

COVID-19 GUIDANCE FOR COURTS

CROWN COURTS

27 MARCH 2020

This note supplements the Guidance for All Courts issued on 24 March 2020.

The Crown Court will only sit to hear urgent matters or those where the legal representative or party to the proceedings has requested a hearing and the judge considers it appropriate. The party wishing the matter to proceed should complete the requisite form, sharing it with the other party in sufficient time to enable it to be completed and lodged with the court office by 4.00 pm two working days before the case is listed. Defendants need not necessarily be produced and interpreters may attend remotely.

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 however the judge may limit the number of persons present in court at one time. However matters will generally be undertaken remotely either by live link, email, telephone or Zoom etc. A party or legal representative should notify the court office of the means by which they will engage with the court.

Should a defendant request an arraignment this may be facilitated if the defence indicate to the court that it is likely to result in a guilty plea. In these circumstances witness availability does not need to be checked by the PPS.

Where a defendant asks the court to conclude his sentencing, including where he may be time served, the judge will consider what nature of hearing should be conducted and who, if anyone, needs to be present. The judge may require that only the parties in that one case are in the courtroom at the time and the hearing should be kept as short as possible. Legal submissions may be made by telephone, or live link as long as they are loud enough to be heard on the court recording.

Bail applications should be conducted in accordance with the Guidance issued by the Lord Chief Justice's Office on 19 March 2020 (High Court and Crown Court Bail Applications – Arrangements until 27 April 2020)¹ and should on the form published on 27 March 2020². Third Party Disclosure, special measures and other applications may be facilitated by completion of the form provided. Urgent PACE and POCA applications will be referred to the duty judge who will decide if the case should be

¹ <https://judiciaryni.uk/sites/judiciary/files/media-files/Covid-19%20-%20Guidance%20for%20High%20Court%20and%20Crown%20Court%20Bail%20Applications%20-%2003.04.20.pdf>

² <https://judiciaryni.uk/sites/judiciary/files/media-files/Form%20BAIL1%20-%20Crown%20Court%20Bail%20Application%20Variation%20Form%20Issued%2027%20Mar%202020.DOC>

listed and, if so, how the evidence is to be received. The judge will determine whether the application can be heard using live link or whether a witness is required to attend. The enabling provisions for the use of live link are contained in sections 55 & 57, and Schedule 26 & 27 respectively of, the Coronavirus Act 2020.