

Practice Direction – Fixed Date Claims

No 2 of 2024

Fixed Date Claims

Non-Contentious and Contentious Fixed Date Claims

This Practice Direction is made pursuant to Rule 4.2 of the Supreme Court Civil Procedure Rules, 2022 (“**the Rules**”) and supplements Part 8 and Part 27 of the Rules.

1. Introduction

1.1 This practice direction:

- (1) replaces Practice Direction No. 3 of 2023;
- (2) clarifies the scope and application of Part 8 of the Rules;
- (3) clarifies the procedure for the hearing of Fixed Date Claims;
- (4) supplements Rule 27.2(1) of the Rules.

2. First Hearing of a Fixed Date Claim

- 2.1 The first hearing of a Fixed Date Claim shall be returnable before a Registrar unless the matter is known to be Contentious.
- 2.2 If on the first hearing of the Fixed Date Claim a Registrar determines that the matter is being proceeded as a Contentious Fixed Date Claim, the matter shall be adjourned to the next convenient date to be case managed by a Judge.

3. Non Contentious Fixed Date Claims

3.1 “Non-Contentious” means a Fixed Date Claim where:

- (1) a Defendant was served with a Fixed Date Claim Form in compliance with Parts 5 (or 7, as the case may be) and 8 of the Rules *and* no Defence or Affidavit has been filed by the Defendant in relation to the matter.
- (2) a Defendant admits the Claim or any part thereof; or
- (3) the Claim is not brought pursuant to Rules 59.32, 60.1, 60.4, 64.2, 63.3, 63.12.

3.2 Non Contentious Fixed Date Claims shall be heard by a Registrar of the Supreme Court.

3.3 Should any amendment to any document be required, Part 20 of the Rules shall apply and a Registrar may permit such amendment and adjourn the matter to another date, if necessary.

3.4 Once satisfied that the Claimant has complied with the Rules and the aforementioned paragraphs, a Registrar may consider the matter summarily. Any judgment/order made by a Registrar shall be served on the Defendant by a Claimant within fourteen days of the date of the judgment/order.

3.5 A Defendant aggrieved by any judgment or order made by a Registrar may apply to a Judge of the Supreme Court to have any such judgment or order made set aside.

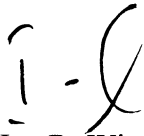
- 3.6 The procedure outlined under Rule 39.5 for setting aside a judgment made in the absence of a party shall apply mutatis mutandis to this section.
- 3.7 For the avoidance of doubt, Rules 27.2(4) and (5) do not apply to this section.

4. Contentious Fixed Date Claims

- 4.1 Contentious Fixed Date Claims, are Claims which are not described as Non-Contentious and shall be heard by a Judge of the Supreme Court.
- 4.2 Within fourteen days of receipt of any Defence and/or any affidavit in the matter, the Claimant must apply to the Listing Office, requesting a Case Management Conference before a Judge of the Supreme Court.
- 4.3 The Judge may direct that an affidavit or statement of claim be filed and served in addition to the claim form.

5. Effective Date

- 5.1 This practice direction will come into effect on 29 July 2024 and will be applicable to all claims where the Fixed Date Claim Form is filed on or after that date or the court otherwise directs.



Sir Ian R. Winder

Chief Justice

29 July 2024