**COVID 19**

**LONDON AND SOUTH EAST RESIDENT JUDGES’ LISTING POLICY**

**As at 24th March 2020**

**Guidance from the Resident Judges of London and the South East with the authority of the Presiding Judges**

This document is intended to give guidance on how the Resident Judges expect to approach listing of cases **in the immediate future**. Local adaptions may be necessary. Judges are entitled to make their own assessments of urgency. **Changes will be required as the situation develops and in the light of further directions from the Lord Chief Justice**. The guidance does not deal with any ongoing jury trial.

This guidance will be reviewed at a meeting of all Resident Judges by Skype at 1530hrs on 27th March 2020.

In all DCS cases due for hearing Judges will place a widely shared comment so that there is clarity about each case readily accessible to the parties as well as any formal order. Equivalent arrangements will apply to non-DCS cases.

In cases where the parties are expecting a matter to be listed for hearing and it is not appropriate for that now to take place the case should appear on the list marked NO PARTIES AND NO DEFENDANT TO ATTEND.

All cases which are adjourned will be adjourned to a fixed date.

Advocates are required to attend hearings by video call or voice call in all cases, unless the judge otherwise directs.

Judges will attend court to conduct hearings only when the business is genuinely urgent, and when the work cannot be done remotely. This document gives guidance on what is genuinely urgent.

**PTPH**

**In custody or on bail:** (see bail applications below)

PTPH hearings will generally be listed in a notional court NO PARTIES AND NO DEFENDANTS TO ATTEND (Court 23 or 99 or some such) and be adjourned for up to 28 days (with additional days if that would fall on a public holiday). A judge will endorse the order as a DCS widely shared comment. The purpose of the listing is to ensure that there will be a public statement of what has happened to each case.

This is in the expectation that within that time we will have arrangements (probably Skype for Business based) for effective hearings without need for attendance by advocates. Credit for plea to be preserved.

In some courts it is intended to continue to deal with PTPHs where possible. In those courts they will be listed as normal, heard remotely, and the parties should comply with the CrimPR and upload the form as usual.

**SENTENCES or LISTING FOR CHANGE OF PLEA**

**D in custody:** There will be a judicial assessment as to whether early release likely. Parties who consider this applies should make representations via the list office. If so, the court will consider listing for sentence (or change of plea) via PVL with advocates participating, if possible, remotely. If no prospect of early release, then the case will be adjourned 4 weeks in expectation that remote sentencing hearings will be better advanced.

**D on bail**: to be adjourned 6 weeks.

Notes:

1. Sentences where over 7yrs may be passed that are already listed to be heard BEFORE 1st April should go ahead if possible, in the light of the effect of the Release of Prisoners (Alteration of Relevant Proportion of Sentence) Order 2020

<http://www.legislation.gov.uk/uksi/2020/158/made>

1. Prisons will not put more than one prisoner into a video link room. For a multi-defendant hearing by PVL a bridging link must be arranged more than 24 hours in advance. There is a maximum of 4 on such a link call. If advocates are also linked then they count towards the total.
2. If request for listing for change of plea is to be made the representatives should put the application in writing and BOTH submit to the court AND upload to the DCS sentence section so that there is clarity in the future on credit for plea is clear.

**CTL APPLICATIONS - BAIL APPLICATIONS – APPEALS AGAINST GRANT OF BAIL – 48 HOUR BAIL HEARINGS**

**D in Custody:** To be listed for hearing in court-room with advocates having opportunity to attend remotely and Defendant (unless he or she has waived attendance or attendance dispensed with) by PVL if practicable.

**BAIL VARIATIONS**

**D already on Bail:** There will be a judicial assessment of urgency. The courts will expect to deal without a hearing with applications for variation etc based on representations. If a hearing is essential then the case will be listed in a court-room and if possible advocates to attend remotely. Defendant is entitled to attend the hearing and should do so remotely if possible.

**INTERIM HOSPITAL ORDERS**

To be listed for parties to attend remotely. If Defendant required, then to be by PVL or Hospital link if practicable.

**PRODUCTION ORDERS; WARRANTS ETC.**

To be dealt with administratively where possible. If a hearing is required, then applicant to attend remotely. Information on oath in support may probably be given over the ‘phone (in contrast to sworn evidence) but alternatively, and beyond challenge, a Skype link can be used with usual recording on hand-held or DARTS. Personal attendance is not acceptable unless there are strong reasons why a remote link cannot be used.

[Note: We are to explore the possibility that all such applications in London being sent to Southwark CC for them then to be distributed to judges across London. Special arrangements for Terrorism to be made.]

**DISMISSAL HEARINGS:**

**D in Custody:** There will be a judicial assessment as to urgency. Parties may make representations via the list office. If the outcome of the dismissal may result in the defendant being released – either because it covers all charges or would make a real difference to bail then the case will be listed for hearing with D by PVL and parties attending remotely if possible. If it will not make such a difference then case to be adjourned for 6 weeks.

**D on Bail:** Adjourn for 6 weeks administratively.

**APPEALS**

**Appellant in custody:** There will be a judicial assessment of urgency. If appeal conviction or sentence (with prospect of early release) we will seek to identify means by which a hearing can take place.

**Appellant not in custody:** To be adjourned to a holding date 8 weeks hence for re-listing when matters clearer.

**POCA HEARINGS**

These will be listed as telephone hearings for any necessary adjournment or extension applications. In some cases time limits may apply which will need to be considered. Self-representing defendants to be contacted and offered the opportunity to make written representations rather than attend as appropriate.

**SELF-REPRESENTING DEFENDANTS**

**D in Custody:** PVL to be arranged. Prosecutor to attend remotely if possible.

**D on bail:** Listing team to contact the defendant if possible, to prevent attendance unless there is genuine urgency, to ensure communication of court orders and identify best contact information.

**PROBATION:**

It appears that reports can still be prepared within a timescale of at least 5 weeks and there should be a continuing presence of probation at court (or available remotely). It is unlikely that any stand down report could be prepared.

**DIVERSION AND LIAISON:**

Services may be available by remote working.

**WITNESS SUPPORT:**

There is very limited or no provision for Witness Support. The London IVWS may be providing support to individual witnesses.

Court visits by witnesses are not appropriate at the moment.

24th March 2020.