

No. S 122

**PREVENTION OF POLLUTION OF THE SEA ORDER, 2005
(S 18/05)**

**PREVENTION OF POLLUTION OF THE SEA (REPORTING OF POLLUTION INCIDENTS)
REGULATIONS, 2008**

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation.

PART I

POLLUTION FROM SHIPS

2. Duty to report.
3. Report to be made without delay.
4. Contents of report.
5. Supplementary reports.
6. Reporting procedures.

PART II

POLLUTION FROM TERMINAL OR APPARATUS

7. Application.
 8. Duty to report.
 9. Contents of report.
 10. Supplementary reports.
 11. Reporting procedures.
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**PREVENTION OF POLLUTION OF THE SEA (REPORTING OF POLLUTION INCIDENTS)
REGULATIONS, 2008**

In exercise of the powers conferred by sections 14, 15 and 33 of the Prevention of Pollution of the Sea Order, 2005, 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 Prevention of Pollution of the Sea (Reporting of Pollution Incidents) Regulations, 2008.

PART I

POLLUTION FROM SHIPS

Duty to report.

2. The circumstances in which a report under section 14 is required are as follows —

(a) an actual or probable discharge of oil, or a noxious liquid substance carried in bulk resulting or likely to result from damage to the ship or its equipment, or made or likely to be made for the purpose of securing the safety of a ship or saving life at sea;

(b) an actual or probable discharge of a marine pollutant in packaged form from the ship; or

(c) an actual discharge during the operation of the ship of oil or noxious liquid substance in excess of the quantity or instantaneous rate permitted under the relevant provisions of the Prevention of Pollution of the Sea (Oil) Regulations, 2008 or the Prevention of Pollution of the Sea (Noxious Liquid Substances in Bulk) Regulations, 2008.

Report to be made without delay.

3. (1) A report of any incident referred to in regulation 2 shall be made without delay and to the fullest extent possible in accordance with the requirements of regulations 4 and 6.

(2) In the event of a report from such a ship being incomplete or unobtainable, the owner shall, to the fullest extent practicable, make or complete the report required under section 14.

Contents of report.

4. The report or the initial report if there is more than one shall in every case include —

- (a) the identity of ship or ships involved;
- (b) the time, type and location of incident;
- (c) the quantity and type of oil or substance involved; and
- (d) the assistance or salvage measures required or being undertaken.

Supplementary reports.

5. Any person required under regulation 2 or 3(2) to make a report shall, if possible, make such a supplementary report or reports as may be appropriate in the circumstances —

- (a) supplementing the information contained in the initial report as necessary;
- (b) providing information concerning further developments; and
- (c) complying as fully as possible with any request for additional information made by or on behalf of the government of a state whose interests may be affected by the incident.

Reporting procedures.

6. Reports required under this Part shall be made by the fastest telecommunication channels available with the highest possible priority to the maritime authorities of the closest coastal state and if the incident occurs in Brunei Darussalam waters, such reports shall be made to the Director.

PART II

POLLUTION FROM TERMINAL OR APPARATUS

Application.

7. This Part shall apply to —

(a) any place having permanent means of loading or discharging oil, oily mixture, noxious liquid substance or a mixture containing such substance; and

(b) any apparatus used for transferring oil, oily mixture, noxious liquid substance or a mixture containing such substance.

Duty to report.

8. If any actual or probable discharge into Brunei Darussalam waters of oil, an oily mixture, noxious liquid substance or a mixture containing such substance occurs from a terminal or an apparatus used for transferring oil, oily mixture, noxious liquid substance or a mixture containing such substance from or to a ship, the terminal operator or the person in charge of the apparatus, as the case may be, shall report to the Director the details of the incident without delay and to the fullest extent possible in accordance with the requirements of regulation 9.

Contents of report.

9. The report or initial report if there is more than one referred to in regulation 8 shall in every case include —

(a) the time, type and location of the incident;

(b) the quantity and type of substance involved; and

(c) the assistance requested or that has been sought or the measures that have been or are being taken to mitigate the situation.

Supplementary reports.

10. The terminal operator or the person in charge of the apparatus, as the case may be, who is required to make a report in accordance with regulation 9 shall make such a supplementary report or reports as may be appropriate in the circumstances —

- (a) supplementing the information contained in the initial report as necessary;
- (b) providing information concerning further developments; and
- (c) complying as fully as possible with any request for additional information made by the Director.

Reporting procedures.

11. Reports required under this Part shall be made by the fastest telecommunication channels available with the highest possible priority to the Director.

Made this 13th. day of Zulhijjah, 1429 Hijriah corresponding to the 11th. day of December, 2008.

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