

No. S 31

**FISHERIES ACT
(CHAPTER 61)**

FISHERIES (FISH LANDING COMPLEXES) REGULATIONS, 2002

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**FISHERIES ACT
(CHAPTER 61)**

FISHERIES (FISH LANDING COMPLEXES) REGULATIONS, 2002

In exercise of the power conferred by section 5 of the Fisheries Act, the Minister of Industry and Primary Resources hereby makes the following Regulations —

Citation.

1. These Regulations may be cited as the Fisheries (Fish Landing Complexes) Regulations, 2002.

Interpretation.

2. In these Regulations, unless the context otherwise requires, "complex" means a fish landing complex referred to in the First Schedule.

Administration of complex.

3. The Director shall be responsible for the administration and control of all complexes.

Restriction on entry into complex.

4. No person shall enter any complex for the purpose of loading, unloading, collecting, selling, purchasing or offering to sell or purchase, fish unless he is the holder of a vehicle permit issued under regulation 5.

Application for vehicle permit.

5. (1) Every application for a vehicle permit to enter any complex shall be made in writing to the Director and shall contain the following particulars —

- (a) the name, identity card number and address of the applicant;
- (b) the business name and address of the applicant, if any;
- (c) the purpose for which the permit is required; and
- (d) such other information as the Director may require.

(2) The permit issued under this regulation shall be in such form as the Director may determine and subject to such terms and conditions as may be imposed by the Director and shall be valid for the period stated therein.

(3) The fee payable in respect of a permit issued under this regulation shall be as prescribed in the Second Schedule.

(4) The Director in issuing such permit shall allow only such number of persons who shall be engaged in the loading, unloading, keeping, collecting, selling or purchasing of fish to enter such complex, and shall issue to each of such persons, including the permit holder, a badge to be worn on entering the complex.

Interrogation of persons upon or in any jetty or premises.

6. Any person upon, in or seeking access to any jetty, premises or vessel in any complex shall, if so requested by an Authorised Officer, state his name and address and the nature and place of his business therein or thereon, and any such person who fails to satisfy the Authorised Officer that he is a member of the crew of a ship lawfully using the complex or employed on dock labour shall, if so requested, produce for inspection to an Authorised Officer any authority which may have been issued to him.

Restriction on vessels which may use complex.

7. (1) Any vessel belonging to a person who has been issued a licence under Part IV of the Act may use a complex.

(2) The Director or any Authorised Officer shall designate the place or places where vessels may berth in a complex.

(3) No vessel shall berth in a complex without the authority of the Director or otherwise than in accordance with any such authority.

(4) Berthing in the complex shall be authorised on a first come first served basis.

(5) A vessel that has finished loading or unloading, as the case may be, shall forthwith leave the loading area unless and to the extent that the Director authorises the master of the vessel to remain in that area.

Use of jetty.

8. (1) No person shall, without being authorised by the Director or an Authorised Officer, set in motion, move or interfere with or obstruct or impede the use of any crane, gear or machinery used upon the jetty in a complex.

(2) No person shall carry on the jetty in a complex any activity, including net-mending and machinery and carpentry work, other than an activity involved in or connected with the loading or unloading of a vessel.

(3) No person shall commit or cause any nuisance or obstruction on the jetty in a complex.

Vehicles.

9. (1) No person shall, without the permission of an Authorised Officer, bring to the jetty in a complex or drive any vehicle thereon.

(2) A person driving a vehicle in a complex shall drive it at all times with due care and attention and shall not drive it at a speed exceeding 10 kilometres per hour.

(3) No person shall park a vehicle in a complex in any place which is not in the area designated by the Director as an area where vehicles may be parked.

Miscellaneous provisions.

10. (1) No person shall use any area in a complex designated by the Director or an Authorised Officer as a fish-sorting area for any purpose other than sorting, icing, weighting or inspecting fish, or washing fish boxes.

(2) No person shall use any area in a complex designated by the Director or an Authorised Officer as a fish boxes storage area for any purpose other than the storage of fish boxes.

(3) The Director and any Authorised Officer shall not be liable for any injury caused to persons, or loss of or damage to property, suffered by holders of a permit or by unauthorised persons in a complex, unless such injury, loss or damage was caused by his wilful neglect or default.

Net stores.

11. (1) No person shall use any premises in a complex designated by the Director as net stores for any purpose other than the storage of nets or any related materials and equipment.

(2) The occupant of any such store shall —

(a) keep the store clean;

(b) provide an Authorised Officer, nominated by the Director, with a duplicate key to the store; and

(c) be liable to repair any damage caused by such occupant to the store and to meet the costs of the repair of such damage.

Net repair shed.

12. (1) The Director or any Authorised Officer may designate any premises in a complex as a net repair shed which may be used to repair gear and rigging.

(2) Any person so using a net repair shed shall complete the repair concerned within a reasonable period.

Sale of ice.

13. (1) Payment for ice owned by the Government shall be by way of coupons sold in the complex.

(2) No person shall pay or accept cash, or attempt to do so, for the supply of ice owned by the Government.

Use of electricity supply.

14. No person shall use the electricity supply in a complex without the authority of the Director or any Authorised Officer.

Sale etc. of fish prohibited.

15. No person shall in a complex buy, retail or sell fish to the general public.

Acts prohibited.

16. No person shall in a complex —

(a) consume intoxicating liquor;

(b) engage in gambling;

(c) conduct himself in a riotous, disorderly, indecent or offensive manner;

(d) use language or behave in a manner that is calculated to cause a disturbance or a breach of the peace;

(e) any other activity which is against the laws of Brunei Darussalam.

Small scale fishermen.

17. (1) Small scale fishermen may be granted a permanent permit by the Director to use a complex subject to compliance with these Regulations.

(2) In this regulation, "small scale fisherman" means a fisherman using a boat other than a boat with an inboard engine.

Offences.

18. (1) Any person who contravenes any provision of these Regulations is guilty of an offence.

(2) Where any provision of these Regulations has been contravened by or in relation to any vessel, the master and the owner of the vessel are also guilty of the offence.

(3) A person guilty of an offence against sub-regulation (1) or (2) is liable on conviction to a fine not exceeding \$2,500 and to imprisonment for a term not exceeding one year.

Removal of persons from complex.

19. A person infringing regulation 4, 6, 8, 9, 15 or 16 shall, without prejudice of the penalty prescribed by regulation 18, be liable to be removed from the complex or any part of the complex by the Director, an Authorised Officer or a police officer.

Fees.

20. The fees specified in the Second Schedule shall be paid in respect of the matters to which they relate.

Other landing areas.

21. The fees specified in the Second Schedule shall also be applicable to other landing areas designated by the Director.

Exemption.

22. The Director may if he thinks fit exempt any person from all or any provision of these Regulations.

FIRST SCHEDULE

(regulation 2)

FISH LANDING COMPLEXES

1. Fish Landing Complex, Muara
2. Kuala Belait Fisheries Centre
3. Other fish landing areas as designated by the Director.

SECOND SCHEDULE

(regulation 20)

PERMIT FEES**PART I**

**FEE FOR TEMPORARY PERMIT OF VEHICLE
FOR THE USE OF SPACE AT A COMPLEX**

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|--|-------------------------------------|
| 1. Motorcar, van, station-wagon, motorcycle with side-carriage or pick-up (not exceeding unladen weight 1500 kg) | \$1.00 per 2 hours or part thereof |
| 2. Lorry, bus or truck (exceeding unladen weight 1500 kg) | \$2.00 per 2 hours or part thereof |
| 3. Motorcycle | \$0.50 per 2 hours or part thereof |
| 4. Container tractor (with or without trailer or mobile crane) | \$10.00 per 2 hours or part thereof |

PART II

**FEE FOR MONTHLY PERMIT OF VEHICLE
FOR THE USE OF SPACE AT A COMPLEX**

- | | |
|--|-------------------|
| 1. Motorcar, van, station-wagon, motorcycle with side-carriage or pick-up (not exceeding unladen weight 1500 kg) | \$15.00 per month |
| 2. Lorry, bus or truck (exceeding unladen weight 1500 kg) | \$30.00 per month |
| 3. Motorcycle | \$5.00 per month |

CHARGES FOR THE USE OF FACILITIES OF A COMPLEX

- | | | |
|----|--|---|
| 1. | Packing hall | not exceeding \$54.00 per square metre per month |
| 2. | Dealers office | \$10.00 per square metre per month |
| 3. | Shed: | |
| | <i>a.</i> net mending | \$1.00 per day or part thereof |
| | <i>b.</i> net storing | \$2.00 per day or part thereof |
| 4. | Charges on berthing Brunei registered vessel | \$0.10 per gross ton per vessel per day or part thereof |
| | Charges on berthing non-Brunei registered vessel — | |
| | <i>a.</i> boat with outboard engine | \$10.00 per hour or part thereof |
| | <i>b.</i> boat with inboard engine | \$20.00 per hour or part thereof |
| 5. | Fork lift | \$3.00 per pallet |
| 6. | Electricity | \$10.00 per hour or part thereof |

SERVICE CHARGES ON IMPORTED FISH

- | | | |
|----|---|----------------------|
| 1. | A container or any other receptacle containing not more than 50 kilogrammes of fish | \$0.50 per container |
| 2. | A container or any other receptacle containing more than 50 kilogrammes but less than 100 kilogrammes of fish | \$1.50 per container |

Made this 5th. day of Rabiulawal, 1423 Hijriah corresponding to the 18th. day of May, 2002.

PEHIN ORANG KAYA SETIA PAHLAWAN
DATO SERI SETIA HAJI AWANG ABDUL RAHMAN BIN
DATO SETIA HAJI MOHD TAIB
Minister of Industry and Primary Resources,
Brunei Darussalam.