

THE OFFICE OF THE CHIEF JUSTICE

JUDICIARY OF THE BAHAMAS

PUBLIC NOTICE # 3

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

23 March, 2020

On 23 March, 2020 the Prime Minister issued the Emergency Powers (Covid 19) (No. 2) Order 2020 (“Order No. 2”). In view of that Order, it is now necessary to modify the existing Court Coronavirus Mitigation Protocols which were implemented on 17 March, 2020. Therefore, for as long as Order No. 2 is effective, Court operations will be restricted to certain essential duties of the Judiciary.

Accordingly, the following phase 2 Court Coronavirus Mitigation Protocols are to be implemented with immediate effect from Tuesday, 24 March, 2020:

Supreme Court – Criminal Side:

New criminal jury trials in New Providence and Grand Bahama are suspended until 14 April, 2020 when the position will be reviewed on the basis of prevailing circumstances at that time.

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.

Bail - until 31 March, 2020 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.

Case Management Conferences and Pre Trial Reviews are suspended in New Providence and Grand Bahama until the week of 14 April, 2020.

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

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

Part heard Trials in New Providence and Grand Bahama are suspended until the week of 14 April, 2020. New dates for all trials vacated under these Protocols will be assigned by the Judge.

New trials are suspended in New Providence and Grand Bahama until the week of 14 April, 2020.

Interlocutory applications – until 14 April, 2020 only **urgent interlocutory applications** in New Providence and Grand Bahama will be heard. Urgent interlocutory applications are applications for (i) injunctions; (ii) domestic violence protection orders; (iii) child protection orders; (iv) orders under the Mental Health Act; (v) orders under international Treaties; (vi) writs of habeas corpus; and (vii) any other orders deemed by the Judge to be fit for hearing on an urgent basis. In New Providence these applications will be heard by the Duty Urgent 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.

New dates for interlocutory applications vacated under these Protocols will be assigned by the judge.

Hearing by Registrar/ Deputy Registrars / Assistant Registrars:

All court hearings before Registrars in New Providence and Grand Bahama are suspended until after 14 April, 2020. New

hearing dates for applications vacated under these Protocols will be assigned by the Registrar/ Deputy Registrar / Assistant Registrar.

SUPREME COURT REGISTRIES:

The Family Registry, the Probate Registry and the Appeals Registry in New Providence are closed until 31 March, 2020.

The office of **the Civil Registry** located in the BAF Financial Building on George Street, Nassau is closed until 31 March, 2020. From 23 March, 2020 to 31 March, 2020 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 31 March, 2020.

The office of **the Criminal Registry** located on Bank Lane, Nassau is closed until 31 March, 2020. From 23 March, 2020 to 31 March, 2020 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.

The operations of the Registries in Grand Bahama will move to a reduced work day and will be open to the public Monday – Friday from 9:30 a.m. – 2:00 p.m.

Magistrate Courts – Criminal Side:

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.

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.

New trials in all Magistrates Courts are suspended in criminal cases, juvenile cases and Coroner Inquests until the week of 14 April, 2020 when the position will be reviewed. A determination will be made at that time with regard to the future course of these trials.

Traffic cases – first pleas in traffic cases are suspended until after 31 March, 2020. Dates of first pleas scheduled for 23 March, 2020 – 31 March, 2020 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 31 March, 2020 when the position will be reviewed.

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

Part heard criminal trials, juvenile trials and Coroner Inquests are suspended until 31 March, 2020. New dates vacated under these Protocols will be assigned by the Magistrate / Coroner.

During the period 23 March, 2020 – 31 March, 2020 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.

Voluntary Bills of Indictment – are suspended until 31 March, 2020.

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

New trial dates are suspended until 31 March, 2020.

Part heard matters – hearings are suspended until 31 March, 2020. New dates will be assigned by the Magistrate.

Family Court - during the period 23 March, 2020 – 31 March 2020 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.

The Magistrate's Court in Exuma has been closed until further notice and the resident Magistrate has been transferred to Grand Bahama. Exuma will be serviced by Circuit while the resident Magistrate's Court is closed.

All travel by Magistrates for Circuits is suspended until 14 April, 2020 when the position will be reviewed.

Urgent applications for hearing dates in the Magistrates Court 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.