

No. S 22

**MERCHANT SHIPPING ORDER, 2002
(S 27/02)**

MERCHANT SHIPPING (RETURNS OF BIRTHS AND DEATHS) REGULATIONS, 2007

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MERCHANT SHIPPING ORDER, 2002
(S 27/02)

MERCHANT SHIPPING (RETURNS OF BIRTHS AND DEATHS) REGULATIONS, 2007

In exercise of the power conferred by section 94 of the Merchant Shipping Order, 2002, the Minister of Communications, with the approval of His Majesty the Sultan and Yang Di-Pertuan, hereby makes the following Regulations —

Citation.

1. These Regulations may be cited as the Merchant Shipping (Returns of Births and Deaths) Regulations, 2007.

Interpretation.

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

"country" includes a territory;

"Registrar" means the Registrar of Births and Deaths appointed under section 3 of the Births and Deaths Registration Act (Chapter 79) and includes the Deputy Registrar of Births and Deaths.

Where person is born on board Brunei Darussalam ship outside Brunei Darussalam.

3. Where a child is born on board a Brunei Darussalam ship which is outside Brunei Darussalam, the master of the ship shall make a return of the birth in accordance with regulations 6 and 7.

Where person dies on board Brunei Darussalam ship outside Brunei Darussalam.

4. Where —

(a) any person dies on board a Brunei Darussalam ship which is outside Brunei Darussalam; or

(b) any person employed in any Brunei Darussalam ship dies outside Brunei Darussalam,

the master of the ship shall —

- (i) make a return of the death in accordance with regulations 6 and 7; and
- (ii) as soon as practicable but not more than 3 days after the death, notify the death to such person, if any, as the deceased may have named to him as his next of kin.

Where citizen of Brunei Darussalam is born or dies on board ship not registered in Brunei Darussalam.

5. Where —

(a) a citizen of Brunei Darussalam is born or dies on board a ship not registered in Brunei Darussalam; and

(b) the ship thereafter calls at Brunei Darussalam in the course of or at the end of the voyage during which the birth or death occurs,

the master of the ship shall make a return of the birth or of the death in accordance with regulations 6 and 7.

Person by whom, and time within which, return of birth or death to be made.

6. Any return of a birth or of a death required to be made under regulations 3, 4 or 5 shall be made by the master of the ship to the Director as soon as practicable but within 30 days after the birth or death to which it relates.

Form and contents of return of birth or death.

7. A return of a birth or of a death required to be made under regulations 3, 4 or 5 —

(a) shall be in writing;

(b) shall be signed by the master of the ship as informant; and

(c) shall contain —

- (i) in the case of a birth, the particulars specified in the First Schedule; and

- (ii) in the case of a death, the particulars specified in the Second Schedule, or so many of those particulars as the master may reasonably be able to obtain, having regard to the circumstances of the death.

Director to send copy of return to Registrar.

8. When a return made in accordance with regulations 6 and 7 has been transmitted to him, the Director shall send a copy certified by him to be a true copy of that return to the Registrar.

Inquiry into cause of death.

9. (1) Where a death has occurred on board a ship, the master of the ship shall inquire into the nature and cause of the death and shall forward a report of the inquiry to the Director without delay.

(2) The report shall contain the particulars specified in the Third Schedule, or so many of those particulars as the master may reasonably be able to obtain, having regard to the circumstances of the death.

Where master of ship unable to perform duty under regulation 9.

10. Where it appears to the Director that the master of a ship cannot perform the duty imposed on him by regulation 9 in respect of a death on board the ship because the master has himself died or is incapacitated or missing, the Director shall record such of the information specified in the Second and Third Schedules as he may be able to obtain in the circumstances of the death.

Offence.

11. The master of a ship who fails to comply with the provisions of regulations 3, 4, 5, 6, 7 or 9 shall be guilty of an offence and liable on conviction to a fine not exceeding \$2,000.

FIRST SCHEDULE

regulation 7(c)(i)

PARTICULARS REQUIRED TO BE CONTAINED IN RETURNS OF BIRTHS
UNDER REGULATIONS 3, 5, 6 AND 7

1. Ship in which birth occurred —

(a) name of the ship; and

(b) official number.

2. Child —

(a) date and time (in Greenwich Mean Time) of birth;

(b) (i) if the birth takes place at sea, the position of the ship by latitude and longitude at the time of birth; and

(ii) in any other case, the place of birth;

(c) name (if any) and surname; and

(d) sex.

3. Father —

(a) name and surname;

(b) country of domicile;

(c) race and nationality;

(d) national registration identity card or passport number;

(e) occupation, rank or profession; and

(f) date of birth,

but if the child is illegitimate, no particulars of the father shall be given except at the joint request of the mother and of the person acknowledging himself to be the father, given to the informant in writing and signed by both the mother and that person.

4. Mother —

- (a)* name;
- (b)* (i) maiden surname; and
(ii) surname at marriage, if different from maiden surname;
- (c)* country of domicile;
- (d)* race and nationality;
- (e)* national registration identity card or passport number; and
- (f)* date of birth.

5. Informant —

- (a)* full name of master;
- (b)* country of domicile;
- (c)* race and nationality;
- (d)* address; and
- (e)* qualification.

SECOND SCHEDULE

regulation 7(c)(ii)

**PARTICULARS REQUIRED TO BE CONTAINED IN RETURNS OF DEATHS
UNDER REGULATIONS 4, 5, 6 AND 7**

1. The ship in which the death occurred or in which the deceased was employed —

- (a)* name of ship;
- (b)* official number; and
- (c)* name of its owner and his address.

2. The deceased —

- (a)* date of death or loss;
- (b)* (i) if the death takes place on board the ship or in a ship's boat or if the deceased is lost from the ship or a ship's boat, the place of death or, if at sea, the position of the ship or ship's boat by latitude and longitude at the time of death or loss (as the case may require); and

(ii) in any other case, the place of death;
- (c)* name and surname;
- (d)* sex;
- (e)* date of birth (if known) or age;
- (f)* maiden surname (if known) in case of a married woman;
- (g)* occupation, rank or profession;
- (h)* usual residence at time of death or loss;
- (i)* race and nationality;
- (j)* national registration identity card or passport number; and
- (k)* cause of death or loss (certified if possible by the ship's doctor or other medical practitioner).

3. Informant —

- (a)* full name of master;
- (b)* country of domicile;
- (c)* race and nationality;
- (d)* address; and
- (e)* qualification.

**PARTICULARS REQUIRED TO BE CONTAINED IN REPORTS OF INQUIRIES
INTO DEATHS UNDER REGULATION 9**

PART I

1. Ship in which the death occurred or in which the deceased was employed —
 - (a) name of ship; and
 - (b) official number.

2. The deceased —
 - (a) date of death or loss;
 - (b) (i) if the death takes place on board the ship or in a ship's boat or if the deceased is lost from the ship or a ship's boat, the place of death or loss or, if at sea, the position of the ship or ship's boat by latitude and longitude at the time of death or loss (as the case may require); and

(ii) in any other case, the place of death;
 - (c) name and surname;
 - (d) sex;
 - (e) date of birth (if known) or age;
 - (f) occupation, rank or profession;
 - (g) usual residence at time of death or loss;
 - (h) race and nationality; and
 - (i) cause of death or loss.

PART II

PARTICULARS REQUIRED IN EVERY CASE OF DEATH

1. The port or place from which the ship departed and the port or place to which the ship was proceeding at the time of the death or loss.
2. The date of leaving the last port.
3. The nature of the cargo.
4. The date and place where the deceased was engaged.
5. The number of years the deceased had worked at sea.
6. The competency of the deceased in respect of the work —
 - (a) for which he was engaged; and
 - (b) on which he was employed at the time of the death or loss.
7. The nature of any complaint made by the deceased regarding —
 - (a) accommodation;
 - (b) ventilation;
 - (c) sanitary arrangements;
 - (d) ship's gear, life-saving or other equipment;
 - (e) food;
 - (f) water;
 - (g) medical stores;
 - (h) ill-treatment;
 - (i) threats; or
 - (j) neglect.

8. The number of seamen employed and whether they were sufficient and efficient.
9. The temperature in the engine room at the time the deceased fell ill or was injured, if the deceased was a member of the engineering staff and was on duty.
10. Whether medical or surgical aid was given.
11. Whether drugs or other medication was given and the number of times given.
12. The report of the death or loss to the proper authority.
13. Whether an inquiry by a Coroner or other such authority was held and the result of such an inquiry.

PART III

PARTICULARS REQUIRED IN THE CASE OF DEATH BY ACCIDENT, VIOLENCE, SUICIDE OR DISAPPEARANCE

1. The place where the deceased was at the time of the occurrence, and if he was on duty, what was he doing.
2. The period the deceased was on duty.
3. The efficiency of the seamen working with the deceased at the time of the occurrence.
4. The state of the ship with regard to its navigation and to the safety of the seamen at work.
5. The damage or loss sustained by the ship or its machinery, gear, rigging or cargo at the time of the occurrence.
6. The measures adopted to secure the safety of the deceased if he was employed on work of exceptional danger.
7. The state of the weather and the sea at the time of occurrence.

8. The state of the hatchway with regard to lighting and other measures taken to prevent accident at the time of the occurrence if death was due to a fall down a hatchway.
9. The state of the deceased's physical appearance and whether the circumstances point to suicide.
10. In the event that the deceased was missing, the possible explanation for his disappearance.
11. The name of the person (if any) who saw the deceased falling overboard if the deceased fell overboard.
12. The relationship of the deceased with the other seamen.
13. The habits of the deceased with regard to the consumption of intoxicating liquors and narcotics.
14. The state of the ship's gangway with regard to lighting and measures taken to prevent accident if the deceased was going to or from the ship at the time of the occurrence.
15. The means taken to rescue the deceased.
16. The treatment given to the deceased if he was injured.
17. The person at fault (if any) and the reason he is at fault.
18. The primary cause of the occurrence and the immediate cause of death.

PART IV

PARTICULARS REQUIRED IN CASE OF DEATH BY DISEASE

1. The nature of the disease.
2. The length of the illness.
3. The chief symptoms.

4. In the case of infectious or contagious illness, the steps taken to prevent further infection.
5. The date the deceased was transferred to the ship's hospital.
6. The person attending to the deceased and the treatment given.
7. The injury or injuries received by the deceased in any accident, fight, drunkenness etc. which contributed to his illness.
8. In the case of sudden death from cardiac problems or convulsions, the disclosure made by the deceased of his illness.
9. The habits of the deceased with regard to the consumption of intoxicating liquors and narcotics.
10. The date of discharge of the deceased from the ship on account of his illness.
11. The primary cause of the illness and the immediate cause of death.

PART V

Names and designation of persons interviewed by the master.

Made this 21st. day of Rabiulawal, 1428 Hijriah corresponding to the 9th. day of April, 2007.

PEHIN ORANG KAYA SERI KERN DATO SERI
SETIA HAJI AWANG ABU BAKAR BIN HAJI APONG
Minister of Communications,
Brunei Darussalam.