

UPDATE

# COVID-19 Emergency Guidelines for Conducting Court Procedures in the BVI

The Eastern Caribbean Supreme Court (the **ECSC**) has issued COVID-19 Emergency Guidelines and a Practice Direction (No. 1 of 2020). The practice guidelines and Practice Direction put in place a number of measures to minimize the risks associated with the coronavirus (COVID-19) pandemic.

The measures introduced by the practice guidelines and Practice Direction seek to address service and filing issues during social distancing:

- The BVI Court already has e-filing in all new matters via its e-litigation portal.
- For matters which are not yet on the e-litigation portal, the Practice Direction permits documents to be filed by email (and sets out the procedure for doing so).
- The Practice Direction also permits service of court documents by email, facilitating service while offices are increasingly closing to allow social distancing measures to be observed.

The BVI Commercial Court will continue to operate in so far as the availability of telephone and video-conferencing equipment, facilities and support staff allows.

- Commercial Court matters will in principle be heard by telephone and/or video conference and will be limited to hearings with a time estimate of two hours subject to the operational availability of equipment and support staff.
- Hearings with in person attendance will only be allowed in exceptional circumstances, where the Judge has deemed the matter fit for such hearing during this period.
- The court may on its own motion deem a matter to be fit for an in-person hearing in this period, or a party to an action, or intended action, may apply to the Commercial Court to have a matter deemed fit for an in-person hearing in this period. Such an application must be accompanied by a certificate of urgency setting out the facts and reasons which make the matter fit for an in-person hearing.
- Where, in the discretion of a Commercial Court Judge, determinations can be made in the absence of oral representations, the applications will be disposed of on paper.

The ECSC has made it clear that it is committed to ensuring continued access to justice and to keep the Judiciary functioning while simultaneously protecting its staff and the general public. A statement by the Chief Justice on the ECSC's response to COVID-19 can be found [here](#).

As a global community we are required to embrace technology to ensure business continuity and as a firm we are doing our best to assist our clients in the transition to this new reality. These are unprecedented times and the challenges brought on by COVID-19 are changing daily. Please monitor our website or follow us on social media for updates on relevant changes.

## Contacts

---



**Eleanor Morgan**  
Partner, Mourant Ozannes  
BVI  
+1 284 852 1712  
[eleanor.morgan@mourant.com](mailto:eleanor.morgan@mourant.com)



**Justine Lau**  
Partner, Mourant Ozannes  
Hong Kong  
+852 3995 5749  
[justine.lau@mourant.com](mailto:justine.lau@mourant.com)

---

This update is only intended to give a summary and general overview of the subject matter. It is not intended to be comprehensive and does not constitute, and should not be taken to be, legal advice. If you would like legal advice or further information on any issue raised by this update, please get in touch with one of your usual contacts. © 2020 MOURANT OZANNES ALL RIGHTS RESERVED