

No. S 5

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

**HALAL CERTIFICATE AND HALAL LABEL (AMENDMENT) ORDER, 2017**

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

**HALAL CERTIFICATE AND HALAL LABEL (AMENDMENT) ORDER, 2017**

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 and commencement**

1. (1) This Order may be cited as the Halal Certificate and Halal Label (Amendment) Order, 2017 and shall commence on a date to be appointed by the Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by notification published in the *Gazette*.

(2) Different dates may be appointed for different provisions of this Order or for different purposes of the same provision.

**Amendment of section 1 of S 39/2005**

2. Section 1 of the Halal Certificate and Halal Label Order, 2005, in this Order referred to as the principal Order, is amended by repealing subsection (2) and by substituting the following new subsection therefor —

“(2) The long title of this Order is “An Order to provide for and regulate the issue of Halal Certificate and permit in respect of halal product and services and for matters connected therewith or incidental thereto”.

**Amendment of section 2**

3. Section 2 of the principal Order is amended —

(a) in the definition of “applicant”, by inserting “, 4A” immediately before “or”;

(b) in the definition of “package”, by deleting “food” from the first line and by substituting “product” therefor;

(c) in the definition of “place of business” —

(i) in paragraph (a), by deleting “food” and by substituting “product” therefor;

(ii) in paragraph (b), by deleting “food” from the second last line and by substituting “product” therefor;

(d) by inserting the following two new definitions immediately after “prepare” –

“product” includes food and foodstuffs, but does not include financial product;

“product processing facility” means any place or premises or any part thereof used for the manufacturing, processing, preparation, storage or packing of products for the purpose of distribution to wholesalers and retailers or for export;”.

### Substitution of section 3

4. Section 3 of the principal Order is repealed and the following new section substituted therefor –

#### “Halal Certificate

3. When exhibited in any place of business, the certificate shall mean as follows –

(a) in the case of food, the food in relation to which the certificate is referring –

- (i) neither is nor consists of or contains any part or matter of an animal that a Muslim is prohibited by *Hukum Syara'* to consume or that has not been slaughtered in accordance with *Hukum Syara'*;
- (ii) does not contain any part of the human body or its derivatives;
- (iii) does not contain anything that is considered to be impure, or *syubhah*, in accordance with *Hukum Syara'*;
- (iv) has been prepared using an instrument that is free from anything which is considered to be impure, or *syubhah*, in accordance with *Hukum Syara'*;
- (v) is not injurious to health and is fit for human consumption; and
- (vi) has not in the course of preparation or storage, been in contact with or close proximity to any food that fails to satisfy sub-paragraph (i), (ii), (iii), (iv) or (v) and anything that is considered to be impure, or *syubhah*, in accordance with *Hukum Syara'*;

(b) in the case of service, the conveyance, storage or packing in respect of which the service is provided has not been in contact with or close proximity to anything that is considered to be impure, or *syubhah*, in accordance with *Hukum Syara'* ”.

**Substitution of section 4**

5. Section 4 of the principal Order is repealed and the following new section substituted therefor —

**“Halal Certificate for preparation of food**

4. (1) For the purposes of section 3, any person who owns a business to prepare food for human consumption in a place other than a product processing facility shall apply to the Majlis for a certificate in such form and shall comply with such requirements, as the Majlis may determine.

(2) The applicant shall be required to make one application for —

(a) each type of business;

(b) each place of business in respect of any business having more than one place of business.

(3) For the purpose of subsection (1), an application shall be made —

(a) in the case of a business which has been operational since before the commencement of this Order, within 6 months from the commencement of this Order;

(b) in the case of a business which is operational on or after the date of commencement of this Order, within 6 months from the date of the start of its operation.

(4) For the avoidance of doubt, the requirement of an application to be made within the period of 6 months as mentioned in subsection (3) does not include the requirement that the applicant shall possess a certificate within that period.

(5) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$8,000, imprisonment for a term not exceeding 2 years or both and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day during which the offence continues after conviction.”.

**Insertion of new section 4A**

6. The principal Order is amended by inserting the following new section immediately after section 4 —

**“Halal Certificate for services**

4A. (1) For the purposes of section 3, the Majlis may issue a certificate for any service in relation to any place of business.

(2) An application for a certificate shall be in such form and shall comply with such requirements as the Majlis may determine.”.

**Amendment of section 5**

7. Section 5 of the principal Order is amended by inserting “or section 4A(1)” immediately after “4” in the first line.

**Amendment of section 6**

8. Section 6 of the principal Order is amended, in subsection (1), by inserting “or section 4A” immediately after “4” in the third line.

**Amendment of section 7**

9. Section 7 of the principal Order is amended, in subsection (3), by inserting “4A,” immediately before “5”.

**Substitution of section 9**

10. Section 9 of the principal Order is repealed and the following new section substituted therefor —

**“Halal Label**

9. (1) When used in relation to product in the course of trade or business, the Halal Label shall mean that such product —

(a) neither is nor consists of or contains any part or matter of an animal that a Muslim is prohibited by *Hukum Syara'* to consume or that has not been slaughtered in accordance with *Hukum Syara'*;

(b) does not contain any part of the human body or its derivatives;

(c) does not contain anything that is considered to be impure, or *subhah*, in accordance with *Hukum Syara'*;

(d) has been prepared using an instrument that is free from anything which is considered to be impure, or *syubhah*, in accordance with *Hukum Syara'*;

(e) is not injurious to health and is fit for human consumption or use;

(f) has not in the course of preparation or storage, been in contact with or close proximity to any product that fails to satisfy paragraph (a), (b), (c), (d) or (e) or anything that is considered to be impure, or *syubhah*, in accordance with *Hukum Syara'*.

(2) The label shall be in such form as the Majlis may determine and shall be in the form of a label, tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, painted, embossed, impressed or inscribed on, or attached to, included in, belonging to or accompanying, any such product.”.

#### **Substitution of section 10**

11. Section 10 of the principal Order is repealed and the following new section substituted therefor –

#### **“Application and requirements of permit**

10. (1) For the purposes of section 9, any person who owns a business to prepare food in a product processing facility –

(a) in the case of food prepared in Brunei Darussalam, shall apply to the Majlis;

(b) in the case of food prepared outside Brunei Darussalam, may apply to the Majlis,

for a permit, in such form and shall comply with such requirements, as the Majlis may determine.

(2) For the purposes of section 9, any person who owns a business to prepare a product other than food in a product processing facility may apply to the Majlis for a permit in such form and shall comply with such requirements as the Majlis may determine.

(3) The applicant shall be required to make one application for each type of food or product.

(4) For the purpose of subsections (1) and (2), an application shall be made –

(a) in the case of a business which has been operational since before the commencement of this Order, within 6 months from the commencement of this Order;

(b) in the case of a business which is operational on or after the date of commencement of this Order, within 6 months from the date of start of operation.

(5) For the avoidance of doubt, the requirement of an application to be made within the period of 6 months as mentioned in subsection (4) does not include the requirement that the applicant shall possess a permit within that period.

(6) Any person who contravenes subsection (1)(a) is guilty of an offence and liable on conviction to a fine not exceeding \$8,000, imprisonment for a term not exceeding 2 years or both and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day during which the offence continues after conviction.”.

#### **Insertion of new section 10A**

12. The principal Order is amended by inserting the following new section immediately after section 10 —

##### **“Extra-territorial effect**

10A. (1) Where a permit holder who is —

(a) a citizen of Brunei Darussalam;

(b) a permanent resident; or

(c) a body corporate registered or incorporated under any other written law in Brunei Darussalam,

does, outside Brunei Darussalam, any act that would, if done in Brunei Darussalam, constitute an offence against section 37, the permit holder is guilty of an offence.

(2) A permit holder who is guilty of an offence against subsection (1) is liable to the same punishment to which he would have been liable had he been convicted of an offence against this Order.”.

#### **Amendment of section 11**

13. Section 11 of the principal Order is amended —



*(a)* by deleting “subsection (1) of section 10” from the first line and by substituting “section 10{1} and {2}” therefor;

*(b)* by deleting “food” and by substituting “product” therefor.

**Amendment of section 12**

14. Section 12 of the principal Order is amended —

*(a)* in subsection (1) —

*(i)* by deleting “subsection (1) of section 10” from the third line and by substituting “section 10{1} and {2}” therefor;

*(ii)* by deleting “food” from the second last line and by substituting “product” therefor;

*(b)* in subsection (2), by deleting “food” from the third line and fourth line and by substituting “product” therefor.

**Amendment of section 16**

15. Section 16 of the principal Order is amended by deleting “food” from the second last line and by substituting “product” therefor.

**Amendment of section 19**

16. Section 19 of the principal Order is amended by deleting “food” from the second line and third line and by substituting “product” therefor.

**Amendment of section 26**

17. Section 26 of the principal Order is amended, in subsection (1) —

*(a)* in paragraph *(d)*, by deleting “food” wherever it appears and by substituting “product” therefor;

*(b)* in paragraph *(e)*, by deleting “food” and by substituting “product” therefor;

*(c)* in paragraph *(f)*, by deleting “food” and by substituting “product” therefor.

**Amendment of section 31**

18. Section 31 of the principal Order is amended —

(a) in the section heading, by deleting “food” and by substituting “product” therefor;

(b) in subsection (1), by deleting “food” and by substituting “product” therefor;

(c) in subsection (2), by deleting “food” and by substituting “product” therefor.

**Amendment of section 34**

19. Section 34 of the principal Order is amended —

(a) in the section heading, by deleting “food” and by substituting “product” therefor;

(b) in subsection (1), by deleting “food” from the second line and by substituting “product” therefor.

**Amendment of section 37**

20. Section 37 of the principal Order is amended by inserting “or direction” immediately after “order” in the first line.

**Substitution of section 40**

21. Section 40 of the principal Order is repealed and the following new section substituted therefor —

**“General penalty**

40. Any person who commits any offence against this Order is liable, if no other penalty is provided, on conviction —

(a) in the case of an individual, to a fine not exceeding \$4,000, imprisonment for a term not exceeding one year or both and, in the case of a continuing offence, to a further fine of \$100 for every day during which the offence continues after conviction; and

(b) in the case of a body corporate, to a fine not exceeding \$8,000, and in the case of a continuing offence, to a further fine of \$200 for every day during which the offence continues after conviction.”.

**Amendment of section 43**

22. Section 43 of the principal Order is amended —

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

(b) in subsection (5) —

- (i) by deleting “of the food” from the first two lines and by substituting “or the material used in the preparation of the product” therefor;
- (ii) by deleting “food” from the last line and by substituting “product” therefor.

**Insertion of new sections 49A and 49B**

23. The principal Order is amended by inserting the following two new sections immediately after section 49 —

**“Composition of offences**

49A. (1) The Minister or any person authorised by him in that behalf may, subject to such conditions as he may think fit to impose, compound any offence against this Order which is prescribed as a compoundable offence by collecting from the person reasonably suspected of having committed that offence a sum not exceeding \$500.

(2) On compliance with any such conditions and on payment of such sum of money, no further proceedings shall be taken against that person in respect of that offence.

**Exemption**

49B. The Majlis may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, subject to such conditions as it may impose, in writing exempt any person or class of persons from all or any of the provisions of this Order.”.

Made this 25th. day of Rabiulakhir, 1438 Hijriah corresponding to the 23rd. day of January, 2017 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY  
THE SULTAN AND YANG DI-PERTUAN  
BRUNEI DARUSSALAM