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REPUBLIC OF TRINIDAD AND TOBAGO

PRACTICE DIRECTION

COURT OPERATIONS COVID-19 PANDEMIC DIRECTIONS WITH EFFECT FROM JUNE 16 2020 NO. 4

This Practice Direction is issued pursuant to Part 4 of the Civil Proceedings Rules 1998 (as amended), Part 20 of the Criminal Procedure Rules, Part 4 of the Family Proceedings Rules and Part 22 of the Children Court Rules and is applicable to the Supreme Court and the Summary Courts.

The objective of this Practice Direction is to provide for adequate and appropriate measures with effect from June 16, 2020 at the Judiciary of Trinidad and Tobago to, *inter alia* –

- (a) Ensure continued access to justice;
- (b) Promote efficiency in case flow management and court operations generally;
- (c) Safeguard the health and safety of all stakeholders of the Court, including but not limited to Judges, judicial officers, court staff, attorneys-at-law and members of the public;
- (d) Encourage the use of feasible and workable alternatives to in-person activities at the Court by external stakeholders where appropriate; and
- (e) Ensure that appropriate administrative arrangements are made for all hearings.

PRACTICE DIRECTION

COURT OPERATIONS—COVID-19 PANDEMIC DIRECTIONS—Continued

Accordingly, the following measures shall take effect:

EFFECTIVE DATES

1. This Practice Direction comes into effect on June 16, 2020 until further notice or otherwise superseded.
2. For the avoidance of any doubt, the Practice Directions (COVID-19 Emergency Directions) published in Gazette No. 71 of 2020, shall cease to have effect on June 15, 2020.
3. Paragraphs 4 to 30 and 38 to 45 of this Practice Direction shall cease to have effect on such date as the Chief Justice may direct by further Practice Direction.

ENTRY TO COURT LOCATIONS

4. Any person (including judges, judicial officers, members of staff, police officers, attorneys at law and members of the public) seeking to enter a court building must wear an appropriate¹ mask and is required to comply with all other health and safety protocols in place, including the screening of persons entering court buildings, use of hand sanitisers and social distancing. Additional specific protocols will be in place at designated areas, locations, departments or offices within a court building. Masks must be kept on in courtrooms to protect the safety of others in attendance and using the room subsequently.
5. Any person who displays flu-like symptoms, or who otherwise fails to meet the screening standard required for entry, may be denied entry to a court building with the alternative of pursuing any necessary business with the Court via electronic means.
6. Anyone with legitimate court business who is ill, is advised to stay at home and request an adjournment by calling the relevant court office, contacting the Registrar of the Supreme Court or the Magistracy Registrar and Clerk of the Court as the case may be, by sending an e-mail to the court location, sending an email to covid.response.public@ttlawcourts.org, or sending an email to the Judge's or Judicial Officer's team.
7. Non-compliance with the above will result in one being denied entry to court facilities.

¹ An appropriate mask is a mask that covers one's nose and mouth in such a fashion as to prevent the escape of droplets from one's nose and mouth.

PRACTICE DIRECTION

COURT OPERATIONS—COVID-19 PANDEMIC DIRECTIONS—Continued

HEARINGS TO BE CONDUCTED BY ELECTRONIC MEANS

8. The following categories of hearings are to be conducted by electronic means **ONLY**:
 - a. Case Management Conferences;
 - b. Directions Hearings;
 - c. Status Hearings;
 - d. Cause List Hearings;
 - e. Pre-Trial Reviews;
 - f. Initial Hearings;
 - g. Intake Hearings;
 - h. Bail Applications;
 - i. Delivery of Judgments;
 - j. Applications including applications for detention of cash; and
 - k. Any other category of hearing which the assigned Judge or judicial officer deems appropriate for hearing by electronic means having regard to the need to maintain appropriate health and safety requirements and the room capacity standards set by the Judiciary.

9. Only in cases in which the interest of justice is compromised by an electronic hearing should it be conducted in person. The following other categories of hearings are therefore encouraged to be conducted by electronic means as far as possible in keeping with the need to maintain appropriate health and safety requirements:
 - a. Domestic violence matters;
 - b. Family matters;
 - c. Petty Civil matters; and
 - d. Urgent applications.

10. All matters will be heard at pre-scheduled appointed times. In any case in which a hearing or any part of a hearing is to be conducted in person, it will be scheduled by appointment taking into account the need to prevent congregating and to ensure appropriate social distancing

11. During this period, prisoners should not be required to attend court in person.

IN-PERSON HEARINGS

12. The general rule is that judges, judicial officers and attorneys-at-law will deal with all matters by electronic means. In that regard, judges, judicial officers, and attorneys at law are reminded that every time a prisoner is brought to court, a mandatory quarantine period of 14 days is incurred upon their return to prison thereby compromising the capacity of the system to protect the prison population.

716—Continued

PRACTICE DIRECTION

COURT OPERATIONS—COVID-19 PANDEMIC DIRECTIONS—Continued

IN-PERSON HEARINGS—Continued

13. Where in any matter it is necessary to:

- a. take the evidence of a particular witness in person;
- b. have a jury present;
- c. have anyone appear in person because it is impossible for them to appear otherwise; and/or
- d. produce any physical evidence in court which in the interest of justice cannot be produced otherwise,

the court may conduct that part of the hearing in person.

14. All in person hearings will be heard at pre-scheduled appointed times and all parties need not be required to appear in person or in the same room.

15. The court shall schedule times for in person hearings in such manner as to ensure that there is no congregating of persons.

16. All persons required to attend in person, will be provided with the scheduled time for their appearance.

17. Arrangements for any in person hearing must be made in advance save and except for urgent matters that may arise.

18. Where an in person hearing is required, the Judge, Master or Magistrate must consult with the Registrar of the Supreme Court or the Magistracy Registrar and Clerk of the Court as the case may be and the Court Manager of the relevant location, before scheduling to ensure that there is adequate and appropriate space available to allow for appropriate social distancing in keeping with the room capacity standards set by the Judiciary and to maintain national health and safety requirements. Judges, judicial officers, attorneys at law and the public are reminded that administrative control over:

- a. ALL High Court buildings is exercised by the Registrars and the Court Managers on behalf of the Chief Justice; and
- b. all District Court buildings is exercised by the Magistracy Registrars and the Court Managers on behalf of the Chief Justice,

and entry may be refused in the interest of safety of all Court users.

19. All Judges, Masters and Magistrates through their support staff, must submit to the Registrar of the Supreme Court or the Magistracy Registrar and Clerk of the Court as the case may be, the names of all persons required to be in attendance at an in person hearing, such as members of the judicial team, attorneys-at-law, parties, witnesses and any other person, at least two (2) business days in advance.

716—Continued

PRACTICE DIRECTION

COURT OPERATIONS—COVID-19 PANDEMIC DIRECTIONS—Continued

IN-PERSON HEARINGS—Continued

20. Attendance in the courtroom for an in-person hearing must be limited to each party and their attorney(s)-at-law and any witness under examination where applicable. Persons not directly involved in the proceedings may not enter or sit in the courtroom without the prior approval of the Judge, Master or Magistrate and the Registrar of the Supreme Court or the Magistracy Registrar and Clerk of the Court as the case may be.
21. Witnesses waiting to give evidence in an in-person hearing must remain seated in the designated area until they are required in the courtroom. Once a witness is relieved by the Court, the witness must leave the court location immediately.

FILING OF DOCUMENTS (HIGH COURT DOCUMENTS)

22. All filings shall be received with effect from June 16, 2020.
23. Attorneys-at-Law, members of the Trinidad and Tobago Police Service and self-represented persons must file documents electronically. Electronic filing is by way of the Judiciary's e-filing platform <https://eservices.ttlawcourts.org/filing>.
24. Electronic filing kiosks are available at the following locations for self-represented persons who have no other means to file electronically:
- a. The Hall of Justice;
 - b. Supreme Court, San Fernando;
 - c. Supreme Court, Tobago;
 - d. Children Court (North Building);
 - e. Children Court (South Building);
 - f. Family Court (North); and
 - g. Family Court (Tobago).

Access to these kiosks are for the sole use of self-represented members of the public who are not attorneys-at-law.

25. Manual filing at a court office is limited to exceptional circumstances only as determined and approved by the Registrar of the Supreme Court.
26. An attorney-at-law or member of the public who wishes to obtain an **Office Copy** may make the request and schedule an appointment by emailing the request to:

COURT OFFICE	EMAIL ADDRESS
Supreme Court Hall of Justice – Office Copies	offcopypos@ttlawcourts.org
San Fernando Supreme Court Sub-Registry – Office Copies	offcopysfo@ttlawcourts.org
Tobago Supreme Court Sub-registry – office copies	offcopytgo@ttlawcourts.org

716—Continued

PRACTICE DIRECTION

COURT OPERATIONS—COVID-19 PANDEMIC DIRECTIONS—Continued

FILING OF DOCUMENTS (HIGH COURT DOCUMENTS)—Continued

27. An attorney-at-law or member of the public who wishes to conduct any other business in person may make an enquiry or request an appointment by emailing the request to the following email addresses as applicable:

COURT OFFICE	EMAIL ADDRESS
Supreme Court Hall of Justice Court of Appeal court office	HOJCOA.Response@ttlawcourts.org .
Supreme Court Hall of Justice Civil court office	HOJCV.Response@ttlawcourts.org .
Supreme Court Hall of Justice Criminal court office	HOJCR.Response@ttlawcourts.org .
San Fernando Supreme Court Sub-Registry	SCSFDO.Response@ttlawcourts.org .
Tobago Supreme Court Sub-registry	HOJTGO.Response@ttlawcourts.org .
Family Court North court office	fcn.response@ttlawcourts.org .
Family Court Tobago court office	fct.response@ttlawcourts.org .
Children Court North court office	ccn.co@ttlawcourts.org .
Children Court South court office	ccs.co@ttlawcourts.org .
Children Court Tobago court office	cct.co@ttlawcourts.org .

FILING OF DOCUMENTS (SUMMARY COURT DOCUMENTS)

28. Attorneys-at-Law, members of the Trinidad and Tobago Police Service, and members of the public must file documents electronically. Electronic filing is by way of the Judiciary's e-filing platform <https://eservices.ttlawcourts.org/filing>.
29. Manual filing at a court office is limited to exceptional circumstances only as determined and approved by the Magistracy Registrar and Clerk of the Court.

716—Continued

PRACTICE DIRECTION

COURT OPERATIONS—COVID-19 PANDEMIC DIRECTIONS—Continued

FILING OF DOCUMENTS (SUMMARY COURT DOCUMENTS)—Continued

30. An attorney-at-law, member of the Trinidad and Tobago Police Service or member of the public who wishes to conduct any other business in person at any **District Criminal and Traffic Court court office** may make an enquiry or request an appointment by emailing the request to the relevant court location. Details of the relevant email addresses are as follows:

- a. mrcc.portofspain@ttlawcourts.org;
- b. mrcc.tunapuna@ttlawcourts.org;
- c. mrcc.arima@ttlawcourts.org;
- d. mrcc.sangregrande@ttlawcourt.org;
- e. mrcc.chaguanas@ttlawcourts.org;
- f. mrcc.couva@ttlawcourts.org;
- g. mrcc.sanfernando@ttlawcourts.org;
- h. mrcc.siparia@ttlawcourts.org;
- i. mrcc.pointfortin@ttlawcourts.org;
- j. mrcc.rioclaro@ttlawcourts.org;
- k. mrcc.princestown@ttlawcourts.org;
- l. mrcc.mayaro@ttlawcourts.org; and
- m. mrcc.tobago@ttlawcourts.org.

SUMMARY COURT MATTERS

31. Bail for all persons presently on bail is hereby extended to the adjourned date on the same conditions.

FINES

32. The payment of all fines which was extended, falls due on the date to which it was previously extended by virtue of the Practice Directions Covid-19 Emergency Directions published in Gazette No. 71 of 2020.

33. It is provided however, that those payments, which are due in keeping with paragraph 32 above, from the June 17, 2020 to the July 7, 2020, are now adjourned for an additional one month. The following examples apply:

Payments originally due on March 17, 2020 and were deferred to June 17, 2020 will now become due on July 17, 2020

Payments originally due on March 18, 2020 and were deferred to June 18, 2020 will now become due on July 18, 2020

Payments originally due on April 6, 2020, deferred to May 25, 2020 and subsequently deferred to July 6, 2020 will now become due on August 6, 2020

716—Continued

PRACTICE DIRECTION

COURT OPERATIONS—COVID-19 PANDEMIC DIRECTIONS—Continued

FINES—Continued

However:

Payments which had been deferred to July 7, 2020, remain due on July 7, 2020

Payments due on May 1, 2020 and were deferred to August 3, 2020 are still due on August 3, 2020

Payments due on May 4, 2020 and were deferred to August 4, 2020 are still due on August 4, 2020

34. If the new due date falls on a weekend or public holiday, the payment becomes due on the next court business day.

TICKETS RECEIVED PRIOR TO MAY 26, 2020

35. While a provision has been made in the Miscellaneous Amendments Act, Act No. 10 of 2020, for all tickets issued before May 26, 2020 to be settled within six (6) months from May 26, 2020, by payment of 50% of the penalty, the collection of these payments by the Judiciary will not commence until July 7, 2020.

EXTENSION OF WAIVER OF FEES (FILING BY ELECTRONIC MEANS)

36. Further to Rule 67.15(5) of the Civil Proceedings Rules 1998 (as amended), Legal Notice No. 67 of 2020, the period for which the fees specified in Appendix D to Part 67 of the said Rules shall not be charged in respect of filings by electronic means shall be **April 2, 2020 to December 31, 2020** inclusive.
37. Further to Rule 36.12 (3) of the Family Proceedings Rules 1998 (as amended), Legal Notice No. 72 of 2020, the period for which the fees specified in Appendix B of the said Rules shall not be charged in respect of filings by electronic means shall be **April 2, 2020 to December 31, 2020** inclusive.

PROBATE AND ADMINISTRATION OF ESTATES

38. Attorneys may lodge **new applications only** at the Probate Registry using the Judiciary's E-Probate Portal.
39. Subject to paragraph 38, an attorney who has received an approval for filing may file the approved new application on the appointment date set by the Registrar.
40. The public may request an appointment to make an application for a small estate by emailing the request to HOJPB.Response@ttlawcourts.org or by contacting the Probate Registry at 223-1060 ext. 2264.

716—Continued

PRACTICE DIRECTION

COURT OPERATIONS—COVID-19 PANDEMIC DIRECTIONS—Continued

PROBATE AND ADMINISTRATION OF ESTATES—Continued

41. Attorneys and the public may lodge bonds, caveats, warnings and citations in new or existing applications electronically by emailing them to Probate.online@ttlawcourts.org.
42. Attorneys and the public may request an appointment to file supplemental affidavits in existing applications or conduct any other business including enquiring as to the status of applications by emailing the request to HOJPB.Response@ttlawcourts.org.

JURY AND OTHER CRIMINAL TRIALS

43. Where a Judge determines that a jury trial should be held in person, the Judge in consultation with the Registrar of the Supreme Court and the Criminal Court Administrator or her designate, shall identify the proposed location of the jury and the accused during the hearings, *voire dire* and in deliberations.
44. Any decision made under paragraph 43 above, must take into account the room capacity standards set by the Judiciary and ensure maintenance of the national health and safety requirements.
45. During this period, prisoners should not be required to attend court in person except in circumstances which render it unavoidable.

Dated this 14th day of June, 2020

/s/ Ivor Archie
Chief Justice