

**NOTES FOR HEARING OF UNDEFENDED DIVORCE CASES -
BELFAST COUNTY COURT PILOT**

11 MAY 2020

1. These notes relate to the proposed hearing of undefended divorce cases during the period when it is difficult to conduct a formal hearing.
2. They only apply to the conduct of hearings before Belfast County Court during this pilot phase, and advance notice will be published of any further roll-out to other courts.
3. The purpose of the note is to advise petitioners and their legal representatives as to how the hearing will be conducted.
4. Prior to any hearing, notice will be sent by the Court Office to the parties, or if legally represented, to their solicitors. The notices will be in the forms annexed and will give parties at least ten working days' notice of the hearing.
5. If a respondent wishes to make representations to the court, he/she must do so in writing at least 5 working days before the hearing. The judge will then determine if the respondent should be allowed to participate in the hearing by making oral representations on live link.
6. The judge will make a direction under Schedule 27 to the Coronavirus Act 2020 so that the hearing can take place by way of live link and the petitioner and his/her legal representatives, and the respondent (if permitted) can participate in the hearing.
7. The petitioner's solicitors, or the petitioner if not legally represented, must ensure that the petitioner has a compatible system to enable them to participate in the hearing on the court's Sightlink facility. If permitted to participate, the respondent must also have a compatible system.
8. Prior to the hearing the petitioner should have read the petition and any statements for arrangements in relation to any children.
9. The court will make arrangements for the Sightlink hearing at the agreed time. The parties to be included in the link will be the court clerk, the judge, the petitioner, the respondent (if permitted) and one legal representative (solicitor or counsel) for the petitioner and the respondent.
10. Ideally the petitioner (and the respondent if participating in the hearing) should be present in his or her solicitor's office, but if that is not possible, or they do not have a solicitor, they will be permitted to participate from another location such as their home.
11. The hearing will be a formal court hearing held in chambers which means that it is a private hearing. During the hearing no-one else should be present in the rooms with the people participating in the hearing. Proper decorum should be followed at all times, with the dress and behaviour of those participating of a similar standard to that expected when attending a courthouse. Judges and the profession should dress as would normally be expected for the hearing.

12. At the commencement of the hearing, the petitioner is required to take an oath or make an affirmation. If the oath is to be taken the petitioner must ensure that they have with them the holy book upon which they intend to take the oath, and the court should be advised beforehand the nature of the oath to be taken – e.g. I swear by almighty God, I swear by Allah etc.
13. The petitioner will then give evidence in response to questions either from his/her legal representative or the judge. In the circumstances, questions should be limited to the basic salient points in the petition and the core matters that need to be proved to the court.
14. If the petitioner is required to identify a document or a signature, the judge or court clerk will hold up the document to the camera and the petitioner can give evidence based on the image of the document projected on the screen.
15. Clarification can be provided on any issue by emailing – belfastcountycourt@courtsni.gov.uk. Please quote the ICOS or reference number. Please do not attempt to telephone the court office.

His Honour Judge McFarland,
Recorder of Belfast
11th May 2020

Letter to a petitioner or a solicitor acting for a petitioner

X -v- Y
Undefended Divorce

Take notice that the above matter has been listed to be heard on [] at []. The hearing will be remotely by way of Sightlink. You must not attend the court in person.

Enclosed are Notes for hearing of Undefended Divorces for your attention.

Please acknowledge safe receipt by email and confirm an email address to which the Sightlink details can be sent (for the representative and petitioner if not appearing together).

On the day of the hearing and just before the time allocated, you should join the hearing by using this information.

Please also confirm that you are content that the arrangements made will allow the petitioner to participate in the remote hearing; that they have been advised to read the petition and any statements for arrangements in relation to any children, and confirm that where the petitioner wishes to take the oath that they will have the appropriate holy book with them for the hearing.

Letter to a respondent or a solicitor acting for a respondent

X -v- Y

Undefended Divorce

Take notice that the above matter has been listed to be heard on [] at []. The hearing will be remotely by way of Sightlink. You must not attend the court in person.

Enclosed are Notes for hearing of Undefended Divorces for your attention.

Please acknowledge safe receipt by email.

If the respondent wishes to make any representations to the judge he or she must do so initially **by email** to arrive by 5 pm five working days before the date fixed for the hearing. If the respondent wishes to participate in the hearing he or she must indicate that they wish to do so, and must confirm that where they wish to take the oath, if required to do so, that they will have the appropriate holy book with them for the hearing.

You must include an email address for any response.

The judge will then determine if the respondent is entitled to participate in the hearing. If the judge makes such a determination, the Sightlink details will be sent to you,

On the day of the hearing and just before the time allocated, you should join the hearing by using this information.