

No. S 42

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

EMERGENCY (MISUSE OF DRUGS 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 –

1. This Order may be cited as the Emergency (Misuse of Drugs Act) (Amendment) Order, 1998. Citation.

2. Section 15 of the Misuse of Drugs Act, in this Order referred to as the Act, is amended – Amendment of section 15 of Chapter 27.
 - (a) by deleting "or" from the end of paragraph (e) ;

 - (b) by substituting a semicolon for the comma at the end of paragraph (f) and by adding immediately thereafter the following two new paragraphs –

“(g) 20 grammes of methylamphetamine ; or

(h) 2 grammes of any or any combination of the following –

 - (i) N, α -dimethyl-3, 4-(methylenedioxy) phenethylamine (MDMA) ;
 - (ii) α -methyl-3, 4-(methylenedioxy) phenethylamine (MDA) ;
 - (iii) N-ethyl- α -methyl-3, 4-(methylenedioxy) phenethylamine (N-ethyl MDA or MDEA) ; or
 - (iv) N-methyl- α -ethyl-3, 4-(methylenedioxy) phenethylamine (MBDB),”.

3. The Act is amended by inserting immediately after section 20 the following new section 20A – Insertion of new section 20A.

“Evidence of agent provocateur admissible.

20A. (1) Notwithstanding any rule of law, the provisions of this Act or any other written law to the contrary, no agent provocateur shall be presumed to be unworthy of credit by reason only of his having abetted or attempted to abet the commission of an offence by any person under this Act if the abetment or attempt to abet was for the sole purpose of securing evidence against such person.

(2) Notwithstanding any rule of law, the provisions of this Act or any other written law to the contrary, and that the agent provocateur is an officer of the Bureau, a police officer (whatever his rank) or any officer of customs, any statement, whether oral or in writing made to an agent provocateur by any person who is subsequently charged with an offence under this Act shall be admissible as evidence at his trial."

Amendment of
First Schedule.

4. The First Schedule to the Act is amended –

(a) in paragraph 1 of Part I, by inserting –

(i) "4-bromo-2, 5-dimethoxyphenethylamine" immediately after "Bezitramide" ;

(ii) "N, α -dimethyl-3, 4-(methylenedioxy) phenethylamine (MDMA)
N-ethyl- α -methyl-3, 4-(methylenedioxy) phenethylamine (N-ethyl MDA or MDEA)
N-methyl- α -ethyl-3, 4-(methylenedioxy) phenethylamine (MBDB)"
immediately after "N, N-Dimethyltryptamine" ;

(iii) "Methylamphetamine" immediately after "Methadyl acetate" ;

(b) in paragraph 1 of Part II, by deleting "Methylamphetamine".

Amendment of
Second
Schedule.

5. The Second Schedule to the Act is amended –

(a) by inserting, immediately below the item relating to "Unauthorised traffic in cannabis resin" against section 3 in the first column, the following items in the appropriate columns as shown hereunder –

"Unauthorised traffic
in methylampheta-
mine, where the
quantity is –

(a)	not less than 50 grammes and not more than 200 grammes	– – – –	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	–
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(b)	more than 200 grammes	— — — —	Death	—
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Unauthorised traffic
in controlled drugs
containing such
quantity of
methylenedioxy-
methamphetamine,
(MDMA) being —

(a)	not less than 10 grammes and not more than 15 grammes	— — — —	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—
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(b)	more than 15 grammes	— — — —	Death	—“ ;
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- (b) by inserting, immediately below the item relating to
“Unauthorised possession of controlled drug for the purpose of
trafficking therein, containing such quantity of cannabis resin”
against section 3A in the first column, the following items in the
appropriate columns as shown hereunder —

“Unauthorised
possession of
controlled drugs for
the purpose of
trafficking therein,
containing such
quantity of
methamphetamine
being —

(a)	not less than 90 grammes and not more than 250 grammes	— — — —	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—
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(b)	more than 250 grammes	— — — —	Death	—
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Unauthorised
possession of
controlled drugs for
the purpose of
trafficking therein,
containing such
quantity of
methylenedioxy-
methamphetamine
(MDMA) being –

- | | | | | |
|-----|--|---------|--|------|
| (a) | not less than 20
grammes and not
more than 30
grammes | – – – – | Maximum 30
years and 15
strokes
Minimum 20
years and 15
strokes | – |
| (b) | more than 30
grammes | – – – – | Death | –“ ; |

- (c) by inserting, immediately below the item relating to
“Unauthorised manufacture of cocaine or any salt of cocaine”
against section 4 in the first column, the following items in the
appropriate columns as shown hereunder –

“Unauthorised manufacture of methamphetamine	– – – –	Death	–
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Unauthorised manufacture of methylenedioxy- methamphetamine (MDMA)	– – – –	Death	–“ ;
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- (d) by inserting, immediately below the item relating to
“Unauthorised import or export of cannabis resin” against
section 5 in the first column, the following items in the
appropriate columns as shown hereunder –

“Unauthorised import
or export of
methamphetamine,
where the quantity
is –

(a)	not less than 50 grammes and not more than 200 grammes	- - - -	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	-
(b)	more than 200 grammes	- - - -	Death	-

Unauthorised import
or export of controlled
drugs, containing such
quantity of
methylenedioxy-
methamphetamine
(MDMA) being -

(a)	not less than 10 grammes and not more than 15 grammes	- - - -	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	-
(b)	more than 15 grammes	- - - -	Death	—

Made this 4th. day of Syaaban 1419 Hijriah corresponding to the
23rd. day of November, 1998 at Our Istana Nurul Iman, Bandar Seri
Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM