

No. S 21

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

**EMERGENCY (COMMISSIONERS FOR OATHS) ORDER, 1993**

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 (Commissioners for Oaths) Order, 1993 and shall commence on the 26th August, 1993. Citation and commencement.
  
2. In this Order, unless the context otherwise requires –
  - "affidavit" includes affirmation, declaration (not being a statutory declaration), acknowledgment, examination and attestation. Interpretation.
  
3. (1) The Chief Justice may, with the approval of the Minister responsible for law and by notification in the *Gazette*, appoint persons being advocates and solicitors of the Supreme Court to be commissioners for oaths. Appointment of commissioners for oaths.
  - (2) A commissioner for oaths appointed under subsection (1) shall not exercise any of the powers conferred on him by this Order in any proceeding in which he is an advocate or solicitor for any of the parties to the proceeding, in relation to any person who is a client of himself or of this firm, or in relation to any matter in which he is interested.
  
4. (1) Any oath or affidavit required for any purpose in Brunei Darussalam may be administered or taken in any place outside Brunei Darussalam by any person having authority to administer an oath in that place. Taking of oaths outside Brunei Darussalam.
  - (2) In the case of a person having such authority otherwise than by the law of a foreign country, judicial and official notice shall be taken of his seal or signature affixed, impressed or subscribed to or on any such oath or affidavit.
  
5. The Chief Justice may authorise any person to administer an oath and take an affidavit for any purpose relating to prize proceedings in the Supreme Court, whilst that person is on the high seas or out of Brunei Darussalam and it shall not be necessary to affix any stamp to the document by which he is so authorised. Appointment of persons to administer oaths for prize proceedings.

Powers of commissioners for oaths.

6. (1) A commissioner for oaths (whether appointed under this Order or under any other written law) may administer an oath or take an affidavit for any purpose, whether under any written law or otherwise.

(2) Every commissioner for oaths (whether appointed under this order or under any other written law) before whom any oath or affidavit is administered or taken shall state truly in the jurat or attestation at what place and on what date the oath or affidavit was administered or taken.

Powers as to oaths etc. abroad.

7. (1) Every ambassador, envoy, minister, charge' d'affaires, secretary or consular or other officer of a Brunei Darussalam embassy, legation or consulate, exercising his functions in a foreign country, may in that country, administer any oath or take any affidavit.

(2) An oath or affidavit administered or taken by or before such a person as is specified in subsection (1) shall be as effectual as if duly administered or taken by or before a lawful authority in Brunei Darussalam.

(3) A document which purports to be signed by a person authorized to act by subsection (1) shall be admitted in evidence without proof that the document was signed by that person or of the latter's office.

False statement in affidavit punishable under Penal Code.

8. An affidavit sworn under this Order shall be deemed to be such a declaration as is referred to in sections 199 and 200 of the Penal Code.

Fees.

9. A commissioner for oaths appointed under this Order may charge such fees as the Chief Justice may prescribe by Order.

Rules.

10. The Chief Justice may make rules for carrying the provisions of this Order into effect.

Chapters 3 and 12 not affected.

11. Nothing in this Order shall affect the provisions of the Oaths and Affirmations Act and the Statutory Declarations Act.

Made this 26th day of August, 1993, at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY  
THE SULTAN AND YANG DI-PERTUAN  
BRUNEI DARUSSALAM