

No. S 85

**CONSTITUTION OF BRUNEI DARUSSALAM
(Order under section 83(3))**

SUPREME COURT (AMENDMENT) ORDER, 2000

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 —

Citation.

1. This Order may be cited as the Supreme Court (Amendment) Order, 2000.

Amendment of section 2 of Chapter 5.

2. Section 2 of the Supreme Court Act, in this Order referred to as the Act, is amended by deleting the definition of "Court Registrar" and by substituting the following therefor —

"Registrar" means the Chief Registrar, the Deputy Chief Registrar, Senior Registrar and Registrar of the Supreme Court;".

Repeal of sections 28 and 29(3).

3. Sections 28 and 29(3) of the Act are repealed.

Insertion of the word "Judicial".

4. The Act is amended by inserting the word "Judicial" before "Commissioner" wherever it appears in the Act.

Addition of new section 30.

5. The Act is amended by adding the following new section 30 —

"Chief Registrar, Deputy Chief Registrar, Senior Registrars and Registrars.

30. (1) His Majesty may appoint a Chief Registrar, a Deputy Chief Registrar, Senior Registrars and Registrars for the Supreme Court.

(2) The Chief Registrar, Deputy Chief Registrar, Senior Registrars and Registrars shall be ex-officio commissioners for oaths and notaries public."

Addition of new section 31.

6. The Act is amended by adding the following new section 31 —

"Subordinate officers.

31. There shall be attached to the Supreme Court such interpreters, clerks, bailiffs, process-servers and other officers as, from time to time, appear to the Chief Justice to be necessary for the administration of justice and the due execution of all powers and duties which are vested in the Supreme Court."

Addition of new section 32.

7. The Act is amended by adding the following new section 32 —

"Contempt.

32. Notwithstanding any other written law, where any contempt is committed in the face of the Supreme Court, the court may at any time before rising on the same day, take cognizance of the offence, record the facts constituting the offence and the statement, if any, made by the offender and sentence the offender to a fine not exceeding \$10,000 or to imprisonment not exceeding one year or to both:

Provided that the court may, in its discretion —

- (a) discharge the offender or remit the punishment on his making an apology to the satisfaction of the court;
- (b) in lieu of taking cognizance of the offence, authorise a prosecution."

Addition of new section 33.

8. The Act is amended by adding the following new section 33 —

"Protection of judicial and other officers.

33. (1) A judicial officer shall not be liable to be sued in any court for any act done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction, provided that he at the time in good faith believed himself to have jurisdiction to do that act.

(2) No officer of the Supreme Court or other person charged with the duty of executing any writ, summons, warrant, order, notice or other mandatory process of the Supreme Court shall be liable to be sued for the execution of or attempting to execute such writ, summons, warrant, order, notice or other mandatory process, or in respect of any damage caused to any

property in effecting or attempting to effect execution, unless he knowingly acted in excess of the authority conferred upon him by such writ, summons, warrant, order, notice or other mandatory process in question, and he shall not be deemed to have acted knowingly in excess of his authority merely by reason of the existence of a dispute as to the ownership of any property seized under any writ or order or execution."

Made this 18th. day of Rejab, 1421 Hijriah corresponding to the 16th. day of October, 2000 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM