



IN THE SUPREME COURT OF BERMUDA
CIRCULAR NOTICE

ISSUED BY THE REGISTRAR

Ref. A/50

Thursday 21 December 2017

CIRCULAR No. 31 of 2017

LISTING CIVIL AND COMMERCIAL MATTERS

Replacement of Form 27As

1. Form 27-A/2016 was introduced as the new system of requesting the fixture of any hearing. The purpose of this Circular is to introduce an improved listing system which will replace, with immediate effect, Form 27-A/2016.

The New Form 31s

2. The New Form 31s are each a single-sheet in length and are intended to be user-friendly. The forms call for selection in a multiple choice type format. They also serve as a necessary checklist to Counsel who may sometimes omit a requisite listing step.
3. Of course, it is also hoped that the new forms will further streamline the listing process and assist both experienced and newer members of Registry personnel to process requests for orders and hearing dates with improved efficiency.
4. There are five separate Form 31s which apply to different types of listing requests. Counsel are expected to familiarize themselves with the various forms so to correctly select the form which applies to their listing request. Failure to file the requisite form may likely result in administrative delay as all correctly filed listing requests will be processed on a priority basis.
5. The new Form 31s comprise of the following:

Form 31P (Ex parte Applications on the Papers):

This form is to be used for any ex parte application which may be reasonably determined without a hearing. Examples include:

- (i) Ex parte applications to renew originating process or writs of execution;
- (ii) Petitions for restoration of companies to the register (RSC Order 102/5(1)(i); and
- (iii) Ex parte applications by judgment creditors for an order requiring the debtor attend before the Registrar to be examined on their means

Particularly, Judgment Summonses seeking an order for the Debtor to attend before the Registrar to be examined on their means should be filed in accordance with RSC Order 48 and by filing the following documents:

- Summons for Order to attend before Registrar to be examined on Means;
- Draft Order for the debtor to attend before the Registrar. (The draft order will leave provisions for the hearing date of the examination to be inserted.)

Counsel are reminded of Circular No. 11 of 2015 which summarily states the practice rules regarding ex parte civil applications on the papers.

Form 31TC (Applications to be listed in Thursday Chambers):

This form is to be used for any matter which should first be listed in the regular Thursday Chambers session. Generally, any new application which has not yet been listed for directions will necessarily be listed for Thursday Chambers. All applications for trial directions or for directions on an interlocutory application shall be listed for Thursday Chambers. Mentions, which are unlikely to exceed a 10 minute period, will also invariably be listed for Thursday Chambers.

Form 31U (Urgent Applications):

This form is to be used for urgent applications only. Most often, urgent applications apply to urgent interim injunctions which are obviously time sensitive.

Counsel are reminded to refer to Circular No. 6 of 2011 which states the notice requirements for urgent ex parte applications for hearing. (Notice should always be given unless such notice would likely defeat the application.)

Form 31D (Hearing of the Dispute):

This form is to be used for the listing of the hearing of an application or trial after directions have been issued by the Judge or Registrar.

DELIST FORM

The Delist Form is self-explanatory and must be used in order for any matter to be delisted. This provides a uniform method of recording matters which have been delisted. The form also provides a reminding to Counsel to secure the agreement of the other party or parties. Matters may be delisted at any time prior to a fixed hearing. However, Counsel are urged to file and/or email the Delist Form at the earliest possible opportunity.

Matters will only be delisted by agreement between Counsel and with the approval of the Registrar or a Judge or the Chief Justice.

Reminder of Correct Use of Supreme Court Email Address

6. All email correspondence for Supreme Court and Court of Appeal matters must be sent to supremecourt@gov.bm. Generally, such emails need not be copied to the Registrar directly. Emails which are not directed to supremecourt@gov.bm are likely to be overlooked and unanswered.
7. The Registrar is keen to introduce a new electronic filing system. However, until confirmation of an electronic filing system has been announced, Circular 25 of 2016 continues to apply.

8. Emails attaching documents or Court forms should only be used to foreshadow the documents or forms which will subsequently be filed in hard copy. For urgent matters, where an email request is made for an expedited hearing or to delist a matter, Counsel should attach the completed Form 31U or the Delist Form to the email.
9. The supremecourt@gov.bm email address platforms email correspondence to the Registrar, the Assistant Registrar(s) and other members of each Registry Branch (including the Probates and the Criminal Branch). This permits the Registrar and members of management to see all Court email correspondence.
10. Where Counsel are in communication with any one particular member of the Registry, Counsel may directly email that particular staff member on the strict condition that the supremecourt@gov.bm address is copied to each email exchange. This permits the Registrar or another member of the Registry to quickly access the email chain, if needed, to weigh in or to fill in for anyone who may later be out of office.
11. Counsel are reminded that all emails should include the following type reference in the subject line for ease of reference and speed of reply:
 - (i) Crim - Laury v Candy No.1 of 2017 urgent listing query
 - (ii) Civ - Jeffers v Jalin No 2 of 2017 notice of pending filing
 - (iii) Comm - Alexis v Haraghan No. 3 of 2017 request for urgent hearing
 - (iv) Fam Matrim - George v Kareline No. 4 of 2017 agreed delist request
 - (v) Probate - Estate of Karl Weston No. 5 of 2017 urgent query
 - (vi) CICB - Nicolas Perroque application withdrawal
12. Emails which do not use this format of subject heading may be inadvertently overlooked.
13. In any event, Counsel should always take every step to avoid contacting the Chief Justice or other Judges directly in relation to Court matters. Further, Counsel should refrain from telephoning the Registrar directly in relation to any Court matter. Unilateral exchanges or correspondence with the Registrar to the exclusion of the opposing party/parties in respect of any disputed case matter is strongly discouraged.

Dated this 21st day of December 2017



Shade Subair Williams
REGISTRAR

To: The Director of Public Prosecutions
The Solicitor-General
Senior Legal Aid Counsel
Bermuda Bar Association

SUPREME COURT OF BEROMUDA
CIVIL/COMMERCIAL JURISDICTION

FORM 31P

APPLICATIONS FOR ADMINISTRATIVE CONSIDERATION
(EX PARTE APPLICATIONS ON THE PAPERS)



CASE NAME:

No. _____ of 20 _____

COUNSEL/FIRM FOR APPLICANT:

NATURE OF EX PARTE APPLICATION

SELECT APPLICABLE HEARING TYPE

EX PARTE APPLICATION TO RENEW ORIGINATING WRIT OR OTHER ORIGINATING PROCESS (RSC 0.6 R.8)	EX PARTE APPLICATION TO RENEW WRIT OF EXECUTION OR OTHER ORIGINATING PROCESS (RSC 0.46 R.8)
EX PARTE APPLICATION FOR ORDER THAT JUDGMENT DEBTOR ATTEND BEFORE REGISTRAR EXAMINATION ON MEANS (RSC 0.48)	EX PARTE PETITION FOR RESTORATION OF COMPANIES (RSC 0.102 Rule 5(1)(i))
EX PARTE APPLICATION FOR LEAVE TO APPLY JUDICIAL REVIEW (RSC 0.53 R.3)	EX PARTE APPLICATION FOR LEAVE TO APPEAL TO COURT OF APPEAL (RSC 0.102 Rule 5(1)(i))

OTHER EX PARTE APPLICATION WHICH THE APPLICANT REASONABLY CONSIDERS TO BE UNCONTROVERSIAL:

CHECKLIST

Has notice of the application been given to the other party/parties?	YES	NO	YES	NO	N/A
Has the applicant made full and frank disclosure?	YES	NO	YES	NO	N/A
Has a draft order for signature been filed with this the application?	YES	NO	YES	NO	N/A
TO BE COMPLETED BY COURT ADMINISTRATOR					
APPLICATION GRANTED	YES	NO	LISTED FOR COURT HEARING		
(IF GRANTED) DATE ORDER WAS SIGNED	_____ DAY _____ OF _____ 20____		N/A		
(IF GRANTED) DATE OF SUMMONS FOR ISSUE	_____ DAY _____ OF _____ 20____		N/A		
(IF EXAMINATION OF MEANS ORDERED) DATE OF EXAMINATION OF MEANS	_____ DAY _____ OF _____ 20____		N/A		
(IF APPLICATION NOT GRANTED AND HEARING REQUIRED) DATE OF LISTING	_____ DAY _____ OF _____ 20____		N/A		

SUPREME COURT OF BERBUDA
CIVIL/COMMERCIAL JURISDICTION
FORM 31 TC REQUEST TO LIST IN
WEEKLY THURSDAY CHAMBERS LIST



CASE NAME:

No. _____ of 20 _____

COUNSEL/FIRM REQUESTING LISTING: _____

EMAIL ADDRESS FOR NOTICE OF DATE FIXED FOR HEARING: _____

_____@_____ .com/bm

OTHER COUNSEL/FIRM(S) ON RECORD: _____

THURSDAY CHAMBERS

PLEASE STATE IF ANY PARTICULAR THURSDAY LISTING IS TO BE AVOIDED IN THE NEXT 6 WEEKS
*Please do **NOT** list on the following Thursday(s):*

_____ OF _____ 20 _____ and _____ OF _____ 20 _____

NATURE OF PROCEEDINGS

CONSTITUTIONAL MOTION / ABUSE OF PROCESS	COMMERCIAL MATTER / TRUST DISPUTE
JUDICIAL REVIEW / CROWN PROCEEDINGS	INJUNCTIVE RELIEF
SUMMONS TO ADJOURN TRIAL FIXED	SUMMONS FOR TRIAL DIRECTIONS RSC 0.25
SUMMONS TO SET ASIDE DEFAULT JUDGMENT RSC 0.19	SUMMONS FOR SUMMARY JUDGMENT RSC 0.14
SUMMONS FOR STRIKE OUT RSC 0.18 R.19	SUMMONS TO AMEND PLEADINGS RSC 0.20
SUMMONS FOR JOINDER /THIRD PTY NOTICE RSC 0.15-16	ASSESSMENT OF DAMAGES RSC 0.37
INTERROGATORIES RSC 0.26	LETTERS OF REQUEST RSC 0.39
MORTGAGE ACTION RSC 0.88 ORDER FOR SALE OF LAND RSC 0.31	JUDGMENT SUMMONS/ ENFORCEMENT PROCEEDINGS
CONTENTIOUS PROBATE PROCEEDINGS	LEAVE TO APPEAL TO COA BEFORE TRIAL JUDGE

OTHER APPLICATION: _____

DATE FIXED: _____ FOR COURT ADMINISTRATOR USE ONLY

THURSDAY _____ **OF** _____ **20** _____

SHARDE COURT OF BERMUDA
CIVIL/COMMERCIAL JURISDICTION



FORM 31U REQUEST TO LIST URGENT HEARINGS

CASE NAME:

No. _____ of 20 _____

COUNSEL/FIRM REQUESTING LISTING: _____

EMAIL ADDRESS FOR NOTICE OF DATE FIXED FOR HEARING :

_____ @ _____ .com /bm

OTHER COUNSEL/FIRM(S) ON RECORD:

EMAIL ADDRESS(ES) FOR ANY UNREPRESENTED PARTIES WHO ARE TO BE COPIED TO THIS NOTICE OF HEARING:

_____ @ _____ .com /bm

_____ @ _____ .com /bm

URGENT CHAMBERS HEARINGS FOR LISTING

SELECT APPLICABLE BOX BELOW

EX PARTE APPLICATION FOR URGENT INJUNCTIVE RELIEF

(Counsel are reminded of Circular No. 6 of 2011: applications should ordinarily be ex parte on notice unless giving notice is likely to defeat the application...)

(SUMMONS AND AFFIDAVIT SHOULD ALSO BE EMAILED TO THE COURT FOR THE JUDGE'S EARLY CONSIDERATION PRIOR TO HEARING)

URGENT SUMMONS FOR A MATTER ALREADY LISTED IN NEXT 7 DAYS DATE OF FIXTURE: _____ DAY _____ OF _____ 20____	URGENT COMMERCIAL MATTER TO BE LISTED IN NEXT 7 DAYS DEADLINE DATE FOR HEARING: _____ DAY _____ OF _____ 20____ (THIS MEANS THE LATEST DATE ON WHICH MATTER SHOULD BE LISTED)
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ESTIMATED LENGTH OF URGENT HEARING

15-30 MINUTES	30-60 MINUTES	½ DAY +
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FOR COURT ADMINISTRATOR:

DATE AND TIME RECEIVED:

FIXTURE ASSIGNED:

DIRECTIONS/QUERIES FROM THE COURT:

SUPREME COURT OF BEROMUDA

CIVIL/COMMERCIAL JURISDICTION

FORM 31D

REQUEST TO LIST HEARING OF DISPUTE



CASE NAME:

No. _____ of 20

COUNSEL/FIRM REQUESTING LISTING: _____

EMAIL ADDRESS FOR NOTICE OF DATE FIXED FOR HEARING: _____

_____@_____ .com/bm

OTHER COUNSEL/FIRM(S) ON RECORD¹: _____

EMAIL ADDRESS(ES) FOR ANY UNREPRESENTED PARTIES WHO ARE TO BE COPIED TO THIS NOTICE OF HEARING: _____

_____@_____ .com/bm

_____@_____ .com/bm

HEARING FORUM

SELECT APPLICABLE HEARING TYPE

CHAMBERS HEARING This means that Counsel will not attire in wig and gown (eg interlocutory applications...)

OPEN COURT HEARING This means that Counsel in civil cases will appear robed in wig and gown (eg. the final hearing ie. the trial or appeal hearing) (*Counsel do not robe for cases in the Commercial list*)

DIRECTIONS ORDERED BY THE COURT

DIRECTIONS ORDERED	YES	NO
DATE OF DIRECTIONS ORDER TO WRITE TO REGISTRAR PROPOSING A DATE FOR HEARING	_____ OF _____	20 _____

SELECT AS APPLICABLE

DIRECTIONS ORDERED BY CHIEF JUSTICE	DIRECTIONS ORDERED BY PUISNE JUDGE	DIRECTIONS ORDERED BY REGISTRAR
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MODE OF PROCEEDINGS

SELECT AS APPLICABLE

INTERLOCUTORY APPLICATION IN CIVIL ACTION TO BE HEARD BEFORE JUDGE OR REGISTRAR CIVIL TRIAL TO BE HEARD BEFORE JUDGE ALONE	INTERLOCUTORY APPLICATION IN JR/PUBLIC LAW ACTION TO BE HEARD BEFORE JUDGE ALONE TRIAL OF JR/PUBLIC LAW ACTION TO BE HEARD BEFORE JUDGE ALONE	INTERLOCUTORY APPLICATION IN COMMERCIAL ACTION TO BE HEARD BEFORE COMMERCIAL JUDGE ALONE COMMERCIAL TRIAL TO BE HEARD BEFORE COMMERCIAL JUDGE ALONE
ASSESSMENT OF DAMAGES TO BE HEARD BEFORE JUDGE OR REGISTRAR	TAXATION OF BILL OF COSTS TO BE HEARD BEFORE REGISTRAR ALONE	EXAMINATION OF MEANS TO BE HEARD BEFORE REGISTRAR ALONE
APPLICATION FOR LEAVE TO APPEAL TO BE HEARD BEFORE SINGLE JUDGE	APPEAL FROM MCT TO BE HEARD BEFORE JUDGE ALONE	COMPANY WINDING-UP ACTION /BANKRUPTCY ACTION: TO BE HEARD BEFORE JUDGE ALONE

¹ All hearing date proposals on this Form will be processed on the presumption that all reasonable steps were taken to secure an agreed position from all other parties / Counsel of Record.

ESTIMATED LENGTH OF HEARING

15-30 MINUTES	30-60 MINUTES	1-2 HOURS	
½ DAY	1 DAY	2 DAYS	
2 ½ DAYS	3 DAYS	3 ½ DAYS	
4 DAYS	4 ½ DAYS	5 DAYS	
6 DAYS	7 DAYS	8 DAYS	
9 DAYS	10 DAYS	11 DAYS	
12 DAYS	13 DAYS	14 DAYS +	

DATES TO AVOID

MARK AN 'X' TO SHOW PARTIES' DATES TO AVOID:

DAY OF THE WEEK:	CURRENT MONTH:																															
_____ DAY	_____	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31

DAY OF THE WEEK:	NEXT MONTH:																															
_____ DAY	_____	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31

DAY OF THE WEEK:	FOLLOWING MONTH:																															
_____ DAY	_____	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31

PROPOSED DATES FOR HEARING

SPECIFY ANY MUTUALLY PROPOSED DATES BELOW:

SINGLE DATE FIXED FOR HEARING	FOR INTERNAL COURT USE ONLY		_____ DAY _____ OF _____ 20____	_____ : _____	AM/PM
START DATE OF HEARING	FOR HEARINGS ESTIMATED TO LAST MORE THAN ONE DAY				
END DATE OF HEARING	_____ DAY _____ OF _____ 20____	_____ : _____	AM/PM		
JUDGE / REGISTRAR ASSIGNED:	CHIEF JUSTICE	PUISNE JUDGE	_____ : _____	AM/PM	REGISTRAR

 (ON BEHALF OF)
 REGISTRAR OF THE SUPREME COURT

SUPREME COURT OF BERBUDA
CIVIL/COMMERCIAL JURISDICTION

DELIST FORM

REQUEST TO DELIST HEARINGS



CASE NAME:

No. _____ of 20_____

START DATE OF HEARING _____ DAY _____ OF _____ 20_____ : _____ AM/PM

PARTIES TO THE ACTION

COUNSEL SUBMITTING THIS FORM:	NAME:	SELECT AS APPLICABLE							
	FIRM:	<table border="1"> <tr> <td>PLAINTIFF</td> <td>APPLICANT</td> </tr> <tr> <td>PETITIONER</td> <td>APPELLANT</td> </tr> <tr> <td>DEFENDANT</td> <td>RESPONDENT</td> </tr> <tr> <td>J.CREDITOR</td> <td>J.DEBTOR</td> </tr> </table>	PLAINTIFF	APPLICANT	PETITIONER	APPELLANT	DEFENDANT	RESPONDENT	J.CREDITOR
PLAINTIFF	APPLICANT								
PETITIONER	APPELLANT								
DEFENDANT	RESPONDENT								
J.CREDITOR	J.DEBTOR								
OPPOSING PARTY/ PARTIES:	NAME(S):	SELECT AS APPLICABLE							
	FIRM(S):	<table border="1"> <tr> <td>PLAINTIFF</td> <td>PLAINTIFF</td> </tr> <tr> <td>PETITIONER</td> <td>PETITIONER</td> </tr> <tr> <td>DEFENDANT</td> <td>DEFENDANT</td> </tr> <tr> <td>J.CREDITOR</td> <td>J.CREDITOR</td> </tr> </table>	PLAINTIFF	PLAINTIFF	PETITIONER	PETITIONER	DEFENDANT	DEFENDANT	J.CREDITOR
PLAINTIFF	PLAINTIFF								
PETITIONER	PETITIONER								
DEFENDANT	DEFENDANT								
J.CREDITOR	J.CREDITOR								

REQUEST TO DELIST MUTUALLY AGREED

INTER PARTES HEARINGS WILL NOT BE DELISTED UNLESS **ALL** PARTIES ARE AGREED. WHERE ANY ONE PARTY HAS **NOT CONFIRMED** THEIR AGREEMENT FOR THE HEARING TO BE DELISTED, THE HEARING DATE WILL **NOT** BE VACATED.

SELECT CORRECT RESPONSE BELOW:

ALL PARTIES ARE AGREED FOR THIS INTER PARTES HEARING FIXTURE TO BE DELISTED:

YES	NO	NOT APPLICABLE (EX PARTE HEARING)
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REQUESTS TO RELIST

**THE APPROPRIATE FORM (31D/ 31P/ 31TC)
MUST BE FILED FOR THIS MATTER TO BE RELISTED.**

FOR INTERNAL COURT USE ONLY:

THIS MATTER WAS DELISTED ON _____ DAY _____ OF _____ 20_____ AND THE

ASSIGNED JUDGE/REGISTRAR WAS NOTIFIED ON _____ DAY _____ OF _____ 20_____

NAME OF COURT ADMINISTRATOR : _____

COPY OF THIS FORM TO BE PLACED ON COURT FILE