



Magistrate's Court of Jersey

Information Release – 30 April 2020

The Court issued guidance in March detailing the steps being taking to ensure the safety of court users and staff during the COVID-19 outbreak. Since this time the Court has continued to develop ways of working to progress a number of different types of cases that were previously unable to go ahead. The Court acknowledges that it is only with the continued cooperation of the profession and other stakeholders, including those appearing before the Court, that this has been able take place.

This document is intended to update court users and the public on the work currently being undertaken by the Magistrate's Court and the measures in place to further develop the availability of hearings during this unprecedented time.

Contact with the Court

The Court continues to be available to receive papers, applications and answer queries, it is however running with a reduced staff and your patience is appreciated at this time.

Telephones are manned each working day, but due to reduced staffing may not be answered immediately. In the event that your call is unanswered please leave a message and we will get back to you as soon as possible. Contact numbers are:

(01534) 440080 – for all criminal cases, including youth court and parking matters

(01534) 440081 – for all Petty Debts Court matters, including evictions, mediation and maintenance payments.

Parties to cases are reminded that submission of hardcopy documents at the court building is no longer possible and are invited to submit any papers or queries via electronic means to:

mcg@gov.je – for all criminal cases, including youth court and parking matters

pdc@gov.je - for all Petty Debts Court matters, including queries about evictions, mediation and maintenance payments.

Please note – only the above shared email addresses should be used for contact with the Court. Reduced staff attendance means that the earlier practice of emailing an individual is no longer appropriate and will result in undue delay. Please utilise the above email addresses, which are checked each working day. **Do not copy individual staff members into your email as this causes confusion upon their return to work.**

Attendance at the Court – public and media access to proceedings

Throughout the closure of the court building, the media have been granted access to all court hearings through attendance via video conferencing. This access will continue and all media representatives who have indicated their wish to be invited to listen to proceedings will continue to be invited to do so. Should any media outlet not be in receipt of invitations to court hearings and wish to be they should contact the Court by email to mcg@gov.je.

Publication of the outcomes of court hearings

From 11 May 2020, after the criminal court has finished sitting, the Magistrate's Court will publish online the outcomes of the cases heard that day. The list can be found on the gov.je website by searching for "court lists" or via the following link <https://www.gov.je/Government/NonexecLegal/JudicialGrefe/Pages/CourtLists.aspx>.

On bank holidays and public holidays no court list will be available until the following working day.

Please note - there are legal restrictions in place regarding the reporting of certain types of cases that mean not all details can be published. If you are uncertain about the outcome of a case please contact the Court.

Petty Debts Court

The Petty Debts Court continues to progress cases whenever possible, including the acceptance of new claims.

New claims

- New claims may be submitted by emailing signed and dated paperwork plus a scan of the Treasury receipt evidencing payment of the appropriate court fees. All paperwork and treasury receipts must be retained and shall be submitted in hard copy to the Court when the court building is open again.
- Treasury receipts can be obtained by contacting the Treasury on clscashier@gov.je to make a request.
- Details of the fees payable and guidance on completing forms and the petty debts process can be found here:
<https://www.jerseylaw.je/courts/Pages/PD-18-01.aspx>
- The claim summary and summons have been amended to request contact details by email and mobile phone number for both parties. This is to ensure the Court can continue to contact parties in the quickest and easiest way possible.
- The summons has also been amended to indicate to defendants that should they agree that they owe the money claimed they should contact the plaintiff to arrange payment.
- The plaintiff should liaise with the Court as to an appropriate hearing date for any new claim to be listed. Parties will not attend at the Court on this date; the matter will be adjourned sine die until a court hearing is able to take place.

On-going cases – applications to abandon judgment

- All applications to abandon judgment can be submitted by emailing signed and dated paperwork, including a scan of the Treasury receipt evidencing payment of the court fees. All paperwork and treasury receipts must be retained and submitted in hard copy to the Court when the court building is open again.
- Treasury receipts can be obtained by contacting the Treasury on clscashier@gov.je to make a request.
- The Court will post the Notice of Application to the defendant and list the case for the requested court date.
- The application to abandon judgment will be dealt with in Chambers on the requested court date and an Act of Court will be sent to the parties.

On-going cases – applications to cassé or adjourn sine die for payment to be made

- All applications to cassé or adjourn sine die should be submitted in writing to the Petty Debts Court email address.
- The application will be dealt with in Chambers and only if the matter does not proceed as requested will the Court contact the parties.

On-going cases – contested matters valued under £5000

- The small claims procedure under Rule 49 of the Petty Debts Court Rules 2018 shall apply. The Court will consider, on a case by case basis, whether it is possible to determine the matter on written representations as provided for in the Rules. It may be necessary to adjourn matters sine die for mediation to take place if it has not done so already. The decision as to how to proceed shall be at the sole discretion of the Court.

On-going cases – contested matters valued over £5000

- Where the matter has already been through the mediation process, the Court will continue to make appropriate directions to proceed towards contested hearing.
- Where the Court orders the filing of papers/bundles, such papers shall be sent by email and the Petty Debts Court will print them.
- In the event that the matter has not been through mediation, the Court will adjourn the matter sine die until it is possible for mediation to take place.

On-going cases – mediation hearings

- All matters listed for mediation stand adjourned sine die until the resumption of the mediation process.

Evictions

- All evictions are adjourned sine die.
- Applications for new evictions may still be submitted but will be adjourned sine die rather than listed.

Criminal Court

The Criminal Court continues to sit at 10am to progress criminal cases, including new cases where the defendant has been held in custody to appear before the Court, ongoing cases where the defendant is currently in prison and cases where the defendant is on bail and can appear remotely, either by way of video or telephone hearing, from their own home.

Only where a defendant is unable to connect to the Court remotely would the Court consider whether it is in the interests of justice to adjourn a case to a later date.

New cases – defendants kept in custody for court

All new cases where the defendant is kept in custody for court are being dealt with by way of video hearing with a link to Police headquarters, meaning that the defendant does not need to be brought to the court building. The Court is informed on the morning of the hearing of the necessity for a defendant to appear, and appropriate video hearing appointments are sent to court users.

Duty Advocates are to ring the Police custody suite on the day they are on rota to enquire as to whether they are required. Advocates can take instructions from their clients prior to any hearing taking place by phone, which will be facilitated by the States of Jersey Police.

In the event that an interpreter is required for the hearing, the Court will be informed by the police and will arrange for the interpreter to appear on the video conference to ensure that the defendant can effectively participate in their hearing.

New cases – defendants on bail

Recent changes in legislation mean that the Magistrate may now direct that hearings take place by video or phone. **Any failure by a defendant to participate in a hearing directed to take place in this way may result in the matter proceeding in their absence and could include the issuing of an order for a defendant's arrest.**

In order to ensure that the Magistrate is able to make an informed decision in the interests of justice, the defendant will be requested to complete a form while at the Police station indicating whether they wish their hearing to take place by way of video or phone, or why neither a video nor a phone hearing is appropriate. Once completed, this form will be provided to the Magistrate, who will consider the nature of the case, the likely complexity of any hearing and any representations from the defendant before determining whether it is in the interests of justice to direct that the hearing take place by video or phone, or whether the matter should be adjourned to a later date.

Upon the direction of the Magistrate, the Court will contact the defendant to confirm the hearing date and time and explaining the process, including warnings relating to attendance.

Guidance documentation as to participation in video and phone hearings is available in English, Portuguese, Polish and Romanian and shall be provided to the defendant at Police headquarters at the time of charge. This guidance includes instructions on how to request an interpreter, how to seek representation by the duty Advocate and how to apply for legal aid in advance of the hearing.

Please note – Advocates appointed under the legal aid scheme to represent a defendant **must** inform the Court in advance of the hearing to ensure that they are included in any arrangements for the video or telephone hearing. Failure to do so may result in your client appearing without representation and wasted hearings. At the time you are appointed, please confirm your appointment to the Court using the mcg@gov.je email address.

On-going cases

Where the defendant is in custody, the matter will proceed by way of video hearing, with the defendant appearing from HMP La Moye. The Court will contact the relevant parties to the case and provide the appropriate appointment details to ensure matters can proceed.

Where the defendant was on bail prior to the court building closing, then their case may already have been adjourned to a later date. The Court is looking to progress these adjourned cases by way of video or phone hearing where possible and will, wherever possible, be contacting defendants and/or their Advocates to enquire as to whether they wish their hearing to take place by video or phone, or why neither video nor phone hearing is appropriate. This information will enable the Magistrate to consider each case and direct the method by which hearing will take place.

Any changes to hearing dates and/or method will be communicated to parties on a case by case basis and the Court appreciates your patience while we continue to progress matters.

Youth cases

New youth cases where the defendant has been placed on bail will be listed by the Court at the request of the Police and a youth court shall be constituted to deal with the case either by video or phone hearing. The defendant will be asked to complete the form indicating their preference for either a video or phone hearing, providing their contact details and that of an appropriate adult to attend the hearing with them.

All youth cases had previously been adjourned. The Court is now looking to progress these matters whenever possible through the use of video and phone hearings and enquiries are currently ongoing with defendant and their Advocates as to whether hearing by video or telephone is possible. Any changes to hearing dates will be communicated to parties on a case by case basis and the Court appreciates your patience while we continue to progress matters.

Parking cases

All parking cases remain adjourned until September 2020 and defendants have been contacted by the Honorary Police and re-warned to an appropriate date.

Access to legal representation (including representation by the duty Advocate)

The provision of legal advice via the duty Advocate scheme remains available, with Advocates taking instructions from their clients either by telephone or by video prior to any hearing taking place. Defendants **must** inform the Court prior to the hearing date if they wish to be represented by the duty Advocate so that arrangements can be made for their attendance.

Defendants who have already had the benefit of representation by the duty Advocate during an earlier hearing for the same matter can apply for legal aid. The legal aid office remains closed, but applications for legal aid may now be made online at <https://www.legalaid.je/>. The Court continues to work with the legal aid office to provide the information it requires to enable applications to be processed in advance of hearings taking place and defendants are reminded of the need to apply for legal aid as soon as possible and well in advance of their court hearing. Failure to do so may result in delay in proceedings.