

No. S 29

**LEGAL PROFESSION (LAW SOCIETY OF BRUNEI DARUSSALAM) ORDER
(Order 1 of Chapter 132)**

LEGAL PROFESSION (PROFESSIONAL INDEMNITY INSURANCE) RULES, 2024

ARRANGEMENT OF RULES

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1. Citation and commencement
2. Requirement to take out insurance
3. Amount of insurance cover
4. Excess
5. Period of insurance
6. Payment of premium
7. Exemption

SCHEDULE — AMOUNT OF INSURANCE COVER

**LEGAL PROFESSION (LAW SOCIETY OF BRUNEI DARUSSALAM) ORDER
(Order 1 of Chapter 132)**

LEGAL PROFESSION (PROFESSIONAL INDEMNITY INSURANCE) RULES, 2024

In exercise of the power conferred by paragraph 41 of the Legal Profession (Law Society of Brunei Darussalam) Order, the Council of the Law Society, with the approval of the Chief Justice, hereby makes the following Rules —

Citation and commencement

1. These Rules may be cited as the Legal Profession (Professional Indemnity Insurance) Rules, 2024 and shall commence on 1st January 2025.

Requirement to take out insurance

2. (1) Every firm of advocates and solicitors shall have in place an insurance policy providing indemnity against loss arising from claims in respect of civil liability incurred by an advocate and solicitor or a former advocate and solicitor in connection with his practice in which he is engaged as an advocate and solicitor or with any trust of which he is or formerly was a trustee.

(2) Every advocate and solicitor who intends to apply for a practising certificate shall —

(a) before making an application for the certificate, take out such insurance as is referred to in subrule (1) with an authorised insurer for the amount of insurance cover required by rule 3; and

(b) maintain in force such insurance at all times during the period the advocate and solicitor has in force a practising certificate.

(3) Any person admitted to practice under section 7 or 8 shall take out such insurance as is referred to in subrule (1) with an authorised insurer for the amount of insurance cover required by rule 3.

(4) In this rule, "authorised insurer" means an insurance underwriter approved by the relevant authority to underwrite insurance policies in Brunei Darussalam.

Amount of insurance cover

3. The amount of insurance cover as specified in the Schedule is inclusive of costs and expenses incurred in the defence or settlement of any claim in respect of civil liability incurred by the advocate and solicitor.

Excess

4. The Council may determine the amount of excess, if any, that applies to any claim against an advocate and solicitor, or to the costs and expenses incurred in the defence or settlement of such claim, or to both the claim and costs and expenses.

Period of insurance

5. (1) The period of insurance shall be the entire period during which the practising certificate of the insured advocate and solicitor is in force.

(2) The period of insurance for any person admitted to practice under section 7 is the period during which he has been issued under that section a certificate to practice as an advocate and solicitor specifying in it the case in which he is permitted to appear.

(3) The period of insurance for any person admitted provisionally under section 8 is the period during which he has been issued under that section a provisional licence to practice as an advocate and solicitor.

Payment of premium

6. (1) An advocate and solicitor is deemed to have contravened the requirement to maintain insurance under rule 2(2) if any payment by way of premium for insurance that the advocate and solicitor required to maintain under that rule remains unpaid for more than 2 months after the date when the payment became due.

(2) A person admitted under section 7 or 8 is deemed to have contravened the requirement to maintain insurance under rule 2(3) if payment by way of premium for the insurance is not made on the date when the payment becomes due.

(3) Subrules (1) and (2) apply notwithstanding that the advocate and solicitor or the person has made any arrangement for the payment to be made by any other person.

Exemption

7. These Rules do not apply to any advocate and solicitor who is employed or works in Brunei Darussalam in his professional capacity as an advocate and solicitor in —

(a) the Government; or

(b) an approved legal department,

in pursuant to section 14(2) and (3).

SCHEDULE

(rule 3)

AMOUNT OF INSURANCE COVER

- | | | | |
|----|----------------------------------|--|----------------|
| 1. | For the purposes of rule 2(2)(a) | For each and every claim in respect of civil liability incurred by that advocate and solicitor | \$1, 000, 000 |
| 2. | For the purposes of rule 2 (3) | For each and every claim in respect of civil liability incurred by that advocate and solicitor | \$1, 000, 000. |

Made this 10th. day of Ramadhan, 1445 Hijriah corresponding to the 21st. day of March, 2024.

NUR 'AZIZAH BINTI DATO SERI PADUKA HJ AHMAD
President,
Council of the Law Society.