

REPUBLIC OF TRINIDAD AND TOBAGO

PRACTICE DIRECTION

FILING BY ELECTRONIC MEANS

This Practice Direction is issued pursuant to Part 4 of the Civil Proceedings Rules 1998 (as amended) (hereinafter “the CPR”).

The objective of this Practice Direction is to provide for the filing of documents in civil proceedings by electronic means utilizing technology managed by the Judiciary of Trinidad and Tobago, as well as to:

- (a) Promote the use of technology in case flow management, consistent with provisions of the CPR;
- (b) Further the overriding objective of civil justice, with particular regard for enabling cost effective and expeditious means of dealing with cases and sound management of the court’s resources; and
- (c) Enhance access to justice.

Accordingly, the following measures shall take effect:

DEFINITIONS

1. For the purpose of this Practice Direction:
 - a. “*electronic means*” includes any website, software or electronic programme in use for the time being for the purpose of facilitating the filing of documents in civil proceedings and operated by technology under the management of the Judiciary of the Republic of Trinidad and Tobago;
 - b. “*emergency application*” refers to:
 - i.) An application for interim injunctive relief;
 - ii.) An application for a Writ of habeas corpus ad subjiciendum; or

PRACTICE DIRECTION FILING BY ELECTRONIC MEANS—CONTINUED

- iii.) Such other categories of matters which the Honourable Chief Justice may direct are to be treated as emergency applications;

accompanied by a Certificate of Urgency and which otherwise satisfies any relevant requirements under this Practice Direction; and includes any document filed in support of or in response to an emergency application;

FILING OF DOCUMENTS

2. Save for where otherwise provided in an Act, Regulation or Rule, an attorney-at-law may file documents in civil proceedings on behalf of a party for whom he is on record, or which have the effect of placing the attorney-at-law on record, through the use of the Judiciary's e-filing platform.
3. An attorney-at-law shall accurately complete all fields and provide all information required when filing a document by electronic means. An attorney-at-law shall follow all instructions provided on the e-filing platform for its proper and efficient use.
4. All documents filed by electronic means are to be intitled with the words "*Electronically Filed*" on the top right hand-corner of the document and all documents filed manually are to be intitled with the words "*Manually Filed*" on the top right-hand corner.
5. The attorney-at-law shall be responsible for the accuracy and completeness of any document uploaded to the e-filing platform.
6. A document must be uploaded in **PDF Format only**. A document, inclusive of its annexures or exhibits, must be legible, properly paginated and organized to enable perusal without difficulty. A document must not be scanned upside down or otherwise than in the order the document is to be read. Each document to be filed must be uploaded separately and appropriately labelled.
7. Any JPEG document must be placed as an object into a Word document and the Word document then converted to PDF Format.
8. The attorney-at-law shall retain an original version of any document filed by electronic means and shall make same available to the Court, a member of staff of the court office or any party to the proceedings, for inspection when required.

PRACTICE DIRECTION FILING BY ELECTRONIC MEANS—CONTINUED

9. Subsequent to a document being filed by electronic means, a copy of the filed document bearing the stamp of the court, shall be transmitted to the attorney-at-law via the email address provided at the time of filing.
10. Where an attorney-at-law experiences a technical and/or connectivity issue while filing, this must be immediately reported via the contact information and method provided on the e-filing platform.
11. Where an action is commenced by electronic means, all subsequent filings shall be by electronic means unless otherwise directed by the Registrar of the Supreme Court (hereinafter “the Registrar”).
12. Notwithstanding the above, where the court directs that a trial bundle be filed, such trial bundle may at the direction of the Court be filed in paper format at the relevant court office.

PAYMENT OF FEES

13. Upon the filing of a document by electronic means, the fees specified in Appendix D to the CPR shall not be taken in respect of filings until July 31, 2020 or such other date that the Chief Justice may direct. Thereafter, an attorney-at-law must pay the prescribed filing fee via the payment portal on the e-filing platform or in such other manner as the Registrar may direct.

TIME OF FILING

14. Subject to paragraph 13, a document filed by electronic means shall be deemed to be filed within the meaning of the CPR at the date and time when the following requirements are satisfied:
 - a. The document is submitted by electronic means and received by the court office;
 - b. The filing fee (where applicable) is received by the court office; and
 - c. A copy of the submitted document bearing the stamp (and where applicable the seal) of the court is transmitted to the filing attorney-at-law.
15. An attorney-at-law filing by electronic means is responsible for observing any applicable deadlines and shall endeavor to afford sufficient and/or reasonable time for processing by the court office, taking into account any circumstances which may exist at a particular time.

PRACTICE DIRECTION FILING BY ELECTRONIC MEANS—CONTINUED

16. Any document filed by electronic means outside of the regular hours or days of the physical court office as prescribed under the CPR will not be processed until the next business day of the court office.

EMERGENCY APPLICATIONS

17. An emergency application may be filed at any time but must be accompanied by a Certificate of Urgency.
18. Where an emergency application is to be filed outside of regular hours of operation of the physical court office, the attorney-at-law must first contact the Registrar by telephone and advise of the said application. The attorney-at-law must then file the relevant documents electronically or by such other means as the Registrar may direct.

GENERAL

19. The court office may, at the direction of the Registrar, disregard any document filed or purported to be filed in the event of substantial non-compliance with any measure contained herein, or with any Rule of Court. Any such direction shall be communicated to the filing attorney-at-law.
20. This Practice Direction is to be read in conjunction with the Practice Direction on Covid-19 Emergency Directions.

Dated this 2nd day of April, 2020

/s/ Ivor Archie
Chief Justice