

Practice Directions - No. 18 of 1994

Application for speedy trial pursuant to Order 39 rule 24a

1. This Practice Direction applies in all circumstances in which certification for speedy trial is sought.

2. In addition to other considerations, the material should deal succinctly with the following matters —

(a) What has been done or is proposed with a view to resolving the dispute short of a trial or hearing. If nothing has been done or is proposed the material should say why not.

(b) An estimate of the length of the trial or hearing and when the matter will be ready to proceed.

(c) Whether consideration has been given to using Order 26.

(d) If the matter is one in which it is contemplated that expert evidence will be relied on by any party, state what arrangements have been made or are proposed to effect the provision of documents containing the substance of the evidence to other parties and what consideration has been given to a conference of experts.

(e) What consideration has been given to such matters as—

- confining the issues to be tried;
- a schedule of disputed items; and the respective contentions concerning each item;
- agreement in respect of the quantum or proof of peripheral matters, eg rates, quantities etc for the calculation of damages;
- the provision of witness statements;
- the trial of specific issues;

or to any other matters which might shorten the trial or facilitate its conduct.

3. It should in any event be expected directions may be given with respect to the matters canvassed in the preceding paragraph whether or not the matter is certified or for speedy trial.

4. A certificate of readiness will not be dispensed with unless exceptional circumstances are demonstrated.

5. When the application is made in the week in which a callover is to be held, and it is intended to seek to have the matter set down for trial at that callover, the material should deal with any reasons for the application not having been made sooner.

6. (a) When a matter certified for speedy trial does not take up proffered trial dates or in the opinion of the person proffering the trial dates, it is otherwise appropriate it may be directed that the matter be listed before a chamber judge or otherwise for cause to be shown why the matter should not be de-certified.

(b) When a matter is de-certified it shall take its priority for hearing—

(i) where the rules require it to be entered for trial from the date of entry;

(ii) otherwise from the date on which it was placed on the callover list.

MARTIN MOYNIHAN
Senior Judge Administrator

16 August 1994