



**THE OFFICE OF THE CHIEF JUSTICE
JUDICIARY OF THE BAHAMAS
NOTICE # 10
THE COURT CORONAVIRUS MITIGATION PROTOCOLS 4.0
5 August, 2020**

On 4 August, 2020 the Competent Authority made the Emergency Powers (Covid 19 Pandemic) (Lockdown) Order, 2020 imposing, *inter alia*, a twenty-four hour curfew for all Islands of The Bahamas subject to the exceptions and exemptions mentioned therein. The curfew is effective as of 10:00 p.m. on Tuesday, 4 August, 2020 until 5:00 a.m. on Wednesday, 19 August, 2020

These Protocols:

- (i) come into effect at 12:01 a.m. on 5 August, 2020 and shall cease to have effect at 12:01 a.m. on 24 August, 2020 or such later date as the Chief Justice may direct by Notice or Practice Direction (“***the Extension Period***”); and
- (ii) shall not apply to Grand Bahama unless expressly extended to that island by Notice issued by the Chief Justice.

The Court Coronavirus Mitigation Protocols 3.0 contained in Notice # 9 shall continue to apply to Grand Bahama until the Cessation Date as defined therein.

For the avoidance of doubt, the Court Coronavirus Mitigation Protocols 2.0 contained in Notice # 8 (“the Protocols 2.0”) continue to be in effect subject only to the modifications set out herein. Such modifications shall cease to be effective on 24 August, 2020 or such later date as the Chief Justice may direct by Practice Direction.

Except as otherwise defined in these Protocols, capitalized terms used herein have the same meaning as set out in the Protocols 2.0.

Supreme Court – Criminal Side:

1. Currently, the intention is to resume hearing criminal jury trials in September, 2020 and counsel should govern themselves accordingly. The actual date for the commencement of such trials will be fixed by Protocol or Practice Direction issued by the Chief Justice and will depend on future developments relating to the Covid 19 pandemic.
2. During the Extension Period the Court will, unless otherwise determined by the presiding judge, continue to conduct hearings by Videoconferencing under paragraphs 2 – 5 of the Protocols 2.0. Specifically, applications in New Providence under paragraph 4(i) of the Protocols 2.0 will be heard by Justice Turner.
3. The Court will only conduct In-Person Hearings during the Extension Period in cases of urgency involving the liberty of the subject when it is not possible or permissible to have a Remote Hearing.

Supreme Court – Civil Side (all cases which are not criminal):

4. During the Extension Period, unless the presiding judge determines otherwise after hearing submissions by or on behalf of the parties:
 - (i) In-Person hearings under paragraphs 6 and 7 of the Protocols 2.0 are suspended. All such hearings which are adjourned as a result of such suspension will be rescheduled by the judge to a fixed date after the Extension Period;
 - (ii) the Court will proceed with all Remote Hearings and Applications on the Papers under paragraphs 8 and 9 of the Protocols 2.0.

Hearings - Registrar/Deputy Registrars/ Assistant Registrars (collectively “the registrars”):

5. Only Remote Hearings and Applications on the Papers under paragraph 10 of the Protocols 2.0 before the registrars will proceed during the Extension Period.

Supreme Court Registries:

6. During the period 5 August, 2020 to 19 August, 2020 (“*the Restricted Period*”) the following Registries of The Supreme Court in New Providence will be closed to the public:

- (i) Civil Registry - BAF Financial Building; (except for a satellite Registry in Annex 1)
- (ii) Family Registry - Annex 1;
- (iii) Probate Registry- Annex 1
- (iv) Appeals Registry - Annex 1

7. During the Restricted Period:

- (i) the Supreme Court Civil Registry will operate out of a satellite office in Annex 1 on weekdays during the hours of 1:00 p.m. – 4:00 p.m.;
- (ii) Supreme Court documents can be filed in the usual way at the Cashier's counter in that building during those hours;
- (iii) the Criminal Registry on Bank Lane will remain open to the public on weekdays between 1:00p.m. – 4:00p.m.; and
- (iv) urgent requests for access to court files or to inspect the Cause List Books in any of the Registries should be made by email to the Registrar of the Supreme Court.

Magistrate Courts – Criminal Side:

8. During the Extension Period, Arraignments (i.e. first time pleas), bail and variation of bail applications and remands will continue to be heard by Magistrates in New Providence and Abaco in accordance with paragraphs 13, 14 and 17 of the Protocols 2.0.

9. Paragraphs 15, 18 and 20 of the Protocols 2.0 are not affected by these Protocols.

10. During the Extension Period, the Coroner will be available by appointment for signing releases on Mondays, Wednesdays and Fridays in New Providence from 10:00 a.m. – 2:00 p.m. The Deputy Coroner in Abaco will be available by appointment for signing releases on those days between 9:30 a.m. – 1:00 p.m. In the event of an emergency, the Coroner in New Providence and the Deputy Coroner in Abaco can be contacted by telephone at other times during the week through their respective offices or by email.

Magistrate Courts – Traffic cases:

11. (i) Hearings before the Traffic Court resumed on 27 July, 2020. In view of the Emergency Powers (Covid 19 Pandemic) (Lockdown) Order, 2020, first pleas in traffic cases are suspended during the Extension Period. Dates of first pleas scheduled during this period are adjourned to 4:00 p.m. on the same day of the week commencing 31 August, 2020.

(ii) Subject to the provisions of the Emergency Powers (Covid 19 Pandemic) (Lockdown) Order, 2020, all fines, including fines under Fixed Penalty Notices, in traffic cases can be paid during the Extension period on weekdays (i) in New Providence between 10:30 a.m. – 2:30 p.m. and (ii) in Abaco between 9:30 a.m. – 12:00 noon.

(iii) During the Extension Period, all trials in traffic cases are suspended until after the Extension Period. Trials in traffic cases scheduled to be heard:

- (i) on 5, 6 or 7 August, 2020 are adjourned to the same day of the week commencing 7 September, 2020;
- (ii) during the week commencing 10 August, 2020 are adjourned to the same day of the week commencing 14 September, 2020;
- (iii) during the week commencing 17 August, 2020 are adjourned to the same day of the week commencing 21 September, 2020.

Magistrate Courts – Civil Side (any cases not criminal, traffic or juvenile):

12. During the Extension Period:

(i) the Civil Registry in the Magistrates Court Complex in New Providence will be open to the public on weekdays between 10:30 a.m. – 2:30 p.m. for the filing of civil, family and other non-criminal claims certified as urgent by either the Chief Magistrate or the Deputy Chief Magistrate;

(ii) the Accounts Department in the Magistrates Court Complex in New Providence will be open to the public on weekdays between 10:30 a.m. – 2:30 p.m. for the payment of maintenance payments under a Court Order. The disbursement of maintenance payments will continue to be made to the

receiving party under the relevant Court Order via direct deposit.

13. Magistrates will be assigned under the Urgent Duty Magistrate Roster for the purpose of hearing cases filed under paragraph 12(i) above.

14. Currently, the intention is to resume hearing civil, family and other non-criminal trials in September, 2020. The actual date for the commencement of such trials will be fixed by Protocol or Practice Direction issued by the Chief Justice and will depend on future developments relating to the Covid 19 pandemic.

Subject to paragraphs 12 – 14 above, new trials and part heard matters continue to be governed by paragraphs 21 and 22 of the Protocols 2.0.

Brian M. Moree
Chief Justice.