

**GUIDANCE**  
**MASTERS' COURTS**  
**KING'S BENCH DIVISION**

**28 October 2022**

This guidance replaces the guidance for the King's Bench and Appeals Masters' Courts that was published on **16 April 2021**.

**KEY CHANGES TO PREVIOUS GUIDANCE**

**Review Lists: Personal Injury and Clinical Negligence Cases**

- The Thursday Masters' Review lists will return to **in-person** hearings with effect from **Thursday 10 November 2022**. This applies to all cases which may have already received a listing date.
- If a Solicitor, Counsel, or personal litigant is unable to attend in person, there will continue to be a facility to join remotely.
- **Form KBCI3 is no longer required** for Thursday Reviews, however each party must complete the relevant **Master's Review Questionnaire**. Updated questionnaires have been developed for **Clinical Negligence Cases** and Personal Injury Cases, both versions can be accessed [here](#).

**Interlocutory Summonses**

- Practitioners are reminded that **Form [KBCI2](#)** must be filed for the first court listing in the Friday Summons Court **and an updated form KBCI2 is required for any subsequent listings**.

**Affidavits**

- **Unsworn affidavits** will be no longer be accepted in ex parte and inter parte applications unless specifically directed by the Kings Bench Masters.

**Masters' Office - Designated email address**

- Correspondence for the **King's Bench Master's Courts** **must** be sent to the following email address [KBmastersoffice@courtsni.gov.uk](mailto:KBmastersoffice@courtsni.gov.uk). Parties must **not** send emails directly to the Masters' Personal Secretary (A Arthur).

## INTERLOCUTORY SUMMONSES

Interlocutory summonses will be issued and allocated first return dates to a Friday Summons Court. The court will deal with new summonses **administratively** (on the papers/written submissions) therefore parties **must not** attend court on the date which appears on the summons.

Parties should collaboratively (where possible) complete and file form **KBCI2** together with an agreed order. Where there is a difference of opinion between the parties as regards what directions should issue, the parties, if they agree, should file brief written submissions indicating their respective positions. **A form KBCI2 is required for all summonses whether agreed or contested.**

Form **KBCI2** and all supporting information must be lodged by email with the Masters' Office ([KBmastersoffice@courtsni.gov.uk](mailto:KBmastersoffice@courtsni.gov.uk)) **at least 5 days** before the court date. The subject line of your email should state **"KBD Master's Summons Court (Administrative) - on (insert court date)."** **An updated form KBCI2 must be filed for any subsequent listings.**

If the defendant is not legally represented, the party issuing the summons will be responsible for providing a copy of this guidance with the summons.

Where a Form **KBCI2** containing the requisite information is not provided by the due date, the summons may be **Struck Out**.

### **Adjournments**

Requests for adjournments of summonses, if agreed, will normally be dealt with administratively by the court office and adjourned for approximately four weeks to a future Friday Summons Court, unless a hearing date has been fixed.

### **Urgent Business**

The Masters will continue to expedite the listing of urgent business where genuine urgency is demonstrated.

## CONTESTED SUMMONSES

Some straightforward Summonses will continue to be dealt with on the papers. If there is a need for the matter to be resolved by a hearing, the Master will facilitate this via one of the following options:

- Remote Hearing (using WebEx)
- In-Person Hearing
- Hybrid Hearing (partly remote / partly in-person)

The Master may also arrange a remote hearing by Webex (audio or video) for final directions and fixing a date for full hearing.

Parties should note that any in-person hearings will be strictly timetabled and capacity within the Masters' Chambers and the Masters' Courtroom will be restricted to ensure compliance with relevant guidance. Where a contested Summons requires a hearing, the parties should email the Masters' Office ([KBmastersoffice@courtsni.gov.uk](mailto:KBmastersoffice@courtsni.gov.uk)) to arrange a suitable date for a remote hearing via Webex. The office will send an email to the parties containing an invite to join the Webex hearing.

- **10 days** before the agreed hearing date, the parties should exchange written submissions in respect of the application.
- **7 days** before the agreed hearing date, the applicant shall file with the Masters' Office an electronic trial bundle, including copies of both parties' relevant documents and authorities to be relied upon at the hearing, together with a hyperlinked contents page. Guidance regarding the submission and format of electronic bundles is set out in [Practice Direction 2/2022](#)
- A copy of that electronic trial bundle shall also be sent by the applicant to the respondent.
- If the electronic trial bundle is not submitted within the time limit specified, the application may be removed from the Master's hearing list without further notice.

#### **REVIEW LISTS: PERSONAL INJURIES AND CLINICAL NEGLIGENCE CASES**

The Thursday Masters' Review lists will return to **in-person** hearings with effect from **Thursday 10 November 2022**.

The parties should, however, only attend court at the time specified to ensure that numbers in the courtroom remain within appropriate limits and to manage footfall in the building.

If a Solicitor, Counsel or personal litigant is unable to attend in person, remote attendance may be available via **Webex**. Parties should email the Masters' Office ([KBmastersoffice@courtsni.gov.uk](mailto:KBmastersoffice@courtsni.gov.uk)) in advance of the hearing date to request a Webex link and the office will send an email containing the invite.

**Form KBCI3 is no longer required** for Thursday Reviews, however each party must

complete the relevant **Master's Review Questionnaire**. Updated questionnaires have been developed for Clinical Negligence Cases and Personal Injury Cases, both versions can be accessed [here](#).

The completed questionnaire should be handed into Court at the commencement of the review hearing or, if you are attending remotely via Webex, emailed to the Masters' office in advance. The subject line of your email should state "**Master's Review Questionnaire Clinical Negligence Case or Personal Injury Case** (delete whichever doesn't apply)- **KBD Master's Review List on** (insert date)."

Webex (video or audio) hearings will continue to be used where requested or at the Direction of the Master.

#### **EX -PARTE APPLICATIONS**

Urgent ex parte applications will be given priority. Such applications must be clearly marked urgent and the papers may be filed by email to the RCJ Front of House: [Frontofhousercj@courtsni.gov.uk](mailto:Frontofhousercj@courtsni.gov.uk)

#### **AFFIDAVITS**

KBD Masters will no longer accept unsworn affidavits in ex-parte and inter partes applications unless specifically directed, any such direction is subject to the solicitors' undertaking to provide a sworn affidavit as soon as is possible and in inter- partes applications, subject to any objection by another party.