

**PROTOCOL FOR REMOTE HEARINGS**  
**SNARESBROOK CROWN COURT**

In Part A, general principles are set out.

In Part B, those principles are applied.

**PART A**

We are in exceptional times and both the Bar and Solicitors have been, and still are, under immense pressure. Judges want to help.

Our plan (which has already been implemented) is that most Pre-Trial Hearings, including PTPH's, will be conducted remotely.

A 'live-link direction' will be given and the hearing will proceed by Skype for Business/CVP. The Daily List will reflect this principle.

**Exceptions**

Protocols cannot cover all eventualities.

In some cases, it will be necessary to have counsel attend court, even on Pre-Trial matters – but that will be the exception.

Where attendance is necessary, the Daily List will make it clear.

**Health and Safety**

Where the List indicates that counsel are required to attend court, this will be subject to any timely application made for a 'live link direction'.

Sensitive consideration will be given to the health and safety of counsel and their families.

**Timely Applications**

Although, this document does not lay down rigid rules, the court is experiencing real difficulty when receiving very late applications for a remote hearing. Where an application needs to be made, it should be done as soon as possible. Wherever possible, the application to attend remotely should be made at least 48 hours before the hearing date and copied to all parties.

**Sentencing**

Sentencing will normally be done at court, with counsel attending.

Jury trials require attendance at court.

**PART B**  
**DEFENDANTS IN CUSTODY**

**Bail Applications**

Advocates to appear by live link.

Where defendant's attendance is sought by the defence, the Defendant will appear by PVL/CVP.

**PTPH**

Defendant to appear by PVL/CVP.

Advocates to attend by 'live-link' but only if they confirm on DCS that they have:

    complied with their duty of engagement prior to the hearing;

    firm instructions that the indictment properly sets out the offence(s) to be tried

    and the defendant's plea(s);

    considered the prospects of resolving the case;

    explained to the defendant the allegation(s) and have given advice on credit;

    filled out the PTPH form on the day before the hearing, unless guilty pleas are anticipated.

**Dismissal hearing**

Advocates by 'live-link' Defendant by PVL/CVP (if required)

**CTL applications**

Advocates by 'live-link' and Defendant by PVL/CVP – unless Defendant has waived his right to be present.

**FCMH/PTR**

Advocates by 'live-link'. If Defendant required, by PVL/CVP.

**Sentence/Newton Hearings**

Defendants to be produced (subject to restrictions on numbers that can be accommodated at court).

Advocates to attend.

Applications for excusal must be in writing – uploaded to DCS - at least 48 hours before listing for judicial assessment.

Applications must **not** be made by telephoning the List Office.

## **DEFENDANTS ON BAIL**

The general rule is that, where a Defendant is required for the hearing they must attend in person at court, and the Advocates must also attend court.

### **Bail variation App**

Advocates by live-link (unless dealt with administratively)

### **PTPH:**

Defendants not required to attend.

Advocates to attend by 'live-link' - but this only applies if the advocates have confirmed on DCS that they have:

- complied with their duty of engagement prior to the hearing;
- firm instructions that the indictment properly sets out the offence(s) to be tried and the defendant's plea(s);
- considered the prospects of resolving the case;
- explained to the defendant the allegation(s); and has given advice on credit;
- filled out the PTPH form out on the day before the hearing - unless guilty pleas are anticipated.

In cases where Defendants wish to attend court for the PTPH, then counsel also to attend.

### **Dismissal hearing**

Defendant not required.

Advocates by 'live-link' – but where Defendants choose, or are required by the court to attend, then Advocates must also attend.

### **FCMH/PTR**

Advocates remotely by 'live-link'.

Defendant must attend if he is to be arraigned.

If already arraigned Defendant not required.

### **Sentence/Newton Hearings**

Advocates and Defendant must attend at court.

### **Interpreters**

If advocates are at court, then the interpreter will be at court, otherwise they will attend hearings by 'live-link'.

### **Review**

This Protocol will need to be reviewed as it proceeds and, in any event, by the end of October 2020. Any thoughts, or further representations of a general nature, will be welcomed and should be sent to the Resident Judge.

His Honour Judge Martyn Zeidman Q.C.  
Resident Judge Snaresbrook  
Honorary Recorder of Redbridge  
20<sup>th</sup> July 2020