



TRINIDAD AND TOBAGO GAZETTE (EXTRAORDINARY)

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THE FOLLOWING HAS BEEN ISSUED:

BILL entitled “An Act to vary the appropriation of sums, the issue of which was authorised by the Appropriation (Financial Year 2021) Act, 2020 and varied by the Finance (Supplementation and Variation of Appropriation) (Financial Year 2021) Act, 2021 ”—\$1.20.

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SUPPLEMENTS TO THIS ISSUE

THE DOCUMENTS detailed hereunder have been issued and are published as Supplements to this issue of the *Trinidad and Tobago Gazette*:

Legal Supplement Part B—

Civil Proceedings (Amendment) Rules, 2022—(Legal Notice No. 11 of 2022).

Legal Supplement Part C—

Bill entitled “An Act to vary the appropriation of sums, the issue of which was authorised by the Appropriation (Financial Year 2021) Act, 2020 and varied by the Finance (Supplementation and Variation of Appropriation) (Financial Year 2021) Act, 2021”

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PUBLICATION OF BILL

NOTICE is hereby given that the following Bill is published as a Supplement to this issue of the *Trinidad and Tobago Gazette* for public information:

The Finance (Variation of Appropriation) (Financial Year 2021) Bill, 2022.

Copies of the Bill may be purchased from the Government Printery Sales Section, 55–57, Eteek Park, Frederick Settlement, Caroni.

21st January, 2022.

B. CAESAR
Clerk of the House(Ag.)

REPUBLIC OF TRINIDAD AND TOBAGO**PRACTICE DIRECTION****CONSTITUTIONAL ISSUES**

This Practice Direction is issued pursuant to Part 4 of the Civil Proceedings Rules 1998, Part 20 of the Criminal Procedure Rules 2016, Part 4 of the Family Proceedings Rules 1998 and Part 22 of the Children Court Rules 2018 and is applicable to all Divisions of the Supreme Court.

The objective of this Practice Direction is to allow for constitutional issues arising in existing matters in any Division of the Supreme Court to be dealt with by the Judge of the High Court hearing the substantive matter, as well as to:

- (a) Enable cost effective and expeditious means of dealing with cases and sound management of the court's resources; and
- (b) Enhance access to justice.

Accordingly, the following measures shall take effect:

1. This Practice Direction supersedes and/or replaces the provisions of any prior Practice Direction to the extent of any inconsistency, but shall otherwise be read in conjunction with any other Practice Direction in force for the time being.
2. Where a Constitutional issue arises in an existing matter before a Judge of the High Court sitting in any Division, the Judge dealing with the substantive matter shall hear and determine the Constitutional issue. A Judge may exercise any case management power under the relevant Rules of Court and may give such directions as may be appropriate to deal with same justly and expeditiously.
3. The Practice Direction (Constitutional Motions) dated the 8th December, 1986 and issued by the Honourable Chief Justice Clinton Bernard is hereby revoked.

Dated this 21st day of January, 2022

/s/ Ivor Archie
Chief Justice

REPUBLIC OF TRINIDAD AND TOBAGO**PRACTICE DIRECTION****ELECTRONIC FILING OF DOCUMENTS
(CIVIL PROCEEDINGS RULES, 1998 (AS AMENDED))**

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. “*advanced electronic signature*” means an electronic signature that uses cryptographic technology to ensure it is –
 - i. linked by authentication technology to the signatory;
 - ii. capable of identifying the signatory;
 - iii. created using a means that can be maintained under the sole control of the user; and
 - iv. linked to the data or data message to which it relates to detect any changes subsequently made to that data or data message.

PRACTICE DIRECTION—CONTINUED

- b. “*basic electronic signature*” means that set of electronic signatures which do not require the application of particular technology encoding to be implemented, and includes typewritten signatures, scans of a signature and check-box plus declarations.
 - c. “*certificate of urgency*” means a document or notice to the court signed by the attorney-at-law for the applicant or by the applicant themselves if acting in person, certifying that the accompanying application is of extreme urgency and ought to be granted expeditiously and setting out the grounds for the request.
 - d. “*e-filing platform*” 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.
 - e. e. “*electronic signature*” has the meaning as defined in the Electronic Transactions Act Chap 22:05 and includes qualified electronic signatures, advanced electronic signatures, simple electronic signatures and basic electronic signatures.
 - f. “*emergency application*” includes:
 - i.) An application for interim injunctive relief;
 - ii.) An application for a Writ of Habeas Corpus ad subjiciendum; or
 - iii.) Such other categories of matters which the Honourable Chief Justice may direct are to be treated as emergency applications; and
- 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.
- g. “*E-verify*” is the Judiciary’s Document Authentication and Verification system.
 - h. “*qualified electronic signature*” means an advanced electronic signature which is created by a qualified electronic signature creation device, and is associated with a qualified certificate, or equivalent electronic authentication products.
 - i. “*simple electronic signature*” means that set of electronic signatures which utilize some form of technology encoding to be implemented may include an electronic capture and representation of a handwritten signature, a unique representation of characters, or a digital representation of biometric characteristics.

PRACTICE DIRECTION—CONTINUED

2. This Practice Direction supersedes the Practice Direction published in Trinidad and Tobago Gazette Vol. 59 No. 44 dated April 2, 2020 titled “Filing by Electronic Means” and shall take effect on January 24, 2022.

ACCURACY AND COMPLETENESS OF INFORMATION SUBMITTED

3. An Attorney-at-Law or self-represented litigant shall accurately complete all fields and provide all information required on the e-filing platform when filing an application or document. An Attorney-at-Law or self-represented shall follow all instructions provided on the e-filing platform for its proper and efficient use.
4. An Attorney-at-Law or self-represented litigant shall satisfy himself as to the accuracy and completeness of the information submitted to the court and shall further bear responsibility for any errors or deficiencies of any application or document uploaded to the e-filing platform.

FILING OF DOCUMENTS

5. Save for where otherwise provided in an Act, Rule or Practice Direction, an Attorney-at-Law shall file documents in civil proceedings on behalf of a party for whom he is on record, or which has the effect of placing the Attorney-at-Law on record, through the use of the e-filing platform, save and except as permitted under paragraph 7 below.
6. Save for where otherwise provided in an Act, Rule or Practice Direction, a self-represented litigant shall file documents in civil proceedings through the use of the e-filing platform, save and except as permitted under paragraph 7 below.
7. A document may be filed manually at a designated physical court office in exceptional circumstances as determined and approved by the Registrar of the Supreme Court (hereinafter “the Registrar”).
8. All documents filed by electronic means are to be intituled with the words "*Electronically Filed*" on the top right hand-corner of the document and all documents filed manually are to be intituled with the words "*Manually Filed*" on the top right-hand corner.

PRACTICE DIRECTION—CONTINUED

9. Where a party commences his action by electronic means, all subsequent filings by that party shall be by electronic means unless otherwise directed by the Registrar.
10. Where an action is commenced in a court office, all subsequent documents being filed electronically shall be filed at the portal of the same court office, unless otherwise directed by the court.
11. Each document to be uploaded on the Judiciary's e-filing platform, shall be:
 - a. uploaded in **PDF Format only**;
 - b. appropriately labelled and where filed in an existing matter, shall include in the intituling, the correct case parties and case number;
 - c. scanned and uploaded **only** as a complete, singular document inclusive of the annexures or exhibits to which that document refers, for example, an affidavit must be scanned together with all exhibits as a complete and singular document;
 - d. legible, dated, properly paginated and organized to enable perusal without difficulty;
 - e. scanned right-side up and not otherwise than in the order and the orientation that the document is to be read;
 - f. bear all necessary signature(s) and jurat(s) as required by the Rules of Court; and
 - g. accompanied by the appropriate filing form.
12. Where a document inclusive of annexures is scanned as a singular document and is unable to be uploaded on the Judiciary's e-filing platform due to the size of the document, the document may be separated into parts, labelled accordingly and uploaded. For example, Affidavit of Jane Doe part 1 of 4, Affidavit of Jane Doe part 2 of 4, Affidavit of Jane Doe part 3 of 4, affidavit of Jane Doe part 4 of 4.
13. For the avoidance of doubt, any affidavit filed in support of an application must be commissioned. Documents uploaded without all necessary signature(s) and/or not commissioned shall not be processed and shall be deemed to be not filed.
14. Where a document is not a text document, it shall be scanned or placed in a word document and saved as a PDF document prior to upload.
15. Subsequent to the filing of a document, the Attorney-at-Law or self-represented litigant shall receive a confirmation email, via the email address provided at the time of filing:
 - a. indicating the document has been processed;
 - b. stating the assigned case number in the case of an originating document; and
 - c. a copy of or link to the document filed.

PRACTICE DIRECTION—CONTINUED

16. Every filed document shall bear the following:
 - a. a stamp of the court indicating the date and time the document was received and the date the document is deemed to be filed;
 - b. the seal of the court, where applicable; and
 - c. the Judiciary's E-vrfy endorsement.
17. Where a document is not processed and deemed to be not filed, the Attorney-at-Law or self-represented litigant shall receive an email indicting that the document is "unprocessed" and the reason the document has not been processed.
18. Where an Attorney-at-Law or self-represented litigant 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.

ELECTRONIC SIGNING OF DOCUMENT

19. Documents filed by electronic means may be signed using:
 - a. A qualified or an advanced electronic signature;
 - b. A simple electronic signature such as a holographic (ink/wet) signature on a scanned document; or
 - c. A basic electronic signature such as a conformed signature i.e. the indicator "/s/" followed by the person's name e.g. /s/ Jane Doe.
20. Where a conformed signature is used by any person including an Attorney-at-Law, a signature attestation is required on each document as follows:

"I hereby attest that I have on file all holographic (ink/wet) signatures corresponding to any signatures indicated by a conformed signature (/s/) within this document. The official record is the electronic document stored by the Court, and I am bound by the document as filed."
21. A signature attestation is NOT required:
 - a. When either a qualified or an advanced electronic signature is used; or
 - b. When a simple electronic signature is used.

SUBMISSION OF ORIGINAL DOCUMENTS

22. When a hard copy document is converted into electronic form for submission, the Attorney- at-law or self-represented litigant shall retain the original hard copy version and

PRACTICE DIRECTION—CONTINUED

shall make same available for inspection if required by order of the Court or by the Registrar.

23. When a document is created in electronic form and signed electronically it shall be retained by the Attorney at law or self-represented litigant and they shall make same available for inspection if required by order of the Court or by the Registrar.
24. Notwithstanding the above, where the court directs that a hard-copy of any document in the trial bundle which has not been filed previously be produced to the Court, the document must first be filed on the e-filing platform, whereupon the hard copy of the e-filed document shall be lodged by the party or Attorney-at-Law at a designated physical court office.

PAYMENT OF FEES

25. 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 such date that the Chief Justice may direct. Thereafter, an Attorney-at-Law or self-represented litigant 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

26. Documents may be uploaded to the e-filing platform at any time subject to any technical upgrades or challenges experienced which will be posted on the Judiciary's e-services website and of which judicial notice shall be taken.
27. A document uploaded via the e-filing platform shall be deemed to be filed within the meaning of the CPR at the date and time when the following requirements are satisfied save for where a direction expressly provides otherwise:
 - a. The document uploaded is received within the regular business hours and days of the court office, save and except for emergency applications where so authorized by the Registrar; and
 - b. The filing fee is received by the court office (except where payment of the fee is suspended, waived or deferred).
28. For the avoidance of doubt, a document uploaded to the e-filing platform outside of the regular business hours and days of the court office, on a weekend or a court or public holiday, is deemed to be filed on the next business day of the court office.

PRACTICE DIRECTION—CONTINUED

29. For the purpose of determining whether a document was filed within the regular business hours of the court office, the time the document is recorded as having been received on the court's stamp will be used to determine same.
30. An Attorney-at-Law or self-represented litigant filing by electronic means is responsible for observing any applicable deadlines and shall endeavor to afford sufficient and/or reasonable time for uploading documents and processing by the court office, taking into account any circumstances which may exist at a particular time.

EMERGENCY APPLICATIONS

31. An emergency application may be filed at any time but must be accompanied by a Certificate of Urgency.
32. Where an emergency application is to be filed outside of the regular hours of operation of the physical court office, the Attorney-at-Law must first contact the Registrar by telephone or email 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

33. Any document that does not meet the requirements and is not in substantial compliance with any measure contained herein, with any Act, Rule of Court or other Practice Direction, shall not be processed and shall not be deemed to be filed unless otherwise directed by the Registrar. Any such direction shall be communicated to the filing Attorney-at-Law or the self-represented litigant via email.
34. This Practice Direction is to be read in conjunction with any Practice Direction (COVID-19 Emergency Directions) in force for the time being.

Dated this 21st day of January, 2022.

/s/ Ivor Archie
Chief Justice