



Statutory Document No. 145/00

THE HIGH COURT ACT 1991

THE RULES OF THE HIGH COURT (AMENDMENT) 2000

Approved by Tynwald

17th May 2000

Coming into operation

1st July 2000

In exercise of the powers conferred on the Deemsters by section 25 of the High Court Act 1991¹, and of all other enabling powers, the following Rules are hereby made:—

1. Citation and commencement

These Rules may be cited as the Rules of the High Court (Amendment) 2000 and, subject to section 25(4) of the High Court Act 1991, shall come into operation on the 1st July 2000.

2. Summary relief in defamation cases

After Order 34C of the Rules of the High Court 1952² there is inserted the following Order —

"ORDER 34D

SUMMARY RELIEF IN DEFAMATION CASES

Application and interpretation

1. (1) This Order provides for summary disposal of claims in defamation proceedings in accordance sections 14 to 16 of the Law Reform Act 1997³.

(2) In this Order —

"the Act" means the Law Reform Act 1997;

"summary relief" has the meaning given by section 15(1) of the Act.

Procedure

2. (1) A plaintiff may not apply for summary relief until the defendant against whom the application is made has filed —

¹ 1991 c.12

² Made 7th January 1952

³ 1997 c.1

Price 45p

- (a) an acknowledgement of service; or
- (b) a defence,

unless the court gives leave.

(2) If a plaintiff applies for summary relief before a defendant against whom the application is made has filed a defence, that defendant need not file a defence before the hearing.

(3) Where an application for summary relief is made, the Chief Registrar shall fix a hearing of the application, and shall give the applicant and the respondent at least 14 days' notice of —

- (a) the date fixed for the hearing; and
- (b) the issues which it is proposed that the court will decide at the hearing.

Evidence

3. (1) If the respondent to an application for summary judgment wishes to rely on written evidence at the hearing, he shall —

- (a) file the written evidence; and
- (b) serve copies on every other party to the application,

at least 7 days before the date fixed for the hearing of the application.

(2) If the applicant wishes to rely on written evidence in reply, he shall —

- (a) file the written evidence; and
- (b) serve a copy on the respondent,

at least 3 days before the summary judgment hearing.

Powers of court

4. (1) When the court determines a summary judgment application it may —

- (a) give directions as to the filing and service of a defence;
- (b) direct the defendant to elect whether or not to make an offer to make amends under section 9 of the Act; and
- (c) give such further directions as it thinks fit.

(5) When it makes a direction under paragraph (1)(b), the court shall specify the time by which and the manner in which —

- (a) the election is to be made; and
- (b) notification of it is to be given to the court and the other parties.

Sources of information

5. Unless the court orders otherwise, a party shall not be required on an application for summary relief to provide further information about the identity of the defendant's sources of information."

3. Social security appeals

- (1) Order 45C of the Rules of the High Court 1952 is amended as follows.
- (2) For "Social Security Act 1975" (in each place) substitute "Social Security Administration Act 1992".
- (3) For "section 94 or 114(5)" (in each place) substitute "section 18 or 58(8)".

MADE 20th March 2000

T. William Cain
First Deemster and Clerk of the Rolls

J. M. Kerruish
Second Deemster

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules amend the Rules of the High Court 1952. Rule 2 inserts a new Order 34D, dealing with applications for summary relief in defamation cases under sections 14-16 of the Law Reform Act 1997. Rule 3 amends Order 45C consequentially upon the replacement of certain provisions of the Social Security Act 1975 (of Parliament) by the Social Security Administration Act 1992 (of Parliament, applied to the Isle of Man by SD 506/94).