



# CONSTITUTION OF BRUNEI DARUSSALAM

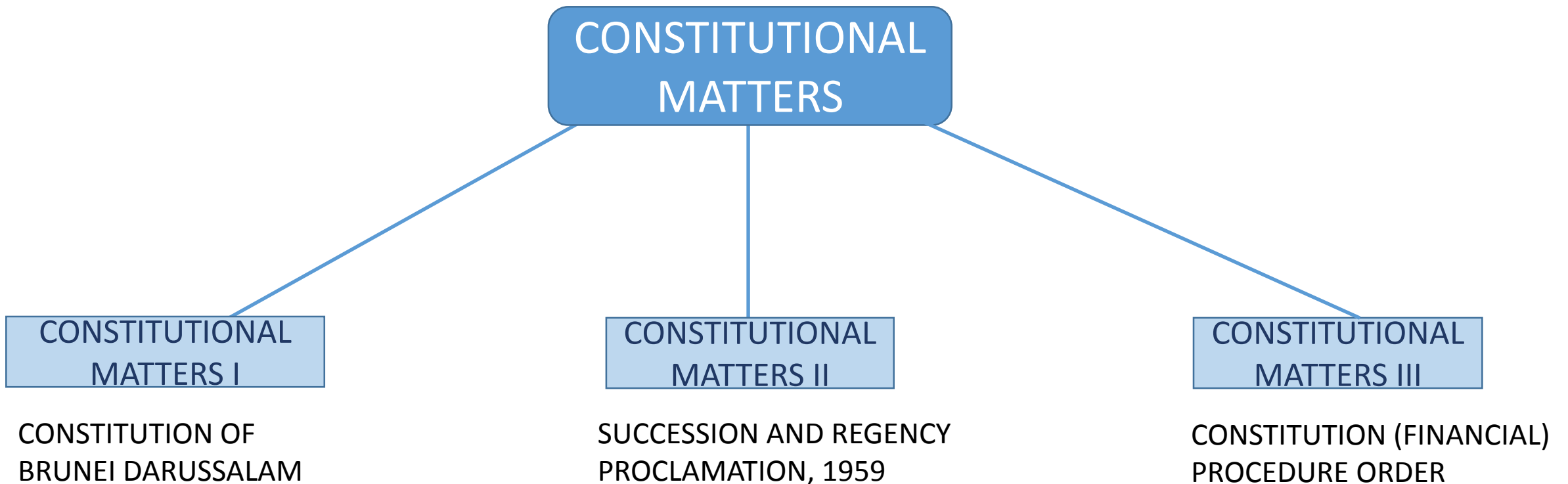
Public Officers' Law Seminar :  
Understanding the Law  
26<sup>th</sup> and 27<sup>th</sup> October 2016

*Hjh Pauziah Abdullah*  
*Timbalan Penasihat Undang-Undang Kanan*

[www.agc.gov.bn](http://www.agc.gov.bn)



# CONSTITUTIONAL MATTERS





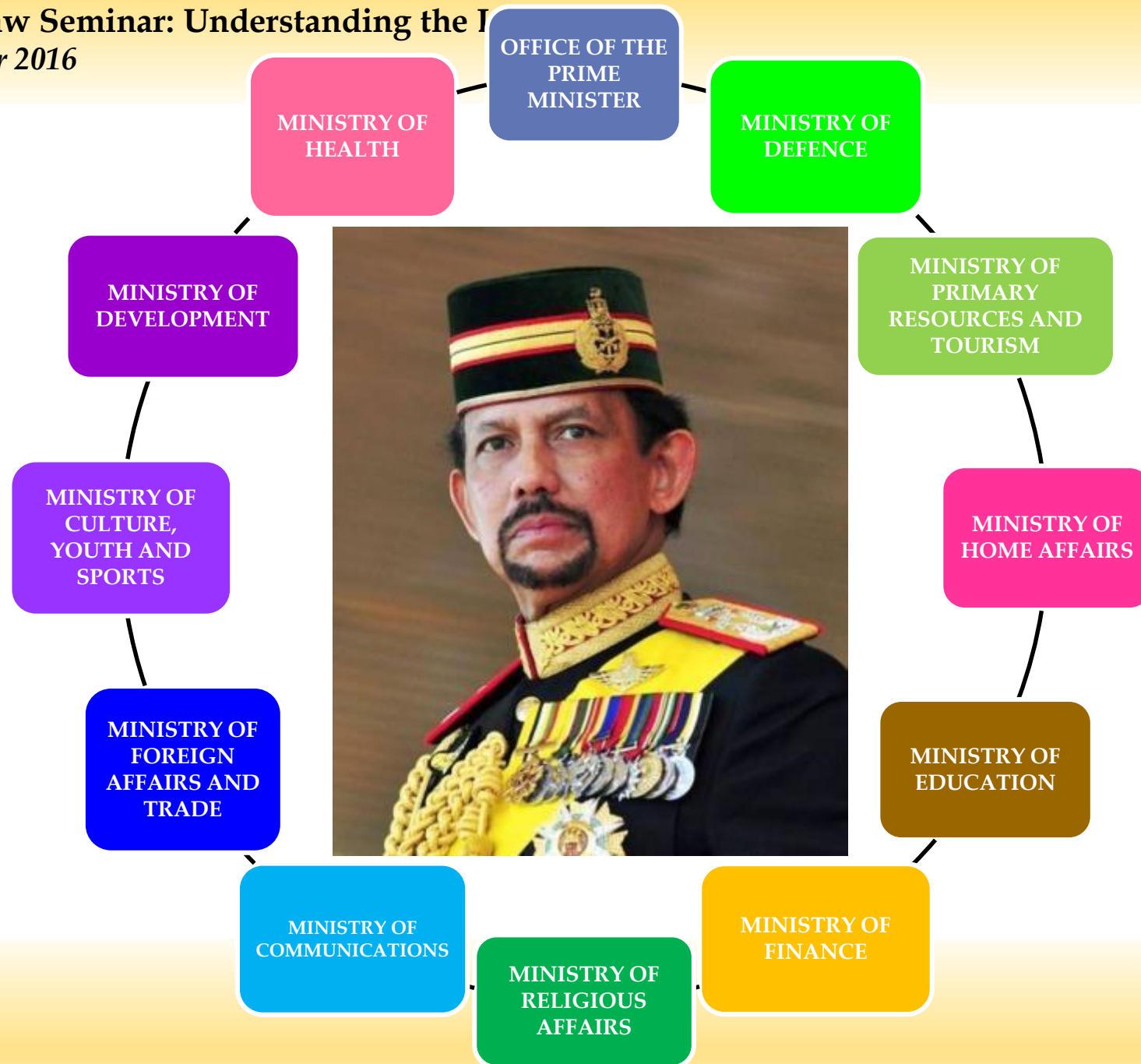
# EXECUTIVE AUTHORITY

- His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam
- Prime Minister
- Supreme Commander of the Royal Brunei Armed Forces



# Public Officers' Law Seminar: Understanding the I

26<sup>th</sup> and 27<sup>th</sup> October 2016





# MINISTERS

- Citizens of Brunei Darussalam
- Malay race
- Islamic Religion
- Unless His Majesty the Sultan and Yang Di-Pertuan otherwise decides



# MINISTERS APPOINTMENTS

- For a period of 5 years or such other period ... and the same persons may be re-appointed, when such appointment expires...
- His Majesty the Sultan and Yang Di-Pertuan may revoke the appointment of any Minister or Deputy Minister at any time without showing cause



# MINISTERS

- Minister of Defence
- Minister of Finance
- Minister of Foreign Affairs and Trade
- Senior Minister in the Prime Minister's Office
- Minister of Home Affairs
- Minister of Education
- Minister in the Prime Minister's Office and Minister of Finance II
- Minister of Energy and Industry in the Prime Minister's Office
- Minister of Religious Affairs
- Minister of Development
- Minister of Primary Resources and Tourism
- Minister of Communications
- Minister of Culture, Youth and Sports
- Minister of Health



# DEPUTY MINISTERS

- Deputy Minister in the Prime Minister's Office
- Deputy Minister of Defence
- Deputy Minister of Finance
- Deputy Minister of Foreign Affairs and Trade
- Deputy Minister of Education
- Deputy Minister of Religious Affairs
- Deputy Minister of Development





# MINISTERS FUNCTIONS, POWERS AND DUTIES

His Majesty the Sultan and Yang Di-Pertuan may transfer any functions, powers and duties conferred ... to such other person or authority ... at any time without showing cause



# GOVERNANCE



The Government of Brunei Darussalam shall be regulated in accordance with the provisions of the Constitution of Brunei Darussalam



# GOVERNANCE



Constitution shall not be deemed to derogate from the prerogative powers and jurisdiction of His Majesty the Sultan and Yang Di-Pertuan



# APPOINTMENTS IN PUBLIC SERVICE

His Majesty the Sultan and Yang Di-Pertuan has the power to –

- appoint
- transfer
- promote
- dismiss
- exercise disciplinary control,

over public officers.



# OATH

His Majesty the Sultan and Yang Di-Pertuan may require any person in the public service to take oath in the form set out as Form VI in the First Schedule



**FORM VI**

*(Article 76)*

*[S 65/04]*

**OATH OR DECLARATION OF ALLEGIANCE**

**WALLAHI WA-BILLAHI WA-TAALLAHI<sup>1</sup>**

I, ..... swear by Almighty ALLAH<sup>2</sup>  
solemnly and sincerely declare<sup>2</sup>

that I will be faithful and bear true allegiance to His Majesty the Sultan and Yang Di-Pertuan ..... and His Successors according to law. That I will without fear or favour and to the best of my ability and judgment, serve as a true and faithful member of the public service of Brunei Darussalam.

*[S 65/04]*



# **PUBLIC SERVICE COMMISSION**

His Majesty the Sultan and Yang Di-Pertuan consults and acts in accordance with the recommendation of the Public Service Commission



# APPOINTMENT TO SPECIFIED OFFICES

No person shall be appointed to any office specified in the Third Schedule unless –

- a citizen of Brunei Darussalam
- Malay race
- professing the Islamic Religion





**THIRD SCHEDULE**

*[S 65/04]*

*(Article 84A(1))*

**LIST OF SPECIFIED OFFICES**

Auditor General

Clerk to the Privy Council

Clerk to the Legislative Council

Chief Syar'ie Judge

Mufti Kerajaan

Attorney General

Chairman of the Public Service Commission

Yang Di-Pertua Adat Istiadat

Speaker of the Legislative Council

Secretary to the Council of Ministers



# IMMUNITY

- His Majesty the Sultan and Yang Di-Pertuan can do no wrong in his personal or official capacity
- Any person acting on behalf, or under the authority of His Majesty the Sultan and Yang Di-Pertuan shall not be liable to any proceedings in respect of anything done or omitted to have been done in his official capacity
- Provision may be made by written law for bringing proceedings against the Government or any officer, in respect of wrongs committed in the course of carrying on the Government of Brunei Darussalam



# NO JUDICIAL REVIEW

There shall be no judicial review in any court of any act, decision, grant, revocation ... or any party acting on his behalf or under his authority or in the performance of any public function ...



# AUDITOR GENERAL

- Appointed by His Majesty the Sultan and Yang Di-Pertuan
- Audits accounts of –
  - Brunei Darussalam
  - other public authorities
  - bodies administering public funds provided by any written law
- Submit reports to His Majesty the Sultan and Yang Di-Pertuan



**Public Officers' Law Seminar: Understanding the Law**  
*26<sup>th</sup> and 27<sup>th</sup> October 2016*



**ACTING AUDITOR GENERAL**  
Pengiran Siti Norbaya Binti Pengiran Shahminan



# ATTORNEY GENERAL

- Appointed by His Majesty the Sultan and Yang Di-Pertuan
- Advise on all legal matters referred by His Majesty the Sultan and Yang Di-Pertuan or by the Government
- Power to institute, conduct or discontinue any proceedings, except proceedings before a –
  - Syariah Court
  - Court Martial
- Not subject to the direction or control of any person or authority



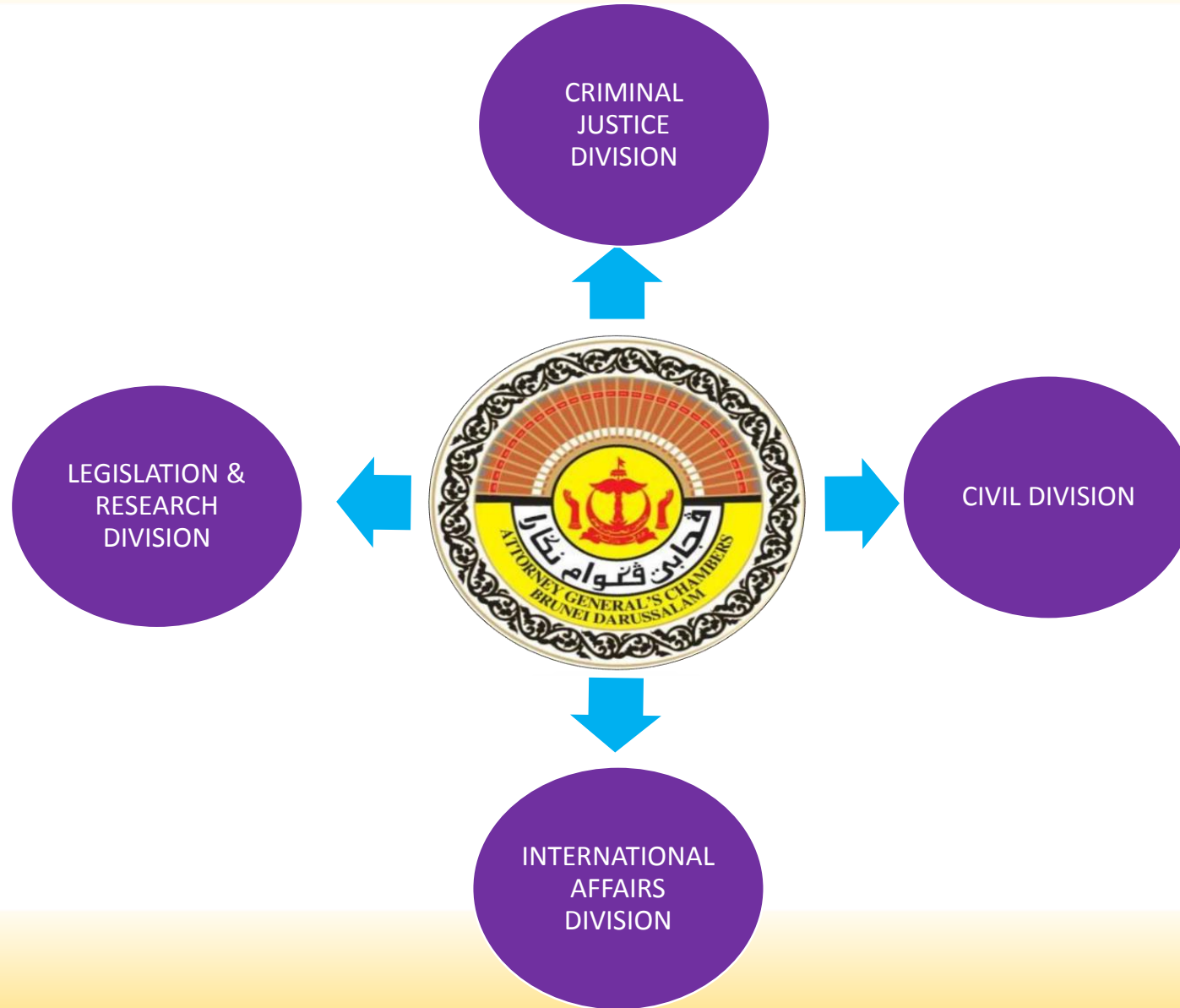
**ATTORNEY GENERAL**

Yang Berhormat Datin Seri Paduka Hajah Hayati binti  
Pehin Orang Kaya Shahbandar Dato Seri Paduka Haji Mohd Salleh



# Public Officers' Law Seminar: Understanding the Law

26<sup>th</sup> and 27<sup>th</sup> October 2016







# POWER TO MAKE LAWS

His Majesty the Sultan and Yang Di-Pertuan have the power to make laws for the peace, order, security and good government of Brunei Darussalam.



# LEGISLATIVE COUNCIL

- Any Member of the Legislative Council may introduce any Bill or propose any motion for debate in, or present any petition to the Legislative Council
- His Majesty the Sultan and Yang Di-Pertuan assents to, signs and seals the Bill with the State Seal



# Public Officers' Law Seminar: Understanding the Law

26<sup>th</sup> and 27<sup>th</sup> October 2016





# Public Officers' Law Seminar: Understanding the Law

26<sup>th</sup> and 27<sup>th</sup> October 2016

## BRUNEI DARUSSALAM

### A Bill intituled

An Act to supply a sum out of the Consolidated Fund for the service of the financial year 2013/2014, and to appropriate such sum for certain purposes.

BE IT ENACTED by His Majesty the Sultan and Yang Di-Pertuan with the advice and consent of the Legislative Council as follows:

#### Citation and commencement.

1. This Act may be cited as the Supply (2013/2014) Act, 2013 and shall commence on the 1st April 2013.

#### Issue and appropriation.

2. (1) The issue of a sum not exceeding five thousand four hundred and thirty million, seven hundred and eighty five thousand dollars (\$5,430,785,000.00) out of the Consolidated Fund for the service of the financial year 2013/2014 is hereby authorised.

## BRUNEI DARUSSALAM GOVERNMENT GAZETTE



### BRUNEI DARUSSALAM

#### ACT 1 OF 2012

#### SUPPLY (2012/2013) ACT, 2012

I assent,



HIS MAJESTY  
THE SULTAN AND YANG DI-PERTUAN.  
[9 Jamadilawal 1433/  
1 April 2012]

An Act to supply a sum out of the Consolidated Fund for the service of the financial year 2012/2013, and to appropriate such sum for certain purposes.

BE IT ENACTED by His Majesty the Sultan and Yang Di-Pertuan with the advice and consent of the Legislative Council as follows:

#### Citation and commencement.

1. This Act may be cited as the Supply (2012/2013) Act, 2012 and shall commence on the 1st. April, 2012.



# STATE OF EMERGENCY

Whenever it appears to His Majesty the Sultan and Yang Di-Pertuan, that an occasion of emergency of public danger is imminent ... he may by Proclamation declare a state of emergency ... as may be specified in the Proclamation



# Public Officers' Law Seminar: Understanding the Law

26<sup>th</sup> and 27<sup>th</sup> October 2016

No. S 16



## CONSTITUTION OF BRUNEI DARUSSALAM PROCLAMATION OF EMERGENCY

SEAL

HIS MAJESTY THE SULTAN  
AND YANG DI-PERTUAN  
BRUNEI DARUSSALAM

In the name of Allah, the Compassionate, the Merciful, PRAISE be to ALLAH, the Lord of the Universe, and may the benediction and peace of ALLAH be upon Our Leader Muhammad and upon all his Relations and Friends.

WHEREAS it is provided under Article 83(1) of the Constitution of Brunei Darussalam (hereinafter referred to as "the Constitution"), that whenever it appears to His Majesty the Sultan and Yang Di-Pertuan that an occasion of emergency or public danger is imminent, exists or has arisen whereby the security or economic life of Brunei Darussalam, or any part thereof, is or may be threatened, whether by war or external aggression or internal disturbance, actual or threatened, he may by Proclamation (hereinafter referred to as a "Proclamation of Emergency") declare a state of emergency either in the whole of Brunei Darussalam or in such part of Brunei Darussalam as may be specified in the Proclamation of Emergency;

AND WHEREAS on the 7th day of Ramadhan 1434 Hijriah corresponding to the 16th day of July 2013, we did DECLARE AND PROCLAIM a state of emergency in the whole of Brunei Darussalam;

AND WHEREAS it is provided under Article 83(2) of the Constitution that no Proclamation of Emergency shall be in force for more than two years, without prejudice, however, to the right of His Majesty the Sultan and Yang Di-Pertuan to issue another such Proclamation at or before the end of that period;

AND WHEREAS it is provided under Article 83(2A) of the Constitution that notwithstanding Article 83(2) of the Constitution, His Majesty the Sultan and

Yang Di-Pertuan may by another such Proclamation declare the cessation of a state of emergency in the whole of Brunei Darussalam or in such part of Brunei Darussalam as may be specified in the Proclamation before the end of two years;

AND WHEREAS it appears to US that an occasion of emergency or public danger is imminent, exists or has arisen whereby the security or economic life of Brunei Darussalam, or any part thereof, is or may be threatened;

NOW, THEREFORE, WE, SULTAN HAJI HASSANAL BOLKIAH MU'IZZADDIN WADDAULAH IBNI AL-MARHUM SULTAN HAJI OMAR 'ALI SAIFUDDIEN SAADUL KHAIRI WADDIEN, SOVEREIGN AND CHIEF OF THE FAMILY ORDER OF THE CROWN OF BRUNEI, Sultan and Yang Di-Pertuan of the State and Territory of Brunei Darussalam and all its Dependencies;

Do hereby DECLARE AND PROCLAIM as of this day a state of emergency in the whole of Brunei Darussalam;

AND do hereby REVOKE our said recited Proclamation of Emergency done on the 7th day of Ramadhan 1434 Hijriah corresponding to the 16th day of July 2013.

So be it. Such is the Proclamation of Emergency.

May ALLAH, to Whom be praised and Whose name be exalted the King of Kings, vouchsafe His grace and may the Prophet Muhammad (on Whom be the benediction and peace of ALLAH) grant His Blessings to this Proclamation. Amen! O Lord of the Universe.

Done at the Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam, this 18th. day of Jamadilakhir, 1436 Hijriah corresponding to the 8th. day of April, 2015, being the forty-eighth year of Our Reign.

BY COMMAND

DATO PADUKA HAJI MUHAMMAD JUANDA BIN HAJI A. RASHID  
Permanent Secretary,  
Office of the Prime Minister,  
Brunei Darussalam.

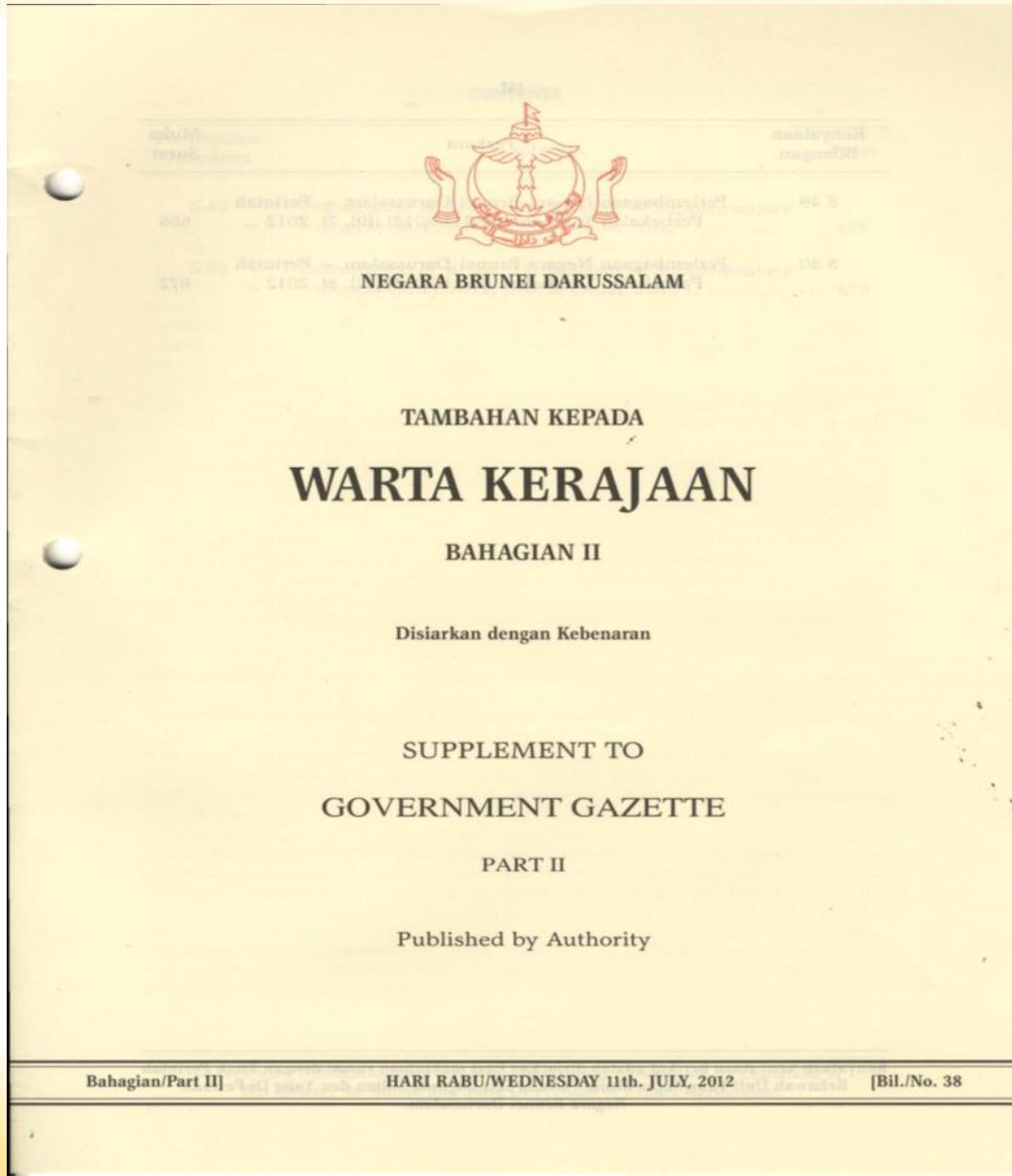


## **ORDERS MADE UNDER ARTICLE 83(3)**

- So long as such Proclamation of Emergency is in force, His Majesty the Sultan and Yang Di-Pertuan may make any Orders whatsoever which he considers desirable in the public interest
- Every Order made under Article 83(3) laid at the next meeting of the Legislative Council for resolution whether the Orders will cease to have effect or be passed.



**Public Officers' Law Seminar: Understanding the Law**  
**26<sup>th</sup> and 27<sup>th</sup> October 2016**



No. S 12

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

**FIRE SAFETY ORDER, 2016**

**ARRANGEMENT OF SECTIONS**

Section

**PART I**

**PRELIMINARY**

1. Citation and long title
2. Interpretation
3. Order binds Government
4. Authorised officers etc.
5. Powers in event of fire
6. Power to enter premises for various purposes
7. Power to board vessel for various purposes
8. Power to enter premises etc. up to 48 hours after fire
9. Powers ancillary to sections 6, 7 and 8





# NOTIFICATION OF ORDERS MADE UNDER ARTICLE 83(3)

Published in the *Gazette* as soon as circumstances permit



# Public Officers' Law Seminar: Understanding the Law

26<sup>th</sup> and 27<sup>th</sup> October 2016

No. S 13

## CONSTITUTION OF BRUNEI DARUSSALAM

### NOTIFICATION OF ORDERS PASSED BY THE LEGISLATIVE COUNCIL UNDER ARTICLE 83(7)

In exercise of the power conferred by Article 83(8) of the Constitution of Brunei Darussalam, it is hereby notified for public information that the Legislative Council has, pursuant to Article 83(7) of the Constitution of Brunei Darussalam, resolved on 21st. March, 2016 that every Order made under Article 83 of the Constitution of Brunei Darussalam and set out in the Schedule hereto, as from the respective dates on which they were made, be passed by the Legislative Council.

#### SCHEDULE

1. Plant Varieties Protection Order, 2015.
2. Tabung Amanah Pekerja (Amendment) Order, 2015.
3. Bill of Exchange Act (Amendment) Order, 2015.
4. Payment and Settlement Systems (Oversight) Order, 2015.
5. Payment and Settlement Systems (Finality and Netting) Order, 2015.
6. Insurance (Amendment) Order, 2015.
7. Takaful (Amendment) Order, 2015.
8. Record Keeping (Business) Order, 2015.
9. Municipal Boards Act (Amendment) Order, 2015.
10. Prevention of Corruption Act (Amendment) Order, 2015.
11. Protected Areas and Protected Places Act (Amendment) Order, 2015.
12. Employment (Amendment) Order, 2015.
13. Trade Union Act (Amendment) Order, 2015.
14. Consumer Protection (Fair Trading) (Amendment) Order, 2015.
15. Town and Country Planning Order, 2015.
16. Employment (Amendment) (No. 2) Order, 2015.
17. Supplementary Supply (2014/2015) (No. 3) Order, 2015.
18. Supplementary Supply (2014/2015) (No. 4) Order, 2015.
19. Supplementary Supply (2014/2015) (No. 5) Order, 2015.
20. Supplementary Supply (2012/2013) (No. 7) Order, 2015.
21. Insolvency Order, 2016.
22. Tabung Amanah Pekerja Board Order, 2016.
23. Contracts Act (Amendment) Order, 2016.
24. Plant Varieties Protection (Amendment) Order, 2016.
25. Criminal Procedure Code (Amendment) Order, 2016.
26. Secured Transactions Order, 2016.
27. Darussalam Enterprise Order, 2016.
28. Fire and Safety Order, 2016.

Dated this 12th. day of Jamadilakhir, 1437 Hijriah corresponding to the 21st. day of March, 2016.

PEHIN ORANG KAYA PEKERMA JAYA  
DATO PADUKA AWANG HAJI JUDIN BIN HAJI ASAR  
Clerk to the Legislative Council.



# QUESTION AND ANSWER SESSION

Public Officers' Law Seminar :  
Understanding the Law  
26<sup>th</sup> and 27<sup>th</sup> October 2016

[www.agc.gov.bn](http://www.agc.gov.bn)



**THANK YOU**

Public Officers' Law Seminar :  
Understanding the Law  
26<sup>th</sup> and 27<sup>th</sup> October 2016

[pauziah.abdullah@agc.gov.bn](mailto:pauziah.abdullah@agc.gov.bn)

[www.agc.gov.bn](http://www.agc.gov.bn)