

No. S 59

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

MINOR OFFENCES ACT (AMENDMENT) ORDER, 2021

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SCHEDULE — CONSEQUENTIAL AMENDMENTS TO OTHER
WRITTEN LAWS

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

MINOR OFFENCES ACT (AMENDMENT) ORDER, 2021

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

Citation

1. This Order may be cited as the Minor Offences Act (Amendment) Order, 2021.

Amendment of long title of Chapter 30

2. The long title of the Minor Offences Act, in this Order referred to as the Act, is amended by deleting "minor" and by substituting "miscellaneous" therefor.

Amendment of section 1

3. Section 1 of the Act is amended by deleting "Minor" and by substituting "Miscellaneous" therefor.

Amendment of section 12

4. Section 12 of the Act is amended, in subsection (1) —

(a) by deleting "to a fine of \$1,000, and in the case of a second or subsequent conviction to a fine of \$3,000 and imprisonment for a term not exceeding 3 months." from the last three lines and by substituting a hyphen therefor;

(b) by adding the following new sub-subparagraphs —

"(A) in the case of an individual, to a fine of not less than \$1,000 and not exceeding \$3,000 and, in the case of a second or subsequent conviction, to a fine of not less than \$3,000 and not exceeding \$9,000, imprisonment for a term not exceeding 6 months or both; and

(B) in the case of a body corporate, to a fine of not less than \$2,000 and not exceeding \$10,000 and, in the case of a second or subsequent conviction, to a fine of not less than \$10,000 and not exceeding \$30,000, imprisonment for a term not exceeding 12 months or both."

Insertion of new section 32B

5. The Act is amended by inserting the following new section immediately after section 32A —

"Offences by bodies corporate etc.

32B. (1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of the body corporate, he as well as the body corporate is guilty of that offence and liable to be proceeded against and punished accordingly.

(2) Where the affairs of the body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) Where an offence under this Act committed by a partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, the partner as well as the partnership is guilty of that offence and liable to be proceeded against and punished accordingly.

(4) Where an offence under this Act committed by a limited liability partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner or manager of the limited liability partnership, the partner or manager (as the case may be) as well as the partnership is guilty of that offence and liable to be proceeded against and punished accordingly.

(5) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of the unincorporated association or a member of its governing body, the officer or member (as the case may be) as well as the unincorporated association is guilty of that offence and liable to be proceeded against and punished accordingly.

(6) In this section —

"officer" —

(a) in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body

corporate, and includes a person purporting to act in any such capacity; or

(b) in relation to an unincorporated association (other than a partnership), means the president, the secretary or a member of the committee of the unincorporated association or a person holding a position analogous to that of president, secretary or member of a committee, and includes a person purporting to act in any such capacity;

"partner", in relation to a partnership, includes a person purporting to act as a partner."

Amendment of section 38A

6. Section 38A of the Act is amended —

(a) by repealing subsection (1) and by substituting the following new subsection therefor —

"(1) The Chairman of any Municipal Board, any police officer not below the rank of Superintendent and any person authorised by name or by office by the Minister by notification published in the *Gazette* may, in his discretion, compound an offence under section 12 or any other offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence —

(a) in the case of an individual, a sum of money not exceeding \$1,000; and

(b) in the case of a body corporate, a sum of money not exceeding \$2,000.";

(b) by inserting the following new subsection immediately after subsection (1) —

"(1A) On payment of such sum of money, no further proceedings shall be taken against that person in respect of the offence."

Consequential amendments to other written laws

7. The provisions of the written laws specified in the first column of the Schedule are amended in the manner set out in the second column thereof.

SCHEDULE

(section 7)

CONSEQUENTIAL AMENDMENTS TO OTHER WRITTEN LAWS

1. Minor Offences (Method and Procedure of Compounding) Rules (R1 of Chapter 30)

Rule 1 Delete "Minor" and substitute with "Miscellaneous".

2. Minor Offences (Pound Fees) Notification (N1 of Chapter 30)

Paragraph 1 Delete "Minor" and substitute with "Miscellaneous".

3. Minor Offences (Public Pounds) Notification (N2 of Chapter 30)

All applicable paragraphs Delete "Minor" wherever it appears in the Notification and substitute with "Miscellaneous".

Made this 24th. day of Jamadilawal, 1443 Hijriah corresponding to the 29th. day of December, 2021 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

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