

PRACTICE DIRECTION 6/2005

SUPREME COURT OF JUDICATURE OF NORTHERN IRELAND  
FAMILY DIVISION

COUNTY COURT OF NORTHERN IRELAND

**Cases under the Children (Northern Ireland) Order 1995: The use of telephone conferencing in directions appointments pursuant to rule 4.17(7) of the Family Proceedings Rules (Northern Ireland) 1996.**

1. A directions appointment may be held by telephone only with the consent of the court and all parties.
2. Any party may request the court to hold a directions appointment by telephone or the court may suggest it.
3. When the date for a subsequent directions appointment is being fixed, a request may be made for it to be held by telephone. If the court directs that an appointment shall be held by telephone, the solicitor for the applicant in proceedings must complete the attached form and ensure that it is lodged with the relevant court office at least two working days before the day of the appointment.
4. A request may also be made in writing (pro forma attached) to the relevant court office at least two working days before the day of the appointment.
5. A directions appointment will not be held by telephone if:
  - It is the first directions appointment; or
  - Any party to proceedings is a personal litigant; or
  - Any party intends to call evidence or rely on legal authorities or texts; or
  - There are more than four parties to the proceedings.
6. A directions appointment may be held by telephone if:
  - One or more of the parties resides at least 15 miles outside Belfast; <sup>[1]</sup> or
  - In public law proceedings, the Trust is based at least 15 miles outside Belfast; <sup>1</sup> or
  - One or more of the parties' solicitors is based at least 15 miles outside Belfast; <sup>1</sup>AND
  - It is anticipated that the appointment will be straightforward and will last no more than 20 minutes. The requesting party should record on the pro forma any unusual features of the case.
7. A directions appointment by telephone will only be permitted between 9.15am and 10.30am <sup>[2]</sup>. All parties and their representatives must, therefore, be available between these times.
8. It is the responsibility of a party intending to make a request to liaise with the other parties in advance of the request to ascertain whether the conditions set out above are satisfied.

9. When a request is granted the court office will notify the party who submitted the form and will arrange the telephone conference. That party is then responsible for notifying the other parties forthwith, in writing, of the time fixed for the appointment. Telephone hearings will appear on the daily list.
10. Parties must file a copy of any proposed directions or timetable with the court and provide a copy to the other parties in advance of the appointment.
11. When a directions appointment is held by telephone, the following procedure will apply:
  - The parties will be called in the following order
    - (a) the applicant's solicitor and counsel;
    - (b) the solicitor and counsel for all other parties;
    - (c) where applicable, the Guardian ad Litem.
  - Each speaker must remain on the line after being called by the operator. Parties must ensure that they are available at least 10 minutes prior to the scheduled time for the appointment.
  - The judge will be called and the parties' legal representatives should then introduce themselves.
  - If the use of a 'speakerphone' by any participant causes any other participant difficulty in hearing, the judge may require the use of a hand held telephone.
  - A party seeking an adjournment should do so at the earliest opportunity. An adjournment will be permitted only in exceptional circumstances.
  - All hearings will be recorded.
12. During a telephone appointment no party or representative shall be present with the judge and only those involved in the hearing shall be present at each location, unless the judge determines otherwise.
13. Legal representatives should ensure that they are in a position to take such further instructions as are necessary during the appointment.
14. The telephone charges incurred will be paid by the Northern Ireland Court Service, unless the judge directs otherwise.

Dated this 31<sup>st</sup> Day of October 2005

Mr Justice Gillen

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<sup>[1]</sup> Or "at least 15 miles from the court venue" for cases listed outside Belfast.

<sup>[2]</sup> These times apply to the Family Division in the Royal Courts of Justice, Belfast. Alternative hours may apply at other venues, and practitioners should consult the appropriate Family Care Centre.