



Balderamos Arthurs LLP

***Country: Belize***

## **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?**

- ***Is there special legislation on the effects of the crisis on civil justice?***

The Governor General of Belize, acting under emergency powers conferred by the Belize Constitution Act, has issued several Regulations which restrict the movement of persons and require the closure of non-essential business, in an attempt to reduce the spread of Covid-19.

Belize's Legislature has not passed any special legislation to allow access to civil justice given the restriction on movement of persons. However, on 9<sup>th</sup> April 2020, the Acting Chief Justice, Madam Justice Michelle Arana, signed a Practice Direction to ensure access to justice during the pandemic, while minimizing the attendance at court by members of the public.

The Practice Direction became effective on 14<sup>th</sup> April 2020, and regulates criminal and civil matters in the Supreme Court, Family court and Magistrate Court.

- ***Does the crisis have an effect on court hearings?***

In it criminal division, all trials in progress and all trials by jury at the Belize Supreme Court have been suspended until further notice, and all pending matters have been adjourned to 30<sup>th</sup> April 2020, or further order. Bail hearings and sentencing are to be facilitated by video link conferencing, save for persons on bail, in which event only essential persons are to be present in court. Where attendance at court is required, social distancing measures will be enforced.

In it civil division, all court hearings at the Belize Supreme Court have been suspended until 30<sup>th</sup> April 2020. During this period, the Supreme Court will only hear urgent applications, which will be dealt with via telephone, video link conferencing or written submissions where possible.

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

Pursuant to the Practice Direction, the time for filing and service of applications and of all other court documents has been suspended, with effect from 25<sup>th</sup> March 2020 until 30<sup>th</sup> April 2020.

It is still possible to file documents as provisions have been put in place to facilitate e-filing. However, there is no obligation to meet deadlines prescribed by the Civil Procedure Rules since the running of time has been suspended.

The suspension does not affect any limitation period prescribed by the Limitation Act or any other substantive legislation since the Practice Direction is subsidiary legislation and cannot extend deadlines set by another statute.

- ***Does the crisis have an effect on enforcement?***

The Practice Direction has not addressed the issue of enforcement. However, the court will only deal with urgent applications, so it is unlikely that an enforcement application will be heard during this period, save an urgent application, eg. an urgent injunction application.

- ***How do courts work during the crisis?***

All courts in Belize are still functioning, but court hearings have been suspended due to the desire to limit human interaction. Claims and applications filed with the courts are processed in the usual manner. However, in the case of the Belize Supreme Court, the judge to whom a case is assigned will determine if an application is urgent and requires a hearing, whether by telephone or video link. Documents can be filed using an email filing system which was established since Covid-19.

The Practice Direction provides that service of documents by email shall be deemed good service with effect from 26<sup>th</sup> March 2020, , save for a Statement of Case or Application for Sale of Land which require personal service.

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

Urgent applications can be filed with the court using the email filing system, and will be assigned to a judge for hearing and determination. It is possible to email the Registrar of the Supreme Court to advise of the urgency of a specific application, so that it can be listed for urgent hearing and determination.

- ***How do lawyers work during the crisis?***

The Prime Minister declared a State of Emergency on 8<sup>th</sup> April 2020, which restricts movement of non-essential personnel, and mandates the closure of all businesses save

for essential services. Attorneys and staff therefore work remotely from home. In office client consultations have been replaced by teleconferences and/or email correspondence.

- ***How do banks work during the crisis?***

Banks are still operating as usual, since their service is deemed essential. However, the hours of operation of banks have been reduced to 8 a.m. – 12 p.m. countrywide. Banks also encourage customers to use online banking where possible to avoid the need to attend at the bank's office.

- ***Does the crisis have an effect on insolvency law?***

No amendment has been made to any law that would address insolvency in Belize.

## **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?**

The Bar Association and the Belize Chamber of Commerce and Industry have been clamoring for Belize's government to move to e-government and allow the electronic filing of documents at the various registries. Covid 19 has forced the Government of Belize, and the various Registrars, to swiftly implement electronic filing of documents at the Supreme Court Registry, Lands Registry, Companies and Corporate Affairs Registry and the Belize Intellectual Property Office. While it is hoped that these measures will remain in place, it is unlikely.

It is expected that, due to Covid 19, there will be an increase in economic crime and corruption matters. Due to lack of financial resources, attorneys may need to assume some risk in assisting victims of crime. It is not unlawful to take on contingency matters in Belize.

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