

LEGAL NOTICE No. 67

REPUBLIC OF TRINIDAD AND TOBAGO

THE SUPREME COURT OF JUDICATURE ACT, CHAP. 4:01

RULES OF COURT

MADE BY THE RULES COMMITTEE UNDER SECTIONS 77 AND 78 OF THE  
SUPREME COURT OF JUDICATURE ACT

THE SUPREME COURT (AMENDMENT) RULES, 1991

1. These Rules may be cited as the Supreme Court (Amendment) Rules, Citation 1991, and shall be read as one with the Rules of the Supreme Court, 1975.

2. Order 18 is amended as follows:

Order 18  
amended

(a) In rule 2(1) substitute the words “paragraphs (2) and (3)” for the words “paragraph (2)”, and add the following paragraph as rule 2(3):

“ (3) Where a defendant in an action, within the time limited for serving a defence, files an application under section 7 of the Arbitration Act to stay legal proceedings, the time for serving the defence, if necessary, shall be extended to 7 days after the determination of the said application.”;

(b) Add the following as paragraph (6) to rule 6:

“ (6) A true copy of every pleading (including any amended pleading and any written consent) of a party must be filed by the said party or his attorney-at-law at the Registry or appropriate Sub-Registry on or before the expiration of the period specified for service of such pleading by these Rules or any extended period pursuant to these Rules.”.

3. Order 20 is amended by adding the following after rule 11:

Order 20  
amended

*“Amendment of Pleadings by consent*

12. (1) Notwithstanding the foregoing provisions of this Order, any writ of pleading in any cause or matter may, by written consent of the parties, be amended at any stage of the proceedings after service of the writ.

(2) Where the consent referred to in paragraph (1) is unreasonably with-held, the Court may make such order for costs as it thinks just.

(3) This rule shall not apply to an amendment which consists of the addition, omission or substitution of a party to the cause or matter (including a counter-claim).”.

Order 25  
amended

4. Order 25 is amended by inserting after rule 1 the following new rule:

*"Automatic Directions in certain cases*

1A. (1) Where in any pleading there is a claim for special damage in respect of any damage to a vehicle involved in a collision, the party claiming such special damage may file and serve on the other party, copies of all documents in proof of such special damage together with the pleading. In such a case, the other party, at least 7 days before the hearing of the summons for directions (pursuant to Order 25 or Order 37), shall file and serve a notice on the claimant indicating which items of special damage he requires him to prove at the trial or assessment of damages.

(2) If at the trial or assessment of damages, the Court is satisfied that any opposing notice is frivolous, the Court may make such order as to costs as it sees fit.

(3) If any party fails to file and serve a notice requiring strict proof, the proof of the contents of those documents relating to those items of special damage may not be necessary unless the Court orders otherwise.

(4) The documents referred to in paragraph (1) shall include documents and reports relating to repairs, replacement, constructive total loss and depreciation.

(5) This rule does not apply to judgments obtained in default of appearance."

Order 42  
amended

5. Order 42 is amended as follows:

(a) delete rule 3(2), and substitute the following therefor:

" (2) A judgment or order, which is pronounced, given or made, shall be dated as of the day on which it is so pronounced, given or made, unless the Court or the Registrar, Assistant Registrar or referee, as the case may be, orders it to be dated as of some other earlier or later day, in which case it shall be dated as of that other day.";

(b) add to rule 3 the following new paragraph:

" (3) In the case of a judgment by default, the judgment shall be dated as of the day on which all requisite documents to enter judgment are filed at the appropriate office, and when settled and signed by the appropriate officer, the judgment shall take effect from the date of such filing.";

(c) substitute "later" for "less" in the third line of rule 5(1).

(d) substitute "Order" for "rule" in the first line of rule 5(5).

Order 65  
amended

6. Order 65 is amended as follows:

(a) in the second line of rule 2 insert a full stop after the word "served" and delete the rest of the rule;

(b) in rule 8 delete the words "and how" appearing in the third line and substitute the following:

"and the manner in which it was served, and in the case of personal service, how the person served was identified by the person who served the document."

Made by the Rules Committee the 29th day of April, 1991.

C. BERNARD  
*Chief Justice*

R. HAMEL-SMITH  
*Judge of the Court of Appeal*

C. BEST  
*Judge of the High Court*

A. I. SMART  
*Attorney General*

B. F. PARAY  
*Registrar, Supreme Court*

R. MARTINEAU  
*Attorney-at-Law*

D. FITZWILLIAM  
*Attorney-at-Law*

Laid in the House of Representatives the 10th day of May, 1991.

N. COX  
*Acting Clerk of the House*

Laid in the Senate the 28th day of May, 1991.

R. CUMBERBATCH  
*Acting Clerk of the Senate*