

HFW LITIGATION | AUGUST 2023

## BVI COURT PROCEDURE: A REVISED EDITION OF THE CPR COMES INTO FORCE

The 2023 revision to the Eastern Caribbean Supreme Court Civil Procedure Rules came into force on 31 July 2023. In this article we discuss the significance of the amendments and their impact upon BVI court procedure.

The Eastern Caribbean Supreme Court Civil Procedure Rules (**ECSC CPR**) were last revised in 2000. The introduction of this recent update (**Revised CPR**) is therefore a welcome development.

Common law court practice and procedure has moved on significantly since 2000 and technology has an increasing influence on court practice globally. For example, the BVI Commercial Court has used a sophisticated e-filing system since 2018, which, together with its willingness to hold hearings and trials by video conference, enabled the BVI courts to keep the wheels of justice turning during the recent global pandemic.

### Familiar Concepts

The central tenet of the ECSC CPR remains unchanged: the "*overriding objective*" of the CPR requires the BVI Court to "*deal with cases justly*", which includes, amongst other things:

- ensuring '*equality of arms*';
- saving expense;
- dealing with cases in a manner which is proportionate to the value and importance of the claim, the complexity of the issues involved and the parties' financial positions; and
- dealing with cases expeditiously.<sup>1</sup>

The overriding objective, and the quality of the Commercial bench in the BVI, means that parties litigating before the BVI Court can rest assured that their claims will be handled in a professional, expeditious and just manner.

### The Amendments

The Revised CPR, which came into force on 31 July 2023 and applies to all new proceedings filed after that date, includes several significant amendments to BVI Court procedure, including:

- service of court process out of the BVI;
- judicial settlement conferences;
- default judgments;
- relief from sanctions;
- disclosure;
- translations;
- appeals; and
- costs;

all aimed at ensuring that BVI Court procedure is efficient, effective, fit for modern dispute resolution purposes<sup>1</sup> and appropriate for a court which regularly handles cross-border litigation, insolvency and restructuring.

We discuss these amendments in greater detail in forthcoming articles.

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<sup>1</sup> See, for example, the comments of the Honourable Chief Justice, Dame Janice M. Periera, DBE, LL.D in the *Eastern Caribbean Supreme Court Annual Report 2021 – 2022*, page 9.

## Commentary

Given the extent of the amendments to the CPR, and the implications for parties who litigate before the BVI Court, it is now, more than ever, important to select knowledgeable and experienced BVI lawyers.

HFW has BVI lawyers across our global network all of whom specialise in complex, high value, cross-border litigation, insolvency, and restructuring.

## Contact Us

This article provides a high-level overview of the introduction of the Revised CPR. Should you need further guidance please contact our BVI team or your usual HFW contact.

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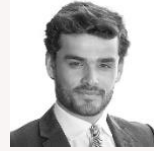
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