

LAWS OF BRUNEI

2008 Ed.

Criminal Law (Preventive Detention)

CAP. 150

SUBSIDIARY LEGISLATION

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**CRIMINAL LAW (PREVENTIVE DETENTION) ACT
(CHAPTER 150)**

**CRIMINAL LAW (PREVENTIVE DETENTION)
(ADVISORY COMMITTEES) RULES**

S 47/05

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2008 Ed.

Criminal Law (Preventive Detention) **CAP. 150, R 1** 1

[Subsidiary]

SUBSIDIARY LEGISLATION

**CRIMINAL LAW (PREVENTIVE DETENTION)
(ADVISORY COMMITTEE) RULES**

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Criminal Law (Preventive Detention) **CAP. 150, R 1 3**

[Subsidiary]

SUBSIDIARY LEGISLATION

Rule made under section 18(1)

**CRIMINAL LAW (PREVENTIVE DETENTION)
(ADVISORY COMMITTEES) RULES**

Commencement: 21st May 2005

Citation.

1. These Rules may be cited as the Criminal Law (Preventive Detention) (Advisory Committees) Rules.

Interpretation.

2. In these Rules —

“advisory committee” means an advisory committee appointed under section 10 of the Act;

“order” means an order made by the Minister under section 2.

Members of committees.

3. (1) Every advisory committee shall consist of a chairman, an alternate chairman and a panel of members.

(2) An alternate chairman shall have all the powers conferred on the chairman by these Rules.

(3) For the purpose of carrying out its functions under section 3 in respect of any order made by the Minister, each advisory committee shall normally be composed of the chairman and 5 members but the proceedings of the advisory committee shall not be invalidated by the absence of 2 of the 5 members.

Secretary of committees.

4. The Minister may appoint one or more public officers, either by name or by office, to be the secretary of the advisory committees appointed under the Act. The secretary shall attend all meetings of every advisory committee.

Compliance with section 3.

5. It shall be sufficient compliance with section 3 if the Minister refers an order made by him to the secretary of an advisory committee.

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Procedure for meetings.

6. (1) The secretary of an advisory committee shall, in consultation with the chairman, arrange all the meetings of the advisory committee and shall, as soon as possible thereafter, cause to be served on the person against whom an order has been made a written notice in the form set out in the Schedule appointing a time and place at which the advisory committee will consider the grounds upon which the Minister made the order.

(2) The notice shall be served not less than 10 days before the date on which the advisory committee sits to consider the order made by the Minister.

(3) Service of the notice shall be effected in such manner as the secretary of the advisory committee shall generally or specially determine.

Hearing in respect of order.

7. (1) The person upon whom a notice has been served in accordance with rule 6 may appear at the time, date and place specified in the notice either personally or, with the leave of the advisory committee, by an advocate and solicitor and make any representation in respect of the order made against him.

(2) Any such person who does not desire to appear personally or by an advocate and solicitor may cause to be delivered to the chairman a written statement signed by him or by his advocate and solicitor setting forth his representation.

(3) The advisory committee may refuse to consider any such written statement which does not reach the hands of the chairman at or before the time appointed for the hearing specified in the notice served under rule 6.

Postponements.

8. Every advisory committee may postpone or adjourn any meeting.

Meeting in private.

9. Every advisory committee shall sit in private.

Matters of which committee may take cognisance.

10. (1) When considering an order made by the Minister, an advisory committee shall have regard to the person's association with activities of a criminal nature and to any written or other report, information, document or evidence which may by the direction of the Minister be placed before the advisory committee.

(2) No written or other report, information document or evidence, or any part thereof, which may be placed before the advisory committee shall, unless authorised by the Minister, be disclosed to any person other than the secretary or members of the advisory committee.

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Protection of witnesses.

11. The representation of any person shall, if he so requests, be taken by the advisory committee in the absence of the person against whom the order has been made and his advocate and solicitor, if any, and of all other persons except the members and staff of the advisory committee. Such evidence shall, if necessary, be taken in such circumstances as shall ensure that the identity of the witness is protected from discovery.

Report of committee.

12. The report of the advisory committee to His Majesty the Sultan and Yang Di-Pertuan under section 3(2) shall be secret and shall not be disclosed to any person other than a public officer who has the express or implied authority of the Government to prepare, see or comment on that report.

Evidence.

13. An advisory committee may, in its discretion, hear any witness and may admit or reject any evidence adduced, whether oral or documentary and whether admissible or inadmissible under any written law relating to the admissibility of evidence.

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[Subsidiary]

SCHEDULE

(rule 6(1))

NOTICE OF HEARING

To:

Take notice that at am/pm on 20..... at the advisory committee will proceed to hear any representations you wish to make in respect of the order made by the Minister of Home Affairs against you.

You have the right to make such representations in the manner provided in rule 7 of the Criminal Law (Preventive Detention) (Advisory Committees) Rules, which reads as follows —

“Hearing in respect of order.

7. (1) The person upon whom a notice has been served in accordance with rule 6 may appear at the time, date and place specified in the notice either personally or, with the leave of the advisory committee, by an advocate and solicitor and make any representation in respect of the order made against him.

(2) Any such person who does not desire to appear personally or by an advocate and solicitor may cause to be delivered to the chairman a written statement signed by him or by his advocate and solicitor setting forth his representation.

(3) The advisory committee may refuse to consider any such written statement which does not reach the hands of the chairman at or before the time appointed for the hearing specified in the notice served under rule 6”.

The grounds for the making of the order against you are —

.....
.....

Dated this day of 14..... Hijriah corresponding to the day of 20.....

.....
Secretary