

No. S 23

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

**EMERGENCY (CONTINUATION AND VALIDATION OF  
EMERGENCY PROVISIONS) ORDER, 2004**

In exercise of the powers conferred by section 83(3) of the Constitution of Brunei Darussalam, His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam hereby makes the following Order —

**Citation.**

1. This Order may be cited as the Emergency (Continuation and Validation of Emergency Provisions) Order, 2004.

**Interpretation.**

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

"amendment" includes repeal, addition or variation and the effecting of all or two or more of such things simultaneously or by the same emergency provisions;

"emergency Order" means an emergency Order expressed to be made under section 83(3) of the Constitution at any time before the Proclamation date;

"emergency provision" means any emergency Order and any emergency subordinate instrument;

"emergency subordinate instrument" means any subordinate instrument expressed to be made at any time before the Proclamation date by virtue of any power expressed to be conferred by —

(a) any emergency Order; or

(b) any other subordinate instrument to be made by virtue of any power expressed to be conferred by any emergency Order;

"former Proclamation" means any Proclamation made before the Proclamation date under section 83(1) of the Constitution declaring a state of emergency in the State;

"Proclamation date" means 8th. day of March, 2004, being the date of the Proclamation made by His Majesty the Sultan and Yang Di-Pertuan under section 83(1) of the Constitution declaring a state of emergency in the State;

"repeal" includes rescission, revocation, cancellation or replacement;

"subordinate instrument" means any regulation, rule, order or other instrument, whether or not having legislative effect.

**Continuation and validation of Emergency provisions.**

3. Every emergency provision shall —

(a) notwithstanding any provision of the Constitution or of any written law;

(b) notwithstanding any expiration, revocation or invalidity of any former Proclamation or any emergency provision;

(c) notwithstanding any failure to lay such emergency provision before the Legislative Council as soon as may be after it was made by reason of inadvertence; or by reason of the abolition, dissolution, suspension or reconstitution effective or purported of the Legislative Council; or by any reason whatsoever,

by virtue of this Order be deemed to have been validly and properly made and duly laid before the Legislative Council and shall have, and be deemed to have had, effect from the commencement of such emergency provision as if such emergency provision were embodied in this Order, save that any amendment expressed to have been made to such emergency provision by any other emergency provision shall have, and be deemed to have had, effect from the commencement of such amendment.

**Validation to affect pending proceedings.**

4. In so far as paragraph 3 validates any emergency provision as respects any period before the date of this Order, a court shall (without prejudice to the operation of paragraph 3 after the date of this Order) give effect to such validated provision as respects such period in any proceedings pending at the date of this Order.

20th. MARCH, 2004

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Made this 16th. day of Muharam, 1425 corresponding to the 8th. day of March, 2004 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY  
THE SULTAN AND YANG DI-PERTUAN  
BRUNEI DARUSSALAM