

# **EASTERN CARIBBEAN SUPREME COURT CIVIL PROCEDURE RULES**

## **PRACTICE DIRECTION 12**

**No. 4 of 2011**

### **DEFAULT JUDGMENT**

This Practice Direction is made pursuant to Rule 4.2(2) of the Eastern Caribbean Supreme Court Civil Procedure Rules 2000 and supplements Part 12 of the Rules.

#### **1. Introduction**

1.1 This Practice Direction clarifies the application of Rule 12.4.

1.2 In the circumstances where

(i) the claimant does not make a request under Rule 12.5 and 42 days have elapsed since the last date for filing a defence without a defence being filed; or

(ii) a defence is filed after the claimant has made a request under Rule 12.4

the court shall fix a status hearing and notify the parties of the date of that hearing.

1.3 Where there is uncertainty as to the application of any of the Rules relating to the grant of default judgments, the matter must be referred to a master or a judge immediately.

1.4 At the status hearing the court will give case management directions for the future conduct of the claim and the timetable which will apply.

#### **2. Effective Date**

2.1 This Practice Direction will come into effect on the 1<sup>st</sup> day of October 2011 and will be applicable to all claims issued after that date.

Dated this 7<sup>th</sup> day of September 2011.



**Hugh A. Rawlins**  
**Chief Justice**