

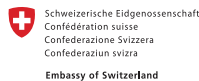


HUMAN RIGHTS
RESOURCE CENTRE



Business and Human Rights in ASEAN

A Baseline Study





BRUNEI

Compilation of Laws Related to Business

<i>Subject</i>	<i>Relevant Provisions</i>
Constitution of Brunei (Rev. Ed. 2011)	
Companies Act (Cap 39, Rev. Ed. 1984)	
Membership of Company	Section 28 – Definition of Member
Private Companies	Section 29 – Meaning of private company
Directors and Managers	Section 144 – Limited company may have directors with unlimited liability
	Section 145 – Special resolution of limited company making liability of directors unlimited
Consumer Protection (Fair Trading) Order, 2011	
Employment Order, 2009	
Contracts of Service	Section 9 – Contractual age
	Section 12 – Illegal terms of contract of service
Termination of contract of service	Sections 21 to 27
Payment of Salaries	Sections 37 to 52
Rest Days, Hours of Work, Holidays and Other Conditions of Service	Sections 63 to 65, 70 to 74, 79
Health, Accommodation and Medical Care	Sections 80, 83, 87
Employment of Women	Sections 90 to 99, 102
Employment of Children and Young Persons	Sections 103 to 110
Domestic Workers	Section 111 – Minister may apply Order to domestic orders
Immigrant Employees	Section 112 – Employment of immigrant employees
	Section 113 – Prohibition on termination of local for immigrant employee
Repatriation	Section 114 – Rights and obligations in respect of repatriation
	Section 117 – Offence
Complaints and Inquiries	Section 124 to 126, 132, 138

<i>Subject</i>	<i>Relevant Provisions</i>
Brunei Forest Act, 1984	
Reserved Forests	Section 4 – Power to constitute reserved forests
	Section 7 – New buildings and cultivation prohibited after proclamation
	10 – Regulation of foresting privileges
	Section 11 – Acquisition of alienated land for inclusion in a reserved forest
	Section 14 – Publication of notification of constituting reserved forests prior to operation thereof
	Section 15 – Rescission and modification of privileges and conditions
	Section 16 – Acquisition of special rights
	Section 18 – Power to stop way or water-course in a reserved forest
	Section 19 – Acts prohibited in a reserved forest
	Section 20 – Prohibition as to fire
	Section 22 – Power to declare forest no longer reserved
Penalties and Procedure	Section 25 – Presumption that forest produce belongs to government
	Section 27 – Unlawful possession of forest produce
	Section 33 – Compensation for damage caused by commission of a forest offence
Rules	Section 54 – Special provisions in favour of natives
	Section 56 – Liability of directors
Brunei International Business Companies Order, 2000	
International Business Companies	Section 7 – Personal Liability
	Section 10 – Certificate of due diligence
	Section 17 – Powers of an IBC
	Section 18 – Validity of acts of IBC
	Section 19 – Requirement to maintain conditions of IBC

<i>Subject</i>	<i>Relevant Provisions</i>
Directors, Secretary, Officers	Section 68 – Powers of Directors
	Section 76 – Officer and Agents
	Section 77 – Standard of Care
Foreign International Companies	Section 135 – Prohibition and restriction on foreign international company
Miscellaneous and General	Section 159 – Offences by bodies corporate
	Section 163 – Certificate of good standing
Land Acquisition Act, 1955	
Acquisition	Section 3 – Purposes for which land may be acquired
	Section 4 – Power to enter and survey
	Section 5 – Declaration that land is required for a public purpose
	Section 6 – Plan to be made and notices given
	Section 9 – When award of Land Officer to be final
	Section 10 – Power to take possession
	Section 12 – Adjustment of Compensation
Reference to Court and Procedure Thereon	Section 17 – Matters to be considered in determining compensation.
	Section 18 – Matters to be disregarded in determining compensation.
	Section 19 – Rules as to the amount of compensation.
	Section 21 – Difference of opinion.
	Section 25 – Appeal to the Court of Appeal.
	Section 26 – Payment of interest on excess compensation.
Temporary Occupation of Land	Section 30 – Temporary occupation of waste or arable land.
	Section 31 – Power to enter and take possession.
	Section 31 – Dispute as to condition of land
	Section 36 – Government not bound to complete acquisition
	Section 38 – Bar of suits to set aside awards
	Section 39 – Power to make rules

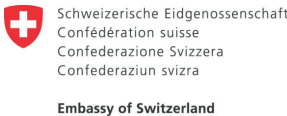
<i>Subject</i>	<i>Relevant Provisions</i>
Brunei Mining Act, 1963	
Prospecting Licenses	Section 4 – Prospecting Licenses
	Section 9 - Covenants
Mining Leases	Section 12 – Resumption of alienated land required for mining purposes
	Section 13 – Power to issue mining leases
	Section 16 – Lease subject to certain laws
	Section 21 – Restriction on transfer of coal leases
Rules	Section 23 – Power to make rules
	Section 24 – Trial of Offences
Limited Liability Partnerships Order, 2010	
	Section 5 – Separate legal personality
	Section 9 – Limited liability of partners
	Section 10 – Power of partner to bind limited liability partnership
	Section 11 – Relationship of partners
	Section 18 – Power to refuse registration
	Section 35 – Disqualification of unfit manager of insolvent limited liability partnership
	Section 37 – Disqualification to act as manager on conviction for certain offences
	Section 46 – Penalty for providing false information
	Section 51 – Offences by limited liability partnerships
	Section 52 – Offences by other bodies corporate, partnerships etc.
	Section 59 – Criminal liability of partners and managers of limited liability partnerships under other written laws
Petroleum Mining Act (Cap 44, Rev. Ed. 2002)	
	Section 2A – Ownership of petroleum
	Section 2B – Mineral rights
	Section 3 – Restriction on prospecting or mining for petroleum
	Section 4 – Invitation to bid
	Section 12A – Liability of directors etc.

<i>Subject</i>	<i>Relevant Provisions</i>
Trade Unions Act (Cap 128)	
	Section 3 – Trade unions not criminal
	Section 4 – Trade unions not unlawful for civil purposes
	Section 5 – Trade unions prohibited from carrying on business unless registered
	Section 10 – Refusal of registration
	Section 19 – Protection of workers’ option to join a trade union
	Section 23 – Prohibition of payment of fines and penalties
	Section 24 – Use of funds for political purposes
	Section 27 – Rules of registered trade unions
Water Supply Act (Cap. 121)	
Administration and General Powers of the Water Authority	Section 4 – Custody and administration of waterworks
Particular Powers of the Water Authority	Section 11 – Authority may agree to supply water
	Section 13 – Power to restrict, suspend, etc. the supply of water
Offences and Penalties	Section 25 – Waste
	Section 26 – Offences relating to the waterworks, diverting streams or misappropriating water, etc.
	Section 30 – Pollution of the waterworks
Miscellaneous Provisions	Section 40 – Who may prosecute
	Section 42 – Court for trial of offences under this Act
Women and Girls Protection Act (Cap 120, Rev. Ed. 1984)	
<i>Subject</i>	<i>Relevant Provisions</i>
	Section 3 – Selling or hiring for purpose of prostitution
	Section 4 – Traffic in women and girls
	Section 5 – Living on or trading in prostitutions
	Section 6 – Suppression of brothels
	Section 8 – Trials in camera in certain cases
	Section 9 – Trial of offences
	Section 10 – Detention pending judicial proceedings

<i>Subject</i>	<i>Relevant Provisions</i>
	Section 14 – Girl under 21 used or trained for immoral purposes etc.
	Section 15 – Commissioner may order the detention of woman or girl in certain cases
	Section 20 – Power of search
	Section 22 – Presumption arising out of warrants
Workmen’s Compensation (Cap 74, Rev. Ed. 1984)	
	Section 2 – Meaning of “workman”
Workmen’s Compensation for Injury	Section 4 – Employer’s liability for compensation
	Section 5 – Compensation for occupational diseases
	Section 6 – Compensation limited to injuries received at work
	Section 7 – Persons entitled to compensations
	Section 8 – Amount of compensation
	Section 9 – Method of calculating earnings
	Section 20 – Liability in case of workman employed by contractors
	Section 21 – Remedies both against employer and stranger
	Section 26 – Commissioner may pay wages earned by dead workman to dependants
The Commissioner and Arbitrators	Sections 29, 32, 36, 37, 41 to 44
Workplace Safety and Health Order 2009	
	Section 5 – Meanings of “workplace” and “factory”
	Section 6 – Meanings of “employee” and “employer”
General Duties of Persons at Workplaces	Section 10 – Duties according to different capacities
	Section 11 – Duty of occupier or workplace
	Section 12 – Duties of employers
	Section 14 – Duties of principals
	Section 15 – Duties of persons at work
	Section 16 – Duties of manufacturers and suppliers of machinery, equipment or hazardous substances used at work
	Section 17 – Duties of persons who erect, install or modify machinery or equipment and persons in control of machinery for use at work

<i>Subject</i>	<i>Relevant Provisions</i>
	Section 18 – Other related duties of occupiers and employers
	Section 20 – Offence of breach of duty under this Part
Powers of Commissioner	Section 21 – Power to issue remedial order or stop-work order
	Section 22 – Appeal from order made by Commissioners
	Section 23 – Power to suspend certificate
Investigations, Inquiries and Reporting of Accidents, Dangerous Occurrences and Occupational Diseases	Sections 24 to 27
Safety and Health Management Arrangements	Sections 28 to 31
	Section 38 – Offences under this Part
Inspections and Other Powers of Enforcement	Section 41 – Powers of inspectors
Offences, Penalties and Proceedings	Section 45 – Unregistered factories
	Section 46 – Onus of proving what is reasonably practicable
	Section 47 – offences by bodies corporate etc.
	Section 49 – General penalty
General	Section 58 – Relation to other laws
	Section 59 – Civil liability
	Section 60 – Limitation of liability
	Section 61 – Exempt workers, workplaces and equipment etc.
	Section 64 – Regulations

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For further information about HRRC:

Human Rights Resource Centre

Univercity of Indonesia - Depok Campus
Guest House Complex (next to Gedung Vokasi)
Depok, Indonesia 16424
Phone/Fax: (62 21) 786 6720
Email: info@hrrca.org
Web: www.hrrca.org

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