

LAWS OF BRUNEI

CHAPTER 181
PUBLIC ENTERTAINMENT

S 15/97

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ARRANGEMENT OF SECTIONS

Section

1. Citation.
2. Interpretation.
3. Prohibition.
4. Appointment of officers.
5. Application for licence.
6. Applicants may be joined.
7. Additional information.
8. Contents of licence.
9. Licence not renewable as of right.
10. Conditions.
11. Security.
12. Licence to be displayed.
13. Refusal of licence.
14. Cancellation of licence.

- 15. Exemption.
 - 16. Powers of entry and inspection.
 - 17. Powers of arrest.
 - 18. Penalties.
 - 19. Onus of proof.
 - 20. Rules.
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PUBLIC ENTERTAINMENT ACT

An Act to regulate public entertainment, and for matters connected therewith

Commencement : 1st June 1997

Citation.

1. This Act may be cited as the Public Entertainment Act.

Interpretation.

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

“approved place” means in the case of any place required to be licensed under any regulations for the control and supervision of places that may be used for public entertainment made under the provisions of any written law, a place so licensed and in other cases a building, tent, street or place whether open or enclosed that is approved for the purposes of this Act by the Licensing Officer;

“Licensing Officer” means the officer appointed by the Minister under section 4;

“Minister” means the Minister responsible for home affairs;

“public entertainment” includes —

(a) plays, operas, pantomimes, variety acts, performances of music, singing, karaoke, dancing, gymnastics, acrobatics and legerdemain, tableaux, demonstrations, displays and parades;

(b) displays of fireworks, set pieces, commemorative decorations and representations of real or mythical creatures;

- (c) circuses and exhibitions of animals of persons;
- (d) amusement parks and fun fairs;
- (e) exhibitions of models, reading matter, pictures, photographs or of statuary or other forms of representation of human or animal figures;
- (f) exhibitions of films, peep-shows and puppet-shows;
- (g) reproductions or transmissions otherwise than in association with a film, by any means other than telephony or radio telephony, of any music, song or speech;
- (h) machines and devices by the manipulation of which chances are given of obtaining prizes in money or kind;
- (i) pin-tables and video games;
- (j) sporting contests of any kind between any number of persons or animals other than that organised by any registered society, trade union, company or association;
- (k) organised competitions at games of skill or chance;
- (l) play-readings, recitals, lectures, talks, addresses, debates and discussions;
- (m) charitable distributions, auctions and sales of goods for philanthropic or charitable purposes, fetes and garden parties;
- (n) trade fairs consisting in the exhibition, advertisement or sale of the products of industries or of materials; and
- (o) any combination of any of the above forms of public entertainment,

in any place to which the public or any class of the public has access whether gratuitously or otherwise including private members club, but does not include —

- (i) public entertainment provided by or under the auspices of the Government or any department of the Government or any authority constituted under any written law relating to local government;
- (ii) ceremonies, rites, services and celebrations lawfully conducted by priests or ministers of religion in premises consecrated generally or specially for the conduct thereof; and
- (iii) addresses, debates and discussions at meetings of public companies, chambers of commerce, registered trade unions, registered political associations or exempted or registered societies from which persons who are not shareholders or members, as the case may be, are excluded.

Prohibition.

3. No public entertainment shall be provided except —
- (a) in an approved place; and
 - (b) in accordance with a licence issued by the Licensing Officer.

Appointment of officers.

4. The Minister may by notification in the *Gazette* appoint an officer to be a Licensing Officer for the purpose of this Act.

Application for licence.

5. Every application for a licence shall be in the prescribed form.

Applicants may be joined.

6. If the Licensing Officer is satisfied that the responsibility for the observance of the conditions of a licence is intended to be shared between 2

or more persons he may require the application to be made in the names of as many such persons jointly as he thinks fit.

Additional information.

7. On receipt of an application for a licence the Licensing Officer may require the applicant to furnish him with such additional information as he may require.

Contents of licence.

8. Every licence shall be in the prescribed form and shall set out the conditions subject to which it is issued and the date, not being more than 12 months later than the date of issue, on which it will expire.

Licence not renewable as of right.

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

Conditions.

10. In issuing a licence the Licensing Officer may impose such conditions as he thinks fit.

Security.

11. (1) In respect of such classes of entertainment as the Minister may from time to time prescribe by notification in the *Gazette* and subject to such limits as may be thereby prescribed, the Licensing Officer, before issuing a licence, may require the applicant, or, if there are several applicants, each applicant named by him for the purpose, to give security, either in the form of a cash deposit or by entering into a bond that the provisions of this Act and of the conditions of the licence issued will be duly observed.

(2) Where an applicant is required to enter into a bond, the Licensing Officer may require not more than 2 sureties to enter into the bond with the applicant or applicants.

(3) Any sum deposited or bond entered into under this section shall be liable to forfeiture in whole or in part at the discretion of Licensing Officer on cancellation of the licence.

(4) Any person aggrieved by a forfeiture under this section may require the Licensing Officer to furnish him within 14 days the reason for the forfeiture.

(5) Any person aggrieved by a forfeiture under this section may within 14 days of the furnishing to him of the reason for the forfeiture appeal in writing to the Minister whose decision shall be final.

Licence to be displayed.

12. At all times while the public entertainment described in a licence is being provided the licence shall, where the public entertainment is held in a building or tent, be prominently displayed at the building or tent and in all other cases the licence shall be kept in the possession of the licensee.

Refusal of licence.

13. (1) The Licensing Officer may in his discretion refuse any application for a licence.

(2) The Licensing Officer shall, if so required by the applicant, furnish him within 14 days of being so required with the grounds of such refusal in writing.

(3) Any applicant aggrieved by the refusal of his application by the Licensing Officer may, within 14 days of the furnishing to him of the grounds of the refusal, appeal in writing to the Minister whose decision shall be final. Where the Minister decides to grant an application for a licence, he may impose such conditions as he thinks fit.

Cancellation of licence.

14. (1) The Licensing Officer may in his discretion cancel or suspend a licence, as the case may be, if he is satisfied that the public entertainment for which it was issued —

(a) has been the cause or is likely to be the cause of a breach of the peace;

(b) has been or is likely to be wholly or in part of an indecent, immoral, offensive, subversive or improper nature;

(c) has caused or is likely to cause unnecessary suffering or any injury to any person or animal taking part in it, or to any member of the audience; or

(d) has been provided or is likely to be provided otherwise than in accordance with the conditions of the licence or is contrary to the public interest.

(2) Notice of such cancellation of suspension shall be served on the licensee, and shall also, where the public entertainment has been held in a building or tent, be affixed to the building or tent.

(3) The Licensing Officer shall, if so required by the licensee furnish him within 14 days of being so required with the grounds in writing of the cancellation or suspension of his licence.

(4) Any person aggrieved by the cancellation or suspension of his licence by the Licensing Officer may, within 14 days of the furnishing to him of the grounds of the cancellation or suspension appeal in writing to the Minister, whose decision shall be final. Where the Minister decides to restore a licence, he may impose such conditions as he thinks fit.

Exemption.

15. The Minister may by order exempt any public entertainment or series or class of public entertainments from all or any of the provisions of this Act.

Powers of entry and inspection.

16. Any Licensing Officer or police may enter without warrant any place where a licensed public entertainment is being provided with a view to ascertaining whether the conditions of the licence and the provisions of this Act are being complied with.

Powers of arrest.

17. (1) Any Licensing Officer or police officer may arrest without warrant any person who he reasonably suspects of committing or attempting

to commit, or abetting any person to commit, any offence under this Act and who refuses to furnish his name and address or who furnishes a name and address reasonably suspected of being false or who furnishes an address outside Brunei Darussalam or who is reasonably suspected of being likely to abscond.

(2) Every person so arrested shall be taken to a police station and shall thereafter be dealt with as if he had been arrested under section 33 of the Criminal Procedure Code (Chapter 7).

Penalties.

18. (1) Any person who provides or assists in providing any public entertainment not being a public entertainment exempted under section 15 —

- (a) without a licence issued under this Act;
- (b) while the licence is suspended;
- (c) in contravention of any condition of a licence; or
- (d) in contravention of this Act or any rules made thereunder,

shall be guilty of an offence and liable on conviction to a fine not exceeding \$10,000.

(2) Any person convicted of any offence under this Act, shall, if the offence is a second or subsequent offence, be liable to twice the punishment provided for that offence and imprisonment not exceeding 2 years.

Onus of proof.

19. In any proceedings under this Act the onus of proving that the public or any class of the public did not have access to any public entertainment shall lie on the person alleging the fact.

Rules.

20. The Minister may make rules for any of the following purposes —

- (a) to prescribe the fees to be charged in respect of licences;

(b) to prescribe the form of applications for licences, of licences and of the books to be kept;

(c) to prescribe the hours during which public entertainments may be provided;

(d) generally to give effect to the provisions of this Act.