

No. S 52

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

**MERCHANT SHIPPING (REGISTRATION OF FISHING VESSELS AND PLEASURE CRAFT)
REGULATIONS, 2011**

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**MERCHANT SHIPPING ORDER, 2002
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**MERCHANT SHIPPING (REGISTRATION OF FISHING VESSELS AND PLEASURE CRAFT)
REGULATIONS, 2011**

In exercise of the power conferred by section 213 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 —

PART I

REGISTRY OF FISHING VESSELS AND PLEASURE CRAFT

Citation and commencement.

1. These Regulations may be cited as the Merchant Shipping (Registration of Fishing Vessels and Pleasure Craft) Regulations, 2011 and shall commence on a date to be appointed by the Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by notification published in the *Gazette*.

Interpretation.

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

"fishing vessel" means any ship which is used for fishing, including the processing or transportation of fish;

"ship's boat" means any ship carried on board another ship and affixed to the ship in the proper place for use during an emergency or for communication between the ship and the shore.

(2) For the purposes of these Regulations —

(a) any person who —

- (i) is the sole, joint or part owner of a fishing vessel or pleasure craft;
- (ii) has possession or control of a fishing vessel 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 fishing vessel or pleasure craft under the terms of a charter agreement,

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

(b) any person who is the owner of a fishing vessel 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 fishing vessel or pleasure craft shall be deemed not to be the owner of the fishing vessel or pleasure craft.

Non-application.

3. These Regulations shall not apply to any ship's boat.

Registration of fishing vessels and pleasure craft.

4. No person shall use or, being the owner, shall permit any other person to use a fishing vessel or pleasure craft unless such fishing vessel or pleasure craft is registered under these Regulations.

Registry of fishing vessels and pleasure craft.

5. (1) The Director shall be the Registrar of fishing vessels and pleasure craft.

(2) The Registrar shall keep a register of fishing vessels and pleasure craft in accordance with these Regulations.

Application for registry.

6. (1) An application for the registry of a fishing vessel or pleasure craft shall be made in such form and manner and accompanied by such documents and particulars as the Registrar may determine by the person applying to be registered as owner or by some other person on his behalf.

(2) On receiving the application, the Registrar may —

(a) if he is satisfied that the fishing vessel or pleasure craft may be registered as such; and

(b) upon the applicant making payment of the prescribed fee,

register the fishing vessel or pleasure craft in the register of fishing vessels and pleasure craft and issue a certificate of registry to the applicant subject to such conditions as he may think fit to impose.

Inspection of fishing vessels or pleasure craft.

7. (1) In determining whether to issue or refuse to issue a certificate of registry, the Registrar may consider the seaworthiness of the fishing vessel or pleasure craft for its intended use.

(2) For the purpose of sub-regulation (1), the Registrar may —

(a) require any fishing vessel or pleasure craft for which an application for registry is made to be brought to any place for inspection; and

(b) cause the fishing vessel or pleasure craft to be inspected by an officer authorised by the Registrar.

Identification of fishing vessels or pleasure craft.

8. (1) Upon the issue of a certificate of registry, the Registrar shall assign a registration number to the fishing vessel or pleasure craft.

(2) The registration number of every fishing vessel or pleasure craft shall be prefixed with the letters specified in the First Schedule.

Registered owner to ensure fishing vessels or pleasure craft are properly marked.

9. The person registered as the owner of the fishing vessel or pleasure craft shall ensure that —

(a) within one month of the date on which the fishing vessel or pleasure craft is registered, the registration number assigned by the Registrar is clearly painted on or affixed to the bows thereof against a contrasting background and carved on, cut in or centre punch into the main beam in such manner as approved by the Registrar; and

(b) such marking is effectively maintained and renewed when necessary during the period of the registry of the fishing vessel or pleasure craft.

Provisional registry.

10. (1) The Registrar may, if he thinks fit, provisionally register a fishing vessel or pleasure craft and grant a provisional certificate of registry if the application is not accompanied by such of the documents and particulars required under regulation 6(1).

(2) The provisional registry of a fishing vessel or pleasure craft shall be valid for a period of not more than one year from the date of issue.

PART II

EVIDENCE OF SEAWORTHINESS

Evidence of seaworthiness.

11. (1) The following documents may be accepted by the Registrar as evidence that a fishing vessel or pleasure craft is in a seaworthy condition for registry under these Regulations —

(a) a classification certificate issued by a classification society which has been authorised to issue certificates on behalf of the Government; or

(b) such other documents relating to the seaworthiness of the fishing vessel or pleasure craft as the Registrar may determine.

(2) Evidence of the seaworthiness of a fishing vessel or pleasure craft shall be produced to the Registrar at such time as he may require, such evidence being appropriate to the voyages on which the fishing vessel or pleasure craft is to be engaged.

PART III

CHANGE OF PARTICULARS

Change of ownership etc. of fishing vessels or pleasure craft.

12. (1) If at any time there occurs —

(a) any change of ownership; or

(b) any change in the particulars recorded in the register or certificate of registry,

the registered owner of the fishing vessel or pleasure craft shall, within 14 days, apply to the Registrar for the change to be recorded in the register.

(2) Such an application shall be in writing and be accompanied by the certificate of registry and such evidence as to the change as may be required by the Registrar.

(3) On recording the change in the registered particulars, the Registrar shall amend the certificate of registry or issue an amendment slip which shall be affixed to the certificate of registry of the fishing vessel or pleasure craft as soon as practicable.

(4) Where there is a change in any of the particulars which is required to be marked in accordance with these Regulations, the Registrar shall issue a carving and marking note and, at the request of the applicant, may issue an amendment slip.

(5) The amendment slip shall be affixed to the certificate of registry of the fishing vessel or pleasure craft by the surveyor who certifies that the marking has been done in accordance with the carving and marking note.

PART IV

CLOSURE OF REGISTRY

Closure of registry of fishing vessels or pleasure craft.

13. (1) The Registrar may close the registry of a fishing vessel or pleasure craft at the written request of the registered owner of the fishing vessel or pleasure craft and upon the surrender of its certificate of registry.

(2) In the event of a fishing vessel or pleasure craft ceasing to be a fishing vessel or pleasure craft to which these Regulations apply, its registry shall be deemed to be closed and the Registrar shall make an entry thereof in the register.

Power of Registrar to close registry and cancel certificate of registry.

14. (1) The Registrar may close the registry of a fishing vessel or pleasure craft (except in relation to any unsatisfied mortgages entered therein) and cancel its certificate of registry for any contravention of any of the provisions of these Regulations.

(2) The Registrar may close the registry of a fishing vessel or pleasure craft (except in relation to any unsatisfied mortgages entered therein) and cancel its certificate of registry if the Registrar is satisfied that it is not in the public interest for the fishing vessel or pleasure craft to continue to be registered.

(3) Where the registry of a fishing vessel or pleasure craft is closed under this regulation, the registered owner of the fishing vessel or pleasure craft at the time of the closure shall, within 30 days of the closure, deliver up the certificate of registry to the Registrar for cancellation.

Issue of certificate of deletion.

15. Where the registration of a fishing vessel or pleasure craft is, or deemed to be, closed under these Regulations, the Registrar shall issue to the owner a certificate of deletion in such form and manner as the Registrar may determine certifying that the fishing vessel or pleasure craft's registry is closed and the date and reason of such closure.

PART V

GENERAL

Fishing vessels or pleasure craft restricted to specified area.

16. The owner of any fishing vessel or pleasure craft shall not allow the fishing vessel or pleasure craft to ply or operate beyond the area specified in his certificate of registry without the prior approval of the Registrar.

Application of provisions of Order to fishing vessels or pleasure craft.

17. As regards any matter in relation to a fishing vessel or pleasure craft, its owner or its register for which no special provision has been made by these Regulations, the provisions of the Order or any regulations made thereunder as are applicable in respect of any such matter in relation to a ship registered under Part II of the Order, its owner or its register shall, with the necessary modifications, apply.

Exemption.

18. The Registrar may exempt any fishing vessel or pleasure craft or any person from any provision of these Regulations and may impose such conditions as he may consider to be expedient.

Offences.

19. (1) Subject to sub-regulation (2), any person who contravenes any provision of these Regulations is guilty of an offence and liable on conviction to a fine not exceeding \$2,000.

(2) The Registrar may, in his discretion, compound any offence under these Regulations by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$500.

Registers.

20. Registers kept in accordance with these Regulations may consist of paper or computerised records or both or such other records as the Registrar may consider to be expedient.

Fees.

21. The fees specified in the Second Schedule shall be paid to the Registrar in respect of the matters to which they relate.

Savings.

22. Any order, notice, form or licence issued or made under or in accordance with the Merchant Shipping (Harbour and Pleasure Craft) Regulations, 1986 [S 4/1986] which is repealed by these Regulations shall continue to be in force to the extent that they are not inconsistent with or not replaced by the provisions of these Regulations, until repealed or replaced by the provisions of these Regulations.

Repeal of S 4/1986.

23. The Merchant Shipping (Harbour and Pleasure Craft) Regulations, 1986 are hereby repealed.

FIRST SCHEDULE

(regulation 8(2))

PREFIX LETTERS

B, BA, BB, BC, BE, BF, BH, BJ, BK, BL, BM, BN, BP, BQ, BR, BS, BT, BU, BV, BW, BY, BAA, BAB, BAC, BAE, BAF, BAG, BAH, BAJ, BAK, BAL, BAM, BAN, BAP, BAQ, BAR, BAS, BAT, BAU, BAV, BAW, BAX, BAY, BAZ, BBA, BBB, BBC, BBD, BBE, BBF, BBG, BBH, BBJ, BBK, BBL, BBM, BBN, BBP, BBQ, BBR, BBS, BBT, BBU, BBV, BBW, BBX, BBY, BBZ, BCA, BCB, BCC, BCD, BCE, BCF, BCG, BCH, BCJ, BCK, BCL, BCM, BCN, BCP, BCQ, BCR, BCS, BCT, BCU, BCV, BCW, BCX, BCY, BCZ, BDA, BDB, BDC, BDD, BDE, BDF, BDG, BDH, BDJ, BDK, BDL, BDM, BDN, BDP, BDQ, BDR, BDS, BDT, BDU, BDV, BDW, BDX, BDY, BDZ, BEA, BEB, BEC, BED, BEE, BEF, BEG, BEH, BEJ, BEK, BEL, BEM, BEN, BEP, BEQ, BER, BES, BET, BEU, BEV, BEW, BEX, BEY, BEZ, BFA, BFB, BFC, BFD, BFE, BFF, BFG, BFH, BFJ, BFK, BFL, BFM, BFN, BFP, BFQ, BFR, BFS, BFT, BFU, BFV, BFW, BFX, BFY, BFZ, BHA, BHB, BHC, BHD, BHE, BHF, BHG, BHH, BHJ, BHK, BHL, BHM, BHN, BHP, BHQ, BHR, BHS, BHT, BHU, BHV, BHW, BHX, BHY, BHZ, BJA, BJB, BJC, BJD, BJE, BJF, BJG, BJH, BJJ, BJK, BJL, BJM, BJN, BJP, BJQ, BJR, BJS, BJT, BJU, BJV, BJW, BJX, BJY, BJZ, BKA, BKB, BKC, BKD, BKE, BKF, BKG, BKH, BKJ, BKK, BKL, BKM, BKN, BKP, BKQ, BKR, BKS, BKT, BKU, BKV, BKW, BKX, BKY, BKZ, BLA, BLB, BLC, BLD, BLE, BLF, BLG, BLH, BLJ, BLK, BLL, BLM, BLN, BLP, BLQ, BLR, BLS, BLT, BLU, BLV, BLW, BLX, BLY, BLZ, BMA, BMB, BMC, BMD, BME, BMF, BMG, BMH, BMJ, BMK, BML, BMM, BMN, BMP, BMQ, BMR, BMS, BMT, BMU, BMV, BMW, BMX, BMY, BMZ, BNA, BNB, BNC, BND, BNE, BNF, BNG, BNH, BNJ, BNK, BNL, BNM, BNN, BNP, BNQ, BNR, BNS, BNT, BNU, BNV, BNW, BNX, BNY, BNZ, BPA, BPB, BPC, BPD, BPE, BPF, BPG, BPH, BPJ, BPK, BPL, BPM, BPN, BPP, BPQ, BPR, BPS, BPT, BPU, BPV, BPW, BPX, BPY, BPZ, BQA, BQB, BQC, BQD, BQE, BQF, BQG, BQH, BQJ, BQK, BQL, BQM, BQN, BQP, BQQ, BQR, BQS, BQT, BQU, BQV, BQW, BQX, BQY, BQZ, BRB, BRC, BRD, BRE, BRF, BRG, BRH, BRJ, BRK, BRL, BRM, BRN, BRP, BRQ, BRR, BRS, BRT, BRU, BRV, BRW, BRX, BRY, BRZ, BSA, BSB, BSC, BSD, BSE, BSF, BSG, BSH, BSJ, BSK, BSL, BSM, BSN, BSP, BSQ, BSR, BSS, BST, BSU, BSV, BSW, BSX, BSY, BSZ, BTA,

BTB, BTC, BTD, BTE, BTF, BTG, BTH, BTJ, BTK, BTL, BTM, BTN, BTP, BTQ, BTR, BTS, BTT, BTU, BTV, BTW, BTX, BTY, BTZ, BUA, BUB, BUC, BUD, BUE, BUF, BUG, BUH, BUJ, BUK, BUL, BUM, BUN, BUP, BUQ, BUR, BUS, BUT, BUU, BUV, BUW, BUX, BUY, BUZ, BVA, BVB, BVC, BVD, BVE, BVF, BVG, BVH, BVJ, BVK, BVL, BVM, BVN, BVP, BVQ, BVR, BVS, BVT, BVU, BVV, BVW, BVX, BVY, BVZ, BWA, BWB, BWC, BWD, BWE, BWF, BWG, BWH, BWJ, BWK, BWL, BWM, BWN, BWP, BWQ, BWR, BWS, BWT, BWU, BWV, BWW, BWX, BWY, BWZ, BYA, BYB, BYC, BYD, BYE, BYF, BYG, BYH, BYJ, BYK, BYL, BYM, BYN, BYP, BYQ, BYR, BYS, BYT, BYU, BYV, BYW, BYX, BYY, BYZ, BZA, BZB, BZC, BZD, BZE, BZF, BZG, BZH, BZJ, BZK, BZL, BZM, BZN, BZP, BZQ, BZR, BZS, BZT, BZU, BZV, BZW, BZX, BZY, BZZ.

SECOND SCHEDULE

(regulation 21)

FEES

	Fee
1. Issue of a certificate of registry	\$20
2. Replacement of a certificate of registry	\$20
3. Inspection of the ship's record in the register	\$10
4. Copy of or extract from any entry in the register	\$10
5. Certification of a copy of or extract from any entry in the register	\$10
6. Issue of a certificate of deletion	\$10
7. Issue of a certified copy or amendment of any certificate, document or register book, not otherwise provided	\$15
8. Recording of a bill of sale	\$20

Made this 16th. day of Syawal, 1432 Hijriah corresponding to the 15th. day of September, 2011.

PEHIN ORANG KAYA HAMZAH PAHLAWAN
DATO SERI SETIA AWANG HAJI ABDULLAH
BIN BEGAWAN MUDIM DATO PADUKA HAJI BAKAR
Minister of Communications,
Brunei Darussalam.