



NEGARA BRUNEI DARUSSALAM

TAMBAHAN KEPADA
WARTA KERAJAAN

BAHAGIAN II

Disiarkan dengan Kebenaran

SUPPLEMENT TO
GOVERNMENT GAZETTE

PART II

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

SUPREME COURT ACT (AMENDMENT) ORDER, 2011

ARRANGEMENT OF SECTIONS

Section

1. Citation.
 2. Insertion of new sections 16A, 16B and 16C into Chapter 5.
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CONSTITUTION OF BRUNEI DARUSSALAM
(Order made under Article 83(3))

SUPREME COURT ACT (AMENDMENT) ORDER, 2011

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 Supreme Court Act (Amendment) Order, 2011.

Insertion of new sections 16A, 16B and 16C into Chapter 5.

2. The Supreme Court Act is amended by inserting the following 3 new sections immediately after section 16 —

"Transfer of proceedings to Intermediate Court.

16A. (1) At any stage in any proceedings to which this section applies, the High Court may, in accordance with the Rules of the Supreme Court (R1), either of its own motion or on the application of any party to proceedings, order the transfer of the whole or any part of the proceedings to the Intermediate Court if —

(a) the parties consent to the transfer; or

(b) the High Court is satisfied that —

- (i) after allowance has been made for any payment, set-off or other amount admitted to be due, the amount remaining in dispute in respect of the claim is within the monetary limit of the jurisdiction of the Intermediate Court;
- (ii) the whole amount recoverable in respect of the claim is likely to be within the monetary limit of the jurisdiction of the Intermediate Court; or
- (iii) in the case of proceedings not involving an unliquidated claim, the subject matter of the proceedings is or is likely to be within the limits of the jurisdiction of the Intermediate Court; or

(c) where only a counterclaim remains in dispute, the High Court considers that the amount recoverable in respect of the counterclaim is likely to be within the monetary limit of the jurisdiction of the Intermediate Court; or

(d) the High Court considers that the proceedings are not likely to raise any important question of law or fact and are suitable for determination of the Intermediate Court.

(2) Subject to subsection (3), this section applies to all proceedings commenced in the High Court which the Intermediate Court would, apart from any limitation by reason of amount or value or annual value, have jurisdiction to hear and determine if commenced in the High Court.

(3) This section does not apply to family proceedings.

(4) Where proceedings are ordered to be transferred from the High Court to the Intermediate Court —

(a) any party to the proceedings shall lodge with the registrar of the Intermediate Court or cause to be lodged with him, the order of the High Court and the writ, or copies of them, and such other documents (if any) required by such order to be filed in the Intermediate Court; and

(b) the Registrar of the High Court shall, on the application of that party and on the production of the order of the High Court and the filing of a copy of it, deliver to the registrar of the Intermediate Court all pleadings, affidavits and other documents filed in the High Court relating to the proceedings.

(5) Subject to subsection (6), upon the documents mentioned in subsection (4) being so lodged or delivered, the proceedings shall be transferred to the Intermediate Court.

(6) The transfer shall not affect any right of appeal from the order of the High Court directing the transfer, or the right to enforce in the High Court any judgment signed, or any other order made in the High Court before the transfer.

(7) In this section, "family proceedings" means proceedings in respect of marriage, divorce, maintenance, guardianship and other matters connected with family life.

Costs reduced or proceedings struck out by High Court.

16B. Where a party has commenced proceedings in the High Court and the High Court —

(a) is of the opinion that those proceedings should have been commenced in the Intermediate Court; or

(b) is satisfied that the party knew or ought to have known that the proceedings should, in the opinion of the High Court, have been commenced in the Intermediate Court,

the High Court shall have regard to those circumstances and it may in its discretion reduce the award of costs by an amount not exceeding *25 per cent* or strike out the proceedings.

Allocation of proceedings to Intermediate Court.

16C. (1) The Chief Justice may, where he considers it necessary or expedient to improve efficiency in the administration of justice and to provide for more speedy disposal of proceedings commenced in the High Court, by order direct such class or classes or description of proceedings as may be specified in the order to be heard and determined by the Intermediate Court.

(2) Notwithstanding any other written law, any order made under subsection (1) —

(a) may confer jurisdiction on an Intermediate Court to hear and determine any proceedings specified in the order which, but for the order, the Intermediate Court would not have jurisdiction to hear and determine by reason only of the fact that the amount involved exceeds the monetary limit of its jurisdiction;

(b) may make such provision governing appeals relating to proceedings transferred to the Intermediate Court (including provisions restricting the right of appeal) as the Chief Justice thinks fit; and

(c) may make such incidental provision for the transfer of the proceedings to the Intermediate Court (including matters relating to procedure and costs) as the Chief Justice thinks fit."

Made this 5th. day of Jamadilawal, 1432 Hijriah corresponding to the 9th. day of April, 2011 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM