



PRACTICAL ARRANGEMENTS FOR MANAGING MULTI-HANDER CASES IN OVERNIGHT REMAND COURTS

1. This guidance only applies during COVID-19 and should be read in conjunction with the Further Listing Note issued by the Senior Presiding Judge and Deputy Senior Presiding Judge dated 21 May 2020.
2. As stated in that Further Listing Note (paragraph 9), the giving of a live-link direction is a judicial function which requires careful consideration of the statutory criteria. Therefore, it is a matter for the court on the day, having given the parties to the proceedings (including the Youth Offending Team if relevant) the opportunity to make representations, to be satisfied that it is in the interests of justice for a live-link direction to be given in respect of a person taking part in the hearing.
3. Nothing in this guidance alters the obligation on the court to approach each defendant as an individual and consider applications on that basis.
4. When dealing with multi-hander cases, the court must if possible have all jointly charged defendants together at a single hearing. This is to maintain the overarching principle that a defendant must have the opportunity to see and hear any information that may impact upon their case. Therefore, all defendants and their representatives (if represented) must be present physically or remotely before the court together.
5. A defendant who is physically present in the court cells should be produced to the courtroom. So far as practicable, all the defendants in a multi-hander case should be produced at the same time.
6. Where defendants are appearing over a video-link from police custody the expectation is that all linked defendants will appear by video in court at the same time. The court must liaise with advocates and the police before hearings start to ensure this is possible.

7. Where it is not possible for all defendants either to appear by video link at the same time, or to be produced to court at the same time, the court may consider that the interests of justice merit consideration of the following options:
- (1) a single hearing at which some defendants appear by video link and others are produced at court (for example, because there are insufficient video booths at the police station(s) concerned).
 - (2) a series of hearings in respect of individual defendants where no application is to be made which may impact on a co-defendant (for example, a defendant who is to be sent under s51 and is not making any bail application). Where this course is followed, the representative (if any) of a defendant should be present at each of the hearings.
 - (3) a series of hearings in respect of one or more defendants, with no final decision being made about any matter which might impact on a co-defendant until:
 - (a) all defendants whose cases are to be heard at that session have appeared before the court, and
 - (b) each of those defendants has been informed (directly, or through his representative) of any matter impacting upon his case which was raised during one of the hearings at which he was not present.

Lord Justice Haddon-Cave
Deputy Senior Presiding Judge

16 June 2020