

LAWS OF BRUNEI

CHAPTER 24

SEDITION

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CHAPTER 24
SEDITION

ARRANGEMENT OF SECTIONS

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SEDITION ACT

An Act to revise and unify the law relating to sedition

Commencement: 6th April 1948

Citation.

1. This Act may be cited as the Sedition Act.

Interpretation.

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

“import” includes to bring into Brunei Darussalam or to bring within the territorial waters of Brunei Darussalam whether or not anything is brought ashore and whether or not there is an intention to bring the same ashore;

“publication” includes all written or printed matter and everything, whether of a nature similar to written or printed matter or not, containing any visible representation, or by its form, shape, or in any manner capable of suggesting words or ideas, and every copy and reproduction of any publication;

“seditious publication” means a publication having a seditious intention.

Seditious intention.

3. (1) A seditious intention is an intention —

(a) to bring into hatred or contempt or to excite disaffection against His Majesty the Sultan and Yang Di-Pertuan or the Government;

(b) to excite the inhabitants of Brunei Darussalam to attempt to procure the alteration, otherwise than by lawful means, of any other matter in Brunei Darussalam as by law established;

(c) to bring into hatred or contempt or to excite disaffection against the administration of justice in Brunei Darussalam;

(d) to raise discontent or disaffection amongst the inhabitants of Brunei Darussalam;

(e) to promote feelings of ill-will and hostility between different classes of the population of Brunei Darussalam;

[S 34/05]

(f) to directly or indirectly lower or adversely affect, or otherwise bring into derogation, the rights, status, position, discretion, powers, privileges, sovereignty or prerogatives of His Majesty the Sultan and Yang Di-Pertuan, his Successors, His Consort or other members of the Royal Family; or

[S 34/05]

(g) to directly or indirectly lower or adversely affect the standing or prominence of the National Philosophy of Melayu Islam Beraja (known in English as Malay Islamic Monarchy);

[S 34/05]

but an act, speech or publication is not seditious by reason only that it intends —

- (i) to show that His Majesty the Sultan and Yang Di-Pertuan or the Government has been misled or mistaken in any of their measures;
- (ii) to point out errors or defects in the Government or Constitution of Brunei Darussalam as by law established or in legislation or in the administration of justice with a view to the remedying of such errors or defects;
- (iii) to persuade the inhabitants of Brunei Darussalam to attempt to procure by lawful means the alteration of any matter in Brunei Darussalam as by law established; or
- (iv) to point out, with a view to their removal, any matters which are producing or have a tendency to produce feelings of ill-will and enmity between different classes of the population of Brunei Darussalam.

(2) In determining whether the intention with which any act was done, any words were spoken, or any document was published, was or was

not seditious, every person shall be deemed to intend the consequences which would naturally follow from his conduct at the time and in the circumstances in which he so conducted himself.

Seditious offences.

4. (1) Any person who —
- (a) does or attempts to do, or makes preparation to do, or conspires with any person to do, any act with a seditious intention;
 - (b) utter any words with a seditious intention;
 - (c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication;
 - (d) imports any seditious publication, unless he has no reason to believe that it is seditious,

is guilty of an offence: Penalty, for the first offence a fine of \$5,000, imprisonment for 2 years, and for a subsequent offence, a fine and imprisonment for 3 years; such seditious publication shall be forfeited and may be destroyed or otherwise disposed of as the Attorney General directs.

(2) Any person who without lawful excuse has in his possession any seditious publication is guilty of an offence: Penalty, for the first offence, a fine of \$1,000, imprisonment for one year, and for a subsequent offence, a fine and imprisonment for 2 years; such publication shall be forfeited and may be destroyed or otherwise disposed of as the Attorney General directs.

(3) It shall be a defence to a charge under subsection (2) that, if the person charged did not know that the publication was seditious when it came into his possession, he did, as soon as the nature of the publication became known to him, deliver the publication to the officer in charge of the nearest police station.

Suspension of newspaper containing seditious matter. [S 34/05]

4A. (1) Whenever any person is convicted of publishing in any newspaper matter having a seditious intention, the court may, if it thinks fit, either *in lieu* of or in addition to any other punishment, make orders in respect of any of the following matters —

(a) prohibiting, either absolutely or except on conditions to be specified in the order, for any period not exceeding one year from the date of the order, the future publication of the newspaper;

(b) prohibiting, either absolutely or except on conditions to be specified in the order, for the period aforesaid, the publisher, proprietor or editor of that newspaper from publishing, editing or writing for any newspaper or from assisting, whether with money or money's worth, material, personal service or otherwise, in the publication, editing or reproduction of any newspaper;

(c) that for the period aforesaid any printing press used in the production of the newspaper be used only on conditions to be specified in the order or that it be seized by the police and detained by them for the period aforesaid.

(2) Any person who contravenes an order made under subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding 3 years or both.

(3) Nothing in this Act shall affect the power of the court to punish any person contravening an order made under this section for contempt of court:

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

Issue of search warrant.

5. (1) Any magistrate may issue a warrant empowering any police officer not below the rank of Inspector to enter upon any premises where any seditious publication is or may be reasonably suspected to be and search therein for any seditious publication.

(2) Whenever it appears to any police officer not below the rank of Inspector that there is reasonable cause to believe that in any premises there is concealed or deposited any seditious publication and he has good grounds for believing that by reason of the delay in obtaining a search warrant the object of the search is likely to be frustrated, he may enter and search such premises as if he were empowered to do so by a warrant issued under subsection (1).

Arrest without warrant.

6. Any police officer not below the rank of Inspector may arrest without warrant any person found or reasonably suspected of committing or attempting to commit or procuring or abetting any person to commit any offence against this Act, or reasonably suspected of the unlawful possession of any article liable to forfeiture thereunder.

Legal proceedings.

7. (1) No prosecution for an offence under section 4 shall be commenced except within 6 months after the offence is committed.

(2) A person shall not be prosecuted for an offence under section 4 without the written consent of the Attorney General.

Evidence.

8. No person shall be convicted of an offence under section 4 on the uncorroborated testimony of one witness.