

REGISTRAR'S CIRCULAR NO: 1 OF 1961

Applications for adjournment by counsel.

It has been suggested that Magistrates find difficulty in dealing with applications by counsel for adjournments to enable them to attend to other commitments both professional and non-professional.

2. Here two things must be borne in mind. The first is that the public interest demands that the work of the Courts should be arranged and cases should be fixed so as to enable the maximum number of cases to be disposed of in the time available. If adjournments are granted, particularly at short notice, this involves disorganisation and waste of time with the consequence that the work of the Courts gets into arrear. The other point to be remembered is that primarily so far as the Court is concerned the duty to attend lies upon the accused person or other party and any obligation on counsel arises by reason of the contract between himself and his client. If a person is summoned to appear on a given date then he must appear on that date and the Court is not concerned with the terms of any agreement which he may make with a practitioner to appear and represent him on that date. If he wants to be represented it is for him to arrange for a representative to be present at the time fixed by the Court.

3. The granting or refusal of an adjournment is always a matter of discretion but from what has been said it follows that normally adjournments should not be granted simply to suit the convenience of counsel and in particular they should not be granted because counsel wishes to attend to some other engagement. It is the business of counsel to manage his own affairs so that he does not put himself under obligations to be in two different places at the same time.

4. Like any other general principle this must be construed reasonably. There are cases where it would be reasonable to