

Practice Direction
Supreme Court of Judicature of Jamaica
COVID-19 Emergency Directions

This Practice Direction is issued by the Chief Justice of Jamaica in response to the COVID-19 virus and the declaration by the Prime Minister of Jamaica as a disaster zone and is designed to protect the health of all judges, court staff, police officers, all occupational groups working within the courts whether or not employed by the court, and court users while at the same time providing reduced legal services to the public by reducing the number of persons gathered in our courts so that the risk of infection of judges, court staff and members of the public is reduced significantly.

The following measures are to be implemented with effect from Monday, March 23, 2020

Criminal Cases in the Home Circuit Court Division of the Gun Court, the High Court Division of the Gun Court, and the Western Regional Gun Court (Hilary Term 2020):

1. All sittings of the Home Circuit Court Division of the Gun Court, the High Court Division of the Gun Court, and the Western Regional Gun Court for the period Monday, March 23, 2020 to Friday, April 3, 2020 are suspended as of Monday March 23, 2020.
2. Sittings will resume on May 11, 2020.
3. All matters listed in the Home Circuit Court Division of the Gun Court for the period stated in paragraph 1 are traversed to May 11, 2020.
4. All matters listed in the High Court Division of the Gun Court and the Western Regional Gun Court for the period stated in paragraph 1 are adjourned to May 11, 2020

5. No matters will be heard between Monday, March 23, 2020 and Friday, May 8, 2020 except emergency matters or matters determined by the judge to be fit for hearing in this period March 23, 2020 to May 8, 2020.
6. Emergency matters are bail applications, habeas corpus applications and matters where a child is charged with a criminal offence.
7. **There shall be no in-person hearings in respect of any emergency matter or matter determined by the judge to be fit for hearing.**
8. Any emergency hearing or matter deemed fit for hearing by the judge shall be by telephone, video conferencing or by any other electronic means of communication only.
9. If the hearing cannot take place by telephone, video conferencing or by any other electronic means of communication then such hearing shall not take place.
10. The bail of all persons who are scheduled to appear before the Home Circuit Court Division of the Gun Court, the High Court Division of the Gun Court, and the Western Regional Gun Court during the period Monday, March 23, 2020 and May 8, 2020 is extended to Monday, May 11, 2020 at which time they shall appear before the named courts.
11. The commencement of the Easter Term for the Home Circuit Division of the Gun Court 2020 originally set for Wednesday, April 15, 2020 is now to take place on Monday, May 11, 2020.

Criminal Cases for the Home Circuit Court (Hilary and Easter Terms 2020)

12. All sittings of the Home Circuit Court for the period Monday, March 23, 2020 to Friday, April 3, 2020 are suspended as of Monday March 23, 2020.
13. Sittings will resume on May 11, 2020.
14. All cases listed for the period in paragraph 12 are traversed to May 11, 2020.
15. No matters will be heard between Monday, March 23, 2020 and Friday, April 3, 2020 except emergency matters or matters determined by the judge to be fit for hearing in this period March 23, 2020 to April 3, 2020.
16. Emergency matters are bail applications, habeas corpus applications and matters where a child is charged with a criminal offence.

17. **There shall be no in-person hearings in respect of any emergency matter or matter determined by the judge to be fit for hearing.**
18. Any emergency hearing or matter deemed fit for hearing by the judge shall be by telephone, video conferencing or by any other electronic means of communication only.
19. If the hearing cannot take place by telephone, video conferencing or by any other electronic means of communication then such hearing shall not take place.
20. The bail of all persons who are scheduled to appear before the Home Circuit Court is extended to Monday, May 11, 2020 at which time they shall appear before the courts.
21. The commencement of the Easter Term for the Home Circuit Court 2020 originally set for Wednesday, April 15, 2020 is now to take place on Monday, May 11, 2020.
22. Jurors summoned to appear in the Home Circuit Court on April 15, 2020 are to appear instead on May 11, 2020.

Jurors summoned or directed to return to the Home Circuit Court Division of the Gun Court and the Home Circuit Court (Hilary and Easter Terms 2020)

23. Jurors summoned for jury service for the period including Monday, March 23, 2020 to Friday, April 3, 2020 are no longer required to attend and are discharged accordingly without any risk of penalty.
24. Jurors directed to return for jury service on Monday March 23, 2020 or any other day during the period Monday, March 23, 2020 to Friday, April 3, 2020 are no longer required to attend and are discharged accordingly without any risk of penalty.
25. Those persons who applied for jury exemptions for the period Monday, March 23, 2020 to Friday, April 3, 2020 are no longer required to appear.
26. Jurors summoned to serve in the Home Circuit Court Division of the Gun Court and the Home Circuit Court for the period April 15, 2020 to May 8, 2020 are to appear instead on May 11, 2020.

Criminal Cases for the Circuit Courts for the Parishes of Hanover, St Mary, and St Elizabeth (Hilary and Easter Terms 2020)

27. All sittings of the Circuit Courts for the parishes of Hanover, St Mary, and St Elizabeth for the period Monday, March 23, 2020 to Friday, April 3, 2020 are suspended as of Monday March 23, 2020.
28. Sittings of these courts will resume on Monday, July 6, 2020.
29. All cases listed for the period stated in paragraph 27 are traversed to Monday, July 6, 2020.
30. No matters will be heard between Monday, March 23, 2020 and Friday, July 3, 2020 except emergency matters or matters determined by the judge to be fit for hearing in this period March 23, 2020 to Friday, July 3, 2020.
31. Emergency matters are bail applications, habeas corpus applications and matters where a child is charged with a criminal offence.
32. **There shall be no in-person hearings in respect of any emergency matters or matters determined by the judge to be fit for hearing.**
33. Any emergency hearing or matter deemed fit for hearing by the judge shall be by telephone, video conferencing or by any other electronic means of communication only.
34. If the hearing cannot take place by telephone, video conferencing or by any other electronic means of communication then such hearing shall not take place.
35. The bail of all persons who are scheduled to appear before the Circuit Courts for the parishes of Hanover, St Mary, and St Elizabeth for the period Monday, March 23, 2020 and April 3, 2020 is extended to Monday, July 6, 2020 at which time they shall appear before the named courts.
36. Jurors summoned for jury service for the period including Monday, March 23, 2020 to Friday, April 3, 2020 are no longer required to attend and are discharged accordingly without any risk of penalty.
37. Jurors directed to return for jury service on Monday March 23, 2020 or any other day during the period Monday, March 23, 2020 to Friday, April 3, 2020 are no longer required to attend and are discharged accordingly without any risk of penalty.

38. Those persons who applied for jury exemptions for the period Monday, March 23, 2020 to Friday, April 3, 2020 are no longer required to appear.

Criminal Cases for the Parishes of Clarendon, St. Catherine Circuit Courts (Hilary and Easter Terms 2020)

39. All sittings of the Circuit Courts for the parishes of St Catherine and Clarendon for the period Monday, March 23, 2020 to Friday, April 3, 2020 are suspended as of Monday, March 23, 2020.

40. Sittings will resume on Monday, May 11, 2020.

41. All cases listed for the period stated in paragraph 38 are traversed to Monday, May 11, 2020.

42. The commencement of the Easter Term 2020 for the parishes of St Catherine and Clarendon originally set for Wednesday, April 15, 2020 is now to take place on Monday, May 11, 2020.

43. No matters will be heard between Monday, March 23, 2020 and Friday, May 8, 2020 except emergency matters or matters determined by the judge to be fit for hearing in this period March 23, 2020 to May 8, 2020.

44. Emergency matters are bail applications, habeas corpus applications and matters where a child is charged with a criminal offence.

45. There shall be no in-person hearings in respect of any emergency matters or matters determined by the judge to be fit for hearing.

46. Any emergency hearing or matter deemed fit for hearing by the judge shall be by telephone, video conferencing or by any other electronic means of communication only.

47. If the hearing cannot take place by telephone, video conferencing or by any other electronic means of communication then such hearing shall not take place.

48. The bail of all persons who are scheduled to appear before the Circuit Court for the parishes of St Catherine and Clarendon during the period Monday, March 23, 2020 and Friday, April 3, 2020 is extended to Monday, May 11, 2020 at which time they shall appear before the named courts.

Jurors summoned or directed to return to the Circuit Courts for the Parishes of St Catherine and Clarendon (Hilary and Easter Term 2020)

49. Jurors summoned for jury service for the period including Monday, March 23, 2020 to Friday, April 3, 2020 are no longer required to attend and are discharged accordingly without any risk of penalty.
50. Jurors directed to return for jury service on Monday March 23, 2020 or any other day during the period Monday, March 23, 2020 to Friday, April 3, 2020 are no longer required to attend and are discharged accordingly without any risk of penalty.
51. Those persons who applied for jury exemptions for the period Monday, March 23, 2020 to Friday, April 3, 2020 are no longer required to appear
52. Those persons who have applied for jury exemptions are no longer required to attend.
53. Jurors summoned to serve in the Circuit Courts for the parishes of St Catherine and Clarendon for the period April 15, 2020 to May 8, 2020 are to appear instead on May 11, 2020.

Criminal Cases for the Circuit Court for the Parish of St. James (Hilary Term and Easter Term 2020)

54. All sittings of the Circuit Court for the parish of St James for the period Monday, March 23, 2020 to Friday, April 3, 2020 are suspended as of Monday March 23, 2020.
55. Sittings will resume on Monday, July 6, 2020.
56. All cases listed for the period Monday, March 23, 2020 to Friday, April 3, 2020 are traversed to Monday, July 6, 2020.
57. No matters will be heard between Monday, March 23, 2020 and Friday, July 3, 2020 except emergency matters or matters determined by the judge to be fit for hearing in this period March 23, 2020 to Friday, July 3, 2020.
58. Emergency matters are bail applications, habeas corpus applications and matters where a child is charged with a criminal offence.

59. There shall be no in-person hearings in respect of any emergency matters or matters determined by the judge to be fit for hearing.

60. Any emergency hearing or matter deemed fit for hearing by the judge shall be by telephone, video conferencing or by any other electronic means of communication only.

61. If the hearing cannot take place by telephone, video conferencing or by any other electronic means of communication then such hearing shall not take place.

62. The Easter Term originally scheduled to begin April 15, 2020 is now to begin on July 6, 2020, the same date that the Remanet is scheduled to commence.

63. The bail of all persons who are scheduled to appear before the Circuit Court for the parish of St James during the period Monday, March 23, 2020 and Friday, April 3, 2020 is extended to Monday, July 6, 2020 at which time they shall appear before the court.

64. The bail of all persons who are scheduled to appear before the Circuit Court for the parish of St James during the period Wednesday, April 15, 2020 to Friday, May 15, 2020 is extended to Monday, July 6, 2020 at which time they shall appear before the court.

65. Jurors summoned for jury service for the period including Monday, March 23, 2020 to Friday, April 3, 2020 are no longer required to attend.

66. Jurors directed to return for jury service on Monday March 23, 2020 or any other day during the period Monday, March 23, 2020 to Friday, April 3, 2020 are no longer required to attend and are discharged accordingly without any risk of penalty.

67. Those persons who applied for jury exemptions for the period Monday, March 23, 2020 to Friday, April 3, 2020 are no longer required to appear

68. Jurors summoned for Wednesday, April 15, 2020 are now required to attend on Monday, July 6, 2020.

Civil cases at Supreme Court (including the Commercial Division) and Revenue Court

69. All sittings of the Civil Division of the Supreme Court (including the Commercial Division) and the Revenue Court in open court for the period Monday, March 23, 2020 and Friday, April 3, 2020 are suspended as of Monday, March 23, 2020.
70. Hearings will resume on Monday, May 11, 2020.
71. All matters scheduled for hearing in open court between Monday, March 23, 2020 and Friday, May 8, 2020 will be rescheduled and the parties will be advised of the new dates.
72. Only emergency matters and matters deemed fit by the judge for hearing shall be heard during the period Monday, March 23, 2020 and Friday, May 8, 2020.
73. Matters deemed fit for hearing by the judge will be heard by telephone, video conferencing or other electronic means of communication.

Hearings in Chambers

74. All hearings in chambers for the period Monday, March 23, 2020 to Friday, April 3, 2020 are suspended as of Monday, March 23, 2020.
75. All hearings in chambers for the period Wednesday, April 15, 2020 to Friday, May 8, 2020 are suspended.
76. All matters scheduled for hearing between March 23, 2020 and May 8, 2020 will be rescheduled and the parties will be advised of the new dates.
77. Notwithstanding paragraphs 74 to 76 in any matter that the parties wish to be heard such hearing may take place provided that the hearing can take place by telephone, video conferencing or by any other electronic means of communication.
78. **There shall be no in-person hearing in respect of any chamber matter.**
79. Any chamber hearing shall be by telephone, video conferencing or by any other electronic means of communication only.
80. **There shall be no in-person hearing in respect of any emergency matter or matter determined by the judge to be fit for hearing.**

81. Any emergency hearing or matter deemed fit for hearing by the judge shall be by telephone, video conferencing or by any other electronic means of communication only.

82. If the hearing cannot take place by telephone, video conferencing or by any other electronic means of communication then such hearing shall not take place.

Matters deemed to be urgent

83. Notwithstanding anything in this Practice Direction the following are deemed to be emergency matters:

- Matters under the Proceeds of Crime Act relating to restraint orders, variation of restraint orders, disclosure order, customer information orders, account monitoring orders, search and seizure warrants;
- Matters under the Financial Investigations Divisions Act;
- Matters under the Interception of Communications Act;
- Matters under the Mutual Assistance (Criminal Matters) Act;
- Matters under the Terrorism Prevention Act;
- Matters involving residential security;
- Matters involving custody of children whether or not implicating The Hague Convention on the Civil Aspects of International Child Abduction.
- Matters that are time sensitive such as expiration of limitation periods, expiration of the life of a claim form, time within which to apply for judicial review;
- Matters so classified by the judge upon an application supported by affidavit;

General

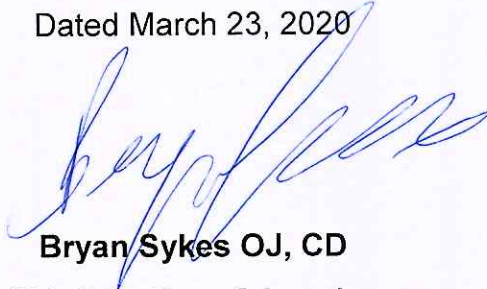
84. All emergency matters, matters deemed fit for hearing by the judge and any other matter will be heard between 10:00 am and 2:00 pm.

85. Judge means judge of the Supreme Court, judge of the Circuit Court Division of the Gun Court, judge of the High Court Division of the Gun Court, and judge of the Revenue Court.

86. For the removal of doubt it is unequivocally stated that there will be no in-person hearing of any kind in any of the courts referred to in this Practice Direction.
87. All hearings must be by telephone, video conferencing or by any other electronic means of communication.
88. If the hearing cannot take place by telephone, video conferencing or by any other electronic means of communication then such hearing shall not take place.
89. All registries will have in place measures to minimize the risk of harm to judges, court staff, members of the public and court users and so delivery of services will take longer than is usually the case.
90. Persons seeking to arrange for hearing to take place in the manner prescribed by this Practice Direction must contact the Registrar of the Supreme Court at the telephone numbers and email addresses to be provided.
91. In respect of video link services, the Registrar of the Supreme Court may waive, for the periods Monday, March 23, 2020 to Friday, April 3, 2020 and Wednesday, April 15, 2020 to Friday, May 8, 2020, the fees established for this service by the schedule of fees of the Supreme Court.
92. Any person exhibiting signs and symptoms of COVID – 19 will not be allowed to enter any of the court buildings.
93. Any person exhibiting signs and symptoms of COVID – 19 after entry to any of the court buildings will be required to leave immediately.
94. Services offered by the registries of the Supreme Court (all Divisions) and the Gun Court (all Divisions) will take longer than usual because of reduced staff.
95. Entry to all court buildings and registries will be restricted so that the guideline of having twenty or less persons gathered in any one place is met.

96. Suitable arrangements are being made for judgments to be delivered.
97. This Practice Direction may be altered in light of further developments.

Dated March 23, 2020

A handwritten signature in blue ink, appearing to read 'Bryan Sykes', is written over the typed name.

Bryan Sykes OJ, CD
Chief Justice of Jamaica