

Subject Index

References are to page numbers

A

Account

certificate of 220
order for 219
relating to foreign probate 355

Address for service

of applic for probate 345
of applic for administration 346
change of 70
of claimant under CPR 54
under CPR generally 70
lawyers office, as 70
of respondent under CPR 54
of respondent under PaAR 351

Adjournment

of appeal 377
of trial 158

Administration

application for 346
grant, to whom made 346
grant, opposed 352
grant, unopposed 349
opposition to grant of 351
with will annexed 347

Admissibility

of evidence in Const App 280

Advertisement

For auction 179
under PaAR 347
response to, under PaAR 348

Advocate

meaning of, in CoAR 371

Alternative Dispute Res

see also Mediation

encouragement of 33

Amendment

of Constitution 285
of docs upon party change 44
of respondent's notice 389
Statement of the Case 62

Anton Piller Order

see Seizing Order

Appeal

alternatives to 371
conditions precedent to 381
confinement to grounds of 375
to Court of Appeal, right of 375
general principles of 383
Island Court, from 229
statement of grounds of 384
magistrate, from 227
magistrate, to 230
master, appeal from 387
meaning of, in CoAR 375
notice of 381
rehearing, by way of 381
right of 381

Appearance

argument in lieu of 394

Application

for default judgment 119
for freezing order 89
for injunction 87

for interlocutory order 39
86
for leave to appeal 387
meaning of in Const PR 272
meaning of in CPR 255
meaning of in PaAR 342
for Seizing Order 95
for summary judgment 124
under Const PR 275

Application of CPR

to CoAR 376
to Const PR 271
to EPR 313
Judicial Review 234
to PaAR 341
351
352
357

Assets

dealing with, prevention of 90
meaning of 255
removal of, prevention of 90

Attorney-General

as party in Const Comp 295
as party in Const Sub 301

Auction

Advertising 179
sale by 178

B

Bankruptcy

of party 48

Bill

of costs 199

Bullock Order

general 198

C

Case Management

conferences, role in 79
in Const PR 271
in CPR 31
in EPR 314
in PaAR 341

Case Stated

and case management 32

Caveat

under PaAR 352

Certificate

of death 346

Certiorari

see Quashing Order

Chambers

sitting by Court of Appeal 380
sitting by judge in Appeal 392
sitting by judge in Conf 83

Charging Order

generally 184

Child

meaning of 255

Claim

content of 54

Claim for Release

General 215

Claimant

under CPR, who may be a 41
meaning of, security costs 206

Commencement

of CoAR 371
of Const PR 271
of PaAR 341
357

Complaint

meaning of in Const PR 272
under Const PR 293

Compliance

with Conference orders 82

Conference

meaning in Const PR 272
in Const Applications 280
in Const Submission 301
in Election Petition 321
first, application for 79
first, purpose of 80
first, when scheduled 79
generally under CPR 79
80

in Petition to vacate seat 327
in Referral 288

by telephone 34
83

trial preparation 81

Consent

to leave to appeal 386

Consolidation

of proceedings 44

Contempt

in hearing of court 249
by non-compliance 250

Copies

of appeal documents 379
of disclosed documents 105
docs and Seizing Order 98
entitlement to 242
fees for 242
of judgment in Const App 282
of judgment in Const Comp 299
of judgment in Const Sub 303
meaning of 255
obligation to disclose 102

Costs

of amendments 203
of amendment of pleadings 64
of appeals 384
395

Bullock Order 198
in Complaint 296
299

in Const Applications 283
of counterclaim 204
in Election Petitions 323
discretion to award 193
duty of counsel to seek 194
enlargement of time 378
general rule as to 193
lawyer, payable by 211
indemnity basis of 195
197

joinder, consolidation, etc 44
of mediation 137
outstanding costs principle 195
in Petition to vacate seat 329
in Const Referral 290
rate 196

refusal of settlement offer	128	deduction of costs from	324	debtor, meaning of	169
of self-represented party	203	Determination		of Election Petition	323
standard basis of	195	of costs	194	of money order	170
of trustee	197		199	of non-money order	186
	204	costs of	205	officer, meaning of	169
in Const Submission	303	Disbursements		order, meaning of	169
wasted	210	claimable	199	period	173
	213	Disclosure		in Petition to vacate seat	329
when order to be made	194	before proceedings	109	priority	177
when payable	194	continuous duty of	106	representative, against	50
Counterclaim		dispensing with	107	suspension of	174
nature and purpose	58	general	101		187
third party, against	59		117	Third party claims	190
Court		how effected	102	warrant	174
meaning of in Const PR	272	meaning of	255	warrant, for charging	184
Court of Appeal		by non-party	110	warrant, for delivery goods	189
constitution of	375	of specific documents	106	warrant, for possession land	189
general powers of	390		109	warrant, for redirection	182
	391	Discontinuance	117	warrant, return of	188
	392	general	129	Enlargement of time	
	393	Discovery		to appeal to C of A	377
meaning of, in CoAR	372	<i>see Disclosure</i>		to file respondent's notice	378
Cross-examination		Discretion		Enquiry	
in Const Applications	282	in applic of overriding obj	27	duty in Const Application	279
Custom		Distributive justice			282
how to plead	53	principle of	29	duty in Const Complaint	296
land, decisions of Tribunal	226	District		Equal footing	
land, possession of	187	change of	38	of parties	27
		closest to defendant	37	Evidence	
		Documents		on appeal	391
		control of	101	in Election Petition	322
		electronic	98	general	141
			255	proof of	82
D		form of, under CPR	38	Ex tempore	
Damages		identification of, disclosure	103	decision	163
exemplary	60	meaning of	255	Examination	
exaggeration of	61	possession of	101	of judgment debtor	172
general	61	use of, disclosed	112	Execution	
pleading of	60	Domestic Violence		<i>see Enforcement</i>	
special	60	general	221	Executor	
Death		Duplication		Exemplary Damages	
of party	47	of const proceedings	275	pleading of	60
Decision				Exhibit	
in Const Applications	282			sworn statement, to	142
maker, meaning of	233	E		Expert	
meaning of, in CoAR	372			<i>see Witness</i>	
Declaration		Election		F	
about enactment	233	disputes, history of	313	Facts	
Default Judgment		Electoral Dispute		agreed	83
in Const Applications	279	meaning of in EPR	314	in Const Application	277
in CPR Claims	119	Electronic		in Const Submission	301
damages	121	documents	255	in Defence	56
setting aside of	122	Emergency		in Election Petition	318
Defendant		<i>see Urgency</i>		in Petition to vacate seat	326
under CPR, meaning of	255	Emergency Regulation		in Reply	57
under CPR, who may be a	41	meaning of in Const PR	272	in Statement of Case	52
Delay		Enforcement		Fees	
avoidance of	29	of Complaint	299	under CPR	64
	34	conference warrant	172	for trial, failure to pay	65
Denial		conference, meaning of	169	Filing	
in Const Application	281	conference, purpose of	171	of appeal to C of A	375
in Const Complaint	296	of Const Application	283	of Claim	37
	297	of Const Submission	303	of Const Applications	278
in Defence to Claim	55	creditor, meaning of	169	of Const Complaint	293
	56	custom land, decision of	226		295
in Election Petition	321	debtor, deceased	176	of Const Submission	301
in petition to vacate seat	328		188		
by Reply	57	debtor, examination of	172		
Deposit					
in Election Petition	317				

of Defence to Claim of Election Petition	55	Injunctions		ceasing to act	243
of Petition to vacate seat of Referral	319	general	87	meaning of	256
of Reply	326	Inspection		warranty of authority	55
of applic, summary judgment of Written Questions	287	of disclosed documents	105	Leave	
Final	57	Interlocutory		to appeal interlocutory decision	385
orders, compared w/final orders, application for	125	control of steps	33	to amend Stat of Case	63
Foreign	113	nature of	85	relevant criteria, appeal	386
meaning of, in PaAR	85	necessity for reasons	85	renewal of applic in C of A	386
grant of probate/admin	342	orders, compared w/final orders, application for	85	revocation of, appeal	386
Forms	355	Interpleader	86	Limitation	
in Const PR		general	225	Election Petition	317
in EPR	273	Interpretation			
in PaAR	314	of Constitution	302	M	
Freezing Order	343	of terms in CoAR	371	Mandamus	
general	89	of terms in Const PR	272	<i>see Mandatory Order</i>	
Fresh Evidence		of terms in CPR	30	Mandatory Order	
on appeal	391		31	claim for	234
			36	Mareva Injunction	
			169	<i>see Freezing Order</i>	
			221	Master	
			227	appeal from	387
			253	Mediation	
			255	delegation of powers of	243
		of terms in EPR	314	encouragement of	33
Government		of terms in PaAR	342	generally	133
personal service on	73	Interrogatories		order	135
Guardian		<i>see Written Questions</i>		suitability of dispute for	134
appointment of	46	Irregularity		suspension of proceedings	137
duty and role of	46	non-compliance, by	244	unsuccessful, conseq of	139
		Irrelevant		voluntary submission to	136
		plea in statement of case	52	by whom conducted	135
H				Medical	
Habeas Corpus		J		evidence	151
<i>see Claims for Release</i>				Money Order	
Hearing		Joinder		meaning of	169
in Const Complaint	297	application for	42	Motion	
in Const Application	281	necessity	41	notice of, appeal	381
in Election Petition	322	Joining			
in Petition to vacate seat	328	of claims	43	N	
in Const Referral	289	Judgment		New Trial	
in Const Submission	302	in Complaints	298	order for, on appeal	393
		in Const Applications	282	Non-appearance	
		debt, meaning of	169	of party, at trial	161
		in Petition to vacate seat	329	Non-Compliance	
		in Referral	289	effect of, Conf orders	82
		in Submission	302		246
		Judicial Review		Contempt, amounting to	250
		claim for	234	general	244
		general	233	waiver of, in appeals	380
		order available	238	Notice	
		Jurisdiction		appeal	381
					392
		K		Ceasing to act	243
				hearing, of appeal	392
		Kastom		partnership proceedings	49
		<i>see Custom</i>		respondent's	388
					392
		L		O	
				Oath	
		Lateness		Objections	
		of filing docs under CPR	66	to Written Questions	115
		of serving docs under CPR	71		
		Lawyer			
		address for service	70		

Offer		prepaid service by	71	keeping of	242
of settlement	127	Power	71	Redirection	
of settlement, and costs	128	to make CoAR	371	of debts and earnings	179
Office		to make ConstPR	271	regular	181
hours	242	to make CPR	25	Referee	
hours, delegation re	243	to make EPR	313	general	160
Open Court			325	Referral	
hearing of Conference CPR	83	to make PaAR	341	of constitutional question	224
hearing of Const Comp	297	Practice		of domestic violence proc	223
hearing of Const Sub	302	direction, in appeals	371	meaning of in Const PR	272
hearing of Election Pet	322	and procedure	25	under Const PR	285
hearing of interloc applic	87	nature of	26	Registrar	
judgment in Const App	282	Pre-trial Conference		meaning of, in CoAR	373
judgment in Election Pet	323	general	81	Registry	
judgment in Pet to vacate	329	Precedent		<i>see Office</i>	
trial in	158	doctrine of stare decisis	30	Regulations	
Opinion		Preliminary Issue		meaning of in Const PR	272
in Referral	289	and case management	32	meaning of in Constitution	286
Oppressive		Prerogative Writs		Rehearing	
Security for Costs	208	<i>see Judicial Review</i>		appeal, by way of	381
Written Question	116	Privilege		Remedies	
Order		assertion of, in disclosure	103	in Const proceedings	275
interlocutory, nature of	85	mediation, effect on	138		277
Overriding Objective		public interest	108	pleading of	53
in Const PR	271	waiver of	105	Removal	
in CPR	26	Probate		of assets	90
	30	application for	345	Renewal	
in EPR	314	grant, to whom made	346	of Claim	67
in PaAR	341	grant, opposed	352	Re-opening Case	
Owner		grant, unopposed	349	when a party may	162
of assets	89	opposition to grant of	351	Reply	
		Proceedings		general	57
		meaning of in Const PR	272	Representative	
		meaning of in CPR	37	appointment by court	50
P		Prohibition		proceedings by or against	49
		<i>see Prohibiting Order</i>		Re-sealing	
Particulars		Prohibiting Order		of foreign probate	355
of general damages	61	Claim for	234	Reserved Judgment	
Parties		Proof		general	165
change of	41	of evidence	82	Respondent	
in Const Applications	278	of service	256	meaning of, in CoAR	373
in Const Complaints	295	Proportionality		proper, in Const App	278
co-operation of	32	principle of, in CPR	28	proper, in Const Comp	295
	34	Provision		proper, in Elect Petition	319
death of	46	of Constitution, meaning of	285	proper, in Judicial Review	235
in Election Petitions	319	Public Interest		proper, in petition to vacate	326
financial position of	29	privilege	108	Response	
legal incapacity, under	46	Punishment		to advertisement in PaAR	348
in opposed PaAR applic	352			to application under PaAR	351
in Petition to vacate seat	326			to Complaint	296
in proceedings under CPR	41			to Const Application	280
in Referrals	287			to Claim	54
third	45			to Claim for Judicial Rev	236
Partners				to Election Petition	321
proceedings by or against	48			to Petition to vacate seat	328
service on	75				
Person					
meaning of	256				
Personal Service					
meaning of	72				
Petition					
meaning of in EPR	314				
	325				
contents and form of	318				
	325				
Pleadings					
<i>see Statements of the Case</i>					
Post					
box, as service address	70				

Secrecy					
in mediation	138				
Security for costs					
account, order for	220				
of appeal	387				
	392				
General	205				
How given	209				
from receiver	99				
when order may be made	206				
Seizing Order					
generally	95				
Serious question to be tried					
meaning of	87				
Service					
alternative method of	69				
of Appeals	379				
	384				
on child	74				
of Claim	69				
of Claim for Release	218				
of Claim for Judicial Rev	236				
of Const Applications	279				
	280				
of Const Complaint	296				
on deceased estate	75				
of Defence to Claim	55				
on director	72				
domestic violence order	223				
of Election Petition	320				
by enforcement officer	69				
evasion of	73				
evidence of	76				
on Government	73				
interlocutory orders	100				
manner of	70				
on officer of corporation	72				
overseas	76				
on incapacitated person	74				
of interlocutory application	86				
on partnership	75				
of Petition to vacate seat	327				
on principle place of bus	73				
of Referral	288				
on registered office	73				
of Reply	57				
Republic of Vanuatu	73				
of Response to Claim	55				
State Law Office	73				
Summons	153				
of applic, summary judgment	125				
sworn statement	143				
of warrant	180				
of warrant for charging	184				
of warrant for redirection	183				
by whom effected	69				
of written questions	113				
Settlement					
helping parties to reach	33				
by mediation	137				
Stamp Duty					
not a basis of appeal	381				
Statement of Case					
nature and function of	51				
striking out	51				
Stay					
appeal, pending	390				
suspension of enforcement	187				
Striking out					
of Appeal	384				
of Claims	51				
of Claim for Judicial Rev	236				
of Const Complaints	296				
of Const Applications	277				
of Election Petitions	318				
	320				
for non-compliance	83				
	130				
for non-disclosure	111				
order, whether final	85				
Submission					
meaning of in Const PR	272				
under Const PR	301				
Subpoena					
<i>see Summons</i>					
Substantial Justice					
doctrine of	36				
Substituted Service					
when available	73				
Summary Disposal					
general	119				
judgment	124				
Summons					
in Complaints	297				
in Election Petition	322				
failure to comply with	154				
to give evidence	152				
for leave to appeal	387				
in Petition to vacate seat	328				
to produce documents	152				
T					
Taxation of Costs					
<i>See also Determination</i>					
in appeals	379				
Technology					
encouragement of use of	34				
Telephone					
conferences by	34				
	83				
Third Party					
procedure	45				
Time					
for answering Written Q	114				
for appeal to C of A	385				
for compliance Conf orders	82				
for Election Petition	317				
estimates of	81				
extending	241				
for filing docs under CPR	65				
for filing claim for Jud Rev	235				
for serving Claim	69				
for serving docs under CPR	71				
for serving interlock applic	87				
shortening	241				
for response to claim	54				
Transitional Provisions					
CoAR	397				
CPR	251				
	253				
PaAR	357				
Trust					
costs paid out of	197				
costs of	204				
U					
Undertaking					
as to damages	93				
Unrepresented Litigants					
in Const Applications	279				
Urgency					
in Const Applications	276				
in Complaints	293				
in interlocutory application	87				
	88				
relief	241				
V					
Vacation					
of seat in Parliament	325				
Validity					
of Act, proceedings re	285				
of election, proceedings re	317				
Vexatious					
litigant	247				
Written Question	116				
Video					
evidence given by	144				
	256				
tapes, as documents	255				
Vulnerable persons					
evidence given by	149				
W					
Warrant					
effect of, charging	185				
effect of, enforcement	177				
effect of, redirection	182				
general	251				
Will					
meaning of, in PaAR	343				
proving of	345				
Withdrawal					
of caveat under PaAR	352				
Witness					
court appointed	150				
credit assessment	164				
early taking of evidence	159				
failure to attend	160				
foreign	155				
examination, order of	157				
	160				
expert	149				
summons to	152				
travel expenses	153				
Written Questions					
answers to	114				
general	113				
objections to	115				
X, Y, Z					

THIS IS THE LAST
PAGE