

No. S 48

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

PREVENTION OF CORRUPTION ACT (AMENDMENT) ORDER, 2015

ARRANGEMENT OF SECTIONS

Section

1. Citation
 2. Amendment of section 2 of Chapter 131
 3. Insertion of new sections 12A and 12B
 4. Substitution of Schedule
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**CONSTITUTION OF BRUNEI DARUSSALAM
(Order made under Article 83(3))**

PREVENTION OF CORRUPTION ACT (AMENDMENT) ORDER, 2015

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

1. This Order may be cited as the Prevention of Corruption Act (Amendment) Order, 2015.

Amendment of section 2 of Chapter 131

2. Section 2 of the Prevention of Corruption Act, in this Order referred to as the Act, is amended by deleting the definition of “public body” and by substituting the following new definition therefor —

““public body” includes —

(a) the Government of Brunei Darussalam;

(b) any department, or service or undertaking of the Government of Brunei Darussalam;

(c) any corporation, council, board, commissioners or other body which has power to act under and for the purpose of any written law in force in Brunei Darussalam or any part thereof relating to local Government, public health or undertakings of public utility, or otherwise has power to administer funds belonging to the Government or money raised by rates, taxes or charges in pursuance of any written law in force in Brunei Darussalam;

(d) any board, commissioners, committee or other body specified in the Schedule;

(e) any company or subsidiary company over which or in which any public body as is referred to in paragraphs *(a)*, *(b)*, *(c)* or *(d)*, has controlling power or interest.”.

Insertion of new sections 12A and 12B

3. The Act is amended by inserting the following two new sections immediately after section 12 —

“Public officer using public funds for private purposes, giving undue preferential treatment, misusing information etc

12A. (1) Whoever, being a public officer, in the course of or in relation to his public office or official functions, wilfully —

(a) uses public funds or resources for private purposes or in furtherance of private interests;

(b) fails to act impartially, or gives undue preferential treatment to any person;

(c) misuses information acquired in the course of his duties;

(d) conducts himself in such a manner as to bring his private interests into conflict with his public duties; or conducts himself in such a manner as he knows or can be reasonably expected to know is likely to cause a reasonable suspicion that he —

(i) has allowed his private interest to come into conflict with his public duties; or

(ii) has used his public position for private advantage;

(e) interferes in, or seeks to influence, otherwise than as part of his duty, the appointment, promotion, suspension, demotion or dismissal of a public officer or other person,

is guilty of an offence: Penalty, a fine of \$30,000 and imprisonment for 7 years.

(2) An offence under subsection (1)(c) is committed whether or not the person is still a public officer at the date of the offence.

Public officer wilful misconduct or neglect of duty

12B. (1) Whoever, being a public officer, wilfully —

(a) misconducts himself; or

(b) neglects to perform his duty,

to such a degree as to amount to an abuse of public trust in the office holder is guilty of an offence: Penalty, a fine of \$30,000 and imprisonment for 7 years.”.

Substitution of Schedule

4. The Act is amended by repealing the Schedule and by substituting the following new Schedule therefor —

**“SCHEDULE
(section 2)**

PUBLIC BODIES

1. Authority for Information Communications Technology Industry
2. Autoriti Monetari Brunei Darussalam
3. Brunei Economic Development Board
4. Brunei Gas Carriers Sendirian Berhad
5. Brunei Investment Agency
6. Brunei National Petroleum Company Sendirian Berhad
7. Brunei Shell Joint Ventures
8. Centre for Strategic and Policy Studies
9. Darussalam Assets Sendirian Berhad
10. Datastream Technology Sendirian Berhad
11. Institut Teknologi Brunei
12. Kolej Universiti Perguruan Ugama Seri Begawan
13. Majlis Ugama Islam
14. Minister for Finance Corporation
15. Politeknik Brunei
16. Royal Brunei Airlines Berhad
17. Royal Brunei Technical Services
18. Semaun Holdings Sendirian Berhad
19. Tabung Amanah Pekerja

20. Telekom Brunei Berhad
21. Universiti Brunei Darussalam
22. Universiti Sultan Sharif Ali”.

Made this 8th. day of Zulhijjah, 1436 Hijriah corresponding to the 22nd. day of September, 2015 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM