

Revised Guidance RE. Civil Cases (COVID-19) Northumbria & Durham, Teesside

1. Small Claims & Fast Tracks

- 1.1. All Small Claims & Fast Tracks listed in Northumbria, Durham, Teesside and Darlington between now and 9th April 2020 are vacated from the list. Individual orders will be made in each case (in due course) making provision for the re-listing of the cases.*
- 1.2. Small Claims & Fast Tracks listed from 14th April 2020 onwards will be kept under review; and parties will be notified during the week beginning 6th April 2020 whether it is practicable for the trials to proceed.*
- 1.3. Notwithstanding the above, any party may apply by letter or email for a Small Claim or Fast Track to be re-instated into the list on the basis that it is suitable to be heard remotely, whether by telephone, skype or video link.*

2. Short Hearings [County Court & High Court but **not BPC]**

- 2.1. All 'Short hearings' (including Stage 3 Hearings and Approvals in P.I. cases), other than Trials, will be conducted by telephone or other remote means for the foreseeable future (to be kept under review).*
- 2.2. Where reasonably practicable, one party (usually the Applicant/Claimant) shall file a small electronic bundle [e bundle] by midday on the day before the hearing.*
- 2.3. The judge before whom the case has been listed shall be informed at the same time (by email) that such a bundle has been filed.*
- 2.4. If no e bundle is filed in accordance with 2.3 above, the Hearing may have to be adjourned.*
- 2.5. In the event that there are technical difficulties in recording the hearing, where deemed necessary, the legal representatives shall agree a note of the Hearing/Judgment.*
- 2.6. If a party or parties consider that a telephone hearing is not appropriate or practicable (for whatever reason) a letter or email should be sent to the court at least 2 clear days before the Hearing giving reasons why such is the case. The court will then make an appropriate order.*

NB As from 30 March 2020 the order appended hereto shall apply to each and every telephone hearing.

For the avoidance of doubt, 2.6 above will continue to apply.

3. Multi Tracks

3.1. The parties are at liberty to extend, by consent, any step in the timetable up to a maximum of 90 days (as opposed to the present limit of 28 days).

3.2. If the extension of time, as agreed by the parties does not adversely affect the Trial date, the court does not need to be notified.

3.3. If the Trial date cannot be met because of an agreed extension of time or because of any other difficulty related to, or arising from COVID-19, if the parties agree, a letter shall be sent to the court, with a draft order attached:

I. Proposing a new timetable as appropriate

II. Proposing a new Trial window

III. Providing agreed availability within the Trial window

3.4. If the trial date cannot be met and a draft order cannot be submitted in accordance with 3.3 above, the parties are at liberty to agree a stay and to notify the court accordingly.

3.5. In default of agreement in relation to any of the above, the 'applying' party must request a telephone hearing, by letter or email, with a time estimate indicating whether such hearing is urgent and providing an e bundle in advance of the hearing.

4. Possession Proceedings

4.1. All Possession Proceedings relating to residential property listed between now and 19th June 2020 are vacated from the list.

4.2. The Proceedings will be re-listed on the first available date after 19th June 2020.

4.3. Any newly issued Possession claims shall be stayed until 19th June 2020 to be listed on the first available date thereafter.

4.4. Notwithstanding the above, a party is entitled to apply to the court for a particular eviction hearing to proceed if there are exceptional circumstances.

5. Committals & Injunctions

5.1. Applications for Injunctions will be prioritised and heard urgently but, wherever practicable, by telephone or other electronic means.

5.2. Upon application, personal service of urgent Civil Injunctions will be dispensed with; orders for substituted service by delivery through the letter box of the last known address, by text and/or by any other form of electronic communication will usually be made.

5.3. Committals fall into a separate category and will of necessity require personal attendance at court. Upon any application for a committal the court will give specific directions.

6. Generally

6.1. It is not possible (inevitably) to make provision for every eventuality in the context of this Public Health Emergency: there will still be a need for some cases to be managed on an individual basis and outside of this guidance.

6.2. In the interests of expediency, and given the terms of CPR 5.3, an electronic signature on all documents including Witness Statements & Disclosure Statements will suffice.

HH Judge Jeremy Freedman

DCJ for Northumbria & Durham

HH Judge Mark Gargan

DCJ for Teesside