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PORT AUTHORITIES ORDINANCE, 1961
TANJUNG MANIS PORT AUTHORITY BY-LAWS, 2018

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PORT AUTHORITIES ORDINANCE, 1961
TANJUNG MANIS PORT AUTHORITY BY-LAWS, 2018
(Made under section 64(3))

In exercise of the powers conferred upon the Tanjung Manis Port Authority by section 64(3) of the Port Authorities Ordinance, 1961 [*Ord. No. 1/61*], the following By-laws have been made:

PART I
INTRODUCTION

Citation and commencement

1. These By-laws may be cited as the **Tanjung Manis Port Authority By-laws, 2018**, and shall be deemed to have come into force on the 1st day of April, 2013.

Interpretation

2. In these By-laws—

“anchorage area” means any area within the port limits as may be designated by the Authority from time to time for the anchorage of vessel;

“approved port operator” has the same meaning assigned to that expression under the Ordinance;

“Authority” means the Tanjung Manis Port Authority established under section 3 (1) of the Ordinance;

“Authority’s premises” means all immovable properties belonging to, occupied by or vested in the Authority and includes wharf, dock, pier, landing places and water limit under the control of the Authority;

“Authority’s wharf” or “wharf” means a quay, pier, jetty or other landing places and includes any wall or building adjoining the foreshore, seabed or river bed;

“day” means one calendar day from 0000 hours to 2400 hours;

“night” means the period from 1800 hours in one day to 0559 hours on the next day;

“Ordinance” means the Port Authorities Ordinance, 1961 [*Ord. No. 1/61*];

“port” means the Tanjung Manis Port within the limits declared under the Ordinance;

“port charges” means the charges that are prescribed in the Tanjung Manis Port Authority (Dues, Rates and Charges) Regulations, 2018 [*Swk. L.N. 30/2018*];

“port user” means the owner of vessels, goods or operators including their representatives, successors and permitted assigns of such persons, shippers or agents for the custody, shipping and landing of goods or any person transacting business or entered into a contractual obligation with the Authority or the approved port operator;

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

“vehicle” includes a carriage travelling on its own wheels or runners and used or intended to be used for the conveyance or carriage of persons, animals or goods.

PART II GENERAL

Tampering with Authority’s equipment

3. No person shall, without the approval of the Authority or the approved port operator, tamper with any machineries, water appliances, electrical fittings or power mains, or other fittings or equipments, on the Authority’s premises.

Nuisance

4. No person shall, within the Authority’s premises, commit any nuisance (including touting) or do any obscene or immoral act (including importuning for immoral purposes).

Offensive cargo

5.—(1) The Authority or the approved port operator may, with the consent of the State Director of Royal Customs Malaysia and after giving at least two hours’ notice to the owner or other person entitled to receive the goods, or, if the owner or consignee cannot be found, then without such notice, order the removal, and if necessary the destruction, of any cargo or matter of an offensive nature which may be landed or placed upon any part of the Authority’s premises.

(2) The cost of any such removal or destruction shall be charged to the owner or consignee and may be recovered as a civil debt.

Dogs

6. Every dog permitted to enter the Authority’s premises shall be kept on a leash while in those premises.

Animals

7.—(1) Every animal within the Authority's premises, or in any vessel alongside those premises, or when being embarked on or discharged from any such vessel, shall be treated in a humane manner and in accordance with veterinary practice.

(2) The Authority or the approved port operator may in its discretion refuse to land or ship any animal if such landing or shipping would in the opinion of the Authority or the approved port operator entail unnecessary suffering to the animal.

Spitting prohibited

8.—(1) No person shall spit within, upon, from or against any part of the Authority's premises.

(2) Any person continuing so to spit after having been requested to desist by a servant or agent of the Authority or the approved port operator may be removed from those premises by or under the direction of any such servant or agent.

Fishing and bathing

9. No person shall fish or bathe from or at any of the Authority's premises.

Advertising on the Authority's premises

10. No person shall, without having been previously authorized in writing to do so by the Authority or the approved port operator, advertise or cause any advertisement to be exhibited within the Authority's premises.

PART III**FIRE****Fire hydrants**

11. No vehicle of any description, nor any package, parcel or other obstruction shall be placed within two metres of any free fire hydrant.

Fire-fighting operations

12. No person shall, while within the Authority's premises, disobey any directions of the fire officer, port security officer or other person authorized in that behalf by the Authority or the approved port operator, or in any other way obstruct or interfere with any fire-fighting operations.

Power to exclude public in case of fire

13. The Authority or the approved port operator may, in the event of any outbreak of fire or an explosion, exclude the public from the vicinity of the fire and may close to the public such part of its premises as it may deem fit.

Vessels at Authority's wharf

14. Every vessel lying at any of the Authority's wharf shall take adequate preventive precautions to ensure that fire hazards, which might endanger any of the Authority's premises or property, do not arise from any work being carried out on board.

Fires on vessel

15.—(1) In the event of a fire occurring on board of any vessel while lying at any of the Authority's wharf, anchorage, jetty or pier, the master or person in charge of the vessel shall at once make the alarm signals for vessels on fire as prescribed in the Merchant Shipping Ordinance, 1960 [*Ord. No. 2/60*], and shall take such action as the master is capable of to extinguish or control the fire, and shall take all such steps as the Authority or the approved port operator may direct for the protection of the Authority's premises and properties.

(2) The master of any vessel on fire may request the assistance of the Authority or the approved port operator in combating the fire and the Authority or the approved port operator will, to the best of its ability, provide such assistance with its own equipment; and if the Authority or the approved port operator considers it can best protect its own premises or property it shall do so whether or not the master requests assistance.

(3) The cost of supplying such assistance, whether requested or not, shall be a charge on the vessel and shall be levied at the rates specified in the Tanjung Manis Port Authority (Dues, Rates and Charges) Regulations, 2018 [*Swk. L.N. 30/2018*].

Smoking, naked flames

16. No person shall smoke or carry or cause any naked flame in any part of the Authority's premises except in such places as smoking is expressly permitted by the Authority or the approved port operator by notice in writing.

Explosives and guns not to be discharged

17. No guns or firearms, except such as are necessary for such salutes as may be authorized under the Merchant Shipping Ordinance, 1960 [*Ord. No. 2/60*] and no explosives of any other nature (including rockets and flare lights), shall be fired from, or ignited on, any vessel lying at any of the Authority's wharf except when such vessel is in distress or in want of urgent assistance.

PART IV
SAFETY

Gangways

18. Every vessel using any of the Authority's wharf shall provide safe access or gangway and supply all necessary tackle for hoisting, lashing and securing any of the ship's gangway or Authority's gangways supplied for her use, and shall do all that is necessary to make such gangways securely fast and safe for users thereof, and shall provide safety netting and adequate lighting thereof between sunset and sunrise.

Safe means of access to holds for labour to be provided

19. The master of any vessel lying at any of the Authority's wharf shall be responsible for the provision of safe means of access to, and escape from, any hold or other part of the vessel to which it is necessary for any workman, officer or employee of the Authority or the approved port operator to enter.

Unattended vehicles

20. No mechanically propelled or driven vehicle on the Authority's premises shall be left unattended (except in a car park approved by the Authority or the approved port operator) or with the engine running, and no petrol or oil shall be allowed to leak from any such vehicle, nor shall any fuel tank be filled in those premises without the permission of the Authority or the approved port operator.

PART V
DANGEROUS GOODS, PENALTIES, *ETC.*

Definition

21. In this Part—

“IMDG Code” or “Code” means the latest edition of the International Maritime Dangerous Goods (IMDG) Code published by the International Maritime Organization.

“dangerous goods” means—

(a) goods specified in the First Schedule; and

(b) such other goods which are not specified in the First Schedule, but listed in the Code,

and includes empty containers, crates, boxes or receptacles used for the carriage, storage or keeping of dangerous goods unless they have been cleared and rendered safe;

“dangerous cargo anchorage” means an anchorage area within the limit of the port as designated in the navigational chart as approved by the Marine Department for the loading and unloading of explosives substances; and

“premises” in reference to the Authority, means any wharf, open yard, godown, warehouse, building or structure belonging to the Authority.

Inspection of IMDG Code

22.—(1) The Authority or the approved port operator shall maintain at its premises the latest edition of the Code for inspection by any port user.

(2) An extract of the Code either generated by photocopying thereof or by computer, may be obtained by or supplied to a port user upon payment of a sum to be determined by the Authority.

Classification of list of dangerous goods

23. For the purposes of these By-laws and all purposes connected with the transport, shipment, carriage, storage, handling and other dealings with dangerous goods, such goods may be grouped into such classes or divisions as the Authority or the approved port operator may deem fit or expedient, as set out in the First Schedule.

Compliance with this Part

24.—(1) No person shall ship, transport, load, discharge, store or otherwise deal with dangerous goods or caused to be shipped, transported, loaded, discharged, stored or otherwise dealt with such goods within the port limit under the jurisdiction of the Authority, except in accordance with the provisions of this Part and the provisions and requirements of the Code and any other written law in force for the time being.

(2) If any particular kind or description of dangerous goods are not specifically mentioned in the First Schedule or in the Code, the owner, master, agent or person in charge of the vessel or such goods shall notify the Authority or the approved port operator that goods of such kind or description are not mentioned in the First Schedule or the Code and shall thereafter comply with the direction of the Authority or the approved port operator with regard to the shipment, transport, handling or dealing of such goods.

(3) The provisions of this Part shall not apply to—

(a) dangerous goods forming part of the equipment or stores of a vessel on which they are carried provided the quantity of such goods are deemed by the Authority or the approved port operator to be reasonable or required for the operational needs or usage of the vessel;

(b) reasonable quantities of dangerous goods taken as samples for testing or examination to be conducted under any written law; and

(c) any vessel or person exempted specially by the Authority.

Conditions for berthing

25. No vessel carrying any dangerous goods shall berth alongside any Authority's wharf unless—

(a) such goods have been declared and described in the form prescribed in the Second Schedule;

(b) such goods have been packed, labelled, and stored strictly in accordance with the provisions or requirements of the Code; and

(c) permission in the form prescribed in the Third Schedule has been given by the Authority or the approved port operator.

Restrictions on night movements of vessels carrying Group I dangerous goods

26. No vessel carrying Group I dangerous goods shall be underway within the Port at night without the written permission of the Authority or the approved port operator:

Provided that—

(a) this by-law shall not prevent a vessel from entering the port to proceed to an explosive or such other anchorage area as may be approved by the Authority or the approved port operator;

(b) this by-law shall not apply to a vessel (other than a harbour craft) unberthing from an explosive anchorage or such anchorage area as may be approved by the Authority or the approved port operator.

Group I dangerous goods prohibited alongside Authority's wharf

27. No vessel containing Group I dangerous goods shall be berthed alongside the Authority's wharves except with the written permission of the Authority or the approved port operator and subject to such terms and conditions as it may deem fit to impose.

Anchoring and mooring

28.—(1) No vessel carrying Group I dangerous goods shall moor or anchor at any place other than at a designated explosives anchorage except with the written permission of the Authority or the approved port operator or for the purpose of obtaining quarantine or immigration clearance.

(2) No vessel, other than a vessel loading or discharging or intending to load or discharge or carrying dangerous goods, shall anchor or moor within a designated explosive anchorage.

Group II dangerous goods – direct delivery

29. Group II dangerous goods shall only be conveyed from a vessel to vessel or across such open wharves as shall have been authorized for that purpose in writing by the Authority or the approved port operator:

Provided that—

(a) such conveyance shall only take place in the course of direct transit of such dangerous goods from vessel to vessel or to a vehicle from a vessel or from a vehicle to a vessel; and

(b) such dangerous goods during such transit shall not without the written permission of the Authority or the approved port operator be deposited or stored at any time upon the premises.

Group III dangerous goods

30. Group III dangerous goods shall either be removed from the Authority’s premises with all convenient speed or stored at such place or places as may be authorized in writing for that purpose by the Authority or the approved port operator.

Landing or loading at authorized places

31. Subject to by-law 27, no Group I dangerous goods shall be loaded or discharged at any place other than an explosive anchorage or a wharf or place declared by the Authority from time to time as petroleum or dangerous goods landing place.

Restrictions on night loading or discharging of dangerous goods

32.—(1) No Group I dangerous goods shall be loaded or discharged within the Port at night without the written permission of the Authority or the approved port operator.

(2) No Group II dangerous goods other than goods contained in containers which are 6.1 metres or more in length equipped with corner castings to facilitate handling by mechanical equipment shall be loaded if discharged alongside any Authority’s wharf at night without the written permission of the Authority or the approved port operator.

(3) Notwithstanding paragraph (2), the Authority or the approved port operator may prohibit the loading or discharging of dangerous goods in such

containers at night if in its opinion it is not safe for such goods to be so loaded or discharged.

Discharging and loading of dangerous goods

33.—(1) Dangerous goods shall, unless otherwise directed by the Authority or the approved port operator, be discharged prior to the discharge of other goods on board any vessel berthed alongside the Authority's wharf.

(2) Dangerous goods shall, unless otherwise directed by the Authority or the approved port operator, be loaded on board such vessel, after the completion of all other loading operations.

Carriage of dangerous goods on passenger vessels

34. Unless permitted by the Authority or the approved port operator, no dangerous goods shall be loaded onto or carried on any vessel used for the carriage of passengers, and the Authority or the approved port operator shall not give such permission unless the goods are of the kind recommended by the Code for carriage on such vessel.

Defective packages

35. No package or receptacle, having dangerous goods, found to be damaged, defective or not packed or labelled in accordance with the provisions or requirements of the Code, shall be discharged onto or landed on any wharf or brought into any Authority's premises.

Conditions for storage

36.—(1) No dangerous goods shall be brought into the Authority's premises or allowed to pass over such premises, unless the Authority or the approved port operator is satisfied that the packing and labelling of such goods conform with the provisions and requirements of the Code and permission for such storage has been obtained from the Authority or the approved port operator.

(2) The Authority or the approved port operator may direct that such steps, as it may deem necessary, guard, remove, destroy or otherwise disposed of any dangerous goods stored or found in the Authority's premises and charge the costs or expenses thereby incurred to the owner, master, agent or person in charge of the vessel which brought the goods into the port or the owner or person entitled to such goods provided that before such action is taken, the Authority or the approved port operator shall notify any of the persons hereinabove referred to, if their identities or whereabouts are known to the Authority or the approved port operator.

Dangerous goods without declaration

37.—(1) The Authority or the approved port operator may permit dangerous goods which could not be immediately imported or exported for failure to comply with the requirements of other written laws, to be temporarily stored in any of the Authority's premises, designated by him, pending compliance with such laws, provided that the consignee or exporter, as the case may be, undertakes to pay special port charges or surcharge equivalent to twice the port charges or surcharge payable on such goods as prescribed in the Schedule of the Tanjung Manis Port Authority (Dues, Rates and Charges) Regulations, 2018 [*Swk. L.N. 30/2018*].

(2) Any permission given under paragraph (1) shall be subject to such terms and conditions as the Authority or the approved port operator may deem fit to impose.

Dangerous goods remaining on board

38. Dangerous goods may be permitted by the Authority or the approved port operator to remain on board a vessel alongside the wharves in the form as prescribed in the Third Schedule hereto:

Provided that—

(a) the goods are stored on the vessel in a place which is not accessible to unauthorized persons but is readily accessible in case of fire or accident and is effectively protected from damage and possible ignition by means satisfactory to the Authority or the approved port operator;

(b) the goods are barricaded off and are clear of the hatches so as to ensure safe cargo working;

(c) adequate precautionary arrangements, satisfactory to the Authority or the approved port authority, have been made for dealing promptly with any outbreak of fire or other danger;

(d) a competent watchman is placed in charge of any open hatch or consignment of deck cargo containing any dangerous goods from the time the vessel berths until the vessel is clear of the wharf; and

(e) the master of the vessel or his agent has signed and delivered an undertaking to comply with the provisions of this by-law.

Cautionary notices

39. No person shall cut, deface, damage or otherwise interfere with any cautionary notice which may be used in relation to any dangerous goods in the course of their unloading, loading, conveyance or storage.

Penalties

40. Any person who contravenes any of the provisions in this Part shall be guilty of an offence and shall, upon conviction, be punished with a fine of not exceeding ten thousand ringgit or imprisonment for a term not exceeding two years or to both:

Provided that the offence may be compounded in accordance with section 53A of the Ordinance.

Protection against suit and legal proceedings

41. No action shall be brought, instituted or maintained in any court against the Authority or the approved port operator, or any person acting for or on behalf of the Authority or the approved port operator either personally or in his official capacity for or on account of or in respect of any act directed or done by him or purporting to have been directed or done by him for the purpose of carrying into effect these By-laws, and no suit or prosecution shall lie in any court against any other persons for or on account of or in respect of any act done or purporting to have been done by him under the direction or instruction of the Authority or approved port operator for any such purpose as aforesaid:

Provided that the act of such person was done in good faith and in the reasonable belief that it was necessary for the purpose intended to be served by it and for the carrying out of the provisions of these By-laws.

*FIRST SCHEDULE*TANJUNG MANIS PORT AUTHORITY
CLASSIFICATION OF DANGEROUS GOODS

(By-law 21 (a))

The classifications in the International Maritime Dangerous Goods Code (“IMDG Code” or “Code”) are as follows:

- Class 1: Explosives Substances
- 1.1. Substances and articles which have a mass explosion hazard
 - 1.2. Substances and articles which have a projection hazard but not a mass explosion hazard
 - 1.3. Substances and articles which have a fire hazard and either a minor blast hazard or a minor projection hazard or both, but not a mass explosion hazard
 - 1.4. Substances and articles which present no significant hazard
 - 1.5. Extremely insensitive articles which do not have a mass explosion hazard
- Class 2: Gases
- 2.1. Flammable gases
 - 2.2. Non-flammable non-toxic gases
 - 2.3. Toxic gases
- Class 3: Flammable liquids
- Class 4: Flammable solids
- 4.1. Readily combustible solids and solids which may cause fire through friction, self-reactive (solids and liquids) and related substances, desensitized explosives
 - 4.2. Substances liable to spontaneous combustion
 - 4.3. Substances which in contact with water emit flammable gases
- Class 5: Oxidizing substances and organic peroxides
- 5.1. Oxidizing substances
 - 5.2. Organic peroxides
- Class 6: Toxic and infectious substances
- 6.1. Toxic substances
 - 6.2. Infectious substances
- Class 7: Radioactive materials
- Class 8: Corrosive substances
- Class 9: Miscellaneous dangerous substances and articles

Explanation of Authority’s Grouping

All dangerous goods having properties coming within the classes listed in the IMDG Code are regrouped into three (3) groups according to their degree of hazard. For packaged and containerized dangerous goods, different treatment of handling within the port is assigned to each group as follows:

Group 1

Dangerous goods that fall under this group are to be discharged and delivered at the explosive anchorage.

Group 2

Vessel conveying dangerous goods that fall under this group may come alongside the Port Authority's wharf but the dangerous goods must be in direct transit in the open from land to vessels and vice versa and shall not be accepted into the Port Authority's premises for storage unless otherwise agreed by the Port Authority or the approved port operator.

Group 3

Dangerous goods that fall under this group may be stored at such places as may be authorized by the Port Authority or the approved port operator depending on space availability.

The handling method as assigned to each of the aforementioned group is not applicable to bulk dangerous cargoes.

SECOND SCHEDULE

TANJUNG MANIS PORT AUTHORITY
DECLARATION OF DANGEROUS GOODS ON BOARD

(By-law 25 (a))

For discharge at

Substance/Article or Proper Shipping Name	UN. No.	Class	Properties /Flashpoint	Net Wt. or Net Vol.	Storage	Marketing

(Entries made shall be adequate to disclose the nature of the dangerous goods in relation to the classification in the International Maritime Dangerous Goods Code (IMDG) Code).

I hereby declare and certify on behalf of the owners of the M.V. ETA.....that:

- (i) The above/attached is a full and complete list of all cargo possessing dangerous properties on board the vessel.
- (ii) The package and stowage of the dangerous goods on board are in accordance with the International Maritime Dangerous Goods Code.
- (iii) The package and stowage of the dangerous goods have not been disturbed since leaving the port of

Signature: _____

Name: _____

Agent: _____

Date: _____

THIRD SCHEDULE

TANJUNG MANIS PORT AUTHORITY
DANGEROUS GOODS REMAINING ON BOARD

(By-law 25(c))

Date:.....

Messrs.:

.....

Sirs,

With reference to your application datedfor a berth for your
M.V.....on..... I have
to advise that a berth will be allocated for this vessel atif
possible on the date named, subject to the following conditions:-

- (a) The following goods are removed from the vessel at and before she arrives at
.....
- (b) The following goods may remain on board provided that the enclosed undertaking
(Fourth Schedule) is returned to me, duly signed when the vessel arrives:

Yours faithfully,

Authorized Officer
Tanjung Manis Port Authority

FOURTH SCHEDULE

TANJUNG MANIS PORT AUTHORITY
UNDERTAKING IN RESPECT OF DANGEROUS GOODS ON BOARD

M.V.

.....

I, the undersigned, hereby undertake to fulfil the requirements of by-law 25 of the Authority's By-Laws which is reproduced on the reverse hereof.

.....
Signature of Master or Chief Officer

Date:

Conditions for berthing

25. No vessel carrying any dangerous goods shall be berthed alongside any Authority's wharf unless—

- (a) such goods have been declared and described in the form prescribed in the Second Schedule;
- (b) such goods have been packed, labelled, and stored strictly in accordance with the provision or requirements of the Code; and
- (c) permission in the form prescribed in the Third Schedule has been given by the Authority.

Made this 20th day of July, 2017.

ABDULLAH BIN HAJI SAIDOL,
Chairman
Tanjung Manis Port Authority

