

GOVERNMENT OF ZAMBIA

SATUTORY INSTRUMENT NO. 29 OF 1999

The High Court Act

(Laws, Volume 3, Cap. 27)

The High Court (Amendment) Rules, 1999

IN EXERCISE of the powers contained in sections *forty-four* and *forty-five* of the High Court Act, the following Rules are hereby made:

1. (1) These Rules may be cited as the High Court (Amendment) Rules, 1999, and shall be read as one with the High Court Rules, in these Rules referred to as the principal Rules. Title and commencement
Cap. 27
- (2) These Rules shall come into operation on 1st March, 1999.
2. The principal Rules are amended by the insertion immediately after Order LII of the following new Order: Insertion of
Order LIII

ORDER LIII

COMMERCIAL ACTIONS

1. In this Order, unless the context otherwise requires— Interpretation
 - "commercial action" means any cause arising out of any transaction relating to commerce, trade, industry or any action of a business nature;
 - "Commercial List Registry" means the Registry established under rule 3;
 - "judge" means a High Court judge dedicated to the Commercial List designated by the Chief Justice under rule 4; and
 - "User Committee" means the Committee established under rule 12.
2. There shall be a Commercial List in which commercial actions in the Court shall be entered in accordance with these Rules. Commercial List
3. (1) There shall be a Commercial List Registry which shall be administered by an officer designated as Registrar of the Commercial List. Commercial List Registry
 - (2) The Registrar of the Commercial List shall inform a judge of the progress in an action in the Commercial List.

- Appointment of judge to Commercial List
4. The Chief Justice shall designate a judge in charge of the Commercial List and such other judges dedicated to the Commercial List as the Chief Justice may determine.
- Commencement of action
5. (1) A commercial action shall be commenced and filed in the Commercial List Registry.
- (2) A judge may consider whether the cause of action and issues of fact and law likely to arise or the procedures to be followed in an action make the action suitable for inclusion or exclusion in the Commercial List.
- Scheduling conference and other conferences
6. (1) A judge shall, within fourteen days after the filing of the memorandum of appearance and defence, summon parties to a scheduling conference.
- (2) A judge shall, at the conference referred to under sub-rule (1) and in consultation with the parties to the case, prepare a chart or schedule of events of the case.
- (3) A judge may, after a scheduling conference summon parties to compliance or status conferences to review the status of the case and make any order, including an order as to costs, against any party.
- Mediation
7. A judge may, at the scheduling conference, refer parties to mediation in accordance with Order XXXI, or where applicable, to arbitration.
- Exchange of bundle of pleadings, etc.
8. (1) A judge shall, where an action has not been referred to mediation or arbitration, issue directions for the exchange of bundles of pleadings and documents, discovery, deposition and testimony according to the scheduling conference.
- (2) A judge shall, after the exchange of the documents referred to under sub-rule (1), fix the date for the hearing.
- Application for adjournment
9. A judge shall not grant an application for an adjournment except in compelling and exceptional circumstances.
- interlocutory application
10. An interlocutory application shall be made to a judge in chambers.
- Transfer of action
11. (1) A party to an action may, at any stage of the proceedings, prior to judgement, apply to a judge for the transfer of the action to or out of the Commercial List.
- (2) Where an order is granted to include an action in the Commercial List, rule 5 shall apply with necessary modification.

12. There is hereby constituted the Commercial List Users Committee which shall consist of—

Users
Committee

- (a) the judge in charge of the Commercial List, as Chairperson;
- (b) judges of the Commercial List;
- (c) one representative from the Law Association of Zambia;
- (d) one representative from the Zambia Association of Chambers of Commerce and Industry;
- (e) the Chief Administrator of the Judiciary;
- (f) the Registrar of the Commercial List, as Secretary; and
- (g) two members of the public appointed by the Chief Justice.

13. The Committee shall be a forum for the exchange of ideas or views, and for making recommendations for improving the operations of the Commercial List.

Function of
Committee

14. These Rules do not affect the jurisdiction of any court over any matter pending before the Court prior to the commencement of these Rules.

Pending
matters

M. M. S. W. NGULUBE,
Chairperson

I. M. C. MAMBILIMA,
Member

P. CHITENGI,
Member

LUSAKA
24th February, 1999
{CJ.6/1}