

No. S 6

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

**BRUNEI NATIONAL PETROLEUM COMPANY SENDIRIAN BERHAD
(AMENDMENT) ORDER, 2003**

ARRANGEMENT OF SECTIONS

Section

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

BRUNEI NATIONAL PETROLEUM COMPANY SENDIRIAN BERHAD
(AMENDMENT) ORDER, 2003

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 and commencement.

1. This Order may be cited as the Brunei National Petroleum Company Sendirian Berhad (Amendment) Order, 2003 and shall be deemed to have commenced on the 5th. January, 2002.

Amendment of section 4 of S 6/02.

2. Section 4 of the Brunei National Petroleum Company Sendirian Berhad Order, 2002, in this Order referred to as the principal Order, is amended —

(a) by deleting "(1)" from the first line of subsection (1);

(b) by repealing subsections (2) and (3).

Amendment of section 5.

3. Section 5 of the principal Order is amended by deleting "Petroleum BRUNEI" from the fifth line and by substituting "PetroleumBRUNEI" therefor.

Amendment of section 7.

4. Section 7 of the principal Order is amended by adding the following new subsection —

"(4) Where the Prime Minister Corporation so decides, the Company is hereby delegated with the exercise of the following rights and obligations for, on behalf of and at the expense of, as appropriate, His Majesty the Sultan and Yang Di-Pertuan in Council and any other lawful authority of the Government, or either of them (including without limitation the Prime Minister Corporation, but always excluding the Company) —

(a) acting as a State Party in the negotiation, conclusion and implementation of any petroleum mining Agreement, other than those

which are in respect of any designated area and where the Company acts as State Party; and

(b) all rights, benefits, privileges, duties, undertakings and obligations (other than any dividend or other revenue entitlement) of, as appropriate, His Majesty the Sultan and Yang Di-Pertuan in Council and any other lawful authority of the Government, or of either of them (including without limitation the Prime Minister Corporation, but always excluding the Company) directly associated with their equity participation in the bodies corporate referred to in the Second Schedule or of any other person as may be designated by the Prime Minister Corporation."

Amendment of section 12.

5. Section 12 of the principal Order is amended —

(a) in subsection (2), by adding "and in paragraph *(b)* of subsection (4) of section 7";

(b) in paragraph *(a)* of subsection (4), by deleting ", subject only to paragraph *(b)* of subsection (5)";

(c) by deleting paragraph *(c)* of subsection (4) and by substituting the following new paragraph therefor —

"*(c)* the part of the regulatory income representing the totality of the research and development contributions, service fees, or other similar payments to which the Company becomes entitled as State Party under a petroleum mining Agreement;"

(d) by inserting the following new subsection immediately after subsection (4) —

"(4A) Notwithstanding any other provision of this Order or of any other written law, the Company shall in each financial year receive, in consideration for the exercise of the rights and duties pursuant to subsection (4) of section 7, such payment as may be decided by the Prime Minister Corporation.";

(e) by repealing subsection (5) and by substituting the following new subsection therefor —

"(5) All of the regulatory income, subject to paragraphs *(b)* and *(c)* of subsection (4) and notwithstanding any other provision of this

Order or of any other written law, shall be the property of Brunei Darussalam and shall be transferred to the Consolidated Fund."

Amendment of Second Schedule

6. The Second Schedule to the principal Order is amended by deleting "12(5)" from the 2 places where it appears and by substituting "7(4)", therefor.

Made this 15th. day of Muharam, 1424 Hijriah corresponding to the 18th. day of March, 2003 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM