

No. S 13

CONSTITUTION OF BRUNEI DARUSSALAM
(Order under section 83(3))

EMERGENCY (FIRE SERVICE ACT) (AMENDMENT)
ORDER, 2000

In exercise of the power conferred by subsection (3) of section 83 of the Constitution of Brunei Darussalam, His Majesty the Sultan and Yang Di-Pertuan hereby makes the following Order —

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| <p>1. This Order may be cited as the Emergency (Fire Service Act) (Amendment) Order, 2000.</p> | <p>Citation.</p> |
| <p>2. Section 7 of the Fire Service Act, in this Order referred to as the Act, is amended —</p> <p style="padding-left: 40px;"><i>(a)</i> in paragraph <i>(a)</i>, by inserting ", fighting, preventing and controlling" immediately after "extinguishing";</p> <p style="padding-left: 40px;"><i>(b)</i> by deleting paragraph <i>(c)</i> and by substituting the following new paragraphs therefor —</p> <p style="padding-left: 80px;"><i>(c)</i> the prevention of fire;</p> <p style="padding-left: 80px;"><i>(d)</i> investigating into the cause, origin and circumstances of fires;</p> <p style="padding-left: 80px;"><i>(e)</i> performing humanitarian services, including the protection of life and property in any calamity;</p> <p style="padding-left: 80px;"><i>(f)</i> giving advice on fire protection measures and fire hazards;</p> <p style="padding-left: 80px;"><i>(g)</i> executing such other duties as may be imposed on them."</p> | <p>Amendment of section 7 of Chapter 82.</p> |
| <p>3. Section 8 of the Act is amended in paragraph <i>(c)</i>, by inserting "or for preventing the spread of the fire" immediately after "fire" in the last line.</p> | <p>Amendment of section 8.</p> |
| <p>4. The Act is amended by inserting the following three new sections immediately after section 8 —</p> | <p>Insertion of new sections 8A, 8B and 8C.</p> |

"Emergencies not involving fire.

8A. On the occasion of an emergency not involving fire or the risk of fire, the powers referred to in sections 7 and 8 shall be exercised by any member if he is of the opinion that life or property are in imminent danger.

Power to investigate.

8B. (1) The Director and any member authorised by him in writing shall have the power to investigate the commission of any offence under this Act or any regulations made thereunder.

(2) Every person required by the Director or such authorised member to give information or produce any document or other article relating to the commission of any such offence which is in that person's power to give shall be legally bound to give the information or to produce the document or other article.

(3) Nothing in this section affects any power of any police officer.

Powers of arrest and search.

8C. (1) The Director, any member authorised by him in writing, and any police officer may without a warrant arrest any person whom he reasonably suspects to have committed an offence punishable under this Act or any regulations made thereunder —

(a) if the name and address of that person are unknown to him;

(b) if that person declines to give his name and address;

(c) if there is any reason to doubt the accuracy of the name and address, if given; or

(d) if in his opinion he is likely to abscond.

(2) A person arrested under this section may be detained until his name and address have been correctly ascertained.

(3) No person so arrested shall be detained longer than is necessary for bringing him before a court, unless the order of a court for his detention has been obtained.

(4) Any member authorised by the Director in writing and any police officer may without a warrant and with or without assistance stop and search any

person, whether in a public place or not, if he has reason to believe that any evidence of the commission of an offence against this Act or regulations made thereunder is likely to be found on such person and may seize any evidence so found.

(5) No women shall be searched under subsection (4) except by a woman."

Amendment
of section 14.

5. Section 14 of the Act is amended —

(a) in subsection (1), by inserting "and Fire Service Standing Orders" immediately before "not" in the second line;

(b) in paragraph (b) of subsection (2), by adding "and the regulation and carrying out of punishment";

(c) by repealing paragraph (1) of subsection (2) and by substituting the following new paragraphs therefor —

(l) instructions and examinations;

(m) Fire Service duties of every description and the manner in which they shall be carried out;

(n) the institution and maintenance of messes, canteens, reading rooms and sports organisation;

(o) the control and use of all Fire Service equipment;

(p) transfers of members, the places at which they shall reside and the particular services to be performed by them;

(q) such other matters as may be necessary or expedient for preventing abuse or neglect of duty, for rendering the Fire Service efficient in the discharge of its duties and for carrying out the objects of this Act."

Amendment
of section 15.

6. Section 15 of the Act is amended —

(a) by inserting "or loss suffered in consequence of any action taken or work done" immediately after "done" in the first line; and

(b) by inserting "or powers" immediately after "duties" in the second line.

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7. Section 16 of the Act is amended by adding "or any calamity". Amendment
of section 16.
8. Section 17 of the Act is amended — Amendment
of section 17.
- (a)* in subsection (1), by deleting "or business or vessel specified by the applicant" from the last two lines and by substituting therefor ", business, vessels, vehicle, aircraft or any moveable structures specified by the applicant and, for the purpose, furnish such equipment as he may deem necessary"; and
- (b)* in subsection (2), by inserting "and for the use of equipment so furnished" immediately after "detailed" in the second line.
9. The Act is amended by inserting the following new section immediately after section 17 — Insertion
of new
section 17A.
- "Fees.
Fourth
Schedule. 17A. The fees specified in the Fourth Schedule shall be paid in respect of the matters to which they relate."
10. Section 18 of the Act is repealed and the following new section substituted therefor — Substitution
of section 18.
- "Regulations. 18. (1) The Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, may make regulations generally for carrying into effect the objects and purposes of this Act, including the prescription of fees, and for the due administration thereof.
- (2) Such regulations may make different provision as respects different classes of case to which they apply, and may include such incidental, consequential and supplementary provisions as the Minister considers necessary or expedient."
11. Section 19 of the Act is repealed and the following new section substituted therefor — Substitution
of section 19.
- "Amendment,
etc., of
Schedules. 19. The provisions contained in any Schedule may be amended, cancelled or replaced by regulations made by the Minister with the approval of His Majesty the Sultan and Yang Di-Pertuan."
12. Section 20 of the Act is amended — Amendment
of section 20.
- (a)* by deleting "of \$1,200 and imprisonment for 6 months" from the last two lines of subsection (1) and by substituting "not

exceeding \$6,000, imprisonment for a term not exceeding 2 years or both" therefor;

(b) by adding the following two new subsections —

"(4) No prosecution for any offence punishable under this Act or any regulations made thereunder shall be instituted except with the written sanction of the Public Prosecutor.

(5) Prosecutions for offences punishable under this Act or any such regulations may be conducted by a member authorised in writing in that behalf by the Public Prosecutor."

Insertion of new section 21. 13. The Act is amended by inserting the following new section immediately after section 20 —

"Application of Act and regulations to vessels, etc. 21. The provisions of this Act apply, subject to such modifications as may be prescribed, to —

(a) vessels remaining moored or on dry land, for such periods or in such circumstances as may be prescribed;

(b) tents and other movable structures;

(c) vessels or boats afloat or travelling within Brunei Darussalam;

(d) any buildings built along a river."

Addition of Fourth Schedule. 14. The Act is amended by adding the following new Schedule —

"FOURTH SCHEDULE
(section 17A)

FEEs

- | | | |
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| A. | On registration of plans submitted: | \$5.00 each |
| B. | On processing and approval of new, resubmitted, altered or amended plans: | |

	Private dwelling house plan (bungalows, terrace houses, detached and semi-detached houses)	\$15.00 per unit
	Architectural, mechanical, electrical and fire-protection plans (commercial, factories, flats, hotels, offices and others)	\$50.00 per storey per building
C.	Inspection, testing and checking of fire-fighting equipment, per time:	
	Automatic sprinkler	\$150.00 per system
	Wet riser	\$100.00 per system
	Dry riser	\$150.00 per system
	Fire-hose reel	\$50.00 per system
	Automatic detection system	\$100.00 per system
	Manual break-glass callpoint	\$50.00 per system
	Portable fire extinguisher (excluding refill)	\$1.00 each
	Fixed installation system (CO ₂ , FM200, Inergen and others)	\$100.00 per system
	Smoke spill system	\$100.00 per system
	Firemen lifts	\$50.00 each
	Fire hydrant	\$15.00 each
	Firemen intercom communication system in a building	\$50.00 per system
	Fire dampers	\$10.00 each

Fire door	\$1.00 each
Standby generator	\$25.00 per system
Emergency lighting and Exit signs	\$5.00 per storey per building
Pressurised staircase	\$50.00 per system
LPG (Liquefied Petroleum Gas) piping and/or Chlorination system	\$50.00 per system
Escalator	\$50.00 per system
Fire shutters	\$50.00 per building."

Made this 20th. day of Syawal, 1420 Hijriah corresponding to the 27th. day of January, 2000 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM