CARIBBEAN COURT OF JUSTICE ORIGINAL JURISDICTION RULES 2024

In exercise of the powers conferred on the President of the Caribbean Court of Justice pursuant to Article 21 of the Agreement Establishing the Caribbean Court of Justice, The Caribbean Court of Justice Rules 2024 are hereby made.

The Caribbean Court of Justice (Original Jurisdiction) Rules 2024 amend and replace the Caribbean Court of Justice (Original Jurisdiction) Rules 2021.

Approved by the President on 24 May 2024

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PART 1
CITATION, INTERPRETATION AND APPLICATION

Contents of this Part

Citation and Commencement	Rule 1.1
Interpretation	Rule 1.2
Overriding Objective	Rule 1.3
Application of Rules	Rule 1.4

1.1 Citation and Commencement[1]

(1) These Rules may be cited as The Caribbean Court of Justice (Original Jurisdiction) Rules 2024.

(2) These Rules made pursuant to Article XXI of the Agreement Establishing the Caribbean Court of Justice shall come into force on 24 May 2024.

1.2 Interpretation

In these Rules, unless the context otherwise requires –

"ADR" means any procedure for alternative dispute resolution, including mediation;

"advisory opinion" means an opinion delivered by the Court upon a request made pursuant to Article XIII of the Agreement;

"Agreement" means the Agreement Establishing the Caribbean Court of Justice signed in Bridgetown, Barbados on 14 February 2001 as amended from time to time;

"amicus curiae" means a person or entity permitted to assist the Court on application to it or invitation by it;

"applicant" means a person who makes any application other than an originating application;

"attorney-at-law" means an attorney-at-law, a legal practitioner or advocate duly admitted to practise law in the courts of a Member State;

[1] Amended on 24 May 2024.

“certificate of service” means a sworn statement by the person who served the document stating how, when, where and on whom such service was effected;

“claimant” means a person who files an originating application;

“Commission” means the Regional Judicial and Legal Services Commission established by Article V of the Agreement;

“Community” means the Caribbean Community including the CARICOM Single Market and Economy;

“Contracting Party” has the meaning assigned to it by Article I of the Agreement;

“Counsel” has the meaning assigned to it by Article 1 of the Headquarters Agreement and the Protocol and includes an attorney-at-law;

“Court” means the Caribbean Court of Justice in the exercise of its original jurisdiction as set out in Part II of the Agreement;

“**defendant**” means a person against whom proceedings are instituted;

“Deputy Registrar” means a person appointed to, and serving in, the post of Deputy Registrar of the Court but does not include a local deputy registrar;

“document” means information of any description as recorded in any form whether electronic or otherwise;

“e-filed document” means a document filed using the Court’s e-filing portal;

“**exhibit**” means a document or other tangible object adduced into evidence;

“**ex parte*****”*** in relation to an application means an application by or from one party only without requiring service on or submissions from any adverse party;

“file” means to file in the Registry or a sub-Registry in accordance with these Rules, and includes transmission thereto by electronic or any other prescribed means;

“**Headquarters Agreement**” means the Agreement establishing the Seat of the Caribbean Court of Justice and the Offices of the Regional Judicial and Legal Services Commission between the Government of Trinidad and Tobago and the Caribbean Court of Justice and the Regional Judicial and Legal Services Commission dated 23 February 2005, incorporated in the Schedule to the Caribbean Court of Justice (Headquarters) Act Chap. 6:05 of the laws of the Republic of Trinidad and Tobago;

“**intervener**” means a person or entity whose application to intervene has been granted;

“**Judge**” means a Judge of the Court and includes the President;

"**judgment**" means a reasoned decision of the Court at the end of proceedings, including proceedings under Part 10A, other than an advisory opinion under Rule 10A.3, a determination under Rule 10A.4, and a decision on costs;

"**local deputy registrar**" means a Registrar of a superior court in a Member State appointed to be a deputy registrar of the Court in that Member State pursuant to Article XXVII.2 of the Agreement;

"Member State" means a Member State of the Community under Article 3 of the Treaty;

"**national**" means a person, natural or juridical, of a Contracting Party within the meaning of Article 222 of the Treaty;

"**order**" means a decision of the Court, which may include reasons;[2]

"original jurisdiction" means the jurisdiction of the Court set out in Part II of the Agreement;

"originating application" means the document initiating proceedings pursuant to Part 10.1 or pursuant to an order under Part 10.4;

"overriding objective" means the objective set out in Rule 1.3;

"party" means a party to proceedings before the Court and, where deemed appropriate by the Court, may include an intervener;

"person" includes a Member State;

"pleading" includes every document that initiates proceedings, and a defence, a reply, a rejoinder and a statement of intervener;

"President" means the President of the Court;

"Protocol" means the Protocol on the Privileges and Immunities of the Caribbean Court of Justice and the Regional Judicial and Legal Services Commission signed on 4 July 2003;

"referral" means a referral by a national court or tribunal of a question concerning the interpretation or application of the Treaty to the Court for its determination pursuant to Article XIV of the Agreement;

"Registrar" means the Registrar of the Court or other officer for the time being discharging the duties of the Registrar;

[2] Amended on 24 May 2024.

“Registry” means the Registry of the Court located at the Seat of the Court;

“**respondent**” means a person against whom an order is sought by an application made under Part 21 and includes a proposed Defendant under Rule 10.4;

“Seat of the Court” means the principal premises occupied by the Court for its official use;

“sub-Registry” means the registry or court office at which a local deputy registrar holds the post and performs the functions of Registrar; and

“Treaty” means the Revised Treaty of Chaguaramas establishing the Caribbean Community including the CARICOM Single Market and Economy signed on 5 July 2001.

1.3 Overriding Objective

(1) The overriding objective of these Rules is to ensure that the Court is accessible, fair and efficient and that unnecessary disputes over procedural matters are discouraged.

(2) Nothing in these Rules shall –

(a) limit or otherwise affect the inherent power of the Court to actively manage cases and make such orders as may be necessary to meet the ends of justice or to prevent abuse of the process of the Court;

(b) empower the Court to bring in a finding of *non liquet*; or

(c) prejudice the power of the Court to decide a dispute *ex aequo et bono* if the parties so agree.

1.4 Application of Rules

Any matter within the original jurisdiction of the Court shall be commenced, proceeded with and disposed of by the Court in accordance with these Rules.

PART 2
ORGANISATION OF COURT AND REGISTRY

Contents of this Part

Composition of the Court	Rule 2.1
Powers of the President	Rule 2.2
Record of cases	Rule 2.3
Right to request documents	Rule 2.4
Fees	Rule 2.5
Powers and Duties of the Registrar	Rule 2.6
Powers and Duties of local deputy registrars	Rule 2.7

2.1 Composition of the Court

Except as otherwise provided for in these Rules, the Court shall be constituted by an uneven number of Judges no fewer than three.

2.2 Powers of President

(1) The President shall direct the judicial business and the administration of the Court.

(2) The President may issue to the Registrar from time to time such instructions as may be necessary for the proper administration of these Rules.

2.3 Record of cases

(1) There shall be kept under the control of the Registrar, a record of the filing of all pleadings and supporting documents together with the date and time of filing.

(2) The record of cases may be kept in electronic form.

(3) Entries in the record and the notes provided for in sub-Rule (4) shall in the absence of evidence to the contrary, be accepted as proof of the events which they record.

(4) When a document has been filed, the Registrar shall endorse a note to that effect on the document filed.

(5) A party may, on payment of the prescribed fee, obtain from the Registrar a copy of the record in so far as it relates to the proceedings in which that party is involved.

2.4 Right to request documents

(1) On payment of the prescribed fee, a person may during office hours request and shall be given a copy whether physical or electronic of any of the following –

(a) a pleading;

(b) a judgment;

(c) an advisory opinion;

(d) a witness statement as permitted under Rule 23.13;

(e) legal submissions; or

(f) any other document or class of documents with the permission of the Court.

(2) The Court may make an order granting permission under sub-Rule (1)(d) on an application made without notice.

2.5 Fees

(1) The fees payable to the Court under these Rules shall be those stipulated in Schedule 1.

(2) The Registrar may, with the approval of the President, amend Schedule 1.

2.6 Powers and Duties of the Registrar

(1) The Registrar shall be responsible for –

(a) the acceptance, transmission and custody of documents in court matters;

(b) effecting service as provided for by these Rules;

(c) keeping a record of all documents filed in the Registry;

(d) having custody of the Seal and stamps of the Court and archives relating to proceedings before the Court;

(e) stamping and the electronic certification of all documents and affixing the electronic Seal of the Court to all originating applications,

applications for special leave, judgments, orders and advisory opinions of the Court;

(f) maintaining separate indexes of cases filed, referrals and requests for advisory opinions by the Court;

(g) maintaining a chronological record of all cases, referrals and requests for advisory opinions received in the Registry;

(h) transmitting to the parties copies of all documents which are to be served by the Registrar;

(i) making arrangements for such interpretation or verification of translations into the Court's official language as the Court may require in connection with proceedings before the Court;

(j) signing all orders of the Court;

(k) the publication of the Court's judgments, orders, advisory opinions, and such other documents as may be required to be published by these Rules or by the Court;

(l) responding to inquiries concerning the Court and its work;

(m) performing the functions of taxing master;

(n) giving instructions to the local deputy registrars where necessary about the procedure for performing their duties under these Rules;

(o) giving directions in matters before the Court as prescribed by these Rules; and

(p) such other functions as the President of the Court or the presiding Judge may direct.

(2) The Registrar shall assist the Court, the President and the Judges in the discharge of their official functions.

(3) Communications about matters before the Court including requests made of the Court by a party under these Rules shall unless otherwise stated be addressed to the Registrar.

(4) A Deputy Registrar may subject to the direction of the Registrar, exercise and perform all or any of the powers and duties of the Registrar.

(5) For the purpose of proceedings before the Court, oaths may be administered by –

(a) the Registrar or a Deputy Registrar; or

(b) in any Member State, any person duly authorised by the law of that Member State to perform like functions for the purpose of proceedings in a superior court of that Member State.

2.7 Powers and Duties of local deputy registrars

Local deputy registrars shall have the power and duty to –

(a) receive, indorse, stamp and seal documents presented for filing at the relevant sub-Registry;

(b) receive fees payable to the Court;

(c) keep a record of all documents filed in the sub-Registry;

(d) forward immediately to the Registrar by electronic means all documents filed in the relevant sub-Registry;

(e) keep a record of all documents forwarded to the Registrar;

(f) publish notices and other information at the direction of the Registrar;

(g) transmit to the Registrar in a timely manner all fees received in the Member State in which the relevant sub-Registry is located;

(h) effect service of documents at the request of the Registrar;

(i) notify the Registrar by electronic means in a timely manner when service of a document has been effected;

(j) assist the Registrar in organising mediation sessions, site visits or other activities within the Member State in which the relevant sub-Registry is located;

(k) liaise with the Registrar in making arrangements for the Court or Judge to sit in the Member State in which the relevant sub-Registry is located;

(l) assist with protocol, travel and other arrangements for the Court and its officers;

(m) provide the Registrar from time to time with a list of attorneys-at-law admitted to practise in the courts of the Member State in which the relevant sub-Registry is located and inform the Registrar in a timely manner of the death or disqualification from practice by disbarment,

suspension or otherwise, of any attorney-at-law who was previously entitled to practise in the courts of the Member State;

(n) assist in the enforcement of judgments and orders of the Court;

(o) verify and, where necessary, certify the signatures of the Registrar, the Deputy Registrar and other local deputy registrars; and

(p) do such other acts as may be reasonably required to facilitate the exercise by the Court of its original jurisdiction.

PART 3
SITTINGS OF THE COURT

Contents of this Part

Court terms	Rule 3.1
Sittings of the Court	Rule 3.2
Hearings in vacations	Rule 3.3
Deliberations of Judges	Rule 3.4

3.1 Court Terms

The Court shall have three terms as follows –

(a) from the first Monday in October to 17 December;

(b) from 10 January to the Friday before Good Friday; and

(c) from the Monday after Easter Monday to 31 July.

3.2 Sittings of the Court

(1) General sittings of the Court shall be held at such times and in such places as the President may direct.

(2) Where the President considers it necessary, directions may be given that sittings of the Court (to be known as special sittings) be held at any time of the year other than during a general sitting.[3]

(3) The Court shall sit in public, at such times and in such places as the President may direct.

(4) The Court may direct that particular matters be held in private.

(5) The Court may sit in a Contracting Party other than that in which the Court has its Seat.

(6) Notice of each sitting of the Court shall be published by the Registrar on the Court's website at least three (3) days before the date appointed for the commencement of the sitting.

[3] Amended on 24 May 2024.

(7) At the discretion of the Registrar, publication of a notice of the sitting of the Court may be made in the print media, social media or otherwise in all Contracting Parties.

(8) Except in cases of emergency, the Court shall not sit –

(a) on Saturdays and Sundays;

(b) in the territory of a Contracting Party on any day that is a public holiday in that territory; or

(c) on such other days as the President may direct.

3.3 Hearings in vacations

(1) In urgent cases a party may apply for a matter to be heard during a vacation.

(2) An application under sub-Rule (1) may be determined by a single Judge of the Court.

(3) During vacations, the Court shall only sit to hear such matters as it determines to be urgent or to require prompt attention, or to deliver a judgment.

(4) For the purpose of this Rule, "vacation" means a period between the end of one term and the beginning of the next.

3.4 Deliberations of Judges

(1) The deliberations of the Judges shall be held in private and shall be confidential.

(2) Only those Judges who were assigned to hear the case may take part in the deliberations held to decide it.

(3) Every Judge taking part in the deliberations shall in the course thereof state their opinion and the reasons therefor.

(4) The conclusions reached by the majority of the Judges after final deliberation shall be the decision or advisory opinion of the Court, as the case may be, and shall be published in a single judgment, order or advisory opinion of the Court. There shall be no other judgment or opinion.

(5) A judgment or advisory opinion shall be signed by the judges who participated in the deliberations.

PART 4
RIGHTS AND OBLIGATIONS OF COUNSEL AND AGENTS

Contents of this Part

Representation	Rule 4.1
Right of audience	Rule 4.2
Rights of counsel and agents	Rule 4.3
Duties of counsel and agents	Rule 4.4
Grant of privileges, immunities in interest of proceedings	Rule 4.5
Exclusion of counsel or agents for misconduct	Rule 4.6
Change of counsel or agent	Rule 4.7

4.1 Representation

In all proceedings before the Court a party shall be represented on the record in person or by counsel or, in the case of a Member State or the Community, by an agent.

4.2 Right of Audience

(1) A party may appear at any hearing in person or by counsel or, in the case of a Member State or the Community, by an agent.

(2) The Court may grant a right of audience to any counsel for the purposes of a particular matter.

4.3 Rights of counsel and agents

Counsel or agents appearing in proceedings before the Court shall enjoy the privileges, immunities and facilities specified in the Protocol while present in the territory of any Member State and in addition those specified in the Headquarters Agreement while present in Trinidad and Tobago.

4.4 Duties of counsel and agents

(1) Counsel and agents have an overriding duty to the Court to act with independence in the interests of justice.

(2) Counsel and agents must assist the Court in the administration of justice and must not deceive or knowingly or recklessly mislead the Court.

4.5 Grant of privileges, immunities in interest of proceedings

(1) The privileges, immunities and facilities specified in Rule 4.3 are granted exclusively in the interest of the proper conduct of proceedings.

(2) These privileges, immunities and facilities may be waived by the President in accordance with Article XI of the Protocol and Article XI of the Headquarters Agreement whenever in the President's opinion the enjoyment of them would impede the course of justice and they may be waived without prejudice to the interests of the Court.

4.6 Exclusion of counsel or agents for misconduct

(1) Counsel or agents whose conduct towards the Court, a Judge or the Registrar is incompatible with the dignity of the Court, or who use their rights for purposes other than those for which they are granted, may at any time be excluded from the proceedings by an order of the Court after having been given an opportunity to be heard.

(2) An order issued under this Rule shall have immediate effect.

(3) Where a counsel or agent is excluded from the proceedings, the proceedings shall be suspended for a period fixed by the Court in order to allow the party affected to appoint another counsel or agent.

(4) Orders made under this Rule may be rescinded by the Court.

4.7 Change of counsel or agent

(1) Where there is a change in the counsel or agent on the record, the new counsel or agent shall file a notice of appointment stating their business name, address and telephone number as well as e-mail address.

(2) The Registrar shall forthwith on the receipt of such notice serve a copy of the same on every other party and on the counsel or agent whom they are replacing.

PART 5
LANGUAGE, TRANSLATION, AND INTERPRETATION

Contents of this Part

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Use of another language	Rule 5.3
Arrangements and costs for interpretation	Rule 5.4
Verbatim Record	Rule 5.5

5.1 Official language of the Court

The official language of the Court shall be English which shall, subject to this Rule be used in the written and oral pleadings of the parties, in the evidence and supporting documents and in the records, judgments, orders and advisory opinions of the Court.

5.2 Translation of documents

(1) A document filed or served and expressed in a language other than the official language shall be accompanied by –

(a) a translation in English by a translator approved by the Registrar; and

(b) a sworn statement by the translator stating that the translation is true and correct.

(2) In the case of lengthy documents, translation may be confined to extracts accompanied by an explanatory note indicating which passages are translated. The Court may, however of its own motion or at the instance of a party, call for a complete or fuller translation.

5.3 Use of another language

(1) Where one of the parties is a Member State in which the first language is not English, or a national of such a Member State, that party shall, subject to Rule 5.4(1), be entitled to conduct their case at any oral hearing in the first language of that Member State and the Registrar shall arrange for an interpreter to attend the oral hearing in order to enable it to be conducted both in English and in the first language of that Member State.

(2) Where a witness is unable to give evidence adequately in the official language the Court may authorise the witness' evidence to be given in another language.

5.4 Arrangements and costs for interpretation

(1) A party on whose behalf interpretation is to be made, shall notify the Registrar in sufficient time for the necessary arrangements to be made.

(2) The costs of interpretation, for a party or witness of a Member State referred to in Rule 5.3, at an oral hearing referred to in Rule 5.3(1), shall be borne by the Court.

(3) Before first interpreting in the case, interpreters shall make the following declaration in open court –

"I solemnly declare upon my honour and conscience that my interpretation will be faithful and complete."

5.5 Verbatim Record

(1) The Registrar shall cause a verbatim record to be made of every hearing in the official language.

(2) The verbatim record of the proceedings may consist of an electronic audio recording or other form of contemporaneous recording approved by the Court, whether or not made by or with the assistance of other electronic or mechanical means.

(3) The accuracy of an electronic audio recording or any other contemporaneous method of recording used with the approval of the Court to record its proceedings, shall be certified in a form to be approved by the President by the person or persons responsible for ensuring the accuracy of such recording.

(4) Copies of the verbatim record shall be provided to the parties for a fee to be fixed by the Registrar. Such copies shall be provided in electronic form.

PART 6
TIME AND DOCUMENTS

Contents of this Part

Court to state calendar date	Rule 6.1
Computation of time	Rule 6.2
Time during vacation	Rule 6.3
Exceptions to time limits	Rule 6.4
Documents	Rule 6.5
Forms	Rule 6.6
Sealing of documents issued by the Court	Rule 6.7

6.1 Court to state calendar date

When giving a judgment, order or direction which imposes a time limit for doing any act, the Court shall, wherever practicable, state the calendar date and the time of day by which the act is required to be done.

6.2 Computation of time

(1) A period of time by which any act is required to be done shall be determined in accordance with these Rules, practice directions, judgments and orders of the Court.

(2) A period of time expressed as a number of days shall be computed as clear days.

(3) In this Rule, "clear days" does not include –

(a) the day on which the period begins or ends; and

(b) if the end of the period is defined by reference to an event, the day on which that event occurs or should occur.

(4) Where the period within which an act must be done at the Registry or a sub-Registry –

(a) is seven (7) days or fewer, Saturday, Sunday or any other day on which the Registry or sub-Registry as the case may be, is closed, shall not be counted; or

(b) ends on a day on which the Registry or the sub-Registry as the case may be, is closed, the act shall be deemed to have been done in time if done before close of business on the next day on which the Registry or sub-Registry as the case may be, is open.

(c) ends on any other day, that day is included, notwithstanding sub-Rule (3).[4]

(5) Where an act is required to be done somewhere other than at the Registry or a sub-Registry, and the period within which the act is required to be done ends on a Saturday, Sunday or public holiday, the time for doing that act shall be deemed to end at 4:00 p.m. on the next business day in the country in which it is to be done.

6.3 Time during the vacation

Time will run during the vacation unless otherwise ordered by the Court or a single judge of the Court.

6.4 Exceptions to time limits

Any time limit prescribed under these Rules may be extended for good and substantial reasons; such extension shall be sought by application to the Court.[5]

6.5 Documents

(1) Every document prepared for use in the Court must be on letter-sized paper approximately 11 inches (28cm) long by 8.5 inches (21.5cm) wide. Margins of one inch (2.5cm) must be left at the top and bottom and of 1.5 inches (3.5cm) at the left side and one inch (2.5cm) at the right side.

(2) Where a document is required to be signed, the full name of the signatory must be set out legibly below the signature.

(3) The President may by practice direction –

(a) require any document filed or to be used at Court to be in such a format as may be prescribed to facilitate electronic recording or filing of that document;

(b) prescribe the conditions under which documents may be served or filed electronically; and

[4] Inserted on 24 May 2024.
[5] Amended on 24 May 2024.

(c) provide for documents to be sealed or signed by electronic means.

(4) Every document to be filed shall –

(a) be headed with the –

(i) full title of the proceedings; and

(ii) title of the document;

(b) state the –

(i) name;

(ii) bar number or other means of identification (if any);

(iii) business address;

(iv) telephone number;

(v) e-mail address;

of the person filing it;

(c) contain its date; and

(d) except in the case of a sworn statement, where required to be signed –

(i) be signed by the person filing it; or

(ii) in the case of electronic filing, be signed electronically.

6.6 Forms

(1) The forms to be used shall, where appropriate, be the forms in Schedule 2 to these Rules or those prescribed by practice directions.

(2) A form may be varied if the variation is required by the circumstances of a particular case.

(3) A form shall not be varied so as to omit any information or guidance which the form is intended to give to the recipient.

(4) A form marked with the word 'Seal' shall bear the Seal of the Court.

6.7 Sealing of documents issued by the Court

(1) All documents accepted for filing are sealed with the seal of the Court.

(2) Judgments, advisory opinions, orders and directions of the Court are also required to be sealed with the seal of the Court on issue.

(3) The Court may place the Seal on a document by –

(a) hand; or

(b) printing a facsimile of the Seal on the document electronically or by any other means.

(4) All orders of the Court shall be signed by the Registrar or the presiding Judge.

(5) A document purporting to bear the Seal of the Court shall be admissible in evidence without further proof.

PART 7
FILING AND SERVICE

Contents of this Part

Interpretation	Rule 7.1
Submission and filing of documents	Rule 7.2
Electronic submission of documents	Rule 7.3
Address for service	Rule 7.4
Service of documents	Rule 7.5
Electronic service of e-filed documents	Rule 7.6
Electronic service of documents issued by the Court	Rule 7.7
Proof of service	Rule 7.8

7.1 Interpretation

In this Part "**party**" includes the counsel or agent of a party.

7.2 Submission and filing of documents

(1) A document shall be submitted for filing by the method described in Rule 7.3 or any other electronic means approved by or under these Rules.

(2) In exceptional cases a document may be submitted for filing by –

(a) delivering it at the Registry or a sub-Registry to a person authorised to receive it at a time when the Registry or sub-Registry, as the case may be, is open; or

(b) sending it by email to the email address designated for that purpose by the Registrar;

(3) If a document submitted for filing in accordance with sub-Rule (2)(b) is received at the Registry when the Registry is closed, the document is deemed to be filed as soon as the Registry is next open.

(4) Where a fee is to be paid upon the filing of a document, the Registrar may accept the document for filing upon the party giving an undertaking to pay the fee.

7.3 Electronic submission of documents

(1) A document may be submitted for filing electronically by using the court's e-filing portal at http://www.ccj.org/e-filing-portal to –

(a) register a new account or log into an existing account;

(b) enter details of a new case or use particulars of an existing case;

(c) upload the document(s) associated with that case;

(d) make payment or give an undertaking to pay the appropriate fee; and

(e) submit the document(s).

(2) Documents submitted electronically shall not be password protected and shall be prepared electronically using any word processor in .doc, .docx, .rtf, or .pdf formats.

(3) Where the document is not a text document and –

(a) is an original document prepared for the matter before the Court, the document shall be in a readable pdf format to enable electronic searching without difficulty;

(b) is not an original document prepared for the matter before the Court, the document shall be scanned using an image resolution of at least 300 dots per inch.

(4) Documents submitted through the e-filing portal must comply with the requirements specified in Rule 6.5(1) of these Rules and –

(a) the aggregate size of a document shall not exceed 75 megabytes for one submission;[6]

(b) where the aggregate size of a document exceeds 75 megabytes the document shall be divided into multiple smaller documents not exceeding 100 megabytes each. Thereafter, each document shall be submitted as one part of the whole, e.g., "part 1 of 3", "part 2 of 3, "part 3 of 3" and so on;[7]

(c) annexures shall be uploaded and submitted separately from the corresponding principal document;

[6] Amended on 24 May 2024.
[7] Amended on 24 May 2024.

(d) each annexure shall be uploaded separately with a concise description of the document e.g., letter dated 1 January 2015; and

(e) each document shall be uploaded with a name that does not contain special characters (characters other than numerals or letters of the alphabet).

(5) Documents filed using the e-filing portal that are subscribed by a registered user are not required to bear the electronic image of the handwritten signature of the user but may be signed in the following manner using the registered user's login and password:

/s/ MARY WHITE

email: marywhite@gmail.com

Bar Number 12345

Counsel for (Applicant/Defendant)

ABC Law Firm

123 Broad Street, Bridgetown

Barbados

Telephone: (246) 123-4567

(6) (a) Any document submitted through the e-filing portal for filing outside business hours (8:00 am to 4:00 pm Mondays to Fridays) or on a public holiday, or any other period during which the Registry is closed, will be deemed filed as soon as the Registry is next open.

(b) All other Rules relating to holidays and computation of time apply to e-filed documents

(7) (a) A document submitted using the e-filing portal that complies with these Rules shall be filed.

(b) A document submitted for filing that does not comply with these Rules may be returned to the filing party along with a notice of the reason(s) for non- acceptance and may be amended and resubmitted for filing.

(8) (a) The Registrar shall stamp, date and paginate sequentially each document filed based on the existing case number or an assigned case number if it is a new case.

(b) The Registrar shall apply an electronic certificate to all documents duly filed in the Registry using the e-filing portal.

(9) An electronic confirmation of filing will be sent to the account of the registered user to confirm that the document submitted by the registered user has been filed and the date and time of filing.

7.4 Address for service

(1) Every document filed shall contain –

(a) an address and telephone number for service in the Member State where the Seat of the Court is located or in the relevant Member State;

(b) an electronic mail address for service, if service is being accepted by e-mail under Rule 7.6.

(2) Parties who change their address, telephone number or email address for service shall immediately notify the Registrar and all the parties of the change.

(3) A document is regarded as validly served when it is sent to the original address before any notice of change of address for service has been received by the party serving the document.

7.5 Service of documents

(1) Any document requiring service shall be served by the Registrar in such manner as is reasonable in all the circumstances.

(2) Where documents are to be served on a Member State, if there is no agent or counsel on the record, they shall be served on the Minister of Justice or the Attorney General of that Member State.

(3) Where documents are to be served on an organ or institution, or on a corporation or other legal personality, they shall be served –

(a) in the case of the organs established by Article 10 of the Treaty, on the Secretary General of the Community;

(b) in the case of the institutions established by Articles 21 and 22 of the Treaty, on the head of the institution;

(c) in the case of a company, on the company secretary or managing director; and

(d) in the case of a corporation or other legal personality, on the chairperson or secretary or any comparable official of such an entity.[8]

7.6 Electronic Service of e-filed documents

(1) Electronic service of e-filed documents may be effected through the electronic service address of a party which includes –

(a) an account at an electronic legal service provider; or

(b) an electronic mail (email) address.

(2) A party specifically consents to accept electronic service by –

(a) serving and filing a notice or written consent on any other party, that the party accepts electronic service. The electronic service address at which the party agrees to accept service must be stated in the notice or written consent;

(b) electronically filing any document or acknowledging service of any document electronically. The party is deemed to agree to accept service at the electronic service address from which the electronic filing or acknowledgement is made, provided that self-represented parties must affirmatively consent to electronic service as provided under sub-paragraph (a);

(c) including an electronic service address in the address for service of a document filed pursuant to Rule 6.5(4)(b)(v), provided that self-represented parties must affirmatively consent to electronic service as provided under subparagraph (a); or

(d) registering an account on the e-filing portal. The email address provided during registration shall be the electronic service address for the registered party.

(3) An electronic service address is presumed valid for a party if the party files electronic documents with the Court from that address and has not filed and served notice that the address is no longer valid.

(4) A party that has consented to electronic service under sub-Rule (2) must promptly notify the Court and other parties electronically of any change in their electronic service address.

(5) A party that receives a document that is served electronically and is unable to view or download the document must promptly notify the Registrar and the

[8] Amended on 24 May 2024.

Registrar shall take all reasonable steps to ensure that the document can be viewed and downloaded.

(6) A document served to an electronic service address is considered served on the date and time that it is sent.

7.7 Electronic Service of documents issued by the Court

The Court may electronically serve any notice, order, judgment, or other document issued by the Court on a party to a case by delivering same to the electronic service address of that party.

7.8 Proof of service

(1) Service may be proved by an affidavit made by the person who served the document.

(2) Electronic confirmation of delivery shall serve as proof of service of documents served electronically provided that if any dispute arises as to whether service occurred, it shall be resolved by a single Judge pursuant to Rule 21.2(1)(g).

(3) Electronic confirmation of delivery includes –

(a) e-mail delivery or read receipt;

(b) confirmation from an electronic legal service provider that the document was delivered to the recipient party's account at that service provider;

(c) confirmation that an imbedded hyperlink in the message envelope was accessed;

(d) acknowledgement of receipt by the recipient party, counsel or paralegal; or

(e) other means sufficient to satisfy the Court that the document(s) came to the notice of the recipient party.

PART 8
CASE MANAGEMENT

Contents of this Part

General powers of case management	Rule 8.1
Consolidation of matters	Rule 8.2
Imposition of conditions	Rule 8.3
Court's power to make orders of its own motion	Rule 8.4
Non-compliance where sanction is not specified	Rule 8.5
Non-compliance where sanction is specified	Rule 8.6
Relief from sanctions	Rule 8.7

8.1 General powers of case management

Except where these Rules provide otherwise, the Court may –

(a) consolidate matters;

(b) extend or shorten the time for compliance with any Rule, practice direction, order or direction of the Court even if the application for an extension is made after the time for compliance has passed;

(c) grant leave to amend pleadings;[9]

(d) adjourn or bring forward a hearing to a specific date;

(e) stay the whole or part of any proceedings generally or until a specified date or event and stay execution of a decision of the Competition Commission established by Article 171 of the Treaty;[10]

(f) strike out the whole or any part of a pleading;

(g) decide the order in which issues are to be tried and order parties to file submissions on costs;

(h) direct a separate hearing of any issue;

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[9] Amended on 24 May 2024.
[10] Amended on 24 May 2024.

(i) direct that two or more claims be tried on the same occasion;[11]

(j) direct that part of any proceedings be dealt with as separate proceedings;

(k) dismiss or make an order on a claim after a decision on a preliminary issue;

(l) require the maker of a witness statement to attend for questioning;

(m) require any party, agent or a party's counsel to attend Court;

(n) deal with a matter without the attendance of any parties;

(o) hold a hearing and receive evidence by telephone, audio conferencing, video conferencing or use any other method of direct oral communication;

(p) instead of holding an oral hearing, deal with a matter on written representations submitted by the parties;

(q) direct that any evidence be given in written form;

(r) give the conduct of any matter to any person or entity it thinks fit and make any appropriate consequential order about costs;

(s) direct that notice of any proceedings or application be given to any person or entity;

(t) where two or more parties are represented by the same legal practitioner –

    (i) direct that they be separately represented; and

    (ii) if necessary, adjourn any hearing to a fixed date to enable separate representation to be arranged and make any consequential order as to costs thrown away;

(u) refer any specific issue to mediation;

(v) add defendants;

(w) inspect or cause an inspection to be made of any place or thing in issue;

(x) make an order for representation of a deceased person or defunct entity;

(y) issue directions as to checklists;

(z) upon an application, make an order to omit from the record secret and confidential documents or parts thereof; and

[11] Amended on 24 May 2024.

(aa) take any other step, give any other direction or make any other order for the purpose of managing the case and furthering the overriding objective of these Rules.

8.2 Consolidation of matters

Where two or more matters are pending before the Court and, after hearing the parties, it appears to the Court that –

(a) some common question of law or fact arises in both or all of them;

(b) the rights or remedies claimed therein are in respect of or arise out of the same transaction or series of transactions; or

(c) for some other reason it is desirable to make an order under this Rule, the Court may order –

(i) the applications to be consolidated on such terms as it thinks just;

(ii) the applications to be tried wholly or partly at the same time or one immediately after another; or

(iii) one application to be stayed until after the determination of any other of them.

8.3 Imposition of conditions

(1) When the Court makes an order or gives a direction, it may –

(a) make it subject to conditions; and

(b) specify the consequence of failure to comply with the order or condition.

(2) The conditions which the Court may impose include a condition –

(a) requiring a party to give security;

(b) requiring a party to give an undertaking;

(c) requiring the payment of money into Court or as the Court may direct;

(d) requiring a party to pay all or part of the costs of the proceedings;

(e) requiring a party to perform an act by a specific time; and

(f) that a party permit entry to property owned or occupied by that party to another party or someone acting on behalf of another party.

(3) Where a party pays money into Court following an order under sub-Rule (2)(c), that money shall be security for any sum payable by that party to another party in the proceedings.

(4) In considering whether to make an order, the Court may take into account whether a party is prepared to give an undertaking.

(5) In special circumstances on the application of a party the Court may dispense with compliance with any of these Rules.

8.4 Court's power to make orders of its own motion

(1) Except where a Rule or other enactment provides otherwise, the Court may exercise its powers on an application or of its own motion.

(2) Where the Court proposes to make an order of its own motion it may, in the interest of justice, give any party or intervener likely to be adversely affected a reasonable opportunity to make representations.

(3) Such opportunity may be to make representations orally, in writing, or by such other means as the Court considers reasonable.

8.5 Non-compliance where sanction is not specified

(1) Where the consequence of a failure to comply with a Rule, practice direction or Court order has not been specified by any Rule, practice direction or order of the Court, the failure to comply shall not invalidate any step taken in the proceedings, unless the Court so orders.

(2) The Court may of its own motion or upon an application by a party or an intervener, make an order to enable the matter to proceed satisfactorily.

8.6 Non-compliance where sanction is specified

(1) Where the Court makes an order, issues a practice direction or gives directions the Court shall whenever practicable also specify the consequences of non-compliance.

(2) Where a party or an intervener has failed to comply with any Rule, direction, practice direction or any order, any sanction for such non-compliance imposed by the Rule, direction, practice direction or the order has effect unless the party or intervener in default applies for and obtains relief from the sanction.

(3) Where a Rule, direction, practice direction or order requires a party or intervener to do something by a specified date, the time for doing the act in question may

not be extended by agreement between the parties or between them and any intervener.

8.7 Relief from sanctions

(1) An application for relief from any sanction imposed for a failure to comply with any Rule, order, practice direction or direction shall be made promptly and supported by evidence.

(2) The Court may grant relief if it is satisfied that it is in the interest of justice to do so and shall have regard, *inter alia,* to the following –

(a) whether the failure to comply was not intentional;

(b) whether there is a good explanation for the failure;

(c) whether the party or intervener in default has generally complied with all other relevant Rules, practice directions, orders and directions;

(d) the effect which the granting of relief or not would have on each party or intervener;

(e) the interests of the administration of justice;

(f) whether the failure to comply has been or can be remedied within a reasonable time; and

(g) whether the failure to comply was due to the party or intervener or the party’s or intervener’s counsel or agent.

(3) The Court may not order any other party or intervener to pay the applicant's costs in relation to any application for relief unless exceptional circumstances are shown.

PART 9
CASE MANAGEMENT CONFERENCES

Contents of this Part

Case management procedure	Rule 9.1
Dispensing with case management conference	Rule 9.2
Attendance at case management conference or pre-hearing review	Rule 9.3
Orders to be made at case management conference	Rule 9.4
Adjournment of case management conference	Rule 9.5
Variation of case management timetable	Rule 9.6

9.1 Case management procedure

(1) The Court may of its own motion direct the Registrar at any time to make arrangements for the holding of a case management conference.

(2) The Registrar shall make arrangements for the holding of a case management conference whenever a case management conference is fixed by the Court.

(3) A party may request the Court to arrange a case management conference at any time.

(4) A request under sub-Rule (3) may be made without notice but must state the reasons for same.

(5) The Registrar shall give all parties and any interveners reasonable notice of the date, time and place of the case management conference.

9.2 Dispensing with case management conference

(1) On the application of a party or of its own motion the Court may dispense with a case management conference if it is satisfied that the case may be dealt with justly without a case management conference.

(2) Where the Court dispenses with a case management conference, it shall immediately –

(a) give directions in writing about the preparation of the case; and

(b) set a timetable for the steps to be taken between the giving of directions and the hearing.

(3) The Registrar shall serve the directions made on all parties and give notice of the hearing date or hearing period.

9.3 Attendance at case management conference or pre-hearing review

(1) The party and any intervener and in the case of a Member State, its agent, together with the counsel or other legal practitioner who is authorised to negotiate on behalf of a party, shall attend the case management conference and any pre–hearing review.

(2) The Court may dispense with the attendance of any person specified under sub-Rule (1).

(3) Where the case management conference or pre-hearing review is not attended by any person specified under sub-Rule (1), the Court may adjourn the case management conference or pre-hearing review to a fixed date and may exercise any of its powers under this Part or Part 29.

(4) Where the Court is satisfied that notice of the hearing has been served on the absent party or parties or any interveners in accordance with these Rules, then the Court may take such steps as appear just, including dismissing the originating application or giving judgment against the defendant.

9.4 Orders to be made at case management conference

(1) At a case management conference, the Court shall consider whether to give directions in respect of –

(a) disclosure and inspection;

(b) witness statements; and

(c) any experts' reports.

(2) The Court may also give directions for the preparation of –

(a) an agreed statement of facts;

(b) an agreed statement of issues;

(c) an agreed statement of the basic technical and scientific matters in issue; and

(d) an agreed statement as to any relevant specialist area of law, which statement shall not be binding on the Court.

(3) The Court may further direct that separate hearings relating to specific issues or witnesses be held before the final hearing.

(4) The Court may fix a date for a pre-hearing review.

(5) The Court shall in any event, fix –

(a) the duration of the hearing if no pre-hearing review is scheduled;

(b) the hearing date; or

(c) the period within which the hearing is to commence.

(6) The Registrar shall serve on all parties an order containing the directions made and give notice of –

(a) the hearing date or hearing period; and

(b) the date of any pre-hearing review.

9.5 Adjournment of case management conference

(1) The Court may not adjourn a case management conference without fixing a new date, time and place for the adjourned case management conference.

(2) Where the Court is satisfied that the parties are –

(a) in the process of negotiating, or are likely to negotiate a settlement; or

(b) are attending, or have arranged to attend, a form of ADR procedure, the Court may adjourn the case management conference to a suitable date, time and place to enable negotiations or the ADR procedure to continue.

(3) Where the case management conference is adjourned under sub-Rule (2) each party shall notify the Registrar promptly if the claim is settled.

(4) The Court may give directions as to the preparation of the case for hearing if the case management conference is adjourned.

9.6 Variation of case management timetable

(1) An application shall be made to the Court if a party or an intervener seeks to vary a date which the Court has fixed for[12] –

(a) a case management conference;

(b) a party to take some step or perform some act;

(c) a pre-hearing review; or

(d) the hearing date or hearing period.

(2) A party or intervener seeking to vary any other date in the timetable established by the Court at the case management conference, shall apply to the Court before that date.

(3) A party or intervener who applies after the date referred to in sub-Rule (2) shall apply for –

(a) relief from any sanction to which the party has become subject under these Rules or any Court order; and

(b) an extension of time.

[12] Amended on 24 May 2024.

PART 10
HOW TO COMMENCE PROCEEDINGS

Contents of this Part

Proceedings by a Contracting Party or the Community	Rule 10.1
Contents of originating application	Rule 10.2
Notice and service of originating application	Rule 10.3
Proceedings by a national (special leave)	Rule 10.4
Proceedings by a national (originating application)	Rule 10.5
An application including two or more claims	Rule 10.6
Application for waiver of fees by national	Rule 10.7

10.1 Proceedings by a Contracting Party or the Community

A Contracting Party or the Community shall commence proceedings by filing an originating application which shall be accompanied by all annexures referred to therein. In such instances, Rule 10.4 is not applicable.

10.2 Contents of originating application

An originating application filed by a Contracting Party or the Community shall –

(a) identify the parties to the dispute;

(b) give an address for service in accordance with Rule 7.4;

(c) set out the grounds on which it is claimed that the Court has jurisdiction;

(d) state the precise nature of the claim together with a full statement of the facts and the law on which it is based;

(e) specify the remedy which the claimant is seeking;

(f) list and annex copies of all documents which support the claimant's claim; and

(g) be dated and signed by the party's counsel or agent.

10.3 Notice and service of originating application

(1) The Community and all Member States shall be notified by the Registrar of the filing of any originating application within fourteen (14) days thereof.

(2) The Registrar shall give notice on the Court's website of particulars of –

(a) the date of filing of any originating application;

(b) the identity of the parties;

(c) the subject-matter of the proceedings; and

(d) the remedy sought.

(3) The Registrar shall forthwith upon the filing of an originating application serve the same together with all annexures on the defendant, the Community and all Member States.[13]

10.4 Proceedings by a national (special leave)

(1) A national wishing to commence proceedings pursuant to Article 222 of the Treaty must file an application for special leave to which is annexed a copy of the proposed originating application, which shall comply with Rules 10.1 and 10.2.

(2) The applicant shall set out in the application for special leave such facts, and annex to it such documents, as are necessary to establish –

(a) that the applicant is a national;

(b) that it is arguable that the Treaty intended that a right or benefit conferred by or under the Treaty on the Contracting Party to which the applicant belongs should enure to the benefit of the applicant directly;

(c) that it is arguable that the applicant has been prejudiced in respect of the enjoyment of the right or benefit mentioned in paragraph (b) above;

(d) that the Contracting Party entitled to espouse the claim in proceedings before the Court has –

(i) omitted or declined to espouse the claim; or

(ii) expressly agreed that the applicant espouse the claim in its stead; and

[13] Amended on 24 May 2024.

(e) that the interest of justice requires that the applicant be allowed to espouse the claim.

(3) The Registrar shall within seven (7) days of the filing of the application for special leave serve copies of that application together with all annexures thereto –

(a) on the Contracting Party to which the applicant belongs, and the proposed defendant; and

(b) in exceptional cases and at the direction of the Court, on the Community and the Member States.

(4) Within fourteen (14) days of being served in accordance with sub-Rule (3), the Contracting Party, the proposed defendant, and if served, the Community and the Member States shall each be at liberty to file a notice requesting to be heard on the application for special leave, and the Registrar shall within seven (7) days of the filing of any such notice, serve a copy thereof on the applicant.

(5) A Contracting Party, proposed defendant, the Community or the Member States who, having been served under sub-Rule (3), fails to file a request to be heard within the time stipulated in sub-Rule (4), shall not, unless the Court otherwise orders, be heard on the application for special leave.

(6) Within forty-nine (49) days of the filing of the application for special leave, the Court shall hold a case management conference for the purpose of giving directions as to the further conduct of the application. The Registrar shall give at least fourteen (14) days' notice of that conference to –

(a) the applicant;

(b) the Contracting Party, if the Contracting Party has filed a request to be heard;

(c) the proposed defendant, if the proposed defendant has filed a request to be heard; and

(d) the Community or any Member State, if it has been served and/or has filed a request to be heard.

(7) The Court may grant or refuse the application for special leave either at the case management conference or after the hearing of the application for special leave.

(8) Where the Court grants the application for special leave, it may give such directions as it deems necessary.

10.5 Proceedings by a national (originating application)

(1) If special leave is granted, the applicant shall within seven (7) days thereafter file an originating application in the same form as the proposed originating application annexed to the application for special leave.

(2) Where the applicant proposes to amend the originating application, such amendments should be highlighted to the Court for its approval.

(3) Upon the filing of the originating application by the national, Rule 10.3 shall apply.

10.6 An application including two or more claims

An originating application may include two or more claims provided they can conveniently be disposed of in the same proceedings.

10.7 Application for waiver of fees by national

(1) A national who wishes to obtain a waiver of fees shall –

(a) file an application for such a waiver together with their application for special leave and/or originating application, and

(b) be required to satisfy the Court, by affidavit or otherwise, of the circumstances justifying their need for a waiver of fees.

(2) An applicant to whom such a waiver has been granted may –

(a) be permitted to pay a reduced fee for the application for special leave/originating application, or

(b) not be required to pay any Court fees.

PART 10A
OTHER PROCEEDINGS

Contents of this Part

Interpretation	Rule 10A.1
Referral proceedings	Rule 10A.2
Proceedings for advisory opinions	Rule 10A.3
Application by the Commission under Article 175(11) of the Treaty	Rule 10A.4
Review of decisions of the Commission under Article 175(12) of the Treaty	Rule 10A.5
Review of decisions of the Commission under Article 180 of the Treaty	Rule 10A.6

10A.1 Interpretation

In this Part,

"**appropriate officer**" means the person or authority authorised by the law of a Contracting Party to sign a referral;

"**Commission**" means the Competition Commission established by Article 171 of the Treaty;

"**COTED**" means the Council for Trade and Economic Development referred to in Article 10 of the Treaty;

"**national court**" means a court or tribunal of a Contracting Party and includes the Eastern Caribbean Supreme Court.

10A.2 Referral proceedings

(1) Where a national court is seised of an issue whose resolution involves a question concerning the interpretation or application of the Treaty, the court concerned shall, if it considers that a decision on the question is necessary to enable it to deliver judgment, refer the question to the Court for determination before delivering judgment.

(2) The referral must be in writing in conformity with Form 3 of Schedule 2, be signed by the registrar of the national court or the appropriate officer and be addressed to the Registrar.

(3) The referral must –

(a) state the question which the Court is asked to answer;

(b) explain how the question referred is relevant to the issues in the proceedings before the national court;

(c) identify the parties to those proceedings and give an address for service for each of them; and

(d) give a succinct account of the factual and legal background essential for a full understanding of what is provided under sub-paragraphs (a) and (b).

(4) The Court may, through its Registry, request from the national court any additional information or clarification necessary for rendering a ruling.

(5) Within fourteen (14) days of receipt of a referral the Registrar shall serve copies of the referral on all Member States, the Secretary General of the Community and the parties to the proceedings before the national court.

(6) Where the Community or any Member State wishes to be heard on the question referred, it shall so indicate in writing within six (6) weeks of being served under sub-Rule (5) or within such other period as the Court may direct.

(7) The parties to the proceedings before the national court, and the Community and a Member State, if either has given notice of its desire to be heard pursuant to sub-Rule (6), shall be given an opportunity to make submissions to the Court either orally or in writing or both.

(8) The national court shall promptly inform the Court of any procedural step that may affect the referral, including the admission of any new parties to the national proceedings or any event leading to the termination, or otherwise affecting the shape, of those proceedings.

(9) Subject to sub-Rule (7), the Court shall give directions for the further conduct of the matter.

(10) The Court will first determine whether it has jurisdiction under Article 214 of the Treaty to answer the question referred. Where the Court determines that it does not have such jurisdiction, the reasons for this determination shall be given in writing and sent by the Registrar to the appropriate officer and those served pursuant to sub-Rule (5).

(11) Where the court determines that it does have jurisdiction, it shall proceed to answer the question referred.

(12) The ruling in answer to the question referred shall –

(a) be given in writing; and

(b) transmitted by the Registrar to –

(i) the appropriate officer;

(ii) the parties to the proceedings before the national court; and

(iii) any entity which made submissions to the Court; and

(c) thereafter be published by the Court.

10A.3 Proceedings for advisory opinions

(1) A request for an advisory opinion by Member States parties to a dispute or the Community under Article 212 of the Treaty shall conform to Form 4 in Schedule 2 and be submitted in writing to the Registrar.

(2) Where Member States parties to a dispute request an advisory opinion, they shall make a joint request which shall include –

(a) a clear and succinct statement of the point on which the opinion is sought;

(b) a statement of the facts including specifying those in dispute; and

(c) a statement of the legal aspects of the case.

(3) Where the Community requests an advisory opinion, the request shall include –

(a) a clear and succinct statement of the point on which the opinion is sought;

(b) a statement of the facts including specifying those in dispute; and

(c) a statement of the legal aspects of the case.

(4) Any documents germane to the issue raised shall be transmitted to the Court at the time of the submission of the request.

(5) Within fourteen (14) days of receipt of a request for an advisory opinion the Registrar shall serve copies of the request on all Member States and the Secretary General of the Community.

(6) Any entity which has been served shall be entitled to make written submissions to the Court within forty-two (42) days of being served.

(7) The Registrar shall send to all Member States and the Secretary General of the Community a copy of all written submissions that have been received.

(8) After the expiry of the time specified for the receipt of written submissions, the Court shall give directions for the further conduct of the matter.

(9) The opinion of the Court shall be given in writing and, unless the Court determines otherwise, shall contain –

(i) a statement that it is an advisory opinion;

(ii) the date of its delivery;

(iii) the names of the Judges participating;

(iv) the names of the parties;

(v) the names of the counsel or agents of the parties;

(vi) a statement of the facts;

(vii) the reasons in point of law; and

(viii) a succinct answer to the question(s) put.

(10) The opinion of the Court shall be transmitted by the Registrar to the requesting party or parties, the Secretary General of the Community and any entity from which submissions were received and shall thereafter be published by the Court.

10A.4 Application by the Commission under Article 175(11) of the Treaty

(1) An application by the Commission for an order under paragraph 11 of Article 175 shall be signed by the Chairperson of the Commission and sent to the Registrar.[14]

(2) The application shall –

(a) identify the enterprise concerned ("the enterprise");

(b) state the specific course of action the enterprise was required to take;

(c) indicate the time within which that course of action was required to be taken;

[14] Amended on 24 May 2024.

(d) provide evidence of the enterprise's failure to comply or to request an extension of time for compliance; and

(e) specify the order which the Court is asked to make.

(3) Upon receipt of an application under sub-Rule (1) the Registrar shall within ten (10) days serve a copy of the application on the enterprise.

(4) The enterprise may within fourteen (14) days of being served with a copy of the application file written submissions in response thereto and the Registrar shall within ten (10) days of such filing serve copies of the submissions on the Commission.

(5) The Court may then decide the matter or give directions for its further conduct.

(6) The Registrar shall send copies of any order made by the Court under this Rule to the Secretary General of the Community and, if the investigation leading to the Commission's order was requested by a Member State, to that Member State.

10A.5 Review of Decisions of the Commission under Article 175(12) of the Treaty

(1) The Registrar shall request that the registrar of the Commission provide all determinations made by the Commission.

(2) An application under paragraph 12 of Article 175 of the Treaty for review of a determination made by the Commission shall be filed by the party aggrieved within ninety (90) days of such determination.

(3) The application for review shall –

(a) specify the determination to be reviewed;

(b) indicate whether the investigation leading to the determination was requested by COTED or by a Member State and if so which one;

(c) identify any other person or entity interested in or affected by the determination;

(d) indicate the circumstances in which the determination came to be made;

(e) provide any reasons given by the Commission for its determination;

(f) be accompanied by copies of any documents that were before the Commission;

(g) provide a transcript or note, if available, of any oral proceeding before the Commission;

(h) state the grounds on which it is sought to impugn the determination; and

(i) specify the order which the Court is asked to make.

(4) Within ten (10) days of the filing of an application under sub-Rule (1), the Registrar shall –

(a) serve a copy of the application –

(b) set a date for a case management conference to be held within eight (8) weeks of the filing of the request.

(i) on the Commission;

(ii) on the Secretary General of the Community;

(iii) if the investigation was requested by a Member State, on that Member State; and

(iv) on all other persons and entities affected by the determination; and

(5) At the case management conference, the Court may give directions for the further conduct of the proceedings.

(6) On the application of a party who has applied for a review of a determination by the Commission the Court may grant a stay of any order made as part of that determination.

(7) A determination by the Court upon such an application shall be in writing and published by the Court.

10A.6 Review of Decisions of the Commission under Article 180 of the Treaty

(1) An application by the Commission pursuant to paragraph 3 of Article 180 of the Treaty for a review of a decision made by it shall be signed by the Chairperson of the Commission and sent to the Registrar within six (6) months of the discovery of the deceit or improper means by which it is alleged the decision of the Commission was induced.[15]

(2) The application shall –

[15] Amended on 24 May 2024.

(a) set out the decision of the Commission which is the subject of the application;

(b) identify the Member State on whose application the decision was made;

(c) outline the business conduct that was the subject of the Commission's decision;

(d) give particulars of the deceit or improper means by which the decision was induced;

(e) identify any person who is alleged to have been responsible for or to have participated in the deceit or improper means of inducement; and

(f) indicate the time when the deceit or improper means of inducement was first discovered.

(3) Upon the filing of an application under sub-Rule (1), the Registrar shall –

(a) within ten (10) days serve a copy of the application –

(i) on the Member State on whose application the Commission made its ruling, and

(ii) on the person identified under sub-Rule 2(e); and

(b) set a date for a case management conference to be held within six (6) weeks of the filing of the application and invite the Commission, the Member State involved, and any person identified under sub-Rule (2)(e) to attend.

(4) At the case management conference, the Court may decide the matter or give directions for the further conduct of the proceedings.

(5) On the application of a party who has applied for a review of a determination by the Commission the Court may grant a stay of any order made as part of that determination.

(6) A determination by the Court upon such an application shall be in writing and published by the Court.

PART 11
INTERIM MEASURES

Contents of this Part

How to apply for interim measures — Rule 11.1

Procedure on application for interim measures — Rule 11.2

11.1 How to apply for Interim Measures

(1) An application for interim measures may be filed at the time when the originating application is filed or at any time thereafter or, in the case of an application for special leave, at the time that the application is filed, or at any time thereafter.

(2) The application for interim measures shall –

(a) establish prima facie the right in support of which the interim measures are sought;

(b) explain why the interim measures are needed, and the possible consequences if they are not prescribed;

(c) specify the terms of the order sought, including the terms of any proposed undertaking; and

(d) give particulars of any person who may be reasonably considered likely to be affected by such interim measures.

11.2 Procedure on application for Interim Measures

(1) The Registrar shall, as soon as is reasonably practicable, serve the application on –

(a) the opposite party; and

(b) at the direction of the Court, on any person who may be affected by the proposed interim measures.

(2) The Court shall prescribe a short period within which written submissions shall be made.

(3) Any person who may be affected that is served pursuant to Rule 11.2(1)(b), and files written submissions after being served, shall be deemed an intervener for the purposes of the application for interim measures.

(4) The Court shall order a hearing in the matter unless the application for interim measures is uncontested.

(5) In exceptional cases the Court may make an interim order before it has received written or oral submissions from the opposite party or any person who may be affected by the proposed interim measure.

(6) The order –

(a) shall be served forthwith by the Registrar on

(i) the parties; and

(ii) any such affected person; and

(b) may be varied or discharged at or before the hearing by a further order of the Court.

(7) The grant of the order may be made conditional on –

(a) the giving of an undertaking by the applicant to indemnify the opposite party or any person affected by such order –

(i) against any loss or damage suffered as a result of the unjustified imposition of the interim measures ordered; but only

(ii) if and to the extent that the Court subsequently determines that such loss or damage should be borne by the applicant; and

(b) the provision of security in an amount and of a description to be determined by the Court in support of that undertaking; or

(c) such other condition as the Court may deem just and necessary.

(8) The order granting the application shall fix, where appropriate, a date on which the interim measures are to lapse.

(9) Unless the order fixes such a date, the interim measures shall expire upon the delivery of judgment after determination of the special leave application or the originating application, as the case may be.

(10) Notwithstanding sub-Rule (9), in cases where the judgment grants special leave to file an originating application, the interim measures continue in effect unless –

(a) the Court orders otherwise; or

(b) until the delivery of judgment in the originating application.

(11) At any time after the hearing under sub-Rule (2), on application by a party or an affected person or of the Court's own motion, the order may be varied or discharged on account of a change in circumstances or for other good and sufficient reason.

(12) Rejection of an application for any interim measures shall not bar the party who made it from making a further application on the basis of new facts.

PART 12
EXPEDITED PROCEDURES

Contents of this Part

Court may hear matters under expedited procedure	Rule 12.1
Court to hold case management conference	Rule 12.2
Court may abridge time limits or curtail procedures	Rule 12.3

12.1 Court may hear matters under expedited procedure

(1) A party may apply in writing for an application for special leave or an originating application to be determined under an expedited procedure.

(2) After an application for an expedited procedure has been filed the Registrar shall serve it forthwith on all other parties.

(3) The Court shall afford all parties an opportunity to make submissions with regard to the application for an expedited procedure in such manner and within such time as the Court may determine.

(4) If the justice of the case so requires and subject to sub-Rule (3), the Court may order an expedited procedure for –

(a) the determination of the application for special leave;

(b) the originating application; or

(c) both (a) and (b).

12.2 Court to hold case management conference

When the Court has ordered an expedited procedure, it may set an early date for a case management conference at which it shall give directions for the future conduct of the proceedings.

12.3 Court may abridge time limits or curtail procedures

The Court may abridge time limits fixed by these Rules or curtail in other respects the procedures prescribed by them.

PART 13
PRELIMINARY OBJECTIONS

Contents of this Part

Lack of jurisdiction or inadmissibility of claim	Rule 13.1
Preliminary objections by a defendant	Rule 13.2

13.1 Lack of jurisdiction or inadmissibility of claim

(1) Where it is clear that the Court has no jurisdiction to entertain a claim or where the action is manifestly inadmissible, the Court may, by reasoned order and without taking further steps in the proceedings, give a decision on the claim.

(2) The Court may at any time of its own motion consider whether there exists any absolute bar to proceeding with a case. If it so appears to the Court, the Court may proceed in accordance with the provisions of Rule 8.4.

13.2 Preliminary objections by a defendant

(1) A defendant may apply to the Court for a decision on a preliminary objection to the jurisdiction of the Court or to the admissibility of the originating application, or on some other preliminary plea not going to the substance of the case.

(2) The application shall state the facts and law relied on and the form of order sought and shall be accompanied by any supporting documents.

(3) As soon as the application has been filed, the Court shall specify a period within which the other party may file submissions in answer to the preliminary objection together with any supporting documents.

(4) The Registrar shall notify the parties of the date of hearing of the application and no further application in respect of those proceedings shall be accepted unless –

(a) the party making the further application satisfies the Court that the application was occasioned by unforeseeable circumstances; and

(b) it is filed at least fourteen (14) days before the date of hearing of the application.

(5) The time limit referred to in sub-Rule (4)(b) may be abridged by the Court where the applicant establishes, to the satisfaction of the Court, that there are exceptional circumstances to warrant the application.

(6) Where the Court refuses the application or reserves its decision, the Court shall prescribe new time limits for further steps in the proceedings.

PART 14
DEFENCE AND FURTHER PLEADINGS

Contents of this Part

Filing of defence Rule 14.1

Consequences of not setting out defence Rule 14.2

Reply and rejoinder Rule 14.3

14.1 Filing of defence

(1) Within forty-two (42) days of service of the originating application, the defendant shall file a defence which shall be accompanied by all annexures referred to therein.

(2) The Registrar shall forthwith upon the filing of a defence, serve the same together with all annexures on the other parties to the proceedings.

(3) The defendant shall in the defence –

(a) provide the name, address, telephone number and e-mail address of an agent or counsel in the Contracting Party in which the Seat of the Court is located who is authorised to accept service on behalf of the defendant;

(b) give a succinct statement of the relevant facts emphasising any significant differences from the statement of facts contained in the originating application;

(c) annex copies of all documents on which it proposes to rely;

(d) outline any legal submissions relied upon;

(e) be dated and signed by the party's counsel or agent; and

(f) indicate the order which the Court is asked to make.

14.2 Consequences of not setting out defence

(1) Except with leave of the Court, the defendant may not rely on any allegation which is not set out in the defence but which could have been set out there.

(2) The Court may give the defendant such leave at a case management conference.[16]

(3) The Court may not give the defendant such leave after the case management conference unless the defendant satisfies the Court that there has been a significant change in circumstances, which became known only after the date of the case management conference.

14.3 Reply and rejoinder

(1) The Court may authorise or direct that there shall be a reply by the claimant and a rejoinder by the defendant if the Court decides, of its own motion or at the request of one of the parties, that these pleadings are necessary.

(2) The Court shall by order determine the time limits within which such pleadings are to be filed.

(3) No new plea will be allowed unless it is based on matters of law or fact which came to light in the course of the proceedings.

[16] Amended on 24 May 2024.

PART 15
JUDGMENT BY DEFAULT AND APPLICATION TO SET ASIDE

Contents of this Part

Judgment by default	Rule 15.1
Application to set aside	Rule 15.2

15.1 Judgment by default

(1) Where a defendant who has been duly served with an originating application fails to file a defence, the claimant may apply for judgment by default.

(2) The application shall be served on the defendant and the Registrar shall then fix a date for hearing.

(3) At the hearing, the Court –

(a) shall consider whether the originating application is admissible, whether the requisite formalities have been complied with, and whether the application appears well founded; and

(b) shall make such order as is just in the circumstances.

15.2 Application to set aside

(1) An application may be made to set aside a judgment by default in accordance with the procedure set out in Part 21.

(2) The application to set aside the judgment shall be made within twenty-eight (28) days from the date of service of the judgment.

(3) On application by a party the Court may order a stay of execution after the filing of an application to set aside a judgment obtained by default.

(4) If the Court sets aside the judgment the Court's decision shall be annexed to the original default judgment.

(5) The provisions of Part 21 shall apply, with such modifications, adaptations qualifications and exceptions as the context requires, to applications under this Part.

PART 16
ADDING DEFENDANTS

Contents of this Part

Adding a new defendant	Rule 16.1
Procedure for adding a new defendant	Rule 16.2

16.1 Adding a new defendant

After an originating application has been filed, a party may seek leave to add a new defendant or the Court may of its own volition add a new defendant on either of the following grounds –

(a) it is desirable to add the new defendant so that the Court can resolve all the matters in dispute in the proceedings; or

(b) there is an issue involving the new defendant which is connected to the matters in dispute in the proceedings and it is desirable to add the new defendant so that the Court can resolve that issue.

16.2 Procedure for adding a new defendant

(1) Where a party seeks leave under Rule 16.1, its application for an order shall be filed not later than six (6) weeks after the filing of the originating application.

(2) Such an application shall include –

(a) a statement of the grounds for the application; and

(b) the facts on which it is based.

(3) The Registrar shall serve the application on the other parties and on the proposed new defendant and invite written responses to the application from those parties.

(4) Where the Court considers adding a new defendant under Rule 16.1, it shall –

(a) notify the parties and the proposed new defendant of its proposal and brief reasons for the proposal; and

(b) invite written responses to the proposal from those parties.

(5) The Court may hold a case management conference to determine whether a proposed new defendant under Rule 16.1 should be added to the proceedings.

(6) Where the parties consent in writing to the addition of the proposed new defendant, the Court may dispense with such a case management conference.

(7) Where the Court makes an order for the addition of a defendant –

(a) the Registrar shall forthwith serve –

(i) this order on the proposed new defendant and all parties to the proceedings;

(ii) the relevant documents on the new defendant; and

(b) the Court may give consequential directions for the further conduct of the matter.

PART 17
INTERVENTION

Contents of this Part

Interpretation	Rule 17.1
Intervention by third parties	Rule 17.2
How to apply to intervene	Rule 17.3
Procedure on application for leave to intervene	Rule 17.4
Procedure after grant of leave to intervene	Rule 17.5
Intervention under paragraphs 2 and 3 of Article XVIII of the Agreement	Rule 17.6
Intervener to accept case as the intervener finds it	Rule 17.7

17.1 Interpretation

In this Part "**proceedings**" includes the proceedings in which a Member State, the Community or a person seeks to intervene or has intervened.

17.2 Intervention by third parties

A Member State, the Community or a person having a substantial interest of a legal nature which may be affected by a decision of the Court in the exercise of its original jurisdiction, may apply to the Court to intervene.

17.3 How to apply to intervene

(1) An application for leave to intervene must be filed:

(a) within six (6) weeks of –

(i) the applicant having been notified of the originating application pursuant to Rule 10.3; or

(ii) in the case of a person, within six (6) weeks of the Contracting Party of which the applicant is a national, having been so notified; or

(b) as soon as possible after the application for special leave has been filed but not later than the date of the case management conference as referred to in Rule 10.4(6).

(2) An application for leave to intervene shall be intituled in the same manner as the proceedings and shall set out –

(a) particulars of the applicant including an address for service in accordance with Rule 7.4(1);

(b) the substantial interest of a legal nature claimed by the applicant;

(c) how that interest may be affected by a decision of the Court; and

(d) the contentions which the applicant wishes to put forward.

17.4 Procedure on application for leave to intervene

(1) On receipt of an application for leave to intervene, the Registrar shall –

(a) serve the application on all parties to proceedings; and

(b) invite them to file, within a specified time, written submissions as to whether and why the applicant should or should not be granted leave to intervene.

(2) Any written submissions filed by the parties under sub-Rule (1) shall be served by the Registrar on the applicant.

(3) After the time specified for the filing of written submissions has expired, the Court may permit the applicant to respond in writing to the submissions received, if any, and shall determine the application either with or without a hearing.

17.5 Procedure after grant of leave to intervene

(1) Where the Court grants leave to intervene, the Registrar shall serve on the intervener copies of the documents served on the other parties to the proceedings.

(2) The President, however, on application by one of the parties, may omit secret and confidential documents.

(3) Within twenty-eight (28) days or such other period as the Court may direct, after service on the intervener of copies of the documents referred to in sub-Rule (1), the intervener shall file a statement specifying –

(a) the order which the intervener wishes to support in the proceedings accepting the case as the intervener finds it;

(b) any legal submissions on which the intervener relies; and

(c) where appropriate, the nature of any oral or written evidence offered in support of the intervener's contentions, annexing any documents on which it is intended to rely.

(4) The Registrar shall forthwith serve copies of the statement filed by the intervener on all other parties and invite them to file a response to the statement within a specified time. Any such response shall be served by the Registrar on the intervener.

(5) The Court shall give further directions on the future conduct of the matter including whether a particular intervener may rely upon written submissions without participating in the hearing.

17.6 Intervention under paragraphs 2 and 3 of Article XVIII of the Agreement

(1) Whenever, in the course of proceedings before the Court, a question arises as to the construction of a convention to which Member States and other parties to the convention not engaged in those proceedings are parties, the Registrar shall forthwith –

(a) notify all such Member States and other parties to the convention of the fact that the issue has arisen in those proceedings;

(b) inform them of their right to intervene; and

(c) request them to inform the Registrar in writing within fourteen (14) days whether they propose to exercise that right.

(2) If a Member State or person so notified indicates within the time specified in sub-Rule (1), an intention to intervene, the Registrar shall, subject to sub-Rule (3) and after giving the parties fourteen (14) days' notice of the Registrar's intention to do so –

(a) serve on such Member State or person the documents filed in the proceedings; and

(b) invite the Member State or person to file within a specified period written submissions with regard to the construction of the convention.

(3) The President may, on the application of any party to the proceedings, order that copies of secret and confidential documents be omitted from the documents served on the intervener.

(4) The Registrar shall upon receipt of the intervener's submissions serve a copy of them on all parties to the proceedings and invite them to file a written response thereto within twenty-eight (28) days.

(5) Any written responses filed by the parties under sub-Rule (4) shall be served by the Registrar on the intervener.

(6) After the expiration of the time specified for the filing of written responses, the Court shall give directions for the further conduct of the matter.

17.7 Intervener to accept case as the intervener finds it

The intervener shall accept the case as the intervener finds it at the time of the intervention so that the intervention shall have prospective effect only.

PART 18
ASSISTANCE BY AN AMICUS CURIAE

Contents of this Part

Application to assist as amicus curiae	Rule 18.1
Proposal of amicus curiae by the Court	Rule 18.2
How to apply to be amicus curiae	Rule 18.3
Procedure to permit amicus curiae	Rule 18.4

18.1 Application to assist as amicus curiae

A person or body having significant information of relevance to proceedings before the Court may file an application to assist the Court in the public interest as an amicus curiae at any time before the Court has set a specific date for the hearing of the proceedings.

18.2 Proposal of amicus curiae by the Court

(1) In addition, or in the alternative, the Court may of its own motion identify a person or body to assist it as amicus curiae if it considers that this will be helpful.

(2) In such an instance, the Court shall notify the parties to the proceedings of the identity of the proposed amicus and the justification for having such assistance, and invite written submissions from them in this regard within a specified time.

18.3 How to apply to be amicus curiae

An application to assist the Court shall be intituled in the same manner as the proceedings sought to be assisted and shall set out –

(a) particulars of the applicant, including an address for service;

(b) an outline of the significant information relevant to the proceedings that is intended to be provided in the public interest unless full information can forthwith be provided; and

(c) an explanation of why such information is significant and relevant to the proceedings and why its provision is in the public interest.

18.4 Procedure to permit amicus curiae

(1) After an application has been filed the Registrar shall serve the application on all parties to the proceedings and invite them and the applicants to file, within a specified time, written submissions as to whether and why the applicant should or should not be permitted to become an amicus curiae.

(2) After receiving written submissions filed under sub-Rule (1), as well as any submissions under Rule 18.2(2), the Court shall determine whether permission will be granted for any of the persons or bodies to assist the Court, either with or without a hearing.

(3) Where the Court permits any amicus curiae to assist in the proceedings, it shall allow the amicus curiae to file written submissions.

(4) The Court may also permit the amicus curiae to address the Court at the hearing of the proceedings.

PART 19
STAY OF PROCEEDINGS

Contents of this Part

Stay of proceedings Rule 19

19 Stay of Proceedings

(1) The Court may stay and resume proceedings of its own motion, in any case where it considers it appropriate to do so, or on the application of a party or a person who has intervened pursuant to Part 17.

(2) The stay of proceedings shall take effect on the date indicated in the order granting the stay or, in the absence of such indication, on the date of the making of that order.

(3) Where proceedings are stayed time shall cease to run for the purposes of prescribed time limits for all parties.

(4) Where the order to stay does not specify the length of stay, it shall end on the date indicated by the order for resumption or, in the absence of such indication, on the date of the order for resumption.

(5) From the date of resumption, time shall resume running.

(6) The orders referred to in this Rule shall be served on the parties by the Registrar.

PART 20
DISCONTINUANCE

Contents of this Part

Right to discontinue	Rule 20.1
Discontinuance by consent	Rule 20.2
Costs on discontinuance	Rule 20.3

20.1 Right to discontinue

(1) Before an originating application is served, a claimant may by notice addressed to the Registrar, discontinue all or part of the claim against all or any of the defendants without the leave of the Court.

(2) After an originating application is served, a claimant may discontinue all or part of the claim against all or any of the defendants only with leave of the Court.

(3) The provisions of Part 21 shall apply, with such modifications, adaptations qualifications and exceptions as the context requires, to applications under this Part.

(4) An application for leave to discontinue shall be served by the Registrar on all other parties.

(5) On the hearing of such application, the Court may –

(a) grant leave as sought;

(b) make an order as to costs; and

(c) make any other order, including a consent order, that the justice of the case requires.

20.2 Discontinuance by consent

(1) If, at any time before judgment on the merits has been given, the parties either jointly or separately notify the Court in writing that they have agreed to discontinue the proceedings, the Court shall make an order –

(a) recording the discontinuance; and

(b) directing that the case be removed from the list.

(2) If the parties have agreed to discontinue the proceedings in consequence of having reached a settlement of the dispute and if they so desire, the Court may –

(a) record this fact in the order for the removal of the case from the list; or

(b) indicate in, or annex to, the order the terms of the settlement.

20.3 Costs on discontinuance

(1) Unless the parties agree or the Court orders otherwise, a claimant who discontinues is liable for –

(a) the costs incurred by the defendant prior to service of the application for leave to discontinue; and

(b) the costs of that application.

(2) Where a claim is only partly discontinued –

(a) the claimant is liable only for the costs attributable to that part of the claim which is discontinued; and

(b) unless the Court otherwise orders, the costs which the claimant is liable to pay are not to be quantified until the rest of the claim is determined.

PART 21
APPLICATIONS

Contents of this Part[17]

Making of application	Rule 21.1
Powers of a single Judge	Rule 21.2
Service by Registrar of application	Rule 21.3
Service of orders made in a party's absence	Rule 21.4
Evidence in answer	Rule 21.5
Notice to parties of hearing of application	Rule 21.6
Applications which may be dealt with without hearing	Rule 21.7
Power of the Court to proceed in the absence of party	Rule 21.8
Application to set aside or vary order made without notice	Rule 21.9
Application to set aside or vary order made with notice	Rule 21.10
Powers of Court in relation to the conduct of an application	Rule 21.11
Consequences of not asking for order in application	Rule 21.12
Withdrawal of application	Rule 21.13

21.1 Making of application

(1) Unless otherwise provided for in these Rules, applications to the Court for any order shall be made in accordance with this Part.

(2) An application to the Court shall be in writing and shall –

(a) contain a statement of the order sought;

(b) set out the grounds relied upon;

(c) be accompanied by evidence in support thereof, including any relevant documents, unless a Rule, a practice direction or a Court order otherwise directs;

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[17] Amended on 24 May 2024.

(d) conform with Form 1 in Schedule 2; and

(e) be submitted for filing in accordance with Rule 7.2.

(3) Notwithstanding sub-Rule (2) an application may be made orally if –

(a) permitted by a Rule or practice direction; or

(b) the Court dispenses with the requirement for the application to be made in writing.

(4) Where an application is to be made within a specified period, it is so made if the application is filed in the Registry or a sub-Registry within that period.

21.2 Powers of a single Judge

(1) A single Judge may make orders and decisions[18] –

(a) enumerated in Rules 8.1 (a)-(z);[19]

(b) for such interim measures pursuant to Part 11 as may be necessary to preserve the rights of any party pending the determination of the proceedings;

(c) granting relief pursuant to Part 8 from a sanction imposed for failure to comply with a Rule, order or direction;

(d) granting leave to discontinue pursuant to Part 20;

(e) on applications for an expedited procedure pursuant to Part 12; or

(f) any other procedural application,

(g) whenever authorised to do so by any Rule or by a practice direction.

(2) An order made by a single Judge may be varied or discharged by a full Court comprising not fewer than three judges.

21.3 Service by Registrar of application

(1) Upon the filing of the application the Registrar shall forthwith serve the same and accompanying documents on the other parties and any interveners.

[18] Amended on 24 May 2024.
[19] Inserted on 24 May 2024.

(2) In exceptional cases, where the Court so permits, an application may be provisionally determined before it has been served on the other parties and any interveners or after service on but before receipt of any written or oral submissions from them.

21.4 Service of orders made in a party's absence

(1) After the Court has disposed of an application permitted to be determined pursuant to Rule 21.3(2), the Registrar shall promptly notify all other parties and any interveners of the order made and serve a copy thereof on them.

(2) The order shall contain a statement informing the other parties of the right to make an application under this Rule for the order to be set aside or varied or for some other order to be made.

21.5 Evidence in answer

Within fourteen (14) days of being served with an application –

(a) the respondent, in answer to the application, may file a response accompanied by any evidence in support thereof, together with any accompanying documents, and

(b) the Registrar shall forthwith serve the same on the applicant.

21.6 Notice to parties of hearing of application

The Registrar shall give all parties and interveners concerned at least three (3) days' notice of –

(a) the date, time and place fixed for hearing of an application; or

(b) the manner in which the Court will deal with it if a hearing is not required.

21.7 Applications which may be dealt with without a hearing

The Court may deal with an application without a hearing if –

(a) the Court considers it appropriate to do so;

(b) the parties agree; or

(c) the parties have agreed to the terms of an order –

(i) other than an order to vary a date which the Court has fixed or the time the Court has fixed for doing any act; and

(ii) the counsel or agents of a Member State as the case may be, for all parties to the application have indicated in writing their consent to the order being made without a hearing.

21.8 Power of the Court to proceed in the absence of party

Where the applicant or any person on whom an application has been served, fails to attend the hearing of the application, the Court may proceed in the absence of that party.

21.9 Application to set aside or vary order made without notice

A respondent who has not been served with an application may apply to the Court within fourteen (14) days of the service on them of any order made on the application, for such order to be set aside, varied or for some other order.

21.10 Application to set aside or vary order made with notice

(1) Where a respondent who has been served with an application was not present when an order was made, that party may apply, not later than fourteen (14) days of the service of the order on them, for any order made on the application to be set aside or varied.

(2) The application to set aside or vary the order shall –

(a) give a good reason for failing to attend the hearing; and

(b) show that it is likely that had the applicant attended some other order might have been made.

(3) The application shall be –

(a) supported by evidence of the facts stated in the application; and

(b) accompanied by any relevant documents.

21.11 Powers of Court in relation to the conduct of an application

The Court may issue a witness summons requiring any person to attend the Court on the hearing of the application and require a party or witness to produce documents or things at such a hearing.

21.12 Consequences of not asking for order in application

An applicant may not seek an order which was not sought in the application, except with the permission of the Court.

21.13 Withdrawal of application

(1) An applicant who wishes to withdraw their application shall give notice in writing to that effect to the Registrar.

(2) Where the application is opposed, the opposing party shall, subject to any agreement between the parties to the contrary, be entitled to their costs.

PART 22
DOCUMENTS, INFORMATION AND ADDITIONAL SUBMISSIONS

Contents of this Part

Parties to supply documents and information	Rule 22.1
Non-parties to supply documents and information	Rule 22.2
Submissions by non-parties	Rule 22.3

22.1 Parties to supply documents and information

The Court may require the parties and any interveners to produce all documents and to supply all information which the Court considers desirable.

22.2 Non-parties to supply documents and information

(1) The Court may also require the Member States and the Community, not being parties to the proceedings, to supply all documents and information which the Court considers necessary for the proceedings.

(2) The Court may invite any other person or body, not being a party to the proceedings, to supply all documents and information which the Court considers necessary for the proceedings.

22.3 Submissions by non-parties

The Court may invite or permit the Member States and the Community, not being a party to the proceedings, to make submissions in proceedings without intervening.

PART 23
EVIDENCE

Contents of this Part

General powers of the Court	Rule 23.1
Evidence by video link or other means	Rule 23.2
Requirement to submit witness statements for filing	Rule 23.3
Form of witness statements	Rule 23.4
Witness summaries	Rule 23.5
Procedure where witness statement not submitted by date directed	Rule 23.6
Examination of witnesses	Rule 23.7
Use at hearing of witness statements which have been filed	Rule 23.8
Amplifying witness statements at hearing	Rule 23.9
Cross examination at hearings	Rule 23.10
Consequence of failure to file witness statement	Rule 23.11
Use of witness statements for other purposes	Rule 23.12
Witness statement not open to public inspection until hearing	Rule 23.13

23.1 General Powers of the Court

(1) The Court may admit any evidence that is relevant and material to the case. Each party has a responsibility in good faith to produce such evidence.

(2) The Court may, either of its own motion or on application by a party or an intervener (which in this Part shall include the counsel or agent thereof), order that certain facts be proved by witnesses and/or the provision of documents, and for that purpose, summon a witness of its own motion or on application by a party.

(3) A summoning of a witness of the Court's own motion and an application by a party or an intervener for the examination of a witness shall state precisely upon which facts and for what reasons the witness should be examined.

(4) Where the Court summons a witness of its own motion it may give directions as to any preparation and filing of witness statements and the costs in respect thereof; and in these circumstances references in this Rule to a party shall include the Court.

(5) The Court may limit cross-examination.

(6) Where a party does not intend to produce a potential witness who in the opinion of the Court can give material and relevant evidence, the Court may order that party to use its best endeavours to provide for the appearance of that witness to give evidence at the hearing.

23.2 Evidence by video link or other means

(1) The Court may allow a witness to give evidence without being present in the Court room, through a video link or by any other means.

(2) The Court may, in a particular case, give directions establishing the procedure to be followed where evidence is to be given by any such means.

(3) The President may issue general practice directions establishing such procedure.

23.3 Requirement to submit witness statements for filing

(1) In this Part a "**witness statement**" means a written statement –

(a) signed by the person making it; and

(b) containing the evidence which it is intended that that person would give orally.

(2) The Court may order a party or an intervener to file a list of persons they intend to call upon to give evidence orally.

(3) The Court may order a party or an intervener to submit witness statements electronically at efile@ccj.org for filing and may give directions specifying when they are to be submitted.

(4) Subject to Rule 23.6, the Registrar shall upon the receipt of all witness statements, or the expiration of time for such submission, file and serve the same upon all parties and interveners.

23.4 Form of witness statements

(1) A witness statement shall –

(a) be dated and give the name, address and description of the witness;

(b) sufficiently identify any document to which the statement refers without repeating its contents unless this is necessary in order to identify the document;

(c) not contain statements of information and belief unless the sources of information and the grounds of belief are stated;

(d) be signed or otherwise authenticated by the intended witness; and

(e) include a statement by the intended witness that they believe the statements contained therein to be true and correct.

(2) The Court may order that any scandalous, irrelevant or otherwise oppressive matter be struck out of any witness statement.

(3) A party or intervener may interview a witness or potential witnesses supportive of the party's case at any time to discuss their prospective testimony.

23.5 Witness summaries

(1) Where a party or an intervener required to submit a witness statement for filing is not able to obtain such a statement the party or intervener may –

(a) submit a witness summary instead; and

(b) certify on the witness summary the reason why a witness statement could not be obtained.

(2) A witness summary is a summary –

(a) of the evidence, so far as is known, which would otherwise be included in a witness statement; or

(b) if the evidence is not known, of the matters about which the party submitting the witness summary proposes to question the witness.

(3) Unless the Court orders otherwise a witness summary shall include the name and address of the intended witness or other sufficient means of identifying the witness.

(4) A witness summary shall be submitted for filing within the period and in the same manner as a witness statement under Rule 23.3(3).

(5) Where a party or an intervener provides a witness summary, so far as practicable, Rules 23.4, 23.6, 23.7, 23.8, 23.9 and 23.11 shall apply to the summary.

23.6 Procedure where witness statement not submitted by date directed

(1) Where one party or an intervener ("the first party") has submitted witness statements by the date directed, and another party or intervener ("the other party") fails to do so, the witness statements submitted by the first party shall be deemed to have been filed on the date of submission, and the Registrar shall –

(a) notify the other party that the witness statements of the first party have been submitted for filing;

(b) enquire whether the other party still intends to submit witness statement(s) for the witnesses identified on its list.

(2) Where the other party indicates that it still intends to submit its witness statements, the Registrar shall inform the other party that the witness statements of the first party shall only be placed on the Court's e-filing portal and served when the other party has submitted all of its witness statements for filing.

(3) Where the other party indicates that it no longer intends to rely on the witnesses on its list for whom witness statements have not been submitted, the Court may direct the Registrar place on the Court's e-filing portal and serve the witness statements that have been submitted by the first party.

(4) Notwithstanding the provisions of this Rule, the Court may make such orders as are appropriate in the circumstances of a particular matter.

23.7 Examination of witnesses

(1) With the leave of the Court at the hearing, a party or intervener who submits a witness statement that is filed may examine that witness on the matters set out in that witness statement. Where a witness has been summoned of the Court's own motion the witness may be examined by such person as the Court directs.

(2) The other party or parties shall be entitled to cross-examine the witness, as may an intervener with the leave of the Court.

(3) The witness may be re-examined by the party or intervener who called the witness in order to clear up ambiguities and address new material elicited in the cross-examination.

(4) During the course of the hearing the Court may ask questions of the witness but not normally until the conclusion of cross-examination.

23.8 Use at hearing of witness statements which have been filed

(1) Where a party or an intervener has submitted a witness statement that is filed, the witness statement shall stand as evidence in chief unless the Court orders otherwise.

(2) Where a party or an intervener –

(a) has submitted a witness statement or summary that is filed; and

(b) does not intend to call that witness at the hearing, that party must give notice to that effect to all other parties and interveners not less than forty-two (42) days before the hearing or within such other period as directed by the Court.

(3) Where a party or an intervener intends to cross examine or put questions to a witness, that party or intervener shall file a notice to that effect not less than twenty-eight (28) days before the hearing or within such other period as directed by the Court.

23.9 Amplifying witness statements at hearing

(1) A witness giving oral evidence may with the leave of the Court –

(a) amplify the evidence as set out in their witness statement if that statement has disclosed the substance of the evidence which the witness is asked to amplify;

(b) give evidence in relation to new matters which have arisen since the witness statement was filed; or

(c) comment on evidence given by other witnesses.

(2) The Court may grant leave under sub-Rule (1) only if it considers that there is good reason not to confine the evidence of the witness to the contents of the witness statement.

23.10 Cross-examination at hearings

(1) Where at any hearing, evidence is given in writing, other than a witness statement, any party or intervener may seek leave from the Court to cross-examine the person giving the evidence.

(2) Where the Court grants leave under sub-Rule (1) but the person in question does not attend as required by the order, little or no weight will normally be given to such evidence.

23.11 Consequence of failure to file witness statement

(1) Where a witness statement in respect of an intended witness is not submitted within the time specified by the Court, then the witness may not be called except with the leave of the Court.

(2) An application for leave shall –

(a) contain the witness statement of the intended witness; and

(b) provide a reasonable explanation for the failure.

(3) The Court may grant leave on such conditions as it thinks fit.

(4) Where a party or intervener applies for such leave after witness statements from another party or intervener have been filed and served, the Court may grant leave on the condition that the party or intervener shall not disclose to the proposed witness the contents of any witness statements already filed and served, or discuss the evidence with them in any way.

23.12 Use of witness statements for other purposes

(1) Except as provided by this Rule, a witness statement may be used only for the purpose of the proceedings in which it is filed.

(2) Sub-Rule (1) does not apply if and to the extent that –

(a) the witness gives consent in writing to some other use of it;

(b) the Court gives permission for some other use; or

(c) the witness statement has been put in evidence at a hearing held in public.

23.13 Witness statement not open to public inspection until hearing

(1) A witness statement is not open to public inspection until the hearing unless the Court otherwise directs.

(2) Any person may ask for a direction that a witness statement is not open to inspection.

PART 24
EXPERTS AND ASSESSORS

Contents of this Part

General duty of Court and of parties and interveners	Rule 24.1
Overriding duty of expert witness to Court	Rule 24.2
Performance of expert witness' duty to Court	Rule 24.3
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Consequence of failure to disclose expert witness' report	Rule 24.10
Use by one party or intervener of expert report disclosed by another	Rule 24.11
Appointment of assessors	Rule 24.12
Cross-examination of expert or assessor	Rule 24.13

24.1 General duty of Court and of parties and interveners

(1) Expert evidence shall be restricted to that which is reasonably required to resolve the proceedings justly.

(2) The Court may order that expert reports be filed.

24.2 Overriding duty of expert witness to Court

(1) It is the duty of an expert witness to help the Court impartially on the matters relevant to expert's expertise.

(2) This duty to the Court overrides any obligations to the person by whom the expert is instructed or paid.

24.3 Performance of expert witness's duty to Court

(1) Expert evidence shall be addressed to the Court and be given in a written report unless the Court otherwise orders and such evidence shall be, and shall be seen to be, the independent product of the expert witness uninfluenced as to form or content by the demands of the litigation.

(2) An expert witness shall provide independent assistance to the Court by way of objective, unbiased opinion in relation to matters within the expert witness's expertise.

(3) An expert witness shall state the facts or assumptions upon which their opinion is based. The expert witness must not fail to consider material facts which could detract from their conclusions.

(4) An expert witness shall state if a particular matter or issue falls outside their expertise.

(5) Where after filing of reports an expert witness changes their opinion on a material matter, such change of view shall be communicated to all parties.

24.4 Contents of report

(1) An expert witness's report shall contain –

(a) details of the expert witness's qualifications;

(b) details of any literature or other material which the expert witness has used in making the report;

(c) the facts upon which the conclusions are based, and the sources relied upon in ascertaining those facts;

(d) the name and qualifications of the person who carried out any test or experiment which the expert witness used for the report;

(e) where there is a range of opinions on the matters dealt with in the report –

(i) a summary of the range of opinions, and

(ii) the reasons for the expert witness's opinion;

(f) an annexure containing any photographs, plans, calculations, survey reports or other documents referred to in the report; and

(g) a summary of the conclusions reached.

(2) The expert witness shall include at the end of their report a sworn statement that the expert witness –

(a) understands their duty to the Court as set out in this Part and has complied with that duty;

(b) has included all matters within the expert witness's knowledge and area of expertise relevant to the issue on which the expert evidence is given; and

(c) has given details in the report of any matters which to their knowledge might affect the validity of the report.

(3) There shall be also attached to an expert witness's report copies of –

(a) all written instructions given to the expert witness;

(b) any supplemental instructions given to the expert witness since the original instructions were given; and

(c) any oral instructions given to the expert witness; and

(d) the expert witness shall certify that no instructions other than those disclosed have been received by them from the party or intervener instructing the expert witness, the party's or intervener's counsel, agent or any other person acting on behalf of the party or intervener.

(4) Where it is not practicable to provide a copy of each document referred to in sub-Rule (1)(f) such documents shall be made available for inspection by the other party and any intervener or any expert witness instructed by that party or intervener within seven (7) days of a request made in that behalf.

24.5 Expert's right to apply to Court for directions

(1) Expert witnesses may apply in writing to the Court for directions to assist them in carrying out their functions as expert witnesses or their duty to the Court.

(2) Unless the Court directs otherwise, such application may be made without notice.

24.6 Court's power to restrict expert evidence

(1) No party or intervener may rely on an expert witness's report or call an expert witness to give oral evidence without the leave of the Court.

(2) An application for leave under this Rule shall specify –

(a) the name of the expert witness; and

(b) the nature of the witness's experience and expertise.

(3) The evidence of the expert witness shall not be admitted unless an expert report has been filed by the party or intervener intending to rely on the evidence and has been served on the other party and any other intervener.

(4) The Court shall specify the date on which the report(s) of experts shall be filed.

(5) The Court may direct that part only of an expert witness's report be disclosed.

24.7 Court's power to direct evidence by single expert witness

(1) Where two or more parties wish to submit expert evidence on a particular issue, the Court may direct that expert evidence be given by one expert witness.

(2) Notwithstanding sub-Rule (1) the Court may appoint a single expert witness –

(a) instead of the parties instructing their own expert witnesses; or

(b) to replace experts instructed by the parties.

(3) Where the parties wishing to submit the expert evidence ("the instructing parties") cannot agree who should be the expert witness, the Court may –

(a) select the expert witness from a list prepared or identified by the instructing parties; or

(b) direct that the expert witness be selected in such other manner as the Court may direct.

(4) The Court may vary a direction given under this Rule.

24.8 Instructions to single expert witness

(1) Where the Court gives directions under Rule 24.7 for one expert witness to be used, unless the parties are agreed upon joint instructions to the expert, each instructing party may submit to the Court draft instructions to be sent to the expert witness.

(2) Upon receipt of the draft instructions the Court shall convene a conference of the parties to settle the instructions to be submitted to the expert witness.

(3) The Court may give directions about the arrangements for –

(a) the payment of the expert witness's fees and expenses; and

(b) any inspection, examination or experiments which the expert witness wishes to carry out.

(4) The Court may, before an expert witness is instructed –

(a) limit the amount that can be paid by way of fees and expenses to the expert witness; and

(b) direct that the instructing parties pay that amount into Court in such proportions as may be directed.

(5) Unless the Court otherwise directs, the instructing parties are jointly and severally liable for the payment of the expert witness's fees and expenses.

24.9 Meeting of expert witnesses

(1) The Court may direct a meeting of expert witnesses of like expertise for the purpose of requiring them to –

(a) identify the issues relevant to their expertise in the proceedings; and

(b) where possible, reach agreement on an issue.

(2) The Court may specify the issues which the expert witnesses shall discuss.

(3) The contents of the discussion between the expert witnesses shall not be referred to at the hearing unless the parties agree.

(4) The meeting may take place personally, by telephone or by any other suitable means.

(5) After the meeting the expert witnesses shall prepare for the Court a statement of –

(a) any issues within their expertise on which they agree; and

(b) any such issues on which they disagree and their reasons for disagreeing.

(6) Instead of, or in addition to, such statement the Court may direct that the expert witnesses prepare an agreed statement, as short as practicable, of the basic science applicable to the matters relevant to their expertise.

24.10 Consequence of failure to disclose expert witness' report

A party or an intervener who fails to comply with a direction to disclose or file an expert witness's report may not use the report at the hearing or call the expert witness except with the leave of the Court.

24.11 Use by one party or intervener of expert report disclosed by another

Where a party or intervener has disclosed an expert report, any other party or intervener may use that report as evidence at the hearing.

24.12 Appointment of assessors

(1) The Court may order the appointment of an assessor to –

(a) assist the Court in understanding technical evidence;

(b) provide a written report; or

(c) assist the Court at the hearing with regard to evidence of expert witnesses called by the parties.

(2) On making an order under sub-Rule (1), the Court shall specify the fee to be paid to the assessor and by whom.

(3) Sub-Rule (2) does not affect any decision as to the party who is ultimately to bear the cost of the assessor.

(4) The Court may order any party to deposit in the Registry a specified sum in respect of the assessor's fees and, where it does so, the assessor will not be asked to act until the sum has been deposited.

(5) All communications apart from written instructions between the Court and an assessor shall be in open Court.

(6) An assessor shall take such part in the proceedings as the Court may direct and in particular the Court may direct the assessor –

(a) to prepare a report for the Court on any matter at issue in the proceedings; and

(b) to attend the whole or any part of the hearing to assist the Court on any such matter.

(7) Before requesting a written report or opinion from an assessor, the Court shall allow the parties to make submissions in respect of the form and content of the questions to be asked.

(8) Where the assessor prepares a report for the Court before the hearing has begun –

(a) the Court shall send a copy to each of the parties; and

(b) the parties may use it at the hearing.

(9) Where after a hearing the Court seeks assistance from an assessor, then before giving judgment the Court shall provide the parties with the questions asked of, and any opinion given by, the assessor and give them an opportunity to make submissions.

24.13 Cross-examination of expert or assessor

An expert witness or an assessor appointed by the Court who gives oral evidence or provides a written report to the Court may be cross-examined by any party or, with the leave of the Court, by any intervener.

PART 25
WITNESSES AND DEPOSITIONS

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Special report	Rule 25.11
Expenses of examination	Rule 25.12
Use of deposition at hearing	Rule 25.13
Where person is out of the jurisdiction – letter of request	Rule 25.14
Early appointment to produce documents	Rule 25.15

25.1 Interpretation

In this Part –

"**deponent**" means a person from whom evidence is obtained pursuant to this Part;

"**deposition**" means evidence given by a deponent;

"**examiner**" means a Judge or the Registrar of the Court or a Judge of a Superior Court in a Member State.

25.2 Duty of parties and interveners to produce witnesses

At a hearing it shall be the duty of each party to produce such witnesses as can assist in establishing that party's case and the duty of any intervener to produce such witnesses as can justify the intervention.

25.3 Witness summons

(1) Where a party or an intervener apprehends that a witness may not voluntarily attend a hearing, that party may apply without notice for the issuance of a witness summons requiring the witness to give evidence or to produce documents to the Court.

(2) A witness summons shall be in the form prescribed as Form 2 in Schedule 2.

(3) There shall be a separate witness summons for each witness.

(4) A witness summons may require a witness to produce documents to the Court either on the date fixed for the hearing or any other hearing of any application in the proceedings, or such other date as the Court may direct.

25.4 Issue of witness summons

(1) A witness summons is issued on the date entered on the summons by the Registry.

(2) Where a party or an intervener seeks to have a witness summons issued fewer than twenty-one (21) days before the date fixed for the hearing that party shall first apply for leave from the Court.

(3) An application for leave under sub-Rule (2) may be made to the Court without notice and shall be granted by the Court if sufficient cause is shown.

(4) The Court may set aside or vary a witness summons.

25.5 Time for serving witness summons

(1) A witness summons is binding only if it is served by the Registrar at least fourteen (14) days before the date on which the witness is required to attend before the Court.

(2) The Court may direct that a witness summons shall be binding although served by the Registrar fewer than fourteen (14) days before the date on which the witness is required to attend before the Court.

(3) A witness summons which –

(a) is served in accordance with this Rule; and

(b) requires the witness to attend Court to give evidence or to produce documents at any hearing, is binding until the conclusion of the hearing at which the attendance of the witness is required unless the Court otherwise orders.

(4) Persons who wilfully disobey a witness summons served personally on them are liable to such sanction as the Court may determine in all the circumstances.

(5) The Court may order such persons to pay any costs resulting from –

(a) the failure to attend to give evidence or to produce documents at any hearing;

(b) the refusal to be sworn or to affirm; or

(c) the improper refusal to answer any relevant question or to produce any document at the hearing.

25.6 Right of witness to subsistence, travel expenses and compensation for loss of time

A witness shall be paid a sum reasonably sufficient to cover the witness's subsistence and travel expenses, and appropriate compensation for loss of time.

25.7 Witness to make oath or affirmation before giving evidence

Before giving evidence a witness shall make the following oath or affirmation –

"I swear/affirm that I will speak the truth, the whole truth and nothing but the truth".

25.8 Evidence by deposition before examiner

(1) In exceptional circumstances a party or an intervener may apply for an order for a person to be examined before the trial or any other hearing in the proceedings.

(2) An order under this Rule shall be for a deponent to be examined on oath before an examiner.

(3) The order shall state the name of the examiner and the date, time and place of the examination.

(4) An order under sub-Rule (1) may be made on such terms as the Court considers just, including –

(a) the disclosure of documents before the examination takes place; and

(b) the production of any document which the Court considers may be necessary for the purposes of the examination.

(5) A deponent shall be paid subsistence, travelling expenses and compensation for loss of time in accordance with Rule 25.6.

(6) Where an application is made by the party or intervener who intends to call the witness to give evidence, the Court may order that party to file a witness statement or witness summary in relation to the evidence to be given by the person to be examined.

(7) The party or intervener who applies for the order under sub-Rule (1) shall supply to the examiner copies of such documents in the proceedings as are necessary for the examiner to understand the matters at issue in the proceedings.

25.9 Conduct of examination

(1) Subject to any directions contained in the order for examination, the examination shall be conducted in the same way as if the witness were giving evidence at a hearing.

(2) Where all the parties are present, the examiner may, with the consent of the parties, conduct the examination of a person not named in the order for examination.

(3) The examination may be conducted in private if the examiner considers it appropriate to do so.[20]

(4) The examiner shall ensure that a full and accurate record is taken of the evidence given by the witness.

(5) The examiner shall certify the original deposition and send the same to the Registrar who shall send a copy thereof to every party to the proceedings and to the deponent.

25.10 Enforcing attendance of witness

(1) Where a person served with a witness summons to attend before an examiner –

(a) fails to attend;

(b) refuses to be sworn or to affirm for the purpose of the examination; or

[20] Amended on 24 May 2024.

(c) improperly refuses to answer any relevant question or to produce any document at the examination,

the party or intervener requiring the deposition may request the examiner to cause to be issued an order of the Court requiring the person to attend, or to be sworn or to affirm or to answer any question or produce any document as the case may be.

(2) The Registrar shall arrange for any order made by the Court to be served personally on the person served with the witness summons.

(3) Persons who wilfully disobey an order made against them under sub-Rule (1) are liable to such sanction as the Court may determine in all the circumstances.

(4) The Court may order the persons against whom an order is made under sub-Rule (1) to pay any cost resulting from –

(a) the failure to attend before the examiner;

(b) the refusal to be sworn or to affirm for the purposes of the examination; or

(c) the improper refusal to answer any relevant question or to produce any document at the examination.

25.11 Special report

The examiner may make a special report to the Court with regard to the absence or conduct of any person when the deposition was taken.

25.12 Expenses of examination

(1) The party or intervener who obtained the order for an examination shall bear the expenses reasonably incurred in the conduct of that examination.

(2) The Court may order the party or intervener who obtained the order for examination to deposit in the Registry a specified sum in respect of the expenses.

(3) Where the Court makes an order under sub-Rule (2) the examiner shall not act until the sum has been deposited.

(4) Notwithstanding sub-Rule (1), the Court may determine who is ultimately to bear such expenses.

25.13 Use of deposition at hearing

(1) A deposition ordered under Rule 25.8 may be given in evidence at the hearing unless the Court orders otherwise.

(2) A party or intervener intending to put in evidence a deposition at a hearing shall serve notice of such intention on every other party or intervener.

(3) That party or intervener shall serve the notice at least twenty-one (21) days before the day fixed for the hearing.

(4) The Court may require a deponent to attend the hearing and give evidence orally.

25.14 Where person is out of the jurisdiction - letter of request

(1) Where a party or intervener intends to take a deposition from a person outside the Court's jurisdiction, the Court may direct the issue of a letter of request in that behalf to the competent authorities of the country in which the proposed deponent is to be found.

(2) Where consent is obtained, the Court shall appoint an examiner.

(3) A person may be examined under this Rule on oath or affirmation or in accordance with any procedure permitted in the country in which the examination takes place.

(4) When an application is made for a letter of request to be issued, the party or intervener who seeks the order shall file –

(a) the following documents –

(i) a draft letter of request and a translation of it into the language of the country to which the request is directed;

(ii) a statement of the issue or issues in the case to which the proposed deposition is relevant;

(iii) a document listing the questions or identifying the subject matter of questions to be put to the person to be examined and a translation of that document, if necessary, into a language spoken by that person, and

(b) an undertaking to be responsible for any fees and expenses charged or incurred by the examiner.

(5) A translation shall be filed if such documents are not in the official language of the Court.

25.15 Early appointment to produce documents

(1) The Court may permit a party or intervener to issue a witness summons requiring a person to attend at a date, time or place specified in the summons other than the date of the final hearing for the purpose of producing one or more documents.

(2) A witness summons applies only to documents which a person could be compelled to produce at the final hearing.

PART 26
PRE-HEARING REVIEW

Contents of this Part

Direction for pre-hearing review	Rule 26.1
Rules relating to case management conferences apply	Rule 26.2
Directions at pre-hearing review	Rule 26.3

26.1 Direction for pre-hearing review

(1) The Court of its own motion or at the request of a party may fix a date for a pre-hearing review or the period within which such a hearing is to take place unless the Court is satisfied that the proceedings may be dealt with justly without a pre-hearing review.

(2) A request by a party for a pre-hearing review shall be made not less than twenty-eight (28) days before the hearing date or the beginning of any hearing period fixed under sub-Rule (1).

(3) The Registrar shall give each party and any intervener reasonable notice of the date, time and place for a pre-hearing review.

(4) The costs incurred in attending a pre-hearing review are costs in the cause, except for any interveners who must pay their own costs.

26.2 Rules relating to case management conferences to apply

The Rules relating to a case management conference shall apply, with necessary modifications, to a pre-hearing review.

26.3 Directions at pre-hearing review

(1) At the pre-hearing review the Court shall give directions as to the conduct of the hearing, in order to ensure the fair, expeditious and economic resolution of the issues.

(2) In particular, the Court may –

(a) direct either party or any intervener to provide additional information to the other including supplemental witness statements;

(b) give directions for the filing by each party and any intervener and service on all other parties and any interveners of one or more of the following –

   (i) a chronology of relevant events;

   (ii) written submissions; and

   (iii) a list of the authorities which are relied upon;

(c) direct the parties jointly to prepare one or more of the following –

   (i) an agreed statement of facts;

   (ii) an agreed statement of the basic technical, scientific, or medical matters in issue;

   (iii) an agreed statement as to any relevant specialist area of law, which statement shall not be binding on the Court, and direct when and by whom such documents shall be filed at the Court;

(d) give directions as to the extent to which evidence may be given in writing; or

(e) give directions as to the hearing of evidence.

PART 27
HEARINGS

Contents of this Part

Conduct of proceedings	Rule 27.1
Order of proceedings	Rule 27.2
Court may give further directions	Rule 27.3

27.1 Conduct of proceedings

(1) The presiding Judge shall open and direct the proceedings and be responsible for the proper conduct of the hearing.

(2) The oral proceedings in cases heard in private shall not be published, unless the Court orders otherwise.

27.2 Order of proceedings

(1) Where witnesses, experts or assessors are called to give evidence at the hearing, such evidence shall ordinarily be given first and, unless the Court orders otherwise, in the following order –

(a) evidence on behalf of the Claimants;

(b) evidence on behalf of the Defendants;

(c) evidence on behalf of any Intervener; and

(d) any other evidence.

(2) Thereafter, unless the Court orders otherwise, the parties, any intervener and any amicus curiae shall be permitted to make oral submissions in the following order –

(a) Claimant(s);

(b) Defendant(s);

(c) Any intervener; and

(d) Any amicus curiae.

(3) The Claimant(s) may be allowed to make oral submissions in reply upon conclusion of the oral submissions made under sub-Rule (2).

27.3 Court may give further directions

The Court may, at any time after the oral submissions and before giving judgment, give further directions in relation to the proceedings and, in particular, may order the re-opening of the case.

PART 28
JUDGMENTS AND ORDERS

Contents of this Part

Contents of judgments and orders	Rule 28.1
Delivery of judgments and orders	Rule 28.2
Publication of judgments and orders	Rule 28.3
Enforcement of judgments and orders	Rule 28.3
Rectification of judgment	Rule 28.5
Application to supplement judgment	Rule 28.6

28.1 Contents of judgments and orders

(1) Unless the Court determines otherwise, a judgment shall be in writing and shall contain –

(a) a statement that it is the judgment of the Court;

(b) the date of its delivery;

(c) the names of the Judges taking part in it;

(d) the names of the parties;

(e) the names of the counsel or agents of the parties;

(f) a summary of the facts;

(g) the grounds for the decision; and

(h) the dispositive decision, including the decision as to costs.

(2) Sub-Rule (1), except for paragraph (f), shall apply to orders.

28.2 Delivery of judgments and orders

(1) The Registrar shall give at least three days' notice to the parties and the public of the scheduled date, time and place or manner appointed for the delivery of the judgment or order.

(2) The Court may –

(a) sit to deliver its judgment or order; or

(b) issue its judgment or order without a sitting.

(3) Immediately thereafter, the Registrar shall serve the parties with certified copies of the judgment or order.

(4) Such service shall, in the case of judgments and orders issued under sub-Rule 2(b), be deemed to be the delivery of the judgment or order.

28.3 Publication of judgments and orders

(1) Immediately upon the delivery of judgments, and such orders as the Court may direct, the Registrar shall cause such judgments and orders to be published.

(2) Judgments and orders shall be deemed to be published upon being placed on the Court's website.

28.4 Enforcement of judgments and orders

(1) A judgment or order of the Court takes effect from the date of its delivery unless the Court orders otherwise.

(2) Judgments and orders in the original jurisdiction shall be enforced in accordance with Article XXVI of the Agreement and local legislation implementing such Article.

(3) Where a judgment or order has been wholly complied with, the Registrar shall upon proof of such compliance, endorse the record of the judgment accordingly.

28.5 Rectification of judgment

(1) Without prejudice to the provisions of Parts 30 and 31, the Court may, of its own motion or on application by a party made within fourteen (14) days after the delivery of judgment, rectify clerical mistakes, errors in calculation and obvious slips in it.

(2) Where the judgment is proposed to be rectified in accordance with sub-Rule (1), the Registrar shall duly notify the parties concerned of such proposal and they may file with the Registrar their written observations within the period specified in the notice.

(3) The Court shall give its decision on any observations filed under sub-Rule (2) and issue its rectification order.

(4) The rectification order shall be annexed to the original judgment and a note of the order shall be made in the margin of the original judgment.

28.6 Application to supplement judgment

(1) Where the Court omits to give a decision on a specific head of claim or on costs or interest, a party may, within twenty-eight (28) days after delivery of the judgment, apply to the Court to supplement its judgment.

(2) The application shall be served by the Registrar on all other parties, and the presiding Judge shall specify a period within which those parties may file written submissions.

(3) Where the submissions have been filed, the Court shall decide on the admissibility and on the substance of the application.

PART 29
COSTS

Contents of this Part

Decision as to costs	Rule 29.1
Recoverable costs	Rule 29.2
Currency of payments	Rule 29.3
Disputes as to costs	Rule 29.4

29.1 Decision as to costs

(1) A decision as to costs may be given in the judgment or in the order which closes the proceedings or, in respect of particular costs, at any stage of the proceedings.

(2) (a) The unsuccessful party shall be ordered to pay the costs if they have been applied for in the successful party's pleadings.

(b) Where there are several unsuccessful parties, the Court shall decide how the costs are to be shared among them.

(3) Where each party succeeds on some and fails on other heads, or where the circumstances are exceptional, the Court may order that the costs be shared or that the parties bear their own costs.

(4) In exceptional circumstances the Court may order a party, even if successful, to pay all or part of the costs of the unsuccessful party and in particular, where the Court considers the successful party to have unreasonably or vexatiously caused the opposite party to incur them.

(5) A party who discontinues or withdraws from proceedings shall be ordered to pay the costs if they have been applied for in the other party's pleadings; although, upon application by the party who discontinues or withdraws from proceedings, the costs shall be borne by the other party if this appears justified by the conduct of that party.

(6) Where the parties have come to an agreement on costs, the decision as to costs shall be in accordance with that agreement.

(7) If costs are not claimed, the parties shall bear their own costs.

(8) Where a case does not proceed to judgment, the costs shall be in the discretion of the Court.

(9) Costs necessarily incurred by a party in enforcing a judgment or order of the Court shall be refunded by the opposite party.

(10) The Court may make an order for costs in favour of or against any person who participates or applies to participate in proceedings.

29.2 Recoverable costs

(1) The following shall be regarded as recoverable costs –

(a) sums payable to witnesses and experts reasonably incurred; and

(b) expenses reasonably incurred by the parties for the purpose of the proceedings.

(2) If costs are disputed by a party, the party awarded costs by the Court may, within eight (8) weeks of such award, submit a bill of costs to the Registrar for assessment.

(3) In assessing such a bill of costs, the Registrar shall allow reasonable costs taking into account the scale of fees applicable in the superior courts of the Member State of the party receiving costs.

29.3 Currency of payment

(1) All fees to be paid to the Court shall be paid in the currency of the Member State in which the Seat of the Court is located or in the currency specified in Schedule 1.

(2) All fees to be paid by one party to another shall be paid in the currency of the Member State in which the Seat of the Court is located or in the currency specified in Schedule 1.

(3) Any sum due from the cashier of the Court shall be paid in the currency of the Member State in which the Seat of the Court is located or in the currency specified in Schedule 1.

(4) Conversions of currency shall be made at the market exchange rate prevailing on the day of payment in the Member State in which the Seat of the Court is located.

29.4 Disputes as to costs

(1) If there is a dispute concerning the costs to be recovered, the Court shall, on application by the party concerned and after hearing the opposite party, make a final order on the matter.

(2) The parties may, for the purpose of enforcement, request a certified copy of the order.

PART 30
EXCEPTIONAL REVIEW PROCEEDINGS BY PARTIES (REVISION)

Contents of this Part

Revision of judgment	Rule 30.1
Application for revision	Rule 30.2
Powers of Court on revision	Rule 30.3

30.1 Revision of judgment

(1) An application for a revision of a judgment shall be made in accordance with Article XX of the Agreement within six (6) months of the date on which the facts on which the application is based first came to the applicant's knowledge.

(2) No application may be made after the expiry of five (5) years from the date of the delivery of the judgment.

30.2 Application for revision

(1) An application under this Part shall be filed and shall –

(a) specify the judgment of which the revision is sought;

(b) indicate the points on which the revision of judgment is sought;

(c) set out the evidence and new fact or facts amounting to a decisive factor pursuant to Article XX of the Agreement and on which the application is based; and

(d) have annexed thereto any documents in support thereof.

(2) Within fourteen (14) days of the filing of the application, the Registrar shall serve the application on all parties to the case in which the judgment was delivered.

(3) The other party or parties shall be entitled to file written submissions on the admissibility of the application within a time limit fixed by the Registrar who shall send them to the party making the application.

(4) The Court, before ruling on the admissibility may afford the parties a further opportunity of presenting their views thereon.

(5) If the Court finds that the application is admissible it shall fix time limits for such further proceedings on the merits of the application as, after ascertaining the views of the parties, it considers necessary.

(6) Such further proceedings may be made conditional on previous compliance with the judgment.

(7) The application for revision shall be assigned to the judges who delivered the judgment, the subject of the application, unless this is impractical.

30.3 Powers of Court on revision

(1) Where the Court finds the application admissible, it shall proceed to consider the substance of the application and shall give its decision in the form of a judgment in accordance with these Rules.

(2) The revised judgment shall be annexed to the original judgment.

(3) A note of the revision shall be made on the original judgment.

PART 31
APPLICATION FOR INTERPRETATION OF JUDGMENTS

Contents of this Part

Party may apply for interpretation Rule 31.1

Application for interpretation Rule 31.2

31.1 Party may apply for interpretation

In the event of a dispute as to the meaning or scope of a judgment, any party to the proceedings may within six (6) months of the delivery of the judgment apply to the Court for its interpretation.

31.2 Application for interpretation

(1) An application for the interpretation of a judgment shall be made in accordance with Part 21 and shall be accompanied by a statement indicating –

(a) the precise point or points in dispute as to the meaning or scope of the judgment; and

(b) the applicant's contentions.

(2) The Registrar shall serve the application on all the other parties to the proceedings.

(3) The other parties shall be entitled to file written submissions on the applicant's contentions within a time limit fixed by the Court.

(4) The Court may, if necessary, afford the parties the opportunity of making further written or oral submissions before the Court delivers its interpretive judgment.

(5) The interpretative judgment shall be annexed to the original of the judgment interpreted.

(6) A note of the interpretative judgment shall be made on the original of the judgment interpreted.

(7) The application for interpretation shall be assigned to the judges who delivered the judgment which is the subject of the application unless this is impractical.

PART 32
PRACTICE DIRECTIONS

Contents of this Part

Issuance of practice directions	Rule 32.1
Effective date of practice directions	Rule 32.2
Effective revocation of earlier practice directions	Rule 32.3
Publication of practice directions	Rule 32.4

32.1 Issuance of practice directions

(1) The President may issue practice directions prescribing the practice and procedure to be followed in the Court in so far as the same is not expressly dealt with by these Rules.

(2) The authority of the President to issue practice directions is not limited to those cases in which provision for the issue of such directions is expressly made in these Rules.

32.2 Effective date of practice directions

A practice direction shall state the date from which it is to take effect and shall be effective from that date.

32.3 Effective revocation of earlier practice directions

Where a subsequent Rule or practice direction affects an earlier practice direction, the subsequent Rule or practice direction shall prevail.

32.4 Publication of practice directions

(1) A practice direction shall, as soon as practicable after it is issued, be posted on the Court's website.

(2) Notice of the practice direction shall be given to the Ministers of Justice and Attorneys General, the local deputy registrars, the Bar Associations of the Contracting parties and the Secretary General of the Caribbean Community.

Made by the President in consultation with five Judges of the Caribbean Court of Justice this 24th day of May 2024.

/s/ A Saunders

The Honourable Mr Justice A Saunders
President

/s/ W Anderson

The Honourable Mr Justice W Anderson
Judge

/s/ M Rajnauth-Lee

The Honourable Mme Justice M Rajnauth-Lee
Judge

/s/ D Barrow

The Honourable Mr Justice D Barrow
Judge

/s/ A Burgess

The Honourable Mr Justice A Burgess
Judge

/s/ P Jamadar

The Honourable Mr Justice P Jamadar
Judge

SCHEDULE 1
COURT FEES

Table 1: The following are the fees payable for the types of matters identified:

Application Type	Description	Fee/USD
Special Leave	By an individual	250
Special Leave	By a company	750
Originating	By an individual	750
Originating	By a company	1250
Originating	By a Contracting Party	2000

NOTE:

1. The Fees in *Table 1* are the **TOTAL** fees payable for each of the matters identified. No fees will be required for the filing of individual documents.

2. Special Leave Applications shall be treated as discrete matters.

3. **NO FEE** shall be payable in the following cases:

   (i) Advisory Opinions,
   (ii) Referrals,
   (iii) Matters initiated by the Community,
   (iv) Applications by the Commission, and
   (v) Where the Court waives the payment of filing fees upon an application being made under Rule 10.7.

Table 2: The following are other fees payable for the provision of the service identified:

Service	Fee/USD
Inspection of the record	20
Certification of any document as an office copy	20
Provision of certificate of funds in Court	15
Provision of a photographic copy of a page of any document whether or not issued as an office copy	1
Perusal and allowance by a Judge, Registrar or Deputy Registrar of a bond	100
Scan of a page of any document whether any other fees apply	3

SCHEDULE 2
FORMS[21]

FORM 1[22]
Application – Rule 21.1(1)

Filing Counsel: *xxxxxx*
Bar No;
Address:
Telephone #;
Email address:

Advocate: *xxxxxx*
Bar No;
Address:
Telephone #;
Email address:

IN THE CARIBBEAN COURT OF JUSTICE
Original Jurisdiction

CCJ Application No.

Between

(CONTRACTING PARTY) ***AB*** *Applicant(s)/Claimant(s)*

And

(CONTRACTING PARTY) ***CD*** *Respondent(s)/Defendant(s)*

APPLICATION

The Applicant applies to the Court for an order that –

A draft of the order sought is attached.

The grounds of the application are –

1.

[21] Amended on 24 May 2024.
[22] Amended on 24 May 2024.

2.

This application is accompanied by the sworn statement(s) of ………………………………..
Dated the xxx 20xx (mm/dd/yy)

……………………….
Counsel's Signature
Counsel for the xxxx (Applicant(s)/Appellant(s)/Respondent(s))

This application was filed by *(name of counsel/agent, business address of counsel or agent)*, **Counsel/Agent for the Applicant whose address for service is** *(state an address in the Seat of the Court or in the Member State where the document is filed)***.**

Service may also be effected by electronic service to the email ………………………….. of the filing counsel/agent stated above.

N.B. **A respondent may file a response in answer to this application within 14 days of being served with the application. The response must be accompanied by a sworn statement containing any evidence in support thereof, together with accompanying documents.**

To: ***The Registrar of The Caribbean Court of Justice***

And To: ***The Respondent (or the counsel/agent for the respondent)***

The Registry is located at 134 Henry Street, Port of Spain, 101010 Republic of Trinidad and Tobago Telephone Voice: 868-612-5225. E-mail address: efile@ccj.org.

E-filing: Documents should be submitted for filing using the court's e-filing portal which can be accessed at http://www.ccj.org/e-filing-portal.

The Registry is open between 8:00 a.m. and 4:00 p.m. Mondays to Fridays except Public Holidays and Court Holidays

FORM 2[23]
Witness Summons – Rule 25.3(2)

Heading as in Form 1

WITNESS SUMMONS

To: (Name of witness)
(Address of witness)

You are summoned to attend before the Caribbean Court of Justice in person at No. 134 Henry Street, Port of Spain, Trinidad in the Republic of Trinidad and Tobago or via video conference at …………………………………………………… at …….. a.m./p.m. on ___________ the __________ day of _______________ 20 , the day fixed for hearing of this claim/application and from day to day until the end of the claim/application to give evidence [and to bring with you and produce the following documents –

[Specify documents]

Dated the xxx 20xx (mm/dd/yy)

……………………….
Counsel's Signature
Counsel for the xxxx (Applicant(s)/Appellant(s)/Respondent(s))

This summons was issued on the application of the [claimant/applicant/defendant/respondent] whose counsel/agent is
of
(state address of counsel/agent).

N.B. A person who wilfully disobeys a witness summons served personally on them is liable to such sanction as the Court may determine in all the circumstances.

The Registry is located at 134 Henry Street, Port of Spain, 101010 Republic of Trinidad and Tobago Telephone Voice: 868-612-5225. E-mail address: efile@ccj.org.

E-filing: Documents should be submitted for filing using the court's e-filing portal which can be accessed at http://www.ccj.org/e-filing-portal.

The Registry is open between 8:00 a.m. and 4:00 p.m. Mondays to Fridays except Public Holidays and Court Holidays

[23] Amended on 24 May 2024.

FORM 3
Referral Proceedings – Rule 10A.2(2)

A Referral to the Caribbean Court of Justice

Original Jurisdiction

To: The Caribbean Court of Justice (CCJ)

From: ____

[the name and address of the referring court or tribunal, including where appropriate the chamber, division or formation of the referring court or tribunal must be inserted above]

Liaison: ____

[The referring court or tribunal must specify above the name, contact details, and position of the person to whom all communications from the CCJ should be sent].

SECTION 1: Parties to the proceedings before the referring court or tribunal:

Claimant/s: ____

[The name and address of the Claimant/s should be inserted above. This address will be used for service upon it/them].

Represented by: ____

[The name and address of the legal representative/s of the Claimant/s should be inserted above]

Defendant/s:

____

[if not a Contracting Party, the name and the address of the Defendants, should be inserted above. The address will be used for service upon it/them].

Represented by: ____

____

[The name and address of the legal representative/s of the Defendant/s should be inserted above]

The [name of the referring court or tribunal] hereby makes a referral to the CCJ pursuant to Article 214 of the Revised Treaty of Chaguaramas. Accordingly, the [name of the referring

court or tribunal] having suspended the proceedings pending before it in [the name of the case should be inserted here] awaits a determination from the CCJ of the questions contained herein.

SECTION 2: Factual Background

SECTION 3: Legal Background

SECTION 4: Referred Question(s)

Dated day of … 20…

Signed ____

[The name of the person authorised to sign the referral and that person's contact details should be inserted above]

The referral should be sent by electronic means to: The Registrar of the CCJ

The e-mail address of the Registry is:

E-mail: efile@ccj.org.

FORM 4[24]
Advisory Opinion – Rule 10A.3(1)

Requesting parties: *(Member States parties to the dispute)*
or
The Caribbean Community

Filing Counsel or Agents: *xxxxxx*
Bar No;
Address:
Telephone #;
Email address:

IN THE CARIBBEAN COURT OF JUSTICE
Original Jurisdiction

CCJ Application No.

In the matter of a joint request for an Advisory Opinion

*(CONTRACTING PARTY) **AB*** *Applicant(s)*

And

*(CONTRACTING PARTY) **CD*** *Respondent(s)*

Or

In the matter of a request for an Advisory Opinion by the Caribbean Community pursuant to Article 212 of the Revised Treaty of Chaguaramas and Rule 10A.3(1)

REQUEST FOR ADVISORY OPINION

I. **The point(s) on which the opinion is sought is/are set out below**.
   (a) (state point)
   (b) (state point)
   (c) (state point)

II. The Contracting Parties' agreed statement of the facts including those in dispute are set out below (where applicable).

[24] Amended on 24 May 2024.

III. The legal submissions of Contracting Party AB on the issue(s) raised are set out below (where applicable).

IV. The legal submissions of Contracting Party CD on the issue(s) raised are set out below (where applicable).

V. The Community's statement of the facts including those in dispute are set out below (where applicable).

VI. The following is the statement of the Caribbean Community on the legal aspects of the case (where applicable).

Dated the xxx 20xx (mm/dd/yy)

……………………….
Counsel's Signature
Counsel for the xxxx (Applicant(s)/Appellant(s)/Respondent(s))

This request by (Contracting Parties AB and CD or the Caribbean Community) is filed by *(names of counsel or agents)****, whose address for service is*** *(state an address in the Seat of the Court or in the Contracting Party)****.***

Service may also be effected by electronic service to the email ………………………………………..

N.B.: The Community or any Member State who wishes to be heard on the request, shall be entitled to file written submissions within forty-two (42) days of being served with copies of the request pursuant to Rule 10A.3(5).

To: The Registrar of the Caribbean Court of Justice

The Registry is located at 134 Henry Street, Port of Spain, 101010 Republic of Trinidad and Tobago Telephone Voice: 868-612-5225. E-mail address: efile@ccj.org.

E-filing: Documents should be submitted for filing using the court's e-filing portal which can be accessed at http://www.ccj.org/e-filing-portal.

The Registry is open between 8:00 a.m. and 4:00 p.m. Mondays to Fridays except Public Holidays and Court Holidays

FORM 5[25]
Notice of Withdrawal – Rule 21.13

Filing Attorney(s): xxxxxx
Bar No;
Address:
Telephone #;
Email address:

IN THE CARIBBEAN COURT OF JUSTICE
Original Jurisdiction

CCJ Application No.

Between

XXXXX *Applicant(s)/Claimant(s)*

And

YYYY *Respondent(s)/Defendant(s)*
Intervener(s)/Third Party

NOTICE OF WITHDRAWAL

TAKE NOTICE that the Applicant(s)//Respondent(s) or Claimant(s)/Defendant(s) /Intervener(s) has/have instructed me to withdraw the application at caption.

Dated the xxx 20xx (mm/dd/yy)

…………………………….
Attorney-at-Law's Signature
Attorney-at-Law for the xxxx (Applicant(s)/Respondent(s))
(Defendant(s)/Intervener(s)

This Notice was electronically filed at the Caribbean Court of Justice e-filing portal by ***xxxx*** *(Attorney-at-Law's Name) in association with* ***xxxxx*** *(Attorney-at-Law's name(s)) of* ***xxxx****(Address) on behalf of the xxxxx(Applicant(s)/Respondent(s)/(Defendant(s)/Intervener(s)*

[25] Inserted on 24 May 2024.

whose address for service is ***xxxx*** *(Address) Service may also be effected by facsimile number (optional)* ***xxxx*** *or email address to* ***xxxx***

To: ***The Registrar of The Caribbean Court of Justice***
And To: ***The Registrar of the Supreme Court (Jurisdiction of the Court of Origin)***
And To: ***(Applicant(s)/Claimant(s)/ Respondent(s)/Defendant(s)/Intervener(s) Attorney(s)-at-Law (where applicable)***

The Registry is located at 134 Henry Street, Port of Spain, 101010 Republic of Trinidad and Tobago Telephone Voice: 868-612-5225. Email address: efile@ccj.org.

E-filing: Documents should be submitted for filing using the court's e-filing portal which can be accessed at http://www.ccj.org/e-filing-portal.

The Registry is open between 8:00 a.m. and 4:00 p.m. Mondays to Fridays except Public Holidays and Court Holidays

PRACTICE DIRECTION NO 1 OF 2024
CITATION OF JUDGMENTS AND REPORTED CASES
(Re-Issue)

This Practice Direction concerns:

I the identification and citation of judgments delivered by the Court; and

II the citation of reported cases to the Court.

The Practice Direction on the Citation of Judgments and Reported Cases issued on 14 March 2007 is revoked and replaced by this Practice Direction.

I. IDENTIFICATION AND CITATION OF JUDGMENTS OF THE COURT

1. Judgments delivered by the Court shall be identified and cited in the following manner:

   (a) the names of the parties or case title, as appropriate, (in italics) followed by

   (b) the year in which the judgment was delivered in square brackets, followed by

   (c) the letters 'CCJ', followed by

   (d) the number assigned to the judgment indicative of the place which the judgment occupies in the sequence, according to time of delivery, of judgments delivered by the Court in both jurisdictions in that year, followed by

   (e) the letters 'AJ' or 'OJ' in round brackets depending on whether the judgment was delivered in the Court's appellate jurisdiction '(AJ)' or in its original jurisdiction '(OJ)'; and

   (f) for judgments in the appellate jurisdiction, the '(AJ)' shall be followed by a 2-letter abbreviation, both uppercase, of the State from which the case originated (that is, the international alpha-2 country code).

The following are illustrations of the results of applying the above directions to imaginary cases, the first an original jurisdiction judgment and the second an appellate jurisdiction judgment from Belize –

(i) *The State of X v The Caribbean Community* [2020] CCJ 21 (OJ)

(ii) *Smith v Jones* [2007] CCJ 28 (AJ) BZ

2. When citing a judgment delivered by the Court in the appellate jurisdiction prior to 14 May 2020, include the country code in round brackets after 'AJ'.

3. When a judgment of the Court which has been reported, is cited, the reference to the law report shall be preceded by the neutral citation of the judgment, but that citation need not be repeated if the judgment is referred to again in the same document.

4. When judgments are prepared for delivery or are issued as approved judgments, the pages of the judgments will not be numbered but the judgments shall be divided into numbered paragraphs. The numbering of these paragraphs will be continuous from the beginning of the first judgment to the end of the last, if there is more than one judgment. The paragraph numbers will be printed in the margin in square brackets. Not every indented paragraph, however, need be given a number, so that more than one indented paragraph may be treated as part of the same numbered paragraph.

5. When passages from judgments of the Court are referred to, they shall be identified by the number or numbers in square brackets of the relevant paragraph or paragraphs in which they occur. Accordingly, a reference to a passage in a judgment in the imaginary case used above by way of illustration, would read:

   (i) *The State of X v The Caribbean Community* [2020] CCJ 21 (OJ) at [20] – [25]

   (ii) *Smith v Jones* [2007] CCJ 28 (AJ) BZ at [62]

II. CITATION OF REPORTED CASES TO THE COURT

The following instructions relate to the citation of cases in proceedings before the Court and the provision of copies of cases for use by the Court:

1. Where a case is reported in the West Indian Reports, the reference to the case in that series of law reports should always be given and copies of the case in those reports should be provided to the Court.

2. Where the case is also reported in the official Law Reports produced by the Incorporated Council of Law Reporting of England and Wales ('the official Law Reports'), then the reference to the case in that series of law reports should also be given, but copies of the case in those reports need not be provided to the Court.

3. Where a case is reported both in the West Indian Reports and in some other series of law reports other than the official Law Reports, then no reference should be made to that other series of law reports and no copies of the case as reported in it need be provided to the Court.

4. Where a case is not reported in the West Indian Reports, but is reported in more than one series of law reports, then reference should be made to only one series of law reports and copies of the case in that series alone should be provided to the Court. The series of law reports to be used for reference and copying, shall be chosen in accordance with the following order of preference (in descending order):

   (a) The official Law Reports.

   (b) The recognised law reports of the jurisdiction in which the case was decided.

   (c) The Law Reports of the Commonwealth.

   (d) The Weekly Law Reports.

   (e) The All-England Reports and

   (f) Other series of law reports.

This Practice Direction shall take effect from the date on which it is issued.

Issued by the President of the Caribbean Court of Justice pursuant to Part 18.1 of the Caribbean Court of Justice (Appellate Jurisdiction) Rules 2024 and Part 32.1 of the Caribbean Court of Justice (Original Jurisdiction) Rules 2024 on 24 May 2024.

Adrian Saunders

President

PRACTICE DIRECTION NO 2 OF 2024
CONDUCT OF ONLINE HEARINGS
(Re-Issue)

This Practice Direction is made in support of the Court's powers of case management under Rules 8(2)(f) and (q) and 8.1(o) and (aa) of the Caribbean Court of Justice (Appellate Jurisdiction) Rules and the Caribbean Court of Justice (Original Jurisdiction) Rules, respectively, and it concerns:

I. the circumstances in which the Court will conduct online hearings; and

II. requirements of parties participating in online hearings.

For the purpose of this Practice Direction,

A hearing includes:

1. hearing of an appeal or application;
2. a case management conference;
3. delivery of a judgment.

Parties include:

1. attorneys-at law;
2. litigants;
3. witnesses; and
4. other persons required or specifically allowed to attend a hearing.

I. PROVISIONS FOR ONLINE HEARINGS

1. The decision to conduct a hearing online or at the Seat of the Court is for the discretion of the Court. An application for an online hearing should usually be made by a party at the first case management conference or in the completed case management checklist. Parties are encouraged before attendance at the case management conference or completion of the checklist to -

   (a) indicate to the other party or parties the mode of hearing they will request; and

   (b) seek to agree on the mode of hearing.

2. Where the Court decides to hold an online hearing –

(a) the Registrar shall notify the parties and ensure that the necessary arrangements are made for the parties to be able to participate in the hearing;

(b) the Court may also decide to hold a hybrid hearing and therefore permit one or more of the other parties to physically attend the hearing at the Seat of the Court and the Registrar shall advise all parties of that decision; and

(c) in that case the Registrar shall ensure that the necessary arrangements are made.

II. REQUIREMENTS OF PARTIES

Where the Court holds an online hearing, there are several protocols that parties are required to observe. Each party should:

5. Choose an appropriate location, that –

   (a) is well-lit and without any disturbing lighting effects so that the person speaking can clearly be seen; and

   (b) has a work-appropriate background (preferably plain), that should not be untidy or distracting.

6. Test the camera and microphone prior to the hearing. Each party is encouraged to conduct their own self-test, but where possible the Court will arrange a test for the parties, in which case parties are required to attend.

7. Frame the camera so that the face of the person speaking is fully captured in the video.

8. Wear appropriate clothing, suitable for court appearances. It is not advisable for a person to only wear a suitable top, as they may have cause to stand suddenly.

9. Be present. If a party is unable to attend, that party shall give advance notice to the Court and shall make arrangements for alternative representation, where appropriate.

10. Be punctual. Parties are required to log in at least fifteen (15) minutes before the time at which the hearing is scheduled to begin, which will also allow for any connectivity or other issues to be addressed in a timely fashion.

11. Reduce or eliminate background noises, including turning off music or videos, silencing cellphone sounds and otherwise ensuring as quiet an environment as possible so that their contributions can be clear.

12. Mute their microphone when not speaking, to avoid interrupting other speakers.

13. Remember that their camera is on, to avoid distractions and embarrassment.

14. Identify themselves by name when speaking, at least initially.

15. Avoid cross-talking or interruption of other speakers, to allow for proper and effective communication.

This Practice Direction shall take effect from the date on which it is issued.

Issued by the President of the Caribbean Court of Justice pursuant to Part 18.1 of the Caribbean Court of Justice (Appellate Jurisdiction) Rules 2024 and Part 32.1 of the Caribbean Court of Justice (Original Jurisdiction) Rules 2024 on 24 May 2024.

Adrian Saunders

President

PRACTICE DIRECTION NO 3 OF 2024
ISSUANCE OF ADVANCE COPIES OF JUDGMENTS

This Practice Direction concerns:

I. the issuance of advance copies of judgments to Counsel prior to the judgment being delivered by the Court, in preparation for their delivery and publication; and

II. the requirement for compliance by Counsel with the condition of strict confidentiality upon receipt of the advance copies of judgments.

For the purposes of this Practice Direction, 'judgment' includes:

(a) a written decision of the Court at the end of proceedings, including a reasoned judgment refusing special leave under Rule 10.16 of the Caribbean Court of Justice (Appellate Jurisdiction) Rules 2024;

(b) a reasoned decision of the Court at the end of proceedings, including proceedings under Part 10A, other than an advisory opinion under Rule 10A.3, a determination under Rule 10A.4, and a decision on costs delivered or issued in accordance with the Caribbean Court of Justice (Original Jurisdiction) Rules 2024.

I. PURPOSE

The purpose of providing advance copies of judgments is for:

1. The identification of clerical mistakes, errors and omissions in the judgment;
2. The giving of notice to Counsel of the judgment to better enable them to address the consequences of the judgment; and
3. Where appropriate, to facilitate the determination of costs.

II. PROVISION OF ADVANCE COPY OF JUDGMENT

1. Where a judgment is reserved or written reasons are to follow, parties shall be notified of the delivery or issuance of the judgment in accordance with Part 15.1 of the Caribbean Court of Justice (Appellate Jurisdiction) Rules 2024 and Part 28.2 of the Caribbean Court of Justice (Original Jurisdiction) Rules 2024.

2. The Court may provide an advance copy of the judgment to Counsel by 4.00pm on the working day before the judgment is delivered or issued, or at such other time as the Court may direct.

3. Advance copies are provided to Counsel, in confidence, on the condition that –

(a) Save as otherwise directed, neither the advance copy of the judgment nor its substance is disclosed to any other person, or used or published in the public domain before the judgment is delivered by the Court;

(b) No step is taken in pursuance of the judgment except as authorised in this Practice Direction;

(c) Recipients of the advance copy of the judgment are limited to those attorneys who are associated with the fulfilment of the objective of the issuance of the advance copy of the judgment.

III. IDENTIFICATION OF ERRORS AND CORRECTIONS

1. It is the duty of Counsel to identify any clerical mistakes, errors or omissions in the advance copy of the judgment.

2. In the case of apparent error or ambiguity in the advance copy of the judgment, Counsel are requested to inform the Court of any proposed corrections as soon as possible, or by the time stipulated by the Court. This shall be done by email to the Court's Registry.

3. The correction of errors will be authorised by the Presiding Judge.

IV. CONFIDENTIALITY & SUSPECTED BREACH

1. Counsel and other recipients of the advance copy of the judgment are responsible for ensuring compliance with the directions set out in Section II, paragraph 3 of this Practice Direction.

2. Where there is non-compliance or suspected non-compliance with the directions or restrictions in Section II, paragraph 3 Counsel shall make every effort to –

   (a) investigate the non-compliance or suspected non-compliance with care and urgency and immediately notify the Court and all other Counsel in the matter; and

   (b) immediately provide the Court and all other Counsel with all relevant information of the non-compliance or suspected non-compliance; and

   (c) where possible, take reasonable steps to address the non-compliance or suspected non-compliance and mitigate its consequences.

3. Failure to comply with the directions in Section II, paragraph 3 and/or to take reasonable steps under Section IV, paragraph 2 of this Practice Direction may amount to contempt of court.

This Practice Direction shall take effect from the date on which it is issued.

Issued by the President of the Caribbean Court of Justice pursuant to Part 18.1 of the Caribbean Court of Justice (Appellate Jurisdiction) Rules 2024 and Part 32.1 of the Caribbean Court of Justice (Original Jurisdiction) Rules 2024 on 24 May 2024.

Adrian Saunders

President

PRACTICE DIRECTION NO 4 OF 2024
THE FILING AND SERVICE OF LISTS OF AUTHORITIES AND ELECTRONIC BUNDLES OF AUTHORITIES

This Practice Direction provides guidance to standardise the filing and service of lists of authorities and electronic bundle(s) of authorities.

Where the Court orders that lists of authorities and copies of such authorities are to be filed, the parties shall comply with the measures noted hereunder.

To the extent that this Practice Direction is inconsistent with earlier Practice Directions, this Practice Direction shall prevail.

I. CONTENT OF THE LIST OF AUTHORITIES

1. The list of authorities shall contain all authorities to which a party refers in their written submissions and/or intends to rely upon in support of their case.

2. The authorities should be listed in the following categories: "Legislation"; "Case law"; and "Other Sources".

3. Any reference to legislation in the list of authorities must:

   (a) specify the jurisdiction; and

   (b) the relevant sections, rules, or clauses respectively relied upon.

4. Any reference to a case in the list of authorities must include:

   (a) the name under which the case is reported;

   (b) the citation of the case in a recognised law report (if available) or its neutral citation; and

   (c) if the case is unreported, the names of the parties to the case, the date that the judgment was delivered, the jurisdiction, and the court.

5. Where appropriate, the pages or paragraphs of the authority to which Counsel wishes to draw the Court's attention should be indicated.

II. CONTENT OF ELECTRONIC BUNDLE OF AUTHORITIES

1. An electronic bundle refers to copies of authorities contained in a single PDF document. Authorities must be filed in one or more electronic bundles.

2. Each electronic bundle shall not exceed approximately 75 megabytes. Where the total volume of authorities will exceed 75 megabytes, the authorities shall be compiled in multiple bundles each not exceeding 75 megabytes and labelled for e.g., "Bundle of Authorities Part 1 of 3", "Bundle of Authorities Part 2 of 3", "Bundle of Authorities Part 3 of 3".

3. Parties need not file authorities that are reported in the following law reports, namely:

   (a) The West Indian Reports;

   (b) The reports published by the Incorporated Council of Law Reporting for England and Wales; and

   (c) All England Reports.

4. The parties shall file a master index which briefly and accurately lists each bundle, category of authority, and specific authorities contained in each bundle (if more than one).

5. Each bundle must be prefaced with an index listing the category of authorities and the specific authorities appearing in that bundle.

6. There should be no blank pages in the bundle.

7. The text in the bundle where possible should read left to right.

III. AUTHORITIES DISCOVERED AFTER FILING OF SUBMISSIONS

When new or recently discovered authorities have become available since the filing of written submissions and/or lists of authorities, parties may file and serve, as soon as practicable, such newly discovered authorities specifically drawing attention to the fact that they have not previously been referenced and with a clear justification as to why the authorities were not cited and filed previously.

IV. FORM

The list of authorities and electronic bundle(s) shall comply with Part 5.5 of the Caribbean Court of Justice (Appellate Jurisdiction) Rules 2024 and Part 6.5 of the Caribbean Court of Justice (Original Jurisdiction) Rules 2024 respectively and where possible shall be prepared in a format in which the text can be searched, copied and highlighted, and comments inserted.

V. FILING AND SERVING THE LIST OF AUTHORITIES AND ELECTRONIC BUNDLE OF AUTHORITIES

Parties must, within the time prescribed by the Court, file their lists of authorities and electronic bundles of authorities on the Court's e-filing portal http://www.ccj.org/e-filing-portal and serve same on each other in accordance with this Practice Direction.

This Practice Direction shall take effect from the date on which it is issued.

Issued by the President of the Caribbean Court of Justice pursuant to Part 18.1 of the Caribbean Court of Justice (Appellate Jurisdiction) Rules 2024 and Part 32.1 of the Caribbean Court of Justice (Original Jurisdiction) Rules 2024 on 24 May 2024.

Adrian Saunders

President

PRACTICE DIRECTION NO 5 OF 2024
FILING OF SPEAKING NOTES

This Practice Direction is issued to provide guidance on the filing of Speaking Notes in court proceedings.

Speaking Notes:

I. serve as an indication of the key points of Counsel's written submission to which Counsel may wish the Bench specifically to advert.

II. should be brief and employ concise language.

FILING AND SERVICE OF SPEAKING NOTES

Counsel seeking to file a Speaking Note shall do so in accordance with the following guidelines:

1. Speaking Notes must be emailed to the Court at efile@ccj.org no later than three (3) days before the scheduled hearing. They should not deviate from the written submissions that have been previously filed.
2. In exceptional cases, where new or recently discovered authorities have become available since the filing of written submissions, parties must file and serve as soon as practicable a supplemental list of authorities. If a party refers to such newly discovered authorities in their Speaking Notes, they must specifically draw attention to the fact that the said authorities were not referenced in the filed written submissions and they must file and serve the said Speaking Notes no later than three (3) days before the scheduled hearing.
3. Speaking Notes shall be concise, clear, and focused on the relevant issues to be addressed. Counsel are encouraged to avoid excessive repetition in the Speaking Notes, of the arguments already made in their written submissions but may instead refer to the appropriate paragraph numbers of the written submissions.
4. Unless otherwise directed by the Court, Speaking Notes shall be no more than five (5) pages long, with 1.5 line spacing, typed in Times New Roman, font size twelve. The number of pages of the Speaking Notes may be increased upon a request to the Court.

This Practice Direction shall take effect from the date on which it is issued.

Issued by the President of the Caribbean Court of Justice pursuant to Part 18.1 of the Caribbean Court of Justice (Appellate Jurisdiction) Rules 2024 and Part 32.1 of the Caribbean Court of Justice (Original Jurisdiction) Rules 2024 on 24 May 2024.

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Adrian Saunders
President

PRACTICE DIRECTION NO 6 OF 2024
WRITTEN SUBMISSIONS

This Practice Direction provides guidance for standardising the technical and formatting requirements of written submissions ordered by the Court.

Where the Court orders that written submissions are to be filed and served, the parties shall be guided by the directions hereunder.

I. FORMAT OF WRITTEN SUBMISSIONS

1. Written submissions must be set out in numbered paragraphs. These paragraphs must be typed using –

   (a) Times New Roman Font;
   (b) Font size 12; and
   (c) 1.5 line spacing.

2. There should be no blank pages in the written submissions.

3. The text in the written submissions should read left to right.

II. LENGTH OF SUBMISSIONS

Generally, written submissions will be no more than fifteen (15) pages in length excluding the title page. The number of pages of the written submissions may vary whether upon application of the parties or by the Court on its own motion.

III. CONTENT OF SUBMISSIONS

Written submissions should be limited to the arguments as pleaded by each of the parties to the matter, save with the express permission of the Court, on application by the party seeking to raise an additional argument.

IV. FORM OF SUBMISSIONS

The written submissions shall comply with Part 5.5 of the Caribbean Court of Justice (Appellate Jurisdiction) Rules 2024 and Part 6.5 of the Caribbean Court of Justice (Original Jurisdiction) Rules 2024 respectively and where possible shall be prepared in a format in which the text can be searched, copied and highlighted, and comments inserted.

V. AUTHORITIES

Parties are reminded that in keeping with Practice Direction No 4 of 2024 on *The Filing And Service Of Lists Of Authorities And Electronic Bundles Of Authorities*, parties must, within the time prescribed by the Court for the filing of their written submissions, file and serve a bundle of authorities containing every authority that is mentioned in the parties' written submissions.

VI. FILING AND SERVICE OF THE WRITTEN SUBMISSIONS

Parties must, within the time prescribed by the Court, file their written submissions on the Court's e-filing portal http://www.ccj.org/e-filing-portal and serve the same on each other in accordance with this Practice Direction and the order of the Court.

This Practice Direction shall take effect from the date on which it is issued.

Issued by the President of the Caribbean Court of Justice pursuant to Part 18.1 of the Caribbean Court of Justice (Appellate Jurisdiction) Rules 2024 and Part 32.1 of the Caribbean Court of Justice (Original Jurisdiction) Rules 2024 on 24 May 2024.

Adrian Saunders

President