

# OVERRIDING OBJECTIVE

## Contents of this Part

- Rule 1.1 The overriding objective
- Rule 1.2 Application by the court of the overriding objective
- Rule 1.3 Duty of the parties
- Rule 1.4 Court's duty to manage cases

### 1.1 The overriding objective

- (1) These rules are a new procedural code with the overriding objective of enabling the court to deal with cases justly, having regard to any welfare issues involved.
- (2) Dealing with a case justly includes, so far as is practicable –
  - (a) ensuring that it is dealt with expeditiously and fairly;
  - (b) dealing with the case in ways which are proportionate to the nature, importance and complexity of the issues;
  - (c) ensuring that the parties are on an equal footing;
  - (d) saving expense; and
  - (e) allotting to it an appropriate share of the court's resources, while taking into account the need to allot resources to other cases.

### 1.2 Application by the court of the overriding objective

- (1) The court must seek to give effect to the overriding objective when it –
  - (a) exercises any power given to it by these rules; or
  - (b) interprets any rule.

### 1.3 Duty of the parties

The parties are required to help the court to further the overriding objective.

### 1.4 Court's duty to manage cases

- (1) The court must further the overriding objective by actively managing cases.
- (2) Active case management includes –
  - (a) encouraging the parties to co-operate with each other in the conduct of the proceedings;
  - (b) identifying at an early stage –
    - (i) the issues; and
    - (ii) who should be a party to the proceedings;
  - (c) deciding promptly –
    - (i) which issues need full investigation and hearing and which do not; and
    - (ii) the procedure to be followed in the case;
  - (d) deciding the order in which issues are to be resolved;

- (e) encouraging the parties to use an alternative dispute resolution procedure if the court considers that appropriate and facilitating the use of such procedure;
- (f) helping the parties to settle the whole or part of the case;
- (g) fixing timetables or otherwise controlling the progress of the case;
- (h) considering whether the likely benefits of taking a particular step justify the cost of taking it;
- (i) dealing with as many aspects of the case as it can on the same occasion;
- (j) dealing with the case without the parties needing to attend at court;
- (k) making use of technology; and
- (l) giving directions to ensure that the case proceeds quickly and efficiently.