

No. S 47

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

FOREST ACT (AMENDMENT) ORDER, 2007

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

FOREST ACT (AMENDMENT) ORDER, 2007

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

Citation.

1. This Order may be cited as the Forest Act (Amendment) Order, 2007.

Amendment of section 2 of Chapter 46.

2. Section 2 of the Forest Act, in this Order referred to as the Act, is amended, in subsection (1), by inserting the following 13 new definitions in appropriate alphabetical order —

"convert", in relation to forest produce, means to process or treat in any way other than —

(a) to harvest, collect or remove the forest produce from the place where it is harvested or collected;

(b) to buck, limb or debark when necessary for or incidental to the purpose of removal from any forest;

(c) to fashion forest produce in any forest where specifically authorised by any rule made under this Act;

"conversion plant" means any plant, factory or premises, with or without structures or improvements, in or upon which forest produce is or may be converted;

"conveyance" includes ship, train, vehicle aircraft or any other means of transport by which persons or goods can be carried;

"entry permit" means a permit issued under section 14C(2);

"Fund" means the Forest Development Fund established under section 22M(1);

"licence" means a licence issued under section 22B;

"licensee" means a person issued with a licence under this Act;

"Minister" means the Minister responsible for forestry matters;

"non-restricted forest" means any reserved forest or part thereof declared to be a non-restricted forest under section 14B(1);

"reforestation plan" means a plan to establish tree crops or to renew trees over an area within a reserved forest or State land;

"rehabilitation programme" means a programme designed to silviculturally care, treat, develop and protect logged-over forest or any disturbed or damaged forests with the objective of restoring them back, approximately, to their original state, or to enable them to sustainably meet the end-product objectives for which they are managed for over time continuum in harmony with the maintenance of a well-balanced ecosystem;

"restricted forest" means any reserved forest or part thereof declared or deemed to be a restricted forest under section 14B(1);

"take", in relation to forest produce, includes every activity involved in —

(a) the harvesting, collecting, tapping, mining, quarrying or removing, of any forest produce;

(b) the injuring or damaging of forest produce; or

(c) the grazing of cattle upon the forest produce;

"use permit" means a use permit referred to in section 22C(1)."

Amendment of section 3.

3. Section 3 of the Act is amended —

(a) in subsection (1), by deleting "Assistant Director of Forestry, district forest officers, assistant district forest officers, forest rangers, foresters and forest guards" from the fourth, fifth and sixth lines and by substituting "Deputy Director of Forestry, Silviculturists, Senior Forestry Officer, Forestry Officers, Assistant Forestry Officers, Senior Forestry Assistants, Forestry Assistants, Junior Forestry Assistants or Forest Rangers" therefor;

(b) in subsection (2), by deleting "forest rangers, foresters or forest guards" from the last two lines and by substituting "a Forest Ranger" therefor.

Insertion of new sections 3A and 3B.

4. The Act is amended by inserting the following 2 new sections immediately after section 3 —

"Duties of Director of Forestry.

3A. (1) The Director of Forestry shall —

(a) be responsible for the administration of the provisions of this Act;

(b) cause to be prepared and implemented forest management plans in accordance with the principle of sustained yield;

(c) cause to be prepared and implemented reforestation plans and rehabilitation programmes and programmes relating to recreational forest and national parks;

(d) cause to be reviewed the plans and programmes prepared under paragraphs (b) and (c);

(e) cause to be prepared an annual report on the activities of the Department of Forestry during the preceding financial year and shall submit such report to the Minister;

(f) cause to be prepared and submitted to the Minister of Finance an annual budget in respect of the following financial year for the purposes of paragraphs (b), (c), (d) and (e); and

(g) perform such other duties as the Minister may determine.

(2) In subsection (1)(b), "forest management plan" means an operating plan prepared by the Director of Forestry relating to silvicultural, economic or conservation activity or a programme for a particular reserved forest or part thereof to secure the orderly taking, renewal and conservation of trees in accordance with the principle of sustained yield.

Delegation of power by Director of Forestry.

~~3B. (1)~~ The Director of Forestry may delegate in writing, subject to such conditions as may be prescribed in the instrument of delegation, the exercise and performance of any power or duty conferred or imposed on him under this Act to any forest officer.

(2) Any delegation under this section with respect to any power or duty shall not prevent the Director of Forestry from himself exercising that power or performing that duty in any case where it appears to him expedient to do so."

Amendment of section 4.

5. Section 4 of the Act is amended by deleting "in Council" from the first line and by substituting "the Sultan and Yang Di-Pertuan" therefor.

Amendment of section 6.

6. Section 6 of the Act is amended —

(a) in the sub-heading, by deleting "District Officer" and by substituting "Director of Forestry" therefor;

(b) by deleting "District Officer of the area concerned" from the first two lines and by substituting "Director of Forestry" therefor;

(c) in paragraph (d), by deleting "such District Officer of the area concerned" from the fourth last line and by substituting "the Director of Forestry" therefor.

Amendment of section 8.

7. Section 8 of the Act is amended —

(a) in the sub-heading, by deleting "District Officer" and by substituting "Director of Forestry" therefor;

(b) in subsection (1) —

(i) by deleting "(1) The District Officer of the area concerned" from the first line and by substituting "The Director of Forestry" therefor;

(ii) in paragraph (a), by deleting "take" from the first line and by substituting "cause to be taken" therefor;

(iii) in paragraph (b), by deleting the semicolon from the last line and by substituting a fullstop therefor;

(iv) by deleting paragraph (c);

(c) by repealing subsection (2).

Amendment of section 9.

8. Section 9 of the Act is amended by deleting "District Officer of the area concerned" from the first line and by substituting "Director of Forestry" therefor.

Amendment of section 11.

9. Section 11 of the Act is amended —

(a) by deleting "in Council" from the first line and by substituting "the Sultan and Yang Di-Pertuan" therefor;

(b) by deleting "Land Code (Chapter 40)" from the second last line and by substituting "Land Acquisition Act (Chapter 41)" therefor.

Amendment of section 13.

10. Section 13 of the Act is amended, in subsection (1) —

(a) by deleting "in Council" from the fourth line and from the sixth line and by substituting "the Sultan and Yang Di-Pertuan" therefor;

(b) by deleting "Land Code" from the fifth line and by substituting "Land Acquisition Act (Chapter 41)" therefor.

Amendment of section 14.

11. Section 14 of the Act is amended by deleting "District Officer of the area in which such land to be reserved is situate" from the first two lines and by substituting "Director of Forestry" therefor.

Insertion of new sections 14A to 14D.

12. The Act is amended by inserting the following 4 new sections immediately after section 14 —

"Classification of reserved forest.

14A. (1) The Director of Forestry may, with the approval of the Minister, by notification published in the *Gazette*, classify any reserved forest under one or more of the following classifications which shall be descriptive of the purpose or purposes for which the land is being or intended to be used —

- (a) protection forest;
- (b) production forest;
- (c) recreational forest;
- (d) conservation forest;
- (e) national park.

(2) For the purposes of subsection (1), any reserved forest may be divided into parts and each part, the location and limit of which shall be specified in such notification, shall be classified under one or more of the classifications referred to in subsection (1).

(3) The Director of Forestry may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by notification published in the *Gazette*, change the classification of any reserved forest or part thereof if there is a change in the purpose for which such forest or part thereof had been classified.

Restricted and non-restricted forests.

14B. (1) The Director of Forestry may, by notification published in the *Gazette*, declare any reserved forest or part thereof to be a restricted forest or a non-restricted forest, and until a reserved forest or part thereof has been so declared to be non-restricted forest it shall be deemed to be a restricted forest.

(2) In exercising his power under subsection (1), the Director of Forestry shall give consideration to the necessity of protecting the forest and the environment and to the recreational and other needs of the public.

Entry into restricted forest prohibited.

14C. (1) No person, other than any of the following persons, shall enter any restricted forest —

(a) a licensee, his servants and agents, but only for the purpose of exercising the rights granted by the licence;

(b) a forest officer or a person authorised by any other written law, but only for the purpose of carrying out the functions for which he is appointed or authorised;

(c) a person holding an entry permit, but only for the period stated in the permit;

(d) a person holding a permit, his servants and agents, but only for the purpose of exercising the rights granted by that permit; or

(e) any other person authorised in writing by the Director of Forestry, but only for the purpose authorised.

(2) The Director of Forestry or any forest officer authorised by him in that behalf may issue an entry permit into a restricted forest.

(3) An entry permit shall be in such form and subject to such conditions as the Director of Forestry may determine.

(4) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 3 years or both.

Power to suspend rights of entry.

14D. The Director of Forestry or any forest officer authorised to issue an entry permit under section 14C(2) may suspend the right of entry of any of the persons referred to in subsection (1) of that section —

(a) if he has reasonable cause to suspect that there has been a breach of any of the provisions of this Act or of a licence, use permit or entry permit; or

(b) if there has been a fire or other hazard that may endanger the forest or lives."

Amendment of section 15.

13. Section 15 of the Act is amended, in subsection (1), by deleting "in Council" from the second line and by substituting "the Sultan and Yang Di-Pertuan" therefor.

Amendment of section 16.

14. Section 16 of the Act is amended by deleting "in Council" from the last line and by substituting "the Sultan and Yang Di-Pertuan" therefor.

Amendment of section 21.

15. Section 21 of the Act is amended, in paragraph (b), by deleting "granted" from the first line and by substituting "grant" therefor.

Amendment of section 22.

16. The Act is amended by repealing section 22 and by substituting the following new section therefor —

"Power to declare forest no longer reserved.

22. The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, if satisfied that —

(a) any land in a reserved forest, other than that which has already been classified as a national park under section 14A(1)(e), is no longer required for the purpose for which it was classified under that paragraph; and

(b) is required for economic use higher than that for which it is being utilised,

by notification published in the *Gazette*, declare that from a date to be fixed by such notification any reserved forest or any part thereof, and specifying the situation and extent of such land, shall cease to be a reserved forest."

Insertion of new section 22A.

17. The Act is amended by inserting the following new section immediately after section 22 —

"Minister to replace land ceased to be reserved forest.

22A. Where any land has ceased to be a reserved forest under section 22, the Minister shall, if he is satisfied that it is in the national interest to do so and having regard to —

(a) the need for soil and water conservation and other environmental considerations;

(b) the need to sustain timber production in order to meet the requirements of any forest industry;

(c) the economic development of Brunei Darussalam; and

(d) the availability of suitable land,

constitute in accordance with section 5 any other land, of an approximately equal area, to be a reserved forest."

Insertion of new Parts IIA and IIB.

18. The Act is amended by inserting the following 2 new Parts immediately before Part III —

"PART IIA

LICENCE AND USE PERMIT

Licence.

22B. The Director of Forestry may, in accordance with the provisions contained in rules made under this Act, issue a licence with respect to the taking of forest produce from any reserved forest or State land.

Use permit.

22C. (1) No person shall occupy or carry out any activity upon any land within a reserved forest unless he is the holder of a use permit.

(2) The Director of Forestry may, in accordance with the provisions contained in rules made under this Act, issue a use permit for the carrying out of any of the following activities —

(a) research;

(b) education or training;

(c) recreation;

(d) use of water resources, except the construction or operation of hydro-electric dams;

(e) cultivation of vegetables and fodder crops;

(f) establishment of conversion plants;

(g) establishment of logging infrastructures.

(3) The Director of Forestry may, either generally or in any particular case, and for such period as he may think fit, exempt any person or class of person from the provisions of subsections (1) and (2), and in granting such exemption the Director of Forestry may impose such conditions as he may think fit.

(4) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 5 years or both.

Use permit not to authorise taking forest produce.

22D. (1) Nothing in this Part shall be construed as authorising or permitting the holder of a use permit to take forest produce from a reserved forest.

(2) However, a use permit may contain a provision permitting the holder to take forest produce from the area specified in that permit if —

(a) the taking of such forest produce is incidental to or necessary for the purpose for which the use permit is issued; or

(b) such forest produce is, under the use permit, allowed to be grown by the holder thereof.

Use permit not capable of assignment etc.

22E. (1) A use permit shall not be capable of assignment.

(2) Every use permit shall terminate on the death or dissolution, as the case may be, of the holder thereof.

Use permit may be suspended or revoked.

22F. A use permit may be suspended or revoked in the manner and to the extent provided in sections 22J, 22K and 22L as if a use permit were a licence referred to in those sections.

Movable property remaining on land on expiration or revocation of use permit.

22G. (1) Any movable property brought upon the land covered by a use permit may be removed by the owner thereof during the term of the use permit.

(2) However if any movable property remains on such land for more than 90 days after the expiry or revocation of the use permit, the Director of Forestry may dispose of the property in such manner as he considers fit, and may recover from the owner thereof or the holder of the use permit such expenses as are incurred by him in disposing of such property.

Buildings to vest in Government on determination of licence etc.

22H. (1) On the expiry of a licence or use permit, there shall, subject to subsection (3), vest in the Government all buildings on the land (by whomsoever erected) other than any temporary construction that is capable of being removed.

(2) Subject to subsection (3), no compensation shall be payable by the Government in respect of any building vested in it pursuant to subsection (1).

(3) Subsections (1) and (2) shall have effect subject to any provision to the contrary in the use permit.

Power to issue licences or permits by tenders etc.

22I. Any permission —

(a) to take forest produce from a reserved forest or State land by way of a licence; or

(b) to occupy or carry out any activity upon any land in a reserved forest by way of a use permit;

may be granted by the Director of Forestry —

- (i) after he has caused to be invited tenders in respect thereof;
- (ii) after he has negotiated an agreement in respect thereof; or
- (iii) in such other manner or by such other process as he may consider appropriate in the circumstances of any particular case.

Director may order cessation of operations.

22J. (1) Where the Director of Forestry has reason to believe that a licensee has contravened any of the provisions of this Act or of a licence, he may, by serving a notice on such licensee, order him, his servants and agents to cease immediately all operations in the licensed area of any part thereof.

~~(2) Any person who fails to comply with such a notice is guilty of an offence and liable on conviction to a fine not exceeding \$50,000, imprisonment for a term not exceeding 5 years or both; and, if the offence is a continuing one, to a further fine of not exceeding \$1,000 for every day or part of a day during which the offence has continued.~~

Director of Forestry may cancel notice.

22K. The Director of Forestry may at any time cancel a notice referred to in section 22J(1) if he considers it just and expedient to do so.

Suspension and revocation of licence following service of notice.

22L. (1) Except where a notice referred to in section 22J(1) is sooner cancelled under section 22K, the Director of Forestry shall within 60 days of the service thereof, require the licensee named in the notice to appear before him to show cause why his licence should not be suspended or revoked.

(2) A person called upon to show cause under subsection (1) shall be supplied by the Director of Forestry with particulars in writing of the contravention alleged against him, and he may appear in person or be represented by any person authorised by him in writing.

(3) If, after the hearing, the Director of Forestry is satisfied that the licensee has contravened any of the provision of this Act or of the licence, he may —

(a) revoke the licence; or

(b) suspend the licence for such period as he may determine.

(4) A person aggrieved by any decision of the Director of Forestry under subsection (3) may, within 30 days of the receipt by him of the decision, appeal to the Minister whose decision shall be final.

(5) A decision of the Director of Forestry under subsection (3) shall be of immediate effect notwithstanding any pending appeal under subsection (4).

PART IIB

FOREST DEVELOPMENT FUND

Forest Development Fund.

22M. (1) The Minister may establish a fund to be known as the Forest Development Fund.

(2) The Fund shall be administered by the Forest Development Fund Committee consisting of the following members —

(a) the Minister, who shall be the chairman;

(b) the Permanent Secretary of the Ministry of Finance or his representative;

(c) the Director of Forestry; and

(d) the Director of Environment, Parks and Recreation.

(3) The Forest Development Fund Committee shall be responsible for the due conservation of the Fund.

Money to be paid into Fund.

22N. (1) Once the Fund has been established, there shall be paid into the Fund —

(a) forest cess collected under section 22P;

(b) any money, fee, donation or grant paid to the Government for carrying out a reforestation plan;

(c) any money or grant that may be appropriated by the Government for the purpose of the Fund; and

(d) all moneys collected for the purpose of silvicultural works and other related operations.

(2) All moneys paid into the Fund shall —

(a) be deposited with any bank licensed under the Banking Order, 2006 (S 45/06) or the Islamic Banking Act (Chapter 168);

(b) be invested in accordance with the provisions of any written law relating to trustees.

Purposes of Fund.

22O. Subject to the prior approval of the Forest Development Fund Committee, the Fund shall be used for the following purposes —

(a) the preparation and implementation of programmes relating to forest conservation, rehabilitation programmes and silvicultural works;

(b) the recruitment of personnel including consultancy services, the procurement of equipment and the development of infrastructural facilities necessary to undertake activities in paragraph (a);

(c) the promotion and awareness building of the general public on activities related to the management, development and conservation of forest resources.

Forest cess.

22P. (1) For the purposes of the Fund, there shall be payable to the Government a forest cess in respect of any forest produce, as may be specified in rules made under this Act, removed from any reserved forest, State land, reserved land or alienated land, at such rate as may be prescribed.

(2) Subsection (1) does not apply to the removal of forest produce by a licensee who carries into effect a forest rehabilitation programme as may be required by the terms of his licence."

Insertion of new sections 23A and 23B.

19. The Act is amended by inserting the following 2 new sections immediately after section 23 —

"Furnishing of information to forest officer.

23A. (1) A forest officer may require any person in possession, custody or control, or engaged in the taking, removal, conversion or trading of any forest produce or in charge or control of a conversion plant, to furnish him with such information or documents which, in his opinion, is necessary for the exercise of his powers or the performance of his duties under, or the enforcement of the provisions of, this Act.

(2) Any person so required who, without reasonable excuse, fails or refuses to submit the required information or documents to the forest officer or who, in submitting any required information, knowingly or recklessly makes any statement that is false in any material particular or who, with intent to deceive, submits a document that is false in any material particular, is guilty of an offence and liable on conviction to a fine not exceeding \$50,000, imprisonment for a term not exceeding 5 years or both.

Power of investigation.

23B. In relation to an offence against this Act, a forest officer shall have the same powers of investigation of a police officer under Chapter XIII of the Criminal Procedure Code (Chapter 7)."

Amendment of section 24.

20. Section 24 of the Act is amended —

(a) by deleting the sub-heading and by substituting "Search with warrant." therefor;

(b) by repealing subsection (1) and by substituting the following new subsection therefor —

"(1) Any forest officer or police officer may by warrant, enter any building, place or land and search, seize and remove —

(a) any forest produce in respect of which any offence against this Act has or is suspected to have been committed; and

(b) any machinery, equipment, tool, book, document or other thing that he reasonably believes to furnish evidence of the commission of that offence.";

(c) in subsection (2), by inserting "forest" immediately after "Every" in the first line;

(d) by adding the following new subsection —

"(3) Any forest officer or police officer acting under subsection (1) may —

(a) break open any door of any building or place or any fence, enclosure, gate or other obstruction to the land, in order to effect entry therein;

(b) remove by force any obstruction to such entry, search, seizure and removal as he is empowered to effect under subsection (1);

(c) detain any person found in the building or place or on the land until it has been searched."

Insertion of new sections 24A to 24C.

21. The Act is amended by inserting the following 3 new sections immediately after section 24 —

"Search without warrant.

24A. A forest officer or a police officer may exercise, in respect of any building, place or land, all the powers referred to in section 24 without warrant —

(a) if it appears to him that there is reasonable cause to believe that there is concealed or deposited in that building or place or on that land any forest produce in respect of which an offence against this Act is being or has been committed; and

(b) if he has reasonable grounds for believing that by reason of the delay in obtaining a warrant the forest produce is likely to be removed.

Power to stop and search conveyances.

24B. (1) If any forest officer or police officer has reasonable suspicion that any conveyance is carrying forest produce in contravention of this Act or in respect of which an offence against this Act is being or has been committed, he may stop and examine that conveyance.

(2) The person in control or in charge of the conveyance shall, if required to do so by the forest officer or police officer —

(a) stop the conveyance and allow the forest officer or police officer to examine it;

(b) open all parts of the conveyance for examination and take all measures necessary to enable or facilitate the carrying out of such examination as the forest officer or police officer considers necessary to make.

(3) Any person who fails or refuses to comply with any requirement of a forest officer or police officer under subsection (2) is guilty of an offence and liable on conviction to a fine not exceeding \$50,000, imprisonment for a term not exceeding 5 years or both.

Forest produce to be Government property.

24C. All forest produce situate, lying, growing or having its origin within a reserved forest or State land shall be the property of the Government, except where the rights to such forest produce have been specifically disposed of in accordance with the provisions of this Act or of any other written law."

Insertion of new sections 25A and 25B.

22. The Act is amended by inserting the following 2 new sections immediately after section 25 —

"Presumptions.

25A. In any proceedings for an offence against this Act, in so far as it may be necessary to establish the offence charged, it shall be presumed until the contrary is proved —

(a) that any map, plan or chart purporting to be made by the authority of the Director of Forestry is so made and is accurate;

(b) that any mark placed on any tree, timber or any boundary mark of an area under a licence or permit within a reserved forest or State land placed by or under the authority of a forest officer has been so placed and is accurate;

(c) that any person found within a reserved forest or State land in possession of any forest produce has taken or removed such forest produce without a licence or permit issued under this Act; and

(d) that any person found within a reserved forest or State land in possession of any machine, equipment or conveyance intends to take or remove forest produce.

Certificate of Director of Forestry admissible.

25B. (1) In any proceedings under this Act, a certificate signed by the Director of Forestry stating —

(a) the value of any produce;

(b) the amount of royalty, premium, cess and other charges payable in respect of any forest produce; or

(c) the cost of repairing any damage caused by an offender, shall be admissible in evidence and shall be evidence of its contents, including the facts stated therein, without proof of the signature to such certificate.

(2) The provisions of this section shall apply notwithstanding anything contained in any other written law or rule of evidence to the contrary."

Insertion of new sections 26A and 26B.

23. The Act is amended by inserting the following 2 new sections immediately after section 26 —

"Prohibition on taking of forest produce from reserved forest unless licensed etc.

26A. (1) No person shall take any forest produce from a reserved forest except under the authority of a licence or a use permit issued by the Director of Forestry or in accordance with any other written law.

(2) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$500,000, imprisonment for a term not exceeding 5 years or both.

(3) Any person convicted of an offence under subsection (2) may, in addition to any penalty imposed on the conviction, be ordered to pay, in respect of any forest produce unlawfully taken, to the Government —

(a) a sum not exceeding 10 times the royalty, premium and cess;

(b) a sum not exceeding 10 times the value of such forest produce; and

(c) any other charges payable.

Littering in reserved forest.

26B. (1) No person shall litter in a reserved forest.

~~(2) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 3 years or both.~~

(3) A person contravenes subsection (1) if he causes an unpleasant smell or degrades the beauty or the appearance of property or detracts from the natural cleanliness or safety of property by intentionally —

(a) discarding or depositing any rubbish, trash, garbage, debris or other refuse;

(b) draining, or causing or permitting to be drained, mining sludge, industrial effluent, sewage or the drainage from a cesspool, septic tank, recreational or camping vehicle waste-holding tank or other contaminated source; or

(c) permitting any rubbish, trash, garbage, debris or other refuse to be thrown from a vehicle which he is operating or which is under his control."

Insertion of new sections 27A and 27B.

24. The Act is amended by inserting the following 2 new sections immediately after section 27 —

"Offences committed by licensee or holder of permit.

27A. Where any offence against this Act is committed by any person in relation to a licence or any permit issued under this Act, such licensee or holder of that permit is deemed to have committed that offence.

General penalty.

27B. Any person who commits any offence against this Act and any rules made thereunder is liable, if no other penalty is provided, on conviction to a fine not exceeding \$50,000, imprisonment for a term not exceeding 5 years or both."

Insertion of new section 31A.

25. The Act is amended by inserting the following new section immediately after section 31 —

"Protection of informers.

31A. (1) Except as provided in this section, no witness in any civil or criminal proceedings shall be obliged or permitted to disclose the name or address of an informer or the substance and nature of the information received from him or to state any matter which might lead to his discovery.

(2) If any books, documents or papers which are in evidence or are liable to inspection in any civil or criminal proceedings contain any entry in which any informer is named or described or which might lead to his discovery, the court shall cause all such passages to be concealed from view or to be obliterated so far only as may be necessary to protect the informer from discovery.

(3) If on trial for any offence against this Act the court after full inquiry into the case believes that the informer wilfully made in his complaint a material statement which he knew or believed to be false or did not believe to be true, or if in any other proceedings the court is of the opinion that justice cannot fully be done between the parties thereto without the discovery of the informer, it shall be lawful for the court to require the production of the original complaint, if in writing, and permit inquiry and require full disclosure concerning the informer."

Amendment of section 32.

26. Section 32 of the Act is amended —

(a) in subsection (1), in paragraph (a), by deleting "\$500" from the second last line and by substituting "\$1,000" therefor;

(b) in subsection (2), by inserting ", unless the property consists of forest produce in which case such forest produce shall be forfeited" immediately after "property" in the last line.

Amendment of section 38.

27. Section 38 of the Act is amended —

(a) in subsection (1), by deleting "in Council" from the last two lines and by substituting "the Sultan and Yang Di-Pertuan" therefor;

(b) in subsection (2), by deleting "in Council" from the first line and by substituting "the Sultan and Yang Di-Pertuan" therefor.

Amendment of section 39.

28. Section 39 of the Act is amended, in paragraph (b), by deleting "in Council" from the first two lines and by substituting "the Sultan and Yang Di-Pertuan" therefor.

Amendment of section 51.

29. Section 51 of the Act is amended —

(a) in the sub-heading, by deleting "in Council";

(b) in subsection (1), by deleting "in Council" from the first line and by substituting "the Sultan and Yang Di-Pertuan" therefor.

Amendment of section 52.

30. Section 52 of the Act is amended —

(a) in the sub-heading, by deleting "in Council";

(b) in subsection (1), by deleting "His Majesty in Council" from the first line and by substituting "The Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan," therefor;

(c) in subsection (2) —

(i) by deleting paragraph (t);

(ii) by deleting paragraph (zz);

(iii) by adding the following 9 new paragraphs —

(za) prescribe the penalties with which the contravention of any rules made under this section shall be punishable, but so that such penalties shall not exceed those prescribed by section 28;

(zb) provide for the management of recreational forests and national parks;

(zc) regulate the establishment and development of forest plantations, including the choice of species and sites to be planted;

(zd) regulate the use of any road situated within a reserved forest by motor vehicles through the issuance of road permit and prescribe the fees to be charged;

(ze) regulate or prohibit the entry of potentially harmful exotic species, including pests and disease;

(zf) regulate or prohibit wilful trespass in any manner in or upon any State land;

(zg) regulate the procedures for bio-prospecting and the export of forest genetic materials, as well as the schedule of fees and royalty to be charged;

(zh) regulate the management and protection of traditional forest related knowledge in relation to intellectual property rights.;

(zi) prescribe the terms and conditions, including fees, rents, and payments, for use of or occupation of lands in reserved forests;

(zj) prescribe any matter required to be prescribed under this Order.";

(d) in subsection (3), by deleting "His Majesty in Council" from the first line and by substituting "the Minister" therefor.

Made this 7th. day of Syaaban, 1428 Hijriah corresponding to the 20th. day of August, 2007 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM