

2nd NORTH EASTERN CIRCUIT COVID-19 PROTOCOL

North Eastern Circuit Protocol for (1) Review of all cases presently listed for trial before the Crown Court and (2) Listing of PTPHs in respect of defendants on bail.

1. Review of all cases presently listed for trial before the Crown Court.

(1) By 28 April 2020, the prosecution instructed advocate and the defence instructed advocate must review all their outstanding Crown Court trials (custody and bail) and (where necessary to clarify instructions and/or issues) conduct a remote conference with relevant parties (e.g. prosecution with police / complainant and defence with defendant).

(2) By 4 May 2020, the prosecution instructed advocate and the defence instructed advocate must confer (remotely) and agree whether a case is capable of resolution or, if not, whether further case management Directions are necessary.

(3) By 7 May 2020, a representative of the CPS must notify the Listing Officer by email at the relevant Crown Court centre if a particular case is capable of resolution and should be listed for hearing or whether the case should be listed for a further case management hearing, (i.e. to deal with a case management issue that cannot be dealt with as box work). In either eventuality, Skype for Business and phone contact details of all parties, including the defendant if on bail, must be provided in the email.

(4) By 7 May 2020, the prosecution reviewing lawyer must notify the Listing Officer by email at the relevant Crown Court centre if there has been a failure to confer remotely as required by paragraph 1(2) above. A Judge at the relevant Crown Court centre will then decide whether the case is to be listed for a non-compliance hearing.

2. Listing of PTPHs in respect of defendants on bail.

(1) PTPHs in respect of defendants on bail will be listed in the same way as they were before the pandemic (i.e. 28 days after sending or no more than 35 days after sending).

(2) The prosecution must upload a case summary, key material, the Indictment, etc., no later than 7 days before the PTPH.

(3) The defence instructed advocate must conduct a remote conference (to be arranged by the defence solicitor with conduct of the case) with the defendant and then confer (remotely) with the prosecution instructed advocate in advance of the day on which the PTPH is listed.

(4) If acceptable guilty pleas (including any basis) are communicated to the prosecution, the defence instructed advocate must ensure that the Listing Officer is so informed by email no later than 1pm on the working day immediately preceding the PTPH. The defence instructed advocate must also ensure that the Listing Officer is (a) informed in the email whether or not the defendant can be linked in via Skype for Business and (b) provided with the relevant contact details if the defendant can be linked in via Skype for Business. (A guilty plea can only be entered over a live video link)

If the defendant can be linked in via Skype for Business, the hearing will remain in the list so that the guilty plea(s) can be entered and then, ordinarily, the case will be adjourned for sentence and appropriate Directions issued in respect of the sentence hearing, (e.g. Directions dealing with the uploading of a prosecution opening, a defence mitigation, draft orders, victim personal statements, defence documentation such as references, the preparation of a PSR or other reports, etc.).

If the defendant cannot be linked in via Skype for Business, the PTPH will be vacated and the Listing Officer will refer the case to a Judge for the issue of appropriate Directions (see above) in respect of the sentence hearing. The case will thereafter be listed for sentence administratively.

(4) If the matter is to proceed to trial, the prosecution instructed advocate and the defence instructed advocate must ensure that the PTPH form is fully completed no later than 10am on the working day immediately preceding the PTPH.

(5) If the matter is contested, the attendance of the defendant at the PTPH is excused, unless the defendant can be linked in via Skype for Business (or another approved platform) or via BT MeetMe telephone conferencing. If the defendant can be linked in, the defence instructed advocate must ensure that the contact details for the defendant are communicated by email to the Listing Officer no later than 10am on the working day immediately preceding the PTPH.

(6) It is expected that an effective PTPH will be conducted in all contested cases, including the timetabling of all Stages and the fixing of the trial date.

Mr Justice Goss Presiding Judge of the North Eastern Circuit

Mr Justice Lavender Presiding Judge of the North Eastern Circuit

HHJ Adkin Resident Judge Durham

HHJ Kearl QC Resident Judge Leeds

HHJ Morris Resident Judge York

HHJ Richardson QC Resident Judge Sheffield

HHJ Rose Acting Resident Judge Bradford

HHJ Sloan QC Resident Judge Newcastle

HHJ Thackray QC Resident Judge Humberside

HHJ Watson QC Resident Judge Teesside