

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 26 OF 2012

The Supreme Court of Zambia Act
(Laws, Volume 3, Cap. 25)

The Supreme Court (Amendment) Rules, 2012

IN EXERCISE of the powers contained in section *twenty-eight* of the Supreme Court Act, the following Rules are hereby made:

1. These Rules may be cited as the Supreme Court (Amendment) Rules, 2012, and shall be read as one with the Supreme Court Rules, in these Rules referred to as the principal Rules.

Title
Cap. 25

2. Rule 2 of the principal Rules is amended by—

Amendment
of rule 2

(a) the deletion of the definition of—

“register” and the substitution therefor of the following definition:

“register”, in relation to the registration of any proceedings in the Court, means the appropriate register, in electronic and hard copy form, kept by the Master for the registration of the proceedings; and

(b) by the insertion in the appropriate places of the following new definitions:

“case management system” means the system used by the Master and the Court to calendar, assign and track cases;

“conventionally file” means the act of filing or serving of paper documents;

“document management system” means the electronic document storage and imaging system maintained by the Master;

“efiling” means electronic transmission of an original document to the Court;

“electronic service” means electronic transmission of a document to parties as required by a written law and rules of a court and as designated by the filing party;

“electronic document” means an original document filed with the Master in electronic format;

“filing” means the act of submitting documents, electronically or in paper form to the Master for filing;

“hyperlink” means an electronic connection or reference to another place in a document, such that when selected, the user is taken to the portion of the document to which the hyperlink refers;

“ID” means a unique user identification;

“parties” means the parties related to a case, including a plaintiff and defendant or an advocate representing a plaintiff or defendant;

“PDF” means portable document format, a file format that preserves all fonts, formatting colours and graphics of any source document, regardless of the application platform used;

“TIFF” means a Tag Image File Format, a standardised file format used to store imaged documents;

“scanned document” means an electronic image created by scanning a paper document; and

“source document” means the document as originally submitted to the Master for filing.

Amendment of rule 4 3. Rule 4 of the principal Rules is amended by the insertion immediately after sub-rule (3) of the following sub-rules:

(4) The Registry shall, in addition to the hard copies of all the documents and proceedings filed in the Registry, maintain a register.

(5) A person may conduct an electronic or manual search of the register upon payment of the prescribed fee.

Insertion of new rule 5A 4. The principal Rules are amended by the insertion, immediately after rule 5, of the following new rule:

5A. (1) Subject to section *five* of the Electronic Communications and Transactions Act, 2009, where under these Rules any notice, record or other document is required to be in writing, such document may be in electronic or hard copy format, as applicable.

Electronic document Act No. 21 of 2009

(2) Where a document is required to be served under these Rules, it may be served in electronic or hard copy format.

5. The principal Rules are amended by the insertion, immediately after rule 5, of the following new rules:

Insertion of new rules 9A, 9B, 9C, 9D, 9E, 9F, 9G, 9H, 9I

9A. Notwithstanding any other rules of court, the following types of documents shall be filed conventionally, unless expressly required to be filed electronically by the Court:

Documents not permitted to be e-filed Cap. 88

- (a) any document required to be filed under the Criminal Procedure Code Act;
- (b) documents filed under seal;
- (c) audio recordings not expressly authorised by the Court, in writing, for filing electronically; and
- (d) affidavits of service for conventionally served or filed documents.

9B. (1) Where a matter requires the filing of a document, that document may be filed electronically.

General e-filing guidelines

(2) Any case participant with standing to file conventionally with the Court may file electronically in accordance with these Rules and all applicable laws and rules of Court.

(3) A party appearing in person may file documents using e-filing or conventional filing.

9C. All pleadings, motions, memoranda, orders and other documents electronically filed in a matter shall be maintained in electronic format by the Master and shall be maintained as the original and official record of the Court.

E-filing implementation

9D. (1) A filing party shall ensure that an electronically filed document is formatted in accordance with the applicable rules governing formatting of paper documents, rules of procedure and such other formats as the Court may require:

Format of e-filed documents

Provided that those formats shall not cause participants to a matter to invest significant resources in making changes to the document.

(2) The Master shall not reject a document solely for the reason that it is not in substantial conformity with a specific rule of procedure or written law.

Accepted
file formats

9E. (1) A participant may electronically transmit a document in Microsoft Word, Microsoft Works, Microsoft Excel, Rich Text Format, WordPerfect, Portable Document Format and any standard nonproprietary graphic formats.

(2) All documents electronically filed shall, upon acceptance and filing by the Registrar, be converted to Portable Document Format in compliance with the requirements set out in these Rules.

(3) The Court may require a participant to produce the original of a scanned exhibit that has been filed electronically by the participant.

(4) Parties and other case participants shall ensure that all proposed forms of order are submitted electronically in a Microsoft Word file format.

9F. (1) An electronically filed document may include hyperlinks, bookmarks and other electronic navigational aids for the convenience of the Court.

Hyperlinks,
bookmarks
and other
electronic
navigational
aids

(2) A hyperlink shall not form part of the filed document.

(3) Each hyperlink shall contain a text reference to the target of the link.

(4) Notwithstanding anything contained in these Rules, a hyperlink shall not form part of the official court record and shall not be preserved in electronically filed documents submitted and stored on the Master's electronic document management system.

9G. (1) The Master shall ensure that every party and practitioner is registered and provide each with a personally selected user name (ID) and password.

(2) The user name referred to in sub-rule (1) shall, when used in conjunction with the personally selected password, constitute a signature of the registered participant on documents submitted to the Court or by the Court.

User ID and
electronic
signatures

(3) Notwithstanding sub-rule (2), a participant may apply an electronic signature to a document to be submitted to the Court.

(4) In order to ensure the intent of the filing participant, the signature line on an electronically filed document shall bear the printed name of the filing participant preceded by the symbol “/s/”.

(5) An electronic document may be signed by the Master through the use of a printed signature preceded by the “/s/” symbol or through the use of the Court’s e-filing Manager (EFM) application judicial signature stamp.

(6) The e-filing Manager (EFM) application judicial signature stamp shall be merged with the electronic document and shall be visible when the document is printed and viewed electronically.

(7) A document requiring the signature of a party or participant or other identifying indicators shall be filed with the court in paper format and scanned and maintained consistent with applicable record retention schedules and archival rules.

9H. (1) The Master shall, upon completion of the transmission of an electronic document for filing, immediately scan the document for viruses.

File transmission confirmation, acceptance and rejection

(2) Where the document transmitted under sub-rule (1) is free from infection, the document shall be deemed submitted and the Master shall send an acknowledgment of receipt of the document to the filing participant.

(3) A document which has been successfully received shall be reviewed for compliance with all standard filing practices and, if it complies with the standards, shall be accepted and deemed filed as of the date and time it was received by the Master’s e-filing system.

(4) Where a document is infected, the Registrar shall discard and send the document with a notice to the filing participant that the document was infected and has not been filed.

(5) A notice under sub-rule (4) shall be sent to a filing participant or any authorised thirdparty facilitating entity and shall set forth the grounds for rejection.

(6) A party whose document has been rejected may re-submit any rejected document with appropriate corrections.

(7) A document received under sub-rule (4) shall be received subject to such review, payment of applicable fees and acceptance by the Master.

(8) The Master shall, upon completion of the electronic filing review process, send notification of the filing's status and, if accepted, the official file date and time of the filing.

(9) A document accepted for filing by the Master shall be electronically file stamped with the time and date of filing and the name of the Master accepting the filing, and the words "ELECTRONICALLY FILED."

(10) The file stamp referred to in sub-rule (9) shall be merged with the electronic document and shall be visible when the document is printed and viewed online.

(11) An electronically filed document that does not bear an electronic file stamp shall be deemed to be incomplete.

(12) An e-filing file stamped in accordance with these Rules shall have the same force and effect as documents filed in the conventional manner.

91. A participant who files a document electronically shall have the same responsibility as a person filing a document in paper format for ensuring that the document is properly filed, complete and legible and that the appropriate copies have been provided to other parties in the case.

6. Rule 12 of the principal Rules is amended by—

(a) the insertion immediately after sub-rule (1) of the following sub-rule:

(2) An application to the Court for an extension of time in relation to a judgment or the date of expiration of the time within which the application ought to have been made shall be filed at the registry within twenty-one days of the judgment or such time within which the application ought to have been made unless leave of the Court is obtained to file the application out of time; and

(b) the re-numbering of sub-rules (2), (3) and (4) as sub-rules (3), (4) and (5) respectively.

Responsibility
for filing

Amendment
of rule 12

