

EASTERN CARIBBEAN SUPREME COURT

Guidelines to Law Firms and Legal Practitioners for the E-Filing  
of Matters on the ECSC E-Litigation Portal  
Document Version 3.1: Revised December 4, 2019

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# ECSC E-Litigation Portal Guidelines Document

## 1.0 REVISION HISTORY

### December 4, 2019

Updated Sub-Section 7.5	New Swift Code
Added Sub-Section 11.2	Increase in maximum up-loadable, file-size to 100 MB
Updated Section 17.0	Approach to Initial Service using the Portal
Updated Section 24.0	Management of Probates on the Portal
Added Section 29.0	Management of Certificates of Titles on the Portal

### November 4, 2019

Added Sub-Section 7.9	Implications of the Holidays in Saint Lucia when Law Firms make payments on their Accounts
Added Sub-Section 7.10	Topping of Escrow Accounts in the Federation of St. Kitts & Nevis
Added Sub-Section 7.11	Topping of Escrow Accounts of Firms operating in Multiple MSTs
Added Section 20.0	Handling of Notice of Proceedings in Matrimonial matters
Added Section 21.0	E-Filing of Special Court Documents
Added Section 22.0	Handling Sealed Cases on the Portal
Added Section 23.0	Revision Procedure for Court Forms
Added Section 24.0	Management of Probates on the Portal
Added Section 25.0	Management of Certificates of Search and No-Objection
Added Section 26.0	Note on Case Creation (Step #4: Legal Practitioners on the Portal)
Added Section 27.0	Management of Adoption Cases on the Portal
Added Section 28.0	E-Filing of an Application by an LP whose Client is not a Party to a Case

### October 1, 2019

Revised Section 8.0	Electronic Filing and Management of Orders
Revised Section 11.0	Recommended Document Format

### April 4, 2019

Added Sub-Section 7.7	US Cash Conversion Rate
Added Sub-Section 7.8	Deposits made at Local Banks in Saint Lucia

### March 14, 2019

Revised Section 8.0	Electronic Filing and Management of Orders
Revised Section 11.0	Recommended Document Format
Revised Section 16.0	Browser Preference

### March 11, 2019

Added Section 13.4	Filing of Submissions and Authorities
Added Section 18.0	Service of Self-represented Litigants

# ECSC E-Litigation Portal Guidelines Document

## 2.0 APPLICABILITY OF GUIDELINES DOCUMENT

This Guideline Document provides instructions for the e-filing in the following MSTs:

Country	Case Type	Commencement Date
[1] Anguilla	High Court Civil proceedings ( <b>not including</b> - Non-Contentious Probate and Administration of Estates, Family and Admiralty)	March 11, 2019
	Court of Appeal matters	
[2] Antigua & Barbuda	Court of Appeal Matters	October 21, 2019
[3] Saint Lucia	Commercial matters	November 26, 2018
	Court of Appeal matters	
	Civil matters	July 1, 2019
[4] St. Kitts -Nevis	Civil Matters	September 20, 2019
	Court of Appeal matters	
[5] Territory of the Virgin Islands	Commercial matters	November 12, 2018
	Court of Appeal matters	August 1, 2019

## 3.0 URL FOR ECSC E-LITIGATION PORTAL

The web link to the Portal is <https://elp.eccourts.org/chrysalis/login>.

## 4.0 IMPORTANT DOCUMENTS

**Legal Practitioners are required to be familiar with the following documents:**

- 4.1 ECSC Electronic Litigation Filing and Service Procedure Rules and Amendments.
- 4.2 ECSC E-Litigation User Guides for Legal Practitioners
- 4.3 Terms and Conditions for Use of ECSC E-Litigation Portal.

## 5.0 REGISTRATION OF LEGAL PRACTITIONERS AND SECRETARIES/CLERKS

5.1 Law Firms and sole Legal Practitioners must submit the following information to the ECSC Technical Team ([elp@eccourts.org](mailto:elp@eccourts.org)) and Registrar to facilitate the creation of their firm's account within the portal:

- (a) Name of Law Firm
- (b) Senior managing partner's name, email address and telephone number
- (c) Business Registration or Trade License number (where available)
- (d) Business Address
- (e) Electronic copy of Business Certificate or Trade License (where applicable).

5.2 Firms must also inform the IT Department of the individual(s) who will serve as the administrator for their Law Firm account.

5.3 Legal Practitioners must use the "Create Account" function on the Portal in order to register following the creation of their Firm's account in the Portal. Information required includes the following:

- (a) Law Firm Name
- (b) Your position in the Law Firm
- (c) National ID #, Passport # or Driver's License #

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- (d) Electronic copy of National ID or Passport or Driver's License
- (e) Nationality
- (f) Electronic copy of Practicing Certificate (where applicable)

- 5.4 Legal Secretaries/Clerks must also register using the "Create Account" Link on the Portal and the process follows similar steps as that of Legal Practitioners, save for the submission of an electronic copy of Practicing Certificate.
- 5.5 Approvals will be granted by the Registrar with the assistance of the ECSC Technical Team, where necessary.
- 5.6 Before a new user can access the Portal as a member of a Law Firm, a second level of approval will be required from the Administrator or Senior Managing partner of the Law Firm, who will receive notifications following the first level approval.

## 6.0 PURPOSE OF THE ECSC E-LITIGATION PORTAL

- 6.1 The Portal is available to manage all eligible new matters (see Section 2.0) filed in Anguilla, Saint Lucia, TVI, St. Kitts-Nevis and Antigua and Barbuda.
- 6.2 All other existing matters already filed (via hard copy) prior to the commencement date will continue to be managed manually until the data is migrated into the ECSC E-Litigation Portal and users will be notified when this change is undertaken.

## 7.0 PAYMENT OF FILING FEES AND BANK ACCOUNT DETAILS

- 7.1 Each Law Firm/Legal Practitioner must establish an Escrow Account with the Accounts Department of the ECSC Headquarters against which drawdowns will be made for filings.
- 7.2 The Escrow Account should be maintained by the Law Firms making payments using a **Manager's Cheque or Bank Draft** made payable to the "Eastern Caribbean Supreme Court" and sent to the ECSC Headquarters in Saint Lucia or by making **Wire Transfers** to the "ECSC E-Filing Project" bank account using the information in Section 7.5 below.
- 7.3 The Court will not accept any personal cheques for "topping-up."
- 7.4 Law Firms must allow up to two (2) business days for the processing of Bank Drafts and Managers Cheques once they are received at the Courts' Headquarters and for payments which are made by Wire Transfer.
- 7.5 The Wire Transfer information is as follows:
  - Account Name: ECSC E-filing Project
  - Account #: 2007908
  - Bank Name: Republic Bank
  - Address: William Peter Boulevard, Castries, Saint Lucia
  - Transit #: 60475
  - Swift Code: **RBNKTPX**
- 7.6 The conversion of USD to XCD will be US \$1.00 to EC \$2.68820 for any payments made using US currency for Bank Drafts, Managers Cheques, or Wire Transfer.
- 7.7 The Conversion rate for a payment made by way of US Cash is US \$1 to EC \$2.67.
- 7.8 In the case of Saint Lucia cash deposits can be made directly to the Court's account using the account number which is provided in 6.5 above and the depositor must ensure that the bank places the name of the Law Firm on their banking system. This information on the name of the firm making the deposit should be visible via the online

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portal of the Bank of Nova Scotia. This will facilitate making the funds available to the correct Law Firm in a timely manner.

### **7.9 Implications of the Holidays in Saint Lucia when Law Firms make payments on their Accounts**

**7.9.1** LPs should take note of the holidays in St. Lucia when making payments on their escrow accounts.

**7.9.2** These public holidays in St. Lucia should be factored into the timelines for funds to be made available on their accounts.

**7.9.3** The List of Holidays in St. Lucia is available on the E-Litigation tab on the ECSC website.

### **7.10 Topping of Escrow Accounts in the Federation of St. Kitts & Nevis**

**7.10.1** When funds are being transferred for top-up by Law Firms in the Fed of SKN, an email must be sent to [elp@eccourts.org](mailto:elp@eccourts.org) reflecting the amount to be apportioned separately to each of the Circuits, as necessary.

**7.10.2** This information will be forwarded to the ECSC Accounts department for processing.

### **7.11 Topping of Escrow Accounts of Firms operating in Multiple MSTs**

**7.11.1** When funds are being transferred for top-up by Law Firms with offices in multiple MSTs, an email must be sent to [elp@eccourts.org](mailto:elp@eccourts.org) reflecting the amount to be apportioned separately to each of the member states (or Circuits), as necessary.

**7.11.2** This information will be forwarded to the ECSC Accounts department for processing.

## **8.0 ELECTRONIC FILING AND MANAGEMENT OF ORDERS**

**8.1** Draft Orders must be uploaded (as Document Type – Draft Order) on the Portal by a Legal Practitioner or a Legal Secretary as an MS-Word “.docx” or “.doc” file (**not as a pdf**). This will more easily permit the “Draft Order” to be edited and perfected by the Judge. Please note that a draft order will not be charged a filing fee, but it will incur a facilitation fee.

**8.2** When the draft order is filed in MS-Word the Judge may edit and finalize it in Court. Where the Judge directs, a Legal Practitioner may be required to return to their Chambers to make changes to the draft order. Once this is completed, the Legal Practitioner must upload the revised Draft Order on the Portal as an MS-Word “.docx” or “.doc” file. The Judge can then make any further changes to the document which was uploaded via the portal.

**8.3** Once the Draft Order is finalized and approved by the Judge, the final Microsoft Word version of the document will be sent by the Judge or Court Clerk to the Registrar for printing, dating, signing, and placement of the Courts’ Seal.

**8.4** When the Order is dated, signed and sealed the Court Office shall scan and e-mail it to the Legal Practitioner as a “.pdf” document.

**8.5** The Legal Practitioner must then file the Order on the Portal as “Court Order” and not “Draft Order”, at which point the Order will be stamped and the necessary fees will be deducted from the Legal Practitioner’s Escrow Account.

**8.6** Please note that the Order will not be deemed to be validly filed without the necessary stamps from the E-Litigation Portal and the payment of the fees for filing.

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**8.7** The ECSC is currently in the process of upgrading the E-Litigation Portal to allow for a more streamlined workflow to process and manage court orders. The foregoing will only be utilized until the full features are available on the portal at which time Legal Practitioners will be notified accordingly.

## **9.0 DOCUMENTS WITH ZERO FILING FEES**

Some documents such as Draft Orders carry zero filing fees.

## **10.0 FACILITATION FEE**

Every document filed through the Portal carries a Facilitation Fee of \$2.

## **11.0 RECOMMENDED DOCUMENT FORMAT**

**11.1** All filings must be in portable document format (.pdf) except Draft Orders which must be filed as a Microsoft Word document (.doc, .docx).

**11.2** The E-Litigation Portal has now been configured to allow for the filing of documents of much greater file-size. The maximum file size allowed for documents being filed on the portal is now increased from 10MB to 100 MB.

## **12.0 MANAGEMENT OF PORTAL BY LEGAL SECRETARIES/CLERKS**

**12.1** It is suggested that Legal Secretaries/Clerks prepare/ "Create Case" on the Portal, and then "Save" the filing on the System for final review and submission by the Legal Practitioner.

**12.2** Legal Secretaries/Clerks are not allowed to submit filings to create a case in the Portal.

**12.3** Legal Secretaries/Clerks can upload documents into an existing case and the system will stamp, deduct the applicable fees and generate a receipt.

## **13.0 SUBMISSION OF DOCUMENTS FOR FILING**

**13.1** Prior to submitting a document for filing, Legal Practitioners must ensure that the correct documents are being uploaded, with all the necessary attachments for that filing. Once submitted, all the filing fees and facilitation fee will be deducted. Additionally, after submission the entry cannot be withdrawn.

**13.2** Users are required to check every document uploaded to ensure that the stamps and fees are reflected on the first page of the filing and that the appropriate receipt is generated and reflected on the case file in the system. If a receipt is not generated or the first page of the document does not contain the Court Office stamps, this should immediately be brought to the attention of the ECSC Technical Support Team as indicated in Section 30.0 below.

**13.3** All documents related to "Return of Service" (e.g. Affidavit of Service and Acknowledgment of Service) must be filed in the usual "File Documents" screen. The "Return of Service" tab on the Portal can only be used to record information on attempts to serve documents which were unsuccessful and / or when the documents were successfully served.

**13.4** When filing written submissions and authorities, legal practitioners should file the written submissions as one document as the filing fee will be determined by the number of pages in the document, as per the ECSC (Court Proceedings Filing Fees) Rules. The authorities which accompany these written submissions must then be filed at the same time as an "Additional Volume", to which no filing fees shall be applied. Please note that the "Additional Volume" feature should not be used unless accompanied by a filing for which there will be a charge.

## 14.0 UPLOADING DOCUMENTS OVER THE MAXIMUM SIZE ALLOWED

- 14.1** A special document filing type (called “Additional Volume”) has been added to the list of documents available for filing on the Portal.
- 14.2** Persons filing documents, in excess of the maximum file size allowed, are advised to subdivide and scan their documents into individual “pdf” volumes; each of which must still be within the maximum file size allowed, with the document name and cover sheet appropriately named - e.g. “Additional Volume #6 – Exhibit” or “Additional Volume #2 – Witness Statement” as the case may be.
- 14.3** The main document (e.g. Certificate of Exhibit or Witness Statement or Affidavit) should be filed and uploaded first and the type of filing selected so that the appropriate filing fee is charged by the system. The “Additional Volume” documents filed will not be charged an additional filing fee, but they will carry the usual Facilitation Fee which is associated with any document being filed.

## 15.0 PASSWORD MANAGEMENT

- 15.1** Password Structure: Passwords must be created on the Portal using at least 6 alphanumeric characters and symbols as follows:
- (i) at least one uppercase letter;
  - (ii) one numeral;
  - (iii) and one symbols such as: @, #, \$, %.
- 15.2** Logging in Issues: Issues with your password when attempting to logon to the Portal could be addressed by clearing the Cookies on the Browser and then closing and relaunching the Browser.
- 15.3** Password Reset & Request for Username
- 15.3.1 When users have forgotten their username and/or password to the Portal they must submit an e-mail to [elp@eccounts.org](mailto:elp@eccounts.org) from their e-mail account which is registered on the system, indicating their full name and the nature of the problem being experienced.
- 15.3.2 IT Support personnel will obtain Username from the portal and reset the password.
- 15.3.3 IT Support personnel will respond to the message received in Step 14.3.1 to provide the Username and the Password to the user.
- 15.3.4 User should be reminded to reset their password immediately after it has been provided and to store both their username and password in a secure place.

## 16.0 BROWSER PREFERENCE

- 16.1** The preferred Browser for use of the Portal is Google Chrome (updated to the most current version).
- 16.2** Internet Explorer is no longer supported by Microsoft and hence it should **NOT** be used for accessing the Portal.
- 16.3** Latest versions of Browsers such as Mozilla Firefox, Safari, etc. could be used to access the Portal.

## 17.0 APPROACH TO INITIAL SERVICE USING THE PORTAL

- 17.1 Initial service of a document for new matters filed on the Portal must be done manually.
- 17.2 Claimant/Applicant Attorneys, or a pro se litigant filing their own matter, must provide both the **Case Number** and **Authorization Code** of the Defendant/Respondent to the Defendant to permit them to represent their case or to provide to their Attorney to represent them in a matter on the portal as part of the documentation being served on the defendant. The Case Number and Authorization Code must be provided on the Authorization Code form, addressed to the Defendant which will be given to the Defendant/Respondent when the Claim Form or other Case Initiating Document is being served.
- 17.3 Where the authorization code generated by the Electronic Litigation Portal is not served on a party in accordance with the rules, service is deemed not to have been effected.
- 17.4 Following the manual service of initiating case documents a copy of the completed Authorization Code Form (Form 1) must be uploaded as the last page of the affidavit of service.
- 17.5 Please note that ONLY one pdf document needs to be filed.

## 18.0 SERVICE FOR PRO SE LITIGANTS

- 18.1 All self-represented Litigants must be served manually by Law Firms or the Court.
- 18.2 Self-represented Litigants must use "Service Bureau" arrangements at the Court Office to obtain assistance with filing of their documents.

## 19.0 REQUIREMENT FOR COMPUTATION OF TIME

- 19.1 Currently, the system should not be relied upon for the computation of time as required by CPR 2000 and other relevant rules.
- 19.2 Computation of time is not reflected on the system as yet so practitioners should continue to compute time in accordance with the relevant rules.
- 19.3 Users will be notified once this feature is operational on the system.

## 20.0 HANDLING OF NOTICE OF PROCEEDINGS IN MATRIMONIAL MATTERS

- 20.1 The **Notice of Proceedings** should be attached to the Petition when being filed so that it does not attract any filing fees at this point.
- 20.2 The Registrar will sign the **Notice of Proceedings** and prepare for filing by Legal Practitioner.
- 20.3 Once the Registrar has completed his/her role the document will then be emailed to the Legal Practitioner so that it can be filed electronically as a Notice on the Portal.

## 21.0 E-FILING OF SPECIAL COURT DOCUMENTS

The following should be done for documents which must be first signed or seen by the Registrar, or to be sworn before the Commissioner for Oaths, of the High Court before they are filed:

- 21.1 The Document should be brought into the Court Office so that the Registrar or Commissioner for Oaths could review it and perform all preliminary steps prior to the filing of the Document.

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- 21.2 The Document will be processed so that it can be filed within the Portal, if there are no queries.
- 21.3 If there are queries these will be brought to the attention of the Legal Practitioner.
- 21.4 Once it is ready for processing the court officer will complete all necessary tasks and return it to Legal Practitioner for filing.
- 21.5 The Legal Practitioner would then scan and upload it to the Portal in accordance with the Rules.
- 21.6 Some of these documents include, but are not limited to, Certificate of Search, Registrar's Certificate, Certificate of Divorce.

## 22.0 HANDLING SEALED CASES ON THE PORTAL

- 22.1 The Legal Practitioner must contact the Registrar to determine the acronyms to be used on the case.
- 22.2 In preparing the documents for filing the Legal Practitioner must use the acronyms on the documents which are being filed.
- 22.3 In the Case being created on the Portal the acronyms should also be used to reference the parties and at no time should the actual party names be used.
- 22.4 Hereafter, all documents filed in that case should use the agreed acronyms; this should also include the "Filename" of documents.

## 23.0 REVISED PROCEDURE FOR MANAGEMENT OF COURT FORMS

- 23.1 For matters filed on the Electronic Litigation Portal where Forms 1 and 2 of the Forms in the Schedule to the Civil Procedure Rules, 2000 are being used, the latter part of the Forms should be adjusted as follows:

*This claim form has no validity if it is not served within 6 months of **the date of filing**, unless it is accompanied by an order extending that time.*

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

*The claimant's address for service is:*

- 23.2 Please note that it is no longer required that the document be dated and sealed at the end of this page.
- 23.3 For matters filed on the Electronic Litigation Portal where the Authorization Code Form is used, the seal of the court **at the end of the form** is not required.

## 24.0 MANAGEMENT OF PROBATES ON THE PORTAL

- 24.1 When an application is filed for a Probate matter, a claim number is issued via the Portal.
- 24.2 After the documents are filed into the Portal, the Probate's Case Manager is to review the application and other documents submitted for compliance with: (i) Relevant filing fees, (ii) Submission of relevant forms, and (iii) Submission of relevant supporting documents.
- 24.3 Once all the required documents have been filed for the Registrar to hear the matter, the Probate's Case Manager will bring the matter to the attention of the Registrar / Judicial Officer.

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- 24.4 After the matter is brought to the attention of the Registrar / Judicial Officer, the Probate's Case Manager then sets a date for the hearing of the application which is in keeping with the timelines which are established by the Registrar / Judicial Officer in their Member State or Territory.
- 24.5 If upon hearing the matter the Registrar or Judicial Officer raises any queries these will be brought to the attention of the Probate's Case Manager so they can be dealt with appropriately.
- 24.6 Upon satisfaction of all queries, the matter is then set for another hearing, and once the Registrar / Judicial Officer is satisfied the parties would be instructed to advertise.
- 24.7 After the parties are instructed to advertise, 7 days are allowed to elapse, and then the Jacket and Order or Jacket and Will are approved by the Registry and uploaded unto the Portal. The legal practitioner will then perfect the documents for filing.
- 24.8 Once perfected, the approved Jacket and Order or Jacket and Will are then filed on the portal by the legal practitioner who will also provide to the Registry the relevant copies which are sought by Counsel.

### 25.0 MANAGEMENT OF CERTIFICATES OF SEARCH AND NO-OBJECTION

- 25.1 The "Certificate of Search" paid to the High Court Registry (where applicable), should be uploaded on the Portal as part of the Petition, as it will not be stamped or incur a filing fee.
- 25.2 The same procedure should be followed for "Certificate of Non-objection" issued from the Inland Revenue Department. It should not be stamped nor incur a filing fee and should not be filed separately.

### 26.0 NOTE ON CASE CREATION (STEP #4: LEGAL PRACTITIONERS) ON THE PORTAL

When creating a case on the Portal, the name of Legal Practitioner, associated with the case being filed, does not appear on the drop-down list in Step #4 of that Process. The System automatically assigns the name to the Case. The filer may include additional legal Practitioners to the case or simple move to Step #5 in the process.

### 27.0 MANAGEMENT OF ADOPTION CASES ON THE PORTAL

When creating an adoption case on the Portal, a third party such as "Attorney General's Chambers" who has "Watching Brief" in the matter should be added as a party to the case and served with their authorization code to enable access to the case.

### 28.0 E-FILING OF AN APPLICATION BY AN LP WHOSE CLIENT IS NOT A PARTY TO A CASE

- 28.1 Practitioners wishing to file a document in a case for which their client is not a party to the case and therefore does not have an authorization code, can do so by utilizing the "File Documents" option which appears under "Case Management", by inputting the case number of the case in which they wish to file the document.
- 28.2 The Court Office, upon receipt of such a filing MUST email the filing party a copy of the filed document for service, as the filing party will not have access to the filed document before a decision is made by a judicial officer to have the party added to the case.

### **29.0 MANAGEMENT OF CERTIFICATES OF TITLES (APPLICABLE TO ST. KITTS – NEVIS) ON THE PORTAL**

- 29.1** The Request for First Certificate of Title must first be sent to the Inland Revenue Department by the attorney before it is filed on to the portal.
- 29.2** Once the attorney has paid the necessary fees to the Inland Revenue Department, the attorney will scan the request together with the unsigned schedule as a single “.pdf” document. This “.pdf” document will then be filed on the portal in order for the unsigned schedule not to attract any fees at this stage and permit it to be reviewed by the Court Office / Registrar.
- 29.3** All of the other documents which are to be filed in the High Court for the First Certificate of Title before they are sent to the Registrar of Titles for review must be uploaded via the portal, including affidavits, notices, and any applications.
- 29.4** Once the case for the First Certificate of title is submitted on the portal a copy of the filed documents should be printed by the attorney and they must be brought to the Registrar of Titles for their review and signing of the Schedule.
- 29.5** After the schedule is signed by the Registrar of Titles and it is returned to the attorney, it must be filed via the portal so that the required filing fees are paid.
- 29.6** All documents including Affidavits of Service, Newspaper clippings and Final schedule must be filed via the portal.
- 29.7** The Court Office will process the Request for First Certificate of Title so that the application is heard by the judge and the necessary order is prepared.

### **30.0 CONTACT EMAIL ADDRESS FOR TECHNICAL SUPPORT**

All enquires and requests for assistance should be emailed to [elp@eccourts.org](mailto:elp@eccourts.org) .

***End of Guidelines Document***