

*Eastern Caribbean Supreme Court
(Electronic Litigation Filing and Service Procedure)
(Amendment) Rules*

SAINT LUCIA

STATUTORY INSTRUMENT, 2019, No. 43

[29th April, 2019]

In exercise of the power conferred under section 17 of the Eastern Caribbean Supreme Court Order, Cap. 2.01, the Chief Justice and two other Judges of the Supreme Court make these Rules:

Citation

1. These Rules may be cited as the Eastern Caribbean Supreme Court (Electronic Litigation Filing and Service Procedure) (Amendment) Rules, 2019.

Interpretation

2. In these Rules, “principal Rules” means the Eastern Caribbean Supreme Court (Electronic Litigation Filing and Service Procedure) Rules, No. 87 of 2018.

Amendment of rule 10

3. Rule 10 of the principal Rules is amended in paragraph (b) by deleting the words “the Schedule” and substituting the words “Schedule 1”.

Amendment of rule 13

4. The principal Rules are amended by deleting rule 13 and substituting the following —

“Service of document by electronic means

13.—(1) Unless a rule of the Court or an order provides otherwise, a document that is required to be served whether personally or by other means may be served by electronic means.

(2) Unless the Court or an enactment requires otherwise, a document filed using the Electronic Litigation Portal

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that is required to be served must be served by the relevant party and not the Court.

- (3) Where proceedings have commenced —
 - (a) service must be effected in accordance with the applicable rules of court; and
 - (b) the filing party must at the same time serve the authorization code generated by the Electronic Litigation Portal in the form set out in Schedule 2.
- (4) Where the authorization code generated by the Electronic Litigation Portal is not served on a party in accordance with sub-rule (3), service is deemed not to have been effected.
- (5) Service by electronic means must be effected through the electronic mail address of a party which was provided during the registration process on the Electronic Litigation Portal.
- (6) A party who furnishes an electronic mail address under rule 5 consents to accept service by electronic means through the electronic mail address provided.
- (7) An electronic mail address is presumed valid for a party if the party has not filed with the Court's Registry notice that the address is no longer valid and at the time that the notice is filed provided an alternative electronic mail address.
- (8) A party that receives a document served by electronic means and is unable to view or download the document shall immediately notify the serving party and the serving party shall take reasonable steps to ensure that the document can be viewed and downloaded.
- (9) A document to which the Court's stamp and date of filing information has been applied by the Electronic Litigation Portal is deemed to be served on the date and time that the document was submitted to the Electronic Litigation Portal, if the date and time of submission is within business hours.

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(10) A document submitted through the Electronic Litigation Portal for service —

- (a) outside the hours set by law for service or if not applicable, outside of the business hours of the Court’s Registry;
- (b) on a weekend; or
- (c) on a public holiday,

is deemed to have an effective service date as the date when the Court’s Registry is next open.

(11) Rules made by the Eastern Caribbean Supreme Court relating to holidays and computation of time apply to documents served using the Electronic Litigation Portal.

(12) Notwithstanding sub-rule (11) a period during which the service is not available through the facility hosting the Electronic Litigation Portal is excluded from the computation of time.”.

Amendment of Schedule

5. The principal Rules are amended by deleting the word “Schedule” where it appears after rule 16 and substituting the words “Schedule 1”.

Insertion of new Schedule 2

6. The principal Rules are amended by inserting immediately after Schedule 1 the following new Schedule 2 —

“SCHEDULE 2

(Rule 13(3)(b))

AUTHORIZATION CODE

The Eastern Caribbean Supreme Court
 In the High Court of Justice/Court of Appeal

[Saint Lucia]

