



**THE OPENING OF  
THE LEGAL YEAR  
2006**





# THE OPENING OF THE LEGAL YEAR 2006



**28TH MARCH, 2006**

**28 SAFAR 1427**







**HIS MAJESTY PADUKA SERI BAGINDA SULTAN HAJI HASSANAL BOLKIAH  
MU'IZZADDIN WADDAULAH IBNI AL-MARHUM SULTAN HAJI OMAR 'ALI  
SAIFUDDIEN SA'ADUL KHAIRI WADDIEN,  
SULTAN DAN YANG DI-PERTUAN OF BRUNEI DARUSSALAM**





## FOREWARD



It is always a great honour and privilege to welcome you to the ceremony marking the Opening of the Legal Year. This occasion is not only an opportunity to reflect and review on our past performances but as well to renew our commitment to continuously strive to improve the quality of the delivery of services in every aspects of the court system.

This year represents the start of a new era for the Judiciary. The creation of a new separate Court of Appeal and the Subordinate Courts building is timely as I believe it will provide greater focus and coherent in the work undertaken by the courts. There is great emphasis for courts to specialise and have its own separate management. In doing so, it gives the courts better directions and the ability to improve performance as well as a more focus and efficient court management and administration system.

To compliment this progress, there is a need for the Judiciary to progress in term of human resource development and the capacity for us to produce specialised “court administrators”. In term of human resources, the Judiciary is still where we were fifteen years ago in terms of the numbers of Judicial Officers and Staffs. We have lost our resources either through retirements and resignations. And the rate of turnover has not been where we would have like it to be. With a more attractive, competent and better recruitment scheme of service, hopefully will give the Judiciary the impetus of recruiting the best available in the market.

Finally, I would like to pay tribute to the officers and staffs of the Judiciary for their hard work and dedication for looking after a heavy and ever increasing workload. I am sure the work of the courts could not have been carried out without their deep commitment despite at time working under difficult conditions. The success of this morning occasion is owed due to the effort of various people. My sincere appreciation and gratitude to the members of the organising committee and various government departments in ensuring that all the arrangement today will run smoothly.

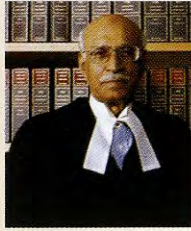
On behalf of the Judiciary, I thank you all for your presence today and offer you all the best wishes, a happy and successful 2006.

HAIROL ARNI MAJID  
Judicial Commissioner / Chief Registrar of Supreme Court  
(Chairman of the Organising Committee)



# **SPEECHES**

**DURING THE OPENING OF  
THE LEGAL YEAR  
2005**



*Dato Seri Paduka Mohammed Saied  
The Chief Justice*

Good morning, ladies and gentlemen,

Honourable Pehin Isa, Mr Attorney, Your Excellencies of the Diplomatic Corps, members of the legal profession, ladies and gentlemen.

Before I start I should like to express my sincere thanks for the excellent Guard of Honour parade mounted by the Police contingent. As usual they performed immaculately. To all of them and to the Commissioner I say thank you very much.

On your way to this courthouse you will have noticed a new building coming up in between this courthouse and the Law Building. Obviously it will be a few more months before it is made available for occupation. I have it from credible sources that it will house some Government Departments, and will have no less than eight courtrooms for the Judiciary. This extra court accommodation is most welcome and it comes at a very opportune time when there is an apparent increase in the workload in the Magistracies and the High Court. Trying to find a courtroom every morning when all courts are in action, particularly when the Court of Appeal is also in session, is not dissimilar to a chess game. We hope that this almost daily morning hunt and chase for a courtroom will in foreseeable future become a thing of the past, for which we are all very thankful to the authorities.

It is hoped that with the availability of this extra space we shall be able to see the initiation of the Small Claims Court. The jurisdiction of this court is evident from the title it bears. Notwithstanding the title, it is expected



that these courts will have, when they start functioning, a mini-domino effect on the Magistrates' Courts in that they will take off some pressure from the Magistrates' Courts, and magistrates will then be able to devote a little more time to criminal cases.

During the past year criminal cases, which include the road traffic violations, registered in the four main centres were 2180 at the courts in the capital, 340 at Kuala Belait, 103 at Tutong and 15 at Temburong; and the civil cases numbered 872, 120, 7 and zero respectively. The Senior Registrar and Registrars of the Supreme Court dealt with 253 Chambers applications. 123 civil cases were registered in the Intermediate Court, whereas the number registered in the High Court was 316. The Intermediate Court disposed of 15 criminal cases, and the High Court 42 cases. The Court of Appeal, which sits twice a year, heard 15 criminal appeals and 13 civil appeals were registered during the last year. There were 281 bankruptcy notices filed during the year, 161 receiving orders and 41 rescissions were made, and 3 winding-up orders were issued.

Coming now to Revenue collection during the last year, the total in the three main centres of Bandar Seri Begawan, Kuala Belait and Temburong amounted to \$3,278,546.91, \$411,227.93 and \$16,607.00, making a total of \$3,706,381.84.

It is recognized throughout the common law countries that the mainstay of this judicial system is that courts enjoy the unique and distinct privilege of sitting in justice in accordance with the laws of the individual country without fear or favour or ill-will towards any party. Those claiming to have the moral strength and ability to sit in justice upon fellow citizens provide the powerful safeguard of the law to the less fortunate one who stands in tatters in the dock of the court the same way that they would to someone standing in the same dock in a Armani suit. This to my mind is a great tribute to the criminal justice system, which requires that all manner of people shall be treated equally without any discrimination or bias based on colour, creed or nationality.

No one sitting in this August Assembly needs reminding about what justice means, Justinian is reported to have said.



"Justice is the earnest and constant will to render to every man his due. The precepts of the law are these: to live honourably, to injure no other man, to render to every man his due."

Socrates expressed the view that nothing was to be preferred before justice. It is a common saying that justice is blind. If it is accepted that justice is a commodity that cannot be rationed, it must equally be so that the pursuit of justice tolerates no hurdles or barriers of any sort and any moderation in the vigour of that pursuit would be a sure prescription to bring the entire justice process into disrepute locally as well as externally. Those whose duty it is to dispense justice will say that unadulterated justice is something very sensitive and brittle: let alone it thrives, **touch it ever so lightly and it crumbles.**

I came across this anecdote, which you may think is a rather extreme example of meeting out justice. It is said to have happened in a Country Court in Florida, USA, and is recounted in the *New Lawyer's Wit and Wisdom*, compiled by Kathryn Zullo. It is about a judge known for his unusual sentences, who made marriage a mandatory condition in a defendant's plea bargain. When the defendant was convicted of assaulting his live-in girl friend in 1992 the learned Judge told him, "You have a choice. Marry the mother of your children and get a year's probation or never see her again and get a year in jail." The defendant not surprisingly chose to be sentenced to marriage rather than the hoosegow! That is a quaint little word one seldom hears of. The context in which it's been used indicate what it means, but to assure myself I had to consult some dictionaries, at least three, before I found one which states that it is slang for a jail.

Those of us who have had some court experience will have no hesitation or qualms in vouching for the absolute truth of what is attributed to Horace, the poet and satirist, cited in the same little book, "Though justice moves slowly, it seldom fails to overtake the wicked."

If fairness be justice then the fundamentals of justice must be that, in the words of Cicero, no one shall suffer wrong and the public good be served.

Before I leave this topic, let us remind ourselves of the Arab proverb, "One hour of justice is worth a hundred of prayer." And of course it goes



without saying that the guiding principle in our system of justice is best described by Cicero who said, "It is better to risk saving a guilty man than to condemn an innocent one." Indeed so, and that is what justice is all about. How easy it is to determine it though is quite another matter!

The singular status of the courts to which I have just referred is in common parlance known as the independence of the Judiciary. The importance of this unique judicial system is felt in all spheres of human existence, for it is an attribute which, in common with all other nations, reflects the ultimate goal, that being the attainment of an untarnished and pure decision, reached on the basis of the available evidence of both sides and in accordance with the laws of the country.

Some doubters may say that the achievement of such untarnished and pure justice is simply beyond human wisdom, foresight and capacity, that it is a Divine attribute. I have no quarrel with that, and it is because we lack that particular quality or attribute that governments have promulgated various laws, rules and regulations to enable their judicial officers execute their duties in a fair, just and equitable manner.

Likewise, I should say that strict compliance with the laws in an atmosphere and surroundings that the courts and the legal practitioners enjoy in this country is, as in other countries having similar systems of justice, of such quality and standard that an independent observer would be able to say without any hesitation that the singular and much sought after pursuit of unadulterated justice has not been, in the context of the laws of the country, in vain. Therefore the belief held by some that rather than untangling or solving a problem the courts make it all the more unsettled, does not in my opinion apply to our system of justice.

An independent and unaffected decision is reached on the basis of the evidence of both sides, which is, as I have said earlier, truly a reflection of untarnished and pure justice on the basis of what both sides have, in their best endeavours on behalf of those instructing them, put before the courts. To accomplish that end has always been and will forever remain the cherished aim of our judicial system.



Ladies and Gentlemen, that is what is expected of your courts and the judicial officers. While we all readily accept that we humans are not infallible, we do our best within the limits of the wisdom, integrity and comprehension that our Creator has so kindly and mercifully bestowed upon us, and persevere in the pursuit of the untarnished and pure justice in accordance with the local laws of the country, with confidence, and without fear or favour from any quarter, keeping in mind always the principle that is ascribed to Cicero, buttressed in our efforts by the safeguard that the appellate courts will ensure on appeal that no one who had not been proven guilty beyond reasonable doubt and had been wrongly convicted and his liberty snatched away from him, would be set free.

The foregone refers to different tiers of court, that is, the magistrate's court, the second tier being the Intermediate Court, the third tier High Court whose jurisdiction is two fold: the original jurisdiction and the appellate for appeals from the lower courts; and last tier being the Court of Appeal dealing with appeals from the Intermediate and the high Courts. These various tiers in the judicial system bring to mind an incident narrated in the same book referred to earlier that occurred in the Hong Kong Court of Criminal Appeals, where a lawyer reportedly gave three reasons why he felt his client's conviction should be overturned. Addressing the lawyer, one of the Judges said, "the first tier of your case is that the identification was wrong, the second tier that the statements should have been disregarded, and the third tier is that the conviction is against the weight of evidence in any event, is that right? The lawyer could not resist a clever reply: "If I have reduced your Lordship to tiers, should I really continue?" It just goes to show how careful one has to be with his choice of words!

That goal which is so dear to us all, that of attainment of the untarnished or unadulterated and pure justice to all manner of men, does not in my opinion simply start and end with the mere perception that the people within as well as outside the country have of their judicial system. It is a matter that requires a distinct and clear separation of the judicial system from the administration. I understand that my predecessor had mentioned this topic some years ago, but I see no harm in reminding ourselves of it yet again. This separation can be seen in operation in almost all common law countries.



May I be permitted first of all to assure the audience and those outside, that the justice system currently in practise in our courts is no different from any other common law nation, without any hint or trace of interference or intervention from any source in the process of decision making. Nevertheless brows are raised occasionally and questions asked about the separation of judiciary from the administration.

This concept necessarily calls for two things: first the setting up of a Judicial Services Commission, quite distinct and apart from the already existing Civil Services Commission; secondly, the judiciary be allocated a separate budget.

This demarcation and severance of the judiciary from the civil service would quite logically lay to rest any misperceptions or misunderstandings that may exist locally or abroad regarding the complete independence of the judiciary, thus sealing for good the utter impartiality of the local courts in dealing with matters that are brought before them.

I should recall the words ascribed to Cicero, the Roman statesman in the 2nd century B.C., that the fundamentals of justice are that no one shall suffer wrong, and that the public good be served. It becomes essential in the furtherance of those fundamentals that, firstly, it is appreciated by all that their judiciary is singularly the only one institution which administers justice according to the laws of the country and, secondly, that to enable the judiciary to execute its responsibilities and duties without fear or favour or ill-will the courts of the nation have to be without any question or doubt completely apart from, the most appropriate word in this context is, independent of, the administration.

In simple and straightforward terms what this demarcation is all about is that the judiciary anywhere, whether concerned with the civil common law or laws of any other description and or title, having the unique distinction of being the only institution sitting in justice, ought to be able to project an image of independence in the sense that their decision making is not affected by any external influence of whatever source in material or abstract terms, directly or indirectly, thus burying for ever any 'perception', false though it may well be, doubting the honesty as well as the integrity of those involved in the entire justice system from the time of



the inception of the proceedings right through to the announcement of the judgment.

It may be argued by some that such demarcation would place the Judiciary on a higher pedestal and quite apart from the rest of the departments of the administration. That may be but I shall respectfully submit that the argument is only illusory.

It will undoubtedly, and rightly so, project the total impartiality and independence of the Judiciary in the execution of its onerous functions, one being to ensure that all matter of persons brought to the bar of the courts are dealt with by a judicial system which instils confidence in the minds of not only those on trial but also of the people at large that those sitting in the seat of justice will give them a judicious and fair hearing, unaffected or influenced by any outside over-bearance of any sort and in accordance with and in the execution of, the local laws; in short, that they should remain confident that they shall receive an impartial, patient and just hearing.

The reality being that those concerned with interpreting and enforcing the local laws would forever remain under the close scrutiny of the community and with a vigilant Judicial Services Commission, we shall be satisfied that only appropriately qualified persons with sufficient experience both of life in general and of human qualities, foremost of which being honesty and integrity, are appointed as judicial officers.

A close and critical scrutiny of the common law countries which have this distinct demarcation in the two arms of the government would indicate the undeniable advantages of such demarcation: not only does it lend to full and profitable enjoyment by the civilians of their lawful rights without any let or hindrance, it enhances the image of the courts locally as well as internationally, and so too of the governing authority in all aspects both locally and beyond the international borders, thus projecting the true worth of the country in the commercial, financial and investment spheres similar to other countries which already have such distinct separation of their judicial systems from the civil side of the government.

For these reasons I should think that it is past time that serious consideration be given to the possibility of establishing a Judicial Service Commission.

With regard to computerization of the courts I understand that the responsible body has reached the stage of tendering out the project. Hopefully we should expect work to start in the not too distant future.

Similarly concerning interpreters the State Judiciary Department and the Chief Registrar are considering the best training programmes overseas. I trust that their endeavours in this regard will soon bear fruit.

About the setting up of the much heralded and awaited Law Society, a year has gone by and I confess I do not have any clue of the reason for the hold up. The last thing I know of is that draft rules were forwarded to the Honourable Attorney General's Chambers. I am afraid this is all I can say about it.

I am grateful for your patient listening to my dissertation on one topic only, which I think is important for the maintenance and enhancement of the good image of the Judiciary and the judicial system of Negara Brunei Darussalam.

I shall now call upon the Honourable Attorney General for his views for followed by the representative of the legal practitioners.

After we are done with the various speeches, we shall all proceed to the main lobby on the ground floor for some refreshments.

*Chief Justice Dato Seri Paduka Mohammed Saied*

\* \* \*





*The Hon. The Attorney General  
Dato Seri Paduka Kifrawi bin Dato Paduka Haji Kifli*

Bismillahir Rahmanir Rahim  
Assalamualaikum Warahmatullahi Wabarakatuh

Mr Lord, Chief Justice and Judges of the Supreme Court,

The Honourable PEHIN DATO HAJI ISA BIN PEHIN DATO HAJI IBRAHIM, (his full Malay title: Yang Berhormat Pehin Orang Kaya Laila Setia Bakti Diraja Dato Laila Utama Haji Awang Isa bin Pehin Datu Perdana Manteri Dato Laila Utama Haji Awang Ibrahim)

Mr. David Teo

Members of the Bar

Distinguished guests

Ladies and Gentlemen

It gives me great pleasure to address Your Lordship again on this occasion. We are thankful to Allah Subhanahu Wata'ala for His blessings in making it possible for us to once again be present at this ceremony this morning to observe a very important legal tradition in Brunei Darussalam and to renew our pledges of cooperation and mutual support for the upholding of the independence of the judiciary and the rule of law.

My Lord

My Chambers has been very busy the whole year 2004 looking into the amendments to the Constitution of Brunei Darussalam, The Succession and Regency Proclamation, 1959 and Constitution (Financial Procedure) Order and other very urgent legislations now referred as Human Trafficking Order, Employment Agency Order and Societies Order. I regret that this has delayed other draft laws, and this include the draft relating to the law society, which unfortunately is still in a long list of urgent draft legislations that we need to deal with.

My Lord

I am sure by now most of us here have received the book entitled "Constitutional Documents" in both Malay and English in which the latest amendments have been incorporated. The book will be available for sale in the near future and can be obtained from my Chambers.

My Lord

Your Lordship has spent a considerable time lecturing on "Justice" which, fortunately, is one of my favourite subjects. I would therefore prefer in my speech to focus now on the same topic namely what we should do to do Justice. The challenges we face every year are usually the same. I am afraid I have to repeat what I have said before.

My Lord

To do Justice we should avoid unreasonable delay in investigation, prosecution and hearing of cases. We often hear the usual maxim "Justice delayed is Justice denied". Many years ago I heard another one on Justice but slightly modified when I met a court Administrator and Registrar from India. He said to me in a strong and lovely indian accent, "Justice delayed is Justice denied. Justice hurried is Justice buried". To a certain extent I agree with him. I believe what he meant was and is, if you dispense justice too fast to the extent of not giving enough time to either prosecutors or plaintiff or defendants to prepare their case, then you are not doing justice.



My Lord

This does not mean we should tolerate unreasonable delay in investigation and prosecution of all cases.

We should give priority to the investigation and prosecution of serious criminal cases. We should also give careful attention to the cases which involve foreign complainants, important foreign witnesses and foreign defendants. They may want to leave the country. In general, enforcement agencies should ensure all cases should be investigated and for investigation to be completed without undue delay. The prosecutions should then prosecute promptly those cases decided to be prosecuted. As usual we also need the help of other departments to speed up their work such as providing the necessary Medical Reports, Scientific Reports, Land Transport's Report etc.

My Lord

I agree with Your Lordship that in doing justice we must be firm but fair. I also agree with Your Lordship as human beings, we do our best within our human limits.

My Lord

To avoid this undue delay we need sufficient trained manpower and they should be given proper tools to do their job. Our Enforcement Officers and our Lawyers including private practitioners, Legal and Judicial Officers should be continuously trained. Our buildings (Attorney General' Chambers, Court Building etc) should have enough trained supporting staff, modern equipments (such as computers) and proper facilities to serve basic needs of the staff, our lawyers and members of the public.

Your Lordship mentioned earlier the shortage of courtroom. I remember we used to have a Robing Room for Lawyers and Deputy Public Prosecutors. Unfortunately this Room was converted to, I believe court chambers. They need the room not only for changing their attires but also to refresh themselves. Usually they should be a separate room for the

lady lawyers. The lawyers also do not have proper place in the Court to discuss with their clients. My Lord, I hope when the new building is ready this year, a proper Robing Room would be allocated in this building. I also hope that when the Registry of Companies, Business and Trade Marks move to this new building still under construction, my young officers in my Chambers would have more space and thus a better working condition.

My Lord, I am sure by having proper working environment, it would promote efficiency and thus productivity.

My Lord

Those who design court buildings should take into consideration the free sunlight, fresh air outside the building, security needs and in general the requirements of the users such as the court staff, enforcements officers, lawyers, witnesses and the handicapped members of the public. This country has lots of fresh air. Although our buildings are usually air-conditioned, the buildings should also have windows that can easily opened so as to let in this fresh air whenever we need it.

My Lord

We need to consider other additional or improved features that may be provided in our justice system such as:

- (a) Legal aid for serious non-capital criminal cases and for certain civil cases. This may be very expensive;
- (b) Small claims courts;
- (c) Juvenile courts which deal with young offenders.

My Lord, we have already mentioned these ideas before. They are easily "said" than "done".

To implement these ideas, not only we need the necessary budget but also require trained manpower. For example, to run the small claims court and juvenile court, you need legally trained staff, court interpreters and trained staff to look after the juveniles. The juvenile offenders have to be detained in a proper building.



My Lord

As to legal aid, legal aid is usually given only to defendants (including non Brunei citizens) who are charged for committing capital offences (offences punishable with death). This country has already given our citizens free education, and medical services and subsidised housing scheme. We also do not impose income tax to our citizens. To extend legal aid to non-capital cases would involve huge financial commitment. While we are still thinking about this, perhaps in the future our Law Society, would consider offering legal aid to the poor defendants.

My Lord

I would like to thank all my officers from the various Divisions in the Chambers namely Criminal Justice, Civil, International Law, Legislative Drafting and Registry for their hard work.

I would also like to thank all Ministries and Departments in particular the Prime Minister's Office for all their support.

I would also like to thank the Acting Commissioner of Police and his officers as well as the other law enforcement agencies namely the Narcotic Control Bureau, Anti Corruption Bureau, Royal Customs and Excise Department, Immigration Department, Royal Brunei Armed Forces and Internal Security Department for their assistance and cooperation and in their continuing effort in the preservation and the maintenance of law and Order.

May it please Your Lordship, this brings me to the end of my address.

I hope the good relations between my Chambers and the Judiciary as well as with the private practitioners will continue in the years to come. We are all responsible to uphold the integrity of our Legal System.

Lastly, I wish Your Lordship and everyone present here this morning a successful and prosperous year.

*The Honourable Dato Seri Paduka Haji Kifrawi bin Dato Paduka Haji Kifli  
Attorney General*

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*David Teo*

*On behalf of the members of the Legal Profession.  
Brunei Darussalam*

My Lord Chief Justice,

I am greatly honoured to be invited to speak on behalf of the members of the legal profession, Brunei Darussalam. May I, on behalf of the legal profession, take this opportunity of extending to Your Lordship and your staff, our very best wishes for the New Year.

It is heartening to see the presence of so many distinguished guests who came from cross-section of society to witness this important event, marking the opening of the legal year.

We are grateful to them for giving up their valuable time to join us in remembering the very institutions which have provided adequate legal machinery for the due administration of justice in Brunei Darussalam.

My Lord, the ceremonies today are still a necessary part of our tradition and any attempt to play down its importance is naive and short-sighted. They serve to bring home to the average citizen how vital it is to appreciate the importance of the supremacy of the Rule of Law in securing a peaceful and secure environment in which we live.

My Lord, the supremacy of the law can only be appreciated in the light of the existence of an effective and independent system of Court able to discharge their duties with the highest standards of impartiality and integrity. Those of us who practice in the Courts do so in the knowledge that these standards are invariably applied and maintained by the Courts in deciding the respective rights of litigants.



My Lord, few can doubt the high esteem in which our Courts continue to be held by the public. This demonstrates the high standards which Courts, under your leadership, have maintained over the years. We would like to express our warm appreciation for the excellent working relationship that has always existed between the officers of the Judiciary and Attorney General's Chambers and us in the Legal Profession.

My Lord, the body of law in Brunei Darussalam, as in other countries, is expanding and growing all the time no doubt to cope with the needs and demands of the people and the business community. As the law becomes more and more complex as expected, the average citizen will, at sometime in his or her life, be caught up in rules and regulations that he or she has no clear idea of. As a consequence, we can expect the demand for legal services to increase in the future. As legal practitioners, we are proud to be part of these developments and we will continue to discharge our responsibilities in this regard as they say with the highest standards of honesty and integrity.

My Lord, I hope this is an appropriate occasion to address your Lordship on the need for the possibility of reform to our present legal system. First of all I wish to refer to the current Legal Aid system which applies only to serious crime which carries a mandatory death penalty. My point of comment is that it does not extend to our serious crime listed in our Penal Code. I propose the legal aid also be made available in all such serious offences.

In my speech last year, I referred to the subject of young offenders or juvenile delinquency. Young offenders should not be subjected to the same treatment as adult offenders and be made to appear in the ordinary Courts. The object if any punishment meted out to them should be to reform, not to punish them. The answer clearly lies ultimately in the setting out of juvenile Courts along the lines of those established in some Commonwealth countries. In these Courts which are usually presided by law magistrates, young offenders do not feel being treated as criminals but can be assured that their cases are dealt with in a non-judicial atmosphere.

Thirdly, may I suggest also that we seriously look at the possibility of introducing community service as part of the sentencing policy in

appropriate criminal cases in addition to the usual imposition of fines and imprisonment. The whole object of this mode of sentencing is intended to reform the accused persons. The question that arises is whether our present system places too much emphasis on the criminal aspects of the offences rather than correction or reform.

Your Lordship has called for the setting up of a judicial services commission. We need hardly stress the importance of setting up such an independent body which is necessary in order to underscore the independence of the Judiciary. Needless to say the legal profession welcomes this suggestion.

Your Lordship have referred to the delay in the setting up of the much awaited Law Society. I understand that the Attorney General's Chambers is taking the necessary steps to publish the Law Society Act in the Government Gazette. Until that is done, it is proposed the formation of the Society should not proceed. I can assure your Lordship that the initial enthusiasm and momentum with which we began the task of forming the Society has not been lost.

May I, on behalf of the legal profession, take this opportunity to extend to your Lordship and your staff our very best wishes for the new year and assure your Lordship of our continued support and cooperation in the task of administering justice.

May I at the same time extend our very best wishes to the Honourable, the Attorney General and his Law Officers for the new year.

*David Teo*

*On behalf of the members of the Legal Profession, Brunei Darussalam*

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## **HIGH COURT**

**KM 1½ , JALAN TUTONG  
BANDAR SERI BEGAWAN BA1910  
BRUNEI DARUSSALAM**

## COURT OF APPEAL JUDGES



*President of the Court of Appeal  
Dato Seri Paduka Sir Derek Cons*

*Judicial Commissioner of the  
Supreme Court  
Sir Noel Plunkett Power*

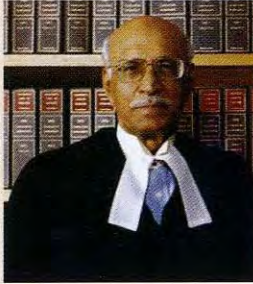


*Judicial Commissioner of the  
Supreme Court  
John Barry Mortimer*





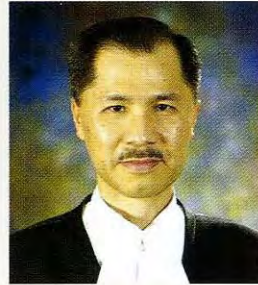
## HIGH COURT JUDGES



*Chief Justice Dato Seri Paduka Mohammed Saied*

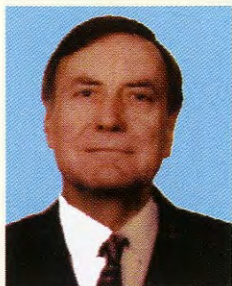


*Datin Paduka Hayati  
binti POKSDSP Haji  
Mohammed Salleh  
High Court Judge*

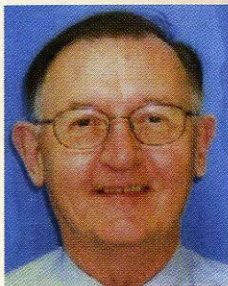


*Dato Paduka Steven Chong Wan Oon  
High Court Judge*

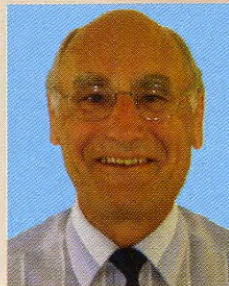
**HIGH COURT VISITING JUDGES  
(Judicial Commissioners of the Supreme Court)**



*James Kerr Findlay*



*David John Leonard*



*Nicholas John Barnett*

**JUDICIAL COMMISSIONER OF THE SUPREME  
COURT/CHIEF REGISTRAR OF  
THE SUPREME COURT**



*Awang Hairolarni bin Haji Abdul Majid*



**OFFICERS OF THE SUPREME COURT  
AND HIGH COURT**



*Lim Siew Yen  
Deputy Chief Registrar  
of the Supreme Court*



*Dk. Hjh. Hanani binti  
Pg. Hj. Metusain  
Senior Registrar of  
the Supreme Court*



*Radin Safiee bin  
Radin Mas Basiuni  
Senior Registrar of  
the Supreme Court*



*Dyg. Ramzidah binti  
Pehin Datu Kesuma  
Diraja Hj. Abdul  
Rahman  
Senior Registrar of the  
Supreme Court*



*Dk. Hjh. Norismayanti  
binti Pg. Hj. Ismail  
Registrar of the  
Supreme Court*



*Hjh. Hazarena binti POK  
Setia Jaya Dato Paduka  
Hj. Awang Hurairah  
Senior Registrar of the  
Supreme Court*

## INTERMEDIATE COURT JUDGES

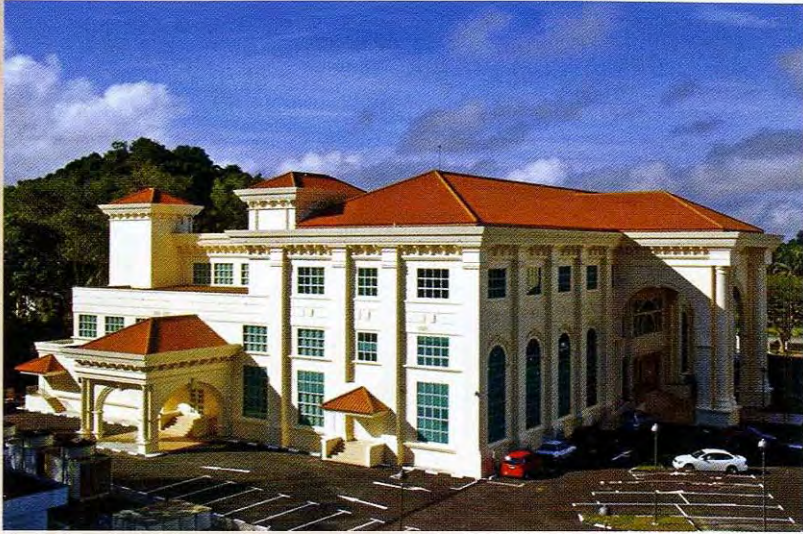


*Awg. Hairolarni bin Hj. Abdul Majid  
Chief Registrar of the Supreme Court*



*Dayang Lim Siew Yen  
Deputy Chief Registrar  
of the Supreme Court*





**MAGISTRATE COURT  
BANDAR SERI BEGAWAN**

**OFFICERS OF THE MAGISTRATES COURTS  
BANDAR SERI BEGAWAN**



*Pg. Rostaina binti Pg. Hj. Duraman  
Chief Magistrate of the Subordinate Courts*



*Hj Abdullah Soefri bin  
POK Saiful Mulok DSP  
Awg Hj. Abidin  
Senior Magistrate*



*Mohd. Faisal bin  
Pehin Datu Juragan  
Laila Diraja DSP  
Hj. Kefli  
Senior Magistrate*



*Lailatul Zubaidah binti  
Hj. Mohd. Hussain  
Magistrate*





**MAGISTRATES COURTS  
KUALA BELAIT**

**SIMPANG 28, JALAN MAULANA  
LOT 6069, KUALA BELAIT**

**OFFICERS OF THE MAGISTRATES COURTS  
KUALA BELAIT**



*Dk Masni binti Pg. Hj. Bahar  
Magistrate, Subordinate Court*



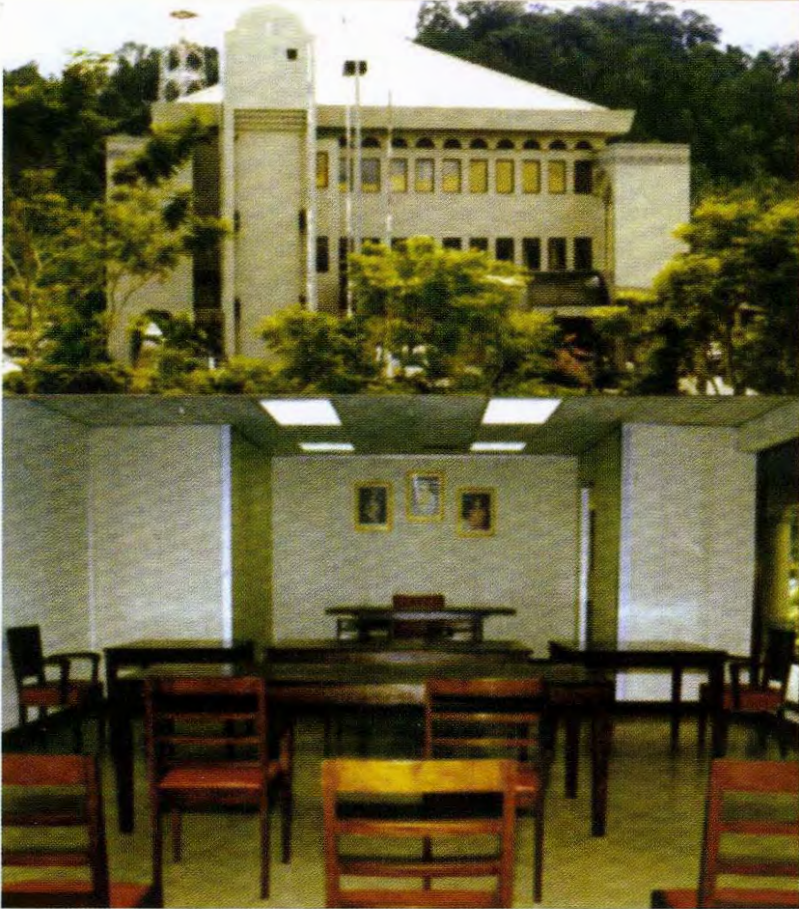
*Officers/Staff  
Magistrates' Courts Kuala Belait*





**MAGISTRATES COURTS  
TUTONG**





**MAGISTRATES COURTS  
TEMBURONG**



# STATISTICS

## MAGISTRATES COURT CRIMINAL CASES

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
<b>BSB</b>	2044	2469	1880	1660	1973	2382	2774	2025	2180	2415
<b>Kuala Belait</b>	699	546	508	524	481	381	461	496	340	432
<b>Tutong</b>	108	132	152	171	128	124	151	194	103	123
<b>Temburong</b>	17	29	34	36	34	16	20	41	15	32

## MAGISTRATES COURT CIVIL CASES

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
<b>BSB</b>	868	1277	2411	2771	1266	1032	953	967	872	784
<b>Kuala Belait</b>	66	158	325	325	164	187	132	227	120	100
<b>Tutong</b>	3	4	13	13	1	8	10	25	7	7
<b>Temburong</b>	0	0	0	0	0	0	0	0	0	0

## CHAMBER HEARINGS BEFORE SENIOR REGISTRARS AND REGISTRARS

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
<b>Cases Dealt With</b>	486	510	368	872	777	636	604	254	253	231

## INTERMEDIATE COURT CRIMINAL CASES

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
<b>Heard</b>	38	34	22	18	8	14	9	11	16	22

## INTERMEDIATE COURT CIVIL CASES

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
<b>Registered</b>	54	43	289	230	164	134	128	114	123	190



**CIVIL AND CRIMINAL APPEAL CASES  
[FROM MAGISTRATE'S COURT TO HIGH COURT]**

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
<b>High Court Civil Appeal</b>	5	5	3	5	8	11	14	19	7	3
<b>High Court Criminal Appeal</b>	56	54	51	57	67	130	159	75	41	41

**HIGH COURT CRIMINAL CASES**

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
<b>Heard</b>	9	21	17	19	101	147	124	22	42	29

**HIGH COURT CIVIL CASES**

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
<b>Registered</b>	155	176	330	352	245	208	211	214	316	196

**CIVIL AND CRIMINAL APPEAL CASES  
[FROM HIGH COURT AND INTERMEDIATE COURT TO COURT OF APPEAL]**

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
<b>Court of Appeal (Civil)</b>	8	8	15	14	15	20	17	11	16	21
<b>Court of Appeal (Criminal)</b>	14	24	8	14	30	19	16	10	20	15

**LEGAL AID FOR CAPITAL OFFENCES**

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
<b>Granted</b>	2	5	4	2	6	1	0	3	1	7



## LETTERS OF ADMINISTRATION

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
<b>Received</b>	385	274	247	253	275	363	343	381	294	318
<b>Issued</b>	253	251	223	180	130	276	254	286	206	264

## PROBATE

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
<b>Registered</b>	7	6	4	5	9	13	4	12	5	9
<b>Issued</b>	2	6	4	4	1	12	3	7	2	6

## BANKRUPTCY

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
<b>Bankruptcy Notice</b>	103	111	242	308	326	350	261	343	281	350
<b>Receiving Order</b>	48	71	73	168	203	165	181	218	161	220
<b>Adjudication Order</b>	3	13	29	28	15	32	80	26	23	56
<b>Recession</b>	6	4	3	8	6	13	19	-	1	19
<b>Discharge of Adjudication Order</b>	-	-	-	-	-	-	-	4	3	1
<b>Winding-Up Orders</b>	1	2	2	8	4	6	5			3



## MARRIAGES

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
<b>Marriages</b>	191	212	198	178	198	152	168	167	140	158
<b>Divorce</b>		19	27	37	19	26	16	25	20	16

## THE REVENUE OF THE SUPREME COURT BRUNEI DARUSSALAM

	1996	1997	1998	1999	2000
<b>Revenue</b>	3,250,970.80	3,870,114.67	3,642,234.54	4,146,204.02	4,196,403.49
<b>Miscellaneous</b>	14,485.89	14,795.00	10,922.50	13,961.09	14,582.54
<b>Estate Duty</b>	400,540.77	497,860.68	808,593.43	968,869.59	517,675.31
<b>Stamp Duty</b>	676,386.74	664,848.99	450,855.17	572,068.86	1,059,582.50

	2001	2002	2003	2004	2005
<b>Revenue</b>	4,388,148.76	5,129,548.35	4,685,958.79	3,706,381.84	4,790,759.70
<b>Miscellaneous</b>	8,758.31	12,999.53	9,433.24	22,088.09	4,300.00
<b>Estate Duty</b>	851,719.62	281,198.54	1,010,928.40	122,783.23	381,485.52
<b>Stamp Duty</b>	901,465.97	1,677,089.80	1,103,952.54	1,051,265.32	1,772,858.57

# EVENTS 2005

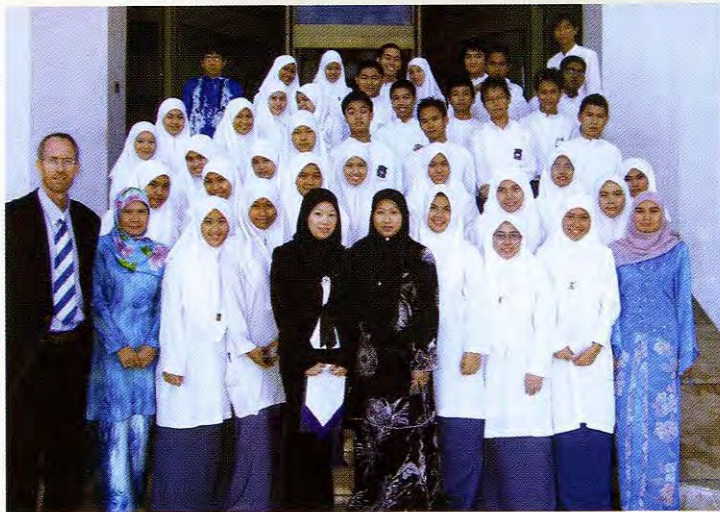


**VISIT OF HIS MAJESTY THE SULTAN AND YANG  
DI-PERTUAN OF BRUNEI DARUSSALAM  
15 OGOS/AUGUST 2005**





**VISIT OF YANG TERAMAT MULIA PADUKA SERI  
PENGIRAN ANAK ISTERI PENGIRAN ANAK  
SARAH BINTI PENGIRAN SALLEH AB RAHAMAN**



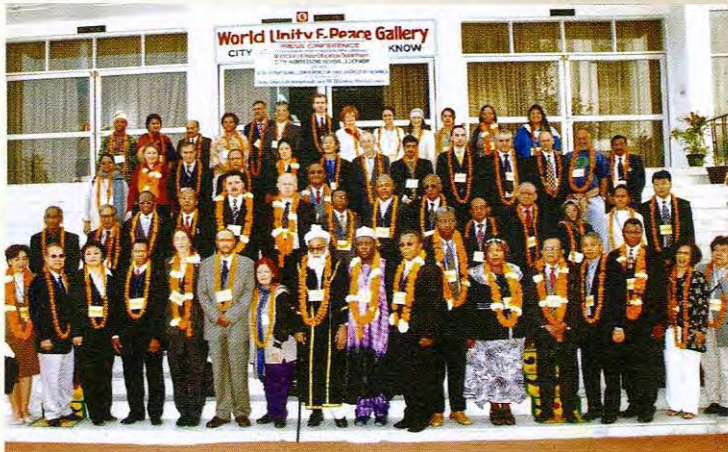


VISIT FROM WOMEN JUSTICES' ASSOCIATION  
OF WESTERN AUSTRALIA  
17 OCTOBER, 2005





**6TH INTERNATIONAL CONVERENCE OF CHIEF JUSTICES OF THE WORLD ON ARTICLES 51C OF THE CONSTITUTION OF INDIA AND GLOBAL SYMPOSIUM: TOWARDS A NEW WORLD ORDER ORGANISED BY: CITY MONTESSORI SCHOOL LUCKNOW INDIA 8 DECEMBER 2005**





**INTERNATIONAL CONFERENCE AND SHOWCASE  
ON SHANGRI-LA HOTEL, MANILA, PHILIPPINES  
JUDICIAL REFORMS “STRENGTHENING THE  
JUDICIARIES OF THE 21ST CENTURY”  
NOVEMBER 28-30, 2005 MAKATI**



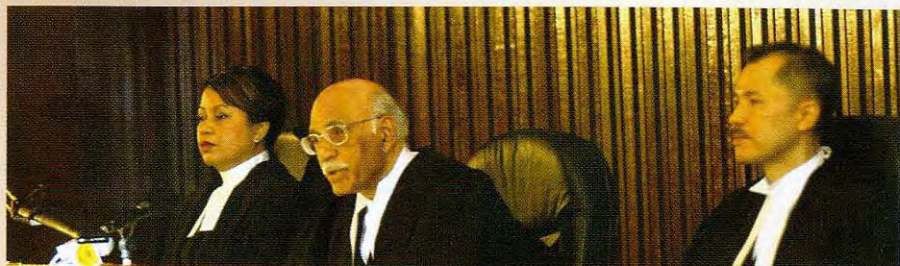


THE 22ND CONGRESS ON THE LAW OF THE  
WORLD BEIJING/SHANGHAI  
4-10/9/2005





LEGAL YEAR PICTURES  
2005









## **CHAIRMAN AND COMMITTEE MEMBERS OF THE OPENING OF THE LEGAL YEAR 2006**

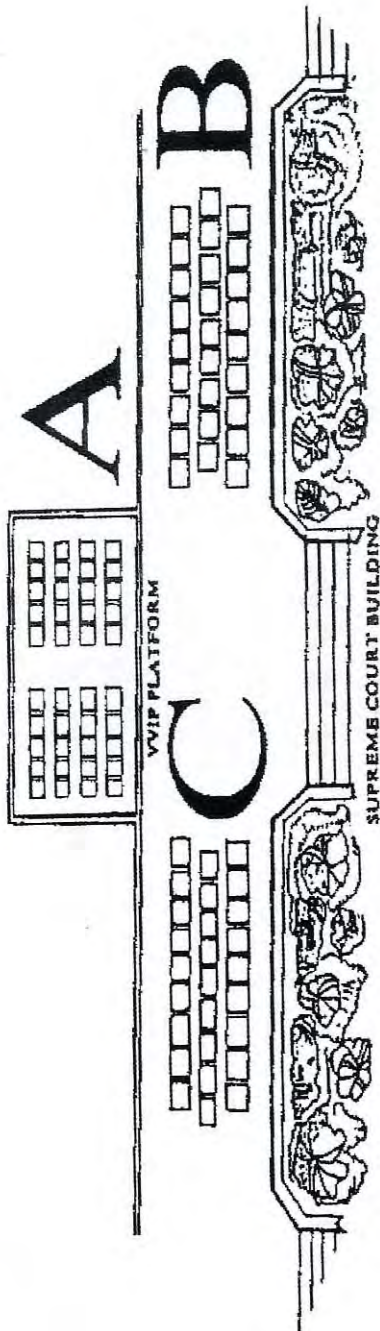
1. **Protocol Committee**  
Awg Razali bin Hj Badar (Jabatan Adat Istiadat Negara)  
Pg. Anak Datin Hjh. Norul Aiyun PIM Pg. Anak Hj. Kemaludin
2. **Invitation Committee**  
Awg Radin Safiee bin Radin Mas Basiuni  
Awg Moksini bin Hj Manggong (Jabatan Percetakan)  
Awg Hj Ibrahim bin Abdul Rahman  
Dk Hjh Rahaiyah binti Pg. Hj. Md. Yassin
3. **Secretariat Committee**  
Dk. Hjh Rahaiyah binti Pg. Hj. Md. Yassin  
Dyg. Hjh. Mariah binti Awg. Ali  
Dyg. Suzanah binti Hj. Busman
4. **Refreshments Committee**  
Awg. Hj. Abdullah Soefri bin POKSMDSP Hj. Abidin  
Pg. Masni binti Pg. Hj. Bahar  
Dyg. Rukiah binti Anusar  
Dk. Hjh. Rahaiyah binti Pg. Hj. Md. Yassin
5. **Facilities Committee**  
Norhayati binti Haji Idris  
Awg. Hj. Matnoor bin Hj. Tamit  
Awg. Hanafi bin Hj. Ibrahim  
Bersama dengan JKN
6. **Building Maintenance Committee**  
Awg. Hj. Badaruddin bin Hj. Abd. Karim  
Awg. Mohd. Noor bin Hj. Ismail
7. **Media and Photography Committee**  
Awg. Mohd. Faisal bin PDJLDDSP Hj. Kefli

8. **Finance Committee**  
Awg. Tamin bin Hj. Lamat  
Dyg. Hjh Dayang binti Abdullah
9. **Program Committee**  
Awg. Hairolarni bin Hj. Abd. Majid  
Pg. Anak Datin Hjh Norul Aiyun PIM Pg. Anak Hj. Kemaludin
10. **Royal Police Force Guard of Honour Committee**  
DSP Dinah binti Mat Daud
11. **Reception Committee**  
Dyg. Lim Siew Yen  
Pg. Rostaina binti Pg. Hj. Duraman  
Dk. Hjh Hanani binti Pg. Hj. Metusain  
Dyg. Ramzidah binti PDKD Hj. Abd. Rahman  
Dyg. Lailatul Zubaidah binti Haji Mohammed Hussain  
Dk. Hjh. Norismayanti binti Pg. Hj. Ismail  
Dyg. Hjh. Hazarena binti POKSJDP Awg. Hj. Hurairah  
Dyg. Maimun binti Hj. Tajaah  
Dyg. Noorhayati binti Hj. Ismail
12. **Programmer**  
Dk. Hjh. Noraisah binti Pg. Hj. Zainal  
Mohd. Haja Najmuddin
13. **Thanks Giving Committee (Organised by SJD)**  
Awg. Sofriana bin Hj. Masri (Pengiring)

\* \* \*



# SEATING PLANS



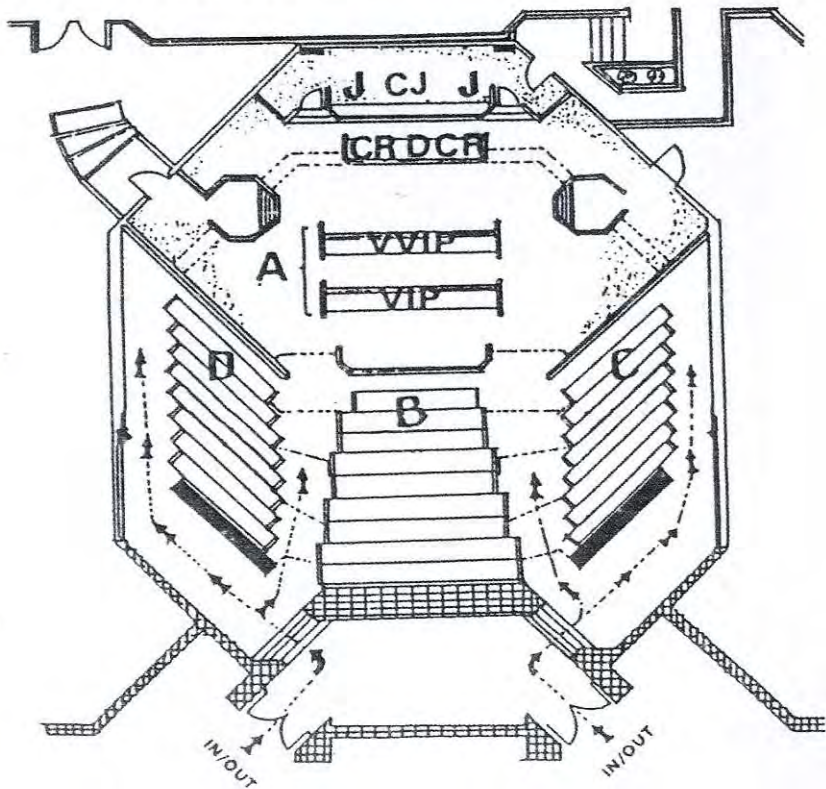
## DI LUAR BANGUNAN MAHKAMAH

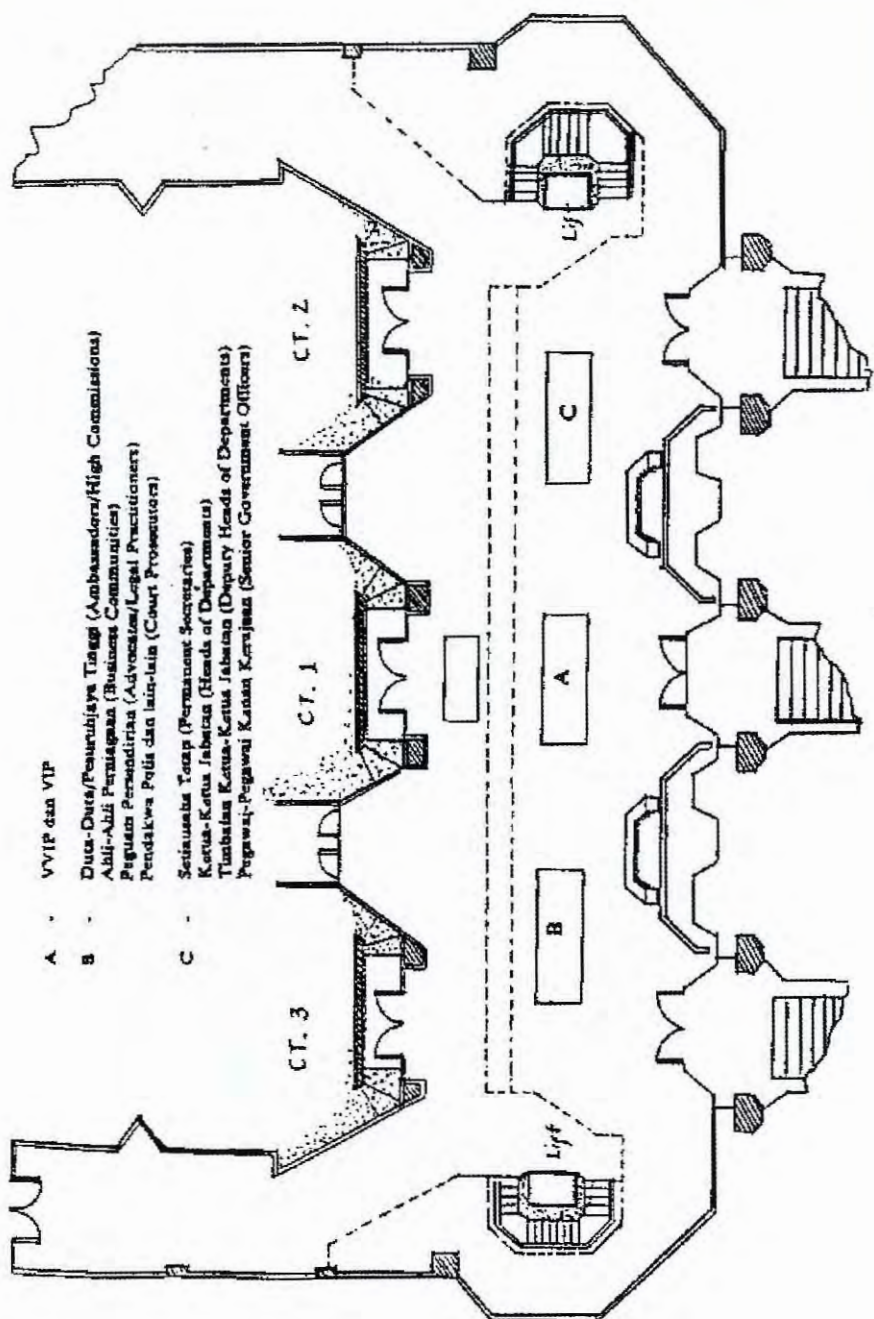
- A - **VVIP dan VIP**
- B - **Duta-Duta/Pesuruhjaya Tinggi(Ambassadors/High Commissions)  
Ahi-Ahli perniagaan(Business Communities)  
Pegawai Persendirian (Advocates/Legal Practitioners)  
Pendakwa Polis dan lain-lain (Police and other Prosecuting Officers)**
- C - **Setiausaha Tetap (Permanent Secretaries)  
Ketua-Ketua Jabatan (Heads of Department)  
Timbalan Ketua-Ketua Jabatan (Deputy Heads of Departments)  
Pegawai-Pegawai Kanan Kerajaan (Senior Government Officers)  
Timbalan Pendakwa Raya (Deputy Public Prosecutor)**



## DI MAHKAMAH TINGGI

- A - VVIP dan VIP
- B -
  1. Ketua Majistret/Majistret Kanan/Majistret dan Pendaftar-Pendaftar Mahkamah Tinggi
  2. Penolong-Penolong Peguamcara Negara/ Penasihat-Penasihat Undang-Undang/ Penolong-Penolong Pendakwaraya
  3. Ahli-Ahli Peguam Persendirian
- C -
  1. Setiausaha Tetap
  2. Ketua-Ketua Jabatan
  3. Timbalan Ketua-Ketua Jabatan
  4. Pegawai-Pegawai Kanan Kerajaan
- D -
  1. Duta-Duta
  2. Pendakwa Polis dan lain-lain
  3. Ahli-Ahli Perniagaan
  4. Pegawai-Pegawai dan Kakitangan Jabatan Kehakiman





A - VVIP dan VIP

B - Duta-Duta/Pemburu-buru Tinggi (Ambassadors/High Commissioners)  
 Ahli-Ahli Perancangan (Business Communities)  
 Pegawai Persendirian (Advocates/Legal Practitioners)  
 Pendakwa Polis dan lain-lain (Court Prosecutors)

C - Setiausaha Tempak (Permanent Secretaries)  
 Ketua-Ketua Jabatan (Heads of Departments)  
 Tumbukan Ketua-Ketua Jabatan (Deputy Heads of Departments)  
 Pegawai-Pegawai Kanan Kerajaan (Senior Government Officers)



# ACKNOWLEDGEMENTS

## ACKNOWLEDGEMENTS

ADAT ISTIADAT NEGARA  
ROYAL BRUNEI POLICE FORCE  
GOVERNMENT PRINTING DEPARTMENT  
ATTORNEY GENERAL'S CHAMBERS  
MINISTRY OF RELIGIOUS AFFAIRS  
DEPARTMENT OF PRIME MINISTER  
MINISTRY OF FOREIGN AFFAIRS  
INFORMATION DEPARTMENT  
MUNICIPAL DEPARTMENT  
PUBLIC WORKS DEPARTMENT  
ELECTRICAL SERVICES DEPARTMENT  
RADIO AND TELEVISION BRUNEI  
FIRE SERVICES  
ORGANISING COMMITTEE FOR THE OPENING OF  
THE LEGAL YEAR 2006  
AND OFFICERS AND STAFF OF THE JUDICIARY



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