

No. S 73

**MERCHANT SHIPPING ORDER, 2002
(S 27/02)**

MERCHANT SHIPPING (DISCHARGE BOOKS) REGULATIONS, 2007

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MERCHANT SHIPPING ORDER, 2002

[S 27/02]

MERCHANT SHIPPING (DISCHARGE BOOKS) REGULATIONS, 2007

In exercise of the powers conferred by sections 93 and 210(1) of the Merchant Shipping Order, 2002, the Minister of Communications, with the approval of His Majesty the Sultan and Yang Di-Pertuan, hereby makes the following Regulations —

Citation.

1. These Regulations may be cited as the Merchant Shipping (Discharge Books) Regulations, 2007.

Persons who may apply for discharge book.

2. Every person who —

(a) is a citizen of Brunei Darussalam or a permanent resident; and

(b) has undergone a course conducted by any training establishment or apprenticeship scheme approved by the Director,

may apply for a discharge book.

Application for discharge book.

3. (1) A person applying for a discharge book shall —

(a) make an application in accordance with sub-regulation (2);

(b) unless it has been lost or destroyed, produce to the Director the last discharge book previously held by him; and

(c) if the last discharge book previously held by him has been lost or destroyed, produce to the Director a statutory declaration to that effect.

(2) An application for the issue of a discharge book shall be made in writing to the Director and shall state the applicant's name and such other particulars as set out in the First Schedule.

(3) An applicant shall furnish to the Director a passport-size photograph of himself and such other documents as the Director may require for a proper consideration of the application.

Issue of discharge book.

4. When a person applying for a discharge book has paid the fee as prescribed in the Second Schedule, the Director shall issue to him a discharge book.

Form and contents of discharge book.

5. A discharge book shall be in a book form and shall provide for there to be recorded in it, in relation to its holder, statements of the following particulars —

(a) the particulars set out in the First Schedule;

(b) the name of each ship in which he is employed, its port of registry, official number and gross or nett registered tonnage, the capacity in which he is employed in the ship, the date on which and the place at which he begins to be so employed, and the description of each voyage and the date and place of his discharge; and

(c) the dates and nature of training courses, including pre-sea training courses, he has attended and the certificates or other qualifications, if any, obtained.

Entries in discharge book.

6. (1) An entry in a discharge book of any of the particulars referred to in regulation 5 may be made by the Director.

(2) Without prejudice to sub-regulation (1), an entry in a discharge book of any of the particulars referred to in regulation 5(b) may be made by —

(a) the master of the ship in which the holder of the discharge book is employed; or

(b) one of the ship's officer authorised by the master in that behalf.

(3) Any person authorised by this regulation to make an entry in a discharge book shall, upon the discharge book being produced to him for that purpose, make the entry unless the entry of the same particulars appears to have been duly made in the discharge book.

(4) A master who authorises an officer of his ship to make an entry in a discharge book on his behalf shall enter in the official log-book the name and rank of the officer so authorised.

Correction of entries.

7. The Director may at any time correct any entry in a discharge book.

Making of authorised entry etc. in discharge book.

8. (1) No person other than a person authorised by regulation 6 or 7, acting in accordance with the provisions of those regulations, shall make any mark or entry upon, or erase, cancel or alter any mark or entry made upon or otherwise deface or destroy, a discharge book or any certificate of discharge.

(2) Any person who contravenes this regulation shall be guilty of an offence and liable on conviction to a fine not exceeding \$2,000.

Production of discharge book.

9. (1) The holder of a discharge book shall produce it on demand at any time to —

(a) the Director; or

(b) the master of the ship in which the holder of the discharge book is employed.

(2) The holder of a discharge book who fails to produce it when required to do so in accordance with this regulation shall be guilty of an offence and liable on conviction to a fine not exceeding \$200.

Delivery of discharge book to Director.

10. (1) A master having possession of a discharge book issued to a person —

(a) who has died, shall deliver it to the Director to whom he makes a return of that person's death in accordance with the Merchant Shipping (Returns of Births and Deaths) Regulations, 2007;

(b) who is not present when he is discharged in Brunei Darussalam, shall deliver it to the Director within 2 working days after the discharge or as soon as practicable thereafter;

(c) who is left behind or not present when discharged in any country or territory, shall deliver it to the Director within 21 days after that person is left behind or discharged or as soon as practicable thereafter.

(2) Any person other than a master having possession of a discharge book shall, immediately after he becomes aware that the holder has died, or been discharged from any ship, or been left behind in any country or territory, deliver it to the Director.

(3) Any person who fails to comply with the requirements of this regulation shall be guilty of an offence and liable on conviction to a fine not exceeding \$200.

Surrender of discharge book to Director.

11. (1) If it appears to the Director —

(a) that the holder of a discharge book was not entitled to apply for it at the time it was issued to him; or

(b) that the person having possession of a discharge book is not the holder thereof,

the person, including the holder, having possession of a discharge book shall, on demand made by the Director, surrender it to him.

(2) Any person who fails to comply with the requirements of this regulation shall be guilty of an offence and liable on conviction to a fine not exceeding \$200.

New discharge book.

12. The holder of a discharge book may apply for a new discharge book when —

(a) his discharge book is lost, destroyed or defaced; or

(b) the spaces provided in it for entries of any particulars except those referred to in the First Schedule have been filled up.

Discretion of Director in relation to issue etc. of discharge book.

13. (1) Notwithstanding anything to the contrary contained in these Regulations, the Director may, if he thinks fit —

(a) allow any person who does not satisfy the conditions specified in regulation 2 to apply for a discharge book;

(b) refuse to issue a discharge book; or

(c) require the holder of a discharge book to surrender it to him if the holder —

- (i) being a rating registered with the Marine Department, has his registration suspended or cancelled;
- (ii) being a certificated officer, has his certificate of competency suspended or cancelled; or
- (iii) in the opinion of the Director, is not a fit and proper person for employment on board a ship.

(2) The holder of a discharge book who fails to surrender his discharge book to the Director when required to do so under sub-regulation (1)(c) shall be guilty of an offence and liable on conviction to a fine not exceeding \$500.

FIRST SCHEDULE (regulations 3(2), 5(a) and
12(b))

PARTICULARS TO BE FURNISHED IN APPLICATION FOR DISCHARGE BOOK

1. Name of applicant.
2. Number of identity card or passport of applicant.
3. Date and place of birth of applicant.
4. Home address of applicant.
5. Nationality of applicant.
6. Distinguishing marks of applicant, if any.
7. Height of applicant.
8. Race of applicant.
9. Grade, number and date of issue of any certificate of competency held by applicant.
10. Name, relationship and address of next of kin of applicant.

BRUNEI DARUSSALAM GOVERNMENT GAZETTE

11. Applicant's Seaman's Registration Card number and date of issue of the card.
12. Capacity in which applicant is engaged.

SECOND SCHEDULE

(regulation 4)

FEE

Seaman's discharge book \$10 per copy.

Made this 12th. day of Zulhijjah, 1428 Hijriah corresponding to the 22nd. day of December, 2007.

**PEHIN ORANG KAYA SERI KERNA DATO SERI SETIA
DR. HAJI AWANG ABU BAKAR BIN HAJI APONG
Minister of Communications,
Brunei Darussalam.**