



**CIRCULAR TO ALL CHAMBERS**

16 March 2020

Circ. 1 of 2020

**Rules of Court – Covid 19 Contingency**

The Chief Justice has today published the following rules of court, which you may find appended to this circular:

- Supreme Court (Covid 19 Contingency) Rules 2020
- Magistrates' Court (Covid 19 Contingency) Rules 2020

Given the rapid developments concerning Covid 19, these Rules come into operation tomorrow, 17 March 2020, for a period of 30 days. This may be increased or reduced by the Chief Justice.

Please read the rules carefully, but in brief, they are to the following effect:-

**Supreme Court**

- Save for limited purposes the Registry shall be closed to the public;
- Civil actions are stayed;
- All hearings are vacated;
- Bail is extended in the defendant's absence and a moratorium granted for payment of fines and compensation;
- Hearings may be conducted by telephone;
- Applications may be filed by email at [urgentcontact@gcs.gov.gi](mailto:urgentcontact@gcs.gov.gi);  
It is requested that this facility only be used for urgent matters or where limitation issues arise; and
- The court will continue to sit to deal with defendants on remand.

**Magistrates' Court**

- Save for limited purposes the public counter shall be closed to the public;
- All hearings are vacated;
- Bail is extended in the defendant's absence and a moratorium granted for payment of fines and compensation;
- Hearings may be conducted by telephone; and
- The court will continue to sit to deal with:
  - i) first appearances;



**Gibraltar Courts Service**

HM Government of Gibraltar

- ii) remands; and
- iii) urgent matters.

Special arrangements are being put in place for the collection and payment of family maintenance ordered to be paid through the court.

**Court of Appeal**

Rules covering the Court of Appeal have not been published but this is under continuous review by the Chief Justice and the President of the Court of Appeal.

**Probate**

For urgent applications for grant of probate in simple form contact [registrar@judiciary.gi](mailto:registrar@judiciary.gi)

A handwritten signature in black ink, appearing to read 'H. Cumbo', with a stylized flourish extending to the right.

H. Cumbo (Ms)  
Chief Executive

Enc. Supreme Court (Covid 19 Contingency) Rules 2020  
Magistrates' Court (Covid 19 Contingency) Rules 2020

# SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4679 GIBRALTAR Monday 16th March 2020

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LEGAL NOTICE NO. 114 OF 2020

## SUPREME COURT ACT

### SUPREME COURT (COVID-19 CONTINGENCY) 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 Contingency) Rules 2020.

#### **Commencement, expiry and renewal.**

2.(1) These Rules come into operation on 17 March 2020.

(2) These Rules cease to have effect-

(a) 30 days after the date of commencement unless they are extended in accordance with subrule (3); or-

(b) the Chief Justice, by Notice in the Gazette, appoints a day that is earlier than 30 days or earlier than the date that they have been extended to.

(3) These Rules may be extended by Notice in the Gazette for any further periods of up to 30 days at any one time.

#### **Closure of Supreme Court Registry etc.**

3.(1) The Registry is closed to the public until the expiry of these Rules but may be opened for such limited purposes as the Chief Justice may direct.

(2) The following further matters apply forthwith-

(a) all hearing dates are vacated; and

(b) all civil actions that have been commenced or are otherwise pending are stayed until 7 days after the Registry has fully re-opened to the public,

but nothing in this rule prevents a judge from dealing with an action or any other matter to which the provisions of paragraphs (a) or (b) apply if the judge is of the opinion that it would be in the interests of justice to do so.

(3) Fines and compensation falling due during the period of the Registry's closure shall be subject to a moratorium ending 14 days after the re-opening of the Registry.

(4) Nothing in subrules (2)(b) and (3) affects any order made in family proceedings requiring periodical payments to be made through the Registry save that-

- (a) the Registrar may require that payment be effected by electronic means and not in person; and
- (b) liability arising from any failure to make payments in full is not affected by these Rules.

**Extension of Bail in Criminal Proceedings.**

4. A defendant in criminal proceedings to whom rule 3(2)(a) applies is deemed to have had bail extended-

- (a) on such terms and subject to such conditions as may have previously been imposed by the court that granted bail; and
- (b) that defendant must surrender to bail at the Supreme Court-
  - (i) on a day, being a working day, not later than 14 days after the Supreme Court Registry has re-opened to the public, or
  - (ii) on such day and at such time as the defendant is notified by the Registrar,

as the case may be.

**Issue of Claim Forms etc.**

5.(1) A person who seeks to issue proceedings or make an application at a time when the Registry is closed to the public pursuant to these Rules may do so-

- (a) by transmitting a copy of the prescribed form in a portable document format (pdf) by electronic means to an email address designated for such purposes by the Registrar; and
- (b) paying the appropriate fee, if any.

(2) The Registrar must ensure that an electronic confirmation of receipt is sent as soon as is reasonably practicable.

(3) Subject to subrule (4) and (5) any application that is regular that has been sent pursuant to this rule is deemed to have been issued on the day it was received electronically.

(4) Where a fee is payable the legal representative shall provide a written undertaking to effect full payment of the fee within 7 days of the re-opening of the Registry to the public.

(5) Where a litigant is unrepresented an undertaking to effect full payment of the fee within 7 days of the re-opening of the Registry to the public shall be provided by the litigant.

**Conducting hearings by telephone etc.**

6. Hearings may be conducted by telephone or by any other method of direct oral communication as a judge directs.

**Re-opening of Supreme Court Registry.**

7. The date that the Supreme Court Registry is to or has fully reopened to the public must be notified by the Registrar by notice in the Gazette and by such other means as the Registrar deems appropriate to inform the public of such opening.

**Relationship to other enactments.**

8. 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: 16 March 2020.

A E DUDLEY,  
Chief Justice.

LEGAL NOTICE NO. 115 OF 2020

**MAGISTRATES' COURT ACT**

**MAGISTRATES' COURT (COVID-19 CONTINGENCY) 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 Contingency) Rules 2020.

**Commencement, expiry and renewal.**

2.(1) These Rules come into operation on 17 March 2020.

(2) These Rules cease to have effect-

- (a) 30 days after the date of commencement unless they are extended in accordance with subrule (3); or
- (b) the Chief Justice, by Notice in the Gazette, appoints a day that is earlier than 30 days or earlier than the date that they have been extended to.

(3) These Rules may be extended by Notice in the Gazette for any further periods of up to 30 days at any one time.

**Closure of Magistrates' Court public counter for non-essential business.**

3.(1) Subject to a direction by the Chief Justice and save as provided for in these Rules the Magistrates' Court public counter is closed until the expiry of these Rules.

(2) Subject to subrule (3) the following further matters apply forthwith-

- (a) all hearing dates are vacated subject to rule 6; and
- (b) any proceedings that have been commenced, or are otherwise pending are stayed until 7 days after the Magistrates' Court public counter has fully re-opened,

but nothing in this rule prevents the Court from dealing with an action or any other matter to which the provisions of paragraphs (a) or (b) apply if the Court is of the opinion that it would be in the interests of justice to do so.

(3) Fines and compensation falling due during the period of the Court's public counter's closure shall be subject to a moratorium ending 14 days after the re-opening of the Court's public counter.

(4) Nothing in subrules (2)(b) and (3) affects any order made in family proceedings requiring periodical payments to be made to the court save that-

- (a) the Clerk may require that payment be effected by electronic means and not in person; and
- (b) liability arising from any failure to make payments in full is not affected by these Rules.

**Extension of bail in criminal proceedings.**

4. A defendant in criminal proceedings to whom rule 3(2)(a) applies is deemed to have had bail extended-

- (a) on such terms and subject to such conditions as may have previously been imposed by the court that granted bail; and
- (b) that defendant must surrender to bail at the Magistrates' Court-
  - (i) on a day, being a working day, not later than 14 days after the public counter has re-opened to the public, or
  - (ii) on such day and at such time as the defendant is notified by the Clerk,

as the case may be.

**Civil proceedings.**

5.(1) A person who seeks to institute civil proceedings or make an application in civil proceedings at a time when the Magistrates' Court public counter is closed pursuant to these Rules may do so-

- (a) by transmitting any relevant document or forms in a portable document format (pdf) by electronic means to an email address designated for such purposes by the Clerk; and
- (b) paying the appropriate fee, if any, in such manner and at such time as the Clerk may direct.

(2) The Clerk must ensure that an electronic confirmation of receipt is sent to the claimant as soon as is reasonably practicable.

(3) Any proceedings commenced under this rule are deemed to have been commenced on the day the relevant documents or forms were received electronically.

**Sittings.**

6.(1) Notwithstanding the provisions of these Rules the Magistrates' Court must sit for the purposes of-

- (a) dealing with the first appearance of a person who has been arrested;
- (b) a person who is remanded in custody;
- (c) dealing with any other matter that is of an urgent nature and where the failure to sit would breach a person's rights under the Constitution even after having taken account of the reasonable limitations on those rights that may be imposed at a time of public emergency.

(2) At any time that the court is sitting pursuant to this rule the Court may restrict the persons who may be in attendance in the courtroom or its precincts and where the Court is minded to make any restrictions the Court must consider the balance between a fair and open trial and the need to protect the court staff, the defendant and persons in the public gallery.

**Conducting hearings by telephone etc.**

7. Hearings may be conducted by telephone or by any other method of direct oral communication as a Stipendiary Magistrate directs.

**Re-opening of Magistrates' Court public counter.**

8. The date that the Magistrates' Court public counter has or will fully reopen must be notified by the Clerk by notice in the Gazette and by such other means as the Clerk deems appropriate to inform the public of such opening.

**Relationship to other enactments.**

9. 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: 16<sup>th</sup> March 2020.

A E DUDLEY,  
Chief Justice.





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