

COVID-19: MAGISTRATES' COURTS UPDATES

20 OCTOBER 2020

CONTEST REVIEWS

Presiding District Judge Bagnall has commenced a series of reviews of contests in **Belfast Magistrates' Court** which were initially listed during the "lockdown period" March 2020 – June 2020. The reviews will be undertaken by Judge Bagnall and Judge Henderson during October and November.

On the 20, 21 and 26 October, Judge Bagnall will review all contests which were initially listed for **Courts 6 and 10** during the lockdown period.

Judge Henderson will review all contests which were initially listed for contest during **Court 9** during the lockdown period on 3 and 4 November with a further two dates in week commencing 9 November.

The reviews will operate with two courtrooms. The Judge and prosecutor will be in one court. Another prosecutor will be in a separate courtroom which will be used as a consultation room to permit consultation with defence representatives.

Cases during these contest reviews days are being listed by solicitor firm. Each firm has an allocated time slot which will have been communicated to them by court staff together with details of their cases.

Defence representatives have been informed they may attend at court up to 30 minutes before their allocated time slot, in order to discuss their cases with the prosecutor who will be in the separate courtroom, with a view to addressing matters such as the offences being prosecuted (e.g. variation of charges), the facts to be outlined in court, requests to agree adjournments, requests to consider the basis of a plea etc. Defendants can attend the review court. It is essential however that if the defence representative attends without their client that they have firm instructions, or be in a position to contact their client on the day to get instructions. This contest review court will not work effectively if clients do not attend, or alternatively if they do not provide instructions either in advance, or on the day.

If a plea is to be entered, and if the defendant is not present at court, the case will be adjourned for 1 week.

If the case is to proceed to contest, the parties will complete a form in court at the contest review hearing to address the key issues and the case will be adjourned for 2 weeks to fix a date.

Judges have also commenced reviewing contests in courts outside Belfast. When listing contests, judges will allocate each case a time slot with information on who will be attending physically or remotely via Sightlink informing those arrangements to ensure they are managed within the Executive and Public Health Agency guidance.

This is an initial tranche of work and further arrangements will be made in relation to contests arising since the end of June 2020. These additional arrangements will run alongside reviews that will be undertaken in the usual way as cases arise in court lists.

TRANSFER OF COURT BUSINESS

From **9 November 2020**, **Dungannon, Enniskillen, Craigavon, Lisburn and Newry Petty Sessions** areas will return to their pre-Covid schedules. The changes will be reflected in [published schedules](#).

COURT 10 PILOT

Presiding District Judge Bagnall will be commencing a pilot in Court 10 Laganside on **2 November 2020** which will brigade cases into the following categories to provide clarity about what time legal practitioners and/or defendants should attend:

- **10:00 to 11:30 - 28 day charge first appearances and “straight” remands.**
In each category the defendant does not need to attend if legally represented. The legal representative has the option of physical attendance or Sightlink. If not legally represented, defendants should attend in person.
- **11:30 to 13:00 – Cases listed for “attitude to charge”, cases where sentencing is to take place; and committal for trial.**
In each category the defendant and legal representative should be present and the Judge may direct a specific time slot for a case within this period.
- **14:00 onwards – Contested business.**
Parties will have been directed to complete Form HR1 in advance of the contest being listed to provide information about the number of persons attending, either physically or on Sightlink.

In overnight charge cases, the legal representative has the option of physical appearance or Sightlink. These cases will be accommodated within either of the morning timeframes.

Where a legal representative is required to attend it is expected that the prosecutor will also attend.

WEEKEND AND PUBLIC HOLIDAY COURTS

As of Saturday 17 October 2020, weekend and public holiday courts will be held in the following locations:

- Laganside Courts (covering Belfast & Newtownabbey, Ards & Downpatrick PS areas);
- Lisburn Courthouse (covering Lisburn, Craigavon, Newry, Armagh & Banbridge PS areas);
- Dungannon Courthouse (covering Omagh, Dungannon, Enniskillen, Strabane, Londonderry & Magherafelt PS areas); and
- Ballymena Courthouse (covering Antrim, Ballymena, Coleraine & Limavady PS areas).

Hearings will continue to be remote and attendance of the parties is not required.