

No. S 31

**CONSTITUTION OF BRUNEI DARUSSALAM**  
**(Order under section 83(3))**

**EMERGENCY (RELIGIOUS COUNCIL AND KADIS COURTS ACT)**  
**(AMENDMENT) ORDER, 1990**

In exercise of the power conferred by subsection (3) of section 83 of the Constitution of Brunei Darussalam, His Majesty The Sultan and Yang Di-Pertuan of Brunei Darussalam hereby makes the following Order —

1. This Order may be cited as the Emergency (Religious Council and Kadis Courts Act) (Amendment) Order, 1990 and shall be deemed to have come into operation on 1st October, 1990.

Citation and deemed date of commencement.

2. Section 48 of the Religious Council and Kadis Courts Act, in this Order referred to as the Act, is amended by inserting the following new subsection immediately after subsection (1) —

Amendment of section 48 of Chapter 77.

“(1A) Notwithstanding sub-paragraph (iii) of paragraph (b) of subsection (1), the Court of the Chief Kadi shall, in its civil jurisdiction, hear and determine all actions and proceedings in which one of the parties professes the Islamic religion and which relate to guardianship or custody of infants.”

3. The Act is amended by inserting the following new section immediately after section 50 —

Insertion of new section 50A.

“Guardianship and custody matters under section 48(1A).

50A. (1) Wherever a Civil Court is required to act in any action or proceeding to which subsection (1A) of section 48 applies, it shall refer the matter to the Court of the Chief Kadi.

(2) The Court of the Chief Kadi shall thereupon, but subject to subsection (3), consider such matter and shall make and transmit to the Civil Court a written statement, certified to have been given for the purpose of that matter, containing answers to the same, and the Civil Court shall thereupon act upon that statement.

(3) Subsections (2), (3) and (4) of section 50 apply to a reference under this section as they apply to a reference under section 71 of the Probate and Administration Act and shall be construed subject to such modifications as may be necessary to bring them into conformity with this section.”

Chapter 11.

Made this 22nd day of November, 1990 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

**HIS MAJESTY**  
**THE SULTAN AND YANG DI-PERTUAN**  
**BRUNEI DARUSSALAM**