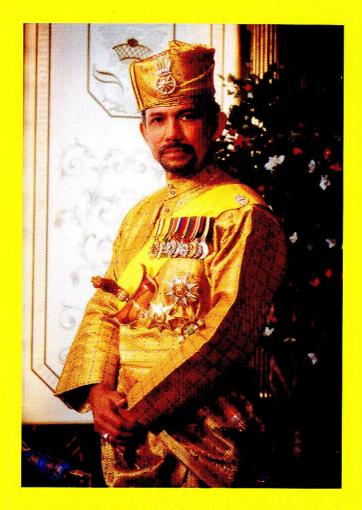


THE OPENING OF LEGAL YEAR 2009



7 APRIL 2009 11 RABIULAKHIR 1430





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 AND YANG DI-PERTUAN OF
BRUNEI DARUSSALAM

TO COMMEMORATE THE SILVER JUBILEE OF THE HIGH COURT-SUPREME COURT BUILDING

إِسْمِ اللَّهُ الرَّحْنَ إِلرَّحِيمِ

I am delighted to welcome you to the ceremony marking the Opening of the Legal Year 2009.



Today's occasion is not only an opportunity to reflect on the past year but also to renew our commitment to fulfil the various expectations on our Court system.

Apart from observing the Legal Year 2009, we are also commemorating the Silver Jubilee of our High Court-Supreme Court Building. This building has always been one of the country's well known landmarks.

Its' official opening by 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 and Yang Di-Pertuan of Brunei Darussalam on the 15th day of March, 1984 represented an important historical moment in our Nation's development.

Throughout the years, this building has been the heart of Negara Brunei Darussalam's Judiciary. However, we know that the building itself will not serve the required function, without the right people and supporting staff.

I am glad that the Judiciary has recognized the need to keep pace with changes in the society. These changes, often brought about by the remarkable development in technology and communications, have introduced new set of challenges.

I am delighted that plans are already in place to meet many of these challenges. But, a constant requirement is the continuous need for the right people with the right skills to deliver the required services. I take this opportunity to thank the officers and staff of the Judiciary for their continuing support and dedication.

I also express my appreciation and gratitude to the members of the organizing committee and various Government Departments in ensuring that all the arrangements today will run smoothly.

On behalf of the Judiciary, I thank you all for your presence today and wish you all the best in the endeavors that await you in 2009.

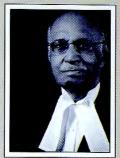
PG ROSTAINA BINTI PG HJ DURAMAN CHIEF REGISTRAR (CHAIRPERSON OF THE ORGANISING COMMITTEE)

SPECHES

DURING THE OPENING OF THE LEGAL YEAR 2008

OPENING OF LEGAL YEAR 2008 Tuesday, 18th March 2008 ميحرلا نمحرلا لله مسب

Dato Seri Paduka Mohammed Saied The Hon. The Chief Justice



Your Royal Highness Paduka Seri Pengiran Anak Puteri Hajah Muta-Wakkilah Hayatul Bolkiah, Honourable Guests, Ladies and Gentlemen, good morning and welcome.

It is the time of the year when not only the Judiciary but almost all other establishments pause for a while to take stock of their activities, achievements and the missed opportunities in the previous year.

It is at this time that people in all fields of operation, be they in the private field or the government, resolve to do better in the New Year and chalk out the ways and means to achieve their aspirations.

Nigel Cawthorne in his book The Strange Laws of Old England, under the heading "No Fun", made this observation at page 42,

"One of the purposes of law is to limit fun and lead people into the paths of righteousness. This seldom works, however, for when it comes to pleasure, people will sooner or later find a way to indulge themselves, and no one has ever succeeded in legislating for virtue. But still they keep trying." But first as usual the figures of the various type of cases for 2007, starting with the Magistrates' Courts, and criminal cases first, the Court in Bandar Seri Begawan had 3364 cases, that being 702 more than 2006; for Kuala Belait the figure was 321, that is, 11 less than the previous year; Tutong Court had 144 registered in 2007, that being 61 more than in 2006; and Temburong Court had 12 criminal cases registered compared with 6 in 2006.

The figures for civil cases registered in the Magistracies were: in Bandar Seri Begawan 1979 suits were registered in 2007 as against 1926 filed in the previous year; Kuala Belait Court had 95 registered in 2007, that being 9 less than the previous year; Tutong Court had 11 registered in 2007, that is 6 more than in 2006, and in Temburong Court no civil matter was registered as in the previous three years.

The Intermediate Court had 135 civil matters registered in 2007, this being 58 less than 2006; and 21 criminal matters were registered in the past year, that being 2 more than the previous year.

There were 8 civil appeals from the Magistrates' Courts filed in the High Court in 2007, the same as in 2006; and 31 criminal appeals were filed in 2007, this being 8 more than in 2006.

Coming now to the criminal cases heard in the High Court, the Court dealt with 11 cases as against 22 in 2006, and 161 civil cases were filed in the High Court in 2007as against 174 in the previous year.

Civil appeals from the Intermediate Court to the Court of Appeal in 2007 numbered 20, that being 3 more than in 2006; and criminal appeals to the Court of Appeal in 2007 were 17 in number, this being 3 more than the previous year.

Chamber hearings before the Senior Registrars and Registrars dropped to 454 from 554 in 2006.

There are six capital cases awaiting trial of which four are of drug trafficking, one murder and one of possession of firearms without authority. Trial dates have been given for three drug trafficking cases and the firearms case.

We have encountered difficulty in getting a Bajau interpreter in one of the pending drug cases. We hope that this problem shall be solved soon.

Lastly, the total revenue collected during 2007 amounted to B\$7,425,571.41 as compared to B\$5,037,939.80 during 2006.

The Legal Profession Act [Cap. 132] is about Advocates and Solicitors, this because the profession is fused. For the sake of brevity I shall refer to the advocate and solicitor as lawyer, the nomenclature by which he is commonly known to the common man and not as 'counsel', as defined in the Supreme Court Act (Cap.5, R 1).

Perhaps everybody knows about lawyers in very general terms. They are revered for their knowledge of the law, fully appreciating the fact that they, the lawyers, solve such problems for their clients as relate to the law and the courts.

An American lawyer is quoted to have said, "Being a lawyer is about serving justice. That's not only our greatest calling, it's our only calling". The emphasis there manifestly is on "serving justice".

Lawyers are considered as men and women of great knowledge, more so perhaps as "skilled in circumvention of the law".

That may be but in Court lawyers stand at the Bar facing the judge, the sole arbiter of the proceedings upon whose shoulders rests the heavy burden of ensuring that justice is done according to the law.

Attempts by lawyers at circumventing the law with the sole purpose of winning the case, whether civil or criminal, seldom if ever succeed.

Such circumvention may go past unnoticed or even applauded by a novice but seldom by an experienced judge whose duty it is to hold the balance fairly between the combatants before him.

During my research into this topic of fairness I came across the presidential address given by Sir Roger Ormrod, a Lord Justice of Appeal, on 7th March, 1980 at Holdsworth Club, published in the Jubilee Lectures, University of Birmingham at pages 183-197.

Much water has passed under the bridges since, but the principles that the Lord Justice expounded during his address are to this day regularly applied by decision makers in these courts. I shall refer to some pronouncements from his speech. At page 184, he said, "The popular demand today seems to be not so much for 'justice according to law' as for 'fairness', for some way of holding the balance evenly between the parties to a dispute, controlling the powerful and protecting the weak. ... Moreover, the capacity of individuals or tribunals to make a succession of value judgments without, consciously or subconsciously, constructing stereotypes is limited, a process which is powerfully stimulated by the proliferation of specialized law reports, recording large numbers of decisions of fact which quickly come to be regarded as precedents, that is, stereotypes.

Nothing destroys flexibility so quickly as precedent. Parallel with this longing for fairness and flexibility there is another yearning, for what is called the Rule of Law. The objective is the same – protection from powerful oppressors – but by the strict application of the law, which inevitably means rigidity and injustice to individuals."

This concept of the Rule of Law is administered by the judges in accordance with the judicial oath by which they are bound during the currency of their service. Come hell or high water judges are bound by that oath and never shall they take a step backward from compliance with it, whatever the circumstances in which they perform their various judicial functions. Judges are known to have stuck to their seat of office in times of political upheaval and turmoil in their country and assisted in maintaining the Rule of Law whenever and wherever circumstances so required.

It has been recognized that in the development of the various stages of a nation and, as people become steadily aware of their rights, both social and legal, not only has the law to keep pace with those changing circumstances and wider aspirations of the citizens,

but it becomes imperative for the government of the day to look ahead and make sufficient provision in its laws to meet the changing circumstances of the country and the aspirations of its people for the foreseeable future, and for the peace and security of the nation. These last two attributes, peace and security, built upon and sustained by a sound legal system, form the bedrock that provides adequate protection for foreign participation in the development of the country. Sir Roger Ormrod takes up this matter at page 191, where he says:

"The fact is that the law is in a state of continuous evolution, both in the Lammarkian and in the Darwinian sense. It changes in response to changes in the environment, just as Lammark postulated that giraffes grew long necks because the leaves they ate became progressively scarcer at the lower levels. It also changes by a process akin to mutation, and the survival of the fittest, that is, by legislation. In other words, Parliament produces the 'macro' changes, while the 'micro' changes are the cumulative effect of judicial decisions, responding to the tensions I have described. It is a misleading dichotomy to say that 'Parliament makes the laws, the judiciary interprets them'.

This is an example, and there are too many in the law, of the process which the late Mr. Justice Frankfurter described in these words, 'A phrase begins life as a literary expression, its felicity leads to its lazy repetition; and repetition soon establishes it as a legal formula, undiscriminately used to express different and sometimes contradictory ideas.' "

As I said earlier law is not static and it grows and develops to satisfy the ever growing needs of the society. Sir

Roger Ormrod closed his discourse with these words of advice which, in my opinion, are just as applicable to any common law jurisdiction,

"The fact is that if the law of England is to retain its capacity to respond wisely and quickly to changes in the social and economic environment, it needs both Lammark and Darwin. If the giraffes are eating the leaves off the trees too quickly, the remedy is not to chop their heads off!"

Replacing the name of the country in that passage, the advice there is just as apposite to any Common Law jurisdiction.

The other allied matter which has always attracted attention is judicial independence. It did not come easily but had to be wrested by force and after some bloodletting from those who had considered themselves as high and mighty and whose understanding of justice was no better than the law of the jungle.

Over the years this principle of judicial independence has matured and is now firmly established and highly respected in the Common Law world, which includes the jurisdiction of Brunei Darussalam.

I should like to share with you one paragraph from The English Judges, Their Role in Changing Constitution by Robert Stevens, 2002 edn. The author deals briefly with this topic of judicial independence, and says, "How absolute, however, is judicial independence? Like academic freedom, it has to defer to judicial accountability, although it is a balance which has never been effectively analysed. To take most extreme example, Lord Eldon's delays in the Chancery Court, said in 1820

to be close to twenty years (see Bleak House), would not be acceptable in terms of judicial accountability today. No matter how strong judicial independence is, the situation is obviously a delicate one. When Lord Mackay, Lord Chancellor from 1987 to 1997, was faced with a situation, as he saw it, of inefficiency and considerable waste of public money in the Employment Appeals Tribunal he required the High Court judge then serving as President (Wood J), to follow certain administrative procedures to clear backlog of cases.

The judge resigned from the bench rather than accept the directive. A debate in the House of Lords alleged a serious breach of judicial independence (Mackay had apparently invited Wood to 'consider his position'); the matter, however, petered out without any discussion of where independence ended and judicial accountability began.

The potential conduct remains to be solved, but may well remain unsolved while the relationship of parliamentary sovereignty and judicial independence remains unclarified."

At the home front, I should perhaps remind the advocates and solicitors that the capacity of a lawyer is not to be measured by his looks, his height or girth or how thunderously loud or sickly low his voice is or the amount of fees he charges in any single case or how well he's dressed and groomed, rather the proper and acceptable measure would be his professionalism and conduct in Court.

Throwing around highfaluting phrases as embellishment of the lawyer's submission or repeating the same argument garbed in slightly different wording is no indication of the man's intelligence or his capacity as a lawyer, and is not as impressive as simple, straightforward argument, completely shorn of such embellishment that takes comparatively much shorter time. Nevertheless, there are some who perhaps hold high opinion of the level of their knowledge of the law and the art of advocacy but which, to an independent observer, is such as to force his blood pressure up a notch or two.

I think that it is time that the Law Society took the initiative of establishing some means of keeping such advocates under tight rein. It is not for me to suggest what they should do, but it goes without saying that associations and societies such as our Law Society are known to hold seminars, discussions and such like events beneficial to the profession as a whole.

It is my pleasure to welcome to the High Court Bench our former Chief Registrar Awang Haji Hairolarni bin Haji Abdul Majid. He has served well as Chief Registrar and I have no doubt that he will further strengthen the High Court Bench.

Dayang Lim Siew Yen, formerly Deputy Chief Registrar will now become full time Judge of the Intermediate Court.

Pengiran Hajah Rostaina binti Pengiran Haji Duraman, formerly Chief Magistrate is now the Chief Registrar. It has been enormously comfortable this morning talking to this august congregation without having to keep up my voice loud enough to reach the last row of seats in this Court. The audio system was provided a short while ago and has been such a relief in not having to strain our ears or raise our voices to shouting level.

The Judiciary is extremely grateful to the State Judiciary Department for their kindness and generosity, as indeed for the paved footpath and more reliable steps leading to the Law and Justice Building.

On behalf of the Judiciary I should thank the police authority for the Guard of Honour, the prosecutors and police institutions concerned with crime detection and prevention and the prison authorities for their arduous task. The courts appreciate and applaud their efforts in this regard.

Lastly, on behalf of the Judiciary I express our thanks to you all for sparing some of your valuable time to grace this occasion. I am particularly grateful for your patience in listening to what I had to say.

I shall now call upon the Honourable Attorney General to address this gathering, and he will be followed by the President of the Law Society.

At the conclusion of all the speeches and thanksgiving prayers, would you please proceed to the ground floor for refreshments.

Chief Justice Dato Seri Paduka Mohammed Saied

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





Her Royal Highness, My Lord Chief Justice and Judges of the Supreme Court.

President of Brunei Darussalam's Law Society.

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 and to renew our usual pleages of cooperation and mutual support for the uploading of the independence of the judiciary and the rule of law.

A. LAW REVISION

The Attorney General's Chambers has continuously revised the Laws of Brunei to keep them up-to-date. Last year the Chambers had revised the Road Traffic

Act including the 1956 Road Traffic Regulations. And early this year we have revised the internal Security Act which includes three subsidiary legislations.

Towards the end of last year, the Chambers have also started work again on the revision of Orders made by His Majesty the Sultan and Yang Di-Pertuan under Article 83(3) of the Constitution of Brunei Darussalam. The Purpose of this exercise is to give them a Chapter number in the Laws of Brunei. They are now referred to as 'Acts'. We now have the Computer Misuse Act as Chapter 194 and Debtors Act as Chapter 195.

Another effort by the Chambers to tidy up the Laws of Brunei is to remove four legislations which have, over the years, been repealed.

They are the -

Public Officers (Liabilities) Act Chapter 80; Bankers' Books (Evidence) Act Chapter 107; Exchange Control Act Chapter 141; and Probate and Administration Rules made under the Probate and Administration Act Chapter 11.

As regards other Acts which have been repealed and replaced by new Orders, we hope to remove these and at the same time insert the new Orders to become new Acts.

B. LEGISLATION

The Attorney General's Chambers have been busy with the preparation of legislation in the form of new laws or amendments to existing laws. Since the Legal Year held last year, a total of 82 laws have been made and since the beginning of this year, so far there have been 22 laws made. These laws deal with economic development, education, environment and health, crime prevention and other security matters. As usual I will highlight several of the principal legislations that have been made and an insight of the provisions.

These laws are namely -

1. PASSPORTS ACT (AMENDMENT) ORDER, 2007.

The provides for the immigration officer to have the same power of investigation as a police officer under the Criminal Procedure Code.

2. COMPULSARY EDUCATION ORDER, 2007

This provides children the age of 6 years and below 15 years shall attend regularly as a pupil at a government school unless the child attends a private educational institution and he is exempted by the Minister of Education under this Order or the parents presents a reason for his absence to the satisfaction of the Permanent Secretary of the Ministry of Education.

3. UNDESIRABLE PUBLICATIONS ACT (AMENDMENT) ORDER, 2007.

This widens the meaning of 'publication' and amongst other things, to include sound recordings, drawing made by computer-graphics, photographic negative, plate or slides. It also allows the search for and seizure of obscene or objectionable publications.

4. SUNGAI LIANG AUTHORITY ORDER, 2007

This established the Sungai Liang Authority as a corporate body to become a 'one-stop agency' to run the Industrial Park at Kampong Sungai Liang. The Minister of Foreign Affairs and Trade, in his capacity as the Minister responsible for this Order may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, exercise and discharge, all or any of the functions and powers transferred to, conferred on, imposed on, vested in, delegated to or assigned to, under any of the 20 written laws listed in the Fourth Schedule to this Order such as the Electricity Act, Immigration Act, Labour Act and Water Supply Act.

- 5. DRUG TRAFFICKING (RECIVERY OF PROCEEDS) (AMENDMENT) ORDER, 2007; and
- 6. CRIMINAL CONDUCT (RECOVERY OF PROCEEDS)
 (AMENDMENT) ORDER, 2007

The effect of these two amendments is to allow the amount recovered under a confiscation order to be paid into the Criminal Offences Confiscation Fund. Monies in that Fund can be applied, amongst other things, for purposes –

In promoting or supporting measures that may assist in preventing, suppressing or otherwise dealing with drug trafficking and criminal conduct; and in dealing with the consequences of drug trafficking and criminal conduct.

7. INTOXICATING SUBSTANCES ACT (AMENDMENT) ORDER, 2007

This Order requires any person who has been admitted to the Rumah Al-Islah being an approved Institution under the Intoxicating Substances Act, to undergo treatment and rehabilitation for a period of one year unless he is earlier discharged by an order of the Minister of Home Affairs.

8. MISUSE OF DRUGS ACT (AMENDMENT) ORDER, 2007

This Order provides that it is an offence for a permanent resident to have smoked, administered to himself or otherwise consumed a controlled drug even though he is outside this country and it is also an offence for any person to manufacture, supply, have in his possession or imports or exports any controlled equipment, controlled material or controlled substance knowing or having reason to believe that they are to be used in or for the manufacture of a controlled drug.

9. MISUSE OF DRUG ACT (AMENDMENT) ORDER, 2008

This provides for any approved institution under the Misuse of Drugs Act such as the Rumah Al-Islah, being a place for treatment and rehabilitation of drug addicts, to be under the general charge and administration of the Director of Narcotics Control Bureau, which previously was under the Director of Prisons.

10. WILD FAUNA AND FLORA ORDER, 2007

This gives effect to the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Amongst other things, this Order prohibits the trading, into or from this country, of any specimen of species that is listed in this Order unless the person has a permit or certificate granted under this Order.

11. MEDICINES ORDER, 2007

This regulates the importation, registration, promotion, advertisement, clinical trial, transport, manufacture, storage, dispensing and sale of medical and cosmetic products. Amongst the offences provided in this Order are as follows –

No person shall manufacture, sell, supply or import any medicinal product unless that product is registered and that person holds a licence issued under this Order; No person shall conduct any clinical trials without prior written approval from the Brunei Darussalam Medicines Control Authority; Prohibition on sale of medicinal products from automatic machines; False or misleading advertisements and representation; No person shall publish or cause to be published any medical advertisement which claims, indicates or suggests that the article advertised will prevent, alleviate or sure any disease or condition specified in the Schedule such as diabetes and asthma or any advertisement referring to any skill or service relating to the treatment of any disease or condition affecting the human body.

12. MARITIME OFFENCES (SHIPS AND FIXED PLATFORM) ORDER, 2007

This Order gives effect to the Convention for the Suppression of Unlawful Acts against the Safety the Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, all signed at Rome on 10 March 1988. this Order provides the offences committed in respect of a ship or any person on board a ship such as follows –

- a) seizes a ship;
- b) destroys or damaged a ship;
- places or causes to be placed any device or substance likely to destroy the ship;
- d) destroys or damages the maritime navigation facilities:
- e) delivers false information;
- f) threatens to endanger the safe navigation of any ship;
- g) commits acts of violence on a ship.

This Order also provides offences committed on a fixed platforms or any person on a fixed platform such as follows –

Seize or exercises control of a fixed platforms;

Destroys or damages a fixed platform;

Places or cause to placed on a fixed platform a device or substance which is likely to destroy or damage it as to endanger safety;

Threatens to endanger the safety of the fixed platform Commits acts of violence on nay person on the fixed platforms.

This Order empowers the master of a ship to deliver the person who has committed the offence to an appropriate officer in Brunei Darussalam.

The High Court has Jurisdiction to try an offence committed within or outside Brunei Darussalam.

C. UNIVERSITI ISLAM SULTAN SHARIF ALI (UNISSA)

It has been announced in the press that the second local university, UNISSA, will offer Bachelor of Laws course this year. This should be good news for Brunei Darussalam.

For the first time we will be producing our own lawyers. Brunei Darussalam still needs more lawyers. Apart from the usual compulsory basic laws (criminal laws, laws of contract etc), I believe, subjects such as legislative drafting, public international laws, Islamic finance would be offered. The bachelor of Law course would obviously be tailored to Brunei Darussalam's future requirements.

It is important to note that we need these lawyers to assist in the carrying out of the executive or legislative function of government. The Attorney General's Chambers which has been tasked to assist Government Ministries and Departments to perform these functions still require not only "general practitioners'" but also "specialists" in different areas of the law. Lawyers are also still needed in the Judiciary to do judicial work as Honourable Magistrates, Registrars and Judges. This judicial function is also as important as executive and legal function of the government.

With such limited pool of local lawyers we need to plan carefully as regards the distribution or use of our legally trained manpower. We may need to prioritize in the short term. In the long term, our future UNISSA local lawyers should be recruited to work for the Attorney General's Chambers, Government ministries and also for the Courts. Our local UNISSA law graduates could also become Administrative Officers. I believe Adminis-

trative Officers who have the necessary legal knowledge and management skill would be useful to the public service and thus the good public administration of this country.

The numbers of private practitioners who are citizens/ Permanent Residents have increased. Our private lawyers are also providing important legal services for the country. Some of the local UNISSA law graduates might also join the private law firms in the future.

In order to better prepared themselves to deal with the above mentioned challenges in the future, I think it would be useful for some of our local UNISSA law graduates to do their Master (LLM) aboard such as in the United Kingdom, Australia and may be even in the United States of America like law graduates in some ASEAN countries.

D. THE IMPLEMENTATION OF THE E-REGISTRY SYSTEM

In line with e-government initiatives, the Registries Division of the Attorney General's Chambers is also embarking on its e-journey. The system known as 'e-registry system' aims to provide 24/7 capability to the public to access the following services: companies, business names and trademarks.

The system was developed in 2006 and our aim is too implement faster, reliable and efficient registration system of the above services. The "e-registry system" will modernize its present system and business process by providing value-added services and leverage on the use of information technology (IT) and introduce new e-services on alignment with e-government roadmap.

The objective of e-registry is to maintain an up-to-date registry with accurate and timely information which is accessible throughout the internet, to provide information on registered companies, business names and trademark electronically and to enable on-line payment of fees.

The "e-registry system" will enable the following services to be done on-line – registration of new business names incorporation of new companies registration of trademarks filing of statutory documents pertaining to business-names, companies and trademark.

For business names as you know we have the name search facility at our office whereby the public can search for names that had been registered. However at this moment all names applied for are still subject to the consideration and approval of the registrar. We are hoping to introduce guidelines on how to do name search using the name search facility.

We have introduced the use of coding for nature of business. We hope this coding will assist the public in choosing their nature of business correctly and will help to reduce the time in making their application. This coding will also ensure that there is uniformly in the description of nature of business and can assist other government agencies / authorities to consider applications for relevant issuance of business licences / permit. The coding will be revised and updated from time to time. From 1st January 20008 until 11th Mac 2008, the Registry of Business Names processes 1035 names application and issued 728 new business names certificate. Last year, for the same period, the Registry processed

884 names application and issued 638 new business names certificates.

We have also introduced public kiosks to access to out system. The public, the law firms, accountants and secretarial firms had been using these public kiosks. For those who are not computer savy, our staff are always available to assist the public with their enquiries.

We hope to build a database of businesses and trademarks in Brunei Darussalam in the near future. With e-registry system we are hoping to reduce our use of paper and to become "paperless" office.

E. ENFORCEMENT OF INTELLECTUAL PROPERTY LAWS

The Attorney General's Chamber is also responsible for the administration and jointly responsible for the enforcement of intellectual property right along with the police and customs authorities.

The police have long been responsive to complaints lodged by intellectual property right holders and actions have been taken on all complaints.

Sufficient resources have been allocated to combat piracy, in the enactment of appropriate laws and the provisions of dedicated officers in the police force and customs to meet current needs.

However, enforcement capability is unfortunately handicapped, especially in the area of copyright and trademarks, because few right holders are present in Brunei Darussalam, which present evidential and procedural problems to relevant enforcement agencies and procedural wishing to initiate appropriate action.

The Attorney General's Chambers have available prosecutors to take proper cases to court, as have been done on previous cases. The Attorney Generals' Chambers have also had an open door policy to rights holders, where a number of rights holders and exclusive licenses have approached to discuss possible actions and remedies. Such discussions not only relate to alleged infringement of physical goods but also of infringement committed over the internet, for eg. Hosting providing allegedly infringing electronic copies of copyrighted media.

Parties should however be aware that criminal actions require a high burden of proof and therefore a much higher requirement of evidence than either civil action or border enforcement, which despite being considered effective, has not been utilized by most right holders or appropriate representatives.

Continuous support and dedication from rights holders or appropriate representatives would be required to stamp our piracy effectively and not merely a short visit or two.

Right holders are encouraged to use border enforcement measures, to deter imports on infringing materials, which are easier to use. A notice in writing to the Controller of Customs is required and security may be requested for.

F. CONCLUSION

I would like to thank all my officers from the various Divisions in the Chambers namely Criminal Justice, Civil, International Affairs, 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 supports, help and cooperation.

I would also like o thank the Commissioner of Police and his officers as well as the other law enforcement agencies namely the Narcotic Control 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 preservative and the maintenance of law and order.

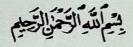
I would like to take this opportunity to congratulate the recent appointments of Your Lordship Justice Awang Haji Hairolarni bin Haji Abdul Majid as a full time High Court Judge; The Honourable Pengiran Hajah Rostaina binti Pengiran Haji Duraman as the Chief Registrar of the Supreme Court and Judge Dayang Lim Siew Yen as a full time Judge of the Intermediate Court.

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 and the Law Society 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 Kifrawi bin Dato Paduka Haji Kifli Attorney General

Muhammad Zainidi Abdul Hamid President, Law Society of Brunei Darussalam





Your Royal Highness Paduka Seri
Pengiran Anak Puteri Hajah Muta-Wakkilah Hayatul
Bolkiah, My Lord Chief Justice, the HONOURABLE Justices of the Supreme Court of Brunei Darussalam, the
Honourable Dato Attorney General, your Excellencies
of the Diplomatic Crops, distinguished invited guests,
fellow members of the legal profession, ladies and
gentlemen. Assalamualaikum and good morning.

On behalf of the Law Society of Brunei Darussalam, I would like to convey our sincere congratulations to the Honourable Awang Haji Hairolami bin Haji Abdul Majid on his Honour's appointment to the High Court Bench, to the Honourable Pengiran Hajah Rostaina binti Pengiran Haji Duraman on her Honour's appointment as the Chief Registrar and to the Honourable Dayang Lim Siew Yen on her Honour's appointment as a full time Judge of the Intermediate Court.

We are in no doubt that these new appointments will further strengthen the judiciary and alleviate the pressure that the judiciary has always faced with the ever increasing work load and the more complex cases coming forward. We, the Law Society of Brunei Darussalam, will as ever play our part to support the judiciary and strive to live up to our role as an integral sector in the administration of justice and in the upholding of the Rule of Law.

This ceremony marking the Opening of the Legal Year, apart from being a time to take stick of our achievements and make new resolutions, is also a time for all of us to celebrate the admirable judiciary system the exist in Brunei Darussalam. It is well respected for its independence and integrity both here and abroad. It is to the credit of the Government of His Majesty the Sultan and yang Di Pertuan of Brunei Darussalam that the judicial system remains independent.

This only third year in which the lawyers in private practice are being represented by the Law Society and also the third time a speech is delivered by its President. My predecessor in his first speech in the 2006 Opening of the Legal Year said,

"By virtue of the Law Society Order, members of the legal profession can now be able to maintain and improve the standards of conduct and learning of the legal profession cohesively, looking after the interests of fellow members and coming up with regulations governing the etiquettes, discipline and well-being of members."

The trust given to us by the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam in promulgating the Law Society Order showed that we are already capable of delivering what is expected of us. It is a great honour given to us and a challenge that we will rise up to. Your Lordship has today reminded us of our role by urging us to establish some means of reining in some out members who acts improperly in court. I am sure such advocates and solicitors among us ate in the absolute minority. We hope that this will not obscure the positive contributions that we make in the administration of justice.

We have plans in the pipeline to organize continuing education programs through seminars and lectures and also inviting eminent speakers from other jurisdictions. Through this initiative the quality of the bar as a whole shall be raised not only in the aspect of advocacy but also in other aspects of practice such as negotiation skills, research and drafting. It must be said that the limiting factor that we may face in this ambitious program is our currently small resources. Over time, perhaps with more members, we will overcome our limitations.

We will do what is possible now. I would also like to suggest some collaboration with the judiciary and the Honourable Attorney General's office in organizing such events. We have always encouraged our members to find ways to improve their skills by whatever means possible including participating in continuing education programs. It is heartening to note that some members have already voluntarily attended continuing education courses in neighboring countries to develop their knowledge and skills.

As your Lordship pointed out, there may be some who perhaps hold high opinion of the level of their knowledge and skills. Such people, who o must add is not unique among lawyers only, may be the most difficult to convince to join any continuing education programs.

Our Law Society membership has only increased slightly for the past 3 years. This is due to the fact that even though we have member joining in, mostly from neighboring jurisdictions, we have a relatively high rate of our young Bruneian local lawyers leaving private practice to become in house counsels for banks and other companies before they reach 5 years of practice. A high proportion of new graduates choose not to join private practice in the first place. We are held up to very high standards. We face demanding clients, strict judges and court procedures and even stricter deadlines and most times long working hours. However, I am still confident that even with any perceived difficulties of private practice and bad press that we receive; our young graduates will continue to take up the challenge to become a lawyer in private practice.

We have so far received eleven complaints about lawyers. So far there have been 3 different Inquiry Committees considering certain complaints. The remainder is waiting for the panel of four members Inquiry Committee to be constituted, to consider the complaints and make their report to the Law Society Council. Two complaints have been withdrawn by the respective complaints. One complaint has been referred to the Disciplinary Committee to be dealt with. We are looking at ways to speed up the process of dealing with complaints. I understand there has been difficulty to get enough members of the Inquiry Committee.

My Lord, in my role as President of the Law Society, our members has raised a few matters that warrant some discussions between the Law Society and the judiciary but I feel that this is neither the time nor the forum to bring these up. Among other reasons, we do have good food waiting to be savoured downstairs and I do not wish to take more time with this speech. If your Lordship will allow, we would like to suggest that meetings between out members or their elected council members and your Lordship and the relevant judiciary staff be organized at every regular intervals so that we will have a forum were any improvement of both our

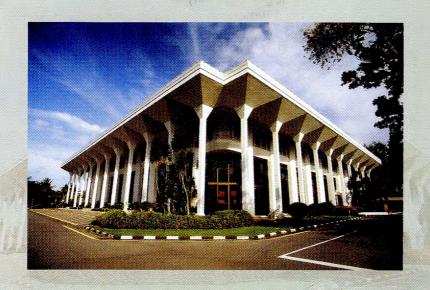
services can be discussed. It will in some small way bring more cohesiveness between our two sectors and the administration of justice shall be enhanced.

Lastly, we at the Law Society are pleased to note that UNISSA has introduced a law degree program in its university. We applaud this effort and congratulate the parties concerned. This will go a long way in the development of the legal fraternity in Brunei Darussalam. We look forward to welcome in future, new members of the Law Society who are alumni of UNISSA. The pool of legally qualified persons will perhaps be enhanced in the near future. We are ready to give any assistance within our resources and capability that may be required by UNISSA.

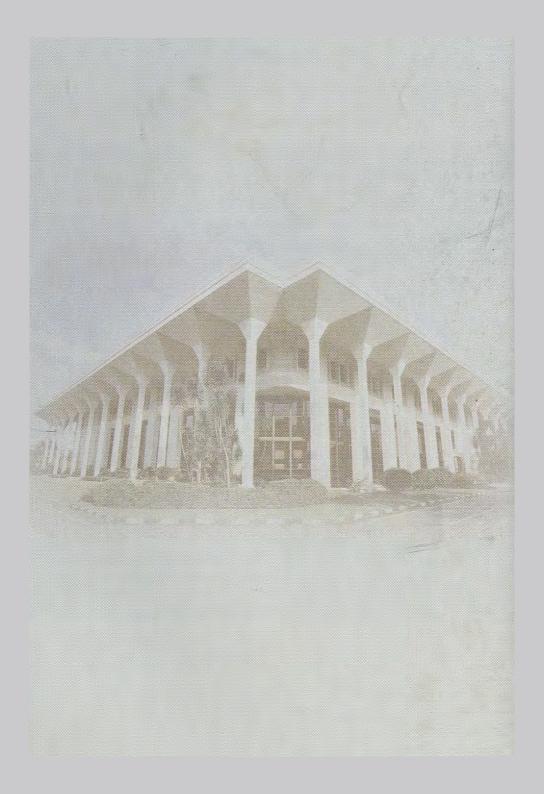
With that and a word of thanks to your Lordship and to all parties involved in this morning's ceremony, I end my speech. Thank you.

Muhammad Zainidi Abdul Hamid
President, Law Society of Brunei Darussalam

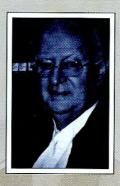
HIGH COURT - SUPREME COURT BUILDING



KM 1½, JALAN TUTONG BANDAR SERI BEGAWAN BA1910 BRUNEI DARUSSALAM



COURT OF APPEAL JUDGES



President of the Court of Appeal Sir Noel Plunkett Power

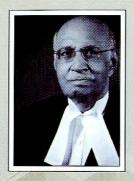


Judicial Commissioner of the Supreme Court John Barry Mortimer



Judicial Commissioner of the Supreme Court Geoffrey Lance Davies

HIGH COURT JUDGES



Chief Justice Dato Seri Paduka Mohammed Saied



Justice Datin Paduka Hjh Hayati binti POKSDSP Hj Mohd Salleh

High Court Judge



Justice Dato Paduka Steven Chong Wan Oon

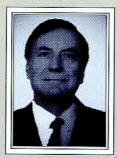
High Court Judge



Justice Dato Paduka Hairol Arni Haji Abdul Majid

High Court Judge

HIGH COURT VISITING JUDGES Judicial Commissioners of the Supreme Court



James Kerr Findlay



Nicholas John Barnett



Gareth John Lugar - Mawson

CHIEF REGISTAR OF THE SUPREME COURT



Pg Rostaina binti Pg Hj Duraman Chief Registrar of the Supreme Court

INTERMEDIATE COURT JUDGE



Lim Siew Yen
Intermediate Court Judge

OFFICERS OF THE SUPREME COURT AND HIGH COURT



Pg Hjh Hanani binti Pg Hj Metusain

Deputy Chief Registrar of the Supreme Court



Radin Safiee bin Radin Mas Basiuni

Senior Registrar of the Supreme Court



Ramzidah binti PDKD Hj Abdul Rahman

Senior Registrar of the Supreme Court



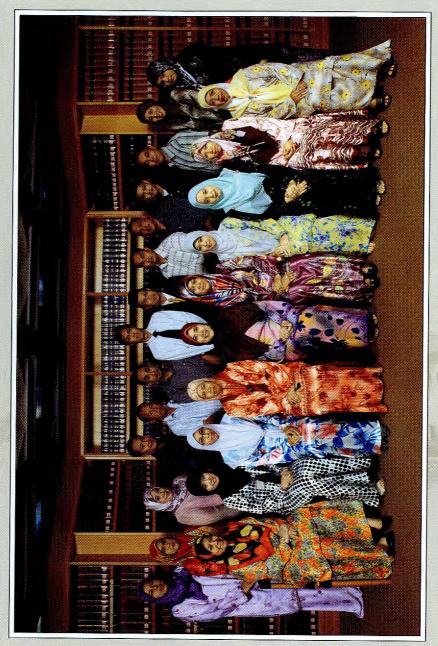
Dk Hjh Norismayanti binti Pg Hj Ismail

Senior Registrar of the Supreme Court



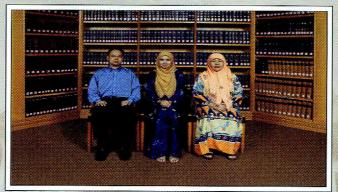
Hazarena binti POKSJDP Hj Abu Hurairah

Registrar of the Supreme Court





Probate Registry



Bankruptcy Registry



Court's Translators

MAGISTRATES' COURT BUILDING



Bandar Seri Begawan



Kuala Belait



Tutong



Temburong

OFFICERS OF THE MAGISTRATE'S COURT BANDAR SERI BEGAWAN



Hj Abdullah Soefri bin POLSM DSP Hj Abidin

Senior Magistrate



Muhammed Faisal bin PDJLDDSP Hj Kefli

Senior Magistrate



Pg Masni binti Pg. Hj. Bahar

Senior Magistrate



Lailatul Zubaidah binti Hj Mohammad Hussain

Magistrate



Harnita Zelda Skinner

Magistrate

Bandar Seri Begawan Magistrate's Court Officers and Staff

KUALA BELAIT, MAGISTRATES AND COURT STAFF



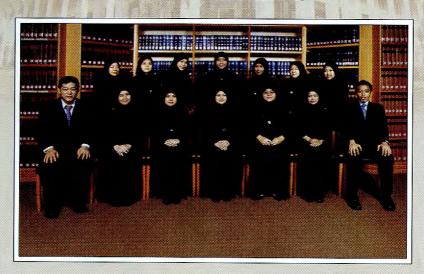
TUTONG, MAGISTRATE AND COURT STAFF



TEMBURONG MAGISTRATE AND COURT STAFF



COURT INTERPRETERS



OFFICERS OF THE STATE JUDICIARY DEPARTMENT





Legal Year 2008



Her Royal Highness Paduka Seri Pengiran Anak Puteri Hajah Muta-Wakkilah Hayatul Bolkiah





















HER ROYAL HIGHNESS PRINCESSES VISIT TO THE SUPREME COURT, MARCH 2009











OFFICIAL VISITS TO THE COURT



Visit from the New Police Recruit to the Court



RBAF visit to the Court



Police Cadet Officers' visit to the Court

BORNEO JUDICIARY GAMES 2008























CHINA-ASEAN HIGH LEVEL JUDGES FORUM, NANNING, GUANGXI, PEOPLE'S REPUBLIC OF CHINA 10-15 OCTOBER 2008

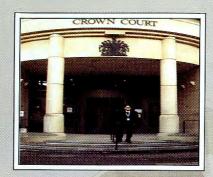


MANAGING PEOPLE & PERFORMANCE AT R.I.P.A INTERNATIONAL, PUTRAJAYA 12th - 16th May 2008





JUDICIAL ADMINISTRATION COURSE AT RIPA INTERNATIONAL, UNITED KINGDOM







THE FOURTH ASEAN LAW FORUM ON MUTUAL LEGAL ASSISTANCE IN CIVIL AND COMMERCIAL MATTERS



"WORKSHOP ON MEDIATION" MALAYSIAN TECHNICAL COOPERATION PROGRAMME (MTCP) 18 - 28 AUGUST 2008



THE MAULUD NABI CELEBRATION





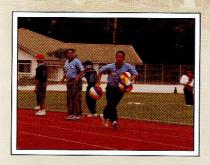
SUKAN RIA, PRIME MINISTERS OFFICE













HARI RAYA CELEBRATION

















STATISTICS

MAGISTRATES' COURTS SUMMONS & CRIMINAL CASES

Carrier and Pro-	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
BSB	1660	1973	2382	2774	2025	2180	2415	2662	3364	3412
Kuala Belalt	524	481	381	4 61	496	340	432	310	321	366
Tutong	171	128	124	151	194	103	123	83	144	79
Temburong	36	34	16	20	41	15	32	6	12	47

MAGISTRATE S' COURTS CIVIL CASES

The second second	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
BSB	2771	1266	1032	953	967	872	784	1926	1979	1533
Kuala Belait	325	164	187	132	227	120	100	104	95	273
Tulong	13	1	8	10	25	7	7	5	11	239
Temburong	0	0	0	0	0	-0	0	0	0	0

CHAMBER HEARINGS BEFORE SENIOR REGISTRARS AND REGISTRARS

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
CASE DEALT	872	777	636	404	254	253	921	EEA	AE A	907
WITH	0/2		030	004	234	233	231	334	434	- 277

INTERMEDIATE COURT CRIMINAL CASES

The same of the same of the same	1999	2000	2001	2002	2003.	2004	2005	2004	2007	2008
The second secon									773.5	
HEARD	18	8	14	9	11	16	22	19	21	14

INTERMEDIATE COURT CIVIL CASES

American Company	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
REGISTERED	230	164	134	128	114	123	190	193	135	107

CIVIL AND CRIMINAL APPEAL CASES [FROM MAGISTRATES COURT TO HIGH COURT]

	1229	2000	2001	2002	2003	2004	2005	2006	2007	2008
HIGH COURT CIVIL APPEAL	San L	8	11	14	19	7	-3	8	*8	8
HIGH COURT CRIMINAL APPEAL	57	67	130	159	75	41	41	23	31	37

HIGH COURT CRIMINAL CASES

Table 1	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
HEARD	19	101	14/	124	22	42	29	22	11	21

HIGH COURT CIVIL CASES

	and the second second second second second	-	A SEASON SERVICES	-	-	-		************	**********		-
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8	REGISTERED	352	245	208	211	214	316	196	74	161	199
8											000
	NAME OF TAXABLE PARTY.		8.2 999			300					
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CIVIL AND CRIMINAL APPEAL CASES [FROM HIGH COURT AND INTERMEDIATE COURT TO COURT OF APPEAL]

Fare Control of the C	1099	2000	2001	2002	2003	2004	2005	2008	2007	2008
COURT OF APPEAL (CIVIL)	14	15	20	17	14	16	21	17	20	29
COURT OF APPEAL (CRIMINAL)	14	30	19	16	10	20	15	14	17	12

LEGAL AID FOR CAPITAL OFFENCES

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	-	100						

LETTERS OF ADMINISTRATION

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Received	253	275	363	343	381	294	318	323	321	326
Issued	180	130	276	254	286	206	264	237	277	268

PROBATE

	1999	2000	2001	2002	2003	2004	2005	2006	2007 2	668
Registered	5	-9	13	4	12	_5	- 9	10	11	10
Issued	4	_1	12	.3	7	2	_ 6	_7	.8	7

BANKRUPTCY

And the second second	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Bankruptcy Notice	-308	326	350	261	343	281	350	387	351	523
Receiving Order	168	203	165	181	218	161	220	303	268	269
Adjudication Order	28	15	*32	80	26	23	- 56	†14	78	- 7
Recission	. 8	_ 6	13	19	7-	1	19	29	35	25
Discharge of Adjudication Order					4	3		0		46
Winding-Up Orders	8	4	6	5	e Leading		3	2	1	2

MARRIAGES AND DIVORCES

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Marriages	178	198	152	168	167	140	158	161	143	132
Divorce	37	19	26	.16	25	20	16	22	21	33

THE REVENUE OF THE SUPREME COURT BRUNEI DARUSSALAM

Subject	2006	2007	2008
Estate Duty	\$859,261.58	\$669,584.87	\$323,204.50
Stamp Duty	\$1,430,556.88	\$4,242,192.98	\$2,021,559.89
Search & Registration	\$18,655.00	\$37,301.00	\$33,760.00
Civil	\$1,138,005.92	\$1,245,332.75	\$1,186,456.95
Criminal	\$1,511,181.42	\$1,735,622.58	\$2,144,078.64
Misc	\$3,150.00	\$3,850.14	\$10,809.67
Total Revenue	\$4,960,810.80	\$7,933,884.32	\$5,719,879.65

COMMITTEE MEMBERS OF THE OPENING OF THE LEGAL YEAR 2009

1. Protocol Committee

Adat Istiadat Department Officers Radin Safiee bin Radin Mas Basiuni Hardy bin Ukit Soffriana bin Hj. Masri

2. Invitation and Secretariat Committee

Hjh Mariah binti Awg, Ali Suzanah binti Hj. Busman Pg. Hjh Rohaiyah binti Pg. Hj. Md. Yassin Hasiah binti Abdullah Masrina binti Bakar

3. Refreshments Committee

Pg. Masni binti Pg. Hj. Bahar Ramzidah PDKD Hj Abdul Rahman Lailatul Zubaidah binti Hj Mohammad Hussain Hazarena binti POKSJDP Hj Abu Hurairah Pg. Hjh. Rohaiyah binti Pg. Hj. Md. Yassin

4. Facilities Committee

Pg. Hj. Mohd. Khairuddin bin Pg. Hj. Hashim Hj Omar bin Hj. Daud Lim Ching State Judiciary Department Officers and Staff

Building Maintenance Committee

Hj. Morshidi bin Hj. Mokhtar Hj. Omar bin Hj. Daud Mohd. Daud bin Hj. Metussin State Judiciary Department Officers and Staff

6. Media & Photography Committee

Mohd. Faisal bin PDJDSP Hj. Kefli Suzanah binti Hj. Sulaiman

7. Finance Committee

Tamin bin Hj. Lamat Hjh. Yalus binti Abdullah

8. Program Committee

Pg. Hjh. Rostaina binti Pg. Hj. Duraman Pg. Darussalam bin Pg. Hj. Abbas Awg. Hj. Md. Yussof bin Begawan Mudim Dato Paduka Hj. Bakar Hj. Badaruddin bin Hj. Abdul Karim Muhammad Zulfadhli bin Hj. Abd. Hamid

Royal Police Force Guard of Honour Committee

Mohd. Faisal bin PDJLDDSP Hj. Kefli ASP Zaila binti Hj. Zaini Pg. Hj. Mohammad Yusra bin Pg. Hj. Mohammad C/Insp. Burhan bin Hj. Abang Insp. Hj. Mohammad S/M Samsudin bin Hj. Bidin Cpl Abu Bakar bin Hj. Momin

10. Receiption Committee

Pg. Hjh. Hanani binti Pg. Hj. Metusain
Radin Safiee bin Radin Mas Basiuni
Ramzidah binti PDKD Hj. Abdul Rahman
Lailatul Zubaidah binti Haji Mohammad Hussain
Dk. Hjh. Norismayanti binti Pg. Hj. Ismail
Dyg, Hjh. Hazarena binti POKSJDP Awg. Hj. Hurairah
Harnita Zelda Skinner
Hjh. Maimun binti Hj. Tajaah
Hjh. Fauzihana binti Hj. Mohammad
Noorhayati binti Hj. Ismail
Rozliani binti Hj. A. Timbang
Norhayati binti Hj. Idris

11. Exhibition Committee

Haji Abdullah Soefri bin POKSM DSP Haji Abidin Dk. Hjh. Norismayanti binti Hj. Ismail Harnita Zelda Skinner Adina binti Hj. Alidin Hj. Badaruddin bin Hj. Abd Karim Hardy bin Ukit Muhammad Zulfadhli bin Haji Abd Hamid Alizah binti Hidup

12. Website Comittee

Dato Paduka Hairol Ami Hj. Abd. Majid Pg. Rostaina binti Pg. Hj. Duraman Pg. Hjh. Hanani binti Pg. Hj. Metusain Radin Safiee bin Radin Mas Basiuni Muhd. Faisal bin PDJLDDSP Hj. Kefli Dk. Hjh. Norismayanti binti Pg. Hj. Ismail Dyg. Hjh. Hazarena binti POKSJDP Hj. Abu Hurairah Hj. Badaruddin bin Hj. Abdul Karim Muhd. Zulfadhli bin Hj. Abd Hamid Hardy bin Ukit Lim Ching Rosliani binti Hj. TImbang Alizah binti Hidup Shaliza Hani binti Ahmad Khan Iswandi bin Hj. Rajali Dk. Noraidah binti Pg. Hj. Ibrahim

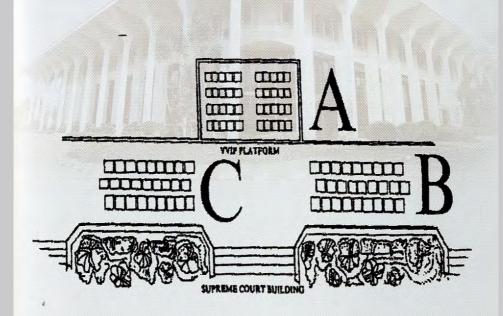
13. Thanks Giving Committee

Soffriana bin Hj. Masri

STINGPLANS

Outside the High Court Building

- A VVIP and VIP
- B Ambassadors/High Commissioners
 Business Communities
 Advocates/Legal Practitioners
 Police and other Prosecuting Officers
 - Schools, ITB/UNISSA
- C 1. Permanent Secretaries
 - Chairman EDB/UBD Vice Chancellor/ITB/UNISSA/ Deputy Chairman PSC/Members of Board of Directors of Yayasan
 - 3. Con Sec Crown Prince
 - 4. Deputy Permanent Secretary
 - 5. Heads of Department
 - 6. Deputy Heads of Department
 - 7. Senior Government Officers
 - Assistants Solicitor General/Legal Counsels/ Legal Officers
 - 9. Officers of Syariah Courts



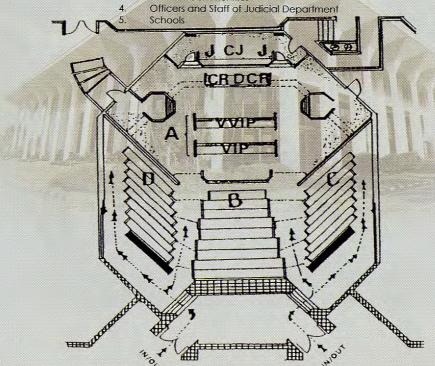
In the High Court Room

A - VVIP and VIP

- B 1. Chief Magistrate/Senior Magistrates/Magistrates and Registrars of the Supreme Court/Officers of the Syariah Courts
 - Assistants Solicitor General/Legal Counsels/Legal Officers
 - 3. Advocates/Legal Practitioners

C - 1. Permanent Secretaries

- Chairman EDB/UBD Vice Chancellor/ITB/UNISSA/ Deputy Chairman PSC/Members of Board of Directors of Yayasan
- 3. Con Sec Crown Prince
- 4. Deputy Permanent Secretary
- 5. Head of Department
- 6. Deputy Heads of Department
- 7. Senior Government Officers
- D 1. Ambassadors/High Commissioners
 - 2. Police and other Prosecuting Officers
 - Business Communities



ACMOWEDGENENDS

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 AND TRADE
INFORMATION DEPARTMENT
MUNICIPAL DEPARTMENT
PUBLIC WORKS DEPARTMENT
ELECTRICAL SERVICES DEPARTMENT
RADIO AND TELEVISION BRUNEI
FIRE AND RESCUE DEPARTMENT

JASTRE

OFFICERS AND STAFF OF THE STATE JUDICIARY

ORGINISING COMMITTEE FOR THE OPENING OF THE LEGAL
YEAR 2009



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