

Court User Group Minutes

18 November 2022

09:00 via Teams

1. Welcome /Minutes of last meeting

JS (Jonathan Swift – Judge in Charge) welcomes all.

Minutes of last meeting will be published once approved by JS.

2. Court Performance Statistics

As of September 2022, applications by healthcare regulators (primarily the Nursing and Midwifery Council) for extensions of interim orders are being heard remotely in London and listed on one day each week.

The targets for the regional offices are the same as the targets for London

There is a heavy case load in the Admin Court so waiting times for paper applications / renewals and final hearings are still slightly behind target but are improving.

3. Filing documents etc, by email

The maximum file size that can be filed by email is stated to be 20mb. JS has been made aware of some occasions when smaller files sent as part of immediates applications have been bounced back. If you try to file an immediate via email and there is a problem, try to speak to the Senior Legal Manager on duty that day (Philip Shearer or Jyoti Gill) and they may be able to put you in contact with the appropriate team. If submission by email continues to fail, you may need to request a DUC link but this is not an ideal method for filing an immediate application.

JS apologised for the issue of phones not being answered in the general office and said this will be looked into and improved.

4. CEfile CE filing – implementation by mid-2023

Sarah Christou (SC) is the service manager for CE file and is responsible for working with everyone internally and externally to ensure CE file is operating effectively. The plan is to deliver CE file to the Admin Court by June 2023 and then soon after that make it available to

Admin Court users. This is to allow the staff and judiciary to become familiar and confident with the system. There will be training sessions available with the idea of having them outside of court hours (early in the morning or after 4:45pm) and they will all be recorded.

JS said that the way of filing immediates, whether through CE file or the current method, will need to be considered to see what is the most effective way. The way bundles are prepared should not be affected by the move to CE file. It is a filing system so will not sort the files into the way we need them, but court users will need to continue to do this themselves, as they do now.

James Packer raised that in KB , when filing something on CE file the documents need to be approved for efilng and there is sometimes a massive delay in this happening. SC agreed that this shouldn't be happening and will have this looked into.

5. **A.O.B**

Zoe Bantleman provided an update in regard to the Home Office not sharing charter flight information with ILPA. The Home Office will not be updating ILPA and will not engage anymore on the issue. ILPA is concerned that it will be difficult to prepare cases without notification of upcoming charter flights and that there is a risk of late applications being made.

JS said that we will see how things go and if it does cause any issues down the line.

Sasha Rozansky raised the issue of the requirements of Practice Direction 32 directing that a witness statement should be drafted in the witness's own language. There was a recent case in KB where this issue was discussed. If the effect of that judgment and the Practice Direction is that an interpreter will need to draft the witness statement, the problem is that the interpreter will not have the legal skills or grasp on legal language to do this efficiently and this will raise a lot of practical issues.

JS asked that this be emailed to him and he will think about this and put it on the next agenda

Jamie Beagent asked if the default position of hardcopy bundles being filed could change to electronic bundles with a hard copy upon request.

JS said this is something that will be have to be discussed with the other Judges, so he will raise it at his next Judges' meeting in January.

James Packer raised the issue of making an application where it is not suitable to be included on an N463 because the order is not required within 7 days. The application was on the claim form and was requesting directions from a judge for permission to be considered within 2 days of the due date of the acknowledgement of service. If an N244 was used, the Secretary of State would have an opportunity to respond. He had been advised that this matter was progressing within normal timescales and, if it was urgent, an N463 or N244 would need to be used.

JS said that it was right to put it in the claim form and that said that classically this kind of application would need to be marked clearly on the claim form as opposed to put on an N463. The general rule is that any application requiring urgent consideration within 7 days should be made using form N463.