



## **COURT OF APPEAL**

**277 MAIN STREET**

**GIBRALTAR**

*Tel: (350) 20075608 (Registry) (350) 20075445 (Registrar)*

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### **CIRCULAR TO ALL CHAMBERS**

5 October 2020

Circ. 13 of 2020

#### **REMOTE SESSIONS OF THE COURT OF APPEAL**

1. The Court has listed some appeals for remote hearing pursuant to the Civil Contingencies Emergency (Coronavirus) (Court of Appeal) Regulations 2020 and subsequent renewing regulations.
2. The hearings will proceed using remote access technology, namely Zoom, and will be broadcast in Magistrates' Courtroom 1.
3. Parties may be required to appear remotely or in court. In the event that an Appellant or Respondent who is in custody wishes to attend the courtroom where the proceedings are being broadcast, at least one of their counsel must accompany them. In the event that this counsel is the sole or lead counsel for the Appellant, then counsel for the Respondent must also appear in the courtroom. Face coverings must be worn in the courtroom unless dispensed with by the presiding Judge.
4. Parties are to provide the Registrar with the identity of each person attending remotely, the capacity in which they will attend, their email and telephone contact details no later than 2 clear working days prior to the hearing.
5. The Registry will email all remote participants an electronic invitation containing the virtual meeting details to enable counsel/litigants to join into the virtual meeting on the day of the hearing.
6. Enclosed, as Appendix A, is a guide on Zoom. Any party wanting to conduct a test run is to contact the Registrar at the earliest possible opportunity.

#### *Filing of Submissions*

7. All documents must be filed as directed in each appeal to allow the Court of Appeal Registry ("the Registry") sufficient time to courier those documents overseas.

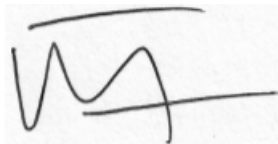
8. Parties should ensure compliance with the Practice Direction on the presentation and use of authorities in the Court of Appeal of the 14 June 2007.
9. In addition to hard copies, and as per the directions, electronic versions must be filed with the Registry by email at registrar@judiciary.gi no later than the deadline for filing hard copies. Electronic bundles must be presented as a composite pdf (as opposed to a pdf file per tab) with a hyperlinked contents page. The pdf bundle must also be paginated and of a sufficient quality to allow it to be readable but not so large that it is slow to transmit and unwieldy to use.

*Department*

10. Traditional court dress (i.e. wigs, gowns and tabs) will not be required for appearing at a remote hearing, however, all participants are expected to appear before the court properly attired. This means business attire, namely, smart dark office wear.

*Open Justice*

11. Remote hearings shall still be public hearings. This will be achieved by the court clerk relaying the audio and video of the hearing to an open courtroom. The courtroom will be open to the press and the public who will be required to observe social distancing and wear face coverings.

A handwritten signature in black ink, appearing to be 'Karl Tonna', written over a light grey rectangular background.

**KARL TONNA**  
Registrar

## SCHEDULE A

### GUIDE TO REMOTE HEARINGS AND ZOOM

#### 1. INTRODUCTION

- 1.1. This document is intended to provide guidance for the legal profession and litigants-in-person appearing in Remote Hearings. Annex A contains very basic instructions on how to use Zoom.

#### 2. ESTABLISHING A REMOTE HEARING

##### 2.1. REMOTE HEARING INVITATIONS

- 2.1.1. Where the Remote Hearing is for longer than a day, parties will use the same details for each day of the hearing.
- 2.1.2. The email from the Registry will include a link to join the meeting, a Meeting ID and a Passcode. You can follow the link or join the meeting using the Meeting ID and the Passcode. Persons who join a Remote Hearing are subject to being admitted or declined by the Court.

##### 2.2. SOFTWARE REQUIRED

- 2.2.1. Parties are strongly recommended to download the Zoom application from the Zoom [downloads](#)<sup>1</sup> page or from the relevant App Store for mobile devices, free of charge.
- 2.2.2. Zoom can be used without downloading the App, however, it is recommended that users test different web browsers prior to the hearing in the event that compatibility issues arise.
- 2.2.3. A list of hardware requirements for Zoom can be accessed [here](#)<sup>2</sup>.

#### 3. JOINING A REMOTE HEARING

##### 3.1. WHAT PARTICIPANTS CAN EXPECT

- 3.1.1. When joining the Remote Hearing, participants might be asked to enter certain credentials. Be mindful that you may need to enter a name if joining from a browser and this name will be displayed for all participants to see. First Name and Surname are to be entered. Otherwise, the name you used when setting up your Zoom account will appear.
- 3.1.2. After 'joining' the Remote Hearing, participants will enter a Waiting Room and will remain there until admitted into the Remote Hearing by the clerk.
- 3.1.3. Participants are to join the Remote Hearing at least 15 minutes prior to the listing time to allow sufficient time to address any technical issues.

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<sup>1</sup> <https://zoom.us/download>

<sup>2</sup> <https://support.zoom.us/hc/en-us/articles/201362023-System-requirements-for-Windows-macOS-and-Linux>

- 3.1.4. Participants are encouraged to wear headsets during the Remote Hearing as this greatly improves the audio quality for the other participants and for the recording made by the Court.
- 3.1.5. Remote Hearings will be recorded by the Court's existing recording system.
- 3.1.6. It is not, however, permitted for the parties, their legal representatives or any other person to record the hearing in any manner.
- 3.1.7. In the event of unforeseen and unavoidable technological issues, the Court will temporarily adjourn to address these.

## 3.2. WHAT IS EXPECTED OF PARTICIPANTS

- 3.2.1. The same formal etiquette and protocol of a physical Court is expected in the Remote Court. All participants are to respect that, when appearing remotely, although they are not physically present in a court room, they are taking part in court proceedings with all the constraints on behaviour that implies.
- 3.2.2. Participants are to remain seated when addressing the court except when appearing in person in court, when they must stand when addressing the court.
- 3.2.3. Participants must ensure that they can see the 3 justices of appeal at all times as the justices will raise their hand to indicate that they want to ask a question.
- 3.2.4. Participants are to speak clearly and loudly particularly if appearing in court and wearing a face covering.
- 3.2.5. The Court may elect to dispense with any of the usual formalities, and the parties are expected to act accordingly.
- 3.2.6. Participants are to join a Remote Hearing from a quiet, well-lit and secure location. You are requested to check your background before joining the remote hearing.
- 3.2.7. Participants are expected to ensure that there is sufficient internet coverage in their location and all devices are fully charged.
- 3.2.8. Microphones and cameras are to be tested and working prior to joining a Remote Hearing. Test your video and audio at <http://zoom.us/test> before starting the Remote Hearing.
- 3.2.9. All participants are to keep their microphones muted when they are not speaking, however, their cameras must remain turned on at all times unless directed otherwise by the Court.
- 3.2.10. Where possible, identify and resolve any firewall and security restrictions before the Remote Hearing commences.

## 4. DOCUMENT MANAGEMENT

- 4.1. In addition to the hard copy bundles, electronic bundles must be provided in pdf format by email to the Registrar. The pdf bundle must be indexed, hyperlinked, paginated and of a sufficient quality to allow for it to be readable but not so large that it is slow to transmit and unwieldy to use.
- 4.2. Parties may hand up documents during the hearing by utilising the 'Share Screen' functionality within Zoom (parties should liaise with the Court whether this may be appropriately used intermittently by counsel or their instructing solicitors). Any document

handed up in this manner must then be emailed to the Registry following the hearing should the justices so require it.

- 4.3. Participants appearing in person in court must be alive to the difficulties for the Court in receiving late documents as the ‘Share Screen’ function is not readily available to them. Counsel should ensure that they have a memory stick with any such document to provide to the clerk.

## 5. ASSISTANCE

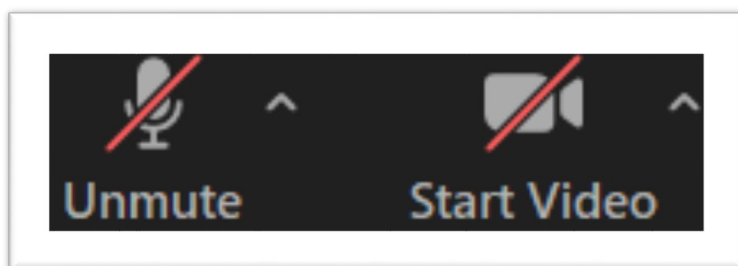
- 5.1. Please direct all questions to the Registrar ([registrar@judiciary.gi](mailto:registrar@judiciary.gi)).
- 5.2. The Zoom website and in particular the ‘[Help Center](#)’<sup>3</sup> provides additional tips and advice about how to use the program.

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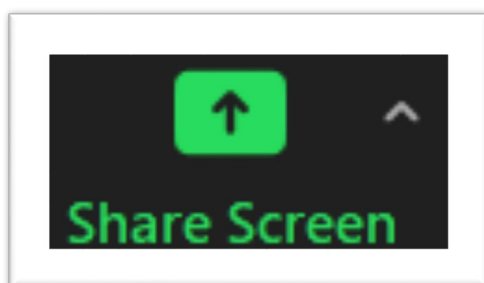
<sup>3</sup> <https://support.zoom.us/hc/en-us>

## Annex A: Simple Instructions on using Zoom

- Participants must familiarise themselves with Zoom and how to join the meeting with the details provided by the Registry. They may join by following the link provided or the Meeting ID and Passcode provided.
- Participants must ensure that their computer has a camera and microphone and that this is set up for use with Zoom.
- Patiently wait in the Waiting Room until you have been admitted in to the Remote Hearing.
- Ensure you are familiar with the mute and unmute functions on Zoom and similarly how to turn your camera on and off. A red diagonal line as displayed below indicates that your microphone is muted and that your camera is switched off. To change this simply click on the microphone and/or camera icon and click.



- To share documents when directed to do so by the Court, click on the Share Screen icon.



- You then have to select the open document to be shared on screen from those open on your computer.
- Click on “Stop Share” to stop showing the file to the meeting participants.