

LAWS OF BRUNEI

CHAPTER 20
BANISHMENT

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CHAPTER 20
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ARRANGEMENT OF SECTIONS

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SCHEDULE

BANISHMENT ACT

An Act to provide for the banishment from Brunei Darussalam of certain persons

Commencement: 31st December 1918

Short title.

1. This Act may be cited as the Banishment Act.

Warrant of arrest and order of banishment.

2. Whenever it shall be made to appear to the Minister on the written information of the Commissioner of Police that there is reasonable cause for believing that the banishment from Brunei Darussalam of any person is necessary for the safety, peace or welfare of Brunei Darussalam —

(a) the Minister shall issue a warrant substantially in the form of the First Schedule and shall cause such person to be brought before him;

(b) the Minister shall thereupon examine such person and record in writing any statement that such person may make;

(c) the Minister may if he sees fit lay such written information and record before His Majesty the Sultan and Yang Di-Pertuan in Council who may order that such person be banished from Brunei Darussalam, or may order that such person do before a day to be named in the order execute a bond with sureties for his good behaviour in such amount and for such period as may be fixed in such order;

(d) if any such person against whom a warrant has been so issued absconds or conceals himself so that such warrant cannot be executed he may be proclaimed and his property be attached by any Court in the like manner in which the proclamation of a person absconding and attachment of his property may be effected under the Criminal Procedure Code (Chapter 7);

(e) the order of banishment shall be in the form of the Second Schedule and shall not be carried into effect until after 21 days have elapsed from its date;

(f) the banishment may be for the life of the person banished or for such shorter period as His Majesty in Council may think fit;

(g) if any person ordered to give security for his good behaviour under the provisions of paragraph (c) does not give such security to the satisfaction of the Minister before the day named in that behalf in the order he shall be banished from Brunei Darussalam for such period as His Majesty in Council may think fit.

Execution of order of banishment.

3. (1) Any person against whom an order of banishment is made shall be taken before the Minister who shall inform him of the period of his banishment and warn him not until the expiration of such period to return to Brunei Darussalam.

(2) A copy of the order of banishment in English and, if possible, in his own language shall be handed to such person.

Arrest.

4. If any person so banished shall be found in Brunei Darussalam before the expiration of the period for which he was banished such person may be arrested by any officer without warrant.

Punishment for unlawful return.

5. Whoever having been lawfully banished from Brunei Darussalam returns to Brunei Darussalam before the expiration of his term of banishment, or without a remission of punishment, may either be removed from Brunei Darussalam forthwith by order of the Minister or may be prosecuted and on conviction shall be punished with imprisonment for any term not exceeding that for which he has been banished.

Concealing or harbouring banished person.

6. (1) Whoever knowingly conceals or harbours any person whose banishment has been ordered but not yet carried into effect and whoever

knowingly conceals any person who has unlawfully returned from banishment shall be guilty of an offence and shall be liable on conviction to a fine of \$1,000 or to imprisonment for 6 months.

(2) Whoever is aware of the presence in Brunei Darussalam of any person whose banishment has been ordered but not yet carried into effect or of the presence in Brunei Darussalam of any person who has unlawfully returned from banishment shall in the absence of reasonable excuse forthwith give information to the nearest magistrate or police officer and in default of so doing shall be liable on conviction to a fine of \$500 or to imprisonment for 3 months.

Powers of His Majesty.

7. His Majesty may at his discretion alter, annul or reduce any sentence passed under this Act.

Protection of officers.

8. (1) No action shall be brought against any person for anything done or *bona fide* intended to be done in the exercise or supposed exercise of powers given by this Act —

(a) without giving to such person one month's previous notice in writing of the intended action and of the cause thereof;

(b) after the expiration of 3 months from the date of the accrual of the cause of action;

(c) after tender of sufficient amends.

(2) In every action so brought it shall be expressly alleged that the defendant acted either maliciously or negligently and without reasonable or probable cause, and if at the trial the plaintiff shall fail to prove such allegation judgment shall be given for the defendant.

(3) Though judgment shall be given for the plaintiff in such action such plaintiff shall not have costs against the defendant unless the Court before whom such action is tried shall certify its approbation of the action.

FIRST SCHEDULE

Brunei Darussalam

(Banishment Act, Section 2(a))

To the Commissioner of Police and all other police officers of Brunei Darussalam

Whereas it has been made to appear to me by written information that there is reasonable cause for believing that the banishment from Brunei Darussalam is necessary for the safety, peace and welfare of Brunei Darussalam:

This is to direct you the said Commissioner of Police and all other police officer to arrest the said _____ and bring him before me with all convenient speed.

Given under my hand this _____ day of _____, 20 _____.

Minister, Brunei Darussalam

SECOND SCHEDULE

Brunei Darussalam

(Banishment Act, Section 2(e))

Whereas on the _____ day of _____, 20____, a Warrant was issued by Minister for the arrest of _____ on the ground that there is reasonable cause for believing that the banishment from Brunei Darussalam of the said _____ is necessary for the safety, peace and welfare of Brunei Darussalam.

Now it is hereby ordered by His Majesty the Sultan and Yang Di-Pertuan in Council that the said _____ be, and he hereby is, banished from Brunei Darussalam for the period of _____ provided that the said order of banishment shall not be carried into effect until the expiry of 21 days from this date.

Dated this _____ day of _____, 20____.

Minister, Brunei Darussalam