

SUBSIDIARY LEGISLATION

MISCELLANEOUS LICENCES REGULATIONS

S.31/83

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MISCELLANEOUS LICENCES REGULATIONS

Commencement: 1st January 1983 S.30/83

PART I

PRELIMINARY

1. These Regulations may be cited as the Miscellaneous Licences Regulations. Citation

2. In these Regulations, unless the context otherwise requires — Definitions

“authorised officer” means any public officer declared by the Minister by notification in the *Government Gazette* to be an authorised officer of the licensing authority for any licensing area for the purposes of these Regulations;

“boarding house” includes a hotel, guest house and any building or premises, not being a lodging house or public institution, and containing not less than four rooms or cubicles in which persons are accommodated for hire or reward of any kind whatsoever and where any domestic service whatsoever is provided by the owner, lessee, tenant, occupier or manager for the persons so accommodated;

“building” includes any part of a building or any other structure for the time being appurtenant thereto or used in conjunction therewith;

“coffee shop” includes an ice cream parlour, a milk bar and a cold drink shop;

“District Licensing Board” means a board comprising a Chairman and not less than 3 and not more than 5 other members to be appointed by His Majesty the Sultan and Yang Di-Pertuan for each district from amongst persons appearing to him to be suitable for appointment by virtue of their special knowledge and experience;

“eating house” includes a restaurant and a proprietary club where meals or food are provided;

“food” includes drink, chewing gum and other products of a like nature and use, and articles and substances used as ingredients in the preparation of food and drink or of such products, but does not include —

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- (a) live animals or birds;
- (b) fodder or feeding stuffs for animals, birds or fish; or
- (c) articles or substances used only as drugs;

“food establishment” means a coffee shop or eating house and includes any part of any retail shop, boarding house, lodging house or workshop used for the preparation or manufacture for sale or for the display, storage or packing for sale, of food, whether cooked or not, intended for human consumption;

“hawker” means any person who acts as an itinerant hawker or who opens or sets up a stall in any place for the sale of food or goods of any description;

“individual” means a natural person and does not include a corporation;

“itinerant hawker” means any person who goes from place to place or to other persons’ houses or premises carrying any food, or goods of any kind for the purpose of sale or exposure for sale;

“licence” means the licence referred to in section 3 of the Act;

“licenced place” means any place kept open under and in accordance with a licence issued under these Regulations and includes any place where any trade, business or occupation is carried on under and in accordance with such a licence;

“licensee” means —

- (a) the holder of a licence issued under the Act and these Regulations; and

- (b) in relation to any licensed place, the holder of such a licence relating to such licensed place;

“licensing area” means the licensing area of a licensing authority ascertained in accordance with the provisions of the First Schedule;

“licensing authority” means the authority ascertained in accordance with the provisions of the First Schedule;

“lodging house” means a dwelling house, not being a public institution, provided for the purpose of accommodating by night persons who resort thereto and are allowed to occupy

[Subsidiary]

rooms or one common room for the purpose of sleeping or eating, and includes where part only of a house is so used, the part so used;

“petrol station” includes a place for storing petrol and inflammable materials;

“place” includes any premises, building, erection, vessel, room, or defined or enclosed area;

“place of public resort and entertainment” means a place used or constructed or adapted to be used either ordinarily or occasionally as a cinema, theatre, public hall, public concert room, public ballroom, public lecture room, public exhibition room, or as any other form of public place of entertainment for persons admitted thereto by ticket or otherwise;

“retail shop” includes any place of a similar character, not being a petrol station or a temporary building, where retail trade or business (including repair work) other than the trade or business of a motor vehicle dealer is carried on;

“showboard” includes a showcase and any description of container used for the display of any article or thing;

“stall” includes any temporary building, stall, table or showboard of whatsoever nature, whether portable or non-portable and whether on wheels or not on wheels, whereon or wherein food, or goods of any description are hawked or sold or exposed for sale by a hawker and includes any stove, tub, stool, bench, basket, or other apparatus or thing used as appurtenant to the trade of a hawker;

“temporary building” means any building the aggregate cubic content whereof (as ascertained by external measurement) is not in excess of such cubic feet, as the licensing authority may prescribe, being a building which in the opinion of the licensing authority is constructed or substantially constructed of timber or any other non-permanent material;

“workshop” means any place (not being or comprising part of a boarding house, lodging house, coffee shop, eating house, stall, retail shop or furniture factory) on which, or within the curtilage or precincts of which any manual labour is exercised or any plant or machinery is operated by way of trade or for purposes of gain and in or incidental to any of the following purposes, namely —

- (a) the making of any article or of part of any article; or

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- (b) the altering, repairing, ornamenting, finishing, laundering or cleaning of any article; or
- (c) the adapting for sale of any article; or
- (d) the preparation or manufacture of food intended for human consumption or of fodder or feeding stuffs for animals, birds or fish.

PART II

GENERAL

Licences

Application
for a licence

3. (1) An application for a licence shall be made in writing in the form set out in the Second Schedule and shall be accompanied by a sketch plan showing the complete layout and boundaries of any place sought by the applicant to be a licensed place.

(2) Such an application form shall, when completed, be signed —

(a) where the applicant is an individual, by the applicant or his duly constituted attorney;

(b) where the applicant is a corporation, by a director or the secretary thereof;

(c) where the applicant is a firm —

(i) by all the individuals who are partners or by their duly constituted attorneys and by a director or the secretary of all corporations which are partners; or

(ii) by some individual who is a partner or his attorney or a director or the secretary of some corporation which is a partner.

(3) Every signature under paragraph (2) shall be witnessed by a witness who shall also sign the application form.

Licensing authority may require applicant to furnish information

4. At any time prior to the determination of an application under regulation 3 the licensing authority or an authorised officer may require the applicant to furnish such further information in writing as the licensing authority or such officer may consider material to the application.

5. A licence shall be signed by an authorised officer in the form set out in the Third Schedule and, subject to these Regulations, shall be subject to such conditions as may in each several case be imposed by the licensing authority. Such conditions, if any, shall be endorsed on the back of the licence. [Subsidiary]
Form and conditions of licence
6. No licence shall be issued except after the payment to the licensing authority of the appropriate annual fee specified in the Fourth Schedule. Licence fees
7. Every licence shall continue in force unless suspended, cancelled or revoked for a period of 12 months from the date of issue. Period of licence
8. No licensee shall transfer his licence to any other person. Licence not to be transferred

Register of Licences

9. A licensing authority shall cause a register to be kept of all licences issued by such authority and shall enter in such register the number of the licence, the name of the licensee, the purpose for which any licence is granted, the location of any licensed place and the date of the issue and expiry of the licence. Register

Display, production and surrender of licences

10. (1) Every licensee other than the holder of an itinerant hawker's licence shall cause his licence to be exhibited in a conspicuous and accessible position on his licensed place or stall. Licence to be displayed, produced and surrendered
- (2) Every holder of an itinerant hawker's licence shall cause his licence to be exhibited either on himself or on the container carried by him for the purposes of his trade as a hawker.
- (3) Every licensee shall at all reasonable times produce his licence if required to do so by the licensing authority or an authorised officer.
- (4) Every licensee shall surrender his licence to the licensing authority upon the expiration of the period for which the licence is granted or on the cancellation of the licence.

Fire precautions in licensed places

11. (1) A licensee of a licensed place shall install and maintain therein, to the satisfaction of the licensing authority, such fire-fighting equipment and escapes Fire-fighting equipment and escapes

[Subsidiary]

ment, fire alarm, signs and such staircases and exits as the licensing authority or an authorised officer may from time to time require.

(2) A licensee shall if directed by the licensing authority procure that every person employed in a licensed place shall be instructed in the use of such fire-fighting equipment and fire alarm.

(3) A licensee shall if directed by the licensing authority procure that every fire alarm required by the licensing authority to be maintained in a licensed place shall be tested once a week and that such tests shall be conducted in accordance with such directions as may be given by the licensing authority.

(4) Where lifts are provided in a licensed place the licensee shall procure that such lifts shall be kept and maintained in accordance with the provisions of any written law relating to lifts and also to the satisfaction of the licensing authority.

(5) A licensee shall procure that all staircases, passages and landings in and exits from a licensed place shall be kept clear of all obstructions and that every door in a licensed place shall be so constructed and fitted as to be readily opened.

(6) A licensee shall procure that in the absence of adequate natural lighting every part of a licensed place to which the public have access including all passageways shall be illuminated to the satisfaction of the licensing authority.

Maintenance of peace and good order in licensed places

Maintenance of peace and good order

12. (1) A licensee shall not permit any gaming, drunkenness, drug abuse, prostitution or disorderly conduct of any kind to take place in a licensed place.

(2) A licensee of a boarding house or lodging house shall not permit any person whom he knows or has reason to believe is a prostitute, catamite or bad character to occupy a room in the licensed place or to frequent such place.

Hygiene and maintenance of licensed premises

Licensed premises to be well maintained

13. (1) A licensee shall at all times keep the licensed place clean and maintained to the satisfaction of the licensing authority.

(2) A licensee shall also at all times maintain every part of the structure of any building, erection or room comprised in the licensed place in good order and repair.

14. (1) A licensee shall provide in the licensed place and maintain at all times in a clean and hygienic condition such bathrooms, water closets, latrines, wash basins and other sanitary facilities as the licensing authority may from time to time direct as being appropriate to the purposes of such licensed place.

[Subsidiary]
Sanitary
arrangements

(2) Where sewers are not available, the sanitary arrangements of any licensed place shall be subject to the approval and directions of the licensing authority.

15. No licensee shall deposit or cause or permit any refuse, rubbish or filth to be deposited in or adjacent to a licensed place except in a refuse bin or other suitable receptacle used for that purpose.

Deposit of re-
fuse etc.

16. If any person residing (whether permanently or temporarily as a guest or lodger or otherwise) or employed in a licensed place or any part thereof being a boarding house, lodging house or food establishment, shall be suffering from an infectious disease, the licensee shall forthwith make or cause to be made a report thereof to the licensing authority and shall —

Infectious
diseases

(a) take all such precautions and carry out all such directions as may be given by the licensing authority or an authorised officer to prevent the further spread of the disease; and

(b) give all assistance towards the disinfection of such licensed place as may be directed by the licensing authority or an authorised officer.

17. No licensee shall carry out or permit to be carried out any structural alteration by way of addition, removal or substitution, or renovation to any licensed place without the prior consent of the licensing authority.

Structural al-
terations

PART III

FOOD ESTABLISHMENTS

Application of Part III to food establishments

18. The provisions of this Part apply only where a licensed place or any part of such a place, is a food establishment.

Application
of Part III

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Special standards of hygiene in food establishments

Licensee to maintain premises in hygienic condition

19. A licensee shall ensure that —

(a) the walls, ceilings and floors of the food establishment are kept clean at all times;

(b) the drains of the food establishment are maintained in such a state as to be free from foul odours and to allow a free flow of water at all times;

(c) no article of bedding or clothing or any article other than those for use in connection with business of the licensee in the food establishment is hung, stored or deposited in the food establishment except in rooms or cupboards approved for that purpose by the licensing authority; and

(d) the food establishment is kept free from dirt, dust, refuse, foul odours, vermin and insects.

Premises and apparatus to be kept clean

20. A licensee shall cause the premises of the food establishment and all apparatus and utensils used in connection with the sale or preparation for sale of food to be kept at all times clean and free from any deleterious, noxious or offensive substances, contamination or pollution.

Food to be kept clean and uncontaminated

21. A licensee shall ensure that all food stored or kept in the food establishment is at all times kept clean and protected from contamination by dust, dirt, vermin, insects or any other source.

Noxious etc. matter to be excluded

22. No licensee shall cause or permit to be brought into, placed in or carried through the food establishment any nightsoil, urine, excreta or other noxious, toxic or offensive matter, or any receptacle for the same.

Furniture not to be misused

23. No licensee shall sit, stand or lie on any furniture used for the sale or preparation for sale of food nor shall be permit any other person to do the same.

No sleeping on premises

24. No licensee shall sleep or lie down or permit any other person to sleep or lie down in the food establishment.

No live animals in premises

25. No licensee shall keep or permit to be kept any live animal in the food establishment without the approval of the licensing authority.

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|
| 26. No licensee shall sell or prepare for sale any food in any place outside the food establishment without the approval of the licensing authority. | [Subsidiary]
Food not to be prepared outside |
| 27. No article, matter or thing for use in connection with the sale or preparation for sale of food shall be placed, deposited, stored or kept in any place outside the food establishment without the approval of the licensing authority. | No apparatus to be placed etc. outside |
| 28. No licensee shall bring into or prepare in, or permit to be brought into or prepared in the premises of the licensed place any food which is unsound or unfit for human consumption. | Unsound etc. food not permitted |

PART IV

HAWKERS

Application of Part IV to hawkers

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| 29. The provisions of this Part apply only in relation to hawkers. | Application of Part IV |
| 30. Every applicant for the issue or renewal of a licence shall submit to such medical examination as may be directed by the licensing authority or an authorised officer. | Medical examination |
| 31. Every applicant for the issue or renewal of a licence shall provide at his own expense 2 copies of his photograph (measuring 1 inch by 1½ inches), to be affixed one to the licence and the other to the register of licences. | Photographs |
| 32. (1) Licences may be granted by the licensing authority to —

(a) itinerant hawkers; and

(b) hawkers for specific sites.

(2) No licensee under paragraph (1) (b) shall occupy any site other than that specified in his licence. | Categories of licences |
| 33. Unless absent for some reasonable cause the licensee shall conduct his business personally. | Personal conduct of business |
| 34. A licensee shall comply with the directions of the licensing authority or an authorised officer relating to the placing of his stall and other apparatus used for the purposes of his trade as a hawker. | Placing of stall and apparatus |

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[Subsidiary]

Refuse disposal

35. A licensee shall provide himself with one or more suitable receptacles into which all refuse of any kind resulting from his trade shall be deposited. Such refuse shall subsequently be disposed of in accordance with the directions of an authorised officer.

Itinerant hawkers not to remain stationary

36. No itinerant hawker shall remain stationary in any part of a public street, public highway or public place except for the purpose of the completion of the sale of any article of food or other goods which he is exposing for sale, nor shall he remain stationary for a longer time than is sufficient for the completion of such sale.

Stalls and apparatus to be kept clean

37. A licensee shall cause his stall (if any), and all apparatus, utensils and containers used in connection with the storage, carriage, sale or preparation for sale of food to be kept at all times clean and free from any deleterious, noxious or offensive substances, contamination or pollution.

Food to be kept clean and uncontaminated

38. A licensee shall ensure that all food stored, kept or exposed for sale by him in the course of his trade is at all times kept clean and protected from contamination by dust, dirt, vermin, insects or any other source.

Unsound food not to be sold

39. No licensee shall prepare or expose for sale any food which is unsound or unfit for human consumption.

No person to sleep etc. on any stall

40. No licensee shall sleep or lie down or permit any other person to sleep or lie down on any stall.

PART V

SUPPLEMENTAL

Inspection

41. In a licensing area the Chairman or any member of the licensing authority of that area or any authorised officer may at any time —

(a) enter a licensed place and make such inspection as is deemed necessary;

(b) make such inspection as is deemed necessary of the stall or of any thing used by a licensee for the purposes of or incidental to his trade as a hawker; and

(c) question the licensee and his employees.

42. For the purposes of these Regulations —

[Subsidiary]
Approval and
directions to
be in writing
etc.

(a) any approval or direction of a licensing authority shall be given in writing and shall be signified under the hand of the Chairman of the licensing authority or of an authorised officer; and

(b) any approval or direction of an authorised officer shall be given in writing under his hand.

43. Any person who —

Penalties

(a) contravenes or fails to comply with the provisions of any of these Regulations or any condition imposed under regulation 5; or

(b) signs (whether as or on behalf of an applicant or as a witness) any application for a licence or makes or furnishes any plan or written information required under these Regulations knowing such application, plan or information to contain any matter which is false in any material particular,

shall be guilty of an offence under these Regulations and shall, by virtue of sections 6 and 7 of the Act, be liable upon conviction to a fine of \$10,000.

44. The Minister may, by notification in the *Government Gazette*, with the approval of His Majesty, amend the forms in the Second and Third Schedules.

Amendment
of forms

45. The provisions of the Act and of the Regulations shall not apply to any place, trade, business or occupation specified in paragraphs (a) and (b) of the Schedule to the Act, if such place, trade, business or occupation were situated or carried on within any Municipal Board area.

Exemption

[Subsidiary]

FIRST SCHEDULE

Regulation 2

LICENSING AUTHORITIES

The licensing authorities, their licensing areas and the items specified in the Schedule to the Act in relation to which such authorities shall exercise their functions under the Act and these Regulations shall be as follows —

Licensing Authority	Licensing Area	Item in Schedule to the Act
1. Municipal Board	Municipal Board area	(e) Retail Shop (f) Timber store and furniture factories (g) Workshop
2. The Brunei Economic Development Board	All areas in Brunei	(c) Motor vehicle dealer (d) Petrol station including places for storing petrol and inflammable materials
3. The District Licensing Board	All areas in Brunei outside Municipal Board area	(a) Coffee shops, eating houses, boarding houses, or other places of public resort and entertainment (b) Hawkers (e) Retail shop (f) Timber store and furniture factories (g) Workshop

SECOND SCHEDULE

Regulation 3

FORM OF APPLICATION FOR A LICENCE

MISCELLANEOUS LICENCES ACT, CAP 127

MISCELLANEOUS LICENCES REGULATIONS

(Regulation 3)

APPLICATION FOR A LICENCE

LICENSING AUTHORITY:

1. Full name of the applicant (including every alias of an individual applicant)
2. (a) Nationality and (b) N.R.I.C. No. of individual applicant(s)
 (a) (b)
3. Address(es) of usual residence(s) of individual applicant(s)

4. Address(es) of the registered office(s) in Brunei of corporate applicant(s)
5. Purpose for which licence is applied for (i.e. state whether purpose is any of the following, namely — coffee shop, eating house, boarding house, lodging house, place of public resort and entertainment, hawker, motor vehicle dealer, petrol station and/or place for storing petrol and inflammable materials, retail shop, timber store and/or furniture factory, or workshop)

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6. Address of place or places (if any) in the above mentioned licensing area which applicant(s) propose(s) to be a licenced place for the purpose specified in paragraph 5 (indicating the principal place if more than one)

NOTE: This application must be accompanied by a sketch plan showing the complete layout and boundaries of any proposed licensed place.

7. (a) State whether the application is for the renewal of an annual licence of the applicant(s) (answer "Yes" or "No")

(b) If the answer to (a) is "Yes", specify the number of the licence sought to be renewed

(c) If the answer to (a) is "No", state whether the application relates to an existing trade, business or occupation of the applicant(s) in the above mentioned licensing area (answer "Yes" or "No")

(d) If the answer to (c) is "Yes", specify the date when the applicant(s) began to conduct such trade, business or occupation

Signed at on the day of 19.....

(Usual signature of individual applicant(s))

Before me (full name of witness) (Usual signature of witness)

Signed by a Director of the Secretary of

Company Limited, on the day of 19.....

(Usual signature of Director/ Secretary)

Before me (full name of witness) (Usual signature of witness)

[Subsidiary]

- NOTE: 1. Every signature is required to be witnessed by a witness who is also required to sign the application form.
2. Any person who signs an application for a licence or makes or furnishes any plan or written information required under the Miscellaneous Licences Regulations, knowing such application, plan or information to contain any matter which is false in any material particular commits an offence punishable under regulation 43 of the said Regulations with a fine not exceeding \$10,000.

THIRD SCHEDULE

Regulation 5

FORM OF LICENCE

MISCELLANEOUS LICENCES ACT, CAP 127

MISCELLANEOUS LICENCES REGULATIONS

(Regulation 5)

LICENSING AUTHORITY:

LICENCE NO.:

Subject to the provisions of the above mentioned Act and Regulations the above mentioned Licensing Authority hereby licences the Licensee named in the Schedule below for the purpose, at the location (if any), from the date of issue until the date of expiry and subject to the conditions (if any) specified in the Schedule below.

SCHEDULE

1. Name and address/registered office/N.R.I.C. No. of Licensee:

2. Purpose for which Licence issued:

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3. Location of licensed place (if any)
.....
4. Date of issue:
5. Date of expiry:
6. Conditions (if any): Endorsed on back of this Licence.

Affix
photograph
here on
Hawker's
Licence

.....
Authorised Officer

.....
Licensing Authority

FOURTH SCHEDULE

Regulation 6

ANNUAL LICENCE FEES

The annual fee payable for a licence shall be as follows —

Purposes	Annual Fee \$
1. Coffee Shop	25
2. Eating house	50
3. Boarding house providing —	
(a) 10 or more bedrooms and/or cubicles	100
(b) less than 10 bedrooms and/or cubicles	50
4. Lodging house	25
5. Place of public resort and entertainment	100
6. Hawker	10
7. Motor vehicle dealer	100
8. Petrol station including a place for storing petrol and inflammable materials	100
9. Retail shop	50
10. Timber store and/or furniture factory	100
11. Workshop	50

