



# TRINIDAD AND TOBAGO GAZETTE (EXTRAORDINARY)

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## SUPPLEMENT TO THIS ISSUE

THE DOCUMENTS detailed hereunder have been issued and are published as a Supplement to this issue of the *Trinidad and Tobago Gazette*:

*Legal Supplement Part B*—

Proclamation No. 24 of 2020—(Legal Notice No. 265 of 2020).

Declaration of existing list of electors (Preliminary List for Electoral Registration) Order, 2020—(Legal Notice No. 266 of 2020).

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## ENVIRONMENTAL COMMISSION OF TRINIDAD AND TOBAGO

### PRACTICE DIRECTION

#### RESUMPTION OF OPERATIONS OF THE ENVIRONMENTAL COMMISSION AND PURSUANT CORONA VIRUS (COVID-19) PROTOCOLS

This Practice Direction is issued pursuant to Rule 1.5 of the Environmental Commission's (referred to as "Court" hereafter) Rules of Practice and Procedure 135/2002 in light of the resumption of all operations of the Court. Given that there is no known cure available at this time, COVID-19 poses a very serious threat to all of us in the nation and we must ensure that all safety protocols from the continued guidance of the Ministry of Health (MOH) of Trinidad and Tobago is observed. This will ensure that the Court continues to effectively and efficiently fulfill its mandate to dispense justice in the Republic of Trinidad and Tobago, with the safety and health of everyone at the forefront of the Court's commitments.

The Court wishes to:

- (a) prevent the spread of the COVID-19 virus;
- (b) keep its Courtroom, registry and offices as hygienically safe as possible for its staff and all users of the Court;
- (c) adhere to all health and safety guidance from the MOH;
- (d) safeguard the health and safety of all stakeholders of the Court, including but not limited to Members, Court staff, attorneys-at-law and members of the public;
- (e) promote efficiency in case flow management and Court operations generally;
- (f) ensure continued access to justice; and
- (g) ensure that appropriate administrative arrangements are made for all hearings.

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Accordingly the following measures shall take effect:

**EFFECTIVE DATES**

- (1) This Practice Direction came into effect on the 25<sup>th</sup> June, 2020, and will continue until further notice or otherwise superseded.
- (2) For the avoidance of any doubt, the Practice Direction (COVID-19 VIRUS EMERGENCY DIRECTIONS) published in Gazette No. 33 of 2020, shall ceased to have effect on the 24<sup>th</sup> June, 2020.

**RESUMPTION OF OPERATIONS OF THE COURT**

- (3) The Court hereby **RESUMES ALL OPERATIONS, from 8:00 a.m. to 4:15 p.m. Mondays to Thursdays and 8:00 a.m. to 4:00p.m. on Fridays**, as follows:

**(a) FILINGS**

Effective the 25<sup>th</sup> June, 2020, all filings have resumed by use of the Dropbox located at the entrance to the Registry of the Court. This Dropbox shall be used to submit ALL documents to the Court for the purpose of minimizing contact between staff and users of the Court. These documents will be processed within one (1) hour after deposit and persons will be called for collection of stamped copies of submitted documents. **NO FILING WILL BE ALLOWED AT THE REGISTRY COUNTER.** This deposit is to be done by one (1) person ONLY.

**(b) CASE MANAGEMENT**

Effective the 25<sup>th</sup> June, 2020, the Court has resumed the conduct of Case Management Conferences.

**(c) MEDIATION**

Effective the 25<sup>th</sup> June, 2020, the Court has resumed all mediation proceedings.

**(d) TIME**

Effective the 25<sup>th</sup> June, 2020, time has resumed to run in respect of all directions or deadlines not specifically dealt with.

**(e) BAILIFFS**

Effective the 25<sup>th</sup> June, 2020, the serving of documents, orders and notices of the Court by Bailiffs has resumed.

The following COVID-19 protocols have been instituted in respect of the resumption of operations of the Court on the effective date of this Practice Direction:

**ENTRY TO COURT**

- (4) All persons ( staff, attorneys-at-law or members of the public) seeking entry into the Court building must wear the appropriate<sup>1</sup> masks and are required to comply with all other health and safety protocols in place, including the use of the hand sanitizer provided by

<sup>1</sup> An appropriate mask is a mask that covers one's nose and mouth in such a fashion as to prevent the escape of droplets from one's nose and mouth.

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## PRACTICE DIRECTION—Continued

the Court upon entry. Masks must be kept on in all areas save and except in the case of staff members who are in self-contained offices.

- (5) Upon entry All persons will be subjected to a thermal scan via a contactless thermometer device. The Court SHALL deny persons entry into the Court building if a person's temperature is above the recommended thirty-eight degrees Celsius (38°C).
- (6) The Court will maintain a register of all persons allowed entry into the Court building. Full names and addresses would be taken upon entry at the security desk for the purpose of contact tracing, in the event that an outbreak of COVID-19 is linked to the Court.
- (7) Social distancing guidelines are in effect for all users of the Court.
- (8) Only two (2) persons will be allowed into the elevator at a time for the purposes of social distancing.
- (9) The Court has established health and safety protocols for entry into the Court offices. Any person who displays flu-like symptoms, or who otherwise fails to meet any other screening standard required for entry, SHALL be denied entry to the Court building.
- (10) In the interest of public health and safety and in order to maintain the appropriate social distancing recommended by MOH, attendance at the Court facilities should be limited to attorneys, parties and necessary witnesses. Persons who are not directly involved in the matter will not be allowed entry into the Court.
- (11) Anyone with legitimate court business who is infected with COVID-19, is caring for someone who is so infected or who is in a high risk category as stated by the MOH, is advised as follows:
  - (a) to remain at home;
  - (b) to request an adjournment, contact the Court via telephone at (868) 625-7353; 627-9186/3432 or fax at (868) 627-0871.

**HEARINGS TO BE CONDUCTED BY ELECTRONIC MEANS:**

- (12) To minimize contact and ensure the health and safety of all staff and users of the Court, the following hearings will be conducted by electronic means:
  - (a) case management conferences;
  - (b) mediations;
  - (c) direction hearings;

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PRACTICE DIRECTION—Continued

- (d) status hearings;
- (e) delivery of Judgments; and
- (f) any other category of hearing which the Chairman deems appropriate for hearing by electronic means having regard to the need to maintain appropriate health and safety requirements and room capacity standards set by the Court.

(13) The Court reserves the right to deviate from this approach if the interests of justice so requires and where it so deviates, all necessary parties will be advised accordingly.

(14) All matters will be heard by electronic means at scheduled times. In any case in which a hearing or any part of a hearing is to be conducted in person, it will be scheduled taking into account the need to prevent congregating and to ensure appropriate social distancing.

#### IN PERSON HEARINGS

(15) In cases in which the interest of justice is compromised by an electronic hearing, in person hearings will be conducted either wholly or in part. Such cases include:

- (a) any matter where it is necessary to take the evidence of a particular witness in person;
- (b) any matter where it is necessary to have someone appear in person because it is impossible for them to appear otherwise;
- (c) any matter where it is necessary to produce any physical evidence in Court which in the interest of justice cannot be produced otherwise; and
- (d) any other matter that the Court deems necessary to be heard in person.

(16) All in person hearings will be heard at scheduled times and all parties need not be required to appear in person or in the same room.

(17) The Court shall schedule times for in person hearings in such a manner so as to ensure that there is no congregating of persons.

(18) All persons required to attend in person, will be provided with the scheduled time for their appearance.

(19) The Court shall determine before the appearance, whether there is appropriate and adequate space available for all seating arrangements in keeping with the guidelines of the MOH for social distancing.

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(20) All parties to the matter must submit to the Registry, the names of all persons that are directly involved in the proceedings and who are required to be in attendance at an in person hearing, at least two (2) business days in advance of the date of hearing.

**HYGIENE**

(21) Members of staff have been briefed on the necessity for adhering to the MOH guidance of frequent washing of hands throughout the day, the minimization of the touching of surfaces and the use of alcohol- based hand sanitizer provided by the Court.

(22) Janitorial staff have been fully briefed on the monitoring of washrooms to ensure that there is sufficient hand soap available at all times for all staff and users of the Court, and to ensure the frequent sanitization throughout the day of ALL surfaces of the Court building inclusive of but not limited to counters, desks, office equipment, rails, chairs, doorknobs and door handles.

(23) All staff and users of the Court are to wear an appropriate mask as defined above, at ALL TIMES save and except any member of staff who is in a self-contained space.

**COURTROOM PROTOCOL**

(24) Duration of proceedings will be decided upon by the Court in an effort to maximize Court efficiency and determine priority of matters in the interest of minimizing physical contact of parties and those attending Court.

(25) The Court will determine the seating arrangements for attendees inside of the Courtroom to best adhere to the requirements of social distancing from the list of names submitted to the Registry prior to hearing as stated at (20) above.

(26) The number of attendees to be allowed inside of the Courtroom at one time is to be pre determined from the list of names submitted to the Registry prior to hearing as stated at (20) above.

(27) Witnesses waiting to give evidence in an in-person hearing must remain in the designated area until they are required in the courtroom. Once a witness is relieved by the Court, the witness must leave the Court location immediately.

Dated this 25<sup>th</sup> day of June, 2020

**/s/ His Honour Sunil Sookraj**

**Chairman**

**Environmental Commission of Trinidad and Tobago**