



North Eastern Circuit

Crown Courts – Further Note on Attendance at Court

On 5 January 2021 we announced that, in keeping with the Lord Chief Justice’s message that no participant in legal proceedings should be required by a judge or magistrate to attend court unless it is necessary in the interests of justice, and after consultation with the Leader of the Circuit, the Resident Judges on the Circuit had agreed, as a temporary measure, to adopt the following approach to attendance at Crown Court hearings, with a view to reducing the footfall in court buildings and thereby maximising the prospect of completing trials:

1. As a general rule, and subject to any directions made in individual cases:
 - (a) all defendants, advocates, witnesses and others involved in trials or appeals against conviction will be expected to attend court in person;
 - (b) defendants will be expected to attend PTPH, FTR, sentencing or other hearings in person or, if so directed by the court, remotely; and
 - (c) anyone else involved in a hearing in the Crown Court other than a trial or appeal against conviction will be able to attend remotely.
2. Measures are in place to protect the safety of those attending court, who are expected to comply with any directions which apply to them and to wear a face mask at all times, except when participating in a hearing.

On 22 February 2021 the Prime Minister announced a Roadmap for easing lockdown restrictions in four steps. In the light of that Roadmap, and after consultation with the Leader of the Circuit, the Resident Judges on the Circuit propose to amend their approach to attendance at Crown Court hearings at steps 2, 3 and 4 as follows. While these proposals may have to be changed in the light of future developments, it is hoped that all concerned with the Crown Courts will appreciate being informed of what is currently proposed.

At **step 2** (i.e. no earlier than 12 April 2021) paragraph 1 above will be amended to read as follows:

1. As a general rule, and subject to any directions made in individual cases:
 - (a) all defendants, advocates, witnesses and others involved in:
 - (i) trials;
 - (ii) PTPHs where the defendant is on bail;
 - (ii) FTRs where the defendant is on bail;
 - (iii) in Newcastle, Teesside and Bradford Crown Courts, FTRs where the defendant is in custody; or
 - (iv) appeals against convictionwill be expected to attend court in person;
 - (b) defendants will be expected to attend any other hearings in person or, if so directed by the court, remotely;
 - (c) anyone else involved in a hearing in the Crown Court other than a hearing listed in sub-paragraph (a) above will be able to attend remotely; and
 - (d) in Leeds Crown Court advocates attending court for PTPHs or FTRs will not be expected to wear wigs or gowns.

At **step 3** (i.e. no earlier than 17 May 2021) paragraph 1 above will be further amended to read as follows:

1. As a general rule, and subject to any directions made in individual cases:
 - (a) all defendants, advocates, witnesses and others involved in:
 - (i) trials;
 - (ii) PTPHs;
 - (ii) FTRs;

(iii) sentencing hearings where the defendant is on bail; or

(iv) appeals against conviction

will be expected to attend court in person;

(b) defendants will be expected to attend any other hearings in person or, if so directed by the court, remotely;

(c) anyone else involved in a hearing in the Crown Court other than a hearing listed in sub-paragraph (a) above will be able to attend remotely; and

(d) Leeds Crown Court advocates attending court for PTPHs, FTRs or sentencing hearings will not be expected to wear wigs of gowns

If social distancing requirements are relaxed at **step 4** (i.e. no earlier than 21 June 2021), these temporary measures will cease to have effect.

Meanwhile, with a view to increasing the capacity of the courts to hear cases, Sheffield Crown Court will shortly be designating a room as a “Fully Remote Court” to conduct suitable hearings with all defendants, advocates and others appearing remotely. If this pilot is successful, other courts may also introduce Fully Remote Courts.

We wish to stress that, at all steps, what is stated above is a general rule, not an inflexible rule, and that Resident Judges will be carefully monitoring the footfall in their court buildings and taking steps to manage that footfall, e.g. by specifying different times for different hearings.

Mr Justice Lavender

Mrs Justice Lambert

Presiding Judges

17 March 2021