



BRITISH INDIAN OCEAN TERRITORY

**REVISED REGULATIONS OF THE
BRITISH INDIAN OCEAN TERRITORY**

**THE SUPREME COURT (PROCEDURE
AND PRACTICE) RULES 1984**

CHAPTER B.1

Revised Edition

Showing the law as at 1 September 2020

Published by Authority

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This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Ordinance 2015 and contains a consolidation of the following laws:

The Supreme Court (Procedure and Practice) Rules 1984 - SI No.5 of 1984

As amended by:

The Supreme Court (Practice and Procedure) (Amendment) Rules 1994 – SI No.1 of 1994

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ARRANGEMENT OF RULES

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In exercise of the powers conferred on him by section 14 of the Courts Ordinance 1983 and of all other enabling powers, the Chief Justice has made the following rules of court –

Citation.

1. These rules of court may be cited as the Supreme Court (Procedure and Practice) Rules 1984, RRBIOT c.B.1.

Definition.

2. In these rules, unless the context otherwise requires, **court** means the Supreme Court.

Application.

3. (1) These Rules, other than 5, 7 and 9, shall apply to all proceedings in the court, whether civil or criminal.

(2) Rules 5, 7 and 9 shall apply only to civil proceedings in the court but shall not apply to –

(a) Admiralty matters, unless expressly applied by rules made under the Colonial Courts of Admiralty Act 1890; or

(b) matters of Prize.

Sittings of the court.

4. (1) The court shall sit on such days, at such times and in such places as the Chief Justice may appoint for the convenient discharge of the business of the court.

(2) Except in case of urgency and except when the Chief Justice has directed that the court shall sit in the United Kingdom, the Registrar shall cause a notice to be posted in some prominent place in Diego Garcia at least seven days before the opening of a session, informing the public of the place where and the days and times at which the court will sit.

General rules of procedure.

5. (1) Where no other provision is made by these rules or by any Ordinance, rule or regulation in force in the Territory, the rules of court that apply for the time being in England in the High Court and the practice followed in that court shall be observed in all civil proceedings in the court, so far as they may be applicable and with such modifications as may be necessary to adapt them to the circumstances of the Territory.

(2) Any question whether any rule, order, direction or practice applies in the Territory or whether or how it should be modified may be determined summarily by the Chief Justice.

Sub-registry.

6. (1) There shall be a sub-registry of the court at such place in the United Kingdom as the Commissioner may from time to time prescribe.

(2) Application may be made to the sub-registry for the issue of writs of summons, originating summonses and originating notices of motion.

(3) All documents that are to be filed or lodged with the court in any case may be so filed or lodged in the sub-registry –

(a) if the case is one in which the Chief Justice has directed that the court shall sit in the United Kingdom; or

(b) if, in any other case, all the parties consent,

and the Chief Justice may direct in any case that all documents that are to be filed or lodged with the court shall be so filed or lodged in the sub-registry.

Functions of Masters.

7. The functions performed in England by the Masters shall be performed by the Chief Justice or the Registrar, as the Chief Justice may from time to time direct.

No long vacation.

8. There shall be no long vacation.

Summonses for directions etc.

9. Where the parties to any action are in agreement as to the order to be sought on a summons for directions or on an interlocutory application, they may lodge with the Registrar a draft order, endorsed with a note signed by all parties or their solicitors that the order is sought by consent, and no appearance shall then be necessary unless the Chief Justice, in any particular case, so directs.

Extension of time.

10. The court may by order extend the time limited by rules for doing any act, whether before or after the expiration of such time and whether before or after the doing of the act.

Giving of notice etc.

11. Any notice required to be given and any document required to be sent to any person under these rules may either be delivered to him or sent by post in a registered letter, and if sent by post shall be addressed to him at his usual or last known address.
