



THE
JAMAICA GAZETTE
SUPPLEMENT

PROCLAMATIONS, RULES AND REGULATIONS

660A

Vol. CXLIII

WEDNESDAY, JUNE 17, 2020

No. 106A

No. 127A

THE JUDICATURE (RULES OF COURT) ACT

THE SUPREME COURT (CIVIL PROCEDURE RULES) (AMENDMENT), 2020

In exercise of the powers conferred upon the Rules Committee of the Supreme Court by section 4 of the Judicature (Rules of Court) Act, the following Rules are made:—

1. *Citation*

These Rules may be cited as the Supreme Court (Civil Procedure Rules) (Amendment), 2020 and shall be read and construed as one with the Civil Procedure Rules, 2002 (“the Rules”), and all amendments thereto.

2. *Commencement*

These rules shall come into effect on August 3, 2020.

3. *Amendment of Rule 3.10(1)*

Rule 3.10(1) of the Rules is amended by deleting "Appendices 1, 2, 3, 4 and 5" and substituting the following—

"the Appendices"

4. *Amendment of Part 9*

Part 9 of the Rules is amended by deleting "Notice of Intention to Defend" wherever they appear in the title and heading.

5. *Amendment of Rule 12.13.*

Rule 12.13 of the Rules is deleted and substituted by the following—

Defendant's rights following default judgment

"12.13 Unless the defendant applies for and obtains an order for the judgment to be set aside, the only matters on which a defendant against whom a default judgment has been entered may be heard are—

- (a) the assessment of damages, provided that he has indicated that he wishes to be heard by filing a notice in form 8A pursuant to rule 16.2 (4);
- (b) costs;
- (c) the time of payment of any judgment debt;
- (d) enforcement of the judgment; and
- (e) an application under rule 12.10(2).

(Part 13 deals with setting aside or varying default judgments.)"

6. *Amendment of Rule 16.2*

Rule 16.2 of the Rules is amended by—

- (a) deleting paragraph (2) and substituting the following—

" (2) Unless the application states that the claimant is not in a position to prove the amount of damages—

- (a) the registry must fix a date for the assessment of damages and give the claimant and the defendant not less than 42 days' notice of the date, time and place fixed for the hearing;
- (b) the claimant must file and serve on the defendant all witness statements and written submissions on which the claimant intends to rely within 14 days of service of the notice of assessment;

- (c) the defendant is at liberty to file and serve witness statements and written submissions on which he intends to rely within 14 days of service of the claimant's witness statements and submissions on him."
- (b) deleting paragraph (3) and substituting the following—
 - " (3) If the claimant is not in a position to prove the amount of damages the registry must fix a date for a case management conference and give the claimant and the defendant not less than 42 days' notice of the date, time and place fixed for hearing."
- (c) deleting paragraph (4) and substituting the following—
 - " (4) Where a defendant against whom a default judgment is entered under this rule wishes to be heard on the issue of quantum he must within 7 days of receipt of the notice under rule 16.2(2) or 16.2(3) file and serve a notice in form 8A.
- (d) inserting after paragraph (4) the following as paragraph (5)—
 - " (5) The defendant is entitled to cross-examine any witness called on behalf of the claimant, call evidence as disclosed in his notice filed in form 8A and in respect of witness statements which have been filed and served pursuant to Rule 16.2(2)(c) and to make submissions to the court."

7. *Amendment of Appendix 1 to insert Form 8A.*

Appendix 1 to the Rules is amended by—

- (a) by inserting under "General Forms" after the row starting "Form 8" the following—



"Form 8A Notice of Intention To Be Heard on Assessment Rules 12.13(a) and 16.2(4)";

- (b) inserting after Form 8 the following Form—

NOTICE OF INTENTION TO BE HEARD ON ASSESSMENT

FORM 8A [Rule 12.13(a) and Rule 16.2(4)]

IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

CLAIM NO.

BETWEEN

CLAIMANT

AND

DEFENDANT

I/We the
 Defendant/Defendant's Attorneys-at-law wish to be heard on the issue
 of quantum at the assessment of damages and to be allowed to—

- (a) cross-examine the following witness(es) to be called on behalf
 of the claimant(s):

.....

- (b) make submissions to the court:

Yes ☐ No ☐

- (c) call evidence, to be set out in the witness statements of: [list
 the names of the witnesses whose witness statements you
 propose to file and serve]

.....

Dated the day of 20

.....

Attorney-at-law for the Defendant/Defendant

Filed by (specify the name and address of the Attorney-at-law or firm,
 of Attorneys-at-Law filed the Notice)".

8. *Amendment of Rule 14.8*

Rule 14.8 of the Rules is amended—

- (a) at paragraph (2) by deleting "file a request" and substituting the following—
 "apply for judgment"; and

- (b) at paragraph (3) by deleting "request" and substituting the following—
 "application"

9. *Amendment of Rule 26.5*

Rule 26.5 of the Rules is amended—

- (a) at paragraph (3) by deleting "filing a request" and substituting the following—
 "applying";

(b) at paragraph (4) by deleting “request” and substituting the following—
“party”; and

(c) at paragraph (8) by deleting “request” and substituting the following—
“application”.

10. *Amendment of Rule 35.15*

Rule 35.15 of the Rules is amended at paragraph (1) by inserting “a” before “defendant’s” and deleting “offers” and substituting “offer”.

11. *Amendment of Part 65*

Part 65 of the Rules is amended by—

(a) Deleting the numbers in Appendix A, Table 1 and substituting the following—
“(1) \$32,000; (2) \$40,000; and (3) \$8,000.”

(b) deleting the numbers in Appendix A, Table 2 and substituting the following—
“(1) \$48,000; (2) \$56,000; (3) \$72,000; and (4) \$72,000.”

(c) deleting the numbers in Appendix A, Table 3 and substituting the following—
“(1) \$15,000; (2) \$25,000; (3) \$20,000; (4) \$25,000; and (5) \$2,000.”

(d) deleting the numbers in Appendix B, Table 1 and substituting the following—
“(1) \$100,000; (2) \$100,000; (3) \$130,000 and \$60,000; (4) \$190,000 and \$120,000; (5) \$160,000 and \$60,000; and (6) \$235,000 and \$120,000.”

(e) deleting the numbers in Appendix B, Table 2 and substituting the following—
“(1) \$30,000; (2) \$10,000; (3) \$60,000; (4) \$20,000; (5) \$40,000; (6) \$60,000; (7) \$10,000; (8) \$2,000; and (9) \$20.”

(f) deleting the numbers in Appendix C and substituting the following—
“(1) \$12,000 to \$40,000; (2) \$12,000 to \$40,000; and (3) \$10,000.”

(g) deleting the number “\$4,000” in Appendix C by “Note” and substituting the following—
“\$10,000.”

12. *Amendment of Rule 65.20*

Rule 65.20 of the Rules is amended at paragraph (6) by deleting “serves” and substituting the following—

“files”

13. Amendment of Rule 76.4

Rule 76.4 of the Rules is amended at paragraph (1) by deleting “MP. 1” and substituting the following—

“MP. 1A and MP. 1B”

14. Amendment of Rule 76.12

Rule 76.12 of the Rules is amended—

(a) at paragraph (2) by inserting after “affidavit evidence” the following—

“in form MP. 7A”

(b) at paragraph (3) by deleting “MP. 8” and substituting the following—

“MP. 8A or MP. 8B”

15. Amendment of Rule 76.14

Rule 76.14 of the Rules is amended—

(a) at paragraph (3) by deleting “MP 8” and substituting the following—

“MP. 8A or MP. 8B”

(b) at paragraph (7) by inserting after “made absolute” the following—

“in form MP. 11”

(c) at paragraph (8) by inserting after “affidavit evidence” the following—

“in form MP. 12A or MP. 12B”

(d) at paragraph (9) by deleting “MP 10” and substituting the following—

“MP. 10A or MP. 10B”

16. Amendment of Rule 76.18

Rule 76.18 of the Rules is amended by deleting “Appendix 5” and substituting the following—

“Appendix 6”

17. Amendment of Forms 1, 2 and 5

Forms 1, 2 and 5 of the Rules are amended by deleting “I certify that all facts set out in this [name of document] are true to the best of my knowledge, information and belief” and substituting the following—

“I [name] certify that I believe the facts stated in this [name of document] are true.”

18. *Amendment of Form 4*

Form 4 of the Rules is amended at paragraph 6 by—

- (a) deleting the number “42” and substituting the following—
“28”; and
- (b) deleting “see Rule 10.3(1)” and substituting the following—
“see Rule 8.8(2)”

19. *Amendment of Appendix 6*

Appendix 6 of the Rules is amended by—

- (a) inserting under the heading “Matrimonial Proceedings Forms” in the column next to the words “Form MP. 11 — Notice of Application for Decree Absolute” the following—
“Rule 76.14(8)”;
- (b) deleting “MP.1” on the form headed “HUSBAND’S PETITION FOR DISSOLUTION OF MARRIAGE” and substituting the following—
“MP. 1A”;
- (c) deleting “MP.1” on the form headed “WIFE’S PETITION FOR DISSOLUTION OF MARRIAGE” and substituting the following—
“MP. 1B”
- (d) deleting “MP.8” on the form headed “(THIS IS TO BE USED WHERE THERE IS/ARE RELEVANT CHILD/CHILDREN) DECREE *NISI* FOR DISSOLUTION OF MARRIAGE” and substituting the following—
“MP. 8A”
- (e) deleting “MP.8” on the form headed “(THIS IS TO BE USED WHERE THERE IS/ARE NO RELEVANT CHILD/CHILDREN) DECREE *NISI* FOR DISSOLUTION OF MARRIAGE” and substituting the following—
“MP. 8B”
- (f) deleting “MP. 10” on the form headed “(THIS IS TO BE USED WHERE THERE IS/ARE RELEVANT CHILD/CHILDREN) DECREE ABSOLUTE” and substituting the following—
“MP. 10A”
- (g) deleting “MP. 10” on the form headed “(THIS IS TO BE USED WHERE THERE IS/ARE NO RELEVANT CHILD/CHILDREN) DECREE ABSOLUTE” and substituting the following—
“MP. 10B”

- (h) deleting "MP. 12" on the form headed "(THIS IS TO BE USED WHERE THERE IS/ARE RELEVANT CHILD/CHILDREN) AFFIDAVIT OF [STATE THE PETITIONER'S /RESPONDENT'S NAME] IN SUPPORT OF APPLICATION FOR DECREE ABSOLUTE" and substituting the following—

"MP. 12A"

- (i) deleting "MP. 12" on the form headed "(THIS IS TO BE USED WHERE THERE IS/ARE NO RELEVANT CHILD/CHILDREN) AFFIDAVIT OF [STATE THE PETITIONER'S/RESPONDENT'S NAME] IN SUPPORT OF APPLICATION FOR DECREE ABSOLUTE" and substituting the following—

"MP. 12B"

Dated this 17th day of June, 2020.

BRYAN SYKES, OJ, CD
Chief Justice.

C. DENNIS MORRISON, OJ, CD
President, Court of Appeal

HILARY PHILLIPS, CD
Judge of Appeal

MARLENE MALAHOO FORTE, Q.C., MP
Attorney-General of Jamaica

LEIGHTON PUSEY, CD
Puisne Judge

SANDRA MINOTT-PHILLIPS, Q.C.
Attorney-at-Law

IAN WILKINSON, Q.C.
Attorney-at-Law

CHARLES PIPER, Q.C.
Attorney-at-Law

ALTHEA JARRETT
Director of State Proceedings

KEVIN POWELL
Attorney-at-Law

ROBERT FLETCHER
Attorney-at-Law