



LITIGATION AND DISPUTE RESOLUTION

There may be Costs Consequences for Failing to Comply with a New High Court Practice Direction

by **Shane Neville**

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A new High Court Practice Direction, “HC75 - Certificates of readiness in non-jury and chancery actions”, issued by the President of the High Court, Mr Justice Kelly, came into force on Monday, 9 April 2018.

Once proceedings are set down for trial in the non-jury and chancery lists in Ireland, there is a requirement that a “Certificate of Readiness” is filed in court by the party that wishes to obtain a trial date.

One purpose of a Certificate of Readiness is to inform the High Court of the estimated duration of the trial so as to enable the court to allocate a trial date and appropriate resources. There has been a tendency by parties in the past to underestimate the length of time a trial will take, which has often resulted in trials being segmented or adjourned when they are not completed within the time allocated.

The new High Court Practice Direction (HC75) provides that:

- The party who wishes to certify the proceedings as ready for trial and to seek a hearing date must give one month’s notice to the other parties of its intention to do so; and
- During the one-month period between provision of notice to the other parties and completion of the Certificate of Readiness, the parties are now obliged to consult amongst themselves so as to ensure the accurate completion of the Certificate of Readiness, particularly insofar as the duration of the trial is concerned.

President Kelly warns that “a failure to provide an accurate certificate particularly concerning the duration of the trial or to cooperate in the consultation process may result in costs consequences for the parties regardless of the result of the action.”

The effect of HC75 remains to be seen. It is hoped that the Practice Direction will be of benefit to judges, practitioners and parties alike, by ensuring that each side is fully ready and prepared to proceed to trial before applying for a trial date. The Practice Direction will hopefully lead to the submission of more accurate trial durations when applying for trial dates, which should be of benefit to the busy courts system. Parties to proceedings and their legal advisers will need to be mindful of the potential costs consequences of non-compliance with HC75.

The full text of HC75 is available [here](#).

For further information, please contact [Shane Neville](#).

About the Author



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