

**SCHEDULE 5**  
(section 63(2))

**CONSEQUENTIAL AND RELATED AMENDMENTS TO  
PETROLEUM (PIPE-LINES) ACT (CHAPTER 45)**

**Insertion of new Part heading into Chapter 45**

1. The Petroleum (Pipe-Lines) Act, in this Schedule referred to as the Act, is amended by inserting the following new Part heading immediately before section 1 —

**“PART 1  
PRELIMINARY”**

**Insertion of new section 1A**

2. The Act is amended by inserting the following new section immediately after section 1 —

**“Application of Act**

1A. (1) Where no initial or terminal point of a pipe-line is situated in Brunei Darussalam or the territorial waters of Brunei Darussalam or such other areas His Majesty the Sultan and Yang Di-Pertuan in Council may designate by order in writing, the pipe-line shall be disregarded for the purposes of this Act.

(2) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by order in writing provide that specified provisions of this Act apply, subject to such modifications (if any) as are specified, to the whole or any part of a pipe-line of a kind mentioned in subsection (1).

(3) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by order in writing provide that specified provisions of this Act do not apply to a pipe-line of a specified kind or does not apply to such a pipe-line while any specified condition is satisfied.

(4) In this section, “specified” means specified in the order made under subsections (2) and (3)”.

**Substitution of section 2**

3. Section 2 of the Act is repealed and the following new section substituted therefor —

**“Interpretation**

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

“appointed day” means the date appointed under section 1(1) of the Petroleum Authority of Brunei Darussalam Order, 2019 as the date of commencement of that Order;

“Authority” means the Petroleum Authority of Brunei Darussalam established by section 3 of the Petroleum Authority of Brunei Darussalam Order, 2019;

“controlled pipe-line” means so much of any pipe-line as is in, under or over controlled waters and for which a permission for its construction or use is required pursuant to section 15A;

“controlled waters” means the territorial waters of Brunei Darussalam or such other areas as His Majesty the Sultan and Yang Di-Pertuan in Council may designate by order under section 1A(1);

“construct”, in relation to a pipe-line, includes to lay and connect;

“contractor” has the same meaning as in the Petroleum Authority of Brunei Darussalam Order, 2019;

“heard” means heard on behalf of the Authority by a person appointed by the Authority for the purpose;

“holder”, in relation to a permission, means the person to whom the permission was issued;

“Minister” means the Minister responsible for petroleum pipe-lines matters;

“notice” means notice in writing;

“onshore pipe-line” means a pipe-line to be constructed, or to be used, on, under or over any land in Brunei Darussalam and for which a permission for such construction or use is required pursuant to section 3;

“permission” means a permission required by section 3 or section 15A;

“permitted substances” means the things which may be conveyed by the onshore pipe-line or the controlled pipe-line, as the case may be, in accordance with a permission (or, if no permission for the use of the pipe-line is required by section 3(1) or section 15A(a), as the case may be, means the things which the pipe-line is designed to convey);

“person” includes a corporation, whether aggregate or sole;

“petroleum” means petroleum as defined in the Petroleum Mining Act (Chapter 44) and includes petroleum products;

“petroleum mining Agreement” has the same meaning as in the Petroleum Mining Act (Chapter 44);

“petroleum product” means petroleum that has undergone any processing or refining;

“pipe-line”, in relation to an application for a works permission, means the proposed pipe-line in respect of which the application is made;

“public road” means any highway by land whether for foot, bridle or wheeled traffic which is maintained out of public funds or is open for public use;

“State Party” has the same meaning as in the Petroleum Mining Act (Chapter 44);

“works permission” means a permission —

(a) for works for the construction or use of onshore pipeline referred to in section 3(1); or

(b) for works for the construction or use of controlled pipe-line referred to in section 15A(a),

as the case may be.

(2) For the purposes of this Act, works at any place in, on or under or over, land in Brunei Darussalam or any controlled waters for the purpose of determining whether the place is suitable as part of the site of a proposed pipe-line and the carrying out of surveying operations for the purpose of settling the route of a proposed pipe-line are not works for the construction of a pipe-line.

(3) Any reference in this Act to a contravention of a provision of this Act or regulations made thereunder or directions given under this Act includes a reference to a failure to comply with that provision”.

#### **Insertion of new sections 2A, 2B and 2C**

4. The Act is amended by inserting the following three new sections immediately after section 2 —

##### **“Meaning of “owner”**

2A. (1) For the purposes of this Act, “owner” in relation to a pipe-line, and “proposed owner” in relation to a proposed pipe-line, means the person for the time being designated as the owner of the pipe-line, or as the proposed owner of the proposed pipe-line, as the case may be, by an order in writing made by the Authority.

(2) An order designating a person as the proposed owner of a proposed pipe-line may also provide for him to be designated as the owner of the pipe-line in question at a time determined by or under the order.

(3) Before designating a person under subsection (1) or (2), the Authority shall give the person an opportunity of being heard with respect to the matter.

(4) Where a person for the time being designated under subsection (1) or (2) requests the Authority in writing to cancel the designation, the Authority shall —

(a) consider the request; and

(b) if the Authority considers it appropriate to do so, give the person an opportunity of being heard in connection with the request.

**“Pipe-line” includes associated apparatus and works**

2B. (1) Except where the context otherwise requires, “pipe-line” includes any apparatus and works associated with a pipe or system of pipes comprised in such a pipe-line.

(2) For the purposes of this Act, the apparatus and works associated with a pipe or system of pipes comprised in such a pipe-line are —

(a) any apparatus for inducing or facilitating the flow of any thing through, or through a part of, the pipe or system;

(b) any apparatus for treating or cooling any thing which is to flow through, or through part of, the pipe or system;

(c) valves, valve chambers and similar works which are annexed to, or incorporated in the course of, the pipe or system;

(d) apparatus for supplying energy for the operation of any apparatus or works mentioned in paragraphs (a) to (c);

(e) apparatus for the transmission of information for the operation of the pipe or system;

(f) apparatus for the cathodic protection of the pipe or system;  
and

(g) any structure used or to be used solely for the support of a part of the pipe or system.

(3) The Authority may by order provide that a part of a pipe-line specified in the order shall be treated for the purposes of this Act, except this subsection, as a pipe-line.

**Authorised officers**

2C. (1) The Authority may appoint such number of authorised officers as may be necessary to assist the Authority in the administration of this Act.

(2) The Authority may make to, or in respect of, any person so appointed under subsection (1), such payments by way of remuneration or otherwise as the Authority determines with the approval of the Minister.”.

**Insertion of new Part heading**

5. The Act is amended by inserting the following new Part heading immediately before section 3 —

**“PART 2  
ONSHORE PIPE-LINES”**

**Amendment of section 3**

6. Section 3 of the Act is amended —

(a) by deleting the marginal note and by substituting “Permission required for construction or use of on-shore pipe-lines” therefor;

(b) by deleting subsection (1), and by substituting the following new subsection —

“[1] No person shall construct, or use, on or under or over any land in Brunei Darussalam (whether such land is or is not his property) any onshore pipelines, without prior permission granted in writing by the Authority.”;

(c) by deleting subsection (2) and by substituting the following new subsection —

“[2] Any person who wishes to obtain permission to construct an onshore pipe-line shall apply in writing to the Authority.”;

(d) in subsection (3), by inserting “onshore” immediately before “pipe-line” in the last second line and the last third line;

(e) in subsection (4) —

- (i) by deleting “His Majesty the Sultan and Yang Di-Pertuan in Council” from the first two lines and by substituting “The Authority” therefor;
- (ii) by deleting “he” from the third line and by substituting “the Authority” therefor;
- (iii) in paragraph (a), by inserting “onshore” immediately before “pipe-line”;
- (iv) in paragraph (b), by deleting “lay and connect any pipe-line” from the first line and by substituting “construct any onshore pipe-line on, under or” therefor.

**Insertion of new sections 3A, 3B, 3C, 3D, 3E and 3F**

7. The Act is amended by inserting the following six new sections immediately after section 3 —

**“Application of section 3B and Schedule 1**

**3A.** Section 3B and Schedule 1 apply only with respect to —

(a) any permission or application for a permission to use any onshore pipe-line the construction of which was begun on or after the appointed day; or

(b) any permission or application for a permission to construct any onshore pipe-line to be constructed on or after the appointed day.

**Issue and terms of permissions in respect of onshore pipe-lines**

**3B.** (1) Schedule 1 shall have effect with respect to onshore pipe-lines.

(2) The Authority shall not issue a permission under section 3(4) in respect of an onshore pipe-line to a person other than a body corporate.

(3) Any permission in respect of an onshore pipe-line may contain such terms as the Authority thinks appropriate including in particular terms as to —

(a) the duration of the permission, including the method of ascertaining its duration;

(b) the persons or class of persons who are authorised to execute the works in question or to use the onshore pipe-line, or are so

authorised, if the Authority consents to the execution of the works or the use of the onshore pipe-line by them;

(c) in the case of a works permission in respect of an onshore pipe-line —

- (i) the route of the onshore pipe-line;
- (ii) the boundaries within which any works may be executed in pursuance of the permission; and
- (iii) the design and capacity of the onshore pipe-line or of part of it;

(d) the permitted substances to be conveyed by the onshore pipe-line;

(e) the steps to be taken to ensure that funds are available to discharge any liability for damage attributable to the release or escape of any thing from the onshore pipe-line;

(f) the transactions relating to the onshore pipe-line which are not to be entered into, and the other things relating to the onshore pipe-line which are not to be done, without the approval of the Authority;

(g) the persons who may be permitted to acquire an interest in the onshore pipe-line and who may not be permitted to retain such an interest;

(h) the operation of the onshore pipe-line, including the methods by which it is to be operated and the persons by whom it may be operated;

(i) the information to be provided in respect of the onshore pipe-line; and

(j) the giving by the Authority, with respect to matters specified in the permission, of directions which shall have effect as terms of the permission.

(4) Unless the Authority considers that there are special circumstances by reason of which the duration of a permission in respect of an onshore pipe-line should be limited, a permission shall provide for its duration to be unlimited subject to the provisions of this Part.

(5) Subsection (6) applies where a works permission in respect of an onshore pipe-line contains a term (in this section referred to as the onshore pipe-line variation term) requiring that —

(a) the capacity of the onshore pipe-line to which it relates or of any part of the onshore pipe-line shall be greater than that proposed in the application for the permission; or

(b) any of the route of the onshore pipe-line shall be different from that so proposed.

(6) Where this subsection applies, the Authority may, subject to section 3D(6), serve a notice in accordance with subsection (7) on —

(a) the holder of the permission; and

(b) any other person who made representations to the Authority that the capacity should be greater than that proposed as mentioned in subsection (5) or that any of the route should be different from that so proposed.

(7) A notice under subsection (6) shall —

(a) specify the sums or the method of determining the sums which the Authority considers should be paid to the holder by the other person for the purpose of defraying so much of the cost of constructing the onshore pipe-line as is attributable to the onshore pipe-line variation term;

(b) require the other person to make, within a specified period, arrangements which the Authority considers are appropriate to ensure that those sums will be paid to the holder if he constructs the onshore pipe-line or a relevant part of it in accordance with the onshore pipe-line variation term or satisfies the Authority that he will so construct it;

(c) provide that the holder may, if those arrangements are not made by the other person within the specified period, elect in the specified manner that —

(i) the onshore pipe-line variation term shall have effect with such modifications as are specified with a view to eliminating the consequences of the representations of the other person; and

(ii) the provisions included in the notice, by virtue of paragraph (d), shall cease to have effect; and

(d) authorise the holder, if he satisfies the Authority that the onshore pipe-line or a relevant part of it has been or will be constructed in accordance with the onshore pipe-line variation term, to recover those sums from the other person.



(8) In subsection (7), “specified” means specified in the notice.

**Modification of onshore pipe-lines**

3C. (1) If in the case of an onshore pipe-line it appears to the Authority, on the application of a person other than the owner of the onshore pipe-line that —

(a) the capacity of the onshore pipe-line can and should be increased by modifying apparatus and works associated with the pipe-line; or

(b) the onshore pipe-line can and should be modified by installing in it a junction through which another pipe-line may be connected to the onshore pipe-line,

then, subject to section 3D(7), the Authority may, after giving the owner of the onshore pipe-line an opportunity of being heard about the matter, serve on the owner and the applicant a notice in accordance with subsection (2).

(2) A notice under subsection (1) shall —

(a) specify the modifications which the Authority considers should be made in consequence of the application;

(b) specify the sums or the method of determining the sums which the Authority considers should be paid to the owner by the applicant for the purpose of defraying the cost of the modifications;

(c) require the applicant to make, within the period specified for the purpose in the notice, arrangements which the Authority considers appropriate to secure that those sums will be paid to the owner if he carries out the modifications or satisfies the Authority that he will carry them out;

(d) require the owner, if the applicant makes those arrangements within that period, to carry out the modifications within a period specified for the purpose in the notice; and

(e) authorise the owner, if he satisfies the Authority that he has carried out or will carry out the modifications, to recover those sums from the applicant.

(3) References in subsections (1) and (2) to modifications include, in the case of modifications of any apparatus and works, references to changes in, substitutions for and additions to the apparatus and works.

(4) For the purposes of section 3(1), a notice under subsection (1) requiring a person to carry out modifications grants him permission to carry out the modifications, but Schedule 1 does not apply to such a notice.

(5) Notwithstanding the provisions of this section, any pipe-line or system of pipe-lines declared by the Authority pursuant to section 16 to be common carriers are excepted from the operation of this section.

**Acquisition of rights to use onshore pipe-lines**

**3D.** (1) Subsections (2) and (3) apply where a person makes an application to the Authority for a notice under this section securing to the applicant a right to convey, by an onshore pipe-line of which he is not the owner, quantities specified in the application of things which are of a kind so specified and which the onshore pipe-line is designed to convey.

(2) The Authority shall —

(a) give notice to the owner of the onshore pipe-line and the applicant that the Authority proposes to consider the application; and

(b) after the expiry of 21 days beginning with the date on which notice under paragraph (a) was served, but before considering the application, give them an opportunity of being heard with respect to the application.

(3) Where the Authority is satisfied that, if the Authority served a notice under this section, the onshore pipe-line in question could be operated in accordance with the notice without prejudicing its efficient operation for the purpose of conveying, on behalf of its owner, the quantities of permitted substances which the owner requires or may reasonably be expected to require, the Authority may serve such a notice on the owner and the applicant.

(4) A notice under this section may contain such provisions as the Authority considers appropriate for any of the following purposes —

(a) to secure to the applicant, without prejudicing the efficient operation of the onshore pipe-line for the purpose mentioned in subsection (3), the right to convey by the onshore pipe-line the quantities specified in the application of the things so specified;

(b) to secure that the exercise of the right is not prevented or impeded;

(c) to regulate the charges which may be made for the conveyance of things by virtue of the right; and

(d) to secure to the applicant the right to have a pipe-line he owns to be connected to the onshore pipe-line by the applicant or owner.

(5) Such a notice may also authorise the owner to recover from the applicant payments by way of consideration for any right mentioned in subsection (4)(a) or (d) of amounts specified in the notice or determined in accordance with the notice.

(6) Before serving a notice under section 3B(6) on a person other than the holder of the relevant permission, the Authority shall give that person an opportunity to make an application under subsection (1) in respect of the proposed onshore pipe-line to which the permission relates; and subsections (1) to (5) shall have effect for this purpose as if references to an onshore pipe-line and the owner of it were references to the proposed onshore pipe-line and the proposed owner of it.

(7) Before serving a notice under section 3C(1) on a person other than the owner of the relevant onshore pipe-line, the Authority shall give that person particulars of the modifications which the Authority proposes to specify in the notice and an opportunity to make an application under subsection (1) in respect of the onshore pipe-line; and subsections (1) to (5) shall have effect for this purpose as if references to an onshore pipe-line were references to the onshore pipe-line as it would be with those modifications.

(8) The use of an onshore pipe-line by any person in accordance with a right secured to him by virtue of this section is not a contravention of section 3(1); but a person to whom a right is so secured may not assign the right to any other person.

(9) This section does not apply to any pipe-line or system of pipe-lines declared by the Authority pursuant to section 16 to be common carriers, and such pipe-lines are excepted from the operation of this section.

#### **Expiry of permissions in respect of onshore pipe-lines**

3E. (1) A permission in respect of an onshore pipe-line shall cease to be in force at the earliest of the following —

(a) where the duration of the permission is not expressed to be unlimited, the time at which that duration expires as specified by or ascertained under the terms of the permission;

(b) the time (if any) agreed in writing by the holder and the Authority as the time at which the permission is to cease to be in force; and

(c) the time specified in a notice under subsection (2) or (6).

(2) If it appears to the Authority that the execution of works authorised by a works permission in respect of an onshore pipe-line has not begun at the expiry of the period specified in subsection (3), the Authority shall serve on the holder a notice stating that the permission is to cease to be in force at a time specified in the notice.

(3) The period referred to in subsection (2) is —

(a) the period of 3 years beginning with the date when the permission is expressed to come into force; or

(b) such longer period beginning with that date as the Authority has, on the application of the holder, specified in a notice served under this paragraph on the holder during the period mentioned in paragraph (a).

(4) For the purposes of subsection (2), the Authority shall disregard the execution of any of the works which the Authority considers should be disregarded for that purpose.

(5) The Authority shall not serve a notice under subsection (3)(b) unless —

(a) the Authority is satisfied that notice of the application under that provision has been served on —

(i) the persons on whom, in accordance with Schedule 1, notice of the application for the permission was served or such of them as the Authority considers appropriate in the circumstances; and

(ii) such other persons, if any, as the Authority considers appropriate in the circumstances; and

(b) the Authority has considered any written representation about the application under subsection (3)(b), made during such a period as the Authority considers reasonable, by any of the persons on whom notice of the application was served in accordance with paragraph (a).

(6) Subject to subsections (7) and (8), if the Authority considers that the holder of a permission in respect of an onshore pipe-line —

(a) has contravened a term of the permission; or

(b) has contravened any provision of a notice which, under section 3C or 3D, was served on him in his capacity as the owner of the

onshore pipe-line (or the proposed owner of the proposed onshore pipe-line) to which the permission relates,

the Authority may serve on the holder a notice stating that the permission is to cease to be in force at a time specified in the notice.

(7) The Authority shall not serve a notice under subsection (6) without first giving the holder of the permission an opportunity to make written representations to him.

(8) The Authority shall not serve a notice under subsection (6) in consequence of a contravention if the Authority considers that —

(a) having regard to the nature and consequences of the contravention and to any previous contravention, it would be unreasonable to terminate the permission in consequence of the contravention; and

(b) the holder has taken adequate steps to prevent similar contraventions in future.

(9) When a permission in respect of an onshore pipe-line ceases to be in force, the Authority shall publish in the *Gazette*, a notice stating that it has ceased to be in force.

#### **Vesting of onshore pipe-lines upon expiry of permission**

3F. (1) When a permission in respect of an onshore pipe-line ceases to be in force, the onshore pipe-line to which it relates shall, by virtue of this subsection, be transferred to and shall vest in the Authority free from encumbrances, except that nothing in this subsection prejudices —

(a) any interest belonging to the Government; or

(b) any right conferred by a notice relating to the onshore pipe-line under section 3D.

(2) Where the Authority proposes to issue a permission in respect of an onshore pipe-line to any person in respect of an onshore pipe-line vested in the Authority by virtue of subsection (1), the Authority may agree with that person, on terms which may include provision for that person to make payments to the Authority, that the permission is to include a statement that subsection (3) applies to the permission.

(3) Where a permission in respect of an onshore pipe-line includes such a statement, the onshore pipe-line to which the permission relates shall, by virtue of this subsection and at the time specified in the permission, be transferred to and shall vest in the holder of the permission subject to any

interest or right then subsisting in respect of the pipe-line by virtue of subsection (1)(a) or (b).”.

**Amendment of section 4**

**8. Section 4 of the Act is amended —**

(a) in the marginal note, by inserting “onshore” immediately before “pipe-line”;

(b) in subsection (1) —

(i) by deleting “pipe-line shall be used or laid and connected” and by substituting “onshore pipe-line shall be constructed or used” therefor;

(ii) by inserting “onshore” immediately before “pipe-line” wherever the word appears;

(iii) by deleting “Minister” from the third line and by substituting “Authority” therefor;

(iv) by deleting “oil” and by substituting “permitted substance” therefor;

(c) in subsection (3), by deleting “Minister” from the fourth line and by substituting “Authority” therefor.

**Amendment of section 5**

**9. Section 5 of the Act is amended by inserting “onshore” immediately before “pipe-line” in the first line and the last line.**

**Amendment of section 6**

**10. Section 6 of the Act is amended —**

(a) in the marginal note, by deleting “lay pipe-line” and by substituting “construct onshore pipe-line” therefor;

(b) by inserting “onshore” immediately before “pipe-lines” wherever the word appears.

**Amendment of section 7**

11. Section 7 of the Act is amended —

(a) by deleting “lay pipe-lines” from the second line and by substituting “construction” therefor;

(b) by inserting “onshore” immediately before “pipe-lines” in the third line.

**Amendment of section 8**

12. Section 8 of the Act is amended by deleting “Minister” from the fourth line and the last line and by substituting “Authority” therefor.

**Amendment of section 9**

13. Section 9 of the Act is amended —

(a) in subsection (1), by deleting “lay pipe-lines” and by substituting “construct onshore pipe-line” therefor;

(b) in subsection (2) —

(i) by deleting “Minister” from the second line and by substituting “Authority” therefor;

(ii) by deleting “lay pipe-lines” and by substituting “construct onshore pipe-line” therefor;

(iii) in paragraph (i), by inserting “onshore” immediately before “pipe-lines”;

(c) in subsection (3) —

(i) in paragraph (a), by deleting “lay pipe-lines” and by substituting “construct onshore pipe-line” therefor;

(ii) in paragraph (b) —

(A) by deleting “Minister” from the fifth line and by substituting “Authority” therefor;

(B) by inserting “onshore” immediately before “pipe-line” in the last line;

- (iii) in paragraph (c), by deleting “lay pipe-lines” and by substituting “construct onshore pipe-line” therefor.

**Amendment of section 10**

14. Section 10 of the Act is amended —

(a) by deleting “Minister” from the second line and the sixth line and by substituting “Authority” therefor;

(b) by deleting “him” from the second line and by substituting “the Authority” therefor;

(c) by deleting “his discretion and he” from the last two lines and by substituting “the discretion of the Authority and the Authority” therefor.

**Amendment of section 11**

15. Section 11 of the Act is amended by deleting “Minister” from the first line and by substituting “Authority” therefor.

**Amendment of section 12**

16. Section 12 of the Act is amended by deleting “seem” from the last line and by substituting “thinks” therefor.

**Amendment of section 13**

17. Section 13 of the Act is amended —

(a) in the marginal note, by inserting “onshore” immediately before “pipes”;

(b) in subsection (1) —

(i) by deleting “pipe-lines have been laid” from the first line and the sixth line and by substituting “onshore pipe-lines have been constructed” therefor;

(ii) by inserting “onshore” immediately before “pipe-lines” in the third line and the last second line;

(c) in subsection (2), by inserting “onshore” immediately before “pipe-lines” in the first line.



**Amendment of section 14**

18. Section 14 of the Act is amended —

*(a)* in the marginal note, by inserting “onshore” immediately before “pipe-lines”;

*(b)* by deleting “a” from the second line and by substituting “an onshore” therefor;

*(c)* by inserting “onshore” immediately before “pipe-line” in the last second line;

*(d)* by deleting “laying and connecting” from the last third line and by substituting “constructing” therefor.

**Amendment of section 15**

19. Section 15 of the Act is amended —

*(a)* in the marginal note, by deleting “pipes to make” and by substituting “onshore pipe-lines to pay” therefor;

*(b)* by deleting “a” from the second line and by substituting “an onshore” therefor;

*(c)* in the proviso, by deleting “pipe-lines make tender of sufficient amends” from the second line and by substituting “the onshore pipe-lines pays compensation” therefor.

**Insertion of new Part 3**

20. The Act is amended by inserting the following new Part immediately after section 15 —

**“PART 3  
CONTROLLED PIPE-LINES”**

**Permission required for construction or use of controlled pipe-lines**

15A. No person shall —

*(a)* execute in, under or over any controlled waters any works for the construction of a controlled pipe-line; or

*(b)* use the construction of a controlled pipe-line,

without prior permission granted in writing by the Authority.

**Issue and terms of permissions in respect of controlled pipe-lines**

15B. (1) Schedule 2 shall have effect with respect to controlled pipe-lines.

(2) The Authority shall not issue a works permission under paragraph 7(2) in Schedule 1 in respect of a controlled pipe-line to a person other than a body corporate.

(3) Any permission in respect of a controlled pipe-line may contain such terms as the Authority thinks appropriate including in particular terms as to —

(a) the duration of the permission, including the method of ascertaining its duration;

(b) the persons or class of persons who are authorised to execute the works in question or to use the controlled pipe-line, or are so authorised, if the Authority consents to the execution of the works or the use of the controlled pipe-line by them;

(c) in the case of a works permission in respect of a controlled pipe-line —

(i) the route of the controlled pipe-line;

(ii) the boundaries within which any works may be executed in pursuance of the permission;

(iii) the design and capacity of the controlled pipe-line or of part of it; and

(iv) the steps to be taken to avoid or reduce interference by the controlled pipe-line with fishing or with other activities connected with the sea or the sea bed or subsoil;

(d) the permitted substances to be conveyed by the controlled pipe-line;

(e) the steps to be taken to ensure that funds are available to discharge any liability for damage attributable to the release or escape of any thing from the controlled pipe-line;

(f) the transactions relating to the controlled pipe-line which are not to be entered into, and the other things relating to the controlled

pipe-line which are not to be done, without the approval of the Authority;

(g) the persons who may be permitted to acquire an interest in the controlled pipe-line and who may not be permitted to retain such an interest;

(h) the operation of the controlled pipe-line, including the methods by which it is to be operated and the persons by whom it may be operated;

(i) the information to be provided in respect of the controlled pipe-line; and

(j) the giving by the Authority, with respect to matters specified in the permission, of directions which shall have effect as terms of the permission.

(4) Unless the Authority considers that there are special circumstances by reason of which the duration of a permission in respect of a controlled pipe-line should be limited, a permission shall provide for its duration to be unlimited subject to the provisions of this Part.

(5) Subsection (6) applies where a works permission in respect of a controlled pipe-line contains a term (in this section referred to as the controlled pipe-line variation term) requiring that —

(a) the capacity of the controlled pipe-line to which it relates or of any part of the controlled pipe-line shall be greater than that proposed in the application for the permission; or

(b) any of the route of the controlled pipe-line shall be different from that so proposed.

(6) Where this subsection applies, the Authority may, subject to section 15D(6), serve a notice in accordance with subsection (7) on —

(a) the holder of the permission; and

(b) any other person who made representations to the Authority that the capacity should be greater than that proposed as mentioned in subsection (5) or that any of the route should be different from that so proposed.

(7) A notice under subsection (6) shall —

(a) specify the sums or the method of determining the sums which the Authority considers should be paid to the holder by the other person for the purpose of defraying so much of the cost of constructing the controlled pipe-line as is attributable to the controlled pipe-line variation term;

(b) require the other person to make, within a specified period, arrangements which the Authority considers are appropriate to ensure that those sums will be paid to the holder if he constructs the controlled pipe-line or a relevant part of it in accordance with the controlled pipe-line variation term or satisfies the Authority that he will so construct it;

(c) provide that the holder may, if those arrangements are not made by the other person within the specified period, elect in the specified manner that —

(i) the controlled pipe-line variation term shall have effect with such modifications as are specified with a view to eliminating the consequences of the representations of the other person; and

(ii) the provisions included in the notice, by virtue of paragraph (d), shall cease to have effect; and

(d) authorise the holder, if he satisfies the Authority that the controlled pipe-line or a relevant part of it has been or will be constructed in accordance with the controlled pipe-line variation term, to recover those sums from the other person.

(8) In subsection [7], “specified” means specified in the notice.

#### **Modification of controlled pipe-lines**

15C. (1) If in the case of a controlled pipe-line it appears to the Authority, on the application of a person other than the owner of the controlled pipe-line that —

(a) the capacity of the controlled pipe-line can and should be increased by modifying apparatus and works associated with the controlled pipe-line; or

(b) the controlled pipe-line can and should be modified by installing in it a junction through which another pipe-line may be connected to the controlled pipe-line,

then, subject to section 15D(7), the Authority may, after giving the owner of the controlled pipe-line an opportunity of being heard about the matter, serve on the owner and the applicant a notice in accordance with subsection (2).

(2) A notice under subsection (1) shall —

*(a)* specify the modifications which the Authority considers should be made in consequence of the application;

*(b)* specify the sums or the method of determining the sums which the Authority considers should be paid to the owner by the applicant for the purpose of defraying the cost of the modifications;

*(c)* require the applicant to make, within the period specified for the purpose in the notice, arrangements which the Authority considers appropriate to secure that those sums will be paid to the owner if he carries out the modifications or satisfies the Authority that he will carry them out;

*(d)* require the owner, if the applicant makes those arrangements within that period, to carry out the modifications within a period specified for the purpose in the notice; and

*(e)* authorise the owner, if he satisfies the Authority that he has carried out or will carry out the modifications, to recover those sums from the applicant.

(3) References in subsections (1) and (2) to modifications include, in the case of modifications of any apparatus and works, references to changes in, substitutions for and additions to the apparatus and works.

(4) For the purposes of section 3(1), a notice under subsection (1) requiring a person to carry out modifications grants him permission to carry out the modifications, but Schedule 2 does not apply to such a notice.

(5) Notwithstanding the provisions of this section, any pipe-line or system of pipe-lines declared by the Authority pursuant to section 16 to be common carriers are excepted from the operation of this section.

#### **Acquisition of rights to use controlled pipe-lines**

15D. (1) Subsections (2) and (3) apply where a person makes an application to the Authority for a notice under this section securing to the applicant a right to convey, by a controlled pipe-line of which he is not the owner, quantities specified in the application of things which are of a kind so specified and which the controlled pipe-line is designed to convey.

(2) The Authority shall —

*(a)* give notice to the owner of the controlled pipe-line and the applicant that the Authority proposes to consider the application; and

*(b)* after the expiry of 21 days beginning with the date on which notice under paragraph *(a)* was served, but before considering the application, give them an opportunity of being heard with respect to the application.

(3) Where the Authority is satisfied that, if the Authority served a notice under this section, the controlled pipe-line in question could be operated in accordance with the notice without prejudicing its efficient operation for the purpose of conveying, on behalf of its owner, the quantities of permitted substances which the owner requires or may reasonably be expected to require, the Authority may serve such a notice on the owner and the applicant.

(4) A notice under this section may contain such provisions as the Authority considers appropriate for any of the following purposes —

*(a)* to secure to the applicant, without prejudicing the efficient operation of the controlled pipe-line for the purpose mentioned in subsection (3), the right to convey by the controlled pipe-line the quantities specified in the application of the things so specified;

*(b)* to secure that the exercise of the right is not prevented or impeded;

*(c)* to regulate the charges which may be made for the conveyance of things by virtue of the right; and

*(d)* to secure to the applicant the right to have a controlled pipe-line he owns to be connected to the controlled pipe-line by the applicant or owner.

(5) Such a notice may also authorise the owner to recover from the applicant payments by way of consideration for any right mentioned in subsection (4)*(a)* or *(d)* of amounts specified in the notice or determined in accordance with the notice.

(6) Before serving a notice under section 15B(6) on a person other than the holder of the relevant permission, the Authority shall give that person an opportunity to make an application under subsection (1) in respect of the proposed controlled pipe-line to which the permission relates; and subsections (1) to (5) shall have effect for this purpose as if references to a

controlled pipe-line and the owner of it were references to the proposed controlled pipe-line and the proposed owner of it.

(7) Before serving a notice under section 15C(1) on a person other than the owner of the relevant controlled pipe-line, the Authority shall give that person particulars of the modifications which the Authority proposes to specify in the notice and an opportunity to make an application under subsection (1) in respect of the controlled pipe-line; and subsections (1) to (5) shall have effect for this purpose as if references to an controlled pipe-line were references to the controlled pipe-line as it would be with those modifications.

(8) The use of a controlled pipe-line by any person in accordance with a right secured to him by virtue of this section is not a contravention of section 15A; but a person to whom a right is so secured may not assign the right to any other person.

(9) This section does not apply to any pipe-line or system of pipe-lines declared by the Authority pursuant to section 16 to be common carriers, and such pipe-lines are excepted from the operation of this section.

**Expiry of permissions in respect of controlled pipe-lines**

15E. (1) A permission in respect of a controlled pipe-line shall cease to be in force at the earliest of the following —

(a) where the duration of the permission is not expressed to be unlimited, the time at which that duration expires as specified by or ascertained under the terms of the permission;

(b) the time (if any) agreed in writing by the holder and the Authority as the time at which the permission is to cease to be in force; and

(c) the time specified in a notice under subsection (2) or (6).

(2) If it appears to the Authority that the execution of works authorised by a works permission in respect of a controlled pipe-line has not begun at the expiry of the period specified in subsection (3), the Authority shall serve on the holder a notice stating that the permission is to cease to be in force at a time specified in the notice.

(3) The period referred to in subsection (2) is —

(a) the period of 3 years beginning with the date when the permission is expressed to come into force; or

*(b)* such longer period beginning with that date as the Authority has, on the application of the holder, specified in a notice served under this paragraph on the holder during the period mentioned in paragraph *(a)*.

(4) For the purposes of subsection (2), the Authority shall disregard the execution of any of the works which the Authority considers should be disregarded for that purpose.

(5) The Authority shall not serve a notice under subsection (3)*(b)* unless —

*(a)* the Authority is satisfied that notice of the application under that provision has been served on —

- (i) the persons on whom, in accordance with Schedule 2, notice of the application for the permission was served or such of them as the Authority considers appropriate in the circumstances; and
- (ii) such other persons, if any, as the Authority considers appropriate in the circumstances; and

*(b)* the Authority has considered any written representation about the application under subsection (3)*(b)* made during such a period as the Authority considers reasonable by any of the persons on whom notice of the application was served in accordance with paragraph *(a)*.

(6) Subject to subsections (7) and (8), if the Authority considers that the holder of a permission in respect of a controlled pipe-line —

*(a)* has contravened a term of the permission; or

*(b)* has contravened any provision of a notice which, under section 15C or 15D, was served on him in his capacity as the owner of the controlled pipe-line (or the proposed owner of the proposed controlled pipe-line) to which the permission relates,

the Authority may serve on the holder a notice stating that the permission is to cease to be in force at a time specified in the notice.

(7) The Authority shall not serve a notice under subsection (6) without first giving the holder of the permission an opportunity to make written representations to him.

(8) The Authority shall not serve a notice under subsection (6) in consequence of a contravention if the Authority considers that —



(a) having regard to the nature and consequences of the contravention and to any previous contravention, it would be unreasonable to terminate the permission in consequence of the contravention; and

(b) the holder has taken adequate steps to prevent similar contraventions in future.

(9) When a permission in respect of a controlled pipe-line ceases to be in force, the Authority shall publish in the *Gazette*, a notice stating that it has ceased to be in force.

**Vesting of controlled pipe-lines upon expiry of permission**

15F. (1) When a permission in respect of a controlled pipe-line ceases to be in force, the controlled pipe-line to which it relates shall, by virtue of this subsection, be transferred to and shall vest in the Authority free from encumbrances, except that nothing in this subsection prejudices —

(a) any interest belonging to the Government; or

(b) any right conferred by a notice relating to the controlled pipe-line under section 15D.

(2) Where the Authority proposes to issue a permission in respect of a controlled pipe-line to any person in respect of a controlled pipe-line vested in the Authority by virtue of subsection (1), the Authority may agree with that person, on terms which may include provision for that person to make payments to the Authority, that the permission is to include a statement that subsection (3) applies to the permission.

(3) Where a permission in respect of a controlled pipe-line includes such a statement, the controlled pipe-line to which the permission relates shall, by virtue of this subsection and at the time specified in the permission, be transferred to and shall vest in the holder of the permission subject to any interest or right then subsisting in respect of the pipe-line by virtue of subsection (1)(a) or (b).”.

**Insertion of new Part heading**

21. The Act is amended by inserting the following new Part heading immediately before section 16 —

**“PART 4  
GENERAL”.**

**Amendment of section 16**

22. Section 16 of the Act is amended —

(a) by deleting “His Majesty in Council” and by substituting “the Authority” wherever those words appear;

(b) by deleting “rules and” from the sixth line;

(c) in the first proviso —

(i) by deleting “Minister” from the fifth line and the ninth line and by substituting “Authority” therefor;

(ii) by deleting “rules and” from the last second line.

**Amendment of section 17**

23. Section 17 of the Act is amended —

(a) by deleting the marginal note and by substituting “Regulations in respect of pipe-lines declared to be common carriers” therefor;

(b) by deleting “rules and” from the first line;

(c) by deleting “oil” from the fourth line and the fifth line and by substituting “permitted substances” therefor;

(d) by deleting “rule or” from the seventh line;

(e) by deleting “His Majesty in Council, and his successors” from the last seventh line and by substituting “the Authority” therefor;

(f) by deleting “His Majesty in Council” from the last fifth and sixth lines and by substituting “the Authority” therefor;

(g) by deleting “rules or” from the last second and third lines.

**Amendment of section 18**

24. Section 18 of the Act is amended —

(a) by deleting “His Majesty in Council” from the first line and by substituting “the Authority” therefor;

(b) by deleting “lay and connect” from the second line and by substituting “construct” therefor;

(c) by deleting “to him seem” from the third and fourth lines and by substituting “the Authority thinks” therefor;

(d) by deleting “lay” from the fifth line and by substituting “construct” therefor.

**Addition of new sections 19 to 24**

25. The Act is amended by adding the following five new sections —

**“Offences and penalties**

19. (1) Any person who —

(a) contravenes any provision of section 3(1) or section 15A;

(b) contravenes any provision of a notice under section 3C or 3D served on him in his capacity as the owner of the onshore pipe-line to which the notice relates in a case where no permission for the use of the pipe-line is required by section 3(1);

(c) contravenes any provision of a notice under section 15C or 15D served on him in his capacity as the owner of the controlled pipe-line to which the notice relates in a case where no permission for the use of the controlled pipe-line is required by section 15A; or

(d) makes a statement which he knows is false in a material particular, or recklessly makes a statement which is false in a material particular, for the purpose of inducing the Authority —

(i) to issue any permission;

(ii) to agree under section 3E(1)(b) or section 15E(1)(b) that a permission is to cease to be in force;

(iii) to specify a period under section 3E(3)(b) or section 15E(3)(b); or

(iv) not to serve a notice under section 3E(6) or section 15E(6),

is guilty of an offence and liable on conviction to a fine not exceeding \$20,000, imprisonment for a term not exceeding 3 months or both and, in the

case of a subsequent conviction, to a fine not exceeding \$50,000, imprisonment for a term not exceeding 6 months or both.

(2) If a person executes any works in contravention of section 3(1) or section 15A, the Authority may at any time serve on him a notice requiring him to remove such of the works as are specified in the notice as works to be removed.

(3) The recipient of a notice under subsection (2) shall comply with the notice within the period specified in the notice; and if he fails to do so the Authority may remove such of the works as are specified in the notice on his behalf and recover from him any expenses reasonably incurred in doing so.

(4) If a person executes any works in contravention of section 3(1) or section 15A and the Authority considers that it is urgently necessary to do such things in relation to the works as the Authority could have required that person to do by a notice under subsection (2), the Authority may do those things and recover from that person any expenses reasonably incurred in doing so.

(5) The fact that anything is done or omitted —

(a) by the recipient of a notice under subsection (2) for the purpose of complying with the notice; or

(b) by the Authority under subsection (3) or (4),

shall not relieve him from liability for any damage which is attributable to the act or omission and for which he would have been liable had the act or omission not been authorised by this section; but the Authority shall be entitled to recover from the person who executed the works in question the amount of any damages which, in consequence of the works, are paid by the Authority by virtue of this subsection.

### **Criminal proceedings**

20. (1) In any proceedings for an offence under section 19(1) or regulations made under this Act, an averment in the information, complaint or indictment that anything was done or situated in Brunei Darussalam shall, unless the contrary is proved, be sufficient evidence of the matter stated in the averment.

(2) In any proceedings for —

(a) an offence under section 19(1)(a) of executing works or using a pipe-line otherwise than in accordance with the terms of the relevant permission; or

(b) an offence under section 19(1)(b) of contravening any provision of a notice,

it shall be a defence to prove that the accused used all due diligence to comply with those terms or with that provision, as the case may be.

**Offences by bodies of persons**

21. (1) Where an offence against this Act has been committed by a body corporate, a partnership or unincorporated association of persons, any person who at the time of the commission of the offence was a director, manager, partner, secretary or other similar officer, or was purporting to act in such capacity is guilty of that offence unless he proves that —

(a) the offence was committed without his consent or connivance; and

(b) he had exercised all such diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his functions in that capacity and to all the circumstances.

(2) In subsection (1), in relation to a body corporate which —

(a) is established by or under any written law for the purpose of carrying on, under public ownership, any industry or part of an industry or undertaking; and

(b) is a body whose affairs are managed by its members,

“director” means a member of the body corporate.

(3) Where an offence against this Order is committed by any person acting as an agent or servant of another person, or being otherwise subject to the supervision or instruction of another person for the purposes of any employment in the course of which the offence was committed, that other person, without prejudice to the liability of the first-mentioned person, is liable under this Order in the same manner and to the same extent as if he had personally committed the offence if it is proved that the act which constituted the offence was committed with his consent or connivance or that it was attributable to any neglect on his part.

**Service of documents etc.**

22. (1) Any document required or authorised by this Act to be given to or served on any person may be given or served either by delivering it to that person, or by leaving it at his proper address, or by the recorded delivery service.

(2) Any such document required or authorised to be given to or served on an authority or body being a corporation shall be duly given or served if it is given to or served on the secretary or clerk of the authority or body.

(3) For the purposes of this section, the proper address of any person to or on whom any such document is to be given or served shall, in the case of the secretary or clerk of a corporation, be that of the registered or principal office of the corporation, and in any other case, be the last-known address of the person to be served:

Provided that, where the person to or on whom the document is to be given or served has, in accordance with arrangements agreed or in accordance with this Act, furnished an address for the giving or service of the document, being an address in Brunei Darussalam, his proper address for such purposes shall be the address furnished.

#### **Relation to other laws**

23. Except so far as this Act otherwise expressly provides, nothing in this Act —

*(a)* confers a right of action in any civil proceedings (other than proceedings for recovery of a fine) in respect of any contravention of this Act or regulations made thereunder;

*(b)* affects any restriction imposed by or under any other written laws; or

*(c)* derogates from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under this Act.

#### **Certain sections not to apply with respect to certain petroleum mining Agreements**

24. (1) Notwithstanding any other provisions in this Act, sections 1A, 1C and 2B, sections 3A to 3F, sections 15A to 15F, and sections 19, 20 and 23 do not apply to any thing to be done or permitted to be done by any contractor pursuant to the terms of any petroleum mining Agreement entered into by such contractor with any State Party prior to the appointed day and nothing in sections 1A, 1C and 2B, sections 3A to 3F, sections 15A to 15F, and sections 19, 20 and 23 shall adversely affect the rights of such contractor under such petroleum mining Agreement:

Provided that sections 1A, 1C and 2B, sections 3A to 3F, sections 15A to 15F, and sections 19, 20 and 23 apply with respect to —

(a) any petroleum mining Agreement entered into by a contractor with a State Party on or after the appointed day, including, without limitation, any petroleum mining Agreement entered into by a contractor with a State Party as a consequence of or pursuant to any of the terms of any petroleum mining Agreement made prior to the appointed day (including without limitation any terms relating to or providing for the surrender or variation of any area over which any rights may have been granted under such petroleum mining Agreement);

(b) any petroleum mining Agreement made prior to the appointed day where the duration or term for which rights are granted to a contractor under such petroleum mining Agreement is extended or renewed in any way whatsoever after the appointed day and for any reason whatsoever but only with respect to such extended or renewed term.

(2) If any question arises as to whether any particular petroleum mining Agreement falls within the category of petroleum mining Agreements mentioned in subsection (1)(a) or (b) and accordingly whether sections 1A, 1C and 2B, sections 3A to 3F, sections 15A to 15F, and sections 19, 20 and 23 apply with respect to such petroleum mining Agreement, a certificate given at any time under the hand of the Minister as to whether such petroleum mining Agreement falls within the category of petroleum mining Agreements mentioned in subsection (1)(a) or (b) and whether sections 1A, 1C and 2B, sections 3A to 3F, sections 15A to 15F, and sections 19, 20 and 23 apply with respect to such petroleum mining Agreement shall be conclusive evidence of the same.

### Regulations

25. (1) The Minister may, with the 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 Act, including the prescription of fees and of any other thing required to be or which may be prescribed under this Act, and for the due administration therefor.

(2) Without prejudice to subsection (1), the Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make regulations with respect to —

(a) the powers and duties of —

- (i) authorised officers appointed under section 2C;
- (ii) any other persons acting on the directions of the Authority in connection with the execution of this Act;

*(b)* the facilities to be accorded to such authorised officers and other persons;

*(c)* the manner in which an application for a works permission in respect of an onshore pipe-line and controlled pipe-line is to be made;

*(d)* the information to be included in or provided, and the payment of fees, in connection with an application for such work permission; and

*(e)* payment of fees in respect of consents and certificates.

(3) In making regulations under subsection (1), the Minister shall have regard to the extent of the jurisdiction which belongs to Brunei Darussalam under international law.

(4) Any regulations under this Act may provide for the creation of offences which are punishable on conviction by a fine not exceeding \$20,000, imprisonment for a term not exceeding 2 years or both.

(5) Regulations under this Act —

*(a)* may be limited so as to apply only in prescribed cases or may exclude prescribed cases from the application of the regulations; and

*(b)* may provide for a case to be excluded from the application of the regulations only so long as the conditions specified in the regulations are satisfied.

(6) Any order or regulations under this Act —

*(a)* may make different provisions for different circumstances; and

*(b)* may include such incidental, savings, transitional provisions and other consequential provisions as the Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, considers appropriate in connection with the order or regulations.”.

#### **Addition of new Schedules 1 and 2**

26. The Act is amended by adding the following two new Schedules —



“SCHEDULE 1  
(section 3A)

APPLICATIONS FOR AND ISSUE OF PERMISSIONS  
IN RESPECT OF ONSHORE PIPE-LINES

PART 1

WORKS PERMISSIONS IN RESPECT OF ONSHORE PIPE-LINES

1. The Authority shall, on receiving an application for a works permission in respect of an onshore pipe-line —

(a) decide whether the application is to be considered further or rejected; and

(b) serve notice of the Authority's decision on the applicant and —

(i) in the case of a decision that the application is to be considered further, shall give the applicant such directions with respect to the application as the Authority considers appropriate for the purposes of paragraph 2; and

(ii) in the case of a decision to reject the application, shall include in the notice a statement of the reasons for the decision except any reason which in the opinion of the Authority it would be against the national interest to state.

2. Where the Authority serves on an applicant notice under paragraph 1 that the application is to be considered further, the applicant shall —

(a) publish, in such manner as the Authority directs, a notice which —

(i) contains such particulars of the application as the Authority directs;

(ii) states that representations with respect to the application may be made in writing to the Authority within the period of 28 days beginning with the date on which the notice is first published in accordance with this paragraph or within such longer period beginning with that date as is specified in the notice in accordance with a direction of the Authority; and

(iii) states where the map mentioned in sub-paragraph (b) may be inspected during the period specified in the notice under paragraph (ii);

(b) secure that a map of such scale and containing such particulars as the Authority directs is available for inspection by the public free of charge from 10 a.m. to 4 p.m. on each weekday during the period so specified; and

(c) serve a copy of the notice on such persons as the Authority directs,

and the Authority shall defer the Authority's further consideration of the application until the Authority is satisfied that the applicant has complied with this paragraph.

3. (1) This paragraph applies where the Authority decides that an application for a works permission in respect of an onshore pipe-line is to be considered further and is of the opinion, either on the Authority's own initiative (except in relation to the purpose mentioned in paragraph 5(b)) or in consequence of representations made to the Authority by the applicant or any other person that —

(a) the route proposed for the onshore pipe-line or part of it in the application ought to be altered in a particular manner for any of the purposes mentioned in paragraph 6; or

(b) the capacity proposed for the onshore pipe-line or part of it in the application ought to be increased for any of the purposes mentioned in paragraph 5(b) or (d).

(2) Where this paragraph applies, the Authority shall, before deciding whether to grant a permission in respect of an onshore pipe-line in consequence of the application, serve notice of the Authority's opinion on —

(a) the applicant; and

(b) where the opinions relates to an alteration of the route proposed for the onshore pipe-line or part of it —

(i) any persons whom the Authority considers are likely to be affected by the alteration; or

(ii) any person appearing to the Authority to represent such person.

(3) In any notice of the Authority's opinion served under this paragraph, the Authority shall state the reasons for the Authority's opinion except any reason which the Authority considers that it would be against the national interest to state.

4. (1) Where under paragraph 3 the Authority serves on the applicant notice of the Authority's opinion, the Authority shall give him an opportunity of being heard with respect to the opinion; and where the applicant is heard, the Authority may give such other persons, if any, as the Authority thinks fit an opportunity to be heard at the hearing.

(2) Where under paragraph 3 the Authority serves on any person other than the applicant notice of the Authority's opinion, the Authority shall state in the notice that representations in writing with respect to the opinion may be made to the Authority within a period specified in the notice.

5. The purposes referred to in paragraph 3(1) are —

(a) to avoid or reduce danger to some structure or apparatus (which may be the onshore pipe-line) or to flora or fauna;

(b) to facilitate the use of the onshore pipe-line by persons other than the applicant where it appears to the Authority that such persons desire to use the pipe-line;

(c) to avoid or reduce interference with the exploitation of mineral resources; and

(d) any other purpose which the Authority considers proper.

6. Where the Authority —

(a) is satisfied that an applicant for a works permission in respect of an onshore pipe-line has complied with paragraph 2; and

(b) has considered any representation relating to the application which were made to the Authority —

(i) within the period specified in the notice published in respect of the application under paragraph 2(a);

(ii) at a hearing held under paragraph 4(1); and

(iii) in accordance with a notice served by the Authority in respect of the application under paragraph 4(2),

the Authority shall decide whether to grant a permission in respect of an onshore pipe-line in consequence of the application.

7. (1) Where the Authority decides not to grant a works permission in respect of an onshore pipe-line in consequence of an application, the Authority shall serve on —

(a) the applicant; and

(b) each person on whom a copy of notice of the application was required to be served under paragraph 2(c),

a notice stating the decision and, in the case of the notice served on the applicant, stating also the reasons for the decision except any reason which the Authority considers that it would be against the national interest to state.

(2) Where the Authority decides to grant a works permission in respect of an onshore pipe-line in consequence of an application, the Authority shall —

(a) serve notice of the decision on —

- (i) the applicant;
- (ii) each person mentioned in sub-paragraph (1)(b); and
- (iii) any other person who made representations as mentioned in paragraph 6(b)(ii) or (iii); and

(b) publish a copy of the notice in the *Gazette* and in any other publication which the Authority considers appropriate.

8. (1) Sub-paragraphs (2) and (3) apply where the Authority issues a works permission in respect of an onshore pipe-line.

(2) The Authority shall serve on the persons on whom notice in respect of the permission was required to be served by paragraph 7(2)(a)(ii) and (iii) a notice stating that the permission has been granted and containing —

(a) the name and address of the person to whom it was issued;

(b) such particulars as the Authority considers appropriate of —

- (i) the route of the onshore pipe-line;
- (ii) its authorised capacity;
- (iii) the things authorised to be conveyed by it;
- (iv) the persons authorised to use it; and

(c) such other information (if any) about the onshore pipe-line as the Authority considers appropriate.

(3) The Authority shall publish a copy of the notice in the *Gazette* and in any other publication which the Authority considers appropriate.

PART 2

OTHER PERMISSIONS IN RESPECT OF ONSHORE PIPE-LINES

9. Where the Authority grants a permission in respect of an onshore pipe-line other than a works permission, the Authority shall publish in the *Gazette*, and in any other publication which the Authority considers appropriate, a notice stating that the permission has been issued and containing —

- (a) the name and address of the person to whom it was issued;
- (b) such particulars as the Authority considers appropriate of —
  - (i) the route and capacity of the relevant pipe-line;
  - (ii) the things authorised to be conveyed by it; and
  - (iii) the persons authorised to use it; and
- (c) such other information (if any) about the pipe-line as the Authority considers appropriate.

**SCHEDULE 2**  
(section 15B)

APPLICATIONS FOR AND ISSUE OF PERMISSIONS  
IN RESPECT OF CONTROLLED PIPE-LINES

PART 1

WORKS PERMISSIONS IN RESPECT OF CONTROLLED PIPE-LINES

1. The Authority shall, on receiving an application for a works permission in respect of a controlled pipe-line —

- (a) decide whether the application is to be considered further or rejected; and
- (b) serve notice of the Authority's decision on the applicant and —
  - (i) in the case of a decision that the application is to be considered further, shall give the applicant such directions with respect to the application as the Authority considers appropriate for the purposes of paragraph 2; and

- (ii) in the case of a decision to reject the application, shall include in the notice a statement of the reasons for the decision except any reason which in the opinion of the Authority it would be against the national interest to state.

2. Where the Authority serves on an applicant notice under paragraph 1 that the application is to be considered further, the applicant shall —

(a) publish, in such manner as the Authority directs, a notice which —

- (i) contains such particulars of the application as the Authority directs;
- (ii) states that representations with respect to the application may be made in writing to the Authority within the period of 28 days beginning with the date on which the notice is first published in accordance with this paragraph or within such longer period beginning with that date as is specified in the notice in accordance with a direction of the Authority; and
- (iii) states where the map mentioned in sub-paragraph (b) may be inspected during the period specified in the notice under sub-paragraph (ii);

(b) secure that a map of such scale and containing such particulars as the Authority directs is available for inspection by the public free of charge from 10 a.m. to 4 p.m. on each weekday during the period so specified; and

(c) serve a copy of the notice on such persons as the Authority direct,

and the Authority shall defer the Authority's further consideration of the application until the Authority is satisfied that the applicant has complied with this paragraph.

3. (1) This paragraph applies where the Authority decides that an application for a works permission in respect of a controlled pipe-line is to be considered further and is of the opinion, either on the Authority's own initiative (except in relation to the purpose mentioned in paragraph 5(b)) or in consequence of representations made to the Authority by the applicant or any other person, that —

(a) the route proposed for the controlled pipe-line or part of it in the application ought to be altered in a particular manner for any of the purposes mentioned in paragraph 5; or

*(b)* the capacity proposed for the controlled pipe-line or part of it in the application ought to be increased for any of the purposes mentioned in paragraph 5(*b*) or (*d*).

(2) Where this paragraph applies, the Authority shall, before deciding whether to issue a permission in respect of a controlled pipe-line in consequence of the application, serve notice of the Authority's opinion on —

*(a)* the applicant; and

*(b)* where the opinion relates to an alteration of the route proposed for the controlled pipe-line or part of it —

(i) any person whom the Authority considers are likely to be affected by the alteration; or

(ii) any person appearing to the Authority to represent such person.

(3) In any notice of the Authority's opinion served under this paragraph, the Authority shall state the reasons for the Authority's opinion except any reason which the Authority considers that it would be against the national interest to state.

4. (1) Where under paragraph 3 the Authority serves on the applicant notice of the Authority's opinion the Authority shall give him an opportunity of being heard with respect to the opinion; and where the applicant is heard, the Authority may give such other persons, if any, as the Authority thinks fit an opportunity to be heard at the hearing.

(2) Where under paragraph 3 the Authority serves on any person other than the applicant notice, of the Authority's opinion, the Authority shall state in the notice that representations in writing with respect to the opinion may be made to the Authority within a period specified in the notice.

5. The purposes referred to in paragraph 3(1) are —

*(a)* to avoid or reduce danger to navigation, to persons engaged in and vessels and equipment used for fishing, to some structure or apparatus (which may be the controlled pipe-line) or to marine flora or fauna;

*(b)* to facilitate the use of the controlled pipe-line by persons other than the applicant where it appears to the Authority that such persons desire to use the pipe-line;

*(c)* to avoid or reduce interference with fishing or the exploitation of mineral resources; and

*(d)* any other purpose which the Authority considers proper.

6. Where the Authority —

*(a)* is satisfied that an applicant for a works permission in respect of a controlled pipe-line has complied with paragraph 2; and

*(b)* has considered any representation relating to the application which were made to the Authority —

- (i)* within the period specified in the notice published in respect of the application under paragraph 2*(a)*;
- (ii)* at a hearing held under paragraph 4(1); and
- (iii)* in accordance with a notice served by the Authority in respect of the application under paragraph 4(2),

the Authority shall decide whether to grant a permission in respect of a controlled pipe-line in consequence of the application.

7. (1) Where the Authority decides not to grant a works permission in respect of a controlled pipe-line in consequence of an application, the Authority shall serve on —

*(a)* the applicant; and

*(b)* each person on whom a copy of notice of the application was required to be served under paragraph 2*(c)*,

a notice stating the decision and, in the case of the notice served on the applicant, stating also the reasons for the decision except any reason which the Authority considers that it would be against the national interest to state.

(2) Where the Authority decides to grant a works permission in respect of a controlled pipe-line in consequence of an application the, Authority shall —

*(a)* serve notice of the decision on —

- (i)* the applicant;
- (ii)* each person mentioned in sub-paragraph (1)*(b)*;
- (iii)* any other person who made representations as mentioned in paragraph 6*(b)*(*ii*) or (*iii*); and



(b) publish a copy of the notice in the *Gazette* and in any other publication which the Authority considers appropriate.

8. (1) Sub-paragraphs (2) and (3) apply where the Authority grants a works permission in respect of a controlled pipe-line.

(2) The Authority shall serve on the persons on whom notice in respect of the permission was required to be served by paragraph 7(2)(a)(ii) and (iii) a notice stating that the permission has been granted and containing —

(a) the name and address of the person to whom it was issued;

(b) such particulars as the Authority considers appropriate of —

(i) the route of the controlled pipe-line;

(ii) its authorised capacity;

(iii) the things authorised to be conveyed by it; and

(iv) the persons authorised to use it; and

(c) such other information (if any) about the controlled pipe-line as the Authority considers appropriate.

(3) The Authority shall publish a copy of the notice in the *Gazette* and in any other publication which the Authority considers appropriate.

## PART 2

### OTHER PERMISSIONS IN RESPECT OF CONTROLLED PIPE-LINES

9. Where the Authority grants a permission in respect of a controlled pipe-line other than a works permission, the Authority shall publish in the *Gazette*, and in any other publication which the Authority considers appropriate, a notice stating that the permission has been issued and containing —

(a) the name and address of the person to whom it was issued;

(b) such particulars as the Authority considers appropriate of —

(i) the route and capacity of the relevant controlled pipe-line;

(ii) the things authorised to be conveyed by it; and

(iii) the persons authorised to use it; and

23rd. DECEMBER, 2019

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(c) such other information (if any) about the controlled pipe-line as the Authority considers appropriate.”

Made this 8th. day of Rabiulakhir, 1441 Hijriah corresponding to the 5th day of December, 2019 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

**HIS MAJESTY  
THE SULTAN AND YANG DI-PERTUAN,  
BRUNEI DARUSSALAM.**