THE

JAMAICA GAZETTE
SUPPLEMENT

PROCLAMATIONS, RULES AND REGULATIONS

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No. 491

THE JUDICATURE (RULES OF COURT) ACT

THE SUPREME COURT (CIVIL PROCEDURE) (AMENDMENT) (NO. 2) RULES, 2026

In exercise of the power conferred upon the Rules Committee of the Supreme Court by section 4 of the Judicature (Rules of Court) Act, and of every other power hereunto enabling, the following Rules are hereby made:—

1.—(1) These Rules may be cited as the Supreme Court (Civil Procedure) (Amendment) (No. 2) Rules, 2026, and shall be read and construed as one with the Civil Procedure Rules, 2002 (hereinafter referred to as the principal Rules), and all amendments thereto.

(2) These Rules shall come into operation on the 16th day of September, 2026.

2. The principal Rules are amended by deleting Part 71 and substituting therefor the following—

" PART 71

Commercial Division

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Scope of this Part

71.1 (1) This Part deals with the—

(a) composition of the Commercial Division;

(b) types of proceedings to be assigned to the Commercial Division; and

(c) procedures to be adopted in the Commercial Division.

(2) The other parts of these Rules apply to commercial proceedings as defined in rule 71.3 subject to the provisions of this Part.

Constitution of Commercial Division

71.2 (1) The Chief Justice may assign any one or more judges of the court to constitute the Commercial Division of the court.

(2) The Chief Justice may appoint a judge assigned to the Commercial Division to be in charge of the commercial list.

Commercial proceedings

71.3 (1) In this Part, "commercial claim" includes any case arising out of trade and commerce in general and any case relating to—

(a) contracts relating to ships and shipping;

(b) contracts relating to aircraft;

(c) the export and import of goods and services;

(d) the international carriage of goods by land, sea, air or pipeline;

(e) the exploitation of oil and gas reserves;

(f) insurance and reinsurance;

(g) banking, negotiable instruments, financial services and international credit;

(h) the purchase and sale of commodities;

(i) hire purchase transactions;

(j) the operation of international markets and exchanges;

(k) the construction and performance of business documents and contracts including agency;

(l) questions connected with or arising from commercial arbitrations;

(m) challenges to adjudication or arbitration decisions;

(n) franchising agreements;

(o) construction and infrastructure contracts;

(p) commercial bids and tenders;

(q) commercial trusts;

(r) agreements relating to immovable property used exclusively in trade or commerce;

(s) partnership and joint venture agreements;

(t) shareholders agreement and applications made under sections 212 and 213A of the Companies Act;

(u) subscription and investment agreements pertaining to the financial, hospitality and service industries;

(v) intellectual property rights;

(w) matters under the Fair Competition Act; and

(x) any other matter or any question of fact or law which is particularly suitable for decision by a judge of the Commercial Division, and "commercial proceedings" has a corresponding meaning.

(2) Subject to rule 71.5, in order for a claim to qualify as a commercial claim under paragraph (1), the claim or value of the subject matter to which the claim relates must be no less than thirty million dollars.

The commercial list

71.4 (1) There shall be a list called "the commercial list" in which commercial claims in the court may be entered for trial in the Commercial Division.

(2) The Chief Justice shall assign a judge to be in charge of the commercial list for such period as the Chief Justice may determine.

(3) The judge in charge of the commercial list shall have control of all proceedings in the Commercial Division.

Procedure for the commercial list

71.5 (1) A commercial claim may be placed in the commercial list at the time it is filed pursuant to paragraph (2) or at a subsequent time pursuant to paragraph (4).

(2) A claim form in commercial proceedings must be marked in the top left-hand corner with the words "Commercial Division" and on the issue of the claim, the proceedings must be entered into the commercial list.

(3) In order for a claim to be properly brought in the Commercial Division, the party filing a claim must include in the claim form a certificate to the effect that the claim is appropriate to be treated as a commercial claim within the meaning of rule 71.3.

(4) Notwithstanding paragraphs (1) and (2), a judge of the Commercial Division may include in the commercial list a claim that has not satisfied the value under paragraph 71.3(2), if the judge is satisfied, on an application or otherwise, that the claim is of a commercial nature and warrants being placed in the commercial list.

(5) At or before the first case management conference, a party may apply to have a matter placed in, or transferred to, the commercial list and that application shall be heard by a judge of the Commercial Division.

(6) An application under paragraph (5) must be supported by an affidavit.

(7) A judge of the Commercial Division may order a claim to be transferred to any other list on the ground that the judge is not satisfied that the claim is a commercial claim.

Case management

71.6 (1) The provisions of Part 27 shall apply to the case management of commercial claims.

(2) All case management hearings and applications in the course of the proceedings must be heard by the judge in charge of the commercial list or another judge assigned by that judge.

(3) Notwithstanding paragraph (2)—

(a) if an application is urgent and no judge assigned to the Commercial Division is available, the application may be made to some other judge of the court or a master; and

(b) unless the judge in charge of the commercial list otherwise orders, all proceedings for the enforcement of a judgment or order for the payment of money may be dealt with by a master or registrar.

Dispensation with statements of case

71.7 A judge assigned to the Commercial Division may at any time, before or after the issue of a claim form, order that proceedings in the commercial list be tried without the filing or service of a particulars of claim or defence or any other statement of case.".

Dated this 21st day of July, 2026.

Rules Committee of the Supreme Court

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