

COVID-19 - GUIDANCE FOR COURTS

MESSAGE FROM THE LORD CHIEF JUSTICE'S OFFICE

24 MARCH 2020

The Lord Chief Justice has announced that with effect from Thursday 26 March 2020 all court business is to be consolidated in The Royal Courts of Justice, Laganside Courts, Lisburn¹, Dungannon and Londonderry Courthouses and only urgent matters will be addressed by way of a court hearing until further notice. The form of the hearing will be determined by the relevant judge. Application for an urgent hearing must be accompanied by the relevant form (<https://judiciaryni.uk/covid-19/>).

All other matters will be determined by a judge without a hearing.

This guidance reflects the restrictions announced by the Prime Minister on 23 March.

URGENT MATTERS

Examples of urgent matters, which typically involve the immediate liberty, health, safety and wellbeing of individuals include:

Criminal Proceedings

- First remands in the Magistrates' Courts (charge sheets²);
- Custody remands;
- Bail applications;
- PACE applications;
- 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

¹ With effect from Saturday 11 April 2020, all business previously consolidated to Craigavon Courthouse will be dealt with in Lisburn Courthouse.

² Overnight charges & 1st appearance after 28 days

- 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.

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. **Members of the public should NOT attend court.** Urgent matters will generally be undertaken remotely either by live link, email, telephone, Sightlink, Zoom, or BTMeetme etc. A party or legal representative should notify the court office of the means by which they will engage with the court.

ALL OTHER MATTERS

The default position is that all other matters will be adjourned by a judge without a hearing. In most cases the adjournment period will be one of eight weeks. Where cases in the High Court list for the week of 20-24 April 2020 are to be adjourned, they should be adjourned for four weeks and not eight weeks.

The exception is that where parties have agreed a way forward in their case they should complete the relevant form, sharing it with the other party to enable it to be completed, and lodge it with the court office by 4.00 pm two working days before the case was scheduled for hearing. Forms for all court tiers can be found on <https://judiciaryni.uk/covid-19/>.

All forms, correspondence and emails MUST include the ICOS number, the relevant Courthouse (and the court number if a Laganside Courts case). Please note that no form, correspondence or email is required where an adjournment is the preferred course of action.

In relation to magistrates' court business it is planned that with effect from 26 March 2020 business will be amalgamated in the following courthouses³:-

- Laganside, Belfast - also dealing with Ballymena, Antrim, Ards, Downpatrick
- Lisburn - also dealing with Craigavon, Armagh, Newry, Banbridge
- Dungannon - also dealing with Omagh, Enniskillen, Strabane
- Londonderry - also dealing with Magherafelt, Limavady, Coleraine.

³ Correspondence etc. for these venues should only be sent to the relevant one of the four courthouses

The parties should check ICOS to confirm the date to which a case has been adjourned. Court staff will advise non-represented parties (defendants) to the proceedings 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.

These are exceptional and unprecedented times. This updated Guidance applies until further notice. All changes to court business will be published on the Judiciary NI (<http://judiciaryni.uk/>).