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Contents

S.I. 2020 No. 57: Bail (Amendment) Rules, 2020.
S.I. 2020 No. 58: Land (Title Proceedings) Rules, 2020.
S.I. 2020 No. 59: Family Law (Amendment) Rules, 2020.
S.I. 2020 No. 60: Supreme Court (Electronic Filing and Service)
Rules, 2020.



S.I. 2020 No. 57

Bail Act

CAP. 122A

BAIL (AMENDMENT) RULES, 2020

The Rules Committee of the Supreme Court, in exercise of the powers conferred on it by section 20 of the *Bail Act*, makes the following Rules:

1. These Rules may be cited as the *Bail (Amendment) Rules, 2020*.
2. ***Rule 3 of the Bail Rules, 2000 (S.I. 2001 No. 23) is amended by inserting therein immediately after paragraph (2) the following as paragraph (2A):***

“(2A) The affidavit referred to in paragraph (2) may be taken before any person authorised to administer oaths.”.

Made by the Rules Committee this 15th day of September, 2020.

RAJENDRA NARINE
Chief Justice (Ag.)
and
Chairman of the Rules Committee

Kaye Goodridge
Justice of Appeal

Francis Belle
Justice of Appeal

Jefferson Cumberbatch
Justice of Appeal

William Chandler
Judge of the High Court

Margaret Reifer
Judge of the High Court

Randall Worrell
Judge of the High Court

Jacqueline Cornelius
Judge of the High Court

Sonia Richards
Judge of the High Court

Olson Alleyne
Judge of the High Court

Michelle Weekes
Judge of the High Court

Pamela Beckles
Judge of the High Court

Cecil McCarthy
Judge of the High Court

Barry Carrington
Judge of the High Court

Cicely Chase
Judge of the High Court

Christopher Birch
Judge of the High Court

Shona Griffith
Judge of the High Court

Carlisle Greaves
Judge of the High Court (Ag.)

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Laura Harvey-Read
Attorney-at-Law

Barbara Cooke-Alleyne, Q.C.
Registrar
and
Secretary of the Rules Committee



S.I. 2020 No. 58

Land Title Proceedings Act
2011–7

LAND (TITLE PROCEEDINGS) RULES, 2020

The Rules Committee of the Supreme Court, in exercise of the powers conferred on it by section 28 of the *Land Title Proceedings Act*, makes the following Rules:

1. These Rules may be cited as the *Land (Title Proceedings) Rules, 2020*.
2. The First Schedule of the *Land (Title Proceedings) Act* (Act 2011-7) is amended by deleting the jurat of Form 2, 4 and 5 and substituting the following:

“ SWORN (or AFFIRMED) by)
(full name of deponent))
at)
on the day of 20)
Before me:)

Full name:) _____
Address:)
Qualification:) ”.

Made by the Rules Committee this 15th day of September, 2020.

RAJENDRA NARINE
Chief Justice (Ag.)
and
Chairman of the Rules Committee

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BARBADOS

The Official Gazette Part A

1st October, 2020

Statutory Instrument

S.I. 2020 No. 59

Family Law Act

CAP. 214

FAMILY LAW (AMENDMENT) RULES, 2020

The Rules Committee of the Supreme Court, in exercise of the powers conferred on it by section 98 of the *Family Law Act*, makes the following Rules:

1. These Rules may be cited as the *Family Law (Amendment) Rules, 2020*.
2. ***Rule 16(8) of the Family Law Rules, 1982 (S.I. 1982 No. 18) is amended***
 - (a) ***by deleting the word “or” appearing at the end of paragraph (a);***
 - (b) ***by deleting the full stop appearing at the end of paragraph (b) and substituting the words “; or”; and***
 - (c) ***by adding the following as paragraph (c):***

“(c) an electronic copy of a document mentioned in paragraph (a) or (b).”.
3. ***The Schedule to the Family Law Rules, 1982 (S.I. 1982 No. 18) is amended by deleting the jurat of Part 2 of Forms 4 and 5, Forms 11, 12, 16 and 18 and substituting the following:***

Qualification:) ”.

Made by the Rules Committee this 15th day of September, 2020.

RAJENDRA NARINE
Chief Justice (Ag.)
and
Chairman of the Rules Committee

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Justice of Appeal

Francis Belle
Justice of Appeal

Jefferson Cumberbatch
Justice of Appeal

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BARBADOS

**SUPREME COURT (ELECTRONIC FILING AND SERVICE)
RULES, 2020**

Arrangement of Rules

1. Citation
2. Definitions
3. Application of Rules
4. Procedure for electronic filing and service of documents
5. Registration
6. Electronic submission of documents
7. Format of documents
8. Electronic signature
9. Hours of business
10. Processing by the Registry
11. Compilation of trial bundle, core bundle and record of appeal
12. Service of documents electronically
13. Proof of electronic service
14. Service electronically by or on the Court
15. Signature on judgments and orders

- 16. Application of Electronic Transactions Act
- 17. New and existing proceedings
- 18. Practice Directions

S.I. 2020 No. 60

Supreme Court of Judicature Act

CAP. 117A

**SUPREME COURT (ELECTRONIC FILING AND SERVICE)
RULES, 2020**

The Rules Committee of the Supreme Court, in exercise of the powers conferred on it by section 82 of the *Supreme Court of Judicature Act*, makes the following Rules:

Citation

1. These Rules may be cited as the *Supreme Court (Electronic Filing and Service) Rules, 2020*.

Definitions

2. In these Rules,
“court” means the High Court and where the context admits, the Court of Appeal;
“court’s website” means the website of the Supreme Court www.barbadoslawcourts.gov.bb;
“electronically” means a form of electronic communication of the contents of a document;
“electronic litigation portal” “e-litigation portal” or “portal” means the online based platform used by the Supreme Court as a single point of access to facilitate
 - (a) the electronic filing or e-filing of documents in the Registry; and
 - (b) the management of documents and case files within the Registry,

in accordance with these Rules;

“electronic mail” or “e-mail” means the transmission of messages and documents from an electronic device via an internet communication network;

“electronic signature” has the meaning assigned by section 8 of the *Electronic Transactions Act*, Cap. 308B;

“e-mail address” means the unique identifier for an e-mail account used to send and to receive messages and documents;

“party” includes attorney-at-law;

“Registry” has the meaning assigned to it by rule 2.3 of the *Supreme Court (Civil Procedure) Rules, 2008* (S.I. 2008 No. 66).

Application of Rules

3. Without affecting rule 2.2(3) of the *Supreme Court (Civil Procedure) Rules, 2008* (S.I. 2008 No. 66), these Rules apply to

- (a) bankruptcy and insolvency proceedings;
- (b) criminal proceedings;
- (c) civil proceedings within the meaning of the *Supreme Court (Civil Procedure) Rules, 2008* (S.I. 2008 No. 66), and where the context admits, to Practice Directions made thereunder;
- (d) family proceedings;
- (e) non-contentious probate proceedings;
- (f) proceedings in which the court is acting as a Prize Court;
- (g) proceedings under the *Land (Title Proceedings) Act, 2011* (Act 2011-7;)
- (h) any other proceedings in the Supreme Court instituted under any enactment, insofar as rules made under that enactment regulate those

proceedings, but do not provide for the electronic filing and electronic service of documents.

Procedure for electronic filing and service of documents

4.(1) These Rules make provision for the electronic filing and electronic service of court documents.

(2) A document must be submitted through the portal to enable the electronic filing to the Registry.

(3) The portal enables a party to file a document online

(a) to commence proceedings; or

(b) in ongoing proceedings available on the portal,

at any time during or outside normal Court office hours, including weekends, public holidays and during the Court vacation.

(4) The portal must contain a payment facility, including an escrow account, credit card payment facility or other payment facility, to allow for the payment of electronic filing fees.

Registration

5.(1) A party to proceedings who wishes to have access to the portal shall

(a) visit the Court's website, click on the link to the portal; and

(b) register a new account.

(2) A party shall provide a valid e-mail address to the Registry at the time of registering under paragraph (1).

(3) Where a party has

(a) registered on the portal; and

(b) complied with paragraphs (1) and (2),

the Registry shall review and verify the party's details and approve the party's registration.

(4) A party who wishes to access the portal shall comply with the procedure and the instructions for registration on the Court's website.

Electronic submission of documents

6.(1) Documents submitted for electronic filing through the portal shall be submitted in accordance with rules 7 and 8.

(2) A party who wishes to file a document electronically shall

- (a) access the portal by
 - (i) visiting the Court's website and clicking on the link to the portal; and
 - (ii) logging into the account approved by the Registry under rule 5(3);
- (b) enter information for a new case or information on an existing case;
- (c) upload the documents associated with the case;
- (d) submit the document; and
- (e) pay the fees using the payment facility available on the portal under rule 4(4).

Format of documents

7.(1) A document which is submitted for electronic filing

- (a) must have a margin of approximately 3 inches (7.5 cm) at the top of the first page;
- (b) must be prepared electronically using Microsoft Word or open office or other Word Processor in .doc, .docx, .txt, .rtf, .pdf formats; and
- (c) must be converted into an electronically searchable Portable Document Format (PDF) before uploading.

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- (2) Where a document is not a text document it must be scanned using an image resolution of 300 dpi (dots per inch) and saved as an electronically searchable Portable Document Format document.
- (3) A document submitted for electronic filing must not
- (a) exceed 75MB;
 - (b) be encrypted; and
 - (c) be password protected.
- (4) A document that exceeds 75MB must, before it is submitted for filing, be sub-divided into separate parts, none of which shall exceed 75MB and each part shall be submitted for filing as part of the whole document.
- (5) A document submitted through the portal must comply with the requirements of applicable procedural rules of the Supreme Court.
- (6) There is no limit to the number of documents which can be submitted in the process of electronic filing.
- (7) Exhibits must be uploaded separately from the corresponding principal document with an index of the corresponding principal document.
- (8) Forms which are to be served on a party with an accompanying document must be uploaded with the document.

Electronic signature

- 8.(1)** A document which is submitted for electronic filing is not required to bear the electronic image of the handwritten signature of the party filing the document.
- (2) A party may insert an electronic signature on a document for electronic filing through the portal.
- (3) Where a party files a document using the portal, the scanned original document that is signed with a physical signature must be made available for inspection if required by another party to the proceedings or by the court.

Hours of business

- 9.(1) The hours of business for electronic filing are from 8:30 a.m. - 4:00 p.m. Monday to Friday, except public holidays and days on which the Registry is closed.
- (2) A document to which the court's stamp and the date of filing has been applied by the portal is deemed to be filed on the date and at the time that the document was submitted to the portal, if the date and time of filing is within the hours of business for electronic filing.
- (3) A document submitted for electronic filing outside the hours of business is deemed to have been filed on the date when the Registry is next open.
- (4) Subject to paragraphs (1), (2) and (3) Rules of the Supreme Court relating to holidays and computation of time apply to documents filed using the portal.
- (5) Notwithstanding paragraph (4), a period during which the facility for electronic filing is not available is excluded from the computation of time.

Processing by the Registry

- 10.(1) The Registry, through the portal, shall accept a document submitted for electronic filing.
- (2) Where a document is submitted using the portal
- (a) an automated notification is generated in the notification section of the portal and shall be available to the party once the party has logged into the system; and
 - (b) the notification referred to in paragraph (a) shall be sent by electronic mail to the registered e-mail address of the person filing and other parties to the case who are on the portal and have registered a valid e-mail address for service.
- (3) Paragraph (2)(b) does not apply to a document filed through the portal that
- (a) has written thereon the words "Without Notice"; or

-
- (b) is identified on the portal as a document to which that sub-paragraph does not apply.
- (4) An electronically filed document shall be stamped, dated and linked electronically to the associated case by the portal.
- (5) The court's stamp and date of filing information shall be applied to an electronically filed document by the portal to authenticate the document as having been filed in the Registry.
- (6) On payment of the filing fees through the facility provided by the portal the document shall be stamped and the filing fees paid shall be printed on the document.
- (7) Where a document submitted for electronic filing does not comply with these Rules, the Registry shall return the document to the party by whom it was submitted with the reasons for its return.
- (8) A document mentioned in paragraph (7) may be amended and resubmitted for filing.

Compilation of trial bundle, core bundle and record of appeal

11.(1) A party shall provide an index of the documents filed that form the electronic compilation to be used as

- (a) the trial bundle and core bundle for trial; or
- (b) the record of appeal and core bundle for an appeal.
- (2) An electronic compilation of documents referred to in paragraph (1) is deemed to be the trial bundle for the purposes of Part 39 or the Record of Appeal for the purposes of Part 62 of the *Supreme Court (Civil Procedure) Rules, 2008* (S.I. 2008 No. 66) or other applicable rules.

Service of documents electronically

12.(1) Where an enactment or an order of court provides that a document shall be served personally, that document shall not be served electronically.

- (2) Unless an enactment or an order of court provides otherwise, a document filed using the portal shall be served by the relevant party and not the court.
- (3) Where proceedings are being commenced, service must be effected in accordance with the applicable rules of court.
- (4) Electronic service shall be effected through the e-mail address provided by a party on the portal.
- (5) A party who provides an e-mail address under rule 5 consents to accept electronic service through the e-mail address provided.
- (6) An e-mail address is presumed valid for a party unless the party has filed with the Registry notice that the address is no longer valid and has provided an alternative e-mail address.
- (7) A party who receives a document served electronically and is unable to view or download the document shall immediately notify the party who served the document and the party who served the document shall take reasonable steps to ensure that the document can be viewed and downloaded.
- (8) Subject to paragraph (9), a document served electronically shall be deemed to have been served on the day that it was sent.
- (9) A document served electronically
- (a) outside the hours set by law for service or where not applicable, outside business hours of the Registry;
 - (b) on a weekend; or
 - (c) on a public holiday;
- shall be deemed to have been served on the date when the Registry was next open.

Proof of electronic service

13.(1) Where a document is served electronically an electronic confirmation of delivery sent to the e-mail address of the person who served the document shall be deemed to be proof of service.

-
- (2) Where a dispute arises as to whether service was effected that dispute shall be resolved by the Registrar, a Judge of the High Court or a single Judge of the Court of Appeal.
- (3) An electronic confirmation of delivery referred to in paragraph (1) includes
- (a) electronic mail delivery or read receipt;
 - (b) confirmation from an electronic legal service provider that the document was delivered to the recipient party's account by that service provider;
 - (c) acknowledgement of receipt by the recipient party, counsel or counsel's clerk; or
 - (d) other means sufficient to satisfy the court that the document came to the attention of the recipient.

Service electronically by or on the Court

- 14.(1)** The court may serve electronically, a notice, order, judgment or other document issued by the court, on a party to proceedings by delivering the document to the e-mail address of that party.
- (2) A party may serve a document electronically on the court by filing the document through the portal.

Signature on judgments and orders

- 15.** The signature of
- (a) a judge;
 - (b) the Registrar; or
 - (c) the proper officer of the court,
- may be affixed electronically to any document issued out of the court.

Application of *Electronic Transactions Act*, Cap. 308B

16. The *Electronic Transactions Act*, Cap. 308B apply *mutatis mutandis* to these Rules.

New and existing proceedings

- 17.** These Rules apply
- (a) to proceedings begun after the commencement date of these Rules; and
 - (b) to proceedings begun before the commencement date where the case is made available on the portal and an electronic or other notification is given to the parties by the Registry.

Practice Directions

- 18.(1)** The Chief Justice may issue, after consultation with the judges, Practice Directions under these Rules respecting the practice and procedure to be followed.
- (2) A Practice Direction shall be
- (a) published in the *Gazette*; and
 - (b) displayed and made available at the Registry.
- (3) A party shall comply with a Practice Direction.

Made by the Rules Committee this 15th day of September, 2020.

RAJENDRA NARINE
Chief Justice (Ag.)
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