



THE

JAMAICA GAZETTE

EXTRAORDINARY

349

Vol. CXLIII

FRIDAY, MAY 29, 2020

No. 99

The following Notification is, by command of His Excellency the Governor-General, published for general information.

SHOUNTAE BOOTHE, (MISS)
Governor-General's Secretary and
Clerk to the Privy Council (Assigned).

JUDICIAL NOTICE

PRACTICE DIRECTION (No. 4) OF 2020

(RURAL CIRCUITS AND WESTERN REGIONAL GUN COURT ONLY)

SUPREME COURT OF JUDICATURE OF JAMAICA

THE CIRCUIT COURTS, THE CIRCUIT COURT DIVISION OF THE GUN COURT
AND HIGH COURT DIVISION OF THE GUN COURT

Shortened Easter Term from June 1, 2020—July 31, 2020

This Practice Direction is issued by the Honourable Chief Justice and is intended to govern sittings of Rural Circuit Courts, the Circuit Court Division of the Gun Court and the High Court Division of the Gun Court, and the Western Regional Gun Court, during the shortened Easter Term, due to the outbreak of the COVID-19 pandemic. The operations of the courts will resume on a phased basis with the first phase commencing on June 1, 2020 and ending on July 31, 2020. In respect of the Courts to which this Practice Direction relates, it supersedes and replaces the COVID-19 Emergency Directions dated March 23, 2020 and the THIRD COVID-19 Emergency Directions dated May 4, 2020.

General

1. There will be no trials involving a jury for the period Monday, June 1, 2020 to Friday, July 31, 2020 in any of the Circuit Courts to which this Practice Direction applies.

2. There will be no ceremonial opening for any Circuit Court to which this Practice Direction applies.
 3. Trials that can be done without a jury will take place, provided they can be conducted while observing the health protocols and guidelines issued by the Ministry of Health and Wellness and the public health authorities.
 4. Guilty pleas and discontinuation of cases will be accommodated.
 5. The Crown and the defence are being encouraged to make full use of the Plea Negotiations and Agreement Act, 2017.
 6. Other than guilty pleas, the entry of *nolle prosequis*, and the Crown not offering any evidence against defendants, criminal trials will not involve more than two defendants. This is to ensure that physical distancing can be maintained in accordance with the Ministry of Health and Wellness' and the public health authorities' recommendations.
 7. All jurors summoned for service at any of the courts to which this Practice Direction applies for any period from Monday, June 1, 2020 to Friday, July 31, 2020 are not required to appear and are discharged without risk of any penalty.
 8. It is expected that judges, counsel, court users will engage best practices regarding case management so that effective caseload principles can be effected and maintained.
 9. Effective case management and caseload management require that dates for future action including for trial will be realistic and that no more cases than can reasonably be accommodated on a given day are set down, whether for mention, case management or trial.
 10. The purpose of paragraph 9 is to maximize the use of judicial time, the time of litigants, witnesses, police officers, probation officers, attorneys-at-law and any other person who is involved in the judicial process such that they do not attend court unnecessarily.
 11. Where a defendant has been convicted of any criminal offence at any court to which this Practice Direction applies and has not yet been sentenced, and the judge is no longer presiding at the court where the defendant was convicted, the judge may proceed to pass sentence by video link, provided the following conditions are met:
 - a. the defendant is present in the court where the conviction occurred;
 - b. a court reporter is present;
 - c. the video link facilitates two-way communication between the judge and all persons present, including the defendant, and the attorney-at-law representing the defendant.
 12. In cases where, before the commencement of the sitting of the courts to which this Practice Direction applies, a defendant decides that he will plead guilty during the relevant sitting, then that decision is to be communicated to the Registrar of the particular court at which the defendant is to appear and the Registrar on receiving that notification, shall advise the probation services accordingly, so that a social enquiry report can be prepared prior to the defendant entering the plea of guilty.
 13. The Registrar of the Western Regional Gun Court shall liaise with the Registrars for the Circuit Courts of Trelawny, Hanover, and Westmoreland to determine whether cases scheduled for trial in the Western Regional Gun Court, Montego Bay in the parish of St James, can more conveniently be heard and determined in the parishes of Trelawny, Hanover, and Westmoreland.
 14. Where such cases as have been referred to in paragraph 13 can conveniently be heard and determined in the said parishes, the Registrar of the Western Regional Gun Court shall take all necessary steps and make such arrangements as are essential, to have the files and defendants transferred to the Circuit Courts mentioned in the said paragraph 13, for the cases to be heard and determined.
 15. In the absence of jury trials and where trials by a judge alone in respect of matters that may have been tried by a jury are not possible, then every effort is to be made to hear and determine matters that are designated by law to be heard by a judge sitting alone.
- Suspendedittings of the Circuit Court, the Circuit Court Division of the Gun Court for the parishes of St. Catherine and Clarendon, the High Court Division of the Gun Court for the parish of Clarendon*
16. The sitting of the Circuit Courts, the Circuit Court Division of the Gun Court for the parishes of St Catherine and Clarendon, and the High Court Division of the Gun Court for the parish of Clarendon will resume on Monday, June 1, 2020.
 17. On the resumption of the courts mentioned in paragraph 8 on Monday, June 1, 2020, the sitting of the Hilary Term 2020 which was suspended on Monday, March 23, 2020, will be brought to a formal close with the taking of the gaol delivery and any other necessary formality.
 18. The formal commencement of sitting of the Easter Term for the said courts mentioned in paragraph 13 will take place on the said Monday, June 1, 2020 immediately on the formal closing of the Hilary Term 2020 of the courts mentioned in paragraph 13.
 19. All conditions of bail continue to apply.
 20. The reporting conditions that were suspended in respect of persons on bail who either lived in the parish of St Catherine or were required to report to a police station in the parish of St Catherine are back in force upon the publication of this Practice Direction in the Gazette.
 21. In respect of any person on bail who is represented by an attorney-at-law and whose bail was extended to Monday, June 1, 2020, where a date for trial or mention, other than Monday, June 1, 2020, has been agreed by the Crown and defence, then that person shall not appear on Monday, June 1, 2020 at the Circuit Courts mentioned in paragraph 13, but shall instead appear on the date agreed between the Crown and the defence, and the bail of that person is extended to the new date, so however, that that new date shall not be later than the Hilary Term 2021 of the courts mentioned in paragraph 13.
 22. In respect of persons who are on bail, whether or not represented by an attorney-at-law and whose bails were extended to Monday, June 1, 2020, and who have not agreed any other date for trial or mention, all such persons are to appear before the said Circuit Courts mentioned in paragraph 11 on Monday, June 1, 2020.

23. If possible and practicable, virtual hearings should take place in respect of persons in custody.

Suspended Sittings of Circuit Courts for the parishes of St. Mary, St James, Hanover and St Elizabeth, the Circuit Court Division of the Gun Court for the parishes of St. Mary, Hanover, St Elizabeth and St James, the High Court Division of the Gun Court for the parishes of St. Mary and St. Elizabeth, and the Western Regional Gun Court

24. The sitting of the Western Regional Gun Court will resume on Monday, June 1, 2020.

25. In respect of the parishes of St Mary, St James, Hanover, and St Elizabeth where the Hilary Term sittings of the Circuit Court, the Circuit Court Division of the Gun Court, and the High Court Division of the Gun Court for the parishes of St Mary and St Elizabeth were suspended on Monday, March 23, 2020, the said Hilary Term sittings will be brought to a formal close on Monday, July 6, 2020 with the taking of the gaol delivery and any other necessary formality.

26. The formal commencement of sittings of the Easter Term for the courts mentioned in paragraph 25 will take place on the said Monday, July 6, 2020, immediately on the formal closing of the Hilary Term 2020 of the said Circuit Courts.

27. All conditions of bail continue to apply.

28. In respect of any person on bail who is represented by an attorney-at-law and whose bail was extended to Monday, July 6, 2020, where a date for trial or mention other than Monday, July 6, 2020 has been agreed by the Crown and defence, then that person shall not appear on Monday, July 6, 2020 at the court mentioned in paragraph 25, but shall instead appear on the date agreed between the Crown and the defence, and the bail of that person is extended to the new date, so however, that the new date shall not be later than the Hilary Term 2021 of the courts mentioned in paragraph 25.

29. In respect of persons who are on bail, whether or not represented by an attorney-at-law and whose bails were extended to Monday, July 6, 2020, and who have not agreed any other date for trial or mention, all such persons are to appear before the said courts mentioned in paragraph 25 on Monday, July 6, 2020.

30. If possible and practicable, virtual hearings should take place in respect of persons in custody.

Sittings of Circuit Court for the parishes of Portland, Trelawny, Westmoreland, the Circuit Court Division of the Gun Court for the parishes of Portland, Trelawny, Westmoreland, the High Court Division of the Gun Court for the parish of Portland

31. In respect of matters triable by jury or triable by judge alone upon agreement, where the Crown and the defence have not agreed to a trial by judge alone, then the judge is to conduct rigorous case management to ensure that those cases are ready for trial at subsequent sittings of the courts.

32. If possible and practicable, virtual hearings should take place in respect of persons in custody.

Dated this 27th day of May, 2020.

BRYAN SYKES, OJ, CD
Chief Justice of Jamaica.