

SUBSIDIARY LEGISLATION

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**INTERNAL SECURITY ACT
(CHAPTER 133)**

**INTERNAL SECURITY
(PLACE OF DETENTION) RULES**

S 31/84

Amended by

S 5/96

S 9/96

GN 274/02

2002 Edition, R 1

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S 71/05

S 23/06

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SUBSIDIARY LEGISLATION

Rules made under sections 3(5) and (6)

INTERNAL SECURITY (PLACE OF DETENTION) RULES*Commencement: 1st April 1983*
*[S 9/83]***Citation.**

1. These Rules may be cited as the Internal Security (Place of Detention) Rules. ^a

Interpretation.

2. In these Rules, unless the context otherwise require —

“detained person” means any person detained under an order of detention;

“Director ” means the Director of Internal Security;

[S 5/96; S 23/06]

“Minister” means the Minister of Home Affairs;

[S 5/96]

“officer” means the Chief Superintendent, a Superintendent, Senior Assistant Superintendent, Assistant Superintendent, Chief Warder, Non-Commissioned Officer, Warder or Wardress;

[S 5/96; S 23/06]

“order of detention” means any order for the detention of any person made under the Internal Security Act (Chapter 133);

“order of removal” means any order for the removal of any detained person or persons from one place of detention to another made under the Act;

“place of detention” means any place specified as a place of detention in any order of detention or order of removal and includes a rehabilitation centre;

“subordinate officer” means any officer below the rank of Senior Assistant Superintendent.

*[S 5/96; S 23/06]***Administration.**

3. (1) The administration of place of detention shall be vested in Chief Superintendent.

[S 23/06]

(2) The powers and duties of a Chief Superintendent under these Rules may be exercised and performed in the case of the absence or incapacity of the Chief Superintendent by the next senior officer present in place of the Chief Superintendent.

[S 23/06]

[Subsidiary]

Superintendent to detain persons committed to his custody.

4. Every Superintendent is hereby authorised and required to keep and detain all detained persons duly committed to his custody.

Administration of officers and places of detention.

5. (1) Subject to the orders of the Minister, the control of officers of place of detention throughout Brunei Darussalam shall be vested in the Chief Superintendent who may from time to time make such transfers and direct the employment and distribution of officers as he may think fit.

[S 5/96; S 23/06]

(2) Subject to the orders of the Minister the general charge and administration of places of detention in Brunei Darussalam shall be vested in the Chief Superintendent.

[S 5/96; S 23/06]

Appointment of officers and issue of Standing Orders.

6. (1) The Director may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, appoint a Chief Superintendent and so many Superintendents, Senior Assistant Superintendents and subordinate officers as he may think necessary.

[S 5/96; S 23/06]

(2) The Chief Superintendent may make and issue orders, to be called "Standing Orders", not inconsistent with the provisions of these Rules.

[S 5/96; S 23/06]

Duties of Chief Superintendent.

[S 71/05; S 23/06]

7. Subject to the orders of the Minister, the Chief Superintendent shall supervise and control all matters in connection with any place of detention the administration of which is vested in him, and shall be responsible to the Director for the conduct and treatment of the officers and detained persons under his control, and for the due observance by officers and detained persons of the provisions of these Rules and of all written law, Standing Orders, Regulations and Rules relating to detained persons and places of detention.

[S 5/96; S 23/06]

Appointment of medical and dental officers.

8. (1) The Director-General of Health Services shall appoint a medical officer and a dental officer for each place of detention.

[GN 274/02]

(2) If the circumstances do not permit of the Director-General of Health Services making an appointment under sub-rule (1) the Director-General of Health Services may

appoint any registered medical practitioner or any registered dentist to be the medical officer or dental officer of any specified place of detention.

[GN 274/02]

Terms of engagement of officers.

9. All officers shall be engaged in accordance with the conditions of service applicable to them at the date of their engagement.

[S 23/06]

Appointment of subordinate officers.

10. A subordinate officer may be promoted by the Director.

[S 5/96]

Interdiction, suspension and dismissal.

11. The Chief Superintendent, a Superintendent, Senior Assistant Superintendent and a subordinate officer may be interdicted, suspended or dismissed in accordance with General Orders for the time being in force:

[S 5/96; S 23/06]

Provided that, where in the opinion of the Director it is essential in the interest of security and discipline of a place of detention that an officer should cease forthwith to exercise the functions of his office, the Director may interdict such officer from duty pending an investigation.

[S 5/96]

Uniform and accoutrements.

12. Every officer shall be provided with such staves, arms, ammunition, uniform and other accoutrements that may be prescribed by the Chief Superintendent.

[S 23/06]

Delivery of uniform etc. on leaving.

13. (1) Every person upon ceasing to be an officer shall forthwith deliver up to the Superintendent of the place of detention in which he is serving at the time of ceasing to be an officer, every article of uniform and clothing and all arms, accoutrements, ammunitions, staves and other effects of every kind belonging to the Government.

(2) Any person who fails to comply with the provisions of sub-rule (1) shall be liable to imprisonment for 3 months and to fine of \$500 and in addition thereto shall be liable to pay the value of any article not delivered up, which value shall be summarily ascertained by the court and shall be recoverable as if it were a fine.

[Subsidiary]

(3) Every person not being a person employed by or in a place of detention who shall have in his possession any article being part of the clothing, accoutrements, or other effects supplied to any officer and who shall not be able satisfactorily to account for his possession of the same shall be liable to imprisonment for 3 months and to a fine of \$500.

Officers deemed public servants.

14. The Chief Superintendent, all Superintendents, Senior Assistant Superintendents, medical officers, dental officers and subordinate officers appointed under these Rules shall be deemed to be public servants within the meaning of the Penal Code (Chapter 22).

*[S 5/96; 23/06]***Use of weapons.**

15. (1) Every officer may use weapons against any detained person escaping or attempting to escape:

Provided that resort shall not be had to the use of any such weapons unless such officer has reasonable grounds to believe that he cannot otherwise prevent the escape.

(2) Every officer may use weapons on any detained person engaged in any combined outbreak or in any attempt to force or break open the outside gate or door or enclosure wall of the place of detention, and may continue to use such weapons so long as such combined outbreak or attempt is actually being prosecuted.

(3) Every officer may use weapons against any detained person using violence to any officer or other person, provided that such officer has reasonable grounds to believe that the officer or other person is in danger of life or limb, or that other grievous hurt is likely to be caused to him.

(4) Before using firearms against a detained person under the authority conveyed in sub-rule (1), the officer shall give a warning to the detained person that he is about to fire on him.

[S 23/06]

(5) No officer shall, in the presence of a superior officer, use arms of any sort against a detained person in the case of an outbreak or attempt to escape except under the orders of such superior officer.

(6) The use of weapons under this rule shall be, as far as possible, to disable and not to kill.

(7) Every police officer and every member of the Royal Brunei Armed Forces, the Gurkha Reserve Unit or of any other local force established under any written law, who is for the time being serving in the capacity of an escort guard or of a guard in or about the place of detention for the purpose of ensuring the safe custody of any detained persons in such place of detention shall be deemed to have all powers and privileges granted to an officer under this rule.

Officers to have powers of police officer.

16. Every officer while acting as such shall have by virtue of his office all the powers, authorities, protection and privileges of a police officer.

Offences concerning supplies.

17. (1) No officer nor any medical officer nor any dental officer shall sell or supply or receive directly or indirectly any benefit or advantage from the sale or supply of any article to or for the use of any detained person or for the use of any place of detention, nor shall any such officer directly or indirectly have any interest in any contract or agreement for the sale or supply of any such article.

(2) No officer nor any medical officer nor any dental officer shall directly or indirectly have any pecuniary interest in the purchase of any place of detention supplies, or receive any discounts, gifts or other consideration from contractors for or sellers of such supplies, or have any pecuniary dealing with detained persons or with their friends with regards to them or on behalf of any detained person or any unauthorised communications with any person.

(3) Any person who contravenes any provision of this rule shall be liable to imprisonment for 12 months and to a fine of \$1,000 and may in addition be dismissed from his office and all arrears of pay may be forfeited.

Payment of money forbidden.

18. (1) No money or other consideration shall on any pretext whatsoever be payable, paid, given or promised by or on behalf of any detained person, either on his entry into, commitment to, continuance in, or discharged from any place of detention, to any officer; and any officer receiving or demanding any such money or other consideration or the promising of such money or other consideration or undertaking any service in consideration of receiving or promise of such money or other consideration shall be liable to imprisonment for 6 months and to a fine of \$500.

(2) Any person convicted under this rule may be dismissed from his office, and all arrears of pay due to him may be forfeited.

Maintenance of records.

19. Every Superintendent shall be responsible for seeing that all proper records are kept, of all such circumstances, and of any correspondence connected with such circumstances, as affect the interest of particular detained persons.

Journal.

20. A Superintendent shall keep a Journal wherein he shall record all matters of importance relating to the place of detention or detained persons.

[Subsidiary]

Detained persons' complaints etc.

21. A Superintendent shall ensure that a detained person who had a complaint or applications to make is allowed to make them, and that the medical officer's instruction are carried into effect, and the Superintendent shall pay special attention to those detained persons who are in hospital or are undergoing punishment.

Diet scale and inspection of meals.

22. (1) The food of detained persons shall be in accordance with the scales set out hereto or such other diet scales as may from time to time be approved by the Minister on the recommendations of the Director-General of Health Services.

[GN 274/02]

(2) A Superintendent shall, from time to time, and not less than once a week, visit the detained persons and shall enquire into any complaint that may be made regarding the rations and take immediate action to remove the cause of such complaint which appears to be justified. The Superintendent shall ensure that foodstuffs are of good quality and every detained person receives the rations to which he is entitled by law and no deviation from the authorised scale is permitted except by the written authority of the medical officer.

(3) Copy of the diet scales shall be displayed in some conspicuous part of the place of detention.

(4) Scales and standard rates and measures shall be provided for weighing the food supplied to detained persons.

(5) A detained person ordered to be kept on punishment diet shall have substituted for his ordinary diet the punishment diets as prescribed unless otherwise ordered by the medical officer.

Inspection of foodstuffs.

23. The Superintendent or the next senior officer shall daily inspect and supervise the issuing of the detained persons' meals and whenever possible, shall weigh the rations supplied to detained persons when delivered by the contractor. A record shall be made of such check in a book kept for such purpose.

Rations to be in accordance with diet scales.

24. The Superintendent shall ensure that every article of food supplied for the use of the detained persons is sound and of good quality, and that the scales, weights and measures in use in the place of detention are accurate and in proper order. A Superintendent shall take special care to see that the rations issued are strictly in accordance with the prescribed scales of diet and that every detained person receives the diet to which he is entitled.

Death of detained person.

25. (1) The Superintendent shall, upon the dangerous illness or death of any detained person, give immediate notice thereof to the most accessible known relative of the detained person or of the decease, as the case may be.

(2) The Superintendent shall, upon the death of the detained person give immediate notice thereof to the nearest magistrate and report the death to the police.

Detained person mentally unsound.

26. The Superintendent shall without delay report to the medical officer any case of mental disorder or apparent mental disorder.

Visitors to view place of detention.

27. (1) The Director may permit any responsible person, who has good reasons, to view a place of detention at reasonable hours accompanied by an officer.

[S 23/06]

(2) Visitors shall give their names and addresses and sign their names in the Visitors Book and are liable to be searched by the order of the Superintendent.

(3) The Superintendent may remove from a place of detention any visitor to the place of detention whose conduct is improper.

Books and records to be kept.

28. A Superintendent shall keep or cause to be kept —

(a) an Admission Register, and a record of all detained persons committed, with date of commitment and the date at which such detention will lapse, and the name, age, height, weight, particular marks and general appearance of detained person and any other particulars which may be required;

(b) a Daily Release Book, in diary form, wherein he shall enter, when admitted, the name of every detained person under the proper date upon which such detained persons is to be released;

(c) a Detained Persons' Effects Book to be kept in the approved form;

(d) a Detained Persons' Punishment Book wherein shall be recorded the name of every detained person punished for offences, the punishment inflicted and the name of the officer ordering the punishment and also the certificate of the medical officer as to whether the detained person physically fit to undergo punishment as ordered, and the date;

(e) an account of all receipts and disbursements;

[Subsidiary]

- (f) an Unofficial Visitors Book, containing a record of all unofficial visitors to the place of detention;
- (g) an Official Visitors Book;
- (h) a list of books and documents committed to his care;
- (i) a Fine and Reward Account Book showing the amounts and disposal of all fines and forfeitures levied from the staff; and
- (j) such other books or records which the Superintendent may direct.

Petitions by detained persons. [S 23/06]

29. (1) A Superintendent shall, without delay, submit to the Chief Superintendent any petition received from a detained person.

(2) After receiving a report from the Chief Superintendent, the Director shall forthwith forward to the Minister the petition received from the detained person under sub-rule (1).

Retention and care of property.

30. (1) Moneys and other articles whatever in possession of, or sent in to, any detained person, not expressly allowed by these Rules, shall be taken from such detained person. Such property shall be inventoried in the Register of Property, which shall be signed by the detained person.

(2) Any article of a perishable or dangerous nature may be destroyed.

(3) A Superintendent shall take particular care to see that every precaution is taken to ensure the safe custody of detained persons property and to prevent the loss or misappropriation of any such property.

Report to Minister.

31. The Director shall report to the Minister all escapes, serious assault, outbreaks of disease or any occurrences of an unusual or serious nature.

[S 5/96]

Action in case of emergency. [S 23/06]

32. (1) ⁱⁿIn cases of emergency, a Superintendent shall take such action as may in the circumstances be necessary, enter the particulars in his Journal, and forthwith make a report of the same to the Chief Superintendent to be forwarded to the Director.

(2) The Director shall take such action as may in the circumstances be necessary and forthwith make a report of the same to the Minister.

Control of expenditure.

33. The Chief Superintendent shall keep strict surveillance over the expenditure of such public money as may be allocated to the place of detention, and he shall ascertain that all moneys received are properly accounted for.

[S 5/96; S 23/06]

Searching of detained persons.

34. (1) The Superintendent shall ensure that every detained person is strictly searched on admission, and that all knives, weapons, instruments, money, opium, drugs or anything forbidden, or in his opinion objectionable, or anything likely to facilitate escape, are taken from the detained persons. A Superintendent may cause any dangerous or objectionable article to be destroyed.

[S 23/06]

(2) Female detained persons shall be search only by a Wardress.

Searching of officers.

35. (1) Every subordinate officer shall permit himself to be searched within a place of detention or within his quarters, and likewise he shall submit to the search of his quarters by the Superintendent or by any other officer in accordance with such directions as the Superintendent may see fit to give.

(2) Female officers shall be searched only by members of their own sex.

Absence from duty.

36. Subordinate officers shall not be absent from their places of detention during hours of duty without leave from the Superintendent and before leaving the place of detention at any time they shall leave their keys, arms and books in the place or places appointed.

Unauthorised communications.

37. No officer or any person employed in the place of detention shall make any unauthorised communications concerning any place of detention or detained person whatever, and shall not, without the written authority of the Minister, communicate to the public press information derived from official sources or connected with his duties or the place of detention, and any such communication by an officer without authority, will be regarded as a breach of confidence and will render him liable to dismissal.

Female staff, quarters and absence.

38. The Senior Wardress shall reside in such quarters as may be assigned to her. She shall not be absent from her quarters without leave from the Superintendent except during such hours as shall from time to time be fixed by him, and in case of such absence the next

[Subsidiary]

senior female officer shall have the same powers and be subject to the same responsibilities as a Senior Wardress.

Searching of female detained persons.

39. The Senior Wardress shall search, or cause to be searched, every female detained person on admission and so often afterwards as may be directed by the Superintendent or as he thinks necessary.

Offences by officers and punishment.

40. A subordinate officer who shall be guilty of any of the following disciplinary offences, namely —

- (a) absence from duty without good cause;
- (b) sleeping on duty;
- (c) neglect or disobedience of orders;
- (d) being under the influence of alcohol or drugs while on or off duty;
- (e) insubordination;
- (f) neglect of duty;
- (g) wilful destruction of or careless loss of or injury to Government property;
- (h) malingering;
- (i) using personal violence to any detained person save in the case of repeated refusal to obey a lawful order, self-defence, defence of any other officer, person or detained person;
- (j) instigating or permitting any detained person to commit any crime or offence against place of detention discipline;
- (k) allowing unauthorised persons to communicate with detained persons;
- (l) borrowing money from or lending money to any other officer;
- (m) bringing in spirituous or fermented liquor or any prohibited article into the place of detention;
- (n) being improperly dressed when in uniform;
- (o) reporting late for duty;
- (p) losing supervision over the detained persons in his or her charge;
- (q) selling or making away with any part of his or her uniform equipment or accoutrements;

- (r) trafficking with detained persons;
- (s) using personal violence or threats towards any officer;
- (t) any other conduct to the prejudice of good order or discipline or the security of a place of detention or in violation of these Rules,

shall be liable on conviction before the Chief Superintendent to any one or more of the following punishments —

[S 5/96; S 23/06]

- (i) summary dismissal, subject to confirmation by the Director;
[S 23/06]
- (ii) reduction in rank, subject to confirmation by the Director;
[S 23/06]
- (iii) forfeiture of not more than 15 days pay;
- (iv) extra duties not exceeding 4;
- (v) extra drills not exceeding 7;
- (vi) severe reprimand; and
- (vii) reprimand:

Provided that in case of absence without a good cause forfeiture of pay may extend to the period of absence in addition to any other punishment inflicted:

Provided further that on conviction under paragraph (g) any such officer shall be liable to pay the value of the property destroyed, lost or damaged.

Appeal to Director.

[S 23/06]

41. A subordinate officer may appeal to the Director against any punishment order under rule 40 and the Director may reduce or confirm any such punishment.

[S 23/06]

Adjudication by Chief Superintendent.

[S 23/06]

42. (1) If it shall appear to the Chief Superintendent that an offence punishable under rule 40 is of such a grave character as to require a more severe punishment than any therein prescribed, then he shall direct that the person accused be charged before a magistrate, and such a person shall be liable to imprisonment for 6 months and to a fine of \$500:

[S 5/96; S 71/05; S 23/06]

Provided that if the offence relates to the destruction or loss or of injury to Government property the person convicted shall in addition be liable to pay the value of the property

[Subsidiary]

destroyed, lost or injured, which value shall be summarily be ascertained by the court and shall be recoverable as if it were a fine.

(2) A subordinate officer convicted by a magistrate under this rule shall, unless the conviction is reversed on appeal, be dismissed from his office and all arrears of pay due to him may be forfeited.

Assault on senior officer.

43. (1) An officer who assault, threaten or insult any officer senior to him when such senior officer is on duty or when such assault, threat or insult shall relate to or be consequent upon the discharge of duty by the officer so assaulted, threatened or insulted shall be liable on conviction before a magistrate to imprisonment for 6 months and to a fine of \$500.

(2) Any person convicted under this rule, shall, unless the conviction is reversed on appeal, be dismissed from his office and all arrears of pay due to him be forfeited.

Trafficking.

44. (1) Every person who without lawful authority —

(a) conveys, supplies or causes to be supplied or conveyed to any detained person, or hides or places for his use any letter or document or any intoxicating liquor, tobacco, bhang or hemp, drug, opiate, money, clothing, provisions or any other article whatsoever;

(b) brings or attempts by any means whatever to introduce into any place of detention, or places or attempts to place where detained persons shall labour, any letter or document or any intoxicating liquor, tobacco, bhang or hemp, opiate, drug, money, clothing, provisions or any other article to be sold or use therein;

(c) brings or attempts to bring out of any place of detention, or conveys from any detained person any letter, document or other article; or

(d) communicates with any detained person,

shall be liable on conviction by a magistrate to imprisonment for 6 months and to a fine of \$1,000, and an officer shall, unless the conviction is reversed on appeal, be dismissed from his office and all arrears of pay due to him may be forfeited.

(2) Every officer who without lawful authority —

(a) knowingly suffers any intoxicating liquor, tobacco, bhang or hemp, drug, opiate, money, clothing, provisions, letter, document or other article to be sold to or received or used by or on behalf of any detained persons;

(b) lends or gives to any detained person any such intoxicating liquor, tobacco, bhang or hemp, opiate, drug, money, clothing, provisions or other article; or

(c) knowingly suffers any letter, document or other article to be brought out of any place of detention, or to be conveyed from any detained person,

shall be liable on conviction by a magistrate to imprisonment for 6 months and to a fine of \$1,000, and an officer shall, unless the conviction is reversed on appeal, be dismissed from his office and all arrears of pay due to him may be forfeited.

45. *Repealed.*

[S 23/06]

Custody during removal.

46. A detained person who has been removed or transferred from one place of detention to another, or for whose production at any place an order has been made shall, while outside a place of detention be deemed to be in the lawful custody of the Chief Superintendent.

[S 5/96; S 23/06]

Bedding.

47. Every detained person shall be supplied with bedding adequate for warmth and health in accordance with the scale approved by the Chief Superintendent. Additional bedding may be authorised in special circumstances on recommendations of the medical officer.

[S 5/96; S 23/06]

Discharge of detained persons.

48. A Superintendent shall be responsible for the due discharge of all detained persons immediately on their becoming entitled to release.

Escapes and offences connected therewith.

49. (1) If a detained person escape by breach of a place of detention or otherwise out of custody, he may be retaken in the same manner as a person convicted of crime against the laws of Brunei Darussalam may be retaken on an escape.

(2) Any person who is guilty of the offence of so escaping or of attempting to escape, or of aiding or attempting to aid any such detained persons so to escape, shall be deemed to have committed an offence against the laws of Brunei Darussalam, and may be tried and punished accordingly.

Attendance at place of detention by medical officer.

50. A medical officer shall, if necessary, or whenever requested by the Superintendent attend the place of detention.

[Subsidiary]

Examination of and visits to, detained persons.

51. The medical officer shall examine every detained person sentenced for punishment for any offence before any such punishment is carried out and certify whether in his opinion such punishment can be inflicted without the probability of serious injury be caused thereby. He shall visit such of the detained persons as are sick; he shall see every detained person sentenced to close confinement once a day.

Mentally unsound detained persons.

52. The medical officer shall report to the Superintendent the case of any detained person whose mind has been or appears likely to be injuriously affected, and give such written directions in the case as he may think proper. He shall report in writing the case of any detained person appearing to be mentally disordered.

[S 5/96; S 23/06]

Sick detained persons.

53. The medical officer shall report in writing to the Superintendent the case of any detained person to which he thinks it necessary on medical grounds to draw attention, and shall make such recommendations as he deems needful for the alteration of the discipline or treatment of the detained person or for the supply of additional articles to the detained person. The Superintendent shall as far as it is practicable carry into effect any written recommendation made by the medical officer.

Detained persons unfit for detention.

54. Whenever the medical officer either on his own observations or on report by the Superintendent is of the opinion that the life of any detained person will be endangered by his continuance in a place of detention or that any such person will not survive his detention or is totally and permanently unfit for place of detention discipline, he shall state his opinion, and the grounds therefor, in writing to the Superintendent, who shall produce the opinion and the grounds to the Chief Superintendent who will forward the matter to the Director.

[S 5/96; S 23/06]

Medical officer to inspect place of detention.

55. At least once in every month a medical officer shall inspect every part of the place of detention with special reference to the sanitary state of the place of detention, the health of the detained persons and adequacy and proper cooking of the diets; and he shall ensure that the body weights of detained persons are properly recorded and shall periodically review them.

Death of detained persons.

56. A medical officer shall forthwith, on the death of any detained person, enter in his Case Book the time when the illness, if any, was first observed, when it was first reported to him; when it assumed a dangerous character; the nature of the disease or other cause of death; the time of death and an account of the appearance after death, together with any special remarks that appear to him to be necessary, and the result of post-mortem examination, if any.

Infectious or contagious diseases.

57. (1) The medical officer shall give directions in writing for separating detained persons having infectious or contagious diseases, for cleansing and disinfecting any room or cell occupied by any such detained person, and for cleansing, disinfecting or destroying, if necessary, any infected apparel or bedding, which the Superintendent shall forthwith carry into effect.

(2) The medical officer shall in the case of the occurrence of any epidemic, or highly infectious or contagious disease, or of any other circumstances affecting the health of the detained persons requiring unusual measures, make immediate report to the Superintendent without waiting for the time of any periodical report.

Occurrence of infectious disease.

58. In the case of a contagious or infectious disease occurring, through air or water, in any place of detention it shall be lawful to remove any of the detained persons from such place of detention to any other place and such removal may be made in pursuance of any order under the hand of the Chief Superintendent.

[S 5/96; S 23/06]

Custody of detained persons of unsound mind.

59. (1) Whenever a detained person appears to a medical officer to be mentally disordered he may direct that such detained person be removed to any mental hospital or other fit place of safe custody and be there detained. An order of removal signed by the Director shall be authority for the reception of the detained person and for his detention therein, until removed or discharged as hereinafter provided.

[S 5/96]

(2) Where a detained person who is detained in a mental hospital under the provisions of this rule is in the opinion of the medical officer in charge of such mental hospital no longer mentally disordered the medical officer shall report accordingly to the Chief Superintendent who shall, by order, direct the return of such detained person to the place of detention from whence he was removed.

[S 5/96; S 23/06]

[Subsidiary]

Serious illness of detained persons.

60. In case of a serious illness of a detained person, confined in a place of detention in which there is not suitable accommodation for such detained person, the Director may, on the certificate of a medical officer, make an order for his removal to a Government hospital.

[S 5/96]

Dental officers.

61. The rules applicable to medical officers shall apply, as far as may be appropriate, to dental officers.

Punishment for minor offences by detained persons.

62. A Superintendent may punish any detained person found after due enquiry to be guilty of a minor offence as hereinafter specified by ordering him to undergo one or more of the following punishments —

(a) confinement in a punishment cell for a term not exceeding 5 days on punishment diet;

(b) deprivation for such period as the Superintendent may think fit of any privilege, whether relating to food, books, clothing, luxuries of any description, letters, visitors, or any other matter whatever, of which he may be in enjoyment; or

(c) reprimand.

Punishment for aggravated offences by detained persons.

63. A Superintendent may punish any detained person found after due enquiry to be guilty of an aggravated offence as hereinafter specified by ordering him to undergo one or more of the following punishments —

(a) confinement in a punishment cell for a term not exceeding 7 days on punishment diet;

(b) deprivation for such period as the Superintendent may think fit of any privilege, whether relating to food, books, clothing, luxuries of any description, letters, visitors, or any other matter whatever, of which he may be in enjoyment; or

(c) reprimand.

Minor offences.

64. The following shall be deemed to minor offences —

(a) shouting or making unnecessary noise within a place of detention;

(b) quarrelling with any other detained person;

- (c) assaulting or taking part in any attack on any other detained person;
- (d) doing any act or using any language calculated to wound or offend the feeling and prejudices of any other detained person;
- (e) using any abusive or indecent language or indulging in any indecent act or gesture;
- (f) committing any nuisance in any place of detention;
- (g) treating with disrespect any judge, magistrate, Justice of the Peace or other person lawfully visiting any place of detention, or any officer or person employed in or in connection with place of detention;
- (h) refusing without reasonable excuse to eat the food provided in the place of detention;
- (i) wilfully destroying food or throwing it away without orders;
- (j) omitting or refusing to keep his person clean or disobeying any order designed to preserve the health of detained persons;
- (k) tampering in any way with books, lights or other fixture or fittings in a place of detention;
- (l) stealing or without reasonable excuse interfering with the clothing or property of any other detained person;
- (m) spitting on or otherwise soiling any floor, door, wall or other part of the place of detention or any article therein;
- (n) wilfully or negligently damaging or destroying any article or thing whatsoever assigned for his use or entrusted to him by the authorities of the place of detention;
- (o) wilfully or negligently damaging or destroying any Government property to which he may have access;
- (p) malingering;
- (q) refusing to undergo medical treatment;
- (r) refusing or neglecting to comply with any reasonable order or direction brought to his notice in any manner;
- (s) making any false accusation against any officer or any person employed in or in connection with a place of detention;
- (t) any other act, conduct, disorder or neglect which may reasonably be considered to be to the prejudice of good order or discipline though not specified in the foregoing paragraphs.

[Subsidiary]

Aggravated offences.

65. The following shall be deemed to be aggravated offences —

- (a) mutiny;
- (b) escape or attempt to escape;
- (c) taking part in any assault or attack on any Judge, Magistrate, Justice of the Peace or other person lawfully visiting any place of detention, or any officer or person employed in or in connection with a place of detention;
- (d) aggravated or repeated assault on any other detained person;
- (e) aiding or abetting the commission of any aggravated offence;
- (f) inciting the commission of any offence;
- (g) the commission of any minor offence by any person who has on 2 or more previous occasions been punished under rule 62.

Medical examination before punishment.

66. Every detained person sentenced to dietary punishment shall be sent to the medical officer for examination, and a certificate that its infliction will not, in his opinion, be injurious to health shall be obtained by the Superintendent before it is carried out.

Full diet after 3 days punishment diet.

67. Wherever a detained person is sentenced to undergo close confinement in a punishment cell for a period exceeding 3 days on a punishment diet, he shall be given full diet on every fourth day.

Maximum period of close confinement.

68. Confinement in the punishment cells shall not exceed an aggregate of 90 days in a year for any one detained person and the execution of any 2 consecutive sentences shall be separated by a period not shorter than the longer of such sentences.

Visits to detained persons in cells.

69. A detained person sentenced to confinement in a punishment cell shall see no one save officers in the execution of their duty, a Minister of Religion, his legal adviser, and the medical officer, and shall only have such outdoor exercise as the latter certifies is absolutely necessary for health. Every detained person confined in a punishment cell or subjected to punishment diet shall be visited at least once a day by the Superintendent and the medical officer, and if he is confined in a punishment cell he shall be visited by the appointed officer at intervals of not more than 3 hours during the day.

Luxuries.

70. So far as may be reasonably practicable, and subject to the directions of a Superintendent as regards quantity, a person under detention may secure or purchase such luxuries, including clothing and tobacco, as are consistent with good order and discipline, provided that all such articles must be received or brought through the Superintendent, who may impound any article the possession of which is prohibited by the rules of the place of detention or which, in his opinion, is likely to be dangerous to health or life or is likely to facilitate escape from the place of detention.

Books etc.

71. (1) A person under detention may, as far as is consistent with the proper discipline of the place of detention, have the use of books and paper, provided that all such articles are received or procured through the Superintendent.

(2) A Superintendent may detain any paper or book which, in his opinion, contains any objectionable matter.

(3) A person under detention may be allowed to listen to radio programmes emanating from a communal receiver under the control of the Superintendent.

Visits.

72. (1) A detained person may, consistent with the proper discipline of the place of detention and subject as is hereinafter provided, be allowed visits from his relatives.

[S 23/06]

(2) No detained person shall, except with the express permission of the Chief Superintendent, receive more than one visit a month.

[S 23/06]

(3) Not more than 3 persons shall, except with the express permission of the Chief Superintendent, be admitted to visit a detained person at any one time.

[S 23/06]

(4) No visit shall last more than one hour.

[S 23/06]

(5) A Superintendent or an officer, or in the case on a visit to a female, a Wardress, shall together with an interpreter in any case where such officer does not understand the language spoken, be in sight and hearing during the whole of any visit to detained person, unless the Superintendent by an order in writing sees fit to dispense with any of the above requirements.

(6) A Superintendent may remove from a place of detention any visitor to a detained person if the conduct of such visitor or detained person is improper.

[Subsidiary]

Visitors to visit detained persons. [S 23/06]

72A. (1) The Director may permit any responsible person, who has good reasons, to visit any detained person at reasonable hours accompanied by an officer.

(2) A Superintendent may remove from a place of detention any visitor to a detained person if the conduct of such visitor or detained person is improper.

Visitors may be searched.

73. (1) Every visitor to a detained person shall furnish the Superintendent or an officer authorised by the Superintendent with his name and address and, if the Superintendent or such officer has grounds for suspicion, he may search or cause to be searched male visitors and may direct a female officer to search female visitors, but such search shall not take place in the presence of any detained person or of another visitor.

(2) If any visitor refuses to be searched or if a Superintendent or such authorised officer is of opinion that the admission of such visitor would be prejudicial to security or good order in the place of detention, the Superintendent or such officer may deny him admission, recording the grounds of his refusal in the Journal.

(3) If any article is found as the result of a search which, in the opinion of a Superintendent or such authorised officer, is prohibited by the rules of the place of detention or likely to be dangerous to the health or life of any detained person or likely to facilitate escape from the place of detention, he may impound such article.

[S 71/05]

Emergency in family of detained persons. [S 23/06]

73A. In cases of emergency concerning any member of the family of a detained person, the detained person may apply to the Director for leave to meet that member of his family.

Letters.

74. (1) A Superintendent or an officer authorised by him shall read every letter written by or addressed to any detained person and if he considers it to contain any objectionable matter he shall detain it.

(2) The decision of the Superintendent shall be final.

Board of Inspection.

75. (1) The Minister may appoint any 2 or more persons to constitute a Board of Inspection (hereinafter referred to as "the Board") for the place of detention.

(2) The Board may visit the place of detention at any time and shall visit the place of detention at least once in every month.

(3) The Board shall be entitled to inspect any part of the place of detention and shall in particular visit the sick in hospital and enquire into the condition of persons undergoing punishment in cells.

(4) The Board shall hear any complaint (not being a complaint relating to the validity of a detention order or relating to the grounds on which a detention order was made) which any detained person may wish to make, and it shall be the duty of the Superintendent to inform the Board of any detained person who wishes to make a complaint. The hearing of a complaint shall be as informal as possible.

(5) A minute book shall be provided at the place of detention in which the members of the Board shall record their visits and may enter any remarks and recommendations which they wish to make. A certified copy of the entries in the minute book for the preceding month shall be transmitted to the Director to be forwarded to the Minister on the first day of each month.

[S 71/05; S 23/06]

Inspection of parcels.

76. The Superintendent shall open and inspect the contents of every parcel received by a person detained in a detention camp and may impound any article the possession of which is prohibited by the rules of the camp or which in his opinion is likely to be dangerous to health or life or to facilitate escape from the place of detention.

Work in detention camp.

77. Every person detained in a detention camp shall do such work, not of a severe or irksome nature, if he so desires, provided that —

(a) the total hours of work shall not exceed 8 in any one day; and

(b) no detained person shall be required to do any work (except such as may be necessary for keeping his room, furniture and utensils clean and the place of detention clean and in order and for the preparation of food) on the weekly days of rest observed in Brunei Darussalam at the time being, or on any public holiday.

Pay for work performed.

78. Every such detained person doing any work in accordance with these Rules shall be paid in respect of any work, other than work necessary for keeping his room, furniture and utensils clean and in good order at the rate laid down by the Minister.

School classes and library.

79. Every person detained in a place of detention be entitled to attend school classes organised for such place by the Superintendent and to make use of the library, established in such camp by the Superintendent in accordance with such rules of such library as may be made by the Superintendent.

[Subsidiary]

Penalty for certain offences in detention camp.

80. Any detained person, detained in a place of detention, who —

(a) has been punished under rule 63 for the commission of an aggravated offence under rule 65; and

(b) commits subsequent aggravated offences under rule 65,

shall on conviction be liable to 2 years imprisonment.

Jurisdiction.

81. A Court of a Magistrate shall have jurisdiction to pass any sentence prescribed by rule 80.

Production of detained persons before a court.

82. (1) Whenever the presence of a detained person is required by any court of civil or criminal jurisdiction such court may issue an order addressed to the Director requiring production before the court of such person at the time and place to be named in such order, and the said Director shall cause the person named in such order to be brought up as directed, and every such court may by endorsement on such order require the person named therein to be again brought up at any time to which the matter wherein such person is require may be adjourned.

[S 5/96]

(2) Every such order issued from the Supreme Court may be signed by a Registrar of the court; and if issued by any other court shall be signed by the magistrate, as the case may be.

Rules not to apply to detained persons in prison.

83. Where the place of detention of a detained person is a prison appointed under section 2 of the Prisons Act (Chapter 51), these Rules shall not apply to such detained person or to such prison but the Prison Rules shall apply to such detained person in such prison.