



In the Supreme Court of Bermuda

A/50

9 April 2021

CIRCULAR NO. 3 OF 2021

TO ALL ATTORNEYS

RE: FURTHER REDUCTION OF SERVICES DUE TO COVID-19

This Practice Direction is issued further to Circular 02 of 2021.

The health, safety and welfare of the Members of the Public, as well as Court Administrative Staff continues to be our paramount concern.

The continued surge of positive COVID-19 test results the island is experiencing continues to be of great concern to the community. As such, the Courts must reduce services further as part of protective measures which are necessary to implement in order to assist in the efforts to reduce the community spread of COVID-19.

It should be noted that both the Magistrates' Court and the Supreme Court of Bermuda **are in operation**, but reduced services and limited access is being implemented.

The following provisions are effective for the period 9 APRIL TO 30 APRIL 2021 (INCLUSIVE):

GENERAL:

- (i) Members of the Media are not allowed to enter the Court.
- (ii) Members of the Public are encouraged to email or call the Court in respect of any queries rather than attending Court offices. Queries may be emailed to supremecourt@gov.bm or made by telephone on 292-1350 in relation to the Supreme Court, or made by telephone on 295-5151 in relation to the Magistrates' Court.
- (iii) The following Court services remain **suspended** until further notice:
 - (a) Swearing of affidavits;
 - (b) Certifying Copies; and
 - (c) Criminal Record checks.

SUPREME COURT

- (1) **All hearings and trials currently listed during this period will not be heard in person. If the matter is unable to proceed via audio/visual means, the matter will be delisted administratively.** Counsel are therefore encouraged to contact the Supreme Court via email (supremecourt@gov.bm) to advise if all parties agree and are able for the matter to proceed via audio/visual means.

Please note there may be instances where the Courts are unable to accommodate holding the matter via audio/visual means due to lack of resources. Therefore, parties and Counsel should not assume a matter is proceeding in this manner unless confirmation has been received by the Courts.

- (2) Jury trials are suspended until further notice.
- (3) If an application is considered **urgent or time sensitive**, 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 or time sensitive.
- (4) During the period 9 April to 30 April 2021, only new applications that are urgent and/or responses on urgent active applications within the Probate Division may be submitted to supremecourt@gov.bm. You will be advised when original hard copies can be filed.
- (5) We are not accepting the filing of pleadings **via email, save for urgent matters and/or when the parties have been directed to do so** by the Judicial Department. Arrangements for filings of hard copies where pleadings have been submitted via email in the first instance can be made at a later stage.
- (6) The Supreme Court Registries located at the Government Administration Building, 2nd Floor and the Dame Lois Browne Evans Building, 3rd Floor, will be open to general filings **Mondays to Fridays from 8:30 a.m. to 1 p.m. only**. Arrangements may be made for filings outside of these hours when the parties have been directed to do so by the Courts. Filings outside of these hours will not be accepted unless prior confirmation has been received by the Courts.
- (7) Searches of all Cause Books continue to be suspended **unless the search is urgent**.
 - (i) Urgent requests shall be made by email to supremecourt@gov.bm. A full explanation must be provided as to why the search is urgent. Failure to provide an explanation of the urgency may result in your request be overlooked or receiving a delayed response;
 - (ii) Recurring appointments will not be considered at this time; and
 - (iii) In order to assist law firms with being able to complete/advise on commercial transactions, a distribution list will be created to provide firms a photograph of the Supreme Court Cause Book to show any new matters which have been entered from the previous search carried out. Requests to be included on the distribution list should be e-mailed to supremecourt@gov.bm with the subject matter being "Cause Book Distribution List Request". The request should also advise the last listing he or she has recorded. The photograph of the Cause Book will be distributed at **3 p.m. each Tuesday and Friday**. Search Praecipes for this purpose should be sent to by **1 p.m. each Tuesday and Friday** to be included on the distribution list for that day. Individual requests for search the Cause Book for this purpose, save in exceptional circumstances, will not be considered.
- (8) All Search Praecipes currently filed will not be processed until further notice unless deemed as being urgent. Any new requests **must** be made by email to supremecourt@gov.bm. Once processed, attendance to inspect the files, or to collect copies of requested documents from the Supreme Court Registry at GAB will be by **appointment only**.
- (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 trials (civil, criminal, family or otherwise) currently listed during this period will not be heard In Person and will not proceed via audio/visual means.** These matters may be delisted administratively. If the parties and/or Counsel are not notified by the Courts of a delisting, the parties and/or Counsel are required to attend Court on the scheduled date.

(11) **All hearings, mentions and first return dates currently listed during this period will be heard via audio/visual means where possible. If the matter is unable to proceed via audio/visual means, the matter will be delisted administratively.** Parties and/or Counsel who are not advised by the Courts a matter has been delisted should contact the Courts immediately for clarification. If no notification is received by a party, written or otherwise, the matter has been delisted, parties and/or Counsel are expected to appear.

Please note there may be instances where the Courts are unable to accommodate holding the matter via audio/visual means due to lack of resources. Therefore, parties and Counsel should not assume a matter is proceeding in this manner unless confirmation has been received by the Courts.

(12) **As it relates to criminal matters,** all defendants must continue to appear to answer to bail, unless an arrangement has been made between his or her attorney and the Department of Public Prosecutions ("DPP") to appear via audio/visual means. The Senior Magistrate and any other Magistrate who is assigned to hear the matter will strongly take into consideration agreement between the DPP and the Defendant's attorney (or the Defendant without an attorney) to adjourn the matter to honour this request. Please be mindful the presiding Magistrate has a duty to exercise his or her discretion in accordance with the law.

(13) Unrepresented parties shall appear in Court in-person **unless** they are required to be in quarantine or if they are experiencing any symptoms related to the COVID-19 virus. If so, then the unrepresented party shall **immediately** advise the Magistrates' Court of such and they **may** be allowed to appear in Court remotely and/or be given an adjourned date.

The onus shall be on the unrepresented defendant to appear in Court, in-person on the adjourned date and failure to do so will result in a warrant being issued for their **immediate** arrest.

(14) Traffic court will continue as normally scheduled; however, Defendants will be dispersed over three (3) court rooms rather than being required to congregate in the hallway and/or having a large crowd in Court #1. When Defendants appear they will be directed to the appropriate Court Room accordingly.

(15) The Magistrates' Court will only be open to receive filings each **Monday to Friday from 9:30 a.m. to 1 p.m.**

(16) No **new** applications or enforcement proceedings shall be filed with the Courts, i.e. lawyers or parties shall not file any of the following pleadings:

- (i) Ordinary Summonses;
- (ii) Judgment Summonses;
- (iii) Warrants for Arrest;
- (iv) Writs of Executions;

- (v) Committals;
- (vi) Applications for possession;
- (vii) Applications for Evictions;
- (viii) Child maintenance; and
- (ix) Child custody, care and control.

(17) New applications which have previously been filed that have yet to be provided with first return dates will be issued, but will not be provided a date prior to 1 June 2021.

(18) If an application is considered **urgent or time sensitive**, 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 or time sensitive.

MAGISTRATES COURT EMERGENCY CONTACT	
DIVISION	EMAIL
CIVIL	civil@gov.bm
CRIMINAL	records@gov.bm
FAMILY	childsupport@gov.bm
BAILIFF	ctterry@gov.bm

(19) The Cashiers Desk will be open each **Monday to Friday from 9:30 a.m. to 1 p.m.** Persons are encouraged to make payments via online banking where possible. 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.

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 9th day of April 2021.



- 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