

No. S 52

**CONSTITUTION OF BRUNEI DARUSSALAM**  
**(Order under Article 83{3})**

**OFFICIAL SECRETS ACT (AMENDMENT) ORDER, 2005**

**ARRANGEMENT OF SECTIONS**

**Section**

1. Citation.
  2. Amendment of section 2 of Chapter 153.
  3. Amendment of section 5.
  4. Amendment of section 6.
  5. Amendment of section 9.
  6. Addition of new Schedule.
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CONSTITUTION OF BRUNEI DARUSSALAM  
(Order under Article 83(3))

OFFICIAL SECRETS 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 Official Secrets Act (Amendment) Order, 2005.

**Amendment of section 2 of Chapter 153.**

2. Section 2 of the Official Secrets Act, in this Order referred to as the Act, is amended —

(a) by inserting "{1}" immediately before "In" in the first line;

(b) by inserting the following new definition immediately after the definition of "offence against this Act" —

"office under the Government" includes any office or employment in or under any Government Department or any specified organisation and, in the event of war, of the government of any ally of Brunei Darussalam;"

(c) in the definition of "prohibited place", by adding the following new paragraph —

"(vi) any area specified in any notice under any written law relating to military manoeuvres or any area declared by proclamation of the Government under such written law to be a manoeuvring ground or a firing ground, which is declared by order of His Majesty the Sultan and Yang Di-Pertuan to be a prohibited place for the purposes of this section;"

(d) in the definition of "drawing", by deleting the fullstop and by substituting a semi-colon therefor;

(e) by adding the following new definition —

" "specified organisation" means any organisation specified in the Schedule;";

(f) by inserting "(2)" immediately before "Expressions" in the first line;

(g) by adding the following new subsection —

"(3) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by notification published in the *Gazette*, amend the Schedule."

#### Amendment of section 5.

3. Section 5 of the Act is amended —

(a) by inserting "(1)" immediately before "If" in the first line;

(b) in paragraph (d), by deleting "State" from the last line and by substituting "Government" therefor;

(c) in paragraph (e), by deleting "State" from the third line and by substituting "Government" therefor;

(d) by adding the following 2 new subsections —

"(2) In any proceedings against a person for an offence under this section, where it is proved that that person is or has been in the employment or service of any foreign power or government in breach of any undertaking which he has made with the Government of Brunei Darussalam, he shall be deemed to be in possession or control of such information or thing as is referred to in subsection (1) and to have unlawfully communicated that information to a foreign power or government or to have used that information or thing in a manner prejudicial to the safety or interests of Brunei Darussalam.

(3) In subsection (2), "undertaking" means any undertaking in writing which a public officer or any other person has made with the Government of Brunei Darussalam whereby he undertakes not to serve or be employed by any foreign power or government within a specified period after his retirement or resignation from the public service or otherwise unless he has obtained the prior approval of the Government of Brunei Darussalam."

**Amendment of section 6.**

4. Section 6 of the Act is amended, in paragraph (e) of subsection (1), by deleting "State" from the third line and by substituting "Government" therefor.

**Amendment of section 9.**

5. Section 9 of the Act is amended by repealing subsection (3) and by substituting the following new subsection therefor —

"(3) In this section, "message" has the same meaning as in the Telecommunications Order, 2001 (S 38/01).".

**Addition of new Schedule.**

6. The Act is amended by adding the following new Schedule —

**"SCHEDULE**

**(section 2(1))**

**SPECIFIED ORGANISATIONS**

1. Authority for Info-communications Technology Industry of Brunei Darussalam.
2. Brunei Economic Development Board.
3. Brunei Gas Carriers Sendirian Berhad.
4. Brunei Investment Agency.
5. Brunei L.N.G Berhad.
6. DataStream Technology Sendirian Berhad.
7. Information Technology Protective Security Services Sendirian Berhad.
8. Royal Brunei Airlines Sendirian Berhad.
9. Royal Brunei Technical Services Sendirian Berhad.
10. Setia Protective Security Services Sendirian Berhad.
11. Tabung Amanah Pekerja."

6th. JULY, 2005

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Made this 25th. day of Jamadilawal, 1426 Hijriah corresponding to the 2nd. day of July, 2005 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY  
THE SULTAN AND YANG DI-PERTUAN  
BRUNEI DARUSSALAM