



# TRINIDAD AND TOBAGO GAZETTE

## (EXTRAORDINARY)

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THE FOLLOWING HAS BEEN ISSUED:

HOUSE OF REPRESENTATIVES PAPER NO. 5 OF 2003—Second Report (2003/2003 Session) of the Finance Committee of the House of Representatives of the Republic of Trinidad and Tobago on proposals for the Supplementation and Variation of the 2003 Appropriation—(\$2.40).

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### SUPPLEMENT TO THIS ISSUE

THE DOCUMENTS detailed hereunder have been issued and are published as a Supplement to this issue of the *Trinidad and Tobago Gazette*:

#### *Legal Supplement Part B—*

Traffic Restriction (Temporary Provisions) (Formal Opening of the 2003–2004 Law Term of the Supreme Court of the Republic of Trinidad and Tobago) Order 2003—(Legal Notice No. 124 of 2003).

Proclamation—No. 17 of 2003—(Legal Notice No. 125 of 2003).

Proclamation—No. 18 of 2003—(Legal Notice No. 126 of 2003).

Proclamation—No. 19 of 2003—(Legal Notice No. 127 of 2003).

Proclamation—No. 20 of 2003—(Legal Notice No. 128 of 2003).

Proclamation—No. 21 of 2003—(Legal Notice No. 129 of 2003).

Proclamation—No. 22 of 2003—(Legal Notice No. 130 of 2003).

Proclamation—No. 23 of 2003—(Legal Notice No. 131 of 2003).

Proclamation—No. 24 of 2003—(Legal Notice No. 132 of 2003).

Proclamation—No. 25 of 2003—(Legal Notice No. 133 of 2003).

Proclamation—No. 26 of 2003—(Legal Notice No. 134 of 2003).

Proclamation—No. 27 of 2003—(Legal Notice No. 135 of 2003).

Proclamation—No. 28 of 2003—(Legal Notice No. 136 of 2003).

Proclamation—No. 29 of 2003—(Legal Notice No. 137 of 2003).

Proclamation—No. 30 of 2003—(Legal Notice No. 138 of 2003).

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### APPOINTMENT TO ACT AS MINISTER OF PUBLIC ADMINISTRATION AND INFORMATION

IT IS HEREBY NOTIFIED for general information that His Excellency the President, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in him by subsection (2) of section 79 of the Constitution of the Republic of Trinidad and Tobago, has appointed MR. MARTIN JOSEPH, a Senator, to act in the Office of Senator the Honourable DR. LENNY SAITH, Minister of Public Administration and Information, with effect from 10th August, 2003 and continuing during the absence from Trinidad and Tobago of the said Senator the Honourable Dr. Lenny Saith, in addition to the discharge of his normal duties.

H. HEMNATH  
Secretary to His Excellency  
the President

6th August 2003.

## SUPREME COURT OF JUDICATURE OF TRINIDAD AND TOBAGO

## PRACTICE DIRECTION

APPLICATIONS FOR *EX PARTE* ORDERS

Over the years experience has shown that *ex parte* applications, whether for the grant or discharge of injunctions, Mareva or Anton Piller Orders or other similar urgent orders, have not been treated in a consistent manner as far as the practice for applying for them is concerned. In many instances it has resulted in a waste of judicial time and unnecessary expense.

In order to provide a uniform approach to such applications and to save time, the Chief Justice issues the following Practice Direction pursuant to the provisions of Order 1, Rule 10(2) of the Orders and Rules of the Supreme Court of Judicature of Trinidad and Tobago, 1975:

Effective from September 16, 2003—

- (1) The standard procedure suitable for all ordinary *ex parte* applications for an injunction, Anton Piller Order or other urgent *ex parte* relief including *ex parte* applications to discharge same, will be that the applicant shall file the appropriate documents and shall notify the Registrar or the Clerk to the Judges of his readiness to make the application by 3:00 p.m. on the day before the application is made. The application will be heard on the following day at a time to be fixed by the Judge or Master (where appropriate) hearing the application.
- (2) There will be some cases where the 3:00 p.m. deadline specified in paragraph (1) cannot be met and the urgency is too great to permit up to 24 hours delay. Such applications should be dealt with in one of the following ways:
  - (i) The applicant shall file the appropriate documents together with a certificate signed by the attorney-at-law on record for the applicant or by the applicant if he acts in person certifying that the application is of extreme urgency and shall notify the Registrar or the Clerk to the Judges of his readiness to make the application by 1:30 p.m. The application will be heard on the same day, at a time to be fixed by the Judge or Master (where appropriate) hearing the application.
  - (ii) In the very rare case where the application is of such urgency as to preclude the foregoing procedure the applicant may give notice to the Clerk to the Judges or the Registrar and the application will be heard promptly. In such a case the applicant's counsel or the applicant if he appears in person must be prepared to justify taking this exceptional course.
- (3) Attention is drawn to the provisions of Order 29, Rule 1, which ordinarily requires the issue of a writ or originating summons and the swearing of an affidavit in support of an *ex parte* application for an injunction before it is made.

The affidavit in support should contain a clear and concise statement:

- (a) of the facts giving rise to the claim in the proceedings;
  - (b) of the facts giving rise to the claim for interlocutory relief;
  - (c) of the facts relied on as justifying the application *ex parte*, including some details of any notice given to the other party or, if none has been given, the reasons for giving none;
  - (d) of any answer asserted by the other party (or which he is thought likely to assert) either to the claim in the proceedings or to the claim for interlocutory relief;
  - (e) of any facts known to the applicant which might lead the Court not to grant relief *ex parte*;
  - (f) of the precise relief sought.
- (4) Applicants for *ex parte* relief should prepare and lodge with the papers relating to the application a draft of the order sought (in duplicate). Such a draft should specify the precise relief which the Court is asked to grant. While the undertakings required of an applicant will vary widely from case to case, he will usually be required:
    - (a) to give an undertaking in damages;
    - (b) in an application of Mareva type, to notify the other party of the terms of the order forthwith, and to pay the reasonable costs and expenses incurred in complying with the order by any third party to whom notice of the order is given;
    - (c) in the exceptional case where proceedings may not have been issued, to issue the same forthwith;
    - (d) in the exceptional case where an affidavit has not been sworn, or where the facts have been placed before the Court orally, to procure the swearing and filing of the affidavit or the verification on affidavit of the facts outlined orally in the Court.

Dated this 25th day of June, 2003.

S. SHARMA  
Chief Justice