

EASTERN CARIBBEAN SUPREME COURT CIVIL PROCEDURE RULES

PRACTICE DIRECTION 5

No. 1 of 2011

SERVICE OF CLAIM FORM BY ELECTRONIC MEANS

This Practice Direction is made pursuant to Rule 4.2(2) of the Eastern Caribbean Supreme Court Civil Procedure Rules 2000 and supplements Part 5 of the Rules.

1. Introduction

- 1.1 This Practice Direction authorizes the use of electronic means of communication for service of a claim form.
- 1.2 In this Practice Direction “electronic means” means CD ROMs, memory sticks, e-mail, FAX or other means of electronic communication of the contents of documents.

2. Service by Electronic Means

- 2.1 Where a party intends to serve a claim form by electronic means (other than by FAX) that party must first ask the party who is to be served whether there are any limitations to the recipient's agreement to accept service by such means (for example, the format in which documents are to be sent and the maximum size of attachments that may be received).
- 2.2 The party who is to be served or the solicitor acting for that party must previously have indicated in writing to the party serving—
 - (a) that the party to be served or the solicitor is willing to accept service by FAX or other electronic means; and
 - (b) the FAX number, e-mail address or other electronic identification to which it must be sent.
- 2.3 The following are to be taken as sufficient written indications for the purposes of paragraph 2.2(b) —

- (a) a FAX number set out on the writing paper of the solicitor acting for the party to be served;
- (b) an e-mail address set out on the writing paper of the solicitor acting for the party to be served except where it is stated that the e-mail address may not be used for service; or
- (c) a FAX number, e-mail address or electronic identification set out on a statement of case or a response to a claim filed with the court.

2.4 Where a document is served by electronic means, the party serving the document shall, upon request by the party being served send or deliver a hard copy.

2.5 Where a document is to be served by electronic means and any of the Rules or any Practice Direction requires that document to be signed, that requirement shall be satisfied if the signature is printed by computer or other mechanical means.

Rule 5.13 of the Eastern Caribbean Civil Procedure Rules 2000 applies as it relates to proof of service where service is by electronic means.

3. Effective Date

3.1 This Practice Direction will come into effect on the 1st day of October 2011 and will be applicable to all claim forms which are dispatched or transmitted after that date.

Dated this 7th day of September 2011.



Hugh A. Rawlins
Chief Justice