

LAWS OF BRUNEI

CHAPTER 24

SEDITION

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SEDITION

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SEDITION ACT

An Act to revise and unify the law relating to sedition

Commencement: 6th April 1948

Citation

1. This Act may be cited as the Sedition Act.

Interpretation

2. In this Act, unless the context otherwise requires —

“import” includes to bring into Brunei Darussalam or to bring within the territorial waters of Brunei Darussalam, whether or not anything is brought ashore and whether or not there is an intention to bring the same ashore;

“publication” includes all written or printed matter and everything, whether of a nature similar to written or printed matter or not, containing any visible representation, or by its form, shape, or in any manner capable of suggesting words or ideas, and every copy and reproduction of any publication;

“seditious publication” means a publication having a seditious intention.

Seditious intention

3. (1) A seditious intention is an intention —

(a) to bring into hatred or contempt or to excite disaffection against His Majesty the Sultan and Yang Di-Pertuan or the Government;

(b) to excite the inhabitants of Brunei Darussalam to attempt to procure the alteration, otherwise than by lawful means, of any other matter in Brunei Darussalam as by law established;

(c) to bring into hatred or contempt or to excite disaffection against the administration of justice in Brunei Darussalam;

(d) to raise discontent or disaffection amongst the inhabitants of Brunei Darussalam;

(e) to promote feelings of ill-will, hostility or hatred between different classes of the population of Brunei Darussalam; [S 22/2018]

(f) to question, or to directly or indirectly lower or adversely affect, or otherwise bring into derogation, the rights, status, position, discretion, powers, privileges, sovereignty or prerogatives of His Majesty the Sultan and Yang Di-Pertuan or Her Majesty Duli Raja Isteri, as the case may be; or [S 22/2018]

(g) to directly or indirectly lower or adversely affect the standing or prominence of the National Philosophy of Melayu Islam Beraja (known in English as Malay Islamic Monarchy),

but an act, speech or publication is not seditious by reason only that it intends —

- (i) to show that His Majesty the Sultan and Yang Di-Pertuan or the Government has been misled or mistaken in any of their measures;
- (ii) to point out errors or defects in the Government or the Constitution of Brunei Darussalam as by law established or in legislation or in the administration of justice with a view to the remedying of such errors or defects;
- (iii) to persuade the inhabitants of Brunei Darussalam to attempt to procure by lawful means the alteration of any matter in Brunei Darussalam as by law established; or
- (iv) to point out, with a view to their removal, any matters which are producing or have a tendency to produce feelings of ill-will and enmity between different classes of the population of Brunei Darussalam.

(2) In determining whether the intention with which any act was done, any words were spoken, or any document was published, was or was

not seditious, every person shall be deemed to intend the consequences which would naturally follow from his conduct at the time and in the circumstances in which he so conducted himself.

Seditious offences [S 22/2018]

4. (1) Subject to subsection (3), any person who —

(a) does or attempts to do, or makes preparation to do, or conspires with any person to do, any act with a seditious intention;

(b) utter any words with a seditious intention;

(c) prints, publishes or causes to be published, sells, offers for sale, distributes or reproduces any seditious publication;

(d) imports or propagates any seditious publication,

is guilty of an offence and liable on conviction to imprisonment for a term not exceeding 15 years; such seditious publication shall be forfeited and may be destroyed or otherwise disposed of as the court directs.

(2) Any person who without lawful excuse has in his possession any seditious publication is guilty of an offence and liable on conviction to imprisonment for a term not exceeding 15 years; such publication shall be forfeited and may be destroyed or otherwise disposed of as the court directs.

(3) Whoever commits an offence under subsection (1) or (2) involving a seditious intention under section 3(1)(a) or (f) relating to His Majesty the Sultan and Yang Di-Pertuan or Her Majesty Duli Raja Isteri is guilty of an offence and liable on conviction to imprisonment for a term not less than 3 years and not exceeding 15 years.

(4) It shall be a defence to a charge under subsection (2) that, if the person charged did not know that the publication was seditious when it came into his possession, he did, as soon as the nature of the publication became known to him, deliver the publication to the officer in charge of the nearest police station.

Suspension of newspaper containing seditious matter

4A. (1) Whenever any person is convicted of publishing in any newspaper matter having a seditious intention, the court may, if it thinks fit,

either *in lieu* of or in addition to any other punishment, make orders in respect of any of the following matters —

(a) prohibiting, either absolutely or except on conditions to be specified in the order, for any period not exceeding one year from the date of the order, the future publication of the newspaper;

(b) prohibiting, either absolutely or except on conditions to be specified in the order, for the period mentioned in paragraph (a), the publisher, proprietor or editor of that newspaper from publishing, editing or writing for any newspaper or from assisting, whether with money or money's worth, material, personal service or otherwise, in the publication, editing or reproduction of any newspaper;

(c) that for the period mentioned in paragraph (a), any printing press used in the production of the newspaper be used only on conditions to be specified in the order or that it be seized by the police and detained by them for the period mentioned in paragraph (a).

(2) Any person who contravenes an order made under subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding 3 years or both.

(3) Nothing in this Act shall affect the power of the court to punish any person contravening an order made under this section for contempt of court:

Provided that no person shall be punished twice for the same offence.

Power of Court to prohibit circulation of seditious publications
[S 22/2018]

4B. (1) Whenever on the application of the Public Prosecutor it is shown to the satisfaction of the Court that the issue or circulation of a seditious publication —

(a) is, or if commenced or continued, would be likely to lead to unlawful violence; or

(b) appears to have the object of promoting feelings of hostility between different classes or races of the community,

the Court shall make an order (in this section referred to as a prohibition order) prohibiting the issuing and circulation of that publication (in this section referred to as a prohibited publication) and requiring every person having any copy of the prohibited publication in his possession, power or control forthwith to deliver every such copy into the custody of the police.

(2) An order under this section may be made *ex parte* on the application of the Public Prosecutor in chambers.

(3) It shall be sufficient if the order so describes the prohibited publication that it can be identified by a reasonable person who compares the prohibited publication with the description in the prohibition order.

(4) Every person on whom a copy of a prohibition order is served by any police officer shall forthwith deliver to that police officer every prohibited publication in his possession, power or control, and, if he fails to do so, he is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding 3 years or both.

(5) Every person to whose knowledge it comes that a prohibited publication is in his possession, power or control shall forthwith deliver every such publication into the custody of the police, and, if he fails to do so, he is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding 3 years or both.

(6) The Court may, if it thinks fit, either before or after or without service of the prohibition order on any person, issue a warrant authorising any police officer —

(a) to enter and search any premises specified in the order;

(b) to seize and carry away every prohibited publication there found; and

(c) to use such force as may be necessary for the purpose.

A copy of the prohibition order and of the search warrant shall be left in a conspicuous position at every building or place so entered.

(7) The owner of any prohibited publication delivered or seized under this section may, at any time within 14 days after the delivery or seizure, apply to the Court by originating summons for the discharge of the prohibition order, and if the Court, on the hearing of the application, decides

that the prohibition order ought not to have been made, it shall discharge the order and shall order the prohibited publication delivered by or seized from the applicant to be returned to him.

(8) Every prohibited publication delivered or seized under this section with respect to which an application under subsection (7) is not filed within the time aforesaid or which is not ordered to be returned to the owner is deemed to be forfeited to the Government.

(9) For the purposes of this section, “Court” means the High Court or the Intermediate Court.

Issue of search warrant

5. (1) Any Magistrate may issue a warrant empowering any police officer to enter upon any premises where any seditious publication is or may be reasonably suspected to be and search therein for any seditious publication.

[S 22/2018]

(2) Whenever it appears to any police officer that there is reasonable cause to believe that in any premises there is concealed or deposited any seditious publication and he has good grounds for believing that by reason of the delay in obtaining a search warrant the object of the search is likely to be frustrated, he may enter and search such premises as if he were empowered to do so by a warrant issued under subsection (1).

[S 22/2018]

Arrest without warrant

6. Any police officer may arrest without warrant any person found or reasonably suspected of committing or attempting to commit or procuring or abetting any person to commit any offence against this Act, or reasonably suspected of the unlawful possession of any article liable to forfeiture thereunder.

[S 22/2018]

Legal proceedings *[S 22/2018]*

7. (1) No person shall be prosecuted for an offence under section 4 without the written consent of the Public Prosecutor.

(2) In such written consent, the Public Prosecutor may designate any court to be the court of trial.

Evidence [S 22/2018]

8. No person shall be convicted of an offence under section 4(1)(c) or (d) if the person proves that —

(a) the publication in respect of which he is charged was printed, published or caused to be published, sold, offered for sale, distributed, reproduced, imported or propagated, as the case may be, without his authority, consent and knowledge and without any want of due care or caution on his part; or

(b) he did not know and had no reasonable ground to believe that the publication had a seditious intention.