

**COVID-19: GUIDANCE FOR HEARINGS OF DIVORCE CASES
BEFORE THE HIGH COURT AND COUNTY COURT -
DEFENDED, UNDEFENDED AND PERSONAL PETITIONERS**

Issued 23 October 2020

1. These notes (which build on and replace guidance for Undefended Divorces issued on 29th May 2020) set out arrangements for the hearing of all defended and undefended divorce cases, including those where the parties are not legally represented, before both the High Court and County Court during the period when it is difficult to conduct a physical hearing.
2. The purpose of the note is to advise participants and their legal representatives, or personal petitioners (if not legally represented), as to how the hearing will be arranged and conducted.
3. To comply with the Executive and Public Health Agency guidance, the judge will make a direction under Schedule 27 to the Coronavirus Act 2020 so that the hearing can take place remotely by way of live link and the petitioner and his/her legal representatives, and the respondent (if applicable) can participate in the hearing.
4. Notice of the hearing will be sent by the Court Office to the parties, or if legally represented to their solicitors, giving at least ten working days' notice of the hearing.
5. Where the case involves a personal petitioner, or unrepresented respondent, they will be asked to confirm if they are able to join the hearing remotely.
6. If a respondent in an undefended divorce wishes to make representations to the court, he/she must do so in writing at least 5 working days before the hearing. The judge will then determine if the respondent should be allowed to participate in the remote hearing; the court office will then confirm arrangements.
7. If, for whatever reason, a participant is unable to join the hearing remotely, the case will be referred to the judge to consider whether the hearing can proceed with the parties physically in court / or by hybrid means (part remote / part physical).
8. All parties required or permitted to attend, and their legal representatives, must ensure that they have a compatible system to enable them to participate in the hearing which will normally be via 'Sightlink' - the court office will issue all parties with the necessary joining instructions¹.
9. Prior to the hearing the petitioner, and respondent (if applicable) should have read the petition / cross petition and any statements for arrangements in relation to any children.

¹ <https://www.justice-ni.gov.uk/publications/sightlink-consolidated-guide-public>

10. The court will make arrangements for the Sightlink hearing at the agreed time. The parties to be included in the link will be the court clerk, the judge, the petitioner, the respondent (if applicable) and their legal representative(s). It is not necessary for a solicitor to attend counsel, but the solicitor may do so if they wish.
11. Ideally the petitioner (and the respondent if participating in the hearing) should be present in their solicitor's office, but if that is not possible, or they do not have a solicitor, they will be permitted to participate from another location such as their home.
12. Parties are reminded that the remote hearing will be a formal court hearing held in chambers which means that it is a private hearing. During the hearing no-one else should be present in the rooms with the people participating in the hearing. Proper decorum should be followed at all times, with the dress and behaviour of those participating of a similar standard to that expected when attending a courthouse. Judges and the profession should dress as would normally be expected for the hearing. Further guidance on remote hearings can be found at <https://www.judiciaryni.uk/coronavirus-covid-19>. Court users may find the 'Quick Guide' found [here](#) helpful.
13. At the commencement of the hearing, the petitioner is required to take an oath or make an affirmation, as will the respondent if required to give evidence. If the oath is to be taken the participant must ensure that they have with them the holy book upon which they intend to take the oath, and the court should be advised beforehand the nature of the oath to be taken - e.g. I swear by almighty God, I swear by Allah etc.
14. The participant will then give evidence in response to questions either from his/her legal representative (where applicable) or the judge. Where the divorce is defended the respondent will then give their evidence in response to questions either from his/her legal representative (where applicable) or the judge. In the circumstances, questions should be limited to the basic salient points in the petition and the core matters that need to be proved to the court.
15. Where the petitioner / respondent is required to identify a document (including the marriage certificate) or a signature (such as the Acknowledgement of Service), the judge or court clerk will hold up the document to the camera and the participant can give evidence based on the image of the document projected on the screen. Alternatively, the witness may identify a document or signature from a copy and then display the image of the document or signature for the benefit of the court.
16. Clarification can be provided on any issue by emailing the relevant court office (for all defended divorces, or those being heard in the High Court contact the Matrimonial Office at matrimonial@courtsni.gov.uk; for hearings in the County Court contact the relevant court office - see Annex A on www.judiciaryni.uk/coronavirus-covid-19)
17. Please quote the ICOS or reference number. Please do not attempt to telephone the court office.