

S.I. 11 of 2012

COURTS ACT

(Cap 52)

Supreme Court (Commercial List) Rules, 2012

In exercise of the powers conferred by Section 16 of the Courts Act, the Chief Justice hereby makes the following Rules —

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| 1. These Rules may be cited as the Supreme Court (Commercial List) Rules, 2012. | Citation |
| 2. There shall be a commercial list within the civil jurisdiction of the Supreme Court. | Commercial list |
| 3. The Chief Justice may assign one or more judges to the commercial list. | Assignment of judges |
| 4.(1) The commercial list shall include all actions of a commercial nature, whether contractual or not, but not limited to — | Jurisdiction |
| (a) supply or exchange of goods and services; | |
| (b) banking, negotiable instruments, international credit and similar financial services; | |
| (c) insurance and re-insurance; | |
| (d) operation of stock and foreign exchange markets; | |
| (e) carriage of goods by air, land and water; | |
| (f) foreign judgments and commercial arbitration questions; | |

- (g) intellectual property;
- (h) bankruptcy and insolvency;
- (i) partnerships, sociétés and company matters;

(2) In the event of doubt as to whether a matter is of commercial nature, the Judge assigned to the commercial list shall have power to determine the question.

(3) The Judge assigned to the commercial list shall hear and determine all incidental or interlocutory applications.

Preliminary
hearing

5.(1) The court shall hold a preliminary hearing to determine the issues between the parties and ascertain whether the matter may be submitted to mediation after all pleadings have been closed.

(2) The parties shall attend the preliminary hearing in person or with their counsel if they have instructed them in the matter.

(3) (a) At least forty-eight hours prior to the date fixed for the preliminary hearing, a party shall file in the registry of the Supreme Court and serve on the other party all documents to be relied on at the hearing of the matter;

(b) Subject to paragraph (c), a party shall not be allowed to rely on any documents not disclosed in accordance with paragraph (a);

(c) The court may allow a party to rely on documents not otherwise disclosed in accordance with paragraph (a) if such disclosure will not prejudice the other party;

(4) The Court may, at the preliminary hearing, appoint a date for hearing of the case, including any interlocutory or incidental applications.

(5) The parties shall abide by the time limits set by the Court, failing which the Court may—

- (a) refuse adjournments;
- (b) dismiss the action or enter judgement;
- (c) award costs.

6. A party to a commercial action filed in the Supreme Court prior to these regulations coming into force and pending hearing, may apply to the Chief Justice, in writing, for the matter to be assigned to the commercial list.

Pending
cases

MADE this 28th day of March, 2012.

FMS EGONDA-NTENDE
CHIEF JUSTICE