

THE RAJANG PORT AUTHORITY
BY-LAWS 1971

THE RAJANG PORT AUTHORITY BY-LAWS, 1971

(Swk. L.N. 49 of 1971)

ARRANGEMENT OF BY-LAWS

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- *Throughout this Rajang Port Authority By-laws, 1971 Part V has been substituted with Rajang Port Authority (Amendment) By-laws, 2005 and Rajang Port Authority (Amendment) By-laws 2007.*

THE RAJANG PORT AUTHORITY BY-LAWS, 1971

(Swk. L.N. 49 of 1971)

(Made under section 64(3))

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

PART I

INTRODUCTION

- Citation and commencement. 1. These By-laws may be cited as the **Rajang Port Authority By-laws, 1971**, and shall come into force on the 3rd day of May, 1971.
- Interpretation. 2. In these By-laws—
“Authority” means the Rajang Port Authority;
“Authority’s premises” means all immovable property belonging to, occupied by or vested in the Authority.

PART II

GENERAL

- Tampering with Authority’s equipment. 3. No person shall, without the approval of the Authority, tamper with any machinery, water appliance, electric fitting or power main, or other fittings or equipment, on the Authority’s premises.
- Nuisances. 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 may, with the consent of the Regional Director of Customs and Excise* 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.
- Dogs. 6. Every dog permitted to enter the Authority’s premises shall be kept on a lead or chain 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 may in its discretion refuse to land or ship any animal if such landing or shipping would in the opinion of the Authority entail unnecessary suffering to the animal.

*“Regional Comptroller of Customs and Excise” has been retitled as “Regional Director of Customs and excise”—See F.M. Ord. 22/49 as amended by P.U. (A) 209/71.

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 any servant or agent of the authority 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 port property. 10. No person shall, without having been previously authorized in writing to do so by the Authority, 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 6.09 metres of any free fire hydrant.

Fire-fighting operations. 12. No person shall, while within the Authority's premises, disobey any directions of the firemaster or of any Police Officer, Port Security Officer or other person authorized in that behalf by the Authority, or in any other way obstruct or interfere with any fire-fighting operations.

Power to exclude public in case of fire. 13. The Authority may in the event of any such 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 think fit.

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

Fires on vessels. 15.—(1) In the event of a fire occurring on board any vessel lying at any of the Authority's berths, 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 (Ports and Rivers) Regulations, 1961, and shall take such action as he is able to extinguish or control the fire, and shall take all such steps as the Authority may direct for the protection of the Authority's premises and property.

*G.N.S.
43/61.*

(2) The Master of any vessel on fire may request the assistance of the Authority in combating the fire and the Authority will, to the best of its ability, provide such assistance with its own equipment; and if the Authority 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 Rajang Port Authority (Dues, Rates and Charges) Regulations, 1980.*

*Swk. L.N.
85/80.*

*The Rajang Port Authority (Tariff) Regulations, 1971 (Swk. L.N. 57/71) were revoked by Swk. L.N. 31/76 which in turn was subsequently replaced by Swk. L.N. 85/80.

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 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 (Ports and Rivers) Regulations, 1961, 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 berths 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 berths shall supply all necessary tackle for hoisting, lashing and securing any of the 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 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 berths 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 to enter.

Unattended
vehicles. 20. No mechanically propelled vehicle on the Authority's premises shall be left unattended (except in a car park approved by the Authority) 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.

PART V
DANGEROUS GOODS

Definition

[Swk L.N.
63/2005]

21. In this Part—

“Code” shall mean the latest edition of the International Maritime Dangerous Goods Code published by the international Maritime Organization of No. 4, Albert Embankment, London SE1 7SR, England, United Kingdom;

“dangerous goods” means—

(a) goods specified in Schedule A to these by-laws; and

(b) such other goods which are not specified in Schedule A, 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;

“explosive anchorage” means an anchorage area on any river within the limit of Rajang Port designated by the Sarawak Rivers Board for the loading and unloading of explosives;

“General Manager” means the General Manager of the Authority or any person duly authorized by him to perform on his behalf any duty or function imposed or conferred upon him under this Part;

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

“Sarawak Rivers Board” means the Board established under section 3 of the Sarawak Rivers Ordinance, 1993 [*Cap. 4*].

Inspection of Code

22.—(1) The Authority 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 of RM2.00 for each folio.

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 may deem fit or expedient, as set out in Schedule A.

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 Schedule A or in the Code, the owner, master, agent or person in charge of the vessel or such goods shall notify the General Manager that goods of such kind or description are not mentioned in Schedule A or the Code and shall thereafter comply with the direction of the General Manager 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 General Manager 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 General Manager.

Conditions for berthing

25.—(1) No vessel carrying any dangerous goods shall berth alongside any wharf of the Authority unless—

(a) such goods have been declared and described in the Form prescribed in Schedule B;

(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 Schedule C has been given by the General Manager.

(2) Any permit given under paragraph (1)(c) may be subject to such terms and conditions as the General Manager may deem fit to impose.

Restrictions on night movements of vessels carrying Group I dangerous goods

26. No vessel carrying Group I dangerous goods shall be under way within the limits of the port between 7.00 p.m. and 7.00 a.m. without the written permission of the General Manager:

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 General Manager;

(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 General Manager.

Group I dangerous goods prohibited alongside authority wharf

27. No vessel containing Group I dangerous goods shall be berthed alongside any Authority wharf except with the written permission of the General Manager and subject to such terms and conditions as he 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 General Manager 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. 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. Such dangerous goods during such transit shall not without the written permission of the Authority 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 premises with all convenient speed or stored at such place or places as may be authorized in writing for that purpose by the General Manager.

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 a 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 limits of the port between 7.00 p.m. and 7.00 a.m. without the written permission of the General Manager.

(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 or discharged alongside any Authority wharf between 7.00 p.m. and 7.00 a.m. without the written permission of the General Manager.

(3) Notwithstanding paragraph (2), the Authority may prohibit the loading or discharging of dangerous goods in such containers between 7.00 p.m. and 7.00 a.m. if in its opinion it is not safe for such goods to be so loaded or discharged.

Discharge and loading of dangerous goods

33.—(1) Dangerous goods shall, unless otherwise directed by the General Manager, be discharged prior to the discharge of other goods on board any vessel berthed alongside a wharf of the Authority.

(2) Dangerous goods shall, unless otherwise directed by the General Manager, 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 General Manager, no dangerous goods shall be loaded onto or carried on any vessel used for the carriage of passengers and the General Manager 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 premises of the Authority.

Conditions for storage

36.—(1) No dangerous goods shall be brought into the premises of the Authority or allowed to pass over such premises, unless the General Manager 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 General Manager.

(2) The General Manager may direct that such steps, as he may deem necessary, to guard, remove, destroy or otherwise disposed of any dangerous goods stored or found in the premises of the Authority 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 General Manager shall notify any of the persons hereinabove referred to, if their identities or whereabouts are known to the General Manager.

Dangerous goods without declaration

37.—(1) The General Manager 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 premises of the Authority, designated by him, pending compliance with such laws, provided that the consignee or exporter, as the case may be, of such goods, or the master of the vessel to which such goods are conveyed, undertakes to pay special port charges or surcharge equivalent to twice the port charges or surcharge payable on such goods as prescribed in the Second Schedule of the Rajang Port Authority (Dues, Rates and Charges) Regulations, 1980 [*Swk. L.N. 85/80*].

(2) Any permission given under paragraph (1) shall be subject to such terms and conditions as the General Manager may deem fit to impose.

Dangerous Goods remaining on board

38. Dangerous Goods may be permitted by the General Manager in the Form prescribed in the Schedule C to remain on board a vessel alongside the wharves:

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 General Manager;

(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 General Manager, 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;

(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 of this Part shall be guilty of an offence: Penalty, imprisonment for a term not exceeding two years or a fine not exceeding ten thousand ringgit or both.”.

Substitution of Schedules

3. Schedules “A”, “B”, “C” and “D” of the principal By-laws are substituted by the following new Schedules:

SCHEDULE A

(By-law 21)

RAJANG PORT AUTHORITY

[Swk L.N.
154/2007]

CLASSIFICATION OF DANGEROUS GOODS

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

Class 1: Explosives

- 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 no-toxic gases
- 2.3 Toxic gases

Class 3: Flammable liquids

Class 4: Flammable solid

- 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 Rajang Port Authority’s (RPA’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 handing within port limits is assigned to each group as follows:

Group 1

[Swk L.N.
154/2007]

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 RPA's wharves 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 RPA's areas for storage unless otherwise agreed by RPA.

Group 3

Dangerous goods that fall under this group may be stored at such places as may be authorized by RPA depending on space availability.

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

SCHEDULE "B"

RAJANG PORT AUTHORITY

DECLARATION OF DANGEROUS GOODS ON BOARD

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.)

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 ship.
- (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:

Dated:

SCHEDULE "C"
RAJANG PORT AUTHORITY

Rajang Port Authority
Date:

Messrs.
.....

Sirs,

With reference to your application dated for a berth for your
M.V. on

I have to advise that a berth will be allocated for this ship at,
if 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
(Schedule "D") is returned to me, duly signed when the vessel arrives:—

Yours faithfully,

General Manager
Rajang Port Authority

SCHEDULE "D"

RAJANG PORT AUTHORITY

UNDERTAKING IN RESPECT OF DANGEROUS GOODS ON BOARD

M.V.

.....

I, the undersigned, hereby undertake to fulfill the requirements of by-laws 25 (1) of the Authority's By-Laws which is reproduced on the reverse hereof.

Signature of Master
Or Chief Officer

Dated

Conditions for berthing

25.—(1) No vessel carrying any dangerous goods shall berth alongside any wharf of the Authority unless—

(a) such goods have been declared and described in the Form prescribed in Schedule B;

(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 Schedule C has been given by the General Manager.