

LEGAL NOTICE No. 140

REPUBLIC OF TRINIDAD AND TOBAGO

SUPREME COURT OF JUDICATURE ACT, CHAP. 4:01

RULES

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

THE CIVIL PROCEEDINGS (AMENDMENT) RULES, 1999

1. These Rules may be cited as the Civil Proceedings (Amendment) Rules, 1999. Citation

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 amendment to those Rules.

SCHEDULE

COLUMN I <i>Number of the Rule</i>	COLUMN II <i>Extent of the Amendment</i>
1.3	<p style="text-align: center;">PART 1</p> <p>Delete the word “expected” and substitute the word “required”:</p>
2.3	<p style="text-align: center;">PART 2</p> <p>A. Insert after the definition of the word “claimant” the following definition: “claim for a specified sum of money” means—</p> <p style="margin-left: 40px;">(a) a claim for a sum of money recoverable under a contract which is ascertained or capable of being ascertained as a matter of arithmetic; and</p> <p style="margin-left: 40px;">(b) for the purposes of Part 12 (default judgment) and 14 (admissions), a claim for—</p> <p style="margin-left: 80px;">(i) the cost of repairs executed to a vehicle or any property in, on or abutting a road; or</p> <p style="margin-left: 80px;">(ii) any other actual financial loss, claimed as a result of damage which it is alleged to have been caused in an accident as a result of the defendant’s negligence provided—</p>

## SCHEDULE—CONTINUED

COLUMN I <i>Number of the Rule</i>	COLUMN II <i>Extent of the Amendment</i>
	<p>that the amount of each item in the claim is specified; and</p> <p>copies of receipted bills for the amounts claimed are attached to the claim form or statement of case.</p> <p>B. In the definition of the word “limited company” after limited company insert “or company” and delete the word “1955” and substitute the word “1995”.</p> <p>C. Delete in the definition of the word “party” the word “specifies” and insert the words “specifies or it is clear from the context”.</p> <p>D. Delete in the definition of the words “statement of case” the words “third party (or subsequent) notice or defence” and insert the words “ancillary claim form, defence to counterclaim”.</p>
2.11 (b) (iii)	<p>A. Delete the words “telephone and fax numbers; and” and substitute the words “telephone and fax number (if any); and”.</p> <p>B. insert after the words “E mail address” the words “(if any)”.</p>
4.3 (b)	<p style="text-align: center;">PART 4</p> <p>Delete the words “for sale”.</p>
5.1	<p style="text-align: center;">PART 5</p> <p>Delete the words “personally served” and substitute the words “served personally”.</p>
5.3 (b)	<p>Insert after the words “of the company” the words “or other corporation”.</p>
5.5 (1) (c)	<p>A. Delete the words “stating”.</p> <p>B. Delete the word “identified.” and substitute the words “identified; and”.</p> <p>Insert the following after paragraph (c):</p> <p style="padding-left: 40px;">“(d) precisely how service was effected.”.</p>
5.6 (c)	<p>Delete the words “personally serving” and substitute the words “serving personally”.</p>
	<p>(d) A. Delete the words “personally serving” and substitute the words “serving personally”.</p> <p>B. Delete the words “responsible person” and substitute the words “manager or other senior employee”.</p> <p>C. Reletter subparagraph (d) as subparagraph (e).</p>
5.7 (1) (b)	<p>Delete the words “responsible person” and substitute the words “manager or other senior employee”.</p>
5.16 (1)	<p>Delete the words “paragraphs (2) to (3) deal” and substitute the words “paragraph (2) deals”.</p>

## SCHEDULE—CONTINUED

COLUMN I <i>Number of the Rule</i>	COLUMN II <i>Extent of the Amendment</i>
	<b>PART 6</b>
6.1 (1)	Insert after the word “order” the words “which requires service”.
6.3 (3)	Delete.
6.4 (1)	Delete and substitute the following: “ (1) Where no address is given for service the document must be served by leaving it or posting it at or to—”.
6.5	Delete the words “non-party” in the heading of this rule and insert the words “person not a party”.
	<b>PART 7</b>
7.2	Delete and substitute the following: “A claim form may be served out of the jurisdiction only if: (a) rule 7.3 allows it to be served out of the jurisdiction; and (b) the court gives permission.”.
7.9 (3)	Insert after the words “(Convention)” the words “to which Trinidad and Tobago is a party”.
	<b>PART 8</b>
8.2 (1) (b)	Delete and substitute the following: “(b) the claimant has included in the claim form all the information required by rules 8.6, 8.7 and 8.8; or”.
8.3 (2) (a)	Insert after the word “Tobago” the words “or based on a cause of action which arose in Tobago”.
(2) (b)	Delete the words “a practice” and substitute the word “practice”.
8.5 (2)	Delete the words “aggravated damages and/or”.
8.7	Delete the words “\$15,000” and insert the words “or are likely to exceed \$15,000 or the basis on which it is said that the High Court has jurisdiction”.
8.15 (1) (b)	Delete the words “Form 6” and insert the words “Form 5”.
(c)	Delete and substitute the following: “(c) in the case of a money claim an application to pay by installments (Form 3A);”.
	<b>PART 10</b>
10.6 (1)	Delete the words “or argument”.
	<b>PART 11</b>
11.5	Re-number subrule (4) as subrule (3) and subrule (5) as subrule (4) respectively.

## SCHEDULE—CONTINUED

COLUMN I <i>Number of the Rule</i>	COLUMN II <i>Extent of the Amendment</i>
	PART 12
12.3 (c)	In paragraphs (ii) and (iii) delete the word “and” and substitute the word “or”.
12.4 (d)	Renumber paragraph “(ii)” occurring in the second place as paragraph “(iii)”.
12.5 (1)	Delete the number “7” and substitute the number “6”.
12.12 (5)	Insert after the word “more defendants” the words “without the permission of the court”.
	PART 13
13.3	Delete in the heading to this rule the word “stay” and insert the words “set aside”.
	PART 14
14.4	Delete the word “send” and substitute the word “serve”.
14.7	Delete subrules (3) and (4) and substitute the following: “ (3) The court office must enter judgment in accordance with the request for an amount to be decided by the court and fixed costs.”.
14.11	Insert after this rule the following: “Variation of Order 14.12 (1) Either party may apply to vary an Order made under this Part. (2) An application by a defendant must be in accordance with Part 48.”.
	PART 15
15.3 (b) (iii)	Delete the word “imprisonment” and substitute the word “prosecution”.
	PART 16
16.2 (1) (c)	Insert after the word “damages” the following: “the period of time that will elapse before he is able to do so.”.
(3)	Delete all the words after the word “damages” and insert the words “the court office must fix a period within which the assessment of damages will take place and a date on which a listing questionnaire shall be sent to the claimant.”.  (Rules 27.10 and 27.11 deal with the fixing of a date for a trial).
16.3 (1) (c)	Insert after the word “damages” the words “the period of time that would elapse before he is able to do so”.

## SCHEDULE—CONTINUED

COLUMN I <i>Number of the Rule</i>	COLUMN II <i>Extent of the Amendment</i>
(3)+(4)	Delete and substitute the following: “ (3) If the claimant is not in a position to prove damages, the court office shall fix a period within which the assessment of damages will take place and a date on which a listing questionnaire is to be sent to the parties.”.
(5)	Renumber subrule (5) as subrule (4).
PART 17	
17.4 (3) (b)	Delete the word “must”.
(4) (a)	Delete the word “are” and substitute the word “is”.
17.5 (2) (c)	Insert the word “is” before the words “a person”.
PART 18	
18	In the heading of this part delete the words “Third Party” and substitute the words “ancillary claims”.
18.1 (5)	Delete the words “paragraph (5)” and insert the words “paragraph (4)”.
18.4 (1)	Delete the words “other than a counterclaim”.
(6)	Delete and substitute the following: “ (6) This rule does not apply to a counterclaim”.
18.7 (2)	Delete the words “consent of the Attorney General” and substitute the words “the permission of the Court”.
PART 19	
19.5 (7) (b)	Delete the word “where”. Delete the word “defendant,” and substitute the words “defendant and”.
PART 20	
20.1 (4)	insert the word “be” after the word “not”.
PART 21	
21.1	Delete the figure “(2)” before the words “A representative” and substitute the figure “(3)”.
21.4 (2)	Delete the words “whether presently” and substitute the words “whether at present”.
21.7 (1)	Delete the word “defendant” and substitute the word “person”.
(4)	Delete the word “defendants” and substitute the word “person’s”.
(5)	Delete the word “defendants” and substitute the word “person’s”.

## SCHEDULE—CONTINUED

COLUMN I <i>Number of the Rule</i>	COLUMN II <i>Extent of the Amendment</i>
	PART 23
23.1 (1)	Delete the words "Rule 5.9" and substitute the words "Rule 5.11".
	PART 24
24.5 (b)	Delete the words "the claim".
	PART 25
25.	Delete in the heading of this part the letter "s" in the word "objectives".
25.1 (m)	Delete the word "be" and substitute the word "by".
	PART 26
26.1	A. Delete paragraphs (t) and (u) and substitute the following: " (t) where two or more parties to the proceedings are represented by the same attorney, (i) direct that they be separately represented; and (ii) if necessary, adjourn any hearing to a fixed date to enable separate representation to be arranged;".
	B. Reletter paragraphs (v), (w) and (x) as paragraphs (u), (v) and (w) respectively.
	C. In the relettered paragraph (u) delete the words "conduct of any matter" and substitute the words "control of any proceedings".
	D. In the relettered paragraph (w) insert a comma after the word "step".
26.1 (5)	Delete the word "an" and substitute the word "any".
26.5 (1)	Delete the figure "26.3" and substitute the figure "26.4".
26.7 (4)	Reletter (a), (a), (b), (c) as (a), (b), (c) and (d) respectively.
	PART 27
27.2 (4)	Delete the word "days" and substitute the word " days' ".
27.8 (2)	A. Delete in paragraph (a) the comma after the word "negotiate". B. Insert in paragraph (b) a comma after the word "procedure".
27.11 (3) (b)	Delete and substitute the following: " (b) in urgent cases.".

## SCHEDULE—CONTINUED

COLUMN I <i>Number of the Rule</i>	COLUMN II <i>Extent of the Amendment</i>																																				
28	<p style="text-align: center;">PART 28</p> <p>Delete Part 28 and substitute the following new part:</p> <p style="text-align: center;">“PART 28</p> <p style="text-align: center;"><b>Disclosure and Inspection of Documents</b></p> <p><i>Contents of this part</i></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Scope of this part</td> <td style="text-align: right;">Rule 28.1</td> </tr> <tr> <td>Duty of disclosure limited to documents which are or have been in party's control</td> <td style="text-align: right;">Rule 28.2</td> </tr> <tr> <td>Disclosure of copies</td> <td style="text-align: right;">Rule 28.3</td> </tr> <tr> <td>Standard disclosure</td> <td style="text-align: right;">Rule 28.4</td> </tr> <tr> <td>Specific disclosure</td> <td style="text-align: right;">Rule 28.5</td> </tr> <tr> <td>Criteria for ordering specific disclosure</td> <td style="text-align: right;">Rule 28.6</td> </tr> <tr> <td>Procedure for disclosure</td> <td style="text-align: right;">Rule 28.7</td> </tr> <tr> <td>Duty of legal practitioner</td> <td style="text-align: right;">Rule 28.8</td> </tr> <tr> <td>Requirement for party to certify that he understands duty of standard disclosure</td> <td style="text-align: right;">Rule 28.9</td> </tr> <tr> <td>Disclosure in stages</td> <td style="text-align: right;">Rule 28.10</td> </tr> <tr> <td>Inspection and copying of listed documents</td> <td style="text-align: right;">Rule 28.11</td> </tr> <tr> <td>Duty of disclosure continuous during proceedings</td> <td style="text-align: right;">Rule 28.12</td> </tr> <tr> <td>Consequence of failure to disclose documents under an order for disclosure</td> <td style="text-align: right;">Rule 28.13</td> </tr> <tr> <td>Claim of right to withhold disclosure or inspection of a document</td> <td style="text-align: right;">Rule 28.14</td> </tr> <tr> <td>Restriction on use of a privileged document inspection of which has been inadvertently allowed</td> <td style="text-align: right;">Rule 28.15</td> </tr> <tr> <td>Documents referred to in statements of case, etc.</td> <td style="text-align: right;">Rule 28.16</td> </tr> <tr> <td>Subsequent use of disclosed documents</td> <td style="text-align: right;">Rule 28.17</td> </tr> <tr> <td>Notice to prove a document</td> <td style="text-align: right;">Rule 28.18</td> </tr> </table> <p><b>Scope of this part</b></p> <p>28.1 (1) This part sets out rules about the disclosure and inspection of documents.</p> <p>(2) In this part “<b>document</b>” means anything on or in which information of any description is recorded; and “<b>copy</b>” in relation to a document, means anything onto which information recorded in the document has been copied, by whatever means and whether directly or indirectly.</p>	Scope of this part	Rule 28.1	Duty of disclosure limited to documents which are or have been in party's control	Rule 28.2	Disclosure of copies	Rule 28.3	Standard disclosure	Rule 28.4	Specific disclosure	Rule 28.5	Criteria for ordering specific disclosure	Rule 28.6	Procedure for disclosure	Rule 28.7	Duty of legal practitioner	Rule 28.8	Requirement for party to certify that he understands duty of standard disclosure	Rule 28.9	Disclosure in stages	Rule 28.10	Inspection and copying of listed documents	Rule 28.11	Duty of disclosure continuous during proceedings	Rule 28.12	Consequence of failure to disclose documents under an order for disclosure	Rule 28.13	Claim of right to withhold disclosure or inspection of a document	Rule 28.14	Restriction on use of a privileged document inspection of which has been inadvertently allowed	Rule 28.15	Documents referred to in statements of case, etc.	Rule 28.16	Subsequent use of disclosed documents	Rule 28.17	Notice to prove a document	Rule 28.18
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## SCHEDULE—CONTINUED

COLUMN I <i>Number of the Rule</i>	COLUMN II <i>Extent of the Amendment</i>
28— <i>Cont'd</i>	<p>(3) A party “<b>discloses</b>” a document by revealing that the document exists or has existed.</p> <p>(4) For the purposes of this part a document is “<b>directly relevant</b>” if—</p> <p style="padding-left: 40px;">(a) the party with control of the document intends to rely on it;</p> <p style="padding-left: 40px;">(b) it tends to adversely affect that party’s case;</p> <p style="padding-left: 80px;">or</p> <p style="padding-left: 40px;">(c) it tends to support another party’s case.</p> <p>but the rule of law known as “the rule in <i>Peruvian Guano</i>” does not apply.</p> <p><i>Duty of disclosure limited to documents which are or have been in party’s control.</i></p> <p>28.2 (1) A party’s duty to disclose document is limited to documents which are to have been in the control of that party.</p> <p>(2) For this purpose a party has or has had control of a document if—</p> <p style="padding-left: 40px;">(a) it is or was in the physical possession of the party;</p> <p style="padding-left: 40px;">(b) the party has or has had a right to possession of it; or</p> <p style="padding-left: 40px;">(c) the party has or has had a right to inspect or take copies of it.</p> <p><i>Disclosure of copies</i></p> <p>28.3 (1) Except where by paragraph (2), a party need not disclose more than one copy of a document.</p> <p>(2) A party must however disclose a copy if it contains a modification, obliteration or other marking or feature which is not present in the original or any copy of the document which is being disclosed.</p> <p><i>Standard disclosure</i></p> <p>28.4 Where a party is required by any direction of the court, to give standard disclosure that party must disclose all document which are directly relevant to the matters in question in the proceedings.</p> <p><i>Specific disclosure</i></p> <p>28.5 (1) An order for specific disclosure is an order that a party must do one or more of the following things:</p> <p style="padding-left: 40px;">(a) disclose documents or classes of documents specified in the order; or</p>

## SCHEDULE—CONTINUED

COLUMN I <i>Number of the Rule</i>	COLUMN II <i>Extent of the Amendment</i>
28— <i>Cont'd</i>	<p data-bbox="776 520 1252 575"><i>(b)</i> carry out a search for documents to the extent stated in the order; and</p> <p data-bbox="776 590 1252 644"><i>(c)</i> disclose any document located as a result of that search.</p> <p data-bbox="678 659 1252 714">(2) An order for specific disclosure may be made on or without an application.</p> <p data-bbox="678 728 1252 783">(3) An application for specific disclosure may be made without notice at a case management conference.</p> <p data-bbox="678 798 1252 961">(4) An application for specific disclosure may identify documents—  <i>(a)</i> by describing the class to which they belong;  or  <i>(b)</i> in any other manner.</p> <p data-bbox="678 976 1252 1064">(5) An order for specific disclosure may only require disclosure of documents which are directly relevant to one or more matters in issue in the proceedings.</p> <p data-bbox="609 1108 992 1136"><i>Criteria for ordering specific disclosure</i></p> <p data-bbox="609 1150 1252 1257">28.6 (1) When deciding whether to make an order for specific disclosure, the court must consider whether specific disclosure is necessary in order to dispose fairly of the claim or to save costs.</p> <p data-bbox="678 1272 1252 1528">(2) It must have regard to—  <i>(a)</i> the likely benefits of specific disclosure;  <i>(b)</i> the likely cost of specific disclosure; and  <i>(c)</i> whether it is satisfied that the financial resources of the party against whom the order would be made are likely to be sufficient to enable that party to comply with any such order.</p> <p data-bbox="678 1543 1252 1688">(3) Where, having regard to paragraph (2)<i>(c)</i>, the court would otherwise refuse to make an order for specific disclosure it may however make such an order on terms that the party seeking that order shall pay the other party's cost of such disclosure.</p> <p data-bbox="678 1703 1252 1791">(4) Where the court makes an order under paragraph (3) it must assess the cost to be paid in accordance with rule 67.11</p>

## SCHEDULE—CONTINUED

COLUMN I <i>Number of the Rule</i>	COLUMN II <i>Extent of the Amendment</i>
28— <i>Cont'd</i>	<p data-bbox="678 520 1253 604">(5) The party in whose favor such an order for cost was made may apply to vary the amount of costs so assessed.</p> <p data-bbox="609 646 846 672"><i>Procedure for disclosure</i></p> <p data-bbox="609 680 1253 730">28.7 (1) Paragraphs (2) to (5) set out the procedure for disclosure.</p> <p data-bbox="678 747 1253 798">(2) Each party must make, and serve on every other party, a list of documents in Form 8.</p> <p data-bbox="678 814 1253 890">(3) The list must identify the documents or categories of documents in a convenient order and manner and as concisely as possible.</p> <p data-bbox="678 907 1253 1117">(4) The list must indicate—  <i>(a)</i> those documents which are no longer in the party's control;  <i>(b)</i> what has happened to those documents; and  <i>(c)</i> state where each such document then is to the best of the party's knowledge, information or belief.</p> <p data-bbox="678 1129 1166 1155">(5) It must include documents already disclosed.</p> <p data-bbox="678 1171 1253 1444">(4) A list of documents served by a company, firm, association or other organisation must—  <i>(a)</i> state the name and position of the person responsible for identifying individuals who might be aware of any document which should be disclosed; and  <i>(b)</i> identify those individuals who have been asked whether they are aware of any such documents and state the position of those individuals.</p> <p data-bbox="609 1470 857 1495"><i>Duty of legal practitioner</i></p> <p data-bbox="609 1503 1104 1528">28.8 The legal representative for a party must—</p> <p data-bbox="678 1537 1253 1696">(1) Explain to the maker of the list of documents:  <i>(i)</i> the necessity of making full disclosure in accordance with the terms of the order for disclosure and those rules; and  <i>(ii)</i> the possible consequences of failing to do so; and</p> <p data-bbox="678 1713 1253 1789">(2) Certify on the list of documents under rule 28.7(2) or rule 28.12(3) that the explanation required by paragraph (1) has been given.</p>

## SCHEDULE—CONTINUED

COLUMN I <i>Number of the Rule</i>	COLUMN II <i>Extent of the Amendment</i>
28— <i>Cont'd</i>	<p data-bbox="607 520 1252 569"><i>Requirement for party to certify that he understands duty of disclosure</i></p> <p data-bbox="607 579 1252 722">28.9 (1) The lay party must certify in the list of documents—  (a) that he or she understands the duty of disclosure; and  (b) that to the best of that party's knowledge the duty has been carried out.</p> <p data-bbox="678 747 1252 825">(2) If it is impracticable for the party to sign the certificate required by paragraph (1) it may be given by that party's legal practitioner.</p> <p data-bbox="678 850 1252 1016">(3) A certificate given by the legal practitioner must also certify—  (a) the reason why it is impractical for the party to give the certificate; and  (b) that the certificate on the party's instructions.</p> <p data-bbox="678 1041 1252 1182">(4) In the case of a list served on behalf of a company, firm, association or other organisation the certificate must be made by the person identified in rule 28.7(6)(a).  (Rule 26.7 deals with applications for relief).</p> <p data-bbox="607 1207 802 1234"><i>Disclosure in stages</i></p> <p data-bbox="607 1245 1252 1318">28.10 The party may agree in writing or the court may direct that disclosure or inspection or both may take place in stages.</p> <p data-bbox="607 1344 1027 1371"><i>Inspection and copying of listed documents</i></p> <p data-bbox="607 1381 1252 1602">28.11 (1) When a party has served a list of documents on any other party, that party has a right to inspect any document on the list, except—  (a) documents which are no longer in the physical possession of the party who served the list; or  (b) document for which the party claims a right to withhold from disclosure.</p> <p data-bbox="678 1627 1252 1705">(2) The party wishing to inspect the document must give the party who served the list written notice of the wish to inspect documents in the list.</p> <p data-bbox="678 1730 1252 1799">(3) The party who is to give inspection must permit inspection not more than 7 days after the date on which the request is received.</p>

## SCHEDULE—CONTINUED

COLUMN I <i>Number of the Rule</i>	COLUMN II <i>Extent of the Amendment</i>
28— <i>Cont'd</i>	<p>(4) if the party giving notice undertakes to pay the reasonable cost of copying, the party who served the list must supply the other with a copy of each document requested.</p> <p>(5) The party who served the list must supply the copy not more than 7 days after the date on which the request was received</p> <p><i>Duty of disclosure continuous during proceedings</i></p> <p>28.12 (1) The duty of disclosure in accordance with any order for standard or specific disclosure continues until the proceedings are concluded.</p> <p>(2) If documents to which that duty extends come to a party's notice at any time during the proceedings that party must immediately notify every other party serve a list of those documents.</p> <p>(3) the supplemental list must be served not more than 14 days after the new document have come to the notice of the party required to serve it.</p> <p><i>Consequence of failure to disclose documents under an order for disclosure</i></p> <p>28.13 (1) A party fails to give disclosure by the date order may not rely on or produce any document not so disclosed at the trial.</p> <p>(2) A party seeking to enforce an order for specific disclosure may apply to the court for an order that the other party's statement of case or some part of it be struck out.</p> <p>(3) An application under this rule may be made without notice but must be supported by evidence on affidavit that the other part has not complied with the order.</p> <p>(4) On such an application the court may order that unless the party in default complies with the order for specific disclosure by a specific date that the party's statement of case or some part of it be struck out.</p> <p>(Rule 26.7 deals with applications for relief; Rule 11.15 deals with applications to set aside order made on application without notice; Rules 26.4 and 26.5 deal with judgment after striking out).</p> <p><i>Claim of right to withhold disclosure or inspection of a document</i></p> <p>28.14 (1) A person who claims a right to withhold disclosure or inspection of a document or part of a document must—</p> <p>(a) make such claim for the document; and</p>

## SCHEDULE—CONTINUED

COLUMN I <i>Number of the Rule</i>	COLUMN II <i>Extent of the Amendment</i>
28— <i>Cont'd</i>	<p data-bbox="776 520 1252 594"><i>(b)</i> state the grounds on which such a right is claimed in the list or otherwise in writing to the person wishing to inspect the document.</p> <p data-bbox="678 615 1252 741">(2) A person may however apply to the court, without notice for an order permitting that person not to disclose the existence of a document on the ground that disclosure of the existence of the document would damage the public interest.</p> <p data-bbox="678 762 1252 867">(3) Unless the court orders otherwise, an order of the court under paragraph (2) is not to be served on any other person nor be open for inspection by any person.</p> <p data-bbox="678 888 1252 993">(4) A person who does not agree with a claim of right to withhold inspection or disclosure of a document may apply to the court for an order that such document be disclosed or made available for inspection.</p> <p data-bbox="678 1014 1252 1087">(5) On hearing such an application the court must make an order that the document be disclosed unless it is satisfied that there is a right to withhold disclosure.</p> <p data-bbox="678 1108 1252 1255">(6) If a person—  <i>(a)</i> claims a right to withhold inspection; or  <i>(b)</i> applies for an order permitting that person not to disclose the existence of a document or part of a document,  the court may require the person to produce that document to the court to enable it to decide whether the claim is justified.</p> <p data-bbox="678 1360 1252 1444">(7) On any hearing under this rule, the court may invite any person to make representations on the question of whether the document ought to be withheld.</p> <p data-bbox="678 1465 1252 1570">(8) This rule does not affect any rule of law which permits or requires a document to be withheld on the ground that its disclosure or inspection would damage the public interest.</p> <p data-bbox="605 1623 1252 1675"><i>Restrictions on use of a privileged document inspection of which has been inadvertently allowed</i></p> <p data-bbox="605 1686 1252 1791">28.15 Where a party inadvertently allows a privileged document to be inspected the party who has inspected it may use it only with the permission of the court or the agreement of the party disclosing the document.</p>

## SCHEDULE—CONTINUED

COLUMN I <i>Number of the Rule</i>	COLUMN II <i>Extent of the Amendment</i>
28— <i>Cont'd</i>	<p data-bbox="607 520 1062 548"><i>Documents referred to in statement of case, etc.</i></p> <p data-bbox="607 554 1252 602">28.16 (1) A party may inspect and copy a document mentioned in—</p> <ul style="list-style-type: none"> <li data-bbox="776 604 959 632">(a) the claim form;</li> <li data-bbox="776 638 1003 665">(b) a statement of case;</li> <li data-bbox="776 672 1013 699">(c) a witness statement;</li> <li data-bbox="776 705 954 732">(d) an affidavit; or</li> <li data-bbox="776 739 987 766">(e) an expert's report.</li> </ul> <p data-bbox="678 772 1252 848">(2) A party who wishes to inspect and copy such a document must give written notice to the party who or whose witness, mentioned the document.</p> <p data-bbox="678 854 1252 930">(3) The party to whom the notice is given must comply with the notice not more than 7 days after the date on which the notice is served.</p> <p data-bbox="607 961 987 989"><i>Subsequent use of disclosed documents</i></p> <p data-bbox="607 995 1252 1071">28.17 (1) A party to whom a document has been disclosed may use the document only for the purpose of the proceedings in which it is disclosed except where—</p> <ul style="list-style-type: none"> <li data-bbox="776 1077 1252 1152">(a) the document has been read to or by the court or referred to in open court; or</li> <li data-bbox="776 1146 1252 1268">(b) (i) the party disclosing the document; or (ii) the person to whom the document belongs; or (iii) the court,</li> </ul> <p data-bbox="711 1274 878 1302">gives permission.</p> <p data-bbox="678 1308 1252 1423">(2) The court may make an order restricting or prohibiting the use of a document which has been disclosed, even where the document has been read to or by the court, or referred to in open court.</p> <p data-bbox="678 1430 1252 1566">(3) An application for such an order may be made—</p> <ul style="list-style-type: none"> <li data-bbox="776 1465 938 1493">(a) by a party; or</li> <li data-bbox="776 1499 1252 1566">(b) by any person to whom the document belongs.</li> </ul> <p data-bbox="607 1591 873 1619"><i>Notice to prove a document</i></p> <p data-bbox="607 1625 1252 1740">28.18 (1) A party shall be deemed to admit the authenticity of any document disclosed to him under this part unless that party serves notice that the document must be proved at trial.</p> <p data-bbox="678 1747 1252 1799">(2) A notice to prove a document must be served not less than 42 days before the trial.”.</p>

## SCHEDULE—CONTINUED

COLUMN I <i>Number of the Rule</i>	COLUMN II <i>Extent of the Amendment</i>
	PART 29
29	In the index to this part delete the word “Duty” and substitute the word “power”.  In the heading to this part delete the word “Duty” and substitute the word “Power”.
29.1	Delete the words “It is the duty of the court to” and insert the words “The court may”.
29.4 (1)	Delete the word “on”.
29.5 (2)	Add a comma after the word “inadmissible”.
29.11 (1) (e)	Delete the words “or the court so orders”.
	PART 30
30.1 (2)	Delete and substitute the following: “ (2) “Hearsay evidence” means a statement made otherwise than by a person while giving oral evidence in proceedings which is tendered as evidence of the matters stated.”.
30.3 (4) (b)	Delete the word “apply”, and substitute the word “applies”.
30.5 (3) (a)	Renumber (i), (i) and (iii) as (i), (ii) and (iii) respectively.
	PART 31
31.1 (1)	Insert after the words “in addition to,” the words “oral evidence or”.
31.3 (2) (b)	Delete the word “application,” and substitute the words “application or in an application for summary judgment”.
31.5 (2)	A. Insert before the word “partner” the word “clerk”. B. Insert the following paragraphs after paragraph (3): “ (4) A person may make an affidavit outside the jurisdiction in accordance with— (a) this part; or (b) the law of the place where he makes the affidavit. (5) Any affidavit which purports to be sworn or affirmed in accordance with the law and procedure of any place outside the jurisdiction is presumed to have been so sworn.”.
	PART 32
32.2	Renumber subrule (1), (2), (3) and (2) as subrules (1), (2), (3) and (4) respectively.
	PART 33
33.6 (1)	Delete the words “put in” and substitute the words “put into”.

## SCHEDULE—CONTINUED

COLUMN I <i>Number of the Rule</i>	COLUMN II <i>Extent of the Amendment</i>
(4)	Insert after the word “appointed” the words “by the court”.
33.7 (3)	Insert after the word “must” the words “provide him with a copy of this Part and”.
(4)	Delete the words “paragraph (2)” and substitute the words “paragraph (3)”.
33.10 (1) (e)	Delete the word “within” and substitute the word “with”.
(2) (b)	Delete the word “by” and substitute the word “to”.
(3) (a)	Insert after the word “which” the words “to his knowledge”.
(2) (c)	Delete the word “instruction” and substitute the word “instructions”.
33.10 (4)	Renumber subrules (1), (2), (3) and (2) as subrules (1), (2), (3) and (4) respectively.
33.12 (1)	Delete the word “directions” and substitute the word “direction”.
PART 34	
34.6 (2)	Delete and substitute the following: “ (2) However, the marshal may serve the summons if the party on whose behalf it is issued, requests the court office to do so.”.
34.8 (1)	Insert after the word “summons” the word “may”.
(4)	Delete the words “paragraph (5)” and insert the words “paragraph (1)”.
34.9 (3) (c)	A. Delete and substitute the following: “ (c) an attorney who has practised for at least seven years and who is appointed by the consent of the parties or the court.”. B. Renumber the subrules after subrule (3) as subrules (4), (5), (6), (7) and (8).
34.10 (8)	Renumber subrule after subrule (7) as subrule (8).
34.12 (5)	Delete the words “paragraph (5)” and substitute the words “paragraph (2)”.
34.15 (1)	Delete and substitute the following: “ (1) On appointing an examiner the court must fix the fee to be paid to the examiner for carrying out the examination. (2) The party who obtained the order must also pay all reasonable travelling and other expenses including charges for a room (other than the examiner’s own chambers or office) where the examination takes place. (3) This does not affect any decision as to the party who is ultimately to bear the costs of the examination.”.
34.17 (1)	Delete the word “rule 34.8” and substitute the word “rule 34.9”.

## SCHEDULE—CONTINUED

COLUMN I <i>Number of the Rule</i>	COLUMN II <i>Extent of the Amendment</i>
	PART 36
36.11 (5)	Insert after the word “stayed” the words “and not dealt with by the offer”.
36.13 (3) (b)	Delete the word “many” and substitute the word “may”.
36.14	Delete the word “by” and substitute the word “on”.
36.16 (1)	Delete the word “the” after the word “agree”.
	PART 38
38.3 (5)	Delete the word “to” and substitute the word “or”.
38.5 (1)	Delete the words “rule 38.3(1)(b)” and substitute the words “rule 38.3(1)(a)”.
	PART 39
39.2 (4)	Insert a comma after the word “date”.
	PART 40
40.3 (3) (b)	Insert the word “or” between the word “judgment” and the word “order”.
40.6	In the heading to this rule delete the word “summons” and insert the word “summon”.
40.6 (1)	Reletter paragraphs (b), (b), (c) as paragraphs (a), (b) and (c).
40.6 (1) (c)	Delete the word “such”.
	PART 43
43.9	Delete the word “of” and substitute the word “or”.
43.12 (2)	Delete the words “Form 24” and substitute the words “Form 22”.
(4)	Delete the word “dispenses” and substitute the word “dispensed”.
	PART 44
44.6 (3)	Delete the figure “67.11” and substitute the figure “67.12”.
44.7 (2)	Delete the words “on Port of Spain” and insert the words “in Port-of Spain”.
	PART 45
45.5 (4)	Delete the word “at” and substitute the word “At”.
45.6 (2)	Delete the words “by the judgment creditor” and substitute the words “by the judgment debtor”.
(4)	Delete the word “summons” and insert the word “notice”.

## SCHEDULE—CONTINUED

COLUMN I <i>Number of the Rule</i>	COLUMN II <i>Extent of the Amendment</i>
<b>PART 46</b>	
46.2 (2)	Delete the word “paragraphs” and substitute the word “paragraph”.
46.3 (1) (c)	A. Delete the words “or assets” and substitute the words “of assets”. B. Insert all the words after the words “Part 53” as “subrule (2)” of that rule.
46.4 (2)	Delete the words “or assets” and substitute the words “of assets”.
46.5 (5)	Delete the words “judgment creditor does” and substitute the words “judgment debtor does”.
(6) (a)	Delete the words “Part 48” and substitute the words “Part 47”.
46.5 (7)	Delete the word “or” and substitute the word “of”.
46.7 (1)	Reletter the paragraphs (a) and (b) after the words “it may make an Order” as paragraphs (i) and (ii) respectively.
(3)	Insert the word “the” before the word “court’s”.
<b>PART 47</b>	
47.2	Delete the words “An writ” and substitute the words “A Writ”.
(f)	Delete the word “conditions” and substitute the words “conditions; or”.
47.7 (b)	Delete the words “recovery or” and substitute the words “recovery of”
47.8 (2)	Delete the word “related” and substitute the word “relates”.
47.12	Insert the following after subrule (5): “ (6) The judgment creditor must state in his evidence under paragraph (4) whether or not he is aware of any other judgment creditor and if so, give such details of which he is aware as to the money due from the judgment debtor to each such judgment creditor.”.
<b>PART 48</b>	
48.2 (1)	A. Delete in paragraph (a) the words “payment of” and substitute the words “payment of a”. B. Reletter (a), (b), (b) and (c) as (a), (b), (c) and (d) respectively. C. In the relettered paragraph (d) delete the word “Writes” and substitute the word “writs”
<b>PART 49</b>	
49.3 (2) (g)	Delete the words “court exhibiting” and substitute the words “court, exhibit”.
49.6 (2) (b)	Delete the word “creditor” and substitute the word “debtor”.

## SCHEDULE—CONTINUED

COLUMN I <i>Number of the Rule</i>	COLUMN II <i>Extent of the Amendment</i>
	PART 51
51.2 (3)	A. Delete the word “is”. B. Insert in paragraph (a) the word “is” before the word “due”. C. Delete in paragraph (b) the figure “51.4” and substitute the figure “51.3”.
51.4 (1)	Delete the word “creditor” and substitute the word “debtor”.
51.14 (3)	Delete the word “make” and substitute the word “makes”.
	PART 52
52.	In the index to this part renumber the second “52.7” as “52.8” and existing “52.8” as “52.9”.
	PART 53
53.5 (1)	A. Delete in paragraph (b) the word “is”. B. Delete in paragraph (c) the word “is”.
53.6 (2)	Delete the word “required” and substitute the word “requires”.
53.10 (c)	Insert the letter “a” before the word “committal”.
53.11 (1)	Delete the figure “53.9(e)” and substitute the figure “53.10(f)”.
53.12 (1)	Delete “53.9(g)” and substitute “53.10(g)”.
(4)	Insert before the word “hearing” the words “date for the”.
(5)	Delete the word “creditor” and substitute the word “debtor”.
	PART 54
54.3 (2) (b)	Delete the words “are being conducted; or” and insert the words immediately after the word “proceedings”.
54.5 (3) (b)	Insert the words “make an” after the word “may”.
	PART 55
55.2 (a)	Delete in subparagraph (ii) the words “local newspaper” and substitute the words “local daily newspaper”.
(f)	Delete the words “paragraph (b)” and substitute the words “paragraph (e)”.
(h)	Delete the words “paragraph (d)” and substitute the words “paragraph (g)”.
(i)	Insert the word “first” before the word “deposit”.
55.3	Delete the word “vary,” and substitute the words “vary or”.

## SCHEDULE—CONTINUED

COLUMN I <i>Number of the Rule</i>	COLUMN II <i>Extent of the Amendment</i>
	PART 56
56.	A. In the second column of the index to this part delete the words “Rule 56.4” after the words “Rule 56.2” and substitute the words “Rule 56.3”. B. Renumber the Rules in this part as set out in the index.
56.2	(a) Delete the word “individual” and substitute the word “person” also delete the word “or” at the end of this paragraph. (b) Delete the word “and”. (c) Delete the word “or”. (d) A. Delete the word “and” and insert the word “or”. B. Delete the word “matters” and insert the word “matter”.
56.3	(3) (j) Delete the word “; and” and substitute full stop. (k) Delete. (5) Insert after the word “heard” the words “unless the court otherwise orders”.
56.4	(10) Delete and substitute the following: “On granting leave the judge must either direct when the case management conference shall take place or, in cases of urgency, or where he considers a case management conference is not necessary fix the date of hearing of the application for a judicial review and give any appropriate consequential directions.”
56.6	(3) Delete the words “rule 56.4” and substitute the words “Rule 56.3”. (4) Delete the word “directions” and substitute the word “direction”.
56.7	(2) Delete and substitute the following: “ (2) The claim form in an application under section 14(1) of the Constitution shall serve as the Originating Motion mentioned in that section and shall be headed “Originating Motion.”. (3) (b) Delete in subrule (ii) the word “and.” and substitute the word “and.”. (c) Delete the words “setting out”. (g) A. Delete the word “giving”. B. Renumber the subrules below this paragraph as subrules (5), (6), (7), (8), (9) and (10).
56.8	(2) Insert after the word “posted” the words “for at least 14 days”.
56.10	(6) (c) Delete the words “paragraph (2)” and substitute the words “paragraph (4)”.
56.15	(2) (b) Delete the words “and reach a decision”.

## SCHEDULE—CONTINUED

COLUMN I <i>Number of the Rule</i>	COLUMN II <i>Extent of the Amendment</i>						
57.6 (c)	<p style="text-align: center;">PART 57</p> <p>A. Delete the word “for”.</p> <p>B. Insert the letter “a” before the word “judge”.</p>						
58.3 (2)	<p style="text-align: center;">PART 58</p> <p>Delete the words “9.2(5)” and substitute the words “9.2(6)”.</p>						
59.	<p style="text-align: center;">PART 59</p> <p>Delete this part and substitute the following:</p> <p style="text-align: center;"><b>“Bail Applications</b></p> <p style="text-align: center;"><i>Contents of this part</i></p> <table data-bbox="618 898 1198 1003"> <tr> <td>Scope of this Part</td> <td style="text-align: right;">Rule 59.1</td> </tr> <tr> <td>How to apply to the court</td> <td style="text-align: right;">Rule 59.2</td> </tr> <tr> <td>Hearing of application</td> <td style="text-align: right;">Rule 59.3</td> </tr> </table> <p style="text-align: center;"><i>Scope of this Part</i></p> <p>59.1 (1) This Part deals with applications to the court to review a decision by a magistrate about bail.</p> <p style="padding-left: 40px;">(2) “Magistrate” includes a Justice of the Peace; and</p> <p style="padding-left: 40px;">(3) “the commissioner” means the Commissioner of Prisons.</p> <p style="text-align: center;"><i>How to apply to the court</i></p> <p>59.2 (1) An application under this Part must be in Form 24.</p> <p style="padding-left: 40px;">(2) Where the application is made by the applicant in person while in custody, the application shall be lodged with the Commissioner or, when the applicant appears before a Magistrate, with the Clerk of the Peace.</p> <p style="padding-left: 40px;">(3) The Commissioner or the Clerk of the Peace must forthwith file the application at the court office.</p> <p style="padding-left: 40px;">(4) In all other cases the application must be filed at the court office by the applicant or his attorney.</p> <p style="padding-left: 40px;">(5) The court office must immediately—</p> <p style="padding-left: 80px;">(a) send a copy of the application to the Director of Public Prosecutions;</p> <p style="padding-left: 80px;">(b) fix a date, time and place to hear the application; and</p> <p style="padding-left: 80px;">(c) give notice of such time, date and place to—</p> <p style="padding-left: 120px;">(i) the applicant (if the application was made in person) or his attorney;</p>	Scope of this Part	Rule 59.1	How to apply to the court	Rule 59.2	Hearing of application	Rule 59.3
Scope of this Part	Rule 59.1						
How to apply to the court	Rule 59.2						
Hearing of application	Rule 59.3						

## SCHEDULE—CONTINUED

COLUMN I <i>Number of the Rule</i>	COLUMN II <i>Extent of the Amendment</i>
59.— <i>Cont'd</i>	<p>(ii) the Director of Public Prosecutions; (iii) the Commissioner of Police; and (iv) if the applicant is in custody, the Commissioner.</p> <p><i>Hearing of application</i></p> <p>59.3 (1) The Director of Public Prosecutions is entitled to appear on behalf of the State.</p> <p>(2) The court may confirm, modify or reverse the decision of the Magistrate.</p> <p>(3) The court office must serve a copy of any order on the Commissioner and the Chief Magistrate.”.</p>
60.8 (6)	<p style="text-align: center;">PART 60</p> <p>Renumber subrule after “subrule (4)” as “subrule (5)”.</p>
61.2	<p style="text-align: center;">PART 61</p> <p>Renumber the subrules after “subrule (1)” as “subrule (2)” and “subrule (3)” respectively.</p>
61.6	<p>Renumber subrules after “subrule (6)” as “subrule (7)” and “subrule (8)”.</p>
62.2	<p style="text-align: center;">PART 62</p> <p>Number the subrule after “subrule (1)(b)(ii)” as “subrule (2)”.</p>
62.3 (1)	<p>Delete the words “Bill of Sales Act,” and substitute the words “Bills of Sale Act,”.</p>
62.4 (2)	<p>A. Delete the word “lodge” and substitute the word “lodging”.</p> <p>B. Renumber the paragraph after “paragraph (d)” as “paragraphs (e) and (f)” respectively.</p>
64.1 (2)	<p style="text-align: center;">PART 64</p> <p>In the definition of the words “procedural appeal” insert the word “and” after the word “claim”.</p>
64.4 (2)	<p>Delete the words “a copy” and substitute the words “A copy”.</p>
64.7 (4)	<p>Insert after the word “must” the word “forthwith”.</p>
64.8 (c)	<p>Delete the words “magistrates court,” and substitute the words “magistrates court, petty civil court”.</p>
64.9 (4)	<p>Delete the words “14 days” and substitute the words “28 days”.</p>
64.11 (2) (a)	<p>Delete the figures “64.11” and substitute the figures “64.12”.</p>

## SCHEDULE—CONTINUED

COLUMN I <i>Number of the Rule</i>	COLUMN II <i>Extent of the Amendment</i>
(b)	Delete and substitute the following: “(b) the parties are to file and serve their skeleton arguments”.
(c)	Delete.
64.12 (1)	Delete the words “rules 64.13 and 64.14” and substitute the words “rule 64.13”.
(2)	A. Delete the word “three” and substitute the word “four”. B. Delete the word “two” and substitute the word “three”. C. In subparagraph (i) delete the words “rule 39.6(2)(b)(vi)”.
64.13 (1)	In paragraph (c) delete the words “as required by rule “64.13” and insert the words “or under” after the words “specified by”.
64.14	Delete and renumber the rest of the rules in this part.
PART 65	
65.2 (a) (i)	Insert the words after the word “number” the words “if any”.
65.3 (a) (i)	Insert the words after the word “number” the words “if any”.
65.4 (a) (i)	Insert the words after the word “number” the words “if any”.
(a)	Insert after the words “transmission number” the words “if any”.
65.6 (b)	Delete figures “10.2” and “10.4” and substitute the figures “65.2” and “65.5” respectively.
65.8	Delete the words “rule 65.2, 3 or 4, or order under rule 65.5 or 6” and substitute the words “rule 65.2, 3, 4 or 5 or order under rule 65.6 or 7”.
PART 66	
66.2 (2) (c)	Delete the words “the costs of”.
66.6 (3) (b)	Insert after the word “from” the words “or up to”.
66.7	Delete the words “more than”.
66.9 (5)	A. Delete in paragraph (a) the word “rule” and substitute the words “rule; and”. B. Insert after paragraph (b) the following as subrule 6: “ (6) The notice to the attorney should be in writing unless made at the trial or hearing of the proceedings.”.
PART 67	
67.2	Delete and substitute the following: “ 67.2 (1) Where the court has any discretion as to the amount of costs to be allowed to a party, the sum to be allowed is the

## SCHEDULE—CONTINUED

COLUMN I <i>Number of the Rule</i>	COLUMN II <i>Extent of the Amendment</i>
67.2— <i>Cont'd</i>	<p>amount that the court deems to be reasonable were the work to be carried out by an attorney of reasonable competence and which appears to the court to be fair both to the person paying and the person receiving such costs.</p> <p>(2) Where the court has any discretion as to the amount of costs to be paid to an attorney by his client, the sum allowed is the amount that the court deems to be reasonable and which appears to be fair both to the attorney and the client concerned.</p> <p>(3) In deciding what would be reasonable the court must take into account all the circumstances, including—</p> <ul style="list-style-type: none"> <li>(a) any orders that have already been made;</li> <li>(b) the conduct of the parties before as well as during the proceedings;</li> <li>(c) the importance of the matter to the parties;</li> <li>(d) the time reasonably spent on the case;</li> <li>(e) the degree of responsibility accepted by the attorney;</li> <li>(f) the care, speed and economy with which the case was prepared;</li> <li>(g) the novelty, weight and complexity of the case; and</li> <li>(h) in the case of costs charged by an attorney to his client— <ul style="list-style-type: none"> <li>(i) any agreement that may have been made as to the basis of charging;</li> <li>(ii) any agreement about what grade of attorney should carry out the work;</li> <li>(iii) whether the attorney advised the client and took the client's instructions before taking any unusual step or one which was unusually expensive having regard to the nature of the case.”.</li> </ul> </li> </ul>
67.3 (b) (i)	Delete the words “rule 67.4” and substitute the words “rule 67.5”.
(ii)	Delete the words “rule 67.6” and substitute the words “rule 67.8”.
(iii)	Delete the word “not” and substitute the word “nor”.
67.4 (1)	Delete and substitute the following: “ (1) A party is entitled to the costs set out in Part I of Appendix A.”.
67.5 (1)	Delete the figure “2—5” and substitute the figure “2—4”.
67.5 (2) (b) (iii)	Insert after the word “treated” the words “subject to rule 67.6”.
67.7	Delete the full stop after the word “trial”.

SCHEDULE—CONTINUED

COLUMN I <i>Number of the Rule</i>	COLUMN II <i>Extent of the Amendment</i>
67.8	<p>Insert the following after subrule (4):</p> <p style="padding-left: 40px;">“ (5) A party may apply to vary the terms of an order made under this rule at any time prior to the commencement of the trial but no order may be made increasing the amount of the budgeted costs unless the court is satisfied that there has been a change of circumstances which became known after the order was made.”.</p>
67.9 (1)	Delete the word “budget” and substitute the word “budgeted”.
(1) (d)	Delete the word “must be” and insert the word “is”.
	APPENDIX A
Part I Table 2	In Item (2) delete the word “us” and substitute the word “is”.
Part II	In item (2) renumber the subitems as (i), (ii) and (iii).
	APPENDIX B
	Delete and substitute the following:
	“Appendix B
	Scale of prescribed costs:
	Value of Claim
	not exceeding \$30,000           ...   ...   ...   ...   30%
	exceeding \$30,000 but not exceeding\$50,000           ...   25%
	exceeding \$50,000 but not exceeding \$100,000           ...   20%
	exceeding \$100,000 but not exceeding \$250,000           ...   15%
	exceeding \$250,000 but not exceeding \$500,000           ...   10%
	exceeding \$500,000 but not exceeding\$1m           ...   7.5%
	exceeding \$1m but not exceeding \$2m           ...   ...   5%
	exceeding \$2m but not exceeding \$5m           ...   ...   2.5%
	exceeding \$5m but not exceeding \$10m           ...   ...   1%
	Exceeding \$10m           ...   ...   ...   ...   .5%
	Note: The costs for each stage of the scale are cumulative Example: Claim for \$670,000
	First \$ 30,000           \$ 9,000
	Next \$ 20,000           \$ 5,000
	Next \$ 50,000           \$10,000
	Next \$150,000           \$22,500
	Next \$250,000           \$25,000
	Next \$170,000           \$12,750
	Total <u>\$84,250</u> ”.

## SCHEDULE—CONTINUED

COLUMN I <i>Number of the Rule</i>	COLUMN II <i>Extent of the Amendment</i>
	<b>PART 68</b>
68.6 (1) (b)	Insert after the words “must be” the word “fixed”.
	<b>PART 71</b>
71.	Delete in the “Contents of this part” the words “Notice of claims etc., allowed” and substitute the words “Notice of claims allowed”.
71.1 (a) (ii)	Delete the word “Claims” and substitute the word “claims”.
71.4 (2) (d) (iii)	Delete the words “to be beneficially” and substitute the word “beneficially”.
71.7 (1) (a)	Insert after the word “administration” the words “of the estate of a deceased person”.
71.13 (2)	Delete the word “months” and substitute the word “month”.
71.14	Delete the word “etc” in the subheading.
71.16 (2)	Insert after the word “statutory” the word “rate”.
	<b>PART 74</b>
74.2 (q)	Delete the words “The Act,” and substitute the word “Act,”.
74.9 (3) (a) (ii)	Delete the words “her port of court office” and substitute the words “the port to which she belongs”.
74.9 (7)	A. Delete the words “an claim” and substitute the words “a claim”. B. Delete the words “proceedings has” and substitute the words “proceedings have”.
74.47 (5)	Delete the words “a affidavit” and substitute the words “an affidavit”.
74.19 (3)	In Part One (a) delete the words “court office” and substitute the word “registry”.
74.20 (7)	Delete the words “period is” and substitute the words “period are”.
74.22 (5)	Delete the words “an claim” and substitute the words “a claim”.
75.23 (1)	Delete the words “an claim” and substitute the words “a claim”.
(3) (a)	Delete the words “an claim” and substitute the words “a claim”.
(6)	Delete the words “an claim” and substitute the words “a claim”.
74.24 (3)	Delete the word “claiming” and substitute the word “writing”.
(5)	Delete the word “that” and substitute the word “than”.
(6)	Re-number the rule after this rule as rule (7).

## SCHEDULE—CONTINUED

COLUMN I <i>Number of the Rule</i>	COLUMN II <i>Extent of the Amendment</i>						
(7)	Delete the words "Rule 65.10" and substitute the words "Rule 67.12".						
74.29	Delete the words "an claim" and substitute the words "a claim".						
74.30	Delete the words "proceedings is" and substitute the words "proceedings are".						
74.32 (2)	Re-number the subrule after this subrule as subrule (3).						
(3)	Delete the words "of Act" and substitute the words "of the Act".						
	PART 75						
75.1 (2)	Delete the word "of;" and substitute the word "of,".						
75.3 (2)	Delete the word "of," and substitute the word "of".						
	PART 77						
77.4 (2)	Insert after the word "made" in line 4 the word "under".						
	PART 78						
78.8 78.9	Delete the word "Ordinance" wherever this word occurs and substitute the word "Act".						
	PART 80						
80.	Delete Part 80 and substitute the following: <p style="margin-left: 40px;">"PART 80</p> <p style="margin-left: 40px;"><b>Transitional Provisions</b></p> <p style="margin-left: 40px;"><i>Contents of this part</i></p> <table style="margin-left: 80px; width: 100%;"> <tr> <td>Scope of this part</td> <td style="text-align: right;">Rule 80.1</td> </tr> <tr> <td>New Proceedings</td> <td style="text-align: right;">Rule 80.2</td> </tr> <tr> <td>Old Proceedings</td> <td style="text-align: right;">Rule 80.3</td> </tr> </table> <p style="margin-left: 40px;"><b>Scope of this part</b></p> <p style="margin-left: 40px;">80.1 (1) This part deals with the extent to which the rules of the Supreme Court 1975 ("the 1975 Rules") remain in force after the commencement of these Rules and the way in which actions, matters and other proceedings in existence as at the commencement date may become subjects to these Rules.</p> <p style="margin-left: 80px;">(2) In this part "commencement date" means the date in 1999 fixed by the Rules Committee for the coming into force of these Rules.</p>	Scope of this part	Rule 80.1	New Proceedings	Rule 80.2	Old Proceedings	Rule 80.3
Scope of this part	Rule 80.1						
New Proceedings	Rule 80.2						
Old Proceedings	Rule 80.3						

## SCHEDULE—CONTINUED

COLUMN I <i>Number of the Rule</i>	COLUMN II <i>Extent of the Amendment</i>
	<p><i>New Proceedings</i></p> <p>80.2 These rules apply to all proceedings commenced on or after the commencement date.</p> <p><i>Old Proceedings</i></p> <p>80.3 (1) Subject to (2), these Rules shall also apply to proceedings commenced before the commencement date if:</p> <p>(a) any party to such proceedings at any time after the close of the pleadings and before the case has been listed for trial, files a request at the court office for a case management conference; or</p> <p>(b) (i) some step required to be taken by a party has not been taken within six months of the time prescribed for the taking it, or</p> <p>(ii) a case has not been listed for trial for more than three years after being set down for trial, and the court office issued a notice to all parties requiring them to attend a case management conference.</p> <p>(2) These Rules shall not apply to any proceedings which stands abated under Order 3 rule 6 of the 1975 Rules unless leave to proceed has been granted under that rule.</p> <p>(3) Save as provided in (1) above, the Rules of the Supreme Court, 1975 shall continue to apply to proceedings commenced before the commencement date.”.</p>

The word “shall” deemed to have been substituted for the word “must”

3. In the Civil Proceedings Rules, 1998 and in these Rules the word “must” wherever this word occurs shall be deemed to have been substituted by the word “shall”.

Made by the Rules Committee this 21st day of September, 1999.

M. DE LA BASTIDE  
*Chief Justice*

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

C. BEST  
*Judge of the High Court*

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

R. LAWRENCE MAHARAJ  
*Attorney General*

E. PETERSEN  
*Registrar, Supreme Court*

A. K. FITZPATRICK  
*Attorney-at-law*

I. HARRACKSINGH  
*Attorney-at-law*

Laid in the House of Representatives this 28th day of April, 2000.

J. SAMPSON-JACENT  
*Clerk of the House*

Laid in the Senate this 2nd day of May, 2000.

N. COX  
*Clerk of the Senate*