

LADY CHIEF JUSTICE'S OFFICE

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

15 May 2023

This guidance replaces the guidance dated 22 June 2022.

General

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

From 15 May 2023, all legal representatives, participants in proceedings, members of the media and 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.

However, the following general guidance applies across all court tiers.

In person attendance

- The courts are open to all including the public and media.
- 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 family hearings will require in person attendance of counsel and solicitors.
- Civil cases which require assessments of credibility will require in person attendance.

- Requests for remote attendance or access should be made in advance of the hearing on application by email to the relevant court office.
- 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. It should be noted that in civil or commercial matters where a party wishes to rely on the oral evidence given by video or telephone by a person (including the party themselves) who is in the territory of a signatory nation to the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters (18 March 1970) certain provisions may apply to the giving of that evidence – please refer to the terms of the Convention. Advice and guidance can be obtained from the Foreign Commonwealth Development Office's Taking of Evidence Unit. Whether the evidence can be given remotely remains 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.

Forms

The completion of HR1, HR2 and FC1 forms is no longer required. Some judges may request parties to complete forms to assist listing for certain courts, but this will be on a case-by-case basis and communicated to the parties in advance of the matter being listed.

Practitioners should not email ex-parte, legal aid and bail variation forms to court offices unless in exceptional circumstances (however administrative bail variations can be accepted). These should be completed and signed and lodged with the court office in person.