

LAWS OF BRUNEI

CHAPTER 147

PROTECTED AREAS AND PROTECTED PLACES

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CHAPTER 147

PROTECTED AREAS AND PROTECTED PLACES

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PROTECTED AREAS AND PROTECTED PLACES ACT

An Act to provide for protected areas and protected places

Commencement: 1st December 1983

Citation

1. This Act may be cited as the Protected Areas and Protected Places Act.

Interpretation

2. In this Act —

“armed force” means the Royal Brunei Armed Forces or any other armed force (other than the police force) for the time being of Brunei Darussalam;

“authorised officer” means —

(a) any police officer;

(b) any person holding a commission in any armed force or in any visiting force;

(c) any member of any armed force or of any visiting force performing the duties of a guard or sentry in any protected area or protected place in accordance with orders issued by a person holding a commission in any armed force or visiting force;

(d) any person performing the duties of a guard or watchman in a protected area or a protected place and specially authorised in that behalf under section 3; or

(e) any member of the Gurkha Reserve Unit;

“Minister” means the Minister of Home Affairs;

[S 49/2015]

“officer commanding a Police District” means the officer appointed to perform the duties of that office and when such officer is unable through absence, illness or otherwise to perform his duties, means the police officer present and

acting in the Police District who is next in rank below such appointed officer;

“police force” has the same meaning as in the Royal Brunei Police Force Act (Chapter 50), and includes —

(a) the Brunei Volunteer Police Force, or any part thereof, when on active service; and

(b) any auxiliary or special police force constituted under any written law for the time being in force, or any part of any such force, when on active service;

“police officer” means any member of the police force;

“protected area” means any area declared to be a protected area under section 4;

“protected place” means any place or premises declared to be a protected place under section 5;

“visiting force” means any visiting force for the time being in Brunei Darussalam by virtue of any other written law or by virtue of any lawful arrangement made by or on behalf of the Government of Brunei Darussalam.

Authorisation of guards and watchmen

3. The Commissioner of Police, any officer commanding a Police District and any police officer of or above the rank of Assistant Superintendent empowered in that behalf by the Commissioner of Police or an officer commanding a Police District, may authorise any person performing the duties of a guard or watchman in a protected area or a protected place to exercise the powers of an authorised officer under this Act.

Protected areas

4. (1) If, as respects any area, it appears to the Minister* to be necessary or expedient that special measures should be taken to control the movements and conduct of persons therein, he may by order declare such area to be a protected area for the purposes of this Act.

* Transferred from the Mentri Besar to the Minister of Home Affairs, with effect from 1st January 1984 —
[S 10/1984]

(2) Any person who is in any protected area shall comply with such directions for regulating his movement and conduct as may be given by an authorised officer, and an authorised officer may search any person entering, or seeking to enter, or being in, a protected area, and may detain any such person for the purpose of searching him.

(3) If any person while in a protected area fails to comply with any direction given under subsection (2) then, without prejudice to any proceedings which may be taken against him, he may be removed from the area by an authorised officer.

Protected places

5. (1) If as respects any place or premises it appears to the Minister* to be necessary or expedient that special precautions should be taken to prevent the entry therein of unauthorised persons, he may by order declare such place or premises to be a protected place for the purposes of this Act; and so long as the order is in force no person shall, subject to any exemptions for which provision may be made in the order, be in that place or those premises unless he has received the permission of such authority or person as may be specified in the order or of an authorised officer on duty at those premises, to enter the place or premises.

(2) Where, in pursuance of this section, any person is granted permission to be in a protected place, that person shall, while acting under such permission, comply with such directions for regulating his conduct as may be given by the authority or person granting the permission; and an authorised officer, or any person authorised in that behalf by the occupier of the premises, may search any person entering, or seeking to enter, or being in, a protected place, and may detain any such person for the purpose of searching him.

(3) If any person is in a protected place in contravention of this section, or while in such a place fails to comply with any direction given under this section, then, without prejudice to any proceedings which may be taken against him, he may be removed from the place by an authorised officer or any person authorised in that behalf by the occupier of the premises.

* Transferred from the Mentri Besar to the Minister of Home Affairs, with effect from 1st January 1984 — [S 10/1984]

Notice of orders under sections 4 and 5

6. When any order is made under section 4(1) or 5(1), the Minister* shall cause notice of the effect of such order to be given in such manner as he thinks necessary for bringing it to the notice of all persons who in his opinion ought to have notice thereof; and such order shall have effect as soon as such notice has been given, without publication in the *Government Gazette*.

Offences by authorised officer [S 49/2015]

6A. An authorised officer or any person authorised by the Commissioner of Police, any officer commanding a Police District and any police officer of or above the rank of Assistant Superintendent empowered by the Commissioner of Police or an officer commanding a Police District under section 3 —

(a) knowingly or negligently discloses to any other person information or any other matter which is likely to prejudice the safety of any person or property in a protected area or a protected place; or

(b) knowingly or negligently acts in any manner which is likely to prejudice the safety of any person or property in a protected area or a protected place,

is guilty of an offence and liable on conviction to a fine not exceeding \$20,000, imprisonment for a term not exceeding 7 years or both.

Penalty

7. If any person contravenes or fails to comply with any of the provisions of section 4 or 5 or any order made thereunder or any direction given or requirement imposed thereunder, he is guilty of an offence and liable on conviction to imprisonment not exceeding 10 years and with whipping.

[S 49/2015]

* Transferred from the Mentri Besar to the Minister of Home Affairs, with effect from 1st January 1984 —
[S 10/1984]

Seizability and bailability of offences

8. (1) An authorised officer and any person authorised under section 3 to exercise the powers of an authorised officer under this Act may without warrant arrest any person found or reasonably suspected of committing or attempting to commit or of procuring or abetting any person to commit an offence against this Act; and for the purposes of the Criminal Procedure Code (Chapter 7) every offence against this Act shall be seizable.

(2) Bail shall be discretionary in respect of every offence against this Act.

Special powers in protected areas and protected places

9. Any person who attempts to enter or who is in a protected area or a protected place and who fails to stop after being challenged three times by an authorised officer to do so may be arrested by force, which force may, if necessary to effect the arrest, extend to the voluntary causing of death.

Defensive measures at protected areas and protected places

10. (1) It shall be lawful for the Minister* to authorise the taking of such steps as he may deem necessary for the protection of any protected area or protected place, and such steps may extend to the taking of defensive measures which involve or may involve danger to the life of any person entering or attempting to enter a protected area or protected place.

(2) Where any measures such as are referred to in subsection (1) are adopted, the Commissioner of Police or any person so authorised by the Minister* in that behalf shall cause such precautions to be taken, including the prominent display of warning notices, as he deems reasonably necessary to prevent inadvertent or accidental entry into any such protected area or protected place; and where such precautions have been duly taken, no person shall be entitled to compensation or damages in respect of any injuries received or death caused as a result of any unauthorised entry into any such protected area or protected place.

11. *(Repealed by S 49/2015).*

* Transferred from the Mentri Besar to the Minister of Home Affairs, with effect from 1st January 1984 — [S 10/1984]