



OPERATION OF THE SERVICE COURTS FROM 11 JANUARY 2021 DURING COVID 19 LOCKDOWN

Additional Measures

Introduction

The Lord Chief Justice has made it clear that courts and tribunals should continue to operate during the current phase of the pandemic, implementing such measures as necessary to ensure the safety of court staff and users. Accordingly, the Service Courts will continue to operate, but at a reduced level. Attendance at court as a witness, defendant, advocate, board member or assisting officer is exempt from the lockdown restrictions, and anyone who is required to come to court should do so. If an individual wishes to raise concerns about attending court, they should in the first instance contact the party who has asked them to come to court. Further guidance is available in protocols issued earlier during the pandemic, which are available on the website of the Military Court Service

I have reviewed the procedures for operating the Service Courts during the current lockdown. This document should be read in conjunction with previous protocols issued during the pandemic. The following additional measures should be implemented for all cases in the Service Justice System from 11 January 2021. Some of them may appear to be over-prescriptive, but they are designed to protect the safety of everyone in the court building and thus help to limit the spread of the virus. A young private soldier may not find it easy to ask their advocate or assisting officer to preserve social distancing when they are being asked for instructions in open court and may need rely on others to assist.

Safety

A review of the provisions currently in place in both court centres has been conducted and confirmed that they provide appropriate protection against the new strain of the coronavirus.

The following additional procedures are to be implemented:

Masks

Unless otherwise exempt, all court users are to wear masks:

- in the public areas of the court buildings
- when moving around the court building

- in court, unless they are a witness giving evidence or lead advocate for prosecution or defence. The judge advocate, board members and court staff may wear a mask in the court room at their discretion.

Social distancing

Social distancing is to be strictly followed by everyone within the court precincts.

Compliance

Reminders

Announcements about the need to socially distance should be made on the court broadcast system at regular times when the court is not in session.

Court Staff

Court staff must raise any concerns about social distancing immediately with those concerned, and then with the court officer or senior member of staff present. Any further difficulties should be raised with the Resident Judge, who may direct that a person not complying with the regulations leaves the court building.

Court Officers and Resident Judges should consider whether the member of staff in court can be present “virtually” from their office, monitoring the proceedings over video link and coming to the court room when required.

Judge Advocates

Judge advocates should take a pro-active role in court to ensure social distancing is maintained. This may include:

- reminding all in court about the importance of social distancing, hand-washing etc
- stopping an advocate from approaching their opponent for a quiet word about a legal issue
- preventing a sotto voce discussion between advocate and their client or assisting officer
- allowing time for advocates to leave court for a discussion with client or opponent
- ensuring court users leave the court in an appropriate fashion. Judges should consider being the last person to leave court, with the exception of court staff.

Trials

Court 1 in each Court Centre will only conduct contested trials and, where witnesses are being called, appeals against finding and Newton Hearings.

PTPHs and other hearings which can be heard by live link

PTPHs and other suitable cases should be heard with all participants attending by live link.

Sentencing Hearings

Sentencing hearings are to be held with all participants, including lay Board members, attending by live link. The judge advocate may direct that some or all participants are to attend in person if they consider that is necessary in the interests of justice. Otherwise cases should be conducted by live link.

Detailed provisions for remote sentencing hearings will be supplied shortly.

A handwritten signature in black ink, appearing to read 'Alan M Large', with a large, stylized flourish at the end.

HHJ Alan M Large

Judge Advocate General

11 January 2021