

# THE OPENING OF THE LEGAL YEAR 2002

17 RABIULAWAL 1423  
30 MAY 2002  
BANDAR SERI BEGAWAN



*PEMBUKAAN TAHUN  
UNDANG-UNDANG 2002*

*THE OPENING OF  
THE LEGAL YEAR 2002*

30<sup>TH</sup> MAY, 2002  
17 RABIULAWAL, 1423

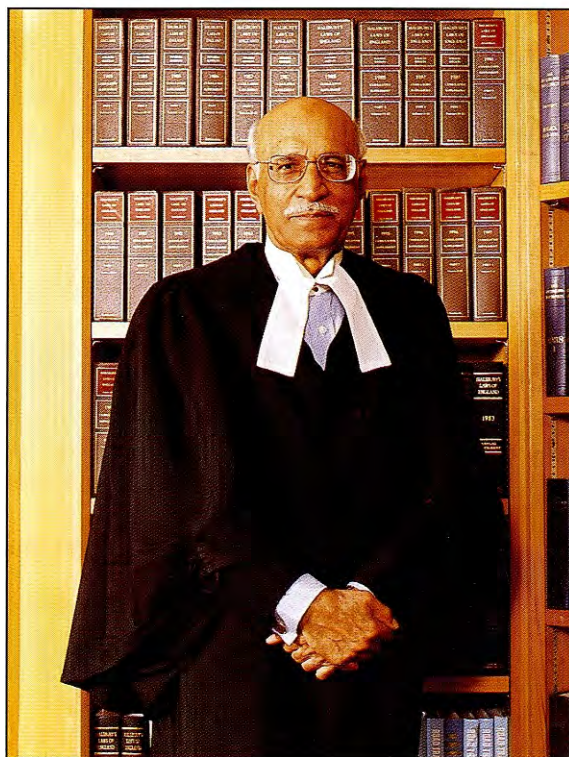




**HIS MAJESTY PADUKA SERI BAGINDA SULTAN HAJI HASSANAL BOLKIAH  
MU'IZZADDIN WADDAULAH IBNI AL-MARHUM SULTAN HAJI  
OMAR 'ALI SAIFUDDIEN SA'ADUL KHAIRI WADDIEN,  
SULTAN AND YANG DI-PERTUAN OF BRUNEI DARUSSALAM**







**THE HONOURABLE MOHAMMAD SAIED  
THE CHIEF JUSTICE OF  
BRUNEI DARUSSALAM**





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## FOREWORD

It is always a great pleasure and privilege to welcome you to the ceremony marking the Opening of the Legal Year. This occasion is not only an opportunity to reflect on the past year but as well to renew our commitment to continuously strive to improve our services and the justice system in order that it is more responsive to the public needs.



The success of this occasion is owed due to the effort of various people. I would like to take the opportunity to express my appreciation and gratitude to the members of the organizing committee and various Government Departments in ensuring that all the arrangements today will proceed smoothly.

On behalf of the Judiciary, I thank you all for your presence today and offer you all our best wishes and a happy and successful 2002.

**HAIROLARNI ABDUL MAJID**  
CHIEF REGISTRAR  
(CHAIRMAN OF THE ORGANISING COMMITTEE)

**SPEECH BY YANG MULIA DATO SERI  
PADUKA SIR DENYS TUDOR EMIL  
ROBERTS, FORMER CHIEF JUSTICE OF  
BRUNEI DARUSSALAM**



Mr Attorney, Pehin Isa, members of the bar of Brunei Darussalam, ladies and gentlemen.

I preface my remarks, as usual, by saying that it is has been a privilege and a pleasure to have taken part in the different ceremonies which together constitute the opening of the Legal Year for 2001 in Brunei Darussalam.

On such occasion, I fell obliged to refer to a number of matters in which further action is required or which are not for some reason wholly satisfactory.

This must not obscure the fact that Brunei Darussalam continues to enjoy an admirable judicial system, though there are minor faults in this. This system has suited the requirements of a society which is multi-cultural and is, I have no doubt, well respected here and abroad for its independence and integrity.

These qualities have never been questioned, as has happened in some countries. Nor has there been any effort to influence the courts improperly in their decisions by any outside authority or persons.

**STATISTICS**

The Court of Appeal sat on two occasions in 2001, dealing with 29 criminal and 15 civil appeals, a total of 44, compared with 26 in 1999 and 23 in 1998.

Thus the work of this Court has remained more or less constant, though it is likely to increase as the case loads of the High Court and Intermediate Court become heavier.

In the High Court, in 2000, there were 44 criminal trials as compared with 16 in 1999 and 9 in 1998. there were 67 appeals from magistrates and 51 in 1999 and 54 in 1998.

237 civil cases were commenced in the High Court in 2000, with 360 in 1999 and 342 in 1998. 47 civil cases went to trial in 2000, whereas 22 did so in 1999

and 25 in 1998. In addition, the civil cases have been more substantial than in previous years.

The Intermediate Court, which has no permanent judge at present, and only three part time judges, dealt with 9 criminal and 6 civil matters, a total of 15, with 23 in 1999 and 24 in 1998. 164 civil actions were started in that court in 2000, with 237 in 1999 and 293 in 1998.

Registrars of the High Court dealt in 2000 with 777 matters, largely interlocutory, compared with 872 in 1999 and 368 in 1997.

It is not always understood that this work by the Registrars is essential and difficult. Without their skill and learning, in a difficult area, the Judges of the High Court would not be able to function effectively in the matters which come before them. I hope that the Attorney-General will be able to release someone for this work.

Brunei Darussalam did not escape the general economic problems which have beset Asia in recent years. As a result, 326 bankruptcy cases were registered and 166 receiving orders were made, compared with 185 in 1999 and 63 in 1998. Furthermore 14 adjudication orders were made, with 28 in 1999 and 29 in 1998.

It can be seen that there has generally been a substantial increase in the work of the High Court, which has fully justified the appointment of two Bruneian Commissioners as full time High Court Judges.

It gives me much pleasure to pay tribute to their skill and learning and to say how pleased I am to welcome them both as permanent colleagues on the High Court. One of them was previously the Chief Registrar. His Majesty has appointed a new Chief Registrar, with much experience. It has been a pleasure to work with her and to express my congratulations on this well deserved promotion.

As a result of these appointments to the High Court, the waiting time for a trial in the High Court has been reduced, so that criminal trials are usually held within about 3 months after committal and a civil trial within about 4 months after it has been set down for trial.

I should also announce that His Majesty has approved my retirement as Chief Justice of Brunei Darussalam during July, 2001, and the appointment to that

office, upon my retirement, of Mohammed Saied, who will be well known here, as he has served both as Registrar of the Supreme Court and as a Judge of Appeal.

I will ask those of you who were about to mark my retirement by shouting " and about time too" or "I've been urging him to go for years", to wait until I have finished speaking before they express their approval.

His Majesty has also appointed Sir Alan Huggins as President of the Court of Appeal from the retirement of Dato Kutlu Fuad in September, 2000 until the end of 2001. From 1<sup>st</sup> January, 2002, His Majesty has appointed me as President. I am delighted to have the chance to serve Brunei Darussalam in the future, even if those who were pleased with my retirement as Chief Justice will have to pretend that they welcome my appointment to the Court of Appeal.

### **MAGISTRATES COURTS**

As usual, Magistrates dealt with far more cases in number than those which come before other members of the judiciary.

For this reason, the general impression of the Judiciary, gained by members of the public, depends to a large extent on that projected by Magistrates.

They are often faced with difficult cases and awkward defendants, many of whom are unfamiliar with the working of the courts.

It is greatly to the credit of Magistrates that, in spite of the pressures of their work, they have invariably retained their patience and courtesy and have managed to project the appearance of a careful, learned and well balanced tribunal, always willing to listen.

Their contribution is vital. It is greatly to their credit that they have never fallen below the highest standards of integrity.

During 2000, Magistrates dealt with 4047 matters (2616 criminal and 1431 civil) compared with totals of 5363 in 1999 and 5316 in 1998.

Due mainly to the longer time which has been necessary in some cases, the waiting time between the first appearance in court of a defendant and the date of his trial before a Magistrate is about 4 months in serious cases and the same time in ordinary cases.

This is too long for a Magistrates Court, which should aim to complete all cases within two months or so of the first appearance of the defendant. I should comment that, to some extent, Magistrates have contributed to this by their kindness in granting adjournments too freely. I hope they will be less willing to do so in future.

Apart from a shortage of courts, to which I will refer later, this desirable target can only be met if there is further reinforcement of the Magistrates, by at least one extra qualified person. I hope that the Attorney-General will be willing to release someone from his chambers for this vital role.

I have noticed, during 2000, that prosecutions have been brought to court with a shorter delay than in previous years. We are grateful to the Attorney-General for his efforts to reduce this period.

All lawyers are also greatly in his debt for the abundant legislation which he has enacted during 1999 and 2000. There was a substantial increase on that of previous years, for which we are most grateful, particular as he no longer describes legislation as being of an emergency nature.

## **OTHER PROVISIONS FOR OFFENDERS**

The Judiciary is still restricted in the punishments which it can impose, only imprisonment, commitment to Rumah Al-Islah and binding over being available.

The main prison, at Jerudong, is gravely over crowded and needs extension or replacement. There is no probation officer.

There is no provision for suspended sentences, spent convictions, community service orders or special institutions for young offenders.

All these matters were mentioned by me at the last Opening of the Legal Year, but nothing has yet been done, as I hope that it will.

## **PUBLIC DEFENDER**

Some months ago, I asked the responsible officer to consider the increase of the fees payable in capital cases to counsel for the defendant. There has as yet been no answer.



However, I mentioned at the Opening of the Legal Year in 2000 the possibility of the appointment of a public defender, who would undertake the defence of anyone charged before the High Court with an offence. For this, there would be a fixed and determinate fee paid to one of the legal firms.

There has been no reaction to this suggestion, which I make again.

## **PUBLICATIONS**

The courts and counsel rely heavily on a number of publications, which contain material essential to the proper trial of a case.

For this reason, it is unfortunate that no Brunei Law Reports have been issued since the volume for 1991. I hope that steps can be taken to publish more recent volumes.

The volume of legislation for 1999 has recently been issued. This is of considerable assistance and I hope that a similar volume for 2000 will be issued as soon as possible.

Volume 2 of the Judgment of the Courts for 1999 has been issued, as have the two volumes for 2000. This shows considerable speed on the part of the Government Printer, to whom we are all grateful.

It should be noted that neither the Law Reports nor the Volumes of Judgments have a proper comprehensive index, covering all the volumes which have been issued. This is badly needed by all those who appear in the courts.

## **LEGISLATION**

The Customs Act has been amended, so that the forfeiture of property, used in the commission of an offence under the Act, usually of smuggling prohibited or restricted goods, is a matter of discretion for the Magistrate. It is no longer mandatory for him to do so, though no doubt he will order forfeiture in an appropriate case, as he does in other offences.

Unfortunately, no steps have been taken to enable the Government to be sued. I can only repeat that is unfortunate to attempt to make Brunei into an investment centre, while at the same time providing that the Government shall be immune from the process of the law, an immunity which does not exist elsewhere.



A businessman who is in conflict with the Government has no recourse to the courts. This can hardly encourage him to invest in Brunei. The removal of the immunity of the Government would not affect that of His Majesty, who will remain inviolate. It is only the negligent acts of government servants that would be subject to action by the sufferer.

If the government is not prepared, as yet, to allow actions to be brought against it, it would go some way to meeting the criticism that the present position is unfair, if the Government were to announce that, in future, all claims against it would be referred to an independent arbitrator, as already happens with most contracts between the Government and a contractor.

No motor insurers bureau has been established to ensure that a person injured by an uninsured driver can receive compensation if the latter is at fault.

The relevant papers in the Singapore Scheme were sent to the Attorney-General in March 1999. There has not yet any announcement that such a bureau is to be established, as I hope that it will in the near future.

The relevant parts of the Legal Profession Act, dealing with the establishment of a Law Society, have not been brought into force.

I hope that this measure will be seriously considered. If there is any apprehension that control of the legal profession may fall into non-Bruneian hands, this can be avoided by providing that the governing body of the Society contains a majority of Bruneian citizens or permanent residents.

I suggest that the time has come for the establishment, as in Malaysia, Singapore and Hongkong, of a Judicial and Legal Service Commission, which would be independent of the Public Service Commission. The Chief Justice, the Attorney-General and someone from the Public Service Commission might be members of it.

The new Commission would consider all appointments of qualified persons to the judiciary, the Attorney-General's Chambers and to any other legal post and all promotions to these posts. It would forward to the responsible authority, for submission to His Majesty where necessary, any such appointments or promotions.

## **FINANCE**

Many of the improvements necessary within the Judiciary require additional finance.

I need not emphasize how important it is the courts should be able to function effectively. This is vital to the reputation that of the government and to the maintenance of proper order in the state.

The Supreme Court building is about 18 years old and requires extensive maintenance. It is already in a poor condition in various places.

In addition, substantial expenditure is required on the air conditioning system, though this has been rejected by the Ministry of Finance.

There is a shortage of courts. It will be necessary to convert a room in the Supreme Court and to employ part of the old state secretarial building to deal mainly with traffic cases. Each measure will involve some expenditure.

We are informed that the new courts in Kuala Belait are likely to be completed before the middle of 2001.

Inevitably, there will be considerable expenditure involved in the opening of this new court, among it being provision for furniture, personnel and books.

The Supreme Court library should be properly maintained, with annual supplements to reports and new text books. Our requests for additional funds for this purposes have been rejected.

While I appreciate the public funds are short, it is nevertheless essential that they should be provided to the Judiciary, if this is to perform its various tasks effectively.

## **POLICE**

I am grateful to the Commissioner of Police for the fine guard of honour which I inspected earlier. The provision of this guard is an essential part of the Opening of the Legal Year, as it emphasizes the important part played in the maintenance of stability in Brunei Darussalam by the police.

It is greatly to their credit, that they have retained the confidence of the public in the impartial and intelligent way in which they carry out their duties.

It should not be forgotten that the duties of a police officer are demanding and often dangerous and unpleasant. We should all be glad that we are still able to recruit persons willing to deal with society's awkward problems and persons and that, in general, police officers have performed their difficult duties so well.

## **LEGAL PROFESSION**

There were nearly 80 practising certificates issued in 2000 and about the same number so far in 2001.

The changes made to the Legal Profession Act in 1999 will make it possible for inexperienced Bruneians to practice. Non-Bruneian lawyers, though this will not apply to those already in practice, will be required to have a minimum period of experience elsewhere.

There is provision in the new pupillage rules for a person first qualified on or after 1<sup>st</sup> January 2001 to undergo pupillage, though there are certain exceptions to this, before practising on his own. I am sure that this is desirable, so that new entrants may learn what legal practice demands.

I should take this opportunity to pay tribute to the legal profession, which has served us well in the past, often in circumstance of some difficulty, particularly since the economic problems of the last couple of years.

## **THANKS**

This occasion involves much preparatory work, especially by the staff of the Judiciary. I am glad to pay tribute to the Chief Registrar and her assistants, who have done so much to ensure that the arrangements for today will be smooth.

May I also thank the members of the staff of the Judiciary, including the clerks, stenographers and other personnel, without whose ready help the judiciary could not operate properly.

The gratitude of the judiciary should also be expressed to those of you, who are not lawyers and have attended this occasion.

It is essential, I have no doubt, that persons who are not lawyers should attend these ceremonies to demonstrate the fact that there is a lasting interest in the judicial system, which exists to serve the community.

It remains greatly to the credit of the Brunei Government that the rule of law prevails in the state and that the courts are independent and continued to ensure a proper protection, under the law, of the rights of the individual.

**SPEECH BY**

**DATO PADUKA KIFRAWI BIN DATO PADUKA  
HAJI KIFLI**

**ATTORNEY GENERAL  
ON THE OPENING OF LEGAL YEAR, 2001  
30 MAY, 2002**



Bismillahir Rahmanir Rahim,

Assalamualaikum Warahmatullahi Wabarakatuh,

My Lord, Judges of the High Court.

Yang Berhormat, Pehin Orang Kaya Laila Setia Bakti Diraja Dato Laila Utama Awang Haji Isa bin Pehin Datu Perdana Manteri Datu Laila Utama Awang Haji Ibrahim, Special Adviser to His Majesty The Sultan and Yang Di-Pertuan of Brunei Darussalam in the Prime Minister's Office and Minister of Home Affairs.

Distinguished Guests,

Ladies and Gentlement,

It gives me great pleasure as always to be able to address this court as Attorney General on the formal opening of the Legal Year.

We are thankful to Allah Subhanahu Wataala for his blessings in making it possible for us to once again to be present at this ceremony this morning to observe a very important legal tradition and to renew our pledges of co-operation and mutual support in the proper running of our machinery of justice and to uphold the Rule of Law.

My Lord,

At this ceremony, it has become appropriate for us to reflect on the trail of our past year and try to chart our journey to the future.

**New Legislation**

Since the opening of the legal year at the first turn of the new century, several legislations have been passed. I would like to mention briefly one some of them.

### **Legislation to support the Brunei International financial Centre**

The Attorney General's Chambers had been actively involved in the introduction of several new legislations to support the Government's initiative in establishing Brunei as an International Financial Centre. These legislations include the **International Banking Order, 2000, the International Business Companies Order, 200, the Registered Agents and Trustees Licensing Order, 2000, the International Trusts Order, 2000 and International Limited Partnerships Order, 2000**. Most of these legislations came into effect from 1st July of the last year.

### **Legislation to support E-commerce and Electronic Government.**

Several new legislations have also been introduced to support the Government's effort in trying to encourage the development to electronic commerce in the country. The most important of which is the introduction of the **Electronic Transactions Order, 2000** which was approved by His Majesty on the 20th November last year. Once this legislation comes into full effect, it will amongst others, give legal validity, to contracts formed electronically, recognises digital signatures and certification authorities. The law will provide a secure legal infrastructure from which electronic transactions can take place.

The new legislation also provides a general provision that will allow Government Departments and agencies to embark on their electronic Government or the e-Government initiatives without having to substantially reamend the existing legislations.

Whilst the Internet revolution and electronic commerce will provide another business platform for our businesses, they have also generated new challenges for the law enforcement. New crimes are brought about by the new technology. Previously for example, "theft of services" was unknown to our Penal Code. But now there are people who profited by gaining unauthorised free access to the Internet Service Providers by either stealing someone else's passwords or simply "hacking" his way through the computer system of the Internet service provider. Globally, we have heard of cases of where computer systems were broken into and valuable data stolen by these unauthorised accesses.

Thus realising "Computer hacking" and other cyber crimes can inhibit the development of electronic commerce and the proper use of IT, one of the most important initiatives recommended by the Attorney General's Chambers is the introduction of the **Computer Misuse Order 2000**, which introduces a new

set of offences specifically to address the possible abuses of information technology and the Internet. This law came into effect on the 21st June of last year.

It is comforting to note that Brunei is amongst the first few countries in this region, to have introduced such a comprehensive provision.

I personally believe that any legal system that does not prepare itself to these new challenges will only create itself a haven for such new type of criminal activities.

Whilst the Government is committed to developing the positive aspects of the Internet and the tremendous benefits and opportunities it can bring to our society, the Government is also aware of the negative side of it. The proliferation of undesirable Internet content or sites such as cyberporn sites or Internet gambling, like other countries, is also a key concern here.

Therefore the Government has recently introduced a new **Internet Class licensing scheme** and an **Internet Code of Practice**. These new regulations which came into effect yesterday (12th February 2001) are a set of subsidiary legislations to the Broadcasting Act (Chapter 180). The primary purpose of these subsidiary legislations is to regulate local Internet content so as to ensure that any content that is provided by the local content provider is not against the public interest or national harmony or which offends against good taste and decency.

### **Internal Development at the Attorney General's Chambers**

Touching on the subject of Information Technology, I would like to share with your Lordship, the latest development that is currently taking place in my Chambers. From the beginning of this year, we have embarked on a very ambitious internal IT development project. This is in line with the Government's initiative in trying to promote electronic Government and greater use of IT. We have deployed a full network infrastructure at the Law Building and with the exception of the Registry of Trademarks and Patent, we have now achieved full network connectivity not only to our internal productivity applications but as well as to the Internet on an ADSL line. We have now fully achieved a one to one PC ratio amongst all the officers in every division of my Chambers. We have also deployed a number of applications focussing on how we can use the current Internet technology to develop an intranet system. The entire system is now managed by the newly set up IT unit in my Chambers.



In this respect, I would like take the opportunity to express my gratitude to the Prime Minister's Office, the IT and State's Store Department of the Ministry of Finance and to the Director of Governemnt's Printer himself, who has given his personal support and advice in the initial implementation of the entire project.

At this juncture, I would also like to offer our assistance to the Judiciary in this area as I believe that cooperation in the IT development can bring mutual advantage to both the Chambers and the Judiciary.

As we have now seen that the Internet has given us vast amount of knowledge and information litrally at our fingertips, I personally see that the real challenge in this so called knowledge-based economy is how we can manage knowledge itself. Personally, I believe that the formula to this "knowledge management" would involve finding the most efficient and effective ways of extracting personal knowledge or information and converting them into "an organisational knowledge". This is where I see that Information Technology and the innovations that come with it becoms the real answer to this challenge.

As Your Lordship had earlier indicated that my Chambers had managed to shorten the delay in prosecutions. This is largely credited to the effort of the DPPs in the Crime Division of my Chambers who sometimes had to endure longer working hours and the regular consultations that we have with the law enforcement agencies in ensuring that delays are avoided. Although this will remain as a continuing exercise, I must however stress that external factors like delay in receiving Forensic Expert Report which is normally acquired from outside the country and the unavailability of these expert witnesses to give evidence may still cause such delay. Until such a time Brunei has its own experts, such delay may still occur.

### **Legislation to protect the less fortunate and defenceless**

My Lord,

It has often been said that in whatever goals in any given society, to achieve peace and stability, to achieve a better social and economic environment and greater prosperity to its citizens – the law is an essential tool to achieving them. We need laws to define the people's rights and obligations and establish the ground rules for business transactions and individual rights. A good law that meets these requirements will provide a solid basis upon which to build for the future.



In the era of globalisation and in an ever-increasing borderless world, we need laws that are seen to be a facilitator rather than as an impediment or we risk being marginalized. We need laws that can remove barriers because once barriers are removed, the society will open itself to creative activity and greater economic activity where everyone can benefit.

However, good laws must be accomplished without sacrificing the moral and the religious values we uphold and our obligations to the defenceless and the less fortunate.

In this context, **The children Order, 2000** is one of the most important legislation passed last year with a primary aim to reduce the incidence of child abuse in the country. The law provides the setting up of an inter-agency Action Team on Child Abuse for the purposes of coordinating locally based services to families and children where the children are or are suspected of being in need of protection.

#### **Legislation to protect the consumers and society**

In the context of consumer protection, the Emergency (Public Health) (Food) Order 1998 and its subsidiary legislation, the Public health (Food) Regulations, 2000 came into effect on 1st January, 2001. The legislation is in general intended to ensure that all types of food sold in the country are fit for human consumption.

#### **Legislation to protect the environment**

In the context of protecting our environment especially in preserving our rain forest, the punishment against illegal logging and various other illegal activities under the forest Act has been increased. This move is appropriate in line with our effort to promote Brunei as an eco tourist destination.

### **Ways Of The Future Continuing Legal Education**

My Lord,

In order for our legal service to remain relevant in the face of the new challenges of this century, I firmly believe that new ways have to be explored in ensuring that all the legal practioners in Brunei are better equipped with new knowledge in the new areas of the law.

New legal areas such as in offshore finance and banking, Islamic/Syariah Law, Islamic banking and financing, cross-border work, intellectual property, electronic commerce and World Trade Organisation (WTO) work are amongst the many emerging new legal areas where legal expertise would have to be acquired. This new knowledge can only be acquired through a learning process. Therefore, we should consider making it compulsory for a continuing legal education amongst our legal practitioners. If the legal practitioners equip themselves with this new knowledge, they can themselves become a truly global legal service provider.

In this respect, I would like to mention that the University of Brunei Darussalam has introduced a Diploma in Syariah Law and I would encourage more legal practitioners to take up this course. As the Government have an ambitious plan to be one of the leading Islamic Financial Centre under the BIFC (International Financial Centre) initiative, such new legal knowledge would be an added value to all legal practitioners, more so when the Islamic financial system has gained a foothold in the global financial market.

## **Conclusion**

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

I am very pleased with the good relations which have long existed between my Chambers and the Judiciary as well as with the private practitioners and I hope this will continue in the years to come.,

I would also like to thank the Commissioner of Police and his officers as well as the other law enforcement agencies for their assistance and cooperation and in their continuing effort in the preservation and the maintenance of Law and Order. In conjunction with the Visit of Brunei Year, 2001, we will together make sure that Brunei Darussalam continues to be a peaceful, safe and liveable place for those who are here including our tourists.

Finally may I take this opportunity with Your Lordship and to everyone present this morning a successful and prosperous 2001.

**ADDRESS BY 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,  
REPRESENTING THE LEGAL PROFESSION  
AT THE OPENING OF THE LEGAL YEAR 2001**



Bismillahir Rahmanir Rahim,

My Lord Chief Justice,

May it please Your Lordship,

I am deeply honoured to be given the privilege, for the second year running, of participating in these colourful ceremonies marking the opening of the Legal Year.

And I am grateful to Your Lordship for inviting me in my personal and professional capacity to address the court on behalf of the legal profession.

My Lord,

I could feel that Your Lordship's announcement of your retirement as Chief Justice at the end of July this year was received with a sense of shock at the impending departure of a most respected, highly experienced and very wise judicial figure who has contributed immeasurably to the strong and sound judicial system that Brunei Darussalam is proud to have today.

That initial sense of despair, however, soon dissipated and has been replaced by a feeling of relief in the knowledge that Your Lordship, after a well earned leave, will be coming back to these shores as President of the Court of Appeal. I can now understand the anticipation felt by the population of a certain neighbouring country when a certain famous general said "I shall return". I am not suggesting that when Your Lordship returns to Brunei Your Lordship should jump off a landing ship and wade ashore on Muara beach.

My Lord,

On a more serious note, I know I speak for my colleagues when I say that the Legal Profession warmly welcome Your Lordship's new appointment and I wish to assure Your Lordship that this welcome is genuine and not pretended.

We are also pleased to learn of the other important appointments which Your Lordship has just announced. In particular we extend warm congratulations to Datin Hayati and Awang Steven Chong on their appointment as full-time High Court Judges, and to Pengiran Hajah Zabaidah on her appointment as Chief Registrar and Judge of the Intermediate Court.

My Lord,

These three appointments are a clear indication of the confidence His Majesty has in the ability of locals to work effectively alongside their expatriate colleagues at the higher levels of the judicial hierarchy.

The judiciary, under Your Lordship's able leadership, is to be highly commended for its impressive achievements as reflected in the statistics which Your Lordship has given.

My Lord,

Your Lordship has today, as Your Lordship did last year, referred to a number of issues still requiring attention. In so far as such issues affect government policy, doubtless the best person to handle them is the learned Attorney-General, who I am sure has taken careful note of Your Lordship's comments.

My Lord,

The legal profession wishes to be associated with Your Lordship's tribute to the Attorney-General for his efforts in producing such abundant legislation covering a rich variety of subject-matters.

Returning to the various issues still requiring action, it remains for me to renew our support for Your Lordship's many constructive suggestions.

My Lord,

Early this month I attended a meeting at which 25 practitioners representing 15 firms participated.

Naturally the matters discussed at that meeting were those which have a direct bearing on practitioners' work and a number of these Your Lordship has referred to in Your Lordship's remarks.

I will mention only some of the points which practitioners wish me to include in my address.

My Lord,

It has been suggested that the Magistrate's Court Mentions System should be streamlined so as to achieve efficiency in the disposal of cases.

That a small Claims tribunal should be set up to deal with claims of, say, \$5,000 and below. This, it is believed, will result in better usage of the Court's and lawyers' time.

The Law Reporters should be appointed in order to produce a systematic reporting of judgements.

A proper comprehensive index, as Your Lordship has pointed out, is long overdue.

That although there are provisions for the enforcement of Malaysian High Court judgements in Brunei, there is no reciprocal recognition of Brunei High Court judgements under Malaysian laws. There is therefore an urgent need to extend reciprocal enforcement arrangements to other jurisdictions in view of Brunei's plan to evolve as an international offshore financial centre.

The problem of lack of reciprocity in the current economic climate has led to a situation whereby some foreign debtors have fled the country to avoid enforcement of judgements obtained in Brunei against them.

My Lord,

Your Lordship has referred to the changes made to the Legal Profession Act in 1999 one of the effects of which is that inexperienced Bruneians can practise, whereas inexperienced lawyers from elsewhere cannot.

I can only surmise, My Lord, that whoever drafted the changes must have had in mind the proverb "Charity begins at home".

My Lord,

There is another matter concerning which the legal profession has been waiting for action to be taken and that is the formation of a Law Society. I am sure Your Lordship would agree that among the advantages which a Law Society would provide are –

- That a Law Society could help provide a continuing legal education to keep the profession up to date on changes in the law;

- That it could act as a medium through which the legal profession can express its views; and
- That it Could promote greater interaction between private practitioners and their brothers and sisters in Law in government service. Such interaction will be beneficial not just to lawyers in private practice, but also to lawyers in government. Recent events have shown that even lawyers holding the most senior positions in government have, either by design or force of circumstances, found themselves to be in need of a Practising Certificate.

My Lord,

I am aware of concerns raised previously about a Law Society being dominated by foreign lawyers. But such concerns are no longer valid today since local lawyers, ie. Brunei citizens and Permanent Residents in private practice outnumber foreign lawyers.

Appropriate provisions could also be included in its constitution to address any fears that the Law Society might be involved in political activities.

My Lord,

As today is the final occasion on which Your Lordship is presiding at the opening of a Legal Year, may I on behalf of the legal profession and on my own behalf, bid Your Lordship a fond farewell and at the same time express our deep appreciation and gratitude for the unfailing courtesy, forbearance and patience which Your Lordship has always shown towards lawyers whenever they appeared before Your Lordship both in open court and in Chambers.

We wish also to offer our heartiest congratulations to Your Lordship on Your Lordship's forthcoming assumption of the Office of President of the Court of Appeal in which office we are confident that Your Lordship will continue to contribute towards the further strengthening of the Brunei Darussalam judicial system.

My Lord,

I do realize that by raising so many matters of interest only to a limited section of Your Lordship's audience, I may have inadvertently turned what is intended to be a special and interesting ceremonial occasion into a mundane Courtroom proceeding. For that I humbly apologize.

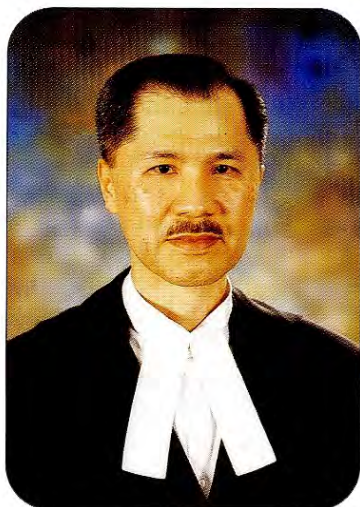
May it please Your Lordship.

OFFICERS OF  
THE JUDICIARY  
BRUNEI DARUSSALAM  
AS OF THE YEAR  
2002





Justice Datin Paduka Hayati POKSD-  
SP Haji Mohd Salleh  
*Judge, High Court*



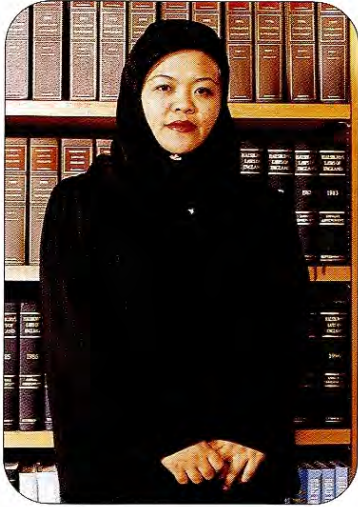
Justice Steven Chong Wan Oon  
*Judge, High Court*



Hairolarni Haji Abd Majid  
*Chief Registrar/  
Intermediate Court Judge*



Liew Siew Yen  
*Deputy Chief Registrar/Acting  
Intermediate Court Judge*



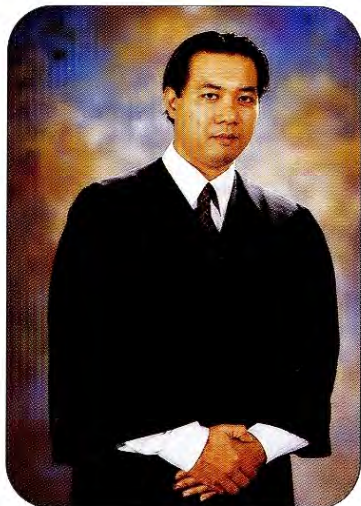
Dk Hj Hanani binti Pg. Haji  
Metussain  
*Senior Registrar, Supreme Court*



Dk Rostaina binti Pg Hj Duraman  
*Senior Magistrate,  
Subordinate Courts*



Fathan bin Hj Anuar  
*Registrar,  
Supreme Court*



Ridzlan bin Hj Ibrahim  
*Magistrate,  
Subordinate Courts*

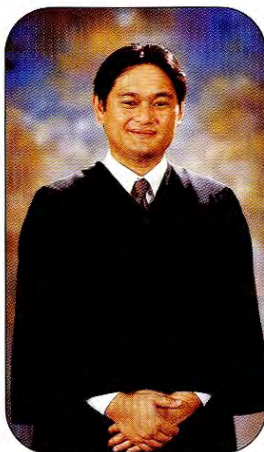




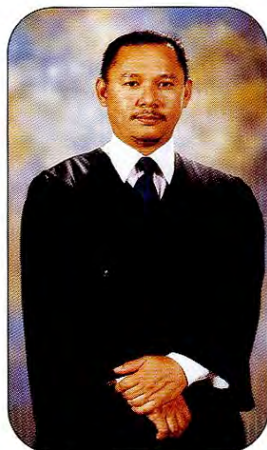
**Radin Safiee bin Radin Mas  
Basuini**  
*Senior Registrar,  
Supreme Court*



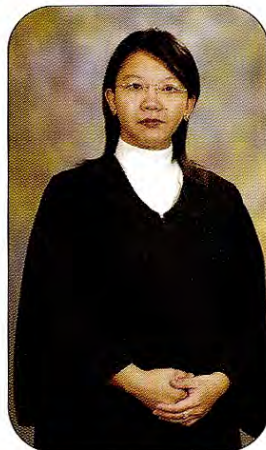
**Ramzidah POKD      Hj**  
**Abdul Rahman**  
*Registrar,  
Supreme Court*



**Muhammed Faisal bin  
Pehin Dato Hj Kefli**  
*Magistrate,  
Subordinate Courts*



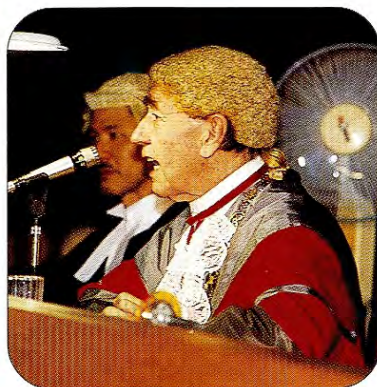
**Hj Abdullah Soefri bin Dato  
Paduka Hj Abidin**  
*Senior Magistrate,  
Subordinate Courts*



**Dk Masni binti Pg Hj Bahar**  
*Magistrate,  
Subordinate Courts*

PEMBUKAAN TAHUN  
UNDANG-UNDANG

OPENING OF LEGAL  
YEAR 2000





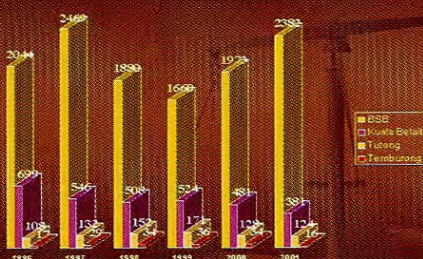




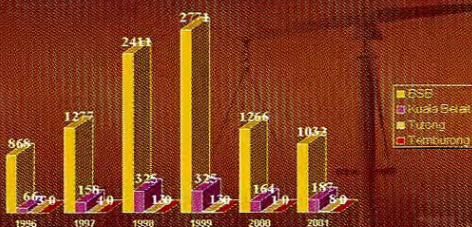


# *STATISTICS*

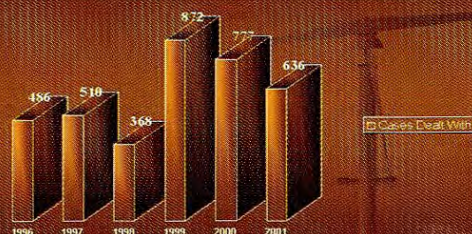
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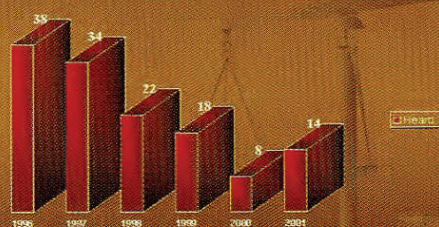
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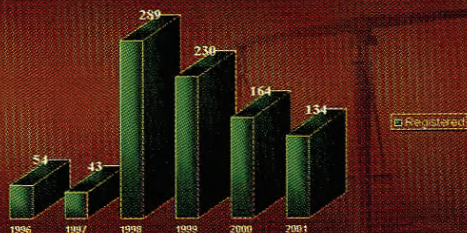
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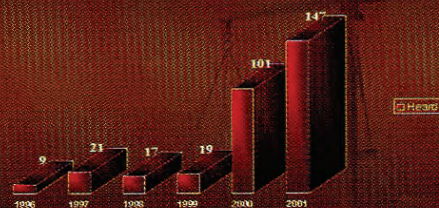
### INTERMEDIATE COURT CRIMINAL CASES 1996 - 2001



### INTERMEDIATE COURT CIVIL CASES 1996 - 2001

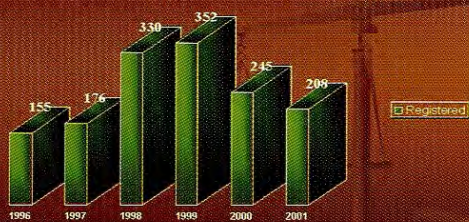


### HIGH COURT CRIMINAL CASES 1996 - 2001

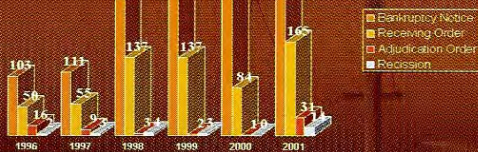




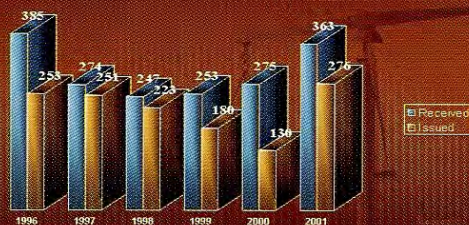
### HIGH COURT CIVIL CASES 1996 - 2001

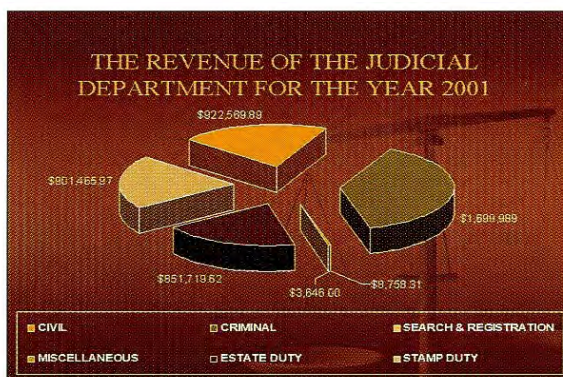
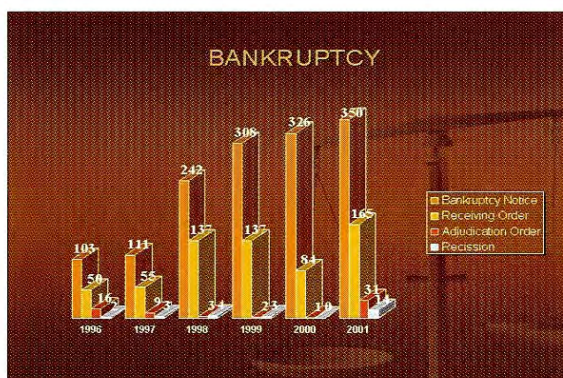
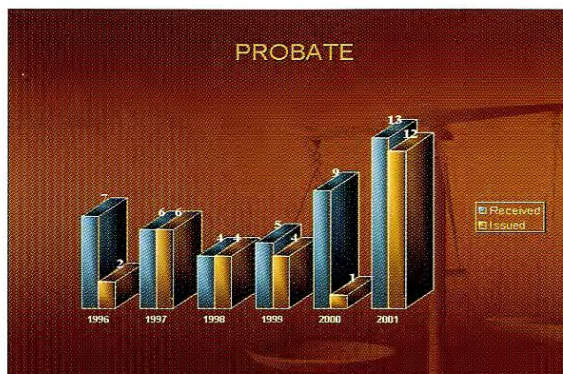


### BANKRUPTCY

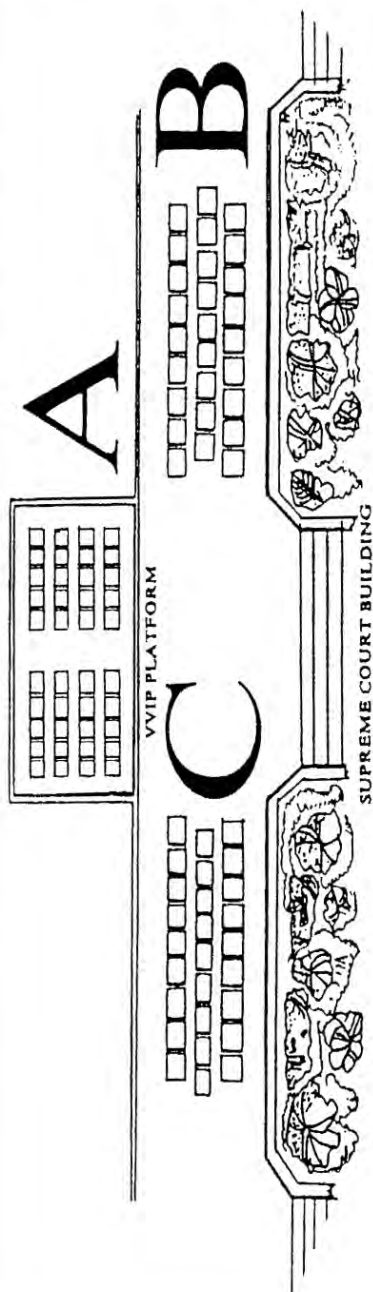


### LETTERS OF ADMINISTRATION





# SEATING PLANS



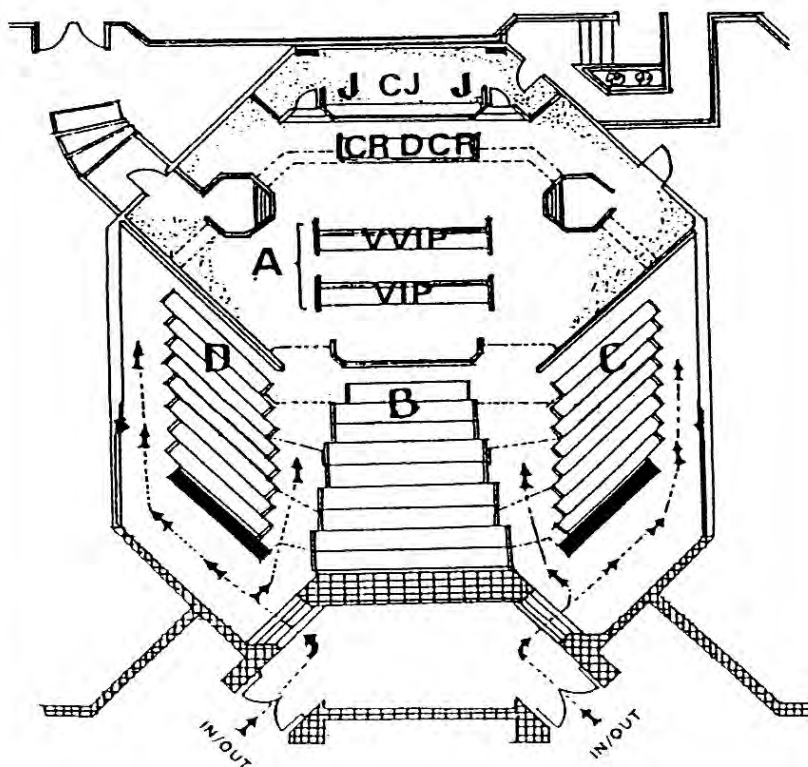
## DI LUAR BANGUNAN MAHKAMAH

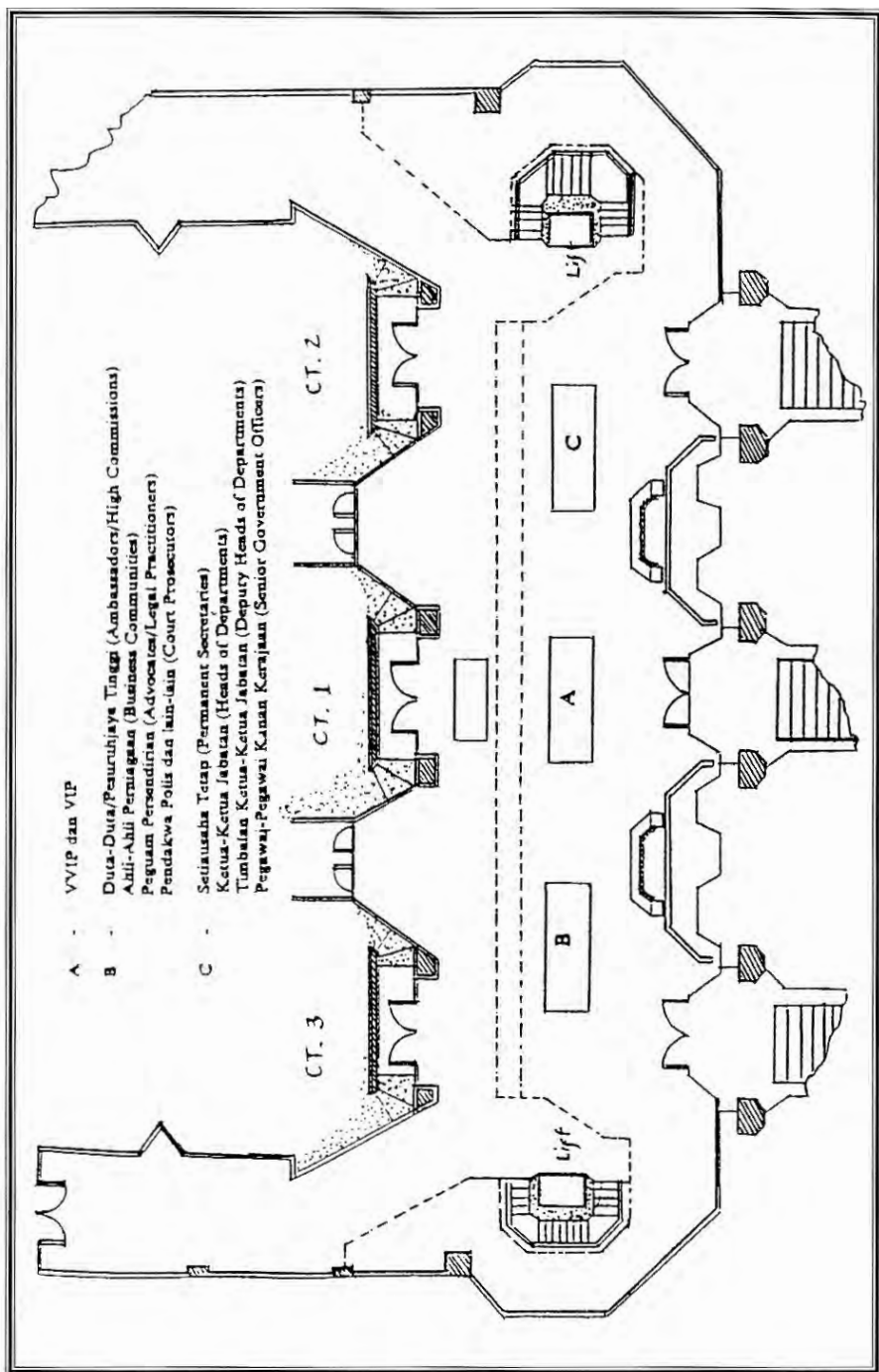
- A - VVIP dan VIP
- B - Duta/Duta/Pesuruhjaya Tinggi(Ambassadors/High Commissions)  
Ahli-Ahli Perniagaan(Business Communities)  
Pegawai Persendirian (Advocates/Legal Practitioners)  
Pendakwa Polis dan lain-lain (Police and other Prosecuting Officers)
- C - Setiausaha Tetap (Permanent Secretaries)  
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





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## ACKNOWLEDGEMENTS

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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 2001  
AND OFFICERS AND STAFF OF THE JUDICIARY

## NOTES

## NOTES

## NOTES



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