

PART I.—GENERAL PROVISIONS.

3. In this Order, unless the subject or context otherwise requires—

“The Secretary of State” means one of His Majesty’s Principal Secretaries of State ;

“Prescribed” means prescribed by any Consular instructions, or by any order of notification signed or authorized by the Secretary of State ;

The expression “Brunei,” or “the limits of this Order,” mean the dominions for the time being of the Sultan of Brunei and the islands and territorial waters belonging to the said dominions ; provided that the expression “at Brunei” shall be construed as referring to the town or settlement called Brunei.

“Consular officer” includes any person for the time being acting in Brunei by virtue of His Majesty’s Commission, or with the authority or approval of the Secretary of State as Consul-General, Consul, Vice-Consul, or Consular Agent ;

“Consul” means any person for the time being acting as Consul for Brunei ;

“Treaty” includes any Convention, Agreement, or Arrangement, made by or on behalf of His Majesty with any State or Government, King, Chief, people, or tribe, and any Regulation appended thereto ;

“Court” means any Court or person exercising jurisdiction under this Order ;

“Governor” means the Governor of the Straits Settlements ;

“Supreme Court” means the Supreme Court of the Straits Settlements ;

“British subject” includes a British-protected person, that is to say, a person who either (a.) is a native of any Protectorate of His Majesty, and is temporarily in Brunei, or (b.) by virtue of “The Foreign Jurisdiction Act, 1890,” or otherwise enjoys His Majesty’s protection in Brunei.

“Foreigner” means a person, whether a native or subject of Brunei or not, who is not a British subject, as above defined ;

“Native” means a native or subject of Brunei ;

“Person” includes a corporation or association of persons ;

“Oath” or “Affidavit” includes affirmation and declaration ;

“Month” means calendar month.

The plural includes the singular, and the singular the plural, and the masculine the feminine.

Expressions referring to print or to writing include either print or writing, or a combination of both.

4.—(1.) The powers conferred by this Order shall extend to the persons and matters following, in so far as by Treaty, grant, usage, sufferance, or other lawful means His Majesty has power or authority in Brunei in relation to such persons and matters, that is to say :—

(a.) British subjects as herein defined.

(b.) The property and personal and proprietary rights and obligations of British subjects in Brunei (whether such subjects are or are not within Brunei), including British ships, with their boats and the persons and property on board thereof, or belonging thereto.

(c.) Foreigners as herein defined who submit themselves to the Court in accordance with the provisions of this Order.

(d.) Foreigners as herein defined with respect to whom any State, King, Chief, or Government whose subjects or under whose protection they are has by any Treaty as herein defined or otherwise agreed with His Majesty for or consented to the exercise of power or authority by His Majesty.

(2.) All His Majesty’s jurisdiction exercisable in Brunei for the judicial hearing and determination of matters in difference between British subjects, or between foreigners and British subjects, or for the administration or control of the property or persons of British subjects, or for the repression or punishment of crimes committed by British subjects, or for the maintenance of order among British subjects, shall be exercised under and according to the provisions of this Order and not otherwise.

5. Subject to the other provisions of this Order the criminal and civil jurisdiction of the Court shall, as far as circumstances admit, be exercised on the principles of and in conformity with the Statute Law and other law for the time being in force in England, and with the procedure and practice of Courts of Justice and Justices of the Peace in England, according to their respective jurisdiction and authority.

For the purpose of facilitating the application of such Statute Law, the Court may construe any enactment with such alterations and modifications not affecting the substance as may be necessary to meet the circumstances of the said territories.

Except as regards acts which are or may be made offences by this or any other Order in Council applying to Brunei, or by any Laws or Regulations made thereunder, such acts only as would be offences if committed in England shall be deemed to be offences rendering the person committing the same liable to punishment.

6. Crimes, wrongs, and breaches of contract against or affecting the person, property, or rights of natives of Brunei or other foreigners as herein defined, committed by persons subject to this Order, are punishable or otherwise cognizable under the provisions of this Order, with the consent of such natives or foreigners, in the same manner as if they were committed against or affected the person, property, or rights of British subjects.

PART II.—COURTS.

(1.) Court for Brunei.

7. There shall be and there is hereby established in and for Brunei a Court styled “His Majesty’s Court for Brunei,” in this Order referred to as “the Court.”

The Court shall be held by the Consul or a Consular officer, who in relation to the Court is hereinafter referred to as “the Judge.”

The Court shall sit at Brunei, or, as occasion may require, at any other place within the limits of this Order.

The Court shall be a Court of Record.

8. The Secretary of State may appoint a fit person to be Registrar of the Court, but where no other person is appointed to be Registrar the Consul or Consular officer holding the Court shall be the Registrar of the Court.

The Consul may, with the approval of the Secretary of State, appoint such clerks, messengers, or other officers of the Court as may seem fit.

The Registrar and any clerk of the Court designated by the Consul may administer oaths and take affidavits, declarations, and affirmations.

9. In every case, civil or criminal, heard in the Court, proper Minutes of the proceedings shall be drawn up, and shall be signed by the Judge or officer before whom the proceedings are taken, and sealed with the seal of the Court, and shall, where Assessors are present, be open for their inspection, and for their signature if concurred in by them.

The Minutes, with depositions of witnesses and notes of evidence taken at the trial by the Judge