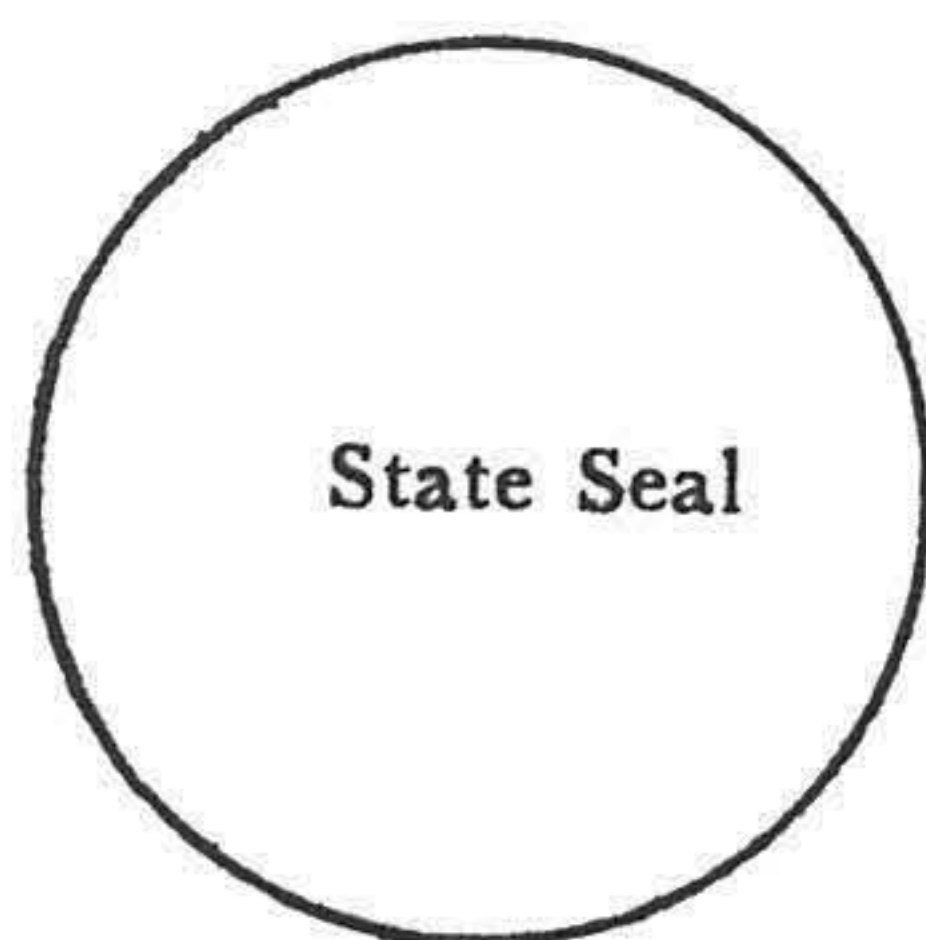


STATE OF BRUNEI

E 18 OF 1972

THE FINGERPRINTS (AMENDMENT)  
ENACTMENT, 1972

I assent



HASSANAL BOLKIAH  
*Sultan*

No. 17/1956.

*An Enactment to amend the Fingerprints  
Enactment, 1956.*

[19th April, 1973]

BE IT ENACTED by His Highness the Sultan  
with the advice and consent of the Legislative  
Council as follows:—

1. This Enactment may be cited as the Finger-  
prints (Amendment) Enactment, 1972 and shall be  
read as one with the Fingerprints Enactment, 1956  
(hereinafter referred to as the "Principal Enact-  
ment").

Short title.



2. The following new definition is added to Section 2 of the Principal Enactment, that is to say —

Amendment of  
Section 2.

“‘registrable offence’ means any offence which is registrable under this Enactment as specified in the First and Second Schedules hereto.”

and the existing definition “authorised officer” is amended by deleting words “of the male sex.”

3. Subsection (1) of Section 4 of the Principal Enactment is hereby repealed and the following new subsection (1) substituted in its place, that is to say —

Section 4.

“4. (1) An authorised officer shall take or cause to be taken on a fingerprint form the finger impressions, photographs and other registrable particulars of any person (other than the particulars of any conviction, sentence or other order of the court in respect of a registrable offence at the conclusion of the case) —

(a) When a person is arrested for any registrable offence;

(b) when a person is convicted for a registrable offence, unless his registrable particulars have already been taken under paragraph (a); or



- (c) when a person is not arrested but is summoned to appear in court on a charge for a registrable offence and when he is subsequently convicted, or is found guilty without a conviction being recorded under any order of the court binding over the accused to be of good behaviour placing the accused under probation or under any other similar order of the court which finds the accused guilty of a registrable offence (but dispenses with an order of conviction) except where a person is merely admonished or cautioned and discharged

and shall forward the fingerprint form to the Director who shall (subject to this Enactment) retain the form.”

and in subsection (4) the words “a registrable offence” are substituted for the words “an offence of the nature described in subsection (1)”.



4. Paragraph (a) of Section 5 is hereby repealed and paragraph (b) is hereby amended by deleting the brackets and letter “(b)” and substituting the words —

Amendment of  
Section 5.

“is not convicted of a registrable offence or where the Court finds the accused guilty of a registrable offence but dispenses with an order of conviction, the fingerprint form and any photograph and any form on which is his description has been recorded, shall, after a period of three months be destroyed or, if within that period such person so requests, be handed over to such persons”

for the existing words in paragraph (b) immediately preceding the proviso thereto.

5. Section 6 of the Principal Enactment is amended by adding the figure and brackets “(1)” to the figure “6” and adding the following new subsections (2), (3) and (4) —

Amendment of  
Section 6.

“(2) The Director may direct that any person other than a banishee de'partee or expelee who —

(a) is convicted of a registrable offence specified in the Second Schedule;

(b) has on the conviction been sentenced to a fine not exceeding one hundred dollars;



(c) has not (on the conviction) been sentenced to a term of imprisonment<sup>(x)</sup> in default of payment of a fine; and

(d) has not previously been registered under this Enactment or under any written law prior to this Enactment in force in the State dealing with the registration of criminals

be exempted from the provisions of this Enactment.

(3) On the direction being given by the Director the registrable particulars of the convicted person shall be retained for one year from the date of the conviction and shall subject to subsection (4) be forthwith destroyed.

(4) The Director under subsection (1) may before the expiration of the period revoke the direction and the convicted person shall be informed of the revocation.”

6. Subsection (1) of Section 8 is hereby repealed and the following new subsection (1) is substituted in its place, that is to say —

Amendment of  
Section 8.

“(1) The Sultan in Council may make rules for carrying the purposes and provisions of this Enactment into effect and may by order published in the *Gazette* amend the First and Second Schedules.”



## FIRST SCHEDULE

## (Section 2)

## REGISTRABLE OFFENCES

## PART I

## OFFENCES UNDER THE PENAL CODE

Chapters and Sections					Offences
Chapter VI, the whole	...	...	...	...	Against the State.
Sections 131 — 136 and 140	...	...	...	...	Relating to the Army, Navy, Air Force and Police.
Sections 161 — 165 and 170	...	...	...	...	By or relating to Public Servants.
Chapter XII, the whole	...	...	...	...	Relating to coins and stamps.
Sections 302, 304 — 308	...	...	...	...	Affecting Life.
Sections 312 — 318	...	...	...	...	Relating to birth.
Sections 325 — 333	...	...	...	...	Affecting human body.
Sections 363 — 373A	...	...	...	...	Kidnapping, Slavery.
Sections 376 — 377A	...	...	...	...	Rape, unnatural off- ences, outrages on decency.
Sections 379 — 424	...	...	...	...	Theft, cheating etc.
Sections 429 — 433, 435 — 400	...	...	...	...	Mischief.
Sections 448 — 462	...	...	...	...	Trespass, housebreak- ing etc.
Sections 465 — 477A	...	...	...	...	Forgery.
Sections 489A — 489D	...	...	...	...	Relating to currency notes and bank notes.
Chapter V and Section 511	...	...	...	...	Abetment of and attempt to commit any of the above offences.



## PART II

OFFENCES UNDER ENACTMENTS  
OTHER THAN THE PENAL CODE

Chapter, Enactments and Orders	Sections
Chapter 58 — Arms and Explosives Enactment and the Rules, 1956 ... ..	The whole.
Chapter 20 — Banishment Enactment ... ..	5 and 6.
Election Offences Enactment, 1961 ... ..	3, 4, 6, 26 and 26A.
Emergency Orders 1962 ... ..	The whole.
Immigration Enactment, 1956 ... ..	36.
Chapter 76 — Marriage Enactment ... ..	26 — 31.
Chapter 30 — Minor Offences Enactment ... ..	24 and 35.
Chapter 26 — Official Secrets Enactment ... ..	The whole.
Chapter 52 — Post Office Enactment ... ..	61 and 65.
Public Order Enactment ... ..	The whole.
Road Traffic Enactment, 1954 ... ..	26A.
Chapter 24 — Sedition Enactment ... ..	4.
Chapter 66 — Societies Enactment ... ..	16.

## SECOND SCHEDULE

(Section 2 and 6)

REGISTRABLE OFFENCES IN RESPECT OF WHICH  
REGISTRATION MAY BE DISPENSED WITH UNDER SECTION 6

## PART I

## OFFENCES UNDER THE PENAL CODE

Chapters and Sections	Offences
Chapter VIII — Sections 144 — 158 ... ..	Unlawful assembly, rioting etc.
Chapter X — Sections 173, 176, 177, 181, 186 & 189 ... ..	False information etc.
Chapter XI — Sections 193 — 201 and 203 — 222 ... ..	False evidence etc.
Chapter XI — Sections 224, 225, 225A and 227	Escapes etc.
Chapter XIV — Sections 270, 281 and 295 ...	Public Safety, Religion.



Chapter and Sections	Offences
Chapter XVI — Sections 324 and 335 — 338	Affecting human body.
Chapter XVI — Sections 343 — 348 ... ..	Wrongful confinement.
Chapter XVI — Sections 353 — 357 ... ..	Criminal force.
Chapter XVII — Sections 427 and 428 ... ..	Mischief.
Chapter XVII — Sections 441 — 447 ... ..	Criminal trespass.
Chapter XX — Sections 493 — 496 and 498 ... ..	Relating to marriage.
Chapter XXII — Sections 504 — 507 ... ..	Criminal intimidation.
Chapter V and Section 511 ... ..	Abetment of and attempt to commit any of the above offences.

## PART II

OFFENCES UNDER ENACTMENTS  
OTHER THAN THE PENAL CODE

Chapter and Enactments	Sections
Antiquities and Treasure Trove Enactment, 1967	37.
Brunei Nationality Enactment, 1961 ... ..	The whole.
Censorship of Films & Public Entertainment Enactment, 1962 ... ..	15 and 17.
Chapter 28 — Common Gaming Houses Enactment ... ..	4, 5 and 6.
Customs Enactment, 1954 ... ..	124 — 128 and 130.
Dangerous Drugs Enactment, 1956 ... ..	The whole.
Election Offences Enactment, 1961 ... ..	5 and 11.
Chapter 37 — Excise Enactment ... ..	33 — 35.
Immigration Enactment, 1956 ... ..	8, 15, 20 — 30 and 56.
Labour Enactment, 1954 ... ..	7(2), 55, 69 and 120.
National Registration Enactment (Regulations), 1964 ... ..	24(1) excepting (a) and (h).
Poisons Enactment, 1956 ... ..	6 and 9.
Chapter 52 — Post Office Enactment ... ..	60, 66, 70, 71 and 78.
Road Traffic Enactment, 1954 ... ..	27, 26 and 34.
Chapter 66 — Societies Enactment ... ..	17, 18 and 21.
Telecommunications Enactment, 1956 ... ..	25 — 27 and 30.
Chapter 23 — Trespass on Royal Property Enactment ... ..	3 and 4.
Chapter 29 — Unlawful Carnal Knowledge Enactment ... ..	2.

JUDIN BIN ASAR

*Clerk to the Legislative Council,  
Brunei.*