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SUPREME COURT (ELECTRONIC FILING) RULES, 2023

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OFFICE OF THE ATTORNEY GENERAL & MINISTRY OF LEGAL AFFAIRS

S.I. No. 62 of 2023

SUPREME COURT ACT (CHAPTER 53)

SUPREME COURT (ELECTRONIC FILING) RULES, 2023

The Rules Committee, in exercise of the powers conferred by section 76 of the Supreme Court Act (*Ch. 53*) makes the following rules —

1. Citation and commencement.

(1) These Rules may be cited as the Supreme Court (Electronic Filing) Rules, 2023.

(2) These Rules shall come into force on the date appointed by the Rules Committee by notice published in the *Gazette*.

2. Interpretation.

In these Rules –

"**attorney**" means a counsel and attorney admitted to practice under the Legal Profession Act (*Ch. 64*);

"**Court**" means the Supreme Court;

"**Court's website**" means the website of the Judiciary of The Bahamas, presently www.courts.bs;

"**document**" means any pleading, statement of case, acknowledgement, notice, motion, order, affidavit, witness statement, exhibit, bundle, submission, judgment, writ of execution or other document of any type or description capable of being filed in civil or criminal proceedings before the Court;

"**file**" means file in the Registry;

"**filing party**" means any person filing documents and includes a claimant, plaintiff, defendant, petitioner, applicant, respondent, complainant, an attorney-at-law or an interested party;

"**judge**" means the Chief Justice or any justice of the Court;

"**Platform**" means the CURIA e-filing system adopted by the Court to facilitate the electronic filing or e-filing of documents in the Registry;

"**Registrar**" includes Deputy Registrars and Assistant Registrars;

"**Registry**" means the Registry of the Supreme Court.

3. Application.

These Rules shall be applicable to all proceedings begun after the commencement of these Rules and to proceedings begun prior to the commencement of these Rules once the proceeding is made available on the Platform.

4. Purpose of Rules.

These Rules may make provisions for the electronic filing of documents in proceedings before the Court.

5. Registration on platform.

(1) A filing party who wishes to access the Platform shall visit the Court's website and click on the relevant link to register a new account.

(2) A filing party shall accurately complete all information fields requiring input on the Platform and upload required supporting documents in order to register a new account.

(3) Where a filing party has complied with paragraph (2) of this Rule, the Registrar shall review the information and documents submitted and approve the registration.

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

6. Electronic submission of documents.

(1) Documents required or permitted to be filed shall be submitted for electronic filing through the Platform.

(2) The Platform enables a filing party to file a document online —

(a) to commence proceedings; or

(b) in ongoing proceedings available on the Platform,

at any time during or outside normal Registry operating hours, including weekends and public holidays.

(3) There is no limit on the number of documents that may be submitted for electronic filing using the Platform.

(4) In order to submit documents for electronic filing, the filing party shall —

(a) access the Platform by visiting the Court's website and clicking on the relevant link to the Platform;

(b) register a new account or log into an existing account;

(c) enter the details of a new or existing proceeding;

(d) upload the documents desired to be filed;

(e) pay the appropriate filing fee in accordance with Rule 9; and

(f) submit the documents desired to be filed.

7. Submission of documents for filing.

(1) Prior to submitting a document for electronic filing, the filing party shall ensure that the correct documents are being uploaded.

(2) The filing party shall be responsible for the accuracy and completeness of any document submitted using the Platform.

(3) Every document submitted for electronic filing using the Platform shall be legible and properly organized to enable perusal without difficulty.

(4) No document submitted for electronic filing using the Platform shall be scanned upside down.

(5) Documents submitted for electronic filing shall be scanned in chronological order.

(6) A document submitted for electronic filing shall comply with the requirements of these Rules and any other applicable rules of the Court.

(7) Where a document is submitted for electronic filing, the original document shall be made available for inspection if required by another party to the proceedings and/or by order of the Court.

(8) Where a filing party experiences a technical issue while using the Platform, the filing party shall immediately report the issue by using the appropriate contact details provided on the Court's website or the Platform.

8. Format of documents.

(1) A document desired to be filed electronically shall be submitted in a format accepted by the Platform and in keeping with the provisions of these Rules.

(2) Subject to paragraph (3), a document which is submitted for electronic filing shall –

(a) be prepared on paper approximately 11 inches long by 8.5 inches wide;

(b) have a margin of approximately 4 inches at the top of the first page;

(c) be prepared electronically using Microsoft Word or Open Office or other word processing software in .doc, .docx, .txt, .rtf, or .pdf format; and

(d) be converted into an electronically searchable Portable Document Format (PDF) before being uploaded to the Platform.

(3) Where a document submitted for electronic filing is not a text document, the document shall be scanned using an image resolution of 300 dpi (dots per inch) or higher and saved as an electronically searchable PDF document before being uploaded to the Platform.

(4) No document submitted for electronic filing by a filing party shall —

(a) exceed 75MB in size;

(b) contain viruses or malware;

(c) be encrypted; or

(d) be password protected.

(5) A document that exceeds 75MB shall, before the document is submitted for electronic filing, be sub-divided into separate smaller documents, none of which may exceed 75MB, and each smaller document shall be submitted for filing as parts of the whole document – e.g., "part 1 of 3", "part 2 of 3", "part 3 of 3" and so on.

(6) Exhibits shall be uploaded separately from the corresponding principal document.

(7) Each exhibit shall be uploaded separately and identified separately – e.g., "exhibit one medical report", "exhibit two photos of the locus in quo", "exhibit three demand letter" and so on.

(8) Forms which must be served on a party with an accompanying document shall be uploaded with that document.

9. Payment of fees.

(1) Prescribed fees are payable on all documents submitted for electronic filing as they would be if the documents were submitted for manual filing.

(2) Prescribed fees for an electronic filing are payable at the time of the submission of the documents through the Platform's online payment system or through designated kiosks made available by the Court.

(3) Where the Platform receives a payment for prescribed fees, a receipt evidencing acceptance of payment shall be generated and provided to the filing party.

10. Processing of documents by the Registrar.

(1) The Registrar shall review all documents submitted for filing using the Platform for compliance with these Rules and any other applicable rules of court.

(2) Where a document has been submitted for electronic filing using the Platform, an automated notification acknowledging that the document has been submitted and is being reviewed shall be sent to the filing party.

(3) A document submitted using the Platform that complies with these Rules and any other applicable rules of court shall be deemed to have been filed.

(4) A document submitted for electronic filing that does not comply with these Rules or any other applicable rules of court shall not be filed and

shall be returned to the filing party along with a notice of the reason(s) for non-acceptance.

(5) A document that has been returned in accordance with paragraph (4) may be appropriately amended and resubmitted.

(6) Each filed document shall be stamped, dated and paginated sequentially based on the case number under which the document is filed or based on the case number that is assigned to the document if the document filed commences a new proceeding.

11. Electronic certificate.

(1) An electronic certificate shall be applied to all documents accepted by the Registrar for filing.

(2) The electronic certificate validates the authenticity of the document as being duly filed.

12. Time of filing.

(1) Subject to paragraphs (3) and (4), a document to which an electronic certificate has been applied shall be deemed to be filed on the date and time that the document was submitted to the Platform.

(2) Where a document has not been accepted for filing and is resubmitted through the Platform, the date and time of filing shall be the date and time of resubmission of that document.

(3) Where a document is submitted through the Platform for electronic filing on a weekday outside of normal Registry operating hours or on a public holiday, Saturday or Sunday, or any other period during which the Registry is closed, the document shall be deemed filed on the date when the Registry is next open.

(4) If, for any reason, the Platform becomes non-operational, the time of filing shall be regarded as the time ascribed when the document was filed rather than when the process of filing was completed by the filing party.

(5) It is the responsibility of the filing party to observe any applicable time limits with respect to the filed document.

(6) The filing party shall afford a reasonable time for processing by the Registrar taking into account the prevailing circumstances.

13. Electronic signature.

(1) A document submitted for electronic filing is not required to bear the electronic image of the handwritten signature of the filing party.

(2) A party may insert an electronic signature on a document for electronic filing.

(3) Where a filing party files a document through the Platform, the original document filed electronically that is signed with a physical signature shall be made available for inspection if required by another party to the proceedings or by a judge.

14. Miscellaneous provisions.

(1) The Chief Justice may issue Practice Directions under these Rules respecting the practice and procedure to be followed.

(2) The Registrar may by notice at any time and from time to time —

(a) prohibit documents or specific types of documents from being filed electronically and require instead that such documents or types of documents be filed in hard copy;

(b) require that documents or specific types of documents be filed both electronically and in hard copy; or

(c) vary or revoke a notice previously issued under this paragraph.

(3) A judge may, in any proceedings, by order, require that any document that has been filed electronically be filed in hard copy or require that a physical copy of the document be provided to the Court in any format as the judge may direct.

Made this 6th day of September, 2023.

Signed
SIR IAN WINDER
Chairman
RULES COMMITTEE