



NORTHERN
CIRCUIT

Daily Bulletin

20th April 2020

@circuitnorth

We now have a [dedicated COVID 19 hub](#), within our Circuit Website

Status of Courts on Circuit

The list and status of courts on Circuit is [here](#).

[Priority work for County Courts](#)

[Priority work for the Family Courts](#)

HMCTS Operational Summary for today can be found [here](#)

[Guidance on waving costs in civil and family cases adjourned due to coronavirus](#)

[Guidance on on how to join video and telephone conferences, covering BT MeetMe, Skype for Business and the Cloud Video Platform \(CVP\).](#)

Bar Council

[Bar Council Covid resources](#)

Bar Standards Board

[Updates from the BSB](#)

Parliament

[The Secondary Legislation Scrutiny Committee list of coronavirus related statutory instruments](#)

[Tuesday's Justice Select Committee meeting will consider the aging prison population.](#)

Pupils

[New webpage: an essential guide for pupils during the pandemic.](#)

The ICCA have prepared a great set of advocacy exercises for civil and criminal pupils. [Sign up here to be paired with an opponent and witnesses.](#)

Finances

[Northern Circuit Hardship Fund webpage](#)

[Treasury Direction under sections 71 and 76 of the Coronavirus Act 2020 setting out the legal framework for the Coronavirus Job Retention Scheme.](#)

The Inns of Court and Bar Benevolent Association hardship fund for very junior barristers (prospective pupils, pupils and first year tenants). [This is the link to the Inner Temple fund.](#) And a [letter from Master Treasurer at Middle Temple](#) here. Those of you who can afford to support those starting their careers can [donate](#).

[LAA guidance](#)

[HMRC guidance for VAT-registered businesses](#)

Remote Hearings

HMCTS have [produced a webpage of legal information on how the courts are using telephone and video technology](#) during the pandemic.

Beware recording hearings: photography (including moving pictures) and recording without leave of the court can be criminal offences or contempt of court. The responsibility to record hearings remains one for the court (in those jurisdictions where court proceedings are recorded).

Feedback from the last 24 hours:

- We are actively seeking feedback on speaking to clients in custody at the various prisons across the region.

- The Liverpool and Manchester Courts can now accommodate pre-hearing conferences with clients in custody. We are working with the other courts to see if pre-hearing conferences can be organized there.
- Junior counsel who conduct Stage 3 MOJ hearings would like to join the What's app group of Circuit. Please pass contact details on to the remote hearings address if you are involved in that group so that others can join.

Mac Audio issues on Skype:

- Check microphones to reduce feedback (sometimes turning off microphones fixes it)

This fix has helped a number of people with MacOS Skype audio issues:

- (i) Go to System Preferences.
 - (ii) Go to Security and Privacy
 - (iii) Go to Privacy Tab
 - (iv) Scroll down to Microphone – There you will see Skype pop up with a check box.
 - (v) Check the box – It will suggest that you re-start Skype and offer to do it for you.
 - (vi) Restart Skype – your problem should be solved.
- And sometimes using the Skype for Business desktop application rather than the web app appears to fix it.

Please continue to send feedback to remotehearings@northerncircuit.co.uk.

Jurisdiction Specific

Administrative

The Administrative Court have issued update [guidelines for procedures](#) to be followed in urgent and non -urgent cases

Civil – general

[119th Update – Practice Direction Amendments](#)

The amendments in relation to Practice Direction 51R supplementing the Civil Procedure Rules 1998

The Circuit's [Civil Trials by Video – our complete guide to do's and don't's](#)

Video trials are currently limited to Multi Track cases at Liverpool where (i) the parties agree, and (ii) the Judge considers the case is suitable for a video hearing. The possibility of extending this to Fast Track trials is being considered.

HHJ Wood QC in Liverpool has said that (1) Liverpool, Cheshire and Merseyside Courts will be carrying out suitable [straightforward] trials by video where possible; (2) he will be doing all of his QBD approvals by video where possible.

A [letter was published from the Lord Chief Justice, Master of the Rolls and President of the Family Division regarding remote hearings in the civil and family jurisdictions](#). If you have experienced change in judicial approach to remote hearings, please [contact our SPOC, Darryl Allen QC](#), so that we can feedback to the senior judiciary what is happening on circuit. We will ensure that case details and your details are confidential to us

See *Teesside Gas Transportation Ltd v CATS North Sea Ltd and others* [2020] EWCA Civ 503 at [94]: for a assessment of PD 51Y.

Business and Property

[Manchester BPC Standard Procedure for Remote Hearings](#)

The new [Temporary Insolvency Practice Direction](#) and [variations for the Northern Circuit and North Eastern Circuit](#) have been released.

[Vice-Chancellor's guidance](#)

Employment and Immigration Tribunals

9 St John Street have produced a [video with updates on employment law](#).

Our Circuit [update](#)

Family

The Family Courts are likely to move to the CVP software in the near future, according to the FLBA. It will only work on Google Chrome, not Safari or Firefox. Please download Chrome if you do not already have it. Courts will also be using PDF Exchange Editor, not Adobe Pro, **but** PDFs should be readable across different platforms.

Updated: Macdonald J's [The Remote Access Family Court \(V.4\)](#), [published on 17th April 2020](#).

TOMORROW: [Family Q & A Session Tuesday 21st April - COVID19, Remote Working, Wellbeing and more](#) open to all (regardless of call), no need to confirm attendance in advance. Join via the link sent by email earlier.

[Mostyn J and HHJ Hess offer points of clarification](#) for financial remedy cases to help with the interpretation of the [letter from the Lord Chief Justice, Master of the Rolls and President of the Family Division regarding remote hearings in the civil and family jurisdictions](#). If you have experienced any effect from the LCJ letter or change in judicial approach to remote hearings [contacting our SPOC, Lorraine Cavanagh QC](#) so that we can feedback to the senior judiciary what is happening on Circuit.

The LAA has published [new guidance on acceptable evidence](#) for domestic violence applications.

HHJ Mark Haigh's [note to practitioners](#) on the Financial Remedies Court.

[Final week of two-week consultation on the use of remote hearings in the family justice system from the President of the Family Division](#)

[Temporary Working Guidance for financial remedies work](#) from 6 April 2020 to 4 May 2020 and [the RH1A form](#).

Court of Protection

DHSC have produced [guidance](#) relating to Covid 19 and looking after people who lack mental capacity.

Court of Protection Bar Association (CPBA) [guidance on remote hearings](#).

[*BP v Surrey County Council & Anor \[2020\] FWCOP 17 \(25 March 2020\)*](#)

[‘Remote Access to the Court of Protection Guidance’](#) (31.3.20) issued by the Vice President.

HMCTS [guidance note](#) about Court of Protection hearings.

Criminal

There was an error in a tweet that we circulated last week. Please read this.

~~Liverpool Crown Court Listing~~: we are grateful to HHJ Menary QC, the Honorary Recorder of Liverpool for the following information:

Current cases: only trials listed in the period covered by the current lockdown have been adjourned (up to and including Thursday 7th May). Trials listed after that date remain listed for trial and practitioners should prepare accordingly.

As we indicated in the Bulletin last Friday, in respect of trials taken out of the list due to COVID19:

As a general rule the Court should be looking to fix trials in this way:

- a. Custody cases are to be listed from September (with a further review hearing 3 weeks from the date of fixing); and
- b. Bail cases to be listed from January 2021.

The further review hearing 3 weeks after the date of fixing, will ensure that the Court and parties can consider any further Government advice issued in the intervening period.

Obviously, these are general rules and each case will be looked at upon its own merits.

It is clearly in the interests of everyone to have cases fixed for trial and it is therefore essential that those prosecuting and defending have up to date witness availability to hand at the hearings when trials are being fixed.

Chester Crown Court cases: We are grateful to HHJ Everett, the Honorary Recorder of Chester, who has indicated:

“For avoidance of doubt the current approach to listing at Chester, concerning currently listed trials, is as follows: –

We have not taken a position where all or any future trials up to any specific date have already been adjourned as a matter of course and will not recommence until after any particular date – although, of course, no trial will take place at Chester Crown Court whilst the government lockdown is in operation, and; whilst Chester remains designated as a "staffed only" court.

It is not clear when the position will change in relation to either of these matters, but, until there is greater clarity concerning this, all parties in each trial listed, up to and beyond the end of the currently stated lockdown date in May, should assume that their case will still require a hearing during the week it was originally listed for trial – even if the trial cannot proceed at this stage.

We are taking each trial on a "case by case" basis and, if any party has a trial listed, for example this week or next week, they must assume that the case will be listed for a mention hearing – at which all relevant issues concerning that trial, including any potential relisting – will be discussed.

If the defendant is in custody he/she must appear at that hearing by PVL.

If the defendant is on bail, he/she will not attend court personally, because of Chester Crown Court's current designation as a "staffed court" only – although I would encourage any attempt by his/her representatives to arrange for a defendant to appear by Skype if that was possible.

I do want to make it clear, however, that I expect all trial advocates (for both the prosecution and defence) to appear in ALL of those mention hearings – on Skype For Business – and to place widely shared comments on the Chester DCS system to keep the court up-to-date with any matters affecting the listing or relisting of a trial.

If, at the mention hearing of any case previously listed for trial, it is made clear that the trial will not resolve, it will be further adjourned to a trial date fixed by the judge, after representations by all parties.

There is no general policy concerning when the trial will be fixed. Each case will be relisted for trial on a "case-by-case" basis, keeping in mind matters such as; (1) whether the defendant is on bail or in custody; (2) complexity and length of case; (3) availability of advocates and witnesses; et cetera. This is not meant to be an exhaustive list.

If the defendant is in custody and the trial has to be listed to a date after the date of the CTL, this will give rise to a CTL application by the prosecution – and therefore requires a listing, in any event.

However, some trials may resolve at such a listing hearing (and indeed have resolved in the last two weeks at Chester) and this is why I insist that this process should take place in this way. Representatives for both the prosecution and defence should keep this firmly in mind – just as they would do so in any other circumstance. Cases do resolve on the day of trial and this is a process that should continue to take place.

Consequently, all our trials listed for the weeks to come will remain as previously listed, i.e. before the corona virus pandemic meant that a different approach had to be taken place, subject to my comments above.”

[Liverpool Crown Court Notes for Guidance](#)

[Liverpool Crown Court guidance on agreeing case management between parties where possible.](#)

The campaign group, [Justice has run an experimental fully remote jury trial](#), reportedly successfully.

Caroline Goodwin QC, CBA Chair, on [BBC Today this morning](#) at 02:35:05.

[National Police Chiefs Council](#) on what might constitute a reasonable excuse for being away from where you live.

New figures from the Parole Board suggest backlogs of cases are building due to Coronavirus. Usually, the Board would make 2000 decisions per month, sanctioning 250 prisoner releases. In March, there were 1000 decisions with 150 let out.

HMCTS have created [a way to allow defence solicitors and legal representatives to provide advice to and take instructions from clients in court cells](#) through a secure phone line.

The CPS have published [Interim CPS Case Review Guidance specifically on the Public Interest Covid-19 crisis response](#), advising that the pandemic is considered. The interim guidance, which clarifies how to apply the [Code for Crown Prosecutors](#) during the current public health emergency, follows on from new [Interim Charging Guidance](#) published jointly by NPCC and CPS last week.

Manchester Minshull Street: 10 minute pre hearing conferences will be scheduled 15 minutes before the start of the hearing. You will be emailed a skype link for a private conference.

Manchester Crown Square: will upload Skype links on the day of the hearing. Remote conferences in advance of hearing email usherteam.crowncourt.manchester@justice.gov.uk

[Updated CTL protocol](#), from 7th April 2020.

[Agreed police interview protocol](#).

Coronial

The MoJ [guidance for prisons and other places of detention](#), updated on 26th March.

Circuit Teams and Issues

Business and Finance

The Circuit [guidance](#).

Business Interruption Scheme: Please provide your feedback, on a confidential basis, to Mark Cawson QC. This is very important as this information can form the basis of material that our Leader can raise with the Bar Council. Please email Mark on cawsonqc@exchangechambers.co.uk

Technology

Our Taskforce Technology Group has provided this [UPDATED](#) Bundle of Useful Materials and Guidance for Remote Hearings in Civil Cases

Here is the MacIOS [fix](#) that seems to have helped some people with audio issues.

Wellbeing

NEW: Wellbeing resource on the Northern Circuit website.
<https://www.northerncircuit.org.uk/covid-19/wellbeing/>

One of our own Northern Circuiteers, Crime Girl, is keeping a track of Justice system professionals who have lost their lives to Covid-19, tweeting the names out on [@CrimeGirl](#).

Our thoughts remain with the family of Diane Barney, security officer in the Liverpool Courts, who died last week.