

No. S 12

CONSTITUTION OF BRUNEI DARUSSALAM
(Order under section 83(3))

EMERGENCY (PUBLIC ORDER ACT) (AMENDMENT) ORDER, 1998

In exercise of the power conferred by subsection (3) of section 83 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 Emergency (Public Order Act) (Amendment) Order, 1998.

Insertion of new section 29A in Chapter 148. 2. The Public Order Act is amended by inserting the following new section immediately after section 29 –

“Carrying etc.
incendiary
device.

29A. (1) Any person who in any place, whether or not a public place, carries or has in his possession or under his control any device known as a Molotov cocktail or any other type of incendiary device, whether or not similar thereto, used or capable of being used to start or keep any fire, otherwise than with lawful authority or solely for a lawful purpose shall be guilty of an offence : Penalty, –

Chapter 22.

(a) if the place is in the vicinity of a petroleum pipeline, gas pipeline, water supply pipeline, electrical supply installation or any property declared to be prescribed property to which paragraph (b) of subsection (1) of section 435 of the Penal Code applies, imprisonment for life ; or

(b) in any other case, imprisonment for not less than one year and not more than 10 years and whipping with not less than 3 strokes.

(2) In any prosecution for an offence under subsection (1), the onus of proving that the accused carried such device or had it in his possession or under his control solely for a lawful purpose shall lie upon the accused.

(3) A person shall be presumed to have lawful authority for the purposes of this section if he carries or has in his possession or under his control any such device –

- (a) in or in connection with the performance of his duty as a member of any security force or as a person in the service of Government or of any local authority in Brunei Darussalam ; or
- (b) as part of his official or ceremonial dress on any official or ceremonial occasion.

(4) For the purpose of subsection (1), it is immaterial whether or not the device is visible or whether or not it is concealed in any way whatsoever."

Made this 16th. day of Muharam, 1419 Hijrah corresponding to the 13th. day of May, 1998 Masihi at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM