

EASTERN CARIBBEAN SUPREME COURT CIVIL PROCEDURE RULES

PRACTICE DIRECTION 5 & 6

No. 1 of 2014

SERVICE OF PROCESS BY ELECTRONIC MEANS

This Practice Direction is made pursuant to Rule 4.2(1) of the Eastern Caribbean Supreme Court Civil Procedure Rules 2000 and supplements Parts 5 and 6 of the Rules.

Practice Direction 5, No. 1 of 2011 is hereby revoked and substituted by this Practice Direction.

1. Introduction

1.1 This Practice Direction makes provision for the service of process by electronic means for documents filed in the High Court and the Court of Appeal.

2. Context

2.1 In this Practice Direction

- (1) **“Court”** means the High Court or Court of Appeal whichever is applicable in the context.
- (2) **“document”** means a claim form or any other document.
- (3) **“electronic means”** means any form of electronic communication of the contents of a document and includes email, online shared drives, or FAX.

3. Service by Electronic Means

3.1 A party who wishes to serve a document by electronic means must first obtain in writing, from the party to be served or the legal practitioner acting for that party—

- (1) that the party to be served or the legal practitioner is willing to accept service by electronic means;
- (2) the particular electronic means which the party to be served is willing to accept;
- (3) the electronic identification to which the document must be sent; e.g. FAX number, e-mail address, online shared drive or other electronic means; and
- (4) whether there are any limitations to accepting service by such means; e.g. the format in which a document is to be sent, the maximum size of attachments that may be received, if a company, the hours of business etc.

3.2 After a method of service by electronic means has been agreed, the following are to be taken as sufficient written indications for the purposes of paragraph 3.1(3)—


- (a) a FAX number, e-mail address, link for an online shared drive or other electronic identification set out on the writing paper of the legal practitioner acting for the party to be served;
- (b) a FAX number, e-mail address, link for an online shared drive or other electronic identification set out on a statement of case or an appeal filed with the Court.
- (c) a FAX number, e-mail address, link for an online shared drive or other electronic identification set out in writing and signed by the party to be served.

3.3 Where a document is served by electronic means, the party serving the document shall, upon request by the party who has been served, deliver a hard copy of the served document to the party who has been served.

4. Effective Date

4.1 This Practice Direction will come into effect on the 1st day of July 2014

Made this 30th day of May 2014



Dame Janice M. Pereira
Chief Justice