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JAMAICA GAZETTE

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No. 45G

The following Notifications are, by command of His Excellency the Governor-General, published for general information.

DIONNE TRACEY DANIEL, (MRS.)
Governor-General's Secretary.

JUDICIAL NOTICES

NOTICE OF APPLICATION FOR THE REVIEW OF INMATE HELD AT THE COURT'S PLEASURE FORM IR1 [Rule 75.2(2)]

IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

CLAIM NO.

BETWEEN

APPLICANT

AND

REGINA

RESPONDENT

The Applicant, _____ of _____ seeks the following order:

1. That the Applicant be released unconditionally;
- Or, Alternatively
2. That the Applicant be released on parole with conditions.

The grounds on which the Applicant is seeking the Order are as follows:

1. The Applicant was convicted of murder on.

2. The Applicant has been detained at the Court's Pleasure for over five years;
3. The Applicant has made no application for review in the past two years or any other time;
4. The Applicant has been in custody for years and has been sufficiently punished for his crime;
5. The Applicant has been rehabilitated and is not a danger to society.

The Applicant estimates the likely length of the hearing to be: hours

NOTICE: This application will be heard by a judge on the day of 20 at the Supreme Court, King Street, Kingston at o'clock in the morning/afternoon. If you do not attend this hearing either personally or by an attorney-at-law an order may be made in your absence.

Notice of this application is being given to the following persons:

To:	The Registrar Supreme Court King Street, Kingston	To:	The Director of Public Prosecutions King Street, Kingston
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Dated the Day of 20

Attorney- at-Law for the Applicant

The Registry of the Supreme Court is situate at King Street, Kingston, telephone numbers (876) 922-8300-9, fax (876) 967-0669. The Office is open between 9:00 a.m. to 4:00 p.m. Mondays to Thursdays and 9:00 a.m. to 3:00 p.m. on Fridays, except on public holidays. When corresponding with the Court, please address forms or letters to the Registrar and quote the claim number.

FILED by
of his said Attorney.

Attorney-at-law for and on behalf of the Applicant herein whose address for service is that

ZAILA MCCALLA, O.J.
Chief Justice

SEYMOUR PANTON, O.J., C.D.
President of the Court of Appeal

GLORIA SMITH
Senior Puisne Judge

MR. IAN WILKINSON
Attorney-at-Law

CHARLES PIPER
Attorney-at-Law

CAROLAINA
Attorney-at-Law

CURTIS COCHRANE
Director of State Proceedings

JACQUELINE SAMUELS-BROWN
Attorney-at-Law

CARLENE LARMOND
Attorney-at-Law

DECREE ABSOLUTE

FORM MP 10 [Rule 76.14 (9)]



IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

CLAIM NO. M of

BETWEEN

PETITIONER

AND

RESPONDENT

A Decree Nisi for Dissolution [or Nullity] of Marriage having been granted in these proceedings on the day of [month and year] by the Honourable Justice by which it was decreed that the marriage which took place on the day of [month and year] at [state place] between [Petitioner's full name] (described in marriage certificate as [full name on marriage certificate]) and [Respondent's full name] (described in marriage certificate as [full name on marriage certificate]) [select from the following as is applicable]

be dissolved on the ground that it had broken down irretrievably [where the circumstances are that the marriage has broken down irretrievably]

[or]

is null and void [in the case of nullity of marriage]

[or]

be dissolved by reason of the presumed death of the Respondent [where the circumstances are those of presumption of death and dissolution of the marriage]

and [select from the following as is applicable]

having certified that the arrangements for the custody, maintenance, care and upbringing of the relevant child/children [name of child/children and dates of birth] are satisfactory or are the best that may be devised in the circumstances

[or]

having certified that there are no relevant children and no cause having been shown to the Court why the said decree should not be made absolute, the Court now pronounces and declares the said marriage dissolved and the said Decree Nisi be made Decree Absolute.

Dated this day of 20

Judge

FILED by [specify name, address, telephone and fax numbers of the Attorney-at-Law or firm of Attorneys-at-Law filing the document]

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Chief Justice

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President of the Court of Appeal

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Director of State Proceedings

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Attorney-at-Law

CARLENE LARMOND
Attorney-at-Law

ACKNOWLEDGEMENT OF SERVICE TO CLAIM FORM

FORM 3 Rule (8.16(1)(a))



IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

CLAIM NO.

BETWEEN

CLAIMANT

AND

DEFENDANT

WARNING: If this form is not fully completed and returned to the court at the address below within FOURTEEN days of service of the Claim Form on you¹, the Claimant will be entitled to apply to have the judgement entered against you. See Rules 9.2(5) and 9.3(1). If he does so you will have no right to be heard by the Court except as to the costs or the method of paying any judgement unless you apply to set judgement aside.

- 1. Have you received the Claim Form with the above claim number? YES/NO
- 2. If so, when did you receive it? ___/___/___

- 3. Did you also receive the Claimant's Particulars of Claim? YES/NO
- 4. If so, when did you receive it? / /
- 5. Are your names properly stated on the Claim Form? YES/NO
If not, what are your full names?

.....

1 Except with service out of the jurisdiction—See rule 7.5

- 6. Do you intend to defend the whole claim? YES/NO
If so you must file a Defence within 42 days of the service of the Claim Form on you.
- 7. Do you intend to defend the claim only as to the amount of damages? YES/NO
If you dispute the whole claim or the amount of damages and wish to call evidence regarding the amount, you must file a defence within 42 days of the service of this claim on you.
See Rules 10.2(4) and 10.3(1)
- 8. Do you admit liability to the whole of the claim for an unspecified sum of money? YES/NO
(See Rules 14.8 and 16.3)
- 9. Do you admit liability to a proportion of the claim for an unspecified sum of money? YES/NO
If so, how much do you admit?
If you dispute the balance of the claim you must, also file a Defence within 42 days of service of the Claim Form on you or judgment in default, may be entered against you for the whole amount.
(See Rules 10.2(1); 10.3(1) and 14.7 and 16.3(6).
- 10. Do you admit to the whole of the claim for a specified sum of money? YES/NO
If you do you should consider to either:
(a) pay the claim directly to the Claimant or his attorney-at-law, or
(b) complete the application form to pay the claim by instalments if you are an individual.
(See Rules 14.6 and 14.9)
- 11. Do you admit any part of the claim for a specified sum of money? YES/NO
- 12. If so how much do you admit?
You may—
(a) pay the money that you admit directly to the Claimant or his attorney-at-law; or
(b) complete the application form to pay him by instalments, if you are an individual;
(c) if you dispute, the balance of the amount you must, file a Defence within 42 days of service of the Claim Form on you or judgment may be entered against you for the whole amount claimed.
See Rules 10.2(1); 10.3(1) and 14.7

13. What is your own address?
.....
.....

14. What is your address for service?
If you are acting in person you must give an address to which documents may be sent either from other parties or from the court. You should also give your telephone number and fax number if any.
.....
.....
.....

Dated this day of 20

 [Defendant in Person]
 [Defendant's Attorney-at-Law]

FILED by (specify name, address and contact information of the Attorney-at-Law or firm of Attorneys-at-Law filing the Acknowledgement of Service).

- ZAILA MCCALLA, O.J.
Chief Justice
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- CARLENE LARMOND
Attorney-at-Law

THE JUDICATURE (CASE MANAGEMENT IN CRIMINAL CASES) RULES, 2011

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The scope of these rules

1. These rules apply to the management of each case in a Circuit Court until the conclusion of that case.

The duty of the court

2.

- (1) The court must actively manage each case that comes before it.
- (2) Active case management includes—
 - (a) the early identification of the real issues;
 - (b) the early identification of the needs of witnesses;
 - (c) achieving certainty as to what must be done, by whom, and when, in particular by the early setting of a timetable for the progress of the case;

- (d) monitoring the progress of the case and compliance with directions;
- (e) ensuring that evidence, whether disputed or not, is presented in the shortest and clearest way;
- (f) discouraging delay, dealing with as *many* aspects of the case as possible on the same occasion, and avoiding unnecessary hearings;
- (g) encouraging the participants to co-operate in the progression of the case; and
- (h) making use of technology.

(3) The court must actively manage the case by giving any direction appropriate to the needs of that case as early as possible.

The duty of the parties

3

Each party must—

- (a) actively assist the court in fulfilling its duty under rule 2, without or if necessary with a direction; and
- (b) apply for a direction if needed to further the effective management of cases.

Case progression officers and their duties

4

- (1) At the beginning of the case each party must, unless the court otherwise directs—
 - (a) nominate an individual responsible for progressing that case; and
 - (b) tell other parties and the court who that person is and how to contact him/her.
- (2) In fulfilling its duty under rule 2, the court must where appropriate —
 - (a) nominate a court officer responsible for progressing the case; and
 - (b) make sure the parties know that person is and how to contact him/her
- (3) In these rules a person nominated under this rule is called a case progression officer.
- (4) A case progression officer must—
 - (a) monitor compliance with directions;
 - (b) make sure that the court is kept informed of events that may affect the progress of that case;
 - (c) make sure that he/she can be contacted promptly about the case during ordinary business hours;
 - (d) act promptly and reasonably in response to communications about the case; and
 - (e) if he/she will be unavailable, appoint a substitute to fulfil his/her duties and inform the other case progression officers.

The court's case management powers

5

- (1) In fulfilling its duty under rule 2 the court may give any direction and take any step actively to manage a case unless that direction or step would be inconsistent with legislation.
- (2) In particular, the court may—
 - (a) nominate a judge to manage the case;
 - (b) give a direction on its own initiative or on application by a party;
 - (c) ask or allow a party to propose a direction;
 - (d) for the purpose of giving directions, receive applications and representations by letter, by telephone or by any other means of electronic communication, and conduct a hearing by such means;
 - (e) give a direction without a hearing;
 - (f) fix, postpone, bring forward, extend or cancel a hearing;
 - (g) shorten or extend (even after it has expired) a time limit fixed by a direction;
 - (h) require that issues in the case should be determined separately, and decide in what order they will be determined; and
 - (i) specify the consequences of failing to comply with a direction.
- (3) Any power to give a direction under this Part includes a power to vary or revoke that direction.
- (4) If a party fails to comply with a rule or a direction, the court may —
 - (a) fix, postpone, bring forward, extend, cancel or adjourn a hearing; and
 - (b) impose such other sanction as may be appropriate.

Application to vary a direction

6

- (1) A party may apply to vary a direction if—
 - (a) the court gave it without a hearing;
 - (b) the court gave it at a hearing in his/her absence; or
 - (c) circumstances have changed.
- (2) A party who applies to vary a direction must—
 - (a) apply as soon as practicable after becoming aware of the grounds for doing so; and
 - (b) give as much notice to the other parties as the nature and urgency of the application permits.

Agreement to vary a time limit fixed by a direction

7

- (1) The parties may agree to vary a time limit fixed by a direction, but only if—
 - (a) the variation will not—
 - (i) affect the date of any hearing that has been fixed, or
 - (ii) significantly affect the progress of the case in any other way;
 - (b) the court has not prohibited variation by agreement; and
 - (c) the court's case progression officer is promptly informed.
- (2) The court's case progression officer must refer the agreement to the court if he doubts the condition in paragraph (1)(a) is satisfied.

Case preparation and progression

8

- (1) At every hearing, if a case cannot be concluded there and then the court must give directions so that it can be concluded at the next hearing or as soon as possible after that.
- (2) At every hearing the court must, where relevant—
 - (a) if the defendant is absent, decide whether to proceed nonetheless;
 - (b) take the defendant's plea (unless already done) or if no plea can be taken then find out whether the defendant is likely to plead guilty or not guilty;
 - (c) set, follow or revise a timetable for the progress of the case, which may include a timetable for any hearing including the trial itself;
 - (d) in giving directions, ensure continuity in relation to the court and to the parties' representatives where that is appropriate and practicable; and
 - (e) where a direction has not been complied with, find out why, identify who was responsible, and take appropriate action.
- (3) In order to prepare for a trial in the Circuit Court, the court must conduct a plea and case management hearing unless the circumstances make that unnecessary.

Readiness for trial

9

- (1) This rule applies to a party's preparation for trial and in this rule and rule 10 trial includes any hearing at which evidence will be introduced.
- (2) In fulfilling his duty under rule 3, each party must—
 - (a) comply with directions given by the court;
 - (b) take every reasonable step to make sure his witnesses will attend when they are needed;
 - (c) make appropriate arrangements to present any written or other material; and
 - (d) promptly inform the court and the other parties of anything that may—
 - (i) affect the date or duration of the trial, or
 - (ii) significantly affect the progress of the case in any other way.
- (3) The court may require a party to give a certificate of readiness.

Conduct of a trial

10

In order to manage a trial—

- (a) the court must establish, with the active assistance of the parties, what a issues they intend to explore; and

- (b) the court may require a party to identify—
- (i) which witnesses that party wants to give oral evidence,
 - (ii) the order in which that party wants those witnesses to give their evidence,
 - (iii) whether that party requires an order compelling the attendance of a witness,
 - (iv) what arrangements are desirable to facilitate the giving of evidence by a witness,
 - (v) what arrangements are desirable to facilitate the participation of any other person, including the defendant,
 - (vi) what written evidence that party intends to introduce,
 - (vii) what other material, if any, that person intends to make available to the court in the presentation of the case,
 - (viii) whether that party intends to raise any point of law that could affect the conduct of the trial, and
 - (ix) what timetable that party proposes and expects to follow.

Case management forms and records

11

- (1) The case management forms set out in the Appendix to these rules must be used, but where there is no form prescribed then no specific formality is required.
- (2) The court must make available to the parties a record of directions given.

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THE RULES COMMITTEE
CIVIL PROCEDURE RULES, 2002
APPROVED AMENDMENTS, 2011

<u>PART/RULE</u>	<u>SUBJECT</u>	<u>AMENDMENT</u>
Part 3.5(1)	Time - Vacations	Amend to read:— During the long vacation, the time prescribed for filing and serving any statement of case <i>other than the claim form</i> , or the particulars of claim contained in or served with the claim form, does not run.
3.12	Statement of case— certificate of truth	Insert after the words “attorney-at-law” in 3.12(3) the following: In the case of the Attorney General, the certificate of truth may be given by his or her Attorney-at-Law

PART/RULE	SUBJECT	AMENDMENT
		Amend rules 3.12(4)(a) and 3.12(4)(b) to read as follows: 3.12(4)(a) the reason why it is impractical for the lay person or the Attorney General, as the case may be, to give the certificate. 3.12(4)(b) that the certificate is given on the lay party's or the Attorney General's instructions, as the case may be.
Part 8.8(2)	Fixed Date Claim Form Procedure	Amend Rule 8.8 to read 8.8(1) and to insert after the footnote as 8.8(2), the following: The following steps apply for the purposes of this Rule: (a) Where the claimant uses Form 2 the claimant must file an affidavit containing the evidence on which the claimant intends to rely. (b) The claimant's affidavit must be served on the defendant along with the claim form. (c) A defendant who wishes to rely on written evidence must within 28 days of service of the claim form file an affidavit containing that evidence. (d) Upon so filing the defendant must also serve a copy of the affidavit on the other parties. (e) The claimant may within 14 days of service of the defendant's affidavit file and serve on the other parties, further affidavit evidence in reply.
8.9	Claimant's duty to set out case	Insert as 8.9(5) the following: If the claimant is making a claim for aggravated and/or exemplary damages the claimant must set out the grounds on which the claimant relies Re-number the current 8.9(5) to 8.9(6).
Part 10.2(4)	Defence where liability admitted	Amend rule 10.2(4) to read:— In particular, a defendant who admits liability but wishes to call evidence regarding the issue of quantum must file and serve a defence dealing with that issue.
Part 10.9	Defence	Insert as rule 10.9(2) the following: Where the claimant wishes to file a reply together with a defence to a counterclaim then the reply and defence to counterclaim must be filed in accordance with rule 18.8. Renumber the current 10.9(2) and 10.9(3) to 10.9(3) and 10.9(4), respectively.
Part 12.7	Default Judgments	Delete the current rule and substitute with the following: Subject to rules 12.9(4), 12.10(1)(c)(iii) and 12.10(4) a claimant may obtain a default judgment by filing a request in form 8. The footnote remains
Part 12.9	Default Judgments	Add rules 12.9(4) and 12.9(5):— 12.9(4) An application for default judgment under paragraph (1) must be in accordance with Part 11. 12.9(5) Subject to rule 12.10(3), an application under paragraph 4 may be made without notice.
Part 18.11	Special provisions relating to judgment on failure to file defence to ancillary claim	Delete the current Rule 18.11(5) and substitute as follows:

PART/RULE	SUBJECT	AMENDMENT
		<p>18.11(5) The court may set aside or vary judgment entered under paragraph 2 if the ancillary defendant has a real prospect of successfully defending the ancillary claim.</p> <p>Add a new rule 18.11(6) as follows:</p> <p>18.11(6) In considering whether to set aside or vary a judgment under this rule, the court must consider whether the defendant has:</p> <ul style="list-style-type: none"> (a) applied to the court as soon as is reasonably practicable after finding out that judgment has been entered, (b) given a good explanation for the failure to file a defence to the ancillary claim.
Part 20	Amendments to Statements of Case	<p>Substitute the number 42 in place of the number 28 in rule 20.3(1) so that the rule reads as follows:</p> <p>20.3(1) A defendant served with an amended particulars of claim or a claimant served with an amended counterclaim may amend the defence once without permission within 42 days of service of the amended particulars of claim or counterclaim as the case may be.</p>
Part 27.3	Case management conference	<p>Amend rule 27.3(1), (2) and (3) to read as follows:</p> <p>27.3(1) The general rule is that the registry must fix a case management conference in accordance with rule 74.4(2) or 74.12(2)</p> <p>(Rule 74.4(2) deals with dispensing with mediation and rule 74.12(2) deals with action by the court after the filing of the mediation report.).</p> <p>27.3(2) Where the Defendant files a defence and also an admission of a specified sum of money the matter must not be referred to mediation until the claimant gives notice under rule 14.7(3) that the claim is to continue.</p> <p>27.3(3) The case management conference under rules 74.4(2) or 74.12(2) must take place not less than 4 weeks nor more than 8 weeks after the date of the order under rule 74.4(2), the mediation report under rule 74.12(2) or the filing of notice given under rule 14.7(3) unless any rule or practice direction prescribes a shorter or longer period or the case is urgent.</p>
Part 33	Witness Summons in aid of inferior court or tribunal	<p>After rule 33.4 amend to add rule 33.4A to read as follows:</p> <p>Witness Summons in Aid of Inferior Court or Tribunal</p> <ul style="list-style-type: none"> (1) The court may issue a witness summons in aid of an inferior court or tribunal. (2) In this rule, "inferior court or tribunal" means any court or tribunal that does not have power to issue a witness summons in relation to proceedings before it."
Part 65.22	Costs quantification	<p>Add 65.22(3) and (4) as follows:</p> <p>65.22(3) The court may set aside a default costs certificate for good reason.</p>

<u>PART/RULE</u>	<u>SUBJECT</u>	<u>AMENDMENT</u>
		65.22(4) An application to the court to set aside a default costs certificate must be supported by affidavit and must exhibit the proposed Points of Dispute.
Part 74.13	Cost of mediation	Substitute in place of the existing rule 74.13(1) the following: 74.13(1) Each party to mediation under these rules must bear the party's costs of mediation unless otherwise agreed by the parties.
Part 75	Review of Inmates Held at the Court's Pleasure	Amend rule 75.2(2) to insert the form number so that the rule reads as follows: 75.2(2) The application must be by notice in form IR1 and must be supported by an affidavit. Also, insert form IR1 in terms of the attached, immediately following the Matrimonial Proceedings Rules forms.
Part 75.2(6)		Delete this sub-paragraph
Part 75.3	Service of Notice	Amend Rule 75.3(1) to read as follows: 75.3(1) Within 7 days of receipt of the notice, the Registrar shall list the case for a first hearing by a judge within 21 days thereafter.
Part 75.3(2)		Amend to read as follows: 75.3(2) At least 7 days before the first hearing, the Registrar shall serve the Director of Public Prosecutions with the notice and affidavit(s) in support already filed in the matter.
Part 75.4A		Insert immediately after Rule 75.4(2) as Rule 75.4A, the following:
Part 76.11(2)	Response to claim	Amend to read as follows: Subject to rule 76.9(2), the time for filing any of the documents in paragraph (1) is within 28 days of being served with the document commencing the proceedings.
Form 3	Acknowledgment of Service of Claim Form	Amend in terms of the attached.
Form MP 10	Decree Absolute form	Amend in terms of the attached

Service out of the jurisdiction

76.9(2) The respondent or defendant in such proceedings must file an acknowledgment of service and an affidavit, answer or defence within the following periods after service of the petition or fixed date claim form:

Place of service	time for acknowledgment of service	time for affidavit, answer or defence
USA, Canada and Caribbean States	28 days	56 days
Europe (not		

including Russia)	42 days	70 days
Elsewhere	56 days	84 days

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