

No. S 22

THE MERCHANT SHIPPING ACT
(CHAPTER 145)

THE MERCHANT SHIPPING (MANNING SCALES AND PLYING LIMITS)
REGULATIONS, 1988

In exercise of the powers conferred by Section 68 of the Merchant Shipping Act Cap. 145, the Minister of Communications with the approval of His Majesty The Sultan and Yang Di-Pertuan, Brunei Darussalam, hereby makes the following Regulations :—

Citation and
commence-
ment.

1. These Regulations may be cited as the Merchant Shipping (Manning Scales and Plying Limits) Regulations, 1988, and shall come into operation on the 1st day of March 1988.

PART I

GENERAL — PLYING LIMITS

Definitions.

2. In these Regulations unless the context otherwise requires :—

"duly certificated or authorised" means duly certificated, qualified or authorised within the meaning of Part III of the Act ;

"Act" means the Merchant Shipping Act, Cap. 145 ;

"Director" means Director of Marine ;

"foreign-going ship" includes every ship employed in trading or going between some place or places in Brunei Darussalam and some place or places situated beyond the limits prescribed for a home-trade ship ;

"home-trade ship" means a ship plying solely upon a home-trade voyage ;

"home-trade ship" means a voyage, not being a local trade voyage, within the limits specified in Part A of the First Schedule ;

"local-trade ship" means a ship plying solely upon a local trade voyage ;

"local-trade voyage" means a voyage within the limits specified in Part B of the First Schedule ;

"Minister" means the Minister of Communications ;

"native sailing ship" means any wooden ship of primitive build of less than two hundred tons gross register tonnage and not fitted with any mechanical means of propulsion.

3. The Minister may, subject to such terms and conditions he may impose, exempt any vessel, owner master or crew thereof, from the requirements of any provision of these Regulations. Exemption.

PART II

CERTIFICATES OF COMPETENCY – MANNING SCALES

4. (1) Every foreign-going ship, every home-trade ship and every local-trade ship when going to sea from any place in Brunei Darussalam shall be provided with duly certificated or authorised officers according to the appropriate scale specified in the Second Schedule. Certificates of Competency to be held by officers of foreign-going, home-trade and local trade ships.

(2) Notwithstanding the provisions of paragraph (1) of this Regulation, ship plying solely within thirty miles of any port in Brunei Darussalam may, in lieu of the officers mentioned therein, be provided with officers duly certificated or authorised under these Regulations according to the scale specified in the Third Schedule.

5. The owner and master of every ship required by these Regulations to have duly certificated or authorised officers, leaving or attempting to leave any port in Brunei Darussalam without having on board, and entered on the registers or articles of agreement, officers possessing the prescribed certificates or authorisations shall be guilty of an offence : Penalty, a fine of \$2,000 and the Director may refuse port clearance in case of non-compliance with the provisions of this Regulation. Penalties.

6. (1) An officer shall not be deemed to be duly certificated under these Regulations unless he is the holder for the time being of a valid certificate of competency granted under the Act of a grade appropriate to his station in the ship or of a higher grade. When officer deemed duly certificated.

Provided that officers in home-trade and local trade ships holding an equivalent certificate of competency issued by the Government of Malaysia or Singapore shall be deemed to be duly certificated for the purpose of these Regulations.

(2) The Minister or a person designated by him in that behalf, may declare any officer to be a duly certificated or authorised officer for the purposes of these regulations :—

- (a) such authorisation shall, subject to such conditions as may be endorsed thereon, be valid for a period of one year only, but may from time to time be renewed in like manner and for a like maximum period,
- (b) before making any such declaration as aforesaid, the Minister or other person designated by him shall satisfy himself that the officer is competent to act as an authorised officer, and
- (c) no person shall be issued with such authorisations for a total period of more than three years.

Grades of
Certificates of
Competency.

7. (1) Certificates of competency shall be granted by or on behalf of the Minister in accordance with these Regulations for each of the following —

(a) in the case of deck officers :—

- (i) Class 1 Marine Officer
- (ii) Class 2 Marine Officer
- (iii) Class 3 Marine Officer
- (iv) Class 4 Marine Officer
- (v) Class 5 Marine Officer
- (vi) Class 6 Marine Officer
- (vii) Class 7 Marine Officer
- (viii) Class 8 Marine Officer
- (ix) Class 9 Marine Officer

(b) in the case of engineer officers :—

- (i) Class 1 Marine Engineer Officer
- (ii) Class 2 Marine Engineer Officer
- (iii) Class 3 Marine Engineer Officer
- (iv) Class 4 Marine Engineer Officer
- (v) Class 5 Marine Engineer Officer
- (vi) Class 6 Marine Engineer Officer

(2) For the purposes of Regulation 6(1) the certificates referred to in subparagraphs (a) and (b) of paragraph (1) of this Regulation shall be deemed to rank among themselves in the order in which they are mentioned.

Eye-sight test.

8. No certificate of competency shall be delivered to any person under these Regulations unless and until he has undergone and passed the sight tests from time to time approved in the United Kingdom for the examination of masters and mates in the mercantile marine or such other sight test as may be approved by the Minister.

Certificates
granted by
competent
authorities
recognised.

9. Every foreign officer who has received a certificate of competency granted by a competent authority of his country, which the Minister is satisfied is of corresponding value to any certificate of competency granted under the Act, shall be deemed to be duly certificated in accordance with these Regulations provided that his certificate is of a grade appropriate to his station or of a higher grade.

Production of
certificates of
competency to
Director.

10. (1) The master of every ship :—

- (a) on signing the agreement with the crew before the Director, shall produce to him the certificates of competency which the officers of the ship are by these Regulations required to hold ; and

- (b) in the case of a running agreement, shall also, before the second and every subsequent voyage, produce to the Director the certificate of competency of any officer then first engaged by him who is required by these Regulations to hold a certificate.

(2) In case the master of any ship fails to comply with the requirements of this Regulation, the ship may be detained until the certificates are produced.

11. (1) For the purpose of granting certificates of competency under these Regulations to persons desirous of obtaining such certificates, examinations shall be held at such places and times as the Director may direct.

Examinations
for certificates
of
competency.

(2) The Minister may appoint, remove and reappoint examiners to conduct the examinations and may regulate the conduct of all the examinations and the qualification of the applicants, and may do all such acts and things as he thinks expedient for the purpose of the examinations.

12. Any person who —

- (a) makes, assists in making or procures to be made any false representation for the purpose of procuring, either for himself or for any other persons, a certificate of competency ;
- (b) fraudulently uses a certificate or copy of a certificate of competency which has been forged, altered, cancelled or suspended, or to which he is not entitled ; or
- (c) fraudulently lends his certificate of competency, or allows it to be used by any other person,

Forgery, etc.,
of certificate
of
competency.

shall be guilty of an offence : Penalty, an imprisonment for a term which may extend to two years or to a fine not exceeding \$2,000.

13. (1) The Minister in his discretion, may suspend or cancel the certificate of any officer if such certificate was issued in Brunei Darussalam and if the Minister is satisfied that such officer has been convicted of any offence or if it is reported to him that the Director is satisfied, after such inquiry as the Director deems to be necessary, that such officer has been guilty of any incompetency or negligence in the performance of his duties.

Power to
suspend or
cancel cer-
tificates of
competency.

(2) The Minister may in his discretion, at any time direct the re-issue and return of any certificate suspended or cancelled under subparagraph (1), or may direct the grant, in place thereof, of a certificate of the same or a lower grade.

**First Schedule
(Regulation 2)
Plying Limits**

In this Schedule "coast" includes all waters connected therewith navigable by sea-going vessels.

**Part A
Home Trades Limits**

The limits bound by a line drawn from a position in the Gulf of Martaban in latitude 16° 15' North, longitude 96° 00' East in a south-easterly direction to a position in latitude 15° 00' North, longitude 97° 00' East, thence due South to a position in latitude 09° 00' North, longitude 97° 00' East, thence in a south-westerly direction to a position in latitude 06° 00' North, longitude 94° 00' East, thence due South to a position in 04° 00' North, longitude 94° 00' East, thence in a south-easterly direction to a position in 08° 00' South, longitude 104° 00' East, thence in a easterly direction to a position in latitude 10° 00' South, longitude 120° 00' East, thence due East to a position in latitude 10° 00' South, longitude 125° 00' East, thence due North to a position in latitude 08° 00' North, longitude 125° 00' East, thence due West to a position in latitude 08° 00' North, longitude 110° 00' East, thence in a 315° direction (N.W. true) to the coast of Vietnam, thence initially westward following the coasts of Vietnam, Cambodia, Thailand, the Malaysian Peninsula and Burma to the starting point.

Provided that those waters which included the West and South-West coasts of Sumatra, the South coast of Java and South coasts of the islands lying due East of Java (namely Bali, Lombok, Sumbawa, Flores and other islands) shall be excluded from these limits between the 15th day of April and the 15th day of October in each year.

**Part B
Local Trade Limits**

The limits bound by a line drawn from the North Point of Junk Ceylon Island to the North-West point of a Pulo Weh, thence to the North point of Pulo Bras, thence following the East coasts of Pulo Bras and Pulo Nasi Besar to Acheen Head on the North coast of Sumatra, thence along the North and East coasts of Sumatra to the southern entrance of Banka Strait, thence in an easterly direction to Cape Sambar off the South-West corner of Indonesia Borneo (Kalimantan Barat) thence following the coast of Indonesian Borneo, Sarawak, Brunei Darussalam and Sabah in an approximately northerly, north-easterly and south-easterly direction to the territorial boundary stone on the eastern end of Sibatik Island in a position latitude 04° 10' North, longitude 117° 54' 14" East, thence in a south-easterly direction for a distance of thirty miles to a position in latitude 03° 45' North, longitude 118° 20' East and returning in the reverse direction with the line forming an imaginary thirty mile-wide corridor along the

coast to a position in latitude 03° 13' North, longitude 111° 16' East, thence in a west-north-westerly direction to Cape Datu (Great Natuna Island) in position latitude 04° 13' North, longitude 108° 15' East, thence in a north-westerly direction to a position on the east coast of Thailand where it is intersected by the eighth parallel of North latitude, thence, initially, in southerly direction following the coast of the Malaysian Peninsula and the west coast of Thailand back to the starting point.

**Second Schedule
(Regulation 4(1))**

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

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| 1. | In the case of foreign going ships of less than 1600 gross tons. | — | A Class 1, a Class 2 and a Class 5 marine officers. |
| 2. | In the case of foreign going ships of 1600 gross tons or more. | — | A Class 1, a Class 2, a Class 3 and a Class 4 marine officers. |
| 3. | In the case of home trade ships of less than 1600 gross tons. | — | A Class 4 and two Class 7 marine officers. |
| 4. | In the case of home trade ships of 1600 gross tons or more. | — | A Class 4, a Class 5 and a Class 7 marine officers. |
| 5. | In the case of local trade ships of less than 1600 gross tons. | — | A Class 6 and two Class 7 marine officers. |
| 6. | In the case of local trade ships of 1600 gross tons or more. | — | A Class 4, a Class 6 and Class 7 marine officers. |

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

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|----|--|---|---|
| 1. | In the case of ships of less than 750 kilowatts registered power. | — | A Class 4 and a Class 5 engineer officers. |
| 2. | In the case of ships of 750 or more but under 1500 kilowatts registered power. | — | A Class 3, Class 4 and a Class 5 engineer officers. |

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| 3. | In the case of ships of 1500 or more but under 3000 kilowatts registered power. | — | A Class 2, a Class 4 and a Class 5 engineer officers. |
| 4. | In the case of ships of 3000 kilowatts or more registered power. | — | A Class 1, a Class 2, a Class 5 and a Class 6 engineer officers. |

Third Schedule
(Regulation 4(2))

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

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|----|--|---|--|
| 1. | In the case of ship of less than 25 gross tons. | — | A Class 8 marine officer. |
| 2. | In the case of ships of 25 or more but less than 100 gross tons. | — | A Class 7 marine officer. |
| 3. | In the case of ships of 100 or more but less than 1600 gross tons. | — | A Class 6 and a Class 8 marine officers. |
| 4. | In the case of ships of 1600 gross tons or more. | — | As prescribed by the Director. |

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

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|----|--|---|--|
| 1. | In the case of ships of less than 750 kilowatts registered power. | — | A Class 5 engineer officer. |
| 2. | In the case of ships of 750 or more but less than 1500 kilowatts registered power. | — | A Class 4 and a Class 5 engineer officers. |
| 3. | In the case of ships of 1500 kilowatts or more registered power. | — | As prescribed by the Director. |

Made this 1st day of March 1988.

BY COMMAND,

PEHIN ORANG KAYA LAILA WIJAYA
DATO SERI SETIA AWANG HAJI ABDUL AZIZ UMAR
Minister of Communications
Brunei Darussalam.

MERCHANT SHIPPING ACT
(CHAPTER 145)

MERCHANT SHIPPING (LICENSING OF SHIPBUILDERS)
REGULATIONS, 1988

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