

**AIR NAVIGATION ACT
(CHAPTER 113)**

**AIR NAVIGATION (BIRTHS, DEATHS AND MISSING PERSONS
ON AIRCRAFT) REGULATIONS, 2001**

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In exercise of the power conferred by section 3 of the Air Navigation Act, the Minister of Communications hereby makes the following Regulations —

Citation.

1. These Regulations may be cited as the Air Navigation (Births, Deaths and Missing Persons on Aircraft) Regulations, 2001.

Interpretation.

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

"aircraft" means an aircraft registered in the register of Brunei Darussalam aircraft maintained by the Director;

"Director" means the Director of Civil Aviation;

"journey", in relation to a traveller, is deemed to have commenced when he entered an aircraft for the purpose of the journey and to continue until he alights therefrom on the completion of the journey, notwithstanding any intermediate stop;

"missing person" means a person with respect to whom there are reasonable grounds for believing that he has died in consequence of an accident to an aircraft;

"person in command" of an aircraft means, in a case where a person other than the pilot is in command, that person, and in any other case, the pilot;

"traveller" includes a member of the crew.

Returns relating to births and deaths by owners of aircraft.

3. (1) The owner of an aircraft shall, as soon as practicable but not later than 14 days after the occurrence in any part of the world of a birth or death in the aircraft, or of a death outside Brunei Darussalam of a traveller on the aircraft who died on the journey in consequence of an accident, transmit to the Director a return of such birth or death in the form, and containing the particulars,

prescribed in the First Schedule (in the case of a birth) or in the Second Schedule (in the case of a death):

Provided that if any such particulars are not known to the owner of the aircraft and cannot be readily ascertained by him, he shall transmit so many of them as he has been able to ascertain.

(2) The person in command of an aircraft shall forthwith on the occurrence in any part of the world of a birth or death in the aircraft, or of the death outside Brunei Darussalam of a traveller on the aircraft who died on the journey in consequence of an accident, record in the journey log book, or other appropriate document relating to the aircraft, the particulars referred to in sub-regulation (1) relating to such birth or death and shall make such record available to the owner as soon as practicable:

Provided that if any such particulars are not known to the person in command of the aircraft and cannot be readily ascertained by him, he shall record and make available to the owner so many of them as he has been able to ascertain.

(3) Where an aircraft has been demised, let or hired out for a period exceeding 14 days by the owner, and no pilot, commander, navigator or operative member of the crew of the aircraft is in the employment of the owner, these Regulations shall have effect as if for references to the owner there were substituted references to the person to whom the aircraft was demised, let or hired out.

Records to be kept by Director.

4. The Director shall keep —

(a) a separate record of births in the form set out in the Third Schedule in which he shall record the particulars reported to him of any birth in any part of the world in an aircraft;

(b) a separate record of deaths in the form set out in the Fourth Schedule in which he shall record the particulars reported to him of any death in any part of the world in an aircraft, and of deaths outside Brunei Darussalam of any traveller on an aircraft who died on the journey in consequence of an accident to an aircraft; and

(c) a separate record in the form set out in the Fifth Schedule of any person reported to him as a missing person.

Transmission of copies of entries to Registrar of Births and Deaths.

5. (1) The Director shall within 7 days of the completion of an entry in any record kept under these Regulations transmit a certified copy of such entry to the Registrar of Births and Deaths.

(2) The Registrar of Births and Deaths shall file and preserve in a book called the Air Register Book of Births and Deaths to be kept by him for that purpose any certified copy of an entry transmitted to him under sub-regulation (1).

Rectification of entries of births, deaths and missing persons.

6. (1) If the Director is satisfied that there is an error or omission in an entry made in the records of births, deaths or missing persons kept under these Regulations, he shall, in accordance with evidence of the true facts relating to the entry, rectify it in such manner as he may consider appropriate.

(2) Within 7 days after the rectification of any such entry or omission, the Director shall transmit a certified copy of such rectified entry to the Registrar of Births and Deaths.

(3) The Registrar of Births and Deaths shall file and preserve in the Air Register Book of Births and Deaths any certified copy of a rectified entry transmitted to him under sub-regulation (2).

Air Register Book.

7. The Births and Deaths Registration Act (Chapter 79) shall have effect as if the Air Register Book of Births and Deaths were a registration book furnished in accordance with subsection (1) of section 4 of that Act.

Offence.

8. (1) Any person who fails to comply with any requirement of these Regulations is guilty of an offence and liable on conviction to a fine not exceeding \$5,000.

(2) Where an offence under these Regulations committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of that body, or of a person purporting to act in any such capacity, he, as well as the body corporate, is also guilty of the offence and liable to be proceeded against and punished accordingly.

Stillborn children.

9. Nothing in these Regulations applies to a stillborn child.

FIRST SCHEDULE

regulation 3(1)

RETURN FOR PURPOSE OF REGISTRATION OF BIRTH

1. Registration marking of aircraft
 2. Date of birth
 3. Place of birth, either actual or approximate
 4. Name
 5. Sex
 6. Name, address, occupation and nationality
of father
 7. Name, address and nationality of mother
 8. Name and address of informant
 9. Signature of informant and date
 -
- Signature and rank of person completing
return
- Date

SECOND SCHEDULE

regulation 3(1)

RETURN FOR PURPOSE OF REGISTRATION OF DEATH

1. Registration marking of aircraft
2. Date of death
3. Actual or approximate position of aircraft at
time of death

SECOND SCHEDULE — (continued)

- 4. Name
- 5. Sex
- 6. Age
- 7. Address, occupation and nationality
(if known)
- 8. Cause of death (if known)
- 9. Name and address of informant
- 10. Signature of informant and date
-
- Signature and rank of person completing
return
- Date

THIRD SCHEDULE

regulation 4(a)

RECORD OF BIRTH

- 1. Name of child (if the name has not been
decided it must be notified by the parent
or guardian as soon as it has been decided)
- 2. Sex
- 3. Name, address, occupation and nationality
of father
- 4. Name, address and nationality of mother
- 5. Date of birth
- 6. Actual or approximate position of aircraft
at time of birth
- 7. Registration marking of aircraft

THIRD SCHEDULE — (continued)

- 8. Name and address of informant
- 9. Signature of informant and date
- 8. Name and address of informant
-
- Signature and rank of person completing record
- Date

FOURTH SCHEDULE

regulation 4(b)

RECORD OF DEATH

- 1. Name
- 2. Address, occupation and nationality
- 3. Date of death
- 4. Actual or approximate position of aircraft at time of death
- 5. Sex
- 6. Age
- 7. Cause of death
- 8. Registration marking of aircraft
- 9. Name and address of informant
- 10. Signature of informant and date
- Signature and rank of person completing record
- Date

FIFTH SCHEDULE

regulation 4(c)

RECORD OF MISSING PERSON

1. Registration marking of aircraft
 2. Date of accident
 3. Place of accident, either actual or approximate
 4. Name of missing person
 5. Address of missing person
 6. Sex of missing person
 7. Age of missing person
 8. Occupation, rank or title (if any) and nationality of missing person
 9. Grounds for presumption of death
 10. Name, description and address of informant
 11. Signature of informant and date
- Signature and rank of person completing record
- Date

Made this 2nd. day of Jamadilawal, 1422 Hijriah corresponding to the 23rd. day of July, 2001.

**PEHIN ORANG KAYA AMAR PAHLAWAN DATO SERI SETIA
AWANG HAJI ZAKARIA BIN DATU MAHAWANGSA HAJI SULAIMAN**
Minister of Communications,
Brunei Darussalam.