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**CONSTITUTION OF BRUNEI DARUSSALAM  
(Order under Article 83(3))**

**SOCIETIES ORDER, 2005**

In exercise of the power conferred by Clause (3) of Article 83 of the Constitution of Brunei Darussalam, His Majesty the Sultan and Yang Di-Pertuan hereby makes the following Order —

**PART I**

**PRELIMINARY**

**Citation and long title.**

1. (1) This Order may be cited as the Societies Order, 2005.

(2) The long title of this Order is "An Order relating to societies and for matters connected therewith or incidental thereto".

**Interpretation.**

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

"Assistant Registrar" means a person appointed as such under subsection (2) of section 3;

"Deputy Registrar" means a person appointed as such under subsection (1) of section 3;

"Minister" means the Minister responsible for societies matters;

"office-bearer" means any person who is the president, vice-president, secretary or treasurer of any society or any branch thereof, or who is a member of a committee or governing body of any society or any branch thereof who holds in such society or branch any office or position analogous to that of a president, vice-president, secretary or treasurer;

"register" means the Register of Societies referred to in subsection (1) of section 7;

"registered society" means a society registered under subsection (3) of section 8;

"Registrar" means the Registrar of Societies appointed under subsection (1) of section 3 and includes any Deputy Registrar;

"school" means any school, college or other learning institution, whether or not wholly maintained or wholly managed or controlled by the Government;

"society" includes any club, company, partnership or association of 10 or more persons whatever its nature or object, whether temporary or permanent, but does not include –

(a) any company incorporated or registered under the Companies Act (Chapter 39);

(b) any body corporate incorporated or constituted under any written law;

(c) any trade union registered or required to be registered under the Trade Unions Act (Chapter 128);

(d) any company, association or partnership formed for the sole purpose of carrying on any business that has for its object the acquisition of gain by the company, association, partnership or by the individual members thereof;

(e) any co-operative society registered under the Co-operative Societies Act (Chapter 84);

(f) any organisation or association that forms part of the curriculum of a school;

(g) any school, management committee of a school, parents' association or parent-teachers' association registered or exempted from registration under any written law;

(h) any organisation or association formed by any Government department or ministry whose members wholly consist of public servants.

### **Appointment of Registrar, Deputy Registrars and Assistant Registrars.**

3. (1) His Majesty the Sultan and Yang Di-Pertuan may appoint a Registrar of Societies and such number of Deputy Registrars, by name or by office, as he may consider necessary for the purposes and proper administration of this Order.

(2) The Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, may appoint such number of Assistant Registrars, by name or by

office, as he may consider necessary for the purposes and proper administration of this Order.

(3) The Registrar, Deputy Registrars and Assistant Registrars shall be deemed to be public servants for the purposes of the Penal Code (Chapter 22).

(4) No suit shall lie against any public servant for anything done or omitted to be done by him in good faith without negligence and in the intended exercise of any power or the performance of any duty conferred or imposed on him by this Order.

**Powers etc. of Registrar.**

4. The Registrar may exercise all such powers, discharge all such duties and perform all such functions as he may consider necessary for the purpose of giving effect to and carrying out the provisions of this Order.

**Power of delegation.**

5. (1) Subject to subsection (3), the Registrar may, in writing, delegate any of the powers conferred on him by this Order to any Assistant Registrar.

(2) A delegation under subsection (1) may be made subject to such conditions as may be determined by the Registrar in the instrument of delegation.

(3) The power of delegation under subsection (1) shall only be exercised by the Registrar personally.

**PART II**

**SOCIETIES DEEMED ESTABLISHED**

**Societies deemed to be established.**

6. (1) Subject to subsection (2), a society shall be deemed to be established in Brunei Darussalam, notwithstanding that its headquarters or principal place of business is and that the society is organised, outside Brunei Darussalam, if –

(a) any of its office-bearers or members resides in Brunei Darussalam or is present therein; or

(b) any person in Brunei Darussalam manages or assists in the management of the society or collects or solicits money or subscriptions in its behalf.

- (2) No society shall be deemed to be so established, if and so long as —
- (i) it is organised and is operating wholly outside Brunei Darussalam;
  - (ii) no office, place of business or place of meeting is maintained or used in Brunei Darussalam by the society or by any person in its behalf;
  - (iii) no register of all or any of the members of such society is kept in Brunei Darussalam; and
  - (iv) no money or subscriptions are collected or solicited in Brunei Darussalam by the society or by any person in its behalf.

### PART III

#### REGISTRATION

##### **Register of Societies.**

7. (1) For the purposes of this Order, a register to be known as the Register of Societies shall be in such form as the Registrar may determine and shall contain particulars of the societies registered therein.

(2) The Registrar shall be responsible for the maintenance and custody of the register.

(3) Upon the registration of any society under subsection (3) of section 8, the particulars furnished under subsection (2) of that section shall be entered in the Register.

##### **Registration.**

8. (1) A society other than that in respect of which an order made under subsection (1) of section 31 is in force shall apply to the Registrar for registration.

(2) Every such application shall be made in such form and manner and accompanied by such documents and particulars, as the Registrar may determine.

(3) Upon being satisfied with the application and upon payment of the fee prescribed in the First Schedule, the Registrar shall, subject to such conditions as he may impose, register and enter the name of the society and the particulars furnished under subsection (2), in the register.

(4) A society that fails to comply with or contravenes any condition imposed on it under subsection (3) is guilty of an offence and liable on conviction to a fine not exceeding \$2,000.

**Certificate of registration.**

9. (1) Where a society has had its name entered in the register pursuant to subsection (3) of section 8, the Registrar shall issue it a certificate of registration in such form as he may determine.

(2) The certificate, unless otherwise revoked, shall be conclusive evidence for all purposes that the society has been registered under this Order.

(3) Where a society has had its name entered in the register subject to any conditions, such conditions shall be endorsed on its certificate of registration.

**Power of Registrar to make inquiries etc.**

10. (1) The Registrar may, in relation to any application under this Order, make such inquiries as he may consider necessary.

(2) Where the applicant fails to supply any information called for or to answer such inquiries to the satisfaction of the Registrar, the Registrar may refuse to allow the application.

**Refusal to register.**

11. (1) The Registrar may refuse to register a society where —

(a) he is satisfied that it is a branch of a society —

(i) whose registration has been cancelled under paragraph (c) of subsection (1) of section 13;

(ii) all or any of whose activities have been suspended under subsection (1) of section 17; or

(iii) whose registration has previously been refused;

(b) he is satisfied that it has failed to comply with any provision of this Order or of any regulations made thereunder;

(c) a dispute exists among the members of the society as to the persons who are to be the office-bearers or to hold or administer any property, of the society; or

- (d) the name under which the society is to be registered includes —
- (i) any name, title or description in respect of any order, decoration, award or honour bestowed by His Majesty the Sultan and Yang Di-Pertuan;
  - (ii) the words "Royal", "Di-Raja" or, in the opinion of the Registrar, any words which suggest or are calculated to suggest the patronage of His Majesty the Sultan and Yang Di-Pertuan or any connection with the Government or any department thereof; or
  - (iii) the words or abbreviations "BD", "Brunei", "Brunei Darussalam" or "Negara Brunei Darussalam".

(2) The Registrar shall refuse to register a society where —

(a) the society is or is declared unlawful under the provisions of this Order or of any other written law;

(b) in his opinion, the society is being used or is likely to be used for any unlawful purpose or for any purpose prejudicial to or incompatible with the peace, public order, security or public interest of Brunei Darussalam;

(c) the society has been declared to be unlawful under subsection (1) of section 31;

(d) the Registrar is satisfied that the society does not exist; or

(e) the name under which the society is to be registered —

- (i) appears to the Registrar to be misleading or is likely to mislead the public as to the true character or purpose of the society or resembles the name of such other society as is likely to deceive the public or members of either society;
- (ii) is identical to the name of any other existing society; or
- (iii) is, in the opinion of the Registrar, undesirable.

**Consequences of non-registration.**

12. (1) Until a society is registered under this Order, no person shall, without the written approval of the Registrar, organise or take part in any activity of or on behalf of the society, except only to apply for registration to or to correspond with, the Registrar.

(2) Any person who fails to comply with or contravenes subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, and in the case of a continuing offence, to a further fine not exceeding \$500 for everyday or part thereof during which the offence continues after conviction.

**Cancellation of registration.**

13. (1) Subject to subsection (2), the Registrar may cancel the registration of any registered society in any of the following cases —

(a) upon dissolution by the Registrar under this Order or upon dissolution by the society, which dissolution shall be verified in such manner as the Registrar may determine;

(b) where the society has been declared unlawful under subsection (1) of section 31;

(c) if the Registrar is satisfied —

- (i) that the registration was effected as the result of fraud, mistake or misrepresentation in any material particular;
- (ii) that the society is being used or is likely to be used for any unlawful purpose or for any purpose prejudicial to or incompatible with the peace, public order, security or public interest of Brunei Darussalam;
- (iii) that the society is pursuing objects other than the objects for which the society is registered;
- (iv) that the society has wilfully failed to comply with or contravened any provision of this Order or of any regulations made thereunder or of any rules of the society;
- (v) that any member of the society has contravened section 4 of the Sedition Act (Chapter 24); or
- (vi) that the society has ceased to exist;

(d) upon the failure by the society to comply with subsection (1) of section 22.

(2) Where the Registrar proposes to cancel the registration of any registered society under paragraph (c) of subsection (1), he shall —

(a) notify one or more of the office-bearers of the society of his intention to cancel the registration of the society; and

(b) give him or them an opportunity to submit in writing within 30 days from the date of the notification reasons why the registration should not be cancelled.

**Consequences of cancellation of registration.**

14. (1) Any cancellation of registration under any provision of this Order shall have the effect of forthwith revoking the validity of the certificate of registration under subsection (2) of section 9.

(2) Where the registration of a registered society is cancelled under this Order, the Registrar shall forthwith publish a notice of such cancellation in the *Gazette*.

**Liability of office-bearer of society whose registration has been cancelled.**

15. (1) If the registration of a society has been cancelled under paragraph (b) or under sub-paragraph (i), (ii), (iii), (iv) or (v) of paragraph (c), of subsection (1) of section 13 or under section 24, any office-bearer thereof who after the date of such cancellation becomes or after the expiry of 30 days from such date continues to remain, an office-bearer of any other society without the approval in writing of the Registrar, is guilty of an offence and liable on conviction to a fine not exceeding \$15,000, imprisonment for a term not exceeding 5 years or both.

(2) Except where the registration of a registered society has been cancelled under paragraph (b) of subsection (1) of section 13, the restriction imposed on any office-bearer under subsection (1) shall cease upon the expiry of a period of 5 years beginning from the date of such cancellation.

**Change of place of business etc.**

16. (1) No registered society shall change its place of business without having previously notified the Registrar in writing.

(2) No registered society shall change its name or amend its rules without the prior written approval of the Registrar and without payment of the fee prescribed in the First Schedule.

(3) An application for any change or amendment under subsection (2) shall be made to the Registrar within 60 days from the date of the decision to make the change or the amendment.

(4) If a registered society fails to comply with or contravenes any provision of this section, the society and every office-bearer of the society is guilty of an offence and liable on conviction to a fine not exceeding \$3,000.

(5) In this section, "rules" include the aims and objects for which a society is formed or which it may pursue or for which its funds or any of them may be applied, the qualifications for membership and for the holding of any office, the method of appointment or election to any office, the rules by which the society is to be governed and the method and manner by and in which any of those matters may be amended.

#### PART IV

#### REGISTERED SOCIETIES

##### Suspension of activities.

17. (1) The Registrar may, during the period specified in paragraph (b) of subsection (2) of section 13, by order in writing suspend all or any of the activities of the registered society —

(a) where he thinks it necessary to do so in the public interest or in the interest of the registered society; or

(b) in order to prevent the registered society from further infringing or violating any provision of this Order or any regulations made thereunder or any rules of the society.

(2) An order under subsection (1) —

(a) may contain such conditions as the Registrar considers necessary or expedient to impose; and

(b) shall continue in force until the order is revoked or the registration of the society is cancelled.

(3) An officer-bearer or any person managing or assisting in the management of a society who fails to comply with or contravenes an order under subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, and in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part thereof during which the offence continues after conviction.

**Disqualifications applicable to office-bearers, advisers and employees of registered societies.**

18. (1) Subject to subsections (2) and (4), a person shall be disqualified from being an office-bearer, adviser or employee of a registered society if —

(a) he has been convicted of an offence against this Order;

(b) whether within or outside Brunei Darussalam, he has been convicted of an offence involving dishonesty or moral turpitude or of an offence punishable with a fine exceeding \$2,000 or to imprisonment for a term exceeding one year;

(c) whether within or outside Brunei Darussalam, an order of detention, restriction, supervision, restricted residence, banishment or deportation under any other written law has been made against him;

(d) he is an undischarged bankrupt;

(e) he is and has been found or declared to be of unsound mind.

(2) The disqualification of a person under paragraph (b) or (c) of subsection (1) shall cease after a period of 5 years beginning with the date on which the person convicted was released from custody or the date on which any fine was imposed or the date on which the order ceased, as the case may be.

(3) Where the Registrar by notice under his hand notifies a society that any office-bearer, adviser or employee of the society has become disqualified under subsection (1), the society shall immediately give effect to such disqualification.

(4) Any person who is subject to any disqualification under paragraph (a), (b) or (c) of subsection (1) may apply to the Registrar to be exempted from such disqualification and the Registrar may, if he thinks it proper to do so, exempt such person for such period as he may specify and subject to such conditions as he may impose.

(5) Any person who fails to comply with or contravenes subsection (1) or any condition imposed under subsection (4) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 3 years or both.

(6) In subsection (1), "office-bearer" includes —

(a) a member of any sub-committee or other body established or formed by the governing body of a registered society or by the governing body of any branch thereof;

*(b)* a person who is responsible to any extent for the management of any of the affairs or the conduct of any activities, of a registered society or of any branch thereof; and

*(c)* a person who is appointed or authorised to represent or act on behalf of, a registered society or any branch thereof in any matter, other than a person who, not being a member of the society, is engaged by the society to represent or act on behalf of, the society or any branch thereof in his professional capacity or by contractual arrangement.

**Affiliation outside Brunei Darussalam prohibited.**

19. No society shall be affiliated or connected with any society outside Brunei Darussalam without the approval in writing of the Registrar, and the Registrar may at any time make a provisional order for the dissolution of any such society affiliated or connected with any society outside Brunei Darussalam without his approval.

**Power of Registrar to make orders.**

20. (1) Where the Registrar is satisfied that it is necessary to do so in the interests of a registered society, in the interests of public order, safety or security, or otherwise in the public interest, the Registrar may, at any time after giving the society an opportunity to make representations to him, make an order in writing requiring the society, within the time specified in the order, to do either one or both of the following —

*(a)* remove from office all or any persons who are office-bearers of the society immediately before the making of the order;

*(b)* provide in its rules or constitution that the office-bearers of the society shall be citizens of Brunei Darussalam or persons to whom a Residence Permit has been granted under regulations made under the Immigration Act (Chapter 17).

(2) The Registrar may, at any time after giving a registered society an opportunity to make representations to him, make an order in writing requiring the society, within the time specified in the order, to amend its rules or constitution so as —

*(a)* to conform to the provisions of this Order or any regulations made thereunder;

*(b)* to remove any ambiguity or vagueness therein or provide for greater clarity and preciseness of any meaning in any provision thereof; or

*(c)* to provide for any other matter which the Registrar considers necessary, reasonable or expedient.

(3) Where the Registrar makes an order under subsection (1) or (2), he may include in that order or make at any time thereafter, any consequential or ancillary requirements or directions in relation to such order as he considers necessary or expedient to include or make.

(4) The Registrar may, on application in writing made to him by a registered society, extend the time provided by him to the society in any order under subsection (1) or (2) if he is satisfied that the society has given reasonable grounds in its application and that it would be just and proper to allow such extension.

(5) Any society which fails to comply with or contravenes any order under subsection (1) or (2) or any requirement or direction included or made by the Registrar under subsection (3) is guilty of an offence and liable on conviction to a fine not exceeding \$15,000, imprisonment for a term not exceeding 5 years or both.

(6) In subsection (1), "office-bearer" includes the persons specified in paragraphs *(a)* and *(b)* of subsection (6) of section 18.

**Provisions applicable to registered societies.**

21. The following provisions shall apply to registered societies —

*(a)* the movable property of a society, if not vested in trustees, shall be vested in the governing body of the society, and may be described, in any civil and criminal proceedings, as the property of the governing body of the society by its proper title, if known;

*(b)* the immovable property of a society may, if not registered in the names of trustees, notwithstanding the provisions of any written law to the contrary, be registered in the name of the society, and all instruments relating to that property shall be valid and effective as if they had been executed by a registered proprietor provided that they are executed by 3 office-bearers of the society whose appointments are authenticated by a certificate issued by the Registrar and sealed with the seal of the society;

*(c)* a society may sue or be sued in the name of any one of its members as shall be declared by it, and registered by the Registrar as the officer of the society for that purpose and, if no such person is registered, it shall be competent for any person having a claim or demand against the society to sue the society in the name of any office-bearer of the society;

(d) no suit or proceedings by or against a registered society in any civil court shall abate or discontinue by reason that the person, by or against whom the suit or proceedings has been brought or continued, has died or ceased to have the capacity whereof he has sued or been sued, and that suit or proceedings shall be continued in the name of or against the successor of that person;

(e) (i) any judgment in any such suit against a registered society shall be enforced only against the property of the society and not against the person sued or his property;

(ii) the application for execution shall refer to the judgment and to the fact that the party against whom it is to be recovered having sued or having been sued, as the case may be, on behalf of the society, and shall require the judgment to be enforced only against the property of the society;

(f) any member of a society who —

(i) fails to pay a subscription which, according to the rules of the society to which he belongs, he is bound to pay;

(ii) owes money to the society;

(iii) contrary to the rules of the society, takes possession of or detains, any property thereof; or

(iv) injures or destroys any property of the society,

may, in the manner provided under paragraphs (a) to (e) be sued for that subscription, money or for the damages accruing from such wrongful possession or detention, or injury or destruction:

Provided that if the defendant is successful in that suit and is awarded costs, he may elect to recover them from the officer in whose name the suit was brought or from the society and, in the latter case, may apply for execution against the property of the society;

(g) any member of a society who —

(i) commits theft of or dishonestly misappropriates or converts to his own use, any money or other property;

(ii) wilfully and maliciously injures or destroys any property of the society; or

(iii) forges any deed, bond, security for money, receipt or other instrument whereby the funds of the society may be exposed to loss,

is liable to be proceeded against and punished as if he was not a member of the society;

*(h)* in the absence of specific provision in the rules of a society, any number not less than three-fifths of the members of the society resident in Brunei Darussalam may determine that the society shall be dissolved forthwith or at an agreed time, and all necessary steps shall be taken for the disposal and settlement of the property of the society, its claims and liabilities, according to any rules of that society applicable thereto and if none, then as the governing body shall direct:

Provided that if any dispute arises among the members of the governing body or the members of such society under this section, such dispute may be decided by the Registrar and any person aggrieved by his decision may within 30 days from the date of such decision appeal to the court.

**Furnishing of information and order of dissolution.**

22. (1) Every registered society shall, within 60 days after holding its annual general meeting or if no annual general meeting is held, within 60 days after the end of each calendar year, furnish to the Registrar —

*(a)* a true and complete copy of any amendments to the rules of the society made since the date of registration or of the last return;

*(b)* a true and complete list of office-bearers and the number of members of the society residing in Brunei Darussalam or present therein at the date of such return or, if such society has no officer-bearers residing or present in Brunei Darussalam, the name, address and occupation of such persons in Brunei Darussalam authorised to act on behalf of the society and the number of members of the society together with a true and complete list of the office-bearers of all the branches (if any) thereof;

*(c)* the address of the society or of the place of business of the society;

*(d)* the accounts of the last financial year of the society and a balance sheet showing the financial position at the close of that year;

*(e)* the name and address of any society, association, trade union or any other body of persons, incorporated or unincorporated, outside Brunei Darussalam to which the society is in any way associated or affiliated;

*(f)* the description of any money or property, any pecuniary benefit or advantage received by the society from any person ordinarily resident outside Brunei Darussalam or any organisation, authority, government or

agency of any government, outside Brunei Darussalam and other particulars relating thereto; and

*(g)* such other information as the Registrar may require.

(2) The Registrar may, at any time by notice, order a registered society to furnish him in writing with —

*(a)* a true and complete copy of the rules of the society in force at the date of such order;

*(b)* a true and complete list of office-bearers and members of the society or of any branch thereof residing in Brunei Darussalam or present therein at the date of such order;

*(c)* a true and complete return of the number of meetings held by the society or branch thereof in Brunei Darussalam within the period of 6 months immediately preceding such order stating the place or places where such meetings were held;

*(d)* accounts audited by an auditor approved by the Registrar, who may give such approval generally or for any particular audit; and the auditor so approved shall make a report on the accounts examined by him in such form as the Registrar may determine;

*(e)* the name and address of any society, association, trade union or any other body of persons, incorporated or unincorporated, outside Brunei Darussalam to which the society is in any way associated or affiliated and other particulars relating thereto;

*(f)* the description of any money or property, any pecuniary benefit or advantage received by the society from any person ordinarily resident outside Brunei Darussalam or any organisation, authority, government or agency of any government, outside Brunei Darussalam and other particulars relating thereto; or

*(g)* such other information as the Registrar may require.

(3) The Registrar may, at any time by notice, order a registered society to produce for his inspection —

*(a)* the documents of title to any property held by the society;

*(b)* all or any of the books of account of the society;

*(c)* any minutes or written records of proceedings of the society or of its governing body; or

(d) such other information as the Registrar may require.

(4) An order under subsection (3) shall specify the time, being not less than 7 days, within which the information shall be supplied:

Provided that the Registrar may, on application made to him and on good cause being shown, grant an extension of time.

(5) The information furnished under subsections (1) and (2) shall be verified by the signature of the president, secretary or office-bearer of the society.

(6) Where the particulars required to be furnished under subsection (1) or (2) are not furnished within the time stated in the order or any extension thereof granted by the Registrar, the Registrar may make a provisional order for the dissolution of the society.

(7) If before the expiration of 30 days from the date of such provisional order the information required to be furnished under subsection (1) or (2) is so furnished, the Registrar may cancel the provisional order.

(8) Upon the expiration of 30 days from the date of such provisional order, or where an appeal is pending upon the dismissal thereof, that order shall become absolute and the society shall be considered to be an unlawful society and shall thereupon cease to be registered.

(9) A registered society which, on the ground of its failure to comply with an order under subsection (2), has had its registration cancelled shall not be entitled to apply for re-registration until such order has been complied with or unless it is proved to the satisfaction of the Registrar that it is impossible to comply with the order.

**Persons responsible for supplying information.**

23. (1) The obligation imposed upon a registered society by section 22 shall be binding upon every office-bearer of the registered society and upon every person managing or assisting in the management of such society in Brunei Darussalam:

Provided that no such office-bearer and person shall be bound unless he has been served with an order made under section 22.

(2) If a registered society fails to comply with the whole or any part of an order made under section 22, any such officer-bearer and person who has been served with that order is guilty of an offence and liable on conviction to a fine not exceeding \$5,000 unless he proves to the court that he has exercised due diligence and has failed to comply with that order for reasons beyond his control.

(3) Where a notice, order or other document is served upon any person who has ceased to be an office-bearer of a registered society, he shall immediately deliver such notice, order or document to any existing office-bearer of the registered society or if unknown, shall return it to the Registrar or Assistant Registrar who sent it; and any person who fails to do is guilty of an offence and liable on conviction to a fine not exceeding \$3,000.

(4) If any information supplied to the Registrar in compliance with an order under section 22 is false, incorrect or incomplete in any material particular, the person who has supplied such information is guilty of an offence and liable on conviction to a fine not exceeding \$2,000 unless he proves to the court that he has good reason to believe that the information was true, correct and complete.

#### **Disputes.**

24. (1) If the Registrar is of the opinion that a dispute has occurred among the members or office-bearers of a registered society as a result of which the Registrar is not satisfied of the identity of the persons who have been properly constituted as office-bearers of the society, the Registrar may serve notice on the society requiring it, within one month of the service of such notice, to produce to him evidence of the settlement of any such dispute and of the proper appointment of the lawful office-bearers of the society or of the institution of proceedings for the settlement of such dispute.

(2) If such notice is not complied with to the satisfaction of the Registrar within the period of one month or any extension thereof as may be granted by the Registrar, the Registrar may cancel the registration of the society under subsection (1) of section 13.

#### **Inspection of documents and evidentiary value of copies certified by Registrar.**

25. (1) Subject to subsection (2) and on payment of the fee prescribed in the First Schedule, documents filed with the Registrar or Assistant Registrar in pursuance to any provision of this Order or any regulations made thereunder may be inspected by any person and any copy of any certificate, order, notice or any other document issued by the Registrar or Assistant Registrar in pursuance to any provision of this Order or any regulations made thereunder may be obtained by any person from the Registrar or Assistant Registrar:

Provided that the person seeking the inspection or copy shall state the purpose for which he requires it, and the Registrar shall be satisfied that such purpose is a lawful purpose, and that the inspection or copy is not being sought by or on behalf of an unlawful society.

(2) No person, other than a person whom the Registrar is satisfied is a member of a society, shall inspect or obtain from the Registrar or Assistant Registrar the accounts of such society or a copy thereof.

(3) A copy of or extract from any document received at the office of the Registrar or Assistant Registrar certified to be a true copy or extract under the hand and seal of the Registrar or Assistant Registrar shall, in any proceedings be admissible in evidence and be of equal validity with the original document.

**Consequences of order under section 31, refusal to register a society under section 11 and cancellation of registration.**

26. (1) Upon the making of an order by the Minister under section 31, upon the refusal of the Registrar to register a society under section 11 or upon the cancellation of the registration of a registered society under any provision of this Order —

(a) the property of the society shall forthwith vest in the officer who, by the terms of the order of dissolution, is appointed by the Registrar for the purpose of winding-up the affairs of the society;

(b) such officer shall wind-up the affairs of the society and, after satisfying and providing for all the debts and liabilities of the society and the costs of the winding-up —

(i) shall divide any surplus assets of the society amongst its members according to the rules of the society; or

(ii) if there are no rules applicable to such case, shall divide such assets equally amongst its members, but if by reason of the number of members or the difficulty of ascertaining the persons entitled to such assets or for any other reason, such a division is in his opinion impracticable, he shall prepare and submit to the High Court for its approval of a scheme for the application of such assets to purposes likely to benefit that portion of the public to which the members of the society are more likely to belong or the public generally;

(c) such scheme when submitted for approval may be amended by the High Court in such way as it thinks proper;

(d) the approval of the High Court to such scheme or amended scheme shall be denoted by the endorsement thereon of a memorandum of such approval signed by a Judge and by the same being sealed with the seal of the High Court and, thereupon such surplus assets shall be held and applied in accordance with such scheme.

(2) The Registrar may, for the purpose of enabling a society to wind-up its own affairs, suspend the operation of this section to such extent and for such period as he may think expedient.

(3) Where an order of dissolution or cancellation has been made against a society, every person who was on the date on which the order was made an office-bearer of that society shall, during the period of 3 years from the date on which the order was made, be ineligible except with the written permission of the Minister, to act or be elected as an office-bearer of any other society.

## PART V

### BRANCHES OF REGISTERED SOCIETIES

#### Establishment of branch of registered society.

27. (1) No registered society shall establish a branch without the prior approval of the Registrar.

(2) The Registrar may refuse to give approval to the establishment of a branch of the registered society if —

(a) the rules of the society do not provide for the establishment of a branch of the society; or

(b) the rules of the branch are such as to make it an independent society and not adequately under the control of the society.

(3) Where a registered society establishes a branch without the prior approval of the Registrar, the branch so established shall be an unlawful society:

Provided that a branch of any registered society established and in existence immediately before the commencement of this Order shall not be an unlawful society if, within 6 months from the commencement of this Order or such extended period, not being more than 3 months as the Registrar may allow at any one time, the registered society applies to the Registrar in writing for his approval; and after considering such application the Registrar may refuse to give approval under subsection (2).

(4) The provisions of this Order, other than sections 8, 9 and 11, shall apply to any branch of a registered society approved under this section as if such branch was a society registered under this Order.

(5) For the purposes of this section, a branch of a registered society includes any society which is in any way subordinate to another society.

(6) Where an approval to establish a branch has been given under this section, such branch shall be established within 3 months thereof unless the Registrar has allowed an extension of time.

**Liability of society in respect of contracts entered into by branch.**

28. (1) Notwithstanding anything contained in section 27, a registered society shall not sue or be sued in respect of any contract entered into by any branch thereof or by any office-bearer of any such branch unless such contract —

(a) has been entered into by the branch by virtue of express written approval given to it by the committee or governing body of the registered society; or

(b) is a contract within a particular class or description of contracts which the branch is authorised by the registered society to enter into.

(2) The provisions of paragraphs (c), (d) and (e) of section 21 shall be construed accordingly in their application to any suit, proceedings, judgment or application for execution in relation to any contract entered into by a branch of a registered society.

(3) Without prejudice to subsection (1), where a branch, referred to in this subsection as the "subordinate branch", is under the control and is responsible to another branch, referred to in this subsection as the "superior branch", the superior branch may sue or be sued for contracts entered into by the subordinate branch if such contract —

(a) has been entered into by the subordinate branch by virtue of express written approval given to it by the superior branch; or

(b) is a contract within a particular class or description of contracts which the subordinate branch is authorised by the superior branch to enter into:

Provided that a branch shall, in any case, be considered to be under the control of and responsible to another branch if members of the superior branch are nominated, elected or otherwise chosen from the members of the subordinate branch.

**PART VI**

**UNLAWFUL SOCIETIES**

**Unlawful societies.**

29. (1) For the purposes of this Order, the following shall be unlawful societies —

*(a)* any society or any branch thereof which has been declared unlawful by the Minister under section 31;

*(b)* any society which is not registered under subsection (3) of section 8 or any branch thereof;

*(c)* any branch of a registered society where the branch was established in contravention of subsection (1) of section 27 or continues to exist in contravention of the proviso to subsection (3) of section 27;

*(d)* any society which has had its registration cancelled under section 13 or 22 or any branch thereof.

(2) Where any society is unlawful under subsection (1), every branch of the society shall immediately thereupon be unlawful and the approval of the Registrar for its establishment shall be revoked, and in that case every branch subordinate to that branch shall thereupon be unlawful.

**Society using Triad ritual deemed unlawful society.**

30. (1) Every society, whether it is registered or not, which uses a Triad ritual, Triad emblems, Triad titles or any other triad nomenclature shall be known as a Triad Society and shall be an unlawful society.

(2) For the purposes of subsection (1), a "Triad ritual" means any ritual commonly used by Triad Societies, any ritual closely resembling any such ritual and any part of any such ritual.

(3) Any person who is or acts as a member of a Triad society or attends any meeting thereof or is found in possession of or having the custody or control of, any article of or relating to, any Triad society, whether such society is established in Brunei Darussalam or not, is guilty of an offence and liable on conviction to a fine not exceeding \$15,000 or imprisonment for a term not exceeding 5 years.

**Power of Minister to declare society unlawful.**

31. (1) The Minister may, by order published in the *Gazette*, declare unlawful any society or branch thereof or any class or description of any society, whether such society is established in Brunei Darussalam or not, which in his opinion —

(a) is being used or is likely to be used for any unlawful purposes or purposes prejudicial to or incompatible with the peace, public order, security or public interest of Brunei Darussalam; or

(b) is being used for purposes at variance with its professed objects.

(2) An order under subsection (1) shall operate to cancel the registration of any such society with effect from the date of such order.

(3) Any society which has been declared to be unlawful under subsection (1) and whose governing body has not lodged an appeal under subsection (4) on the expiration of 7 days from the time of such declaration, or if an appeal has been lodged and the appeal has failed from the time such declaration is confirmed by His Majesty the Sultan and Yang Di-Pertuan, shall *ipso facto* be dissolved.

(4) The governing body of a society which has been declared to be unlawful under subsection (1) may within 7 days of the date of publication of such order appeal to His Majesty the Sultan and Yang Di-Pertuan who may, at his discretion, confirm or reverse the Minister's decision.

(5) The decision of His Majesty the Sultan and Yang Di-Pertuan under subsection (4) shall be final and not subject to appeal to any court.

**PART VII**

**ENFORCEMENT**

**Power of entry and search.**

32. (1) The Registrar, an Assistant Registrar or any police officer not below the rank of Assistant Superintendent may without warrant, enter into and search any place and inspect and examine any equipment, materials, records and any other thing to ensure that any requirements of, and to ascertain whether the provisions of, this Order or any regulations made thereunder are complied with.

(2) The Registrar, an Assistant Registrar or any police officer not below the rank of Assistant Superintendent entering into such a place as referred to in subsection (1) may seize and detain any article found therein which he has reason to believe may be required in respect of any proceedings under this Order.

(3) The Registrar, an Assistant Registrar or any police officer not below the rank of Assistant Superintendent may without warrant, with or without assistance and using reasonable force if necessary —

(a) enter into any place in which he has reason to believe that a meeting of any unlawful society or of persons who are members of an unlawful society is being held, or that any article belonging to an unlawful society is concealed, kept or deposited; and

(b) arrest or cause to be arrested all persons found in any such place and search that place; and

(c) seize or cause to be seized any article which he has reasonable cause to believe to belong to an unlawful society or to be in any way connected therewith.

(4) All persons arrested and all articles seized, under subsection (2), may be detained in custody and brought before a court to be dealt with according to law.

**Power of Registrar or Assistant Registrar to summon witnesses and to investigate.**

33. (1) The Registrar or an Assistant Registrar may summon before him any person whom he has reason to believe is able to give any information as to the existence of operations of any unlawful society or of any club, company, partnership or association suspected of being an unlawful society or as to the operations of a registered society.

(2) Such person shall attend at the time and place specified in the summons and produce all articles in his custody, possession or power relating to such society, club, company, partnership or association and answer truthfully all questions which the Registrar or an Assistant Registrar may put to him.

(3) Any person who fails to attend on such a summons or who fails to answer truthfully is guilty of an offence and liable on conviction to a fine not exceeding \$2,000, imprisonment to a term not exceeding one year or both.

(4) The Registrar and every Assistant Registrar may administer an oath to, and examine on oath, any person summoned before him under the provisions of this Order.

(5) If any person summoned by the Registrar or an Assistant Registrar under this section without lawful excuse fails to comply with any obligation imposed upon him by subsection (1), (2) or (3) or gives information which the Registrar or Assistant Registrar, as the case may be, believes to be false, the Registrar or Assistant Registrar may, if he considers it advisable to provide for the future identification of such person, order that a photograph and impressions of

fingerprints of that person be taken at such time and in such place and manner as he may think fit and, if that person without lawful excuse fails to comply with or obstructs the execution of any such order, he is guilty of an offence and liable on conviction to a fine not exceeding \$1,000.

(6) No statement made by any person summoned before the Registrar or an Assistant Registrar under this section shall subject him to any arrest or criminal prosecution, or be proved against him in any criminal proceedings, except a prosecution for failing to answer truthfully under this section.

(7) For the purposes of this section, the Registrar and the Assistant Registrar shall have the same power of investigation of a police officer under Chapter XIII of the Criminal Procedure Code (Chapter 7).

**Prosecutions.**

34. (1) Except in the case of a person charged under sections 20 and 30, under subsection (5) of section 33 or under section 44 and of a person arrested under section 32, a prosecution under this Order shall not be instituted except by or with the consent of the Public Prosecutor:

Provided that the person charged with any such offence may be arrested or a warrant for his arrest may be issued and executed, and any such person may be remanded in custody or on bail, notwithstanding that the consent of the Public Prosecutor to the institution of a prosecution for the offence has not been obtained, but the case shall not be further prosecuted until that consent has been obtained.

(2) When a person is brought before a court under this section before the Public Prosecutor has consented to the prosecution, the charge shall be explained to him but he shall not be called upon to plead, and the provisions of the law relating to criminal procedure shall be modified accordingly.

(3) In any prosecution under this Order, a certificate sealed with the seal of the Registrar and purporting to be signed by the Registrar that a society is or is not a registered society or, having been registered, has been dissolved shall be admitted as conclusive evidence of the facts stated in such certificate.

**Articles seized liable to forfeiture.**

35. All articles seized under the provisions of this Order shall be liable to forfeiture.

**Forfeiture.**

36. (1) Any article belonging to an unlawful society shall, upon an order of a court, be forfeited and given to the Registrar or to an Assistant Registrar for disposal in such manner as he thinks fit.

(2) An order for forfeiture may be made if it is proved to the satisfaction of the court that an offence against this Order has been committed and that the articles were the subject-matter of or were used in the commission of the offence, notwithstanding that no person may have been convicted of such offence.

**Anything seized in respect of which there is no prosecution forfeited if not claimed within one month.**

37. (1) Where no prosecution has commenced in respect of any article seized under this Order, such article shall be forfeited at the expiration of one month from the date of seizure unless a claim thereto is made before that period in the manner described in subsection (2).

(2) Any person asserting that he is the owner of any such article and that it is not liable to forfeiture may, personally or by his agent authorised in writing, give written notice to the Registrar that he claims the same.

(3) On receipt of such notice, the Registrar may direct that such article be released or may refer the matter to the court for its decision.

(4) On a reference made to it under subsection (3), the court shall issue a summons requiring the person asserting that he is the owner of the article and the person from whom it was seized to appear before it and shall proceed to the examination of the matter.

(5) On proof that an offence against this Order has been committed and that such article was the subject-matter of or was used in the commission of such offence, the court shall order the article to be forfeited notwithstanding that no person may have been convicted of such offence and may, in the absence of such proof, order its release.

**Protection of informers.**

38. (1) Subject to the subsection (2) —

(a) no witness shall be obliged or permitted to disclose the name and address of any informer under this Order or any matter which might lead to his discovery; and

(b) if any documents which are evidence or liable to inspection in any civil or criminal proceedings under this Order contains any entry in which any informer is named or described or which might lead to his discovery, the court shall cause all such entries to be concealed from view or to be obliterated so far only as may be necessary to protect the informer from discovery.

(2) Where in any criminal proceedings under this Order the court, after full inquiry into the case, is satisfied that the enforcement of the provisions of this section would be likely to cause a miscarriage of justice, it may require the production of the original information and may permit inquiry and require full disclosure to the court concerning the informer.

**Certain offences non-bailable and arrestable without warrant.**

39. (1) The Registrar, Assistant Registrar and any police officer may arrest without warrant any person —

(a) who has committed or who is found committing;

(b) whom he reasonably suspects to have committed, or of committing, attempting, procuring or abetting to commit, or of having been concerned in,

any offence against section 15, 18, 20 or 30 or against sections 41 to 47 and may search or cause to be searched any such person and take possession of all articles found on him which there is reason to believe were used in connection with the offence:

Provided that no female shall be searched except by a female.

(2) The offences referred to in subsection (1) shall be non-bailable under the Criminal Procedure Code (Chapter 7).

**Liability of office-bearer in respect of offences by society.**

40. (1) Where any offence punishable with a fine or imprisonment has been committed, whether or not any person has been convicted in respect thereof, and such offence has been committed or purports to have been committed by a society or in the name or on behalf of a society, every office-bearer of the society and every person managing or assisting in the management of the society at the time of the commission of such offence is guilty of such offence and liable on conviction to the punishment prescribed by law therefor, unless he proves to the court that the offence was committed without his knowledge and that he had exercised all due diligence to prevent the commission of the offence.

(2) Any such office-bearer and person shall be liable to be prosecuted under this section, notwithstanding that he may not have taken part in the commission of the offence.

(3) In any prosecution under subsection (1), any document found in the possession of any such office-bearer or person or of any other member of such society or in any place used or controlled by such society shall be *prima facie* evidence of the contents thereof for the purpose of proving that anything has been done or purports to have been done by or on behalf of the society.

## PART VIII

### OFFENCES

#### Offence to become office-bearer etc. of unlawful society.

41. Any office-bearer and any person managing or assisting in the management of an unlawful society is guilty of an offence and liable on conviction to a fine not exceeding \$15,000, imprisonment for a term not exceeding 5 years or both.

#### Offences involving members of unlawful society.

42. Any person who —

(a) is or acts as a member of an unlawful society;

(b) attends a meeting of an unlawful society; or

(c) pays money or gives any aid to or for the purposes of an unlawful society,

is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 3 years or both.

#### Persons allowing unlawful society on premises.

43. Any person who knowingly allows any meeting of an unlawful society or of members of an unlawful society, to be held in any place belonging to, occupied by him or over which he has control is guilty of an offence and liable on conviction to fine not exceeding \$10,000, imprisonment for a term not exceeding 3 years or both.

**Inciting etc. persons to become members of unlawful society.**

44. (1) Any person who incites, induces or invites another person to become a member of or to assist in the management of, an unlawful society is guilty of an offence and liable on conviction to a fine not exceeding \$15,000, imprisonment for a term not exceeding 4 years or both.

(2) Any person who uses any violence, threat or intimidation towards any other persons in order to induce him to become a member of or to assist in the management of an unlawful society is guilty of an offence and liable on conviction to a fine not exceeding \$15,000, imprisonment for a term not exceeding 5 years or both.

**Procuring subscription or aid for unlawful society.**

45. Any person who procures or attempts to procure from any other person any subscription or aid for the purposes of an unlawful society is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 3 years or both.

**Publication etc. of propaganda of unlawful society.**

46. (1) Any person who —

(a) prints, publishes, displays, sells or exposes for sale, distributes or transmits through the post or by electronic means; or

(b) without lawful authority or excuse, has in his possession,

any placard, newspaper, book, circular, pictorial representation or any other document or writing whatsoever or which is issued or appears to be issued by or on behalf of or in the interests of an unlawful society, is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding 2 years or both.

(2) Any document or writing in respect of which such person shall have been convicted shall be forfeited.

(3) In this section, "electronic means" means an electronic, magnetic, optical or other medium by or in which information is generated, communicated, received or stored and which is retrievable in perceivable form.

**Acting on behalf of or representing unlawful society.**

47. (1) Any person who in any manner acts on behalf of, or represents or assists, whether in a professional capacity or otherwise —

(a) an unlawful society;

(b) a person who was an office-bearer thereof as if he continues to be an office-bearer thereof; or

(c) a body which was the governing body of the unlawful society or of any branch thereof as if it continues to be such governing body,

in relation to any matter, is guilty of an offence and liable on conviction to a fine not exceeding \$15,000, imprisonment for a term not exceeding 5 years or both.

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

(a) an appeal by an unlawful society under section 55;

(b) any proceedings in any court in respect of any matter involving an unlawful society;

(c) any person who was an office-bearer of an unlawful society; or

(d) a body which was the governing body or the governing body of any branch of an unlawful society.

**Display or usage of certificate of registration which has been cancelled.**

48. Any person who displays or uses any certificate of registration of a society whose registration has been cancelled, or a copy thereof, with the knowledge that the certificate has been cancelled is guilty of an offence and liable on conviction to a fine not exceeding \$2,000.

**Flags etc. and other insignia of society.**

49. (1) Subject to any other written law, no society shall adopt any flag, symbol, emblem, badge or other insignia as its own unless such flag, symbol, emblem, badge or other insignia has been approved by the Registrar.

(2) The Registrar may specify the conditions under which such flag, symbol, emblem, badge or other insignia may be displayed.

(3) Any person or society who displays any flag, symbol, emblem, badge or other insignia which has not been approved by the Registrar or in contravention

of any condition imposed by the Registrar is guilty of an offence and liable on conviction to a fine not exceeding \$3,000, imprisonment for a term not exceeding one year or both.

**Fraud, false declaration and misappropriation.**

50. Any person who, with intent to mislead or defraud, gives to any person —

(a) a copy of any laws, regulations, rules or other document, other than the rules of a registered society, on the pretence that they are the existing rules of that society or that there are no other rules of the society; or

(b) a copy of any rules on the pretence that those rules are the rules of a registered society when the society is not registered,

is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding 2 years or both.

**Penalty for furnishing false information.**

51. Any person who furnishes to the Registrar or Assistant Registrar, any information or document required under this Order which he either knows or has reason to believe is false is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding 2 years or both.

**General penalty.**

52. Any person who commits any offence against this Order shall be liable, if no other penalty is provided, on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 3 years or both.

**Presumption of membership etc. of society.**

53. (1) Where any articles of, or relating to, or purporting to relate to, any society are found in the possession, custody or under the control of any person, it shall be presumed, until the contrary is proved, that such person is a member of the society, and that society shall be presumed, until the contrary is proved, to be in existence at the time such articles are found.

(2) Where any articles of, or relating to, any society are found —

(a) in the possession, custody or under the control of any person, it shall be presumed, until the contrary is proved, that such person assists in the management of such society;

*(b)* in any place, it shall be presumed, until the contrary is proved, that such articles are in the possession of the occupier of the place.

*(3)* When it appears to a court that there is reasonable cause to suspect that any place entered or searched under any lawful power conferred by this Order was immediately before or at the time of such entry being used by or for the purposes of an unlawful society, any person found in such place at any time during such search or found leaving therefrom immediately before, at or after the time of such entry shall, unless he gives a satisfactory account of the reasons for his presence in that place, be presumed to be a member of the unlawful society.

#### **Other presumptions.**

54. In any proceedings under this Order —

*(a)* where it is proved that a society is in existence, it shall be presumed that such society is a society within the meaning of this Order unless the contrary is proved;

*(b)* it shall not be necessary for the prosecution to prove that a society possesses a name, is usually known under a particular name, has been constituted, has a meeting place or has office-bearers;

*(c)* where it is alleged that a society is an unlawful society, the burden of proving that it is a registered society shall lie on the person charged.

#### **Appeals.**

55. Any society, office-bearer or member of any society or any other person who is aggrieved by any of the following decisions of the Registrar —

*(a)* refusal to register the society under section 11;

*(b)* refusal to grant exemption under subsection (4) of section 18 to a disqualified person to hold office in a registered society;

*(c)* refusal to approve the change of name or place of business of the society, or the amendment of its rules, under section 16;

*(d)* refusal to approve the establishment of a branch of the society under section 27;

*(e)* cancellation of the registration of the society under subsection (1) of section 13;

(f) order under subsection (1) of section 20 requiring the removal of office-bearers from office or prohibiting persons, not being citizens or persons to whom a Residence Permit has been granted under regulations made under the Immigration Act (Chapter 17), from holding office in a society;

(g) order to amend the rules or constitution of the society under subsection (2) of section 20;

(h) refusal to approve an auditor or approving an auditor unacceptable to the society, under paragraph (d) of subsection (2) of section 22;

(i) making a provisional order for the dissolution of the society under section 19 or under subsection (6) of section 22;

(j) cancellation of the registration of a registered society under subsection (2) of section 24 for the failure to comply with a notice under subsection (1) of that section; or

(k) refusal to grant approval under section 15 to become an office-bearer,

may within 30 days from the date of the decision of the Registrar, appeal against that decision to the Minister; and the Minister, whose decision shall be final and not subject to appeal to any court, may confirm, reject or vary the decision of the Registrar.

## PART IX

### MISCELLANEOUS

#### Evidence.

56. (1) In any prosecution under this Order, it shall be no objection to the admissibility of expert evidence that the expert is not or has not been a member of an unlawful society.

(2) In any prosecution under this Order, the court may refer for the purposes of evidence to any of the following books —

*"Thian Ti Hwui, the Hung League or Heaven-Earth League," by G. Schlegel;*

*"The Triad Society," by W. Stanton;*

*"The Hung Society or the Society of Heaven and Earth," by J. S. M. Ward and W. G. Stirling;*

*"Triad Societies in Hong Kong," by W. P. Morgan,*

and to any other published books or articles on the subject of unlawful societies in general or of particular unlawful societies, which the court may consider to be of authority on the subjects to which they relate.

**Service of documents.**

57. Every summons, notice or other document issued under this Order or under any regulations made thereunder shall be deemed to have been validly and effectually served if served on or left with the person intended to be served or, in case he cannot be found, if left at his last known place of residence or business, by any person authorised in that behalf by the Registrar or, in the case of service of a notice or order on the society, by sending such notice or order by registered post to the registered address of such society.

**Amendment of Schedules.**

58. The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by order published in the *Gazette* amend the Schedules to this Order.

**Exemption.**

59. The Minister may, in his discretion or upon application made to him in writing, either generally or in any particular case, and either permanently or for such period as he may think fit, exempt any person or class of persons, from all or any of the provisions of this Order; and in granting such exemption the Minister may impose such conditions as he may think fit.

**Regulations.**

60. (1) The Minister may, with approval of His Majesty the Sultan and Yang Di-Pertuan, make regulations which are necessary or expedient for giving effect to and carrying out the provisions of this Order, and for the due administration thereof.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations for or in respect of all or any of the following matters —

(a) prescribing the manner of registration of societies under this Order;

(b) prohibiting the use of illegal or undesirable badges and insignia by registered societies;

(c) prescribing the forms which may be used for carrying out the provisions of this Order;

(d) prescribing information to be furnished to the Registrar;

(e) prescribing the fees which may be levied under this Order;

(f) prescribing anything required to be or which may be prescribed under this Order;

(g) including such incidental, consequential and supplementary provisions as he considers necessary or expedient.

(3) Any such regulations may provide that the breach or contravention of any regulation is an offence and may provide a penalty for any such offence of a fine not exceeding \$2,000 and imprisonment for a term not exceeding 6 months.

#### **Savings.**

61. (1) The persons holding the offices of Registrar, Deputy Registrar and Assistant Registrar immediately before the commencement of this Order shall be deemed for the purposes of this Order to have been respectively appointed on the commencement of this Order to the same offices.

(2) Any society which, immediately before the commencement of this Order, was registered under the provisions of the Societies Act (Chapter 66) (repealed by this Order) shall be deemed to be registered under this Order.

(3) Any society registered or exempted from registration under the provisions of this Order, shall within one year from the date of commencement of this Order or such extended period, not being more than 3 months, as the Registrar may allow, alter its constitution or rules to contain provisions for all matters set out in Second Schedule.

(4) Any appointment made, and any thing done, under the Societies Act (Chapter 66) (repealed by this Order) and in force immediately before the commencement of this Order and so far as it is not inconsistent with this Order, shall continue in force as if made or done under this Order, but the Minister may, at any time and with the approval of His Majesty the Sultan and Yang Di-Pertuan, revoke or vary any such appointment or thing.

#### **Repeal.**

62. The Societies Act (Chapter 66) and the Societies Rules are repealed.

**FIRST SCHEDULE** (sections 8(3), 16(2) and 25(1))

**FEEES**

Change of name of society	\$50
Change of rules of society	\$50
Inspection of Register and copy of certificate, order, notice or other document	\$10
Registration	\$200

**SECOND SCHEDULE** (section 61(3))

**CONSTITUTION AND RULES OF SOCIETIES**

1. Matters for which provisions shall be made in the constitution or rules of every society or a branch thereof shall be as follows —

*(a)* the name and registered place of business or registered postal address of the society;

*(b)* an accurate description of the design and colours of any flag, emblem, badge or other insignia used by the society;

*(c)* the aims or objects for which the society is formed, or which it may pursue, or for which its funds or any of them may be used;

*(d)* the qualifications for membership, including particulars of any restriction or limitations that may be imposed as to the numbers, age limits, sex, religion, race, nationality, dwelling place, clan or surname of persons who may be admitted to membership of the society;

*(e)* the method of appointment or election of members;

*(f)* the composition and method of appointment of the committee or governing body and the designations, powers and functions of the office-bearers of the society and where applicable the branches thereof;

*(g)* that, if the Registrar so requires, the office-bearers of the society and every officer performing executive functions in such society shall be citizens of Brunei Darussalam;

(h) the sources from which the society shall derive its income, including the rates and method of payment of such entrance fees and periodical subscriptions as may be decided upon;

(i) the authority or authorities for expenditure from the funds of the society;

(j) the keeping of accounts of the income and expenditure of the society and the publication of such accounts to its members annually;

(k) the appointment of one or more auditors;

(l) the quorum required for the transaction of business at any meeting of the society or its governing body; and

(m) the manner by and in which the constitution or rules of the society may be amended.

2. (1) Where a society is a political association, the constitution or rules thereof shall, in addition to matters referred to in paragraph 1, provide that —

(a) every member of the society, every officer performing executive functions in such society and every adviser, to such society, shall be citizens of Brunei Darussalam; and

(b) every member shall have a right to vote and shall be eligible to hold office in the committee or governing body in the society.

(2) In this paragraph, "political association" includes any society which the Minister may, by order published in the *Gazette*, declare to be a political association.

3. Where any registered society makes provision in its constitution or rules for the establishment of branches it shall in addition also provide therein for the method and manner by which the establishment of such branches shall be approved by the society or its governing body.

Made this 23rd. day of Zulkaedah, 1425 Hijriah corresponding to the 4th. day of January, 2005 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY  
THE SULTAN AND YANG DI-PERTUAN  
BRUNEI DARUSSALAM