

agency of any government, outside Brunei Darussalam and other particulars relating thereto; and

(g) such other information as the Registrar may require.

(2) The Registrar may, at any time by notice, order a registered society to furnish him in writing with —

(a) a true and complete copy of the rules of the society in force at the date of such order;

(b) a true and complete list of office-bearers and members of the society or of any branch thereof residing in Brunei Darussalam or present therein at the date of such order;

(c) a true and complete return of the number of meetings held by the society or branch thereof in Brunei Darussalam within the period of 6 months immediately preceding such order stating the place or places where such meetings were held;

(d) accounts audited by an auditor approved by the Registrar, who may give such approval generally or for any particular audit; and the auditor so approved shall make a report on the accounts examined by him in such form as the Registrar may determine;

(e) the name and address of any society, association, trade union or any other body of persons, incorporated or unincorporated, outside Brunei Darussalam to which the society is in any way associated or affiliated and other particulars relating thereto;

(f) the description of any money or property, any pecuniary benefit or advantage received by the society from any person ordinarily resident outside Brunei Darussalam or any organisation, authority, government or agency of any government, outside Brunei Darussalam and other particulars relating thereto; or

(g) such other information as the Registrar may require.

(3) The Registrar may, at any time by notice, order a registered society to produce for his inspection —

(a) the documents of title to any property held by the society;

(b) all or any of the books of account of the society;

(c) any minutes or written records of proceedings of the society or of its governing body; or

(d) such other information as the Registrar may require.

(4) An order under subsection (3) shall specify the time, being not less than 7 days, within which the information shall be supplied:

Provided that the Registrar may, on application made to him and on good cause being shown, grant an extension of time.

(5) The information furnished under subsections (1) and (2) shall be verified by the signature of the president, secretary or office-bearer of the society.

(6) Where the particulars required to be furnished under subsection (1) or (2) are not furnished within the time stated in the order or any extension thereof granted by the Registrar, the Registrar may make a provisional order for the dissolution of the society.

(7) If before the expiration of 30 days from the date of such provisional order the information required to be furnished under subsection (1) or (2) is so furnished, the Registrar may cancel the provisional order.

(8) Upon the expiration of 30 days from the date of such provisional order, or where an appeal is pending upon the dismissal thereof, that order shall become absolute and the society shall be considered to be an unlawful society and shall thereupon cease to be registered.

(9) A registered society which, on the ground of its failure to comply with an order under subsection (2), has had its registration cancelled shall not be entitled to apply for re-registration until such order has been complied with or unless it is proved to the satisfaction of the Registrar that it is impossible to comply with the order.

**Persons responsible for supplying information.**

23. (1) The obligation imposed upon a registered society by section 22 shall be binding upon every office-bearer of the registered society and upon every person managing or assisting in the management of such society in Brunei Darussalam:

Provided that no such office-bearer and person shall be bound unless he has been served with an order made under section 22.

(2) If a registered society fails to comply with the whole or any part of an order made under section 22, any such officer-bearer and person who has been served with that order is guilty of an offence and liable on conviction to a fine not exceeding \$5,000 unless he proves to the court that he has exercised due diligence and has failed to comply with that order for reasons beyond his control.

(3) Where a notice, order or other document is served upon any person who has ceased to be an office-bearer of a registered society, he shall immediately deliver such notice, order or document to any existing office-bearer of the registered society or if unknown, shall return it to the Registrar or Assistant Registrar who sent it; and any person who fails to do is guilty of an offence and liable on conviction to a fine not exceeding \$3,000.

(4) If any information supplied to the Registrar in compliance with an order under section 22 is false, incorrect or incomplete in any material particular, the person who has supplied such information is guilty of an offence and liable on conviction to a fine not exceeding \$2,000 unless he proves to the court that he has good reason to believe that the information was true, correct and complete.

#### Disputes.

24. (1) If the Registrar is of the opinion that a dispute has occurred among the members or office-bearers of a registered society as a result of which the Registrar is not satisfied of the identity of the persons who have been properly constituted as office-bearers of the society, the Registrar may serve notice on the society requiring it, within one month of the service of such notice, to produce to him evidence of the settlement of any such dispute and of the proper appointment of the lawful office-bearers of the society or of the institution of proceedings for the settlement of such dispute.

(2) If such notice is not complied with to the satisfaction of the Registrar within the period of one month or any extension thereof as may be granted by the Registrar, the Registrar may cancel the registration of the society under subsection (1) of section 13.

#### Inspection of documents and evidentiary value of copies certified by Registrar.

25. (1) Subject to subsection (2) and on payment of the fee prescribed in the First Schedule, documents filed with the Registrar or Assistant Registrar in pursuance to any provision of this Order or any regulations made thereunder may be inspected by any person and any copy of any certificate, order, notice or any other document issued by the Registrar or Assistant Registrar in pursuance to any provision of this Order or any regulations made thereunder may be obtained by any person from the Registrar or Assistant Registrar:

Provided that the person seeking the inspection or copy shall state the purpose for which he requires it, and the Registrar shall be satisfied that such purpose is a lawful purpose, and that the inspection or copy is not being sought by or on behalf of an unlawful society.

(2) No person, other than a person whom the Registrar is satisfied is a member of a society, shall inspect or obtain from the Registrar or Assistant Registrar the accounts of such society or a copy thereof.

(3) A copy of or extract from any document received at the office of the Registrar or Assistant Registrar certified to be a true copy or extract under the hand and seal of the Registrar or Assistant Registrar shall, in any proceedings be admissible in evidence and be of equal validity with the original document.

Consequences of order under section 31, refusal to register a society under section 11 and cancellation of registration.

26. (1) Upon the making of an order by the Minister under section 31, upon the refusal of the Registrar to register a society under section 11 or upon the cancellation of the registration of a registered society under any provision of this Order —

(a) the property of the society shall forthwith vest in the officer who, by the terms of the order of dissolution, is appointed by the Registrar for the purpose of winding-up the affairs of the society;

(b) such officer shall wind-up the affairs of the society and, after satisfying and providing for all the debts and liabilities of the society and the costs of the winding-up —

(i) shall divide any surplus assets of the society amongst its members according to the rules of the society; or

(ii) if there are no rules applicable to such case, shall divide such assets equally amongst its members, but if by reason of the number of members or the difficulty of ascertaining the persons entitled to such assets or for any other reason, such a division is in his opinion impracticable, he shall prepare and submit to the High Court for its approval of a scheme for the application of such assets to purposes likely to benefit that portion of the public to which the members of the society are more likely to belong or the public generally;

(c) such scheme when submitted for approval may be amended by the High Court in such way as it thinks proper;

(d) the approval of the High Court to such scheme or amended scheme shall be denoted by the endorsement thereon of a memorandum of such approval signed by a Judge and by the same being sealed with the seal of the High Court and, thereupon such surplus assets shall be held and applied in accordance with such scheme.

(2) The Registrar may, for the purpose of enabling a society to wind-up its own affairs, suspend the operation of this section to such extent and for such period as he may think expedient.

(3) Where an order of dissolution or cancellation has been made against a society, every person who was on the date on which the order was made an office-bearer of that society shall, during the period of 3 years from the date on which the order was made, be ineligible except with the written permission of the Minister, to act or be elected as an office-bearer of any other society.

## PART V

### BRANCHES OF REGISTERED SOCIETIES

#### Establishment of branch of registered society.

27. (1) No registered society shall establish a branch without the prior approval of the Registrar.

(2) The Registrar may refuse to give approval to the establishment of a branch of the registered society if —

(a) the rules of the society do not provide for the establishment of a branch of the society; or

(b) the rules of the branch are such as to make it an independent society and not adequately under the control of the society.

(3) Where a registered society establishes a branch without the prior approval of the Registrar, the branch so established shall be an unlawful society:

Provided that a branch of any registered society established and in existence immediately before the commencement of this Order shall not be an unlawful society if, within 6 months from the commencement of this Order or such extended period, not being more than 3 months as the Registrar may allow at any one time, the registered society applies to the Registrar in writing for his approval; and after considering such application the Registrar may refuse to give approval under subsection (2).

(4) The provisions of this Order, other than sections 8, 9 and 11, shall apply to any branch of a registered society approved under this section as if such branch was a society registered under this Order.

(5) For the purposes of this section, a branch of a registered society includes any society which is in any way subordinate to another society.

(6) Where an approval to establish a branch has been given under this section, such branch shall be established within 3 months thereof unless the Registrar has allowed an extension of time.

**Liability of society in respect of contracts entered into by branch.**

28. (1) Notwithstanding anything contained in section 27, a registered society shall not sue or be sued in respect of any contract entered into by any branch thereof or by any office-bearer of any such branch unless such contract —

(a) has been entered into by the branch by virtue of express written approval given to it by the committee or governing body of the registered society; or

(b) is a contract within a particular class or description of contracts which the branch is authorised by the registered society to enter into.

(2) The provisions of paragraphs (c), (d) and (e) of section 21 shall be construed accordingly in their application to any suit, proceedings, judgment or application for execution in relation to any contract entered into by a branch of a registered society.

(3) Without prejudice to subsection (1), where a branch, referred to in this subsection as the "subordinate branch", is under the control and is responsible to another branch, referred to in this subsection as the "superior branch", the superior branch may sue or be sued for contracts entered into by the subordinate branch if such contract —

(a) has been entered into by the subordinate branch by virtue of express written approval given to it by the superior branch; or

(b) is a contract within a particular class or description of contracts which the subordinate branch is authorised by the superior branch to enter into:

Provided that a branch shall, in any case, be considered to be under the control of and responsible to another branch if members of the superior branch are nominated, elected or otherwise chosen from the members of the subordinate branch.

PART VI

UNLAWFUL SOCIETIES

Unlawful societies.

29. (1) For the purposes of this Order, the following shall be unlawful societies —

(a) any society or any branch thereof which has been declared unlawful by the Minister under section 31;

(b) any society which is not registered under subsection (3) of section 8 or any branch thereof;

(c) any branch of a registered society where the branch was established in contravention of subsection (1) of section 27 or continues to exist in contravention of the proviso to subsection (3) of section 27;

(d) any society which has had its registration cancelled under section 13 or 22 or any branch thereof.

(2) Where any society is unlawful under subsection (1), every branch of the society shall immediately thereupon be unlawful and the approval of the Registrar for its establishment shall be revoked, and in that case every branch subordinate to that branch shall thereupon be unlawful.

Society using Triad ritual deemed unlawful society.

30. (1) Every society, whether it is registered or not, which uses a Triad ritual, Triad emblems, Triad titles or any other triad nomenclature shall be known as a Triad Society and shall be an unlawful society.

(2) For the purposes of subsection (1), a "Triad ritual" means any ritual commonly used by Triad Societies, any ritual closely resembling any such ritual and any part of any such ritual.

(3) Any person who is or acts as a member of a Triad society or attends any meeting thereof or is found in possession of or having the custody or control of, any article of or relating to, any Triad society, whether such society is established in Brunei Darussalam or not, is guilty of an offence and liable on conviction to a fine not exceeding \$15,000 or imprisonment for a term not exceeding 5 years.

Power of Minister to declare society unlawful.

31. (1) The Minister may, by order published in the *Gazette*, declare unlawful any society or branch thereof or any class or description of any society, whether such society is established in Brunei Darussalam or not, which in his opinion —

(a) is being used or is likely to be used for any unlawful purposes or purposes prejudicial to or incompatible with the peace, public order, security or public interest of Brunei Darussalam; or

(b) is being used for purposes at variance with its professed objects.

(2) An order under subsection (1) shall operate to cancel the registration of any such society with effect from the date of such order.

(3) Any society which has been declared to be unlawful under subsection (1) and whose governing body has not lodged an appeal under subsection (4) on the expiration of 7 days from the time of such declaration, or if an appeal has been lodged and the appeal has failed from the time such declaration is confirmed by His Majesty the Sultan and Yang Di-Pertuan, shall *ipso facto* be dissolved.

(4) The governing body of a society which has been declared to be unlawful under subsection (1) may within 7 days of the date of publication of such order appeal to His Majesty the Sultan and Yang Di-Pertuan who may, at his discretion, confirm or reverse the Minister's decision.

(5) The decision of His Majesty the Sultan and Yang Di-Pertuan under subsection (4) shall be final and not subject to appeal to any court.

## PART VII

### ENFORCEMENT

Power of entry and search.

32. (1) The Registrar, an Assistant Registrar or any police officer not below the rank of Assistant Superintendent may without warrant, enter into and search any place and inspect and examine any equipment, materials, records and any other thing to ensure that any requirements of, and to ascertain whether the provisions of, this Order or any regulations made thereunder are complied with.

(2) The Registrar, an Assistant Registrar or any police officer not below the rank of Assistant Superintendent entering into such a place as referred to in subsection (1) may seize and detain any article found therein which he has reason to believe may be required in respect of any proceedings under this Order.



(3) The Registrar, an Assistant Registrar or any police officer not below the rank of Assistant Superintendent may without warrant, with or without assistance and using reasonable force if necessary —

(a) enter into any place in which he has reason to believe that a meeting of any unlawful society or of persons who are members of an unlawful society is being held, or that any article belonging to an unlawful society is concealed, kept or deposited; and

(b) arrest or cause to be arrested all persons found in any such place and search that place; and

(c) seize or cause to be seized any article which he has reasonable cause to believe to belong to an unlawful society or to be in any way connected therewith.

(4) All persons arrested and all articles seized, under subsection (2), may be detained in custody and brought before a court to be dealt with according to law.

**Power of Registrar or Assistant Registrar to summon witnesses and to investigate.**

33. (1) The Registrar or an Assistant Registrar may summon before him any person whom he has reason to believe is able to give any information as to the existence of operations of any unlawful society or of any club, company, partnership or association suspected of being an unlawful society or as to the operations of a registered society.

(2) Such person shall attend at the time and place specified in the summons and produce all articles in his custody, possession or power relating to such society, club, company, partnership or association and answer truthfully all questions which the Registrar or an Assistant Registrar may put to him.

(3) Any person who fails to attend on such a summons or who fails to answer truthfully is guilty of an offence and liable on conviction to a fine not exceeding \$2,000, imprisonment to a term not exceeding one year or both.

(4) The Registrar and every Assistant Registrar may administer an oath to, and examine on oath, any person summoned before him under the provisions of this Order.

(5) If any person summoned by the Registrar or an Assistant Registrar under this section without lawful excuse fails to comply with any obligation imposed upon him by subsection (1), (2) or (3) or gives information which the Registrar or Assistant Registrar, as the case may be, believes to be false, the Registrar or Assistant Registrar may, if he considers it advisable to provide for the future identification of such person, order that a photograph and impressions of

fingerprints of that person be taken at such time and in such place and manner as he may think fit and, if that person without lawful excuse fails to comply with or obstructs the execution of any such order, he is guilty of an offence and liable on conviction to a fine not exceeding \$1,000.

(6) No statement made by any person summoned before the Registrar or an Assistant Registrar under this section shall subject him to any arrest or criminal prosecution, or be proved against him in any criminal proceedings, except a prosecution for failing to answer truthfully under this section.

(7) For the purposes of this section, the Registrar and the Assistant Registrar shall have the same power of investigation of a police officer under Chapter XIII of the Criminal Procedure Code (Chapter 7).

#### Prosecutions.

34. (1) Except in the case of a person charged under sections 20 and 30, under subsection (5) of section 33 or under section 44 and of a person arrested under section 32, a prosecution under this Order shall not be instituted except by or with the consent of the Public Prosecutor:

Provided that the person charged with any such offence may be arrested or a warrant for his arrest may be issued and executed, and any such person may be remanded in custody or on bail, notwithstanding that the consent of the Public Prosecutor to the institution of a prosecution for the offence has not been obtained, but the case shall not be further prosecuted until that consent has been obtained.

(2) When a person is brought before a court under this section before the Public Prosecutor has consented to the prosecution, the charge shall be explained to him but he shall not be called upon to plead, and the provisions of the law relating to criminal procedure shall be modified accordingly.

(3) In any prosecution under this Order, a certificate sealed with the seal of the Registrar and purporting to be signed by the Registrar that a society is or is not a registered society or, having been registered, has been dissolved shall be admitted as conclusive evidence of the facts stated in such certificate.

#### Articles seized liable to forfeiture.

35. All articles seized under the provisions of this Order shall be liable to forfeiture.

**Forfeiture.**

36. (1) Any article belonging to an unlawful society shall, upon an order of a court, be forfeited and given to the Registrar or to an Assistant Registrar for disposal in such manner as he thinks fit.

(2) An order for forfeiture may be made if it is proved to the satisfaction of the court that an offence against this Order has been committed and that the articles were the subject-matter of or were used in the commission of the offence, notwithstanding that no person may have been convicted of such offence.

Anything seized in respect of which there is no prosecution forfeited if not claimed within one month.

37. (1) Where no prosecution has commenced in respect of any article seized under this Order, such article shall be forfeited at the expiration of one month from the date of seizure unless a claim thereto is made before that period in the manner described in subsection (2).

(2) Any person asserting that he is the owner of any such article and that it is not liable to forfeiture may, personally or by his agent authorised in writing, give written notice to the Registrar that he claims the same.

(3) On receipt of such notice, the Registrar may direct that such article be released or may refer the matter to the court for its decision.

(4) On a reference made to it under subsection (3), the court shall issue a summons requiring the person asserting that he is the owner of the article and the person from whom it was seized to appear before it and shall proceed to the examination of the matter.

(5) On proof that an offence against this Order has been committed and that such article was the subject-matter of or was used in the commission of such offence, the court shall order the article to be forfeited notwithstanding that no person may have been convicted of such offence and may, in the absence of such proof, order its release.

**Protection of informers.**

38. (1) Subject to the subsection (2) —

(a) no witness shall be obliged or permitted to disclose the name and address of any informer under this Order or any matter which might lead to his discovery; and

(b) if any documents which are evidence or liable to inspection in any civil or criminal proceedings under this Order contains any entry in which any informer is named or described or which might lead to his discovery, the court shall cause all such entries to be concealed from view or to be obliterated so far only as may be necessary to protect the informer from discovery.

(2) Where in any criminal proceedings under this Order the court, after full inquiry into the case, is satisfied that the enforcement of the provisions of this section would be likely to cause a miscarriage of justice, it may require the production of the original information and may permit inquiry and require full disclosure to the court concerning the informer.

**Certain offences non-bailable and arrestable without warrant.**

39. (1) The Registrar, Assistant Registrar and any police officer may arrest without warrant any person —

(a) who has committed or who is found committing;

(b) whom he reasonably suspects to have committed, or of committing, attempting, procuring or abetting to commit, or of having been concerned in,

any offence against section 15, 18, 20 or 30 or against sections 41 to 47 and may search or cause to be searched any such person and take possession of all articles found on him which there is reason to believe were used in connection with the offence:

Provided that no female shall be searched except by a female.

(2) The offences referred to in subsection (1) shall be non-bailable under the Criminal Procedure Code (Chapter 7).

**Liability of office-bearer in respect of offences by society.**

40. (1) Where any offence punishable with a fine or imprisonment has been committed, whether or not any person has been convicted in respect thereof, and such offence has been committed or purports to have been committed by a society or in the name or on behalf of a society, every office-bearer of the society and every person managing or assisting in the management of the society at the time of the commission of such offence is guilty of such offence and liable on conviction to the punishment prescribed by law therefor, unless he proves to the court that the offence was committed without his knowledge and that he had exercised all due diligence to prevent the commission of the offence.

(2) Any such office-bearer and person shall be liable to be prosecuted under this section, notwithstanding that he may not have taken part in the commission of the offence.

(3) In any prosecution under subsection (1), any document found in the possession of any such office-bearer or person or of any other member of such society or in any place used or controlled by such society shall be *prima facie* evidence of the contents thereof for the purpose of proving that anything has been done or purports to have been done by or on behalf of the society.

## PART VIII

### OFFENCES

Offence to become office-bearer etc. of unlawful society.

41. Any office-bearer and any person managing or assisting in the management of an unlawful society is guilty of an offence and liable on conviction to a fine not exceeding \$15,000, imprisonment for a term not exceeding 5 years or both.

Offences involving members of unlawful society.

42. Any person who —

(a) is or acts as a member of an unlawful society;

(b) attends a meeting of an unlawful society; or

(c) pays money or gives any aid to or for the purposes of an unlawful society,

is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 3 years or both.

Persons allowing unlawful society on premises.

43. Any person who knowingly allows any meeting of an unlawful society or of members of an unlawful society, to be held in any place belonging to, occupied by him or over which he has control is guilty of an offence and liable on conviction to fine not exceeding \$10,000, imprisonment for a term not exceeding 3 years or both.

Inciting etc. persons to become members of unlawful society.

44. (1) Any person who incites, induces or invites another person to become a member of or to assist in the management of, an unlawful society is guilty of an offence and liable on conviction to a fine not exceeding \$15,000, imprisonment for a term not exceeding 4 years or both.

(2) Any person who uses any violence, threat or intimidation towards any other persons in order to induce him to become a member of or to assist in the management of an unlawful society is guilty of an offence and liable on conviction to a fine not exceeding \$15,000, imprisonment for a term not exceeding 5 years or both.

Procuring subscription or aid for unlawful society.

45. Any person who procures or attempts to procure from any other person any subscription or aid for the purposes of an unlawful society is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 3 years or both.

Publication etc. of propaganda of unlawful society.

46. (1) Any person who —

(a) prints, publishes, displays, sells or exposes for sale, distributes or transmits through the post or by electronic means; or

(b) without lawful authority or excuse, has in his possession,

any placard, newspaper, book, circular, pictorial representation or any other document or writing whatsoever or which is issued or appears to be issued by or on behalf of or in the interests of an unlawful society, is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding 2 years or both.

(2) Any document or writing in respect of which such person shall have been convicted shall be forfeited.

(3) In this section, "electronic means" means an electronic, magnetic, optical or other medium by or in which information is generated, communicated, received or stored and which is retrievable in perceivable form.

Acting on behalf of or representing unlawful society.

47. (1) Any person who in any manner acts on behalf of, or represents or assists, whether in a professional capacity or otherwise —

- (a) an unlawful society;
- (b) a person who was an office-bearer thereof as if he continues to be an office-bearer thereof; or
- (c) a body which was the governing body of the unlawful society or of any branch thereof as if it continues to be such governing body,

in relation to any matter, is guilty of an offence and liable on conviction to a fine not exceeding \$15,000, imprisonment for a term not exceeding 5 years or both.

(2) Subsection (1) shall not apply to —

- (a) an appeal by an unlawful society under section 55;
- (b) any proceedings in any court in respect of any matter involving an unlawful society;
- (c) any person who was an office-bearer of an unlawful society; or
- (d) a body which was the governing body or the governing body of any branch of an unlawful society.

Display or usage of certificate of registration which has been cancelled.

48. Any person who displays or uses any certificate of registration of a society whose registration has been cancelled, or a copy thereof, with the knowledge that the certificate has been cancelled is guilty of an offence and liable on conviction to a fine not exceeding \$2,000.

Flags etc. and other insignia of society.

49. (1) Subject to any other written law, no society shall adopt any flag, symbol, emblem, badge or other insignia as its own unless such flag, symbol, emblem, badge or other insignia has been approved by the Registrar.

(2) The Registrar may specify the conditions under which such flag, symbol, emblem, badge or other insignia may be displayed.

(3) Any person or society who displays any flag, symbol, emblem, badge or other insignia which has not been approved by the Registrar or in contravention

of any condition imposed by the Registrar is guilty of an offence and liable on conviction to a fine not exceeding \$3,000, imprisonment for a term not exceeding one year or both.

**Fraud, false declaration and misappropriation.**

50. Any person who, with intent to mislead or defraud, gives to any person —

(a) a copy of any laws, regulations, rules or other document, other than the rules of a registered society, on the pretence that they are the existing rules of that society or that there are no other rules of the society; or

(b) a copy of any rules on the pretence that those rules are the rules of a registered society when the society is not registered,

is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding 2 years or both.

**Penalty for furnishing false information.**

51. Any person who furnishes to the Registrar or Assistant Registrar, any information or document required under this Order which he either knows or has reason to believe is false is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding 2 years or both.

**General penalty.**

52. Any person who commits any offence against this Order shall be liable, if no other penalty is provided, on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 3 years or both.

**Presumption of membership etc. of society.**

53. (1) Where any articles of, or relating to, or purporting to relate to, any society are found in the possession, custody or under the control of any person, it shall be presumed, until the contrary is proved, that such person is a member of the society, and that society shall be presumed, until the contrary is proved, to be in existence at the time such articles are found.

(2) Where any articles of, or relating to, any society are found —

(a) in the possession, custody or under the control of any person, it shall be presumed, until the contrary is proved, that such person assists in the management of such society;



(b) in any place, it shall be presumed, until the contrary is proved, that such articles are in the possession of the occupier of the place.

(3) When it appears to a court that there is reasonable cause to suspect that any place entered or searched under any lawful power conferred by this Order was immediately before or at the time of such entry being used by or for the purposes of an unlawful society, any person found in such place at any time during such search or found leaving therefrom immediately before, at or after the time of such entry shall, unless he gives a satisfactory account of the reasons for his presence in that place, be presumed to be a member of the unlawful society.

#### Other presumptions.

54. In any proceedings under this Order —

(a) where it is proved that a society is in existence, it shall be presumed that such society is a society within the meaning of this Order unless the contrary is proved;

(b) it shall not be necessary for the prosecution to prove that a society possesses a name, is usually known under a particular name, has been constituted, has a meeting place or has office-bearers;

(c) where it is alleged that a society is an unlawful society, the burden of proving that it is a registered society shall lie on the person charged.

#### Appeals.

55. Any society, office-bearer or member of any society or any other person who is aggrieved by any of the following decisions of the Registrar —

(a) refusal to register the society under section 11;

(b) refusal to grant exemption under subsection (4) of section 18 to a disqualified person to hold office in a registered society;

(c) refusal to approve the change of name or place of business of the society, or the amendment of its rules, under section 16;

(d) refusal to approve the establishment of a branch of the society under section 27;

(e) cancellation of the registration of the society under subsection (1) of section 13;

(f) order under subsection (1) of section 20 requiring the removal of office-bearers from office or prohibiting persons, not being citizens or persons to whom a Residence Permit has been granted under regulations made under the Immigration Act (Chapter 17), from holding office in a society;

(g) order to amend the rules or constitution of the society under subsection (2) of section 20;

(h) refusal to approve an auditor or approving an auditor unacceptable to the society, under paragraph (d) of subsection (2) of section 22;

(i) making a provisional order for the dissolution of the society under section 19 or under subsection (6) of section 22;

(j) cancellation of the registration of a registered society under subsection (2) of section 24 for the failure to comply with a notice under subsection (1) of that section; or

(k) refusal to grant approval under section 15 to become an office-bearer, may within 30 days from the date of the decision of the Registrar, appeal against that decision to the Minister; and the Minister, whose decision shall be final and not subject to appeal to any court, may confirm, reject or vary the decision of the Registrar.

## PART IX

### MISCELLANEOUS

#### Evidence.

56. (1) In any prosecution under this Order, it shall be no objection to the admissibility of expert evidence that the expert is not or has not been a member of an unlawful society.

(2) In any prosecution under this Order, the court may refer for the purposes of evidence to any of the following books —

*"Thian Ti Hwui, the Hung League or Heaven-Earth League," by G. Schlegel;*

*"The Triad Society," by W. Stanton;*

*"The Hung Society or the Society of Heaven and Earth," by J. S. M. Ward and W. G. Stirling;*

*"Triad Societies in Hong Kong," by W. P. Morgan,*

and to any other published books or articles on the subject of unlawful societies in general or of particular unlawful societies, which the court may consider to be of authority on the subjects to which they relate.

**Service of documents.**

57. Every summons, notice or other document issued under this Order or under any regulations made thereunder shall be deemed to have been validly and effectually served if served on or left with the person intended to be served or, in case he cannot be found, if left at his last known place of residence or business, by any person authorised in that behalf by the Registrar or, in the case of service of a notice or order on the society, by sending such notice or order by registered post to the registered address of such society.

**Amendment of Schedules.**

58. The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by order published in the *Gazette* amend the Schedules to this Order.

**Exemption.**

59. The Minister may, in his discretion or upon application made to him in writing, either generally or in any particular case, and either permanently or for such period as he may think fit, exempt any person or class of persons, from all or any of the provisions of this Order; and in granting such exemption the Minister may impose such conditions as he may think fit.

**Regulations.**

60. (1) The Minister may, with approval of His Majesty the Sultan and Yang Di-Pertuan, make regulations which are necessary or expedient for giving effect to and carrying out the provisions of this Order, and for the due administration thereof.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations for or in respect of all or any of the following matters —

(a) prescribing the manner of registration of societies under this Order;

(b) prohibiting the use of illegal or undesirable badges and insignia by registered societies;

(c) prescribing the forms which may be used for carrying out the provisions of this Order;

(d) prescribing information to be furnished to the Registrar;

(e) prescribing the fees which may be levied under this Order;

(f) prescribing anything required to be or which may be prescribed under this Order;

(g) including such incidental, consequential and supplementary provisions as he considers necessary or expedient.

(3) Any such regulations may provide that the breach or contravention of any regulation is an offence and may provide a penalty for any such offence of a fine not exceeding \$2,000 and imprisonment for a term not exceeding 6 months.

#### **Savings.**

61. (1) The persons holding the offices of Registrar, Deputy Registrar and Assistant Registrar immediately before the commencement of this Order shall be deemed for the purposes of this Order to have been respectively appointed on the commencement of this Order to the same offices.

(2) Any society which, immediately before the commencement of this Order, was registered under the provisions of the Societies Act (Chapter 66) (repealed by this Order) shall be deemed to be registered under this Order.

(3) Any society registered or exempted from registration under the provisions of this Order, shall within one year from the date of commencement of this Order or such extended period, not being more than 3 months, as the Registrar may allow, alter its constitution or rules to contain provisions for all matters set out in Second Schedule.

(4) Any appointment made, and any thing done, under the Societies Act (Chapter 66) (repealed by this Order) and in force immediately before the commencement of this Order and so far as it is not inconsistent with this Order, shall continue in force as if made or done under this Order, but the Minister may, at any time and with the approval of His Majesty the Sultan and Yang Di-Pertuan, revoke or vary any such appointment or thing.

#### **Repeal.**

62. The Societies Act (Chapter 66) and the Societies Rules are repealed.