

ACKNOWLEDGMENTS

In Appendix I is a list of those who were good enough to write reports on delays in the courts of their countries and the recent measures taken to remedy them. I am sincerely grateful to all of them.

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FOOTNOTES

1. Submission No.13, 1977, XII para. A.1.1.
2. Para. 22.22
3. Para. XI 1/4/5.2.
4. Para. 22.21.
5. Submission No.13, XII para. A.2.3.
6. 1981 Cmnd. 8205, paras. 56 to 60.
7. Administration of Ontario Courts, 1973, Part I, p.13.
8. Ibid, p.277.
9. 1978, para.226 and Table 20.
10. Reply from New Zealand to the International Bar Association Questionnaire on "Delays in the Administration of Justice", 1978, by J.T. Eichelbaum Q.C. (Eichelbaum).
11. See para.9.4.
12. 77th Report on Delay and Arrears in Trial Courts, 1978, para.1.9.
13. 79th Report on Delay and Arrears in High Courts and other Appellate Courts, 1979, para.1.37(f).
14. 1969 Cmnd. 4153.
15. Supreme Court (Amendment) Act, 1969 (S.B.C. 1969 c.38)
16. Administration of Ontario Courts, 1973, Part I, pp.45-104.
17. An Act to amend the Judicature Act (1978 Chapter 32).
18. See para.10.6.
19. See para. 8.3.
20. Royal Commission on the Courts, 1978, paras.997-1004.
21. County Courts Jurisdiction Order 1981 (S.I. 1981 No.1123).
22. Judicature Amendment Act 1979 (1979 No.124).
23. District Courts Amendment Act 1979 (1979 No.125).
24. Family Courts Act 1980 (1980 No.161).
25. Supreme Court Act 1970.
26. District Court of Western Australia Act, 1969 (No.84 of 1969).
27. District Court of Western Australia Act Amendment Act 1972 (No.40 of 1972).
28. Acts Amendment (Jurisdiction of Courts) Act 1976 (No.69 of 1976).
29. Acts Amendment (Jurisdiction of Courts) Act 1981 (No.118 of 1981).
30. Court of First Instance (Amendment) Ordinance, 1979 (No.1 of 1979).

31. Magistrates' Courts (Jurisdiction) Act 1973 (No.8427), s.9.
32. Magistrates' Courts (Amendment) Act 1978 (No.9152), s.2.
33. Magistrates' Courts (Civil Jurisdiction) Act 1979 (No.9349), s.10.
34. Local and District Criminal Courts Act Amendment Act (No.2), 1974 (No.82 of 1974), s.5.
35. Statute Law (Miscellaneous Amendments) (No.2) Act, 1980 (No.13 of 1980), s.2 and Sch.
36. Provincial Court (Civil Division) Project Act, 1979 (1979 Ch. 67).
37. Law Commission of India: 79th Report on Delay and Arrears in High Courts and other Appellate Courts, 1979, paras.15.5 to 10.
38. 1981 c.54, ss.88 and 89.
39. 1981 Cmnd. 8205.
40. 1960 Cmnd. 967.
41. Acts Amendment (Master, Supreme Court) Act 1979 (No.67 of 1979)
42. Family Court Act Amendment and Acts Repeal Act, 1979 (No.58 of 1979), c.8.
43. Rule of Court made by Order in Council of 6 November 1980.
44. Para. 794.
45. Law Society Committee, First Interim Report.
46. Rules of the Supreme Court (Amendment No.2) 1982 (S.I. 1982 No.1111).
47. Judicature Amendment Act, 1968 (1968 No.18), s.2.
48. Paras. 308 - 317.
49. Judicature Amendment Act, 1970 (No.4) (1970 c.97).
50. Civil Procedure Revision Committee, 1980, pp.10 and 11.
51. Working Paper on a Bill to Consolidate, Amend and Reform the Supreme Court Acts and Ancillary Acts regulating Civil Proceedings in the Supreme Court (Q.L.R.C.W.P.24).
52. 79th Report, paras.7.12 to 7.17.
53. Ibid., para. 17.9.
54. Submission No.17, para.B.4.1.
55. Administration of Justice Act 1970 (1970 c.31) s.3.
56. Royal Commission on the Courts, 1978, para.318.
57. Family Court Act, 1975 (No.106 of 1975) amended by the Family Court Act Amendment and Acts Repeal Act, 1979 (No.58 of 1979).
58. Unified Family Court Act, 1976 (1976 Chap. 85).
59. Family Law Jurisdiction Act 1978.
60. Royal Commission on the Courts, para. 488.
61. Including the work of the Children and Young Persons Court.
62. Family Courts Act 1980 (1980 No.161).
63. 1968 No.62, s.7.

64. Provincial Judges Act (1972 c.61), Part IV.
65. From the English Bar it is reported that most of the cases that go to trial before the High Court are personal injury cases (Answers to the Royal Commission on Legal Services, 1978) and a similar report comes from the New South Wales Bar Association.
66. Automobile Insurance Act (1977 c.68).
67. Motor Accidents Act 1973 (No.8429).
68. Motor Accidents (Liabilities and Compensation) Act 1973 (No.71 of 1973).
69. Accident Compensation Act 1972 (1972 No.43).
70. Accident Compensation Amendment (No.2) 1973 (1973 No.113), s.5.
71. District Court of Western Australia Act Amendment Act, 1972 (No.40 of 1972), s.8.
72. At p.31.
73. Local and District Criminal Courts Act Amendment Act (No.2) 1974 (No.82 of 1974), s.11.
74. See para.14.7.
75. Small Claims Tribunals Act 1976 (1976 No.35).
76. Report on Administration of Ontario Courts, 1973, Part I, p.13.
77. Submission No.17, para.B.2.6.
78. 1979, Cmnd.7476, Section IV.
79. 1981 Cmnd. 8205 paras.136 to 145.
80. 1979 Cmnd. 7476, paras.30 to 36.
81. At p.25.
- 81a The Law Society has, however, recommended that consideration be given to the exchange of witnesses' statements before trial, as is done with experts' reports.
82. See Appendix VI.
83. At p.22.
84. Regulation 81-174, r.32.
85. At para.6.4.
86. 1979 Cmnd. 7476, para.42(10).
87. Submission No.13, XII, A.5.13.
- 87a At para.22.26.
88. At para.139.
89. Act 104 of 1976.
90. 77th Report, paras.6.8 and 7.1.
91. Eichelbaum.
92. Para.66.
93. Supreme Court Rules of Practice, r.246.

94. Prescribed by rules of practice made under Art.276 of the Code of Civil Procedure, as amended by 1972 c.70.
95. The Master of the Rolls: Informal Commentary of 4 October 1982.
96. Supreme Court Rules, 1961.
97. Quoted in the Ontario Law Commission Report on the Administration of Ontario Courts, 1973, Volume III at p.110.
98. Volume III, at pp.121-122.
99. See "The Pre-trial Conference in the Supreme Court of Ontario" by R.M.J. Werbicki (Canadian Bar Review, Vol.59, p.485).
100. A. Burke Doran Q.C. in a letter dated 5 February 1982.
101. See para.4.17.
102. Ontario Regulation 470/80, rule 48.
103. Eichelbaum, para.10.
104. 1981 Cmnd. 8205, at paras. 131-135.
105. September, 1980.
106. High Court (General Division) Rules, 1971, o.26,r.182.
107. Chapter 5, paras. 5.13 and Chapter 14,5(26) and (27).
108. Para. 5.15.
109. 1979 Cmnd. 7648, at para.22.38.
110. Supreme Court Rules of Practice, r.401.
111. Draft Judicature Act, clause 37.
112. Part III, at p.10.
113. Order XX, r.1(1).
114. 77th Report, para.7.7; 79th Report, para. 6.27 and 28.
115. Under the Judgments (Enforcement) Act (Northern Ireland) 1969 (1969 c.30 (NI)).
116. 1969 Cmnd. 3909.
117. 77th Report, paras.11.2 and 3.
118. Report of the Attorney-General's Committee on the Appellate Jurisdiction of the Supreme Court of Ontario (1977).
119. Informal Commentary of 4 October 1982.
120. See para.5.2.
121. Supreme Court Act 1981, s.54(4) and Court of Appeal (Civil Division) Order 1982 (S.I. 1982 No.543).
122. 79th Report, para. 6.19.
123. 77th Report, para. 6.5.
124. Supreme Court (Revisional Jurisdiction) Rules of Court 1975.
125. Report on Administration of Ontario Courts, 1973, Part I, p.235.

126. Associate Chief Justice J.K. Hugessen: Lecture to the Conference on the Cost of Justice of the Canadian Institute for the Administration of Justice, 1979.
127. S.I. No.46 of 1978.
128. Regulation 81-174.
129. See paras. 12.3,4,6 and 13 and 14.3.
130. Rules of the Supreme Court (Writ and Appearance) 1979 (S.I. 1979 No.1716).
131. County Court Rules 1981 (S.I. 1981 No.1687).
132. Administration of Justice (Scotland) Act, 1933 (23 & 24 Geo.5 c.41), s.18.
133. Sheriff Courts (Scotland) Act 1971 (1971 c.58), s.33.
134. No.9349.
135. Supreme Court Act, 1970 (Act No.52, 1970), s.11(1).
136. Administration of Justice Act 1981.
137. E.g. The Bahamas, Hong Kong and Queensland.
138. E.g. British Columbia.
139. S.I. 1975 No. 1343.
140. L.N. 47 of 1979.
141. Paras. 287-297.
142. From an address given by Chief Justice Nemetz to the judges of Québec.
143. Report on the Administration of Ontario Courts, 1973.
144. Part I, p.17.
145. White Paper on Courts Administration, 1976, p.8.
146. Paras.643 to 654, 748, 749, 753, 754.
147. Paras.748, 749, 753 and 754.
148. Rules of the Supreme Court, 1978 (S.I.No.46 of 1978).
149. Administration of Justice Act 1981.
150. See Procedural Reforms on Court Congestion in Singapore by Michael Khoo (Malayan Law Journal, June 1981).
151. Code of Organisation and Civil Procedure (Amendment) Act, 1981 (Act No.VIII of 1981).
152. At p.15.
153. Senate of the Inns of Court 17th Submission, para B.2.5.
154. Eichelbaum, para.1(ii).
155. Submission No.17 para.B.2.8.
156. Para. XI 1/4/5 18(c).
157. Paras. 56 - 60.
158. Part I, pp.254 - 269.
159. At paras. 764, 835 - 844 and 901, and recommendations 181-3.

- 160. Eichelbaum.
- 161. At para.826.
- 162. The Bahamas, Cyprus, Guyana, Kenya, Singapore and Swaziland.
- 163. Paras. 10.2-10.11.
- 164. E.g. Hong Kong, New Zealand.
- 165. E.g. England.
- 166. Submission No.17, paras.B.1.4-6.
- 167. Reply to the Benson Commission, section XI, 1/4/5 2, and see para.13.6.
- 168. 1973, Part III, pp. 182-226.
- 169. See para.13.4.
- 170. At para.17.1.
- 171. Part III, pp. 203-204.
- 172. Prejudgment Interest Ordinance.