

PRACTICE DIRECTIONS

SUMMONS FOR DIRECTIONS

Regrettably the practice has developed whereby the hearing of a Summons for Directions has come to be treated as a meaningless formality at which a standard order giving the minimum of directions is made, usually by consent. The order made typically does nothing to achieve the purpose of the summons for directions which, according to Order 25 Rule 1, is to provide an occasion for the court:

- (a) to deal with all the matters which must or can be dealt with on interlocutory applications and have not already been dealt with; and
- (b) to give such directions as to the future course of the action as appear best adapted to secure the just, expeditious and economical disposal thereof.

Attorneys are advised that henceforth summonses for directions will be dealt with in a way which more fully implements and utilizes the provisions of Order 25. The intention is that everything will be done at the hearing of a Summons for Direction to render the matter ready for trial, to ensure that the trial will proceed as smoothly as possible, and to prevent matters being placed on the list of cases awaiting trial until these objectives have been achieved. For the guidance of the profession notice is given that the practice at the hearing of a summons for directions will be subject to such variation as the circumstances of a particular case may call for, be as follows: -

(a) **Appointments:**

Registrar will sit in Port of Spain in the West Court, each day from Monday to Thursday from 9.00 a.m., to hear summonses, in San Fernando on Mondays and Wednesdays from 9.00 a.m. and in Tobago on Tuesdays from 9.00 a.m. Upon filing, each summons will be given a specific time of hearing. Request for adjournments should be made well in advance of the date of hearing so that appointments can be re-scheduled.

(b) **Matters to be considered under Summons for Directions:**

At the hearing of a Summons for Directions the Court shall give due consideration to, and make appropriate orders in respect of, any or all of the following matters: -

- (i) Amendment of pleadings.
- (ii) Discovery and inspection
- (iii) Limiting and defining (by agreement, if possible) the issues to be decided at the trial.

- (iv) The witness to be called at the trial and the matters to which they will testify.
- (v) The preparation of an agreed bundle of documents.
- (vi) Proof or agreement of special damages.
- (vii) Expert evidence.
- (viii) The length of the trial.

Attorneys are therefore expected to be prepared to respond at the hearing of the Summons for Directions to inquire about any of these matters and to be familiar with the issues in the actions and the evidence which they expect to lead at the trial.

(c) Expert Evidence:

Any agreement between the parties as to the expert evidence to be adduced and as to disclosure of reports will be recorded on the Court proceedings. Disclosure of medical reports (including those not yet obtained but anticipated) will normally be ordered to be made within a specific period. Normally disclosure will be ordered on the basis of an exchange of reports.

The Registrar may, however, exceptionally order disclosure of one party's report only or give a party leave to call an expert witness without disclosure of his report, and may grant liberty to the other party to apply subsequently for such disclosure.

Attorneys are asked to co-operate with the new practice in order to achieve the "just, expeditious and economical disposal" of actions.

This Practice Direction will remain in force until the commencement of the Civil Proceedings Rules, 1998.

Dated this 13th day of April 1999.

M.A. de la Bastide
Chief Justice