

**NATIONAL REGISTRATION ACT**

(CHAPTER 19)

**NATIONAL REGISTRATION REGULATIONS**

**S 147/64**

Amended by

**S 170/74**

**S 1/77**

**S 48/00**

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(1st June 2002)

**SUBSIDIARY LEGISLATION**

**NATIONAL REGISTRATION REGULATIONS**

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SUBSIDIARY LEGISLATION

Regulations under section 6

NATIONAL REGISTRATION REGULATIONS

*Commencement: 1st March 1965*

*[S 146/65]*

Citation.

1. These Regulations may be cited as the National Registration Regulations.

Persons to be registered.

2. (1) All persons within Brunei Darussalam on the 1st day of March 1965, the date of the coming into operation of the National Registration Act, (except such persons as are exempted under regulation 25) shall within a period of one year from the aforesaid date report to a Registration Officer and register in accordance with these Regulations.

(2) All persons entering Brunei Darussalam after the date of the coming into operation of the National Registration Act (except such persons as are exempted under regulation 25) shall within a period of 30 days of entry into Brunei Darussalam, register in accordance with these Regulations.

Requirement to register. *[S 48/00]*

2A. Every person required to register or re-register under the Act shall report to a registration officer and register in accordance with these Regulations.

Registration of persons who ceased to be exempted from registration.

3. Every person within Brunei Darussalam who ceases to be exempted from registration under the provisions of regulation 25 shall within 30 days

of ceasing to be exempt as aforesaid, report to a registration officer and register in accordance with these Regulations.

#### Registration of photographs, finger impressions or signatures and particulars.

4. Any person required to register or re-register under regulation 2 or 3 shall —

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(a) deliver to the registration officer 2 unmounted duplicate photographs showing a true likeness of himself taken in accordance with the conditions laid down in the National Registration (Control of Photographs) Regulations, or submit to all steps as may be reasonably necessary for the taking of photographs of himself in accordance with any directions given by the registration officer;

(b) submit to all such steps as may be reasonably necessary for the taking and recordings of his finger impressions;

(c) give the following particulars to the registration officer as aforesaid, namely —

(i) his name, or, if he is known by different names, each of such names, in full, and in the case of Chinese names the characters for such names, if known;

(ii) the full address of his permanent place of residence, or, if such place is not within Brunei Darussalam, the full address of any temporary place of residence within Brunei Darussalam;

(iii) his race;

(iv) his place of birth;

(v) his date of birth and sex;

(vi) his physical abnormalities, if any;

(vii) his status as a citizen of Brunei Darussalam, or other citizenship status;

(viii) his blood group; and

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(ix) such other particulars as the registration officer may in any particular case consider necessary for purposes of identification;

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(d) produce such documentary evidence as the registration officer may consider necessary to support the accuracy of any particulars submitted;

(e) surrender his previous identity card, if any.

[S 48/00]

### Issue of identity cards.

5. (1) The registration officer may at his discretion issue to the person giving the particulars referred to in regulation 4 an identity card as prescribed in sub-regulation (2) of this regulation (hereinafter in these Regulations called an “identity card”) containing a copy of such person’s photograph, finger impressions, his blood group and such other particulars as may be necessary for his identification.

[S 48/00]

(2) An identity card shall be in such form as the Commissioner may devise and shall be issued in the following colours —

[S 48/00]

(a) yellow bordered cards with yellow printing to subjects of His Majesty the Sultan and Yang Di-Pertuan;

(b) purple bordered cards with purple printing to persons who are not subjects of His Majesty, permanently resident in Brunei Darussalam;

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(c) green bordered cards with green printing to persons lawfully entering Brunei Darussalam otherwise than as permanent residents.

(3) In this regulation — [S 48/00]

“finger impression” includes an image, in the likeness of a thumb or finger impression reproduced from data acquired by electronic, photographic or similar means and stored by means of a computer or other like instrument;

“photograph” includes an image in the likeness of a photograph reproduced from data acquired by electronic, photographic or similar means and stored by means of a computer or other like instrument.

#### **Responsibility for custody of identity card.**

6. The person to whom an identity card has been issued shall subject to the provisions of these Regulations, be responsible for the custody thereof.

#### **Production and inspection of identity card.**

7. (1) Any registration officer, immigration officer, police officer, officer of customs, officer of the Narcotics Control Bureau or the Anti-Corruption Bureau (referred to in this regulation as the inspecting officer), and any other officer or class or description of officer authorised in writing in that behalf by the Commissioner, may at any time require any person (not being a person exempted under regulation 25) to produce his identity card for inspection, or to produce it within such time, to such person and at such place as the person making such requirement may think fit. The inspecting officer may retain the identity card for the purpose of investigations.

[S 48/00]

(2) Any officer, other than a police officer in uniform, purporting to act under the provisions of sub-regulation (1) shall, if so requested by any person from whom he has required the production of an identity card, produce for inspection by that person the written authority under which he purports to be acting.

#### **Production of identity card on issue of licence etc.**

8. Any authority to whom a person required to be registered or re-registered under these Regulations applies for the grant of any licence, permit or other document or for the exercise of its lawful functions, may in its discretion require the applicant to produce his identity card; and if such applicant when so required does not produce to such authority his identity card or other proof to the satisfaction of that authority that he has been so registered or exempted from registration under the provisions of these Regulations the authority may, in its discretion, defer consideration of such application until the applicant produces either his identity card or such other proof.

[S 48/00]

#### **Alteration to identity card prohibited.**

9. No person, other than a registration officer acting in the course of his duty as such, shall make any mark or endorsement or entry upon or erase, tamper, cancel or alter any mark, endorsement or entry contained in, or otherwise deface or destroy an identity card or its duplicate, or transfer an identity card.

#### **Register.**

10. (1) The duplicate of all identity cards shall form the register, and shall be filed in numerical sequence.

(2) The register shall be kept in a Central Registry.

(3) A separate register shall be kept in the Central Registry of all persons registered under these Regulations who have reported their change of name in accordance with regulation 13.

#### **Register not to be open to public inspection.**

11. (1) The register shall not be open to inspection by the public.

(2) No public officer, other than one duly authorised by the Commissioner in that behalf, or a police officer carrying out a police investigation under Chapter XIII of the Criminal Procedure Code (Chapter 7), may inspect the register, but extracts therefrom may at the discretion of the Commissioner be issued to public officers or, upon payment of a fee of \$20, to any member of the public.

[S 48/00]

#### **Loss of identity card.**

12. (1) When an identity card is lost or destroyed, or defaced so that the particulars or some of the particulars thereon are no longer decipherable, the person to whom the card relates shall without undue delay report the fact to the nearest registration office and apply for a replacement identity card.

(2) A replacement identity card may be issued in place of the one lost, destroyed or defaced on such condition or conditions as may be imposed by the Commissioner.

(3) (a) If any person, after notifying the loss of his identity card, subsequently recovers possession of the same identity card, he shall forthwith notify the registration officer of such recovery and retain it, provided that

no replacement card has in the meantime been prepared and issued from the Central Registry;

(b) If any person recovers possession of his identity card after a replacement card has been issued to him, he shall surrender the card recovered for cancellation.

(4) Any person who finds or comes into the possession of an identity card which does not belong to him shall, without undue delay, deliver it either to the person to whom it relates or to the nearest registration office, police station, post office, penghulu, or put it into a receiving box for the deposit of postal articles.

### **Change of name and address, correction of particulars etc.**

13. (1) A person registered under these Regulations who —

(a) changes his name; or

(b) has in his possession an identity card containing any particulars other than his address which are to his knowledge incorrect,

shall forthwith report the fact to the nearest registration office and apply for a replacement identity card with the correct particulars.

(2) Any person registered under these Regulations who reports the fact of any change of name under sub-regulation (1) shall supply the registration officer with a statutory declaration to the effect that he thereby absolutely renounced and abandoned the use of his former name and in lieu thereof assumed a new name, and the registration officer shall retain such statutory declarations and cause it to be filed in such manner as the Commissioner shall direct.

(3) Before a registration officer issues a replacement identity card to a person registered under these Regulations who has changed his name, he shall enter or cause to be entered into the register referred to in regulation 10(3), the former name of such person and the new name he adopts by statutory declarations together with such other particulars as the Commissioner may direct.

(4) A registration officer or a police officer may, at his discretion require a person in possession of an identity card which, in the opinion of such registration officer or police officer, is in any way unsatisfactory for the purposes of identification of that person, to surrender such card and apply for the issue of a replacement identity card.



## **Change of residence.**

(5) (a) Any person registered under these Regulations who changes his permanent place of residence shall report such change to the Commissioner within 14 days thereof, in such form as the Commissioner may require, and which shall be duly completed and posted to the Commissioner of National Registration, Central Registry, Brunei Darussalam, free of postage;

[S 48/00]

(b) On receipt of a report of change of permanent place of residence at the Central Registry, the Commissioner shall send an acknowledgement card which shall be retained by such person as proof of the report of change having been made.

[S 48/00]

## **Return of identity card on death of holder.**

14. Upon the death of a person to whom an identity card was issued, the person in possession of his identity card shall at the time of reporting the death to a Registrar of Births and Deaths, or, within 3 days after the date of the death, deliver the identity card to the said Registrar, who shall in turn forward the recovered identity card together with particulars of the death so reported to the Commissioner of National Registration.

## **Surrender of identity card on leaving Brunei Darussalam.**

15. (1) Any person registered under these Regulations intending to leave Brunei Darussalam permanently shall, within 30 days of his intended departure from Brunei Darussalam, report the date and place of his departure, produce his travel documents for inspection and surrender his identity card to a registration officer or, in exceptional circumstances, to an immigration officer, police officer or officer of customs at the place of departure, in return for a receipt therefor to be issued by such officer in such form as the Commissioner may devise.

[S 48/00]

(2) Sub-regulation (1) shall not apply to subjects of His Majesty and such other persons as the Minister with the approval of His Majesty the Sultan and Yang Di-Pertuan may by order exempt.

[S 48/00]

**Replacement within 5 years of an identity card.**

16. Any person who has obtained his identity card or replacement thereof before attaining the age of 17 years shall re-register within a period not exceeding 5 years from the date of his first registration.

**Replacement within 10 years of an identity card.**

17. Any person of the age of 17 years and above who has obtained his identity card or a replacement thereof shall re-register within the tenth year from the date of his last preceding registration.

**Fees.**

18. (1) A registration officer shall charge a fee for the issue or replacement of an identity card, and such fee shall be payable as prescribed in the Schedule in such manner as the Commissioner may direct.

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(2) A registration officer may at his discretion waive the payment of any fee required to be paid under this regulation on the ground of poverty or any other special circumstances.

(3) The Minister may, by order which shall be published in the *Gazette*, amend the Schedule as he may think appropriate.

[S 48/00]

**Publication of information derived from register.**

19. The Commissioner may, at his discretion, cause to be published any information derived from the register.

**Registration officer may call for further information.**

20. (1) A registration officer may, for the purpose of carrying out the provisions of these Regulations and any other hereunder —

(a) call upon any person to appear before him to answer any question which he may consider it reasonably necessary to ask him for such purpose;

(b) require any person applying for registration to make such further declaration or supply such further particulars or documents as he may

reasonably require;

(c) impound any document produced to him in connection with any application for registration if he has reason to doubt its genuineness or correctness or the validity of its issue.

(2) A registration officer may administer any affirmation or statutory declaration which may be required for the purposes of these Regulations, and any person summoned before him under this regulation may be examined by him on affirmation.

### **Arrest and search.**

21. (1) When any person reasonably suspected of the commission of any offence against these Regulations or any order hereunder, on the demand of a registration officer, Senior Immigration Officer or police officer —

(a) does not give his name and residence; or

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(b) gives a name or residence which such officer has reason to believe is false; or

(c) gives as his residence a place outside Brunei Darussalam, he may be arrested without warrant by such officer.

(2) Any police officer or Senior Immigration Officer may without warrant and with or without assistance —

[S 48/00]

(a) enter and search any premises;

(b) stop and search any vessel, vehicle or individual, whether in a public place or not,

if he suspects that any evidence of the commission of an offence against these Regulations is likely to be found on such premises or individual, or in such vehicle, and may seize any evidence so found.

(3) No woman shall be searched under this regulation except by a woman.

### **Proof of records.**

22. Any document purporting to be —

(a) a certificate under the hand of a registration officer certifying that any return required to be made to him under these Regulations or any orders made hereunder has not been made; or

(b) a statement as to the contents of the register or any book or record kept for the purposes of carrying out the provisions of these Regulations, under the hand of the commissioner or of a registration officer having custody of such register, book or record; or

(c) a certificate under the hand of a Registrar of Criminals that any finger prints are the finger prints of a person specified in such certificate.

shall be *prima facie* evidence of the facts stated in such certificate or, as the case may be, of the contents of such register, book or record.

#### **No presumptions concerning contents of identity cards etc.**

23. (1) The burden of proving the truth of the contents of any written application for registration under these Regulations, or the contents of an identity card, shall be on the applicant, or on the person to whom such identity card has been issued, or on any other person alleging the truth of such contents.

(2) Where any person claims that he is an exempted person the burden of proving such fact shall lie upon him.

#### **Offences and penalties.**

24. (1) Any person who —

(a) being a person liable to registration under these Regulations fails to register or re-register at or within the time prescribed by or in pursuance of these Regulations;

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(b) in giving any particulars referred to in regulation 4 (and whether or not he is a person required to register or re-register under regulation 2 or 3) makes any statement or gives any information which is false in any material particular, and which he either knows or believes to be false or does not believe to be true;

- (c) fails to comply with a summons or requisition of a registration officer made under regulation 20;
- (d) without lawful authority makes any mark or entry upon, or erases, cancels, tampers or alters any mark or entry contained in, or otherwise defaces or destroys an identity card, or any part of the register kept in the Central Registry, or transfers an identity card;
- (e) without lawful authority or reasonable excuse knowingly obtains or is in possession of more than one identity card, or is in possession of or makes use of a forged identity card or an identity card other than his own;
- (f) fails to comply with any of the provisions of regulation 7, 9, 12, 13, 14, 15, 16 or 17;
- (g) sends or takes out of Brunei Darussalam contrary to sub-regulation (1) of regulation 15 any identity card unless he has been exempted from such obligation under sub-regulation (2) of regulation 15;
- (h) being a parent or guardian of a person under the age of 16 years, conduces, by neglect or otherwise, to the commission of an offence against these Regulations by such person;
- (i) unlawfully issues an identity card;
- (j) forges or reproduces an identity card;
- (k) being a public officer, except in the public interest and with the permission of the Commissioner, or for the purpose of criminal proceedings, publishes or communicates to any person any information contained in the register or any book or record made under or for the purpose of carrying out the provisions of these Regulations;
- (l) unlawfully deprives any person of an identity card;
- (m) aids or abets the commission of any offence against these Regulations;
- (n) without lawful authority, parts with possession of an identity card to any person; or

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[S 48/00]

[S 48/00]

(o) unlawfully issues or reproduces an identity card or any part thereof,

[S 48/00]

shall be guilty of an offence and shall be liable on conviction to imprisonment for 2 years, a fine of \$5,000 or both.

[S 48/00]

(2) Every offence under paragraph (a), (d), (e), (i), (j) or (l) of sub-regulation (1) shall be seizable for the purpose of the law relating to criminal procedure.

(3) The Commissioner may in his discretion compound any offence punishable under paragraph (a) or (h) of sub-regulation (1), by accepting from the person reasonably suspected of having committed such offence a sum of money not exceeding \$200.

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#### **Exempted persons.**

25. None of the following persons shall be required to register under these Regulations —

(a) His Majesty the Sultan and Yang Di-Pertuan, Raja Isteri, Pengiran Muda Mahkota, Princes, Princesses and Wazirs;

(b) a child under the age of 12 years;

(c) a *bona fide* traveller who is in possession of a valid passport or other travel document or official document of identity that has been stamped by an immigration officer of Brunei Darussalam to show that he is permitted to remain in Brunei Darussalam for a period of 3 months or less, or that he is in transit;

(d) any serving member of the Armed Forces of Brunei Darussalam, or of any local force established under any written law in force in Brunei Darussalam, or of any visiting force lawfully present in Brunei Darussalam pursuant to any treaty, agreement or arrangement to which Brunei Darussalam is a party, in possession of the official identity card or other document of identity normally

issued to members of such forces;

(e) any police officer, other than a Special Police Officer or Special Constable;

(f) Members of the diplomatic staff and members of the administrative and technical staff of a diplomatic mission of any foreign State including members of their families forming part of their respective households as these expressions are defined for the purposes of the Diplomatic Privileges (Vienna Convention) Act (Chapter 117) and present in Brunei Darussalam; and Consular Officers and Consular Employees and members of their families forming part of their respective households as these expressions are defined for the purposes of the Consular Relations Act (Chapter 118) and present in Brunei Darussalam:

Provided that such persons are not nationals or permanent residents of Brunei Darussalam.

(g) such persons as His Majesty in Council may by order exempt either absolutely or subject to such conditions as may be prescribed therein from the provisions of the Act and these Regulations.

#### **Duties of hotel keepers etc. [S 48/00]**

26. (1) The owner, manager or other person in charge of a hotel, boarding house, hostel or other like dwelling place shall not accommodate any person, other than a person exempted from registration or re-registration under regulation 25, unless he is in possession of an identity card issued to him and produces it at the time of his request for accommodation to the owner, manager or other person.

(2) Where any person seeks accommodation at any hotel, boarding house, hostel or other like dwelling place and is not in possession of, or fails to produce, an identity card issued to him, it shall be the duty of the owner, manager or other person in charge thereof to notify the nearest police station of the fact immediately.

(3) Where any person seeks accommodation at any hotel, boarding house, hostel or other like dwelling place and claims to be a person exempted under regulation 25 from the duty to register or re-register, the owner, manager or other person in charge thereof shall take all reasonable steps to satisfy himself that the person claiming such exemption is entitled in law to the exemption before providing accommodation for him.

(4) Any owner, manager or person in charge of a hotel, boarding house, hostel or other like dwelling place who accommodates any person in contravention of

this regulation or fails or neglects to notify the police in accordance with sub-regulation (2) shall be guilty of an offence.

**Duties of pawnbroker.** [S 48/00]

27. A pawnbroker shall not take any article in pawn unless —

(a) the person offering to pawn the article produces for the inspection of the pawnbroker his identity card; and

(b) the number of the identity card is entered in the books required to be kept by the pawnbroker under the Pawnbrokers Act (Chapter 63) or any rules made thereunder.

**Duties of licensed dealer in second-hand goods.** [S 48/00]

28. A licensed dealer in second-hand goods shall not buy any goods unless —

(a) the person offering to sell the goods produces for the inspection of the licensed dealer his identity card; and

(b) the number of the identity card is entered in the books required to be kept by the licensed dealer under the Second-hand Dealers Act (Chapter 65) or any rules made thereunder.

**Destruction of documents etc.** [S 48/00]

29. The Commissioner may order the destruction of identity cards, photographs, finger impressions, information and documents furnished by the applicants which are in his possession when he considers that such identity card, photographs, finger impressions, information or documents are obsolete, invalid or no longer required.

**SCHEDULE regulation 18(1) FEES**

[S 48/00]

1. Issue of identity card

(a) to a subject of His Majesty the Sultan and Yang Di-Pertuan \$ 10

(b) to a non-subject of His Majesty the Sultan and Yang Di-Pertuan \$ 15

2. Replacement of identity card



(a) to a subject of His Majesty the Sultan and Yang Di-Pertuan \$ 10

(b) to a non-subject of His Majesty the Sultan and Yang Di-Pertuan \$ 15

### 3. Replacement of lost identity card

(a) first replacement \$ 20

(b) second replacement \$ 50

(c) third and subsequent replacement \$100



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