

No. S 82

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

MISCELLANEOUS LICENCES ACT (AMENDMENT) ORDER, 2014

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

MISCELLANEOUS LICENCES ACT (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 and commencement.

1. This Order may be cited as the Miscellaneous Licences Act (Amendment) Order, 2014 and shall commence on 1st January 2015.

Substitution of long title of Chapter 127.

2. The long title of the Miscellaneous Licences Act, in this Order referred to as the Act, is repealed and the following new long title is substituted therefor —

“An Act to make provision for the licensing, regulation and control of certain activities and certain commercial places and for matters connected therewith and incidental thereto”.

Amendment of section 1.

3. Section 1 of the Act is amended by deleting “Miscellaneous” from the first line and by substituting “Business” therefor.

Substitution of section 2.

4. Section 2 of the Act is repealed and the following new section is substituted therefor —

“Interpretation.

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

“authorised officer” means a person appointed as such under section 2B;

“licence” means a Business Licence issued under section 3;

“licensing authority” means the licensing authority appointed under section 2A(1);

“Minister” means the Minister of Home Affairs.”.

Insertion of new sections 2A and 2B.

5. The Act is amended by inserting the following two new sections immediately after section 2 –

“Licensing authority.

2A. (1) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, appoint a licensing authority for the purposes of this Act.

(2) The licensing authority shall, subject to any directions of the Minister, be responsible for the general supervision of the implementation and the administration of this Act.

Authorised officers.

2B. The Minister may by notification published in the *Gazette* appoint such number of authorised officers to carry into effect any specific provisions of this Act or of any regulations made thereunder.”.

Amendment of section 3.

6. Section 3 of the Act is amended by deleting “licence” from the third line and by substituting “Business Licence” therefor.

Amendment of section 4.

7. Section 4 of the Act is amended –

(a) in the marginal note, by deleting “of licences revocation” and by substituting “, suspension or revocation of licences” therefor;

(b) in subsection (1), by deleting “of this section” from the first two lines and by substituting “and section 4A,”;

(c) in subsection (2), by inserting “suspend or” immediately before “revoke” in the first line;

(d) by deleting subsection (3) and by substituting the following new subsection therefor –

“(3) Any person who is aggrieved by the refusal of the licensing authority to grant a licence or by a decision of the licensing authority to suspend or revoke a licence may, within 14 days of the date of receipt of the notice of such refusal, suspension or revocation, appeal in writing to the Minister, whose decision shall be final.”.

Amendment of section 4A.

8. Section 4A of the Act is amended, in subsection (1), by deleting “public officer” from the first line and by substituting “person or body” therefor.

Amendment of section 5.

9. Section 5 of the Act is amended by deleting “any public officer authorised by the Minister” from the fourth line and by substituting “authorised officer” therefor.

Insertion of new section 5B.

10. The Act is amended by inserting the following new section immediately after section 5A —

“Power to close place.

5B. Where the licensing authority has suspended a licence under section 4(2), the licensing authority may, by notice in writing, order the closure of the place to which the licence relates for the duration of the period of suspension.”.

Substitution of section 6.

11. Section 6 of the Act is repealed and the following new section is substituted therefor —

“Offences.

6. Any person who —

(a) makes or causes to be made any statement or declaration which is false or misleading in any material particular;

(b) furnishes any document or information which to his knowledge is false or misleading in any material particular;

(c) erase, tamper with, cancel or alter any mark of endorsement or entry contained in a licence;

(d) fails to observe any condition or restriction imposed by or under this Act or any regulations made thereunder; or

(e) contravenes any provision of this Act or of any regulations made thereunder,

commits an offence against this Act.”.

Amendment of section 7.

12. Section 7 of the Act is amended, in subsection (1), by inserting “and, in the case of a continuing offence, to a further fine not exceeding \$100 for each day during which the offence continues” immediately after “\$10,000” in the last line.

Insertion of new section 7A.

13. The Act is amended by inserting the following new section immediately after section 7 —

“Composition of offences.

7A. (1) The licensing authority or any person authorised by the licensing authority in writing in that behalf may compound any offence against this Act or any regulations made thereunder by collecting from the person reasonably suspected of having committed the offence a sum of money not exceeding \$500.

(2) On payment of such sum of money, no further proceedings shall be taken against such person in respect of the offence.”.

Amendment of section 9.

14. Section 9 of the Act is amended, in the marginal note, by deleting “Savings” and by substituting “Non-derogation” therefor.

Substitution of section 10.

15. Section 10 of the Act is repealed and the following new section is substituted therefor —

“Exemption.

10. (1) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by order published in the *Gazette*, exempt, with or without conditions, any trade, business, occupation or place, opened or carried on by any person or class of persons, from all or any of the provisions of this Act or any regulations made thereunder.

(2) The Minister may suspend or revoke an exemption granted under subsection (1) on the ground that the conditions subject to which the exemption was granted have not been complied with or for any other reason.”.

Addition of new sections 11 and 12.

16. The Act is amended by adding the following two new sections —

“Amendment of Schedule.

11. The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by order published in the *Gazette*, amend the Schedule.

Regulations.

12. The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make such regulations as he considers necessary or expedient for giving effect to and carrying out the purposes and provisions of this Act, including the prescription of fees and of any other thing required to be or which may be prescribed under this Act, and for the due administration thereof, and such regulations may include such incidental, consequential and supplementary provisions as he considers necessary or expedient.”.

Transitional and saving provisions.

17. (1) Every application for licences pending to be issued under the Act made before the date of commencement of this Order shall be deemed to be an application for a Business Licence.

(2) Any licence issued under the Act and in force immediately before the date of commencement of this Order shall continue to be in force for the remaining period of the licence and shall subsist until its expiry.

(3) Any public officer declared to be an authorised officer under the Miscellaneous Licences Regulations immediately before the date of commencement of this Order shall continue to be authorised officers under the Act as if the public officer had been appointed under section 2B of the Act.

Made this 6th. day of Rabiulawal, 1436 Hijriah corresponding to the 28th. day of December, 2014 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM