

LAWS OF BRUNEI

CHAPTER 30 MINOR OFFENCES

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LAWS OF BRUNEI
REVISED EDITION 2002

CHAPTER 30
MINOR OFFENCES

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MINOR OFFENCES ACT

An Act to provide for the punishment of certain minor offences

Commencement: 29th July 1929

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Minor Offences Act.

Interpretation.

2. In this Act, unless the context otherwise requires —

“cattle” includes bulls, cows, bullocks, buffaloes, sheep, goats, pigs and poultry;

“horse” includes mules and asses;

“in or near any public road” includes all places in the public road, and all places within 10 yards of it not being effectually separated from and hidden from the road by a wall or otherwise;

“public road” includes every road, street, passage, footways or square over which the public have a right of way.

Fireworks.

3. Fireworks are said to be let off “near a public road” when let off in a verandah beside a public road, or from the doors or windows of a house looking into a public road or overlooking a place in or near a public road.

Verandahs public roads.

4. The open verandahs of houses abutting on the public roads are public roads for pedestrian subject to all rights of property of the owners of such houses.

PART II**POLICE ORDERS AS TO FIREWORKS****Orders by public notification for fireworks licences.**

5. (1) The Commissioner of Police may, with the sanction of the Minister, issue orders to be promulgated by public notification authorising the letting off of fireworks on certain fixed days, and at certain fixed hours in places near a public road, and may issue licences at particular times for the letting off of fireworks in places near a public road.

(2) Every licence issued under this section shall state the place where and hours between which the fireworks may be fired or let off and the description of fireworks to be used.

(3) No authority so notified, or licence so issued, shall be held to relieve any person from liability in the event of any damage, loss or injury to person or property being caused by the firing or letting off of such fireworks.

(4) Any person who lets off any fireworks in or near any public road, except at such times and places and in such manner as is from time to time allowed under subsection (1) shall be guilty of an offence: Penalty, a fine of \$250.

(5) The occupier of any house from or in which, or from or in the verandah of which, any contravention of subsection (4) takes place, shall be liable to the penalty prescribed as well as the person, if another person, who commits the offence.

**BURNING MATERIAL OR DISCHARGING
FIREARM IN PUBLIC ROAD****Offence and penalty.**

6. Any person who sets fire to or burns any material to the annoyance, inconvenience or danger of the public, or sends up any fire-balloon or rocket in or near any public road shall be guilty of an offence: Penalty, a fine of \$250.

DANGEROUS ANIMALS**Duty of police officers as to dangerous animals.**

7. (1) Every police officer shall secure any animal reasonably suspected to be mad or dangerous and any wild animal found at large in or near any public road under circumstances of danger to the public.

(2) If there is reasonable ground to believe that any such mad, dangerous or wild animal cannot be secured without risk of injury to the person or the police officer attempting to secure the same, such police officer may shoot or otherwise destroy such animal.

Dog running at persons etc.

8. If it is proved to the satisfaction of a Court of a Magistrate that any dog is in the habit of running at persons or at vehicles, horses or cattle passing along a public road, the owner of such dog shall be guilty of an offence: Penalty, a fine of \$250.

Ferocious dogs at large.

9. Any person who negligently suffers to be at large any ferocious dog without a muzzle shall be guilty of an offence: Penalty, a fine of \$250, and if the dog has bitten or attempted to bite any person, such dog may be killed by order of a Court of a Magistrate.

Letting loose dog or other animal.

10. Any person who sets on or urges any dog or other animal to attack, worry or put in fear any person, horse or other animal, shall be guilty of an offence: Penalty, a fine of \$500.

NUISANCES**Definition of nuisances and penalty.**

11. Any person who—

(a) without authority in the case of public property, or without the consent of the owner or occupier in the case of private property,

affixes or causes to be affixed any advertisement, bill or notice, or any paper against or upon any building, wall or fence, or writes upon, defaces or marks any such building, wall or fence with chalk or paint or in any other way; or

(b) bathes or washes himself, or any other person, animal or thing on any public road, or in, upon or by the side of any public tank, reservoir, watercourse or stream, the use of which for bathing has been forbidden by the Commissioner of Police; or

(c) obstructs or incommodes a person bathing at any place set apart as a bathing place by wilful intrusion, or by washing any animal at or near such place, or in any other way; or

(d) wilfully or indecently exposes his person, or commits a nuisance by easing himself in or by the side of, or near to any public road or public place; or

(e) being the owner or person in charge of any animal does not, if such animal dies, dispose of its carcase in such way as not to be a common nuisance; or

(f) places on or near any public road any dead animal; or

(g) spits on the floor of any school house, theatre, public building, or other place of public entertainment or assembly, or in any licensed public vehicle, or in any tram or railway car, or on any wharf or jetty, or on any five-foot way or side-walk of a public street; or

(h) keeps pigs in any Malay village,

shall be guilty of an offence: Penalty, a fine of \$250.

OFFENCES IN RESPECT OF UNCLEANLINESS IN PUBLIC PLACES AND UNAUTHORISED DUMPING

Prohibition against depositing refuse etc. in any public place.

12. (1) Any person who —

(a) places, deposits or throws any dust, dirt, paper, ashes, carcase, refuse, boxes, barrels, bales or other article or thing in any public place;

(b) keeps or leaves any article or thing whatsoever in any place where it or particles therefrom have passed or are likely to pass into any public place;

(c) throws, places, spills or scatters any blood, brine, swill, noxious liquid or other offensive or filthy matter of any kind in such manner as to run or fall into any public place;

(d) drops, spills or scatters any dirt, sand, earth, gravel, clay, loam, stone, grass, straw, shavings, saw-dust, ashes, garden refuse, stable refuse, trade refuse, manure, garbage or any other thing or matter in any public place, whether from a moving or stationary vehicle or in any other manner;

(e) throws or leaves behind any bottle, glass, can, food container, food wrapper, particles of food or any other article or thing in any public place;

(f) without lawful authority, abandons, on any part of a road or on any land in the open air —

(i) a vehicle; or

(ii) any other thing, being a thing which he has brought to the land for the purpose of abandoning it there,

shall be guilty of an offence under this Act and may be arrested without warrant by any police officer and taken before a Court of a Magistrate and shall be liable on conviction to a fine of \$1,000, and in the case of a second or subsequent conviction to a fine of \$3,000.

(2) The Court of a Magistrate may, on convicting any person under subsection (1), order his photograph to be taken by a police photographer or other photographer. Any such photograph may be preserved and may be produced to any court for the purpose of establishing identity on a subsequent conviction.

(3) In subsection (1) —

“road” means any highway and any other road to which the public has access, and includes bridges over which a road passes; and

“vehicle” means any vehicle, whether or not it is in a fit state for use on roads, and includes any chassis or body, with or without wheels, appearing to have formed part of such a vehicle, and any load carried by and anything attached to such a vehicle.

(4) For the purposes of subsection (1)(f), a person who leaves anything on any part of a road or on any land in the open air in such circumstances or for such a period that he may reasonably be assumed to have abandoned it or to have brought it there for the purpose of abandoning it there shall be deemed to have abandoned it there or, as the case may be, to have brought it there for that purpose unless the contrary is shown.

(5) Where, at any time, a vehicle is found abandoned in contravention of subsection (1)(f)(i), any person who, at that time, is registered under Part II of the Road Traffic Act (which provides for the registration of motor vehicles) as the owner of the abandoned vehicle or of a vehicle of which the abandoned vehicle appears to have formed a part, shall be presumed to be guilty of such contravention if the person (not being the registered owner) who actually committed such contravention is not known or cannot be ascertained or found.

OFFENCES RELATING TO ANIMALS AND VEHICLES

Animals damaging property.

13. (1) Whoever being the owner or a person in charge of any horse, cattle, sheep, goat or pig allows such animal to stray upon any public road or upon any public or private property shall be guilty of an offence: Penalty, a fine of \$1,000 in respect of each animal, and all damages done by such animal shall be assessed by a Magistrate, and shall be recoverable in the manner provided by law for the recovery of fines before Magistrates, together with any amount to be levied as fines, from the owner of the animal.

(2) In the case of damage to private property, the amount of damages recovered shall be paid to such person as the Magistrate may direct.

Animals led or driven on public roads at night.

14. (1) No horse, cattle, sheep, goats or pigs shall be led or driven on any public road between the hours of sunset and sunrise unless such animals are in charge of at least one adult person carrying a light visible within a reasonable distance from both the direction in which such animals are being led or driven and in the reverse direction.

(2) If any such animals are led or driven on any public road in contravention of the provisions of this section, the owner or any person in charge of such animals shall be guilty of an offence: Penalty, a fine of \$1,000.

OBSTRUCTIONS ETC.**Causing obstructions on public roads; flying kites etc.**

15. Any person who —

(a) lays any stone, brick or other article on any public road so as to cause an obstruction thereto, or so as to make the use of the road less convenient; or

(b) allows to remain on any public road any article which has fallen from any vehicle of which he is in charge; or

(c) causes or allows goods or other articles to rest on any public footway or other part of a public road, or otherwise causes or allows such goods or other articles to create obstruction or inconvenience to the passage of the public for a longer time than is absolutely necessary for loading or unloading such goods or other articles; or

(d) flies any kite, or plays at any game, or does any act which obstructs or interferes with the traffic in any public road, or the use of the wires of any telephone,

shall be guilty of an offence: Penalty, a fine of \$250.

Obstruction in canals etc.

16. (1) Any person who in any river or canal in which the public have a right of navigation, without the written permission of the Commissioner of Police or of the Director of Marine —

(a) leaves any boat or vessel at any place for a longer time than is necessary for loading and unloading;

(b) refuses to move his boat or vessel away from such place when so directed by any police officer or Customs officer;

(c) leaves any raft or log or piece of timber or plank in any such river or canal more than one day after its arrival therein; or

(d) erects in any such river or canal any stage or scaffolding,

shall be guilty of an offence: Penalty, a fine of \$250.

(2) Such boat, vessel, timber, raft or plank may be removed by the police.

(3) The expense of such removal shall be recoverable as a fine from the owner or person in charge of the same, and if not paid by him may be recovered by distress and sale of the property of such person and of such boat, vessel, timber or raft.

Depositing corpse or dying person.

17. Any person who deposits or causes to be deposited any corpse or any dying person in any public place or in any private place without the consent of the owner shall be guilty of an offence: Penalty, a fine of \$2,500 and imprisonment for 6 months.

PART III

OTHER OFFENCES

Unlawful possession of naval, military or police stores.

18. Any person who knowingly detains, buys, exchanges or receives from any Government servant any accoutrements, clothing, or other marine or police stores or necessaries or any other property belonging to Government, shall be guilty of an offence: Penalty, a fine of \$500 or imprisonment for 6 months.

Indecent or abusive words etc.

19. Any person who uses any indecent, threatening, abusive or insulting words, or behaves in a threatening or insulting manner, or posts up, affixes or exhibits any indecent, threatening, abusive or insulting written paper or drawing with intent to provoke a breach of the peace, or whereby a breach of the peace is likely to be occasioned, shall be guilty of an offence: Penalty, a fine of \$500.

Noisy instruments.

20. (1) Any person who, without the permission in writing of the Commissioner of Police, beats within the limits of any town or village between the hours 11 p.m. and 6 a.m. of the next day, or in any public road at any hour, a drum or tom-tom, or blows a horn or trumpet, or beats or sounds any brass or other metal instrument or utensil, shall be guilty of an offence: Penalty, a fine of \$500.

(2) Notwithstanding that such permission in writing may have been given, any police officer not below the rank of sergeant, on the complaint of a householder that the noise of any such instrument is dangerous to any sick person living near the place where such noise is going on, or for other good and sufficient reason, may enter upon the premises where the noise is, and after warning stop the same, either by the removal of the instruments or the dispersal of those assembled there.

Wilful trespass on property.

21. Any person who without satisfactory excuse wilfully trespasses in or upon any dwelling house or premises or upon any land or ground attached thereto, or upon any boat or vessel, or upon any ground belonging to Government or appropriated to any public purpose, shall be guilty of an offence: Penalty, a fine of \$1,000.

Apprehension of suspected persons.

22. (a) Any person found between sunset and sunrise armed with any dangerous or offensive instrument with intent to commit any criminal offence; or

(b) any reputed thief found between sunset and sunrise on board any vessel or boat, or lying or loitering in any bazaar, street, road, yard or other place who does not give a satisfactory account of himself; or

(c) any person found between sunset and sunrise having his face covered or otherwise found disguised with intent to commit any criminal offence; or

(d) any person found between sunset and sunrise in any dwelling house or other building or wandering about without being able to give a satisfactory account of himself; or

(e) any person having in his possession without lawful excuse, the proof of which excuse shall be on such person, any implement of house-breaking,

may be taken into custody by any police officer without a warrant, and shall be guilty of an offence: Penalty, a fine of \$2,000 and imprisonment for 12 months, and any such instruments or implements found in the possession of such person shall be forfeited.

Taking spirits etc. into public hospital.

23. Any person who takes or attempts to take without permission into any public hospital any intoxicating liquor, drug or preparation, shall be guilty of an offence: Penalty, a fine of \$250, or imprisonment for 3 months, and such liquor, drug or preparation and the vessels containing the same shall be forfeited.

Boat accidents.

24. (1) When any accident occurs to a boat attended with loss of life the owner or person in charge of the boat shall forthwith report the circumstances at a police station.

(2) Any owner or person in charge, as the case may be, who without lawful excuse neglects or delays to make such report shall be guilty of an offence: Penalty, a fine of \$500.

Cruelty to animals.

25. (1) Any person who cruelly beats, ill-treats, abuses, tortures, or causes or procures to be cruelly beaten, ill-treated, abused, or tortured, any animal shall for every such offence be liable to a penalty of \$1,000 or to imprisonment for 3 months.

(2) In this section “animal” includes any animal, whether wild or domesticated.

PART IV**VAGRANTS****Fortune-telling and other forms of vagrancy.**

26. (1) Any person who—

(a) pretends or professes to tell fortunes, or uses any subtle craft, means or device by palmistry, divination, sortilege, or otherwise to deceive and impose on any one; or

(b) lodges in any shed or out-house without the permission of the owner thereof, or in any deserted or unoccupied building, or in the open air, or under a tent, or in or under any cart or waggon or other similar shelter, not having any visible means of subsistence and not giving a good account of himself; or

(c) begs for alms or endeavours by the exposure of wounds, sores, diseases or deformities to obtain alms; or

(d) endeavours under any false or fraudulent pretence to procure charitable contributions of any kind; or

(e) not being physically able to earn or being unwilling to work for his own livelihood and having no visible means of subsistence,

shall be guilty of an offence: Penalty, imprisonment for 2 months or to a fine of \$500, and may be repatriated, and on a second or subsequent conviction to imprisonment for 4 months and to a fine of \$500.

(2) The Court may order to be forfeited any book or other article used as an implement of fortune-telling.

PART V

POUNDS

Public pounds to be provided.

27. (1) Public pounds shall be provided and pound-keepers appointed at such and so many places as the Minister directs and it shall be lawful for the Minister from time to time, by public notification, to fix tables of fees for impounding animals and rates of charges for feeding them during the time they are detained in the pound.

(2) It shall be lawful for all persons, and it is the duty of all police officers, to seize all horses, cattle or other animals found straying upon the roads, streets or throughfares, or trespassing on any of the grounds or property of the inhabitants, or of the Government, and to impound such animals, and if such animals shall not be respectively redeemed by the owners of the same within 3 days after being so impounded they may be sold by public auction by order of the Commissioner of Police, and the proceeds of such sale after deducting the expenses thereof, and paying the said fees and expenses of feeding, shall be paid to the owner of the animal, and in default of the same being claimed within 3 months after such sale, they shall be retained by the Commissioner of Police and paid by him into the Treasury.

(3) Every person taking away any animal so impounded without the authority of the Commissioner of Police shall be guilty of an offence: Penalty, a fine of \$500.

PART VI

UNLAWFUL POSSESSION OF PROPERTY

Unlawful possession of property.

28. (1) Any person who has in his possession or conveys in any manner anything which may be reasonably suspected of being stolen or unlawfully obtained shall, if he fails to account satisfactorily how he came by the same, be guilty of an offence: Penalty, a fine of \$2,000, or imprisonment for 3 months.

(2) If any person charged with having or conveying anything stolen or unlawfully obtained declares that he received the same from some other person, or that he was employed as a carrier, agent or servant to convey the same for some other person, the Court may cause every such other person, and also, if necessary, every former or pretended purchaser or other person through whose possession the same has passed; provided that such other person is alleged to have had possession of the same within the jurisdiction of such Court, to be brought before it and examined, and shall examine witnesses upon oath touching the same.

(3) If it appears to such Court that any person so brought before it had possession of such thing and had reasonable cause to believe the same to have been stolen or unlawfully obtained, such person shall be guilty of an offence: Penalty, a fine of \$2,500, or imprisonment for 3 months.

(4) The word “possession” in subsections (1), (2) and (3) includes possession in a house, building, ship, vessel, boat or other place as well as possession in a public road or place.

(5) Any person who—

(a) having been convicted of an offence punishable under this section or under Chapter XII or XVII of the Penal Code; or

(b) having been convicted in The Republic of Singapore or in Malaysia of an offence of a nature similar to any of those offences,

is subsequently convicted of an offence punishable under this section shall be liable to a fine of \$10,000, or to imprisonment for 2 years.

Search for property stolen or unlawfully obtained.

(6) If information is given on oath to a Court of a Magistrate that there is cause to suspect that any property which may be reasonably suspected of being stolen or unlawfully obtained is within any house, building, ship, vessel, boat or other place, such Court may, by warrant directed to any police officer, cause such house, building, ship, vessel, boat or other place to be entered and searched at any hour of day or night.

(7) The information mentioned in subsection (6) shall describe the property which it is reasonably suspected has been stolen or unlawfully obtained, and shall also describe the house, building, ship, vessel, boat or other place in which such property is suspected to be.

[Enactment No. 4/1954 - S 3]

(8) If upon the making of the search any property such as that described in the information is found in the house, building, ship, vessel, boat, or other place, the police officer making the search or some other police officer shall convey such property before a Court of a Magistrate or guard the same on the spot or otherwise dispose thereof in some place of safety.

(9) The police officer making the search or some other police officer shall also take into custody and carry before a Court of a Magistrate every person in such house, building, ship, vessel, boat or other place in whose possession or under whose control such property is found.

(10) The provisions of the Criminal Procedure Code shall apply to searches made under subsections (6), (7), (8) and (9).

Second-hand dealers and money changers to report property stolen or unlawfully obtained.

29. (1) When any property has been stolen or fraudulently obtained, and a written description of such property has been given by any police officer to any dealer in second-hand goods or money changer, and property answering the description of such property is in the possession of such dealer or money changer or afterwards comes into his possession or is offered to him for sale or exchange, he shall without undue delay give information thereof to the Commissioner of Police or at a police station, and shall at the same time state the name and address given by the person from whom he received such property or by whom it was offered to him for sale or exchange.

(2) Any person who fails to give such information as he is required to give by this section shall be guilty of an offence: Penalty, a fine of \$500; provided that when, in the opinion of the Court, the property is of such a nature as to be difficult to identify no fine shall be inflicted under this section unless the Court is of opinion that the property has been wilfully concealed by the accused.

If stolen or fraudulently obtained articles are defaced by dealer after information he shall be guilty of an offence.

30. If any pawnbroker or dealer in second-hand goods or worker in gold or silver, after receiving information that any metals, goods, or articles of any description have been stolen or fraudulently obtained, melts, alters, defaces or puts away the same or causes the same to be melted, altered, defaced or put away without having previously received permission of the Commissioner of Police, and it is found that such metals, goods or articles were stolen, or fraudulently obtained, such pawnbroker, dealer or worker shall be guilty of an offence: Penalty, a fine of \$5,000 or to imprisonment for 6 months.

PART VII

MISCELLANEOUS

Power of arrest.

31. (1) Any police officer may arrest without warrant any person offending in his view against any of the provisions of this Act and take him before the Court to be dealt with according to law.

(2) Any animal, conveyance or article concerning by or for which an offence has been committed may be seized and taken to a pound or police station, unless given up sooner by order of the Court, until the charge is decided in due course of law.

Finger impressions of offenders.

32. (1) Any person lawfully arrested under section 22 or 28 shall, on demand by a police officer, allow impressions of his fingers to be taken.

(2) Any Court by which a person is convicted of an offence under one of the said sections, and sentenced to pay a fine, may order that the finger impressions of such person shall be taken in the presence of such officer of the Court as is prescribed.

(3) A statement in any certificate purporting to be signed by any officer of the Court and sealed with the seal of the Court that a person has been convicted under one of the said sections, and that the finger impressions which appear on such certificate are those of the person so convicted shall be evidence of the facts so stated.

PART VIII

OFFENCES RELATING TO BUILDINGS IN KAMPONG AYER

Offence of building in Kampong Ayer without consent of District Officer.

33. No person shall build, erect, alter, add to or extend any building in Kampong Ayer without first obtaining the written consent of the District Officer.

Offence of leasing or letting buildings in Kampong Ayer without consent of District Officer.

34. (1) No person being the owner or occupier of any building in Kampong Ayer shall —

(a) lease, sublease, let or sublet such building to any person other than to a member of his family;

(b) permit or allow any person to occupy such building other than to a member of his family.

(2) Where any such building has been leased, subleased, let or sublet to any person or where a person has been permitted or allowed to occupy any such building, the owner or occupier of such building shall, until the contrary is proved, be presumed to have leased, subleased, let or sublet the building to such person or to have permitted or allowed such person to occupy it knowing that he was person other than a member of his family,

[S 26/90]

without first obtaining the written consent of the District Officer.

Penalties.

35. Any person who contravenes section 33 or 34 shall be guilty of an offence: Penalty imprisonment for 6 months and or a fine of \$3,000; or in the case of a continuing offence to a fine not exceeding \$50 for every day during which such offence is continued.

Warning to be given before prosecuting.

36. Where a person is prosecuted for an offence under section 33 or 34 he shall not be convicted unless he was warned not less than 3 months before a summons for the offence was served on him that the question of prosecuting him for such offence would be taken into consideration.

Enforcement. [S 26/90]

37. (1) Where a person has been convicted of an offence under section 33 or under paragraph (a) of section 34 the court may order that the building, erection, alteration, addition or extension (as the case may be) be pulled down, demolished and the site thereof cleared, and thereupon the District Officer shall cause such order to be executed.

(2) The District Officer may recover the expenses incurred by him under subsection (1) from the owner or occupier of such building.

Interpretation of Part VIII

38. In this Part—

“building” includes any house, hut, shed or roofed enclosure, whether used for the purpose of a human habitation or otherwise, and also any wall, gate, post, pillar, paling, frame, boarding, slip, dock, wharf, pier, jetty, landing stage, bridge, any structure or erection of whatever material and in whatever manner constructed or any part of a building;

“District Officer” means the District Officer for the Brunei and Muara District;

“family” means wife, husband, children, and includes parents, grandparents, brothers and sisters;

“Kampung Ayer” means that part of the Brunei River which is shown delineated in red on *Gazette* Plan No. 209 deposited in the Office of the Surveyor-General, which shall include the areas landwards within 500 yards beyond the high water mark;

“occupier” means the person in occupation of the building in respect of which the word is used, or having the charge, management or control thereof either on his own account or as agent of another person and includes a tenant or lodger;

“owner” means the person for the time being receiving the rent of the building in connection with which the word is used whether on his own account or as agent or trustee for any other person, or who would so receive the same if the building were let to a tenant; and in any case in which such person cannot be found includes also the occupier, if any, of such building.

PART IX

COMPOUNDING OF OFFENCES

[S 43/98]

Compounding of offences.

38A. (1) The Chairman of any Municipal Board, any police officer not below the rank of Superintendent, and any person authorised by name or by office by the Minister by notification in the *Gazette*, may in his discretion, in relation to an offence under section 12 or to any offence under this Act which has been prescribed under subsection (3) as an offence which may be compounded, if he is satisfied that any other person has committed such offence and whether or not a prosecution is actually pending, compound such offence by collecting from that other person a sum of money not exceeding \$500.

(2) Any sum of money collected under this section shall be dealt with as if it were a fine imposed by a Court of a Magistrate.

(3) The Minister with the approval of His Majesty the Sultan and Yang Di-Pertuan may make rules to prescribe the offences which may be compounded under subsection (1) and the method and procedure thereof.