



By email:

7 April 2020

Our ref: GW/JL/ALP

The Covid 19 outbreak is presenting many challenges to all who are involved in the Criminal Justice System; as we follow government guidance in relation to social distancing it has been necessary for HMCTS to temporarily suspend the conduct of jury trials in the Crown Court. To ensure that wherever possible cases can be progressed the North Eastern Circuit has produced the attached protocol for (1) reviewing all cases that are presently listed for trial and (2) the listing of PTPHs in respect of defendants on bail.

Experience has shown that many cases listed for trial in the Crown Court are capable of resolution and the Protocol has been drafted with a view to identifying those cases and progressing them. The prosecution instructed advocate will take a leading role in the effort to identify qualifying cases and confer with defence counsel to determine whether the case is capable of resolution.

The purpose of this letter is to set out the CPS expectations of the prosecution advocate in complying with this Protocol and points where consultation with the CPS will be needed.

Advocates must identify all cases (both bail and custody) where they hold the prosecution brief and the matter is listed for trial at a future date and consider them afresh as to whether they are likely to be amenable to resolution. This should also include all cases that were listed for trial and have been adjourned because of the Covid 19 restrictions from 23 March 2020. The deadlines set by the protocol are necessarily tight; if counsel has any problems complying he/she should please notify CPS immediately. To ensure appropriate priority cases should be reviewed in the order in which they were/are listed for trial.

**In cases where the prosecution advocate is of the view that the case might be capable of resolution and clarity of instructions is required**, contact should be made with the CPS reviewing lawyer. This can be initiated by telephone or email, whichever proves the most convenient. The purpose of the remote conference will be for the lawyer to consider representations from the advocate as to the acceptability of pleas or to assist with any issues identified as being likely to arise in discussions with the defence counsel.

Where necessary the aforementioned actions must be completed by **28 April 2020**.

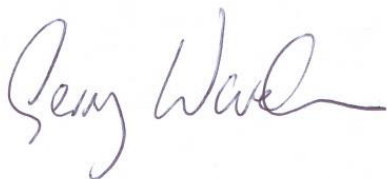
**In all cases** the prosecution advocate must confer with the defence instructed advocate and agree whether the case is capable of resolution or, if not, whether further case management directions are required. This stage must be completed by **4 May 2020**.

The prosecution advocate must contact the reviewing lawyer immediately following the remote conference with the defence advocate to confirm whether:

- A resolution has been agreed;
- Further case management directions are required;
- It is apparent that the case must remain listed for trial as currently set or
- There has been a failure to confer on behalf of either party.

It will be for the CPS will contact the Listing Officer at the Crown Court to advise whether a case is capable of resolution, requires a directions hearing or there has been a failure to confer. The intention is that this should be completed by **7 May 2020**.

Yours faithfully



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