

**THE OFFICE OF THE CHIEF JUSTICE  
JUDICIARY OF THE BAHAMAS**

**NOTICE # 4**

**RE. EXTENSION OF THE EMERGENCY POWERS  
(COVID 19) (NO. 2) ORDER**

**31 March, 2020**

**The Emergency Powers (Covid 19) (No. 2) Order 2020 (“Order No. 2”) has been extended to 8 April, 2020. In these circumstances, the current Court Coronavirus Mitigation Protocols which were implemented on 23 March, 2020 under Public Notice # 3 (and posted on the Judiciary’s website) are hereby rescinded and replaced with these Protocols with effect from 31 March, 2020 and will continue in effect until the expiration of Order # 2 (“the Expiration Date”) unless otherwise rescinded. For the avoidance of doubt, the various time periods after the Expiration Date mentioned herein survive the expiration of these Protocols.**

**Court operations will continue to be restricted to essential services until the first working day after the Expiration Date.**

## **Supreme Court – Criminal Side:**

**1. New criminal jury trials** in New Providence and Grand Bahama are suspended until five (5) working days after the Expiration Date.

**2. Arraignments** fixed in New Providence for 27 March, 2020 are adjourned to 8 May, 2020 at 10:00 a.m. Arraignments in Grand Bahama will continue subject to strict adherence to social distancing requirements.

**3. Bail** - until five (5) working days after the Expiration Date, only **urgent bail applications** will be heard in New Providence and Grand Bahama. The Urgent Bail Judge Roster for New Providence is posted on the Judiciary's website. Senior Justice Gray Evans will hear urgent bail applications in Grand Bahama. All urgent bail applications will be heard electronically whenever possible and when in-person hearings are necessary social distancing requirements will be followed.

**4. Until five (5) working days after the Expiration Date, an application for a hearing date for any other matter on the Criminal Side** which is claimed to be urgent (i.e. not an urgent bail application under the existing criteria) must be made (i) in New Providence to either Justice Turner or Justice Bethell; and (ii) in Grand Bahama to Senior Justice Evans.

Any application under this paragraph for an urgent hearing date will be disposed of on written representations submitted by email to the judge by or on behalf of the applicant.

**5. Case Management Conferences and Pre Trial Reviews** are suspended in New Providence and Grand Bahama until five (5) working days after the Expiration Date.

New dates for hearings vacated under these Protocols will be fixed by the Judge.

## **Supreme Court – Civil Side (all cases which are not Criminal):**

**6. All part heard Trials** in New Providence and Grand Bahama scheduled to continue on a date between 17 March, 2020 and seven (7) working days after the Expiration Date are adjourned to a date to be fixed by the presiding Judge.

PROVIDED THAT after the Expiration Date any party may, in an urgent matter adjourned under this paragraph, apply to the Judge for an earlier date within the aforementioned period of seven (7) working days.

**7. New trials** are suspended in New Providence and Grand Bahama until five (5) working days after the Expiration Date.

**8. Urgent interlocutory applications** in New Providence and Grand Bahama will continue to be heard. For the purpose of

these Protocols, an urgent interlocutory application is one which seeks (i) an injunction; (ii) a domestic violence protection order; (iii) a child protection order; (iv) an order under the Mental Health Act; (v) an order under an international Treaty; (vi) a writ of habeas corpus; and (vii) any other order deemed by the Judge to be fit for hearing on an urgent basis. In New Providence these applications will be heard by the Urgent Duty Judge in accordance with the Urgent Duty Judge Roster posted on the Judiciary's website and in Grand Bahama they will be heard by Justice Adderley.

Urgent interlocutory applications will be heard electronically whenever possible and when in-person hearings are necessary social distancing requirements will be followed.

**9. Other interlocutory applications** in New Providence and Grand Bahama scheduled to be heard on a date between 17 March, 2020 and seven (7) working days after the Expiration Date are adjourned to a date to be fixed by the presiding Judge.

**10. Other matters on the Civil Side** – application for hearing dates under the Court Coronavirus Mitigation Protocols for other matters claimed to be urgent (i.e. not an interlocutory application as defined above) must be made (i) in New Providence to the Urgent Duty Judge; (ii) in Grand Bahama to Justice Adderley.

Any application for a hearing date under this paragraph will be disposed of on written representations submitted by email to the judge by or on behalf of the applicant.

## **Hearing by Registrar/ Deputy Registrars / Assistant Registrars:**

**11.** All court hearings before Registrars in New Providence and Grand Bahama scheduled to be heard on a date between 17 March, 2020 and five (5) working days after the Expiration Date are adjourned to a date to be fixed by the presiding Registrar/ Deputy Registrar / Assistant Registrar.

## **SUPREME COURT REGISTRIES:**

**12.** The Family Registry, the Probate Registry and the Appeals Registry in New Providence are closed until the first working day after the Expiration Date.

**13.** The office of the Civil Registry located in the BAF Financial Building on George Street, Nassau is closed until the first working day after the Expiration Date. Until that date the Civil Registry will operate out of a satellite office in Annex 1 during the hours of 1:00 p.m. – 4:00 p.m. Court documents can be filed in the usual way during those hours. Cause List Searches

in the Civil Registry are suspended until the first working day after the Expiration Date.

**14.** The office of **the Criminal Registry** located on Bank Lane, Nassau is closed until the first working day after the Expiration Date. Until such date, the Criminal Registry will operate out of a satellite office in Annex 1 during the hours of 1:00 p.m. – 4:00 p.m.

**15.** Until the first working day after the Expiration Date the operations of the Registries in Grand Bahama are restricted to Monday – Friday from 9:30 a.m. – 2:00 p.m.

## **Magistrate Courts – Criminal Side:**

**16. Arraignments / first time pleas** will proceed on weekdays (i) in New Providence between 10:30 a.m. – 2:30 p.m. (ii) in Grand Bahama between 9:30 a.m. – 2:00 p.m. and (iii) in Abaco between 9:30 a.m. – 1:00 p.m. All hearings will be conducted in strict compliance with social distancing requirements. Only persons who must be in the court room will be allowed to enter and in any event no more than 10 persons at any time. Hearings to be sequenced under the oversight of the Police to avoid overcrowding.

**17. Bail / Variation of bail applications** – will proceed in New Providence, Grand Bahama and Abaco at the times and subject to the conditions applicable to arraignments in each of those Islands.

**18. New trials** in all Magistrates Courts are suspended in criminal cases, juvenile cases and Coroner Inquests until two (2) working days after the Expiration Date. A determination will be made at that time with regard to the future course of these trials.

**19. Traffic cases** – first pleas in traffic cases are suspended until the first working day after the Expiration Date. Dates of first pleas scheduled for 23 March, 2020 until the first working day after the Expiration Date are adjourned from the date on which it was to be heard to the same date in the following month. If the adjourned date falls on a weekend or public holiday, it is adjourned to the next court business day.

All fines, including fines under Fixed Penalty Notices, in traffic cases can be paid under current procedures (i) in New Providence between 10:30 a.m. – 2:30 p.m. (ii) in Grand Bahama between 9:30 a.m. – 2: 00 p.m. and (iii) in Abaco between 9:30 a.m. – 12:00 noon.

All trials in traffic cases are suspended until two (2) business days after the Expiration date when the position will be reviewed.

**20. Remands** will continue by video link with the Remand Court at the Bahamas Department of Correctional Services facility.

**21. Part heard criminal trials, juvenile trials and Coroner Inquests** scheduled to continue on a date between 17 March, 2020 and two (2) working days after the Expiration Date are

adjourned to a date to be fixed by the presiding Magistrate or Coroner.

**22.** During the period 17 March, 2020 until the first working day after the Expiration Date, the Office of the Coroner will be open for signing releases during weekdays in (i) New Providence from 10:00 a.m. – 2:00 p.m. (ii) Grand Bahama from 9:30 a.m. – 2:00 p.m. and (iii) Abaco between 9:30 a.m. – 1:00 p.m.

**23. Voluntary Bills of Indictment** – are suspended until the first working day after the Expiration Date.

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

**24. New trial dates** are suspended until two (2) working days after the Expiration Date.

**25. Part heard matters** scheduled to continue on a date between 17 March, 2020 and two (2) working days after the Expiration Date are adjourned to a date to be fixed by the presiding Magistrate.

**26. Family Court** - during the period 17 March, 2020 until the first working day after the Expiration Date, payments can be made and funds received in (i) New Providence at the Cashier counter in the Magistrates Court from 10:30 a.m. – 2:30 p.m. (ii) Grand Bahama in the Magistrates Court between 9:30 a.m.



- 2:00 p.m. and (iii) Abaco, Marsh Harbour between 9:30 a.m.
- 12:00 noon.

## **Magistrate Courts – General:**

**27.** The Magistrate’s Court in Exuma has been closed until further notice. Exuma will be serviced by Circuit while the resident Magistrate’s Court is closed.

**28.** All travel by Magistrates for Circuits is suspended until a date to be fixed by the Chief Justice after the Expiration Date.

**29. Urgent applications** for hearing dates in the Magistrates Court until two business days after the Expiration Date can be made (i) in New Providence to the Chief Magistrate; (ii) in Grand Bahama to the Deputy Chief Magistrate; and (iii) in Abaco to the resident Magistrate.

**Chief Justice.**