



In the Supreme Court of Bermuda

A/50

1 May 2020

CIRCULAR NO. 10 OF 2020

TO ALL ATTORNEYS

RE: TRANSITIONAL RE-OPENING OF THE COURTS DUE TO COVID-19

This Practice Direction is issued further to Circular 09 of 2020.

Given the most recent update provided by the Bermuda Government on Wednesday, 29 May 2020 that the current 'Shelter in Place' is being lifted with effect from Saturday, 2 May 2020, the Court will commence **transitioning** to re-opening to providing full services with effect from Monday, 4 May 2020.

It should be noted that the health, safety and welfare of the Members of the Public, as well as Court Administrative Staff continues to be our paramount concern so services will continue to be limited and be revisited every two weeks.

The following provisions are effective for the period 4 May 2020 through 15 May 2020:

GENERAL:

- (1) Any persons attending a Court building must have his or her face covered by a mask or other appropriate covering such as a scarf at all times upon entering any Court building. Entry will be denied if this is not complied with.
- (2) Any persons attending a Court building must sanitize his or her hands prior to entering any Court building.
- (3) If a person is showing any signs of illness, such as coughing, he or she will not be allowed to enter any Court building.
- (4) The following Court services will continue to be suspended until further notice:
 - (a) Swearing of affidavits;
 - (b) Certifying Copies; and
 - (c) Criminal Record checks.

SUPREME COURT

- (1) All hearings which involve witnesses and/or juries currently listed before the Supreme Court during the period 4 May – 15 May 2020 shall be adjourned administratively to a date to be fixed. The parties **are not** required to attend the Supreme Court, and will be contacted in due course concerning a date for the hearing to be listed. Matters which have been fixed by the Registry during the "Shelter In Place" remain listed unless the parties are advised otherwise.
- (2) The Supreme Court Registries located at the Government Administration Building, 2nd Floor and the Dame Lois Browne Evans Building, 3rd Floor, will remain closed to the public until **Monday, 18 May 2020**.

- (3) If an application is **urgent**, the parties **MUST** contact the Court by email at supremecourt@gov.bm **immediately** and explain the urgency of the matter so that this may be taken into consideration. The Court will make every effort to list any application that is considered urgent, with such urgency to be determined by the presiding Judge.
- (4) If an application is listed for hearing as it has been determined to be urgent, the parties **may** be required to attend Court. Attendance by the parties and/or attorneys can be requested to be via telephone or an alternative form of audio visual technology (see [Circular No. 8 of 2020](#)) with at least 24 hours' notice (or at the earliest possible opportunity if time constraints do not allow for this notice period). The presiding Judge will determine if these requests for alternative attendance are approved and the parties and/or attorneys will be advised accordingly.
- (5) Until further notice, counsel are continued to be **discouraged** from overloading the email with general correspondence and/or pleadings which do not relate to matters of urgency. If general filings are attempted to be made via email it is likely they will not be addressed. If a party or attorney is unsure whether something should be submitted via email to the Court, kindly send an email seeking direction rather than emailing documents which are not related to an application which has been deemed to be extremely urgent.
- (6) Searches of all Cause Books continue to be suspended unless the search is urgent. Urgent requests shall be made by email to supremecourt@gov.bm. A full explanation must be provided as to why the search is urgent.
- (7) All Search Praecipes currently filed will not be processed until further notice unless deemed as being urgent.
- (8) Estate applications which require the applicant(s) to sign and/or swear supporting documents will not be processed.
- (9) The Courts' delivery service will continue to be suspended. If you have queries regarding documents for collection please contact supremecourt@gov.bm.

MAGISTRATES COURT

- (10) All hearings listed before the Magistrates' Court during the period 4 May – 15 May 2020 shall be adjourned administratively to a date to be fixed. The parties **are not** required to attend the Magistrates' Court, and will be contacted in due course concerning the date they are required to attend for the matter to be heard. However, where parties have appeared before the Courts during the period 6 April to 1 May 2020 and have been given dates to reappear before the Court, those parties **must** appear as directed by the Magistrate. Should any other dates be set by way of Summons or by a Magistrate during the period 6 April to 1 May 2020, parties **must** appear.
- (11) Plea Court will be held each day commencing at 11 a.m. to deal with urgent cases.
- (12) The Magistrates' Court will remain closed to all filings until **Monday, 18 May 2020**. The public access windows will also remain closed.
- (13) The Cashiers Desk will be open each **Monday, Wednesday and Friday from 9:30 to 12:30 p.m.** Persons are encouraged to make payments via online banking or by credit or debit card via telephone where possible.

The following protocols **must** be adhered to otherwise you may be denied entry:

- (a) Your face must be covered by a mask or other appropriate covering such as a scarf at all times upon entering the Dame Lois Browne-Evans Building (“DLBE”).
 - (b) You must sanitize your hands prior to entering DLBE.
 - (c) If you are showing any signs of illness, such as coughing, you will not be allowed to enter DLBE.
 - (d) Only ten (10) persons who are making payments to the Cashiers will be allowed to enter DLBE at any given time.
 - (e) Persons shall practice social distancing by keeping six (6) feet from others at all times after entering DLBE.
 - (f) You must bring your own pen to use to sign any documents/receipts necessary as one will not be provided.
 - (g) Please ensure that you have your case number readily available so as to minimize the processing time of your payment.
 - (h) If your case is in relation to a civil matter or a criminal matter (only if there is no warrant attached), you may call 295-5151 extension 1215 to make your payment via debit or credit card. Please note at this time, this is only a temporary measure which will be utilized and may not continue after the Courts are re-opened.
- (14) If an application is **urgent**, the parties **MUST** contact the Court by email **immediately** using the table below and explain the urgency of the matter so that this may be taken into consideration. The Court will make every effort to list any application that is considered urgent, with such urgency to be determined by the presiding Magistrate.

MAGISTRATES COURT EMERGENCY CONTACT	
DIVISION	EMAIL
CIVIL	civil@gov.bm
CRIMINAL	records@gov.bm
FAMILY AND JUVENILE COURT MATTERS	childsupport@gov.bm
BAILIFF	cterry@gov.bm

- (15) If an application is listed for hearing as it has been determined to be urgent, the parties **may** be required to attend Court. Attendance by the parties and/or attorneys can be requested to be via telephone or an alternative form of audio-visual technology (see Circular No. 8 of 2020) with at least 24 hours’ notice (or at the earliest possible opportunity if time constraints do not allow for this notice period). The presiding Magistrate will determine if these requests for alternative attendance are approved and the parties and/or attorneys will be advised accordingly.

We will continue to review and monitor the above and whether they should be extended and/or expanded, and the public will be advised concerning any changes.

We thank you for your continued patience and understanding as we navigate through these unprecedented times, and apologise for any inconvenience the above may cause.

Dated the 1st day of May 2020.



CC: The Attorney-General's Chambers
Department of Public Prosecutions
Hamilton Police Station
Commissioner of Police
Commissioner of Corrections
Magistrates Court
Bermuda Bar Association
Legal Aid Office

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