



NEGARA BRUNEI DARUSSALAM

TAMBAHAN KEPADA
WARTA KERAJAAN

BAHAGIAN II

Disiarkan dengan Kebenaran

SUPPLEMENT TO
GOVERNMENT GAZETTE

PART II

Published by Authority

CONSTITUTION OF BRUNEI DARUSSALAM
(Order made under Article 83(3))

WHOLESOME MEAT ORDER, 2011

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

PART I

PRELIMINARY

Citation and long title.

1. (1) This Order may be cited as the Wholesome Meat Order, 2011.

(2) The long title of this Order is "An Order to regulate the treatment of animals for slaughter and the processing, packing, inspection, import, distribution, sale, transhipment and export of meat and meat products and for matters connected therewith or incidental thereto".

Interpretation.

2. (1) In this Order, unless the context otherwise requires –

"animal" means any bird and mammal;

"authorised examiner" means a person appointed as such under section 3(3) and includes an authorised officer;

"authorised officer" means a person appointed as such under section 3(2);

"cold store" means any chiller, freezer, cold room or other refrigerated facility used for the storage of meat and meat products and includes any refrigerated conveyance used for the transportation of meat and meat products in the course of any trade or business;

"conveyance" includes any aircraft, vessel, train, vehicle or any other artificial contrivance, whether mechanically propelled or otherwise, used or capable of being used as a means of transport on land, water or air;

"Director" means the Director of Agriculture and Agrifood;

"disease" means any animal disease and any other disease as is likely to infect human beings;

"examination" includes laboratory analysis;

"export" does not include the taking out of Brunei Darussalam of any goods in transit or any goods which are being transhipped;

"goods" means animals, meat and meat products;

"goods in transit" means goods that are brought into Brunei Darussalam solely for the purpose of taking them out of Brunei Darussalam and that remain at all times in the conveyance that brought them into Brunei Darussalam;

"label" means any written, printed, pictorial or other descriptive matter that is to be applied or attached to or included in, or that accompanies or is to accompany, any meat, meat product or the package or receptacle thereof;

"licensee" means the holder of a licence granted under this Order;

"meat" means a carcass or any part thereof which is derived from animals;

"meat product" means any product or by-product of meat which is intended for human consumption;

"Minister" means the Minister of Industry and Primary Resources;

"occupier" —

(a) in relation to any premises or conveyance, means the person in occupation of the premises or conveyance or having the charge, management or control thereof; and

(b) in relation to any part of any premises different parts of which are occupied by different persons, means the person in occupation or having the charge, management or control of that part;

"officer of customs" has the same meaning as in the Customs Order, 2006 (S 39/06);

"owner" —

(a) in relation to any premises or conveyance, means the person for the time being receiving the rent of the premises or conveyance whether on his own account or as agent or trustee or as receiver, or who would receive the same if the premises or conveyance were let or chartered; and

(b) in relation to any meat, meat product or any other item to which this Order applies, includes the person who is the consignor or consignee thereof;

"permit holder" means the holder of a permit granted under this Order;

"premises" includes houses, buildings, structures, lands, tenements, easements and hereditaments of any tenure, whether open or enclosed, whether built or not, whether public or private, and whether maintained or not under statutory authority;

"process" includes cutting and the use of any method of manufacture, preservation or preparation;

"processing establishment" means any factory, plant or other premises where meat and meat products, as the case may be, are processed for distribution to wholesalers or retailers or for export;

"receptacle", in relation to any meat and meat product, means any basket, carton, bag, box, packet or article which contains the meat or meat product and where any such receptacle is contained in another such receptacle includes the latter receptacle;

"sell" means to sell by way of retail or wholesale dealing and includes barter, or offering or attempting to sell, or receiving, exposing, sending or delivering for sale, or causing or allowing to be sold, offered or exposed for sale;

"slaughtering centre" means any slaughtering centre declared fit for providing halal meat according to *Hukum Syara'* under rules made under section 16 of the Halal Meat Act (Chapter 183);

"tranship" means to bring any goods into Brunei Darussalam by land, sea or air from any place which is outside Brunei Darussalam and thereafter to remove those goods from the conveyance in which they were brought into Brunei Darussalam and —

(a) return them to that same conveyance; or

(b) transfer them to another conveyance for the purpose of being taken out of Brunei Darussalam,

whether those goods are to be transferred directly between conveyances or whether they are to be landed and stored in Brunei Darussalam after they were brought into Brunei Darussalam, pending their being taken out of Brunei Darussalam;

"vehicle" means any conveyance used to carry goods by land.

{2} For the purposes of this Order, any meat or meat product shall be deemed to be adulterated if —

(a) it does not comply with such standards as the Director may determine; or;

(b) it contains any chemical, drug or other substance which renders the meat or meat product injurious to health or unfit for human consumption.

Administration of Order and appointment of authorised officers etc.

3. (1) The Director shall be responsible for the administration of this Order, subject to any directions of the Minister.

(2) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, appoint such number of authorised officers, subject to such conditions as may be specified by the Minister, to carry into effect the provisions of this Order or any regulations made thereunder.

(3) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, appoint such number of authorised examiners, subject to such conditions as may be specified by the Minister, to carry out any inspection, examination and certification of any meat or meat product under this Order or any regulations made thereunder.

(4) The Director may delegate the exercise of all or any of the powers conferred or duties imposed upon him by this Order to any authorised officer.

(5) The Director and any authorised officer shall be deemed to be public servants within the meaning of the Penal Code (Chapter 22).

Identification card to be produced.

4. (1) Every authorised officer, when exercising any of his powers or performing any of his duties under this Order, shall declare his office and shall on demand, produce to any person against whom he is taking action such identification card as the Director, the Commissioner of Police or the Controller of Customs may direct to be carried by an authorised officer, police officer or officer of customs, as the case may be.

(2) It shall not be an offence for any person to refuse to comply with any request, demand or order made or given by an authorised officer, police officer or officer of customs, as the case may be, if such officer refuses on demand being made by that person to declare his office and produce his identification card.

PART II

IMPORT, EXPORT AND TRANSHIPMENT OF MEAT AND MEAT PRODUCTS

Prohibition of export or transhipment of meat or meat products without licence.

5. (1) No person shall export or tranship any meat or meat product, except under and in accordance with the conditions of, a licence granted by the Director under this Part.

(2) Any person who —

(a) exports or tranships any meat or meat product without a licence;
or

(b) fails to comply with any of the conditions of his licence,

is guilty of an offence and liable on conviction to a fine not exceeding \$50,000, imprisonment for a term not exceeding 2 years or both and, in the case of a second or subsequent conviction, to a fine not exceeding \$100,000, imprisonment for a term not exceeding 3 years or both.

Prohibition of import, export or transhipment of meat or meat products without permit.

6. (1) Notwithstanding the provisions of any other written law, no licensee shall import any meat or meat product for sale, supply or distribution in Brunei Darussalam unless the meat or meat products constituting the consignment are packaged and labelled in the prescribed manner.

(2) No licensee shall export any meat or meat product to any other country, territory or place unless —

(a) the licensee has obtained a permit from the Director in respect of each consignment of meat or meat products to be exported by him and the export of each such consignment is carried out in accordance with the conditions of the permit;

(b) the whole consignment to be exported conforms to the description as contained in the permit;

(c) the meat or meat products constituting the consignment has been derived from animals which have been slaughtered in a slaughtering centre or from meat or meat products which have been imported in accordance with the Halal Meat Act (Chapter 183);

(d) the meat or meat products constituting the consignment has been processed in a processing establishment licensed under the Miscellaneous Licences Act (Chapter 127);

(e) in the case of a consignment which requires to be stored in a cold store, the cold store in which the consignment has been or is being stored is licensed under the Miscellaneous Licences Act (Chapter 127);

(f) the licensee provides the Director with satisfactory evidence that the whole consignment meets with the requirements of the country, territory or place to which it is being exported; and

(g) the meat or meat products constituting the consignment are packaged and labelled in the prescribed manner.

(3) No licensee shall tranship any meat or meat product in Brunei Darussalam unless the licensee has obtained a permit from the Director in respect of each consignment of meat or meat products to be transhipped by him and the transhipment is carried out in accordance with the conditions of the permit.

(4) Any licensee who contravenes or fails to comply with subsections (1) or (2) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding one year or both and, in the case of a second or subsequent conviction, to a fine not exceeding \$20,000, imprisonment for a term not exceeding 2 years or both.

(5) Subject to subsection (6), in any proceedings for an offence against subsection (3), it shall be a defence for the person charged to prove that —

(a) the commission of the offence was due to the act or default of another person or to some other cause beyond his control; and

(b) he took all reasonable precautions and exercised all due diligence to avoid the commission of such offence by himself or by any person under his control.

(6) If in any case the defence provided by subsection (5) involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period of not more than 7 days before the hearing, he has served on the prosecutor a notice in writing giving such information as was then in his possession identifying or assisting in the identification of that other person.

Application for licences and permits and renewal of licences.

7. (1) An application for a licence under section 5 or for a permit under section 6 shall be made to the Director in such form and manner as the Director may require and shall be accompanied by —

(a) the prescribed fee;

(b) such particulars, information, documents and other requirements as may be specified by the Director; and

(c) if required by the Director, a statutory declaration by the applicant verifying any information contained in or relating to the application.

(2) On being satisfied with the application under subsection (1), the Director may —

(a) grant the licence or permit applied for, with or without conditions;
or

(b) refuse to grant the licence or permit applied for.

(3) Where the Director has refused to grant a licence or permit under subsection (2)(b), he shall, if requested to do so by the applicant, state in writing the reasons for his refusal.

(4) The conditions which the Director may impose under subsection (2)(a) may include any condition which restricts or prohibits the export of any meat or meat product from Brunei Darussalam to any country, territory or place.

(5) The Director may at any time vary or revoke any of the existing conditions imposed under subsection (2)(a) or impose new conditions.

(6) Every licence or permit granted under this section —

(a) shall be in such form as the Director may determine;

(b) shall be valid for the period stated therein unless it is sooner suspended or revoked under section 8(1); and

(c) in the case of a licence, may be renewed upon its expiry.

(7) Subsections (1) to (6) shall apply, with the necessary modifications, to an application for the renewal of a licence.

Suspension and revocation of licences and permits under Part II.

8. (1) The Director may suspend or revoke a licence or permit granted under section 7(2)(a) if he is satisfied that —

(a) the grant of the licence or permit has been obtained by fraud or misrepresentation;

(b) the licensee or permit holder is contravening, has contravened or has failed to comply with —

- (i) any provision of this Order or any regulations made thereunder;
- (ii) any condition of his licence or permit; or
- (iii) any direction given to him by the Director or an authorised officer, under this Order or any regulations made thereunder; or

(c) it is in the public interest to suspend or revoke the licence or permit.

(2) The Director shall, before suspending or revoking the licence or permit under subsection (1), give to the licensee or permit holder notice in writing of his intention to do so and shall in such notice call upon the licensee or permit holder to show cause within such period of time as may be specified in the notice why his licence or permit should not be suspended or revoked.

(3) If the licensee or permit holder —

(a) fails to show cause within the period of time given to him to do so or such extended period of time as the Director may allow; or

(b) fails to show sufficient cause,

the Director shall give notice in writing to the licensee or permit holder of the date from which the suspension or revocation of his licence or permit is to take effect.

Appeals under Part II.

9. (1) Any person who is aggrieved by —

(a) the imposition of any condition by the Director upon granting or renewing a licence or upon granting permit, under section 7(2)(a);

(b) the refusal of the Director to grant or renew a licence or to grant a permit, under section 7(2)(b); or

(c) the decision of the Director to suspend or revoke a licence or permit under section 8(1).

may, within 7 days of the date of receipt of the notice informing him of the imposition of such conditions, refusal, suspension or revocation, as the case may be, appeal in writing to the Minister whose decision shall be final.

{2} Notwithstanding that any appeal under subsection (1) is pending —

(a) any condition imposed by the Director upon granting or renewing a licence or permit, under section 7(2)(a); or

(b) the suspension or revocation of a licence or permit under section 8(1),

shall take effect from the date specified in the notice given by the Director in respect thereof, unless the Minister otherwise orders.

{3} Upon the suspension or revocation of a licence or permit, the licensee or permit holder shall surrender the licence or permit to the Director within the period of time specified in the notice referred to in subsection (1), failing which the licensee or permit holder is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding one year or both.

Inspection of meat and meat products upon import or prior to export.

10. (1) Any person who —

(a) has imported any meat or meat product; or

(b) intends to export any meat or meat product,

shall forthwith arrange, at his own expense, for the meat or meat product to be inspected, examined and certified by an authorised examiner before it is sold, distributed or exported, as the case may be.

{2} Where any meat or meat product which has been inspected and examined under subsection (1) is found by the authorised examiner to be diseased, adulterated or otherwise unfit for human consumption —

(a) the authorised examiner shall issue to the person who imported or who intends to export the meat or meat product a certificate stating his finding; and

(b) the person who imported, or who intends to export, the meat or meat product shall, at his own expense and within the time stated in the certificate, —

- (i) in the case of an imported meat or meat product, remove the meat or meat product from Brunei Darussalam or destroy or dispose of the meat or meat product in such manner as the Director may determine;
- (ii) in the case of any meat or meat product which is intended for export, destroy or otherwise dispose of the meat or meat product in such manner as the Director may determine.

(3) Where a person who has imported, or who intends to export, any meat or meat product fails to comply with subsections (1) or (2)*(b)*, he is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding one year or both.

(4) Where a person to whom subsection (2)*(b)* applies fails to comply with that subsection, an authorised officer may take such steps as he thinks fit to secure the removal, destruction or disposal of the meat or meat product and the costs and expenses incurred by him shall be borne by that person.

PART III

SLAUGHTERING CENTRES

Slaughter of animals to be carried out at licensed slaughtering centres or premises permitted by Director.

11. (1) No person shall slaughter any animal which is intended for human consumption or permit any such animal to be slaughtered on any premises, unless —

(a) those premises have been licensed by the Director as a slaughtering centre under this Order and, subject to the Halal Meat Act (Chapter 183), the slaughter of the animal is carried out in accordance with the conditions of the licence;

(b) the Director has granted a permit to such person allowing him to slaughter the animal on those premises for any special reason and, subject to the Halal Meat Act (Chapter 183), the slaughter of the animal is carried out in accordance with the conditions of the permit.

(2) Any person who contravenes or fails to comply with subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding one year or both.

{3} For the purpose of this section, the occupier of any premises in which any animal is slaughtered in contravention of subsection (1) shall be deemed to have slaughtered that animal, until he proves that it was slaughtered without his knowledge or consent.

Application for licences and permits and renewal of licences.

12. (1) An application for a licence required under section 11(1)(a) or a permit under section 11(1)(b) shall be made to the Director in such form and manner as the Director may require and shall be accompanied by —

(a) the prescribed fee;

(b) such particulars, information, documents and other requirements as may be specified by the Director; and

(c) if required by the Director, a statutory declaration by the applicant verifying any information contained in or relating to the application.

(2) On being satisfied with the application under subsection (1), the Director may —

(a) grant the licence or permit applied for, with or without conditions;
or

(b) refuse to grant the licence or permit applied for.

(3) Where the Director has refused to grant a licence or permit under subsection (2)(b), the Director shall, if requested to do so by the applicant, state in writing the reasons for his refusal.

(4) In determining whether to grant or refuse to grant a licence required under section 11(1)(a), the Director shall have regard to —

(a) the financial standing of the applicant and his ability to operate and maintain a slaughtering centre in accordance with such standards as the Director may determine; and

(b) the suitability of the premises to be licensed for use as a slaughtering centre.

(5) For the purpose of subsection (4), the Director, before granting the licence applied for, may —

(a) require the applicant to produce to him evidence of his financial standing or to furnish a cash security deposit or a bank guarantee not exceeding such amount as the Director may determine;

(b) inspect the premises to be licensed or cause such premises to be inspected by an authorised officer; and

(c) require the applicant to make, at his own expense, such alteration or improvements to the premises to be licensed or to provide, fix or instal such facilities therein, as he may specify.

(6) The Director may at any time vary or revoke any of the existing conditions imposed under subsection (2)(a) or impose new conditions.

(7) Every licence or permit granted under this section —

(a) shall be in such form as the Director may determine;

(b) shall be valid for the period stated therein unless it is sooner suspended or revoked under section 13(1); and

(c) in the case of a licence, may be renewed upon its expiry.

(8) Subsections (1) to (7) shall apply, with the necessary modifications, to an application for the renewal of a licence.

Suspension and revocation of licences and permits under Part III.

13. (1) The Director may suspend or revoke a licence or permit granted under section 12(2)(a) if he is satisfied that —

(a) the grant of the licence or permit has been obtained by fraud or misrepresentation;

(b) the licensee or permit holder is contravening, has contravened or has failed to comply with —

(i) any provision of this Order or any regulations made thereunder;

(ii) any condition of his licence or permit; or

(iii) any direction given to him by the Director or an authorised officer under this Order or any regulations made thereunder; or

(c) it is in the public interest to suspend or revoke the licence or permit.

(2) The Director shall, before suspending or revoking the licence or permit under subsection (1), give to the licensee or permit holder notice in writing of his

intention to do so and shall in such notice call upon the licensee or permit holder to show cause within such period of time as may be specified in the notice as to why his licence should not be suspended or revoked.

(3) If the licensee or permit holder —

(a) fails to show cause within the period of time given to him to do so or such extended period of time as the Director may allow; or

(b) fails to show sufficient cause,

the Director shall give notice in writing to the licensee or permit holder of the date from which the suspension or revocation of his licence or permit is to take effect.

Appeals under Part III.

14. (1) Any person who is aggrieved by —

(a) the imposition of any condition by the Director upon granting or renewing a licence or upon granting a permit, under section 12(2)(a);

(b) the refusal of the Director to grant or renew a licence or to grant a permit, under section 12(2)(b); or

(c) the decision of the Director to suspend or revoke a licence or permit under section 13(1),

may, within 7 days of the date of receipt of the notice informing him of the imposition of such conditions, refusal, suspension or revocation, as the case may be, appeal in writing to the Minister whose decision shall be final.

(2) Notwithstanding that any appeal under subsection (1) is pending —

(a) any condition imposed by the Director upon granting or renewing a licence or upon granting a permit under section 12(2)(a); or

(b) the suspension or revocation of a licence under section 13(1),

shall take effect from the date specified in the notice given by the Director in respect thereof, unless the Minister otherwise orders.

(3) Upon the suspension or revocation of a licence or permit, the licensee or permit holder shall surrender the licence to the Director within the period of time specified in the notice referred to in subsection (1), failing which the licensee or permit holder is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding one year or both.

Ante-mortem and post-mortem examination.

15. (1) The Director may, in writing, direct the owner or occupier of a licensed slaughtering centre to subject all or any of the animals intended for slaughter at the slaughtering centre to an *ante-mortem* examination before slaughter and to a *post-mortem* examination after slaughter, by an authorised examiner.

(2) The costs of and incidental to any examination referred to in subsection (1) shall be borne by the person to whom the direction under that subsection is given.

(3) Any person who fails to comply with any direction under subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding one year or both.

Owners and occupiers of licensed slaughtering centres to ensure that animals are fit for slaughter.

16. (1) It shall be the duty of the owner and occupier of a licensed slaughtering centre to ensure that —

(a) no animal which is diseased or which is, for any other reason, unfit for human consumption is slaughtered at the slaughtering centre; and

(b) the carcass of any animal which, upon being slaughtered at the slaughtering centre, is found to have any disease or to be otherwise unfit for human consumption is destroyed or disposed of in such manner as the Director may determine.

(2) The owner or occupier of a licensed slaughtering centre who fails to comply with any of his duties under subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding one year or both.

(3) In any proceedings against the owner or occupier of a licensed slaughtering centre for failing to comply with his duty under subsection (1)(a), it shall be a defence for the person charged to prove that —

(a) until the animal had been slaughtered, he did not know and could not with reasonable diligence have ascertained that the animal was diseased or was otherwise unfit for human consumption; and

(b) he took all reasonable precautions and exercised all due diligence to avoid the commission of such offence by himself or by any person under his control.

Marking, branding or tagging of carcasses.

17. (1) Before the carcass of any animal that has been slaughtered in a licensed slaughtering centre is removed, it shall be marked, branded or tagged in the prescribed manner to denote that that animal has been slaughtered in compliance with section 11(1)(a).

(2) Any person who —

(a) removes, without lawful excuse, the carcass of any animal that has been slaughtered in a licensed slaughtering centre before that carcass is marked, branded or tagged in accordance with subsection (1);

(b) marks, brands or tags the carcass or any part of the carcass of an animal which was not slaughtered at a licensed slaughtering centre with the intention of causing it to be believed that the animal was slaughtered at such a slaughtering centre;

(c) makes or has in his possession any dye, plate or other instrument for the purpose of it being used or knowing or having reason to believe that it is intended to be used for the purpose of counterfeiting any mark, brand or tag of a licensed slaughtering centre; or

(d) sells or exposes for sale or has in his possession for sale the carcass or part of the carcass of any animal which was not slaughtered at a licensed slaughtering centre, but which —

(i) bears any mark, brand or tag which is intended to represent the mark, brand or tag of a licensed slaughtering centre; or

(ii) is so marked, branded or tagged as to cause it to be believed that the animal was slaughtered in a licensed slaughtering centre,

is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding one year or both.

(3) Subject to subsection (4), in any proceedings for an offence against subsection (2)(d), it shall be a defence for the person charged to prove that —

(a) the commission of the offence was due to the act or default of another person or to some other cause beyond his control; and

(b) he took all reasonable precautions and exercised all due diligence to avoid the commission of such offence by himself or by any person under his control.

(4) If in any case the defence provided by subsection (3) involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period of not more than 7 days before the hearing, he has served on the prosecutor a notice in writing giving such information as was then in his possession identifying or assisting in the identification of that other person.

Power to prohibit slaughter.

18. (1) Where the Director or an authorised officer knows or has reason to believe that any animal intended for slaughter at a licensed slaughtering centre is diseased or is, for any other reason, unfit for human consumption, the Director or authorised officer may by order in writing —

(a) prohibit the owner or occupier of the licensed slaughtering centre from slaughtering that animal; and

(b) require the owner or occupier of the licensed slaughtering centre to destroy or treat such animal in such manner as the Director or the authorised officer thinks fit, and the costs thereof and incidental thereto shall be borne by such owner or occupier.

(2) Any person who fails to comply with an order under subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding one year or both.

Power to prohibit dressing of carcasses.

19. (1) Where the Director or an authorised officer knows or has reason to believe that the carcass of any animal which has been slaughtered at a licensed slaughtering centre is diseased or is, for any other reason, unfit for human consumption, the Director or authorised officer may by order in writing —

(a) prohibit the owner or occupier of the licensed slaughtering centre from dressing that carcass; and

(b) require the owner or occupier of the licensed slaughtering centre to destroy or treat such carcass at his own expense in such manner as the Director or the authorised officer thinks fit.

(2) Any person who fails to comply with an order under subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding one year or both.

PART IV

ENFORCEMENT

Power to close slaughtering centres.

20. (1) Where the Director or an authorised officer finds that the condition in a licensed slaughtering centre has become dangerous to health or may hinder in any manner the suppression of disease or that the licensed slaughtering centre has been or is being kept in an unhygienic condition, the Director or authorised officer may —

(a) give written directions requiring that the slaughtering centre be closed for such time as the Director may determine; or

(b) give directions for the immediate stoppage of any slaughtering or other work until he is satisfied that the owner or occupier of the slaughtering centre has taken action to render the slaughtering centre in a clean and hygienic condition again.

(2) The Director or authorised officer shall, as soon as possible after he has given written directives under subsection (1)(a), inform the owner or occupier of the slaughtering centre in writing, of the reasons why the directions were given.

(3) Any person who fails to comply with any direction under subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding one year or both.

Power to require production of documents etc.

21. (1) For the purpose of discharging his functions and duties under this Order or any regulations made thereunder, the Director or an authorised officer may at any time require any person —

(a) to produce to him for inspection or for the purpose of obtaining copies or extracts of, or to provide him with copies or extracts of, any document that he believes on reasonable grounds contains any information relevant to the administration or enforcement of this Order or any regulations made thereunder; or

(b) to furnish any information as he may reasonably require.

(2) The Director or an authorised officer may record any information furnished by any person under subsection (1)(b) as a statement which shall be admissible as evidence in any proceedings in connection with any offence against this Order or any regulations made thereunder.

{3} Any person who fails to comply with any requirement made by the Director or authorised officer under subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding one year or both.

Powers of entry etc.

22. {1} In discharging his functions and duties under this Order or any regulations made thereunder, the Director or an authorised officer may without warrant —

(a) at all reasonable times enter and search any premises or stop, board and search any conveyance in which he believes on reasonable grounds that there is an item to which this Order applies;

(b) inspect any item found in any such premises or conveyance;

(c) take, without payment, for the purpose of examination reasonable samples of any meat or meat product found in any such premises or conveyance; or

(d) seize and detain any item found in any such premises or conveyance that he believes on reasonable grounds is not in compliance with this Order or any regulations made thereunder or is otherwise connected with the commission of an offence against this Order or any regulations made thereunder.

{2} For the purpose of subsection {1}/*(a)*, the Director or an authorised officer may —

(a) require the owner or occupier of any premises or conveyance being inspected to provide all reasonable assistance to him for the purpose of the inspection; and

(b) if the circumstances so require, with such assistance as he thinks necessary, break open any door, window, lock, fastener, hold, compartment, box, container, receptacle or other thing.

{3} Where the Director or an authorised officer seizes any item under subsection {1}/*(d)*, he shall forthwith give notice in writing of the seizure to the owner of the item seized or to the agent of such owner, if the name and address of such owner or agent thereof are known.

{4} Any person aggrieved by the seizure of any item under subsection {1}/*(d)* may, within 48 hours after the seizure, complain thereof to a court and, upon hearing such complaint, the court may —

(a) confirm the seizure wholly or in part;

(b) disallow the seizure wholly or in part;

(c) order that any item be restored to its owner, subject to any condition which the court may think fit to impose to ensure that it is preserved for any purpose for which it may subsequently be required; or

(d) order payment to be made to the owner of the item of such amount as the court considers will compensate him for any loss or depreciation resulting from the seizure.

(5) Any item seized under subsection (1)(d) may be kept or stored in the premises or conveyance where it was seized or may, at the direction of the Director or an authorised officer, be removed to any other place to be kept or stored.

(6) The Director or an authorised officer may mark, seal or label any item being detained under subsection (1)(d) in such manner as he thinks fit for the purpose of indicating that the item is under detention and may lock or seal the premises or conveyance in which the item is being detained.

(7) Any person who fails to comply with any requirement made by the Director or an authorised officer under subsection (2)(a) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding one year or both.

(8) Any person who, without the authority of the Director or an authorised officer —

(a) interferes, tampers with, removes, distributes, sells or otherwise disposes of any item seized and detained under subsection (1)(d) or alters, counterfeits, defaces, destroys, erases or removes any mark, seal or label placed by the Director or an authorised officer on such item under subsection (6); or

(b) opens, breaks or otherwise tampers with the lock or seal placed by the Director or an authorised officer on any premises or conveyance or part thereof under subsection (6),

is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding one year or both.

Power of arrest.

23. (1) The Director, an authorised officer, police officer or officer of customs may arrest without warrant, any person committing or attempting to commit, or whom he reasonably suspects of being engaged in committing or attempting to commit, any offence against this Order or any regulations made thereunder, if —

(a) that person refuses to furnish his name and address or furnishes an address outside Brunei Darussalam; or

(b) there are reasonable grounds for believing that he has furnished a false name or address or that he is likely to abscond.

(2) The Director, authorised officer, police officer or officer of customs making an arrest without warrant shall, subject to subsection (3), without unnecessary delay bring the person arrested before a court.

(3) No person who has been arrested by the Director, authorised officer, police officer or officer of customs shall be released, except on his own bond, on bail or on an order of the court or of the Director.

Power to require destruction, treatment or disposal of meat and meat products found to be diseased or unfit for human consumption.

24. (1) Where the result of the examination of any sample taken from any meat or meat product under section 22(1)(c) reveals that the meat or meat product is diseased, adulterated or unfit for human consumption, the Director or an authorised officer may direct the owner of the meat or meat product or the agent of such owner to destroy or treat or otherwise dispose of the meat or meat product in such manner as he thinks fit, and the costs thereof and incidental thereto shall be borne by such owner or agent thereof.

(2) If a person to whom any direction under subsection (1) is given fails to comply with the direction —

(a) he is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding one year or both; and

(b) an authorised officer may take such steps as he thinks fit to secure the destruction, treatment or disposal of the meat or meat product to which the direction relates and the costs and expenses incurred by him shall be borne by that person.

PART V

OFFENCES

Sale of meat or meat products.

25. (1) No person shall sell or supply, or have in his possession for the purpose of selling or supplying, or advertise the sale or supply of, any meat or meat product —

(a) which has been imported in contravention of the Halal Meat Act (Chapter 183);

(b) which has not been inspected, examined and certified by an authorised examiner as required under section 10(1);

(c) which has been derived from any animal that has been slaughtered in Brunei Darussalam in contravention of sections 11, 16 or 18 or the Halal Meat Act (Chapter 183);

(d) which has been —

(i) processed in a processing establishment; or

(ii) kept for any period of time in a cold store,

that has not been licensed under the Miscellaneous Licences Act (Chapter 127);

(e) which has not been marked, branded or tagged in accordance with section 17(1);

(f) which has not been labelled in the prescribed manner or which has been labelled with any information that is false, inaccurate or misleading;

(g) which has been obtained from a wholesale market that has not been licensed under the Miscellaneous Licences Act (Chapter 127); or

(h) which is diseased, adulterated, unfit for human consumption or otherwise in contravention of any of the other provisions of this Order or any regulations made thereunder.

(2) Any person who contravenes or fails to comply with subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$50,000, imprisonment for a term not exceeding 2 years or both and, in the case of a second or subsequent conviction, to a fine not exceeding \$100,000, imprisonment for a term not exceeding 3 years or both.

(3) Subject to subsection (4), in any proceedings for an offence against subsection (2), it shall be a defence for the person charged to prove that —

(a) the commission of the offence was due to the act or default of another person or to some other cause beyond his control; and

(b) he took all reasonable precautions and exercised all due diligence to avoid the commission of such offence by himself or by any person under his control.

(4) If in any case the defence provided by subsection (3) involves the allegation that the commission of the offence was due to the act or default of

another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period of not more than 7 days before the hearing, he has served on the prosecutor a notice in writing giving such information as was then in his possession identifying or assisting in the identification of that other person.

(5) For the purpose of this section, where any meat and meat product is found on any premises used by any person for the sale of meat and meat products or for the storage of meat and meat products intended for sale, it shall be deemed to be in the possession of that person for sale until the contrary is proved.

Obstructing officers in execution of duties.

26. Any person who obstructs, hinders or impedes the Director, an authorised officer, authorised examiner, police officer, officer of customs or any other person acting under the direction of the Director, in the performance or execution of his duty or anything which he is authorised, empowered or required to do under this Order or any regulations made thereunder is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding one year or both.

Altering licence, permit or certificate.

27. Any person who —

(a) without lawful authority alters, forges, mutilates or defaces any licence or permit granted or certificate issued, under this Order or any regulations made thereunder; or

(b) knowingly makes use of any licence, permit or certificate which has been so altered, forged, mutilated or defaced,

is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding one year or both.

False declaration.

28. Any person who, being required under this Order or any regulations made thereunder, to make or furnish any declaration, statement, representation or information or to produce any licence, permit or certificate or who, for the purpose of obtaining any licence, permit or certificate under this Order —

(a) makes or furnishes any declaration, statement, representation or information which is false in a material particular; or

(b) produces any licence, permit or certificate which he knows or has reason to believe is false in any material particular, or has not been granted

by the person by whom it purports to have been granted, or has been in any way altered or tampered with,

is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding one year or both.

Offences committed by partnerships, bodies corporate and agents and servants.

29. (1) Where a partnership is guilty of an offence against this Order or any regulations made thereunder, every partner, other than a partner who is proved to have been ignorant of or to have attempted to prevent the commission of the offence, is also guilty of the offence and liable to be proceeded against and punished accordingly.

(2) Where an offence against this Order or any regulations made thereunder has been 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, a director, manager, secretary or other similar officer of that body, or of a person purporting to act in any such capacity, he, as well as the body corporate, is also guilty of the offence and liable to be proceeded against and punished accordingly.

(3) In relation to a body corporate whose affairs are managed by its members, "director" in subsection (2) means any member of that body corporate.

(4) Where an offence against this Order or any regulations made thereunder is committed by any person acting as an agent or servant of another person, or being otherwise subject to the supervision or instruction of another person for the purposes of any employment in the course of which the offence was committed, that other person, without prejudice to the liability of the first-mentioned person, is liable under this Order or any regulations made thereunder in the same manner and to the same extent as if he had personally committed the offence if it is proved that the act which constituted the offence was committed with his consent or connivance or that it was attributable to any neglect on his part.

PART VI

GENERAL

Forfeiture.

30. (1) The court before which any person is tried for an offence against this Order or any regulations made thereunder may make an order for the forfeiture of any item which has been seized under the provisions of this Order if —

(a) the court is satisfied that —

- (i) an offence against this Order or any regulations made thereunder has been committed; and
- (ii) the item seized was the subject-matter or was used in the commission, of the offence; and

(b) having regard to the circumstances of the case, the court thinks it fit to order the forfeiture of the item.

(2) Where no party raises the question of forfeiture under subsection (1), the court shall consider the question on its own motion.

(3) The court may make an order under subsection (1) for the forfeiture of any item which has been seized under the provisions of this Order notwithstanding that no person may have been convicted of an offence.

(4) If the court, having regard to the circumstances of the case, does not think it fit to order the forfeiture of any item which has been seized under the provisions of this Order, the court shall order that the item be released to the owner thereof or to the person entitled thereto.

(5) In the absence of any prosecution with regard to any item which has been seized under the provisions of this Order, the Director shall give to the person from whom the item was seized or to the owner of the item, notice in writing that the item shall, on the expiration of 7 days of the date specified in the notice, be deemed to be forfeited unless a claim thereto is made before then in accordance with subsection (6).

(6) A person asserting —

(a) that he is the owner of, or that he is entitled to, any item which has been seized under the provisions of this Order; and

(b) that the item is not liable to forfeiture,

may, personally or by his agent authorised in writing, give written notice to the Director that he claims the item.

(7) On receipt of a notice under subsection (6), the Director may direct that the item be released to the person who has given the notice or may refer the matter to a court for decision.

(8) Where no claim is received on the expiration of the 7 days as referred to in subsection (5), the item to which the notice relates shall be deemed to be forfeited.

{9} Where the owner of any item seized under the provisions of this Order consents to its disposal, the item shall thereupon be deemed to be forfeited.

{10} Any item forfeited or deemed to be forfeited under this section shall be delivered to an authorised officer and shall be disposed of in such manner as the Director thinks fit.

Form and authentication of notices etc.

31. {1} All notices, orders and other documents which the Director is empowered to give by this Order or any regulations made thereunder may be in such form as the Director may determine and may be given by an authorised officer.

{2} Where any such notice, order or other document requires authentication —

(a) the signature of the Director or an authorised officer; or

(b) an official facsimile of such signature,

appended thereto shall be sufficient authentication.

Inaccuracies in notices etc.

32. {1} No misnomer or inaccurate description of any person, premises, place or conveyance named or described in any notice, order or other document prepared, issued or served under or for the purposes of this Order or any regulations made thereunder shall in any way affect the operation of this Order or any such regulations as respects that person, premises, place or conveyance if that person, premises, place or conveyance is so designated in that notice, order or other document as to be identifiable.

{2} No proceedings taken under or by virtue of this Order or any regulations made thereunder shall be invalid for want of form.

Service of notices etc.

33. {1} Any notice, order or other document required or authorised by this Order or any regulations made thereunder to be served on any person and any summons issued by a court against any person in connection with any offence against this Order or any regulations made thereunder may be served on that person —

(a) by delivering it personally to him or to an adult member or employee of his family or household, at his usual or last known place of residence;

(b) by leaving it at his usual or last known place of residence or place of business;

(c) by sending it by registered post addressed to him at his usual or last known place of residence or place of business; or

(d) in the case of a body corporate or an unincorporated body of persons —

(i) by delivering it to the secretary or other like officer thereof at its registered office or principal place of business; or

(ii) by sending it by registered post addressed thereto at its registered office or principal place of business.

(2) Any notice, order, other document or summons sent by registered post to any person in accordance with subsection (1) shall be deemed to be served on him at the time at which it would be delivered in the ordinary course of post and, in proving service of the notice, order, other document or summons, it shall be sufficient to prove that the envelope containing the same was properly addressed, stamped and posted by registered post.

(3) Any notice, order or other document required or authorised by this Order or any regulations made thereunder to be served on the owner or occupier of any premises or any summons issued by a court against any such owner or occupier in connection with any offence against this Order or any regulations made thereunder may be served by delivering it or a true copy thereof to some adult person on the premises or, if there is no such person on the premises to whom it can with reasonable diligence be delivered, by affixing it to some conspicuous part of the premises.

(4) Any notice, order or other document required or authorised by this Order or any regulations made thereunder to be served on the owner or occupier of any premises or any summons issued by a court against any such owner or occupier in connection with any offence against this Order or any regulations made thereunder shall be deemed to be properly addressed if addressed by the description of the owner or occupier of the premises without further name or description.

Limitation of liability.

34. No action shall be brought against the Director, any authorised officer, authorised examiner, police officer, officer of customs or any other person acting under the direction of the Director in respect of anything done or omitted to be done by him in good faith in the exercise, performance or purported exercise or performance, of any powers or duties under this Order or any regulations made thereunder.

Evidence.

35. (1) Subject to subsection (3) —

(a) a document or certificate purporting to be a report under the hand of the Director or an authorised officer upon any matter or thing in connection with the administration or enforcement of this Order or with any investigation carried out under this Order shall be admissible as evidence in any proceedings under this Order and shall be *prima facie* evidence of the facts stated therein; and

(b) a certificate of an authorised examiner stating that he has analysed or examined any meat or meat product and stating the result of his analysis or examination shall be admissible in evidence in any proceedings for an offence against this Order as *prima facie* evidence of the facts stated therein and of the correctness of the result of the analysis or examination.

(2) For the purposes of this section, a document purporting to be a certificate referred to in subsection (1) on its production by the prosecution shall, unless the contrary is proved, be deemed to be such a certificate.

(3) A certificate referred to in subsection (1) shall not be received in evidence in pursuance of that subsection unless the person charged has been given —

(a) a copy of the certificate; and

(b) notice of the intention of the prosecution to produce it as evidence in the proceedings,

not less than 10 days before the commencement of the proceedings.

(4) Where a certificate of the Director or an authorised officer is admitted in evidence under subsection (1), the person charged may require the Director or that authorised officer to be called as a witness for the prosecution and to be cross-examined as if he had given evidence of the matters stated in the certificate.

Composition of offences.

36. (1) The Director or any person authorised by the Director in writing in that behalf may compound any offence against this Order or any regulations made thereunder which is prescribed as a compoundable offence by collecting from the person reasonably suspected of having committed the offence a sum of money not exceeding \$1,000.

(2) On payment of such sum of money, no further proceedings shall be taken against such person in respect of the offence.

Exemption.

37. The Director may either permanently or for such period as he may think fit, exempt any person or premises or any class of persons or premises from any of the provisions of this Order or of any regulations made thereunder.

Regulations.

38. (1) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make regulations which are necessary or expedient for giving effect to and carrying out the provisions of this Order, including the prescription of any thing required to be prescribed under this Order, and for the due administration thereof.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations —

(a) prescribing the particulars, information and documents to be furnished with any application made under this Order;

(b) prescribing the forms to be used for any purpose under this Order;

(c) prescribing the fees to be charged for the purposes of this Order;

(d) providing for —

(i) the inspection of premises subject to this Order and of conveyances used for the carriage of animals, meat and meat products; and

(ii) the inspection, examination and certification of animals, meat and meat products;

(e) providing for the authorisation of an authorised examiner, the conditions to be complied with by an authorised examiner and the withdrawal of any such authorisation;

(f) prescribing the powers and functions of authorised officers and authorised examiners;

(g) providing for the certification of meat and meat products intended for export and the conditions under which such certification may be withdrawn;

(h) regulating or prohibiting the administration of drugs or other substances to animals before slaughter;

(i) regulating or prohibiting the acceptance at slaughtering centres of animals for slaughter which are diseased or otherwise unfit for use in the production of meat products;

(j) regulating the manner in which animals intended for slaughter, meat and meat products are to be conveyed from place to place and providing for the inspection of conveyances carrying or intended to be used for carrying animals, meat and meat products;

(k) regulating and controlling the processing and packing of meat and meat products in processing establishments licensed under the Miscellaneous Licences Act (Chapter 127);

(l) prescribing requirements for the chilling, freezing and storage of any meat and meat products and providing for the approval of any material used in packing any product;

(m) regulating –

(i) the construction, lighting, ventilation, air temperature, cleansing, drainage, water supply, maintenance and good management of premises subject to this Order;

(ii) the construction, cleansing and maintenance of all fixtures, appliances, instruments, utensils and other things connected or used therewith or connected with the management thereof; and

(iii) the hygiene requirements to be observed by or in relation to any person working in premises subject to this Order, so far as concerns the clothing, conduct and health of such person;

(n) regulating and controlling the application of chemicals, drugs and other substances to meat and meat products and the use of ingredients in the processing of meat and meat products;

(o) requiring information as to the nature and quantity of any chemical, drug or other substance which has been applied to any meat or meat product or of any ingredient which has been used in the processing of any meat or meat product to be shown on the labels of such products;

(p) prescribing the mode of dealing with animals which are diseased or otherwise unfit for use in the production of meat and meat products;

(q) requiring that any meat or meat products intended for export should conform to the requirements of the country, territory or place to

which they are to be exported, and prohibiting or restricting the export of any such product unless the prescribed requirements are complied with;

(r) providing for the handling and treatment of live animals intended for slaughter for human consumption;

(s) providing for the standards of dressing animals slaughtered in licensed slaughtering centres;

(t) prescribing the procedure for the taking and analysis of samples under this Order;

(u) prescribing the offences which may be compounded and the method and procedure by which they may be compounded; and

(v) empowering the Director to issue such directions as he may consider necessary for the proper control and management of slaughtering centres or for any matter connected with the provisions of this Order;

(w) to include such incidental, consequential and supplementary provisions as he considers necessary or expedient.

(3) The Minister may, in making any regulations, provide that any contravention of, or failure or neglect to comply with, any provision of such regulations or any direction issued by the Director pursuant to such regulations shall be an offence and may prescribe the fine with which the offence shall be punishable, except that no such fine shall exceed for any one offence the sum of \$10,000 and, in the case of a continuing offence, the sum of \$100 for every day or part thereof during which the offence continues after conviction.

Made this 27th. day of Safar, 1432 Hijriah corresponding to the 1st. day of February, 2011 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND DI-PERTUAN
BRUNEI DARUSSALAM