

No. S 29

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

EMERGENCY (FOREST ACT) (AMENDMENT) ORDER, 2000

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

Citation.

1. This Order may be cited as the Emergency (Forest Act) (Amendment) Order, 2000.

Amendment of section 2.

2. Section 2 of the Forest Act, in this Order referred to as the Act, is amended in subsection (1) by deleting the definition of "forest officer" and substituting the following therefor —

"forest officer" means any person appointed under section 3 to be Director of Forestry, Deputy Director of Forestry, Silviculturist, Senior Forestry Officer, Assistant Forestry Officer, Forestry Officer, Senior Forestry Assistant, Forestry Assistant, Forest Ranger or Junior Forestry Assistant, or to discharge any function of a forest officer under this Act;".

Amendment of section 24.

3. Section 24 of the Act is amended, in subsection (1), by inserting "machinery, equipment," immediately after "tools," in the third line.

Insertion of new section 30A.

4. The Act is amended by inserting the following new section immediately after section 30 —

"Fines under
section 26,
etc.

30A. In determining any fine to be imposed under sections 26, 27, 28 or 30 or under any rules made under section 52, the court shall take into consideration any loss, injury or damage, of whatsoever nature, caused to or sustained by the Government, the public generally or any section of the public, or any person, whether or not such loss, injury or damages is of a nature to be able to be quantified or fully expressed in terms of money."

Addition of new section 56.

5. The Act is amended by adding the following new section —

"Liability of
directors, etc.

56. Where a body corporate is guilty of an offence against this Act, every director and other person concerned in the management of the body corporate shall be guilty of the like offence unless he proves that the offence was committed without his consent or connivance and that he 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."

Amendment of Act.

6. The Act is amended in the sections specified in the first column of the Schedule by deleting the words and figures specified opposite thereto in the second column of the Schedule and by substituting therefor the words and figures specified opposite thereto in the third column of the Schedule.

SCHEDULE

Section	Deletion	Substitution
26(i)	"of \$1,000 and imprisonment for 6 months"	"and imprisonment for 5 years"
26(ii)	"of \$1,000 and where the damage resulting from his offence amounts to more than \$50, to a fine amounting to double the amount of such damages, or in default of payment of any such fine to imprisonment for 2 months"	"and imprisonment for one year"
26(iii)	"of \$1,000 or in default of payment of such fine to imprisonment for one month"	"and imprisonment for one year"
26(iv)	"of \$250 or in default of payment of such fine to imprisonment for 14 days"	"and imprisonment for one year"
27(1)	"of \$10,000 and imprisonment for 2 years"	"and imprisonment for 5 years"
28	"of \$10,000 and imprisonment for 2 years"	"and imprisonment for 5 years"

SCHEDULE (Continued)

Section	Deletion	Substitution
30	"of \$10,000 and imprisonment for 2 years"	"and imprisonment for 5 years"
32(1)(a)	"\$100"	"\$500"
33(1)	", not exceeding twice the value thereof"	—

Further amendment of Act.

7. The Act is amended by deleting "Conservator of Forest" wherever it appears and substituting "Director of Forestry" therefor.

Made this 16th. day of Muharam, 1421 Hijriah corresponding to the 21st. day of April, 2000 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM