

No. S 64

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

**CENTRE FOR STRATEGIC AND POLICY STUDIES ORDER, 2006**

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

**CENTRE FOR STRATEGIC AND POLICY STUDIES ORDER, 2006**

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, commencement and long title.**

1. (1) This Order may be cited as the Centre for Strategic and Policy Studies Order, 2006 and shall commence on a date to be appointed by the Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by notification in the *Gazette*.

(2) The long title of this Order is "An Order to provide for the establishment of the Centre for Strategic and Policy Studies and for matters connected therewith".

**Interpretation.**

2. In this Order, unless the context otherwise requires —

"Board" means the Board of Directors of the Centre;

"Centre" means the Centre for Strategic and Policy Studies established by section 3;

"Chairman" means the Chairman of the Board appointed under subsection (2) of section 5;

"Executive Director" means the Executive Director of the Centre appointed under section 16;

"member" means a member of the Board appointed under subsection (2) of section 5;

"Minister" means the Minister responsible for the administration of this Order.

**Establishment of Centre.**

3. There is hereby established a Centre called the Centre for Strategic and Policy Studies (or by the short form CSPS) which shall be a body corporate with perpetual succession and a common seal and shall, by that name, be capable of —

- (a) suing and being sued;
- (b) acquiring, owning, holding, developing or disposing of property both movable and immovable; and
- (c) doing all such other acts or things as a body corporate may lawfully do.

**Common seal.**

4. (1) The Centre shall have a common seal and such seal may from time to time be changed, altered or made anew as the Centre thinks fit.

(2) All deeds and other documents requiring the seal of the Centre shall be sealed with the common seal of the Centre.

(3) All instruments to which the common seal is affixed shall be signed by any 2 members generally or specially authorised by the Board for that purpose.

(4) The Board may, by resolution or otherwise in writing, appoint an officer of the Centre or any other person either generally or in any particular case to execute or sign on behalf of the Centre any agreement or other instrument not under seal in relation to any matter within the powers of the Centre.

(5) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Centre affixed to any document and shall presume that it was duly affixed.

**Board of Directors.**

5. (1) There shall be a Board of Directors of the Centre, which shall be the executive body of the Centre, which may exercise all the powers conferred on the Centre under this Order.

(2) The Board shall consist of —

- (a) a Chairman;
- (b) a Deputy Chairman; and
- (c) not more than 15 other members,

all of whom shall be appointed by His Majesty the Sultan and Yang Di-Pertuan.

**Secretary of Board.**

6. The Executive Director shall be the secretary of the Board.

**Chairman may delegate functions.**

7. The Chairman may in writing authorise the Deputy Chairman or any member to exercise any power or perform any function or duty conferred on the Chairman by or under this Order.

**Term of office of members.**

8. (1) Members shall hold office for a period of up to 3 years, unless His Majesty the Sultan and Yang Di-Pertuan otherwise directs, and shall be eligible for re-appointment:

Provided that His Majesty the Sultan and Yang Di-Pertuan may at any time revoke any such appointment.

(2) Any member may resign from his office at any time by giving notice in writing to that effect addressed to the Chairman, and shall cease to be a member on the date to be determined by the Chairman.

(3) His Majesty the Sultan and Yang Di-Pertuan may at any time revoke the appointment of any member as he considers necessary in the interest of the effective performance of the functions of the Centre under this Order, or in the public interest.

(4) If a member dies or resigns or has his appointment revoked, His Majesty the Sultan and Yang Di-Pertuan may appoint any person to fill the vacancy for the residue of the term for which such member was appointed.

(5) The Centre shall pay to the Chairman and other members, out of the funds of the Centre, such salaries, fees and allowances as His Majesty the Sultan and Yang Di-Pertuan may determine.

**Temporary Chairman.**

9. If the Chairman is absent from Brunei Darussalam, or for any other reason is unable to discharge his functions, the Deputy Chairman shall act as temporary Chairman. If the Deputy Chairman is unable to act as temporary Chairman, His Majesty the Sultan and Yang Di-Pertuan may appoint any one of the members to act as temporary Chairman.

**Meetings and proceedings of Board.**

10. (1) At the meetings of the Board, one-half of the members of the Board so appointed shall form a quorum.

(2) The Chairman shall preside at all meetings of the Board and, in his absence the Deputy Chairman shall preside.

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(3) Meetings of the Board shall be held at such times and places as the Chairman may determine.

(4) All questions arising at any meeting shall be decided by a majority of votes of the members present and voting.

(5) At any meeting of the Board, the Chairman or, in his absence, the Deputy Chairman shall have a deliberative vote and, in the case of an equality of votes, he shall also have a casting vote.

(6) The validity of any proceedings of the Board shall not be affected by any vacancy amongst its members or by any defect in the appointment of any member.

(7) Subject to the provisions of this Order, the Board may regulate its own proceedings.

**Committees.**

11. (1) The Board may, from time to time, appoint committees consisting of one or more persons (whether members or not) and define or vary the terms of reference of those committees.

(2) There may be paid to each member of a committee out of the funds of the Centre such allowances, including travelling and subsistence allowances, as the Board may determine, subject to such limits and conditions as the Minister may direct.

(3) Subject to the provisions of this Order and to the control of the Board, each committee appointed under this section may regulate its procedure in such manner as it thinks fit.

**Delegation of powers.**

12. (1) The Board may, from time to time, in respect of a specified matter or class of matter, by writing, delegate any of its powers to a member, a committee of the Board or an officer of the Centre.

(2) Every member, committee or officer purporting to act pursuant to a delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of that delegation.

(3) No delegation under this section shall prevent the exercise of any power or the performance of any function or duty by the Board.

**Functions and powers of Centre.**

13. (1) The functions of the Centre shall include —

*(a)* the advancement and dissemination of knowledge and the promotion of research on Brunei Darussalam and on all matters appertaining to Brunei Darussalam's interests; and

*(b)* the conferring and awarding of diplomas, certificates and fellowships.

(2) The Centre shall have the power to do anything for the purposes of discharging its functions under this Order, or which is incidental or conducive to the discharge of those functions, in particular, may, —

*(a)* appoint such officers, employees, fellows, consultants or agents as it thinks fit on such conditions as it may determine;

*(b)* establish and maintain facilities for the provision of services and activities related to or connected with the functions of the Centre;

*(c)* enter into and carry out such arrangements as the Centre may think fit with schools, colleges, universities and other research institutions, both in Brunei Darussalam and elsewhere;

*(d)* institute and award fellowships, scholarships, lectureships, bursaries, medals, prizes and other titles, distinction, awards and forms of assistance towards the advancement and dissemination of knowledge on Brunei Darussalam and on matters appertaining to Brunei Darussalam's interests;

*(e)* establish a printing press and publish books and other publications;

*(f)* organise such courses and programmes for, and render such advice, consultancy and services to, the public sector and any other person in Brunei Darussalam or elsewhere on any matter related to or connected with the functions of the Centre;

*(g)* charge fees or commissions for services rendered by the Centre and for the use of any of its facilities;

*(h)* promote the formation of or acquire any interest in any undertaking;

*(i)* enter into such contracts as may be necessary or expedient for carrying into effect the provisions of this Order;

(j) acquire and hold such movable or immovable property as may be necessary or expedient for carrying into effect the provisions of this Order and for the same purposes may sell, lease, mortgage or otherwise alienate or dispose of any property so acquired;

(k) provide recreational facilities and promote recreational activities for, and activities conducive to, the welfare of officers or employees of the Centre and members of their families; and

(l) do all such things as may be necessary, incidental or conducive to the attainment of all or any of its functions and powers.

(3) This section shall not be construed as limiting any power of the Centre conferred by or under any written law.

**Power to accept gifts.**

14. (1) The Centre may accept by way of grant, gift, testamentary disposition or otherwise, property and moneys in aid of the finances of the Centre on such conditions as it may determine.

(2) The Centre shall keep a register of all donations to the Centre, including the names of donors and any special conditions on which any donation may have been given.

(3) Any property, moneys or funds donated for any specific purposes shall be applied and administered in accordance with the purposes for which they have been donated and shall be separately accounted for.

**Power to borrow and invest.**

15. (1) For the discharge of its functions under this Order, the Centre may, from time to time, raise loans from the Government or, with the approval of the Minister of Finance, raise loans from banks or other financial institutions (whether in Brunei Darussalam or elsewhere) by —

(a) mortgage, overdraft or otherwise;

(b) charge, whether legal or equitable, on any property vested in the Centre or on any other revenue receivable by the Centre under this Order; and

(c) the creation and issue of debentures, bonds or other instruments.

(2) Subject to the approval of the Minister of Finance, the Centre may invest its funds in such manner as the Minister of Finance thinks fit.



**Appointment, powers and duties of Executive Director.**

16. (1) The Centre shall, with the approval of the Minister, appoint an Executive Director on such terms and conditions as the Centre may determine.

(2) The Executive Director shall be the chief administrative and academic officer of the Centre and shall be responsible for —

(a) the proper administration of the Centre in accordance with the policy of the Centre;

(b) the academic and research management of the Centre in accordance with the policy of the Centre; and

(d) the overall discipline of the fellows, officers and employees of the Centre,

and for those purposes the Executive Director shall, subject to the provisions of this Order, have all such powers as are necessary or advantageous and proper.

(3) If the Executive Director is absent from Brunei Darussalam, or is temporarily unable to perform his duties, another person may be appointed by the Centre to act in place of the Executive Director during such period of absence or inability.

**Protection from personal liability.**

17. No suit or other legal proceedings shall lie personally against any officer or employee of the Centre, member or any person acting under the direction of the Centre, for anything which is in good faith done or intended to be done in the execution or purported execution of this Order or any other written law.

**Officers etc. deemed public servants.**

18. All officers and employees of the Centre and members shall be deemed to be public servants for the purposes of the Penal Code (Chapter 22).

**Funds of Centre.**

19. The funds of the Centre shall consist of —

(a) all moneys paid to the Centre under section 21;

(b) all moneys received by the Centre by way of grants or subsidies;

(c) all gifts, donations and contributions to the Centre;

(d) all fees, charges, commissions, rents, interests, dividends and other income accruing to the Centre;

(e) all moneys borrowed by the Centre under this Order;

(f) all moneys recovered or collected by the Centre or any officer or employee thereof under this Order; and

(g) all moneys lawfully received by the Centre for the purposes of the Centre.

**Application of funds.**

20. The funds of the Centre shall be applied only in payment or discharge of the expenses, obligations and liabilities of the Centre and in making any payment that the Centre is authorised or required to make.

**Grants-in-aid.**

21. (1) The Minister of Finance shall cause to be paid to the Centre such moneys as may be approved by the Government from time to time as grants-in-aid to the Centre.

(2) All moneys provided for under subsection (1) may be applied or expended by the Centre for all or any of the purposes of the Centre.

**Accounts and financial statements.**

22. (1) The Centre shall —

(a) keep proper accounts and records of its transactions and affairs; and

(b) do all things necessary to ensure that all payments out of its funds are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Centre and over the expenditure incurred by the Centre.

(2) The Centre shall, as soon as practicable after the close of each financial year, prepare and submit financial statements in respect of that year to the auditor of the Centre.

(3) The financial year of the Centre shall begin on 1st. April of each year and end on 31st. March of the succeeding year.

**Audit of accounts.**

23. (1) The accounts of the Centre shall be audited annually by the Auditor General or by such other auditor as may be appointed annually by the Board in consultation with the Auditor General:

Provided that where the accounts of the Centre have been audited by an auditor other than the Auditor General, they may be verified by the Auditor General before they are presented to the Minister of Finance pursuant to section 24.

(2) A person shall not be qualified for appointment as an auditor under subsection (1) unless he has been authorised to perform the duties of an auditor under the Companies Act (Chapter 39).

(3) The auditor shall in his report state —

(a) whether the financial statements show fairly the financial transactions and the state of affairs of the Centre;

(b) whether proper accounting and other records have been kept, including records of all assets of the Centre, whether purchased, donated or otherwise;

(c) whether the receipts, expenditure and investment of moneys and the acquisition and disposal of assets by the Centre during the financial year were in accordance with this Order; and such other matters arising from the audit as he considers necessary.

(4) The auditor shall, as soon as practicable after the accounts have been submitted for audit and in any case not later than 6 months after the end of the financial year, send a report of his audit to the Centre.

(5) The auditor shall submit such periodical and special reports to the Minister of Finance and to the Centre as may appear to him to be necessary or as the Minister of Finance or the Centre may require.

**Presentation of audited financial statements and auditor's report to Minister of Finance.**

24. (1) The Centre shall, as soon as the accounts of the Centre and the financial statements have been audited in accordance with the provisions of this Order, present to the Minister of Finance a copy of the audited financial statements, signed by the Chairman, together with a copy of the auditor's report.

(2) Where the Auditor General is not the auditor of the Centre, copies of the audited financial statements and of the auditor's report shall be forwarded to the Auditor General when they are submitted to the Centre.

**Rules.**

25. The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make such rules as may be necessary or expedient for giving effect to and carrying out the provisions of this Order, including the prescription of fees and of any other thing required to be or which may be prescribed under this Order, and for the due administration thereof.

Made this 20th. day of Rabiulakhir, 1427 Hijriah corresponding to the 18th. day of May, 2006 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY  
THE SULTAN AND YANG DI-PERTUAN  
BRUNEI DARUSSALAM