

What do I call the judge?

You should address the First Deemster and the Second Deemster and any other Deemster as

“Your Honour”

You should address a Judicial Officer as

“Sir or Ma’am”

What happens at the hearing?

The judge will normally want to hear first from the claimant (the person who started the case, or made the application) then the defendant (the person disputing it).

A witness will normally be asked to swear (take an oath) that what is said or used to prove your case is true. If a witness does not wish to take an oath he/she may make a solemn promise (affirm).

When you swear an oath or make an affirmation you are making a legally binding commitment.

Can I take someone to the hearing with me?

You can take someone with you to keep you company while you wait at the court. Whether that person can go into the court hearing with you depends on where the hearing is being held and the type of hearing.

- If the case is being held in public, your companion will be able to sit in the court room with you **but they will not be able to speak to the judge on your behalf.**
- If the hearing is in private, anyone accompanying you will, usually, have to wait outside.

When will the judge make a decision?

The judge will normally tell you what decision has been reached when all the evidence has been given. A written copy of the decision (an ‘order’) will be sent to you after the hearing. The order will not set out the reasons for the decision. The judge may tell you to do something, such as pay money

to the other party or begin preparing your evidence for trial, as part of the decision.

You should carry out the instructions when you are told to so and not wait until the written order arrives.

If the judge needs more time to reach a decision you will be sent a notice telling you the time, date and place the decision will be given. This is called ‘reserving judgment’.

Can I object to the judge’s order?

If you are dissatisfied with the judge’s decision you may be able to apply to have the matter set aside. Applications to set aside a small claims judgment will be heard by a more senior judge. If you wish to set the judgment aside you must make an application within 14 days of the date of the judgment.

You must act quickly if you want to make an appeal.

An appeal must be made within strict time limits which start on the day the judge makes a decision, or shortly afterwards. The time you have will depend on the type of order you are appealing against. You may have to pay a fee and court staff will tell you what the fee is.

You must have proper reasons (grounds) for making an appeal. The notes you made at the hearing will help those advising you to decide if you do have grounds for an appeal. *It is not advisable to take this step without getting some advice from an advocate.* If you lose your appeal you will probably have to pay the other party’s costs.


What will happen after the hearing?

Court staff will send the parties an order confirming the judge’s decision.

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I am coming to a court hearing, what do I need to know? **HCG18**
Defendant guidance in the Small Claims Procedure

I am coming to a court hearing, what do I need to know?

www.courts.im

This section will provide you with information regarding coming to court for a court hearing.

What if the hearing date is inconvenient?

You must first establish if the other party is agreeable to finding a more acceptable date. If you do gain agreement you should then contact the Court Office who will bring it to the attention of the judge. If there is an alternative time available in the court diary the judge will consider setting a new date. However, if this is not possible, the original date will remain in place and the parties will be expected to attend the court.

If the other party is not agreeable to a new date, again contact the courts office expressing the reasons for your request to change the date and why the other party objects. The Court Office will bring it to the attention of the judge who will consider the circumstances and may arrange a short appointment for parties to attend court simply for the purpose of trying to set a mutually convenient date.

I want to ask a question about my case, what can I do?

If you need to ask a question relating to your case, you can:

- call into the Court Office/public counter at the courts between 9 am and 5 pm Monday to Thursday or 9 am to 4.30 pm Friday and speak with a member of staff;
- telephone the court any week day;
- write to the court; or
- if the matter is urgent, send a fax to the court.

Always tell the court you claim number and the date of your hearing if you have one.

Courts staff can provide you with information, tell you about court forms and procedures, but they cannot give you legal advice.

What other help is available?

If you have a disability which makes going to court or communicating difficult, you may be able to gain help by contacting the Court Office.

Will I need witnesses at the hearing?

Yes, if the hearing is a final hearing and the judge has said they can give their evidence orally. Witnesses are not needed at a hearing where the court is:

- deciding what must be done to prepare your case for a final hearing (for example a directions hearing, a preliminary or disposal hearing); or
- considering any other application you or the other party have made unless this is at a final hearing.

Please note that court staff cannot tell you what witnesses, evidence etc. you need. Staff cannot give you legal advice.

Unless the court directs attendance, what can I do if a witness is unwilling to come to the final hearing?

You can issue a witness with a summons by completing form **HC9** – Witness Summons. You must send the completed form to the Court Office where it will be processed, recorded and sealed with the court seal. The summons will then be returned to you to arrange service with the coroner.

A fee for filing the summons is payable and the courts office can tell you how much it is. Please note that the fee might increase each year.

What should I do to prepare for the hearing?

Make sure you and your witnesses, if you have any, know:-

- the time and date of the hearing;
- which court the hearing is in; and
- how to get there.

If the hearing is the final hearing, make sure you have done everything the court said you must do to prepare for the case; in particular, you should make sure you have sent the documents you were told to send to the court.

Ensure you have all the documents you want to use at the hearing ready. It will help if you have them in the order you want to use them.

To enable you to ensure that you have said everything you need to say to the court you may find it helpful to make a note of what you have already said and what you still have to say to the court.

What do I do on the day of the hearing?

You should arrive in good time for the hearing. Your hearing will not start before the time you have been given. While every effort will be made to keep to the time of your hearing, this is not always possible and you may have to wait.

Make sure arrangements you have made, for example for child care, take account of the possibility that you may have to wait.

On arrival you should report to the reception desk. A note will be taken that you have arrived and you will be told what courtroom your case will be in and where to wait.

If you need to leave the courts building, tell the usher or another person involved where you can be found.

Where will my hearing take place?

The hearing may take place in any of the court rooms, which have equipment to record the proceedings.

The judge decides if the hearing will be held either:

- **in public** – members of the public are allowed to be present at the hearing if there is sufficient room; or
- **in private** – generally, only the people involved in the case (called the parties), their witnesses and advocates can be present at the hearing.