



NEGARA BRUNEI DARUSSALAM

TAMBAHAN KEPADA

WARTA KERAJAAN

BAHAGIAN II

Disiarkan dengan Kebenaran

SUPPLEMENT TO

GOVERNMENT GAZETTE

PART II

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**The following Notification is published for general information by Command of
His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam.**

No. S 56

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

COMPULSORY EDUCATION ORDER, 2007

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

COMPULSORY EDUCATION ORDER, 2007

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 long title.

1. (1) This Order may be cited as the Compulsory Education Order, 2007.

(2) The long title of this Order is "An Order to provide for compulsory education and for matters connected therewith or incidental thereto".

Interpretation.

2. In this Orders, unless the context otherwise requires –

"Board" means the Compulsory Education Board established by section 5;

"child of compulsory school age" means a child above the age of 6 years who has not yet attained the age of 15 years and who satisfies such conditions for receiving primary and lower secondary education as the Permanent Secretary may determine;

"Government school" means any institution for the provision of full-time primary or lower secondary education, being –

(a) a school established and maintained exclusively by the Government; or

(b) such other school as may be prescribed;

"Minister" means the Minister of Education;

"parent", in relation to a child to whom section 3(1) applies, has the same meaning as in section 2 of the Education Order, 2003 (S59/03);

"Permanent Secretary" means the Permanent Secretary of the Ministry of Education or any other officer appointed under section 4 of the Education Order, 2003 (S 59/03).

Compulsory education.

3. (1) A child of compulsory school age who is —

- (a) born on or after 1st. January, 2002;
- (b) a citizen of Brunei Darussalam; and
- (c) residing in Brunei Darussalam,

shall attend regularly as a pupil at a Government school.

(2) Where a child of compulsory school age fails to attend regularly as a pupil at a Government school as required by subsection (1), each parent of that child is guilty of an offence.

(3) This section does not apply —

(a) to a child of compulsory school age for whom a parent presents within a reasonable time a reason to the satisfaction of the Permanent Secretary for the absence of that child from a Government school; or

(b) to a child of compulsory school age who is exempted under section 4; and

(c) to a child who is attending regularly as a pupil at a private educational institution registered under section 65(1) of the Education Order, 2003 (S59/03).

Exemption.

4. (1) The Minister may, by order published in the *Gazette* and subject to such conditions as he may impose, exempt any child or class of child of compulsory school age from all or any of the provisions of section 3.

(2) An exemption granted under this section may be revoked at any time.

Establishment and constitution of Board.

5. (1) There is hereby established a body known as the Compulsory Education Board.

(2) The Board shall consist of such number of members as the Minister may, in his discretion, appoint.

(3) The Minister shall appoint one of the members of the Board to be the chairman.

Period of office.

6. (1) Subject to subsections (2) and (3), a member of the Board shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for re-appointment.

(2) A member of the Board may resign his office at any time by giving notice in writing to the Minister.

(3) If the Minister is satisfied that any member of the Board —

(a) has been guilty of neglect of duty or misconduct;

(b) has become bankrupt or made an arrangement with his creditors;

(c) has become incapacitated by physical or mental illness; or

(d) is otherwise unable or unfit to discharge the functions of a member,

the Minister may revoke his appointment.

(4) The validity of any proceedings of the Board shall not be affected by any vacancy among its members or by any defect in the appointment of any member.

Meetings of Board.

7. (1) At any meeting of the Board, one-half of the number of appointed members shall form a quorum.

(2) The chairman shall preside at all meetings of the Board at which he is present and, in his absence, the members present shall elect one of their number to act as chairman of that meeting.

(3) The Board may delegate to any person all or any of its powers or duties under this Order.

(4) All questions arising at any meeting of the Board shall be decided by a majority of votes of the members present and, in the case of an equality of votes,

the chairman or, in his absence, the member acting as chairman, shall have a casting vote.

(5) Subject to the provisions of this Order, the Board may regulate its own procedure.

Powers and duties of Board.

8. (1) The duties of the Board shall be –

(a) to investigate whether any provisions of this Order has been or is being contravened;

(b) to make recommendations to the Permanent Secretary on the enforcement of any provision of this Order; and

(c) generally to do all such acts and things as are necessary to be carried out under the provisions of this Order.

(2) For the purpose of performing its duties under this Order, the Board may –

(a) hear and examine witnesses on oath;

(b) summon any person to attend any hearing of the Board to give evidence or produce any document or other article in his possession;

(c) generally require any person to furnish any information or produce any document or other article in his possession;

(d) require any person to attend any counselling or mediation session as the Board may specify; and

(e) do anything incidental to any of its powers.

(3) The Minister may give such directions, not inconsistent with the provisions of this Order, as to the exercise of the powers and the performance of the duties of the Board and the Board shall give effect to any such directions.

Penalties.

9. (1) Any person guilty of an offence under section 3(2) is liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding one year or both.

(2) Any person who –

(a) refuses to attend any hearing of the Board;

(b) refuses to furnish any information or produce any document to the Board;

(c) furnishes any information or produces any document which is false in a material particular and which he knows to be false or does not believe to be true; or

(d) obstructs or impedes the Permanent Secretary, the Board or any person acting under the direction of the Board,

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

No person to be charged for offence except on complaint of Permanent Secretary.

10. No person shall be charged for any offence under this Order except on the complaint of the Permanent Secretary.

Compounding of offences.

11. The Permanent Secretary may compound any offence against this Order which is prescribed as a compoundable offence by collecting from the person reasonably suspected of having committed the offence a sum of money not exceeding \$2,000.

Protection from personal liability.

12. No suit or other legal proceedings shall lie personally against –

(a) any member of the Board; or

(b) any other person ordered under the direction of the Board,

for anything done or omitted to be done by him in good faith in the execution or purported execution of this Order.

Operation of this Order not to affect S 59103.

13. Except as otherwise expressly provided in this Order, nothing in this Order shall affect the operation of the Education Order, 2003 (S59103).

Regulations.

14. (1) The Minister may, with the 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, including the prescription of fees and any other thing required to be or which may be prescribed under this Order, and for the due administration thereof.

(2) Such regulations may include such incidental, consequential and supplementary provisions as the Minister considers necessary or expedient.

Made this 14th. day of Zulkaedah, 1428 Hijriah corresponding to the 24th. day of November, 2007 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM

Dicetak oleh AWANG MOHIDIN BIN HAJI DAUD, Pengarah Percetakan,
di Jabatan Percetakan Kerajaan, Bandar Seri Begawan BB3510, Negara Brunei Darussalam.

Harga B\$5.00