

MONTSERRAT
STATUTORY RULES AND ORDERS

S.R.O. 17 OF 2023

**MAGISTRATE'S COURT (ELECTRONIC LITIGATION FILING
AND SERVICE PROCEDURE) RULES 2023**

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**THE MAGISTRATE'S COURT (ELECTRONIC LITIGATION FILING AND
SERVICE PROCEDURE) RULES 2023 MADE BY THE GOVERNOR ACTING ON
THE ADVICE OF CABINET UNDER SECTION 152 OF THE MAGISTRATE'S
COURT ACT, (CAP. 2.02).**

1. Citation

These Rules may be cited as the Magistrate's Court (Electronic Litigation Filing and Service Procedure) Rules, 2023.

2. Interpretation

In these Rules—

“**Court**” means the Magistrate's Court situated in Montserrat;

“**Court's Registry**” includes the registries at the Court;

“**Court's website**” means the website of the Eastern Caribbean Supreme Court;

“**Electronic Litigation Portal**” means the web-based application which has been developed and implemented to offer stakeholders in the judicial system of the Eastern Caribbean a single point of access for electronic litigation filing, management of documents and case files within the Court's Registry;

“**electronic mail**” means the transmission of messages via an electronic device or an internet communication network;

“**electronic means**” means a form of electronic communication of the contents of a document and includes the use of an online application, e-mail, online shared drives, CD ROMs, USB Drives, or Facsimile;

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“party” includes both the party to the matter and any legal practitioner on record for that party unless any rule specifies or it is clear from the context that it relates to the party or to the legal practitioner only; and

“payment facility” includes the means provided for the payment and acceptance of filing fees for documents filed on the Electronic Litigation Portal including cash through a cashier at the court office, an escrow account, credit card payment facility or other payment facility.

3. Application of Rules

- (1) These Rules apply to—
 - (a) magisterial civil proceedings; and
 - (b) magisterial criminal proceedings.
- (2) These Rules apply to proceedings when made available on the Electronic Litigation Portal and notice is provided by the Chief Registrar as directed by the Chief Justice.
- (3) These Rules apply, without exception, to new proceedings filed on or after the date of the notice provided under subrule (2) and must be used to file a document to commence proceedings before the Court through the Electronic Litigation Portal.
- (4) In the case of existing cases, these Rules apply, without exception, if the case is made available in the Electronic Litigation Portal and electronic or other notification is given to the parties by the Court’s Registry.

4. Operation of Electronic Litigation Portal

- (1) The Electronic Litigation Portal makes provision for the electronic litigation filing and service of court documents through the use of electronic means of communication.
- (2) A document must be submitted through the Electronic Litigation Portal to enable electronic litigation filing to the Court’s Registry.
- (3) The Electronic Litigation Portal enables a party to file a document online—
 - (a) to commence proceedings; or
 - (b) in the case of ongoing proceedings,at a time during or outside normal Court office hours of business including weekends and public holidays.

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(4) The Electronic Litigation Portal must contain a payment facility.

5. Registration

- (1) A legal practitioner shall register on the Electronic Litigation Portal to access it.
- (2) A valid electronic mail address must be provided at the time of registering under subrule (1).
- (3) On approval of registration by the Court's Registry, a legal practitioner shall create an account comprising a username and password to be used when accessing the Electronic Litigation Portal.
- (4) Subject to this rule, a legal practitioner shall comply with the procedure, the process for registration and instructions provided on the Court's website.

6. Payment of Electronic Litigation Filing fees

The fees for the filing of a document in the Court may be paid by electronic means using the payment facility available on the Electronic Litigation Portal.

7. Electronic submission of document

For electronic litigation filing of a document using the Electronic Litigation Portal, a legal practitioner shall—

- (a) access the Electronic Litigation Portal by—
 - (i) visiting the Court's website and clicking on the link to the Electronic Litigation Portal; and
 - (ii) logging into the account created under rule 5(3);
- (b) enter information for new proceedings or information on existing proceedings;
- (c) upload for electronic filing the document associated with the proceedings;
- (d) pay the fees using the payment facility available on the Electronic Litigation Portal under rule 4(4); and
- (e) submit the document.

8. Format of document

- (1) A document that is submitted for electronic litigation filing must be—