

LAWS OF BRUNEI

CHAPTER 158

SUPREME COURT (APPEALS TO PRIVY COUNCIL)

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ARRANGEMENT OF SECTIONS

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SUPREME COURT (APPEALS TO PRIVY COUNCIL) ACT

**An Act to make provision with respect to appeals in civil matters
from the Supreme Court to His Majesty the Sultan and Yang
Di-Pertuan**

Commencement: 1st February 1990
[S 1/1990]

Citation.

1. This Act may be cited as the Supreme Court (Appeals to Privy Council) Act.

Interpretation.

2. In this Act —

“arrangements” means arrangements made (whether before or after the making of this Act) between the Government of Brunei Darussalam and the Government of the United Kingdom of Great Britain and Northern Ireland with respect to appeals from the Supreme Court of Brunei Darussalam to His Majesty the Sultan and Yang Di-Pertuan and their reference by His Majesty the Sultan and Yang Di-Pertuan to the Judicial Committee of the Privy Council;

“Supreme Court” means the Supreme Court for Brunei Darussalam established under the Supreme Court Act (Chapter 5).

Appeal from Supreme Court to His Majesty the Sultan and Yang Di-Pertuan.

3. Pursuant to arrangements and subject to the provisions of this section and section 4, appeals shall lie from the Supreme Court to His Majesty the Sultan and Yang Di-Pertuan and such appeals shall be referred by His Majesty the Sultan and Yang Di-Pertuan to the Judicial Committee of the Privy Council:

Provided that no such appeal shall lie from the Supreme Court or any other court in Brunei Darussalam or from the Interpretation Tribunal

established under Article 86 of the Constitution of Brunei Darussalam on any question involving, arising from, relating to, or in connection with, the meaning, interpretation, purpose, construction, ambit or effect of any of the provisions of the Constitution of Brunei Darussalam, the Succession and Regency Proclamation, 1959 or such other matters as His Majesty the Sultan and Yang Di-Pertuan may specify by order published in the *Gazette*.

[S 45/2005]

Conditions of appeal.

4. An appeal under section 3 shall be subject to such conditions as to leave or otherwise as, in accordance with arrangements, may be prescribed from time to time by the law of Brunei Darussalam and by or under any enactment or Order in Council of the United Kingdom regulating the proceedings of the Judicial Committee of the Privy Council in appeals from Brunei Darussalam.

Report or recommendation of Judicial Committee.

5. On receiving from Her Majesty's Government in the United Kingdom the report or the recommendations of the Judicial Committee of the Privy Council in respect of an appeal under section 3, His Majesty the Sultan and Yang Di-Pertuan shall make such order as may be necessary to give effect thereto.

Pending appeals.

6. Any appeal or application for leave to appeal made under or by virtue of section 14 of the Supreme Court Act (Chapter 5) and pending before this Act comes into force, shall be treated as an appeal or application for leave to appeal under this Act and shall be dealt with accordingly.

Practice and procedure.

7. The Minister* may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by order make such provisions as appears to him necessary or expedient for carrying out the provisions of this Act and without prejudice to the generality of the foregoing power such order may provide for the practice and procedure governing appeals and applications for leave to appeal from the Supreme Court to His Majesty the Sultan and Yang Di-Pertuan and their reference to the Judicial Committee of the Privy Council.

* Transferred to the Attorney General — [S 12/1999]

Rules.

8. Rules of Court may be made in accordance with the Supreme Court Act (Chapter 5) for the better carrying into effect of this Act.