



Our Ref.: SC 101/16/28 VI

Application for leave to set down

Since the implementation of Practice Direction 5.1 on 1 March 2001 Master Lung who has been designated as the Listing Master has dealt with nearly all the applications for leave to set down. It comes to our knowledge that in quite a significant number of cases practitioners do not make applications for leave until months after they should have been made. The cases are left pending without action. The main reason for this delay is that when the summons is heard before a Master the usual order is: the application for leave to set down is adjourned sine die with liberty to restore. As no time is stipulated for restoration of such application and the matter is easily left in abeyance, delay is thus caused by oversight or otherwise. This is not to the benefit of the litigants.

2. Masters have unanimously resolved that instead of adjourning the application sine die with liberty to restore, they will make an order upon the following terms:

"The application for leave to set the case down is adjourned to [a specified date] at 10:00 a.m. before the Listing Clerk at Room LG108B for fixing an appointment before the Listing Master".

3. Subject to the provisions herein, the specified date will be fixed by the Master hearing the summons; he will take into consideration all the circumstances of the case, e.g. the time required for discovery, preparation of the witness statements, preparation and filing of expert evidence, if any, and any other relevant factors together with a 14 days' margin for contingency. If the parties do not consider the margin period is necessary they should inform the Master who will make a decision thereon.

4. On the specified day the parties shall send their representatives to appear before the Listing Clerk. The Listing Clerk shall fix the earliest available date for restoring the hearing of the application for leave before the Listing Master.

5. The date specified or fixed as aforesaid cannot be changed except with leave of the court. Such application has to be made in writing supported by reasons, at least 7 days before the specified date or fixed date as the case may be, to a Master who will deal with it on paper without a hearing unless he otherwise directs. Please note that the Listing Clerk does not have power to change the date specified or fixed.

6. If by consent an order for directions is made, the parties must include the term mentioned in Paragraph 2 above as part of the order and shall be at liberty to suggest any date as the specified date before the Listing Clerk but subject to the final approval by the Master. The Master will after considering the circumstances of the case decide whether the date suggested is a reasonable one. If not, the Master will change it to another one.

7. This circular applies to High Court only.

Registrar, High Court
15 March 2002