

THE MERCHANT SHIPPING ORDINANCE, 1960 (Ordinance No. 11 of 1960)

MERCHANT SHIPPING (LAID-UP VESSELS) REGULATIONS, 1984

In exercise of the powers conferred upon him by Section 277 of the Merchant Shipping Ordinance, 1960, and all other powers thereunto him enabling, the Yang di-Pertua Negeri has made the following Regulations:-

1. These Regulations may be cited as The Merchant Shipping (Laid-up Vessels) Regulations, 1984.

Definitions.

2. In these Regulations –

“Director” means the Director of Ports and Harbours;

“Laid-Up” in relation to any vessel means that such vessel is not under repair or not actively employed;

“Laid-Up anchorage” means the harbour designated for the laying-up of ships in Brunei Bay and bounded by the following coordinates:

- (i) Lat. 5 deg. 12.0 min. North; Long. 115 deg. 16.5 min. East;
- (ii) Lat. 5 deg. 12.6min. North; Long. 115 deg. 20.0 min. East;
- (iii) Lat. 5 deg. 10.0 min. North; Long. 115 deg. 30.0 min. East;
- (iv) Lat. 5 deg. 07.0 min. North; Long. 115 deg. 30.0 min. East;
- (v) Lat. 5 deg. 07.0 min. North; Long. 115 deg. 16.5 min. East;

“Services” includes maintenance services;

“The Ordinance” means The Merchant Shipping Ordinance, 1960.

Laid-up vessel.

3. (1) No vessel shall enter or transit a laid-up anchorage without the prior written permission of the Director under these Regulations.

- (2) No vessel shall be laid-up except in a laid-up anchorage and with the prior written permission of the Director under these Regulations.

Anchoring.

4. (1) The owner, agent or master or person in charge of a laid-up vessel berthed in a laid-up anchorage shall ensure that such vessel is so anchored or moored as to be able to swing within the limits of such anchorage and clear of all other vessels and any fishing stakes therein set up under all conditions of wind and tide.

(2) No vessel shall anchor in such manner as to give a foul berth to another already anchored.

(3) No vessel shall be moved and no anchor may be lifted or moved unless with the approval of the Director.

(4) No vessel shall secure alongside another vessel at anchor without the prior permission of the Director.

Navigation.

5. (1) No vessel shall be navigated in a reckless or negligent manner or at such a speed or in any way that is dangerous or likely to cause injury to persons or damage to property or to other vessels.

(2) No vessel shall proceed at any speed inconsistent with safe navigation or contrary to speed restrictions imposed by the Director.

(3) A duly licensed pilot shall be employed for the purposes of entering, navigating in and leaving a laid-up anchorage.

Pollution.

6. No dirt, ashes, exhaust, steam, oil, ballast, water, filth waste matter or anything whether liquid or solid shall be discharged, thrown, deposited or permitted to escape into a laid-up anchorage without the prior written permission of the Director.

Safety.

7. (1) In the event of any fire on board any vessel, or any stranding, grounding of any vessel or any collision involving any vessel, or the happening of any accident to or infliction of any damage on any vessel, the circumstances shall be reported immediately to the Director who may if he thinks fit hold an inquiry into the circumstances thereof.

(2) A full written report shall be submitted to the Director on the circumstances, specifying any damage which may affect the seaworthiness of the vessel, and the Director may impose any further conditions as he may think fit for the continued laying-up of the vessel in the laid-up anchorage.

(3) The owner, agent or master or person in charge of a laid-up vessel shall, when required, satisfy the Director that he has at all times sufficient personnel available to him to ensure the safety of his vessel in the laid-up anchorage.

8. (1) No boat or boats forming part of a vessel's safety equipment may be used for the transportation of goods or personnel within a laid-up anchorage.

(2) No vessels, launch, boat or workboats may be used within a laid-up anchorage unless they shall have been duly licensed under these Regulations.

Persons on board.

9. (1) No person other than security personnel may be accommodated or remain on board any vessel in a laid-up anchorage except for maintenance purposes or otherwise allowed under these Regulations.

Security.

(2) No person may be employed as security personnel or be engaged in the provision of such services unless he shall have been licensed in that behalf by the Director.

(3) No equipment on board any vessel in a laid-up anchorage may be operated or used for purposes of maintenance, safety purposes or in the event of emergency.

Provision of Services.

10. (1) The owner, agent or master or person in charge of any vessel in a laid-up anchorage shall not employ any person for the purposes of providing any services, supplies or victuals unless such person shall have been licensed by the Director for such purpose.

(2) No person may be employed or to employ others to provide on his behalf any services, supplies or victuals unless he shall have been licensed under these Regulations.

Lay-up charges.

11. The charges as set forth in Schedule A hereto shall be payable in respect of the purposes therein described, and shall be deemed to have come into force on the 1st day of July, 1978.

Miscellaneous.

12. (1) The Director may in giving any permission or approval and in issuing any licence from time to time under these Regulations impose such conditions as he may (in his absolute) discretion think fit.

(2) Any person who contravenes or fails to comply with any provisions of these Regulations or any conditions in any permission, approval or licence shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand ringgit or to a term of imprisonment not exceeding one month.

SCHEDULE A

A.	(1)	Licence Fee \$10.00
	(2)	Licence Fee under Regulation 10 \$100.00
	(3)	Lay-Up charge, 1st month 5¢ per gross ton
	(4)	Lay-Up charge, subsequent months 1¢ per gross ton per month.
B.	The above fees shall be payable at the office of the Director of Ports and Harbours.	
C.	The above fees may be amended by notification in the Gazette by the Director.	

Dated in Kota Kinabalu, 28th day of January, 1984.

By His Excellency's Command

*Minister for Infrastructure
Development.*

7th October 2008