

LAWS OF BRUNEI

CHAPTER 21 EMERGENCY REGULATIONS

Enactment No. 1 of 1933

Amended by
Enactment No. 12 of 1951

Chapter 21 of 1951

S 99/1959

1984 Edition, Chapter 21

REVISED EDITION 2020

LAWS OF BRUNEI
REVISED EDITION 2020

CHAPTER 21
EMERGENCY REGULATIONS

ARRANGEMENT OF SECTIONS

Section

1. Citation
 2. Proclamation of emergency
 3. Power to make regulations
 4. Effect of regulations and orders
 5. Compensation for compulsory work and for property taken
 6. Board to consist of five persons
 7. Penalties
-

EMERGENCY REGULATIONS ACT

An Act to confer on His Majesty the Sultan and Yang Di-Pertuan in Council power to make regulations on occasions of emergency or public danger

Commencement: 21st February 1933

Citation

1. This Act may be cited as the Emergency Regulations Act.

Proclamation of emergency

2. (1) Whenever it appears to His Majesty the Sultan and Yang Di-Pertuan in Council that —

(a) an occasion of emergency or public danger has arisen; or

(b) any action has been taken or is immediately threatened by any persons, or body of persons, of such a nature and on so extensive a scale as to be calculated by interfering with the supply and distribution of food, water, fuel or light, or with the means of locomotion, to deprive the community, or any substantial portion of the community, of the essentials of life,

he may, by proclamation (in this Act referred to as a proclamation of emergency), declare that a state of emergency exists either in the whole of Brunei Darussalam or in such part of Brunei Darussalam as may be specified in the proclamation.

(2) No proclamation of emergency shall be in force for more than 2 years, without prejudice, however, to the issue of another such proclamation at or before the end of that period.

Power to make regulations

3. (1) When a proclamation of emergency has been made and so long as such proclamation is in force, it shall be lawful for His Majesty the Sultan and Yang Di-Pertuan in Council to make any regulations whatsoever which His Majesty the Sultan and Yang Di-Pertuan considers desirable in the public interest; and to prescribe penalties which may be imposed for any offence

against any such regulations; and to provide for the trial by courts of summary jurisdiction of persons guilty of such offences:

Provided that —

(a) no such regulations shall confer any right to punish by death, fine or imprisonment without trial; and

(b) except in so far as such procedure may be modified by any such regulations, the existing procedure in criminal cases shall apply in respect of any breach of any such regulations or of any offence created by any such regulations in respect of which breach or offence it is sought to make the offender liable to death, fine or imprisonment.

(2) Without prejudice to the generality of subsection (1), such regulations may be made with regard to any matters coming within the following classes of subjects —

(a) censorship, and the control and suppression of publications, writings, maps, plans, photographs, communications and means of communication;

(b) arrest, detention, exclusion and deportation;

(c) control of the harbours, ports and territorial waters of Brunei Darussalam, and of the movements of vessels;

(d) transportation by land, air or water, and the control of the transport and movement of persons, animals and things;

(e) trading, storage, exportation, importation, production and manufacture;

(f) supply and distribution of food, water, fuel, light and other necessities;

(g) appropriation, control, forfeiture and disposition of property and of the use thereof;

(h) conferring powers on public officers and others;

(i) requiring persons to do work or render services;

(j) constituting a special police force;

(k) formation of tribunals and other bodies for the purpose of deciding any matters specified in any regulations but having no power to inflict fines or imprisonment;

(l) modification, amendment, supersession or suspension of all or any of the provisions of any written law;

(m) entry into and search of premises or other places and search and interrogation of persons;

(n) prescribing fees or other payments.

(3) Any regulations made under this section shall, unless His Majesty the Sultan and Yang Di-Pertuan in Council otherwise directs, come into force on the day on which they are made; but they shall not continue in force after the expiration of one month from the day when they were made, unless a resolution is passed by the Legislative Council providing for their continuing to be in force.

(4) Such regulations shall be publicly notified as soon as circumstances permit; and any rescission of such regulations shall also be so published.

(5) Any regulations shall, if the proclamation of emergency specifies only part of Brunei Darussalam, have effect only in such part:

Provided that if, while a proclamation of emergency is in force in any part of Brunei Darussalam, another proclamation of emergency is made in respect of any other part of Brunei Darussalam, any regulations already made and still in force when the last proclamation comes into operation shall forthwith have effect in that part of Brunei Darussalam specified in the last proclamation.

Effect of regulations and orders

4. Every regulations made in pursuance of this Act and every rule, order and notification made in pursuance of any such regulations shall have effect notwithstanding anything inconsistent therewith contained in any written law.

Compensation for compulsory work and for property taken

5. There shall be paid out of the public funds of Brunei Darussalam —

(a) to every person who is required, by virtue of any regulations made under this Act, to do any work or render any service, such remuneration; and

(b) to every person whose property has been taken whether temporarily or permanently, by virtue of any regulations made under this Act, such compensation,

as shall be agreed upon between the Minister and such person, or, in default of agreement, such remuneration or compensation as shall be awarded by the Board, whose award shall be final.

Board to consist of five persons

6. (1) For the purpose of determining the amount of any remuneration or compensation payable under this Act, the amount of which is not agreed, His Majesty the Sultan and Yang Di-Pertuan in Council shall appoint a Board, consisting of five persons, of whom one shall be a Judge or Magistrate, who shall be Chairman of the Board.

(2) All questions referred to the Board shall, in case of a difference of opinion, be decided by the votes of the majority of the members.

Penalties

7. Notwithstanding the provisions in any other written law to the contrary, any person who contravenes any regulations made under this Act shall, where no other penalty is provided by such regulations, be liable on conviction to a fine of \$2,000 and imprisonment for 12 months.