

LEGAL NOTICE NO. 123

REPUBLIC OF TRINIDAD AND TOBAGO

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

RULES OF COURT

MADE BY THE RULES COMMITTEE UNDER SECTION 78 OF THE  
SUPREME COURT OF JUDICATURE ACT

THE SUPREME COURT OF JUDICATURE (AMENDMENT)  
RULES, 2003

1. These Rules may be cited as the Supreme Court of Judicature Citation  
(Amendment) Rules, 2003.

2. These Rules have effect from 16th September, 2003.

Commence-  
ment  
Order 25  
amended

3. Order 25 is amended—

(a) In rule 1, sub-rule (2) by—

(i) deleting the word “and” at the end of paragraph  
(e);

(ii) deleting the full stop at the end of paragraph (f)  
and substituting therefor the words “; and”; and

(iii) inserting after paragraph (f) the following new  
paragraph:

“(g) actions for negligence in which there are  
claims for damages, for damage to a  
vehicle or for personal injuries arising  
out of a road traffic accident for which  
automatic directions are provided by  
rule 8.”;

(b) by inserting after rule 7 the following new rule:

**Automatic Directions in Road Traffic Accidents**

8. (1) In an action for damages referred to in rule  
(1)(2)(g) the following directions shall take effect  
automatically when the pleadings in the action are  
deemed to be closed:

(a) within three months of the date pleadings  
in the action are deemed to be closed, the  
action shall be set down, by any party, for  
trial before a judge—

(i) in Port-of-Spain, if the action is  
proceeding in the Registry;

- (ii) in San Fernando, if the action is proceeding in the Sub-Registry of San Fernando or;
    - (iii) in Scarborough, if the action is proceeding in the Sub-Registry of Tobago;
  - (b) the party claiming damages arising out of a road traffic accident within fourteen days of the action being set down for trial, shall file and serve on the other party copies of all documents on which he intends to rely at the trial;
  - (c) if the party claiming special damage in respect of any damage to a vehicle does not intend to rely on any document other than the document or documents which he may have filed and served pursuant to Order 25 rule 1A nothing contained in paragraph 1(a) shall require the party to file and serve those documents again but within fourteen days of the action being set down for trial, he shall file and serve on the other party notice of his intention;
  - (d) where any party wishes to rely at the trial on any documents relating to the special damage claimed by the other party he shall, within one month of the action being set down for trial, file and serve copies of such documents on the other party;
  - (e) subject to Order 38, rule 6 where any party intends to place reliance at the trial on expert evidence he shall, within one month of the action being set down for trial, disclose the substance of that evidence to the other party in the form of a written report, which shall be agreed if possible.
- (2) Nothing in sub-rule (1), shall prevent any party to action to which this rule applies from applying to the Court for such further or different directions or orders as may, in the circumstances, be appropriate.
- (3) For the purposes of this Order—
- (a) “road traffic accident” means an accident on land due to a collision or apprehended collision involving a vehicle;
  - (b) “vehicle” has the meaning assigned to it in the Motor Vehicles and Road Traffic Act.”.

4 Where before the commencement of these Rules, no Order has <sup>Proviso</sup> yet been made for the setting down the action for trial, either party, within three months of the commencement of this Rule, may set down the action for trial in accordance with rule 8(1)(a), provided that Order 3, rule 6 does not apply.

5 Order 34, rule 3 is amended by inserting after the word “place” <sup>Order 34</sup> occurring in the third line of sub-rule (1), the words “determined in <sup>amended</sup> accordance with automatic directions or”.

Made by the Rules Committee this 25th day of June, 2003.

S. SHARMA  
*Chief Justice*

R. HAMEL-SMITH  
*Justice of Appeal*

P. JAMADAR  
*Judge of the High Court*

R. DOYLE  
*Master of the High Court*

G. MOREAN-PHILLIP  
*Attorney General*

E. A. PETERSEN  
*Registrar, Supreme Court*

A. FITZPATRICK  
*Attorney-at-law*

G. ARMORER  
*Attorney-at-law*

Laid in the House of Representatives this      day of      , 2003.

*Clerk of the House*

Laid in the Senate this      day of      , 2003.

*Clerk of the Senate*