

Update on District Court Rules and Procedures

INTRODUCTION AND OVERVIEW	1
THE RULES	3
Amendment rule 5 – representation and address for service	3
Amendment rule 6 – search of court records	4
Amendment rule 7 – applications for summary judgment	5
<i>Applicability of the summary judgment procedure</i>	5
<i>When can the Court grant summary judgment?</i>	5
<i>Defendants' summary judgment</i>	6
<i>When must an application for summary judgment be made?</i>	7
<i>What must be filed</i>	8
<i>Allegations of fraud</i>	9
<i>Time for filing documents in opposition</i>	9
<i>Time for filing statement of defence on dismissal of application</i>	10
Amendment rule 8 – personal service on mentally disordered persons	10
Amendment rule 9 – application for injunction	10
Amendment rule 10 – applications to vary or rescind orders or decisions given on interlocutory applications	10
Amendment rule 11 – transitional provision	11
Amendment rule 12 – swearing affidavits answering interrogatories	11
Amendment rule 13 – admission of facts	11
Amendment rule 14 – swearing affidavits verifying lists of documents	11
Amendment rule 15 – calling of expert witnesses	12
Amendment rule 16 – payment out when person entitled under disability	12
Amendment rule 17 – arbitration by consent	12
Amendment rule 18 – consequences of failure to take a step in a proceeding for 12 months when proceeding not set down	13
<i>Step in the proceeding</i>	13
<i>When will leave be granted?</i>	14
Amendment rule 19 – direction by consent to attempt to settle dispute by alternative dispute resolution before proceeding set down	16
Amendment rule 20 – direction by consent to attempt to settle dispute by alternative dispute resolution after proceeding set down	16
Amendment rule 21 – judicial settlement conferences	17
Amendment rule 22 – application of the originating application procedure	17
Amendment rule 23 – directions before hearing of originating application	19
Amendment rule 24 – affidavits on behalf of corporations	19
Amendment rule 25 – time and mode of giving judgment	20
Amendment rule 26 – judgments to be sealed and dated	21
Amendment rule 27 – when judgment takes effect	21

Amendment rule 28 – contents of notice of appeal	22
CASE MANAGEMENT PRACTICE NOTE	23
Background to adoption of practice note	23
Objectives and essential features of the practice note	23
The individual tracks	24
Conferences	26
Further control over discovery	27
Fixtures	27
Pre-trial conferences	28
Conclusion	29