

No. S 32

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

CRIMINAL PROCEDURE CODE (AMENDMENT) ORDER, 2005

ARRANGEMENT OF SECTIONS

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

CRIMINAL PROCEDURE CODE (AMENDMENT) ORDER, 2005

In exercise of the power conferred by Clause (3) of Article 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 Criminal Procedure Code (Amendment) Order, 2005.

Amendment of section 1 of Chapter 7.

2. Section 1 of the Criminal Procedure Code, in this Order referred to as the Code, is amended by adding the following new subsection —

"(3) For the avoidance of doubt, this Code shall be read subject to Article 84C of the Constitution of Brunei Darussalam, and nothing in this Code shall be construed as conferring on any court any jurisdiction or power to entertain any proceedings referred to in Article 84C of the Constitution of Brunei Darussalam."

Amendment of section 2.

3. Section 2 of the Code is amended in subsection (1) —

- (i) in the definition of "fine" by deleting "on" from the third line and by substituting "in" therefor;
- (ii) in the definition of "magistrate" by deleting the comma immediately after "(Chapter 6)" from the last line.

Amendment of section 19.

4. Section 19 of the Code is amended in subsection (2) —

- (i) by deleting "resist" from the first line and by substituting "resists" therefor;
- (ii) by deleting "attempt" from the second line and by substituting "attempts" therefor.

Amendment of section 39.

5. Section 39 of the Code is amended, in subsection (2), by inserting "of" immediately after "officer" in the third line.

Amendment of section 47.

6. Section 47 of the Code is amended, in the sub-heading, by inserting "be" immediately after "to".

Amendment of section 73.

7. Section 73 of the Code is amended, in subparagraph (i) of paragraph (c), by deleting "section 124A of the Penal Code (Chapter 22) or under" from the second and third lines.

Amendment of section 117C.

8. Section 117C of the Code is amended, in paragraph (c) of subsection (2), by deleting "purports" from the third line and by substituting "purport" therefor.

Amendment of section 156.

9. Section 156 of the Code is amended, in paragraph (a) of the Illustrations, by deleting "242" from the first line and by substituting "243" therefor.

Amendment of section 236C.

10. Section 236C of the Code is amended, in subsection (11), by deleting "sound-tack" from the last line and by substituting "sound-track" therefor.

Substitution of section 268.

11. Section 268 of the Code is repealed and the following new section substituted therefor —

"Saving for prerogative of mercy of His Majesty.

268. Nothing in this Code shall be deemed to interfere with or derogate from the prerogative of mercy of His Majesty the Sultan and Yang Di-Pertuan and from the provisions of the Constitution of Brunei Darussalam."

Amendment of section 438I.

12. Section 438I of the Code is amended, in subsection (1), by deleting "438G" from the second line and by substituting "438H" therefor.

Amendment of section 439.

13. Section 439 of the Code is amended by deleting paragraph (h) of subsection (2) and by substituting the following new paragraph therefor —

"(h) to order a respondent to be committed to prison or admitted to bail under section 438B."

Made this 12th. day of Rabiulakhir, 1426 Hijriah corresponding to the 21st. day of May, 2005 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN,
BRUNEI DARUSSALAM.