

COVID-19:UPDATE

23 February 2022

On 15 February 2022, the Minister of Health revoked the remaining Covid-19 restrictions and face covering regulations. The Minister, however, in placing a number of measures in guidance said it was vitally important that the public continue to observe sensible measures to lower the spread of Covid-19 in the community. These include: meeting outdoors where possible; good ventilation indoors; use of high-quality face coverings where appropriate in indoor settings; self-isolation when symptomatic or after a positive test; and uptake of vaccination including boosters. The Executive guidance can be found [here](#).

We continue to work collectively with NICTS and practitioners to move to a hybrid model of working. NICTS will be applying the guidance in an effort to safeguard those attending and working in courts and pending changes to the guidance around risk assessments of each court will continue with 2m social distancing, unless mitigation measures such as screens are in place, and to request the wearing of face coverings within public spaces.

Judges will therefore continue to only require legal representatives and those involved in proceedings to attend in person where it is necessary in the interests of justice to do so. The decision as to whether participants attend a hearing remotely or in-person is a judicial decision and a matter for the discretion of the judge in each case applying the “interests of justice” test in light of all the circumstances. The interests of justice are very broad and wider than the circumstances of each individual case and holding an effective hearing. They include the efficient despatch of business overall and the availability of judicial, staff, technical and other resources.

To ensure the benefits of using technology are built upon the Lady Chief Justice is developing guidance, in consultation with the judiciary and practitioners, to assist in promoting consistency and predictability of approach to the question of remote or in-person attendance.

In the interim practitioners should continue to consult with their clients before hearings are due to commence, undertaking case management hearings remotely. Practitioners should also complete HR1 and HR2 forms which are essential to inform the judicial decision on whether a hearing is to proceed remotely, in-person or as a hybrid hearing. The forms also enable court managers to manage footfall.

Guidance on remote hearings, which applies to all attending remotely, can be found [here](#). In all tiers, judges will proactively determine which cases require any attendance in person but will continue to be flexible when faced with legal representatives or parties who test positive and have to isolate. With the investment in IT in all courtrooms it should be possible for most to participate remotely.

The overriding objective remains to ensure that the administration of justice continues to be delivered within a safe environment.