

# **LAWS OF BRUNEI**

## **CHAPTER 133**

### **INTERNAL SECURITY ACT**

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**LAWS OF BRUNEI**  
**REVISED EDITION 2008**

**CHAPTER 133**  
**INTERNAL SECURITY**  
**ARRANGEMENT OF SECTIONS**

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**INTERNAL SECURITY ACT**

**An Act to provide for the internal security of Brunei Darussalam, preventive detention, the prevention of subversion, the suppression of organised violence against persons and property in specific areas of Brunei Darussalam, and for matters incidental thereto**

*Commencement: 1st April 1983*  
*[S 9/83]*

**PART I****PRELIMINARY****Citation.**

1. This Act may be cited as the Internal Security Act.

**Interpretation.**

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

“advisory board” means an advisory board constituted under section 5;

*[S 38/05]*

“ammunition” means ammunition for any firearm as hereafter defined and includes grenades, bombs and other like missiles whether capable of use with such firearm or not and any ammunition containing or designed or adapted to contain any noxious liquid, gas or other thing;

“Commissioner of Police” includes a Deputy Commissioner of Police and any gazetted police officer for the time being lawfully authorised to exercise the powers and perform the duties conferred or imposed upon the Commissioner of Police by this Act;

“controlled area” means any area declared to be a controlled area under section 32;

“danger area” means any area declared to be a danger area under section 31;

“document” includes any substance on which is recorded any matter, whether by letters, figures, marks, pictorial or other representation, or by more than one of these means;

“entertainment” means any game, sport, diversion, concert or amusement of any kind to which the public has or is intended to have access and in which members of the public may or may not take part, whether on payment or otherwise;

“exhibition” includes every display of goods, books, pictures, films or articles to which the public has or is intended to have access, whether on payment or otherwise;

“explosive” —

(a) means gunpowder, nitroglycerine, dynamite gun cotton, blasting powder, fulminate of mercury or of other metals, coloured fires and every other substance, whether similar to those above-mentioned or not, used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect;

(b) includes fog-signals, fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions and every adaption or preparation of an explosive as above defined; and

(c) includes any material for making any explosive and any apparatus, machine, implement or material used or intended to be used or adapted for causing or aiding in causing any explosion in or with any explosive, and any part of any such apparatus, machine or implement;

“firearm” means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged or which can be adapted for the discharge of any such shot, bullet or other missile and any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing, and includes any component part of any such weapon as aforesaid;

“offence against this Act” includes an offence against any regulations made under section 53;

“officer commanding a Police District” means the officer appointed to perform the duties of that office and when such officer is unable through absence, illness or otherwise to perform his duties, means the police officer present and acting in the Police District who is next in rank below such officer appointed as aforesaid;

“police force” has the same meaning as in the Royal Brunei Police Force Act (Chapter 50), and includes —

(a) the Brunei Volunteer Police Force, or any part thereof, when on active service; and

(b) any auxiliary or special police force constituted under any written law for the time being in force, or any part of any such force, when on active service;

“police officer” means any member of the police force;

“prison officer” has the same meaning as in the Prisons Act (Chapter 51);

“promoter” in the case of an entertainment or exhibition promoted by a society, includes the secretary and officials of such society and, in the case of a society organised or having its headquarters outside Brunei Darussalam, the officials in Brunei Darussalam of such society;

“proprietor” includes the owner, tenant or other person in possession or control of premises and any person who receives payment for the use of premises;

“protected place” means any place or premises in relation to which an order made under section 33 is in force;

“public place” includes any highway, public street, public road, public park or garden, any sea beach, river, waterway, public bridge, lane, footway, square, court, alley or passage, whether a thoroughfare or not, any unalienated land, any theatre or place of public entertainment of any kind or other place of general resort admission to which is obtained by payment or to which the public have access, and any open space (whether enclosed or

unenclosed) to which for the time being the public have or are permitted to have access, whether on payment or otherwise;

“public road” means any public highway or any road over which the public have a right of way or are granted access, and includes every road, street, bridge, passage, footway or square over which the public have a right of way or are granted access;

“security area” means any area in respect of which a proclamation under section 30 is for the time being in force;

“security force” means the police force, the Royal Brunei Armed Forces, any other armed force for the time being of Brunei Darussalam, or any visiting force present for the time being in Brunei Darussalam by virtue of any written law or by virtue of any lawful arrangement made by or on behalf of Brunei Darussalam;

“supplies” includes ammunition, explosives, firearms, money, food, drink, clothing, medicines, drugs or any other stores, instruments, commodities, articles or things whatsoever;

“terrorist” means any person who —

(a) by the use of any firearm, explosive or ammunition acts in a manner prejudicial to the public safety or to the maintenance of public order or incites to violence or counsels disobedience to the law or to any lawful order;

(b) carries or has in his possession or under his control any firearm, ammunition or explosive without lawful authority therefor; or

(c) demands, collects or receives any supplies for the use of any person who intends or is about to act, or has recently acted, in a manner prejudicial to public safety or the maintenance of public order.

(2) Any reference in this Act to a vehicle (however described), vessel or aircraft shall not include any vehicle, vessel or aircraft for the time being employed for the purposes of any security force.

## PART II

## GENERAL PROVISIONS RELATING TO INTERNAL SECURITY

## Chapter I

## Powers of preventive detention

**Power to order detention.**

3. (1) If His Majesty the Sultan and Yang Di-Pertuan is satisfied with respect to any person that, in order to prevent that person from acting in any manner prejudicial to the security of Brunei Darussalam or any part thereof or to the maintenance of public order or essential services therein, it is necessary to do so, the Minister\* shall make an order —

(a) directing that such person be detained for any period not exceeding 2 years; or

(b) for all or any of the following purposes —

- (i) for imposing upon that person such restrictions as may be specified in the order in respect of his activities and the places of his residence and employment;
- (ii) for prohibiting him from being out of doors between such hours as may be specified in the order, except under the authority of a written permit granted by such authority or person as may be so specified;
- (iii) for requiring him to notify his movements in such manner at such times and to such authority or person as may be specified in the order;
- (iv) for prohibiting him from addressing public meetings or from holding office in, or taking part in the activities of or acting as adviser to any organisation or association, or from taking part in any political activities;

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\* Transferred to the Minister of Law with effect from 1st January 1984 — [S 10/84]

\* Further transferred to the Minister of Home Affairs with effect from 1st April 1987 — [S 14/87]

- (v) for prohibiting him from travelling beyond the limits of Brunei Darussalam or any part thereof specified in the order except in accordance with permission given to him by such authority or person as may be specified in such order,

and any order made under paragraph (b) shall be for such period, not exceeding 2 years, as may be specified therein, and may by such order be required to be supported by a bond.

(2) The Minister\* may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, direct that the period of any order made under subsection (1) be extended for a further period or periods not exceeding 2 years at a time.

(3) For the purposes of subsection (1) “essential services” means any service, business, trade, undertaking, manufacture or calling included in Schedule 1.

(4) Every person detained in pursuance of an order made under subsection (1)(a) or of a direction given under subsection (2) shall be detained in such place as the Minister\* may direct (hereinafter referred to as “a place of detention”) and in accordance with instructions issued by the Minister\* and any rules made under subsection (5).

(5) His Majesty the Sultan and Yang Di-Pertuan may by rules provide for the maintenance and management of any place of detention and for the discipline of persons detained therein.

(6) Without prejudice to the generality of subsection (5) and notwithstanding anything in any other written law, rules made under subsection (5) may provide —

(a) for the appointment by the Director of Internal Security, with the approval of His Majesty the Sultan and Yang Di-Pertuan, of the Chief Superintendent and so many Superintendents, Senior Assistant Superintendents and subordinate officers for such places of detention as he may consider necessary;

[S 4/96; S 22/06]

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\* Transferred to the Minister of Law with effect from 1st January 1984 — [S 10/84]

\* Further transferred to the Minister of Home Affairs with effect from 1st April 1987 — [S 14/87]

(b) for the appointment by the Director-General of Health Services of a medical officer and a dental officer for each place of detention;

[GN 274/02]

(c) for the functions and conditions of service of such officers;

(d) that all or any of such officers shall be deemed to be public servants within the meaning of the Penal Code (Chapter 22);

(e) for and regulate the use of any firearm or any other weapon by any such officer;

(f) that the Chief Superintendent may make and issue orders to be called “Standing Orders”, not inconsistent with this Act and such rules, regulating the discipline and administration of any place of detention;

[S 22/06]

(g) that a contravention of any such rule by any subordinate officer shall be an offence punishable by any one or more of the following penalties —

- (i) reprimand or severe reprimand;
- (ii) reduction in rank;
- (iii) dismissal or summary dismissal;
- (iv) forfeiture of pay or of arrears of pay;
- (v) extra duties or drills;
- (vi) payment of compensation in respect of Government property destroyed, lost or damaged;

(h) that the Chief Superintendent may impose any one or more of the penalties specified in paragraph (g) upon any subordinate officer guilty of a contravention of any such rule where such contravention makes such subordinate officer liable under such rules to such one or more penalties;

[S 22/06]

(i) for an appeal by any such subordinate officer to the Director of Internal Security against any penalty imposed on him by the Chief

Superintendent under any such rules made under paragraphs (g) and (h), and may authorise the Director of Internal Security to reduce or confirm such penalty;

[S 22/06]

(j) that, where it appears to the Chief Superintendent that an alleged offence ordinarily punishable with any one or more penalties within his competence under rules made under paragraphs (g) and (h) is of such a character as to require a more severe punishment than he is empowered to impose under such rules, he may direct that the subordinate officer accused of the offence be charged before a Court of a Magistrate;

[S 38/05; S 22/06]

(k) that a Court of a Magistrate shall have jurisdiction to try any subordinate officer charged before the court pursuant to any rule made under paragraph (j), and that any such subordinate officer who is convicted by the court pursuant to such rule and any rule made under this paragraph shall be liable to be sentenced by the court to any one or more of the following penalties —

- (i) imprisonment for a term not exceeding 6 months;
- (ii) a fine not exceeding \$1,000; and
- (iii) in respect of any Government property destroyed, lost or damaged, payment of compensation which shall be summarily ascertained by the court and recoverable as if it were a fine;

(l) that any subordinate officer who is convicted by a Court of a Magistrate of an offence under such rules shall (in addition to any penalty imposed by the court) be dismissed from his office by a Superintendent and that Superintendent may order that all arrears of pay due to such subordinate officer shall be forfeited by him;

(m) that a contravention of any rule by any detained person shall be an offence punishable by any one or more of the following penalties —

- (i) reprimand or severe reprimand;
- (ii) loss of any dietary or other privilege for any period;



(iii) confinement in a punishment cell for a term not exceeding 90 days;

(iv) any such other penalty (not being corporal punishment) as may be specified in any such rules;

(n) that any Superintendent may impose any one or more of the penalties specified in paragraph (m) upon any detained person found after due enquiry to be guilty of an offence under any such rule where such contravention makes such detained person liable under such rules to such one or more penalties;

(o) that a contravention of any such rule by any person shall be punishable on conviction before a Court of a Magistrate by imprisonment for 2 years and a fine of \$2,000, and that if the offender is an officer appointed under or by virtue of such rules he shall (in addition to any penalty imposed by the court in respect of such conviction) be liable to be dismissed from his office and to forfeit all arrears of pay;

(p) for the keeping and maintenance of books, records and journals in and for places of detention;

(q) for the regulation of the diet of detained persons;

(r) for visitors to and complaints and petitions from detained persons;

(s) for the retention and care of movable property of detained persons;

(t) for the searching of detained persons, visitors to detained persons and subordinate officers, and that no woman shall be searched except by a female officer;

(u) for the work, pay and privileges of detained persons;

(v) that a detained person who escapes from a place of detention or from any other custody may be retaken in the same manner as a person convicted of a crime against any written law may be retaken on an escape;

(w) for the regular medical inspection of places of detention and detained persons and for the care, custody and treatment of sick and mentally ill detained persons;

(x) for the appointment by the Minister\* of any 2 or more persons to constitute a Board of Inspection for any place of detention and for the functions of such Board;

(y) for the inspection and disposal of all letters, parcels or other articles delivered to a place of detention for a detained person;

(z) for the disposal of any pay of any officer forfeited under such rules;

(za) for the continuance in office under such rules of any officer or Board of Inspection appointed in respect of any place of detention under any law relating to any place of detention and in force immediately before the commencement of this Act, and the continuance in force under such rules of any Standing Orders or other instrument in force, and made under any such law in force, immediately before such commencement; and

(zb) for such other matters as His Majesty the Sultan and Yang Di-Pertuan may consider expedient for the maintenance and management of any place of detention and for the discipline of persons detained therein.

#### **Detention order may be suspended.**

4. At any time after an order has been made under section 3(1)(a) or after such an order has been extended by a direction under section 3(2) in respect of any person the Minister\* may direct that the operation of such order be suspended subject to the execution of a bond and to such conditions —

(a) imposing upon that person such restrictions as may be specified in the direction in respect of his activities and the places of his residence and employment;

(b) prohibiting him from being out of doors between such hours as may be so specified, except under the authority of a written permit granted by such authority or person as may be so specified;

(c) requiring him to notify his movements in such manner at such times and to such authority or person as may be so specified;

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\* Transferred to the Minister of Law with effect from 1st January 1984 — [S 10/84]

\* Further transferred to the Minister of Home Affairs with effect from 1st April 1987 — [S 14/87]

(d) prohibiting him from travelling beyond the limits of Brunei Darussalam or any part thereof specified in the direction except in accordance with permission given to him by such authority or person as may be so specified;

(e) prohibiting him from addressing public meetings or from holding office in, or taking part in the activities of or acting as adviser to any organisation or association, or from taking part in any political activities;

(f) permitting him to return to the country to which he belongs or to any other place to which he wishes to proceed provided that the Government of such place consents to receive him,

as the Minister\* sees fit; and the Minister\* may revoke any such directions if he is satisfied that the person against whom the order was made has failed to observe any condition so imposed or that it is necessary in the public interest that such direction should be revoked.

#### **Service of detention order.**

5. (1) A copy of every order made by the Minister\* under section 3(1)(a) shall as soon as may be after the making thereof be served on the person to whom it relates, and every such person shall be entitled to make representations against the order to an advisory board.

[S 38/05]

(1A) For the purpose of enabling a person to make representations under subsection (1) he shall, within 14 days of the service on him of the order —

(a) be informed of his right to make representations to an advisory board under subsection (1); and

(b) be furnished by the Minister with a statement in writing of —

(i) the grounds on which the order is made;

(ii) the allegations of fact on which the order is based;  
and

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\* Transferred to the Minister of Law with effect from 1st January 1984 — [S 10/84]

\* Further transferred to the Minister of Home Affairs with effect from 1st April 1987 — [S 14/87]

- (iii) such other particulars, if any, as he may in the opinion of the Minister reasonably require in order to make representations against the order to the advisory board.

[S 38/05]

(1B) His Majesty the Sultan and Yang Di-Pertuan may make rules as to the manner in which representations may be made under this section and for regulating the procedure of advisory boards.

[S 38/05]

(2) For the purposes of this Chapter, there shall be one or more advisory boards consisting in each case of a Chairman and not less than 3 other members appointed by His Majesty the Sultan and Yang Di-Pertuan. The Chairman and 2 other members of a board shall constitute a *quorum*.

(3) In addition to the Chairman, His Majesty the Sultan and Yang Di-Pertuan may appoint a Deputy Chairman who shall preside over a board at any time when the Chairman is unable to do so.

(4) An advisory board shall be appointed by His Majesty the Sultan and Yang Di-Pertuan to enquire into the grounds of every order made by the Minister under section 3(1)(a) and after making such enquiry, the advisory board shall make recommendations on whether and under what conditions the order made by the Minister under that paragraph (including any order extended with the approval of His Majesty the Sultan and Yang Di-Pertuan under section 3(2)) should be cancelled or suspended.

[S 38/05]

(5) All questions before a board shall be determined by a majority of the votes of the presiding Chairman or Deputy Chairman, as the case may be, and of any other members present and voting. In the case of an equality of votes the Chairman or Deputy Chairman, as the case may be, shall have a casting vote.

#### **Report of advisory board.**

6. (1) Whenever an advisory board has been appointed by His Majesty the Sultan and Yang Di-Pertuan to enquire into the grounds of every order made by the Minister under section 3(1)(a), the advisory board shall, within 3 months of the date of such appointment or within such period as may be specified by His Majesty the Sultan and Yang Di-Pertuan, complete its

enquiry and forthwith submit its recommendations thereon to His Majesty the Sultan and Yang Di-Pertuan.

[S 38/05]

(2) Upon considering the recommendations of the advisory board under this section His Majesty the Sultan and Yang Di-Pertuan may give the Minister\* such directions, if any, as he thinks fit regarding the order made by the Minister\*; and every decision of His Majesty the Sultan and Yang Di-Pertuan thereon shall be final, and shall not be called in question in, or be subject to any review by or appeal to, any court.

[S 38/05]

**Review.** [S 38/05]

**6A.** (1) Every order or direction made or given by the Minister under sections 3 or 4 (including any order extended with the approval of His Majesty the Sultan and Yang Di-Pertuan under section 3(2)) shall, so long as it remains in force, be reviewed by an advisory board at intervals of not more than one year, and the first of such reviews to take place in the case of a person who —

(a) is detained in a place of detention, not more than one year from the date on which his representations against the order were considered by an advisory board or, where no such representations have been made, not more than 15 months from the date on which that person was detained in pursuance of the order;

(b) is not detained in a place of detention, where the order has been made under section 3(1), not more than one year from the date on which the order was served on him;

(c) has been released from a place of detention in pursuance of a direction under section 4, not more than one year from the date of his release.

(2) The advisory board shall, on completing every review under subsection (1), forthwith submit to the Minister a written report of every such review, and may make therein such recommendations as it thinks fit.

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\* Transferred to the Minister of Law with effect from 1st January 1984 — [S 10/84]

\* Further transferred to the Minister of Home Affairs with effect from 1st April 1987 — [S 14/87]

**Power to summon witnesses.**

7. Every advisory board shall, for the purposes of this Act, but without prejudice to section 9, have all the powers of a court for the summoning and examination of witnesses, the administration of oaths or affirmations, and for compelling the production of documents.

**Member of advisory board deemed to be a public servant.**

8. Every member of an advisory board shall be deemed to be a public servant within the meaning of the Penal Code (Chapter 22), and shall have in case of any action or suit brought against him for any act done or omitted to be done in the execution of his duty under this Chapter the like protection and privileges as are by law given to a judge in the execution of his office.

**Disclosure of information.**

9. Nothing in this Chapter or in any rules made thereunder shall require the Minister\* or any member of an advisory board or any public servant to disclose facts or to produce documents whose disclosure or production he considers to be against the national interest.

**Power to order removal.**

10. (1) The Minister\* may by order direct the removal from any place of detention to another place of detention to be specified in such order of any person detained to be specified in such order of any person detained in pursuance of the provisions of this Chapter.

(2) Any person in the course of removal under subsection (1) shall be deemed to be in lawful custody.

**Power to order production of detained persons.**

11. (1) Notwithstanding any order of any court or other authority whatsoever, on proof to his satisfaction that the presence at any place of any person detained under this Chapter or lawfully in the custody of the police or confined in any prison whether under this Chapter or under an order of any court or otherwise howsoever, is required —

(a) in the interests of justice;

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\* Transferred to the Minister of Law with effect from 1st January 1984 — [S 10/84]

\* Further transferred to the Minister of Home Affairs with effect from 1st April 1987 — [S 14/87]

- (b) for the purpose of any public or other inquiry;
- (c) in the national interests; or
- (d) in the interests of the person so detained, in custody or confined,

the Minister\* may order that such person be taken to that place.

(2) Any person in the course of being taken to any place under subsection (1) and while at such place shall be kept in such custody as the Minister\* may direct and while in that custody shall be deemed to be in lawful custody.

### **Saving in respect of prosecution of persons detained.**

**12.** The detention of any person under this Chapter shall be without prejudice to the taking of any criminal proceeding against such person, whether during or after the period of his detention.

## Chapter II

### Control of entertainments and exhibitions

#### **Power to require information.**

**13.** (1) The promoter and every person concerned in the promotion of any entertainment or exhibition and the proprietor of any premises upon which any such entertainment or exhibition is held or is intended to be held shall, upon receiving the order in writing of the Minister\*\* or of any officer authorised by the Minister\*\* in that behalf, furnish to the Minister\*\* or such officer such information as he may specify relating to the following matters —

- (a) particulars of persons concerned in the promotion of such entertainment or exhibition and the interests represented by such persons;

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\* Transferred to the Minister of Law with effect from 1st January 1984 — [S 10/84]

\* Further transferred to the Minister of Home Affairs with effect from 1st April 1987 — [S 14/87]

\*\* Transferred to the Minister of Home Affairs with effect from 1st January 1984 — [S 10/84]

(b) particulars of the persons who have agreed to participate or participated in such entertainment or exhibition or have been invited to do so and the interests represented by such persons;

(c) the purposes of which any profits from the entertainment or exhibition are intended to be or have been applied; and

(d) such other matters as the Minister\* may direct.

(2) Any person furnishing as true information required under subsection (1) which he knows or has reason to believe to be false or incomplete shall be guilty of an offence under section 22.

(3) If any entertainment or exhibition in respect of which information has been furnished under subsection (1) is conducted in any manner contrary to the information so furnished the person by whom such information was furnished shall be guilty of an offence under section 22.

#### **Power to impose conditions.**

14. (1) The Minister\* may, if he is satisfied that it is necessary to do so in order to ensure that any entertainment or exhibition shall not be an entertainment or exhibition to which section 16 would apply, by order in writing require the promoter and every person concerned in the promotion of the entertainment or exhibition and the proprietor of any premises upon which any such entertainment or exhibition is held or is intended to be held to observe such conditions relating to the holding of such entertainment or exhibition as he may specify.

(2) Every person who commits any breach of or fails to comply with any condition imposed under subsection (1) shall be guilty of an offence under section 22:

Provided that no person shall be convicted of an offence under this section if he proves that the breach of or failure to comply with any condition in respect of which he is charged was done without his authority, consent and knowledge, and without any want of due care or caution on his part.

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\* Transferred to the Minister of Home Affairs with effect from 1st January 1984 — [S 10/84]



(3) The Minister\* may, if in any particular case he thinks it necessary, require any person in respect of whom an order under subsection (1) has been made to enter into a bond, with or without sureties, in such sum as the Minister\* may direct, that the conditions contained in such order shall be observed.

**Promoter etc. to be in attendance at entertainment or exhibition.**

**15.** (1) The promoter and every person concerned in the promotion of any entertainment or exhibition which is the subject of an order under section 14 and the proprietor of any premises upon which any such entertainment or exhibition is held shall severally, and either personally or by a duly authorised agent approved in that behalf by a police officer not below the rank of inspector, be present throughout the period of every performance or display of every such entertainment or exhibition.

[S 38/05]

(2) The Minister\* may by writing exempt any person either absolutely or subject to such conditions as the Minister\* may prescribe from the provisions of subsection (1).

**Power to prohibit certain entertainments or exhibitions.**

**16.** (1) The Minister\* may by order prohibit the holding of or may direct the closing of any entertainment or exhibition if —

(a) he is satisfied that such entertainment or exhibition is or is likely to be in any way detrimental to the national interest; or

(b) there has been in respect of such entertainment or exhibition any refusal of or failure to furnish any information required to be furnished under section 13, or if any information so furnished is false or incomplete; or

(c) there has been in respect of such entertainment or exhibition any breach of or failure to comply with any condition imposed under section 14.

(2) The promoter and every person concerned in the promotion of any entertainment or exhibition which is held or continued in contravention of an order under subsection (1) and the proprietor of any premises upon which such exhibition is held shall be guilty of an offence under section 22:

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\* Transferred to the Minister of Home Affairs with effect from 1st January 1984 — [S 10/84]

Provided that no person shall be convicted of an offence under this section if he proves that the entertainment or exhibition in respect of which he is charged was promoted or continued without his authority, consent and knowledge and without any want of due care or caution on his part.

**Powers of entry and investigation.**

**17.** (1) Any police officer not below the rank of inspector or any person authorised by the Minister\* in writing in that behalf may without warrant enter any premises upon which any entertainment or exhibition is being held or is intended to be held with a view to ascertaining whether the provisions of this Chapter or of any order made thereunder are being complied with, and may make such investigation and inspection of such premises and call upon any person to produce such articles, books, accounts, tickets or other documents or things and to furnish any information as such officer or person may consider necessary for such purpose:

Provided that any person not in uniform purporting to exercise any powers under this paragraph shall on demand produce his written authority to exercise such powers to any person lawfully demanding the same.

(2) Any person who —

(a) obstructs any officer or authorised person lawfully exercising any powers conferred on him by or under subsection (1) in entering or inspecting any premises or delays in producing any articles, books, accounts, tickets or other documents or things which he has been called upon by such officer or authorised person to produce and which are or ought to be in the ordinary course of business in his power to produce;

(b) refuses to furnish any information which he may be required to furnish by such officer or authorised person or who, being required to furnish information by such officer or authorised person, furnishes false or misleading information; or

(c) obstructs the seizure of any document or other thing under section 19, or the closure of any entertainment or exhibition under section 20,

shall be guilty of an offence under section 22.

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\* Transferred to the Minister of Home Affairs with effect from 1st January 1984 — [S 10/84]

**Search.**

**18.** (1) Any officer or person authorised to exercise the powers of entry or investigation under section 17 may, without warrant and with or without assistance, enter any premises if he considers it to be necessary and has reason to believe that an offence under this Chapter or any order made thereunder has been committed, and may search such place and any person whom he reasonably believes to be concerned in the management or promotion of any entertainment or exhibition or to be a servant or agent of the promoter or of the proprietor of such premises.

(2) No woman shall be searched under this section except by a woman.

**Powers of seizure.**

**19.** Any officer or person authorised to exercise the powers of entry or investigation under section 17 may seize any document or other thing in respect of which he reasonably believes an offence to have been committed under this Chapter or any order made thereunder or which he reasonably believes to be or to contain evidence relating to such an offence:

Provided that nothing in this section shall be deemed to affect the powers of a police officer under the provisions of the Criminal Procedure Code (Chapter 7).

**Powers of closure.**

**20.** Any officer or person authorised to exercise the powers of entry or investigation under section 17 may, without prejudice to the exercise of the powers conferred on him by that section, forthwith take such steps as he may consider necessary to close any entertainment or exhibition which he is satisfied is kept open in contravention of any order under sections 14 or 16.

**Liability of principal for acts of servant.**

**21.** For the purposes of this Chapter and any order made thereunder, every person shall be liable for every act, omission, neglect or default of any agent or servant employed by him, as fully and effectually as if such act, omission, neglect or default were done or committed by such person; provided that nothing in this section shall affect the liability of such agent or servant, and provided that the liability of a principal shall not extend to imprisonment if he proves that he was not privy to the offence.

**Abetment and penalty.**

**22.** Any person who contravenes or fails to comply with any provision of this Chapter or any order made or any condition imposed thereunder, or abets such contravention or failure, shall be guilty of an offence: Penalty, imprisonment for 5 years and a fine of \$30,000.

[S 9/91]

**Chapter III****Other powers for the prevention of subversion****Power relating to appointments.**

**23.** (1) In this section —

“appointing authority” means in relation to an appointment of any person, body or authority authorised under any written law to make that appointment, but does not include His Majesty the Sultan Yang Di-Pertuan in Council or the Minister\*;

“appointment” means in relation to an appointing authority any appointment which that appointing authority is authorised to make under any written law; and

“controlled appointment” means an appointment which is for the time being subject to an order made under subsection (2).

(2) Notwithstanding anything to the contrary in any other written law, the Minister\* may by order require any appointing authority to comply with this section in relation to any appointment.

(3) Before exercising any authority to recruit any person for or make any controlled appointment the appointing authority shall —

(a) submit to the Minister\* —

(i) a list of the names of the persons from whom such appointment is intended to be made by the appointing authority; and

(ii) such other information as the Minister\* may require; and

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\* Transferred to the Minister of Home Affairs with effect from 1st January 1984 — [S 10/84]

(b) apply for and obtain the written approval of the Minister\* in respect of the recruitment and appointment of the person selected by the appointing authority for such recruitment and appointment.

(4) The Minister\* shall give his approval under subsection (3)(b) unless he is of the opinion that the appointment to the controlled appointment in question of the person selected by the appointing authority would be prejudicial to the interests of Brunei Darussalam.

(5) A decision of the Minister\* to give or refuse his approval under subsections (3)(b) and (4) shall be final and shall not be called in question in, or be subject to any review by or appeal to, any court.

[S 38/05]

(6) No purported recruitment or purported appointment of any person shall be valid for any purpose if the prior approval of the Minister\* has not been obtained under subsections (3)(b) and (4) in respect of that person.

(7) No person who receives, or acquires any knowledge of any part of the contents of, any communication from the Minister\* under subsections (3)(b) or (4) shall make any disclosure, otherwise than in the course of the his official duty, to any other person in relating to that communication.

#### **Power to close schools or educational institutions.**

**24.** (1) In this section —

“school” means —

(a) a place where 10 or more persons are or are habitually taught, whether in one or more classes; or

(b) in the case of a correspondance school, the place or places where instruction is prepared or where answers are examined or corrected,

but does not include any place where the teaching is of a purely religious character, or for a purely religious purpose;

“educational institution” means any place (including a school) where, in the carrying on of the work of any organisation or institution, persons are or are habitually taught, whether in one or more classes, but does not include any place where the teaching

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\* Transferred to the Minister of Home Affairs with effect from 1st January 1984 — [S 10/84]

is of a purely religious character, or for a purely religious purpose.

(2) The Minister\*, if he is satisfied at any time that a school or educational institution is being used —

(a) for a purpose detrimental to the interests of Brunei Darussalam or of the public;

(b) for purpose of instruction detrimental to the interests of the public or of the pupils; or

(c) as a meeting-place of an unlawful society,

and that the circumstances so require, may make an order closing such school or educational institution for such period, not exceeding 6 months at any one time, as may be specified in the order.

(3) The managers or governors of any school or educational institution, aggrieved by any order made under subsection (2), may within one month of the date of the order make an objection against such order to His Majesty the Sultan and Yang Di-Pertuan whose decision thereon shall be final, and shall not be called in question in, or be subject to any review by or appeal to, any court.

[S 38/05]

**Power to control admission to institutions of higher education.** [S 38/05]

**24A.** (1) The Minister, where there appear to him to be reasonable grounds for believing that an applicant to be admitted as a student of an institution of higher education in Brunei Darussalam to which this section applies would be likely to promote, or otherwise participate in, any action prejudicial to the interests or security of Brunei Darussalam or any part thereof, may by order in writing forbid him from being so admitted.

(2) Any person whose application to be admitted as a student has been the subject of an order under subsection (1) may, within one month beginning with the date on which he is notified of the order, appeal against it to His Majesty the Sultan and Yang Di-Pertuan whose decision thereon shall be final, and shall not be called in question in, or be subject to any review by or appeal to, any court.

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\* Transferred to the Minister of Home Affairs with effect from 1st January 1984 — [S 10/84]

(3) The institutions of higher education to which this section applies are as follows —

- (a) Universiti Brunei Darussalam;
- (b) Institute Technology Brunei; or
- (c) any other institution of higher education which the Minister may designate by notification published in the *Gazette*,

and references in this section to a person's admission as a student to any such institution are references to his registration or enrolment for attendance at any course of study provided by the institution.

**Powers in relation to pupils etc. visiting Brunei Darussalam.**

**25.** (1) The Minister\* may, from time to time, by order in writing forbid, except in accordance with his written permission —

- (a) the pupils, students, teachers or members;
- (b) any class of pupils, students, teachers or members; or
- (c) any named pupil, student, teacher and member,

of any school, college, educational institution or student's union or association, as the case may be, specified in the order and situated or established outside Brunei Darussalam to enter into or travel within Brunei Darussalam as a group, or as one of a group of 5 or more such pupils, students, teachers, or members, or, for the purpose affecting as one of a group of such persons some common object within Brunei Darussalam, or otherwise to enter into or travel therein.

(2) The Commissioner of Police may, in accordance with the written permission of the Minister\* under subsection (1), grant permission subject to such conditions (if any) as he may think fit to impose, and he may further require as a condition precedent thereto that a pupil, student, teacher or member to whom he proposes to grant such permission or the parent of a pupil, student or member or such other person as the Commissioner of Police thinks satisfactory, shall furnish such security by bond or otherwise as the Commissioner of Police may think sufficient to secure the due observance and fulfilment of the conditions imposed.

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\* Transferred to the Minister of Home Affairs with effect from 1st January 1984 — [S 10/84]

(3) Where the Commissioner of Police has reason to believe that —

(a) any person —

- (i) is a pupil, student, teacher or member affected by an order made under subsection (1);
- (ii) has entered Brunei Darussalam from a place outside and has not since the date of such entry continuously remained in Brunei Darussalam for a period exceeding 3 months;
- (iii) is not the holder of a valid identity card which bears an address in Brunei Darussalam and has been issued to him in Brunei Darussalam in accordance with the provisions of any written law relating to identity cards; and

[S 38/05]

- (iv) has contravened or intends to contravene the provisions of any such order;

(b) any person having obtained written permission under subsection (1) has failed to observe any condition imposed upon him under subsection (2) in respect of such permission,

the Commissioner of Police may by order in writing —

(A) direct that such person be required to leave Brunei Darussalam within such time as may be specified in the order and thereafter remain out of Brunei Darussalam for a period of 6 months from the date of the service of the order upon him, or for such lesser period as the Commissioner of Police may specify in the order; or

(B) direct that such person be taken into custody and, as speedily as may be, removed from Brunei Darussalam, and that such person may lawfully be detained for so long as may be necessary for his removal to take effect and that he shall remain out of Brunei Darussalam for a period of 6 months from the date of his removal pursuant to the order.

(4) Any person who contravenes or fails to obey the provisions of any order made under this section or who commits a breach of any condition imposed under subsection (2) shall be guilty of an offence against this Part.



(5) The provisions of this section shall not operate to authorise the removal from Brunei Darussalam of any person who is a Bruneian ordinarily resident in Brunei Darussalam.

## Chapter IV

### Miscellaneous

#### **Attempts to commit offences and assisting offenders.**

**26.** (1) Without prejudice to the operation of Chapter V and XXIII of the Penal Code (Chapter 22), any person who attempts to commit, or does any act preparatory to the commission of an offence against this Part shall be deemed to be guilty of that offence against this Part.

[S 38/05]

(2) No person, knowing or having reasonable cause to believe that another person has committed an offence against this Part, shall give that other person any assistance with intent thereby to prevent, hinder or interfere with the apprehension, trial or punishment of that person for that offence.

#### **Abetment and general penalty.**

**27.** Any person who contravenes or fails to comply with any provision of this Part or any order made or any direction or instruction given or requirement imposed thereunder or abets such contravention or failure for which no special penalty is provided shall be guilty of an offence: Penalty, imprisonment for 3 years and a fine of \$10,000.

[S 9/91]

#### **Arrest.**

**28.** Any police officer may without warrant arrest any person found or reasonably suspected of committing or attempting to commit or of procuring or abetting any person to commit an offence against this Part, or suspected of being a person ordered in pursuance of this Part to be detained.

#### **Enforcement of bonds.**

**29.** (1) Where any person is required to enter into a bond under sections 3(1)(b), 4 or 14(3), such bond may be enforced by any magistrate on the

application of any police officer not below the rank of inspector, in the same manner as under the provisions of the Criminal Procedure Code (Chapter 7), a Court of a Magistrate may enforce a bond required by such court to be executed under the provisions of that Code.

(2) Nothing in this section shall be deemed to prevent the penalty or any part thereof of any such bond from being recovered on behalf of Government by suit or action in any civil court of competent jurisdiction, from the person entering into such bond or from his sureties.

### PART III

## SPECIAL PROVISIONS RELATING TO SECURITY AREAS

### Chapter I

#### Security areas

#### **Proclamation of security areas.**

**30.** (1) If in the opinion of His Majesty the Sultan and Yang Di-Pertuan public security in any area in Brunei Darussalam is seriously disturbed or threatened by reason of any action taken or threatened by any substantial body of persons, whether inside or outside Brunei Darussalam, to cause a substantial number of citizens to fear organised violence against persons or property, he may, if he considers it to be necessary for the purpose of suppressing such organised violence, proclaim such area as a security area for the purposes of this Part.

(2) Every proclamation made under subsection (1) shall apply only to such area as is therein specified and shall remain in force until it is cancelled by His Majesty the Sultan and Yang Di-Pertuan:

Provided that such cancellation shall be without prejudice to anything previously done by virtue of the proclamation.

(3) A proclamation made under subsection (1) shall be published in such manner as the Minister\* thinks necessary for bringing it to the notice of all persons who in his opinion ought to have notice thereof and shall have effect as soon as such notice has been given, without publication in the *Gazette*.

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\* Transferred to the Minister of Home Affairs with effect from 1st January 1984 — [S 10/84]

(4) A copy of every proclamation made under subsection (1) shall be published in the *Gazette* as soon as possible after it has been made.

## Chapter II

### Powers relating to the preservation of public security

#### **Danger areas.**

**31.** (1) The Minister\* may, if he considers it necessary or expedient in the public security so to do, by order declare any area within a security area to be a danger area.

(2) The limits and extent of every danger area shall be demarcated at the site by such means as will, in the opinion of the Minister\*, make apparent to persons in or about the area concerned that such area has been declared a danger area.

(3) No person shall enter or remain in a danger area, and any person who fails to comply with the provisions of this subsection shall be guilty of an offence against this Part:

Provided that this subsection shall not apply to a member of any security force in the performance of his duty, or to any person accompanied by such a member.

(4) Any member of any security force may within a danger area take such measures, including means dangerous or fatal to human life, as he considers necessary to ensure that no person prohibited from entering or remaining in a danger area shall enter or remain in such area.

(5) No claim of any kind shall accrue to, or in respect of any injury sustained by, any person as a result of his having entered or remained in a danger area in contravention of subsection (3):

Provided that this subsection shall not preclude the award of compensation under any regulations made under section 53 if, in the particular circumstances under which the person sustaining the injury entered or remained in a danger area, the authority empowered to award compensation thereunder considers it equitable to award such compensation.

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\* Transferred to the Minister of Home Affairs with effect from 1st January 1984 — [S 10/84]

(6) Where any land, building or other immovable property is within a danger area, a claim for compensation in respect of such land, building or other immovable property may be made in the manner prescribed by regulation made under section 53.

(7) Without prejudice to section 62(1), a copy of every order made under subsection (1) shall be published in the *Gazette* as soon as possible after it has been made.

### **Controlled areas.**

**32.** (1) The Minister\* may, if he considers it expedient in the public security so to do, by order declare any area within a security area to be a controlled area, and in the same or any subsequent order may declare any specified part of such controlled area to be a residential part.

(2) Every such order shall declare that —

(a) after the expiration of a period to be specified in the order (which shall not be less than 7 days from the date thereof) and subject to any exemption for which provision may be made by the same or by a subsequent order and to any conditions upon which such exemption may be granted, no person shall reside or continue to reside in any part of a controlled area other than a residential part; and

(b) between such hours or at such times as may be specified in the order and subject to any exemption for which provision may be made by the same or by a subsequent order and to any conditions upon which such exemption may be granted, no person shall enter or remain in any part of the controlled area other than a residential part.

(3) Any person who contravenes any provision of an order made under this section shall be guilty of an offence against this Part.

(4) No order under this section shall apply to —

(a) any member of any security force when acting in the course of his duty; or

(b) any person or class of persons exempted from the provisions of such order by the Commissioner of Police or the officer commanding the Police District.

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\* Transferred to the Minister of Home Affairs with effect from 1st January 1984 — [S 10/84]

(5) Without prejudice to section 62(1), a copy of every order made under subsection (1) shall be published in the *Gazette* as soon as possible after it has been made.

**Protected place.**

**33.** (1) If, as respects any place or premises in any security area, it appears to the Commissioner of Police to be necessary or expedient in the interests of public security or order, or for the maintenance of supplies or services essential to the life of the community, that special precautions should be taken to prevent the entry of unauthorised persons, he may by order declare such place or premises to be a protected place for the purposes of this Part; and so long as the order is in force, no person shall, subject to any exemption for which provision may be made in the order, enter or remain in that place or those premises without the permission of such authority or person as may be specified in the order.

(2) Where, in pursuance of this section, any person is granted permission to be in a protected place, that person shall, while acting under such permission, comply with such directions for regulating his conduct as may be given by the Commissioner of Police or by the authority or person granting the permission.

(3) Any police officer, or any person authorised in that behalf by the officer commanding the Police District may search any person entering or seeking to enter, or being in a protected place, and may detain any such person for the purpose of searching him.

(4) If any person is in a protected place in contravention of this section, or while in such a place, fails to comply with any directions given under this section, then without prejudice to any proceedings which may be taken against him he may be removed from the place by any police officer or any person authorised in that behalf by the occupier of the premises.

(5) Any person who is in a protected place in contravention of this section or who on being challenged by a police officer wilfully fails to stop or who unlawfully refuses to submit to search shall be guilty of an offence against this Part.

(6) It shall be lawful for the Commissioner of Police to take or cause to be taken such steps as he may deem necessary for the protection of any protected place, and such steps may extend to the taking of defensive

measures which involve or may involve danger to the life of any person entering or attempting to enter the protected place.

(7) Where any measures involving such danger as aforesaid are adopted, the Commissioner of Police shall cause such precautions to be taken, including the prominent display of warning notices, as he deems reasonably necessary to prevent inadvertent or accidental entry into any protected place, and where such precautions have been duly taken, no person shall be entitled to compensation or damages in respect of injury received or death caused as a result of any unauthorised entry into any such protected place.

(8) For the purposes of this section, “police officer” shall include any —

(a) member of any other security force;

(b) prison officer;

(c) other person performing the duties of guard or watchman in a protected place, the appointment of whom has been either specially or generally authorised by the Commissioner of Police.

(9) No woman shall be searched under this section except by a woman.

#### **Exclusion of persons.**

**34.** The officer commanding a Police District may by order in writing exclude any person or persons from the Police District under his command or from any part thereof, if such District or part is within a security area.

#### **Curfew.**

**35.** (1) The Commissioner of Police may, by order designate the whole or part of a security area, as a curfew area.

(2) Every person within a curfew area shall remain within doors, or within such part of the curfew area as may be defined in the order, between such hours as may be specified in the order, unless in possession of a written permit in that behalf issued by a police officer of or above the rank of Inspector.

(3) No order under this section shall apply to any —

(a) member of a security force when acting in the course of his duty;

(b) person or class of persons exempted from the provisions of such order by the Commissioner of Police or the officer commanding the Police District.

**Power to take possession of land or buildings.**

**36.** (1) The Minister\* may, if it appears to him to be necessary or expedient so to do in the interests of public security, or for the accommodation of any security force, take possession of any land or of any building or part of a building in any security area and may give such directions as appear to him necessary or expedient in connection with the taking of possession of that land or building.

(2) Any police officer may take such steps and use such force as appears to him to be reasonably necessary for securing compliance with directions given to any person under subsection (1).

(3) While any land or building is in the possession of the Minister\* by virtue of this section, the land or building may, notwithstanding any restriction imposed on the use thereof (whether by any written law or other instrument or otherwise), be used by, or under the authority of, the Minister\* for such purpose, and in such manner, as the Minister\* thinks expedient in the interests of public security or for the accommodation of any security force; and the Minister\*, so far as appears to him to be necessary or expedient in connection with the taking of possession or use of the land or building in pursuance of this subsection may —

(a) do, or authorise persons using the land or building as aforesaid to do, in relation to the land or building, anything any person having an interest in the land or building would be entitled to do by virtue of that interest; and

(b) by order provide for prohibiting or restricting the exercise of rights of way over the land or building, and of other rights relating thereto which are enjoyed by any person, whether by virtue of an interest in land or otherwise.

(4) The owner or occupier of any land or building shall, if requested by or on behalf of the Minister\* so to do, furnish to such authority or person

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\* Transferred to the Minister of Home Affairs with effect from 1st January 1984 — [S 10/84]

as may be specified in the request such information in his possession relating to the land or building (being information which may reasonably be demanded of him in connection with the execution of this section) as may be so specified.

(5) For the purposes of this section there shall be one or more advisory committees consisting of persons appointed by the Minister\* and any such committee may make rules for the conduct of its proceedings.

(6) Any person aggrieved by reason of the taking possession of any land or building under the provisions of this section may within 14 days after such possession has been taken give notice of his objection thereto to an advisory committee appointed under subsection (5).

(7) The Chairman of an advisory committee to which such notice has been given by an aggrieved person shall inform any person on whose behalf possession of such land or building has been taken, and the advisory committee shall thereupon consider the objection made by the aggrieved person and any grounds which may be put forward against such objections by the person on whose behalf such possession has been taken, and shall forward its recommendations to the Minister\*.

(8) The Minister\* after considering the recommendations of the advisory committee shall give such directions thereon as he may think fit.

#### **Power to order destruction of certain unoccupied buildings.**

**37.** (1) Where in any security area any building or structure is left unoccupied by reason of the operation of any order made under this Chapter, the officer commanding the Police District in which such building or structure is situated may, if it appears to him to be —

(a) likely that such building or structure will if left standing be used by any person or persons who intend, or are about, to act or have recently acted in a manner prejudicial to public security or by any other person who is likely to harbour any such persons; and

(b) impracticable in any other way to prevent such use,

destroy or authorise the destruction of such building or structure.

(2) Compensation shall be payable in respect of the destruction of any building or structure under this section if the claimant satisfied the Minister\* that —

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\* Transferred to the Minister of Home Affairs with effect from 1st January 1984 — [S 10/84]



(a) such building or structure was erected by or with the consent of the person lawfully entitled to the land on which the same was erected; and

(b) such building or structure was not liable to forfeiture under any regulations made under section 53:

Provided that compensation may be paid to the owner or occupier of any building or structure erected by or with the consent of the person lawfully entitled to the land on which it was erected, notwithstanding that such building or structure is liable to forfeiture under any regulations made under section 53, if such owner or occupier satisfied the Minister\* that the building or structure was used by persons who intend, or are about, to act or have recently acted, in a manner prejudicial to public security or that such persons were being or had been harboured by his servant or agent, as the case may be, without his knowledge or consent, and that he exercised all due diligence to prevent such building or structure being so used or the harbouring of such persons, as the case may be.

(3) Any compensation payable under this section shall be assessed in accordance with regulations made under section 53.

#### **Power to control roads etc.**

**38.** (1) Any officer commanding a Police District or any person duly authorised by any such officer may by order, or by giving directions, or in any other manner, regulate, restrict, control or prohibit the use of any road or waterway in any security area by any person or class of persons or any vehicle or vessel or type or description of vehicle or vessel or close any road or waterway in such area.

(2) Any officer commanding a Police District may, by the issue of permits to which conditions may be attached or in any other manner, regulate, restrict, control or prohibit the travelling by any person or class of persons in any motor car, motor bus or vehicle of any description in any security area, and may similarly regulate, restrict, control or prohibit the travelling by any person in any vessel in such area.

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\* Transferred to the Minister of Home Affairs with effect from 1st January 1984 — [S 10/84]

**Power to seize rice and other food.**

**39.** (1) When on duty, any police officer of or above the rank of Corporal or any member of any other security force of or above the rating or rank of leading rate or non-commissioned officer, as the case may be, or any person authorised in writing so to do by the officer commanding the Police District may seize any rice or any other article of food in any security area which by reason of its quantity or its situation is or is likely to or may become available to any person who intend or are about to act or have recently acted in a manner prejudicial to public security or to the maintenance of public order.

(2) Any such police officer or member of any such force as aforesaid may without warrant enter and search any premises if he suspects that any rice or any food liable to seizure under this section is likely to be found on such premises.

(3) When on duty any police officer or any member of any other security force or any person who is authorised in writing so to do by the officer commanding the Police District may stop and search any vehicle, vessel or individual in any security area, whether in a public place or not, if he suspects that any rice or any food liable to seizure under this section is likely to be found on such vehicle, vessel or individual.

(4) No woman shall be searched under this section except by a woman.

**Chapter III****Offences relating to security areas****Offences relating to firearms, ammunition and explosives.**

**40.** (1) Any person who without lawful excuse, the onus of proving which shall be on such person, in any security area carries or has in his possession or under his control —

(a) any firearm without lawful authority therefor; or

(b) any ammunition or explosive without lawful authority therefor,

shall be guilty of an offence: Penalty, death.

(2) A person shall be deemed to have lawful authority for the purposes of this section only if he is a —

(a) member of any security force, or a prison officer, and in every such case is carrying or is in possession of or has under his control such firearm, ammunition or explosive in or in connection with the performance of his duty;

(b) person duly licensed, or authorised without a licence, under the provisions of any written law for the time being in force to carry, possess or have under his control such firearm, ammunition or explosive; or

(c) person exempted from the provisions of this section, or is a member of any class of persons so exempted, by the Commissioner of Police by notification in the *Gazette*:

Provided that no person shall be deemed to have lawful authority for the purposes of this section or to be exempt from this section if he carries or has in his possession or under his control any such firearm, ammunition or explosive for the purpose of using the same in a manner prejudicial to public security or the maintenance of public order.

(3) A person shall be deemed to have lawful excuse for the purposes of this section only if he proves —

(a) that he acquired such firearm, ammunition or explosive in a lawful manner and for a lawful purpose; and

(b) that he has not at any time while carrying or having in his possession or under his control such firearm, ammunition or explosive, acted in a manner prejudicial to public security or the maintenance of public order.

(4) A person charged with an offence against this section shall not be granted bail.

**Consorting with persons carrying or having possession of arms or explosives.**

41. (1) Any person who in any security area consorts with or is found in the company of another person who is carrying or has in his possession or under his control any firearm, ammunition or explosive in contravention of

the provisions of section 40, in circumstances which raise a reasonable presumption that he intends, or is about, to act, or has recently acted, with such other person in a manner prejudicial to public security or the maintenance of public order shall be guilty of an offence: Penalty, death.

[S 9/91]

(2) Any person who in any security area consorts with, or is found in the company of, another person who is carrying or has in his possession, or under his control any firearm, ammunition or explosive in contravention of the provisions of section 40, in circumstances which raise reasonable presumption that he knew that such other person was carrying or had in his possession or under his control any such firearm, ammunition or explosive, shall be guilty of an offence: Penalty, imprisonment for 15 years.

[S 9/91]

(3) Where, in any prosecution for an offence under this section, it is established to the satisfaction of the court that the accused person was consorting with or in the company of any person who was carrying or had in his possession or under his control any firearm, ammunition or explosive, it shall be presumed, until the contrary is proved, that such last mentioned person was carrying or had in his possession or under his control such firearm, ammunition or explosive in contravention of the provisions of section 40.

### **Supplies.**

**42.** (1) Any person who whether within or outside a security area demands, collects or receives any supplies from any other person in circumstances which raise a reasonable presumption that he intends, or is about, to act, or has recently acted, in a manner prejudicial to public security or the maintenance of public order, or that the supplies so demanded, collected or received are intended for the use of any person who intends or is about, so to act, or has recently so acted, or for the use of any terrorist, shall be guilty of an offence: Penalty, imprisonment for life.

(2) Any person who whether within or outside a security area is found in possession of any supplies for which he cannot satisfactorily account in circumstances which raise a reasonable presumption that such supplies are intended for the use of any person who intends, or is about, to act, or has recently acted, in a manner prejudicial to public security or the maintenance of public order, or that such supplies are intended for the use of any terrorist, shall be guilty of an offence: Penalty, imprisonment for life.

(3) Any person who whether within or outside a security area provides, whether directly, or indirectly, any supplies to any other person in circumstances which raise a reasonable presumption that such other person intends, or is about, to act, or has recently acted, in a manner prejudicial to public security or the maintenance of public order, or that the supplies so provided are intended for the use of any person who intends or is about, so to act, or has recently so acted, or that such supplies are intended for the use of any terrorist, shall be guilty of an offence: Penalty, imprisonment for life:

Provided that no person shall be convicted of any offence against this subsection if he proves that prior to being charged with or accused of such offence by a police officer or a person in authority he voluntarily gave full information of the offence to a police officer.

(4) In any charge for an offence against any provision of this section it shall not be necessary to specify the person or persons from whom any supplies were demanded, collected or received or to whom any supplies were provided or intended to be provided.

#### **Failure to report offences or to give information.**

**43.** Any person who, whether within or outside a security area, while any proclamation under section 30 is in force —

(a) knowing or having reasonable cause to believe that another person has committed an offence against this Part fails to report the same to a police officer; or

(b) having in his possession any information as to the present or intended movements or whereabouts of any person whom he knows or has reasonable cause to believe to be a terrorist fails to report the same to a police officer,

shall be guilty of an offence: Penalty, imprisonment for 10 years:

Provided that no person shall be convicted of any offence against this section if he proves that, prior to being charged with or accused of such offence by a police officer or a person in authority, he voluntarily gave full information of such other offence or of such movements or whereabouts to a police officer.

**Attempt to commit offences and assisting offenders.**

**44.** (1) Without prejudice to the operation of Chapters V and XXIII of the Penal Code (Chapter 22), any person who, whether within or outside a security area, attempts to commit, or does any act preparatory to the commission of an offence against this Part shall be deemed to be guilty of that offence against this Part.

(2) No person, knowing or having reasonable cause to believe that another person has committed an offence against this Part, shall give that other person any assistance, whether within or outside a security area, with intent thereby to prevent, hinder or interfere with the apprehension, trial or punishment of that person for that offence.

**Abetment and general penalty.**

**45.** Any person who contravenes or fails to comply with any provision of this Part, or any order made or direction given or requirement imposed thereunder or, whether within or outside a security area, abets such contravention or failure for which no special penalty is provided (without prejudice to any special provision contained in this Part or in any regulations made under section 53) shall be guilty of an offence: Penalty, imprisonment for 5 years and a fine of \$30,000.

[S 9/91]

**Chapter IV****Powers of police and others****Arrest.**

**46.** (1) Any police officer may without warrant arrest any person found or reasonably suspected of committing or attempting to commit or of procuring or abetting any person to commit an offence against this Part.

(2) The powers conferred upon a police officer by subsection (1) may be exercised by any member of any other security force, by any person performing the duties of guard or watchman in a protected place, and by any other person generally authorised in that behalf by the Commissioner of Police.

**Powers of search.**

**47.** (1) When on duty any police officer or any member of any other security force or any person who is authorised in writing so to do by the officer commanding a Police District, may without warrant and with or without assistance stop and search any vehicle, vessel, aircraft or individual, whether in a public place or not, if he suspects that any article or material being evidence of the commission of an offence against this Part as likely to be found in such vehicle, vessel or aircraft or on such individual, and may seize any article or material so found.

(2) When on duty any police officer of or above the rank of corporal or any member of any other security force of or above the rating or rank of leading rate or non-commissioned officer, as the case may be, or any person authorised in writing so to do by the officer commanding a Police District may without warrant and with or without assistance enter and search any premises or place if he suspects that any article or material being evidence of the commission of any offence against this Part is likely to be found on such premises or place and may seize any article or material so found.

(3) No woman shall be searched under this section except by a woman.

**Power to dispense with inquests.**

**48.** Notwithstanding anything to the contrary in any written law, in any security area —

(a) a magistrate or coroner may dispense with the holding of an inquest on the dead body of any member of a security force; and

(b) where the magistrate or coroner responsible for holding an inquest upon the body of any person is satisfied that such person has been killed in a security area as a result of operations by any security force for the purpose of suppressing organised violence, the magistrate or coroner, as the case may be, may dispense with the holding of an inquest on the body of such person.

**Medical officers of security forces to be regarded as medical officers for purposes of inquests.**

**49.** Chapter XXX and section 380A of the Criminal Procedure Code (Chapter 7) shall, in respect of any inquest concerning any death in any

security area, have effect as if reference therein to a Government medical officer and to a medical officer included reference in each case to a medical officer of any security force when acting in the course of his duty:

Provided that no such medical officer of a security force shall, without his consent, be required by any order or otherwise to perform a post-mortem examination of any body.

## Chapter V

### General

#### **Compensation.**

**50.** (1) Where in the exercise of the powers conferred by section 36 or by any regulations made under section 53, possession is taken of any land, building or other structure or of any movable property or of any space or accommodation in any vehicle, vessel or aircraft, compensation in respect of such possession shall be assessed in accordance with regulations made under section 53.

(2) For the avoidance of doubt it is hereby declared that no compensation shall be payable to any person in respect of any damage or injury to his person or property caused by or consequent upon any act authorised by this Part or any regulations made under section 53, unless provision for such compensation is made by this Part or any such regulations.

#### **Application of section 94 of Chapter 22.**

**51.** Section 94 of the Penal Code (Chapter 22) (which relates to an act to which a person is compelled by threats) shall have effect as if an offence punishable with death under this Part were an offence against the State punishable with death included in Chapter VI of the Penal Code (Chapter 22).

#### **Extension of right of private defence.**

**52.** The right of private defence of property conferred by section 103 of the Penal Code (Chapter 22) shall be deemed to extend to any mischief by fire or explosive committed on a motor vehicle in any security area, as it



applies to mischief by fire committed on a building used as a human dwelling or as a place for the custody of property.

## Chapter VI

### Regulations

#### **Power to make regulations.**

**53.** (1) When a proclamation has been made under section 30, His Majesty the Sultan and Yang Di-Pertuan may make, in respect of any security area, any regulations whatsoever which he considers desirable for the public security.

(2) Without prejudice to the generality of the foregoing power, regulations may be made under subsection (1) in respect of —

(a) the assessment and payment of remuneration, compensation and allowances in respect of any act done under this Act or any regulations made thereunder or in respect of any injury occasioned by or resulting from any proclamation under section 30;

(b) the restriction of the movement of persons in any security area;

(c) processions and meetings in any security area;

(d) the supply and distribution of food, water, fuel, light and other necessities in any security area;

(e) the declaration of fences or barriers surrounding any area in a security area as perimeter fences, and the regulation of traffic and supplies from within and outside any such area;

(f) the eviction of persons unlawfully in occupation of land within any security area;

(g) the seizure, occupation and forfeiture of land, buildings and other structures and movable property within any security area belonging to or used by persons who intend or are about to act or have acted in a manner prejudicial to the public security of Brunei Darussalam, or belonging to or used by persons who are harbouring

or have harboured or who by their servants or agents are harbouring or have harboured any such persons;

[S 38/05]

(h) the appropriation, control, forfeiture, disposition and use of property in any security area;

(i) the requisition of space or accommodation in any vehicle, vessel or aircraft within any security area;

(j) the destruction of buildings and other structures within any security area;

(k) the clearance of lands within any security area and the recovery of the costs of and the payment of compensation in respect of such clearance;

(l) the payment of gratuities to workmen injured or to the dependants of workmen killed by acts of terrorism in any security area;

(m) the restriction and prohibition in any security area of foodstuffs and other supplies;

(n) the restriction of persons or any class of persons and the control of occupations and industries within any security area;

(o) the modification, amendment, suppression or the suspension of the provisions of any written law in any security area;

(p) the entry into and search of any premises or place and the arrest, search and interrogation of persons within any security area;

(q) the formation of tribunals and other bodies for the purpose of deciding any matters specified in such regulations, but having no powers to inflict fines or imprisonment;

(r) the prescription of fees and other payments;

(s) any other matter in respect of which it is in the opinion of His Majesty the Sultan and Yang Di-Pertuan desirable in the interests of public security that regulations should be made.

(3) Any regulations made under this section may provide that a contravention thereof shall be punishable by imprisonment for 5 years and a fine of \$30,000.

[S 9/91]

(4) Any regulations made under this section shall —

(a) unless His Majesty the Sultan and Yang Di-Pertuan otherwise directs, come into force on the day on which they are made, and shall then continue in force so long as the proclamation under section 30 is in force, unless sooner revoked; and

(b) have effect only within the security area or areas to which the said proclamation applies.

(5) All subsidiary legislation under this Part in force in any security area immediately before the cancellation of the proclamation under section 30 applicable to such area shall cease to have effect in such area upon such cancellation, but without prejudice to the taking or continuance of any proceedings in respect of anything previously done or omitted to be done, or to the payment of any compensation or allowance thereunder.

## PART IV

### MISCELLANEOUS PROVISIONS

#### **Seizability and bailability of offences.**

**54.** (1) Every offence against this Act shall be seizable for the purposes of the Criminal Procedure Code (Chapter 7).

(2) Bail shall be discretionary in respect of every offence against this Act other than an offence under section 40.

#### **Power to detain suspected persons.**

**55.** (1) Any police officer may without warrant arrest and detain pending enquiries any person in respect of whom he has reason to believe that —

(a) there are grounds which would justify his detention under section 3; and

(b) he has acted or is about to act or is likely to act in any manner prejudicial to the security of Brunei Darussalam or any part thereof.

(2) Any police officer may without warrant arrest and detain pending enquiries any person, who upon being questioned by such officer fails to satisfy such officer as to his identity or as to the purposes of which he is in the place where he is found, and whom such officer suspects of having acted or being about to act in any manner prejudicial to the security of Brunei Darussalam or any part thereof.

(3) No person shall be detained under this section for a period exceeding 24 hours except with the authority of a police officer of or above the rank of Assistant Superintendent of Police who may authorise the detention of a person under this section for a period not exceeding 48 hours in all.

(4) Notwithstanding subsection (3), if an officer of or above the rank of Superintendent of Police is satisfied that the necessary enquiries cannot be completed within the period of 48 hours prescribed by that subsection he may authorise the further detention of any person detained under this section for an additional period not exceeding 28 days.

(5) Any officer giving any authorisation under subsection (4) shall forthwith report the circumstances thereof to the Commissioner of Police; and where such authorisation authorises detention for any period exceeding 14 days the Commissioner of Police shall forthwith report the circumstances thereof to the Minister\*.

(6) The powers conferred upon a police officer by subsections (1) and (2) may be exercised by any member of any other security force, by any person performing the duties of guard or watchman in a protected place, and by any other person generally authorised in that behalf under section 3 of the Protected Areas and Protected Places Act (Chapter 147).

[S 38/05]

(7) Any person detained under the powers conferred by this section shall be deemed to be in lawful custody, and may be detained in any prison, or in any police station or in any other similar place authorised generally or specially by the Minister\*.

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\* Transferred to the Minister of Law with effect from 1st January 1984 — [S 10/84]

\* Further transferred to the Minister of Home Affairs with effect from 1st April 1987 — [S 14/87]

**Use of lethal weapons in effecting arrests.**

**56.** (1) Notwithstanding anything to the contrary contained in any other written law it shall be lawful for any police officer in order to —

(a) effect the arrest of any person liable to detention under any order made under section 3;

(b) effect the arrest of any person liable to arrest and detention under sections 55(1) or (2);

(c) effect the arrest of any person whom he has, in all the circumstances of the case, reasonable grounds for suspecting to have committed an offence against this Act or against any provision of any written law specified in Schedule 2;

(d) overcome forcible resistance offered by any person to such arrest; or

(e) prevent the escape from arrest or the rescue of any person arrested as aforesaid,

to use such force as, in the circumstances of the case, may be reasonably necessary, which force may extend to the use of lethal weapons.

(2) Every person arrested for any of the offences referred to in subsection (1) shall as soon as possible after his arrest be clearly warned of his liability to be shot at if he endeavours to escape from custody.

(3) The powers conferred upon a police officer by subsection (1) may be exercised by any member of any other security force, and by any person performing the duties of guard or watchman in a protected place, and by any other person generally authorised in that behalf by the Commissioner of Police.

(4) Nothing in this section contained shall derogate from the right of private defence contained in sections 96 to 106 of the Penal Code (Chapter 22).

**Power of Director of Internal Security and authorised persons.** *[S 17/95]*

**56A.** (1) In the administration of this Act and of any written law specified in Schedule 2A, and of any subsidiary legislation made thereunder, the

powers conferred upon the Commissioner of Police by this Act may, notwithstanding any provision of this Act or of any of those written laws, as the case may be, be exercised by the Director of Internal Security.

(2) In the administration of this Act and of any written law specified in Schedule 2A, and of any subsidiary legislation made thereunder, the powers conferred upon any police officer (other than the Commissioner of Police) by this Act, or by the Criminal Procedure Code (Chapter 7) in relation to a seizable offence, may, notwithstanding any provision of this Act or of any of those written laws, as the case may be, be exercised by the Director of Internal Security and any person authorised by him in writing in that behalf either generally or in a particular case.

(3) Notwithstanding any provision of this Act and of any other written law —

(a) the Director of Internal Security; and

(b) any person authorised by him under subsection (1), to the extent ordered by him,

may carry and use a firearm and ammunition for the effectual discharge of his duties under this Act.

(4) Any person authorised by the Director of Internal Security under subsection (1) shall be deemed to be a public servant within the meaning of section 21 of the Penal Code (Chapter 22).

[S 38/05]

#### **Admission of statements in evidence.**

**57.** (1) Where any person is charged with any offence against this Act or against any written law specified in Schedule 3 any statement, whether such statement amounts to a confession or not or is oral or in writing, made at any time, whether before or after such person is charged and whether in the course of a police investigation or not and whether or not wholly or partly in answer to questions, by such person to or in the hearing of any police officer of or above the rank of inspector and whether or not interpreted to him by any other police officer or any other person concerned or not, in the arrest, shall notwithstanding anything to the contrary contained in any written law be admissible at his trial in evidence and, if such person tenders himself as a witness, any statement may be used in cross examination and for the purpose of impeaching his credit.

(2) Notwithstanding subsection (1), no statement shall be admissible or used as aforesaid under that subsection —

(a) if the making of the statement appears to the court to have been caused by any inducement, threat or promise having reference to the charge against such person, proceeding from a person in authority and sufficient in the opinion of the court to give such person grounds which would appear to him reasonable for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceeding against him; or

(b) in the case of a statement made by such person after his arrest, unless the court is satisfied that a caution was administered to him in the following words or words to the like effect:

“It is my duty to warn you that you are not obliged to say anything or to answer any question, but anything you say, whether in answer to a question or not, may be given in evidence”:

Provided that a statement made by any person before there is time to caution him shall not be rendered inadmissible in evidence merely by reason of no such caution having been given if it has been given as soon as possible.

(3) Notwithstanding anything to the contrary contained in any written law a person accused of an offence to which subsection (1) applies shall not be bound to answer any question relating to such case after a caution has been administered to him under subsection 2(b).

### **Inspection of bankers' books.**

**58.** The Minister\* may, if he is satisfied that any evidence of the commission of an offence against this Act or against any written law for the time being specified in Schedule 3 is likely to be found in any banker's book, by order authorise any police officer to inspect any such book, and a police officer so authorised may, at all reasonable times, enter the bank specified in the order and inspect the banker's books kept therein, and may take copies of any entry in any such book.

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\* Transferred to the Minister of Law with effect from 1st January 1984 — [S 10/84]

\* Further transferred to the Minister of Home Affairs with effect from 1st April 1987 — [S 14/87]

**Disposal of property.**

**59.** (1) Any article or material coming into the possession of a police officer under section 47 may be disposed of in such manner as the Commissioner of Police may order; and in default of any such order in relation to any such property subsection (2) shall apply thereto.

(2) Subject to subsection (1), the provisions of the Criminal Procedure Code (Chapter 7) relating to the disposal of property the subject of an offence shall apply to any property coming into the possession of a police officer or any other person having any functions in connection with the operation of this Act which such officer or person has reasonable ground for believing to be evidence of the commission of an offence against this Act; and in relation to any such property any reference therein to a police officer shall have effect as if it included a reference to any such person.

(3) Nothing in this section shall be taken to prejudice any right to retain or dispose of property which may exist in law apart from the provisions of this section.

**Jurisdiction of Court of a Magistrate.**

**60.** Without prejudice to the jurisdiction of the High Court, a Court of a Magistrate shall have jurisdiction to try any offence against this Act, other than an offence punishable with death or imprisonment for life, and to impose any penalty prescribed therefor not exceeding 7 years imprisonment and a fine of \$30,000.

[S 9/91]

**Restriction on prosecution.**

**61.** A prosecution for any offence against this Act shall not be instituted except with the consent of the Public Prosecutor —

(a) subject to the law relating to criminal procedure, a person charged with such an offence may be arrested, or a warrant for his arrest may be issued and executed and any such person may be remanded in custody or on bail, notwithstanding that the consent of the Public Prosecutor to the institution of a prosecution for the offence has not been obtained, but the case shall not be further prosecuted until that consent has been obtained; and



(b) when a person is brought before a court under this section before the Public Prosecutor has consented to the prosecution the charge shall be explained to him but he shall not be called upon to plead, and the law relating to criminal procedure shall be modified accordingly.

### **Publicity of orders.**

**62.** (1) Notwithstanding section 16 of the Interpretation and General Clauses Act (Chapter 4) (which relates to publication), when any order, rule or regulation is made or direction or instruction is given under this Act, the Minister or other authority making such order, rule or regulation or giving such direction or instruction shall cause notice of its effect to be given as soon as may be in such manner as he thinks necessary for bringing it to the notice of all persons who in his opinion ought to have notice of it, and such order, rule, regulation, direction or instruction shall have effect as soon as notice as aforesaid has been given, without publication in the *Gazette*.

(2) Without prejudice to any special provisions contained in this Act, or in any rules or regulations made thereunder, a notice to be served on any person for the purposes of any section may be served by leaving it at, or by sending it by post in a letter addressed to that person at his last or usual place of abode or place of business.

(3) Any order or regulation made or any direction or instruction given under this Act may at any time during its continuance be cancelled by the person empowered to make such order or regulation or to give such direction or instruction, but without prejudice to the previous validity thereof or to anything done thereunder or to the power of such person to make a fresh order or regulation or give a fresh direction or instruction under such provisions.

### **Application of other laws.**

**63.** Nothing in this Act shall affect any other law relating to criminal offences:

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

**Application of section 36 of Chapter 4.**

**64.** For the avoidance of doubt it is hereby declared that section 36 of the Interpretation and General Clauses Act (Chapter 4) (which contains provisions as to offences under 2 or more laws) shall apply to this Act.

**Amendment of Schedules.**

**65.** The Minister with the approval of His Majesty the Sultan and Yang Di-Pertuan may, by notification in the *Government Gazette*, amend any Schedule.

[S 17/95; S 38/05]

**Transitional orders.**

**66.** Where an order (hereinafter referred to as “the transitional order”) is made under section 3(1)(a) in respect of a person who, immediately before the date on which the transitional order takes effect, is detained under an order made or made and extended under Order 8 of the Emergency Orders, 1962 [E 17/62], a copy of the transitional order shall be served on such person as soon as may be after the making thereof, and in all other respects the transitional order shall be treated as if it were a direction under section 3(2) extending a previous order made under section 3(1)(a), and as if the period of detention (not exceeding 2 years) authorised by the transitional order were the further period for which such previous order has been extended by, and from the date of, the transitional order.

[S 38/05]

**SCHEDULE 1**

(section 3(3))

**ESSENTIAL SERVICES**

1. Water services.
2. Electricity services.
3. Public health services.
4. Fire and rescue services.

[S 38/05]

5. Prison services.
6. Postal services.
7. Telephone services.
8. Telegraph services.
9. Radio communication services, including broadcasting and television services.
10. Port, dock and harbour services and undertakings.
11. Public transport services by land, sea or air.
12. Bulk distribution of fuel and lubricants.

**SCHEDULE 2**

(section 56(1))

## SPECIFIED LAWS

## FORCIBLE ARREST OF SUSPECTS

Penal Code (Chapter 22) ..... sections 435 and 436

**SCHEDULE 2A***[S 17/95]*

(sections 56A(1) and (2))

## SPECIFIED LAWS

Chapter 21	—	Emergency Regulations Act
Chapter 24	—	Sedition Act
Chapter 25	—	Undesirable Publications Act
Chapter 122	—	Registration of Guests Act
Chapter 148	—	Public Order Act

**SCHEDULE 3**

(sections 57 and 58)

**SPECIFIED LAWS**

**ADMISSION OF STATEMENTS AND INSPECTION  
OF BANKERS' BOOKS**

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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**

Amended by

S 71/05

S 23/06

**REVISED EDITION 2008**





**SUBSIDIARY LEGISLATION**

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

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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.

**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]*

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[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.

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(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.

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**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;

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- (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) In 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

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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

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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.

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**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]

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[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 be 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 through not specified in the foregoing paragraphs.

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[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 9 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.

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[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.

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[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.

**INTERNAL SECURITY ACT  
(CHAPTER 133)**

**INTERNAL SECURITY  
(DETAINED PERSONS ADVISORY BOARD) RULES**

**S 70/05**

**REVISED EDITION 2008**

*B.L.R.O. 2/2008*



**SUBSIDIARY LEGISLATION**

**INTERNAL SECURITY (DETAINED PERSONS ADVISORY BOARD) RULES**

**ARRANGEMENT OF RULES**

**Rule**

1. Citation.
2. Interpretation.
3. Duty of officer-in-charge of place of detention.
4. Notice to appear.
5. Proceedings to be in camera.
6. Notice that advisory board will sit to review order.
7. Procedure at meeting of advisory board.

SCHEDULE	—	FORM I	—	REPRESENTATION IN CONNECTION WITH DETENTION ORDER
		FORM II	—	NOTICE OF HEARING OF REPRESENTATIONS

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**SUBSIDIARY LEGISLATION**

Rules made under section 5(1B)

**INTERNAL SECURITY (DETAINED PERSONS ADVISORY BOARD) RULES***Commencement: 8th December 2005***Citation.**

1. These Rules may be cited as the Internal Security (Detained Persons Advisory Board) Rules.

**Interpretation.**

2. In these Rules —

“chairman” means any person appointed by His Majesty the Sultan and Yang Di-Pertuan under section 5(2) to be the chairman of an advisory board;

“detention order” means any order made under section 3(1) whereby it is directed that any person shall be detained;

“place of detention” means any place directed by the Minister under section 3(4).

**Duty of officer-in-charge of place of detention.**

3. (1) It shall be obligatory for the officer-in-charge of any place of detention to inform every person arriving thereat in pursuance of a detention order as soon as practicable after his arrival that he has the right to make representations in connection with the detention order by forwarding his representations, within 14 days of his being so informed, to a chairman.

(2) Any representations forwarded under sub-rule (1) shall be in Form I in the Schedule and shall forthwith be forwarded by the officer-in-charge to a chairman.

(3) The chairman, upon receiving any such representations, shall thereupon, after reference to the Director of Internal Security, appoint a time and place for the consideration of the representations by an advisory board and shall cause notice thereof in Form II in the Schedule to be served on the person making the representations.

**Notice to appear.**

4. (1) Any person upon whom a notice has been served in accordance with rule 3(3) may appear at the time, date and place specified in the notice either personally or, with the leave of the advisory board, by an agent authorised by him in writing and, whether he appears personally or not, may, with the leave of the advisory board, be represented by an advocate and solicitor and make oral representations in connection with the detention order.

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[Subsidiary]

(2) Any person who does not desire to appear personally or by an advocate and solicitor, or by an agent, may cause to be delivered to the chairman a written memorandum signed by him or by his advocate and solicitor setting forth the particulars of his representations and of any additional representations which he may wish to make:

Provided that an advisory board shall not be bound to consider any such written representations unless they reach the chairman at or before the time and date specified in the notice referred to rule 3(3).

(3) Any chairman may, by arrangement with any other chairman, transfer the hearing of any oral representations or the consideration of any written representations to an advisory board presided over by that chairman.

**Proceedings to be in camera.**

5. All proceedings before an advisory board shall be dealt with in camera.

**Notice that advisory board will sit to review order.**

6. (1) Before the review under section 6A of any detention order under which any person is detained in a place of detention, the chairman of the advisory board which is to hold the review shall cause notice to be given to the person so detained of the time and place where the advisory board will sit for the purpose of reviewing the detention order and the person so detained may appear before the advisory board either personally or by an agent authorised by him in writing and shall, whether he appears personally or not, be entitled to be represented by an advocate and solicitor.

(2) The advisory board may by notice in writing addressed to the officer-in-charge of any place of detention require the production before it of any person detained therein under a detention order and the officer shall cause such person to be produced in accordance with the notice.

(3) Any person taken outside a place of detention in pursuance of sub-rule (2) shall, while outside such place of detention, be deemed to be in lawful custody for the purposes of the Penal Code (Chapter 22).

**Procedure at meeting of advisory board.**

7. All questions before an advisory board shall be determined by a majority of votes of the chairman and of any member present and voting. In case of an equality of votes the chairman shall have a casting vote.



**SCHEDULE****FORM I**

(rule 3(2))

**INTERNAL SECURITY ACT  
(CHAPTER 133)****INTERNAL SECURITY (DETAINED PERSONS ADVISORY BOARD) RULES****PRESENTATIONS IN CONNECTION WITH DETENTION ORDER**

To the chairman, Advisory Board

\* Name in full .....

Race .....

Language in which representations will be made .....

Occupation .....

Permanent residence .....

Place of detention .....

Date and place of arrest .....

I, the above-named ....., hereby  
make representations regarding the order for my detention made under section 3 of the  
Internal Security Act as follows —

Dated this ..... day of ..... 14..... Hijriah  
corresponding to the ..... day of ..... 20.....

.....  
*Signature or mark*

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\* If the detainee is known by more than one name, each of such names must be inserted in full.

**FORM II**

(rule 3(3))

**INTERNAL SECURITY ACT  
(CHAPTER 133)****INTERNAL SECURITY (DETAINED PERSONS ADVISORY BOARD) RULES****NOTICE OF HEARING OF REPRESENTATIONS**

To .....

Take notice that at ..... am/pm on the ..... day of ..... 20 ....., an advisory board will sit at ..... for the purpose of hearing representations by detained persons in connection with the orders for their detention and will at that sitting hear your representations in connection with the detention order made against you.

You have the right to make such representations in the manner provided in rule 4 of the Internal Security (Detained Persons Advisory Board) Rules, which reads as follows —

**Notice to appear.**

4. (1) Any person upon whom a notice has been served in accordance with rule 3(3) may appear at the time, date and place specified in the notice either personally or, with the leave of the advisory board, by an agent authorised by him in writing and, whether he appears personally or not, may, with the leave of the advisory board, be represented by an advocate and solicitor and make oral representations in connection with the detention order.

(2) Any person who does not desire to appear personally or by an advocate and solicitor, or by an agent, may cause to be delivered to the chairman a written memorandum signed by him or by his advocate and solicitor setting forth the particulars of his representations and of any additional representations which he may wish to make:

Provided that an advisory board shall not be bound to consider any such written representations unless they reach the chairman at or before the time and date specified in the notice referred to in rule 3(3).

Dated this ..... day of ..... 14..... Hijriah  
corresponding to the ..... day of ..... 20.....

.....  
*Chairman*

**INTERNAL SECURITY ACT  
(CHAPTER 133)  
DIRECTION OF PLACE OF DETENTION  
UNDER SECTION 3(4)**

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2008 Ed.

*Internal Security*

**CAP. 133, N 1** 1

[Subsidiary]

**SUBSIDIARY LEGISLATION**

**DIRECTION OF PLACE DETENTION UNDER SECTION 3(4)**

The following place has been directed to be a place of detention —

Government Housing Consultant Quarters No. 16 and 20, Stadium Area,  
Jalan Berakas, Brunei and Muara District.

[GN 457/99]





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