

## LEGAL ALERT

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### Author

**Mohamad Rozaiman  
Abdul Rahman**

Partner  
ZICO R.A.R  
(a member of ZICO Law)  
rozaiman.ar@zicolaw.com



## Greater Access to Justice through Brunei's First Financial Aid Scheme

In the interest of improving access to justice for members of the public who are unable to afford their own legal representation, the Law Society of Brunei Darussalam (“the Law Society”) has introduced a Financial Aid Scheme (“Financial Scheme”). Currently the legal aid framework administered by the Chief Registrar’s office is assigned to counsels on a rotational basis only for capital offence cases.

### Scope and funding of Financial Scheme

The Financial Scheme is currently limited to assisting Bruneians who are unable to afford legal representation for criminal offences such as theft, attempted suicide, infanticide, offences involving young persons, offences where defendants are suffering from mental illness or are intellectually challenged. According to the President of the Law Society, at the moment the Financial Scheme will only be used for criminal cases where the defendant wishes to plead guilty and as such will require legal counsel for mitigation or plea bargaining. Parties requiring legal representation for family law matters and other matters are also given special consideration for representation. However, Syariah cases will not be eligible for the Financial Scheme as Syariah lawyers are represented by a different association.

Funding for the Financial Scheme will be contributed by the Law Society as well as private donations by individuals and companies. Furthermore, portions of receivables from donations by law firms through law society events could be funneled to the Legal Aid Fund (“the Fund”). The Fund will be kept by the Law Society in a trust account.

### Legal representation/payments

The Law Society will seek volunteers from lawyers to represent members of the public who are seeking such assistance. The Financial Scheme will be utilised to pay lawyers for their legal fee representation.

### Criteria and assessment for application

In order to qualify for assistance under the Financial Scheme, members of public that are seeking legal representation must be able to satisfy the means test:

- Bruneian citizen, permanent resident or stateless person with an income/allowance not exceeding BND1,500.00 per month;
- legal representation sought must fall under categories mentioned above;
- must show they have good reason to defend their case; and
- have not obtained legal representation by any lawyer or law firm before the application.

For the time being, the Financial Scheme is not applicable to foreigners as their cases are often taken up by their respective embassies.

### Accountability

#### To the Legal Aid Committee

The lawyer who has been appointed to the case will be required to submit monthly reports or quarterly reports (depending on the case) to the Legal Aid Committee detailing the steps taken, advice given and to provide the next hearing date of the case.

Once the case has been resolved, the said lawyer who provided the legal representation, shall submit a written claim/payment to the Treasurer of the Law Society and confirming that the matter has been concluded and/or finalised.



Members of the profession are invited by the Law Society to volunteer themselves to be put on a rotational schedule to assist in legal representation.

To the Stakeholders/Donors

The Legal Aid Committee will provide a yearly report to companies/firms who donated substantially to the Financial Scheme to update them on the status of the legal representation and how the funds were utilised towards that purpose.

If you have any questions or require any additional information, please contact [Mohamad Rozaiman Abdul Rahman](#) or the ZICO Law partner you usually deal with.

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