

SUPREME COURT OF THE JUDICATURE OF TRINIDAD AND TOBAGO

Practice Direction

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**TRIAL OF CIVIL MATTERS**

With a view to-

- (a) ensuring that matters when fixed for trial have allotted to them appropriate time for their just determination;
- (b) ensuring that matters are dealt with expeditiously; and
- (c) avoiding waste of judges' time.

The honorable Chief Justice after consulting Judges of the High Court issues the following directions;

1. Subject to any special directions given in any particular matter all matters ordered or required to be set down for trial shall be set down on a general list of cases. Separate general lists shall be kept for Port-of-Spain, San Fernando and Tobago. The dates for the trial of such matters shall be fixed in accordance with the provisions of this Practice Direction.
2. Not later than the 2<sup>nd</sup> day in every month commencing with the month of November, 2000, there shall be published for each civil trial Court a cause list containing matters to be taken from the general list that are intended to be heard I the third calendar month following, so that, for example, the matters contained in the list to be published on the 2<sup>nd</sup> November, 2000 shall be those intended to be heard in February, 2001. Copies of the cause list will be made available to legal practitioners and other interested parties at the Registry and sub-registries of San Fernando and Tobago.
3. (1) The judge responsible for dealing with matters in a cause list (the "Cause List Judge") shall normally be the judge who sits in the court to which the cause relates, in the following that in which the list is published, but the Chief Justice may designate any other judge to be the Cause List Judge. The name of the Cause List Judge shall appear on the cause list.

(2) Each matter in the cause list shall be dealt with individually by the Cause List Judge during the month following that on which the list was published on a day and at a time fixed by him and notified to the parties.

(3) In dealing with any matter on the cause list, the Cause List Judge may:

- (a) order that the matter be tried on a date fixed by the Cause List Judge;
  - (b) Fix the matter for trial on a date to be fixed on short notice to the parties after consultation with them;
  - (c) adjourn the matter to another cause list;
  - (d) adjourn the matter generally:
- (a) strike the matter out of the general list of cases subject however to the possibility of it being restored to that list on application being made for the purpose
  - (f) make such other orders and give such directions as may be appropriate in the circumstances;
  - (g) when practicable dispose finally the matter with the consent of the parties

(4) In the event that the attorneys of either or both parties or the parties themselves if unrepresented fail to attend before the Cause List Judge at the appointed time he may make any of the orders referred to in subclause (3)(a) to (f).

(5) The Registrar may add to a cause list any matter which appears to him to require urgent attention notwithstanding that no order for early hearing has been made in respect of it.

4. Each party to the matters listed on a cause list must within 21 days of the date of the publication of the cause list complete and file a questionnaire in the form of the schedule hereto.

5. The plaintiff (which for the purpose of this Practice Direction shall include the Defendant when a matter is proceeding on a counterclaim) shall file together with the completed questionnaire and serve on the other party or parties within 7 days of filing, the following documents:

- (a) a statement of agreed issues;
- (b) a statement of agreed facts; and
- (c) two copies of an agreed bundle of documents.

6. Each party to the matters listed on a cause list shall file with the completed questionnaire and serve on the other party or parties within 7 days of filing the following documents:

- (a) a summary of the proposition(s) of law, if any, which he intends to advance together with a list of authorities to be used in support of them;
- (b) a statement of any issues to be decided at the trial which have not been agreed to be such by the other side; and
- (c) a bundle comprising copies of those documents which he wishes to tender in evidence, but which have not been agreed by the other side.

7. (1) The statement of agreed issues, and the statement of agreed facts filed pursuant to clauses 5(a) and 5(b) above shall be signed by the attorneys for the parties themselves if unrepresented.

(2) The bundles of documents filed pursuant to clause 5(c) and clause 6(c) shall be bound up in chronological order and each page of the bundle shall be numbered in numerical sequence. Each of the bundles shall have attached thereto an index identifying the documents in it. In the case of an agreed bundle the index shall be signed by attorneys for the parties or by the parties themselves if unrepresented.

8. Nothing herein contained shall prevent the Court from giving such further or other directions relating to the documents to be filed as may in the circumstances be appropriate.

9. Failure to comply with any of these directions may result in a matter not being listed for trial or being struck out of the general list of cases.

10. The directions contained in this Practice Direction shall supersede and replace those contained in the Practice Direction for the trial of civil matters, dated 14<sup>th</sup> February, 1977 (“the former practice direction”) and to the extent that the latter are so superseded and replaced, they shall cease to have effect and are revoked. The list of cases for trial up to and including the month of January, 2001 shall continue to be fixed however in accordance with the former practice direction.

Dated this 10<sup>th</sup> day of October, 2000

M. A. de la Bastide  
Chief Justice