

LEGAL NOTICE NO. 39

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 (AMENDMENT) RULES, 1996

1. These Rules may be cited as the Supreme Court (Amendment) Citation Rules, 1996.

2. Order 46 is amended in rule 8(2) by inserting after the words "would otherwise expire", the words "or such later day, if any, as the Court may allow." Order 46
amended

3. Order 59 is amended as follows:

Order 59
amended

(a) in rule 12—

(i) in paragraph (1) by deleting the words "Within 14 days after notice of appeal has been filed" and inserting the words "Where a notice of appeal is filed on or after the 26th day of May, 1995, within 14 days of the filing of the notice,";

(ii) by inserting immediately after paragraph (1) the following paragraph:

" (1A) Where a notice of appeal is filed before the 26th day of May, 1995 the Registrar shall upon appeal being brought, summon the parties before him by summons in Form 5A of Appendix B to settle the documents, which expression shall include any other matter which may form part of a record, to be included in the record and shall, whether any of the parties attend the appointment or not, settle and sign and in due course file a list of such documents.";

(iii) by inserting after Form 5, Appendix B the following:

“FORM 5A

IN THE COURT OF APPEAL

SUMMONS TO PARTIES BY REGISTRAR TO SETTLE RECORDS

[0.59, r. 12(1A)]

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 me at the Registry of the Supreme Court at.....on.....the
 day of 19 at the hour of
 in the.....noon to proceed with settling of the record of appeal herein.

Dated this day of 19.....

.....
Registrar

To:

***Strike out words inapplicable.**;

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

“ 17. (1) The appellant shall within three months from the date when the Record has been settled or within such extended time as may be granted by the Registrar under paragraph (2) or by the Court or a single Judge thereof—

(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 of the Court.

(2) The Registrar shall have power upon application made to him in writing by the appellant to extend the time for filing the record provided that—

- (a) such application is made either before or not more than one month after the time for filing the record has expired;

- (b) the extension granted may not exceed three months;
- (c) the Registrar may not exercise this power more than once in relation to the same appeal; and
- (d) the Registrar shall promptly give notice in writing to each party to the appeal of any extension granted by him.

(3) 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.

- (4) 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.

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

(c) in rule 19(1)—

- (i) by deleting the words “rule 17 and before the conclusion of each sitting” and substituting the words “rules 12(1) and 17 and”;
- (ii) by inserting immediately before the word “report” the words “in March, July and November of each year, and may at any other time,”;

(d) in rule 19(2) by inserting after the words “requirements of” the words “rule 12(1) or”.

4. Order 64 is amended as follows:

Order 64
amended

(a) by revoking rule 1 and substituting the following:

“ 1. (1) The terms of the Court of Appeal and of the High Court shall be three in every year, that is to say:

(a) the First Term which shall begin—

- (i) in the case of the Court of Appeal on the 11th January and end on the Thursday before Easter; and
- (ii) in the case of the High Court on the 3rd January and end on the Thursday before Easter;

(b) the Second Term which shall begin on the Monday following Easter Monday and end on the 31st July;

(c) the Third Term which shall begin on the 16th September and end in the case of the Court of Appeal, on the 21st December, and in the case of the High Court, on the 19th December.

(2) Any day specified in paragraph (1) as the day on which a term is to begin or end shall be included in that term:

Provided that if the 3rd January, 11th January, the Monday following Easter Monday or the 16th September, falls on a day when the offices of the Supreme Court are closed, any term which begins on any such day shall begin on the day next following when these offices are open; and if the Thursday before Easter, 31st July, 19th December or 21st December falls on a day when the offices of the Supreme Court are closed, any term which ends on any such day shall end on the last day preceding that on which these offices are closed;

(b) by revoking rule 3 and substituting the following:

“ 3. (1) The vacations to be observed by the Court of Appeal and the High Court shall be three in each year, that is to say:

(a) the Long Vacation which shall begin on the 1st August and end on the 15th September;

(b) the first Short Vacation which shall begin—

(i) in the case of the Court of Appeal on the 22nd December and end on the 10th January; and

(ii) in the case of the High Court on the 20th December and end on the 2nd January; and

(c) the second Short Vacation which shall begin on Good Friday and end on the Sunday following Easter.

(2) Any day on which a vacation, as referred to in paragraph (1), is to begin or end shall be included in that vacation.

Order 1
Court of
Appeal Rules
amended

5. Order 1 of the Court of Appeal Rules is amended as follows:

(a) in rule 4(1) by deleting from the words “the 2nd day of October” to the words “the 1st day of August” and substituting the words “the 16th day of September and the 21st day of December, between the 11th day of January and the Thursday before Easter and between the Monday following Easter Monday and the 31st day of July”;

(b) in rule 4(2)—

(i) by deleting from the words “from the 1st day of August” to the words “the Wednesday after Easter” and substituting the words, “from Good Friday until the Sunday following Easter and from the 1st day of August to the 15th day of September”;

(ii) in subparagraph (e) by deleting the words “Whit Monday”;

(c) in rule 4(3) by deleting the words “2nd day of October” and substituting the words “15th day of September”.

Made by the Rules Committee this 11th day of March, 1996.

M. DE LA BASTIDE
Chief Justice

R. LAWRENCE MAHARAJ
Attorney General

R. HAMEL-SMITH
Judge of the Court of Appeal

S. McNICOLLS
Registrar, Supreme Court

C. BEST
Judge of the High Court

R. NELSON
Attorney-at-law

R. DOYLE
Master of the High Court

D. A. GURLEY
Attorney-at-law

Laid in the House of Representatives this 15th day of March, 1996.

J. SAMPSON
Clerk of the House

Laid in the Senate this 19th day of March, 1996.

N. COX
Clerk of the Senate