

SUPREME COURT OF JUDICATURE OF TRINIDAD AND TOBAGO

PRACTICE DIRECTION

SERVICE BY ELECTRONIC MEANS

Practice - Service of documents by fax - e-mail - other electronic means - CPR Part 6, Rule 6.2 (d) - CPR Part 4, Rule 4.1.

In order to establish certain pre-conditions to provide for a uniform approach for service by facsimile transmission or other methods of electronic communication in accordance with CPR Part 6, Rule 6.2 (d) as amended, the Chief Justice issues the following directions pursuant to Part 4, Rule 4.1 CPR 1998.

1. Subject to the provisions of paragraphs 3 and 4 below, where a document is to be served by electronic means -
 - (a) The party who is to be served or his legal representative must previously have expressly indicated in writing to the party serving -
 - (i) that he is willing to accept service of documents by electronic means; and
 - (ii) the fax number, e-mail address or electronic identification to which it should be sent; and
 - (b) The following shall be taken as sufficient written indication for the purposes of paragraph 1 (a) -
 - (i) a fax number or an e-mail address set out on the writing paper of the legal representative of the party who is to be served; or
 - (ii) 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. Where a party seeks to serve a document by electronic means he should first seek to clarify with the party who is to be served:
 - (a) Whether there are any limitations to the recipient's agreement to accept service by such means; and
 - (b) The format in which documents are to be sent; and

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(c) The maximum size of attachments that may be received.

3. An address for service given by a party must be within the jurisdiction and any fax number must be at the address for service.
4. Where an e-mail address or electronic identification is given in conjunction with an address for service, the e-mail address or electronic identification will be deemed to be at the address for service.
5. Where a document is served by electronic means, the party serving the document need not in addition send a hard copy by post or otherwise.

Dated this 16th day of September, 2005.

Chief Justice