



LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

BRUNEI DARUSSALAM

Communicated by the Government of Brunei Darussalam

NOTE BY THE SECRETARIAT

- (a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [] have been added or changed by the Secretariat.
- (b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

CONSTITUTION OF BRUNEI DARUSSALAM
(ORDER UNDER SECTION 83(3))
EMERGENCY (MISUSE OF DRUGS) (AMENDMENT) ORDER, 1992

*Note by the Secretariat: This document is a direct reproduction of the text communicated to the Secretariat.

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

EMERGENCY (MISUSE OF DRUGS) (AMENDMENT)
ORDER, 1992

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 —

1. This Order may be cited as the Emergency (Misuse of Drugs) (Amendment) Order, 1992 and shall come into force on 25th. June, 1992. Citation and commencement.

2. The Misuse of Drugs Act, (in this Order referred to as the Act), is amended in section 2 — Amendment of section 2 of Chapter 27.
 - (a) in the definition of "pharmacist", by deleting "9" from the third line and by substituting "13" therefor.

 - (b) in the definition of "veterinary surgeon", by deleting "9" from the sixth line and by substituting "13" therefor.

3. Section 3A of the Act is deleted and the following new section is substituted therefor — Substitution of section 3A.

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

4. Section 8 of the Act is amended by deleting "exythroxylon" and substituting therefor "erythroxyton". Amendment of section 8.

5. Section 15 of the Act is deleted and the following new section is substituted therefor — Substitution of section 15.

"Presumption concerning trafficking. 15. Any person who is proved to have had in his possession more than —

 - (a) 100 grammes of opium ;
 - (b) 3 grammes of morphine ;
 - (c) 2 grammes of diamorphine ;
 - (d) 15 grammes of cannabis ;
 - (e) 10 grammes of cannabis resin ;

or

 - (f) 3 grammes of cocaine ,

whether or not contained in any substance, extract, preparation or mixture shall, until the contrary is proved, be presumed to traffic in that controlled drug."

Amendment of section 29. 6. Section 29 of the Act is amended by —

- (a) inserting "(except section 6)" immediately after "Act" in the second line of subsection (3) ;
- (b) adding the following new subsection immediately after subsection (3) —

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

- (a) in the case of an offence under paragraph (a), to imprisonment for a term of not less than 2 years ;
- (b) in the case of an offence under paragraph (b), to imprisonment for a term of not less than 3 years."

Amendment of section 33. 7. Section 33 of the Act is amended by —

- (a) deleting subsection (2) and by substituting the following new subsection therefor —

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

- (a) to be subject to supervision, the Minister may make a supervision order requiring that person to be subject to the supervision of an officer of the Bureau for a period not exceeding two years ; or
 - (b) to undergo treatment or rehabilitation or both at an approved institution, the Minister may make an order in writing requiring that person to be admitted for that purpose to an approved institution."
- (b) inserting "and rehabilitation" immediately after "treatment" in the second line of subsection (3) ;
 - (c) deleting the marginal note and by substituting "Supervision, treatment and rehabilitation of drug addicts." therefor.

8. The Act is amended by inserting the following new subsection immediately after section 33 — Insertion of new section 33A.
- “Administration of approved institutions. Chapter 51. 33A. Subject to the directions of the Minister, approved institutions shall be under the general charge and administration of the Director of Prisons appointed under subsection (1) of section 10 of the Prisons Act.”
9. Section 34 of the Act is amended, in subsection (1), by inserting — Amendment of section 34.
- (a) “(including the imposition of corporal punishment)” immediately after “discipline” in the first line of paragraph (kc) ;
- (b) “referred to in paragraph (a) of subsection (2) of section 33, or” immediately after “persons” in the first line of paragraph (ke).
10. The Second Schedule to the Act is deleted and the following new Schedule is substituted therefor — Substitution of Second Schedule.

SECOND SCHEDULE

(Section 29)

PUNISHMENT

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

SECOND SCHEDULE (Continued)

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

SECOND SCHEDULE (Continued)

PUNISHMENT						
Section creating offence	General nature of offence	Class A drug involved	Class B drug involved	Class C drug involved	Specified drug or quantity thereof or drug with specified content involved	General
3A	Unauthorised possession of controlled drug for the purpose of trafficking therein, except as otherwise provided in this Schedule	Maximum 20 years and 15 strokes Minimum 5 years and 5 strokes	Maximum 20 years and 10 strokes Minimum 3 years and 3 strokes	Maximum 10 years and 5 strokes Minimum 2 years and 2 strokes	—	—
	Unauthorised possession of controlled drug for the purpose of trafficking therein, containing such quantity of opium being —					
	(a) not less than 1000 grammes and not more than 1500 grammes	—	—	—	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—
	(b) more than 1500 grammes	—	—	—	Death	—
	Unauthorised possession of controlled drug for the purpose of trafficking therein (except opium), containing such quantity of morphine being —					
	(a) not less than 20 grammes and not more than 30 grammes	—	—	—	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—
	(b) more than 30 grammes	—	—	—	Death	—
	Unauthorised possession of controlled drug for the purpose of trafficking therein, containing such quantity of diamorphine being —					
	(a) not less than 20 grammes and not more than 30 grammes	—	—	—	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—
	b) more than 30 grammes	—	—	—	Death	—
Unauthorised possession of controlled drug for the purpose of trafficking therein, containing such quantity of cocaine being —						

SECOND SCHEDULE (Continued)

PUNISHMENT						
Section creating offence	General nature of offence	Class A drug involved	Class B drug involved	Class C drug involved	Specified drug or quantity thereof or drug with specified content involved	General
	(a) not less than 30 grammes and not more than 40 grammes	—	—	—	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—
	(b) more than 40 grammes	—	—	—	Death	—
	Unauthorised possession of controlled drug for the purpose of trafficking therein, containing such quantity of cannabis being —					
	(a) not less than 400 grammes and not more than 600 grammes	—	—	—	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—
	(b) more than 600 grammes	—	—	—	Death	—
	Unauthorised possession of controlled drug for the purpose of trafficking therein, containing such quantity of cannabis resin being —					
	(a) not less than 200 grammes and not more than 300 grammes	—	—	—	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—
	(b) more than 300 grammes	—	—	—	Death	—
4	Unauthorised manufacture of controlled drug, except as otherwise provided in this Schedule	Maximum 30 years and 15 strokes Minimum 10 years and 5 strokes	Maximum 30 years and 15 strokes Minimum 10 years and 5 strokes	Maximum 20 years and 15 strokes Minimum 5 years and 5 strokes	—	—
	Unauthorised manufacture of morphine or any salt of morphine, ester of morphine or salt of ester of morphine	—	—	—	Death	—
	Unauthorised manufacture of diamorphine or any salt of diamorphine	—	—	—	Death	—
	Unauthorised manufacture of cocaine or any salt of cocaine	—	—	—	Death	—

SECOND SCHEDULE (Continued)

PUNISHMENT

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

SECOND SCHEDULE (Continued)

PUNISHMENT						
Section creating offence	General nature of offence	Class A drug involved	Class B drug involved	Class C drug involved	Specified drug or quantity thereof or drug with specified content involved	General
	Unauthorised import or export of cannabis, where quantity is —					
	(a) not less than 330 grammes and not more than 500 grammes	—	—	—	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—
	(b) more than 500 grammes	—	—	—	Death	—
	Unauthorised import or export of cannabis resin, where the quantity is —					
	(a) not less than 130 grammes and not more than 200 grammes	—	—	—	Maximum 30 years and 15 strokes Minimum 20 years and 15 strokes	—
	(b) more than 200 grammes	—	—	—	Death	—
6	(a) Unauthorised possession of controlled drug	—	—	—	—	Maximum 10 years, \$20,000 or both For second or subsequent offence, Minimum 2 years
6	(b) Smoking, self-administering or consuming controlled drug	—	—	—	—	Maximum 10 years, \$20,000 or both For second or subsequent offence, Minimum 3 years
7	Possession of pipe, etc., for smoking, administration or consumption of controlled drug	—	—	—	—	Maximum 3 years, \$10,000 or both

SECOND SCHEDULE (Continued)

PUNISHMENT

Section creating offence	General nature of offence	Class A drug involved	Class B drug involved	Class C drug involved	Specified drug or quantity thereof or drug with specified content involved	General
8	Cultivation of cannabis, opium, coca plant	—	—	—	—	Maximum 20 years, \$40,000 or both Minimum 3 years, \$5,000 or both
9	Being the owner, tenant, occupier or person in charge of premises, permitting or suffering certain activities to take place there	Maximum 10 years, \$40,000 or both Minimum 2 years, \$4,000 or both	Maximum 10 years, \$40,000 or both Minimum 2 years, \$4,000 or both	Maximum 5 years, \$10,000 or both Minimum 1 year, \$2,000 or both	—	—
11	Abetting or procuring the commission outside Brunei of an offence punishable under a corresponding law	—	—	—	—	Maximum 10 years, \$40,000 or both Minimum 2 years, \$4,000 or both
27	(a) Obstructing exercise of powers	—	—	—	—	Maximum 3 years, \$5,000 or both Minimum 6 months, \$1,000 or both
27	(b) Failure to comply with lawful requirements	—	—	—	—	Maximum 3 years, \$5,000 or both Minimum 6 months, \$1,000 or both
27	(c) Failure to furnish information	—	—	—	—	Maximum 3 years, \$5,000 or both Minimum 6 months, \$1,000 or both

SECOND SCHEDULE (Continued)

PUNISHMENT						
Section creating offence	General nature of offence	Class A drug involved	Class B drug involved	Class C drug involved	Specified drug or quantity thereof or drug with specified content involved	General
27	(d) Furnishing false information	—	—	—	—	Maximum 1 year, \$5,000 or both
28	(2) Failure to provide specimen of urine	—	—	—	—	Maximum \$5,000

Made this 25th day of June, 1992 at Our Istana Nurul Iman,
Bandar Seri Begawan, Brunei Darussalam.

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