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IN THE SUPREME COURT OF TONGA

PRACTICE DIRECTION NO. 2 OF 2012

RECLASSIFICATION OF DORMANT PROCEEDINGS

1. Although provision is already made for the termination of proceedings where time limits are not observed (e.g. Order 6 Rule 4 and Supreme Court Act, Section 16) there is no adequate provision for dealing with proceedings which appear to be dormant. This deficiency is creating unnecessary problems in the Court's Case Management System.
2. Henceforth, proceedings in which no step has been taken for not less than 12 months shall be regarded as dormant and shall be reclassified as "disposed of" and removed from the list of current or pending files.
3. Files so reclassified will be marked "Dormant - disposed of" and will be sent to the archive for storage pending eventual destruction in accordance with established procedures for dealing with disposed of files.
4. It is emphasised that proceedings reclassified in this way are not struck out and upon application being made in writing by a party to the proceedings, may be re-activated. For statistical purposes only, however, they are classified as disposed of.
5. From now on CMS should carry out an audit of dormant files at the end of each year. Files reclassified as "dormant - disposed of" should still remain identified in the case management system in order that they can be located, if required. In case of doubt CMS officers should refer files to the Chief Registrar or the Registrar for directions.
6. This Direction applies to all files pending in the Supreme Court, including applications filed in the Registrar General's jurisdiction.

Nuku'alofa: 27 August 2012.



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M.D. SCOTT
CHIEF JUSTICE

recd 28/08/12