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

LAND CODE (AMENDMENT) ORDER, 2025

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

LAND CODE (AMENDMENT) ORDER, 2025

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 and commencement

1. This Order may be cited as the Land Code (Amendment) Order, 2025 and shall commence on 1st August 2025.

Amendment of section 1A of Chapter 40

2. Section 1A of the Land Code, in this Order referred to as the Code, is amended —

(a) in the definition of "non-citizen", by inserting ", but does not include a person of no national status" immediately after "Darussalam";

(b) by inserting the following two new definitions in the appropriate alphabetical order —

"Minister" means the Minister of Development;

"national status" means the status in which a person is either a national or citizen of Brunei Darussalam or a national or citizen of any other State or country;".

Amendment of section 3A

3. Section 3A of the Code is amended —

(a) in subsection (1), by deleting "No" from the first line and by substituting "Except as provided in this Code, no" therefor;

(b) in subsection (2), by deleting "shall, whether made before or after the commencement of this Order on or after a date to be notified by the Minister in the *Gazette*, be null and void" from the last two lines and by substituting "shall, if made on or after the commencement of the Land Code (Amendment) Order, 2025, be null and void" therefor.

Substitution of section 3B

4. Section 3B of the Code is repealed and the following new section is substituted therefor —

“Non-citizen to furnish particulars and produce documents of claim to or interest in land

3B. (1) A non-citizen claiming to have any claim to or interest in any land shall, no later than 12 months from the commencement of the Land Code (Amendment) Order, 2025 or such further period as the Minister may allow, furnish to the officer in charge of the Land Office a statement setting out the particulars, and produce all documents in support, of such claim or interest.

(2) The officer in charge of the Land Office shall proceed to inquire into such claim to or interest in the land and shall refer the matter to the Minister who shall thereafter forward the matter to His Majesty the Sultan and Yang Di-Pertuan in Council for direction.

(3) His Majesty the Sultan and Yang Di-Pertuan in Council may, on the recommendation of the Minister, direct that such claim to or interest in a freehold land to be converted to a leasehold interest in the land subject to such restrictions and conditions as His Majesty the Sultan and Yang Di-Pertuan in Council may think proper and the officer in charge of the Land Office shall make a record thereof in the Register and the extract of title in the name of the non-citizen in accordance with such direction.

(4) His Majesty the Sultan and Yang Di-Pertuan in Council may, on the recommendation of the Minister, direct that a claim to or interest in any land, other than the claim to or interest in the freehold land referred to under subsection (3), to be alienated to such extent as is allowed by this Code subject to such restrictions and conditions as His Majesty the Sultan and Yang Di-Pertuan in Council may think proper and the officer in charge of the Land Office shall rectify the Register and the extract of title in accordance with such direction.

(5) For the purposes of this section, the maximum period of lease that is approved shall be in accordance with the guidelines issued under section 3F.

(6) A direction of His Majesty the Sultan and Yang Di-Pertuan in Council under this section is final and shall not be called in question in any court.

(7) A non-citizen claiming to have any claim to or interest in any land who fails to furnish a statement setting out the particulars or produce the documents in support thereof, or furnishes the statement or produces the documents, after the period specified or further period allowed under subsection (1) shall not be recognised and any claim to or interest of the non-citizen therein shall be null and void."

Substitution of section 3C

5. Section 3C of the Code is repealed and the following new section is substituted therefor —

"Succession etc. of land by non-citizen

3C. (1) Notwithstanding any other provisions of this Code or of any other written law, any land belonging to a deceased person shall pass by bequest, succession or inheritance to any non-citizen.

(2) The legal personal representatives to whom probate or letters of administration are granted in respect of such land shall, within a period of 12 months of the date of the death of the deceased person, furnish to the officer in charge of the Land Office a statement setting out the particulars of the land and of any claim to or interest of the non-citizen therein and to have such land registered in the name of the non-citizen.

(3) Where a non-citizen is entitled to a freehold land pursuant to subsection (1), he shall be bound to sell such land to a citizen of Brunei Darussalam within a period of 10 years of the date of the death of the deceased person.

(4) Where the non-citizen has not sold, or has not been able to sell the land within the period specified in subsection (3), he shall furnish to the officer in charge of the Land Office (within such period not exceeding 6 months as such officer may require) a statement setting out the particulars of the land which has not been sold, giving reasons for his failure or omission to sell.

(5) The officer in charge of the Land Office shall, after receipt of such statement or where no such statement has been received within the period specified, refer the matter to the Minister who shall thereafter forward the matter to His Majesty the Sultan and Yang Di-Pertuan in Council for direction and approval to have such land to be converted to a leasehold interest in the land for such maximum period of lease that is approved in accordance with the guidelines issued under section 3F commencing from the date of the death of the deceased person.

(6) Notwithstanding subsections (3) and (5), the officer in charge of the Land Office may, after receipt of the statement referred to in subsection (4), with the approval of the Minister, allow such extension of time as the officer thinks fit for the sale of such land.

(7) In this section, "letters of administration" and "probate" have the same meanings as in the Probate and Administration Act (Chapter 11)."

Insertion of new sections 3D, 3E and 3F

6. The Code is amended by inserting the following three new sections immediately after section 3C —

"Transfer, purchase or acquisition of land by persons of no national status

3D. (1) Except as provided in this Code —

(a) a person may transfer not more than one freehold land or any estate or interest therein to a person of no national status; or

(b) a person of no national status may purchase or acquire not more than one freehold land or any estate or interest therein,

in respect of which is intended to be used solely for his own residential purpose.

(2) For the avoidance of doubt, no person of no national status shall purchase or acquire any land or any estate or interest therein, other than the freehold land for the purposes of subsection (1), except by way of a charge, lease or sub-lease.

(3) Section 3B applies, with the necessary modifications, to a person of no national status claiming to have any claim to or interest in any land under this section.

Land held by former citizens of Brunei Darussalam and permanent residents

3E. (1) Where a person acquires any land or any estate or interest therein, except by way of a charge, lease or sub-lease, as a citizen of Brunei Darussalam or permanent resident and subsequently —

(a) renounces or is deprived of his citizenship of Brunei Darussalam; or

(b) decides not to renew his Entry Permit issued under the Immigration Act (Chapter 17) or his Entry Permit is cancelled and is about to leave Brunei Darussalam,

on or after the commencement of the Land Code (Amendment) Order, 2025, the person shall sell the land or estate or interest therein to a citizen of Brunei Darussalam within a period of 10 years from the date of cessation of his citizenship of Brunei Darussalam or his Entry Permit, as the case may be, or such longer period as the Minister may allow before the end of those 10 years.

(2) Where the person has not sold, or has not been able to sell the land within the period specified in subsection (1), he shall furnish to the officer in charge of the Land Office (within such period not exceeding 6 months as such officer may require) a statement setting out the particulars of the land which has not been sold, giving reasons for his failure or omission to sell.

(3) The officer in charge of the Land Office shall, after receipt of such statement or where no such statement has been received within the period specified, refer the matter to the Minister who shall thereafter forward the matter to His Majesty the Sultan and Yang Di-Pertuan in Council for direction and approval to have such land to be converted to a leasehold for such maximum period of lease that is approved in accordance with the guidelines issued under section 3F commencing from the date of cessation of his citizenship of Brunei Darussalam or his Entry Permit, as the case may be.

Maximum period of lease

3F. (1) The Minister shall, with the approval of His Majesty the Sultan and Yang Di-Pertuan in Council, issue guidelines in relation to the maximum period of lease that is approved in respect of the purposes for the purchase or acquisition of any land or any estate or interest therein by any person under this Code.

(2) On the expiry of the maximum period of lease approved in respect of such land or any estate or interest therein —

(a) in such case pursuant to sections 3B, 3C and 3E, the Government may resume the land unless an approval in writing of His Majesty the Sultan and Yang Di-Pertuan in Council for the renewal or extension of the lease period is granted;

(b) in any other case, the land may revert to the registered owner of the land, or the lessor or sub-lessor, as the case may be, unless the owner, or the lessor or sub-lessor, decides to renew or extend the lease period."

Substitution of section 32A

7. Section 32A of the Code is repealed and the following new section is substituted therefor —

“Land not to be purchased or acquired by citizen of Brunei Darussalam as nominee of non-citizen or person of no national status

32A. (1) A —

(a) citizen of Brunei Darussalam shall not purchase or acquire any estate or interest in any land as a nominee of any non-citizen or person with no national status with the intention that the citizen is to hold it in trust for the non-citizen or person with no national status; and

(b) non-citizen or person with no national status shall not authorise or appoint as his nominee any citizen of Brunei Darussalam to purchase or acquire any estate or interest in any land with the intention that the citizen is to hold it in trust for the non-citizen or person with no national status.

(2) Any trust created in whatever manner or form pursuant to subsection (1) shall be null and void and there is no resulting trust in favour of the non-citizen or person with no national status; and any contract or covenant between such citizen of Brunei Darussalam and the non-citizen or person with no national status in respect of such land or any estate or interest therein shall be null and void.

(3) The officer in charge of the Land Office shall, on discovering that any instrument of transfer contains any such null and void trust and the instrument is pending final registration or has been finally registered by the officer in charge of the Land Office, enter a note in the instrument or registration copy thereof, as the case may be, stating that such trust is null and void by virtue of subsection (2).”

Amendment of section 47

8. Section 47 of the Code is amended by deleting “Order” from the first line and by substituting “Code” therefor.

Made this 23rd. day of Syawal, 1446 Hijriah corresponding to the 22nd. day of April, 2025 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

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