

No. S 36

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

NEWSPAPERS ACT (AMENDMENT) ORDER, 2005

ARRANGEMENT OF SECTIONS

Section

1. Citation.
2. Amendment of section 10 of Chapter 105.
3. Insertion of new section 10A.
4. Insertion of new section 16.

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(Order under Article 83(3))

NEWSPAPERS 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 Newspapers Act (Amendment) Order, 2005.

Amendment of section 10 of Chapter 105.

2. Section 10 of the Newspapers Act, in the Order referred to as the Act, is amended by adding the following new subsection —

"(7) Where it appears to any police officer not below the rank of Inspector that there is reasonable cause to believe that in any premises there is concealed or deposited any newspaper the printing, publication, sale or distribution of which is unlawful under any of the provisions of this Act and he has reasonable grounds for believing that by reason of the delay which would be entailed by obtaining a search warrant the object of the search is likely to be frustrated, he may enter and search the premises as if he were empowered to do so by a warrant."

Insertion of new section 10A.

3. The Act is amended by inserting the following new section immediately after section 10 —

"Power to seize and detain illegal newspapers.

10A. (1) A senior officer of customs, as defined in subsection (1) of section 2 of the Customs Act (Chapter 36), a police officer not below the rank of Inspector, the Postmaster-General and the Deputy Postmaster-General may detain, open and examine any package or article which he suspects to contain any newspaper which is being or has been brought into Brunei Darussalam for the purposes of publication, sale or distribution in contravention of any of the provisions of this Act or of any condition imposed in respect of any permit.

(2) Any police officer or any officer of customs, as defined in subsection (1) of section 2 of the Customs Act (Chapter 36) may seize and detain any newspaper found in the possession of any person which the police officer or officer of customs has reasonable cause to believe has been printed, published, sold or distributed or is intended to be printed, published, sold or distributed in contravention of any of the provisions of this Act or of any condition imposed in respect of any permit.

(3) Any such newspaper which has been printed, published, sold or distributed shall, whether or not any person has been convicted of any offence in respect thereof —

(a) be forfeited by order of a court; and

(b) be destroyed or otherwise disposed of as the court directs."

Insertion of new section 16.

4. The Act is amended by inserting the following new section immediately after section 15 —

"Exemption.

16. (1) The Minister may, subject to such conditions as he may impose, by order published in the *Gazette*, exempt —

(a) any person or class of person; or

(b) any document or class of document,

from all or any of the provisions of this Act.

(2) Nothing in this Act shall extend to the impression of any engraving or to the printing of any visiting or business card, bill-head or letter heading."

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.