

LAWS OF BRUNEI
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BRUNEI NATIONAL ARCHIVES ACT

An Act to provide for the custody and preservation of public archives and public records of Brunei and for matters incidental thereto 2 of 1975

Commencement: 1st August 1981 S.129/81

PART I

PRELIMINARY

1. This Act may be cited as the Brunei National Archives Act. Short title

PART II

INTERPRETATION

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

“Director” means a person appointed under section 4 (1);

“Brunei National Archives” means the State Archives of Brunei established under this Act;

“public archives” means —

(a) public records

(i) which are more than 25 years old;

(ii) which are specified by the Director as being of enduring national or historical value or both; and

(iii) which have been transferred to the Brunei National Archives or any such place as the Director may from time to time direct; and

(b) any document, book or other material acquired for the Brunei National Archives by the Director;

“public records” means papers, documents, records, registers, printed material, books, maps, plans, drawings, photographs, microfilms, cinematograph, films and sound recordings of any kind whatsoever, officially received or produced by any public office for the conduct of its affairs or by any officer or employee of a public office in the course of his official duties.

PART III

ESTABLISHMENT AND MANAGEMENT OF
BRUNEI NATIONAL ARCHIVES

Establishment of Brunei National Archives

3. There is hereby established the Brunei National Archives wherein shall be stored and preserved public archives.

Management of Archives by the Director and powers of Director

4. (1) The Brunei National Archives shall be managed and controlled by the Director who shall be appointed by His Majesty the Sultan and Yang Di-Pertuan; and for the purpose of such management and control it shall be the duty of the Director —

(a) to describe and arrange all public archives;

(b) to provide facilities for research and reference;

(c) subject to the terms and conditions on which they are acquired to reproduce or publish any public archives;

(d) to examine any records in the custody of a public office and to advise such office as to the care and custody of such records;

(e) to accept and preserve any records which are transferred to the Brunei National Archives;

(f) at the request of any administrative head of a public office, to return to that office for such period as may be agreed upon between the Director and the administrative head and subject to such conditions as the Director may prescribe, the public records transferred from that office to the Brunei National Archives;

(g) to acquire by purchase, donation, bequest or otherwise any document, book or other material which in the opinion of the Director is or is likely to be of enduring national or historical value; and

(h) to perform such other functions as are necessary for the purpose of the said management and control.

(2) The provisions of paragraph (f) of subsection (1) shall not be taken to require the Director to return any public records the condition of which does not warrant their removal out of the Brunei National Archives.

(3) Nothing in this section shall be deemed to authorise the Director to inspect the contents of any public records that are secret or confidential, except with the consent of the administrative head of the public office having the custody thereof.

5. (1) For the purpose of advising the Director on the carrying out of his functions under this Act, there shall be an Advisory Board consisting of the Director as Chairman and 5 other members to be appointed by the Minister.

Advisory
Board

(2) The Board shall advise the Director on such matters as the Director may from time to time refer to it and on such matters as the Board may think fit.

(3) Three members of the Board shall form a quorum.

(4) The Board shall determine its own procedure.

The Director may act in opposition to Advisory Board

6. The Director may, after consultation with the Minister, act in opposition to the advice given to him by the Advisory Board, if in any case he shall think fit to do so, but in such case —

(a) he shall record fully in writing for inclusion in the minutes of the proceedings of the Advisory Board, the grounds and reasons for his decision; and

(b) it shall be competent for any member of the Advisory Board to require that there shall be recorded in the minutes aforesaid any advice or opinion that he may have given upon the question in dispute, and the grounds therefor.

Appointment of officers

7. His Majesty may from time to time appoint such officers as are necessary to assist the Director in the carrying out of his function under this Act.

PART IV

PUBLIC RECORDS

Transfer of public records to Brunei National Archives

8. (1) Any public records which are more than 25 years old, and any non-current public records which in the opinion of the Director are of sufficient value to warrant their preservation, shall be transferred to the Brunei National Archives.

(2) It shall be lawful for the Director to defer the transfer of any public records to the Brunei National Archives where he is satisfied that by reason of the nature of the

records the immediate transfer would unduly prejudice the administration of any public services or would not be in the public interest.

9. Any person having possession of any public records shall on demand in writing by the Director, deposit them in the Brunei National Archives (whether it came into his possession before or after the passing of this Act).

Public records to be surrendered on demand

10. (1) No person shall without the consent of the Director destroy or otherwise dispose of, or authorise the destruction or disposal of, any public records which are in his possession or under his control.

No officer in any public office may destroy or dispose of public record without the authority of the Director

(2) Any person intending to destroy or dispose of or to authorise the destruction or disposal of any public records shall first notify the Director of the said intention and shall in such notification specify the nature of the public records in question.

(3) The Director may inspect any public records specified in any notification under subsection (2) and shall if he requires such public records to be made available to him, inform the person making such notification of such requirement; and such public records shall be made available to the Director.

11. The Director may authorise the destruction of any specified classes of public records which —

Destruction of public records

(a) by reason of their number, kind or routine nature do not in his opinion possess any enduring value for preservation as public archives; and

(b) are not required for reference purposes in any public office after action on them is completed or after expiration of such period of years from the

date on which action on them is completed as may be agreed upon between the Director and the administrative head of that public office.

Access of public to public archives

12. Subject to the condition under which any public records are made available or are deposited in the Brunei National Archives, public archives shall be made available to the public for the purpose of reference or research, in accordance with any regulations made under this Act.

Certified copy of public records

13. Any copy of public records or public archives which is certified by the Director as a true copy of the original document shall be admissible in a court of law.

Delegation of Director's powers

14. (1) The Director may from time to time subject to such conditions as he may specify delegate any of his powers under this Act; and any person to whom those powers are delegated may exercise those powers in the same manner and with the same effect as if they had conferred on him by this Act.

(2) Every person purporting to act pursuant to any delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(3) Any delegation under this section may be made to a person or class or person by name or office.

(4) Every delegation under this section may be revoked by the Director at any time, and such delegation shall not prevent the Director from exercising the powers delegated.

Publication of public archives

15. (1) No person may publish or reproduce the whole or any part of the contents of any archives or records which have been transferred to the Brunei National Archives except with the written consent of the Director.

(2) Nothing in this section shall be construed as affecting or extending the law relating to copyright.

16. No person shall without the written permission of the Director take or send out of Brunei any public record or public archives.

Prohibition of export of public records and archives

17. The Minister may make regulations for the better carrying out of the provisions of this Act; and without prejudice to the generality of the foregoing may —

Regulations

(a) prescribe the fees to be charged by the Director for the making and certifying of copies of any archives or records in the Brunei National Archives;

(b) provide for exempting from the payment in whole or in part of any fees for the making and certifying of copies of any public archives or public records in the Brunei National Archives;

(c) provide for the preservation and protection of archives and records in Brunei National Archives and the conduct of visitors thereto;

(d) provide anything which may be prescribed under this Act.

18. Any person who contravenes any provision of this Act shall be guilty of an offence: Penalty, a fine of \$4,000 and imprisonment for 6 months.

Penalties

19. The Director shall as soon as practicable each year cause to be made and transmitted to the Minister a report dealing with the activities of the Brunei National Archives during the preceding year.

Annual Report

