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REPUBLIC OF TRINIDAD AND TOBAGO

PRACTICE DIRECTION

COURT OPERATIONS WITH EFFECT FROM MARCH 14, 2022

No. 20

This Practice Direction supersedes Practice Direction No. 19 save for Practice Direction 19.3 and is issued pursuant to Part 4 of the Civil Proceedings Rules 1998 (as amended), Part 20 of the Criminal Procedure Rules, Part 4 of the Family Proceedings Rules, Part 22 of the Children Court Rules, Rule 69 of the Petty Civil Court Rules and Rule 72 of the Non-Contentious Business Rules (as amended) and is applicable to the entire Judiciary of Trinidad and Tobago which includes the Supreme Court and all Summary Courts.

This Practice Direction shall be read in conjunction with the Practice Direction published in the Trinidad and Tobago Gazette Vol. 61 No. 23 dated February 15, 2022 titled “Supplement to the Practice Direction (Court Operations Covid 19 Pandemic Directions with effect from October 1, 2021 No. 19) issued on the 30th September 2021 and published in the Trinidad and Tobago Gazette Volume No. 60 No. 149 – No. 19.3”.

Whereas the Judiciary of Trinidad and Tobago is committed to doing everything necessary to improve access to justice and to improving and modernizing the operations of the Judiciary.

And whereas the Judiciary is desirous of:

- a) Expanding public access to the Judiciary’s services;
- b) Creating options to make accessing justice more convenient to the court’s customers;
- c) Reducing the number of persons having to come in person to the nation’s court buildings in order to conduct their business;

COURT OPERATIONS WITH EFFECT FROM MARCH 14, 2022, No. 20—CONTINUED

- d) Improving customer service and making in person engagement meaningful;
- e) Facilitating the use of electronic alternatives to in person activities at the Court by internal and external persons; and
- f) Making the courthouses and administrative offices as safe as possible for those who must physically attend those buildings;

having regard to:

- (a) the advances in virtual service delivery made during the recent pandemic; and
- (b) the improvement in access made possible by electronic filing, virtual hearings, electronic payments, CourtMail and E-vrfy among other solutions.

The following measures shall take effect:

EFFECTIVE DATES

1. This Practice Direction comes into effect on March 14, 2022 and shall continue until otherwise superseded (this period).

DEFINITIONS

2. In this Practice Direction:
 - a. “*designated officer*” refers to the assigned contact person at the Court for a particular matter and includes the Registrar, Deputy Registrar, or an Assistant Registrar of the Supreme Court; a Magistracy Registrar and Clerk of the Court; a Judicial Support Officer (JSO) or Assistant Judicial Support Officer (AJSO); or such other officer authorized by the Honourable Chief Justice to perform such duties;
 - b. “*electronic means*” includes by teleconference, video-link, internet link, or any other manner of instant communication between the Court and the parties, facilitated by the use of technology under the management of the Judiciary of the Republic of Trinidad and Tobago;
 - c. “*evidentiary hearing*” means any hearing, including a trial, at which viva voce evidence is given;
 - d. “*hearing*” includes any proceeding before the Court fixed for the consideration of an application or matter;
 - e. “*hybrid hearing*” means any proceeding before the Court in which –
 - i. a witness, a person charged with an offence, or a party appears in a Courtroom whether or not the Judge, Master, Magistrate, or attorneys are present in the same physical space; or
 - ii. jurors are in the Courtroom, whether or not the Judge, attorneys or accused persons are present in the same physical space; and

COURT OPERATIONS WITH EFFECT FROM MARCH 14, 2022, No. 20—CONTINUED

- f. “*in-person hearing*” means a hearing conducted in a court building in the physical presence of the Judge, Master, District Court Judge or Registrar who is adjudicating.

DUTIES OF JUDGES AND JUDICIAL OFFICERS

3. Judges and judicial officers are required to continue active case management and to progress all matters during this period. This must be done by electronic means except where otherwise provided for in this Practice Direction.
4. Active case management must be in accordance with the applicable Rules of Court.

CASE MANAGEMENT AND HEARINGS TO BE CONDUCTED BY ELECTRONIC MEANS

5. The general direction is that hearings and/or sittings shall be by electronic means and there shall be no in-person hearings save and except for circumstances where the interests of justice will not be served by a hearing by electronic means. For the avoidance of doubt, this shall include but is not limited to all sittings, hearings, case management conferences, pre-trial reviews, bail applications and remand hearings.
6. Evidentiary hearings may be held either in person, by electronic means or a combination of the two, at the discretion of the judge or judicial officer. In the exercise of that discretion, judges and judicial officers are encouraged to have regard to paragraph 5 above.
7. Except in circumstances in which recorded video evidence is permitted by law, hearings and/or sittings by electronic means must be conducted in real time.
8. All other business of the Supreme Court and Summary Courts shall be conducted by **electronic means except as provided by this practice direction.**
9. Where the Court fixes a hearing of a matter by electronic means, the court office shall notify the parties of:
 - a. The date and time of hearing;
 - b. The specific electronic means to be utilized;
 - c. The telephone number and/or email address for the designated officer;
 - d. The telephone numbers and/or email addresses provided by the parties to the matter;and

COURT OPERATIONS WITH EFFECT FROM MARCH 14, 2022, No. 20—CONTINUED

- e. Any other pertinent information to enable access and/or communication via the specific electronic means (including login information, instructions or details on transmission of any web link which may be necessary).
10. Where a hearing is to take place by electronic means, every attorney-at-law and/or party shall be present upon premises that are private and conducive to good acoustics.
11. A hearing by electronic means shall be conducted as if the attorneys-at-law and/or parties are physically present in a Court of Justice in the Republic of Trinidad and Tobago. The hearing will be conducted in accordance with the Rules of Court and established practice and procedure applicable to a Court of similar jurisdiction constituted in the Republic of Trinidad and Tobago, save and except where otherwise provided.
12. Every attorney-at-law and/or party must be prepared for a hearing by electronic means in advance of the time fixed. This may include ensuring the availability of documents, persons, equipment, information technology support and the proper functioning of all hardware.
13. Where an order has been made for the uploading of documents and/or other media to the Court's Electronic Litigation Presentation Platform (CaseLines), every attorney-at-law and/or party must ensure that all documents and/or other media are uploaded within the timeframe given.
14. Every attorney-at-law and/or party shall be seated and must be attired in a manner customary to that which is adopted when physically present in a Court of similar jurisdiction.
15. Where an in-person hearing is required between the hours of 8:00 a.m. to 4:00 p.m., a party or witness to the proceedings may give evidence at the Court Building in which the matter is being heard.
16. Where a matter is being heard in a hybrid hearing, whether a Supreme Court matter or a District Court matter, a party or witness may give evidence from:
 - a. any Court Building which is available for the purpose and at which the party or witness may be accommodated at the scheduled time; or
 - b. any Judiciary Virtual Access Customer Centre (VACC) which is available for the purpose and at which the party or witness may be accommodated at the scheduled time.

COURT OPERATIONS WITH EFFECT FROM MARCH 14, 2022, No. 20—CONTINUED

17. Virtual hearings may be conducted using the Judiciary's VACCs as directed by notice by e-mail, telephone or mail to the witness.
18. In any jury trial, due regard must be had for the safety and health of the members of the Jury. Social distancing protocols must be adhered to. No juror must be required to sit shoulder to shoulder with another person.
19. Any juror who feels unwell or who has been in close contact with a COVID-19 positive or suspected COVID-19 positive person within seven (7) days of being empanelled as a juror, or at any time during the course of a trial, must disclose this immediately to the Registrar or the Judge who shall give instructions to the juror and in the case of the Registrar, advise the Judge immediately and in the case of the Judge, advise the other jurors and the Registrar.
20. Any person who has been admitted to bail pending their first hearing after being charged, shall be directed to appear at a specific time and date at a specific court building for their first hearing which shall be a hybrid hearing.
21. Prisoners shall not attend a court building physically during this period.

ACCESS TO COURT BUILDINGS

22. The Court buildings shall be open for the purpose of in person hearings as identified above, appointments for court services including those specified below and urgent appointments so deemed to be urgent by the Registrar and Marshal of the Supreme Court, for the Supreme Court or the Magistracy Registrar and Clerk of the Court for the District Courts respectively.
23. The VACC's shall be open for the purpose of:
 - a. allowing witnesses to give evidence from a location convenient to them;
 - b. allowing court customers to interact with relevant designated officers at court offices; and
 - c. accessing kiosks to assist self-represented litigants who do not otherwise have access to equipment to file electronically.
24. All Judges, Masters and District Judges through their support staff, must provide the Registrar of the Supreme Court or the Magistracy Registrar and Clerk of the Court as the case may be, with the names of all persons required to be in attendance at an in-person

COURT OPERATIONS WITH EFFECT FROM MARCH 14, 2022, No. 20—CONTINUED

hearing, including, attorneys-at-law, parties, witnesses and any other person, no later than forty-eight (48) hours before the day of the scheduled hearing.

FILING OF DOCUMENTS (SUPREME COURT)

25. There shall be no manual filings at any court office and all filings shall be conducted by electronic means only.
26. A person who wishes to file an audio and or video exhibit electronically may contact the Registrar of the Supreme Court via email at:

EMAIL ADDRESS	COURT LOCATION
HOJCOA.Response@tllawcourts.org	Court of Appeal
HOJCV.Response@tllawcourts.org	HOJ Port-of-Spain Civil Registry
HOJCR.Response@tllawcourts.org	HOJ Port-of-Spain Criminal Registry
SCSFDO.Response@tllawcourts.org	Supreme Court, San Fernando
HOJTGO.Response@tllawcourts.org	Supreme Court, Tobago
fcn.response@tllawcourts.org	High Court - Family Court, Port of Spain
fct.response@tllawcourts.org	High Court - Family Court, Tobago
fcp.response@tllawcourts.org	High Court – Family Court, Princes Town (South)
ccn.response@tllawcourts.org	High Court - Children Court, Port of Spain
ccs.response@tllawcourts.org	High Court - Children Court, Fyzabad (South)
cct.response@tllawcourts.org	High Court - Children Court

27. Attorneys-at-Law, members of the Trinidad and Tobago Police Service, self-represented persons and any other interested party, department or agency must file documents electronically. Electronic filing is by way of the Judiciary's e-filing platform <https://eservices.tllawcourts.org/filing>.
28. Kiosks shall be available at the following locations to assist self-represented litigants who do not otherwise have access to equipment to file electronically:
- c. All VACCS except those in prison compounds or Youth Rehabilitation Centres;
 - d. The Hall of Justice, Port of Spain;
 - e. The Supreme Court building, San Fernando;
 - f. The Hall of Justice, Tobago;

COURT OPERATIONS WITH EFFECT FROM MARCH 14, 2022, No. 20—CONTINUED

- g. Family Court, Port of Spain; and
- h. Children Court, Fyzabad.

FILING OF DOCUMENTS (SUMMARY COURT)

- 29. There shall be no manual filings at any court office and all filings shall be conducted by electronic means only.
- 30. A person who wishes to file an audio and or video exhibit electronically may contact the Magistracy Registrar and Clerk of the Court.
- 31. Attorneys-at-Law, members of the Trinidad and Tobago Police Service, members of the public and any other interested party, department or agency, must file documents electronically. Electronic filing is by way of the Judiciary's e-filing platform <https://eservices.ttlawcourts.org/filing>.
- 32. Kiosks shall be available at the following locations to assist self-represented litigants who do not otherwise have access to equipment to file electronically
 - i. All VACCS except those in prison compounds or Youth Rehabilitation Centres;
 - j. The Hall of Justice, Port of Spain;
 - k. The Supreme Court building, San Fernando;
 - l. The Hall of Justice, Tobago;
 - m. Family Court, Port of Spain; and
 - n. Children Court, Fyzabad.

PROBATE AND ADMINISTRATION OF ESTATES

- 33. Attorneys-at-law and members of the public who wish to file or conduct any business at the Probate Registry are directed to the Practice Direction published in the Trinidad and Tobago Gazette of even date titled "Electronic Filing of Applications and Documents (Non-Contentious Probate Proceedings)".

APPROVAL OF SURETY FOR BAIL BY APPOINTMENT

- 34. In the **exceptional event** that the court considers it necessary that a surety for bail must be approved by the Registrar of the Supreme Court or by a Magistracy Registrar and Clerk of the Court prior to that surety appearing before the Justice of the Peace who is being asked

COURT OPERATIONS WITH EFFECT FROM MARCH 14, 2022, No. 20—CONTINUED

to admit an accused person to bail which is secured by the said surety, the proposed surety is required to submit by email all necessary documents in accordance with the Checklist for approval of surety for Bail.

35. All documents individually identified and saved in PDF format, are to be submitted to the following email addresses for the Supreme Court and the District (Summary) Courts respectively.

SUPREME COURT

EMAIL ADDRESS	COURT LOCATION
HOJCOA.Response@tllawcourts.org	Court of Appeal
HOJCR.Response@tllawcourts.org	Hall of Justice Port-of-Spain Criminal Division
SCSFDO.Response@tllawcourts.org	Supreme Court, San Fernando
HOJTGO.Response@tllawcourts.org	Supreme Court, Tobago
ccn.response@tllawcourts.org	Children Court, Port of Spain
ccs.response@tllawcourts.org	Children Court, Fyzabad (South)
cct.response@tllawcourts.org	Children Court, Tobago

DISTRICT (SUMMARY) COURTS

DISTRICT	COURT LOCATION	EMAIL ADDRESS
North Trinidad	Port of Spain District Court	mrcc.portofspain@tllawcourts.org
	Arima District Court	mrcc.arima@tllawcourts.org
	Tunapuna District Court	mrcc.tunapuna@tllawcourts.org
	Sangre Grande District Court	mrcc.sangregrande@tllawcourts.org
	Chaguanas District Court	mrcc.chaguanas@tllawcourts.org
South Trinidad	San Fernando District Court	mrcc.sanfernando@tllawcourts.org
	Couva District Court	mrcc.couva@tllawcourts.org
	Point Fortin District Court	mrcc.pointfortin@tllawcourts.org
	Princes Town District Court (includes matters from Mayaro and Rio Claro court locations)	mrcc.princetown@tllawcourts.org

COURT OPERATIONS WITH EFFECT FROM MARCH 14, 2022, No. 20—CONTINUED

	Siparia District Court	mrcc.siparia@ttlawcourts.org
Tobago	Scarborough District Court	mrcc.tobago@ttlawcourts.org

36. Documents are to be submitted to the relevant email address depending on the court location in which the bail order was issued. The subject line of the email must bear the words “Bail surety approval” followed by the name of the accused. The body of the email must include the following:
- the name of the accused;
 - the case number;
 - the date of the court order;
 - the charge;
 - the name of the judge or judicial officer who made the order; and
 - a brief statement in summary of the order.
37. On review of the documents, the proposed surety will receive an email indicating whether changes are to be made and the revised documents are to be submitted in the same manner as previously mentioned.
38. Where no changes are necessary, or where all changes have been made and the documents resubmitted, the proposed surety, upon the relevant checks being made, will be informed by email as to whether they have been approved and may be required to present the hard copy documents for verification and if so, they will be given an appointment to submit the hard copy documents for verification against the emailed documents.
39. Persons who are given appointments are required to print the email or have it readily available on a device, to facilitate identification of their matter at the Criminal Registry at the Supreme Court or the District (Summary) Court.

CASH BAIL

40. Where the court makes an order for cash bail, the procedure outlined at paragraphs 35 to 37 above shall apply save that the subject line of the email must bear the words “**cash bail approval**”.
41. Where no changes are necessary, or where all changes have been made and the documents resubmitted, the proposed surety, upon the relevant checks being made, will be informed by email as to whether they have been approved.

COURT OPERATIONS WITH EFFECT FROM MARCH 14, 2022, No. 20—CONTINUED

42. All payments of cash bail shall be received into and disbursed from the Judiciary's Custodial Account and any transaction fees shall be borne by the customer.

MAINTENANCE PAYMENTS

43. Members of the public who have been ordered to pay maintenance or to be the recipients of maintenance money are directed to the Practice Direction published in the Trinidad and Tobago Gazette Vol. 60 No.74 dated May 12, 2021 titled "Receipt and Disbursement of Maintenance Payments via Electronic Means (CourtPay)".

EXTENSION OF WAIVER OF FEES (FILING BY ELECTRONIC MEANS)

44. The fees specified in Appendix D to Part 67 of the Civil Proceedings Rules 1998 (as amended), will not be charged in respect of all filings by electronic means from April 2, 2020 until further notice.
45. The fees specified in Appendix B of the Family Proceedings Rules 1998 (as amended), will not be charged in respect of all filings by electronic means from April 2, 2020 until further notice.
46. The fees specified in the Petty Civil Court Rules (as amended), will not be charged in respect of all filings by electronic means from July 6, 2020 until further notice.
47. The fees for caveats and appearances filed in the Probate Registry will not be charged until further notice.

CERTIFICATION OF FEES FOR ATTORNEYS APPOINTED BY THE LEGAL AID AND ADVISORY AUTHORITY

48. Confirmation of appearance of attorneys in support of requisition of their fees shall be by data message provided in electronic form, signed and stamped electronically by the Judge or Judicial Officer and conveyed to the Legal Aid and Advisory Authority using the Judiciary's CourtMail system.

COURT OPERATIONS WITH EFFECT FROM MARCH 14, 2022, No. 20—CONTINUED

FINES AND COURT ORDERED COMPENSATION PAYMENTS NOT INCLUDING MAINTENANCE and TRAFFIC TICKETS RECEIVED PRIOR TO MAY 26, 2020

49. These matters shall be addressed in accordance with Practice Direction No. 19.3

SERVICE AND COMMISSIONER FEES

50. All service fees, commissioner of affidavit fees and fees for services will be noted during this period and payment will be suspended until further notice.

SERVICE OF DOCUMENTS

51. Marshals and Bailiffs services are limited to matters so determined by the Registrar of the Supreme Court or the Magistracy Registrar and Clerk of the Court as the case may be.

52. A summons may be served by an attorney-at-law, party or their agent pursuant to the Petty Civil Courts Act.

NOTICE TO BE GIVEN OF ANY TEMPORARY CLOSURE OF BUILDINGS DEEMED NECESSARY BY THE JUDICIARY FROM TIME TO TIME.

53. Despite Judiciary buildings being open, from time to time a building may be closed to facilitate the review of COVID-19 status of staff or for sanitization. On these occasions, the Judiciary will post the notice of closure on its' website at www.ttlawcourts.org and social media platforms and inform the media for the attention of those who have business to conduct physically at the Courts.

Dated this 11th day of March, 2022

/s/ Ivor Archie
Chief Justice

REPUBLIC OF TRINIDAD AND TOBAGO**PRACTICE DIRECTION****ELECTRONIC FILING OF APPLICATIONS AND DOCUMENTS
(NON-CONTENTIOUS PROBATE PROCEEDINGS)****No. 2**

This Practice Direction is issued pursuant to Rule 72 of the Non-Contentious Business Rules provided at the First Schedule to the Wills and Probate Act Chapter 9:03 (hereinafter “the Rules”).

The objective of this Practice Direction is to provide for the filing of applications and documents in non-contentious probate proceedings via remote and/or 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;
- (b) Improve and streamline the services of the Estates Administration Office (formerly the “Probate Registry”) to the benefit of all stakeholders;
- (c) Enable cost-effective and expeditious means of dealing with applications and sound management of the Court’s resources; and
- (d) Enhance access to justice.

Accordingly, the following measures shall take effect:

DEFINITIONS

1. For the purpose of this Practice Direction:
 - a. “Act” means the Wills and Probate Act Chapter 9:03.
 - b. “advanced electronic signature” means an electronic signature that uses cryptographic technology to ensure it is:
 1. linked by authentication technology to the signatory;
 2. capable of identifying the signatory;

ELECTRONIC FILING OF APPLICATIONS AND DOCUMENTS
(NON-CONTENTIOUS PROBATE PROCEEDINGS) NO. 2—CONTINUED

3. created using a means that can be maintained under the sole control of the user;
and
 4. linked to the data or data message to which it relates to detect any changes subsequently made to that data or data message;
- c. “*application*” means the bundle(s) of documents containing the application front, affidavit, death certificate of the deceased, search, inventory, will (where applicable), attesting witness affidavit (where applicable), Registrar General’s receipt, document cover sheet and all other certificates and documents required to establish entitlement to apply for a grant of administration as required by law.
- d. “*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.
- e. “*document*” means an affidavit or any other document with or without exhibits filed as part of an application bundle or in response to a notice issued by the Registrar requiring corrections to an application.
- f. “*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 non-contentious probate proceedings and operated by technology under the management of the Judiciary of the Republic of Trinidad and Tobago.
- g. “*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.
- h. “*E-vrfy*” is the Judiciary’s Document Authentication and Verification system.
- i. “*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.
- j. “*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.

ELECTRONIC FILING OF APPLICATIONS AND DOCUMENTS
(NON-CONTENTIOUS PROBATE PROCEEDINGS) NO. 2—CONTINUED

EFFECTIVE DATES

2. This Practice Direction supersedes the Practice Direction published in Trinidad and Tobago Gazette Vol. 60 No. 73 dated 11th May, 2021 titled “Electronic Filing of Applications and Documents (Non-Contentious Probate Proceedings) and shall come into effect on the date of publication.

ACCURACY AND COMPLETENESS OF INFORMATION SUBMITTED

3. An attorney-at-law 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 shall follow all instructions provided on the e-filing platform for its proper and efficient use.
4. An attorney-at-law 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 APPLICATIONS AND DOCUMENTS

5. Save for where otherwise provided in an Act, Rule or Practice Direction, an attorney-at-law on behalf of a party for whom he is on record must file an application or documents, or documents which have the effect of placing the attorney-at-law on record, in non-contentious probate proceedings, through the use of the e-filing platform save and except as permitted under paragraph 6 below.
6. An application or 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”).
7. All applications or documents filed by electronic means are to be intitled with the words “*Electronically Filed*” on the top right-hand corner of the application or document and all applications or documents filed manually are to be intitled with the words “*Manually Filed*” on the top right-hand corner.
8. Where an application is filed in a court office, all subsequent documents being filed electronically by the attorney-at-law or any person having an interest in an application, shall be filed at the portal of the same court office unless otherwise directed by the Registrar.

ELECTRONIC FILING OF APPLICATIONS AND DOCUMENTS
(NON-CONTENTIOUS PROBATE PROCEEDINGS) NO. 2—CONTINUED

9. An application uploaded on the e-filing platform shall be uploaded as a complete and singular document and appropriately labelled.
10. An application or document uploaded on the Judiciary's e-filing platform shall be:
 - a. scanned and uploaded **only** as a complete, singular document inclusive of the annexures or exhibits to which that document refers;
 - b. uploaded in **PDF Format only**;
 - c. appropriately labelled and where filed in an existing matter, shall include in the intituling, the correct estate application number and details of the deceased;
 - d. legible, dated, properly paginated and organized to enable perusal without difficulty; and
 - e. scanned right-side up and not otherwise than in the order and the orientation that the document is to be read.
11. For the avoidance of doubt, any affidavit filed in support of an application must be commissioned. Applications or documents uploaded without all necessary signature(s) and/or not commissioned shall not be processed and shall be deemed to be not filed.
12. Subsequent to the filing and processing of an application or document, the Attorney-at-Law 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 estate application number, in the case of a new application; and
 - c. a copy of or link to the document filed.
13. Every filed application or document shall bear the following:
 - a. a stamp of the court indicating the date and time the application or document was received **and** the date the application or document is deemed to be filed; and
 - b. the Judiciary's E-vrfy endorsement.
14. Where a document is not processed and deemed to be not filed, the Attorney-at-Law shall receive an email indicting that the document is "unprocessed" and the reason the document has not been processed.
15. 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.

ELECTRONIC FILING OF APPLICATIONS AND DOCUMENTS
(NON-CONTENTIOUS PROBATE PROCEEDINGS) NO. 2—CONTINUED

ELECTRONIC SIGNING OF DOCUMENT

16. 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.

17. 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.”

18. 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

19. When a hard copy application or document is converted into electronic form for submission, the Attorney-at-law shall retain the original hard copy version and shall make same available to a designated court office prior to the issue of the grant, if so required by the Registrar.

20. When an application or document is created in electronic form and signed electronically it shall be retained by the Attorney at law and they shall make same available to a designated court office prior to the issue of the grant, if so required by the Registrar.

21. The Registrar may require an attorney-at-law or applicant to lodge any original certificate or document exhibited to an affidavit or enclosed with an application by manual submission to a designated court location or court office and may withhold the issuance of a grant until such original certificates and/or documents are received and verified.

22. Where upon the manual submission of the original version of any application, certificate or document, the electronically filed and manually submitted original version of the

ELECTRONIC FILING OF APPLICATIONS AND DOCUMENTS
(NON-CONTENTIOUS PROBATE PROCEEDINGS) NO. 2—CONTINUED

application, certificate or document differ, the Registrar may withhold the issuance of a grant until the corresponding documents are received and verified.

CAVEATS

23. An attorney-at-law or member of the public may file a caveat against the issue of a grant for entry in the Estates Administration Office utilizing the e-filing platform.
24. Where a caveat uploaded on the e-filing platform does not meet the requirements as set out in the Act and the Rules made thereunder, the caveat shall not be processed or entered and shall be deemed to be not filed.
25. Where a caveat is not processed or entered and deemed to be not filed, the attorney-at-law or member of the public shall be notified via the email address provided at the time of filing.
26. A caveat shall be deemed to be entered at the time it is deemed filed pursuant to paragraph 31 below.

PAYMENT OF FEES

27. The fees specified in Part I of the Third Schedule to the Act shall be deferred in respect of payment via the payment portal on the e-filing platform and shall be paid in such manner as the Registrar may direct.
28. Filing fees for caveats and appearances shall be waived until such date as the Chief Justice may direct.
29. Where a filing fee is deferred pursuant to paragraph 27 above, the court office shall keep a record of the fee chargeable and payment of same may be required prior to the issuance of a grant.

TIME OF FILING

30. Applications and 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.

ELECTRONIC FILING OF APPLICATIONS AND DOCUMENTS
(NON-CONTENTIOUS PROBATE PROCEEDINGS) NO. 2—CONTINUED

31. An application or document uploaded via the e-filing platform shall be deemed to be filed within the meaning of the Act and the Rules at the date and time when the following requirements are satisfied save for where a direction expressly provides otherwise:
- a. The application or document uploaded is received within the regular business hours and days of the court office;
 - b. The filing fee is received by the court office (except where payment of the fee is suspended, waived or deferred); and
 - c. Upon the processing of a new application:
 - i. a search is conducted and the search reveals there is no pending application; and
 - ii. the death certificate of the deceased and the Registrar General's receipt and document cover sheet are included in the application.
32. For the avoidance of doubt, an application or document uploaded to the e-filing platform outside 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.
33. For the purpose of determining whether an application or document was filed within the regular business hours of the court office, the time the application or document is recorded as having been received on the court's stamp will be used to determine same.
34. An attorney-at-law or member of the public 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.

LODGING OF DOCUMENTS

35. An attorney-at-law shall lodge the following documents for approval by the Registrar, by submitting same via email to Probate.online@tlawcourts.org or to an e-filing platform as directed by the Registrar:
- a. Bond;
 - b. Warning; and/or
 - c. Citation
- and shall not file said documents prior to receiving said approval which shall be evidenced by the Registrar's signature on the said document.

ELECTRONIC FILING OF APPLICATIONS AND DOCUMENTS
(NON-CONTENTIOUS PROBATE PROCEEDINGS) NO. 2—CONTINUED

36. An attorney-at-law shall submit a search for an appearance to a warning to be conducted via email to Probate.online@ttlawcourts.org or to an e-filing platform as directed by the Registrar.
37. An attorney-at-law, prior to lodging a bond for approval, shall ensure that the bond bears all the necessary signatures and same shall be endorsed confirming payment of stamp duty.
38. An attorney-at-law or member of the public as the case may be, who has received an approval for filing as required in paragraph 35 above, may file the approved document through the use of the e-filing platform.
39. A document requiring the approval of the Registrar prior to filing, which is submitted via the e-filing platform without receiving an approval as required in paragraph 35 above, shall not be processed and is deemed to be not filed.

ELECTRONIC SERVICE OF ORDERS AND NOTICES

40. Any order or notice issued in non-contentious probate proceedings shall be served on an attorney-at-law or member of the public in a like manner as provided under the Practice Direction published in Trinidad and Tobago Gazette Vol. 58 No. 103 dated July 23, 2019 titled “Electronic Orders” and save for where otherwise expressly stated, all directions contained therein shall, where applicable, apply to non-contentious probate proceedings.

QUERY NOTICES

41. The Registrar may issue a notice to an attorney-at-law indicating any corrections required to be made to an application or document filed.
42. Where upon the issuance of a notice an attorney-at-law fails to comply within the time specified by the Registrar pursuant to Rule 72(6) of the Rules, the Registrar may strike out the application.
43. An application for reinstatement of the application under Rule 72(8) of the Rules must be filed in the proceedings within the time prescribed in the Rules and must set out the reasons for reinstatement. Where the Registrar so directs, the attorney-at-law must file evidence in support of an application for reinstatement.
44. Where an attorney-at-law fails to apply within the specified time for reinstatement of an application, or where the Registrar denies the reinstatement of an application, a new

ELECTRONIC FILING OF APPLICATIONS AND DOCUMENTS
(NON-CONTENTIOUS PROBATE PROCEEDINGS) NO. 2—CONTINUED

application for a grant may be filed by the applicant or by any person so entitled, through their attorney-at-law via the e-filing platform. Any new application for a grant must comply with the Act, Rules and this Practice Direction.

GENERAL

45. 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 member of the public via email.
46. The Registrar may require an attorney-at-law or member of the public as the case may be to attend a physical court office on a scheduled date and time for the purpose of:
 - a. opening a Will;
 - b. depositing a Will;
 - c. making an application pursuant to section 5 of the Act, for a grant in an estate that does not exceed the sum of four thousand eight hundred dollars (\$4,800.00), without the representation of an attorney-at-law;
 - d. making corrections as required on documents previously filed; and
 - e. conducting any other in-person business the Registrar may deem necessary.
47. An attorney-at-law and/or member of the public may request an office copy of an application or document filed in the Estates Administration Office, subject to approval by the Registrar, by completing the request form available at Office Copies – Judiciary Trinidad and Tobago (ttlawcourts.org).
48. An attorney-at-law and/or member of the public may request an appointment to conduct any business stated in paragraph 46 above by emailing the request to HOJPB.Response@ttlawcourts.org.
49. This Practice Direction is to be read in conjunction with any Practice Direction on Court Operations in force for the time being.

Dated this 11th day of March, 2022

/s/ Ivor Archie
Chief Justice