

LAWS OF BRUNEI

CHAPTER 20 BANISHMENT

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CHAPTER 20

BANISHMENT

ARRANGEMENT OF SECTIONS

Section

1. Citation
2. Warrant of arrest and order of banishment
3. Execution of order of banishment
4. Arrest
5. Punishment for unlawful return
6. Concealing or harbouring banished person
7. Powers of His Majesty the Sultan and Yang Di-Pertuan
8. Protection of officers

SCHEDULE 1 — WARRANT

SCHEDULE 2 — ORDER OF BANISHMENT

BANISHMENT ACT

An Act to provide for the banishment from Brunei Darussalam of certain persons

Commencement: 31st December 1918

Citation

1. This Act may be cited as the Banishment Act.

Warrant of arrest and order of banishment

2. (1) Whenever it shall be made to appear to the Minister on the written information of the Commissioner of Police that there is reasonable cause for believing that the banishment from Brunei Darussalam of any person is necessary for the safety, peace or welfare of Brunei Darussalam, the Minister shall issue a warrant substantially in the form in Schedule 1 and shall cause that person to be brought before him, and shall thereupon examine that person and record in writing any statement that he may make.

(2) The Minister may if he sees fit lay such written information and record before His Majesty the Sultan and Yang Di-Pertuan in Council who may —

(a) order that person be banished from Brunei Darussalam; or

(b) before a day to be named in the order, execute a bond with sureties for his good behaviour in such amount and for such period as may be fixed in the order.

(3) If any person against whom a warrant has been so issued absconds or conceals himself so that the warrant cannot be executed, he may be proclaimed and his property be attached by any court in the same manner in which the proclamation of a person absconding and attachment of his property may be effected under the Criminal Procedure Code (Chapter 7).

(4) The order of banishment shall be in the form in Schedule 2 and shall not be carried into effect until after 21 days have elapsed from its date.

(5) The banishment may be for the life of the person banished or for such shorter period as His Majesty the Sultan and Yang Di-Pertuan in Council may think fit.

(6) If any person ordered to give security for his good behaviour under the provisions of subsection (2) does not give such security to the satisfaction of the Minister before the day named in the order, he shall be banished from Brunei Darussalam for such period as His Majesty the Sultan and Yang Di-Pertuan in Council may think fit.

Execution of order of banishment

3. (1) Any person against whom an order of banishment is made shall be taken before the Minister who shall inform him of the period of his banishment and warn him not to return to Brunei Darussalam until the expiration of such period.

(2) A copy of the order of banishment in English and, if possible, in his own language, shall be handed to him.

Arrest

4. If any person so banished is found in Brunei Darussalam before the expiration of the period for which he was banished, he may be arrested by any officer without warrant.

Punishment for unlawful return

5. Whoever having been lawfully banished from Brunei Darussalam returns to Brunei Darussalam before the expiration of his term of banishment, or without a remission of punishment, may either be removed from Brunei Darussalam forthwith by order of the Minister or may be prosecuted and on conviction shall be punished with imprisonment for any term not exceeding that for which he has been banished.

Concealing or harbouring banished person

6. (1) Whoever —

(a) knowingly conceals or harbours any person whose banishment has been ordered but not yet carried into effect; or

(b) knowingly conceals any person who has unlawfully returned from banishment,

is guilty of an offence and liable on conviction to a fine of \$1,000 or imprisonment for 6 months.

(2) Whoever is aware of the presence in Brunei Darussalam of —

(a) any person whose banishment has been ordered but not yet carried into effect; or

(b) any person who has unlawfully returned from banishment,

shall, in the absence of reasonable excuse, forthwith give information to the nearest Magistrate or police officer and in default of doing so, is liable on conviction to a fine of \$500 or imprisonment for 3 months.

Powers of His Majesty the Sultan and Yang Di-Pertuan

7. His Majesty the Sultan and Yang Di-Pertuan may, at His Majesty the Sultan and Yang Di-Pertuan's discretion, alter, annul or reduce any sentence passed under this Act.

Protection of officers

8. (1) No action shall be brought against any person for anything done or *bona fide* intended to be done in the exercise or supposed exercise of powers given by this Act —

(a) without giving to such person one month's previous notice in writing of the intended action and of the cause thereof;

(b) after the expiration of 3 months from the date of the accrual of the cause of action; and

(c) after tender of sufficient amends.

(2) In every action so brought it is expressly alleged that the defendant acted either maliciously or negligently and without reasonable or probable cause, and if at the trial the plaintiff fails to prove such allegation, judgment shall be given for the defendant.

(3) Although judgment is given for the plaintiff in such action, the plaintiff shall not have costs against the defendant unless the court before whom such action is tried certifies its approbation of the action.

SCHEDULE 1

(section 2(1))

WARRANT

Brunei Darussalam

BANISHMENT ACT (CHAPTER 20)

To the Commissioner of Police and all other police officers of Brunei Darussalam

Whereas it has been made to appear to me by written information that there is reasonable cause for believing that the banishment from Brunei Darussalam is necessary for the safety, peace and welfare of Brunei Darussalam.

This is to direct you the Commissioner of Police and all other police officers to arrest and bring him before me with all convenient speed.

Given under my hand this day of, 20

Minister, Brunei Darussalam

SCHEDULE 2

(section 2(4))

ORDER OF BANISHMENT

Brunei Darussalam

BANISHMENT ACT (CHAPTER 20)

Whereas on the day of, 20, a Warrant was issued by Minister for the arrest of on the ground that there is reasonable cause for believing that the banishment from Brunei Darussalam of is necessary for the safety, peace and welfare of Brunei Darussalam.

Now it is hereby ordered by His Majesty the Sultan and Yang Di-Pertuan in Council that be, and he is hereby, banished from Brunei Darussalam for the period of provided that the order of banishment shall not be carried into effect until the expiry of 21 days from this date.

Given under my hand this day of, 20

Minister, Brunei Darussalam