

STATES OF JERSEY



COURT PROCEEDINGS: PROVISION OF LIVE-STREAMING FOR SITTINGS NORMALLY HELD IN PUBLIC

Lodged au Greffe on 14th April 2020
by Deputy M. Tadier of St. Brelade

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

- (a) that court proceedings which are normally held in public should be live-streamed on a publicly-accessible website during the period in which courts are closed because of Covid-19; and
- (b) to request the Judicial Greffier to ensure that live-streaming is in place by 31st May 2020.

DEPUTY M. TADIER OF ST. BRELADE

REPORT

The [Human Rights \(Jersey\) Law 2000](#), which is a reflection of ECHR legislation, states, in Schedule 1 (Convention Rights, Part 1) –

Article 6

Right to a fair trial

- 1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and **public hearing** within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.*

I understand that the normal workings of all branches of the state have needed to adapt for Health and Safety reasons due to the current Covid-19 situation. However, this does not mean that reasonable steps should not be taken to ensure the public interest, in this case, the maintenance of publicly viewable court proceedings *and* a guarantee of people's Human Rights under Jersey law.

A simple way to do this would be to make sure that all Civil and Criminal proceedings, which would normally be held in public, should be live-streamed on a publicly-available website.

The States Assembly has been broadcasting its proceedings via live-streaming for 4 years already, Members having voted 31 in favour and 13 against a proposal that cameras would be installed in the States Chamber in order to provide a live and on-demand video-stream through the States Assembly website. This decision was taken on 15th July 2015.

Even before this, States Sittings have been broadcast on AM Radio. This started experimentally on 30th September 1986, and was made a permanent feature on 25th November the same year.

Moreover, the current Hansard – a complete written record of everything that Members say during question time, statements and debates in the States Assembly – has been publicly available since December 2005.

It may well be that the Courts would also wish to publish an equivalent of Hansard for public cases.

Financial and manpower implications

It is envisaged that the changes should be funded from within existing budgets.

News release



FOR IMMEDIATE RELEASE: 26 March 2020

Court contingency plans amid coronavirus (COVID-19) - Update

The following is an update on the interim arrangements for the core services provided by the Royal Court and Tribunals in response to the Covid-19 virus.

Criminal cases

Owing to the practical difficulties that may arise from assembling and accommodating a jury in current circumstances, the Bailiff has decided that members of the public should not be summonsed to Court for the purpose of forming a jury.

Accordingly, all dates for jury trials (ie assize trials) listed between now and 30th June 2020 are vacated and will be re-listed for a trial later in the year. In the meantime, the Court will re-list these matters for short hearings to confirm the vacation of the trial dates. If a defendant awaiting trial is in custody, the Court can consider the question of their continuing remand in custody at the short hearing or at a subsequent bail application.

Trials listed before the Inferior Number of the Royal Court (consisting of a judge and two Jurats) will continue to be heard. The Court will ensure that all participants in trials observe advice given as to social distancing, with evidence being agreed, or received by video link where possible.

The public gallery is closed, but we will publish the outcomes of the hearings in accordance with current practice.

Representatives of the media may still attend hearings in criminal cases and, if appropriate, civil matters.

Civil cases

The Royal Court will continue to determine all public law children cases, which by their nature are always important and other civil cases that are urgent. Where possible the Court will direct that counsel need not attend in person and that they address the Court by telephone or video link.

Where it is necessary for counsel or parties to attend then hearings will only take place in the Royal Court or States Chamber so that all involved will adhere to the social distancing guidance. The Island is fortunate to have available two such large spaces which can accommodate litigants under conditions that make it relatively easy to ensure social distancing.

Family Division before the Family Registrars

The Court continues to hear Family matters but only via the use of video or telephone conferencing. Where parties are unable to facilitate video or telephone conferencing, in the absence of the matter settling, it will be adjourned to a date to be fixed in due course.

Every effort is being made by the Court to be flexible in its procedures to ensure that important family matters are heard as soon as possible. This includes relaxing strict rules for the execution of documents and the swearing of oaths where the applicant is unable to attend with their lawyer due to the present restrictions in place and the Court receiving electronic versions of document in proceedings.

Tribunals

The Employment and Discrimination Tribunal continues to receive and process applications. However, in order to protect the wellbeing of all parties to the Tribunal, no personal attendance is permitted at future hearings until further notice.

Save in limited circumstances, the Tribunal will adjourn all final hearings due to be heard before the end of May 2020. Case management and interim hearings may still proceed but the parties will be required to attend by video or telephone conference.

Planning appeal hearings have been suspended but new appeals will continue to be processed without final hearing dates being fixed at this stage.

Due to the sensitivity and implication of the orders being made, the Mental Health Review Tribunal continue to hear applications. Arrangements to allow for applicants and their representatives to appear remotely are being finalised.

The Court will endeavour to update all Court users should there be any further changes in the provision of its services. A detailed Practice Direction dealing with these and other associated matters will be issued to the legal profession and published next week

ENDS

Contact

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