

Court User Group Minutes

28 June 2022

17:00 RCJ – Court 3

1. Welcome /Minutes of last meeting

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

Minutes of last meeting approved and these will be published in the usual way.

2. Court Performance Statistics

Waiting times for paper apps / renewals and final hearings are still slightly behind target. In courts we are coming to the reality of electronic working. There is a question of judicial resources because of the need to make sure that criminal trials come on quickly so judicial resources are affected.

With regards receipts and disposals there is a slight variation.

The number of immediate applications lodged has been rising since pre-March 2020.

In relation to hearing information (those which are remote and those which are face-to-face) the proportion of work in person is increasing, and remote work is decreasing.

3. Revised Website Guidance / Judicial Review Guide 2022

There are new rules to permit remote observations of proceedings (Practice Guidance issued by the Lord Chief Justice). These rules relate to remote observation not participation. The note divides the practice guidance into two: (i) opportunities for transmission of proceedings to premises (another court or some other defined building) and (ii) transmission to named individuals.

Directions in exercise of these powers will be made by Judges on a case-by-case basis.

A new version of the JR Website Guidance was published on 27 June 2022. The guidance is very similar to previous guidance and the main difference relates to the Document Upload Centre. All substantial documents will be filed using the DUC. There is a video available on YouTube which shows users how to use the DUC. The guidance also contains rules about preparing electronic bundles and if complied with allows electronic working to be simpler.

The 2022 version of the Administrative Court Office Guide is not yet published. An electronic version will be available in early August with a hard copy version available in September / early October.

Duncan Moass (CPS Unit Head): Is there a feature to join mid-way through proceedings?

JS (JIC): I suppose it's possible to drop in and out of sessions, but that is not ideal. If it happens, it will be with the permission of the judge hearing the case. Whether it works effectively (and without causing disruption to the hearing) will be important.

4. Extradition Issues

There are a range of practical issues and whilst some are specific others are more general.

There are a range of different types of appeals that come through the courts. In the next couple of weeks, we will be introducing some standard directions for these types of appeals (which have no permission stage). A set of standard directions will be issued in relation to the following types of appeals:

- (i) Case stated appeals
- (ii) Disciplinary appeals
- (iii) Other statutory appeals

The purpose of issuing these standard directions is so that there is proper and organised planning ahead of hearings taking place.

In relation to extradition there are standard directions issued when cases are stayed which require submissions to be made after a set number of days usually 14 or 21 days, but the response time will depend on the circumstances. Cases are queued behind judgments. If there is any particular problem with directions issued then contact the court office or make an application to amend directions.

I would rather case papers are not sent directly to Judges (unless the judge expressly asks). Even if such a request is made, the papers must still be properly filed. If papers are uploaded onto the DUC then please send an e mail to the Court so staff know to check that papers are there.

If a bundle has already been filed then do not file an updated bundle. Instead lodge a supplementary bundle. Most Judges read their bundles in advance so it is not helpful to send in an updated bundle the night before. If papers are lodged late then send an e mail marked urgent and give the date of the hearing. If you know which Judge is dealing with the case then also contact the Judge's clerk if you are concerned about papers getting to Judges on time.

With regards judicial review permission applications and listings, the Listing Policy is set out in Annex 4 to the ACO Guide which deals with all listing matter except for extradition.

The listing policy in relation to extradition can be found in the Criminal Practice Directions. Counsel's convenience is not considered a relevant consideration. If dates are provided to the court early when an application for renewal is lodged listings will do their best to accommodate any dates, however this cannot always happen.

Kate Gould – DELF:

Would it assist if we communicated with the other side and provided an agreeable date. If both parties agree a date range might that help.

JS (JIC): Would help to a point but there is still a finite number of Judges. Listings have to deal with all case types and decisions to list will have to be made at the Court's convenience.

Ben Power (Listings Team Leader): We do try and list on a date that is convenient by parties but often have to list in accordance with the Court's convenience.

Amanda Power (ELA): In relation to stays sometimes there is a variation within a link as to the number of days a case is stayed for. In the Hungarian prison conditions link the length of stay varied from 3 and 7 days. Also in relation to listings if judicial availability has changed then matters are relisted with a short date given to parties.

JS (JIC): There will always be last minute changes and if we are listing at short notice we do try and list on a date parties can do. A sensible discussion will need to be had with listings.

Garden Court Chambers: If a hearing is cancelled late and Counsel has done all the reading then can a compromise be reached with regards the relisting of that case.

JS (JIC): If it is a straightforward renewal that is listed for 30 minutes then there is not a lot to read. There will be a range of competing calls for instance if there is a one-day renewal listed.

Garden Court Chambers: So then this may involve two people being paid?

JS (JIC): Sometimes this does happen. Hearings are rarely cancelled at the court's request, so the expense of adjournment must be considered by the parties when they make such an application.

In relation to extradition cases, citation of authorities tends to be poor (either no copy of case provided or citation is absent). Shortly will be introducing a frequently cited index of cases in extradition and share this amongst extradition practitioners. If a case is included in the index then the Judge will have a copy of the case in court. If you are relying on a case that is not included in the index then bring a copy of the case to the court and bring this to the Judge's attention.

5. Planning cases – listing renewal hearings

Richard Buxton: I am encouraged by what you say about flexibility in the context of planning renewals. Often planning cases can have complicated backgrounds. We have said to the List Office please can you avoid certain dates and they are not inflexible.

JS (JIC): Dates to avoid are not overlooked. There may be instances when it is not possible to accommodate dates requested. The List Office will do what it can. Certain matters will not trump court appearances. Once dates to avoid are provided List Office will not engage after that.

If you want to vacate a hearing that is fixed then a formal application notice will be required if you want the court to make a decision.

There was one day when the cause list did not get published properly and I apologise for this inconvenience.

6. General Working Arrangements:

All staff are generally working on site at the RCJ 3 days a week and then working from home for the remainder of the period. Public counters are closed but the fees counter is available by appointment only. Documents can be lodged electronically or left in drop boxes (ensure you use the correct drop box labelled ACO). The drop boxes are checked twice a day at 9:30 am and 2:30 pm. Please e mail the office to notify them that you have left something in the drop box which requires collecting.

(7) AOB

JS(JIC): Proposed changes to NMC hearings in that they will now be listed on Fridays.

Richard Buxton: Can a solicitor / party communicate with a WhatsApp link during a remote hearing? Like passing a note if in court.

JS (JIC): This will be a matter for Judges to determine on a case-by-case basis. In my own experience this is sub-optimal and may be distracting for Judges.

Peter Campbell (39 Essex Chambers): If you have Deputies with dates to avoid then should we let the List Office know?

JS(JIC): Deputies are booked months in advance so dates to avoid should be provided early on, and ought not to affect bookings once they have been made.