

No. S 14

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

PREVENTION OF CORRUPTION ACT (AMENDMENT) ORDER, 2010

ARRANGEMENT OF SECTIONS

Section

1. Citation.
 2. Insertion of new section 4A into Chapter 131.
 3. Insertion of new section 18A.
 4. Insertion of new section 19A.
 5. Substitution of section 22.
 6. Substitution of section 24A.
 7. Insertion of new section 34A.
-

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

PREVENTION OF CORRUPTION ACT (AMENDMENT) ORDER, 2010

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 Prevention of Corruption Act (Amendment) Order, 2010.

Insertion of new section 4A into Chapter 131.

2. The Prevention of Corruption Act, in this Order referred to as the Act, is amended by inserting the following new section immediately after section 4 —

"Duties of Director and Officers of the Bureau.

4A. It shall be the duty of the Director and Officers of the Bureau to —

(a) receive and consider any report of the commission of an offence under this Act or any prescribed offence and to investigate such of those reports as the Director or any Officer of the Bureau considers practicable;

(b) detect and investigate —

- (i) any suspected offence under this Act or any prescribed offence;
- (ii) any suspected attempt to commit any offence under this Act or any prescribed offence; and
- (iii) any suspected conspiracy to commit any offence under this Act or any prescribed offence;

(c) examine the practices, systems and procedures of public bodies in order to facilitate the discovery of offences under this Act or any prescribed offences and to secure the revision of such practices, systems and procedures as may, in the opinion of the Director, be conducive to corruption;

(d) instruct, advise and assist any person, on the latter's request, on ways in which corruption may be eliminated by such person;

(e) advise heads of public bodies of any changes in practice, systems or procedure compatible with the effective discharge of the duties of the public bodies as the Director thinks necessary to reduce the likelihood of the occurrence of corruption;

(f) educate the public against corruption; and

(g) enlist and foster public support in combating corruption."

Insertion of new section 18A.

3. The Act is amended by inserting the following new section immediately after section 18 —

"Provisions as to bail or bond.

18A. (1) A person who has been arrested by any Officer of the Bureau may be released on bail or on his own bond granted by the Director or any Officer of the Bureau specially authorised in writing by the Director.

(2) The provisions of Chapters XXXV and XXXVI of the Criminal Procedure Code (Chapter 7) shall apply to any bail or bond granted under this section; and for the purpose of the Criminal Procedure Code (Chapter 7), any reference to "officer", "police officer" or "police officer not below the rank of inspector" shall be read to include the Director or any Officer of the Bureau."

Insertion of new section 19A.

4. The Act is amended by inserting the following new section immediately after section 19 —

"Powers of investigation authorised by Public Prosecutor.

19A. The Public Prosecutor may, by order, authorise the Director or any Officer of the Bureau to exercise, in the case of any offence under any written law, all or any of the powers in relation to police investigations conferred by the Criminal Procedure Code (Chapter 7)."

Substitution of section 22.

5. Section 22 of the Act is repealed and the following new section substituted therefor –

"Legal obligation to give information.

22. (1) Every person required by any Officer of the Bureau to give any information on any subject which is the duty of that Officer to inquire into under this Act or on any prescribed offence and which it is in his power to give, shall be legally bound to give that information.

(2) Any person who fails to give such information as he is required to give under subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$20,000 and imprisonment for one year."

Substitution of section 24A.

6. Section 24A of the Act is repealed and the following new section substituted therefor –

"Admission of statements in evidence.

24A. (1) Where any person is charged with an offence, any statement, whether such statement amounts to a confession or not or is oral or in writing, made at any time, whether before or after that person is charged and whether in the course of a police investigation or not, or whether in the course of an investigation by the Bureau or not, and whether or not a caution was administered and whether or not wholly or partly in answer to questions, by that person to or in the hearing of any police officer or any Officer of the Bureau, whether or not interpreted to him by any other police officer or any other Officer of the Bureau or any other person, whether concerned or not in the arrest of that person, shall, notwithstanding anything to the contrary contained in the Criminal Procedure Code (Chapter 7) or in any other written law, be admissible at his trial in evidence and, if that person tenders himself as a witness, any such statement may be used in cross-examination and for the purpose of impeaching his credit.

(2) Notwithstanding subsection (1), the Court shall refuse to admit the confession of an accused person or allow it to be used in the manner referred to in that subsection if the making of the statement appears to the Court to have been caused by any inducement, threat or promise having reference to the charge against that person, proceeding from a person in authority and sufficient in the opinion of the Court to give that person grounds which would appear to him reasonable for supposing that by

making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him.

{3} No statement made by an accused person under a legal obligation to give information shall be construed as a statement obtained by any inducement, threat or promise as is referred to in subsection {2}, if it is otherwise voluntary.

{4} The Court shall admit under subsection {1} a statement made by an accused person if such statement is made after the impression caused by any inducement, threat or promise as is referred to in subsection {2} has, in the opinion of the Court, been fully removed."

Insertion of new section 34A.

7. The Act is amended by inserting the following new section immediately after section 34 —

"Resisting or obstructing officer.

34A. Any person who resists or obstructs any Officer of the Bureau in the execution of his duty is guilty of an offence and liable on conviction to a fine not exceeding \$20,000 and imprisonment for one year."

Made this 23rd. day of Safar, 1431 Hijriah corresponding to the 8th. day of February, 2010 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM