

LAWS OF BRUNEI

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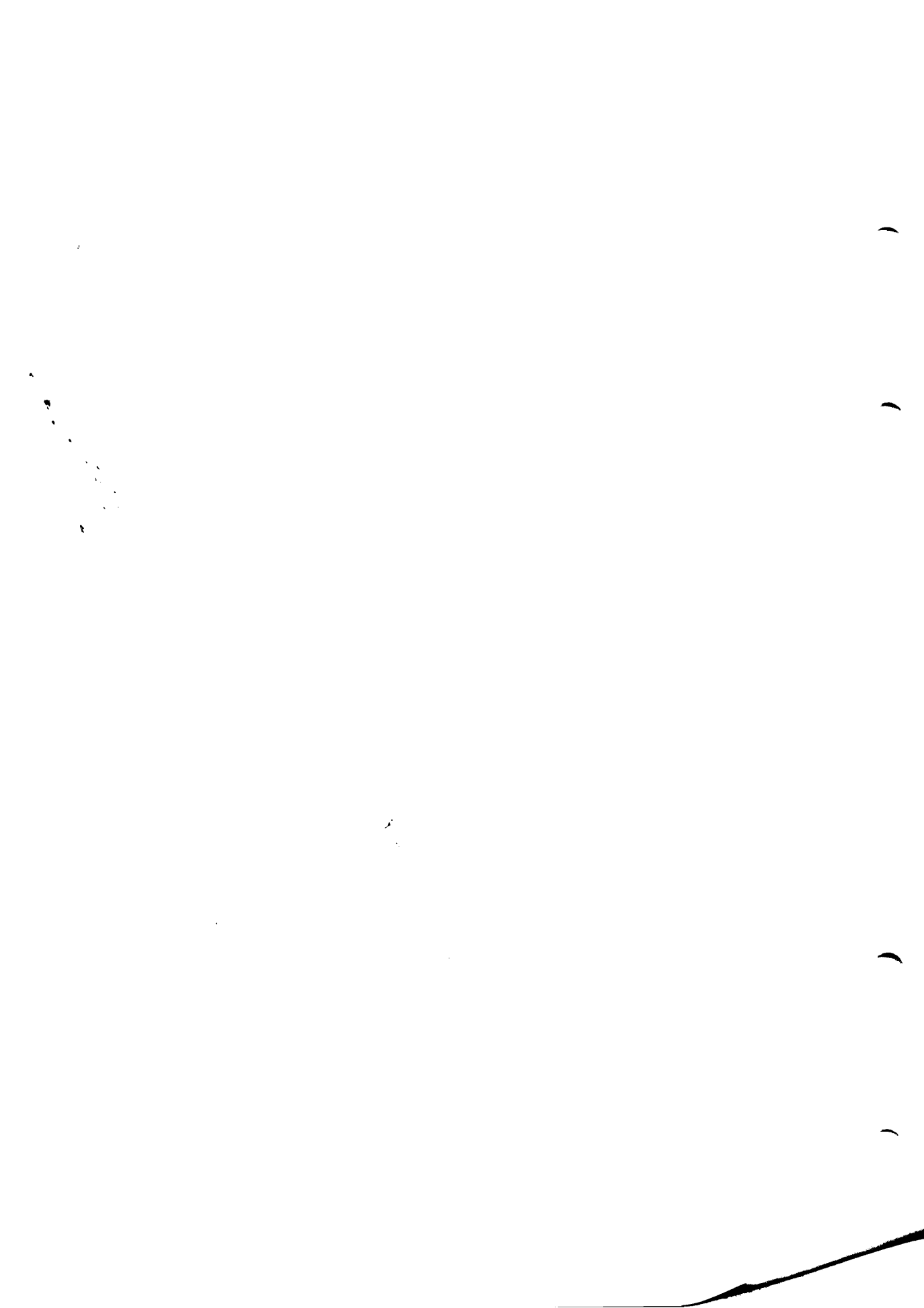
CHAPTER 91

SUBSCRIPTIONS CONTROL

ARRANGEMENT OF SECTIONS

Section

1. Short title
 2. Authority of Minister requisite for receipting or soliciting subscriptions for purposes deemed to be public purposes and in certain other cases
 3. Application for Minister's authority
 4. Power for Minister to take interim action while considering the making of a declaration under paragraph (b) of subsection (1) of section 2
 5. Offence and penalties
 6. Rules
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SUBSCRIPTIONS CONTROL ACT

An Act to regulate the receipt or soliciting of contributions or subscriptions for purposes deemed to be public purposes and in certain other cases and to make consequential provision 23 of 1953

Commencement: 15th December 1953

1. This Act may be cited as the Subscriptions Control Act. Short title

2. (1) No person shall without the prior authority of the Minister receive or solicit contributions or subscriptions from any other person — Authority of Minister requisite for receipt or soliciting subscriptions for purposes deemed to be public purposes and in certain other cases

(a) for any purpose deemed to be a public purpose under this Act; or

(b) for any purpose which the Minister may by notification in the *Gazette* declare by any general or particular description or in any particular case to be a purpose to which this section applies.

(2) A purpose shall be deemed to be a public purpose within the meaning of this section if —

(a) it relates to an object or matter which is normally the function or concern of Government or of any public or local authority; or

(b) it is charitable; or

(c) it is for the benefit of any race or community within Brunei, including a community constituted by virtue of residence within a particular part or

parts of Brunei or by reference to the members of racial or religious groups so resident;

Provided that subscriptions or contributions received or solicited for a purpose benefiting a religious group shall be deemed to be received or solicited for a purpose not public if such subscriptions or contributions are received or solicited from the members of such religious group only, and from no other persons.

And provided that the fact that a purpose is also for the benefit of persons or bodies outside Brunei shall not prevent it from being a purpose to which paragraph (c) applies and provided further that for the purposes of paragraph (b) the word "charitable" shall receive the same meaning as it has in the law of England.

(3) Notwithstanding anything contained in section 2 the Menteri Besar may by order declare that section 2 shall not apply to any purpose specified in such order and may from time to time amend any order so made and any such order shall have effect according to its tenor subject to any such amendment.

Application
for Minister's
authority

3. Any person who wishes to obtain the authority of the Minister under section 2 or who desires that an order be made under subsection (3) thereof shall make application in writing to the Minister or to such person as the Minister may authorise to receive any such application stating fully the purpose which he desires to receive or solicit contributions or subscriptions or in respect of which he desires that an order be made as the case may be, and supplying such other particulars and information as may be prescribed.

4. If the Minister has reason to believe that a person is receiving or soliciting contributions or subscriptions or contemplates so doing and the Minister is of opinion that it is desirable to obtain information as to the purpose for which such subscriptions or contributions will or may be received or solicited he may by notice under his hand addressed to such person require him to furnish either such information and particulars as may be prescribed or such information and particulars as he may by such notice require and may further require such person to refrain from receiving or soliciting any contributions or subscriptions until the expiration of one month from the date when such information shall have been supplied. A contravention of any such requirement shall constitute an offence: Penalty, a fine of \$800 or imprisonment for 3 months.

Power for Minister to take interim action while considering the making of a declaration under paragraph (b) of subsection (1) of section 2

5. (1) A contravention of section 2 shall constitute an offence: Penalty, for a first offence a fine of \$4,000; for a second or subsequent offence a fine of \$4,000 and imprisonment for 6 months.

Offences and penalties

(2) No person shall use or permit the use of any contributions or subscriptions for a purpose other than that for or in respect of which they were collected: Penalty, a fine of \$4,000 and imprisonment for 6 months.

(3) It shall be lawful for a magistrate upon application made by or on behalf of the Minister and upon proof that any person has in his possession or control moneys received or solicited in contravention of this Act to order that such moneys shall be paid into the Treasury and be forfeited to the Government. Any such order shall have effect according to its tenor and any contravention thereof shall constitute an offence: Penalty, a fine of \$8,000.

(4) Notwithstanding the provisions of subsection (3) if the Minister is satisfied that any money paid to him in pursuance of an order under subsection (3) is or represents money originally contributed or subscribed by a person who

did not know and could not reasonably have ascertained that such money was received or solicited in contravention of this Act, he shall upon application pay to such person a sum equivalent to the money in respect of which he is so satisfied.

Rules

6. His Majesty the Sultan and Yang Di-Pertuan in Council may make rules to provide for carrying this Act into effect and in particular for —

(a) prescribing the information and particulars to be supplied —

- (i) upon making an application under section 3;
- (ii) for the purpose of complying with a notice under section 4; or
- (iii) upon making an application under subsection (4) of section 5;

(b) authorising persons to receive applications under section 3; and

(c) delegating to any Government officer the powers conferred upon the Minister by the provisions of this Act other than the powers conferred by this section.