

## **Practice Direction**

### **No. 3 of 2024**

#### **Allocation of work of the Court between judges and registrars (Part 2)**

This practice direction is made pursuant to Part 2.2(3) of the Supreme Court Civil Procedure Rules, 2022.

#### **1. Scope and Interpretation**

- 1.1 Part 2.2(1) of the Supreme Court Civil Procedure Rules, 2022 provides that the functions of the Supreme Court may be exercised by the Chief Justice, any judge or registrar of that court in accordance with the Rules or any practice direction made by the Chief Justice except where any enactment, rule or practice direction provides otherwise.
- 1.2 Practice Direction No. 8 of 2023 sets out in Section II thereof matters over which registrars do not have jurisdiction and matters with which they may deal under the Rules. Practice Direction No. 10 of 2023 and Practice Direction No. 2 of 2024 allocate additional matters to registrars. This practice direction supplements those practice directions by allocating additional matters to registrars and by making general provision for registrars to refer matters to judges.
- 1.3 Nothing in this practice direction is intended to limit the jurisdiction of registrars.

#### **2. Allocation of the work of the Court**

- 2.1 In addition to the matters specifically identified as within the remit of a registrar by virtue of the Rules, any enactment or any existing practice direction, and without limiting the generality of paragraph 2.1 of this practice direction, registrars may hear applications for:
  - (1) striking out statements of case which have not been verified by a statement of truth (Part 3.9);
  - (2) orders in relation to the service of claim forms on minors and patients (Part 5.10);
  - (3) the deeming of an alternative method of service as good service (Part 5.14);
  - (4) service of a claim form and statement of claim for possession of land by special means (Part 5.18);
  - (5) orders dispensing with the service of documents other than the claim form (Part 6.8);
  - (6) service of court process and other documents outside of The Bahamas under Part 7, including –

- (a) an order for service by a method specified by the Court (Part 7.12); and
- (b) an order dispensing with service of the claim form (Part 7.13);
- (7) permission to file claim forms without a statement of claim, affidavit or other document required by Part 8.1(2)(b) or (c) (Part 8.2);
- (8) permission to file written evidence after the acknowledgment of service in originating application proceedings (Part 8.24);
- (9) permission to make an additional claim against a non-party in originating application proceedings (Part 8.26);
- (10) orders in relation to defences (Part 10);
- (11) permission to file and serve a reply (Part 10.9);
- (12) orders in relation to applications where the application is before a registrar (Part 11);
- (13) orders setting aside or varying *ex parte* orders made by registrars (Part 11.18);
- (14) orders setting aside or varying orders made by registrars in the absence of one or more parties (Part 11.19);
- (15) orders in relation to partners and bodies corporate (Part 22);
- (16) extensions of time (Part 26.1(2)(k));
- (17) stays of proceedings (Part 26.1(2)(q));
- (18) striking out statements of case (Part 26.3);
- (19) setting aside a judgment entered under Part 26.5 because the right to enter judgment had not arisen when judgment was entered (Part 26.6);
- (20) orders in relation to witness summonses and depositions (Part 33);
- (21) orders in relation to requests for information (Part 34);
- (22) orders for permission to discontinue proceedings (Part 37);
- (23) the following orders under Part 43, namely –
  - (a) extensions of the validity of writs of execution (Part 43.15);
  - (b) orders directing the Provost Marshal to indorse writs of execution with the manner in which he has executed them (Part 43.16);
- (24) orders to obtain information from judgment debtors (Part 44);
- (25) third party debt orders (Part 45)
- (26) orders extending or fixing the time for doing acts under judgments and orders (Part 50.4);
- (27) orders under Parts 65.2, 65.4, 65.6 and 65.7 in proceedings by or against the Crown; and
- (28) orders removing the names of attorneys from the record (Parts 70.5 and 70.6).

### **3. Registrar may refer matters**

- 3.1 A registrar who has jurisdiction to deal with a matter or to whom a matter has been allocated under the Rules or any practice direction may, if there is good reason to do so, refer the

matter to a judge instead of dealing with the matter themselves and the judge may either deal with the matter or refer the matter back to the registrar with or without directions.

**4. Effective date**

4.1 This practice direction will come into effect on 29 July 2024.

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

Sir Ian R. Winder,

Chief Justice

29 July 2024