

No. S 21

**THE PORTS ACT
(CAP. 144)**

THE PORTS (PILOTAGE) REGULATIONS, 1988

In exercise of the powers conferred by section 38 of the Ports Act Cap. 144, the Minister of Communications with the approval of His Majesty The Sultan and Yang Di-Pertuan of Brunei Darussalam, hereby makes the following Regulations :—

1. These Regulations may be cited as the Ports (Pilotage) Regulations, 1988 and shall come into operation on the 1st day of March 1988. Citation and commencement.

PART I

GENERAL

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

“Act” means the Ports Act ;

“dangerous goods” means goods classified as dangerous by regulations made under section 22 of the Act ;

“Director” means Director of Marine ;

“pilot” means a pilot employed by the Director pursuant to the provisions of section 34 of the Act ;

“Senior Pilot” means the Senior Pilot appointed under Regulations 11 of these Regulations.

3. (1) These Regulations shall apply to any pilotage district of Brunei Darussalam declared under section 32 of the Act. Application and exemption.

(2) The Director may exempt any master, vessel or class of vessel from compulsory pilotage subject to such conditions as he deems fit.

PART II

QUALIFICATION, TRAINING AND EXAMINATION OF PILOTS AND ISSUANCE OF LICENCE

4. The Director may determine the qualification in respect of age, physical fitness, time of sea service, certificate of competency, local knowledge, skill, character, and otherwise to be required from persons to be trained and licensed as pilots provided that no person shall be granted a licence as a pilot until he has attained the age of twenty-eight years. Qualification of pilots.

- Training of pilots. 5. The Director may make such arrangements as may be necessary for the training of persons selected for or in the pilotage service.
- Examination of pilots. 6. The Director shall examine, or caused to be examined, every candidate for a pilot licence in accordance with the provisions of section 34 of the Act. Provided that —
- (a) no person shall be examined for a Class 'B' pilot's licence until he has completed twelve months pilotage training and attended on a minimum of four hundred ship movements in the company of a licensed pilot and ;
 - (b) no person shall be examined for a Class 'A' pilot's licence until he has completed a minimum of two years service as a Class 'B' pilot and has carried out a minimum of four hundred ship movements while qualified as a Class 'B' pilot.
- Issuance of Licence. 7. The Director, on being satisfied of the fitness and competency of the candidate examined in accordance with the provisions of Regulation 6 of these Regulations, may issue the candidate with either of the following pilot licences —
- Class 'B' Licence
 - Class 'A' Licence

PART III

CONDITIONS OF PILOT LICENCE AND PILOT CERTIFICATE

- Restrictions on pilot licences. 8. (1) No trainee pilot shall have conduct of any vessel without the express permission and under the direct supervision of a licensed pilot and at all times the licensed pilot shall retain full responsibility for the conduct of the vessel.
- (2) No licensed Class 'B' Pilot shall —
 - (a) conduct the berthing or unberthing movements of any vessel in excess of 110 metres in length overall ; or
 - (b) conduct movements other than berthing and unberthing movements of any vessel in excess of 6000 gross tons.
 - (3) A licensed Class 'A' Pilot may conduct the movements of vessels without restriction as to length or tonnage subject to such conditions as the Director may impose having regard to any unusual characteristics of the vessel or other special circumstances of the case.

9. (1) A pilot's licence shall be in a form approved by the Director and shall contain such details as may be required including the name of the person to whom the licence is granted, the maximum dimensions of vessels that the person is authorised to pilot and the name of the pilotage district in respect of which the licence is granted.

Conditions
and duration
of licence.

(2) A licensed pilot shall, when required by the Director, produce his licence to the Director and, in case his licence is revoked or suspended, shall deliver up his licence to the Director.

(3) Any pilot's licence issued under the provisions of these Regulations shall cease to be valid upon the termination of any pilot's employment with the Government.

10. (1) The Director may grant a pilotage certificate to any person who is master of any ship if that person applies for such certificate, and if, after inquiry, the Director is satisfied that, having regard to his skill, experience, and local knowledge, he is capable of piloting the ship of which he is master within a pilotage district. Provided that a person shall not be granted a pilotage certificate unless he possesses a certificate of competency of a grade not lower than that of a Marine Officer Class 6 and has not less than two years command experience.

Pilotage
certificate.

(2) Such pilotage certificate mentioned in paragraph (1) of this Regulation shall be issued subject to such conditions and for such period as the Director may determine.

11. Every pilot shall give a bond in the sum of \$1,000 in favour of the Government for the proper performance of his duties under the Act and any regulations made thereunder.

Pilots bond.

PART IV

REGULATION OF PILOTAGE SERVICE

12. The Director shall appoint a Senior Pilot whose duty it shall be to superintend and regulate pilots and to see that the requirements of the Director with respect to pilotage are carried out.

Senior Pilot.

13. (1) Every pilot shall keep a record of the vessels piloted by him which shall contain such information as the Director may from time to time direct and shall be submitted to the Senior Pilot for inspection at such times as the Director may require.

Records and
reports.

(2) Every pilot shall when making a report against any vessel for contravention of any provision of the Act or any regulation made thereunder or other written law submit his report in such form as may be required by the Director.

Communications equipment. 14. Every pilot shall ensure that the communications equipment issued to him is maintained in a proper working condition and shall comply with the instructions given for the use thereof.

Medical examination. 15. (1) Every pilot shall submit himself for a medical examination and eye sight test once a year or whenever deemed necessary by the Director.

(2) Any pilot who through sickness, accident or any defect in his eye sight is unable to discharge his duties efficiently shall be liable to immediate suspension from duty by the Director until he is certified medically fit to resume duty.

Conduct of pilots. 16. (1) Every pilot shall when on duty carry his licence with him and such documents as the Director may require and shall make the same available for inspection by the master of any vessel employing him.

(2) Every pilot shall make himself conversant with and shall comply with all written laws and directives relating to his duties.

(3) Every pilot whilst under a pilotage restriction shall comply with such requirements as may be authorised by the Director.

(4) No pilot shall absent himself from pilotage duty unless he has been permitted to do so by the Senior Pilot.

(5) Every pilot shall attend before the Director or before any board of inquiry appointed by the Director on being summoned to do so by the Director.

Unauthorised persons and goods. 17. (1) No pilot shall permit any unauthorised person to accompany him when boarding any vessel.

(2) Unless otherwise authorised, no pilot shall permit any person or goods to be taken on board a vessel from a pilot launch or permit any person or goods to be brought ashore in a pilot launch from such vessel.

PART V

PILOT SIGNALS AND CONDUCT OF VESSELS

Pilot signals. 18. (1) Whenever a pilot is available for duty and is on board a vessel belonging to the Marine Department such vessel shall exhibit by day a red and white flag divided horizontally with the upper half of the flag coloured white and the lower half coloured red and not less than 1.8 metres by 1.2 metres in size.

(2) During the hours between sunset and sunrise such vessel shall exhibit at or near the masthead, two all-round lights in a vertical line, not less than two metres apart, the upper being white and the lower red.

19. (1) Every pilot on boarding a vessel shall ascertain from the master whether —

Quarantine of vessels.

- (a) there has been an infectious disease or any suspected case of infectious disease on board the vessel ;
- (b) the vessel has visited a port infected by cholera within the past five days or a port infected by smallpox within the past two weeks ;
- (c) the vessel has visited a port infected by plague or other infectious disease during the last thirty days ; or
- (d) there is or are a corpse or corpses on board the vessel, and in every such case mentioned in sub-paragraphs (a) to (d), the pilot shall direct the master of the vessel to display the quarantine signal and shall take the said vessel forthwith to a quarantine anchorage.

(2) A pilot may board any vessel displaying an international quarantine signal for the purpose of piloting her to the quarantine anchorage and shall not allow any other person in his launch to board her nor shall the pilot leave such vessel except with the permission of the Port Health Officer. Such pilot shall submit himself to vaccination or other quarantine precautions as the nature of the case may require.

20. (1) Every pilot on boarding a vessel shall ascertain from the master whether there are any dangerous goods on board the vessel and the nature thereof, and shall direct the master as the circumstances may require in accordance with the provisions of the Act or any regulation made thereunder or any other regulations with respect to dangerous goods that may be in force from time to time.

Dangerous goods.

(2) Every pilot having the conduct of a vessel with dangerous goods on board shall act in accordance with the provisions of the Act or any regulation made thereunder or any other regulations made from time to time relating to the carriage of dangerous goods.

21. (1) Any pilot who having the conduct of a vessel discovers conditions which may be detrimental to the safe manoeuvring of the vessel shall notify such conditions to the Senior Pilot.

Unsafe and Overloaded vessels.

(2) If a pilot finds that a vessel to which he has the conduct appears to be overloaded he shall immediately report such overloading

to the Senior Pilot and shall not undertake the conduct of the vessel unless instructed to do so otherwise.

(3) The Senior Pilot having received a report of overloading shall take such steps as the Director deems fit.

(4) Every pilot shall comply with the provisions of these Regulations and shall obey and execute all orders given by the Director or the Senior Pilot.

(5) Notwithstanding the provisions of this regulation no pilot shall place any vessel in a position where she will be aground or likely to be aground at any state of the tide without a written order from the owner or master of the vessel.

Conduct of vessels.

22. (1) Every pilot shall use care and diligence to prevent any accident or damage either to the vessel he is piloting or to any vessel or property of whatsoever kind and shall not cause obstruction or interference to the navigation of other vessels in any navigable channel.

(2) If any accident occurs whilst the vessel is being conducted by him he shall submit a report to the Senior Pilot within twenty-four hours of the accident.

(3) Every pilot having the conduct of an outward bound vessel shall remain on board the vessel until the service for which he has been engaged is completed and the master has agreed to resume the conduct of the vessel.

(4) Every pilot having the conduct of an inward bound vessel shall remain on board the vessel until the vessel has been anchored, moored or otherwise secured to the satisfaction of the master.

(5) If any vessel having on board a licensed pilot leads another vessel which has not a licensed pilot on board the Government shall be entitled to the full pilotage dues as if the licensed pilot had actually been on board and had piloted that other vessel.

Navigational reports.

23. (1) If any pilot finds or has any reason to believe that any buoy is out of its proper position or has broken adrift or is damaged or missing or if he shall notice anything wrong or defective in any beacon or other navigational aid he shall as soon as is practicable make a report to the Director through the Senior Pilot.

(2) Every pilot who observes any impediment or alteration in any channel or any change or apparent change in any landmark shall report such impediment, alteration or change to the Director through the Senior Pilot.

24. (1) Every pilot shall before leaving a vessel piloted or attended by him obtain from the master a certificate signed by the master which shall contain such particulars as may be required by the Director and shall deliver such certificate to the Senior Pilot.

Completion of
pilottage.

(2) Every pilot on board a vessel the conduct of which has been assumed by the master for whatever reason shall obtain a written statement to that effect from the master of the vessel.

(3) Any pilot who has refused the conduct of any vessel for whatever reason shall submit his reason for doing so in writing to the Director within twenty-four hours of such refusal.

25. These Regulations shall be in addition to and shall not be deemed in any way to derogate from any regulations made under the Public Officers Regulations, 1961 or other General or Standing Orders of the Government from time to time in force.

Other
regulations.

Made this 1st day of March 1988.

BY COMMAND

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