TEMPLATE – REMOTE HEARINGS ORDER

**CASE NO: […]**

**IN THE HIGH COURT OF JUSTICE**

**BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES**

**TECHNOLOGLY AND CONSTRUCTION COURT (QBD)**

**BETWEEN:**

**CLAIMANT**

Claimant

**-and-**

**(1) DEFENDANT [1]**

**(2) DEFENDANT [2]**

Defendants

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| --- | --- | --- |
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|  | **ORDER** |  |
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Before **[name of judge]**, sitting at [**court**], on **[date of order]**

**UPON** a hearing of the **[Claimant’s / Defendant’s** **application or trial]** having been listed for hearing on **[date]** at **[physical hearing location]**

**AND UPON** the Judge taking notice of the COVID 19 (Coronavirus) pandemic and the measures being taken in response

**AND UPON** the Court considering the provisions of [s 85A of the Courts Act 2003](http://www.legislation.gov.uk/ukpga/2003/39/section/85A) (as inserted by the Coronavirus Act 2020) and [PD51Y](https://www.judiciary.uk/wp-content/uploads/2020/03/CPR-116th-PD-Update-video-or-audio-hearings-for-coronavirus-period.pdf)

**AND UPON** the Court considering the parties’ [written/oral] representations and proposals as to the practicability of the Hearing being conducted remotely and the methods to be adopted

**AND OF THE COURT’S OWN MOTION** **[**or **BY CONSENT]**

**IT IS ORDERED THAT**

**Remote hearing**

1. The hearing presently due to take place at **[physical hearing location]** on **[date]** shall take place instead by remote hearing.

**Notification of attendance**

1. By no later than 10:00am on **[date - 2 days before the hearing]**, each party must file by email to **[the Judge’s clerk]** the identity of each person attending the hearing, the capacity in which they will attend, their email and telephone contact details.

**Provision of documents for the hearing**

1. The parties shall co-operate in ensuring that all documents necessary for the Court to determine the application or trial are made available in electronic form in good time before the hearing.
2. The **[Claimant or party making the application]** shall serve and file an indexed and paginated electronic bundle comprising all relevant documents, including pleadings, statements, reports and other material by 4.30pm on **[date – 7 days before the hearing or as ordered by the Judge]**.

(1) Electronic bundles should contain only documents that are essential to the remote hearing. Please note that large electronic files can be slow to transmit and unwieldy to use.

(2) Electronic bundles can be prepared in .pdf or another format and should facilitate electronic annotation. Where possible, the electronic bundles should be sent to the court by link to an online data room or delivered to the court on a USB stick. If that is not possible, they must be filed through CE-file or sent by email to the Judge’s clerk.

(3) **[Optional for the Judge:** In addition to the electronic bundle, core documents **[identify]** shall be provided to the Judge in hard copy at the same time as the electronic bundle is filed**].**

1. Skeletons should be prepared and sent to the Judge’s clerk by email by 4.30pm on **[date – 2 days before the hearing or as ordered by the Judge]**.
2. The parties should agree and prepare an electronic indexed and paginated bundle of authorities for the hearing. Such electronic bundle should be provided to the judge’s clerk and to all other representatives and parties by 4.30pm on **[date –as per skeletons]**.

**The hearing**

1. The vehicle for the remote hearing shall be Skype for Business **[alternatively telephone or other agreed mode of hearing]**.
2. Invitations to join the meeting will be sent by email to all persons who have notified the Court as attending the remote hearing. Any person who has so notified the Court but not received an invitation to the hearing by 2:00pm on **[the day before the hearing]** should contact **[the Judge’s clerk at email address or listings]**.
3. The hearing will commence at 10:30am. However, **[name]** will sign in at or before 10:00am and all attendees are obliged to attempt to sign in shortly after 10:00am, so that any issues with the connection can be addressed before the hearing is due to begin. Issues should be raised with **[the Judge’s clerk at email address]**.
4. Although the hearing is being conducted remotely, the hearing remains a court hearing. The usual rules and formalities continue to apply.

**Open Justice**

1. The court will take reasonable steps to ensure that the hearing is of an open and public character, including by seeking to give notice to the media that the hearing is taking place remotely, and of a contact address at which to obtain details of how to attend remotely.
2. In accordance with PD51Y para 3, if any media representative is able to access the proceedings remotely while they are taking place they will be public proceedings.

**Recording**

1. Pursuant to s 85A of the 2003 Act, the hearing will be recorded by the Court**.** Attention is drawn to the provisions of CPR 39.9(3) regarding access to transcripts of hearings.
2. It is an offence, and may amount to a contempt of court, to make or attempt to make an unauthorised recording or transmission of an image or sound made or transmitted during remote proceedings. Attention is drawn [to ss 85B and 85C of the Courts Act 2003](http://www.legislation.gov.uk/ukpga/2003/39/section/85C) (as inserted by the Coronavirus Act 2020).

**Liberty to apply**

1. All parties have liberty to apply in relation to this order. Such liberty shall be exercised informally, by email to the Judge’s clerk. Any such communications must be copied to all other parties.

**[NOTE - where applicable**

1. *This Order has been made of the Court’s own initiative, without a hearing and without representations from the parties. By virtue of CPR 23.8(c), PD23A 11.2, and CPR 3.3(5) and (6) any party affected has the right to apply to vary or discharge the order. Any such application must be made in writing within 7 days of the date of this order, on notice to all other parties.***]**

**REASONS**

(1) I have considered the papers in this matter and can see no reason why the application cannot fairly be disposed of by way of a remote hearing.

(2) A remote hearing is, in this case, necessary for a hearing to take place at all; and it is in the interests of justice that the matter be disposed of on the date listed, rather than be adjourned.

(3) However, remote hearings bring with them added complexity, in terms of:

(i) Ensuring the presence of all relevant parties; and

(ii) Ensuring that all material documents are before the Court in a manner that all parties can easily identify and reference.

The order seeks to anticipate and deal with these issues.

**Remote Hearing Attendance Form**

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| Case No | |  | | | |
| Case Name | |  | | | |
| Claimant | |  | | | |
| Defendant(s) | |  | | | |
|  | |  | | | |
|  | |  | | | |
| File name of this document | |  | | | |
| Hearing date and time | |  | | | |
| Party filing this document | |  | | | |
|  | |  | | | |
| **ALL PERSONS ATTENDING ON BEHALF OF THIS PARTY** | | | | | |
| **Name** | **Email** | | **Direct phone** | **Capacity attending** | **Speaking**  **(Y/N)** |
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