

IN THE HIGH COURT OF BRUNEI DARUSSALAM

PRACTICE DIRECTIONS
(PRE-TRIAL REVIEW
IN CRIMINAL CASES)

1. Any criminal case to be tried in the High Court, may be listed for a pre-trial review (“P.T.R”) upon an application in writing to the Court by counsel acting for any party, or by an unrepresented party. If no party applies to it, the Court may list the case for a P.T.R. of its own volition.
2. The Court shall decide on the time and place of the P.T.R. at least 14 days notice of the P.T.R. shall be given, unless the parties agree to a shorter notice.
3. A P.T.R. shall be dealt with in Chambers before any Judge of the Court, whether or not the trial Judge.
4. A P.T.R. shall be attended by counsel the prosecution and the defence and, if he is not represented by counsel, by a defendant.
5. At a P.T.R counsel (or the unrepresented defendant) will be expected to inform the Court of
 - (a) The pleas to be tendered at the trial;
 - (b) The prosecution witnesses required at the trial;
 - (c) Where a preliminary inquiry has been held, any additional witnesses who may be called by the prosecution and the statements of such witnesses or a summary of their evidence;
 - (d) Where a preliminary inquiry has not been held, the statements of witnesses who may be called by the prosecution or a summary of their evidence;
 - (e) A statement in general terms of the nature of the defence. Indicating the principal matters on which issue is likely to be taken with the prosecution;
 - (f) Facts which are admitted under section 177C of the Criminal Procedure Code;
 - (g) The probable length of the trial;
 - (h) Any point of law which may arise at the trial, so far as this can be anticipated at that stage;

- (i) Any alibi not so far disclosed in accordance with section 117A of the Criminal Procedure Code;
 - (j) Any written statement to be tendered under section 117B of the Criminal Procedure Code;
 - (k) Any witness whose evidence is to adduced by Television link under section 236B or 236C of the Criminal Procedure Code.
 - (l) Any other matter which may effect the trial of the case.
6. Since the P.T.R does not have the force of law, anything said or done in the course of such a review is not to be used in evidence, unless all parties and the Trial Judge agree that this may be done.
 7. All parties shall, do the best of their ability, give effect to any directions or orders given or made by a Judge during P.T.R.
 8. Any directions or orders given or made by a Judge during a P.T.R. shall be final and not subject to appeal.
 9. This practice direction shall apply also to the Intermediate Court.

_____, 1996.

(DATO SIR DENYS ROBERTS)
Chief justice