



JUDICIARY OF
ENGLAND AND WALES

THE LANCASHIRE CROWN COURTS

LOCAL PRACTICE DIRECTION 1/2023:

ADVOCATES ATTENDING REMOTELY

Introduction

The Existing Local Protocol on the use of CVP has been in place since October 2021 when LPD 4/2021 was issued. It was supplemented by LPD1/2022 (the only LPD of 2022) which added a requirement that the Advocate put a widely shared note on the case indicating to the Court Clerk that they were to attend remotely.

I have received representations from Chambers' Clerks that the notice of an application for an advocate to appear remotely be reduced. At present the application must be made before noon two working days before the hearing date. By this LPD I reduce the notice period such that the application must be made before noon on the working day before the hearing.

Otherwise the position remains the same namely (in summary):

- For certain types of hearing the Advocate may appear remotely without application;
- Crown Advocates may apply for (and will often be granted) permission to appear remotely on certain straightforward sentence hearings provided they upload a written opening;
- In all other cases, application may be made to appear remotely but will rarely be granted;
- In **all** cases where an Advocate is to appear remotely, the Advocate must put a widely shared note on the DCS by 18:00 the day before the hearing to assist the Court Clerk.

This LPD replaces Section ii) of LPD4/2021 and Section 5 of LPD1/2022.

THE DIRECTIONS

- 1) Advocates may, without application, attend remotely on the following types of hearing:
 - Any mention hearing where the Defendant does not attend either in person or by PVL or other remote means;
 - Any bail application where the Defendant does not attend either in person or by PVL or other remote means.

Please note that Ground Rules Hearings are not “Mention” hearings for these purposes. Advocates must attend on such hearings.

Every Judge will retain her/his discretion to order that any case is to be attended by Advocates notwithstanding that it is of a type listed above. Where the Judge has ordered attendance on such a case, the list will be marked “Advocates must attend in person”.

- 2) Prosecution Advocates may make application to attend remotely upon any single-handed sentence hearing as long as:
 - It is not a murder, manslaughter, causing death by careless/dangerous driving or a RASSO case; and
 - the application is made to the DLO before 12 noon on the working day before the sentence hearing (the application will be referred to the Judge who is to hear the case); and
 - The Prosecution Advocate undertakes to upload a brief written opening for the case by 16:30 the day before the case is listed for sentence.

Applications for remote attendance by Prosecution Advocates will only be granted in straightforward cases.

Defence Advocates must attend on all sentence hearings whether or not the Defendant attends in person or over the PVL.

- 3) Applications for remote attendance for all other hearings must be made in writing before 12 noon on the working day before the hearing. They will rarely be granted and Advocates must only make them in exceptional circumstances.
- 4) If, pursuant to the above, an advocate intends to appear at a hearing remotely (either because an application has been granted for them to do so or because it is a hearing which does not require an application) the advocate must insert a widely shared note on the DCS by 18:00 to that effect the working day before the hearing. For the avoidance of any doubt, this does not alter the rules as to when an advocate may appear remotely. It simply adds an additional (and necessary) step which the advocate must take.

HHJ Altham

20th January 2023

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