

No. S 23

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

INTERMEDIATE COURTS ACT (AMENDMENT) ORDER, 2011

ARRANGEMENT OF SECTIONS

Section

1. Citation.
 2. Amendment of section 14 of Chapter 162.
 3. Amendment of section 15.
 4. Amendment of section 18.
 5. Amendment of section 19.
 6. Amendment of section 20.
 7. Insertion of new section 24A.
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INTERMEDIATE COURTS 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 Intermediate Courts Act (Amendment) Order, 2011.

Amendment of section 14 of Chapter 162.

2. Section 14 of the Intermediate Courts Act, in this Order referred to as the Act, is amended —

(a) in subsection (1), by deleting "\$100,000" from the fifth line and by substituting "\$300,000" therefor;

(b) in subsection (2), by deleting "\$100,000" from the fourth line and by substituting "\$300,000" therefor.

Amendment of section 15.

3. Section 15 of the Act is amended, in subsection (5), by deleting "\$100,000" from the second line and by substituting "\$300,000" therefor.

Amendment of section 18.

4. Section 18 of the Act is amended, in paragraph *(b)*, by deleting "\$100,000" from the fourth line and by substituting "\$300,000" therefor.

Amendment of section 19.

5. Section 19 of the Act is amended —

(a) in subsection (1), by deleting "\$100,000" from the second line and by substituting "\$300,000" therefor;

(b) in subsection (3), by deleting "\$100,000" from the third line and by substituting "\$300,000" therefor.

Amendment of section 20.

6. Section 20 of the Act is amended, in paragraph (b) of subsection (2), by deleting "\$100,000" from the third last line and by substituting "\$300,000" therefor.

Insertion of new section 24A.

7. The Act is amended by inserting the following new section immediately after section 24 —

"Transfer of proceedings from High Court.

24A. (1) Where by an order of the High Court made under section 16A of the Supreme Court Act (Chapter 5), any proceedings are to be transferred to the Intermediate Court or an issue is directed to be tried in the Intermediate Court, the registrar of the Intermediate Court, on receipt of the relevant documents, shall either —

(a) refer them to the Judge of the Intermediate Court for directions; or

(b) enter the proceedings or issue in the records of the Intermediate Court and fix a date for —

(i) the hearing of the proceedings or issue; or

(ii) if he thinks fit, a pre-trial review,

and give 14 days' notice thereof to every party.

(2) Nothing in subsection (1) shall require the registrar to fix a date in an action so transferred unless —

(a) before it was transferred to the Intermediate Court, the action had been set down for hearing in the High Court; or

(b) a request for a date to be fixed is made pursuant to directions under Order 25 of the Rules of Court made under section 12 of the Supreme Court Act (Chapter 5),

and where proceedings are transferred from the High Court, the pleadings shall, for the purposes of Order 25, be deemed to be closed at the end of 14 days from the date of transfer.

(3) The party lodging or causing to be lodged with the registrar the relevant documents for the purposes of subsection (1) shall, at the same time, file —

(a) a statement of the names and addresses of the parties and of their solicitors;

(b) if he is the plaintiff and has not endorsed a statement of claim on the writ or served a statement of claim in the High Court, particulars of his claim together with a copy for each defendant;

(c) if he is the defendant and only a counterclaim is transferred and the counterclaim has not been served in the High Court, particulars of the counterclaim together with a copy for the plaintiff;

(d) where money has been paid into the High Court, a copy of the notice of payment into court; and

(e) a copy of any other pleading served but not filed in the High Court.

(4) Where —

(a) a statement of claim has been endorsed on the writ or served in the High Court but no defence has been served therein; or

(b) particulars of claim have been filed in the Intermediate Court pursuant to subsection 3(b),

the defendant shall, within 14 days after receipt of the notice given under subsection (1)(b), deliver at the court registry a defence and, if he has a counterclaim, particulars of the counterclaim together with a copy thereof for the plaintiff.

(5) Where only a counterclaim is transferred, subsection (4) shall apply, with the necessary modifications, to the counterclaim as it applies to a claim.

(6) On receipt of any document filed by the plaintiff pursuant to subsection (3)(b) or by the defendant pursuant to subsection (3)(c) or (4), the registrar shall send a copy to each defendant or, as the case may be, to the plaintiff.

[7] Where proceedings are transferred to the Intermediate Court pursuant to an order of the High Court referred to in subsection (1), the Intermediate Court shall have jurisdiction —

(a) to hear and determine those proceedings; and

(b) to award any relief, including any amount of damages, within the extent of the Intermediate Court's jurisdiction.

[8] In this section, "relevant documents" means —

(a) the order of the High Court referred to in subsection (1) or a copy thereof;

(b) any documents required by the order of the High Court to be filed in the Intermediate Court;

(c) the writ or a copy thereof; and

(d) all pleadings and affidavits filed in the High Court."

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