

THE MULTI-TRACK

Contents of this Part

- Rule 29.1 Scope of this Part
- Rule 29.2 Case management
- Rule 29.3 Case management conference and pre-trial review
- Rule 29.4 Steps taken by the parties
- Rule 29.5 Variation of case management timetable
- Rule 29.6 Pre-trial check list (listing questionnaire)
- Rule 29.7 Pre-trial review
- Rule 29.8 Setting a trial timetable and fixing or confirming the trial date or week
- Rule 29.9 Conduct of trial

29.1 Scope of this Part

This Part contains general provisions about management of cases allocated to the multi-track and applies only to cases allocated to that track.

(Part 27 sets out the procedure for claims allocated to the small claims track)

(Part 28 sets out the procedure for claims allocated to the fast track)

29.2 Case management

- (1) When it allocates a case to the multi-track, the court will –
 - (a) give directions for the management of the case and set a timetable for the steps to be taken between the giving of directions and the trial; or
 - (b) fix –
 - (i) a case management conference; or
 - (ii) a pre-trial review,
 or both, and give such other directions relating to the management of the case as it sees fit.
- (2) The court will fix the trial date or the period in which the trial is to take place as soon as practicable.
- (3) When the court fixes the trial date or the trial period under paragraph (2), it will –
 - (a) give notice to the parties of the date or period; and
 - (b) specify the date by which the parties must file a pre-trial check list.

29.3 Case management conference and pre-trial review

- (1) The court may fix –
 - (a) a case management conference; or
 - (b) a pre-trial review, at any time after the claim has been allocated.

- (2) If a party has a legal representative, a representative –
- (a) familiar with the case; and
 - (b) with sufficient authority to deal with any issues that are likely to arise, must attend case management conferences and pre-trial reviews.

(Rule 3.1(2)(c) provides that the court may require a party to attend the court)

29.4 Steps taken by the parties

If –

- (a) the parties agree proposals for the management of the proceedings (including a proposed trial date or period in which the trial is to take place); and
- (b) the court considers that the proposals are suitable, it may approve them without a hearing and give directions in the terms proposed.

29.5 Variation of case management timetable

- (1) A party must apply to the court if he wishes to vary the date which the court has fixed for –
 - (a) a case management conference;
 - (b) a pre-trial review;
 - (c) the return of a pre-trial check list under rule 29.6;
 - (d) the trial; or
 - (e) the trial period.
- (2) Any date set by the court or these Rules for doing any act may not be varied by the parties if the variation would make it necessary to vary any of the dates mentioned in paragraph (1).

(Rule 2.11 allows the parties to vary a date by written agreement except where the rules provide otherwise or the court orders otherwise)

29.6 Pre-trial check list (listing questionnaire)

- (1) The court will send the parties a pre-trial check list (listing questionnaire) for completion and return by the date specified in directions given under rule 29.2(3) unless it considers that the claim can proceed to trial without the need for a pre-trial check list.
- (2) Each party must file the completed pre-trial check list by the date specified by the court.
- (3) If no party files the completed pre-trial checklist by the date specified, the court will order that unless a completed pre-trial checklist is filed within 7 days from service of that order, the claim, defence and any counterclaim will be struck out without further order of the court.
- (4) If –
 - (a) a party files a completed pre-trial checklist but another party does not;
 - (b) a party has failed to give all the information requested by the pre-trial checklist; or
 - (c) the court considers that a hearing is necessary to enable it to decide what directions to give in order to complete preparation of the case for trial,

the court may give such directions as it thinks appropriate.

29.7 Pre-trial review

If, on receipt of the parties' pre-trial check lists, the court decides –

- (a) to hold a pre-trial review; or

- (b) to cancel a pre-trial review which has already been fixed, it will serve notice of its decision at least 7 days before the date fixed for the hearing or, as the case may be, the cancelled hearing.

29.8 Setting a trial timetable and fixing or confirming the trial date or week

As soon as practicable after –

- (a) each party has filed a completed pre-trial check list;
- (b) the court has held a listing hearing under rule 29.6(3); or
- (c) the court has held a pre-trial review under rule 29.7, the court will –
 - (i) set a timetable for the trial unless a timetable has already been fixed, or the court considers that it would be inappropriate to do so;
 - (ii) fix the date for the trial or the week within which the trial is to begin (or, if it has already done so, confirm that date); and
 - (iii) notify the parties of the trial timetable (where one is fixed under this rule) and the date or trial period.

29.9 Conduct of trial

Unless the trial judge otherwise directs, the trial will be conducted in accordance with any order previously made.

