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SUPPLEMENT TO THIS ISSUE

THE DOCUMENT detailed hereunder has been issued and is published as a Supplement to this issue of the *Trinidad and Tobago Gazette: Legal Supplement Part B*—

Public Health [2019 Novel Coronavirus (2019-nCoV)] (No. 8) Regulations, 2020—(Legal Notice No. 71 of 2020).

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PRACTICE DIRECTIONS COVID-19 Emergency Directions

These Practice Directions supersede the Practice Directions published in the Trinidad and Tobago Gazette, Vol. 59, No. 31, dated March 17th, 2020 Bold No. 388

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 Thursday April 30, 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.

PRACTICE DIRECTIONS
COVID-19 EMERGENCY DIRECTIONS—CONTINUED

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.
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

PRACTICE DIRECTIONS
COVID-19 EMERGENCY DIRECTIONS—CONTINUED

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:
 - 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.

PRACTICE DIRECTIONS
COVID-19 EMERGENCY DIRECTIONS—CONTINUED

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.
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 and sixteen (16) days 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 May 4, 2020

Matters scheduled for March 18, 2020, are adjourned to May 5, 2020

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 and sixteen (16) days from the date on which payment is due.

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PRACTICE DIRECTIONS
COVID-19 EMERGENCY DIRECTIONS—CONTINUED

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 May 4, 2020
Payments due on March 18, 2020, will now become due on May 5, 2020

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.
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 30, 2020 save and except the payment of maintenance under any order of the court including an order under the Attachment of Earnings Act.

Filings

35. Save for filings in urgent matters or matters deemed fit for hearing during this period, all filings are suspended until April, 30, 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.
40. Any person entering a courthouse or administrative office is required to wear a face mask.

Dated this 6th day of April, 2020

/s/ Ivor Archie
Chief Justice

REPUBLIC OF TRINIDAD AND TOBAGO

PRACTICE DIRECTION

**FILING BY ELECTRONIC MEANS - CRIMINAL DIVISION AND DISTRICT
CRIMINAL AND TRAFFIC COURTS**

This Practice Direction is issued pursuant to Part 20 of the Criminal Procedure Rules 2016 (as amended) (hereinafter “the CrPR”).

The objective of this Practice Direction is to provide for the filing of documents in criminal proceedings by electronic means utilizing technology managed by the Judiciary of Trinidad and Tobago, as well as to:

- (a) Promote the use of technology in case flow management, consistent with provisions of the CrPR;
- (b) Further the overriding objective of criminal justice, with particular regard for the protection of the rights of an accused person; dealing with cases efficiently and expeditiously and sound management of the court’s resources; and
- (c) Enhance access to justice.

Accordingly, the following measures shall take effect:

DEFINITIONS

1. For the purpose of this Practice Direction:
 - a. “*electronic means*” includes any website, software or electronic programme in use for the time being for the purpose of facilitating the filing of documents in criminal proceedings and operated by technology under the management of the Judiciary of the Republic of Trinidad and Tobago;
 - b. “*emergency application*” refers to:
 - (i) An application under the Proceeds of Crime Act (hereinafter “POCA”);;

PRACTICE DIRECTION
FILING BY ELECTRONIC MEANS—CRIMINAL DIVISION AND DISTRICT CRIMINAL
AND TRAFFIC COURTS—CONTINUED

- (ii) An application under Interception of Communication Act (hereinafter “IOCA”);
- (iii) An application under the Anti-Gang Act;
- (iv) An application under the Civil Asset Recovery and Management and Unexplained Wealth Act;
- (v) An application accompanied by a certificate of urgency; or
- (vi) Such other categories of matters which the Honourable Chief Justice may direct are to be treated as emergency applications;

and includes any document filed in support of or in response to an emergency application;

- c. “*Filing party*” includes the Director of Public Prosecutions, an attorney-at-law and any authorised police officer.

FILING OF DOCUMENTS

2. Save for where otherwise provided in an Act, Regulation or Rule, a filing party may file documents by electronic means through the Judiciary’s e-filing platform.
3. When filing documents via the e-filing platform, all fields shall be accurately completed and all instructions provided for the proper and efficient use of the e-filing platform shall be adhered to.
4. All documents filed by electronic means are to be intitled with the words “*Electronically Filed*” on the top right hand-corner of the document and all documents filed manually are to be intitled with the words “*Manually Filed*” on the top right-hand corner.
5. The filing party shall be responsible for the accuracy and completeness of any document uploaded to the e-filing platform.
6. A document must be uploaded in **PDF Format only**. A document, inclusive of its annexures or exhibits, must be legible, properly paginated and organized to enable perusal without difficulty. A document must not be scanned upside down or otherwise than in the order the document is to be read.
7. Each document to be filed must be uploaded separately and appropriately labelled; and must bear any necessary signature(s).

PRACTICE DIRECTION
FILING BY ELECTRONIC MEANS—CRIMINAL DIVISION AND DISTRICT CRIMINAL
AND TRAFFIC COURTS—CONTINUED

8. Any JPEG document must be placed as an object or picture in a Word document and the Word document must be converted to PDF format before uploading to the e-filing platform.
9. The filing party shall retain an original version of any document filed by electronic means and shall make same available to the Court, a member of staff of the court office or any party to the proceedings, for inspection when required.
10. Subsequent to a document being filed by electronic means, the Court Office shall transmit a copy of the filed document bearing the e-stamp of the court to the filing party via the email address provided at the time of filing.
11. Where a filing party experiences a technical and/or connectivity issue while filing, this must be immediately reported via the contact information and method provided on the e-filing platform.
12. Where a party commences his action by electronic means, all subsequent filings shall be by electronic means unless otherwise directed by the Registrar of the Supreme Court (hereinafter “the Registrar”) or Magistracy Registrar and Clerk of the Court (hereinafter “the Magistracy Registrar”).

TIME OF FILING

13. A document filed by electronic means shall be deemed to be filed within the meaning of the CrPR at the date and time when the following requirements are satisfied:
 - a. The document is submitted by electronic means and received by the court office;
and;
 - b. A copy of the submitted document bearing the stamp (and where applicable the seal) of the court is transmitted to the filing party.
14. A filing party filing by electronic means is responsible for observing any applicable deadlines and shall endeavor to afford sufficient and/or reasonable time for processing by the court office, taking into account any circumstances which may exist at a particular time.

PRACTICE DIRECTION
FILING BY ELECTRONIC MEANS—CRIMINAL DIVISION AND DISTRICT CRIMINAL
AND TRAFFIC COURTS—CONTINUED

EMERGENCY APPLICATIONS

15. An emergency application may be filed at any time and must be accompanied by a Certificate of Urgency.
16. Where an emergency application is to be filed outside of regular hours of operation of the physical court office, the filing party must first contact the Registrar or the Magistracy Registrar by telephone and advise of the said application. The filing party must then file the relevant documents electronically or by such other means as the Registrar or the Magistracy Registrar may direct.
17. Where emergency applications are filed, the filing party must email to the Registrar or the Magistracy Registrar a copy of the draft Order being sought in Word Format.

GENERAL

18. The court office may, at the direction of the Registrar or the Magistracy Registrar, disregard any document filed or purported to be filed in the event of substantial non-compliance with any measure contained herein, or with any Rules of Court. Any such direction shall be communicated to the filing party.
19. This Practice Direction is to be read in conjunction with the Practice Direction on Covid-19 Emergency Directions.

Dated this 6th day of April, 2020

/s/ Ivor Archie
Chief Justice