

Country: Barbados

1. THE MOST CRITICAL PHASE OF THE CRISIS

As long as measures to prevent the spread of Covid-19 restrict freedom of movement: What are the effects of the Covid-19 crisis on civil justice?

(a) Is there special legislation on the effects of the crisis on civil justice?

The Governor General of Barbados Dame Sandra Mason declared that a public health emergency exists in Barbados on March 28, 2020 by way of proclamation pursuant to section 28A of the *Emergency Management Act*, Cap. 160A of the laws of Barbados (the “EMA”). In exercise of the powers conferred on the Government of Barbados by the EMA, the Prime Minister on the advice of the Chief Medical Officer issued a directive which imposed a curfew requiring every person save for such persons delivering essential services to remain indoors between the hours of 6:00pm and 6:00am, and whereby any person who, is or remains outdoors between such hours, without reasonable explanation, is guilty of an offence and is liable on summary conviction to a fine of BBD\$50 000 or to imprisonment for a term of one year or to both. However, private businesses and offices are allowed to continue their operations where the employees can work exclusively from their homes.

(b) Does the crisis have an effect on court hearings?

○ Do court hearings take place during the crisis?

The Judiciary of Barbados and the Barbados Bar Association have collaborated with respect to the issue of protocols and guidelines to facilitate the continuation of the business of the court while protecting the health safety and welfare of all court users. The protocols provide for the determination of procedural applications in the civil and family division without conducting hearing and for hearings by way of teleconference or video conference where it is deemed appropriate.

○ Do court hearings take place in form of video conferences?

Yes, in circumstances in which the court deems a hearing necessary such hearing will be conducted by teleconference or video conferencing in accordance with the Civil Procedure Rules of Barbados.

(c) Does the crisis have an effect on deadlines (of procedural and substantive law)?

○ Are deadlines of ongoing proceedings affected?

Due to the suspension of services at the law courts of Barbados and generally at the Supreme Court, Land and Companies Registries, deadlines in respect of ongoing proceedings are expected to be extended or suspended and adjournments have been granted. Concessions have also been made by the respective Registrars to facilitate electronic filing and submissions where it is feasible.

○ Are deadlines for bringing actions affected (limitation periods)?

Presently, there has not yet been any amendment to the *Limitation of Actions Act* Cap. 231 of the laws of Barbados to address extensions in respect of the statutory limitations for bringing actions.

(d) Does the crisis have an effect on enforcement?

- Are enforcement orders issued?

The Judiciary of Barbados and the Barbados Bar Association are collaborating to facilitate the issue of enforcement orders where urgent circumstances exist.

- Are there any effects on deadlines?

Generally, deadlines in respect of ongoing matters are expected to be extended or suspended and adjournments have been granted.

- Can enforcement acts be postponed due to the crisis?

Generally, enforcement acts are expected to be postponed unless urgent circumstances are deemed to exist by the Court so as to permit the pursuance and execution of enforcement acts.

(e) How do courts work during the crisis?

- Are courts closed?

The physical Law Courts of Barbados are closed until May 4, 2020 (or such later date as prescribed by the Government of Barbados), however the Judiciary of Barbados is conducting hearings by way of teleconference and videoconference and is also determining procedural applications in furtherance of the disposal of matters where it is deemed appropriate.

- Can courts / judges be contacted?

The Judiciary of Barbados and the Supreme Court Registry have implemented limited electronic mail and teleconference mechanisms for contacting the respective judge(s) on duty and legal assistant(s) within the Supreme Court Registry.

- Are documents served?

Applications may still be pursued for substituted service of documents (i.e. service by another means other than personal service) and will be determined by the Court.

(f) How are particularly urgent matters handled, in particular requests for interim measures such as injunctions and freeze orders?

The Judiciary of Barbados and the Supreme Court Registry have implemented interim electronic mail, teleconference and video conference mechanisms for accessing the respective judge(s) on duty and legal assistant(s) within the Supreme Court Registry to pursue urgent matters including injunctions.

(g) How do lawyers work during the crisis?

All law offices remain closed and all attorneys-at-law must work exclusively from home save for their visitation to police stations to represent and advise clients who have been arrested or detained by the police in respect of ongoing investigations.

(h) How do banks work during the crisis?

Financial Institutions are permitted to be open for specific hours during the week to provide limited services, including, facilitating internet banking, payroll, wire transfers and international payments and clearings.

- (i) Does the crisis have an effect on insolvency law?

The Judiciary of Barbados is expected to conduct hearings, including with respect to insolvency matters, by way of teleconference and videoconference. Generally, extensions and adjournments are expected to be granted in respect of insolvency proceedings. Further, the Government of Barbados has indicated its intention to introduce measures to address bankruptcy and insolvency as a result of financing it has sourced from the International Monetary Fund and the Inter-American Development Bank.

- (j) Are there any further effects not addressed in the questions above?

Not Applicable.

2. FORECAST: AFTER THE CRISIS AND LONG-TERM EFFECTS

What are the consequences of the Covid 19 pandemic once the pandemic has abated, in the gradual return to a new normality and what are the long-term effects?

- (k) Which measures introduced during the crisis will be withdrawn immediately?

Upon the declaration that a public health emergency no longer exists, the majority of the special measures in place with respect to the remote and online/virtual operations of law courts, financial institutions and non-essential businesses and services and with respect to the suspension of deadlines will be withdrawn. There are several operating limitations, challenges involving security controls and increased financial strain posed by the special measures.

- (l) Which measures will remain in place?

The various economic measures taken by the government in respect of unemployment benefits and investment mobilization; measures by local businesses in respect of e-commerce and measures by financial institutions in respect of moratoriums and refinancing are expected to remain.

- (m) Will enforcement of economic crime, including corruption matters be weakened due to the lack of financial resources?

It is unlikely that the enforcement of economic crime will be weakened as the Government of Barbados is in the process of preparing an economic package which is expected, among other things, to support the continuity of the operations of the regulatory offices such as the Financial Services Commission, the Financial Intelligence Unit and the Department of Public Prosecutions.

- (n) Do you expect a rise of new anti-corruption prosecutions after the crisis?

It is not anticipated that there will be a rise in anti-corruption prosecutions as the regulatory offices such as the Financial Services Commission, the Financial Intelligence Unit and the Department of Public Prosecutions remain active to the extent possible in their anti-corruption pursuits and duties during this pandemic related to COVID-19.

(o) Will the ratio of third party funded matter rise?

Not Applicable.

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