

LEGAL NOTICE NO. 274

REPUBLIC OF TRINIDAD AND TOBAGO

SUPREME COURT OF JUDICATURE ACT, CHAP. 4:01

RULES

MADE BY THE RULES COMMITTEE UNDER SECTION 78 OF THE  
SUPREME COURT OF JUDICATURE ACT, CHAP. 4:01

THE CIVIL PROCEEDINGS (AMENDMENT) (NO. 4)  
RULES, 2005

1. These Rules may be cited as the Civil Proceedings (Amendment) Citation  
(No. 4) Rules, 2005.

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

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

FIRST SCHEDULE

COLUMN I <i>Number of the Rule</i>	COLUMN II <i>Extent of the Amendment</i>
4.2 (2)	Delete rule 4.2 (2) and replace it with the following:  “ Where there is no express provision in these Rules for such a direction, the Chief Justice may give directions as to the practice and procedure to be followed in the conduct of litigation and in the Supreme Court generally. For the avoidance of doubt the words “the conduct of litigation” refers to conduct before as well as after the commencement of a claim.”.
4.6 (1)	Add immediately after the words “the conduct of litigation”, in rule 4.6 (1) the words “and for the avoidance of doubt the words ‘the conduct of litigation’ refer to conduct before as well as after the commencement of a claim. “.
67	Part 67 is amended by adding after 67.15 the following new rule numbered 67.16:  “ 67.16 (1) This rule sets out a procedure which may be followed where—

FIRST SCHEDULE—*Cont'd*

COLUMN I <i>Number of the Rule</i>	COLUMN II <i>Extent of the Amendment</i>
	<p>(a) the parties have reached an agreement on all issues (including which party is to pay the costs) which is made or confirmed in writing; but</p> <p>(b) they have failed to agree the amount of those costs; and</p> <p>(c) no proceedings have been started.</p> <p>(2) Either party to the agreement may start proceedings under this rule by issuing a fixed date claim.</p> <p>(3) The claim form must contain or be accompanied by the agreement or confirmation.</p> <p>(4) In proceedings to which this rule applies the court—</p> <p>(a) may treat the agreement to pay costs as an agreement to pay costs to be assessed in accordance with rules 67.11 and 67.12 and order the costs to be determined by detailed assessment and proceed to assess the costs; or</p> <p>(b) may dismiss the claim.”.</p>

Made by the Rules Committee this 27th day of October, 2005.

S. SHARMA  
*Chief Justice*

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

P. JAMADAR  
*Judge of the High Court*

J. JEREMIE  
*Attorney General*

R. M. DOYLE  
*Master of the High Court*

E. A. PETERSEN  
*Registrar of the Supreme Court*

A. FITZPATRICK  
*Attorney-at-law*

G. ARMORER  
*Attorney-at-law*

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Laid in the House of Representatives this 9th day of  
November, 2005.

J. SAMPSON-JACENT  
*Clerk of the House*

Laid in the Senate this 8th day of November, 2005.

J. SANDY  
*Acting Clerk of the Senate*