

LAWS OF BRUNEI

CHAPTER 27

MISUSE OF DRUGS

7 of 1978

9 of 1979

1984 Edition, Chapter 27

Amended by

10 of 1982

S 27/1982

S 20/1984

S 8/1987

S 36/1987

S 20/1989

S 24/1991

S 20/1992

S 28/1994

S 42/1998

S 60/1999

2001 Edition, Chapter 27

Amended by

S 7/2002

S 59/2007

S 5/2008

S 12/2010

S 12/2012

REVISED EDITION 2013

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REVISED EDITION 2013

CHAPTER 27

MISUSE OF DRUGS

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MISUSE OF DRUGS ACT

An Act to provide for the control of dangerous or otherwise harmful drugs and for purposes connected therewith*Commencement: 1st July 1978*

PART I

PRELIMINARY

Citation.

1. This Act may be cited as the Misuse of Drugs Act.

Interpretation.

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

“Advisory Committee” means an Advisory Committee for an approved institution appointed in accordance with regulations made under section 34(1)(*kb*);

[S 20/1989]

“approved institution” means any institution or place approved by His Majesty the Sultan and Yang Di-Pertuan in Council* for the treatment and rehabilitation of drug addicts;

“article liable to seizure” means any money or thing by means of or in respect of which an offence against this Act has been committed or which contains evidence of an offence against this Act;

“Bureau” means the Narcotics Control Bureau;

[S 20/1989]

* Transferred to the Minister with the approval of His Majesty the Sultan and Yang Di-Pertuan — *[S 27/1987]*

“cannabis” means any part of the *genus cannabis*, or any part of such plant, by whatever name it is called;

[S 12/2012]

“cannabis mixture” means any mixture of vegetable matter containing tetrahydrocannabinol and cannabinol in any quantity;

[S 12/2012]

“cannabis resin” means any substance containing resinous material and in which is found tetrahydrocannabinol and cannabinol in any quantity;

[S 12/2012]

“Class A drug” means any of the substances and products for the time being specified respectively in Part I, Part II, Part III and Part IIIA of the First Schedule;

[S 28/1994]

“Class B drug” means any of the substances and products for the time being specified respectively in Part I, Part II, Part III and Part IIIA of the First Schedule;

[S 28/1994]

“Class C drug” means any of the substances and products for the time being specified respectively in Part I, Part II, Part III and Part IIIA of the First Schedule;

[S 28/1994]

“Class D drug” means any of the substances and products for the time being specified respectively in Part I, Part II, Part III and Part IIIA of the First Schedule;

[S 28/1994]

“controlled drug” means any substance or product which is for the time being specified in Part I, II or III of the First Schedule to this Act or anything that contains any such substance or product;

“controlled equipment”, “controlled material” and “controlled substance” means respectively any equipment, material or substance specified in the Third Schedule;

[S 59/2007]

“corresponding law” means a law stated in a certificate purporting to be issued by or on behalf of the government of a country outside Brunei Darussalam to be a law providing for the control and regulation in that country of the production, supply, use, export and import of drugs and other substances in accordance with the provisions of the Single Convention on Narcotic Drugs signed at New York on 30th March 1961, or a law providing for the control and regulation in that country of the production, supply, use, export and import of dangerous or otherwise harmful drugs in pursuance of any treaty, convention or other agreement or arrangement to which the government of that country and the Government of Brunei Darussalam are for the time being parties;

“dentist” means a dentist registered under the provisions of the Medical Practitioners and Dentists Registration Act (Chapter 112) and includes a Government dentist;

“Director” means the Director of the Narcotics Control Bureau;
[S 20/1989]

“drug addict” means a person who, through the use of any controlled drug, has developed —

(a) a desire or need to continue to take such controlled drug; or

(b) a psychological or physical dependence upon the effect of such controlled drug;

“immigration officer” has the same meaning as in the Immigration Act (Chapter 17);

“manufacture”, in relation to —

(a) a controlled drug, includes any process of producing the drug and the refining or transformation of one drug into another;
or

(b) a controlled substance, includes any process of producing the substance and the refining or transformation of one substance into another;

[S 59/2007]

“medical practitioner” means a medical practitioner registered under the provisions of the Medical Practitioners and Dentists Registration Act (Chapter 112) and includes a Government medical officer;

“officer of the Bureau” means the Director, Deputy Director and any officer of the Narcotics Control Bureau;

[S 20/1989]

“officer of customs” has the same meaning as in the Customs Order, 2006 (S 39/2006);

“pharmacist” means any person who holds any degree, diploma or licence approved by the Medical Board constituted under section 13(1) of the Medical Practitioners and Dentists Registration Act (Chapter 112);

[S 20/1992]

“police officer” has the same meaning as in the Royal Brunei Police Force Act (Chapter 50);

“senior officer of customs” has the same meaning as in the Customs Order, 2006 (S 39/2006);

“traffic” means —

(a) to sell, give, administer, transport, send, deliver or distribute;
or

(b) to offer to do anything mentioned in paragraph (a),

otherwise than under the authority of this Act or the regulations made thereunder; and “trafficking” has a corresponding meaning;

“veterinary surgeon” means a person who holds the diploma of membership of the Royal College of Veterinary Surgeons of England, or the diploma of a British or foreign veterinary institution or examining body approved by the Medical Board constituted under section 13(1) of the Medical Practitioners and Dentists Registration Act (Chapter 112).

[S 20/1992]

Appointment of Director and other officers of Bureau. [S 20/1989]

2A. (1) His Majesty the Sultan and Yang Di-Pertuan may appoint a Director and a Deputy Director of the Narcotics Control Bureau and such number of other officers as His Majesty the Sultan and Yang Di-Pertuan may think fit.

(2) All officers of the Bureau appointed before 1st October 1988, being the date of the commencement of this section, shall be deemed to have been appointed under subsection (1).

(3) If the office of the Director is vacant or the Director is absent from duty, the Deputy Director shall, save where His Majesty the Sultan and Yang Di-Pertuan otherwise directs, act as Director.

(4) If both the Director and the Deputy Director are absent from duty, His Majesty the Sultan and Yang Di-Pertuan may appoint another person to act as Director during that absence.

Public servants. [S 20/1989]

2B. (1) All officers of the Bureau shall be deemed to be public servants within the meaning of the Penal Code (Chapter 22).

(2) A certificate of appointment signed by the Director shall be issued to every officer of the Bureau and shall be evidence of his appointment.

Powers of investigation of Bureau. [S 20/1989]

2C. In any case relating to the commission of an offence against this Act, an officer of the Bureau shall have all the powers of a police officer under the Criminal Procedure Code (Chapter 7) in relation to an investigation into a seizeable offence.

Use of weapons. [S 20/1989]

2D. (1) Every officer of the Bureau is hereby authorised to carry and use weapons, as ordered by the Director, for the effectual discharge of his duties.

(2) In this Act, “weapons” includes firearms and ammunition.

PART II

OFFENCES INVOLVING CONTROLLED DRUGS

Trafficking in controlled drug.

3. Except as authorised by this Act or the regulations made thereunder, it shall be an offence for a person, on his own behalf or on behalf of any other person, whether or not such other person is in Brunei Darussalam —

- (a) to traffic in a controlled drug;
- (b) to offer to traffic in a controlled drug; or
- (c) to do or offer to do any act preparatory to or for the purpose of trafficking in a controlled drug.

Possession for purpose of trafficking. [*S 8/1987; S 20/1992*]

3A. Except as authorised by this Act or the regulations made thereunder, it shall be an offence for a person, on his own behalf or on behalf of any other person, whether or not such other person is in Brunei Darussalam, to have a controlled drug in his possession for the purpose of trafficking.

Manufacture of controlled drug.

4. Except as authorised by this Act or the regulations made thereunder, it shall be an offence for a person to manufacture a controlled drug.

Importation and exportation of controlled drug.

5. Except as authorised by this Act or the regulations made thereunder, it shall be an offence for a person to import into Brunei Darussalam or export from Brunei Darussalam a controlled drug.

Possession and consumption of controlled drug.

6. Except as authorised by this Act or the regulations made thereunder, it shall be an offence for a person —

- (a) to have in his possession a controlled drug; or

(b) to smoke, administer to himself or otherwise consume a controlled drug.

Consumption of controlled drug outside Brunei Darussalam by permanent resident. [S 59/2007]

6A. (1) Section 6(b) shall have effect in relation to a person who is a permanent resident outside as well as within Brunei Darussalam where he is found, as a result of a urine test required under section 28(1), to have smoked, administered to himself or otherwise consumed a controlled drug.

(2) Where an offence under section 6(b) is committed by a permanent resident outside Brunei Darussalam, he may be dealt with as if that offence had been committed within Brunei Darussalam.

Place of consumption need not be stated or proven. [S 12/2012]

6B. (1) Where a person is charged for an offence against section 6(b), it shall be sufficient for the charge to merely state that the person charged has smoked, administered to himself or otherwise consumed a controlled drug, without having to state the place where the offence was committed.

(2) Where a person is being tried for an offence against section 6(b), it shall not be necessary for the prosecution to prove the place where the offence was committed.

Possession of pipes, utensils etc.

7. Except as authorised by this Act or the regulations made thereunder, it shall be an offence for a person to have in his possession any pipe, syringe, utensil, apparatus or other article intended for the smoking, administration or consumption of a controlled drug.

Cultivation of cannabis, opium and coca plants.

8. It shall be an offence for a person to cultivate any plant of the *genus cannabis*, or any plant of the species *papaver somniferum* or any plant of the *genus erythroxylon* from which cocaine can be extracted.

[S 20/1992]

Manufacture, supply, possession, import or export of equipment, materials or substances useful for manufacture of controlled drugs.*[S 59/2007]***8A.** (1) Any person who —

(a) manufactures any controlled equipment, controlled material or controlled substance;

(b) supplies any controlled equipment, controlled material or controlled substance to another person;

(c) has in his possession any controlled equipment, controlled material or controlled substance; or

(d) imports or exports any controlled equipment, controlled material or controlled substance,

knowing or having reason to believe that the controlled equipment, controlled material or controlled substance is to be used in or for the manufacture of a controlled drug in contravention of section 4 shall be guilty of an offence.

(2) It shall not be a defence to a person who contravenes subsection (1)(d) in respect of any controlled equipment, controlled material or controlled substance to show that the equipment, material or substance is the subject of a licence, permit or any other form of authorisation issued or granted under regulations made under section 8B.

Regulations on controlled substances. *[S 59/2007]***8B.** (1) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by regulations make provision for —

(a) the licensing, by such person or authority as may be prescribed, of any person who intends to import or export any controlled equipment, controlled material or controlled substance;

(b) the regulation and control of the import and export of any controlled equipment, controlled material or controlled substance;

(c) imposing the requirement for the registration of premises used in connection with the import, export, manufacture, processing, storage distribution or supply of any controlled equipment, controlled material or controlled substance;

(d) imposing the requirement for the documentation of transactions involving any controlled equipment, controlled material or controlled substance;

(e) requiring the keeping of records and the furnishing of information with respect to any controlled equipment, controlled material or controlled substance;

(f) the inspection and production of records kept pursuant to any such regulations;

(g) the labelling of consignments of any controlled equipment, controlled material or controlled substance.

(2) Regulations made under subsection (1) may, in particular, require —

(a) the notification of the proposed exportation of any controlled equipment, controlled material or controlled substance to such countries as may be specified in any such regulations; and

(b) the production, in such circumstances as may be specified, of evidence that the required notification has been given, and that any such equipment, material or substance shall be deemed to be exported contrary to a restriction with respect to the equipment, material or substance under any such regulations if it is exported without the requisite notification being given.

(3) Regulations made under this section may make different provision in relation to different controlled equipment, controlled material or controlled substance and in relation to different cases or circumstances.

(4) Regulations made under this section may provide that any person who contravenes any provisions thereof shall be guilty of an offence

and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 3 years or both.

(5) No information obtained pursuant to any regulations made under this section shall be disclosed except for the purpose of criminal proceedings or of proceedings under or in relation to the Drug Trafficking (Recovery of Proceeds) Act (Chapter 178).

Responsibilities of owners and tenants etc.

9. It shall be an offence for a person being the owner, tenant, occupier or person in charge of any place or premises, to permit or suffer such place or premises or any part thereof to be opened, kept or used for the purpose of smoking, administration or consumption of any controlled drug or for unlawful trafficking in or the unlawful manufacturing of a controlled drug.

Abetments and attempts punishable as offences.

10. Any person who abets the commission of or who attempts to commit or does any act preparatory to or in furtherance of the commission of any offence against this Act shall be guilty of such offence and shall be liable on conviction to the punishment provided for such offence.

Abetting or procuring commission of offences outside Brunei Darussalam.

11. It shall be an offence for a person to —

(a) aid, abet, counsel or procure the commission in any place outside Brunei Darussalam of an offence punishable under a corresponding law in force in that place; or

(b) do an act preparatory to, or in furtherance of, an act outside Brunei Darussalam which if committed in Brunei Darussalam would constitute an offence against this Act.

Offences by corporations.

12. Where any offence against this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in

any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against accordingly.

PART III

EVIDENCE, ENFORCEMENT AND PUNISHMENT

Certificate of corresponding law.

13. A document purporting to be issued by or on behalf of the government of a country and purporting to state the terms of a corresponding law in force in that country shall be admitted in evidence, in any proceedings for an offence against this Act, on its production by the prosecution without further proof, and such document shall be conclusive evidence that —

- (a) it is issued by or on behalf of the government of that country;
- (b) the terms of such law are as stated in the document; and
- (c) any facts stated in the document as constituting an offence under such law do constitute such offence.

Analyst's certificate.

14. (1) Notwithstanding any provision of any written law to the contrary, a certificate purporting to be signed by an analyst and purporting to relate to a controlled drug shall be admitted in evidence in any proceedings for an offence against this Act, on its production by the prosecution without proof of signature and, until the contrary is proved such certificate shall be *prima facie* evidence of all matters contained therein.

(2) In this section, “analyst” means —

(a) any Government chemist or any person employed for the time being wholly or partly on analytical work in any department of the Government;

[S 20/1989]

(b) any chemist employed by the Government of Singapore or Malaysia:

Provided that no such chemist shall, without his consent, be called as a witness in connection with any report signed by him; and

(c) any other person whom His Majesty the Sultan and Yang Di-Pertuan in Council* may, by notification published in the *Gazette*, declare by name or office to be an analyst for the purposes of this Act.

Presumption concerning trafficking. [S 20/1992]

15. Any person who is proved or presumed to have had in his possession more than —

[S 60/1999]

(a) 100 grammes of opium;

(b) 3 grammes of morphine;

(c) 2 grammes of diamorphine;

(d) 15 grammes of cannabis;

(e) 10 grammes of cannabis resin;

[S 42/1998]

(f) 3 grammes of cocaine;

[S 42/1998]

(g) 20 grammes of methylamphetamine; or

[S 42/1998]

(h) 2 grammes of any or any combination of the following —

(i) N, α -dimethyl-3,4-(methylenedioxy) phenethylamine (MDMA);

(ii) α -methyl-3, 4-(methylenedioxy) phenethylamine (MDA);

* Transferred to the Minister — [S 27/1987]

- (iii) N-ethyl- α -methyl-3, 4-(methylenedioxy) phenethylamine (N-ethyl MDA or MDEA); or
- (iv) N-methyl- α -ethyl-3, 4-(methylenedioxy) phenethylamine (MBDB),

[S 42/1998]

whether or not contained in any substance, extract, preparation or mixture shall, until the contrary is proved, be presumed to traffic in that controlled drug or have that controlled drug in his possession for the purpose of trafficking therein, as the case may be.

[S 60/1999]

Presumption of possession and knowledge of controlled drug.

16. (1) Any person who is proved to have had in his possession or custody or under his control —

- (a) anything containing a controlled drug;
- (b) the keys of anything containing a controlled drug;
- (c) the keys of any place or premises or any part thereof in which a controlled drug is found; or
- (d) a document of title relating to a controlled drug or any other document intended for the delivery of a controlled drug,

shall, until the contrary is proved, be presumed to have had such drug in his possession.

(2) Any person who is proved or presumed to have had a controlled drug in his possession shall, until the contrary is proved, be presumed to have known the nature of such drug.

(3) The presumption provided for in this section shall not be rebutted by proof that the accused never had physical possession of the controlled drug.

(4) Where one of two or more persons with the knowledge and consent of the rest has any controlled drug in his possession, it shall be deemed to be in the possession of each and all of them.

Presumption concerning premises.

17. (1) Whenever a pipe, syringe, utensil, apparatus or other article intended for the smoking, administration or consumption of a controlled drug is found in any place or premises, it shall be presumed, until the contrary is proved, that such place or premises is used for the purpose of smoking or administering a controlled drug.

(2) Any person found in or escaping from any place or premises which is proved or presumed to be used for the purpose of smoking or administering a controlled drug shall, until the contrary is proved, be presumed to have been smoking or administering a controlled drug in such place or premises.

Presumption relating to ship or aircraft.

18. If any controlled drug is found in any ship or aircraft it shall be presumed, until the contrary is proved, that such drug has been imported in such ship or aircraft with the knowledge of the master or the captain thereof.

Presumption relating to vehicle.

19. If any controlled drug is found in any vehicle it shall, until the contrary is proved, be presumed to be in the possession of the owner of the vehicle and of the person in charge of the vehicle for the time being.

Protection of informers.

20. (1) Except as provided in subsection (3) —

(a) no information for an offence against this Act shall be admitted in evidence in any civil or criminal proceedings; and

(b) no witness in any civil or criminal proceedings shall be obliged to —

- (i) disclose the name and address of any informer who has given information with respect to an offence against this Act; or
- (ii) answer any question if the answer thereto would lead, or would tend to lead, to the discovery of the name or address of such informer.

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

(3) If in any proceedings before a court for an offence against this Act the court, after full inquiry into the case, is satisfied that an informer wilfully made a material statement which he knew or believed to be false or did not believe to be true, or if in any other proceedings the court is of the opinion that justice cannot be fully done between the parties thereto without the disclosure of the name of an informer, the court may permit inquiry and require full disclosure concerning the informer.

Evidence of *agent provocateur* admissible. [S 42/1998]

20A. (1) Notwithstanding any rule of law, the provisions of this Act or any other written law to the contrary, no *agent provocateur* shall be presumed to be unworthy of credit by reason only of his having abetted or attempted to abet the commission of an offence by any person under this Act if the abetment or attempt to abet was for the sole purpose of securing evidence against such person.

(2) Notwithstanding any rule of law, the provisions of this Act or any other written law to the contrary, and that the *agent provocateur* is an officer of the Bureau, a police officer (whatever his rank) or any officer of customs, any statement, whether oral or in writing, made to an *agent provocateur* by any person who is subsequently charged with an offence under this Act shall be admissible as evidence at his trial.

Powers of search and seizure.

21. (1) An officer of the Bureau not below the rank of Senior Narcotics Officer or any officer of the Bureau authorised by him, a police officer not below the rank of Assistant Superintendent of Police or any police officer authorised by him or any senior officer of customs may at any time —

[S 20/1989; S 12/2012]

(a) without a warrant enter and search any place or premises in which he reasonably suspect that there is to be found a controlled drug or article liable to seizure;

(b) search any person found in such place or premises; and

(c) seize and detain any controlled drug found in such place or premises, or any article liable to seizure.

(2) For the purpose of exercising his power under this section an officer may, with such assistance as he deems necessary, break open any door, window, lock, fastener, floor, wall, ceiling, compartment, box, container or any other thing.

Special power of investigation. [S 59/2007]

21A. (1) Notwithstanding anything to the contrary in any other written law, the Director may, if he considers that any evidence of the commission of an offence against this Act or of any conspiracy to commit, or of an abetment of that offence, by any person is likely to be found in any book, receipt, voucher, electronic record or other document, in respect of the payment of money or the delivery of property to —

(a) that person;

(b) the spouse, parent or child of that person; or

(c) a person reasonably believed by the Director to be a trustee or agent for that person or the spouse, parent or child of that person,

by order authorise, in writing, any officer of the Bureau specified in such authorisation to inspect any such book, account, receipt, voucher, electronic record or other document.

(2) An officer authorised under subsection (1) may, at all reasonable times, enter any premises specified in the order and inspect any such book, account, receipt, voucher, electronic record or other document and may take copies thereof or of any part thereof.

(3) Any person who fails to produce any such book, account, receipt, voucher, electronic record or other document which is in his possession or control, is guilty of an offence.

(4) A person is not excused from producing or making available any material when required to do so by an order under this section on the ground that —

(a) the production or making available of the material might tend to incriminate him or make him liable to a penalty; or

(b) the production or making available of the material would be in breach of an obligation (whether imposed by law or otherwise) by him not to disclose the existence or contents of that material.

(5) Where an order under this section relates to an electronic record, such order shall have effect as an order to produce the record in a form which it is visible and legible.

(6) In this section —

“bank” means a company which carries on banking business and holds a licence granted under section 4 or 23 of the Banking Order, 2006 (S 45/2006);

“book” includes any ledger, day-book, cash-book, account-book and any other book and document used in the ordinary course of the business of a bank or of any other person;

“electronic record” means a record generated, communicated, received or stored by electronic, magnetic, optical or other means in an information system or for transmission from one information system to another.

Director may require information. [S 59/2007]

21B. (1) In the course of any investigation or proceeding into or relating to an offence by any person under this Act, of any conspiracy to commit or to attempt to commit, or into an abetment of any such offence, the Director may by written notice —

(a) require such person to furnish a sworn statement in writing enumerating all property belonging to or possessed by that person and by the spouse, parents and children of that person, and specifying the date on which each of the properties enumerated was acquired and whether it was acquired by way of purchase, gift, bequest, inheritance or otherwise;

(b) require such person to furnish a sworn statement in writing of any money or other property paid or disposed of by him during such period as may be specified in the order;

(c) require such person to furnish a sworn statement in writing enumerating all property belonging to or possessed by him where the Director has reasonable grounds to believe that such information may be relevant to that investigation or proceeding;

(d) require the person in charge of any department of Government or of any public body to produce or furnish as specified in the notice any document which is in his possession or under his control;

(e) require the manager of any bank (as defined in section 21A(6)) to give a copy of the account of such person or the spouse, parent or child of such person at the bank.

(2) Every person to whom a notice is sent by the Director under subsection (1) shall, notwithstanding the provisions of any other written law or of any oath of secrecy to the contrary, comply with the terms of that notice within such time as may be specified therein, and any person who wilfully neglects, or who fails so to comply shall be guilty of an offence.

Surrender of travel document. [*S 59/2007*]

21C. (1) A magistrate may, on the application of the Director or the Public Prosecutor, by written notice require any person who is the subject of an investigation in respect of an offence alleged or suspected to have been committed by him against this Act to surrender to the Director any travel document in his possession.

(2) A notice under subsection (1) shall be served personally on the person to whom it is addressed.

(3) A person on whom a notice under subsection (1) is served shall comply with such notice forthwith.

(4) If a person on whom a notice under subsection (1) has been served fails to comply with the notice forthwith, he may thereupon be arrested and taken before a magistrate.

(5) Where a person is taken before a magistrate under subsection (4), the magistrate shall, unless such person thereupon complies with the notice under subsection (1) or satisfies the magistrate that he does not possess a travel document, by warrant commit him to prison to be safely kept there until —

(a) the expiry of the period of 28 days from the date of such committal to prison; or

(b) such person complies with the notice under subsection (1) and a magistrate, by order in that behalf, has directed the Superintendent of Prisons to discharge such person from prison (which order shall be sufficient authority for the Superintendent of Prisons so to do),

whichever occurs first.

(6) A travel document which is surrendered to the Director under this section may be detained for 6 months from the date on which it was surrendered and may be detained for a further 6 months thereafter if a magistrate, on application by the Director or the Public Prosecutor, is satisfied that the investigation could not reasonably be completed before the date of such application and authorises such further detention.

(7) All proceedings before a magistrate under this section shall be in chambers.

(8) In this section, “travel document” means a passport or other document establishing the identity or nationality of the holder.

Power of arrest.

22. (1) An officer of the Bureau, a police officer or an officer of customs may arrest without a warrant any person who has committed or whom he reasonably suspects to have committed an offence against this Act. [S 20/1989]

(2) Any person so arrested shall, together with any article which is liable to seizure, be taken to the Narcotics Control Bureau, a police station or a customs station and may be searched. [S 20/1989]

(3) No female shall be searched under this Act except by a female officer.

(4) An officer making an arrest under this section may seize and detain any article liable to seizure.

(5) A Senior Narcotics Officer has the same powers as are possessed under section 347 of the Criminal Procedure Code (Chapter 7) by a police officer not below the rank of Inspector to admit to bail any person arrested under subsection (1). [S 24/1991]

Procedure where investigation cannot be completed within 24 hours by police officer. [S 8/1987]

22A. (1) Whenever any person is arrested and detained in custody by an officer of the Bureau or a police officer for an offence against this Act and it appears that the investigation cannot be completed within a period of 48 hours from the time that the person is arrested —

(a) an officer of the Bureau or a police officer may produce such person before a magistrate; and

(b) the magistrate may, whether he has or has no jurisdiction to try the case, authorise the detention of such person in such custody as such magistrate thinks fit for a term not exceeding 15 days in the whole.

[S 20/1989; S 59/2007]

(2) If a magistrate acting under subsection (1) does not have jurisdiction to try the case and considers further detention unnecessary, he may if the case is triable exclusively by the High Court, order such person to be produced before himself or any magistrate with a view to transmitting the case for trial by the High Court.

Power to search ship, hovercraft, aircraft or vehicle and person, arriving in or departing from Brunei Darussalam.

23. (1) An officer of the Bureau, a police officer or an officer of customs may —

[S 20/1989]

(a) stop, board and search any ship, hovercraft, aircraft or vehicle if he has reason to suspect that there is therein any controlled drug in contravention of this Act or any article liable to seizure;

(b) search any person in such ship, hovercraft, aircraft or vehicle; and

(c) search any person arriving in Brunei Darussalam or about to depart from Brunei Darussalam.

(2) An officer may seize and detain any controlled drug or article liable to seizure as a result of any search under this section, and may seize and detain any ship, hovercraft, aircraft or vehicle which has been used in the commission of or in connection with an offence against this Act.

Forfeiture of controlled drug and articles seized.

24. (1) Whenever anything is seized under this Act, the seizing officer shall forthwith give notice in writing of such seizure to the owner of such thing, if known, either by delivering such notice to him personally or by post at his place of abode if known:

Provided that such notice shall not be required to be given where such seizure is made in the presence of the offender or the owner or his agent, or in the case of a ship or aircraft, in the presence of the master or captain thereof.

(2) An order for the forfeiture of any controlled drug or article shall be made if it is proved to the satisfaction of a court that an offence against

this Act has been committed and that such controlled drug or article was the subject matter of or was used in the commission of the offence notwithstanding that no person may have been convicted of such offence.

(3) If there is no prosecution with regard to any controlled drug or article seized under this Act, such drug or article shall be deemed to be forfeited at the expiration of one month from the date of the seizure thereof unless a claim thereto has been made before that date in such manner as may be prescribed.

Legal adviser and privileged information. [S 59/2007]

24A. (1) Nothing in this Act shall require the disclosure by a legal adviser of any privileged information, communication, book, document or other article which came to his knowledge for the purpose of any proceeding, begun or in contemplation, before a court or to enable him to give legal advice to his client.

(2) In this section, “legal adviser” means a person who has been admitted as an advocate and solicitor under the Legal Profession Act (Chapter 132).

(3) The privilege conferred by this section on a legal adviser shall extend to an employee of the legal adviser:

Provided that any article held with the intention of furthering a criminal purpose is not a privileged item under this section.

Forfeiture of ship, hovercraft, aircraft or vehicle.

25. Where a person has been convicted of an offence under this Act, the court may order to be forfeited to the Government any ship, hovercraft, aircraft or vehicle which has been proved to have been used in any manner in connection with such offence except that —

(a) this section shall not apply to any ship or hovercraft of more than 200 tons net or to any aircraft belonging to any person carrying on a regular passenger service to and from Brunei Darussalam by means of such aircraft; and

(b) no ship, hovercraft, aircraft or vehicle shall be forfeited under this section if it is established by the owner thereof that such ship, hovercraft, aircraft or vehicle was unlawfully in the possession of another person without the owner's consent.

Disposal of things forfeited.

26. (1) All things which are forfeited to the Government under this Act shall be disposed of in such manner as the Minister thinks fit.

(2) The Minister may, in his discretion and after any proceedings under this Act are concluded, entertain and give effect to any claim to or in respect of anything which has been forfeited to the Government.

Obstruction of inspection or search.

27. It shall be an offence for a person —

(a) to obstruct any officer of the Bureau, any police officer or officer of customs or other public officer in the exercise of any power under this Act;

[S 20/1989]

(b) to fail to comply with any lawful requirements of any officer of the Bureau, any police officer or officer of customs or other public officer in the execution of his duty under this Act;

[S 20/1989]

(c) to fail, without reasonable excuse, to furnish such information in his possession as may be required by an officer of the Bureau, a police officer or officer of customs or other public officer;
or

[S 20/1989]

(d) to furnish to any officer of the Bureau, any police officer or officer of customs or other public officer any information which he knows or has reason to believe to be false.

[S 20/1989]

Urine test.

28. (1) Any officer of the Bureau, any police officer not below the rank of sergeant or an immigration officer may, if he reasonably suspects that any person has any controlled drug in his body, require that person to provide a specimen of his urine for a urine test.

[S 20/1989]

(1A) A provost officer, or any member of the Royal Brunei Armed Forces legally exercising authority under a provost officer or on his behalf, may exercise the same power under subsection (1) in respect of any person who is subject to military law.

[S 59/2007]

(2) A person who, without reasonable excuse, fails to provide a specimen of his urine within such time as may be required by any officer referred to in subsection (1) or (1A) shall be guilty of an offence.

[S 59/2007]

(3) Any person (other than a citizen of Brunei Darussalam or a permanent resident) arriving in Brunei Darussalam by land, sea or air who —

(a) fails to comply with the requirement of an officer of the Bureau or an immigration officer under this section; or

[S 20/1989]

(b) is found as a result of a urine test to have consumed a controlled drug,

may be prohibited from entering or remaining in Brunei Darussalam.

(4) If any controlled drug is found in the urine of a person as a result of a urine test, he shall be presumed, until the contrary is proved, to have consumed that controlled drug in contravention of section 6(b).

Punishment of offences.

29. (1) The Second Schedule shall have effect in accordance with subsection (2), with respect to the way in which offences under this Act are punishable on conviction.

(2) In relation to an offence under a provision of this Act specified in the first column of the Second Schedule (the general nature of the offence being described in the second column) —

(a) the third, fourth and fifth columns show respectively the punishments to be imposed on a person convicted of the offence according to whether the controlled drug in relation to which the offence was committed was a Class A drug, a Class B drug or a Class C drug, except as otherwise provided in paragraph (b); and

(b) the sixth column shows the punishments to be imposed on a person convicted of the offence where the offence was committed —

(i) in the case of unauthorised manufacture, in relation to such specified controlled drug as is mentioned in the second column; and

(ii) in the case of unauthorised traffic or import or export, in relation to a specified quantity of such controlled drug (except opium) containing such quantity of morphine or diamorphine as is mentioned in the second column; and

(c) the seventh column shows the punishments to be imposed on a person convicted of the offence whether or not the offence was committed in relation to a controlled drug and, if it was so committed, irrespective of whether the drug was a Class A drug, a Class B drug or a Class C drug,

and in the third, fourth, fifth, sixth and seventh columns, a reference to a period gives the maximum or minimum term of imprisonment as is specified, a reference to a sum of money gives the maximum or minimum fine as is specified, and a reference to a number of strokes gives the number of strokes of whipping with which the offender shall, subject to sections 257, 258, 259 and 260 of the Criminal Procedure Code (Chapter 7), be punished.

(3) Any person convicted of any offence under Part II (except section 6) shall, if the offence is a second or subsequent offence, be liable to twice the punishments provided for that offence:

[S 20/1992]

Provided that no person shall be punished with a sentence of whipping exceeding the number of strokes appropriate to his case under the provisions of section 257(1) or (5) of the Criminal Procedure Code (Chapter 7).

(3A) If any person convicted of an offence under section 6 is again convicted of a similar offence, he shall be liable —

(a) in the case of an offence under paragraph (a), to imprisonment for a term of not less than 2 years;

(b) in the case of an offence under paragraph (b), to imprisonment for a term of not less than 3 years.

[S 20/1992]

(3B) If any person convicted of an offence under section 6(b) or 28(2) is subsequently convicted of an offence under section 28(2), he shall be liable to imprisonment for a term of not less than 3 years.

[S 59/2007]

(4) Where any person is convicted of any offence under Part II, the court shall consider a report of a Government medical officer and if the court is satisfied that it is necessary for such person to undergo treatment or rehabilitation or both at an approved institution, the court shall in addition to any punishment it may lawfully impose make an order requiring that person to be admitted as a resident to an approved institution for the purpose of such treatment or rehabilitation or both.

[S 36/1987; S 12/2010]

PART IV

GENERAL

Jurisdiction of courts and prosecution.

30. (1) A Court of a Magistrate shall have jurisdiction to hear and determine all proceedings under this Act and, notwithstanding any provision of any written law to the contrary, such Court shall have power to impose any penalty or combination of penalties provided for an offence under this Act not exceeding respectively 10 years imprisonment, a fine of \$20,000 and 10 strokes of whipping.

[S 60/1999]

(2) When any person is charged before a court with an offence under this Act or any regulation made thereunder, no further proceedings in respect thereof shall be taken against him without the consent in writing of the Public Prosecutor or a Deputy Public Prosecutor, except such as the court may think necessary by remand, whether in custody or otherwise, to secure the due appearances of the person charged.

Indemnity.

31. (1) The Government shall not be liable to make good any damage caused to any goods or property as a result of an entry, search or detention under the provision of this Act unless such damage is caused by the wilful neglect or default of an officer employed by the Government.

(2) In the event of any dispute as to the amount of any damage so caused the same shall be summarily ascertained and determined by a Court of a Magistrate.

Protection of persons acting under authority of Act.

32. Any person who does any act in pursuance or intended pursuance of any of the provisions of this Act or of any regulations made thereunder shall not be subject to any civil or criminal liability in respect thereof, whether on the ground of want of jurisdiction, mistake of law or fact, or any other ground, unless he has acted in bad faith or without reasonable care.

Voluntary supervision order. [S 59/2007]

32A. (1) A person who is an alleged drug addict may make an application in writing to the Director to undergo voluntary supervision under the Bureau for a period not exceeding one year.

(2) Any person who is related by blood or marriage to a person who is alleged to be a drug addict may make an application in writing for a supervision order to be made against the alleged drug addict, and the Director may thereupon make an order in writing requiring that person to undergo supervision and such order shall be for a period not exceeding one year.

Supervision, treatment and rehabilitation of drug addicts. [S 20/1992]

33. (1) The Director may require any person whom he reasonably suspects to be a drug addict to be medically examined or observed by a Government medical officer or a medical practitioner.

[S 20/1989]

(2) If as a result of such medical examination or observation under subsection (1) or of a urine test conducted under section 28, it appears to the Minister that it is necessary for any person examined or observed, or who supplied the urine specimen for the urine test —

(a) to be subject to supervision, the Minister may make a supervision order requiring that person to be subject to the supervision of an officer of the Bureau for a period not exceeding 2 years; or

(b) to undergo treatment or rehabilitation or both at an approved institution, the Minister may make an order in writing requiring that person to be admitted for that purpose to an approved institution.

[S 36/1987; S 20/1992]

(2A) Every person who has been admitted to an approved institution under this section or under section 29(4) shall be detained in the approved institution for a period of 6 months unless he is earlier discharged by the Minister.

[S 36/1987]

(2B) If the Minister, after considering a report of an Advisory Committee, is of the opinion that a resident whose period of detention therein is about to expire requires further treatment or rehabilitation or both, the Minister may by order in writing direct that the resident be detained in the approved institution for a further period or periods not exceeding 6 months at any one time:

[S 12/2010]

Provided that no person in respect of whom an order has been made under subsection (2) or section 29(4) shall be detained in an approved institution for a period of more than 3 years after his admission to any approved institution pursuant to that order.

[S 36/1987]

(3) A person who is a drug addict may volunteer to undergo treatment and rehabilitation at an approved institution and any statement made by such person for the purpose of undergoing such treatment shall not be admissible in evidence against him in respect of any subsequent prosecution for an offence under this Act.

[S 20/1992]

(4) The Director may admit any drug addict for voluntary treatment and rehabilitation at an approved institution subject to such conditions as the Director may determine.

[S 12/2012]

(5) Every person who has been admitted to an approved institution under subsection (4) shall be detained in the approved institution for a period of not less than 6 months, unless he is earlier discharged by the Director, where such period shall not exceed 3 years.

[S 12/2012]

Administration of approved institutions. *[S 20/1992]*

33A. Subject to the directions of the Minister, approved institutions shall be under the general charge and administration of the Director.

[S 5/2008]

Lawful custody. *[S 12/2012]*

33B. Every person who has been admitted to an approved institution shall be deemed to be in the lawful custody of the Director.

Regulations.

34. (1) His Majesty the Sultan and Yang Di-Pertuan in Council* may make regulations —

(a) providing for the issue of licences for the importation, exportation, sale, manufacture, production or distribution of controlled drugs;

(b) prescribing the form, duration and terms and conditions of any licence and the fees payable therefor, and providing for the cancellation and suspension thereof;

(c) authorising the sale or possession or other dealing in controlled drugs and prescribing the circumstances and conditions under which the persons by whom controlled drugs may be sold, had in possession or otherwise dealt in;

(d) requiring medical practitioners, dentists, pharmacists, veterinary surgeons and other persons who deal in controlled drugs as may be authorised by regulations made under this Act to keep records and make returns;

(e) requiring any medical practitioner who attends a person who he considers or has reasonable grounds to suspect is addicted to any controlled drug to furnish to the prescribed authority such particulars with respect to that person as may be prescribed;

(f) prohibiting any medical practitioner from administering, supplying and authorising the administration and supply to person addicted to controlled drugs, and from prescribing for such persons, such drugs;

(g) as to the packaging and labelling of controlled drugs;

* Transferred to the Minister with the approval of His Majesty the Sultan and Yang Di-Pertuan — [S 27/1987]

(h) regulating the transport of controlled drugs and the methods to be used for destroying or otherwise disposing of such drugs when no longer required;

(i) requiring precautions to be taken for the safe custody of controlled drugs;

(j) providing for the inspection of any precautions taken or records kept in pursuance of any regulations made under this section;

(k) providing for the treatment and rehabilitation of persons affected by the misuse of controlled drugs;

(ka) providing for the management, maintenance and inspection of approved institution;

[S 36/1987]

(kb) appointment of Advisory Committee for approved institution, prescribing the functions and procedure of Advisory Committee;

[S 36/1987]

(kc) providing for the control, disciplined (including the imposition of corporal punishment), occupation of residents and for the granting of leave to residents for the purpose of their employment outside an approved institution;

[S 36/1987; S 20/1992; S 12/2010]

(kd) prescribing the appointment and duties of officers of approved institution;

[S 36/1987]

(ke) providing for the supervision and aftercare of persons referred to in section 33(2)(a), or who have undergo treatment or rehabilitation at an approved institution or who have been convicted of an offence under section 6(b);

[S 36/1987; S 20/1992]

(l) prescribing the punishment by fine not exceeding \$10,000, imprisonment for a term not exceeding 4 years or both to be imposed on the conviction for a breach of any regulations;

(m) prescribing anything that may be prescribed; and

(n) generally for carrying out the purposes and provisions of this Act.

(2) Regulations made by His Majesty the Sultan and Yang Di-Pertuan in Council* under this section may —

(a) make different provisions in relation to different controlled drugs, different classes of persons or different cases or circumstances;

(b) make the opinion, consent or approval of a prescribed authority or authorised person material for the purposes of any provision;

(c) provide for the constitution and procedure of a tribunal to advise His Majesty the Sultan and Yang Di-Pertuan in Council* in any case of contravention of this Act or the regulations made thereunder by any medical practitioner, dentist, pharmacist, veterinary surgeon or other authorised person; and

(d) include such provisions as His Majesty the Sultan and Yang Di-Pertuan in Council* thinks fit for the purpose of affecting the transition from any provision made by or by virtue of the repealed Dangerous Drugs Enactment, 1956 (Enactment No. 14 of 1956) to any provision made by or by virtue of this Act.

(3) An inspector appointed pursuant to any regulation made by His Majesty the Sultan and Yang Di-Pertuan in Council* under this section shall be deemed to be a public servant for the purposes of the Penal Code (Chapter 22).

* Transferred to the Minister with the approval of His Majesty the Sultan and Yang Di-Pertuan — [S 27/1987]

Power of His Majesty the Sultan and Yang Di-Pertuan in Council* to amend First and Third Schedules. [S 59/2007]

35. His Majesty the Sultan and Yang Di-Pertuan in Council* may, by order published in the *Gazette*, amend the First and Third Schedules.

[S 59/2007]

* Transferred to the Minister with the approval of His Majesty the Sultan and Yang Di-Pertuan — [S 27/1987]

FIRST SCHEDULE

(sections 2 and 35)

CONTROLLED DRUGS

PART I

CLASS A DRUGS

1. The following substances and products —

Acetorphine
Acetylmethadol
Allylprodine
Alphacetylmethadol
Alphameprodine
Alphamethadol
Alphaprodine
2-amino-1-(2, 5-dimethoxy-4-methyl) phenylpropane
Amphetamine
Anileridine
Benzethidine
Benzylmorphine (3-benzyl-morphine)
Betacetylmethadol
Betameprodine
Betamethadol
Betaprodine
Bezitramide
4-Bromo-2, 5-Dimethoxy- α -methylphenethylamine (also known as
Brolamfetamine, 2C-B)
4-Bromo-2, 5-dimethoxyphenethylamine
Bufotenine
Cannabinol
Cannabinol derivatives
Cannabis and cannabis resin
Cathinone
Clonitazene
Coca leaf
Cocaine
Codoxime
Desomorphine
Dextromoramide
Diamorphine
Diampromide
Diethylthiambutene
Difenoxin

FIRST SCHEDULE

PART I — (continued)

Dihydroetorphine
Dihydromorphine
Dimenoxadole
Dimepheptanol
2, 5-Dimethoxy- α -methylphenethylamine (also known as DOM, STP)
N, α -dimethyl-3, 4-(methylenedioxy) phenethylamine (also known as MDMA)
3-(1, 2-dimethylheptyl)-1-hydroxy-7, 8, 9, 10 tetrahydro-6, 6, 9-trimethyl-6H-dibenzo [b, d] pyran
Dimethylthiambutene
Dioxaphetyl butyrate
Diphenoxylate
Dipipanone
Drotebanol
Ecgonine, and any derivative of ecgonine which is convertible to ecgonine or to cocaine
4-Ethyl-2, 5-dimethoxy- α -methylphenethylamine (also known as DOET)
N-ethyl- α -methyl-3, 4-(methylenedioxy) phenethylamine (also known as MDEA, N-ethyl MDA, MDE)
Ethylmethylthiambutene
Eticyclidine
Etonitazene
Etorphine
Etoxeridine
Etryptamine
Furethidine
Hydrocodone
Hydromorphinol
Hydromorphone
N-[α -methyl-3, 4-(methylenedioxy) phenethyl] hydroxylamine (also known as N-hydroxy MDA, MDOH)
Hydroxypethidine
Isomethadone
Ketobemidone
Levomethorphan
Levomoramide
Levophenacymorphan
Levorphanol
Lysergamide
Lysergide and other N-alkyl derivatives of lysergamide
Mescaline
Metazocine
Methadone
Methadyl acetate

FIRST SCHEDULE

PART I — (continued)

Methcathinone
3-methoxy- α -methyl-4, 5-(methylenedioxy) phenethylamine (also known as MMDA)
5-Methoxy-N, N-diisopropyltryptamine
p-methoxy- α -methylphenethylamine (also known as PMA)
4-methylaminorex
Methylamphetamine (also known as Methamphetamine)
Methyldesorphine
N-Methyl- α -ethyl-3, 4-(methylenedioxy) phenethylamine (also known as MBDB)
Methyldihydromorphine (also known as 6-methyldihydromorphine)
4-methylthioamphetamine
Metopon
Monoacetylmorphine
Morpheridine
Morphine
Morphine methobromide, morphine *N*-oxide and other pentavalent nitrogen morphine derivatives
Myrophine
Nicomorphine (also known as 3, 6-dinicotinoyl-morphine)
Noracymethadol
Norlevorphanol
Normethadone
Normorphine
Norpipanone
Opium
Oxycodone
Oxymorphone
Parahexyl (also known as 3-hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl 6H-dibenzo [b, d] pyran)
Pethidine
Phenadoxone
Phenampramide
Phenazocine
Phenomorphane
Phenoperidine
Piminodine
Piritramide
Poppy-straw and concentrate of poppy-straw
Proheptazine
Propoperidine (also known as 1-methyl-4-phenyl-piperidine-4-carboxylic acid isopropyl ester)
Psilocin
Psilocybine

FIRST SCHEDULE

PART I — (continued)

Racemethorphan
 Racemoramide
 Racemorphan
 Remifentanyl
 Rolicyclidine
 α -Methyl-3, 4-(methylenedioxy) phenethylamine (also known as Tenamfetamine)
 Tenocyclidine
 Thebacon
 Thebaine
 Tilidine
 Trimeperidine
 3, 4, 5-Trimethoxy- α -methylphenethylamine (also known as TMA)
 4-Cyano-2-dimethylamino-4, 4-diphenylbutane
 4-Cyano-1-methyl-4-phenyl-piperidine
N, N-Diethyltryptamine
 2, 5-Dimethoxy-4, α -dimethylphenethylamine
N, N-Dimethyltryptamine
 1-Hydroxy-3-pentyl-6a, 7, 10, 10a-tetra hydro-6, 6, 9-trimethyl-6-H-dibenzo
 [b, d] pyran
 1-Methyl-4-phenylpiperidine-4-carboxylic acid
 2-Methyl-3-morpholino-1, 1-diphenylpropanecarboxylic acid
 3-methylthiofentanyl
 4-Phenylpiperidine-4-carboxylic acid ethyl ester.

2. Any stereoisomeric form of a substance for the time being specified in paragraph 1 not being dextromethorphan or dextrorphan.
3. Any ester or ether of a substance for the time being specified in paragraph 1 or 2 not being a substance for the time being specified in Part II.
4. Any salt of a substance for the time being specified in any of paragraphs 1 to 3.
5. Any preparation or other products containing a substance or product for the time being specified in any of paragraphs 1 to 4.
6. Any preparation designed for administration by injection which includes a substance or product for the time being specified in any of paragraphs 1 to 3 of Part II.

FIRST SCHEDULE

PART I — *(continued)*

7. Fentanyl and any compounds structurally derived from N-(1-Methyl-4-piperidyl)-N-phenylformamide by substitution of any of the hydrogen atoms, including the following; and any salt of any substance falling within this item —

Alfentanil
Alpha-Methyl fentanyl
Alpha-Methyl fentanyl Acetanilide
Alpha-Methylthiofentanyl
Benzyl fentanyl
Beta-hydroxy fentanyl
Carfentanil
Lofentanil
3-Methyl fentanyl
para-fluorofentanyl
Sufentanil
Thiofentanyl.

PART II

CLASS B DRUGS

1. The following substances and products —

Acetyldihydrocodine
Codeine
Dextropropoxyphene
Dihydrocodeine
Ethylmorphine (3-ethylmorphine)
Fentanyl
Ketamine
Methylphenidate
Nicocodine
Nicodicodine
Nimetazepam
Nitrazepam
Norcodeine
Norketamine and its dehydro derivatives
Phencyclidine
Phenmetrazine
Pholcodine

FIRST SCHEDULE

PART II — *(continued)*

Propiram
Zipeprol.

2. Any stereoisomeric form of a substance for the time being specified in paragraph 1.
3. Any salt of a substance for the time being specified in paragraph 1 or 2.
4. Any preparation or other product containing a substance or product for the time being specified in any of paragraphs 1 to 3, not being a preparation falling within paragraph 6 of Part I.

PART III

CLASS C DRUGS

1. The following substances —

Benzphetamine
Chlorphentermine
Mephentermine
Methaqualone
Phendimetrazine
Pipradrol.

2. Any stereoisomeric form of a substance for the time being specified in paragraph 1.
3. Any salt of a substance for the time being specified in paragraph 1 or 2.
4. Any preparation or other product containing a substance for the time being specified in any of paragraphs 1 to 3.

PART IIIA

CLASS D DRUGS

1. The following substances —

Bromazepam

FIRST SCHEDULE

PART III — (continued)

Buprenorphine
Diazepam
Dimethylamphetamine
Flunitrazepam
Flurazepam
Gamma hydroxybutyric acid (GHB)
Mecloqualone
Mitragynine
Norbuprenorphine
Perphenazine
Secobarbital
Triazolam.

2. Any stereoisomeric form of a substance for the time being specified in paragraph 1.
3. Any salt of a substance for the time being specified in paragraphs 1 and 2.
4. Any preparation or other product containing a substance for the time being specified in any of paragraphs 1 to 3.

PART IV

MEANING OF CERTAIN EXPRESSION USED IN THIS SCHEDULE

For the purpose of this Schedule —

“cannabinol derivative” means the following substances, except where contained in cannabis or cannabis resin, namely tetrahydro derivatives of cannabinol and 3-akyl homologues of cannabinol or of its tetrahydro derivatives;

“coca leaf” means the leaf of any plant of the *genus erythroxylon* from whose leaves cocaine can be extracted either directly or by chemical transformation;

“concentrate of poppy-straw” means the material produced when poppy-straw has entered into a process for the concentration of its alkaloids;

“opium poppy” means any plant from which morphine may be produced;

“preparation” means a mixture, solid or liquid, containing a controlled drug;

“poppy-straw” means all parts, except the seeds, of the opium poppy, after mowing.

[S 28/1994; S 42/1998; S 12/2012]

SECOND SCHEDULE

(section 29)

PUNISHMENT

Section creating offence	General nature of offence	Class A drug involved	Class B drug involved	Class C drug involved	Class D drug involved	Specified drug or quantity thereof or drug with specified content involved	General
3	Unauthorised traffic in controlled drug, except as otherwise provided in this Schedule	Maximum 20 years and 15 strokes Minimum 5 years and 5 strokes	Maximum 20 years and 10 strokes Minimum 3 years and 3 strokes	Maximum 10 years and 5 strokes Minimum 2 years and 2 strokes	Maximum 5 years and 3 strokes Minimum 1 year and 1 stroke	—	—
	Unauthorised traffic in opium, where the quantity is —						
	(a) not less than 800 grammes and not more than 1200 grammes	—	—	—	—	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—
	(b) more than 1200 grammes	—	—	—	—	Death	—
	Unauthorised traffic in controlled drug containing such quantity of morphine being —						
	(a) not less than 10 grammes and not more than 15 grammes	—	—	—	—	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—
	(b) more than 15 grammes	—	—	—	—	Death	—
	Unauthorised traffic in controlled drug containing such quantity of diamorphine being —						

SECOND SCHEDULE

PUNISHMENT — (continued)

Section creating offence	General nature of offence	Class A drug involved	Class B drug involved	Class C drug involved	Class D drug involved	Specified drug or quantity thereof or drug with specified content involved	General
	(a) not less than 10 grammes and not more than 15 grammes	—	—	—	—	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—
	(b) more than 15 grammes	—	—	—	—	Death	—
	Unauthorised traffic in cocaine, where the quantity is —						
	(a) not less than 20 grammes and not more than 30 grammes	—	—	—	—	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—
	(b) more than 30 grammes	—	—	—	—	Death	—
	Unauthorised traffic in cannabis, where the quantity is —						
	(a) not less than 330 grammes and not more than 500 grammes	—	—	—	—	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—
	(b) more than 500 grammes	—	—	—	—	Death	—
	Unauthorised traffic in cannabis resin, where the quantity is —						
	(a) not less than 130 grammes and not more than 200 grammes	—	—	—	—	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—

SECOND SCHEDULE

PUNISHMENT — (continued)

Section creating offence	General nature of offence	Class A drug involved	Class B drug involved	Class C drug involved	Class D drug involved	Specified drug or quantity thereof or drug with specified content involved	General
	(b) more than 200 grammes	—	—	—	—	Death	—
	Unauthorised traffic in methylamphetamine, where the quantity is —						
	(a) not less than 20 grammes and not more than 50 grammes	—	—	—	—	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—
	(b) more than 50 grammes	—	—	—	—	Death	—
	Unauthorised traffic in controlled drugs containing such quantity of methylenedioxy-methamphetamine, (MDMA) being —						
	(a) not less than 10 grammes and not more than 15 grammes	—	—	—	—	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—
	(b) more than 15 grammes	—	—	—	—	Death	—
3A	Unauthorised possession of controlled drug for the purpose of trafficking therein, except as otherwise provided in this Schedule	Maximum 20 years and 15 strokes Minimum 5 years and 5 strokes	Maximum 20 years and 10 strokes Minimum 3 years and 3 strokes	Maximum 10 years and 5 strokes Minimum 2 years and 2 strokes	Maximum 5 years and 3 strokes Minimum 1 year and 1 stroke	—	—
	Unauthorised possession of controlled drug for the purpose of trafficking therein, containing such quantity of opium being —						

SECOND SCHEDULE

PUNISHMENT — (continued)

Section creating offence	General nature of offence	Class A drug involved	Class B drug involved	Class C drug involved	Class D drug involved	Specified drug or quantity thereof or drug with specified content involved	General
	(a) not less than 1000 grammes and not more than 1500 grammes	—	—	—	—	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—
	(b) more than 1500 grammes	—	—	—	—	Death	—
	Unauthorised possession of controlled drug for the purpose of trafficking therein (except opium), containing such quantity of morphine being —						
	(a) not less than 20 grammes and not more than 30 grammes	—	—	—	—	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—
	(b) more than 30 grammes	—	—	—	—	Death	—
	Unauthorised possession of controlled drug for the purpose of trafficking therein, containing such quantity of diamorphine being —						
	(a) not less than 20 grammes and not more than 30 grammes	—	—	—	—	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—
	(b) more than 30 grammes	—	—	—	—	Death	—
	Unauthorised possession of controlled drug for the purpose of trafficking therein, containing such quantity of cocaine being —						

SECOND SCHEDULE

PUNISHMENT — (continued)

Section creating offence	General nature of offence	Class A drug involved	Class B drug involved	Class C drug involved	Class D drug involved	Specified drug or quantity thereof or drug with specified content involved	General
	(a) not less than 30 grammes and not more than 40 grammes	—	—	—	—	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—
	(b) more than 40 grammes	—	—	—	—	Death	—
	Unauthorised possession of controlled drug for the purpose of trafficking therein, containing such quantity of cannabis being —						
	(a) not less than 400 grammes and not more than 600 grammes	—	—	—	—	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—
	(b) more than 600 grammes	—	—	—	—	Death	—
	Unauthorised possession of controlled drug for the purpose of trafficking therein, containing such quantity of cannabis resin being —						
	(a) not less than 200 grammes and not more than 300 grammes	—	—	—	—	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—
	(b) more than 300 grammes	—	—	—	—	Death	—
	Unauthorised possession of controlled drugs for the purpose of trafficking therein, containing such quantity of methylamphetamine being —						

SECOND SCHEDULE

PUNISHMENT — (continued)

Section creating offence	General nature of offence	Class A drug involved	Class B drug involved	Class C drug involved	Class D drug involved	Specified drug or quantity thereof or drug with specified content involved	General
	(a) not less than 40 grammes and not more than 100 grammes	—	—	—	—	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—
	(b) more than 100 grammes	—	—	—	—	Death	—
	Unauthorised possession of controlled drugs for the purpose of trafficking therein, containing such quantity of methylenedioxymethamphetamine (MDMA) being —						
	(a) not less than 20 grammes and not more than 30 grammes	—	—	—	—	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—
	(b) more than 30 grammes	—	—	—	—	Death	—
4	Unauthorised manufacture of controlled drug, except as otherwise provided in this Schedule	Maximum 30 years and 15 strokes Minimum 10 years and 5 strokes	Maximum 30 years and 15 strokes Minimum 10 years and 5 strokes	Maximum 20 years and 15 strokes Minimum 5 years and 5 strokes	Maximum 10 years and 10 strokes Minimum 3 years and 3 strokes	—	—
	Unauthorised manufacture of morphine or any salt of morphine, ester of morphine or salt of ester of morphine	—	—	—	—	Death	—
	Unauthorised manufacture of diamorphine or any salt of diamorphine	—	—	—	—	Death	—
	Unauthorised manufacture of cocaine or any salt of cocaine	—	—	—	—	Death	—

SECOND SCHEDULE

PUNISHMENT — (continued)

Section creating offence	General nature of offence	Class A drug involved	Class B drug involved	Class C drug involved	Class D drug involved	Specified drug or quantity thereof or drug with specified content involved	General
	Unauthorised manufacture of methylamphetamine	—	—	—	—	Death	—
	Unauthorised manufacture of methylenedioxy-methamphetamine (MDMA)	—	—	—	—	Death	—
5	Unauthorised import or export of controlled drug, except as otherwise provided in this Schedule	Maximum 30 years and 15 strokes Minimum 5 years and 5 strokes	Maximum 30 years and 15 strokes Minimum 5 years and 5 strokes	Maximum 20 years and 15 strokes Minimum 3 years and 5 strokes	Maximum 10 years and 10 strokes	—	—
	Unauthorised import or export of opium, where the quantity is —						
	(a) not less than 800 grammes and not more than 1200 grammes	—	—	—	—	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—
	(b) more than 1200 grammes	—	—	—	—	Death	—
	Unauthorised import or export of controlled drug (except opium), containing such quantity of morphine being —						
	(a) not less than 10 grammes and not more than 15 grammes	—	—	—	—	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—
	(b) more than 15 grammes	—	—	—	—	Death	—
	Unauthorised import or export of controlled drug, containing such quantity of diamorphine being —						

SECOND SCHEDULE

PUNISHMENT — (continued)

Section creating offence	General nature of offence	Class A drug involved	Class B drug involved	Class C drug involved	Class D drug involved	Specified drug or quantity thereof or drug with specified content involved	General
	(a) not less than 10 grammes and not more than 15 grammes	—	—	—	—	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—
	(b) more than 15 grammes	—	—	—	—	Death	—
	Unauthorised import or export of controlled drug, containing such quantity of cocaine being —						
	(a) not less than 20 grammes and not more than 30 grammes	—	—	—	—	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—
	(b) more than 30 grammes	—	—	—	—	Death	—
	Unauthorised import or export of cannabis, where the quantity is —						
	(a) not less than 330 grammes and not more than 500 grammes	—	—	—	—	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—
	(b) more than 500 grammes	—	—	—	—	Death	—
	Unauthorised import or export of cannabis resin, where the quantity is —						
	(a) not less than 130 grammes and not more than 200 grammes	—	—	—	—	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—

SECOND SCHEDULE

PUNISHMENT — (continued)

Section creating offence	General nature of offence	Class A drug involved	Class B drug involved	Class C drug involved	Class D drug involved	Specified drug or quantity thereof or drug with specified content involved	General
	(b) more than 200 grammes	—	—	—	—	Death	—
	Unauthorised import or export of methylamphetamine, where the quantity is —						
	(a) not less than 20 grammes and not more than 50 grammes	—	—	—	—	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—
	(b) more than 50 grammes	—	—	—	—	Death	—
	Unauthorised import or export of controlled drugs, containing such quantity of methylenedioxy-methamphetamine (MDMA) being —						
	(a) not less than 10 grammes and not more than 15 grammes	—	—	—	—	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—
	(b) more than 15 grammes	—	—	—	—	Death	—
6(a)	Unauthorised possession of controlled drug	Maximum 10 years, \$20,000 or both For second or subsequent offence, Minimum 2 years	Maximum 10 years, \$20,000 or both For second or subsequent offence, Minimum 2 years	Maximum 10 years, \$20,000 or both For second or subsequent offence, Minimum 2 years	Maximum 5 year, \$10,000 or both	—	—

SECOND SCHEDULE

PUNISHMENT — (continued)

Section creating offence	General nature of offence	Class A drug involved	Class B drug involved	Class C drug involved	Class D drug involved	Specified drug or quantity thereof or drug with specified content involved	General
6(b)	Smoking, self-administering or consuming controlled drug	Maximum 10 years, \$20,000 or both For second or subsequent offence, Minimum 3 years	Maximum 10 years, \$20,000 or both For second or subsequent offence, Minimum 3 years	Maximum 10 years, \$20,000 or both For second or subsequent offence, Minimum 3 years	Maximum 5 year, \$10,000 or both	—	—
7	Possession of pipe etc. for smoking, administration or consumption of controlled drug	—	—	—	—	—	Maximum 3 years, \$10,000 or both
8	Cultivation of cannabis, opium, coca plant	—	—	—	—	—	Maximum 20 years, \$40,000 or both Minimum 3 years, \$5,000 or both
8A	Manufacture, supply, possession, import or export of equipment, materials or substances useful for manufacture of controlled drugs	—	—	—	—	—	Maximum 20 years, \$200,000 or both
9	Being the owner, tenant, occupier or person in charge of premises, permitting or suffering certain activities to take place there	Maximum 10 years, \$40,000 or both Minimum 2 years, \$4,000 or both	Maximum 10 years, \$40,000 or both Minimum 2 years, \$4,000 or both	Maximum 5 years, \$10,000 or both Minimum 1 year, \$2,000 or both	Maximum 3 year, \$10,000 or both	—	—
11	Abetting or procuring the commission outside Brunei Darussalam of an offence punishable under a corresponding law	—	—	—	—	—	Maximum 10 years, \$40,000 or both Minimum 2 years, \$4,000 or both
21A(3)	Failure to produce books etc.	—	—	—	—	—	Maximum 1 year, \$5,000 or both

SECOND SCHEDULE

PUNISHMENT — *(continued)*

Section creating offence	General nature of offence	Class A drug involved	Class B drug involved	Class C drug involved	Class D drug involved	Specified drug or quantity thereof or drug with specified content involved	General
21B(2)	Failure to comply with terms of notice	—	—	—	—	—	Maximum 1 year, \$10,000 or both
27(a)	Obstructing exercise of powers	—	—	—	—	—	Maximum 3 years, \$5,000 or both Minimum 6 months, \$1,000 or both
27(b)	Failure to comply with lawful requirements	—	—	—	—	—	Maximum 3 years, \$5,000 or both Minimum 6 months, \$1,000 or both
27(c)	Failure to furnish information	—	—	—	—	—	Maximum 3 years, \$5,000 or both Minimum 6 months, \$1,000 or both
27(d)	Furnishing false information	—	—	—	—	—	Maximum 1 year, \$5,000 or both
28(2)	Failure to provide specimen of urine						Maximum \$5,000

*[S 20/1984; S 8/1987; S 20/1992;
S 28/1994; S 42/1998; S 7/2002;
S 59/2007]*

THIRD SCHEDULE

(sections 2 and 35)

CONTROLLED EQUIPMENT, MATERIALS OR SUBSTANCES USEFUL
FOR MANUFACTURING CONTROLLED DRUGS

PART I

1. The following substances —

N-acetylanthranilic acid also known as N-Acetyl-*o*-aminobenzoic acidEphedrine also known as β -Hydroxy-N-methylamphetamineErgometrine also known as Ergonovine or Ergobasine or [8 β (S)]-9,
10-Didehydro-N-(2-hydroxy-1-methylethyl)-6-methyl-6-methylergoline-8-
carboxamideErgotamine also known as 12'-Hydroxy-2'-methyl-5' α -(phenylmethyl)ergotaman-
3',6',18'-trione

Isosafrole also known as 1,2-(Methylenedioxy)-4-propenylbenzene

Lysergic acid also known as 9,10-Didehydro-6-methylergoline-8 β -carboxylic acid
3,4-methylenedioxyphenyl-2-propanone

Norephedrine

Norpseudoephedrine

1-Phenyl-2-propanone also known as Phenylacetone

Piperonal also known as 3,4-(Methylenedioxy) benzaldehyde or
PiperonylaldehydePseudoephedrine also known as β -Hydroxy-N-methylamphetamine

Safrole also known as 4-Allyl-1,2-methylenedioxybenzene.

2. The salts of the substances listed in paragraph 1 of this Part whenever the
existence of such salts is possible.

PART II

1. The following substances —

Acetic anhydride also known as Acetic oxide

Acetone also known as 2-Propanone or Dimethyl ketone

Anthranilic acid also known as *o*-Aminobenzoic acidEthyl ether also known as Ether or Diethyl ether or Ethyl oxide or Diethyl oxide or
Ethoxyethane or 1, 1'-Oxybisethane

Hydrochloric acid

Methyl ethyl ketone also known as 2-Butanone

Phenylacetic acid also known as Benzeneacetic acid or α -Toulic acid

THIRD SCHEDULE

PART II — *(continued)*

Piperidine also known as Hexahydropyridine

Potassium permanganate

Sulphuric acid

Toluene also known as Methylbenzene or Phenylmethane.

2. The salts of the substances listed in paragraph 1 of this Part whenever the existence of such salts is possible.

[S 59/2007]