



**The Official Gazette**  
 (EXTRAORDINARY)  
**OF GUYANA**

Published by the Authority of the Government

---

**GEORGETOWN, FRIDAY 3<sup>RD</sup> JULY, 2020**

---

**TABLE OF CONTENTS**

**PAGE**

**FIRST SUPPLEMENT**

**LEGAL SUPPLEMENT**

<b>A.</b>	<b>ACTS — NIL</b>	
<b>B.</b>	<b>SUBSIDIARY LEGISLATION —</b>	
	Notice — The Supreme Court of Judicature Practice Directions . . .	854
<b>C.</b>	<b>BILLS — NIL</b>	

---

GEORGETOWN, Demerara — Printed and Published every Saturday and on such Extraordinary Days as may be directed by the Government by Guyana National Printers Limited, 1 Public Road, La Penitence, Greater Georgetown.

**FRIDAY 3<sup>RD</sup> JULY, 2020**

# THE OFFICIAL GAZETTE 3<sup>RD</sup> JULY, 2020

## LEGAL SUPPLEMENT — B

---

GUYANA

No. 3 of 2020

### SUPREME COURT OF JUDICATURE PRACTICE DIRECTIONS

#### REMOTE HEARINGS DIRECTIONS (No. 2) 2020

##### 1. INTRODUCTION

(1) The coronavirus (Covid-19) pandemic has posed unprecedented challenges to the operation of the Courts in Guyana. By virtue of the COVID-19 Emergency Directions 2020, No. 1 of 2020, Gazetted on 23rd March, 2020 and their updated Notices, the Judiciary suspended all in-person hearings and face-to-face operations to mitigate community spread and other serious public health threats of the coronavirus.

(2) The Courts shall continue to hear cases remotely, where possible, in lieu of in-person hearings until the Chancellor by Notice otherwise directs.

(3) Remote hearings are real hearings conducted by remote access technology. They shall be conducted in the same manner applying the same principles as face-to-face hearings with attorneys-at-law, parties, witnesses and others who are permitted to be part of the hearing.

(4) These Directions are issued to provide guidance on the practice and procedure of remote hearings by electronic means using video conferencing and teleconferencing and shall be read in conjunction with all Supreme Court COVID-19 Emergency Directions.

(5) Nothing in these Directions derogates from the duty of a Judicial Officer to determine all issues that may arise in a case judicially and in accordance with normal legal and ethical principles.

##### 2. INTERPRETATION

In these Directions –

“Judicial Officer” means a Judge of the Court of Appeal, a Judge of the High Court, a Commissioner of Title or a Magistrate; and

“Court” means any place, whether or not at a designated Courthouse, where the Judicial Officer elects to sit to conduct remotely the business of the Court of Appeal, High Court, Land Court or Magistrates Court.

##### 3. PREPARATION FOR REMOTE HEARINGS

(1) The information technology (IT) platforms that may be utilised by the Court include the following –

- (a) Skype;
- (b) Microsoft Teams;
- (c) Zoom Business;
- (d) Whatsapp;
- (e) Teleconferencing.

(2) Bandwidth strength and internet speed may vary. Attorneys-at-law are advised to upgrade their computers or other digital equipment and acquire scanning software and hardware.

(3) The Court may direct that a matter be done by remote hearing on its own motion or on application of the parties to a case.

(4) The Court in the exercise of its discretion to direct a remote hearing may determine the method or manner of hearing in terms of video conferencing or teleconferencing that would best serve the interests of justice by having regard to –

- (a) the location of the attorneys-at-law, parties and witnesses;
- (b) whether the parties and witnesses are equipped with or have access to technology for the conduct of the hearing; and
- (c) the type and speed of connectivity available to the parties and witnesses.

(5) Hearings shall be conducted on the time and date specified by the Judicial Officer, and if the hearing cannot be conducted on the date fixed, the hearing may be ordered on dates and times other than that originally fixed.

#### **4. CASE MANAGEMENT CONFERENCE FOR REMOTE HEARINGS**

(1) The Court may, if deemed necessary, fix a remote Case Management Conference in advance of the fixed hearing date to allow for directions to be made in relation to the conduct of the hearing, the technology platform to be used or any other relevant matter.

(2) Case Management Conference will also allow all parties to discuss the issues, special needs of witnesses, availability of witnesses, length of evidence, and other pertinent matters touching and concerning the case.

(3) The registrar or the clerk of Court to the Judicial Officer shall advise attorneys-at-law in advance to confirm the scheduling, special arrangements and manner or method of hearing including the technology platform to be used.

(4) The requirement under the relevant legislation and rules of Court for the filing of the necessary documents, pleadings and case jackets must be complied with for the hearing of the case or the conduct of Preliminary Inquiries or Paper Committal Proceedings.

(5) The Court may give directions during a Case Management Conference for the filing of documents, affidavits and exhibits.

(6) The Court may give directions on the exchange of written submissions and authorities which may facilitate expedition of the case.

(7) There must be an invigorated determination to move forward at Case Management Conferences by agreement wherever possible, but without compromising the interests of the client. Where this is not possible, the parties must seek a remote hearing, having clearly identified the areas of agreement and disagreement and report to the Court.

(8) In a Case Management Conference, the Court may direct the parties to participate in mediation which may be conducted remotely. Guidelines for the conduct of remote mediation sessions shall be issued by way of notice pursuant to these Directions.

## **5. PERSONS IN REMOTE HEARINGS**

(1) A remote hearing shall comprise the following persons —

(a) The Judicial Officer;

(b) Registrar or clerk of Court to the Judicial Officer;

(c) Participants —

(i) Attorneys-at-Law representing the parties including prosecutors in criminal cases;

(ii) Parties to the case including the accused or defendant in criminal cases;

(iii) Witnesses;

(iv) Probation, Child Protection or Social Services Officers or other persons providing professional services to assist the Judicial Officer or Court, parties or witnesses;

(d) Permitted persons, those persons permitted by the Judicial Officer —

(i) Media representatives;

(ii) Members of the public or any other person or institution interested in the matter being heard.

(2) There shall be no private communications between the Judicial Officer and any of the parties or their attorneys-at-law regarding any hearing or in relation to a matter in which decision or judgment is to be delivered, before, during or after the decision or delivery of the judgment.

(3) All communications between the Judicial Officer and the parties or their attorneys-at-law in respect of a matter in which a decision or judgment is to be delivered, other than during the actual delivery of the decision or judgment in open Court, being done remotely, must be done through the registrar or clerk of Court to the Judicial Officer or other authorised Court officer.

(4) At all times the registrar or clerk of Court to the Judicial Officer must be physically or remotely present during all hearings.

## **6. INVITATION TO JOIN A REMOTE HEARING**

(1) All participants and permitted persons must provide an email address, telephone numbers and other contact information before the hearing commences so that they can be invited to join the hearing and be contacted otherwise if necessary.

(2) The Judicial Officer's registrar or the clerk of Court must send a message or email to the participants and permitted persons with the invitation for the hearing and information on the date and time of the hearing and how to access the hearing, including phone numbers in case assistance is needed.

(3) All participants and permitted persons shall join the remote hearing by clicking on the link provided in the invitation to the hearing and following the instructions, including where necessary, entering the meeting's ID and password.

(4) All participants and permitted persons shall be verified before being permitted to join the hearing by the registrar or clerk of Court.

(5) Where a remote hearing is for a full day, the Court shall provide two invitations for hearings – one for the morning session and another for the afternoon session. This is to allow for the break in the recording time during the luncheon adjournment.

(6) No participant or permitted person must share the link for the remote hearing without the permission of the Court.

## **7. JOINING A REMOTE HEARING**

(1) The Court shall host the remote hearing and create a virtual lobby or waiting room.

(2) Upon joining the remote hearing a participant or permitted person first enters the virtual lobby or waiting room and remains there until admitted by the host into the remote hearing.

(3) The registrar, clerk of Court or IT support staff of the Court must open a channel of communication by telephone, WhatsApp or other means for the purposes of attending to any technical difficulties that may arise prior to and during the remote hearing.

(4) The registrar, clerk of Court or IT support staff may, prior to the remote hearing, fix a date to conduct a test run prior to the hearing.

(5) When the Court has scheduled a Remote Hearing, the participants must ensure that they are adequately prepared for the hearing and have the necessary equipment and internet connectivity in place for the hearing. Participants are encouraged to be mindful of the following –

- (a) Videoconferencing may be accessed through any laptop or video device that allows access to the internet, including a smart mobile or cell phone.

- (b) Participants may download the application for the relevant online hearing platform in order to facilitate a better connection and hearing.
- (c) In the interest of efficiency and to enable a smooth operation of the remote hearing, participants are advised to familiarise themselves with the technology used for the videoconference prior to the hearing including the camera, microphones and sound settings.
- (d) Participants must know how to turn the camera on and off, how to mute the microphone and adjust the volume. Participants must be aware that sometimes the camera or video may be turned off and the sound muted by default when joining a remote hearing.
- (e) Microphones and cameras must be tested and working prior to joining a remote hearing.
- (f) Participants must ensure that they are online on time for the prompt commencement of the hearing.
- (g) Participants must join the meeting at least 15 minutes in advance to allow sufficient time to address any technological issues. If the participants are having any connectivity or other difficulties this should be promptly communicated to the Court.
- (h) Participants are encouraged to wear headsets, headphones, or earphones during the remote hearing as this greatly improves the audio quality of the hearing for all participants.
- (i) Participants in the remote hearing must be connected and ready to proceed before the Judicial Officer is connected to or joins the hearing.
- (j) If for any reason, there has to be a delay in the commencement of a hearing, the registrar or clerk of Court must contact the participants to so apprise them.

#### **8. CONDUCT OF THE REMOTE HEARING**

(1) Accused persons or defendants are not required to attend Court in person. Arrangements must be made for them to participate in the remote hearings or trials from the prisons or other lock up facilities, or any other place approved by the Judicial Officer.

(2) Arrangements may be made for witnesses to attend and give evidence from an independent secure remote location as determined by the Court.

(3) A Judicial Officer may determine the suitability of any location from which a witness may give evidence and may wish to assign a designated Court officer to be present at that location.

(4) The designated Court officer shall administer the oath or affirmation in the manner prescribed by the Evidence Act, Cap. 5:03, and ensure that the witness does not make any communication with or receive any communication from anyone during the time the witness is giving evidence.

(5) A Judicial Officer may exercise discretion and request a witness to present a photo identification for example a passport, national identification card or driver's licence before offering evidence remotely.

(6) At the start of a case, the Judicial officer must introduce himself or herself or be introduced by an Orderly or Marshal of the Court identifying the Judicial Officer and indicating the Court over which he or she presides. Thereafter, on the invitation of the Court, appearances of the parties must be entered and the parties will follow the normal course of leading evidence or making submissions as the case may be in a regular hearing of a case.

(8) The Judicial Officer may give such directions as may be necessary for the conduct of the hearing.

(9) Participants shall speak one at a time.

(10) Participants must mute their microphones (including microphones on any other devices) when not addressing the Court. Participants must have their cameras turned off where permitted by the Court.

(11) When it is a participant's turn to address the Court, the participant must unmute the microphone and speak directly, clearly and at a steady pace into the microphone.

(12) Participants must not move out of the range of the Court, while a remote hearing is in progress, except with the prior permission of the Judicial Officer.

(13) Break-out rooms or meeting rooms of the online videoconferencing platform utilised for a remote hearing shall be available to attorneys-at-law to, where necessary, hold private consultations with clients in order to give advice or take instructions during the hearing.

(14) The attorneys-at-law may 'leave' the hearing room, take instructions in the meeting room or by telephone and then re-join the hearing.

(15) Attorneys-at-Law must indicate the necessity for such consultation to the Court.

(16) Attorneys-at-Law are nevertheless encouraged to, as far as possible, take full instructions from clients in advance of the hearing. Unanticipated situations will have to be resolved on a case by case basis by the Judicial Officer.

(17) When considering an audio rather than audio visual platform, account must be taken of the needs of participants with hearing impediments and whether they are able to lip read or will be assisted by an interpreter.

(18) Professional decorum must be maintained at all times.

(19) Procedural propriety must be observed at all times.

(20) The principles of fairness, transparency and open justice shall not be departed from in the conduct of remote hearings.

(21) Hearings conducted in accordance with these Directions shall be treated as being conducted in accordance with the all rules and procedures of Court.

(22) Every participant must be attired in a manner customary to that which is adopted when physically present in a Court.

(23) Judicial Officers and attorneys-at-law must be addressed as is normally done in Court.

(24) A party must always enter one's full name on joining the hearing so as to be properly identified to the Court and other participants in the hearing.

(25) At the commencement of the hearing, an attorney-at-law representing each party shall also identify every person present with him or her to the Judicial Officer or Court.

(26) The Court may elect to dispense with any of the usual formalities, and the participants are expected to act accordingly.

(27) Attorneys-at-Law may sit while addressing the Court during a remote hearing.

(28) Eating and drinking as apply in a physical Court are not permitted. Participants are permitted to have a glass of water as would be allowed when appearing in a physical Court.

(29) Smoking is not permitted.

(30) The registrar or clerk of Court may remind participants of speaking guidelines if something goes wrong, where for example someone loses connectivity, it may be necessary to repeat a point or a question.

(31) If there are technical difficulties during the hearing, a short adjournment or recess may be necessary to address those issues.

(32) Judicial Officers and attorneys-at-law must be alert to the potential for parties or witnesses to be left behind or left out of a virtual hearing because these may not be apparent as when they would be physically present in a Courtroom.

## **9. PRELIMINARY INQUIRIES AND PAPER COMMITTAL PROCEEDINGS**

(1) As far as practicable the conduct of preliminary inquiries and paper committal proceedings shall be done by remote hearing and in accordance with the provisions of the Criminal Law (Procedure) Act, Cap. 10:01.

(2) The evidence of the witness shall be taken down in writing in the form of a deposition.



(3) At some time before the accused is called on for his defence, the deposition shall be read over to and signed by the witness and the Magistrate in person, and the accused being present remotely, being all present together at the time of the reading and signing of the deposition.

(4) The witness must be given an appropriate time and date to attend Court for the signing of the deposition in the presence of the Magistrate and accused.

(5) It shall be the duty of the Magistrate to ensure that the depositions are transmitted and signed by the witnesses accordingly.

#### **10. SITE VISITS/LOCUS IN QUO**

In an effort to ensure the good health and well being of all, there shall be no visits to the locus. Photographs and videos of the scene may be substituted. The discretion of the Judicial Officer shall be exercised in proceeding or adjourning the matter where a site visit is deemed necessary.

#### **11. INTERIOR COURTS**

The availability of the internet in the interior is limited. Parties may face many challenges connecting to a remote hearing platform from the interior. It will be preferable if parties from the interior locations attend proceedings from an agreed location with the required internet equipment and personnel.

#### **12. JUDGMENTS OR DECISIONS OF THE COURT**

(1) Judgments or decisions of the Court may still be delivered in open Court in the context of remote hearings.

(2) Where judgments or decisions are to be delivered in open Court, attorneys-at-law and parties must be notified so that they can be present when the judgment or decision is delivered.

(3) Social distancing and other safety measures must be complied with in open Court where attorneys-at-law and parties are present during the delivery of a judgment or decision.

(4) A judgment or decision may be delivered by –

- (a) the Judicial Officer being present at Court with attorneys-at-law and parties attending remotely;
- (b) the Judicial Officer attending remotely with attorneys-at-law and parties being present in Court; or
- (c) the Judicial Officer, attorneys-at-law and parties all participating remotely.

### **13. RESPONSIBILITIES OF PARTICIPANTS**

(1) Participants must carefully consider the suitability of the environment and background from which he will be joining the remote hearing. A Participant must join a remote hearing from a quiet, private and secure location.

(2) It is preferable that the location has a stationary backdrop away from open windows and sources of noise or distractions.

(3) Participants must ensure that there is adequate lighting to illuminate facial features.

(4) The camera on the device may capture a wider area than one sees on the screen. Therefore, participants must avoid sitting in an area where there are distracting items such as photographs, ornaments and paintings.

(5) If a participant needs to move away from his or her screen or phone during the hearing, permission of the Judicial Officer or Court must be requested. A participant must obtain the permission of the Judicial Officer or Court to leave and rejoin the hearing.

(6) Where a party is taking part in a hearing with an attorney-at-law, arrangements must be made on how to communicate confidentially during the hearing.

(7) No other person must be present in the room with the party or witness unless permitted by the Court.

(8) If a self-represented litigant needs to have someone with him or her in the room who is not an attorney-at-law, he or she must ask the permission of the Court.

(9) Participants must ensure that there is sufficient internet coverage in their location and that their devices are fully charged.

(10) Participants must have an alternative method of communication that is not reliant on the internet or wifi connection in the event of a disruption. Such alternative means of communication may be via telephone or mobile data. If there is a technical failure that cannot be resolved, or the alternative method of communication is not conducive, the hearing may be adjourned.

(11) Participants must ensure that they will not be interrupted or distracted during the course of the hearing.

(12) During a hearing, parties and their witnesses must not communicate with persons who are not party to the hearing.

(13) Participants must be mindful of the following –

- (a) Participants are advised to keep all paper and stationery a reasonable distance away from their microphone to avoid unnecessary background noise when speaking.

- (b) Participants must avoid setting devices to the highest volume since this may cause feedback when speaking.
- (c) Every person participating in a hearing which involves a video-link must look directly into the camera where applicable. Each participant must ensure that he or she is clearly visible by maintaining a reasonable distance from the camera so that the head and upper body is visible.
- (d) Attorneys-at-Law and parties must always remain in the range of a camera and microphone while a hearing is in progress unless otherwise permitted by the Court.
- (e) Participants must be alert to any deterioration in the light, picture and sound quality of the proceedings and inform the Court of this development if it impacts on their ability to clearly view or fully participate in the hearing.
- (f) Attorneys-at-Law must arrange for the appearance of their witnesses as with an in-person hearing and seek the guidance of the Court for any special arrangements when in doubt.
- (g) Attorneys-at-Law must ensure that their witnesses have joined the hearing in advance and are familiar with the software. Also witnesses must be thoroughly prepared for the remote hearing.
- (h) The onus shall be on the attorney-at-law calling the witness to brief him or her about taking the oath or affirmation and to ensure that he or she has the relevant religious book for the oath to be administered.
- (i) All parties calling witnesses must ensure that they are as comfortable as possible when giving evidence.
- (j) Witnesses must not communicate with third parties while they are giving evidence and must not consult documents without the leave of the Court.
- (k) The attorney-at-law and witness must be alone in their respective rooms which must be secured with the doors closed.
- (l) It is common in taking evidence by live link video to ask a witness to identify anyone who is in the room with them and to show a panoramic view of the room at the beginning of their evidence.
- (m) Where persons providing professional services such as interpreters and intermediaries, are required to assist the Judicial Officer or Court, parties or witnesses, these persons must be reminded of the speaking guidelines. This is especially important where they have to assist a witness.
- (n) Issues of discreet or separate channels of communication for any person providing professional service to provide the necessary assistance must be arranged in advance.

#### **14. INTERRUPTIONS AND INTERJECTIONS**

In remote hearings and depending on the connectivity variables, a brief delay may occur between the video image of the person speaking and their voice being heard. This connection delay may mislead participants to believe a person has finished speaking before they have in fact done so and can result in participants inadvertently speaking over one another. As such the participants are encouraged to be patient with the technology and be mindful of the following –

- (a) Avoid interrupting a speaker. Let the speaker finish before attempting to interrupt. Be especially careful not to interrupt a witness's answer or a Judicial Officer's question.
- (b) Allow pauses for judicial questions while speaking.
- (c) A speaker must pause when speaking if he or she becomes aware that another participant wishes to interject. If the speaker becomes aware of this before the Judicial Officer, the speaker may wish to bring this to the attention of the Judicial Officer, so the Court may call on the other participant to unmute his or her microphone as the speaker mutes his or hers.
- (d) If an attorney-at-law or any other participant feels the need to interrupt or indicate a lack of understanding, he or she may raise a hand physically towards the screen or use the 'raise hand' feature in the videoconferencing platform. Such interruptions must be kept to a minimum.

#### **15. MEDIA AND ACCESS TO THE PUBLIC**

(1) The Courts continue to consider their options in preserving the principles of open justice. As far as possible, remote hearings shall be public hearings. This may be achieved by one of the following –

- (a) one person (whether a Judicial Officer, registrar, clerk of Court or other Court official) relaying the audio and, if available, the video of the hearing into an open Courtroom;
- (b) allowing a media representative to join the remote hearing; or
- (c) livestreaming the hearing over the internet or by other means of broadcast.

(2) In the interests of the principle of open justice, remote hearings that are accessed by a media representative are public proceedings.

(3) A media representative or a member of the public may be permitted by the Court to join a remote hearing.

(4) Livestreaming of proceedings for broadcast to the public shall only be done after securing authorisation from the Judicial Officer.

(5) The hearing may be made open to the public, if technically possible, by the hearing being conducted in open Court by the Judicial Officer and the registrar or clerk of Court logging into the hearing in a public Courtroom with the other participants participating remotely.

(6) If any party submits that the hearing should be public, submissions to this effect must be made to the Judicial Officer for a determination on proceeding.

## **16. TENDERING OF EXHIBITS**

(1) Documentary exhibits must be scanned and shared as a Portable Document Format (PDF) file with the Court prior to the commencement of the remote hearing. The documents may be tendered electronically and marked using Adobe stickers, pending production of the original which shall be forwarded to the Court within such time as determined by the Court.

(2) Real evidence, for example, any type of weapon, clothing, fragments, must be photographed from all angles and forwarded electronically to the Court's email address.

(3) Witnesses must hold the exhibits up to the camera to allow the Court to view same from all angles.

(4) Shared screens may also be used to view the exhibits if there is the need to see defects or peculiar marks on the exhibits.

(5) The Court shall make a note in the minute book that the exhibit has been tendered and marked with a particular letter or number. The clerk shall then mark the exhibit by placing the marking on a piece of paper which will be placed onto the exhibit.

## **17. ELECTRONIC BUNDLES**

(1) In preparation for the hearing, where necessary, the parties must prepare and submit an electronic bundle of documents and an electronic bundle of authorities to the Court. It is advised that electronic bundles should contain only documents and authorities that are essential to the remote hearing. Single large electronic files must be avoided as these can be slow to transmit and cumbersome to use.

(2) Where a party making an application is represented by an attorney-at-law an electronic bundle must be used.

(3) Where a party is self-represented, every effort must be made to submit an electronic bundle. Where possible, the registries may assist a self-represented litigant to upload their bundle of documents electronically.

(4) Each electronic bundle must be paginated and indexed. The electronic bundle must be prepared in Portable Document Format (PDF) which must be searchable.

(5) The bundle must be filed in accordance with the measures implemented for filing by the Court at least three days in advance of the hearing. Parties may use any document transmission service that provides online on cloud-based access to documents where the bundle of documents is large. Parties are to ensure that any such services are safe, secure and confidential.

(6) Where permitted, a party may utilise the 'share screen' functionality in the videoconferencing platform to refer to documents relied on.

(7) The Court reserves the right to request the production of hard copies of any of the bundles from the party who has filed by email.

(8) The bundle must also be provided to all other attorneys-at-law and parties by email.

(9) Where possible, parties must agree on documents to be tendered.

(10) Parties must endeavour to agree in advance on a list of documents to which witnesses are likely to be referred.

(11) It is advised that attorneys-at-law download an app such as Acrobat DC or PDF Expert to enable the bundle to be 'marked up'. A clean duplicate of the bundle should be kept, so that there is one clean bundle in addition to any other that is marked up. This way, if the Judicial Officer requests that a document be shared electronically, there is a clean copy readily available.

(12) All affidavits in support of applications must be sworn to and subscribed as required by law. Exhibits to affidavits must be similarly marked as required.

#### **18. USE OF WRITTEN ARGUMENTS**

(1) Attorneys-at-Law and parties are reminded of their duty to assist the Court to deal with matters as expeditiously as possible.

(2) Attorneys-at-Law and parties are reminded of the importance of written submissions and that a fair hearing does not necessarily mean that there needs to be oral submissions. Well crafted, succinct, and pointed written submissions are at times more effective.

#### **19. USE OF DOCUMENTS**

(1) Where a remote hearing will involve oral witness evidence, the parties should endeavour to agree in advance on a list of documents to which the witness is likely to be referred. Some electronic platforms have document and screen sharing mechanisms which can be utilised during the remote hearing.

(2) Submissions must be emailed as directed by the Court. Thorough case management is encouraged. As such the attorneys-at-law and parties are advised to be mindful of the following –

- (a) Ensure that documents can be found at relatively quick speed. It is useful to have a list of key documents, or a hyperlinked index and authorities.
- (b) Ensure all references are accurate and precise and that references in skeleton arguments are to the pages in the electronic bundle.
- (c) Have readily available, the reference to the documents to which reference is to be made. Manage documents in a manner that enables effective use. If a

point is to be made about a document ensure that all other participants and the Judicial Officer have that document in front of them.

- (d) Be aware that if a party or witness unexpectedly needs to share a document that is not in the electronic bundle with the Court and other participants, and which cannot be made visible to all observers by sharing on screen, an agreement must be reached as to the appropriate channel of communication to be used. This may include the sending of the document to the Court and other parties via email.
- (e) It is likely that more weight will be placed on written arguments in remote hearings than arguments conducted in person. Therefore, the written arguments must provide a clear road-map of the key issues in the case and how a party expects to approach them.
- (f) Parties must provide the Judicial Officer or Court with skeleton arguments that can be consulted before and after the hearing.

## **20. RECORDING OF HEARINGS**

- (1) The hearings shall only be recorded by the Court as host of the remote hearing.
- (2) Participation in a remote hearing indicates a party's consent to being recorded.
- (3) It is forbidden for the parties, their attorneys-at-law or anyone permitted to join the hearing to record the hearing without prior authorisation of the Court.
- (4) Participants and permitted persons may be required to give an undertaking at the start of the hearing not to record the hearing unless permitted to do so.
- (5) The Court recording whether in written, audio or other digital form, shall be the transcript of the proceedings and a record of the Court.
- (6) An audio or written transcript of the hearing may be produced in accordance with the Recording of Proceeding Act, Cap. 3:14.
- (7) A party may request in writing to the Registrar of the Supreme Court an audio or a written transcript of a hearing. The transcript will be provided on the payment of the requisite charges.
- (8) If a person who is not a party to the hearing requests a transcript or if a hearing or any part of it was held in private, a transcript may only be provided if the Court so orders.
- (9) The remote hearings of Magistrates Court shall be recorded manually by the Magistrate and recorded by the facility used and saved in a secured space, for example, Cloud Video Platform. No electronic recording of the hearings by any other person in the Court is permitted unless permission from the Magistrate is granted.

**21. CONFIDENTIALITY**

Confidentiality during remote hearings must be carefully managed in order to protect the privacy and security of the participants and the proceedings.

**22. NON-ADHERENCE TO THESE DIRECTIONS**

Abuse of the system or non-adherence to these Directions may result in sanctions such as a caution, reprimand, suspension of the hearing for a short period, or adjournment of the hearing with the possibility of a costs order where another hearing has to be scheduled.


**23. REVIEW**

These Directions are subject to revision given the evolving nature of the Covid-19 pandemic and the changing nature of technology and electronic communication and they may be amended or altered accordingly.

**24. REVOCATION**

The Remote Hearings Directions 2020, No. 2 of 2020, published in the *Gazette* on 22<sup>nd</sup> June 2020 is revoked.

Made this 3<sup>rd</sup> day of July 2020.

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