

Chester Crown Court

Guidance Note

Remote attendance at court, and Policy on FCMH, CoTR and PTR



Purpose

1. The document provides revised guidance to court users about remote attendance at hearings at Chester Crown Court. It also sets out the policy we will adopt locally in relation to Further Case Management Hearings, Certificates of Trial Readiness and Pre-trial Review Hearings, keeping in mind the protocol's set out in the BCM Revival Handbook.
2. To achieve local consistency it will be noted that this guidance note substantially follows the helpful guidance note prepared for all parties who appear at Liverpool Crown Court – although, keeping in mind the differences between the two courts, Chester Crown Court has not adopted all procedures to be followed in Liverpool. Consequently, all parties who appear at Chester Crown Court should carefully read this guidance document and note where there are differences between the two documents.

Guidance

Remote attendance of advocates

1. For the following hearing types, advocates can choose whether to attend in person or remotely. A prior application for permission to attend remotely is **not** required and should not be made.

- Bail application
- Mention – where the attendance of the Defendant is not required, or the Defendant is appearing from custody by CVP
- Agreed POCA
- Ground Rules Hearing
- CTL extension
- Compliance review
- Application to break fixture
- Pre-trial hearing involving legal argument only (eg S8 disclosure, s41 sexual history, hearsay, bad character, dismissal, abuse of process or any other application to exclude evidence) – where the attendance of the defendant is not required or the defendant is appearing from custody by CVP.

2. This general permission is, of course, subject to a direction made by the court in a particular case requiring the advocates to attend the hearing in person.

3. It is important to note that these hearings will not necessarily be given a time marking and, if the advocate chooses to attend remotely, the advocate must be available at all times. Advocates cannot expect that the clerk of the court will make contact in advance to alert them that a case is about to be called on – although the court will attempt to assist, in this regard, if circumstances allow this.

4. If an advocate chooses to attend remotely by CVP, a widely shared comment stating that fact and giving the advocate's contact details must be added to DCS by 6 PM on the day before the hearing, unless there is a late change in representation which does not allow for this to take place. Also, when connecting to CVP, the advocate must indicate, in addition to the advocate's name, the party being

represented and the name of the case.

5. If any instructions are likely to be required (e.g. when resetting dates) then advocates must obtain such instructions and communicate with all other parties prior to the hearing.

6. All those appearing remotely should be appropriately dressed for attendance at court – although the wearing of court robes is not required.

7. Apart from the hearing types listed above, all advocates – Prosecution and Defence – are normally required to attend in person at all other hearings. This requirement to attend in person applies whether a Defendant in custody is attending the hearing by CVP or is produced from custody. Only in an exceptional case – and with the permission of the court – may an advocate attend other hearings remotely.

8. Any application for remote attendance at other hearings must be made in accordance with the requirements set out below and must provide sufficient information to enable the court to consider the “interests of justice” test. Purely speculative requests will not be considered. Advocates must not presume that a request will be granted, and the parties must prepare for the hearing on the basis that attendance by the advocate in person is required – unless and until permission to attend by CVP is given.

9. An application for permission to attend remotely must be made no later than 12 noon on the working day before the date of the hearing. This is a strict time limit. Applications must be communicated to the listing department at Chester Crown Court – either by phone or by email. If the applicant knows that the case is reserved to or listed before a particular judge, the name of that judge must be stated in the email request.

Further Case Management Hearing

10. At the PTPH, the judge may fix a date for a Further Case Management Hearing (FCMH) if it is thought that this would be useful or is necessary, or if there is good reason to believe that the case might resolve at that stage.

11. Examples of situations where it might be appropriate to fix a FCMH include: the Defendant was not arraigned at the PTPH; there is a dismissal application; the need for a review after medical evidence has been obtained; the case is particularly complex and further time to take instructions was required by the defence.

12. Any FCMH will normally be fixed for a date on or soon after the Stage 2 date taking account, as far as reasonably practicable, the trial advocates’ availability.

13. The Defendant will normally be required to attend the FCMH.

Certificate of Trial Readiness

14. At the PTPH the judge will set a date for the service of Certificates of Trial Readiness (CoTR). The date will be the Monday that is 28 days before the week in which the trial is fixed or warned to start – or Tuesday of that week if the Monday is a bank holiday.

15. It should be noted that the parties cannot agree subsequently to vary the date for service of a CoTR.

Pre-trial Review

15. At the PTPH the judge may set a date for a Pre-Trial Review hearing (PTR) – but each case will depend on its own circumstances. This can take place either before or after the date for the service of the CoTR – but only if one or both of the parties make a request for a PTR to take place.

NB – it has been drawn to the court’s attention that, on occasions, defendants do not serve defence statements until the trial is imminent (i.e. long after the date set for stage 2) and then, at the same time, make late requests of the prosecution and police for disclosure. This approach is to be discouraged, and the court is unlikely to look

favourably upon such requests – which create significant and often, unnecessary, additional work for the prosecution and police.

16. The Defendant will normally be required to attend the PTR.

HHJ Everett

HHJ Leeming

HHJ Thompson

HHJ Berkson