

No. S 61

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

SUPREME COURT ACT (AMENDMENT) (NO. 2) ORDER, 2004

ARRANGEMENT OF SECTIONS

Section

1. Citation.
 2. Insertion of new sections 20A to 20E into Chapter 5.
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CONSTITUTION OF BRUNEI DARUSSALAM
(Order under section 83(3))

SUPREME COURT ACT (AMENDMENT) (NO. 2) 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 Supreme Court Act (Amendment) (No. 2) Order, 2004.

Insertion of new sections 20A to 20E into Chapter 5.

2. The Supreme Court Act is amended by inserting the following 5 new sections immediately after section 20 —

"Power of High Court to call for records of civil proceedings in Intermediate and Subordinate Courts.

20A. Notwithstanding any other written law, the High Court may call for and examine the record of any civil proceedings before any Intermediate Court or Subordinate Court for the purpose of satisfying itself as to the correctness, legality or propriety of any decision recorded or passed, and as to the regularity of any proceedings of any such Intermediate Court or Subordinate Court.

Power of High Court on revision of civil proceedings.

20B. In the case of any civil proceedings in an Intermediate Court or Subordinate Court the record of which has been called for, or which otherwise comes to its knowledge, the High Court may give such orders thereon, either by directing a new trial or otherwise, as seem necessary to secure that substantial justice is done.

No revision at instance of party who could have appealed.

20C. Where an appeal lies from any decision in any civil matter, and no appeal is brought, no proceeding by way of revision shall be entertained at the instance of a party who could have appealed.

General supervisory and revisionary jurisdiction of High Court.

20D. (1) For the avoidance of doubt and notwithstanding any other written law, in addition to the powers conferred on the High Court by this Act or by any other written law, the High Court shall have general supervisory and revisionary jurisdiction over all Intermediate Courts and Subordinate Courts.

(2) The High Court may in particular but without prejudice to the generality of subsection (1), if it appears desirable in the interests of justice, either of its own motion or at the instance of any party or person interested, at any stage in any matter or proceeding in any Intermediate Court or Subordinate Court, call for the record thereof and may transfer the matter or proceeding into the High Court or may give to the Intermediate Court or Subordinate Court such directions as to the further conduct of that matter or proceeding as justice may require.

(3) Upon the High Court calling for any record under subsection (2), all proceedings in the Intermediate Court or Subordinate Court in the matter or proceeding in question shall be stayed pending further order of the High Court.

Discretion of High Court as to hearing parties.

20E. (1) Subject to the provisions of any written law, no party shall have any right to be heard before the High Court when exercising its powers of revision and supervision.

(2) No final order shall be made to the prejudice of any person unless that person has had an opportunity of being so heard."

Made this 8th. day of Syaaban, 1425 Hijriah corresponding to the 23rd. day of September, 2004 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM