

CIRCULAR NO. 10 OF 1997

TO ALL MEMBERS OF THE LEGAL PROFESSION

LEGAL AID IN CAPITAL CASES

PRACTICE DIRECTION

As a consequence of a suggestion made at the meeting held with members of the legal profession on 25th September, 1997, the following practice direction is issued.

1. An appointment by the Chief Registrar to defend in a capital case is personal to the person appointed and should not be assumed by other persons in the firm.

2. An appointment will not usually be made of a person with less than five years practice, whether in Brunei or elsewhere.

3. No member of the legal profession should refuse an appointment to defend in a capital case, except for good reason to the satisfaction of the Chief Registrar.

4. If a defendant is committed on a capital charge, the person appointed will continue to represent the defendant (and receive the appropriate fee therefor) even if the charge is reduced to one which is not capital.

5. Appointment to defend in a capital charge will include any charges which are tried with it.

6. A list will be published every year or so, specifying those who have been appointed in recent years and also those who may be appointed in the future.