

No. S 37

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

**CRIMINAL LAW (PREVENTIVE DETENTION) ACT
(AMENDMENT) ORDER, 2005**

ARRANGEMENT OF SECTIONS

Section

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 5. Insertion of new section 16A.
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(AMENDMENT) ORDER, 2005

In exercise of the power conferred by Clause (3) of Article 83 of the Constitution of Brunei Darussalam, His Majesty the Sultan and Yang Di-Pertuan hereby makes the following Order —

Citation.

1. This Order may be cited as the Criminal Law (Preventive Detention) Act (Amendment) Order, 2005.

Amendment of section 3 of Chapter 150.

2. Section 3 of the Criminal Law (Preventive Detention) Act, in this Order referred to as the Act, is amended, in subsection (2), by deleting "and may make therein" from the third line and by substituting ". The advisory committee may consider any representations made by a person subject to such order and may make in its written report" therefor.

Amendment of section 9.

3. Section 9 of the Act is amended —

(a) in subsection (1), by deleting "(2)" from the third line and by substituting "(3)" therefor;

(b) in subsection (2), by deleting "(2)" from the fourth line and by substituting "(3)" therefor.

Insertion of new section 13A.

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

"Temporary release of detainees to engage in employment.

13A. (1) The Minister may, on the recommendation of an advisory committee appointed for the purposes of this section, direct that a detainee shall be released from day to day to engage in such employment, including self-employment, as the Minister may specify.

(2) Any direction given under subsection (1) shall have effect for a period to be fixed by the Minister and may be subject to such conditions and restrictions as may be imposed by the Minister.

(3) The Minister may at any time revoke any direction made under subsection (1).

(4) The Minister may, subject to such conditions as he thinks fit, grant leave to a detainee in respect of whom a direction has been made under subsection (1) to spend his leave at such place as the Minister may specify.

(5) The Minister may at any time revoke any leave granted to a detainee under subsection (4).

(6) Where any direction made under subsection (1) is in force in respect of a detainee or any leave is granted under subsection (4) to a detainee, the superintendent of the place of detention shall release the detainee at such times and for such periods as are necessary to give effect to the direction or grant of leave.

(7) If any detainee in respect of whom a direction has been made under subsection (1) or leave has been granted under subsection (4) remains at large without lawful excuse or fails to return to his place of detention after the direction or leave has been revoked, he shall be deemed to be unlawfully at large and to have escaped from lawful custody.

(8) Every person released under this section shall continue to be in the legal custody of the superintendent of the place of detention from which he was released during every period for which he is so released.

(9) In this section, "detainee" means any person who is detained in pursuance of an order made under section 2."

Insertion of new section 16A.

5. The Act is amended by inserting the following new section immediately after section 16 —

"Officers of Bureau to exercise powers conferred on police officers under sections 14, 15 and 16.

16A. (1) Subject to this section, the powers conferred upon a police officer under sections 14, 15 and 16 may be exercised by an officer of the Bureau.

(2) The powers conferred upon a police officer of or above the rank of assistant superintendent under subsection (2) of section 14 and under section

16 may be exercised by the Director, the Deputy Director or an Assistant Director of the Bureau.

(3) The power conferred upon an officer of or above the rank of superintendent of police under the proviso to subsection (2) of section 14 may be exercised by the Director or the Deputy Director of the Bureau.

(4) Subject to subsection (5), where the power conferred upon an officer of or above the rank of superintendent of police under the proviso to subsection (2) of section 14, or the power conferred upon a police officer under subsection (1) of section 15, is exercised by an officer of the Bureau in accordance with this section, the duty to report to the Commissioner of Police under those sections shall be read as a duty to report in a similar manner to the Director of the Bureau.

(5) The duty to report to the Director of the Bureau referred to in subsection (4) shall not apply where the power under the proviso to subsection (2) of section 14 or under subsection (1) of section 15 was exercised by the Director of the Bureau himself.

(6) In this section —

"Bureau" means the Narcotics Control Bureau;

"Director of the Bureau", "Deputy Director of the Bureau" and "Assistant Director of the Bureau" mean, respectively, the Director, the Deputy Director and an Assistant Director of the Narcotics Control Bureau appointed under section 2A of the Misuse of Drugs Act (Chapter 27);

"officer of the Bureau" has the same meaning assigned to it under the Misuse of Drugs Act (Chapter 27).".

Made this 12th. day of Rabiulakhir, 1426 Hijriah corresponding to the 21st. day of May, 2005 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN,
BRUNEI DARUSSALAM.