

LEGAL NOTICE NO. 21

REPUBLIC OF TRINIDAD AND TOBAGO

THE SUPREME COURT OF JUDICATURE ACT, CHAP. 4:01
THE FAMILY AND CHILDREN DIVISION ACT, 2016

RULES

MADE BY THE RULES COMMITTEE UNDER SECTION 78 OF THE SUPREME COURT OF JUDICATURE ACT AND SECTION 60(1) OF THE FAMILY AND CHILDREN DIVISION ACT, 2016, SUBJECT TO NEGATIVE RESOLUTION OF PARLIAMENT

THE FAMILY PROCEEDINGS (AMENDMENT) RULES, 2022

1. These Rules may be cited as the Family Proceedings Citation (Amendment) Rules, 2022.

2. In these Rules, “the Rules” means the Family Proceedings Rules, Interpretation 1998.

3. These Rules shall come into effect on the date of publication with the exception of sub-rules 30.7(3), 30.8(6), 30.15(5)(a) and (6) and 30.16(2)(a) and (3), which shall come into effect on a date to be fixed by the Chief Justice by Practice Direction.

4. Part 2 of the Rules is amended in rule 2.3 by inserting in the appropriate alphabetical sequence, the following definitions: Part 2 amended

“**electronically verified copy**” means a court document which has been authenticated and verified using the Judiciary’s E-vrfy System and is effective as an office copy, as may be required;

“**E-vrfy**” is the Judiciary’s Document Authentication and Verification system;

“**office copy**” shall be construed as a reference to an electronically verified copy of a court document.”.

5. Part 6 of the Rules is amended by inserting after Rule 6.2, the following new Rule: Part 6 amended

“Service of Petition—Alternative Methods

6.2A (1) Notwithstanding Rule 6.2, a petitioner may elect one of the following alternative methods of service:

(a) service by electronic mail;

(b) personal service by his Attorney-at-law; or

(c) personal service by an agent.

- (2) Where a petitioner elects to serve a petition by an alternative method of service as stated in sub-rule (1), the petitioner shall indicate the alternative method of service by filing a Notice of Election in the form prescribed in Appendix D at the time of filing of the petition.
- (3) Where a petitioner is unable to effect service following an election pursuant to sub-rule (1), the petitioner may file a further Notice of Election in the form prescribed in Appendix D and elect another alternative method of service stated in sub-rule (1).
- (4) Whether a petitioner elects one or more alternative methods of service as stated in sub-rule (1), service of the petition must be effected on or before fourteen (14) days after the date of filing.
- (5) Notwithstanding sub-rule (4), where a petition is filed prior to the coming into existence of this rule, a petitioner may file a Notice of Election in the form prescribed in Appendix D, electing an alternative method of service and must serve the petition on or before fourteen (14) days after the date of filing of the Notice of Election.
- (6) Where a petitioner elects one or more alternative methods of service and fails to serve the petition within fourteen (14) days as prescribed in sub-rules (4) and (5), the petitioner shall make an application to the Court for service to be effected personally under Rule 6.2 or Rule 6.5 as the case may be, or may apply for an order of the court for service by a specified method under Rule 6.6.
- (7) An application under sub-rule (6) shall be made no later than seven (7) days after the time set out in sub-rules (4) and (5) and shall be—
 - (a) in writing;
 - (b) supported by evidence;
 - (c) identify the efforts made to serve the petition; and
 - (d) indicate the method of service being requested.
- (8) A petition served *via* electronic mail under this Part is deemed to be served on the date of its transmission, save and except where the contrary is proven.

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- (9) Where a petitioner elects to serve the petition by electronic mail, the petitioner shall, within seven (7) days of the deemed date of service, prove service to the satisfaction of the Court by filing an affidavit—
- (a) giving details of the date and time of service;
 - (b) confirming that they have not been in receipt of an “undelivered” or “failed” returned electronic mail containing the petition;
 - (c) exhibiting evidence that the E-mail address is valid and is customarily and regularly utilized by the respondent and/or co-respondent; and
 - (d) showing that the respondent and/or co-respondent was able to or likely to ascertain the contents of the documents.
- (10) Where a petitioner elects to have his Attorney-at-law or an agent serve the petition, the petitioner shall, within seven (7) days of such service being effected, prove service to the satisfaction of the Court by filing an affidavit indicating—
- (a) the date and time of service;
 - (b) the precise place or address at which it was served;
 - (c) precisely how the person served was identified;
 - (d) that the person’s identity was confirmed by a form of photo identification, that is, their National Identification Card, Driver’s Permit or Passport;
 - (e) that the person answered to the name as stated on the petition when called; and
 - (f) precisely how service was effected.
- (11) Where a petitioner elects to have his Attorney-at-law or an agent serve the petition and the person served was identified by another person, there must also be filed where practicable, an affidavit by that person proving the identification of the person served and stating how that person was able to identify the person served.

- (12) Where a petitioner elects to have his Attorney-at-law or an agent serve the petition and the server identified the person to be served by means of a photograph or description, there must also be filed an affidavit by a person verifying the description or photograph as being that of the person intended to be served and stating how that person was able to verify the description or photograph, as being that of the person intended to be served.
- (13) The Court shall, before taking any step on the basis that the Petition was served in accordance with this Rule, consider and determine whether the affidavit(s) filed in support of proof of service satisfactorily proves service.
- (14) Where the Court determines that the affidavit(s) filed fails to prove service to the satisfaction of the Court, the Court shall—
- (a) exercise its powers pursuant to Rule 6.9; or
- (b) give directions as to how service of the petition is to be effected.
- (15) Sub-Rule (14) shall not apply where a respondent and/or co-respondent appears before the Court and consents to the matter proceeding notwithstanding.”.

Part 7
amended

6. Part 7 of the Rules is amended—

- (a) by revoking sub-rule 7.2(1) and substituting the following sub-rule:
- “7.2 (1) Any decree, direction or order shall be transmitted electronically by the court, unless the court orders otherwise.”; and
- (b) by amending sub-rule 7.4 as follows:
- (i) in sub-rule 7.4(1) by inserting after the word “posted”, the words “or transmitted *via* electronic mail to the E-mail address provided by the Attorney-at-law on record”; and
- (ii) by inserting after sub-rule 7.4(3) the following new sub-rule:
- “(4) If a party’s address for service includes an E-mail address, the documents may be so transmitted to that party at the said E-mail address.”.

7. Part 9 of the Rules is amended by revoking sub-rule 9.3(4) and substituting the following sub-rule: Part 9
amended

“(4) The petition shall include an E-mail address for service on the petitioner.”.

8. Part 30 of the Rules is amended— Part 30
amended

(a) in Rule 30.6 by inserting after sub-rule 30.6(6) the following sub-rules:

“(7) An application for a *decree nisi* to be made absolute under this Part shall be determined by the Registrar, who may dismiss an application in the following cases:

(a) where the applicant, at the time of the application, is not entitled to make such an application;

(b) where the Attorney-at-law for the applicant is not on record in the proceedings; or

(c) where the application contains a material error.

(8) Any decision of the Registrar to dismiss an application in accordance with sub-rule (7) shall be communicated to the applicant electronically by the court office and shall be without prejudice to any further application by either party to the proceedings for a *decree nisi* to be made absolute.”;

(b) in Rule 30.7 by inserting after sub-rule 30.7(2), the following new sub-rules:

“(3) Every decree or order issued electronically by the court office shall bear an electronic seal of the court and the Judiciary’s E-vrfy endorsement.

(4) A decree absolute shall be in the form and design set out in Appendix C to these Rules and shall be issued and transmitted electronically.”;

(c) in Rule 30.8 as follows:

(i) by revoking sub-rule 30.8(5) and substituting the following sub-rule:

“(5) Every judgment or order drawn up by the court or a party shall be issued and transmitted electronically, unless otherwise directed by the court.”; and

(ii) by inserting after sub-rule (5), the following new sub-rule:

“(6) Every electronically issued order of the court shall bear the Judiciary’s E-vrfy endorsement.”;

(d) by revoking Rule 30.9 and substituting the following:

“Electronic service of decrees, orders and other court documents—

Gazette
Vol. 58 No. 103
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30.9 (1) The court office shall issue and transmit a copy of every decree, order, notice or any other document issued by the Court, in a like manner as provided under the Practice Direction titled “Electronic Orders” or such other direction issued by the Chief Justice and in force for the time being.

(2) The court office shall electronically transmit a copy of any summons, warrant or any other document issued by the Court to the Trinidad and Tobago Police Service for service or execution as the case may be.”;

(e) in Rule 30.15 by inserting after sub-rule 30.15(3), the following sub-rules:

“(4) A copy of a decree other than a decree absolute shall not be issued to any person, other than a party to the proceedings or an Attorney-at-law on record in the proceedings, without the permission of the Court.

(5) Every copy of a decree shall be an electronically verified copy and same shall—

(a) bear the Judiciary’s E-vrfy endorsement;

(b) be issued electronically unless the Registrar directs otherwise; and

(c) be transmitted electronically upon the payment of the prescribed fee save and except where the fee is suspended, waived or deferred.

(6) Sub-rule (5) above shall apply to copies of a decree issued by the court before and after the coming into existence of this rule.

(7) Where a decree or copy of a decree was issued and transmitted in hardcopy or electronic form prior to the coming into existence of this rule, the same shall remain valid and there shall be no requirement for the Judiciary’s E-vrfy endorsement.

(8) Every electronically issued decree, electronically verified decree and electronic copy of a decree shall be treated as an original.

(9) The Chief Justice may by practice direction prescribe, vary, suspend, waive or defer any fee including any transaction or processing fee taken by the Registrar from a person requesting a copy of a decree and the manner of payment of such fee.”; and

(f) by inserting after Rule 30.15, the following new Rule:

“Electronically verified copy

30.16 (1) A copy of an order shall not be issued to any person, other than a party to the proceedings or an Attorney-at-law on record in the proceedings, without the permission of the Court.

(2) Every copy of an order shall be an electronically verified copy and same shall—

(a) bear the Judiciary’s E-vrfy endorsement;

(b) be issued electronically unless the Registrar directs otherwise; and

(c) be transmitted electronically upon the payment of the prescribed fee save and except where the fee is suspended, waived or deferred.

(3) Sub-rule (2) above shall apply to copies of an order issued by the court before and after the coming into existence of this rule.

(4) Where an order or copy of an order was issued and transmitted in hardcopy or electronic form prior to the coming into existence of this rule, the same shall remain valid and there shall be no requirement for the Judiciary’s E-vrfy endorsement.


(5) Every electronically issued order, electronically verified order and electronic copy of an order shall be treated as an original.

(6) The Chief Justice may by practice direction prescribe, vary, suspend, waive or defer any fee including any transaction or processing fee taken by the Registrar from a person requesting a copy of an order and the manner of payment of such fee.”.

Appendices C and D inserted

9. The Rules are amended by inserting after Appendix B, the following Appendices:

"APPENDIX C
Decree Absolute




JUDICIARY
TRINIDAD AND TOBAGO

DECREE ABSOLUTE
DIVORCE / NO. FH 00000/0000

ISSUED IN THE HIGH COURT OF JUSTICE
THE REPUBLIC OF TRINIDAD AND TOBAGO

BETWEEN



A.B.

PETITIONER

AND

C.D.


RESPONDENT

Referring to the decree made in this cause on the *(date of decree nisi)* whereby it was decreed that the marriage solemnized on the *(date and place of marriage)* between A.B. THE PETITIONER and C.D. THE RESPONDENT be dissolved unless sufficient cause be shown to the Court within six (6) weeks from the making thereof why the said decree should not be made absolute and no such cause having been shown, it is hereby certified that the said decree was on the *(date and time made absolute)* in the *(forenoon/afternoon)* made final and absolute and that the said marriage was thereby dissolved.

Dated this *(date of decree absolute)*

.....
Assistant Registrar
(Supreme/Family Court)

This document is not valid unless it bears the seal of the Court



To:	Petitioner / Attorney-at-Law Petitioner/Attorney's Address 1 Petitioner/Attorney's Address 2 Petitioner/Attorney's Address 3 Petitioner/Attorney's Email
And To:	Respondent / Attorney-at-Law Respondent/Attorney's Address 1 Respondent/Attorney's Address 2 Respondent/Attorney's Address 3 Respondent/Attorney's Email

This document is not valid unless it bears the seal of the Court.



APPENDIX D

REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

FH 00000/0000

A.B.

Petitioner

and

C.D.

Respondent

NOTICE OF ELECTION

TAKE NOTICE that the petitioner hereby elects to serve the petition and accompanying documents by [insert method of service] pursuant to Rule 6.2 A of the Family Proceedings Rules (as amended).

.....
 Petitioner/
 Attorney-at-law for the Petitioner

Dated this day of , 20 .

Dated this 10th day of February, 2022.

I. ARCHIE
Chief Justice

C. PEMBERTON
Justice of Appeal

C. BROWNE-ANTOINE
Puisne Judge

F. AL-RAWI
Attorney General

A. FITZPATRICK s.c.
Attorney-at-law

S. INDARSINGH
Attorney-at-law

K. OLIVERIE
Registrar