

FIRST NEW JURY TRIAL IN THE SOUTH EAST AFTER COVID-19

1. On Wednesday 27th May 2020, in Court 6 at Reading Crown Court, HHJ Norton informed counsel that we were commencing the first new-jury trial of 27 Crown Courts in the South East since lockdown on 23rd March 2020. This was a trial of two defendants which had been fixed for trial on Monday 23rd March 2020 before trials were postponed the previous week.
2. **The Entrance;** Approaching the entrance, round HMCTS stickers impose social distancing but those who have the Bar Council Quick Access image on their mobile can proceed up the front steps. There is a sign directing others to follow the graded, disability-access ramp on the left. Using the Bar Council Quick Access image was a challenge as the ID card reader was not working and stated “*Invalid Card*” when checked by security staff. However, they were very helpful in allowing quick access after realising the reader was at fault.
3. Entering the now “sanitised” Courts is a novel experience. For the first time in 30 years, one can smell cleaning fluids and disinfectant at Court. Social distancing conditions are being applied in various ways with numerous signs for 2 metre distancing.
4. **The Robing Room and registration;** The security code entrance with its metal buttons is still operating but, after entering, sanitising liquid is available for your hands on a tray beside the Exhibit which is not in use. Registration reverts to the old-fashioned method of being recorded by the Court clerk. Access to the washroom and lavatories is now restricted with a sign stating access is limited to “one person at a time.” Another novelty is liquid soap being available in the soap dispensers by the basins.
5. **The lift;** Access for counsel and defendants to Court 6 on the fifth floor by the lift is possible but a sign states it is limited to “one person at a time.” This was considered

advisory only by the defendants and members of their family who all piled in together – and they were from four different households.

6. **The Court;** Court 6 is a large Court with 4 long benches for counsel and litigators and a wide dock. Signs on the benches set prosecution counsel in the second row, counsel for the first defendant in the third row and counsel for the second defendant in the fourth row. However, some adjustment on the bench was necessary to be close to the nearest microphone for live-link witnesses.
7. **Jury Pool;** The prospective jurors were brought into Court one by one to stand in a horseshoe shape on tape marks set in the common parts of the floor set 2 metres apart.
8. **The Jury;** Once the jury had been empanelled, they were directed to enter the Court in Noah's Ark procession two by two as the jury lift and usher allowed. It was taking around 10 minutes each time for the jury to assemble in Court.
9. **Jury Box;** Seven jurors were spaced at social distances in the jury box, four jurors sat in front of the jury box in staggered formation at or near the end of the four, long benches with the twelfth at a desk adjacent to the jury box. As I was in the back row, one juror was quite close situated part-way up the third row with another juror at the end of my bench.
10. **Public gallery;** Whilst the seating capacity is extensive, notices on the seats designate which seats are available, spaced for social distancing and restricting the number to five persons. This was just enough for family members of the two defendants.
11. **Live-link witnesses;** Three teenagers (Statutory live-link) and other adult witnesses including two who were self-isolating because of suspected Covid-19 all used the two sanitised live-link rooms at Court to give evidence. The live-link room was cleaned between witnesses.

12. **Special Measures;** If screens are approved for Special Measures the Judge noted that, owing to the positions of counsel on the left of the benches near the witness box, the witness could not be seen by counsel without moving closer to the jurors outside the jury box. As a result, screens cannot be used and any Special Measures witness would have to use the live-link.
13. **Legal Issues;** When the jury had to leave Court for legal argument or administrative issues, they retired to Court 5 and returned two by two.
14. **Cleaning the Court;** The Court benches are cleaned at mid-morning and mid-afternoon breaks and cleaners were wiping other door handles around the Court.
15. **Water;** All persons, Judge, jurors and counsel are instructed to provide their own water bottles or containers as all water jugs and plastic cups have been withdrawn to minimise risk. This is not a major problem as the Marks and Spencers store opposite Forbury Street is open from at least 8.30 am.
16. **Reading Train Station;** There is no access to the platforms through the entrance nearer to platform 4 and all must walk further down to the main entrance for access. There is tape across most ticket barriers but a couple are open and do not require tickets being inserted to pass through the ticket barriers.
17. **Sustenance;** At present, there are no delicatessen or coffee facilities at the train station though Boots chemist remains open. The Pret a Porter shop near the station and Marks and Spencers opposite Forbury Street are open.
18. **Risk;** The Court premises are cleaner but not risk-free despite significant steps being taken to re-commence jury trials and to minimise the risk of infection and transmission. All doors have metal handles and are either push or pull. Should someone Covid-positive touch them, the potential for transmission remains. This week, there were few counsel in the robing room but if you are concerned or have underlying medical

conditions, I would recommend using a mask, wearing surgical gloves and carrying an alcohol spray of not less than 80% to sanitise occasionally.

19. **Progress;** This trial is a first step and has demonstrated that Courts with sufficient space can re-open for jury trials. As there are six courts at Reading Crown Court, at least 3 trials could proceed simultaneously using this regime. However, until the risk of infection diminishes, such trials will be limited to one or two-defendant trials. I suspect that there will be a number of Crown Courts that do not have sufficient space to permit the social distancing required under present government policy.

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