BETWEEN

THE LAW SOCIETY OF BRUNEI DARUSSALAM … Appellant

AND

MARIE RITA LESLIE … Respondent

_____

(Court of Appeal of Brunei Darussalam)
(Civil Appeal No. 1 of 2025)

_____

BETWEEN

MARIE RITA LESLIE …Petitioner
(Passport No. GBR5467643279

AND

THE LAW SOCIETY OF BRUNEI DARUSSALAM … Respondent

_____

(High Court of Brunei Darussalam)
(Petition No. 8 of 2024)

_____

Steven Chong, C.J., Lunn and Sir Peter Gross JJAs
Date of Judgment: 1 November, 2025.
Date of Judgment: 9 December, 2025

Headnote: Civil. Law Society's appeal from decision of Acting Chief Justice admitting R. as an Advocate and Solicitor in Brunei Darussalam dismissed. R a person who is neither a citizen of nor a permanent resident in Brunei Darussalam. No order for costs.

- *Meaning of "qualified person" within ss.3 and following of the Legal*

Profession Act, CAP 132 ("the LPA"), together with the requirement of being in "active practice" in the UK "for at least 7 years immediately preceding" the application.

- *Consideration of requirement of "good character" in ss. 4(b) and 5 of the LPA and duty of candour on applicant.*
- *Role of Law Society: gravity of an allegation calling into question a professional's good character or alleging a want of candour.*
- *In the generality of cases, the correct approach in Brunei Darussalam is to welcome those who have the expertise and experience to contribute to the practice of law in Brunei Darussalam and the development of this jurisdiction, subject, always, to insistence on the requisite standards, namely: that applicant is a qualified person and of good character. Touchstone throughout is the public interest. Task is to balance benefits to the public interest of Brunei Darussalam in admitting such foreign practitioners while maintaining requisite standards.*
- *Inherent jurisdiction: Order framed to deal with applicant's withdrawal of Petition and stated intention of not returning to Brunei Darussalam.*

Ms Wong Mew Sum (Messrs Abrahams Davidson & Co.) for Appellant/Respondent.
Ms S.Rozaimarlenny binti DSLJ Hj Abd Rahman (Messrs HLR LAW Advocates & Solicitors) for Respondent/Petitioner.

Cases cited:
The Law Society of Brunei Darussalam v Azril Anwar bin Haji Ahmad (Civil Appeal No. 1 of 2015)
Re Gabriel Silas Tang Rafferty [2024] SGHC 82
Wong Tim Kai v Attorney General of Brunei Darussalam (Court of Appeal of Brunei Darussalam) (Civil Appeal No. 19 of 2007)
Layne v Attorney General of Grenada (Grenada) [2019] UKPC 11
Re Alan Wong Hoi Ping, High Court (Bandar Seri Begawan) – Petition No. 15 of 1988, [1988] 3 MLJ 25

Sir Peter Gross, J.A.:

INTRODUCTION

1. This Appeal concerns an application for admission as an Advocate and Solicitor in Brunei Darussalam by a person who is neither a citizen of nor a permanent resident in Brunei Darussalam.

2. In the generality of cases, in our judgment, the correct approach to such applications under the law of Brunei Darussalam, is to welcome those who have the expertise and experience to contribute to the practice of law in Brunei Darussalam and the development of this jurisdiction, subject, always, to insistence on the requisite standards, namely, that the applicant is a qualified person and of good character. The touchstone throughout is the public interest. We expand on these considerations later in this Judgment.

3. The Law Society of Brunei Darussalam ("A") appeals from the Judgment and Order of the Acting Chief Justice dated, respectively, 9 January and 20 February 2025 ("the Judge", "the Judgment" and "the Order", as appropriate), admitting Ms Rita Leslie ("R") as an Advocate and Solicitor in Brunei Darussalam.

4. R's Petition for admission, Petition No. 8 of 2024, filed on 25 March 2024 ("the Petition") was initially opposed by both A and the Attorney General, on partially separate grounds, as will be indicated presently. The Appeal is pursued by A only; the Attorney General has not participated in the Appeal.

5. The Appeal raises two principal Issues:

   (I) Is R a "*qualified person*" within ss. 3 and following of the *Legal Profession Act, CAP. 132* ("the LPA")? ("Issue I: A qualified person").

   (II) Is R of "*good character*" as required by s.4(b) and s.5 of the LPA? ("Issue II: Good character").

6. By way of brief elaboration:

(1) In essence, Issue I goes to the question of whether R satisfied the requirement of being in "*active practice*" in the United Kingdom ("UK") "*…for at least 7 years immediately preceding*" her application for admission (s. 3(1) and 3(3) of the LPA).

(2) Again in essence, Issue II goes to whether R, in 2024, breached the *Immigration Regulations CAP 17, Rg 1* ("the Immigration Regulations") and, further, whether she fulfilled the duty of candour in her application.

7. Ordinarily following an order such as that made by the Judge admitting R as an Advocate and Solicitor in Brunei Darussalam, s.10 of the LPA provides for the taking of these steps:

(1) S.10(1) stipulates that the person admitted makes an oral declaration before the Chief Justice in the form set out in s.10(2).

(2) The name of the person admitted, together with the date of admission, is entered on the roll kept by the Chief Registrar: ss. 10(3) and 10(4).

(3) The person admitted pays the prescribed fee and the Chief Registrar delivers to him/her an instrument of admission signed by the Chief Justice: s.10(5).

8. None of this has happened in the present case.

9. R's oral declaration and formal admission had been scheduled for 26 April 2025. By a Summons dated 23 April, A applied for an order that the oral declaration and formal admission be adjourned or stayed pending the final determination of this Appeal. In the event, the Judge acceded to that application.

10. Matters did not, however, end there. As set out in R's letter to the Chief Justice and A dated 24 September (the "24 September letter") and R's Reply Submissions ("the Reply Submissions"), R has returned to the UK and "*withdrew her petition on 23 September 2025*" (as it is expressed in the Reply Submissions). In her 24 September letter, R states that she has "*no intention of coming back to Brunei*".

11. R's 24 September letter immediately raised a question as to the continuation of the appeal. Indeed, the Reply Submissions (at para. 3) suggested that the correctness of the Order was now "*academic*". A's position, however, was that it wished to maintain the Appeal because the Order otherwise stood, admitting R as an Advocate and Solicitor in Brunei Darussalam. R's response was that she remains involved in the Appeal only because A was pursuing it.

12. We shall deal fully with the Appeal on its merits but, as will become apparent, our order will be framed to address the changed factual circumstances arising from the 24 September letter ("the subsequent circumstances").

13. We record that we were grateful to Ms Wong, who represented A, and Ms Lenny Rahman, who represented R, for their assistance on the Appeal.

14. We additionally record particular thanks to Mr Cornelius Yong, Ms Wong's Junior, who, in response to the Court's request, produced an excellent "*Comparative Note*" on the legal, nationality and residence requirements for admission into legal practice in Brunei Darussalam and other jurisdictions ("the Comparative Note"). We have carefully taken into account the Comparative Note together with the materials assembled by Mr Yong in dealing with this Appeal.

THE LEGAL FRAMEWORK: THE LPA

15. We start with the LPA, which provides the principal legal framework.

16. Insofar as relevant, S.3(1)(a) provides that, subject to s. 3(3), a "*barrister-at-law of England*" is a qualified person. S.3(3) is in these terms:

> "*A person who is not, on the date of his petition for admission, either a citizen of Brunei Darussalam or a permanent resident, shall only apply for admission if, in addition to satisfying the requirements of subsection (1), he has been in active practice in any part of the United Kingdom…for at least 7 years immediately preceding such application.*"

17. S.4(b) introduces the good character requirement. It provides that the Chief Justice "*may at his discretion and subject to the provisions of this Act*", admit as an advocate and solicitor any qualified person who is (*inter alia*) of "*good character*".

18. S.5 deals with the requirements for Petitions for admission to the Chief Justice. S.5 requires, *inter alia*, documentary evidence showing that the petitioner is a qualified person (s.5(3)(a)) and "*two recent certificates as to his good character*" (s.5(3)(c)). S.5(4) provides that the petition and certificates are to be in the prescribed forms. In turn, *Rule 2* of the *Legal Profession (Practising Certificate) Rules* sets out the prescribed form as follows:

> "*I attach hereto two recent certificates of character. At least one of the certificates shall be given by a person who is ordinarily resident in Brunei Darussalam.*"

By way of guidance, *Law Society Circular No. 2 of 2022* said this:

> "*…the Law Society takes the stance that the certificates of good character require that the certifying person must know the Petitioner for <u>at least two (2) years.</u>*"

19. S.10, going to the procedure for formal admission, has already been outlined.

20. S.11, headed "*Misrepresentation*", reinforces the duty of candour (see below) on an applicant for admission. Thus, s.11(1) provides:

> "*If at any time after the admission and enrolment of any petitioner as an advocate and solicitor it is shown to the satisfaction of a Judge that any petition, affidavit, certificate or other document filed by a petitioner contains any statement which is false or misleading in substance or a suppression of any material fact the Judge may order the Chief Registrar to remove the name of such petitioner from the roll.*"

THE FACTUAL HISTORY

21. In the light of the principal Issues, it is necessary to outline the factual detail of R's application in some detail.

22. The *Petition* was (understandably) short and stated that R was a "*qualified person*" and of "*good character*", within the meaning of the LPA.

23. The *Affidavit in Support*, sworn on 11 March 2024 ("the Affidavit in Support") addressed the various LPA requirements for admission as an Advocate and Solicitor of the Supreme Court of Brunei Darussalam. So far as concerned "*active practice*", R annexed her practising certificates over the period 2012 – 2024 ("the practising certificates"). Further, R annexed details of her various professional accomplishments, including authorship and ADR accreditation. With reference to "*good character*", R exhibited a 3 months' *Professional Visit Visa* ("the PVV"), dated 29 February 2024 and giving R clearance to remain in Brunei Darussalam from 5 March 2024 until 2 June 2024. Additionally, R annexed four certificates of good character, saying that at least one of those had been provided by an individual ordinarily resident in Brunei Darussalam.

24. R is and was a member of Colleton Chambers, Exeter. She exhibited a statement from Mr C.N. Godfrey, her Head of Chambers (Record of Appeal, "ROA", at p.25), unheralded in the main body of her Affidavit in Support. Mr Godfrey's statement included the following:

> "*Marie is currently on sabbatical but may be available for remote hearings under some circumstances. Please telephone or email the Family and Civil Clerk…if you wish to discuss this.*
>
> *Marie has practised primarily on the Western Circuit since her call to the Bar in 2000. With over 20 years' experience Marie is not only a strong advocate but also a sound adviser on matrimonial and civil matters.*"
>
> Mr Godfrey went on to give details of R's practice as well as her Arbitration and Mediation memberships and accreditations, together with several favourable references to R's advocacy in legal directories.

25. Pausing there, it may at once be noted for later consideration:

    (1) Mr Godfrey's statement contains the first reference to R' sabbatical. It had not been flagged in the main body of the Affidavit in Support.

    (2) That said, this reference to the sabbatical appears very clearly in the exhibits to the Affidavit in Support and ought to have been seen by anyone reading the documents.

    (3) Mr Godfrey's statement includes references to R's experience in legal practice.

26. As to the *certificates of good character*, reference need only be made to the two which come from individuals apparently ordinarily resident in Brunei Darussalam. One of those, from a Ms Williams-Young ("Ms Young") certifies that she has known R for a period of approximately 1 year. The other, from Mr Blyth Svante John Louis ("Mr Louis"), certifies that he has known R for a period of approximately 24 years; it transpires, however, that he is the husband or partner of R.

27. On 21 May 2024, R swore a *Supplemental Affidavit in Support* ("the Supplemental Affidavit in Support"). Insofar as relevant, this Affidavit addressed R's immigration status:

    "*Since my first affidavit I have obtained my employment visa from the Labour Department, Ministry of Home Affairs, Brunei Darussalam. I am currently employed at HLR Law, holding the position of a Mediator, as I am yet to be called to the Brunei Bar and to receive my practicing certificate. I am not practicing law at this present time.*"

    R exhibited copies of her *Employment Pass*, dated 18 May 2024 ("the Employment Pass"), describing her as "*Senior Associate & Mediator*".

28. We come next to the *Affidavit in Opposition* ("the Affidavit in Opposition") sworn by the then President of A on 11 June 2024. This Affidavit and its Exhibits go to various strands in the argument before us.

29. First, these materials canvassed an exchange of letters in January and February 2024, which generated an unfortunate degree of confusion. On 16 January 2024, HLR Law, on behalf of R, wrote to A, saying:

> "*We wish to notify you that we are presently undergoing the process of applying for a work permit for Ms Marie Rita Leslie…as an Advocate and Solicitor and an Accredited Mediator in our firm.*"

Thus, the HLR Law letter dealt both with R working as (i) an Advocate and Solicitor and (ii) a Mediator. Unfortunately, A's response, dated 5 February 2024, only addressed (i) – but not (ii):

> "*1. We refer to your letter of 16th January 2024 to the Council of the Law Society of Brunei Darussalam ('the Council') regarding Ms Marie Rita Leslie's ('Ms Marie') application for a work permit as an Advocate and Solicitor in Brunei Darussalam.*
>
> *2. After careful consideration of the matter, the Council regrets to inform you that we are currently unable to issue a letter of no objection addressed to the Labour Department for the purpose of Ms Marie's work permit. This is due to the fact that Ms Marie has not yet been admitted to the Bar of Brunei Darussalam.*
>
> *3. It is prerequisite for individuals seeking to practice law in Brunei Darussalam to be admitted to the Bar before they can obtain the necessary endorsement from the Law Society of Brunei Darussalam…*"

30. As will be seen, the upshot of this exchange was that the parties ended up, unhelpfully, at cross-purposes. In a letter of 5 June 2024, A compounded this confusion by suggesting that R's description in the Employment Pass as a "*Senior Associate and Mediator*" meant as an "*Advocate and Solicitor*" and thus involved disregarding A's "*refusal*" to support an application for a work permit (prior to her call to the Bar). Still further, as all these issues had only been revealed in response to a 15 May letter from A to HLR, A said they raised concerns as to integrity.

31. Secondly, the Affidavit in Opposition introduced material relating to an HLR Law Seminar taking place on 29 February 2024. The promotional material had originally described R in terms which *might* have inferred that R was a barrister entitled to practise in Brunei Darussalam. At A's request, the poster was suitably amended to make it clear that R was not thus entitled; however, that left R's description being that of a "*Mediator, HLR Law*". As a result, it would seem, A wrote to HLR Law (letter dated 15 May 2024), asking this:

    "*We note that the Petitioner has been granted a Professional Visit Visa for 3 months. In this circumstance, could you please clarify whether the Petitioner is or has been employed by you at any point in time? Or was she granted a Professional Visit Visa for specific case and undertaking by your firm? If the Petitioner was employed by you, please let us know the period of employment and what her position was in your firm.*"

    To this query, HLR responded (letter dated 20 May 2024) as follows:

    "*Miss Leslie has been granted a Professional Visit Visa for 3 months. Miss Leslie was employed by us as a Mediator and engaging in consultancy professional services. As stated in our previous letter to you dated 16th January 2024, Miss Leslie's appointment has commenced as a Mediator since then…Moreover, Miss Leslie's employment visa…has been issued by the Labour Department, Ministry of Home Affairs, Brunei Darussalam.*"

    This letter further stated that the Petition had been filed, and R would be called to the Bar Brunei, "*hopefully without any objections*" on 15 June 2024. Thereafter, the Supplementary Affidavit in Support was sent to A, under cover of a letter dated 23 May 2024.

32. On 5 June 2024, A set out its objections to R's admission in a letter sent to HLR Law. In summary (on the good character point), A complained of R commencing work at HLR as a mediator without an Employment Pass at the time. R's alleged failure to disclose material facts raised doubts as to her good character.

33. Thirdly, in addition to the points as to good character, the Affidavit in Opposition contended that in the circumstances of R's sabbatical, she did not satisfy the "*active practice*" requirement.

34. For these reasons, as set out in the Affidavit in Opposition, A invited HLR Law and R to withdraw the Petition.

35. On 13 June 2024, R swore an *Affidavit in Reply* ("the Affidavit in Reply"). As to active practice, R explained the nature of work as a self-employed barrister and the significance of her Practising Certificates. As to the use of the word "*sabbatical*", R said this:

> "*This wording is on my website primarily to ensure my clerk, Gareth… is not receiving phone calls regarding my instruction to undertake work continuously. When I returned to England at the end of last year until the end of January, Gareth had my diary pretty full within the day when I had informed him that I was able to take work – this shows that not having that wording on my website would cause him difficulty. You can see from the website that I am able to undertake remote work. Putting the wording '..remote hearings under some circumstances' is due to the time difference between Brunei and the UK. It would be impractical for me to attend a four week trial in a different time zone. I can of course at any time undertake written work and have conferences. I have undertaken such conferences post June 2023 to November 2023 whilst being in Brunei. Such work has been limited but that was my choice.*"

36. As to "*good character*", R took strong exception to the suggestions (unprecedented against her, she said) of any lack of integrity. She had provided four certificates of good character and neither the LPA nor the accompanying rules required these *not* to come from a closely related person; nor did they provide a minimum period of knowledge. R drew attention to the difficulty which would arise if the requirement was for someone in active practice in the UK to know a person ordinarily resident in Brunei Darussalam for a period two years.

37. R maintained her application and added this:

"*I am very grateful and privileged to be able to live in Brunei Darussalam. I have learnt a lot, about the culture and customs. I can eventually take this experience back to the UK, which is a multi-diverse country, and will enable me to better serve clients of the Islamic faith and Southeast Asian Culture…*"

38. Finally, on 14 November 2024, Ms Lenny Rahman swore an *Affidavit in Reply* ("the HLR Law Affidavit in Reply"). As it seems to us, the only point of relevance went to the application for the Work Permit, where the HLR Law Affidavit in Reply said this:

"*I am informed and verily believe by the registered employment agent that a letter of no objection from the Law Society was not required by the Labour Department or the Immigration Department when the application was made…*"

THE JUDGMENT OF THE JUDGE

39. The Judge was faced, it will be recalled, with objections to R's admission from both A and the Attorney General.

40. As to R being a "*qualified person*" (our Issue I), the Judge was principally concerned with whether R's sabbatical meant that the work she undertook was intermittent only. Having considered the matter as a whole, the Judge was (at p.3) "*satisfied that the Petitioner was in active practice for at least 7 years immediately preceding …such application and her work is not intermittently performed and the objection by the Law Society under this head is dismissed.*"

41. Turning to the "*good character*" issue (our Issue II), the Judge remarked that A had "*submitted in great length with regards to this issue*". He dismissed this allegation, saying that the grounds of A's objections were premature and had not been proven. In coming to this conclusion, the Judge said this:

"*…The Immigration Department who is the enforcement agency has not taken any steps on this matter. The Law Society is acting as an investigator and prosecutor in this matter and would like this court to decide whether she has committed any breach of the Immigration Act or Regulations. This role should be taken by the Immigration Department and then will extend to*

the Public Prosecutor for any further action before it goes to the Court to be determined whether the Petitioner has or other parties related to her application and her alleged employment without visa."

42. Lastly, the Judge addressed the objection raised by the Attorney General going to the requisite *certificates of good character* and, specifically, that one of those certificates is to be given by "*a person who is ordinarily resident in Brunei Darussalam*".

43. As already noted, two certificates purporting to comply with this requirement had been produced. The Judge held that the certificate given by Ms Young did not fulfil the statutory requirements because she had only known R for approximately 1 year:

"*The legislation is silent on the number of years or time that the person need to know the Petitioner. The Law Society had given the guideline of at least 2 years. In the absence of…legislation to specify the number of years, this Court will adopt the approach of reasonable years. I am satisfied that…it is reasonable to take 2 years as the minimum.*"

44. The second certificate had been given by Mr Louis who (p.3 of the Judgment) was R's husband or partner. On this ground the Attorney General argued that it should be disregarded, by reference to the Law Society of Singapore Checklist and Australian Guidance. The Judge observed that Brunei legislation was silent in this regard and A had not produced any relevant guideline. He therefore concluded (p.3):

"*If the legislation is silent on this matter and in the absence of any reasonable guideline from [the] Brunei Law Society, I am satisfied that the certificate of good character by …John Louis fulfilled the requirement of Paragraph 3 of the First Schedule Form 1 under Section 4 of the Act and the Petitioner has fulfilled the requirements under Section 5(3)(c) and Section 5(4) LPA and Rule 2 of the Legal Profession Practising Certificate Rules.*"

45. Accordingly, the Judge held:

> "*…I am satisfied that the Petitioner is a qualified person and has fulfilled all the requirements to be admitted as an Advocate and Solicitor of the Brunei Bar and …I exercise my discretion to allow the Petitioner's Petition for…admission as an Advocate and Solicitor of the Brunei Bar pursuant to Section 4 of the Legal Profession Act.*"

46. It is convenient to note at once that what may be termed the "certificates" point has not been pursued on the Appeal, in which the Attorney General has not participated.

THE SUBSEQUENT CIRCUMSTANCES

47. The tone of the 24 September letter plainly reveals that, not surprisingly, R was deeply affronted by A's allegations as to her character. It is, however, the substance of the letter that is important at the stage when considering the formulation of an appropriate order.

48. R averred that the allegations made by A were "*wholly unfounded and defamatory*" and she therefore had no option but to permit the Appeal to proceed (though she has had no input into it). She underlined that A's allegations in Brunei have had consequences for her in England. She had never been the subject of a complaint in 25 years and had not previously had to refer herself to the Bar Council.

49. Initially, when R returned to the UK, she had intended to come back to Brunei as her family was still here. She had, however, since formed the view that "*…she did not wish to work in an environment of the legal fraternity in Brunei. The cultural and professional duties are too diverse for me to comprehend and be comfortable with.*" Given A's hostile stance ("*the Law Society would stop at nothing to discredit my professional integrity…*"), she had to "*way*" (*sic*) up the damage that could be done to her livelihood in the UK and concluded "*it was not worth it – I have nothing to prove in Brunei*." In the UK, she has gone back to work through her Chambers.

50. As R put it:

> "*My family have returned to the UK and I have no intention of coming back to Brunei*".

51. She went on to add:

> "*It is deeply regrettable that such a benign Petition has turned so sour. I would have relished the opportunity to work alongside the lawyers of the Brunei Bar as I could have soaked up their experience and customs, such that it would assist my UK practice given the diversity of the people that we deal with. I would of (sic) hoped that my experience could also have helped them in turn. The role of a barrister is one to assist the Court and be independent, that involves collaborative working practices to assist the Court: it was clear given the Law Society's objections towards me, this could never be achieved.*"

52. Finally, R expressed the wish for the Court "*…to sanction the withdrawal of proceedings and no order as to costs resulting in the appeal to fall away*" and that "*the distraction that I appear to have caused can be put to bed*".

THE RIVAL CASES ON THE APPEAL

53. *(A) The case for A*: For A, Ms Wong submitted that the Judge was wrong to hold that R was a "*qualified person*". As Ms Wong put it, "*active*" in the "*active practice*" requirement cannot mean a high threshold that requires evidence of daily work; nor could it be satisfied by intermittent work only. The measure of what is "*active*" must be reasonable: "*It is an elephant test – very difficult to describe but instantly recognisable when spotted.*" Here, however, the evidence of R's legal work was scant and "*There is no elephant.*"

54. R had relied heavily on her practising certificates, but these were not evidence of practice; they were no more than evidence that she was in a position to work as a barrister. So too, the letter from R's Head of Chambers was not sufficient to demonstrate active practice. R had supplied minimal and vague particulars of work done. The period January – 11 March 2024 was unexplained.

55. As to "*good character*", R had been employed by HLR Law from January 2024 as a mediator but without an "*Employment Pass*" issued pursuant to Regulation 15 of the Immigration Regulations. Insofar as R relied on her

Professional Visit Visa ("the PVV"), issued to her on 29 February 2024 and valid until 17 May 2024, the PVV was not a substitute for an Employment Pass. The PVV was issued for an individual to provide professional services on a project basis. Accordingly:

"*Given the Respondent's illegal employment from 16 January 2024 until 17 May 2024 and her failure to provide any acceptable explanation, it was open to [the] Acting Chief Justice to conclude that there was some wrongdoing on the Respondent's part.*"

56. The Judge was wrong, Ms Wong submitted, in treating the Immigration Department's lack of action as significant. Moreover, the issuing of an Employment Pass on 18 May 2024 could not be taken as R's "*absolution*".

57. Ms Wong additionally contended that R held a "*wrongly issued Employment Pass*" and did not act to correct the position. With respect, this was a storm in a teacup; there is nothing in this point and we can dispose of it at once. As already explained when dealing with the Affidavit in Opposition, it arose simply because of confusion, attributable to both HLR Law and A, as to the application/s being made on behalf of R, on the one hand, and the stance adopted by A, on the other. In short, A's approval was not required for R's application to work as a Mediator and, we are satisfied, the Employment Pass did not (without more) entitle R to work as an Advocate and Solicitor in Brunei Darussalam. We say no more of this point.

58. Finally, Ms Wong submitted that R had not been forthcoming in her evidence, contrary to her duty of candour. Neither the information regarding R's sabbatical, nor the facts concerning the PVV had been disclosed within the body of R's Affidavit in Support; they were dealt with only in the exhibits to that Affidavit and were not fleshed out until A had made enquiries. So too, R had not stated in her Affidavit in Support that she had applied for a work permit and Employment Pass; this information was only conveyed to A by letter dated 20 May 2024 and, later, in the Supplemental Affidavit in Support.

59. All these were material facts which ought to have been disclosed at the outset and this "*failure to put all relevant evidence before the Court is*

evidence that the Respondent lacks the good character necessary for admission to the Bar."

60. *(B) The case for R*: For R, Ms Lenny Rahman submitted that the Appeal should be dismissed. The Appeal continued although R was no longer pursuing her Petition. R asked for no relief except that (in any event) no costs order should be made against her.

61. Turning to the principal Issues, the requirement of "*active practice*" did not necessitate daily practice but rather consistent and substantial engagement in legal work. That had been demonstrated by R, through her practising certificates and the letter from her Head of Chambers. The Judge had considered the matter in the round and was right to conclude that R was a "*qualified person*".

62. As to "*good character*", Ms Lenny Rahman's submissions strayed into matters not contained in the evidence (for example, the asserted advice from an agent to rely on the PVV). So too, the Reply Submissions (at para. 10) included the following:

"*The Labour Commissioner confirmed through a meeting 10 April 2025 that no offences were committed therefore there are no purported actions to be taken against Ms Leslie by the Labour Department or Immigration Department…*"

Submissions are not evidence and for this statement to be relied upon, let alone given any weight, it should have been properly evidenced if it was to be advanced.

63. Overall, as to good character, Ms Lenny Rahman underlined that, although A complained of non-disclosure, all the information in question had been disclosed in the affidavits (or exhibits) produced by R. The Judge had exercised his discretion in admitting R as an Advocate and Solicitor of Brunei Darussalam; there was no basis for interfering with this discretionary conclusion.

FURTHER MATERIALS

64. Following the hearing, HLR Law wrote to the Court on 3 November 2025, seeking (as we understood it) to advance further submissions, both on the merits and as to costs. On 4 November, A responded, inquiring whether the Court would permit it to respond. In reply to both parties, the Court indicated that no response was required from A. In the Court's view, HLR Law's further submissions came too late and will not be considered by the Court; hence, no response is required from A.

65. We turn to the principal Issues.

DISCUSSION AND CONCLUSIONS

ISSUE I: A QUALIFIED PERSON

66. *(A) Introduction:* This Issue turns on ss. 3(1)(a) and 3(3) of the LPA (already set out), the key question being whether R had been in active practice in England for at least 7 years prior to her application for admission as an Advocate and Solicitor in Brunei Darussalam.

67. *(B) Authority:* The decision of this Court in *The Law Society of Brunei Darussalam v Azril Anwar bin Haji Ahmad* (Civil Appeal No. 1 of 2015) ("*Azril Anwar*") furnishes a most helpful consideration of the statutory provisions.

68. In *Azril Anwar*, the Law Society (i.e., A in the present case) appealed against the decision of the then Chief Justice to admit the respondent as an Advocate and Solicitor of the Supreme Court of Brunei Darussalam. The Law Society opposed the respondent's application on two grounds: first, that the respondent had not been in active practice in Malaysia for the necessary period; secondly, that in his application he had not made full and frank disclosure of relevant matters, contrary to s.11 of the LPA. The Law Society's appeal was dismissed. For the moment, we are simply concerned with this Court's treatment of the first ground.

69. Giving the Judgment of the Court, Mortimer P cited (at p.3), the Chief Justice's summary of the purpose of these provisions of the LPA, namely: "*…to admit such foreign lawyers so as to assist the local bar and thus contribute to the social and economic development of the country*."

The ordinary meaning of the "*active practice*" wording had not required an applicant to remain permanently for 7 years in his jurisdiction and to attend to his practice; accordingly (at p.4), there was little divergence between the ordinary meaning of the words and the purposive interpretation adopted by the Chief Justice.

70. That said (at pp. 4-5):

> "*…we do not suggest that the application of the ordinary meaning is easy. It is obviously a question of degree. Whereas 'active' does not mean 'daily' it cannot mean 'intermittent' or 'sporadic'. It would be very difficult for an applicant to establish active practice in the absence of having chambers or an office in his jurisdiction. His legal work will be generated from, or for, such a place of practice even if he physically works in another place.*
>
> *It always must be a question of degree…*
>
> *Whereas in the past usual daily presence at an applicant's place of practice would be necessary, in modern circumstances this is not so. Modern communications are such that physical attendance to be in active practice in a particular place is no longer necessary. Commonplace equipment enables a person…to access libraries and authorities with ease, to scan and transfer documents, to write emails…and even to confer or interview face-to-face on video link. It is a common situation for people to work almost permanently away from their place of business using these modern facilities.*"

71. Mortimer P's judgment was far-sighted. All the matters to which he referred apply in 2024-2025 with very much greater force than they did in 2015. Remote working, *a fortiori* during and after COVID, has become a recognised mode of practice, whatever its downsides. As it is, in *Azril Anwar*, this Court held that it was open to the Chief Justice to decide that the applicant was in active practice in Malaysia for the requisite period.

72. We add this. Unlike the more restrictive approach applying in Malaysia and Singapore (outlined in the *Comparative Note*), the LPA includes the permissive provisions of s.3(3) - subject to the requirements there set out -

with regard to the admission to legal practice of non-citizens and those not permanently resident in Brunei Darussalam. We read that statutory provision as reflecting a deliberate policy choice, explained by the then CJ in *Azril Anwar.* In an appropriate case, the Court should give effect to that legislative purpose.

73. *(C) Application of the law to the facts:* To be clear, a judicial decision whether an applicant is a "*qualified person*" is not a discretionary decision. Instead, it involves evaluation of the evidence as a whole and questions of degree. Approached as a matter of degree and looking at the matter in the round, we see no reason to depart from the Judge's evaluation of the facts of R's application.

74. We add these observations. *First*, with respect, we do not think that the outline in *Azril Anwar* can be improved upon. As already observed, it has stood the test of time.

75. *Secondly*, and unsurprisingly having regard to the statutory provisions, the fact that R was on "*sabbatical*" invited scrutiny. However, as explained in the Affidavit in Reply, the sabbatical – on the facts of this case – did not mean that R had ceased "*active practice*" or that she was only working "*intermittently*". Remote working, as anticipated in *Azril Anwar*, is a contemporary reality. Nor, insofar as A at times appeared to contend, did the period of the sabbatical require microscopic or minute analysis; an overall evaluation is required and suffices. The Judge's conclusion on the sabbatical is unimpeachable.

76. *Thirdly*, R placed much store on her practising certificates. In this regard, there was force in A's submissions that practising certificates are or may not *by themselves* suffice to demonstrate active practice. Practising certificates, *of themselves*, evidence that the applicant in question satisfied the regulatory requirements to practise but not, or not necessarily, that there was active practice. On the other hand, it must be unlikely that an applicant would maintain his/her practising certificates over a sustained period if not in practice. In our judgment, therefore, the production of practising certificates is *necessary* as a starting point to demonstrate active practice but, without more, may not be *sufficient* to do so.

77. *Fourthly*, in the present case, we are in no doubt that the practising certificates did not stand alone or unsupported. Mr Godfrey's statement (see above) spoke directly to R's active practice, *inter alia*, as "*a strong advocate…also a sound adviser on matrimonial and civil matters*". For our part, that evidence sufficed and plainly so, to make good that R had been in active practice. If and insofar as A suggested otherwise, R was not required to list case names or details (and indeed in some circumstances it would or might have been inappropriate to do so).

78. Accordingly, agreeing as we do with the Judge, we dismiss A's appeal on Issue I.

ISSUE II: GOOD CHARACTER

79. *(A) Context:* The question of the good character of an applicant for admission as an Advocate and Solicitor in Brunei Darussalam is of the first importance for all concerned. In the paragraphs which follow we outline our views as to the legal context in which this Issue is to be considered.

80. *First*, we respectfully adopt the observations of Sundaresh Menon CJ of Singapore in *Re Gabriel Silas Tang Rafferty* [2024] SGHC 82, at [1] – [2], as to the importance of the good character of legal professionals and candour in the admission process:

> "*1. The court is entrusted with the responsibility of deciding whether an aspiring lawyer has the necessary qualities of character as well as competence, to be admitted to the ranks of the legal profession. When a person is admitted as an Advocate and Solicitor of the Supreme Court, he or she becomes an officer of the court and is charged with the onerous responsibility of assisting the court in the administration of justice. Justice, as a foundational pursuit in any society, demands an adherence to such values as fairness, honesty and ultimately, integrity. That is why we expect high standard of probity of members of the legal profession, and why, when we consider applications for admission to the profession, we examine questions of character very closely, even if the requisite standards of competence are met.*

2. In that light, an applicant's lack of candour in the admission process is especially troubling because it is a flagrant betrayal of the wider responsibilities that the applicant, by putting forward his application for admission, represents he is ready to assume. Indeed, depending on its nature and extent, a lack of candour that suggests a desire to deceive the court, will be indicative of a grave and severe character deficit at the very threshold of admission. The duty of candour to the court is but one facet of a legal practitioner's paramount and overriding duty to the court in the administration of justice; but it is a very important facet of that duty. The court, in exercising its discretion to admit an Advocate and Solicitor, must be satisfied that such a person can be suitably depended upon to maintain the highest standards of honesty and integrity, so that the public confidence in the legal profession and in the administration of justice can be upheld."

Those observations apply equally in Brunei and go to the paramount importance of public confidence in the legal profession and the administration of justice. Good character is therefore an *additional* requirement for admission, even if (as Sundaresh Menon CJ put it) "*the requisite standards of competence are met*". See too the decision of this Court in *Wong Tim Kai v Attorney General of Brunei Darussalam* (Court of Appeal of Brunei Darussalam) (Civil Appeal No. 19 of 2007), esp., at pp. 4-5.

81. *Secondly,* we are prepared to accept – with a significant qualification (immediately) following – that an applicant's "*good character*" in s.4 of the LPA means:

"*…both his disposition and reputation, so that if the petitioner appears, from the evidence on the petition, either to lack the qualities of integrity, honesty and the like which an advocate and solicitor ought to possess, or to have a bad reputation in these respects, he will be shown to want that 'good character' which he needs in order to satisfy the qualification…*"

Re Alan Wong Hoi Ping, High Court (Bandar Seri Begawan) – Petition No. 15 of 1988, [1988] 3 MLJ 25, at p.27, *per* Godfrey J.

Accordingly, and well-summarised in the *Comparative Note* (at para. 15):

"*The assessment considers evidence of what others have thought of the petitioner and what can be taken as to the qualities inherent to their person as made out in evidence.*"

Although, as already underlined, the requirement of good character is crucially linked to the need for public confidence, it is necessary to introduce the qualification (foreshadowed) especially regarding the facet of "*good character*" described as "*reputation*". In our judgment, the decision as to reputation and good character must remain one for the Court; while the Court may take into account evidence as to reputation and good character, the Court's decision cannot turn on what third parties might say or think. As observed by Lady Arden in *Layne v Attorney General of Grenada (Grenada)* [2019] UKPC 11, at [43], whether there is an appropriate level of public confidence is a matter for the assessment of the Court; any suggestion of lack of confidence "*must be justifiable on an objective basis*". It was not enough that "*the public would misguidedly not have confidence in a particular candidate. It is not part of its* [i.e., the Court's] *function to assuage public opinion.*"

82. *Thirdly,* in coming to its decision as to an applicant's good character, the Court is entitled and bound to look at the matter in the round: see, *Re Alan Wong Hoi Ping (supra)*, at p.27. Certificates of good character are, on the face of them, evidence of good character of the petitioner. However, as Godfrey J held (*ibid*), they cannot be conclusive.

83. We add this, by way of guidance with a view to the Law Society (A) giving further consideration to certificates of good character, emphasising that these are matters for the future and have no bearing on the outcome of this Appeal:

(1) While it is understandable that the Law Society's current guideline (see above) requires a referee to have known the applicant for at least 2 years, this stipulation may cause unintended difficulty. As flagged by R, it may not be straightforward for an applicant from abroad to satisfy this requirement with regard to a referee ordinarily resident in Brunei Darussalam. We therefore invite the Law Society to give further consideration to this question, to ensure *both* that a character referee

has proper knowledge of the applicant but *also* that this requirement should not trip up an otherwise well qualified candidate.

(2) For our part, we are concerned that there are no guidelines regarding character referees who are relatives of or in a close relationship with an applicant. We think there should be such guidelines and invite the Law Society to give consideration as to their formulation.

84. *Fourthly,* an allegation calling into question a professional's good character or a lack of candour is, it is to be underlined, one of gravity with real-world consequences not confined to Brunei. Thus, in the present case and as set out in the 24 September letter, A's allegations in this regard resulted in R having to refer herself to the Bar Council of England and Wales and inform her Head of Chambers. Plainly, any such allegation should not and cannot be advanced without cogent evidence supporting it; as Mortimer P expressed the Judgment of the Court in *Azril Anwar, supra,* at p.5:

"*A serious allegation of this kind cannot be left to inference [but] must be clearly made out.*"

In that case, no evidence had been put forward. In a case where evidence *is* put forward, it will necessarily attract careful scrutiny. Where the Law Society is minded, on advice, to pursue the issue of good character, it would ordinarily be expected that it would apply to cross examine the applicant in question. The Law Society must avoid giving the impression of being prepared to wound but afraid to strike.

85. *Fifthly*, the provisions of s.6 of the LPA provide the necessary statutory *locus* or standing for the Law Society (i.e., A) to object to an application. We disagree, however, with the observation in the Index to A's bundle of Authorities that s.6 of the LPA "*…provides for the Law Society's statutory* ***duty*** *to object to Petitions for Admission.*" It may be that this was simply loose language but for the avoidance of doubt, s.6 imposes no such general duty. For our part, regarding applications for admission of the present nature, we see the position of the Law Society in discharging its responsibilities to its members and the public as more akin to a Minister of Justice, rather than as a partisan or trade union. We would expect the Law

Society to consider such applications fairly, in a balanced manner, having regard both to the need to maintain standards and to the desirability of admitting properly qualified candidates of good character as Advocates and Solicitors in Brunei mindful of the benefits such applicants can bring for the legal system and hence the public interest. Account should be taken of the observations of the then Chief Justice in *Azril Anwar* (set out above) as to the purpose of the statutory permission to admit suitable foreign lawyers – an approach which can be contrasted with that adopted in some other States in the region (see above). An objection to a petition should not be a matter of course, still less a kneejerk reaction, but a decision carefully taken, on the facts of the individual case, where there are proper grounds for doing so. It is only in such cases that it would be right to contemplate a *duty* to object.

86. We add, for completeness, that s.12(1) of the LPA provides a safety valve mechanism for the Chief Justice to make a Declaration should he take the view that the number of advocates practising in Brunei Darussalam "*is sufficiently adequate to serve the needs of the community*". S.12 was not relied on by A in this litigation, and we mention it only to highlight that no question of over-supply arose here for consideration.

87. *(B) Discussion and conclusions:* We turn to apply these general considerations as to the *good character* requirement to the facts of the present case.

88. We go some way in appreciating the concerns articulated by A. It can fairly be said that the presentation of R's application could have been improved. Thus:

(1) The first reference to R being on sabbatical was contained in an exhibit (Mr Godfrey's statement) to the Affidavit in Support. It would have been better for this reference to have been flagged up front in the main body of the Affidavit in Support or, at least, cross-referenced there.

(2) R's immigration status in Brunei Darussalam was not clearly explained and, regarding the period February – May, there would seem to have been confusion as between the PVV and the Employment Pass and a

degree of muddle, perhaps every bit as much on the part of HLR Law as on R. The application would have been much improved by an explanation, in plain language, grappling with any difficulties and addressing them.

(3) So far as concerned the certificate of good character from Mr Louis, the existence of the close personal relationship between R and Mr Louis was not disclosed from the outset in plain terms. Again, it would have been much better had it been.

89. Having gone this far with A, we thereafter part company. In our judgment and without in any way downplaying the importance of immigration status or the duty of candour, these matters amount to blemishes in the application, rather than making good a case of lack of candour and, hence, want of good character. Altogether too great a leap was required to accept A's case on Issue II. Our reasons follow.

90. *First*, it is to be underlined that however unsatisfactorily brought out, all the matters to which we have referred *were* disclosed by R. Even on the assumption that there were errors in presentation best avoided, the bottom line is that disclosure was made in the course of the lengthy exchanges between R and A.

91. *Secondly,* in assessing the gravity of the muddle as to immigration status it is *relevant*, though not conclusive, that there is no evidence of the Immigration authorities contemplating any action against R. To reiterate, we say nothing to undermine the importance of compliance with immigration requirements, but it is necessary to maintain perspective as to this matter and, with that in mind, the inaction of the Immigration authorities (on the evidence before us) informs our thinking. Immigration law is by no means a straightforward area and we are not at all persuaded that, in the circumstances of this case, this Court should adopt a markedly proactive approach as urged on us by A. At all events, the muddle appearing on the evidence before us (even assuming, without deciding, that it disclosed some breach of the Immigration Regulations), falls well short of disclosing a persuasive case of a want of good character on the part of R.

92. *Thirdly,* it is noteworthy that while advancing serious allegations as to the good character of R, A made no application to cross examine R before the Judge. As indicated above, given the gravity of the allegations, we would have expected A to make such an application if it wished to pursue those allegations to a Court decision. A did not do so.

93. *Fourthly*, we take very much into account that on this Issue, involving both matters of evaluation and discretion, the Judge formed a clear conclusion that the grounds of objection had not been proved (Judgment, p.3). In this regard, we cannot, with respect, be taken as agreeing with the Judge that the action or inaction of the Immigration Department was *decisive* or *a bar* to A pursuing the question of immigration status. However, for the reasons already given the approach of that Department, so far as it could be inferred from the evidence before us, assisted in maintaining perspective. Accordingly, we see no good reason to interfere with the evaluative or discretionary decision of the Judge and, in any event, reach the same conclusion as the Judge, albeit by a somewhat different route of reasoning.

94. Accordingly, we dismiss A's appeal on Issue II. In our view, R satisfied both the qualification and good character requirements for admission as an Advocate and Solicitor in Brunei Darussalam.

95. It follows that we dismiss the Appeal from the Judgment of the Judge.

DISPOSAL

96. *(1) The terms of the Order:* We return to the topic flagged earlier, going to the framing of our Order.

97. If matters rested with our decisions on Issues I and II and the dismissal of the Appeal then, because the Judge's Order stands, R would be free to proceed with formalising her admission as an Advocate and Solicitor in Brunei Darussalam. Ordinarily, that would indeed be the natural result of the outcome of the litigation to date. The complexity here relates to the subsequent circumstances, including the statement in the Reply Submissions that R has withdrawn the Petition and R's statement in the 24 September letter that she has no intention of returning to Brunei Darussalam. If there is no change of heart on R's part, then that is an end of the matter. If, however,

R changed her mind and decided to return to Brunei Darussalam at some indeterminate time in the future, in our judgment it cannot be right that she could without more ado proceed with her admission – without any regard to these subsequent circumstances (as we have termed them) or any further changes to her circumstances in the meantime.

98. We canvassed this concern with the parties at the hearing of the Appeal, but neither was in a position to assist us. We have therefore framed our own solution, to do practical justice in the public interest.

99. Accordingly, in the exercise of our inherent jurisdiction, we order that the Applicant should make no application and take no step pursuant to s.10, LPA to finalise and/or formalise her admission as an Advocate and Solicitor in Brunei Darussalam without the leave of the Court. At that stage, A will be at liberty to raise any concerns as to R's then circumstances, especially in the light of the statement in the Reply Submissions that R has withdrawn the Petition and R's statement in the 24 September letter that she has no intention of returning to Brunei Darussalam. A will not be precluded from doing so by the Judgment of the Judge or this Judgment. R will of course be entitled to explain the position and respond as may be appropriate.

100. *(2) Costs:* In all the circumstances, we make no order for costs.

101. *(3) Concluding reflections:* As set out in the course of this Judgment, we have endeavoured both to resolve the Issues in this litigation and to consider the matter more widely, for the benefit of the Law Society and the Attorney General, given the public interest in applications of this nature. To reiterate, the task is to balance the benefits to the public interest of Brunei Darussalam in admitting foreign practitioners of appropriate expertise and good character while maintaining the requisite standards.

DATO SERI PADUKA STEVEN CHONG, C.J.

MICHAEL LUNN, J.A.

SIR PETER GROSS, J.A.