

No. S 38

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

INTERNAL SECURITY ACT (AMENDMENT) ORDER, 2005

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CONSTITUTION OF BRUNEI DARUSSALAM
{Order under Article 83(3)}

INTERNAL SECURITY ACT (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 Internal Security Act (Amendment) Order, 2005.

Amendment of section 2 of Chapter 133.

2. Section 2 of the Internal Security Act, in this Order referred to as the Act, is amended in the definition of "advisory board", by deleting "(3)" from the last line.

Amendment of section 3.

3. Section 3 of the Act is amended, in paragraph *[j]* of subsection (6), by deleting the fullstop and by substituting a semicolon therefor.

Amendment of section 5.

4. Section 5 of the Act is amended —

(a) in subsection (1), by adding ", and every such person shall be entitled to make representations against the order to an advisory board";

(b) by inserting the following 2 new subsections immediately after subsection (1) —

"(1A) For the purpose of enabling a person to make representations under subsection (1) he shall, within 14 days of the service on him of the order —

(a) be informed of his right to make representations to an advisory board under subsection (1); and

(b) be furnished by the Minister with a statement in writing —

(i) of the grounds on which the order is made;

(ii) of the allegations of fact on which the order is based; and

(iii) of such other particulars, if any, as he may in the opinion of the Minister reasonably require in order to make representations against the order to the advisory board.

(1B) His Majesty the Sultan and Yang D-Pertuan may make rules as to the manner in which representations may be made under this section and for regulating to procedure of advisory boards.";

(c) by repealing subsection (4) and by substituting the following new subsection therefor —

"(4) An advisory board shall be appointed by His Majesty the Sultan and Yang Di-Pertuan to enquire into the grounds of every order made by the Minister under paragraph (a) of subsection (1) of section 3 and after making such enquiry, the advisory board shall make recommendations on whether and under what conditions the order made by the Minister under that paragraph (including any order extended with the approval of His Majesty the Sultan and Yang Di-Pertuan under subsection (2) of section 3) should be cancelled or suspended."

Amendment of section 6.

5. Section 6 of the Act is amended —

(a) by repealing subsection (1) and by substituting the following new subsection therefor —

"(1) Whenever an advisory board has been appointed by His Majesty the Sultan and Yang Di-Pertuan to enquire into the grounds of every order made by the Minister under paragraph (a) of subsection (1) of section 3, the advisory board shall, within 3 months of the date of such appointment or within such period as may be specified by His Majesty the Sultan and Yang Di-Pertuan, complete its enquiry and forthwith submit its recommendations thereon to His Majesty the Sultan and Yang Di-Pertuan.";

(b) in subsection (2), by deleting "subject to appeal to or review in any court" from the last two lines and substituting "called in question in or be subject to any review by or appeal to any court" therefor.

Insertion of new section 6A.

6. The Act is amended by inserting the following new section immediately after section 6 —

"Review.

6A. (1) Every order or direction made or given by the Minister under section 3 or 4 (including any order extended with the approval of His Majesty the Sultan and Yang Di-Pertuan under subsection (2) of section 3) shall, so long as it remains in force, be reviewed by an advisory board at intervals of not more than one year, and the first of such reviews to take place —

(a) in the case of a person who is detained in a place of detention, not more than one year from the date on which his representations against the order were considered by an advisory board or, where no such representations have been made, not more than 15 months from the date on which that person was detained in pursuance of the order;

(b) in the case of a person who is not detained in a place of detention, where the order has been made under subsection (1) of section 3, not more than one year from the date on which the order was served on him;

(c) in the case of a person who has been released from a place of detention in pursuance of a direction under section 4, not more than one year from the date of his release.

(2) The advisory board shall, on completing every review under subsection (1), forthwith submit to the Minister a written report of every such review, and may make therein such recommendations as it thinks fit."

Amendment of section 15.

7. Section 15 of the Act is amended, in subsection (1), by deleting "duty" from the fourth line and by substituting "duly" therefor.

Amendment of section 23.

8. Section 23 of the Act is amended, in subsection (5), by deleting "subject to appeal to or review in any court" from the last two lines and by substituting "called in question in or be subject to any review by or appeal to any court" therefor.

Amendment of section 24.

9. Section 24 of the Act is amended, in subsection (3), by deleting "subject to appeal to or review in any court" from the last two lines and by substituting "called in question in or be subject to any review by or appeal to any court" therefor.

Insertion of new section 24A.

10. The Act is amended by inserting the following new section immediately after section 24 —

"Power to control admission to institutions of higher education.

24A. (1) The Minister, where there appear to him to be reasonable grounds for believing that an applicant to be admitted as a student of an institution of higher education in Brunei Darussalam to which this section applies would be likely to promote, or otherwise participate in, any action prejudicial to the interests or security of Brunei Darussalam or any part thereof, may by order in writing forbid him from being so admitted.

(2) Any person whose application to be admitted as a student has been the subject of an order under subsection (1) may, within one month beginning with the date on which he is notified of the order, appeal against it to His Majesty the Sultan and Yang Di-Pertuan whose decision thereon shall be final and shall not be called in question in or be subject to any review by or appeal to any court.

(3) The institutions of higher education to which this section applies are as follows —

(a) Universiti Brunei Darussalam;

(b) Institute Technology Brunei; or

(c) any other institution of higher education which the Minister may designate by notification published in the *Gazette*,

and references in this section to a person's admission as a student to any such institution are references to his registration or enrolment for attendance at any course of study provided by the institution."

Amendment of section 25.

11. Section 25 of the Act is amended, in sub-paragraph (iii) of paragraph (a) of subsection (3), by deleting "identify" from the last line and by substituting "identity" therefor.

Amendment of section 26.

12. Section 26 of the Act is amended, in subsection (1), by deleting "the" where it appears for the second time in the third line.

Amendment of section 53.

13. Section 53 of the Act is amended, in paragraph (g) of subsection (2), by deleting "public" from the fourth line and by substituting "public" therefor.

Amendment of section 55.

14. Section 55 of the Act is amended, in subsection (6), by adding ", and by any other person generally authorised in that behalf under section 3 of the Protected Areas and Protected Places Act (Chapter 147)".

Amendment of section 56A.

15. Section 56A of the Act is amended, in subsection (4), by deleting "authoried" from the first line and by substituting "authorised" therefor.

Amendment of section 65.

16. Section 65 of the Act is amended by deleting "Minsiter" from the first line and by substituting "Minister" therefor.

Amendment of section 66.

17. Section 66 of the Act is amended by deleting "an" from the fourth line and by substituting "and" therefor.

Amendment of First Schedule.

18. The First Schedule to the Act is amended, in item 3, by deleting "Health" and by substituting "health" therefor.

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.