

Practice Direction CPR PD3

No. 1 of 2023

Court Documents

This Practice Direction is made pursuant to the Supreme Court Civil Procedure Rules, 2022 and supplements Part 3 of the Rules.

1. Introduction

This Practice Direction clarifies the position as stated in CPR Part 3.3 with regard to all court documents which are filed.

2. Scope of CPR Part 3.3 (3) & (4)

Part 3.3(3)(a) states that every document filed at the court must be headed with the full title of the proceedings and the title of the document. Part 3.3(3)(b) states that every document which is filed should state the name of the person filing it, or, in the case where it is more than one person, the persons filing the document, their business address, reference (if any) telephone number and email address (if any). Part 3.3(3)(c), and (d) go on to state that every document must contain its date and must, except in the case of an affidavit, be signed by the person filing it. Part 3.3 (4) complements the previous provisions by stating that the full name of the signatory must be set out legibly below the signature.

3. Document Headings

All documents filed at the court must be headed in accordance with the rules. This would mean that the full title of the proceedings as well as the title of the document must be at the head of the document. At first glance the nature of the proceedings as well as the document filed should be clear to the reader. If any of the parties is acting in a representative capacity this should be properly reflected in the heading.

3.1 Where proceedings are brought under the provisions of a particular statute, the statute should be named in the title of the proceedings.

Example;

In the Matter of Section 77 of the Trustee Act

3.2 Where the subject matter of the proceedings is particular property this should be reflected in the title of the proceedings.

Example;

In the Matter of lot 223, block 44 in the Black Acres Subdivision.

BETWEEN:

A.B. a minor (by J.K. his litigation guardian)

Claimant

and

C.D.

Defendant

DEFENCE AND COUNTERCLAIM

3.3 Where the proceedings concern a particular document, such as a will or a trust or a deed the document should be identified in the title.

Example;

In the Matter of a Deed of Conveyance dated 28 February 1975

OR

In the Matter of the last will and testament of A.B., deceased... *[or as the case may be.]*

BETWEEN:

A.B. (Acting herein and
represented by her attorney Jim Doe)

Claimant

and

C.D.

Defendant

CLAIM FORM

3.4 Where the proceedings concern an estate or a company this should be reflected in the title of the proceedings.

Example;

In the Matter of the estate of A.B., deceased OR

In the Matter of XYZ Limited,

And In the Matter of section 280 of the Companies Act 1996.

BETWEEN:

A.B.

Claimant

and

C.D.

Defendant

REQUEST FOR DEFAULT JUDGMENT

In all circumstances, as the examples show, the title of the document should be stated.

4. Documents Filed on Behalf of a Firm

Part 3 makes no provision for signatures in the name of the firm. Therefore all court documents drafted by an attorney should bear his/her signature. Legibly printed below the signature should be the name of the signatory and, if applicable, the firm for which he or she is a legal representative as this would allow for easy identification.

Example;

Dated this 13th day of May 2007

Jane Doe

Doe & Associates

Attorney-at-law for the Claimant

5. Requirements for all Court Documents

The information required in Part 3.3(3)(b) should be contained in every court document filed and should be placed at the foot of the last page of the document filed. This would also allow for easy identification of the filing attorneys.

6. Effective Date

This Practice Direction will come into effect on the 1st day of March, 2023 and will be applicable to all civil proceedings filed in the Court.

A handwritten signature in black ink, appearing to be 'I. R. Winder', written in a cursive style.

Sir Ian R. Winder

Chief Justice

27 February 2023