

No. S 56

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

SUBORDINATE COURTS ACT (AMENDMENT) ORDER, 2004

ARRANGEMENT OF SECTIONS

Section

1. Citation.
 2. Insertion of new section 5A into Chapter 6.
 3. Amendment of section 7.
 4. Addition of new section 26.
-

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

SUBORDINATE COURTS ACT (AMENDMENT) ORDER, 2004

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 Subordinate Courts Act (Amendment) Order, 2004.

Insertion of new section 5A into Chapter 6.

2. The Subordinate Courts Act, in this Order referred to as the Act, is amended by inserting the following new section immediately after section 5 —

"Language of Courts of Magistrates.

5A. All proceedings in the Courts of Magistrates shall be in the English language:

Provided that a Court of a Magistrate may in the interests of justice allow the giving of evidence by a witness in any other language."

Amendment of section 7.

3. Section 7 of the Act is amended by adding the following 5 new subsections —

"(3) Whenever any party or a Court of a Magistrate in any proceedings or any part thereof —

(a) makes a reference, whether orally or in writing, directly or indirectly, to any act, decision, grant, revocation or suspension, or refusal or omission to do so, any exercise of or refusal or omission to exercise any power, authority or discretion by His Majesty the Sultan and Yang Di-Pertuan; or

(b) intends to refer to any issue or matter that may directly or indirectly pertain to or concern the inviolability, sanctity or interests of the position, dignity, standing, honour, eminence or sovereignty of His Majesty the Sultan and Yang Di-Pertuan,

the Court of a Magistrate shall hold such proceedings or such part thereof in camera:

Provided that His Majesty the Sultan and Yang Di-Pertuan may issue a direction in writing to the Court of a Magistrate that such proceedings or such part thereof not be heard in camera.

(4) Without prejudice to His Majesty the Sultan and Yang Di-Pertuan's power in subsection (3), His Majesty the Sultan and Yang Di-Pertuan may issue a direction in writing to a Court of a Magistrate to hold the hearing of any proceedings or any part thereof in camera.

(5) His Majesty the Sultan and Yang Di-Pertuan may issue a direction in writing to a Court of a Magistrate to hold the hearing of any proceedings or any part thereof at such time and venue as His Majesty the Sultan and Yang Di-Pertuan may determine.

(6) Any direction issued by His Majesty the Sultan and Yang Di-Pertuan under subsection (3), (4) or (5) shall not be called in question in or be subject to any judicial review by or appeal to any court.

(7) No person shall publish or reproduce in Brunei Darussalam or elsewhere any or any part of proceedings, including but not limited to any evidence, exhibit, judgment or document produced in any proceedings, that may have the effect of lowering or adversely affecting directly or indirectly the position, dignity, standing, honour, eminence or sovereignty of His Majesty the Sultan and Yang Di-Pertuan; and any person who acts in contravention of this subsection is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding one year or both."

Addition of new section 26.

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

"Exemption from attendance

His Majesty not compellable to attend Courts of Magistrates.

26. (1) For the avoidance of doubt, it is hereby declared that His Majesty the Sultan and Yang Di-Pertuan shall not be compellable to attend any proceedings in or be summoned before a Court of a Magistrate.

(2) His Majesty the Sultan and Yang Di-Pertuan may, in writing, exempt any person who is required to attend any proceedings in or summoned before a Court of a Magistrate, from having to comply with such requirement or summons; and such exemption shall not be called in question in or be subject to any judicial review by or appeal to any court."

Made this 3rd. day of Syaaban, 1425 Hijriah corresponding to the 18th. day of September, 2004 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM