

No. S 49

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

SYARIAH COURTS ACT (AMENDMENT) ORDER, 2010

ARRANGEMENT OF SECTIONS

Section

1. Citation.
 2. Insertion of new sections 27B and 27C into Chapter 184.
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CONSTITUTION OF BRUNEI DARUSSALAM
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SYARIAH COURTS ACT (AMENDMENT) ORDER, 2010

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

Citation.

1. This Order may be cited as the Syariah Courts Act (Amendment) Order, 2010.

Insertion of new sections 27B and 27C into Chapter 184.

2. The Syariah Courts Act is amended by inserting the following 2 new sections immediately before section 28 —

"Powers of Courts and His Majesty.

27B. (1) Whenever any party or any Syariah Court in any proceedings or any part thereof —

(a) makes a reference, whether orally or in writing, directly or indirectly, to any act, decision, grant, revocation or suspension, or refusal or omission to do so, or to any exercise of or refusal or omission to exercise any power, authority or discretion by His Majesty the Sultan and Yang Di-Pertuan; or

(b) intends to refer to any issue or matter that may, directly or indirectly, pertain to or concern the inviolability, sanctity or interests of the position, dignity, standing, honour, eminence or sovereignty of His Majesty the Sultan and Yang Di-Pertuan,

that Syariah Court shall hold such proceedings or such part thereof in camera:

Provided that His Majesty the Sultan and Yang Di-Pertuan may issue a direction in writing to that Syariah Court that such proceedings or such part thereof shall not be heard in camera.

(2) Without prejudice to His Majesty the Sultan and Yang Di-Pertuan's power in subsection (1), His Majesty the Sultan and Yang Di-Pertuan may issue a direction in writing to that Syariah Court to hold the hearing of any proceedings or any part thereof in camera.

(3) His Majesty the Sultan and Yang Di-Pertuan may issue a direction in writing to that Syariah Court to hold the hearing of any proceedings or any part thereof at such time and venue as His Majesty the Sultan and Yang Di-Pertuan may determine.

(4) Any direction issued by His Majesty the Sultan and Yang Di-Pertuan under subsections (1), (2) or (3) shall not be called in question in or be subject to any judicial review by or appeal to any court.

(5) No person shall publish or reproduce in Brunei Darussalam or elsewhere any or any part of proceedings, including but not limited to any evidence, exhibit, judgment or document produced in any proceedings, that may have the effect of lowering or adversely affecting, directly or indirectly, the position, dignity, standing, honour, eminence or sovereignty of His Majesty the Sultan and Yang Di-Pertuan; and any person who acts in contravention of this subsection is guilty of an offence and liable on conviction to a fine not exceeding \$5,000, imprisonment for a term not exceeding one year or both.

His Majesty not compellable to attend Court.

27C. (1) For the avoidance of doubt, it is hereby declared that His Majesty the Sultan and Yang Di-Pertuan shall not be compellable to attend any proceedings in or be summoned before any Syariah Court.

(2) His Majesty the Sultan and Yang Di-Pertuan may, in writing, exempt any person who is required to attend any proceedings in or summoned before any Syariah Court, from having to comply with such requirement or summons; and such exemption shall not be called in question in or be subject to any judicial review by or appeal to any court."

Made this 4th. day of Jamadilawal, 1431 Hijriah corresponding to the 19th. day of April, 2010 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM