

HIGH COURT ACT 1991

**RULES OF THE HIGH COURT OF JUSTICE 2009**

*Laid before Tynwald  
Coming into operation*

*16<sup>th</sup> June 2009  
1st September 2009*

The Deemsters make these Rules under section 25 of the High Court Act 1991 and the other statutory provisions specified in Schedule 1.

**PART 1 :     INTRODUCTORY**

**1.1     Title and commencement**

- (1)     The title of these Rules is the Rules of the High Court of Justice 2009.
- (2)     Subject to paragraph (3), these Rules shall come into operation on 1st September 2009.
- (3)     If on that date sections 3 to 5 of the Company Officers (Disqualification) Act 2009 have not yet come into operation, rules 13.59 to 13.66 shall come into operation on such date as those sections come into operation.

**1.2     The overriding objective (1.1-1.3)**

- (1)     These Rules are a new procedural code with the overriding objective of enabling the High Court to deal with cases justly.
- (2)     Dealing with a case justly includes, so far as is practicable —
  - (a)     ensuring that the parties are on an equal footing;
  - (b)     saving expense;
  - (c)     dealing with the case in ways which are proportionate to —
    - (i)     the amount of money involved;
    - (ii)    the importance of the case;
    - (iii)   the complexity of the issues; and
    - (iv)    the financial position of each party;
  - (d)     ensuring that it is dealt with expeditiously and fairly; and
  - (e)     allotting to it an appropriate share of the court's resources, while taking into account the need to allot resources to other cases.
- (3)     The court shall seek to give effect to the overriding objective when it exercises any power given to it by these Rules.
- (4)     The parties are required to help the court to further the overriding objective.

**1.3     Application of rules (2.1)**

- (1)     Subject to paragraph (2), these Rules apply to all proceedings in the High Court.
- (2)     These Rules do not apply to proceedings to which any of the following rules apply, except to the extent that those rules otherwise provide —
  - (a)     the Companies (Winding Up) Rules 1934;

- (b) the Election Petition Rules 1951;
- (c) Orders 44, 44A, 51D, 51E and 51F of the Rules of the High Court of Justice 1952;
- (d) the Probate Rules 1988;
- (e) the Parental Responsibility Agreement Rules 1992;
- (f) the Mental Health Rules 1998;
- (g) the Adoption Rules 2003;
- (h) the Rules of the High Court (Matrimonial Proceedings) 2004.
- (3) This rule is subject to —
  - (a) any transitional provisions having effect under the Administration of Justice Act 2008, and
  - (b) the transitional provisions in Part 15.

#### **1.4 Interpretation (2.3)**

- (1) In these Rules —
  - ‘act’ includes an omission;
  - ‘advocate’ includes —
    - (a) a firm of advocates; and
    - (b) a recognised body;
  - ‘additional claim’ means a claim other than a claim by a claimant against a defendant, and includes —
    - (a) a counterclaim by a defendant against the claimant or against the claimant and some other person;
    - (b) a claim by a defendant against any person (whether or not already a party) for contribution or indemnity or some other remedy; and
    - (c) where an additional claim has been made against a person who is not already a party, any claim made by that person against any other person (whether or not already a party);
- and ‘additional claimant’ and ‘additional defendant’ have corresponding meanings;
- ‘the Appeal Division’ means the Staff of Government Division;
- ‘application notice’ means a document in which the applicant states his intention to seek an order of the court;
- ‘assisted person’ means a person receiving legal aid under Part I of the Legal Aid Act 1986;
- ‘the chancery procedure’ is the procedure referred to in rule 5.1(1)(c);
- ‘civil restraint order’ means an order under Chapter 11 of Part 2 restraining a party from issuing certain claims or making certain applications;
- ‘claim for personal injuries’ means proceedings in which there is a claim for damages in respect of personal injuries to the claimant or any other person or in respect of a person’s death, and ‘personal injuries’ includes any disease and any impairment of a person’s physical or mental condition;
- ‘claimant’ means a person who makes a claim;
- ‘commencement’ means the date specified in rule 1.1;
- ‘costs officer’ means —
  - (a) the Chief Registrar; or

(b) any other person (whether or not a court officer), other than a judge, authorised by the First Deemster to carry out any functions relating to the assessment of costs;

‘the court’ means the High Court;

‘the court office’ means the division of the General Registry dealing with the business of the court;

‘the court website’ means such website as the Chief Registrar for the time being maintains for the purposes of the business of the court;

‘court officer’ means an officer of the court (other than a judicial officer);

‘court order’ means an order of the court;

‘defendant’ means a person against whom a claim is made;

‘deponent’ means a person who gives evidence by affidavit;

‘directions’, in relation to any case, means directions for the management of the case;

‘directions questionnaire’ means a questionnaire for supplying information to assist the court in giving directions;

[subs (1) ‘directions questionnaire’ added by SD 686/09]

‘fatal accident claim’ means a claim brought under the Fatal Accidents Act 1981;

‘filing’, in relation to a document, means delivering it, by post or otherwise, to the court office;

‘firm’, in relation to an advocate, includes a recognised body of which the advocate is a member or employee;

‘instalment order’ means a court order that an amount of money be paid by instalments;

‘judge’ means a Deemster or judicial officer;

‘judicial officer’ means a judicial officer of the court;

‘the jurisdiction’ means the Island and any part of the territorial waters adjoining the Island;

‘litigation friend’ means a person by whom proceedings are conducted on behalf of a minor or a patient in accordance with Chapter 4 of Part 3;

‘note’, in relation to a judgment or decision, includes a transcript;

‘the ordinary procedure’ is the procedure referred to in rule 5.1(1)(d);

‘patient’ means a person who by reason of mental disorder within the meaning of the Mental Health Act 1998 is incapable of managing and administering his property and affairs;

‘practice direction’ means a direction given under section 27A of the High Court Act 1991;

‘prescribed fee’, in relation to any matter, means a fee fixed with respect to that matter under the Fees and Duties Act 1989;

‘prescribed form’ means a form prepared or approved under section 27B of the High Court Act 1991, and in relation to any matter means a form so prepared or approved with respect to that matter;

‘recognised body’ means a body corporate for the time being recognised under section 26 of the Advocates Act 1995;

‘senior position’ shall be construed in accordance with paragraph (3);

‘the small claims procedure’ is the procedure referred to in rule 5.1(1)(a);

‘statement of case’ —

- (a) means a claim form, particulars of claim where these are not included in a claim form, a defence, an additional claim, or a reply to defence; and
- (b) includes any further information given in relation to them voluntarily or by a court order under rule 6.44;

‘statement of value’ means a statement of the value of a claim to be included in a claim form pursuant to rule 6.10;

‘the summary procedure’ is the procedure referred to in rule 5.1(1)(b);

‘summary judgment’ means a decision on a claim or a particular issue without a trial in accordance with Chapter 6 of Part 10;

‘trial bundle’ means the set of copies of documents referred to in rule 9.5.

(2) A reference in these Rules to an Act of Parliament or to a provision of an Act of Parliament is a reference to that Act or provision as it has effect in the Island.

(3) Any reference in these Rules to a person holding a senior position in a company or other corporation is to any of the following persons —

- (a) in relation to a company registered under the Companies Act 1931 or the Companies Act 2006, a director, the treasurer, secretary, chief executive, manager or other officer of the company;
- (b) in relation to a company to which Part XI (overseas companies) of the Companies Act 1931 applies —
  - (i) a person mentioned in (a) above, or
  - (ii) a person mentioned in section 313(1)(c) (person notified as authorised to accept service) of that Act;
- (c) in relation to a Department, any officer mentioned in paragraph 4(4) of Schedule 1 to the Government Departments Act 1987;
- (d) in relation to any other corporation, the chairman, president, chief executive, director, clerk, secretary or similar officer of the corporation.

(4) For the avoidance of doubt, in these Rules ‘officer of the court’ does not include an advocate in his capacity as such.

## SCHEDULE 1 — ADDITIONAL RULE-MAKING POWERS

<i>Act</i>	<i>Provision</i>
Access to Health Records and Reports Act 1993	s.7(1) (time-limit for application for order to comply with Act)
Access to Neighbouring Land Act 1993	s.4(3) (procedure for application where respondent unknown)
Acquisition of Land Act 1984	s.28(5) and Sch.2 para.3 (investment of compensation paid into court)
Action of Arrest Act 1953	s.10 (procedure for action of arrest)
Administration of Justice Act 1981	s.9(2) & (4)(b) (interest) s.14(1) (application for garnishee order) s.15(3) (register of judgments: meaning of 'default action') s.27 (instalment orders) s.28(1) (application for attachment of earnings order) s.29(5) (power of court officer to revive attachment of earnings order) s.32(2) (power of court officer to give direction to debtor) s.34 (attachment of earnings orders: general) s.38(3) (rules may make consequential amendments or repeals) Sch.1 para.12 (claim to proceeds of sale of property arrested)
Administration of Justice Act 2008	s.10 (notice of proposal to adduce hearsay evidence) s.11 (cross-examination on hearsay evidence) s.19 (hearsay evidence — rules)
Advocates Act 1995	s.23(1) (assessment of advocate's bill by Chief Registrar) s.24(1) (appeal against decision of Chief Registrar)
Agricultural Holdings Act 1969	s.20(2) (appeal against decision of Land Court)
Agricultural Holdings and Dwellings Act 1951	s.4(2) (appeal to Staff of Government Division against decision of High Bailiff)
Anti-Terrorism and Crime Act 2003	Sch.2 para.13 (registration and enforcement of UK forfeiture order) Sch.4 para.5 (account monitoring orders: procedure) Sch.5 para.9(2) (production of materials for purpose of terrorist investigation) Sch.6 para.4 (financial information orders: procedure) Sch.13 para.16 (security of pathogens &c: appeal procedure)
Arbitration (International Investment Disputes) Act 1983	s.1(6) (application for registration of award) s.2(2) (staying of execution of award)
Arbitration Act 1976	s.12 (reference to special referee) s.35(3) (evidence for enforcement of foreign award)
Architects Act 1976	s.9(1) (appeal from decision of DLGE as to registration)

<i>Act</i>	<i>Provision</i>
Building Control Act 1991	s.18(6) (joinder of building authority on claim for compensation)
Charities Registration Act 1989	s.4(4) (application as to status of registered charity)
Child Custody Act 1987	s.32 (child abduction: Hague Convention) s.39(2) & (3) (persons to be notified of application for variation &c) s.46 (child abduction: Custody Convention)
Children and Young Persons Act 2001	s.7(7) (recording of disclaimer of guardianship) s.12(2) (persons entitled to apply for residence or contact order) s.20(2) (expiry of wardship)
Companies Act 1931	s.341 (prescribed matters)
Control of Employment Act 1975	s.5(6) (appeal from tribunal)
Copyright Act 1991	s.113(3) (notice of application for disposal of infringing copy)
Criminal Justice Act 2001	Sch.2 paras.1(4) & 4(2) (time limit for notice disputing criminality of alleged offence abroad) Sch.4 para.3(2) (time limit for notice disputing criminality of alleged offence abroad)
Data Protection 2002	s.42(2) (notice of leave to serve enforcement notice)
Design Right Act 1991	s.19(3) (notice of application for disposal of infringing article)
Dogs Act 1990	s.29(6) (claim against keeper: time limit for defence)
Employment Act 2006	s.160(1) (time limit for appeal on question of law)
Employment Agencies Act 1975	s.4(5) (appeal from tribunal)
Estate Agents Act 1975	s.4(2) (appeal from decision of DLGE as to registration) Sch.1 para.3 (appeal to Staff of Government Division)
Evidence Act 1983	s.2 (rules as to expert evidence) s.3(1) (admissibility of expert opinion) s.4(3) (notice of intention to cite decision on foreign law)
Fire Precautions Act 1975	Sch.6 para.9 (appeal from order of court of summary jurisdiction)
High Court Act 1991 s1	s.2(5) (rules may create or abolish Divisions) s.3(3) & (5) (jurisdiction of judges) s.5(2) & (3) (times and places of sittings) s.11 (appeal jurisdiction) s.12(1) (distribution of business) s.13 (hearing in chambers) s.15(1), (2) (jurisdiction exercisable by officers &c) s.15(3) (officer's decision appealable) s.16(1) (reference to adjudication without order) s.16(2) (reference to adjudication by order) s.16(4) (time limit for applying to set aside award)

*Act*

*Provision*

	s.16A(2) (representation of body corporate)
	s.17A(1) (reference to mediation)
	s.18(2) (distribution of appeal business)
	s.18(5) (application of enactments in relation to criminal appeals)
	s.19A(1)-(3) (leave to appeal)
	s.19B((1) & (3) (powers in relation to appeals)
	s.21(1) (appeal lies to Staff of Government Division unless rules provide otherwise)
	s.21(2) (rules may provide for appeal to Division appealed against)
	s.21A (power of Appeal Division to award damages)
	s.22(5) (single judge may hear interlocutory matters relating to appeals)
	s.26(1) & (2) (rules of court may provide for decisions to bind non-parties)
	s.27 (rules of court: particular matters )
	s.27A(4) (practice directions)
	s.27B(2) (forms)
	s.31(4) (interest on funds in court)
	s.33(2) (award of provisional damages)
	s.34(1) & (2) (powers exercisable before commencement of action)
	s.35(2) & (3) (powers of court in personal injury cases)
	s.36(2) & (3) (supplementary to ss.34 & 35)
	s.40(1) & (2) (power to order interim payment)
	s.41(1), (3) & (5) (interest on debt or damages)
	s.53(1), (3) & (5) (general provision as to costs)
	s.54(1) (costs of litigants in person)
	Sch.1 para.1 (cases within admiralty jurisdiction)
	Sch.1 para.8A(3) (rules as to security on stay of proceedings)
	Sch.1 para.24 (service outside jurisdiction)
Hire Purchase Act 1939	s.13(2) (parties to actions for possession of goods)
Hire Purchase Act 1955	s.2(3) (acceptance of offer to postpone order)
Housing Act 1955	s.77(1) (authorisation to carry out works on unfit houses etc.)
Housing Improvement Act 1975	s.17(3) (appeal to Staff of Government Division against decision on rents)
Human Rights Act 2001	s.5(1) & (2) (notice to or by Attorney General)
	s.7(2) (appropriate court or tribunal)
	s.9(1) (forum for questioning judicial act)
	s.17(1) (definition of ‘rules’)
Inquiries (Evidence) Act 2003	s.5(3) (assessment of costs of inquiry)

<i>Act</i>	<i>Provision</i>
International Criminal Court Act 2003	Sch.5 para.5(2) (proceeds of ICC crimes: production or access orders)
Judgments (Reciprocal Enforcement) (Isle of Man) Act 1968	s.3 (procedure for enforcement of judgment) s.9(1) (supply of copy judgment for enforcement abroad)
Jury Act 1980	s.18 (time limit for application for trial by jury)
Land Registration Act 1982	s.7 (appeal to Staff of Government Division against decision of Land Commissioner) Sch.10 para.9 (procedure for compensation claims)
Landlord and Tenant Act 1954	s.16(5) (application for postponement of possession order)
Law Reform Act 1997	s.15(2) (defamation: summary of judgment) s.16(1) (defamation: summary disposal) s.24(1) assumed rate of return on damages
Minerals Act 1986	s.19(8) (disposal of compensation paid into court) Sch.2 para.12(2) (disposal of compensation paid into court)
Multilateral Investment Guarantee Agency Act 1989	s.2(1) (evidence of award) s.3 (application for registration of award &c)
Partition Act 1931	s.9 (applications for partition)
Performers Protection Act 1996	s.26(3) (notice of application for disposal of illicit article)
Proceeds of Crime Act 2008	s.138(1) (rules of court for Part 2) s.168(2) (production orders) s.179(2) (disclosure orders) s.186(2) (customer information orders) s.192(1) (account monitoring orders) s.193(9) (letters of request) s.217(1) (rules of court for Part 7)
Race Relations Act 2004	s.9(5) (dispensation with notice of application to modify contract)
Shipping Casualties (Inquiries, Investigations and Reports) Act 1979	s.6(3) (requirement to hold re-hearing or appeal) s.10 (re-hearings and appeals)
Small Claims Arbitration (Personal Representation) Act 2006	s.1 (small claims arbitration)
Summary Jurisdiction Act 1989	Sch.4 para.6 (allocation of appeals from courts of summary jurisdiction)
Terrorism (Finance) Act 2009 [added by SD222/10]	s.25 (rules of court: general provisions) s.26 (disclosure)
Torts (Interference with Goods) Act 1981	s.3(3) & (6) (judgment where goods are detained) s.4(2) & (4) (interlocutory relief where goods are detained) s.8(2) (competing rights to goods)
Tourist Act 1975	s.15(3) (appeal to Staff of Government Division against decision of appeal tribunal)

*Act*

Town and Country Planning Act 1999

Trustee Act 1961

Wreck and Salvage (Ships and Aircraft)  
Act 1979

*Provision*

s.37(3) (application for injunction against unknown person)

s.31(3) (rate of interest on legacy)

s.62(1) (disposal of money paid into court by trustees)

s.14(1) (determination of right to wreck)

s.14(2) (appeal to Staff of Government division against determination)

s.21(1) (determination of salvage dispute)