

# **LAWS OF BRUNEI**

## **CHAPTER 57**

### **MUNICIPAL BOARDS**

**Enactment No. 10 of 1920**

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**CHAPTER 57**

**MUNICIPAL BOARDS**

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## MUNICIPAL BOARDS ACT

### **An Act to consolidate and amend the law with regard to Municipal Boards**

*Commencement: 1st January 1921*

#### **Citation**

1. This Act may be cited as the Municipal Boards Act.

#### **Interpretation**

2. (1) In this Act and in any by-laws passed under this Act, unless there is something repugnant in the subject or context —

“arcade” includes verandah;

“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, hoarding, slip, dock, wharf, pier, jetty, landing stage or bridge;

“Chairman” means the officer for the time being lawfully performing the duties of the office of Chairman of the Municipal Board, and includes a Deputy Chairman;

“dairy” includes cowshed, milk store, milk shop, or other place from which milk is supplied or in which milk is drawn or kept for purposes of sale;

“footway” includes five foot ways and verandahs at the sides of streets;

“health officer” means the officer for the time being performing the duties of health officer to the Municipal Board, and includes assistant health officer;

“house” includes dwelling-house, warehouse, office and shop, also schools and any other buildings in which persons are employed;

“market” means any place (other than a shop) ordinarily used for the sale of animals or of fish, meat, fruit, vegetables or other perishable articles of food for human consumption;

“Municipal Board area” means an area subject to the control of a Municipal Board in respect of the matters provided for by this Act;

“nuisance” means any act, omission or thing occasioning or likely to occasion injury, annoyance, offence, harm, danger or damage to the sense of sight, smell or hearing, or which is or is likely to be injurious or dangerous to health or property;

“occupier” means the person in occupation of the premises 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, but does not include a lodger;

“owner” means the person for the time being receiving the rent of the land or premises 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 same if such land or premises were let to a tenant; and in any case in which such person cannot be found or makes default includes also the occupier, if any, of such land or premises;

“premises” includes messuages, buildings, lands, easements and hereditaments of any tenure, whether open or enclosed, and whether maintained or not under statutory authority;

“public market” means a market which has been declared a market, or which may hereafter be declared a market, under this Act;

*(deleted by S 31/2016);*

“street” includes every road, square, footway, passage or waterway (whether a thoroughfare or not) over which the public has a right of way and also the way over any public bridge;

“town limits” means the limits of a town as defined from time to time under the provisions of any law regulating the establishment of towns.

(2) A person is said to “reside” in any dwelling which he sometimes uses as sleeping apartment, although he does not use it uninterruptedly or has elsewhere a dwelling where he has and sometimes uses another such apartment. A person does not cease to “reside” in a dwelling where he has such an apartment merely because he is absent from it if there is the liberty of returning at any time and no abandonment of the intention to return at pleasure.

### Appointment of Municipal Boards

3. (1) His Majesty the Sultan and Yang Di-Pertuan in Council may from time to time declare any area within Brunei Darussalam to be a Municipal Board area for the purposes of this Act.

(2) His Majesty the Sultan and Yang Di-Pertuan may appoint Municipal Boards consisting of such public servants and other persons as he may nominate to exercise control within the area mentioned in such appointment over all matters in respect of which powers is given to them by this Act and may appoint any member of a Municipal Board to be the Chairman thereof. Every such appointment shall cease and determine at the expiration of the year in respect of which the same is made.

(3) His Majesty the Sultan and Yang Di-Pertuan may also appoint such other officers as may be necessary for the purposes of this Act.

(4) The boundaries of any Municipal Board area may be declared to be coincident with any town limits or may be separately defined.

(5) Any declaration or appointment made under this section may from time to time in like manner be added to, varied or revoked.

### Duties of Municipal Boards

4. This duties of a Municipal Board shall be to take all lawful measures for the following purposes within the area subject to its control —

(a) *(deleted by S 44/2015)*;

(b) the laying out and maintenance of reserves for recreation and other purposes; the enclosure and care of unoccupied premises; the planting and preservation of trees and shrubs; the laying out, cleaning, watering, lighting and control of streets, canals and bridges; the removal of undue projections; the numbering of houses and the naming of streets subject to the approval of the Minister;

(c) the control and supervision of —

(i) sewers, drains, sewage treatment works, sanitary fitments, latrines and dustbins;

(ii) wells and water tanks;

- (iii) stables and cattle sheds and places for keeping sheep, goats, swine and poultry;
- (iv) the sale of fresh provision and the licensing of persons to hawk foodstuffs.

(d) the construction and maintenance of works for the treatment and/or conveyance of sewage; the laying of sewers and drains across public or private property; the maintenance and modification of sewers vested in the Municipal Board; the maintenance of lawful use of sewers; the keeping of up to date maps showing the legal status, sizes and levels of all sewers;

(e) the establishment and regulation of markets and slaughter-houses and the fixing of the fees to be charged for the use of the same, including, if the Municipal Board shall think necessary, the grant to particular persons of the exclusive right to use any slaughter-houses, or of the exclusive right to provide or slaughter any particular description of beast for human food, and the prohibition of the sale within a certain radius from a market of articles of any kind sold in such market;

(f) the regulation by registration, licensing or otherwise of bakeries, dairies, laundries and street stalls; the seizure and disposal of unwholesome fish, flesh or other provisions;

(g) the regulation, inspection and licensing of common lodging houses, eating houses, theatres, inns and other places of public resort, with the view of enforcing the observance of ordinary sanitary regulations in respect of lighting, ventilation, whitewashing, drainage and overcrowding therein;

(h) the establishment and regulation of public bathing places, including power to charge fees for the use of or to lease the same;

(i) the removal and disposal of refuse and night soil, including, if the Municipal Board shall think necessary, the publication of rules making it compulsory on all persons who may require night soil buckets to buy such buckets from the Municipal Board at such price as the Municipal Board may fix;

(j) the prevention and abatement of nuisances and the regulation of dangerous, unhealthy or offensive trades or occupations;



(k) the prevention and removal of obstructions in the streets and in verandahs or footways;

(l) *(deleted by S 44/2015)*;

(m) the examination of the bodies of dead persons and the certification of the cause of death in cases where the cause of death has not been certified by a duly qualified medical practitioner;

(n) the prevention and abatement of malaria, including treatment of persons, removal of persons, and action in respect of buildings, land and other property;

(o) *(deleted by S 31/2016)*;

(p) the regulation and control of traffic in the streets, whether of vehicles, animals, pedestrians or otherwise;

(q) all other matters, whether similar or not to those abovementioned, connected with the conservancy and the improvement of the area subject to its control.

### **Power to pass by-laws**

5. For the various purposes described in section 4 and for the conduct of its own business, a Municipal Board shall have power to pass by-laws not inconsistent with the provisions of this Act or of any other Act for the time being in force and to declare whether such by-laws shall apply to the whole area subject to its control or to some specified part or parts thereof, and to prescribe penalties for breach thereof not exceeding the penalties prescribed by section 7; and every Municipal Board is hereby required to pass such by-laws, either in addition to or in substitution for by-laws already existing, as may from time to time be prescribed by His Majesty the Sultan and Yang Di-Pertuan in Council; and such by-laws may provide for the payment of reasonable fees for such registration, licences or other matters as may be required for the purposes of this Act.

### **Confirmation of by-laws**

6. No by-law passed under this Act and no resolution rescinding or varying any such by-law shall have effect unless and until it has been confirmed by the Minister.

**Penalty for breach of by-laws**

7. If any person is guilty of the contravention of any such by-law for the breach of which no penalty is otherwise expressly provided, or of infringing any exclusive right granted under section 4(e), he is guilty of an offence and liable on conviction to a fine of \$3,000, or in the case of a continuing offence to a fine of \$100 for every day during which such offence is continued.

**Inquiries into fires**

8. (1) When any fire occurs within a Municipal Board area whereby damage or loss is occasioned to any dwelling-house or other building, the Chairman may, if he thinks fit, and shall if requested thereto in writing by two or more ratepayers, institute an inquiry into the cause of such fire and the circumstances attending the same.

(2) For the purpose of such inquiry, the Chairman shall have and may exercise all the statutory and other powers which shall for the time being be vested in and exercisable by a Magistrate for summoning and enforcing the attendance of witnesses, for administering oaths or affirmations to such witnesses, and for compelling such witnesses to answer all reasonable and proper questions relative to the matters which are the subject of such inquiry.

(3) The Chairman shall within 7 days from the conclusion of such inquiry transmit to the Minister the depositions taken by him together with his finding as to the cause of the fire.

**Minutes to be submitted to His Majesty the Sultan and Yang Di-Pertuan in Council**

9. Full minutes of the proceedings at all meetings of every Municipal Board shall be submitted for the information of His Majesty the Sultan and Yang Di-Pertuan in Council at the earliest opportunity after the close of the meeting, and His Majesty the Sultan and Yang Di-Pertuan in Council shall have power to annul the whole or any part thereof.

**Public servants**

10. All members and servants of a Municipal Board are deemed to be public servants within the meaning of the Penal Code (Chapter 22).

**Powers of Municipal Board when default made**

11. When any by-law passed under this Act or any notice issued to enforce the provisions of this Act or of any such by-law requires any act to be done or refrained from or any work to be executed by the owner or occupier of any premises and default is made in complying with the provisions of such by-law or notice, the Municipal Board may cause such act to be done or such work to be executed and may pull down any work executed in contravention of any such by-law or notice.

(2) All expenses incurred by the Municipal Board in carrying out the provisions of this section may be recovered in the manner provided by this Act for the recovery of unpaid rates, or the Municipal Board may at its option recover the same from the owner or occupier by action in a court of law.

**Power to levy rates**

12. An annual rate for the general purposes of this Act, including also the purposes of public lighting, public water supply, public sewers, sewage treatment and disposal and protection from fire, may be imposed upon all lands and upon all houses and buildings within any Municipal Board area not exceeding 15 *per cent* of their annual value, such rate shall be fixed from time to time by His Majesty the Sultan and Yang Di-Pertuan in Council after consultation with the Municipal Board and shall be payable by half-yearly instalments in advance without demand by the owners of such lands, houses or buildings in the months of January and July in each year.

**His Majesty the Sultan and Yang Di-Pertuan in Council may exempt certain property**

13. Houses and buildings used exclusively as places for religious worship, all public burial and burning grounds, all buildings used exclusively for public schools or for charitable purposes, and all property belonging to or rented by His Majesty the Sultan and Yang Di-Pertuan or the Government may be exempted by direction of His Majesty the Sultan and Yang Di-Pertuan in Council from payment of any rate.

**Board may exempt certain property**

14. The Board may exempt from payment of any rate any house, building or land the annual value whereof is less than \$500 if the same is the sole rateable property of the owner, or any house or hut which shall be occupied rent free by labourers employed at any plantation or mine.

**Remission of rate when house is not occupied**

15. In cases of property assessed as described in section 17 where any house or building shall have been vacant for 30 consecutive days during any year, the Board shall remit so much of the rate for that year as may be proportionate to the number of days during which the said house or building may have remained unoccupied:

Provided that the owner of such house or building or his agent shall have given notice in writing of the vacancy thereof to the Board, and that the amount of rate to be remitted shall be calculated from the date of the delivery of such notice.

**Assessment upon annual value of property**

16. The rate or rates imposed upon houses, buildings and lands according to the annual value thereof in any Municipal Board area shall be assessed in the manner hereinafter provided.

**Annual value of premises wholly built upon, how to be ascertained**

17. The estimated gross annual rent at which such lands together with the houses or buildings thereon might reasonably be expected to let from year to year shall for the purposes of the rate be held and deemed to be the annual value of such lands together with the houses or buildings thereon. The annual value of premises so estimated shall not include the value of any machinery contained therein.

**Record of valuation**

18. For the purpose of such assessment the Board shall from year to year cause a valuation to be made of all houses and buildings. Such valuation shall be entered in a book to be kept at the office of the Board, wherein also shall be written in distinct columns the name of the owner of the property, the name of the occupier, a designation of the property either by name or number sufficient to identify the same, the name of the street or locality in which such property is situated and the amount of the rate assessed thereon.

**Designation of owner if name unknown**

19. When the name of the owner or occupier is not known, it shall be sufficient to designate him in the said book, and also in any notice or other proceedings under this Act, as the "owner" or "occupier" of the property on which the rate is assessed, without further description.

**Returns may be required for purposes of valuation**

**20.** (1) In order to enable the Board to assess the annual value of any houses, lands, tenements or buildings liable to assessment, the Chairman may require the owner or occupier thereof to furnish returns of the rent thereof and to give all such information as may be necessary for the preparation of the assessment list or otherwise for the purpose of such assessment, and for the like purpose the Chairman or any person appointed in writing by him for that purpose may at any time between sunrise and sunset enter and inspect and if necessary survey the same:

Provided that no entry shall be made under this section into any dwelling-house in actual occupation, unless with the consent of the occupier, without 24 hours previous notice in writing to such occupier specifying the hour as near as may be of such intended entry.

(2) Any person who refuses or fails to furnish such return or to give such information as aforesaid for the space of one week from the day on which he shall have been required to do so, and whoever knowingly makes a false or incorrect return or gives false or incorrect information, and any person who hinders, obstructs or prevents the Chairman or any person appointed by him as aforesaid from entering, inspecting or surveying any such houses, lands, buildings or tenements, is guilty of an offence and liable on conviction to a fine of \$3,000.

**Public notice of valuation**

**21.** When the valuation has been completed the Board shall notify the place where the record of valuation may be inspected; and the person in whose custody such record may be shall permit every person appearing to be the owner or occupier of any property included in the assessment or the agent of such owner or occupier to inspect the same during office hours and to make extracts therefrom without payment of any fee.

**Notice of consideration of complaints**

**22.** (1) The Board shall give public notice of a day, not being less than 3 weeks from the date of publication of such notice, when it will proceed to consider complaints against such valuation and assessment, and in all cases in which any property is for the first time assessed or the assessment thereof is increased the Board shall also give notice thereof to the owner or occupier of the property.

(2) All complaints shall be made personally or by agent or in writing at least 7 days before the day fixed in the notice and all complaints so made shall be inquired into by the Board and such amendments of the valuation shall thereupon be made as the Board may deem just.

### **Adoption of assessment**

**23.** After the complaints have been inquired into and the revision of the valuation and assessment has been completed the amendments made shall be authenticated by the signatures of two members of the Board, who shall at the same time certify that no valid complaint has been made against the valuation and assessment except in the cases in which amendments have been made; and, subject to such amendments as may thereafter be duly made, the rate so assessed is deemed to be the rate for the whole year for which the assessment is made, and such year shall commence on the 1st day of January.

### **Further amendments of assessment list**

**24.** (1) When owing to mistake, oversight or fraud the name of any person or any property which ought to have been inserted in or omitted from the assessment list has been omitted from or inserted in such list or any property has been insufficiently assessed or where any building newly built or rebuilt becomes liable to assessment after the list has been compiled, the Board may at any time amend such list accordingly:

Provided that notice is given to all persons interested in the amendment of a time, not less than one month from the date of the service of such notice, at which the amendments is to be made. In the case of any building newly built or rebuilt only a proportional part of the assessment shall be charged from the date of the completion of such building.

(2) Any person interested in any such amendment may tender his objection to the Board in writing before the time fixed in the notice, or orally or in writing at that time, and shall be allowed an opportunity of being heard in support of the same in person or by authorised agent, as he thinks fit.

### **New assessment not compulsory each year**

**25.** It shall not be necessary to prepare a new record every year, but the Board may adopt the valuation and assessment for the preceding year with such alterations as may in particular cases be deemed necessary as the valuation and assessment for the year following:

Provided that public notice of such valuation and assessment shall be given in the manner prescribed by section 21, and that the provisions of such section and of the three following sections shall be applicable to such valuation and assessment.

### **Appeals against assessment**

**26.** Any person who, having made a complaint or objection in the manner prescribed by section 22 against any rate assessed under the provisions of this Act, is dissatisfied with the decision of the Board thereon may appeal to the High Court:

Provided that with the presentation of the petition of appeal there shall be paid into court the amount of the rate appealed against.

### **Time allowed for appeal**

**27.** Every such appeal shall be commenced within 30 days of the date of the certificate of the Board under section 23, or in case of any subsequent amendment under the provisions of section 24 within 30 days of the receipt by the person aggrieved of notice of such amendment.

### **Finality of appeal**

**28.** The decision of the High Court upon any appeal under section 26 shall be final and conclusive.

### **Rates to be first charge on property**

**29.** Subject to the provisions of the Land Code (Chapter 40), any rate duly imposed under this Act shall be a first charge on the property in respect of which it is imposed and shall be recoverable in the manner hereinafter provided.

### **Place of payment**

**30.** All payments shall be made at the office of the Board or at such other place as the Board may appoint, and counterfoil receipts shall be issued signed by the secretary or other officer of the Board duly authorised thereto.

### **Procedure if payment not made**

**31.** If any rate or fee is not paid within the prescribed time, it may be recovered in the manner prescribed for the recovery of arrears under the Land Code (Chapter 40).

**Notice to be given of transfer of rateable property, of new buildings, and of demolitions etc.**

32. (1) When any rateable property within a Municipal Board area is sold or transferred, it shall be the duty of the purchaser or transferee within 3 months after such sale or transfer to give notice thereof to the Board in writing.

(2) When the owner of any rateable property within a Municipal Board area dies, it shall be the duty of the person becoming the owner thereof by succession or otherwise to give notice thereof in writing to the Board within one year after the death of the deceased.

(3) On receipt of any such notice the Board may require the production of the instrument of sale or transfer, if any.

(4) Every person who sells or transfers any rateable property within a Municipal Board area shall continue to be liable for the payment of all rates payable in respect of such property and for the performance of all other obligations imposed by this Act upon the owner of such property which become payable or are to be performed at any time before notice of such transfer has been given or until the sale or transfer has been recorded in the books of the Board. Nothing herein contained shall affect the liability of the purchaser or transferee to pay the rates in respect of such property or to perform such obligation as aforesaid or to enforce such obligation under this Act.

(5) When any new building is erected or when any building is rebuilt or enlarged or when any building which has been vacant is reoccupied, the owner of such building shall within 15 days give notice thereof in writing to the Board.

(6) The said period of 15 days shall be reckoned from the date of the completion or of the occupation, whichever occurs first, of the building which has been newly erected or rebuilt or of the enlargement, as the case may be, and in the case of a building which has been vacant from the date of the reoccupation thereof.

(7) When any building or portion of a building which is liable to the payment of rates is demolished or removed otherwise than by the order of the Board, the owner shall give notice thereof in writing to the Board. Until such notice is given the owner shall continue to be liable to pay rates in respect of



such building or portion of a building as if the same had not been demolished or removed.

(8) Every person failing to give any notice required by this section is guilty of an offence and liable on conviction to a fine of \$500.

### **Power to enter upon lands**

**33.** (1) The Board shall for the purpose of this Act have power by itself or its officers, servants, workmen or contractors to enter at all reasonable hours in the daytime into and upon any building or land, as well for the purpose of making any survey or inspection as for the purpose of executed by it, without being liable to any legal proceedings or molestation whatsoever on account of such entry or of anything done in any part of such building or land in pursuance of this Act:

Provided that except when herein otherwise provided the Board or its officers shall not enter into any dwelling-house in actual occupation, unless with the consent of the occupier thereof, without 6 hours previous notice to such occupier.

(2) His Majesty the Sultan and Yang Di-Pertuan in Council may declare that any class of premises for the control and supervision of which by-laws may be made under section 5 are liable to night inspection, and thereupon the Chairman or health officer may at any time of the day or night and without notice by himself or by any Municipal Board officer generally authorised by the Chairman in that behalf in writing enter into and inspect any premises of the class specified in the declaration.

### **Compensation, damages and costs, how determined**

**34.** (1) Except as herein otherwise provided, in all cases when compensation, damages, costs or expenses are by this Act or any by-laws made thereunder directed to be paid the amount and if necessary the apportionment of the same shall in case of dispute be summarily ascertained and determined by a Magistrate, or, if the compensation claimed exceeds \$10,000, by a Judge.

(2) If the amount of compensation, damages, costs or expenses is not paid by the party liable to pay the same within 7 days after demand, such amount may be reported to such Magistrate or Judge and recovered in the same way as if it were a fine.

**Revocation and cancellation of licences**

**35.** (1) Every licence issued under any by-law passed under this Act shall be revocable at the discretion of the Municipal Board by which the same was issued without compensation at the expiration of one month's notice in writing served on the holder thereof and every such licence shall be liable to immediate cancellation by the Board without notice and without compensation on any failure of the holder thereof or his servants or agents to observe and comply with any by-law or condition to which such licence may from time to time be subject.

(2) It shall be lawful for any Municipal Board at its discretion to refuse to issue any licences.

**Disposal of revenues and objects of expenditure**

**36.** All moneys received by a Municipal Board by virtue of this or of any other Act shall be paid into the Treasury for the credit of the public revenue; and all moneys entrusted to a Municipal Board by the Government for expenditure shall be applied by the Board for the purposes described in section 4 and in the execution of any other measures necessary to promote the health or convenience of the public and generally for the purposes of this Act as may be deemed expedient by the Board and subject in all cases to the control and direction of His Majesty the Sultan and Yang Di-Pertuan in Council.

**Accounts**

**37.** Proper statements of all receipts and disbursements on account of any Municipal Board shall be kept and periodically rendered in such form and at such times as His Majesty the Sultan and Yang Di-Pertuan in Council may direct.

**Application of Act to areas not being Municipal Board areas**

**38.** (1) His Majesty the Sultan and Yang Di-Pertuan in Council may from time to time apply, with such modifications as to him shall seem fit, any of the provisions of this Act or any by-law made thereunder to any area in Brunei Darussalam which is not comprised in whole or in part within any Municipal Board area, and thereupon all such provisions of this Act and all such by-laws made thereunder as are specified in such notification shall, subject to such modifications as aforesaid, come into force within the area to which the same have been applied.

(2) Where under this section any of the provisions of this Act or any by-law made thereunder shall have been applied to any area, His Majesty the Sultan and Yang Di-Pertuan may appoint any person or persons, either by name or office, to exercise and perform within such area all or any of the powers and duties which are by this Act or by any by-law made thereunder conferred or imposed on a Municipal Board or on any of its officers.

### **Protection of persons acting under this Act**

**39.** (1) No action shall be brought against any person for anything done or *bona fide* intended to be done in the exercise or supposed exercise of the powers given by this Act or by any by-law made thereunder —

(a) without giving to such person one month's previous notice in writing of the intended action and of the cause thereof;

(b) after the expiration of 3 months from the date of the accrual of the cause of action;

(c) after tender of sufficient amends.

(2) In every action so brought it shall be expressly alleged that the defendant acted either maliciously or negligently and without reasonable or proper cause, and if at the trial the plaintiff fails to prove such allegation, judgment shall be given to the defendant.

(3) Though judgment is given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Judge or Magistrate before whom the action is tried shall certify his approbation of the action.