

EASTERN CARIBBEAN SUPREME COURT CIVIL PROCEDURE RULES

PRACTICE DIRECTION 3 (B)

No. 1 of 2014

FILING BY ELECTRONIC MEANS OF COMMUNICATION

This Practice Direction is made pursuant to Rule 4.2(1) of the Eastern Caribbean Supreme Court Civil Procedure Rules 2000 and supplements Part 3 of the Rules.

1. Introduction

1.1 This Practice Direction makes provision for the filing of court documents at the Central Registry of the Court through the use of electronic means of communication.

2. Context

2.1 In this Practice Direction -

- (1) “**Central Registry**” means the Central Registry of the Court of Appeal situated at the Eastern Caribbean Supreme Court Headquarters in St. Lucia;
- (2) “**Court**” means the Court of Appeal;
- (3) “**Court’s website**” means the website of the Eastern Caribbean Supreme Court, www.eccourts.org;
- (4) “**electronic means**” means any form of electronic communication of the contents of a document and includes e-mail, online shared drives, CD ROMs, memory sticks, or FAX;

(5) "sub-Registry" means the sub-Registry of the Court of Appeal situated in the individual Member States and Territories.

3. Filing of documents via online shared drive

3.1 A party to an appeal may file a document by uploading the document to an online shared drive set up for this purpose.

3.2 Online shared drives should be created by a legal practitioner using one of the acceptable online shared drives authorized by the Court. Once created, a legal practitioner must give sharing access to the Central Registry and the relevant sub-Registry. A notification e-mail of this access must be sent to the Central Registry and the relevant sub-Registry.

3.3 Online shared drives are to be used and maintained as per the instructions provided by the Court.

4. Filing of documents by e-mail

4.1 A party to an appeal may file a document by e-mail to the specific e-mail account set up for this purpose.

4.2 Where proceedings have been commenced, the subject line of the e-mail must contain the following information -

- (1) the title of the case;
- (2) the case number (if available); and
- (3) the date and time of any hearing to which the e-mail relates.

4.3 The e-mail message must contain the sender's-

- (1) identity;
- (2) telephone number; and
- (3) e-mail address,

and should be in plain text or rich text format rather than HTML.

4.4 Correspondence and documents to be filed must not be sent as text in the body of the e-mail, but rather as attachments to the e-mail in the format stipulated by the Court.

5. Filing of documents by other electronic means

5.1 A document to be filed by electronic means other than e-mail or an online shared drive should be submitted to the Central Registry via an external storage device, clearly marked or labelled with -

- (1) the title of the case;
- (2) the case number;
- (3) the identity of the party on whose behalf the document is being filed;
- (4) the e-mail address and telephone number of the party;
- (5) the name of the document to be filed; and
- (6) the date and time of any hearing to which the document relates.

6. General Provisions for filing by electronic means

6.1 The filing of a document by electronic means must be done in accordance with this Practice Direction.

6.2 A document required to be in a form stipulated by the Civil Procedure Rules must be filed electronically in that form.

6.3 A document which requires signature must be signed when submitted for filing by electronic means and must be an electronic copy of the original signed document.

6.4 A document to be filed by electronic means must be submitted in a format supported by the software used by the Court. The format in which a document must be submitted is listed on the Court's website.

6.5 A document which is submitted in a format not listed on the Court's website as an appropriate format for submission will be treated as not having been received by the Court.

6.6 In the event that a legal practitioner makes a mistake with the submission of a document for filing by electronic means, the Central Registry must be notified immediately.

7. Deposit of hard copies at sub-Registry

7.1 Where a document other than a Record of Appeal and/or Core Bundle is filed by electronic means, the party who has filed the document must also subsequently deposit two (2) hard copies of the document at the relevant sub-Registry, by no later than the next business day after receipt of the electronically filed document.

7.2 Where a Record of Appeal (without a Core Bundle), is filed by electronic means, the party who has filed the Record of Appeal must also subsequently deposit four (4) hard copies at the relevant sub-Registry, by no later than the next business day after receipt of the electronically filed Record.

7.3 Where the Record of Appeal and Core Bundle are filed in accordance with rule 62.12(4), the party who has filed by electronic means must also subsequently deposit at the relevant sub-Registry -

- (i) Two (2) hard copies of the Record of Appeal; and
- (ii) Three (3) hard copies of the Core Bundle,

by no later than the next business day after receipt of the electronically filed Record of Appeal and Core Bundle.

7.4 The relevant sub-Registry will be responsible for forwarding to the Central Registry the hard copies of any document, (including the Record of Appeal and Core Bundle), which has been filed by electronic means and deposited at the relevant sub-Registry.

7.5 The Court reserves the right to request additional hard copies of any document, (including the Record of Appeal and Core Bundle), from the party who has filed by electronic means.

8. Special Directions

8.1 The Chief Registrar may, on the direction of the Chief Justice, give special instructions for the filing of documents by electronic means to meet the requirements of particular cases or by way of experiment.

9. Receipt of Transmission

9.1 The time of receipt of a transmission will be recorded electronically on the transmission as it is received. A document is not filed until the document is processed in accordance with 10.2 below.

9.2 When a document is submitted for filing by electronic means, the Central Registry will acknowledge receipt of the transmission.

9.3 Upon the completion of the electronic filing process, the Central Registry will confirm that the document has been filed.

9.4 If an electronically transmitted document requires urgent attention, the sender should contact the Central Registry by telephone indicating the urgency and reasons therefor.

10. Receipt by the Central Registry

10.1 The Central Registry will review all electronically submitted documents to ensure that there is compliance with the Rules and all relevant Practice Directions inclusive of this Practice Direction in respect of all formal requirements. A document submitted for filing that is not in compliance may be returned to the submitter for correction to ensure compliance.

10.2 Upon receipt of a document submitted for filing in accordance with this Practice Direction, the designated officer shall process the document by electronically embossing onto the document -

- (1) the Court's stamp;
- (2) the date and time the document was filed at the Central Registry;

- (3) the applicable filing fees; and
- (4) the Digital Certificate verifying that the document was filed.

10.3 When the filing process has been completed, an electronic copy of the filed document shall be made available to -

- (1) the party who filed the document; and
- (2) the relevant sub-Registry.

11. Filing outside of the Central Registry's business hours

11.1 The Central Registry shall be open for business from 9a.m. - 4p.m. from Monday to Friday and will be closed on weekends and public holidays. If an electronic document is submitted for filing outside of the Central Registry's business hours -

- (1) the transmission will be treated as received; and
- (2) any electronic document submitted in the transmission, which meets all formal requirements will be treated as filed, on the next business day that the Central Registry is open.

11.2 A party who files a document by electronic means in accordance with this Practice Direction is responsible for ensuring that each document submitted is filed within the relevant time limits prescribed by the Rules.

12. Fees

12.1 Prescribed fees that are due on a document filed by electronic means shall be paid at the time and in the manner specified by the Chief Registrar.


13. Details on procedure

13.1 Details on the procedure and instructions for filing by electronic means can be found on the Court's website. To ensure the timely filing of documents all instructions as set out on the Court's website must be fully complied with.

14. Effective Date

14.1 This Practice Direction will come into effect on the 12th day of May 2014.

Made this 29th day of April 2014



Dame Janice M. Pereira
Chief Justice