

Commonwealth of The Bahamas

In the Court of Appeal

Practice Direction No. 1 of 2020

Operation of the Court of Appeal during the COVID-19 Pandemic

This Practice Direction is being implemented to facilitate the work of the Court and the hearing of appeals and other matters whilst the Emergency Powers (COVID 19), 2020 Orders are in place. This Practice Direction remains in force until the expiration of the Emergency Powers and National Emergency as declared by the Competent Authority.

Operations of the Court of Appeal

Beginning on Monday 4th May, 2020 the Court of Appeal will resume limited operations. This will include the hearing of criminal appeals involving persons who have been deprived of their liberty and urgent civil appeals.

Filing

The Registry of the Court of Appeal will be open to receive documents on Monday to Friday during the hours of 9:30am to 1:00pm.

Persons filing documents in the Registry in relation to matters before the Court will be required to provide the Court with:

- a) the paper documents; and
- b) an electronic version of the said documents as provided below.

For the convenience of those resident in Grand Bahama, documents may be filed, and the associated fees paid, at the Registry of the Supreme Court in Freeport, Grand Bahama. For the avoidance of doubt parties filing paper documents in Grand Bahama are still required to provide an electronic version of the documents as provided below.

Electronic submission of filed documents

The filed electronic version of the documents must be paginated and delivered to the Court by sending them via email, in PDF format, to the Court of Appeal's email address at info@courtofappeal.org.bs. The electronic copy must be sent by email on the day of filing. Included in this email should be a telephone number and any other

email address(es), if any, by which Counsel or the litigant wishes to be contacted relative to their matters before the Court.

Hearings

Matters to be heard by the Court and the date and time on which they will be heard will continue to be posted on the Court's website as per the Rules.

The President will, in due course, Gazette an amendment to Rule 4(a) of Court of Appeal Rules as follows:

“in the Court of Appeal at Cloughton House, Shirley and Charlotte Streets, *or in such manner* or in such other place as the President may direct”.

In the interim, this Practice Direction will govern proceedings in the Court of Appeal during the currency of the aforementioned Emergency Powers.

Hearings of appeals, Case Management and all other applications may take place at Cloughton House or by remote access using video conferencing as the President or Presiding Justice may direct. Hearings of any Summons to Settle the Record may take place at Cloughton House or by remote access using video conferencing as the Registrar or Deputy Registrar may direct.

Parties will be advised by the court whether the matter will be heard at Cloughton House or remotely no later than 48 hours from the date and time fixed for hearing. If for whatever reason Counsel has not received an indication whether their matter will be heard at Cloughton House or remotely, Counsel should inquire of Mr. Jermain Dames at jermain.dames@courtofappeal.org.bs or Miss Israel Moss at ielizabethmoss@gmail.com as to the status of their matter.

Parties will be advised in advance by the Court via the email address provided to the Court of all matters relating to hearings before the Court.

Matters scheduled to be heard at 10:00am shall begin promptly at 10:00am and where it will be heard remotely, the parties, including Counsel, must be in place no later than 9:50am.

Matters scheduled to be heard at 2:00pm shall begin promptly at 2:00pm and where it will be heard remotely, the parties, including Counsel, must be in place no later than 1:50pm.

Remote hearings will be conducted using the Zoom videoconferencing platform. In this regard the Court will provide an invitation via email to the parties within 24

hours of the date of the hearing. In the event that an invitation is not received contact should be made of Mr. Jermain Dames at jermain.dames@courtofappeal.org.bs or Miss Israel Moss at ielizabethmoss@gmail.com as to the status of their matter.

All hearings by way of videoconferencing shall be conducted in the same manner as if the hearing was being conducted in person in the court at Cloughton House. As such, the parties are not permitted to record any part of the proceedings and should set a plain background for the duration of the hearing.

Appropriate Dress

Counsel and their clients are required to be properly attired as if at Cloughton House save that justices, counsel and clerks of court will not be required to wear robes, but will be required to wear bands, wing collars and sober colours.

The Honourable Sir Michael Barnett

President of the Court of Appeal

1st May, 2020