

MISUSE OF DRUGS ACT
(CHAPTER 27)

MISUSE OF DRUGS (APPROVED INSTITUTIONS)
(TREATMENT AND REHABILITATION)
REGULATIONS

S 31/1987

Amended by
S 11/1990

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S 66/2007
S 7/2008
S 24/2010
S 25/2010
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SUBSIDIARY LEGISLATION

MISUSE OF DRUGS (APPROVED INSTITUTIONS) (TREATMENT AND REHABILITATION) REGULATIONS

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SUBSIDIARY LEGISLATION

Regulations made under section 34

MISUSE OF DRUGS (APPROVED INSTITUTIONS) (TREATMENT AND REHABILITATION) REGULATIONS

Commencement: 1st November 1987
[S 34/1987]

Citation.

1. These Regulations may be cited as the Misuse of Drugs (Approved Institutions) (Treatment and Rehabilitation) Regulations.

Interpretation.

2. In these Regulations, unless the context otherwise requires —

“Director” means the Director of the Narcotics Control Bureau;
[S 11/1990; S 7/2008]

“Medical Officer” means a Government Medical Officer who for the time being is assigned to perform the functions of a Medical Officer under these Regulations;

“resident” means a drug addict or abuser who is a resident of an approved institution and includes any person required by the Director to be medically examined or observed under section 33(1);
[S 11/1990; S 24/2010]

“Supervision Officer” means any person appointed by the Minister under regulation 12.

Supervision and control of approved institutions.

3. (1) Subject to any directions of the Minister, an approved institution shall be under the general charge and supervision of the Director.

[S 11/1990]

(2) Subject to any direction of the Director, the Officer-in-Charge of an approved institution shall be responsible for the occupation, discipline and control of the residents and may issue general orders which shall be observed by the residents.

[S 11/1990; S 24/2010]

[Subsidiary]

(3) Every resident shall, upon admission to an approved institution, be examined by a Medical Officer as soon as possible.

[S 24/2010]

Detoxication.

4. (1) Except as provided by regulation 5, every resident shall, upon completion of his medical examination, undergo a period of detoxication during which no medication shall be given unless in the opinion of a Medical Officer, it is necessary to save the resident's life.

[S 24/2010]

(2) The period of detoxication shall not exceed 14 days.

Age limit, fitness etc.

5. (1) No resident who is above the age of 55 years shall be subject to detoxication.

[S 24/2010]

(2) No resident who is certified by a Medical Officer to be medically unfit to undergo detoxication shall not be subject to detoxication but such resident shall undergo detoxication as soon as he is found fit by a Medical Officer to do so.

[S 24/2010]

(3) The Minister may for special reasons exempt any resident from undergoing detoxication.

[S 24/2010]

No visit during detoxication.

6. During the period of his detoxication, no person shall be allowed to visit a resident.

[S 24/2010]

Leave for employment.

7. (1) The Minister on the recommendation of the Director shall consider or review the case of every resident on his suitability for employment.

[S 24/2010]

(2) The Minister may grant a resident leave for employment with such employer as the Minister may specify.

[S 24/2010]

- (3) A resident who has been granted leave under sub-regulation (2) —
[S 24/2010]
- (a) shall not leave the approved institution without the approval of the Officer-in-Charge;
[S 11/1990]
- (b) shall not be absent from his work without good cause;
- (c) shall return to the approved institution immediately after completing his work for the day and report to the Officer-in-Charge;
[S 11/1990]
- (d) shall provide a specimen of his urine for urine test at such times as may be required by the Officer-in-Charge;
[S 11/1990]
- (e) shall not consume or have in his possession, any drug; and
- (f) shall not commit any act of gross misconduct or insubordination.
- (4) The Minister may at any time amend, vary or add to any of the conditions in sub-regulation (3).
- (5) For the purposes of this regulation, “officer” means the Director or his deputy or his assistant or the Officer-in-Charge or any officer attached to the approved institution.
[S 11/1990]

Appointment of Advisory Committee.

8. (1) An Advisory Committee may be appointed by the Minister for one or more approved institutions as the Minister thinks fit. The number of members of any Advisory Committee appointed by the Minister under this regulation shall be at the discretion of the Minister.

(2) An Advisory Committee of an approved institution shall whenever directed by the Minister review the case of every resident and submit a report to the Minister whether a resident should be discharged.

[S 25/2010]

[Subsidiary]

Cancellation of employment leave.

9. (1) If the Minister is satisfied that a resident has contravened or failed to comply with any of the conditions in regulation 7(3) or any amended or varied condition or any additional condition pursuant to regulation 7(4) or has for any reason ceased to be so employed, he may cancel the leave granted to the resident under regulation 7(2).

[S 24/2010]

(2) Any resident who fails to return to the approved institution after the leave granted to him has been cancelled under sub-regulation (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.

[S 11/1990; S 24/2010]

Leave to return to residence.

10. (1) A resident who has been granted leave for employment under regulation 7 may also be granted leave by the Director or, in his absence his deputy or assistant, to return to his place of residence at such times and subject to such conditions as the Director or, in his absence his deputy or his assistant, thinks fit.

[S 11/1990; S 24/2010]

(2) If the Minister is satisfied that a resident has contravened or failed to comply with any condition imposed under sub-regulation (1), he may cancel any leave granted to him under this regulation.

[S 24/2010]

Temporary release. [S 24/2012]

10A. (1) The Director or an officer authorised by him may order the temporary release of a resident from an approved institution for such period and subject to such conditions as the Director may determine.

(2) If the resident fails to comply with any such conditions, the Director or an officer authorised by him may terminate the order for temporary release and the resident shall be returned forthwith in the approved institution.

Payment for food.

11. (1) The Director may require a resident who is in receipt of any remuneration to pay for the food he consumes at the approved institution.

[S 24/2010]

(2) The rate of payment for the food consumed shall be determined by the Director from time to time.

Supervision Officers.

12. (1) The Minister may appoint Supervision Officers for the purposes of this regulation.

(2) The Director or any other officer authorised by the Minister may make an order directing a person who has been discharged from an approved institution or who has been convicted of an offence against section 6(b) to report to a Supervision Officer for the purpose of supervision for such period not exceeding 2 years as the Director or any other officer authorised by the Minister considers necessary and such person shall, during the period he is subject to supervision observe the following requirements —

[S 11/1990; S 7/2008]

(a) report to the Supervision Officer at such times and places as may be directed by the Supervision Officer;

(b) allow the Supervision Officer to visit his place of residence;

(c) not change his place of residence without the written authority of the Supervision Officer;

(d) not leave Brunei Darussalam without the approval of the Supervision Officer;

(e) immediately notify the Supervision Officer of any change in his employment;

(f) present himself at such times and places to provide a specimen of his urine for urine test as may be required by the Supervision Officer;

(g) not be found in any place or in the company of any person as may be specified by the Supervision Officer;

(h) present himself for counselling at such times and places and to such persons as may be directed by the Supervision Officer;

(i) not to have in his possession any controlled drug;

(j) not to smoke, administer to himself or otherwise consume any controlled drug.

(3) Without prejudice to the continuance of any order of supervision in force against him, any person subject to such an order who contravenes or fails to comply with any of the requirements of —

[Subsidiary]

(a) sub-regulation (2)(a), (f) or (h) 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; and

(b) sub-regulation (2)(b), (c), (d), (e) or (g) is guilty of an offence and liable on conviction to a fine not exceeding \$1,000, imprisonment for a term not exceeding 6 months or both.

(4) Where a person against whom an order of supervision is in force has contravened or failed to comply with any of the requirements of sub-regulation (2)(a), (f) or (h), the Director or officer authorised by the Minister may, if having regard to the circumstances of the case he considers it desirable to do so, by order extend the period of supervision of that person for a further period not exceeding 2 years.

[S 11/1990; S 7/2008]

(5) A person who has been ordered by the Director to undergo supervision under section 32A(1) or (2) shall, during the period he is undergoing such supervision —

(a) report to the Supervision Officer at such times and places as may be directed for the purpose of providing a specimen of his urine for a urine test;

(b) allow the Supervision Officer to visit his place of residence;

(c) not leave Brunei Darussalam without notifying the Supervision Officer;

(d) immediately notify the Supervision Officer of any change in his employment;

(e) not be found in any place or in the company of any person specified by the Supervision Officer;

(f) report for counselling at such times and places and to such person as may be directed by the Supervision Officer.

[S 66/2007]

(6) After considering a report by the Supervision Officer, the Director may revoke an order made under section 32A(2).

[S 66/2007]