



**THE OFFICE OF THE CHIEF JUSTICE  
JUDICIARY OF THE BAHAMAS  
NOTICE # 13  
THE COURT CORONAVIRUS MITIGATION PROTOCOLS 6.0  
22 November, 2020**

Notice is hereby given that the Court Coronavirus Mitigation Protocols 5.0 set out in Notice # 12 shall cease to have effect as of 12:00 midnight on 22 November, 2020.

These Protocols come into effect at 12:01 a.m. on 23 November, 2020 and shall cease to have effect on such date as the Chief Justice may direct by Notice.

***Definitions:***

For the purpose of these Protocols:

***“Application on the Papers”*** refers to an application to be decided by the Court on the court documents filed in respect of the application and the written submissions of the parties without an oral hearing or attendance by any counsel before the court ;

***“BDOCS”*** refers to The Bahamas Department of Corrections;

***“Disposition Mode”*** refers to an In-Person Hearing, an Application on the Papers or a Remote Hearing;

***“Expiration Date”*** means the date when these Protocols shall cease to have effect pursuant to the direction of the Chief Justice by Notice;

***“Hearing”*** includes a trial or any hearing fixed for the consideration of an application or matter before the Court;

***“In-Person Hearing”*** refers to a Hearing carried out in strict compliance with physical distancing requirements where the parties, their respective counsel and if

applicable witnesses are physically required to be present in court unless otherwise ordered by the Judge;

**“Remote Hearing”** refers to a hearing by teleconference, video-link, live television link, internet link, any other means that will allow the Court and the parties or accused, as the case may be, to engage in simultaneous visual and oral communication or any other manner of instant communication between the Court and the parties or accused, as the case may be, facilitated through the use of technology by the Court;

**“Videoconferencing”** means one type of a Remote Hearing where the hearing is by video-link, live television link, internet link or any other means that will allow the Court and the parties or accused, as the case may be, to engage in simultaneous visual and oral communication facilitated through the use of technology by the Court.

### **Supreme Court – Criminal Side:**

1. (i) **New criminal jury trials:** In-person criminal jury trials will resume in New Providence on 23 November, 2020. In each case, Counsel will be expected to proceed on the assigned date for the trial. All persons entering court buildings will be required to:

- (a) comply with physical distancing protocols while in court buildings;
- (b) comply with all hand sanitizing procedures;
- (c) have his/her temperature taken by a court Marshall. Any person who has an elevated temperature reading (i.e. above the normal level recommended by public health officials) will not be allowed to enter the building;
- (d) wear a face mask, which fits securely to his/her face, covering his/her nose and mouth and continue to do so at all times while in the building;
- (e) avoid gathering in corridors or other public access areas outside of court rooms or offices; and
- (f) generally follow directions of court Marshalls and other court staff with regard to public health and/or safety protocols.

(ii) Sanitizing protocols for court rooms will require overnight cleaning and regular wiping down of ‘high touch’ areas throughout the day.

(iii) Plexi glass barriers have been installed in the Court rooms which will be used for criminal trials and distance markers have been placed in those courts.

(iv) Until further notice no more than two criminal trials will be conducted at the same time in the Main Supreme Court Building, one criminal trial in Annex 1 and one criminal trial in Annex 2.

(v) All jurors will be directed to two holding rooms in the relevant building during the empanelment process which will facilitate compliance with physical distancing requirements. Individual jurors will be ushered into the court room as necessary. Once the process is completed, the jurors who are not selected to serve on the jury will be directed to leave the building.

(vi) Jurors who are selected to serve on the jury will be issued a face shield by court staff to be worn in addition to his/her face mask while in the court room. Where necessary, the size of the jury area in the court room has been expanded to accommodate physical distancing between jurors. Alternatively, in certain court rooms plexi glass barriers have been installed between the rows of jurors. Deliberation rooms for jurors have been assigned based on square footage to accommodate physical distancing. All jurors will be required to wear his/her face mask and a face shield at all times when in one of the deliberation rooms.

(vii) The presiding Judge, the Clerk, the Court Reporter, the Bailiff, other court staff, Counsel, jurors, the accused and all other persons in the court room will be required to wear his/her face mask throughout the trial. During the trial, the Judge will take such short breaks throughout the day as he/she deems necessary to permit persons to have access to fresh air outside of the presence of other persons.

(viii) Witnesses in a criminal trial will, at their option, remain outside the court building or be directed to a holding room until called to the witness stand. Physical distancing and mask wearing will be required in the holding room.

(viii) The suspension of new criminal jury trials in Grand Bahama will continue until the Chief Justice directs the resumption of such trials by Notice or Practice Direction or until five (5) business days after the Expiration Date, whichever occurs first.

(ix) Currently, the intention is to resume hearing criminal jury trials in Grand Bahama on or before 7 December, 2020 and Counsel should govern themselves accordingly.

2. (i) **Arraignments** will continue in New Providence on such dates as are fixed by Senior Justice Bernard Turner in consultation with the Chief Justice.

(ii) Arraignments in Grand Bahama will continue on such dates as are fixed by Senior Justice Estelle Gray Evans in consultation with the Chief Justice.

(iii) Arraignments will generally be conducted by Videoconferencing. Accused persons who are incarcerated at BDOCS will be taken to the Remand Court to attend Arraignments by live television link. If they are represented by a lawyer, he/she will participate in the Videoconferencing from a venue of their choice which is appropriate for a court hearing.

(iv) Lawyers representing accused persons on bail will be required to arrange for their client to attend the Arraignment which will be conducted by Videoconferencing unless otherwise directed by the Judge.

(v) Arraignments for Pro se accused persons on bail will generally be conducted by In-Person Hearings in a designated court. Officials of the Court will be in attendance to ensure adherence to physical distancing requirements.

3. (i) **Bail** – Urgent bail applications in New Providence certified by the Deputy Registrar responsible for the Criminal Registry will continue to be heard by the Judge designated in the Urgent Bail Judge Roster which is posted on the Judiciary’s website at [www.bahamasjudiciary.com](http://www.bahamasjudiciary.com).

(ii) Senior Justice Gray Evans will hear urgent bail applications in Grand Bahama.

(iii) The criteria for urgent bail applications are posted on the Judiciary’s website.

(iv) All urgent bail applications will be conducted either by a Remote Hearing or an In-Person Hearing as directed by the presiding Judge.

(v) Hearings of other bail applications (i.e. not certified as urgent under the current criteria) will continue to be heard by the designated judge in the Criminal Division of the Supreme Court.

Persons or their Counsel seeking a hearing date for bail applications under this sub paragraph must provide copies of the filed court documents:

(a) in New Providence to the Deputy Registrar who is responsible for the Criminal Registry; and

(b) in Grand Bahama to the Clerk of Senior Justice Evans (or such other person as may be designated by Senior Justice Evans)

in addition to serving the office of the Director of Public Prosecutions. The parties will be notified of the name of the judge who will hear the application and the date of the hearing.

(vi) All bail applications heard under sub paragraph 3(v) will be conducted either by Videoconferencing or an In-Person Hearing as directed by the presiding Judge.

In the case of Videoconferencing, the applicant will be taken to the Remand Court to attend the hearing by live television link. If the applicant is represented by a lawyer, he/she will participate in the Videoconferencing from a venue of their choice which is appropriate for a court hearing.

4. (i) **Variation of Bail Applications** must be made:

- (a) in New Providence to the Criminal Registry after filing the requisite court documents at the cashier's counter in Annex 1 (formerly the Ansbacher building); and
- (b) in Grand Bahama to the Supreme Court Registry in Freeport. PROVIDED that where the accused person is on remand at BDOCS in New Providence, the application can be made by filing the requisite court documents at the cashier's counter in Annex 1 in New Providence and delivering filed copies of such documents (a) to the Criminal Registry in New Providence by hand; and (b) to the Clerk of Senior Justice Gray Evans by email.

The hearing of the application will be fixed before a judge and Counsel or the applicant will be informed of the judge who will hear the application and the date and time of the hearing. Whenever practicable, the judge who imposed the bail conditions which are the subject matter of the variation application will be assigned to hear the matter.

(ii) All Variation of Bail Applications heard (i) under paragraph 4(i)(a) will be conducted either by Videoconferencing or an In-Person Hearing as directed by the presiding Judge; and (ii) under sub paragraph 4(i)(b) will be conducted by Videoconferencing.

(iii) In the case of Videoconferencing, the applicant will be taken to the Remand Court to attend the hearing by live television link. If the applicant is represented by a lawyer, he/she will participate in the Videoconferencing from a venue of their choice which is appropriate for a court hearing.

5. (i) **Other urgent applications on the Criminal Side** (i.e. not an urgent bail application under the existing criteria) will be heard by either Senior Justice Turner or Justice Fraser in New Providence and Senior Justice Evans in Grand Bahama. This Protocol will remain in effect until five (5) business days after the Expiration Date or such earlier date as may be fixed by the Chief Justice.

(ii) The party seeking a hearing date in New Providence under paragraph 5(i) must apply in writing to the Deputy Registrar responsible for the Criminal Registry attaching copies of the relevant filed Court documents or if in Grand Bahama to the Clerk of Senior Justice Evans.

(iii) If the Court is satisfied that the application should be determined on an urgent basis the Judge will fix the Disposition Mode and give such other directions as are necessary to facilitate the early hearing of the application.

**6. Mention Date hearings, Case Management Conferences and Pre Trial Reviews** will continue by means of Remote Hearings unless the Judge directs that a different Disposition Mode is to be used.

### **Supreme Court – Civil Side (all cases which are not Criminal):**

7. (i) **Part heard trials in New Providence and Grand Bahama.** Where a date has not yet been fixed for the continuation of the trial, the Judge will conduct a Remote Hearing for directions in the case and after considering submissions on behalf of the parties will determine whether the trial is to continue prior to the Expiration Date or adjourned to a date after the Expiration Date.

(ii) In the event that the trial is to continue prior to the Expiration Date the Judge will direct which Disposition Mode is to be used and give such other directions as necessary to facilitate the completion of the trial.

(iii) In all cases, the parties will be given not less than fourteen (14) days' notice of the date of the resumption of the trial unless a shorter period is agreed by all parties.

(iv) Counsel should contact the Judge (in accordance with Practice direction # 2 of 2020) in the event that, as of the date of these Protocols, directions have not been issued for the continuation of the trial under sub paragraph 7(i).

8. (i) **New trials.** Dates for new trials will be fixed by the presiding judge under the normal procedures and conducted in accordance with directions issued by the presiding Judge having regard to the Rules, Practice Directions and these Protocols as amended or replaced from time to time. The judge will determine the Disposition Mode for the trial after hearing submissions on behalf of the parties and give such further directions as are deemed to be necessary.

(ii) **Trial dates previously fixed to commence on or before 27 November, 2020 which were or have been vacated.** In the event that, as of the date of these Protocols, a new trial date has not been fixed, Counsel should notify the Judge (in accordance with Practice direction # 2 of 2020) seeking a Case Management Conference or Pre Trial Conference to obtain directions with regard to a new trial date. At that hearing, the Judge will fix the trial date, determine the Disposition Mode for the conduct of the trial after hearing submissions on behalf of the parties and give such further directions as are deemed to be necessary.

(iii) **Trials fixed for a date after 30 November, 2020.** Counsel and parties should be prepared to proceed with these trials.

9. (i) **Urgent interlocutory applications** in New Providence and Grand Bahama will continue to be heard. For the purpose of these Protocols, an urgent interlocutory application is one which seeks:

- (a) an injunction;
- (b) a domestic violence protection order;
- (c) a child protection order;
- (d) an order under the Mental Health Act;
- (e) an order under an international Treaty;
- (f) a writ of habeas corpus;
- (g) the arrest of a ship or other order in an Admiralty action regarded by the Court to be urgent; or
- (h) any other order deemed by the Judge to be fit for hearing on an urgent basis.

In New Providence these applications will be heard by the Urgent Duty Judge in accordance with the Urgent Duty Judge Roster posted on the Judiciary's website and in Grand Bahama they will be heard by Justice Adderley.

(ii) Until further notice, applications under paragraph 9(i) will be determined on the basis of a Remote Hearing unless the Judge directs that another Disposition Mode is to be used.

(iii) Persons seeking a hearing date for matters under paragraph 9(i) must complete and submit the relevant on line '*Application for Hearing Dates Form*' on the Judiciary's website. The applicant should use the document upload feature on the relevant Form to send to the Listing Officer, or if the action was filed in the Supreme Court Registry in Freeport, to the Judge, all filed court documents which are relevant to the application. Unless it is an *ex parte* application, those documents must also be served on the opposing side. Documents filed after the initial request for a hearing date should be sent to the assigned judicial officer by uploading them to the '*eDocument Delivery*' Form on the website and unless it is an *ex parte* application served on the other side.

10. (i) **Other interlocutory applications / Case Management Conferences/Pre Trial Reviews** – the Court will continue to hear these applications.

(ii) Persons seeking a hearing date for matters under paragraph 10(i) must complete and submit the relevant on line '*Application for Hearing Dates Form*' on the Judiciary's website. The applicant should use the document upload feature on

the relevant Form to send to the Listing Officer, or if the action was filed in the Supreme Court Registry in Freeport, to the Judge, all filed court documents which are relevant to the application. Unless it is an *ex parte* application, those documents must also be served on the opposing side. Documents filed after the initial request for a hearing date should be sent to the assigned judicial officer by uploading them to the '*eDocument Delivery*' Form on the website and unless it is an *ex parte* application served on the other side.

(iii) All hearing dates for those matters which were adjourned since 17 March, 2020 and which have not yet been determined will be relisted for hearing. Efforts will be made to agree dates with Counsel but ultimately dates will be fixed by the Court. The parties or their Counsel will be given at least 14 days' notice of the re-scheduled hearing date unless a shorter period is agreed by all parties. Counsel should contact the Judge (in accordance with Practice direction # 2 of 2020) in the event that, as of the date of these Protocols, a new hearing date has not been fixed for any matter under this sub paragraph.

(iv) Applications under paragraph 10 will be determined on the basis of a Remote Hearing unless the presiding judicial officer directs that another Disposition Mode is to be used.

### **Hearings - Registrar/Deputy Registrars/ Assistant Registrars (collectively "the registrars"):**

11. (i) Court hearings before the Registrar, the Deputy Registrars and the Assistant Registrars in New Providence and the Deputy Registrar in Grand Bahama will continue to be heard by Remote Hearings unless the presiding judicial officer directs that another Disposition Mode is to be used.

### **Remote Hearings:**

12. (i) The current COVID-19 pandemic requires the Courts to augment traditional In-Court Hearings with the use of Remote Hearings wherever possible. Such technology is currently used for receiving evidence of distant witnesses in non-criminal cases and for certain criminal procedures conducted between the Supreme Court and BDOCS using video-technology.

(ii) Order 31A(1)(k) of the Rules of the Supreme Court Rules provides for the court to actively manage cases by "*making appropriate use of technology*" and Order 31A r18(2)(n) provides that the Court may hold a hearing by "*...electronic means or use any other method of direct communication: Provided that where evidence is received by telephone or other electronic means, all persons participating must be able to hear each other and to identify each other so far as practicable.*"



(iii) Section 78C (2) of the Evidence Act as amended by section 2 of the Evidence (Amendment) Act, 2013 provides that in criminal proceedings “....*the court may, at any time during any proceedings relating to an offence other than at a time when the evidence of a witness is being taken, direct that the accused appear by live link or by any other means that will allow the court and the accused to engage in simultaneous visual and oral communications.*”

(iv) These protocols are only intended to provide basic guidance on Remote Hearings. Practitioners and parties are encouraged to familiarize themselves with the technical features of the various methods available for Videoconferencing, including Skype, Zoom and Webex. The presiding judicial officer shall determine the method to be used for Videoconferencing.

(v) The provisions for Remote Hearings are to be read subject to paragraphs 2-11 of these Protocols and together with paragraphs 3 - 15 of Practice Direction No. 3 of 2020. It will always be in the discretion of the individual judicial officer to determine which matters are suitable for Remote Hearings.

#### Conduct of hearing

(vi) The presiding judicial officer and/or judicial staff will coordinate the arrangements for Remote Hearings and, in the case of Videoconferencing, will in each case send out the link/invitation to counsel, the parties and any other necessary attendees at least twenty four (24) hours in advance of the hearing. ***That link/invitation must not be sent or circulated by any party or counsel to any person without the prior permission of the presiding judicial officer.*** Where appropriate, arrangements will be made for a court reporter to attend or participate in the Remote Hearing for the purpose of recording the proceedings.

(vii) A Remote Hearing will be conducted as if counsel and/or the parties are physically appearing before a judicial officer of the Supreme Court in accordance with the Rules, practice, procedures and decorum applicable to an In-Person Hearing. Procedural propriety must be observed at all times and the normal ways of addressing judicial officers and counsel in court proceedings will apply.

(viii) When the Court has scheduled a Remote Hearing, counsel and the parties must ensure that they are adequately prepared for the hearing and have the necessary equipment in place for the duration of the hearing. Where the Remote Hearing is by Videoconferencing, this will include access to a reliable internet connection.<sup>1</sup>

(ix) Counsel and pro se litigants (subject to the Proviso below) are responsible for ensuring that (a) the presiding judicial officer and the other parties have electronic

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<sup>1</sup> It is suggested that your internet connection has a minimum download and upload speed of 20Mbps.

copies of all relevant filed court documents, the submissions and authorities at least three (3) days prior to the Remote Hearing by using the relevant eDelivery Form on the Judiciary's website; and (b) where practicable hard copies of all filed court documents and other documents for the hearing are served on the other parties involved in the Remote Hearing. **PROVIDED** that pro se litigants who do not have access to the technology to comply with sub paragraph (a) above must, where practicable, deliver hard copies of the above mentioned documents to the office of the presiding judicial officer.

(x) All counsel and/or parties attending a Remote Hearing by Videoconferencing must be seated and attired in a manner customary to that which is adopted when physically appearing before the Court. Judicial officers and attorneys must wear bands and wing collars without robes when attending a Remote Hearing by Videoconferencing which would normally be heard in open court.

(xi) When attending a Remote Hearing all counsel and/or parties shall be at premises that are private and professional. In the case of Videoconferencing, they must activate their camera and have a stationary neutral backdrop away from open windows and sources of noise or distractions.

(xii) Counsel and parties should log in or call in to the Remote Hearing facility at least ten minutes before it is due to start in order to confirm that there are no connectivity issues.

(xiii) At the commencement of the Remote Hearing, the presiding judicial officer will give such directions as may be necessary for the conduct of the hearing. The applicant shall give the appearances and each participant shall state on the record the name of anyone else who is in the room with him/her. The presiding judicial officer will decide whether such person or persons are allowed to attend the Remote Hearing.

(xiv) Unless granted permission by the presiding judicial officer, counsel and/or parties shall not move out of range of the telephone, the camera and/or the microphone, as the case may be, while a Remote Hearing is in progress.

(xv) Counsel and parties participating in a Remote Hearing are **NOT** permitted to record the hearing or, in the case of Videoconferencing, photograph or take a screen shot of the screen without the consent of the presiding judicial officer. Unless such permission is granted, counsel and the parties will be required to give an undertaking to that effect at the start of the hearing.

(xvi) A Remote Hearing in proceedings held *in camera* must not be broadcast, recorded or reported by counsel or a party in any manner.

(xvii) Participants in a Remote Hearing must mute their microphone when not addressing the Court and unmute it when they are speaking.

(xviii) In Remote Hearings it is particularly important that counsel do not cross talk or unnecessarily interrupt each other. As far as possible only one person should speak at a time. The court should establish protocols in advance for speaking or taking an objection during the hearing. In the case of Videoconferencing, it is to be noted that most of the remote platforms have a feature which allows a party to 'raise his hand' or otherwise indicate a desire to be heard.

(xix) Where these Protocols or subsequent Practice Directions are silent on any issue, the Court may give directions or make any order, which is necessary in the circumstances, for the fair and efficient conduct of the Remote Hearing.

(xx) The Court may terminate a Remote Hearing at any time in the event of any non-compliance with these Protocols (or any subsequent Practice Directions made to govern Remote Hearings) by counsel or a party, or where it is otherwise necessary in the interest of justice.

(xxi) Counsel is expected to read and follow the above Protocols in paragraph 12 with regard to Remote Hearings. When making costs orders, the Court may bear in mind any adjournment or delay caused solely by the (i) failure of one party or his/her counsel to comply with the Protocols under this paragraph; or (i) breach by such a party of these Protocols under this paragraph.

### **Supreme Court Registries:**

13. (i) The **Civil Registry** in New Providence is now conducting full operations from its offices located in the BAF Financial Building on George Street, New Providence and is open to the public by appointment on weekdays between the hours of 9:30 a.m. – 4:00 p.m.

(ii) **The Family Registry, the Probate Registry and the Appeals Registry** in New Providence is now conducting full operations from their respective offices in Annex 1 and is open to the public by appointment on weekdays between 9:30 a.m. – 4:00 p.m.

(iii) **The Criminal Registry** in New Providence is continuing full operations from its office located in Bank Lane and is open to the public on weekdays between 9:30 a.m. – 4:00 p.m.

(iv) **The Supreme Court Registry in Freeport** is now conducting full operations from the Garnett Levarity Justice Complex and is open to the public by appointment on weekdays between the hours of 9:30 a.m. – 4:00 p.m.

(v) Appointments to visit the Civil Registry, the Family Registry, the Probate Registry, the Appeals Registry and the Freeport Registry can be made through the eAppointment Request Form on the Judiciary's website.

(vi) In appropriate cases, the Registrar will facilitate access by counsel to a court file which is in the chambers of a judicial officer.

**(vii) Persons will only be allowed to enter and remain in the office of any of the Registries if they are wearing a facial mask.**

(viii) The cashier's counter in Annex 1 (formerly the Ansbacher Building) is fully operational and open to the public on weekdays between 9:30 a.m. – 4:00 p.m.

### **Magistrate Courts – Criminal Side:**

**14. Arraignments / first time pleas** will continue by way of In-Person Hearings on weekdays (i) in New Providence between 10:00 a.m. – 3:30 p.m. (ii) in Grand Bahama between 9:30 a.m. – 3:00 p.m. and (iii) in Abaco between 9:30 a.m. – 1:00 p.m. Only persons who must be in the court room will be allowed to enter and in any event no more than 10 persons at any time. The hearings will be sequenced under the oversight of the Police to avoid overcrowding.

**15. Bail / Variation of bail applications** – will continue to be heard in New Providence, Grand Bahama and Abaco at the times and subject to the conditions applicable to arraignments in each of those Islands.

**16. New trials** in criminal cases, juvenile cases and Coroner Inquests in New Providence, Grand Bahama and Abaco will continue to be suspended until the Chief Justice directs the resumption of such trials by Notice or Practice Direction or until five (5) business days after the Expiration Date, whichever occurs first.

(ii) Currently, the intention is to resume hearing criminal cases and juvenile cases in three phases with phase 1 commencing during the week of 30 November 2020. Coroner Inquests will resume during the month of December, 2020.

**17. Remands** will continue either by Videoconferencing with the Remand Court at the BDOCS facility or In Person Hearings at the Remand Court.

**18. Part heard criminal trials, juvenile trials and Coroner Inquests** scheduled to continue on a date prior to 30 November, 2020 (or such other date as may be fixed by the Chief Justice by Notice) are adjourned to a date to be fixed by the presiding Magistrate or Coroner.

### **19. Traffic cases:**

(i) Where the defendant admits the offence and intends to pay the fine either under a Fixed Penalty Notice or otherwise he/she can do so at the Magistrates Court Complex on weekdays under current procedures (i) in New Providence between 9:30 a.m. – 7:00 p.m. (ii) in Grand Bahama between 9:30 a.m. – 4:00 p.m. and (iii) in Abaco between 9:30 a.m. – 4:00 p.m.

(ii) The Traffic Court has resumed all hearings on weekdays between 4:00 p.m. – 8:00 p.m. at the Magistrates Court Complex.

(iii) All court hearings, including first pleas and trials, adjourned between 17 March, 2020 and the date of these Protocols and not yet set for a new hearing date will be re-scheduled for hearing by the presiding Magistrate bearing in mind the Protocols in Notice # 8 and Notice # 10 respectively.

### **20. The Coroner's Court:**

(i) The Office of the Coroner in New Providence will be open for signing releases on Monday, Wednesday and Friday of each week from 10:30 a.m. – 2:30 p.m. In the event of an emergency, the Coroner in New Providence can be contacted at other times during the week either through Magistrates Court # 7 or by calling the telephone numbers posted on the door of the court room;

(ii) The Office of the Deputy Coroner in Grand Bahama will be open for signing releases on Tuesday and Friday of each week from 9:30 a.m. – 2:30 p.m. in the Garnet Levarity Justice Complex. The Deputy Coroner in Grand Bahama will be on call at other times during the week to deal with urgent matters and can be contacted through her office.

(iii) The Office of the Deputy Coroner in Abaco will be open for signing releases on weekdays between 9:30 a.m. – 1:00 p.m.

**21. Voluntary Bills of Indictment** will resume on 23 November, 2020.

### **Magistrate Courts – Civil Side (any cases not criminal, traffic or juvenile):**

#### **22. New trials:**

(i) Subject to sub paragraphs (ii) and (iii) below, new trials in civil, family and other non-criminal cases will continue to be suspended until 7 December, 2020 or such other date as fixed by the Chief Justice by Notice.

(ii) Civil, family and other non-criminal cases which are certified as urgent by the Chief Magistrate or the Deputy Chief Magistrate may be filed in the Magistrates Court in New Providence and will be fixed for hearing by the assigned Magistrate.

(iii) Civil, family and other non-criminal cases which are certified as urgent by the Deputy Chief Magistrate or a Magistrate may be filed in the Magistrates Court in Freeport, Grand Bahama and will be fixed for hearing by the assigned Magistrate.

(iv) Persons wishing to file a new civil, family or other non-criminal case in the Magistrates Court under sub-paragraphs (ii) or (iii) above should print and complete the requisite Form from the Judiciary's website at [www.bahamasjudiciary.com](http://www.bahamasjudiciary.com) prior to arriving at the Magistrates Court Complex to file the case. The Forms together with Guidance Notes are available on the Home page of the website under the section named 'Useful FORMS.'

23. **Part heard matters** in civil, family and other non-criminal cases scheduled to continue on a date prior to 7 December, 2020 (or such other date as may be fixed by the Chief Justice by Notice) are adjourned to a date to be fixed by the presiding Magistrate **PROVIDED** that hearings in such matters certified to be urgent by the Chief Magistrate or Deputy Chief Magistrate (or a S&C Magistrate in Grand Bahama) may be conducted by the assigned Magistrate.

24. **Family Court** - Payments can be made and funds received in (i) New Providence at the Cashier counter in the Magistrates Court from 9:30 a.m.– 4:00 p.m. (ii) Grand Bahama in the Magistrates Court between 9:30 a.m. – 4:00 p.m. and (iii) Abaco, Marsh Harbour in the Magistrates Court between 9:30 a.m. – 3:00 p.m.

### **Magistrate Courts – General:**

25. Hearings to deliver Judgments or Rulings by a Magistrate are now permitted subject to scheduling times and dates with the Magistrates Court Administrator to control the number of such hearings per day. All such hearings will be fixed for a specific time with a view to minimizing the number of people in the court room and conducted subject to physical distancing requirements.

26. Hearings are permitted where an accused person wishes to change his/her plea.

27. The Magistrates Court in Exuma remains closed until further notice. Exuma will be serviced by a Circuit Magistrate until further notice.

28. Travel by Magistrates to Circuits will resume as of 23 November, 2020 subject to authorization by the Chief Justice.

29. Hearings and matters in the Magistrates Court in Eight Mile Rock will be dealt with by the Magistrates Court in Freeport until further notice.

## **General – all Courts:**

30. **All persons** (including judicial officers, staff members, law enforcement officers, accused persons, attorneys and litigants) entering Court buildings are required to undergo a temperature check, wear a face mask and comply with the hand sanitizing procedures implemented by the Court. Persons who fail to do so will not be allowed to enter the building.

31. When in a Court building **ALL** persons are required to (i) wear a face mask when in the presence of other persons; and (ii) adhere to the physical distancing and sanitizing requirements imposed under the Emergency Powers Orders.

***Brian M. Moree QC***  
***Chief Justice.***