

LAWS OF BRUNEI

CHAPTER 27 MISUSE OF DRUGS

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CHAPTER 27

MISUSE OF DRUGS

ARRANGEMENT OF SECTIONS

Section

PART I

PRELIMINARY

1. Citation.
2. Interpretation.
- 2A. Appointment of Director and other officers of Bureau.
- 2B. Public servants.
- 2C. Powers of investigations of Bureau.
- 2D. Use of weapons.

PART II

OFFENCES INVOLVING CONTROLLED DRUGS

3. Trafficking in controlled drug.
- 3A. Possession for purpose of trafficking.
4. Manufacture of controlled drug.
5. Importation and exportation of controlled drug.

6. Possession and consumption of controlled drug.
- 6A. Consumption of controlled drug outside Brunei Darussalam by permanent resident.
- 6B. Place of consumption need not be stated or proven.
7. Possession of pipes, utensils etc.
8. Cultivation of cannabis, opium and coca plants.
- 8A. Manufacture, supply, possession, import or export of equipment, materials or substances useful for manufacture of controlled drugs.
- 8B. Regulations and controlled substances.
9. Responsibilities of owners and tenants etc.
10. Abetments and attempts punishable as offences.
11. Abetting or procuring commission of offences outside Brunei Darussalam.
12. Offences by corporations.

PART III

EVIDENCE, ENFORCEMENT AND PUNISHMENT

13. Certificate of corresponding law.
14. Analyst's certificate.
15. Presumption concerning trafficking.
16. Presumption of possession and knowledge of controlled drug.
17. Presumption concerning premises.
18. Presumption relating to ship or aircraft.
19. Presumption relating to vehicle.
20. Protection of informers.
- 20A. Evidence of *agent provocateur* admissible.
21. Powers of search and seizure.

- 21A. Special power of investigation.
- 21B. Director may require information.
- 21C. Surrender of travel document.
- 22. Power of arrest.
- 22A. Procedure where investigation cannot be completed within 24 hours by police officer.
- 23. Power to search ship, hovercraft, aircraft or vehicle and person, arriving in or departing from Brunei Darussalam.
- 24. Forfeiture of controlled drug and articles seized.
- 24A. Legal adviser and privileged information.
- 25. Forfeiture of ship, hovercraft, aircraft or vehicle.
- 26. Disposal of things forfeited.
- 27. Obstruction of inspection or search.
- 28. Urine test.
- 29. Punishment of offences.

PART IV

GENERAL

- 30. Jurisdiction of Courts and prosecution.
- 31. Indemnity.
- 32. Protection of persons acting under authority of Act.
- 32A. Voluntary supervision order.
- 33. Supervision, treatment and rehabilitation of drug addicts.
- 33A. Administration of approved institutions.
- 33B. Lawful custody.
- 34. Regulations.

35. Power of His Majesty the Sultan and Yang Di-Pertuan in Council to amend First and Third Schedules.

FIRST SCHEDULE — CONTROLLED DRUGS

SECOND SCHEDULE — PUNISHMENT

THIRD SCHEDULE — CONTROLLED EQUIPMENT,
MATERIALS OR SUBSTANCES
USEFUL FOR MANUFACTURING
CONTROLLED DRUGS

MISUSE OF DRUGS ACT

An Act to provide for the control of dangerous or otherwise harmful drugs and for purposes connected therewith*Commencement: 1st July 1978*

PART I

PRELIMINARY

Citation.

1. This Act may be cited as the Misuse of Drugs Act.

Interpretation.

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

“Advisory Committee” means an Advisory Committee for an approved institution appointed in accordance with regulations made under section 34(1)(*kb*);

[S 20/1989]

“approved institution” means any institution or place approved by His Majesty the Sultan and Yang Di-Pertuan in Council* for the treatment and rehabilitation of drug addicts;

“article liable to seizure” means any money or thing by means of or in respect of which an offence against this Act has been committed or which contains evidence of an offence against this Act;

“Bureau” means the Narcotics Control Bureau;

[S 20/1989]

* Transferred to the Minister with the approval of His Majesty the Sultan and Yang Di-Pertuan — *[S 27/1987]*

“cannabis” means any part of the *genus cannabis*, or any part of such plant, by whatever name it is called;

[S 12/2012]

“cannabis mixture” means any mixture of vegetable matter containing tetrahydrocannabinol and cannabinalol in any quantity;

[S 12/2012]

“cannabis resin” means any substance containing resinous material and in which is found tetrahydrocannabinol and cannabinalol in any quantity;

[S 12/2012]

“Class A drug” means any of the substances and products for the time being specified respectively in Part I, Part II, Part III and Part IIIA of the First Schedule;

[S 28/1994]

“Class B drug” means any of the substances and products for the time being specified respectively in Part I, Part II, Part III and Part IIIA of the First Schedule;

[S 28/1994]

“Class C drug” means any of the substances and products for the time being specified respectively in Part I, Part II, Part III and Part IIIA of the First Schedule;

[S 28/1994]

“Class D drug” means any of the substances and products for the time being specified respectively in Part I, Part II, Part III and Part IIIA of the First Schedule;

[S 28/1994]

“controlled drug” means any substance or product which is for the time being specified in Part I, II or III of the First Schedule to this Act or anything that contains any such substance or product;

“controlled equipment”, “controlled material” and “controlled substance” means respectively any equipment, material or substance specified in the Third Schedule;

[S 59/2007]

“corresponding law” means a law stated in a certificate purporting to be issued by or on behalf of the government of a country outside Brunei Darussalam to be a law providing for the control and regulation in that country of the production, supply, use, export and import of drugs and other substances in accordance with the provisions of the Single Convention on Narcotic Drugs signed at New York on 30th March 1961, or a law providing for the control and regulation in that country of the production, supply, use, export and import of dangerous or otherwise harmful drugs in pursuance of any treaty, convention or other agreement or arrangement to which the government of that country and the Government of Brunei Darussalam are for the time being parties;

“dentist” means a dentist registered under the provisions of the Medical Practitioners and Dentists Registration Act (Chapter 112) and includes a Government dentist;

“Director” means the Director of the Narcotics Control Bureau;
[S 20/1989]

“drug addict” means a person who, through the use of any controlled drug, has developed —

(a) a desire or need to continue to take such controlled drug; or

(b) a psychological or physical dependence upon the effect of such controlled drug;

“immigration officer” has the same meaning as in the Immigration Act (Chapter 17);

“manufacture”, in relation to —

(a) a controlled drug, includes any process of producing the drug and the refining or transformation of one drug into another; or

(b) a controlled substance, includes any process of producing the substance and the refining or transformation of one substance into another;

[S 59/2007]

“medical practitioner” means a medical practitioner registered under the provisions of the Medical Practitioners and Dentists Registration Act (Chapter 112) and includes a Government medical officer;

“officer of the Bureau” means the Director, Deputy Director and any officer of the Narcotics Control Bureau;

[S 20/1989]

“officer of customs” has the same meaning as in the Customs Order, 2006 (S 39/2006);

“pharmacist” means any person who holds any degree, diploma or licence approved by the Medical Board constituted under section 13(1) of the Medical Practitioners and Dentists Registration Act (Chapter 112);

[S 20/1992]

“police officer” has the same meaning as in the Royal Brunei Police Force Act (Chapter 50);

“senior officer of customs” has the same meaning as in the Customs Order, 2006 (S 39/2006);

“traffic” means —

(a) to sell, give, administer, transport, send, deliver or distribute;
or

(b) to offer to do anything mentioned in paragraph (a),

otherwise than under the authority of this Act or the regulations made thereunder; and “trafficking” has a corresponding meaning;

“veterinary surgeon” means a person who holds the diploma of membership of the Royal College of Veterinary Surgeons of England, or the diploma of a British or foreign veterinary institution or examining body approved by the Medical Board constituted under section 13(1) of the Medical Practitioners and Dentists Registration Act (Chapter 112).

[S 20/1992]

Appointment of Director and other officers of Bureau. [S 20/1989]

2A. (1) His Majesty the Sultan and Yang Di-Pertuan may appoint a Director and a Deputy Director of the Narcotics Control Bureau and such number of other officers as His Majesty the Sultan and Yang Di-Pertuan may think fit.

(2) All officers of the Bureau appointed before 1st October 1988, being the date of the commencement of this section, shall be deemed to have been appointed under subsection (1).

(3) If the office of the Director is vacant or the Director is absent from duty, the Deputy Director shall, save where His Majesty the Sultan and Yang Di-Pertuan otherwise directs, act as Director.

(4) If both the Director and the Deputy Director are absent from duty, His Majesty the Sultan and Yang Di-Pertuan may appoint another person to act as Director during that absence.

Public servants. [S 20/1989]

2B. (1) All officers of the Bureau shall be deemed to be public servants within the meaning of the Penal Code (Chapter 22).

(2) A certificate of appointment signed by the Director shall be issued to every officer of the Bureau and shall be evidence of his appointment.

Powers of investigation of Bureau. [S 20/1989]

2C. In any case relating to the commission of an offence against this Act, an officer of the Bureau shall have all the powers of a police officer under the Criminal Procedure Code (Chapter 7) in relation to an investigation into a seizeable offence.

Use of weapons. [S 20/1989]

2D. (1) Every officer of the Bureau is hereby authorised to carry and use weapons, as ordered by the Director, for the effectual discharge of his duties.

(2) In this Act, “weapons” includes firearms and ammunition.

PART II

OFFENCES INVOLVING CONTROLLED DRUGS

Trafficking in controlled drug.

3. Except as authorised by this Act or the regulations made thereunder, it shall be an offence for a person, on his own behalf or on behalf of any other person, whether or not such other person is in Brunei Darussalam —

- (a) to traffic in a controlled drug;
- (b) to offer to traffic in a controlled drug; or
- (c) to do or offer to do any act preparatory to or for the purpose of trafficking in a controlled drug.

Possession for purpose of trafficking. [*S 8/1987; S 20/1992*]

3A. Except as authorised by this Act or the regulations made thereunder, it shall be an offence for a person, on his own behalf or on behalf of any other person, whether or not such other person is in Brunei Darussalam, to have a controlled drug in his possession for the purpose of trafficking.

Manufacture of controlled drug.

4. Except as authorised by this Act or the regulations made thereunder, it shall be an offence for a person to manufacture a controlled drug.

Importation and exportation of controlled drug.

5. Except as authorised by this Act or the regulations made thereunder, it shall be an offence for a person to import into Brunei Darussalam or export from Brunei Darussalam a controlled drug.

Possession and consumption of controlled drug.

6. Except as authorised by this Act or the regulations made thereunder, it shall be an offence for a person —

- (a) to have in his possession a controlled drug; or

(b) to smoke, administer to himself or otherwise consume a controlled drug.

Consumption of controlled drug outside Brunei Darussalam by permanent resident. [S 59/2007]

6A. (1) Section 6(b) shall have effect in relation to a person who is a permanent resident outside as well as within Brunei Darussalam where he is found, as a result of a urine test required under section 28(1), to have smoked, administered to himself or otherwise consumed a controlled drug.

(2) Where an offence under section 6(b) is committed by a permanent resident outside Brunei Darussalam, he may be dealt with as if that offence had been committed within Brunei Darussalam.

Place of consumption need not be stated or proven. [S 12/2012]

6B. (1) Where a person is charged for an offence against section 6(b), it shall be sufficient for the charge to merely state that the person charged has smoked, administered to himself or otherwise consumed a controlled drug, without having to state the place where the offence was committed.

(2) Where a person is being tried for an offence against section 6(b), it shall not be necessary for the prosecution to prove the place where the offence was committed.

Possession of pipes, utensils etc.

7. Except as authorised by this Act or the regulations made thereunder, it shall be an offence for a person to have in his possession any pipe, syringe, utensil, apparatus or other article intended for the smoking, administration or consumption of a controlled drug.

Cultivation of cannabis, opium and coca plants.

8. It shall be an offence for a person to cultivate any plant of the *genus cannabis*, or any plant of the species *papaver somniferum* or any plant of the *genus erythroxylon* from which cocaine can be extracted.

[S 20/1992]

Manufacture, supply, possession, import or export of equipment, materials or substances useful for manufacture of controlled drugs.*[S 59/2007]***8A.** (1) Any person who —

(a) manufactures any controlled equipment, controlled material or controlled substance;

(b) supplies any controlled equipment, controlled material or controlled substance to another person;

(c) has in his possession any controlled equipment, controlled material or controlled substance; or

(d) imports or exports any controlled equipment, controlled material or controlled substance,

knowing or having reason to believe that the controlled equipment, controlled material or controlled substance is to be used in or for the manufacture of a controlled drug in contravention of section 4 shall be guilty of an offence.

(2) It shall not be a defence to a person who contravenes subsection (1)(d) in respect of any controlled equipment, controlled material or controlled substance to show that the equipment, material or substance is the subject of a licence, permit or any other form of authorisation issued or granted under regulations made under section 8B.

Regulations on controlled substances. *[S 59/2007]***8B.** (1) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by regulations make provision for —

(a) the licensing, by such person or authority as may be prescribed, of any person who intends to import or export any controlled equipment, controlled material or controlled substance;

(b) the regulation and control of the import and export of any controlled equipment, controlled material or controlled substance;

(c) imposing the requirement for the registration of premises used in connection with the import, export, manufacture, processing, storage distribution or supply of any controlled equipment, controlled material or controlled substance;

(d) imposing the requirement for the documentation of transactions involving any controlled equipment, controlled material or controlled substance;

(e) requiring the keeping of records and the furnishing of information with respect to any controlled equipment, controlled material or controlled substance;

(f) the inspection and production of records kept pursuant to any such regulations;

(g) the labelling of consignments of any controlled equipment, controlled material or controlled substance.

(2) Regulations made under subsection (1) may, in particular, require —

(a) the notification of the proposed exportation of any controlled equipment, controlled material or controlled substance to such countries as may be specified in any such regulations; and

(b) the production, in such circumstances as may be specified, of evidence that the required notification has been given, and that any such equipment, material or substance shall be deemed to be exported contrary to a restriction with respect to the equipment, material or substance under any such regulations if it is exported without the requisite notification being given.

(3) Regulations made under this section may make different provision in relation to different controlled equipment, controlled material or controlled substance and in relation to different cases or circumstances.

(4) Regulations made under this section may provide that any person who contravenes any provisions thereof shall be guilty of an offence

and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 3 years or both.

(5) No information obtained pursuant to any regulations made under this section shall be disclosed except for the purpose of criminal proceedings or of proceedings under or in relation to the Drug Trafficking (Recovery of Proceeds) Act (Chapter 178).

Responsibilities of owners and tenants etc.

9. It shall be an offence for a person being the owner, tenant, occupier or person in charge of any place or premises, to permit or suffer such place or premises or any part thereof to be opened, kept or used for the purpose of smoking, administration or consumption of any controlled drug or for unlawful trafficking in or the unlawful manufacturing of a controlled drug.

Abetments and attempts punishable as offences.

10. Any person who abets the commission of or who attempts to commit or does any act preparatory to or in furtherance of the commission of any offence against this Act shall be guilty of such offence and shall be liable on conviction to the punishment provided for such offence.

Abetting or procuring commission of offences outside Brunei Darussalam.

11. It shall be an offence for a person to —

(a) aid, abet, counsel or procure the commission in any place outside Brunei Darussalam of an offence punishable under a corresponding law in force in that place; or

(b) do an act preparatory to, or in furtherance of, an act outside Brunei Darussalam which if committed in Brunei Darussalam would constitute an offence against this Act.

Offences by corporations.

12. Where any offence against this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in

any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against accordingly.

PART III

EVIDENCE, ENFORCEMENT AND PUNISHMENT

Certificate of corresponding law.

13. A document purporting to be issued by or on behalf of the government of a country and purporting to state the terms of a corresponding law in force in that country shall be admitted in evidence, in any proceedings for an offence against this Act, on its production by the prosecution without further proof, and such document shall be conclusive evidence that —

- (a) it is issued by or on behalf of the government of that country;
- (b) the terms of such law are as stated in the document; and
- (c) any facts stated in the document as constituting an offence under such law do constitute such offence.

Analyst's certificate.

14. (1) Notwithstanding any provision of any written law to the contrary, a certificate purporting to be signed by an analyst and purporting to relate to a controlled drug shall be admitted in evidence in any proceedings for an offence against this Act, on its production by the prosecution without proof of signature and, until the contrary is proved such certificate shall be *prima facie* evidence of all matters contained therein.

(2) In this section, “analyst” means —

(a) any Government chemist or any person employed for the time being wholly or partly on analytical work in any department of the Government;

[S 20/1989]

(b) any chemist employed by the Government of Singapore or Malaysia:

Provided that no such chemist shall, without his consent, be called as a witness in connection with any report signed by him; and

(c) any other person whom His Majesty the Sultan and Yang Di-Pertuan in Council* may, by notification published in the *Gazette*, declare by name or office to be an analyst for the purposes of this Act.

Presumption concerning trafficking. [S 20/1992]

15. Any person who is proved or presumed to have had in his possession more than —

[S 60/1999]

(a) 100 grammes of opium;

(b) 3 grammes of morphine;

(c) 2 grammes of diamorphine;

(d) 15 grammes of cannabis;

(e) 10 grammes of cannabis resin;

[S 42/1998]

(f) 3 grammes of cocaine;

[S 42/1998]

(g) 20 grammes of methylamphetamine; or

[S 42/1998]

(h) 2 grammes of any or any combination of the following —

(i) N, α -dimethyl-3,4-(methylenedioxy) phenethylamine (MDMA);

(ii) α -methyl-3, 4-(methylenedioxy) phenethylamine (MDA);

* Transferred to the Minister — [S 27/1987]

- (iii) N-ethyl- α -methyl-3, 4-(methylenedioxy) phenethylamine (N-ethyl MDA or MDEA); or
- (iv) N-methyl- α -ethyl-3, 4-(methylenedioxy) phenethylamine (MBDB),

[S 42/1998]

whether or not contained in any substance, extract, preparation or mixture shall, until the contrary is proved, be presumed to traffic in that controlled drug or have that controlled drug in his possession for the purpose of trafficking therein, as the case may be.

[S 60/1999]

Presumption of possession and knowledge of controlled drug.

16. (1) Any person who is proved to have had in his possession or custody or under his control —

- (a) anything containing a controlled drug;
- (b) the keys of anything containing a controlled drug;
- (c) the keys of any place or premises or any part thereof in which a controlled drug is found; or
- (d) a document of title relating to a controlled drug or any other document intended for the delivery of a controlled drug,

shall, until the contrary is proved, be presumed to have had such drug in his possession.

(2) Any person who is proved or presumed to have had a controlled drug in his possession shall, until the contrary is proved, be presumed to have known the nature of such drug.

(3) The presumption provided for in this section shall not be rebutted by proof that the accused never had physical possession of the controlled drug.

(4) Where one of two or more persons with the knowledge and consent of the rest has any controlled drug in his possession, it shall be deemed to be in the possession of each and all of them.

Presumption concerning premises.

17. (1) Whenever a pipe, syringe, utensil, apparatus or other article intended for the smoking, administration or consumption of a controlled drug is found in any place or premises, it shall be presumed, until the contrary is proved, that such place or premises is used for the purpose of smoking or administering a controlled drug.

(2) Any person found in or escaping from any place or premises which is proved or presumed to be used for the purpose of smoking or administering a controlled drug shall, until the contrary is proved, be presumed to have been smoking or administering a controlled drug in such place or premises.

Presumption relating to ship or aircraft.

18. If any controlled drug is found in any ship or aircraft it shall be presumed, until the contrary is proved, that such drug has been imported in such ship or aircraft with the knowledge of the master or the captain thereof.

Presumption relating to vehicle.

19. If any controlled drug is found in any vehicle it shall, until the contrary is proved, be presumed to be in the possession of the owner of the vehicle and of the person in charge of the vehicle for the time being.

Protection of informers.

20. (1) Except as provided in subsection (3) —

(a) no information for an offence against this Act shall be admitted in evidence in any civil or criminal proceedings; and

(b) no witness in any civil or criminal proceedings shall be obliged to —

- (i) disclose the name and address of any informer who has given information with respect to an offence against this Act; or
- (ii) answer any question if the answer thereto would lead, or would tend to lead, to the discovery of the name or address of such informer.

(2) If any books, documents or papers which are in evidence or liable to inspection in any civil or criminal proceedings contain an entry in which any informer is named or described or which might lead to his discovery, the court shall cause all such entries to be concealed from view or to be obliterated so far as may be necessary to protect the informer from discovery.

(3) If in any proceedings before a court for an offence against this Act the court, after full inquiry into the case, is satisfied that an informer wilfully made a material statement which he knew or believed to be false or did not believe to be true, or if in any other proceedings the court is of the opinion that justice cannot be fully done between the parties thereto without the disclosure of the name of an informer, the court may permit inquiry and require full disclosure concerning the informer.

Evidence of *agent provocateur* admissible. [S 42/1998]

20A. (1) Notwithstanding any rule of law, the provisions of this Act or any other written law to the contrary, no *agent provocateur* shall be presumed to be unworthy of credit by reason only of his having abetted or attempted to abet the commission of an offence by any person under this Act if the abetment or attempt to abet was for the sole purpose of securing evidence against such person.

(2) Notwithstanding any rule of law, the provisions of this Act or any other written law to the contrary, and that the *agent provocateur* is an officer of the Bureau, a police officer (whatever his rank) or any officer of customs, any statement, whether oral or in writing, made to an *agent provocateur* by any person who is subsequently charged with an offence under this Act shall be admissible as evidence at his trial.

Powers of search and seizure.

21. (1) An officer of the Bureau not below the rank of Senior Narcotics Officer or any officer of the Bureau authorised by him, a police officer not below the rank of Assistant Superintendent of Police or any police officer authorised by him or any senior officer of customs may at any time —

[S 20/1989; S 12/2012]

(a) without a warrant enter and search any place or premises in which he reasonably suspect that there is to be found a controlled drug or article liable to seizure;

(b) search any person found in such place or premises; and

(c) seize and detain any controlled drug found in such place or premises, or any article liable to seizure.

(2) For the purpose of exercising his power under this section an officer may, with such assistance as he deems necessary, break open any door, window, lock, fastener, floor, wall, ceiling, compartment, box, container or any other thing.

Special power of investigation. [S 59/2007]

21A. (1) Notwithstanding anything to the contrary in any other written law, the Director may, if he considers that any evidence of the commission of an offence against this Act or of any conspiracy to commit, or of an abetment of that offence, by any person is likely to be found in any book, receipt, voucher, electronic record or other document, in respect of the payment of money or the delivery of property to —

(a) that person;

(b) the spouse, parent or child of that person; or

(c) a person reasonably believed by the Director to be a trustee or agent for that person or the spouse, parent or child of that person,

by order authorise, in writing, any officer of the Bureau specified in such authorisation to inspect any such book, account, receipt, voucher, electronic record or other document.

(2) An officer authorised under subsection (1) may, at all reasonable times, enter any premises specified in the order and inspect any such book, account, receipt, voucher, electronic record or other document and may take copies thereof or of any part thereof.

(3) Any person who fails to produce any such book, account, receipt, voucher, electronic record or other document which is in his possession or control, is guilty of an offence.

(4) A person is not excused from producing or making available any material when required to do so by an order under this section on the ground that —

(a) the production or making available of the material might tend to incriminate him or make him liable to a penalty; or

(b) the production or making available of the material would be in breach of an obligation (whether imposed by law or otherwise) by him not to disclose the existence or contents of that material.

(5) Where an order under this section relates to an electronic record, such order shall have effect as an order to produce the record in a form which it is visible and legible.

(6) In this section —

“bank” means a company which carries on banking business and holds a licence granted under section 4 or 23 of the Banking Order, 2006 (S 45/2006);

“book” includes any ledger, day-book, cash-book, account-book and any other book and document used in the ordinary course of the business of a bank or of any other person;

“electronic record” means a record generated, communicated, received or stored by electronic, magnetic, optical or other means in an information system or for transmission from one information system to another.

Director may require information. [S 59/2007]

21B. (1) In the course of any investigation or proceeding into or relating to an offence by any person under this Act, of any conspiracy to commit or to attempt to commit, or into an abetment of any such offence, the Director may by written notice —

(a) require such person to furnish a sworn statement in writing enumerating all property belonging to or possessed by that person and by the spouse, parents and children of that person, and specifying the date on which each of the properties enumerated was acquired and whether it was acquired by way of purchase, gift, bequest, inheritance or otherwise;

(b) require such person to furnish a sworn statement in writing of any money or other property paid or disposed of by him during such period as may be specified in the order;

(c) require such person to furnish a sworn statement in writing enumerating all property belonging to or possessed by him where the Director has reasonable grounds to believe that such information may be relevant to that investigation or proceeding;

(d) require the person in charge of any department of Government or of any public body to produce or furnish as specified in the notice any document which is in his possession or under his control;

(e) require the manager of any bank (as defined in section 21A(6)) to give a copy of the account of such person or the spouse, parent or child of such person at the bank.

(2) Every person to whom a notice is sent by the Director under subsection (1) shall, notwithstanding the provisions of any other written law or of any oath of secrecy to the contrary, comply with the terms of that notice within such time as may be specified therein, and any person who wilfully neglects, or who fails so to comply shall be guilty of an offence.

Surrender of travel document. [*S 59/2007*]

21C. (1) A magistrate may, on the application of the Director or the Public Prosecutor, by written notice require any person who is the subject of an investigation in respect of an offence alleged or suspected to have been committed by him against this Act to surrender to the Director any travel document in his possession.

(2) A notice under subsection (1) shall be served personally on the person to whom it is addressed.

(3) A person on whom a notice under subsection (1) is served shall comply with such notice forthwith.

(4) If a person on whom a notice under subsection (1) has been served fails to comply with the notice forthwith, he may thereupon be arrested and taken before a magistrate.

(5) Where a person is taken before a magistrate under subsection (4), the magistrate shall, unless such person thereupon complies with the notice under subsection (1) or satisfies the magistrate that he does not possess a travel document, by warrant commit him to prison to be safely kept there until —

(a) the expiry of the period of 28 days from the date of such committal to prison; or

(b) such person complies with the notice under subsection (1) and a magistrate, by order in that behalf, has directed the Superintendent of Prisons to discharge such person from prison (which order shall be sufficient authority for the Superintendent of Prisons so to do),

whichever occurs first.

(6) A travel document which is surrendered to the Director under this section may be detained for 6 months from the date on which it was surrendered and may be detained for a further 6 months thereafter if a magistrate, on application by the Director or the Public Prosecutor, is satisfied that the investigation could not reasonably be completed before the date of such application and authorises such further detention.

(7) All proceedings before a magistrate under this section shall be in chambers.

(8) In this section, “travel document” means a passport or other document establishing the identity or nationality of the holder.

Power of arrest.

22. (1) An officer of the Bureau, a police officer or an officer of customs may arrest without a warrant any person who has committed or whom he reasonably suspects to have committed an offence against this Act.

[S 20/1989]

(2) Any person so arrested shall, together with any article which is liable to seizure, be taken to the Narcotics Control Bureau, a police station or a customs station and may be searched.

[S 20/1989]

(3) No female shall be searched under this Act except by a female officer.

(4) An officer making an arrest under this section may seize and detain any article liable to seizure.

(5) A Senior Narcotics Officer has the same powers as are possessed under section 347 of the Criminal Procedure Code (Chapter 7) by a police officer not below the rank of Inspector to admit to bail any person arrested under subsection (1).

[S 24/1991]

Procedure where investigation cannot be completed within 24 hours by police officer. *[S 8/1987]*

22A. (1) Whenever any person is arrested and detained in custody by an officer of the Bureau or a police officer for an offence against this Act and it appears that the investigation cannot be completed within a period of 48 hours from the time that the person is arrested —

(a) an officer of the Bureau or a police officer may produce such person before a magistrate; and

(b) the magistrate may, whether he has or has no jurisdiction to try the case, authorise the detention of such person in such custody as such magistrate thinks fit for a term not exceeding 15 days in the whole.

[S 20/1989; S 59/2007]

(2) If a magistrate acting under subsection (1) does not have jurisdiction to try the case and considers further detention unnecessary, he may if the case is triable exclusively by the High Court, order such person to be produced before himself or any magistrate with a view to transmitting the case for trial by the High Court.

Power to search ship, hovercraft, aircraft or vehicle and person, arriving in or departing from Brunei Darussalam.

23. (1) An officer of the Bureau, a police officer or an officer of customs may —

[S 20/1989]

(a) stop, board and search any ship, hovercraft, aircraft or vehicle if he has reason to suspect that there is therein any controlled drug in contravention of this Act or any article liable to seizure;

(b) search any person in such ship, hovercraft, aircraft or vehicle; and

(c) search any person arriving in Brunei Darussalam or about to depart from Brunei Darussalam.

(2) An officer may seize and detain any controlled drug or article liable to seizure as a result of any search under this section, and may seize and detain any ship, hovercraft, aircraft or vehicle which has been used in the commission of or in connection with an offence against this Act.

Forfeiture of controlled drug and articles seized.

24. (1) Whenever anything is seized under this Act, the seizing officer shall forthwith give notice in writing of such seizure to the owner of such thing, if known, either by delivering such notice to him personally or by post at his place of abode if known:

Provided that such notice shall not be required to be given where such seizure is made in the presence of the offender or the owner or his agent, or in the case of a ship or aircraft, in the presence of the master or captain thereof.

(2) An order for the forfeiture of any controlled drug or article shall be made if it is proved to the satisfaction of a court that an offence against

this Act has been committed and that such controlled drug or article was the subject matter of or was used in the commission of the offence notwithstanding that no person may have been convicted of such offence.

(3) If there is no prosecution with regard to any controlled drug or article seized under this Act, such drug or article shall be deemed to be forfeited at the expiration of one month from the date of the seizure thereof unless a claim thereto has been made before that date in such manner as may be prescribed.

Legal adviser and privileged information. [S 59/2007]

24A. (1) Nothing in this Act shall require the disclosure by a legal adviser of any privileged information, communication, book, document or other article which came to his knowledge for the purpose of any proceeding, begun or in contemplation, before a court or to enable him to give legal advice to his client.

(2) In this section, “legal adviser” means a person who has been admitted as an advocate and solicitor under the Legal Profession Act (Chapter 132).

(3) The privilege conferred by this section on a legal adviser shall extend to an employee of the legal adviser:

Provided that any article held with the intention of furthering a criminal purpose is not a privileged item under this section.

Forfeiture of ship, hovercraft, aircraft or vehicle.

25. Where a person has been convicted of an offence under this Act, the court may order to be forfeited to the Government any ship, hovercraft, aircraft or vehicle which has been proved to have been used in any manner in connection with such offence except that —

(a) this section shall not apply to any ship or hovercraft of more than 200 tons net or to any aircraft belonging to any person carrying on a regular passenger service to and from Brunei Darussalam by means of such aircraft; and

(b) no ship, hovercraft, aircraft or vehicle shall be forfeited under this section if it is established by the owner thereof that such ship, hovercraft, aircraft or vehicle was unlawfully in the possession of another person without the owner's consent.

Disposal of things forfeited.

26. (1) All things which are forfeited to the Government under this Act shall be disposed of in such manner as the Minister thinks fit.

(2) The Minister may, in his discretion and after any proceedings under this Act are concluded, entertain and give effect to any claim to or in respect of anything which has been forfeited to the Government.

Obstruction of inspection or search.

27. It shall be an offence for a person —

(a) to obstruct any officer of the Bureau, any police officer or officer of customs or other public officer in the exercise of any power under this Act;

[S 20/1989]

(b) to fail to comply with any lawful requirements of any officer of the Bureau, any police officer or officer of customs or other public officer in the execution of his duty under this Act;

[S 20/1989]

(c) to fail, without reasonable excuse, to furnish such information in his possession as may be required by an officer of the Bureau, a police officer or officer of customs or other public officer;
or

[S 20/1989]

(d) to furnish to any officer of the Bureau, any police officer or officer of customs or other public officer any information which he knows or has reason to believe to be false.

[S 20/1989]

Urine test.

28. (1) Any officer of the Bureau, any police officer not below the rank of sergeant or an immigration officer may, if he reasonably suspects that any person has any controlled drug in his body, require that person to provide a specimen of his urine for a urine test.

[S 20/1989]

(1A) A provost officer, or any member of the Royal Brunei Armed Forces legally exercising authority under a provost officer or on his behalf, may exercise the same power under subsection (1) in respect of any person who is subject to military law.

[S 59/2007]

(2) A person who, without reasonable excuse, fails to provide a specimen of his urine within such time as may be required by any officer referred to in subsection (1) or (1A) shall be guilty of an offence.

[S 59/2007]

(3) Any person (other than a citizen of Brunei Darussalam or a permanent resident) arriving in Brunei Darussalam by land, sea or air who —

(a) fails to comply with the requirement of an officer of the Bureau or an immigration officer under this section; or

[S 20/1989]

(b) is found as a result of a urine test to have consumed a controlled drug,

may be prohibited from entering or remaining in Brunei Darussalam.

(4) If any controlled drug is found in the urine of a person as a result of a urine test, he shall be presumed, until the contrary is proved, to have consumed that controlled drug in contravention of section 6(b).

Punishment of offences.

29. (1) The Second Schedule shall have effect in accordance with subsection (2), with respect to the way in which offences under this Act are punishable on conviction.

(2) In relation to an offence under a provision of this Act specified in the first column of the Second Schedule (the general nature of the offence being described in the second column) —

(a) the third, fourth and fifth columns show respectively the punishments to be imposed on a person convicted of the offence according to whether the controlled drug in relation to which the offence was committed was a Class A drug, a Class B drug or a Class C drug, except as otherwise provided in paragraph (b); and

(b) the sixth column shows the punishments to be imposed on a person convicted of the offence where the offence was committed —

(i) in the case of unauthorised manufacture, in relation to such specified controlled drug as is mentioned in the second column; and

(ii) in the case of unauthorised traffic or import or export, in relation to a specified quantity of such controlled drug (except opium) containing such quantity of morphine or diamorphine as is mentioned in the second column; and

(c) the seventh column shows the punishments to be imposed on a person convicted of the offence whether or not the offence was committed in relation to a controlled drug and, if it was so committed, irrespective of whether the drug was a Class A drug, a Class B drug or a Class C drug,

and in the third, fourth, fifth, sixth and seventh columns, a reference to a period gives the maximum or minimum term of imprisonment as is specified, a reference to a sum of money gives the maximum or minimum fine as is specified, and a reference to a number of strokes gives the number of strokes of whipping with which the offender shall, subject to sections 257, 258, 259 and 260 of the Criminal Procedure Code (Chapter 7), be punished.

(3) Any person convicted of any offence under Part II (except section 6) shall, if the offence is a second or subsequent offence, be liable to twice the punishments provided for that offence:

[S 20/1992]

Provided that no person shall be punished with a sentence of whipping exceeding the number of strokes appropriate to his case under the provisions of section 257(1) or (5) of the Criminal Procedure Code (Chapter 7).

(3A) If any person convicted of an offence under section 6 is again convicted of a similar offence, he shall be liable —

(a) in the case of an offence under paragraph (a), to imprisonment for a term of not less than 2 years;

(b) in the case of an offence under paragraph (b), to imprisonment for a term of not less than 3 years.

[S 20/1992]

(3B) If any person convicted of an offence under section 6(b) or 28(2) is subsequently convicted of an offence under section 28(2), he shall be liable to imprisonment for a term of not less than 3 years.

[S 59/2007]

(4) Where any person is convicted of any offence under Part II, the court shall consider a report of a Government medical officer and if the court is satisfied that it is necessary for such person to undergo treatment or rehabilitation or both at an approved institution, the court shall in addition to any punishment it may lawfully impose make an order requiring that person to be admitted as a resident to an approved institution for the purpose of such treatment or rehabilitation or both.

[S 36/1987; S 12/2010]

PART IV

GENERAL

Jurisdiction of courts and prosecution.

30. (1) A Court of a Magistrate shall have jurisdiction to hear and determine all proceedings under this Act and, notwithstanding any provision of any written law to the contrary, such Court shall have power to impose any penalty or combination of penalties provided for an offence under this Act not exceeding respectively 10 years imprisonment, a fine of \$20,000 and 10 strokes of whipping.

[S 60/1999]

(2) When any person is charged before a court with an offence under this Act or any regulation made thereunder, no further proceedings in respect thereof shall be taken against him without the consent in writing of the Public Prosecutor or a Deputy Public Prosecutor, except such as the court may think necessary by remand, whether in custody or otherwise, to secure the due appearances of the person charged.

Indemnity.

31. (1) The Government shall not be liable to make good any damage caused to any goods or property as a result of an entry, search or detention under the provision of this Act unless such damage is caused by the wilful neglect or default of an officer employed by the Government.

(2) In the event of any dispute as to the amount of any damage so caused the same shall be summarily ascertained and determined by a Court of a Magistrate.

Protection of persons acting under authority of Act.

32. Any person who does any act in pursuance or intended pursuance of any of the provisions of this Act or of any regulations made thereunder shall not be subject to any civil or criminal liability in respect thereof, whether on the ground of want of jurisdiction, mistake of law or fact, or any other ground, unless he has acted in bad faith or without reasonable care.

Voluntary supervision order. *[S 59/2007]*

32A. (1) A person who is an alleged drug addict may make an application in writing to the Director to undergo voluntary supervision under the Bureau for a period not exceeding one year.

(2) Any person who is related by blood or marriage to a person who is alleged to be a drug addict may make an application in writing for a supervision order to be made against the alleged drug addict, and the Director may thereupon make an order in writing requiring that person to undergo supervision and such order shall be for a period not exceeding one year.

Supervision, treatment and rehabilitation of drug addicts. [S 20/1992]

33. (1) The Director may require any person whom he reasonably suspects to be a drug addict to be medically examined or observed by a Government medical officer or a medical practitioner.

[S 20/1989]

(2) If as a result of such medical examination or observation under subsection (1) or of a urine test conducted under section 28, it appears to the Minister that it is necessary for any person examined or observed, or who supplied the urine specimen for the urine test —

(a) to be subject to supervision, the Minister may make a supervision order requiring that person to be subject to the supervision of an officer of the Bureau for a period not exceeding 2 years; or

(b) to undergo treatment or rehabilitation or both at an approved institution, the Minister may make an order in writing requiring that person to be admitted for that purpose to an approved institution.

[S 36/1987; S 20/1992]

(2A) Every person who has been admitted to an approved institution under this section or under section 29(4) shall be detained in the approved institution for a period of 6 months unless he is earlier discharged by the Minister.

[S 36/1987]

(2B) If the Minister, after considering a report of an Advisory Committee, is of the opinion that a resident whose period of detention therein is about to expire requires further treatment or rehabilitation or both, the Minister may by order in writing direct that the resident be detained in the approved institution for a further period or periods not exceeding 6 months at any one time:

[S 12/2010]

Provided that no person in respect of whom an order has been made under subsection (2) or section 29(4) shall be detained in an approved institution for a period of more than 3 years after his admission to any approved institution pursuant to that order.

[S 36/1987]

(3) A person who is a drug addict may volunteer to undergo treatment and rehabilitation at an approved institution and any statement made by such person for the purpose of undergoing such treatment shall not be admissible in evidence against him in respect of any subsequent prosecution for an offence under this Act.

[S 20/1992]

(4) The Director may admit any drug addict for voluntary treatment and rehabilitation at an approved institution subject to such conditions as the Director may determine.

[S 12/2012]

(5) Every person who has been admitted to an approved institution under subsection (4) shall be detained in the approved institution for a period of not less than 6 months, unless he is earlier discharged by the Director, where such period shall not exceed 3 years.

[S 12/2012]

Administration of approved institutions. *[S 20/1992]*

33A. Subject to the directions of the Minister, approved institutions shall be under the general charge and administration of the Director.

[S 5/2008]

Lawful custody. *[S 12/2012]*

33B. Every person who has been admitted to an approved institution shall be deemed to be in the lawful custody of the Director.

Regulations.

34. (1) His Majesty the Sultan and Yang Di-Pertuan in Council* may make regulations —

(a) providing for the issue of licences for the importation, exportation, sale, manufacture, production or distribution of controlled drugs;

(b) prescribing the form, duration and terms and conditions of any licence and the fees payable therefor, and providing for the cancellation and suspension thereof;

(c) authorising the sale or possession or other dealing in controlled drugs and prescribing the circumstances and conditions under which the persons by whom controlled drugs may be sold, had in possession or otherwise dealt in;

(d) requiring medical practitioners, dentists, pharmacists, veterinary surgeons and other persons who deal in controlled drugs as may be authorised by regulations made under this Act to keep records and make returns;

(e) requiring any medical practitioner who attends a person who he considers or has reasonable grounds to suspect is addicted to any controlled drug to furnish to the prescribed authority such particulars with respect to that person as may be prescribed;

(f) prohibiting any medical practitioner from administering, supplying and authorising the administration and supply to person addicted to controlled drugs, and from prescribing for such persons, such drugs;

(g) as to the packaging and labelling of controlled drugs;

* Transferred to the Minister with the approval of His Majesty the Sultan and Yang Di-Pertuan — [S 27/1987]

(h) regulating the transport of controlled drugs and the methods to be used for destroying or otherwise disposing of such drugs when no longer required;

(i) requiring precautions to be taken for the safe custody of controlled drugs;

(j) providing for the inspection of any precautions taken or records kept in pursuance of any regulations made under this section;

(k) providing for the treatment and rehabilitation of persons affected by the misuse of controlled drugs;

(ka) providing for the management, maintenance and inspection of approved institution;

[S 36/1987]

(kb) appointment of Advisory Committee for approved institution, prescribing the functions and procedure of Advisory Committee;

[S 36/1987]

(kc) providing for the control, disciplined (including the imposition of corporal punishment), occupation of residents and for the granting of leave to residents for the purpose of their employment outside an approved institution;

[S 36/1987; S 20/1992; S 12/2010]

(kd) prescribing the appointment and duties of officers of approved institution;

[S 36/1987]

(ke) providing for the supervision and aftercare of persons referred to in section 33(2)(a), or who have undergo treatment or rehabilitation at an approved institution or who have been convicted of an offence under section 6(b);

[S 36/1987; S 20/1992]

(l) prescribing the punishment by fine not exceeding \$10,000, imprisonment for a term not exceeding 4 years or both to be imposed on the conviction for a breach of any regulations;

(m) prescribing anything that may be prescribed; and

(n) generally for carrying out the purposes and provisions of this Act.

(2) Regulations made by His Majesty the Sultan and Yang Di-Pertuan in Council* under this section may —

(a) make different provisions in relation to different controlled drugs, different classes of persons or different cases or circumstances;

(b) make the opinion, consent or approval of a prescribed authority or authorised person material for the purposes of any provision;

(c) provide for the constitution and procedure of a tribunal to advise His Majesty the Sultan and Yang Di-Pertuan in Council* in any case of contravention of this Act or the regulations made thereunder by any medical practitioner, dentist, pharmacist, veterinary surgeon or other authorised person; and

(d) include such provisions as His Majesty the Sultan and Yang Di-Pertuan in Council* thinks fit for the purpose of affecting the transition from any provision made by or by virtue of the repealed Dangerous Drugs Enactment, 1956 (Enactment No. 14 of 1956) to any provision made by or by virtue of this Act.

(3) An inspector appointed pursuant to any regulation made by His Majesty the Sultan and Yang Di-Pertuan in Council* under this section shall be deemed to be a public servant for the purposes of the Penal Code (Chapter 22).

* Transferred to the Minister with the approval of His Majesty the Sultan and Yang Di-Pertuan — [S 27/1987]

Power of His Majesty the Sultan and Yang Di-Pertuan in Council* to amend First and Third Schedules. [S 59/2007]

35. His Majesty the Sultan and Yang Di-Pertuan in Council* may, by order published in the *Gazette*, amend the First and Third Schedules.

[S 59/2007]

* Transferred to the Minister with the approval of His Majesty the Sultan and Yang Di-Pertuan — [S 27/1987]

FIRST SCHEDULE

(sections 2 and 35)

CONTROLLED DRUGS

PART I

CLASS A DRUGS

1. The following substances and products —

Acetorphine
Acetylmethadol
Allylprodine
Alphacetylmethadol
Alphameprodine
Alphamethadol
Alphaprodine
2-amino-1-(2, 5-dimethoxy-4-methyl) phenylpropane
Amphetamine
Anileridine
Benzethidine
Benzylmorphine (3-benzyl-morphine)
Betacetylmethadol
Betameprodine
Betamethadol
Betaprodine
Bezitramide
4-Bromo-2, 5-Dimethoxy- α -methylphenethylamine (also known as
Brolamfetamine, 2C-B)
4-Bromo-2, 5-dimethoxyphenethylamine
Bufotenine
Cannabinol
Cannabinol derivatives
Cannabis and cannabis resin
Cathinone
Clonitazene
Coca leaf
Cocaine
Codoxime
Desomorphine
Dextromoramide
Diamorphine
Diampromide
Diethylthiambutene
Difenoxin

FIRST SCHEDULE

PART I — (continued)

Dihydroetorphine
Dihydromorphine
Dimenoxadole
Dimepheptanol
2, 5-Dimethoxy- α -methylphenethylamine (also known as DOM, STP)
N, α -dimethyl-3, 4-(methylenedioxy) phenethylamine (also known as MDMA)
3-(1, 2-dimethylheptyl)-1-hydroxy-7, 8, 9, 10 tetrahydro-6, 6, 9-trimethyl-6H-dibenzo [b, d] pyran
Dimethylthiambutene
Dioxaphetyl butyrate
Diphenoxylate
Dipipanone
Drotebanol
Ecgonine, and any derivative of ecgonine which is convertible to ecgonine or to cocaine
4-Ethyl-2, 5-dimethoxy- α -methylphenethylamine (also known as DOET)
N-ethyl- α -methyl-3, 4-(methylenedioxy) phenethylamine (also known as MDEA, N-ethyl MDA, MDE)
Ethylmethylthiambutene
Eticyclidine
Etonitazene
Etorphine
Etoxidine
Etryptamine
Furethidine
Hydrocodone
Hydromorphinol
Hydromorphone
N-[α -methyl-3, 4-(methylenedioxy) phenethyl] hydroxylamine (also known as N-hydroxy MDA, MDOH)
Hydroxypethidine
Isomethadone
Ketobemidone
Levomethorphan
Levomoramide
Levophenacymorphan
Levorphanol
Lysergamide
Lysergide and other N-alkyl derivatives of lysergamide
Mescaline
Metazocine
Methadone
Methadyl acetate

FIRST SCHEDULE

PART I — (continued)

Methcathinone
3-methoxy- α -methyl-4, 5-(methylenedioxy) phenethylamine (also known as MMDA)
5-Methoxy-N, N-diisopropyltryptamine
p-methoxy- α -methylphenethylamine (also known as PMA)
4-methylaminorex
Methylamphetamine (also known as Methamphetamine)
Methyldesorphine
N-Methyl- α -ethyl-3, 4-(methylenedioxy) phenethylamine (also known as MBDB)
Methyldihydromorphine (also known as 6-methyldihydromorphine)
4-methylthioamphetamine
Metopon
Monoacetylmorphine
Morpheridine
Morphine
Morphine methobromide, morphine *N*-oxide and other pentavalent nitrogen morphine derivatives
Myrophine
Nicomorphine (also known as 3, 6-dinicotinoyl-morphine)
Noracymethadol
Norlevorphanol
Normethadone
Normorphine
Norpipanone
Opium
Oxycodone
Oxymorphone
Parahexyl (also known as 3-hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl 6H-dibenzo [b, d] pyran)
Pethidine
Phenadoxone
Phenampramide
Phenazocine
Phenomorphane
Phenoperidine
Piminodine
Piritramide
Poppy-straw and concentrate of poppy-straw
Proheptazine
Propoperidine (also known as 1-methyl-4-phenyl-piperidine-4-carboxylic acid isopropyl ester)
Psilocin
Psilocybine

FIRST SCHEDULE

PART I — (continued)

Racemethorphan
 Racemoramide
 Racemorphan
 Remifentanyl
 Rolicyclidine
 α -Methyl-3, 4-(methylenedioxy) phenethylamine (also known as Tenamfetamine)
 Tenocyclidine
 Thebacon
 Thebaine
 Tilidine
 Trimeperidine
 3, 4, 5-Trimethoxy- α -methylphenethylamine (also known as TMA)
 4-Cyano-2-dimethylamino-4, 4-diphenylbutane
 4-Cyano-1-methyl-4-phenyl-piperidine
N, N-Diethyltryptamine
 2, 5-Dimethoxy-4, α -dimethylphenethylamine
N, N-Dimethyltryptamine
 1-Hydroxy-3-pentyl-6a, 7, 10, 10a-tetra hydro-6, 6, 9-trimethyl-6-H-dibenzo
 [b, d] pyran
 1-Methyl-4-phenylpiperidine-4-carboxylic acid
 2-Methyl-3-morpholino-1, 1-diphenylpropanecarboxylic acid
 3-methylthiofentanyl
 4-Phenylpiperidine-4-carboxylic acid ethyl ester.

2. Any stereoisomeric form of a substance for the time being specified in paragraph 1 not being dextromethorphan or dextrorphan.
3. Any ester or ether of a substance for the time being specified in paragraph 1 or 2 not being a substance for the time being specified in Part II.
4. Any salt of a substance for the time being specified in any of paragraphs 1 to 3.
5. Any preparation or other products containing a substance or product for the time being specified in any of paragraphs 1 to 4.
6. Any preparation designed for administration by injection which includes a substance or product for the time being specified in any of paragraphs 1 to 3 of Part II.

FIRST SCHEDULE

PART I — *(continued)*

7. Fentanyl and any compounds structurally derived from N-(1-Methyl-4-piperidyl)-N-phenylformamide by substitution of any of the hydrogen atoms, including the following; and any salt of any substance falling within this item —

Alfentanil
Alpha-Methyl fentanyl
Alpha-Methyl fentanyl Acetanilide
Alpha-Methylthiofentanyl
Benzyl fentanyl
Beta-hydroxy fentanyl
Carfentanil
Lofentanil
3-Methyl fentanyl
para-fluorofentanyl
Sufentanil
Thiofentanyl.

PART II

CLASS B DRUGS

1. The following substances and products —

Acetyldihydrocodine
Codeine
Dextropropoxyphene
Dihydrocodeine
Ethylmorphine (3-ethylmorphine)
Fentanyl
Ketamine
Methylphenidate
Nicocodine
Nicodicodine
Nimetazepam
Nitrazepam
Norcodeine
Norketamine and its dehydro derivatives
Phencyclidine
Phenmetrazine
Pholcodine

FIRST SCHEDULE

PART II — *(continued)*

Propiram
Zipeprol.

2. Any stereoisomeric form of a substance for the time being specified in paragraph 1.
3. Any salt of a substance for the time being specified in paragraph 1 or 2.
4. Any preparation or other product containing a substance or product for the time being specified in any of paragraphs 1 to 3, not being a preparation falling within paragraph 6 of Part I.

PART III

CLASS C DRUGS

1. The following substances —

Benzphetamine
Chlorphentermine
Mephentermine
Methaqualone
Phendimetrazine
Pipradrol.

2. Any stereoisomeric form of a substance for the time being specified in paragraph 1.
3. Any salt of a substance for the time being specified in paragraph 1 or 2.
4. Any preparation or other product containing a substance for the time being specified in any of paragraphs 1 to 3.

PART IIIA

CLASS D DRUGS

1. The following substances —

Bromazepam

FIRST SCHEDULE

PART III — *(continued)*

Buprenorphine
Diazepam
Dimethylamphetamine
Flunitrazepam
Flurazepam
Gamma hydroxybutyric acid (GHB)
Mecloqualone
Mitragynine
Norbuprenorphine
Perphenazine
Secobarbital
Triazolam.

2. Any stereoisomeric form of a substance for the time being specified in paragraph 1.
3. Any salt of a substance for the time being specified in paragraphs 1 and 2.
4. Any preparation or other product containing a substance for the time being specified in any of paragraphs 1 to 3.

PART IV

MEANING OF CERTAIN EXPRESSION USED IN THIS SCHEDULE

For the purpose of this Schedule —

“cannabinol derivative” means the following substances, except where contained in cannabis or cannabis resin, namely tetrahydro derivatives of cannabinol and 3-akyl homologues of cannabinol or of its tetrahydro derivatives;

“coca leaf” means the leaf of any plant of the *genus erythroxylon* from whose leaves cocaine can be extracted either directly or by chemical transformation;

“concentrate of poppy-straw” means the material produced when poppy-straw has entered into a process for the concentration of its alkaloids;

“opium poppy” means any plant from which morphine may be produced;

“preparation” means a mixture, solid or liquid, containing a controlled drug;

“poppy-straw” means all parts, except the seeds, of the opium poppy, after mowing.

[S 28/1994; S 42/1998; S 12/2012]

SECOND SCHEDULE

(section 29)

PUNISHMENT

| Section creating offence | General nature of offence | Class A drug involved | Class B drug involved | Class C drug involved | Class D drug involved | Specified drug or quantity thereof or drug with specified content involved | General |
|--------------------------|---|--|--|---|--|--|---------|
| 3 | Unauthorised traffic in controlled drug, except as otherwise provided in this Schedule | Maximum 20 years and 15 strokes Minimum 5 years and 5 strokes | Maximum 20 years and 10 strokes Minimum 3 years and 3 strokes | Maximum 10 years and 5 strokes Minimum 2 years and 2 strokes | Maximum 5 years and 3 strokes Minimum 1 year and 1 stroke | — | — |
| | Unauthorised traffic in opium, where the quantity is — | | | | | | |
| | (a) not less than 800 grammes and not more than 1200 grammes | — | — | — | — | Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes | — |
| | (b) more than 1200 grammes | — | — | — | — | Death | — |
| | Unauthorised traffic in controlled drug containing such quantity of morphine being — | | | | | | |
| | (a) not less than 10 grammes and not more than 15 grammes | — | — | — | — | Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes | — |
| | (b) more than 15 grammes | — | — | — | — | Death | — |
| | Unauthorised traffic in controlled drug containing such quantity of diamorphine being — | | | | | | |

SECOND SCHEDULE

PUNISHMENT — (continued)

| Section creating offence | General nature of offence | Class A drug involved | Class B drug involved | Class C drug involved | Class D drug involved | Specified drug or quantity thereof or drug with specified content involved | General |
|--------------------------|---|-----------------------|-----------------------|-----------------------|-----------------------|--|---------|
| | (a) not less than 10 grammes and not more than 15 grammes | — | — | — | — | Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes | — |
| | (b) more than 15 grammes | — | — | — | — | Death | — |
| | Unauthorised traffic in cocaine, where the quantity is — | | | | | | |
| | (a) not less than 20 grammes and not more than 30 grammes | — | — | — | — | Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes | — |
| | (b) more than 30 grammes | — | — | — | — | Death | — |
| | Unauthorised traffic in cannabis, where the quantity is — | | | | | | |
| | (a) not less than 330 grammes and not more than 500 grammes | — | — | — | — | Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes | — |
| | (b) more than 500 grammes | — | — | — | — | Death | — |
| | Unauthorised traffic in cannabis resin, where the quantity is — | | | | | | |
| | (a) not less than 130 grammes and not more than 200 grammes | — | — | — | — | Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes | — |

SECOND SCHEDULE

PUNISHMENT — (continued)

| Section creating offence | General nature of offence | Class A drug involved | Class B drug involved | Class C drug involved | Class D drug involved | Specified drug or quantity thereof or drug with specified content involved | General |
|--------------------------|--|--|--|---|--|--|---------|
| | (b) more than 200 grammes | — | — | — | — | Death | — |
| | Unauthorised traffic in methylamphetamine, where the quantity is — | | | | | | |
| | (a) not less than 20 grammes and not more than 50 grammes | — | — | — | — | Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes | — |
| | (b) more than 50 grammes | — | — | — | — | Death | — |
| | Unauthorised traffic in controlled drugs containing such quantity of methylenedioxy-methamphetamine, (MDMA) being — | | | | | | |
| | (a) not less than 10 grammes and not more than 15 grammes | — | — | — | — | Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes | — |
| | (b) more than 15 grammes | — | — | — | — | Death | — |
| 3A | Unauthorised possession of controlled drug for the purpose of trafficking therein, except as otherwise provided in this Schedule | Maximum 20 years and 15 strokes Minimum 5 years and 5 strokes | Maximum 20 years and 10 strokes Minimum 3 years and 3 strokes | Maximum 10 years and 5 strokes Minimum 2 years and 2 strokes | Maximum 5 years and 3 strokes Minimum 1 year and 1 stroke | — | — |
| | Unauthorised possession of controlled drug for the purpose of trafficking therein, containing such quantity of opium being — | | | | | | |

SECOND SCHEDULE

PUNISHMENT — (continued)

| Section creating offence | General nature of offence | Class A drug involved | Class B drug involved | Class C drug involved | Class D drug involved | Specified drug or quantity thereof or drug with specified content involved | General |
|--------------------------|--|-----------------------|-----------------------|-----------------------|-----------------------|--|---------|
| | (a) not less than 1000 grammes and not more than 1500 grammes | — | — | — | — | Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes | — |
| | (b) more than 1500 grammes | — | — | — | — | Death | — |
| | Unauthorised possession of controlled drug for the purpose of trafficking therein (except opium), containing such quantity of morphine being — | | | | | | |
| | (a) not less than 20 grammes and not more than 30 grammes | — | — | — | — | Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes | — |
| | (b) more than 30 grammes | — | — | — | — | Death | — |
| | Unauthorised possession of controlled drug for the purpose of trafficking therein, containing such quantity of diamorphine being — | | | | | | |
| | (a) not less than 20 grammes and not more than 30 grammes | — | — | — | — | Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes | — |
| | (b) more than 30 grammes | — | — | — | — | Death | — |
| | Unauthorised possession of controlled drug for the purpose of trafficking therein, containing such quantity of cocaine being — | | | | | | |

SECOND SCHEDULE

PUNISHMENT — (continued)

| Section creating offence | General nature of offence | Class A drug involved | Class B drug involved | Class C drug involved | Class D drug involved | Specified drug or quantity thereof or drug with specified content involved | General |
|--------------------------|---|-----------------------|-----------------------|-----------------------|-----------------------|--|---------|
| | (a) not less than 30 grammes and not more than 40 grammes | — | — | — | — | Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes | — |
| | (b) more than 40 grammes | — | — | — | — | Death | — |
| | Unauthorised possession of controlled drug for the purpose of trafficking therein, containing such quantity of cannabis being — | | | | | | |
| | (a) not less than 400 grammes and not more than 600 grammes | — | — | — | — | Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes | — |
| | (b) more than 600 grammes | — | — | — | — | Death | — |
| | Unauthorised possession of controlled drug for the purpose of trafficking therein, containing such quantity of cannabis resin being — | | | | | | |
| | (a) not less than 200 grammes and not more than 300 grammes | — | — | — | — | Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes | — |
| | (b) more than 300 grammes | — | — | — | — | Death | — |
| | Unauthorised possession of controlled drugs for the purpose of trafficking therein, containing such quantity of methylamphetamine being — | | | | | | |

SECOND SCHEDULE

PUNISHMENT — (continued)

| Section creating offence | General nature of offence | Class A drug involved | Class B drug involved | Class C drug involved | Class D drug involved | Specified drug or quantity thereof or drug with specified content involved | General |
|--------------------------|--|---|---|--|--|--|---------|
| | (a) not less than 40 grammes and not more than 100 grammes | — | — | — | — | Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes | — |
| | (b) more than 100 grammes | — | — | — | — | Death | — |
| | Unauthorised possession of controlled drugs for the purpose of trafficking therein, containing such quantity of methylene-dioxy-methamphetamine (MDMA) being — | | | | | | |
| | (a) not less than 20 grammes and not more than 30 grammes | — | — | — | — | Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes | — |
| | (b) more than 30 grammes | — | — | — | — | Death | — |
| 4 | Unauthorised manufacture of controlled drug, except as otherwise provided in this Schedule | Maximum 30 years and 15 strokes Minimum 10 years and 5 strokes | Maximum 30 years and 15 strokes Minimum 10 years and 5 strokes | Maximum 20 years and 15 strokes Minimum 5 years and 5 strokes | Maximum 10 years and 10 strokes Minimum 3 years and 3 strokes | — | — |
| | Unauthorised manufacture of morphine or any salt of morphine, ester of morphine or salt of ester of morphine | — | — | — | — | Death | — |
| | Unauthorised manufacture of diamorphine or any salt of diamorphine | — | — | — | — | Death | — |
| | Unauthorised manufacture of cocaine or any salt of cocaine | — | — | — | — | Death | — |

SECOND SCHEDULE

PUNISHMENT — (continued)

| Section creating offence | General nature of offence | Class A drug involved | Class B drug involved | Class C drug involved | Class D drug involved | Specified drug or quantity thereof or drug with specified content involved | General |
|--------------------------|---|--|--|--|---------------------------------|--|---------|
| | Unauthorised manufacture of methylamphetamine | — | — | — | — | Death | — |
| | Unauthorised manufacture of methylenedioxy-methamphetamine (MDMA) | — | — | — | — | Death | — |
| 5 | Unauthorised import or export of controlled drug, except as otherwise provided in this Schedule | Maximum 30 years and 15 strokes Minimum 5 years and 5 strokes | Maximum 30 years and 15 strokes Minimum 5 years and 5 strokes | Maximum 20 years and 15 strokes Minimum 3 years and 5 strokes | Maximum 10 years and 10 strokes | — | — |
| | Unauthorised import or export of opium, where the quantity is — | | | | | | |
| | (a) not less than 800 grammes and not more than 1200 grammes | — | — | — | — | Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes | — |
| | (b) more than 1200 grammes | — | — | — | — | Death | — |
| | Unauthorised import or export of controlled drug (except opium), containing such quantity of morphine being — | | | | | | |
| | (a) not less than 10 grammes and not more than 15 grammes | — | — | — | — | Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes | — |
| | (b) more than 15 grammes | — | — | — | — | Death | — |
| | Unauthorised import or export of controlled drug, containing such quantity of diamorphine being — | | | | | | |

SECOND SCHEDULE

PUNISHMENT — (continued)

| Section creating offence | General nature of offence | Class A drug involved | Class B drug involved | Class C drug involved | Class D drug involved | Specified drug or quantity thereof or drug with specified content involved | General |
|--------------------------|---|-----------------------|-----------------------|-----------------------|-----------------------|--|---------|
| | (a) not less than 10 grammes and not more than 15 grammes | — | — | — | — | Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes | — |
| | (b) more than 15 grammes | — | — | — | — | Death | — |
| | Unauthorised import or export of controlled drug, containing such quantity of cocaine being — | | | | | | |
| | (a) not less than 20 grammes and not more than 30 grammes | — | — | — | — | Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes | — |
| | (b) more than 30 grammes | — | — | — | — | Death | — |
| | Unauthorised import or export of cannabis, where the quantity is — | | | | | | |
| | (a) not less than 330 grammes and not more than 500 grammes | — | — | — | — | Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes | — |
| | (b) more than 500 grammes | — | — | — | — | Death | — |
| | Unauthorised import or export of cannabis resin, where the quantity is — | | | | | | |
| | (a) not less than 130 grammes and not more than 200 grammes | — | — | — | — | Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes | — |

SECOND SCHEDULE

PUNISHMENT — (continued)

| Section creating offence | General nature of offence | Class A drug involved | Class B drug involved | Class C drug involved | Class D drug involved | Specified drug or quantity thereof or drug with specified content involved | General |
|--------------------------|--|---|---|---|----------------------------------|--|---------|
| | (b) more than 200 grammes | — | — | — | — | Death | — |
| | Unauthorised import or export of methylamphetamine, where the quantity is — | | | | | | |
| | (a) not less than 20 grammes and not more than 50 grammes | — | — | — | — | Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes | — |
| | (b) more than 50 grammes | — | — | — | — | Death | — |
| | Unauthorised import or export of controlled drugs, containing such quantity of methylenedioxy-methamphetamine (MDMA) being — | | | | | | |
| | (a) not less than 10 grammes and not more than 15 grammes | — | — | — | — | Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes | — |
| | (b) more than 15 grammes | — | — | — | — | Death | — |
| 6(a) | Unauthorised possession of controlled drug | Maximum 10 years, \$20,000 or both For second or subsequent offence, Minimum 2 years | Maximum 10 years, \$20,000 or both For second or subsequent offence, Minimum 2 years | Maximum 10 years, \$20,000 or both For second or subsequent offence, Minimum 2 years | Maximum 5 year, \$10,000 or both | — | — |

SECOND SCHEDULE

PUNISHMENT — (continued)

| Section creating offence | General nature of offence | Class A drug involved | Class B drug involved | Class C drug involved | Class D drug involved | Specified drug or quantity thereof or drug with specified content involved | General |
|--------------------------|--|---|---|---|----------------------------------|--|--|
| 6(b) | Smoking, self-administering or consuming controlled drug | Maximum 10 years, \$20,000 or both For second or subsequent offence, Minimum 3 years | Maximum 10 years, \$20,000 or both For second or subsequent offence, Minimum 3 years | Maximum 10 years, \$20,000 or both For second or subsequent offence, Minimum 3 years | Maximum 5 year, \$10,000 or both | — | — |
| 7 | Possession of pipe etc. for smoking, administration or consumption of controlled drug | — | — | — | — | — | Maximum 3 years, \$10,000 or both |
| 8 | Cultivation of cannabis, opium, coca plant | — | — | — | — | — | Maximum 20 years, \$40,000 or both Minimum 3 years, \$5,000 or both |
| 8A | Manufacture, supply, possession, import or export of equipment, materials or substances useful for manufacture of controlled drugs | — | — | — | — | — | Maximum 20 years, \$200,000 or both |
| 9 | Being the owner, tenant, occupier or person in charge of premises, permitting or suffering certain activities to take place there | Maximum 10 years, \$40,000 or both Minimum 2 years, \$4,000 or both | Maximum 10 years, \$40,000 or both Minimum 2 years, \$4,000 or both | Maximum 5 years, \$10,000 or both Minimum 1 year, \$2,000 or both | Maximum 3 year, \$10,000 or both | — | — |
| 11 | Abetting or procuring the commission outside Brunei Darussalam of an offence punishable under a corresponding law | — | — | — | — | — | Maximum 10 years, \$40,000 or both Minimum 2 years, \$4,000 or both |
| 21A(3) | Failure to produce books etc. | — | — | — | — | — | Maximum 1 year, \$5,000 or both |

SECOND SCHEDULE

PUNISHMENT — *(continued)*

| Section creating offence | General nature of offence | Class A drug involved | Class B drug involved | Class C drug involved | Class D drug involved | Specified drug or quantity thereof or drug with specified content involved | General |
|--------------------------|--|-----------------------|-----------------------|-----------------------|-----------------------|--|---|
| 21B(2) | Failure to comply with terms of notice | — | — | — | — | — | Maximum 1 year, \$10,000 or both |
| 27(a) | Obstructing exercise of powers | — | — | — | — | — | Maximum 3 years, \$5,000 or both Minimum 6 months, \$1,000 or both |
| 27(b) | Failure to comply with lawful requirements | — | — | — | — | — | Maximum 3 years, \$5,000 or both Minimum 6 months, \$1,000 or both |
| 27(c) | Failure to furnish information | — | — | — | — | — | Maximum 3 years, \$5,000 or both Minimum 6 months, \$1,000 or both |
| 27(d) | Furnishing false information | — | — | — | — | — | Maximum 1 year, \$5,000 or both |
| 28(2) | Failure to provide specimen of urine | — | — | — | — | — | Maximum \$5,000 |

*[S 20/1984; S 8/1987; S 20/1992;
S 28/1994; S 42/1998; S 7/2002;
S 59/2007]*

THIRD SCHEDULE

(sections 2 and 35)

CONTROLLED EQUIPMENT, MATERIALS OR SUBSTANCES USEFUL
FOR MANUFACTURING CONTROLLED DRUGS

PART I

1. The following substances —

N-acetylanthranilic acid also known as N-Acetyl-*o*-aminobenzoic acidEphedrine also known as β -Hydroxy-N-methylamphetamineErgometrine also known as Ergonovine or Ergobasine or [8 β (S)]-9,
10-Didehydro-N-(2-hydroxy-1-methylethyl)-6-methyl-6-methylergoline-8-
carboxamideErgotamine also known as 12'-Hydroxy-2'-methyl-5' α -(phenylmethyl)ergotaman-
3',6',18'-trione

Isosafrole also known as 1,2-(Methylenedioxy)-4-propenylbenzene

Lysergic acid also known as 9,10-Didehydro-6-methylergoline-8 β -carboxylic acid
3,4-methylenedioxyphenyl-2-propanone

Norephedrine

Norpseudoephedrine

1-Phenyl-2-propanone also known as Phenylacetone

Piperonal also known as 3,4-(Methylenedioxy) benzaldehyde or
PiperonylaldehydePseudoephedrine also known as β -Hydroxy-N-methylamphetamine

Safrole also known as 4-Allyl-1,2-methylenedioxybenzene.

2. The salts of the substances listed in paragraph 1 of this Part whenever the
existence of such salts is possible.

PART II

1. The following substances —

Acetic anhydride also known as Acetic oxide

Acetone also known as 2-Propanone or Dimethyl ketone

Anthranilic acid also known as *o*-Aminobenzoic acidEthyl ether also known as Ether or Diethyl ether or Ethyl oxide or Diethyl oxide or
Ethoxyethane or 1, 1'-Oxybisethane

Hydrochloric acid

Methyl ethyl ketone also known as 2-Butanone

Phenylacetic acid also known as Benzeneacetic acid or α -Toulic acid

THIRD SCHEDULE

PART II — *(continued)*

Piperidine also known as Hexahydropyridine

Potassium permanganate

Sulphuric acid

Toluene also known as Methylbenzene or Phenylmethane.

2. The salts of the substances listed in paragraph 1 of this Part whenever the existence of such salts is possible.

[S 59/2007]

SUBSIDIARY LEGISLATION

TABLE OF CONTENTS

Regulations

| | | |
|------|--|------------|
| Rg 1 | Misuse of Drugs Regulations | S 100/1978 |
| Rg 2 | Misuse of Drugs (Board of Visitors for Approved Institutions) Regulations | S 30/1987 |
| Rg 3 | Misuse of Drugs (Approved Institutions) (Treatment and Rehabilitation) Regulations | S 31/1987 |
| Rg 4 | Misuse of Drugs (Approved Institutions) (Discipline) Regulations | S 32/1987 |

Notifications

| | | |
|-----|---|-------------|
| N 1 | Notification of approved institutions | S 48/1979 |
| N 2 | Notification of Ministers responsible for Act and regulations made thereunder | GN 235/2009 |

MISUSE OF DRUGS ACT
(CHAPTER 27)

MISUSE OF DRUGS REGULATIONS

S 100/1978
Amended by
S 36/1998
GN 273/2002

REVISED EDITION 2013

SUBSIDIARY LEGISLATION

MISUSE OF DRUGS REGULATIONS

ARRANGEMENT OF REGULATIONS

Regulation

PART I

PRELIMINARY

1. Citation.
2. Interpretation.

PART II

EXEMPTIONS FROM CERTAIN PROVISIONS OF ACT

3. Exceptions for drugs in First Schedule.
4. Licences to manufacture etc. controlled drugs.
5. General authority to possess etc. controlled drugs.
6. Administration of drugs in First, Second and Third Schedules.
7. Manufacture and supply of drugs in First and Second Schedules.
8. Manufacture and supply of drugs in Third Schedule.
9. Possession of drugs in Second and Third Schedules.

PART III

REQUIREMENTS AS TO DOCUMENTATION AND RECORD KEEPING

10. Documents to be obtained by supplier of controlled drugs.
11. Form of prescriptions.
12. Provisions as to supply on prescription.
13. Marking of bottles and other containers.

[Subsidiary]

14. Keeping of registers.
15. Requirements as to registers.
16. Record-keeping requirements in case of ship.
17. Preservation of registers, books and other documents.
18. Preservation of records relating to drugs in First Schedule.

PART IV

GENERAL

19. Treatment of drug addicts.
20. Storage of controlled drugs.
21. Appointment of inspectors.
22. Inspector may purchase sample.
23. Inspection of weights and measures.
24. Penalties for supplying false information.
25. Making false document.
26. False declaration.
27. General penalty.
28. Destruction of controlled drugs.
29. Withdrawal of authorisation.
30. Import of controlled drugs.
31. Export of controlled drugs.

FIRST SCHEDULE — CONTROLLED DRUGS EXCEPTED FROM PROHIBITION ON IMPORTATION, EXPORTATION AND POSSESSION AND SUBJECT TO REQUIREMENTS OF REGULATION 18

SECOND SCHEDULE — CONTROLLED DRUGS SUBJECT TO REQUIREMENTS OF REGULATIONS 10, 11, 12, 13, 14, 15, 16 AND 28

-
- | | | |
|-----------------|---|---|
| THIRD SCHEDULE | — | CONTROLLED DRUGS SUBJECT TO REQUIREMENTS OF REGULATIONS 10, 11, 12 AND 13 |
| FOURTH SCHEDULE | — | CONTROLLED DRUGS SUBJECT TO REQUIREMENTS OF REGULATIONS 10, 11, 12, 13, 14, 15 AND 28 |
| FIFTH SCHEDULE | — | FORM OF REGISTER |
| SIXTH SCHEDULE | — | FORM OF IMPORT AND EXPORT LICENCE |
-

SUBSIDIARY LEGISLATION

Regulations made under section 34

MISUSE OF DRUGS REGULATIONS

Commencement: 1st July 1978

PART I

PRELIMINARY

Citation.

1. These Regulations may be cited as the Misuse of Drugs Regulations.

Interpretation.

2. (1) In these Regulations, unless the context otherwise requires —

“Act” means the Misuse of Drugs Act;

“analyst” has the meaning assigned to that expression by section 14(2);

“hospital” includes a clinic, outpatient dispensary, nursing home or other medical institution;

“inspector” means an inspector appointed by His Majesty the Sultan and Yang Di-Pertuan in Council under regulation 21;

“nurse” means a person registered as a nurse under the provisions of any written law for the time being in force relating to the registration of nurses;

“practitioner” means a medical practitioner, dentist or veterinary surgeon;

“prescription” means a prescription issued by a medical practitioner for the medical treatment of a single individual, by a dentist for the dental treatment of a single individual or by a veterinary surgeon for the purposes of animal treatment;

“register” means a bound book and does not include any form of loose leaf register or card index;

“ship’s surgeon” means a medical practitioner or any other duly qualified ship’s surgeon for the time being carried in any ship as part of her complement.

[Subsidiary]

(2) In these Regulations, any reference to a regulation or Schedule shall be construed as a reference to a regulation contained in these Regulations or, as the case may be, to a Schedule thereto; and any reference in a regulation or Schedule to a sub-regulation shall be construed as a reference to a sub-regulation of that regulation or Schedule.

PART II

EXEMPTIONS FROM CERTAIN PROVISIONS OF ACT

Exceptions for drugs in First Schedule.

3. Sections 5 and 6 (which prohibit the importation, exportation and possession of controlled drugs) shall not have effect in relation to the controlled drugs specified in the First Schedule.

Licences to manufacture etc. controlled drugs.

4. Where any person is authorised by a licence issued by the Minister under this regulation and for the time being in force to import or export, manufacture, supply, offer to supply or have in his possession any controlled drug, it shall not be unlawful for that person to import or export, manufacture, supply, offer to supply or have in his possession that drug in accordance with the terms of the licence and in compliance with the conditions attached to the licence.

General authority to possess etc. controlled drugs.

5. (1) Any of the following persons may, notwithstanding the provisions of section 6, have any controlled drug in his possession —

(a) an officer or analyst when acting in the course of his duty and in the exercise of his powers under the Act;

(b) a person engaged in the business of a carrier when acting in the course of that business;

(c) a person engaged in the work of any laboratory to which the drug has been sent for forensic examination when acting in the course of his duty as a person so engaged;

(d) a person engaged in conveying the drug to a person authorised by these Regulations to have it in his possession.

(2) Notwithstanding the provisions of sections 3, 4 and 6 and subject only to the provisions of regulation 29, any medical or dental officer of Brunei Darussalam or visiting force is hereby authorised, when acting in the course of his duty and so far as may be necessary for the practice or exercise of his profession, function or employment, to manufacture, possess, prescribe, administer or supply any controlled drug; and any member of Brunei Darussalam or visiting force may, so far as may be necessary for the performance of his duties and if authorised in writing in that behalf by a medical or dental officer of the same force, possess, supply or administer any such drug.

(3) For the purposes of sub-regulation (2) —

“Brunei Darussalam force” means any armed force of His Majesty the Sultan and Yang Di-Pertuan and includes any body, contingent or detachment of any such force;

“dental officer of a British force” means a dental officer of a British force who is resident in Brunei Darussalam on full pay while serving in such force or attached to any Brunei Darussalam force;

“medical officer of a British force” means a medical officer of a British force who is resident in Brunei Darussalam on full pay while serving in such force or attached to any Brunei Darussalam force;

“visiting force” means any visiting forces lawfully present in Brunei Darussalam.

Administration of drugs in First, Second and Third Schedules.

6. (1) Any person may administer to another any drug specified in the First Schedule.

(2) A medical practitioner or dentist may administer to a patient any drug specified in the Second or Third Schedule.

(3) Any person other than a medical practitioner or dentist may administer to a patient, in accordance with the directions of a medical practitioner or dentist, any drug specified in the Second or Third Schedule.

Manufacture and supply of drugs in First and Second Schedules.

7. (1) Notwithstanding the provisions of section 4 —

(a) a practitioner or pharmacist, acting in his capacity as such, may manufacture or compound any drug specified in the First or Second Schedule;

[Subsidiary]

(b) a person lawfully conducting a retail pharmacy business and acting in his capacity as such may, at the premises at which he carried on that business, manufacture or compound any drug specified in the First or Second Schedule.

(2) Notwithstanding the provisions of section 3, any of the following persons —

(a) a practitioner;

(b) a pharmacist;

(c) a person lawfully conducting a retail pharmacy business;

(d) in the case of such a drug supplied to such a nurse by a person responsible for the dispensing and supply of medicines at a hospital, the nurse for the time being in charge of a ward, theatre or other department in that hospital;

(e) a dispenser employed or engaged in dispensing medicines on the directions of a practitioner at a public hospital or other public institution;

(f) a person in charge of a dispensary approved by His Majesty the Sultan and Yang Di-Pertuan in Council and acting on the direction of a practitioner;

(g) a person who is in charge of a laboratory the recognised activities of which consist in, or include, the conduct of scientific education or research and which is attached to a university or to any other institution approved for the purpose by the Minister;

(h) an analyst;

(i) an inspector,

may, when acting in his capacity as such, supply or offer to supply any drug specified in the First or Second Schedule to any person who may lawfully have that drug in his possession:

Provided that nothing in this sub-regulation shall authorise a nurse for the time being in charge of a ward, theatre or other department to supply any drug otherwise than for administration to a patient in that ward, theatre or department in accordance with the directions of a medical practitioner or dentist.

(3) Notwithstanding the provisions of section 3, the master of a ship which does not carry a ship's surgeon may supply or offer to supply any drug specified in the First or Second Schedule to —

- (a) any member of the crew; or
- (b) any person who may lawfully supply that drug.

Manufacture and supply of drugs in Third Schedule.**8. (1) Notwithstanding the provisions of section 4 —**

(a) a practitioner or pharmacist, acting in his capacity as such, may manufacture or compound any drug specified in the Third Schedule;

(b) a person lawfully conducting a retail pharmacy business and acting in his capacity as such may, at the premises at which he carries on that business, manufacture or compound any drug specified in the Third Schedule.

(2) Notwithstanding the provisions of section 3, any of the following persons —

(a) a practitioner;

(b) a pharmacist;

(c) a person lawfully conducting a retail pharmacy business;

(d) in the case of such a drug supplied to such a nurse by a person responsible for the dispensing and supply of medicines at a hospital, the nurse for the time being in charge of a ward, theatre or other department in that hospital;

(e) a dispenser employed or engaged in dispensing medicines on the directions of a practitioner at a public hospital or other public institution;

(f) a person in charge of a dispensary approved by His Majesty the Sultan and Yang Di-Pertuan in Council and acting on the directions of a practitioner;

(g) a person who is in charge of a laboratory the recognised activities of which consist in, or include, the conduct of scientific education or research and which is attached to a university or to any other institution approved for the purpose by the Minister;

(h) an analyst;

(i) an inspector,

[Subsidiary]

may, when acting in his capacity as such, supply or offer to supply any drug specified in the Third Schedule to any person who may lawfully have that drug in his possession:

Provided that nothing in this sub-regulation shall authorise a nurse for the time being in charge of a ward, theatre or other department to supply any drug otherwise than for administration to a patient in that ward, theatre or department in accordance with the directions of a medical practitioner or dentist.

(3) Notwithstanding the provisions of section 3, the master of a ship which does not carry a ship's surgeon may supply or offer to supply any drug specified in the Third Schedule to —

- (a) any member of the crew; or
- (b) any person who may lawfully supply that drug.

Possession of drugs in Second and Third Schedules.

9. (1) Notwithstanding the provisions of section 6 —

- (a) a person specified in regulation 7(2) may have in his possession any drug specified in the Second Schedule;
- (b) a person specified in regulation 8(2) may have in his possession any drug specified in the Third Schedule,

for the purpose of acting in his capacity as such.

(2) Notwithstanding the provisions of section 6, a person may have in his possession any drug specified in the Second or Third Schedule for administration for medical, dental or veterinary purposes in accordance with the directions of a practitioner:

Provided that this sub-regulation shall not have effect in the case of a person to whom the drug has been supplied by or on the prescription of a medical practitioner if —

- (a) that person was then being supplied with any controlled drug by or on the prescription of another medical practitioner and failed to disclose that fact to the first-mentioned medical practitioner before the supply by him or on his prescription; or
- (b) that or any other person on his behalf made a declaration or statement, which was false in any particular, for the purpose of obtaining the supply or prescription.

(3) Notwithstanding the provisions of section 6 —

(a) the master of a ship registered or licensed in Brunei Darussalam which does not carry a ship's surgeon, may have in his possession any drug specified in the Second or Third Schedule so far as necessary for the purpose of compliance with the requirements of any written law for the time being in force relating to merchant shipping;

(b) the master of a foreign ship which is in port may have in his possession any drug specified in the Second or Third Schedule so far as necessary for the equipment of the ship.

PART III

REQUIREMENTS AS TO DOCUMENTATION AND RECORD KEEPING

Documents to be obtained by supplier of controlled drugs.

10. (1) Where a person (in this sub-regulation referred to as the supplier), not being a practitioner or a pharmacist supplies a controlled drug otherwise than on a prescription, the supplier shall not deliver the drug to a person who purports to be sent by or on behalf of the person to whom it is supplied (in this sub-regulation referred to as the recipient) and claim to be authorised under regulation 5(1)(d) to have that drug in his possession, unless that person produces to the supplier a statement in writing signed by the recipient to the effect he is empowered by the recipient to receive that drug on behalf of the recipient, and the supplier is reasonably satisfied that the document is a genuine document.

(2) Where a person (in this sub-regulation referred to as the supplier) supplies a controlled drug, otherwise than on a prescription or by way of administration, to any of the persons specified in sub-regulation (4), the supplier shall not deliver the drug —

(a) until he has obtained a requisition in writing which —

- (i) is signed by the person to whom the drug is supplied (in this sub-regulation referred to as the recipient);
- (ii) states the name, address and profession or occupation of the recipient;
- (iii) specifies the purpose for which the drug supplied is required and the total quantity to be supplied; and
- (iv) where appropriate, satisfies the requirements of sub-regulation (5);

[Subsidiary]

(b) unless he is reasonably satisfied that the signature is that of the person purporting to have signed the requisition and that person is engaged in the profession or occupation specified in the requisition:

Provided that where the recipient is a practitioner or ship's surgeon and he represents that he urgently requires a controlled drug for the purpose of his profession, the supplier may, if he is reasonably satisfied that the recipient so requires the drug and is, by reason of some emergency, unable before delivery to furnish to the supplier a requisition in writing duly signed, deliver the drug to the recipient on an undertaking by the recipient to furnish such a requisition within the 24 hours next following.

(3) A person who has given such undertaking as stated in the proviso to sub-regulation (2)(b) shall deliver to the person by whom the controlled drug was supplied a signed requisition in accordance with the undertaking.

(4) The persons referred to in sub-regulation (2) are —

(a) a practitioner;

(b) a person who is in charge of a laboratory the recognised activities of which consist in, or include, the conduct of scientific education or research and which is attached to a university or to any other institution approved for the purpose by the Minister;

(c) the master of a ship in port in Brunei Darussalam which does not carry ship's surgeon;

(d) the ship's surgeon of a ship in port in Brunei Darussalam.

(5) A requisition furnished for the purposes of sub-regulation (2) shall, where furnished by the master of a ship or by a ship's surgeon not being a medical practitioner, contain a statement signed by the port health officer that the quantity of the drug to be supplied is the quantity necessary for the equipment of the ship.

(6) Where the person responsible for the dispensing and supply of medicines at any hospital supplies a controlled drug to the nurse for the time being in charge of any ward, theatre or other department in that hospital (in this sub-regulation referred to as the recipient) he shall —

(a) obtain a requisition in writing, signed by the recipient, which specifies the total quantity of the drug to be supplied; and

(b) mark the requisition in such manner as to show that it has been complied with,

and any requisition obtained for the purpose of this sub-regulation shall be retained in the dispensary at which the drug was supplied and a copy of the requisition or a note of it shall be retained or kept by the recipient.

(7) Nothing in this regulation shall have effect in relation to the drugs specified in the First Schedule.

Form of prescriptions.

11. (1) Subject to the provisions of this regulation, a person shall not issue a prescription containing a controlled drug other than a drug specified in the First Schedule unless the prescription complies with the following requirements, that is, it shall —

(a) be in ink or otherwise so as to be indelible and be signed by the person issuing it with usual signature and dated by him;

(b) insofar as it specifies the information required by paragraphs (d), (f) and (g) to be specified, be written by the person issuing it in his own hand-writing;

(c) have written thereon, if issued by a dentist, the words “for dental treatment only” and, if issued by a veterinary surgeon, the words, “for animal treatment only”;

(d) specify the name and address of the person for whose treatment it is issued or, if it is issued by a veterinary surgeon, of the person to whom the controlled drug prescribed is to be delivered;

(e) specify the name and address of the person issuing the prescription;

(f) specify the dose to be taken and —

(i) in the case of a prescription containing a controlled drug which is a preparation, the form and, where appropriate, the strength of the preparation, and either the total quantity (in both words and figures) of the preparation or the number (in both words and figures) of dosage units, as appropriate, to be supplied;

(ii) in any other case, the total quantity (in both words and figures) of the controlled drug to be supplied;

(g) in the case of a prescription for a total quantity intended to be dispensed by instalments, contain a direction specifying the amount of the instalments of the total amount which may be dispensed and the intervals to be observed when dispensing.

[Subsidiary]

(2) In the case of a prescription issued for the treatment of a patient in a hospital, it shall be a sufficient compliance with sub-regulation (1)(d) if the prescription is written on the patient's bed card or case sheet.

Provisions as to supply on prescription.

12. (1) A person shall not supply a controlled drug other than a drug specified in the First Schedule on a prescription —

(a) unless the prescription complies with the provisions of regulation 11;

(b) unless the address specified in the prescription as the address of the person issuing it is an address within Brunei Darussalam;

(c) unless he either is acquainted with the signature of the person by whom it purports to be issued and has no reason to suppose that it is not genuine, or has taken reasonably sufficient steps to satisfy himself that it is genuine;

(d) before the date specified in the prescription;

(e) later than 30 days after the date specified in the prescription.

(2) A person dispensing a prescription containing a controlled drug other than a drug specified in the First Schedule shall, at the time of dispensing it, mark thereon the date on which it is dispensed and shall retain it on the premises on which it was dispensed.

Marking of bottles and other containers.

13. (1) Subject to sub-regulation (2), no person shall supply a controlled drug otherwise than in a bottle, package or other container which is plainly marked —

(a) in the case of a controlled drug other than a preparation, with the amount of the drug contained therein;

(b) in the case of a controlled drug which is a preparation —

(i) made up into tablets, capsules or other dosage units, with the amount of each component (being controlled drug) of the preparation in each dosage unit and the number of dosage units in the bottle, package or other container;

(ii) not made up as stated in sub-paragraph (i), with the total amount of the preparation in the bottle, package or other container and the percentage of each of its components which is a controlled drug.

(2) Nothing in this regulation shall have effect in relation to the drugs specified in the First Schedule or in relation to the supply of a controlled drug by or on the prescription of a practitioner.

Keeping of registers.

14. (1) Every person authorised by or under these Regulations to supply any drug specified in the Second or Fourth Schedule shall comply with the following requirements —

(a) he shall, in accordance with the provisions of this regulation and of regulation 15, keep a register and shall enter therein in chronological sequence in the form specified in Part I or II of the Fifth Schedule, as the case may require, particulars of every quantity of a drug specified in the Second or Fourth Schedule obtained by him and of every quantity of such a drug supplied (whether by way of administration or otherwise) by him whether to persons within or outside Brunei Darussalam;

(b) he shall use a separate register or separate part of the register for entries made in respect of each class of drugs, and each of the drugs specified in paragraphs 1, 3 and 6 of the Second Schedule and paragraphs 1 and 3 of the Fourth Schedule together with its salts and any preparation or other product containing it or any of its salt shall be treated as a separate class, so however that any stereoisomeric form of a drug or its salt shall be classed with that drug.

(2) Nothing in sub-regulation (1) shall be taken as preventing the use of a separate section within a register or separate part of a register in respect of different drugs or strengths of drugs comprised within the class of drugs to which that register or separate part relates.

Requirements as to registers.

15. Any person required to keep a register under regulation 14 shall comply with the following requirements —

(a) the class of drugs to which the entries on any page of any such register relate shall be specified at the head of that page;

(b) every entry required to be made under regulation 14 in such a register shall be made on the day on which the drug is obtained or, as the case may be, on which the transaction in respect of the supply of the drug by the person required to make the entry takes place or, if that is not reasonably practicable, on the day next following that day;

[Subsidiary]

(c) no cancellation, obliteration or alteration of any such entry shall be made, and a correction of such an entry shall be made only by way of marginal note or footnote which shall specify the date on which the correction is made;

(d) every such entry and every correction of such an entry shall be made in ink or otherwise so as to be indelible;

(e) such a register shall not be used for any purpose other than for the purposes of these Regulations;

(f) the person so required to keep such a register shall on demand made by any person authorised in writing by the Minister in that behalf —

- (i) furnish such particulars as may be requested in respect of the obtaining or supplying by him of any drug specified in the Second or Fourth Schedule or in respect of any stock of such drugs in his possession;
- (ii) for the purpose of confirming any such particulars, produce any stock of such drugs in his possession;
- (iii) produce the register and such other books or documents in his possession relating to any dealings in drugs specified in the Second, Third or Fourth Schedule as may be requested;

(g) a separate register shall be kept in respect of each premises at which the person required to keep the register carries on his business or occupation, but subject to that not more than one register shall be kept at one time in respect of each class of drug in respect of which he is required to keep a separate register, so, however, that a separate register may, with the approval of the Minister, be kept in respect of each department of the business carried on by him;

(h) every such register in which entries are currently being made shall be kept at the premises to which it relates.

Record-keeping requirements in case of ship.

16. Where a drug specified in the Second Schedule is supplied in accordance with regulation 7(3) to a member of the crew of a ship, an entry in any official log book required to be kept under any written law for the time being in force relating to merchant shipping of the country of registration of such ship or, in the case of a ship which is not required to carry such an official log book, a report signed by the master of the ship, shall, notwithstanding anything in these Regulations, be a sufficient record of the supply if the entry or report specifies the drug supplied and, in the case of a report, it is delivered as soon as may be to the port health officer.

Preservation of registers, books and other documents.

17. (1) All registers and books kept in pursuance of regulation 14 or 16 shall be preserved for a period of 3 years from the date on which the last entry therein is made.

(2) Every requisition, order or prescription, on which a controlled drug is supplied in pursuance of these Regulation, shall be preserved for a period of 3 years from the date on which the last delivery under it was made.

Preservation of records relating to drugs in First Schedule.

18. (1) A manufacturer of any drug specified in the First Schedule and a dealer in any such drug shall keep every invoice or other like record issued in respect of each quantity of such a drug obtained by him and in respect of each quantity of such drug supplied by him.

(2) Every document kept in pursuance of this regulation shall be preserved for a period of 3 years from the date on which it is issued:

Provided that the keeping of a copy of the document made at any time during that period of 3 years shall be treated for the purposes of this sub-regulation as if it were the keeping of the original document.

PART IV

GENERAL

Treatment of drug addicts.

19. A medical practitioner who attends a person who he considers, or has reasonable grounds to suspect, is a drug addict shall within 7 days of the attendance furnish to both the Director-General of Medical Services and the Commissioner of Police the following particulars of that person —

[GN 273/2002]

- (a) name;
- (b) identity card number;
- (c) sex;
- (d) age;
- (e) address;

[Subsidiary]

(f) the drug to which the person is believed to be addicted.

Storage of controlled drugs.

20. (1) All stocks of controlled drugs except those specified in the First Schedule shall be kept under lock and key in the dispensary or in any other premises under the control of a pharmacist or of the person authorised to supply controlled drugs by or under these Regulations. The keys shall at all times be in the personal possession of the pharmacist or of such authorised person.

(2) Stocks of controlled drugs for use in a ward, theatre or a department of a hospital shall be under the control of the nurse in charge of that ward or department. The keys shall at all times be in the personal possession of the nurse.

(3) Any person who fails to comply with the requirements of this regulation is guilty of an offence and liable on conviction to a fine of \$2,000.

Appointment of inspectors.

21. (1) His Majesty the Sultan and Yang Di-Pertuan in Council may appoint such person as he thinks fit by name or office to be inspectors for the purpose of these Regulations.

(2) An inspector may at all reasonable times enter upon any premises in which he reasonably believes controlled drugs are kept or stored and may with such assistance as he considers necessary inspect stocks of controlled drugs held in such premises, take abstracts of and take possession of records and documents relating to purchases, sales and supply of controlled drugs from the premises.

Inspector may purchase sample.

22. (1) An inspector may purchase any article advertised for sale or offered or exposed for sale, which he knows or has reason to believe to consist of or contain any controlled drug, and the person in possession or charge of that article shall supply that article to him and shall not charge more than the advertised or a reasonable price therefor.

(2) An inspector making any such purchase may select the actual case, bottle or package which he requires, or may demand to be served from any receptacle pointed out by him, and the person in possession or charge shall comply with such requirement or demand.

(3) An inspector purchasing any article with the intention of submitting that article to analysis shall immediately on completion of the purchase —

(a) notify the seller or his agent selling the article his intention to have the same analysed;

- (b) divide the same into three parts;
- (c) mark and seal or fasten up each one of the parts in such manner as its nature will permit;
- (d) deliver one of the parts to the seller or his agent and another to an analyst for analysis; and
- (e) retain the third part for comparison.

(4) Any person who without reasonable excuse contravenes the provisions of sub-regulation (1) or (2) is guilty of an offence and liable on conviction to a fine of \$2,000.

Inspection of weights and measures.

23. (1) Any inspector may at all reasonable times inspect all weights, measures and instruments for weighing used by or in the possession of any person for use for weighing a controlled drug.

(2) Any person who on demand made by an inspector neglects or refuses to produce for inspection any such weights, measures or instruments for weighing used by him or in his possession, or on his premises, or refuses to permit the inspector to examine or remove for examination the same, is guilty of an offence and liable on conviction to a fine of \$500 and in the case of a second or subsequent offence a fine of \$1,000.

Penalties for supplying false information.

24. (1) Any person who wilfully supplies false information as to any particulars required to be entered in any register under these Regulations is guilty of an offence and liable on conviction to a fine of \$10,000 and imprisonment for 2 years.

(2) Any person who enters in any register required to be kept under these Regulations false information as to any particulars prescribed to be entered knowing the same to be false or not believing it to be true is guilty of an offence and liable on conviction to a fine of \$10,000 and imprisonment for 2 years.

Making false document.

25. Any person who makes a false document for the purpose of obtaining any controlled drug from any authorised person and any person who uses as genuine such a false document knowing or having reason to believe it to be false is guilty of an offence and liable on conviction to a fine of \$10,000 and imprisonment for 2 years.

[Subsidiary]

False declaration.

26. Any person who for the purpose of obtaining, whether for himself or for any other person, the issue, grant or renewal of any licence under the provisions of these Regulations, makes any declaration or statement which is false in any material particular, or knowingly utters, produces, or makes use of any such declaration or statement or any document containing the same, is guilty of an offence and liable on conviction to a fine of \$10,000 and imprisonment for 2 years.

General penalty.

27. Every person who contravenes or fails to comply with any of the provisions of these Regulations shall be guilty of an offence and shall, unless otherwise specifically provided for, be liable to a fine of \$5,000 and to imprisonment for one year.

Destruction of controlled drugs.

28. (1) No person who is required by any provision of, or by any term or condition of a licence having effect under, these Regulations to keep records with respect to a drug specified in the Second or Fourth Schedule shall destroy such a drug or cause such a drug to be destroyed except in the presence of and in accordance with any directions given by an inspector or such other person as the Minister may authorise.

(2) Where a drug is destroyed in pursuance of sub-regulation (1) by or at the instance of a person who is required by any provision of, or by any term or condition of a licence having effect under, these Regulations to keep a record in respect of the obtaining or supply of that drug, that record shall include particulars of the date of destruction and the quantity destroyed and shall be signed by the inspector or authorised person in whose presence the drug is destroyed.

(3) Where the master of a ship or a ship's surgeon has in his possession a drug specified in the Second and Third Schedules which he no longer requires, he shall not destroy the drug or cause it to be destroyed but shall dispose of it to the port health officer or to an inspector.

Withdrawal of authorisation.

29. (1) Where a practitioner, ship's surgeon, pharmacist, dispenser specified in regulations 7(2)(e) and 8(2)(e) or a person specified in regulations 7(2)(f) and 8(2)(f) —

(a) has been convicted of an offence against the Act or under these Regulations; or

(b) has been prescribing, administering or supplying a controlled drug in a manner which appears to His Majesty the Sultan and Yang Di-Pertuan in Council irresponsible,

His Majesty the Sultan and Yang Di-Pertuan in Council may, by order, direct that such practitioner, ship's surgeon, pharmacist, dispenser or person shall cease to have any authority under Part II to manufacture, possess, prescribe, administer or supply controlled drugs and such order shall have effect notwithstanding anything to the contrary in these Regulations.

(2) For the purposes of sub-regulation (1), "practitioner" shall be deemed to include a medical or dental officer specified in regulation 5(2).

Import of controlled drug.

30. (1) The Minister may issue a licence, in the form specified in Form A in the Sixth Schedule, to any person (in this regulation referred to as the importer) authorising the importer to import any controlled drug into Brunei Darussalam, by one consignment only, subject to the conditions contained in Form A and subject to such other conditions as the Minister shall deem fit.

(2) Such a licence shall be issued in triplicate to the importer who shall send the original and one copy thereof to the consignor of the controlled drug named in the licence.

Export of controlled drug.

31. (1) Upon production of an import authorisation or an approval of import certificate duly issued to a person (in this regulation referred to as the exporter) by the competent authority in any country (in this regulation referred to as the importing country), the Minister may issue a licence, in the form specified in Form B in the Sixth Schedule, to the exporter authorising him to export any controlled drug specified in such licence from Brunei Darussalam to a consignee in the importing country, subject to the conditions contained in Form B and subject to such other conditions as the Minister shall deem fit.

(2) Such licence shall be prepared in triplicate and the Minister shall send one copy thereof to the appropriate authority of the importing country and shall issue the original and the other copy thereof to the exporter who shall send such other copy with the controlled drug to which it refers when such controlled drug is exported and shall comply with any appropriate condition regarding the manner of such sending contained in such licence.

(3) In this regulation and regulation 30, "Minister" means the Minister or such other officer as the Minister may authorise in writing to perform any function of the Minister under any provision of one or other or both of such regulations or under any condition of any licence issued under any such provision; and the Minister may under this sub-regulation authorise more than one such other officer to perform the same function and may authorise different officers to perform different functions:

[Subsidiary]

Provided that the Minister may perform any function conferred upon him by any provision of one or other or both of such regulations or under any condition of any licence issued under any such provision notwithstanding the conferring by him, under this sub-regulation, upon some other officer of any authority to exercise such function.

FIRST SCHEDULE

(regulations 3, 6(1), 7, 10(7), 11(1), 12, 13(2), 18(1) and 20(1))

CONTROLLED DRUGS EXCEPTED FROM PROHIBITION
ON IMPORTATION, EXPORTATION AND POSSESSION AND
SUBJECT TO REQUIREMENTS OF REGULATION 18

1. (1) Any preparation of one or more of the substances to which this paragraph applies, not being a preparation designed for administration by injection, when compounded with one or more other active or inert ingredients and containing a total of not more than 100 milligrammes of the substance or substances (calculated as base) per dosage unit with a total concentration of not more than 2.5 *per cent* (calculated as base) in undivided preparations.

(2) The substances to which this paragraph applies are acetyldihydrocodeine, codeine, dextropropoxyphene, dihydrocodeine, ethylmorphine, nicocodine, nicodicodine (6-nicotinoyldihydrocodeine), norcodeine, pholcodine and their respective salts.

[S 36/1998]

2. Any preparation of cocaine containing not more than 0.1 *per cent* of cocaine calculated as cocaine base, being a preparation compounded with one or more other active or inert ingredients in such a way that the cocaine cannot be recovered by readily applicable means or in a yield which would constitute a risk to health.

3. Any preparation of medicinal opium or of morphine containing (in either case) not more than 0.2 *per cent* of morphine calculated as anhydrous morphine base, being a preparation compounded with one or more other active or inert ingredients in such a way that the opium or, as the case may be, the morphine, cannot be recovered by readily applicable means or in a yield which would constitute a risk to health.

4. Any preparation of diphenoxylate containing, per dosage unit, not more than 2.5 milligrammes of diphenoxylate calculated as base, and a quantity of atropine sulphate equivalent to at least one *per cent* of the dose of diphenoxylate.

5. Any powder of ipecacuanha and opium comprising —

10 *per cent* opium, in powder;

10 *per cent* ipecacuanha root, in powder, well mixed with;

80 *per cent* of any other powdered ingredient containing no controlled drug.

6. Any mixture containing one or more of the preparations specified in paragraphs 1 to 5, being a mixture of which none of the other ingredients is a controlled drug.

[Subsidiary]

SECOND SCHEDULE

(regulations 6, 7, 9, 14(1), 15, 16 and 28)

CONTROLLED DRUGS SUBJECT TO THE REQUIREMENTS OF
REGULATIONS 10, 11, 12, 13, 14, 15, 16 AND 28

1. The following substances and products —

Acetorphine
Alfentanil
Allylprodine
Alphacetylmethadol
Alphameprodine
Alphamethadol
Alphaprodine
Anileridine
Benzethidine
Benzylmorphine (3-benzylmorphine)
Betacetylmethadol
Betameprodine
Betamethadol
Betaprodine
Bezitramide
Clonitazene
Cocaine
Codixime
Desomorphine
Dextromoramide
Diamorphine
Diampromide
Diethylthiambutene
Dihydrocodeinone O-carboxymethyloxime
Dihydromorphine
Dimenoxadole
Dimepheptanol
Dimethylthiambutene
Dioxaphetyl butyrate
Diphenoxylate
Dipipanone
Dretebanol
Ecgonine, and any derivative of ecgonine which is convertible to ecgonine or to cocaine
Ethylmethylthiambutene
Etonitazene
Etorphine

SECOND SCHEDULE — (continued)

Etoxidine
Fentanyl
Furethidine
Hydrocodone
Hydromorphenol
Hydromorphine
Hydroxypethidine
Isomethadone
Ketobemidone
Levomethorphan
Levomoramide
Levorphanol
Levophenacymorphan
Medicinal opium
Metazocine
Methadone
Methadyl acetate
Methyldesorphine
Methyldihydromorphine (6-methyldihydromorphine)
Metopon
Morpheridine
Morphine
Morphine methobromide, morphine N-oxide and other pentavalent nitrogen
morphine derivatives
Myrophine
Nicomorphine
Noracymethadol
Norlevorphanol
Normethadone
Normorphine
Norpipanone
Oxycodone
Oxymorphone
Pethidine
Phenadoxone
Phenampramide
Phenazocine
Phenomorphin
Phenoperidine
Piminodine
Piritramide
Proheptazine
Properidine
Racemethorphan
Racemoramide
Racemorphan

[Subsidiary]

SECOND SCHEDULE — (continued)

Thebacon
 Thebaine
 Trimeperidine
 4-Cyano-2-dimethylamino-4, 4-diphenylbutane
 4-Cyano-1-methyl-4-phenylpiperidine
 1-Methyl-4-phenylpiperidine-4-carboxylic acid
 2-Methyl-3-morpholino-1, 1-diphenylpropanecarboxylic acid
 4-phenylpiperidine-4-carboxylic acid ethyl ester.

[S 36/1998]

2. Any stereoisomeric form of a substance specified in paragraph 1 not being dextromethorphan or dextrophan.
3. Any ester or ether of a substance specified in paragraph 1 or 2, not being a substance specified in paragraph 6.
4. Any salt of a substance specified in paragraph 1, 2 or 3.
5. Any preparation or other product containing a substance or product specified in paragraph 1, 2, 3 or 4 not being a preparation specified in the First Schedule.
6. The following substances and products —

Acetyldihydrocodeine
 Amphetamine
 Codeine
 Dexamphetamine
 Dextropropoxyphene
 Dihydrocodeine
 Ethylmorphine (3-ethylmorphine)
 Methaqualone
 Methylamphetamine
 Methylphenidate
 Nicocodine
 Nicodicodine (6-nicotinoyldihydrocodeine)
 Norcodeine
 Phenmetrazine
 Pholcodine
 Propiram.

[S 36/1998]

7. Any stereoisomeric form of a substance specified in paragraph 6.
8. Any salt of a substance specified in paragraph 6 or 7.

9. Any preparation or other product containing a substance or product specified in paragraph 6, 7 or 8, not being a preparation specified in the First Schedule.

THIRD SCHEDULE

(regulations 6, 8, 9, 15 and 28(3))

CONTROLLED DRUGS SUBJECT TO REQUIREMENTS OF
REGULATIONS 10, 11, 12 AND 13

1. The following substances —

Benzphetamine
Chlorphentermine
Mephentermine
Phendimetrazine
Pipradrol.

2. Any stereoisomeric form of a substance specified in paragraph 1.

3. Any salt of a substance specified in paragraph 1 or 2.

4. Any preparation or other product containing a substance specified in paragraph 1, 2 or 3, not being a preparation specified in the First Schedule.

[Subsidiary]

FOURTH SCHEDULE

(regulations 14(1), 15 and 28(1))

CONTROLLED DRUGS SUBJECT TO REQUIREMENTS OF
REGULATIONS 10, 11, 12, 13, 14, 15 AND 28

1. The following substances and products —

Bufotenine
 Cannabinol
 Cannabinol derivatives
 Cannabis and cannabis resin
 Cathinone
 Coca leaf
 Concentrate of poppy-straw
 Lysergamide
 Lysergide and other N-alkyl derivatives of lysergamide
 Mescaline
 Raw opium
 Psilocin
 N, N-Diethyltryptamine
 N, N-Dimethyltryptamine
 2, 5-Dimethoxy-a, 4-dimethylphenethylamine
 2, 5-Dimethoxyamphetamine
 Dimethoxybromoamphetamine (DOB)
 Eticyclidine
 Methadone intermediate
 Methylenedioxyamphetamine (MDA)
 Moramide intermediate
 Paramethoxyamphetamine (PMA)
 Pethidine intermediate A
 Pethidine intermediate B
 Pethidine intermediate C
 Rolicyclidine of PHP or PCPY
 Tenocyclidine or PCP or its salts.

[S 36/1998]

2. Any stereoisomeric form of a substance specified in paragraph 1.
3. Any ester or ether of a substance specified in paragraph 1 or 2.
4. Any salt of a substance specified in paragraph 1 or 2.
5. Any preparation or other product containing a substance or product specified in paragraph 1, 2, 3 or 4, not being a preparation specified in the First Schedule.

FIFTH SCHEDULE

(regulation 14(1)(a))

FORM OF REGISTER

PART I

ENTRIES TO BE MADE IN CASE OF OBTAINING

| Date on which supply received | Name | Address | Amount obtained | Form in which obtained |
|-------------------------------|--------------------------------------|---------|-----------------|------------------------|
| | Of person or firm from whom obtained | | | |
| | | | | |

PART II

ENTRIES TO BE MADE IN CASE OF SUPPLY

| Date on which the transaction was effected | Name | Address | Particulars as to licence or authority of person or firm supplied to be in possession | Amount supplied | Form in which supplied | Stock Balance (receipts to be added in red ink) |
|--|----------------------------|---------|---|-----------------|------------------------|---|
| | Of person or firm supplied | | | | | |
| | | | | | | |

SIXTH SCHEDULE

(regulations 30(1) and 31(1))

FORM OF IMPORT AND EXPORT LICENCE

FORM A

BRUNEI DARUSSALAM

MISUSE OF DRUGS REGULATIONS

IMPORT LICENCE

(Licence No.: Applicant’s Reference No.:

File No.)

Strike out words not applicable.

Pursuant to regulation 30 of the Misuse of Drugs Regulations the

Minister

undersigned officer
duly authorised in
that behalf by the
Minister pursuant to
regulation 31(3) of
the above-mentioned
Regulations

hereby authorises

Here insert name and full postal address of importer.

(hereinafter called “the importer”)
to import into Brunei Darussalam, by one consignment only, the controlled drugs
specified in the Schedule hereto from

**Here insert name and address of firm in exporting country from which controlled
drug is to be obtained.**

This Licence is issued subject to the following conditions —

- 1. The consignment shall be imported before the (date)

SIXTH SCHEDULE

FORM A — (continued)

2. This Licence is not a licence to be in possession of or to supply the controlled drugs imported.

3. The consignment shall be imported by the importer and this Licence is valid only for the importer and may be revoked at any time by the Minister or an officer duly authorised by him in that behalf to whom it shall in that event be immediately surrendered. This Licence shall be produced for inspection when required by any duly authorised person.

4. The consignment shall be imported through the Customs Office at

5. This Licence does not relieve the importer from compliance with provisions of (a) the Customs Act (Chapter 36) or any regulations made thereunder, or (b) any other written law relating to the importation of goods into or transshipment of goods in Brunei Darussalam, or (c) the Post Office Act (Chapter 52) or any regulations made thereunder.

6. The consignment shall follow the route

Strike out words not applicable.

7. The consignment, ~~shall not be~~ ^{may be} imported by the post.

8. At the time when the consignment of controlled drugs is imported this Licence shall, unless sooner revoked and surrendered, be produced to the Customs Officer who shall complete the certificate on the back hereof and return this Licence to the Minister or an officer duly authorised by him in that behalf.

9. If the importation of the consignment is not effected before the date specified in condition No. 1 this Licence shall immediately after that date be surrendered to the Minister or an officer duly authorised by him in that behalf.

10. The copy of the Export Authorisation, if any, which accompanies the consignment shall be forwarded to the Minister or an officer duly authorised by him in that behalf immediately the importation of the consignment has been effected.

11. Subject to the provisions of regulation 30(2) of the Misuse of Drugs Regulations the importer shall retain possession of this Licence until he surrenders it to the Minister or an officer duly authorised by him in that behalf or the Customs Officer in compliance with the conditions herein contained.

Additional Conditions (if any) —

I hereby certify that I am satisfied that the consignment proposed to be imported under the authority of this Licence is required —

[Subsidiary]

SIXTH SCHEDULE

FORM A — *(continued)*

(a) for legitimate purposes (in the case of raw opium and the coca leaf and cannabis);

(b) solely for medical or scientific purposes (in the case of any other controlled drug).

Strike out words not applicable.

Date:

(Signature and Stamp)

Minister
Authorised Officer

NOTE:

This Licence is issued in triplicate and regulation 30(2) of the Misuse of Drugs Regulations requires the importer to send the original and one copy thereof to the consignor of the controlled drugs named in the Licence.

SCHEDULE

(Specify the controlled drugs and quantities thereof to be imported)

SIXTH SCHEDULE

FORM A — (continued)

ENDORSEMENT BY CUSTOMS OFFICER AT THE TIME OF IMPORTATION

| Date 1 | Description of controlled drugs imported 2 | Number and date of export authorisation 3 | Quantity 4 | How imported 5 | Customs entry or parcel No. _____ 6 | Signature mark and station of Customs Officer 7 |
|-----------|---|--|---------------|-------------------|--|--|
| | | | | | e.g. ex _____ (in the case of ship) or by specified air freight, registered parcel post etc. | |

When the consignment to which it relates has been imported this Licence must be returned by the Customs Officer to the Minister or an officer duly authorised by him in that behalf.

SIXTH SCHEDULE — (continued)

FORM B

BRUNEI DARUSSALAM

MISUSE OF DRUGS REGULATIONS

(regulation 31)

EXPORT LICENCE

(Licence No.: Applicant’s Reference No.:

File No.)

Strike out words not applicable.

Pursuant to regulation 31 of the Misuse of Drugs Regulations the

Minister

undersigned officer
duly authorised in
that behalf by the
Minister pursuant to
regulation 31(3) of
the above-mentioned
Regulations

Here insert name, address and business of exporter.

hereby authorises

Here name the port, airport or other place of export in Brunei Darussalam.

(hereinafter called “the exporter”) to export the controlled drugs specified in the
Schedule hereto from

Here name ship, air freighter, postal service or other means of export.

by

SIXTH SCHEDULE

FORM B — (continued)

Here insert name and address of consignee in importing country.

to

by virtue of Import Authorisation/Import Certificate No.

dated and issued by

This Licence is issued subject to the following conditions —

1. This Licence is not a Licence to obtain or be in possession of the controlled drugs specified in the Schedule hereto.

2. This Licence is available only for the controlled drugs of the exact quantity, kind and form specified in the Schedule hereto.

3. This Licence does not relieve the exporter from compliance with the provisions of (a) the Customs Act (Chapter 36) or any regulations made thereunder, or (b) any other written law for the time being relating to the exportation of goods from Brunei Darussalam, or (c) the Post Office Act (Chapter 52) or any regulations respecting the transmission of articles by post which may for the time being be in force outside Brunei Darussalam.

4. Subject to conditions No. 5 and No. 6 and subject to any Additional Conditions below the copy of this Licence attached hereto shall accompany the consignment to the place of destination in accordance with the requirements of regulation 31(2) of the Misuse of Drugs Regulations.

5. If the controlled drugs are authorised to be exported by ship the exporter shall cause the copy of this Licence which is attached hereto to be delivered to the master of the ship by which the consignment is despatched for the purpose of ensuring that such copy accompanies the consignment to the place of destination. (See foot note (2)).

6. If the controlled drugs are authorised to be exported by post the attached copy of this Licence shall be placed inside the outer wrapper of the parcel containing the controlled drugs. If the controlled drugs are contained in more than one parcel the attached copy shall be placed inside the outer wrapper of one of them; the parcels shall be consecutively numbered on the outer wrapper, and on each parcel there shall be legibly stated the number of the parcel in which the above-mentioned copy of this Licence is to be found. (See foot note (3)).

7. The exporter, if so required by the Controller of Customs, shall produce to him, within such time as he may allow proof to his satisfaction that the said controlled drugs were duly delivered at the destination named in this Licence, and in the event of non-compliance with this condition this Licence shall be deemed void and of no effect.

SIXTH SCHEDULE

FORM B — *(continued)*

8. The exporter shall furnish to the Minister or to an officer duly authorised by him in that behalf such returns of the goods exported by him in pursuance of this Licence as may from time to time be required.

9. This Licence is valid only for the exporter named above and may be revoked at any time by the Minister or an officer duly authorised by him in that behalf. It shall be produced for inspection when required by any duly authorised person.

10. This Licence, unless sooner revoked, shall continue in force for 3 calendar months from the date hereof.

Strike out words not applicable.

11. This Licence must be produced, at the time of export, to an officer of the Customs Department who will retain it.
Post Office

12. If this Licence is not used it shall be surrendered to the Minister or an officer duly authorised by him in that behalf within 7 days of the date of its expiry.

Additional Conditions (if any) —

Strike out words not applicable.

Date:

(Signature and Stamp)

Minister
Authorised Officer

SCHEDULE

(Specify the controlled drugs and quantities thereof to be exported)

NOTE:

(1) If any alteration to this Licence is required it must be returned with a request for amendment and a statement of the reasons therefor. No unauthorised alteration is permissible.

SIXTH SCHEDULE

FORM B — *(continued)*

(2) Failure to comply with Condition No. 5 may lead to delay or confiscation of the consignment by the competent authority in any country through which it passes or in the country of destination.

(3) Failure to comply with Condition No. 6 may lead to delay or confiscation of the consignment in the country of destination.

MISUSE OF DRUGS ACT
(CHAPTER 27)

**MISUSE OF DRUGS (BOARD OF VISITORS FOR
APPROVED INSTITUTIONS) REGULATIONS**

S 30/1987

Amended by
S 12/1990

2001 Edition

Amended by
S 8/2008
S 23/2010

REVISED EDITION 2013

SUBSIDIARY LEGISLATION

**MISUSE OF DRUGS (BOARD OF VISITORS FOR APPROVED
INSTITUTIONS) REGULATIONS**

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation.
 2. Interpretation.
 3. Board of Visitors.
 4. Number of members and revocation.
 5. Period of office.
 6. Circumstances where member ceases to hold appointment.
 7. Vacancies.
 8. Officer-in-Charge to assist.
 9. Functions of members.
 10. Visits.
-

SUBSIDIARY LEGISLATION

Regulations made under section 34

MISUSE OF DRUGS (BOARD OF VISITORS FOR APPROVED INSTITUTIONS) REGULATIONS

Commencement: 1st November 1987
[S 35/1987]

Citation.

1. These Regulations may be cited as the Misuse of Drugs (Board of Visitors for Approved Institutions) Regulations.

Interpretation.

2. In these Regulations, unless the context otherwise requires —

“Board” means the Board of Visitors appointed by the Minister under regulation 3;

“Director” means the Director of the Narcotics Control Bureau;
[S 12/1990; S 8/2008]

“Officer-in-Charge” means a person appointed to be in charge of an approved institution.

[S 12/1990]

Board of Visitors.

3. (1) The Minister may, by notification published in the *Gazette*, appoint a Board of Visitors to advise and make recommendations to the Director in respect of the matters referred to in regulation 9 at any approved institution.

[S 12/1990]

(2) A Board of Visitors may be appointed for one or more approved institutions as the Minister thinks fit.

Number of members and revocation.

4. (1) The number of members of any Board of Visitors appointed by the Minister under these Regulations shall be at the discretion of the Minister.

(2) The Minister may at any time revoke the appointment of any member of the Board.

[Subsidiary]

Period of office.

5. A member of the Board shall hold office for a period of not more than one year from the date of his appointment and shall be eligible for re-appointment on completion of that period unless such member resigns during his period of office or unless his appointment is revoked by the Minister under the provisions of regulation 4(2).

Circumstances where member ceases to hold appointment.

6. A person appointed as a member of the Board shall cease to hold such appointment —

(a) on his death, resignation or absence from Brunei Darussalam for more than 3 months without the prior permission of the Minister; or

(b) if the Minister revokes such appointment.

Vacancies.

7. A vacancy occurring in the Board shall be filled by a fresh appointment made by the Minister, and the person appointed to fill such vacancy shall hold office for so long as the member in whose place he is appointed would have held office.

Officer-in-Charge to assist.

8. The Officer-in-Charge shall assist any member of the Board in the exercise of his powers and the discharge of his functions under these Regulations.

[S 12/1990]

Functions of member.

9. (1) Members of the Board shall satisfy themselves that the health, maintenance, recreation and discipline of the residents are satisfactory and that an efficient standard is maintained throughout each approved institution, but shall not be concerned with the general administrative matters of the approved institutions.

[S 23/2010]

(2) Members of the Board shall on every visit hear any complaint which any resident may wish to make to them.

[S 23/2010]

(3) Members of the Board shall send their comments and recommendations regarding an approved institution to the Director.

[S 12/1990]

(4) The Director shall take such action as may be necessary on any recommendations made under sub-regulation (3) and report to the Minister on any action taken as soon as possible.

[S 12/1990]

Visits.

10. Not less than two members of the Board shall visit each approved institution in respect of which they are appointed at least once a month.

MISUSE OF DRUGS ACT
(CHAPTER 27)

MISUSE OF DRUGS (APPROVED INSTITUTIONS)
(TREATMENT AND REHABILITATION)
REGULATIONS

S 31/1987

Amended by
S 11/1990

2001 Edition

Amended by
S 66/2007
S 7/2008
S 24/2010
S 25/2010
S 24/2012

REVISED EDITION 2013

SUBSIDIARY LEGISLATION

MISUSE OF DRUGS (APPROVED INSTITUTIONS) (TREATMENT AND REHABILITATION) REGULATIONS

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation.
2. Interpretation.
3. Supervision and control of approved institutions.
4. Detoxication.
5. Age limit, fitness etc.
6. No visit during detoxication.
7. Leave for employment.
8. Appointment of Advisory Committee.
9. Cancellation of employment leave.
10. Leave to return to residence.
- 10A. Temporary release.
11. Payment for food.
12. Supervision Officers.

SUBSIDIARY LEGISLATION

Regulations made under section 34

MISUSE OF DRUGS (APPROVED INSTITUTIONS) (TREATMENT AND REHABILITATION) REGULATIONS

Commencement: 1st November 1987
[S 34/1987]

Citation.

1. These Regulations may be cited as the Misuse of Drugs (Approved Institutions) (Treatment and Rehabilitation) Regulations.

Interpretation.

2. In these Regulations, unless the context otherwise requires —

“Director” means the Director of the Narcotics Control Bureau;
[S 11/1990; S 7/2008]

“Medical Officer” means a Government Medical Officer who for the time being is assigned to perform the functions of a Medical Officer under these Regulations;

“resident” means a drug addict or abuser who is a resident of an approved institution and includes any person required by the Director to be medically examined or observed under section 33(1);
[S 11/1990; S 24/2010]

“Supervision Officer” means any person appointed by the Minister under regulation 12.

Supervision and control of approved institutions.

3. (1) Subject to any directions of the Minister, an approved institution shall be under the general charge and supervision of the Director.

[S 11/1990]

(2) Subject to any direction of the Director, the Officer-in-Charge of an approved institution shall be responsible for the occupation, discipline and control of the residents and may issue general orders which shall be observed by the residents.

[S 11/1990; S 24/2010]

[Subsidiary]

(3) Every resident shall, upon admission to an approved institution, be examined by a Medical Officer as soon as possible.

[S 24/2010]

Detoxication.

4. (1) Except as provided by regulation 5, every resident shall, upon completion of his medical examination, undergo a period of detoxication during which no medication shall be given unless in the opinion of a Medical Officer, it is necessary to save the resident's life.

[S 24/2010]

(2) The period of detoxication shall not exceed 14 days.

Age limit, fitness etc.

5. (1) No resident who is above the age of 55 years shall be subject to detoxication.

[S 24/2010]

(2) No resident who is certified by a Medical Officer to be medically unfit to undergo detoxication shall not be subject to detoxication but such resident shall undergo detoxication as soon as he is found fit by a Medical Officer to do so.

[S 24/2010]

(3) The Minister may for special reasons exempt any resident from undergoing detoxication.

[S 24/2010]

No visit during detoxication.

6. During the period of his detoxication, no person shall be allowed to visit a resident.

[S 24/2010]

Leave for employment.

7. (1) The Minister on the recommendation of the Director shall consider or review the case of every resident on his suitability for employment.

[S 24/2010]

(2) The Minister may grant a resident leave for employment with such employer as the Minister may specify.

[S 24/2010]

- (3) A resident who has been granted leave under sub-regulation (2) —
[S 24/2010]
- (a) shall not leave the approved institution without the approval of the Officer-in-Charge;
[S 11/1990]
- (b) shall not be absent from his work without good cause;
- (c) shall return to the approved institution immediately after completing his work for the day and report to the Officer-in-Charge;
[S 11/1990]
- (d) shall provide a specimen of his urine for urine test at such times as may be required by the Officer-in-Charge;
[S 11/1990]
- (e) shall not consume or have in his possession, any drug; and
- (f) shall not commit any act of gross misconduct or insubordination.
- (4) The Minister may at any time amend, vary or add to any of the conditions in sub-regulation (3).
- (5) For the purposes of this regulation, “officer” means the Director or his deputy or his assistant or the Officer-in-Charge or any officer attached to the approved institution.
[S 11/1990]

Appointment of Advisory Committee.

8. (1) An Advisory Committee may be appointed by the Minister for one or more approved institutions as the Minister thinks fit. The number of members of any Advisory Committee appointed by the Minister under this regulation shall be at the discretion of the Minister.

(2) An Advisory Committee of an approved institution shall whenever directed by the Minister review the case of every resident and submit a report to the Minister whether a resident should be discharged.

[S 25/2010]

[Subsidiary]

Cancellation of employment leave.

9. (1) If the Minister is satisfied that a resident has contravened or failed to comply with any of the conditions in regulation 7(3) or any amended or varied condition or any additional condition pursuant to regulation 7(4) or has for any reason ceased to be so employed, he may cancel the leave granted to the resident under regulation 7(2).

[S 24/2010]

(2) Any resident who fails to return to the approved institution after the leave granted to him has been cancelled under sub-regulation (1) is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding 3 years or both.

[S 11/1990; S 24/2010]

Leave to return to residence.

10. (1) A resident who has been granted leave for employment under regulation 7 may also be granted leave by the Director or, in his absence his deputy or assistant, to return to his place of residence at such times and subject to such conditions as the Director or, in his absence his deputy or his assistant, thinks fit.

[S 11/1990; S 24/2010]

(2) If the Minister is satisfied that a resident has contravened or failed to comply with any condition imposed under sub-regulation (1), he may cancel any leave granted to him under this regulation.

[S 24/2010]

Temporary release. [S 24/2012]

10A. (1) The Director or an officer authorised by him may order the temporary release of a resident from an approved institution for such period and subject to such conditions as the Director may determine.

(2) If the resident fails to comply with any such conditions, the Director or an officer authorised by him may terminate the order for temporary release and the resident shall be returned forthwith in the approved institution.

Payment for food.

11. (1) The Director may require a resident who is in receipt of any remuneration to pay for the food he consumes at the approved institution.

[S 24/2010]

(2) The rate of payment for the food consumed shall be determined by the Director from time to time.

Supervision Officers.

12. (1) The Minister may appoint Supervision Officers for the purposes of this regulation.

(2) The Director or any other officer authorised by the Minister may make an order directing a person who has been discharged from an approved institution or who has been convicted of an offence against section 6(b) to report to a Supervision Officer for the purpose of supervision for such period not exceeding 2 years as the Director or any other officer authorised by the Minister considers necessary and such person shall, during the period he is subject to supervision observe the following requirements —

[S 11/1990; S 7/2008]

(a) report to the Supervision Officer at such times and places as may be directed by the Supervision Officer;

(b) allow the Supervision Officer to visit his place of residence;

(c) not change his place of residence without the written authority of the Supervision Officer;

(d) not leave Brunei Darussalam without the approval of the Supervision Officer;

(e) immediately notify the Supervision Officer of any change in his employment;

(f) present himself at such times and places to provide a specimen of his urine for urine test as may be required by the Supervision Officer;

(g) not be found in any place or in the company of any person as may be specified by the Supervision Officer;

(h) present himself for counselling at such times and places and to such persons as may be directed by the Supervision Officer;

(i) not to have in his possession any controlled drug;

(j) not to smoke, administer to himself or otherwise consume any controlled drug.

(3) Without prejudice to the continuance of any order of supervision in force against him, any person subject to such an order who contravenes or fails to comply with any of the requirements of —

[Subsidiary]

(a) sub-regulation (2)(a), (f) or (h) is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding 3 years or both; and

(b) sub-regulation (2)(b), (c), (d), (e) or (g) is guilty of an offence and liable on conviction to a fine not exceeding \$1,000, imprisonment for a term not exceeding 6 months or both.

(4) Where a person against whom an order of supervision is in force has contravened or failed to comply with any of the requirements of sub-regulation (2)(a), (f) or (h), the Director or officer authorised by the Minister may, if having regard to the circumstances of the case he considers it desirable to do so, by order extend the period of supervision of that person for a further period not exceeding 2 years.

[S 11/1990; S 7/2008]

(5) A person who has been ordered by the Director to undergo supervision under section 32A(1) or (2) shall, during the period he is undergoing such supervision —

(a) report to the Supervision Officer at such times and places as may be directed for the purpose of providing a specimen of his urine for a urine test;

(b) allow the Supervision Officer to visit his place of residence;

(c) not leave Brunei Darussalam without notifying the Supervision Officer;

(d) immediately notify the Supervision Officer of any change in his employment;

(e) not be found in any place or in the company of any person specified by the Supervision Officer;

(f) report for counselling at such times and places and to such person as may be directed by the Supervision Officer.

[S 66/2007]

(6) After considering a report by the Supervision Officer, the Director may revoke an order made under section 32A(2).

[S 66/2007]

MISUSE OF DRUGS ACT
(CHAPTER 27)

MISUSE OF DRUGS (APPROVED INSTITUTIONS)
(DISCIPLINE) REGULATIONS

S 32/1987

Amended by
S 10/1990
S 25/1997

2001 Edition

Amended by
S 6/2008
S 22/2010

REVISED EDITION 2013

SUBSIDIARY LEGISLATION

**MISUSE OF DRUGS (APPROVED INSTITUTIONS) (DISCIPLINE)
REGULATIONS**

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation.
2. Interpretation.
3. Duties of residents.
4. Enforcement of discipline.
5. Use of reasonable force.
6. Discipline outside centre.
7. Punishments for minor offences.
8. Punishments for major offences.
9. Record of punishments.
10. Director to be informed of offences.
11. Resident's right to be heard.
12. Offences.

SCHEDULE — MINOR OFFENCES AND MAJOR OFFENCES

SUBSIDIARY LEGISLATION

Regulations made under section 34

MISUSE OF DRUGS (APPROVED INSTITUTIONS) (DISCIPLINE)
REGULATIONS

Commencement: 1st November 1987

[S 33/1987]

Citation.

1. These Regulations may be cited as the Misuse of Drugs (Approved Institutions) (Discipline) Regulations.

Interpretation.

2. In these Regulations, unless the context otherwise requires —

“centre” means any approved institution as defined in the Act;

“Director” means the Director of the Narcotics Control Bureau;

[S 10/1990; S 6/2008]

“Medical Officer” means a Government Medical Officer who is for the time being assigned to perform the functions of a Medical Officer under these Regulations;

“officer” means the Director or his deputy or his assistant or the Officer-in-Charge and includes any other officer attached to the centre;

[S 10/1990]

“Officer-in-Charge” means a person appointed to be in charge of an approved institution;

[S 10/1990]

“Probation Officer” means a person appointed as a Probation Officer or volunteer Probation Officer;

“resident” means any drug addict or abuser who is detained in a centre;

[S 22/2010]

“Supervision Officer” means any person appointed by the Minister under regulation 12(1) of the Misuse of Drugs (Approved Institutions) (Treatment and Rehabilitation) Regulations (Rg 3 of Chapter 27);

[Subsidiary]

“visitor” means a member of the Board of Visitor appointed under regulation 3 of the Misuse of Drugs (Board of Visitors for Approved Institutions) Regulations (Rg 2 of Chapter 27), and includes any other person authorised by the Minister or the Director to visit a centre.

[S 10/1990]

Duties of residents. [S 22/2010]

3. (1) A resident of a centre shall work in such workshop or do such work as may be assigned to him by the Officer-in-Charge of the centre.

[S 10/1990; S 22/2010]

(2) A resident shall keep his bedding, personal effects and all the surrounding areas and the toilet of his living quarters clean and tidy.

[S 22/2010]

Enforcement of discipline.

4. Every officer shall treat every resident justly and firmly in the enforcement of discipline.

[S 22/2010]

Use of reasonable force.

5. (1) Every officer may use reasonable force against any resident —

[S 22/2010]

(a) who is escaping or attempting to escape from a centre;

(b) who is engaged in a mutiny or an outbreak by himself or with other residents;

[S 22/2010]

(c) who attacks the officer or any other person; or

(d) who, without any reasonable excuse, repeatedly refuses to obey a lawful order given by the officer.

(2) Where force is used against a resident under sub-regulation (1), the resident shall be examined by a Medical Officer as soon as possible.

[S 22/2010]

Discipline outside centre.

6. Every person, while being taken to or from any centre to which he has been lawfully committed under the Act or while working or being engaged in further studies outside the centre, or is otherwise beyond the premises thereof, in or under the lawful

charge or control of an officer, shall be subject to the same discipline and to the same constraints as if he were within the centre.

[S 25/1997]

Punishments for minor offences.

7. A resident of a centre who contravenes or fails to comply with any of the provisions of regulation 3 or commits any of the minor offences set out in Part I of the Schedule shall be liable, in addition to or *in lieu* of any other punishment which may be imposed under the Act or any other written law, to any one or more of the following punishments to be imposed by the Officer-in-Charge of the centre —

[S 10/1990; S 22/2010]

(a) deprivation of not more than two visits by relatives and friends of the resident;

[S 22/2010]

(b) stoppage or reduction of earnings for a period not exceeding one month;

(c) reprimand.

Punishments for major offences.

8. (1) A resident of a centre who commits any of the major offences set out in Part II of the Schedule shall be liable, in addition to or *in lieu* of any other punishment which may be imposed under the Act or any other written law, to any one or more of the following punishments to be imposed by the Officer-in-Charge of the centre —

[S 10/1990; S 22/2010]

(a) deprivation of not more than four visits by relatives and friends of the resident;

[S 22/2010]

(b) solitary confinement in a ward for a period not exceeding 7 days;

(c) stoppage or reduction of earnings for a period not exceeding 2 months.

[Subsidiary]

(2) Where a resident of a centre is accused of any of the major offences set out in Part II of the Schedule and the Officer-in-Charge is of the opinion that in the circumstances of the case the power of punishment which he possesses is inadequate, he shall refer to the Director a copy of the record of the investigation together with his recommendations, and the Director may thereupon decide the matter and impose such punishments as conferred by sub-regulation (3).

[S 10/1990; S 22/2010]

(3) The Director shall have power to investigate and decide any conduct against discipline of a centre and he may order any resident found guilty of any offence to undergo one or more of the following punishments —

[S 22/2010]

(a) deprivation of not more than six visits by relatives and friends of the resident;

[S 22/2010]

(b) solitary confinement in a ward for a term not exceeding a period of 14 days;

(c) stoppage or reduction of earnings for a period not exceeding 2 months.

[S 6/2008]

Record of punishments.

9. (1) Any punishment imposed on a resident under these Regulations shall be recorded in a register.

[S 22/2010]

(2) The number and name of the resident, the nature of the offence for which the punishment is imposed and such other details thereof as the Director may require shall also be recorded in the register.

[S 10/1990; S 22/2010]

Director to be informed of offences.

10. (1) Where the Officer-in-Charge of a centre has found a resident thereof guilty of an offence, he shall notify the Director of the facts of the case not later than 7 days after the resident has been found guilty of the offence.

[S 10/1990; S 22/2010]

(2) The Director may amend, alter or vary any punishment imposed by the Officer-in-Charge of a centre under these Regulations.

[S 10/1990]

Resident's right to be heard. [S 22/2010]

11. No resident shall be punished under these Regulations until he has had an opportunity of hearing the charge and the evidence against him and making his defence.
[S 22/2010]

Offences. [S 10/1990]

12. Every person who, without lawful authority —

(a) conveys, supplies or causes to be supplied or conveyed to any resident, or hides or places for his use, any tobacco, drug, money, clothing, provisions or any other article whatsoever;
[S 22/2010]

(b) brings or attempts by any means whatever to introduce into any centre, or places or attempts to place where residents shall labour or are engaged in further studies, any letter or document or any intoxicating liquor, tobacco, drug, money, clothing, provisions or other article to be sold or used therein;
[S 25/1997; S 22/2010]

(c) brings or attempts to bring out of any centre or conveys from any resident any letter, document or other article; or
[S 22/2010]

(d) communicates with any resident; and
[S 22/2010]

every officer who, without lawful authority —

- (i) knowingly suffers any intoxicating liquor, tobacco, drug, money, clothings, provisions, letter, document or other article to be sold to or received or used by or on behalf of any resident;
[S 22/2010]
- (ii) lends or gives to any resident any such intoxicating liquor, tobacco, drug, money, clothings, provisions or other articles; or
[S 22/2010]
- (iii) knowingly suffers any letter, document or other articles to be brought out of any centre, or to be conveyed from any resident,
[S 22/2010]

[Subsidiary]

is guilty of an offence: Penalty, a fine of \$1,000 and imprisonment for 6 months; and if an officer, he shall, unless the conviction is reversed on appeal or revision, be dismissed from his office, and all arrears of pay due to him may be forfeited.

SCHEDULE

(regulations 7 and 8)

MINOR OFFENCES AND MAJOR OFFENCES

PART I

MINOR OFFENCES

For the purposes of regulation 7, a minor offence is —

- (a) behaving in a disorderly or indecent manner;
- (b) talking without any reasonable cause during working hours, an assembly or physical exercise, or talking loudly, laughing or singing at any time after having been ordered by an officer to desist from doing so;
- (c) leaving his place in a file or any seat or berth assigned to him without the permission of an officer for any reasonable cause;
- (d) omitting or refusing, without any reasonable excuse, to march in a file when moving about a centre or when proceeding to or returning from work;
- (e) committing a nuisance in any part of a centre;
- (f) secreting any article without any reasonable excuse;
- (g) omitting or refusing, without any reasonable excuse, to be clean or tidy or disobeying, without any reasonable cause, an order relating to the cutting of hair;
- (h) smoking a cigarette or any form of tobacco in a centre;
- (i) doing any act which is injurious to his health;
- (j) refusing to undergo any medical treatment or examination when required by an officer to do so;
- (k) doing any act or using any language calculated to offend or insult any other resident;
- (l) quarrelling with any other resident;
- (m) doing any act calculated to create unnecessary alarm in the mind of any other resident or an officer;

[Subsidiary]

SCHEDULE

PART I — *(continued)*

- (n) visiting a latrine without the permission of an officer or remaining there longer than is necessary without reasonable cause;
- (o) mixing or adding any substance to any material issued for work without the permission of an officer;
- (p) leaving a place of work or that part of a centre in which he is confined without the permission of an officer or any reasonable cause;
- (q) performing any work allotted to another resident, or obtaining his assistance to do any work without any reasonable excuse;
- (r) loitering about during working hours or idling or malingering when engaged in work or being negligent therein;
- (s) defacing or damaging any wall, furniture or other property of a centre;
- (t) eating or appropriating any food not assigned to him, or increasing or decreasing the portion of any food assigned to another resident, without the permission of an officer or any reasonable excuse;
- (u) removing any food or drink from a kitchen or from a place where meals are served in a centre without the permission of an officer or any reasonable cause, or disobeying any order of an officer in respect of the issue and distribution of any food or drink in the centre without any reasonable excuse;
- (v) introducing anything into any food or drink in a centre likely to render it unpalatable or unwholesome;
- (w) refusing, without any reasonable cause, to eat any food assigned to him in accordance with a centre's diet scale;
- (x) wilfully destroying any food in a centre or throwing it away without the permission of an officer or any reasonable cause;
- (y) omitting or refusing to wear any clothing issued to him in a centre or exchanging the clothing for that of another resident, or damaging or altering any clothing issued to him or another resident in the centre without the permission of an officer or any reasonable excuse, or losing or discarding the clothing;
- (z) removing, defacing or altering without any reasonable excuse any distinctive number, mark or badge to be attached to, or worn on, the body or any clothing issued in a centre;

SCHEDULE

PART I — *(continued)*

(za) omitting or refusing to keep any utensil or clothing clean or disobeying any lawful order as to the arrangement or disposition of the utensil or clothing or any blanket, bedsheet or personal belonging in a centre;

(zb) tampering with a centre's lock, lamp or electrical fitting, or any other property in the centre with which he has no concern;

(zc) damaging or omitting or refusing to take due care of any property of a centre which has been entrusted to him;

(zd) spitting on or otherwise soiling or befouling any floor, door, wall or other part of a centre's building or any article therein;

(ze) littering;

(zf) omitting to report at once or as soon as possible any loss, destruction, breakage or damage which he has caused to any property of a centre;

(zg) stealing a centre's property or that of another resident;

(zh) damaging or destroying a tree or plant within the enclosure of a centre without the permission of an officer or any reasonable excuse;

(zi) showing disrespect to any officer, Probation Officer, Supervision Officer or visitor or to any employee of the centre;

(zj) answering untruthfully any question put to him by any officer, Probation Officer, Supervision Officer or visitor;

(zk) omitting, without any reasonable excuse, to assist in the maintenance of discipline by not reporting the commission of an offence in a centre, or to assist an officer to investigate into the commission of the offence when called upon to do so;

(zl) making any instrument for shooting, cutting or stabbing or any weapon without the knowledge or permission of an officer;

(zm) causing violence or insubordination of any kind in a centre or omitting, without any reasonable excuse, to assist in the suppression of violence or insubordination of any kind when called upon by an officer to do so;

(zn) omitting, or refusing, without any reasonable excuse, to help an officer to prevent another resident from escaping from a centre;

[Subsidiary]

SCHEDULE

PART I — *(continued)*

(zo) any other act, conduct or neglect to the prejudice of good order or discipline in a centre; or

(zp) abetting the commission of a minor offence.

[S 22/2010]

PART II

MAJOR OFFENCES

For the purposes of regulation 8, a major offence is —

(a) bringing any drug, money or cigarette into a centre without the permission of an officer or concealing any drug, money or cigarette in a centre;

(b) repeating any minor offence after having been punished twice for the offence;

(c) wilfully causing to himself any illness, injury or disability;

(d) wilfully destroying a centre's property;

(e) wilfully making a false or groundless accusation or complaint against any officer, Probation Officer, Supervision Officer, visitor or resident or any employee of the centre;

(f) aggravated or repeated assault on another resident;

(g) striking or otherwise using violence on, or offering violence to, any officer, Probation Officer, Supervision Officer or visitor or any employee of the centre;

(h) escaping or attempting to escape from a centre;

(i) mutiny;

(j) any other act of gross misconduct or insubordination; or

(k) abetting the commission of a major offence.

[S 22/2010]