

2012 *Eastern Caribbean Supreme Court Civil* SRO. 35
Procedure (Amendment) Rules

ARRANGEMENT OF RULES

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GRENADA

STATUTORY RULES AND ORDERS NO. 35 OF 2012

IN EXERCISE OF THE POWERS CONFERRED PURSUANT TO SECTION 17 OF THE WEST INDIES ASSOCIATED STATES SUPREME COURT ORDER 1967, THE CHIEF JUSTICE AND TWO OTHER JUDGES OF THE SUPREME COURT MAKE THESE RULES.

(Gazetted 28th December, 2012).

1. Citation. These Rules may be cited as the

EASTERN CARIBBEAN SUPREME COURT CIVIL PROCEDURE
(AMENDMENT) RULES, 2012.

2. Commencement. These Rules shall come into effect on the 1st day of February, 2013.

3. Interpretation. In these Rules “the principal Rules” means the Eastern Caribbean Supreme Court Civil Procedure Rules 2000.

4. Amendment of Rule 10.2. Rule 10.2 of the principal Rules is amended by repealing paragraphs (4) and (5) and substituting the following paragraph—

“(4) If a defendant fails to file a defence within the period for filing a defence, judgment or failure to defend may be entered if Part 12 allows it.”

5. Amendment of Rule 12.13. Rule 12.13 of the principal Rules is repealed and substituted by the following Rule—

“12.13 Unless the defendant applies for and obtains an order for the judgment to be set aside, the only matters on which a defendant against whom a default judgment has been entered may be heard are—

- (a) the assessment of damages, provided that he or she has indicated that he or she wishes to be heard by filing a Notice in Form 31 within seven (7) days after service of the claimant’s submissions and witness statements on the defendant pursuant to Rule 16.2(2);
- (b) an application under Rule 12.10(4);
- (c) costs;

- (a) repealing paragraph (3) and substituting the following paragraph—

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- “(3) Unless the application states that the claimant is not in a position to prove the amount of damages–
- (a) the court office must fix a date for the assessment of damages and give the claimant and the defendant at least 42 days notice of the date, time and place fixed for the hearing;
 - (b) the claimant shall file and serve on the defendant all witness statements and written submissions on which he or she intends to rely within 14 days of service of the notice of assessment;
 - (c) the defendant shall file a Notice in Form 31 within seven (7) days after service of the claimant’s submissions and witness statements on the defendant;
 - (d) the defendant shall be at liberty to file and serve witness statements and written submissions on which he or she intends to rely within 14 days of service of the claimant’s witness statements and submissions on him or her.”
- (b) repealing paragraph (6) and substituting the following paragraph–
- “(6) (a) The claimant shall be entitled to rely on the evidence of all witnesses called by him or her pursuant to the witness statements filed and served by him or her and to make submissions to the court.
- (b) the defendant is entitled to cross-examine any witness called on behalf of the claimant, call evidence as disclosed in his Notice filed pursuant to Form 31 and in respect of witness statements which have been filed and served pursuant to Rule 16.3(3)(d) and to make submissions to the court.”

8. Amendment of Appendix to insert Form. The Appendix to the principal Rules is amended by inserting after Form 30 in the following Form–

HEARING ON ASSESSMENT OF DAMAGES

(Heading as in Form 1)

I/We the defendant/defendant's
Attorneys-at-law wish to be head on the issue of quantum at the assessment of damages
and to be allowed to—

.....

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Yes ☐ No ☐

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Defendant/ Attorney-at-law

The court office is at [xxxxxxxxxxxxxxxxxxxxxxx] telephone number xxx xxxx, Fax xxx xxxx. The court office is open between [... a.m.] and [... p.m.] ... to ... except public holidays and court holidays.”

Made this 10th day of December, 2012.

JANICE M. PEREIRA
Chief Justice.

DAVIDSON K. BAPTISTE
Justice of Appeal.

FRANCIS BELLE
High Court Judge.

GRENADA

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