

## 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 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. 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.



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