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388

PRACTICE DIRECTIONS COVID-19 Emergency Directions

These Practice Directions supersede the Practice Directions published in the Trinidad and Tobago Gazette, Vol. 59, No. 30, dated March 16th, 2020 Bold No. 387

These Practice Directions are issued pursuant to Part 4 of the Civil Proceedings Rules, Part 20 of the Criminal Procedure Rules, Part 4 of the Family Proceedings Rules, and Part 22 of the Children Court Rules and are applicable to the Supreme Court and the Summary Courts.

In response to the novel coronavirus (COVID-19) emergency in the Republic of Trinidad and Tobago, these Practice Directions are issued to protect the health and safety of court staff and the public.

Whereas the Judiciary of Trinidad and Tobago is committed to doing everything necessary to ensure continued access to justice and to keep the Judiciary functioning while protecting our staff and our publics; and

Whereas the Judiciary is desirous of-

- a) reducing the number of persons coming to the nation's courthouses; and
- b) making the courthouses and administrative offices as safe as possible for those who must physically attend those buildings;

The following measures are to be implemented with immediate effect from today Monday March 16 to Friday April 17, 2020 inclusive (this period):

1. With the exception of emergency matters, domestic violence hearings, and evidentiary hearings in criminal cases, all in-person appearances are discouraged. Judges, Masters, Magistrates, Supreme Court Registrars and Magistracy Registrars are encouraged to use telephonic or video technology for all necessary hearings.

Court of Appeal:

2. Sittings of the Court of Appeal are suspended save and except matters deemed by the Court to be fit for hearing in this period.

Criminal Division of the High Court:

3. Sittings of the Criminal Division of the High Court are suspended save and except matters deemed by the Judge to whom a matter is docketed to be fit for hearing in this period.

PRACTICE DIRECTIONS—CONTINUED

4. Notwithstanding paragraph 3, for the purpose of this Practice Direction, the following matters are hereby deemed fit for hearing in any event during this period:
 - Matters under the Proceeds of Crime Act including detention and forfeiture of cash matters.
 - Matters under the Interception of Communication Act
 - Matters under the Anti-Gang Act
 - Matters under the Civil Asset Recovery and Management and Unexplained Wealth Act
 - Matters under the Bail Act
5. All persons summoned to appear on April 1, 2020 for jury service are no longer required to appear. Those persons who would have applied for jury exemptions are no longer required to attend hearings scheduled for that purpose.
6. All persons who were directed to return for jury service on March 23, 2020 are no longer required to attend court on that day and are hereby discharged.

High Court – Civil Matters

7. Sittings of the High Court for the purpose of hearing Civil matters are suspended save and except matters deemed by the Judge to whom a matter is docketed, to be fit for hearing in this period.
8. Notwithstanding paragraph 7, for the purpose of this Practice Direction, the following matters are hereby deemed fit for hearing in any event during this period:
 - Matters under the Anti-Terrorism and Mental Health Acts
 - Applications for writs of habeas corpus

Family Court- Family and Children Division of the High Court

9. Sittings of the Family Court are suspended save and except matters deemed by the Court to be fit for hearing in this period.
10. In paragraph 9 “Court” means the Registrar of the Supreme Court, a Master or a Judge.
11. Notwithstanding paragraph 9, for the purpose of this Practice Direction, the following matters are hereby deemed fit for hearing in any event during this period:
 - domestic violence cases
 - maintenance applications including applications for variation of orders to use CourtPay
 - urgent custody applications

Children Court- Family and Children Division of the High Court

12. Sittings of the Children Court are suspended save and except matters deemed by the Court to be fit for hearing in this period.
13. In paragraph 12 “Court” means the Registrar of the Supreme Court, a Master or a Judge.
14. Notwithstanding paragraph 12, for the purpose of this Practice Direction, the following matters are hereby deemed fit for hearing in any event during this period:

PRACTICE DIRECTIONS—CONTINUED

- Domestic violence matters
- Applications for writs of habeas corpus

District Criminal and Traffic Courts

15. Sittings of the District Criminal and Traffic Courts are suspended save and except matters deemed by the Court to be fit for hearing in this period.
16. In paragraph 15, “Court” means the Magistracy Registrar and Clerk of the Court or a Magistrate.
17. Notwithstanding paragraph 15, for the purpose of this Practice Direction, the following matters are hereby deemed fit for hearing in any event during this period:
 - domestic violence cases
 - maintenance applications including applications to vary orders to use CourtPay
 - urgent custody applications
 - matters under the Proceeds of Crime Act including detention and forfeiture of cash matters.
 - part-heard preliminary enquiries for matters related to the following which the District Court Judge deems urgent:
 - murder,
 - kidnapping,
 - robbery with violence,
 - robbery with aggravation, .
 - possession of firearms and ammunition,
 - gang related matters,
 - possession of drugs for the purpose of trafficking

Petty Civil Courts

18. Sittings of the Petty Civil Courts are suspended save and except matters deemed by the Court to be fit for hearing in this period.

Coroner’s Courts

19. Sittings of the Coroner’s Courts are suspended save and except matters deemed by the Court to be fit for hearing in this period.

Deeming Matters Fit for Hearing In This Period

20. The Court may on its own motion, deem a matter to be fit for hearing in this period.
21. Any party to an action or to an intended action may apply to the Court to have a matter deemed fit for hearing in this period.

PRACTICE DIRECTIONS—CONTINUED

22. An application under paragraph 21 must be made in writing to the Registrar of the Supreme Court in the case of a Supreme Court matter and must be accompanied by an affidavit setting out the facts and reasons which make the matter fit for hearing in this period.
23. An application under paragraph 21 must be made in writing to the Magistracy Registrar and Clerk of the Court in the case of a District Court or Summary Court matter and must be accompanied by an affidavit setting out the facts and reasons which make the matter fit for hearing in this period.

Matters in the Summary Courts not deemed fit for hearing during this period

24. All matters in the Summary Courts (including traffic matters) listed to be heard during this period, are adjourned for one month from the date on which it was to be heard.
25. If the adjourned date falls on a weekend, public holiday or in this period, the matter is adjourned to the next court business day.
26. With regard to paragraph 24, the following examples apply:

Matters scheduled for March 17, 2020, are adjourned to April 20, 2020

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Persons on Bail Whose Matters Are Not Deemed Fit For Hearing During This Period

27. Bail for all persons already on Bail whose matters are not deemed fit for hearing during this period shall be extended to the adjourned date on the same conditions.

Payment of fines (including traffic tickets)

28. The time allowed for the payment of all fines (including traffic tickets) for which payment is due during this period is extended for one month from the date on which payment is due.
29. If the new due date falls on a weekend, public holiday or in this period, the payment becomes due on the next court business day.
30. With regard to paragraph 29, the following examples apply:

Payments due on March 17, 2020, will now become due on April 20, 2020

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Probate and Administration of Estates

31. Attorneys and the Public are discouraged from filing new applications for Probate or Letters of Administration during this period.
32. Notwithstanding paragraph 31, new applications for Probate may be lodged online with the Judiciary's E-Probate system.

PRACTICE DIRECTIONS—CONTINUED

33. Attorneys and the public may lodge supplemental affidavits in existing applications electronically by emailing them to Probate.online@ttlawcourts.org

Time

34. In respect of all directions or deadlines not specifically addressed in this Practice Direction, time will cease to run until April 20, 2020.

Filings

35. Save for filings in urgent matters or matters deemed fit for hearing during this period, all filings are suspended until April, 20, 2020.

Other matters

36. In the interest of public health and to maintain appropriate social distancing, attendance in courtrooms should be limited to attorneys, parties, and necessary witnesses.
37. Attorneys are encouraged to file by electronic means wherever possible.
38. The Judiciary may establish screening standards and health and safety protocols for entry into court buildings. Persons may be denied entry into court buildings if they display flu-like symptoms or otherwise fail to meet the screening standards required for entry.
39. Anyone with legitimate court business who is ill, caring for someone who is ill or in a high-risk category as stated by the Ministry of Health or the Judiciary is advised to stay home and request an adjournment by calling the relevant court office, contacting the Registrar of the Supreme Court or the Magistracy Registrar of the Court as the case may be by sending an e-mail to covid.response.public@ttlawcourts.org , or sending an email to the Judge's or Judicial Officer's team.

Dated this 17th day of March, 2020

/s/ Ivor Archie
Chief Justice

PRACTICE DIRECTIONS**COVID-19 EMERGENCY DIRECTIONS**

The Industrial Court of the Republic of Trinidad and Tobago has noted the evolving developments locally and internationally on the novel coronavirus, also known as COVID-19, and as a result has put several measures in place in order to protect and safeguard the staff and the public against potential exposure to the virus.

WHEREAS the Industrial Court of the Republic of Trinidad and Tobago remains committed to ensuring that there is continued access to justice for all citizens, while at the same token ensuring the safety and protection of the Courts' staff and the public.

WHEREAS the Industrial Court wishes

- a) To advise that the safety and health of the public is paramount
- b) To advise that every effort is made to ensure that there is a secure, safe and sterile environment for all staff, stakeholders and users of the Court
- c) To reduce the number of persons attending the Court buildings.
- d) To minimize contact between the staff and the public

The following measures have been implemented from Friday 13th March, 2020, until further notice:-

CASE MANAGEMENT

1. Effective Monday 16th March, 2020, all Case Management Conferences have been postponed at the North and South Courts until further notice.

CONCILIATION

2. Effective Monday 16th March, 2020, all Conciliation hearings have been adjourned except matters for which status reports and Terms of Settlements are outstanding.

COURT HEARINGS

3. All Hearings in Open Court will continue as scheduled.

MINIMISING OF CONTACT

4. The Industrial Court has taken the following measures to minimize contact between the public and staff.

- a) DROP BOX

Effective Tuesday the 17th of March, 2020, a drop box has been placed at the Courts' entrances and must be used by all litigants to submit Evidence and Arguments, Witness Statements, correspondence and other documents. NO FILING WILL BE ALLOWED AT THE REGISTRIES' COUNTERS. The staff of the Court will process all documents and parties can return for their stamped copies one hour after the time of the initial deposit in the said drop box.

b) BAILIFFS

Effective Monday the 16th of March, 2020, the serving of documents, orders and notices of the Court by Bailiffs are suspended till further notice. Stakeholders, litigants and parties to all disputes will be contacted via telephone by staff in this regard.

c) LIBRARY

The services of the Industrial Courts' North and South Libraries are suspended with immediate effect save in exceptional circumstances.

d) Users of the court are urged to limit the attendees to Court hearings to the parties directly involved, namely Witnesses, Attorneys and Industrial Relations Representatives. Persons who are not directly involved in the matters before the Court will not be permitted to enter and to sit in the Courtroom.

e) All users of the Court will be required to sanitize their hands before they enter into the court rooms. Hand sanitizer will be provided.

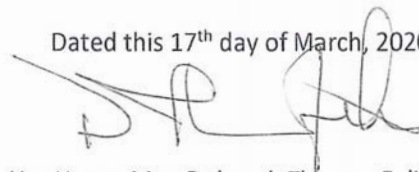
f) The Industrial Court reserves the right to deny persons from entering the Courts' premises if that person exhibits flu-like symptoms.

g) The Industrial Court continues to provide an environment which is sterile by ensuring that:-

- All door knobs, door handles and the elevators are cleaned and sterilized on a regular basis throughout the day.
- All counters, chairs, tables, court rooms, witness rooms and washrooms are cleaned and sterilized a minimum of three (3) times a day.
- Effective Monday the 16th of March, 2020, the Court security will man the entrances of the North and South Industrial Courts and open and close the doors to these entrances. This will ensure that the staff and the public do not make contact with the door knobs or door handles in an effort to protect and safeguard them against the potential exposure to the novel coronavirus.

h) Trade Unions, Employers, Attorneys and Industrial Relations Representatives seeking adjournments and those who may be in a high risk category, those who may be ill or quarantined or those who otherwise cannot attend court can call the Court offices at 1-868-623-1304-8 (North) or 1-868-652-7326-27 (South) or contact the Assistant Registrar or Court Administrator or by sending an email to courtregistry@industrialcourt.org.tt

Dated this 17th day of March, 2020



Her Honor Mrs. Deborah Thomas-Felix
President