

No. S 87

CONSTITUTION OF BRUNEI DARUSSALAM
{Order made under Article 83(3)}

ROYAL BRUNEI ARMED FORCES ACT (AMENDMENT) ORDER, 2013

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

ROYAL BRUNEI ARMED FORCES ACT (AMENDMENT) ORDER, 2013

In exercise of the power conferred by Article 83(3) of the Constitution of Brunei Darussalam, His Majesty the Sultan and Yang Di-Pertuan hereby makes the following Order —

Citation and commencement.

1. This Order may be cited as the Royal Brunei Armed Forces Act (Amendment) Order, 2013 and shall be deemed to have commenced on 1st August 2011.

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, in subsection (1) —

(a) in the definition of “eligible young person”, by deleting “17½” and by substituting “18” therefor;

(b) in the definition of “member”, by deleting “or boy soldier, and, in relation to the Reserve Regiment, an officer, man or boy reservist” and by substituting “, and, in relation to the Reserve Regiment, an officer or a soldier”;

(c) by deleting the definition of “officer”;

(d) by inserting the following new definitions in the appropriate alphabetical order —

“ “commissioned” means the conferring of the rank of an officer in the Armed Forces by His Majesty the Sultan and Yang Di-Pertuan;

“enlist” means enlisted to serve the Armed Forces or the Reserve Regiment pursuant to section 12;

“mandatory training” means the training which an officer cadet or a recruit shall undergo prior to being commissioned as an officer or as a trained soldier;

“officer” means any person commissioned into the Armed Forces by His Majesty the Sultan and Yang Di-Pertuan under this Act but does not include any person serving under any loan agreement or contract with the Government;

“officer cadet” means an officer who is undergoing such training course as may be determined by the competent authority;

“recruit” means a person enlisted in the Armed Forces or the Reserve Regiment in accordance with the provisions of this Act who has not been previously so enlisted;

“soldier” means any person other than an officer, enlisted in the Armed Forces under or by virtue of the provision of this Act, but does not, except where it is expressly provided, include an officer cadet;”.

Amendment of section 4.

3. Section 4 of the Act is amended —

(a) in subsection (1), by deleting “and boy soldiers” from the second line; and

(b) in subsection 2(d), by deleting “and boy reservists”.

Amendment of section 5.

4. Section 5 of the Act is amended, in subsection (1), by deleting “, boy soldiers, men and boy reservists” from the second and third lines and by substituting “and men” therefor.

Amendment of section 8.

5. Section 8 of the Act is amended, in subsection (4), by inserting “determine that the services of an officer is no longer required and” immediately before “cancel”.

Amendment of section 12.

6. Section 12 of the Act is amended —

(a) by deleting “17½” from the third line and by substituting “18” therefor;

(b) by inserting “as the competent authority may determine” immediately after “periods” in the sixth line.

Repeal of section 13.

7. Section 13 of the Act is repealed.

Amendment of section 14.

8. Section 14 of the Act is amended, in subsection (1), by deleting “in the prescribed form” from the fourth line.

Substitution of section 19.

9. Section 19 of the Act is repealed and the following new section substituted therefor —

“Right of recruit to purchase discharge.

19. “Subject to the period of compulsory engagement as provided in regulations made under this Act, a recruit may with the permission of His Majesty the Sultan and Yang Di-Pertuan purchase his discharge at any time during his mandatory training, and if such permission is granted he shall, on payment to the Government of a sum not exceeding \$4,000 and in the case of an officer, not exceeding \$10,000, be discharged with all convenient speed subject to the conditions as may be determined by the competent authority:

Provided that permission shall not be given to a recruit to purchase at a time when a state of war exists between Brunei and any foreign power, or men of the Reserve Regiment are called out for full-time service pursuant to section 25.”

Insertion of new section 20A.

10. The Act is amended by inserting the following new section immediately after section 20 —

“Service no longer required.

20A. His Majesty the Sultan and Yang Di-Pertuan may, without assigning any reason therefor, determine that the services of a soldier is no longer required and cancel any enlistment.”

Amendment of section 22.

11. Section 22 of the Act is amended —

(a) in subsection (1) —

- (i) by deleting “or boy soldier of the Armed Forces or man or boy reservist” from the fourth and fifth lines and by substituting “of the Armed Forces or a man” therefor;

- (ii) in paragraph (d), by deleting “or boy soldier of the Armed Forces or a man or boy reservist” from the fourth and fifth lines and by substituting “of the Armed Forces or a man” therefor;

(b) in subsection (2) —

- (i) by deleting “or a boy soldier” from the second line;
- (ii) by deleting “or boy reservist” from the third line;
- (iii) by deleting “boy soldier or such a man or boy reservist” from the sixth line and by substituting “a man” therefor.

Amendment of section 43.

12. Section 43 of the Act is amended, in subsection (2), by inserting “or any regulations made thereunder” immediately after “Act” in the second last line.

Insertion of new section 43A.

13. The Act is amended by inserting the following new section immediately after section 43 —

“Failure to comply with terms of engagement.

43A. Any person subject to military law shall be required to comply with the terms of engagement set out in the Regulations and a failure to comply with such requirements shall, on conviction by court-martial, be liable to imprisonment for 2 years or any less punishment provided by this Act.”.

Made this 7th. day of Safar, 1435 Hijriah corresponding to the 10th. day of December, 2013 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM