



NEGARA BRUNEI DARUSSALAM

TAMBAHAN KEPADA
WARTA KERAJAAN

BAHAGIAN II

Disiarkan dengan Kebenaran

SUPPLEMENT TO
GOVERNMENT GAZETTE

PART II

Published by Authority

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The following Notifications are published for general information by Command of
His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam.

No. S 70

INTERNAL SECURITY ACT
(CHAPTER 133)

INTERNAL SECURITY (DETAINED PERSONS ADVISORY BOARD) RULES, 2005

ARRANGEMENT OF RULES

Rule

1. Citation.
2. Interpretation.
3. Duty of officer-in-charge of place of detention.
4. Notice to appear.
5. Proceedings to be in camera.
6. Notice that advisory board will sit to review order.
7. Procedure at meeting of advisory board.

SCHEDULE – FORMS

INTERNAL SECURITY ACT
(CHAPTER 133)

INTERNAL SECURITY (DETAINED PERSONS ADVISORY BOARD) RULES, 2005

In exercise of the power conferred by subsection (1B) of section 5 of the Internal Security Act, His Majesty the Sultan and Yang Di-Pertuan hereby makes the following Rules —

Citation.

1. These Rules may be cited as the Internal Security (Detained Persons Advisory Board) Rules, 2005.

Interpretation.

2. In these Rules —

"Chairman" means any person appointed by His Majesty the Sultan and Yang Di-Pertuan under subsection (2) of section 5 to be the Chairman of an advisory board;

"detention order" means any order made under subsection (1) of section 3 whereby it is directed that any person shall be detained;

"place of detention" means any place directed by the Minister under subsection (4) of section 3.

Duty of officer-in-charge of place of detention.

3. (1) It shall be obligatory for the officer-in-charge of any place of detention to inform every person arriving thereat in pursuance of a detention order as soon as practicable after his arrival that he has the right to make representations in connection with the detention order by forwarding his representations, within 14 days of his being so informed, to a Chairman.

(2) Any representations forwarded under sub-rule (1) shall be in Form I in the Schedule and shall forthwith be forwarded by the officer-in-charge to a Chairman.

(3) The Chairman, upon receiving any such representations, shall thereupon, after reference to the Director of the Internal Security Department, appoint a time and place for the consideration of the representations by an advisory board and shall cause notice thereof in Form II in the Schedule to be served on the person making the representations.

Notice to appear.

4. (1) Any person upon whom a notice has been served in accordance with sub-rule (3) of rule 3 may appear at the time, date and place specified in the notice either personally or, with the leave of the advisory board, by an agent authorised by him in writing and, whether he appears personally or not, may, with the leave of the advisory board, be represented by an advocate and solicitor and make oral representations in connection with the detention order.

(2) Any person who does not desire to appear personally or by an advocate and solicitor, or by an agent, may cause to be delivered to the Chairman a written memorandum signed by him or by his advocate and solicitor setting forth the particulars of his representations and of any additional representations which he may wish to make:

Provided that an advisory board shall not be bound to consider any such written representations unless they reach the Chairman at or before the time and date specified in the notice referred to in sub-rule (3) of rule 3.

(3) Any Chairman may, by arrangement with any other Chairman, transfer the hearing of any oral representations or the consideration of any written representations to an advisory board presided over by that Chairman.

Proceedings to be in camera.

5. All proceedings before an advisory board shall be dealt with in camera.

Notice that advisory board will sit to review order.

6. (1) Before the review under section 6A of any detention order under which any person is detained in a place of detention, the Chairman of the advisory board which is to hold the review shall cause notice to be given to the person so detained of the time and place where the advisory board will sit for the purpose of reviewing the detention order and the person so detained may appear before the advisory board either personally or by an agent authorised by him in writing and shall, whether he appears personally or not, be entitled to be represented by an advocate and solicitor.

(2) The advisory board may by notice in writing addressed to the officer-in-charge of any place of detention require the production before it of any person detained therein under a detention order and the officer shall cause such person to be produced in accordance with the notice.

(3) Any person taken outside a place of detention in pursuance of sub-rule (2) shall, while outside such place of detention, be deemed to be in lawful custody for the purposes of the Penal Code (Chapter 22).

Procedure at meeting of advisory board.

7. All questions before an advisory board shall be determined by a majority of votes of the Chairman and of any member present and voting. In case of an equality of votes the Chairman shall have a casting vote.

SCHEDULE

FORM I

(rule 3(2))

INTERNAL SECURITY ACT
(CHAPTER 133)

INTERNAL SECURITY (DETAINED PERSONS ADVISORY BOARD) RULES, 2005

REPRESENTATIONS IN CONNECTION WITH DETENTION ORDER

To the Chairman, Advisory Board

* Name in full

Race

Language in which representations will be made

Occupation

Permanent residence

Place of detention

Date and place of arrest

I, the abovenamed, hereby make representations regarding the order for my detention made under section 3 of the Internal Security Act as follows —

Dated this day of 14..... Hijriah corresponding to the day of 20.....

.....
Signature or Mark

* If the detainee is known by more than one name, each of such names must be inserted in full.

FORM II

(rule 3(3))

INTERNAL SECURITY ACT
(CHAPTER 133)

INTERNAL SECURITY (DETAINED PERSONS ADVISORY BOARD) RULES, 2005

NOTICE OF HEARING OF REPRESENTATIONS

To

Take notice that at am/pm on the day of 20....., an advisory board will sit at for the purpose of hearing representations by detained persons in connection with the orders for their detention and will at that sitting hear your representations in connection with the detention order made against you.

You have the right to make such representations in the manner provided in rule 4 of the Internal Security (Detained Persons Advisory Board) Rules, 2005 which reads as follows —

"Notice to appear.

4. (1) Any person upon whom a notice has been served in accordance with sub-rule (3) of rule 3 may appear at the time, date and place specified in the notice either personally or, with the leave of the advisory board, by an agent authorised by him in writing and, whether he appears personally or not, may, with the leave of the advisory board, be represented by an advocate and solicitor and make oral representations in connection with the detention order.

(2) Any person who does not desire to appear personally or by an advocate and solicitor, or by an agent, may cause to be delivered to the Chairman a written memorandum signed by him or by his advocate and solicitor setting forth the particulars of his representations and of any additional representations which he may wish to make:

Provided that an advisory board shall not be bound to consider any such written representations unless they reach the Chairman at or before the time and date specified in the notice referred to in sub-rule (3) of rule 3."

BRUNEI DARUSSALAM GOVERNMENT GAZETTE

Dated this day of 14..... Hijriah
corresponding to the day of 20.....

.....
Chairman

Made this 4th. day of Zulkaedah, 1426 Hijriah corresponding to the
6th. day of December, 2005 at Our Istana Nurul Iman, Bandar Seri Begawan,
Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM

No. S 71

LAW REVISION ACT
(CHAPTER 1)

LAW REVISION (INTERNAL SECURITY (PLACE OF DETENTION) RULES)
CORRECTION ORDER, 2005

ARRANGEMENT OF PARAGRAPHS

Paragraph

1. Citation and commencement.
 2. Correction to R1 of Chapter 133.
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LAW REVISION ACT
(CHAPTER 1)

LAW REVISION (INTERNAL SECURITY (PLACE OF DETENTION) RULES)
CORRECTION ORDER, 2005

In exercise of the power conferred by paragraph (a) of subsection (2) of section 20 of the Law Revision Act, the Attorney General hereby makes the following Correction Order —

Citation and commencement.

1. This Order may be cited as the Law Revision (Internal Security (Place of Detention) Rules) Correction Order, 2005 and shall be deemed to have commenced on 30th. November, 2002.

Correction to R1 of Chapter 133.

2. The Internal Security (Place of Detention) Rules included in the revised edition of the Laws of Brunei are corrected —

(a) in the sub-heading to rule 7, by deleting "Superintendent" and by substituting "Director" therefor;

(b) in sub-rule (1) of rule 42, by deleting "Superintendent" from the third line and by substituting "Director" therefor;

(c) in rule 73, by adding the following sub-rule —

"(3) If any article is found as the result of a search which, in the opinion of a Superintendent or such authorised officer, is prohibited by the rules of the place of detention or likely to be dangerous to the health or life of any detained person or likely to facilitate escape from the place of detention, he may impound such article.";

(d) in rule 75, by adding the following sub-rule —

"(5) A minute book shall be provided at the place of detention in which the members of the Board shall record their visits and may enter any remarks and recommendations which they wish to make. A certified copy of the entries in the minute book for the preceding month shall be transmitted to the Minister on the first day of each month.".

8th. DECEMBER, 2005

Made this 5th. day of Zulkaedah, 1426 Hijriah corresponding to the 7th. day of December, 2005.

DATO SERI PADUKA AWANG HAJI KIFRAWI BIN
DATO PADUKA HAJI KIFLI
Attorney General,
Brunei Darussalam.