

LAWS OF BRUNEI

CHAPTER 30

MISCELLANEOUS OFFENCES ACT

Enactment No. 4 of 1929

Amended by
Enactment No. 3 of 1939

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LAWS OF BRUNEI
REVISED EDITION 2023

CHAPTER 30
MISCELLANEOUS OFFENCES
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MISCELLANEOUS OFFENCES ACT

An Act to provide for the punishment of certain miscellaneous offences

[S 59/2021]

Commencement: 29th July 1929

PART 1

PRELIMINARY

Citation

1. This Act may be cited as the Miscellaneous Offences Act.

[S 59/2021]

Interpretation

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

“cattle” includes buffaloes, bullocks, bulls, cows, goats, sheep, pigs and poultry;

“horse” includes asses and mules;

“in or near any public road” includes all places in the public road, and all places within 10 yards of it not being effectually separated from and hidden from the road by a wall or otherwise;

“Minister” means the Minister of Home Affairs;

“public road” includes every road, street, passage, footways or square over which the public have a right of way.

Fireworks

3. Fireworks are said to be let off “near a public road” when let off in a verandah beside a public road, or from the doors or windows of a house looking into a public road or overlooking a place in or near a public road.

Verandahs on public roads

4. The open verandahs of houses abutting on the public roads are public roads for pedestrian subject to all rights of property of the owners of such houses.

PART 2

POLICE ORDERS AS TO FIREWORKS

Orders by public notification for fireworks licences

5. (1) The Commissioner of Police may, with the sanction of the Minister, issue orders to be promulgated by public notification authorising the letting off of fireworks on certain fixed days, and at certain fixed hours in places near a public road, and may issue licences at particular times for the letting off of fireworks in places near a public road.

(2) Every licence issued under this section shall state the place where and hours between which the fireworks may be fired or let off and the description of fireworks to be used.

(3) No authority so notified, or licence so issued, shall be held to relieve any person from liability in the event of any damage, loss or injury to person or property being caused by the firing or letting off of such fireworks.

(4) Any person who lets off any fireworks in or near any public road, except at such times and places and in such manner as is from time to time allowed under subsection (1) is guilty of an offence and liable on conviction to a fine of \$250.

(5) The occupier of any house from or in which, or from or in the verandah of which, any contravention of subsection (4) takes place, is liable to the penalty prescribed as well as the person, if another person, who commits the offence.

**BURNING MATERIAL OR DISCHARGING
FIREARM IN PUBLIC ROAD****Offence and penalty**

6. Any person who sets fire to or burns any material to the annoyance, inconvenience or danger of the public, or sends up any fire-balloon or rocket in or near any public road is guilty of an offence and liable on conviction to a fine of \$250.

DANGEROUS ANIMALS

Duty of police officers as to dangerous animals

7. (1) Every police officer shall secure any animal reasonably suspected to be mad or dangerous and any wild animal found at large in or near any public road under circumstances of danger to the public.

(2) If there is reasonable ground to believe that any such mad, dangerous or wild animal cannot be secured without risk of injury to the person or the police officer attempting to secure the same, such police officer may shoot or otherwise destroy such animal.

Dog running at persons etc.

8. If it is proved to the satisfaction of a Court of a Magistrate that any dog is in the habit of running at persons or at vehicles, horses or cattle passing along a public road, the owner of such dog is guilty of an offence and liable on conviction to a fine of \$250.

Ferocious dogs at large

9. Any person who negligently suffers to be at large any ferocious dog without a muzzle is guilty of an offence and liable on conviction to a fine of \$250, and if the dog has bitten or attempted to bite any person, such dog may be killed by order of a Court of a Magistrate.

Letting loose dog or other animal

10. Any person who sets on or urges any dog or other animal to attack, worry or put in fear any person, horse or other animal, is guilty of an offence and liable on conviction to a fine of \$500.

NUISANCES

Definition of nuisances and penalty

11. Any person who —

(a) without authority in the case of public property, or without the consent of the owner or occupier in the case of private property, affixes or causes to be affixed any advertisement, bill or notice, or any paper against or upon any building, wall or fence, or writes upon,

defaces or marks any such building, wall or fence with chalk or paint or in any other way;

(b) bathes or washes himself or any other person, animal or thing on any public road, or in, upon or by the side of any public tank, reservoir, watercourse or stream the use of which for bathing has been forbidden by the Commissioner of Police;

(c) obstructs or incommodes a person bathing at any place set apart as a bathing place by wilful intrusion, or by washing any animal at or near such place, or in any other way;

(d) wilfully or indecently exposes his person, or commits a nuisance by easing himself in or by the side of, or near to, any public road or public place;

(e) being the owner or person in charge of any animal does not, if such animal dies, dispose of its carcase in such a way as not to be a common nuisance;

(f) places on or near any public road any dead animal;

(g) spits on the floor of any school house, theatre, public building or other place of public entertainment or assembly, or in any licensed public vehicle, or in any tram or railway car, or on any wharf or jetty, or on any five-foot way or side-walk of a public street; or

(h) keeps pigs in any Malay village,

is guilty of an offence and liable on conviction to a fine of \$250.

OFFENCES IN RESPECT OF UNCLEANLINESS IN PUBLIC PLACES AND UNAUTHORISED DUMPING

Prohibition against depositing refuse etc. in public place

12. (1) Any person who —

(a) places, deposits or throws any dust, dirt, paper, ashes, carcase, refuse, boxes, barrels, bales or other article or thing in any public place;

(b) keeps or leaves any article or thing whatsoever in any place where it or particles therefrom have passed or are likely to pass into any public place;

(c) throws, places, spills or scatters any blood, brine, swill, noxious liquid or other offensive or filthy matter of any kind in such manner as to run or fall into any public place;

(d) drops, spills or scatters any dirt, sand, earth, gravel, clay, loam, stone, grass, straw, shavings, saw-dust, ashes, garden refuse, stable refuse, trade refuse, manure, garbage or any other thing or matter in any public place, whether from a moving or stationary vehicle or in any other manner;

(e) throws or leaves behind any bottle, glass, can, food container, food wrapper, particles of food or any other article or thing in any public place;

(f) without lawful authority, abandons on any part of a road or on any land in the open air —

(i) a vehicle; or

(ii) any other thing, being a thing which he has brought to the land for the purpose of abandoning it there,

is guilty of an offence and may be arrested without warrant by any police officer and any person authorised by the Minister by notification published in the *Gazette* and taken before a Court of a Magistrate and is liable on conviction —

[S 59/2021]

(A) in the case of an individual, to a fine of not less than \$1,000 and not exceeding \$3,000 and, in the case of a second or subsequent conviction, to a fine of not less than \$3,000 and not exceeding \$9,000, imprisonment for a term not exceeding 6 months or both; and

[S 59/2021]

(B) in the case of a body corporate, to a fine of not less than \$2,000 and not exceeding \$10,000 and, in the case of a second or subsequent conviction,

to a fine of not less than \$10,000 and not exceeding \$30,000, imprisonment for a term not exceeding 12 months or both.

[S 59/2021]

(2) The Court of a Magistrate may, on convicting any person under subsection (1), order his photograph to be taken by a police photographer or other photographer. Any such photograph may be preserved and may be produced to any court for the purpose of establishing identity on a subsequent conviction.

(3) In subsection (1) —

“road” means any highway and any other road to which the public has access, and includes bridges over which a road passes; and

“vehicle” means any vehicle, whether or not it is in a fit state for use on roads, and includes any chassis or body, with or without wheels, appearing to have formed part of such a vehicle, and any load carried by and anything attached to such a vehicle.

(4) For the purposes of subsection (1)(f), a person who leaves any thing on any part of a road or on any land in the open air in such circumstances or for such a period that he may reasonably be assumed to have abandoned it or to have brought it there for the purpose of abandoning it there is deemed to have abandoned it there or, as the case may be, to have brought it there for that purpose unless the contrary is shown.

(5) Where, at any time, a vehicle is found abandoned in contravention of subsection (1)(f)(i), any person who, at that time, is registered under Part 2 of the Road Traffic Act (Chapter 68) (which provides for the registration of motor vehicles) as the owner of the abandoned vehicle or of a vehicle of which the abandoned vehicle appears to have formed a part, shall be presumed to be guilty of such contravention if the person (not being the registered owner) who actually committed such contravention is not known or cannot be ascertained or found.

OFFENCES RELATING TO ANIMALS AND VEHICLES

Animals damaging property

13. (1) Whoever being the owner or a person in charge of any horse, cattle, sheep, goat or pig allows such animal to stray upon any public road or upon any public or private property is guilty of an offence and liable on conviction to a fine of \$1,000 in respect of each animal, and all damages done by such animal shall be assessed by a Magistrate, and shall be recoverable in the manner provided by law for the recovery of fines before Magistrates, together with any amount to be levied as fines, from the owner of the animal.

(2) In the case of damage to private property, the amount of damages recovered shall be paid to such person as the Magistrate may direct.

Animals led or driven on public roads at night

14. (1) No horse, cattle, sheep, goats or pigs shall be led or driven on any public road between the hours of sunset and sunrise unless such animals are in charge of at least one adult person carrying a light visible within a reasonable distance from both the direction in which such animals are being led or driven and in the reverse direction.

(2) If any such animals are led or driven on any public road in contravention of the provisions of this section, the owner or any person in charge of such animals is guilty of an offence and liable on conviction to a fine of \$1,000.

OBSTRUCTIONS ETC.

Causing obstructions on public roads, flying kites etc.

15. Any person who —

(a) lays any stone, brick or other article on any public road so as to cause an obstruction thereto or to make the use of the road less convenient;

(b) allows to remain on any public road any article which has fallen from any vehicle of which he is in charge;

(c) causes or allows goods or other articles to rest on any public footway or other part of a public road, or otherwise causes or allows such goods or other articles to create obstruction or inconvenience to the passage of the public for a longer time than is absolutely necessary for loading or unloading such goods or other articles; or

(d) flies any kite, plays at any game or does any act, which obstructs or interferes with the traffic in any public road or the use of the wires of any telephone,

is guilty of an offence and liable on conviction to a fine of \$250.

Obstruction in canals etc.

16. (1) Any person who in any river or canal in which the public have a right of navigation, without the written permission of the Commissioner of Police or of the Director of Marine —

(a) leaves any boat or vessel at any place for a longer time than is necessary for loading and unloading;

(b) refuses to move his boat or vessel away from such place when so directed by any police officer or Customs officer;

(c) leaves any raft or log, or piece of timber or plank, in any such river or canal more than one day after its arrival therein; or

(d) erects in any such river or canal any stage or scaffolding,

is guilty of an offence and liable on conviction to a fine of \$250.

(2) Such boat, vessel, raft, timber or plank may be removed by the police.

(3) The expense of such removal shall be recoverable as a fine from the owner or person in charge of the same, and if not paid by him may be recovered by distress and sale of the property of such person and of such boat, vessel, raft or timber.

Depositing corpse or dying person

17. Any person who deposits or causes to be deposited any corpse or any dying person in any public place or in any private place without the consent

of the owner is guilty of an offence and liable on conviction to a fine of \$2,500 and imprisonment for 6 months.

PART 3

OTHER OFFENCES

Unlawful possession of naval, military or police stores

18. Any person who knowingly detains, buys, exchanges or receives from any Government servant any accoutrements, clothing, or other marine or police stores or necessaries or any other property belonging to Government, is guilty of an offence and liable on conviction to a fine of \$500 or imprisonment for 6 months.

Indecent or abusive words etc.

19. Any person who uses any indecent, threatening, abusive or insulting words, or behaves in a threatening or insulting manner, or posts up, affixes or exhibits any indecent, threatening, abusive or insulting written paper or drawing with intent to provoke a breach of the peace, or whereby a breach of the peace is likely to be occasioned, is guilty of an offence and liable on conviction to a fine of \$500.

Noisy instruments

20. (1) Any person who, without the permission in writing of the Commissioner of Police, beats within the limits of any town or village between the hours 11 p.m. and 6 a.m. of the next day, or in any public road at any hour, a drum or tom-tom, or blows a horn or trumpet, or beats or sounds any brass or other metal instrument or utensil, is guilty of an offence and liable on conviction to a fine of \$500.

(2) Notwithstanding that such permission in writing may have been given, any police officer not below the rank of Sergeant, on the complaint of a householder that the noise of any such instrument is dangerous to any sick person living near the place where such noise is going on, or for other good and sufficient reason, may enter upon the premises where the noise is and after warning, stop the noise either by the removal of the instruments or the dispersal of those assembled there.

Wilful trespass on property

21. Any person who without satisfactory excuse wilfully trespasses in or upon any dwelling house or premises, or upon any land or ground attached thereto, or upon any boat or vessel, or upon any ground belonging to Government or appropriated to any public purpose, is guilty of an offence and liable on conviction to a fine of \$1,000.

Apprehension of suspected persons

22. Any person —

(a) found between sunset and sunrise armed with any dangerous or offensive instrument with intent to commit any criminal offence;

(b) being a reputed thief, found between sunset and sunrise on board any vessel or boat, or lying or loitering in any bazaar, street, road, yard or other place who does not give a satisfactory account of himself;

(c) found between sunset and sunrise having his face covered or otherwise found disguised with intent to commit any criminal offence;

(d) found between sunset and sunrise in any dwelling house or other building or wandering about without being able to give a satisfactory account of himself; or

(e) having in his possession without lawful excuse, the proof of which excuse shall be on such person, any implement of house-breaking,

may be taken into custody by any police officer without a warrant, and is guilty of an offence and liable on conviction to a fine of \$2,000 and imprisonment for 12 months, and any such instruments or implements found in the possession of such person shall be forfeited.

Taking spirits etc. into public hospital

23. Any person who takes or attempts to take without permission into any public hospital any intoxicating liquor, drug or preparation is guilty of an offence and liable on conviction to a fine of \$250, or imprisonment

for 3 months, and such liquor, drug or preparation and the vessels containing the same shall be forfeited.

Boat accidents

24. (1) When any accident occurs to a boat attended with loss of life, the owner or person in charge of the boat shall forthwith report the circumstances at a police station.

(2) Any owner or person in charge, as the case may be, who without lawful excuse neglects or delays to make such report is guilty of an offence and liable on conviction to a fine of \$500.

Cruelty to animals

25. (1) Any person who cruelly beats, ill-treats, abuses, tortures, or causes or procures to be cruelly beaten, ill-treated, abused or tortured, any animal shall for every such offence be liable to a penalty of a fine of \$1,000 or imprisonment for 3 months.

(2) In this section, “animal” includes any animal, whether wild or domesticated.

PART 4

VAGRANTS

Fortune-telling and other forms of vagrancy

26. (1) Any person who —

(a) pretends or professes to tell fortunes, or uses any subtle craft, means or device by palmistry, divination, sortilege, or otherwise to deceive and impose on any one;

(b) lodges in any shed or out-house without the permission of the owner thereof, or in any deserted or unoccupied building, or in the open air, or under a tent, or in or under any cart or wagon or other similar shelter, not having any visible means of subsistence and not giving a good account of himself;

(c) begs for alms or endeavours by the exposure of wounds, sores, diseases of deformities to obtain alms;

(d) endeavours under any false or fraudulent pretence to procure charitable contributions of any kind; or

(e) not being physically able to earn or being unwilling to work for his own livelihood and having no visible means of subsistence,

is guilty of an offence and liable on conviction to a fine of \$500 or imprisonment for 2 months, and may be repatriated, and on a second or subsequent conviction to a fine of \$500 and imprisonment for 4 months.

(2) The court may order to be forfeited any book or other article used as an implement of fortune-telling.

PART 5

POUNDS

Public pounds to be provided

27. (1) Public pounds shall be provided and pound-keepers appointed at such and so many places as the Minister directs and it shall be lawful for the Minister, by public notification, to fix tables of fees for impounding animals and rates of charges for feeding them during the time they are detained in the pound.

(2) It shall be lawful for all persons, and it is the duty of all police officers, to —

(a) seize all horses, cattle or other animals found straying upon the roads, streets or throughfares, or trespassing on any of the grounds or property of the inhabitants or of the Government; and

(b) impound such animals,

and if such animals shall not be respectively redeemed by the owners of the animals within 3 days after being so impounded, they may be sold by public auction by order of the Commissioner of Police, and the proceeds of such sale after deducting the expenses thereof, and paying the fees and expenses of feeding, shall be paid to the owner of the animal, and in default of the same being claimed within 3 months after such sale, they shall be retained by the Commissioner of Police and paid by him into the Treasury.

(3) Every person taking away any animal so impounded without the authority of the Commissioner of Police is guilty of an offence and liable on conviction to a fine of \$500.

PART 6

UNLAWFUL POSSESSION OF PROPERTY

Unlawful possession of property; search for property stolen or unlawfully obtained

28. (1) Any person who has in his possession or conveys in any manner anything which may be reasonably suspected of being stolen or unlawfully obtained shall, if he fails to account satisfactorily how he came by the property, is guilty of an offence and liable on conviction to a fine of \$2,000 or imprisonment for 3 months.

(2) If any person charged with having or conveying anything stolen or unlawfully obtained declares that he received the property from some other person, or that he was employed as a carrier, agent or servant to convey the property for some other person, the court may cause every such other person, and also, if necessary, every former or pretended purchaser or other person through whose possession the property has passed, provided that such other person is alleged to have had possession of the property within the jurisdiction of such court, to be brought before it and examined, and shall examine witnesses upon oath touching the property.

(3) If it appears to such court that any person so brought before it had possession of such thing and had reasonable cause to believe the property to have been stolen or unlawfully obtained, such person is guilty of an offence and liable on conviction to a fine of \$2,500 or imprisonment for 3 months.

(4) The word “possession” in subsections (1), (2) and (3) includes possession in a house, building, ship, vessel, boat or other place as well as possession in a public road or place.

(5) Any person who —

(a) having been convicted of an offence punishable under this section or under Chapter XII or XVII of the Penal Code (Chapter 22); or

(b) having been convicted in The Republic of Singapore or in Malaysia of an offence of a nature similar to any of those offences,

is subsequently convicted of an offence punishable under this section is liable to a fine of \$10,000 or imprisonment for 2 years.

(6) If information is given on oath to a Court of a Magistrate that there is cause to suspect that any property which may be reasonably suspected of being stolen or unlawfully obtained is within any house, building, ship, vessel, boat or other place, such Court may, by warrant directed to any police officer, cause such house, building, ship, vessel, boat or other place to be entered and searched at any hour of day or night.

(7) The information mentioned in subsection (6) shall describe the property which it is reasonably suspected has been stolen or unlawfully obtained, and shall also describe the house, building, ship, vessel, boat or other place in which such property is suspected to be.

(8) If upon the making of the search any property such as that described in the information is found in the house, building, ship, vessel, boat or other place, the police officer making the search or some other police officer shall convey such property before a Court of a Magistrate or guard the property on the spot or otherwise dispose thereof in some place of safety.

(9) The police officer making the search or some other police officer shall also take into custody and produce before a Court of a Magistrate every person in such house, building, ship, vessel, boat or other place in whose possession or under whose control such property is found.

(10) The provisions of the Criminal Procedure Code (Chapter 7) apply to searches made under subsections (6), (7), (8) and (9).

Second-hand dealers and money changers to report property stolen or unlawfully obtained

29. (1) When —

(a) any property has been stolen or fraudulently obtained;

(b) a written description of such property has been given by any police officer to any dealer in second-hand goods or money changer; and

(c) property answering the description of such property is in the possession of such dealer or money changer or afterwards comes into his possession or is offered to him for sale or exchange,

he shall without undue delay give information thereof to the Commissioner of Police or at a police station, and shall at the same time state the name and address given by the person from whom he received such property or by whom it was offered to him for sale or exchange.

(2) Any person who fails to give such information as he is required to give by this section is guilty of an offence and liable on conviction to a fine of \$500, provided that when, in the opinion of the court, the property is of such a nature as to be difficult to identify no fine shall be inflicted under this section unless the court is of opinion that the property has been wilfully concealed by the accused.

Stolen or fraudulently obtained articles defaced by dealer after information

30. If any pawnbroker or dealer in second-hand goods, or worker in gold or silver, after receiving information that any metals, goods or articles of any description have been stolen or fraudulently obtained —

(a) melts, alters, defaces or puts away the metals, goods or articles; or

(b) causes the metals, goods or articles to be melted, altered, defaced or put away without having previously received permission of the Commissioner of Police,

and it is found that such metals, goods or articles were stolen, or fraudulently obtained, the pawnbroker, dealer or worker is guilty of an offence and liable on conviction to a fine of \$5,000 or imprisonment for 6 months.

PART 7

GENERAL

Power of arrest

31. (1) Any police officer may arrest without warrant any person offending in his view against any of the provisions of this Act and take him before the court to be dealt with according to law.

(2) Any animal, conveyance or article concerning by or for which an offence has been committed may be seized and taken to a pound or police station, unless given up sooner by order of the court, until the charge is decided in due course of law.

Finger impressions of offenders

32. (1) Any person lawfully arrested under section 22 or 28 shall, on demand by a police officer, allow impressions of his fingers to be taken.

(2) Any court by which a person is convicted of an offence under one of those sections, and sentenced to pay a fine, may order that the finger impressions of such person shall be taken in the presence of such officer of the court as is prescribed.

(3) A statement in any certificate purporting to be signed by any officer of the court and sealed with the seal of the court that a person has been convicted under one of those sections, and that the finger impressions which appear on such certificate are those of the person so convicted, shall be evidence of the facts so stated.

Powers of investigation

32A. In any case relating to the commission of an offence against this Act, any person authorised by the Minister by notification published in the *Gazette* shall have all the powers of a police officer under the Criminal Procedure Code (Chapter 7) in relation to an investigation into a seizable offence.

Offences by bodies corporate etc. [S 59/2021]

32B. (1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of the body corporate, he

as well as the body corporate is guilty of that offence and liable to be proceeded against and punished accordingly.

(2) Where the affairs of the body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) Where an offence under this Act committed by a partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, the partner as well as the partnership is guilty of that offence and liable to be proceeded against and punished accordingly.

(4) Where an offence under this Act committed by a limited liability partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner or manager of the limited liability partnership, the partner or manager (as the case may be) as well as the partnership is guilty of that offence and liable to be proceeded against and punished accordingly.

(5) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of the unincorporated association or a member of its governing body, the officer or member (as the case may be) as well as the unincorporated association is guilty of that offence and liable to be proceeded against and punished accordingly.

(6) In this section —

“officer” —

(a) in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate, and includes a person purporting to act in any such capacity; or

(b) in relation to an unincorporated association (other than a partnership), means the president, the secretary or a member of the committee of the unincorporated association or a person holding a position analogous to that of president,

secretary or member of a committee, and includes a person purporting to act in any such capacity;

“partner”, in relation to a partnership, includes a person purporting to act as a partner.

PART 8

OFFENCES RELATING TO BUILDINGS IN KAMPONG AYER

Offence of building in Kampong Ayer without consent of District Officer

33. No person shall build, erect, alter, add to or extend any building in Kampong Ayer without first obtaining the written consent of the District Officer.

Offence of leasing or letting buildings in Kampong Ayer without consent of District Officer

34. (1) No person being the owner or occupier of any building in Kampong Ayer shall —

(a) lease, sublease, let or sublet such building to any person other than to a member of his family;

(b) permit or allow any person to occupy such building other than to a member of his family,

without first obtaining the written consent of the District Officer.

(2) Where any such building has been leased, subleased, let or sublet to any person or where a person has been permitted or allowed to occupy any such building, the owner or occupier of such building shall, until the contrary is proved, be presumed to have leased, subleased, let or sublet the building to such person or to have permitted or allowed such person to occupy it knowing that he was person other than a member of his family.

Penalties

35. Any person who contravenes section 33 or 34 is guilty of an offence and liable on conviction to a fine of \$3,000 and or imprisonment for 6 months, or in the case of a continuing offence to a fine not exceeding \$50 for every day during which such offence is continued.

Warning to be given before prosecuting

36. Where a person is prosecuted for an offence under section 33 or 34, he shall not be convicted unless he was warned not less than 3 months before a summons for the offence was served on him that the question of prosecuting him for such offence would be taken into consideration.

Enforcement

37. (1) Where a person has been convicted of an offence under section 33 or 34(1)(a), the court may order that the building, erection, alteration, addition or extension (as the case may be) be pulled down, demolished and the site thereof cleared, and thereupon the District Officer shall cause such order to be executed.

(2) The District Officer may recover the expenses incurred by him under subsection (1) from the owner or occupier of such building.

Interpretation of Part 8

38. In this Part —

“building” includes any house, hut, shed or roofed enclosure, whether used for the purpose of a human habitation or otherwise, and also any wall, gate, post, pillar, paling, frame, boarding, slip, dock, wharf, pier, jetty, landing stage, bridge, any structure or erection of whatever material and in whatever manner constructed or any part of a building;

“District Officer” means the District Officer for the Brunei and Muara District;

“family” means wife, husband, children, and includes parents, grandparents, brothers and sisters;

“Kampong Ayer” means that part of the Brunei River which is shown delineated in red on *Gazette* Plan No. 209 deposited in the Office of the Surveyor General, which shall include the areas landwards within 500 yards beyond the high water mark;

“occupier” means the person in occupation of the building in respect of which the word is used, or having the charge, management or control thereof either on his own account or as agent of another person and includes a tenant or lodger;

“owner” means the person for the time being receiving the rent of the building in connection with which the word is used whether on his own account or as agent or trustee for any other person, or who would so receive the rent if the building were let to a tenant; and in any case in which such person cannot be found includes also the occupier, if any, of such building.

PART 9

COMPOSITION OF OFFENCES

Composition of offences

38A. (1) The Chairman of any Municipal Board, any police officer not below the rank of Superintendent and any person authorised by name or by office by the Minister by notification published in the *Gazette* may, in his discretion, compound an offence under section 12 or any other offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence —

(a) in the case of an individual, a sum of money not exceeding \$1,000; and

(b) in the case of a body corporate, a sum of money not exceeding \$2,000.

[S 59/2021]

(1A) On payment of such sum of money, no further proceedings shall be taken against that person in respect of the offence.

[S 59/2021]

(2) Any sum of money collected under this section shall be dealt with as if it were a fine imposed by a Court of a Magistrate.

(3) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make rules to prescribe the offences which may be compounded under subsection (1) and the method and procedure thereof.