

No. S 46

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

BEAUTY AND HEALTH ESTABLISHMENTS ORDER, 2016

ARRANGEMENT OF SECTIONS

Section

PART I

PRELIMINARY

1. Citation, commencement and long title
2. Interpretation
3. Licensing authority
4. Authorised officers

PART II

LICENCE

5. Licence to carry on beauty and health establishment
6. Application for licence
7. Disqualification
8. Period of licence
9. Licence not transferable
10. Grant, suspension or revocation of licence
11. Changes in particulars of licence
12. Replacement of lost or defaced licence
13. Display of licence

PART III

DUTIES OF LICENSEE

14. Register of employees
15. Medical examination
16. Use of curtains or other screens to separate beds not exceeding 2 metres in height
17. Separate changing rooms
18. Duty of licensee

PART IV

GENERAL

19. Power to enter and inspect licensed place
20. Offences
21. Amendment of Schedules
22. Regulations
23. Transitional provisions

FIRST SCHEDULE — SERVICES AND FACILITIES

SECOND SCHEDULE — FEES

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

BEAUTY AND HEALTH ESTABLISHMENTS ORDER, 2016

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 Beauty and Health Establishments Order, 2016 and shall be deemed to have commence on 1st January 2016.

(2) The long title of this Order is “An Order to regulate beauty and health establishments and for matters connected therewith or incidental thereto”.

Interpretation

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

“advertise” means advertising by means of boards, circulars and all forms of printed or written matter;

“authorised officer” mean a person appointed as such under section 4;

“beauty and health establishment” means any premises that provide any one or a combination of the services or facilities set out in the First Schedule;

“licence” means a licence issued under section 6(3);

“licensed place” means the beauty and health establishment in respect of which a licence has been issued;

“licensing authority” means the licensing authority appointed under section 3;

“Minister” means Minister of Home Affairs.

Licensing authority

3. (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 Order.

(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 Order.

Authorised officers

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

PART II

LICENCE

Licence to carry on beauty and health establishment

5. No person shall carry on a beauty and health establishment unless he is in possession of a valid licence.

Application for licence

6. (1) A person who wishes to obtain a licence shall make an application to the licensing authority in the form and manner as the licensing authority may determine.

(2) Upon receiving any application under subsection (1), the licensing authority may require the applicant to furnish him with such additional information as he may require.

(3) After receiving an application under subsection (1) and any additional information under subsection (2) and on payment of such fee as specified in the Second Schedule, the licensing authority may —

(a) issue a licence to the applicant to carry on a beauty and health establishment of the description in the name and address specified in the application;

(b) issue the licence with or without such conditions as he may consider necessary; or

(c) refuse to issue a licence.

(4) A licence shall not be renewable as of right and an application to renew shall be treated as an application for a licence.

Disqualification

7. No licence shall be issued —

(a) to an applicant under the age of 18 years;

(b) in respect of premises which, in the opinion of the licensing authority, are not suitable for operating a beauty and health establishment; or

(c) if the applicant fails to give an undertaking that persons with the necessary qualifications or skills will be employed.

Period of licence

8. Every licence shall be valid for a period of 3 years from the date of issue, unless suspended or revoked.

Licence not transferable

9. A licensee shall not transfer his licence to, or permit his licence to be used by, another person.

Grant, suspension or revocation of licence

10. (1) Subject to the provisions of subsection (3), the grant of any licence issued, or to be issued under this Order shall be in the absolute discretion of the licensing authority.

(2) The licensing authority may suspend or revoke a licence granted to any person on proof to his satisfaction of an offence against this Order or other misconduct by such person.

(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.

Changes in particulars of licence

11. Whenever any change is made or occurs to the name or address of the licensed place, the licensee shall within 30 days of such change —

(a) furnish to the licensing authority a statement in writing specifying the nature and date of the change; and

(b) surrender the licence to the licensing authority,

and the licensing authority shall, as soon as practicable, issue a new licence to the licensee.

Replacement of lost or defaced licence

12. (1) Where it is proved to the satisfaction of the licensing authority that a licence has been lost, destroyed or so mutilated or defaced as to be illegible, the licensing authority may, on receipt of an application from the licensee and on payment of a fee as specified in the Second Schedule, issue a replacement licence to the licensee, and the replacement licence so issued shall have the same effect as the original.

(2) If at any time after the issue of a replacement licence the original licence is found, the licensee shall return the original licence to the licensing authority.

Display of licence

13. Every licensee shall exhibit his original licence in a conspicuous place at the licensed place.

PART III

DUTIES OF LICENSEE

Register of employees

14. (1) A licensee shall maintain a register containing the names, identity card numbers, residential addresses, qualifications or skills and any other relevant particulars of his employees, as well as the photographs of his employees, and shall produce the register for inspection whenever required by the licensing authority.

(2) A licensee shall, on hiring an employee, submit the particulars of that employee to the licensing authority and shall inform the licensing authority of any change of particulars of the employee.

Medical examination

15. A licensee shall ensure that he, if he is also an employee, and his employees undergo, once every 2 years, a medical examination and receive a medical certificate by a medical practitioner registered under the Medical Practitioners and Dentists Act (Chapter 112).

Use of curtains or other screens to separate beds not exceeding 2 metres in height

16. (1) A licensee may, in areas used for massage or for maintaining any part of the body or face, use curtains or other screens made of any material specified by the licensing authority to separate the beds but such curtains or screens shall not exceed 2 metres in height measured from the floor.

(2) The door of any area where services are rendered or facilities are being provided shall not be locked.

Separate changing rooms

17. A licensee shall ensure that there is a proper and separate space to change for the male and female clients.

Duty of licensee

18. (1) No licensee shall —

(a) allow any person whom he knows or reasonably suspects to be suffering from an infectious or communicable disease to enter the beauty and health establishment;

(b) employ in the beauty and health establishment any person whom he knows or has a reason to believe to be suffering from an infectious disease;

(c) employ in the beauty and health establishment any person whom he knows or has reason to believe to be a prostitute or a person of bad behaviour;

(d) dress inappropriately or allow an employee to dress inappropriately in the beauty and health establishment;

(e) allow a male employee to treat a female client and *vice versa*;

(f) treat male and female clients in the same treatment areas;

(g) allow any animal to enter, remain or be kept in the beauty and health establishment; and

(h) display any obscene photograph, picture, article or thing in the beauty and health establishment.

(2) Subsection (1)(e) and (f) do not apply to a premises that provides a gymnasium or an aerobics service or facility.

PART IV

GENERAL

Power to enter and inspect licensed place

19. The licensing authority or any authorised officer may enter and inspect a licensed place and examine all books or other documents found in the licensed place and remove them for further examination.

Offences

20. Any person who —

(a) carries on a beauty and health establishment in respect of which he does not hold a valid licence;

(b) for the purpose of obtaining, whether for himself or any other person, the issue of any licence under the provisions of this Order makes any declaration or statement which is false in any material particular or knowingly alters, produces or makes use of any such declaration or statement or any document containing the same;

(c) refuses to licence the licensing authority or any officer authorised by him to enter or inspect any licensed place which the officer is authorised under this Order to enter and inspect or obstructs any such officer in the execution of his duty under the provisions of this Order or any regulations made thereunder;

(d) carries on a beauty and health establishment in contravention of the provisions of this Order or any regulations made thereunder or any condition of a licence; or

(e) issues, publishes or displays or causes to be issued, published or displayed any advertisement relating to beauty and health establishment which is not licensed in accordance with the provisions of this Order,

is guilty of an offence and liable on conviction to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day during which the offence continues after conviction.

Amendment of Schedules

21. The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by order published in the *Gazette*, amend the Schedules to this Order.

Regulations

22. (1) 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 provisions of this Order, including the prescription of any fees or 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.

Transitional provisions

23. (1) The licensing authority appointed under the repealed Act immediately before the date of commencement of this Order shall continue to be the licensing authority under this Order as if the licensing authority had been appointed under section 3.

(2) Any authorised officer appointed under the repealed Act immediately before the date of commencement of this Order shall continue to be an authorised officer under this Order as if the authorised officer had been appointed under section 4.

(3) In this section, “repealed Act” means the Business Licences Act (Chapter 127) repealed by the Business Licences Act (Repeal) Order, 2016.

FIRST SCHEDULE (sections 2 and 21)

SERVICES AND FACILITIES

Aerobics

Aromatherapy

Barber

Body-slimming

Cosmetic

Facial and body treatment

Gymnasium

Hair salon

Manicure and pedicure

Massage

Reflexology

Spa, including hot or cold water pools

SECOND SCHEDULE
(sections 6, 12 and 21)

FEEES

Issue or renewal of licence valid for 3 years	\$300
Replacement licence	\$10.

Made this 29th. day of Syawal, 1437 Hijriah corresponding to the 3rd. day of August, 2016 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM