



Brunei No. 1 (1995)

# Exchange of Notes

between the Government of the  
United Kingdom of Great Britain and Northern Ireland  
and the Government of His Majesty The Sultan and Yang Di-Pertuan  
of Brunei Darussalam

concerning the Reference of Appeals from the Supreme  
Court of Brunei Darussalam to the Judicial Committee  
of Her Majesty's Privy Council

Bandar Seri Begawan, 19 January 1995

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
April 1995*

LONDON : HMSO



**EXCHANGE OF NOTES  
BETWEEN THE GOVERNMENT OF THE  
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND  
AND THE GOVERNMENT OF HIS MAJESTY THE SULTAN AND YANG  
DI-PERTUAN OF BRUNEI DARUSSALAM  
CONCERNING THE REFERENCE OF APPEALS FROM THE SUPREME  
COURT OF BRUNEI DARUSSALAM TO THE JUDICIAL COMMITTEE OF  
HER MAJESTY'S PRIVY COUNCIL**

No. 1

The United Kingdom High Commissioner at Bandar Seri Begawan to the Minister of Law and Attorney-General of the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam.

*British High Commission  
Bandar Seri Begawan  
19 January 1995*

I have the honour to refer to our discussions concerning revision of the arrangements set out in the Exchange of Notes dated 27 June 1989<sup>1</sup> between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of His Majesty The Sultan and Yang Di-Pertuan of Brunei Darussalam on the reference of appeals from the Supreme Court of Brunei Darussalam to the Judicial Committee of Her Majesty's Privy Council.

Her Majesty's Government have taken note of the wish of His Majesty's Government that the Brunei Court of Appeal should be the final Appeal Court in criminal matters. The Judicial Committee of Her Majesty's Privy Council has been consulted with regard to this proposal and I have the honour to advise you that it is the view of Her Majesty's Government that it is for Brunei Darussalam to determine what classes of cases may be the subject of appeal to the Judicial Committee of the Privy Council and to give effect to this in its legislation. Once the necessary legislation has been passed in Brunei Darussalam, the revised arrangements will take effect on the date specified in that legislation and in accordance with its terms. Her Majesty's Government would be grateful to receive a copy of the legislation once it has been enacted. A consequential amendment will then be made by Order in Council to the United Kingdom Brunei (Appeals) Order, 1989.

On the coming into effect of the revised arrangements referred to in the preceding paragraph the Exchange of Notes between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Brunei Darussalam concerning the reference of appeals to the Judicial Committee of Her Majesty's Privy Council will be deemed to be modified so that they will have no application to appeals in criminal matters for which the Brunei Court of Appeal will be the final Appeal Court.

Save as modified by this Note, the Exchange of Notes dated 27 June 1989 shall continue in full force and effect.

I R CALLAN

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<sup>1</sup> Miscellaneous No. 17 (1989) Cm 890.

No. 2

The Minister of Law and Attorney-General of the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam to the United Kingdom High Commissioner at Bandar Seri Begawan.

*British High Commission  
Bandar Seri Begawan  
19 January 1995*

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I have the honour to refer to Your Excellency's Note of today's date which reads as follows:

[As in No. 1]

In reply, I have pleasure in agreeing that your Note correctly represents the conclusions reached between the Government of Brunei Darussalam and Her Majesty's Government and that your Note and my reply will place on record the understanding between our two Governments on this matter, which will come into operation on the date of this Exchange of Notes.

Please accept, Your Excellency, the assurance of my highest consideration.

PENCIRAN HAJI BAHRIN

