
ORDER 32
(R.S.C. 1978)

APPLICATIONS AND PROCEEDINGS IN
CHAMBERS.

Mode of making application (O.32, r.1).

1. Except as provided by Order 25, rule 7, every application in chambers not made *ex parte* must be made by summons.

Issue of summons (O.32, r.2).

2.—(1) Issue of a summons by which an application in chambers is to be made takes place on its being sealed by the Registrar.

(2) A summons may not be amended after issue without leave of the Court.

Service of summons (O.32, r.3).

3. A summons asking only for the extension or abridgment of any period of time may be served on the day before the day specified in the summons for the hearing thereof but, except as aforesaid and unless the Court otherwise orders or any of these Rules otherwise provides, a summons must be served on every other party not less than two clear days before the day so specified.

Adjournment of hearing (O.32, r.4).

4.—(1) The hearing of a summons may be adjourned from time to time either generally or to a particular date, as may be appropriate.

(2) If the hearing is adjourned generally, the party by whom the summons was taken out may restore it to the list on two clear days' notice to all the other parties on whom the summons was served.

Proceeding in absence of party failing to attend (O.32, r.5).

5.—(1) Where any party to a summons fails to attend on the first or any resumed hearing thereof, the Court may proceed in his absence if, having regard to the nature of the application, it thinks it expedient so to do.

(2) Before proceeding in the absence of any party the Court may require to be satisfied that the summons or, as the case may be, notice of the time appointed for the resumed hearing was duly served on that party.

(3) Where the Court hearing a summons proceeded in the absence of a party, then, provided that any order made on the hearing has not been perfected, the Court, if satisfied that it is just to do so, may re-hear the summons.

(4) Where an application made by summons has been dismissed without a hearing by reason of the failure of the party who took out the summons to attend the hearing, the Court, if satisfied that it is just to do so, may allow the summons to be restored to the list.

Order made ex parte may be set aside (O.32, r.6).

6. The Court may set aside an order made ex parte.

Subpoena for attendance of witness (O.32, r.7).

7.--(1) A writ of subpoena ad testificandum or a writ of subpoena duces tecum to compel the attendance of a witness for the purpose of proceedings in chambers may be issued out of the Registry, if the Registrar so authorises.

(2) The Registrar may direct that the application for any such writ be made to the judge before whom the proceedings are to be heard.

Registrar and certain clerks may administer oaths, etc. (O.32, r.8).

8. The Registrar and any designated clerk shall have authority to administer oaths and take affidavits for the purpose of proceedings in the Supreme Court.

Application for leave to institute certain proceedings (O.32, r.9).

9. The jurisdiction of the Supreme Court to grant leave under the Mental Health Act to bring proceedings against a person may be exercised in chambers only by a judge.

Application to make order of Her Majesty's Privy Council order of Supreme Court (O.32, r.10).

10. An application to make an order of Her Majesty's Privy Council an order of the Supreme Court may be made ex parte by affidavit to the Registrar.

Jurisdiction of Registrar (O.32, r.11).

11.—(1) The Registrar shall have power to transact all such business and exercise all such authority and jurisdiction as under the Act or these rules may be transacted and exercised by a judge in chambers except in respect of the following matters and proceedings, that is to say—

- (a) matters relating to criminal proceedings;
- (b) matters relating to the liberty of the subject;
- (c) proceedings to which Order 57 applies and with respect to which a judge in chambers has jurisdiction;
- (d) any other matter or proceeding which by any of these Rules is required to be heard only by a judge.

(2) The Registrar shall have power to grant an injunction in the terms agreed by the parties to the proceedings in which the injunction is sought.

Reference of matter to judge (O.32, r.12).

12. The Registrar may refer to a judge any matter which he thinks should properly be decided by a judge, and the judge may either dispose of the matter or refer it back to the Registrar with such directions as he thinks fit.

Power to direct hearing in court (O.32, r.13).

13.—(1) The judge in chambers may direct that any summons, application or appeal shall be heard in court or shall be adjourned into court to be so heard if he considers that by reason of its importance or for any other reason it should be so heard.

(2) Any matter heard in court by virtue of a direction under paragraph (1) may be adjourned from court into chambers.
