

Public law and private law listing arrangements

1. For the purposes of this document:
 - I) The contents of this document are referred to as 'guidance' and only apply to the Designated Family Judge area of Bristol, North Somerset, Bath and North East Somerset, South Gloucestershire and Gloucestershire.
 - II) This guidance is subject to any national or other guidance issued by higher authority.
 - III) 'Remote' and 'remotely' are to be construed as meaning by Skype for Business, Zoom, Microsoft Teams, telephone (including mobile) or such other means as the judge shall direct.
 - IV) 'Judge' includes magistrates.
 - V) For the purposes of giving directions as to how a hearing may be conducted remotely, judge also includes a legal adviser nominated for this purpose by the Designated Family Judge.
 - VI) 'Judge of trial' means the judge before whom a substantive hearing or directions appointment is listed.

2. By way of principle:
 - I) All remote hearings must take place in a way that is consistent with the requirements of governing statutes, statutory instruments (such as The Family Procedure Rules 2010), Practice Directions, Presidential or other Guidance and other requirements of the law.
 - II) All parties must commit themselves to maintaining the confidentiality of Family Court hearings in accordance with the above.
 - III) It is essential that legal representatives keep the court informed when they are acting for a party to Family court litigation and ensure that all necessary contact details are given and maintained.
 - IV) Separate guidance has been given in relation to Financial Remedy proceedings. This guidance therefore does not apply to such proceedings.

3. A In accordance with the latest Guidance from the President of the Family Division and at the present time, all hearings in the Family court in this area must be conducted remotely unless otherwise ordered by a full-time Circuit Judge or High Court Judge.

4. In relation to emergency, very urgent or ex parte hearings:

- I) In public law cases the local authority, in discussion with the court, must make arrangements as to how the hearing is to be conducted..It must do so at the time of issue of the relevant application.
 - II) In private law proceedings, the Applicant must make those arrangements, in consultation with the court (and must do so at the time of issue of the application).
5. In relation to public law cases (save as in paragraph 4 above):
- I) There must be an advocates' meeting at least 72 hours before any listed hearing. The meeting must be conducted remotely. Every public law case is deemed to include an order that such meetings must take place and such meetings shall be considered a proper disbursement on the legal aid certificates of legally sided parties. If necessary the court will issue orders to that effect in each case.
 - II) At the advocates meeting, the advocates must decide, amongst other things, upon how the hearing will be conducted remotely.
 - III) At least 48 hours before the hearing, there must be a telephone directions hearing before the judge of trial. At that directions hearing, amongst other things, the judge will give directions as to how the hearing must be conducted remotely.
 - IV) It is for the local authority to organise the remote hearings and to ensure that the means devised are:
 - a) Secure and
 - b) Recorded.
6. In relation to private law cases:
- I) Where the Applicant is legally represented, the Applicant's solicitor, in consultation with the Respondent, must take responsibility for arranging for the hearing to be conducted remotely.
 - II) Where the Applicant is not legally represented and the Respondent is, the Respondent's legal representative must take responsibility for those arrangements.
 - III) Where neither party is represented, the court office must liaise with the judge of trial at least 72 working hours before the hearing and the judge must give directions for how the hearing is to be conducted. In default of specific direction from the judge the court must arrange for such hearings to be conducted by telephone.
 - IV) There must be a directions hearing before the judge of trial at least 48 hours prior to the substantive hearing at which, among other things, directions will be given as to the arrangements for the hearing.

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