

**UPDATE ON THE CONDUCT OF PROCEEDINGS IN THE UPPER TRIBUNAL, LANDS CHAMBER  
DURING THE COVID-19 PANDEMIC**

**3 November 2020**

1. This Update explains the approach that the Tribunal will take to hearings in light of the Prime Minister's announcement on 31 October 2020 that the government intends to introduce regulations that place England back into "lockdown" from 5 November to 2 December 2020.
2. Guidance on the conduct of proceedings in the Upper Tribunal, Lands Chamber during the Covid-19 pandemic has been issued by the Chamber President from time to time since 24 March 2020. The current guidance was issued on 26 June 2020 and remains in force. It is available at <https://www.judiciary.uk/wp-content/uploads/2020/06/Presidential-guidance-on-the-conduct-of-proceedings-in-the-Upper-Tribunal-Lands-Chamber-during-the-COVID-19-pa.pdf>
3. Since 1 August 2020 most substantive hearings in the Tribunal have been conducted as face-to-face hearings, usually at the Royal Courts of Justice but also at venues around the country. In close cooperation with the judiciary, HMCTS staff at the Royal Courts of Justice and elsewhere have put in place "Covid-secure" ways of working together with a range of mitigating measures including additional cleaning, social distancing, one-way systems, new layouts for court and hearing rooms, and use of face coverings. These have proved effective.
4. The Tribunal has facilitated the remote attendance of participants in proceedings where that has been compatible with the interests of justice. This has sometimes involved fully remote hearings being conducted using Skype, and at other times has involved 'hybrid' hearings (i.e. a hearing where there are participants attending the hearing in a physical courtroom and participants attending the same hearing remotely). In cases where a site inspection, including of the interior of buildings, has been thought necessary these have been conducted by the Tribunal in accordance with the relevant government guidance on working safely in other people's homes during the pandemic.
5. There will now be a further period of lockdown in England. Comparable restrictions already apply in Wales. The work of the Tribunal will continue to be exempted from these measures.
6. The Tribunal will continue to facilitate remote hearings during the continuance of the latest lockdown and any extension which may be announced ("the second lockdown period"). Substantive matters will still be able to be determined at a face-to-face hearing, and for certain cases that will remain the most appropriate format. In every case the Judge or Member due to hear the case will determine the form of the hearing and whether directions for a hybrid or fully remote hearing are appropriate. They will have regard to the number of participants and their location and necessary travel arrangements, as well as the nature of the proceedings and the issues. If, for good reason, a participant is unable to attend in person, or considers that a face to face hearing should not take place, a request should be made to the Tribunal in good time so that it can be taken into account when the Tribunal determines the form of the hearing. The request should be copied to all other parties.
7. During the second lockdown period, there will be a presumption against site inspections of the interior of any residential property.
8. Contingency arrangements applicable to all Upper Tribunal Chambers described in the Pilot Practice Directions issued by the Senior President of Tribunals on 19 March 2020 have been reiterated and supplemented with effect from 14 September 2020 by an Amended General Pilot Practice Direction: Contingency Arrangements in the First-tier Tribunal and the Upper Tribunal published by the Senior President. These arrangements will remain in force until 18 March 2021.