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OF GUYANA

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MONDAY 23RD MARCH, 2020

THE OFFICIAL GAZETTE 23RD MARCH, 2020

LEGAL SUPPLEMENT — B

GUYANA

No. 1 OF 2020

SUPREME COURT OF JUDICATURE PRACTICE DIRECTIONS

COVID-19 EMERGENCY DIRECTIONS 2020

1. These Practice Directions are made by the Chancellor of the Judiciary, with the concurrence of the Chief Justice, in respect of the Supreme Court of Judicature and the Magistrates' Courts.
2. In response to the coronavirus (COVID-19) pandemic, these Practice Directions are intended to –
 - (a) protect the safety, health and well-being of Judges, Magistrates, judicial officers, staff, attorneys-at-law and court users by maintaining social distancing; and
 - (b) maintain the core functions of the court as far as possible, and ensure access to justice.
3. The following measures outlined in these Practice Directions shall take effect from the 23rd March, 2020 and last for one month (the one-month period), unless extended by notice after an assessment of the prevailing public health conditions.

HEARINGS

COURT OF APPEAL

4. All Chamber matters and Full Bench sittings of the Court of Appeal are suspended for the one-month period except for urgent applications and appeals.
5. Hearing of an urgent application by a Judge in Chambers will be conducted by telephone conference or electronic means as far as possible.
6. Where 'in-person' hearing is deemed necessary for any urgent matter, the use of the social distancing protocols must be followed.

7. Where a Full Bench hearing is necessary for an urgent matter, this will be curtailed to the minimum period of time. Written submissions, speaking points and addresses must be submitted to the Court before the hearing date.

HIGH COURT

Civil Trials

8. Subject to the decision of the hearing Judge, all pending civil matters in the High Courts in Essequibo, Demerara and Berbice are suspended for the one-month period.
9. Sittings will resume after the one-month period but will be subject to an assessment of the prevailing public health conditions.
10. Only urgent matters will be heard by the High Court during the one-month period. The hearing judge will determine the urgency of the matter.
11. Where ‘in-person’ trials or urgent hearings are considered necessary, these will be curtailed to the minimum period of time necessary. Written submissions, speaking points and addresses must be submitted to the Court before the hearing date. The hearing Judge will determine the duration of the trial or hearing.
12. Hearings will be conducted where possible by electronic means. Emails, telephone conference calls, zoom or skype and other related technology will be utilised to minimise ‘in-person’ attendance at Court.
13. Where a matter is deemed urgent and necessary to be conducted by ‘in-person’ hearing during the one-month period, the following protocols in relation to social distancing must be followed –
 - (a) only attorneys-at-law, litigants and witnesses connected with the matter will be allowed to enter the Court yard or Court room; and
 - (b) a distance of at least three feet must be maintained between persons in attendance.

Criminal Trials (Assizes)

14. The opening of the Demerara Criminal Assizes for the April session will be postponed for the one-month period.
15. The Berbice and Essequibo Criminal Assizes are suspended for the one-month period.

16. After the one-month period has ended, the reopening of sessions will be reviewed on the basis of the prevailing public health guidelines.
17. Jurors summoned for the Demerara, Berbice and Essequibo Assizes are not required to attend Court. They will be advised by the Registrar of the Supreme Court when their services will be required.

MAGISTRATES' COURTS

18. Magistrates will be operating on a roster or on call basis, sitting one day per week in each District. These sittings will utilise electronic means where necessary.
19. With the exception of maintenance applications, and domestic violence and related matters, all new matters filed will be adjourned for the one-month period.
20. Remands and further remands of prisoners and urgent trials will be done via skype, telephone conferencing or other electronic means. Where 'in-person' hearings are conducted, the rules relating to social distancing apply and must be strictly observed.
21. Where persons are in custody, their matters will be heard or where possible bail considered.
22. All Coroners Inquests will be suspended for the one-month period. This will be subject to review at the end of that period on the basis of the prevailing public health guidelines.

URGENT MATTERS AND APPLICATIONS

23. For the purpose of these Practice Directions, the following matters and applications are considered urgent –
 - (a) custody applications;
 - (b) domestic violence and related matters;
 - (c) maintenance applications;
 - (d) *Habeas Corpus* applications;
 - (e) applications for extension of time to detain persons;
 - (f) matters related to the National and Regional Elections;
 - (g) matters under the Public Health Ordinance, Cap. 145; and
 - (h) matters under the Interception of Communications Act, Cap 47:03.
24. In addition, the hearing Judge or Magistrate will determine whether a matter or application is urgent and requires a hearing during the one-month period.

25. Where cases or hearings have been adjourned for the one-month period but an urgent situation arises in a case, an application may be made to the Chief Justice or Chief Magistrate, as the case may be, for consideration of an earlier hearing.
26. An application must be accompanied by an affidavit setting out good and substantial reasons which require the matter to be heard during the one-month period.

REGISTRY

27. The Supreme Court Registries will remain open to the public. The staff will be reduced and will be operating on a roster basis.
28. Attorneys-at-Law are encouraged to only file matters that are deemed urgent during the one-month period.
29. Attorneys-at-Law, their clerks and other court users are advised to attend the Registry only where it is absolutely necessary.
30. Filing of urgent matters may be done by email or by utilising the drop box at the entrance of the Registry.
31. Where filing is by email, the applicant must insert the names of the parties in the subject line and copy the email to all opposing attorneys-at-law, where known.
32. Where the drop box is utilised for filing, attorneys-at-law or their clerks must, through the slot of the box, drop in sealed envelopes, containing the documents to be filed, properly labelled to include the names of parties and where applicable, the action number and Judge.
33. The attorneys-at-law will be sent by email the filing fees and an appointed time to attend at the Registry to pay the fees. Attorneys-at-Law must inform the Registrar by email if they cannot make the time appointed.

ACCESS TO THE COURT AND COMPOUND

34. Court users and members of the public are advised not to come to any court unless specifically requested to do so by the court or by their Attorney-at-Law and not to enter the court compound unless they are coming to court as requested.
35. In keeping with the advisory from the World Health Organisation and the Ministry of Public Health that social distancing must be strictly followed and maintained at all times, persons having flu like symptoms, COVID-19 symptoms or who are caring for persons with such

conditions, or persons who are in the high-risk or vulnerable category of persons, are advised not to enter any court or its compound.

36. Where such persons enter the court or its compound they will be required to leave.
37. Every person entering any court or its compound must comply with sanitization requirements. Failure to do so will result in that person being prevented from entering the court or its compound.

GENERAL

38. Judges, Commissioners of Title, Magistrates and judicial officers may determine how judgments, decisions, rulings and orders may be delivered. These may be delivered by email, telephone, skype or other electronic means.
39. Attorneys-at-law and self-represented litigants need not attend court to request adjournments. Emails, letters or telephone calls can be utilised.
40. Where the court has issued adjournments, the adjourned dates will be communicated to attorneys-at-law and self-represented litigants by email, telephone, skype or other electronic means.
41. The service provided by the Family Court Registry to *pro se* or 'in-person' litigants is suspended until the 4th May, 2020. A notice of the resumption of the service will be issued in a newspaper of general circulation by the Registrar of the Family Court or the Registrar of the Supreme Court.
42. Senior officers or representatives of media outlets wishing to cover matters in court may collaborate to attend court and share information so that all media houses need not be present in court at the same time.
43. The protocols in relation to social distancing apply to the Media.

REVIEW AND CONTACT INFORMATION

44. These Practice Directions may be altered, where necessary, after periodic review and assessment of the evolving COVID-19 pandemic.
45. Clarifications or additional information may be obtained or queries may be made on sittings of the courts at the office of the Registrar or Deputy Registrar of the Supreme Court, the Chief Magistrate, or the Principal Clerk of Court on telephone numbers –

(a) 592-227-1223

(b) 592-226-8487

(c) 592-226-7947

Or by sending email to –

(a) regsupct@gmail.com

(b) teamsupremecovid19response@gmail.com

(c) victorialawcourts@gmail.com

(d) courtofappealguyana@yahoo.com

Made this 23rd day of March, 2020.




Yonette Cummings-Edwards, OR, CCH

Chancellor of the Judiciary (ag)

Supreme Court
Notice

(Made under section 27 of the High Court Act, Chapter 3:02)

Take notice that the April Session of the Demerara Assizes of the High Court is hereby postponed to 4th May, 2020.



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Yonette Cummings-Edwards, OR, CCH
Chancellor of the Judiciary (ag)

Dated this 23rd day of March, 2020

Supreme Court
Notice

(Made under section 27 of the High Court Act, Chapter 3:02)

Take notice that the statutory sittings of the Essequibo and Berbice Assizes are suspended with effect from Monday 23rd March, 2020.


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Yonette Cummings-Edwards, OR, CCH
Chancellor of the Judiciary (ag)

Dated this 23rd day of March, 2020