



Ministry
of Justice

The Right Honourable
Robert Buckland QC MP
Lord Chancellor & Secretary of
State for Justice

Sir Robert Neill MP

Chair
Justice Select Committee
House of Commons
London
SW1A 0AA

MoJ Ref: 84610

13 January 2021

Dear Bob,

THE PROSECUTION OF OFFENCES (CUSTODY TIME LIMITS) (CORONAVIRUS) (AMENDMENT) REGULATIONS 2021

I am writing to notify you of the above-mentioned Statutory Instrument, which the Department intends to lay in Parliament as soon as Parliamentary time allows.

Due to the unprecedented challenges that the system has faced due to COVID-19, on 28 September 2020, a Statutory Instrument came into force which temporarily extended Custody Time Limits from 6 months to 8 months for all defendants awaiting trial in the Crown Court. There is a sunset clause included in the Statutory Instrument which provides for the extension to apply for a time limited period of 9 months.

The purpose of the extension was to minimise the risk of defendants who pose a risk to the public, or those likely to abscond and evade justice, being released on bail before their trial could be listed. That event could significantly undermine public confidence in the justice system and have a detrimental impact on victims and witnesses.

It was always anticipated that the SI extending custody time limits from 6 to 8 months would have a limited impact on children and young persons. Our law recognises the unique circumstances and needs of children and young people and the cases of such defendants are always prioritised in court listing. Further, only a small minority of cases involving children and young persons are heard in the Crown Court where the CTL extension applies.

Given the above factors and the existing ability of the court to extend a custody time limit if justified on a case by case basis, I have decided there is no need for a specific generic extension for children and young persons and that any need for extensions can be managed individually. This means that all those who are, or were, under 18 years of age at the time of their first appearance for an offence at the Crown Court will be excluded from the extension and will have a Custody Time Limit of 6 months. This exclusion

will apply retrospectively, and so all children and young persons remanded at the Crown Court will have a Custody Time Limit of 6 months even if their first appearance took place prior to the laying date of this new Statutory Instrument.

Yours ever

A handwritten signature in black ink that reads "Robert Buckland". The signature is written in a cursive style with a large initial 'R'.

RT HON ROBERT BUCKLAND QC MP