

No. S 60

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

**PENAL CODE (AMENDMENT) ORDER, 2018**

**ARRANGEMENT OF SECTIONS**

Section

1. Citation
  2. Amendment of section 406 of Chapter 22
  3. Amendment of section 407
  4. Amendment of section 408
  5. Amendment of section 409
  6. Insertion of new sections 409A and 409B
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**CONSTITUTION OF BRUNEI DARUSSALAM  
(Order made under Article 83(3))**

**PENAL CODE (AMENDMENT) ORDER, 2018**

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 Penal Code (Amendment) Order, 2018.

**Amendment of section 406 of Chapter 22**

2. Section 406 of the Penal Code, in this Order referred to as the Code, is amended by deleting “5” and by substituting “10” therefor.

**Amendment of section 407**

3. Section 407 of the Code is amended by deleting “10” from the last line and by substituting “15” therefor.

**Amendment of section 408**

4. Section 408 of the Code is amended by deleting “10” from the last line and by substituting “15” therefor.

**Amendment of section 409**

5. Section 409 of the Code is amended by deleting “10” from the last line and by substituting “20” therefor.

**Insertion of new sections 409A and 409B**

6. The Code is amended by inserting the following two new sections immediately after section 409 —

**“Defence not available**

**409A.** It is no defence for any offence prescribed in sections 405, 406, 407, 408 and 409 to show that the property was openly appropriated or that the appropriation was duly recorded and entered in the books and accounts of any company or association or body of person whether incorporated or not.

*Explanation* — The property of a company shall be regarded as belonging to the company, notwithstanding that the directors of the company are, either

singly or jointly, entitled to the entire beneficial interest, of the shareholding in the company.

**Presumption**

**409B.** (1) Where in any proceeding it is proved for any offence prescribed in sections 405, 406, 407, 408 and 409 that any person entrusted with property or with dominion over property had —

(a) misappropriated that property;

(b) used or disposed of that property in violation of any direction of law prescribing the mode in which such trust is to be discharged or of any legal contract, express or implied, which he had made touching the discharge of such trust; or

(c) suffered any person to do any of the acts described in paragraph (a) or (b),

it shall be presumed that he had acted dishonestly until the contrary is proved.

(2) The presumption under subsection (1) shall apply *mutatis mutandis* to the offences prescribed in sections 109 and 511 in relation to any of the offences referred to in those sections.”.

Made this 21st. day of Safar, 1440 Hijriah corresponding to the 30th. day of October, 2018 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY  
THE SULTAN AND YANG DI-PERTUAN  
BRUNEI DARUSSALAM