

Practice Direction CPR PD5

No. 2 of 2023

Service of Claim Form by Electronic Means

This Practice Direction is made pursuant to the Supreme Court Civil Procedure Rules, 2022 and supplements Part 5 of the Rules.

1. Introduction

1.1 This practice direction authorises the use of electronic means of communication for service of a claim form.

1.2 In this practice direction “electronic means” means CD ROMs, memory sticks, e-mail or other means of electronic communication of the contents of documents.

2. Service by electronic means

2.1 Where a party intends to serve a claim form by electronic means that party must first ask the party who is to be served whether there are any limitations to the recipient's agreement to accept service by such means (for example, the format in which documents are to be sent and the maximum size of attachments that may be received).

2.2 The party who is to be served or the attorney acting for that party must previously have indicated in writing to the party serving—

- (a) that the party to be served or the attorney is willing to accept service by electronic means; and
- (b) the e-mail address or other electronic identification to which it must be sent.

2.3 The following are to be taken as sufficient written indications for the purposes of paragraph 2.2 (b) —

- (a) an e-mail address set out on the letterhead of the attorney acting for the party to be served where it is stated that the e-mail address may be used for service; or
- (b) an e-mail address or electronic identification set out on a statement of case or a response to a claim filed with the court.

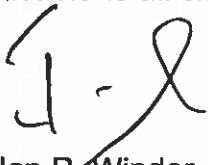
2.4 Where a document is served by electronic means, the party serving the document shall, upon request by the party being served send or deliver a hard copy.

2.5 Where a document is to be served by electronic means and any of the Rules or any practice direction requires that document to be signed, that requirement shall be satisfied if the signature is printed by computer or other mechanical means.

Rule 5.12 of the Civil Procedure Rules 2022 applies as it relates to proof of service where service is by electronic means.

3. Effective date

3. This practice direction will come into effect on the 1st day of March, 2023, and will be applicable to all claim forms which are dispatched or transmitted after that date.

A handwritten signature in black ink, appearing to read 'I. R. Winder', written in a cursive style.

Sir Ian R. Winder

Chief Justice

27 February 2023