

No. S 48

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

ANTI-TERRORISM (AMENDMENT) ORDER, 2012

ARRANGEMENT OF SECTIONS

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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.

1. This Order may be cited as the Anti-Terrorism (Amendment) Order, 2012.

Amendment of section 2 of S 45/2011.

2. Section 2 of the Anti-Terrorism Order, in this Order referred to as the principal Order, is amended —

(a) in the definition of “terrorist”, by inserting “directly or indirectly, unlawfully and wilfully” immediately after “who” in the first line;

(b) by inserting the following new definition immediately after the definition of “terrorist entity” —

““terrorist group” means —

(a) any group of terrorists that —

(i) commits, or attempts to commit, terrorist acts by any means, directly or indirectly, unlawfully and wilfully;

(ii) participates as an accomplice in terrorist acts (whether or not the terrorist act occurs);

(iii) organises or directs other to commit terrorist acts (whether or not the terrorist act occurs); or

(iv) abets, contributes, counsels or procures the commission of terrorist acts by a group of persons acting with a common purpose where the abetment, contribution, counseling or procurement is made intentionally and with the aim of furthering the terrorist act or with the knowledge of the intention of the group to commit a terrorist act (whether or not the terrorist act occurs); or

(b) any class of person declared to be a terrorist group under section 65(1) by the Minister;".

Substitution of section 4.

3. Section 4 of the principal Order is repealed and the following new section substituted therefor —

"Provision or collection of property to commit terrorist acts, for terrorist group or terrorist.

4. (1) Any person who —

- (a) provides;*
- (b) collects;*
- (c) receives;*
- (d) possesses; or*
- (e) makes available,*

by any means, directly or indirectly, any property, intending, knowing, or having reasonable grounds to suspect, that the property will be used in whole or in part —

- (i) to commit a terrorist act or facilitate the commission of a terrorist act;*
- (ii) by a terrorist group; or*
- (iii) by a terrorist,*

is guilty of an offence and liable on conviction to a fine not exceeding \$5,000,000, imprisonment for a term not exceeding 30 years or both.

(2) A person commits an offence under subsection (1) even if —

- (a) a terrorist act does not occur;*
- (b) the funds will not be used to facilitate, or to engage in, a specific terrorist act; or*
- (c) the funds will not be used to facilitate, or to engage in, more than one terrorist act.".*

Amendment of section 9.

4. Section 9 of the principal Order is amended —

(a) in the section heading, by inserting “terrorist or” immediately before “terrorist group”;

(b) in subsection (1), in paragraph (a), by inserting “a terrorist or” immediately before “terrorist group”;

(c) in subsection (2) —

(i) in paragraph (a), by inserting “a terrorist or” immediately before “member”;

(ii) in paragraph (b), by inserting “a terrorist or” immediately before “terrorist group”;

(iii) in paragraph (c), by inserting “a terrorist or” immediately before “terrorist group”.

Amendment of section 11.

5. Section 11 of the principal Order is amended by adding the following new subsection immediately after subsection (2) —

“(3) For the purposes of this section, “recruit” or “recruits” includes abet, induce, incite, instigate, encourage and solicit.”.

Amendment of section 15.

6. Section 15 of the principal Order is amended by adding the following two new subsections immediately after subsection (2) —

“(3) Where any articles of, or relating to, or purporting to relate to, any terrorist group is found in the possession, custody or under the control of any person, it shall be presumed, until the contrary is proved, that such person is a member of the terrorist group.

(4) For the purposes of this section, a member of the terrorist group includes —

(a) a person who has taken steps to become a member of the terrorist group; and

(b) in the case of a body corporate, a director or an officer of the body corporate.”.

Amendment of section 65.

7. Section 65 of the principal Order is amended —

(a) in the section heading, by adding “or terrorist group”;

(b) in subsection (1), by inserting “or terrorist group” immediately after “terrorist” in the second line.

Made this 26th. day of Rejab, 1433 Hijriah corresponding to the 16th. day of June, 2012 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM