

Practice Direction 1 of 2015

Attendance before the Court and Applications For Adjournments

1. This practice direction shall come into effect on 1st 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 persons 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.



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