



BERMUDA

MAGISTRATES' COURT AMENDMENT RULES 2013

BR 102 / 2013

The Magistrates, in exercise of the power conferred by section 21 of the Magistrates Act 1948, with the approval of the Chief Justice, make the following rules:

Citation and commencement

1 These Rules may be cited as the Magistrates' Court Amendment Rules 2013 and shall come into operation on 1 January 2014.

Inserts Order 1A

2 After Order 1 of the Magistrates' Court Rules 1973 there shall be inserted—

“ORDER 1A

THE OVERRIDING OBJECTIVE

1A/1 The Overriding Objective

1 (1) These Rules shall have the overriding objective of enabling the court to deal with cases justly.

(2) Dealing with a case justly includes, so far as is practicable—

- (a) ensuring that the parties are on an equal footing;
- (b) saving expense;
- (c) dealing with the case in ways which are proportionate —
  - (i) to the amount of money involved;
  - (ii) to the importance of the case;
  - (iii) to the complexity of the issues; and

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- (iv) to the financial position of each party;
- (d) ensuring that it is dealt with expeditiously and fairly; 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.

### 1A/2 Application by court of Overriding Objective

2 The court must seek to give effect to the overriding objective when it—

- (a) exercises any power given to it by the Rules; or
- (b) interprets any rule.

### 1A/3 Duty of parties

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

### 1A/4 Court's duty to manage cases

4 (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 the issues at an early stage;
- (c) deciding promptly which issues need full investigation and trial and accordingly disposing summarily of the others;
- (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

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- (l) giving directions to ensure that the trial of a case proceeds quickly and efficiently.”

Made this 6th day of December 2013

Senior Magistrate on behalf of the Magistrates

Approved this 9th day of December 2013

Chief Justice