

# EASTERN CARIBBEAN SUPREME COURT CIVIL PROCEDURE RULES

## PRACTICE DIRECTION 5 & 6

No. 2 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 12<sup>th</sup> day of May 2014

Made this 29<sup>th</sup> day of April 2014

  
Dame Janice M. Pereira  
Chief Justice