



**RIVER TRAFFIC ENACTMENT 1988  
EN. 3/1988**

**Preamble**

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**RIVER TRAFFIC ENACTMENT 1988  
EN. 3/1988**

**Long Title**

An Enactment to provide for the control of boats used on rivers outside harbour areas within the State of Terengganu.  
*[1st April 1989]*

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## **RIVER TRAFFIC ENACTMENT 1988 EN. 3/1988**

### **1 Short title and commencement**

This Enactment may be cited as the River Traffic Enactment 1988, and shall come into force on such date as the State Authority may, by notification in the *Gazette*, appoint.

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## RIVER TRAFFIC ENACTMENT 1988 EN. 3/1988

### 2 Interpretation

In this Enactment, unless the context otherwise requires-

"authorised officer" means any officer appointed under section 3A;

*[Ins. En. 3/1994, s. 2]*

"boat" means any vessel used on a river and capable of carrying one or more persons;

"Licensing Officer" means the District Officer and includes the Assistant District Officer;

"owner" includes the person having the possession, or control of a boat;

"river" includes estuary or waterway or lake, whether natural or artificial;

*[Am. En. 3/1994, s. 2]*

"water taxi" means a boat plying for hire or reward, for the conveyance of passengers, animals or goods;

"water taxi licence" means a licence issued for a water taxi as required by section 4(2).

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## **RIVER TRAFFIC ENACTMENT 1988 EN. 3/1988**

### **3 Responsibilities of Licensing Officer**

The Licensing Officer shall have the general supervision and direction of all matters under this Enactment or any rules made thereunder.

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**3A Appointment of authorised officers**

*[Ins. En. 3/1994, s. 3]*

The Licensing Officer may, by notification in the *Gazette*, appoint any number of authorised officers as may be necessary who shall be subject to the general direction and supervision of the Licensing Officer, and shall have and exercise all powers conferred on the Licensing Officer by or under this Enactment.

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## **RIVER TRAFFIC ENACTMENT 1988 EN. 3/1988**

### **4 Prohibition to use boats without licence**

- (1) No boat shall be used for any purpose upon any river unless such boat shall have registered and licensed in the manner prescribed.
- (2) No boat shall be used as a water taxi unless the owner shall be in possession of a water taxi licence issued for such boat.
- (3) No boat shall be required to be registered or licensed under the provisions of this Enactment in respect of which there is in force a licence issued by a competent authority, so long as such boat does not proceed upstream beyond the limits of a port within the meaning of the law for the time being in force relating to port.

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## **RIVER TRAFFIC ENACTMENT 1988 EN. 3/1988**

### **5 Application for registration and licensing**

- (1) An application for registration and for a licence or for the renewal thereof, shall be made to the Licensing Officer for the district in which the boat is to be used, who may grant the licence on payment of a prescribed fee.
- (2) Before issuing a licence, the Licensing Officer shall examine the boat and satisfy himself that it is safe and proper for the purpose for which licence is applied.
- (3) In every licence issued there shall be stated the number of passengers authorised and the maximum load permitted to be carried at any one time and under no circumstances shall passengers, animals or goods be carried in excess of that authorised number or load, as the case may be.
- (4) The Licensing Officer may in his discretion refuse to grant or renew a licence without assigning any reason thereto and the decision of the Licensing Officer shall be final and conclusive.
- (5) Any licence granted under this section shall be subject to such terms and conditions as the Licensing Officer may deem fit.
- (6) Such a licence shall remain in force for such period not exceeding one year as may be stated therein.

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#### **6 Revocation and suspension of licence**

(1) If the Licensing Officer is satisfied that the licensee has contravened any terms or conditions of the licence, or any provisions of this Enactment or any rules made thereunder, the Licensing Officer may, subject to subsection (2), revoke the licence or suspend it for such period as he thinks fit.

(2) Before acting under subsection (1), the Licensing Officer shall give a written notice to the licensee concerned an opportunity to show cause why his licence should not be suspended or revoked.

(3) If any licensee is aggrieved by any decision under subsection (2) he may, within thirty days of being notified in writing of the decision, appeal in writing to the State Authority whose decision shall be final.

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## **RIVER TRAFFIC ENACTMENT 1988 EN. 3/1988**

### **7 Registration number to be marked and licence to be kept on boat**

- (1) Upon the registration of a boat but before the issue of a licence the owner thereof shall cause the name "Terengganu" and the registration number to be painted, carved, or branded, on the stern of the boat and the name of the boat, if any, to be painted on each bow.
- (2) The name of the boat in respect of which a licence has been granted under this Enactment shall not be changed nor shall any painting, carving or branding required under subsection (1) be removed, altered or defaced, except with the approval in writing of the Licensing Officer.
- (3) There shall be affixed in a conspicuous place upon the side of every water taxi a plate, of such size as the Licensing Officer may direct, bearing in clear characters the words "Bot Penambang" and a number corresponding with the number of the licence.
- (4) The owner of any boat shall, unless exempt by the licence, whenever such boat is in use, keep on board such boat the current licence or licences.
- (5) The owner of any boat shall on demand by any Licensing Officer or Police Officer, produce the licence or licences therefor.

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**8 Mark of full load and lights to be carried**

(1) Every boat licensed under this Enactment shall bear a mark to indicate its full load and no load shall be permitted beyond the limit of such mark.

(2) Every boat lying in and not securely tied up to the bank of a river or travelling in the river between the hours of 7 p.m. and 7 a.m. shall carry a lantern or lanterns showing a light visible from a distance of 60 metres.

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#### **9 Change of ownership**

(1) When any boat is transferred from the registered owner thereof to any other person whether by sale, gift, exchange or otherwise, the new owner shall, within fourteen days from the date of such transfer, report the same to the Licensing Officer and the Licensing Officer shall, on being satisfied as to the genuineness of such transfer, and on payment of the prescribed fees, amend the register and licence accordingly and, if the boat be registered in some district other than in which the report be made, shall notify the Licensing Officer of such district who shall make the necessary entry in the register.

(2) Whenever a boat is lost or destroyed the owner thereof shall at once report the facts at the nearest Police Station. Upon the receipt of such report the officer in charge of the Police Station shall inform the Licensing Officer in whose district the boat was registered of such loss or destruction.

(3) The person whose name appears in the register as owner of any boat shall be presumed to be the owner of such boat.

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**10 Boats to ply at all times and penalty for refusing to convey passengers**

(1) Every licensee shall be ready at all times to ply for hire upon tender to him by a passenger of the fare prescribed.

(2) If any licensee, or the employee, or agent of any licensee shall without reasonable cause (the proof of which shall lie upon him) neglect, or refuse, to convey any passenger, animals or goods upon tender of the prescribed fare, or shall charge or demand more than the prescribed fare, such person shall be deemed to have committed an offence against this Enactment.

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**11 Prohibition**

No water taxi shall, unless specially permitted by the Licensing Officer, carry or tow any horses, cattle, pigs, sheep, dogs or goats, at the same time as conveying ordinary passengers.

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**12 Liability for acts of servants**

The owner of any boat shall be liable to the same penalty or forfeiture for every act or default of any agent or servant employed by him if such agent or servant committed the act or default in the course of his employment as such agent or servant.

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## **RIVER TRAFFIC ENACTMENT 1988 EN. 3/1988**

### **13 Obstructions of rivers**

No person shall moor or leave any boat, vessel, raft, landing stage, bath house, timber, plank, mark, buoy, or other object, in any river in which the public have a right of navigation in such a manner as to interfere with such right or to cause injury or inconvenience to any person using such river or living on the banks thereof. Any person causing interference, injury or inconvenience, who neglects or refuses to remove such boat or thing as aforesaid immediately on being required so to do by the Licensing Officer or any Police Officer shall be deemed to have committed an offence under this Enactment and such boat or thing may be removed by the Licensing Officer or any Police Officer and the expense of such removal shall be recoverable in the same manner as a fine from the owner or person in charge of the same.

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## **RIVER TRAFFIC ENACTMENT 1988 EN. 3/1988**

### **14 Neglecting to report accident to boat**

Whenever any accident shall occur to a boat attended with the loss of the life of, or serious injury to any person, the owner or person in charge of the boat shall forthwith report the circumstances at a police station, and in default of so doing he shall be deemed to have committed an offence under this Enactment.

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**15 Penalty**

Any person who contravenes or fails to comply with the provisions of this Enactment or of any rules made thereunder shall be liable to a fine not exceeding three thousand ringgit or to imprisonment not exceeding one year or to both.

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**16 Power to compound**

The Licensing Officer may compound any offence under this Enactment or rules made thereunder where prosecution is not instituted by collecting from the person reasonably suspected of having committed the same a sum of money not exceeding five hundred ringgit.

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## **RIVER TRAFFIC ENACTMENT 1988 EN. 3/1988**

### **17 Power of arrest, seizure, and forfeiture**

(1) The Licensing Officer or any Police Officer may without a warrant-

(a) arrest any person found committing or attempting to commit or abetting the commission of an offence under this Enactment or any rules made thereunder; and

(b) seize any boat or other thing whatsoever which he has reason to believe was used or is being used in the commission of an offence under this Enactment or any rules made thereunder.

(2) The Licensing Officer making an arrest under this Enactment shall without unnecessary delay hand over the person so arrested to a police station; and the provisions of the Criminal Procedure Code [*F.M.S. Cap. 6*] shall apply in relation to the person so arrested.

(3) The Licensing Officer or a Magistrate may by order in writing direct that any boat which is not claimed within one month from the date of seizure or whereof the owner is not known be destroyed or sold by public auction and the proceeds of such sale shall be credited to revenue.

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**18 Prosecution**

All prosecutions under this Enactment or any rules made thereunder may be conducted by the Licensing Officer or any person duly authorised in writing by him.

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**19 Exemptions**

- (1) The State Authority may, by notification in the Gazette, exempt any boat from all or any of the provisions of this Enactment or any rules made thereunder.
- (2) Nothing in this Enactment or any rules made thereunder shall apply to any boat which is the property of the Ruler, the State or the Federal Government.

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## **RIVER TRAFFIC ENACTMENT 1988**

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#### **20 Rules**

The State Authority may, by notification in the Gazette, make rules for carrying out the provisions of this Enactment from time to time, and in particular, but without prejudice to the generality of the foregoing, such rules may provide for-

- (a) the fees to be charged for any act to be done under this Enactment or rules made thereunder and for the remission of licence fees in respect of any class of boats;
- (b) the forms to be used for licences, application for licences and registration;
- (c) the procedure to be followed in registration and licensing;
- (d) the terms and conditions upon which licences may be issued;
- (e) the circumstances under which licences may be suspended or cancelled;
- (f) providing for the giving of security for licences;
- (g) the fares to be paid for the use of water taxi;
- (h) the lights to be carried on boats;
- (i) the forms to be used and the procedure for compounding of offences;
- (j) providing for the safety of boats, passengers, animals or goods;
- (k) the procedure to be followed in an appeal to the State Authority;
- (l) prescribing for the landing places and prohibiting the use of any landing places not so prescribed; and
- (m) other matters for the purpose of implementing the provisions of this Enactment.

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