

No. S 16

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

SUPREME COURT ACT (AMENDMENT) ORDER, 2023

ARRANGEMENT OF SECTIONS

Section

1. Citation
 2. Amendment of section 2 of Chapter 5
 3. Substitution of section 4
 4. Substitution of section 6
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SUPREME COURT ACT (AMENDMENT) ORDER, 2023

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 Supreme Court Act (Amendment) Order, 2023.

Amendment of section 2 of Chapter 5

2. Section 2 of the Supreme Court Act, in this Order referred to as the Act, is amended by deleting the definition of “Judge” and by substituting the following new definition therefor —

“ “Judge” means a Judge of the Supreme Court and includes the Chief Justice, President of the Court of Appeal, Vice President of the Court of Appeal and a Judicial Commissioner of the Supreme Court;”.

Substitution of section 4

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

“Constitution of Supreme Court

4. The Supreme Court shall consist of the Chief Justice, the President, the Vice President, the Judges and the Judicial Commissioners of the Supreme Court.”.

Substitution of section 6

4. The Act is amended by repealing section 6 and by substituting the following new section therefor —

“Divisions of Supreme Court

6. (1) The Supreme Court shall be a Court of Record and shall consist of —

(a) the High Court which shall exercise original and appellate criminal and civil jurisdiction; and

(b) the Court of Appeal which shall exercise appellate criminal and civil jurisdiction.

(2) The Judges of the High Court shall be the Chief Justice and such number of Judges as may be prescribed by His Majesty the Sultan and Yang Di-Pertuan in Council.

(3) The criminal and civil jurisdiction of the Court of Appeal shall be exercised by three Judges of the Court of Appeal who shall consist of —

(a) the Chief Justice who, by virtue of his office, shall be the President of the Court of Appeal;

(b) the Vice President of the Court of Appeal; and

(c) such other Judges or Judicial Commissioners of the Supreme Court.

(4) In a sitting of the Court of Appeal —

(a) the Chief Justice is to preside as the President of the Court of Appeal;

(b) in the absence of the President, the Vice President of the Court of Appeal shall preside;

(c) in the absence of the President and Vice President, the Chief Justice is to appoint a person to preside.

(5) When a judgment in a proceeding in the Court of Appeal is delivered —

(a) it is not necessary for any of the Judges of the Court of Appeal before whom it was heard to be present in the Court of Appeal to hand down the judgment;

(b) the opinion of any of the Judges of the Court of Appeal may be reduced to writing and made public by any Judge of the Court of Appeal;

(c) the judgment of the Court of Appeal has the same effect as if each Judge of the Court of Appeal whose opinion is so made public had been present in the Court of Appeal;

(d) the Court of Appeal may be constituted by one or more Judges of the Court of Appeal.”.

Made this 28th. day of Ramadhan, 1444 Hijriah corresponding to the 19th. day of April, 2023 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

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