

PRACTICE DIRECTION
SUPREME COURT OF JUDICATURE OF JAMAICA
SECOND COVID-19 EMERGENCY DIRECTIONS

This Practice Direction makes changes to PRACTICE DIRECTIONS COVID-19 EMERGENCY DIRECTIONS DATED MARCH 23, 2020 and applies to the civil cases in the Supreme Court (including the commercial division) and the Revenue Court.

Preamble

1. The operation of all courts in Jamaica is based on the concept of open justice, that is, that all proceedings are to be conducted in circumstances where the public, at large, have access unless the law or circumstances dictate otherwise.
2. Recent developments and the measures put in place by the Executive arm of the Government of Jamaica to deal with the COVID – 19 crisis have placed this concept under stress. The challenge is to be faithful to the principle while taking all necessary precautions to safeguard the health, safety and well-being of all court staff and court users. More than ordinary ingenuity will be required to navigate these new circumstances.

General

3. Judicial officer means Judge, Master, Registrar, and Deputy Registrar.
4. Authorized Officer means the Registrar of the Supreme Court (including the Commercial Division), Deputy Registrar of any Division of the Supreme Court (including the Commercial Division), Registrar of the Revenue Court, Deputy Registrar of the Revenue Court, and any clerk in any registry authorized by the Registrar or Deputy Registrar of any Division of the Supreme Court, and the Revenue Court to carry out any functions in order to give effect to this Practice Direction.
5. Attorneys at law and litigants are reminded of their duty to assist the court in furthering the overriding objective which is to deal with matters as expeditiously as possible, at least cost, while providing the opportunity for each party to place matters for the consideration of the judicial officer.
6. Counsel and litigants are reminded 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.
7. In none of the circumstances covered by these guidelines is the judge or any of the parties or their attorneys-at-law permitted to make any arrangements for the delivery of judgments

whether in open court or in chamber, or for the hearing of matters without such arrangements being made by an authorized officer.

8. There shall be no private communication between the judge and any of the parties or their attorneys-at-law regarding the matter in which judgment is to be delivered before, during or after the delivery of judgment.
9. All communication between the judge and the parties and/or their attorneys-at-law in respect of any matter in which judgment is to be delivered, is being delivered or has been delivered, other than during the actual delivery of judgment in open court being done remotely, must be done through an authorized officer.
10. It is imperative that the parties (in the case of self-represented litigants) or their attorneys-at-law who are to participate in the proceedings be connected electronically and ready to proceed before the judge is connected to the hearing.
11. All orders that are to be signed arising from the judgment delivered must be submitted to an authorized officer. Under no circumstances must any draft order be submitted directly to the judge.
12. At all times an authorized officer must be present either physically or electronically during all proceedings as the case may be.

Hearing in Chambers (on paper using an electronic bundle)

13. Notwithstanding paragraphs 74, 75, 76 and 77 in PRACTICE DIRECTIONS COVID-19 EMERGENCY DIRECTIONS DATED MARCH 23, 2020, the Civil Division of the Supreme Court (including the Commercial Division) and the Revenue Court, for the period May 4, 2020 to May 29, 2020, will hear matters in chambers other than emergency matters and matters deemed fit by the judge for hearing provided the following conditions are satisfied:
 - a. the hearing can conveniently be dealt with on paper;
 - b. all the material to be considered by the judicial officer is captured in the affidavit and/or other relevant documents;
 - c. no oral evidence including amplification of any sworn evidence is necessary;
 - d. no cross examination is necessary;
 - e. the hearing can take place by telephone, video conferencing or by any other electronic means of communication;
 - f. the matter can be heard between the hours of 10:00am and 2:00pm Mondays to Fridays
14. Oral submissions are discouraged but the judicial officer may hear oral submissions.
15. There will be no in-person hearing during the period May 4, 2020 to May 29, 2020.

16. In preparation for the hearing, the parties are to submit an electronic bundle with only the documents and written submissions relevant to the application.
17. Each electronic bundle should be paginated and indexed.
18. The electronic bundle must be prepared in Portable Document Format (PDF) which must be searchable.
19. The bundle must be sent by email at least three days before the hearing to the relevant email address listed in paragraph 24.
20. Where the party making the application is represented by counsel an electronic bundle must be used.
21. Where the party is self-represented every effort must be made to submit an electronic bundle.
22. A paper bundle may be filed if all good-faith effort to file an electronic bundle has failed. The paper bundle must be filed a minimum of three days before the scheduled hearing.
23. The relevant documents still need to be filed at the relevant registry in hard copy.
24. The email addresses for the various registries are as listed below:
 - a. for the civil registry (HCV) – the email address is civilregistry@supremecourt.gov.jm
 - b. for the matrimonial division – the email address is matrimonial@supremecourt.gov.jm
 - c. for the probate division – the email address is probate@supremecourt.gov.jm
 - d. for the commercial division – the email address is commercial@supremecourt.gov.jm
 - e. for the Revenue Court – the email address is revenuecourt@supremecourt.gov.jm

Delivery of judgments in open court (civil division including the commercial court, and the Revenue Court)

Judge present in court

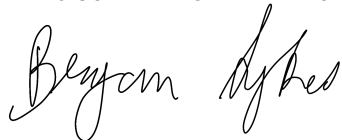
25. In keeping with the Practice Direction (COVID-19 Emergency Directions) dated March 23, 2020 there are no in-person hearings being conducted.
26. Judgments can still be delivered in open court even in the context of the no in-person policy of the courts.
27. Where judgments are to be delivered in open court prior communication must be made with the attorneys-at-law of the parties or the parties themselves, where they are self-represented, so that they can be present when judgment is being delivered.
28. Physical distancing and other measures must be maintained in open court where the parties and/or their attorneys-at-law are present during the delivery of judgment.

29. In the event that any or all of the parties decline or are unable to attend in person, every effort should be made to have any or all of them present by means of telephone, video conferencing or any available electronic means that is capable of two-way transmission of audio and/or video communication.
30. Neither the parties nor their attorneys-at-law are permitted to make an audio or video record of the hearing at which judgment is delivered.

Judge not present in court (remote delivery)

31. Where the judge is not able to be present in court, consideration must be given to whether the judge can be connected remotely to a court room for the delivery of judgment to be broadcast in that court room and if possible the judge must be connected remotely.
32. Every effort should be made to have both video and audio broadcast.
33. In the event that video broadcast is not possible, then there must be an audio broadcast of the judgment in the court room where the judge would have been had the judge been present in court.
34. Whether there is video and audio broadcast or audio broadcast alone, the technology used must enable two-way communication between the judge and the parties.
35. In the circumstances of paragraph 32, the parties and their attorneys-at-law may be present in the court room in which the judgment is being broadcast.
36. If neither the parties nor their attorneys-at law are able to be present or decline to be present in the court in which the judgment is being delivered, then they must be connected in a manner that enables two-way communication between themselves and the judge.

DATED THIS 30TH DAY OF APRIL 2020

A handwritten signature in black ink, appearing to read "Bryan Sykes". The signature is written in a cursive, flowing style.

BRYAN SYKES OJ, CD

CHIEF JUSTICE OF JAMAICA