

No. S 12

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

**SUPPLEMENTAL CONTRIBUTORY PENSIONS TRUST  
(AMENDMENT) (NO. 2) ORDER, 2024**

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

**SUPPLEMENTAL CONTRIBUTORY PENSIONS TRUST**  
**(AMENDMENT) (NO. 2) ORDER, 2024**

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

**Citation and commencement**

1. This Order may be cited as the Supplemental Contributory Pensions Trust (Amendment) (No. 2) Order, 2024 and shall be deemed to have commenced on 13th April 2015.

**Insertion of new sections 6A, 6B and 6C into S 58/2009**

2. The Supplemental Contributory Pensions Trust Order, 2009 is amended by inserting the following three new sections immediately after section 6 —

**“Power to examine persons**

6A. (1) Without prejudice to section 6(3), an inspector or any of the officers referred to in section 6(2), in the course of an inspection under section 6(3), may examine orally any person supposed to be acquainted with the facts and circumstances of the case and shall reduce into writing any statement made by the person so examined.

(2) Such person shall be legally bound to answer the questions truthfully relating to such case put to him by such inspector or any of the officers referred to in section 6(2), but may refuse to answer any question the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

(3) A statement made by any person under the provisions of this section shall be read over to him and shall, after correction if necessary, be signed by him.

(4) Any person who obstructs an inspector or any of the officers referred in this section is guilty of an offence.

**Power to assess contributions based on information available**

6B. (1) An inspector may assess any contribution which is due by any employer based on any information available if the employer —

*(a)* fails to prepare and keep any register or record any particulars pertaining to each employee as required to be performed by him under this Order or any regulations or rules made thereunder; or

*(b)* fails or refuses to produce any contract of service, book of account of salary, register and other document concerning each employee as required under this Order.

(2) The assessment made under subsection (1) shall be sufficient proof of the Board's claim for the summary recovery of any contribution under section 38.

**Powers of Managing Director to require information and application for search warrant**

6C. (1) For the purposes of obtaining full information for ascertaining whether any person is liable to pay contributions under this Order, the Managing Director may, by notice in writing, require any person —

*(a)* to furnish the Managing Director within a time specified in the notice not being less than 30 days from the date of such notice any information or particulars specified in the notice;

*(b)* to attend personally before the Managing Director or any person authorised in that behalf by the Managing Director and produce for examination all books, accounts, records and other documents which the Managing Director or authorised officer deems necessary; or

*(c)* to furnish the information or particulars in accordance with paragraph *(a)* and also to attend in accordance with paragraph *(b)*.

(2) Where a person is found guilty of an offence under subsection (4)*(a)*, the court before which the person is found guilty shall order such person to comply with the notice of the Managing Director under subsection (1) within 21 days from the date of the order of the court.

(3) Whenever it appears to any court, upon written information on oath, and after any enquiry it may think necessary, that there are reasonable grounds for suspecting that there are on particular premises any book, account, record or other document the production of which has been required pursuant to subsection (1) and which has not been produced in compliance with that requirement, such court may issue a warrant authorising the Managing Director or any person named therein with or without assistance —

(a) to search the premises and to break open and search any cupboard, drawer, chest, trunk, box, package or other receptacle, whether a fixture or not, in the premises; and

(b) to take possession of, or secure against interference, any book, account, record or other document that appears to be the book, account, record or other document the production of which was so required.

(4) Any person who —

(a) fails to comply with subsection (1); or

(b) obstructs the Managing Director or any person named therein referred to in subsection (3),

is guilty of an offence.”.

#### **Amendment of section 12**

3. Section 12 of the principal Order is amended, in subsection (1), by deleting “8” from the second line and by substituting “10” therefor.

#### **Amendment of section 18**

4. Section 18 of the principal Order is amended —

(a) in subsection (2)(b), by deleting “amanah” and by substituting “Amanah” therefor;

(b) by deleting “person” and by substituting “member” wherever the word appears.

#### **Substitution of section 28**

5. Section 28 of the principal Order is repealed and the following new section is substituted therefor —

##### **“Offences by bodies corporate etc.**

28. Where an offence against this Order or any regulations or rules made thereunder committed by a body corporate, partnership, association or other body of persons is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of that body corporate, partnership, association or other body of persons, or any person who was

purporting to act in that capacity, he as well as that body corporate, partnership, association or other body of persons is guilty of that offence and liable to be proceeded against and punished accordingly.”.

**Amendment of section 29**

6. Section 29 of the principal Order is amended, in subsection (2), by deleting “may” from the first line and by substituting “shall” therefor.

**Insertion of new section 38A**

7. The principal Order is amended by inserting the following new section immediately after section 38 —

**“Joint and several liability on directors etc.**

38A. (1) Where any contribution remaining unpaid by a body corporate, partnership, association or body of persons, then, notwithstanding anything to the contrary in this Order or any other written law, the directors or former directors of such body corporate, or the partners or former partners of such partnership, or the members of such association or body of persons or the office bearers of such association or body of persons, as the case may be, during such period in which contributions were liable to be paid, shall together with the body corporate, partnership, association or body of persons liable to pay contributions, be jointly and severally liable for the contributions due and payable to the Trust.

(2) In this section, “contributions” includes any dividend, service charge and penalty on any contribution charged by the Board under this Order or any regulations or rules made thereunder.”.

**Amendment of section 39**

8. Section 39 of the principal Order is amended, in subsection (3), in paragraph (a), by inserting “, including by electronic or other means” immediately after “thereto”.

Made this 11th. day of Rejab, 1445 Hijriah corresponding to the 23rd. day of January, 2024 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

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