

No. S 54

CONSTITUTION OF BRUNEI DARUSSALAM
(Order made under Article 83(3))

COMPULSORY RELIGIOUS EDUCATION ORDER, 2012

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COMPULSORY RELIGIOUS EDUCATION ORDER, 2012

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

Citation, commencement and long title.

1. (1) This Order may be cited as the Compulsory Religious Education Order, 2012 and shall commence on the 1st. day of January, 2013.

(2) The long title of this Order is “An Order to provide for compulsory religious education and for matters connected therewith or incidental thereto”.

Interpretation.

2. In this Order, unless the context otherwise requires —

“Board” means the Compulsory Religious Education Board established by section 7;

“child of compulsory religious school age” means a Muslim child of the age of 7 years or above who has not yet attained the age of 15 years and who satisfies such conditions for receiving pre-school and primary religious education as the Minister may determine;

“Minister” means the Minister of Religious Affairs;

“parent”, in relation to a child to whom section 5 applies, includes a guardian and any person who has the legal or actual control of the child;

“Permanent Secretary” means the Permanent Secretary of the Ministry of Religious Affairs;

“religious education” means education in accordance with the teachings of the Islamic religion according to *Ahli Sunnah Waljamaah*;

“religious school” means any institution for the provision of full-time pre-school and primary education, being —

(a) a religious school established and maintained exclusively by the Government; or

(b) such other school as may be prescribed.

Application.

3. This Order shall apply to a child of compulsory religious school age —

(a) who is a Muslim;

(b) who is born on or after 1st. January, 2006;

(c) who is residing in Brunei Darussalam; and

(d) whose parent, at least one of whom, is a citizen of Brunei Darussalam or a permanent resident;

Exclusive jurisdiction of Syariah Courts.

4. For the avoidance of doubt, it is hereby declared that no court, other than a court established under Part II of the Syariah Courts Act (Chapter 184), shall hear or determine any claims or proceedings under this Order.

Compulsory religious education.

5. (1) Every parent shall, if his child is a child of compulsory religious school age on the first day of January of the current school year, ensure that his child is enrolled as a pupil in a religious school in that year and remains as such for the duration of the compulsory religious education.

(2) A parent who contravenes subsection (1) is guilty of an offence.

(3) In subsection (1), “duration of the compulsory religious education” means the duration of religious education provided in a religious school which is designed for 7 years but may be completed between 7 and 8 years.

Exemption.

6. The Minister may, if he considers it desirable and in the interest of the child or the public to do, by order published in the *Gazette* and subject to such conditions as he may impose, exempt any child or any class or description of children from the provision of section 5.

Establishment and constitution of Board.

7. (1) There is hereby established a body known as the Compulsory Religious Education Board.

(2) The Board shall comprise —

(a) the Deputy Permanent Secretary of the Ministry of Religious Affairs, to be the chairman;

(b) the Director of Islamic Studies, to be the deputy chairman;

(c) not less than seven members to be appointed by the Minister;

(d) the Assistant Director of Islamic Studies, to be the secretary.

Public servants.

8. All members of the Board shall be deemed to be public servants for the purposes of the Penal Code (Chapter 22).

Period of membership.

9. (1) Subject to subsections (2) and (3), a member of the Board shall hold office for a period of 3 years from the date of his appointment and vacate his office in accordance with the terms of his appointment and shall be eligible for re-appointment.

(2) A member of the Board appointed under section 7(2)(c) may resign his office at any time by giving notice in writing to the Minister.

(3) If the Minister is satisfied that any member of the Board —

(a) has been guilty of neglect of duty or misconduct;

(b) has become bankrupt or made an arrangement with his creditors;
or

(c) is otherwise unable to discharge the functions of a member,

the Minister may revoke his appointment.

(4) The validity of any proceedings of the Board shall not be affected by any vacancy among its members or by any defect in the appointment of any member.

Meetings of Board.

10. (1) At any meeting of the Board, one-third of the number of appointed members shall form a *quorum*.

(2) The chairman shall preside at all meetings of the Board at which he is present and, in his absence, the deputy chairman shall act as chairman.

(3) The Board may delegate to any suitable person all or any of its powers or duties under this Order.

(4) All questions arising at any meeting of the Board shall be decided by a majority of votes of the members present and, in the case of an equality of votes, the chairman or, in his absence, the deputy chairman acting as chairman, shall have a casting vote.

(5) Subject to this Order, the Board may regulate its own procedure.

Duties and powers of Board.

11. (1) The duties of the Board shall be —

(a) to investigate whether any provisions of this Order has been or is being contravened;

(b) to make recommendations to the Permanent Secretary on the enforcement of this Order; and

(c) generally to do all such acts and things as are necessary to be carried out under this Order.

(2) For the purpose of performing its duties under this Order, the Board may —

(a) summon any person to attend any proceeding of the Board to give evidence or produce any document or other article in his possession;

(b) hear and examine witnesses on oath or affirmation;

(c) generally require any person to furnish any information or produce any document or other article in his possession;

(d) require any appropriate person to attend any counselling or mediation session as the Board may specify; and

(e) do anything incidental to any of its powers.

(3) The Minister may give such directions, not inconsistent with the provisions of this Order, as to the exercise of the powers and the performance of the duties of the Board and the Board shall give effect to any such directions.

Penalties.

12. (1) Any person guilty of an offence under section 5(2) is liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding one year or both.

(2) Any person who —

(a) refuses to attend any proceeding of the Board;

(b) refuses to furnish any information or produce any document to the Board;

(c) furnishes any information or produces any document which is false in a material particular and which he knows to be false or does not believe to be true; or

(d) obstructs or impedes the Permanent Secretary, the Board or any person acting under the direction of the Board,

is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding one year or both.

No person to be charged for offence except on complaint of Permanent Secretary.

13. No person shall be charged for any offence under this Order except on the complaint of the Permanent Secretary.

General Endowment Fund.

14. Every payment received under this Order shall vest in the Majlis Ugama Islam and shall form part of the General Endowment Fund established under section 98 of the Religious Council and Kadis Courts Act (Chapter 77).

Protection from personal liability.

15. No suit or other legal proceedings shall lie personally against —

(a) any member of the Board; or

(b) any other person ordered under the direction of the Board,

for anything done or omitted to be done by him in good faith in the execution or purported execution of this Order.

Regulations.

16. (1) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make regulations which are necessary or expedient for giving effect to and carrying out the provisions of this Order, including the prescription of fees and any other thing required to be or which may be prescribed under this Order, and for the due administration thereof.

(2) Such regulations may include such incidental, consequential and supplementary provisions as the Minister considers necessary or expedient.

Made this 24th. day of Syaaban, 1433 Hijriah corresponding to the 14th. day of July, 2012 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM