

No. S 33

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

PUBLIC ORDER ACT (AMENDMENT) ORDER, 2005

ARRANGEMENT OF SECTIONS

Section

1. Citation.
 2. Insertion of new section 15A into Chapter 148.
 3. Insertion of new sections 16A and 16B.
 4. Insertion of new sections 21A and 21B.
 5. Amendment of section 24.
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PUBLIC ORDER ACT (AMENDMENT) ORDER, 2005

In exercise of the power conferred by Clause (3) of Article 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 Public Order Act (Amendment) Order, 2005.

Insertion of new section 15A into Chapter 148.

2. The Public Order Act, in this Order referred to as the Act, is amended by inserting the following new section immediately after section 15 —

"Withdrawal of telecommunication facilities.

15A. The Minister may by order in writing authorise the Authority for Information Technology Industry of Brunei Darussalam in any area within a special area specified in the order to withdraw either totally or partially the use of all or any telecommunication facilities or telecommunication plant from any person or class of person or from the public at large except such persons or classes of persons as may be specified in the order, and thereupon the Authority shall withdraw such use, the provision of any agreement or of any written law to the contrary notwithstanding."

Insertion of new sections 16A and 16B.

3. The Act is amended by inserting the following 2 new sections immediately after section 16 —

"Control of persons.

16A. (1) Where it appears to the Commissioner of Police —

(a) that any person has been recently concerned in acts involving or likely to cause or provoke a breach of the peace in a special area or likely to be prejudicial to the success of measures taken to maintain or restore public order in a special area or in the preparation or instigation of such acts or that by reason of his association with

any person or organisation concerned in any such acts or by reason of his words or conduct he is likely to be concerned in such acts ; and

(b) that by reason thereof, it is necessary to exercise temporary control over such person,

the Commissioner may by order exercise in respect of that person any one or more of the following powers —

- (i) exclude him from the special area or any part thereof;
- (ii) require him to reside in such place or area, whether in the special area or not, as may be specified in the order and not to leave the area without such permission and subject to such conditions as may be so specified;
- (iii) require him to remain within doors during such hours as may be specified in the order;
- (iv) require him to notify the police at such place or places and in such manner as may be specified in the order his place or residence and any change thereof, and to report to the police at such times and dates and in such manner as may be so specified;
- (v) require him to enter into a bond for such amount with such sureties as may be specified for his good behaviour or for due compliance with the conditions of any order made under this subsection.

(2) Any order made under this section may be varied or cancelled by the Minister or by the Commissioner of Police.

(3) Subject to subsection (2), any order made under this section shall remain in force for such period as may be specified in the order, but every such order, unless previously cancelled, shall cease to have effect when the area in respect of which the order was made ceases to be a special area.

Appeal.

16B. (1) Any person in respect of whom an order under section 16A has been made may appeal to the Minister, who shall decide the appeal and make such order as he may consider appropriate.

(2) The decision of the Minister on an appeal under this section shall be binding and conclusive upon all persons, and shall not be called in question in or be subject to any review by or appeal to any court."

Insertion of new sections 21A and 21B.

4. The Act is amended by inserting the following 2 new sections immediately after section 21 —

"Powers of requisition.

21A. (1) The Commissioner of Police and any police officer authorised by him in that behalf in writing may require any movable or immovable property situated within any special area or any space or accommodation in any land, building, vessel, vehicle or aircraft within that area to be placed at his disposal and may give such directions as appear to him to be necessary or expedient in connection with such requirements.

(2) The Commissioner of Police and any police officer so authorised may, during any period in which a declaration under subsection (1) of section 3 is in force in respect of any district, area or place require any vessel, vehicle or aircraft in any place in Brunei Darussalam to be placed at his disposal and may give such directions as appear to him to be necessary or expedient in connection with such requirement.

(3) The Minister may direct that any requisition made under this section shall cease to have effect to such extent and subject to such qualifications, exceptions and conditions as may be specified or imposed by that direction.

(4) No requisition shall be made under this section in respect of any vessel of more than 100 tons gross tonnage or any aircraft, without the prior approval of the Minister.

Compensation.

21B. (1) Where, in the exercise of the powers conferred by section 21A, possession is taken of any property or of any space or accommodation in any land, building, vessel, vehicle or aircraft, compensation in respect of such possession shall be assessed in accordance with any written law relating to compensation in respect of the requisitioning of property in an emergency.

(2) No compensation shall be payable to any person in respect of any damage or injury to his person or property caused by or consequent upon any act authorised under this Act, unless provision for such compensation is made by this Act.

(3) Where, in the exercise of the powers conferred by section 21A, possession is taken of any property or of any space or accommodation in any land, building, vessel, vehicle or aircraft for the purpose of ensuring the maintenance of a public service, any compensation payable shall be payable by the authority responsible for the provision of such service."

Amendment of section 24.

5. Section 24 of the Act is amended by deleting "or 16" from the second and third lines and by substituting ", 16 or 16A" therefor.

Made this 12th. day of Rabiulakhir, 1426 Hijriah corresponding to the 21st. day of May, 2005 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

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