

<b>Hearings in the Crown Court under the Coronavirus Act 2020</b>	<b>What is the minimum required physical attendance in a courtroom?</b>	<b>If D attends hearing, what is D's minimum level of participation? Audio / Video/ in courtroom</b>	<b>Can the proceedings be heard wholly by audio link?</b>	<b>Can the proceedings be heard wholly by video link?</b>
<b>Preliminary hearings</b>				
PTPH – not guilty plea to be entered	None	Audio <sup>1</sup>	Yes <sup>1,2</sup>	Yes <sup>2</sup>
PTPH – guilty plea to be entered	None	Video	No	Yes <sup>2</sup>
Hearing to determine fitness to plead	One participant <sup>3</sup>	Video	No	No <sup>3</sup>
CTL extensions	None	Audio <sup>1</sup>	Yes <sup>1,2</sup>	Yes <sup>2</sup>
Bail applications – uncontested	None	Audio <sup>1</sup>	Yes <sup>1,2</sup>	Yes <sup>2</sup>
Bail applications - contested	None	Video	No	Yes <sup>2</sup>
General pre-trial hearings (e.g. mention, PTR)	None	Audio <sup>1</sup>	Yes <sup>1,2</sup>	Yes <sup>2</sup>
Newton hearing <sup>4</sup>	None	Audio <sup>1,4</sup>	Possibly <sup>1,2</sup>	Yes <sup>2</sup>
<b>Sentencing hearings</b>				
Sentence, reviews or breaches, including orders under s.37 or s45A MHA 1983 <sup>5</sup>	None	Video	No	Yes <sup>2</sup>
<b>Additional 'eligible proceedings', including Crown Court trial, Appeals, Contempt, Interim mental health and others</b>				
Crown Court Trial	Jury	Video	No	No
s.4A or 5 CP(I)A 1964 ("Did D do the act"?)	Jury	Video	No	No
Slip Rule hearing: s.155 PCC(S)A 2000	None	Video	No	Yes <sup>2</sup>
Hearings after plea of guilty other than sentence e.g. vacate plea, POCA	One participant <sup>3</sup>	Video	No	No <sup>3</sup>
Proceedings under Part 3 MHA 1983, e.g ss.35 & 36 remands, s.38 interim hospital orders <sup>5</sup>	One participant <sup>3</sup>	Video	No	No <sup>3</sup>
Bail appeal after mags court remand for medical report or grant of conditional bail <sup>6</sup>	One participant <sup>3</sup>	Video	No	No <sup>3</sup>
Post-conviction bail variation: s.4 BA 1976 does not apply; uncontested; or impose or vary conditions only	None	Audio <sup>1</sup>	Yes <sup>1,2</sup>	Yes <sup>2</sup>
Post-conviction bail hearing: contested and s.4 BA 1976 applies	None	Video	No	Yes <sup>2</sup>
Contempt of Court <sup>7</sup>	None	Video	No	Yes <sup>2,3</sup>
Criminal appeal to Crown Court: preliminary or incidental proceedings	None	Audio <sup>1</sup>	Yes <sup>1,2</sup>	Yes <sup>2</sup>
Criminal appeal against sentence	None	Video	No	Yes <sup>2</sup>
Criminal appeal against conviction: summary trial not held by video	One participant <sup>3</sup>	Video	No	No <sup>3</sup>
Criminal appeal against conviction: summary trial was held by video	One participant <sup>3,8</sup>	Video	No	No <sup>3</sup> , unless agreed <sup>2</sup>

1. But note that D cannot give evidence by audio.
2. Evidence from witnesses other than D may be received by audio if there is no other suitable method and the parties agree (or in the case of a trial of the act, D's appointed advocate agrees).
3. At least one participant is required in court - perhaps most obviously the judge or D, but it could be any participant.
4. NB consider the restriction on D giving evidence by audio
5. Note power to dispense with the usual requirement for a second report (Sch 8 para 6 CA 2020)
6. Under s.81(1)(g) SCA 1981 or s.16 CJA 2003
7. Note only witnesses other than D may appear via audiolink at such a hearing – no other participant may appear via audiolink.
8. One participant unless the parties agree to fully video hearing.