



The Law Society of Brunei Darussalam

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BY EMAIL

25th July 2022

TO: ALL MEMBERS OF THE LAW SOCIETY OF BRUNEI DARUSSALAM

Dear Honourable Members,

RE: LAW SOCIETY CIRCULAR NO. 2 OF 2022

We would like to bring your attention to the following matters.

A. PETITIONS FOR ADMISSION

We would like to remind petitioners that Petitions must comply with the Legal Profession Act (Cap 132) (“**LPA**”), and established practices with respect to such provisions. For the benefit of all members and petitioners, we provide below the following areas that are often mistaken or overlooked: -

i) The address provided in the Affidavit in Support.

Order 41, Rule 1(4) of the Rules of the Supreme Court, Cap 5 states:-

*“Every affidavit must be expressed in the first person and **must state the place of residence of the deponent** and his occupation or, if he has none, his description, and if he is, or is employed by, a party to the cause or matter in which the affidavit is sworn, the affidavit must state that fact”.*

In the Petitioner’s Affidavit in Support, he/she must state the place of residence according to his/her identity card.

ii) Certificates of Good Character

In accordance with section 5(4) of the LPA, the petition and certificates referred for admission “*shall be in the prescribed forms*”. The prescribed form is Form 2 of the Legal Profession (Practising Certificate) Rules whereby the person certifies that he/she has known the Petitioner “*for a period of ... **years***”.

Therefore, the Law Society takes the stance that the certificates of good character require that the certifying person must know the Petitioner for **at least two (2) years**.

iii) Service of the Petition of Admission

Pursuant to Section 6(1) of the LPA:-

*A copy each of every petition and affidavit required to be filed under the provisions of section 5 together with true copies of each document exhibited thereto shall, **within 5 days of the documents being filed in the Chief Registrar's office**, be served on the Attorney General and upon such other persons as may be prescribed.*

If the Petitioner fails to serve the Admission papers within the above prescribed time, the Law Society is at liberty to reject the documents and the Petitioner must therefore re-file.

B. COURTESY CALL MEETING WITH THE CHIEF JUSTICE

On 24th May 2022, the Council of the Law Society had a Courtesy Call meeting with the Honourable Chief Justice Dato Seri Paduka Steven Chong Wan Oon and other senior Judicial Officers.

During the courtesy call, the Honourable Chief Justice brought up some issues for which he would like our members' views on. These were: -

- i) the practicality of Court imposing mandatory mediation for personal injury cases; and,
- ii) the introduction of a Practice Direction on expert witnesses to be called and examined concurrently i.e. "Hot-Tubbing".

We would be grateful if you could provide your views by e-mailing to Law Society on the above matters on or before 5th September 2022.

Thank you

Sincerely,



MANSUR LATIF
President of Law Society of Brunei Darussalam