

VIRGIN ISLANDS

**EASTERN CARIBBEAN SUPREME COURT (ELECTRONIC
LITIGATION FILING AND SERVICE PROCEDURE) (AMENDMENT)
RULES, 2019**

ARRANGEMENT OF RULES

Rule

- 1...Citation.
- 2...Interpretation.
- 3...General amendment.
- 4...Amendment of Rule 10.
- 5...Amendment of Rule 13.
- 6...Insertion of Schedule 2

VIRGIN ISLANDS

STATUTORY INSTRUMENT NO. 28

**SUPREME COURT ORDER 1967
(U.K. S.I. 1967 NO. 223)**

Eastern Caribbean Supreme Court (Electronic Litigation Filing and Service Procedure) (Amendment) Rules, 2019

[Gazetted 26th April, 2019]

In exercise of the powers conferred under Section 17 of the Supreme Court Order, (U.K. S.I. 1967 NO. 223) the Chief Justice and two other Judges of the Supreme Court make the following Rules:

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

Interpretation.
S.I 2018 No. 56 **2.** In these Rules, “principal Rules” means the Eastern Caribbean Supreme Court (Electronic Litigation Filing and Service Procedure) Rules, 2018.

General amendment.
 3. The principal Rules are amended in general by designating the existing Schedule as “Schedule 1”.

Amendment of Rule 10.
 4. The principal Rules are amended, in Rule 10 by replacing paragraph (b) with the following:

 “(b) the fee specified in Schedule 1.”.

Amendment of Rule 13.
 5. The principal Rules are amended, by replacing Rule 13 with 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 that is required to be served must be served by the relevant party and not the Court.

(3) Where proceedings have been 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 authorisation code generated by the Electronic Litigation Portal in the Form in Schedule 2 to these rules.

(4) Where the authorisation code generated by the Electronic Litigation Portal is not served on a party in accordance with sub-rule 3, service shall be 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.

(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 subrule (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."

Insertion of
Schedule 2

6. The principal Rules are amended by inserting the following:

“SCHEDULE 2

**Form:
Authorisation Code**

[Rule 13(4)]

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

Territory of the Virgin Islands
BVIHC....

Between A.B.

Claimant / appellant /
applicant

and

C.D.

Defendant / respondent

TAKE NOTICE that the claimant / appellant / applicant has filed the attached proceedings on The Eastern Caribbean Supreme Court Electronic Litigation Portal. The authorisation code to access these proceedings is *[insert authorisation code]*.

These proceedings can only be accessed through the Electronic Litigation Portal. If you do not have a legal practitioner and need

assistance in accessing the Electronic Litigation Portal please contact the Service Bureau at the High Court office.

Dated [SEAL]

The court office is at [xxx xxx xxx] telephone number xx-xxxx, FAX xxx.xxxx. The office is open between [..... am.] and [..... p.m.] to except public holidays.”.

Made this 16th day of April, 2019.

(Sgd.) Dame Janice M. Pereira,
Chief Justice.

(Sgd.) Davidson Kelvin Baptiste,
Justice of Appeal.

(Sgd.) Paul Webster
High Court Judge.