

Practice Direction 3 of 2015

Fixing of Hearing Dates

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 & 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">a. Where the writ has not been servedb. Where the writ has been served or memorandum of appearance has been entered	<ol style="list-style-type: none">a. 6 months from the date of filing of the Writ (subject to any interlocutory applications filed)b. 4 months from the date of service of the Writ/memorandum of appearance (subject to any interlocutory applications filed)
2.	High Court - Civil Cases <ol style="list-style-type: none">a. Trials in suitsb. Originating Summons:<ol style="list-style-type: none">i. Before Registrarii. Before Judgec. Application for Orders under Bankruptcy Proceedingsd. Petitions	<ol style="list-style-type: none">a. 2 months (minimum) from the date of Setting Down For Trialb.<ol style="list-style-type: none">i. 1 month from date of filingii. 1 month (minimum) from the date of filingc. 2 weeks (minimum) from date of filingd. 1 month (minimum) from date of filing

	<p>e. Motions</p> <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 applications</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. Pre-trial Conference c. Trial	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 b. Tribunal hearing c. Appeal against Registrar's decision d. Other applications before the Registrar	a. 3 weeks (minimum) from service of claim b. 4 weeks (minimum) from date of consultation c. 4 weeks (minimum) from filing Notice of Appeal d. 4 weeks (minimum) from filing application

- 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)

1st 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 at 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 the 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.

2nd Stage PTC – Case Management conference after the setting down for trial has been filed.

- a. The 2nd 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 1st 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.



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