

No. S 52

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

ANIMAL (DISEASES AND QUARANTINE) ORDER, 2021

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

ANIMAL (DISEASES AND QUARANTINE) ORDER, 2021

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 1
PRELIMINARY

Citation and long title

1. (1) This Order may be cited as the Animal (Diseases and Quarantine) Order, 2021.

(2) The long title of this Order is "An Order for preventing the introduction into, and the spreading within, Brunei Darussalam of diseases of animals; for the control of the movement of animals into, within and from Brunei Darussalam; for measures pertaining to the general welfare and improvement of animals in Brunei Darussalam and for all matters connected therewith or incidental thereto".

Interpretation

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

"aircraft" includes any kind of craft which may be used for the conveyance of animals by air;

"animal" means any mammal (other than man) or bird and includes any other living creature that is prescribed as an animal for the purposes of this Order or that falls within a class of animals that is prescribed for those purposes;

"authorised examiner" means any person who has been designated as such under section 3(3) and includes an authorised officer;

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

"building" includes any house, hut, shed, tent, stable or enclosure, whether roofed or not, used for sheltering or confining any animal and any pen, cage, wall, gate, pillar, post, paling, frame, boarding, fence, platform, roadway, path, steps, staging, slip, wharf, dock, piles, jetty, landing stage or bridge, or any structure connected with the foregoing;

"carcase" means the dead body of an animal and includes any part thereof and the meat, bones (whether whole, broken or ground), offal, hide, skin, wool, hair, feathers, hoof, horns or other part of an animal, separately or otherwise or any portion thereof;

"contact" means any animal which has by contact, direct or indirect, with a diseased animal or been exposed to the risk of contracting a disease;

"conveyance" means any aircraft, vessel or vehicle and includes any other thing used for or is capable of conveying or moving persons, animals or animal materials;

"Director" means the Director of Agriculture and Agrifood;

"disease" includes any animal disease that is infectious or contagious amongst animals and includes any other disease which the Minister may, by notification published in the *Gazette*, declare to be a disease for the purpose of this Order;

"examine", in relation to any animal or the carcase thereof, means to carry out in respect of such animal or carcase, such manner of inspection, examination and test as may be necessary for the purposes of determining whether the animal or carcase thereof is infected with any disease;

"export" means to take or cause to be taken out of Brunei Darussalam by land, sea or air;

"fodder" means any substance used for food of animals;

"import" includes the importation into Brunei Darussalam of goods in transit and goods which are to be transhipped;

"infected" means infected with any disease;

"master" means the captain of any ship or aircraft and includes any person for the time being in charge of any ship (other than a pilot) or aircraft;

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

"occupier" when used in relation to a place includes a tenant, licensee, manager, agent, superintendent, overseer of any place and, includes the person in charge of or in apparent control of the place;

"officer of customs" has the same meaning as in section 2(1) of the Customs Order, 2006 (S 39/2006);

"owner" includes any person for the time being in charge of any animal and any person for the time being in occupation of any building;

"port" has the same meaning as in section 2 of the Maritime and Port Authority of Brunei Darussalam Order, 2017 (S 22/2017);

"quarantine" means the compulsory detention in isolation of any animal or thing;

"quarantine station" means any building or place where quarantine is carried out, and includes an examination station or hulk;

"sea" includes inland water;

"tranship" means to remove any goods imported from the vehicle, aircraft or ship in which they were imported and either return them to the same vehicle, aircraft or ship or transfer them to another vehicle, aircraft or ship before being exported, whether such goods are to be transferred directly between such vehicles, aircraft or ships or whether they are to be landed in Brunei Darussalam after their importation and kept at any place pending exportation;

"veterinary biologics" means any virus, serum, toxin, and analogous product of natural or synthetic origin, including genetically modified organisms, diagnostics, antitoxins, vaccines, live micro-organisms, killed micro-organisms, and the antigenic or immunising component of micro-organisms intended for use in the diagnosis, treatment, or prevention of diseases of animals, or for purposes of research in animals;

"veterinary centre" means any premises used for the purpose of providing any of the following services to members of the public —

(a) the diagnosis of diseases in, and injuries to, animals including tests performed for diagnostic purposes;

(b) the treatment, vaccination or inoculation of animals.

PART 2

ADMINISTRATION

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 direction of the Minister.

(2) The Minister may, with the consent 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 consent of His Majesty the Sultan and Yang Di-Pertuan, appoint such number of authorised examiner, subject to such conditions as may be specified by the Minister, to carry out, at any appointed place, any examination, treatment or certification and any other similar, related or ancillary functions which are required by this Order to be carried out.

(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) A delegation under subsection (4) may be made subject to such conditions as may be determined by the Director in the instrument of delegation.

(6) The power of delegation under subsection (4) shall only be exercised by the Director personally.

Public servants

4. All authorised officers shall be deemed to be public servants for the purposes of the Penal Code (Chapter 22).

Identification cards

5. (1) Every authorised officer, officer of customs or police officer when exercising any of the powers under this Order shall —

(a) if not in uniform, declare his office; and

(b) on demand, produce to any person affected by the exercise of those powers such identification card as the Director, the Controller of Customs and Excise or the Commissioner of Police respectively may direct to be carried by the authorised officers, officers of customs or police officers.

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

PART 3

**IMPORTATION, TRANSHIPMENT, EXPORTATION OF ANIMALS AND POSSESSION OF
NOXIOUS INSECTS ETC.**

Division 1

*Importation and transhipment of animals and
possession of noxious insects etc.*

Power to make orders with regard to importation etc.

6. (1) The Minister may, with the consent of His Majesty the Sultan and Yang Di-Pertuan, make orders —

(a) specifying the countries or territories or the parts of any country or territory from which animals, or any specified kinds of animals, may be imported or transhipped either with or without restriction; or

(b) prohibiting, either absolutely or conditionally, the import and transhipment from any specified country or territory or any specified part of a country or territory of any carcase, semen, fodder, litter, dung or any product of animals, or any article or substance, that is likely to convey or spread any disease.

(2) Any person who contravenes the provisions of any order made 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.

No person to import or tranship any animal or veterinary biologics without licence

7. (1) Except as provided in any order made under section 6(1), no person shall import or tranship any animal or veterinary biologics, except in accordance with a licence issued in that behalf by the Director and in accordance with the conditions (if any) of that licence as he may determine.

(2) A licence to import or tranship any animal or veterinary biologics under this Order may be obtained on an application made in such form as the Director may determine and upon the payment of such fees as may be prescribed.

(3) Any person importing or transshipping any animal or veterinary biologics in contravention of 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.

Importation or possession of noxious insects, pests or genetically modified organisms etc.

8. (1) No person shall knowingly import or shall have in his possession any living noxious insect, or any living pest, or any living disease germ or virus or any bacterial culture, of a nature harmful or dangerous to animals, or any genetically modified organism without the prior written consent of the Director.

(2) Any person who contravenes 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.

Examination of imported animals

9. (1) Any person who has imported any animal shall, if so directed by the Director or an authorised officer, immediately upon the arrival of the animal in Brunei Darussalam, arrange for the animal to be examined by an authorised examiner.

(2) For the purpose of carrying out the examination of any animal under subsection (1), an authorised examiner may detain the animal at a quarantine station or such other place as may be approved by the Director or an authorised officer until the completion of the examination.

(3) If any animal, upon being examined by an authorised examiner under subsection (1), is certified by the authorised examiner to be suffering from —

(a) any disease or injury which, in the opinion of the authorised examiner, cannot be treated or relieved; or

(b) any disease which is likely to spread unless the animal is destroyed,

the person who imported the animal shall, at his own expense, cause that animal to be destroyed at once and the carcase thereof to be disposed of in such manner as the Director or an authorised officer may specify.

(4) Any person who fails to comply with subsection (1) or (3) is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding 6 months or both.

Arrival of animal to be reported

10. (1) The master of any ship or aircraft on which there is any animal, whether that animal is intended to be landed in Brunei Darussalam or not, shall immediately on the first arrival of the ship or aircraft at a port or airfield in Brunei Darussalam report the fact to an officer of a port or the officer in charge of

the airfield, as the case may be, who shall without delay inform the authorised officer.

(2) An authorised officer may —

(a) board any ship or aircraft for the purpose of examining any animal therein; or

(b) direct the master of the ship or aircraft to arrange, at his own expense, for the animal to be examined by an authorised examiner.

(3) Notwithstanding the fact that —

(a) a licence has been issued for the importation or transhipment of an animal under section 7(1); or

(b) any animal comes from a country or territory or part of a country or territory which has been specified in an order made under section 6(1)(a),

the officer of a port or officer in charge of an airfield shall not permit that animal to be landed or removed from any ship or aircraft, as the case may be, until he has personally satisfied himself that the authorised officer has granted a permit for the landing or removal of that animal from the ship or aircraft.

(4) Any person who —

(a) fails to comply with any direction given to him by an authorised officer under subsection (2); or

(b) permits an animal to be landed or removed from any ship or aircraft in contravention of subsection (3),

is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding 6 months or both.

Power to deal with diseased animals being imported

11. (1) Where the Director or an authorised officer has reasonable grounds for suspecting that there is on board any conveyance that has entered or that is about to enter Brunei Darussalam any animal that is infected with any disease, the Director or authorised officer may direct the person who is or who appears to be in command or in charge of the conveyance to take all or any of the following measures at his own expense —

(a) ensure that any animal on board the conveyance is not (as the case requires) removed from the conveyance or brought into Brunei Darussalam;

(b) arrange for any animal on board the conveyance to be examined by an authorised examiner;

(c) cause any animal on board the conveyance which is infected or reasonably suspected to be infected with any disease and any other animal on board the conveyance which has or may have come into contact with such animal to be —

- (i) destroyed and disposed of in such manner as the Director or authorised officer may specify;
- (ii) removed from Brunei Darussalam;
- (iii) treated in such manner as may be specified in the direction given to him or by the authorised examiner who examined the animal;
- (iv) quarantined in such manner, at such place and for such period as the Director or authorised officer may specify; or
- (v) prohibited from entering Brunei Darussalam;

(d) ensure that the conveyance does not enter Brunei Darussalam or remove the conveyance from Brunei Darussalam (as the case requires), if the Director is satisfied that such measure is necessary for the prevention of the introduction or spread of any disease in Brunei Darussalam.

(2) No compensation shall be payable in respect of any animal which is required to be destroyed and disposed of under subsection (1)(c)(i), directed to be removed from Brunei Darussalam under subsection (1)(c)(ii) or prohibited from entering Brunei Darussalam under subsection (1)(c)(v).

(3) Any person who fails to comply with any direction given to him 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.

Animals on board ship

12. (1) Any animal imported or transhipped shall, unless an authorised officer has authorised its landing, at all times while on board the ship in any port, be confined, in an enclosed part of the ship or, in a cage or an enclosure.

(2) If any animal dies or is lost from a ship while in the port, the master of the ship shall immediately notify the authorised officer of the death or loss.

(3) The master of any ship, in any case —

(a) in which any animal imported or transhipped by sea in that ship has, in contravention of subsection (1), not been confined while on board the ship in the port; or

(b) where he fails without reasonable cause to notify the death or loss of any animal while the ship is in the port,

is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding 6 months or both.

Permission to land carcases

13. (1) No person shall land from any ship or remove from any aircraft or vehicle the carcase of any animal without the written permission of an authorised officer who may give written directions as to the manner of its disposal.

(2) Any person —

(a) landing or removing the carcase of an animal in contravention of subsection (1); or

(b) who fails to comply with the written directions of an authorised officer given 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.

Destruction or disinfection of certain articles

14. (1) Where an authorised officer is of the opinion that any bedding, litter, fodder or other material imported by land, sea or air may convey or spread any animal disease, he may —

(a) seize and detain; and

(b) in his discretion order the destruction or disinfection of that bedding, litter, fodder or other material.

(2) No compensation shall be payable in respect of any bedding, litter, fodder or other material that is destroyed under subsection (1).

Division 2

Exportation

No person to export any animal without licence

15. (1) No person shall export any animal or the carcase of any animal except in accordance with —

- (a) a licence in that behalf issued by the Director;
- (b) the conditions of that licence (if any); and
- (c) such other conditions as may be prescribed.

(2) A licence to export any animal or the carcase of any animal may be issued upon an application made in such form as the Director may determine and upon the payment of such fees as may be prescribed.

(3) Any person exporting any animal or the carcase of any animal in contravention of 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.

Examination and treatment of animals before exportation

16. (1) Any person who intends to export any animal from Brunei Darussalam shall, if so directed by the Director or an authorised officer, arrange, at his own expense, for the animal to be examined by an authorised examiner and, if necessary, treated by an authorised examiner before exporting the animal.

(2) For the purpose of carrying out the examination or treatment of any animal under subsection (1), an authorised examiner may detain the animal at a quarantine station or such other place as may be approved by the Director or an authorised officer until the completion of the examination or treatment.

(3) If any animal, upon being examined by an authorised examiner under subsection (1), is certified by the authorised examiner to be infected with any disease —

(a) the person intending to export the animal shall not export the animal without the prior approval in writing of the Director or an authorised officer; and

(b) the Director or an authorised officer may direct the person intending to export the animal to treat or destroy the animal at his own

expense in such manner as may be specified by the Director or authorised officer.

(4) Any person who fails to comply with subsection (1) or (3)/a) or with any direction given to him under subsection (3)/b) 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.

Certificate of freedom from disease

17. (1) Any person intending to export any animal or the carcase thereof or any product derived from such animal or carcase may apply to an authorised examiner —

(a) for a certificate certifying that Brunei Darussalam is free from such disease as may be specified in the certificate; or

(b) for the animal, carcase or product, as the case may be, to be examined and thereafter certified as to whether it is free from any disease or other condition.

(2) An application under subsection (1) shall be accompanied by such fee as may be prescribed.

PART 4

PREVENTION OF SPREAD OF DISEASE

Division 1

General

Examination of animal suspected of disease

18. (1) If the Director or an authorised officer has reason to believe that any animal may be infected with any disease, he may subject that animal and any article or substance which has been in contact therewith to an examination.

(2) For the purpose of this section —

(a) the Director or authorised officer may —

(i) seize the animal as well as the whole or any sample of any article or substance which has been in contact therewith and take them to the place of examination; or

- (ii) give written directions to the owner or person in charge of the animal to deliver the animal as well as the whole or any sample of any article or substance which has been in contact therewith to an authorised examiner at a specified place and time; and

(b) the authorised examiner carrying out the examination may take any substance from the animal or destroy the animal and conduct a post-mortem examination on its carcase, if that is the appropriate method by which he may, in accordance with accepted veterinary practice, determine whether the animal has been infected with any particular disease.

(3) No compensation shall be payable in respect of any animal which has been destroyed under subsection (2)(b).

(4) Any person who —

(a) fails without lawful excuse to comply with any written direction given to him under subsection (2)(a)(ii); or

(b) without the permission of the Director or an authorised officer, removes any animal from the place to which it has been delivered under subsection (2)(a)(ii),

is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding 6 months or both.

Isolation or destruction of diseased animal

19. (1) The Director or an authorised officer may direct the immediate isolation or destruction of any animal if —

(a) the animal is certified by an authorised examiner, upon any examination carried out under section 18(1), to be infected with disease;

(b) the Director or authorised officer has other reasonable cause for believing that the animal is infected with disease; or

(c) the Director or authorised officer has reasonable cause for believing that the animal —

- (i) may have been in contact with another animal which is infected with disease;
- (ii) may have been exposed to disease; or

(iii) may perpetuate any disease.

(2) Any person who refuses or fails without lawful excuse to isolate or destroy any animal when directed to do so by the Director or an authorised officer under subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding 6 months or both.

Post-mortem examination

20. (1) The Director or an authorised officer may cause the carcase of any animal to be subject to a post-mortem examination.

(2) For the purposes of subsection (1), the Director or authorised officer may give written directions —

(a) for the carcase, if already buried, to be exhumed for the purpose of a post-mortem examination; and

(b) for the carcase to be delivered to an authorised examiner at a specified place and time.

(3) Any person who —

(a) fails without lawful excuse to comply with any written direction given to him under subsection (2); or

(b) without the permission of the Director or an authorised officer removes the carcase from the place to which it has been delivered under subsection (2)(b),

is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding 6 months or both.

Animal exposed to infection

21. (1) If an authorised officer considers that any animal has been exposed to infection to any disease, he may give written directions for that animal to be subjected to such treatment as he may consider necessary, including vaccine or serum therapy or a combination of such therapy.

(2) Any person who fails without lawful excuse to comply with any written direction given to him under subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding 6 months or both.

Disinfection of building

22. (1) An authorised officer may give written directions for —

(a) the disinfection, in such manner as he may determine, of any building in which an infected animal has been found or kept;

(b) prohibiting the use of any such building until the building has been disinfected in accordance with such directions as may have been given under paragraph (a).

(2) Any person who fails without lawful excuse to comply with any written direction given to him under subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding 6 months or both.

Destruction of building

23. (1) If the Director is of the opinion that any building which has been occupied by an infected animal cannot be effectively disinfected, he may, with the approval of the Minister, by order in writing direct the owner or occupier thereof to destroy the building and to burn the materials thereof within such time as may be specified in the order.

(2) If any direction in an order made under subsection (1) is not complied with within the time specified in the order, the Director may cause the building and the materials thereof to be destroyed.

(3) No compensation shall be payable in respect of any building which has been destroyed by the owner or occupier thereof in compliance with the direction in the order under subsection (1) or which destruction was caused by the Director under subsection (2).

(4) Any person who fails without lawful excuse to comply with any direction given to him under subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding 6 months or both.

Disinfection or destruction of articles

24. (1) An authorised officer may give written directions for the disinfection or destruction of any bedding, clothing, harness, fitting, buckets, pails or utensils whatsoever used in connection with any infected animal.

(2) No compensation is payable in respect of any bedding, clothing, harness, fitting, buckets, pails or utensils destroyed under subsection (1).

(3) Any person who fails without lawful excuse to comply with any written direction given to him under subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding 6 months or both.

Disinfection of person and clothing

25. (1) An authorised officer may require the disinfection of the body and clothing of any person who has been in contact with or in charge of or attended upon any animal infected with or in the opinion of the authorised officer infected with disease.

(2) Any person who fails without lawful excuse to comply with any requirement under subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding 6 months or both.

Disinfection of vehicles

26. (1) An authorised officer may require the disinfection of any conveyance —

(a) entering or leaving an area declared to be an infected area under section 37(1); or

(b) which has been used in the transport of any animal infected with, or in the opinion of the authorised officer infected with, disease.

(2) Any person who fails without lawful excuse to comply with any requirement under subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding 6 months or both.

Disposal of infected animal or carcase

27. (1) No person shall knowingly cast or cause or permit to be cast into any drain, ditch, water channel, street or open space, or otherwise expose —

(a) any animal or the carcase of any animal which is or has been infected with disease; or

(b) any fodder, litter, dung or thing which has been used in connection with any infected animal.

(2) Any person who acts in contravention of 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.

Owner of diseased or dead animal to report

28. (1) Every owner or person in charge of any animal infected with or reasonably suspected to be infected with disease shall —

(a) immediately make a report to an authorised officer or to the nearest police station; and

(b) at once cause that animal and all other animals which have been in contact with it to be confined and isolated until the arrival of an authorised officer.

(2) Every owner or person in charge of any animal reasonably suspected to have died of disease shall immediately report its death to the authorised officer or to the nearest police station and, in the case of an animal, the carcass shall not be moved without written permission from the authorised officer.

(3) It shall not be an offence to bury the carcass of the animal, if no instructions have been received within 24 hours of making the report referred to in subsection (2).

(4) Where the officer in charge of a police station has communicated the contents of a report by telephone to an authorised officer, he shall as soon as possible transmit the report to the authorised officer.

(5) Immediately after a person who is a veterinary surgeon or who analyses animal specimens suspects that an animal is infected with or reasonably suspected to be infected with disease, the person shall so report to an authorised officer.

(6) Any person who fails without reasonable excuse to make a report as required under subsection (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.

(7) Any person who without reasonable excuse —

(a) fails to cause any animal to be confined and isolated as is required by subsection (1)/(b); or

(b) permits the carcass of an animal to be moved in contravention of subsection (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.

Division 2

*Moving or disposal of dead, diseased or suspected animals
(other than dogs and cats)*

Application

29. Sections 30 and 31 do not apply to dogs and cats.

Disposal of dead animal

30. (1) The owner or person in charge of any animal that has died from disease or has been destroyed by order of the Director or an authorised officer shall burn or otherwise dispose of the carcase thereof in accordance with the written directions of the Director or an authorised officer.

(2) Any person who fails without reasonable excuse to comply with any written direction given to him by the Director or an 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.

Moving or disposal of diseased or suspected animal

31. (1) No person shall move or dispose, whether by sale or otherwise, of —

(a) any animal —

(i) diseased;

(ii) reasonably suspected of being diseased; or

(iii) being a contact of any diseased animal or of the carcase of such an animal; or

(b) the milk, dung or blood of such an animal,

except with the written permission of an authorised officer.

(2) Any person who contravenes 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.

Division 3

Infected places and infected areas

Declaration of infected place

32. (1) Where the Director suspects or determines that a disease exists in a place and is of the opinion that it could spread or that animals or things entering the place could become affected or contaminated by it, the Director may in writing declare that the place is infected and identify the disease that is believed to exist there, and such a declaration may subsequently be amended by the Director.

(2) When the declaration is delivered to the occupier or owner of the place to which it relates, the place, together with all contiguous lands, buildings and other places occupied or owned by the occupier or owner, constitutes an infected place.

Further declaration

33. (1) For the purpose of preventing the spread of a disease, the Director may in writing declare that any land, building or other place, any part of which lies within 5 kilometres of the limits of a place declared to be infected under section 32, is infected and identify the disease that could spread there.

(2) When the declaration has been delivered to the occupier or owner of any land, building or other place mentioned in subsection (1), the land, building or other place, together with all contiguous lands, buildings and other places occupied or owned by such occupier or owner, constitutes an infected place.

Where occupier or owner not found

34. Where an authorised officer cannot, after the exercise of due diligence, find the occupier or owner of any land, building or other place, delivery of a declaration may be effected by posting it on the building or on any building or conspicuous object on the land or at the place.

Animals and things not to be removed from or taken into infected places

35. (1) Subject to any regulations made under this Order, no person shall, without a permit issued by an authorised officer, remove from or take into an infected place any animal or thing.

(2) Where an authorised officer believes on reasonable grounds that any animal or thing has been removed from or taken into an infected place in

contravention of subsection (1), the authorised officer may, whether or not the animal or thing is seized —

(a) return it to or remove it from the infected place, or move it to any other place; or

(b) require its owner or the person having the possession, care or control of it to return it to or remove it from the infected place, or move it to any other place.

(3) A requirement under subsection (2)(b) shall be communicated by personal delivery of a notice to the owner or person having the possession, care or control of the animal or thing or by sending the notice to the owner or person, and the notice may specify the period within which and the manner in which the animal or thing is to be returned or removed.

(4) Any person who contravenes 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.

Declaration that place is no longer infected

36. A place, or any part of a place, that has been constituted to be an infected place by the delivery of a declaration under section 32 or 33 ceases to be an infected place when an authorised officer declares in writing that the disease described in the declaration —

(a) does not exist in, or will not spread from, the place or part of the place; or

(b) is not injurious to the health of persons or animals.

Infected areas

37. (1) Whenever there is reasonable cause to believe that any disease exists amongst any animal in any part of Brunei Darussalam, the Minister may, by order published in the *Gazette*, declare that part to be an infected area and may in the order —

(a) prohibit, either absolutely or conditionally, the removal of any animal or any specified kind of animal into or out of that area;

(b) restrict the movement of persons and conveyance into, within or out of that area; and

(c) take all reasonable measures consistent with public safety to remedy any dangerous condition or mitigate any danger to life, health, property or the environment that results, or may reasonably be expected to result, from the existence of a disease in that area.

(2) When an area has been declared to be an infected area under subsection (1), the Director or an authorised officer may give the owner or person in charge of any animal in that area such written directions as the Director or authorised officer may consider necessary to control and check the spread of the disease.

(3) Directions issued under subsection (2) may —

(a) regulate the tying-up, isolation, segregation, movement or slaughter of animals in the infected area; and

(b) require the taking of any measure as may be specified by the Director or authorised officer.

(4) Any animal allowed to stray within an infected area or any animal or thing believed to have been removed from, moved within or taken into an infected area, in contravention of any written direction given under subsection (2), may —

(a) be destroyed immediately by an authorised officer or any person acting under his direction; or

(b) be seized and detained until its forfeiture has been declared under the provisions of this Order.

(5) No compensation shall be payable in respect of any animal so destroyed or seized under subsection (4).

(6) Any person who fails without reasonable excuse to comply with any order given to him under subsection (1) or with any written direction given to him under subsection (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.

(7) This section does not apply to dogs and cats.

Special permission

38. (1) The Director or an authorised officer may grant, subject to such conditions as he may impose, written permission to the owner of any animal to remove it into or out of any infected area.

(2) Without limiting subsection (1), the written permission may be subject to the condition that —

(a) the animals, animal product, fitting, persons or conveyance to which the written permission relates is effectively disinfected to the satisfaction of the authorised officer and in a manner specified by the authorised officer, before leaving or being taken out of the infected area;

(b) any movement of animals, animal products, fodder, fittings, persons or conveyance of a class or description specified in the order declaring the infected area, into or out of an infected area must be made only through a point or points specified in the written permission.

(3) This section does not apply to dogs and cats.

Division 4

Special provisions relating to animals in connection with rabies

Rabies-infected areas

39. (1) The Minister may at any time as a precaution against rabies, by order published in the *Gazette*, declare Brunei Darussalam or any part thereof to be a rabies-infected area.

(2) No person shall take any animal out of a rabies-infected area or out of Brunei Darussalam when any part thereof is a rabies-infected area, except in accordance with a written permit issued by an authorised officer.

(3) The owner or person in charge of any animal within a rabies-infected area shall cause the animal to be kept under effective control —

(a) by confining it within an enclosed area from which it would be impossible for the animal to escape;

(b) by tying it up securely; or

(c) by leading it with a chain or lead of strong cord or leather properly secured to a collar or harness worn by the animal.

(4) If the authorised officer is satisfied that any animal or class of animals, whether by reason of prophylactic treatment or otherwise, is immune from infection by rabies, he may exempt that animal or class of animals from the requirements of subsection (3), subject to such conditions as he may impose.

(5) Any animal found within a rabies-infected area which is not under effective control under subsection (3) may be destroyed by any person authorised in writing in that behalf by the authorised officer.

(6) Any person authorised under subsection (5) —

(a) may enter any land, building or premises for the purpose of carrying out the provisions of that subsection;

(b) shall not enter into any dwelling-house for that purpose specified under that subsection, except during the hours of daylight; and

(c) shall, if required, produce and show his written authority to the owner, occupier or person for the time being in charge of the land, building or premises.

(7) Any person who acts in contravention of subsection (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.

(8) Any person who fails without reasonable excuse to comply with subsection (3) 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.

Destruction or detention of animal suspected to be infected with rabies

40. (1) Where an authorised officer reasonably suspects that any animal may be infected with rabies or has been exposed to rabies infection he may, in his discretion, either —

(a) cause the animal to be destroyed immediately; or

(b) give written directions to the owner or person in charge of the animal requiring that owner or person to take it immediately to any animal quarantine station for detention and observation.

(2) If the owner or person in charge of the animal fails to comply with the written directions given under subsection (1), the authorised officer may either cause the animal to be destroyed immediately or take possession of the animal and remove it to an animal quarantine station.

(3) The authorised officer may either destroy the animal in the animal quarantine station or may detain it until he is satisfied that it is free from disease.

(4) The authorised officer may take possession of the body of any animal that has died or has been destroyed and which is reasonably suspected to have

been infected with rabies and may dispose of it in such manner as he may think fit.

(5) No compensation shall be payable to any person in respect of the destruction of any animal under subsection (1), (2) or (3).

(6) Any person who fails without reasonable excuse to comply with any written direction given to him 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.

(7) In this section, "animal" means any four-footed beast in captivity or under control.

Detention of any animal that has bitten person

41. (1) An authorised officer or police officer may give directions requiring the owner or person in charge of any animal that has or is reasonably believed to have bitten any person to produce the animal at such place and time as he may determine.

(2) If the owner or person in charge of the animal fails to comply with the directions given to him under subsection (1), the authorised officer or police officer may immediately take possession of the animal and remove it to an animal quarantine station.

(3) Any person who fails without lawful excuse to comply with the directions given to him under subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$2,000.

Anti-rabies vaccination

42. (1) The Minister may, by order published in the *Gazette*, require that all animals within Brunei Darussalam or any part thereof specified in the order shall be submitted to anti-rabies vaccination.

(2) Where an order has been made under subsection (1), the authorised officer may specify periods of time within which, and the place at which, animals or groups of animals, shall be produced for the purpose of such vaccination.

(3) All such arrangements for vaccination of animals shall be informed in such manner as the authorised officer may determine.

(4) The Minister may, by notification published in the *Gazette*, require that every animal which has been vaccinated in accordance with the order shall, after such date as may be specified in the notification, at all times during the

continuance in force of the order and within the area to which the order applies, carry upon it a serially numbered badge, mark, tag or other evidence of vaccination.

(5) Any animal within the area after the date specified in the notification made under subsection (4), whether the animal is at large or not, which does not carry the proper evidence of vaccination may be destroyed.

(6) The authorised officer may authorise in writing any person to destroy animals to give effect to subsection (5).

(7) Any person authorised under subsection (6) —

(a) may enter any land, building or premises for the purpose of carrying out the provisions of that subsection;

(b) shall not enter into any dwelling for that purpose specified under that subsection, except during the hours of daylight; and

(c) shall, if required, produce and show his written authority to the owner, occupier or person for the time being in charge of the land, building or premises.

(8) If any person in charge of an animal fails to comply with any order or requirement under subsection (1) or (4), as the case may be, the authorised officer may immediately destroy that animal.

(9) Any owner of, or person in charge of, an animal who fails without reasonable excuse to comply with an order made 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.

(10) Any person who fails without reasonable excuse to comply with a requirement contained in a notification made under subsection (4) 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.

(11) No compensation shall be payable in respect of any animal that is destroyed under this section.

PART 5
CONTROL OF LIVESTOCK

Movement or slaughter of animals may be prohibited

43. (1) The Minister may by order published in the *Gazette* —

(a) prohibit for such period as may be specified in the order the movement of any animals from one part of Brunei Darussalam to another except with a written permission by the Director;

(b) prohibit during such period or periods as may be specified in the order the slaughter of any animal except with a written permission by the Director.

(2) A written permission by the Director issued in accordance with an order made under subsection (1) shall be subject to such conditions as may be contained in the order or the written permission.

(3) Any person who contravenes the provisions of an order made 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 6
SEARCH, SEIZURE AND ARREST

Power of search for diseased animals

44. (1) For the purpose of ascertaining whether any animal is suffering from disease or for the purpose of ascertaining whether any offence against this Order has been or is being committed —

(a) any authorised officer or police officer may, at any reasonable time, enter and inspect any land, building or premises on or in which he believes on reasonable grounds there is any animal or thing in respect of which this Order or any regulations made thereunder may apply and the owner of the land, building, premises or animal shall render the authorised officer or police officer all necessary assistance and furnish such information as may be required of him;

(b) any authorised officer, officer of customs or police officer may stop, enter and examine any conveyance used for carrying animals and take all measures necessary to enable such examination as the authorised officer or police officer considers necessary to be made;

(c) any authorised officer or police officer may open any receptacle, baggage, package, cage or other thing that the authorised officer or police officer believes on reasonable grounds contains any animal or thing in respect of which this Order or any regulations made thereunder may apply;

(d) require the person in charge or in control of any vehicle to produce his vehicle to an authorised officer or police officer, and shall, if so required, move his vehicle to another place for examination, and shall not proceed until permission to do so has been given by the authorised officer;

(e) require any person in charge or in control of any vehicle stopped for inspection under subsection (1)(c) to open all parts of the vehicle for examination by the authorised officer or police officer.

(2) Any authorised officer, officer of customs or police officer acting under subsection (1) may, if the circumstances so warrant, with such assistance as he thinks necessary, remove anything obstructing his entry to the premises or conveyance or break open any door, window, lock, fastener, hold, compartment, box, container or any other thing.

(3) No compensation shall be payable to any person in respect of any damage to his property caused or occasioned by any act authorised by subsection (2).

(4) Any person in charge of a conveyance who does not stop when he is required to do so by any authorised officer, police officer or officer of customs under subsection (1)(b) is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding 6 months or both.

Seizure of animal, carcasses or articles

45. (1) Where any authorised officer or police officer has reason to believe that any offence against this Order has been or is being committed or where any officer of customs has reason to believe that an offence against this Order relating to importation or exportation has been or is being committed, the authorised officer, officer of customs or police officer may —

(a) seize any animal, carcase or article, the subject-matter of such an offence; and

(b) remove that animal, carcase or article to any compound, enclosure or other place selected by the authorised officer and detain it therein.

(2) Where any animal, carcase or article has been seized and detained under subsection (1), the authorised officer, officer of customs or police officer shall report the same to a Magistrate and the Magistrate may make such order for

the further detention or release of the animal, carcase or article as he may think fit.

(3) The owner of the animal, carcase or article shall pay such sum as the Magistrate may consider reasonable to cover the expenses connected with its removal to a place of detention and unless that sum is paid within a specified time the animal, bird, carcase or article shall be forfeited.

Powers of arrest

46. (1) Any authorised officer, officer of customs or police officer may arrest without warrant any person whom he sees or finds committing or attempting to commit or whom he reasonably suspects of being engaged in committing or attempting to commit any offence against this Order, if —

- (a) the person refuses to furnish his name and address;
- (b) the person furnishes an address out of Brunei Darussalam;
- (c) there are reasonable grounds for believing that the person has furnished a false name or address; or
- (d) the person is likely to abscond.

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

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

(4) When any person is arrested by any authorised officer or an officer of customs, such officer shall comply with section 33 of the Criminal Procedure Code (Chapter 7) as if he were a police officer.

(5) The Director or a senior officer of customs 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 this section.

PART 7

LICENSING OF VETERINARY CENTRE, VETERINARY BIOLOGICS
AND KEEPING, BREEDING ETC. OF ANIMAL

Veterinary centres to be licensed

47. (1) No person shall use or permit any premises to be used as a veterinary centre except under, and in accordance with the conditions of, a licence issued by the Director.

(2) Any person who contravenes 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.

Licence to possess or inoculate veterinary biologics

48. (1) No person other than an authorised officer shall —

- (a) have in his possession any veterinary biologics; or
- (b) inoculate any animal with any veterinary biologics,

except under, and in accordance with the conditions of, a licence issued by the Director.

(2) Any person who contravenes 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.

Brands or other identification marks may be applied to animals

49. (1) The Director or an authorised officer may give directions to the owner or person in charge of any animal to have that animal branded, labelled or otherwise marked, either permanently or temporarily, for the purpose of identification.

(2) The branding, labelling or marking of any animal under subsection (1) shall be carried out by a person designated by the Director under subsection (3) and the costs thereof shall be borne by the owner or person in charge of the animal.

(3) The Director may designate any person to carry out the branding, labelling or marking of animals for the purpose of this section.

(4) Any person who —

(a) fails to comply with any direction given to him under subsection (1); or

(b) counterfeits, copies, alters, defaces or erases, any brand, label or mark applied on any animal under this section,

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 8

QUARANTINE

Quarantine stations

50. (1) The Director may establish or designate such number of quarantine stations as he thinks necessary for the purposes of this Order.

(2) For the purposes of subsection (1), the Director may engage the service of any suitably qualified person to provide such number of quarantine stations as he thinks necessary and to manage any quarantine station established by him under subsection (1).

Prohibition against use of premises as unauthorised quarantine stations

51. (1) No person shall use or permit any premises to be used as a quarantine station for animals unless such premises have been established or designated by the Director as a quarantine station under section 50(1).

(2) Any person who contravenes 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.

Regulation and control of keeping, breeding or feeding of animals

52. (1) The Minister may, with the consent of His Majesty the Sultan and Yang Di-Pertuan, make regulations for the following purposes —

(a) to prohibit, either absolutely or subject to such conditions as the Director may determine, the keeping, breeding or feeding of any animal or type thereof in any private or public place;

(b) to regulate the keeping, breeding or feeding of any animal or type thereof in any private or public place; and

(c) to provide for the impounding of stray cats or dogs found in any public place.

(2) Without prejudice to the generality of subsection (1), regulations made under that subsection may —

(a) require any person intending to keep or breed any animal or type thereof in any private or public place to obtain a licence from the Director and to comply with the conditions of such licence;

(b) provide for the licence to be issued in respect of either or both —

(i) the animal to be kept or bred; and

(ii) the place at which the animal is to be kept or bred; and

(c) empower the Director or an authorised officer to remove or destroy or cause the removal or destruction of any animal in connection with which any contravention of any regulations made under this section has been committed.

(3) No compensation shall be payable in respect of any animal which is required by any regulations made under subsection (2)(c) to be removed or destroyed.

(4) Section 72(3) applies in respect of any regulations made under this section.

PART 9

OFFENCES AND PENALTIES

Obstructing officers in execution of duties

53. Any person who without lawful excuse obstructs or impedes or assists in obstructing or impeding any authorised officer, officer of customs or police officer in the exercise of his duties under this Order or any regulations or order 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 licences

54. Any person who without lawful authority alters any licence or permit issued under this Order or any regulations made thereunder or knowingly makes use of any licence or permit so altered 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.

Suspension and revocation of licences and permits

55. (1) The Director may suspend or revoke a licence or permit issued under this Order or any regulations made thereunder if he is satisfied that —

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

(b) the person to whom the licence or permit has been issued is contravening or has contravened or has failed to comply with —

(i) any of the provisions 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

(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) —

(a) give the holder of the licence or permit notice in writing of his intention to do so; and

(b) in such notice call upon the holder of the licence or permit to show cause within such time as may be specified in the notice as to why his licence or permit should not be suspended or revoked.

(3) If the holder of the licence or permit —

(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 holder of the licence or permit of the date from which the suspension or revocation of his licence or permit is to take effect.

(4) Any person who is aggrieved by the suspension or revocation of his licence or permit may, within 7 days from the date of receipt of the notice informing him of the suspension or revocation, appeal in writing to the Minister whose decision shall be final.

(5) Notwithstanding that any appeal under subsection (4) is pending, the suspension or revocation of a licence or permit under subsection (3) shall take effect from the date specified by the Director therefor, unless the Minister otherwise orders.

Penalties for offences for which no expressed penalty is provided

56. Any person guilty of an offence against this Order or any regulations or order made thereunder for which no expressed penalty is provided is liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding 6 months or both.

Forfeiture

57. (1) The court before which any person is tried for an offence against this Order 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 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 the person from whom the item was seized or the owner of the item notice in writing that the item shall, on the expiration of 7 days from 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 that —

(a) 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) 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 7 days from the date specified in the notice 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.

(11) In this section, "item" means any animal, carcase or any other article.

Presumptions

58. (1) Where the owner or person in charge of a diseased animal is charged with an offence against this Order in respect of the disease, he shall be presumed to have known of the existence of the disease in the animal until he shows to the satisfaction of the court before which he is charged that he had no such knowledge and could not with reasonable diligence have obtained such knowledge.

(2) Where there is any doubt regarding the ownership of any animal, the person found in possession of the animal, or the occupier of the premises frequented by it may be presumed to be the owner thereof until the contrary is proved.

Offences committed by bodies corporate etc.

59. (1) Where an offence against this Order or any regulations made thereunder has been committed by a body corporate, a partnership or an unincorporated association of persons, any person who at the time of the commission of the offence was a director, manager, partner, secretary or other similar officer thereof, or was purporting to act in any such capacity shall be guilty of that offence unless he proves that —

(a) the offence was committed without his consent or connivance; and

(b) he had exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

(2) 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 shall, without prejudice to the liability of the first-mentioned person, be liable under this Order 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.

Jurisdiction of court

60. (1) Notwithstanding any provision to the contrary in the Criminal Procedure Code (Chapter 7), a Court of Magistrate shall have jurisdiction to try any offence against this Order and shall have power to impose the full penalty or punishment in respect of any offence against this Order.

(2) For the purpose of section 133 of the Criminal Procedure Code (Chapter 7) and notwithstanding subsections (1) and (2) thereof, a Magistrate may take cognisance of an offence against this Order upon receiving a complaint in writing and signed by the Director or an authorised officer.

Evidence

61. (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 examined any animal or any other matter and stating the result of his examination shall be admissible as evidence in any proceedings for an offence against this Order and shall be *prima facie* evidence of the facts stated therein and of the correctness of the result of the 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 presumed 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 the certificate as evidence in the proceedings,

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

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

Composition of offences

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

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

PART 10

GENERAL

Expenses

63. Any expense incurred by an authorised officer or other officer in the exercise of the powers conferred on him by this Order or any regulations, order or direction made or given thereunder shall be charged against the owner, consignor, consignee or importer, as the case may be, of the animal, carcase, article, building or conveyance concerned and may be recovered as a civil debt.

Action to be at risk and expense of owner

64. (1) Any action taken under the provisions of this Order or of any regulations, order or direction made or given thereunder in respect of any animal, carcase, article, building or conveyance shall be at the risk of the owner thereof.

(2) No liability shall attach to the Director or to any officer acting under the direction of the Director in respect of any expense, loss, damage or delay arising in or from the lawful exercise of the powers under this Order.

Powers of Director and authorised officer in cases of non-compliance with Order, direction or order

65. (1) If a person to whom any of the provisions of this Order applies or to whom any direction or order is given under this Order fails to comply with such provision, direction or order, then, without prejudice to any proceedings that may be instituted against such person for such non-compliance, the Director or an authorised officer may perform any act or take any measure as is required by the provision, direction or order to be performed or taken and recover any costs and expenses reasonably incurred by him from that person.

(2) In exercising the powers conferred by subsection (1), the Director or authorised officer may, without warrant, enter any premises or conveyance and, if the circumstances so warrant, may use such force as may be necessary to effect such entry.

Power to require production of documents etc.

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

(a) to produce to the Director or authorised officer for inspection or for the purpose of obtaining copies or extracts, or to provide the Director or authorised officer with copies or extracts of, any book, shipping bill, bill of lading or other document or record that the Director or authorised officer believes on reasonable grounds to contain any information relevant to the administration or enforcement of this Order; or

(b) to furnish any information as the Director or authorised officer 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.

(3) Any person who fails to comply with any requirement made by the Director or an authorised officer under subsection (1)(a) or (b) is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding 6 months or both.

Form and authentication of notices, orders and other documents

67. (1) All notices, orders and other documents of whatsoever nature which the Director is empowered to give by this Order may be in such form as the Director may determine, and may be given by any authorised officer.

(2) Where any such notice, order or 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 documents

68. (1) No misnomer or inaccurate description of any person, animal, premises, building, street, place or conveyance named or described in any notice, order or document prepared, issued or served under or for the purposes of this Order shall in any way affect the operation of this Order as respects that person,

animal, premises, building, street, place or conveyance if that person, animal, premises, building, street, place or conveyance is so designated in the notice, order or document as to be identifiable.

(2) No proceedings taken under or by virtue of this Order shall be invalid for want of form.

Service of documents

69. (1) Any notice, order or document required or authorised by this Order to be served on any person, and any summons issued by a court against any person in connection with any offence against this Order may be served on the person —

(a) by delivering it to the person or to some 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 business in an envelope addressed to the person;

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

(d) in the case of an incorporated company, a partnership or a body of persons —

(i) by delivering it to the secretary or other like officer of the company, partnership or body of persons at its registered office or principal place of business; or

(ii) by sending it by registered post addressed to the company, partnership or body of persons at its registered office or principal place of business.

(2) Any notice, order, document or summons sent by registered post to any person in accordance with subsection (1) shall be deemed to be duly served on the person at the time when the notice, order, document or summons, as the case may be, would in the ordinary course of post be delivered and, in proving service of the notice, order, 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 document required or authorised by this Order 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 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 the notice, order, document or summons to some conspicuous part of the premises.

(4) Any notice, order or document required or authorised by this Order 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 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

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

Exemption

71. (1) The Minister may, with the consent of His Majesty the Sultan and Yang Di-Pertuan, by order, exempt any person, premises or animal or any class of persons, premises or animals from all or any of the provisions of this Order, subject to such conditions as the Minister may determine.

(2) The Minister may, on the application of any person, by notice in writing, exempt any person, premises or animal or any class of persons, premises or animals from all or any of the provisions of this Order or any direction issued or requirement imposed by the Minister under this Order if the Minister considers it appropriate to do so in the circumstances of the case.

(3) An exemption under subsection (2) —

(a) may be granted subject to such conditions as the Minister may specify by notice in writing; and

(b) need not be published in the *Gazette*.

(4) The Minister may at any time —

(a) revoke any exemption granted; or

(b) add to, vary or revoke any condition imposed,

under this section.

Regulations

72. (1) The Minister may, with the consent of His Majesty the Sultan and Yang Di-Pertuan, make regulations for carrying out the purposes of this Order and for any matter which is required under this Order to be prescribed.

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

(a) to provide for the designation of an authorised examiner, the conditions to be complied with by an authorised examiner and the suspension or revocation of any such designation;

(b) to provide for the manner in which the quarantining, examination, treatment and certification of animals are to be carried out;

(c) to regulate the import, export and transhipment of animals or carcasses;

(d) to provide for the prevention of the introduction and spread and for the control and eradication of diseases of animals;

(e) to provide for the cleansing or disinfection of buildings or conveyance in which diseased animals or carcasses have been kept or carried;

(f) to provide for the disinfection of persons and the disinfection and treatment of animals or articles that have been in contact with diseased animals or carcasses;

(g) to regulate and control the sale, marketing and distribution of animals and their products;

(h) to provide for the licensing, control, supervision and inspection of places in which animals are or may be kept in captivity for sale, export, exhibition, production, or any other purpose;

(i) to provide for the inspection of premises subject to this Order and of conveyance used for the carriage of animals;

(j) to provide for the control of pollution caused by animals and the imposition of fees and charges for the purpose of such control together with the time, place and manner of collection;

(k) to provide for the control and improvement of animal production in respect of breeding, nutrition, health, management, husbandry and method of production;

(l) to provide for the supply, collection and compilation of information and statistics of animals and their products;

(m) to provide for the establishment and designation of quarantine stations;

(n) to regulate the management and maintenance of quarantine stations and veterinary centres;

(o) to prescribe the fees to be charged for the purposes of this Order;

(p) to prescribe the offences which may be compounded under section 62 and the method and procedure by which such offences may be compounded; and

(q) to prohibit or regulate the movement of persons and conveyances within, into or out of infected places.

(3) The Minister may, in making any regulations, provide that any contravention of, or failure or neglect to comply with, any provision of the regulations or any directive issued by the Director pursuant to the regulations is an offence punishable with a fine not exceeding \$10,000, imprisonment for a term not exceeding one year or both.

Repeal

73. The following subsidiary legislation in Chapter 47 are repealed —

(a) the Quarantine and Prevention of Disease (Animals) Regulations;

(b) the Quarantine and Prevention of Diseases (Appointment of Officers) Regulations;

(c) the Quarantine and Prevention of Disease (Exportation of Animals) Regulations.

Transitional provisions

74. Subject to the provisions of this Order, any person who is at the date of the commencement of this Order is carrying on any of the activities for which a licence or permit, as the case may be, is required under the provisions of this Order shall within a period of 6 months from that date comply with the provisions of this Order subject to such extension of time as may be permitted in writing by the Minister.

Savings

75. (1) Any permission, certificate, recommendation, opinion, report, order, directive, declaration, notification, proviso, exemption, the exercise of any power or authority by the Minister, Director, health officer or veterinary officer, and any application made in the prescribed form and any fee paid under the repealed Regulations and valid or in force immediately before the commencement of this Order and so far as they are not inconsistent with this Order, shall continue to be valid and in force as if they were given, issued, made or exercised under this Order.

(2) In this section, "repealed Regulations" means the subsidiary legislation repealed by section 73.

Made this 15th. day of Muharram, 1443 Hijriah corresponding to the 24th. day of August, 2021 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

**HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN,
BRUNEI DARUSSALAM.**