

Subsidiary Legislation made under s.69.

MAGISTRATES' COURT (COVID-19 CONTINGENCY) RULES 2020

Revoked by LN.2020/192 as from 01.6.2020

LN.2020/115

Commencement

17.3.2020

ARRANGEMENT OF REGULATIONS.

Regulation

1. Title.
2. Commencement, expiry and renewal.
3. Closure of Magistrates' Court public counter for non-essential business.
4. Extension of bail in criminal proceedings.
5. Civil proceedings.
6. Sittings.
7. Conducting hearings by telephone etc.
8. Relationship to other enactments.

1961-23

Magistrates' Court

Revoked

2020/115

**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.

**MAGISTRATES' COURT (COVID-19
CONTINGENCY) RULES 2020**

2020/115

(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.

1961-23

Magistrates' Court

Revoked

2020/115

**MAGISTRATES' COURT (COVID-19
CONTINGENCY) RULES 2020**

(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

Magistrates' Court

1961-23
Revoked

**MAGISTRATES' COURT (COVID-19
CONTINGENCY) RULES 2020**

2020/115

- (b) any applicable rules, practice or procedure must be read with such necessary modifications as to give effect to these Rules.