

# Courts during coronavirus pandemic: Robert Buckland statement

The rule of law is vital to a functioning democracy and even at times like these, it is essential that our independent courts are able to administer justice. Despite an unprecedented public health emergency, the Prime Minister and I are clear that our courts across England and Wales have a critical role to play and should go on sitting.

We will continue to deliver justice to victims of crime, and as best as possible, keep our courts open. However, as I have agreed with the Lord Chief Justice, we need to adjust working practices to ensure our court system continues to function, even with a reduced capacity to hear some cases at this time. We must also take appropriate steps to comply with [public health guidance](#) and to minimise the risk of COVID-19 to court staff and users.

With staff absences and courts already impacted, we have to prioritise which types of hearing take precedence. We also need to avoid the disruption that can result from juries being unable to see out the trials they are required to participate in.

I have discussed with the Lord Chief Justice his plans to continue to list those future court cases due to be heard from the summer and beyond as normal. And for those trials already underway, they should all proceed as planned with all participants expected to attend court and discharge their duties. Consistent with wider government advice, we make an exception only for those who are unwell or showing symptoms consistent with COVID-19 or self-isolating as a household. In all other types of court hearings steps are being taken to enable as many hearings as possible to be conducted with some or all of the participants attending by telephone, video-link or online.

For the minority of Crown Court cases that have been listed for trial shortly, but which have not yet commenced and which are also expected to last for more than three days, I have been in close discussion with the Lord Chief Justice in relation to his decision that these cases should now be postponed.

I recognise the impact that this will have on those witnesses and victims who will have to wait longer to see justice delivered in their cases. We will also make arrangements to extend custody time limits for defendants held on remand in these cases.

However I believe on balance this move is preferable to proceeding as normal when there is a growing likelihood that juries selected to hear such cases may not be well enough to attend, leading the trial to be aborted and the whole process further delayed.

These changes will be temporary and we estimate that three quarters of Crown Court trials will be able to continue despite this restriction. Those cases that have a trial date delayed will be heard at the earliest available

opportunity. I am also committed to working with the senior judiciary to address any backlog that develops this year so delays overall do not increase, and I welcome the plans that I have heard from all those involved in our justice system to make sure that we can increase capacity in the system to ensure justice is as swift as possible.

We will keep the situation under review and continue to listen to feedback from lawyers, court staff and users about how COVID-19 is affecting them and their availability. The judiciary and I will issue future statements after considering the most current advice from Public Health England and then explain how this impacts those who are often under a legal obligation to attend court. I am particularly grateful to all the staff, legal professionals, judicial office holders including magistrates, that have worked to keep our courts running so far, and I know their commitment to the administration of justice will help this continue.

Our Crown and Magistrates courts provide a vital public service and until instructed otherwise, we expect all lawyers, magistrates, jurors, witnesses, defendants and court staff to continue to attend court as required, so the interests of justice can be served.