

Rules of the District Court (Amendment) Rules 2008

The Rules of the District Court (Cap. 336H)

Order 1B – CASE MANAGEMENT POWERS

Remarks

Rule 3
Rec 2-4

1. Court's general powers of management (O. 1B, r. 1)

(1) The list of powers in this rule is in addition to and not in substitution for any powers given to the Court by any other rule or practice direction or by any other enactment or any powers it may otherwise have.

(2) Except where these Rules provide otherwise, the Court may by order –

(a) extend or shorten the time for compliance with any rule, court order or practice direction (even if an application for extension is made after the time for compliance has expired);

(b) adjourn or bring forward a hearing;

(c) require a party or a party's legal representative to attend the Court;

(d) direct that part of any proceedings (such as a counterclaim) be dealt with as separate proceedings;

(e) stay the whole or part of any proceedings or judgment either generally or until a specified date or event;

(f) consolidate proceedings;

(g) try two or more claims on the same occasion;

(h) direct a separate trial of any issue;

(i) decide the order in which issues are to be tried;

(j) exclude an issue from consideration;

(k) dismiss or give judgment on a claim after a decision on a preliminary issue;

(l) take any other step or make any other order for the purpose of managing the case and furthering the underlying objectives set out in Order 1A.

(3) When the Court makes an order, it may –

(a) make it subject to conditions, including a condition to pay a sum of money into court; and

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

(4) Where a party pays money into court following an order under paragraph (3), the money is security for any sum payable by that party to any other party in the proceedings.

2. Court's power to make order of its own motion (O. 1B, r. 2)

(1) Except where a rule or some 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 –

(a) it may give any person likely to be affected by the order an opportunity to make representations; and

(b) where it does so, it shall specify the time by and the manner in which the representations must be made.

(3) Where the Court proposes –

(a) to make an order of its own motion; and

(b) to hold a hearing to decide whether to make the order,

it shall give each party likely to be affected by the order at least 3 days' notice of the hearing.

(4) The Court may make an order of its own motion, without hearing the parties or giving them an opportunity to make representations.

(5) Where the Court has made an order under paragraph (4) –

(a) a party affected by the order may apply to have it set aside, varied or stayed; and

(b) the order must contain a statement of the right to make such an application.

(6) An application under paragraph (5)(a) must be made –

(a) within such period as may be specified by the Court; or

(b) if the Court does not specify a period, not more than 14 days after the date on which notice of the order was sent to the party making the application.

3. Court's power to give procedural directions by way of order nisi (O. 1B, r. 3)

(1) Where the Court considers that it is necessary or desirable to give a direction on the procedure of the Court and that the direction is unlikely to be objected to by the parties, it may of its own motion and without hearing the parties, give the direction by way of an order nisi.

(2) The order nisi becomes absolute 14 days after the order is made unless a party has applied to the Court for varying the order.