

**EASTERN CARIBBEAN SUPREME COURT**  
**CIVIL PROCEDURE RULES**  
**PRACTICE GUIDE**  
**No. 1 of 2020**

**Migration of Court of Appeal, Civil, and Commercial Matters  
manually filed prior to the implementation of the Electronic  
Litigation Portal**

This Practice Guide is made pursuant to Rule 4.5(1) of the Eastern Caribbean Supreme Court Civil Procedure Rules 2000, and is applicable to all the Member States and Territories in the jurisdiction of the Eastern Caribbean Supreme Court where the E-Litigation Portal has been implemented.

**1.0 Introduction**

- 1.1 This Practice Guide is intended to assist legal practitioners and Litigants to transfer their filings in a claim from the manual hard copy file to an electronic case file on the E-Litigation Portal (“E-Portal”) and for facilitating this process.
- 1.2 Parties are encouraged to migrate existing paper files onto the E-Portal in those Member States and Territories where it is available. When so migrated, the E-Portal will automatically assign to the claim a new claim number for continuing with proceedings through use on the E-Portal.

**2.0 Procedure**

- 2.1 To give effect to the migration of a file, the legal practitioner wishing to effect the migration must apply for a migration order by filing an Application on Notice on the E-Portal requesting that the matter be placed on the E-Portal and issued a new claim number.

- 2.2 This application must be made in Form 1 in the schedule to this Practice Guide, to the Chief Registrar, for Court of Appeal matters or the Registrar of the High Court for High Court matters. The application and any subsequent documents submitted for filing on the E-Portal must reference both claim numbers, i.e. the new claim number assigned by the E- Portal and the old claim number which identified the claim in the manual filing.
- 2.3 After the case is created electronically on the E- Portal, where the legal practitioner or party who made the filing is not the claimant / appellant or their legal practitioner as the case may be –
- 2.3.1 (i) the filing party must note and record the authorization codes for all the parties and withdraw the representation, as the E- Portal will record the filing party as the Claimant / Appellant attorney.
- 2.3.2 (ii) Having withdrawn representation for the Claimant / Appellant, the filing party must then perform the “Represent Case” function using the Authorization Code for their client.
- 2.4 The legal practitioner filing the initial Application specified in Section 2.2 must then send the relevant authorization code to each of the other parties in the matter so that each legal practitioner can perform the “Represent Case” function in order to be properly recorded in the case in respect of the client which he/she represents.
- 2.5 Pro se litigants must be served manually as stipulated in the ECSC E-Litigation Filing and Service Procedure Rules.
- 2.6 Where an application for migration is consented to by the parties or is made jointly by the parties, the application will be dealt with on the papers by the Chief Registrar or Registrar of the High Court, as the case may be. Where an application is opposed, the hearing of the application may be placed before a judge or master of the court.
- 2.7 If the application is granted, an order shall be made as far as practicable in the terms of Form 2 in the schedule to this Practice Guide. The legal practitioners will be ordered to agree a bundle of all previous manually

filed documents and upload this bundle onto the E-Portal as an “Additional Volume” (thereby attracting no further filing fees for the documents already filed). Thereafter each legal practitioner shall continue any new filings in respect of that claim or appeal on the E-Portal.

2.8 Where the migration order is not granted, any document submitted to the Registry of the Supreme Court for filing must be submitted via email in accordance with the *Emergency Measures COVID-19 Practice Direction (Re-Issue), No. 3 of 2020* or any other applicable Practice Direction.

2.9 When migrated, all subsequent documents filed in the claim or appeal must state the new E-Portal number and also state the previous case number. E.g. XXXHCVAP2020/0018 formerly XXXHCVAP2018/0032.

### **3.0 Effective Date**

This Practice Direction shall come into effect in a Member State or Territory on the 5<sup>th</sup> day of May, 2020.

Dated the 4<sup>th</sup> day of May, 2020.

**Dame Janice M. Pereira, DBE  
Chief Justice**

Form: 1

**THE EASTERN CARIBBEAN SUPREME COURT**

**IN THE HIGH COURT OF JUSTICE  
(CIVIL)**

**[Member State / Territory]**

**Formerly XXXHCV2007/1234**

**BETWEEN:**

**ABCD**

**Claimant**

**and**

**DEFJ**

**Defendant**

**TO: THE REGISTRAR/ CHIEF REGISTRAR**

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**NOTICE OF APPLICATION**

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The Applicant \_\_\_\_\_ of \_\_\_\_\_, applies to the Court for an Order:-

(1) That the claim filed with the Registry of the Supreme Court ([Member State / Territory]) bearing the Claim No. XXXHCV0926/1997 be migrated to and filed on the E- Portal and issued a new claim number thereby.

(2) That all subsequent pleadings and other documents in this cause be filed at the Office of the Registrar of the Supreme Court via the E- Portal

*(A draft of the order that I seek is attached.)*

**The grounds of the application are:-**

1. By notice dated the \_\_\_ day of \_\_\_\_\_ 2020, the Registry of the Supreme Court ([Member State / Territory]) will no longer accept paper filings as part of its Covid-19 mitigation effort once ordered by the Court.
2. By said notice the legal practitioner was at liberty to file an application seeking an order that all subsequent pleadings and documents be filed at the Office of the Registrar of the Supreme Court / Chief Registrar of the Court of Appeal via the E- Portal.

3. The Applicant undertakes to upload all previously filed (paper) pleadings and documents filed in the claim/ appeal. *An Affidavit in Support does not need to accompany this application.*

Dated this                    day of                    2020

CHAMBERS  
PER:

.....  
XXXXXXXXX  
Legal Practitioner for the Applicant

The Court Office is [Address]; Telephone \_\_\_\_\_; Fax: \_\_\_\_\_. The Office is open between [Opening Hours] except public holidays. The Office can also be contacted via E-mail at \_\_\_\_\_

Presented for filing by .....

**THE EASTERN CARIBBEAN SUPREME COURT**

**IN THE HIGH COURT OF JUSTICE  
(CIVIL)**

**[Member State / Territory]**

**CLAIM NO. XXXHCV2020/\_\_\_\_ formerly XXXHCV2007/0123**

**BETWEEN:**

**ABCD**

**Claimant**

**and**

**DEFJ**

**Defendant**

**NOTICE**

This application will be heard by the [Judge in Chambers]/[Master]/[Chief Registrar]/[Registrar] on \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_ 2020 at \_\_\_\_\_ a.m./p.m. at the High Court of Justice, [Address].

**If you do not attend this hearing an order may be made in your absence.**

**OR**

The [Judge in Chambers]/[Masters]/[Chief Registrar]/[ Registrar] will deal with this application by ( state whether by video or teleconference)

**OR–**

Where the application is consented to by the parties or is made jointly by the parties the [Judge in Chambers]/[Masters]/[Chief Registrar]/[ Registrar] will deal with this application on Paper.

**NB This notice of application must be served as quickly as possible on the Respondent to the application.**

The Court Office is [Address]; Telephone \_\_\_\_\_; Fax: \_\_\_\_\_. The Office is open between [Opening Hours] except public holidays. The Office can also be contacted via E-mail at \_\_\_\_\_

Presented for filing by .....

Form: 2

**THE EASTERN CARIBBEAN SUPREME COURT**

**IN THE HIGH COURT OF JUSTICE  
(CIVIL)**

**[Member State / Territory]**

**CLAIM NO. XXXHCV2020/\_\_\_\_\_ formerly XXXHCV2007/0123**

**BETWEEN:**

**ABCD**

**Claimant**

**and**

**DEFJ**

**Defendant**

**BEFORE:**

**(Registrar)**

**APPEARANCES:**

**DATED:           The           day of           2020**

**ENTERED:       The           day of           2020**

**ORDER**

**UPON READING** The Notice of Application to migrate the claim / appeal to the E-Portal;

**AND UPON** this matter being determined without a hearing/ on the papers;

**IT IS HEREBY ORDERED**

1. That the claim filed at the Registry of the Supreme Court ([Member State / Territory) bearing the Claim No. XXXHCV2007/0123 be migrated unto and filed on the E- Portal and issued a new claim number thereby.

2. That all subsequent pleadings and documents to be filed in this cause be filed at the Registry of the Supreme Court via the E-Portal.
3. The parties are to agree all previously filed (paper) pleadings and documents and upload the same as an “additional volume” on the E- Portal within 14 days.
4. Where the parties do not agree all previously filed (paper) pleadings and documents to be uploaded on the E-Portal then each party must proceed to file their previously filed (paper) pleadings and documents and upload the same as an “additional volume” on the E- Portal within 14 days.
5. The Court Office shall verify and reconcile the abovementioned “additional volume” with the Court’s record.
6. There be no order as to costs.

**BY THE COURT**

**REGISTRAR**

The Court Office is [Address]; Telephone \_\_\_\_\_; Fax: \_\_\_\_\_. The Office is open between [Opening Hours] except public holidays. The Office can also be contacted via E-mail at \_\_\_\_\_

This Order is filed by .....