

PRACTICE DIRECTION – 7.1

ACTIONS BY WRIT – RUNNING AND FIXTURE LISTS

1. Every action commenced by ordinary writ of summons, other than an action entered in or transferred to the Commercial List or the Construction List, will be assigned on the summons for directions to either the Running List or the Fixture List and shall be set down accordingly.

2. An action will only be assigned to the Fixture List where the Listing Master/Judge is satisfied that by reason of the estimated length of trial or for other good cause the action is appropriate to that List. Such other good cause shall be shown by affidavit served at any time before the hearing of the summons for directions.

3. *The Running List*

(a) On the last day of each month those actions which are expected to be tried during the next succeeding month will be listed on the notice board on the ground floor of the Supreme Court outside room G134—the “Pending List” .

(b) Each Wednesday those actions on the Pending List which are expected to be tried during the next succeeding week will be similarly listed—the “Warned List” .

(c) Actions will be taken for hearing in the order in which they appear on the Warned List in so far as this is possible having regard to the estimated length of trial and to the availability of judges.

(d) Each day, not later than 4 p.m., those actions which are to be heard the following day will be listed on the daily notice boards on the ground and first floors of the Supreme Court.

(e) Copies of the Warned List will be sent by post on the day the list is published to the parties or their solicitors on the record in each action listed thereon; but it shall be the duty of every party or his solicitor

instructed in any action on the Running List to keep note of its position therein and to be ready for trial in due course.

4. The Fixture List

(a) The Clerk of the Court will notify the parties to attend the court on a specified date for the purpose of fixing dates for trial.

(b) Should it be necessary to vary any such fixed date the Clerk of the Court will inform the parties of such variation as soon as possible.

5. Generally

(a) Any party to an action may, at any time after the summons for directions, apply to transfer the action from one list to the other, to fix a date or particular date for the hearing of the action or to vary a date already fixed.

(b) Such application shall be by summons to the Listing Master/Judge or the judge in charge of the Commercial List or the Construction List to which the action has been then assigned with not less than one clear day's notice to any other party to the action.

(c) The summons shall be supported by an affidavit setting out the matters on which the party making the application will seek to rely.

(d) On the hearing of the summons the Listing Master/Judge or the judge in charge of the Commercial List or the Construction List will make such order as in the circumstances he thinks fit.

(e) An order that a date be fixed in consultation with counsel instructed or expected to be instructed for the hearing of any action does not bind the Listing Master/Judge or the Clerk of the Court to secure the agreement of such counsel. It requires him only to give effect to their wishes so far as may be convenient to the court diaries, which shall have priority.

(f) No order will be made under this paragraph in respect of an action already listed in the Warned List unless there are exceptional circumstances.

OTHER CAUSES

6. Any cause or matter commenced other than by way of ordinary writ of summons will be treated as though it were an action assigned to the Fixture List and paras.4 and 5(a) to (e) hereof will be applied accordingly.