

OFFICE OF THE LORD CHIEF JUSTICE

Guidance for Courts – 5 June 2020

KEY CHANGES TO PREVIOUS GUIDANCE

- The Court of Appeal has commenced hearing contested cases in the Royal Courts of Justice.
- Administrative reviews of Crown Court cases for arraignment, plea and sentence have commenced to enable listing dates to be fixed.
- Administrative reviews of Family Care Centre cases have commenced.
- Administrative reviews of Family Proceedings Courts cases are being piloted in Ards and Lisburn.
- The pilot for the hearing of undefended divorce cases is being rolled out to the High Court and all County Courts.
- Additional business in the Magistrates' Courts will be listed including custody and bail preliminary enquiries, pleas and sentencing where the parties agree the matter can proceed, and other preliminary issues.
- Arrangements are underway with the Public Prosecution Service for the issue of new summonses.
- Planning for the commencement of jury trials and contested cases is underway.

CURRENT POSITION

Court business is currently consolidated into the following court hubs:

- The Royal Courts of Justice;
- Laganside Courts (also dealing with Ballymena, Antrim, Ards and Downpatrick);
- Lisburn (also dealing with Craigavon, Armagh, Newry and Banbridge);
- Dungannon (also dealing with Omagh, Enniskillen and Strabane); and
- Londonderry (also dealing with Magherafelt, Limavady and Coleraine).

The following matters are being progressed by way of a court hearing (the form of which will be determined by the judge) or on the papers where possible:

1. **Urgent Matters.** Examples, which typically involve the immediate liberty, health, safety and wellbeing of individuals include:
 - Criminal proceedings – First remands in the Magistrates' Courts (overnight charges and first appearance on charge sheets after 28 days); Custody remands; Bail applications; PACE applications; and Sentencing where delay may mean time on remand exceeds any likely/realistic custody period under the sentence;
 - Family proceedings – Non-molestation Orders; Applications under the Children (NI) Order 1995 such as Care Orders, Prohibited Steps Orders,

Emergency Protection Orders and Secure Accommodation Orders; Declaratory judgments in patients' cases; Child abduction.

- Civil proceedings - Habeas Corpus applications; Urgent injunctions; Urgent judicial reviews.
- Other matters where the legal representative or a party to the proceedings has requested a hearing and the judge considers it urgent or necessary.

2. **Agreed matters or where approval is required.** Where parties have agreed a way forward in their case and are seeking an order from the court or approval from the court, they should complete the relevant form, sharing it with the other party/parties to enable it to be completed collaboratively, and lodge it with the court office. This option applies to all cases.

All forms, correspondence and emails MUST include the ICOS number, the relevant court office (and the court number if a Laganside Courts case). **Where the case has been scheduled for hearing, the form should be lodged with the court office by 4.00pm five working days before the listed date except for Magistrates' Courts where forms will be accepted two working days before the listed date.** Forms for all court tiers can be found on the [Covid-19 page](#) of the Judiciary NI website.

The parties should check ICOS to confirm the date to which a case has been adjourned. Court staff will advise non-represented parties of the revised date for hearing where a judge determines that it should be listed for hearing. Where a case has been adjourned no formal notification will issue.

The matters listed above will generally be undertaken remotely either by Sightlink, telephone, email or BTMeetme etc. Where the requirements of fairness and justice require a court based hearing, and it is safe to conduct one, then a court based hearing should take place. The judge may limit the number of persons present in court at any time. Courtrooms will be laid out with physically distanced spaces to maximise the safety of the environment. A party or legal representative should notify the court office of the means by which they propose to engage with the court.

Members of the public should NOT attend court unless specifically directed. Any person who has Covid-19 symptoms or who is subject to mandatory social distancing by reason of being at increased risk of severe illness from Covid-19 according to Government guidance should not attend even if they have been directed to do so but should notify the relevant court office.

BUSINESS RECOVERY

The Lord Chief Justice has initiated a programme of work to incrementally recover of court business. This is being informed by Public Health Guidance. Judges will administratively review cases and use that information, provided by the parties, to prioritise cases for hearing.

Recovery will be in two phases:

PHASE ONE

Phase One will primarily involve Administrative Reviews of current cases. Our aim is to gradually increase the disposal of business while adhering to public health guidance. In this period of reviews, cases will proceed but at a slower time. We will also plan hearings and contests that do not involve large numbers of witnesses or experts.

The judiciary will undertake administrative reviews of specific cases/cases listed for hearing between specific dates. Representatives will be asked to complete the relevant forms collaboratively setting out the agreed position and thereby avoiding the need for the court to have to seek additional information. Forms should be lodged with the relevant court office by the time specified.

Reviews may result in the judiciary issuing Directions, requesting further information, listing the case for review, adjourning it or listing it for a future hearing. Where the judge determines that a review or other hearing is required it will generally be undertaken remotely. Representatives/parties will be notified and provided with details of how to log into the hearing. The public health requirements will result in hearings being in slower time than usual to take account of the need to sequence and timetable remote or physical hearings. Initially the focus will be on addressing uncontentious matters, matters where the issues have been narrowed, where there is legal argument and where limited oral evidence is required.

Parties and their representatives should NOT attend court unless specifically required to do so.

- **High Court:** Administrative reviews of High Court business commenced in w/c 11 May. Details are can be found [here](#). Updated detailed guidance on the range of issues managed and dealt with by the Masters in the High Court can be found [here](#).

Crown Court: Administrative reviews of Crown Court cases for arraignment, plea and sentence have commenced. Further guidance on Crown Court reviews can be found [here](#) and on Crown Court business can be found [here](#). Work is also in hand to identify jury trials for listing.

County Court: County Court Judges and District Judges are planning administrative reviews of civil business. More detailed guidance on the civil business that can currently be progressed in the County Court can be found [here](#).

- **Family Courts:** Administrative reviews of Family Care Centre cases have commenced. Administrative reviews of Family Proceedings Courts cases are being piloted in Ards and Lisburn. The pilot for the hearing of undefended divorce cases

has been rolled out to the High Court and all County Courts. Directions will be issued where net issues can be narrowed and limited oral evidence is required. Certain adoption applications will be progressed. . We will also endeavour to progress matrimonial proceedings such as decree absolute applications, ancillary relief and financial dispute resolutions proposals. Further information can be found [here](#).

Adult Magistrates' and Youth Courts: Additional business in the Magistrates' Courts includes preliminary enquiries, pleas and sentencing where the parties agree the matter can proceed and other preliminary issues that may be dealt with by legal argument and where limited oral evidence is required. Planning for contested hearings is also underway. More information can be found [here](#).

Coroners Courts: Hearings concerning Coroners matters will generally address urgent matters only, however, reviews of non-legacy cases will be undertaken. Legacy cases listed for Year 1 will continue to be administratively progressed. Further information can be found [here](#). The [Presiding Coroners' statement](#) on 28 April 2020 refers.

PHASE TWO

The Public Health Agency (PHA) observed the processes that NICTS developed for a physical hearing and were content that all appropriate measures had been taken to minimise the risk of transmission of SARS CoV2 in the court setting. This model is being used to progress other contested hearings.