

LEGAL NOTICE No. 72

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, 1995

1. These Rules may be cited as the Supreme Court of Judicature Citation
(Amendment) Rules, 1995, and shall be read as one with the Rules of
the Supreme Court, 1975.

2. Order 59 is amended as follows:

Order 59
amended

(a) in rule 4—

(i) by revoking paragraph (1) and substituting the
following:

“ (1) Subject to paragraph (1A) all appeals
shall be by way of rehearing and shall be
brought by a notice, in Form 1 in Appendix B,
to be filed with the Registrar at the Registry,
which shall—

(a) set forth the grounds of appeal;

(b) state whether the whole or part
only of the decision of the Court
below is complained of, in the latter
case specifying such part;

(c) state the nature of the relief sought;

(d) state the names and addresses of all
parties affected by the appeal; and

(e) be signed by the appellant or his
legal representative.

(1A) Where an appeal arises in proceedings
which commenced in the Sub-Registry of
Tobago in accordance with Order 4 rule 3, the
notice of appeal referred to in paragraph (1)
shall be filed with the Registrar in that Sub-
Registry.”;

(ii) by adding the following paragraph:

“ (8) Where a notice of appeal has been filed in the Sub-Registry of Tobago—

- (a) all interlocutory applications either to the Registrar or to a Judge in Chambers shall be heard in Tobago;
- (b) other applications shall be heard in the discretion of the Registrar either in Tobago or in Trinidad (Port-of-Spain).”;

(b) in rule 9 by adding the following paragraph:

“ (5) In the event that the appellant, before filing the record, withdraws his appeal, if the respondent intends to proceed with his notice under paragraph (1) he shall comply with the provisions of rule 17(1)(a)(i) and (b).”;

(c) in rule 12 by revoking paragraph (1) and substituting the following:

“ (1) Within 14 days after notice of appeal has been filed, the party so appealing shall issue a summons in Form 5 of Appendix B to be served on the other party to attend before the Registrar in the Registry or Sub-Registry (as the case may be) to settle the documents, which expression shall include any other matter which may form part of a record, to be included in the record. Whether any of the parties attend the appointment or not, the Registrar may settle and sign and in due course file a list of such documents.”;

(d) by revoking rule 17 and substituting the following:

“ 17. (1) The appellant shall within three months from the date when the summons to settle the record has been determined, or within such extended time as may be granted by the Registrar under paragraph (2) or by the Court under paragraph (3)—

- (a) file with the Registrar at the Registry or where the appeal is proceeding in the Sub-Registry of Tobago with the Registrar in that Sub-Registry for transmission to the Registry—
 - (i) the record;
 - (ii) an affidavit of service of the notice of appeal in Form 6 in Appendix B; and

(b) leave three copies of the record for the use of the Judges.

(2) Where the notes of evidence or the reasons for decision or any other documents comprising the record are not available within the time limited for filing the record, the party appealing shall either within 30 days before or within 30 days after the expiration of the time limited for filing the record so notify the Registrar in writing and the Registrar, on verifying the non-availability, shall extend the time for filing the record as he shall deem fit by issuing a notice to each party to that effect.

(3) Without prejudice to rule 19(2), where all the documents comprising the record have become available but the time limited for filing same is insufficient the party appealing shall either within 14 days before or within 14 days after the expiration of the time limited for filing the record so notify the Registrar in writing and the Registrar may extend the time for filing same as he shall deem fit by issuing a notice to each party to that effect.

(4) Where the party appealing fails to comply with the requirements of paragraph (2) or where the Registrar refuses to extend the time under paragraph (3) the party appealing may apply by notice of motion for an extension of time and the Court may, if good and substantial cause is shown for the failure, in its discretion extend the time for filing of the said record.

(5) The Registrar upon the record being filed shall give notice in Form 7 in Appendix B to the respondent of the filing of the record.

(6) The Registrar shall—

- (a) keep the three copies of the record for the use of the Judges of the Court;
- (b) cause to be served on all parties mentioned in the notice of appeal a notice that the record has been filed;
- (c) keep for the use of the Judges of the Court three copies of any notice or other document received by him after the record has been filed.

(7) The Registrar, upon the record being filed, shall set down the appeal for hearing by entering the same in the proper list of appeals.”;

(e) by revoking Form 5 Appendix B and substituting the following:

"[App. B5.]

No. 5

IN THE COURT OF APPEAL

SUMMONS TO SETTLE RECORD

[0.59, r. 12(1)]

Civil Appeal No. of 19.....

BETWEEN

..... (Plaintiff/Defendant) *Appellant(s)

AND

..... (Plaintiff/Defendant) *Respondent(s)

Take Notice that all parties concerned are required to attend before the Registrar of the Supreme Court at on the day of 19 at the hour of in the noon to proceed with settling the record of appeal herein.

Dated this day of 19.....

..... *Attorney for the Appellant(s)/Appellant in Person

List of Documents to be included

List of Documents to be excluded

We agree.

..... *Attorney for the Appellant(s) Appellant in Person

..... *Attorney for the Respondent(s) Respondent in Person

To:

*Strike out words inapplicable."

Made by the Rules Committee this 11th day of April, 1995.

C. BERNARD
Chief Justice

R. HAMEL-SMITH
Justice of the Court of Appeal

C. BEST
Judge of the High Court

R. DOYLE
Master of the High Court

K. S. SOBION
Attorney General

S. Mc NICOLLS
Registrar, Supreme Court

R. NELSON
Attorney-at-Law

D. A. GURLEY
Attorney-at-Law

Laid in the House of Representatives this 5th day of May, 1995.

N. COX
Acting Clerk of the House

Laid in the Senate this 16th day of May, 1995.

N. COX
Clerk of the Senate