



Practice Note No 1 of 2012

Major Torts List

1. Introduction

- 1.1 This Practice Note replaces Practice Note No 5 of 2007.
- 1.2 The Major Torts List functions as a management and interlocutory list, not as a hearing list. The Judge and Associate Judge in charge of the Major Torts List are respectively Justice Beach and Associate Justice Zammit.
- 1.3 Any proceeding which is primarily of a tortious nature (by way of example, substantial personal injuries, medical negligence, defamation, product liability and industrial torts litigation) and any associated proceeding which derives from tortious conduct – e.g.: an insurance indemnity claim – may be entered in the List. The proceeding may be one which is to be heard by judge and jury, or by judge alone.

2. Method of Entry into the List

- 2.1 A proceeding may be entered in the Major Torts List at the instance of any party.
- 2.2 If a new proceeding is to be entered in the List at the instance of the plaintiff, the originating process must be marked “Major Torts List” in the top left corner of the first page of the originating process.
- 2.3 If a new proceeding is to be entered in the List at the instance of a defendant, the first document filed in Court by that defendant (ordinarily, an appearance) must be marked “Major Torts List” in the top left corner of its first page.
- 2.4 In any other case, a proceeding may be entered into the List by filing a summons returnable before the judge in charge of the List, seeking entry into the List.

3. Summons for Directions

A summons for directions must be filed in each proceeding which is entered in the List. The summons must be filed and served by the party which enters the proceeding in the List.

4. Directions Hearings

- 4.1 All directions hearings will be conducted by the List Judge or the List Associate Judge. Directions hearings will normally be conducted on Fridays at 9.30am. Dates for Directions hearings can be obtained from the Court’s website.
- 4.2 If parties can agree on interlocutory orders, they are encouraged to submit signed minutes of consent orders to the Associate of the List Judge for approval. If draft consent orders are approved, this will usually obviate the need for an appearance by the parties.

5. Settlement

If a proceeding in the List is settled, the plaintiff must inform the Associate to the List Judge of the settlement within 14 days of the settlement.

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