



PRACTICE DIRECTION 11 OF 2020

ELECTRONIC FILING (E-FILING) AND E-SERVICE IN THE GRAND COURT OF DOCUMENTS VIA THE JUDICIAL ADMINISTRATION E-FILING PLATFORM

1. Authority

- 1.1. This Practice Direction is made by the Chief Justice pursuant to Order 1, Rule 12(1) of the Grand Court Rules 1995 (Revised) ("the GCR").

2. Commencement

- 2.1. This Practice Direction will come into effect on **8th January 2021**.

3. Introduction

- 3.1. In furtherance of the objectives of GCR Order 63 Rule 3 and Order 5 Rules 1(5) and (6) this Practice Direction provides for the filing and service of documents ("e-filing and e-service") by electronic means. The introduction of an electronic means of filing and service of documents will improve access to justice by increasing efficiencies, timeliness and reducing costs.
- 3.2. This Practice Direction applies to all existing cases as well as new cases commenced on or after **January 8, 2021** and can be used to file documents to commence or continue cases that are already before the Court.
- 3.3. The filing of documents by electronic means must be done in accordance with this Practice Direction.

4. Operation of Electronic filing system

- 4.1. The Judicial Administration has acquired an e-filing platform ("**APEX CURIA**" the "**Platform**"). The **Platform** may be accessed via an internet Portal on the Judicial Website ("www.judicial.ky").
- 4.2. The Platform enables parties to issue proceedings and file documents online to the Civil (in all Divisions) and Criminal Registries of the Courts at any time during or outside normal Court Office opening hours including weekends, public holidays and during Court breaks.

5. Electronic Submission of Documents

- 5.1. In order to file documents using the Platform, a party must –
- Access the Portal by visiting the Judicial Administration website at www.judicial.ky and clicking on the link to the e-filing Portal;
 - Register a new account or log into an existing account in the fields of data required by the Platform.



- c. Enter details of a new case or an existing case as required by the fields of data of the Platform;
- d. Upload the document(s) associated with that case;
- e. Pay the appropriate fee online by way of the e-filing Portal; and
- f. Submit the document(s).

6. Format of Documents

- 6.1. A document to be filed by electronic means must be submitted in a format supported by the software of the Platform and so in keeping with the following directions.
- 6.2. Documents submitted electronically must not be password protected and must be:-
 - a. Prepared electronically using MS Word or open office or any other Word Processor in .doc, .docx, .txt, .rtf, .pdf formats: and
 - b. Converted into Portable Document Format (PDF) before uploading.
- 6.3. Where the document is not a text document, the document must be scanned using an image resolution of 300 dpi (dots per inch) and saved as a PDF document.
- 6.4. Documents submitted through the e-filing Portal must comply with the requirements specified in the GCR Order 66 and explained in the Explanatory Memorandum thereof (2009 Revision) Paragraph 16, sub-paragraph 16.2 which sets out the following:-
 - Paper size: letter size of approximately 11 inches (28 cm) long by 8.5 inches (21.5 cm) wide
 - Margins: 1.5 inches (3.5 cm) at top and bottom
1.5 inches (3.5 cm) at the left side
1 inch (2.5 cm) at the right side
- 6.5. The aggregate size of a document cannot exceed 100 MB (megabytes) for one submission.
- 6.6. Where the aggregate size of a document exceeds 100 MB (megabytes) that large document must be separated into multiple smaller documents not exceeding 100 MB ((megabytes) each. Thereafter, each document must be submitted as one part of the whole, e.g., – “part 1 of 3”, “part 2 of 3”, “part 3 of 3” and so on.
- 6.7. Exhibits must be uploaded and submitted separately from the corresponding principal document but identified as related to it.
- 6.8. Each exhibit must be uploaded and identified separately, e.g., – “exhibit one Contract”, “exhibit two cheque”, “exhibit three Certificate of title”, and so on.



7. Identity of Party Filing Documents (GCR O.63 r.5)

- 7.1.** Every document filed in, or process issued out of the Court Office shall identify the filing party in keeping with the requirements of GCR Order 63, Rule 5 and as required by the Platform.

8. Electronic Signatures

- 8.1.** The Platform supports the use of electronic signatures on documents subscribed by the registered filing party. A document which requires signature must be signed when submitted for filing by electronic means and must be an electronic copy of the original signed document. A document which requires attestation must be attested to when submitted for filing by electronic means and must be an electronic copy of the original attested document.

- 8.2.** Where parties file documents using the Platform, all original documents filed electronically must be made available for inspection if required by another party to the proceedings and/or by order of the Court.

9. Filing outside business hours

- 9.1.** Any document submitted through the Platform for filing outside business hours (8:30 am to 5:00 pm Mondays to Fridays) or on a public holiday, Saturday, or Sunday, or any other period during which the Registry is closed, will be deemed filed as soon as the Registry is next open.

- 9.2.** Documents will be ascribed times of e-filing and if for any reason the Platform becomes non-operational the time of filing will be regarded as the time ascribed when the document was filed rather than when the process of filing was completed.

10. Fees

- 10.1.** The prescribed fees set out in the Court Fee Rules 2009 are payable for all documents filed electronically as they would be for documents filed non-electronically and at the time of filing, whereupon a receipt from the Clerk of Court will be generated through the online payment system.

11. Processing by the Registry

- 11.1.** The Registry will review all documents submitted for filing for compliance with the Grand Court Rules ("GCR") and this Practice Direction.
- a.** Where a document has been submitted using the Platform, an automated notification will be generated which will appear in the message centre of the account registered to the filing party and also sent to that party by email.
 - b.** A document submitted using the Platform that complies with the GCR and this Practice Direction shall be filed.
 - c.** A document submitted for filing that does not comply with the GCR and this Practice Direction shall not be filed and a notice of the reasons for non-



acceptance shall be sent to the message centre of the filing party and by email to that party with a notice of the reason(s) for non-acceptance. The document may be amended and resubmitted for filing accordingly.

- d. 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 case.
- e. An electronic certificate will be applied to all documents accepted by the registry for filing. The electronic certificate validates the authenticity of the document as being duly filed in the Registry.
- f. Once a document has been duly filed in the Registry, an automated notification will be generated which will appear in the message centre of the account registered to the filing party and will also be sent by email, as the case may be, to the filing party to confirm that the document has been filed and to confirm the date and time of filing.
- g. Once a document has been duly filed in the Registry, copies will be generated electronically for placement on the Public Registers in keeping with GCR Order 63 Rule 8 unless embargoed by direction issued under GCR Order 63 Rule 3(4).

- 11.2. Subject to paragraph 9 above, 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, provided that 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.

12. Electronic Service of documents

- 12.1. Subject to the requirements of the GCR for personal service of documents in the first instance, it is directed that in addition to the means set out in GCR Order 65 Rule 5(1) for substituted service, any documents requested by the filing party to be served may be served electronically by way of the e-filing and e-service systems of the Platform.
- 12.2. Electronic service of e-filed documents may be effected through the electronic service address of a party which includes:
- a. An electronic mail (email) address.
 - b. Other given electronic media address (SMS or text message).
- 12.3. A party specifically consents to accept electronic service by:-
- a. serving and filing a notice or written consent on any other party, that the party accepts electronic service. The electronic service address at which the party agrees to accept service must be stated in the notice or written consent;
 - b. electronically filing any document or acknowledging service of any document electronically. The party is deemed to agree to accept service at the electronic



service address from which the electronic filing or acknowledgment is made, provided that self-represented parties must affirmatively consent to electronic service as provided under subparagraph (a);

- c. including an electronic service address in the address for service in the prescribed form of originating process filed pursuant to GCR Order 5;
- d. registering an account on the Platform. The email address provided during registration shall be the electronic service address for the registered party.

12.4. An electronic service address is presumed valid for a party if the party files electronic documents with the Court from that address and has not filed and served notice that the address is no longer valid.

12.5. A party who has consented to electronic service under 12.3 must promptly notify the Court and other parties electronically of any change in their electronic service address.

12.6. A party who receives a document that is served electronically and is unable to view or download the document must promptly notify the serving party and the serving party shall take all reasonable steps to ensure that the document can be viewed and downloaded.

12.7. A document served to an electronic service address is considered served on the date and time that it is sent.

13. Proof of service

13.1. Electronic confirmation of delivery shall serve as proof of service for all documents served electronically provided that if any dispute arises as to whether service occurred, it shall be resolved by a Judge.

13.2. Electronic confirmation of delivery shall include:

- a. E-mail delivery or read receipt;
- b. Confirmation that an embedded hyperlink in the message envelope was accessed;
- c. Acknowledgement of receipt by the recipient party, by his or her Attorney-at-Law; or
- d. Other means sufficient to satisfy the Court that the document(s) came to the notice of the recipient party such as an electronic certificate of e-service generated by the platform.

14. Electronic Service by or on the Court

14.1. The Court may electronically serve any notice, order, judgment, or other document issued by the Court on a party to a case or respondent to the judicial process by delivering same to the electronic service address given by that party or respondent.

14.2. A party may serve a document which is required to be served on the Court by

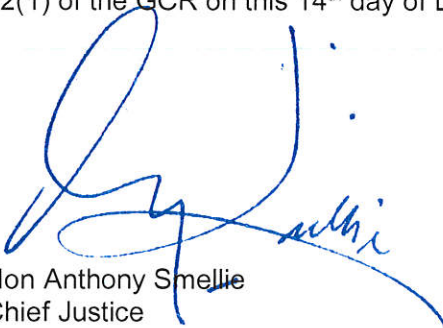


filing and serving same through the Platform for delivery to the email address of the Clerk of Court.

15. Discontinuation

15.1. The use of emails for the filing of documents pursuant to Practice Direction 5 of 2020 is discontinued from the 8th January 2021 until further notice.

Issued by the Honourable Chief Justice of the Cayman Islands pursuant to Order 1, Rule 12(1) of the GCR on this 14th day of December 2020.



Hon Anthony Smellie
Chief Justice

14 December 2020