

COVID -19: GUIDANCE FOR THE HEARING OF CIVIL CASES IN THE HUMBER GROUP OF COURTS

This guidance has been issued by HHJ Sarah Richardson, the Designated Civil Judge for the Humber Courts. It has been issued in light of the ongoing Covid-19 public health emergency. It applies to the listing of all civil work in the County Courts sitting at Hull and Grimsby and incorporates all up-to-date guidance given up to 3 April 2020 to staff and judiciary. It is likely that it will need to be amended from time to time.

Please note that with effect from Monday 31 March 2020 Grimsby Combined Court Centre is a closed court. No face to face hearings of any kind whatsoever will be accommodated at Grimsby until further notice.

Each judge sitting in the Humber Group of Court has an allocated member of staff to assist the judge with the remote listing of cases etc. If you know the identity of the judge who is due to hear a case and have a query, please direct that query in the first place to the relevant allocated member of staff, using the email address hull.cmb.dm@Justice.gov.uk and identifying the member of staff in the subject line. A list of the judges and their allocated members of staff is attached to this Guidance at Appendix 1.

All remote hearings will either be conducted by either:

- telephone (using one of the four accredited telephone conference providers) or, if directed by the judge, using BT Meetme. If Meetme is used, the court will send out instructions to the parties on how to join the hearing;
- Skype for Business or (if logistically possible) by a link to the existing video conferencing facilities present in the court centres. In the event that HMCT approves the use of additional video conferencing software, the list in this guidance will be expanded if and when it is available to the judges sitting in Hull and Grimsby.

Face to face hearings will until further notice only take place in Hull and **only** if they are urgent, cannot be dealt with over the telephone and the Designated Civil Judge (or her designated deputy) has approved a face to face hearing.

Small claims & Fast track trials

1. All Small claims and fast track trials listed in Hull & Grimsby **up to and including 17th April 2020** have been vacated. Orders have been sent out asking the parties to use their best endeavours to agree or narrow the issues and seeking information from the parties to enable the court to ascertain whether the hearing of any outstanding issues can be re-listed by way of paper determination, telephone hearing or (for Fast Track trials only) by video link.
2. Upon receipt of information from parties whose hearings have been vacated, the matter will be considered by a District Judge, who will either:
 - (a) Subject to paragraph 4 below, make an order re-listing the hearing using a remote method if such a hearing can ensure that the case is dealt with in accordance with the overriding objective and the judge is satisfied that the case is ready for trial; or
 - (b) Make alternative directions if (a) does not apply.
3. All Small claims and fast track trials listed in Hull & Grimsby **after 20th April 2020** currently remain in the list. They are subject to review. Orders have (or will be) been sent out asking the parties to use their best endeavours to agree or narrow the issues and seeking information from the parties to enable the court to ascertain whether the existing hearing can remain in the list and be dealt with by way of paper determination, telephone hearing or (for Fast Track trials only) by video link.
4. The re-listing of any small claims or fast track case that has been adjourned/is adjourned in the future and the conversion of any currently listed hearings to remote hearings is subject to any operational restrictions or limitations in place from time to time, including the court having sufficient staff to support such hearings.

Short hearings (County Court & High Court)

5. The following paragraphs encapsulate guidance given to date in relation to short hearings. It is almost certainly not an exhaustive list. The default position is that where possible hearings will take place by telephone.
6. For all hearings that are directed to be heard on the papers or by telephone, one party (usually the Applicant/Claimant) must file a small electronic bundle [e bundle] by midday on the day before the hearing or such other time as is stipulated in this guidance.

7. Directions for the filing of e-bundles are set out in paragraphs 28-29 below.
8. If no e bundle is filed in accordance with paragraph 6 above, the Hearing may have to be adjourned.

Applications for the return of goods, third party debt orders

9. These will be dealt with on paper or if requested by telephone, with the parties being given sufficient notice to send written submissions in addition to the e-bundle.

Creditor's bankruptcy petitions

10. These will be heard by telephone. The petitioning creditor must send an e-bundle with all the essential documents (petition, affidavit verifying petition, advertisement, certificate of continuing debt, list of supporting/opposing creditors and any other documents the judge will need before considering whether to make the order) in advance of the hearing and not later than 5pm on the day before the hearing. In the event that the debtor attends the telephone hearing and the petition is disputed, it will be transferred to the BPC in Leeds for further directions.

Applications by enforcement agents for certificates/the renewal of certificates

11. These will be heard by telephone. The Applicant must send the certificate (with colour photograph) to the court by post to arrive the working day before the application is listed and attend the application hearing by telephone to answer any questions that the judge may have. In the event that the judge is satisfied with the application, the judge will sign the certificate and arrange for it to be laminated and posted to the Applicant.

Attachment of earnings orders

12. Any applications in box work where the District Judge has sufficient information to make an order on paper will be dealt with in box work. Any applications that require service by the bailiffs or attendance at court (N58, N59 etc) will be considered once it is safe to order personal attendance at the court.

13. Any debtor wishing a variation or stay of a suspended attachment of earnings order because their financial circumstances have been adversely affected by the current public health crisis will need to make a formal application to the court. The application will be referred to a District Judge, who will take into account the current crisis when considering the application. There will be no application fee charged for making this application.

Applications for approval of a settlement reached on behalf of a child, orders to attend for questioning

14. These are to be adjourned to a date to be fixed when attendance in person at court can take place safely.

Applications for approval of a settlement reached on behalf of a protected party

15. These will be heard by telephone with an e-bundle to be filed in accordance with paragraphs 28-29 below.

Applications for payment out of court of funds held for a child under 18

16. If there is sufficient information on the court file to enable a judge to consider the application it will be dealt with on paper. If this is not the case, of the judge considers that a hearing is necessary, the hearing will be listed once it is safe to hold a face to face hearing.

Possession hearings and warrants of possession

17. Following the approval of PD 51Z all possession applications and warrants are suspended for 90 days from 27 March 2020 i.e. until 25 June 2020. This applies to possession sought in any grounds. It does not apply to injunction proceedings. Any applications for injunctions (Hull or Grimsby) are to be listed by phone before the DCJ if possible.
18. Prior to the implementation of PD 51Z all possession hearings in Hull and Grimsby relating to residential property listed between 19 March 2020 and 19 June 2020 were vacated from the list with a direction that they be re-listed on the first available

date after 19 June 2020. This is subject to any further orders of the court made prior to 12 June 2020 and I will review this issue on an ongoing basis in light of any further guidance from Government and/or amendments to PD 51Z.

Committals & Injunctions

19. Applications for Injunctions will be prioritised and heard urgently but, wherever practicable, by telephone or other electronic means. An e-bundle must be served by the Applicant in advance of the hearing.
20. Upon application, personal service of urgent Civil Injunctions will be dispensed with; orders for substituted service by delivery through the letter box of the last known address, by text and/or by any other form of electronic communication will usually be made.
21. Committals fall into a separate category and will of necessity require personal attendance at court. Upon any application for a committal the court will give specific directions.

Multi track cases

Costs and case management hearings

22. Until further notice all costs and case management hearings will take place by telephone. The standard order that is used to list these hearings already requires the filing of certain documents in electronic format. These directions **must** be strictly adhered to. If they are not, the hearing may be vacated in advance. In addition, the Claimant must file an e-bundle comprising of the pleadings and any other documents (e.g. medical reports) that the court will need when considering what directions to make and issues of proportionality.

Variation of timetables

23. In accordance with PD 51 ZA the parties may agree extensions of time to comply with procedural time limits in the CPR, Practice Directions and court orders of up to 56 days provided this does not put any hearing date at risk. If the extension of time does not adversely affect a hearing date, the court does not need to be notified.

24. If the Trial date cannot be met because of an agreed extension of time or because of any other difficulty related to, or arising from COVID-19, if the parties agree, a letter shall be sent to the court, with a draft order attached:
- I. Proposing a new timetable as appropriate
 - II. Proposing a new Trial window
 - III. Providing agreed availability within the Trial window
25. If the trial date cannot be met and a draft order cannot be submitted in accordance with paragraph 24 above, the parties are at liberty to agree a stay and to notify the court accordingly.
26. In default of agreement in relation to any of the above, the 'applying' party must request a telephone hearing, by letter or email, with a time estimate indicating whether such hearing is urgent and providing an e bundle in advance of the hearing.

Multi track trials listed for hearing in April – May 2020

27. These have or will be listed for a directions hearing by telephone for the court to consider whether the trial is capable of being heard remotely.

Directions for the filing of e-bundles

28. These directions apply to all cases of whatever nature that are to be heard remotely and where this guidance, or an order of the court, requires the filing of an e-bundle. An e-bundle should comprise only those documents which are **necessary** for the proper conduct of the hearing.

29. The directions for delivery of electronic material to the court are:

- (a) Wherever possible, send by email a single paginated electronic bundle comprising all of the documents relevant to the hearing. In the unlikely event that this exceeds 50 pages (25Mb), more than one email will have to be sent.
- (b) The address to send the bundle to is:

enquiries.kingstonuponhull.countycourt@justice.gov.uk

- (c) The subject title of the email must contain all of this information:
 - i. Case number;
 - ii. Case name (shortest comprehensible version);
 - iii. Hearing date;
 - iv. Judge Name (if known)
 - v. The words in capitals “REMOTE HEARING”

- (d) The body of the email should, where possible, include the names, email addresses and descriptions (for example “Claimant’s Counsel”) of the persons attending the remote hearing.

Electronic signatures

30. CPR 22 PD 1.5 allows a statement to truth to be set out in a document separate to the document verified as long as it identifies the document verified. The requirement for a document to be signed is satisfied by if the “signature is printed by computer or other mechanical means”: CPR 5.3. PD 5A para.1 requires the name of the person also to appear if the signature is a “replica signature”. What this seems to envisage is that the printed signature is e.g. one that is scanned and then printed. The court will accept such signatures until further notice.

APPENDIX 1

| <u>Judge</u> | <u>Allocated member(s) of staff</u> |
|----------------------|-------------------------------------|
| HHJ Sarah Richardson | Sue Chandler/ Rob Winship |
| DJ Besford | Rob Winship |
| DJ Boorman | Julie Berry |
| DJ Hill | Rob Winship |
| DJ Lobb | Rob Winship |
| DJ Thomson | Julie Berry |
| Recorders/DDJs | Rob Winship |
| DJ Pickering | [to be notified] |
| DJ Hickenbottom | [to be notified] |