

The Registry of the Supreme Court

Government of the Virgin Islands
Third Floor, Sakal Place, Road Town
P.O. Box 418, Road Town, Tortola
British Virgin Islands, VG 1110



Email: supremecourt@gov.vg / commercialdivisionvi@gov.vg
Tel: (284) 468-5001 / (284) 468-3701 (ext.) 5001, 5153

SUPREME COURT NOTICE NO. 6 OF 2020

From: The Registrar of the Supreme Court

To: All Legal Practitioners

Date: 19th March 2020

Re: COVID-19 Emergency Guidelines

Acknowledgments: These practice guidelines were prepared in consultation with and derived from similar measures introduced in other courts across the region and globally.

COVID-19 Emergency Guidelines

On 5th March 2020, the Caribbean Public Health Agency (CARPHA) raised the risk of transmission of COVID-19 to the Caribbean region from high to very high. At present, there are a number of confirmed cases in over six countries in the region and it appears that the number of confirmed cases is increasing daily. At the Eastern Caribbean Supreme Court (the "Court") we have put in place a number of internal measures to minimize the risks associated with COVID-19. The measures range from enhancing our office sanitation efforts by installing hand sanitizers at strategic locations throughout our office. We also continue to provide our staff with the most up-to-date health and safety procedures provided by the World Health Organization. We have also urged all staff to review the ECSC COVID Staff Advisory which fully outlines the ECSC's plan of action to safeguard the health of all staff against COVID-19.

The Court is committed to doing everything necessary to ensure continued access to justice and to keep the Judiciary functioning while protecting our staff and the public. It is with this in mind that the ECSC



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headquarters has advised that with the exception of **urgent matters, domestic violence hearings, applications under the Mental Health Act and habeas corpus applications, and bail applications** in-person appearances are to be discouraged. Judges, Masters and Supreme Court Registrars are encouraged to use teleconference or video technology for all necessary hearings.

In an effort to maintain service delivery in an efficient and effective manner while being mindful of the imperative of doing so in a safe environment for staff and clients, the following measures are to be implemented with immediate effect from today, **Thursday, 19th March to Friday, 17th April 2020** ("this Period"). These measures are aimed at reducing the number of persons coming to the Territory's courthouses and making the courthouses and administrative offices as safe as possible for those who must physically attend those buildings.

Court of Appeal:

1. The sitting of the Court of Appeal scheduled to be held in the Territory of the Virgin Islands during the week 23rd – 27th March 2020 has been postponed until further notice. The ECSC Headquarters will continue to issue Notices directly in this regard.

Criminal Division:

2. Sittings of the Criminal Division of the High Court are suspended save and except matters deemed by the Judge to be fit for hearing in this period. This suspension is subject to review depending on the prevailing circumstances.
3. All persons summoned to appear in January 2020 for jury service are no longer required to appear, and those persons who would have applied for jury exemptions are no longer required to attend hearings scheduled for that purpose, until further notice. Jurors will continue to receive updates in the normal way via the several communication networks and via the print, electronic and broadcast media.
4. For Reporting/Mention days, Counsel for the Crown and Counsel for the defence must prepare a joint report in respect of each case, to be submitted electronically to the Clerk at the following email address: supremecourt@gov.vg. All reports are to be submitted by **3:30 p.m. Friday, 20th March 2020** and thereafter no less than 3 clear days before each successive Reporting/Mention date. The



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judge will make the appropriate order electronically.

5. Similarly, all urgent applications including bail applications are to be submitted electronically and will be dealt with on the papers, where the parties consent.

Civil Matters

6. Consistent with the objective of limiting the number of matters which require the attendance of parties and legal practitioners at court for chamber and open court hearings, sittings at the High Court in the Sakal Building for the purpose of hearing civil matters are suspended save and except matters deemed by the Judge to be 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. Any application must be made in writing to the Registrar of the Supreme Court and must be accompanied by a certificate of urgency setting out the facts and reasons which make the matter fit for hearing in this period.
9. Notwithstanding paragraph 7, the following matters are deemed fit for hearing in any event during this period:
 - a) domestic violence cases
 - b) urgent custody applications
 - c) habeas corpus applications
 - d) applications under the Mental Health Act
10. As far as practicable, all court proceedings will be conducted via video-link or other forms of virtual communication. If this is not possible or appropriate, the Judge will decide whether the matter should be adjourned or whether a hearing should be convened at the Court Building.
11. Where determinations can be made in the absence of parties, the applications will be disposed of



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on paper and orders will be made and copies made available for dissemination to the legal practitioners on a same day basis, through the Case Management Unit.

12. All parties seeking adjournments should submit written applications and if applicable, consent by the opposing side to such adjournments, accompanied by draft orders. Those matters will be dealt with on papers to avoid the need for attendance by parties and counsel. Orders will be disseminated to the legal practitioners on a same day basis, through the Case Management Unit.

Commercial Matters

13. Given the crucial role of the Commercial Court in the maintenance of the Territory's corporate, legal and financial services industries, the Commercial Court will continue to operate as far as telephone and video-conferencing equipment, facilities and support staff availability permit.
14. Judges will in principle hear matters by telephone and/or video conference limited to hearings with a time estimate of two hours subject to the operational availability of equipment and support staff.
15. Consistent with the objective of limiting the number of matters which require the attendance of parties and legal practitioners at court for chamber and open court hearings, sittings at the Commercial Court with in-person attendance are suspended save and except matters deemed by the Judge to be fit for hearing in this period.
16. The Court may on its own motion, deem a matter to be fit for hearing in this period.
17. 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. Any application must be made in writing to the Registrar of the Supreme Court and must be accompanied by a certificate of urgency setting out the facts and reasons which make the matter fit for hearing in this period.
18. As far as practicable, all court proceedings will be conducted via video-link or other forms of virtual communication. If this is not possible or appropriate, the Judge will decide whether the matter should be adjourned or alternative arrangements for a hearing made.
19. Where, in the discretion of a Commercial Court Judge, determinations can be made in the absence of oral representations, the applications will be disposed of on paper and orders will be made and



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copies made available for dissemination to the legal practitioners on a same day basis, where practicable, through the Case Management Unit.

20. All parties seeking adjournments should submit written applications and if applicable, consent by the opposing side to such adjournments, accompanied by draft orders. Those matters will be dealt with on the papers to avoid the need for attendance by parties and counsel. Orders will be disseminated to the legal practitioners on a same day basis, where practicable, through the Case Management Unit.
21. In respect of Commercial Court matters currently not administered through the Electronic Litigation Portal, further guidance shall be given for written submissions/skeleton arguments and other documents to be communicated by electronic means to the Judge seized of a matter.

Probate and Administration of Estates

22. Should it become impractical to file new hard copy applications for Probate or Letters of Administration during this period, arrangements will be made for alternative means of filing.
23. Attorneys and the public may lodge supplemental affidavits/documents in existing applications following the same arrangements to be established for 22 above.

Court Searches (JEMS, Probate, E-Litigation Portal)

24. Searches will continue at the Court Office in so far as operations remain open to the public.
25. Should physical attendance at the Court Office be curtailed, provision will be made to receive and process search applications at supremecourt@gov.vg.



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Other Matters

26. In the interest of public health and to maintain appropriate social distancing, attendance in courtrooms should be limited to attorneys, parties, and necessary witnesses.
27. All legal practitioners are also asked to note the following:
- i. Attorneys are encouraged to file all court documents, legal submissions and authorities by electronic means wherever possible.
 - ii. As a matter of urgency firms and practitioners are to source and secure appropriate equipment necessary to convene hearings via electronic means on Zoom (e.g. computer/laptop with a webcam and stable internet). Firms and Practitioner must create as a matter of urgency dedicated Zoom contact details or Skype addresses where they and the parties they represent may be contacted for any virtual hearings. These addresses must be communicated to the Court Office as soon as possible and on or before **Friday, 20th March 2020**.
 - iii. Firms and practitioners are asked to bear in mind that the locations from which the parties and witnesses will attend court must be suitable for such purpose.
 - iv. Binders and papers brought to Court are potential conveyors of the virus. Firm and practitioners must ensure that these are not handled by staff who may be infected. You are therefore required to put precautionary measures in place.
28. Persons who still bring cash (another notorious conveyor) for payment into court are discouraged from doing so and asked to pay by bank draft instead. As many persons are still unbanked, receipt of some cash is inevitable and measures are being put in place for the protection of the staff of the Court Office.
29. Persons attending upon the Commissioners of Oath or our other Justices of the Peace for the swearing of affidavits are asked to adhere to guidance for sanitization mandated by the Court Office staff.
30. The Superintendent of Prisons must ensure that prisoners who must be brought to court are in good health.



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31. The ECSC has established 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.
32. 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 ECSC is advised to stay at home and request an adjournment by calling the court office on **468-5001/4943** or contacting the Registrar of the Court as the case may be by sending an e-mail to the relevant email as follows:

Civil or Criminal matters - supremecourt@gov.vg
Commercial matters - bvicomregistry@eccourts.org

These guidelines may be subject to further update.

Dated this 19th day of March 2020.

Registrar
Supreme Court
Virgin Islands



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