

PRACTICE DIRECTIONS

TRIAL OF MATTERS

Pursuant to Order 34, Rules 4 and 5 of the Supreme Court Rules 1975, the Honourable the Chief of justice has given the following directions for the trial of civil matters in Port of Spain and San Fernando with the object of ensuring -

- (a) greater flexibility;
- (b) avoidance of wastage of the judges' time; and
- (c) greater speed

(1) All actions ordered or required to be set down shall be set down on a general list in which they were respectively set down and shall come on or trail as nearly as maybe in that order. Separate list shall be kept for Port of Spain and San Fernando A Judge of the High Court shall be designated "Cause List Judge" and shall have charge of the list.

(2) (a) The estimated length of trail to the nearest half-day shall be specified after each matter on the general list.

(b) The order under the summons for directions shall specify the estimated length of trial, but when the matter is set down for trail a certificate from counsel specifying as accurate as possible the probable length of the trial to the nearest half-day shall accompany the notice of setting down.

This direction shall take effect immediately.

(c) In matters which have already been set down, Counsel's certificates as to the estimated length of trial shall be filed not later than 15<sup>th</sup> March 1977. Failure to file such certificates may result in delay in giving fixed dates for trial.

(3) (a) Not later than the 7<sup>th</sup> day of each month commencing with the month of April 1977 a list of matters to be heard in the following month will be published. Separate lists will be published for matters to be heard in Port of Spain and San Fernando respectively and copies will be sent to solicitors and made available to other legal practitioners and interested parties at the Registry and Sub-Registry, San Fernando.

(b) Each list will contain three parts as follows:

- (1) The first part shall contain a list of matters taken from the general list to be heard in the following month in the order in which they were set down. Each matter shall have specified after it, the Court in which the matter is to be tried and the estimated length of trial, care being taken to ensure that short causes are allocated to a separate court.
- (2) The second part shall contain a list of matters taken from the general list in the order in which they were set down following the matters in the first part of the list. Each matter shall have specified after it, the estimated length of trial.
- (3) The third part of the list shall contain a list of matters taken from the general list in the order on which they were set down following the matters in the second part of the list. This is intended to give an indication of the matters likely to be tried in the second month following the month in which fixed cases for trial are given.
- (4) (a) on the last Friday in each month or on such other day as maybe specified, a Judge shall sit in Port of Spain and San Fernando respectively

for the purpose of dealing with applications with respect to the list published.

(b) Solicitor or Counsel engaged in the respective matters fixed in the first and second parts of the list will be required to attend and indicate to the Judge whether the fixed days allotted are convenient.

(c) On the hearing of any application with respect to any fixed date the Judge shall

- (1) order that the matter be tried on the date allocated; or
- (2) allot another date in the second part of the list for that allotted; or
- (3) allot a specific date in any future list, or
- (4) adjourn the matter generally.

(d) matters listed in the second part of the last will, as far as possible, be used to replace those removed from the first part of the list.

(e) Where matters are adjourned generally to be brought on by notice the solicitor for the plaintiff or for the party having the conduct of the action shall serve a copy of the notice re-listing the matter on the Registrar or Assistant Registrar as the case maybe and the matter shall be listed in the second part of future published lists.

- (5) Matters listed for specific dates will be heard on the dates specified and applications for adjournment should be made to the trial Judge only for reasons of emergency e.g. sudden death or illness.

- (6) The Cause List Judge shall, depending on the circumstances and as the necessity arises, transfer matters from the list of one trial Judge to the list of another.
- (7) Where an order for early trial has been made, the matter will be listed in the first or second parts of the published list next following notwithstanding its place on the general list.
- (8) The Registrar will bring to the attention of the Cause List Judge any matter which requires urgent attention, notwithstanding that no order for early hearing has been made, and the Cause List Judge may direct such matter in anyway he may think fit.
- (9) The attention of practitioners is drawn to the requirements of Order 34 Rule 3 (which specified the documents to be lodge in setting down) and Rule 6(2) which requires all parties to furnish without delay all available information as to the action being or being likely to be settled or affecting the estimated length of the trial, and if the action is settled or withdrawn, to take steps to withdraw the record.
- (10) The dates in all matters, commencing with the month of May 1977 in which fixed dates have been given, are revoked.

Dated this 14<sup>th</sup> day of February 1977.

George R. Benny  
Registrar,  
Supreme Court of Judicature  
of Trinidad & Tobago.