



BRUNEI DARUSSALAM REGISTRY OF SHIPS

1. Prerequisites For Registration

1.1 *Only the following persons may be registered as owners of Brunei vessels:*

- (1) *Citizens / permanent residents (of Brunei); and*
- (2) *Companies incorporated in Brunei Darussalam.*

1.2 *A Vessel may be registered under the ownership of a foreign owned company or a local owner company.*

- (1) *A foreign owned company is a company incorporated in Brunei in which more than 50% of its equity is owned by non-citizens of Brunei Darussalam.*
- (2) *A local owned company is a company incorporated in Brunei in which more than 50% of its equity is owned by citizens of Brunei, or by another local Owned company.*

1.3 *A Vessel owned by a foreign owned company may be registered under the following Conditions:*

- (1) *The company must have a minimum paid-up capital of B\$50,000. Notwithstanding the minimum paid-up capital requirement, the company's Related company(s) may be waived from this requirement provided the Company and / or its related company(s) have registered, applied to register or have informed the Registrar that they will apply to register ship.*
- (2) *The vessel must be at least 1,600 GT and be self-propelled.*
 - *The restriction of a minimum of 1,600 GT on the size of ship being registered in the Registry of ship, this restriction applies to any ship-type if the ship is not owned by a local company.*
 - *The term "local Company" means a company in which all or a majority of the shares are owned by persons who are –*

- *Citizen of Brunei; or*
- *Companies in which, or which have companies in which, all or a majority of the shares are owned by persons who are citizens of Brunei or local Companies.*

1.4 A vessel owned by a local owned company may be registered when it satisfies above.

1.5 For tug and barge local companies and their holding companies, the paid up capital Will be pegged to 10% of the value of the first tug or barge registered or B\$50,000 Whichever is the lesser, subject to a minimum of B\$10,000.

1.6 Generally, ships less than 17 years would be considered for registration.

2. REGISTRATION IN GENERAL

2.1 To apply for an ordinary registration, please write in to the Registrar of Ships to get:

(i) Approval for vessel's name (owners must indicate their intention if they want to reserve certain names for use by their vessels. They should provide the Registry with the name of the replacement vessel where applicable. See Para).

(ii) Vessel's official number and

VESSEL'S NAME

(1) Every name to be used for a Brunei vessel must be approved by...

RESERVATION OF VESSEL'S NAME

(2) The existing name of a Brunei vessel may be reserved by its owner for a period of... years for use by replacement vessel.

CHANGING A VESSEL'S NAME

(3) To change the name of a vessel which is already registered (or going to be registered as a Brunei vessel) approval must be sought from the Registrar. Upon approval of the new name, the Registry will issue an amendment slip for the certificate of Registry and the carving and marking note. The note must be certified by the vessel's classification society and returned to the Registry.

(4) A fee of B\$20.00 will be charged for the approval of a change in a vessel's name.

(5) When applying, owners should state clearly the gross tonnage of the vessel.

STATION RADIO LICENSE

(6) Owner should then apply directly to the Authority for Info Communication Technology Industry of Brunei Darussalam (AITI).

2.2 Submit the relevant documents as stated in the provisional and Permanent Registration section (Paras)

2.3 Pay the initial registration fee and annual tonnage tax:

FEE'S FOR ORDINARY REGISTRATION

(1) B\$2.50 PER Net Ton (NRT) to nearest ton subject to a minimum of B\$1,250.00 (500 NRT) and a maximum of B\$100,000.00

2.4 ANNUAL TONNAGE TAX

(2) B\$0.20 per Net Tonnage (NRT) the nearest ton subject to a minimum of B\$100.00

3. PROVISIONAL REGISTRATION

- 3.1 *A vessel may be provisionally registered. The Provisional Certificate is valid for a maximum period of one year with no possibility of any extension. The vessel must be transferred to the permanent register before the end of this period. The transfer will be affected when all the outstanding documents for permanent registration are submitted. No fee is charged for this transfer.*
- 3.2 *Document to be submitted for provisional Registration are :*
- (1) *The completed Application form*
 - a) *The declaration in the form may be signed by the owner or by his appointed agent. Where the owner is a corporate body, a Director or the Secretary of the corporate body may sign the form.*
 - b) *The declaration must be made on or after the date of acquiring legal title to the vessel, before the Director of Marine, a surveyor of ships, a justice of the Peace, a Commissioner for oaths or any person authorized to take or receive a declaration by any laws in force in Brunei Darussalam.*
 - c) *Where an application is made for a post-dated Certificated of Registry, the completed application form, except for the signature(s) of the declaration(s), must be submitted.*
 - (2) *Business Profile report of the company's.*
 - a) *Where the owner is a body incorporated in Brunei, the application form must be accompanied by either one of the following documents:*
 - (3) *APPOINTMENT OF AGENT (where required)*
 - a) *A company must appoint a person as an agent for the purpose of signing the declaration in the application form only if it is not signed by a Director or the Secretary of the company. The appointment of the agent must be executed under the common seal of the company.*
 - b) *Individual owners may also appoint an agent. The owner must sign the appointment in the presence of witness.*
 - (4) *APPOINTMENT OF REPRESENTATIVE PERSON*
 - (5) *Evidence of Ownership*
 - a) *A photocopy of the Builder's Certificate is required for a new vessel. For an existing vessel, a copy of the Bill of sale or the transcript of it former registry or any other similar document showing ownership is required.*
 - (6) *Value of the vessel*
 - a) *The owner must declare the value of the vessel in Brunei dollars under the company's letterhead if this is not already reflected in the other documents submitted (i.e. Bill of Sale).*

(7) *Tonnage Certificate*

- a) *All vessels must have their tonnages determined in accordance with the provisions of the Merchant Shipping (Tonnage) regulations (which gives effect to the International Convention on Tonnage Measurement of Ships. 1969 (TM69). A Tonnage certificate may be issued by the any classification societies authorized by the Brunei Government to do so. (Para)*
- b) *In the case of a new construction, an interim tonnage certificate issued by the one of the authorized classification societies is required.*

(8) *Class Certificate*

- a) *A copy of the vessel's classification certificate issued by one of the authorized classification societies - may be accepted as evidence of seaworthiness. In the case of a new vessel, an interim class certificate or statement of entry is required. For an existing vessel, a statement of class maintained is required.*

3.3 *Upon satisfying the requirement stated- the Certificate of Registry and a Carving and Marking Note will be issued. The note has to be certified by a surveyor from the authorized classification societies (refer) and returned to the registry.*

4. PERMANENT REGISTRATION

4.1 In addition to the documents required under para a vessel may be permanently registered or transferred to the permanent registry with the submission of the following documents:

(1) Evidence of Ownership

- a) An original copy of the evidence of ownership.
- b) The Builder's Certificate is required for a new vessel. For an existing vessel, a certified transcript of its former registry or other similar document showing the previous ownership and the Bill of Sale are required. If there are any intervening changes of ownerships, all the intermediate Bill Of Sale must also be submitted. There must be continuity of title.
- c) Any Builder's Certificate of Bill Of Sale that is executed outside Brunei must be notarized and legalized. If executor is not a local and documents are executed in Brunei, a letter of confirmation from the executor or notarization of the documents is required.
- d) Owners are advised that it is their responsibility to ensure that the Bill Of Sale or Builder's Certificate is properly executed and conveys good title to them. A copy of the original document of title to ownership must be submitted together with a copy. The original document will be returned with an endorsement after completion of the registration formalities.

(2) Tonnage Certificate

- a) A copy of the full term Tonnage Certificate issued by the one of the authorized classification societies (para in accordance with the provisions of the Regulations mentioned under para.

(3) Class Certificate

- a) A copy of the full term Classification Certificate issued by one of the authorized classification societies (para) may be accepted as evidence of seaworthiness.

(4) Statutory Certificate

- a) When applicable, copies of the vessel's valid statutory certificates such as Passenger Ship Safety, Cargo Ship Safety Construction, Cargo Ship Safety Equipment, Cargo Ship Safety Radiotelegraphy/Radiotelephony, International Load Line/Local Freeboard, International/Brunei oil Pollution Prevention, Noxious Liquid Substance, Certificate of Fitness, and Thirty Mile / Port Limit Passenger Ship Safety Certificates, Document of Compliance, Safety Management Certificate, ISS Certificate and International Air Pollution Prevention (IAPP) Certificate must be produced. These certificates must be issued by the one of the authorized classification societies (para)

(5) *Evidence Of Cancellation of the Former Registry*

- a) *This is required in all cases where the vessel has, at any point in time. The evidence may be in the form of a Deletion Certificate or a "closed" transcript of the former registry. The original document is required.*
- b) *A vessel which has been struck off her former registry for non-compliance with mandatory requirements will not be accepted for registration.*

(6) *A Certified Carving and Marking Note*

- a) *The carving and Marking Note certified by a surveyor from the authorized classification societies (Para) must be returned to the Registry.*

4.2 *Upon Completion of all the formalities, the vessel will be transferred to the Permanent Register and the Certificate of Registry will be issued. No fee is charged for this transfer,*

5. REGISTRATION ANEW

5.1 *Registration anew is required upon any change of ownership and upon any major alteration to a vessel.*

5.2 *Change Of Ownership*

(1) *The new owner must meet the requirements as mentioned under Paragraph 1 on the Prerequisites for Registration. The procedure for registration anew is as follows :-*

- a) *Obtain approval for the vessel's name where required (Para)*
- b) *Submit the complete Application form (Para)*
- c) *Submit the following documents:-*
 - (i) *Business Profile for company's particulars (Para)*
 - (ii) *Appointment of Agent where required (Para)*
 - (iii) *Appointment Representative person*
 - (iv) *Bill of Sale (Para)*
 - (v) *Certified Carving and Marking Note on the change of the vessel's name where applicable and:*
 - (vi) *Value of vessel in Brunei Dollars (if not stated in the Bill of Sale).*
- d) *Pay:*
 - (i) *The registration anew fee of B\$2.50 per net ton of the ship, subject to a minimum of B\$1,250.00 and a maximum of B\$100,000.*
 - (ii) *An annual tonnage tax of 20cents per net ton, subject to a minimum of B\$100, shall be payable in respect of every Brunei Darussalam ship.*

5.3 *Alteration to a vessel*

(1) *Registration anew will be required whenever any alteration is made to the vessel's hull or structure affecting the length, breadth, depth or the dimensions of any close-in space; whenever there is any alteration in the means of propulsion; or whenever the vessel is so altered as not to correspond with the description in the Certificate of Registry. The advice of the Registrar should be sought in specific instance before the alteration or change is made to the vessel.*

(2) *The procedure for registration anew is as follows :-*

- a) *Submit the complete Application Form (Para)*
- b) *Submit the following documents:-*
 - (i) *Appointment of Agent , where required (Para)*
 - (ii) *Appointment of Representative person (Para)*
 - (iii) *Tonnage Certificate, where the tonnage is changed (Para)*
 - (iv) *Evidence of seaworthiness;*
 - (v) *Certified Carving and Marking Note upon any change to the vessel's name where applicable.*

c) *Pay :*

Registration anew – B\$2.50 per Net Ton (NRT) to nearest ton subject to a minimum of B\$1,250.00 (500 NRT) And a maximum of B\$50,000.00

ANNUAL TONNAGE TAX

B\$0.20 per Net Tonnage (NRT) the nearest ton subject to a minimum of B\$100.00

5.4 *Upon completion of all the formalities the Certificate of Registry will be issued. The old Certificate of Registry must be returned or undertake to return to the Registry.*

6. REGISTRATION OF MORTGAGE

- 6.1 *A mortgage on a vessel may be record in the register as soon as the vessel is registered, upon presentation of the instrument of mortgage (in the prescribed form available from the Registry).*
- 6.2 *In the case of a provisionally registered vessel where the original document of title to ownership has not been submitted, the mortgage will only be recorded upon confirmation by the mortgage that they have sighted the original documents.*
- 6.3 *A fee is levied for the recording of a mortgage and for a transfer of mortgage. It is charged according to the gross tonnage of the vessel or shares at B\$48 plus B\$1 per 100 Gross tons or part thereof,*
- 6.4 *No fee is charged for a discharge of mortgage.*

7. REGISTRATION OF BILL OF SALE

- 7.1 *Every Bill of Sale for the transfer of a Brunei vessel or any share therein must be produced for registration and will be registered in the order of production if there is more than one Bill of Sale.*
- 7.2 *Where the transferee is a person qualified to own a Brunei vessel (para), the Bill of Sale must be in the prescribed form. The vessel must be registered anew or its registry closed of the date on which the Bill of Sale (or the first Bill of Sale if there is more than one Bill of Sale) is registered, failing which the registry will be closed by operation of the law. The Bill of Sale will not be recorded if there are subsisting mortgages (unless the mortgagee gives his consent in writing), unpaid fees, outstanding claims of the master or seamen, or any subsisting court order prohibiting and dealing with the vessel.*
- 7.3 *Where the transferee is not a person qualified to own a Brunei vessel, registration of the Bill of Sale will result in the closure of the registry. The Certificate of registry if not submitted, owner must give a letter of undertaking to surrender the certificate on which the Bill of Sale is registered. The Bill of Sale will not be recorded if there are subsisting mortgages, unpaid fees, outstanding claims of the master or seamen, or any subsisting court prohibiting any dealing with the vessel.*
- 7.4 *A fee of B\$50.00 is payable for the registration of a Bill Of Sale*

8. CLOSURE OF REGISTRATION

- 8.1 *An owner wishing to close a vessel's registry must ensure that there are no:*
- (1) *Undischarged mortgage;*
 - (2) *court order prohibiting any dealing with the vessel or any share therein;*
 - (3) *outstanding annual tonnage tax or other fees; and*
 - (4) *Outstanding claims of the master or seamen.*
- 8.2 *The following documents must be submitted;*
- (1) *a written application stating the intended port and country of registry, or otherwise, the reason(s) for the closure;*
 - (2) *the original Certificate of Registry, or a letter of undertaking to deliver the certificate.
The registry of the vessel will not be closed until this is received.*
 - (3) *the original Bill of Sale for recording if a sale is involved; and*
- 8.3 *Where a Brunei vessel is lost (actual or constructive), burnt or broken up, the owner must immediately inform the Registrar.*

CHECKLIST – DOCUMENTS TO BE SUBMITTED FOR CLOSURE

	ITEMS	DO YOU HAVE IT?
1.	Written application for closure	
2.	Original Certificate of Registry or a letter of undertaking	
3.	Original Bill of Sale (Where applicable)	

10. GENERAL INFORMATION

11.1 *Ownership and shares in a vessel*

- (1) *Only persons or companies incorporated in Brunei may be registered as the sole or joint owners of a vessel or share therein. Ownership of a fractional part of a vessel will not be registered. Any number of individuals or companies not exceeding may be registered as joint owners of a share or shares.*
- (2) *The property in a Brunei vessel may be divided into any number of shares and such number may not be charged unless the vessel is registered anew. Owners are advised to divide their vessel into 64 shares unless there are special difficulties.*

11.2 *Priority of mortgages*

- (1) *If there is more than one subsisting mortgage registered in respect of the same vessel or share, the mortgagees shall, notwithstanding any express, implied or constructive notice, be entitled in priority one over the other according to the date and time of the record of each mortgage in the register book and not according to the date of each mortgage itself.*

11.3 *Certified English translations*

- (1) *All documents submitted to the Registrar must be in English. If a document is not in English, it must be accompanied by a certified English translation.*

11.4 *Use of Power of Attorney*

- (1) *A Bill of Sale, a mortgage and a transfer or discharge of mortgage may be executed by a lawfully appointed attorney. A Power of Attorney executed outside Brunei must be notarized and legalized. If executor is not a local and documents are executed in Brunei, a letter of confirmation from the executor or notarization of the documents is Required. The original and a copy must be submitted. The original will be returned after completion of the transaction. Only for the case of a discharge of mortgage, a certified true copy of the Power of Attorney may be accepted.*

11.5 *Fishing vessels, vessels will not be accepted for registration*

11.6 *Authorized Classification Societies*

- (1) *The following Classification Societies have been authorized to act on behalf of the Government of the Brunei in the surveys, certification and determination of tonnages Of Brunei vessels, and conduct audits and certification with respect to the International Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code):-*

(i)	<i>American Bureau of Shipping</i>	<i>ABS</i>
(ii)	<i>Bureau Veritas</i>	<i>BV</i>
(iii)	<i>Det Norske Veritas</i>	<i>DNV</i>
(iv)	<i>Germanischer Lloyd</i>	<i>GL</i>
(iv)	<i>Nippon Kaiji Kyokai</i>	<i>NKK</i>
(vi)	<i>Llyds Register of Shipping</i>	<i>LR</i>

11.7 *Annual Tonnage Tax*

(1) The annual tonnage tax must be paid at time of initial registration or registration anew and thereafter every year on or before the anniversary date on which the vessel was registered or registered anew, as the case may be. No refund of the tax will be made if during the year for which the tax has been paid, the registry of the vessel is closed for any reason

*Upon Completion of all the
formalities,
the Certificate of Registry will be
issued*