

PILOT PRACTICE DIRECTION: VIDEO/AUDIO HEARINGS IN THE FIRST-TIER TRIBUNAL AND THE UPPER TRIBUNAL

Background

1. During the Covid-19 pandemic, it may be necessary for tribunals to adjust their ways of working to limit the spread of the virus and manage their workloads appropriately. I have therefore decided to issue this Practice Direction on a pilot basis. It ceases to have effect on the date on which the Coronavirus Act 2020 ceases to have effect in accordance with section 89(1) of that Act.
2. The Lord Chancellor has approved the issue of this Practice Direction in accordance with s23 Tribunals, Courts and Enforcement Act 2007.

Scope

3. This Practice Direction applies to all appeals and applications in the First-tier Tribunal and the Upper Tribunal.

Public/private hearings

4. Where a tribunal decides that:
 - a) a hearing in a particular case should take place;
 - b) the proceedings are to be conducted wholly as video or audio proceedings; and
 - c) it is not practicable for the hearing to be broadcast in a court or tribunal buildingthe tribunal may direct that the hearing will take place in private, where this is necessary to secure the proper administration of justice.
5. Where a media representative is able to access proceedings remotely while those proceedings are taking place, the proceedings will constitute a public hearing for the purposes of the relevant Chamber's procedure rules.

Access to recordings

6. Any hearing held in private under paragraph 4 must be recorded, where that is practicable, in a manner directed by the tribunal. Where authorised under s.32 of the Crime and Courts Act 2013 or 29ZA of the Tribunals, Courts and Enforcement Act 2007 (as inserted by the Coronavirus Act 2020), the tribunal may direct the hearing to be video recorded, otherwise the hearing must be audio recorded.
7. On the application of any person, any recording made in accordance with paragraph 6 may be accessed in a tribunal or court building, with the tribunals' consent.

Sir Ernest Ryder

Senior President of Tribunals

02 April 2020