

LAWS OF BRUNEI

REVISED EDITION 1984

CHAPTER 50

ROYAL BRUNEI POLICE FORCE

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ROYAL BRUNEI POLICE FORCE ACT

An Act to amend and consolidate the law relating to the Royal Brunei Police Force S.1/84

Commencement: 31st December 1983

PART I

PRELIMINARY

1. This Act may be cited as the Royal Brunei Police Force Act. Short title

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

“additional police officer” means a person employed under section 18 and not enrolled on the permanent establishment;

“ammunition” means ammunition for any arm, and includes grenades, bombs and other like missiles, whether capable of use with arms or not, and any ammunition containing, or designed or adapted to contain, any noxious liquid, gas or other thing;

“arm” includes firearm;

“the Commission” means the Royal Brunei Police Force Commission established under Part IV;

“the Commissioner” means the Commissioner of Police of the Royal Brunei Police Force;

“constable” means a police officer below the rank of corporal;

“the Force” means the Royal Brunei Police Force constituted under this Act;

“inspector” means an inspector of police of whatever grade;

“police district” means any area which is constituted a police district by Police Regulations, and unless and until districts are so constituted means an ordinary administrative district;

“Police Regulations” means regulations made under section 64;

“police officer” means any member of the Force and includes any additional police officer;

“senior police officer” means a police officer of any rank from and including the Commissioner down to and including a probationary assistant superintendent;

“subordinate police officer” means a police officer of any rank from and including sergeant-major down to and including a constable.

Control of
the Force

3. (1) Subject to the orders and control of His Majesty the Sultan and Yang Di-Pertuan the Commissioner shall command and be charged with the direction and administration of the Force.

(2) The Commissioner may exercise the powers conferred and perform the duties imposed by any written law on any police officer of lower rank.

(3) Any act or thing which may be done, ordered or performed by the Commissioner under any written law may, subject to the orders and directions of the Commissioner, be done, ordered or performed by a deputy commissioner of police, a senior assistant commissioner of police, or an assistant commissioner of police.

(4) In the absence or incapacity of the Commissioner, a deputy commissioner of police or any senior police

officer authorised in that behalf by the Commissioner, may exercise the powers conferred and perform the duties imposed by any law on the Commissioner.

(5) The members of the Force shall in relation to any formation, police district or area thereof or any place, be controlled by such police officer as the Commissioner may specify either by name or office.

(6) All powers conferred and duties imposed by any written law on any police officer shall be exercised or performed in accordance with Police Regulations and any orders made under this Act.

4. All police officers shall be bound to serve in any part of Brunei or in the service of the Government on board any vessel or aircraft, or to proceed to any place outside Brunei as required for the purposes of section 38 (q).

Liability for
service in and
outside
Brunei

5. His Majesty may, in time of war or other emergency, employ the Force or any part thereof to serve in conjunction with the armed forces of Brunei or otherwise in the defence of Brunei:

Employment
of Force in
time of
emergency

Provided that any part of the Force so employed shall continue to be under the command of the Commissioner or such other police officer as may have been appointed for the purpose.

PART II

CONSTITUTION AND ADMINISTRATION OF THE FORCE

6. (1) There shall be constituted a police force to be known as the Royal Brunei Police Force, which shall consist of such numbers of senior police officers, inspectors and subordinate police officers, of either sex, as are from time to time approved by His Majesty.

Constitution
of the Force

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Royal Brunei Police Force

(2) His Majesty may appoint such honorary senior police officers as His Majesty may think fit.

Functions of the Force

7. The Force shall, save as provided in sections 4 and 5, be employed in and throughout Brunei for the maintenance of law and order, the preservation of the public peace, the prevention and detection of crime, the apprehension and prosecution of offenders and the collection of security intelligence.

Appointment etc., of senior police officers

8. Subject to sections 43 and 44 a senior police officer shall be appointed, transferred, promoted, dismissed, interdicted, suspended and liable to disciplinary control by His Majesty.

Appointment etc., of inspectors and subordinate police officers

9. (1) Subject to sections 43 and 44 an inspector shall be appointed, transferred or promoted by His Majesty.

(2) A subordinate police officer may be appointed, promoted, or advanced in grade by the Commissioner.

Interdiction and suspension of inspectors and subordinate police officers

10. An inspector or subordinate police officer may, pending the determination of an inquiry or of legal or disciplinary proceedings, be interdicted or suspended from the performance of his duty by the Commissioner.

Warrant card

11. A warrant card signed by the Commissioner shall be issued to every police officer and shall be evidence of his appointment under this Act.

Exemption in respect of civil process

12. (1) Subject to subsection (2) —

(a) the pay and allowances of a subordinate police officer shall not be assignable or transferable or liable to be attached, sequestered or levied upon for, or in respect of, any debt or claim whatsoever;

(b) no subordinate police officer shall be liable to be imprisoned under an order of any court by reason of non-payment of any debt which he may have incurred or for which he may become liable.

(2) Subsection (1) shall not apply to —

(a) a debt due to the Government;

(b) a fine imposed under any written law;

(c) an order for the payment of dowry, alimony or maintenance made under any written law.

(3) The pay and allowance of a subordinate police officer shall not pass to the Official Receiver or trustee in bankruptcy on the bankruptcy of such officer nor shall they form part of his estate for the purpose of any written law relating to bankruptcy.

13. Every police officer shall for the purposes of this Act be deemed to be always on duty when required to act as such and shall perform the duties and exercise the powers granted to him under this Act or any other written law at any and every place where he may be doing duty.

Police officer
to be deemed
on duty

14. A police officer may in the performance of his duties carry arms and ammunition.

Carrying of
arms and
ammunition

15. (1) An inspector and a subordinate police officer shall engage to serve in the Force for such periods and on such conditions as may be prescribed by Police Regulations.

Engagement
of inspectors
and subordin-
ate police
officers

(2) Every such engagement shall be in writing signed by the person engaged, and shall be signed by the Commissioner or such other senior police officer as may be authorised in that behalf by Police Regulations.

(3) Notwithstanding anything in any other written law contained, any person not below the age of 18 years shall be deemed competent to enter into an engagement under this Act.

Re-engagements

16. (1) Every subordinate police officer who has completed the period of service for which he was engaged may offer himself for re-engagement for a further period, and, if approved by the Commissioner, may be re-engaged on such terms and conditions as may be prescribed by Police Regulations.

(2) Every such re-engagement shall be evidenced by an endorsement on the original engagement signed by the person re-engaged and by the Commissioner or such other senior police officer as may be authorised in that behalf by Police Regulations.

Continuance of service

17. (1) Every subordinate police officer who continues in the Force after the completion of the period of service for which he was originally engaged shall, unless he is re-engaged for a further period in accordance with section 16, be deemed to be under engagement to serve from month to month; every such engagement after the first month's service being held to commence on the first and to be determinable on the last day of each successive month.

(2) No such officer shall resign from the Force unless he has given not less than one month's notice in writing to the Commissioner.

(3) The notice in writing shall be given on or before the first day of the month at the end of which such officer intends to resign.

Additional police officers

18. (1) The Commissioner may without written engagement appoint persons to serve as additional police officers of or below the rank of sergeant-major.

(2) An additional police officer shall be deemed to be under engagement to serve from month to month, every such engagement being held to commence on the first and to be determinable on the last day of each successive month.

(3) An additional police officer may be discharged at any time after one month's notice in writing by the Commissioner.

(4) No additional police officer shall resign from the Force unless he has given not less than one month's notice in writing to the Commissioner; and such notice shall be given on or before the first day of the month at the end of which such officer intends to resign.

(5) An additional police officer shall have and may exercise all the powers and privileges of, and shall be subject to the same authority and discipline (including liability to be dismissed) as a member of the Force or corresponding rank, and shall obey all lawful directions in respect of the execution of his duties which he may receive from time to time from his superior officers.

19. (1) The Commissioner may, at any time, with the consent of His Majesty, discharge a probationary inspector or cadet inspector by giving him 3 months' notice in writing or on paying him one month's pay in lieu of notice; and His Majesty may, at any time, discharge any other inspector on such notice as His Majesty shall think fit if His Majesty is satisfied that it is desirable in the public interest so to do.

Discharge of
inspectors
and subordin-
ate police
officers

(2) The Commissioner may discharge any subordinate police officer who has not completed 10 years' service by giving him one month's notice in writing.

(3) Whenever it appears to the Commissioner that any subordinate police officer who has completed 10 years' service is unable to discharge efficiently the duties of his office the Commissioner may discharge such officer from the Force by giving him one month's notice in writing.

(4) Nothing in this section shall be deemed to affect or prejudice any power of dismissal from the Force conferred by this Act or by any regulations made under this Act.

Resignation during term of engagement

20. (1) Where the terms of an inspector's engagement permit he may claim his discharge in accordance with such terms.

(2) A subordinate police officer shall be entitled to claim his discharge at any time during his first or any subsequent engagement on giving one month's notice in writing to the Commissioner of his intention to resign from the Force, and on payment of a sum equal to half a month's pay of the rank he holds at the time of such notice for each unexpired year of his terms of engagement with a rateable proportion for part of a year:

Provided that —

(a) if such notice is given during any subsequent engagement such payment shall be of a sum calculated as aforesaid but by reference to one month's pay instead of half a month's pay; and

(b) a subordinate police officer who has attained the age of 45 years shall not be required to make any payment under this section.

Declaration before assumption of office. Schedule

21. Before entering on the duties of his office every police officer shall make before the Commissioner or a senior police officer of or above the rank of superintendent the declaration prescribed in the Schedule.

Medical examination and finger prints

22. Before entering on the duties of his office every police officer shall undergo a medical examination and submit to having his finger prints taken.

Delivery of Government property on leaving the Force

23. (1) Every police officer who by resignation, dismissal, discharge or otherwise leaves the Force shall, before leaving, deliver up in good order (fair wear and tear only

expected) any arms, ammunition, accoutrement, uniform or other article supplied to him and any other property belonging to the Government which may be in his possession.

(2) Any person neglecting so to deliver up such article or property shall be guilty of an offence: Penalty, a fine of \$500 and imprisonment for 3 months, and in addition thereto shall be liable to pay the value of the article or property not delivered up, which value shall be ascertained in a summary manner by the same court by which the person was convicted, where it shall be recoverable as a fine.

PART III

DISCIPLINE AND DUTIES

Disciplinary Provisions

24. Every police officer shall obey all lawful orders whether given orally or in writing and shall obey and conform and be subject to Police Regulations and any orders made under this Act.

Police officers to obey lawful orders

25. (1) In this section and in sections 26 and 37 "authorised police officer" means a police officer authorised by the Commissioner or under or by virtue of Police Regulations to conduct disciplinary proceedings.

Punishment of subordinate police officers

(2) Where the Commissioner or an authorised police officer finds a subordinate police officer guilty of any of the following offences —

- (a) absence from duty without leave or good cause;
- (b) sleeping on duty;
- (c) conduct to the prejudice of good order and discipline;

- (d) discreditable conduct;
- (e) disobedience of Police Regulations, or any Orders made under this Act or any orders of a superior police officer whether written or oral;
- (f) being unfit for duty through intoxication;
- (g) insubordination or oppressive conduct;
- (h) neglect of duty or orders;
- (i) malingering;
- (j) falsehood or prevarication;
- (k) excess of duty resulting in loss or injury to any other person;
- (l) wilful destruction or negligent loss of or injury to property belonging to the Government;
- (m) engaging in trade or other employment without the permission of the Commissioner;
- (n) breach of confidence;
- (o) corrupt practice,

the Commissioner may order that such subordinate police officer be dismissed or retired from the Force or may punish him with any of the following punishments —

- (i) reduction in rank, grade, seniority or salary;
- (ii) deferment or stoppage of increment;
- (iii) reprimand;
- (iv) caution,

and in lieu of or in addition to any of the aforesaid punishments, may impose a fine not exceeding \$100 or forfeiture of not more than one month's pay, except in the case of absence without leave or good cause when, in addition to any other punishment, forfeiture of pay may be imposed in respect of the period of absence or such lesser period as to the commanding officer may seem fit.

(3) Where a subordinate police officer who is found guilty of an offence specified in subsection (2) is a constable the Commissioner may, in lieu of or in addition to punishing him with any punishment authorised under subsection (2), punish him with not more than 2 of the following punishments —

(a) confinement to barracks for not more than 14 days;

(b) extra duties or drills;

(c) such fatigue duties as may be prescribed by Police General Orders;

(d) temporary deprivation of specified privileges.

(4) Where any authorised police officer finds any subordinate police officer guilty of any of the offences specified in subsection (2) he may punish him with any of the punishments which the Commissioner may impose other than that of reduction in rank or dismissal or retirement from the Force.

(5) A subordinate police officer may appeal against any finding of an authorised police officer or any punishment imposed by an authorised police officer under this section to the Commissioner within 30 days (or such further time, if any, as the Commissioner may think fit to grant) of such subordinate police officer being informed of such

finding or punishment; and, save to the extent provided in subsection (6), the decision of the Commissioner upon such appeal shall be final and shall not be subject to appeal to or review in any court.

(6) Where a subordinate police officer has been found guilty of an offence specified in subsection (2) by the Commissioner (whether on the dismissal of an appeal under subsection (5) from the finding of an authorised police officer or on an original finding of the Commissioner) and ordered by the Commissioner to be reduced in rank or dismissed or retired from the Force, such subordinate police officer may appeal to His Majesty against such finding or order within 30 days (or such further time, if any, as His Majesty may think fit to grant) of such subordinate police officer being informed of such finding or order; and the decision of His Majesty upon such appeal shall be final and shall not be subject to appeal to or review in any court.

(7) In every case where an appeal has been lodged under subsection (5) or (6) any punishment ordered shall be suspended pending the determination of the appeal.

Punishment
of inspectors

26. (1) Where an inspector is found guilty by the Commissioner or an authorised police officer of any offence specified in section 25 (2), the Commissioner may order that such inspector be dismissed or retired from the Force or may punish him with any of the following punishments —

- (a) reduction in rank, seniority or salary;
- (b) deferment or stoppage of increment;
- (c) reprimand;
- (d) caution,

and in lieu of or in addition to any of those punishments may impose a fine not exceeding \$500 and in the case of absence

without leave or good cause may order forfeiture of pay for the period of absence or such lesser period as the Commissioner thinks fit.

(2) An inspector who is aggrieved by a decision of the Commissioner in respect of his dismissal or reduction in rank may appeal against such decision to His Majesty within 30 days (or such further time, if any, as His Majesty may think fit to grant) of his being notified of such decision; and the decision of His Majesty upon such appeal shall be final and shall not be subject to appeal to or review in any court.

(3) In every case where an appeal has been lodged under subsection (2) any punishment ordered by the Commissioner shall be suspended pending the determination of the appeal.

(4) Where an inspector is ordered to be retired under this section his service shall, for the purposes of the Pensions Act be deemed to have been terminated on the ground referred to in section 7 of that Act.

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27. (1) Notwithstanding section 26 and any Police Regulations governing disciplinary proceedings against inspectors, in any case where disciplinary proceedings are to be taken against an inspector in respect of any offence specified in section 25 (2), the Commissioner may, if he thinks fit, refer such case to the Commission to be dealt with by it in accordance with Police Regulations governing disciplinary proceedings against senior police officers.

Commissioner may refer case against inspector to the Commission

(2) Where any case has been referred to the Commission under subsection (1) the Commission may, with the approval of His Majesty, order that the inspector concerned be dismissed or retired from the Force or may, with the like approval, punish him with any of the punishments referred to in section 26.

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Prosecutions
for disciplin-
ary offences

28. (1) An inspector or subordinate police officer accused of any offence specified in section 25 (2) may, instead of being dealt with under section 26 or 27 in the case of an inspector, or section 25 in the case of a subordinate police officer, be prosecuted in court and shall be liable on conviction to a fine of \$500 and imprisonment for 3 months.

(2) No prosecution under this section shall be instituted without the previous sanction in writing of the Commissioner.

Threatening
or insulting
another
officer of
senior or
equal rank

29. Any police officer who threatens or insults another police officer of senior or equal rank when such other officer is on duty, or when such threat or insult relates to or is consequent on the discharge of duty by the officer so threatened or insulted, shall be guilty of an offence: Penalty, a fine of \$2,000 and imprisonment for 12 months.

Reduction or
dismissal af-
ter conviction

30. Any police officer convicted under sections 28, 29, 55, 56 or 57 or convicted under any other written law of an offence punishable with imprisonment may, unless the conviction is set aside on appeal, be reduced in rank or dismissed from the Force by His Majesty in the case of a senior police officer, or by the Commissioner in the case of an inspector or subordinate police officer; and where a police officer is dismissed under this section any arrears of pay due to him may be forfeited by order of the authority which dismissed him.

Reduction to
constable be-
fore dismissal

31. Any subordinate police officer above the rank of constable dismissed from the Force shall be reduced to the rank of constable before dismissal.

Loss of or
damage to
arm, equip-
ment, etc., to
be made
good

32. If any police officer pawns, sells, loses by neglect, makes away with or wilfully or negligently damages any arm, ammunition, accoutrement, uniform or other article supplied to him, or any vehicle or property committed to his charge, he may, in addition to or in substitution for any other penalty, be ordered to make good, either partially or

wholly, the value of such property or the amount of such loss or damage, as the case may be, and such value or such amount may be recovered by stoppage from his pay.

33. Notwithstanding any other provision of this Act no police officer shall, without the written permission of the Commissioner, resign from the Force during the pendency of any disciplinary proceedings instituted against him or any prosecution instituted against him in respect of any offence of which he may be accused, or in the event of his preferring, or giving notice of his intention to prosecute, an appeal against any finding of guilt, punishment, conviction or sentence, during the pendency of such appeal, or until after the determination of any such proceedings, prosecution or appeal.

No police officer to resign during pendency of disciplinary proceedings

34. (1) Nothing in this Act shall be deemed to prevent the prosecution, conviction and punishment of any police officer under any other written law.

Police officer not exempted from ordinary process of law

(2) No person who has been acquitted by a court of any offence shall be tried on the same charge under this Act.

(3) A sentence upon a police officer shall not be affected by such person ceasing to be a police officer by discharge or otherwise.

(4) No pay shall accrue to any police officer in respect of any period during which he is undergoing any sentence of imprisonment.

35. (1) Where the defence to any suit instituted against a police officer is that the act complained of was done in obedience to a warrant purporting to be issued by any competent authority, the court shall, upon production of the warrant containing the signature of such authority and upon proof that the act complained of was done in obedience to such warrant, enter judgement in favour of such police officer.

Non-liability for act done under authority of warrant

(2) No proof of the signature of such authority shall be required unless the court has reason to doubt the genuineness thereof; and where it is proved that such signature is not genuine, judgement shall nevertheless be given in favour of such police officer if it is proved that, at the time when the act complained of was committed, he believed on reasonable grounds that such signature was genuine.

Departmental
Committee of
Enquiry

36. (1) The Commissioner may convene a Committee of Enquiry to enquire into the death or injury of any police officer or into the loss of or damage to any property entrusted to or lawfully in the possession of the Force. Such Committee of Enquiry shall consist of a President, who shall be a senior police officer not below the rank of assistant superintendent, and one or more members, as the Commissioner may direct.

(2) A Committee of Enquiry convened under subsection (1) to enquire into the death or injury of a police officer shall be empowered to make findings and recommendations to the Commissioner as follows —

(a) whether the deceased or injured person was on duty at the time of such death or injury;

(b) whether the death or injury was directly attributable to the nature of the duty on which the deceased or injured person was engaged;

(c) whether the death or injury was due to the default of the deceased or injured person;

(d) whether a pension, gratuity or allowance should be paid in accordance with Police Regulations or any other written law;

(e) whether any action is necessary to prevent the future occurrence of similar death or injury to other police officers.

(3) A Committee of Enquiry convened under subsection (1) to enquire into any loss of or damage to any property entrusted to or lawfully in the possession of the Force shall make findings and recommendations to the Commissioner as follows —

(a) estimated cost of loss or damage;

(b) individual responsibility for such loss or damage;

(c) action necessary to prevent the future occurrence of similar loss or damage;

(d) the manner in which the cost of such loss or damage may be recovered or made good to the lawful owner of such property.

37. (1) Where an authorised police officer or the President of any Committee of Enquiry convened under section 36 applies to a magistrate for a summons to secure the attendance before such applicant, as a witness, of any person who appears to be acquainted with the circumstances of the case, the magistrate may issue a summons accordingly; and the witness shall be bound to answer truly all questions relating to such case as may be put to him by such applicant, and shall produce all documents relevant to such case.

Witness
summonses

(2) Any person summoned as a witness under subsection (1) who fails to attend at the time and place mentioned in the summons or on adjournment, or refuses to answer any question that is lawfully put to him or to produce any such document which it is in his power to produce, shall be guilty of an offence: Penalty, a fine of \$200 and imprisonment for one month:

Provided that nothing contained in this section shall render any person compellable to answer any question or produce any document in respect of any matter which would

have been protected from disclosure on the ground of privilege if the proceedings had been held in any court.

Duties of the Force

Duties

38. The duties of the Force shall be to take lawful measures for —

- (a) preserving the public peace;
- (b) preventing and detecting crimes and offences;
- (c) collecting and processing security intelligence;
- (d) apprehending all persons whom police officers are legally authorised to apprehend;
- (e) regulating processions and assemblies in public roads, public places or places of public resort;
- (f) regulating the traffic upon public thoroughfares, and removing obstructions therefrom;
- (g) preserving order in public places and places of public resort, at public meetings and in assemblies for public amusements, for which purpose any police officer on duty shall have free admission to all such places and meetings and assemblies while open to any member of the public;
- (h) assisting in carrying out the revenue, excise, health, conservancy, quarantine and immigration laws;
- (i) assisting in preserving order in the ports and harbours and airports of Brunei, and in enforcing the laws relating thereto;

(j) executing summonses, subpoenas, warrants, commitments and other process issued by courts;

(k) applying for summonses or warrants in the interests of justice and conducting preliminary inquiries and prosecutions;

(l) protecting unclaimed and lost property, and finding the owners thereof;

(m) taking charge of and impounding stray animals;

(n) assisting in the protection of life and property at fires;

(o) protecting public property from loss or injury;

(p) attending the criminal courts and, if specially ordered the civil courts, and keeping order therein;

(q) escorting and guarding prisoners;

(r) executing such other duties as may by any written law be imposed on a police officer.

PART IV

THE ROYAL BRUNEI POLICE FORCE COMMISSION

Constitution of the Commission

39. (1) There shall be a Royal Brunei Police Force Commission (in this Act referred to as "the Commission") which shall consist of a Chairman and 4 other persons appointed by His Majesty and shall perform the functions conferred and imposed on it under this Act or any other written law.

The Royal
Brunei Police
Force Com-
mission

(2) Subject to subsection (3), every person who is appointed to be a member of the Commission shall, unless he earlier resigns his office or is removed therefrom, hold office for a period of 3 years from the date of his appointment and shall be eligible for reappointment.

(3) (a) Subject to paragraph (b), a member of the Commission may be removed from his office by His Majesty.

(b) A member of the Commission shall only be removed from his office for inability to perform the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, and shall not be so removed unless his case has been investigated by a person who holds or has held high judicial office in any part of the Commonwealth, nominated for that purpose by His Majesty, and that person has recommended that he should be so removed.

(c) His Majesty in Council may from time to time make, amend or revoke rules relating to the procedure to be followed in investigating any question under this subsection, and may make arrangements as to the remuneration to be paid to any person appointed under paragraph (b), which remuneration shall be a charge on the Consolidated Fund.

(4) His Majesty may grant leave of absence from his duties to any member of the Commission, and may appoint a person to be a temporary member for the period of such leave.

(5) The procedure of the Commission shall, subject to any regulations made under section 44, be as determined by the Commission.

40. There shall be a secretary to the Commission who shall be appointed by His Majesty.

Secretary
to the
Commission

41. (1) The remuneration of the Chairman and other members of the Commission shall consist of such salaries, allowances and privileges as His Majesty may from time to time approve and the sum required for such remuneration shall be charged on the Consolidated Fund.

Remunera-
tion

(2) The salary of each member of the Commission shall —

(a) commence from the date of his appointment;

(b) accrue from day to day; and

(c) be payable monthly on the last day of each month, or on such other day as the Minister may from time to time determine.

(3) The salaries, allowances privileges and other terms of office of members of the Commission shall not be altered to their disadvantage after their appointment.

42. A person to whom any salary is payable under this Part or for whose salary as the holder of any other office provision is made by any other written law, shall be entitled to receive only one such salary, but if he is the holder of 2 or more offices in respect of which salary is so payable in respect of those offices, the office in respect of which salary is payable to him shall be that in respect of which the highest salary is payable.

Provision
against dupli-
cate salary

Functions of the Commission, etc

43. In the exercise of the powers conferred upon him by section 8, 9 (1) and 30 His Majesty shall, except in the case of the Commissioner and such other senior police officers as His Majesty in Council may prescribe by notification in the *Government Gazette*, and unless regulations under section

Recom-
mendation of
Commission
to be
obtained and
acted upon in
certain cases

44 otherwise provide, consult and act in accordance with the recommendation of the Commission.

Regulations **44.** His Majesty in Council may make regulations to provide for —

(a) the exercise by the Commission of any of its functions; or

(b) the exercise by the Commission or by any person, subject to such conditions as may be prescribed, of any of the powers conferred on His Majesty by sections 8 (1), 9 (1) or 30 and may further provide that any such person shall be free from the restriction imposed by section 43.

Privileges and Protection

Certain communications to be privileged **45.** No person shall in any legal proceedings be permitted or compelled to produce or disclose any communication written or oral which has taken place between the Commission or any of its members and the Government or any public officer or any communication between members of the Commission in exercise of or in connection with the exercise of its functions unless His Majesty shall in writing consent to such production or disclosure.

Protection of members **46.** Every member of the Commission shall have such and like protection and privileges in case of any action or suit brought against him, for any act done or omitted to be done by him when acting in the execution of his office as is by law given to any magistrate acting in the execution of his office.

Offences

Giving false information to Commission **47.** Any person who, in connection with an application by any person for employment or appointment in the Force or with the exercise by the Commission of any of its functions, wilfully gives to the Commission or to any member

thereof or to any person or body of persons appointed by the Commission to assist in the exercise of its functions any information which is false or misleading in any material particular shall be guilty of an offence: Penalty, imprisonment for 2 years and a fine of \$2,000.

48. (1) No member of the Commission nor any other person shall, without the written permission of His Majesty, publish or disclose to any unauthorised person or otherwise than in the course of duty the contents or any part of the contents of any document, communication or information whatsoever which has come to his knowledge in the course of his duties under this Act or any other written law relating to the Commission in respect of any of the Commission's functions under this Act or any other written law; and any person who knowingly acts in contravention of this subsection shall be guilty of an offence: Penalty, imprisonment for one year and a fine of \$2,000.

Unauthorised
application
and disclosure
of information

(2) If any person having possession of any information which to his knowledge has been disclosed in contravention of this section publishes or communicates such information to any person otherwise than for the purpose of a prosecution under this Part, he shall be guilty of an offence: Penalty, imprisonment for one year and a fine of \$2,000.

49. Every person who, otherwise than in the course of his duty, directly or indirectly by himself or by any other person in any manner whatsoever influences or attempts to influence any decision of the Commission or any member thereof shall be guilty of an offence: Penalty, imprisonment for 2 years and a fine of \$5,000:

Influencing
or attempting
to influence
Commission

Provided that nothing in this section shall prohibit any person from giving a certificate or testimonial to any applicant or candidate for membership of the Force or from supplying any information or assistance upon formal request made by the Commission.

Members,
officers and
servants of
the Commis-
sion deemed
public ser-
vants under
the Penal
Code.
Cap. 22

50. Every member, officer and servant of the Commission shall be deemed to be a public servant within the meaning of the Penal Code.

Consent of
Public Pro-
secutor to
prosecutions

51. A prosecution under this Part shall not be instituted except by or with the consent of the Public Prosecutor.

PART V

POLICE FUND

Police Fund

52. (1) There shall be established a fund to be known as the "Police Fund".

(2) The Police Fund shall consist of —

(a) all sums forfeited by or fines inflicted on police officers under the powers conferred by this Act;

(b) such proportion as the Commissioner may think fit of sums paid under section 69 for special services of police officers other than additional police officers;

(c) all fines levied for assaults on police officers;

(d) all illegal gratifications offered to police officers and confiscated by an order of court;

(e) any sums paid to the fund under section 53 (4);

(f) all sums confiscated under section 357 (2) of the Criminal Procedure Code and ordered by the court to be paid into the fund;

(g) donations offered to the fund and accepted by the Commissioner;

(h) contributions from the Consolidated Fund.

(3) The Police Fund shall be controlled by the Commissioner, subject to Police Regulations, and applied for the purposes of —

(a) rewarding inspectors and subordinate police officers for extra or special services rendered by them;

(b) procuring for police officers who are serving, or who have retired on pension or gratuity, comforts, conveniences or other advantages not chargeable to the public revenue; and

(c) granting loans to police officers who are serving, or who have been retired on pension or gratuity, on rates and terms in accordance with Police Regulations.

(4) On the appointed day all monies comprised in the Police Reward Fund established under the repealed Enactment shall be deemed to be transferred to and shall form part of the Police Fund.

PART VI

UNCLAIMED PROPERTY AND ESTATES

53. (1) A list of any lost or unclaimed property deposited at a police station shall be forwarded to the Commissioner.

Disposal of
property
deposited
at police
stations

(2) If claimed within 3 months by any person who establishes his claim to such property to the satisfaction of the Commissioner the property shall be returned to such

person on payment of any expenses reasonably incurred and of such sum as reward to the finder of the property as the Commissioner may award.

(3) If the property is of a perishable nature it may be sold at once and the proceeds of sale forwarded to the Commissioner pending any claim to such property.

(4) If any such property is not claimed within 3 months, or if the claimant refuses to pay the expenses reasonably incurred or the sum awarded to the finder, the property may be sold, and the proceeds of the sale, after deducting such expenses and the sum awarded to the finder shall, if amounting to \$50 or less be paid into the Police Fund and, if exceeding \$50, be paid into the Consolidated Fund after payment of the sum of \$50 into the Police Fund.

(5) If, in the opinion of the Commissioner, such property is of no appreciable value or its value is so small as to render impracticable its sale as provided by subsection (2) or (3), the Commissioner may order it to be destroyed or otherwise disposed of as he thinks fit.

Unclaimed
estates

54. (1) Whenever any person dies leaving in Brunei movable property which by reason of the absence of any person entitled thereto or the absence of any claim to such property for the purposes of administration, is taken charge by a police officer for the purposes of safe custody, the Commissioner shall forthwith notify the Probate Officer that it is in his charge; and pending the directions of the Probate Officer, the Commissioner shall retain the property in safe custody.

(2) In the case of property which is of a perishable nature or likely to deteriorate in value, the Commissioner may order it to be sold; and the proceeds of such sale shall be handed to the Probate Officer.

PART VII

GENERAL

Offences

55. Any police officer who, without reasonable cause, the onus of proof whereof shall rest with him, absents himself from duty for a continuous period of 21 days or under circumstances which show that he has the intention of not returning to his duty shall be deemed to have deserted, and shall be guilty of an offence: Penalty, imprisonment for 12 months.

Desertion

56. Any police officer who causes, incites, or joins in any mutiny or disaffection in the Force or conspires with any other person to cause such mutiny of disaffection, or does not use his utmost endeavour to suppress any such mutiny or disaffection, or having knowledge of any mutiny or disaffection or intended mutiny or disaffection, does not, without delay, give information thereof to the police officer to whom he is subordinate, shall be guilty of an offence: Penalty, imprisonment for 15 years.

Mutiny

57. (1) Any person who causes or attempts to cause or does any act calculated to cause disaffection amongst the members of the Force or additional police officers or induces or attempts to induce any such member or any additional police officer to withhold his services or to commit a breach of discipline shall be guilty of an offence: Penalty, imprisonment for 2 years and a fine of \$5,000.

Penalty for causing disaffection

(2) Any senior police officer may, without warrant, arrest any person who contravenes or who is reasonably suspected of having committed an offence under this section.

Unlawful possession etc., of police articles and unauthorised use of police uniform

58. Any person, not being a police officer, who —

(a) is found in possession of any article which has been supplied to any police officer for the execution of his duty, or any medal or decoration granted to any police officer for gallantry, service or good conduct, and who fails to account satisfactorily for his possession thereof, or who, without lawful authority, purchases or receives any such articles, medal or decoration or who aids or abets any police officer in selling or disposing of any such article, medal or decoration;

(b) without lawful authority, manufactures, sells or supplies, or offers to sell or supply, a reasonable facsimile of any badge or device used to indicate that a person is a police officer, or a reasonable facsimile of any badge or device used to indicate the rank of a police officer, or a reasonable facsimile of any medal or decoration granted to any police officer for gallantry, service or good conduct or who aids or abets any person in manufacturing, selling or supplying such facsimiles; or

(c) without the permission of the Commissioner unlawfully wears, uses or displays otherwise than in the course of a stage play or other theatrical performance, any uniform of the Force or any badge or device to indicate that he is a police officer, or any dress having the appearance of or bearing the distinctive marks of such uniform,

shall be guilty of an offence under this Act.

Disorderly conduct in police station

59. Any person who, in a police station, behaves in a riotous, indecent, disorderly or insulting manner shall be guilty of an offence under this Act.

60. Any police officer may, without warrant, arrest any person who contravenes or who is reasonably suspected of having committed any offence under sections 55, 56, 57, 58 and 59.

Police officer may arrest without warrant for offences under sections 55, 56, 57, 58 and 59

61. Any person who, when applying for engagement as a police officer, makes or in connection with such application any statement which he knows or believes to be false or does not believe to be true, shall be guilty of an offence under this Act.

Offence to make false statement when applying for engagement

62. (1) No police officer shall be a member of —

(a) any trade union or any body or association affiliated to a trade union;

(b) any political party; or

(c) any body or association with political objects.

Police officer not to be member of trade union etc.

(2) Any police officer who contravenes subsection (1) shall be guilty of an offence under this Act.

(3) For the purposes of this section any question whether any body or association is a trade union or a political party or any other body or association to which subsection (1) applies shall be determined by the Commissioner; and the determination by the Commissioner of such question shall be final and shall not be subject to appeal to or review in any court.

63. Any person who is guilty of an offence under this Act for which no other penalty is expressly provided shall be liable on conviction to a fine of \$1,000 and imprisonment for 6 months.

General penalty

Regulations and Orders

Police
Regulations

64. (1) His Majesty in Council may make such regulations not inconsistent with the provisions of this Act to be called "Police Regulations" as His Majesty may think expedient.

(2) In particular and without prejudice to the generality of the foregoing subsection, His Majesty in Council may make Police Regulations relating to all or any of the following matters —

(a) the organisation and distribution of the Force;

(b) qualifications, appointments, promotions, pay and allowances, resignations, discharges, dismissals, reductions, reversions and conditions of service;

(c) pensions, retiring allowances and gratuities for subordinate police officers and their dependants, and all matters connected therewith;

(d) discipline, disciplinary procedure and punishments;

(e) leaves of absence;

(f) the uniforms, arms and accoutrements to be provided;

(g) the administration of the Police Fund;

(h) the fees to be charged to members of the public for copies of reports, plans and photographs made by police officers;

(i) all matters which, under the provisions of this Act, may be provided for or prescribed by Police Regulations;

(j) such other matters as may be necessary and expedient for preventing abuse or neglect of duty, and for rendering the Force efficient in the discharge of its duties, and for carrying out the provisions of this Act.

(3) Such regulations shall, if so provided therein, be applicable to and binding on all public officers employed in connection with the Force, notwithstanding that they are not police officers, in the same manner as if they were police officers.

(4) Every regulation made under this section shall be published in the *Government Gazette*.

65. The Commissioner may from time to time make such orders not inconsistent with the provisions of this Act and of Police Regulations to be called "Police General Orders" as he may think expedient and without prejudice to the generality of the foregoing power such orders may provide for —

Police General Orders

(a) discipline and the regulation and carrying out of punishment;

(b) classifications and promotions;

(c) instructions and examinations;

(d) inspections, drill, exercise and parades;

(e) police services and duties of every description and the manner in which they shall be carried out;

(f) the institution and maintenance of police messes, canteens, reading rooms and sports organisations;

(g) departmental expenditure;

(h) buildings, grounds, stores, furniture and equipment;

(i) the custody, control and use of arms and ammunition;

(j) transfers of police officers, the places at which they shall reside and the particular services to be performed by them;

(k) the collection and communication of intelligence and information;

(l) the manner and form of reports, correspondence and other records;

(m) the performance of any act which may be necessary for the proper carrying out of the provisions of this or any other Act or any regulations made thereunder or for the efficient discharge of any duty imposed by any written law on the Force or any member thereof;

(n) such other matters as may be necessary and expedient for preventing abuse or neglect of duty, for rendering the Force efficient in the discharge of its duties, and for carrying out the provisions of this Act.

Police Head-
quarters
Orders

66. The Commissioner may issue orders of a routine nature to be called "Police Headquarters Orders" not inconsistent with the provisions of this Order, Police Regulations or Police General Orders for the control, direction and information of the Force.

Orders need
not be pub-
lished in
*Government
Gazette*

67. It shall not be necessary to publish any Police General Orders or Police Headquarters Orders in the *Government Gazette*.

Miscellaneous

68. Save as otherwise provided in this Act or in any regulations or orders made thereunder, every police officer shall, unless expressly or impliedly excluded, be subject to the same provisions of written law and Government administrative orders, directions and circulars as are applicable to all other public officers of corresponding status in the service of the Government.

Police officers subject to provisions applicable to public officers

69. (1) The Commissioner or any senior police officer authorised in that behalf by Police Regulations may in his absolute discretion grant an application made by any person for the employment of police officers for the purpose of guarding himself or any other person or any property, or for any other reason acceptable to the Commissioner or such senior police officer.

Employment of police officers for special purposes

(2) Where such application is granted —

(a) the applicant shall pay for such service at such rate as may be prescribed by Police Regulations; and

(b) the Commissioner or the senior police officer authorised as aforesaid shall decide on the number of police officers to be placed at the disposal of the applicant for such service, and may prescribe the conditions of such service, which shall be binding on the applicant.

(3) The Government shall not be liable for any loss or damage to property, whether owned by the applicant or by any other person, consequent on the employment of police officers pursuant to this section.

Repeal, Saving and Transitional Provisions

70. The Police Force Enactment (in this Act referred to as “the repealed Enactment”) is hereby repealed:

Repeal and saving.
Cap. 50
of 1951

Provided that —

(a) any regulations or orders made under the repealed Enactment, in so far as they are not inconsistent with the provisions of this Act, shall remain in force and continue to have effect until replaced or revoked by regulations or orders made under this Act; and

(b) references in such regulations or orders to gazetted officers shall be construed as reference to senior police officers and references to members of the rank and file shall be construed as references to subordinate police officers.

Persons
deemed to be
members of
the Force

71. Upon commencement of this Act every person who immediately before that day was serving in the Royal Brunei Police Force constituted or deemed to be constituted under the repealed Enactment shall be deemed to be transferred to and to become, with the same rank, grade and seniority immediately before such transfer, a member of the Force as if he had been engaged or appointed under this Act and shall enter upon his duties immediately upon such transfer, and the provisions of this Act shall extend to every such person accordingly, and service under the repealed Enactment shall, for all purposes, be deemed to be service under this Act.

Warrant
cards on
transfer

72. A warrant card issued under the repealed Enactment to any person deemed to be transferred under section 71 shall be deemed to be a valid warrant card issued under this Act.

SCHEDULE

(Section 21)

Declaration of Office

I , do solemnly, sincerely and truly declare that I will well and faithfully serve His Majesty the Sultan and Yang Di-Pertuan in the office of police officer of the Royal Brunei Police Force and will obey, uphold and maintain the laws of Brunei, and that I will execute the powers and duties of my office honestly and diligently.

Declared at this day of 19.....

.....
Signature

Before me,

.....



SUBSIDIARY LEGISLATION

NOTE. All subsidiary legislation is omitted.

