



CIRCULAR TO ALL CHAMBERS

22 May 2020

Circ. 9 of 2020

Rules of Court - Covid 19 Reopening

The Chief Justice has today published the Supreme Court (Covid-19: Reopening) Rules 2020 and the Magistrates' Court (Covid-19: Reopening) Rules 2020, (the "Reopening Rules").

The Reopening Rules revoke the Supreme Court (Covid-19 Contingency) Rules 2020 and the Magistrates' Court (Covid-19 Contingency) Rules 2020 (the "Contingency Rules") as from 1 June 2020.

The following should be noted:-

1. The Supreme Court Registry and Magistrates' Court counters will re-open on 1 June 2020.
2. Electronic filings will no longer be accepted as from that date. The urgent email address for the Supreme Court Registry will continue to operate for the reasons it was originally set up as per Circular 6 of 2016.
3. The current general stay on proceedings will be lifted on 8 June 2020.
4. The moratorium on payment of fines and compensation ends on 19 June 2020.
5. Defendants whose bail was extended by operation of the Contingency Rules must surrender to bail at the Supreme Court or the Magistrates' Court either on a working day not later than 19 June, or on such day and at such time as the defendant is notified by the Registrar or the Clerk to the Magistrates.
 - a. The Supreme Court Registry will set all criminal matters for a PCMH before 19 June 2020 and lawyers are to request their clients to turn up so that they may be re-bailed and thereby avoiding the requirement to issue and serve a Notice to Surrender to bail.
 - b. The Clerk to the Magistrates will similarly be listing matters for mention on the same basis.



Gibraltar Courts Service

HM Government of Gibraltar

6. Court fees that are due must be settled by 8 June 2020.
7. Cases that had originally been listed for hearing on and after 1 June 2020 will remain on the court diary.
8. The Supreme Court Registry will list those civil matters that have been vacated by operation of the Contingency Rules and their extensions namely, all matters that were on the list up to and including 29 May 2020. Those applications shall be heard as from 1 June 2020.
 - a. Parties may enter consent orders in the usual way.
 - b. Where a matter is set down for hearing for the week commencing 1 June 2020, any party, without the requirement of consent from other parties, may file a notice to vacate and relist. The matter would then be listed on the first available date after 8 June 2020.
 - c. Until 29 May 2020 judges' bundles may be filed at the Registry by prior appointment only.
9. The default position is that hearings will be conducted in a court room with advocates and/or parties present. Where participants are unable to attend in person, for good reasons, the hearing may be held by an alternative method as may be directed by the judge. These alternative methods include telephone and remote hearings using Microsoft Teams.
10. Defendants on remand, whether appearing before the Supreme Court or the Magistrates' Court, may continue to appear via the dedicated secure video link with Her Majesty's Prison to Courtroom 2 in the Magistrates' Courts Building.
11. It is self-evident that in the present context significant issues arise in relation to jury trials. There was no backlog prior to the lockdown, and those matters that were vacated will be listed with priority given to those on remand and matters involving vulnerable witnesses. The courts will be proactively case managing all criminal matters before it with a view to setting down jury trials as soon as practicable but always in a manner that complies with public health advice.
12. The Guidance Notes issued under Circulars 2 and 5 will not apply as from 1 June 2020, save where necessary to give effect to the provisions of the Reopening Rules.
13. Air conditioning will not be in use in line with current public health advice. Robes are dispensed with in all matters until further notice.



Gibraltar Courts Service

HM Government of Gibraltar

14. An enhanced cleaning regime has been implemented and seating in courtrooms has been reduced. Sanitiser gel dispensers are available at key points within the court complex and court users are required to sanitise prior to entering courtrooms. Social distancing must be maintained at all times.

15. The Judiciary and the Gibraltar Courts Service will continue to provide as full a service as circumstances and Public Health Gibraltar guidance allow. However, this is a dynamic situation which affects the community at large and the extent to which the administration of justice can be effective is inextricably linked to the support and cooperation that we receive from the legal profession and indeed the level of cooperation between parties to litigation.

A handwritten signature in blue ink, appearing to be 'H Cumbo', with a long horizontal stroke extending to the right.

H Cumbo (Ms)
Chief Executive

Enc. Supreme Court (Covid-19: Reopening) Rules 2020
Magistrates' Court (Covid-19: Reopening) Rules 2020

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4715 GIBRALTAR Friday 22nd May 2020

LEGAL NOTICE NO. 192 OF 2020

MAGISTRATES' COURT ACT

MAGISTRATES' COURT (COVID-19: REOPENING) RULES 2020

In exercise of the powers conferred upon him by section 69 of the Magistrates' Court Act the Chief Justice has made these Rules-

Title.

1. These Rules may be cited as the Magistrates' Court (Covid-19: Reopening) Rules 2020.

Commencement.

2. These Rules come into operation on 1 June 2020.

Revocation of Magistrates' Court (Covid-19 Contingency) Rules.

3.(1) Subject to subrule (2) and rule 4 the Magistrates' Court (Covid-19 Contingency) Rules 2020 are revoked.

(2) The revocation by subrule (1) does not affect anything done or deemed to have been done under the Magistrates' Court (Covid-19 Contingency) Rules 2020 prior to their revocation.

Reopening of the Magistrates' Court public counter.

4.(1) The following shall apply despite the revocation of the Rules-

- (a) the stay on all proceedings imposed by rule 3(2)(b) is lifted on 8 June 2020;
- (b) the moratorium on fines and compensation imposed by rule 3(3) ceases to apply on 19 June 2020;
- (c) a defendant whose bail was extended by rule 4 must surrender to bail at the Magistrates' Court-
 - (i) on a day, being a working day, not later than 19 June, or
 - (ii) on such day and at such time as the defendant is notified by the Clerk,

as the case may be.

(2) In subrule (1) a reference, without more, to the Rules or to a rule is a reference to the Magistrates' Court (Covid-19 Contingency) Rules 2020 or to a rule contained therein.

Relationship to other enactments.

5. Whilst these Rules are in force-

- (a) they take precedence over any matter that is provided for in any other rules of court; and
- (b) any applicable rules, practice or procedure must be read with such necessary modifications as to give effect to these Rules.

Dated: 22nd May 2020

A E DUDLEY
Chief Justice

LEGAL NOTICE NO. 193 OF 2020

SUPREME COURT ACT

SUPREME COURT (COVID-19: REOPENING) RULES 2020

In exercise of the powers conferred upon him by section 38 of the Supreme Court Act the Chief Justice has made these Rules -

Title.

1. These Rules may be cited as the Supreme Court (Covid-19: Reopening) Rules 2020.

Commencement.

2. These Rules come into operation on 1 June 2020.

Revocation of Covid-19 Contingency Rules.

3.(1) Subject to subrule (2) and rule 4 the Supreme Court (Covid-19 Contingency) Rules 2020 are revoked.

(2) The revocation by subrule (1) does not affect anything done or deemed to have been done under the Supreme Court (Covid-19 Contingency) Rules 2020 prior to their revocation.

Reopening of the Supreme Court Registry.

4.(1) The following shall apply despite the revocation of the Rules-

- (a) the stay on civil actions imposed by rule 3(2)(a) is lifted on 8 June 2020;
- (b) the moratorium on fines and compensation imposed under rule 3(3) ceases to apply on 19 June 2020;
- (c) a defendant whose bail was extended under rule 4 must surrender to bail at the Supreme Court-
 - (i) on a day, being a working day, not later than 19 June, or
 - (ii) on such day and at such time as the defendant is notified by the Registrar,as the case may be;
- (d) a person who undertook to pay a fee under rule 5(4) or (5) must pay such fee in full by 8 June 2020.

(2) In subrule (1) a reference, without more, to the Rules or to a rule is a reference to the Supreme Court (Covid-19 Contingency) Rules 2020 or to a rule contained therein.

Relationship to other enactments.

5. To the extent necessary to give effect to the provisions of these Rules-

- (a) they take precedence over any matter that is provided for in any other rules of court; and
- (b) any applicable rules, practice or procedure must be read with such necessary modifications as to give effect to these Rules.

Dated: 22nd May 2020

A E DUDLEY
Chief Justice