

## COVID-19 GUIDANCE FOR COURTS

### MAGISTRATES' AND YOUTH COURTS - CRIMINAL PROCEEDINGS

7 APRIL 2020

This note supplements the Guidance for All Courts issued on 24 March 2020 and replaces the guidance for Magistrates' and Youth Courts published on 27 March 2020.

Magistrates' and Youth Courts will only sit to hear urgent matters or those where the legal representative or a party to the proceedings has requested a hearing and the judge considers it appropriate. As of 11 April 2020, Magistrates' and Youth Courts hearings will be consolidated in Laganside Courts, Lisburn, Dungannon and Londonderry<sup>1</sup>.

**Members of the public and legal representatives should NOT attend court. Urgent matters will generally be undertaken remotely.**

#### **Urgent Matters**

The following are considered to be urgent matters in criminal proceedings:

- First remands in the Magistrates' Courts (charge sheets<sup>2</sup>);
- Custody remands;
- Bail applications;
- Urgent bail variations (eg where a person is applying for a change that cannot be dealt with administratively);
- Compassionate temporary release applications;
- Breaches of bail;
- PACE applications;
- Cases where defendants are close to or in excess of "time served" in custody.

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 these urgent matters will generally be undertaken remotely either by live link, email, or telephone etc. A party or legal representative should notify the court office of the means by which they will engage with the court.

Contested hearings, including PIs and PEs, will not proceed unless the parties make application to the court citing an urgent reason for it proceed, which if accommodated may be by way of a remote hearing.

---

<sup>1</sup> [Court Office Contact Details](#)

<sup>2</sup> Overnight charges & 1st appearance after 28 days

Where a party has identified a need for a hearing and the judge has determined it appropriate to fix a date, it too will proceed, generally by way of a remote hearing.

**In each of the above two scenarios 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. Telephone contact details must be included on the form.**

### **Laganside Courts**

Laganside Courts will be dealing with additional business from Ballymena, Antrim, Ards and Downpatrick. It has been agreed that the urgent business listed above will be scheduled to assist legal representatives and parties to know when they should dial into the remote hearing:

- Belfast video link cases at 10:00 daily
- Belfast criminal cases (to include Courts 9 and 10 lists) at 10:15am
- Any other criminal lists at 11:00
- Late cases from PSNI Musgrave Street from 11:15
- Family or Youth cases from 11:45.

### **Bail**

Where the accused is in custody and no application for bail is being made, the parties do not need to attend the live link court hearing and the case will be adjourned for four weeks. Where there is to be an application for bail, other than in relation to a first appearance, this should be made by completing the requisite form, sharing it with the other party in sufficient time to enable it to be completed and lodged with the court office two working days before the case is listed.

Bail applications will be dealt with by the parties appearing remotely. The accused is not required to attend the application by live link unless he/she is a self-represented remand prisoner or where he/she does not expressly agree to not being produced.

### **Other matters**

**Members of the public and legal representatives should NOT attend court. Urgent matters will generally be undertaken remotely.**

Where the accused on charge is not in custody, the case will be adjourned for 8-10 weeks unless the parties want the case listed to deal with an urgent matter, for example for the case to be dealt with and the accused to be sentenced, or for the court to make some other order. Parties should contact the court office and provide in the requisite form a written explanation for the request. The judge will consider

the papers and determine if the case should be listed, and if so, options as to how the hearing will be managed.

New summonses may continue to be issued by the PPS with dates to be fixed as agreed with the court office. These cases will be listed on the basis that should a party wish it to proceed they must 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 two working days before the case is listed.

Where no issue is raised all non-urgent cases will be adjourned for a minimum of six weeks. **No form or correspondence is required where an adjournment is the anticipated outcome.** However, should a legal representative consider it necessary to email the court office then to facilitate the effective handling of correspondence legal representatives are asked to undertake the following steps:

- Where the email is for a first appearance and a solicitor wishes to come on record this should be included in the title/subject of the email **“First Appearance - Come on Record”**;
- Others, which are to record an “appearance” in an ongoing matter should include in the title/subject of the email: **“Legal Aid Appearance - No Action required”**.

**The parties should check ICOS to confirm the date to which a case has been adjourned.** Court staff will advise non-represented defendants of the revised date for hearing once a judge has determined that it should be listed.

**Contact should be through the relevant court office email address and not to individual members of the judiciary or staff.**