

No. S 30

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

**ANTI-TERRORISM (AMENDMENT) ORDER, 2022**

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

ANTI-TERRORISM (AMENDMENT) ORDER, 2022

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 —

**Citation**

1. This Order may be cited as the Anti-Terrorism (Amendment) Order, 2022.

**Amendment of section 2 of S 45/2011**

2. Section 2 of the Anti-Terrorism Order, 2011, in this Order referred to as the principal Order, is amended, in subsection (1) —

(a) by inserting the following six new definitions in the appropriate alphabetical order —

“deal”, in relation to any property, includes —

(a) receiving, acquiring or possessing the property;

(b) concealing or disguising the property (whether by concealing, or disguising its nature, source, location, disposition, movement or ownership or any rights with respect to it or otherwise);

(c) disposing of or converting the property;

(d) bringing the property into or removing the property from Brunei Darussalam;

(e) using the property to borrow money, or as security (whether by way of charge, mortgage or pledge or otherwise); or

(f) where a debt is owed to the person holding the property, making a payment to any person in reduction of the amount of the debt;

“ISIL (Da’esh) and Al-Qaida Sanctions Committee” means the committee established pursuant to Resolution 1267, Resolution 1989 and Resolution 2253;

"ISIL (Da'esh) and Al-Qaida Sanctions List" means the ISIL (Da'esh) and Al-Qaida Sanctions List established by the United Nations Security Council pursuant to Resolution 1267, Resolution 1989, Resolution 2253 and any subsequent or successor resolution;

"Resolution 2253" means Resolution 2253 (2015) of the United Nations Security Council adopted on 17th December 2015;

"virtual asset" means a digital representation of value that can be digitally traded, or transferred, and can be used for payment or investment purposes but does not include digital representations of physical currencies, securities and other financial assets;

"1988 Sanctions Committee" means the committee established pursuant to Resolution 1988;"

(b) by deleting the definition of "Al-Qaida Sanctions List";

(c) by deleting the definition of "Authority" and by substituting the following new definition therefor —

" "Authority" means the Brunei Darussalam Central Bank established by section 3(1) of the Brunei Darussalam Central Bank Order, 2010 (S 103/2010);";

(d) in the definition of "counter-terrorism convention", by deleting "the Schedule" and by substituting "Schedule 1" therefor;

(e) by deleting the definition of "designated person" and by substituting the following new definition therefor —

" "designated person" means —

(a) any person set out in Schedule 2; or

(b) a person designated by the Minister under regulations made under this Order;"

(f) in the definition of "financial institution", in paragraph (a) —

(i) in sub-paragraph (v), by deleting "the Mutual Funds Order, 2001 (S 18/2001), the Securities Order, 2001 (S 31/2001)" from the second and third lines and by substituting "the Securities Markets Order, 2013 (S 59/2013)" therefor;

(ii) in sub-paragraph (vi), by deleting "or" from the last line;

(iii) by inserting the following two new sub-paragraphs immediately after sub-paragraph (vi) —

“(via) any person who conducts business of one or more of the following activities or operations for on behalf of another person —

(A) exchange between virtual assets and fiat currency;

(B) exchange between one or more forms of virtual assets;

(C) transfer of virtual assets;

(D) safekeeping or administration of virtual assets or instruments enabling control over virtual assets; and

(E) participation in and provision of financial services related to an issuer’s offer or sale of a virtual asset;

(vib) any bank established by the Government; or”;

(iv) in sub-paragraph (vii), by inserting “, registered” immediately before “or regulated”;

(g) by deleting the definition of “Minister” and by substituting the following new definition therefor —

“ “Minister” means the Minister charged with the responsibility for anti-terrorism matters;”;

(h) in the definition of “property” —

(i) in paragraph (a) —

(A) by inserting “corporeal or incorporeal,” immediately after “whether”;

(B) by adding the following three new sub-paragraphs —

“(ix) funds or other financial assets;

(x) assets wholly or jointly owned or controlled directly or indirectly by a terrorist or terrorist group, by them or by persons acting on behalf or at the direction of the terrorist or terrorist group;

(xi) ransoms paid to a terrorist or terrorist group;”;

(ii) in paragraph (b), by deleting "funds or other financial assets" from the first line and by substituting "legal documents or instruments," therefor;

(iii) by deleting paragraph (c);

(iv) by deleting paragraph (d);

(i) in the definition of "terrorist", by deleting "person declared in an order made under section 65 to be a terrorist" from the last two lines and by substituting "designated person" therefor;

(j) by deleting the definition of "terrorist entity";

(k) by deleting the definition of "terrorist group" and by substituting the following new definition therefor —

" "terrorist group" means any group of terrorists that —

(a) commits, or attempts to commit, terrorist acts by any means, directly or indirectly, unlawfully and wilfully;

(b) participates as an accomplice in terrorist acts (whether or not the terrorist act occurs);

(c) organises or directs others to commit terrorist acts (whether or not the terrorist act occurs); or

(d) abets, contributes, counsels or procures the commission of terrorist acts by a group of persons acting with a common purpose where the abetment, contribution, counseling or procurement is made intentionally and with the aim of furthering the terrorist act or with the knowledge of the intention of the group to commit a terrorist act (whether or not the terrorist act occurs);".

#### **Amendment of section 4**

3. Section 4 of the principal Order is amended, in subsection (1) —

(a) in sub-paragraph (ii), by deleting "by" and by substituting "for the benefit or to further the purposes of" therefor;

(b) in sub-paragraph (iii), by deleting "by" and by substituting "for the benefit or to further the purposes of" therefor.

**Amendment of section 5**

4. Section 5 of the principal Order is amended —

(a) in subsection (1), in paragraph (b), by deleting "benefit," and by substituting "benefit or to further the purposes of, a terrorist or" therefor;

(b) by adding the following new subsection —

"(2) In this section, a reference to committing or facilitating the commission of a terrorist act includes a reference to financing the travel of an individual to any place other than the country of which the individual is a citizen or in which the individual resides, for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training."

**Substitution of section 8**

5. Section 8 of the principal Order is repealed and the following new section is substituted therefor —

**"Dealing with terrorist property**

8. (1) Any person who —

(a) deals, directly or indirectly, in any terrorist property;

(b) enters into or facilitates, directly or indirectly, any transaction in respect of terrorist property;

(c) converts, conceals or disguises terrorist property; or

(d) provides financial or other services in respect of terrorist property at the direction of a terrorist or terrorist group,

and the person knows or has reasonable grounds to believe or suspect that it is terrorist property, is guilty of an offence and liable on conviction to a fine not exceeding \$5,000,000, imprisonment for a term not exceeding 30 years or both.

(2) Subject to subsection (3), the Minister may, by order published in the *Gazette*, exempt any person in Brunei Darussalam, or any citizen of Brunei Darussalam outside Brunei Darussalam, from this section, in respect of any specified activity or transaction or a class of specified activities or transactions carried out by the person or citizen.

(3) An exemption under subsection (2) may be subject to any condition, including a condition precedent that the person exempted shall have a notice of exemption from the Minister or a public officer authorised by the Minister before the exemption takes effect.

(4) If a person is exempted under an order made under subsection (2) in respect of any activity or transaction or class of activities or transactions, any other person involved in carrying out —

(a) the activity or transaction; or

(b) any activity or transaction in that class of activities or transactions,

to which the exemption relates is also exempt from this section (whichever applies to the act carried out by that other person), and if the conditions of the exemption (if any) are met.”.

#### Amendment of section 9

6. Section 9 of the principal Order is amended, in subsection (2) —

(a) in paragraph (b), by deleting “or” where it appears for the third time in the second line;

(b) in paragraph (c), by deleting the full stop and by substituting a semicolon therefor;

(c) by adding the following four new paragraphs —

“(d) accumulating, stockpiling or otherwise keeping firearms, explosives, ammunition, poisons or weapons to further the activities of a terrorist or a terrorist group;

(e) arranging, managing or assisting in arranging or managing the accommodation, transportation or travel of persons to further the activities of a terrorist or a terrorist group;

(f) encouraging or inducing any person to leave Brunei Darussalam to further the activities of a terrorist or a terrorist group or to commit a terrorist act; or

(g) using social media or any other means to —

(i) advocate for or to promote a terrorist or a terrorist group, support for a terrorist or a terrorist group or the commission of a terrorist act; or

- (ii) further or facilitate the activities of a terrorist or a terrorist group.”.

**Insertion of new sections 9A, 9B, 9C and 9D**

7. The principal Order is amended by inserting the following four new sections immediately after section 9 —

**“Travelling to, through or from Brunei Darussalam for the commission of terrorist acts in foreign country**

**9A.** Any person who, whether or not a citizen of Brunei Darussalam or permanent resident, travels to, through or from Brunei Darussalam with intent to travel to a foreign country or any part of that foreign country, whether directly or through any other country, for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training in a foreign country is guilty of an offence and liable on conviction to a fine not exceeding \$5,000,000, imprisonment for a term not exceeding 30 years or both.

**Possession etc. of items associated with terrorist or terrorist groups or terrorist acts**

**9B.** (1) Any person who —

- (a) has possession, custody or control of; or  
(b) provides, displays, distributes or sells,

any item associated with any terrorist or terrorist group or the commission of a terrorist act is guilty of an offence and liable on conviction to a fine not exceeding \$2,000,000, imprisonment for a term not exceeding 7 years or both, and the item shall be forfeited.

(2) For the purposes of this section —

“item” includes publications, visual recordings, flags, banners, emblems, insignia and any other thing displaying symbols associated with a terrorist or a terrorist group, terrorist act or ideology of a terrorist or a terrorist group;

“publications” include all written, pictorial or printed matter, and everything of a nature similar to written or printed matter, whether or not containing any visible representation, or by its form, shape or in any other manner capable of suggesting words or ideas, or an audio recording and every copy, translation and reproduction or substantial translation or reproduction in part or in whole thereof.



**Offence to build etc. conveyance for use in terrorist acts**

**9C.** (1) Any person who —

(a) builds or agrees to build or causes to be built any conveyance with intent or knowledge or having reasonable grounds to believe that the conveyance will be employed in or by a terrorist or terrorist group to further the activities of a terrorist or terrorist group or to commit a terrorist act;

(b) issues or delivers any commission for any conveyance with intent or knowledge or having reasonable grounds to believe that the conveyance will be employed in or by a terrorist or terrorist group to further the activities of a terrorist or terrorist group or to commit a terrorist act;

(c) equips any conveyance with intent or knowledge or having reasonable grounds to believe that the conveyance will be employed in or by a terrorist or terrorist group to further the activities of a terrorist or terrorist group or to commit a terrorist act; or

(d) dispatches or causes or allows to be dispatched any conveyance with intent or knowledge or having reasonable grounds to believe that the conveyance will be employed in or by a terrorist or terrorist group to further the activities of a terrorist or terrorist group or to commit a terrorist act,

is guilty of an offence and liable on conviction to a fine not exceeding \$5,000,000, imprisonment for a term not exceeding 30 years or both, and shall also be liable to forfeiture of any such conveyance.

(2) For the purposes of this section, "conveyance" means any vehicle, vessel, ship, aircraft or any other mode of transport whether by air, sea or land.

**Preparation of terrorist acts**

**9D.** (1) Any person who, with the intention of committing a terrorist act or assisting another to commit a terrorist act, engages in any conduct in preparation for giving effect to such intention is guilty of an offence and liable on conviction to a fine not exceeding \$5,000,000 imprisonment for a term not exceeding 30 years or both.

(2) For the purposes of subsection (1), it shall be irrelevant whether the intention and preparation relate to one or more particular terrorist acts."

**Insertion of new sections 12A and 12B**

8. The principal Order is amended by inserting the following two new sections immediately after section 12 —

**“Receiving training and instruction from terrorist groups and persons committing terrorist acts**

**12A.** Any person who receives training or instruction, or agrees or arranges to receive training or instruction —

- (a) in the making or use of any explosive or other lethal device;
- (b) in carrying out a terrorist act; or
- (c) in the practice of military exercises or movements,

from a terrorist, terrorist group, or a person engaging in, or preparing to engage in, the commission of a terrorist act is guilty of an offence and liable on conviction to a fine not exceeding \$5,000,000, imprisonment for a term not exceeding 30 years or both.

**Attendance at place used for terrorist training**

**12B.** (1) Any person who attends at any place, within or outside Brunei Darussalam —

- (a) knowing or having reason to believe that instruction or training is being provided wholly or partly for the purposes connected with the commission or preparation of a terrorist act; or
- (b) where he could not reasonably have failed to understand that instruction or training was being provided wholly or partly for such purposes,

is guilty of an offence and liable on conviction to a fine not exceeding \$2,000,000, imprisonment for a term not exceeding 10 years or both.

(2) For the purposes of this section, it shall be irrelevant —

- (a) whether the person concerned receives the instruction or training himself; and
- (b) whether the instruction or training is provided for purposes connected with one or more particular terrorist acts.

(3) References in this section to instruction or training being provided include references to instruction or training being made available.”.

**Amendment of section 37**

9. Section 37 of the principal Order is amended, in paragraph (a), by deleting “entity” and by substituting “group” therefor.

**Amendment of section 40**

10. Section 40 of the principal Order is amended, in subsection (2), by deleting “entity” from the second line, the third line and the last line and by substituting “group” therefor.

**Amendment of section 42**

11. Section 42 of the principal Order is amended, in subsection (2), by deleting “entity” from the fourth line and by substituting “group” therefor.

**Amendment of section 47**

12. Section 47 of the principal Order is amended —

(a) in subsection (3), by deleting “3” and by substituting “5” therefor;

(b) in subsection (5), by deleting “shall” from the first line and the second line and by substituting “may” therefor.

**Amendment of section 59**

13. Section 59 of the principal Order is amended, in subsection (1) —

(a) in paragraph (a), by deleting “any designated person” from the second line and the last line and by substituting “terrorist group” therefor;

(b) in paragraph (b), by deleting “, any terrorist entity or any designated person” and by substituting “or terrorist group” therefor;

(c) in paragraph (c), by deleting “, any terrorist entity or any designated person” and by substituting “or terrorist group” therefor.

**Repeal of section 65**

14. Section 65 of the principal Order is repealed.

**Amendment of section 69**

15. Section 69 of the principal Order is amended —

(a) in the section heading, by deleting "Schedule" and by substituting "Schedules" therefor;

(b) by deleting "Schedule" and by substituting "Schedules" therefor.

**Amendment of Schedule**

16. The Schedule to the principal Order is amended —

(a) in the heading, by inserting "1" immediately after "SCHEDULE";

(b) in the section reference, by deleting "{section 2(1)}" and by substituting "(sections 2(1) and 69)" therefor.

**Addition of new Schedule 2**

17. The principal Order is amended by adding the following new Schedule —

**"SCHEDULE 2**

(sections 2(1) and 69)

**TERRORISTS AND TERRORIST GROUPS**

Persons belonging to or associated with —

(a) the Taliban in constituting a threat to the peace, stability and security of Afghanistan as designated by the 1988 Sanctions Committee on the 1988 Sanctions List; and

(b) the ISIL (Da'esh) and Al-Qaida as designated by the ISIL (Da'esh) and Al-Qaida Sanctions Committee on the ISIL (Da'esh) and Al-Qaida Sanctions List, subject to the following conditions —

- (i) where any person is added to either of the Lists on or after the date of commencement of the Anti-Terrorism (Amendment) Order, 2022, the person is taken to be referred to in this Schedule with effect from the date of addition to the List;
- (ii) where the particulars of any person in either of the Lists are modified on or after the date of commencement of the

Anti-Terrorism (Amendment) Order, 2022, they are taken to be modified for the purposes of this Schedule with effect from the date of modification in the List.”.

Made this 6th. day of Rabiulakhir, 1444 Hijriah corresponding to the 1st. day of November, 2022 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

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