

# **Protocol for the Commercial List, Technology & Construction List and Commercial Arbitration List**

## **Issued on 4 April 2022**

This protocol replaces the protocol issued by the Court on 25 March 2020 in relation to directions hearings and the hearing of Motions in the Commercial List, Technology & Construction List and Commercial Arbitration List. This protocol takes effect on 4 April 2022 and gives effect to the protocol issued by the Chief Justice on 28 March 2022 as it applies to these lists.

Motions and directions will be dealt with in accordance with paragraphs 21 to 26 of Practice Note SC Eq 3 save that:

- (1) The call-over of motions at 9.15am will be by telephone, as is currently the practice;
- (2) All matters for directions where consent orders have not been filed in accordance with the practice note will be listed for live hearings in groups of 10 in half hourly intervals commencing at 10.00am. Directions in the Technology and Construction List will follow immediately after directions in the Commercial List.

Accordingly, the following procedures will apply in relation to matters in the directions lists:

- (1) Consent directions must be sent to the List Judge's Associate by 12.00 noon on the Thursday before the matter is listed for directions. Matters that are dealt with by consent before 12.00 noon on Thursday will not appear in the list.
- (2) Where a matter has not been dealt with by consent or where the parties seek a hearing date each active party must be represented in person at the time at which the matter is listed unless some other arrangement is made with the List Judge's Associate prior to 5.00pm on the day before the matter is listed. The parties are not required to file or to serve position papers.

The following procedures will apply to Motions:

- (1) Prior to 12 noon on the Thursday preceding the Friday on which the Motion is returnable, each active party must:
  - (a) notify the Court of any consent orders to be made in relation to the Motion (such as orders adjourning the hearing of the Motion or disposing of it or directions to prepare the Motion for hearing);
  - (b) if all parties agree that the Motion should be dealt with on the papers or by remote hearing, notify the Court of that fact and provide the Court with any material they rely on in relation to the Motion, including an outline of written submissions not exceeding 3 pages;
- (2) All Motions not dealt with by consent (including Motions where the parties have agreed to a remote hearing or where there is a dispute about whether there should be a remote hearing or not) will be listed and called through in telephone hearings, commencing at 9.15 am on the Friday the Motion is to be dealt with to ascertain what is in dispute and the anticipated length of the Motion. Each Motion to be heard will be given a marking for an in-Court hearing that Friday or as soon as possible after that date. The marking will be given either at the time of the telephone hearing or by telephone or email immediately after the callover.

Enquiries are to be directed to the List Judge's Associate by email.