

No. S 5

**CONSTITUTION OF BRUNEI DARUSSALAM**  
(Order under section 83(3))

**EMERGENCY (PENAL CODE) (AMENDMENT) ORDER, 1998**

In exercise of the powers conferred by subsection (3) of section 83 of the Constitution of Brunei Darussalam, His Majesty The Sultan and Yang Di-Pertuan hereby makes the following Order –

1. This Order may be cited as the Emergency (Penal Code) (Amendment) Order, 1998. Citation.

2. The Penal Code is amended by inserting immediately after section 277 the following new section 277A – Insertion of new section 277A into Chapter 22.

“Offences caused by fire.

277A. (1) Notwithstanding any other written law, any person who in any open place and during a prescribed period wilfully or negligently starts or keeps any fire or does any act in relation to any fire and, subject to subsection (3), any registered owner and any occupier of any open place in which during a prescribed period any person wilfully or negligently starts or keeps any fire or does any act in relation to any fire, is guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000.

(2) Notwithstanding any other written law, any person who in any place and during a prescribed period wilfully or negligently starts or keeps any fire or does any act in relation to any fire and, subject to subsection (3), any registered owner and any occupier of any place in which during a prescribed period any person wilfully or negligently starts or keeps any fire or does any act in relation to any fire, in such a manner –

- (a) as to endanger or be likely to endanger human life to cause the destruction of or damage to any property, or to cause any injury, annoyance or obstruction to ; or
- (b) as to vitiate the atmosphere so as to make it noxious to the health of the public or any section of the public or any persons who may have access to use any public right,

is guilty of an offence and shall be liable on conviction to a fine, imprisonment not exceeding 5 years or both.

(3) Any such registered owner or occupier is not guilty of an offence under subsections (1) or (2) if he proves to the satisfaction of the court that –

- (a) it was committed without his knowledge, consent or connivance and was not attributable to any act or default on his part ; or
- (b) he attempted to prevent the commission of the offence.

(4) In this section –

“Minister” means the Minister designated by His Majesty The Sultan and Yang Di-Pertuan as the Minister responsible for environment ;

“occupier” means the person in occupation of the open place or places, 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 ;

“prescribed period” means any period beginning with such date as may be declared by the Minister by order published in the *Gazette* to be the commencement, and ending with such date as may be so declared to be the termination, of the prescribed period for the purpose of this section.”.

Amendment of section 278.      3. Section 278 of the Penal Code is amended by deleting “\$2,000” and substituting therefor “\$100,000”.

Amendment of section 285.      4. Section 285 of the Penal Code is amended by deleting “which may extend to \$4,000,”.

Made this 25th. day of Zulkaedah, 1418 Hijrah corresponding to the 24th. day of March, 1998 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY  
THE SULTAN AND YANG DI-PERTUAN  
BRUNEI DARUSSALAM

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Dicetak oleh WAHID BIN HAJI SALLEH, Pemangku Pengarah Percetakan,  
di Jabatan Percetakan Kerajaan, Kementerian Undang-Undang, Negara Brunei Darussalam.