

No. S 50

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

EMERGENCY (LEGAL PROFESSION ACT)
(AMENDMENT) ORDER, 1999

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

1. This Order may be cited as the Emergency (Legal Profession Act) (Amendment) Order, 1999 and shall commence on the 30th. October, 1999. Citation and commencement.

2. Section 3 of the Legal Profession Act, in this Order referred to as the Act, is repealed and the following substituted therefor — Repeal and replacement of section 3 of Chapter 132.

"Qualified persons.

3. (1) A person shall be a qualified person for the purposes of this Act if, subject to the provisions of subsection (3), he —

(a) is a barrister-at-law of England or Northern Ireland or a member of the Faculty of Advocates of Scotland;

(b) is a solicitor in England or Northern Ireland or a Writer to the Signet, law agent or solicitor in Scotland; or

(c) has been in active practice as an advocate and solicitor in Singapore or in any part of Malaysia.

(2) A person who is —

(a) a Brunei Darussalam national; or

(b) a person to whom a Residence Permit has been granted under regulations made under the Immigration Act,

Cap. 17.

on the date of his petition for admission shall, notwithstanding subsection (1), be a qualified person for the purposes of this Act if he has obtained such alternative qualification as may be prescribed.

Cap. 17. (3) A person who is not, on the date of his petition for admission, either a Brunei Darussalam national or a person to whom a Residence Permit has been granted under regulations made under the Immigration Act, shall only apply for admission if, in addition to satisfying the requirements of subsection (1), he has been in active practice in any part of the United Kingdom, in Singapore, in any part of Malaysia or in any other country or territory or part of a country or territory in the Commonwealth designated by the Attorney General by notice in the *Gazette* for at least seven years immediately preceding such application."

Amendment of section 13. 3. Section 13 of the Act is amended by adding the following new sub-paragraph (v) to paragraph (a) of subsection (2) —

Cap. 17. "(v) if he is not a Brunei Darussalam national or a person to whom a Residence Permit has been granted under regulations made under the Immigration Act applying for the renewal of his practising certificate, that during the period in respect of which his immediately preceding practising certificate was issued he had been in active practice in Brunei Darussalam —

(i) if it was issued after the 31st. March, 1999 and was his first practising certificate, for at least three months in the aggregate;

(ii) in any other case, for at least nine months in the aggregate;"

Amendment of section 14. 4. Section 14 of the Act is amended in subsection (1) —

(i) by deleting the fullstop and by substituting a colon therefor;

(ii) by adding the following proviso —

Cap. 17. "Provided that in the case of an advocate and solicitor who is not a Brunei Darussalam national or a person to whom a Residence Permit has been granted under regulations made under the Immigration Act, this subsection shall not entitle him to apply for the renewal of his practising certificate unless, during the period in respect of which his immediately preceding practising

certificate was issued, he had been in active practice in Brunei Darussalam —

- (i) if it was issued after the 31st. March, 1999 and was his first practising certificate, for at least three months in the aggregate;
- (ii) in any other case, for at least nine months in the aggregate."

5. Section 65 of the Act is amended, in paragraph *(b)* of subsection (2), by deleting "*(a)* and *(e)*" and by substituting "(2)" therefor. Amendment of section 65.

6. The following Rules are repealed —

(a) the Alternative Qualifications Rules;

(b) the Alternative Qualification (No. 2) Rules.

Repeal of
S 22/86 and
S 33/89.

Made this 12th. day of Jamadilakhir, 1420 Hijriah corresponding to the 22nd. day of September, 1999 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM