

COVID-19 GUIDANCE FOR COURTS

MAGISTRATES' AND YOUTH COURTS - CRIMINAL PROCEEDINGS

This note supplements the Guidance for All Courts issued today which sets out the arrangements with effect from the week commencing 30 March 2020.

Magistrates' and Youth Courts will from Monday 30 March 2020 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.

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

- First 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, telephone or Skype 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, 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.

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 template, 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 days before the case is listed.

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 (either on first appearance or where the accused can show a change in circumstances), this should be made by completing the requisite template, sharing it with the other party in

sufficient time to enable it to be completed and lodged with the court office two days before the case is listed.

Bail applications will be dealt with by the accused appearing by way of live link. Parties may be in court or appear 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 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 template, sharing it with the other party in sufficient time to enable it to be completed and lodged with the court office two days before the case is listed.

Where no issue is raised all other non-urgent cases will be adjourned for a minimum of six weeks.

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.

Emails from legal representatives should be sent to the court office email address and not to individual members of staff who may be absent from work.