



Informing Progress - Shaping the Future

FOIL UPDATE **2 November 2020**



Court Business as usual under new lockdown

Message from the Lord Chief Justice and Senior President of Tribunals: new COVID-19 restrictions for England

1 November 2020

The Prime Minister has announced the intention of the Government to introduce regulations that place England back into "lockdown". The work of the courts and tribunals will continue to be exempted from these measures. Between March and July when the country was last subject to similar restrictions great efforts were made to ensure that all of our courts and tribunals could continue to function including, after a short pause, carrying on with trials in both the Magistrates' Courts and the Crown Court. In none of our jurisdictions did work grind to a halt.

It is vital for the well-being of the country that the administration of justice continues to operate. The legal profession, the parties, jurors, witnesses, judges, magistrates and court staff are all key workers, vital to the continued running of the courts and tribunals in this proposed period of renewed significant restrictions. Our experience since March has left us much better prepared. HMCTS will continue to follow and implement public health advice to reduce risk.

In March we urged judges across the jurisdictions to facilitate the remote attendance of participants in court proceedings where that was compatible with the interests of justice. The interests of justice are wide and extend beyond the interests of parties in a hearing to encompass the consequences of delay in the case and to the system as a whole. Remote attendance, together with the requirements for social distancing, have led to a

significant reduction in footfall in all court buildings whilst enabling thousands of hearings to take place. Significantly reduced footfall will continue to be necessary in this next phase.

Judges and magistrates must continue to make full use of these provisions so that cases can be dealt with as soon and as efficiently as possible.

The response of the judiciary, the magistracy and HMCTS to the intense difficulties which we endured earlier in the year was remarkable. We have every confidence that in the coming very difficult period, with the support of all those who contribute to the running of the courts, collectively we will remain equal to the many challenges ahead.

Lord Burnett of Maldon

Lord Chief Justice

Sir Keith Lindblom

Senior President of Tribunals

Further HMCTS advice and information

HMCTS is reminding all court and tribunal users to familiarise themselves with the criteria of a 'close' contact' and what is meant by 'contact with someone who has tested positive':

https://www.gov.uk/government/publications/guidance-for-contacts-of-people-with-possible-or-confirmed-coronavirus-covid-19-infection-who-do-not-live-with-the-person/guidance-for-contacts-of-people-with-possible-or-confirmed-coronavirus-covid-19-infection-who-do-not-live-with-the-person?utm_medium=email&utm_source=

You should not go to court if you have coronavirus symptoms, if you have tested positive for COVID-19 or if you have been instructed by the NHS to self-isolate. The latest HMCTS statement indicates, "*While public health legislation allows those involved in legal proceedings to come out of self-isolation when necessary, you must consult with the court or tribunal first who will consider and decide on appropriate arrangements*". NHS Trace and Trace has been introduced into court buildings – see the previous FOIL Update available on the website.

Over 75 additional courts have been added to the professional users' access scheme, allowing registered members faster access to court buildings without the need for full security checks:

https://www.gov.uk/guidance/professional-users-court-and-tribunal-access-scheme?utm_medium=email&utm_source=

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