

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

PRACTICE DIRECTION

No. 1 of 2022

**PRACTICE DIRECTION FOR EFFECTIVE USE OF THE
ELECTRONIC LITIGATION PORTAL**

This Practice Direction is made pursuant to Rule 16 (Rule 15 for Anguilla), of the Eastern Caribbean Supreme Court (Electronic Filing and Service Procedure) Rules, 2019 and is applicable to all the Member States and Territories in the jurisdiction of the Eastern Caribbean Supreme Court.

1.0 Introduction

1.1 This Practice Direction is intended to assist legal practitioners and Litigants to more effectively use the E-Litigation Portal (“the Portal”) by ensuring that legal practitioners on the Portal:

- (i) have access only to information which they are entitled to receive; and
- (ii) are guided on the best practices to be used in order to avoid the payment of unnecessary fees.

1.2 The Parties shall follow the measures outlined in this Practice Direction.

- 1.3 Any reference to “the party” in this Practice Direction shall be a reference to the filing party and/or his or her legal practitioner as the case may be.

2.0 Handling of Sealed Cases on the Portal

- 2.1 This section applies to court proceedings where the entire case is to be sealed on the Portal.
- 2.2 Before filing a sealed statement of case or application, the party must contact the Registrar to determine the acronyms to be used on the case in place of the names of the actual case parties.
- 2.3 The acronyms provided must not be the actual initials of the parties in the matter.
- 2.4 In the case being created on the Portal, the acronyms must also be used to reference the parties and at no time should the actual party names be used.
- 2.5 In preparing the document for filing, the party must use the acronyms throughout the document being filed and the actual names of the case parties are not to be used anywhere in a sealed document.
- 2.6 All documents filed must use the acronyms provided. This also includes when creating the file names of the documents which are being uploaded on the Portal.
- 2.7 Once the case has been created on the Portal, the filing party must contact the Registrar to ask for the entire case to be sealed.
- 2.8 In respect of a matter under seal in which acronyms for the parties have been used in the court below, the party shall use the same acronyms

when filing a notice of appeal or making any application to the Court of Appeal.

3.0 Handling of Notice of Proceedings in Matrimonial Matters

- 3.1 The Notice of Proceedings must be attached to the Petition when the Petition is being filed so that it does not attract any filing fees at that time.
- 3.2 Once the Petition is filed with the Notice of Proceedings attached, the Registrar will then process the Notice of Proceedings (which would include the Registrar affixing his/her signature to the Notice of Proceedings) to allow it to be filed by the party.
- 3.3 Once the Registrar has completed his/her role, the Court Office will scan and upload the Notice of Proceedings onto the Portal as an external document.
- 3.4 Upon receipt of the signed Notice of Proceedings, the party must then file the signed Notice of Proceedings on the Portal at which time it will be stamped, and the applicable fees paid.

4.0 E-filing of Special Court Documents

- 4.1 This Part applies to documents which must be first signed or seen by the Registrar, or which are to be sworn before a Commissioner for Oaths before being filed. These include a Certificate of Search, Registrar's Certificate, Certificate or Decree of Divorce, and a Will submitted for marking by the Registrar.
- 4.2 The document must 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.

- 4.3 If there are queries, these will be brought to the attention of the filing party; otherwise, the document will be processed so that it can be filed on the Portal.
- 4.4 Once the document is in order, the Registrar or Commissioner for Oaths will complete all necessary tasks and return it to the party for filing.
- 4.5 The filing party will then perform any further tasks which are required and then scan and upload the document on the Portal.

5.0 Management of Probates on the Portal

- 5.1 When a Form P15 or an application is filed in a Probate matter, a probate case number is issued on the Portal (for example: NEVHPB2050/0001)
- 5.2 After the documents are filed on the Portal, the Court Office shall review the application and other documents submitted to ensure that there has been compliance with the:
 - (i) payment of the relevant filing fees;
 - (ii) submission of the relevant forms; and
 - (iii) submission of the relevant supporting documents.
- 5.3 Once the application is in order, the matter shall be referred to the Registrar in keeping with the timelines which are established in the Member State or Territory.
- 5.4 If there are any queries raised by the Registrar, the Registrar shall make a note of all queries and upload the note to the Portal as an external document.
- 5.5 If deemed necessary, the Registrar may assign the matter to a judge and a date will be set for a hearing and notice of the hearing shall be given to the

party by the Court Office.

- 5.6 Once the Registrar or the judge is satisfied that all the requirements have been complied with and, where applicable, all queries have been addressed, the application for the grant shall proceed in accordance with the Non-Contentious Probate Rules.
- 5.7 Form P7 which is the **Advertisement of Application for Grant** must be endorsed with the probate number of the application provided on the Portal and must be published in a newspaper or other medium of general circulation (whether in print or electronically) once the application has been filed on the Portal.
- 5.8 After the party has advertised, the party must then file proof of advertisement, using the filing “newspaper advertisement on filing” which shall comprise a copy of the advertisement and copies of the publications.
- 5.9 After the time limited for making an objection to the application for the grant under the Non-Contentious Probate Rules has expired and all relevant conditions have been satisfied, the Registrar may direct the party to submit the Form of Grant and Order of Grant for approval by the Registrar and for signature and sealing. Thereafter, the party shall file the said documents on the Portal and pay the relevant filing fees.
- 5.10 Upon approval of the Form of Grant and Order for Grant, the Registrar shall direct the party to upload on the Portal the approved Form of Grant and Order for Grant for signing and sealing by the Registrar and pay the relevant filing fees. After signing and sealing by the Registrar, the Court Office shall upload same on the Portal as an external document.
- 5.11 The party may then download and print additional copies of the signed and sealed Grant and Order for certification or placing thereon the

embossed seal of the court by the Court Office.

6.0 Management of Certificates of Search and Non-Objection

- 6.1 Upon the payment of the requisite fees at the Court Office, a person may cause a search to be conducted. Upon completion of the search, the Court Office shall issue a Certificate of Search.
- 6.2 A Certificate of Search issued by the Court Office shall, where applicable, be uploaded to the Portal as part of the Application / Petition, as the case may be, so that it does not incur any filing fees.
- 6.3 Certificates of Non-Objection or Certificates of Payment of Stamp Duty issued by the Inland Revenue Department shall, where applicable, be uploaded to the Portal as part of the Application/Petition or Declaration, as the case may be, so that these do not incur any filing fees.

NOTE: Certificates of Search, Certificates of Non-Objection or Certificates of Payment of Stamp Duty should not be filed as a separate “.pdf” document on the Portal as this will cause the document to incur filing fees.

7.0 E-filing of an Application by a Legal Practitioner whose client is not a Party to a Case

- 7.1 Legal 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 authorisation code, can do so by utilising the “File Documents” option which appears under the “Case Management” section of the Portal and then input the case number for the case into which they wish to file the document.

7.2 Upon receipt of such a filing, the Court Office **MUST** email the filing party a copy of the filed document for their records as the filing party will not have access to the filed document on the Portal, and so as to enable that party to serve the document as may be required.

8.0 Management of Certificates of Title on the Portal
(Applicable to Saint Kitts & Nevis)

8.1 A party must send a request for “First Certificate of Title” to the Inland Revenue Department before it is filed on the Portal.

8.2 Once the party has paid the necessary fees to the Inland Revenue Department (where applicable) for the First Certificate of Title, the party must scan the proof of payment, together with the unsigned Schedule, as a single “.pdf” document.

8.3 The single “.pdf” document comprising the First Certificate of Title and the unsigned Schedule must then be filed on the Portal so that the unsigned Schedule does not attract any filing fees.

8.4 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 on the Portal and these include affidavits, notices, advertisements and any applications.

8.5 The Court Office or the Registrar of Titles will then review the documents.

8.6 Once the documents for the First Certificate of Title are submitted on the Portal a copy of the filed documents should be printed by the party and brought to the Registrar of Titles for review and signing of the Schedule.

8.7 After the Schedule is signed by the Registrar of Titles and returned to the

party, the signed Schedule must then be filed on the Portal and the required filing fees paid.

8.8 The Court Office or the Registrar of Titles will process the Request for the First Certificate of Title in accordance with the provisions of the Title by Registration Act and place the Request before a judge for hearing. An order made by the judge following a hearing shall be filed by the party on the portal on payment of the relevant filing fee.

9.0 Procedure for obtaining documents bearing the embossed seal of the Court

9.1 Where a party is desirous of obtaining a document which has been signed and sealed by the Court Office, the party may download and print a copy of the document from the Portal and present the document to the Court Office for the placing of the embossed seal of the Court thereon.

10.0 Effective Date

This Practice Direction shall come into effect in a Member State or Territory on the 15th day of March, 2022.

Dated the 9th day of March 2022.

Sgd.

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