

No. S 34

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

INFECTIOUS DISEASES ORDER, 2003

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

INFECTIOUS DISEASES ORDER, 2003

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 —

PART I

PRELIMINARY

Citation and long title.

1. (1) This Order may be cited as the Infectious Diseases Order, 2003.

(2) The long title of this Order is "An Order to prevent the introduction and spread in Brunei Darussalam, and the transmission from Brunei Darussalam, of infectious diseases and any matters connected therewith".

Interpretation.

2. In this Order, unless the context otherwise requires —

"AIDS" means Acquired Immune Deficiency Syndrome;

"baggage" means the personal effects of a traveller or of a crew member of a vessel;

"building" means any house, hut, shed or roofed enclosure, whether intended for the purpose of human habitation or otherwise, and any wall, gate, post, pillar, paling, frame, hoarding, slip, dock, wharf, pier, jetty, landing-stage or bridge;

"carrier", in relation to any infectious disease, means any person who is harbouring or is likely to or is suspected to harbour the agents of that disease;

"contact", in relation to any infectious disease, means any person who has been exposed to the risk of infection from that disease;

"crew" includes any person who is on board a vessel not for the sole purpose of travelling from one place to another but who is employed in the vessel's service or in connection with its cargo;

"dangerous infectious disease" means any of the diseases set out in the Second Schedule;

"Director-General" means the Director-General of Health Services;

"food establishment" means any place or any premises or part thereof used for the sale or for the preparation or manufacture for sale, or for the storage or packing for sale, of food, whether cooked or not, intended for human consumption;

"health officer" means any person who is authorised by the Director-General to carry into effect any provisions of this Order or the regulations made thereunder, and includes any person appointed as a health officer or a port health officer under the Quarantine and Prevention of Disease Act (Chapter 47) (repealed by this Order);

"HIV Infection" means Human Immunodeficiency Virus Infection;

"infected" means infected with the germs of an infectious disease;

"infectious disease" means —

(a) any of the diseases set out in the First Schedule; and

(b) for the purposes of sections 7, 8, 9, 10, 13, 14, 15, 16, 19, 48, 56 and 76(1)(g), includes any other disease that —

- (i) is caused or is suspected to be caused by a micro-organism or any agent of disease;
- (ii) is capable or is suspected to be capable of transmission by any means to human beings; and
- (iii) the Director-General has reason to believe, if left uninvestigated or unchecked, is likely to result in an epidemic of the disease;

"isolation", in relation to a person or group of persons, means the separation of that person or group of persons from any other persons, other than —

(a) the health staff in charge of the care and isolation of that person or group of persons; and

(b) such other persons as the Director-General may allow;

"master", in relation to a vessel, means the person for the time being in charge or command of the vessel;

"medical practitioner" means a medical practitioner registered or exempted from registration under the Medical Practitioners and Dentists Act (Chapter 112);

"Minister" means the Minister of Health;

"nurse" means a nurse registered under the Nurses Registration Act (Chapter 140);

"occupier", in relation to any premises or vessel, means the person in occupation of the premises or vessel or having the charge or control thereof either on his own account or as an agent of another person;

"owner", in relation to any premises or vessel, means the person for the time being receiving the rent of the premises or vessel whether on his own account or as agent, trustee or receiver or who would receive the same if the premises or the vessel were let or chartered;

"port" means any place in Brunei Darussalam and any navigable river or channel leading into such place declared to be a port under the Ports Act (Chapter 144) and includes an airport;

"pratique", in relation to a vessel, means the written permission granted by any health officer to the vessel to disembark and commence operation;

"premises" means buildings, lands, easements and hereditaments of any tenure whether open or enclosed, whether public or private and includes any place or structure or any part thereof used or intended to be used for human habitation or for employment or any other purpose;

"public place" means any place or premises to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, and includes any place or premises used by the public or a section of the public for educational or recreational purposes or for assemblage;

"quarantine" means the compulsory detention in isolation for the purpose and under the provisions of this Order or any regulations made thereunder of any vessels, persons, goods, things, animals or plants;

"quarantine anchorage" means any area of the port which has been appointed for the time being for the quarantine of vessels and declared to be a quarantine anchorage by the Ports Department;

"quarantine station" means any island, building or place where quarantine is carried out;

"surveillance" means the subjection of a person or persons to periodical medical examinations or observations with a view to ascertaining his or their state of health;

"vessel" includes any ship, boat, aircraft, vessel or motor vehicle or trailer of any description used in navigation by land, sea or air.

PART II

ADMINISTRATION

Administration of Order.

3. (1) Except as otherwise provided by this Order, the Director-General of Health Services shall, subject to any general or special directions of the Minister, be responsible for the administration of this Order.

(2) The Minister may, by notification in the *Gazette*, direct that the powers conferred on the Director-General under any provision of this Order be exercised by the Director-General of Medical Services in relation to such matters as may be specified in the notification.

(3) For the purposes of exercising the powers in relation to matters referred to in subsection (2), any reference to the Director-General in any of those provisions shall be construed as a reference to the Director-General of Medical Services.

Delegation.

4. The Director-General may, subject to such conditions or restrictions as he thinks fit, delegate to any health officer all or any of the powers conferred on him by this Order.

Advisory committees.

5. The Minister may establish one or more advisory committees consisting of such members as he may appoint for the purpose of giving advice to the Director-General with regard to such matters arising out of the administration of this Order as are referred to them by the Minister.

PART III

CONTROL OF INFECTIOUS DISEASES

Notification of infectious diseases.

6. (1) Every medical practitioner who has reason to believe or suspect that any person attended or treated by him is suffering from an infectious disease or is a carrier of that disease shall notify the Director-General within such time and in such form or manner, as the Director-General may require.

(2) Every person in charge of a laboratory used for the diagnosis of disease who becomes aware of the existence of an infectious disease in the course of his work shall notify the Director-General within such time and in such form or manner, as the Director-General may require.

(3) Any person who is aware or who suspects that any other person is suffering or has died from or is a carrier of an infectious disease shall notify the Director-General within such time and in such form or manner, as the Director-General may require.

(4) Any person who is required to notify the Director-General under this section shall give any other particulars required by the Director-General so far as they can be reasonably ascertained by him or are within his knowledge.

(5) Any person who fails to comply with the requirements of this section or furnishes as true information which he knows or has reason to believe to be false is guilty of an offence.

(6) When any person who is charged with failing to comply with the requirements of subsection (1), (2) or (3) in relation to the notification of an infectious disease, he shall be presumed to have known of the existence of the disease unless he proves to the satisfaction of the court that he had no such knowledge and could not with reasonable diligence have obtained such knowledge.

Epidemiological surveys and investigations.

7. (1) The Director-General may undertake epidemiological surveys of people, animals or vectors in order to determine the existence, prevalence or incidence of any infectious disease or any other disease which the Minister, by notification in the *Gazette*, declares to be a disease to which this section applies.

(2) In investigating any disease, the Director-General may require —

(a) any person to furnish him as soon as practicable with such information as he may require for the purpose of the investigation; and

(b) any person to submit to such medical examination as he thinks fit.

(3) Any person who fails without reasonable excuse to furnish any information or to submit to any medical examination required under subsection (2) is guilty of an offence.

Medical examination and treatment.

8. (1) The Director-General may require any person who is, or is suspected to be, a case or carrier or contact of an infectious disease to submit to medical examination or medical treatment at such times and at such hospital or other place, as the Director-General may determine.

(2) If any person fails to comply with any requirements under this section —

(a) that person is guilty of an offence; and

(b) the Director-General may order the removal of that person to any hospital or other place where the person may be detained and (if necessary) isolated until he has been medically examined or treated.

Post-mortem examination.

9. Where any person has died whilst being, or suspected of being, a case or carrier or contact of an infectious disease, the Director-General may order a post-mortem examination of the body of that person for the purpose of —

(a) determining the cause or circumstances of the death of that person; or

(b) investigating into any outbreak or suspected outbreak of, or preventing the spread of, that disease.

Director-General may require information from medical practitioners etc.

10. (1) The Director-General may, for the purpose of investigating into any outbreak or suspected outbreak of an infectious disease, preventing the spread of an infectious disease, or treating any person who is, or is suspected to be, a case or carrier or contact of an infectious disease —

(a) require any medical practitioner to obtain from his patient such information as the Director-General may reasonably require for that purpose and transmit such information to the Director-General; and

(b) with the approval of the Minister, prescribe by order any general or specific measures or procedures for that purpose for compliance by any medical practitioner, hospital, medical clinic, clinical laboratory or healthcare establishment.

(2) Any person who fails to comply with a requirement or an order referred to in subsection (1) is guilty of an offence.

(3) A patient of a medical practitioner who fails to provide the medical practitioner or a person acting on his behalf with any information sought from the patient pursuant to a requirement under subsection (1)(a) that is within the patient's knowledge is guilty of an offence.

(4) A medical practitioner shall comply with a requirement under subsection (1)(a) to transmit information to the Director-General notwithstanding any restriction on the disclosure of information imposed by any written law, rule of law, rule of professional conduct or contract; and he shall not by so doing be treated as being in breach of any such restriction notwithstanding anything to the contrary in that law, rule or contract.

(5) In this section —

"clinical laboratory" means any premises used or intended to be used for any type of examination of the human body or of any matter derived therefrom for the purpose of providing information for the diagnosis, prevention or treatment of any disease or for the assessment of the health of any person, or for ascertaining the cause of death or the result of any medical or surgical treatment given to any person;

"healthcare establishment" means any premises or conveyance —

(a) which is used or intended to be used for the provision of any service, or for carrying out any practice or procedure, that is related to the diagnosis, treatment or care of persons suffering from any disease, injury or disability; and

(b) which is declared by the Minister, by order published in the *Gazette*, to be a healthcare establishment for the purposes of this Order;

"medical clinic" means any premises used or intended to be used by a medical practitioner, a dentist or any other person —

(a) for the diagnosis or treatment of persons suffering from, or believed to be suffering from, any disease, injury or disability of mind or body; or

(b) for curing or alleviating any abnormal condition of the human body by the application of any apparatus, equipment, instrument or device requiring the use of electricity, heat or light.

Offence for supplying false or misleading information.

11. (1) Any person who —

(a) donates any blood or blood product at any blood bank or hospital in Brunei Darussalam for any use or purpose; and

(b) directly in connection with such donation of blood or blood product, supplies any material information which he knows to be false or misleading,

is guilty of an offence and liable on conviction to a fine not exceeding \$20,000, imprisonment for a term not exceeding 2 years or both.

(2) In this section, "material information" means any information directly relating to the likelihood of transmission of an infectious disease by the use of any blood or blood product.

Treatment of premises or vessel.

12. (1) The Director-General may, by notice in writing, require the owner or occupier of any premises or vessel to cleanse or disinfect it in the manner and within the time specified in the notice.

(2) Any owner or occupier who fails to comply with the requirements of the notice served under subsection (1) is guilty of an offence.

(3) Without prejudice to any proceedings under subsection (2), where a notice issued by the Director-General under subsection (1) has not been complied with, a person authorised in writing in that behalf by the Director-General may enter the premises or vessel to which the notice relates and take or cause to be taken such measures as have been specified in the notice.

(4) The cost and expenses incurred by the Director-General under subsection (3) shall be paid by the person in default and may be recovered as a debt due to the Government.

Destruction and disposal of infected animals, food and water.

13. The Director-General may order the destruction of any animal and the disposal of any food or water wherever found if he considers such animal, food or water to be a source for the transmission of an infectious disease.

Wakes and disposal of corpses.

14. (1) Where any person has died whilst being, or suspected of being, a case or carrier or contact of an infectious disease, the Director-General may by order —

(a) prohibit the conduct of a wake over the body of that person or impose such conditions as he thinks fit on the conduct of such wake; or

(b) impose such conditions as he thinks fit for the collection, removal and disposal of the body of that person.

(2) If any person contravenes any order under subsection (1) —

(a) that person is guilty of an offence; and

(b) any health officer may take such steps as may be necessary to ensure that the order is complied with, including entering any premises at any time without warrant and with such force as may be necessary to collect, remove and dispose of the body of the deceased person.

(3) Any costs and expenses incurred by any health officer under subsection (2)(b) shall be borne by the person in default and may be recovered as a debt due to the Government.

Isolation of certain persons.

15. (1) The Director-General may order any person who is, or is suspected to be, a case or carrier or contact of an infectious disease to be detained and isolated in a hospital or other place for such period of time and subject to such conditions, as the Director-General may determine.

(2) Notwithstanding subsection (1), the Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, may order the removal forthwith from Brunei Darussalam of any person referred to in subsection (1) who is not a citizen of Brunei Darussalam.

(3) The Director-General may order any person who is, or is suspected or continues to be suspected to be, a case or carrier or contact of an infectious disease, or who has recently recovered from or been treated for such disease, to

remain and to be isolated and (if necessary) be treated, in his own dwelling place —

(a) for such period of time as may be necessary for the protection of the public; and

(b) subject to such conditions as the Director-General may consider necessary for this purpose.

(4) If any person against whom an order under subsection (1) or (3) is made —

(a) fails to proceed to the place in which he is to be isolated within the time specified in the order;

(b) without the permission of the Director-General, leaves or attempts to leave the place in which he is being isolated; or

(c) fails to comply with any condition to which the person is subject, that person is guilty of an offence.

(5) Any person in respect of whom an order under subsection (2) has been made who fails to comply with that order is guilty of an offence.

Surveillance.

16. (1) The Director-General may, in his discretion, order any person who is, or is suspected to be, a case or carrier or contact of an infectious disease to undergo surveillance for such period of time and subject to such conditions as the Director-General thinks fit.

(2) Any person subjected to surveillance under subsection (1) who fails to comply with any condition relating to his surveillance imposed by the Director-General is guilty of an offence.

Isolation area.

17. (1) The Minister may, for the purpose of preventing the outbreak or spread of an infectious disease, by notification in the *Gazette*, declare any premises to be an isolation area.

(2) A notification under subsection (1) shall be effective until the expiration of such period as may be specified in the notification or until it is revoked by the Minister, whichever occurs first.

(3) The Director-General may, in relation to an isolation area, by order —

(a) prohibit any person or any person within a class of persons from entering or leaving the isolation area without the permission of the Director-General;

(b) prohibit or restrict the movement within the isolation area of any person or any person within a class of persons;

(c) prohibit or restrict the movement of goods;

(d) require any person or any person within a class of persons to report at specified times and places and submit to such medical examinations, to answer such questions and to submit to such medical treatment as the Director-General thinks fit;

(e) authorise the destruction, disposal or treatment of any goods, structure, water supply, drainage and sewerage system or other matter within the isolation area known or suspected to be a source of infection; and

(f) prohibit, restrict, require or authorise the carrying out of such other act as may be prescribed.

(4) Action necessary to give effect to an order under subsection (3) may be taken by any health officer or any police officer.

(5) Any person who, without reasonable excuse, contravenes an order under subsection (3) is guilty of an offence.

(6) A person who leaves or attempts to leave or is suspected of having left an isolation area in contravention of an order under subsection (3) may be arrested without warrant by any police officer, or by any health officer authorised in writing in that behalf by the Director-General.

(7) Without prejudice to any of the orders which the Director-General may make under this Order or any regulations made thereunder, the Director-General may issue an order under section 15 against a person who is arrested under subsection (6) as if he were a person referred to in that section.

(8) Goods brought into or removed from an isolation area in contravention of an order under subsection (3) shall be forfeited to the Government and may be seized, dealt with and disposed of in accordance with section 56(2) and (3) as if those goods were any substance or matter referred to in section 56(1)(c).

Abatement of overcrowding.

18. (1) If, in the opinion of the Director-General, a building is so overcrowded as to expose the occupants thereof to the risk of infection by an infectious disease, he may, by notice in writing, direct the owner or occupier of the building to abate the overcrowding or to close the building or part thereof within the time specified in the notice.

(2) When a building or any part thereof has been directed to be closed under subsection (1), any person who enters the building or part thereof without the permission of the Director-General is guilty of an offence.

Closure of food establishment.

19. (1) If the Director-General suspects that any food establishment is the source of or is responsible for the transmission of an infectious disease, he may, by notice in writing, order the closure of the food establishment and prohibit the sale or distribution of the food or water found therein for such period as may be specified in the notice.

(2) Any person aggrieved by any order under subsection (1) may, within 7 days from the date of the order, appeal to the Minister whose decision shall be final.

Prohibition of meetings, gatherings and public entertainments.

20. (1) Where it appears to the Director-General that the holding of any meeting, gathering or any public entertainment is likely to increase the spread of any infectious disease, the Director-General may prohibit the meeting, gathering or public entertainment in any place.

(2) Any person who holds, is present at or has taken part in any meeting, gathering or public entertainment in contravention of any prohibition under subsection (1) is guilty of an offence.

Control of occupation, trade or business.

21. (1) The Director-General may, by order in writing, prohibit any person who is a case or carrier of an infectious disease for any period specified therein from carrying on any occupation, trade or business in which that person is likely to cause the spread of the disease.

(2) The Director-General may, by order in writing, prohibit any person for any period specified therein from carrying on any occupation, trade or business if

his occupation, trade or business is conducted in such manner as is likely to cause the spread of any infectious disease.

(3) Any person aggrieved by any order under subsection (2) may, within 7 days from the date of the order, appeal to the Minister whose decision shall be final.

(4) Any person who contravenes any order made under subsection (1) or (2) is guilty of an offence.

Certain persons not to act in manner likely to spread disease.

22. (1) A person who knows or has reason to suspect that he is a case or carrier or contact of a disease set out in the Fifth Schedule shall not expose other persons to the risk of infection by his presence or conduct in any public place or any other place used in common by persons other than the members of his own family or household.

(2) A person having the care of another person whom he knows or has reason to suspect is a case or carrier or contact of a disease set out in the Fifth Schedule shall not cause or permit that person to expose other persons to the risk of infection by that person's presence or conduct in any such place.

(3) A person shall not lend, sell, transmit or expose, without previous disinfection, any clothing, bedding or rags which he knows to have been exposed to infection from a disease set out in the Fifth Schedule, or any other article which he knows to have been so exposed and which is liable to carry such infection.

(4) Any person who contravenes subsection (1), (2) or (3) is guilty of an offence.

(5) A person shall not incur any liability for contravening subsection (1) if his presence or conduct in a place mentioned in that subsection is necessary for the purpose of obtaining medical treatment.

(6) Where the Director-General has designated a hospital or other place for the treatment of the disease, subsection (5) shall only apply in relation to the obtaining of medical treatment at the designated hospital or place.

(7) A person shall not incur any liability for contravening subsection (3) by transmitting with proper precautions any article for the purpose of having it disinfected.

PART IV

CONTROL OF AIDS AND HIV INFECTION

Persons with AIDS or HIV Infection to undergo counselling etc.

23. (1) The Director-General may require any person who has been diagnosed as having AIDS or HIV Infection —

(a) to undergo counselling by a registered medical practitioner; and

(b) to comply with such precautions and safety measures as may be specified by the Director-General.

(2) Any person who fails or refuses to comply with subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 2 years or both,

Sexual intercourse by persons with AIDS or HIV Infection.

24. (1) A person who knows that he has AIDS or HIV Infection shall not have sexual intercourse with another person unless, before the sexual intercourse takes place, the other person —

(a) has been informed of the risk of contracting AIDS or HIV Infection from him; and

(b) has voluntarily agreed to accept that risk.

(2) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 2 years or both.

(3) For the purposes of this section, a person shall not, only by reason of age, be presumed incapable of having sexual intercourse.

(4) For the purposes of this section and section 25, a person shall be deemed to know that he has AIDS or HIV Infection if a serological test or any other prescribed test for the purpose of ascertaining the presence of HIV Infection carried out on him has given a positive result and the result was communicated to him.

(5) In this section, "sexual intercourse" means —

(a) sexual connection occasioned by the introduction into the vagina, anus or mouth of any person of any part of the penis of another person; or

(b) cunnilingus.

Blood donation and other acts by persons with AIDS or HIV Infection.

25. (1) Any person who knows that he has AIDS or HIV Infection shall not —

(a) donate blood at any blood bank in Brunei Darussalam; or

(b) do any act which is likely to transmit or spread AIDS or HIV Infection to another person.

(2) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$50,000, imprisonment for a term not exceeding 2 years or both.

Protection of identity of persons with AIDS, HIV Infection or other sexually transmitted disease. Disclosure by Director-General etc.

26. (1) Any person who, in the performance or exercise of his functions or duties under this Order, is aware or has reasonable grounds for believing that another person has AIDS or HIV Infection or is suffering from a sexually transmitted disease or is a carrier of that disease shall not disclose any information which may identify the other person except —

(a) with the consent of the other person;

(b) when it is necessary to do so in connection with the administration or execution of anything under this Order;

(c) when ordered to do so by a court;

(d) to any medical practitioner or other health staff who is treating or caring for the other person;

(e) to any blood, organ, semen or breast milk bank that has received or will receive any blood, organ, semen or breast milk from the other person;

(f) for statistical reports and epidemiological purposes if the information is used in such a way that the identity of the other person is not made known;

(g) to the victim of a sexual assault by the other person;

(h) to the Controller of Immigration for the purposes of the Immigration Act (Chapter 17);

(i) to the next-of-kin of the other person upon the death of such person;

(j) to any person or class of persons to whom, in the opinion of the Director-General, it is in the public interest that the information be given; or

(k) when authorised by the Minister to publish such information for the purposes of public health or public safety.

(2) Any person who contravenes or fails to comply with subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$2,000, imprisonment for a term not exceeding 3 months or both.

(3) For the purposes of subsection (1)(a), the consent of the other person includes —

(a) if that person has died, the written consent of that person's spouse, personal representative, administrator or executor;

(b) if that person is below the age of 16 years, the written consent of a parent or legal guardian of that person; and

(c) if, in the opinion of the medical practitioner who undertook the test for HIV Infection for that person, he has a disability by reason of which he appears incapable of giving consent, the written consent in the following order, of —

(i) a legal guardian of that person;

(ii) the spouse of that person;

(iii) a parent of that person; or

(iv) an adult child of that person.

(4) The Director-General may disclose any information relating to any person whom he reasonably believes to be infected with AIDS or HIV Infection to —

(a) any medical practitioner or other health staff who has been exposed to a risk of infection from AIDS or HIV Infection; or

(b) any first responder who has experienced a significant exposure to blood or other potentially infectious materials of any patient.

(5) For the purposes of subsection (4), "first responder" means any police officer or any person who provides emergency response, first aid care or other medically related assistance either in the course of the person's occupational duties or as a volunteer.

(6) Subject to subsection (7), a medical practitioner may disclose information relating to any person whom he reasonably believes to be infected with AIDS or HIV Infection to the spouse, former spouse or other contact of the infected person or to any health officer for the purpose of making the disclosure to the spouse, former spouse or other contact.

(7) The medical practitioner shall not disclose any information under subsection (6) unless —

(a) he reasonably believes that it is medically appropriate and that there is a significant risk of infection to the spouse, former spouse or other contact;

(b) he has counselled the infected person regarding the need to notify the spouse, former spouse or other contact and he reasonably believes that the infected person will not inform the spouse, former spouse or other contact; and

(c) he has informed the infected person of his intent to make such disclosure to the spouse, former spouse or other contact.

(8) Where the medical practitioner is unable, by any reasonable means, to counsel or inform the infected person, he may apply to the Director-General to waive the requirements of subsection (7)(b) or (c) or both.

(9) The Director-General may approve the application made under subsection (8) if, in the opinion of the Director-General, it is medically appropriate to disclose the information and that there is a significant risk of infection to the spouse, former spouse or other contact.

(10) No person, to whom any information relating to a person who is reasonably believed to be infected with AIDS or HIV Infection has been disclosed under this section, shall disclose such information to any person other than the persons specified in subsection (11) or as provided in subsection (13).

(11) The persons referred to in subsection (10) are —

(a) the infected person himself;

(b) a person who is authorised under subsection (1)(a) to consent to such disclosure; and

(c) any person who is authorised to disclose such information under subsection (1), (4), (6) or (9).

(12) Any person who fails to comply with or contravenes subsection (10) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 3 months or both.

(13) A person, to whom any information relating to a person who is reasonably believed to be infected with AIDS or HIV Infection has been disclosed under this section, may apply to the Director-General for approval to disclose such information to any person or class of persons.

(14) The Director-General may approve the application under subsection (13) if he is satisfied that such disclosure is in the interests of public health or public safety.

PART V

PREVENTION OF INTRODUCTION OF INFECTIOUS DISEASES INTO BRUNEI DARUSSALAM

Infected area.

27. (1) Whenever the Minister has reason to believe that a dangerous infectious disease may be introduced into Brunei Darussalam from or through any area in Brunei Darussalam or elsewhere he may, by notification in the *Gazette*, declare that area to be an infected area.

(2) The Minister may, in his discretion, issue an order prohibiting the entry into Brunei Darussalam of any person or class of persons from an infected area declared under subsection (1) except under such conditions as he may specify.

Vessels, persons and articles from infected area.

28. (1) For the purposes of this Part, all vessels, persons and articles coming from an infected area shall be deemed to be infected unless otherwise declared by the Director-General.

(2) A vessel and any person and article on board shall also be deemed to be infected if an infectious disease is found on board or if such infection was present amongst the crew, passengers, rodents or vectors on board the vessel.

Information required on arrival of vessels.

29. (1) The master and the surgeon, if there is one on board, or the agent of any vessel arriving in Brunei Darussalam shall provide such particulars as may be required by the Director-General or health officer in such form or manner as the Director-General may require.

(2) Any master, surgeon or agent who fails to comply with subsection (1) or who provides any information which is false or misleading is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 6 months or both.

Measures required of vessels on arrival.

30. (1) The Director-General or any health officer may —

(a) inspect any vessel or any person or goods on board the vessel when in Brunei Darussalam;

(b) subject persons on board a vessel, upon arrival, to medical examination;

(c) direct health and sanitary measures to be taken in respect of a vessel;

(d) obtain from the master, or any other person on board the vessel, all necessary information that he requires to ascertain the health of persons on board, the sanitary condition of the vessel and cargo and of the port last visited by that vessel and any other information that he may require;

(e) inspect the journal or log-book of the vessel or of the vessel's papers; and

(f) direct the master, owner or agent of any vessel to forward a copy of the vessel's passenger and crew list and cargo manifest immediately after the vessel's arrival in Brunei Darussalam.

(2) Any person who fails to comply with any direction or requirement under subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000.

Undertaking to report to health officer.

31. (1) Any person who has given an undertaking in another country to report to any health officer in Brunei Darussalam shall immediately on his arrival report accordingly and shall comply with all the directions of any health officer.

(2) Any person who contravenes subsection (1) or fails to comply with the directions of any health officer is guilty of an offence and liable on conviction to a fine not exceeding \$1,000; and any deposit or guarantee made by such person may be forfeited.

(3) Without prejudice to subsection (2), any such person who fails to report to any health officer or fails to comply with the directions of any health officer shall be liable to be arrested without a warrant, to be isolated, disinfected or otherwise treated.

Vaccination.

32. (1) Every person on an international voyage whether leaving or arriving in Brunei Darussalam shall —

(a) have been vaccinated against all or any of the diseases in accordance with the requirements set out in the Third Schedule; and

(b) produce valid international certificates of vaccination to any health officer.

(2) Notwithstanding subsection (1), any health officer may require such person to be vaccinated and may subject him to isolation or surveillance for such period as the health officer thinks fit.

(3) The health officer may, in his discretion, return any person, not being a citizen of Brunei Darussalam, who refuses or fails to comply with subsection (2), to his place of origin or embarkation at the expense of the owner or agent of the vessel by which he arrived in Brunei Darussalam.

(4) The owner, master or agent of any vessel shall ensure compliance with subsection (1) in respect of any person on board his vessel.

Disinfection and treatment of vessels.

33. (1) The Director-General or any health officer authorised in writing in that behalf by the Director-General may, in his discretion, order the disinfection and treatment of the clothes and personal effects of any infected person arriving in Brunei Darussalam.

(2) Any vessel which has conveyed an infected person shall be cleansed, disinfected or treated in such manner as may be directed by the Director-General or any health officer authorised in writing in that behalf by the Director-General.

Arrival of infected ships.

34. (1) Any infected ship shall anchor at a quarantine anchorage unless otherwise directed by any health officer and shall remain there until it has been granted pratique by any health officer.

(2) An infected ship lying within the waters of Brunei Darussalam shall show the appropriate quarantine signal prescribed by regulations unless otherwise directed by any health officer.

(3) No person shall board or disembark from the ship while it lies at a quarantine anchorage, without obtaining the prior written permission of any health officer.

(4) No baggage, cargo or article may be discharged from a ship while it lies at a quarantine anchorage without the prior written permission of any health officer.

(5) Any master or any other person who contravenes this section is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, to imprisonment for a term not exceeding 12 months or both.

Unauthorised boarding or disembarking from infected vessel.

35. (1) The master of any infected vessel shall while it is subject to quarantine —

(a) prevent and, if necessary, detain any person disembarking from the vessel without being authorised by any health officer;

(b) detain any person from Brunei Darussalam who without the permission of any health officer boards the vessel;

(c) deliver any person detained to any health officer;

(d) prevent any baggage or cargo from being discharged from the vessel; and

(e) prevent any rodent from leaving or entering the vessel.

(2) A master who fails to comply with any of the provisions of subsection (1) and any person aiding or abetting a master is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding 12 months or both.

(3) For the purposes of section 34 and this section, "infected" means infected with a dangerous infectious disease.

Pratique.

36. (1) A ship not granted pratique shall remain in the quarantine anchorage while in the waters of Brunei Darussalam or may continue its voyage to other ports.

(2) The master or agent of any ship which has not been granted pratique who suffers or permits the ship to be anchored or berthed in contravention of subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 12 months or both.

Discharge of waste or matter.

37. The discharge of human dejecta, solid or liquid waste or any matter, which the Director-General or any health officer considers to be contaminated, from any vessel shall be subject to such measures as the Director-General or the health officer may impose.

Vessels within the waters of Brunei Darussalam.

38. (1) The master, owner or agent of any vessel whilst in Brunei Darussalam shall —

(a) take such precautions as may be directed by any health officer to prevent rodents from leaving or entering the vessel, and take such measures for the destruction of rodents on board the vessel;

(b) take all measures directed by any health officer to abate any nuisance that may be present on board the vessel within such time as may be specified by the health officer; and

(c) take such measures to clean, disinfect, whitewash or any other measures which any health officer may direct to improve the condition of the water tanks, living spaces or any other part of the vessel.

(2) Any master, owner or agent who fails to comply with any directions under subsection (1) within the specified time is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, and to a further fine not exceeding \$500 for every day during which the offence continues after conviction.

Person supplying food and water.

39. (1) The master, owner or agent of every vessel and any person supplying food and water to the vessel shall ensure that the food and water supplied to the vessel is fit for human consumption.

(2) The master, owner or any person in charge of any vessel employed for carrying food or water intended for human consumption shall ensure that his vessel and the food and water receptacles therein are in a clean and sanitary condition.

(3) Any person who contravenes this section is guilty of an offence and liable on conviction to a fine not exceeding \$5,000.

Powers of Director-General or health officer regarding food and water.

40. (1) The Director-General or any health officer may —

(a) take samples of any food and water intended for human consumption or for sale to a vessel;

(b) order the owner or any person in charge of a vessel supplying food to carry out an analysis of the food and to supply the results of that analysis to the Director-General or the health officer;

(c) if he has reason to believe that any food intended for human consumption is liable to be contaminated or is unfit for human consumption, order the food to be destroyed; and

(d) order the owner, master or agent of any vessel to forthwith cleanse the water tanks of the vessel to his satisfaction.

(2) Any person who fails to comply with an order under subsection (1) within the time specified therein is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 12 months or both.

Importation of vectors of diseases.

41. (1) No person shall import or bring or cause to be imported or brought into Brunei Darussalam any vectors capable of transmitting a disease without first obtaining the written permission of the Director-General.

(2) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 12 months or both.

Importation of agents of diseases.

42. (1) No person shall, without the prior written permission of the Director-General, import or bring or cause to be imported or brought into Brunei Darussalam any disease-causing organism or any agent of disease capable of transmitting a disease.

(2) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 12 months or both.

Power to inspect merchandise etc. on board vessel.

43. (1) The Director-General or any health officer may inspect and examine any articles, merchandise, baggage or cargo, on board any vessel, which are in his opinion contaminated or likely to be contaminated.

(2) The Director-General or any health officer may order any contaminated articles, merchandise, baggage or cargo found on board the vessel to be —

(a) seized and treated or disposed of in such manner as he thinks fit;
and

(b) prohibited from being unloaded or stored in Brunei Darussalam.

(3) Any person who fails to comply with any order under subsection (2) or hinders or obstructs the execution of that order is guilty of an offence and liable on conviction to a fine not exceeding \$2,000.

(4) Any articles, merchandise, baggage or cargo to which the order relates may be confiscated, treated or disposed of at the discretion of the Director-General or the health officer.

Corpses.

44. (1) No corpse or human remains or bones other than cremated ashes, shall be brought into or transhipped or exported from Brunei Darussalam, unless accompanied by a medical certificate or other evidence showing the name of the deceased, the date and cause of death and the measures adopted to preserve the body.

(2) Such corpse or human remains or bones shall not be landed or transhipped or exported without the written permission of any health officer.

(3) The owner, master or agent of any vessel shall ensure compliance with subsections (1) and (2).

(4) Any person who contravenes subsection (1) or (2) is guilty of an offence and liable on conviction to a fine not exceeding \$5,000.

Master etc. of vessel to assist Director-General etc.

45. (1) The master, owner or agent of a vessel shall provide such facilities and assistance as the Director-General or any health officer may require in exercising his powers for the purpose of carrying out the provisions of this Order.

(2) The master, owner or agent of a vessel shall take all reasonable measures and exercise due and proper care to ensure the safety of the Director-General or any health officer and any person acting under his direction in the course of their work on board the vessel.

(3) Any person who contravenes this section is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 12 months or both.

Liability of master, owner or agent for expenses.

46. (1) The master, owner and agent of any vessel which has been ordered into quarantine or of any vessel from which any person is removed for quarantine shall be responsible for the removal, care and maintenance, conveyance and medical surveillance of all persons on board the vessel and the provision of such services as the Director-General or any health officer considers necessary to ensure the satisfactory performance of the quarantine of the vessel and the persons on board.

(2) The master, owner or agent of any vessel which has been ordered into quarantine or to be cleansed, fumigated, disinfected or otherwise treated, shall pay the costs and expenses of removal of any cargo and goods from the vessel incurred in the cleansing, fumigation, disinfection or treatment of the vessel.

(3) The master, owner or agent of the vessel may make arrangement with the Director-General or any health officer for the carrying out of any of the responsibilities under this section and for the payment of the costs and expenses thereof.

(4) The Director-General or any health officer may take any action he considers necessary to ensure that the vessel or any person or articles on board performs the quarantine satisfactorily and any expenses incurred thereby shall be recoverable from the owner or agent of the vessel as a debt due to the Government.

(5) The Director-General or any health officer may require the master, owner or agent of the vessel to give such security as he thinks necessary to ensure

that the master, owner or agent of the vessel will carry out his responsibilities under this section satisfactorily.

PART VI

VACCINATION

Responsibility of parent or guardian.

47. (1) The parent or guardian of every child in Brunei Darussalam shall ensure that the child is vaccinated against the diseases set out in the Fourth Schedule.

(2) The Registrar of Births and Deaths shall, immediately after the registration of the birth of a child, issue to the parent or guardian of the child a notice, in such form as the Registrar may determine, requiring the child to be vaccinated against the diseases to which this section applies.

Power to direct mandatory vaccination of persons in certain cases.

48. (1) In an outbreak of any infectious disease in any area in Brunei Darussalam, the Minister may, by notification in the *Gazette*, direct any person or class of persons not protected or vaccinated against the disease to be vaccinated within such period as may be specified in the order.

(2) In addition to the power conferred by subsection (1), whenever it appears to the Minister that —

(a) an outbreak of an infectious disease in any area in Brunei Darussalam is imminent; and

(b) it is necessary or expedient to do so for the securing of public safety, the Minister may, by notification in the *Gazette*, direct any person or class of persons not protected or vaccinated against that infectious disease to be vaccinated within such period as may be specified in the order.

(3) Any direction made under subsection (1) or (2) may specify the person by whom and the manner in which the vaccination is to be carried out.

(4) Where any direction is made under subsection (1) or (2), the Minister shall cause notice of the effect of the direction to be given in such a manner as he thinks necessary for bringing it to the notice of all persons who in his opinion ought to have notice thereof.

Vaccination and intradermal tests.

49. (1) No vaccination or intradermal test shall be carried out except by a medical practitioner or by a nurse working under the supervision of a medical practitioner.

(2) Every medical practitioner shall —

(a) keep, in such manner as the Director-General may require, a record of all vaccination and intradermal tests carried out by him or under his supervision; and

(b) after carrying out any vaccination or intradermal test, notify within such period and in such manner as the Director-General may require —

- (i) the Director-General or any person who is designated by the Director-General for that purpose; and
- (ii) the person on whom the vaccination or intradermal test was carried out or, if such person is a child, to the parent or guardian of such child.

Exemption from vaccination.

50. The Director-General or any person who is designated by the Director-General for that purpose, may grant the postponement of or exemption from any vaccination required under this Part as he thinks fit.

Certificates of unfitness.

51. (1) If any medical practitioner is of the opinion that any person is not fit to be vaccinated, he shall forthwith deliver to that person or in the case of a child to the parent or guardian of the child an exemption certificate in such form as the Director-General may require.

(2) Such exemption certificate shall remain in force for such period as may be specified therein.

(3) Before the expiry of the exemption certificate the person shall go, or the parent or guardian of the child shall take or cause the child to be taken, to a medical practitioner who shall then examine and vaccinate the person or child or give a further exemption certificate in respect of that person or child in such form as the Director-General may require.

(4) Any medical practitioner who issues an exemption certificate under this section shall, within such time and in such form or manner, as the Director-

General may require, notify the Director-General or any person who is designated by the Director-General for that purpose.

Offence.

52. Any person who contravenes or fails to comply with any provision of this Part, or fails to comply with any notice given under section 47 or any order made under section 48, is guilty of an offence.

Suspension of this Part.

53. (1) The Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan may, by notification in the *Gazette*, suspend all or any of the provisions of this Part during an epidemic of any infectious disease.

(2) The Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan shall on the termination of such epidemic, by notification in the *Gazette*, restore such provisions of this Part that he has suspended and order all persons affected by the suspension to perform within such time as he may specify all acts as remained to be performed by reason of the suspension.

Issue of international certificates of vaccination.

54. (1) An international certificate of vaccination shall be issued only by such medical practitioners as may be permitted by the Director-General.

(2) The grant of such permission shall be —

(a) in the discretion of the Director-General and may be granted, renewed or refused without any reason for the grant, renewal or refusal being assigned and may be granted or renewed subject to such restrictions and conditions as the Director-General may think fit; and

(b) subjected to suspension at any time and without notice upon breach of any restriction or condition subject to which it was issued, or upon contravention of any provision of this Order or any regulations made thereunder.

(3) For the purposes of subsection (1), an international certificate of vaccination shall be in such form as the Director-General may require.

Minister may prescribe fees for vaccinations and intradermal tests.

55. The Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan may, by notification in the *Gazette*, prescribe the fees that may be

charged by medical practitioners who carry out any vaccination and intradermal test under the provisions of this Order.

PART VII

MISCELLANEOUS

Powers of Director-General and health officers in dealing with outbreaks and suspected outbreaks of infectious diseases.

56. (1) For the purpose of investigating into any outbreak or suspected outbreak of an infectious disease or for the purpose of preventing the spread of any such infectious disease, the Director-General or any health officer authorised in writing in that behalf by the Director-General may —

(a) at any time without warrant and with such force as may be necessary —

(i) enter, inspect and search any premises; or

(ii) stop, board, inspect and search any conveyance,

in which the outbreak or suspected outbreak has taken place;

(b) take samples of any substance or matter, wherever found, if the Director-General or health officer has reason to believe that that substance or matter is the cause of, is contributory to or is otherwise connected with, the occurrence of the outbreak or suspected outbreak, and send such samples for such test, examination or analysis as the Director-General or health officer may consider necessary or expedient;

(c) seize any substance or matter, wherever found, if the Director-General or health officer has reason to believe that that substance or matter is the cause of, is contributory to or is otherwise connected with, the occurrence of the outbreak or suspected outbreak;

(d) require any person to destroy any food in his possession which the Director-General or health officer has reason to believe is the cause of, is contributory to or is otherwise connected with, the occurrence of the outbreak or suspected outbreak;

(e) require any person —

(i) to furnish any information within his knowledge; or

- (iii) to produce for inspection any book or document within his custody or possession;

(f) require, by notice in writing, any person who is, or is suspected to be, a case or carrier or contact of an infectious disease to submit to medical examination and have his blood or other body sample taken for examination within the time specified in such notice, and to undergo such treatment as may be necessary;

(g) subject to subsection (5), order the closure or cordoning off of any public place in which the outbreak or suspected outbreak has taken place;

(h) subject to subsections (6) and (7), requisition, for such period as the Director-General or health officer thinks necessary —

- (i) any premises which, in his opinion, is suitable for the isolation and treatment of persons who are or are reasonably suspected to be cases or carriers or contacts of the infectious disease; and

- (ii) any conveyance which, in his opinion, is suitable and necessary for use in connection with the prevention of the spread of the infectious disease;

(i) by order prohibit or restrict the movement of persons, animals and conveyances into, within or out of any public place referred to in paragraph (g) or any premises referred to in sub-paragraph (i) of paragraph (h).

(2) Where the Director-General or health officer seizes any substance or matter under subsection (1)(c) —

(a) the Director-General or health officer shall forthwith give notice in writing of the seizure to the owner of, or to the person from whom, the substance or matter was seized and may —

- (i) direct that the substance or matter under seizure be kept or stored in the premises or conveyance where it was seized or be removed to any other place to be kept or stored thereat; or
- (ii) dispose of the substance or matter immediately if the Director-General or health officer is of the view that the substance or matter is decayed, putrefied or deleterious to health; and

(b) any person aggrieved by the seizure may, within 48 hours after the seizure, complain thereof to a court and the court may —

- (i) confirm the seizure wholly or in part;
- (ii) disallow the seizure wholly or in part;
- (iii) order that any substance or matter that has been seized be returned to its owner, subject to any condition which the court may think fit to impose to ensure that the substance or matter is preserved for any purpose for which it may subsequently be required; or
- (iv) order payment to be made to the owner of or person entitled to the substance or matter seized of such amount as the court considers reasonable compensation to him for any loss or depreciation resulting from the seizure.

(3) Where —

(a) no complaint is received by the court within 48 hours of the seizure under subsection (2)(b); or

(b) the court confirms the seizure under subsection (2)(b)(i),

the substance or matter seized in its entirety or to the extent to which its seizure was confirmed by the court, as the case may be, shall become the property of the Government and shall be disposed of in such manner as the Director thinks fit.

(4) A person shall comply with a requirement under subsection (1)(e) to disclose information or produce documents to the Director-General notwithstanding any restriction on the disclosure of the information or documents imposed by any written law, rule of law, rule of professional conduct or contract; and the person shall not by so doing be treated as being in breach of any such restriction notwithstanding anything to the contrary in that law, rule or contract.

(5) The power referred to in subsection (1)(g) shall not apply in respect of any public place where the power to order the closure or cordoning off of such public place in the same circumstances has been conferred by any other written law on some other public officer or statutory body.

(6) Any premises that are unoccupied may be requisitioned under subsection (1)(h) without notice being given to the owner thereof, but no premises that are occupied shall be so requisitioned unless a written notice has been served on the owner or occupier or posted in a conspicuous position at those premises.

(7) Where any premises or conveyance is requisitioned under subsection (1)(h), the owner or occupier of the premises or the owner or person having control and possession of the conveyance shall be entitled to a reasonable

compensation for the occupation of the premises during the period of requisition, or for the use and detention of the conveyance, as the case may be.

(8) Any person who fails to comply with any requirement or order under subsection (1)(d), (e), (f), (g) or (i) is guilty of an offence.

Surrender of travel documents.

57. (1) The Director-General may by written notice order a person who is required to be isolated in any place or to undergo or submit to surveillance, medical examination or medical treatment under the provision of this Order or any regulations made thereunder to forthwith surrender any travel documents in his possession.

(2) A notice under subsection (1) shall be served personally on the person to whom it is addressed.

(3) A person on whom a notice under subsection (1) shall comply with such notice forthwith.

(4) If a person on whom a notice under subsection (1) has been served fails to comply with the notice forthwith, he shall commit an offence.

(5) A travel document which is surrendered to the Director-General under this section may be detained for such period as the Director-General may require.

(6) In this section, "travel document" means a passport or other document establishing the identity or nationality of a holder.

(7) Any person aggrieved by any order under subsection (1) may, within 7 days from the service of such order appeal to the Minister, whose decision shall be final.

Powers of arrest.

58. (1) Any police officer or any health officer authorised in writing in that behalf by the Director-General may arrest any person committing or who he has reason to believe has committed any offence punishable under this Order or any regulations made thereunder if —

(a) the name and address of the person are unknown to him;

(b) the person declines to give his name and address; or

(c) there is reason to doubt the accuracy of the name and address if given.

(2) A person arrested under subsection (1) may be detained until his name and address are correctly ascertained.

(3) No person so arrested shall be detained longer than is necessary for bringing him before a court unless the order of a court for his detention is obtained.

Powers of arrest of person in isolation, undergoing surveillance etc.

59. (1) Any person who —

(a) being required to be isolated in any place under the provisions of this Order or any regulations made thereunder, fails to proceed to that place or leaves or attempts to leave that place; or

(b) being required to undergo or submit to surveillance, medical examination or medical treatment under the provisions of this Order or any regulations made thereunder, fails to undergo or submit to such surveillance, examination or treatment,

may be arrested without warrant by any police officer, or by any health officer authorised in writing in that behalf by the Director-General.

(2) The Director-General may issue any order under this Order or any regulations made thereunder for the isolation, surveillance, medical examination or medical treatment of a person arrested under subsection (1).

Police officer or health officer may demand names and addresses in certain cases.

60. (1) Any person who is required by any police officer or by any health officer authorised in writing in that behalf by the Director-General shall on demand give his name and address and other proof of identity to the police officer or health officer, as the case may be.

(2) The occupier of any premises shall, if required by any police officer or by any health officer authorised in writing in that behalf by the Director-General, give his name and address and other proof of identity and the name and address of the owner of the premises, if known.

(3) Any person who fails to comply with any requirement properly made to him under subsection (1) or (2), or wilfully mis-states his name and address or the name and address of the owner of any premises, is guilty of an offence and liable on conviction to a fine not exceeding \$500.

Disclosure of information to prevent spread of infectious disease.

61. (1) The Director-General may only disclose any information obtained by him under this Order to any person if this is necessary to enable that person to take steps to prevent the spread of a disease set out in the Sixth Schedule.

(2) A person to whom information under subsection (1) is disclosed may only disclose or use such information to the extent necessary for implementing any measure permitted by the Director-General for the purpose of preventing the spread of that disease, but not otherwise.

(3) Any person who contravenes subsection (2) is guilty of an offence.

(4) Subsection (1) is without prejudice to any right of disclosure under this Order or any other written law or rule of law.

Extraordinary powers in relation to emergency measures.

62. (1) The Director-General may, with the approval of the Minister, formulate and implement emergency measures for the control of an infectious disease in any area; such measures shall be published in the *Gazette* before implementation.

(2) Any person who wilfully neglects or refuses to carry out or obstructs the execution of any emergency measure formulated and implemented under subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 6 months or both.

Police assistance.

63. The Commissioner of Police shall provide such police assistance as may be necessary to carry out any of the provisions of this Order or the regulations made thereunder.

Service of notices, orders or other documents.

64. (1) Any notice, order or other document required or authorised by this Order or any regulations made thereunder to be served on any person may be served —

(a) by delivering it to the person or to some adult member or employee of his family or household at his usual or last known place of residence;

(b) by leaving it at his usual or last known place of residence or business in an envelope addressed to the person;

(c) by sending it by post to him at his usual or last known place of residence or place of business in Brunei Darussalam;

(d) in the case of a body corporate, by delivering it to the secretary of the body corporate at its registered or principal office or sending it by post to the secretary of that body corporate at that office;

(e) if the document is to be served on the master of a vessel or on a person on board a vessel, by delivering it to any person being or appearing to be in command or charge of the vessel; or

(f) if the document is to be served on the master of a vessel and there is no master, by serving it on the owner of the vessel or on the agent of the owner or, where no such agent is known or can be found, by affixing it on some conspicuous part of the vessel.

(2) Any notice, order or other document required by this Order or any regulations made thereunder to be served on the owner or occupier of any premises or vessel or on the master of any vessel shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" or "master" of such premises or vessel, as the case may be, without specifying any further name or description.

(3) Any notice, order or other document required by this Order or any regulations made thereunder to be served on the owner or occupier of any premises may be served by delivering it to some adult person on the premises or, if there is no such person on the premises to whom the same can with reasonable diligence be delivered, by affixing it on some conspicuous part of the premises.

Default in compliance with notice.

65. Where any notice served in accordance with section 64 requires any act to be done or work to be executed by the owner or the occupier or the person in charge of any premises or vessel and there is default in complying with the requirement of the notice, the owner, occupier or the person in default, where no fine is specially provided for the default, is guilty of an offence and liable on conviction to fine not exceeding \$10,000.

Inaccuracies in documents.

66. (1) No misnomer or inaccurate description of any person, thing or place named or described in any document prepared, issued or served by virtue of or for the purposes of this Order or any regulations made thereunder shall in any way affect the operation of this Order or any such regulations as respects that person, thing or place if that person, thing or place is so designated in the document as to be identifiable.

(2) No proceedings taken under this Order or any such regulations shall be invalid for want of form.

Evidence.

67. (1) All records, registers and other documents kept by the Director-General or by any health officer for the purposes of this Order or any regulations made thereunder shall be deemed to be public documents, and copies thereof or extracts therefrom certified by the officer responsible for the custody thereof to be true copies or extracts, as the case may be, subscribed by such officer with his name and his official title shall be admissible in evidence as proof of the contents of the documents or extracts therefrom.

(2) In any proceedings for the recovery of costs and expenses incurred by the Director-General or any health officer, a certificate purporting to be under the hand of the Director-General and specifying the costs and expenses claimed as due and payable and the person named in the certificate as liable for the payment thereof shall be *prima facie* evidence of the facts certified therein and of the signature of the Director-General.

Obstruction of persons executing power etc.

68. Any person who —

(a) in any way hinders or obstructs or assists in hindering or obstructing any person in the exercise of any power conferred by this Order or any regulations made thereunder; or

(b) being required to provide any information or documents under this Order or any regulations made thereunder (including as a condition of any order, notice or requirement made or given), provides any information or document which he knows to be false or misleading,

is guilty of an offence.

General penalties.

69. Any person guilty of an offence under this Order for which no penalty is expressly provided —

(a) in the case of a first offence, is liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or both; and

(b) in the case of a second or subsequent offence, is liable on conviction to a fine not exceeding \$20,000, imprisonment for a term not exceeding 12 months or both.

Immunity of Government etc.

70. No suit or other legal proceedings shall lie against the Government or any other person for anything which is in good faith done or omitted to be done in the exercise of any power or the performance of any duty or function under this Order.

Composition of offences.

71. The Director-General may compound any offence under this Order or any regulations made thereunder by accepting from the person reasonably suspected of having committed that offence a sum not exceeding \$5,000.

Fees etc. collected by Director-General.

72. All fees, charges, composition sums and moneys collected by the Director-General in connection with the administration of this Order shall be paid into the Consolidated Fund.

Amendment of Schedules.

73. The Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan may, by notification in the *Gazette*, amend any of the Schedules.

Exemption.

74. The Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan may, subject to such conditions and for such period or periods as he thinks fit, exempt any person, premises, vessel or article or any class of persons, premises, vessels or articles from any of the provisions of this Order.

Other written law not affected.

75. Except so far as may be expressly provided in this Order, nothing in this Order shall be construed so as to limit or affect in any way the provisions of any other written law.

Regulations.

76. (1) The Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, may make regulations for carrying out the purposes and provisions of this Order for which he is responsible and, in particular and without prejudice to the generality of the foregoing, for or in respect of all or any of the following matters —

(a) the establishment and maintenance of quarantine stations for persons and animals, and for regulating the management thereof;

(b) the cleansing, disinfecting, fumigating and treatment of vessels and premises;

(c) the prohibition on importation, exportation or transhipment of infected merchandise, articles or clothing;

(d) the prescribing of measures to be taken for the prevention of the spread or transmission of infection by means of any vessel departing from any infected area of Brunei Darussalam;

(e) the prohibition and regulation of the removal of fodder, litter, dung, human dejecta, waste water and other things;

(f) the prescribing of notification and supply of information by medical practitioners of cases of infectious diseases treated by them;

(g) the prescribing of immunisation and vaccination measures and procedures for infectious diseases;

(h) the prescribing of any measure, the prohibition of any act, or the imposing of a duty to do any act, necessary to prevent or control the spread of an infectious disease;

(i) the prohibition or regulation of the importation and exportation of animals;

(j) the prescribing of fees and charges and of any matter which by this Order is required to be prescribed.

(2) The Minister may, in making any regulations, provide that any contravention of or failure to comply with any regulation shall be an offence punishable with a fine not exceeding \$10,000, imprisonment for a term not exceeding 6 months or both.

Savings.

77. Any subsidiary legislation or appointment made, and any thing done, under the Quarantine and Prevention of Disease Act (Chapter 47) (repealed by this Order) and in force immediately before the commencement of this Order and so far as it is not inconsistent with this Order, shall continue in force as if made or done under this Order, but the Minister may, at any time and with the approval of His Majesty the Sultan and Yang Di-Pertuan amend, repeal or revoke any such subsidiary legislation, appointment or thing.

Repeal.

78. Subject to section 77, the Quarantine and Prevention of Disease Act (Chapter 47) is hereby repealed.

FIRST SCHEDULE
(section 2)

INFECTIOUS DISEASES

- (1) Acquired Immune Deficiency Syndrome (AIDS).
- (2) Anthrax.
- (3) Bovine Spangioform Encephalitis (BSE).
- (4) Chickenpox.
- (5) Chlamydial Infection.
- (6) Cholera.
- (7) Conjunctivitis.
- (8) Dengue.
- (9) Dengue Haemorrhagic Fever.
- (10) Diphtheria.
- (11) Dysentery.
- (12) Ebola Fever.
- (13) Encephalitis.
- (14) Filiarisis.
- (15) Food Poisoning.
- (16) Gastroenteritis.
- (17) Hand, foot and mouth disease.
- (18) Human Immunodeficiency Virus Infection (Non-acquired Immune Deficiency Syndrome).
- (19) Hepatitis A, B, C and others.
- (20) Legionellosis.
- (21) Leprosy.

- (22) Leptospirosis.
- (23) Malaria.
- (24) Measles.
- (25) Meningitis.
- (26) Mumps.
- (27) Nipah virus infection.
- (28) Ophthalmia Neonatorum.
- (29) Para/Typhoid.
- (30) Pertussis.
- (31) Plague.
- (32) Poliomyelitis.
- (33) Puerperal Infection.
- (34) Rabies.
- (35) Rubella.
- (36) Salmonella Infection.
- (37) Scarlet Fever.
- (38) Severe Acute Respiratory Syndrome (SARS).
- (39) Sexually Transmitted Infection (STI) —
 - (a) Chancroid.
 - (b) Genital Herpes.
 - (c) Gonorrhea.
 - (d) Non-gonococcal urethritis.
 - (e) Syphilis.
- (40) Smallpox.

- (41) Tetanus.
- (42) Tetanus Neonartum.
- (43) Tuberculosis.
- (44) Typhus.
- (45) Viral Encephalitis.
- (46) Viral Hepatitis.
- (47) West Nile Fever.
- (48) Yellow Fever.

SECOND SCHEDULE

(section 2)

DANGEROUS INFECTIOUS DISEASES

- (1) Cholera.
- (2) Ebola Fever.
- (3) Plague.
- (4) Severe Acute Respiratory Syndrome (SARS).
- (5) Smallpox.
- (6) Yellow Fever.

THIRD SCHEDULE

(section 32)

**VACCINATION OF PERSONS LEAVING OR ARRIVING
IN BRUNEI DARUSSALAM**

Yellow Fever — Vaccination against yellow fever is required from any person who is going to or coming from or has passed through any country or territory which is wholly or partly endemic for yellow fever.

FOURTH SCHEDULE

(section 47)

DISEASES AGAINST WHICH A CHILD IS TO BE VACCINATED

- (1) Diphtheria.
- (2) Haemophilus Influenza B.
- (3) Hepatitis B.
- (4) Measles.
- (5) Mumps.
- (6) Pertussis.
- (7) Poliomyelitis.
- (8) Rubella.
- (9) Tetanus.
- (10) Tuberculosis.

FIFTH SCHEDULE

(sections 22(1), (2) and (3))

**DISEASES IN RESPECT OF WHICH ACTS
REFERRED TO IN SECTION 22 ARE PROHIBITED**

Severe Acute Respiratory Syndrome (SARS).

SIXTH SCHEDULE

(section 61)

**DISEASES IN RESPECT OF WHICH INFORMATION MAY BE DISCLOSED BY
THE DIRECTOR-GENERAL TO A PERSON TO ENABLE HIM TO TAKE STEPS TO
PREVENT SPREAD OF THE SAME**

Severe Acute Respiratory Syndrome (SARS).

28th. MAY, 2003

Made this 6th. day of Rabiulawal, 1424 Hijriah corresponding to the 8th. day of May, 2003 at Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM