

## **PRACTICE DIRECTION NO. 15 of 2021**

### **WEEKS FOR THE ANNOUNCEMENT AND APPROVAL OF SETTLEMENTS IN THE CIVIL DIVISION OF THE SUPREME COURT OF JUDICATURE OF JAMAICA**

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This Practice Direction is issued by the Honourable Chief Justice in respect of all matters which have been filed in the Civil Division of the Supreme Court in which parties have arrived at a settlement, for which the approval of the court is required or desirable. It has as its object, reducing significantly the time within which these matters are fixed for hearing and disposed of by the Court.

#### **PART A. DECLARATION AND SCOPE OF THE PRACTICE DIRECTION**

1. The weeks commencing **July 19, 2021** and **July 26, 2021** are designated as Weeks for the Announcement and Approval of Settlements (**WAAS**).
2. Applications may be made pursuant to Part B of these Directions, for the following matters to be fixed for hearing during **WAAS**.
  - a. Approval of settlements, compromises, or payments in respect of claims by, on behalf of, or against a Minor or a Patient pursuant to CPR 23.12, where the claim has been filed and a date has not yet been fixed for hearing;
  - b. Approval of settlements, compromises, or payments in respect of claims by, on behalf of, or against a Minor or a Patient pursuant to CPR 23.12, where the claim has been filed and a date has been fixed for hearing after July 30, 2021;
  - c. Matters which have been adjourned to a date after July 30, 2021 or for a date to be fixed by the Registrar pending settlement **and**

the terms of settlement have been agreed and are now capable of being announced.

- d. Matters in which parties have arrived at a settlement but one or more of them are unrepresented and it is desired to have the court sanction the terms of the settlement.

- 3. For the purpose of this Practice Direction, “**minor**” and “**patient**” retain the following meanings as ascribed by CPR 2.4.

*“**minor**” means a person who has not attained the age of 18 years;  
[and]*

*“**patient**” means a person who by reason of mental disorder within the meaning of the Mental Health Act is incapable of managing his or her own affairs.*

#### **PART B. HOW TO APPLY**

- 4. Applications to fix matters for hearing during **WAAS** are to be made by completing and emailing the **WAAS Application Form** in Appendix A **together with** an Electronic Judge’s Bundle to: [WAASCivil@supremecourt.gov.jm](mailto:WAASCivil@supremecourt.gov.jm)

All Applications are to be received at the foregoing email address by 4:00 p.m. on Wednesday, June 30, 2021.

- 5. The Electronic Judge’s Bundle which is submitted with each **WAAS Application Form** must contain a copy of all the documents which will enable the Court to conclude the matter on the date fixed, including a copy of the Order in terms to be approved or sanctioned by the Court.
- 6. All parties/ interested persons who have an email address are to be copied on the email pursuant to which the Application is submitted.

#### PART C. PUBLICATION OF PROVISIONAL AND FINAL WAAS LISTS

7. A **Provisional WAAS List** will be published at <https://supremecourt.gov.jm> and in any other manner that court lists are generally published, by Tuesday 6<sup>th</sup> day of July 2021 at 4:00 p.m. It will contain a list of the matters which are fixed for hearing during WAAS following receipt of applications and initial processing.
8. It is the responsibility of each person who has submitted a **WAAS Application Form** to check the **Provisional WAAS List** and to report any difficulty with the assigned fixture by sending an email to [WAASCivil@supremecourt.gov.jm](mailto:WAASCivil@supremecourt.gov.jm) which email is to be received by 4:00 p.m. on Thursday, the 8<sup>th</sup> day of July 2021.
9. Unless a difficulty is reported in accordance with paragraph 8 herein and removal of the fixture is warranted by the difficulty, each fixture will be confirmed and published in the **Final WAAS List**.
10. The **Final WAAS List** will be published at <https://supremecourt.gov.jm> and in any other manner that court lists are generally published, by Wednesday the 14<sup>th</sup> day of July 2021 at 4:00 p.m.
11. Where a matter on the **Final WAAS List** does not proceed for reasons which are not attributable to the Court, that matter will not be permitted to be included in any subsequent **WAAS** arranged by the Court save in exceptional circumstances and with the Court's permission.
12. It is only in exceptional cases that matters will be fixed for hearing during **WAAS** in excess of thirty (30) minutes. The allocation of time will be stated in both the **Provisional** and **Final WAAS Lists**.

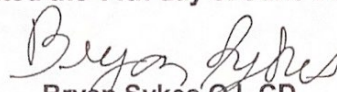
#### PART D. FILING OF COURT ORDERS

13. An Applicant is to file sufficient copies of the Orders the Court will be required to approve or sanction during WAAS at the Civil Registry, which copy Orders are to be marked in bold in the right top margin with "**WAAS**". They are to be filed

(a) by 12 noon on Friday July 16, 2021 for matters fixed for the week commencing July 19, 2021; and

(b) by 12 noon on Friday July 23, 2021 for matters fixed for the week commencing July 26, 2021.

**Dated the 14th day of June 2021**

  
**Bryan Sykes OJ, CD**  
**Chief Justice**

# WAAS APPLICATION FORM

Appendix A

IN ORDER TO ASSIST US IN PROCESSING YOUR APPLICATION, PLEASE ENSURE THAT ALL FIELDS ARE COMPLETED. THE RESPONSES MAY BE TYPED OR WRITTEN IN BLOCK CAPITALS.

<b>A. SUIT NUMBER:</b>	<b>B. CASE NAME:</b>																				
<b>C. CONTACT INFORMATION FOR EACH PARTY/INTERESTED PERSON</b>																					
<table border="1"><thead><tr><th>Party/Interested Person</th><th>Email Address and/or Contact Number</th></tr></thead><tbody><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr></tbody></table>	Party/Interested Person	Email Address and/or Contact Number																			
Party/Interested Person	Email Address and/or Contact Number																				
<p>1. Are you applying for the approval of settlement, compromise or payment in respect of claims by, on behalf of, or against a minor or a patient pursuant to CPR 23.12?</p> <p>Yes [ ]                      No [ ]</p>																					
<p>2. If you answered <b>No</b> to question 1, which of these apply to your matter?</p> <p>a. Matter adjourned to a date after July 31, 2021 or for a date to be fixed by the Registrar and settlement can now be announced [ ]</p> <p>b. 1 or more of the parties are unrepresented and court approval desired [ ]</p>																					
<p>3. Has a court date for the announcement and/or approval of settlement already been fixed?</p> <p>Yes [ ]                      No [ ]</p>																					
<p>4. If you answered <b>Yes</b> to question 3, state the date, time and duration of the fixture below.</p> <p>Date:</p> <p>Time:</p> <p>Duration:</p>																					

<p>5. Has(ve) the opposing party (ies) agreed to the matter being dealt with during WAAS?</p> <p>Yes [ ]                      No [ ]</p>	
<p>6. Have all documents which are required to be served by the Civil Procedure Rules been served within the required period?</p> <p>Yes [ ]                      No [ ]</p>	
<p>7. If you answered <b>NO</b> to question 6, do[es] the other parties[y] agree to time for serving any document being abridged?</p> <p>Yes [ ]                      No [ ]</p>	
<p>8. How much time does your matter require for hearing?</p> <p>15 minutes [ ]      30 minutes [ ]</p> <p>State Other _____</p>	<p>If more than 30 minutes are required, please set out your justification for additional time below.</p>
<p>9. Are you open to having your matter fixed for <u>ANY</u> Monday to Thursday between 10:00 a.m. - 1:00 p.m. and 2:00 p.m. - 4:00 p.m. during WAAS?</p> <p>Yes [ ]                      No [ ]</p>	
<p>10. If you answered <b>NO</b> to question 9, indicate your preferred week, day and time below.*</p> <p>Week of July 19, 2021 [ ]                      OR                      Week of July 26, 2021 [ ]</p> <p>Monday [ ]</p> <p>Tuesday [ ]</p> <p>Wednesday [ ]</p> <p>Thursday [ ]</p> <p>Time (between 10:00am - 1:00pm and 2:00pm - 4:00 pm): _____</p> <p><small>* PREFERRED FIXTURES CANNOT BE GUARANTEED BUT WILL BE MADE IF AVAILABLE AT THE TIME OF RECEIPT OF APPLICATION.</small></p>	
<p>11. If your preferred fixture cannot be accommodated, can your matter be scheduled for hearing in another available slot during WAAS?</p> <p>Yes [ ]                      No [ ]</p>	
<p>12. Is your Electronic Judge's Bundle being submitted with this application?</p> <p>Yes [ ]                      No [ ]</p>	