

No. S 23

MERCHANT SHIPPING ACT
(CHAPTER 145)

MERCHANT SHIPPING (LICENSING OF SHIPBUILDERS)
REGULATIONS, 1988

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, Brunei Darussalam, hereby makes the following Regulations :—

Citation and
commence-
ment.

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

PART I

GENERAL

Definitions.

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

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

"authorised officer" means an officer appointed under Section 4(1) of the Ports Act, Cap. 144 authorised by the Director to issue a licence ;

"Director" means Director of Marine ;

"licence" means a licence issued under these Regulations ;

"licensee" means —

(a) the holder of a licence

(b) in relation to any licenced shipyard, the holder of such a licence relating to such licenced shipyard ;

"Minister" means Minister of Communications ;

"register" means a register of licences kept by the Director pursuant to these Regulations ;

"ship" has its meaning assigned to it in the Act ;

"shipbuilder" means any person who conducts the trade, business or occupation of shipbuilding ;

"shipyard" includes any premises, building, erection, vessel, room or defined or enclosed area where the trade, business or occupation of shipbuilding is carried on ;

3. (1) No person shall become a shipbuilder or open or keep open a shipyard except under and in accordance with a licence under these Regulations, provided that shipbuilders working for and shipyards belonging to the Government shall be exempted from the requirement of this paragraph of this Regulation.

Grant of licence, revocation and appeals.

(2) No person shall sell, provided or import any ship for use in the waters of Brunei Darussalam except under and in accordance with a licence under these Regulations.

(3) The Director may revoke a licence granted to any person on proof of his satisfaction of an offence against these Regulations or other misconduct by such person.

(4) An appeal shall lie to the Minister from the decision of the Director under this Regulation.

4. If it is made to appear to a magistrate by information upon oath that there is reason to believe that an offence against these Regulations is being committed in any place, the magistrate may issue a warrant authorising any police officer to enter and search such place and to arrest such persons and to seize such documents and things as may be found therein.

Search warrants.

5. Every person who contravenes any provision of these Regulations or who fails to observe any condition or restriction imposed by or under these Regulations shall be deemed to commit an offence against these Regulations.

Offences.

6. (1) Every person who commits or attempts to commit any offence against these Regulations shall be guilty of an offence : Penalty, a fine not exceeding \$5,000.

Penalty.

(2) Notwithstanding the provisions of any written law to the contrary the Court of a Magistrate shall have jurisdiction to try any offence under these Regulations and to award the full penalty for such offence.

7. Where an agent or servant, in the course of his employment, does or omits to do an act the doing of which or omission to do which by his principal or employer would be an offence against these Regulations he shall be guilty of that offence, and, where it is proved that such act or omission was committed with the consent or connivance of, or is attributable to any neglect on the part of, his principal or employer, such principal or employer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Servants and agents.

PART II

LICENCES

Application for a licence.	<p>8. (1) An application for a licence under the provisions of Regulation 3(1) shall be made in writing in the form as may be prescribed by the Director and shall be accompanied by such particulars as may be required by the Director including a sketch plan showing the complete layout and boundaries of any place sought by the applicant to be a licensed shipyard.</p> <p>(2) An application for a licence under the provisions of Regulation 3(2) shall be made in writing in the form as may be prescribed by the Director and shall be accompanied by such particulars as may be required by the Director to determine the suitability of the ship for the purpose it is intended for.</p> <p>(3) Such application forms as mentioned in paragraph (1) and (2) of this Regulation shall, when completed, be signed —</p> <ul style="list-style-type: none">(a) where the applicant is an individual, by the applicant or his duly constituted attorney ;(b) where the applicant is a corporation, by a director or the secretary thereof ;(c) where the applicant is a firm —<ul style="list-style-type: none">(i) by all the individuals who are partners or their duly constituted attorneys and by a director or the secretary of all corporations which are partners ; or(ii) by some individual who is a partner or his attorney or a director or the secretary of some corporation which is a partner.
Requirement for further information.	<p>9. At any time prior to the determination of the application under Regulation 8, the Director or an authorised officer may require the applicant to furnish such further information in writing as the Director or such officer may consider material to the application.</p>
Form and conditions of licence.	<p>10. A licence shall be signed by an authorised officer in the form set out in the First Schedule and, subject to these Regulations, shall be subject to such conditions as may be imposed by the Director. Such conditions shall be endorsed on the back of the licence.</p>
Fees and duration of licence.	<p>11. (1) Subject to the provisions of paragraph (3) of this Regulation, the fees for —</p> <ul style="list-style-type: none">(a) a licence,(b) a replacement of a licence,(c) a search or inspection of the particulars entered in the register,

(d) a certified copy of the particulars entered in the register or any other document, and

(e) a change of particulars to be entered in the register,

shall be set out in the Second Schedule.

(2) A licence shall, unless previously cancelled, be valid for a period of 12 months or such shorter period of time as the Director may determine.

(3) Shipyards belonging to the Government shall be exempted from payment of any fees set out in this Regulation.

12. No licensee shall transfer his licence to any other person.

Licence not to be transferred. Register.

13. The Director shall keep a register of all licences issued by him or by an authorised officer, and shall enter in such register the number of the licence, the name and address of the licensee, the purpose for which any licence is granted, the location of any licensed shipyard, the date of issue and expiry of the licence, and such other particulars as may be determined by the Director.

14. (1) Every shipbuilder and every licensee of a licensed shipyard shall cause his licence to be exhibited in a conspicuous and accessible position on his licensed shipyard.

Licence to be displayed, produced or surrendered.

(2) Every licensee shall at all reasonable times produce his licence if required to do so by the Director or an authorised officer.

(3) Every licensee shall surrender his licence to the Director or an authorised officer upon the expiration of the period for which the licence is granted or on the cancellation of the licence.

PART III

SUPPLEMENTAL

15. The Director or any authorised officer may at any time enter and inspect a licensed shipyard and question the licensee and his employees as is deemed necessary.

Inspection.

16. The provisions of these Regulations shall be in addition to and not in derogation of the provisions of any other written law relating to or affecting any place, trade, business, occupation or act with respect to which these Regulations apply.

Other regulations.

17. Notwithstanding anything contained in these Regulations a person who immediately before the date of commencement of these Regulations was a shipbuilder or was keeping open a shipyard or was selling, providing or importing a ship shall be entitled to be or do the same without a licence —

Transitional provisions.

(a) for a period of 6 months beginning from the date of commencement of these Regulations ; and

- (b) if before the expiration of that period he applies for a licence in respect of the same, until the licence is granted or finally refused or the application is withdrawn.

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.

FIRST SCHEDULE
(Regulation 10)
FORM OF LICENCE

THE MARINE DEPARTMENT
MINISTRY OF COMMUNICATIONS
BRUNEI DARUSSALAM

The Merchant Shipping (Licensing of Shipbuilder)
Regulations, 1988
(Regulations 10)

LICENCE NO.

Subject to the provisions of the above-mentioned Regulations, the Director of Marine hereby licences the Licensee named in the Schedule below for the purpose, at the location (if any), from the date of issue until the date of expiry and subject to the conditions (if any) specified in the Schedule below.

SCHEDULE

1. Name and address/registered office/Identity Card Number of Licence :
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.....
.....
2. Purpose for which Licence is issued:
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3. Location of Licensed shipyard (if any) :
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.....
4. Date of Issue :
5. Date of Expiry :
6. Conditions (if any) : Endorsed on back of this Licence.

.....
(Authorised officer)

SECOND SCHEDULE
(Regulation 11(1))

FEES

- | | | |
|--|----|------------------|
| 1. Fee for each application of a licence | \$ | 5.00 |
| 2. Fees for a licence as a shipbuilder or a shipyard :— | | |
| (a) If the shipbuilder or shipyard is capable of building a ship of up to 25 gross tons | \$ | 25.00 per annum |
| (b) If the shipbuilder or shipyard is capable of building a ship of up to 100 gross tons | \$ | 50.00 per annum |
| (c) If the shipbuilder or shipyard is capable of building a ship of over 100 gross tons | \$ | 100.00 per annum |
| 3. Fees for other services :— | | |
| (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 |