

Western Circuit Crown Courts

Note on Attendance at Court

Following the Lord Chief Justice's message of 5 January 2021 that no participant in legal proceedings should be required to attend court unless it is necessary in the interests of justice, the Presiders and Resident Judges on the Western Circuit have agreed, with a view to reducing the footfall in court buildings, to adopt the following approach to attendance at Crown Court hearings:

1. As a general rule, and subject to any directions by the RJ made in individual cases or for particular periods:
 - (a) all defendants, advocates, witnesses and others involved in trials, Newton hearings, contested POCA hearings or appeals against conviction, will be expected to attend court in person;
 - (b) defendants on bail will be expected to attend PTPH and sentencing hearings in person or, if so directed by the court, remotely in accordance with the court's usual arrangements;
 - (c) anyone else, including advocates, involved in a hearing in the Crown Court other than a hearing of the type listed in sub-para (a) above will be permitted to attend remotely; and
 - (d) if, in accordance with (c), an advocate chooses to attend such a hearing remotely they are required to notify the court of their intention of so doing by email on the day before the hearing (no later than the time specified by that court centre) and with a note on DCS. They are also required to confirm to the court that they have sufficient instructions from their client and a properly functioning video link established for the purpose.
2. All those attending court and taking part in proceedings, with the exception of the judge or magistrate, jury, court staff and the principal advocate for each party, is encouraged to wear a face mask in court, except when speaking.
3. Measures are in place to protect the safety of those attending court, who are required to comply with any directions which apply to them.

These provisions are to apply for the time being. They will be reviewed periodically and will be amended as circumstances permit.

Mr Justice Garnham

Mrs Justice Cutts

Presiding Judges

8 January 2021

Addendum – Swindon Crown Court

Swindon Crown Court will operate the policy outlined above with the following adjustment to reflect current staffing levels and to assist advocates.

Para 1(c) Remote attendance by CVP for advocates will be regarded as the default position, although advocates may of course attend if they consider it essential.

Paras 1(d) As remote attendance by CVP will be the default position for advocates (other than for cases in 1(a)) there will be no requirement for advocates to notify the court the day before. Arrangements for CVP hearings will remain as they are (through the court clerk and notifying contact nos. on DCS the day before). As the Policy Note indicates there will be an expectation that advocates attending remotely will have sufficient instructions from their clients and a properly functioning video link.

The Court appreciates that in the current environment obtaining full instructions may be difficult in some circumstances. If the 'daily list' provides sufficient scope it will therefore try to afford advocates the opportunity to speak to clients or each other to advance a case; however, advocates should not rely on such time being available and should whenever possible attend with sufficient instructions to advance the case.