

LEGAL NOTICE NO. 201

REPUBLIC OF TRINIDAD AND TOBAGO

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

RULES

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

THE CIVIL PROCEEDINGS (AMENDMENT) RULES, 2005

1. These Rules may be cited as the Civil Proceedings (Amendment) Rules, 2005.

2. (1) The Civil Proceedings Rules, 1998 are hereby amended as set out in the Schedule.

Amendment  
of the Civil  
Proceedings  
Rules, 1998

(2) Column I of the Schedule sets out the Rules amended and Column II sets out the extent of the amendments to those Rules.

SCHEDULE

Column I <i>Number of the Rule</i>	Column II <i>Extent of the Amendment</i>
	PART 2
2.3	A. In the definition of “certificate of value” delete the words “rule 8.6” and substitute the words “rule 8.7”. B. Immediately after the definition of “proper officer” insert the following definition: “ “registrar” means the Registrar of the Supreme Court, the Deputy Registrars and Assistant Registrars;”
2.4(1)	A. Delete the word “or” after the word “judge” in the third line and insert a comma. B. Insert the words “or registrar” after the word “master” in the third line.
2.4(2)	A. Delete the word “between” before the word “judges” and substitute the word “among”. B. Insert the words “and the registrar” after the word “masters”.
5.6(a)	A. Delete the word “telex,” in the second line. B. Delete the words “or cable” in the second line.
5.15(5)	A. In paragraph (c) delete the full stop after the word “case” and substitute a semicolon.

Column I <i>Number of the Rule</i>	Column II <i>Extent of the Amendment</i>
	<p>B. In the amended paragraph (c) insert the word “and” immediately after the semicolon.</p> <p>C. Immediately after the amended paragraph (c) insert the following new paragraph:  “(d) the documents prescribed in rule 8.15(1)(a)–(e).”</p>
	PART 6
6.1(2)(a)	Insert after the word “provide” the word “otherwise”.
6.2(d)	Delete the semicolon after the word “transmission” and insert after the word “or” the words “other means of electronic communication if permitted by a relevant practice direction.”.
6.2(e)	Delete.
6.7(2)	Delete the word “a” after the word “for”.
	PART 7
7.7	In line 2 after the word “period” delete the word “with” and substitute the word “within”.
	PART 9
9.2(6)	Delete the word “Court” wherever it appears in this subrule and substitute the word “court”.
9.7(5)(a)	Delete the word “a” after the word “enters” and substitute the word “an”.
	PART 10
10.3(3)	Insert a full stop after the word “case” in the third line.
10.7(1)	Delete the word “be” after the word “must”.
10.7(1)(a)	Insert the word “be” before the word “signed”.
10.7(1)(d)	Delete the words “it must” after the word “agent,” in the first line.
10.7(2)	<p>A. In the second line delete the full stop after the word “corporate”.</p> <p>B. In the fourth line delete the word “a” after the word “filed” and substitute the word “an”.</p>
	PART 12
12.3(a)	In the second line delete the word “has” appearing after the word “case” and substitute the word “have”.
12.3(c)(i)	Delete the word “served” and substitute the word “entered”.
12.5(1)	Insert a full stop at the end of this subrule.

Column I <i>Number of the Rule</i>	Column II <i>Extent of the Amendment</i>
	PART 14
14.12(1)	Insert a full stop after the word “Part”.
	PART 15
15.5(1)(b)	Insert a full stop after the word “judgment”.
	PART 16
16.2(4)	Delete.
16.3(3)	Delete the word “Office” in the second line and substitute the word “office”.
	PART 17
17.4	In the words in brackets immediately after subrule (1) delete the word “a” after the word “entering” and substitute the word “an”.
17.5(6)	Delete.
17.6(3)(b)	In the fourth line delete the words “rule 17.6” and substitute the words “rule 17.5”.
17.6(4)(b)	Insert a full stop at the end of this subrule.
	PART 18
18	In the Contents of this Part delete the words “Ancillary Claim” and substitute the words “ancillary claim”.
18.1(1)	Delete the words “Ancillary Claim” and substitute the words “ancillary claim”.
18.7(2)	Delete the word “Court” and substitute the word “court”.
	PART 20
20.1	Immediately after subrule (5) insert the following new subrule: “ (6) Where a statement of case is amended, the amendments must be verified by a certificate of truth unless the court orders otherwise.”.
	PART 21
21.8(1)	Insert a full stop at the end of this subrule.
21.8(2)	Insert a full stop at the end of this subrule.
	PART 22
22.2(1)	Delete the word “arise” in the fourth line and substitute the word “arose”.

Column I <i>Number of the Rule</i>	Column II <i>Extent of the Amendment</i>
	PART 23
23.11(6)(a)	Immediately after the words “paragraph (4)” insert a semicolon followed by the word “or”.
	PART 26
26.1(u)	Insert a semicolon at the end of this paragraph after the word “costs”.
26.1(v)	Delete the full stop at the end of this paragraph after the word “person” and substitute a semicolon.
26.3(6)	Delete this subrule and substitute the following: “(6) Rule 26.8 shall not apply.”.
26.6	In the words in brackets immediately after subrule (2) delete the words “Part 64” after the word “sanction” and substitute the words “Part 66”.
	PART 27
27.3	Add the following subrule: “ (10) Unless the court orders otherwise time for fixing a case management conference shall not run in the long vacation.”.
	PART 28
28.2(1)	A. Delete the word “document” appearing after the word “disclose” in the first line and substitute the word “documents”. B. Delete the word “to” appearing after the word “are” in the second line and substitute the word “or”.
28.7	Renumber the second subrule (4) as subrule (6).
28.9(3)(b)	Insert the words “is given” after the word “certificate”.
28.12(3)	Delete the word “document” appearing in the second line and substitute the word “documents”.
28.13(1)	A. Insert the word “who” after the word “party” in the first line. B. Insert the words “specified in the” after the word “date” in the first line.
28.13(3)	Delete the word “part” in the second line and substitute the word “party”.
	PART 29
29.5(1)(f)	Delete the word “must” appearing as the first word in the first line.
29.15	In the words in the brackets appearing immediately after subrule (4) delete the words “Rule 67.9” and substitute the words “Rule 67.11”.
	PART 30
30.1(3)	Delete the words “Evidence Act Chap 7.02” and substitute the words “Evidence Act, Chap. 7:02.”
30.9(b)	Delete the word “apply” and substitute the word “applies”.

Column I <i>Number of the Rule</i>	Column II <i>Extent of the Amendment</i>
	PART 31
31.4	Immediately after subrule (4) insert the following new subrule: “ (5) Where a deponent deposes to more than one affidavit to which there are exhibits or annexures in any one matter, the numbering of such exhibits or annexures should run consecutively throughout and not begin again with each affidavit.”
31.5(1)	Delete the word “for” after the word “Commissioner” in the second line and substitute the word “of”.
31.5(5)	Delete the word “Accordance” in the second line and substitute the word “accordance”.
	PART 33
33	In the Contents of this Part delete the words “Cross Examination of Court Expert” and substitute the words “Cross-examination of court expert”.
33.2(1)	Delete the word “Evidence” in the first line and substitute the word “evidence”.
33.6(4)(d)	Insert the full stop immediately after the word “them”.
	PART 34
34	In the Contents of this Part in relation to Rule 34.12 insert immediately after the words “Enforcing attendance of witness” the words “before an examiner”.
34.1(1)(a)	Insert a semicolon immediately after the word “document”.
34.6(2)	Delete the word “sere” in the first line and substitute the word “serve”.
34.12	In the heading add the words “before an examiner” immediately after the word “witness”.
	PART 36
36.5(3)	Delete and substitute the following: “ (3) The fact that an offer has been made under this Part or any payment into court in support of the offer shall not be communicated to the trial judge until all questions of liability and the amount of money to be awarded have been decided.”.
36.6(3)(b)	Delete the full stop after the word “defendant” and substitute a comma.
36.13(4)	A. Delete the word “sends” in the second line and substitute the word “serves”. B. Delete the word “to” in the second line and substitute the word “on”.
36.16(2)	Delete the words “rule 67.6” and substitute the words “rule 67.8”.
36.16(4)	Delete the words “rule 67.6” and substitute the words “rule 67.8”.

Column I <i>Number of the Rule</i>	Column II <i>Extent of the Amendment</i>
	PART 38
38.7(1)	Delete the words “rule 67.6” and substitute the words “rule 67.8”.
38.7(3)	Delete the words “rule 65.6” and substitute the words “rule 67.8”.
38.8(b)	Delete the word “The” and substitute the word “the”.
	PART 39
39.5(1)	Insert the word “a” after the word “review” in the second line.
39.6(2)(b)	Re-number subparagraphs (i), (ii), (iii), (iv), (v), (vi) and (vii) as subparagraphs (i), (ii), (iii), (iv), (v), (vi), (vii) and (viii) respectively.
	PART 40
40.1(5)(d)	Delete the words “rule 39.6(2)(iv)” and substitute the words “rule 39.6(2)(v)”.
40.2(1)	Delete the word “appear” and substitute the word “appears”.
	PART 41
41.4(4)	Delete the word “examiner” appearing in the first line immediately after paragraph (c) and substitute the word “referee”.
41.6(1)	A. Insert a comma after the word “date”. B. Immediately after the word “place” in the second line, insert the words “for the court”.
	PART 42
42.2(5)	Delete the word “that” appearing immediately after the word “direct”.
42.6	Delete the full stop after the word “account” in the first line.
	PART 43
43.4(1)(a)	Insert a semicolon after the words “Part 12”.
43.4(1)(b)	Insert a semicolon after the words “Part 14”.
43.4(1)(c)	A. Delete the word “A” before the word “consent” and substitute the word “a”. B. Insert a full stop after the words “rule 43.7”.
43.4(2)	Insert a full stop immediately after the word “court”.
43.7(2)	A. Reletter paragraphs (a), (b), (c) and (c) as paragraphs (a), (b), (c) and (d) respectively. B. In the relettered paragraph (a) renumber subparagraphs (i) and (iii) as subparagraphs (i) and (ii) respectively.

Column I <i>Number of the Rule</i>	Column II <i>Extent of the Amendment</i>
	<p>C. In the relettered paragraph (a)(ii) delete the word “The” before the word “delivery” and substitute the word “the”.</p> <p>D. In the relettered paragraph (c)(i) delete the word “claim” and substitute the word “case”.</p> <p>E. In the relettered paragraph (d) insert a full stop immediately after the word “order” appearing last in the second line.</p>
43.7(4)(b)	Insert the word “party” after the word “any”.
44.10(3)	<p>PART 44</p> <p>Insert a full stop after the word “evidence”.</p>
46.3(1)(a)	<p>PART 46</p> <p>Delete the full stop after the words “Part 52” and substitute a semicolon.</p>
46.4(1)(c)	Insert a full stop after the words “Part 53”.
47.1(a)	<p>PART 47</p> <p>A. Delete the words “Writ of Fieri—Facias” and substitute the words “writ of fieri facias”.</p> <p>B. Insert a semicolon immediately after the closed bracket.</p>
47.1(b)	Insert a semicolon immediately after the word “possession”.
47.2	Delete the words “An writ” and substitute the words “A writ”.
47.3(2)(a)(i)	Insert a semicolon after the word “due”.
47.8(2)(a)	<p>A. Delete the words “Mortgage Claims” and substitute the words “mortgage claims”.</p> <p>B. Insert a semicolon immediately before the word “or”.</p>
47.8(2)(b)	Delete the word “Summary” and substitute the word “summary”.
48	<p>PART 48</p> <p>In the Contents of this Part delete the words “Writ of Fi Fa” and substitute the words “writ of fi fa”.</p>
48.2(c)	Delete the words “Fi Fa” and substitute the words “fi fa”.
48.7(2)	Delete the word “order” wherever it appears in this subrule and substitute the word “writ”.

Column I <i>Number of the Rule</i>	Column II <i>Extent of the Amendment</i>
	PART 51
51.3(6)	Insert a comma after the word “date”.
51.9(3)	Delete the words “judgment creditor” in the first line and substitute the words “judgment debtor”.
	PART 52
52.4(4)	Insert a full stop after the word “order”.
52.4(5)	Insert a full stop after the word “court”.
	PART 54
54.2(5)(b)	Insert a comma after the word “money”.
54.4(1)	A. Insert a comma after the word “creditor”. B. Insert the words “the judgment debtor” immediately before the word “and” in the second line.
	PART 55
55.2(e)(i)	Delete the figure “[£120]” and substitute the words “one thousand dollars”.
55.2(e)(ii)	A. Delete the figure “[£120]” in the first line and substitute the words “one thousand dollars”. B. Delete the figure “\$120” after the word “or” in the third line and substitute the words “one thousand dollars”.
	PART 57
57	A. Delete the words “Habeas Corpus” wherever they appear in this Part and substitute the words “habeas corpus”. B. In the Contents of this Part insert the words <i>ad subjiciendum</i> after the amended words “habeas corpus”.
57.2	In the heading to this rule insert the words <i>ad subjiciendum</i> after the amended words “habeas corpus”.
57.2(1)	Insert the words “ <i>ad subjiciendum</i> ” after the amended words “habeas corpus”.
	PART 62
62.1(b)	Delete the full stop after the word “enactment” and substitute a comma.



Column I <i>Number of the Rule</i>	Column II <i>Extent of the Amendment</i>
	PART 64
64.5(b)	Delete the full stop after the word “made” and substitute the words “; or”.
64.8(a)	Insert a comma after the word “date”.
64.12(2)	Insert the words “, indexed” immediately after the word “bound” in the seventh line.
64.12(2)(i)	Delete the words “rule 39.6(2)(b)(vi) or (vii)” and substitute the words “rule 39.6(2)(b)(vii) or (viii)”.
64.12(3)	Insert the words “, indexed” immediately after the word “bound”.
64.22	A. Delete subrule (2). B. Subrule (1) to be renumbered as “rule 64.22”.
	PART 65
65.4	Delete the words “a attorney” in the second line and substitute the words “an attorney”.
65.4(a)(ii)	Insert the word “of” after the word “distance”.
	PART 67
67.12(2)	A. Delete the word “must” in the first line and substitute the word “may”. B. Delete the full stop after the word “proceedings” in the second line and insert the words “or the judge or master may give directions as to how the assessment is to be carried out”.
	PART 68
68.4	In the first line do the following:  A. Delete the word “just” after the word “claimant” and substitute the word “shall”.  B. Delete the word “the” after the word “serve”.
68.6(1)(b)	Insert a full stop immediately after the word “practicable”.
68.7	In the heading delete the full stop after the word “hearing”.
68.7(1)	Insert the word “who” after the word “defendant”.
68.7(2)	Insert a full stop after the word “date”.

Column I <i>Number of the Rule</i>	Column II <i>Extent of the Amendment</i>
	PART 70
70.1(2)	In the definition of “the Act” delete the words “Mental Health Act Chap 28:02” and substitute the words “Mental Health Act, Chap. 28:02”.
70.2(b)	Delete the word “Responsibility” and substitute the word “responsibility”.
70.4(1)	Delete the words “Trustee Ordinance Chap 8:03” and substitute the words “Trustee Ordinance, Ch. 8 No. 3”.
70.5(1)	Insert the words “of the Act” after the words “section 37(k)”.
70.6(1)(b)	Delete the word “Will” and substitute the word “will”.
70.11(2)(c)	Delete the word “that” appearing before the word “for”.
70.20(1)(b)(v)	Delete the word “overt” after the word “pay” in the second line and substitute the word “over”.
	PART 74
74	A. In the second column of the Contents of this Part delete the words “Rule 74.39” and substitute the words “Rule 74.38”. B. Delete the words “an claim” wherever they appear in this Part and substitute the words “a claim”.
74.1(2)	A. In the definition of “the Act” delete the words “Shipping Act 1997, No 24 of 1987” and substitute the words “Shipping Act, 1987”. B. In the definition of “collision regulations” delete the words “section 204 of the the Act” and substitute the words “section 204 of the Act”. C. In the definition of “limitation claim” do the following: (1) Insert the word “under” after the word “persons”. (2) Delete the words “Part XVIII of the the Act” and substitute the words “Part XVIII of the Act”.
74.2(f)	Delete the words “in the loading, in the loading” appearing after the words “management of a ship,” and substitute the words “in the loading,”.
74.2(r)	Delete the word “whish” and substitute the word “which”.
74.2(u)	Delete the words “Shipping Act 1997, No 24 of 1987” and substitute the words “the Act”.
74.3(1)	Delete the words “rule 74.(a), (b), (c), or (t) and substitute the words “rule 74.2(a), (b), (c) or (t)”.
74.3(2)	In the second line insert a comma after the word “ship”.
74.4(1)	Delete the words “Form No 17” and substitute the words “Form No. 16”.
74.4(2)	A. Delete the words “is begun” after the word “personam”. B. Insert the word “be” immediately before the words “begun by A claim form”.

Column I <i>Number of the Rule</i>	Column II <i>Extent of the Amendment</i>
74.4(3)	Delete the words “Form No 17A” and substitute the words “Form No. 17”.
74.14(1)	Delete the words “release in in the” in the third line and substitute the words “release in the”.
74.21(1)	Delete the words “rule 74.2(1)(g)” and substitute the words “rule 74.2(g)”.
74.22	A. Renumber subrules (1), (2), (3), (4), (4), (5), (6), (7), (8), (9) and (10) as subrules (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) and (11) respectively. B. In the renumbered subrule (7) delete the words “rule 74.2(1)(g)” and substitute the words “rule 74.2(g)”.
74.29	Delete the words “rule 74.2(1)(g)” in the second line and substitute the words “rule 74.2(g)”.
74.31(3)	Delete the words “74 36(2)” in the second line and substitute the words “74.36(2)”.
74.32(2)	Delete the word “and” before the words “an affidavit” in the second line.
74.36(5)	Delete the words “paragraph (5)” appearing in the second and fourth lines and substitute the words “paragraph (4)”.
74.36(7)	A. Delete the word “to” after the word “appear” in the fifth line. B. Insert a comma after the word “date” in the eighth line.
	PART 78
78.1(2)	Delete the words “Judgments Extension Act Chap 5:02” and substitute the words “Judgments Extension Act, Chap. 5:02”.
78.2(1)	Delete the full stop after the word “evidence” in the fifth line and substitute a
78.6(3)(a)	Delete the comma after the word “registration” and substitute a semicolon.
	PART 79
79.3	A. Delete the word “and” after the words “Christmas day;” in paragraph (d). B. Insert a semicolon followed by the word “and” after the word “Easter” at the end of paragraph (e). C. Immediately after the end of paragraph (e) insert the following new paragraph: “(f) such other days as the Chief Justice may direct,”.

Column I <i>Number of the Rule</i>	Column II <i>Extent of the Amendment</i>
80.1(1)	PART 80 Delete the word “subjects” appearing in the fifth line and substitute the word “subject”.
80.3	Delete Rule 80.3(1) and substitute the following new subrule: “80.3(1) Subject to Sub-paragraph (2), these Rules shall also apply to proceedings begun before the commencement date— (a) upon a request being made to have a matter set down for trial; or (b) if a judge or master so orders, and the court office issues a notice to the parties requiring them to attend a case management conference or a pre-trial review.”.

Made by the Rules Committee this 29th day of July, 2005.

S. SHARMA  
*Chief Justice*

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

P. JAMADAR  
*Judge of the High Court*

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*Attorney-at-law*

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Laid in the House of Representatives this       day of  
, 2005.

*Clerk of the House*

Laid in the Senate this       day of       , 2005.

*Acting Clerk of the Senate*