

13. Any person who fails, without any reasonable cause, to comply with any requirement of the auditor under paragraph 12 or who otherwise hinders, obstructs or delays the auditor in the performance of his functions under this Order is guilty of an offence and liable on conviction to a fine not exceeding \$1,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part thereof during which the offence continues after conviction.

14. As soon as the accounts of the Authority and the financial statements have been audited in accordance with this Order, a copy of the audited financial statements signed by the Chairman, together with a copy of any report made by the auditor, shall be submitted to the Minister.

15. Where the Auditor General is not appointed as the auditor, a copy of the audited financial statements and any report made by the auditor shall be forwarded to the Auditor General at the same time they are submitted to the Authority.

16. The Minister shall within 12 months after the close of the financial year cause a copy of the audited financial statements and of the auditor's report to be presented to His Majesty the Sultan and Yang Di-Pertuan.

SCHEDULE 4
(section 123(3))

CONSEQUENTIAL AMENDMENTS TO OTHER WRITTEN LAWS

<i>First column</i>	<i>Second column</i>
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1. Merchant Shipping Order, 2002(S 27/2002)

Section 2(1)	i. To insert the following three new definitions in the appropriate alphabetical order –
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“ “Authority” means the Maritime and Port Authority of Brunei Darussalam established under the Maritime and Port Authority of Brunei Darussalam Order, 2016;

“Maritime and Port Authority of Brunei Darussalam Fund” means the Maritime and Port Authority of Brunei Darussalam Fund established under section 21 of the Maritime and Port Authority of Brunei Darussalam Order, 2016”;

SCHEDULE 4 – (continued)

“Port Master” means the Port Master appointed under the Maritime and Port Authority of Brunei Darussalam Order, 2016 and includes any Deputy Port Master;”.

- ii. Delete the definition of “harbour craft” and substitute the following new definition therefor –

“harbour craft” means has the same meaning as in section 2 of the Maritime and Port Authority of Brunei Darussalam Order, 2016;”.

- iii. Delete the definition of “port” and substitute the following new definition therefor –

“ “port” has the same meaning as in section 2 of the Maritime and Port Authority of Brunei Darussalam Order, 2016;”.

Section 4(2)

Repeal.

Section 5A

Insert the following new section 5A immediately after section 5 –

“Delegation of powers by Authority.

5A. The Authority may delegate to any of its officers all or any of the functions and power conferred on the Authority by this Order.”.

Section 5(1)

Delete “His Majesty the Sultan and Yang Di-Pertuan” from the first line and substitute with “The Authority” therefor.

Section 43(1)

Delete “Registrar” from the first line and substitute with “Authority” therefor.

Section 43(2)

Delete “Registrar” from the first line and substitute with “Authority” therefor.

Section 50

Insert “, the Port Master” immediately after “Director” in the third line.

Part IV

Repeal.

Section 111(2)

Insert “or the Port Master” immediately after “Director”.

SCHEDULE 4 — (continued)

- Section 135(4) Delete “His Majesty the Sultan and Yang Di-Pertuan” from the last two lines and substitute with “the Minister” therefor.
- Section 135(5) i. Delete “His Majesty the Sultan and Yang Di-Pertuan, may if in any case His Majesty the Sultan and Yang Di-Pertuan” from the first two lines and substitute with “The Minister may, if in any case the Minister” therefor.
- ii. Delete “Consolidated” from the last line and substitute with “Maritime and Port Authority of Brunei Darussalam” therefor.
- Section 136(1) Delete “His Majesty the Sultan and Yang Di-Pertuan” from the second line and substitute with “the Minister” therefor.
- Section 136(1)/b) Delete “His Majesty the Sultan and Yang Di-Pertuan” from the first line and substitute with “the Minister” therefor.
- Section 140 i. Delete “His Majesty the Sultan and Yang Di-Pertuan” from the first line and substitute with “The Minister” therefor.
- ii. Delete “Consolidated” from the second line and substitute with “Maritime and Port Authority of Brunei Darussalam” therefor.
- Section 143 Delete “Director” from the first line and substitute with “Authority” therefor.
- Section 149(2) Delete “Director” from the second line and substitute with “Authority, and another to the office of the Port Master” therefor.
- Section 152 Delete “Director” from the second line and substitute with “Port Master” therefor.
- Section 166 Delete “Director” from the last line and substitute with “Authority” therefor.
- Section 168(3) Delete “Director” and substitute with “Authority” therefor.
- Section 174(1) Delete “Director” wherever it appears in the third line and substitute with “Authority” therefor.

SCHEDULE 4 – *(continued)*

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| Section 174(4) | Delete “Director” from the second line and substitute with “Authority” therefor. |
| Section 188 | Insert “the Port Master,” immediately before “or” in the second last line. |
| Section 194 <i>(b)</i> | Insert “the Port Master,” immediately before “the” the first time it appears in the second line. |
| Section 198(1) | Delete “Director” from the second line and substitute with “Authority” therefor. |
| Section 198(2) | Delete “Director” from the first line and substitute with “Authority” therefor. |
| Section 198(3) | Delete “Director” from the second last line and substitute with “Authority” therefor. |
| Section 198(4) | Delete “Director” from the first line and substitute with “Authority” therefor. |
| Section 199(3) | Delete “Director” wherever it appears and substitute with “Authority” therefor. |
| Section 200 | Delete “Director” and substitute with “Authority” wherever it appears. |
| Section 201(1) | Insert “the Port Master” immediately before “a” the first time it appears in the first line. |
| Section 203 | Insert “the Port Master” immediately before “a” the first time it appears in the first line. |
| Section 206(1) | Insert “the Port Master” immediately before “a” the first time it appears in the first line. |
| Section 210(5) | Delete “Director” and substitute with “Consolidated Fund” therefor. |
2. Prevention of Pollution of the Sea Order, 2005 (S 18/2005)
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| Section 2(1) | i. Delete the definition of “appointed authority” and substitute the following new definition therefor –

“appointed authority” means the Maritime and Port Authority of Brunei Darussalam established under the Maritime and Port Authority of Brunei Darussalam Order, 2016 and any person appointed by the Minister for the purposes of this Order or any regulations made thereunder;” |
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SCHEDULE 4 – (continued)

- ii. Delete the definition of “Authority and substitute the following new definition therefor –
- “ “Authority” means the Maritime and Port Authority of Brunei Darussalam established under the Maritime and Port Authority of Brunei Darussalam Order, 2016;”.
- iii. Delete the definition of “port” and substitute the following new definition therefor –
- “ “port” has the same meaning as in the Maritime and Port Authority of Brunei Darussalam Order, 2016;”.
- iv. Insert the following new definition immediately after “port” –
- “ “Port Master” means the Port Master appointed under section 15 of the Maritime and Port Authority of Brunei Darussalam Order, 2016 and includes any Deputy Port Master appointed under that section;”.
- Section 8(1) Delete “Authority” from the last line and substitute with “Port Master or the officer designated by the Port Master” therefor.
- Section 8(2) Delete “Authority” from the first line and substitute with “Port Master or the officer designated by the Port Master” therefor.
- Section 15 Delete “Director” from the third last line and substitute with “the Port Master” therefor.
- Section 21 Insert “or the Port Master” immediately after “Director” wherever it appears.
- Section 22(1) Insert “the Port Master,” immediately after “the” the second time it appears in the second line.
- Section 22(2) Insert “, the Port Master” immediately after “Director” in the first line.
- Section 26(1) Delete “Authority” from the first and second lines and substitute with “Port Master” therefor.
- Section 28 Delete “Authority” from the first and third lines and substitute with “Port Master” therefor.

4. Immigration Act, Chapter 17

Section 2

Delete the definition of “Port Officer”.

Section 49(1)

Delete “any Port Officer” from the first two lines and substitute with “the Director of Marine” therefor.

Section 49(2)

Delete “Port Officer” from the second line and substitute with “Director of Marine” therefor.

Section 49(4)

Delete “Port Officer” from the second line and substitute with “Director of Marine” therefor.

SCHEDULE 4 – (continued)

7. Infectious Diseases Act, Chapter 204
- Section 2 In the definition of “port” delete “Ports Act (Chapter 144)” and substitute with “Maritime and Port Authority of Brunei Darussalam Order, 2016” therefor.
8. Infectious Diseases (Quarantine) Regulations, Rg 1 of Chapter 204
- Regulation 2 Delete the definition of “pilot” and substitute the following new definition therefor –
- “ “pilot” has the meaning ascribed to it in section 2 of the Maritime and Port Authority of Brunei Darussalam Order, 2016;”.
9. Wild Fauna and Flora Order, 2007 (S 77/2007)
- Section 2(1) Delete the definition of “port” and substitute the following new definition therefor –
- “ “port” means any area declared to be a port under section 3 of the Maritime and Port Authority of Brunei Darussalam Order, 2016;”.
10. Customs Order, 2006 (S 39/2006)
- Section 2(1) i. Delete the definition of “customs port” and substitute the following new definition therefor –
- “ “customs port” means any port within the meaning of the Maritime and Port Authority of Brunei Darussalam Order, 2016;”.
- ii. In the definition of “legal landing place” delete “Ports Act (Chapter 144)” and substitute with “Maritime and Port Authority of Brunei Darussalam Order, 2016” therefor.
- iii. Delete the definition of “Ports Department warehouse” and substitute the following new definition therefor –
- “ports warehouse” means a warehouse of the Authority controlled and managed by the Port Master under the Maritime and Port Authority of Brunei Darussalam Order, 2016;”.

SCHEDULE 4 — *(continued)*

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| Section 2(2) | Delete “Ports Department” from the third line and substitute with “ports” therefor. |
| Section 61(1) | Delete “Ports Department” from the second and third lines and substitute with “ports” therefor. |
| Section 65 | Delete “Ports Department” from the second line and substitute with “ports” therefor. |
| Section 69 | Delete “Ports Act (Chapter 144)” and substitute with “Maritime and Port Authority of Brunei Darussalam Order, 2016” therefor. |
| Section 71 | <ul style="list-style-type: none"> i. Delete “Ports Department” from the first line and substitute with “ports” therefor. ii. In paragraph <i>(b)</i>, delete “Ports Department” from the first line and substitute with “ports” therefor. |
| Section 72 | <ul style="list-style-type: none"> i. Delete “Ports Department” from the fourth and fifth lines and substitute with “ports” therefor. ii. Delete “Ports Act (Chapter 144)” from the seventh and ninth lines and substitute with “Maritime and Port Authority of Brunei Darussalam Order, 2016” therefor. |
| Section 152(2)(h) | Delete “Ports Department” from the second line and substitute with “ports” therefor. |
| Section 152(2)(zg) | Delete “Ports Department” and substitute with “ports” therefor. |
| 11. Excise Order, 2006 (S 40/2006) | |
| Section 2(1) | <ul style="list-style-type: none"> i. Delete the definition of “customs port” and substitute the following new definition therefor —

“ “customs port” means any port within the meaning of the Maritime and Port Authority of Brunei Darussalam Order, 2016;”. ii. Delete the definition of “Ports Department warehouse” and substitute the following new definition therefor —

“ports warehouse” means a warehouse of the Authority controlled and managed by the Port Master under the Maritime and Port Authority of Brunei Darussalam Order, 2016;”. |

SCHEDULE 4 – (continued)

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| Section 2(2) | Delete “Ports Department” from the third line and substitute with “ports” therefor. |
| Section 62(1) | Delete “Ports Department” from the second and third lines and substitute with “ports” therefor. |
| Section 64 | Delete “Ports Department” from the second line and substitute with “ports” therefor. |
| Section 68 | Delete “Ports Act (Chapter 144)” from the fourth line and substitute with “Maritime and Port Authority of Brunei Darussalam Order, 2016” therefor. |
| Section 70 | <ul style="list-style-type: none">i. Delete “Ports Department” from the second line and substitute with “ports” therefor.ii. In paragraph <i>(b)</i>, delete “Ports Department” from the first line and substitute with “ports” therefor. |
| Section 71 | <ul style="list-style-type: none">i. Delete “Ports Department” from the fourth line and fifth lines and substitute with “ports” therefor.ii. Delete “Ports Act (Chapter 144)” from the seventh and ninth lines and substitute with “Maritime and Port Authority of Brunei Darussalam Order, 2016” therefor. |
| Section 160(h) | Delete “Ports Department” from the second line and substitute with “ports” therefor. |

Made this 14th. day of Jamadilawal, 1438 Hijriah corresponding to the 11th. day of February, 2017 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM