

**IN THE EASTERN CARIBBEAN SUPREME COURT
(2008)**

PRACTICE DIRECTION 3

No.1 of 2008

COURT DOCUMENTS

This Practice Direction is made pursuant to Part 4.2(2) of the Eastern Caribbean Supreme Court Civil Procedure Rules 2000 and supplements Part 3 of the Rules.

1. INTRODUCTION

This Practice Direction clarifies the position as stated in CPR Part 3.6 with regard to all court documents which are filed.

2. SCOPE OF CPR PART 3.6 (3) & (4)

Part 3.6(3)(a) states that every document filed at the court must be headed with the full title of the proceedings and the title of the document. Part 3.6(3)(b) states that every document which is filed should state the name of the person filing it, or, in the case where it is more than one person, the persons filing the document, their business address, reference (if any) telephone and fax numbers. Part 3.6(3)(c), and (d) go on to state that every document must contain its date and must, except in the case of an affidavit, be signed by the person filing it. Part 3.6 (4) complements the previous provisions by stating that the full name of the signatory must be set out legibly below the signature.

3. DOCUMENT HEADINGS

All documents filed at the court must be headed in accordance with the rules. This would mean that the full title of the proceedings as well as the title of the document must be at the head of the document. At first glance the nature of the proceedings as well as the document filed should be clear to the reader. If any of the parties is acting in a representative capacity this should be properly reflected in the heading.

3.1 Where proceedings are brought under the provisions of a particular statute, the statute should be named in the title of the proceedings.

Example;

In the Matter of the Constitution of St. Vincent and the
Grenadines

AND

In the Matter of an Application by Jane Doe for redress
Pursuant to Section 16 of the said Constitution for
contraventions of Sections 6,9,10 and 13 thereof in relation
to her

BETWEEN:

Jane Doe

Claimant

and

THE ATTORNEY GENERAL
OF ST. VINCENT AND THE GRENADINES

Defendant

NOTICE OF APPLICATION

3.2 Where the subject matter of the proceedings is particular property this should be reflected in the title of the proceedings.

Example;

In the Matter of parcel 223, block 44 in the Hades Registration section.

BETWEEN:

A. B. a minor (by J.K. his next friend)
Claimant

and

C. D
Defendant

DEFENCE AND COUNTERCLAIM

3.3 Where the proceedings concern a particular document, such as a will or a trust or a deed the document should be identified in the title.

Example;

In the Matter of a Deed of Conveyance dated 28 February 1975 OR [trust or settlement] of ...
OR

In the Matter of the last will and testament of Nicholas Heller, deceased... [*or as the case may be.*]

BETWEEN:

A. B
(Acting herein and represented
by her Attorney Jim Doe)
Claimant

and

C. D.
Defendant

CLAIM FORM

- 3.4 Where the proceedings concern an estate or a company this should be reflected in the title of the proceedings.

Example;

In the Matter of the estate of John Begoode, deceased OR
In the Matter of XYZ Limited,
And In the Matter of section 2003 of the Companies Act 1996.

BETWEEN:

A. B.	Claimant
and	
C.D.	Defendant

REQUEST FOR DEFAULT JUDGMENT

In all circumstances, as the examples show, the title of the document should be stated.

4. DOCUMENTS FILED ON BEHALF OF A FIRM

Part 3 makes no provision for signatures in the name of the firm. Therefore all court documents drafted by a legal practitioner should bear his/her signature. Legibly printed below the signature should be the name of the signatory and, if applicable, the firm for which he or she is a legal representative as this would allow for easy identification.

Example;

Dated this 13th day of May 2007

**Jane Doe
Doe & Associates
Attorney -at- law for the Claimant**

5. REQUIREMENTS FOR ALL COURT DOCUMENTS

The information required in Part 3.6(3)(b) should be contained in every court document filed and should be placed at the foot of the last page of the document filed. This would also allow for easy identification of the filing solicitors. This is applicable to all court documents filed both in High Court and Court of Appeal matters.

6. EFFECTIVE DATE

This Practice Direction will come into effect on the 1st day of May 2008 and will be applicable to all civil proceedings filed in the Court.

Dated this day of March, 2008.

**Sir Brian Alleyne SC, KCN
Chief Justice [Ag.]**