

CIVIL PRACTICE DIRECTIVE NO. 3  
ELECTRONIC FILING

Effective December 15, 2010

**Practice Directive prevails:** This Practice Directive prevails in the event of any conflict or inconsistency between this Practice Directive and *The Court of Appeal Rules*.

**Electronic filing**

- 1(1) In this section and sections 2 and 4, “**approved filer**” means a person who has been approved by the registrar pursuant to subsection (3).
- (2) A person who intends to submit an electronic document for filing may apply to the registrar to become an approved filer.
- (3) On receipt of an application pursuant to subsection (2), the registrar may approve the person as an approved filer if:
  - (a) the person provides an email address and any other information that may be requested by the registrar;
  - (b) the person agrees or undertakes to comply with the terms of use for electronic filing; and
  - (c) the registrar considers it appropriate to do so.
- (4) The registrar may:
  - (a) impose any terms and conditions on an approved filer pursuant to subsection (3); and
  - (b) revoke approval if an approved filer fails to use the system in accordance with, or otherwise breaches, the terms of use, any term or condition imposed pursuant to clause (a) or this practice directive.
- (5) An approved filer who submits an electronic document for filing shall:
  - (a) submit the document in an electronic format acceptable to the registrar along with proof of service; and
  - (b) at the time the document is submitted, pay any applicable fee by credit card (Visa or Mastercard).
- (6) A document submitted for filing is not filed until the registrar accepts it for filing.
- (7) If an electronic document submitted pursuant to this rule is accepted for filing by the registrar and the filing complies with the Rules, the document is filed:

- (a) if the document is received by the registrar on or before 4 p.m. on a day on which the registry is open, on the day the document is submitted;
  - (b) if the document is received by the registrar after 4 p.m. on a day on which the registry is open, on the first following day that the registry is open;
  - (c) if the document is received by the registrar on a day on which the registry is not open, on the first day following that the registry is open.
- (8) On accepting an electronic document for filing, the Registrar shall place an electronic stamp on the electronic document.
- (9) If a document in paper form is filed with the registrar, the registrar may convert the document into electronic form and, in that event, the registrar must:
- (a) store the conversion in an electronic system that the registrar considers appropriate; and
  - (b) retain the paper form of the document.

#### **Electronic file access**

- 2(1) If the registrar considers it appropriate, the registrar may permit an approved filer to access an electronic court file if the approved filer is:
- (a) an appellant, a respondent or an intervener on the file;
  - (b) a lawyer or law firm representing either an appellant, a respondent or an intervener on the file; or
  - (c) an employee of the lawyer or law firm referred to in clause (1)(b) who is authorized by that lawyer or law firm to access the electronic file.
- (2) A party, lawyer or law firm who submits for filing an initiating document (Notice of Appeal or Motion for Leave to Appeal) is not required to apply for access approval pursuant to subsection (1).
- (3) A lawyer or law firm with a right of access to an electronic file pursuant to either subsection (1) or (2) must immediately advise the registrar if:
- (a) the lawyer or law firm ceases to represent the appellant, respondent or intervener, as the case may be; or
  - (b) the lawyer or law firm wishes to have an employee's access rights rescinded.
- (4) The registrar may rescind access to an electronic court file by an approved filer:
- (a) in the circumstances set out in subsection (3); or

(b) if, in the opinion of the registrar, the approved filer has been in breach of the terms of use, any term or condition imposed pursuant to clause 1(4)(a) or this practice directive.

**3 Repealed.** 4 July 2014, r. 12.

**Electronic filing - paper copy requirements**

4(1) Subject to subrule (2), if an approved filer files a document electronically, the approved filer must, immediately after filing electronically, file one paper copy of the document with the registrar.

(2) If an approved filer files an appeal book or factum electronically, the approved filer must, immediately after filing electronically, file three bound paper copies of the appeal book or factum with the registrar.

**Paper filing - paper copy requirements**

5(1) Nothing in this practice directive prevents a party from filing a document in paper form with the registrar.

(2) If a party files an appeal book or factum in paper form:

(a) the original appeal book or factum must be unbound and un-perforated; and

(b) the three (3) copies must be bound.

**Service, address for service and communications by registrar**

6(1) Notwithstanding subrule 67(2), if service is required by the Rules, parties may effect service by any means permitted by Part Three of *The Queen's Bench Rules*, with necessary modification.

(2) In addition to the requirements of Rule 65, every party to an appeal must provide the registrar with a valid email address, unless exempted from doing so by the registrar.

(3) Notwithstanding Rule 68, any notice or other communication given by the registrar may be made by any means of electronic communication capable of producing a printed copy.

**NOTE: This Practice Directive is issued by the Court under the authority of *The Court of Appeal Act, 2000* and Rule 74 of *The Court of Appeal Rules*.**

Melanie A. Baldwin  
Registrar, Court of Appeal for Saskatchewan.