

COVID-19 - GUIDANCE FOR COURTS

COUNTY COURT: CIVIL BUSINESS

27 MARCH 2020

This note supplements the Guidance for All Courts issued on 24 March 2020.

Emergency, Urgent and Other Hearings.

Where a party wishes to bring an application for an emergency or urgent hearing in relation to an existing case or a new case, examples include bail in appeals from the Magistrates' Courts, injunctions, applications for extension of time and bail in extradition cases and Terrorism Act extensions, or requests a hearing for a matter which they consider is necessary there will be a rota of County Court Judges to deal with such application. In all instances the party should contact the relevant court office¹ who will contact the first named rota judge to advise them of the request.

An application should be made by completing the requisite form, sharing it with the other party in sufficient time to enable it to be completed and lodged with the court office two working days before the case is listed.

The judge will consider the application and determine if it can be dealt with on the papers. Where the requirements of fairness and justice require a hearing it is expected most matters will be undertaken remotely either by live link, email, or telephone etc. A party or legal representative should notify the court office of the means by which they will engage with the court. If it is safe to conduct one, then a court based hearing may take place however the judge may limit the number of persons present in court at one time. Generally parties and legal representatives should not attend court.

Civil bills

Contested civil bill hearings should be adjourned generally. Settlements and requests for any matter to be addressed should be sent to the relevant court office on Form 98A of the County Court Rules (NI) 1981 or by the form provided respectively. 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

¹ As of 26 March, the consolidated court venues are: the Royal Courts of Justice, Laganside Courts, Craigavon, Dungannon and Londonderry Courthouses. Email addresses can be found in Annex A (https://judiciaryni.uk/sites/judiciary/files/media-files/ANNEX%20A%20%20Business%20Continuity%20Covid%2019%20-%20Court%20Office%20Contact%20Details%20-%202023.03.20_2.pdf)

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.

Injunctions

Applications for urgent 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 may need to proceed by way of live link or other remote facility. If a hearing cannot be facilitated, the interim relief may need to remain in place until further notice.

Extraditions

These will be adjourned generally.

Licensing, statutory appeals and other civil proceedings

Subject to a request for a matter to be addressed, in the form provided, all existing and new applications and appeals from the Magistrates' Courts will be adjourned generally. Where an appellant is in custody pending appeal, an application for bail may be made in writing to the court. Bail applications will be dealt with by live link with the legal representatives connected by remote means.