

No. S 40

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

**TOWN PLANNERS REGISTRATION ORDER, 2014**

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

**TOWN PLANNERS REGISTRATION ORDER, 2014**

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 —

**PART I**

**PRELIMINARY**

**Citation, commencement and long title.**

1. (1) This Order may be cited as the Town Planners Registration Order, 2014 and shall commence on a date to be appointed by the Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by notification in the *Gazette*.

(2) The long title of this Order is “An Order to provide for the registration of town planners and for purposes connected therewith or incidental thereto”.

**Interpretation.**

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

“appointed member” means a member of the Board appointed under sections 3(2)(b) or (c);

“Board” means the Board of Town Planners established by section 3(1);

“certificate of registration” means a certificate of registration issued under section 16(1);

“chairman” means the chairman of the Board;

“Minister” means the Minister charged with the responsibility for town planning matters;

“profession” means the town planning profession;

“Register” means the Register of Town Planners referred to in section 12;

“Registrar” means the Registrar of Town Planners referred to in section 11.

PART II

BOARD OF TOWN PLANNERS

**Establishment and constitution of Board.**

3. (1) There is hereby established a board known as the Board of Town Planners.

(2) The Board shall consist of the following members —

(a) the Commissioner for Town and Country Planning, who shall be the chairman;

(b) 4 persons appointed by the Minister who are town planners or persons who are members of Royal Town Planning Institute of the United Kingdom or any other internationally recognised professional body approved by the Minister;

(c) one person appointed by the Minister from locally recognised professional bodies approved by the Minister.

(3) The period of appointment of members, other than the chairman, shall be 3 years, but such members shall be eligible for re-appointment.

(4) All acts done by the Board shall, notwithstanding any vacancy in the Board or that it is afterwards discovered that there was a defect in the appointment of any person purporting to be a member thereof, be as valid as if no such vacancy or defect had existed.

**Meetings of Board.**

4. (1) In the absence of the chairman from a meeting of the Board, the members present shall elect from amongst themselves a person to be the chairman for that meeting.

(2) The chairman of a meeting shall have an original vote and also a casting vote.

(3) The Board shall meet at such places and times as the chairman may appoint and, at a meeting, 4 members shall form a *quorum*.

(4) Subject to the provisions of this Order, the Board may determine its own procedure.

**Termination of appointment.**

5. The appointment of an appointed member of the Board shall terminate if he resigns his office.

**Revocation of appointment.**

6. The Minister may revoke the appointment of an appointed member of the Board —

(a) if his conduct, whether in connection with his duties as a member of the Board or otherwise, has been such as to bring discredit to the Board;

(b) if he has become incapable of properly carrying out his duties as a member of the Board;

(c) if he has been convicted on a charge in respect of —

(i) an offence involving fraud, dishonesty or moral turpitude;

(ii) an offence under any law relating to corruption;

(iii) any offence under this Order; or

(iv) any other offence punishable with imprisonment exceeding 2 years;

(d) if he has been adjudicated bankrupt;

(e) if he has been found or declared to be of unsound mind or has otherwise become incapable of managing his affairs;

(f) if he absents himself from 3 consecutive meetings of the Board without obtaining leave in writing from the chairman;

(g) if his registration has been cancelled or has become void; or

(h) if his name has been removed from the Register.

**Functions of Board.**

7. The functions of the Board are —

(a) to approve or reject applications for registration under this Order;

*(b)* to recommend to the Minister the scale of fees to be charged by registered town planners for professional advice and services rendered;

*(c)* to establish, maintain, develop and improve the standards of professional conduct and ethics of the profession;

*(d)* to regulate the conduct of the town planning profession;

*(e)* to hear and determine itself or to appoint an arbitrator to hear disputes relating to the professional conduct and ethics of registered town planners;

*(f)* to represent the profession in any matter in which it may be necessary or expedient;

*(g)* to examine, report and make recommendations any other matters affecting the profession;

*(h)* to appoint a person to represent it on a body or panel of examiners which may be appointed by any body representing the profession;

*(i)* to make recommendations to the relevant authority relating to any examination for qualification for admission to the profession;

*(j)* to appoint members of the Board to sit on a board, committee or body formed for any purpose affecting the profession;

*(k)* to appoint members of the Board to sit on the board of another professional body;

*(l)* to produce, publish and sell planning bulletins or newsletters; and

*(m)* generally, to do all such acts, matters and things as it considers necessary to carry out the provisions of this Order.

**Committees.**

8. (1) The Board may appoint committees as it thinks expedient —

*(a)* to advise it on matters concerning its functions, powers and duties;

*(b)* for the proper discharge of its functions, the exercise of its powers and the performance of its duties;

*(c)* for any purpose arising out of or connected with its functions, powers and duties;

*(d)* to carry out its functions, powers or duties as it may determine or delegate;

*(e)* to carry out investigations upon any complaint made against any registered town planner.

(2) Subject to this Order and to any directions given by the Board, a committee may regulate its own procedure.

**Committee to report to Board.**

9. (1) A committee shall report its findings and make recommendations to the Board.

(2) Upon receiving the findings and recommendations, the Board may —

*(a)* accept the findings and recommendations of a committee and make the recommended order;

*(b)* refer the matter back to a committee for further inquiry; or

*(c)* make such other order as the Board thinks fit.

**Minutes of meeting.**

10. A committee shall cause —

*(a)* minutes of its meetings to be kept and maintained in proper form; and

*(b)* copies of such minutes to be forwarded to the Board not later than 2 weeks from the date of the meeting.

**PART III**

**REGISTRATION OF TOWN PLANNERS**

**Appointment and duties of Registrar.**

11. (1) The Commissioner for Town and Country Planning shall be the Registrar.

(2) The Registrar shall —

- (a) keep and maintain the Register;
- (b) sign all certificates of registration and record in the Register all entries of registration, cancellation, suspension and reinstatement;
- (c) publish in the *Gazette* —
  - (i) as soon as practicable after 1st January each year, a list containing the names, addresses, qualifications and dates of qualification of all registered town planners; and
  - (ii) from time to time, a list containing the names, addresses, qualifications and dates of qualification of registered town planners who have been —
    - (aa) added;
    - (ab) removed from; or
    - (ac) reinstated into,

the Register;

(d) publish in planning bulletins or newsletters a list containing the names and addresses of registered town planners who have been —

- (i) added;
- (ii) removed from; or
- (iii) reinstated into,

the Register within one month of such addition, removal or reinstatement.

(3) In any proceedings —

(a) the publication of a list under subsection (2) shall be *prima facie* evidence that persons whose names appear therein are registered town planners;

(b) a certificate issued pursuant to section 16 shall be *prima facie* evidence that the person named therein as a town planner is a registered town planner; and

(c) a certificate under the hand of the Registrar that the name of a person has been entered, added, removed from or reinstated into the



Register shall be conclusive evidence that that person is or is not (as the case may be) a registered town planner.

(4) The Registrar may publish annually and offer for sale copies of the Register.

**Register.**

12. (1) The Register of Town Planners shall contain the names and addresses and such other particulars, if any, as are prescribed of all persons who are registered in accordance with this Order.

(2) The Registrar shall keep and maintain the Register at the office of the Board which shall be accessible for public inspection.

**Registered town planners.**

13. (1) No person shall, unless he is registered, take or use the name or title of town planner or any other word in any language having the same or a similar meaning or being to the like intent or take or use any other name, title, emblem or description implying that his name or the name of any person employed by him is registered or that he or such other person is entitled to be registered.

(2) A person who acts in contravention of subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$1,000 and to a further fine of \$100 for every day during which the offence continues after conviction.

**Persons eligible for registration.**

14. Subject to this Order, the following persons are eligible to be registered —

(a) any person employed as a town planner at the date of commencement of this Order;

(b) any person who is a member of Royal Town Planning Institute of the United Kingdom or any other internationally recognised professional body regulating town planning or who is a holder of such other qualification as the Minister may declare by notification in the *Gazette* to be an approved qualification for the purposes of this section,

who has complied with such conditions as the Board may determine.

**Application for registration.**

15. (1) Any person eligible for registration under this Order may apply to the Board for registration.

(2) Every application made to the Board shall be accompanied by a non-refundable application fee of a prescribed amount which shall be paid in the manner specified by the Board and in such form and manner as the Board may determine.

**Issue of certificates of registration.**

16. (1) The Registrar shall issue to any town planner whose application for registration has been approved by the Board, a certificate of registration in a form approved by the Board upon payment of the prescribed fee.

(2) The certificate shall —

(a) expire on the 31st December of the year in which it was issued; and

(b) be renewable annually upon payment of the prescribed fee.

**Entitlement.**

17. (1) Every registered town planner shall be entitled to —

(a) prepare planning schemes for the purposes of the Town and Country Planning (Development Control) Act (Chapter 143);

(b) carry out urban, rural and regional development planning studies, and feasibility and environmental impact assessment studies relating to land use;

(c) prepare and submit applications for planning permission, subdivision layouts, drawings, planning reports, planning briefs and development proposals to any person or public authority for the purposes of developing any land; and

(d) any other work relating to town and country planning.

(2) Nothing contained in this section shall affect the entitlement of any other person under any other written law to do any of the things mentioned in subsection (1).

**Notification of change of address.**

18. Every registered town planner shall notify the Registrar of any change in his business address or correspondence address within 14 days of such change.

**Removal from Register.**

19. The Registrar shall remove from the Register the name and other particulars of a registered town planner who —

- (a) has died;
- (b) has failed to renew his registration within 3 months of its expiry;
- (c) has been registered through an error as to his qualification for registration;
- (d) who has applied in writing for such removal.

**Powers of Board to cancel certificate and remove name from Register.**

20. (1) Subject to this section, the Board may direct that a certificate be cancelled and the name and other particulars of a registered town planner be removed from the Register if —

- (a) he has been convicted of an offence involving fraud or dishonesty;
- (b) he has been adjudged bankrupt;
- (c) he becomes of unsound mind;
- (d) he has been convicted of an offence under this Order;
- (e) his registration has been obtained by fraud or misrepresentation;
- (f) his qualification for registration under section 12 has been withdrawn or cancelled by the authority through which it was acquired or by which it was awarded;
- (g) he has been found guilty of an improper act or conduct which renders him, in the opinion of the Board, unfit to be a town planner; or
- (h) it appears to the Board that he is unable to carry out the duties of a town planner effectively in Brunei Darussalam.

(2) No direction shall be given under subsection (1) unless the Board has given the registered town planner to whom it relates an opportunity of being heard either personally or by counsel.

(3) A direction under subsection (1) shall not take effect until the expiration of one month from the date on which it has been communicated to the registered town planner to whom it relates or, where an appeal against the direction has been made to the Minister under section 23, until the appeal has been determined or withdrawn.

(4) Where a direction under subsection (1) takes effect, the Registrar shall make such alteration in the Register as is necessary to give effect to it.

**Surrender of certificate of registration.**

21. A person whose name has been removed from the Register shall surrender to the Board the certificate of registration within 14 days of notification of such removal.

**Reinstatement.**

22. Where the name has been removed from the Register under section 19(b), it shall be reinstated forthwith upon payment of the prescribed fee.

**Appeal.**

23. Any person aggrieved by any decision of the Board under this Order may appeal to the Minister, whose decision shall be final.

**Exemption.**

24. A town planner in public office shall be exempted from payment of any fee prescribed pursuant to this Order.

**Fraudulent registration.**

25. Any person who, in an application for registration under this Order, makes, produces or causes to be made or produced, any false or fraudulent representation, certificate or declaration, either verbally or in writing, or who knowingly aids or assists therein is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding 6 months or both.

**Offences.**

26. Any person who contravenes or fails to comply with any provision of this Order for which no other penalty is expressly provided 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 and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day during which the offence continues after conviction.

**No action in absence of bad faith.**

27. No action or proceeding shall lie against the Board, any committee or any member thereof for any act or thing done or omitted to be done in good faith in the discharge or purported discharge of its or his duties under this Order.

**Rules.**

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

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

Made this 6th. day of Rejab, 1435 Hijriah corresponding to the 6th. day of May, 2014 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY  
THE SULTAN AND YANG DI-PERTUAN  
BRUNEI DARUSSALAM