



**JUDICIARY
BRUNEI DARUSSALAM**

**GOING TO COURT ON
CIVIL MATTERS**



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What are the types of Civil Claims I can make?

The nature and amount of your claim will determine which Court you should file your claim with.

Types of Court	Amount Claimed
Magistrates' Court (MC)	Less than \$50,000
Intermediate Court (IC)	\$50,000 to \$300,000
High Court (HC)	more than \$300,000

How can I file a Civil Claim?

In the Magistrates' Court, you may file a claim by issuing a Summons. In the Intermediate Court and High Court, you may file a Writ of Summons or Originating Summons. This can be done by paying the prescribed filing fee at the MC, IC and HC Registry at the Supreme Court Building, Jalan Tutong, Brunei Darussalam.

Civil legal proceedings in the MC is governed by the Magistrates' Court (Civil Procedure) Rules, 1992. In the IC and HC, the governing rules are the Brunei High Court Rules, 1990.

Do I need Legal Representative?

A person has a right to act for himself or herself. However, by acting for yourself, it means that you take upon yourself the same responsibilities as a lawyer would in acting for you.

There are numerous documents to be filed before you can proceed to trial. As there are no standard printed forms available, the court documents would have to be drafted and submitted by yourself.

Officers of the Court are not permitted by law to give legal advice. Therefore, they cannot prepare your documents or help you to prepare your case for trial.

Where are Civil Cases heard?

In the IC and MC, all hearings are heard in the courts located on the Ground Floor of the Law and Courts Building.

In the IC and HC, hearings on preliminary issues before the actual trial are held in the Registrar's Chambers located in the High Court – Supreme Court Building.

The trials in the High Court on the Second Floor or Courts located on the Ground Floor Level. You must check the venue by looking up your case in the Cause List which will be displayed in the HC Notice Board.

What must I do before I attend Court?

You should check the date, time and venue on the Summons. On arrival at the Court, look for your case in the Cause List displayed on the Notice Board. Make sure that you check the Cause List for the right court e.g. if your case is a Magistrate's Court Suit, check the Magistrate's Court Cause List. If your case is not listed, please make enquiries at the information counter.

Always make sure that you arrive early so that you have time to check the List and find your way to the right court on time. You should inform the Court clerk of your arrival and inform him or her that your case is fixed in that court. You must always bring your summons with you for reference by the Court clerk or for use in the Court hearing.

If you are late or absent, an order may be made against you e.g. your claim may be dismissed or judgment may be entered against you.

What can I do if I cannot speak English?

Interpreters are available to assist you. The Court provides interpretation of the following language and dialects: Malay Mandarin, Hakka and Hokkien.

If you require interpretation in any other languages, you must inform the Court in advance so that necessary arrangements can be made in time.

What happens during the Summons hearing in the MC?

If you are a Defendant, you will be asked whether you admit the claim. If you admit the claim, a Judgment will be entered against you. If you know of the summons hearing date but fail to attend Court at the appropriated time and day, a Judgment in Default may be entered against you.

What is “Judgment Debtor Summons” (MC) or “Order for Examination of Judgment Debtor” (IC & HC)?

This is applied for after a Plaintiff has obtained judgment against a Defendant/Debtor. In the MC, this is heard in the Court located on the ground floor of the Law and Courts Building, while in the IC and HC, it is heard in the Registrar’s Chambers located in the High Court – Supreme Court Building.

The Defendant/Debtor will be asked questions on his current financial status. He will have to answer the questions truthfully as these answers are given under oath or affirmation. It is an offence to speak untruth during the examination. At the conclusion of the examination, the debtor may be ordered to make instalment payment to the plaintiff.

What happens during the trial?

The Plaintiff or his Counsel will present the Plaintiff’s witnesses first to give evidence. The Defendant or his Counsel may ask questions of the witnesses.

When the Plaintiff has called all his witnesses, the Defendant or his Counsel will then present the Defendant’s case. Similarly, witnesses may be called and evidence is produced. The Plaintiff or his Counsel may ask questions of the witnesses. After hearing both sides, the Magistrate or Judge will then make a decision in the claim or dispute.

Can I appeal if I am unhappy with decision of the Court?

If you are not satisfied with the decision of the Magistrate, you may make an appeal to the High Court. If the decision is made by a Judge of the IC or HC the appeal is made to the Court of Appeal.

In both cases, the appeal is lodged by filing a Notice of Appeal at the High Court Registry at the Second Floor of the High Court – Supreme Court Building.

How is the Judgment executed?

If the Defendant does not satisfy the Judgment after a Judgment has been made against him, there are various methods by which the Judgment may be executed. One method is mentioned above – “Judgment Debtor Summons” or “Order for Examination of Judgment Debtor”.

One other method is Writ of Seizure and Sale.

Note:

This pamphlet is for your general information only. If you require more detailed information, you are advised to contact a lawyer.

For further information, contact us at:

BSB	-	Tel No. 2243939 / 2232979
Tutong	-	Tel No: 4221304 / 4221836
Belait	-	Tel No. 3330385