timber logs; and
- (f) such other documents as may be required by the Controller.

#### FORM I

(Regulation 44(4))

#### PERMIT FOR LOG POND OR STORAGE AREA FOR TIMBER LOGS

This is to certify that .....  
of ..... is hereby permitted by the  
Sarawak Rivers Board to establish a log pond at the area described in the Schedule below or to use the  
area so described in the Schedule below for the storage or assembly of timber logs from the following  
timber concession areas: .....

#### SCHEDULE

Locality: .....

Description of Land: .....

Size: .....

This permit shall expire on .....

Dated this ..... day of ....., 19 .....

.....  
Controller,  
Sarawak Rivers Board

Processing Fees: ..... paid vide ..... dated .....

**FORM J**

(Regulation 54(2))

**FORM FOR APPLICATION FOR APPROVAL FOR CABLE,  
PIPELINE AND OTHER APPARATUS IN ANY RIVER**

To: The Controller,  
Sarawak Rivers Board

- (1) Name of Applicant: .....
- (2) Address: .....
- (3) Precise location where pipeline, cable or apparatus is to be laid  
(plan to be attached): .....
- (4) Nature of the use for the pipeline, cable or apparatus: .....
- (5) State what steps are to be taken to maintain the pipeline, cable or apparatus  
After the same is laid: .....
- \*(6) If Applicant is not the owner of the cable, pipeline or apparatus, state:  
Name of owner: .....  
Address on which any notice relating to the cable, pipeline  
or apparatus is served: .....
- (7) Any other  
information: .....

Date: .....

\_\_\_\_\_  
*Name and signature of Applicant*

\* Unless this part is completed by the Applicant, he shall be deemed to be the owner of the cable,  
pipeline or apparatus and his address is the address for service of notice.

\_\_\_\_\_

Made by the Minister and approved by the Yang di-Pertua Negeri this 7th day  
of September, 1993.

**TAN SRI DATUK AMAR DR. WONG SOON KAI,**  
*Deputy Chief Minister and  
Minister for Infrastructure Development*