

No. S 19

**ROYAL BRUNEI POLICE FORCE ACT  
(Chapter 50)**

**ROYAL BRUNEI POLICE FORCE (DISCIPLINARY PROCEEDINGS)  
REGULATIONS, 2003**

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In exercise of the power conferred by section 64 of the Royal Brunei Police Force Act, His Majesty the Sultan and Yang Di-Pertuan in Council hereby makes the following Regulations —

**Citation.**

1. These Regulations may be cited as the Royal Brunei Police Force (Disciplinary Proceedings) Regulations, 2003.

**Application.**

2. These Regulations apply to the disciplinary proceedings of senior police officers.

**Interpretation.**

3. In these Regulations —

"Committee" means a Committee of Inquiry appointed by the Commission under regulation 5(3);

"Permanent Secretary" includes the Commissioner of Police and the Permanent Secretary to the Office of the Prime Minister.

**Investigation.**

4. (1) If it is represented to the Commission by a Permanent Secretary that a senior police officer has been guilty of misconduct contrary to subsection (2) of section 25 of the Act and the Commission is of the opinion that the subject of the complaint is not serious enough to warrant proceedings under regulation 5 with a view to dismissal or reduction in rank, the Commission may cause an investigation to be made into the matter in such manner as it thinks fit.

(2) The senior police officer shall be informed in writing of the case against him and shall have a reasonable opportunity of replying thereto.

(3) The Commission may, after considering the case made against the senior police officer, his reply thereto and the results of the investigation, if any, if it is of the opinion that —

(a) the allegation has been proved, recommend to His Majesty the Sultan and Yang Di-Pertuan the imposition of a penalty, such as stoppage or deferment of increment, fine or reprimand, or a combination of such penalties; or

(b) the results of such investigation disclose grounds for so doing, recommend to His Majesty the Sultan and Yang Di-Pertuan that the senior police officer be required to retire in the public interest without further proceedings under these Regulations, with or without a reduction in retirement benefits.

(4) The senior police officer shall be given an opportunity to submit a reply to the grounds upon which his retirement is contemplated.

**Serious misconduct.**

5. (1) If it is represented to the Commission by a Permanent Secretary that a senior police officer has been guilty of misconduct contrary to subsection (2) of section 25 of the Act and the Commission is of the opinion that the subject of the complaint warrants proceedings with a view to dismissal or reduction in rank, the Commission may cause proceedings to be taken under this regulation.

(2) The senior police officer shall be informed in writing by the Permanent Secretary of the grounds, which shall be reduced to the form of a definite charge or charges, upon which it is intended to dismiss him or to reduce his rank and he shall be given 14 working days within which to exculpate himself in writing.

(3) If the senior police officer submits an exculpatory statement which is not satisfactory, the Commission shall appoint a Committee to inquire into the matter and to submit a report to the Commission.

(4) The Committee shall consist of a Legal or Judicial officer who shall be the Chairman and two other senior public officers, who shall be selected with due regard to the standing of the senior police officer concerned and to the nature and gravity of the complaints which are the subject of the inquiry.

(5) The senior police officer shall be informed of the date on which the Committee will commence its inquiry and the senior police officer shall attend the inquiry and shall be permitted —

(a) to cross-examine the witnesses;

(b) to give evidence on his own behalf;

(c) to have such witnesses as he may wish called on his behalf; and

(d) to have access to information contained in any document at a reasonable time before the document is tendered in evidence.

(6) The record of the proceedings of the Committee shall consist of the information obtained by the Committee and a report by the Committee.

(7) The information shall not ordinarily be set out in the form of question and answer but in the form of a narrative, although the Committee may in its discretion record any particular question and answer.

(8) At the inquiry, the evidence on behalf of the Government shall be presented by a senior police officer nominated by the Commission.

(9) The Committee may, in its discretion, permit the senior police officer under inquiry to be represented by an advocate and solicitor or by another senior police officer.

(10) A person representing the senior police officer under inquiry shall not be senior in rank to any member of the Committee or to the officer nominated by the Commission under sub-regulation (8).

(11) The Committee may, at any time, exclude any person representing the senior police officer under inquiry from the inquiry if the Committee is of the view that that person has misconducted himself or is attempting to delay the inquiry.

(12) The Committee shall not be bound to act in a formal manner and shall not be bound by the Evidence Act (Chapter 108) or by any other law relating to evidence but may inform itself on any matter in such manner as it thinks fit.

(13) The Committee shall proceed with its inquiry from day to day without adjournment, except for reasons to be recorded in writing.

(14) If the Committee is satisfied that the senior police officer under inquiry or any person representing him is hampering or attempting to hamper the progress of the inquiry, the Committee shall administer a warning to the senior police officer and, where appropriate, to the person representing him.

(15) If after such warning the Committee is satisfied that the warning is being disregarded, the Committee shall make a written note of this and shall proceed to carry on with and complete the inquiry in such manner as it thinks fit.

(16) The Commission may, upon considering the report of the Committee, if it is of the opinion —

(a) that the senior police officer should be dismissed or reduced in rank, recommend to His Majesty the Sultan and Yang Di-Pertuan the dismissal or reduction in rank of the senior police officer from such date as it may think fit; or

(b) that some punishment other than dismissal or reduction in rank should be imposed —

(i) recommended to His Majesty the Sultan and Yang Di-Pertuan the imposition of some lesser penalty such as stoppage or deferment of increment, fine or reprimand, or a combination of such penalties; or

(ii) recommend to His Majesty the Sultan and Yang Di-Pertuan that the senior police officer should retire in the public interest without further proceedings under these Regulations, with or without a reduction in retirement benefits.

(17) The Commission may, where it thinks fit, require the Committee to reconvene to consider further evidence and to meet for that purpose, except that the senior police officer shall be given not less than 14 days' notice of such further meeting of the Committee.

(18) Where the senior police officer fails to furnish an exculpatory statement within the time specified in sub-regulation (2), he shall be informed in writing by the Permanent Secretary that if he fails to furnish an exculpatory statement within such time as the Commission may determine (which shall not be more than 28 days from the date of first communication of the charges to him), the Commission may proceed to determine the matter in accordance with sub-regulation (19).

(19) The Commission may dispense with the appointment of a Committee under sub-regulation (3) where the senior police officer —

(a) admits the charge or charges or any one of the charges; or

(b) fails to furnish an exculpatory statement within the time specified in sub-regulation (2) and such extended time as may be given under sub-regulation (18), and proceed to determine the matter as the Commission may think fit.

(20) If, upon considering the facts available, the Commission is of the opinion that —

(a) the senior police officer should be dismissed or reduced in rank, it shall recommend to His Majesty the Sultan and Yang Di-Pertuan the dismissal or reduction in rank of the senior police officer from such date as it may think fit; or

(b) some punishment other than dismissal or reduction in rank should be imposed, it may —

(i) recommend to His Majesty the Sultan and Yang Di-Pertuan the imposition of some lesser penalty on the senior police officer such as stoppage or deferment of increment, fine or reprimand, or a combination of such penalties; or

(ii) recommend to His Majesty the Sultan and Yang Di-Pertuan that the senior police officer should retire in the public interest without further proceedings under these Regulations, with or without a reduction in retirement benefits.

#### **Retirement in public interest.**

6. (1) Notwithstanding regulation 5, if His Majesty the Sultan and Yang Di-Pertuan, in accordance with the recommendation of the Commission, considers that it is desirable in the public interest that a senior police officer shall be required to retire from the service on grounds which cannot be suitably dealt with by specific charges under these Regulations, the Commission shall call for a full report from the Permanent Secretary.

(2) The Commission shall give the senior police officer an opportunity of submitting a reply to the complaints by reason of which his retirement is contemplated.

(3) If the Commission is satisfied, upon a consideration of the report and of the reply by the senior police officer and having regard to the conditions of service, the usefulness of the senior police officer thereto and all the other circumstances of the case, that it is desirable in the public interest to do so, it may recommend to His Majesty the Sultan and Yang Di-Pertuan that the senior police officer should retire in the public interest and the senior police officer's service shall accordingly be terminated on such date as the Commission shall specify.

(4) In every case, the question of pension, gratuity or other allowance shall be dealt with under the law for the time being in force.

**Interdiction.**

7. (1) If in any case the Commission considers that the public interest requires that a senior police officer should cease to exercise the powers and functions of his office immediately, the Commission may recommend to His Majesty the Sultan and Yang Di-Pertuan that the senior police officer be interdicted from the exercise of the powers and functions of his office, provided that criminal proceedings or proceedings for his dismissal or reduction in rank are being contemplated.

(2) Subject to regulation 11(1), a senior police officer who has been interdicted may be allowed to receive such portion of the emoluments of his office for such period during the period of interdiction as His Majesty the Sultan and Yang Di-Pertuan, in accordance with the recommendation of the Commission, shall think fit, or His Majesty the Sultan and Yang Di-Pertuan, in accordance with the recommendation of the Commission, may order the withholding of his total emoluments.

(3) If the proceedings against a senior police officer do not result in the dismissal or other punishment of the senior police officer, he shall be entitled to the full amount of the emoluments that he would have received had he not been interdicted.

(4) If the punishment is other than dismissal, the senior police officer may be refunded such portion of the emoluments withheld as a result of his interdiction as His Majesty the Sultan and Yang Di-Pertuan, in accordance with the recommendation of the Commission, shall think fit.

**Criminal proceedings.**

8. If criminal proceedings are instituted against a senior police officer, proceedings for his dismissal upon any grounds involved in the criminal charge shall not be taken until —

(a) the criminal proceedings have been determined; or

(b) if there is an appeal against conviction, the appeal has been withdrawn or deemed to have been withdrawn or disposed of by the final appellate court.

**Proceedings after conviction on criminal charge.**

9. (1) The Commission may, where a senior police officer is convicted of a criminal charge —

(a) consider the record of the proceedings of the court; and

(b) if it is of the opinion that the senior police officer should be dismissed, reduced in rank or otherwise punished, it may recommend to His Majesty the Sultan and Yang Di-Pertuan the punishment of the senior police officer accordingly after he has been given a reasonable opportunity of being heard.

(2) The Commission shall not be obliged to appoint a Committee in the circumstances set out in sub-regulation (1).

**Appeal.**

10. (1) Any senior police officer who is aggrieved by a decision of His Majesty the Sultan and Yang Di-Pertuan made on the recommendation of the Commission under these Regulations may by petition through the Permanent Secretary appeal against such decision to His Majesty the Sultan and Yang Di-Pertuan within 14 days of being notified thereof or within such further time as His Majesty the Sultan and Yang Di-Pertuan may allow.

(2) Every petition shall state concisely the decision against which the appeal is made and the grounds and evidence on which it is based.

**Emoluments withheld.**

11. (1) A senior police officer convicted of a criminal charge shall not, unless the Commission otherwise directs, receive any emoluments from the date of conviction, pending consideration of his case by the Commission.

(2) If the officer's increment has been withheld pending the outcome of the criminal charge, the Commission may order the forfeiture of such withheld increment.

**Proceedings on acquittal.**

12. The Commission may, where a senior police officer is acquitted of a criminal charge —

(a) consider the record of the proceedings of the court; and

(b) if it is of the opinion that the senior police officer should be dismissed, reduced in rank or otherwise punished, cause appropriate proceedings to be instituted under these Regulations.



**Forfeiture of allowances or other benefits.**

13. (1) A senior police officer who is dismissed forfeits all claim to any allowance or other benefit which he would have enjoyed, but for his dismissal.

(2) A senior police officer whose increment is withheld pending disciplinary action may forfeit such withheld increment at the discretion of the Commission.

**Officer not to resign or leave Brunei Darussalam.**

14. A senior police officer against whom disciplinary proceedings are instituted under these Regulations shall not, without the permission of the Commission, resign or leave Brunei Darussalam before the disciplinary proceedings are concluded.

**Repeal.**

15. Regulations 5, 6, 7, 9 and 10 of the Royal Brunei Police Force (Police Commission) Regulations, 2002 (S 24/02) are repealed.

Made this 22nd. day of Safar, 1423 Hijriah, corresponding to the 24th. day of April, 2003 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY  
THE SULTAN AND YANG DI-PERTUAN  
BRUNEI DARUSSALAM