

NOTICE

BARBADOS SUPREME COURT

PRACTICE DIRECTION

No. 1 of 2013

BACKLOG REDUCTION/STATUS HEARINGS

This Practice Direction is made pursuant to Rules 4.1 and 4.2 (2) of the *Barbados Supreme Court (Civil Procedure) Rules, 2008*.

1.1 In this Practice Direction:

“**Court**” means the High Court and where, the context so admits and in Part 62, the Court of Appeal.

1.2 “**Backlog Case**” means a High Court Civil action filed under the *Rules of the Supreme Court 1982* within the period January 1, 1990 and September 30, 2009 and which remains undetermined.

1.3 For the purposes of this Practice Direction, the powers of the Court may be exercised by a Judge, a Master or the Registrar of the Supreme Court.

2. INTRODUCTORY NOTE

The introduction of the *Barbados Supreme Court (Civil Procedure) Rules, 2008* on the 8th day of August 2008, and the replacement of the *Rules of the Supreme Court 1982* with effect from the 1st day of October 2009 initiated reform in civil procedure which is aimed at more effective and efficient management of all civil cases filed in the Court.

An integral aspect of the reform process is the identification of backlog cases which had not been determined prior to the commencement of the *Supreme Court (Civil Procedure) Rules, 2008*. The Backlog Reduction Project started in 2006 with the conduct of Status Hearings on Inventory Lists of the civil cases that were filed in

the Court from January 1, 1990 to September 30, 2009, under the *Rules of the Supreme Court 1982* the status of which was unknown. The process was, however, not fully completed. It is proposed to re-start the Backlog Reduction Project on a firm procedural basis using a Practice Direction under which the status of these cases will be determined, and steps taken to have “dead” cases disposed of procedurally and “live” cases put on track for trial or other determination within the process that has come into effect with the introduction of the *Supreme Court (Civil Procedure) Rules, 2008*.

3. PROCEDURE FOR BACKLOG REDUCTION

- 3.1 For the purpose of completing the Status Hearings in a timely manner, the Registrar shall forthwith prepare Annual Inventory Lists of backlog cases for the period January 1, 1990 to September 30, 2009. The Lists shall include matters which have been adjourned for report from previous Status Hearings.
- 3.2 The Registrar shall publish in the *Official Gazette*, on the Court’s website and in at least one issue of one newspaper circulating within Barbados, a General Notice to the public informing them of the Backlog Reduction Project and its purposes, and requiring persons with backlog cases to contact their attorney(s)-at-law concerning the status of such cases. The Notice will also alert persons with backlog cases that they and their attorneys-at law will shortly be contacted directly by the Registrar seeking information on the status of those cases. The General Notice will also inform the public that relevant Forms for use in connection with the Practice Direction may be downloaded from the Court’s website at: www.lawcourts.gov.bb.
- 3.3 The Registrar shall give Notice of Intention to Dismiss in Form 1 in the Schedule to this Practice Direction to every party in every backlog case listed in the Annual Inventory Lists prepared in accordance with sub-paragraph 3.1. The Registrar’s Notice shall require every party to give notice to the Registrar of the status of the backlog case by completing Form 2. The Form 1 Notice shall be sent by registered mail to: (a) the last

address of the parties shown in the statement of claim, as well as to (b) the last address of the attorney-at-law for each party as disclosed in the relevant Court file.

- 3.4 An attorney-at-law who receives a Notice under sub-paragraph 3.3 is required to notify his or her client. An attorney-at-law who no longer represents the client shall notify the Registrar of this using Form 2 within **10 days** of receiving the Registrar's Notice.
- 3.5 Where a party intends to proceed with a matter listed in the Annual Inventory Lists prepared under sub-paragraph 3.1, that party must notify the Registrar using Form 2 within **30 days** from the date of receipt of the Registrar's Notice under sub-paragraph 3.3.
- 3.6 On receipt of a Notice in Form 2 of a party's intention to proceed with a backlog case, the Registrar shall fix a date, time and place for a Directions Hearing before the Chief Justice and give all parties 28 days notice of the hearing date.
- 3.7 Where the party does not notify the Registrar of their intention to proceed in accordance with sub-paragraph 3.5, the Chief Justice may issue an Order in Form 3 of the Schedule to this Practice Direction or make such Order as to the Court appears just.
- 3.8 Where parties cannot be contacted through an attorney-at-law, or personally, the Registrar shall cause a Notice of the cases to be published in the *Official Gazette* and on the Court's website.
- 3.9 A Notice under sub-paragraph 3.8 shall direct the parties to attend at the Registration Office in person or by counsel for a Status Hearing before the Registrar to be held on a date to be specified in the Notice, being no less than 30 days from the date of publication of the Notice. Failure to attend the Status Hearing before the Registrar on the date stipulated in the Notice will result in the case being dismissed. When the case is dismissed the Registrar shall issue an Order Dismissing the Action in Form 4.

- 3.10 Where a case has been dismissed under sub-paragraph 3.9, the Registrar shall cause a Notice of Dismissal to be published in the *Official Gazette* and on the Court's website.
- 3.11 Where a party attends the Status Hearing before the Registrar and signifies an intention to proceed with a backlog case, the party shall complete Form 2 and the Registrar shall fix a date, time and place for a Directions Hearing before the Chief Justice and give all parties at least 7 days notice of the hearing.
- 3.12 Where a case is dismissed under sub-paragraph 3.9, any party to the case may apply to the Court for the reinstatement of the case within 30 days of the publication of the Notice of Dismissal in the *Official Gazette* and on the Court's website.
- 3.13 An application for the reinstatement of a case pursuant to sub-paragraph 3.12 shall be made in Form 5 of the Schedule to this Practice Direction.
- 3.14 When the application for reinstatement is heard, the Court may make an Order reinstating the case or confirming its dismissal, with such Order as to costs as to the Court appears just.

4. PRACTICE FORMS

The Practice Forms are contained in the Schedule hereto and may be downloaded from the Court's website at: www.lawcourts.gov.bb.

5. EFFECTIVE DATE

This Practice Direction shall come into effect on the 1st day of February 2013.

Dated this 23rd day of January 2013.



MARSTON C.D. GIBSON
Chief Justice

**SCHEDULE
PRACTICE FORMS**

**Backlog Reduction/Status Hearings
PD No. 1 of 2013.**

Form 1: Notice of Intention to Dismiss Action *[Sub-paragraph 3.3]*

**BARBADOS SUPREME COURT
IN THE HIGH COURT OF JUSTICE**

Suit No. of

BETWEEN

A.B.

Plaintiff

and

C.D.

Defendant

Notice of Intention to Dismiss Action

TAKE NOTICE that you must inform the Registrar of the Status of this Action, using Form 2 in the Schedule to Practice Direction 1 of 2013 within **30 days** from the date hereof;

AND FURTHER TAKE NOTICE THAT if no Notice of Status of the Action in Form 2, is received by the Registrar within **30 days**, the Court will issue an Order in Form 3 dismissing the cause or matter. Form 2 may be downloaded from the Court's website: **www.lawcourts.gov.bb**

AND FURTHER TAKE NOTICE that you are required to inform your client pursuant to this Notice.

Dated the day of , 20.....

BY THE COURT

[SEAL]

REGISTRAR

The Registry is situated at The Law Courts, Whitepark Road,
Bridgetown. Telephone number: 434-9970 Fax: 426-2405

The office is open to the public between 8:30 a.m. and 3:15 p.m.
Mondays to Fridays except on public holidays.

TO: The Plaintiff
Of:

AND TO: Attorney(s)-at-Law for the Plaintiff(s)

TO: The Defendant
Of:

AND TO: Attorney(s)-at-Law for the Defendant(s)

Backlog Reduction/Status Hearings
PD No. 1 of 2013.

Form 2: Notice of Status of the Action [*Sub-paragraphs 3.3, 3.4 and 3.5*]

**BARBADOS SUPREME COURT
 IN THE HIGH COURT OF JUSTICE**

Claim No. **of**

BETWEEN

A.B.

Plaintiff

and

C.D.

Defendant

Notice of Status of the Action

TO: The Registrar
 High Court

TAKE NOTICE THAT with reference to the Notice of Intention to Dismiss issued pursuant to sub-paragraph 3.3 of the Practice Direction:

[] The [Plaintiff(s)] /[Defendant(s)] intend(s) to proceed with this action;

[] The [Plaintiff(s)] /[Defendant(s)] do/does not intend to proceed with the action and wishes to discontinue;

[] The case has been settled and should be discontinued

[] The [Plaintiff(s)] /[Defendant(s)] is/are represented by the undersigned attorney-at-law, but cannot now be located;

[] The [Plaintiff(s)] /[Defendant(s)] is/are no longer represented by the undersigned attorney-at-law.

Dated the day of 20....

.....
([Plaintiff(s)]/[Defendant(s)]
(indicate which)

.....
(Attorney-at-Law)]

Backlog Reduction/Status Hearing
PD No. 1 of 2013.

Form 3: Order by Chief Justice Dismissing Action [Sub-paragraph 3.7]

BARBADOS SUPREME COURT
IN THE HIGH COURT OF JUSTICE

Claim No. **of**

BETWEEN

A.B.

Plaintiff

and

C.D.

Defendant

Order Dismissing Action

AS YOU HAVE NOT NOTIFIED THE REGISTRAR OF YOUR INTENTION TO PROCEED WITH THE ACTION in accordance with the Notice of Intention to Dismiss issued herein on the.....day of.....20....

IT IS HEREBY ORDERED by the Chief Justice that this action is dismissed.

Dated the day of 20....

BY THE COURT

[SEAL]

REGISTRAR

The Registry is situated at The Law Courts, Whitepark Road, Bridgetown. Telephone number: 434-9970 Fax: 426-2405

The office is open to the public between 8:30 a.m. and 3:15 p.m. Mondays to Fridays except on public holidays.

TO:

Attorney(s)-at-Law for the Plaintiff(s)

AND TO:

Attorney(s)-at-Law for the Defendant(s)

Backlog Reduction/Status Hearing
PD No. 1 of 2013.

Form 4: Order by Registrar Dismissing Action [*Sub-paragraph 3.9*]

BARBADOS SUPREME COURT
IN THE HIGH COURT OF JUSTICE

Claim No. **of**

BETWEEN

A.B.

Plaintiff

and

C.D.

Defendant

Order Dismissing Action

AS YOU FAILED TO ATTEND THE STATUS HEARING
BEFORE THE REGISTRAR which took place on theday
of.....20....

IT IS HEREBY ORDERED by the Registrar that this action is
dismissed.

Dated the day of 20....

BY THE COURT

[SEAL]

REGISTRAR

The Registry is situated at The Law Courts, Whitepark Road, Bridgetown. Telephone number: 434-9970 Fax: 426-2405

The office is open to the public between 8:30 a.m. and 3:15 p.m. Mondays to Fridays except on public holidays.

TO: The Plaintiff
Of:

AND TO: The Defendant
Of:

Backlog Reduction/Status Hearings
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Form 5: Notice of Application for Reinstatement of Action [*Sub-paragraphs 3.12 and 3.13*]

BARBADOS SUPREME COURT
IN THE HIGH COURT OF JUSTICE

Claim No. **of**

BETWEEN

A.B.

Plaintiff

and

C.D.

Defendant

Notice of Application for Reinstatement of Action

TAKE NOTICE that the [Plaintiff(s)/Defendant(s)] applies pursuant to sub-section 3.12 of the Practice Direction for an Order for Reinstatement of this Action which was dismissed by Order of the Registrar dated the day of 20...

Dated the day of 20....

(Attorney-at-Law for the [Plaintiff(s)]/Defendant(s))
(indicate which)

TO: The Registrar
High Court

AND TO:

Attorney(s)-at-Law for the Defendant(s)/Plaintiff(s)