

COVID-19 GUIDANCE FOR COURTS

CIVIL ACTIONS

23 September 2020

This guidance applies to all civil actions in the High Court and County Court (CCJ cases and District Judge cases)¹. It does not apply to Masters' Courts which have their own guidance which can be found [here](#).

Courts will continue to undertake as much business as possible remotely or in the form of a hybrid hearing where the judge directs. Members of the public and legal representatives should not attend court unless specifically required. Where it is necessary for people to come to court in person such hearings can only take place where it is safe to do so. You should consult the [NICTS guidance](#) on security, social distancing and cleaning of court buildings before attending.

The following arrangements for listing and hearing High Court and County Court civil actions will be applied with effect from 1 October 2020.

- **QBD ACTIONS LISTED FOR HEARING**

Where a case is currently listed for hearing the parties should indicate if the case is ready to proceed on the listed date and in any event, complete and lodge Form **HR1** by email with the Central Office no later than 14 days² in advance of the hearing. The subject line of your email should state **“QBD Action for hearing – (insert hearing date)”**.

Form HR1 must be fully completed to inform judicial considerations and listing arrangements. The court office will notify all parties of the date, time and type of hearing and the details of any callover which may be arranged in advance of the hearing.

If parties do not file a form, the case will be adjourned for 4 weeks to a **Refer to Judge List**.

Lists of the QBD actions listed for hearing will be issued monthly by OLCJ to the Law Society and Bar Council for onward transmission to legal representatives.

¹ Including civil bills, possession proceedings, injunctions, licensing, statutory appeals and other civil proceedings. This guidance replaces the following guidance: Guidance for High Court Reviews (5 June 2020); Guidance for County Court Civil Business (12 May 2020); Protocol for the Hearing of Civil Bills (9 July 2020).

² We recognise that this will not be possible for the QBD cases listed on 1 - 8 October 2020 but encourage legal representatives to lodge Form **HR1** as soon as possible to ensure the hearing, if required, can proceed on the current or proposed trial date.

- **QBD REFER TO JUDGE LISTS**

A Review of all cases listed in the Refer to Judge Lists on 7 -18 September and 28 September -21 October 2020 will be carried out in week commencing **19 October 2020**. The review will also include any case which was **listed for hearing** during the period 23 March – 30 June 2020 but was adjourned because of Covid -19 restrictions, unless a new hearing date has been fixed or a review has already been requested. The review will be carried out by a Judge via remote hearings with the aim of assessing readiness, giving any necessary directions, and listing cases for hearing.

Cases will be listed in blocks and at half hour intervals each day. Copies of the court lists will be issued through the Law Society and Bar Council for onward transmission to legal representatives. Parties should complete and lodge Form **HR1** by email with the Central Office by **Wednesday 7 October 2020**. The subject line of your email should state “**QBD RtJ lists – w/c 19 October 2020**”. If the information in the completed form is sufficiently detailed, the judge may, in advance, give directions, but if not notified of such directions, the parties should join the remote hearing at the appointed time by connecting to **SIGHTLINK 48**. Parties should take note of the [Practice Direction on Remote Hearings](#) in advance of the reviews.

Cases listed in the QBD **Refer to Judge** Lists from **4 November 2020** onwards will be reviewed by a Judge via remote hearings. Parties should lodge Form **HR1** by email with the Central Office at least 14 days in advance of the hearing. Parties should check ICOS to confirm Sightlink details.

- **QBD ACTIONS, COMMERCIAL HUB AND JUDICIAL REVIEW**

Where the parties wish to highlight urgent business or non-contentious matters where they have agreed a way forward to be undertaken on the papers they should lodge Form **HR1** for the judge to determine whether a hearing is required or whether the case may be dealt with administratively.

Where the parties wish to request a hearing in a matter which has not yet been listed they should lodge Form **HR1** indicating that the matter is ready to be heard.

- **CHANCERY ACTIONS**

Parties should continue to file form **ChanCI1** in the first instance and the Chancery Judge will direct when form **HR1** should be filed at the appropriate stage in the proceedings.

- **COUNTY COURT ACTIONS**

Where a case has been listed for hearing, the parties should lodge Form **HR1** with the relevant court office no later than 14 days in advance of the hearing setting out all details needed to inform listing arrangements specific to that case.

Where the parties wish to highlight urgent business or non-contentious matters where they have agreed a way forward to be undertaken on the papers they should lodge Form **HR1** for the judge to determine whether a hearing is required or whether the case may be dealt with administratively;

Where the parties wish to request a hearing in a matter which has not yet been listed they should lodge Form **HR1** indicating that the matter is ready to be heard;

The County Court offices will notify the parties of listing dates.

Applications to make settlement an order of the court should be sent to the relevant court office on Form 98A of the County Court Rules (NI) 1981.

Consideration will be given to minor settlements in non-complex cases being dealt with administratively and without the need for the minor, guardian or legal representatives to attend. The legal representative who seeks approval however should provide a full brief in writing about the circumstances of the case with a note of the proposed figure for approval. It will be important that the judge is told how the figure for approval was arrived at and the course of the negotiations leading to it. Any special or unusual circumstances should be disclosed. Areas of agreement between the parties should usually be drawn to the judge's attention with queries conveyed in writing and responded to. An administrative order should address issues such as costs and/or investment and/or authorisation of fees.

Applications for injunctions will be dealt with on the basis of submissions and written evidence. If an ex parte hearing is required, judges will consider if this can be achieved by way of live link or other remote facility. While respondents will be entitled to an inter partes hearing, this will be informed by the detail provided on the **HR1** form. If a hearing cannot be facilitated, the interim relief may need to remain in place until further notice.

When dealing with possession proceedings, judges shall take into account all circumstances, including the guidelines issued by the Department for Communities during this period of public health emergency.

COMPLETION OF HR1 FORMS

HR1 forms should be completed collaboratively by legal representatives and lodged by email with the relevant court office. Where a party is not represented or is a litigant in person, they will be contacted directly by the relevant court office and asked to complete and return Form **HR1**.

The form should include all the details needed to inform listing arrangements should the judge determine that a hearing is required. Parties are asked to state whether the case is ready to proceed on the trial date (where applicable) and if so, whether it should proceed remotely, in person in a courtroom or by a combination of remote and in person (hybrid). Where a trial date has not been fixed, representatives are required to identify suitable dates for hearing and dates to be avoided. They should also state what meaningful engagement has taken place and provide the names of witnesses to be called, including experts and confirm whether their evidence is to be given remotely or whether they are required to attend the court in person.

Where a physical/hybrid hearing is to take place the form should be lodged no later than 14 days in advance of the hearing date so that appropriate arrangements can be made by court staff to manage footfall in courtrooms and public areas of the court building. Only those persons who have been notified to the court as attending in person will be admitted to the courtroom.

There are restrictions on the number of persons who can be present in court buildings while ensuring public safety and complying with advice from the Public Health Agency. As a consequence, no waiting facilities will be available prior to the hearing and parties will not be admitted until the action is ready to proceed. Legal representatives should ensure that they have identified a waiting area for themselves, their clients and witnesses in close proximity to the court on the day of the hearing.

The court office will notify parties of the date, time and type of hearing (including Sightlink details where applicable) and the details of any callover which may be arranged in advance of the hearing..

If a matter is unable to proceed on its allocated date, or the action has been settled, the relevant court office must be advised as soon as possible.