



CHECKLIST FOR PERSONS FILING DOCUMENTS – DIRECT PRIVATE PARTY ACTIONS/COMPLAINTS

THIS DOCUMENT IS NOT A SUBSTITUTE FOR INDIVIDUAL PROFESSIONAL ADVICE. THE ENVIRONMENTAL COMMISSION HAS PREPARED THIS DOCUMENT MERELY AS A GUIDE. IT IS RECOMMENDED THAT YOU SEEK LEGAL ADVICE FOR YOUR PARTICULAR CASE.

The procedure for filing Direct Private Party Actions/Complaints is set out in the Environmental Management Act, 2000 and the Environmental Commission Rules of Practice and Procedure, 2001. You should therefore ensure compliance with these in preparing and filing your documents. Failure to do so may result in your documents being struck out and your application being dismissed.

Before filing your Notice of Direct Private Party Action/Complaint you should verify the following:

- that the title of the Notice of Direct Private Party Action/Complaint has been included;
- that a full description of the nature of the Direct Private Party Action/Complaint has been included;
- that any remedy being sought has been included;
- that the names and addresses of all persons intended to be served with the Notice of Direct Private Party Action/Complaint have been included;
- that the Notice of Direct Private Party Action/Complaint is accompanied by the Written Notice of Claimed Violation sent to the EMA under section 69(1)(a);
- that the Notice of Direct Private Party Action/Complaint includes proof of the Written Notice of Claimed Violation having actually been sent to the Managing Director of the EMA as required by section 69(1)(a) of the Act;
- that the Notice of Direct Private Party Action/Complaint states whether the proceedings are filed out of time and if so, is endorsed with a reason for late filing. **If your Direct Private Party Action/Complaint is out of time you should first file an Application for an Extension of Time to File your Notice of Direct Private Party Action/Complaint;**
- that the Respondent is correctly identified;
- that the Notice of Direct Private Party Action/Complaint is dated and signed;
- that the Applicant's/Complainant's address for service is clearly stated;
- that you have brought the original and at least seven (7) copies of the Notice of Application (i.e. the original and four (4) copies to be retained by the Registry; one (1) for **each** person intended to be served with the Notice **including** every Respondent and the Managing Director of the Environmental Management Authority; and one (1) for yourself);
- that you have securely bound all exhibits and accompanying documents to the Notice of Application/Complaint.



You are responsible for ensuring that the date and time of the hearing are inserted in the Notice of Direct Private Party Action/Complaint. At the time of filing you will be given this date and time by the Registry Clerk. You must fill in this information on the original and all copies before the Notice of Direct Private Party Action/Complaint is filed.

Before leaving the Registry verify that all of your copies have been stamped as “Filed” and “Sealed” with the Seal of the Environmental Commission.

After you have served the Notice of Direct Private Party Action/Complaint you may wish to file an Affidavit of Service. This formally notifies the Environmental Commission that the other party has been served with the Notice of Private Party Action/Complaint and may expedite the hearing of the matter by allowing the Commission to set the earliest practical date for the Preliminary hearing of the matter. An example of an Affidavit of Service is attached hereto.



REPUBLIC OF TRINIDAD AND TOBAGO

IN THE ENVIRONMENTAL COMMISSION

E.A.A. No. 100 of 2007

Between

JOAN PUBLIC

Applicant

And

ACME WIDGETS COMPANY LIMITED

Respondent

I, **JOAN PUBLIC** of 1, Frederick Street, Port of Spain, legal secretary, **MAKE OATH** and **SAY** as follows:

1. That I did on Thursday the 15th February, 2007 at No. 123 Knox Street, Port of Spain the registered office of ACME Widgets Company Limited personally serve Mary Small who accepted service for Jane Smith, Corporate Secretary for ACME Widgets Company Limited with a true copy of the Notice of Application in this action, which appeared to me to have been regularly issued out of the Registry of the Environmental Commission of Trinidad and Tobago, against the above named Respondent at the suit of the above named Applicant, and which was dated the 15th day of February, 2007 by handing the same to and leaving the same with her at the aforesaid registered office.
2. That at the time of the said service the said Notice and the copy thereof were subscribed and endorsed in the manner and form prescribed by the Environmental Commission Rules of Practice and Procedure, 2001.

Sworn to at)
)
)
 this day of)

Before me,

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 Commissioner of Affidavits



This is the said Notice of Application dated the 15th day of February, 2007 as referred to in the annexed affidavit of JOHN DOE declared to before me this 15th day of February, 2007

Commissioner of Affidavits

COPY OF NOTICE OF APPLICATION WHICH WAS SERVED ON OTHER PARTY