

COVID-19 GUIDANCE FOR COURTS

MAGISTRATES' AND YOUTH COURTS - CRIMINAL PROCEEDINGS

12 MAY 2020

This note replaces the Guidance issued on 27 March 2020.

Magistrates' and Youth Courts will continue 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. Magistrates' and Youth Courts hearings are currently consolidated in Lagside Courts, Lisburn, Dungannon and Londonderry¹.

Members of the public and legal representatives should NOT attend court unless a defendant is specifically required to attend. 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 sheets²);
- 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.

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 scenarios the party wishing the matter to proceed should complete the requisite form, [MCC11](#), 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

¹ [Court Office Contact Details](#)

² Overnight charges & 1st appearance after 28 days

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.

Lisburn Court

All courts will commence at the following times:

- Monday - Thursday at 10:00
- Friday: 09:45

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 or variation of bail, other than in relation to a first appearance, Form [BAIL2](#) should be completed by the defence and forwarded to the prosecution for completion. The prosecution will complete the form and return the form to the defence who will, prior to submitting the form to the court, complete the date listed/requested for at least 2 clear working days ahead. Thereafter 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.

Where a hearing is required bail applications will generally 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.

Preliminary Enquiries (PEs)

PEs will proceed where the parties make application to the court through collaborative completion of the relevant form. Where a defendant is in custody

hearings will generally be facilitated by remote means. Where a defendant is on bail the court office will make the necessary arrangements.

Other matters

Members of the public and legal representatives should NOT attend court unless a defendant is specifically required to attend. Matters will generally be undertaken remotely.

Where a solicitor wishes to have a matter listed for plea and sentence or are seeking to have a matter dealt with, form [MCCI1](#) should be used.

There is no need to submit a separate Bring Forward application. The moving party should complete their part of the form and submit it to the other side for completion and once the form is returned to the moving party it should be submitted to the court office by 4:00pm two working days before the case is listed. Telephone contact details must be included on the form. Thereafter 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.

Where the accused on a charge sheet is not in custody, and the case is in the court list, the case will be adjourned for 4 weeks unless the parties want the case listed to be dealt with.

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.

Members of the public are reminded that it is possible to enter a plea of guilty by post in some cases, and they may want to consider consulting a solicitor about this option. Where there is an option to enter a plea of guilty by post a summons, from the Public Prosecution Service, is accompanied by a Form 3 Notice setting out details of how you can enter a plea of guilty by post together with a Form 6 or Form 6A. You may request that the case be dealt with on foot of this written plea of guilty without having to attend court by completing the appropriate Form 6 or 6A which should be returned at least three days before the date fixed for the hearing. The court will record a conviction and issue notification of the sentence. Should the Court decide to adjourn the hearing before passing sentence, you will be given notice in writing of the time and place of the adjourned hearing.

Where no issue is raised all non-urgent cases will be adjourned for four 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.