

# **Judge in Chambers (Remote Hearing) Rules 2022**

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## **THE COURTS ACT**

**Rules made by the Chief Justice, after consultation with the Rules Committee and the Judges, under sections 197H and 198 of the Courts Act -**

### **1. Citation**

These rules may be cited as the **Judge in Chambers (Remote Hearing) Rules 2022**.

### **2. Interpretation**

In these rules -

"communication facility" means a telephonic, an electronic or such other communication facility as the Chief Justice may approve in writing;

"remote hearing" means the hearing of an application made to a Judge in Chambers by means of a communication facility;

"unrepresented party" does not include a party who has left default.

### **3. Application of rules**

(1) These rules shall be in addition to, and not in derogation from, the Supreme Court (Judge in Chambers) Rules 2002.

(2) These rules shall apply to a remote hearing.

### **4. Communication facility**

(1) When a case is in shape, the Judge in Chambers shall, where he intends to hear the case remotely either proprio motu or at the request of a party, inform -

(a) the legal representatives of the parties; or

(b) any unrepresented party,

of the date and time of the remote hearing and the communication facility to be used for the hearing.

(2) Where any person referred to in rule 4(1) will not be able to participate in the remote hearing, he shall, as soon as possible, inform the Judge in Chambers.

(3) Every person referred to in rule 4(1) shall ensure that he has -

(a) access to the communication facility to be used for the remote hearing;

(b) a reliable internet connection, where the communication facility to be used so requires, to avoid any breakdown in the connection during the hearing.

## **5. Scanned copy of brief**

The attorney of an applicant shall ensure that a scanned copy of the brief, in portable document format (pdf), be forwarded by electronic mail to all unrepresented parties, law practitioners concerned and the Judge in Chambers on such date as may be directed by the Judge.

## **6. Scanned copy of authorities and materials**

Every party shall ensure that the authorities and materials on which he intends to rely for the purpose of the remote hearing be forwarded by electronic mail to all unrepresented parties, law practitioners concerned and the Judge in Chambers on such date as may be directed by the Judge.

## **7. Proceedings during remote hearing**

(1) (a) Subject to paragraph (b), no person, other than the persons referred to in rule 4(1), shall participate in the remote hearing.

(b) The Judge in Chambers may request the presence of any party to the case during the remote hearing.

(2) Every person referred to in rule 4(1) shall join the remote hearing at least 15 minutes prior to the time fixed for the hearing so as to allow sufficient time to address any technical issue.

(3) Every person referred to in rule 4(1) shall, during the proceedings of the remote hearing -

(a) observe the required etiquette and protocol applicable in relation to a physical Judge in Chambers hearing;

(b) ensure that his video camera is switched on at all times and he is within the camera's view, unless authorised by the Judge in Chambers to participate by audio means; and

(c) ensure that his microphone is muted at all times, except when he addresses the Judge in Chambers;

(4) No person other than the Judge's secretary shall record the proceedings through audio recording, video recording through a cellphone, screen capture, screen shot, print screen, or any other type of recording.

(5) Where the remote hearing is disrupted due to any technical issue, the Judge in Chambers may delay or postpone the hearing.

(6) The Judge in Chambers may, where the circumstances so require, give such directions as may be necessary for the proper conduct of the remote hearing.

Made by the Chief Justice, after consultation with the Rules Committee and the Judges, on 17 November 2022.