

LAWS OF BRUNEI

CHAPTER 159

PERSATUAN BULAN SABIT MERAH  
NEGARA BRUNEI DARUSSALAM  
(INCORPORATION)

ARRANGEMENT OF SECTIONS

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**PERSATUAN BULAN SABIT MERAH  
NEGARA BRUNEI DARUSSALAM  
(INCORPORATION) ACT**

S.1/91

**An Act to incorporate the Red Cross Society by the name of the  
Persatuan Bulan Sabit Merah Negara Brunei Darussalam**

*Commencement : 28th November 1990*

Citation

1. This Act may be cited as the Persatuan Bulan Sabit Merah Negara Brunei Darussalam (Incorporation) Act.

Interpreta-  
tion

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

“Council” means the Council referred to in section 6 ;

“Persatuan” means the body incorporated under the name Persatuan Bulan Sabit Merah Negara Brunei Darussalam by section 3 ;

“Red Cross Society” means the voluntary association known as the British Red Cross Society in Brunei Darussalam dissolved by subsection (1) of section 11.

Incorporation of  
Persatuan

3. The persons who immediately before the commencement of this Act were members of the Red Cross Society, together with all such persons as may hereafter become members of the Persatuan pursuant to the rules and by-laws made under or referred to in section 9, shall be a body corporate by the name of the Persatuan Bulan Sabit Merah Negara Brunei Darussalam and by such name shall have perpetual succession and a common seal ; may enter into contracts ; may acquire, purchase, lease, take, hold and enjoy property and convey, transfer, assign, surrender and yield up, charge, mortgage, demise, re-assign or otherwise dispose of, or deal with any property of the Persatuan upon such terms as it may consider expedient ; and by such name may sue and be sued ; and

may do all other things incidental or appertaining to a body corporate.

4. The objects of the Persatuan are to provide an organisation open, without any discrimination on the grounds of religion, race or politics, to all persons in Brunei Darussalam to enable them to give effect to the purposes of the Persatuan, and to do all such other things as it may consider incidental or conducive to the attainment of such objects and purposes.

Objects of  
Persatuan

5. The purposes of the Persatuan are —

Purposes of  
Persatuan

(a) in time of peace and war to carry on the work, and to furnish voluntary aid, in accordance with the spirit and covenants of —

- (i) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field ;
- (ii) the Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea ;
- (iii) the Convention relative to the Treatment of Prisoners of War ; and
- (iv) the Convention relative to the Protection of Civilian Prisoners in Time of War,

all signed at Geneva on 12th August, 1949 and of Protocols I and II thereto signed on 10th June, 1977 ; and

(b) to perform all the duties devolving upon such a society by a nation which has acceded to those Conventions.

Council

6. The affairs of the Persatuan shall be administered by a Council established in accordance with the rules and by-laws of the Persatuan :

Provided that the first members of the Council shall be those persons who immediately before the commencement of this Act were the members of the Committee of the Red Cross Society.

Common seal

7. All deeds and other documents requiring the seal of the Persatuan shall be sealed with its common seal pursuant to a resolution of the Council to that effect, in the presence of the chairman or a vice-chairman of the Council and of its secretary or some other person so authorised by the Council, who shall both sign every such deed or document, and such signing shall be sufficient evidence that it was duly and properly sealed and that it was the lawful seal.

Register of members

8. (1) The Council shall cause a register to be kept in which shall be recorded the name of every person who was, immediately before the commencement of this Act, a member of the Red Cross Society or who may thereafter become a member of the Persatuan, and in which shall also be recorded such other matters as may be determined by the Council.

(2) The register may be kept in such number of parts as the Council may decide.

Rules and by-laws

9. The Council may make such rules and by-laws as it may consider expedient for the management of the affairs of the Persatuan and for the attainment of its objects and purposes, and may amend the same ; and all such rules and by-laws shall be binding upon the members of the Persatuan :

Provided that the rules and by-laws of the Society in force at the commencement of this Act shall, until revoked or amended under this section, have effect as the rules and by-laws of the Persatuan as if they had been made under this section.

10. (1) All income and property of the Persatuan shall be applied solely towards the attainment of its objects and purposes, and no part thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to its members or any of them :

Application  
of income and  
property

Provided that nothing in this subsection shall prevent the payment in good faith of remuneration to any officer or servant or to any member of the Persatuan in return for any services actually rendered to it by him.

(2) The liability of each member of the Persatuan in respect of its activities shall not exceed the amount of such annual subscription as may be due from him.

11. (1) On the commencement of this Act, the Red Cross Society is dissolved and all property vested in or belonging to it, whether held in its name or in the name of any person in trust for it, is transferred to and without further assurance shall vest in the Persatuan for the respective estates and interests for which it was then held, and shall, together with all after-acquired properties, subscriptions, contributions, donations, fines, loans and advances be held by the Persatuan for its objects and purposes.

Dissolution,  
transfer of  
liabilities etc.

(2) All debts and liabilities of the Red Cross Society existing immediately before the commencement of this Act shall be paid by the Persatuan and all monies then due to the Red Cross Society shall be paid to the Persatuan.

12. (1) It shall not be lawful for any person, without the authority of the Minister, to use for the purpose of his trade or business or for any other purpose —

Prohibition  
of use of  
emblem,  
words and  
design

(a) the emblem of a red crescent on a white ground or the words “Bulan Sabit Merah” or “Red Crescent” ; or

(b) any design being a colourable imitation of such emblem, or any words so nearly resembling the words “Bulan Sabit Merah” or “Red Crescent” as to be capable of being understood as referring to such emblem or words.

(2) Nothing in this section applies to a trade mark which before the commencement of this Act was registered in Brunei Darussalam and which consists of or contains any such emblem, words or design as is mentioned in subsection (1); and where a person is charged with using any such emblem, words or design for any purpose and it is proved that he used them otherwise than as or as part of a trade mark so registered it shall be a defence for him to prove —

(a) that before the commencement of this Act he has lawfully used such emblem, words or design for that purpose in Brunei Darussalam; or

(b) in a case where he is charged with using such emblem, words or design upon goods, that the same had been applied to the goods before he acquired them by some other person who had manufactured or dealt with them, and that such other person had lawfully used the same in Brunei Darussalam upon similar goods before the commencement of this Act.

(3) Any person who contravenes this section is guilty of an offence: Penalty, a fine of \$5,000.00, imprisonment for one year or both, and any goods upon or in connection with which the emblem, words or design were used forfeited.

(4) When an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, is guilty of the offence and liable to be proceeded against and punished accordingly.

(5) Proceedings under this Act shall not be instituted without the consent of the Attorney General.