

199../20../No. ...

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

QUEEN'S BENCH DIVISION

BETWEEN

PLAINTIFF:

AND

DEFENDANT/S:

AND

THIRD PARTY:

CERTIFICATE OF READINESS

PERSONAL INJURY ACTIONS

NOTES TO PARTIES

1. This certificate is applicable to all actions in the High Court set down for hearing after 12th April 2010 in which damages for personal injuries are claimed, including clinical negligence actions. The filing of a fully and properly completed Certificate is an essential pre-requisite to any action being listed for trial. The certificate shall be served and filed at the same time as the Notice of Setting Down for Trial is served and filed as required by Order 34, Rule 2(1) of the Rules of Judicature of Northern Ireland). – which henceforth will be read and interpreted in conjunction with these Notes and the over-riding objective enshrined in Order 1, Rule 1A.

2. The completion of this Certificate commences with the Plaintiff's solicitor, who will complete the Plaintiff's information on the certificate and then circulate it to the solicitors representing the other parties and any unrepresented party. Where parties are not legally represented, they are themselves responsible for understanding the requirements of the certificate and completing it. Each party is ultimately responsible to the court for the accuracy and completeness of information relating to his or her case, and any default or dispute in completing the certificate may be referred to a judge of the High Court upon the request of any of the parties.

3. The Certificate must be signed by the solicitors representing all parties to the action including any third or subsequent parties and by any unrepresented parties.

4. The process of completing the certificate of readiness is as follows:

(a) After completing the relevant sections, the Plaintiff's solicitor shall send the Certificate in hard or electronic copy to the solicitors for all other parties.

(b) Each other solicitor must verify the contents, complete the relevant sections and return it to the Plaintiff's solicitor within 14 days.

(c) When all other parties have responded, the Plaintiff's solicitor shall, within 7 days, forward the completed version of the certificate to the solicitors representing all other parties, to enable them to make a response or further representations.

(d) A further period of 7 days is permitted for the solicitors for all other parties to make any response or further representations to the Plaintiff's solicitor.

(e) Not more than 7 days after the close of the period for response, the Plaintiff's solicitor shall:

(i) serve and file a hard copy of the certificate, accompanied by Notice of Setting Down for Trial, in The Central Office, Royal Courts of Justice, (DX 456NR Belfast 1) Chichester Street, Belfast BT1 3JF email centraloffice@courtsni.gov.uk, and

(ii) serve copies of both, electronically or otherwise, on the other firms of solicitors concerned and any unrepresented party.

Consonant with Order 3, Rule 3 time shall not run during the Long Vacation.

5. This Certificate must be accurately and fully completed and responsibility for this in relation to the information they or their client provide rests with all parties' solicitors. The submission of an accurately and fully completed Certificate to the Central Office is a pre-requisite to any action being listed for trial and no action will appear in the Registrar's call-over list to be fixed for trial without such a Certificate.

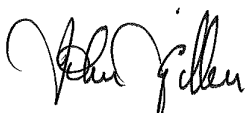
Any party having difficulty in relation to the certificate on the part of another party should seek directions from the Court.

6. The obligations set out above apply fully to unrepresented parties.

7. Any failure to complete this Certificate accurately and fully could have costs implications, depending on the nature and consequences of the failure. Attention is drawn to Order 62, Rule 10A.

8. Familiarity with the basic provisions of the Rules of the Court of Judicature – in particular Orders 18, 25, 34 and 38 – is an essential pre-requisite to the full and accurate completion of a certificate in every case. The parties and their solicitors are reminded of the Overriding Objective enshrined in Order 1, Rule 1A. Adhering to the discipline of completing this Certificate fully and accurately will enhance achievement of the Overriding Objective in each case. It should result in fewer reviews by the Court; fewer pre-trial case-management hearings; fewer pre-trial directions by the Court; a substantially reduced number of applications to take cases out of the list; and shorter and more streamlined trials. In short, as required by the over-riding objective, it should enable the Court to deal with every action justly, proportionately, expeditiously and with the allocation of a fair and appropriate share of the courts resources, taking into account the need to allot resources to other cases.

9. In accordance with government information assurance standards¹, this form has been identified as safe to transmit over the internet unencrypted, provided that it does not contain sensitive details of medical conditions, tax or pension records or other sensitive personal data. This means that when explaining why, for example, medical records are not complete (Questions 1.2, 1.4, 1.6), you should give only the information that is necessary to allow the Court to understand the position, such as “Dr [Name] requires follow-up report in 6 months to investigate possible worsening of condition” and should be careful not to include specific sensitive medical data.

SIGNED: 
The Honourable Mr. Justice Gillen
Presiding Judge
High Court of Justice in Northern Ireland
Queen’s Bench Division

DATED 15th March 2010

¹ Her Majesty’s Government Information Assurance Standard No. 6, “Protecting Personal Data and Managing Information Risk” (March 2009)

1. Medical evidence - reports

Order 25 of the Rules of the Court of Judicature requires the parties to disclose their medical reports to each other within strict time limits. Failure to do this may mean that they cannot rely on such evidence at the trial and could result in further penalty, regarding costs or otherwise, including,, in an extreme case ,a dismissal or stay of the action .Full compliance with Order 25 is a prerequisite to listing any action for hearing. Parties are reminded of the recent changes to Order 25: see the Rules of the Supreme Court (NI) (Amendment No. 2) Order 2009 [SR 2009 No. 230].

If you have additional Doctor’s reports or further information please use the Additional Information page at the back of this document.

1.1 List the medical evidence which the Plaintiff has shared in accordance with Order 25, including the doctor’s name and the date of the report:

<u>Doctor’s name</u>	<u>Date of Report</u>

1.2 (a) Is the medical evidence on behalf of the Plaintiff complete? YES/NO
(b) If the answer to (a) is “no”, give full particulars.

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1.3 List the medical evidence which the Defendant has shared in accordance with Order 25, including the doctor’s name and the date of the report:

<u>Doctor’s name</u>	<u>Date of Report</u>

1.4 (a) Is the medical evidence on behalf of the Defendant complete? YES/NO
(b) If the answer to (a) is “no”, give full particulars.

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1.5 List the medical evidence which the Third Party has shared in accordance with Order 25, including the doctor’s name and the date of the report:

<u>Doctor’s name</u>	<u>Date of Report</u>

- 1.6 (a) Is the medical evidence on behalf of the Third Party complete? YES/NO
(b) If the answer to (a) is “no”, give full particulars.

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2. Medical evidence – at hearing

Where medical reports have been disclosed in advance under Order 25, they may be presented in evidence at a hearing without the maker being present to give evidence orally. Order 38, Rule 1A (2) of the Rules of the Court of Judicature allows any other party to give notice in writing that he or she will require the maker of the report to be present to give evidence.

2.1 Has the Plaintiff given any such notice in writing? YES/NO

2.2 Has the Defendant given any such notice in writing? YES/NO

2.3 Has the Third (or subsequent) Party given any such notice in writing? YES/NO

2.4 Please indicate the names of any medical witnesses who, at present, will be attending or required to attend hearing:

<u>Name of witness</u>	<u>On behalf of [party]</u>

Order 38, rule 1B of the Rules of the Court of Judicature limits the number of expert witnesses who may give oral evidence on behalf of any party to two medical and one other witnesses, without permission of the judge.

2.5 Has an order been obtained permitting additional medical witnesses to give oral evidence at the trial? YES/NO

Please tick this box to confirm that you have included a copy of any such order with this certificate

3. Engineering Evidence

3.1 Has a consulting engineer been retained on behalf of:

(a) The Plaintiff? YES/NO

(b) The Defendant? YES/NO

(c) Any Third or subsequent party? YES/NO

Order 38 rules 1A and 3A of the Rules of the Court of Judicature provide that maps, photographs, plans etc shall be shared by the parties not less than three weeks before hearing, and that they may then be used at hearing without the maker appearing to give evidence. Other parties may apply to the court for an order requiring the maker to attend.

3.2 Has there been full compliance with Order 38 in relation to the sharing of photographs, maps, plans, by:

(a) The Plaintiff? YES/NO

(b) The Defendant? YES/NO

(c) Any Third or subsequent party? YES/NO

4. Accountancy Evidence

4.1 Is it proposed that a forensic accountant will attend the trial on behalf of:

(a) The Plaintiff? YES/NO

(b) The Defendant? YES/NO

(c) Any Third or subsequent party? YES/NO

If the answer to (a), (b) and (c) is NO, please tick this box and proceed to section 5

4.2

(a) Has there been any disclosure of forensic accountancy reports by any party?
YES/NO

(b) Alternatively, is any such disclosure proposed at present? YES/NO

(c) Provide particulars of any disclosure, any proposed disclosure or brief reasons for no completed or proposed disclosure:

<u>Party</u>	<u>Disclosure or reasons</u>

4.3 In any case where a forensic accountant has been engaged on behalf of more than one party:

(a) Has there been any meeting between the forensic accountants concerned?
YES/NO

(b) Alternatively, is such a meeting proposed at present? YES/NO

(c) Either tick here to confirm that an agreed minute of any such meeting is attached to this Certificate:

Or tick here to confirm that an agreed minute of the meeting or proposed meeting will be sent to the Court Office for inclusion in the court file **at least seven days** in advance of trial (and no later except with the court's permission):

Additional Information