



## In the Supreme Court of Bermuda

A/50

30 April 2021

**CIRCULAR NO. 6 OF 2021**

**TO ALL ATTORNEYS**

### **TRANSITIONAL INCREASE OF SERVICES (COVID-19)**

This Practice Direction is issued further to Circular 5 of 2021.

Given the phased re-opening by the Bermuda Government since the lifting of the 'Stay at Home Order' the Court will commence **transitioning** to re-opening to providing full services.

**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.**

### **EFFECTIVE 3 MAY 2021 THROUGH 28 MAY 2021:**

#### **GENERAL:**

- (i) 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](mailto: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.
- (ii) The following Court services remain **suspended** until further notice:
  - (a) Swearing of affidavits;
  - (b) Certifying Copies; and
  - (c) Criminal Record checks.

#### **SUPREME COURT:**

- (1) Opening of the Supreme Court and the Court of Appeal Registries (Government Administration Building, 2<sup>nd</sup> Floor and the Dame Lois Browne Evans Building, 3<sup>rd</sup> Floor):
  - (a) **Closed** until **Friday, 7 May 2021**.
  - (b) For the period **10 May 2021 to 28 May 2021**:  
Mondays, Wednesdays and Fridays from 8:30 a.m. to 1 p.m.
- (2) **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](mailto: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.

- (3) Jury trials continue to be suspended until 31 May 2021.
- (4) If an application is considered urgent or time sensitive, the parties **MUST** contact the Court by email at [supremecourt@gov.bm](mailto: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.
- (5) Only new applications that are urgent and/or responses on urgent active applications within the Probate Division may be submitted to [supremecourt@gov.bm](mailto:supremecourt@gov.bm). You will be advised when original hard copies can be filed.
- (6) We are not accepting the filing of pleadings outside of the registry hours set out in paragraph (1) above **via email** unless the parties have been directed to do so by the Judicial Department. If correspondence or applications are sent via email which are not explicitly stated as being urgent it is likely this correspondence will not be addressed. Likewise, do not send “follow up” emails unless the matter is urgent.
- (7) The Practice Directions set out in Circular No. 3 of 2021 as it relates to the searches of all Supreme Court Cause Books will continue to be effective.
- (8) The Courts’ delivery service will continue to be suspended. If you have queries regarding documents for collection please contact [supremecourt@gov.bm](mailto:supremecourt@gov.bm).

#### **MAGISTRATES’ COURT:**

- (9) **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 in order to obtain a new date.
- (10) **All other 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 that a matter has been delisted should contact the Courts immediately for clarification. If no notification is received by a party, written or otherwise that 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.

- (11) **As it relates to criminal matters:**

- (a) All defendants must appear in Court in-person for first time appearances.

- (b) All represented defendants **must** continue to appear In Person in Court 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 any 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.
- (c) 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.
- (d) The responsibility 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.
- (12) 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.
- (13) The Magistrates’ Court filings:
- (a) Closed until **Friday, 7 May 2021**.
- (b) For the period **10 May 2021 to 28 May 2021**:  
Mondays, Wednesdays and Fridays from 8:45 a.m. to 1 p.m.
- (14) 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	<a href="mailto:civil@gov.bm">civil@gov.bm</a>
CRIMINAL	<a href="mailto:records@gov.bm">records@gov.bm</a>
FAMILY/JUVENILE	<a href="mailto:childsupport@gov.bm">childsupport@gov.bm</a>
MENTAL HEALTH COURT	<a href="mailto:awilliams@gov.bm">awilliams@gov.bm</a>
BAILIFF	<a href="mailto:ctterry@gov.bm">ctterry@gov.bm</a>

(15) 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 unless they have deemed to be urgent in accordance with paragraph (14) above:

- (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.

(16) 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 2 August 2021.

(17) The Cashiers Desk remain open in accordance with the Circular No. 5 of 2021.

We will continue to review and monitor the above to determine whether they should be extended and/or expanded. 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 reduction in services may cause.

Dated the 30<sup>th</sup> day of April 2021



**REGISTRAR**

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