

No. S 66

**CONSTITUTION OF BRUNEI DARUSSALAM  
(Order made under Article 83(3))**

**CONSTITUTION (FINANCIAL PROCEDURE) (AMENDMENT) ORDER, 2017**

**ARRANGEMENT OF SECTIONS**

**Section**

1. Citation
  2. Substitution of section 16 of Constitution III
  3. Amendment of section 17
  4. Substitution of section 18
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CONSTITUTION (FINANCIAL PROCEDURE) (AMENDMENT) ORDER, 2017

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

**Citation**

1. This Order may be cited as the Constitution (Financial Procedure) (Amendment) Order, 2017.

**Substitution of section 16 of Constitution III**

2. Section 16 of the Constitution (Financial Procedure) Order, in this Order referred to as the principal Order, is repealed and the following new section substituted therefor —

**“Surcharge**

16. If it appears to the Minister that any person who is or was in the employment of the Government of Brunei Darussalam —

*(a)* has failed to collect any moneys owing to the Government for the collection of which he is or was responsible;

*(b)* is or was responsible for any improper payment of public moneys or for any payment of such moneys which is not duly vouched;

*(c)* is or was responsible for any deficiency in, or for the destruction of, any public moneys, stamps, securities, stores, or other property of the Government; or

*(d)* is or was responsible for Government procurement has not complied with the provisions provided in the Financial Regulations, 1983 (S 1/1983),

and if a satisfactory explanation is not furnished, within a period as may be specified by the Minister or any officer authorised by the Minister in writing in that behalf, to the Minister or such authorised officer —

*(i)* with regard to such failure to collect, improper payment, payment not duly vouched, or deficiency or destruction, the Minister or any officer authorised by the Minister in

writing in that behalf may, surcharge against that person a sum not exceeding the amount of any such amount not collected, payment, a deficiency, or loss of the value of the property destroyed, as the case may be; and

- (ii) with regard to the failure to comply with the provisions of the Financial Regulations, 1983 (S 1/1983), the Minister or any officer authorised by the Minister in writing in that behalf may surcharge against such person, such sum as the Minister or any officer authorised by the Minister in writing in that behalf may think fit.”.

#### Amendment of section 17

3. Section 17 of the principal Order is amended by deleting “Chairman of the Public Service Commission” from the first line and by substituting “Minister or any officer authorised by the Minister in writing in that behalf” therefor.

#### Substitution of section 18

4. Section 18 of the principal Order is repealed and the following new section substituted therefor —

##### “Withdrawal of surcharge

18. The Minister or any officer authorised by the Minister in writing in that behalf may at any time withdraw any surcharge in respect of which a satisfactory explanation has been received or if it otherwise appears that no surcharge should have been made, and the Minister or any officer authorised by the Minister in writing in that behalf shall thereupon notify the head of department or any relevant officer of such withdrawal.”.

Made this 28th. day of Zulkaedah, 1438 Hijriah corresponding to the 21st. day of August, 2017 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY  
THE SULTAN AND YANG DI-PERTUAN  
BRUNEI DARUSSALAM