

No. 59 — THE POLICE FORCE ENACTMENT (*Cap. 50*).

Pursuant to section 62 of the Police Force Enactment, **Cap. 50**,
the Resident has made the following regulations —

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PART I

PRELIMINARY

Citation and commencement.

1. These regulations may be cited as the Police Regulations, 1958, and shall come into force on the same date as the Pensions Enactment, 1957. Enactment No. 23 of 1957.

Interpretation.

2. In these regulations—

“appropriate tribunal” means a person or board authorised by these regulations to enquire into the question of whether a police officer of the rank of inspector or below is guilty of an offence specified in subsection (1) of section 26 of the Enactment and to arrive at a finding in respect thereof;

“the Enactment” means the Police Force Enactment; Cap. 50.

“Force” means the Brunei Police Force constituted under Part II of the Enactment;

“Inspectorate” means the total Police establishment of inspectors of all grades;

“rank and file” means the total Police establishment of non-commissioned officers and police constables;

“Service” means the Public Service of the State.

PART II

APPOINTMENT

Gazetted Officers.	3. Subject to the approval of the Sultan, the Resident shall make appointment to gazetted rank.
Probation.	4. The ordinary period of probation for gazetted officers shall be three years.
General Orders applicable.	5. Gazetted officers are members of the Service and are subject to Government General Orders affecting the Service.
Inspectorate.	6. The Chief Police Officer may, with the approval of the Sultan, make appointments to the Inspectorate either by promotion from within the Force or by selection of suitable candidates from outside the Force.
Selection of candidates.	7. (1) Subject to paragraph (2), candidates for selection from outside the Force shall be British subjects or British Protected Persons and shall be passed physically fit by a Government Medical Officer and also shall conform to the following requirements— <ul style="list-style-type: none"> (a) age—between nineteen and twenty-six years; (b) height—minimum five feet and four inches; (c) chest — minimum deflated — thirty-four inches; and (d) in possession of a Junior Cambridge Certificate or its equivalent. (2) The Chief Police Officer may in a special case, accept a candidate who does not conform to the requirements.
Probation for inspector.	8. (1) Subject to paragraph (2), the normal period of probation for Inspectors shall be three years. (2) The Chief Police Officer may, at his discretion, reduce or extend that period. (3) Inspectors on probation who fail to pass the examination prescribed in Police Orders shall be liable to discharge, or to reversion to the rank held before appointment to the Inspectorate.
Agreement (Schedule 'A').	9. An agreement, as in Form I in Schedule 'A', shall be signed on first appointment to the Inspectorate.
Quarters, uniform and equipment.	10. (1) Members of the Inspectorate are entitled to furnished Government Quarters and to a free issue of uniform and equipment, in accordance with the scale prescribed in Police Orders. (2) Rent for Quarters shall be paid in accordance with General Orders.
Government General Orders: inspectorate.	11. Members of the Inspectorate are members of the Service and, save in so far as special provision is not made by these regulations or by Orders made under Part VIII of the Enactment, are subject to Government General Orders affecting the Service.
Recruitment of rank and file.	12. (1) Subject to paragraph (2), candidates for appointment to the rank and file shall be British Subjects, Bri-

tish Protected Persons, or persons with at least seven years' residence in Brunei, Sarawak or North Borneo, and shall conform to the following requirements—

- (a) age — between eighteen and twenty-eight years;
- (b) height — minimum five feet and two inches;
- (c) chest — minimum deflated — thirty-one inches; and
- (d) passed physically fit by a Government Medical Officer.

(2) The Chief Police Officer may, in a special case, accept a candidate who does not conform to the requirements of paragraphs (a), (b) and (c).

13. An agreement, as in Form II in Schedule 'A', shall be signed on first and every subsequent appointment. Agreement (Schedule 'A')

14. (1) The period of first appointment to the rank and file shall be three years. Period of appointment.

(2) Subsequent appointments shall be for three year periods.

15. Before each appointment, a member of the rank and file shall undergo a medical examination by a Government Medical Officer. Medical examination.

16. No member of the rank and file shall be re-appointed who — Prohibition against re-appointment.

- (a) is considered unlikely to become, or has ceased to be, an efficient police officer;
- (b) is certified by a Government Medical Officer to be physically or mentally unfit for service in the Force.

17. A member of the rank and file who is promoted to a non-commissioned rank shall, ordinarily, undergo a probationary period of six months which may be reduced or extended by the Chief Police Officer. Promotion on probation.

18. (1) Members of the rank and file are entitled to furnished Government Quarters, and to a free issue of uniform and equipment, in accordance with the scale prescribed in Police Orders. Quarters, uniform and equipment.

(2) Rent for Quarters shall be paid in accordance with Government General Orders.

19. Members of the rank and file are members of the Service and, unless special provision to the contrary is made, are subject to Government General Orders affecting the Service. Government General Orders: rank & file.

20. A police officer acting, or on probation, in a rank superior to his own is vested with all the powers, privileges and duties pertaining to the rank in which he is acting but his remuneration and emoluments shall be as laid down in Government General Orders. Acting & probationary appointments.

PART III

PAY AND ALLOWANCES

- Pay.** 21. Rates of pay of members of the Force shall be such as the Sultan in Council may make provision for.
- Allowances.** 22. The allowances provided for by this Part may be paid to members of the rank and file in addition to those allowances payable to them under Government General Orders.
- Good conduct allowances.** 23. (1) The Chief Police Officer may award, to members of the rank and file, good conduct allowances in accordance with the following ---
- (a) The first good conduct allowance of two dollars per month may be awarded for three years' service without incurring a major punishment.
(For the purpose of this regulation, "major punishment" means reduction in rank, forfeiture of three or more days' pay or an equivalent Court fine, confinement to barracks for fourteen days, or compulsory performance of fourteen extra duties or drills).
 - (b) The second good conduct allowance of two dollars per month may be awarded if the first good conduct allowance has been held without interruption for three years.
 - (c) The third good conduct allowance of two dollars per month may be awarded if the first and second good conduct allowances have each been held for three years.
- (2) The payment of good conduct allowances shall cease from the date of promotion to the Inspectorate.
- (3) One good conduct allowance shall be forfeited if the holder receives a major punishment, or if the recipient commits a disciplinary offence which, in the opinion of the Chief Police Officer, merits that forfeiture.
- (4) A good conduct allowance so forfeited may be restored after one year if no disciplinary offence has been committed during that period.
- (5) Where two or three good conduct allowances have been forfeited, they may, if no major punishment is incurred, be restored for successive periods of one year.
- (6) A good conduct allowance so forfeited may, at any time, be restored by the Chief Police Officer as a reward for gallant conduct, or for exceptionally good work.
- (7) The granting or regranting of a good conduct allowance shall date from the first day of the month following that in which the good conduct allowance was awarded or restored or, where the good conduct allowance was awarded or restored on the first day of a month, it shall take effect from that date.
- (8) Where a good conduct allowance is forfeited on or before the fifteenth day of a month, the good conduct allowance shall cease from the first day of that month; or, where forfeited subsequent to the fifteenth day of a month,

the good conduct allowance shall cease from the first day of the following month.

24. Educational and other similar allowances shall, in accordance with Schedule 'B', be payable to members of the rank and file. Educational allowances (Schedule 'B')

25. (1) Members of the rank and file who pass the Standard I examination prescribed in Police Orders for Probationary Inspectors may be granted a bonus of \$50.00. Educational bonuses.

(2) A further bonus of \$20.00 may be granted to members of the rank and file who pass the Standard II examination prescribed in Police General Orders for Inspectors.

(3) Subject to the provisions of the Note in Schedule "B", members of the rank and file who qualify for any of the language or dialect allowances specified in Schedule "B" shall be eligible for a bonus of \$50.00. (Schedule "B")

26. Specialist allowances shall, in accordance with Schedule "C", be payable to members of the rank and file. Specialist allowances (Schedule "C")

27. (1) A constable who has served for fifteen years continuously in the Force may be granted an additional increment at the rate specified in Schedule "D", if the Chief Police Officer is satisfied that — Additional increments for constables. (Schedule "D").

(a) he shows outstanding zeal, intelligence and proficiency in the performance of his duties; and

(b) he has conducted himself satisfactorily.

(2) A constable who has served for twenty years continuously in the Force and is in receipt of an additional increment under paragraph (1), may be granted an increment at the rate specified in Schedule "D" if the Chief Police Officer is satisfied as aforesaid. (Schedule "D").

(3) If, at any time, the Chief Police Officer ceases to be satisfied as aforesaid, he may withhold an additional increment payable under this regulation; and in that event the increment shall not be re-granted until one year has elapsed since the date of such withdrawal.

28. Award allowances shall be paid to members of the rank and file who are in possession of an award specified in the first column of Schedule "E" at the rate specified in the corresponding part of the second column thereof. Award allowances. (Schedule "E")

29. (1) On completion of the first appointment of three years, members of the rank and file shall be eligible for a bonus equal to two months' pay of the rank held at the completion of the appointment. Engagement bonuses.

(2) On completion of each subsequent appointment of three years, they shall be eligible for a bonus equal to one month's pay of the rank held at the completion of each appointment.

PART IV

PENSIONS, GRATUITIES AND ALLOWANCES OF A LIKE NATURE

30. Without prejudice to paragraph (3) of regulation 41, no pension gratuity or other allowance shall be granted, Circumstances in which pension may be granted.

under this Part, to any member of the rank and file unless he retires from the Force in one of the following circumstances —

- (a) on or after attaining the age of 45 years and having completed fifteen years' service;
- (b) he retires with the consent of the Chief Police Officer having either —
 - (i) attained the age of 45 years and completed ten years' service; or
 - (ii) completed fifteen years' service; or
- (c) on the abolition of his office.

Pensions, etc for police ceased to be efficient.

31. Where a member of the rank and file is discharged by the Chief Police Officer on the ground that he is unlikely to become, or has ceased to be, an efficient police officer and a pension gratuity or other allowance cannot otherwise be granted to him in accordance with these regulations, the Sultan in Council may, if he considers it justifiable in all the circumstances of the case, grant such pension, gratuity or other allowance as he thinks just and proper.

Application of Pensions Enactment, 1957, to pensions etc. granted under this Part.

32. (1) Sections 9, 11, 12, 13, 14, 16 and 17 of the Pensions Enactment, 1957, shall apply to pensions gratuities and allowances granted under this Part in like manner as if they had been incorporated herein with all modifications necessary to make them applicable. Enactment No. 23 of 1957.

(2) If any question arises as to what modifications are necessary the decision of the Sultan in Council thereon shall be final.

Pensions Regulations, 1957, to apply to rank and file regarding pensions, etc.

33. (1) The Pensions Regulations, 1957, shall apply to the grant, to the rank and file, of pensions, gratuities and allowances and to the calculation and payment thereof in like manner as if members thereof held pensionable offices within the meaning of the Pensions Enactment, 1957, and Pensions Regulations, 1957, and as if provision had been made therein for the grant of pensions, gratuities and allowances to members of the rank and file. Enactment No. 23 of 1957.

(2) In giving effect to this regulation, the modifications in the next regulation and any other modification which the Sultan in Council may deem necessary for applying the Pensions Enactment, 1957, and Pensions Regulations, 1957, to the rank and file shall likewise have effect. Enactment No. 23 of 1957.

Modifications.

34. The modifications referred to in regulations 32 and 33 shall be —

- (a) regulation 15 of the Pensions Regulations, 1957, shall be construed as if the proviso to paragraph (1) thereof had enabled a break caused by an event in sub-paragraphs (i), (ii) or (iii) of paragraph (b) of this regulation to be disregarded for the purpose of determining whether service had been continuous but to be nevertheless excluded for the purposes of calculating a pension, gratuity or allowance as expressly provided by paragraph (b);

- (b) in reckoning the service of any non-commissioned officer or constable for the purposes of calculation of pension or gratuity, there shall be excluded therefrom all periods during which the officer or constable has been absent from duty for any of the following reasons —
 - (i) imprisonment for any cause, save that of detention while awaiting any trial which results in his acquittal or discharge;
 - (ii) desertion;
 - (iii) absence without leave exceeding forty-eight hours;
- (c) Paragraph (a) of regulation 21 of the Pensions Regulations, 1957, shall be ignored;
- (d) regulation 25 of the Pensions Regulations, 1957, shall be ignored;
- (e) a reference to retirement on the ground of ill health shall be construed as a reference to discharge under subsection(3) of section 19 of the Enactment;
- (f) a reference to compulsory retirement for the purpose of facilitating improvement in the organisation of a department designed to effect greater efficiency or economy shall be construed as a reference to discharge on re-organisation or reduction of establishment of the Force.

PART V

LEAVE, PASSAGES AND MEDICAL AID

35. (1) Gazetted Officers shall, in accordance with Government General Orders, be eligible for leave and passages. Vacation leave and passages.

- (2) (a) Members of the Inspectorate and rank and file are eligible for one month's full pay leave in respect of each completed year of service.
- (b) In special circumstances, and with the consent of the Chief Police Officer, such leave may be accumulated up to a maximum of three months, but shall not be taken in periods of less than one month at a time.

(3) Leave prior to retirement on pension or gratuity shall be proportionate to the applicant's length of service since his appointment or last return from leave, but shall not exceed three months.

36. (1) In addition to vacation leave, casual leave Casual leave. not exceeding six days in a calendar year may be granted to members of the Inspectorate and rank and file.

- (2) Such leave shall not be —
 - (a) accumulated;

	(b) granted to a member who has had more than one month's sick leave during the preceding twelve months; or
	(c) granted to a member who, within the preceding six months, has returned from vacation leave.
Extraordinary leave.	37. The grant of extraordinary leave shall be governed by the Government General Orders in force which shall, as occasion requires, be reproduced in Police Orders.
Withholding of leave.	38. Leave may be withheld if conduct has been unsatisfactory.
Sick leave.	39. For the purposes of this Part, "sick leave" means a period during which a police officer is permitted, on account of illness, to be absent on full pay from duty without forfeiting leave of any other description, provided that the appropriate Medical Officer certifies that the sickness is not purposely self-inflicted or due to irregular or intemperate habits, or, if venereal, has not been concealed or aggravated by any act or default of the officer.
Medical treatment.	40. (1) Police Officers and their wives and children who require medical treatment shall receive medicines and such medical attendance as the Government has at its disposal free of charge.
Illness to be reported.	(2) Police Officers shall report immediately to the officer to whom they are subordinate when they are prevented from attending to duty by reason of illness or indisposition.
Medical Officer's recommendation.	(3) Sick leave shall not be granted except on the written recommendation of a Government Medical Officer, or if no Government Medical Officer is available, on the written recommendation of a hospital assistant.
Period of sick leave.	(4) Sick leave at any one time shall not, ordinarily, exceed fourteen days, but subject to paragraph (6) with the approval of the Chief Police Officer, it may be extended to a maximum of forty-two days in the case of an officer who is confined by illness to house or hospital.
Further absence how recorded.	(5) The aggregate sick leave to which an officer is entitled in any one calendar year shall be twenty-eight days, but, subject to paragraph (6), a further fourteen days may be granted by the Chief Police Officer in the case of an officer who is confined by illness to house or hospital.
Sick leave in case of prolonged illness or serious accident.	(6) In the case of prolonged illness or serious accident, the whole period during which an officer is confined to house or hospital may, with the special approval of the Chief Police Officer, be treated as sick leave.
Special leave.	(7) In special cases, the Resident may grant leave.
Other leave in lieu.	(8) Where on the termination of leave granted to him, a police officer is certified by a Medical Officer to be still unable to resume duty, he may be granted leave of any other description for which he may be eligible.
Tuberculosis.	(9) (a) An officer who is found to be suffering from tuberculosis may be granted sick leave on full pay up to a maximum of six months.

- (b) If, at the end of six months, the officer is recommended for further treatment by the State Medical Officer, he may be granted the full pay leave for which he may be eligible.
 - (c) If still unfit for duty, and where there is reason to believe that he will ultimately be fit for further service, thereafter he may be granted a further period of half pay leave up to a maximum of six months.
 - (d) If thereafter the officer is still unfit for duty, but the State Medical Officer is of the opinion that there is a possibility of his ultimate recovery, he may be granted a further extension of leave on no pay.
 - (e) Such extension of leave shall only be granted subject to the recommendation of the State Medical Officer and with the approval of the Chief Police Officer.
 - (f) The date on which an officer, to whom sick leave has been granted in accordance with this regulation, resumes duty shall be notified to the Chief Police Officer.
- (10) (a) Where an officer is absent from duty on sick leave the Medical Officer attending him shall forward a certificate to the Officer Commanding the Police District concerned. Medical certificates.
- (b) The certificate shall be in lieu of a formal application for leave, and the Officer Commanding the Police District shall have recorded the leave taken.
 - (c) That Officer may, in his discretion, require the police officer to obtain a certificate of medical fitness before returning to duty.

(11) Where an illness is caused by irregular or intemperate habits, or is certified by a Government Medical Officer to be due to venereal disease which has become aggravated or been concealed, the officer or constable shall be provided with medical attendance, medical comforts, diet and accommodation in hospital free of charge, but his pay may, in the discretion of the Chief Police Officer, be stopped for so long as he is absent from duty.

(12) Where an illness has been purposely self-inflicted, the officer shall be liable, in addition to any other punishment which may be awarded for a breach of discipline, to pay for his accommodation in hospital and for his diet and shall receive no pay during the period of his absence from duty.

(13) Cases where the period of fully paid leave is exhausted are to be reported at once to the Chief Police Officer.

41. (1) Cases of police officers rendered sick through injury or exposure whilst on duty shall be reported promptly to the Chief Police Officer for special consideration. Injuries incurred on duty.

(2) Where a police officer is absent from duty on account of an injury or sickness received or incurred in the performance of duty, no stoppages of any kind shall be made from his pay so long as he is certified by a Government Medical Officer to be unfit for duty on account of the injury so received or the sickness incurred.

(3) Where a police officer is injured on duty, without negligence on his part, he shall be entitled to reclaim from the Government all hospital charges incurred and may, in addition, be awarded such compensation as the Resident may, in his discretion, decide on the recommendation of the Chief Police Officer based on the findings of a Medical Board.

Quarantine leave.

42. (1) Provided that they would otherwise have returned in good time, detention in quarantine of police officers returning punctually from vacation leave, authenticated by a certificate from the quarantine station shall be recorded as sick leave, or such leave as they may be eligible for.

(2) Leave with pay may not be granted in respect of periods of quarantine following unpunctual return.

Passages on leave and retirement.

43. Members of the Inspectorate and rank and file proceeding on vacation leave or on retirement shall be eligible for the grant of passage expenses in accordance with Government General Orders.

Passages on dismissal or discharge.

44. Members of the Inspectorate and rank and file recruited from outside Borneo, who are dismissed or discharged from the Force, may, in accordance with the scale laid down in Government General Orders, be granted passages to their country of domicile.

PART VI DISCIPLINE

(a) Inspectors.

Preliminary procedure.

45. (1) Where it appears to the Officer Commanding a Police District under whose command an Inspector is employed, that there is a prima facie case of breach of discipline by the Inspector, the Inspector shall be informed thereof in writing and invited to submit his explanation in writing within a reasonable specified period not exceeding seven days.

(2) After the expiry of the period the facts of the case, together with any documents received from the Inspector, shall be forwarded to the Chief Police Officer.

Charging and plea.

46. (1) The Chief Police Officer shall determine whether a charge or charges shall be preferred against the Inspector and, if a charge is to be preferred, the nature of the charge.

(2) The charge or charges shall be served upon the Inspector and a notice shall be given to him that he is required, within seven days, to plead guilty or not guilty thereto unequivocally in writing, and to each charge separately if there is more than one, and that if he desires to plead guilty he may communicate, in writing, any matter which he desires to be taken into consideration in connection therewith.

(3) If an Inspector pleads not guilty he shall be informed that the case will be heard on a date specified, being a date not earlier than seven days from the date of service of the notice.

47. (1) Subject to paragraph (2), the Chief Police Officer shall either hear the case himself or depute an officer ^{Hearing} not below the rank of Superintendent to do so, or appoint a Board consisting of two gazetted officers and name the President, neither of which officers shall be the originator of the complaint leading to the charge or charges or be a person who has assisted in the investigation of the complaint.

(2) Where the Chief Police Officer in his sole discretion considers that exceptional circumstances so warrant, he may, at the request of the Inspector against whom a disciplinary charge has been preferred, apply to the Resident for the appointment of a Board of three public servants to hear the case and the Resident shall appoint such a Board comprising such persons as he thinks fit and name the President, and the Board shall comply with these regulations.

(3) The manner in which the case shall be heard and the names of members of any Board shall be communicated to the Inspector at least two days prior to the day on which the hearing to commence.

48. (1) An Inspector charged with a breach of discipline, (hereafter referred to as the "Inspector charged") ^{Partiality of tribunal.} may, after being informed of the manner in which the case shall be heard, make application to the Chief Police Officer that the case shall be heard by a Board instead of a single officer, or that the constitution of the Board appointed shall be changed (but only on the grounds of interest or partiality which shall be fully set out).

(2) The application shall be in writing, and made before the day on which the hearing is to commence.

(3) If the Chief Police Officer accedes to the application, he may exercise his power to determine by whom the case be heard as though no earlier determination had been made by him.

49. (1) The Chief Police Officer may appoint a pro- ^{Representation.}secutor.

(2) The Inspector charged shall, whether a prosecutor is appointed or not, have the right to be represented by another Inspector or, with the approval of the Chief Police Officer, a gazetted officer who may conduct his defence on his behalf.

(3) No barrister or solicitor may appear on behalf of an Inspector charged.

50. An Inspector charged shall be given copies of, or ^{Access to records and documents.} reasonable access to, such police records and other documents as he may require which are necessary to enable him to prepare his defence (other than any records or documents in respect of which privilege would be claimed before a Court).

Procedure.

51.—(1) Where the Inspector charged has pleaded not guilty to any charge, he shall attend at the place of hearing at the time and on the date of which notice of hearing has been given.

(2) The charge or charges shall be read over and the Inspector charged may, if he wishes, change his plea.

(3) (a) Where the Inspector charged pleads guilty, that plea shall be entered on the record and he shall be asked if he wishes to make a statement.

(b) He may thereupon make a statement which shall be recorded, or hand in a statement of matters which he desires to be taken into consideration.

(4) Where an Inspector charged has pleaded not guilty to a charge, the prosecutor may address the officer, or Board, setting out, generally, the facts of the case and witnesses shall be called in support of the charge or charges, and on conclusion of the evidence of each witness the Inspector charged may cross-examine such witness and thereafter the witness may be re-examined.

(5) Where the examination of all witnesses in support of the charge has been completed, the Inspector charged may address the officer, or Board, for the purpose only of showing that no prima facie case has been established and if it appears to the Board that there is a prima facie case, the Inspector charged shall be asked whether he wishes to give evidence, and whether he wishes to call witnesses.

(6) Where the Inspector charged wishes to give evidence, he may do so and may be cross-examined and re-examined and thereafter such witnesses as he desires to call may be examined, cross-examined and re-examined.

(7) Thereafter, with the consent of the officer or Board, hearing the case, witnesses to give evidence in rebuttal may be examined, cross-examined and re-examined.

(8) At the conclusion of all the evidence the Inspector charged may address the officer, or Board, and thereafter the prosecutor may in reply address the officer, or Board.

(9) Exhibits produced by witnesses shall be available for inspection by the Inspector charged and the prosecutor.

(10) The officer, or a member of the Board, hearing the case may, in his discretion, ask such questions of witnesses as he considers will assist the determination of the issues raised, and may, in his discretion, and at any time, call such witnesses as he considers may be able to assist in the determination of those issues.

(11) The officer, or Board, hearing the case may, from time to time, adjourn the case but where an application is made for an adjournment it shall be shown by the applicant that such course would serve the ends of justice, and the adjournment shall be for a reasonable period only.

(12) The officer, or Board, hearing the case shall keep a record of the evidence heard, which shall on an adjournment and on the termination of the hearing be signed and

dated by the officer, or President of the Board, hearing the case and any interpreter.

(13) Evidence shall not be taken on oath.

52.—(1) Subject to paragraph (2), where the hearing of the evidence has been concluded, the officer, or Board, shall make a finding as to whether the accused is guilty or otherwise of the breach of discipline charged. ^{Proceedings after hearing.}

(2) Where the case has been heard by the Chief Police Officer he may make his finding forthwith and, if the Inspector charged is found guilty, award such punishment as he thinks fit, or he may reserve his finding or award and inform the Inspector accordingly.

(3) Where the case has been heard by another officer or a Board, the Inspector charged shall be informed that the finding will be communicated to him in due course, and the record, together with the finding, shall be communicated to the Chief Police Officer, whereupon the Chief Police Officer shall inform the Inspector charged in person, or in writing, of the finding and his award, if any.

(4) Where an Inspector charged has pleaded guilty, in writing, the Chief Police Officer may inform him that his plea of guilty has been accepted, which shall operate in all respects as a finding of guilt by an officer, or Board, constituted under paragraph (1) of regulation 47, or he may direct that a plea of not guilty be entered and the charge shall be heard as though the Inspector charged had pleaded not guilty.

(5) Where the Chief Police Officer considers that the punishment which he can award is insufficient to meet the case, he shall not make an award but shall cause the charge, plea thereon and any statement in mitigation, and the record, finding and his reasons for not making an award thereon, to be forwarded to the Resident.

(6) The Resident may order the dismissal of the Inspector or may remit the case to the Chief Police Officer to make an award and the Chief Police Officer shall make his award.

53.—(1) Where the record and finding has, in accordance with paragraph (3) of regulation 52, been communicated to the Chief Police Officer the Chief Police Officer may, at any time before the finding has been communicated to the Inspector or within seven days thereafter, direct the officer or Board hearing the case to review the case upon any of the following grounds :— ^{Review.}

- (a) that evidence was improperly admitted;
- (b) that evidence was improperly excluded;
- (c) that the findings, or any of them, were not justified by, or were against the weight of, the evidence.

(2) Paragraph (1) shall not be deemed to authorise a review of a finding of not guilty but shall not preclude review of a finding of guilty on a charge tried together with a

charge in respect of which there has been a finding of not guilty.

(3) No review shall be made if at the time when review is directed under paragraph (1) the Chief Police Officer has made an award or an appeal has been lodged under subsection (2) of section 28 of the Enactment.

(4) (a) On a review under this regulation the officer, or Board, as the case may be, may re-hear the case in whole or in part or take fresh evidence or do both.

(b) The Inspector charged shall have the same rights upon any review as he had at the original hearing and in addition :—

(a) where any fresh evidence is heard, he shall, if he so requests, be granted a reasonable adjournment for the purpose of rebutting that evidence; and

(b) where the case is not wholly re-heard, witnesses who gave evidence at the original hearing shall, if the Inspector so requests, be recalled and re-examined.

Amending or
adding to charges.

54.—(1) Subject to paragraph (2), a charge may be amended or a further charge added at any time prior to the finding being communicated to the Inspector charged or to his being informed that a finding will be communicated to him, whichever is earlier.

(2) In that event, the amended or added charge shall be read and explained to the Inspector and he shall be called upon to plead to the amended or added charge and shall be entitled to a reasonable adjournment to prepare his further defence and to recall any witnesses and call such further witnesses as he may desire.

(3) Any witnesses giving evidence under this regulation may be cross-examined and re-examined.

(b) Non-Commissioned Officers and Constables

Preliminary
procedure.

55.—(1) Where it appears to a police officer not below the rank of Inspector that there is a prima facie case of breach of discipline against a non-commissioned officer or constable, an appropriate charge, or charges, in respect thereof shall be entered in a document which shall be headed Defaulter Report, which shall be used by the police officer as a record of the case.

(2) The non-commissioned officer or constable (hereinafter referred to as the “defaulter”) shall be notified verbally of the charge and of the time of hearing, which shall not be earlier than the day following, and also of the place of hearing (hereinafter referred to as the “Orderly Room”).

Hearing.

56.—(1) Proceedings in the Orderly Room shall be conducted by a Gazetted Officer.

(2) In special cases and with the sanction of a Gazetted Officer, an Inspector may record pleas and evidence on behalf

of a Gazetted Officer, but shall comply with paragraph (2) of regulation 60.

57. The charge, or charges, shall first be read over to the defaulter who shall be required to plead unequivocally guilty or not guilty thereto, and to each charge separately if there is more than one, and the plea shall be recorded.

Charging
and plea.

58. Where prior to a hearing a defaulter objects to an officer hearing the case on the ground of partiality or bias, he shall set out his grounds in full, in writing, and deliver them to the officer who shall not commence the hearing of the case but shall forward the document to the Chief Police Officer, who, in his discretion, may appoint another officer to hear the case.

Objection to
officer hearing
the case.

59. The provisions of paragraphs (4) to (12) of regulation 51 shall, with necessary changes, apply to a defaulter who pleads not guilty.

Procedure on
hearing.

60.—(1) A Gazetted Officer who conducts a hearing may, at the conclusion of the hearing, announce his findings on each charge or may reserve his findings.

Proceedings
after hearing.

(2) An Inspector who is authorised to conduct hearings shall reserve his findings and refer to a Gazetted Officer for a decision.

(3) A Gazetted Officer who makes his findings may thereafter make his award which he shall endorse on the Defaulter Report and communicate personally to the defaulter.

(4) If the Gazetted Officer finds that defaulter guilty, or if the defaulter pleads guilty, and if he considers that the punishment which he may award is insufficient to meet the case, he shall not make an award but shall write on the Defaulter Report accordingly and send the Defaulter Report to the Chief Police Officer, and shall inform the defaulter accordingly.

5. Thereafter the Chief Police Officer shall make an award, in writing, and communicate it to the officer making the finding, who shall inform the defaulter in person.

61. Regulations 53 and 54 shall, with necessary changes, apply to proceedings against a defaulter, save that a review, in accordance with regulation 63, may be directed by an Officer Commanding a Police District and a review, in accordance with regulation 64, may be ordered by the Chief Police Officer.

Review and
adding to or
amending charges.

62. The police officers who may, in accordance with sub-section (1) of section 26 of the Enactment, determine charges against defaulters shall be Gazetted Officers.

Officer authorised
to hear charges.

53.—(1) An appropriate tribunal shall not, unless it consists of an Officer Commanding a Police District, or a Board presided over by that officer, award a punishment other than ;—

Powers of officers
other than
O.C.P.Ds.

- (a) forfeiture of pay up to a maximum of seven days;
- (b) confinement to barracks up to a maximum of seven days;
- (c) compulsory performance of extra duties or drills, not exceeding six number;
- (d) such fatigue duties, not exceeding six in number, as may be prescribed in Police Orders.

(2) An Officer Commanding a Police District or a Board presided over by that Officer may, in addition to subparagraphs (b), (c) and (d), order forfeiture of pay up to a maximum of fourteen days.

(3) No award of an appropriate tribunal which does not consist of or include an Officer Commanding a Police District shall be carried into effect unless and until it has been confirmed on review by that Officer.

(4) For the purposes of that review the appropriate tribunal shall forward to the Officer Commanding a Police District the record, findings and award of the appropriate tribunal and the Officer Commanding a Police District may :—

- (a) confirm or vary the award but may not impose a punishment which he could not lawfully impose under paragraph (2) ;
- (b) set aside the award and impose no punishment; or
- (c) direct the appropriate tribunal to review the case in accordance with regulation 53, as read with regulation 61, and express his opinion as to the appropriate punishment.

(5) Where an award is being reviewed in accordance with this regulation, the defaulter shall be informed of that fact and (without prejudice to his right of appeal against any eventual award) may make oral or written representations to the Officer Commanding a Police District in connection with the findings and award of the appropriate tribunal.

PART VII — GENERAL

Procedure where appropriate tribunal does not make an award but makes recommendations to Chief Police Officer.

64.—(1) Where an appropriate tribunal considers that a defaulter should be punished otherwise than by a punishment which the tribunal may lawfully impose it shall not make an award but, in lieu thereof, shall forward its findings and the record of the case, together with its recommendations as to punishment, to the Chief Police Officer who may :—

- (a) impose any punishment which the tribunal might have imposed according to the Enactment and without any restriction imposed by regulation 63;
- (b) set aside the award and impose no punishment;
- (c) may order the appropriate tribunal to review the case under regulation 53 as read with regulation 61 and may, in that case, give such

directions as to punishment as he may think proper and may remove the restriction imposed by regulation 63.

(2) Where the procedure prescribed by this regulation is followed the appropriate tribunal shall inform the defaulter that such is the case and of the recommendations being made to the Chief Police Officer and the defaulter may, without prejudice to his right of appeal in respect of such award as may eventually be made, make such representations to the Chief Police Officer, either orally or in writing, as he may think fit in connection with such recommendations.

(3) Where the procedure prescribed by this regulation is followed and the appropriate tribunal does not consist of, or include, an Officer Commanding a Police District it shall be lawful for the Chief Police Officer, if he thinks fit, to consult the appropriate Officer Commanding a Police District and to ask him to make a recommendation but no recommendation shall in any way fetter the discretion conferred on the Chief Police Officer.

65. An award of any kind shall take effect from the date of communication of the award, except that, in the case of good conduct allowance, if the award is after the 15th day of the month, forfeiture shall date from the 1st day of the next succeeding month, and if the award is on or before the 15th day of the month, the forfeiture shall date from the 1st day of that month. Effect of award.

66. The Chief Police Officer may make Police Orders for the carrying out of Part IV of the Enactment. Brunei Volunteer Police Force.

PART VIII

HIRE OF POLICE FOR PRIVATE PURPOSES

67.—(1) An Officer Commanding a Police District may, in his absolute discretion, authorise the employment, for private purposes, of police officers. Hire of Police.

(2) He shall have complete discretion as to the number of officers to be provided and may impose such conditions as he may deem necessary.

(3) Responsibility for loss or damage to property, however caused, during the employment of police for private purposes shall not be assignable to the Government of Brunei, or to the Chief Police Officer.

68.—(1) Fees for the employment for private purposes of the police shall be at the following rates :— Fees for services.

Inspectors \$9 per hour;

Non-Commissioned Officers

and Constables .. \$2 per hour.

(2) Fees shall be charged from the time the men leave their Station to assume the duty for which they are employed, up to the time of their arrival back in the Station on completion of the duty.

(3) Fees for part of an hour shall be charged as if for a complete hour.

Fees for use of
Police Transport.

69. Fees for the use of Police Transport to convey men to and from the duties referred to shall be at the following rates :—

Motor Cycles . . . 20 cents per mile;
Motor Cars, Pick-Ups,
Land-Rovers and
other vehicles . . . 60 cents per mile.

Hire of
Police Band.

70.—(1) The Chief Police Officer may, in his discretion, permit the Police Band to play at private functions.

(2) The fees for full band performances shall be \$100 for the first hour and \$50 for each subsequent half-hour or fraction thereof.

(3) No fee shall be charged where the Band performs at a public function, even if it is held in a private institution.

Distribution of
Band fees.

71. Fees payable in accordance with regulation 70 shall be distributed as follows :—

50% to the Band Fund;
40% to the Bandsmen;
10% to the Director of Music.

Repeal.
BRO Notification
dated 28.11.23
as amended.
BRO Notification
dated 29.9.31
as amended.
BRO Notification
No. 84 of 1951
as amended.

72. These regulations shall supersede all other regulations made under section 62 of the Enactment, which are hereby repealed.

SCHEDULE 'A'

FORM I

(Regulation 9)

INSPECTORS AGREEMENT FOR POLICE SERVICE

Pursuant to section 9 of the Police Force Enactment Cap. 50, I, hereby engage to serve in the Police Force, on the conditions prescribed by the Police Regulations, 1958, as an Inspector on probation or in any rank in the Police Force to which I may be appointed, promoted, or reduced and I agree that I shall be subject to —

- (a) The Police Force Enactment, Cap. 50;
- (b) The Police Regulations, 1958; and
- (c) Any Orders made under Part VIII of the Enactment.

Dated this.....day of.....195 .

Signature :

Signature of

Officer Commanding the Police District.

FORM II
(Regulation 13)
RANK AND FILE AGREEMENT FOR
POLICE SERVICE

I,do this day
engage, under the provisions of the Police Force Enactment,
Cap. 50, to serve for.....years from this date as
a..... or in any rank in the Police Force
to which I may be appointed, promoted, or reduced.

Dated this.....day of.....195 .

Signature of
Recruit :

SCHEDULE 'B'
(Regulations 24 and 25 (3))
EDUCATIONAL AND OTHER ALLOWANCES
PAYABLE TO THE RANK AND FILE
(a) EDUCATIONAL ALLOWANCES —

Qualification	Scale of Allowance
1. An approved Form III Certificate	Fifteen dollars per mensem.
2. Junior Cambridge Certificate or Sarawak Junior School Certificate or equivalent	} Twenty dollars per mensem.
3. Cambridge School Certificate (Senior Cambridge), or equivalent certificate of other Examination Boards	
4. Approved Junior Middle Certificate of an approved "Chinese" School	} Twenty-five dollars per mensem.
5. Approved Senior Middle Certificate of an approved "Chinese" School	

NOTE: (1) None of the above allowances shall be payable to a Sergeant-Major.
(2) None of the above allowances shall be part of pensionable emoluments.
(3) "Approved" means approved by the State Education Officer.

(b) LANGUAGE ALLOWANCES —

Language	Degree of Proficiency	Scale of Allowance
1. English.		
(a)	To a standard of English equivalent to a pass Primary 4 (oral)	\$ 5 per mensem
(b)	To a standard of English equivalent to a pass Primary 6 (oral)	\$10 per mensem

- | | |
|--|-----------------|
| (c) To a standard of English equivalent to a Junior Cambridge Certificate (Lower Standard) | \$15 per mensem |
| (d) To a standard of English equivalent to a Junior Cambridge Certificate (Certificate Standard) | \$20 per mensem |
| (e) To a standard of English equivalent to a Cambridge School Certificate or equivalent Examinations Board Certificate | \$25 per mensem |

NOTE: This English language allowance should not be payable to those in receipt of educational allowances under (a) 1, (a) 2, and (a) 3, above.

2. Chinese National Language.

- | | | |
|---|---|-----------------------------|
| (a) To a standard of Chinese equivalent to an approved Junior Middle Certificate or
a Pass in Chinese language in Cambridge School Certificate | } | Fifteen dollars per mensem. |
| (b) To a standard of Chinese equivalent to an approved Senior Middle Certificate | | Twenty dollars per mensem. |

NOTE: (1) This Chinese language allowance should not be payable to those in receipt of educational allowances under (a) 4 and (a) 5, above.

(2) "approved" means approved by the State Education Officer.

3. Malay.

- | | |
|---|-------------------------|
| Higher standard Jawi, as prescribed by Government General Orders. | Ten dollars per mensem. |
|---|-------------------------|

NOTE: The prior approval of the Chief Police Officer is necessary before any member of the rank and file can become eligible to qualify for any of the above allowances, which approval shall be withheld in the case of an application to qualify in respect of a language or dialect considered by the Chief Police Officer to be the applicant's own language or dialect.

4. Chinese.

Dialects	Degree of Proficiency	Scale of Allowance
a. Hokkien or Teo-chew b. Shanghai or Mandarin c. Cantonese or Hakka d. Hylam e. Henghua or Foochow (Hokchiu)	In all dialects, such degree of proficiency as the Chief Police Officer may approve.	For one dialect (a) in the case of Chinese non-com- missioned officer or constable — five dollars per men- sem; (b) in all other cases — ten dollars per men- sem.

NOTE :

1. No allowance shall be payable to any non-commissioned officer or constable in respect of more than three of the above dialects.

2. No Hokkien speaking non-commissioned officer or constable shall be eligible for any allowance in respect of Teochew dialect, nor shall a Teochew speaking non-commissioned officer or constable be eligible for any allowance in respect of Hokkien dialect.

3. No Cantonese speaking non-commissioned officer or constable shall be eligible for any allowance in respect of Hakka dialect, nor shall a Hakka speaking non-commissioned officer or constable be eligible for any allowance in respect of Cantonese dialect.

4. No Henghua speaking non-commissioned officer or constable shall be eligible for any allowance in respect of Foochow (Hokchiu) dialect, nor shall a Foochow (Hokchiu) speaking non-commissioned officer or constable be eligible for any allowance in respect of Henghua dialect.

5. No Shanghai speaking non-commissioned officer or constable shall be eligible for any allowance in respect of Mandarin dialect, nor shall a Mandarin speaking non-commissioned officer or constable be eligible for any allowance in respect of Shanghai dialect.

6. Every holder of any of the above allowances may be examined from time to time, on the direction of the Chief Police Officer, in any dialect in respect of which he draws an allowance; and on failure to attain such degree of proficiency as the Chief Police Officer may approve, the allowance payable to him shall thereupon determine.

SCHEDULE 'C'
(Regulation 26)

Name of Allowance	Qualification for Allowance	Amount of Allowance per mensem
1. Motor Vehicle Drivers	Certificate of proficiency approved by Chief Police Officer.	Ten dollars
2. Motor Cyclist	Certificate of proficiency approved by Chief Police Officer.	Five dollars
3. Outboard Engine Drivers	Certificate of proficiency approved by Chief Police Officer.	Five dollars
4. Assistant Armourers	Certificate of proficiency approved by Chief Police Officer.	Five dollars
5. Radio Operators	Certificate of proficiency from the Controller of Telecommunications.	Ten dollars
6. Detectives	(a) Constables seconded from the uniform branch for more than one month and detective-recruits a n d detective-constables;	Seven dollars and fifty cents
	(b) Non-commissioned officers seconded from the uniform branch for more than one month and detective-non-commissioned officers.	Ten dollars
7. Detective — Plain Clothes	(a) Constables s e c - onded from the uniform branch for more than one month.	Five dollars
	(b) Non-commissioned officers seconded from the uniform branch for more than one month.	Seven dollars
	(c) Members of the Inspectorate seconded from the uniform branch.	Nine dollars

8. Bandsmen	Band Sergeant-Major	Twenty dollars
	Bandsmen—1st Class	Twenty dollars
	Bandsmen—2nd Class	Fifteen dollars
	Bandsmen—3rd Class	Ten dollars

CONDITIONS :

(1) With the exception of detectives and detectives plain clothes allowances (Nos. 6 & 7) only one of the above allowances may be drawn at any one time, and then only for the period during which the non-commissioned officer or constable concerned is certified by his superior officer to be engaged on duties to which the allowance applies.

(2) Whenever any non-commissioned officer or constable has qualified for, and is competent to draw two or more of the above allowances, he shall be eligible to receive only the higher of such allowances or, where each allowance is at the same rate, then only one such allowance.

(3) None of the above allowances shall be part of pensionable emoluments.

SCHEDULE 'D'

(Regulation 27)

ADDITIONAL INCREMENTS — CONSTABLES ONLY

Constables with 15 years' service — Five dollars per mensem.

Constables with 20 years' service — Ten dollars per mensem.

SCHEDULE 'E'

(Regulation 28)

AWARD ALLOWANCES

Column I	Column II
George Medal	Twenty dollars per mensem
King's Police Medal for Gallantry	Ten dollars per mensem
Colonial Police Medal for Gallantry ..	Seven dollars per mensem
Colonial Police Long Service Medal ..	Four dollars per mensem

NOTE: None of the above allowances shall be part of pensionable emoluments.

Made this 3rd day of July, 1958.

J. O. GILBERT,
*British Resident,
Brunei.*