ROYAL BRUNEI ARMED FORCES ACT
(CHAPTER 149)

ROYAL BRUNEI ARMED FORCES (SUMMARY JURISDICTION) REGULATIONS

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SUBSIDIARY LEGISLATION

ROYAL BRUNEI ARMED FORCES (SUMMARY JURISDICTION) REGULATIONS

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Regulations made under sections 83 and 84

ROYAL BRUNEI ARMED FORCES (SUMMARY JURISDICTION) REGULATIONS

Commencement: 28th January 2006

Citation

1. These Regulations may be cited as the Royal Brunei Armed Forces (Summary Jurisdiction) Regulations.

Interpretation

2. In these Regulations —

"competent authority" means the Commander or such other officer or officers as His Majesty the Sultan and Yang Di-Pertuan may from time to time appoint to exercise all or any of the functions conferred or imposed upon the competent authority under these Regulations;

"detachment" means a part of a unit which is so separated from the unit to which it belongs that the commanding officer of that unit cannot effectively exercise his disciplinary powers as commanding officer over it;

"subordinate commander", except where otherwise expressly provided, means the officer who, for the time being, commands a squadron, company, ship or an equivalent body which forms part of a unit and who is for the time being responsible for disciplinary matters to the commanding officer of the unit, and includes any officer appointed to be a subordinate commander by an officer in command not below the rank of colonel;

"unit", except where otherwise expressly provided, means either any independent portion of the Royal Brunei Armed Forces which is not higher in the organisation than a battalion or its equivalent or any equivalent body of troops.

Appointment of commanding officers and subordinate commanders

3. Any appointment under these Regulations of an officer to be a commanding officer or a subordinate commander —

(a) may be made subject to restrictions, reservations, exceptions or conditions;

(b) may designate the officer appointed by name, by reference to any appointment or office held by him, or by reference to a class of officers of which the officer appointed is a member, and shall, unless otherwise specified, extend to any officer for the time being performing the duties of the officer so named, or holding, or acting in the place of the holder of, that appointment or office, or acting in the place of a member of that class;

(c) may be made in relation to a particular person or to any class or group of persons, or a particular case or for a class of case;

(d) may be varied or revoked, either wholly or in part, by the authority by whom it was made by his successors or by any authority superior in command.

General definition of commanding officer

4. Except where otherwise expressly provided in these Regulations, the commanding officer of a person subject to military law who is charged with an offence is either —

(a) the officer who has been appointed by the competent authority to be commanding officer while able to effectively exercise his powers as such; or

(b) where no appointment has been made under paragraph *(a)*, the officer who is, for the time being, in immediate command of the unit or detachment to which the accused belongs.

Commanding officer of a unit or detachment place under command of another commanding officer

5. Where a unit or detachment is placed for disciplinary purposes under command of the commanding officer of another unit or detachment, that officer is the commanding officer of a member of the unit or detachment so placed under his command who is charged with the offence, and the officer commanding the latter unit or detachment is subordinate commander for the purposes of these Regulations.

Delegation of powers by commanding officers

6. (1) Subject to regulation 11, an officer who is a commanding officer within the meaning of regulation 4 or 5 may delegate to a subordinate commander of the rank of Captain or who is under his command and directly responsible to him for disciplinary matters, the power to investigate and deal summarily with charges with which he himself may so deal under regulation 9:

Provided that such delegation shall not include —

(a) the power to remand the accused for trial by court-martial; and

(b) the power to stay further proceedings on a charge.

(2) When a commanding officer delegates the power to investigate and deal summarily with charges in accordance with sub-regulation (1), he may, in addition to the restrictions imposed by regulation 11, impose such further restrictions as seem to be proper upon the exercise of that power by the officer to whom it is delegated.

(3) When a subordinate commander is dealing with a charge against a non-commissioned officer or a soldier and the accused elects to be tried by court-martial in accordance with section 78(6), the subordinate commander shall not deal further with the charge himself, but shall order that the accused be brought before the commanding officer who delegated to him the power to investigate the charge.

Delegated status of commanding officer

7. An officer who has had delegated to him by his commanding officer in accordance with regulation 6(1) power to investigate and deal summarily with charges is, while exercising such power in respect of any person, the commanding officer of that person for the purposes of the Act.

Commanding officer of civilian

8. The commanding officer of a civilian who is charged with an offence and to whom Part 5 of the Act applies by virtue of section 204 is the commanding officer, not below the rank of Lieutenant Colonel, as may be appointed for the purpose by an officer, not below the rank of Colonel commanding the unit in or with which the civilian is for the time being.

Charges with which commanding officer may deal summarily

9. A commanding officer may deal summarily with a charge under any of sections 35, 36, 39 to 42, 44 to 49, 51, 52, 55, 58 to 60, 62 to 64, 67, 69, 70, 71, and under section 72 (where the civil offence is one which is specified in the Schedule to these Regulations).

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Restrictions on powers of punishment of commanding officers

10. A commanding officer shall not award —

(a) the punishment of detention where the charge is under section 72 where the maximum punishment for the civil offence constituting an offence against that section is punishable by a fine;

(b) the punishment of stoppages exceeding the amount of 14 days without permission for the competent authority.

Powers of subordinate commanders

11. (1) A subordinate commander to whom power to investigate and deal summarily with charges has been delegated under sub-regulation 6(1) shall not award a punishment against a non-commissioned officer above the rank of Corporal.

(2) Subject to any restriction which may be imposed by the commanding officer under regulation 6(2) or (3), a subordinate commander may award one or more of the following punishments —

(a) a fine not exceeding the amount of 7 days' pay;

(b) in the case of a non-commissioned officer, a reprimand;

(c) where the offence has occasioned any expense, loss or damage, stoppages not exceeding the amount of 7 days' pay; or

(d) such minor punishment as may be prescribed.

Appropriate superior authorities

12. The following persons may act as appropriate superior authorities in relation to a person subject to military law charged with an offence —

(a) in the case of officers of the rank of Lieutenant Colonel or below, the Commander; and

(b) in the case of officers of the rank of Captain and below, any officer not below the rank of Colonel in command.

Charges with which appropriate superior authority may deal summarily

13. An appropriate superior authority may deal summarily with a charge under any of sections 35, 36, 39 to 42, 44 to 49, 51, 52, 55, 58 to 60, 62 to 64, 67, 69, 70, 71 and under section 72 (where the civil offence is one which is specified in the Schedule to these Regulations).

[S 41/2013]

SCHEDULE

(regulations 9 and 13)

CIVIL OFFENCE

Driving a motor vehicle without a driving licence contrary to section 16 of the Road Traffic Act (Chapter 68).

Driving without due care and attention or without reasonable consideration for other persons using the road contrary to section 29 of the Road Traffic Act (Chapter 68).

Mischief contrary to sections 426 and 427 of the Penal Code (Chapter 22).

Possession or consumption of a controlled drug contrary to section 6 of the Misuse of Drugs Act (Chapter 27).

Theft contrary to section 379 of the Penal Code (Chapter 22).

Use of intoxicating substance contrary to section 3(2) of the Intoxicating Substances Act (Chapter 161).

Using mobile phone while driving contrary to section 29A of the Road Traffic Act (Chapter 68).

Voluntarily causing hurt contrary to section 323 of the Penal Code (Chapter 22).