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The following Notification is, by command of His Excellency the Governor-General, published for general information.

DWAYNE HILL, JP (MAJOR)  
Governor-General's Secretary and  
Clerk to the Privy Council.

### JUDICIAL NOTICE

PRACTICE DIRECTION (No. 1) OF 2024

*(Service of Documents by Electronic Method in Civil Proceedings)*

#### GENERAL

This Practice Direction is issued by the Honourable Chief Justice, after consultation with the Judges and Masters of the Supreme Court, in the exercise of the powers conferred by Rule 3.6 (2) and Part 4 of the Civil Procedure Rules, 2002.

These directions are issued with the overarching aim of furthering the overriding objectives as outlined in Part 1 of the Civil Procedure Rules, 2002 and must be construed and applied in a manner consistent with those objectives.

This Practice Direction takes from the date of publication in the *Gazette* and is to be cited as Practice Direction No. 1 of 2024 (Service of Documents by Electronic Method in Civil Proceedings).

1. *Scope and Application*

This Practice Direction applies to all civil proceedings in the Supreme Court.

For the avoidance of doubt, this Practice Direction does not apply to the proceedings defined in Rule 2.2(3) of the Civil Procedure Rules, 2002.

## 2. *Definitions*

### 2.1 In this Practice Direction:—

“Rules” means the Civil Procedure Rules, 2002.

“Civil Proceedings” has the same meaning as expressed in Rule 2.2(2) of the Rules.

“Division of the Supreme Court” includes the Admiralty, Civil, Commercial, Family, and Probate Divisions of the Supreme Court.

“Document” means any document that is filed in the Court for and in connection with any civil proceedings in the Court other than documents used to start proceedings in a division of the Supreme Court.

“Relevant Registry” means the Registry from which the proceeding was issued.

“Service by electronic method” means service by electronic mail or WhatsApp.

## 3. *Service of Documents by Electronic Method*

3.1 A party may serve a document by an electronic method except where statute, the Civil Procedure Rules, some other Rule, practice direction, or Court Order expressly says that the document must be served by another method or the recipient elects not to receive service by electronic method in accordance with this practice direction.

3.2 A party who wishes to serve a document by electronic method on another party or person must do so in accordance with paragraph 7.

3.3 Failure to comply with the procedure prescribed in paragraph 7 shall result in the document being rejected and deemed unserved.

## 4. *Indication of Willingness or Refusal to Accept Service by Electronic Method*

4.1 A party, whether represented by an Attorney-at-Law or not, to any proceeding filed in any division of the Supreme Court may give notice of their willingness to accept or refuse service of documents by electronic method by way of the prescribed Form 1 in the Appendix unless the Court orders otherwise.

4.2 The notice required in 4.1 above, shall be filed with the relevant Registry at the time of the first filing of any document (including the Claim Form) in that Registry.

4.3 A party, whether represented by an Attorney-at-Law or not, is deemed to not have consented to accept service of documents by electronic method unless they had filed and served the notice in paragraph 4.1 above or where paragraph 5.1 of this Practice Direction applies.

4.4 All Attorneys-at-Law who consent to accept service by electronic method shall provide the email address or phone number for service by electronic method by including same on any document filed by them in the proceedings.

4.5 A Firm of Attorneys-at-Law that consents to accept service by electronic method, shall provide an email address and/or phone number for the Firm in addition to an email address and/or phone number for the individual attorney-at-law who is instructed to have conduct of the proceedings. Service at the Firm’s or individual Attorney’s email address or phone number shall be deemed good service for the purposes of this Practice Direction.

4.6 Where a party ceases to be represented by an Attorney-at-Law or Firm of Attorneys-at-Law, that party shall, if that party wishes to continue receiving documents by electronic method, provide an email address or phone number for service by that method in place of the address used by their former Attorney-at-Law.

4.7 All Attorneys-at-Law shall provide an email address to the Court for the purpose of sending and receiving communication to and from the Court.

## 5. *Notice of Change of Address for Service by Electronic Method*

5.1 All parties shall notify the Registry and every other party to the proceedings, of any change to their previously supplied email address(es) and/or phone number(s) for receipt of service by electronic method.

5.2 Notification of any change under paragraph 5.1 must be done by filing and serving the prescribed Form 2 as set out in the Appendix of this Practice Direction, within 7 days of the change to the email address(es) and/or phone number(s).

5.3 Failure to notify the Registry and all the party(ies) to the proceedings in accordance with rule 5.1 will result in the previously supplied address being the deemed address for service by electronic method.

## 6. *Deemed Acceptance of Service of Documents by an Electronic Method*

6.1 Except where a party has filed a notice in accordance with rule 4.1 indicating an unwillingness to accept service by electronic method, a party may be deemed to have consented to accept service of documents by electronic method in the following circumstances:

- (1) Where there is any written document from that person that includes an email address that has not been specifically excluded on that document as a method of service.
- (2) Where there is evidence of a course of dealing *via* electronic method with the party(ies) seeking to rely on or benefit from the deeming provision at 6.1.
- (3) Where there is evidence of prior consent to acceptance of service by electronic method.

7. *Procedure for Serving Documents by Electronic Method*

- 7.1 Any document intended to be served by electronic method must first be filed at the relevant registry using any of the prescribed methods of filing as stipulated by Rule 3.7, before being served.
- 7.2 All documents that are required under the Rules to be sealed by the Court before service must bear the form of seal approved by the Honourable Chief Justice for effecting service by electronic method. For the avoidance of doubt, it is the sealed copy of the document that is to be served.
- (1) Any party who wishes to serve a document by electronic method that is required by the Rules to be sealed before service shall so indicate to the registry upon filing and the registry shall apply the seal in 7.2 before issuing for service.
- 7.3 Documents to be served by electronic method must:
- (1) be scanned,  
(2) be in PDF form,  
(3) be right-side up and not inverted; and  
(4) display the approved form of the court's seal
- failing which, it will be rejected as not being served.
- 7.4 Nothing in this Practice Direction prevents the service of a physical copy of the document served by electronic method.
- 7.5 Where a document is to be served by electronic method, the sending party must first enquire of the receiving party(ies) whether there are any limitations to the agreement to accept service by such means (for example, the maximum size of attachments that may be received).
- 7.6 The receiving party(ies) must communicate in writing any limitations to the sending party expeditiously and, in any event, no later than 24 hours after receiving notification of the request for information under 7.5.
- 7.7 If the receiving party fails to respond as set out in 7.6, then they are deemed to waive any limitations to the receipt of the document(s) to be served by electronic method.

8. *Proof of Service by Electronic Method*

- 8.1 A person who wishes to prove service by electronic method must do so by way of an affidavit sworn by the server and shall include:
- (1) The name and email address or WhatsApp number of the sender.  
(2) The name and email address or WhatsApp number of the recipient(s).  
(3) The name of the document(s) served.  
(4) The date and time the email or WhatsApp was sent.  
(5) An exhibited copy of the sent email or WhatsApp message page(s).  
(6) Exhibited copy(ies) of the document(s) that is/or are sent in the email or WhatsApp message.  
(7) Exhibited copy(ies) of any communication between the server and the recipient(s) under paragraphs 7.5 and 7.6 above.  
(8) Exhibited copy(ies) of Form 1 notice filed and served by the recipient(s) under paragraph 4.1.  
(9) Any other relevant information in support of proof that the recipient(s) likely received the documents served by email or WhatsApp or that the email or WhatsApp message and its contents would likely have come to their attention.
- 8.2 The exhibited email or WhatsApp message pages must clearly show the email address or WhatsApp number of the sender, the receiver, and the subject line, as well as the email addresses or WhatsApp number of any person(s) copied on the email or WhatsApp message (whether by carbon copy or blind carbon copy), and the total number of documents attached to the email or sent in the message.
- 8.3 The said Affidavit in 8.1 above shall be deponed to by the server in accordance with Part 30 of the Rules.
- 8.4 The deemed date of service of documents served by an electronic method shall be in accordance with Rule 6.6(1) of the Rules.
- 8.5 Any party in receipt of a document by electronic method shall, within 1 day of receipt of same, communicate to the sending party any difficulty with downloading the document or any other difficulty with the communication.

Dated the 2nd day of May, 2024.

BRYAN SYKES, OJ, CD  
Chief Justice of Jamaica.

APPENDIX



FORM 1

Practice Direction No. 1 of 2024 (Service of Documents by Electronic Method in Civil Proceedings)

NOTICE OF ACCEPTANCE OF SERVICE BY ELECTRONIC METHOD

IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

IN THE XXXX DIVISION

CLAIM NO.

BETWEEN XXXXX CLAIMANT

AND XXXX DEFENDANT

TAKE NOTICE that the [Claimant or Defendant as the case may be] elects to accept service of documents by the electronic method(s) set out below:

[indicate the email address and/or WhatsApp number at which you can be served].

TAKE NOTICE that the [Claimant or Defendant as the case may be] DOES NOT CONSENT TO ACCEPT service of documents by electronic method.

Notice is being given to:

The Registrar
XXXX Division
(Address for the Division)

AND TO: xxx

DATED THE DAY OF 2.....

SIGNATURE OF PARTY

SIGNATURE OF PARTY'S ATTORNEY-AT-LAW (Where applicable)

FILED BY.....



FORM 2

Practice Direction No. 1 of 2024 (Service of Documents by Electronic Method in Civil Proceedings)

NOTICE OF CHANGE OF ADDRESS FOR SERVICE BY ELECTRONIC METHOD

IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

IN THE XXXX DIVISION

CLAIM NO.

BETWEEN XXXXX CLAIMANT

AND XXXX DEFENDANT

TAKE NOTICE that as of the XXXX the \_\_\_\_\_ (name of party's) address/WhatsApp phone number for service by electronic method is now \_\_\_\_\_.

Notice of this change is being given to:

The Registrar  
XXXX Division  
(Address for the Division)

AND TO: xxx

DATED THE DAY OF 2.....

\_\_\_\_\_  
SIGNATURE OF PARTY

\_\_\_\_\_  
SIGNATURE OF PARTY'S ATTORNEY-AT-LAW (Where applicable)

FILED BY.....