

# SUPREME COURT OF BARBADOS

## PRACTICE DIRECTION No. 3 of 2019

### URGENT APPLICATIONS

1. **Introduction:** This Practice Direction is made pursuant to Rules 4.1 and 4.2 of the *Barbados Supreme Court (Civil Procedure) Rules, 2008* and supplements Part 11, [*Interlocutory Applications for Court Orders*] Part 17 [*Interim Remedies*] and Part 62 [*Appeals to the Court of Appeal*] of the Rules and relates to Urgent Applications on Notice or Without Notice.
2. This Practice Direction also supplements Part 57 [*Habeas Corpus Applications*] and Part 58 [*Bail Applications*] and governs the making of an Urgent Application to the Duty Judge for a writ of Habeas Corpus or the grant of bail on weekends, public holidays or during the hours when the Registry is closed.
3. This Practice Direction does not apply to applications for bail which are filed at the Registry in accordance with and governed by Part 58 [*Bail Applications*] of the Civil Procedure Rules.
4. **Urgent Application:** An urgent application includes any matter in which irreparable damage or detriment is likely to be occasioned to any person within 48 hours of the date of the application.
5. **Certificate of Urgency:** Save those Applications that fall under Part 17.3 of the Supreme Court (Civil Procedure) Rules, 2008 and are of extreme urgency, every Urgent Application must be supported by a Affidavit of Urgency, sworn by the Attorney-at-Law and/or the Applicant responsible for the Application showing why the Application is urgent and the Attorney-at-law and/or the Applicant should certify whether the file has been assigned, to his/her knowledge, to a particular Judge. Where the matter has been so assigned the certificate of the Attorney-at-Law/Applicant must identify the judge to whom the matter has been assigned.

6. Where an Urgent Application is made during the hours when the Registry is open, the application must be filed in the Registry, except in cases of extreme urgency, and the time when the Urgent Application is filed must be recorded on all copies of the documents filed.

7. The Duty Judge's week shall commence on Monday at 10:00 a.m. and end on the following Monday at 9:59 a.m.

8. All Urgent Applications shall, after being filed, be submitted by the Registrar to the Duty Judge or to the particular Judge to whom the file had been previously assigned to determine whether the application is, in fact, urgent and the Judge shall do so within 24 hours of filing the Application.

9. In the event that the Duty Judge or the particular Judge to whom the file had been assigned determines an application is Not Urgent, the Attorney-at-Law and/or the Applicant shall be notified within 24 hours of filing the Application and shall be entitled to be heard by the Duty Judge or to the particular Judge to whom the file has been assigned on the issue of Urgency as soon as practicable but not later than 48 hours of notification of the Judge's determination.

10. **Early Date Applications:** Once determined that an application is not urgent, the Duty Judge may in any case which he/she deems appropriate, refer the file to the Registrar with instructions whether the matter should be given an early date.

11. **After Hours Applications:** For Urgent Applications on a weekend or on a public holiday or during hours when the Registry is closed, contact must be made to the Duty Judge by telephoning the dedicated Duty Judge cell phone, the number to be circulated through the offices of the Barbados Bar Association. The dedicated Duty Judge cell phone shall be handed over to the Senior Legal Assistant of the Court at the end of the Judge's Duty week.

12. **Consequences of Non-Compliance:** Where an Attorney-at-Law and/or an Applicant fails to comply with this Practice Direction, in any respect, he or she may be:

- i. Required to account for the failure to the Court; and

ii. In the absence of a good and sufficient explanation, the party in default may be penalized in costs.

11. **Effective Date:** This Practice Direction will come into effect on the 1<sup>st</sup> day of ~~NOVEMBER~~, 2019.

Dated this 24<sup>th</sup> day of ~~OCTOBER~~ 2019.



**Marston C.D. Gibson**  
Chief Justice