



EXTRAORDINARY
OFFICIAL GAZETTE
THE BAHAMAS
PUBLISHED BY AUTHORITY

NASSAU

4th September, 2023

**SUPREME COURT CIVIL PROCEDURE
(AMENDMENT) (NO. 2) RULES, 2023**

Arrangement of Rules

Rule

1.	Citation.....	2
2.	Amendment of rule 5.11 of the principal Rules.....	2
3.	Amendment of rule 5.13 of the principal Rules.....	2
4.	Amendment of rule 8 of the principal Rules.....	2
5.	Amendment of rule 11.20 of the principal Rules.....	2
6.	Amendment of rule 12.5 of the principal Rules.....	2
7.	Amendment of rule 12.6 of the principal Rules.....	3
8.	Amendment of rule 12.9 of the principal Rules.....	3
9.	Amendment of rule 13.5 of the principal Rules.....	3
10.	Amendment of rule 14.3 of the principal Rules.....	3
11.	Amendment of rule 17.11 of the principal Rules.	3
12.	Amendment of rule 43 of the principal Rules.	3
13.	Amendment of rule 46.3 of the principal Rules.....	3
14.	Amendment of rule 48.1 of the principal Rules.....	3
15.	Amendment of rule 49.6 of the principal Rules.....	4
16.	Amendment of rule 51.2 of the principal Rules.....	4
17.	Amendment of rule 52 of the principal Rules.	4
18.	Amendment of rule 58.2 of the principal Rules.....	4
19.	Amendment of rule 59.3 of the principal Rules.....	4
20.	Amendment of rule 59.6 of the principal Rules.	4
21.	Amendment of rule 59.26 of the principal Rules.	5
22.	Amendment of rule 62.2 of the principal Rules.....	5
23.	Amendment of rule 63.14 of the principal Rules.	5
24.	Amendment of rule 72.2 of the principal Rules.....	5
25.	Amendment of rule 72.26 of the principal Rules.	5



OFFICE OF THE JUDICIARY

S.I. No. 61 of 2023

**SUPREME COURT ACT
(CHAPTER 53)**

**SUPREME COURT CIVIL PROCEDURE (AMENDMENT)
(NO.2) RULES, 2023**

The Rules Committee in exercise of the powers conferred by section 76 of the Supreme Court Act (*Ch. 53*) hereby makes the following rules —

1. Citation.

These Rules, which amends the Supreme Court Civil Procedure Rules 2022¹, may be cited as the Supreme Court Civil Procedure (Amendment) (No.2) Rules, 2023.

2. Amendment of rule 5.11 of the principal Rules.

Rule 5.11 of the principal Rules is amended in paragraph (1) by the deletion of of the word, "approved" and the substitution of the word, "proved".

3. Amendment of rule 5.13 of the principal Rules.

Rule 5.13 of the principal Rules is amended in paragraph (1) by the deletion of of the words "claim form a".

4. Amendment of rule 8 of the principal Rules.

Rule 8 of the principal Rules is amended in the sub-heading immediately following rule 8.14 by the deletion of the words "Alternative Procedure for Claims - Originating Form" and the substitution of the words "Section II - Alternative Procedure for Claims - Originating Form".

5. Amendment of rule 11.20 of the principal Rules.

Rule 11.20 of the principal Rules is amended in the headnote by the deletion of the words, "all made an absence of" and the substitution of the words, "order made in the absence of a".

6. Amendment of rule 12.5 of the principal Rules.

Rule 12.5 of the principal Rules is amended in paragraph (d) by the insertion of the word, "where" before the word, "necessary".

¹S.I. No. 76 of 2022.

7. Amendment of rule 12.6 of the principal Rules.

Rule 12.6 of the principal Rules is amended in the headnote by the deletion of the word, "today" and the substitution of the words, "to pay".

8. Amendment of rule 12.9 of the principal Rules.

Rule 12.9 of the principal Rules is amended in the headnote by the deletion of the word, "fault" and the substitution of the word, "default".

9. Amendment of rule 13.5 of the principal Rules.

Rule 13.5 of the principal Rules is amended in the headnote by the deletion of the words, "as the filing of the funds " and the substitution of the words, "as to the filing of the defence".

10. Amendment of rule 14.3 of the principal Rules.

Rule 14.3 of the principal Rules is amended in the headnote by the deletion of the words, "were partly on" and the substitution of the words, "by a".

11. Amendment of rule 17.11 of the principal Rules.

Rule 17.11 of the principal Rules is amended by the deletion of paragraph (3).

12. Amendment of rule 43 of the principal Rules.

Rule 43 of the principal Rules is amended in the sub-heading immediately following rule 43.10 by the deletion of the words "Section II".

13. Amendment of rule 46.3 of the principal Rules.

Rule 46.3 of the principal Rules is amended in paragraph (3) by the deletion of the word "appearance" and the substitution of the words "acknowledgement of service".

14. Amendment of rule 48.1 of the principal Rules.

Rule 48.1 of the principal Rules is amended —

- (a) in paragraph (2) by the—
 - (i) deletion of the words "application notice" and the substitution of the words "application on notice";
 - (ii) deletion of the word "appearance" and the substitution of the words "acknowledgement of service".
- (b) in paragraphs (3) and (4) by the deletion of the words "application notice" and the substitution of the words "application on notice".

15. Amendment of rule 49.6 of the principal Rules.

Rule 49.6 of the principal Rules is amended in paragraphs (3) and (4) by the deletion of the word "appearance" and the substitution of the words "acknowledgement of service".

16. Amendment of rule 51.2 of the principal Rules.

Rule 51.2 of the principal Rules is amended —

- (a) in paragraphs (1) (3) and (4) by the deletion of the words, "notice of motion" and the substitution of the words, "originating application".
- (b) in paragraph (2) by the deletion of the word, "motion" and the substitution of the words, "originating application".

17. Amendment of rule 52 of the principal Rules.

Rule 52 of the principal Rules is amended immediately preceding rule 52.1 by the insertion of a new sub-heading "Section I - Sale of Land by Order of the Court".

18. Amendment of rule 58.2 of the principal Rules.

Rule 58.2 of the principal Rules is amended —

- (a) in paragraph (1) by the deletion of the words of the words, "from any judgment, order or decision of a registrar, other than an interlocutory judgment, order or decision, given or made" and the substitution of the words, "from any judgment order or decision of a registrar (other than an interlocutory judgment, order or decision) given or made".
- (b) in sub-paragraph 1(d) by the deletion of the word, "provide" and the substitution of the word, "provided".

19. Amendment of rule 59.3 of the principal Rules.

Rule 59.3 of the principal Rules is amended in the headnote by the deletion of the word, "appearance" and the substitution of the words, "acknowledgement of service".

20. Amendment of rule 59.6 of the principal Rules.

Rule 59.6 of the principal Rules is amended in paragraph (1)(a) by the deletion of the word, "appearance" and the substitution of the words, "acknowledgement of service".

21. Amendment of rule 59.26 of the principal Rules.

Rule 59.26 of the principal Rules is amended by the renumbering of the second paragraph (5) as paragraph (6).

22. Amendment of rule 62.2 of the principal Rules.

Rule 62.2 of the principal Rules is amended in the headnote by the deletion of the words, "statement of".

23. Amendment of rule 63.14 of the principal Rules.

Rule 63.14 of the principal Rules is amended —

- (a) in the headnote by the deletion of the word, "appearance" and the substitution of the words, "acknowledgement of service"
- (b) in paragraphs (1) and (2) by the deletion of the word, "appearance" and the substitution of the words, "acknowledgement of service" wherever they appear.

24. Amendment of rule 72.2 of the principal Rules.

Rule 72.2 of the principal Rules is amended by the deletion of both rules and the substitution as follows —

"72.2 Powers of the Registrar to assess costs.

The Registrar shall have power to assess —

- (a) any costs the assessment of which is directed by an order of the Court; and
- (b) the costs directed by an award made on a reference to arbitration or pursuant to an arbitration agreement to be paid.

72.2A Supplementary powers of the Registrar.

The Registrar may, in the discharge of his functions with respect to the assessment of costs —

- (a) take an account of any dealings in money made in connection with the payment of the costs being assessed, if the Court so directs;
- (b) require any party represented jointly with any other party in any proceedings before him to be separately represented;
- (c) direct the production of any document which may be relevant in connection with those proceedings."

25. Amendment of rule 72.26 of the principal Rules.

Rule 72.26 of the principal Rules is amended by the deletion and substitution of paragraph (3) as follows —

“(3) The Court must however take into account all the circumstances including the factors set out in rule 71.11 but where the application is —

- (a) an application to amend a statement of case;**
- (b) an application to extend the time specified for doing any act under these Rules or an order or direction of the Court;**
- (c) an application for relief under rule 26.8; or**
- (d) one that could reasonably have been made at a case management conference or pre-trial review;**

the Court must order the applicant to pay the costs of the respondent unless there are special circumstances.”.

Made this 31st day of August, 2023.

**Signed
SIR IAN R. WINDER
Chairman
Rules Committee**