

No. S 63

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

CONSTITUTION (FINANCIAL PROCEDURE) (AMENDMENT) ORDER, 2004

ARRANGEMENT OF SECTIONS

Section

1. Citation.
2. Amendment of section 2 of Const. III.
3. Substitution of section 4.
4. Amendment of section 5.
5. Amendment of section 6.
6. Amendment of section 7.
7. Amendment of section 8.
8. Amendment of section 9.
9. Amendment of section 10.
10. Amendment of section 11.
11. Amendment of section 13.
12. Amendment of section 14.
13. Insertion of new section 14A.
14. Amendment of section 15.
15. Insertion of new section 15A.
16. Amendment of section 16.
17. Amendment of section 17.
18. Amendment of section 18.

19. Amendment of section 19.
 20. Amendment of section 20.
 21. Amendment of First Schedule.
 22. Substitution of Second Schedule.
 23. Amendment of principal Order.
-

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

CONSTITUTION (FINANCIAL PROCEDURE) (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 Constitution (Financial Procedure) (Amendment) Order, 2004

Amendment of section 2 of Const. III.

2. Section 2 of the Constitution (Financial Procedure) Order, in this Order referred to as the principal Order, is amended —

(a) in the definition of "accounting officer", by adding "but does not include the Minister";

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

"Contingencies Fund" means the Fund created by subsection (1) of section 10;"

(c) by deleting the definition of "the minister" and by substituting the following new definition therefore —

" "Minister" means the Minister of Finance;"

(d) by deleting the definition of " "Public Service Commission" or "Chairman of the Public Service Commission" " and by substituting the following new definition therefor —

" "Public Service Commission" means the Public Service Commission established by section 71 of the Constitution;"

(e) in the definition of "public stores", by deleting "the properly" from the first line and by substituting "which are the property" therefor.

Substitution of section 4.

3. Section 4 of the principal Order is repealed and the following new section substituted therefor —

"Bank Accounts.

4. No accounting officer shall open any public or official account in any bank without the authority in writing of His Majesty the Sultan and Yang Di-Pertuan in respect of public moneys of Brunei Darussalam, and no bank shall permit an overdraft on any public or official account unless the same be authorised by His Majesty the Sultan and Yang Di-Pertuan."

Amendment of section 5.

4. Section 5 of the principal Order is amended by deleting "provisions of the Constitution and of this Order" from the first two lines and by substituting "instructions of His Majesty the Sultan and Yang Di-Pertuan" therefor.

Amendment of section 6.

5. Section 6 of the principal Order is amended —

- (a) in paragraph (a), by deleting "of" from the third line;
- (b) in paragraph (b), by deleting "of" from the second line;
- (c) in paragraph (c), by deleting "of" from the second line.

Amendment of section 7.

6. Section 7 of the principal Order is amended —

- (a) in subsection (2) —
 - (i) by deleting "a bank" from the first line and by substituting "any such bank or banks" therefor;
 - (ii) by deleting "moneys," from the second line and by substituting "moneys and" therefor;
- (b) in subsection (3) —
 - (i) in paragraph (c), by deleting the semicolon and by substituting a comma therefor;

- (ii) by inserting a comma immediately after "investments" in the fifth last line;
 - (iii) by deleting "interest" from the fifth last line and by substituting "income in the form of dividends profits, interest or returns" therefor;
 - (iv) by inserting ", and shall if so ordered by His Majesty the Sultan and Yang Di-Pertuan, " immediately after "may" in the third last line;
- (c) in subsection (4) —
- (i) by deleting "Interest" from the first line and by substituting "Income" therefor;
 - (ii) by deleting "the provisions of "from the second line;
 - (iii) by deleting "that" from the fourth line;
 - (iv) by deleting "the terms of any trust the interest" from the fourth and fifth lines and by substituting "any trust, that the income" therefor;
- (d) in subsection (5) —
- (i) by deleting "sub-paragraph (c) of paragraph (3)." and by substituting "paragraph (c) of subsection (3);" therefor;
 - (ii) by adding the following proviso —

"Provided that it shall be lawful for His Majesty the Sultan and Yang Di-Pertuan, by order published in the *Gazette*, to add to, amend or remove, all or any of the items of investments specified in the First Schedule."

Amendment of section 8.

7. Section 8 of the principal Order is amended —

- (a) in subsection (2) —
- (i) in paragraph (b), by deleting "of" from the first line and by substituting "to" therefor;

- (ii) by deleting paragraph (d) and by substituting the following new paragraph therefor —

"(d) income as provided in subsection (4) of section 7.";

(b) in subsection (3), by deleting "the provisions of any other written law and the terms of" from the first two lines and by substituting "any written law and" therefor;

(c) in subsection (4), by deleting "the provisions of any other written law and the terms of" from the first two lines and by substituting "any written law and" therefor;

(d) in subsection (5) —

- (i) by deleting "the provisions of any others written law and the terms of" from the first two lines and by substituting "any written law and" therefor;
- (ii) by deleting "paragraph" from the penultimate line and from the last line and by substituting "subsection" therefor;

(e) in subsection (6), by deleting "paragraph" from the second line and by substituting "subsection" therefor.

Amendment of section 9.

8. Section 9 of the principal Order is amended —

(a) by repealing subsection (2) and by substituting the following new subsection therefor —

"(2) The Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan and subject to any written law, may from time to time apply the fund for the general purposes thereof or for any particular purposes as may from time to time be specified by resolution of the Legislative Council.".

(b) in subsection (3), by deleting "paragraph" from the second line and from the last line and by substituting "subsection" therefor;

(c) by repealing subsection (4) and by substituting the following new subsection therefor —

"(4) The Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, may from time to time amend, delete from or add to the Second Schedule."

Amendment of section 10.

9. Section 10 of the principal Order is amended —

(a) in subsection (2), by deleting "paragraph" from the fourth line and by substituting "subsection" therefor;

(b) in subsection (3), by deleting "paragraph (4) of article" from the penultimate line and by substituting "subsection (4) of section" therefor.

Amendment of section 11.

10. Section 11 of the principal Order is amended —

(a) in subsection (2), by inserting "properly" immediately after "service" in the third line;

(b) in subsection (3), in paragraph (b), by deleting "or suspend any expenditure" from the penultimate line and by substituting ", suspend or cancel any expenditure, or part of such expenditure," therefor;

(c) in subsection (4), by deleting "the provisions of" from the third last line;

(d) in subsection (5), in paragraph (b), by deleting "the provisions of paragraph (3) of article" from the second line and by substituting "subsection (3) of section" therefor.

Amendment of section 13.

11. Section 13 of the principal Order is amended —

(a) in subsection (3), by deleting "approval of the Treasury shall first have" from the last two lines and by substituting "prior approval of the Treasury has" therefor;

(b) in subsection (4), by deleting "paragraph" from the fourth line and by substituting "subsection" therefor.

Amendment of section 14.

12. Section 14 of the principal Order is amended —

(a) in paragraph (e), by deleting "and" from the last line;

(b) by deleting paragraph (f) and by substituting the following 2 new paragraphs therefor —

"(f) as far as is practicable, a statement of outstanding guarantees and other financial liabilities of the Government at the end of the financial year; and

(g) such other statements as His Majesty the Sultan and Yang Di-Pertuan may from time to time require:";

(c) by adding the following proviso —

"Provided that where the Minister is His Majesty the Sultan and Yang Di-Pertuan, then the reference to "Minister" in the first line of this section shall be deemed to be a reference to the Deputy Minister of Finance."

Insertion of new section 14A.

13. The principal Order is amended by inserting the following new section immediately after section 14 —

"Approval from His Majesty.

14A. No statement referred to in section 14 shall be released unless the prior approval of His Majesty the Sultan and Yang Di-Pertuan has been obtained."

Amendment of section 15.

14. Section 15 of the principal Order is amended, in paragraph (b), by inserting "any claim to" immediately after "abandon" in the first line.

Insertion of new section 15A.

15. The principal Order is amended by inserting the following new section immediately after section 15 —

"Decision under section 15 to be final and binding.

15A. Where any decision is taken in respect of section 15, such decision shall be final and binding and shall not be debated, challenged or reviewed in the Legislative Council, any court or elsewhere."

Amendment of section 16.

16. Section 16 of the principal Order is amended —

(a) by deleting "with" from the second line;

(b) by deleting ", subject to the Constitution and to any subsidiary legislation made thereunder," from the fourth and fifth last lines;

(c) by deleting "or" where it appears for the second time in the penultimate line and by substituting "of" therefor.

Amendment of section 17.

17. Section 17 of the principal Order is amended —

(a) by deleting "cause" from the second line and by substituting "notify" therefor;

(b) by deleting "to be notified" from the third line.

Amendment of section 18.

18. Section 18 of the principal Order is amended —

(a) by deleting "a satisfactory explanation" from the second line and by substituting "an explanation satisfactory to His Majesty the Sultan and Yang Di-Pertuan" therefor;

(b) by deleting "cause the head of department to be notified" from the last two lines and by substituting "notify the head of department" therefor.

Amendment of section 19.

19. Section 19 of the principal Order is amended —

(a) by deleting "article" from the first line and from the second line and by substituting "section" therefor;

(b) by deleting, "may be sued for and recovered" from the fourth line and by substituting "such person may be sued and the surcharge recovered," therefor;

(c) by deleting "officer" from the third last line and from the last line and by substituting "person being sued" therefor.

Amendment of section 20.

20. Section 20 of the principal Order is amended, in subsection (1) —

(a) by inserting "that are" immediately before "not" in the third line;

(b) by deleting "generally for" from the fourth line and by substituting "for the general purpose of" therefor;

(c) in paragraph (b), by deleting "effectual" from the first line and by substituting "effective" therefor;

(d) in paragraph (c), by deleting "whatever" from the first two lines and by substituting "whenever" therefor.

Amendment of First Schedule.

21. The First Schedule to the principal Order is amended, in the heading, by deleting "Article" and by substituting "Section" therefor.

Substitution of Second Schedule.

22. The Second Schedule to the principal Order is repealed and the following new Second Schedule substituted therefor —

"SECOND SCHEDULE

(Section 9(1))

GOVERNMENT TRUST FUNDS

Loan and Advances —

Contingencies Fund

Housing Loans Fund

Shophouses Loans Fund

Development Loans Fund

Livestock Loans Fund

Personal Loans Fund
Conveyance Advance Fund
Personal Advance (Public Officers) Fund
Miscellaneous Advances Fund
Petty Cash Imprest Fund
Small and Medium Business Financing Scheme
Departmental Clearance Fund

Inter Administration and Agency Current Accounts —

Government of the State of Sabah
Government of Malaysia
Government of the State of Sarawak
Government of Singapore

Deposit Accounts —

Muslim Fund
Money Orders Fund
Police Reward Fund
Home Allotment

Stocks and Trading —

Electricity Department	Unallocated Stores
Public Works Department	Small Works Trading Account
	Unallocated Stores — Stone Account
	Bitumen and Concrete Products Trading Account
	Workshop Trading Account
	Unallocated Stores — Petrol, Oil and Lubricants Account

State Stores and Supplies
Unallocated Stores — Essential Foodstuffs
Unallocated Stores
Unallocated Stores — Workshop (Spare Parts)
Arts and Crafts Centre Trading Account
Cooperative Supply Trading Account."

Amendment of principal Order.

23. The principal Order is amended —

(a) by inserting "Darussalam" immediately after "Brunei" wherever that word appears, except in the definition of "Constitution" in section 2, and in sections 7 and 14;

(b) by deleting "the Prime Minister" wherever those words appear and by substituting "His Majesty the Sultan and Yang Di-Pertuan" therefor.

Made this 9th. day of Syaaban, 1425 Hijriah corresponding to the 24th. day of September, 2004 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM