

No. S 4

MERCHANT SHIPPING ACT
(CAP. 145)

MERCHANT SHIPPING (HARBOUR AND PLEASURE CRAFT)
REGULATIONS, 1986

In exercise of the powers conferred by section 102 of the Merchant Shipping Act, Cap. 145 the Minister of Communications with the approval of His Majesty the Sultan and Yang Di-Pertuan hereby makes the following Regulations.

Citation and
commence-
ment.

1. These regulations may be cited as the Merchant Shipping (Harbour and Pleasure Craft) Regulations 1986 and shall come into operation on the 1st day of January, 1986.

PART I
GENERAL

Definitions.

2. (1) In these Regulations, unless the context otherwise requires -

"aquaplaner" means a person who is being conveyed on, in or above any part of the sea within any port by maintaining himself on flotation or aerial equipment which is attached to towing apparatus connected to a pleasure craft whether or not such person or equipment is at the time in contact with or directly over such part of the sea ;

"cargo harbour craft" means a harbour craft used for the carriage of cargo other than a tanker ;

"harbour craft" means any vessel used for any purpose within a port and the approaches thereto ;

"licence" means a licence issued under these Regulations ;

"Minister" means the Minister of Communications ;

"passenger" means every person other than -

(a) the master and the members of the crew or other person employed or engaged in any capacity on board a harbour or pleasure craft on the business thereof, and

(b) a child under one year of age ;

"passenger harbour craft" means a harbour craft used for the carriage of passengers for hire or reward ;

"pleasure craft" means any harbour craft -

- (a) which is used exclusively for pleasure, social or domestic purposes other than for the carriage of passengers on sight seeing tours within a port ;
- (b) for the use of which a passenger, if any, is not charged a separate and distinct fare ;

"register" means a register of licences kept by the Director pursuant to Regulation 7 ;

"tanker" means a harbour craft constructed and adapted for carriage in bulk of liquid cargo of an inflammable nature ;

"tug boat" means a harbour craft used for towing, pushing or pulling any other vessel ;

"water ski" means any water ski, surfboard, aquaplane or planning device and includes any pleasure craft used as flotation equipment by a water skier ;

"water skier" means a person who is engaged in maintaining himself in motion on, in, or above any part of the sea within a port by holding to, or attaching himself to a pleasure craft or to any towing apparatus connected to a pleasure craft, whether or not such person makes use of any flotation or aerial equipment and whether or not such person or equipment is at the relevant time in contact with or directly over such part of the sea.

(2) For the purposes of these Regulations —

(a) any person who -

- (i) is the sole, joint or part owner of a harbour or pleasure craft ;
- (ii) has possession or control of a harbour or pleasure craft which is subject to the terms of a hire-purchase agreement, bill of sale or other similar instrument ;
or
- (iii) has possession or control of a harbour or pleasure craft under the terms of a charter agreement :

shall be deemed to be the owner of the harbour or pleasure craft ; and

(b) any person who is the owner of a harbour or pleasure craft which is subject to the terms of a hire purchase agreement, bill of sale or other similar instrument but who is not entitled to possession of the harbour or pleasure craft shall be deemed not to be the owner of the harbour or pleasure craft.

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| Application. | 3. | The provisions of these Regulations shall not apply to a ship's boat. |
| Harbour/
pleasure craft
to be licensed. | 4. | <p>Except as hereinafter provided -</p> <p>(a) no person shall use a harbour or pleasure craft, and</p> <p>(b) no owner of a harbour or pleasure craft shall cause or permit the harbour or pleasure craft to be used within a port,</p> <p>without a licence issued in respect thereof.</p> |
| Fees. | 5. | <p>(1) Subject to the provisions of paragraph (4) of this Regulation, the fees for -</p> <p>(a) a licence,</p> <p>(b) a replacement of licence,</p> <p>(c) a search or inspection of the particulars entered in the register,</p> <p>(d) a certified copy of the particulars entered in the register, or of any other document,</p> <p>(e) a change of particulars to be entered in the register, and</p> <p>(f) a renewal of a licence after the date of its expiry.</p> <p>shall be as set out in the First Schedule.</p> <p>(2) A licence shall, unless previously cancelled be valid for a period of twelve months or such shorter period of time as the Director may determine.</p> <p>(3) Where a licence is to be valid for less than twelve months the fee payable therefor shall be proportionate to the fee payable under Regulation 5(1).</p> <p>(4) Harbour or pleasure craft belonging to the Government shall be exempted from payment of any fees set out in this Regulation. Provided also that the Minister may exempt any other vessels from payment of such fees.</p> |

PART II LICENSING

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| Application
for licence. | 6. | <p>(1) (a) A person desirous of having a harbour or pleasure craft licensed shall apply to the Director for a licence on the forms as prescribed by the Director.</p> <p>(b) A licence shall not be issued to an applicant unless he attains the age of eighteen years or above.</p> |
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(2) A harbour or pleasure craft may be licensed in the name of one or more individuals or in the name of a body corporate.

(3) The applicant shall -

- (a) state the type, dimensions and specifications of the harbour or pleasure craft and the purpose for which the harbour or pleasure craft is intended to be used ;
- (b) unless the harbour or pleasure craft is owned by a body corporate, furnish two copies of a recent photograph of himself: one copy of the photograph of each applicant shall be affixed to the licence and the other in the register of licences referred to in Regulation 7(2) ;
- (c) produce documentary or other evidence of ownership of the harbour or pleasure craft to the satisfaction of the Director ;
- (d) produce the certificate of incorporation if the harbour or pleasure craft is owned by a body corporate ;
- (e) furnish the names, addresses and such other particulars of the crew or person appointed by the owner to navigate the harbour or pleasure craft as the Director may require ;
- (f) furnish particulars of every policy of insurance held by the applicant with respect to the use or navigation of the harbour or pleasure craft ; provided that the Director, subject to such terms and conditions he may impose, may exempt any pleasure or harbour craft from the requirement of this provision ;
- (g) furnish such other documents and particulars in respect of the harbour or pleasure craft as the Director may require.

(4) The Director may require a harbour or pleasure craft for which a licence is required or in respect of which a licence is to be renewed to be brought to a place for inspection.

(5) The Director may inspect the harbour or pleasure craft and -

- (a) if he thinks is seaworthy and proper to the intended use, may cause the harbour or pleasure craft to be licensed and issue a licence accordingly, subject to such conditions as he may think fit to impose ; or
- (b) refuse to issue a licence.

(6) The Director may at any time vary or licence or impose conditions or additional conditions thereto.

(7) Any imposition, variation or revocation of a condition of a revoke any existing condition of a licence under this regulation shall be endorsed thereon.

(8) Where a harbour craft is used or is to be used for the carriage of more than twelve passengers, no licence shall be issued in respect thereof unless there is in force in relation thereto a certificate issued under the provisions of The Merchant Shipping Enactment (Special Limit Passenger Ships) Safety Regulations 1984.

(9) No licence shall be granted in respect of a tanker unless there is in force in relation to such use a policy of insurance which insures the owner or master of or any other person using the tanker in respect of oil pollution within a port caused by or arising out of such use.

(10) No licence shall be granted in respect of a tanker unless the provisions of the Merchant Shipping (Non-Convention Ship) Safety Regulations 1984 have been complied with.

Cargo harbour
craft and
register of
licences.

7. (1) The Director may, by endorsement on the licence of a cargo harbour craft, license the harbour craft to carry, when empty of cargo, such number of passengers, if any, as he thinks fit, and in that case it shall not be necessary for that cargo harbour craft to be licensed separately as a passenger harbour craft.

(2) The Director shall keep a register of licences.

(3) The following particulars of every harbour or pleasure craft licensed under these Regulations shall be recorded in the register kept under paragraph (2) :—

- (a) the name and address of the owner and master of the harbour or pleasure craft ;
- (b) the length, breadth, depth and gross licensed tonnage of the harbour or pleasure craft ;
- (c) the method of propulsion of the harbour or pleasure craft including details of the engine, if any ;
- (d) the specific purpose for which the harbour or pleasure craft shall be used ;
- (e) the name, number and qualifications of the crew to be employed on board the harbour or pleasure craft ;
- (f) In the case of a passenger harbour craft or pleasure craft the number of persons, in addition to the crew, which may be carried on board ;

- (g) in the case of a cargo harbour craft, the number of persons, in addition to the crew, which may be carried when no cargo is on board ;
- (h) the licence number of the harbour or pleasure craft ;
- (i) the limits within which the harbour or pleasure craft may ply ;
- (j) particulars of every life-saving and fire-fighting appliance and equipment carried thereon ;
- (k) particulars of any other appliance and equipment carried thereon and ;
- (l) such other particulars in respect of the harbour or pleasure craft as the Director may determine.

8. The Director shall in issuing a licence deliver to the owner of every licensed harbour or pleasure craft a licence containing the particulars specified in Regulation 7(3) above.

Particulars of licence.

9. (1) On a change of ownership of a harbour or pleasure craft the new owner shall submit to the Director any licence issued in respect thereof to the previous owner and any documentary or other evidence of the change of ownership of the harbour or pleasure craft.

Change of ownership.

(2) Where the Director is satisfied that the ownership of the harbour or pleasure craft has been transferred to the new owner the licence issued to the previous owner shall be transferred to the new owner and shall remain valid for the remainder of the period for which it was issued.

10. The persons whose names appear in the register as -

- (a) the owner and master ;
- (b) the owner ; or
- (c) the master,

Registered owner and master.

shall for all the purposes of these Regulations be deemed to be the owner and master or the owner or the master thereof respectively.

11. The owner of every licensed harbour or pleasure craft shall cause the licence to be kept at all times on board his harbour or pleasure craft in the custody of the person in charge of the harbour or pleasure craft and such last mentioned person shall produce the same to the Director or any police officer who demands to see the same.

Licence to be kept on board vessel.

12. The owner of every harbour or pleasure craft shall, at all reasonable times on demand by the Director or a police officer, furnish to the Director or the police officer the name and address of the person who was in charge of the harbour or pleasure craft at any particular time when an offence has been committed or alleged to have been committed under the provisions of the Merchant Shipping Act, the Ports Act or any rules or regulations made thereunder.

Duty to furnish name and address of person in charge of pleasure craft.

Notification of change of particulars of vessel.	13. The owner of every licensed harbour or pleasure craft shall report to the Director any change of the particulars set out in Regulation 7(3) (a), (b), (c), (e) or (j) within seven days of any such change.
Change in particulars to be endorsed on licence and recorded in register.	14. Every change in the particulars appearing in the register which has occurred after the Director has issued the licence to which such particulars relate shall be endorsed on or contained in that licence and shall be entered in the register.
Renewal of licence.	15. (1) Every licence issued or transferred under these Regulations shall be renewed within fourteen days of the date of expiry of the licence and if such licence is not renewed within that period the owner of the harbour or pleasure craft in respect of which such licence was issued shall inform the Director in writing or in person the reason for not renewing the licence, and also what the owner intends to do with the harbour or pleasure craft ; (2) The Director may in his discretion refuse to renew a licence.
Replacement of licence.	16. (1) If any particulars on a licence become illegible, the owner of the harbour or pleasure craft in respect of which such licence was issued shall forthwith apply to the Director for the issue of a replacement thereof or for such particulars thereof as have become illegible to be re-entered or endorsed thereon. (2) A person shall return to the Director any licence issued to such person which has expired or has been cancelled.
Licence number.	17. Upon the issue of a licence, the Director shall assign a licence number to the harbour or pleasure craft. The licence number of every harbour or pleasure craft licenced - (a) as a cargo harbour craft shall be prefixed with the letters "BC" ; (b) as a passenger harbour craft shall be prefixed with the letters "BP" ; (c) as a tanker shall be prefixed with the letters "BM" ; (d) as a tug boat shall be prefixed with the letters "BT" ; (e) as a pleasure craft shall be prefixed with the letters "BZ" ; and (f) as being owned by the Government shall be prefixed with the letters "BG". (g) for any other purpose shall be prefixed with the letters "BA".

18. (1) The owner of a harbour or pleasure craft shall cause the licence number to be painted on each bow against a contrasting background and carved on, cut in or centre punch into the main beam in the manner set out in the Second Schedule or as may be directed by the Director.

Painting and
carving of
licence
number.

(2) The licence number of a harbour or pleasure craft shall be kept legible and visible at all times.

19. (1) The Director may cancel the licence if a person to whom a licence is granted :

Cancellation
of licence.

- (a) has made or produced in or in connection with any application by him for a licence or a renewal thereof any false or fraudulent declaration or representation ;
- (b) has in the opinion of the Director, contravened or failed to comply with any provisions of the Enactment or any regulations made thereunder ;
- (c) has committed an offence under the Enactment or any regulations made thereunder ;
- (d) has contravened or failed to comply with any of the conditions of the licence ; or
- (e) is for some other reason unfit to hold the licence.

(2) The Director may cancel the licence if for any other reason he is satisfied that the licence should be cancelled.

(3) The Director may cancel the licence if the harbour or pleasure craft at any time goes beyond the port limits as declared under the Enactment.

(4) Any person aggrieved by a decision of the Director under this regulation may within fourteen days of the cancellation of the licence, appeal in writing against such cancellation to the Minister whose decision thereon shall be final.

PART III GENERAL CONDITIONS OF LICENCE

20. (1) The number of passengers which may be carried on board a harbour craft shall be displayed in a conspicuous position thereon.

Number of
passengers/
person to be
carried.

(2) No owner or master of a harbour or pleasure craft shall cause or permit the harbour or pleasure craft to carry a greater number of persons than the number allowed by and shown on its licence.

No cargo and luggage to be carried on board harbour craft carrying passengers.	21. Where passengers are carried on board a harbour craft no owner or master of the harbour craft shall cause or permit cargo or luggage other than the personal effects of the passengers to be carried on board.
Alteration of harbour/ pleasure craft prohibited.	22. (1) No owner or master of a harbour or pleasure craft shall cause or permit the harbour or pleasure craft to be so altered as not to correspond with the particulars relating to her tonnage or description contained in the register without the prior written permission of the Director. (2) The owner or master shall, immediately upon an alteration as is referred to in paragraph (1) being made, produce the harbour or pleasure craft and the licence for inspection by the Director.
Report of collision etc.	23. (1) The owner or master of every harbour or pleasure craft shall, within twenty-four hours, report to the Director - (a) any breaking-up, damage or loss of the harbour or pleasure craft ; (b) any collision, accident or other incident, causing the breaking-up, damage or loss of the harbour or pleasure craft ; (c) any accident, damage, injury or loss of life which the harbour or pleasure craft has caused or is alleged to have caused ; and (d) any accident, damage, injury or loss of life which occurs on board the harbour or pleasure craft from any other cause. (2) The owner or master or the person in charge of the harbour or pleasure craft shall, in making the report under sub regulation (1) of this Regulation, also surrender the licence to the Director who may cause an inspection to be made of the harbour or pleasure craft.
Harbour/ pleasure craft to be produced for inspection.	24. The owner or master of a harbour or pleasure craft shall, at all reasonable times on demand by the Director, produce to the Director the harbour or pleasure craft for inspection together with the licence, if any.
Harbour/ pleasure craft to be kept in a clean and sanitary condition.	25. The owner or master of every harbour or pleasure craft shall keep the harbour or pleasure craft in a clean and sanitary condition at all times.

26. (1) No harbour or pleasure craft licenced under these Regulations shall be used for purpose other than that stated in the licence.
- Usage of harbour craft for purpose other than that stated on licence prohibited.
- (2) No owner or master of a harbour or pleasure craft shall cause or permit the harbour or pleasure craft to ply or operate beyond the area specified in the licence without the prior permission of the Director.
27. No owner or master of a harbour craft which is plying for hire shall, without reasonable excuse, refuse to let out for hire the harbour craft when a prospective hirer offers to hire his craft at the rates specified by the Director from time to time by notification in the *Government Gazette*.
- Prohibition on refusal to let for hire harbour craft.
28. (1) Where a licence is not renewed within the period referred to in Regulation (15)(1) and the Director is of the opinion that the harbour or pleasure craft in respect of which a licence was issued is or is likely to become an obstruction, impediment or danger to navigation within a port or to the safe and convenient use or operation of a port, the Director may require the owner thereof to remove such harbour or pleasure craft from the waters of the port and the owner shall comply with such requisition.
- Removal of unlicensed harbour craft which is likely to cause obstruction.
- (2) Where the owner of a harbour or pleasure craft, in compliance with a requisition made under paragraph (1), removes such harbour or pleasure craft from the waters of the port and keeps, destroys or otherwise disposes of the harbour or pleasure craft, the owner shall inform the Director of the place in which such harbour craft is kept or produce such evidence as the Director may reasonably require of such destruction or disposal, as the case may be.
29. If any unlicensed harbour or pleasure craft is represented by the display of its licence number, the production of any document or otherwise to be a licensed harbour or pleasure craft, the person who makes such representation shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand dollars.
- Offence to represent unlicensed harbour craft/ pleasure craft as licensed harbour/ pleasure craft.

PART IV NAVIGATION AND SAFETY

30. No owner or master of a harbour craft shall cause or permit the harbour craft to be so loaded with cargo as to endanger the lives of persons on board.
- Prohibition on harbour craft being overloaded.
31. (1) Any owner of a harbour or pleasure craft who permits a person to operate or navigate, and any person who operates or navigates a harbour or pleasure craft while such person is under the influence of intoxicating liquor or of any drug to such an extent as to be incapable of having proper control of the harbour or pleasure craft shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand dollars.
- Person under influence of intoxicating liquor or drug prohibited from navigating.

(2) No person shall use a pleasure craft to tow more than three water-skiers or aquaplaners at the same time without the prior permission of the Director.

(3) Any person who contravenes the provisions of sub regulation (2) of this Regulation shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand dollars.

(4) In this regulation "drug" means a controlled drug as defined in the (Misuse of Drugs Act).

Navigating
harbour/
pleasure craft
at recklessly
or negligently.

32. Any person who navigates a harbour or pleasure craft in the waters of Brunei recklessly or negligently or at such a speed or otherwise in any way that it is dangerous to or likely to cause injury or damage to the person or property of, or cause annoyance or nuisance to, any member of the public shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand dollars.

Pleasure craft
towing water
skis to have
observer.

33. No person shall operate a pleasure craft within the waters of Brunei for towing a person or persons on water skis, surfboard, or any other similar device unless in addition to the operator there is in such pleasure craft another person of at least fifteen years of age who is in a position to observe the progress of the person or persons being towed.

PART V EQUIPMENT AND MANNING

Life saving
appliance, etc.

34. The owner or master of every harbour or pleasure craft shall cause the harbour or pleasure craft to carry, or to be fitted or provided with, the life-saving and other appliances and equipment specified in the Third Schedule.

Fire fighting
appliances etc.

35. The owner or master of every harbour or pleasure craft shall cause the harbour or pleasure craft to carry, or be fitted or provided with, the fire fighting and other appliances and equipment specified in the Fourth Schedule.

Warning
device.

36. Every owner of a harbour or pleasure craft shall cause it to be equipped with an audible warning device, approved by the Director and capable of emitting short and prolonged blasts.

Other fitting,
material, etc.,
may be fitted
with approval
of Director.

37. Where these Regulations require that particular fitting, material, appliance, equipment or apparatus, or type thereof shall be fitted or carried in a harbour or pleasure craft, or that a particular provision shall be made, the Director may allow any other fitting, material, appliance, equipment or apparatus or type thereof, to be fitted or carried or any other provision to be made in that harbour or pleasure craft, if he is satisfied that such fitting, material, appliance, equipment or apparatus or type thereof, or provision, is at least as effective as that required by these Regulations.

38. (1) The owner or master of every harbour craft shall cause the harbour craft to be provided with officers duly certificated under the provisions of the Merchant Shipping Act and the Regulations made under that Enactment and in accordance with the table set out in the Fifth Schedule.

Manning
requirements.

(2) The Director may require any officer, referred to in paragraph (1) to produce his certificate of competency at such reasonable time and place as the Director may determine and the officer shall comply with such requisition.

PART VI AREAS DESIGNATED FOR SPECIFIC ACTIVITIES

39. (1) The Director may from time to time prohibit or restrict the use of any part of the waters of Brunei for any purpose which he may specify.

Designated
areas.

(2) Any person who uses that part of the sea, referred to in paragraph (1) contrary to any prohibition or restriction imposed by the Director under paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand dollars and in the case of a continuing offence to a further fine not exceeding fifty dollars for every day or part thereof during which the offence is continued after conviction.

PART VII ORGANISED RACES, DISPLAYS, REGATTAS, EXHIBITIONS AND SIMILAR ACTIVITIES

40. (1) No person shall organise, promote or conduct a race, display or regatta for pleasure craft of any description or an exhibition of water skiing, aquaplaning or any similar activity, within any part of any port, or any other operation or activity involving the use of any pleasure craft within such part of any port and affecting the availability of such part of any port for normal use by the public, unless he is the holder of a permit from the Director authorising him to do so and he complies with the conditions to which the permit is subject.

Permit for
races,
displays,
regattas, etc.

(2) An application for a permit referred to in paragraph (1) -

- (a) shall be made to the Director in such form as he may require ; and
- (b) shall be accompanied by particulars of the area in respect of which the permit is sought.

(3) A permit issued under this regulation may be granted on such conditions as to time, place and other circumstances as the Director may impose.

Permission of
Director to act
otherwise than
in accordance
with these
Regulations.

41. (1) The Director may permit -

- (a) any person of class of persons to use one or more harbour or pleasure craft within any port ; or
- (b) any harbour or pleasure craft or type or description of harbour or pleasure craft to be used within any port ; otherwise than in accordance with any of the provisions of these Regulations.

(2) The Director may, in granting his permission under paragraph (1), impose such terms and conditions as he may think fit.

Penalties.

42. Any person who contravenes or fails to comply with the provisions of Regulation 4, 12, 15(1), 19(2), 20, 22, 23(1), 26, 28, 30, 34, 35, or 38, or 40(1) or any of the conditions and restrictions subject to which any licence is issued under these Regulations shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand dollars and in the case of a continuing offence to a further fine not exceeding fifty dollars for every day or part thereof during which the offence is continued after conviction.

FIRST SCHEDULE (Regulation 5(1))

FEES

- 1. (a) Fees for licensing harbour craft not exceeding 15 tons gross registered tonnage shall be\$10.00 per annum
- (b) Fees for licensing pleasure craft not exceeding 15 tons gross registered tonnage shall be\$10.00 per annum
- (c) For every additional ton or part thereof in excess of 15 tons gross registered tonnage shall be\$10.00 per annum
- 2. Fees for other service :—
 - (a) for a search or inspection of the particulars entered in the register\$ 5.00
 - (b) for a certified copy of the particulars entered in the register\$ 5.00
 - (c) for a change of particulars entered in the register ...\$ 5.00

- | | | |
|-----|--|-------------|
| (d) | for every certified copy of a document |\$ 5.00 |
| (e) | for inspection of a vessel on first licensing, on renewal of a licence or following alteration to a vessel |\$10.00 |
| (f) | for late renewal of a licence after more than two weeks from the date of its expiry |\$10.00 |

SECOND SCHEDULE
(Regulation 18(1))

LICENCE NUMBER

The letters and numbers comprising the licence number shall be painted on each bow and carved on, cut in or centre-punched into the main beam or other conspicuous part of the harbour or pleasure craft. Each letter and number comprising the licence number on the bow shall be of the following minimum height and of proportionate breadth and thickness :—

Length of Vessel	Minimum Height of Licence Number
(a) Under 5 metres	— 10 centimeters
(b) Between 5 and 20 metres	— 20 centimeters
(c) Above 20 metres	— 30 centimetres

Each letter and number on the main beam shall be at least 10 centimeters in height and 5 centimetres in width.

THIRD SCHEDULE
(Regulation 34)

Life-saving and other appliances and equipment to be carried by a harbour or pleasure craft other than a tanker plying within a port and a mechanically propelled harbour or pleasure craft which carries more than twelve passengers.

1. Every open harbour or pleasure craft mechanically propelled, including those with outboard engines, shall have or be provided with

- (a) a lifebuoy for every four persons on board with a minimum of one lifebuoy ;
- (b) a life jacket for every person on board ;

- (c) a suitable anchor and mooring chain or rope, the length of which shall be determined by the Director ;
- (d) suitable means for the discharge of bilge-water ;
- (e) where practicable, a pair of oars and rowlocks, or a pair of paddles in lieu thereof.

2. Every open harbour or pleasure craft not mechanically propelled shall have or be provided with -

- (a) a lifebuoy for every four persons on board with a minimum of one lifebuoy, or a lifejacket for every person on board in lieu thereof ;
- (b) a suitable anchor and mooring chain or rope, the length of which shall be determined by the Director ;
- (c) one or more pairs of oars and rowlocks or a pair of paddles in lieu thereof ; and
- (d) suitable means for the discharge of bilge-water.

3. Every partially or fully decked harbour or pleasure craft shall have or be provided with -

- (a) where the vessel is not less than 20 metres in length, such number of lifeboats, inflatable liferafts or buoyant apparatus as is sufficient and adequate to accommodate the total number of persons on board ;
- (b) at least four lifebuoys, one of which on each side of the vessel shall be fitted with a line at least 30 metres in length ;
- (c) a lifejacket for every person on board ;
- (d) six red handflares which are to be stored in a suitable water-tight container ;
- (e) a suitable anchor and mooring chain or rope, the length of which shall be determined by the Director ; and
- (f) suitable means for the discharge of bilge-water. ✓

4. (1) Every appliance and equipment prescribed in this Schedule and the arrangement thereof shall be approved by the Director.

(2) These appliances and equipments may only be purchased/obtained from those distributors/retailers authorised by the Director.

FOURTH SCHEDULE
(Regulation 35)

Fire-fighting and other appliances and equipment to be carried by a harbour or pleasure craft other than a tanker plying within a port and a mechanically propelled harbour or pleasure craft which carries more than twelve passengers.

1. Every harbour or pleasure craft propelled by outboard engines shall have or be provided with -

(a) fire buckets as set out below -

Length of vessel in metres	Minimum number of fire buckets
(i) Less than 9	1, which shall be fitted with a lanyard.
(ii) 9 or more but less than 15	2, one of which shall be fitted with a lanyard.
(iii) 15 or more but less than 20	3, two of which shall be fitted with lanyards.
(iv) 20 or more	4, two of which shall be fitted with lanyards, and

(b) portable fire extinguishers capable of discharging froth or other substance suitable for extinguishing oil fires as set out below -

Total kilowatt shaft power of propelling machinery	Number of Extinguishers
(i) Less than 7.5	1 of a least 4.5 litres capacity ;
(ii) 7.5 or more but less than 75	1 of at least 9 liters capacity ;
(iii) 75 or more but less than 375	2 each of at least 9 litres capacity ;
(iv) 375 or more but less than 750	3 each of at least 9 litres capacity ;
(v) 750 or more	4 each of at least 9 litres capacity.

2. Every mechanically propelled harbour or pleasure craft, other than one propelled by outboard engines, shall have or be provided with -

- (a) Where the vessel is 20 metres or more in length, one pump operated by power and one fire hose whereby a powerful jet of water can rapidly be directed into any part of the vessel; where the vessel is 15 metres or more but less than 20 metres in length a hand pump may be substituted for a power pump ; and
- (b) fire buckets as set out below -

Length of vessel in metres	Minimum number of fire buckets
(i) less than 15	2, both of which shall be fitted with lanyards ;
(ii) 15 or more but less than 20	3, two of which shall be fitted with lanyards ;
(iii) 20 or more	4, two of which shall be fitted with lanyards.

3. Where the harbour or pleasure craft is fitted with one or more main or auxiliary oil-fired boilers, the boiler room shall have -

- (a) a receptacle containing an adequate quantity of sand, or other dry material suitable for extinguishing oil fires ;
- (b) a scoop for distributing the contents of the receptacle ;
- (c) at least two portable fire extinguishers : each of at least 9 litres capacity, capable of discharging froth or other substance suitable for extinguishing oil fires ;
- (d) a forth fire extinguishing or fire smothering gas or steam installation, or pressure water spraying system ; and
- (e) a nozzle suitable for spraying water by means of a fire hose referred to in sub-paragraph (a) of paragraph 2 of this Schedule.

4. Every harbour or pleasure craft fitted with one or more internal combustion engines shall have or be provided with -

- (a) portable fire extinguishers in or near the machinery space capable of discharging froth or other substance suitable for extinguishing oil fires. The number of those extinguishers shall be as set out below -

Total kilowatt shaft power of propelling machinery	Number of extinguisher
---	------------------------

- | | |
|------------------|------------------------|
| (i) less than 75 | 1 of at least 9 litres |
|------------------|------------------------|

- | | |
|-------------------------------------|---|
| (ii) 75 or more but less than 375 | 2 each of at least 9 litres capacity ; |
| (iii) 375 or more but less than 750 | 3 each of at least 9 litres capacity ; |
| (iv) 750 or more | 4 each of at least 9 litres capacity ;
and |

- (b) remote controls connected to fuel oil storage tanks, setting tanks and daily service tanks, ventilating fans, machinery induced draught fans, oil fuel pumps, lubricating oil pumps and other such equipment. The remote controls shall be situated where it may be controlled, managed or regulated from a readily accessible position outside the engine room if the vessel has an enclosed engine room.

5. Every decked harbour or pleasure craft shall be provided with a nozzle suitable for spraying water by means of a fire hose referred to in sub-paragraph (a) of paragraph 2 of this Schedule.

6. (1) The Director may require a vessel licensed for towing or pushing purposes to be fitted with appliances or equipment which prevent, reduce or stop discharges of oil and mixtures containing oil into the sea, or with other appliances or equipment as may be approved by him which prevent, reduce or stop oil pollution.

(2) The Director may require a vessel licensed for towing or pushing purposes to be fitted with VHF radio equipment.

7. Every appliance, equipment and machinery prescribed in this Schedule and the arrangement thereof shall be approved by the Director.

FIFTH SCHEDULE (Regulation 38)

MANNING REQUIREMENTS FOR HARBOUR CRAFT

PART A : Minimum number of certificated deck officers to be carried

- | | | |
|--|---|--------------------------------|
| 1. In the case of non-mechanically propelled harbour craft | — | As prescribed by the Director. |
| 2. In the case of mechanically propelled harbour craft : | | |
| (i) If the gross tonnage is less than 25 tons | — | A Class 8 officer. |

- (ii) If the gross tonnage is 25 tons or more but less than 100 tons — A Class 8 officer.
- (iii) If the gross tonnage is 100 tons or more but less than 500 tons — A Class 7 officer.
- (iv) If the gross tonnage is 500 tons or more — As prescribed by the Director.

PART B : Minumum number of certificated engineer officers to be carried

- 1. In the case of non-mechanically propelled harbour craft — None.
- 2. In the case of mechanically propelled harbour craft :
 - (i) If the engine shaft power is less than 400 kilowatts — None if full engine and rudder control is provided at the steering position. Otherwise a Class 6 engineer officer.
 - (ii) If the engine shaft power is 400 kilowatts or more but less than 750 kilowatts. — A Class 5 engineer officer.
 - (iii) If the engine shaft power is 750 kilowatts or more but less than 1500 kilowatts — A Class 4 and a Class 6 engineer Of ficers
 - (iv) If the engine shaft power is 1500 kilowatts or more. — A prescribed by theDirector.

Made this 15th day of January, 1986.

BY COMMAND,

PENGIRAN BAHRIN
(Pengiran Laila Kanun Diraja)
Minister of Communications
Brunei Darussalam