

LAWS OF BRUNEI

CHAPTER 204
INFECTIOUS DISEASES

S 34/03

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LAWS OF BRUNEI
REVISED EDITION 2010

CHAPTER 204
INFECTIOUS DISEASES
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INFECTIOUS DISEASES ACT

An Act to prevent the introduction and spread in Brunei Darussalam, and the transmission from Brunei Darussalam, of infectious diseases and any matters connected therewith

Commencement: 8th May 2003

PART I

PRELIMINARY

Citation.

1. This Act may be cited as the Infectious Diseases Act.

Interpretation.

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

“AIDS” means Acquired Immune Deficiency Syndrome;

“baggage” means the personal effects of a traveller or of a crew member of a vessel;

“building” means any house, hut, shed or roofed enclosure, whether intended for the purpose of human habitation or otherwise, and any wall, gate, post, pillar, paling, frame, hoarding, slip, dock, wharf, pier, jetty, landing-stage or bridge;

“carrier”, in relation to any infectious disease, means any person who is harbouring, or is likely to or is suspected to harbour, the agents of that disease;

“contact”, in relation to any infectious disease, means any person who has been exposed to the risk of infection from that disease;

“crew” includes any person who is on board a vessel not for the sole purpose of travelling from one place to another but who is employed in the vessel’s service or in connection with its cargo;

“dangerous infectious disease” means any of the diseases set out in the Second Schedule;

“Director-General” means the Director-General of Health Services;

“food establishment” means any place or any premises or part thereof used for the sale or for the preparation or manufacture for sale, or for the storage or packing for sale, of food, whether cooked or not, intended for human consumption;

“health officer” means any person who is authorised by the Director-General to carry into effect any provisions of this Act or the regulations made thereunder, and includes any person appointed as a health officer or a port health officer under the Quarantine and Prevention of Disease Act (Chapter 47) (repealed by the Infectious Diseases Order, 2003 (S 34/03));

“HIV Infection” means Human Immunodeficiency Virus Infection;

“infected” means infected with the germs of an infectious disease;

“infectious disease” means —

(a) any of the diseases set out in the First Schedule; and

(b) for the purposes of sections 7, 8, 9, 10, 13, 14, 15, 16, 19, 48, 56 and 76(1)(g), includes any other disease that —

- (i) is caused or is suspected to be caused by a micro-organism or any agent of disease;
- (ii) is capable or is suspected to be capable of transmission by any means to human beings; and
- (iii) the Director-General has reason to believe, if left uninvestigated or unchecked, is likely to result in an epidemic of the disease;

“isolation”, in relation to a person or group of persons, means the separation of that person or group of persons from any other persons, other than —

(a) the health staff in charge of the care and isolation of that person or group of persons; and

(b) such other persons as the Director-General may allow;

“master”, in relation to vessel, means the person for the time being in charge of or command of the vessel;

“medical practitioner” means a medical practitioner registered or exempted from registration under the Medical Practitioners and Dentists Act (Chapter 112);

“Minister” means the Minister of Health;

“nurse” means a nurse registered under the Nurses Registration Act (Chapter 140);

“occupier”, in relation to any premises or vessel, means the person in occupation of the premises or vessel or having the charge or control thereof either on his own account or as an agent of another person;

“owner”, in relation to any premises or vessel, means the person for the time being receiving the rent of the premises or vessel whether on his own account or as agent, trustee or receiver or who would receive the same if the premises or the vessel were let or chartered;

“port” means any place in Brunei Darussalam and any navigable river or channel leading into such place declared to be a port under the Ports Act (Chapter 144) and includes an airport;

“pratique”, in relation to a vessel, means the written permission granted by any health officer to the vessel to disembark and commence operation;

“premises” means buildings, lands, easements and hereditaments of any tenure whether open or enclosed, whether public or private and includes any place or structure or any part thereof used or intended to be used for human habitation or for employment or any other purpose;

“public place” means any place or premises to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, and includes any place or premises used by the public or a section of the public for educational or recreational purposes or for assemblage;

“quarantine” means the compulsory detention in isolation for the purpose and under the provisions of this Act or any regulations made thereunder of any vessels, persons, goods, things, animals or plants;

“quarantine anchorage” means any area of the port which has been appointed for the time being for the quarantine of vessels and declared to be a quarantine anchorage by the Ports Department;

“quarantine station” means any island, building or place where quarantine is carried out;

“surveillance” means the subjection of a person or persons to periodical medical examinations or observations with a view to ascertaining his or their state of health;

“vessel” includes any ship, boat, aircraft, vessel or motor vehicle or trailer of any description used in navigation by land, sea or air.

PART II

ADMINISTRATION

Administration of Act.

3. (1) Except as otherwise provided by this Act, the Director-General shall, subject to any general or special directions of the Minister, be responsible for the administration of this Act.

(2) The Minister may, by notification published in the *Gazette*, direct that the powers conferred on the Director-General under any provision of this Act be exercised by the Director-General of Medical Services in relation to such matters as may be specified in the notification.

(3) For the purposes of exercising the powers in relation to matters referred to in subsection (2), any reference to the Director-General in any of those provisions shall be construed as a reference to the Director-General of Medical Services.

Delegation.

4. The Director-General may, subject to such conditions or restrictions as he thinks fit, delegate to any health officer all or any of the powers conferred on him by this Act.

Advisory committees.

5. The Minister may establish one or more advisory committees consisting of such members as he may appoint for the purpose of giving advice to the Director-General with regard to such matters arising out of the administration of this Act as are referred to them by the Minister.

PART III

CONTROL OF INFECTIOUS DISEASES

Notification of infectious diseases.

6. (1) Every medical practitioner who has reason to believe or suspect that any person attended or treated by him is suffering from an infectious disease or is a carrier of that disease shall notify the Director-General within such time and in such form or manner, as the Director-General may require.

(2) Every person in charge of a laboratory used for the diagnosis of disease who becomes aware of the existence of an infectious disease in the course of his work shall notify the Director-General within such time and in such form or manner, as the Director-General may require.

(3) Any person who is aware or who suspects that any other person is suffering or has died from or is a carrier of an infectious disease shall notify the Director-General within such time and in such form or manner, as the Director-General may require.

(4) Any person who is required to notify the Director-General under this section shall give any other particulars required by the Director-General so far as they can be reasonably ascertained by him or are within his knowledge.

(5) Any person who fails to comply with the requirements of this section or furnishes as true information which he knows or has reason to believe to be false is guilty of an offence.

(6) When any person who is charged with failing to comply with the requirements of subsections (1), (2) or (3) in relation to the notification of an infectious disease, he shall be presumed to have known of the existence of the disease unless he proves to the satisfaction of the court that he had no such knowledge and could not with reasonable diligence have obtained such knowledge.

Epidemiological surveys and investigations.

7. (1) The Director-General may undertake epidemiological surveys of people, animals or vectors in order to determine the existence, prevalence or incidence of any infectious disease or any other disease which the Minister, by notification published in the *Gazette*, declares to be a disease to which this section applies.

(2) In investigating any disease, the Director-General may require any person —

(a) to furnish him as soon as practicable with such information as he may require for the purpose of the investigation; and

(b) to submit to such medical examination as he thinks fit.

(3) Any person who fails without reasonable excuse to furnish any information or to submit to any medical examination required under subsection (2) is guilty of an offence.

Medical examination and treatment.

8. (1) The Director-General may require any person who is, or is suspected to be, a case or carrier or contact of an infectious disease to submit

to medical examination or medical treatment at such times and at such hospital or other place, as the Director-General may determine.

(2) If any person fails to comply with any requirements under this section —

(a) that person is guilty of an offence; and

(b) the Director-General may order the removal of that person to any hospital or other place where the person may be detained and (if necessary) isolated until he has been medically examined or treated.

Post-mortem examination.

9. Where any person has died whilst being, or suspected of being, a case or carrier or contact of an infectious disease, the Director-General may order a post-mortem examination of the body of that person for the purpose of —

(a) determining the cause or circumstances of the death of that person; or

(b) investigating into any outbreak or suspected outbreak of, or preventing the spread of, that disease.

Director-General may require information from medical practitioners etc.

10. (1) The Director-General may, for the purpose of investigating into any outbreak or suspected outbreak of an infectious disease, preventing the spread of an infectious disease, or treating any person who is, or is suspected to be, a case or carrier or contact of an infectious disease —

(a) require any medical practitioner to obtain from his patient such information as the Director-General may reasonably require for that purpose and transmit such information to the Director-General; and

(b) with the approval of the Minister, prescribe by order any general or specific measures or procedures for that purpose for compliance by any medical practitioner, hospital, medical clinic, clinical laboratory or healthcare establishment.

(2) Any person who fails to comply with a requirement or an order referred to in subsection (1) is guilty of an offence.

(3) A patient of a medical practitioner who fails to provide the medical practitioner or a person acting on his behalf with any information sought from the patient pursuant to a requirement under subsection (1)(a) that is within the patient's knowledge is guilty of an offence.

(4) A medical practitioner shall comply with a requirement under subsection (1)(a) to transmit information to the Director-General notwithstanding any restriction on the disclosure of information imposed by any written law, rule of law, rule of professional conduct or contract; and he shall not by so doing be treated as being in breach of any such restriction notwithstanding anything to the contrary in that law, rule or contract.

(5) In this section —

“clinical laboratory” means any premises used or intended to be used for any type of examination of the human body or of any matter derived therefrom for the purpose of providing information for the diagnosis, prevention or treatment of any disease or for the assessment of the health of any person, or for ascertaining the cause of death or the result of any medical or surgical treatment given to any person;

“healthcare establishment” means any premises or conveyance —

(a) which is used or intended to be used for the provision of any service, or for carrying out any practice or procedure, that is related to the diagnosis, treatment or care of persons suffering from any disease, injury or disability; and

(b) which is declared by the Minister, by order published in the *Gazette*, to be a healthcare establishment for the purposes of this Act;

“medical clinic” means any premises used or intended to be used by a medical practitioner, dentist or any other person —

(a) for the diagnosis or treatment of persons suffering from, or believed to be suffering from, any disease, injury or disability of mind or body; or

(b) for curing or alleviating any abnormal condition of the human body by the application of any apparatus, equipment, instrument or device requiring the use of electricity, heat or light.

Offence for supplying false or misleading information.

11. (1) Any person who —

(a) donates any blood or blood product at any blood bank or hospital in Brunei Darussalam for any use or purpose; and

(b) directly in connection with such donation of blood or blood product, supplies any material information which he knows to be false or misleading,

is guilty of an offence and liable on conviction to a fine not exceeding \$20,000, imprisonment for a term not exceeding 2 years or both.

(2) In this section, “material information” means any information directly relating to the likelihood of transmission of an infectious disease by the use of any blood or blood product.

Treatment of premises or vessel.

12. (1) The Director-General may, by notice in writing, require the owner or occupier of any premises or vessel to cleanse or disinfect it in the manner and within the time specified in the notice.

(2) Any owner or occupier who fails to comply with the requirements of the notice served under subsection (1) is guilty of an offence.

(3) Without prejudice to any proceedings under subsection (2), where a notice issued by the Director-General under subsection (1) has not been complied with, a person authorised in writing in that behalf by the Director-General may enter the premises or vessel to which the notice relates and take or cause to be taken such measures as have been specified in the notice.

(4) The cost and expenses incurred by the Director-General under subsection (3) shall be paid by the person in default and may be recovered as a debt due to the Government.

Destruction and disposal of infected animals, food and water.

13. The Director-General may order the destruction of any animal and the disposal of any food or water wherever found if he considers such animal, food or water to be a source for the transmission of an infectious disease.

Wakes and disposal of corpses.

14. (1) Where any person has died whilst being, or suspected of being, a case or carrier or contact of an infectious disease, the Director-General may by order —

(a) prohibit the conduct of a wake over the body of that person or impose such conditions as he thinks fit on the conduct of such wake; or

(b) impose such conditions as he thinks fit for the collection, removal and disposal of the body of that person.

(2) If any person contravenes any order under subsection (1) —

(a) that person is guilty of an offence; and

(b) any health officer may take such steps as may be necessary to ensure that the order is complied with, including entering any premises at any time without warrant and with such force as may be necessary to collect, remove and dispose of the body of the deceased person.

(3) Any costs and expenses incurred by any health officer under subsection (2)(b) shall be borne by the person in default and may be recovered as a debt due to the Government.

Isolation of certain persons.

15. (1) The Director-General may order any person who is, or is suspected to be, a case or carrier or contact of an infectious disease to be

detained and isolated in a hospital or other place for such period of time and subject to such conditions, as the Director-General may determine.

(2) Notwithstanding subsection (1), the Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, order the removal forthwith from Brunei Darussalam of any person referred to in subsection (1) who is not a citizen of Brunei Darussalam.

(3) The Director-General may order any person who is, or is suspected or continues to be suspected to be, a case or carrier or contact of an infectious disease, or who has recently recovered from or been treated for such disease, to remain and to be isolated and (if necessary) be treated, in his own dwelling place —

(a) for such period of time as may be necessary for the protection of the public; and

(b) subject to such conditions as the Director-General may consider necessary for this purpose.

(4) If any person against whom an order under subsections (1) or (3) is made —

(a) fails to proceed to the place in which he is to be isolated within the time specified in the order;

(b) without the permission of the Director-General, leaves or attempts to leave the place in which he is being isolated; or

(c) fails to comply with any condition to which the person is subject,

that person is guilty of an offence.

(5) Any person in respect of whom an order under subsection (2) has been made who fails to comply with that order is guilty of an offence.

Surveillance.

16. (1) The Director-General may, in his discretion, order any person who is, or is suspected to be, a case or carrier or contact of an infectious disease to undergo surveillance for such period of time and subject to such conditions as the Director-General thinks fit.

(2) Any person subjected to surveillance under subsection (1) who fails to comply with any condition relating to his surveillance imposed by the Director-General is guilty of an offence.

Isolation area.

17. (1) The Minister may, for the purpose of preventing the outbreak or spread of an infectious disease, by notification published in the *Gazette*, declare any premises to be an isolation area.

(2) A notification under subsection (1) shall be effective until the expiration of such period as may be specified in the notification or until it is revoked by the Minister, whichever occurs first.

(3) The Director-General may, in relation to an isolation area, by order —

(a) prohibit any person or any person within a class of persons from entering or leaving the isolation area without the permission of the Director-General;

(b) prohibit or restrict the movement within the isolation area of any person or any person within a class of persons;

(c) prohibit or restrict the movement of goods;

(d) require any person or any person within a class of persons to report at specified times and places and submit to such medical examinations, to answer such questions and to submit to such medical treatment as the Director-General thinks fit;

(e) authorise the destruction, disposal or treatment of any goods, structure, water supply, drainage and sewerage system or other matter within the isolation area known or suspected to be a source of infection; and

(f) prohibit, restrict, require or authorise the carrying out of such other act as may be prescribed.

(4) Action necessary to give effect to an order under subsection (3) may be taken by any health officer or any police officer.

(5) Any person who, without reasonable excuse, contravenes an order under subsection (3) is guilty of an offence.

(6) A person who leaves or attempts to leave or is suspected of having left an isolation area in contravention of an order under subsection (3) may be arrested without warrant by any police officer, or by any health officer authorised in writing in that behalf by the Director-General.

(7) Without prejudice to any of the orders which the Director-General may make under this Act or any regulations made thereunder, the Director-General may issue an order under section 15 against a person who is arrested under subsection (6) as if he were a person referred to in that section.

(8) Goods brought into or removed from an isolation area in contravention of an order under subsection (3) shall be forfeited to the Government and may be seized, dealt with and disposed of in accordance with sections 56(2) and (3) as if those goods were any substance or matter referred to in section 56(1)(c).

Abatement of overcrowding.

18. (1) If, in the opinion of the Director-General, a building is so overcrowded as to expose the occupants thereof to the risk of infection by an infectious disease, he may, by notice in writing, direct the owner or occupier of the building to abate the overcrowding or to close the building or part thereof within the time specified in the notice.

(2) When a building or any part thereof has been directed to be closed under subsection (1), any person who enters the building or part thereof without the permission of the Director-General is guilty of an offence.

Closure of food establishment.

19. (1) If the Director-General suspects that any food establishment is the source of or is responsible for the transmission of an infectious disease, he may, by notice in writing, order the closure of the food establishment and prohibit the sale or distribution of the food or water found therein for such period as may be specified in the notice.

(2) Any person aggrieved by any order under subsection (1) may, within 7 days from the date of the order, appeal to the Minister whose decision shall be final.

Prohibition of meetings, gatherings and public entertainments.

20. (1) Where it appears to the Director-General that the holding of any meeting, gathering or any public entertainment is likely to increase the spread of any infectious disease, the Director-General may prohibit the meeting, gathering or public entertainment in any place.

(2) Any person who holds, is present at or has taken part in any meeting, gathering or public entertainment in contravention of any prohibition under subsection (1) is guilty of an offence.

Control of occupation, trade or business.

21. (1) The Director-General may, by order in writing, prohibit any person who is a case or carrier of an infectious disease for any period specified therein from carrying on any occupation, trade or business in which that person is likely to cause the spread of the disease.

(2) The Director-General may, by order in writing, prohibit any person for any period specified therein from carrying on any occupation, trade or business if his occupation, trade or business is conducted in such a manner as is likely to cause the spread of any infectious disease.

(3) Any person aggrieved by any order under subsection (2) may, within 7 days from the date of the order, appeal to the Minister whose decision shall be final.

(4) Any person who contravenes any order made under subsections (1) or (2) is guilty of an offence.

Certain persons not to act in manner likely to spread disease.

22. (1) A person who knows or has reason to suspect that he is a case or carrier or contact of a disease set out in the Fifth Schedule shall not expose other persons to the risk of infection by his presence or conduct in any public place or any other place used in common by persons other than the members of his own family or household.

(2) A person having the care of another person whom he knows or has reason to suspect is a case or carrier or contact of a disease set out in the Fifth Schedule shall not cause or permit that person to expose other persons to the risk of infection by that person's presence or conduct in any such place.

(3) A person shall not lend, sell, transmit or expose, without previous disinfection, any clothing, bedding or rags which he knows to have been exposed to infection from a disease set out in the Fifth Schedule, or any other article which he knows to have been so exposed and which is liable to carry such infection.

(4) Any person who contravenes subsections (1), (2) or (3) is guilty of an offence.

(5) A person shall not incur any liability for contravening subsection (1) if his presence or conduct in a place mentioned in that subsection is necessary for the purpose of obtaining medical treatment.

(6) Where the Director-General has designated a hospital or other place for the treatment of the disease, subsection (5) shall only apply in relation to the obtaining of medical treatment at the designated hospital or place.

(7) A person shall not incur any liability for contravening subsection (3) by transmitting with proper precautions any article for the purpose of having it disinfected.

PART IV

CONTROL OF AIDS AND HIV INFECTION

Persons with AIDS or HIV Infection to undergo counselling etc.

23. (1) The Director-General may require any person who has been diagnosed as having AIDS or HIV Infection —

- (a) to undergo counselling by a registered medical practitioner;
and

(b) to comply with such precautions and safety measures as may be specified by the Director-General.

(2) Any person who fails or refuses to comply with subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 2 years or both.

Sexual intercourse by persons with AIDS or HIV Infection.

24. (1) A person who knows that he has AIDS or HIV Infection shall not have sexual intercourse with another person unless, before the sexual intercourse takes place, the other person —

(a) has been informed of the risk of contracting AIDS or HIV Infection from him; and

(b) has voluntarily agreed to accept that risk.

(2) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 2 years or both.

(3) For the purposes of this section, a person shall not, only by reason of age, be presumed incapable of having sexual intercourse.

(4) For the purposes of this section and section 25, a person shall be deemed to know that he has AIDS or HIV Infection if a serological test or any other prescribed test for the purpose of ascertaining the presence of HIV Infection carried out on him has given a positive result and the result was communicated to him.

(5) In this section, “sexual intercourse” means —

(a) sexual connection occasioned by the introduction into the vagina, anus or mouth of any person of any part of the penis of another person; or

(b) cunnilingus.

Blood donation and other acts by persons with AIDS or HIV Infection.

25. (1) Any person who knows that he has AIDS or HIV Infection shall not —

(a) donate blood at any blood bank in Brunei Darussalam; or

(b) do any act which is likely to transmit or spread AIDS or HIV Infection to another person.

(2) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$50,000, imprisonment for a term not exceeding 2 years or both.

Protection of identity of persons with AIDS, HIV Infection or other sexually transmitted disease. Disclosure by Director-General etc.

26. (1) Any person who, in the performance or exercise of his functions or duties under this Act, is aware or has reasonable grounds for believing that another person has AIDS or HIV Infection or is suffering from a sexually transmitted disease or is a carrier of that disease shall not disclose any information which may identify the other person except —

(a) with the consent of the other person;

(b) when it is necessary to do so in connection with the administration or execution of anything under this Act;

(c) when ordered to do so by a court;

(d) to any medical practitioner or other health staff who is treating or caring for the other person;

(e) to any blood, organ, semen or breast milk bank that has received or will receive any blood, organ, semen or breast milk from the other person;

(f) for statistical reports and epidemiological purposes if the information is used in such a way that the identity of the other person is not made known;

(g) to the victim of a sexual assault by the other person;

(h) to the Controller of Immigration for the purposes of the Immigration Act (Chapter 17);

(i) to the next-of-kin of the other person upon the death of such person;

(j) to any person or class of persons to whom, in the opinion of the Director-General, it is in the public interest that the information be given; or

(k) when authorised by the Minister to publish such information for the purposes of public health or public safety.

(2) Any person who contravenes or fails to comply with subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$2,000, imprisonment for a term not exceeding 3 months or both.

(3) For the purposes of subsection (1)(a), the consent of the other person includes —

(a) if that person has died, the written consent of that person's spouse, personal representative, administrator or executor;

(b) if that person is below the age of 16 years, the written consent of a parent or legal guardian of that person; and

(c) if, in the opinion of the medical practitioner who undertook the test for HIV Infection for that person, he has a disability by reason of which he appears incapable of giving consent, the written consent in the following order, of —

(i) a legal guardian of that person;

(ii) the spouse of that person;

(iii) a parent of that person; or

(iv) an adult child of that person.

(4) The Director-General may disclose any information relating to any person whom he reasonably believes to be infected with AIDS or HIV Infection to —

(a) any medical practitioner or other health staff who has been exposed to a risk of infection from AIDS or HIV Infection; or

(b) any first responder who has experienced a significant exposure to blood or other potentially infectious materials of any patient.

(5) For the purpose of subsection (4), “first respondent” means any police officer or any person who provides emergency response, first aid care or other medically related assistance either in the course of the person’s occupational duties or as a volunteer.

(6) Subject to subsection (7), a medical practitioner may disclose information relating to any person whom he reasonably believes to be infected with AIDS or HIV Infection to the spouse, former spouse or other contact of the infected person or to any health officer for the purpose of making the disclosure to the spouse, former spouse or other contact.

(7) The medical practitioner shall not disclose any information under subsection (6) unless —

(a) he reasonably believes that it is medically appropriate and that there is a significant risk of infection to the spouse, former spouse or other contact;

(b) he has counselled the infected person regarding the need to notify the spouse, former spouse or other contact and he reasonably believes that the infected person will not inform the spouse, former spouse or other contact; and

(c) he has informed the infected person of his intent to make such disclosure to the spouse, former spouse or other contact.

(8) Where the medical practitioner is unable, by any reasonable means, to counsel or inform the infected person, he may apply to the Director-General to waive the requirements of subsections (7)(b) or (c) or both.

(9) The Director-General may approve the application made under subsection (8) if, in the opinion of the Director-General, it is medically appropriate to disclose the information and that there is a significant risk of infection to the spouse, former spouse or other contact.

(10) No person, to whom any information relating to a person who is reasonably believed to be infected with AIDS or HIV Infection has been disclosed under this section, shall disclose such information to any person other than the persons specified in subsection (11) or as provided in subsection (13).

(11) The persons referred to in subsection (10) are —

(a) the infected person himself;

(b) a person who is authorised under subsection (1)(a) to consent to such disclosure; and

(c) any person who is authorised to disclose such information under subsections (1), (4), (6) or (9).

(12) Any person who fails to comply with or contravenes subsection (10) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 3 months or both.

(13) A person, to whom any information relating to a person who is reasonably believed to be infected with AIDS or HIV Infection has been disclosed under this section, may apply to the Director-General for approval to disclose such information to any person or class of persons.

(14) The Director-General may approve the application under subsection (13) if he is satisfied that such disclosure is in the interests of public health or public safety.

PART V

PREVENTION OF INTRODUCTION OF INFECTIOUS DISEASES INTO BRUNEI DARUSSALAM

Infected area.

27. (1) Whenever the Minister has reason to believe that a dangerous infectious disease may be introduced into Brunei Darussalam from or through any area in Brunei Darussalam or elsewhere he may, by notification published in the *Gazette*, declare that area to be an infected area.

(2) The Minister may, in his discretion, issue an order prohibiting the entry into Brunei Darussalam of any person or class of persons from an infected area declared under subsection (1) except under such conditions as he may specify.

Vessels, persons and articles from infected area.

28. (1) For the purposes of this Part, all vessels, persons and articles coming from an infected area shall be deemed to be infected unless otherwise declared by the Director-General.

(2) A vessel and any person and article on board shall also be deemed to be infected if an infectious disease is found on board or if such infection was present amongst the crew, passengers, rodents or vectors on board the vessel.

Information required on arrival of vessels.

29. (1) The master and the surgeon, if there is one on board, or the agent of any vessel arriving in Brunei Darussalam shall provide such particulars as may be required by the Director-General or health officer in such form or manner as the Director-General may require.

(2) Any master, surgeon or agent who fails to comply with subsection (1) or who provides any information which is false or misleading is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 6 months or both.

Measures required on arrival of vessels.

30. (1) The Director-General or any health officer may —

(a) inspect any vessel or any person or goods on board the vessel when in Brunei Darussalam;

(b) subject persons on board a vessel, upon arrival, to medical examination;

(c) direct health and sanitary measures to be taken in respect of a vessel;

(d) obtain from the master, or any other person on board the vessel, all necessary information that he requires to ascertain the health of the persons on board, the sanitary condition of the vessel and cargo and of the port last visited by that vessel and any other information that he may require;

(e) inspect the journal or log-book of the vessel or of the vessel's papers; and

(f) direct the master, owner or agent of any vessel to forward a copy of the vessel's passenger and crew list and cargo manifest immediately after the vessel's arrival in Brunei Darussalam.

(2) Any person who fails to comply with any direction or requirement under subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000.

Undertaking to report to health officer.

31. (1) Any person who has given an undertaking in another country to report to any health officer in Brunei Darussalam shall immediately on his arrival report accordingly and shall comply with all the directions of any health officer.

(2) Any person who contravenes subsection (1) or fails to comply with the directions of any health officer is guilty of an offence and liable on conviction to a fine not exceeding \$1,000; and any deposit or guarantee made by such person may be forfeited.

(3) Without prejudice to subsection (2), any such person who fails to report to any health officer or fails to comply with the directions of any health officer shall be liable to be arrested without a warrant, to be isolated, disinfected or otherwise treated.

Vaccination.

32. (1) Every person on an international voyage whether leaving or arriving in Brunei Darussalam shall —

(a) have been vaccinated against all or any of the diseases in accordance with the requirements set out in the Third Schedule; and

(b) produce valid international certificates of vaccination to any health officer.

(2) Notwithstanding subsection (1), any health officer may require such person to be vaccinated and may subject him to isolation or surveillance for such period as the health officer thinks fit.

(3) The health officer may, in his discretion, return any person, not being a citizen of Brunei Darussalam, who refuses or fails to comply with subsection (2), to his place of origin or embarkation at the expense of the owner or agent of the vessel by which he arrived in Brunei Darussalam.

(4) The owner, master or agent of any vessel shall ensure compliance with subsection (1) in respect of any person on board his vessel.

Disinfection and treatment of vessels.

33. (1) The Director-General or any health officer authorised in writing in that behalf by the Director-General may, in his discretion, order the disinfection and treatment of the clothes and personal effects of any infected person arriving in Brunei Darussalam.

(2) Any vessel which has conveyed an infected person shall be cleansed, disinfected or treated in such manner as may be directed by the Director-General or any health officer authorised in writing in that behalf by the Director-General.

Arrival of infected ships.

34. (1) Any infected ship shall anchor at a quarantine anchorage unless otherwise directed by any health officer and shall remain there until it has been granted partique by any health officer.

(2) An infected ship lying within the waters of Brunei Darussalam shall show the appropriate quarantine signal prescribed by regulations unless otherwise directed by any health officer.

(3) No person shall board or disembark from the ship while it lies at a quarantine anchorage, without obtaining the prior written permission of any health officer.

(4) No baggage, cargo or article may be discharged from a ship while it lies at a quarantine anchorage without the prior written permission of any health officer.

(5) Any master or any other person who contravenes this section is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding one year or both.

Unauthorised boarding or disembarking from infected vessel.

35. (1) The master of any infected vessel shall, while it is subject to quarantine —

(a) prevent and, if necessary, detain any person disembarking from the vessel without being authorised by any health officer;

(b) detain any person from Brunei Darussalam who without the permission of any health officer boards the vessel;

(c) deliver any person detained to any health officer;

(d) prevent any baggage or cargo from being discharged from the vessel; and

(e) prevent any rodent from leaving or entering the vessel.

(2) A master who fails to comply with any of the provisions of subsection (1) and any person aiding or abetting a master 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.

(3) For the purposes of section 34 and this section, “infected” means infected with a dangerous infectious disease.

Pratique.

36. (1) A ship not granted pratique shall remain in the quarantine anchorage while in the waters of Brunei Darussalam or may continue its voyage to other ports.

(2) The master or agent of any ship which has not been granted pratique who suffers or permits the ship to be anchored or berthed in

contravention of subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding one year or both.

Discharge of waste or matter.

37. The discharge of human dejecta, solid or liquid waste or any matter, which the Director-General or any health officer considers to be contaminated, from any vessel shall be subject to such measures as the Director-General or the health officer may impose.

Vessels within the waters of Brunei Darussalam.

38. (1) The master, owner or agent of any vessel whilst in Brunei Darussalam shall —

(a) take such precautions as may be directed by any health officer to prevent rodents from leaving or entering the vessel, and take such measures for the destruction of rodents on board the vessel;

(b) take all measures directed by any health officer to abate any nuisance that may be present on board the vessel within such time as may be specified by the health officer; and

(c) take such measures to clean, disinfect or whitewash, or any other measures which any health officer may direct, to improve the condition of the water tanks, living spaces or any other part of the vessel.

(2) Any master, owner or agent who fails to comply with any directions under subsection (1) within the specified time is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, and to a further fine not exceeding \$500 for every day during which the offence continues after conviction.

Person supplying food and water.

39. (1) The master, owner or agent of every vessel and any person supplying food and water to the vessel shall ensure that the food and water supplied to the vessel is fit for human consumption.

(2) The master, owner or any person in charge of any vessel employed for carrying food or water intended for human consumption shall ensure that his vessel and the food and water receptacles therein are in a clean and sanitary condition.

(3) Any person who contravenes this section is guilty of an offence and liable on conviction to a fine not exceeding \$5,000.

Powers of Director-General or health officer regarding food and water.

40. (1) The Director-General or any health officer may —

(a) take samples of any food and water intended for human consumption or for sale to a vessel;

(b) order the owner or any person in charge of a vessel supplying food to carry out an analysis of the food and to supply the results of that analysis to the Director-General or the health officer;

(c) if he has reason to believe that any food intended for human consumption is liable to be contaminated or is unfit for human consumption, order the food to be destroyed; and

(d) order the owner, master or agent of any vessel to forthwith cleanse the water tanks of the vessel to his satisfaction.

(2) Any person who fails to comply with an order under subsection (1) within the time specified therein is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding one year or both.

Importation of vectors of diseases.

41. (1) No person shall import or bring or cause to be imported or brought into Brunei Darussalam any vectors capable of transmitting a disease without first obtaining the written permission of the Director-General.

(2) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding one year or both.

Importation of agents of diseases.

42. (1) No person shall, without the prior written permission of the Director-General, import or bring or cause to be imported or brought into Brunei Darussalam any disease-causing organism or any agent of disease capable of transmitting a disease.

(2) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding one year or both.

Power to inspect merchandise etc. on board vessel.

43. (1) The Director-General or any health officer may inspect and examine any articles, merchandise, baggage or cargo, on board any vessel which are in his opinion contaminated or likely to be contaminated.

(2) The Director-General or any health officer may order any contaminated articles, merchandise, baggage or cargo found on board the vessel to be —

(a) seized and treated or disposed of in such manner as he thinks fit; and

(b) prohibited from being unloaded or stored in Brunei Darussalam.

(3) Any person who fails to comply with any order under subsection (2) or hinders or obstructs the execution of that order is guilty of an offence and liable on conviction to a fine not exceeding \$2,000.

(4) Any articles, merchandise, baggage or cargo to which the order relates may be confiscated, treated or disposed of at the discretion of the Director-General or the health officer.

Corpses.

44. (1) No corpse or human remains or bones other than cremated ashes, shall be brought into or transhipped or exported from Brunei Darussalam, unless accompanied by a medical certificate or other evidence showing the name of the deceased, the date and cause of death and the measures adopted to preserve the body.

(2) Such corpse or human remains or bones shall not be landed or transhipped or exported without the written permission of any health officer.

(3) The owner, master or agent of any vessel shall ensure compliance with subsections (1) and (2).

(4) Any person who contravenes subsections (1) or (2) is guilty of an offence and liable on conviction to a fine not exceeding \$5,000.

Master etc. of vessel to assist Director-General etc.

45. (1) The master, owner or agent of a vessel shall provide such facilities and assistance as the Director-General or any health officer may require in exercising his powers for the purpose of carrying out the provisions of this Act.

(2) The master, owner or agent of a vessel shall take all reasonable measures and exercise due and proper care to ensure the safety of the Director-General or any health officer and any person acting under his direction in the course of their work on board the vessel.

(3) Any person who contravenes this section is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding one year or both.

Liability of master, owner or agent for expenses.

46. (1) The master, owner and agent of any vessel which has been ordered into quarantine or of any vessel from which any person is removed for quarantine shall be responsible for the removal, care and maintenance, conveyance and medical surveillance of all persons on board the vessel and the provision of such services as the Director-General or any health officer considers necessary to ensure the satisfactory performance of the quarantine of the vessel and the persons on board.

(2) The master, owner or agent of any vessel which has been ordered into quarantine or to be cleansed, fumigated, disinfected or otherwise treated, shall pay the costs and expenses of removal of any cargo and goods from the vessel incurred in the cleansing, fumigation, disinfection or treatment of the vessel.

(3) The master, owner or agent of the vessel may make arrangement with the Director-General or any health officer for the carrying out of any of the responsibilities under this section and for the payment of the costs and expenses thereof.

(4) The Director-General or any health officer may take any action he considers necessary to ensure that the vessel or any person or articles on board performs the quarantine satisfactorily and any expenses incurred thereby shall be recoverable from the owner or agent of the vessel as a debt due to the Government.

(5) The Director-General or any health officer may require the master, owner or agent of the vessel to give such security as he thinks necessary to ensure that the master, owner or agent of the vessel will carry out his responsibilities under this section satisfactorily.

PART VI

VACCINATION

Responsibility of parent or guardian.

47. (1) The parent or guardian of every child in Brunei Darussalam shall ensure that the child is vaccinated against the diseases set out in the Fourth Schedule.

(2) The Registrar of Births and Deaths shall, immediately after the registration of the birth of a child, issue to the parent or guardian of the child a notice, in such form as the Registrar may determine, requiring the child to be vaccinated against the diseases to which this section applies.

Power to direct mandatory vaccination of persons in certain cases.

48. (1) In an outbreak of any infectious disease in any area in Brunei Darussalam, the Minister may, by notification published in the *Gazette*, direct any person or class of persons not protected or vaccinated against the disease to be vaccinated within such period as may be specified in the order.

(2) In addition to the power conferred by subsection (1), whenever it appears to the Minister that —

(a) an outbreak of an infectious disease in any area in Brunei Darussalam is imminent; and

(b) it is necessary or expedient to do so for the securing of public safety, the Minister may, by notification published in the *Gazette*, direct any person or class of persons not protected or vaccinated against that infectious disease to be vaccinated within such period as may be specified in the order.

(3) Any direction made under subsections (1) or (2) may specify the person by whom and the manner in which the vaccination is to be carried out.

(4) Where any direction is made under subsections (1) or (2), the Minister shall cause notice of the effect of the direction to be given in such a manner as he thinks necessary for bringing it to the notice of all persons who in his opinion ought to have notice thereof.

Vaccination and intradermal tests.

49. (1) No vaccination or intradermal test shall be carried out except by a medical practitioner or by a nurse or any health officer working under the supervision of a medical practitioner.

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(2) Every medical practitioner shall —

(a) keep, in such manner as the Director-General may require, a record of all vaccination and intradermal tests carried out by him or under his supervision; and

(b) after carrying out any vaccination or intradermal test, notify within such period and in such manner as the Director-General may require —

(i) the Director-General or any person who is designated by the Director-General for that purpose; and

(ii) the person on whom the vaccination or intradermal test was carried out or, if such person is a child, to the parent or guardian of such child.

Exemption from vaccination.

50. The Director-General or any person who is designated by the Director-General for that purpose, may grant the postponement of or exemption from any vaccination required under this Part as he thinks fit.

Certificates of unfitness.

51. (1) If any medical practitioner is of the opinion that any person is not fit to be vaccinated, he shall forthwith deliver to that person or, in the case of a child, to the parent or guardian of the child an exemption certificate in such form as the Director-General may require.

(2) Such exemption certificate shall remain in force for such period as may be specified therein.

(3) Before the expiry of the exemption certificate, the person shall go, or the parent or guardian of the child shall take or cause the child to be taken, to a medical practitioner who shall then examine and vaccinate the person or child or give a further exemption certificate in respect of that person or child in such form as the Director-General may require.

(4) Any medical practitioner who issues an exemption certificate under this section shall, within such time and in such form or manner as the Director-General may require, notify the Director-General or any person who is designated by the Director-General for that purpose.

Offence.

52. Any person who contravenes or fails to comply with any provision of this Part, or fails to comply with any notice given under section 47 or any order made under section 48, is guilty of an offence.

Suspension of this Part.

53. (1) The Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan may, by notification published in the *Gazette*, suspend all or any of the provisions of this Part during an epidemic of any infectious disease.

(2) The Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, shall on the termination of such epidemic, by notification published in the *Gazette*, restore such provisions of this Part that he has suspended and order all persons affected by the suspension to perform within such time as he may specify all acts as remained to be performed by reason of the suspension.

Issue of international certificates of vaccination.

54. (1) An international certificate of vaccination shall be issued only by such medical practitioners as may be permitted by the Director-General.

(2) The grant of such permission shall be —

(a) in the discretion of the Director-General and may be granted, renewed or refused without any reason for the grant, renewal or refusal being assigned and may be granted or renewed subject to such restrictions and conditions as the Director-General may think fit; and

(b) subjected to suspension at any time and without notice upon breach of any restriction or condition subject to which it was issued, or upon contravention of any provision of this Act or any regulations made thereunder.

(3) For the purposes of subsection (1), an international certificate of vaccination shall be in such form as the Director-General may require.

Minister may prescribe fees for vaccinations and intradermal tests.

55. The Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan may, by notification published in the *Gazette*, prescribe the fees that may be charged by medical practitioners who carry out any vaccination and intradermal test under the provisions of this Act.

PART VII

GENERAL

Power of Director-General and health officers in dealing with outbreaks and suspected outbreaks of infectious disease.

56. (1) For the purpose of investigating into any outbreak or suspected outbreak of an infectious disease or for the purpose of preventing the spread of any such infectious disease, the Director-General or any health officer authorised in writing in that behalf by the Director-General may —

(a) at any time without warrant and with such force as may be necessary —

(i) enter, inspect and search any premises; or

(ii) stop, board, inspect and search any conveyance,

in which the outbreak or suspected outbreak has taken place;

(b) take samples of any substance or matter, wherever found, if the Director-General or health officer has reason to believe that that substance or matter is the cause of, is contributory to or is otherwise connected with, the occurrence of the outbreak or suspected outbreak, and send such samples for such test, examination or analysis as the Director-General or health officer may consider necessary or expedient;

(c) seize any substance or matter, wherever found, if the Director-General or health officer has reason to believe that that substance or matter is the cause of, is contributory to or is otherwise connected with, the occurrence of the outbreak or suspected outbreak;

(d) require any person to destroy any food in his possession which the Director-General or health officer has reason to believe is the cause of, is contributory to or is otherwise connected with, the occurrence of the outbreak or suspected outbreak;

(e) require any person —

(i) to furnish any information within his knowledge; or

(ii) to produce for inspection any book or document within his custody or possession;

(f) require, by notice in writing, any person who is, or is suspected to be, a case or carrier or contact of an infectious disease to submit to medical examination and have his blood or other body sample taken for examination within the time specified in such notice, and to undergo such treatment as may be necessary;

(g) subject to subsection (5), order the closure or cordoning off of any public place in which the outbreak or suspected outbreak has taken place;

(h) subject to subsections (6) and (7), requisition, for such period as the Director-General or health officer thinks necessary —

(i) any premises which, in his opinion, is suitable for the isolation and treatment of persons who are or are reasonably suspected to be cases or carriers or contacts of the infectious disease; and

(ii) any conveyance which, in his opinion, is suitable and necessary for use in connection with the prevention of the spread of the infectious disease;

(i) by order prohibit or restrict the movement of persons, animals and conveyances into, within or out of any public place referred to in paragraph (g) or any premises referred to in paragraph (h)(i).

(2) Where the Director-General or health officer seizes any substance or matter under subsection (1)(c) —

(a) the Director-General or health officer shall forthwith give notice in writing of the seizure to the owner of, or to the person from whom, the substance or matter was seized and may —

(i) direct that the substance or matter under seizure be kept or stored in the premises or conveyance where it was seized or be removed to any other place to be kept or stored thereat; or

- (ii) dispose of the substance or matter immediately if the Director-General or health officer is of the view that the substance or matter is decayed, putrefied or deleterious to health; and

(b) any person aggrieved by the seizure may, within 48 hours after the seizure, complain thereof to a court and the court may —

- (i) confirm the seizure wholly or in part;
- (ii) disallow the seizure wholly or in part;
- (iii) order that any substance or matter that has been seized be returned to its owner, subject to any condition which the court may think fit to impose, to ensure that the substance or matter is preserved for any purpose for which it may subsequently be required; or
- (iv) order payment to be made to the owner of or person entitled to the substance or matter seized of such amount as the court considers reasonable compensation to him for any loss or depreciation resulting from the seizure.

(3) Where —

(a) no complaint is received by the court within 48 hours of the seizure under subsection (2)(b); or

(b) the court confirms the seizure under subsection (2)(b)(i),

the substance or matter seized in its entirety or to the extent to which its seizure was confirmed by the court, as the case may be, shall become the property of the Government and shall be disposed of in such manner as the Director thinks fit.

(4) A person shall comply with a requirement under subsection (1)(e) to disclose information or produce documents to the Director-General notwithstanding any restriction on the disclosure of the information or documents imposed by any written law, rule of law, rule of professional conduct or contract; and the person shall not by so doing be

treated as being in breach of any such restriction notwithstanding anything to the contrary in that law, rule or contract.

(5) The power referred to in subsection (1)(g) shall not apply in respect of any public place where the power to order the closure or cordoning off of such public place in the same circumstances has been conferred by any other written law on some other public officer or statutory body.

(6) Any premises that are unoccupied may be requisitioned under subsection (1)(h) without notice being given to the owner thereof, but no premises that are occupied shall be so requisitioned unless a written notice has been served on the owner or occupier or posted in a conspicuous position at those premises.

(7) Where any premises or conveyance is requisitioned under subsection (1)(h), the owner or occupier of the premises or the owner or person having control and possession of the conveyance shall be entitled to a reasonable compensation for the occupation of the premises during the period of requisition, or for the use and detention of the conveyance, as the case may be.

(8) Any person who fails to comply with any requirement or order under subsections (1)(d), (e), (f), (g) or (i) is guilty of an offence.

Surrender of travel documents.

57. (1) The Director-General may by written notice order a person who is required to be isolated in any place or to undergo or submit to surveillance, medical examination or medical treatment under the provision of this Act or any regulations made thereunder to forthwith surrender any travel documents in his possession.

(2) A notice under subsection (1) shall be served personally on the person to whom it is addressed.

(3) A person on whom a notice under subsection (1) has been served shall comply with such notice forthwith.

(4) If a person on whom a notice under subsection (1) has been served fails to comply with the notice forthwith, he is guilty of an offence.

(5) A travel document which is surrendered to the Director-General under this section may be detained for such period as the Director-General may require.

(6) In this section, “travel document” means a passport or other document establishing the identity or nationality of a holder.

(7) Any person aggrieved by any order under subsection (1) may, within 7 days from the service of such order on him appeal to the Minister, whose decision shall be final.

Powers of arrest.

58. (1) Any police officer or any health officer authorised in writing in that behalf by the Director-General may arrest any person committing or who he has reason to believe has committed any offence punishable under this Act or any regulations made thereunder if —

(a) the name and address of the person are unknown to him;

(b) the person declines to give his name and address; or

(c) there is reason to doubt the accuracy of the name and address if given.

(2) A person arrested under subsection (1) may be detained until his name and address are correctly ascertained.

(3) No person so arrested shall be detained longer than is necessary for bringing him before a court unless the order of a court is obtained.

Powers of arrest of person in isolation, undergoing surveillance etc.

59. (1) Any person who —

(a) being required to be isolated in any place under the provisions of this Act or any regulations made thereunder, fails to proceed to that place or leaves or attempts to leave that place; or

(b) being required to undergo or submit to surveillance, medical examination or medical treatment under the provisions of this Act or

any regulations made thereunder, fails to undergo or submit to such surveillance, examination or treatment,

may be arrested without warrant by any police officer, or by any health officer authorised in writing in that behalf by the Director-General.

(2) The Director-General may issue any order under this Act or any regulations made thereunder for the isolation, surveillance, medical examination or medical treatment of a person arrested under subsection (1).

Police officer or health officer may demand names and addresses in certain cases.

60. (1) Any person who is required by any police officer or by any health officer authorised in writing in that behalf by the Director-General shall on demand give his name and address and other proof of identity to the police officer or health officer, as the case may be.

(2) The occupier of any premises shall, if required by any police officer or by any health officer authorised in writing in that behalf by the Director-General, give his name and address and other proof of identity and the name and address of the owner of the premises, if known.

(3) Any person who fails to comply with any requirement properly made to him under subsections (1) or (2), or wilfully mis-states his name and address or the name and address of the owner of any premises, is guilty of an offence and liable on conviction to a fine not exceeding \$500.

Disclosure of information to prevent spread of infectious disease.

61. (1) The Director-General may only disclose any information obtained by him under this Act to any person if this is necessary to enable that person to take steps to prevent the spread of a disease set out in the Sixth Schedule.

(2) A person to whom information under subsection (1) is disclosed may only disclose or use such information to the extent necessary for implementing any measure permitted by the Director-General for the purpose of preventing the spread of that disease, but not otherwise.

(3) Any person who contravenes subsection (2) is guilty of an offence.

(4) Subsection (1) is without prejudice to any right of disclosure under this Act or any other written law or rule of law.

Extraordinary powers in relation to emergency measures.

62. (1) The Director-General may, with the approval of the Minister, formulate and implement emergency measures for the control of an infectious disease in any area; such measures shall be published in the *Gazette* before implementation.

(2) Any person who wilfully neglects or refuses to carry out or obstructs the execution of any emergency measure formulated and implemented under subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 6 months or both.

Police assistance.

63. The Commissioner of Police shall provide such police assistance as may be necessary to carry out any of the provisions of this Act or the regulations made thereunder.

Service of notices, orders or other documents.

64. (1) Any notice, order or other document required or authorised by this Act or any regulations made thereunder to be served on any person may be served —

(a) by delivering it to the person or to some adult member or employee of his family or household at his usual or last known place of residence;

(b) by leaving it at his usual or last known place of residence or place of business in an envelope addressed to the person;

(c) by sending it by post to him at his usual or last known place of residence or place of business in Brunei Darussalam;

(d) in the case of a body corporate, by delivering it to the secretary of the body corporate at its registered or principal office or sending it by post to the secretary of that body corporate at that office;

(e) if the document is to be served on the master of a vessel or on a person on board a vessel, by delivering it to any person being or appearing to be in command or charge of the vessel; or

(f) if the document is to be served on the master of a vessel and there is no master, by serving it on the owner of the vessel or on the agent of the owner or, where no such agent is known or can be found, by affixing it on some conspicuous part of the vessel.

(2) Any notice, order or other document required by this Act or any regulations made thereunder to be served on the owner or occupier of any premises or vessel or on the master of any vessel shall be deemed to be properly addressed if addressed by the description of the “owner” or “occupier” or “master” of such premises or vessel, as the case may be, without specifying any further name or description.

(3) Any notice, order or other document required by this Act or any regulations made thereunder to be served on the owner or occupier of any premises may be served by delivering it to some adult person on the premises or, if there is no such person on the premises to whom the same can with reasonable diligence be delivered, by affixing it on some conspicuous part of the premises.

Default in compliance with notice.

65. Where any notice served in accordance with section 64 requires any act to be done or work to be executed by the owner or the occupier or the person in charge of any premises or vessel and there is default in complying with the requirement of the notice, the owner, occupier or the person in default, where no fine is specially provided for the default, is guilty of an offence and liable on conviction to fine not exceeding \$10,000.

Inaccuracies in documents.

66. (1) No misnomer or inaccurate description of any person, thing or place named or described in any document prepared, issued or served by virtue of or for the purposes of this Act or any regulations made thereunder

shall in any way affect the operation of this Act or any such regulations as respects that person, thing or place if that person, thing or place is so designated in the document as to be identifiable.

(2) No proceedings taken under this Act or any such regulations shall be invalid for want of form.

Evidence.

67. (1) All records, registers and other documents kept by the Director-General or by any health officer for the purposes of this Act or any regulations made thereunder shall be deemed to be public documents, and copies thereof or extracts therefrom certified by the officer responsible for the custody thereof to be true copies or extracts, as the case may be, subscribed by such officer with his name and his official title shall be admissible in evidence as proof of the contents of the documents or extracts therefrom.

(2) In any proceedings for the recovery of costs and expenses incurred by the Director-General or any health officer, a certificate purporting to be under the hand of the Director-General and specifying the costs and expenses claimed as due and payable and the person named in the certificate as liable for the payment thereof shall be *prima facie* evidence of the facts certified therein and of the signature of the Director-General.

Obstruction of persons executing power etc.

68. Any person who —

(a) in any way hinders or obstructs or assists in hindering or obstructing any person in the exercise of any power conferred by this Act or any regulations made thereunder; or

(b) being required to provide any information or documents under this Act or any regulations made thereunder (including as a condition of any order, notice or requirement made or given), provides any information or document which he knows to be false or misleading,

is guilty of an offence.

General penalties.

69. Any person guilty of an offence under this Act for which no penalty is expressly provided —

(a) in the case of a first offence, is liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 6 months or both; and

(b) in the case of a second or subsequent offence, is liable on conviction to a fine not exceeding \$20,000, imprisonment for a term not exceeding one year or both.

Immunity of Government etc.

70. No suit or other legal proceedings shall lie against the Government or any other person for anything which is in good faith done or omitted to be done in the exercise of any power or the performance of any duty or function under this Act.

Composition of offences.

71. The Director-General may compound any offence under this Act or any regulations made thereunder by accepting from the person reasonably suspected of having committed that offence a sum not exceeding \$5,000.

Fees etc. collected by Director-General.

72. All fees, charges, composition sums and moneys collected by the Director-General in connection with the administration of this Act shall be paid into the Consolidated Fund.

Amendment of Schedules.

73. The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by notification published in the *Gazette*, amend any of the Schedules.

Exemption.

74. The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, subject to such conditions and for such period or periods as he thinks fit, exempt any person, premises, vessel or article or any class of persons, premises, vessels or articles from any of the provisions of this Act.

Other written laws not affected.

75. Except so far as may be expressly provided in this Act, nothing in this Act shall be construed so as to limit or affect in any way the provisions of any other written law.

Regulations.

76. (1) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make regulations for carrying out the purposes and provisions of this Act for which he is responsible and, in particular and without prejudice to the generality of the foregoing, for or in respect of all or any of the following matters —

(a) the establishment and maintenance of quarantine stations for persons and animals, and for regulating the management thereof;

(b) the cleansing, disinfecting, fumigating and treatment of vessels and premises;

(c) the prohibition on importation, exportation or transshipment of infected merchandise, articles or clothing;

(d) the prescribing of measures to be taken for the prevention of the spread or transmission of infection by means of any vessel departing from any infected area of Brunei Darussalam;

(e) the prohibition and regulation of the removal of fodder, litter, dung, human dejecta, waste water and other things;

(f) the prescribing of notification and supply of information by medical practitioners of cases of infectious diseases treated by them;

(g) the prescribing of immunisation and vaccination measures and procedures for infectious diseases;

(h) the prescribing of any measure, the prohibition of any act, or the imposing of a duty to do any act, necessary to prevent or control the spread of an infectious disease;

(i) the prohibition or regulation of the importation and exportation of animals;

(j) the prescribing of fees and charges and of any matter which by this Act is required to be prescribed.

(2) The Minister may, in making any regulations, provide that any contravention of or failure to comply with any regulation shall be an offence punishable with a fine not exceeding \$10,000, imprisonment for a term not exceeding 6 months or both.

FIRST SCHEDULE

(section 2)

INFECTIOUS DISEASES

- (1) Acquired Immune Deficiency Syndrome (AIDS).
 - (2) Anthrax.
 - (3) Bovine Spangioform Encephalitis (BSE).
 - (4) Chickenpox.
 - (5) Chlamydia Infection.
 - (6) Cholera.
 - (7) Conjunctivitis.
 - (8) Dengue.
 - (9) Dengue Haemorrhagic Fever.
 - (10) Diphtheria.
 - (11) Dysentery.
 - (12) Ebola Fever.
 - (13) Encephalitis.
 - (14) Filiarisis.
 - (15) Food Poisoning.
 - (16) Gastroenteritis.
 - (17) Hand, foot and mouth disease.
 - (18) Human Immunodeficiency Virus Infection (Non-acquired Immune Deficiency Syndrome).
 - (19) Hepatitis A, B, C and others.
 - (19A) Influenza A, B and others.
- [S 27/06]*
- (20) Legionellosis.
 - (21) Leprosy.
 - (22) Leptospirosis.
 - (23) Malaria.
 - (24) Measles.

FIRST SCHEDULE — *(continued)*

- (25) Meningitis.
- (26) Mumps.
- (27) Nipah virus infection.
- (28) Ophthalmia Neonatorum.
- (29) Para/Typhoid.
- (30) Pertussis.
- (31) Plague.
- (32) Poliomyelitis.
- (33) Puerperal Infection.
- (34) Rabies.
- (35) Rubella.
- (36) Salmonella Infection.
- (37) Scarlet Fever.
- (38) Severe Acute Respiratory Syndrome (SARS).
- (39) Sexually Transmitted Infection (STI) —
 - (a) Chancroid.
 - (b) Genital Herpes.
 - (c) Gonorrhea.
 - (d) Non-gonococcal urethritis.
 - (e) Syphilis.
- (40) Smallpox.
- (41) Tetanus.
- (42) Tetanus Neonartum.
- (43) Tuberculosis.
- (44) Typhus.
- (45) Viral Encephalitis.
- (46) Viral Hepatitis.
- (47) West Nile Fever.

FIRST SCHEDULE — *(continued)*

- (48) Yellow Fever.

SECOND SCHEDULE

(section 2)

DANGEROUS INFECTIOUS DISEASES

- (1) Cholera.
(2) Ebola Fever.
(2A) Influenza A, B and others
(3) Plague.
(4) Severe Acute Respiratory Syndrome (SARS).
(5) Smallpox.
(6) Yellow Fever.

[S 27/06]

THIRD SCHEDULE

(section 32(1)(a))

VACCINATION OF PERSONS LEAVING OR ARRIVING
IN BRUNEI DARUSSALAM

Yellow Fever — Vaccination against yellow fever is required from any person who is going to or coming from or has passed through any country or territory which is wholly or partly endemic for yellow fever.

FOURTH SCHEDULE

(section 47(1))

DISEASES AGAINST WHICH A CHILD IS TO BE VACCINATED

- (1) Diphtheria.
- (2) Haemophilus Influenza B.
- (3) Hepatitis B.
- (4) Measles.
- (5) Mumps.
- (6) Pertussis.
- (7) Poliomyelitis.
- (8) Rubella.
- (9) Tetanus.
- (10) Tuberculosis.

FIFTH SCHEDULE

(sections 22(1), (2) and (3))

DISEASES IN RESPECT OF WHICH ACTS REFERRED TO IN SECTION 22
ARE PROHIBITED

- (1) Severe Acute Respiratory Syndrome (SARS). *[S 26/09]*
- (2) Influenza A, B and others. *[S 26/09]*

SIXTH SCHEDULE

(section 61(1))

DISEASES IN RESPECT OF WHICH INFORMATION MAY BE DISCLOSED BY
DIRECTOR-GENERAL TO A PERSON TO ENABLE HIM TO TAKE STEPS TO
PREVENT SPREAD OF THE SAME

- (1) Severe Acute Respiratory Syndrome (SARS). *[S 26/09]*
- (2) Influenza A, B and others. *[S 26/09]*

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S100/06

REVISED EDITION 2010

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SUBSIDIARY LEGISLATION

INFECTIOUS DISEASES (QUARANTINE) REGULATIONS

Commencement: 30th December 2006

PART I

PRELIMINARY

Citation.

1. These Regulations may be cited as the Infectious Diseases (Quarantine) Regulations.

Interpretation.

2. In these Regulations, unless the context otherwise requires —

“aircraft” includes any kind of craft which may be used for the conveyance of passengers or goods by air;

“airport” includes any civil and military airport used for the purpose of the arrival and departure of aircraft;

“arrival”, in relation to a vessel, means —

(a) in the case of a seagoing vessel, arrival at a port;

(b) in the case of an aircraft, arrival at an airport;

(c) in the case of an inland navigation vessel on an international voyage, arrival at a point of entry;

(d) in the case of a motor vehicle or train, arrival at a point of entry;

“container” means a transport equipment, other than a vehicle or conventional packing, which is —

(a) of a permanent character, strong enough for repeated use;

(b) specially designed to facilitate the carriage of goods, by one or more modes of transport, without intermediate reloading; and

(c) fitted with devices permitting its ready handling, particularly its transfer from one mode of transport to another;

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“derat” means to render free of rats or rodents;

“infected area” means any area declared to be an infected area under section 27;

“infected vessel” means any vessel —

(a) which has a case of cholera on board or on which a case of cholera occurred within 5 days before the arrival of the vessel;

(b) which has a case of plague on board, or on which a case of plague occurred more than 6 days after embarkation of the infected person, or on which plague-infected rodents are found;

(c) which has a case of yellow fever on board, or on which a case of yellow fever occurred at the time of departure or during the voyage;

(d) which has a case of ebola fever on board or on which a case of ebola fever occurred within 30 days before the arrival of the vessel or on which a case of ebola fever occurred at the time of departure or during the voyage;

(e) which has a case of severe acute respiratory syndrome (SARS) on board or on which a case of severe acute respiratory syndrome occurred within 14 days before the arrival of the vessel or on which a case of severe acute respiratory syndrome occurred at the time of departure or during the voyage; or

(f) which has a case of any other infectious disease including a disease —

- (i) that is caused or suspected to be caused by a micro-organism or an agent of that disease;
- (ii) that is capable or is suspected to be capable of transmission by any other means to human beings; and
- (iii) that the Director-General has reason to believe, if left uninvestigated or unchecked, is likely to result in an epidemic of the disease,

on board, or on which a case of such diseases occurred at the time of departure or during the voyage;

“pilot” has the meaning ascribed to it in section 2(1) of the Ports Act (Chapter 144);

“ship” has the meaning ascribed to it in section 2(1) of the Merchant Shipping Order, 2002 (S 27/02);

“suspected vessel” means any vessel which —

- (a) in respect of cholera —
 - (i) had a case of cholera on board at the time of departure or during the voyage but on which no fresh case of cholera occurred within 5 days before arrival; or
 - (ii) has arrived within 5 days of departure from an infected area;
- (b) in respect of plague —
 - (i) had a case of plague within 6 days after embarkation of the infected person;
 - (ii) is found to have an unusual mortality of rodents the cause of which is not determined; or
 - (iii) has on board a person who has been exposed to pulmonary plague and has not been isolated for a period of 6 days, reckoned from the date of last exposure to infection, before departure;
- (c) in respect of yellow fever —
 - (i) has arrived from an infected port or from a port in close relation with an endemic centre of yellow fever after a voyage of less than 6 days or after a longer voyage if there is reason to believe that the vessel may be carrying adult mosquitoes; or
 - (ii) has or had on board a case of yellow fever at the time of departure or during the voyage;
- (d) in respect of ebola fever —
 - (i) has arrived from an infected port or from a port in close relation with an endemic port of ebola fever after a voyage of less than 30 days; or
 - (ii) has or had on board a case of ebola fever at the time of departure or during the voyage;
- (e) in respect of severe acute respiratory syndrome (SARS) —
 - (i) has arrived from an infected port or from a port in close relation with an endemic port of severe acute respiratory syndrome after a voyage of less than 14 days; or
 - (ii) has or had on board a case of severe acute respiratory syndrome at the time of departure or during the voyage;

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(f) in respect of any other infectious disease, has or had on board a case of that disease including a disease —

- (i) that is caused or suspected to be caused by a micro-organism or an agent of that disease;
- (ii) that is capable or is suspected to be capable of transmission by any other means to human beings; and
- (iii) that the Director-General has reason to believe, if left uninvestigated or unchecked, is likely to result in an epidemic of the disease,

at the time of departure or during the voyage.

PART II

ARRIVAL OF VESSELS

Quarantine message.

3. (1) The master, owner or agent of any vessel approaching any port or other area in Brunei Darussalam shall, if any person on board has signs or symptoms which may be indicative of any infectious disease or if there are any circumstances requiring the attention of any health officer, notify any health officer either directly or through an agent, a message giving the information required under the First Schedule.

(2) Any message so required to be sent shall reach any health officer not more than 24 hours and not less than 12 hours before the time at which the vessel is expected to arrive in the port or any other area.

(3) The cost of sending message under this regulation shall be borne by the master, owner or agent of the vessel.

Measures for vessels.

4. (1) Infected, suspected or other vessels may be subjected to the measures set out in the Second Schedule insofar as they are applicable to those vessels, or such other measures which any health officer thinks necessary.

(2) The master or agent of any vessel or the consignee of any cargo transported in any container or the agent of the consignee shall —

- (a) declare to any health officer any container or cargo which has originated from any area infected by any dangerous infectious disease; and

(b) carry out such measures in respect of the cargo or container as any health officer may direct.

Passenger and crew lists to be delivered to health officer.

5. Where any health officer so directs, a copy of the passenger and crew lists of any vessel, including the full addresses and contact numbers of each passenger and crew member, shall be lodged with him as soon as possible after the arrival of the vessel in Brunei Darussalam.

Obligation of ships from infected area.

6. (1) Any ship upon entering Brunei Darussalam waters from any infected area shall show the appropriate signals set out in the Third Schedule, anchor at a quarantine anchorage, and shall be inspected by any health officer, except that the requirement to anchor at the quarantine anchorage shall not extend to ships arriving at any area in Brunei Darussalam directly from a previous port of call in Brunei Darussalam where exemption has been granted by any health officer in writing in such form as the Director-General may require.

(2) No ship which has proceeded to a quarantine anchorage shall leave the quarantine anchorage without a pratique in such form as the Director-General may require. After receiving such pratique the ship shall lower the quarantine signal.

(3) No pilot shall remove any ship from a quarantine anchorage until he has sight of the pratique granted to the ship.

Information by master or surgeon of ship.

7. (1) On arrival in Brunei Darussalam of a ship —

(a) which has come from any area in which at the time of its departure a dangerous infectious disease existed;

(b) on which a case of dangerous infectious disease occurred before its departure from another infected area or during the voyage; or

(c) on which a person apparently suffering from an infectious disease is travelling,

the master or surgeon of the ship shall give such information in writing to the pilot or any health officer who comes alongside or on board the ship.

(2) Such ship shall be anchored at a quarantine anchorage if the pilot or any health officer so directs and shall remain there until any health officer has granted a pratique.

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Use of flags and signals.

8. The master, owner or agent of a ship which is required by the Act or these Regulations to anchor at a quarantine anchorage shall comply with the provisions as to the display of signals set out in the Third Schedule.

Health officer may order removal of ship.

9. Any health officer may, if he thinks fit, order a ship to be moved to any part of the quarantine anchorage, and the master of the ship shall comply with that order.

Duty of pilot.

10. (1) A pilot may board a ship displaying any of the signals set out in the Third Schedule for the purpose of taking the ship to the quarantine anchorage only after producing such certificate of vaccination as may be required by any health officer; and he shall remain on board until permitted to leave by any health officer. No member of his crew or any other person shall board the ship unless authorised by any health officer.

(2) The pilot shall, if any person on board the ship is sick or has symptoms which may be indicative of any infectious disease or if there is a death on board during the voyage, take the ship directly to the quarantine anchorage and notify any health officer forthwith. He shall not take that ship to any other anchorage without the permission of any health officer.

No ship to anchor or ply at quarantine anchorage.

11. (1) No ship shall enter or remain at a quarantine anchorage unless required to do so by the Act or these Regulations, or with the written permission of any health officer.

(2) No boat, launch, bumboat or harbour craft shall enter or ply within a quarantine anchorage except those authorised to do so under any written law or with the written permission of any health officer.

Declaration by master or surgeon of ship.

12. (1) For the purpose of section 29 of the Act, the master or surgeon of any ship arriving in Brunei Darussalam shall make and sign an entry declaration, according to such form as the Director-General may require, as to the number of crew and passengers, the presence or prevalence of any infectious disease on board during the voyage, the number of deaths and such other particulars as are required in that form.

(2) Such a declaration purporting to be signed by the master or surgeon shall be deemed to have been so signed.

Restriction of communication with ships in quarantine.

13. (1) No communication (except by means of signals) with any ship displaying any of the signals set out in the Third Schedule shall be made except with the written permission of any health officer in such form as the Director-General may require.

(2) No person, except the master, crew, passengers or a pilot permitted under regulation 10 shall board or remain on board such a ship without such permission.

Duty of master or agent to prevent unauthorised boarding.

14. The master or agent of any ship required to proceed to and anchor at a quarantine anchorage shall prevent any unauthorised person from boarding the ship and detain any such person who has boarded the ship.

Crew of infected ship not to be signed off without permission.

15. Where the quarantine period of any ship for a dangerous infectious disease, reckoned from the date of isolation of the last case of the disease, is not completed, the master, owner or agent shall not sign off or discharge any crew member of the ship without the written permission of any health officer.

Crew member not to disembark without permission.

16. The master of any ship shall not permit a crew member who has been required by any health officer to undergo further medical examination or health procedures to disembark without first obtaining the written approval of any health officer.

When pratique to be granted.

17. (1) A ship to which the appropriate prescribed measures have been applied to the satisfaction of any health officer shall be granted pratique notwithstanding the presence on board of transit passengers whose quarantine period in respect of a dangerous infectious disease is not completed.

(2) Any transit passenger may be allowed by any health officer to disembark from the ship subject to such conditions as he may impose.

(3) A transit passenger may be detained in a quarantine station for observation until either the appropriate incubation period of the disease in respect of which he is detained is completed or until the ship is ready to sail whichever is the sooner. Such transit passenger may be allowed to remain on board the ship if the master undertakes in writing to accept liability in case the transit passenger leaves the ship without the written permission of any health officer.

(4) If any passenger on whose behalf the master has accepted liability leaves the ship, the master is guilty of an offence and the passenger shall be arrested without

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warrant and detained at a quarantine station until the incubation period of the disease in respect of which the ship is in quarantine is completed.

Ships of war.

18. Any ship of war arriving from an infected area may be granted pratique on the production of an entry declaration referred to in regulation 12(1), signed by the surgeon and countersigned by the commander of the ship, to the effect that no case of a dangerous infectious disease has occurred on board during the voyage.

Radio provisional pratique.

19. (1) Any health officer may grant provisional pratique by radio to such ships from infected areas and impose such conditions or requirements as he may think necessary.

(2) The master, owner or agent requesting for the provisional pratique by radio shall comply with all the conditions and requirements of any health officer.

Duty of master of aircraft from infected area.

20. (1) The master of any aircraft arriving in Brunei Darussalam from an infected area shall, if required by any health officer —

(a) proceed to a specified place at the airport to disembark passengers and crew; and

(b) stop at or near a place marked by the appropriate signals as set out in the Third Schedule and shall remain there until any health officer grants permission to proceed.

(2) No person, except such persons as are necessary for the maintenance and operation of the aircraft on the ground, shall approach or be within 30 metres of the aircraft or communicate (except by means of signals) with the aircraft, passengers or crew thereof.

(3) Any master or person who contravenes or fails to comply with this regulation is guilty of an offence and liable on conviction to a fine not exceeding \$10,000.

Medical inspection of aircraft crew and passengers.

21. (1) Any health officer may require that all passengers and crew of an aircraft shall remain on board the aircraft until such time as he has performed such medical examination and carried out such health procedures as he may think fit.

(2) All disembarking passengers and crew from an aircraft shall, unless exempted by any health officer, present themselves for health clearance and shall not leave the airport without obtaining such clearance.

(3) The master, owner or agent of an aircraft shall ensure that all disembarking passengers and crew are presented to any health officer for health clearance.

Duty of master or agent of aircraft to inform of infectious disease.

22. The master or agent of any aircraft in which any case of an infectious disease has occurred or is present shall immediately inform any health officer of the case.

Vaccination of crew and passengers.

23. (1) Any health officer may direct the master or agent of any vessel, on which a case of any dangerous infectious disease has occurred during her current voyage or after arrival in Brunei Darussalam, to require the vaccination of any crew member or passenger thereof.

(2) Any crew member or passenger required to be vaccinated under sub-regulation (1) who refuses to be vaccinated shall not be permitted to land in Brunei Darussalam.

Entry of persons into Brunei Darussalam without vaccination.

24. Whenever any person enters or lands in Brunei Darussalam in contravention of regulation 23(2) —

(a) he is guilty of an offence;

(b) the master, owner or agent of the vessel by which he was brought to Brunei Darussalam is also guilty of an offence; and

(c) the court, on convicting that person, may make an order directing that the person shall be vaccinated within a specified time and that in default of that order he shall be returned as soon as possible to his place of embarkation by or at the expense of the agents of the vessel by which he was brought to Brunei Darussalam; or if he came by land, to his country of origin or to the place from which he entered Brunei Darussalam, in either case at his own expense.

Report of disease and surveillance.

25. (1) Every person who arrives in Brunei Darussalam by means of any vessel shall if so required —

(a) undertake in such form as the Director-General may require, to report to any health officer without delay at such place, intervals and time for surveillance as any health officer may specify;

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(b) report any sickness from which he suffers within 6 days of his arrival or within such other period as the Director-General may specify, to any health officer; and

(c) deposit with any health officer a sum not exceeding \$100 for the due execution of the undertaking given under paragraph (a).

(2) Any person who fails to enter into such an undertaking or is in breach of the terms of the undertaking shall be arrested and isolated at a quarantine station at his own cost and expense. Any health officer shall also forfeit the money deposited under sub-regulation (1) upon such breach of the undertaking.

PART III

VESSELS IN PORT AND DEPARTURE

Master etc. to report presence of infectious disease on board.

26. (1) The master, owner or agent of any vessel in any port in Brunei Darussalam shall, if a case or suspected case of dangerous infectious disease is found on board his vessel, immediately stop the working of cargo, detain all persons on board and notify any health officer.

(2) In the case of a ship, the master shall display the appropriate signals as set out in the Third Schedule and shall forthwith remove his ship to a quarantine anchorage.

If without a surgeon, master etc. to report case showing special symptoms.

27. (1) Where any vessel in any port in Brunei Darussalam does not have a surgeon on board, the master, owner or agent shall immediately inform any health officer of any case of —

(a) severe diarrhoea with or without vomiting, accompanied by cramps and collapse;

(b) jaundice accompanied by fever or of fever attended with glandular swellings, which may be found on board his vessel;

(c) sudden onset of fever with generalised bleeding, accompanied by rash and vomiting; or

(d) sudden onset of high fever of more than 38 degree Celcius accompanied by a cough and difficulty in breathing.

Measures against rodents.

- 28.** (1) The master of every vessel shall —
- (a) at all times keep his vessel free from rodents and the plague vector; and
 - (b) cause the vessel to be periodically fumigated.
- (2) Any health officer may, by notice in writing require the master, owner or agent of any vessel to fumigate his vessel within 24 hours or within such lesser period as he may specify.
- (3) The master of every ship shall on arrival and departure of the ship produce a valid deratting certificate or deratting exemption certificate.
- (4) A deratting certificate or a deratting exemption certificate shall be issued only by the Director-General and shall be in such form as he may require.
- (5) Every such certificate shall be valid for 6 months and may be extended for a period of one month in the case of a ship proceeding to such a port if the deratting or inspection, as the case may be, would be facilitated by the emptying of the holds due to take place there.
- (6) Before the expiry of the existing deratting certificate or deratting exemption certificate, the master, owner or agent of a ship shall apply to any health officer for the issue of a new certificate.
- (7) Any health officer may issue —
- (a) a deratting certificate, if deratting of the ship has been carried out to his satisfaction, and is done when the holds are empty; or
 - (b) a deratting exemption certificate, if he is satisfied that the ship is free of rodents.
- (8) The master, owner or agent of a ship shall pay the fee for the inspection of the ship and the issue of such certificates in accordance with the Fourth Schedule.

Vessels harbouring rodents or plague vectors.

29. Where it appears to any health officer that any vessel, part thereof or anything therein is or may become favourable to the harbouring or propagation of rodents or plague vectors, he may direct the master, owner or agent to take such specified measures with regard to the vessel or for the destruction or removal of anything therein as may bring them into a condition unfavourable to the harbouring or propagation of rodents or plague vectors.

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Vessels to be kept free from insects and vermin.

- 30.** (1) The master, owner or agent of every vessel shall —
- (a) cause his vessel to be periodically treated for insects and vermin; and
 - (b) if directed by the health officer, cause his vessel to be treated with insecticide or pesticide prior to arrival in Brunei Darussalam.
- (2) Notwithstanding sub-regulation (1), any health officer may treat any vessel on arrival with insecticide or pesticide.

Unfit food.

- 31.** (1) If any health officer has reason to believe that any water or food intended for human use or consumption on board any vessel is unfit for such use or consumption, he may order that water or food, or water or food from a similar source, shall not be supplied to any vessel until he is satisfied, after considering any analyst's report on that water or food that it is fit for human use or consumption.
- (2) Any person who refuses or fails to comply with an order under sub-regulation (1) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000.

Sanitary measures for food.

- 32.** (1) Any health officer may direct the master or agent of any vessel loading or obtaining the supply of water or food thereon to comply with such sanitary measures as the health officer may think fit.
- (2) Any person who fails to comply with the directions of any health officer under sub-regulation (1) is guilty of an offence.

Nuisances on board vessel.

- 33.** (1) If any health officer on inspection of any vessel in port finds any decaying animal or vegetable matter, fruit, water, rubbish, dirt, filth or other matter, which in his opinion is likely to be injurious to health or to create a nuisance, he may serve a notice on the master, agent or owner of the vessel to abate the nuisance within such period as he may specify in the notice.
- (2) If the nuisance is not abated within that time, the master, owner or agent is guilty of an offence and liable on conviction to a fine not exceeding \$10,000 and to a further fine not exceeding \$100 for every day or part thereof during which the offence is continued after conviction.
- (3) If any health officer on inspection of any vessel finds any part thereof to be in a dirty or insanitary state, he may order the master, owner or agent of the vessel to carry

out to his satisfaction such cleansing, disinfection, whitewashing or painting as he may direct.

(4) Any master, owner or agent who neglects to comply with any order under sub-regulation (3) within such time as he may specify is guilty of an offence and liable on conviction to a fine not exceeding \$10,000 and to a further fine not exceeding \$100 for every day during which the offence continues after conviction.

(5) At the discretion of any health officer, any offensive article mentioned in this regulation may be discharged, and the vessel may, at the owner's or agent's expense, be disinfected under the supervision of any health officer.

To report death on board.

34. (1) The master, owner or agent of any vessel in any port in Brunei Darussalam shall immediately report to any health officer and to the police any death occurring on his vessel, and no corpse shall under any circumstances be landed or be caused to be landed without the permission of any health officer given in such form as the Director-General may require.

(2) Where a death has occurred during the current voyage on board any vessel which does not have a surgeon, the master shall give information thereof to any health officer not less than 24 hours before reaching the port in the case of a ship and, in the case of an aircraft, not less than 30 minutes before landing. Such corpse shall not be landed or be caused to be landed without the permission of any health officer in such form.

Death on boat and other harbour craft.

35. If a death occurs on any boat or other harbour craft in the waters of Brunei Darussalam or in any river of Brunei Darussalam within port limits, the owner, boatman or the nearest relative of the deceased, or any person finding the corpse shall report the death to the police and to any health officer. Such corpse shall not be landed or caused to be landed without the permission of any health officer given in the same form as referred to in regulation 34.

Conditions.

36. In giving his permission for a corpse to be landed or caused to be landed under regulations 34 or 35, the health officer may impose such conditions as he may think fit.

Duty of medical practitioner.

37. Every medical practitioner who is aware that any passenger on board any vessel or who was recently disembarked from any vessel or any crew member or any person employed in connection with any vessel in any port in Brunei Darussalam is suffering

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from a dangerous infectious disease shall forthwith give notice thereof to any health officer.

Prohibition of embarkation of persons with infectious disease.

38. Any health officer may prohibit the embarkation on any vessel of any person with symptoms or signs of any infectious disease until the health officer is satisfied that the person can no longer spread the infection.

Sanitary measures at infected ports and on departure of ships.

39. When any area in Brunei Darussalam is infected with any dangerous infectious disease, any health officer may, within 12 hours of the receipt of the notice of departure, visit any vessel and medically examine any person on board the vessel or any person proposing to embark thereon. If after examination the health officer is of the opinion that any person shows symptoms of any dangerous infectious disease or is a contact of any person with such disease, he shall prohibit the embarkation of that person.

Issue of certificates when measures are completed.

40. Where the master of a vessel is required by any health officer to carry out any sanitary measures in respect of the vessel, any health officer may on request furnish to any interested person a certificate specifying the nature of any measures employed with regard to the vessel, its cargo, its passengers or passengers' luggage.

Bills of Health.

41. Any health officer may at the request of the master of a ship about to depart from Brunei Darussalam issue to him a Bill of Health in respect of the ship in such form as the Director-General may require.

PART IV

GENERAL

Persons placed under surveillance or isolation.

42. (1) Any health officer may require any person who has not been vaccinated because of a medical contraindication to be placed under surveillance or isolation for such period or periods and at such place as he may determine.

(2) Any person detained at a quarantine station shall comply with any direction of any health officer.

Signals.

43. Whenever any person is detained at a quarantine station, the appropriate signals as set out in the Third Schedule shall be displayed in a prominent position at the quarantine station.

Restriction of persons from landing.

44. (1) No person, except any health officer and persons employed in running a quarantine station, shall be within the boundaries of the quarantine station if it is on land or within 200 metres or such distance as the health officer may specify if it is on a ship or an island when the signals required under regulation 43 are displayed.

(2) Any person not permitted under sub-regulation (1) shall only enter, land or depart from a quarantine station with the written permission of any health officer.

(3) Any person who contravenes this regulation may be detained and kept under observation at his own expense for such period as any health officer may think necessary.

Treatment of persons from ships.

45. (1) Any health officer may make proper provision for the removal to and from a quarantine station of all sick persons, contacts and persons whose incubation period in respect of an infectious disease is incomplete, and he may require the master or agent of the ship to furnish suitable transport for such removal to his satisfaction.

(2) If the transport required for such removal is furnished by the Government, the agent of the ship shall pay to the Government such costs incurred therefor as may be determined by any health officer.

(3) When any health officer requires the removal of passengers and crew members of a ship to a quarantine station, the number of such persons shall be ascertained and recorded on the counterfoil, in such form as the Director-General may require, by an officer appointed by any health officer and that form shall then be signed by that officer and countersigned by the master of the ship. A duplicate of the signed form shall be handed to the person entrusted with the removal, and the other retained for record.

(4) When the agent of a ship is required to undertake the order for removal, he shall deliver the number of passengers as stated in the signed form to the officer-in-charge of the quarantine station who shall forthwith issue to the agent a receipt, in such form as the Director-General may require, for the number of persons received by him.

(5) The responsibility of the agent for the delivery of such passengers shall commence when the signed form is delivered to him and shall cease on the receipt by him of such other form referred to in sub-regulation (4). These certificates shall be conclusive evidence of the facts certified therein.

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Conveyance of articles outside quarantine limits forbidden.

46. Any foodstuff, water, animal or other article conveyed from within the boundary of any quarantine station or from any vessel in quarantine, or from within the limits of any quarantine anchorage, without the permission of any health officer, may be destroyed without compensation.

Containers.

47. (1) The owner, charterer, consignor or consignee or his agent shall ensure that every container including the goods therein is kept free of vectors and rodents at all times.

(2) The owner or occupier of any premises where containers are packed, broken up or stored shall keep such premises free of vectors and rodents.

Fees.

48. The master, owner, agent or charterer of a vessel shall be liable to pay the Government the fees set out in the Fourth Schedule.

Offences as to documents.

49. Any person who —

(a) issues, obtains or is in possession of any false document; or

(b) uses any document which has been tampered with,

being a document purporting to be issued under the Act or these Regulations is guilty of an offence and liable on conviction to a fine not exceeding \$10,000.

General penalty.

50. (1) Any person who contravenes or fails to comply with any of these Regulations is guilty of an offence.

(2) Any person guilty of an offence for which no penalty is expressly provided is liable on conviction to a fine not exceeding \$5,000 and in the case of a continuing offence to a further fine not exceeding \$100 for every day or part thereof during which the offence is continued after conviction.

Health officer to issue certificate.

51. Any health officer may issue to the exporter of any goods a certificate in such form as the Director-General may determine, on the payment of the fee set out in the

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Fourth Schedule, to the effect that Brunei Darussalam is free from any dangerous infectious disease.

FIRST SCHEDULE

(regulation 3(1))

QUARANTINE MESSAGE

The following information shall be given by the master, owner or agent of any vessel —

- (a) name of vessel, port of arrival at Brunei Darussalam, date and expected time of arrival;
- (b) port of departure (first port of loading) and last port of call;
- (c) the occurrence of any case of infectious disease during the last 6 days indicating the disease and number of cases;
- (d) any other case of illness on board indicating the nature and number of cases;
- (e) number of deaths from illness, infectious disease or otherwise, which have occurred on board during the voyage;
- (f) whether a surgeon is on board;
- (g) number of sick persons to be disembarked and the nature of illness;
- (h) number of crew members and passengers;
- (i) number of passengers to be disembarked and class of the passengers;
- (j) validity of international health certificates of passengers and crew.

SECOND SCHEDULE

(regulation 4(1))

**MEASURES TO WHICH INFECTED ETC. VESSELS ARRIVING AT
ANY PORT IN BRUNEI DARUSSALAM MAY BE SUBJECTED**

Infected, suspected or other ships arriving at any port in Brunei Darussalam may be subjected to the following measures —

PART A

GENERAL

- (a) Inspection of the ship and the medical examination of all persons on board by any health officer.
- (b) Isolation and disembarkation of the sick or contacts by any health officer.
- (c) Isolation or surveillance or isolation followed by surveillance of contacts or suspects.
- (d) Vaccination of disembarking passengers or crew where any health officer thinks necessary.

PART B

PLAGUE

1. No crew member may leave an infected, suspected or any other ship without the permission of any health officer.
2. The passengers and crew of an infected, suspected or any other ship may be subjected to surveillance for a period not exceeding 6 days from the date of arrival.
3. The parts of an infected or suspected ship which any health officer considers to be infected and any soiled linen, wearing apparel or other articles found on board shall be cleansed of vermin and, if the health officer considers necessary, disinfected.
4. Any health officer may require infected, suspected or any other ships to be deratted to his satisfaction before or after the discharge of cargo. The health officer may direct or supervise the measures to be taken when deratting is to be carried out during or after the discharge of cargo. The measures will include isolation and surveillance of personnel employed in the discharge of the cargo and other precautions to prevent the rodents from passing from the ship to the shore.

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SECOND SCHEDULE — *(continued)*

PART C

CHOLERA

1. The parts of an infected or suspected ship which any health officer considers to be infected and any used bedding, soiled linen, wearing apparel, food and other articles which the health officer considers to be contaminated shall be disinfected.
2. Discharge of cargo from an infected ship shall be carried out under the supervision of any health officer who will take measures to prevent the spread of infection including placing the personnel employed under isolation or surveillance.
3. Where any health officer suspects the drinking water on board an infected, suspected or any other ship to be contaminated, he may cause it to be disinfected, thrown away and replaced with a wholesome supply after disinfection of the tanks. No water tanks containing water as ballast shall be taken in at the infected port unless the water has been disinfected. Human dejecta and the wastewater of an infected, suspected or any other ship shall be disinfected before being discharged into the waters of Brunei Darussalam.
4. No passenger or crew shall leave an infected, suspected or any other ship without the permission of any health officer.

PART D

YELLOW FEVER

1. The infected or suspected ship shall be moored at least 200 metres from the shore or at such distance as the health officer may specify so as to prevent the access of mosquitoes.
2. The infected or suspected ship shall be effectively rid of all mosquitoes on board before the discharge of cargo.

PART E

EBOLA FEVER

1. No crew member may leave an infected, suspected or any other ship without the permission of any health officer.
2. The passengers and crew of an infected, suspected or any other ship may be subjected to surveillance for a period not exceeding one month from the date of arrival.

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SECOND SCHEDULE — *(continued)*

3. The parts of an infected or suspected ship which any health officer considers to be infected and soiled linen, wearing apparel or other articles found on board shall be destroyed.

4. Any health officer may require infected, suspected or any other ships to be disinfected to his satisfaction after disembarkation of crew and passengers and before or after the discharge of cargo. The measures shall include isolation and surveillance of personnel employed in the discharge of the cargo and other precautions to prevent transmission of disease.

PART F

SEVERE ACUTE RESPIRATORY SYNDROME

1. No crew member may leave an infected, suspected or any other ship without the permission of any health officer.

2. The passengers and crew of an infected, suspected or any other ship may be kept under to surveillance for a period not exceeding 2 weeks from the date of arrival.

3. The parts of an infected or suspected ship which any health officer considers to be infected and soiled linen, wearing apparel or other articles found on board shall be destroyed.

4. Any health officer shall require infected, suspected or any other ships to be disinfected to his satisfaction after disembarkation of crew and passengers and before or after the discharge of cargo. The measures shall include isolation and surveillance of personnel employed in the discharge of the cargo and other precautions to prevent transmission of disease.

PART G

AIRCRAFT

I. GENERAL

1. The measures applicable on the departure of any aircraft from any infected area are as follows —

- (a) thorough cleansing of the aircraft;
- (b) medical inspection of passengers and crew;

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SECOND SCHEDULE — (*continued*)

(c) exclusion of any person showing signs and symptoms of any infectious disease as well as contacts and carriers thereof;

(d) treatment of the aircraft with insecticide and disinfectant; and

(e) annotation of the aircraft's papers to record the carrying out of the above measures.

2. The measures applicable on the arrival of any aircraft from any infected area or with a recognised or suspected case of infectious disease on board are —

(a) landing or parking at any place in the airport specified by any health officer;

(b) medical inspection of crew and passengers, the landing or parking of the aircraft and isolation of the sick. The crew and passengers shall not move beyond the limits specified by the health officer without his permission;

(c) the master shall place himself at the disposal of the health officer to answer all requests for information affecting public health and to produce the aircraft's papers for examination or annotation; and

(d) should the aircraft, on arrival in Brunei Darussalam, land elsewhere than in the designated airport, the master shall notify the nearest police station to this effect and the police shall communicate immediately with the health officer. In such a case, no cargo shall be unloaded and no passenger or crew shall leave the vicinity of the aircraft without the permission of the health officer.

II. PLAGUE

3. Where any aircraft has departed or has arrived from any plague infected area but there has not been a case of plague on board, the following measures may be taken —

(a) deratting the aircraft and treating it with insecticides or pesticides if they have not been done at the airport of departure; and

(b) surveillance of the crew and passengers for a period not exceeding 6 days from the date on which the aircraft left the infected area.

4. Where the aircraft has departed or has arrived from any plague infected area and there is on board a recognised or suspected case of plague, the following measures shall be applied —

(a) after medical examination of the crew and passengers, the sick shall be immediately disembarked and isolated;

SECOND SCHEDULE — (continued)

(b) all persons who have been in contact with the sick and those whom the health officer considers suspect shall be kept under surveillance for a period not exceeding 6 days from the date of arrival of the aircraft;

(c) the health officer may require any part of the aircraft, which he considers infected, to be treated with insecticide or pesticide;

(d) deratting of the aircraft if the health officer suspects the presence of rodents on board; and

(e) if the health officer considers that the merchandise on board may harbour rats or fleas, the merchandise shall not be discharged except with such precautions as he may direct.

III. CHOLERA

5. Where any aircraft has departed or has arrived from any cholera infected area but there has not been a case of cholera on board, any health officer may keep the passengers and crew to surveillance for a period not exceeding 5 days from the date on which the aircraft left the infected area.

6. If a case presenting clinical signs of cholera appears on board during the voyage, the aircraft shall be subject, at places of call or on arrival, to the following procedures —

(a) after medical examination of the crew and passengers, the sick shall be immediately disembarked and isolated;

(b) the crew and passengers shall be kept under surveillance for a period not exceeding 5 days from the date of arrival of the aircraft;

(c) any health officer shall disinfect personal effects, linen and all other articles which in his opinion are infected and the parts of the aircraft which have been occupied by the sick or which he considers liable to have been infected;

(d) if the health officer has any reason to suspect that the drinking water on board is contaminated, he shall order it to be disinfected and if practicable emptied out and replaced, after the disinfection of the container, by wholesome water; and

(e) persons arriving by such aircraft who wish to remain in Brunei Darussalam should submit to clinical or bacteriological examinations or other measures for the detection of the cholera vibrio as the health officer considers necessary.

7. Any health officer may prohibit the unloading of fish, shellfish, fruits and vegetables from any aircraft coming from any cholera infected area.

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SECOND SCHEDULE — (*continued*)

IV. YELLOW FEVER

8. Where any aircraft has departed or has arrived from any yellow fever infected area, the following measures shall be taken —

(a) inspection of the aircraft and cargo by the health officer to ensure that they do not contain mosquitoes;

(b) treatment of the aircraft with insecticide where the health officer considers necessary; and

(c) if a person on board, upon medical examination, is suspected to be suffering from yellow fever or the health officer is not satisfied that the person has completed a period of 6 days since possible exposure to infection, he may be subjected to isolation either within the airport or elsewhere under conditions approved by the medical officer for a period not exceeding 6 days reckoned from the last day on which that person could have been infected.

V. EBOLA FEVER

9. Where the aircraft has departed or has arrived from any ebola fever infected area but there has not been a case of ebola fever on board, the following measures may be taken —

(a) medical inspection of the aircraft and cargo by any health officer to ensure that they are not contaminated;

(b) treatment of the aircraft with disinfectant where the health officer considers necessary; and

(c) if any person on board, upon medical examination, is suspected to be suffering from ebola fever or the health officer is not satisfied that the person has completed a period of 30 days since possible exposure to infection, he may be subjected to isolation either within the airport or elsewhere under conditions approved by any medical officer for a period not exceeding 30 days reckoned from the last day on which that person could have been infected.

VI. SEVERE ACUTE RESPIRATORY SYNDROME (SARS)

10. Where any aircraft has departed or has arrived from any severe acute respiratory syndrome infected area, but there has not been a case of severe acute respiratory syndrome on board, the following measures may be taken —

(a) medical inspection of the aircraft and cargo by any health officer to ensure that they are not contaminated;

SECOND SCHEDULE — *(continued)*

(b) treatment of the aircraft with disinfectant where the health officer considers necessary; and

(c) if any person on board, upon medical examination, is suspected to be suffering from severe acute respiratory syndrome or the health officer is not satisfied that the person has completed a period of 14 days since possible exposure to infection, he may be subjected to isolation either within the airport or elsewhere under conditions approved by any medical officer for a period not exceeding 14 days reckoned from the last day on which that person could have been infected.

THIRD SCHEDULE

(regulations 6(1), 8, 10(1), 13(1), 20(1), 26(2) and 43)

QUARANTINE SIGNALS

1. The following signals as may be appropriate shall be displayed by the master until the ship is free from control —

(a) by day, during the whole of the time between sunrise and sunset, when the ship is within the waters of Brunei Darussalam —

- (i) the Flag Signal Q; meaning — “my ship is healthy and I require free pratique”;
- (ii) the 2 Flag Signal Q1st Substitute; meaning — “I require Health Clearance”.

The day signal shall be shown at the masthead or where it can best be seen; and

(b) by night, during the whole of the time between sunset and sunrise, but only when the ship is within the waters of Brunei Darussalam, a signal comprising a red light over a white light, the lights being not more than 2 metres apart, and meaning — “I have no pratique”.

The night signal shall be shown at the peak or other place where it can best be seen.

2. The following quarantine signals shall mark a place at the airport where a master shall stop his aircraft —

(a) from sunrise to sunset, the Flag Q being a yellow flag of 6 breadths of bunting; and

(b) from sunset to sunrise, 3 lights (2 red and one white) of such a character as to be visible on a clear night by any aircraft from a distance of 3 kilometres and placed at distances of 2 metres apart in the form of an equilateral triangle.

3. The following signals shall be displayed at a quarantine station whenever any person is detained therein —

(a) from sunrise to sunset, the Flag Q being a yellow flag; and

(b) from sunset to sunrise, a red light over a white light.

FOURTH SCHEDULE

(regulations 28(8), 48 and 51)

FEES

1.	(1) Inspection of vessel and issue of Deratting Certificate —		
	(a) vessel not exceeding 75 gross tonnes	...	\$170
	(b) vessel exceeding 75 gross tonnes	...	\$230
	(2) Inspection, at request of master, owner or agent, for exemption from deratting and issue of Deratting Exemption Certificate —		
	(a) vessel not exceeding 75 gross tonnes	...	\$110
	(b) vessel exceeding 75 gross tonnes	...	\$140
2.	Certificate to exporter to the effect that Brunei Darussalam is free from any dangerous infectious disease	...	\$20
3.	Permit to import, export or tranship a coffin containing human remains	...	\$50
4.	Written permission of health officer to communicate with ship displaying signals set out in the Third Schedule, per month	...	\$10
5.	Exemption from requirement to anchor at quarantine anchorage	...	\$10
6.	Annual health inspection of bumboats which carry food and drinks for sale to vessels in the anchorages	...	\$15
7.	(1) Duplicate of a certificate issued under paragraphs 1(1) or (2)	...	\$10
	(2) Extension not exceeding one month of Deratting Certificate or Deratting Exemption Certificate or a duplicate thereof	...	\$10
	(3) Duplicate of a certificate issued under sub-paragraph (2)	...	\$10