



In the Supreme Court of Bermuda

A/50

1 April 2022

CIRCULAR NO. 3 OF 2022

TO ALL ATTORNEYS

INCREASE OF SERVICES (COVID-19)

This Practice Direction is issued further to Circular 01 of 2022.

It should be noted that the health, safety and welfare of the Members of the Public, as well as Court Administrative Staff continues to be our paramount concern so services will continue to be limited and be revisited.

WITH EFFECT FROM 4 APRIL 2022:

GENERAL:

- (i) Members of the Public are still encouraged to email or call the Court in respect of any queries. Queries may be emailed or made by telephone using the contact information provided below:

COURT	EMAIL	TELEPHONE
Court of Appeal	courtofappeal@gov.bm	279-1772
Supreme Court	supremecourt@gov.bm	292-1350
Magistrates' Court	magistratescourt@gov.bm	295-5151

- (ii) The following Court services will resume:

- (a) Criminal Record Checks;
- (b) Swearing of Affidavits; and
- (c) Certifying Copies.

SUPREME COURT / COURT OF APPEAL:

- (1) The Supreme Court and the Court of Appeal Registries (Government Administration Building, 2nd Floor and the Dame Lois Browne Evans Building, 3rd Floor) will resume their normal operating hours and will be open **Monday through Friday from 8:30 a.m. to 4:30 p.m.**
- (2) The Court will hear matters via audio/visual means **on a case by case basis**. The parties will be informed **in advance** whether it is intended for the matter to proceed remotely.

If not advised that the matter will proceed remotely, the matter will proceed in-person.

- (3) If the circumstances require a matter to be heard remotely, the parties must contact the Supreme Court or the Court of Appeal via email (supremecourt@gov.bm or courtofappeal@gov.bm) **no later than 48 hours in advance of the hearing** to request that the matter proceed via audio/visual means. The parties must also advise whether all parties agree and are able for the matter to proceed remotely.
- (4) In instances where one party wishes for the matter to proceed via audio/visual means and the opposing party (or parties) does not, then Counsel should be prepared to make the appropriate application for an adjournment for determination of the presiding Judge or Registrar.
- (5) The presiding Judge or Registrar shall have the sole discretion in determining whether a Court hearing can take place remotely and reserves the power to require Counsel, the parties, or any witness to attend Court in-person. Please note there may be instances where the Courts are unable to accommodate holding the matter via audio/visual means due to lack of resources.
- (6) As a reminder, all Supreme Court and Court of Appeal filings **must** be filed in hard copy with the requisite revenue stamps attached to be considered a Court filing. We are not accepting the filing of pleadings or correspondence **via email unless the parties have been directed to do so by the Judicial Department or the application is urgent. Please do not send pleadings or correspondence via email unless directed to do so or the filing is urgent.**
- (7) Requests to obtain a copy of a CourtSmart (audio) recording should be submitted in writing to CourtTech@gov.bm and copied to supremecourt@gov.bm. The request should include proof of payment.
- (8) Searches of the Supreme Court Cause Books will continue to be **by appointment only**. Search appointments will be available Monday through Friday between **9:00 a.m. – 4:30 p.m.** Please send an email to supremecourt@gov.bm to schedule an appointment.
- (9) In order to assist law firms with being able to complete/advise on commercial transactions, the Court will continue to provide firms with an electronic copy of the Supreme Court Cause Book to show any new matters which have been entered from the previous search carried out:
 - (a) Requests to be sent the electronic copy of the Cause Book should be e-mailed to supremecourt@gov.bm with the subject matter being “Cause Book Electronic Search Request”.
 - (b) A scanned Search Praeipce for this purpose should be attached to the email request bearing a copy of the requisite revenue stamp and received by 1:00 p.m. each Tuesday and Friday. **The original hardcopy should be filed with the Court within 24 hours following the electronic request.**
 - (c) The request should include the last listing number recorded.
 - (d) The electronic copy of the Cause Book will be distributed by **4:00 p.m. each Tuesday and Friday.**

MAGISTRATES' COURT:

Filings / Cashiers Desk

- (1) The Magistrates' Court will resume its **normal operating hours** and will be open for filings **Monday to Friday from 8:45 a.m. to 4:30 p.m.**
- (2) The Cashiers Desk will resume its **normal operating hours** and will be open **Monday – Friday from 9:00 a.m. – 4:30 p.m.**
- (3) Persons are still encouraged to make payments via online banking where possible. If your case is in relation to a civil matter or a criminal matter (only if there is no warrant attached), you may call 295-5151 extension 1215 to make your payment via debit or credit card.

The following protocols **must** be adhered to otherwise you may be denied entry:

- (a) **Only ten (10) persons** who are making payments to the Cashiers will be allowed to enter DLBE at any given time.
- (b) Your face must be covered by a mask or other appropriate covering such as a scarf at all times upon entering the Dame Lois Browne-Evans Building ("DLBE").
- (c) You must sanitize your hands prior to entering DLBE.
- (d) If you are showing any signs of illness, such as coughing, you will not be allowed to enter DLBE.
- (e) Persons shall practice social distancing by keeping six (6) feet from others at all times after entering DLBE.
- (f) You must bring your own pen to use to sign any documents/receipts necessary as one will not be provided.
- (g) Please ensure that you have your case number readily available so as to minimize the processing time of your payment.

Court Matters

- (4) **All Magistrates' Court Criminal matters will continue to be conducted in-person.** Persons attending for in-person hearings **must** adhere to the protocols detailed in paragraph 2 above.
- (5) **If you are required to attend the Magistrates' Court for a Civil matter or for Trial or Mention in a Criminal matter but you are required to be in quarantine, or are experiencing any symptoms related to the COVID-19 virus, do not attend Court. Instead, please immediately advise the Magistrates' Court to inquire whether you may be allowed to appear for the trial or mention remotely and/or be given an adjourned date.**

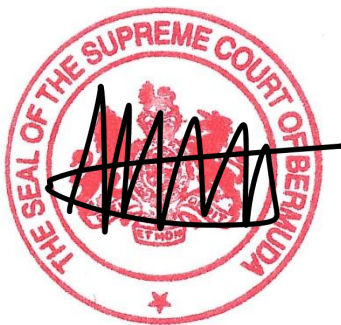
- (6) If you are required to attend the Magistrates' Court in respect of a NEW Criminal matter (i.e. your first Court appearance) but you are required to be in quarantine or are experiencing any symptoms related to the COVID-19 virus, **do not attend Court.** Instead, **please contact The BPS - Police Support Unit (PSU) by phone on 247-1017.**
- (7) If you attend Court knowing that you are required to be in quarantine, or are experiencing symptoms related to the COVID-19 virus, then this may be considered to be a contempt of court, **for which you may be penalized.**
- (8) Persons may contact the Magistrates' Court via email using the table below.

MAGISTRATES COURT EMERGENCY CONTACT	
DIVISION	EMAIL
CIVIL	civil@gov.bm
CRIMINAL	records@gov.bm
FAMILY/JUVENILE	childsupport@gov.bm
MENTAL HEALTH COURT	aslsmith@gov.bm / cfurbert@gov.bm
BAILIFF	cterry@gov.bm

We will continue to review and monitor the above. The public will be advised concerning any changes.

We thank you for your continued patience and understanding as we navigate through these unprecedented times.

Dated this 1st day of April 2022



REGISTRAR

CC: The Attorney-General's Chambers
 Department of Public Prosecutions
 Hamilton Police Station
 Commissioner of Police
 Commissioner of Corrections
 Magistrates Court
 Bermuda Bar Association
 Legal Aid Office