

THE OPENING OF THE
LEGAL YEAR
2018

6TH FEBRUARY 2018
20 JAMADILAWAL 1439H

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*His Majesty 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*



Excerpts From His
Majesty's Titah



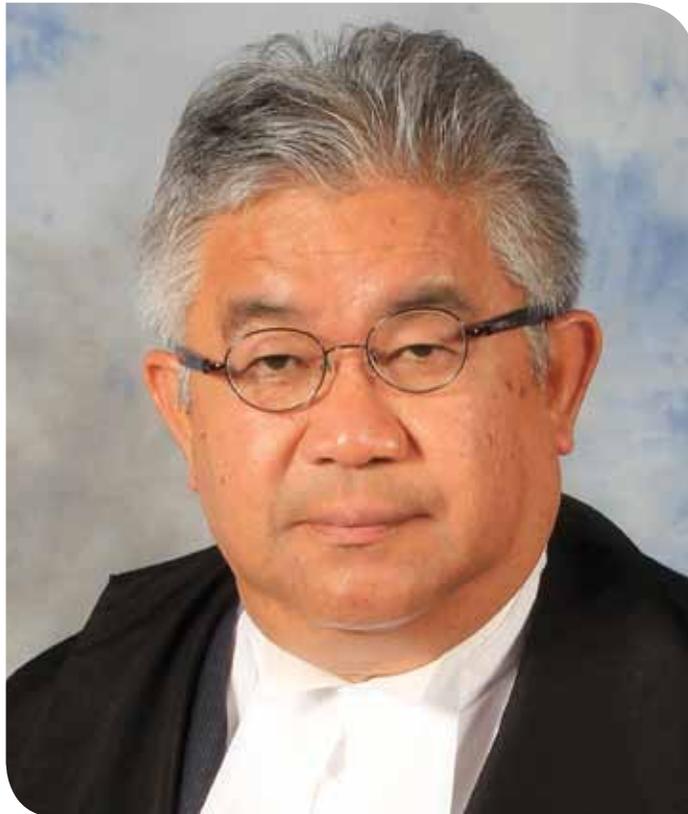
“Sesungguhnya adalah harapan Beta supaya pada suatu ketika nanti semua pegawai-pegawai dan kakitangan kehakiman kita akan kesemuanya terdiri dari rakyat Beta iaitu sepertimana juga kedudukan Jabatan Undang-Undang sekarang. Tetapi yang penting sekali ialah memelihara kedudukan Kehakiman yang adil dan saksama. Ke arah itu Beta menggesa rakyat Beta khususnya mereka yang masih berada di bangku sekolah dan institusi-institusi pengajian tinggi untuk juga memilih mata pelajaran-mata pelajaran undang-undang supaya pada satu ketika nanti mereka dapat memainkan peranan yang penting di dalam pentadbiran kehakiman dan kepeguaman baik di sektor Kerajaan mahupun di sektor swasta”.

Petikan Titah Kebawah Duli Yang Maha Mulia Paduka Seri Baginda Sultan Hassanal Bolkiah Mu'izzaddin Waddullah, Sultan dan Yang Di-Pertuan Negara Brunei Darussalam sempena Istiadat Pembukaan Rasmi Bangunan Baru Mahkamah Besar Negara Brunei Darussalam pada 15 Mac 1984.

“Although it is my hope that one day all our judicial officers and staff would be from my subjects as can be found in the Legal Department now, but the most important factor is the maintenance of the status of a just and impartial judiciary. Towards this end I call upon my subjects especially those who are still in schools and institutes of higher learning to choose law as a subject which they should pursue so that in future they would be able to play an important role in the administration of justice and laws either in the public sector or the private sector”.

Titah of His Majesty Sultan Hassanal Bolkiah Mu'izzaddin Waddullah, Sultan and Yang Di-Pertuan of Brunei Darussalam at the Official Opening of the New Supreme Court Building of Brunei Darussalam on 15th March, 1984.

The Hon. Chief Justice of
Brunei Darussalam



The Honourable
Dato Seri Paduka Haji Kifrawi bin Dato Paduka Haji Kifli
Chief Justice of Brunei Darussalam

FOREWORD

by The Hon. Chief Registrar of Supreme Court

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
السَّلَامُ عَلَيْكُمْ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ



It is always a great pleasure and privilege to welcome you to the ceremony marking the Opening of the Legal Year.

This occasion not only reflect on the past year but also renew our commitment to continuously strive to improve our services and the justice system in order to be more responsive to the public needs.

In recognition of providing increased services, 2017 saw significant developments benefitting to the Judiciary and Court users. We welcomed the establishment of the Commercial Courts and as of March 2017, we introduced the new filing code for commercial cases. We recruited new officers and staff. We welcomed and look forward to working with our new Deputy Official Receivers, Legal Assistants,

Courts Recorders, Bailiff, I-Ready apprentices and clerical staff.

As part of our continuous effort to strive for judicial excellence, we congratulated our five judicial officers on being part of our pool of accredited mediators associated with the Singapore Mediation Center (SMC). We look forward to more officers participating in such continuing professional development.

In 2017, the judiciary also hosted the 5th Council of the ASEAN Chief Justices and the 39th ASEAN Law Association (ALA) Governing Council meeting. This two day event amongst others, allows for the setting up of an online portal aimed at providing members with useful legal information.

I would like to take this opportunity to express my heartfelt gratitude and appreciation to all the Judicial Officers and Staff for their continuous commitment, support, integrity, perseverance and unity to meet the ever increasing expectation of legal services entrusted upon us.

In addition, the success of today's occasion is owed due to the effort of various people. I would like to extend my appreciation and gratitude to members of the organizing committee and the various government departments in ensuring that today's ceremony runs smoothly.

On behalf of the Judiciary, I thank you for your presence today and offer you all our best wishes and a happy and successful 2018.

The Hon. Justice Pengiran Datin Paduka Hajah Rostaina binti Pengiran Haji Duraman
Judicial Commissioner / Chief Registrar of the Supreme Court
(Chairperson of the Organising Committee)



Mission Statement



Mission

“Administration of Justice”

Objective

“Upholding the Rule of Law”

Goals

“Securing Justice”

“Enhancing Access to Justice”

“Preserving Public Trust and Confidence”

Values

“Taqwa”

“Independence”

“Accountability”

“Timelines”

“Accessibility”

“Equality and Fairness”

“Integrity”

Principle

“To Faithfully discharge judicial duties”

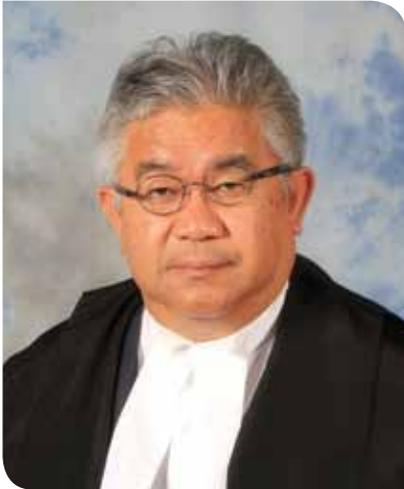
“To do right to all manner of people after the Laws and Usage
of Brunei Darussalam without fear or favour affection
or ill will to the best of their ability”

“To be faithful and bear true allegiance to
Brunei Darussalam”



Speeches during the Opening
of the Legal Year 2016





THE HONOURABLE CHIEF JUSTICE

Dato Seri Paduka Haji Kifrawi bin Dato Paduka Haji Kifli



Introduction

Yang Teramat Mulia Paduka Seri Pengiran Anak Puteri Hajah Muta-Wakkilah Hayatul Bolkiah binti Kebawah Duli Yang Maha Mulia Paduka Seri Baginda Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah,

The Honourable Attorney General,
The Honourable Chief Judge of the Syar'ie Court,
President of Brunei Darussalam's Law Society, Justices, Judges,
Members of the Bar, Distinguished Guests, Ladies and Gentlemen,

Assalamualaikum good morning and welcome.

On behalf of Brunei Judiciary, I would like to extend a warm welcome to everyone here this morning and convey my gratitude for attending today's ceremony marking the opening of the Legal Year.

The opening of the legal year should be regarded as a gathering to bring together the legal fraternity and everyone concerned with the law, to celebrate liberty and justice and as well, to reaffirm our commitment to continue to uphold the principles of the rule of law and the independence of the judiciary.

While we realize that the effectiveness and quality of any judiciary has been defined and measured mainly with reference to the use and support of IT infrastructure, access to courts and availability of Alternative Dispute Resolution (ADR) however, we believe they are not sufficient measures unless we can be confident that we have secured justice in our courts system which is the ultimate goal and function of the judiciary.

We remind ourselves that ultimately it is the human factors that play the leading role in handing down the process of justice. To this end, we always remind ourselves to strive to better serve and to be fully accountable to the public by being efficient and fair.

It is therefore essential that the members of the Judiciary and the legal fraternity be of utmost competence and carry themselves with unassailable integrity. This is especially true if we, as servants of the law, are to command and maintain public trust and confidence.

Congratulations

I am very happy to announce that last year His Majesty The Sultan and Yang Di-Pertuan appointed 6 new intermediate Court Judges to the bench. I believe this is befitting and timely, in order that they be well acquainted with the work in the higher court and to provide them with the effective practical tools and experiences in the process of decision making.

Our congratulations goes out to the Deputy Chief Registrar Radin Safiee bin Radin Mas Basiuni, Chief Magistrate Muhammed Faisal bin Pehin Datu Juragan Laila Diraja Kol (B) Dato Seri Pahlawan Haji Kefli, Senior Magistrate Haji Nabil Daraina bin Pehin Udana Khatib Dato Paduka Seri Setia Ustaz Haji Badaruddin, Senior Registrar Ramzidah binti Pehin Datu Kesuma Diraja Kol (B) Haji Abdul Rahman, Senior Magistrate Pengiran Masni binti Pengiran Haji Bahar and Senior Registrar Dayangku Hajah Norismayanti binti Pengiran Haji Ismail.

Without a doubt, the Judiciary is further strengthened following these appointments. Also in this auspicious occasion, I would like to congratulate Mr. Haji Mohd Rozaiman bin Dato Seri Laila Jasa Haji Abdul Rahman for his second term appointment as President of the Law Society. Despite his reluctance to be reelected, I am confident he will continue to lead the Law Society with the best intentions and continue the excellent work he had done during the previous term in office. Congratulations are also due to Mr. On Hung Zheng for being elected as Vice President.

Statistics

I do not want to bore you with the Court statistics. As usual, you can find them in our annual legal year program, but for this morning, allow me to highlight some aspects of it.

Bankruptcy

On bankruptcy, with respect to the statistics gathered for the last five years (from 2010 to 2015), there has been a gradual increase in the number of Bankruptcy Notices filed but despite that, the most glaring feature here is the exceptionally high number of rescissions on the Receiving Orders and discharges of Adjudications Orders from 18 in 2010 to 95 in 2015 and 1 in 2010 to 10 in 2015 respectively. What this means is that there have been more judgment debtors who have been able to be released from bankruptcy proceedings than previously before.

It is noted that at creditors' meetings, banks have been allowing judgment debtors to consolidate their debts and providing them with bridging and restructuring loans to help them get out of their predicament. This is a welcoming initiative which I hope will continue.

I would now like to report on the Judiciary's ongoing initiatives.

Commercial Court

We are pleased to announce the establishment of a Commercial Court to be presided over by the Intermediate Court Judges. This project is embarked on by the Judiciary to expedite the hearing of commercial cases. Such cases will be given priority of hearing dates when possible to ensure that they are dealt with in a timely manner.

It is planned that the new Commercial Court will hear disputes relating to contracts, the export and import of goods, insurance and re-insurance, banking and financial services, the operation of markets and exchanges and the purchase and sale of commodities. Two new procedures will also be introduced within the Commercial Court which will help expedite matters, namely the Case Management Conference (CMC) and the option of mediation. Currently there is a panel of eight Intermediate Court Judges and identified Registrars that will hear commercial cases among other cases. It is hoped that this significant number of Judges will help expedite the disposal of cases and shorten the 'queue' for hearing dates.

With the new Commercial Court, the Judiciary will proceed to assess whether the volume of cases will warrant the enhancement of the jurisdiction of the Commercial Court. This will help set further direction for the court to move on. It is planned that the Commercial Court will deal with cases usually fixed before the High Court. Further plans are in the pipeline to assign specialized Judges to the Commercial Court.

This novel approach in dealing with commercial cases is still very much in its developmental stage. This project will not only test new procedures but will also enable feedback from stakeholders on areas which need to be improved on or added. Nevertheless, we hope that this will be a positive experience that will prove to benefit not only the Court and legal fraternity but also the wider business communities. It is hoped that this will fulfill the country's aspiration to attract more foreign direct investment and create a more conducive business environment and at the same time ensuring that commercial disputes are resolved justly, fairly and efficiently.

The focus on the need to dispose 'commercial cases' efficiently does not mean that criminal cases are less important and should not be given serious attention. The Courts still do have responsibility in disposing criminal cases promptly and fairly so as to ensure those charged in Court are dealt with in accordance with the law, and the rights of the community, in particular, the right to life and the right to property are well protected. We need to have law and order in this country first to enable us to create a more conducive business environment.

JCMS

By now, members of the legal fraternity are quite familiar with the integration of technology into the Court's system. Electronic Filing, the electronic judicial case management system (JCMS) and the electronic queuing system, collectively known as the "Electronic Judiciary Case Management System" have proven to be effective tools in assisting the judiciary in the administration of justice.

We are happy to report that the feedback since the implementation of these services in March 2015 have been widely positive. Within the Court itself the staff and judicial officers have found it of great use to be able to retrieve files literally at their fingertips and no longer have to

wait for files to be delivered and flick through numerous documents. Our main users, the law firms are also positive on the system and we have heard numerous positive comments ranging from spending less time filing at the registries and faster processing times to saving paper.

Access to justice is always a priority in upholding the rule of law, and by ensuring that costs to the user were kept at a minimum has meant that the judiciary is continuing its efforts towards judicial excellence.

The online payment service is another encouraging step towards refining the court's services. This has been a concerted effort between the Judiciary, State Judiciary Department, E-Government National Centre and the Ministry of Finance. Collaborations such as this has been pivotal and have contributed largely to our success. To this we are thankful for everyone's endeavors.

No system is perfect, even when bolstered with technology. We will continue to strive to improve the services and remain optimistic that our services will continue to progress and evolve on the same encouraging path. Reviewing areas such as amendments to the law, fees, policies and practices will be constant to ensure the electronic systems continue to be a convenient and practical tool for all our users.

We are grateful for the support and assistance from the Prime Minister's Office, the Attorney General's Chambers, E-Government National Centre, Enforcement agencies and the Law Society. We hope to maintain such co-operation through our dialogues and feedback mechanisms that have been put in place to ensure any issues are highlighted and resolved. It cannot be doubted that technology is a useful tool. We are always mindful that the journey is still far but reassure our users that we shall continue to modernize our case management techniques in order to meet everyone's needs.

Mediation

Efforts have also been made to make mediation part of the Court process in all aspects of civil matters. The advantages of mediation have been obvious as previously highlighted in last year's Legal Year speech. Mediation will not only be a way to settle civil cases faster but it will cut down the costs of litigation and will also free up the Court's diary for other cases. We have, I believe, talented mediators in our Registrars and Magistrates who I hope will receive their accreditation soon.

Small Claims Tribunal

As part of the court's efforts to further enhance access to justice, the Small Claims Tribunal will open its doors to the other three districts in 2016. Individuals will be able to have easy access to the Tribunal in filing their claims and have their cases consulted and heard in their respective districts.

A channel of cooperation has also been established between all relevant stakeholders that deal with small claims, namely the Labor Department and Department of Economic Planning and Development. In our Legal Year book, you may see statistics provided from these Departments which highlight their achievements in dealing with small claims. We are proud of their accomplishments in resolving these cases and will continue to work together with them.

Ultimately, the aim of the Small Claims Tribunal is to provide easy access to justice. The Tribunal provides a cheaper, faster and less formal adjudication of cases. The main method of resolving such cases is through Mediation at the Consultation stage and of course, court users will feel more assured knowing that the Mediators who deal with their cases are accredited. The Court is pleased to report that arrangements have been made for the Assistant Registrars of the Tribunal to sit for assessments in March 2016 in order to obtain accreditation with the Singapore Mediation Centre.

Manpower

With all these initiatives that the Court is embarking on, there are some challenges that we are facing especially in the area of manpower. This matter has been brought to the attention of the Law and Welfare Division and PENGGERAK unit of the Prime Minister's Office. We are pleased with their commitments and efforts in resolving these issues and we look forward to these initiatives being realized in the year ahead.

Legal Aid

I will now touch upon the issue of legal aid. Access to the court system is one of the main stays of the rule of law and we believe it goes hand in hand with access to legal representation. We have been successful in creating a pool of senior and experienced members of the bar under the legal aid scheme to represent defendants charged with death penalty offences.

As we are all aware currently, provision of legal aid is subject to certain conditions and legal representation is not appointed as of right. Defendants when applying for legal aid have to undergo an examination of their financial means and if it is assessed that the defendants clearly could not afford their own counsel, legal representation would be appointed for them by the court.

Based on statistics gathered for the past 10 years, 19 applications were granted for legal aid with a sum of about \$318,170.00 having been paid out to legal representatives under the scheme. This supports the importance of the legal aid scheme as part of the justice system.

Not all capital defendants have the financial means to appoint their own private legal representation. It is therefore of utmost importance that legal aid continues to be part of the legal system so that poor capital defendants are afforded with adequate and qualified legal representation. This will ensure that these defendants are of the same equal footing as a capital defendant who can afford their own private legal representation. Appointed legal representatives should also be adequately remunerated for their services to ensure that they will continue to take on death penalty cases for poor capital defendants.

Conclusion

I would like to express my sincere gratitude and appreciation to the Chief Registrar and all of the Officers and Staff of the Judiciary for their hard work in ensuring the success and smooth running of today's event. I am also grateful to the Commissioner of Police and the Royal Brunei Police Force for the guard of honour which I was privileged to inspect this morning.

I would also like to thank the Prime Minister's Office and the State Judiciary Department for their continuous support and co-operation in ensuring the efficient running of the Courts, to the Prisons Department in ensuring the prompt attendance of prisoners to Court and to the various High Commissions and Embassies who have supported us with the provision of Interpreters.



THE HONOURABLE ATTORNEY GENERAL
Datin Seri Paduka Hajah Hayati binti POKS Dato
Seri Paduka Haji Mohd Salleh



And a very good morning to all.

Your Royal Highness Princess Hajah Muta-Wakkilah Hayatul Bolkiah binti Kebawah Duli Yang Maha Mulia Paduka Seri Baginda Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah.

My Lord Honourable Chief Justice, Yang Amat Arif Chief Syarie Judge, Honourable Judges, President of the Brunei Darussalam Law Society, Members of the Bar, Excellencies, Distinguished Guests, Ladies and Gentlemen.

It gives me great pleasure to be able to address this distinguished gathering once again in my capacity as Attorney General.

With the blessing of Allah Subhanahu wa Ta'ala, we gather here again in an atmosphere of peace, harmony and tranquility, under the wise leadership of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam.

Congratulations / Acknowledgement

I begin in joining Your Lordship, to congratulate the appointment of six (6) Intermediate Court Judges; their names had been mentioned in full by Your Lordship. Their well deserved appointments will no doubt enhance not only the strength but the efficiency and integrity of the Judiciary of Brunei Darussalam as required by their judicial oath.

We also extend our congratulation to Awang Haji Mohd Rozaiman bin Dato Seri Laila Jasa Awang Haji Abdul Rahman on his re appointment as the President of the Law Society. We count upon his leadership towards enhancing the public confidence on the legal profession within and beyond Brunei Darussalam. I also welcome the dialogues that had been held between the Law Society and Chambers to continue in a suitable and correct fora. We do expect that due consultation has been made as the views discussed will be taken to represent the members of the Law Society as a whole.

Economic Challenges

My Lord

At this point of time, we are alerted by the challenging and uncertain economic woes which has an impact globally and Brunei Darussalam is not spared.

His Majesty Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah, the Sultan and Yang Di-Pertuan of Brunei Darussalam in His Majesty's Titah for the New Year 2016 stated that the slow growth of the country's gross domestic product (GDP) in recent years requires us to redouble efforts to increase domestic products, especially outside the Oil and Gas Sector.

The Honourable Pehin Orang Kaya Laila Setia Dato Seri Setia Awang Haji Abdul Rahman bin Awang Haji Ibrahim, Minister at the Prime Minister's Office and Minister of Finance II had recently stated that the drastic fall in global oil prices has significantly affected the income of the country. The concerns are legitimate and timely.

In carrying out reforms to diversify the economy, His Majesty the Sultan and Yang Di-Pertuan has consented to the establishment of a committee responsible to execute reforms to make the country more attractive in attracting foreign investors. A new Small Medium Enterprise (SME) Centre has also been established to cater for the needs of domestic small and medium scale enterprises.

My Lord

The inevitable question I would like to ask here today is how can we in the legal fraternity assist in this national effort to attract FDIs and encourage diversification and the growth of SMEs? There is emerging international consensus that the establishment of a sound legal infrastructure – through upholding of the 'Rule of Law' - is a key element in the promotion of economic growth and foreign direct investment (FDI). My Lord has eloquently spoken on the Rule of Law in Your Lordship's speech.

Indeed, to create investor confidence, we must not only have a favourable political and economic environment, it is also vital to have an effective and independent legal infrastructure to protect the right of such investors.

At this juncture, it is perhaps an appropriate time to recall with much pride the words or words similar to that effect of the late C.J Sir Denys Roberts that reverberated in this very venue. He said :

“Perhaps the most valuable matter of all, is the manner in which the Judiciary itself has remained staunchly independent. No doubt some of its decision have not been to the liking of various Government Departments, but no attempt has been made to interfere with the Courts, or to influence them in any way, save to the extent permissible in hearings in open court.

It is greatly to the credit of the Brunei Government, and of the Attorney General, who supervises all prosecutions, that no attempt has been made to bring any improper pressure on the Judiciary.”

We must also have laws that foster a pro-business and a pro-investor environment.

To this effect, the Attorney General’s Chambers, led by the Solicitor General assisted by the Legal Draftsman and the officers, had actively assisted the PENGGERAK unit of the Prime Minister’s Office and other relevant stakeholders in a number of legislative reforms related to the Ease of Doing Business. These included the Insolvency Order 2016, the draft Secured Transaction Order 2016, the Rules of Supreme Court (Amendment) Rules 2015, the draft Fire Safety Order 2015 and the draft Business Licenses Act (Amendment) Order 2015 amongst others. Many more are in the pipeline according to priority.

Regular stocktake meetings of the various stakeholders related to EODB, benefitted greatly from the guidance and leadership of His Royal Highness Crown Prince Haji Al-Muhtadee Billah, Senior Minister in the Prime Minister’s Office as Chairman of PENGGERAK. His Royal Highness’s unwavering drive uphold His Majesty the Sultan and Yang Di-Pertuan’s aspiration to make the country pro business.

Alhamdulillah, these ongoing co-ordinated efforts contributed to the improvement of Brunei Darussalam’s ranking in EODB from 105 in 2015 to 84 in 2016 and with all the current initiatives, we have no doubt will continue to improve. We should be aware however that it’s not just business friendly legal and regulatory frameworks which are required to facilitate business development, innovation and economic growth, but also of greater importance is the close attention to compliance and effective enforcement of laws and regulations. At this juncture, we applaud the various moves by AMBD and other relevant agencies to counter growth of money laundering, terror financing and financial crimes.

My officers had also assisted relevant Government Ministries and Departments in the lengthy negotiations for the Trans Pacific Partnership (TPP) which was concluded on 5th October 2015, particularly in ensuring that it is on our terms and not contrary to the national policy, sovereignty and Constitution of Brunei Darussalam. We will continue to assist especially in drafting laws and amendments of laws required for implementation.

We have been assured by our economic experts that Brunei Darussalam would benefit economically as this agreement provides for a more robust trade regime and investment regulatory framework as well as enhanced intellectual property protection. While the benefits may not be felt immediately nor be quantifiable, it is hoped that it will create a more favourable infrastructure for businesses and thereafter enable the economy to flourish further.

I welcome the establishment of the commercial court as was just announced by Your Lordship, I share Your Lordship's hope that it will fulfill the country's aspiration to attract more foreign direct investment and create a more conducive business environment and at the same time ensuring that commercial disputes are resolved justly, fairly and efficiently. It may be useful to share here the 3 important features of the composition of commercial courts which are, international outlook, commercial skills and knowledge and arbitration sympathetic.

On a positive note, it is often said that, where there are challenges, there will fortunately be opportunities.

With cross border flows of trade and investment in Asia, TPP and others, that hopefully can reinvigorate trade and investment, there are many issues that the region's legal fraternity and business community including Brunei Darussalam can work on, such as legal convergence, uniformity of laws and finding acceptable legal solutions to factors that undermined transnational trade and business.

Therefore, we look forward to an increase of demand on the legal services and there is therefore need to continuously upgrade the range and quality of the legal services and partnership with other established experts beyond Brunei Darussalam. Policy issues are best left to the Government of His Majesty who always have the best interest of his subjects at heart. What is considered to be the best policy in other jurisdiction may not be suitable for Brunei Darussalam and vice versa.

Promoting Integrity

My Lord also touched on the importance of "unassailable integrity" amongst the judiciary and the legal fraternity. As Your Lordship has aptly reiterated despite all the good intention of legal technology, it is eventually our own people who makes the difference. We are indeed grateful for their commitment and dedications. We also welcome aboard the young lawyers who had joined us. Their enthusiasm to learn is very enriching and holds great promise for the future of the legal profession in Brunei Darussalam. My humble advice is to always be true to yourself and to the law as our honourable calling.

On the subject of integrity, another important consideration that affect investor decision in choosing a destination for investment is the level of corruption in a country.

Studies have shown corruption has a negative impact on the level of investment, economic growth and affect the growth of SMEs.

Many studies have also shown that countries with a low level of corruption attract more per capita FDI.

Corruption can take many forms including practices such as bribery, extortion, influence, fraud, and embezzlement. One particularly insidious form of corruption may not necessarily entail financial gain for the perpetrator. This is corruption in the form of abuse of power.

His Majesty Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah, the Sultan and Yang Di-Pertuan of Brunei Darussalam during a working visit at Royal Brunei Police Force

Headquarters, Gadong on 31st March 2015 had expressed His Majesty's concern of corruption in the form of abuse of powers for personal interest.

To address this admirable concern, my Chambers in cooperation with the Anti Corruption Bureau and the Prime Minister's Office drafted the Prevention of Corruption (Amendment) Order, 2015 which came into force on to 22nd September 2015. This Order is intended to enhance integrity and honesty amongst public officers.

The new Section 12A makes it an offence for public officers to use public funds for private purposes, giving undue preferential treatment, misuse information acquired in the course of his duties or conduct himself in such a manner as to bring his private interests into conflict with his public duties. Section 12B introduces the offence of wilful misconduct or neglect of duty which amounts to an abuse of public trust in the office holder.

Offences under these sections can be committed without the receipt of gratification or monetary benefit. A public officer can be found guilty for these offences if he is found to be involved in the abuse of powers or discretion, misuse of official functions or failure to declare any conflicts of interest.

The list of Public Bodies in the Schedule of the Prevention of Corruption Act (Chapter 131) and the interpretation of 'public body' in Section 2 of the same Act have also been amended to include Government Linked Companies (GLC) and statutory bodies.

The new Order also ensures Brunei Darussalam's compliance to United Nations Convention Against Corruption (UNCAC) which Brunei Darussalam ratified on 2nd December 2008.

My Lord

Although, understandably, the prevailing economic uncertainty has impacted our legal training and capacity building plans, (hopefully temporarily), we will continue to do what we can to enhance the knowledge and skill of our officers. After all, they are our future investment. For example in October 2015 my Chambers collaborated with the Royal Brunei Police Force to jointly organize a seminar aimed at enhancing professionalism in prosecution and investigations of criminal cases. We were honoured to have distinguished speakers namely the Honourable Mr. Justice Andrew Macrae, Justice of Appeal of the Court of Appeal in Hong Kong and Mr. Sekher Warriar, Deputy Director of Criminal Investigations Department, Singapore Police Force who shared with us their vast experiences as well as best practices that we hope to emulate in the near future.

Recently, the Civil Division organised a seminar entitled "Public Private Partnerships (PPPs) in Relation to Government Projects". The seminar was attended by officers from the Chambers, Brunei Economic Development Board, Ministry of Finance, Department of Economic Planning and Development. The participants were introduced to issues relating to delivering infrastructure projects through PPPs including development of PPP policies and required legislative and regulatory framework by two experienced speakers from Singapore, Mr. KC Lye and Ms Nicky Davies from Norton Rose Fulbright (Asia) LLP. We are grateful to the Prime Minister Office for their support.

My Lord

In the interest of time, I will not as in previous years give a detailed account of the numerous work done by the various divisions in my Chambers in discharging our responsibility under the Constitution to His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam and the Government, be it as legal adviser or PP. Suffice here for me to assure Your Lordship that my officers and staff had and will continue to discharge our duties with commitment, integrity, perseverance and professionalism to the best of our ability. We will together continue to explore and implement improvements where we can. We will also carry on with our outreach initiatives to show to society that WE CARE. We of course always warmly welcome credit, where credit is due, and hold them close to our heart as encouragement whilst also willing to accept constructive feedbacks and suggestions to do better.

Conclusion

The legal profession will face its own challenges in the years ahead. However a whole of nation approach is called for whereby agencies have to look at their laws, rules or regulation as well as policies that can support and not obstruct this new direction. Chambers is always ready to offer its legal services to the agencies to the best of our ability and capacity.

In conclusion, Your Lordship has our highest assurance that Chambers and its officers will cooperate with the Judiciary, often regarded highly as the respected 'lead' in the administration of justice, to preserve and maintain the Rule of Law while always assuring that nothing will compromise the security, sovereignty of Brunei Darussalam and the Constitution. I must at this juncture highlight the important and challenging role in our system of justice also played by the Judiciary, the Royal Brunei Police Force and other law enforcement agencies such as the Narcotic Control Bureau, Anti-Corruption Bureau, Customs and Excise, Immigration and others. All too often their roles may be taken for granted.

Let us all put our hearts and energy together irrespective of creed, race and religion, to contribute in any small way towards the continued prosperity, harmony and security of our beloved country, for the sake of our future generation.

Finally, I and all in Chambers, wish my Lord, members of the legal fraternity and all present a happy, healthy and successful 2016.

وبالله التوفيق والهدايه، والسلام عليكم ورحمة الله وبركاته

Thank you.



THE PRESIDENT OF THE LAW SOCIETY
Haji Mohamad Rozaiman bin DSLJ Haji Abdul Rahman



Awali Bismillah Pembuka Bicara,
Pemanis Kata dan Selamat Datang,
Selamat Datang,
Ke Upacara Undang-Undang.

Dua tiga Kucing berlari,
Manakan sama si Kucing Belang,
Tak sangka kita berjumpa lagi,
Di majlis Tahun Undang-Undang

1) PREAMBLE

May it Please Your Lordship :
Yang Teramat Mulia Paduka Seri Pengiran Anak Puteri Hajah Muta-Wakkilah Hayatul Bolkiah
binti Kebawah Duli Yang Maha Mulia Paduka Seri Baginda Sultan Haji Hassanah Bolkiah
Mu'izzaddin Waddaulah,

My Lord, The Honourable Chief Justice, Yang Amat Arif Ketua Hakim Syari'e, My Learned
Friend, The Honourable Attorney General, My Lords and My Lady, Justices of the High Court,
The Honourable Justices of the Intermediate Courts, Honourable Registrars of the Supreme
Courts and Honourable Magistrates of the Subordinate Courts, My Learned Friends Members
of the Bar and Members of the Attorney General's Chambers, Their Excellencies, Distinguished
Guests, Ladies and Gentlemen.

I have the honour and privilege for the third year running of addressing Your Lordship at this momentous gathering on the occasion of the opening for the Legal Year 2016. I am also delighted to acknowledge the presence this morning of our distinguished colleague, Mr. Steven Thiru, President of the Malaysian Bar.

2) MEMBERS OF THE BAR

In November 2015, the Law Society held its election of Council Members. I am pleased to announce the following members who were elected as council members:

Vice President – Mr. On Hung Zheng

Secretary – Miss Nur Azizah binti Ahmad

Treasurer – Mr. Pengiran Izad-Ryan bin PLKDR Pengiran Haji Bahrain

Members – Madam Hajah Norhashimah binti Haji Taib, Mr. Ahmad Basuni bin Haji Abas, Mr. Cheok Van Kee, Robin, Mr. Lim Rui, Mr. Cheok Teing Seng, Jonathan, Miss Too Shu Vun, Mr. Tan Tarng Jaun, Linus and Mr. Eric Siow Kin Seong.

As of 4th February 2016, the total number of firms have increased from a total number of thirty-one (31) to thirty-two (32) in Brunei Darussalam. A total of one hundred and ten (110) advocates are currently issued with a Practising Certificate by the Supreme Court. Out of these total advocates, sixty (60) are Bruneian / and or Bruneian Permanent Residents. If compared to year 2014, year 2015, the number of advocates practicing in Brunei Darussalam remained at a standstill. Though they were quite a substantial number of lawyers graduating in 2015, nearly all of them have either joined the government service or GLC's. Let me be the first to tell the upcoming graduates in the legal field, not be afraid to venture and work in the Law Firms. Working in the Law Firms are indeed competitive. However, it is definitely beneficial, fulfilling, more rewarding and you will not lose out in terms of experience!

3) RULE OF LAW

As President for the Law Society of Brunei Darussalam, I remind myself and urged my fellow members of the Bar to uphold the **Rule of Law** and the need to discharge our respective roles and responsibilities ably so as to ensure that our legal system worked fairly and expeditiously for the benefit of all. Brunei Darussalam has an Independent Judiciary. The rule of law requires that judges be independent so that they can decide disputes impartially and without interference from any party, including, those in authority.

I further remind myself that everyone is equal before the law and equally subject to the law and any citizen can find redress against any other, including those in authority, for any act, which involves a breach of the law. The rule of law protects the integrity and sovereignty of the state and maintain law and order so as to create an orderly and safe environment where people can live safely, in peace and harmony.

I therefore call upon all of my learned fellow members in the Law Society to uphold an undiminished belief and faith in our present system. As members of the Bar, we must ensure and always strive to maintain our integrity and be proud of what we do. It is not always a matter of dollars and cents and how many cases one can win but more importantly, we must have the feeling of satisfaction that we had achieved something as a result of the fairness in our legal system, the observance of the rule of laws and the never ending arguments on issues of law.

One must not keep track on the numbers of acquittals when defending accused persons or numerous success of a plaintiffs claims or the numerous success in defending a civil claim. As advocates and solicitors, we must also strive to be proud to know that we are practicing in a legal system of which confidence have never been eroded.

We are indeed proud to practice in Your Lordship's Courts with learned adversaries, be they fellow members of the Bar or learned DPP's, who :

- have steadfastly observe the Rule of Law;
- work without fear or favour, where the courts rule for or against our case;
- rely and believe in our legal system with the judicial officers always being fair in giving parties the deserved hearings; and
- our desire to ensure that our own integrity shall not waiver in the way we do our tasks for clients.

All of the above require high standards of honesty, integrity and sense of fair play. I also urge my fellow learned members and remind ourselves that we should never take issues personally and with bitterness against our opponents once we are done with the cases!

4) ACCESS TO JUSTICE

My Lord, I would like to reiterate the issue that was raised in my speech last year pertaining to Access to Justice. The Criminal Procedure Code (CPC) warrants for the detention of an accused person for FORTY-EIGHT (48) HOURS before either be released on bail or indicted. During these vital hours, there are times an accused person requires and seeks Counsel's advice. Presently, there are no provisions in the CPC enabling an accused to have a right to counsel during detention. It is vital and very important for an accused at this stage to know and understand why he / she is being investigated and what rights he can be afforded to.

If we believed in the principles of the Rule of Law, a man's access to justice must be free without any obstacles and hurdles. Last year, it is with sadness to hear at least two cases where person held in the custody of the Royal Brunei Police Force had allegedly committed suicide whilst being detained or remanded in police cells. It is only reasonable for everyman to question : How could this had happened? The Police station should be the safest place in the planet and how could two "innocent" person committed suicide? If the Criminal Procedure Code contained provisions enabling accused person having immediate access or rights to counsel, this ill-fated incident may not have had happened. We further opined that to eliminate the accusation of being bias, an independent investigation by an independent body must be conducted to determine any failure in procedures and also determine the actual cause of death. It would not be in the interest of justice nor in the interest of all the victims if justice could not be served.

We strongly suggest to My Learned Friend, The Honourable Attorney General, to consider amending the CPC or provide a practice direction to enforcement officials enabling an accused person to have access to counsel for legal advise and representations.

5) FOREIGN DIRECT INVESTMENTS (FDI)

We have heard from the recent Titah of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam highlighting the importance for Brunei Darussalam to diversify its economy and attracting FDI. In the Law Society, we are 100% committed to assist the Government of His Majesty the Sultan and Yang Di-Pertuan, where necessary, to provide legal advice and opinion on the execution of any FDI plans.

My Lord, there currently exist ample legislations to attract FDI. We opined there must be a "Micro" process examination to further improve procedures and regulations in Brunei Darussalam in order for foreign direct investors to be confident enough to invest their resources in the country. In an FDI environment, it would not just be foreign money flowing in but expatriates would be coming here to live and work enabling them to manage their investment. As a foreigner, the question posed will be : how easily can a person get legal help and assistance in Brunei ? We opined that the absence of judicial reviews in Brunei could pose a problem for potential investors as it takes away the system of checks-and-balances to our judiciary. In the absence of Judicial Review, we have to look for alternative solutions to protect foreign investors in Brunei.

Grey areas in the law at a micro level in our country would not inspire confidence among investors at home or abroad. Judicial reviews enable a review to the way in which a decision has been made, rather than a challenge if the decision made is right or wrong. When foreign investors come to Brunei, they expect to be protected by the law but without judicial review, there has to be at least other ways to assure them that Brunei has the social, economic, political and religious stability for their investments to thrive in.

The authorities need to find alternatives to establish a framework for a system of checks-and-balances and have a practical approach to how we can complement these FDIs. The Legal system must inspire confidence among investors and the lack of it would present an incalculable risk that might cause potential foreign investors to shy away. In order for FDI to work, it is important for all processes and regulations in Brunei to be made transparent and consistent, not changing every time there is a change of personnel within the organizations of the authorities. Ministries and departments must work hand in hand with each other and not being silo from one another. The Law and the government policies must not be at loggerheads with each other and there should be a way that people can challenge the legality of it through the proper channels in the judiciary.

My Lord, it is our view that judicial reviews are meant as an avenue to ensure that each function of the authorities is not acting above the limits of their powers and we do not view judicial reviews as a tool to challenge the authorities.

6) LAND CODE

The issues surrounding the Land Code remained ubiquitous until today. The Rule of Law provides that the Land Code is the law that governs all Land matter in this country. Hence through the Rule of Law, the authorities dealing with land must take cognizance, abide and fully adhered to the Law that is in place. It is a detriment to the citizen and it is Justice denied when the Rule of law is not applied. As Brunei Darussalam is now embarking and opening its market to attract FDI, it will be coherent to investors and gain their confidence to have clarity on the law pertaining to ownership of Lands in this country. It is our humble views that until such time the laws are amended, the present status quo in relation to ownerships and transfers of land should be maintained in accordance with legally binding precedence.

Since March 2012 till today, the issues arising ownership and transfer of land has remained ambiguous. Ambiguity on issues relating to land transfers and ownerships will turn away investors who wishes to invest in our beloved country. Since March 2012, the Law Society has opened its doors requesting dialogues and fruitful discussions with the relevant authorities. Today, with the recent changes in cabinet Ministers at the Ministry of Development, I am sending an open message (not an s.m.s.) to the relevant authorities and hereby reiterates that the Law Society is humbly requesting for the relevant authorities to invite us in any discussion governing amendments to the Land Code. In response to His Majesty's titah and for the sake of the nation's interest to attract FDI, it is time to move forward and the Law Society wish to work together with the relevant authorities to resolve and settle the issues governing land transfers albeit legal and equitable ownerships, as well as trust deeds and Power of Attorneys. Once these matters are resolved, it will help build confidence from investors and stakeholders who can help and supplement the Brunei Government's initiative to diversify its economy from the existing oil and gas infrastructure.

7) LEGAL AID

My Lord, as you are fully aware, legal aid is only given to criminal cases where a death penalty sentence is being prescribed. In the past, The Law Society had set up legal aid clinics but this is only a short term solution for those requiring legal advice. There are cases where legal representations in the Courts of Law are necessary. A "means test" will be formulated by the Law Society enabling those in dire need of advice and representations to get assistance. At this juncture, the Law Society will be inviting their members to provide legal advice and representations on a case to case basis as part of their Corporate Social Responsibilities (CSR). However, this is only a short term solution. In the long term, it will be necessary My Lord, to consider setting up a "Legal Aid Fund" enabling the full implementation of the legal aid programme. I would like to reiterate the Law Society's commitment to assist the establishment of a Legal Aid Fund in Brunei Darussalam.

8) SUPPORT OF LOCAL BUSINESSES

My Lord, in year 2015, the Law Society had and have been working closely to support the initiatives of Peneraju Gagasan Gemilang Untuk Rakyat "PENGGERAK" of the Prime Minister's Office. Vide PENGGERAK, the Law Society were invited to provide valuable comments and opinions on the Government initiatives to improve their ranking on "Ease of Doing Business" and also on the recent draft Insolvency Order. We thank PENGGERAK for giving us the opportunity to work side by side with them. Taking on from this example, I would like to take this opportunity to invite GLCs in Brunei Darussalam to continue and support the growth of local businesses. Though law firms in Brunei are being invited to be in the panel of lawyers of the GLCs, it is still astonishing to see foreign law firms are assigned works without the involvement of local law firms. We fully understand that some local law firms do not have the expertise at certain fields but this should not be an excuse for assigning works to established law firms from abroad. They should be an incentive provided by GLCs to get local law firms to work together with the established law firms from abroad. Similarly, in the conduct of criminal prosecution, Section 375 of the Criminal Procedure Code allows criminal prosecution to be conducted by any person so long as the Public Prosecutor or His Majesty gives their consent. In year 2015, we saw a number of cases under the Prevention of Corruption Act being prosecuted by lawyers from a neighboring country. I begged to ask this question, is there not enough sufficient number of Deputy Public Prosecutors at the Attorney General's

Chambers to handle these cases or is it because the merits of the case is so complex? If it is the latter, are they insufficient number of criminal litigators in Brunei to be invited to conduct the prosecution on behalf of the Public Prosecutor?

We therefore invite GLC's and the office of the Attorney General to find ways where all parties can have a win-win situation.

9) MISCELLANEOUS

In tandem with the release of the new Practice Direction 2015, no doubt, My Lord has in mind for the expeditious trial of cases to reduce backlogs. Certainly the availability of JCMS and guidelines provided by the Practice Direction of 2015, we shall endeavor to ensure the time-lines to expedite trial will be adhered strictly. Though, it is still our opinion that the numbers of Judicial Officers remained small. The recent elevation of judges and Judicial Officers will certainly help reduce back-logs of cases due to numerous litigations (both civil and criminal) being filed in both Supreme and Subordinate Courts. We hereby congratulate The Honourable, Deputy Chief Registrar, Mr Radin Safiee bin Radin Mas Basiuni, the Honourable Chief Magistrate, Mr. Muhammad Faisal bin Pehin Datu Juragan Laila Diraja Kol (B) Dato Seri Pahlawan Haji Kefli, The Honourable Senior Magistrate, Mr. Haji Nabil Daraina bin Pehin Udana Khatib Dato Paduka Seri Setia Ustaz Haji Badaruddin, The Honourable Senior Registrar, Madam Ramzidah binti Pehin Datu Kesuma Diraja Kol (B) Haji Abdul Rahman, The Honourable Senior Magistrate, Madam Pengiran Masni binti Pengiran Haji Bahar and The Honourable Senior Registrar, Madam Dayangku Hajah Norismayanti binti Pengiran Haji Ismail on their appointments as Intermediate Court Judges. We wish them success in the dispensation of justice and upholding the Rule of Law.

10) CONCLUSION

To conclude, I on behalf of the Law Society would like to express our gratitude to the Honourable Chief Registrar and the Officers and Staff of the Judiciary for their hard work and preparations they have made to make this ceremony a successful event. I also welcome continued dialogues with "PENGGERAK" from the Prime Minister's Office, Foreign Missions in Brunei Darussalam, Officers from the Attorney General's Chambers and relevant authorities to discuss on any relevant matters involving issues of law. We shall continue to uphold the Rule of Law to ensure justice is serve to all.

CLOSING

Saudara saudari berwajah ceria
Hadirnya biskita untuk negara,
Maaf dipinta jika terkasar kata,
Tangan dihulur maaf dipinta.

Wahai saudara saudari yang saksama,
Mari mencari intan bersama,
Negara kini penuh cabaran,
Mari pikul amanah bersama.

Tutur bahasa seisi hati,
Sekian disampaikan ucapan ini,
Berakhirlah majlis hari ini,
Dengan Takzim saya berundur diri.



The Supreme Court



The Supreme Court

Court of Appeal

In April 2016, the Court of Appeal welcomed Justice Conrad Seagroatt as a member of the Court of Appeal Panel. The swearing of the Justice Seagroatt took place in the Istana Nurul Iman before His Majesty Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah, the Sultan and Yang Di-Pertuan of Brunei Darussalam. Justice Seagroatt is a non-resident Judicial Commissioner and is expected to sit for a term of 4 years.

The 2018 Court of Appeal dates have been fixed as follows :

April 2018 Session

- Monday, 9th April, 2018 : Reading Week.
- Monday, 16th April, 2018 : First day of Sitting.

November 2018 Session

- Saturday, 22nd October 2018 : Reading Week.
- Saturday, 29th October 2018 : First day of Sitting.

The Court of Appeal maintains its commitment to ensure cases are heard efficiently and disposed of in a timely manner. In addition to having highly experienced judges on the panel several registrars have been trained to oversee the case management of the files before the Court of Appeal to ensure cases are prepared for hearing in order to avoid any delays.

The registry has also adopted greater use of JCMS to process Court documents before the Court of Appeal and the future possibility of having the cause list automatically generated through JCMS is being looked into.

High Court

2017 was a significant year for the High Court. The High Court has been involved in several developments and engagements aimed at improving services provided to the general public.

In recognition of providing increased services to Court users, the Court has identified mediation as a tool for resolving matters in a cost effective and time saving manner. A further 5 officers sat for a mediation exam in March 2017 in order to be accredited with the Singapore Mediation Centre (SMC). Mediation is available to all Court users and may be requested through the relevant Court Registries. The Judiciary now has 7 accredited mediators associated with the SMC; namely:

1. Judge Muhammed Faisal bin PDJLD Kol (B) DSP Haji Kefli
2. Deputy Chief Registrar Radin Safiee bin Radin Mas Basiuni
3. Senior Registrar Hajah Hazarena binti POKSJ DP Haji Hurairah

4. Senior Magistrate Azrimah binti Haji Abdul Rahman
5. Magistrate Pengiran Shahyzul Khairuddin bin Pengiran Abdul Rahman
6. Magistrate Hajah Noor Amalina binti DP Haji Alaihuddin
7. Magistrate Hajah Ervy Sufitriana binti Haji Abdul Rahman

On 24th and 25th March 2017, the Judiciary hosted the 5th Council of ASEAN Chief Justices Meeting and 39th ASEAN Law Association (ALA) Governing Council Meeting.

The meeting was a collaborative effort comprised from the Officers and Staff of the Judiciary, State Judiciary Department, Attorney General Chamber's, Law Society and Prime Minister's Office.

Over a hundred participants attended the 2 day event. A range of topics were discussed from all ALA delegates including the 'Harmonisation of Trade Laws', 'Legal Education' and the setting up an online portal aimed at providing members with useful legal information. The meetings culminated in a dinner where entertainment was provided by every member state.

The i-Ready apprenticeship programme was announced in March 2017 and is a 3 year apprenticeship programme that acts as a platform to provide graduates experience in various industries in both the public and private sector. The Judiciary was one of the first organisations to participate in this programme and began interviewing candidates in April 2017. The first recruits were hired in May 2017 as Judicial Officers who have been tasked to conduct research in all areas of law for Judges and Judicial Officers. A total of 16 i-Ready apprentices were recruited by the Judiciary in a variety of positions including statisticians, accounts officers, system analysts and a corporate officer. The contributions by the i-Ready apprentices have been encouraging and positive in assisting the Judiciary in working towards providing quality and efficient services.

The World Bank Report on Ease of Doing Business (EODB) ranks economies from around the world from 1-190. A high ranking on the report means 'the regulatory environment is more conducive to the starting and operation of a local firm'. The High Court is primarily involved under the 'Enforcing Contracts' indicator. Enforcing Contracts measures the time and cost for resolving a commercial dispute through the Intermediate Court and the quality of judicial processes by determining whether the Court has in place series of good practices that promote quality and efficiency in the court system.

Over the last 4 years the Court has taken on numerous initiatives from practice directions, amendments to the law, and changes in internal policies in order to improve the ranking. The initiatives taken by the Judiciary are apparent by the notable improvement in Brunei Darussalam's ranking as the most improved economy in the year for the third consecutive year. Under the 'Enforcing Contracts' indicator the improvement in ranking has been significant from rank 115 for the EODB 2016 report to rank 93 for the EODB 2017 report and currently rank 61 for the EODB 2018 report (further information is available on <http://www.doingbusiness.org>). The Court will continue to strive to take steps that are beneficial to all court users including greater transparency, and improved access to justice.

Another notable change in the High Court is the appointment of an additional 3 Legal Assistants in August 2017 to the Supreme Court Registry. The Registry is dedicated to providing improved services and will work towards segregating its different services to cater to the Court of Appeal, High Court and Intermediate Court, in order to promote efficiency.

As is widely recognized, continuous Judicial Training is pertinent in providing quality justice. As part of continuous Judicial Training Judges, Judicial Officers and staffed have attended the following programmes :

- 2nd Southeast Asia Judicial Workshop on Cyber Crime, Bangkok, Thailand.
- Attachment in the Commercial Court, London, United Kingdom.
- Working Group Meeting on Examining Modalities for Harmonization of ASEAN Trade Law & 17th ASEAN Senior Law Officials Meeting (ASLOM), Putrajaya, Malaysia.
- 17th Conference of Chief Justices of Asia & the Pacific, Tokyo, Japan.
- ALA Commemorative Governing Council Meeting & CACJ Meeting, Manila, Philippines.
- 1st ASEAN Family Judges Forum (AFJF) On Mediation Training , Manila, Philippines.
- SCPTA : Leadership in Court Governance, Singapore.
- International Conference on the Resolution of Intellectual Property Disputes in Asia, Creo Auditorium, Bar Associations Building, Chiyoda-Ku, Tokyo, Japan.
- China-ASEAN Jurist Gathering & China-ASEAN Legal Forum Enhancing Legal Exchange and Cooperation, Jointly Building and Sharing the Benefits of the Belt and Road Initiative, Nanning, Guangxi Zhuang, Autonomous Region of China.

The successes and initiatives is a collaborative effort by the officers and staff and other agencies including the United Kingdom High Commission, Singapore Judiciary and Japanese Judiciary amongst others. It is with the hope that the continued effort and handwork contributed the High Court will seek to improve the quality, efficiency and cost-effectiveness of the Court's services and will continue on.

Official Receiver's Chambers

In 2017, the Official Receiver's Chambers has strived to improve its efficiency in dealing with bankruptcy and insolvency matters. It has seen the continued use of the Judicial Case Management System (JCMS) with the participation of creditors and relevant government departments and ministries as active users of the online platform to send and receive all notices, documents and correspondences to and from the Official Receiver's Chambers. We have also seen an increase in human resources and capacity with the recruitment of five full time Deputy Official Receivers (DORs) and four Accounts Officers (AOs) through the i-Ready Apprenticeship program. It is hoped that the new additions will help improve the administration, organization and work of the Official Receiver's Chambers.

The continuous support for the work of the Official Receiver's Chambers from all stakeholders shows the recognition of the need for an effective bankruptcy and insolvency regime. The

Official Receiver's Chambers strives to increase its capabilities in dealing with bankruptcy and insolvency matters and is actively looking to improve and strengthen Brunei Darussalam's bankruptcy and insolvency processes and framework. The adoption of the new Insolvency Order 2016, in particular, has reflected the importance of the need for insolvency law to evolve and meet the needs of the present day and promote enterprise and entrepreneurship.

Currently, a key indicator that the World Bank Group uses to determine "Ease of Doing Business" is a country's ability in resolving insolvency. This entails an examination of a country's insolvency laws as well as the main procedural and administrative bottlenecks in the insolvency process. For Doing Business 2018, out of 190 economies surveyed, Brunei Darussalam is ranked 60th by the World Bank Group for its ability in resolving insolvency. This demonstrates a marked improvement from Brunei Darussalam's rank of 98th in 2016. This is encouraging and is a testament to the effectiveness of the existing insolvency regime and on this front, Brunei Darussalam has fared very well and the Official Receiver's Chambers will continue its work towards providing a robust system for bankruptcy and insolvency proceedings.

Probate

The Probate Registry continues to provide services relating to the issuance of Letters of Administration and Letters of Probate. Probate files are now opened using the Judicial Case Management System making the retrieval of files more accessible to the Deputy Probate Officer and the staff. Before the probate hearing, Deputy Probate Officers are able to have access to files without the need of a physical or paper file to ensure that all the relevant documents have been submitted before the application for the Letter of Administration or Letter of Probate is heard and granted.

Advice on issues concerning the granting of the Letter of Administration or Letter of Probate may be dealt with by the Assistant Probate Officer or one of the Deputy Probate Officers.

The Probate Registry is committed to providing quality services and strives to deal with probate issues in a timely manner.



**The Honourable
Dato Seri Paduka Haji Kifrawi bin Dato Paduka Haji Kifli
Chief Justice of Brunei Darussalam**

Court of Appeal Judges



The Hon. Justice John Barry Mortimer
President of the Court of Appeal

Judicial Commissioners of the Supreme Court and members of the Court of Appeal



The Hon. Justice
David John Leonard



The Hon. Justice
Michael Peter Burrell



The Hon. Justice
Conrad Seagroatt

Supreme Court Judges



**The Hon. Justice Dato Paduka
Steven Chong Wan Oon
High Court Judge**



**The Hon. Justice Dato Paduka Haji
Hairol Arni bin Haji Abdul Majid
High Court Judge**

Judicial Commissioner of the Supreme Court



**The Hon. Justice Pengiran Datin Paduka Hajah Rostaina binti
Pengiran Haji Duraman
Judicial Commissioner / Chief Registrar**

High Court Visiting Judges Judicial Commissioners of the Supreme Court

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**The Hon. Justice
James Kerr Findlay**



**The Hon. Justice
Gareth John Lugar-Mawson**



Swearing-In Ceremony



Swearing-In Ceremony of
The Hon. Justice Conrad Seagroatt
Istana Nurul Iman, 23rd April 2016



Registrars of the Supreme Court

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**The Hon. Justice Pengiran Datin Paduka
Hajah Rostaina binti Pengiran Haji Duraman
Judicial Commissioner / Chief Registrar**



**Radin Safiee bin Radin
Mas Basiuni
Deputy Chief Registrar**



**Ramzidah binti PDKD Haji
Abdul Rahman
Senior Registrar**



**Pengiran Masni binti Pengiran
Haji Bahar
Senior Magistrate / Registrar**



**Dayangku Hajah
Norismayanti binti
Pengiran Haji Ismail
Senior Registrar**



**Hajah Hazarena binti
POKSJ DP Haji Hurairah
Senior Registrar**



**Harnita Zelda Skinner
Senior Registrar / Magistrate**



**Hajah Noor Amalina binti
DP Haji Alaihuddin
Registrar / Magistrate**

Staff of the Supreme Court



Confidential Secretaries



Administration Section



High Court Registry



Bankruptcy Registry



Probate Registry



Court Translators



Court Librarians



Court Baliffs and Process Servers



Court Finance



Deputy Official Receivers



Court Recorders



i-Ready Apprentices



JCMS Help Desk



The Intermediate Court



The Intermediate Court

The Intermediate Court was established in 1991 by the Intermediate Courts Act, Chapter 162. It hears civil matters where the amount claimed exceed \$50,000 but does not exceed \$300,000. In the exercise of its criminal jurisdiction it has all the jurisdiction, powers, duties and authority as are vested, conferred and imposed on the High Court. It does not have jurisdiction in respect of any offence punishable with death or imprisonment for life; or to impose a period of imprisonment longer than 20 years in respect of any offence of the Brunei Laws.

In order to further improve the administration of the Intermediate Court and as part of its initiative to expedite cases in particular that are commercial in nature, in October 2015 and August 2017, the Judiciary welcomed the appointment of several Intermediate Court Judges.

They are appointed by virtue of powers vested upon them as Intermediate Court Judges as opposed to the permanent Intermediate Court Judge. These appointed Judges will handle their existing duties concurrently as the Deputy Chief Registrar and Senior Registrars of the Supreme Court and Senior Magistrates of the Subordinate Court.

The appointed Intermediate Court Judges by virtue of powers vested upon them are as follows:-

1. Judge Radin Safiee bin Radin Mas Basiuni
2. Judge Haji Nabil Daraina bin PUKDPSSU Haji Badaruddin
3. Judge Ramzidah binti PDKD Haji Abdul Rahman
4. Judge Pengiran Masni binti Pengiran Haji Bahar
5. Judge Dayangku Haji Norismayanti Pengiran Haji Ismail
6. Judge Lailatul Zubaidah binti Haji Mohd Hussain

On 20th May 2017, the Intermediate Court saw the permanent appointment of Intermediate Court Judge Muhammed Faisal bin PDJLD Dato Seri Pahlawan Haji Kefli who previously held the appointment of Chief Magistrate.

The Intermediate Court will continue its commitment in improving its services to its various stake holders.

Judges of The Intermediate Court



**Judge Muhammed Faisal bin PDJLD
Dato Seri Pahlawan Haji Kefli**



**Judge Radin Safiee bin Radin
Mas Basiuni**



**Judge Haji Nabil Daraina bin
PUKDPSU Haji Badaruddin**



**Judge Ramzidah binti
PDKD Haji Abdul Rahman**



**Judge Pengiran Masni binti
Pengiran Haji Bahar**



**Judge Dayangku Hajah
Norismayanti binti
Pengiran Haji Ismail**



**Judge Lailatul Zubaidah
binti Haji Mohd Hussain**



The Commercial Court



The Commercial Court

The Commercial Court was established in February 2016 and hears cases within the jurisdiction of the Intermediate Court. The following is the organization structure of the Commercial Court.



(Available on the judiciary website – www.judiciary.gov.bn)

The types of cases heard under the jurisdiction of the Commercial Court are as follows: -

- (a) A Business Document or Contract;
- (b) The Export or Import of Goods;
- (c) Insurance and Reinsurance;
- (d) Banking and Financial Services;
- (e) The Operation of Markets and Exchanges;
- (f) The Purchase and Sale of Commodities;
- (g) Business Agency.

Civil matters not covered by the above list will be heard by the Intermediate Court under the normal channel for civil cases.

Under Commercial Court proceedings, the court has also added new steps with the introduction of Case Management Conferences (CMC) and also giving parties to the suit the option of mediation. CMC Form is readily available for download from the Judiciary official website.

With the existence of the E-Filing System, the court has introduced direct online filing of relevant commercial cases effective March 2017. With the introduction of this new filing code for commercial cases, it has greatly assisted the court in providing statistics on civil matters and keeping track on the status of cases.



The Subordinate Court



Subordinate Court

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The Subordinate Courts comprises of the Magistrate Courts including specialized courts such as the Juvenile Court and the Small Claims Tribunals. The Subordinate Court Bench consists of the Chief Magistrate, Senior Magistrates and Magistrates who hear both civil and criminal matters.

The Chief Magistrate leads the Subordinate Court in the administration of justice and is responsible for ensuring that best practices are carried out in the areas of court administration and access to justice.

CRIMINAL JURISDICTION

The Criminal Procedure Code (Cap 7) sets out the Penal Code offences and offences under other Acts that may be tried by the Magistrates' Courts. Generally, the Magistrates' Courts may sentence a person to imprisonment for a term of not more than 7 years, and a fine not exceeding \$10,000 and up to 12 strokes of the cane. Certain statutes may confer enhanced sentencing powers. For example, the Misuse of Drugs Act (Cap 27) grants the Magistrates' Court enhanced sentencing powers.

CIVIL JURISDICTION

The Magistrates' Court handles civil claims up to \$50,000 and is complemented by the Small Claims Tribunals which were set up as a forum for the resolution of claims below \$10,000 (or \$20,000 with the consent of both parties to the dispute). Its current jurisdiction allows it to hear a variety of disputes, including contracts for sale of goods and services, specific property damage actions in tort, claims arising from residential tenancies of not more than 2 years and certain actions under the Consumer Protection (Fair Trading) Act.

USE OF TECHNOLOGY

Technology is a crucial commodity to assist in speedier case processing and ensuring accountability of all parties involved in the legal system.

Following the successful launch of the Judiciary Case Management System and introduction of the Technology Court in 2015, we welcome the new amendments to the Criminal Procedure Code which provide for the use of video conferencing in remand or bail applications, as the case may be.

With the amendments in place, accused persons need not attend in court and can make their applications from prisons via an audio video link from prison.

The use of this technology is expected to bring about greater efficiency in the administration of justice in the criminal courts. Lawyers will no longer have to spend long hours waiting in court for short mentions, reducing costs for all parties.

Along with the increased use of the audio visual equipment currently available in the Technology Court, the Subordinate Court is making significant progress in its quest to reduce its backlog, and reduce waiting periods thus increase productivity.

COURT RECORDERS

The Subordinate Courts are pleased to report that use of court recorders. The court recorders are tasked to transcribe spoken or recorded speech into written typed form to produce official transcripts of court hearings.

We welcome this much needed service which undoubtedly, will complement the existing framework of court operations in providing complete, accurate and secure legal transcripts of courtroom proceedings and witness testimonies. Since its introduction, court recorders have been utilized in corruption cases with its usage expected to increase as more court recorders are recruited.

TUTONG COURT

The new Tutong District Court Building is now fully operational with the staff and officers having officially moved in on the 3rd November 2016. With 4 courtrooms, a large Main Court for hearing serious cases and a large Registry space, the Tutong District Court Building was designed to meet the demands of the 21st century.

Having been fitted with technological links, the Subordinate Courts' physical capacity to meet a growing demand for court services is expanded, making the Tutong District Court Building, a valuable asset as an alternative venue for the hearing of cases.

Apart from hearing criminal and civil cases in the Magistrates' Court, Magistrates are also able to sit in the Juvenile Court as well as in the Small Claims Tribunals in the Tutong District. Since the introduction of the Judicial Case Management System into the Brunei court system, magistrates and staff are able to access files electronically, across districts, eradicating the need for the transfer of physical files before a case can be heard.

All these advancements have contributed towards achieving the vision of an efficient and effective Judiciary. It is hoped that along with the physical infrastructure provided, the pressing need for human resources within the Subordinate courts will also be prioritized as an urgent consideration.

JUVENILE COURT

The Juvenile Court handles all criminal charges against juveniles. Although it exercises criminal jurisdiction in hearing these matters, it operates differently from other criminal courts. The concern for rehabilitation and restoration assumes greater emphasis relative to deterrence, incapacitation and even sentencing parity. There is a greater need for holism and a sense of family orientation which takes into account factors and circumstances from a multi-disciplinary perspective.

The Juvenile Court also handles applications for Care and Protection Orders and Beyond Parental Control orders under the Children and Young Persons Act.

We are pleased to report that all Juvenile Court cases are now electronically stored in the Judicial Case Management System. This means that all cases in the Juvenile Court can be accessed across all districts and dealt with quickly and efficiently.

We wish to express our gratitude to the Department of Community Development (JAPEM), the Panel of Advisers and all stakeholders in the juvenile justice system for their cooperation and efforts towards achieving the philosophy of the Juvenile Court of restorative justice, enabling young offenders to be reintegrated back into their families and the community.

SMALL CLAIMS TRIBUNAL

The Small Claims Tribunal is a provider of affordable and effective civil justice to members of the public. The Tribunals were set up to provide a quick and inexpensive forum for the resolution of small claims between consumers and suppliers, without the use of lawyers.

Mediation is used to resolve disputes before a Registrar of the Small Claims Tribunal. We are pleased to announce seven judicial officers have been successfully accredited as Associate Mediators of the Singapore Mediation Centre from April 2016.

We are hopeful that with trained mediators to resolve disputes, public confidence in the Small Claims Tribunal will increase leading to a greater number of the resolution of small claims, away from litigation in the courtrooms.

TRAINING

The Subordinate Court remains committed to continuously upgrading the skills and knowledge of officers and staff through training.

Among the numerous training courses attended by Judicial Officers over the past year include :

- 2nd Southeast Asia Judicial Workshop on Cybercrime, Bangkok.
- ASEAN-USPTO Colloquium for Public Prosecutors and the Judiciary on Enforcement of Intellectual Property Rights Workshop.
- 4th Joint Judicial Conference between Brunei Darussalam, Malaysia and Singapore.

The Staff of the Subordinate Court have also undergone training to equip them with the relevant skills and knowledge necessary to improve the quality of court services.

CONCLUSION

The Subordinate Court will continue to strive to deliver quality justice to all by developing new initiatives to stakeholders and partners. This is particularly important in an era where technology drives the efficiency of court services. To this end, the Subordinate Court pledges to take a holistic approach towards increasing productivity by ensuring sufficient training is given to officers and staff of the Subordinate Court and ensuring staff welfare measures are prioritized.

The Subordinate Court expresses its gratitude to officers and staff for their commitment and diligence in faithfully carrying out their duties and service to society. It is hoped that with their continued support, 2018 will be another fruitful year of milestones and achievements.

Magistrates of Subordinate Court



**Haji Nabil Daraina bin
PUKDPSSU Haji
Badaruddin
Senior Magistrate**



**Pengiran Masni binti
Pengiran Haji Bahar
Senior Magistrate / Registrar**



**Lailatul Zubaidah binti
Haji Mohd Hussain
Senior Magistrate**



**Harnita Zelda Skinner
Magistrate /
Senior Registrar**



**Azrimah binti Haji
Abdul Rahman
Senior Magistrate**



**Pengiran Shahyul
Khairuddin bin
Pengiran Abdul Rahman
Magistrate**



**Hajah Noor Amalina binti
DP Haji Alaihuddin
Magistrate / Registrar**



**Hajah Ervy Sufitriana
binti Haji Abdul Rahman
Magistrate**



**Dewi Norlelawati binti
Haji Abdul Hamid
Magistrate**

Panel of Advisers to the Juvenile Court



From left :
**Haji Awang Abd Alim bin Haji Awang Othman,
Hajah Mordiah binti Haji Jackia,
Alinah binti Haji Tamin,
Ustaz Haji Md Lazim bin Haji Matali.**

Registrars / Adjudicators of Small Claims Tribunal

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Deputy Registrar :

Awang Muhammed Faisal bin PDJLD Kol (B) Dato Seri Pahlawan Haji Kefli

Assistant Registrars :

Awang Radin Safiee bin Radin Mas Basiuni

Awang Haji Nabil Daraina bin PUKDPSSU Haji Badaruddin

Dayang Ramzidah binti PDKD Haji Abdul Rahman

Pengiran Masni binti Pengiran Haji Bahar

Dayangku Norismayanti binti Pengiran Haji Ismail

Dayang Lailatul Zubaidah binti Haji Mohd Hussain

Dayang Hajah Hazarena binti POKSJ Dato Paduka Haji Hurairah

Dayang Harnita Zelda Skinner

Dayang Azrimah binti Haji Abdul Rahman

Pengiran Shahyzul Khairuddien bin Pengiran Abdul Rahman

Dayang Hajah Noor Amalina binti Dato Paduka Haji Alaihuddin

Dayang Hajah Ervy Sufitriana binti Haji Abdul Rahman

Deputy Adjudicators :

Awang Radin Safiee bin Radin Mas Basiuni

Awang Haji Nabil Daraina bin PUKDPSSU Haji Badaruddin

Dayang Ramzidah binti PDKD Haji Abdul Rahman

Pengiran Masni binti Pengiran Haji Bahar

Dayangku Norismayanti binti Pengiran Haji Ismail

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Dayang Hajah Hazarena binti POKSJ Dato Paduka Haji Hurairah

Dayang Harnita Zelda Skinner

Dayang Azrimah binti Haji Abdul Rahman

Pengiran Shahyzul Khairuddien bin Pengiran Abdul Rahman

Dayang Hajah Noor Amalina binti Dato Paduka Haji Alaihuddin

Dayang Hajah Ervy Sufitriana binti Haji Abdul Rahman

Staff of The Subordinate Court

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Registrars of Subordinate Court



Bandar Seri Begawan Staff



Kuala Belait Magistrate and Staff



Tutong Magistrate and Staff



Temburong Court Staff



Court Interpreters

Judge Advocates at Court-Martial

In 2006, a number of Judicial officers were appointed as Judge Advocates by the Judge Advocate General on the Royal Brunei Armed Forces Court-Martial by virtue of Section 124(3) (b) of the Royal Brunei Armed Forces, Chapter 149, which provides for the appointment of persons having judicial or legal experience as may from time to time, be required to act as Judge Advocates at Court-Martial.

The appointed Judge Advocates are as follows :-

The Hon. Justice Dato Paduka Steven Chong Wan Oon
The Hon. Justice Dato Paduka Awang Haji Hairol Arni bin Haji Abdul Majid
The Hon. Justice Pengiran Datin Paduka Hajah Rostaina binti Pengiran Haji Duraman
Judge Muhammed Faisal bin PDJLD Dato Seri Pahlawan Haji Kefli
Awang Radin Safiee bin Radin Mas Basiuni
Pengiran Masni binti Pengiran Haji Bahar
Dayang Lailatul Zubaidah binti Haji Mohd Hussain

Court-Martial Session 3 of 2017

20th June, 21st November and 12th December 2017



The Hon. Justice Dato Paduka Haji Hairol Arni bin Haji Abdul Majid
with the Court-Martial Panel



The State
Judiciary Department



The State Judiciary Department

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The State Judiciary Department was established in May 2002 and is solely responsible for the administration and management of support services, provision and financial affairs of the Civil and Syar'iah Courts.

These responsibilities are supported through five strategic pillars, namely to provide efficient and quality administrative services and human resource management to the courts; improving financial management, accountability and collection of revenue systematically and efficiently; providing a complete, conducive, safe and secure court building infrastructure; providing adequate training programs and capacity building strategies and to enhance the use of information technology, application systems and Information Communication Technology Infrastructure in the court's management and process.

In order to meet the demands of both the Civil and the Syar'ie Courts, the new Tutong Court Building was fully operational on 3rd November 2016.

In improving the Civil Courts organization, 2017 was a memorable year which saw a significant number of developments and recruitment of human resource. The recruitment included 5 full time Deputy Official Receivers, 3 Legal Assistants, 6 Court Recorders, 1 Bailiff and 2 clerical staff. This is further supported by the recruitment of 16 i-Ready Apprentices to the Civil Court to provide them with working experience in the fields of finance, system analysts, judicial research, statistics and corporate management.

Since April 2016, the department is also pleased to report that it has successfully collaborated with the Singapore Mediation Centre (SMC) to secure 7 accredited mediators from the Civil Courts Judicial Officers.

In 2017, a total of 18 officers and staff from the Civil Courts attended conferences, seminars and training in various disciplines both locally and overseas.

The department provided support to the Civil Courts in hosting the 5th Council of ASEAN Chief Justices and the 39th ASEAN Law Association (ALA) Governing Council Meeting.

Finally, we bid farewell and wish to extend our gratitude to our former director and acting director; Awang Haji Mohd Serudin bin Haji Timbang and Awang Haji Mohd Yusree bin Haji Junaidi for their tireless and dedicated contribution to the State Judiciary Department.

We look forward to another successful 2018 and the department will continue to support the Civil Courts towards delivering and improving the quality of services in every aspect of the court system.



Officers and Staff of the State Judiciary Department



Conferences



The 5th Council of ASEAN Chief Justices Meeting and the 39th ASEAN Law Association Governing Council Meeting 2017 at Indera Samudera Grand Hall, Empire Hotel and Country Club, 24th to 25th March 2017

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The most notable event of 2017 was the hosting of the 5th Council of ASEAN Chief Justices and the 39th ASEAN Law Association Governing Council Meeting 2017 hosted by the Supreme Court of Brunei Darussalam.

The two day event was held on 24nd and 25th March 2017. It was a collaborative effort between all members of the Judiciary, State Judiciary Department, Attorney General’s Chambers, Law Society and the Prime Minister’s Office.

The conference was held at the Indera Samudera Grand Hall, The Empire Hotel and Country Club. It was attended by Chief Justices of the ASEAN Countries together with Senior Judges, Senior Officers, Law Practitioners, Academics and other delegates.

The objective of the CACJ meetings are to promote close relations and mutual understandings among ASEAN judiciaries; to provide a regular forum for ASEAN Chief Justices to discuss and exchange views on common judicial issues, and to facilitate cooperations among ASEAN judiciaries, with the view of accelerating economic growth and development within the region.





**His Majesty Sultan and Yang Di-Pertuan of Brunei Darussalam
consented to grant audience with Head of Delegations of Brunei, Cambodia, Indonesia, Lao PDR,
Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam
Istana Nurul Iman
Saturday, 25th March 2017**



Dato Paduka Haji Kifrawi bin
Dato Paduka Haji Kifli
**Chief Justice of Brunei
Darussalam**



Dith Muntty
Chief Justice of Cambodia



Pro. Dr H Muhamad
Hatta Ali
Chief Justice of Indonesia



Tun Ariffin bin Zakaria
Chief Justice of Malaysia



Htun Htun Oo
Chief Justice of Myanmar



Prebitero Jose Velasco Jr
Chief Justice of Philippines



Sundaresh Menon
Chief Justice of Singapore



Veerapol Tungsuwan
Chief Justice of Thailand



Nyugen Hoa Binh
Chief Justice of Vietnam



**14th ASEAN Law Association Golf Tournament
Empire Hotel and Country Club, 23rd March 2017**

.....



**Welcoming Reception
High Court - Supreme Court Building, 24th March 2017**

.....



**Farewell Dinner, Indera Samudera Grand Hall,
Empire Hotel and Country Club, 25th March 2017**

.....





Visits



Chief Judge Edward Simarmata and Delegates from Lubuk Pakam District Court, North Sumatera, High Court - Supreme Court Building, Law and Courts Building, 24th March 2017

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**VISIT FROM MINISTER OF ENERGY AND INDUSTRY, PMO
Yang Berhormat Pehin Datu Singamanteri Colonel (Rtd) Dato Seri Setia
(Dr) Awang Haji Mohammad Yasmin bin Haji Umar
High Court - Supreme Court Building**



**VISIT FROM BANGLADESH HIGH COMMISSIONER
His Excellency Mr Air Vice Marshal Mahmud Hussain
Magistrate Court Building, Tutong, 2017**



**VISIT FROM WORLD BANK
Design and Technology Building, 17th June 2017**



**VISIT FROM DEAN FACULTY OF LAW, UNIVERSITY OF MALAYA
Associate Professor Dr Johan Shamsuddin Sabaruddin and
Professor Dr Choong Yeow Chong
High Court - Supreme Court Building, 22nd August 2017**



**VISIT FROM JUDICIAL COMMISSIONER OF MIRI COURT
The Hon. Dr Haji Aiwi bin Haji Abdul Wahab
High Court - Supreme Court Building, 30th November 2017**



**STUDY VISIT TO SUBORDINATE COURT
INSTITUTE OF BRUNEI TECHNICAL EDUCATION (IBTE)
Subordinate Court, Law and Courts Building - 15th April 2017**



POLICE RECRUITS VISIT TO THE SUBORDINATE COURT
Subordinate Court, Law and Courts Building, 15th April 2017



STUDY VISIT TO SUPREME COURT
POLITEKNIK COLLEGE
High Court - Supreme Court Building, 16th September 2017



Trainings





**Mediation - Refresher Workshop
by Mr Seng Oon Loong of Singapore Mediation Center (SMC)
Law and Courts Building, 18th February 2017**



**SCPTA : LEADERSHIP IN COURT GOVERNANCE
Singapore, 14th to 18th August 2017
Hon. Justice Dato Paduka Steven Chong Wan Oon,
Muhammed Faisal bin PDJLD Kol (B) DSP Haji Kefli, Intermediate Court Judge
Harita Zelda Skinner, Senior Registrar**



**ONE STEP CLOSER : PROMOTING ASEAN INTEGRATION THROUGH
HARMONIZATION OF COMMERCIAL LAW**
Amoma Grand, Bangkok, 4th to 5th September 2017
Lailatul Zubaidah binti Haji Mohd Hussain, Senior Magistrate
Hajah Ervy Sufitriana binti Haji Abdul Rahman, Magistrate



COUNCIL OF ASEAN CHIEF JUSTICE (CACJ) SPECIAL MEETING
Makati City, Philippines, 27th October 2017
Hon. Chief Justice DSP Haji Kifrawi bin DP Haji Kifli



ASEAN JUDICIARIES PORTAL (AJP)
Supreme Court of Singapore, 30th November 2017
Hajah Ervy Sufitriana binti Haji Abdul Rahman, Magistrate
Hasiah binti Abdullah, Legal Assistant



Court Projects



The Opening of the New Tutong Court 24th November 2016





Commercial Law Forum Law and Courts Building, 6th September 2016

.....



**Round-Table Discussion with The Rt Hon. Sir Martin James Moore-Bick PC QC, Vice President of the Civil Division of the Court of Appeal of England and Wales
High Court - Supreme Court Building, 7th September 2016**
.....



On going JCMS Clinic High Court - Supreme Court Building

.....





Events



**Farewell for The Hon. Justice David John Leonard
Judicial Commissioner of the Supreme Court and
member of the Court of Appeal
High Court - Supreme Court Building, 25th November 2017**

.....



**Swearing-In Ceremony of Senior Magistrate,
Lailatul Zubaidah binti Haji Mohd Hussain
as Intermediate Court Judge
High Court - Supreme Court Building, 5th August 2017**

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Activities





**34TH NATIONAL DAY
23rd February 2017**



**CLEANING CAMPAIGN AND TAHLIL
at Tanah Perkuburan Kampung Ujung Bukit 2017**

Preparation for the 5th Council of ASEAN Chief Justices Meeting and the 39th ASEAN Law Association Governing Council Meeting 2017



**Preparation for the Golden Jubilee Celebration of
His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam
Assession to the Throne**

.....



**Golden Jubilee Celebration of His Majesty The Sultan and
Yang Di-Pertuan of Brunei Darussalam
Assession to the Throne, 5th October 2017**

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TADARUS AND KHATAM AL-QURAN CEREMONY
High Court - Supreme Court Building 2017



HARI RAYA AIDILFITRI CELEBRATION
Subordinate Court Kuala Belait, 2017



**JUDICIAL STAFF AS THE PENDIKIR FOR THE MAJLIS PERHIMPUNAN WANITA
IN CONJUNCTION
to Maulud Nabi Muhammad Sallallahu 'Alahi Wasallam
Plenary Hall, International Perspective Center, 7th December 2017**



**INFORMATION DEPARTMENT FUTSAL TOURNAMENT 2017
Judicial Futsal Team, UBD Futsal Hall**



Statistics



SUPREME COURT

COURT OF APPEAL

CIVIL & CRIMINAL APPEAL CASES (From High Court and Intermediate Court to Court of Appeal)		
Year	2016	2017
Civil	6	7
Criminal	24	21

High Court

CIVIL & CRIMINAL CASES REGISTERED IN HIGH COURT		
Year	2016	2017
Civil	93	77
Criminal	11	9

CIVIL & CRIMINAL APPEAL CASES (From Magistrates Court to High Court)		
Year	2016	2017
Civil	2	NIL
Criminal	38	39

CHAMBER HEARING BEFORE REGISTRARS IN HIGH COURT		
Year	2016	2017
Civil	339	359

Other Matters

LEGAL AID		
Year	2016	2017
Criminal	3	5

BANKRUPTCY		
Year	2016	2017
Bankruptcy	578	587
Receiving Order	465	461
Adjudication Order	33	59
Recission	43	89
Discharge of Adjudication Order	5	5
Winding-Up Order	7	18
Creditors Meeting	1565	2108

LETTERS OF ADMINISTRATION		
Year	2016	2017
Received	401	377
Issued	384	340

PROBATE		
Year	2016	2017
Received	5	9
Issued	4	9

MARRIAGE AND DIVORCES		
Year	2016	2017
Marriage	134	144
Divorce	36	45

INTERMEDIATE COURT

Year	2016	2017
Civil	49	68
Criminal	51	88
Commercial Case	191	224

SUBORDINATE COURT

Magistrate's Court

BANDAR SERI BEGAWAN		
Year	2016	2017
Civil	1077	936
Criminal	3018	1479

KUALA BELAIT		
Year	2016	2017
Civil	276	253
Criminal	302	230

TUTONG		
Year	2016	2017
Civil	195	162
Criminal	47	82

TEMBURONG		
Year	2016	2017
Civil	Nil	Nil
Criminal	15	3

Juvenile Court

Year	2016	2017
Juvenile Arrest Case	15	5
Juvenile Traffic Case	11	Nil
Child and Protection Order	5	6
Beyond Parental Control	2	8

Small Claim Tribunal Cases

Year	2016	2017
Bandar Seri Begawan	Nil	1

Inquest Hearing

Year	2016	2017
Bandar Seri Begawan	5	10
Kuala Belait	Nil	Nil
Tutong	Nil	Nil
Temburong	Nil	Nil

Statutory Declarations

Year	2016	2017
Bandar Seri Begawan	10,958	10,008
Kuala Belait	1,617	1,527
Tutong	891	855
Temburong	128	144

THE REVENUE OF THE JUDICIARY OF BRUNEI DARUSSALAM

Year	2016	2017
Estate Duty	Nil	Nil
Stamp Duty	\$1,296,964.79	\$1,491,841.46
Search and Registration	\$31,300.00	\$31,810.00
Miscellaneous	\$3,727,175.98	\$3,360,126.21
Total Revenue	\$5,055,440.77	\$4,883,777.67

Committee Members of the Opening of the Legal Year 2018

1. PROTOCOL COMMITTEE

Adat Istiadat Department Officers
State Judiciary Department Officers and Staff
Radin Safiee bin Radin Mas Basiuni
Hajah Ervy Sufitriana binti Haji Abdul Rahman
Haji Badaruddin bin Haji Abdul Karim
Muhammad Hardy Iman bin Haji Muhammad Ukit
Adi Zuhailah binti Jumat
Noorhayati binti Haji Ismail
Hajah Asmawati binti Haji Ismail @ Haji Jaafar
Hashimah binti Haji Abu Bakar
Suhana binti Haji Mohd Jaini
Mohd Fadzillah bin Haji Abu Bakar
Haji Sahari bin Haji Abd Rahman
Norhayati binti Haji Idris
Mariam binti Haji Abu Bakar
Shahrin bin Haji Ibrahim / Sharbini
Hajah Nurul Hazimah binti Haji Tengah
Hajah Norsiah binti Haji Jamil
Mahmud Zuhdi bin Karim
Sumarni binti Haji Sairan
Selamah binti Haji Bujang / Zahrina
Rabiqah binti Ahmad
Setiawati binti Haji Tamit
Rohani binti Haji Zakaria
Afzan binti Kassim
Pengiran Siti Saerah binti Pengiran Haji Abd Rahman
Haji Mohammad Aizat Lutfi bin Haji Ahmad
Kasman bin Kamis
Siti Nur Mumtazah binti Sulaiman
Norhafillah binti Haji Mohidin
Asrina binti Haji Jukin
Puasa bin Haji Tuah
Md Arif bin Haji Sabtu
Awangku Md Syazwan Azizan bin Pengiran Haji Abdullah
Mohd Fadzil Afifi bin Haji Md Hussin
Nur Afifah Basyirah binti Ibrahim
Dayangku Faiziah binti Pengiran Sabtu

2. FINANCE COMMITTEE

Shahrezawati binti Ahmad
Haji Tamin bin Haji Lamat

3. INVITATION COMMITTEE

Justice Pengiran Datin Paduka Hajah Rostaina binti Pengiran Haji Duraman
Hajah Mariah binti Awang Ali
Suzannah binti Basman
Pengiran Hajah Rahaiyah binti Pengiran Haji Mohd Yassin
Norhayati binti Haji Idris
Norhayati binti Haji Masri
Hajah Nurul Hazimah binti Haji Tengah
Siti Nornadzirah @ Nurul Najibah binti Haji Awang Sulaiman
Nani Hamizah binti Haji Omar Ali
Rohani binti Haji Jaafar

4. REFRESHMENTS COMMITTEE

Pengiran Masni binti Pengiran Haji Bahar
Pengiran Haji Mohd Khairuddin bin Pengiran Haji Hashim
Harnita Zelda Skinner
Hajah Fauzihan binti Haji Mohamad
Selamah binti Haji Bujang
Awangku Ibrahim bin Pengiran Badar
Noor Khadizah binti Abdullah
Nurfattyima binti Mohammad
Umami Kalsum binti Haji Bukang
Siti Rafeah binti Haji Md Yusof
Hajah Norazizah binti Haji Ering
Siti Hazirah binti Hashim
Mohd Hafizuddin bin Haji Muhammad
Ahmad Haziq bin Othman
Siti Nornadzirah @ Nurul Najibah binti Haji Awang Sulaiman

5. FACILITIES & BUILDING MAINTENANCE COMMITTEE

Pengiran Haji Mohd Khairuddin bin Pengiran Haji Hashim
Shahrezawati binti Ahmad
Haji Badaruddin bin Haji Abdul Karim
Haji Omar bin Haji Mohd Daud
Muhammad Hardy Iman bin Haji Muhammad Ukit
Mohd Amin bin Abdullah Lim
Muhd Afandi bin Haji Ebil
Khamis bin Haji Tamit
Shahrin bin Haji Ibrahim / Sharbini
Mohd Fadzillah bin Haji Abu Bakar
Yusof bin Haji Mustapa
Pengiran Kamarudin bin Pengiran Haji Md Tahir
Muhammad Fauzi bin Haji Duraim
Nur Afiq bin Haji Morsidi
Haji Hanafi bin Ibrahim
Ali Rahman bin Haji Simba
Haji Md Shamsul bin Haji Ismail

Mohammad Hassim bin Othman
Mohd Daud bin Haji Metussin
Pengiran Suhaili bin Pengiran Ahmad
Puasa bin Tuah
Rodglan bin Haji Abdul Rahman
Mohamad Shamri bin Alias
Pengiran Hairulardi bin Pengiran Ahmad
Pengiran Abu Nurhairah bin Pengiran Hashim
Mohd Ghazali bin Haji Tassim
Haji Jasni bin Haji Misir
Mohd Yussof bin Haji Ahmad
Pengiran Metali bin Pengiran Metamin
Mohamad Izzam bin Mahmood / Mahmud

6. PROGRAM COMMITTEE

Justice Dato Paduka Haji Hairol Arni bin Haji Abdul Majid
Justice Pengiran Datin Paduka Hajah Rostaina binti Pengiran Haji Duraman
Dayangku Norismayanti binti Pengiran Haji Ismail
Hajah Hazarena binti POKSJ DP Haji Abu Hurairah
Harnita Zelda Skinner
Pengiran Hajah Rahaiyah binti Pengiran Haji Mohd Yassin
Zulhelmi bin Haji Amer Hamzah
Nazreen bin Amin
Mohammed Hairol bin Abdul Khan
Hajah Rosnani binti Haji Kula
Yahya bin Omar
Noridah binti Haji Matnoor
Dy Rakhiah binti Tuah
Pengiran Yusaffry bin Pengiran Haji Kamaluddin
Pengiran Haji Ibrahim bin Pengiran Mohd Daud
Laily Suriana binti Haji Abd Lamit
Hajah Rosmimah binti Haji Abd. Rahim
Awang Sofian bin Taim

7. MEDIA COMMITTEE

Suzanah binti Haji Sulaiman
Hajah Noor Amalina binti DP Haji Alaihuddin

8. WEBSITE COMMITTEE

Shahrezawati binti Ahmad
Muhammad Hardy Iman bin Muhammad Ukit

9. **PHOTOGRAPHY COMMITTEE**

Radin Safiee bin Radin Mas Basiuni
Harnita Zelda Skinner
Alizah binti Hidup
Shaliza Hani binti Ahmad
Nur Afiq bin Haji Morsidi
Izzati binti Mohd Ali

10. **ROYAL POLICE FORCE GUARD OF HONOUR AND JSKLL COMMITTEE**

Muhammed Faisal bin PDJLD DSP Haji Kefli
Muhd Muzakkir bin Awang Haji Zakaria
Chief Insp Pengiran Haji Symshahai'rul Ismar bin Pengiran Haji Shahbudin
Insp Zalinda Susan Skinner, Police Prosecuting Officer
Inspector Normazlina binti Emran, Police Prosecuting Officer
Jabatan Siasatan dan Kawalan Lalu Lintas
Ketua Perbarisan Kawalan Kehormatan
Pelapis Ketua Perbarisan Kawalan Kehormatan
Ketua Perbarisan Kawalan Kehormatan 2
Pelapis Ketua Perbarisan Kawalan Kehormatan 2
Pegawai Pengiring Panji-Panji
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11. **MASTER OF CEREMONY**

Mohamad Jazmi bin Haji Mohamad Kamel
Hajah Norinah binti Haji Norkaseh
Nor Hadizah bin Haji Yahya

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