



PRACTICE DIRECTION NO 7 OF 2020

(Issued by the Chief Justice pursuant to section 95(7)(d) of the Cayman Islands Constitution Order 2009 and section 5 of the Court of Appeal Law, in consultation with and by approval of the President of the Court of Appeal).

Sittings of the Court of Appeal proceeding by way of video-conference in response to the Public Health (Prevention, Control and Suppression of COVID-19) (Amendment) Regulations, 2020 [“the Regulations”].

In a Press Release by the Chief Justice on 28 March 2020 it was stated among other things that: “As a result of the prevailing travel restrictions, the President and Justices of Appeal will not be travelling to preside in Court in Cayman for the upcoming April-May session [Spring Session]. However, video-conference arrangements are being made to allow the Court to be convened with the President and Justices presiding from the United Kingdom. The List of appeals to be taken will likely be reduced because of the circumstances. Parties and/or their attorneys should contact the Registrar of the Court of Appeal for the confirmation of listings at 244-3808 or by e-mail to: Jenesha.Simpson@judicial.ky.”

The List of Appeals having been settled and published on 11 April 2020, following are directions for the conduct of the various hearings by way of video-conference.

1. The President and Justices of Appeal will appear and preside together in Court 6 or Court 1 (as the cases may require) where the Court of Appeal will be convened by video-links from the United Kingdom.

Except for 29 and 30 April when criminal appeals will commence at 10am, time zone differences will require that proceedings commencing at 8am, local time.

The Registrar and IT Technician will be present in the Courtroom where they will provide necessary administrative and technical support to the Court.

Except in family matters, the proceedings will be in open court and deemed public proceedings. However, in keeping with the need for social distancing as mandated by the Regulations, the physical attendance of persons will not be allowed. Instead the proceedings will be streamed live from the Courtroom via the website: www.judicial.ky.

Members of the public and the Press may hear and view the proceedings by connecting to the link displayed on the home page. The proceedings will be streamed live and a recording

will be available through the website link for 30 days after the conclusion of the Spring Session.

It may be necessary from time to time for there to be breaks in transmission to prevent the publication of prejudicial evidence or statements but only as the Court may deem strictly necessary.

Participation in the proceedings will be by password and dial-in access. Parties and their attorneys must obtain these details from the Registrar beforehand.

2. Criminal Appeals

Subject to the directions of the Court as the case may require, Appellants will appear before the Court and participate by way of video-link. Their attorneys may appear in person or by way of video-link.

The technology will allow for Appellants and their attorneys to consult in private with the leave of the Court by way of “break out rooms”.

Counsel for the Crown may appear in person or by way of video-link.

3. Family appeals.

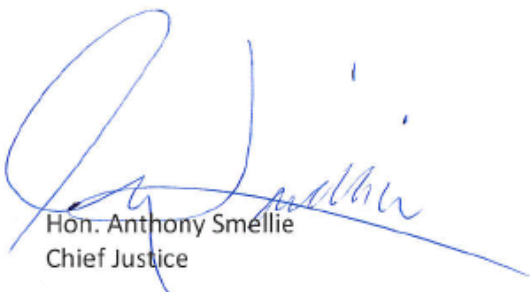
The family appeal B.J v D.J listed for 4 and 5 May 2020 will proceed in camera, pursuant to section 5 of the Court of Appeal Law and in keeping with the private and sensitive nature of such matters.

The parties and their attorneys will appear by way of video-link except with the leave of the Court limited to one party and one attorney on each side appearing in person.

4. Civil appeals.

The parties and their attorneys will appear by way of video-link except with the leave of Court limited to one party and one attorney on each side appearing in person.

5. The proceedings will be recorded via ZOOM or in such other manner as the Court might direct. On the application of any person, any recording so made is to be accessed by application to the Registrar, with the consent of the Court.



Hon. Anthony Smellie
Chief Justice

13 April 2020.