



## E-PRACTICE DIRECTIONS AND CIRCULARS

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# 1. Chief Justice Practice Directions

## 1.1) Case Management Conference (CMC) Intermediate Court (1 of 2019)

**PRACTICE DIRECTION 1 of 2019**  
**CASE MANAGEMENT CONFERENCE (CMC)**  
**INTERMEDIATE COURT**

The following directions are to be followed in relation to the conduct of Case Management Conferences as a means for the Court to actively manage cases and as a requirement for parties to assist the Court further effectively manage cases.

This Practice Direction is to take effect from 30<sup>th</sup> January 2019.

### **A) Preparation for the first Case Management Conference:**

(1) Prior to the first Case Management Conference (CMC), counsel for all parties should take instructions from their clients on their intention and willingness to proceed with mediation or any other form of ADR.

(2) Mediation may be offered early on in the proceedings. Where appropriate, parties will be invited to consider mediation upon the filing of the defence. When invited, parties are to provide a written answer to the Court as to the willingness to proceed with mediation within 2 weeks from the receipt of the Court's letter.

(3) Counsel for all parties should also confer, and where possible, come to a consensus on the conduct of the case including but not limited to:

- a) the timelines which parties have discussed and agreed upon
- b) the timelines for the production of documents
- c) whether experts are necessary in view of the issues involved
- d) the number of witnesses of fact and expert witnesses for each party
- e) whether parties are able to agree on a single court expert; and if this is not possible, whether the parties have any objections to the opposing sides' individual expert and if so, the grounds on which they are objecting to the other sides' expert/s
- f) the timelines as to the exchange of evidence
- g) the expected length of the trial

### **B) Conduct of Case Management Conferences**

(1) The Case Management Conference will be heard before an Intermediate Court Judge and unless otherwise directed by the Judge:

- a) a Case Management Conference will be conducted as an oral inter-parte hearing
- b) the attendance of lead counsel at a Case Management Conference is required

c) parties (clients) are not required to attend a Case Management Conference unless acting in person

(2) The Judge will play an active role in the management of the proceedings and may, upon hearing counsel, make such order or give such direction as the Judge thinks fit.

**C) Case Management Form and Timeline**

(1) The purpose of the Case Management Form is to facilitate the conduct of the proceedings by providing a structure to guide parties in the the discussion of various matters that may have to be dealt with prior to trial.

(2) The Judge may, after discussion with counsel, make such order or give such direction as the Judge thinks fit including the timeline leading up to trial.

(2) If parties have any specific or particular directions which they wish to seek from the Judge at a Case Management Conference, the parties shall indicate the orders sought.

[ORIGINAL SIGNED]

Dato Paduka Steven Chong  
Chief Justice  
30<sup>th</sup> January 2019

1.2) Forms of Address (1 of 2018)

Practice Direction No. 1 of 2018

Forms of Address

The following forms of address shall apply:

- (1) The Chief Justice, the Judges and Judicial Commissioners of the Supreme Court shall, when sitting in Open Court or in Chambers, be addressed as “My Lord” or “My Lady”, and on social occasions or other extra-judicial occasions, as “Chief Justice” or “Justice” as the case may be.
- (2) The Chief Justice, the Judges and Judicial Commissioners of the Supreme Court shall, in all cause lists, orders of Court, correspondence and other documents be described respectively as “Chief Justice”, “Justice” or “Judicial Commissioner”.

[ORIGINAL SIGNED]

**DATO PADUKA STEVEN CHONG**  
Chief Justice

31<sup>st</sup> July 2018

### 1.3) Starting a claim, Pre-Trial and Post-Trial Proceedings, Etc (1 of 2017)

#### Practice Direction 1 of 2017

1. This practice direction is to come into immediate effect from the signing date.
2. This practice direction is to apply to all parties, witnesses and Counsel, for Civil cases heard before (whether in Court or in Chambers):
  - a. Court of Appeal
  - b. High Court
  - c. Intermediate Court
  - d. Commercial Court
3. The following timelines are found from the Supreme Court Rules and previous Practice Directions and ought to be adhered to by parties:

No	Item	Order/Section	Timeline
<b>STARTING A CLAIM (to close of pleadings)</b>			
1.	Validity of writ	Order 6 r.7 (1)	Date of issue for 12 months
2.	Validity of current writ	Order 6 r.7 (1)	Remaining period of validity of original writ
3.	Extension of Writ	Order 6 r.7 (2)	12 months on the day following the expiry date
4.	Validity of Originating Summons	Order 7 r.6	12 months beginning from the date of issue
5.	Extension of Originating Summons	Order 7 r.6	12 months on the day following the expiry date
6.	Service of Notice of Motion	Order 8 r.2	2 clear days between service of motion and date of hearing
7.	Service of Petition	Order 9 r. 3 (2)	Not less than 7 days before the hearing date
8.	Filing of memorandum of service	Order 10 r.1 (4)	Within eight days of service of the writ
9.	Entering Appearance	Order 12 r.4 (a)	8 days after service of Writ including the date of service (unless extended)
10.	Application to set aside the writ	Order 12 r.7(1)	Within 14 days of entering the appearance
11.	Default of appearance to Writ- Claim for liquidated demand	Order 13 r.1(1)	After time limited for appearing i.e. 8 days after service of Writ

12.	Default of appearance to Writ- Claim for unliquidated damages	Order 13 r.2	After time limited for appearing i.e. 8 days after service of Writ
13.	Default of appearance to Writ- Claim in detinue	Order 13 r.3	After time limited for appearing i.e. 8 days after service of Writ
14.	Default of appearance to Writ- Claim for possession of immovable property	Order 13. r. 4	After time limited for appearing i.e. 8 days after service of Writ
15.	Default of appearance to Writ- Mixed claim	Order 13. r.5	After time limited for appearing i.e. 8 days after service of Writ
16.	Default of appearance to Writ- Other Claims	Order 13. r.6	After time limited for appearing i.e. 8 days after service of Writ
17.	Entering appearance in Counterclaim bringing in a third party	Order 15 r.3 (4)	8 days after service
18.	Discharge or variation of under Order 15 r.7	Order 15.r.7(5)	14 days after service of the order
19.	Amendments under Order 15 r.6	Order 15 r. 8 (1)	14 days after making of order
20.	Service of order to add a party as a defendant in an action for immovable property	Order15 r.10 (3)	The added defendant must serve a copy of the order on the plaintiff and enter appearance within 7 days of making of the order or otherwise
21.	Service of statement of claim	Order 18 r.1	Service with the writ Service spate from the writ no 14 days after defendant enters appearance
22.	Service of defence	Order 18 r.2	No later than 22 days after service of Writ and SOC. If SOC served separately 14 days after SOC is served.
23.	Service of reply and defence to counterclaim	Order 18 r.3	Reply to defence – 14 days after service of defence Defence to counterclaim – 14 days after service on the counter-claim
24.	Close of pleadings	Order 18 r.19	14 days after service of reply or service of defence to counterclaim (if not reply)



25.	Filing of defence upon service of an amended statement of claim before defence is filed	Order 20 r.3(2)(b)	14 days after service of amended statement of claim
26.	Filing of an a reply or amended reply upon service of an amended defence	Order 20 r.3(2)(b)	14 days after service of the amended defence
27.	Filing of an application for disallowance of amendment made without leave	Order 20 r.4	14 days after service of the amended pleading
28.	Expiry of time to amend upon a Court Order	Order 20 r.8	The document in question must be amended within 14 days after the order was made unless ordered otherwise
29.	Service of Notice of discontinuance of action without leave of the Court	Order 21 r.2	The claim may be discontinued 14 days after service of the defence or if two or more defendants, 14 days from the day the last defence was served
<b>PRE-TRIAL PROCEEDINGS AFTER CLOSE OF PLEADINGS</b>			
30.	Service of affidavit in support for Summary judgment	Order 14 r. 2 (3)	4 clear days before hearing date
31.	service of affidavit in support for application for summary judgment for counterclaim	Order 14 r.5 (2)	4 clear days before hearing date
32.	Service of summons for directions third party	Order 16.r.4(2)	Not earlier than 7 days after entering appearance
33.	An action where the defendant claims against a third party for: <ul style="list-style-type: none"> <li>- Any contribution indemnity or indemnity</li> <li>- Claim connected to the original subject matter and substantially the same relief or remedy as the plaintiff</li> </ul>	Order 16.r.8 (4)	14 days after service of the notice on him

	- Determine question of law connected with the original subject matter that affects all parties		
34.	Issue of notice for claims by third and subsequent parties for claims begun by writ enjoined under Ord 16 r.1 and r.8 to other parties	Order 16.r.9(3)	Within 14 days after the expiry of time to enter appearance
35.	Entering judgment in default of defence for liquidated damages	Order 19 (2) (1)	No later than 22 days after service of Writ and SOC. If SOC served separately 14 days after SOC is served.
36.	Entering interlocutory judgment against the defence for damages to be assessed	Order 19(3) (3)	No later than 22 days after service of Writ and SOC. If SOC served separately 14 days after SOC is served.
37.	Entering interlocutory judgment for claims in detinue	Order 19 r.4 (3)	No later than 22 days after service of Writ and SOC. If SOC served separately 14 days after SOC is served.
38.	Entering judgment for possession of immovable property	Order 19 r.5 (1)	No later than 22 days after service of Writ and SOC.
39.	Entering judgment in respect of mixed claims	Order 19 r.6	If SOC served separately 14 days after SOC is served.
40.	Application to Court to enter judgment	Order 19 r.7	No later than 22 days after service of Writ and SOC.
41.	Entering judgment against a Counterclaim	Order 19 r.8	Defence to counterclaim – 14 days after service on the counter-claim
42.	Written acknowledgement by the plaintiff of Notice from the defendant of payment to Court a sum of money in satisfaction of the claim	Order 22 r.1(2)	3 days from receiving notice from the defendant
43.	Plaintiff's acceptance of money paid into court upon receipt of notice of the payment as satisfaction of the claim or part of the claim	Order 22 r.3(1)	14 days after receiving notice of money

44.	Plaintiff's acceptance of money paid into court upon receipt of notice of the payment as satisfaction of the claim or part of the claim when a trial has begun	Order 22 r.3(2)	2 days after receipt of the notice but before the Judge begins to deliver judgment
45.	Notice of payment that represents payment of hospital expenses	Order 22 r.12(2)	Notice to be given 7 days after payment is made to all parties to the action
46.	Time prescribed to accept an offer to settle	Order 22A r.3(1)	14 days after service of the offer
47.	Withdrawal of the offer to settle where the time is not specified	Order 22A r.3(2)	14 days from the date of service of the offer provided at least 1 day of notice of intention to withdraw is given.
48.	Discovery is take place by exchanging list of documents without an Order for discovery	Order 24 r.2(1)	14 days after pleadings have closed
49.	Application for summons for discovery under Order 24 r.5	Order 24 r.6	Summons to be filed 14 days after pleadings have closed
50.	Drawing up and filing affidavit in compliance of notice to make an affidavit verifying the list of documents	Order 24 r.7	14 days after service of the notice
51.	Service of Notice for the inspection of documents referred to in the list of documents in order to inspect the documents	Order 24 r.9	Notice is to state time within 7 days after service to allow inspection of documents
52.	Inspection of documents referred to in the pleadings and affidavits	Order 24 r.10	4 days after service of notice on the party giving notice stating time within 7 days after service to insect the documents.
53.	Time to provide copies of documents upon being served notice of request to supply true copies of the document/s	Order 24 r.11A (2)	7 days after receipt of the notice
54.	Filing of Summons for directions	Order 25 r.1	One month after the close of pleadings

55.	Filing of Summons for directions where there is an Order for discovery	Order 25 r.1 (3)	14 days after the expiration of the Order for discovery under Order 24 r.2
56.	Resuming a summons for direction that has not been given a new hearing date	Order 25 r.1(6)	2 days' notice to be given to the other party
57.	Service of Notice in Form 47 of a person served with the summons for directions who wishes to apply for any other order or directions that is capable of being dealt with on an interlocutory application	Order 25. r.7	Not less than 7 days before the hearing of the summons for directions
58.	Discovery of documents in personal injury actions (automatic directions)	Order 25 r.8 (1) (a)	14 days after the close of pleadings
59.	Inspection of documents (automatic directions)	Order 25 r.8 (1) (a)	7 days after discovery
60.	Written expert's report in a personal injury action (automatic directions)	Order 25 r.8 (1) (b)	10 weeks after the close of pleadings
61.	Setting down for trial	Order 25 (1) (e)	6 months after the close of pleadings
62.	Notice of admission upon setting down for trial	Order 27 r.2 (1)	No later than 14 days after setting down for trial
63.	Notice to deny admission	Order 27 r.4 (2)	14 days from inspection of documents
64.	Notice to admit authenticity of documents	Order 27 r.5(1)	14 days after setting down
65.	Notice to challenge authenticity of documents	Order 27 r.5(2)	14 days after service of Notice under Order 25 r.5(1)
66.	Plaintiff to file Affidavit evidence for originating Summons for inter parte hearings	Order 28 r. 1A(1)	14 days after service of acknowledgment of service of Originating Summons
67.	Plaintiff to file Affidavit evidence for originating Summons for ex-parte hearings	Order 28 r. 1A(2)	Not less than 4 clear days before the hearing

68.	Service of copies of affidavit evidence already filed in Court on the defendant in inter-parte summons	Order 28 r. 1A(3)	No later than 14 days after service has been acknowledged
69.	Filing and service of affidavit evidence by defendant	Order 28 r. 1A(4)	28 days after service of plaintiff's affidavit evidence
70.	Filing and service of further affidavit in reply by plaintiff	Order 28 r. 1A(5)	14 days after service of the defendant's affidavit
71.	Service of Notice of appointment to hear originating summons	Order 28. r.3(1)	4 clear days before the hearings
72.	Service of affidavit in support of an originating summons	Order 28. r.3(3)	Not less than 4 days before the hearing
73.	Filing of affidavit in support of originating summons	Order 28. r.3(4)	Not less than 4 clear days before the hearing
74.	Application by plaintiff for interim payment	Order 29 r.10 (1)	8 days after service of the writ
75.	Service of summons in chambers for an order for interim payment together with an affidavit in support	Order 29 r.11 (4)	Not less than 10 days before the return date for the summons in chambers
76.	Service of summons in chamber for the extension or abridgment of time	Order 32 r.3	One day before the hearing
77.	Service of summons in chamber for all other applications	Order 32 r.3	Not less than 2 clear days before the hearing
78.	Notice of resumption of hearing of an adjourned summons in chambers	Order 34 r.4 (2)	2 clear days' notice to all other parties
79.	Notification of setting down	Order 34 r.5	24 hours after setting down
80.	Notice of trial	Order 34 r.7	Any time after reply has been delivered or after time for delivery of a reply has expired
81.	Application to dismiss for want of prosecution due to failure of filing notice of trial	Order 34 r.8	Within 6 weeks from the filing of the reply

82.	Identifying documents to be included in the Court bundle (defendant)	Order 34 r. 9 (1)	14 days before the trial
83.	Filing of Court bundle (plaintiff)	Order 34 r.9 (2)	2 days before trial
84.	Service of appointment to hear assessment of damages	Order 37 r.1	7 days before the hearing
85.	Notice from plaintiff of acceptance of defendant's offer	Order 37 r.9 (3)	No later than 21 days after receiving the offer
86.	Notice of application for further damages pursuant to provisional damages awarded	Order 37 r.10 (3)	3 months written notice
87.	Service of written statement of oral evidence to be adduced at trial	Order 38 r. 2A (2)	Within 14 weeks of the of the hearing of the summons unless directed otherwise
88.	Inspection of photograph or model used as evidence at trial	Order 38 r.5	10 days before commencement of trial
89.	Service of writ of subpoena	Order 38. r.18 (1)	12 weeks before trial
90.	Hearsay notice to be given which has been set down for trial	Order 38. r.24 (4) (a)	28 days after being set down for trial unless otherwise directed
91.	Hearsay notice for all other matters	Order 38. r. 24 (4) (b)	28 days after the appointment for the first hearing unless otherwise directed
92.	Notice of cross examination on hearsay evidence	Order 38. r.	28 days after service of hearsay notice
93.	Notice to party to attack the credibility of the person who made the hearsay notice	Order 38. r.	28 days after service of hearsay notice
<b>POST TRIAL BEFORE EXECUTION</b>			
94.	Application to set aside judgment in default of appearance before the hearing	Order 35 r.2 (2)	No later than 7 days after the trial
95.	Approval of draft judgment to be submitted to solicitor of the other party	Order 42 r.8	2 days after receipt of the draft unless otherwise directed

96.	Drawing up of order due by other (losing) party due to failure by the party whose favour the order has been made	Order 42 r.10 (4)	7 days after the order is made
97.	Request for duplicate or judgment or order from Court	Order 42 r.11 (1)	One clear day after filing order or judgment
98.	Application to discharge, vary or add to the judgment by an interested party	Order 44 r.3 (5)	One month after service of the Notice of judgment on the interested party (not a party to an action)
99.	Written statement of objection/s to draft judgment requiring deed to be settled by Court	Order 44 r. 8 (b)	8 days after service of the draft unless otherwise directed
100.	Taking of affidavit verifying list of claims and debts of a deceased person for the purposes of examining the debts and liabilities of the estate of a deceased person	Order 44 r. 12 (1) (b)	7 clear days before the time appointed for adjudicating the claims
101.	Taking of affidavit verifying list of claims for an inquiry for the next of kin or other unascertained claimant	Order 44 r. 12 (2) (b)	7 clear days before the time appointed for adjudicating on claims
102.	Filing of affidavit in support where notice to a claimant to attend and prove his claim or furnish further evidence	Order 44 r. 13	7 days after service of the notice
103.	Summons for an application to discharge or vary Registrar's certificate pursuant to Order 44 r.22	Order 44 r. 23 (1) (a)	8 clear days after filing Registrar's certificate
104.	Summons for an application to discharge or vary Registrar's certificate to be acted upon by the Treasury	Order 44 r. 23 (1) (b)	2 clear days after filing of the certificate
105.	Issuance of summons for further consideration of the cause or matter in	Order 44 r.24 (1) (i) & (ii)	No earlier than 8 clear days of filing of registrar's certificate but no more than

	chambers pursuant to Order 24 r. 1 (a), (b) or (c)		14 days after the filing of the registrar's certificate
106.	Service of summons for further consideration of the cause or matter in chambers pursuant to Order 24 r. 1 (a), (b) or (c)	Order 44 r.24 (2)	6 days between service of the summons and the hearing date
107.	Issuance of summons for further consideration of the cause or matter in chambers pursuant to Order 25 r.1 (a) or (b)	Order 25 (1) (i) & (ii)	No earlier than 8 clear days of filing of registrar's certificate but no more than 14 days after the filing of the registrar's certificate
108.	Taxation: Offer to settle costs	Order 59 r.7A (2)	Within 7 days of receiving the bill of costs
109.	Taxation: Payment of defendant's taxed costs upon pursuant to a withdrawal of the suit without leave of court	Order 59 r.10 (1)	Within 4 days of the taxation otherwise defendant may sign judgment for the costs
110.	Taxation: When plaintiff's costs may be taxed after filing notice of payment in satisfaction of claim to the Court	Order 59 r.10 (2)	4 days after payment is made
111.	Taxation: When plaintiff may sign judgment for taxed costs pursuant to a notice of payment in satisfaction of claim	Order 59 r.10 (2)	48 hours after taxation
112.	Taxation: Registrar to give notice of date of taxation hearing	Order 59 r.21 (1)	Not less than 7 days before date of hearing
113.	Taxation: Service of bill of costs to all parties entitled to be heard in the taxation hearing	Order 59 r.22	Within two days of receiving the Registrar's notice
114.	Taxation: Registrar's notice of date of taxation hearing on the short and urgent taxation list	Order 59 r.23 (1)	Forthwith upon satisfaction that time for taxation is likely to be short because of the amount claimed and speedy completion of taxation is necessary
115.	Taxation: Delivery to Registrar of bill of costs	Order 59 r.23 (2)(a)	When proceedings are entered on the list



	for taxation on the short and urgent taxation list		
116.	Taxation: Service of bill of costs and Registrar's notice to all parties entitled to be heard in the taxation hearing list on the short and urgent taxation list	Order 59 r.23 (2)(b)	Not less than 2 days before date of hearing
117.	Taxation: Application for review of Registrar's decision in taxation hearings together with written objections	Order 59 r.34 (2)	Within 14 days after the decision or other shorter period fixed by the Registrar
118.	Taxation: Reply to written objections by applicant for review of taxation decision	Order 59 r.34 (4)	Within 14 days after delivery of the written objections
119.	Taxation: Request for reasons for decisions to be included in Registrar's certificate upon review of objected decisions	Order 59 r.35 (3)	Within 14 days after the review or such shorter period as fixed by the Registrar
120.	Taxation: Appeal to Judge in Chambers upon review of Registrar's decision	Order 59 r.36 (2)	Within 14 days of Registrar's certificate being signed or other longer period allowed by the Registrar or court
121.	Service of copies of written or type-written documents used in the High Court for parties entitled to a copy	Order 63 r.3 (3)	Within 48 hours of a written request and upon payment of necessary charges
122.	Application to remit or set aside an award given by an Arbitrator	Order 69 4(2)	6 weeks after the award has been made and published to the parties
<b>POST TRIAL PROCEEDINGS - EXECUTION</b>			
123.	Notice from execution creditor to sheriff admitting or disputing interpleader claim	Order 17 r.2(2)	Within 4 days of receiving the notice
124.	Service of Interpleader summons	Order 17 r.4	Served at least 7 days before the hearing
125.	Validity of Writ of execution	Order 46 r. 6	12 months from the date of issue
126.	Service of Summons on application to enter satisfaction of debt	Order 46 r. 10 (2)	2 clear days before the hearing

127.	Payment of costs of execution where Sheriff is in possession of movable property more than 14 days	Order 46 r.12	At the end of the first 14 days and at the end every subsequent 14 days
128.	Service summons and affidavit in support for application for writ and seizure and sale	Order 47 r.1 (4)	4 clear days before the hearing date
129.	Issuance of writ to enforce payment of taxed costs separately from writ of seizure of sale	Order 47 r.2 (1)	No less than 8 days after the issuance of the first writ of seizure and sale
130.	Validity of prohibitory Order	Order 47 r.6 (4)	2 years from the date of the order
131.	Service of notice in writing of an appointment to obtain approval of Judge for sale of immovable property by sheriff	Order 47 r. 7 (b)	2 clear days
132.	Service of Garnishee Order to Show Cause to judgment debtor and garnishee	Order 49 r. 3 (1)	No less than 7 days before the date of hearing
133.	Service of summons on an application for payment to judgment creditor monies in court standing in credit to the judgment debtor	Order 49 r.9 (3)	No less than 7 days before the date of hearing
134.	Service of Order Imposing Charge on Securities: Order to Show Cause to judgment debtor	Order 50 r.4 (1)	Not less than 7 days before the date of hearing
135.	Service of notice of motion for an order for committal and affidavit in support to the person whose committal is sought	Order 52 r.3 (1)	No less than 8 days before the date of hearing
136.	Validity of leave to apply for an order for committal	Order 52 r.3 (2)	14 days

137.	Application to discharge or vary an order on behalf of a person under disability	Order 73 r. 7 (a)	14 days after service
138.	Application to discharge or vary an order on behalf of a person under disability	Order 73 r. 7 (b)	14 days after the appointment of a friend or guardian
139.	Service of application for summary judgment together with affidavit in support	Order 77 r. 2 (3)	4 days before the return date
140.	Notice of intention to Register the transfer in order to enforce registered debenture or registered debenture stock	Order 78 r. 2	No less than 7 days after reply a reply from the registered holder in the ordinary course of post reach the receiver
141.	Service of copy of notice for appointment to hear an originating summons for claim for possession or payment of money secured or charged	Order 79 r. 2 (2)	4 clear days before the day fixed for the first hearing
142.	Notice of appointment of adjourned hearing with any further affidavits	Order 79 r. 2 (4)	2 clear days before the hearing.
143.	Application for an order that any omission to register a bill of sale or an affidavit of renewal be rectified by extending the time for such registration	Order 81 r. 1 (1) (a)	
144.	Filing of affidavit verifying a list containing the name and address of every creditor entitled to claim and amount and total due upon order made in the Summons for directions	Order 83 r.8 (1)	7 days after the making of the order
145.	Leaving of the list at the Registry	Order 83 r.8 (3)	No later than 1 day after the affidavit is filed
146.	Posting of notice to creditors list exhibited in the affidavit	Order 83 r. 10	7 days after filing the affidavit

147.	filing of affidavit upon receipt of notice of adjudication of disputed claims	Order 83 r. 13 (a)	Not less than 4 clear days after a service of the notice
<b>APPEALS</b>			
148.	Appeal from Magistrate's Court: Filing of Memorandum of Appeal in the High Court by the appellant	Order 55 r.2 (1)	Within 14 days after receiving notice of the appeal
149.	Appeal from Magistrate's Court: Service of copies of the Memorandum of Appeal and copies of the appeal record to the respondent	Order 55 r.2 (2)	Within 14 days after the appellant's receive notice of the appeal
150.	Appeal from Magistrate's Court: Filing and service to appellant of notice of cross-appeal	Order 55 r.3	Within 7 days of service of the memorandum of appeal
151.	Appeal to Judge in Chambers: Issuance of notice of appeal	Order 56 r.1 (3)	Within 5 days after judgment
152.	Appeal to Judge in Chambers: Service of notice of appeal	Order 56 r.1 (3)	No less than 2 days before the date of hearing
153.	Appeal to Court of Appeal: Filing and service of notice of appeal	Order 57 r.4 (1)	Within one month from judgment or order or refusal
154.	Appeal to Court of Appeal: Filing and service of petition of appeal	Order 57 r.6 (1)	Within one month after service of the notice of appeal
155.	Appeal to Court of Appeal: Filing and service of respondent's notice	Order 57 r.7 (4)	If for an interlocutory order, within 7 days after service of the petition on the respondent.  In any other case, within 14 days of service of the petition on the respondent
156.	Appeal to Court of Appeal: Amendment to petition of appeal or respondent's notice	Order 57 r.8	With leave of Court, at any time.  Without leave, by way of supplementary petition filed

			and served at least 10 days before the date of hearing
157.	Appeal to Court of Appeal: Filing and service of Record of Appeal	Order 57 r.9 (1)	Within 10 days of filing of the petition of appeal
158.	Appeal to Court of Appeal: Notification of an objection by the respondent to the inclusion/exclusion of a document in the record of appeal	Order 57 r.9 (3)	Within 48 hours of receiving the draft index of documents
159.	Motion to the Court of Appeal: For leave to appeal (except where appeal has been time barred) where leave was refused by the Court below	Order 57 r.16 (3)	Within 7 days of the refusal
<b>ADMIRALTY PROCEEDINGS</b>			
160.	Payment of bail to prevent the arrest of property in Admiralty proceedings	Order 70 r.5 (1) (b)	3 days after receiving notice of the main action
161.	Validity of warrant of arrest in action <i>in rem</i>	Order 70 r.9 (1)	12 months beginning from the date of its issue
162.	Validity of caveat in an action <i>in rem</i>	Order 70 r. 14 (1)	6 months beginning with the date of its entry
163.	Filing of bail bond together with the affidavits and an affidavit proving service of the notice of bail in an action <i>in rem</i>	Order 70 r.15 (4)	24 hours after service of the notice of bail
164.	Filing of 'preliminary act' in an action <i>in rem</i>	Order 70 r.17 (1)	Plaintiff – 2 months after issue of writ Defendant- 2 months after entering appearance
165.	Notice of party who intend to rely on the defence of compulsory pilotage in an action <i>in rem</i>	Order 70 r. 17 (3)	7 days after the opening of the 'preliminary act'.

166.	Service of statement of claim by plaintiff to each defendant	Order 70 r. 17 (5)	14 days after the latest date on which the 'preliminary act' of any party to the action is filed.
167.	Judgment against defendant in an action <i>in personam</i> who has failed to lodge a 'preliminary act'	Order 70 r. 18 (2)	2 months after entering appearance
168.	Application for motion for judgment against a defendant who has failed to lodge a 'preliminary act' in an action <i>in rem</i>	Order 70 r. 18 (3)	2 months after entering appearance
169.	Application for judgment in default where a writ is issued under Order 70 r. 7 (4) on a party whose instance a caveat against was arrest was issued and has failed to fulfil the undertaking given by him	Order 70 r. 20 (1) (b)	14 days after service of the writ
170.	Application for Judgment in default to an action <i>in rem</i> where the defendant fails to enter an appearance and an affidavit proving service , affidavit verifying the facts and statement of claim has been filed	Order 70 r. 20 (3)	14 days after service of the writ

171.	Application for Judgment in default to an action <i>in rem</i> where the defendants fails to serve a defence and plaintiff has filed an affidavit stating no defence was served	Order 70 r. 20 (4)	No later than 22 days after service of Writ and SOC. If SOC served separately 14 days after SOC is served.
172.	Application for Judgment in default to a counterclaim in an action <i>in rem</i> where the plaintiff fails to serve a defence and defendant has filed an affidavit stating no defence to the counterclaim was served	Order 70 r. 20 (5)	Defence to counterclaim – 14 days after service on the counter-claim
173.	Application to Court for an order determining the order of priority of the claims against the proceeds of sale of the ship in an action <i>in rem</i> where the Court has ordered that the ship be sold	Order 70 r. 21 (1) (a) Order 70 r. 21 (2) (a)	90 days after the proceeds of sale are paid into Court
174.	Service of hearing of application by motion to extend period under Order 70 r. 21 (2) (a) for an action <i>in rem</i>	Order 70 r. 21 (6)	3 days before the hearing date
175.	Setting down for trial where an application has been filled to fix a date or a date has been fixed for trial under Order 70 r. 33,	Order 70 r. 25 (2)	No later than 7 days after a date for trial has been fixed

176.	Filing of praecipe for attendance together with relevant copies of any pleadings, preliminary acts, notices and statements	Order 70 r. 25 (3)	Not less than 7 days before the date fixed for trial
177.	Filing and service of notice of motion for the apportionment of salvage the aggregate amount which has already been ascertained together with the affidavits in support	Order 70 r. 31 (2)	7 days before the hearing of the motion unless otherwise directed
178.	Filing and service of a notice of motion together with the affidavits in support for any action except for an action under Order 70 r.31 (2)	Order 70 r. 32	3 days before the hearing of the motion unless otherwise directed
179.	Application by summons for a decree limiting liability or directions as to the further proceedings where a defendant fails to enter an appearance	Order 70 r. 36 (1)	Within 7 days after the time limited to enter an appearance
180.	Service of the for a decree limiting liability or directions as to the further proceedings	Order 70 r. 36 (4)	7 clear days before hearing of the summons
181.	Filing of notice where Registrar does not make a decree limiting the plaintiff's liability	Order 70 r. 36 (8)	Immediately upon the making of the order
182.	Filing a service of claim for reference to Registrar	Order 70 r. 39 (1)	2 months after order is made



183.	Application by summons for directions as to the proceedings on the reference	Order 70 r. 39 (2)	28 days before the appointed hearing of the reference
184.	Filing praecipe requesting the entry of the reference in the list for hearing where the reference is in a limitation action	Order 70 r. 39 (5)	No later than 7 days after an appointment for the hearing of a reference has been made
185.	Filing and service of list, affidavits and other documentary evidence for hearing of reference	Order 70 r. 39 (6)	Not less than 14 days before the day appointed for the hearing of the reference
186.	Written request to file statement of grounds of the Registrar's decision	Order 70 r. 40 (5)	14 days after the filing of the decision
187.	Filing of motion in objection to Judge in Court to set aside or vary Registrar's decision	Order 70 r. 41 (1)	14 days after date on which notice of the filing of the decision was sent to the party
188.	Filing of Affidavit of testamentary script in contentious probate matters	Order 72 r. 9 (2)	14 days after entry of appearance by defendant
189.	Service of statement of claim in contentious probate matters	Order 72 r.11	6 weeks before expiration after entry of appearance or 8 days after the filing of an Affidavit of testamentary script whichever is the later
190.	Filing of case for motion with and affidavit verifying the statement of fact in a probate matter	Order 72 r. 17 (a)	7 clear days before the day on which the motion is to be heard

191.	Service of case for motion with and affidavit verifying the statement of fact in a probate matter	Order 72 r. 17 (b)	5 clear days before that day
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Adjournments

4. Any application for an adjournment of a trial, when possible, ought to be made 21 days before the commencement of the trial.
5. Adjournment of hearings other than trials - Subject to the directions of the Court, the application is to be made at least five working days before the hearing, setting out the reasons for the adjournment of the hearing.

Absence

6. Absence from court - If any party to the proceedings, is required to attend the Court and wishes to excuse himself from attendance in Court on medical grounds, the party must provide the Court with an original medical certificate within 24 hours of the scheduled hearing.
7. Absence on any other ground - An application to be excused from attendance before the Court must be given in writing at least 5 working days before the date of appearance in Court.
8. Absent without reason - Any party that has failed to attend Court must give the reasons for absence in writing with any supporting document(s) within 1 working day from the day of his absence.

Request for interpreters (Malay-English-Chinese)

9. The requesting party must send a written request addressed to the appropriate Chief Interpreter or Court Legal Assistant at the relevant Registry not less than 7 days before the day on which the services of an interpreter is required.

Request for interpreters for other languages

10. The requesting party must send a written request addressed to the appropriate Chief Interpreter or Court Legal Assistant at the relevant Registry not less than 4 weeks before the day on which the services of an interpreter are required.

Production of record of hearing

11. Requests for copies of the record of hearing or transcripts of the record of hearing shall be made at least 7 working days before the scheduled hearing. In the event that no requests are made prior to the scheduled hearing, any requests thereafter should be made at least 21 days before the record of hearing or transcripts are required.

### Translations

12. Requests for translations of documents should be sent 4 weeks before the date the translations are required, unless there are exceptional reasons justifying non-compliance. Such reasons should be given in writing to the appropriate Court Registry or Court Translation Unit.

### Non-adherence to the prescribed timelines

13. In the event parties are unable to agree on any variation to the timelines under the Supreme Court Rules, the party seeking the variation is to file a Summons In Chambers together with the affidavit in support of the application.
14. If parties are able to agree on any variation to the timelines, they are to file into court copies of the letters agreeing to such variation.
15. Where parties have not complied with the timelines, they are to provide to the Registrar in charge of the case with a written explanation which should be filed into court no later than the day after the timeline lapsed.

[ORIGINAL SIGNED]

Dato Seri Paduka Hj Kifrawi Dato Paduka Hj Kifli Chief Justice

**8<sup>th</sup> April 2017**

## 1.4) e-Payment Gateway for the Payment of Court Fees (1 of 2016)

### Practice Direction 1 of 2016

#### e-Payment Gateway for the Payment of Court Fees

##### Implementation of the e-Payment Gateway for the Payment of Court Fees

1. With effect from 7<sup>th</sup> March 2016 Court fees may be paid via the e-Payment Gateway through Visa or MasterCard only. The payment of court fees over the counter continues to remain In service.
2. Fee payments via Cash Deposit Machine (CDM), Cheque Deposit Machine (CQM), Internet Banking and Direct Account Transfer (DAT) will be implemented at a later date.



DATO SERI PADUKA HAJI KIFRAWI BIN DATO PADUKA HAJI KIFLI

Chief Justice  
Supreme Court  
Brunei Darussalam

- 1.5) Judgment in Default of Appearance or Judgment in Default of Defence (8 of 2015)

## **Practice Direction 8 of 2015**

### **Judgment in Default of Appearance or Judgment in Default of Defence**

1. This practice direction shall come into effect on 1st April 2015.
2. This practice direction is to apply to all Advocates & solicitors for Civil matters heard:
  - a. High Court
  - b. Intermediate Court
3. The principle intention of this direction is to shorten length of the court process and promote efficiency and avoid any delays.
4. Parties are directed to apply for the Certificate of Non-appearance not more than 14 days after service of the Writ and Statement of Claim.
5. Parties are further directed to file in the draft judgment in default of appearance or judgment in default of defence not more than 7 days after receipt of the certificate of non-appearance or not more than 7 days after the expiry of the time given to the defendant to file in the defence.
6. Parties are to file the draft judgment and relevant documents (example; certificate of non-appearance) together with the filed fair copy. For avoidance of doubt, in the event that any amendments are necessary, parties must re-submit amended documents, however no further filing fees shall be imposed.

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**Chief Justice**  
**Supreme Court**  
**Brunei Darussalam**

## 1.6) Draft Orders (7 of 2015)

### Practice Direction 7 of 2015

#### Draft Orders

1. This practice direction shall come into effect on 1<sup>ST</sup> April 2015.
2. This practice direction is to apply to Advocates & Solicitors, the Public Prosecutor or Deputy public Prosecutors for Civil matters heard before:
  - a. Court of Appeal
  - b. High Court
  - c. Intermediate Court
  - d. Magistrate's Court
  - e. Official Receiver's Chambers
  - f. Small Claims Tribunal
3. Inter partes Judgments and Orders
  - a. The burden of approving the drafts of *inter partes* judgments and orders are on the solicitors themselves. The solicitors should therefore approve the drafts and not submit these drafts to the Registrar or Judicial Officer for approval.
  - b. The Registrar's or Judicial Officer's signature on a judgment or order is only for validation purposes and does not in any way affect the regularity or irregularity of the terms of any judgment or order.
  - c. Parties should proceed to file the fair copies of the judgment or order together with the agreed final copy of the draft judgment or order for signature by the Registrar or Judicial Officer.
  - d. Where parties disagree over one or more terms of the order of court, the party filing the draft order of court shall be responsible for including in the order the disputed terms by editing the order and enclose all relevant correspondences when filing the draft order:
    - i. Where the solicitors concerned are unable to agree upon the draft, an appointment will thereafter be fixed by the Registrar or Judicial Officer to settle the terms of the judgment or order (if required)
    - ii. The Registry will approve and sign the draft order of court once its terms are settled.

4. Ex parte Judgments and orders

Draft orders of court for ex parte applications may be submitted with the summons and supporting affidavit when the documents are filed.

5. Every judgment or order shall be signed and sealed by a Registrar or Judicial Officer and will be returned thereafter.

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**DATO SERI PADUKA HAJI KIFRAWI BIN DATO PADUKA HAJI KIFLI**

**Chief Justice**

**Supreme Court**

**Brunei Darussalam**

1.7) Production and Certification of Record of hearing (6 of 2015)

**Practice Direction 6 of 2015**

**Production and Certification of Record of hearing**

1. This practice direction shall come into effect on 1st April 2015.
2. This practice direction is to apply to all Advocates & Solicitors, the Public Prosecutor or Deputy Public Prosecutors, for Civil and Criminal matters heard before:
  - a. Court of Appeal
  - b. High Court
  - c. Intermediate Court
  - d. Magistrate's Court
  - e. Juvenile Court
  - f. Official Receiver's Chambers
  - g. Probate Office
3. Production of record of hearing
  - a. Subject to any laws and/or direction from the Court, the notes of hearing shall be recorded by the Judge, Judicial officer or Court Officer by hand or through the use of a computer or other electronic device. The transcript of the notes of proceedings shall constitute the official record of hearing,
  - b. Where audio recording is available, the transcripts of such audio recording shall constitute the official record of hearing.
  - c. Requests for copies of the record of hearing or transcripts of the record of hearing shall be made at least 7 working days before the scheduled hearing. In the event that no requests are made prior to the scheduled hearing, any requests thereafter should be made at least 21 days before the record of hearing or transcripts are required.
4. Certification
  - a. Transcripts of any record of hearing or notes of hearing may be certified by:
    - i. The Judge or;
    - ii. The Judicial Officer having conduct of the proceedings.

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**Chief Justice**  
**Supreme Court**  
**Brunei Darussalam**



## 1.8) Interpreters and Translation of Documents (5 of 2015)

### **Practice Direction 5 of 2015**

#### **Interpreters and Translation of Documents**

1. This practice direction shall come into effect on 1st April 2015.
2. This practice direction is to apply to all Advocates & Solicitors, the Public prosecutor or Deputy public Prosecutors, for Civil and Criminal matters heard before:
  - a. Court of Appeal
  - b. High Court
  - c. Intermediate Court
  - d. Magistrate's Court
  - e. Juvenile Court
  - f. Official Receiver's Chambers
  - g. Probate Office
3. The following directions are to be complied with in relation to all requests by parties for the services of the Court interpreters, whether the services are required for hearing in open Court or in Chambers.
4. Interpreters for Malay-English-Chinese
  - a. The requesting party must send a written request addressed to the appropriate chief interpreter or Court Legal Assistant at the relevant Registry not less than 7 days before the day on which the services of an interpreter is required.
  - b. In the event that the hearing date has been vacated, adjourned or settled before the hearing, the requesting party should notify the appropriate Chief interpreter or Court Legal Assistant either by letter, fax or telephone.
5. Interpreters for other languages
  - a. The requesting party must send a written request addressed to the appropriate chief interpreter or court Legal Assistant at the relevant Registry not less than 4 weeks before the day on which the services of an interpreter are required.
  - b. In the event that the matter is adjourned to another date, the requesting party must resend to the chief interpreter or court Legal Assistant their written request for the new hearing/trial dates.
  - c. In the event that the hearing date has been vacated, or settled before the hearing & the requesting party should notify the appropriate chief interpreter either by letter, fax or telephone.
6. Failure to comply with the directions set out in paragraph 4 and 5 may result in the services of interpreters not being available or provided.

7. Translations

Requests for translations should be sent 4 weeks before the date the translations are required, unless there are exceptional reasons justifying non-compliance. Such reasons should be given in writing to the appropriate Court Registry or Court Translation Unit.

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**DATO SERI PADUKA HAJI KIFRAWI BIN DATO PADUKA HAJI KIFLI**  
**Chief Justice**  
**Supreme Court**  
**Brunei Darussalam**

**Practice Direction 4 of 2015**

**Duty Registrar / Duty Magistrate and Urgent Applications**

1. This practice direction shall come into effect on 1<sup>st</sup> April 2015.
2. This practice direction is to apply to all Advocates and Solicitors for Civil and Criminal matters heard before:
  - a. Court of Appeal
  - b. High Court
  - c. Intermediate Court
  - d. Magistrate's Court
  - e. Juvenile Court
3. Duty Registrar
  - a. A duty registrar shall be assigned on a weekly basis for matters pertaining to:
    - i. Urgent ex-parte (e.g. Injunctions- for the purpose of referring the matter to a judge) or consent applications.
    - ii. Consider any matter pertaining to the administration of the Legal Registry of the Supreme Court, including giving early or urgent dates and allowing inspection of files.
    - iii. Sign and certify documents (e.g. Apostille, Subpoena, Commissioner for oaths, bail bonds, warrants).
  - b. On Mondays to Thursday and Saturdays (excluding public holidays), the hours shall be from 9.00 am to 12.00 pm and from 2.00 pm to 4.00 pm.
  - c. Only Advocates and Solicitors (or where a party is not represented, a litigant in person) shall appear before the Duty Registrar.
  - d. Before the presentation of any documents to the Duty Registrar for his or her signature and/or decision, all Court fees for filing of documents should be paid.
  - e. An advocate or solicitor must attend before the Duty Registrar when:
    - i. He/She is requesting an early or urgent date for a hearing before a registrar or Judge.
    - ii. When his/her attendance is required by any provision of law.
  - f. In order to expedite matters, an advocate or solicitor may attend before the Duty Registrar even though his or her attendance is not ordinarily required.
  - g. An advocate or solicitor who wishes to attend before a duty Registrar and refer him or her to documents files must either:

- i. Ensure that the documents are filed at least one hour before attending before the Duty Registrar; or
- ii. Attend before the Duty Registrar with the unfiled documents. The Duty Registrar will require the person to give an expressed undertaking to file all the documents by the next working day before dealing with the matter.

4. Duty Magistrate

- a. A duty magistrate shall be assigned on a weekly basis for matters pertaining to:
  - i. Fresh cases
  - ii. Signing as Notary Public
  - iii. Search Warrants
  - iv. Sign and certify urgent documents
- b. On Mondays to Thursday and Saturdays (excluding public holidays), the hours shall be from 9.00 am to 12.00 pm and from 2.00 pm to 4.00 pm.

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**DATO SERI PADUKA HAJI KIFRAWI BIN DATO PADUKA HAJI KIFLI**  
**Chief Justice**  
**Supreme Court**  
**Brunei Darussalam**

## 1.10) Fixing of Hearing Dates (3 of 2015)

### Practice Direction 3 of 2015

#### Fixing of Hearing Dates

1. This practice direction shall come into effect on 1<sup>st</sup> April 2015.
2. This practice direction is to apply to all Advocates & Solicitors for Civil & Criminal matters heard before:
  - a. Court of Appeal
  - b. High Court
  - c. Intermediate Court
  - d. Magistrate's Court
3. Waiting time for hearing of matters
  - a. The estimated waiting times between the filing of certain processes or other steps in the proceedings and date for the hearing or pre-trial conference are set out below:

No.	Matter / Proceedings	Estimated Waiting Time
1.	Pre-Trial Conferences: <ol style="list-style-type: none"><li>a. Where the writ has not been served</li><li>b. Where the writ has been served or memorandum of appearance has been entered</li></ol>	<ol style="list-style-type: none"><li>a. 6 months from the date of filing of the Writ (subject to any interlocutory applications filed).</li><li>b. 4 months from the date of service of the Writ/memorandum of appearance (subject to any interlocutory applications filed)</li></ol>
2.	High Court – Civil Cases: <ol style="list-style-type: none"><li>a. Trials in suits</li><li>b. Originating summons:<ol style="list-style-type: none"><li>1. Before registrar</li><li>2. Before judge</li></ol></li><li>c. Application for Orders under Bankruptcy Proceedings</li><li>d. Petitions</li><li>e. Motions</li></ol>	<ol style="list-style-type: none"><li>a. 2 months (minimum) from the date of Setting Down for Trial</li><li>b.<ol style="list-style-type: none"><li>1. 1 month from date of filing</li><li>2. 1 month (minimum) from the date of filing.</li></ol></li><li>c. 2 weeks (minimum) from date of filing</li><li>d. 1 month (minimum) from date of filing</li></ol>

	<p>f. Civil Appeals from Subordinate Court</p> <p>g. Probate Hearings</p> <p>h. Companies Winding-up and Judicial Management Order</p>	<p>e. 2 weeks (minimum) from date of filing</p> <p>f. 2 months (minimum) from receipt of the record of proceedings</p> <p>g. 2 months (minimum) from date of filing</p> <p>h. 2 weeks (minimum) from date of filing</p>
3.	<p>Interlocutory application:</p> <p>a. Before registrar</p> <p>b. Before judge</p>	<p>a. 1 month (minimum) from date of filing</p> <p>b. 1 month (minimum) from date of filing</p>
4.	Taxation	1 month (minimum) from date of filing
5.	Appeal before Judge in Chambers	1 month (minimum) from date of filing
6.	Assessment of Damages	3 months (minimum) from date of filing
7.	Examination of Judgment Debtors	3 weeks from the date of filing of request for hearing date
8	<p>High Court – Criminal Matters</p> <p>a. Trials</p> <p>b. Criminal Appeals from the Subordinate Court</p>	<p>a. 4 months (minimum) from date the matter is remitted to the High Court</p> <p>b. 2 months (minimum) from receipt of the record of proceedings</p>
9.	<p>Court of Appeal</p> <p>a. Civil Appeals</p> <p>b. Criminal Appeals</p>	<p>a. Within 6 months (Maximum) from date of filing</p> <p>b. Within 6 months (maximum) from date of filing</p>
10.	<p>Intermediate Court</p> <p>a. Civil</p> <p>b. Criminal</p>	<p>a. Within 6 months (minimum) from date of request for hearing</p> <p>b. Within 6 months (minimum) from date of request for hearing</p>

11	Magistrates – Civil Proceedings a. Mention b. Trial Dates c. Sentencing	a. 1 month from the date filing the commencement of the action b. 2 weeks from the date of the application c. 6-9 months from the date the defendant disputes the claim.
12.	Magistrates – Criminal a. Mention b. Trial Dates c. Sentencing	a. 2 weeks from the filing of the Complaint b. 6-9 months from the date the defendant pleads not guilty. c. Not later than 1 week after plea in mitigation is closed.
13.	Magistrates – Others a. Preliminary Inquiry b. Inquests	a. 12 months (minimum) from date of first mention before the court b. 4 to 6 months (minimum) from the date of application.
14.	Official Receiver’s Chambers a. First Creditor’s Meetings b. Further Creditor’s Meetings c. Return Date for Warrants for Arrest	a. 6 weeks (minimum) from date of the Receiving Order b. 4 weeks (minimum) from date of request c. 3 months from date of application
15.	Probate Office a. Hearing of application for Letter of Administration or Grant of Probate letter.	a. 3 months (minimum) from date of filing.
16	Small Claims Tribunal: a. Consultation	a. 3 weeks (minimum) from service of claim

	<p>b. Tribunal hearing</p> <p>c. Appeal against Registrar's decision</p> <p>d. Other applications before the Registrar</p>	<p>b. 4 weeks (minimum) from date of consultation</p> <p>c. 4 weeks (minimum) from filing Notice of Appeal</p> <p>d. 4 weeks (minimum) from filing application.</p>
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- b. Advocates and Solicitors are directed to take note of these estimated waiting times as they must be ready to proceed at the end of the relevant period.

#### 4. Pre-trial Conferences (PTC)

*1<sup>ST</sup> Stage PTC – Case Management Conference prior to setting down for trial.*

- a. A case management conference (CMC) may be fixed at any point in time by a Registrar or Judicial Officer after service of the writ or commencement of the action.
- b. A CMC is aimed assisting the Registrar or Judicial Officer in the conduct and progress of a suit once it is filed.
- c. At the CMC, parties should be prepared to provide to the Court updated information as to the current status of the cause of matter, including the likelihood of settlement and /or any other development which may affect the length of the trial. In order to enable a more realistic assessment of the time required for the hearing, parties are required to inform the Registrar or Judicial Officer of the number of witnesses, including expert witnesses (if any) that they intend to call. Parties are also required to provide estimated amount of time required for each party to cross-examine all the opposing parties' witnesses and the estimated total length of hearing.
- d. Illustrations of issues that may be addressed during a CMC are as follows (non-exhaustive):
  - i. Non-compliance with Court directions
  - ii. Information on foreign parties or witnesses, if any
  - iii. Information on the requirement of video conferencing facilities, if any
  - iv. Information of parties going overseas for medical examinations, if any
  - v. Manner in which evidence is presented
  - vi. Request for additional dates for hearing
- e. Parties who attend the CMC should be versed with the cause or matter being fixed for hearing. Where Counsel are concerned, the Counsel appearing should be the Counsel who has conduct of the cause or matter.

*2<sup>nd</sup> Stage PTC – Case Management Conference after the setting down for trial has been filed.*



- a. The 2<sup>nd</sup> stage CMC is held to further update the court on the status of the proceedings after the discovery stage has been complied with.
- b. Parties should be prepared to provide the court with the latest information in relation to the readiness for trial, any prospect of settling the matter amicably or any other matters the Court deems fit. Any pre-trial issues that may have been raised at the 1<sup>st</sup> stage PTC are to be resolved.
- c. Once the court is satisfied that all pre-trial issues are resolved, the matter will then be allocated trial dates.

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**DATO SERI PADUKA HAJI KIFRAWI BIN DATO PADUKA HAJI KIFLI**  
**Chief Justice**  
**Supreme Court**  
**Brunei Darussalam**

1.11) Absence From The Court (2 of 2015)

**Practice Direction 2 of 2015**

**Absence From The Court**

1. This practice direction shall come into effect on 1<sup>st</sup> April 2015.
2. This practice direction is to apply all Advocates & Solicitors, the Public Prosecutor or Deputy Public Prosecutors, for Civil and Criminal matters heard before:
  - a. Court of Appeal
  - b. High Court
  - c. Intermediate Court
  - d. Magistrate's Court
  - e. Juvenile Court
  - f. Official Receiver's Chambers
  - g. Probate Office
3. Absence on Medical Grounds
  - a. If any party to the proceedings is required to attend the Court and wishes to excuse himself from attendance in Court on medical grounds, the party must provide the Court with an original medical certificate before the scheduled hearing or within 24 hours after the scheduled hearing.
  - b. A medical certificate may be issued by any government hospital or registered clinic.
  - c. A pre-printed medical certificate must:
    - i. Be completely and correctly filled in
    - ii. Include the name of the medical practitioner who issued the medical certificate
    - iii. Indicate the name of the hospital or clinic in which the medical practitioner practices
    - iv. State that the person to whom the certificate is issued is unfit to attend court, and specify the date(s) on which he is unfit to attend court.
    - v. Be signed by the medical practitioner (and not merely initialed):and
    - vi. Be endorsed by a rubber stamp showing the medical practitioner's full name and designation in the hospital or clinic, as the case may be.
  - d. If the medical certificate is not pre-printed the medical certificate should.
    - i. Be addressed to the respective Judicial Officer, or the "Chief Registrar" or "Chief Magistrate" (as the case may be) and not "to whom it may concern".

- ii. Identify clearly the name of the medical practitioner who issued the certificate
  - iii. Include the name of the hospital or clinic at which it was issued.
  - iv. Be signed in by the medical practitioner and not merely initialed.
  - v. Be endorsed by a rubber stamp showing the medical practitioner's full name and designation.
  - vi. Set out the diagnosis of the person concerned (unless the diagnosis cannot or should not normally be disclosed)
  - vii. Contain a statement to the effect that the person to whom the certificate is issued is medically unfit to attend Court, and specify the date(s) on which the person is unfit to attend Court; and
  - viii. Bear the date on which it was written and where this differs from the date of consultation, this must be clearly and expressly disclosed.
- e. All information and details in any medical certificate must be clearly and legibly printed.
  - f. If the directions set out in sub paragraphs (c) and (d) are not complied with, the Court may reject the medical certificate and decline to excuse the attendance of the person to whom the medical certificate was issued. The court may then take any necessary action it deems appropriate.

4. Absence on any other grounds.

- a. An application to be excused from attendance before the Court must be given in writing at least 5 working days before the date of appearance in Court.
- b. The application must state the reason(s) for the person/s absence. The court will then consider the contents of the application together with any supporting document(s) before deciding whether the person may be excused from court.
- c. The court may decline to excuse the person making the application and may then take any appropriate action.

5. Absence without reason.

- a. This paragraph applies to any party that fails to attend Court on the day he/she is scheduled to appear.
- b. Any party that has failed to attend Court must give the reasons for absence in writing with any supporting document(s) within 1 working day from the day of his absence.
- c. The Court may then take any action it deems appropriate including wasted cost orders, as the case may be.

**(ORIGINAL SIGNED)**  
**DATO SERI PADUKA HAJI KIFRAWI BIN DATO PADUKA HAJI KIFLI**  
**Chief Justice**  
**Supreme Court**  
**Brunei Darussalam**

1.12) Attendance before the Court and Applications for Adjournments (1 of 2015)

**Practice Direction 1 of 2015**

**Attendance before the Court and Applications for Adjournments**

1. This practice direction shall come into effect on 1<sup>st</sup> April 2015.
2. This practice direction applies to all Advocates and Solicitors, the Public Prosecutor or Deputy Public Prosecutors for all matters heard before:
  - a. Court of Appeal
  - b. High Court
  - c. Intermediate Court
  - d. Magistrate's Court
  - e. Juvenile Court
  - f. Official Receiver's Chambers
  - g. Probate Office
3. Attendance in Court
  - a. It is the direction of the Court that Advocates and Solicitors in any cause or matter attend Court punctually on the scheduled date and time to avoid waste of judicial time. The Court may impose appropriate sanctions against advocates and solicitors parties who do not arrive for hearings on time.
4. Chamber Hearings for Civil Cases
  - a. Hearings in chambers for Civil Cases are private in nature. Members of the public are not entitled to attend such hearings without consent of the judge or Judicial Officer concerned.
  - b. Subject to any written law, the Court has discretionary powers to allow any person to attend chamber hearings provided that:
    - i. Permission for attendance of such person will be sought before the commencement of the substantive hearing;
    - ii. Such persons who are allowed to attend in Chambers shall have no right to address the Court and shall not in any way participate in the hearing nor assist in any way nor communicate in any way with the advocate and solicitor having conduct of this matter during the hearing. The Court retains the discretionary power to address and seek answers directly from the parties to the proceedings and to allow the taking of instructions.

- c. When exercising its discretion, the Court may consider an extensive number of factors including and not limited to the following:
  - i. The interests that the applicant has in the matter before the court
  - ii. The interests of the parties to the action
  - iii. The grounds for the application to which such permission is sought and;
  - iv. The Court's interest in protecting and maintaining its authority and dignity.

5. Application for adjournments of Civil trial dates and part heard cases

- a. Where any cause of matter has been fixed for trial or hearing before the Court of Appeal, High Court and Intermediate Court, any requesting party seeking an adjournment is directed to apply to the Court by way of summons with a supporting affidavit, regardless of whether Counsel for the party or parties consent to the adjournment.
- b. Where any cause of matter has been fixed for trial or hearing before the Magistrate's Court, Juvenile Court, any requesting party seeking an adjournment is directed to apply to the Court by way of written notice to which a mention date will be fixed to hear oral submissions.
- c. Where an adjournment of the hearing date of any cause or matter is sought on the day of the scheduled hearing, advocates and solicitors for all parties must attend the hearing on the scheduled date and time for the Court to consider the application.
- d. The application for an adjournment when possible ought to be made 21 days before the commencement of the trial.
- e. The court will still consider the merits of the application on whether or not an adjournment should be granted. Subject to the directions of the Court, when a case is adjourned, the Registrar or Judicial Officer shall allocate new dates for the hearing of the case, and parties will be expected to take the dates at short notice.

6. Adjournment of Civil hearings other than trials

- a. Before parties make an application for an adjournment of any hearings other than trials, consent of the other party or parties to the matter should be sought beforehand. Unilateral applications made without first seeking the consent or views of the other party or parties to the matter will not be considered, unless it is justified.
- b. The application for adjournment may be sought by way of letter to the Judge, Registrar or Judicial Officer concerned.

- c. Subject to the directions of the court, the application is to be made at least five working days before the hearing, setting out the reasons for the adjournment of the hearing.
- d. If the consent of all parties to the matter is obtained, a letter stating their consent to the adjournment of the hearing should be enclosed. However, this does not mean that the application will be granted as a matter of course. The court will still consider the merits of the application before deciding.
- e. When an adjournment is not agreed upon by one or more of the other parties, a letter should be enclosed setting out the reasons for the other parties, objections, or explain why the consent of the other parties cannot be obtained together with any relevant correspondence or documents. The court will then consider the contents of the letter and the relevant correspondence before deciding on the adjournment.
- f. In any other case, all parties on record must attend before the court to make an application for an adjournment.
- g. Parties must be prepared for the hearing to proceed, in the event the adjournment is not granted.

7. Adjournments of Criminal trials/hearings.

The party applying for an adjournment should provide prior notice to the court by way of a letter as well as to the opposing party of the application and the reasons thereof.

**(ORIGINAL SIGNED)**  
**DATO SERI PADUKA HAJI KIFRAWI BIN DATO PADUKA HAJI KIFLI**  
**Chief Justice**  
**Supreme Court**  
**Brunei Darussalam**

1.13) Pre Trial Conferences (1 of 1996)

**CIRCULAR NO.1 OF 1996**

TO ALL ADVOCATES AND SOLICITORS

Practice Directions

I attach a copy of a Practice Direction on Pre-Trial Conferences.

This Direction is non-statutory at present. If parties do not comply with the Direction, however, consideration will be given to a suitable amendment to the law, empowering a Registrar to penalize a party in costs if he refuses to comply.

Registrar have already been operating PTC's, though not in uniform manner, because there has been no Direction on the subject.

I hope that practitioners will give full cooperation to the Registrars. It is the task of the later to persuade the parties to settle, if this is shown to be desirable and practical. The Registrars will also attempt to limit the issues which remain outstanding between the parties, in the hope that this will reduce the time spent in Court, with a resultant saving to the parties of costs.

The system will apply to civil suits commenced in the High Court and Intermediate Court in the first instance. Consideration will be given to an extension of the scheme to Magistrate's Courts in due course.



I hope that all practitioners may find this system acceptable and desirable.

13<sup>th</sup> January, 1996.

(ORIGINAL SIGNED)

**DATO SIR DENYS ROBERTS**

**Chief Justice**

Copy to:           Attorney General  
                          Brunei Shell Petroleum

**IN THE HIGH COURT OF BRUNEI  
DARUSSALAM**

**PRACTICE DIRECTION**

**PRE-TRIAL**

**CONFERENCES**

1. This Direction shall apply to civil suits in the High Court and the Intermediate Court.
2. Such a suit may be listed for a Pre-Trial Conference (P.T.C.) upon any application by counsel acting for a party, by an unrepresented party or by a Registrar of his own volition
3. A Registrar may decide on the date and place of the conference. At least 14 days notice of the P.T.C. shall be given by the Registrar, unless the parties agree to a shorter notice.
4. A P.T.C. shall take place before a Registrar in Chambers.
5. A P.T.C. shall be attended by counsel for each party or by the party himself if he is not represented.
6. At the P.T.C., counsel (or the unrepresented party) will be expected to inform the Registrar of –

- (a) The possibility of settlement;
- (b) The substance of the case for a party;
- (c) The number of witnesses to be called by a party;
- (d) A statement in general terms of the matters likely to be the subject of dispute between the parties;
- (e) Facts which are admitted;
- (f) The probable length of the trial;
- (g) Any point of law which may arise at the trial, so far as this can be anticipated at this stage;
- (h) Any other matter which may affect the trial of the case.

7. Since a P.T.C. does not have the force of law, anything said or done in the course of a P.T.C. is not to be admissible in evidence, unless all parties and the trial judge agree that this may be done.

8. In addition, a Registrar presiding over a P.T.C. may, with the consent of the parties, give any direction which he considers will assist in reaching a settlement.

9. The object of a P.T.C. is to remind the parties of the advantages of a settlement but not to force them to reach one.

10. All parties shall, to the best of their ability, give effect to an direction or orders given or made by a Registrar a P.T.C.

11. Any direction or order given by a Registrar during a P.T.C. shall be final and not subject to any appeal.

12. The proceedings in a P.T.C. should be kept in a separate file and not disclosed to the trial judge, subject to paragraph 7 above.

13th January, 1996

(ORIGINAL SIGNED)  
**(DATO SIR DENYS ROBERTS) Chief  
Justice**

## 1.14) Pre-Trial Review in Criminal Cases (1996)

### IN THE HIGH COURT OF BRUNEI DARUSSALAM

#### PRACTICE DIRECTIONS

#### (PRE-TRIAL REVIEW

#### IN CRIMINAL CASES)

1. Any criminal case to be tried in the High Court, may be listed for a pre-trial review (“P.T.R”) upon an application in writing to the Court by counsel acting for any party, or by an unrepresented party. If no party applies to it, the Court may list the case for a P.T.R. of its own volition.
2. The Court shall decide on the time and place of the P.T.R. at least 14 days notice of the P.T.R. shall be given, unless the parties agree to a shorter notice.
3. A P.T.R. shall be dealt with in Chambers before any Judge of the Court, whether or not the trial Judge.
4. A P.T.R. shall be attended by counsel the prosecution and the defence and, if he is not represented by counsel, by a defendant.
5. At a P.T.R counsel (or the unrepresented defendant) will be expected to inform the Court of
  - (a) The pleas to be tendered at the trial;
  - (b) The prosecution witnesses required at the trial;
  - (c) Where a preliminary inquiry has been held, any additional witnesses who may be called by the prosecution and the statements of such witnesses or a summary of their evidence;
  - (d) Where a preliminary inquiry has not been held, the statements of witnesses who may be called by the prosecution or a summary of their evidence;
  - (e) A statement in general terms of the nature of the defence. Indicating the principal matters on which issue is likely to be taken with the prosecution;
  - (f) Facts which are admitted under section 177C of the Criminal Procedure Code;
  - (g) The probable length of the trial;
  - (h) Any point of law which may arise at the trial, so far as this can be anticipated at that stage;
  - (i) Any alibi not so far disclosed in accordance with section 117A of the Criminal Procedure Code;

- (j) Any written statement to be tendered under section 117B of the Criminal Procedure Code;
  - (k) Any witness whose evidence is to adduced by Television link under section 236B or 236C of the Criminal Procedure Code.
  - (l) Any other matter which may effect the trial of the case.
6. Since the P.T.R does not have the force of law, anything said or done in the course of such a review is not to be used in evidence, unless all parties and the Trial Judge agree that this may be done.
  7. All parties shall, do the best of their ability, give effect to any directions or orders given or made by a Judge during P.T.R.
  8. Any directions or orders given or made by a Judge during a P.T.R. shall be final and not subject to appeal.
  9. This practice direction shall apply also to the Intermediate Court.

\_\_\_\_\_, 1996.

(DATO SIR DENYS ROBERTS)

Chief justice

## 2. Chief Registrar Practice Directions

### 2.1) Service of Court Process (2 of 1985)

#### **PRACTICE DIRECTION 2/85**

##### SERVICE OF COURT PROCESS

Order 9 rule 4 (1) of the Rules of the Supreme Court requires Writs of Summons and all documents requiring personal service to be served by a sworn process-server of the Court – save that “The Chief Registrar may for any sufficient reason allow an such process to be served by any other named person and shall in such case endorse it to that effect”.

The increase in the volume of civil litigation has made it difficult for the small number of Court process-servers to deal swiftly with the number of court documents required to be served.

Advocates are therefore advised to apply to the Registry for authorization of their clerks, or other suitable persons, to act as process servers on their behalf.

Dated the 3<sup>rd</sup> day of September 1985.

(ORIGINAL SIGNED)  
**Chief Registrar**

## **PRACTICE DIRECTION NO 5/1984**

### Filing of documents

The rules of practice and procedure require that all pleadings (writs statement of claims, statement of defence, counter claim, reply and an document amending them) must be filed (and the appropriate fee in respect thereof paid) before they can be used in Court at the trial of a cause or matter. In a recent case Counsel for a part in the course of arguments before the court submitted what purported to be an amended Statement of Defence and Counsel for the opposite part produced what purported to be a Reply thereto. These two documents (pleadings) had not then been filed in the Registry. However the trial Judge allowed the documents to form part of the pleadings in the case but ordered that they be filed “forthwith.”

The rules are elementary rules of practice and procedure. Non-compliance thereof is a reflection on the standing of the Brunei Bar.

(ORIGINAL SIGNED)  
**(Dato Mohd. Ali bin Salleh),**  
**Chief Registrar**

\*There is no record that these documents have since been filed.

Ref.: SC/CR/PD/A/19

Date: 17<sup>th</sup> December. 1984

Distribution: All Practising Advocates  
Ministry of law

### 3. Chief Justice Circulars

#### 3.1) Court of Appeal Hearing time Estimation (16 of 1999)

#### **CIRCULAR NO. 16 OF 1999**

**TO ALL MEMBERS OF THE LEGAL PROFESSION**

#### COURT OF APPEAL HEARING

At present, while the length of a trial is estimated at the hearing of the Summons for Directions, there is no estimate of the length of time which may be taken on the hearing of an appeal.

Would practitioners please, at the time when a petition of appeal is filed, indicate the likely length of the appeal itself?

This will be of assistance in preparing the Court of Appeal's list of cases for a sitting and give an indication of how long the Court of Appeal may be required to sit.

When the list of cases is sent to you, would you please get in touch with the Registrar who has prepared it, if the time allowed for an appeal appears to be insufficient?

2<sup>nd</sup> November, 1999.

(ORIGINAL SIGNED)

**DATO SIR DENYS ROBERT**

Chief Justice

Copies: Prime Minister's Office (Dato Haji Hazair)  
Attorney-General  
Chief Registrar  
Legal Adviser, BSP

### 3.2) Death and Personal Injury Claims (14 of 1999)

## CIRCULAR NO. 14 OF 1999

TO ALL MEMBERS OF LEGAL PROFESSION

### DEATH AND PERSONAL INJURY CLAIMS

It may be useful to practitioners involved in fatal accident and personal injury claims to know the guidelines which are normally applied by the Courts in assessing the multiplier to be used.

These figures are taken from Chan Choi Fook v Spennex Stainless Steel Industries Sdn. Bhd. (1994) JCBD 208 at p. 221/222.

<u>Number of Years Lost</u> (i.e. years to retiring age)	<u>Multiplier</u>
1 and 2	2
3	3
4	4
5	5
6	6
7,8,9,	7
10	8
11,12	9
13,14	10
15,16	11
17, 18,19	12
20,21	13
22,23,24	14
25,26,27,28,29	15
30,31,32,33,34	16
35,36,37,38,39	17
40 and above	18

Retiring age will depend on the work of the “victim”.

28<sup>th</sup> September 1999

(ORIGINAL SIGNED)  
**DATO SIR DENYS ROBERTS**  
Chief Justice

Copies : Attorney General  
: Chief Registrar  
: Legal Adviser, BSP



**CIRCULAR NO. 13 OF 1999**

**TO ALL MEMBERS OF THE LEGAL PROFESSIONS**

**DIRECTORSHIPS**

In circular No. 3 of 1997. I expressed the opinion that there was no objection to an advocate and solicitor practising in Brunei Darussalam also becoming a Director of a Company.

I was, in that circular, only dealing with the professional aspect of the matter.

I am informed, however, that non- Bruneians, who are permitted to enter legal practice here, are usually restricted, by their labour permits, to such practice alone.

My earlier circular should not be regarded as suggesting that an advocate/solicitor should become a Director if this is not permitted by his labour permit.

21<sup>st</sup> September 1999.

(ORIGINAL SIGNED)  
**DATO SIR DENYS ROBERT**  
Chief Justice

Copies : A.G.  
: C.R.  
: Legal Adviser, BSP  
: Prime Minister's Office

### 3.4) Acceptance of Instructions (7 of 1999)

## CIRCULAR NO. 7 OF 1999

TO ALL MEMBERS OF THE LEGAL PROFESSIONS

Copies           AG  
                      CR  
                      Legal Adviser BSP

### ACCEPTANCE OF INSTRUCTIOS

The general principles are set out in Part II of the Advocates (Practice and Etiquette) Rules, which were published as GN No. S27 on 7<sup>th</sup> November 1999.

This Part is in these terms:-

#### PART II

#### ACCEPTANCE OF BRIEF

4. (1) An advocate is not obliged to act as adviser or advocate for every person who may wish to become his client.

Advocate obliged to act for every person

(2) An advocate may accept any brief in the courts in which he professes to practise, at a proper professional fee, dependant on the length and difficulty of the case and upon his own skill and experience.

(3) Special circumstances may justify the refusal, at his discretion, of an advocate to accept a particular brief, even if the conditions set out in these rules are otherwise met.

5. (1) An advocate shall not accept a brief if he is or might be embarrassed thereby.

Advocate not to accept brief if embarrassed.

(2) An embarrassment arises:-

(a) Where the advocate finds he is in possession of confidential information as a result of having previously advised another person in regard to the same matter; or

(b) Where there is some personal relationship between him and a party or a witness in the proceedings.

6. An advocate shall refuse a brief in a case in which he knows , or has reason to believe, that his own professional conduct is likely to be impugned.

When  
advocate  
Impugned.

7. (1) An advocate shall not accept a brief if such acceptance renders, or would render, it difficult for him to maintain his professional independence or it incompatible with the best interests of the administration of justice.

Professional  
independence.

(2) An advocate who has at any time advised or drawn pleadings or acted for a party in connection with the institution or prosecution or defence of any suit, or other proceedings connected therewith shall not act, appear or plead for the opposite party in the suit, or such other proceedings.

8. (1) An advocate shall not accept any brief unless he is reasonably certain of being able to appear and represent the client on the required day.

When an  
advocate shall  
not accept brief

(2) An advocate shall not ordinarily withdraw from engagement once accepted, without sufficient cause and unless reasonable and sufficient notice is given to the client.

9. Subject to any other law, an advocate assigned as counsel in any from civil or criminal matter shall only ask to be excused in exceptional circumstances.

Release  
assignment.

These general principles are subject to Rules 27 and 28, which are in these terms:-

27. (1) An advocate shall not appear as such in court or in chambers in any case in which he has reason to believe that he will be a witness on any disputed question of fact. If while appearing in a case it becomes that he will be such a witness, he shall retire from it if he can do so without jeopardising his client's interests.

Advocate not to  
appear as  
such if he is apparent  
a witness.

(2) An advocate shall not appear before an appellate tribunal if in the case under appeal he has been witness on a material and disputed question of fact in the court below.

3) This rule does not prevent an advocate from swearing or affirming an affidavit as to formal or undisputed facts in matters in which he acts or appears.

4) This rule does not apply to the case of an advocate appearing himself to tax his own costs.

28. Except when essential to the ends of justice or as to merely formal matters, an advocate appearing in any cause shall not testify in court on behalf of his client in that cause.

Advocate not to testify.

I have been asked to send out circular about the principles involved.

If any advocate and solicitor is in doubt as to whether or not he should accept instructions, he should refer the matter to me, in the absence of a Law Society.

24th May, 1999.

(ORIGINAL SIGNED)  
[DATO SIR DENYS ROBERT]  
Chief Justice

3.5) Examination in Chief (6 of 1999)

**CIRCULAR NO. 6 OF 1999**

**TO ALL MEMBERS OF THE LEGAL PROFESSION**

**EXAMINATION IN CHIEF**

At present, Order 38 rule 2(1) of the Rules of the Supreme Court provides that, at the trial of an action begun with writ, "evidence in chief of a witness may be given by affidavit".

In such an event, the witness concerned must attend trial for cross-examination, unless the Court otherwise orders or parties to the action otherwise agree.

There is, however, a general restriction that the deponent to an affidavit may not give any oral evidence in chief at the trial of a matter, save in relation to matters which have arisen after the filing of the affidavit.

So far, little use has been made of the above provisions, with the exception of a small number of firms which employ them regularly.

The object of this circular is to urge all members of the legal profession to make use of these provisions in any civil trial in the High Court or Intermediate Court. It makes examination in chief much simpler than calling the witness.

It should be observed that, in Singapore, the examination in chief of all witnesses at a trial must be by affidavit. If better use is not made of the present provisions, it may become necessary to withdraw the existing discretion and oblige members of the legal profession to make use of them.

15<sup>th</sup> May, 1999.

(ORIGINAL SIGNED)

**DATO SIR DENYS ROBERT**  
**Chief Justice**

Copies to : Attorney General  
Chief Registrar  
Legal Adviser BSP

## **CIRCULAR NO.2 OF 1999**

**TO ALL MEMBERS OF THE LEGAL PROFESSION.**

### **FORMS OF ADDRESS**

Now that two Intermediate Court Judges have been appointed as Commissioners of the High Court, it would be appropriate to remind members of the correct form of address.

#### **Court Of Appeal**

(1) Formal address out of Court:-

“The President”

Or

“Justice of Appeal X”;

(2) In Court:-

Address as “President” or “Justice of Appeal X” or “My Lord”.

(3) In Judgment:-

“President”

Or

“X, J.A.”

#### **High Court**

(1) Formal address –

“The Chief Justice”

Or

“Mr Justice X”

“Mrs Justice X”

(2) In court:-

“My Lord or  
My Lady”

(3) In judgements:-

“Roberts C.J.  
X - J.”

### **Intermediate Court**

(1) Formal address -

“Judge X”

(2) In Court -

“Your Honour”

(3) In judgments -

“Judge X”

### **Magistrates' Courts**

(1) Formal address -

“Mr X, or  
Mrs X.”

(2) In Court –

“Your Honour”

(3) In Judgments –

“Mr X, Magistrate or  
Mrs X, Magistrate”

### **Registrars**

(1) Formal address -

“Mr X (Registrar) or  
Mrs X (Registrar)”.

(2) In Chambers -

“Sir” or “Madam”.

(3) In judgments -

“X, Registrar”.

11th February, 1999

(ORIGINAL SIGNED)  
**(DATO SIR DENYS ROBERTS)**  
**Chief Justice**

Copies to: Attorney-General  
Chief Registrar  
Legal Adviser BSP



**CIRCULAR NO.6 OF 1998**

**TO ALL MEMBERS OF THE LEGAL PROFESSION**

**PAYMENT INTO COURT**

Several practitioners have experienced some difficulty over the payment out to them of a sum paid into the High Court Registry by the opposing party in civil claim.

The present system has sometimes resulted in considerable delay, in obtaining this sum, which is also not invested as it should be, with interest accruing.

At present Order 22 requires a defendant in a civil action to pay money into Court. Until this Order can be suitably amended, the following practice may be adopted forthwith, although a solicitor may continue to make payments into court under Order 22 if he prefers –

- (a) A payment into his clients' account shall be invested and such interest credited to the depositor;
- (b) Such a payment into the clients' account shall be invested and such interest credited to the depositor;
- (c) The payment shall be expressed to be in relation to the civil action specified;
- (d) The solicitor shall notify the other party, or the latter's solicitor, of such payment and received his acknowledgement of this,
- (e) Payment out of this sum to the opposing party shall be with the leave of the court.

I hope that this system will be simpler and speedier than the old.

June 11<sup>th</sup>, 1998.

(ORIGINAL SIGNED)  
**DATO SIR DENYS ROBERTS**  
Chief Justice

Copies: Attorney General  
Chief Registrar  
Legal Adviser, BSP

**CIRCULAR NO.5 OF 1998**

**TO ALL MEMBERS OF THE LEGAL PROFESSION**

**COSTS**

There seems to be some confusion about the question of costs in a civil trial before the High Court.

If counsel wish to make any representations about costs, they should (if judgement is reserved as it usually will be) do so in the course of their final submissions whether or not invited to do so.

If no such representations are made, the court will assume that the question of costs has been left to its discretion.

As an alternative, counsel may ask that an order nisi be made as to costs, in order that counsel may then decide whether or not he wishes to argue on this matter.

It will, of course, remain in the discretion of the court as to whether or not an order nisi as to costs will be made.

6<sup>th</sup> June, 1998.

[ORIGINAL SIGNED]  
**DATO SIR DENYS ROBERTS**  
**Chief Justice**

Copies :      Attorney General  
                  Chief Registrar  
                  Legal Adviser, BSP

**CIRCULAR NO. 11 OF 1997**

**TO ALL MEMBERS OF THE LEGAL PROFESSION**

**DIVORCE PETITIONS**

In future, all divorce petitions which have been put on the Special Procedure List will be dealt with in Chambers.

I do not consider that an essentially private matter needs to be conducted in open court.

Contested petitions, and those not on the special procedure list, will continue to be heard in Court since it is necessary, in such an event, to swear in witnesses.

18<sup>th</sup> October, 1997.

[ORIGINAL SIGNED]  
**(DATO SIR DENYS ROBERTS)**  
**Chief Justice**

C.C : Attorney General  
Legal Adviser, BSP  
Chief Registrar

**CIRCULAR NO. 7 OF 1997**

**TO ALL MEMBERS OF THE LEGAL PROFESSION**

**PROCESS SERVERS**

There still seems to be some confusion, among legal practitioners, as to the need to obtain authorization from the High Court Registry.

Order 62 r. 2 (1) of the Brunei Rules of the High Court, 1990, reads –

‘2(1) Personal service must be effected by a process server of the Supreme Court;

Provided that the Registrar may either generally or in a particular cause or matter, allow personal service to be effected by any other named person’.

The object of the amendments to this Order in 1992 was to enable practitioners to obtain a general authority from the Registrar.

This authority would entitle all those named in it to serve process in any case, without further reference to the Registry.

For example, a firm might seek the Registrar’s authority for personal service in any case to be effected by –

Mr A.B.C. (a solicitor partner)

Mr C.D.E. (a salaried solicitor)

Mr F. (a clerk)

Mr G. (a messenger)

If any firm has sought the Registrar’s authority, it is urged to do so.

Only if the firm intends to employ a process server who has not been authorized, is it necessary to seek the Registrar’s authority.

This circular does not affect service by the Supreme Court process server, who can serve when so requested.

19<sup>th</sup> May, 1997.

(ORIGINAL SIGNED)

**DATO SIR DENYS ROBERTS**

**Chief Justice**

Copies :     A.G.  
              C.R.  
              Legal Adviser BSP

## **CIRCULAR NO.4 OF 1997**

### **TO ALL MEMBERS OF THE LEGAL PROFESSION**

I enclosed my notes of the meeting held with the members of the legal profession 16/4/97.

I have raised –

- (a) With the Chief Magistrate the right of defendants to be supplied with copies of certain documents.
- (b) With the A.G. –
  - (i) The amendment of the list of Commissioners for Oaths;
  - (ii) The delays in furnishing information at the Business Names and Companies Registries;
  - (iii) The lowering of the stamp duty on collateral security documents;
  - (iv) The execution of warrants of arrest by police officers;
  - (v) The question of whether he has any objection to legal aid clinic being provided, without charge, by members of the legal profession;
  - (vi) Whether or not those who receive free legal advice at the clinic should be referred to the A.G's chambers for legal aid to be furnished there.
- (c) With the C.R. –
  - (i) Service in the High Court Registry;
  - (ii) The revival of the Committee on Contingency Fees;
- (d) With the magistrate concerned, the judgement outstanding since September 1995.

### **Conflict of Interest**

There was agreement that a Circular on this subject should be issued (and is hereby issued) in these terms –

“CONFLICT OF INTEREST

A solicitor should not accept instructions to act for two or more clients when, to his knowledge, a dispute has arisen between those clients.

Nor should he continue to act for two or more clients when, to his knowledge, a dispute has arisen between those clients.

Subject to the above principles, this will not prevent the same solicitor from acting for the vendor and the purchaser, or for a land owner, developer and lender/borrower of money on the same land.

When a solicitor knows that a dispute has arisen between any of his clients, he should cease to act for any of them, since he may well be in possession of confidential information, which came to him when he was representing one of the parties who are now in dispute.”

21st April, 1997.

(ORIGINAL SIGNED)

**(DATO SIR DENYS ROBERTS)**

**Chief Justice**

Copies to - Attorney General  
Chief Registrar  
Legal Adviser, BSP

Encs.

## 4. Chief Registrar Circulars

### 4.1) Attendance of Members of the Bar during the Opening of the Legal Year (4 of 15)

#### **Chief Registrar's Circular 4 of 2015**

##### **RE: ATTENDANCE OF MEMBERS OF THE BAR DURING THE OPENING OF THE LEGAL YEAR**

The opening of the legal year is an annual event commemorating the fundamental principles of defending the rule of law and access to justice. It is important for all those involved within the legal system to uphold these fundamental principles for the benefit of the nation and society as a whole.

The attendance of those concerned is essential in representing and supporting the legal society in promoting the highest professional standards and the rule of law.

Unless there are exceptional reasons, it is incumbent on all members of the legal profession to attend this event. Therefore, in order to ensure the attendance of all members of the bar, an attendance list will be drawn up and distributed after the event.

Due to notices of this event being circulated in advance, reasons for non-attendance that are vague and dismissible or reasons that regard clashes in timetable will be deemed unacceptable. Your attendance will be very much appreciated in light of the significant nature of such an event.

**(ORIGINAL SIGNED)**  
**Chief Registrar**  
**Supreme Court**  
**Brunei Darussalam**

**Chief Registrar's Circular 3 of 2015**

**RE: REJECTION OF DOCUMENTS THROUGH E-FILING**

This circular is to be used as a guide for documents that have been rejected by the respective registries for documents filed through the e-filing portal either on-line or through the service bureau.

1. New Cases

Example: In a High Court Civil Suit a Writ and Statement of Claim has been filed. However, the Writ has not been signed by the law firm but the Statement of Claim is correct (signed).

- 1) When filing a new case on-line through the e-filing portal or service bureau, where a document has been wrongly submitted, and is subsequently rejected by the Registry, parties are to take note of the following:
  - a. Parties will receive an email with reasons for rejecting the document from Court;
  - b. Parties should then file the amended document (In this case the writ) together with the supporting documents (in this case the Statement of Claim);
  - c. Parties will then receive a new payment notice together with a new case number and new extraction code either through email or in the respective pigeon hole;
  - d. Payment should be made as if filing afresh (in this case payment for the Writ and Statement of Claim);
  - e. A refund may only be sought for the document that was correct (In this case, the Statement of Claim);
  - f. No refund will be given for the document that was incorrectly submitted (in this case, the Writ).
- 2) When filing a new document that has been submitted and incorrectly been accepted by the Court, i.e where the fault lies with the court, parties will:
  - a. Receive an e-mail with reasons for rejecting the document from court;
  - b. The court will re-submit the documents on behalf of the parties or contact parties to re-submit the documents required;
  - c. Parties will then receive a new payment notice together with a new case number and new extraction code either through email or in the respective pigeon hole;



- d. The receipt number and filing date will be based on the original date of filing and receipt;
- e. No further payment of filing fees shall be sought.

## 2. EXISTING CASES

Example: A summons in chambers is filed together with an affidavit in support .the affidavit is submitted for filing and is subsequently rejected as it has not been signed by the deponent. The summons in chambers is correct.

- 1) When filing on-line through the e-filing portal or service bureau, where the fault lies with the party that has filed the document (i.e the filer), parties are to take note of the following:
  - a. Parties will receive an email with reasons for rejecting the document from Court;
  - b. Parties should then file the amended document (In this case a signed affidavit);
  - c. Parties will then receive a new payment notice together with a new extraction code either through email or in the respective pigeon hole;
  - d. Payment should be made as if filing afresh (payment for both the summons in chambers and affidavit in support);
  - e. A refund may only be sought for the document that was correct (in this case the summons in chambers);
  - f. No refund will be given for the document that was incorrectly submitted (in this case, the affidavit in support).
- 2) When filing a new document that has been submitted and incorrectly been accepted by the Court, i.e where the fault lies with the Court. Parties will:
  - a. Receive an email with reasons for rejecting the document from Court;
  - b. The Court will re-submit the documents on behalf of the parties or contact parties to re-submit the required documents;
  - c. Parties will then receive a new payment notice together with a new extraction code either through email or in the respective pigeon hole;
  - d. The receipt number and the filing date will be based on the original date of filing and receipt;
  - e. No further payment of filing fees shall be sought.

Should parties have any further questions regarding the rejection of documents parties may approach either the:

- i. JCMS Helpdesk or;

- ii. The registry concerned by seeing the Legal Assistant/ Probate Officer/ Assistant Official Receiver or;
- iii. Making an appointment with the Duty Registrar

This Circular is to take effect from 1<sup>st</sup> June 2015

**(ORIGINAL SIGNED)**

**Chief Registrar  
Supreme Court  
Brunei Darussalam**

**Chief Registrar's Circular 4 of 2015**

**RE: ATTENDANCE OF MEMBERS OF THE BAR DURING THE OPENING OF THE LEGAL YEAR**

The opening of the legal year is an annual event commemorating the fundamental principles of defending the rule of law and access to justice. It is important for all those involved within the legal system to uphold these fundamental principles for the benefit of the nation and society as a whole.

The attendance of those concerned is essential in representing and supporting the legal society in promoting the highest professional standards and the rule of law.

Unless there are exceptional reasons, it is incumbent on all members of the legal profession to attend this event. Therefore, in order to ensure the attendance of all members of the bar, an attendance list will be drawn up and distributed after the event.

Due to notices of this event being circulated in advance, reasons for non-attendance that are vague and dismissible or reasons that regard clashes in timetable will be deemed unacceptable.

Your attendance will be very much appreciated in light of the significant nature of such an event.

**(ORIGINAL SIGNED)**

**Chief Registrar  
Supreme Court  
Brunei Darussalam**

4.4) Duty Registrar (4 of 1998)

**CHIEF REGISTRAR'S CIRCULAR  
JUDICIAL DEPARTMENT  
BRUNEI DARUSSALAM  
BIL. 4/1998**

**To all Advocates & Solicitors.**

With effect from September 14<sup>th</sup> 1998 the Supreme Court Registry will have a **Duty Registrar**.

1. The duties of the Duty Registrar are:
  - a. Hearing urgent applications made ex-parte or by consent (except probate matters) provided that the summons has been entered in the Summonses-in Chambers book;
  - b. Granting approval for any matter pertaining to the administration of the Registry, including requests for early or urgent dates for hearing before a Judge or a Registrar and allowing inspection of files;
  - c. Signing and certifying documents;
2. A "**Duty Registrar**" sign will be displayed outside the Duty Registrar's Chamber to indicate that he or she is on duty.
3. The duty hours shall be:

Mondays to Thursdays and Saturdays -	9am to 11.45am
	2pm to 4 pm
4. Only advocates and solicitors shall appear before the Duty Registrar.
5. Filing fees must be paid before documents are used in any application before a **Duty Registrar**.

(ORIGINAL SIGNED)  
**HAYATI BTE POKS DSP HAJI MOHD SALLEH**  
Acting Chief Registrar, Supreme Court

Ref.: SC/CR/A/142  
Date: 21 Jamadilawal 1419,  
12<sup>th</sup> September, 1998

4.5) Working Hours during Fasting Month (5 of 1984)

**MEMORANDUM**

DARIPADA: Chief Registrar Supreme Court

KEPADA: All members of the Staff

Tarikh: 10<sup>th</sup> May 1984

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Bil Kamu:

Bil Kami: SC/CR/C/A/14

CIRCULAR NO.5/1984

WORKING HOURS DURING FASTING MONTH

Your attention is kindly drawn to the Prime Minister's Office Circular No.7/1984 date 25<sup>th</sup> April, 1984 on working hours (from 8.00 a.m. to 2.00 p.m.) during the fasting month.

It is emphasized that all members of the staff, Muslims or non-Muslims not to go out/back home for lunch or drinks at noon during the fasting month. Non-Muslims are encouraged to make their own provisions to fill their requirements throughout the working hours.

(ORIGINAL SIGNED)

**(Dato Mohd. Ali bin Salleh)**

**Chief Registrar**

## 5. Chief Magistrate Circulars

### 5.1) Commencement of Civil Actions (Section 12 Chapter Rule 3) (1 of 2008)

**CHIEF MAGISTRATE**  
**CIRCULAR NO: 1/2008**

All Practising Advocates & Solicitors,  
Negara Brunei Darussalam

Date: 17<sup>th</sup> January 2008

RE: Commencement of Civil Actions (Section 12 Chapter 6 Rule 3)

You are reminded that all Civil Proceedings shall be commenced in the nearest Court within the district where the Defendants/Judgement Debtors resides. (Section 12 Chapter 6 Rule 3)

This is applicable to all except for those Defendants/ Judgement Debtors who reside in Temburong District, whose venue for filing the Civil Suits will be in in the Subordinate Court Registry of Bandar Seri Begawan.

(ORIGINAL SIGNED)  
**PG HJH ROSTAINA PG HJ DURAMAN**  
**CHIEF MAGISTRATE**

## 5.2) Solicitors Attendance in Magistrates Civil Court (2 of 1992)

### **CIRCULAR NO. 2 OF 1992**

To All Legal Practitioners

The Honourable Chief Justice has consented to Solicitors' attendances in the Magistrates' Courts being dispensed with in the following applications:

1. A fresh mention date when a summons (inc JDS) has not be served on the defendant. Solicitors will be informed of non-service at least 3 days before the mention dat. Similarly, where service is through a special process-server, the Magistrate is to be given prior notice of non-service.

Solicitors will be required to attend Court where the summons has been served unless a letter of admission is obtained from the defendant prior to the mention date.

2. Judgement Debtor Summons
3. Warrant of Arrest
4. Warrant of Committal
5. Warrant for Attachment and Sale
6. Garnishee Order Nisi
7. Extension of time to any Warrants
8. Third Party Proceedings
9. Amendment of Pleadings
10. Substituted Service
11. Authorisation to any person to effect service of documents

With effect from 3<sup>rd</sup>, August 1992 the aforesaid applications may be made in writing to the Magistrate and the necessary papers filed with affidavits where relevant.

(ORIGINAL SIGNED)

**STEVEN CHONG WAN OON**

Chief Magistrate

23<sup>rd</sup> July, 1992

## 6. Acknowledgement

Special appreciation to the website committee:

- Hj Abdullah Soefri bin POKSMDSP Hj Abidin
- Pg Masni binti Pg Hj Bahar
- Pg Hjh Norismayanti binti Pg Hj Ismail
- Shahrezawati binti Ahmad
- Hjh Hazarena binti POKSJDJ Hj Hurairah
- Hjh Azrimah binti Hj Abdul Rahman
- Hj Badaruddin bin Hj Abdul Karim
- Jazmi bin Mohammad Kamel
- Hjh Norzalinawati binti Hj Razali
- Ak Adirani Sufian bin Pg Hj Yussop
- Nurrul Hafizah binti Awg Arrifin
- Mohd Hafizuddin bin Hj Muhammad
- Fairuz Madinah binti Hj Alias
- Nur' Afifah Basyirah binti Ibrahim



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