

No. S 2

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

**ROYAL BRUNEI ARMED FORCES ACT (AMENDMENT) ORDER, 2006**

**ARRANGEMENT OF SECTIONS**

**Section**

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

**ROYAL BRUNEI ARMED FORCES ACT (AMENDMENT) ORDER, 2006**

In exercise of the power conferred by Clause (3) of Article 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 Royal Brunei Armed Forces Act (Amendment) Order, 2006.

**Amendment of section 2 of Chapter 149.**

2. Section 2 of the Royal Brunei Armed Forces Act, in this Order referred to as the Act, is amended —

(a) by inserting the following new definition immediately after the definition of "civil offence" —

" "civil prison" means a prison in Brunei Darussalam in which a person sentenced by a civil court to imprisonment can for the time being be confined;"

(b) by inserting the following new definition immediately after the definition of "competent authority" —

" "convening officer", in relation to a court-martial, means the officer convening that court-martial and includes his successor or any person for the time being exercising his or his successor's functions;"

(c) by inserting the following new definition immediately after the definition of "member" —

" "military establishment" means any establishment under the control of the Commander where persons may be required to serve military sentences of detention;"

(d) by adding the following two new subsections —

"[6] Any reference in this Act to a military sentence of imprisonment is a reference to a sentence of imprisonment passed by a court-martial.

(7) Any reference in this Act to a military sentence of detention is a reference to a sentence of detention passed by a court-martial or awarded by the offender's commanding officer or an appropriate superior authority."

**Amendment of section 4.**

3. Section 4 of the Act is amended, in subsection (2), by deleting "Order" from the penultimate line and by substituting "Act" therefor.

**Amendment of section 23.**

4. Section 23 of the Act is amended, in subsection (1), by deleting "\$500" from the last line and by substituting "\$5,000" therefor.

**Amendment of section 27.**

5. Section 27 of the Act is amended by deleting "by" from the penultimate line and by substituting "but" therefor.

**Amendment of section 30.**

6. Section 30 of the Act is amended —

(a) in subsection (1), by deleting "\$1,000" from the last line and by substituting "\$10,000" therefor;

(b) in subsection (2), by deleting "\$500" from the last line and by substituting "\$5,000" therefor.

**Amendment of section 39.**

7. Section 39 of the Act is amended, in subsection (1), by deleting the fullstop from the seventh line and by substituting a colon therefor.

**Insertion of new section 74A.**

8. The Act is amended by inserting the following new section immediately after section 74 —

**"Powers of investigation.**

**74A.** For the purposes of section 74, a provost officer or any member of the Armed Forces legally exercising authority under a provost officer or on his behalf shall have the same powers of investigation of a police officer under Chapter XIII of the Criminal Procedure Code (Chapter 7).".

**Amendment of section 83.**

9. Section 83 of the Act is amended by repealing subsection (2) and by substituting the following new subsection therefor —

"(2) The following persons may act as appropriate superior authority in relation to a person charged with an offence —

(a) the Colonel in Chief;

(b) the Commander; or

(c) any officer of the rank of colonel or above in command:

Provided that an officer under such rank as may be specified by regulations shall not act as appropriate superior authority where the accused is above such rank as may be so specified."

**Amendment of section 107.**

10. Section 107 of the Act is amended, in subsection (2) —

(a) in the second line of paragraph (b), by deleting "the Commander" and by substituting "an officer of the rank of colonel or above in command";

(b) in the last line of paragraph (b), by deleting "His Majesty or the Colonel in Chief" and by substituting "the Colonel in Chief or the Commander" therefor;

(c) in paragraph (c), by inserting "or the Commander" immediately after "Chief" in the second line.

**Amendment of section 117.**

11. Section 117 of the Act is amended, in subsection (2) —

(a) by deleting "for a period not exceeding 7 days unless the said person is earlier discharged or delivered over in due cause of law";

(b) by substitution a colon for the fullstop and by adding the following proviso —

"Provided that no person shall be kept in custody at a police station for a period exceeding 7 days."

**Amendment of section 125.**

12. Section 125 of the Act is amended —

(a) by repealing subsection (10);

(b) in subsection (11), by deleting "or (10)" from the first two lines;

(c) in subsection (12), by deleting "or further suspended under subsection (10)" from the second and third lines.

**Amendment of section 139.**

13. Section 139 of the Act is amended by adding the following new subsection —

"(5) If no appointment of Colonel in Chief has been made under section 9, then any person convicted by court-martial may, with the leave of the Court of Appeal and notwithstanding the provisions of subsections (2) and (3), appeal direct to that court against his conviction."

**Amendment of section 171.**

14. Section 171 of the Act is amended by inserting "or the Commander" immediately after "Chief" in the first line.

**Amendment of section 172.**

15. Section 172 of the Act is amended, in subsection (1), by inserting "or the Commander" immediately after "Chief" in the fifth line.

**Amendment of section 173.**

16. Section 173 of the Act is amended by repealing subsection (3).

**Amendment of section 192.**

17. Section 192 of the Act is amended —

(a) by inserting "(1)" immediately before "A" in the first line;

(b) by adding the following new subsection —

"(2) Whenever it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency."

**Amendment of section 193.**

18. Section 193 of the Act is amended by deleting the semicolon from the eleventh line and by substituting a colon therefor.

**Amendment of section 198.**

19. Section 198 of the Act is amended —

(a) by deleting "for a period not exceeding 7 days" from the last line;

(b) by substituting a colon for the fullstop and by adding the following proviso —

"Provided that no person shall be kept in custody at a police station for a period exceeding 7 days."

**Amendment of Schedule 2.**

20. Schedule 2 of the Act is amended, in paragraph 12, by deleting "of" from the last line and by substituting "or" therefor.

Made this 9th. day of Zulhijjah, 1426 Hijriah corresponding to the 10th. day of January, 2006 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY  
THE SULTAN AND YANG DI-PERTUAN  
BRUNEI DARUSSALAM