

CIRCULAR NO.1 OF 1996

TO ALL ADVOCATES AND SOLICITORS

Practice Directions

I attach a copy of a Practice Direction on Pre-Trial Conferences.

This Direction is non-statutory at present. If parties do not comply with the Direction, however, consideration will be given to a suitable amendment to the law, empowering a Registrar to penalize a party in costs if he refuses to comply.

Registrar have already been operating PTC's, though not in uniform manner, because there has been no Direction on the subject.

I hope that practitioners will give full cooperation to the Registrars. It is the task of the later to persuade the parties to settle, if this is shown to be desirable and practical. The Registrars will also attempt to limit the issues which remain outstanding between the parties, in the hope that this will reduce the time spent in Court, with a resultant saving to the parties of costs.

The system will apply to civil suits commenced in the High Court and Intermediate Court in the first instance. Consideration will be given to an extension of the scheme to Magistrate's Courts in due course.

I hope that all practitioners may find this system acceptable and desirable.

13th January, 1996.

(ORIGINAL SIGNED)
DATO SIR DENYS ROBERTS
Chief Justice

Copy to: Attorney General
 Brunei Shell Petroleum

IN THE HIGH COURT OF BRUNEI DARUSSALAM

PRACTICE DIRECTION

PRE-TRIAL CONFERENCES

1. This Direction shall apply to civil suits in the High Court and the Intermediate Court.
2. Such a suit may be listed for a Pre-Trial Conference (P.T.C.) upon any application by counsel acting for a party, by an unrepresented party or by a Registrar of his own volition
3. A Registrar may decide on the date and place of the conference. At least 14 days notice of the P.T.C. shall be given by the Registrar, unless the parties agree to a shorter notice.
4. A P.T.C. shall take place before a Registrar in Chambers.
5. A P.T.C. shall be attended by counsel for each party or by the party himself if he is not represented.
6. At the P.T.C., counsel (or the unrepresented party) will be expected to inform the Registrar of –
 - (a) The possibility of settlement;
 - (b) The substance of the case for a party;
 - (c) The number of witnesses to be called by a party;
 - (d) A statement in general terms of the matters likely to be the subject of dispute between the parties;
 - (e) Facts which are admitted;
 - (f) The probable length of the trial;
 - (g) Any point of law which may arise at the trial, so far as this can be anticipated at this stage;
 - (h) Any other matter which may affect the trial of the case.

7. Since a P.T.C. does not have the force of law, anything said or done in the course of a P.T.C. is not to be admissible in evidence, unless all parties and the trial judge agree that this may be done.
8. In addition, a Registrar presiding over a P.T.C. may, with the consent of the parties, give any direction which he considers will assist in reaching a settlement.
9. The object of a P.T.C. is to remind the parties of the advantages of a settlement but not to force them to reach one.
10. All parties shall, to the best of their ability, give effect to an direction or orders given or made by a Registrar a P.T.C.
11. Any direction or order given by a Registrar during a P.T.C. shall be final and not subject to any appeal.
12. The proceedings in a P.T.C. should be kept in a separate file and not disclosed to the trial judge, subject to paragraph 7 above.

13th January, 1996

(ORIGINAL SIGNED)
(DATO SIR DENYS ROBERTS)
Chief Justice