



JUDICIARY OF
ENGLAND AND WALES

MR. JUSTICE SNOWDEN
HIGH COURT JUDGE
VICE-CHANCELLOR OF THE COUNTY PALATINE OF LANCASTER

COVID-19 UPDATE NUMBER 1

31 March 2020

Position Summary and Guides for Urgent Applications

I am extremely grateful for the incredibly hard work of the judges, court staff and practitioners in the Business and Property Courts (BPCs) in Leeds, Liverpool, Manchester and Newcastle in responding to the COVID-19 pandemic.

The aim of the BPCs in those centres is to continue to provide a service to court users, having regard to the overriding importance of keeping everyone as safe as possible. In particular, that will involve complying with the Health Protection (Coronavirus, Restrictions) Regulations, and all further applicable government guidance regarding staying at home and physical distancing.

At present, the civil court centres in Leeds, Liverpool and Manchester will remain open for essential face-to-face hearings. The Civil, Family and Tribunal centre in Newcastle will not be open, but will remain staffed. Wherever possible, however, the BPCs will seek to make arrangements to hold hearings using technology for remote communication by both judge and parties. Although this will be a matter for judicial discretion in each case, if it is not possible to hold hearings remotely, it is highly likely that the hearing will be adjourned.

Given the extraordinary demands upon the limited numbers and resources of judges and court staff, parties and their professional advisers should not wait for contact from the court as regards the arrangements for listed hearings. Parties and their professional advisers should co-operate well in advance of a scheduled hearing to agree a suitable means by which, subject to the court,

the hearing can proceed. Those arrangements can then be approved by the court on paper or at a brief CMC convened for the purpose. Alternatively, the parties should agree the terms on which the hearing can be adjourned. Some applications may be suitable for determination on paper and without a hearing pursuant to CPR 23, in which case the court should be notified of the parties' view as soon as possible.

If a remote hearing is possible, the parties should discuss and seek to agree a proposal to put to the court for the logistics of the hearing.

Issues to be addressed will include the preferred manner of remote communication. Although practitioners and some judges have been active in trialling other systems, and the updated Civil Court guidance still mentions Zoom, the current instruction from HMCTS is only to use BT Meet Me for hearings by telephone, and Skype for Business for video-conferencing. Urgent consideration is, however, being given by HMCTS and the senior judiciary to approving the use of other systems. I will publicise further guidance as and when it becomes available.

It will also be necessary for the parties to address whether it will be possible for the hearing to be held in public by giving remote access to the media or members of the public pursuant to the new PD 51Y, and in any event whether, and by whom, a recording of proceedings will be made and stored. The parties should also seek to agree and prepare electronic bundles of documents and authorities which must be strictly limited in size and number to those which are essential to the issues to be determined.

It is the intention to keep the CE filing system operational in each of the BPC centres, but users should bear in mind that there may be some delay in processing filed documents and judges will not have access to unprocessed filings. This is likely to necessitate arrangements being made for electronic bundles for hearings to be sent directly to the court by email.

It is also the intention that, subject to a system for assessment of urgency and triage, applications for interim relief which are genuinely urgent but can be heard in court hours will be heard remotely by judges from each of the four BPC centres. The existing out of hours service will also continue for those matters which need to be dealt with out of hours.

An Emergency Practice Direction for insolvency matters is in preparation which will seek to address the issue of CE-filing of Notices of Intention to appoint Administrators and Notices of Appointment of Administrators. It will also provide a structure for the hearing of winding up petitions in the forthcoming weeks, subject to local variations. I will be publishing details of those arrangements as soon as they are to hand, but practitioners should assume that such insolvency lists will be proceeding by a remote hearing unless notified to the contrary.

I have, for convenience, set out below links to the more important/useful documents which are relevant to the operation of the BPCs over the next few weeks. I have also attached Guides setting out how to make Urgent Applications in the BPCs both in court hours and out of hours.

As Practice Directions and guidance are continually appearing and being up-dated, users should check the judiciary website <https://www.judiciary.uk/coronavirus-covid-19-advice-and-guidance/> for the current position.

Mr. Justice Snowden

31 March 2020

Useful Links

[Practice Direction on Video or Audio Hearings in Civil Proceedings during the Coronavirus Pandemic](#)

[Updated Civil Court guidance on how to conduct remote hearings](#)

[HMCTS telephone and video hearings during coronavirus outbreak](#)

[EBundling Guide \(Author James Turner QC\) \(Chancery Bar Association\)](#)

[Newcastle BPC conduct of hearings letter dated 27 March 2020](#)

Business and Property Courts

Urgent Applications In Court Hours

Contact procedure

If you require an urgent hearing in Court hours for injunctive or similar interim relief in a Business and Property Courts matter in Leeds, Liverpool, Manchester or Newcastle please contact the relevant Court centre at the e-mail address and/or telephone number shown below.

Leeds

In the first instance, please telephone the Leeds BPC team on 0113 306 2460 with the information set out below, and follow up your call with an e-mail containing the same information to BPC.Leeds@justice.gov.uk.

Liverpool and Manchester

In the first instance, please email Manchester.chancery@justice.gov.uk with the information set out below. If you do not receive a response in the time which the urgency of your case demands, you may phone the Manchester BPC team on 0161 240 5307.

Newcastle

In the first instance, please e-mail NewcastleBPC@justice.gov.uk with the information set out below. If you do not receive a response in the time which the urgency of your case demands, you may phone the Newcastle BPC team on 0191 205 8751.

Required information

In the subject line of your email you must give the name of the case and add “URGENT INTERIM RELIEF APPLICATION”.

In the body of the email state:

- * your case details including the names of the parties and, if your application is made in existing proceedings, the claim number;
- * brief details of the relief being sought;
- * brief details of the circumstances and reason for urgency;
- * a time estimate for judicial pre-reading and hearing;

- * a brief statement as to whether you intend to give notice of the application to any other party and, if not, why not.

Listing procedure

The matter will be referred to a judge for consideration of whether the case merits urgent attention in the current circumstances. If satisfied that an urgent hearing is merited the judge will give immediate directions as to when the hearing will take place and how it is to be conducted.

If a hearing is merited, it will be conducted remotely and the judge will determine whether it is to be conducted by telephone through BT MeetMe or by Skype or in some other way. You must provide the Court with the e-mail addresses and telephone numbers of counsel and solicitors and any unrepresented parties so that a remote hearing can be arranged. If you believe that one or other of those methods will not be practicable you should say so giving reasons.

The judge will in any event require an electronic bundle to be provided. This should be limited to those documents which are essential for the proper determination of the matter on an urgent basis.

You should also pay all fees and file all appropriate documents on the CE-file system in the normal way. You should appreciate that there may be some delay in processing filed documents and that the judge will not have access to unprocessed filings.

Business and Property Courts

Urgent Applications Out of Hours

At present, the established procedures for urgent applications out of hours in the Business and Property Courts in Leeds, Liverpool, Manchester or Newcastle will continue to operate.

Contact procedure

Court users should initially telephone their local out of hours number or, in an existing claim, the out of hours number for the court where the claim is proceeding. The relevant telephone numbers are:

Leeds: 07810 181 828

Liverpool: 07876 034 775

Manchester: 07554 459 626

Newcastle: 07917 270 988

If it is not possible to contact the appropriate telephone number, court users may contact the out of hours officer at any of the other courts in this list.

When calling, the court user should state at the outset that the call relates to a Business and Property Courts matter.

Required information

When speaking with any out of hours officer, court users must, as a minimum, be able to provide the information set out in the guide to Urgent Applications In Court Hours published together with this guide.

Once the out of hours officer has collected this information, s/he will contact a judge for further directions and will then contact the court user again with the judge's directions.

Urgency

Those seeking to use the out of hours service need to remember that:

1. Out of hours business is limited to that work that cannot wait for a determination until the next business day. If a judge takes the view that a matter can wait until the next business day for a determination, s/he will not hear the application out of hours.

2. A court user who becomes aware of circumstances where it might be necessary for a judge to determine an application out of hours must, if at all possible, make contact with the court in business hours to give advance warning that an out of hours application may need to be made. In any event, court users must contact the court, either in business hours or out of hours, as soon as it becomes apparent that an out of hours application may need to be made.