



LEGISLATIVE DRAFTING WORKSHOP

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WHAT IS A NOTIFICATION

- An announcement to notify the public in the gazette

- Types of notification
 - a) Date of commencement of law
 - b) Minister responsible for law
 - c) Delegation of power of Minister
 - d) Officer(s) appointed under the provisions of the laws – authorized officers, enforcement officers, public food officers, inspectors and others.

TYPES OF NOTIFICATION

Date of commencement of law

**PLANT VARIETIES PROTECTION ORDER, 2015
(S 17/2015)**

Notification of commencement

In exercise of the power conferred by section 1(1) of the Plant Varieties Protection Order, 2015, the Minister of Energy and Industry in the Prime Minister's Office, with the approval of His Majesty the Sultan and Yang Di-Pertuan, hereby appoints _____ as the date on which that Order shall be deemed to have commenced.

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

**Permanent Secretary,
Office of the Prime Minister.**

TYPES OF NOTIFICATION

Minister responsible for law

COMPETITION ORDER, 2015

(S 1/2015)

Notification of appointment of Minister charged with the responsibility for general competition matters

It is hereby notified for public information that His Majesty the Sultan and Yang Di-Pertuan has been graciously pleased to appoint the Minister in the Office of the Prime Minister and Minister of Finance II to be the Minister charged with the responsibility for general competition matters for the purposes of the Competition Order, 2015.

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

Permanent Secretary,
Office of the Prime Minister

TYPES OF NOTIFICATION

Delegation of power of Minister

CRIMINAL PROCEDURE CODE

(Chapter 7)

Notification of delegation of powers

In exercise of the power conferred by section 374(3) of the Criminal Procedure Code, I, Datin Seri Paduka Hajah Hayati binti Pehin Orang Kaya Shahbandar Dato Seri Paduka Haji Mohd. Salleh, Public Prosecutor, do hereby delegate all the powers vested in me by the Criminal Procedure Code to

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

Public Prosecutor.

TYPES OF NOTIFICATION

Officer(s) appointed under the provisions of the laws

PUBLIC HEALTH (FOOD) ACT (Chapter 182)

Notification of appointment of food analysts

It is hereby notified for public information that in exercise of the power conferred by section 3(1) of the Public Health (Food) Act, the Minister of Health has appointed the following persons to be food analysts –

from the Department of Scientific Services, Ministry of Health –

from the Agrifood Safety Division, Ministry of Primary Resources and Tourism –

;

from the Department of Agriculture and Agrifood, Ministry of Primary Resources and Tourism –

;

From the Department of Energy and Industry, Prime Minister's Office –

;

for the purpose of that Act for the year 20 .

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

**Permanent Secretary,
Ministry of Health.**

ADVANTAGE OF PUBLICATION IN GAZETTE

- Transparency
- Legal backup – Section 45 of the Interpretation and General Clauses (Chapter 4)

Gazette to be evidence of matters therein:

“45. All printed copies of the Gazette, purporting to be published by authority and printed by the Government Printer, shall be admitted in evidence by all courts, and in all legal proceedings whatsoever, without any proof being given that such copies were so published and printed, and shall, until the contrary is proved be taken and accepted as evidence of the Proclamations, regulations, orders, appointments, notices and other publications therein printed, and of the matters and things contained or necessarily implied in any of them.”

REASONS FOR NOTIFICATION

- Legally required
- For public information

NOTIFICATION OF APPOINTMENTS BY NAME OR OFFICE

INTERPRETATION AND GENERAL CLAUSES (Chapter 4)

Appointment of officers by name or office:

“22. Whenever, by or under any written law, power is given to appoint or name a person to have and exercise any powers or discharge any duties, the power may be lawfully exercised either by appointing a person by name, or by directing that the person for the time being holding a designated office shall have and exercise such powers and discharge such duties.”

NAME	OFFICE
Appoints specifically that person	<ul style="list-style-type: none">• Whoever holds the office can exercise the power and discharge the duties.• No necessity for further notification of holder if the office changes
Potential problem <ul style="list-style-type: none">• That officer no longer holds the position• That officer no longer works in the same organisation.	Potential problem <ul style="list-style-type: none">• Name of office changes

ILLUSTRATION WHEN IS NOTIFICATION LEGALLY REQUIRED

■ Example:

“1.(1) This Order may be cited as the Competition Order, 2015 and shall commence on a date to be appointed by the Minister, with approval of His Majesty the Sultan and Yang Di-Pertuan, by notification published in the Gazette.”

“3.(2) The Commission shall consist of a Chairman and such other members, not being less than 6 or more than 12, appointed by His Majesty the Sultan and Yang Di-Pertuan, by notification published in the Gazette.”

“13.(4) All appointments to the Board shall be notified in the Gazette.”

PERIOD OF APPOINTMENT LEGALLY PROVIDED IN THE LAW

■ Example:

“12.(2) The directors shall –

(b) **hold office for a term of 3 years** and shall be eligible for reappointment.”

“1. His Majesty the Sultan and Yang Di-Pertuan may, on the advice of the President of the Majlis and after consultation with the Majlis, **appoint and re-appoint, for a period of not exceeding 3 years**, not more than 5 Muslims to form a standing panel of Judges, and the Chief Syar'ie Judge shall elect 2 of them to constitute a quorum of Judges in the Syariah Appeal Court for each proceedings.”

OTHER LEGAL REQUIREMENTS TO PUBLISH IN THE GAZETTE:

TIME

■ Example:

“9.(4) The Registrar shall –

(a) as soon as **practicable after 1st. January each year, prepare and publish in the Gazette** a list containing the names, qualifications and addresses of all registered architects, registered professional engineers (in the case of professional engineers, including the branch or branches of professional engineering to which the qualifications relate) and registered quantity surveyors who have in force practising certificates; and”

(b) **publish in the Gazette** (the names, qualifications and addresses of architects, professional engineers and quantity surveyors) **added to, removed from or reinstated** into the register of architectural, professional engineering and quantity surveying practitioners.

FREQUENCY OF PUBLICATION

■ Example:

“3.(1A) Subject to and in accordance with this Act, the Register shall be in such form as the Board may determine and the names of all persons included in the Register shall be published **annually in the Gazette.**”

“3.(1) The Registrar shall maintain a register of midwives.

(2) The Registrar shall as soon as may be after the **first day of March of every year prepare and publish in the Gazette** a list of the names and addresses of all the persons whose names appear in the register on the first day of February immediately preceding such publication.”

WHO SIGNS THE NOTIFICATION?

- Minister
- Permanent Secretary

INTERPRETATION AND GENERAL CLAUSES (Chapter 4)

Signification of orders of His Majesty the Sultan and Yang Di-Pertuan or His Majesty the Sultan and Yang Di-Pertuan in Council:

“17. Whenever any written law confers upon **His Majesty the Sultan and Yang Di-Pertuan or His Majesty the Sultan and Yang Di-Pertuan in Council** power to –

- (d) authorise any thing or matter to be done;
- (g) exercise any power,

It shall be sufficient if the exercise of such power be signified, in the case of His Majesty the Sultan and Yang Di-Pertuan, under the hand of any **Minister** or the **Permanent Secretary** to the Office of the Prime Minister, and, in the case of His Majesty the Sultan and Yang Di-Pertuan in Council, under the hand of any **Minister** or the **Secretary to the Council** of Ministers: **Provided that** this section shall not apply to the power of His Majesty the Sultan and Yang Di-Pertuan to issue any **warrant** or **Proclamation**, which shall be made or issued only under the **hand of His Majesty the Sultan and Yang Di-Pertuan himself.**”

INTERPRETATION AND GENERAL CLAUSES (Chapter 4)

Signification of orders etc. of Minister. :

“17A. Where any written law confers upon a Minister power to –

(d) authorise any thing or matter to be done;

(g) exercise any power,

it shall be sufficient, unless in such written law it is otherwise provided, if the exercise of such power by the **Minister** be signified under the hand of the **Permanent Secretary** to the Ministry for which the Minister is responsible.”

Signing of documents:

“17B. Where in any written law any document is required to be under the hand of or countersigned by a **Minister** in exercise of any powers conferred thereby, it shall be sufficient for such document to be under the hand of or signed or countersigned by the **Permanent Secretary to the Ministry** for which the Minister is responsible or by any **public officer duly authorised in writing by the Minister**.

PUBLICATION

- Publication of gazette is not a prerequisite to exercise the power
- More important is –
 - a) to include effective date and tenure;
 - b) to inform individual concerned or holder of office.
- Individual concerned can be informed by administrative means either by providing copy of signed notification or internal correspondence

WAY FORWARD

- Softcopy required to send to AGC for the names of authorised officers to avoid delay
- AGC initiates project to prepare template notifications 2017-2018
- Request can be made to AGC

GROUPWORK

GUIDELINES IN PREPARING NOTIFICATIONS

- Refer to the law (Act or Order)
- Legally required or public information
- What is the notification for example, commencement, members, Minister responsible, delegation of powers?
- Permanent Secretary or Minister signs the notification

EXERCISES

1. Competition Order, 2015
2. Undesirable Publications Act, Chapter 25
3. Plant Varieties Protection Order, 2015
4. Medical Practitioners and Dentists Act, Chapter 112

EXERCISES

1. Competition Order, 2015
 - Notification minister responsible
 - Notification of appointment of members of Competition Commission of Brunei Darussalam
 - Notification of commencement

2. Undesirable Publications Act, Chapter 25
 - Notification of appointment of authorised officers

3. Plant Varieties Protection Order, 2015
 - Notification of appointment of Assistant Registrar of Plant Varieties
 - Notification of appointment of Deputy Registrar of Plant Varieties
 - Notification of appointment of Registrar of Plant Varieties
 - Notification of commencement

4. Medical Practitioner and Dentists Act, Chapter 112
 - Notification of appointment of members of Medical Board

COMPETITION ORDER, 2015

(S 1/2015)

**Notification of appointment of Minister charged with the responsibility for general
competition matters**

It is hereby notified for public information that His Majesty the Sultan and Yang Di-Pertuan has been graciously pleased to appoint the Minister in the Office of the Prime Minister and Minister of Finance II to be the Minister charged with the responsibility for general competition matters for the purposes of the Competition Order, 2015.

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

**Permanent Secretary,
Office of the Prime Minister.**

COMPETITION ORDER, 2015

(S 1/2015)

Notification of appointment of members of Competition Commission of Brunei Darussalam

In exercise of the power conferred by section 3(2) of the Competition Order, 2015, His Majesty the Sultan and Yang Di-Pertuan has been graciously pleased to appoint the following persons to be members of the Competition Commission of Brunei Darussalam –

:
:
:
:
:
:
:
:
:
:

with effect from

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

**Permanent Secretary,
Office of the Prime Minister.**

COMPETITION ORDER, 2015

(S 1/2015)

Notification of commencement

In exercise of the power conferred by section 1(1) and (2) of the Competition Order, 2015, the Minister in the Office of the Prime Minister and Minister of Finance II, with the approval of His Majesty the Sultan and Yang Di-Pertuan, hereby appoints _____ as the date on which the provisions of that Order as set out in the Schedule hereto shall be deemed to have commenced –

SCHEDULE

PROVISIONS OF COMPETITION ORDER, 2015

PART I

PART II

section 62

section 63|

FIRST SCHEDULE

SECOND SCHEDULE.

Dated this

day of

14 Hijriah corresponding to

the

day of

20 .

Permanent Secretary,

Office of the Prime Minister.

UNDESIRABLE PUBLICATIONS ACT

(Chapter 25)

Notification of appointment of authorised officers

It is hereby notified for public information that in exercise of the power conferred by section 10(2) of the Undesirable Publications Act, the Minister of Home Affairs has appointed the following public officers to be authorised officers –

from the Internal Security Department –

from the Islamic Dakwah Centre, Ministry of Religious Affairs –

for the purposes of sections 11 and 12 of that Act with effect from until

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

**Permanent Secretary,
Ministry of Home Affairs.**

UNDESIRABLE PUBLICATIONS ACT

(Chapter 25)

Notification of appointment of authorised officers

It is hereby notified for public information that in exercise of the power conferred by section 10(2) of the Undesirable Publications Act, the Minister of Home Affairs has appointed the following public officers to be authorised officers –

from the Internal Security Department –

from the Islamic Dakwah Centre, Ministry of Religious Affairs –

for the purposes of sections 11 and 12 of that Act with effect from until

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

**Permanent Secretary,
Ministry of Home Affairs.**

PLANT VARIETIES PROTECTION ORDER, 2015

(S 17/2015)

Notification of appointment of Assistant Registrar of Plant Varieties

It is hereby notified for public information that in exercise of the power conferred by section 5(4) of the Plant Varieties Protection Order, 2015, His Majesty the Sultan and Yang Di-Pertuan has been graciously pleased to appoint _____ to be an Assistant Registrar of Plant Varieties with effect from _____ .

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

Minister of Energy and Industry in the Office of the Prime Minister.

PLANT VARIETIES PROTECTION ORDER, 2015

(S 17/2015)

Notification of appointment of Deputy Registrar of Plant Varieties

It is hereby notified for public information that in exercise of the power conferred by section 5(4) of the Plant Varieties Protection Order, 2015, His Majesty the Sultan and Yang Di-Pertuan has been graciously pleased to appoint _____ to be a Deputy Registrar of Plant Varieties with effect from _____ .

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

Minister of Energy and Industry in the Office of the Prime Minister.

PLANT VARIETIES PROTECTION ORDER, 2015

(S 17/2015)

Notification of appointment of Registrar of Plant Varieties

It is hereby notified for public information that in exercise of the power conferred by section 5(4) of the Plant Varieties Protection Order, 2015, His Majesty the Sultan and Yang Di-Pertuan has been graciously pleased to appoint the _____, to be the Registrar of Plant Varieties with effect from _____.

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

Minister of Energy and Industry in the Office of the Prime Minister.

PLANT VARIETIES PROTECTION ORDER, 2015

(S 17/2015)

Notification of commencement

In exercise of the power conferred by section 1(1) of the Plant Varieties Protection Order, 2015, the Minister of Energy and Industry in the Prime Minister's Office, with the approval of His Majesty the Sultan and Yang Di-Pertuan, hereby appoints _____ as the date on which that Order shall be deemed to have commenced.

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

**Permanent Secretary,
Office of the Prime Minister.**



QUESTION AND ANSWER SESSION



THANK YOU

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