

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.

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).

Seeing a person give evidence helps the judge decide whether that person is telling the truth.

You (and any witnesses) will normally be asked to swear (take an oath) that what is said or used to prove your case is true. If you do not wish to take an oath you can 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 courtroom 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 do 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, can I appeal?

If you disagree with the judge's order you may be able to 'appeal' against it. This means that a more senior judge will look at your case and decide if the original decision was right.

You must act quickly if you want to 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 be able to tell you what the fee is. Please note that the fee might increase each year. 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.

Deemsters Walk, Bucks Road, Douglas, Isle of Man. IM1 3AR

Phone: +44 (0) 1624 685265 Fax: +44 (0) 1624 685236

E-mail: court.house@courts.im



ISLE OF MAN
COURTS OF JUSTICE

I am coming to a court hearing,
what do I need to know? **HCG07**

Claimant guidance in the Small Claims Procedure

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

www.courts.im

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

All forms are available online at www.courts.im or from the public counter.

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 courts who will bring it to the attention of the judge who may then set a new date.

If the defendant isn't agreeable to a new date, again contact courts administration staff who will arrange with the judge to set a short appointment for parties to attend 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 public counter at the courts between 9am and 5pm Monday to Thursday or 9am 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 your 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, the courts may be able to help you. Contact reception on +44 (0) 1624 **685265**.

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 generally 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); or
- considering any other application you or the other party have made, unless this is at a final hearing.

What should I do to prepare for the hearing?

1. 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.

2. If the hearing is the final hearing (the trial), 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 (see paragraph 3).

3. The court may give a direction for you to file a bundle of documents for use at the trial. However if not you must file a trial bundle as set out below. The bundle must be filed with the court not more than 10 days before the trial and not less than 7 days before the trial. It must be indexed, paginated continuously throughout, in one or more lever-arch files and contain a copy of each of the following documents:

- the claim form and all statements of case;
- a case summary and, if appropriate, a chronology;
- requests for further information and responses to the requests;
- all witness statements to be relied on as evidence;
- any witness summaries;

- any notices of intention to rely on hearsay evidence under rule 8.24;
- any notices of intention to rely on evidence (such as a plan, photograph etc.) under rule 8.28 which is not:
 - contained in a witness statement, affidavit or expert's report;
 - to be given orally at the trial; or
 - hearsay evidence under rule 8.24.
- any medical reports and responses to them;
- any experts' reports and responses to them;
- any order giving directions as to the conduct of the trial;
- any document required to be included by a direction or court order; and
- any other necessary documents.

4. Ensure you have a copy of the trial bundle for your own use at the hearing together with a copy for the witness(es).

5. Make a note of what you say so you do not forget anything.

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.