

LADY CHIEF JUSTICE'S OFFICE

GUIDANCE ON PHYSICAL (IN-PERSON), REMOTE & HYBRID ATTENDANCE

6 November 2023

This guidance replaces the guidance dated 15 May 2023.

General

This guidance reflects the recognition that there are matters where the interests of justice determine that physical attendance is necessary unless otherwise directed.

Legal representatives, participants in proceedings and members of the public should attend court in person unless a judge has decided they can attend remotely applying the interests of justice test in that individual case. The Court of Appeal, Divisions of the High Court and presiding judges at other tiers may, where deemed necessary, issue specific practice guidance as to when remote attendance may be permitted. The practice guidance for the Masters' Courts, including for undefended divorces, will remain unchanged.

The following general guidance applies across all court tiers.

In person attendance

- The courts are open to all including the public.
- Full hearings require in person attendance of all counsel, solicitors and witnesses unless permission is granted for remote attendance.
- If solicitors request not to attend counsel, that should only be when counsel have been fully briefed and access is available for counsel to take instructions.
- Prosecution and defence counsel should attend to all bail applications in the High Court.
- Counsel, solicitors and defendants should attend at plea and sentencing hearings before the Crown Court or in any other court where there is a risk of imprisonment or a community-based order which requires consent.
- Counsel, solicitors and defendants should attend at arraignment hearings before the Crown Court.
- Where personal litigants are involved in any case, opposing counsel and solicitor should always attend in person.
- Where a litigant has a vulnerability, learning disability or requires special measures counsel and solicitor should always attend in person.
- Most substantive family hearings will require in person attendance of counsel and solicitors. Reviews and directions hearings may be held remotely at the direction of the judge.

- Civil cases which require assessments of credibility will require in person attendance.
- Requests for remote attendance or access in the magistrates' courts should be made using Form REM and sending it to the relevant court office no later than 2pm on the day prior to the hearing date except for overnight and emergency/short notice cases where the legal representative has only just been instructed (unless the local magistrate has indicated that the request can be submitted by email to the court office). Practitioners should set out why the interests of justice test would be met by remote attendance in the individual case.
- Sightlink information will no longer appear on public lists but may be accessed upon request.

Remote use and attendance

The digital technology introduced into courts in recent years has presented a platform for wider reforms to improve access to justice. Its use for certain types or stages of cases or where certain types of evidence is to be given has recognised benefits and it is essential that these are retained while maintaining the integrity and structure of the court. Matters which will generally be suitable for remote attendance include:

- Short or uncontroversial procedural business, such as mentions, reviews, directions, interlocutory applications, and case management hearings;
- The attendance of defendants and police officers at first appearances and bail applications (High Court and magistrates' courts). Defendants' first appearances on 28-day charge sheet should, however, be in person;
- Where evidence may be given effectively from an appropriate remote evidence centre (RECs)
- Where PSNI officers are giving evidence, in appropriate cases at appropriate stages of proceedings;
- Where the parties are abroad. Whether the evidence can be given remotely is a matter within the jurisdiction of the NI court;
- Initial and ex parte applications for non-molestation/occupation orders at the direction of the judge in the individual case.

While some remote evidence may be given by professionals, such as health professionals, emergency medical staff, social workers, psychiatrists, psychologists, forensic scientists, police call centre staff etc that will be a matter for the judge in each case and will depend on the nature, complexity and significance of the witness's evidence.

Remote attendance etiquette

It is essential that those attending court remotely respect the integrity and formality of a court and that they behave, as they would be expected to if physically in court.

The taking of photographs or filming of the remote proceedings is a criminal offence. Guidance on how to participate in a remote hearing can be found [here](#) and should be carefully read before any remote attendance.