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504

REPUBLIC OF TRINIDAD AND TOBAGO

PRACTICE DIRECTION

COURT OPERATIONS COVID-19 PANDEMIC DIRECTIONS WITH EFFECT FROM MAY 18, 2021 NO. 15

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, Part 22 of the Children Court Rules, Rule 69 of the Petty Civil Court Rules and Rule 72 of the Non-Contentious Business Rules (as amended) and is applicable to the entire Judiciary of Trinidad and Tobago which includes the Supreme Court and all Summary Courts.

The objective of this Practice Direction is to continue to provide for adequate and appropriate measures with effect from May 18, 2021 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, Masters, District Judges, judicial officers, court staff, attorneys-at-law and members of the public;
- (d) Facilitate the use of electronic alternatives to in-person activities at the Court by internal and external persons;
- (e) Ensure that appropriate administrative arrangements are made for all hearings; and
- (f) Regulate the payment of fines and the scheduling of hearings arising out of Fixed Penalty Notices issued under the Public Health [2019 Novel Coronavirus (2019-nCoV)] on or before June 30, 2021.

having regard to:

- (a) the State of Emergency proclaimed on May 15, 2021;
- (b) the Emergency Powers Regulations in place from time to time;
- (c) the Public Health regulations in place from time to time;
- (d) the Public Health policies in place;
- (e) the persistence of community spread of COVID-19 within the population;
- (f) the inherent risk to court personnel and members of the public intrinsic in in person activity at court buildings at this time; and

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- (g) recent developments which have required court buildings to be closed and staff to be quarantined.

The following measures shall take effect:

EFFECTIVE DATES

1. This Practice Direction supersedes the Practice Direction published in Trinidad and Tobago Gazette Vol. 60 No. 78 dated May 17, 2021 titled “Court Operations Covid-19 Pandemic Directions with effect from May 17, 2021 No. 14” and shall take effect on May 18, 2021 and continue until further notice or otherwise superseded (this period).

TIME

2. Time will cease to run until June 30, 2021 (inclusive), in respect of all timelines prescribed for filing under the Rules of Court pursuant to which this Practice Direction is issued and orders made by the court, save and except:
 - a. any order of the court for the filing of submissions made before the date of this Practice Direction;
 - b. the payment of maintenance under any order of the court including an order under the Attachment of Earnings Act; and
 - c. any order of the court specifically stated to be an exception to this Practice Direction.

HEARINGS TO BE CONDUCTED BY ELECTRONIC MEANS

3. Hearings and/or sittings of the Supreme Court and Summary Courts shall be by electronic means only and there shall be no in-person hearings save and except for emergency circumstances where the interests of justice will not be served by an electronic hearing.
4. Where an in-person hearing is required between the hours of 8:00 a.m. to 4:00 p.m., a party or witness to the proceedings may give evidence in a specific court location from among those stated in **Schedule 1** for emergency matters. An in-person hearing is one in which a person is required to be physically present in the courtroom with the Judge, Master, District Court Judge or Registrar who is adjudicating.
5. In virtual hearings, a witness may be required to appear at the appointed time from a particular place or from a Judiciary Virtual Access Customer Centre (VACC) set out in **Schedule 2**, as directed by notice by e-mail, telephone or mail to the witness.

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6. Where a hearing is required in an emergency between the hours of 4:00 p.m. to 8:00 a.m., which include the prohibited hours of movement under the Emergency Powers Regulations 2021, a party or witness to the proceedings may give evidence from the specified Judiciary Virtual Access Customer Centres set out in **Schedule 3**.
7. Where a person is required in an emergency to give evidence under paragraph 6, in circumstances which require movement of anyone during the prohibited hours of movement under the Emergency Powers Regulations 2021, the Judiciary shall seek to have arrangements made with the police commissioner for such movement.
8. All jury trials are suspended during this period.
9. Prisoners shall not attend a court building physically during this period.
10. Children shall not attend a court building physically during this period.

CLOSURE OF COURT BUILDINGS11. All Court buildings shall remain closed to the public except:

- a. the Court buildings listed in **Schedule 1** which shall be open for the purposes of cash bail, emergency in person hearings and urgent appointments so deemed to be urgent by the Registrar and Marshal of the Supreme Court for the Supreme Court or the Magistracy Registrar and Clerk of the Court for the District Courts respectively; and
- b. the VACC's as set out in **Schedule 2** and **Schedule 3**.

FILING OF DOCUMENTS (SUPREME COURT)

12. There shall be no manual filings at any court office and all filings shall be conducted by electronic means only.
13. A person who wishes to file an audio and or video exhibit electronically may contact the Registrar of the Supreme Court.
14. Attorneys-at-Law, members of the Trinidad and Tobago Police Service, self-represented persons and any other interested party, department or agency must file documents

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electronically. Electronic filing is by way of the Judiciary's e-filing platform which can be accessed via the following link - <https://eservices.ttlawcourts.org/filing>.

FILING OF DOCUMENTS (SUMMARY COURT DOCUMENTS)

15. There shall be no manual filings at any court office and all filings shall be conducted by electronic means only.
16. A person who wishes to file an audio and or video exhibit electronically may contact the Magistracy Registrar and Clerk of the Court.
17. Attorneys-at-Law, members of the Trinidad and Tobago Police Service, members of the public and any other interested party, department or agency, must file documents electronically. Electronic filing is by way of the Judiciary's e-filing platform which can be accessed via the following link - <https://eservices.ttlawcourts.org/filing>.

PROBATE AND ADMINISTRATION OF ESTATES

18. Attorneys-at-law and members of the public who wish to file or conduct any business at the Probate Registry are directed to the Practice Direction published in the Trinidad and Tobago Gazette Vol. 60 No.73 dated May 11, 2021 titled "Electronic Filing of Applications and Documents (Non-Contentious Probate Proceedings)".
19. There shall be no in-person appointments during this period.

APPROVAL OF SURETY FOR BAIL BY APPOINTMENT

20. In the exceptional event that the court considers it necessary that a surety for bail must be approved by the Registrar of the Supreme Court or by a Magistracy Registrar and Clerk of the Court prior to that surety appearing before the Justice of the Peace who is being asked to admit an accused person to bail which is secured by the said surety, the proposed surety is required to submit by email all necessary documents in accordance with the Checklist for approval of surety for Bail.
21. All documents individually identified and saved in PDF format, are to be submitted to the following email addresses for the Supreme Court and the District (Summary) Courts respectively.

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SUPREME COURT

EMAIL ADDRESS	COURT LOCATION
HOJCOA.Response@ttlawcourts.org	Court of Appeal
HOJCR.Response@ttlawcourts.org	HOJ Port-of-Spain Criminal Registry
SCSFDO.Response@ttlawcourts.org	Supreme Court, San Fernando
HOJTGO.Response@ttlawcourts.org	Supreme Court, Tobago

DISTRICT (SUMMARY) COURTS

DISTRICT	COURT LOCATION	EMAIL ADDRESS
North Trinidad	Port of Spain District Court	mrcc.portofspain@ttlawcourts.org
	Arima District Court	mrcc.arima@ttlawcourts.org
South Trinidad	San Fernando District Court	mrcc.sanfernando@ttlawcourts.org
	Point Fortin District Court	mrcc.pointfortin@ttlawcourts.org
Tobago	Scarborough District Court	mrcc.tobago@ttlawcourts.org

22. Documents are to be submitted to the relevant email address depending on the jurisdiction in which the bail order was issued. The subject line of the email must bear the words “Bail surety approval” followed by the name of the accused. The body of the email must include the following:
- a) the name of the accused;
 - b) the case number;
 - c) the date of the court order;
 - d) the charge;
 - e) the name of the judge or judicial officer who made the order; and
 - f) a brief statement in precis of the order.
23. On review of the documents, the proposed surety will receive an email indicating whether changes are to be made and the revised documents are to be submitted in the same manner as previously mentioned.
24. Where no changes are necessary, or where all changes have been made and resubmitted, the proposed surety, upon the relevant checks being made, will be informed by email as to whether they have been approved and may be required to present the hard copy documents

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for verification and if so, they will be given an appointment to submit the hard copy documents for verification against the emailed documents.

25. Persons who are given appointments are required to print the email or have it readily available on a device, to gain access to the Criminal Registry at the Supreme Court or the District (Summary) Court.

MAINTENANCE PAYMENTS

26. Members of the public who have been ordered to pay maintenance or to be the recipients of maintenance money are directed to the Practice Direction published in the Trinidad and Tobago Gazette Vol. 60 No.74 dated May 12, 2021 titled “Receipt and Disbursement of Maintenance Payments via Electronic Means (CourtPay)”.
27. There shall be no in-person appointments during this period unless so specifically required by the Family Court Administrator in an exceptional case.

EXTENSION OF WAIVER OF FEES (FILING BY ELECTRONIC MEANS)

28. 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 June 30, 2021** inclusive.
29. 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 June 30, 2021** inclusive.

FINES AND COURT ORDERED COMPENSATION PAYMENTS

30. The payment of **all fines and court ordered compensation payments NOT INCLUDING MAINTENANCE** due during this period is suspended until June 30, 2021.
31. Any Public Health Fixed Penalty Notices issued on or before June 30, 2021, may be **paid from July 1 to September 7, 2021**.
32. The hearings for Public Health Fixed Penalty Notices issued on or before June 30, 2021 in situations in which the fines are not paid, are hereby adjourned as follows:

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PUBLIC HEALTH FIXED PENALTY NOTICES ISSUED DURING PERIOD	ADJOURNED DATE OF HEARING
September 5, 2020 to September 11, 2020	Tuesday 5 October 2021
September 12, 2020 to September 18, 2020	Tuesday 12 October 2021
September 19, 2020 to September 25, 2020	Tuesday 19 October 2021
September 26, 2020 to October 2, 2020	Tuesday 26 October 2021
October 3, 2020 to October 9, 2020	Tuesday 2 November 2021
October 10, 2020 to October 16, 2020	Tuesday 9 November 2021
October 17, 2020 to October 23, 2020	Tuesday 16 November 2021
October 24, 2020 to October 30, 2020	Tuesday 23 November 2021
October 31, 2020 to November 6, 2020	Tuesday 30 November 2021
November 7, 2020 to November 13, 2020	Tuesday 7 December 2021
November 14, 2020 to November 20, 2020	Tuesday 14 December 2021
November 21, 2020 to November 27, 2020	Tuesday 21 December 2021
November 28, 2020 to December 4, 2020	Tuesday 28 December 2021
December 5, 2020 to December 11, 2020	Tuesday 4 January 2022
December 12, 2020 to December 18, 2020	Tuesday 11 January 2022
December 19, 2020 to December 25, 2020	Tuesday 18 January 2022
December 26, 2020 to January 1, 2021	Tuesday 25 January 2022
January 2, 2021 to January 8, 2021	Tuesday 1 February 2022
January 9, 2021 to January 15, 2021	Tuesday 8 February 2022
January 16, 2021 to January 22, 2021	Tuesday 15 February 2022
January 23, 2021 to January 29, 2021	Tuesday 22 February 2022
January 30, 2021 to February 5, 2021	Tuesday 8 March 2022
February 6, 2021 to February 12, 2021	Tuesday 15 March 2022
February 13, 2021 to February 19, 2021	Tuesday 22 March 2022
February 20, 2021 to February 26, 2021	Tuesday 29 March 2022
February 27, 2021 to March 5, 2021	Tuesday 5 April 2022
March 6, 2021 to March 12, 2021	Tuesday 12 April 2022
March 13, 2021 to March 19, 2021	Tuesday 19 April 2022
March 20, 2021 to March 26, 2021	Tuesday 26 April 2022
March 27, 2021 to April 2, 2021	Tuesday 10 May 2022
April 3, 2021 to April 9, 2021	Tuesday 17 May 2022
April 10, 2021 to April 16, 2021	Tuesday 24 May 2022
April 17, 2021 to April 23, 2021	Tuesday 31 May 2022
April 24, 2021 to April 30, 2021	Tuesday 7 June 2022
May 1, 2021 to May 7, 2021	Tuesday 14 June, 2022
May 8, 2021 to May 14, 2021	Tuesday 21 June, 2022
May 15, 2021 to May 21, 2021	Tuesday 28 June, 2022

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May 22, 2021 to May 28, 2021	Tuesday 5 July, 2022
May 29, 2021 to June 4, 2021	Tuesday 12 July, 2022
June 5, 2021 to June 11, 2021	Tuesday 19 July, 2022
June 12, 2021 to June 18, 2021	Tuesday 26 July, 2022
June 19, 2021 to June 25, 2021	Tuesday 2 August, 2022
June 26, 2021 to June 30, 2021	Tuesday 9 August, 2022

SERVICE AND COMMISSIONER FEES

33. All service and commissioner of affidavit fees will be noted during this period and payment will be suspended until June 30, 2021.
34. Marshals and Bailiffs services are limited to matters of urgency so determined by the Registrar of the Supreme Court or the Magistracy Registrar and Clerk of the Court as the case may be.

TRAFFIC TICKETS RECEIVED PRIOR TO MAY 26, 2020

35. While 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, which said payment had been extended for a period of four (4) months from November 26, 2020 by Legal Notice No. 366 of 2020 and which said payment has been further extended from March 26, 2021 to May 31, 2021 by Legal Notice No. 89 of 2021, the collection of these payments by the Judiciary is hereby suspended until further notice.

Dated this 18th day of May, 2021

/s/ Ivor Archie
Chief Justice

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SCHEDULE 1

Court Buildings Open to the Public for Limited Purposes

LOCATION	Court Building
Northern Trinidad	Hall of Justice- Port of Spain Port of Spain District Court Arima District Court
Southern Trinidad	Supreme Court Building, San Fernando San Fernando District Court(Madinah Building) Point Fortin District Court
Tobago	Scarborough District Court

Temporary Closure of Judiciary Buildings from time to time.

Despite the Judiciary buildings being open, from time to time a building may be closed to facilitate the review of COVID-19 status of staff or for sanitization. On these occasions, the Judiciary will post the notice of closure on its' website at www.ttlawcourts.org and social media platforms and inform the media for the attention of those who have business to conduct physically at the Courts.

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SCHEDULE 2

**Judiciary Virtual Access Customer Centres (VACC)
For the Facilitation of Virtual Hearings**

Between the hours of 8:00 a.m. to 4:00 p.m.

Locations		Addresses	No of Rooms
Trinidad North	Arima	UTT Building 83-121 Industrial Estate O'Meara Industrial Park	2
	Port of Spain	Judiciary Administration Building Kings Court, 110-112 Frederick Street	7
		Judiciary Administration Building 48 St. Vincent Street (Corner St. Vincent and Duke Streets)	2
		Children Court North Building 6 Elizabeth Street, St. Clair	1
Trinidad South	Point Fortin	Point Fortin Magistrates' Court Building Cap de Ville Road	2
	Princes Town	New Family Court / District Court Building 271 Edwards Street, Naparima/Mayaro Road	5
Tobago	Scarborough	Supreme Court Building Bacolet St	1
		Scarborough Magistrates' Court Building Bacolet St	2
		Family Court Building 54 Calder Hall Main Road	2

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SCHEDULE 3**Judiciary Virtual Access Customer Centres (VACC)
For the Facilitation of Virtual Hearings****Between the hours of 4 pm and 8 am**

Locations	Addresses	No of Rooms
Port of Spain	Judiciary Administration Building Kings Court, 110-112 Frederick Street	7
Princes Town	New Family Court / District Court Building 271 Edwards Street, Naparima/Mayaro Road	5
Tobago	Scarborough Magistrates' Court Bacolet St	2

/s/ Ivor Archie
Chief Justice