



Kiribati Ship Registry

Singapore Operations Office:

10 Anson Road #25-02, International Plaza, Singapore 079903
Tel: +65 6225 0555 Fax: +65 6225 0550 Email: info@kiribaship.com Website: www.kiribaship.com

MARINE CIRCULAR 19/2012

08 May 2021

TO : Ship Owners, Managers, Charterers, Ship Master and the Shipping Community

SUBJECT : Anchoring in the Vicinity of Malaysia Territorial Waters

PURPOSE:

This marine circular serves to inform ship owners / operators on the recent increase in the number of foreign vessels detained by the Malaysian Maritime Enforcement Agency (MMEA) for illegally anchoring within Malaysia territorial waters and OPL.

DEFINITIONS:

The following abbreviations stand for:

- "DoM" – Director of Marine
- "MMEA" – Malaysian Maritime Enforcement Agency
- "OPL" – Outside Port Limits

REFERENCES:

- (a) Malaysia Shipping Notice MSN 5/2014

APPLICATION

This Marine Circular is applicable to all Kiribati flagged vessels

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The Malaysia Shipping Notice MSN 5/2014 requires that vessels notify the Malaysia DoM when the vessel engages or intends to engage in a list of various activities. Please refer to the Malaysia Shipping Notice MSN 5/2014 (including the notification form) at:

<https://www.marine.gov.my/jlm/admin/assets/uploads/files/notis/16405-npm052014.pdf>

Amendments to Section 491B of the Malaysian Merchant Shipping Ordinance 1952 stipulate the types of activities carried out by vessels within Malaysian waters which shall be notified to the Malaysian DoM. The DoM is authorized to impose terms and conditions including fees on the activities permitted in accordance with the Ordinance. The shipowner, master or agent of the vessel may be found guilty of an offence for contravening the ordinance and risk a fine of MYR 100,000 or imprisonment for up to two years.

Ship owners/managers/operators are reminded to notify the Malaysian authorities of their vessel's arrival and anchoring within Malaysian waters or OPL, and for information for payment of light dues which is regulated by Act 250, Federation Light Dues Act 1953, which states that "every ship which in the course of a voyage enters any port or place within Peninsular Malaysia, other than ships exempted, shall pay light dues as prescribed."

When anchoring off Malaysia, it should be borne in mind that Malaysian territorial waters may extend more than 12 nautical miles from the baseline, if not limited by other State boundaries, and the MMEA patrols these waters and enforces the relevant laws.

Failure to notify the Malaysia DoM to seek approval for vessels anchoring within Malaysian waters may result in the vessel being detained with or without warning which will likely result in the imposition of a fine and may take considerable time to release the vessel. There is also a possibility of arrest of the Master/Crew, and vessels being ordered out of the area.

More information relating to marine activity application procedures, marine risk analysis and operating permits can be found at the official web portal of the Malaysia Marine Department: <https://www.marine.gov.my/jlm/>

Yours sincerely,

Deputy Registrar
Kiribati Ship Registry