

**ACC Court Users Group Meeting  
Monday 27 July 2021  
Conducted via MS Teams**

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**Attendees:**

Mr Justice Swift – Judge in Charge of the Administrative Court

Celia Cave (CC) – Senior Legal Manager (SLM)

Geraint Evans (GE) – Operations Manager

Jyoti Gill (JG) – Senior Legal Manager (SLM)

Margaret Newton (MN) – Clerk to Swift J

Monika Patel (MP) – Operations Manager

Tim Baldwin (TB) – GC Law

Jamie Beagent – Leigh Day

Miranda Butler – GC Law

Richard Buxton (RB) – Richard Buxton

John Curtis – CCRC

Dexter Dias QC – Garden Court Chambers

Lee John-Charles (LJC) – GLD

Shu Shin Luh (SSL) – Doughty Street

Jawaid Luqmani (JL) – Luqmani Thompson

Elizabeth Mackie (EM) – GLD

Christina Parkinson (CP) – HMRC

Rebecca Richardson (RR) - NMC

Sasha Rozansky (SR) – DPG Law

Marianne Schönle - ILPA

Rakesh Singh (RS) – Public Law Project

Tom Street – 11KBW

Dean Tolman (DT – Blackstone

Angela Fraser - Minutes

**Apologies**

Jo Clow (JC) – Senior Ops Manager

**Meeting started at 09:15 am**

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**1. Welcome and Previous Minutes**

- 1.1. Swift J welcomed everyone and thanked them for attending.
- 1.2. Swift J referred to previous minutes circulated with papers yesterday and asked if there were any points arising and/or corrections.
- 1.3. No points were raised and Swift J formally approved the minutes of 24 May 2021.
- 1.4. Swift J informed minutes from these meetings are published on the Administrative Court website. Due to oversight this practice had fallen into abeyance recently, but is back on course. The minutes from today will therefore be available shortly.

**2. Court Performance (Stats)**

- 2.1 Swift J précised the Court Performance Summary sent out with the agenda, covering the period 1 April to 30 June 2021.
- 2.2 Waiting times, there are various tables. Point to note is this shows a backlog/bottleneck at the paper applications stage. This is a consequence of two forces:
  - Staffing – due to electronic working. There are Covid and non-Covid related staff shortages. This has impacted on the number of applications being prepared for the Judges.
  - Reduced Judiciary – due to deployment activities. Judges are urgently required elsewhere to catch up/support certain areas, particularly in the criminal court.
  - Swift J hoped to see improvements in paper applications during the Michaelmas Term but cautioned, as the bottleneck moves through the system, this may result in a dip in the targets for renewal applications and final hearings.
- 2.3 The number of Immediate applications has remained steady, which is to be expected.
- 2.4 The number of hearings has been broken down, by remote, in-person, or part remote (hybrid). The figures show a move to in-person hearings, of which there is a greater proportion compared to March last year.
- 2.5 Swift J continued as we return to pre-March normality there is a need to consider how and when remote hearings are used. There are certain types of hearings where remote may be more convenient. This is a piece of work to do, subject of course to legislation.
- 2.6 The current direction of travel is for in-person hearings and Swift J hoped this trend would continue, but noted we are all hostage to events.
- 2.7 There were no comments/observations from the group.

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**3. CE-File**

- 3.1 Swift J noted we have been heralding CE-File as the case management system to be introduced at the Administrative Court in September. This project has since been delayed after it became apparent there is work still to be completed in three key areas, primarily the listings functionality. Swift J emphasised the need to get this right before moving over.
- 3.2 Whilst this work is underway, the Admin Court's move to CE-File will be paused and this delay is expected to be for at least 12 months. So as a headline to report: "CE-File is now on the horizon, rather than in the immediate foreground".
- 3.3 In the meantime the electronic filing system, hastily put together in March/April of last year, which has been effective, needs to be reviewed. Work will be progressed during the Summer vacation with a view to making this more user friendly both for the Court and Court Users.
- 3.4 There were no comments/observations from the group

**4. Working Arrangements – Vacation**

- 4.1 Swift J stated that general contact and opening arrangements for the Administrative Court would continue to operate as now for the time being. At the last meeting it was suggested there may be a step forward in July, but it has been decided not to do so, both due to prudence and the fact it is vacation and traffic in the RCJ is quieter anyway.

This will give time to review how things pan out during the next six weeks or so, when we will be better informed.

**Court Administration**

- 4.2 There will be a review undertaken in mid-September to consider public access for the start of the new legal year.
- 4.3 Swift J hoped counters would be opened, but reminded we are operating in line with HMCTS policy/working arrangements and it will be a decision for them.
- 4.4 Office staff will continue to attend the office, or work remotely on a rotational basis. They can of course be contacted by phone or email, as regardless of whether working remotely or in the office, staff can access their emails.

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**Hearings**

- 4.5 Swift J reported there will be two or three Judges deployed to the Administrative Court during vacation. However advised deployment could change, dependent on other department requirements.
- 4.6 Swift J added there will be some order of business during August and September. There is a need to ensure Judges can cover urgent work, which is usual during the vacation.

**Feedback**

- 4.7 Swift J sought feedback from the group on how they felt hearings were generally being dealt with in the Administrative Court and if there were any problems to report.

Nothing was raised at this stage.

- 4.8 Swift J referred to letters/emails received by the Court providing helpful feedback.
- 4.9 The first referenced was from Lee John Charles (LJC) regarding GLD colleagues being unable to gain physical access to the building.

Swift J stated his intention to reply privately to LJC, as this particular instance related to a series of communication errors. Swift J said the response warranted an explanation and apology. **Action Swift J/CC/JG 002/01**

- 4.10 Swift J then referred to a letter received from Rakesh Singh (RS) and said he would pick out a couple of points for general discussion. Swift J added the office would respond to RS direct, on the specific points raised. **Action CC/JG 002/02**

Swift J explained the practice raised related to documents filed at a Regional office and the point is that as a region, authority is devolved. If any particular issues need to be raised, it is best to contact lawyers in the relevant office who are more than happy to help.

Swift J further clarified that Regional offices have been working differently to London and the most recent version of the 'Information for Court Users' provides details for the Regions that may be of assistance.

The bottom line is in March 2020, RCJ public counters were closed, but not so in the Regional offices, which explains why there are variations in practices.

- 4.12 The second point is how to deal with cases in London. Documents are uploaded using the Document Upload Centre (DUC) system rather than sending documents directly to the Judge, or the Judge's Clerk, (unless specifically asked to do so).

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4.13 Swift J accepted DUC is not a perfect system, but advised it is best used so files are received in good time. DUC is the easiest place for Judges to receive/retrieve their documents.

Swift J explained Judges are sent links to DUC in advance of their hearings to access papers.

If a file to be lodged is late and after the case has been allocated to a Judge, you would know that it has been so allocated as a question would likely already have been posed regarding mode of hearing.

Obviously in an ideal world documents are not filed late. If there are any last minute documents to file it may be acceptable at this stage to liaise with the Judge's clerk.

4.14 Another point relates to the urgency of an interlocutory application and whether the decision is time sensitive. If so, this should be clearly marked on the notice and covering email, with a date the decision is required.

4.15 Swift J informed the letter from RS related to a timetabling issue, requested to be dealt with by Friday, but not dealt with until the following Monday. Swift J apologised this had not been dealt with, advising staff do their best but occasionally things do unfortunately slip through. The best chance to avoid this, is to clearly note the urgency/date as described above.

4.16 Swift J expressed appreciation the Court is being informed of issues. This offers an opportunity to review and determine whether something needs to be tweaked, and/or individual operator errors are established.

**5. AOB**

5.1 TB queried the current trend for listing hearings for applications for interim mandatory orders and specifically exemplified a homeless person seeking urgent interim relief. TB described in detail how for undefended cases this can lead to significant delays where there is an absolute duty to accommodate an individual.

TB has noticed this is a slight trend, not in London but Bristol, where there have been delays due to the requirement for oral hearings.

5.2 Swift J suggested for specific problems at Bristol, it may be useful to raise through their Court User forum. Alternatively it may be worth taking up with the Administrative Court lawyer based at Cardiff. They may be able to raise with the Bristol Civil Centre as this appears to be a listing issue.

5.3 On the general point made, Swift J stated it is fair to say Practice Directions state for interim applications, there should be some form of inter parties process where possible. Swift J outlined in detail the importance for having some level of inter parties involvement attempted before an Order is made.

Swift J is aware some Judges have considered this unnecessary, and dealt with the application. When the time came for written responses they were criticised by the Claimant stating it should have been dealt with ex-parte.

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In general inter parties engagement is preferable where possible.

- 5.4 Swift J added, his experience in London is that cases are dealt with ex-parte as and when required.
- 5.5 If an issue arose where an agreement or order has been made, but not complied with within a specified period was presented, Swift J stated in such instances this would allow a further application to be made. For example, if a Public Authority did not comply, this is a straightforward application.
- 5.6 RR referred to the earlier discussion regarding remote hearings. RR explained the vast majority of NMC cases are relatively short applications to extend interim measures. RR added that for these matters, often Registrants are all around the country and cannot easily attend court in London.
- 5.7 RR alluded to assistance from CC, adding that NMC have formally written to ask whether there is a mechanism in place for parties to feed into decisions that certain types of hearings can remain remote.
- 5.8 Swift J made the point Judges will always decide on the mode of hearing. The furthest that could be achieved may be some sort of guidance/less prescriptive indication of when remote hearings may be more appropriate.
- 5.9 Swift J advocated a need for the Court to think about how to use remote hearings (subject to legislation) and is something that will be carefully considered. Swift J reiterated however, that he is not going to be able to prescribe a particular type of hearing should be held remotely.
- 5.10 Swift referred to NMC type hearings, which are generally short 10 minute matters, to extend interim measures. Many of these regularly feature in the Admin Court's daily list, are usually by consent, and/or where the medical practitioner does not participate.
- 5.11 Swift J confirmed he has seen this letter referred and discussed with both CC and the PQBD.

Swift J stated his intention to provide a response by September and hoped to come to an arrangement that encompasses all similar-type cases. This would incorporate directions, such as ensuring papers sent electronically are in a standard format, but reminded it would still be open to the Judge to direct in-person hearings. **Action Swift J 002/03**

- 5.12 JL offered his congratulations to LCJ who was awarded a CBE in the Queen's Birthday's Honours List. Swift J similarly passed on his congratulations.

**Next Meeting**

- 5.13 Swift J suggested the next meeting should be held at the end October/early November. This was agreed. **Action MP 002/04**

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Swift J emphasised any points that arise between now and the next meeting, can still be referred.

Swift J thanked everyone and wished all an enjoyable Summer break.

**Meeting concluded at 09:52 am**

**6. Actions**

**Previous Actions:**

<b>Serial</b>	<b>Action</b>	<b>On/By</b>	<b>Status</b>
001/01	CC/JG to remind staff about updating email details on Court's database upon receipt of GLD correspondence	CC/JG	Complete
001/02	MP to schedule next meeting – MS Teams  Next meeting scheduled – Tuesday 27 July 2021 at 09:15 am	MP	Complete

**New Actions**

<b>Serial</b>	<b>Action</b>	<b>On/By</b>	<b>Status</b>
002/01	Swift J / ACO to respond privately to LCJ regarding issue raised in letter	Swift J / CC / JG	
002/02	ACO to respond to RS directly regarding timetabling issue raised in letter	CC / JG	
002/03	Swift J to provide response to NMC regarding direction request their hearings are held remotely	Swift J	
002/04	MP to schedule next meeting	MP	