

No. S 51

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

PENAL CODE (AMENDMENT) ORDER, 2014

ARRANGEMENT OF SECTIONS

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

PENAL CODE (AMENDMENT) 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 —

Citation.

1. This Order may be cited as the Penal Code (Amendment) Order, 2014.

Insertion of new section 380A into Chapter 22.

2. The Penal Code is amended by inserting the following new section immediately after section 380 —

“Theft in protected place or place of worship.

380A. (1) Whoever commits theft —

(a) in a protected place; or

(b) in any building used as a place for worship,

shall be punished with imprisonment for a term which may extend to 10 years and with whipping.

(2) For the purposes of subsection (1), “protected place” means any place or premises declared to be a protected place under section 5 of the Protected Areas and Protected Places Act [Chapter 147].”

Amendment of section 426.

3. Section 426 of the Penal Code is amended by deleting “and shall also be punished with whipping” from the last two lines and by substituting “or with fine, or with both” therefor.

Amendment of section 427.

4. Section 427 of the Penal Code is amended —

(a) in the section heading, by deleting “\$25” and by substituting “\$500” therefor;

(b) by deleting “\$25” from the second line and by substituting “\$500” therefor.

Insertion of new section 427A.

5. The Penal Code is amended by inserting the following new section immediately after section 427 —

“Mischief in protected place or place of worship.

427A. (1) Whoever commits mischief —

(a) in a protected place; or

(b) to any building used as a place for worship, or any property therein,

shall be punished with imprisonment for a term which may extend to 5 years and with whipping with not less than 4 strokes.

(2) For the purposes of subsection (1), “protected place” means any place or premises declared to be a protected place in the Protected Areas and Protected Places Act (Chapter 147).”.

Amendment of section 428.

6. Section 428 of the Penal Code is amended —

(a) in the section heading, by deleting “of the value of \$5”;

(b) by inserting a comma immediately after “useless” in the second line;

(c) by deleting “or animals of the value of \$5 or upwards,” from the second line.

Repeal of section 429.

7. Section 429 of the Penal Code is repealed.

Insertion of new section 448A.

8. The Penal Code is amended by inserting the following new section immediately after section 448 —

“Punishment for house-trespass in protected place or place of worship.

448A. (1) Whoever commits house-trespass in a protected place or a place of worship shall be punished with imprisonment for a term of not less than 2 years and not more than 7 years and with whipping with not less than 2 strokes.

(2) For the purposes of subsection (1), “protected place” means any place or premises declared to be a protected place under section 5 of the Protected Areas and Protected Places Act (Chapter 147).”.

Insertion of new section 453A.

9. The Penal Code is amended by inserting the following new section immediately after section 453 —

“Punishment for lurking house-trespass or house-breaking in protected place or place of worship.

453A. (1) Whoever commits lurking house-trespass or house-breaking in a protected place or a place of worship shall be punished with imprisonment for a term of not less than 3 years and not more than 10 years and with whipping with not less than 3 strokes.

(2) For the purposes of subsection (1), “protected place” means any place or premises declared to be a protected place under section 5 of the Protected Areas and Protected Places Act (Chapter 147).”.

Insertion of new section 456A.

10. The Penal Code is amended by inserting the following new section immediately after section 456 —

“Punishment for lurking house-trespass or house-breaking by night in protected place or place of worship.

456A. (1) Whoever commits lurking house-trespass by night, or house-breaking by night in a protected place or a place of worship shall be punished with imprisonment for a term of not less than 3 years and not more than 10 years and with whipping with not less than 3 strokes.

(2) For the purposes of subsection (1), “protected place” means any place or premises declared to be a protected place under section 5 of the Protected Areas and Protected Places Act (Chapter 147).”.

Amendment of First Schedule to Chapter 7.

11. The First Schedule to the Criminal Procedure Code is amended —

(a) by inserting the following new item immediately after the item relating to section 380 —

| | | | | | | | |
|-------|---|-------------------------------------|---------|------------------|---------------------|--|--------------|
| "380A | Theft in protected place or place of worship | May arrest without warrant | Warrant | Non- bailable | Not compoundable | Imprisonment for 10 years and with whipping | High Court"; |
|-------|---|-------------------------------------|---------|------------------|---------------------|--|--------------|

(b) in item relating to section 426, by deleting "whipping" and by substituting "fine" therefor in the sixth column;

(c) in item relating to section 427, by deleting "\$25" and by substituting "\$500" therefor in the first column;

(d) by inserting the following new item immediately after the item relating to section 427 —

| | | | | | | | |
|-------|---|-------------------------------------|-------|-------|---------------------|--|---------|
| "427A | Mischief, and thereby causing damage in protected place or place of worship | May arrest without warrant | Ditto | Ditto | Not compoundable | Imprisonment for 5 years and whipping with not less than 4 strokes | Ditto"; |
|-------|---|-------------------------------------|-------|-------|---------------------|--|---------|

(e) in item relating to section 428 —

(i) by deleting "of the value of \$5 or upwards" in the first column;

(ii) by deleting "May arrest without warrant" in the second column and by substituting "Ditto" therefor;

(iii) by deleting "Not compoundable" in the sixth column and by substituting "Ditto" therefor;

(iv) by deleting "Ditto" in the seventh column and by substituting "Imprisonment for 5 years and whipping with not less than 2 strokes" therefor;

(f) by repealing the item relating to section 429;

(g) by inserting the following new item immediately after the item relating to section 448 —

| | | | | | | | |
|-------|--|----------------------------|---------|--------------|------------------|---|-------------------------|
| “448A | Punishment for house-trespass in protected place or place of worship | May arrest without warrant | Warrant | Non-bailable | Not compoundable | Imprisonment of not less than 2 years and not more than 7 years and whipping with not less than 2 strokes | Court of a Magistrate”; |
|-------|--|----------------------------|---------|--------------|------------------|---|-------------------------|

(h) by inserting the following new item immediately after the item relating to section 453 —

| | | | | | | | |
|-------|--|----------------------------|---------|--------------|------------------|--|--------------|
| “453A | Punishment for lurking house-trespass or house-breaking in protected place or place of worship | May arrest without warrant | Warrant | Non-bailable | Not compoundable | Imprisonment of not less than 3 years and not more than 10 years and whipping with not less than 3 strokes | High Court”; |
|-------|--|----------------------------|---------|--------------|------------------|--|--------------|

(i) by inserting the following new item immediately after the item relating to section 456 —

| | | | | | | | |
|-------|---|----------------------------|---------|--------------|------------------|--|--------------|
| “456A | Punishment for lurking house-trespass or house-breaking by night in protected place or place of worship | May arrest without warrant | Warrant | Non-bailable | Not compoundable | Imprisonment of not less than 3 years and not more than 10 years and whipping with not less than 3 strokes | High Court”; |
|-------|---|----------------------------|---------|--------------|------------------|--|--------------|

Amendment of Schedule to Chapter 4.

12. The Schedule to the Interpretation and General Clauses Act is amended —

(a) by inserting “380A,” immediately after “376,” in the third line;

(b) by deleting “426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 437, 439, 440” from the fifth line and by substituting “426, 427, 427A, 428, 430, 431, 432, 433, 434, 435, 437, 439, 440, 448A, 453A, 456A” immediately before “and 511” therefor.

7th. OCTOBER, 2014

Made this 12th. day of Zulhijjah, 1435 Hijriah corresponding to the 7th. day of October, 2014 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM