

COVID-19: UPDATE

12 April 2021

On 2 March 2021, the Executive outlined its pathway to a gradual easing of the Covid-19 restrictions. From 12 April the Executive relaxed the “stay at home” provision.

During lockdown, the regulations provided that it is a reasonable excuse to travel from home for the purposes of attending court or participating in legal proceedings. Legal representatives and those involved in proceedings were advised not to attend court unless the judge determined in the interests of justice that their physical attendance was absolutely necessary.

The introduction of relaxations means that, from 12 April, it will be possible, **when required by the judge**, in the interests of justice, to increase attendance in person where it is **safe** to do so. There will still, however, be a role /requirement for remote and hybrid hearings in order to manage footfall in courtrooms and public areas. Judges will make a decision as to whether physical attendance is required based on the individual circumstances of the case. The changes will help to maximise the throughput of business and deal with cases expeditiously. With the potential for more people attending court, hearings may need to be timetabled or scheduled in order to ensure that the administration of justice continues to be delivered safely.

Legal representatives should continue to collaboratively complete and lodge the [relevant forms](#) within the prescribed timeframes in advance of a substantive¹ hearing or where required by the Judge or Master so that appropriate arrangements can be made by court staff to manage footfall in courtrooms and public areas of the court building. Only those persons who are required by the court to attend may be admitted to the courtroom. In addition, only participants in hearings should attend the court building, with supporters and family members encouraged not to attend.

The court office will inform parties of the date, time and type of hearing and the details of any callover which may be arranged in advance of the hearing. Practitioners are reminded to check ICOS and/or Public Court Lists Online to confirm the Sightlink details and should take note of the [Practice Direction on Remote Hearings](#). If a matter is unable to proceed on its allocated date, or the action has been settled, the relevant court office must be advised as soon as possible.

Everyone attending court or a NICTS building must continue to follow the guidance on social distancing, hand sanitising, the wearing of face coverings and any local arrangements in all areas of the court building, including in circulation spaces,

¹ A substantive hearing is one which is likely to last one hour or more.

waiting areas and consultation rooms. This will ensure that as restrictions are reviewed at Executive level, the administration of justice continues to be delivered safely. As with attendance in court, non-compliance with PHA guidance and NICTS instruction when directed to attend court buildings will be reported to relevant authorities.

It is important for parties and legal representatives to schedule consultations to take place before arriving at the court. For civil and family proceedings in the Royal Courts of Justice and Laganside Court, waiting and consultation facilities are available at NICTS Nightingale Lagan (the Waterfront International Convention Centre). These facilities however are only available for use on the day(s) hearings are listed and only allow consultations of up to four people. NICTS has published [Operational Guidance](#) and a [Booking Form](#) for the use of this facility.

Otherwise, where consultations are required during a hearing, consultation facilities may be made available on request, including for example in the Inn of Court in the Royal Courts of Justice. Strict limits on capacity will be applied to the consultation facilities the majority of which will only safely accommodate two individuals. Rooms will be cleaned at regular intervals. A review to identify the potential for further consultation space is being undertaken by NICTS and will be completed by the end of May.

Crown Courts

Additional courts have been modified to facilitate Crown Court jury trials. From April 2021, trials may be listed in Laganside Courts (Courts 11-15), Antrim (Courts 1 and 2), Coleraine (Court 1 for Londonderry Crown Court), Craigavon (Court 1), Dungannon (Courts 1 and 2), and Newry (Courts 1 and 2). Courts 11, 12 and 13 in Laganside Courts have also been refurbished to facilitate socially distant multi-defendant trials.

Extradition hearings and consents to extradition will continue to be heard by way of hybrid hearings. Extradition applications in respect of first appearances, bails, and mentions will continue to be remote. The guidance for the hearing of cases under the Extradition Act 2003 (published on 15 June 2020 and annexed to this document) remains in place.

Small Claims Courts

From 12 April 2021, a Small Claims Court will be held in the Nightingale Lagan every Monday to Wednesday. From 6 May 2021, a Small Claims Court will be held in Downpatrick Court 3 each Thursday and Friday. Parties will be contacted by the relevant court office about the listing of their case.

ANNEX

GUIDANCE FOR THE HEARING OF CASES UNDER THE EXTRADITION ACT 2003 DURING THE COVID 19 EMERGENCY PERIOD

1. Article 17 of the Framework Decision of 13th June 2002 (Reference 2002/584/JHA) provides that “a European arrest warrant shall be dealt with and executed as a matter of urgency”.
2. Consistent with that provision, Belfast County Court will treat all hearings under the Extradition Act 2003 as urgent and will endeavour to list cases for hearing as soon as the judge considers it is possible to proceed.
3. Depending on the nature of the issues in the case, the judge will determine whether the case can proceed wholly or in part, by remote link, or whether attendance at the courthouse is required by some or all of the participants. Such hearings shall be convened under the Coronavirus Act 2020.
4. If any party wishes to make any submission to the judge relevant to the listing of the case they should do so by email to Belfast Court Office, and the judge shall take into account such submissions when determining whether a case can be listed, and if so, when it should be listed.
5. If a hearing proceeds either in full or in part with anyone’s physical presence in the courtroom, social distancing based on the then current advice from the Northern Ireland Executive shall apply to the hearing in the courtroom, and in accordance with the courtroom layout as directed by NICTS.
6. If English is not the mother tongue of the requested person and an interpreter is required to facilitate the translation of the proceedings, if on bail, the requested person must answer his bail and attend the courthouse where an interpreter will also be present. It is highly desirable in such circumstances, but not mandatory, that either the solicitor or counsel for the requested person is also present at the courthouse.
7. If an interpreter is required, it is the responsibility of the requested person’s solicitor to ensure that any affidavit or statement of evidence is provided to the interpreter to be lodged with the court 72 hours in advance of the hearing in a sealed envelope.
8. If the requested person is in custody, he or she will attend by Sightlink, however if an interpreter is required the judge will determine if it is feasible for a hearing to proceed, and if so, on what basis it will proceed.
9. If the requested person or a witness on his or her behalf, is intending to give evidence it is the duty of the solicitor for the requested person to provide to the requested person or the witness a copy, including any translation if required, of his or her statement or affidavit of evidence. If the requesting state wish to cross examine the requested person out of any other document it shall be the duty of the Crown Solicitor’s Office to provide a copy of that document, including any translation if required. All documents must be prepared and submitted in a sealed envelope to the court office at least 72 hours before the hearing.

10. In advance of any hearing it is the responsibility of the requested person's solicitor to ensure that the requested person has had the opportunity to refresh his memory from his or her affidavit or statement.
11. The requesting state and the requested party shall provide such written submissions as shall be directed by the judge. If either party does not submit written submissions as directed by the judge it shall be deemed by the judge that no submission is being made.
12. Oral submissions shall be kept brief and to the minimum, and shall be strictly controlled as to length and content, by the judge.

Dated 15th June 2020