

No. S 65

**CONSTITUTION OF BRUNEI DARUSSALAM**  
(Proclamation under section 85)

**CONSTITUTION OF BRUNEI DARUSSALAM (AMENDMENT)**  
**PROCLAMATION, 2004**

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Invocation.

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**(Proclamation under section 85)**

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**PROCLAMATION, 2004**

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.



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

**BY THE GRACE OF ALLAH, WE, SULTAN HAJI HASSANAL BOLKIAH MU'IZZADDIN WADDAULAH IBNI AL-MARHUM SULTAN HAJI OMAR 'ALI SAIFUDDIEN SA'ADUL KHAIRI WADDIEN, SOVEREIGN AND CHIEF OF THE ROYAL FAMILY ORDER OF THE CROWN OF BRUNEI, SOVEREIGN AND CHIEF OF THE MOST ESTEEMED FAMILY ORDER, SOVEREIGN AND CHIEF OF THE MOST EMINENT ORDER OF ISLAM OF BRUNEI, SOVEREIGN AND CHIEF OF THE MOST EMINENT ORDER OF ILLUSTRIOUS ORDER OF PADUKA LAILA JASA KEBERANIAN GEMILANG, SOVEREIGN AND CHIEF OF THE MOST EXALTED ORDER OF PADUKA KEBERANIAN LAILA TERBILANG, SOVEREIGN AND CHIEF OF THE MOST GALLANT ORDER OF PAHLAWAN NEGARA BRUNEI, SOVEREIGN AND CHIEF OF THE MOST BLESSED ORDER OF SETIA NEGARA BRUNEI, SOVEREIGN AND CHIEF OF THE MOST DISTINGUISHED ORDER OF PADUKA SERI LAILA JASA, SOVEREIGN AND CHIEF OF THE MOST HONOURABLE ORDER OF THE CROWN OF BRUNEI, SOVEREIGN AND CHIEF OF THE MOST FAITHFUL ORDER OF PERWIRA AGONG NEGARA BRUNEI, HONORARY KNIGHT GRAND CROSS, THE MOST HONOURABLE ORDER OF THE BATH (UNITED KINGDOM), HONORARY KNIGHT GRAND CROSS OF THE MOST DISTINGUISHED ORDER OF SAINT MICHAEL AND SAINT GEORGE (UNITED KINGDOM), DARJAH UTAMA SERI MAHKOTA NEGARA (MALAYSIA), COLLAR OF THE SUPREME ORDER OF CHRYSANTHEMUM (JAPAN), THE ORDER OF AL-HUSSEIN BIN ALI (JORDAN), THE CIVIL ORDER OF OMAN FIRST CLASS (OMAN), AL-KHALIFIA (BAHRAIN), OUISSAM EL MOHAMMDI GRAND COLLIER (MOROCCO), THE MOST AUSPICIOUS ORDER OF THE RAJAMITRABHORN (THAILAND), THE GREAT COLLAR OF BADR (ARAB SAUDI), KNIGHT OF**

THE ROYAL ORDER OF THE SERAPHIM (SWEDEN), GRAND ORDER OF MUGUNGHWA (REPUBLIC OF KOREA), BINTANG REPUBLIK INDONESIA ADIPURNA (REPUBLIC OF INDONESIA), COLLAR OF THE NILE (REPUBLIC OF EGYPT), THE ANCIENT ORDER OF SIKATUNA RANK OF RAJAH (REPUBLIC OF THE PHILIPPINES), THE ORDER OF TEMASEK, FIRST CLASS (REPUBLIC OF SINGAPORE), NISHAN-E-PAKISTAN (REPUBLIC OF PAKISTAN), GRAND CROIX LEGION D'HONNEUR (REPUBLIC OF FRANCE), GRAND CROSS SPECIAL CLASS OF THE ORDER OF MERIT (REPUBLIC OF GERMANY), THE ORDER OF PRINCE YAROSLAV THE WISE (FIRST CLASS) (UKRAINE), MOST ESTEEMED ROYAL FAMILY ORDER (FIRST CLASS) (KELANTAN), MOST ESTEEMED ROYAL ORDER (FIRST CLASS) (JOHORE), MOST ESTEEMED ROYAL FAMILY ORDER (FIRST CLASS) (NEGERI SEMBILAN), MOST ESTEEMED ROYAL FAMILY ORDER OF SRI INDERA MAHKOTA PAHANG (PAHANG), MOST ESTEEMED ROYAL FAMILY ORDER (FIRST CLASS) (SELANGOR), MOST ESTEEMED ROYAL FAMILY ORDER (FIRST CLASS) (PERLIS), MOST ESTEEMED ROYAL FAMILY ORDER (FIRST CLASS) (PERAK), MOST ESTEEMED ROYAL FAMILY ORDER (FIRST CLASS), (TERENGGANU), MOST ESTEEMED ROYAL FAMILY ORDER (FIRST CLASS) (KEDAH), DARJAH UTAMA BINTANG SARAWAK (SARAWAK), SERI PANGLIMA DARJAH KINABALU (SABAH), FIRST GALLANTRY ORDER OF THE MALAYSIAN ARMED FORCES (MALAYSIA), DISTINGUISHED SERVICE ORDER (MILITARY) (REPUBLIC OF SINGAPORE), THE PHILIPPINES LEGION OF HONOUR (DEGREE OF CHIEF COMMANDER) (REPUBLIC OF THE PHILIPPINES), the Sultan and Yang Di-Pertuan of the Sovereign State and Territory of Brunei Darussalam and all its Dependencies;

AND WHEREAS the Constitution was proclaimed on 29th September, 1959 by Our predecessor in accordance with which the government of Brunei Darussalam is regulated and which is the supreme law thereof;

AND WHEREAS WE intend that the Constitution should with amendment continue to be the basis for the regulation of the government of Brunei Darussalam without interruption in the continuing authority and operation of the government of Brunei Darussalam;

AND WHEREAS it is provided by subsection (1) of section 85 of the Constitution that WE may, by Proclamation, amend any of the provisions of the Constitution;

AND WHEREAS WE have consulted OUR Privy Council in relation to the exercise of OUR powers under section 85 of the Constitution and OUR Privy Council has advised accordingly;

AND WHEREAS a draft of this Proclamation has been approved by resolution of the Legislative Council;

NOW THEREFORE, WE, in exercise of the power conferred on US by subsection (1) of section 85 of the Constitution DO HEREBY PROCLAIM in OUR name and on OUR behalf and for and on behalf of OUR SUCCESSORS as hereinafter follows —

**Citation and commencement.**

1. This Proclamation may be cited as the Constitution of Brunei Darussalam (Amendment) Proclamation, 2004 and shall come into force on the day it is made.

**Amendment of section 2 of Const. I.**

2. Section 2 of the Constitution of Brunei Darussalam, in this Proclamation referred to as the Constitution, is amended —

(a) in subsection (1) —

- (i) by deleting the definition of "Adat Isti'adat Officer";
- (ii) by deleting the definition of "a Bruneian or a citizen of Brunei";
- (iii) by deleting the definition of "Attorney General" and by substituting the following new definition therefor —  
" "Attorney General" means the officer appointed under Clause (1) of Article 81;";
- (iv) by inserting the following three new definitions immediately after the definition of "Auditor General" —  
" "Brunei Investment Agency" means the body corporate established by the Brunei Investment Agency Act (Chapter 137);  
"Chief Syar'ie Judge" means the Chief Syar'ie Judge appointed under the Syariah Courts Act (Chapter 184);  
"citizen of Brunei Darussalam" means a subject of His Majesty the Sultan and Yang Di-Pertuan by virtue of the provisions of any written law relating to nationality;";
- (v) by deleting the definition of "Civil List" and by substituting the following new definition therefor —

"Civil List" means the provision made for the maintenance of His Majesty the Sultan and Yang Di-Pertuan, His Consort and other members of the Royal Family out of public funds;"

(vi) by deleting the definition of "Clerk to the Council of Ministers";

(vii) by deleting the definition of "the Commonwealth";

(viii) by deleting the definition of "Council of Ministers" and by substituting the following new definition therefor —

"Council of Ministers" means the Council of Ministers established by Article 10;"

(ix) by deleting the definition of "Council of Regency" and by substituting the following new definition therefor —

"Council of Regency" means the Council of Regency appointed under the Succession and Regency Proclamation, 1959;"

(x) by deleting the definition of "Deputy Ministers" and by substituting the following new definition therefor —

"Deputy Ministers" means any persons appointed under Clause (3) of Article 4;"

(xi) by inserting the following two new definitions immediately after the definition of "Deputy Ministers" —

"Deputy Sultan and Yang Di-Pertuan" means the person appointed by His Majesty the Sultan and Yang Di-Pertuan under the Succession and Regency Proclamation, 1959;

"Government" means the Government of His Majesty the Sultan and Yang Di-Pertuan;"

(xii) by deleting the definition of "His Majesty the Sultan and Yang Di-Pertuan" and by substituting the following new definition therefor —

"His Majesty" or "His Majesty the Sultan and Yang Di-Pertuan" means —

(a) a Sultan whose accession to the throne has been proclaimed whether or not he has been crowned as the Sultan and Yang Di-Pertuan;

(b) where appropriate, a Council of Regency; and

(c) to the extent to which a Deputy to His Majesty the Sultan and Yang Di-Pertuan is authorised to act, that Deputy;"

(xiii) by deleting the definition of "His Majesty the Sultan and Yang Di-Pertuan in Council" and by substituting the following new definition therefor —

" "His Majesty in Council" or "His Majesty the Sultan and Yang Di-Pertuan in Council" means His Majesty the Sultan and Yang Di-Pertuan acting after consultation with the Council of Ministers, but not necessarily in accordance with the advice of that Council nor necessarily in that Council assembled;"

(xiv) by inserting the following two new definitions immediately after the definition of "instrument" —

" "Islamic Religion" means the Islamic Religion according to the Shafeite sect of Ahlis Sunnah Waljamaah;

"Kepala Wazir" means the noble and illustrious personage known as the Duli Pengiran Perdana Wazir Sahibul Himmah Wal-Waqar;"

(xv) by deleting the definition of "Legislature";

(xvi) by deleting the definition of "Ministers" and by substituting the following new definition therefor —

" "Minister" means a person appointed under Clause (3) of Article 4;"

(xvii) by deleting the definition of "Islamic Religion";

(xviii) by inserting the following new definition immediately after the definition of "Ministers" —

" "Mufti Kerajaan" means the person appointed as such by His Majesty the Sultan and Yang Di-Pertuan under the Religious Council and Kadis Courts Act (Chapter 77);"

- (xix) in the definition of "Muslim revenue and funds" by deleting "apply" and by substituting "applies" therefor";
- (xx) by deleting the definition of "Prime Minister";
- (xxi) by deleting the definition of "public office" and by substituting the following new definition therefor —
- " "public office" means any office of emolument, remuneration or allowance (including pension or other like allowance) in respect of his tenure in the Government but does not include the Sultanate, the office of Regent, Kepala Wazir, Wazir, Chief Justice, Speaker of the Legislative Council, Deputy Speaker of the Legislative Council, Minister, Deputy Minister, Parliamentary Secretary, Political Secretary, Member of the Legislative Council, Ambassador, High Commissioner, Judge of the Supreme Court, Consul-General, Consul or such other office as His Majesty the Sultan and Yang Di-Pertuan may by Order published in the *Gazette*, prescribe;"
- (xxii) by deleting the definition of "Regent" and by substituting the following new definition therefor —
- " "Regent" means a Regent duly appointed under or referred to in the Succession and Regency Proclamation, 1959;"
- (xxiii) by deleting the definition of "Religious Adviser" and by substituting the following new definition therefor —
- " "Religious Council" means the Religious Council constituted by Part II of the Religious Council and Kadis Courts Act (Chapter 77);"
- (xxiv) by deleting the definition of "Seal of the State";
- (xxv) by inserting the following new definition immediately after the definition of "Religious Council" —
- " "Secretary to the Council of Ministers" means the person appointed under Article 22 and includes any person appointed by His Majesty the Sultan and Yang Di-Pertuan to be Deputy Secretary to that Council;"
- (xxvi) by deleting the definition of "Senior Wazir or Kepala Wazir";

- (xxvii) in the definition of "session", by deleting "the" from the fourth line and by substituting "this" therefor;
- (xxviii) in the definition of "sitting", by deleting "the" where it appears for the second time in the second line and by substituting "that" therefor;
- (xxix) by inserting the following new definition immediately after the definition of "sitting" —
- "Speaker" means the Speaker of the Legislative Council appointed under Clause (1) of Article 37 and includes any person appointed to be his Deputy;"
- (xxx) in the definition of "Standing Orders", by deleting "in pursuance of" and by substituting "pursuant to" therefor;"
- (xxxi) by inserting the following new definition immediately after the definition of "Standing Orders" —
- "State Seal" means the Seal of Brunei Darussalam referred to in Article 79;"
- (xxxii) in the definition of "Supreme Court", by inserting "established under the Supreme Court Act (Chapter 5)" immediately after "Darussalam";
- (xxxiii) by inserting the following new definition immediately after the definition of "tax" —
- "Wazirs" means the Duli Pengiran Perdana Wazir Sahibul Himmah Wal-Waqar, the Pengiran Bendahara Seri Maharaja Permaisua, the Pengiran Digadong Sahibul Mal, the Pengiran Pemancha Sahibol Rae Walmashuarah and the Pengiran Temenggong Sahibol Bahar;"
- (xxxiv) by deleting the definition of "Welfare Officer";
- (xxxv) in the definition of "written law" —
- (aa) by inserting "Orders," immediately before "Proclamations" in the first line;
- (ab) by deleting "nor" from the fourth line and by substituting "or" therefor;

(ac) by deleting ", Royal Charter or Royal Letters Patent nor" from the fifth and sixth lines and by substituting "or" therefor;

(ad) by deleting the fullstop and by substituting a semicolon therefor;

(xxxvi) by adding the following new definition —

" "Yang Di-Pertua Adat Istiadat" means the noble and illustrious personage known as the Duli Pengiran Pemancha or the person appointed under Clause (3) of Article 3A by His Majesty the Sultan and Yang Di-Pertuan.";

(b) by repealing subsections (3) and (4);

(c) in subsection (5), by deleting "not" from the second line;

(d) by repealing subsection (6) and by substituting the following new subsection therefor —

"(6) Save as otherwise provided in this Constitution or required by context, the Interpretation and General Clauses Act (Chapter 4) shall apply for the interpretation of this Constitution as it applies to the interpretation of all other written laws."

#### **Amendment of Part II.**

3. Part II of the Constitution is amended by adding "AND ADAT ISTIADAT" to the heading.

#### **Substitution of section 3.**

4. Section 3 of the Constitution is repealed and the following new section substituted therefor —

#### **"Official religion of Brunei Darussalam and religious observance.**

3. (1) The official religion of Brunei Darussalam shall be the Islamic Religion:

Provided that all other religions may be practised in peace and harmony by the persons professing them.

(2) The Head of the official religion of Brunei Darussalam shall be His Majesty the Sultan and Yang Di-Pertuan.

(3) The Religious Council shall be the authority responsible for advising His Majesty the Sultan and Yang Di-Pertuan on all matters relating to the Islamic Religion.

(4) For the purpose of this Article, His Majesty the Sultan and Yang Di-Pertuan may, after consultation with the Religious Council, but not necessarily in accordance with the advice of that Council, make laws in respect of matters relating to the Islamic Religion."

**Insertion of new section 3A.**

5. The Constitution is amended by inserting the following new section immediately after section 3 —

**"Majlis Mesyuarat Adat Istiadat.**

3A. (1) There shall be established a Majlis Mesyuarat Adat Istiadat (to be known in English as the Adat Istiadat Council) which shall consist of a Chairman and other members, all of whom shall be appointed by His Majesty the Sultan and Yang Di-Pertuan and hold office during His Majesty the Sultan and Yang Di-Pertuan's pleasure.

(2) The Adat Istiadat Council shall be the authority responsible for advising His Majesty the Sultan and Yang Di-Pertuan on matters relating to Adat Istiadat or State custom:

Provided that His Majesty the Sultan and Yang Di-Pertuan is not bound to act in accordance with the advice of the Adat Istiadat Council.

(3) The Yang Di-Pertua Adat Istiadat shall be the Head of the Adat Istiadat Council who shall preside in the Adat Istiadat Council and who shall hold office during His Majesty the Sultan and Yang Di-Pertuan's pleasure."

**Amendment of section 4.**

6. Section 4 of the Constitution is amended —

(a) by inserting the following two new subsections immediately after subsection (1) —

"(1A) His Majesty the Sultan and Yang Di-Pertuan shall be the Prime Minister.

(1B) His Majesty the Sultan and Yang Di-Pertuan shall be the Supreme Commander of the Royal Brunei Armed Forces.";

(b) by repealing subsections (2) and (3) and by substituting the following two new subsections therefor —

"(2) The executive authority shall be exercised by His Majesty the Sultan and Yang Di-Pertuan.

(3) His Majesty the Sultan and Yang Di-Pertuan may appoint from among citizens of Brunei Darussalam any number of Ministers and Deputy Ministers who shall be responsible solely to His Majesty the Sultan and Yang Di-Pertuan for the exercise of executive authority and who shall assist and advise His Majesty the Sultan and Yang Di-Pertuan in the discharge of His Majesty the Sultan and Yang Di-Pertuan's executive authority.";

(c) by repealing subsection (4);

(d) by repealing subsections (5) and (6) and by substituting the following two new subsections therefor —

"(5) The appointment of Ministers and Deputy Ministers shall be made from among the Malay race professing the Islamic Religion, save where His Majesty the Sultan and Yang Di-Pertuan otherwise decides.

(6) The Ministers and Deputy Ministers shall be appointed by His Majesty the Sultan and Yang Di-Pertuan by Instrument under His Sign Manual and the State Seal and shall hold office for a period of 5 years or such other period, and on such terms as His Majesty the Sultan and Yang Di-Pertuan may determine, and the same persons may be re-appointed, when such appointment expires, for a further period as specified in the Instrument appointing him:

Provided that His Majesty the Sultan and Yang Di-Pertuan may revoke the appointment of any Minister or Deputy Minister at any time without showing cause.";

(e) by repealing subsections (7) and (8);

(f) by repealing subsection (9) and by substituting the following new subsection therefor —

"(9) His Majesty the Sultan and Yang Di-Pertuan may by Order published in the *Gazette* specify the functions, powers and duties of the Ministers and Deputy Ministers, and such Ministers and Deputy

Ministers shall discharge their functions, powers and duties in accordance with such Orders:

Provided that His Majesty the Sultan and Yang Di-Pertuan may transfer any functions, powers and duties conferred on any person by the existing Instruments to such other person or authority as may be specified by such Order at any time without showing cause."

**Amendment of section 5.**

7. Section 5 of the Constitution is amended —

(a) by repealing subsections (1) and (2) and by substituting the following two new subsections therefor —

"(1) There shall be established a Privy Council (to be known in Malay as the Majlis Mesyuarat Di-Raja) constituted in accordance with the provisions of this Part.

(2) The Privy Council, the Members of which shall be styled Privy Councillors, shall consist of —

(a) if such an appointment has been made, the Deputy Sultan and Yang Di-Pertuan;

(b) the Regents, if a Council of Regency has been appointed;

(c) ex-officio Members, namely the Kepala Wazir, the Wazirs, Members of the Council of Ministers, Mufti Kerajaan, Chief Syar'ie Judge, Attorney General, Yang Di-Pertua Adat Istiadat and the person who holds such other office as may from time to time be designated by His Majesty the Sultan and Yang Di-Pertuan by Proclamation in the *Gazette*; and

(d) such other persons (who shall be styled "Appointed Members") as His Majesty the Sultan and Yang Di-Pertuan may, by Instrument under the State Seal, appoint.";

(b) in subsection (4) —

(i) by deleting "on" from the second line and by substituting "upon" therefor;

(ii) by deleting "decide" from the penultimate line and by substituting "designate" therefor;

(iii) by inserting "First" before "Schedule" in the last line;

(c) by repealing subsection (5).

**Amendment of section 6.**

8. Section 6 of the Constitution is amended —

(a) by repealing subsection (1) and by substituting the following new subsection therefor —

"(1) The Privy Council —

(a) shall advise His Majesty the Sultan and Yang Di-Pertuan on any amendment, addition or revocation of any provision of this Constitution, in accordance with Article 85;

(b) shall, subject to any written law, advise His Majesty the Sultan and Yang Di-Pertuan on the appointment of persons to Malay customary ranks, titles, honours and dignities and the designation of the functions appertaining thereto; and

(c) shall perform such other functions as may be conferred on it by the Succession and Regency Proclamation, 1959, any other written law or by His Majesty the Sultan and Yang Di-Pertuan.";

(b) in subsection (3) —

(i) by inserting "the" immediately before "Clerk" in the second line;

(ii) by inserting "First" immediately before "Schedule" in the last line;

(c) in subsection (4) —

(i) by deleting "provision contained in any other" from the first line;

(ii) by deleting "council" from the third line and by substituting "Council" therefor;

(d) by adding the following new subsection —

"(5) His Majesty the Sultan and Yang Di-Pertuan is not bound to act in accordance with the advice of the Privy Council."

**Substitution of section 7.**

9. Section 7 of the Constitution is repealed and the following new section substituted therefor —

**"Summoning and quorum.**

7. (1) The Privy Council shall not be summoned except by the authority of His Majesty the Sultan and Yang Di-Pertuan or, if a Council of Regency has been appointed, by the senior male Regent or, if His Majesty the Sultan and Yang Di-Pertuan is not present in Brunei Darussalam and if no Council of Regency has been appointed, by the Kepala Wazir.

(2) (a) No business shall be transacted at any meeting of the Privy Council if there are less than one-third of the Members of the Council (besides His Majesty the Sultan and Yang Di-Pertuan or other person presiding) present at the meeting, and His Majesty the Sultan and Yang Di-Pertuan or any other person presiding has objected to the transaction of business on that account.

(b) If the number of Members of the Privy Council is not a multiple of 3, then, for the purpose of this Clause, the number of Members shall be deemed to be the next highest multiple of 3.

(3) Any proceedings in the Privy Council and any such decision taken by that Council shall be valid notwithstanding that some person who was not entitled to do so took part in the proceedings."

**Substitution of section 8.**

10. Section 8 of the Constitution is repealed and the following new section substituted therefor —

**"Presiding in Privy Council.**

8. (1) His Majesty the Sultan and Yang Di-Pertuan shall, so far as practicable, preside at meetings of the Privy Council.

(2) In the absence of His Majesty the Sultan and Yang Di-Pertuan, the person who shall preside shall be in the following priority —

(a) if such an appointment has been made, the Deputy Sultan and Yang Di-Pertuan;

*(b)* if no Deputy Sultan and Yang Di-Pertuan has been appointed and a Council of Regency has been appointed, the senior male Regent present;

*(c)* if no Deputy Sultan and Yang Di-Pertuan and no Council of Regency has been appointed, such Member of the Privy Council as His Majesty the Sultan and Yang Di-Pertuan may appoint or, in the absence of such Member or where no such Member has been appointed, the Kepala Wazir; and

*(d)* in any other case, the ex-officio Member of the Privy Council present who stands first in the order in which those officers are referred to in paragraph *(c)* of Clause (2) of Article 5."

**Insertion of new Part IVA.**

11. The Constitution is amended by inserting the following new Part immediately after section 8 —

**"PART IVA  
PARDONS BOARD**

**Establishment of Pardons Board.**

8A. (1) For the purposes of this Part, there shall be established a Pardons Board which shall consist of the Attorney General, the Mufti Kerajaan and not more than 3 other members.

(2) The 3 other members shall be appointed by His Majesty the Sultan and Yang Di-Pertuan and shall hold office during His Majesty the Sultan and Yang Di-Pertuan's pleasure."

**Amendment of section 9.**

12. Section 9 of the Constitution is amended —

*(a)* in subsection (1) —

- (i)* by deleting ", at any time," from the second line;
- (ii)* by inserting "in his absolute discretion" immediately after "exercise" in the second line;
- (iii)* by deleting "the" from the third line and by substituting "an" therefor;

- (iv) by inserting "or has been" immediately before "tried" in the third line;
- (v) by deleting "as he may think fit, namely power to" from the fourth and fifth lines;
- (vi) in paragraph (a), by deleting "lawful" from the third line;
- (vii) in paragraph (e), by inserting "any offence or for" immediately before "non-payment" in the second line;

(b) by repealing subsection (2) and by substituting the following new subsection therefor —

"(2) In exercising his powers, His Majesty the Sultan and Yang Di-Pertuan may have regard to, but is not bound to act in accordance with, the advice of the Pardons Board."

(c) in subsection (4), by deleting "Privy Council" from the second line and by substituting "Pardons Board" therefor;

(d) by adding the following new subsection —

"(5) Before tendering its advice on any matter, the Pardons Board shall consider any written opinion which may have been delivered thereon by the Attorney General on the law applicable and by the Mufti Kerajaan on any aspect of Islamic law."

#### **Amendment of Part V.**

13. Part V of the Constitution is amended by deleting "THE" from the heading.

#### **Substitution of section 10.**

14. Section 10 of the Constitution is repealed and the following new section substituted therefor —

##### **" Establishment of Council of Ministers.**

10. There shall be established a Council of Ministers (to be known in Malay as the Majlis Mesyuarat Menteri-Menteri), constituted in accordance with the provisions of this Part."

**Substitution of section 11.**

15. Section 11 of the Constitution is repealed and the following new section substituted therefor —

**"Constitution of Council of Ministers.**

11. The Council of Ministers shall consist of the Prime Minister and the Ministers appointed under Clause (3) of Article 4."

**Amendment of section 12.**

16. Section 12 of the Constitution is amended by deleting "member" from the first line and by substituting "Minister" therefor.

**Amendment of section 14.**

17. Section 14 of the Constitution is amended —

(a) by inserting "in his absence," immediately after "or" in the second line;

(b) by deleting "desires" from the second line and by substituting "decides" therefor;

(c) by deleting "government" from the third line and by substituting "the Government" therefor.

**Amendment of section 15.**

18. Section 15 of the Constitution is amended by deleting "among" from the second line and by substituting "amongst" therefor.

**Amendment of section 16.**

19. Section 16 of the Constitution is amended —

(a) in subsection (2) —

(i) by deleting "five members" from the second line and by substituting "5 Members" therefor;

(ii) by inserting the comma immediately after "Council" in the third line;

- (iii) by deleting the bracket immediately before "besides" in the third line;
- (iv) by deleting the bracket immediately after "presiding" in the fourth line and by substituting a comma therefor;
- (v) by deleting "any Member of the Council present" from the fifth and sixth lines and by substituting "other person presiding" therefor;

(b) in subsection (3) —

- (i) by deleting "for" from the second line and by substituting "from" therefor;
- (ii) by deleting "among" from the third line and by substituting "amongst" therefor;
- (iii) by inserting "and decisions taken therefrom" immediately after "therein" in the fifth line.

**Amendment of section 17.**

20. Section 17 of the Constitution is amended by inserting a comma immediately after "Di-Pertuan" in the second line.

**Amendment of section 18.**

21. Section 18 of the Constitution is amended —

(a) in subsection (2) —

- (i) by deleting "of this section" from the first line;
- (ii) by deleting the bracket immediately before "whether" from the third line and by substituting a comma therefor;
- (iii) by deleting "other" from the fourth line;
- (iv) by deleting the bracket immediately after "law" from the fifth line and by substituting a comma therefor;
- (v) by deleting "him" from the penultimate line and by substituting "His Majesty the Sultan and Yang Di-Pertuan" therefor;

(b) in paragraph (a) of subsection (3), by deleting "would" from the second line and by substituting "may" therefor;

(c) by repealing subsection (4) and by substituting the following new subsection therefor —

"(4) His Majesty the Sultan and Yang Di-Pertuan shall have the power to set the agenda of the Council of Ministers."

**Substitution of section 19.**

22. Section 19 of the Constitution is repealed and the following new section substituted therefor —

**"His Majesty is not bound to act in accordance with the advice of Council of Ministers.**

19. (1) His Majesty the Sultan and Yang Di-Pertuan is not bound to act in accordance with the advice of the Council of Ministers, but in any such case, he shall record in writing, for inclusion in the minutes, the reasons for his decision.

(2) Whenever His Majesty the Sultan and Yang Di-Pertuan shall so act against the advice of the Council of Ministers, any Member shall be competent to require that there be recorded upon the minutes any advice or opinion he may have given upon the question together with the reasons therefor."

**Insertion of new section 19A.**

23. The Constitution is amended by inserting the following new section immediately after section 19 —

**"Decision of Council of Ministers.**

19A. No decision of the Council of Ministers shall be valid unless approved by His Majesty the Sultan and Yang Di-Pertuan."

**Amendment of section 20.**

24. Section 20 of the Constitution is amended, in subsection (2), by deleting "Clerk" from the third line and by substituting "Secretary" therefor.

**Amendment of section 21.**

25. Section 21 of the Constitution is amended —

(a) by deleting "member" from the first line and by substituting "Member" therefor;

(b) by deleting "His Majesty the Sultan and Yang Di-Pertuan" from the second line and by substituting "the Prime Minister" therefor;

(c) by deleting "on" from the third line and by substituting "upon" therefor;

(d) by inserting "First" immediately before "Schedule" in the seventh line;

(e) in the proviso —

(i) by deleting "of Ministers" from the second line;

(ii) by deleting "Membership" from the fourth line and by substituting "membership" therefor.

**Substitution of section 22.**

26. Section 22 of the Constitution is repealed and the following new section substituted therefor —

**"Secretary to Council of Ministers.**

22. (1) His Majesty the Sultan and Yang Di-Pertuan shall appoint some fit and proper person to be the Secretary to the Council of Ministers, and such person shall hold office during His Majesty the Sultan and Yang Di-Pertuan's pleasure.

(2) Before entering upon the duties of the office, the Secretary shall make and subscribe before His Majesty the Sultan and Yang Di-Pertuan or other Member presiding, an oath or declaration in the form set out as Form II in the First Schedule."

**Amendment of Part VI.**

27. Part VI of the Constitution is amended by deleting "THE" from the heading.

**Substitution of section 23.**

28. Section 23 of the Constitution is repealed and the following new section substituted therefor —

**"Establishment of Legislative Council.**

23. There shall be established a Legislative Council (to be known in Malay as *Majlis Mesyuarat Negara*), constituted in accordance with the provisions of this Part."

**Substitution of section 24.**

29. Section 24 of the Constitution is repealed and the following new section substituted therefor —

**"Composition and Membership of Legislative Council.**

24. (1) The Second Schedule which concerns the composition and membership of the Legislative Council shall have effect.

(2) His Majesty the Sultan and Yang Di-Pertuan may by Order published in the *Gazette* add to, revoke or amend the provisions of the Second Schedule."

**Repeal of section 25.**

30. Section 25 of the Constitution is repealed.

**Repeal of section 26.**

31. Section 26 of the Constitution is repealed.

**Repeal of section 28.**

32. Section 28 of the Constitution is repealed.

**Substitution of section 29.**

33. Section 29 of the Constitution is repealed and the following new section substituted therefor —

**"Qualifications for Members.**

29. Subject to Article 30, any person (other than a Regent) who is a citizen of Brunei Darussalam and who has attained the age of 21 years shall be qualified to be a Member of the Legislative Council."

**Substitution of section 30.**

34. Section 30 of the Constitution is repealed and the following new section substituted therefor —

**"Disqualification for Members.**

30. No person shall be qualified to be a Member of the Legislative Council who —

(a) is, due to his own act, under any acknowledgement of allegiance, obedience or loyalty to a power or state outside Brunei Darussalam, or has voluntarily acquired the citizenship of or has exercised rights of citizenship in a foreign country, or has shown himself by act or speech to have the intent to be disloyal or disaffected towards His Majesty the Sultan and Yang Di-Pertuan;

(b) is a person declared to be of unsound mind under any law in force in Brunei Darussalam;

(c) has been sentenced by a Court in Brunei Darussalam or elsewhere, to death, imprisonment or to a fine of \$1,000 or more for any offence by whatever name called:

Provided that this paragraph shall not apply to any person —

- (i) until the time for lodging an appeal has lapsed or, if an appeal has been lodged, until such appeal has been dismissed or the appeal has been allowed and the sentence provided for under paragraph (c) has been set aside by the appellate court;
- (ii) who has been sentenced to a fine as aforesaid which conviction is for an offence which does not involve any element of dishonesty, fraud or moral turpitude;
- (iii) who has received a free pardon for that offence;
- (iv) if 3 years or more have elapsed since the termination of his imprisonment or the imposition of the fine on him; or

(v) in respect of whom His Majesty the Sultan and Yang Di-Pertuan has, after full consideration of the circumstances, directed that this paragraph shall not apply;

(d) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in Brunei Darussalam or elsewhere;

(e) is a *murtad* in accordance with the *Hukum Syara'*; or

(f) is disqualified under any law relating to offences in connection with elections to the Legislative Council by reason of having been convicted of such an offence or having in proceedings relating to such an election been proved guilty of an act constituting such an offence."

**Amendment of section 31.**

35. Section 31 of the Constitution is amended —

(a) by deleting "Office" from the marginal note and by substituting "office" therefor;

(b) in subsection (1), by deleting "Official and Nominated" from the first line;

(c) in subsection (2) —

(i) by deleting "Official and Nominated" from the first line;

(ii) by deleting "at the next dissolution of the Council" from the second and third lines and by substituting "when that Council is dissolved" therefor;

(iii) by deleting "previously thereto" from the fourth line;

(d) in subsection (3) —

(i) by deleting "the Official or Nominated" from the first line and by substituting "a" therefor;

(ii) in paragraph (b), by deleting ", and, in the case of an Official Member, his resignation shall be accepted by His Majesty the Sultan and Yang Di-Pertuan";

(iii) in paragraph (c), by inserting ", except in the case of an ex-officio Member," immediately after "he" in the first line;

(iv) by deleting paragraphs (d) and (e);

(e) by repealing subsections (4), (5) and (6) and by substituting the following three new subsections therefor —

"(4) His Majesty the Sultan and Yang Di-Pertuan or the Legislative Council may, for such reason as may appear to His Majesty the Sultan and Yang Di-Pertuan or that Council to be good and sufficient, declare any Member of that Council to be incapable of discharging his functions as a Member of that Council, and thereupon, such Member shall not sit in or take part in the proceedings of that Council until he is declared by His Majesty the Sultan and Yang Di-Pertuan or that Council to be again capable of discharging his functions:

Provided that where the Member is declared by His Majesty the Sultan and Yang Di-Pertuan to be incapable of discharging his functions, the Legislative Council shall not have the power to declare such Member to be again capable of discharging his functions without the prior approval of His Majesty the Sultan and Yang Di-Pertuan.

(5) His Majesty the Sultan and Yang Di-Pertuan or the Legislative Council may, for such reason as may appear to His Majesty the Sultan and Yang Di-Pertuan or that Council to be good and sufficient, suspend any Member, from the exercise of his functions and his rights and privileges, as a Member of that Council, and thereupon, such Member shall not sit in or take part in the proceedings of that Council until the suspension is ended by His Majesty the Sultan and Yang Di-Pertuan or that Council:

Provided that where the Member is suspended by His Majesty the Sultan and Yang Di-Pertuan, the Legislative Council shall not have the power to end the suspension of such Member without the prior approval of His Majesty the Sultan and Yang Di-Pertuan.

(6) Any person vacating his seat as a Member of the Legislative Council may, if qualified, be again appointed as, or elected to be, a Member.";

(f) by repealing subsections (7) and (8).

**Substitution of section 32.**

36. Section 32 of the Constitution is repealed and the following new section substituted therefor —

**"Decisions of questions as to membership of Legislative Council.**

32. His Majesty the Sultan and Yang Di-Pertuan shall have exclusive jurisdiction to determine any question on whether —

(a) any person has been validly disqualified to be a Member of the Legislative Council;

(b) any Member of the Legislative Council has been validly appointed or elected as a Member of, or dismissed from that Council;

(c) any Member of the Legislative Council has been validly declared to be incapable of discharging his functions or suspended from the Legislative Council; or

(d) any such Member of the Legislative Council has vacated his seat therein."

**Amendment of section 33.**

37. Section 33 of the Constitution is amended —

(a) in subsection (1) —

(i) by deleting paragraphs (b) and (c);

(ii) in paragraph (d) —

(aa) by deleting "an Official Member or a Nominated" from the first two lines and by substituting "a" therefor;

(ab) by inserting "Legislative" immediately before "Council" in the last line;

(iii) by deleting paragraph (e) and by substituting the following new paragraph therefor —

"(e) a Member is unable to sit in the Legislative Council in consequence of a declaration or suspension by His Majesty the Sultan and Yang Di-Pertuan or that Council, as provided in Clauses (4) or (5) of Article 31; or";

(iv) by deleting paragraphs (f), (g) and (h);

(v) by adding the following new paragraph —

"(i) the seat of a Member shall become vacant for whatever reason,";

(vi) by deleting "Seal of the State" from the last line and by substituting "State Seal" therefor;

(b) by repealing subsection (2);

(c) by repealing subsection (3) and by substituting the following new subsection therefor —

"(3) Every person so appointed shall, so long as his appointment shall subsist, for all intents and purposes be a Member of the Legislative Council, and Part VI shall apply to him accordingly.";

(d) by repealing subsection (4);

(e) in subsection (5) —

(i) by deleting "A" from the first line and by substituting "For the purposes of this Article, any" therefor;

(ii) by deleting "of" from the second line and by substituting "to" therefor;

(iii) by deleting ", or when the deficiency shall otherwise cease to exist" from the last two lines.

**Amendment of section 34.**

**38.** Section 34 of the Constitution is amended —

(a) in subsection (1) —

(i) by inserting "His Majesty the Sultan and Yang Di-Pertuan or" immediately after "Whenever" in the first line;

(ii) by inserting "on" immediately after "touching" in the second line;

(iii) by deleting "he" from the fourth line and by substituting "His Majesty the Sultan and Yang Di-Pertuan or the Speaker, as the case may be," therefor;

(iv) by deleting "the Legislative" from the last two lines and by substituting "that " therefor;

(b) in subsection (2), by deleting "the Legislative" from the second and third lines and by substituting "that" therefor.

**Repeal of section 35.**

39. Section 35 of the Constitution is repealed.

**Repeal of section 36.**

40. Section 36 of the Constitution is repealed.

**Amendment of section 37.**

41. Section 37 of the Constitution is amended —

(a) by inserting "and Deputy Speaker" immediately after "Speaker" in the marginal note;

(b) in subsection (1) —

(i) by deleting "Seal of Brunei Darussalam" from the second line and by substituting "State Seal" therefor;

(ii) by deleting "; but, unless and until a Speaker is so appointed or if at any time there is no substituting appointment of a Speaker, references in this Constitution (other than in this section) to the Speaker shall be construed as references to the Prime Minister" from the last five lines and by substituting a fullstop therefor;

(c) by inserting the following new subsection immediately after subsection (1) —

"(1A) His Majesty the Sultan and Yang Di-Pertuan may by Instrument under the State Seal appoint a Deputy Speaker of the Legislative Council from among the Members of that Council or from among persons who are not Members thereof.";

(d) in subsection (2) —

(i) by inserting "or Deputy Speaker" immediately after "Speaker" in the first line;

- (ii) by deleting "at" from the second line and by substituting "during" therefor;
- (iii) in the proviso —
  - (aa) by inserting "or Deputy Speaker" immediately after "Speaker" in the first line;
  - (ab) by inserting "or Deputy Speaker" immediately after "Speaker" in the third line;
  - (ac) by deleting "the Legislative" from the fourth line and by substituting "that" therefor.

**Substitution of section 38.**

42. Section 38 of the Constitution is repealed and the following new section substituted therefor —

**"Speaker or Deputy Speaker to attend and preside.**

38. The Speaker or the Deputy Speaker, as the case may be, shall so far as practicable, attend and preside at all meetings of the Legislative Council, and in their absence such Member of the Legislative Council as the Speaker or Deputy Speaker may, after consultation with His Majesty the Sultan and Yang Di-Pertuan, generally or specially appoint, shall preside."

**Substitution of section 39.**

43. Section 39 of the Constitution is repealed and the following new section substituted therefor —

**"Power to make laws.**

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

**Amendment of section 40.**

44. Section 40 of the Constitution is amended —

- (a) by deleting ", etc" from the marginal note;

(b) in subsection (1) —

- (i) by deleting "(1)" from the first line;
- (ii) by inserting "the" immediately before "Standing" in the first line;
- (iii) by deleting "may" from the third line;
- (iv) by deleting the comma after "to" from the fourth line;
- (v) by inserting "the" immediately before "Standing" in the last line;

(c) by repealing subsections (2) and (3).

**Substitution of section 41.**

45. Section 41 of the Constitution is repealed and the following new section substituted therefor —

**"Publication of Bills.**

41. (1) Save in a case of urgency to be certified in writing by His Majesty the Sultan and Yang Di-Pertuan, every Bill shall be published in the *Gazette*.

(2) Within 7 days of the publication of a Bill in the *Gazette* or of the date of any certificate under Clause (1), the Bill shall be laid on the table of the Legislative Council whether or not that Council is sitting."

**Substitution of section 42.**

46. Section 42 of the Constitution is repealed and the following new section substituted therefor —

**"Description of Bills, motions and petitions not to proceed without approval.**

42. (1) Except with the prior approval of His Majesty the Sultan and Yang Di-Pertuan, a Member of the Legislative Council shall not introduce or propose, and the Legislative Council shall not proceed upon, any Bill, any amendment to any Bill, or any motion, petition or business which, in the opinion of His Majesty the Sultan and Yang Di-Pertuan, falls within any of the following classes —

- (a) any Bill, motion, petition or business relating to the issue of Bank Notes or the establishment of any Bank Association or the amendment of the constitution thereof;

(b) any Bill, motion, petition or business which shall appear inconsistent with obligations imposed upon His Majesty the Sultan and Yang Di-Pertuan by Treaty or Agreement with another power or State;

(c) any Bill, motion, petition or business relating to questions of defence or public security;

(d) any Bill, motion, petition or business that may have the effect of lowering or adversely affect directly or indirectly the rights, position, discretion, powers, privileges, sovereignty or prerogatives of His Majesty the Sultan and Yang Di-Pertuan, his Successors, His Consort or other members of his Royal Family;

(e) any Bill, motion, petition or business that may have the effect of lowering or adversely affect directly or indirectly the standing or prominence of the National Philosophy of Melayu Islam Beraja (known in English as Malay Islamic Monarchy);

(f) any Bill, motion, petition or business which would provide for or directly or indirectly affect the finances or currency of Brunei Darussalam;

(g) any Bill, motion, petition or business which would provide for or directly or indirectly affect the compounding or remitting of any debt due to Brunei Darussalam;

(h) any Bill, motion, petition or business which would provide for or directly or indirectly affect the custody of the Consolidated Fund, the charging of any money on the Consolidated Fund or the abolition of any such charge;

(i) any Bill, motion, petition or business which would provide for or directly or indirectly affect the payment of moneys into the Consolidated Fund or the payment, issue or withdrawal from the Consolidated Fund of any moneys not charged thereon, or any alteration in any such payment, issue or withdrawal otherwise than by reducing it;

(j) any Bill, motion, petition or business which would provide for or directly or indirectly affect the receipt of moneys on account of the Consolidated Fund or the custody or issue of such moneys, or the audit of the accounts of Brunei Darussalam;

(k) any Bill, motion, petition or business which would provide for or directly or indirectly affect the borrowing of money, or the giving of any guarantee by Brunei Darussalam or the amendment of the law relating to the financial obligations of Brunei Darussalam; or

(1) any Bill, motion, petition or business which would provide for or directly or indirectly affect the assignment of any tax or fee.

(2) A Bill, amendment to a Bill, or any motion, petition or business shall not be deemed to make provision for any of the matters specified in paragraphs (f) to (l) of Clause (1) by reason only that it provides —

(a) for the imposition or alteration of any fine or other pecuniary penalty or for the payment or demand of a licence fee, or a fee or charge for any service rendered; or

(b) for the imposition, alteration or regulation of any tax or rate by any local authority or body for local purposes.

(3) The approval of His Majesty the Sultan and Yang Di-Pertuan in relation to any Bill or amendment to any Bill, or any motion, petition or business, under Clause (1) may be expressed at any time before His Majesty the Sultan and Yang Di-Pertuan has assented thereto, and may, if given while the Legislative Council is sitting, be given in writing through any Minister.

(4) For the purpose of Clause (1), the Speaker, or Deputy Speaker in the absence of the Speaker, may at any time in his discretion, adjourn the Legislative Council or suspend the sitting so as to obtain the advice of His Majesty the Sultan and Yang Di-Pertuan on any Bill, amendment to any Bill, or any motion, petition or business."

#### **Amendment of section 43.**

47. Section 43 of the Constitution is amended —

(a) in subsection (1), by deleting "All" from the first line and by substituting "Subject to Clauses (3), (4) and (5), all" therefor;

(b) by repealing subsections (2) and (3) and by substituting the following two new subsections therefor —

"(2) The Speaker and, in his absence the Deputy Speaker, and in his absence, the Member presiding shall have an original vote and shall in addition, if upon any question for which the votes are equally divided, have and exercise a casting vote.

(3) If, having debated a Bill, the Legislative Council resolves that the Bill shall be rejected (such resolution shall hereinafter be referred to as a "negative resolution") then Clause (4) shall apply.";

(c) by adding the following two new subsections —

"(4) If the Legislative Council passes a negative resolution, the Speaker shall, within 14 days of the passing of that resolution, submit a report to His Majesty the Sultan and Yang Di-Pertuan giving a summary of the debate and the reasons for such resolution.

(5) His Majesty the Sultan and Yang Di-Pertuan, having considered the report of the Speaker may, notwithstanding the negative resolution, declare that the Bill shall have effect as an Act either in the form in which it was introduced or with such amendments as His Majesty the Sultan and Yang Di-Pertuan shall think fit, from a date to be specified in the *Gazette*."

**Amendment of section 44.**

48. Section 44 of the Constitution is amended —

(a) in subsection (1) —

(i) by deleting "for" from the second line and by substituting "from" therefor;

(ii) by deleting "the" from the fourth line and by substituting "that" therefor;

(b) in subsection (2) —

(i) by deleting "7 members" from the third line and by substituting "one-third of the Members" therefor;

(ii) by deleting "Council" from the seventh line and by substituting "sitting" therefor;

(c) by adding the following new subsection —

"(3) The calculation of one-third referred to in Clause (2) shall be in accordance with the Standing Orders."

**Substitution of section 45.**

49. Section 45 of the Constitution is repealed and the following new section substituted therefor —

**"Assent to Bills.**

45. (1) When any Bill has been passed by the Legislative Council, such Bill shall only become law either in the form in which it was passed or with such amendments as His Majesty the Sultan and Yang Di-Pertuan shall think fit, if His Majesty the Sultan and Yang Di-Pertuan assents to, signs and seals the Bill with the State Seal.

(2) In the event His Majesty the Sultan and Yang Di-Pertuan amends the Bill after it has been passed by the Legislative Council, His Majesty the Sultan and Yang Di-Pertuan shall not be required to refer the Bill back to the Legislative Council.

(3) A law assented to by His Majesty the Sultan and Yang Di-Pertuan shall come into operation on the date on which such assent shall be given, or, if it shall be enacted either in such law or in some other law (including any law in force on the commencement of this Part) that it shall come into operation on some other date, on that date."

**Amendment of section 46.**

50. Section 46 of the Constitution is amended by adding a fullstop immediately after "follows:".

**Substitution of section 47.**

51. Section 47 of the Constitution is repealed and the following new section substituted therefor —

**"Reserved powers.**

47. (1) If His Majesty the Sultan and Yang Di-Pertuan shall consider that it is expedient in the interests of public order, good faith or good government of Brunei Darussalam, or for any other reason whatsoever, that any Bill introduced, or any motion, petition or business proposed in the Legislative Council shall have effect, then, if that Council shall fail to pass that Bill or carry that motion, petition or business within such time and in such form or manner as His Majesty the Sultan and Yang Di-Pertuan may think reasonable and expedient, His Majesty the Sultan and Yang Di-Pertuan may, at any time, notwithstanding any provision of this Constitution or the Standing Orders, declare that that Bill or motion, petition or business shall have effect as if it had been passed or carried by that Council either in the form in which it was so introduced or proposed or with such amendments as His Majesty the Sultan and Yang Di-Pertuan shall think fit which have been moved or proposed in that Council or in any committee thereof; and the Bill or motion or petition shall be deemed thereupon to have been so passed or carried; and

the provisions of this Constitution, and, in particular, the provisions of Article 45, relating to assent to Bills shall have effect accordingly.

(2) Any such declaration made by His Majesty the Sultan and Yang Di-Pertuan under Clause (1) together with the Bill, motion, petition or business so deemed to have been passed or carried shall be notified in the *Gazette* by the Speaker.

(3) Any such declaration, other than a declaration relating to a Bill, may be revoked by His Majesty the Sultan and Yang Di-Pertuan; and the Speaker shall notify such revocation in the *Gazette*; and from the date of such notification, any motion, petition or business which shall be deemed to have been carried by virtue of the declaration revoked shall cease to have effect; and such cessation shall have the same effect as the repeal of a written law."

**Amendment of section 48.**

52. Section 48 of the Constitution is amended —

(a) in subsection (1), by deleting "despatch of business; but no such Orders, and no amendment or revocation thereof, shall have effect unless approved by His Majesty the Sultan and Yang Di-Pertuan" from the last four lines and by substituting "dispatch of business, including the power to impose sanctions" therefor;

(b) by repealing subsection (2);

(c) in subsection (3), by deleting "conduct" from the penultimate line and by substituting "dispatch" therefor;

(d) by adding the following new subsection —

"(4) No Standing Orders made by the Legislative Council and no amendments, suspension or revocation of the Standing Orders shall have effect unless approved by His Majesty the Sultan and Yang Di-Pertuan."

**Substitution of section 49.**

53. Section 49 of the Constitution is repealed and the following new section substituted therefor —

**"Oath to be taken by Members.**

49. Every Member of the Legislative Council shall, before entering upon the duties of his office and taking his seat, make and subscribe before the Speaker or Deputy Speaker or other Member presiding an oath or declaration in the form set out as Form IV in the First Schedule:

Provided that any person, who, having previously been a Member of the Legislative Council, again becomes a Member of that Council within one month after the termination of his previous membership thereof may enter upon the duties of his office and take his seat without again making or subscribing such oath or declaration."

**Substitution of section 50.**

54. Section 50 of the Constitution is repealed and the following new section substituted therefor —

**"Clerk to the Legislative Council.**

50. His Majesty the Sultan and Yang Di-Pertuan shall appoint some fit and proper person to be the Clerk to the Legislative Council, and who shall hold the office during His Majesty the Sultan and Yang Di-Pertuan's pleasure, and such person shall, before entering upon the duties of his office, make and subscribe before the Speaker or other Member presiding an oath or declaration in the form set out as Form V in the First Schedule."

**Amendment of section 51.**

55. Section 51 of the Constitution is amended, in subsection (2), by inserting a comma immediately after "practicable".

**Amendment of section 52.**

56. Section 52 of the Constitution is amended —

(a) by deleting "Sessions, etc., of the" from the marginal note and by substituting "Sessions of" therefor;

(b) in subsection (1) —

(i) by deleting "There" from the first line and by substituting "Unless otherwise directed by His Majesty the Sultan and Yang Di-Pertuan, there" therefor;

(ii) by inserting "more than" immediately after "of" in the second line;

(c) in subsection (2), by inserting "and end" immediately after "commence" in the second line.

**Amendment of section 53.**

57. Section 53 of the Constitution is amended —

(a) by inserting "Members of" immediately after "of" in the marginal note;

(b) by repealing subsection (1) and by substituting the following new subsection therefor —

"(1) Subject to Clause (1A), every Member of the Legislative Council may express his opinion freely in the Legislative Council or any committee thereof, upon any matter which comes before it.";

(c) by inserting the following new subsection immediately after subsection (1) —

"(1A) No Member of the Legislative Council shall speak or make any comments —

(a) directly or indirectly derogatory of the rights, status, position, powers, privileges, sovereignty or prerogatives of His Majesty the Sultan and Yang Di-Pertuan, his Successors, His Consort or other members of the Royal Family or the National Philosophy of Malay Islamic Monarchy; or

(b) which constitute an offence under the Sedition Act (Chapter 24).";

(d) in subsection (2), by inserting "or be subject to any review by" immediately after "in" in the second line;

(e) in subsection (3), by deleting "No" from the first line and by substituting "Subject to Clause (1A), no" therefor.

**Amendment of section 54.**

58. Section 54 of the Constitution is amended by deleting "Sultan" from the marginal note and by substituting "His Majesty" therefor.

**Substitution of section 57.**

59. Section 57 of the Constitution is repealed and the following new section substituted therefor —

**"Civil List of His Majesty, His Consort and the Royal Family.**

57. (1) There shall be provided by law a Civil List making provision for His Majesty the Sultan and Yang Di-Pertuan, His Consort and other members of the Royal Family, which Civil List shall be a charge on the Consolidated Fund.

(2) The Civil List shall be reasonable, adequate and suitable to the rank, position and dignity of His Majesty the Sultan and Yang Di-Pertuan, His Consort and other members of the Royal Family, and shall not be directly or indirectly diminished during His Majesty the Sultan and Yang Di-Pertuan's reign.

(3) In assessing the Civil List, it shall not be permissible to take into account any income of His Majesty the Sultan and Yang Di-Pertuan, His Consort and other members of the Royal Family which is derived from the personal estates and properties of His Majesty the Sultan and Yang Di-Pertuan, His Consort and other members of the Royal Family and those which are not the property of Brunei Darussalam.

(4) His Majesty the Sultan and Yang Di-Pertuan may draw up, maintain or amend a schedule of the members of the Royal Family to whom an allowance will be payable under this Article.

(5) His Majesty the Sultan and Yang Di-Pertuan may revoke, suspend or reduce any allowance to any member of the Royal Family to whom such allowance would otherwise be payable under this Article."

**Amendment of section 58.**

60. Section 58 of the Constitution is amended by deleting "Brunei Darussalam" from the second line and by substituting "the Government" therefor.

**Amendment of section 59.**

61. Section 59 of the Constitution is amended —

(a) in subsection (1) —

(i) by deleting "other" from the third line;

(ii) in paragraph *(c)*, by inserting "and" immediately after the semicolon;

(iii) in paragraph *(d)*, by deleting "; and" from the last line and by substituting a fullstop therefor;

*(b)* by deleting "Brunei Darussalam" wherever those words appear and by substituting "the Government" therefor.

**Amendment of section 60.**

62. Section 60 of the Constitution is amended —

*(a)* by repealing subsection (1) and by substituting the following new subsection therefor —

"(1) His Majesty the Sultan and Yang Di-Pertuan shall, in respect of every financial year, cause to be laid before the Legislative Council a statement of the estimated receipts and expenditure of the Government for that year and, unless the Legislative Council by written law in respect of any year otherwise provides, that statement shall be so laid before the commencement of that year.";

*(b)* by repealing subsections (3) and (4) and by substituting the following two new subsections therefor —

"(3) The sums to be shown under paragraph *(b)* of Clause (2) shall not include —

*(a)* sums representing the proceeds of any loan raised by the Government for any specific purpose and appropriated for such purpose by or under the written law or Act authorising the raising of that loan; and

*(b)* sums representing any money, or interest on money, received by the Government subject to a trust and to be applied in accordance with the terms of that trust.

(4) The statement shall also show, so far as practicable, the assets and liabilities of the Government, other than the assets and liabilities of the Brunei Investment Agency, at the end of the last completed financial year, the manner in which those assets are invested or held and the general heads in respect of which those liabilities are outstanding."

**Amendment of section 61.**

63. Section 61 of the Constitution is amended by deleting "Bills" from the marginal note and by substituting "Bill" therefor.

**Amendment of section 62.**

64. Section 62 of the Constitution is amended by deleting paragraph (b) and by substituting the following new paragraph therefor —

*(b)* that any moneys have been expended for any purpose in excess of that amount, if any, appropriated for that purpose by an Annual Supply Act,".

**Amendment of section 63.**

65. Section 63 of the Constitution is amended —

*(a)* by deleting "Legislature" from the first line and by substituting "Legislative Council" therefor;

*(b)* by deleting paragraph (b) and by substituting the following new paragraph therefor —

*(b)* to authorise by written law expenditure for the whole or part of the year otherwise than in accordance with Articles 59 to 62 inclusive if, owing to the magnitude or indefinite character of any services or to circumstances which require any action of unusual urgency, it appears to be desirable to do so."

**Amendment of section 64.**

66. Section 64 of the Constitution is amended —

*(a)* by adding "Fund" immediately after "Contingencies" in the marginal note;

*(b)* in subsection (1) —

(i) by deleting "Legislature may by" from the first line and by substituting "Legislative Council may by written" therefor;

(ii) by deleting "Prime Minister" from the second and third lines and by substituting "Minister of Finance" therefor;

*(c)* in subsection (2) —

- (i) by deleting "is" from the first line and by substituting "has been" therefor;
- (ii) by inserting "into the Legislative Council" immediately after "introduced" in the third line.

**Amendment of section 65.**

67. Section 65 of the Constitution is amended —

*(a)* by deleting "Funds" from the marginal note and by substituting "Fund" therefor;

*(b)* by repealing subsection (2) and by substituting the following new subsection therefor —

"(2) Clause (1) shall not apply to any such sums as are mentioned in Clause (3) of Article 60."

**Amendment of section 66.**

68. Section 66 of the Constitution is amended —

*(a)* in subsection (2) —

- (i) by inserting "the" immediately after "held" in the first line;
- (ii) by inserting "public" immediately before "service" in the last line;

*(b)* by repealing subsection (3) and by substituting the following new subsection therefor —

"(3) The Auditor General shall hold office during His Majesty the Sultan and Yang Di-Pertuan's pleasure, but he may at any time resign his office.";

*(c)* in subsection (4), by deleting "Legislature" from the first line and by substituting "Legislative Council" therefor;

*(d)* by repealing subsections (5) and (6).

**Amendment of section 67.**

69. Section 67 of the Constitution is amended, in subsection (1), by inserting ", subject to this Constitution and any written law," immediately after "shall" in the first line.

**Amendment of section 68.**

70. Section 68 of the Constitution is amended by deleting "shall cause them" from the second and last lines and by substituting "may cause the reports" therefor.

**Amendment of Part IX.**

71. Part IX of the Constitution is amended by deleting "THE PUBLIC SERVICES" from the heading and by substituting "PUBLIC SERVICE" therefor.

**Substitution of section 70.**

72. Section 70 of the Constitution is repealed and the following new section substituted therefor —

**"Tenure of office in public service.**

70. Save as otherwise provided in this Constitution, every person holding office in the public service of the Government shall hold office during His Majesty the Sultan and Yang Di-Pertuan's pleasure."

**Amendment of section 71.**

73. Section 71 of the Constitution is amended —

(a) by deleting "The" from the marginal note;

(b) in subsection (1), by inserting ", including a Deputy Chairman," immediately after "members" in the second and third lines;

(c) by repealing subsection (3) and by substituting the following new subsection therefor —

"(3) All members of the Public Service Commission, including the Chairman and Deputy Chairman, if any, shall hold office during His Majesty the Sultan and Yang Di-Pertuan's pleasure.";

(d) in subsection (6) —

- (i) by deleting the marginal note;
- (ii) by inserting "(Chapter 22)" immediately after "Code" in the first line.

**Amendment of section 72.**

74. Section 72 of the Constitution is amended by inserting ", and who shall hold office during His Majesty the Sultan and Yang Di-Pertuan's pleasure" immediately after "Di-Pertuan" in the last line.

**Amendment of section 73.**

75. Section 73 of the Constitution is amended by deleting "the Legislature" from the third line and by substituting "His Majesty the Sultan and Yang Di-Pertuan" therefor.

**Amendment of section 74.**

76. Section 74 of the Constitution is amended by repealing subsection (2) and by substituting the following new subsection therefor —

"(2) In exercise of the power conferred upon him by Clause (1), His Majesty the Sultan and Yang Di-Pertuan shall, unless the regulations under Article 75 otherwise provide, consult and act in accordance with the recommendation of the Public Service Commission."

**Amendment of section 75.**

77. Section 75 of the Constitution is amended by deleting "in Council" from the first two lines.

**Amendment of section 76.**

78. Section 76 of the Constitution is amended —

- (a) by deleting "administer" from the marginal note and by substituting "require" therefor;
- (b) by inserting a comma immediately after "appoint" in the fourth line;
- (c) by inserting "First" immediately before "Schedule" in the last line.

**Amendment of Part X.**

79. Part X of the Constitution is amended by deleting "THE" from the heading.

**Amendment of section 79.**

80. Section 79 of the Constitution is amended —

(a) by deleting "The" from the marginal note;

(b) by deleting "National Seal of Negara Brunei Darussalam" from the second and third lines and by substituting "State Seal" therefor.

**Substitution of section 81.**

81. Section 81 of the Constitution is repealed and the following new section substituted therefor —

**"Attorney General and his functions.**

81. (1) There shall be an Attorney General who shall be appointed by His Majesty the Sultan and Yang Di-Pertuan by notification published in the *Gazette*.

(2) The Attorney General shall advise on all legal matters connected with the affairs of Brunei Darussalam referred to him by His Majesty the Sultan and Yang Di-Pertuan or by the Government.

(3) The Attorney General shall have power exercisable at his discretion to institute, conduct or discontinue any proceedings for an offence other than —

(a) proceedings before a Syariah Court, subject to the provisions of any written law to the contrary; or

(b) proceedings before a Court Martial, subject to the provisions of any written law to the contrary.

(4) In the exercise of this power, the Attorney General shall not be subject to the direction or control of any person or authority.

(5) The Attorney General shall have the right of audience in, and shall take precedence over any other person appearing before, any court or tribunal in Brunei Darussalam.

(6) The Attorney General shall hold office during His Majesty the Sultan and Yang Di-Pertuan's pleasure, but he may at any time resign his office."

**Substitution of section 82.**

82. Section 82 of the Constitution is repealed and the following new section substituted therefor —

**"Official language.**

82. (1) The official language of Brunei Darussalam shall be the Malay language.

(2) An official version in the English language shall be provided of anything which, by this Constitution, or by any written law, or by the Standing Orders, is required to be printed or in writing, and such version shall, in addition to the official Malay version, be accepted as an authentic text.

(3) In the case of any doubt, conflict or discrepancy between the Malay and the English texts of this Constitution, or anything printed or written in accordance with Clause (2), the Malay text shall prevail."

**Amendment of section 83.**

83. Section 83 of the Constitution is amended —

(a) in subsection (1) —

(i) by deleting "occasion of public danger exists" from the second and third lines and by substituting "occasion of emergency or public danger is imminent, exists or has arisen" therefor;

(ii) by inserting "or may be" immediately before "threatened" in the fourth line;

(b) in subsection (2), by deleting "issue of" from the penultimate line and by substituting "right of His Majesty the Sultan and Yang Di-Pertuan to issue" therefor;

(c) by inserting the following new subsection immediately after subsection (2) —

"(2A) Notwithstanding Clause (2), 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 2 years.";

(d) in subsection (3) —

(i) by deleting "guilty of such offences:" from the seventh and eighth lines and by substituting "charged with such offences." therefor;

(ii) by deleting the proviso;

(e) in subsection (4) —

(i) in paragraph (a), by deleting "and" where it appears for the first time in the first line;

(ii) in paragraph (k), by deleting ", but having no power to inflict imprisonment or fines" from the last two lines;

(iii) in paragraph (n), by deleting the fullstop and by substituting "; and" therefor;

(iv) by adding the following new paragraph —

"(o) control, exploitation, use, disposition, appropriation or deployment of any natural resources.";

(f) in subsection (5), by deleting "may be" from the third line and by substituting "he thinks" therefor;

(g) by repealing subsections (7) and (8) and by substituting the following two new subsections therefor —

"(7) Every Order made under this Article shall, at the next meeting of the Legislative Council, be laid before that Council and that Council may resolve that any such Order shall, to the extent and as from such date as may be specified in such resolution, either cease to have effect (and any such cessation shall, if assented to by His Majesty the Sultan and Yang Di-Pertuan, have the same effect as the repeal of a written law) or be passed by that Council.

(8) Such Orders or cessation of such Orders, as the case may be, shall be published in the *Gazette* as soon as circumstances permit."

**Insertion of new section 83A.**

84. The Constitution is amended by inserting the following new section immediately after section 83 —

**"Saving of Acts, Proclamations and Orders.**

83A. (1) It is hereby declared for the avoidance of doubt that every existing law including —

(a) each and every Proclamation of Emergency declaring a state of emergency in Brunei Darussalam made under Article 83, commencing with the Proclamation of Emergency made on 12th December, 1962 and thereafter every 2 years or thereabouts and ending with the Proclamation of Emergency made on the 16th day of Muharam, 1425 Hijriah corresponding to the 8th day of March, 2004; and

(b) each and every Order, Instrument, Act, Enactment or other written law made under Article 83 during any such period of emergency,

shall be deemed to have been validly passed or made, to be fully effectual and to have had full force and effect from the date on which such Proclamation, Order, Instrument, Act, Enactment or other written law was declared or made even if such Proclamation, Order, Instrument, Act, Enactment or other written law was inconsistent with any provision of this Constitution; and the said Proclamation, Order, Instrument, Act, Enactment or written law referred to in paragraphs (a) and (b) shall be deemed to have been duly laid before and passed by the Legislative Council in accordance with Clause (7) of Article 83.

(2) At the expiration of a period of 6 months beginning with the date on which a Proclamation of Emergency made after the 16th day of Muharam, 1425 Hijriah corresponding to the 8th day of March, 2004 ceases to be in force, any Proclamation, Order, Instrument, Act, Enactment or other written law made under Article 83 during any such period of emergency and, to the extent that it could not have been validly made but for Article 83, any Proclamation, Order, Instrument, Act, Enactment or written law made while the Proclamation was in force, shall cease to have effect except as to things done or omitted to be done before the expiration of that period."

**Amendment of section 84.**

85. Section 84 of the Constitution is amended —

(a) by deleting "Prerogative" from the marginal note and by substituting "Prerogatives" therefor;

(b) in subsection (1) —

(i) by deleting "of Brunei Darussalam" from the first line;

(ii) by deleting "such" from the penultimate line and by substituting "the" therefor;

(c) by repealing subsection (2) and by substituting the following new subsection therefor —

"(2) Nothing in this Constitution shall be deemed to derogate from the prerogative powers and jurisdiction of His Majesty the Sultan and Yang Di-Pertuan and, for the avoidance of doubt, it is declared that His Majesty the Sultan and Yang Di-Pertuan retains the power to make laws and to proclaim a further Part or Parts of the law of this Constitution as to His Majesty the Sultan and Yang Di-Pertuan from time to time may seem expedient."

**Insertion of new sections 84A to 84D.**

86. The Constitution is amended by inserting the following four new sections immediately after section 84 —

**"Appointment to specified offices.**

84A. (1) No person shall be appointed to any office specified in the Third Schedule unless he is a citizen of Brunei Darussalam of the Malay race professing the Islamic Religion.

(2) His Majesty the Sultan and Yang Di-Pertuan may by Order published in the *Gazette* amend the Third Schedule.

**Immunity.**

84B. (1) His Majesty the Sultan and Yang Di-Pertuan can do no wrong in either his personal or any official capacity. His Majesty the Sultan and Yang Di-Pertuan shall not be liable to any proceedings whatsoever in any court in

respect of anything done or omitted to have been done by him during or after his reign in either his personal or any official capacity.

(2) 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 whatsoever in any court in respect of anything done or omitted to have been done by him in his official capacity:

Provided that, subject to Article 84C, provision may be made by written law for the bringing of proceedings against the Government or any officer, servant or agent thereof, but not His Majesty the Sultan and Yang Di-Pertuan, in respect of wrongs committed in the course of carrying on the government of Brunei Darussalam.

(3) Any such law as is referred to in the proviso to Clause (2) shall not be deemed to be an amendment to this Constitution.

**No judicial review.**

84C. (1) The remedy of judicial review is and shall not be available in Brunei Darussalam.

(2) For the avoidance of doubt, there is and shall be no judicial review in any court of any act, decision, grant, revocation or suspension, or refusal or omission to do so, any exercise of or refusal or omission to exercise any power, authority or discretion by His Majesty the Sultan and Yang Di-Pertuan, or any party acting on his behalf or under his authority or in the performance of any public function, under the provisions of this Constitution or any written law or otherwise, including any question relating to compliance with any procedural requirement governing such act or decision.

(3) In this Article, "judicial review" means proceedings instituted by any manner whatsoever including, but not limited to, proceedings by way of —

(a) an application for any of the prerogative orders of *mandamus*, prohibition and *certiorari*;

(b) an application for a declaration or an injunction;

(c) a writ of *habeas corpus*; and

(d) any other suit or action relating to or arising out of any act, decision, grant, revocation or suspension, or refusal or omission to do so, any exercise of or refusal or omission to exercise any power,

authority or discretion conferred on His Majesty the Sultan and Yang Di-Pertuan, or any party acting on his behalf or under his authority or in the performance of any public function, under the provisions of this Constitution or any written law or otherwise.

(4) Save as provided in this Constitution, His Majesty the Sultan and Yang Di-Pertuan shall not be required to assign any reason for any act, decision, grant, revocation or suspension, or refusal or omission to do so, any exercise of or refusal or omission to exercise any power, authority or discretion under the provisions of this Constitution or any written law or otherwise.

**Extra-territorial effect of laws.**

**84D.** Laws of Brunei Darussalam may have extra-territorial effect, provided it is so stated in such laws."

**Amendment of Part XII.**

**87.** Part XII of the Constitution is amended by deleting "THE" from the heading.

**Amendment of section 85.**

**88.** Section 85 of the Constitution is amended —

(a) in subsection (1) —

- (i) by inserting ", add to" immediately after "amend" in the second line;
- (ii) by inserting ", added to or revoked" immediately after "amended" in the last line;

(b) in subsection (2), by deleting "but shall not be obliged" from the last two lines and by substituting "but His Majesty the Sultan and Yang Di-Pertuan is not bound" therefor;

(c) in subsection (3) —

- (i) by deleting "approved by resolution of" from the last two lines and by substituting "laid before" therefor;
- (ii) by inserting "to enable the Legislative Council to determine if any amendments to the draft of the Proclamation should be made" immediately after "Council" in the last line;

(d) by adding the following two new subsections —

"(4) If no amendments are proposed by the Legislative Council within 14 days, His Majesty the Sultan and Yang Di-Pertuan may proceed to declare the Proclamation; if amendments are proposed by the Legislative Council within 14 days, the Speaker shall, within 14 days of the Legislative Council making the proposal, submit a report to His Majesty the Sultan and Yang Di-Pertuan giving a summary of the debate and the reasons for the proposed amendments.

(5) His Majesty the Sultan and Yang Di-Pertuan having considered the report of the Speaker may declare that the Proclamation shall have effect under Clause (1) either in the form in which it was laid before the Legislative Council or with such amendments as His Majesty the Sultan and Yang Di-Pertuan shall think fit."

**Amendment of section 86.**

89. Section 86 of the Constitution is amended —

(a) in subsection (1) —

- (i) by inserting ", arising from, relating to, or in connection with," immediately after "involving" in the second line;
- (ii) by deleting "construction" from the third line and by substituting "purpose, construction, ambit" therefor;
- (iii) by deleting "their" from the last line and by substituting "its" therefor;

(b) by repealing subsection (2) and by substituting the following new subsection therefor —

"(2) When any such question arises in any legal proceedings before any court, His Majesty the Sultan and Yang Di-Pertuan may direct that court to refer such question to the Interpretation Tribunal or that court shall refer such question to His Majesty the Sultan and Yang Di-Pertuan, with a submission that His Majesty the Sultan and Yang Di-Pertuan should refer that question to the Interpretation Tribunal, and upon receiving such reference His Majesty the Sultan and Yang Di-Pertuan may refer such question to the Interpretation Tribunal:

Provided that the court shall not refer such question which has already been decided by the Interpretation Tribunal.";

(c) in subsection (3) —

- (i) by deleting "a question reported under subsection (2)" from the second line and by substituting "such question to the Interpretation Tribunal" therefor;
- (ii) by deleting "report" from the third line and by substituting "reference" therefor;

(d) in subsection (5) —

- (i) by deleting "report" from the third line and by substituting "reference" therefor;
- (ii) by deleting "reported" from the last third line and by substituting "referred" therefor;

(e) in subsection (6) —

- (i) by deleting "case" from the second line and by substituting "question" therefor;
- (ii) by inserting "or be subject to any review by or appeal to" immediately after "in" in the last line;

(f) by repealing subsection (7) and by substituting the following new subsection therefor —

"(7) The Interpretation Tribunal shall consist of 3 members —

(a) a Chairman who shall be a person who holds or has held high judicial office in any country, or has for at least 20 years been engaged in legal practice in any country;

(b) one member who shall be a person who has for at least 10 years been engaged in legal practice in any country; and

(c) one member who shall be a person from any country who professes the Islamic Religion who holds or has held office in Islamic law or is an expert in Islamic law and jurisprudence.

The Chairman and other members shall be appointed by His Majesty the Sultan and Yang Di-Pertuan by Instrument under the State Seal, and shall hold office during His Majesty the Sultan and Yang Di-Pertuan's pleasure.";

(g) in subsection (8) —

(i) by deleting "in Council" from the first two lines;

(ii) by deleting "a charge" from the last line and by substituting "charged" therefor;

(h) by adding the following new subsection —

"[9] The Interpretation Tribunal may depart from any of its previous decisions."

**Insertion of new section 87.**

90. The Constitution is amended by inserting the following new section immediately after section 86 —

**"Authorised reprints of Constitution.**

87. (1) His Majesty the Sultan and Yang Di-Pertuan may, from time to time, authorise the Attorney General to cause to be printed and published an up-to-date reprint of this Constitution, incorporating therein all amendments in force at the date of such authorisation.

(2) Any reprint of this Constitution, printed and published under Clause (1) shall be deemed to be and shall be, without any question whatsoever in all courts and for all purposes whatsoever, the authentic text of this Constitution in force as from the date specified in that reprint until superseded by the next or a subsequent reprint.

(3) In the preparation and compilation of any reprint under Clause (1), the Attorney General shall have, with the necessary modifications, all the powers conferred upon him by the Law Revision Act (Chapter 1)."

**Amendment of Schedule.**

91. The Schedule to the Constitution is amended —

(a) by inserting "FIRST" immediately before "SCHEDULE" in the heading;

(b) by deleting Form I and by substituting the following new Form therefor —

**"FORM 1**  
*(Article 5(4))*

**OATH OR DECLARATION TO BE TAKEN OR MADE AND  
SUBSCRIBED BY A PRIVY COUNCILLOR**

WALLAHI WA-BILLAHI WA-TAALAH<sup>1</sup>

I, ..... being an ex-officio Member<sup>2</sup>  
having been appointed a Member<sup>2</sup>  
of His Majesty's Privy Council swear by Almighty ALLAH<sup>2</sup>  
solemnly and sincerely declare<sup>2</sup>

that, except with the authority of His Majesty the Sultan and Yang Di-Pertuan I will not directly or indirectly reveal the business or proceedings of the Privy Council, or the nature or contents of any documents communicated to me as a Member of the Council, or any matter coming to my knowledge in my capacity as a Member of the Council and that in all things I will be a true and faithful Privy Councillor.

Dated this ..... day of .....20..... .

.....

Signature

---

<sup>1</sup> For Muslims only.

<sup>2</sup> Delete words not required.";



*(d)* in Form III —

- (i) in the sub-heading, by deleting "AND" and by substituting "OR" therefor;
- (ii) by deleting "God" from the second line and by substituting "ALLAH" therefor;
- (iii) by deleting "Councillor" from the last line and by substituting "Member of the Council of Ministers" therefor;
- (iv) by deleting "19" from the date and by substituting "20" therefor;

*(e)* in Form IV —

- (i) in the sub-heading —
  - (aa)* by deleting "AND" and by substituting "OR" therefor;
  - (ab)* by inserting "AND SUBSCRIBED" immediately after "MADE";
- (ii) by deleting "being an ex-officio Member<sup>2</sup>" from the first line;
- (iii) by inserting "or elected" immediately after "appointed" in the first line;
- (iv) by deleting "God" from the second line and by substituting "ALLAH" therefor;
- (v) by deleting "19" from the date and by substituting "20" therefor;

*(f)* in Form V —

- (i) in the sub-heading —
  - (aa)* by deleting "AND DECLARATION";
  - (ab)* by deleting "OR MADE";
- (ii) by deleting "God" from the second line and by substituting "ALLAH" therefor;
- (iii) by deleting "solemnly and sincerely declare<sup>2</sup>" from the second line;
- (iv) by deleting "19" from the date and by substituting "20" therefor;

(g) in Form VI —

- (i) in the sub-heading, by deleting "AND" and by substituting "OR" therefor;
- (ii) by deleting "God" from the first line and by substituting "ALLAH" therefor;
- (iii) by deleting "19" from the date and by substituting "20" therefor;

(h) by deleting Form VII.

**Insertion of new Schedules.**

92. The Constitution is amended by adding the following two new Schedules —

**"SECOND SCHEDULE**

*(Article 24(1))*

**Composition and Membership of the Legislative Council.**

1. The Legislative Council shall consist of not more than 45 Members as follows —

(a) up to 30 persons who shall be appointed by His Majesty the Sultan and Yang Di-Pertuan from the following categories —

- (i) ex-officio Members who comprise the Prime Minister and all the Ministers appointed under Article 4(3) of this Constitution;
- (ii) titled persons;
- (iii) persons who, in His Majesty the Sultan and Yang Di-Pertuan's opinion, have rendered distinguished public service or who are not within sub-paragraph (a)(iv) but who, in his opinion, will be capable of contributing to the deliberations of the Legislative Council;
- (iv) persons who, in His Majesty the Sultan and Yang Di-Pertuan's opinion, have achieved distinction in the field of religion, management, any profession, business, trade, agriculture, cultural arts or community activities, or who are representatives of particular communities; and

(b) up to 15 representatives, the exact number of which shall be determined by His Majesty the Sultan and Yang Di-Pertuan, from Brunei and Muara District, Belait District, Tutong District and Temburong District who shall be elected in accordance with the laws relating to elections in force in Brunei Darussalam.

**Instrument of appointment.**

2. The Members of the Legislative Council who are appointed in accordance with sub-paragraph (a) of paragraph 1 shall be appointed by His Majesty the Sultan and Yang Di-Pertuan by Instrument under the State Seal.

**Duration and terms of appointment.**

3. Every Member of the Legislative Council shall hold his seat in that Council during His Majesty the Sultan and Yang Di-Pertuan's pleasure and, subject thereto, shall hold office in accordance with such terms as may be specified in the Instrument of appointment which may include a provision specifying the constituency or electoral area for which he may be made responsible.

**District Representatives.**

4. (1) For the purpose of sub-paragraph (b) of paragraph 1, the Districts shall be represented in the Legislative Council by Members (in this Schedule referred to as "District Representatives") as follows —

- (a) Brunei and Muara District, up to 7 members;
- (b) Belait District, up to 3 members;
- (c) Tutong District, up to 3 members;
- (d) Temburong District, up to 2 members.

(2) Until laws relating to elections are in force in Brunei Darussalam to elect District Representatives, paragraphs 5 and 6 shall have effect for the purpose of appointing such members and such appointments shall be valid for the purposes of paragraphs 1 and 4.

**Nomination and appointment of District Representatives.**

5. (1) His Majesty the Sultan and Yang Di-Pertuan may, whenever His Majesty the Sultan and Yang Di-Pertuan deems fit, inform the Penghulus,

Ketua Kampong and Ketua Rumah Panjang of the exact number of District Representatives which His Majesty the Sultan and Yang Di-Pertuan intends to appoint.

(2) The Penghulus, Ketua Kampong and Ketua Rumah Panjang shall select from amongst themselves candidates for appointment by His Majesty the Sultan and Yang Di-Pertuan as District Representatives.

(3) His Majesty the Sultan and Yang Di-Pertuan shall appoint a Selection Committee comprising a Chairman and 2 other members, who shall hold their positions during His Majesty the Sultan and Yang Di-Pertuan's pleasure.

(4) The Selection Committee shall have the power to recommend, from the candidates put forward in sub-paragraph (2) of this paragraph, persons for appointment by His Majesty the Sultan and Yang Di-Pertuan as District Representatives and, in making such recommendation, the Selection Committee shall take into consideration the suitability of such persons as District Representatives.

(5) Should His Majesty the Sultan and Yang Di-Pertuan reject any candidates recommended by the Selection Committee, the relevant Penghulus, Ketua Kampong and Ketua Rumah Panjang shall propose alternative candidates for consideration and the process set out in sub-paragraphs (4) and (5) of this paragraph shall continue until all seats determined by His Majesty the Sultan and Yang Di-Pertuan in respect of sub-paragraph (b) of paragraph 1 have been filled.

#### **Vacancy.**

6. (1) Whenever a vacancy arises amongst District Representatives, the Speaker shall, with the prior written consent of His Majesty the Sultan and Yang Di-Pertuan, give notice to the District Officer concerned that the selection of the candidate be carried out.

(2) The relevant Penghulus, Ketua Kampong and Ketua Rumah Panjang shall be called by the District Officer to nominate a candidate or candidates to fill such vacancy, and the process set out in sub-paragraphs (4) and (5) of paragraph 5 shall apply.

#### **Regulations.**

7. His Majesty the Sultan and Yang Di-Pertuan may make regulations for the purposes of carrying out any provision of this Schedule.

**Validity.**

8. (1) His Majesty the Sultan and Yang Di-Pertuan shall have the absolute discretion to proclaim that the Legislative Council is or has been properly and validly constituted, notwithstanding that no Members have been appointed under any one or more of sub-paragraphs (a)(i) to (iv) or under sub-paragraph (b) of paragraph 1.

(2) Subject to the maximum number of members allowed under paragraph 1, His Majesty the Sultan and Yang Di-Pertuan shall have the power to appoint additional members to the Legislative Council after making the Proclamation in sub-paragraph (1) of this paragraph.

**THIRD SCHEDULE**

*(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".

**Amendment of Constitution.**

93. The Constitution is amended —

(a) by deleting "section" wherever that word appears and by substituting "Article" therefor;

(b) by deleting "subsection" wherever that word appears and by substituting "Clause" therefor.

**Confirmation.**

So be it. Such is the Constitution of Brunei Darussalam (Amendment) Proclamation, 2004 .

**Invocation.**

May ALLAH, to Whom be praise 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, for ever and ever. Amen! O Lord of the Universe!

Made at the Lapau, Bandar Seri Begawan, Brunei Darussalam this 14th day of Syaaban, the Hijriah of the Prophet (on Whom be the benediction and peace of ALLAH) 1425 corresponding to the 29th day of September, 2004 of the Christian era, being the thirty-seventh year of the Reign of His Majesty.

IN WITNESS of the making of this Proclamation, of the advice of the Privy Council and of the approval of the Legislative Council, we, the senior members of the Privy Council and Speaker of the Legislative Council, hereunder affix our respective signatures:

DULI YANG TERAMAT MULIA  
PADUKA SERI PENGIRAN PERDANA WAZIR SAHIBUL HIMMAH  
WAL-WAQAR PENGIRAN MUDA MOHAMED BOLKIAH IBNI AL-MARHUM  
SULTAN HAJI OMAR 'ALI SAIFUDDIEN SA'ADUL KHAIRI WADDIEN  
Kepala Wazir and Member of The Privy Council

DULI YANG TERAMAT MULIA  
PADUKA SERI PENGIRAN BENDAHARA SERI MAHARAJA PERMAISUARA  
PENGIRAN MUDA HAJI SUFRI BOLKIAH IBNI AL-MARHUM SULTAN  
HAJI OMAR 'ALI SAIFUDDIEN SA'ADUL KHAIRI WADDIEN  
Wazir and Member of The Privy Council

YANG AMAT MULIA  
PENGIRAN MAHARAJA SETIA LAILA DIRAJA SAHIBUL IRSHAD  
PENGIRAN ANAK HAJI ABDUL RAHIM BIN PENGIRAN INDERA MAHKOTA  
PENGIRAN ANAK (DR.) KEMALUDDIN AL-HAJ  
Member of The Privy Council

YANG AMAT MULIA  
PENGIRAN INDERA MAHKOTA PENGIRAN ANAK (DR.) KEMALUDDIN  
AL-HAJ IBNI AL-MARHUM PENGIRAN BENDAHARA  
PENGIRAN ANAK MOHD YASSIN  
Speaker of The Legislative Council

YANG BERHORMAT  
PEHIN JAWATAN LUAR PEKERMA RAJA DATO SERI UTAMA  
DR. USTAZ HAJI AWANG MOHD ZAIN BIN HAJI SERUDIN  
President of The Majlis Ugama Islam  
and Member of The Privy Council