

No. S 38

CONSTITUTION OF BRUNEI DARUSSALAM
{Order under section 83(3)}

EMERGENCY (PENAL CODE) (AMENDMENT) ORDER, 1998

In exercise of the power conferred by subsection (3) of section 83 of the Constitution of Brunei Darussalam, His Majesty the Sultan and Yang Di-Pertuan hereby makes the following Order –

1. This Order may be cited as the Emergency (Penal Code) (Amendment) Order, 1998. Citation.

2. The Penal Code is amended by inserting the following new section immediately after section 308 – Insertion of new
section 308A
into Chapter 22.

"Infanticide. 308A. (1) Any woman who, by any wilful act or omission, causes the death of her child being a child under the age of 12 months, but if at the time of such act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon such birth, shall notwithstanding that the circumstances were such that but for this section the offence would have amounted to murder, be guilty of the offence of infanticide.

(2) Whoever commits the offence of infanticide shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine."

Made this 12th day of Rejab, 1419 Hijriah corresponding to the 2nd day of November, 1998 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM