

COVID DIRECTIONS ORDERS
GUIDANCE FOR THE PROFESSIONS

Preamble

1. Due to the continuing public health emergency it has become necessary for the adaptation of the court hearings system. Already there has been the introduction of dedicated hearing times, the use of remote hearings involving video and/or audio participation and the assessment of cases to ensure procedures by which hearings are now conducted continue to be fair, workable and enable cases to progress.
2. As part of those adaptations the template orders attached will be used when the court makes an order of its own initiative without hearing from the parties. They are a judicial initiative prepared in collaboration with the HMCTS staff to allow the administration of justice to continue notwithstanding the changed landscape and the pressures which are created.
3. These orders will achieve consistency of approach to benefit parties, advocates and those responsible for administering the hearings and the subsequent orders.
4. It is designed to meet the situation **as it currently stands** and will **need to be adapted to meet changing conditions**. If further developments in the national situation require different steps to be taken any necessary changes will be set out in further guidance.

Procedure

1. All cases listed within the next four weeks are being reviewed by their allocated judge to assess their suitability for a remote hearing. This will be done on a rolling basis.
2. Following each review the court will pursuant to FPR 2010 r.4.3(4) issue an order of its own initiative.
3. If a remote hearing can be undertaken (including any additional Directions hearing necessary to consider whether a listed contested hearing is viable) the order will set out the basis upon which the case will be conducted.
4. If a remote hearing is considered impractical and/or likely to be unfair to any party the hearing will be vacated and reviewed on the papers by the judge on a further date for the purpose of assessing whether the circumstances then existing enable either a remote hearing or an attended hearing to take place.

5. It is assumed that, at present, remote hearings will be conducted using **telephone, Skype or Zoom**.
6. A telephone hearing will be conducted via the court telephone system, BT telephone conferencing or BT Meet Me
7. For a video hearing conducted through Skype the procedure will be that the proceedings will be recorded by the court recording system or by the judge.
8. If the use of Zoom is preferred, it is assumed that a Barrister or Solicitor will host a Zoom hearing. The host will record the hearing and supply a link to the recording to the judge. No other person may record the hearing without permission of the court.
9. It is assumed that a direction for a Skype or Zoom remote hearing will ordinarily not be practical in a private law case and that those cases will be remotely conducted by telephone. However, provided the judge is satisfied that it can be achieved successfully, the judge can give directions for Skype or Zoom accordingly, following the public law templates with any necessary adaptations.
10. The use of Skype or Zoom for the purpose of conducting a contested hearing in private law cases will be considered at the directions hearing.
11. Notwithstanding the direction within an order as to how a remote hearing is to be conducted it is open to the advocates at the advocates meeting to identify a more appropriate means of holding the forthcoming hearing. Any alternative proposal must be communicated directly to the allocated judge who issued the covid order and incorporate the necessary details.

The responsibility for providing accurate contact details for any remote hearing is the responsibility of the providing advocate / party and not of the clerk. They should be sent to family.liverpool.countycourt@justice.gov.uk and the email heading must give the case number, date of hearing and the fact that telephone details for the hearing are provided.

12. Necessary arrangements will only be set up by the clerk upon receipt of all contact details.

Her Honour Judge De Haas QC

His Honour Judge Parker

31.03.20