

No. S 8

EDUCATION ORDER, 2003

EDUCATION (APPEALS) REGULATIONS, 2004

ARRANGEMENT OF REGULATIONS

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In exercise of the power conferred by section 128 of the Education Order, 2003, the Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, hereby makes the following Regulations —

Citation.

1. These Regulations may be cited as the Education (Appeal) Regulations, 2004.

Form of appeal.

2. (1) Any person wishing to appeal against a decision of the Registrar General shall do so by memorandum of appeal filed with the Registrar General within 21 days from the time of service of notice of such decision.

- (2) The memorandum of appeal under sub-regulation (1) shall be filed in triplicate and signed by the appellant.

- (3) The memorandum of appeal shall set out briefly the following information therefor —

- (a) the substance of the decision appealed against;

- (b) the grounds of the appeal; and

- (c) the name, occupation and address of any person who, in the opinion of the appellant, is able and willing to give evidence on his behalf, and the substance of such evidence and the manner in which the person named is prepared to give it.

- (4) An appellant may annex to his memorandum of appeal statements by the persons named by him under the provisions of paragraph (c) of sub-regulation (3):

Provided that any such statement shall be in the form of a declaration made under the provisions of the Statutory Declarations Act (Chapter 12).

- (3) A fee of \$100 shall be payable upon each appeal.

Appeals to be submitted to the Minister.

3. When a memorandum of appeal has been filed in accordance with the provisions of regulation 2, the Registrar General shall forward the same and all the statements annexed thereto to the Minister, together with the following therefor —

(a) a copy of the notice or writing served or sent by him pursuant to section 43, 45, 84, 86, 90, 93, 104 or 106 which has given rise to the appeal; and

(b) the grounds for his decision.

Investigation.

4. The memorandum of appeal (and the other documents specified in regulation 3 shall thereupon be referred for investigation and report to the Committee of Enquiry (in these Regulations referred to as the Committee) appointed under section 123(1)(b).

Powers of the Committee.

5. (1) The Committee shall have the following powers —

(a) all the powers set out in section 124;

(b) the power to summon and examine witnesses;

(c) the administration of oaths and affirmations; and

(d) for compelling the production of documents and material objects in relation to the provisions made under the Order or regulations made thereunder.

2. The Chairman may exercise on behalf of the Committee the powers of the Committee to summon witnesses.

Meetings.

6. The Committee shall meet at such places and at such times as the Chairman (who shall be nominated by the Minister) shall appoint.

Notice of meeting.

7. The Chairman shall give notice of the meeting to the appellant inviting him to be present and produce his evidence.

Quorum.

8. The quorum for a meeting of the Committee shall be 3 members, one of whom shall be the Chairman.

Enquiries by members of the Committee.

9. The Committee may authorise one or more of its members to enquire into any particular matter relating to the investigation, and the member or members so authorised shall, for the purpose of such inquiry, have all the powers of the Committee.

Postponement.

10. The Committee may postpone or adjourn the investigation from time to time.

Record.

11. The Chairman of the Committee shall include in the record of the proceedings all written evidence received and shall make a brief memorandum of the substance of the evidence of every witness as the examination of the witness proceeds and such memorandum shall be signed by the Chairman under his own hand and shall form part of the record.

Findings.

12. On completion of the investigation the Chairman shall forward to the Minister the record of the proceedings and a report disclosing the findings of the Committee.

Exclusion of public.

13. The Committee may exclude any member of the public from its investigation or any part thereof.

Offence.

14. A person present at a meeting convened under regulation 7 for the purpose of investigation or part thereof conducted by the Committee who, without the consent of the Minister, communicates or publishes in any manner whatsoever any information that may have come to his knowledge or possession by reason of his presence at such investigation or part thereof shall be guilty of an offence and shall be liable to a fine not exceeding \$10,000, imprisonment for a term not exceeding 2 months or both.

Made this 13th. day of Zulkaedah, 1424 Hijriah corresponding to the 6th. day of January, 2004.

PEHIN ORANG KAYA LAILA WIJAYA DATO SERI SETIA
HAJI AWANG ABDUL AZIZ BIN BEGAWAN PEHIN
UDANA KHATIB DATO SERI PADUKA HAJI AWANG UMAR

Minister of Education,
Brunei Darussalam.