



# TRINIDAD AND TOBAGO GAZETTE (EXTRAORDINARY)

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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. 46, dated April 6th, 2020 Bold No. 484**

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 Monday May 18, 2020 inclusive (this period):

1. 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 hearings.

PRACTICE DIRECTIONS  
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2. All Jury trials are suspended during this period.
3. Sittings of the Petty Civil Courts are suspended save and except matters deemed by the Court to be fit for hearing in this period.
4. Sittings of the Coroner's Courts are suspended save and except matters deemed by the Court to be fit for hearing in this period.
5. The Court shall deem fit for hearing in this period any matter which it intends to proceed with during this period and shall give directions as to time and filings.
6. Notwithstanding paragraph 5 for the purpose of this Practice Direction, the following matters are hereby deemed fit for hearing in any event during this period:

**(A) Criminal Division of the High Court:**

- 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

**(B) High Court – Civil Matters**

- Matters under the Anti-Terrorism and Mental Health Acts
- Applications for writs of habeas corpus

**(C) Family Court- Family and Children Division of the High Court**

- domestic violence cases
- maintenance applications including applications for variation of orders to use CourtPay
- urgent custody applications

**(D) Children Court- Family and Children Division of the High Court**

- Domestic violence matters
- Applications for writs of habeas corpus

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**(E) District Criminal and Traffic Courts**

- 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

**Deeming Matters Fit for Hearing In This Period**

7. The Court may on its own motion, deem a matter to be fit for hearing in this period.
8. 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.
9. An application under paragraph 8 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.
10. An application under paragraph 8 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**

11. All matters in the Summary Courts (including traffic matters) listed to be heard during this period, are adjourned for three months from the date on which it was to be heard.
12. If the adjourned date falls on a weekend or public holiday, the matter is adjourned to the next court business day.

PRACTICE DIRECTIONS  
COVID-19 Emergency Directions—Continued

13. With regard to paragraph 11, the following examples apply:

*Matters scheduled for March 17, 2020, are adjourned to June 17, 2020*

*Matters scheduled for March 18, 2020, are adjourned to June 18, 2020*

*Matters scheduled for May 1, 2020 are adjourned to August 3, 2020*

*Matters scheduled for May 4, 2020 are adjourned to August 4, 2020*

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

14. 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)**

15. The time allowed for the payment of all fines (including traffic tickets) for which payment is due during this period is extended for three months from the date on which payment is due.
16. If the new due date falls on a weekend or public holiday, the payment becomes due on the next court business day.
17. With regard to paragraph 15, the following examples apply:

*Payments due on March 17, 2020, will now become due on June 17, 2020*

*Payments due on March 18, 2020, will now become due on June 18,, 2020*

*Payments due on May 1, 2020 will now become due on August 3, 2020*

*Payments due on May 4, 2020 will now become due on August 4, 2020*

**Probate and Administration of Estates**

18. With effect from May 4, 2020, attorneys may lodge new applications at the Probate Registry using the Judiciary's E-Probate Portal.
19. Subject to paragraph 18, an attorney who has received an approval for filing may file the approved new application on the appointment date set by the Registrar.
20. With effect from May 4, 2020, the public may request an appointment to make an application for a small estate by emailing the request to [HOJPB.Response@ttlawcourts.org](mailto:HOJPB.Response@ttlawcourts.org) or by contacting the Probate Registry at 223-1060 ext. 2264.
21. 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](mailto:Probate.online@ttlawcourts.org).

PRACTICE DIRECTIONS  
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22. Attorneys and the public may request an appointment to file supplemental affidavits in existing applications or conduct any other business by emailing the request to [HOJPB.Response@ttlawcourts.org](mailto:HOJPB.Response@ttlawcourts.org).

**Time**

23. In respect of all directions or deadlines not specifically addressed in this Practice Direction, time will cease to run until May 18, 2020 save and except:
- (i) in matters that have been deemed fit for hearing during this period and the court has directed that time is to run and documents are to be filed; and
  - (ii) the payment of maintenance under any order of the court including an order under the Attachment of Earnings Act.

**Filings**

24. Save for filings in urgent matters, matters that may become statute barred during this period or matters deemed fit for hearing during this period, all filings are suspended until May 18, 2020.
25. Attorneys at Law are to file all documents during this period by electronic means.

**Other matters**

26. In the interest of public health and to maintain appropriate social distancing, any matter which requires any in person attendance in courtrooms is limited at most to attorneys, parties, and necessary witnesses as the court may instruct.
27. 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.
28. 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](mailto:covid.response.public@ttlawcourts.org) or sending an email to the Judge's or Judicial Officer's team.
29. Any person entering a courthouse or administrative office is required to wear a face mask.

Dated this 27<sup>th</sup> day of April, 2020

/s/ Ivor Archie  
Chief Justice