

NOTICE

THE EASTERN CARIBBEAN SUPREME COURT
(A.D. 2002)

PRACTICE DIRECTION

No. 1 of 2002

BACKLOG REDUCTION/STATUS HEARINGS

This Practice Direction is made pursuant to Part 4.2 (2) of the Eastern Caribbean Supreme Court Civil Procedure Rules 2000 and supplements Part 25 and Part 26 of the Rules.

1.1 In this Practice Direction:

“*Court*” means the High Court and where, the context so admits and in Part 62, the Court of Appeal.

1.2 For the purposes of this Practice Direction, the powers of the Court may be exercised by a Judge, a Master or the Chief Registrar of the Eastern Caribbean Supreme Court.

2. INTRODUCTORY NOTE

The introduction of the Eastern Caribbean Supreme Court Civil Procedure Rules 2000 on the 31st day of December 2000, and the effective replacement of the Rules of the Supreme Court 1970, by these Rules with effect from the 1st day of July 2001, initiated reform in Civil Procedure that is aimed at more effective and efficient management of all civil cases that are filed in the court offices within the jurisdiction of the Court.

An integral aspect of the reform process has been the conduct of Status Hearings on Inventory Lists of the civil cases that were filed in all Court Offices throughout the jurisdiction of the Court from January 1980 to December 2000, under the Rules of the Supreme Court 1970. At these Hearings, the status of these cases have been or are being determined, and steps have been taken to have “dead” cases determined procedurally and “live” cases put on track for determination within the process that has come into effect with the introduction of the Eastern Caribbean Supreme Court Civil Procedure Rules, 2000. This Practice Direction is to provide for the continuation of the programme for the accomplishment of its purposes in a timely manner.

3. PROCEDURE FOR BACKLOG REDUCTION

- 3.1 For the purpose of completing the Status Hearings in a timely manner, the Registrar shall forthwith prepare Annual Inventory Lists of all matters, which would not have been deemed to be abandoned in accordance with Order 34 of the Rules of the Supreme Court 1970 on the 30th day of December 2000, and which remain undetermined. The List shall include matters which have been adjourned for report from Status Hearings.
- 3.2 The Registrar shall notify the parties of their case or cases appearing on each Annual Inventory List, in Form 1: Practice Direction 1 of 2002 herein, giving the parties Notice of Intention to dismiss the case and informing the parties to indicate their intention to proceed with the case, or to signify that the cause or matter has been disposed of.
- 3.3 A legal practitioner who receives a Notice under sub-paragraph 3.2 is required to notify his or her client.
- 3.4 Where a party intends to proceed with a matter listed under sub-paragraph 3.2, that party must notify the Registrar within 30 days from the date of receipt of the Notice under sub-paragraph 3.2 in Form 2: Practice Direction 1 of 2002 herein, of intention to proceed.
- 3.5 Where the parties to a case do not notify the Registrar of their intention to proceed in accordance with sub-paragraph 3.4, the Court may issue an Order in Form 3: Practice Direction 1 of 2002 dismissing the action, or make such Order as to the Court appears just.
- 3.6 Where litigants cannot be contacted through a legal practitioner or personally, the Registrar shall cause a Notice of the cases to be published in the Official Gazette and in one issue of at least one newspaper published and circulating within the Member State or Territory.
- 3.7 A Notice under sub-paragraph 3.6 shall direct the litigants to attend at the court Office in person or by legal practitioner or representative for information on the case within 30

days of the publication of the Notice in the newspaper, failing which the case shall be dismissed for want of prosecution.

999

- 3.8 Where a case has been dismissed under sub-paragraph 3.7, the Registrar shall cause a Notice of Dismissal to be published in the Official Gazette and one issue of at least one newspaper published and circulating within the Member State or territory.
- 3.9 Where a case is dismissed under sub-paragraph 3.8, any party to the case may apply to the Court within 28 days of the publication of the Notice in the newspaper to reinstate the case.
- 3.10 An Application for the reinstatement of the case shall be made in Form 6 under Part 11 of the Eastern Caribbean Supreme Court Civil Procedure Rules 2000.
- 3.11 When the Application for reinstatement is heard, the Court may make an Order reinstating the case or confirming its dismissal, with such Order as to costs as to the Court appears just.

4. PRACTICE FORMS

The Practice Forms are contained in the Schedule hereto.

5. EFFECTIVE DATE

This Practice Direction shall come into effective on the 2nd day of August, 2002.

Dated this 19th day of July, 2002.

SIR DENNIS BYRON,
Chief Justice.

SCHEDULE
PRACTICE FORMS

Form 1: Notice of Intention to Dismiss Action [Sub-paragraph 3.2]

THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE

[State/Territory]

Claim No. of

BETWEEN

A.B.

Claimant

and

C.D.

Defendant

Notice of Intention to Dismiss Action

TAKE NOTICE that you must inform the Registrar within 30 days from the date hereof of your intention to proceed with this cause or matter;

AND FURTHER TAKE NOTICE THAT if no notice of intention to proceed is received by the Registrar within 30 days, the Court will issue an Order in Form 3 dismissing the cause or matter.

AND FURTHER TAKE NOTICE that you are required to inform your client pursuant to this Notice.

Dated the day of 2002.

BY THE COURT

[SEAL]

REGISTRAR

The Court office is at [] Telephone number: , Fax:

The office is open between [...a.m.] and [...p.m.] to except on public holidays.

TO: Legal Practitioner(s) for the Claimant(s)

AND TO: Legal Practitioner(s) for the Defendant(s)

Form 3: Order Dismissing Action

[Sub-paragraph 3.5]

THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE

[State/Territory]

Claim No. of

BETWEEN

A.B.

Claimant

and

C.D.

Defendant

Order Dismissing Action

AS YOU HAVE NOT SIGNIFIED INTENTION TO PROCEED in accordance with the Notice issued herein on the day of 2002.

IT IS HEREBY ORDERED that this action is dismissed.

Dated the day of 2002.

BY THE COURT

[SEAL]

REGISTRAR

The Court office is at [] Telephone number: , Fax:

The office is open between [...a.m.] and [...p.m.] to except on public holidays.

TO:

Legal practitioner(s) for the Claimant(s)

AND TO:

Legal practitioner(s) for the Defendant(s)

Form 2: Notice of Intention to Proceed with Action

[Sub-paragraph 3.4]

THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE

[State/Territory]

Claim No. of

BETWEEN

A.B.

Claimant

and

C.D.

Defendant

Notice of Intention to Proceed with Action

TAKE NOTICE that the [Claimant(s)] [Defendant(s)] intend(s) to proceed with this action

Dated the day of 2002.

(Legal Practitioner for the Claimant(s)) [Defendant(s)]

TO:

The Registrar
High Court
(Circuit)

AND TO:

Legal Practitioner(s) for the Defendant(s)