

PORTS AND HARBOURS (LAID-UP VESSELS) REGULATIONS 2008

In exercise of the powers conferred by subsection 15(1) of the Ports and Harbours Enactment 2002 [No. 5 of 2002], the Minister makes the following regulations:

Citation and commencement

1. (1) These regulations may be cited as the Ports and Harbours (Laid-up Vessels) Regulations 2008.

(2) These Regulations come into operation on a date to be appointed by the Minister by notification in the *Gazette*. [1st June 2009]

Interpretation

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

“Director” means the Director of the State Department of Ports and Harbours;

“laid-up anchorage” means the harbour designated for the laying-up of ships in Brunei Bay and bound by the following co-ordinates:

- (a) Latitude 5 degrees 12.0 minutes North; Longitude 115 degrees 16.5 minutes East;
- (b) Latitude 5 degrees 12.6 minutes North; Longitude 115 degrees 19.5 minutes East;
- (c) Latitude 5 degrees 10.0 minutes North; Longitude 115 degrees and 30.0 minutes East;
- (d) Latitude 5 degrees 07.0 minutes North; Longitude 115 degrees 30.0 minutes East; and
- (e) Latitude 5 degrees 07.0 minutes North; Longitude 115 degrees 16.5 minutes East.

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

“services” includes maintenance services laid-up vessel.

Vessels in anchorage

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

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

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 written 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.

Discharge of waste matter in anchorage

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.

Fire on board, grounding, accident etc. to be reported

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.

Usage of boats, etc. for transportation

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 vessel, launch, boat or workboats may be used within a laid-up anchorage unless they shall have been duly licensed and permitted under these Regulations as prescribed in the Schedule.

Persons and equipment on board

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

(2) No person may be employed as a security personnel or worker or be engaged in the provision of such services unless he has been granted permit in that behalf by the Director.

(3) A permit issued under these Regulations as prescribed in the Schedule shall be valid for a period not exceeding twelve months.

(4) No equipment on board any vessel in a laid-up anchorage may be operated or used except for purposes of maintenance or safety 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 employ others to provide on his behalf any services, supplies or victuals unless he shall have been licensed by the Director.

(3) A licence issued under these Regulations as prescribed in the Schedule shall be valid for a period not exceeding twelve months.

Lay-up fees and charges

11. The lay-up fees and charges are as prescribed in the Ports and Harbours (Fees) Regulations 2008.

Conditions on permission, etc. by Director

12. 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.

Penalty

13. Any person or corporation who contravenes any provisions of these Regulations commits an offence and shall on conviction be liable to a fine not exceeding five hundred thousand ringgit or for a term of imprisonment not exceeding two years or to both.

SCHEDULE
[Regulations 8,9 and 10]



State of Sabah

PORTS AND HARBOURS (LAID-UP VESSELS) REGULATIONS 2008

LICENCE AND PERMIT TO OPERATE

In pursuant of the Ports and Harbours (Laid-up Vessels) Regulations 2008, this licence is hereby granted to –

Name of Individual/Company: _____

for the purpose of the following operation in the Brunei Bay laid-up anchorage:

Other special conditions:

This licence expires on _____

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DIRECTOR STATE DEPARTMENT OF PORTS AND HARBOURS

Made this 24 November 2008.

DATUK RAYMOND TAN SHU KIAH,
Minister of Infrastructure Development.