

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

PRACTICE DIRECTION 7

No. 4 of 2008

SERVICE OF CLAIM FORM OUT OF JURISDICTION

This Practice Direction is made pursuant to Part 4.2(1) of the Eastern Caribbean Supreme Court Civil Procedure Rules 2000 and supplements Part 7 of the Rules.

1. INTRODUCTION

This Practice Direction relates to permission to serve a claim form out of the jurisdiction.

2. SCOPE OF CPR PART 7.5 (3)

Part 7.5 deals with the procedure for service of a claim form out of the jurisdiction. In addition to setting out the procedure for making the application for such service, rule 7.5(2) articulates that an order granting permission for service out of the jurisdiction must state the periods within which the defendant must file the acknowledgement of service and the defence. These periods however have not been set out in CPR 2000 and rule 7.5(3) states that these periods are to be determined by a Practice Direction.

3. PERIODS FOR FILING ACKNOWLEDGEMENT OF SERVICE AND DEFENCE

- (a) Where an application has been granted for service of a claim form out of the jurisdiction the periods for filing the acknowledgment of service and defence, which will be stipulated in the order granting such application, will be calculated in accordance with the Table set out below.
- (b) The period for filing the acknowledgment of service under Part 7.5 is within the number of days after service of the claim form as listed in the Table. The only exception to the above is where the defendant is served with a claim form and the statement of claim is to follow. In such a case the period for filing the acknowledgment of service will be the number of days listed in the Table commencing from the date of service of the statement of claim. (Reference Part 9.3(3))
- (c) For example in the case where a defendant in Belize is served with a claim form, including a statement of claim, the period for filing an acknowledgment of service of the claim is 28 days after service. If the defence is served with a claim form without a statement of claim the period for filing an acknowledgment of service does not begin to run until the statement of claim is served.
- (d) The period for filing a defence under Part 7.5 in the case where a statement of claim has been served is the number of days listed in the Table.

4. JURISDICTION

The jurisdiction of the court extends to the six independent member states to wit Antigua & Barbuda, Dominica, Grenada, St. Kitts & Nevis, Saint Lucia and St. Vincent & The Grenadines, and the three overseas territories to wit Anguilla, Montserrat and Territory of the Virgin Islands.

5. TRANSLATIONS

Rule 7.12 applies to the translation of a claim form and is deemed to include a statement of claim. Therefore when a claim form is served in accordance with Parts 7.10 and 7.11 the claimant must also file a translation of all the forms that will accompany the claim form.

Table

Place or Country	Number of Days	
	Acknowledgment Of Service	Defence
• Bahamas	28	42
• Barbados	28	42
• Belize	28	42
• Guyana	28	42
• Jamaica	28	42
• Trinidad & Tobago	28	42
• Cayman Islands	28	42
• Turks & Caicos Islands	28	42
• US Virgin Islands	28	42
• Bermuda	28	42
• The rest of the world	35	56

6. EFFECTIVE DATE

This Practice Direction will come into effect on the 1st day of May 2008.

Dated this day of March, 2008.

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