

EASTERN CARIBBEAN SUPREME COURT CIVIL PROCEDURE RULES

PRACTICE DIRECTION 20

No. 5 of 2011

CHANGES TO STATEMENTS OF CASE

This Practice Direction is made pursuant to Rule 4.2(2) of the Eastern Caribbean Supreme Court Civil Procedure Rules 2000 and supplements Part 20 of the Rules.

1. Introduction

1.1 This Practice Direction supplements Rule 20.1(2).

2. Applications to Change The Statement Of Case Where The Permission Of The Court Is Required

2.1 The application may be dealt with at a hearing or, if Rule 11.14 applies, without a hearing.

2.2 When making an application to change a statement of case, the applicant should file with the court:

(1) the application and affidavit in support, together with

(2) a copy of the statement of case with the proposed changes.

2.3 Where permission to change has been given, the applicant should within 14 days of the date of the order, or within such other period as the court may direct, file with the court the amended statement of case.

2.4 A copy of the order and the amended statement of case should be served on every party to the proceedings, unless the court orders otherwise.

3. General

3.1 The amended statement of case and the court copy of it should be endorsed as follows:

(1) Where the court's permission was required:

Amended [Particulars of Claim *or as may be*] by Order of [Master][Judge *or as may be*] dated.....

(2) Where the court's permission was not required:

Amended [Particulars of Claim *or as may be*] under CPR [Rule 20.1(1)] dated.....

3.2 The statement of case in its amended form must show the original text and the amendments made, the court may direct that the amendments should be shown either:

(1) by coloured amendments, either manuscript or computer generated, or

(2) by use of a numerical code in a monochrome computer generated document.

3.3 Where colour is used, the text to be deleted should be struck through in colour and any text replacing it should be inserted or underlined in the same colour.

3.4 The order of colours to be used for successive amendments is: (1) red, (2) green, (3) violet and (4) yellow.

3.5 If the substance of the statement of case is changed by reason of the amendment, the statement of case should be re-verified by a statement of truth.

3.6 A copy of the amended statement of case should be served on every party to the proceedings.

3.7 A party applying for an amendment will usually be responsible for the costs of and arising from the amendment.

4. Factors To Which The Court Must Have Regard

4.1 When considering an application to change a statement of case pursuant to Rule 20.1(2) the factors to which the court must have regard are:

- (1) how promptly the applicant has applied to the court after becoming aware that the change was one which he wished to make;
- (2) the prejudice to the applicant if the application were refused;
- (3) the prejudice to the other parties if the change were permitted;
- (4) whether any prejudice to any other party can be compensated by the payment of costs and or interest;
- (5) whether the trial date or any likely trial date can still be met if the application is granted;
- (6) the administration of justice;

5. Effective Date

5.1 This Practice Direction will come into effect on the 1st day of October 2011 and will be applicable to all claims whenever issued.

Dated this 7th day of September 2011.



Hugh A. Rawlins
Chief Justice