



Magistrate's Court of Jersey

Information Release – 22 June 2021

The Court issued guidance last year detailing the steps being taking to ensure the safety of court users and staff during the COVID-19 outbreak. Since the last update, a number of changes in guidance and legislation have taken place. As the circumstances of the Island continue to develop, we must consider whether the measures in place remain necessary to protect those who attend the building.

This document replaces any earlier information releases and any changes in measures will come into operation on 28 June 2021.

All court users are reminded that in the event they have a confirmed or suspected case of Covid-19 they should not attend at the court building and should instead follow Government guidance relating to self-isolating and contact the Court in advance of their hearing to explain their non-attendance.

For those who are unable to attend, the Court is still able to accommodate video hearings if it is in the interests of justice to do so. If you are concerned about attending at the court building, please contact the Court in advance to explain and the Magistrate will consider whether it is appropriate to use other ways for you to attend. This includes members of the legal profession. Please note, use of video hearings is not for the purpose of convenience – hearings may only take place in this way if it is the Interests of Justice that they do so.

Contact may be made either on mcg@courts.je (criminal matters) or pdg@courts.je (petty debts matters) or by telephone on 01534 440080

Contact with the Court

Electronic submission of documents and queries remains the preferred method of correspondence with the Court in all criminal cases and, in line with earlier guidance provided to the profession, court users are asked to ensure submission of any documents in advance of hearings, preferably at least 48 hours before any hearing is to take place. Please ensure that both the Court and the other party is copied into any submissions made.

Court users are reminded that where the law requires an application to be submitted, these must be submitted as a formal written application, either as a word or pdf document, attached to an email. The Court is unable to accept applications made that are written in the body of an email, as these do not form part of the Court record.

Documents relating to originating process will continue to be accepted in hard copy in all civil matters unless the Court or Greffiers indicate otherwise.

When contacting the Court please ensure you direct your queries to the shared inboxes in place for the department. These are accessible by all Greffiers; there is no need to further copy in individuals. Emails to individual email addresses are not monitored during periods of absence or where a Greffier is in Court. Emailing the individual may result in a response to your query or submission being delayed.

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

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

Please note the amended email addresses for the Magistrate’s Court.

Remaining safe in and around the building

- Physical distancing remains in practice across all areas of the building. You should remain at least 1 metre away from others when moving around the building. **Wherever possible you should maintain 2 meter distancing.**
- In line with the contact tracing guidance, those who are within **2 metres** of another person for more than a 15 minute period are categorised as being a direct contact and would consequently have to self-isolate if the person you are in direct contact with tests positive for Covid-19. This remains the guidance despite the change in advice to reduce the legally required distance to 1 meter.
- Safety Perspex has been placed at the front desk to protect court staff and users arriving at the building. No access will be given to members of the profession or public to the usher’s office situated behind the front desk. All those attending at the front desk must remain behind the tape marker on the floor to ensure a 1 meter distance.
- People entering the building will be required to check in using the Trax QR code or by providing their details to the person on the front desk on entry.
- Entrance and exit to the building will be via the automated doors at the front of the building.
- You will be asked to utilise hand sanitiser on entry and exit to the building.
- There will remain a one-way system in place for movement through the building:
 - **For all adult criminal cases**, court 2 will be used for hearings. The staircase will be used to go up to court and a minimum distance of 1 metre between people using the stairs should be maintained at all times.
 - All persons, including Advocates, will wait outside the courtroom on physically distanced seating until the usher escorts them in for their case using the entrance on the main landing.
 - Defendants will be placed into the dock. If there is more than one defendant in the dock, then the distance directed by the court usher must be kept between defendants. Where there are more than two defendants involved in a case the

court usher may direct defendants to stand in an alternative place in the courtroom.

- When a case has been dealt with the usher will escort the parties out of the courtroom using the side door.
- You must then immediately leave the building via the staircase, keeping a minimum of 1 metre distance from others at all times. Exit shall be via the main entrance doors.
- The lift should not be used unless you have a physical need to do so. When it is necessary to use the lift, only one person may do so at any one time. Where assistance is needed to use the lift then more than one person may do so.

- **For all youth court cases**, court 1 will be used for hearings. The staircase will be used to go up to court and a minimum distance of 1 meter should be maintained at all times.
- All persons, including Advocates, will wait in the waiting rooms downstairs outside court 3 until the usher informs them that their case has been called on.
- Entrance to the court room will be via the main door from the landing area outside court and exit will be via the side door within the court room. The usher will escort parties in to and out of each hearing.
- The lift should not be used unless you have a physical need to do so. When it is necessary to use the lift, only one person should do so at any one time. Where assistance is needed to use the lift then more than one person may do so.
- Once the case you are involved in has finished you must immediately leave the building via the staircase, keeping a minimum of 1 metre distance at all times. Exit shall be via the main entrance doors.
- The **youth court is not a public court** and only those persons directly involved in a case may attend. In the event that you have an interest in a youth case and wish to sit in the public gallery then you must apply to the court for a seat, explaining your interest and why you should be allowed access. The Youth Panel will then consider your application and you will be informed whether you are able to observe the court. This applies to professionals involved with any child before the Court, as well as to members of the public.

- **For all Petty Debts Court cases**, court 3 will be used for hearings.
- On arrival, all persons, including Advocates, will be directed to wait in an appropriately physically distanced waiting room near to court 3. You must remain here until your case is called and the usher escorts you into the court room and directs you to your seat.
- When your case has been dealt with the usher will escort the you out of the courtroom and direct you to the exit via the main entrance doors.

- **For all mediation hearings** court 3 will be used. This is to ensure adequate distancing between participants
- On arrival, all persons, including Advocates, will be directed to wait in an appropriately physically distanced waiting room near to court 3.

- The mediator or greffier will escort you to and from the mediation and show you where to sit in the room.
 - At the end of your mediation session you may leave via the main entrance doors.
- No defendant, defence Advocate or member of the public should enter the court room until they are shown to their seat by the usher.
 - No seats within waiting rooms and areas should be moved, even if you are sitting with a family member or someone of the same household.
 - No other rooms around the building should be used by anyone without first being given access by the usher. This is to ensure that the usher can direct regular cleaning appropriately throughout the day.
 - Public toilet facilities remain available on the first floor of the building. Only one person may utilise the toilet facilities at any time.

Wearing masks and face coverings at court

- Court users are asked to continue to wear a face covering in communal areas of the building, such as on entry and while waiting to be brought into court.

Additional cleaning measures in place

- Ushers will clean benches and other areas used in the courtroom using sanitiser spray between each case as necessary.
- Additional cleaning throughout the day by a dedicated member of cleaning staff has been implemented. Public areas, rooms used for taking instructions and waiting, the duty Advocates room and areas of high contact, such as door handles and bannisters will be cleaned throughout the day to reduce the risk of infection.
- It remains the responsibility of those within the building to maintain good hand hygiene and appropriate distancing. Every opportunity to do so is available to court users with hand sanitiser being available throughout the building.
- It is vitally important that you do not use any area of the building other than the public waiting areas unless the usher allows you access. This is so we can ensure that the regular additional cleaning measures in place can be targeted to those areas that have been used.
- Those attending court are asked to be patient as there may be a short delay between each case due to the additional cleaning that must take place within the courtroom and between use of each room.

Attending at the building if you have a query

- All those attending at the enquiries desk will be asked to provide their details for track and trace purposes and to wear a mask while within the building.

- Should you require assistance with completion of forms to make a petty debts claim, we now operate an appointments only system. Please contact the Petty Debts Court on pdc@courts.je to make an appointment at a mutually convenient time. You will be asked to provide your contact details for tracing purposes.
- Petty Debts Court forms and guidance booklets are available from the usher at the front desk. This means you will not need to go the enquiries desk and check into the building if you require forms to start a claim.

Attending at the building if you are a court officer, an Advocate or party to a case

- **All adult criminal cases will now return to being listed at 10am.**
- All Youth Court cases and Petty Debts Court matters will continue to be listed at allocated hearing times. These will be communicated in advance to parties, as they have been throughout the pandemic.
- Both prosecution and defence Advocates in adult criminal cases are requested to attend at the building in time for a pre-court meeting held by the Greffier, which will take place no later than 9.40am. Advocates are advised to attend in good time and to have taken instructions and discussed any issues with the prosecution in advance of that meeting.
- At the pre-court meeting you will be asked what is happening with your case and whether you are ready for the matter to be called on. This will enable the Greffier to determine the order that cases will be called and to brief the Magistrate accordingly.
- Access fobs will once again be provided for court users to allow access to the well of the court and other public areas. No access will be given to any areas of the building that are solely for the use of Court staff or judiciary, or where it remains necessary to monitor use of rooms for cleaning purposes.
- If you are not represented and have any documents you wish to submit to the Court for your hearing, you should submit these before attending court by email to mcg@courts.je. If you have not been able to submit documents electronically before your hearing, you must take them on arrival to the enquiries desk. These will then be copied/scanned and the originals handed back to you. The documents will be available to the Court in time for your hearing; you will not need to hand them in again.
- There is no place to put any additional items, such as bags and coats, while you are in court. Should you need to bring such items with you, you must keep them with you at all times.

The duty Advocate

- **The duty Advocate is only available for custody cases.** Defendants not in custody are advised to seek legal aid as soon as possible to ensure there is no delay in their case being dealt with. Once a lawyer is appointed you or your lawyer must inform the Court.

- The duty Advocate may use the duty Advocate's room to the right-hand side of court 1.
- Only two people may use the room at any one time and these persons should remain at least 2 metres away from one another when so doing. This is to ensure that, in the event of contact tracing, no persons have been in contact of less than 2 meters for a period of 15 minutes or more.
- The Court is aware that the duty scheme provides assistance to those in custody only. If there are no overnight custodial cases, the Court understands that the duty Advocate will not be in attendance. In these circumstances, this room may be utilised by other Advocates for the purpose of taking instructions. In all other circumstances this room should not be used by other Advocates, including for the storage of their personal belongings, unless permission is given to do so by the usher.
- This room will be cleaned between each use. Advocates are asked to please be patient while we ensure that the room is made ready for you. If you are waiting to speak to your next client and the cleaner has not yet cleaned the room, please feel free to speak to the usher or the cleaner to request assistance.
- Disclosure for all duty cases where the defendant appears in custody is now provided electronically via Egress, directly from SOJP. This means that there will be no paperwork brought with the person in custody to the court building. Should you need to check whether your attendance is required at Court it is suggested you make contact with SOJP to confirm if there are any custody cases and request that the papers are sent to you. The Court is unable to assist you in receiving any papers.
- In order to view papers Advocates either need to bring a laptop to court with them, or alternatively the Court can facilitate access to Egress via a court laptop which can be requested upon attendance from the usher. Those wishing to use the court laptop will need to ensure they bring their Egress log on details with them so that they may access the Egress portal page.

Attending at the court building if you are not a party to a case

- Despite an increased number of available seats in the public gallery, the remaining distancing provisions in place mean that we are still restricted in the number of people we can provide access to. No members of the public other than the persons involved in a case will be granted access to the waiting areas and courtrooms unless they have booked a seat in the public or media gallery. This includes members of the media, trainees and/or court assistants who wish to attend.
- You may book a seat in the public or media gallery by contacting the Court using the details provided above. On booking, please indicate the date you wish to attend, the case(s) you wish to attend for and your full name and telephone number. Personal details will be retained for a 21 day period, after which they will be destroyed. Full details of our contact tracing retention policy can be made available on request.
- All bookings for the public or media galleries will be allocated on a first come, first served basis. We will do our best to accommodate all requests, but the sooner you ask to attend, the more likely it is that you will be able to do so.

- A list of those who have booked seats in the public/media gallery will be held by the usher at the front desk each day. On arrival those attending the building will be required to give their details to the front desk and, if they have a suitable mobile device, to scan the QR code to “check-in” at the court building. You will be allocated a seat number within the courtroom and advised of where you must go to wait. The number you are given will correspond with a label on a seat in the courtroom.
- No member of the public may enter the court room until they are invited to do so by the usher. They must then sit in the seat allocated to them for the duration of their time in the court.
- When you wish to leave the court room the usher will allow you access to the exit door and guide you back towards the exit.