

No. S 70

**MISCELLANEOUS LICENCES ACT
(CHAPTER 127)**

MISCELLANEOUS LICENCES (AMENDMENT) REGULATIONS, 2011

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MISCELLANEOUS LICENCES ACT
(CHAPTER 127)

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In exercise of the power conferred by section 2(1) of the Miscellaneous Licences Act, the Minister of Home Affairs, with the approval of His Majesty the Sultan and Yang Di-Pertuan, hereby makes the following Regulations —

Citation.

1. These Regulations may be cited as the Miscellaneous Licences (Amendment) Regulations, 2011.

Amendment of regulation 2.

2. The Miscellaneous Licences Regulations, in these Regulations referred to as the principal Regulations are amended in regulation 2, by inserting the following new definition immediately after "authorised officer" —

" "beauty and health establishments" means any premises that provide any of the following services or facilities or any combination of the following services or facilities —

(a) massage;

(b) sauna;

(c) spa, including hot or cold water pools;

(d) gymnasium;

(e) aerobics;

(f) aromatherapy;

(g) body-slimming;

(h) manicure and pedicure;

(i) reflexology;

(j) hair salon; and

(k) any related activity as may be determined by the licensing authority;"

Insertion of new regulations 8A and 8B.

3. The principal Regulations are amended by inserting the following 2 new regulations immediately after regulation 8 —

"Disqualification.

8A. No licence shall be issued —

(a) to an applicant under the age of 18 years;

(b) in respect of premises which, in the opinion of the licensing authority, are not suitable for operating a beauty and health establishment; or

(c) if the applicant fails to give an undertaking that persons with the necessary qualifications or skills will be employed.

Appeals.

8B. Any person who is aggrieved by the refusal of the licensing authority to grant a licence or by a decision of the licensing authority to suspend or revoke a licence may, within 14 days of the date of receipt of the notice of such refusal, suspension or revocation, appeal in writing to the Minister, whose decision shall be final."

Amendment of regulation 16.

4. Regulation 16 of the principal Regulations is amended by inserting "beauty and health establishments" immediately after "boarding house".

Insertion of new Part IIA.

5. The principal Regulations are amended by inserting the following new Part immediately after regulation 17A —

"PART IIA

BEAUTY AND HEALTH ESTABLISHMENTS

Application of Part IIA.

17B. The provisions of this Part apply only in relation to beauty and health establishments.

Register of employees.

17C. (1) A licensee shall maintain a register containing the names, identity card numbers, residential addresses, qualifications or skills and any other relevant particulars of his employees, as well as the photographs of his employees, and shall produce the register for inspection whenever required by the licensing authority.

(2) A licensee shall, on hiring an employee, submit the particulars of that employee to the licensing authority and shall inform the licensing authority of any change of particulars of the employee.

Medical examination.

17D. A licensee shall ensure that he, if he is also an employee or his employees undergo, once every two years, a medical examination and receive a medical certificate by a medical practitioner registered under the Medical Practitioners and Dentists Act (Chapter 112).

Use of curtains or other screens to separate beds not exceeding 2 metres in height.

17E. (1) A licensee may, in areas used for massage or for maintaining any part of the body or face use curtains or other screens made of any material specified by the licensing authority to separate the beds but such curtains or screens shall not exceed 2 metres in height measured from the floor.

(2) The door of any areas where services are rendered or facilities are being provided shall not be locked.

Changing rooms.

17F. A licensee shall ensure that there is a proper space to change for the clients.

Ventilation.

17G. A licensee shall ensure that there is adequate ventilation in the beauty and health establishments and that the means of ventilation are kept in good order.

General maintenance and repair.

17H. A licensee shall ensure that all mechanical and electrical equipment used in the beauty and health establishments is maintained at all times in good order and repair.

Prohibition.

171. (1) No licensee shall —

(a) allow any person whom he knows or reasonably suspects to be suffering from an infectious or communicable disease to enter in the beauty and health establishments;

(b) employ in the beauty and health establishments any person whom he knows or has a reason to believe to be suffering from an infectious disease;

(c) employ in the beauty and health establishments any person whom he knows or has reason to believe to be a prostitute or a person of bad behaviour;

(d) dress indecently or allow an employee to dress indecently in the beauty and health establishments;

(e) allow a male employee to treat a female client and *vice versa*;

(f) treat male and female clients in the same treatment areas;

(g) allow any animal to enter, remain or be kept in the beauty and health establishments; and

(h) display any obscene photograph, picture, article or thing in the beauty and health establishments.

(2) Sub-regulation (1)(e) and (f) does not apply to a premises that provide a gymnasium or an aerobics service or facility."

Amendment of regulation 45.

6. Regulation 45 of the principal Regulations is amended by deleting "and (b)" and by substituting", (b) and (c)" after "(a)" therefor.

Substitution of First Schedule.

7. The First Schedule to the principal Regulations is repealed and the following new Schedule substituted therefor —

**"FIRST SCHEDULE
(regulation 2)**

The licensing authorities, their licensing areas and the items specified in the Schedule to the Act in relation to which such authorities shall exercise their functions under the Act and these Regulations shall be as follows —

Licensing Authority	Licensing Area	Item in Schedule to Act	
1. Municipal Board	Municipal Board area	(a)	Beauty and health establishments
		(f)	Retail shop
		(g)	Timber store and furniture factories
		(h)	Workshop
2. The Promotion and Entrepreneurial Development Division of Ministry of Industry and Primary Resources	All areas	(d)	Motor vehicle dealer
		(e)	Petrol stations including places for storing petrol and inflammable materials
3. The District Licensing Board	All areas outside the Municipal Board area	(a)	Beauty and health establishments
		(b)	Coffee shops, eating houses, boarding houses or other places of public resort and entertainment
		(c)	Hawkers
		(f)	Retail shop
		(g)	Timber store and furniture factories
		(h)	Workshop."

Amendment of Second Schedule.

8. The Second Schedule to the principal Regulations is amended, in paragraph 5, by inserting "beauty and health establishments" immediately after "furniture factory" in the sixth line.

Amendment of Fourth Schedule.

9. The Fourth Schedule to the principal Regulations is amended by adding the following new item —

	Fees				
	1 year	2 years	3 years	4 years	5 years
"12. Beauty and health establishments	\$100	\$200	\$300	\$400	\$500."

Made this 23rd. day of Zulhijjah, 1432 Hijriah corresponding to the 19th. day of November, 2011.

PEHIN UDANA KHATIB DATO PADUKA SERI SETIA
USTAZ HAJI AWANG BADARUDDIN BIN
PENGARAH DATO PADUKA HAJI OTHMAN
Minister of Home Affairs,
Brunei Darussalam.