

CONSTITUTION OF BRUNEI DARUSSALAM
(Order under Article 83(3))

HALAL CERTIFICATE AND HALAL LABEL ORDER, 2005

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CONSTITUTION OF BRUNEI DARUSSALAM
(Order under Article 83(3))

HALAL CERTIFICATE AND HALAL LABEL ORDER, 2005

In exercise of the power conferred by Clause (3) of Article 83 of the Constitution of Brunei Darussalam, His Majesty the Sultan and Yang Di-Pertuan hereby makes the following Order –

PART I
PRELIMINARY

Citation, commencement and long title.

1. (1) This Order may be cited as the Halal Certificate and Halal Label Order, 2005 and shall commence on a date to be appointed by the Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by notification published in the *Gazette*.

(2) The long title of this Order is “An Order to provide for and regulate the issue of Halal Certificate and permit in respect of halal product and services and for matters connected therewith or incidental thereto.

[S 5/2017]

Interpretation.

2. In this Order, unless the context otherwise requires –

“applicant” means a person who makes an application under section 4(1), 4A or 10(1);

[S 5/2012; S 5/2017]

“certificate” means the Halal Certificate issued under subsection (1) of section 6;

“certificate holder” means the holder of a certificate;

“Chief Inspector” means any person appointed under section 18 to be the Chief Inspector;

“Committee” means the Halal Certificate and Halal Label Inspection Committee established under section 13;

“food” includes chewing substances, medicine and any substance prepared, sold, distributed or represented for use, for human consumption and any ingredient thereof;

“*Hukum Syara*” means the Laws of Islam in the Mazhab Syafie or in any other mazhabs which are approved by His Majesty the Sultan and Yang Di-Pertuan to be in force in Brunei Darussalam;

“ingredient” includes an ingredient of an ingredient;

“label” means the Halal Label referred to in section 9;

“Majlis” means the Majlis Ugama Islam constituted under section 5 of the Religious Council and Kadis Courts Act (Chapter 77);

“Minister” means the Minister of Religious Affairs;

“package” includes anything in which or any means by which any product is wholly or partly cased, covered, enclosed, contained, placed or otherwise packed, and includes a basket, pail, bottle, tray or receptacle of any kind, whether open or closed;

[S 5/2017]

“permit” means a permit issued under this Order;

“permit holder” means the holder of a permit;

“place” means any premises, building, room, erection and any defined or enclosed area or other structure, whether permanent or otherwise, and includes a vehicle;

“place of business” means any place where trade is carried on and includes –

(a) any place for the display, storage or packing, of product; whether cooked or not, intended for human consumption, by way of trade or for purposes of gain or distribution;

[S 5/2017]

(b) any place at which, or within the curtilage or precincts of which, any manual labour is exercised or any plant or machinery is operated, for the preparation or manufacture of product, by way of trade or for purposes of gain or distribution;

[S 5/2017]

“prepare” includes manufacture, processing and any form of treatment;

“product” includes food and foodstuffs, but does not include financial product;

[S 5/2017]

“product processing facility” means any place or premises or any part thereof used for the manufacturing, processing, preparation, storage or packing of products for the purpose of distribution to wholesalers and retailers or for export;

[S 5/2017]

“substance” includes liquid;

“vehicle” includes trailer, vessel, aircraft and bicycle.

PART II
HALAL CERTIFICATE

Halal Certificate [S 5/2017]

3. When exhibited in any place of business, the certificate shall mean as follows –
- (a) in the case of food, the food in relation to which the certificate is referring –
 - (i) neither is nor consists of or contains any part or matter of an animal that a Muslim is prohibited by *Hukum Syara* ' to consume or that has not been slaughtered in accordance with *Hukum Syara* ';
 - (ii) does not contain any part of the human body or its derivatives;
 - (iii) does not contain anything that is considered to be impure, or *syubhah*, in accordance with *Hukum Syara* ';
 - (iv) has been prepared using an instrument that is free from anything which is considered to be impure, or *syubhah*, in accordance with *Hukum Syara* ';
 - (v) is not injurious to health and is fit for human consumption; and
 - (vi) has not in the course of preparation or storage, been in contact with or close proximity to any food that fails to satisfy subparagraph (i), (ii), (iii), (iv) or (v) and anything that is considered to be impure, or *syubhah*, in accordance with *Hukum Syara* ';
 - (b) in the case of service, the conveyance, storage or packing in respect of which the service is provided has not been in contact with or close proximity to anything that is considered to be impure, or *syubhah*, in accordance with *Hukum Syara* '.

Halal Certificate for preparation of food [S 5/2017]

4. (1) For the purposes of section 3, any person who owns a business to prepare food for human consumption in a place other than a product processing facility shall apply to the Majlis for a certificate in such form and shall comply with such requirements, as the Majlis may determine.

(2) The applicant shall be required to make one application for –
(a) each type of business;
(b) each place of business in respect of any business having more than one place of business.

(3) For the purpose of subsection (1), an application shall be made –
(a) in the case of a business which has been operational since before the commencement of this Order, within 6 months from the commencement of this Order;
(b) in the case of a business which is operational on or after the date of commencement of this Order, within 6 months from the date of the start of its operation.

(4) For the avoidance of doubt, the requirement of an application to be made within the period of 6 months as mentioned in subsection (3) does not include the requirement that the applicant shall possess a certificate within that period.

(5) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$8,000, imprisonment for a term not exceeding 2 years or both and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day during which the offence continues after conviction.

Halal Certificate for services [S 5/2017]

4A. (1) For the purposes of section 3, the Majlis may issue a certificate for any service in relation to any place of business.

(2) An application for a certificate shall be in such form and shall comply with such requirements as the Majlis may determine.

Majlis to require inspection and analysis.

5. Upon receipt of the application made pursuant to subsection (1) of section 4 or section 4A(1), the Majlis may require the Committee to have the place of business inspected and the food therein analysed.

[S 5/2017]

Issue of certificate.

6. (1) The Majlis may, after giving due consideration to the report of the Committee referred to in section 24 and on being satisfied that the applicant has complied with any requirements referred to in subsection (1) of section 4 or section 4A and upon payment of the fee prescribed in the Schedule, issue a Halal Certificate in such form as the Majlis may determine, to the applicant subject to such conditions as the Majlis may think fit.

[S 20/2016; S 5/2017]

(2) The certificate, unless sooner suspended or revoked, shall be valid for 3 years from the date of issue.

[S 5/2012]

(3) In the case of a breach of any of the conditions referred to in subsection (1), the Majlis may suspend or revoke the certificate and order the certificate holder to remove the certificate from exhibition.

(4) Any person who makes use of, causes to be used or facilitates the usage of the expressions “Halal”, “Ditanggung Halal” or “Makanan Islam” or any other expression indicating or likely to be understood as indicating that Muslims are permitted by their religion to consume such food, other than the Halal Certificate referred to in subsection (1), is guilty of an offence and liable on conviction to a fine not exceeding \$8,000, imprisonment for a term not exceeding 2 years or both.

Renewal of certificate.

7. (1) The certificate holder shall apply to renew his certificate not less than 30 days prior to its expiry.

(2) The certificate may be renewed for further periods not exceeding 3 years in respect of each renewal.

[S 5/2012]

(3) Sections 4, 4A, 5 and 6 shall apply, with the necessary modifications, to the renewal of a certificate.

[S 5/2017]

Exhibition of certificate.

8. The certificate holder shall cause the certificate to be exhibited in a conspicuous place of the place of business.

**PART III
HALAL LABEL**

Halal Label [S 20/2016; S 5/2017]

9. (1) When used in relation to product in the course of trade or business, the Halal Label shall mean that such product –

(a) neither is nor consists of or contains any part or matter of an animal that a Muslim is prohibited by *Hukum Syara'* to consume or that has not been slaughtered in accordance with *Hukum Syara'*;

(b) does not contain any part of the human body or its derivatives;

(c) does not contain anything that is considered to be impure, or *syubhah*, in accordance with *Hukum Syara'* ;

(d) has been prepared using an instrument that is free from anything which is considered to be impure, or *syubhah*, in accordance with *Hukum Syara'*;

(e) is not injurious to health and is fit for human consumption or use;

(f) has not in the course of preparation or storage, been in contact with or close proximity to any product that fails to satisfy paragraph (a), (b), (c), (d) or (e) or anything that is considered to be impure, or *syubhah*, in accordance with *Hukum Syara'* .

(2) The label shall be in such form as the Majlis may determine and shall be in the form of a label, tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, painted, embossed, impressed or inscribed on, or attached to, included in, belonging to or accompanying, any such product.

Application and requirements of permit [S 5/2017]

10. (1) For the purposes of section 9, any person who owns a business to prepare food in a product processing facility –

(a) in the case of food prepared in Brunei Darussalam, shall apply to the Majlis;

(b) in the case of food prepared outside Brunei Darussalam, may apply to the Majlis,

for a permit, in such form and shall comply with such requirements, as the Majlis may determine.

(2) For the purposes of section 9, any person who owns a business to prepare a product other than food in a product processing facility may apply to the Majlis for a permit in such form and shall comply with such requirements as the Majlis may determine.

(3) The applicant shall be required to make one application for each type of food or product.

(4) For the purpose of subsections (1) and (2), an application shall be made –

(a) in the case of a business which has been operational since before the commencement of this Order, within 6 months from the commencement of this Order;

(b) in the case of a business which is operational on or after the date of commencement of this Order, within 6 months from the date of start of operation.

(5) For the avoidance of doubt, the requirement of an application to be made within the period of 6 months as mentioned in subsection (4) does not include the requirement that the applicant shall possess a permit within that period.

(6) Any person who contravenes subsection (1)(a) is guilty of an offence and liable on conviction to a fine not exceeding \$8,000, imprisonment for a term not exceeding 2 years or both and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day during which the offence continues after conviction.

Extra-territorial effect [S 5/2017]

10A. (1) Where a permit holder who is –

- (a) a citizen of Brunei Darussalam;
- (b) a permanent resident; or
- (c) a body corporate registered or incorporated under any other written law in Brunei Darussalam,

does, outside Brunei Darussalam, any act that would, if done in Brunei Darussalam, constitute an offence against section 37, the permit holder is guilty of an offence.

(2) A permit holder who is guilty of an offence against subsection (1) is liable to the same punishment to which he would have been liable had he been convicted of an offence against this Order.

Majlis to require inspection and analysis.

11. Upon receipt of the application made pursuant to section 10(1) and (2), the Majlis may require the Committee to have the place of business inspected and the product in respect of which the application is made analysed.

[S 5/2017]

Permit.

12. (1) The Majlis may, after giving due consideration to the report of the Committee referred to in section 24 and on being satisfied that the applicant has complied with any requirements referred to in section 10(1) and (2) and upon payment of the fee prescribed in the Schedule, issue a permit in such form as the Majlis may determine, authorising the applicant to use the label on the packages of the product concerned, subject to such conditions as the Majlis may think fit.

[S 20/2016; S 5/2017]

(2) In the case of a breach of any of the conditions referred to in subsection (1), the Majlis may suspend or revoke the permit and order the permit holder to remove or obliterate the label used on the packages of the product or to dispose the product, in such manner as the Majlis may direct, and to discontinue further use of the label.

[S 5/2017]

(3) Any person who makes use of, causes to be used or facilitates the usage of –
(a) a label without a permit authorising its use; or
(b) in respect of food prepared in Brunei Darussalam, a label with the expressions “Halal”, “Ditanggung Halal” or “Makanan Islam” or any other expression indicating or likely to be understood as indicating that Muslims are permitted by their religion to consume such food, other than the Halal Label referred to in subsection (2) of section 9 and in respect of which a permit has been issued,
is guilty of an offence and liable on conviction to a fine not exceeding \$8,000, imprisonment for a term not exceeding 2 years or both.

PART IV

INSPECTION COMMITTEE AND INSPECTIONS

Inspection Committee.

13. For the purposes of this Order, there is hereby established a committee known as the Halal Certificate and Halal Label Inspection Committee.

Members of Committee.

14. (1) The Committee shall consist of the following members –
(a) the Director of Syariah Affairs, who shall be the chairman;
(b) the Deputy Mufti or his representative;
(c) the District Officer of each District or his representative;
(d) the Director-General of Health Services or his representative;

[S 75/2008]

- (e) the chairman of each Municipal Board or his representative;
- (f) the Director of Agriculture or his representative;
- (g) the Secretary of the Majlis or his representative; and
- (h) not more than 2 other members to be appointed by the Minister,

with the approval of His Majesty the Sultan and Yang Di-Pertuan, notice of whose appointment shall be published in the *Gazette*.

(2) The Minister shall appoint one of the members of the Committee to be the secretary.

Meetings of Committee.

15. (1) In the absence of the chairman from any meeting of the Committee, the members present shall elect amongst themselves a person to be the chairman for that meeting.

(2) The chairman of a meeting shall have an original vote and also a casting vote.

(3) The Committee shall meet at such place and time as the chairman may appoint, and at a meeting 6 members shall form a quorum.

(4) No business shall be transacted at a meeting unless a quorum is present.

(5) Subject to the provisions of this Order, the Committee may determine its own procedure.

(6) The Committee shall cause proper records of its proceedings to be kept.

(7) All acts done by the Committee shall, notwithstanding any vacancy in the Committee or that it is afterwards discovered that there was a defect in the appointment of any person purporting to be a member thereof, be valid as if no such vacancy or defect had existed.

Committee to order inspection and analysis.

16. Upon receipt of any requirement referred to in section 5 or 11 or in subsection (3) of section 43, the Committee shall order the inspectors to carry out inspections at the concerned places of business and to take samples of any product therein for analysis.

[S 5/2017]

Committee may require furnishing of information.

17. The Committee may, by written notice, require the certificate holder or permit holder to furnish it within such time as may be specified in the notice with any documents or to provide any information to ensure that any requirements of, or any conditions imposed under, this Order have been complied with.

Appointment of inspectors.

18. The Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, shall appoint such number of persons as he may consider necessary to become inspectors, one of whom shall be the Chief Inspector, for the purposes of this Order.

Powers of inspectors.

19. Any inspector may, at any reasonable time, enter, inspect and examine any place, equipment, operation, storage, materials, records, product, and without payment take samples of product for analysis or any other purpose to ascertain whether, or to ensure that, any requirements of, or any conditions imposed under, this Order are being complied with.

[S 5/2017]

Entry etc. for inspection.

20. The certificate holder or permit holder, as the case may be, and any other person having charge of any place or thing liable to inspection and examination under this Order shall allow the inspector entry thereto and give him every reasonable assistance and facility for the purposes of the inspection.

Authority card.

21. (1) Every inspector shall be issued with such authority card as the Minister may direct to be carried by him.

(2) Any inspector, when performing any of his duties or exercising any of his powers under this Order shall, on demand, produce his authority card to any person against whom he is taking action.

Costs and expenses.

22. (1) All costs and expenses, including travelling expenses, incurred on or incidental to an inspection and analysis shall be borne by the certificate holder or permit holder, as the case may be.

(2) If any sum payable by or recoverable from the certificate holder or permit holder, as the case may be, in respect of such costs and expenses is not paid by him to the Majlis within 14 days after demand, such sum may be recovered by the Government in the same manner as if it was a fine imposed by the court.

(3) An appeal shall lie to the High Court from any decision of a court under this section and the provisions of the Criminal Procedure Code (Chapter 7) shall apply *mutatis mutandis* to all such appeals.

Report of inspectors.

23. (1) The Chief Inspector shall make a report in respect of each inspection and submit it, accompanied (if appropriate) by the certificate of the result of an analysis by a food analyst in the form referred to in subsection (1) of section 8 of the Public Health (Food) Act (Chapter 182), to the Committee as soon as practicable after the date of the inspection.

[S 75/2008]

(2) The report shall be in such form as the Committee may determine and shall state the circumstances of such inspection together with any observations and recommendations which the Chief Inspector thinks fit.

(3) In subsection (1), “food analyst” means a person appointed under subsection (1) of section 3 of the Public Health (Food) Act (Chapter 182).

Report of Committee.

24. The Committee shall make a report to the Majlis as soon as practicable after studying the report referred to in subsection (1) of section 23.

**PART V
ENFORCEMENT**

Enforcement officers.

25. (1) For the purposes of this Order, the following shall be enforcement officers –

- (a) any inspector;
- (b) any food officer;
- (c) any Municipal Board inspector;
- (d) any officer of customs;
- (e) any police officer;
- (f) any Religious Enforcement Officer; and
- (g) any other person authorised by the Minister, by name or by office, notice of whose authorisation shall be published in the *Gazette*.

(2) In subsection (1) –

“food officer” means a person appointed under subsection (2) of section 3 of the Public Health (Food) Act (Chapter 182);

“inspector” means any person appointed under section 18 and includes the Chief Inspector;

“Municipal Board inspector” means any officer of a Municipal Board authorised by the Chairman of that Board to carry out inspections for the purposes of this Order;

“officer of customs” has the same meaning as in subsection (1) of section 2 of the Customs Act (Chapter 36);

“Religious Enforcement Officer” means an officer appointed under section 26 of the Syariah Courts Act (Chapter 184).

Power to enter, seize etc.

26. (1) Whenever it appears to any enforcement officer that there is reasonable cause to believe that an offence against this Order has been committed or is being committed, he may at any place and at any reasonable time –

(a) remove by force any obstruction to an entry, search and seizure by him;
(b) enter such place and search for and seize anything in respect of which or by means of which the offence has been or is being committed;

(c) stop and search any person and seize any evidence in respect of which or by means of which the offence has been or is being committed;

(d) stop, board and search any vehicle in which he has reasonable cause to believe any product is being conveyed and examine such product and take samples thereof;

[S 5/2017]

(e) open and examine any package which he has reasonable cause to believe contains any product;

[S 5/2017]

(f) without payment, demand, select and take samples of any product for analysis;

[S 5/2017]

(g) examine and seize any book, document or other record found in any such place which he has reasonable cause to believe contains any information relevant to the enforcement of this Order or which may be required in respect of any proceedings under this Order, and make or cause to be made copies thereof or take extracts therefrom;

(h) demand the production of any book, document or other record which he considers relevant;

(i) make such examination and inquiry as may be necessary to ascertain whether, or to ensure that, any requirements of, or any conditions imposed under, this Order are being complied with.

(2) Whenever any thing is seized by him under this Order, the enforcement officer shall immediately give notice in writing of such seizure and of the grounds thereof to the owner of such thing or to his agent, if known:

Provided that such notice shall not be required to be given where such seizure is made on the person or in the presence of the owner or his agent.

(3) Anything seized shall immediately be taken by the enforcement officer to the nearest police station.

(4) No woman shall be searched under paragraph (c) of subsection (1) except by a woman.

Powers of arrest and investigation.

27. (1) An enforcement officer may arrest without warrant –

(a) any person who has committed, attempts to commit or whom he reasonably suspects to have committed, an offence against this Order;

(b) any person employing or aiding any person to commit, or abetting the commission of, an offence against this Order.

(2) In relation to an offence referred to in subsection (1), an enforcement officer shall have the same power of investigation of a police officer under Chapter XIII of the Criminal Procedure Code (Chapter 7).

Examination.

28. (1) An enforcement officer making an examination under paragraph (i) of subsection (1) of section 26 shall reduce into writing any statement made by the person so examined.

(2) Such person shall be bound to answer truly all questions put to him by such officer but may refuse to answer any question upon the ground that the answer to such question will criminate, or tend directly or indirectly to criminate him, or that it will expose, or tend directly or indirectly to expose, him to a penalty or forfeiture of any kind.

(3) A statement made by any person under this section shall be read over to him and after the enforcement officer has made any necessary corrections, shall be signed by that person.

Anything seized liable to forfeiture.

29. All things seized under this Order shall be liable to forfeiture.

Order of forfeiture.

30. (1) An order for the forfeiture or for the release of anything liable to forfeiture under this Order may be made by the court before which the prosecution with regard thereto has been instituted.

(2) An order for forfeiture may be made if it is proved to the satisfaction of the court that an offence against this Order has been committed and that the things were the subject-matter of or were used in the commission of the offence, notwithstanding that no person may have been convicted of such offence.

Court to order disposal of product seized.

[S 5/2017]

31. (1) If any person has been convicted of any offence against this Order, the court may order any product seized, whether forfeited or not, to be disposed of in such manner as it may direct.

[S 5/2017]

(2) If such product has been imported, the court may order such person to return it, at his own expense, to the country from which it was exported.

[S 5/2017]

Anything seized in respect of which there is no prosecution forfeited if not claimed within one month.

32. (1) Where no prosecution has commenced in respect of any thing seized under this Order such thing shall be forfeited to the Government at the expiration of one month from the date of seizure unless a claim thereto is made before that period in the manner described in subsection (2).

(2) Any person asserting that he is the owner of any such thing and that it is not liable to forfeiture may, personally or by his agent authorised in writing, give written notice to the Majlis that he claims the same.

(3) On receipt of such notice, the Majlis may direct that such thing be released or may refer the matter to the court for its decision.

(4) On a reference made to it under subsection (3), the court shall issue a summons requiring the person asserting that he is the owner of the thing and the person from whom it was seized to appear before it and shall proceed to the examination of the matter.

(5) On proof that an offence against this Order has been committed and that such thing was the subject-matter or was used in the commission of any such offence, the court shall order the thing to be forfeited to the Government and may in the absence of such proof order its release.

Limitation of liability.

33. No action shall be brought against any enforcement officer in respect of anything done or omitted to be done by him in good faith and in the exercise, performance or purported exercise or performance, of any powers or duties under this Order.

**PART VI
OFFENCES**

Separation of product.

[S 5/2017]

34. (1) The Majlis may, by written notice, require the certificate holder or permit holder to separate packages containing product that bear the label from any other packages, within such period and in such manner as the Majlis may determine.

[S 5/2017]

(2) Any person who fails without any reasonable cause to comply with any such requirement is guilty of an offence and liable on conviction to a fine not exceeding \$4,000, imprisonment for a term not exceeding one year or both and, in the case of a subsequent offence, to a fine of not exceeding \$8,000, imprisonment for a term not exceeding 2 years or both.

Exhibition of expired certificates.

35. Any certificate holder who exhibits an expired certificate at his place of business is guilty of an offence and liable on conviction to a fine not exceeding \$4,000, imprisonment for a term not exceeding one year or both.

Obstruction etc. of enforcement officers.

36. Any person who –

- (a) refuses any enforcement officer access to any place;
- (b) assaults, obstructs, hinders or resists any enforcement officer in the exercise of his duties and powers under this Order; or

(c) fails to comply with or contravenes any lawful requirement of an enforcement officer under this Order,
is guilty of an offence and liable on conviction to a fine not exceeding \$4,000, imprisonment for a term not exceeding one year or both.

Failure to comply with order etc.

37. Any person who fails to comply with or contravenes, any order or direction made by the Majlis under, or any requirement of, or any condition imposed under, this Order is guilty of an offence and liable on conviction to a fine not exceeding \$8,000, imprisonment for a term not exceeding 2 years or both.

[S 5/2017]

Furnishing of information.

38. Any person who, when required in pursuance of this Order, fails to furnish any information or produce any document or any other thing in his possession or who furnishes any information which he knows or has reason to believe to be false, deceptive or misleading is guilty of an offence and liable on conviction to a fine not exceeding \$4,000, imprisonment for a term not exceeding one year or both and, in the case of a subsequent offence, to a fine not exceeding \$8,000, imprisonment for a term not exceeding 2 years or both.

Certificate and permit not to be altered.

39. Any person who makes a mark or entry on, or erase or alter any entry on, any certificate or permit is guilty, of an offence and liable on conviction to a fine not exceeding \$4,000, imprisonment for a term not exceeding one year or both.

General penalty. [S 5/2017]

40. Any person who commits any offence against this Order is liable, if no other penalty is provided, on conviction –

(a) in the case of an individual, to a fine not exceeding \$4,000, imprisonment for a term not exceeding one year or both and, in the case of a continuing offence, to a further fine of \$100 for every day during which the offence continues after conviction; and

(b) in the case of a body corporate, to a fine not exceeding \$8,000, and in the case of a continuing offence, to a further fine of \$200 for every day during which the offence continues after conviction.

Offence committed by partnerships, bodies corporate and agents and servants.

41. (1) Where a partnership is guilty of an offence against this Order, every partner, other than a partner who is proved to have been ignorant of or to have attempted to prevent the commission of the offence, is also guilty of the offence and liable to be proceeded against and punished accordingly.

(2) Where an offence against this Order which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of a director, manager, secretary or other similar officer of that body, or of a person purporting to act in any such capacity, he, as well as the body corporate, is also guilty of the offence and liable to be proceeded against and punished accordingly.

(3) In relation to a body corporate whose affairs are managed by its members, “director”, in subsection (2), means any member of that body corporate.

**PART VII
GENERAL**

Power of Majlis to revoke.

42. Notwithstanding any other provision in this Order, the Majlis may revoke a certificate or permit if he is satisfied that the certificate holder or permit holder, as the case may be, is contravening or has contravened any provision of this Order or any regulations made thereunder.

Delegation. [S 75/2008]

42A. (1) The Majlis may delegate to any person the exercise of any power or the performance of any duty conferred or imposed on it by this Order, except for the power of delegation conferred by this section.

(2) A delegation under subsection (1) may be made subject to such conditions as may be determined by the Majlis in the instrument of delegation.

(3) The Majlis may continue to exercise any power and perform any duty conferred or imposed on it by this Order notwithstanding the delegation by it of such power or duty.

Display of notices. [S 5/2012]

42B. An applicant shall, if so directed by the Majlis, display such notices in such places, phrase them in such manner or cause them to be of such size, as the Majlis may consider fit.

Changes requiring approval.

43. (1) No changes shall be made without the prior approval of the Majlis to the ownership of a business or to such other matters as may be stated in the conditions subject to which the certificate or permit is issued.

(2) The certificate holder or permit holder, as the case may be, shall apply for such approval in such form as the Majlis may determine.

(3) Upon receipt of such application, the Majlis may require the Committee to have the place of business inspected and any product analysed, and to make a report thereon.

[S 5/2017]

(4) The Majlis may, after giving due consideration to the report of the Committee, approve the proposed change and notify the applicant thereof.

(5) Where the application is with respect to changes in the ingredient or the material used in the preparation of the product in respect of which a permit has been issued, upon payment of the fee prescribed in the Schedule, the Majlis shall issue a new permit in such form as the Majlis may determine, authorising the applicant to use the label on the package of the product subject to such conditions as the Majlis may think fit.

[S 20/2016; S 5/2017]

Changes in name of business etc.

44. Whenever any change is made or occurs to the name of any business or of any address of any place of business, the certificate holder or permit holder, as the case may be, shall within 30 days of such change furnish, by sending by post or delivering to the Majlis, a statement in writing specifying the nature and date of the change.

Changes in particulars of certificate.

45. Where any of the changes referred to in subsection (1) of section 43 or in section 44 affects any particular that has been printed on a certificate, the certificate shall accompany the application referred to in subsection (2) of section 43 or the statement referred to in section 44, as the case may be, to be surrendered to the Majlis for revocation and upon payment of the fee prescribed in the Fourth Schedule, the Majlis shall, as soon as practicable, issue a new certificate.

Replacement of lost or defaced certificate or a permit.

[S 5/2012]

46. (1) Where it is proved to the satisfaction of the Majlis that a certificate or permit has been lost, destroyed or so mutilated or defaced as to be illegible, the Majlis may, on receipt of an application in such form as the Majlis may determine and on payment of the fee prescribed in the Schedule, issue a replacement certificate or a replacement permit to the applicant, and the replacement certificate or replacement permit so issued shall have the same effect as the original.

[S 5/2012; S 20/2016]

(2) If at any time after the issue of a replacement certificate or a replacement permit the original certificate or permit is found, the person to whom the original certificate or permit was issued shall returned the original certificate or permit to the Majlis immediately.

[S 5/2012]

Appeal against suspension or revocation.

47. Any person aggrieved by the decision of the Majlis to suspend or revoke a certificate or permit may appeal to the Minister whose decision shall be final.

General Endowment Fund.

48. Every payment received under this Order with respect to the issue or renewal of a certificate or a permit shall be paid to and form part of the General Endowment Fund established under section 98 of the Religious Council and Kadis Courts Act (Chapter 77).

Service of notices and other documents.

49. (1) Any notice, order or document required or authorised by this Order to be served on any person and any summons issued by a court against any person in connection with any offence against this Order may be served on the person –

(a) by delivering it personally to that person or to an adult member or employee of his family or household, at his usual or last known place of residence;

(b) by leaving it to that person, at his usual or last known place of residence or business;

(c) by sending it by registered post addressed to that person, at his usual or last known place of residence or business; or

(d) in the case of a body corporate or a body of persons –

(i) by delivering it to the secretary or other like officer thereof at its registered office or principal place of business; or

(ii) by sending it by registered post addressed thereto at its registered office or principal place of business.

(2) A notice or document sent by registered post under paragraph (d) of subsection (1) shall be deemed to have been served at the time at which it would be delivered in the ordinary course of post; and it shall be sufficient proof of service that the notice or document was properly addressed in accordance with that paragraph and placed in the post but where it is returned through the post undelivered, the notice or document shall not be considered to have been served.

Composition of offences [S 5/2017]

49A. (1) The Minister or any person authorised by him in that behalf may, subject to such conditions as he may think fit to impose, compound any offence against this Order which is prescribed as a compoundable offence by collecting from the person reasonably suspected of having committed that offence a sum not exceeding \$500.

(2) On compliance with any such conditions and on payment of such sum of money, no further proceedings shall be taken against that person in respect of that offence.

Exemption [S 5/2017]

49B. The Majlis may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, subject to such conditions as it may impose, in writing exempt any person or class of persons from all or any of the provisions of this Order.

Amendment of Schedule.

[S 20/2016]

50. The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by order published in the *Gazette* amend the Schedule to this Order.

[S 20/2016]

Regulations.

51. (1) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make regulations which are necessary or expedient for giving effect to and carrying out the provisions of this Order, including the prescription of fees and of any other thing required to be prescribed under this Order, and for the due administration thereof.

(2) Such regulations may include such incidental, consequential and supplementary provisions as the Minister considers necessary or expedient.

FIRST SCHEDULE

[S 75/2008]

(Repealed by S 20/2016)

SECOND SCHEDULE

[S 75/2008]

(Repealed by S 20/2016)

THIRD SCHEDULE

[S 75/2008]

(Repealed by S 20/2016)

SCHEDULE

[S 5/2012; S 20/2016]

(sections 6(1), 12(1), 43(5), 45 , 46(1) and 50)

[S 20/2016]

FEES

Issue or renewal of Halal Certificate	\$90
Issue or replacement of Halal Certificate or permit	\$10
Issue of Permit	\$50

Made this 12th. day of Rabiulakhir, 1426 Hijriah corresponding to the 21st. day of May, 2005
at Our. Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

**HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN,
BRUNEI DARUSSALAM.**