

Brunei-Internal Security Act (1982, 2002)

**Chapter III
Offences relating to security areas**

Offences relating to firearms, ammunition and explosives.

40. (1) Any person who without lawful excuse, the onus of proving which shall be on such person, in any security area carries or has in his possession or under his control —

(a) any firearm without lawful authority therefor; or

(b) any ammunition or explosive without lawful authority therefor,
shall be guilty of an offence: Penalty, death.

(2) A person shall be deemed to have lawful authority for the purposes of this section only if he —
(a) is a member of any security force, or a prison officer, and in every such case is carrying or is in possession of or has under his control such firearm, ammunition or explosive in or in connection with the performance of his duty; or

(b) is a person duly licensed, or authorised without a licence, under the provisions of any written law for the time being in force to carry, possessor have under his control such firearm, ammunition or explosive; or

(c) is a person exempted from the provisions of this section, or is a member of any class of persons so exempted, by the Commissioner of Police by notification in the *Government Gazette* : Provided that no person shall be deemed to have lawful authority for the purposes of this section or to be exempt from this section if he carries or has in his possession or under his control any such firearm, ammunition or explosive for the purpose of using the same in a manner prejudicial to public security or the maintenance of public order.

(3) A person shall be deemed to have lawful excuse for the purposes of this section only if he proves —

(a) that he acquired such firearm, ammunition or explosive in a lawful manner and for a lawful purpose; and

(b) that he has not at any time while carrying or having in his possession or under his control such firearm, ammunition or explosive, acted in a manner prejudicial to public security or the maintenance of public order.

(4) A person charged with an offence against this section shall not be granted bail.

Consorting with persons carrying or having possession of arms or explosives.

41. (1) Any person who in any security area consorts with or is found in the company of another person who is carrying or has in his possession or under his control any firearm, ammunition or explosive in contravention of the provisions of section 40, in circumstances which raise a reasonable presumption that he intends, or is about, to act, or has recently acted, with such other person in a manner prejudicial to public security or the maintenance of public order shall be guilty of an offence: Penalty, death.

[S 9/91]

(2) Any person who in any security area consorts with, or is found in the company of, another person who is carrying or has in his possession, or under his control any firearm, ammunition or explosive in contravention of the provisions of section 40, in circumstances which raise reasonable presumption that he knew that such other person was carrying or had in his possession or under his control any such firearm, ammunition or explosive, shall be guilty of an offence: Penalty, imprisonment for 15 years.

[S 9/91]

(3) Where, in any prosecution for an offence under this section, it is established to the satisfaction of the court that the accused person was consorting with or in the company of any person who was carrying or had in his possession or under his control any firearm, ammunition or explosive, it shall be presumed, until the contrary is proved, that such last mentioned person was carrying or had in his possession or under his control such firearm, ammunition or explosive in contravention of the provisions of section 40.

PART I PRELIMINARY

Citation.

1. This Act may be cited as the Internal Security Act.

Interpretation.

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

“advisory board” means an advisory board constituted under section 5(3);

“ammunition” means ammunition for any firearm as hereafter defined and includes grenades, bombs and other like missiles whether capable of use with such firearm or not and any ammunition containing or designed or adapted to contain any noxious liquid, gas or other thing;

“Commissioner of Police” includes a Deputy Commissioner of Police and any gazetted police officer for the time being lawfully authorised to exercise the powers and perform the duties conferred or imposed upon the Commissioner of Police by this Act;

“controlled area” means any area declared to be a controlled area under section 32;

“danger area” means any area declared to be a danger area under section 31;

“document” includes any substance on which is recorded any matter, whether by letters, figures, marks, pictorial or other representation, or by more than one of these means;

“entertainment” means any game, sport, diversion, concert or amusement of any kind to which the public has or is intended to have access and in which members of the public may or may not take part, whether on payment or otherwise;

“exhibition” includes every display of goods, books, pictures, films or articles to which the public has or is intended to have access, whether on payment or otherwise;

“explosive” —

(a) means gunpowder, nitroglycerine, dynamite gun cotton, blasting powder, fulminate of mercury or of other metals, coloured fires and every other substance, whether similar to those above-mentioned or not, used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect; and

(b) includes fog-signals, fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions and every adaptation or preparation of an explosive as above defined; and

(c) includes any material for making any explosive and any apparatus, machine, implement or material used or intended to be used or adapted for causing or aiding in causing any explosion in or with any explosive, and any part of any such apparatus, machine or implement;

“firearm” means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged or which can be adapted for the discharge of any such shot, bullet or other missile and any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing, and includes any component part of any such weapon as aforesaid;

“offence against this Act” includes an offence against any regulations made under section 53;

“officer commanding a Police District” means the officer appointed to perform the duties of that office and when such officer is unable through absence, illness or otherwise to perform his duties, means the police officer present and acting in the Police District who is next in rank below such officer appointed as aforesaid;

“police force” has the same meaning as in the Royal Brunei Police Force Act (Chapter 50), and includes—

(a) the Brunei Volunteer Police Force, or any part thereof, when on active service; and

(b) any auxiliary or special police force constituted under any written law for the time being in force, or any part of any such force, when on active service;

“police officer” means any member of the police force;

“prison officer” has the same meaning as in the Prisons Act (Chapter 51);

“promoter” in the case of an entertainment or exhibition promoted by a society, includes the secretary and officials of such society and, in the case of a society organised or having its headquarters outside Brunei Darussalam, the officials in Brunei Darussalam of such society;

“proprietor” includes the owner, tenant or other person in possession or control of premises and any person who receives payment for the use of premises;

“protected place” means any place or premises in relation to which an order made under section 33 is in force;

“public place” includes any highway, public street, public road, public park or garden, any sea beach, river, waterway, public bridge, lane, footway, square, court, alley or passage, whether a thoroughfare or not, any unalienated land, any theatre or place of public entertainment of any kind or other place of general resort admission to which is obtained by payment or to which the public have access, and any open space (whether enclosed or unenclosed) to which for the time being the public have or are permitted to have access, whether on payment or otherwise;

“public road” means any public highway or any road over which the public have a right of way or are granted access, and includes every road, street, bridge, passage, footway or square over which the public have a right of way or are granted access;

“security area” means any area in respect of which a proclamation under section 30 is for the time being in force;

“security force” means the police force, the Royal Brunei Armed Forces, any other armed force for the time being of Brunei Darussalam, or any visiting force present for the time being in Brunei Darussalam by virtue of any written law or by virtue of any lawful arrangement made by or on behalf of Brunei Darussalam;

“supplies” includes ammunition, explosives, firearms, money, food, drink, clothing, medicines, drugs or any other stores, instruments, commodities, articles or things whatsoever;

“terrorist” means any person who —

(a) by the use of any firearm, explosive or ammunition acts in a manner prejudicial to the public safety or to the maintenance of public order or incites to violence or counsels disobedience to the law or to any lawful order;

(b) carries or has in his possession or under his control any firearm, ammunition or explosive without lawful authority therefor; or

(c) demands, collects or receives any supplies for the use of any person who intends or is about to act, or has recently acted, in a manner prejudicial to public safety or the maintenance of public order.

(2) Any reference in this Act to a vehicle (however described), vessel or aircraft shall not include any vehicle, vessel or aircraft for the time being employed for the purposes of any security force.