



HIGH COURT ACT 1991

RULES OF THE HIGH COURT OF JUSTICE (AMENDMENT) 2009

*Laid before Tynwald
Coming into operation*

*2009
1st September 2009*

The Deemsters make these Rules under section 23 of the Administration of Justice Act 1981¹, section 25 of the High Court Act 1991² and section 19 of the Administration of Justice Act 2008³.

1. Title and commencement

- (1) The title of these Rules is the Rules of the High Court of Justice (Amendment) 2009.
- (2) These Rules come into operation on 1st September 2009.

2. Amendment of the Rules of the High Court

- (1) The Rules of the High Court of Justice 2009⁴ are amended as follows.
- (2) In rule 1.4(1), after the definition of "directions" insert —
"directions questionnaire" means a questionnaire for supplying information to assist the court in giving directions;"
- (3) In rule 4.1, at the end insert —
"(7) Except where the claim is allocated to the small claims procedure, the court office shall include a directions questionnaire with the copies of the claim form returned to the claimant."
- (4) In rule 5.12 —
 - (a) in paragraph (1)(b), for "at the time, or within 7 days after," substitute "before the expiry of 28 days beginning with the date on which";
 - (b) for paragraph (2) substitute —
 - (2) If the claimant has, before the expiry of the period referred to in paragraph (1)(b), filed a completed directions questionnaire, the court shall without any application —
 - (a) give standard directions;
 - (b) fix the trial date;

¹ 1981 c.8

² 1991 c.12

³ 2008 c.14

⁴ SD 352/09

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- (c) set a timetable for the steps to be taken between the giving of the directions and the trial;
 - (d) give any other directions which it considers appropriate; and
 - (e) serve on each party a notice setting out the standard directions and the matters referred to in sub-paragraphs (b), (c) and (d).
- (3) The claimant must serve a copy of the completed directions questionnaire on each other party to the claim.
- (4) If the claimant has not filed a completed directions questionnaire before the expiry of the period referred to in paragraph (1)(b), the court shall fix a date for a hearing at which it shall take the steps referred to in paragraph (2)(a) to (e); and subject to rule 2.59, the defendant shall be entitled to the costs of that hearing in any event."
- (5) In rule 5.13, for paragraph (2) substitute —
- "(2) A party making an application under paragraph (1) must —
- (a) specify in the application notice the directions, including any standard directions, which he requests the court to make;
 - (b) include in, or file with, the application notice a completed directions questionnaire, unless such a questionnaire has already been filed and the replies previously given were complete and are still correct; and
 - (c) serve a copy of the notice and questionnaire on each other party to the claim."

(6) In rule 5.22 —

 - (a) in paragraph (1), after "immediately when" insert ", or at any time after,";
 - (b) for paragraph (2) substitute —

"(2) Unless otherwise directed, the claimant must —

 - (a) within 7 days after the acknowledgment of service is sent to him in accordance with rule 4.13(b), or
 - (b) if no acknowledgment of service is filed within the period referred to in rule 4.12(2), within 7 days after the expiry of that period,

file a completed directions questionnaire and serve a copy on each other party to the claim.

(2A) A party making an application under paragraph (1) must —

 - (a) specify in the application notice the directions which he requests the court to make;
 - (b) include in, or file with, the application notice a completed directions questionnaire, unless such a questionnaire has already been filed and the replies previously given were complete and are still correct; and
 - (c) serve a copy of the notice and questionnaire on each other party to the claim."

(7) In rule 5.24(2), at the end insert "and include or be accompanied by a completed directions questionnaire (unless such a questionnaire has previously been filed and the replies previously given were complete and are still correct)".

(8) In Schedule 7.1, for paragraph 2(8)(d) substitute —

"(d) The applicant's advocate must arrange for the conference to be recorded on audio tape, or in such digital electronic format as the Chief Registrar may approve, and must send the tape or a copy of the recording, as the case may be, to the court."

(9) In rule 8.24(1), omit "in accordance with the court's order".

(10) In rule 11.16(2)(a)(v), at the end insert "without a hearing";

(11) In rule 12.38(3) —

(a) at the end of sub-paragraph (f) insert "and";

(b) omit the words from "and (h)" onwards.

MADE 27th August 2009

J.M. Kerruish

Her Majesty's First Deemster and Clerk of the Rolls

D.C. Doyle

Second Deemster

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules amend the Rules of the High Court of Justice 2009 by requiring a directions questionnaire to be filed in a contested claim in the summary, chancery or ordinary procedure, to assist the court in giving directions and setting a timetable for the claim. They also make minor amendments and corrections to the Rules.