

What does the Covid-19 crisis mean for victims of fraud?

Country: Isle of Man

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 Courts have issued a number of different guidance notes and temporary procedures as the crisis has/is developing. These affect both civil and criminal proceedings. Presently parties are encouraged to agree to stay proceedings and reduce non-essential visits to the Court. All jury trials have been temporarily suspended.

- Does the crisis have an effect on court hearings?
 - Do court hearings take place during the crisis?

Very few if any at present – telephone hearings are taking place.

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

These are being considered however at present the infrastructure is not in place.

- Does the crisis have an effect on deadlines (of procedural and substantive law)?
 - Are deadlines of ongoing proceedings affected?

Deadlines will be affected but the extent and precise manner is not yet clear.

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

We are not aware of plans to extend limitation periods but this is a possibility.

- Does the crisis have an effect on enforcement?
 - Are enforcement orders issued?

The precise effect of the pandemic on enforcement orders. However, it will have a knock-on effect on the usual enforcement. For instance, it can affect the service on debtors of enforcement orders especially if personal contact is a possibility.

- Are there any effects on deadlines?

The Court will be sympathetic to adjournments and delay but the precise nature and effect is not yet clear

- Can enforcement acts be postponed due to the crisis?

Yes, it is likely some acts will be postponed or delayed especially where they require court hearings.

- How do courts work during the crisis?

- Are courts closed?

They are not closed, but very low level of activity until the situation regarding phone and video hearings is clarified.

- Can courts / judges be contacted?

Yes

- Are documents served?

The position is not clear as the availability and use of Isle of Man Coroners, who normally serve documents, is not clear while the country remains in lockdown.

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

It is likely these will be dealt with on paper/administratively but we have not seen any specific pronouncements on precisely how this will be dealt with.

- How do lawyers work during the crisis?

A large number of lawyers are working remotely and conduct client meetings over the phone or via video calls. There are elements of work such as taking wills, moving house and other such work that are difficult to progress.

- How do banks work during the crisis?

Banks are currently operating with increased security procedures and limited access to physical branches

- Does the crisis have an effect on insolvency law?

Changes are being considered but awaiting clarification

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

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?

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

Too early to tell

- Which measures will remain in place?

Too early to tell

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

Too early to tell

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

This is a possibility

- Will the ratio of third party funded matter rise?

This is a possibility

In addition it is anticipated that the judicial system will be developed during/after the crisis to introduce and properly integrate remote access and conduct hearings without court attendance.

Contact details:

Jonathan Wild

jwild@callinwild.com

tchestnut@callinwild.com

Callin Wild, Bank Chambers, 15-19 Athol Street, Douglas, Isle of Man, IM1 1LB

Tel: +44 1624 623195

Web: <http://www.callinwild.com/>