

# ALTERNATIVE DISPUTE RESOLUTION: THE COURT'S POWERS

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### 3.1 Scope of this Part

- (1) This Part contains the court's powers to encourage the parties to use alternative dispute resolution and to facilitate its use.
- (2) The powers in this Part are subject to 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.

### 3.2 Court's duty to consider alternative dispute resolution

The court must consider, at every stage in proceedings, whether alternative dispute resolution is appropriate.

### 3.3 When the court will adjourn proceedings or a hearing in proceedings

- (1) If the court considers that alternative dispute resolution is appropriate, the court may direct that the proceedings, or a hearing in the proceedings, be adjourned for such specified period as it considers appropriate –
  - (a) to enable the parties to obtain information and advice about alternative dispute resolution; and
  - (b) where the parties agree, to enable alternative dispute resolution to take place.
- (2) The court may give directions under this rule on an application or of its own initiative.
- (3) Where the court directs an adjournment under this rule, it will give directions about the timing and method by which the parties must tell the court if any of the issues in the proceedings have been resolved.
- (4) If the parties do not tell the court if any of the issues have been resolved as directed under paragraph (3), the court will give such directions as to the management of the case as it considers appropriate.
- (5) The court or court officer will –
  - (a) record the making of an order under this rule; and
  - (b) arrange for a copy of the order to be served as soon as practicable on the parties.
- (6) Where the court proposes to exercise its powers of its own initiative, the procedure set out in rule 4.3(2) to (6) applies.

(By rule 4.1(7), any direction given under this rule may be varied or revoked.)

