



Remote Hearings in the Administrative Appeals Jurisdiction

1. Introduction

- 1.1. This guidance concerns the mode and listing of Administrative Appeals hearings in England and Wales
- 1.2. This guidance on remote hearings in the Administrative Appeals jurisdiction follows the Judicial Principles on remote participation, issued by the Lady Chief Justice and the Senior President of Tribunals:

[Remote Participation Judicial Principles](#)

- 1.3. The decision to hold a hearing remotely or to enable participants to attend remotely is a judicial one.
- 1.4. Further information about remote hearings can be found here: [What to expect when joining a telephone or video hearing](#).

2. Rules of Procedure

- 2.1. The relevant rules of procedure are the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI No 2698).
- 2.2. The form of the hearing must be in accordance with the definition in rule 1(3):

‘hearing’ means an oral hearing and includes a hearing conducted in whole or in part by video link, telephone or other means of instantaneous two-way electronic communication.
- 2.3. The judge will decide what mode of hearing is in the interests of justice in the circumstances of the individual case. The judge will make that decision in accordance with the overriding objective in rule 2. In particular, the judge will want, so far as practicable, to direct a mode of hearing that will ensure full participation by all the parties (rule 2(2)(c)).
- 2.4. The judge ‘must have regard to any view expressed by a party when deciding ... the form of any such hearing’ (rule 34(2)).
- 2.5. The judge may change a mode of hearing, whether or not on application by a party (rule 6).

3. Mode of Hearing

- 3.1 An Administrative Appeals hearing may take place in person or remotely.
- 3.2 Remote hearings use either video or by telephone through a video link. A hearing may be fully remote (by which none of the participants is present in the hearing venue) or partially remote (by which some participants are present in a hearing venue, but some join remotely). The mode may also change during a multi-day hearing, with all participants present in the hearing venue on one day but some or all joining remotely on another day.
- 3.3 Decisions whether to hold a remote hearing are to be taken on a case-by-case, basis based on the interests of justice.

4. Default approaches when listing cases for a hearing

- 4.1 There is no default approach. It is, though, generally the case that case management hearings are held remotely.

5. Relevant factors

- 5.1 The question of whether a hearing should be remote remains a matter of discretion for the court, based on a number of clear fundamental principles.
- 5.2 The decision will be made in the interests of justice and in particular in accordance with the overriding objective. The mode of hearing is a judicial decision.
- 5.3 The decision will usually be incorporated in a case management direction that gives other directions relating to the hearing.
- 5.4 The following (non-exhaustive) factors are relevant when a judge decides the mode of hearing. It will be for the judge to decide how they weigh these (or other) factors in the balance in the circumstances of each case.
 - 5.4.1 The views of the parties.
 - 5.4.2 Purpose of the hearing.
 - 5.4.3 Duration of the hearing.
 - 5.4.4 Access to appropriate technology.
 - 5.4.5 Residence or location of the parties, representatives and witnesses.
 - 5.4.6 Travel difficulties and related costs.
 - 5.4.7 Communication issues.
 - 5.4.8 Employment duties.
 - 5.4.9 Caring responsibilities.
 - 5.4.10 Safety concerns.

6. Changes to mode of hearing

6.1 A judge may change the mode of hearing at short notice, such as by converting an in-person hearing to video. This may follow an application by a party. It may also happen because the judge has taken that decision on their own initiative, driven by circumstances that are difficult to predict in advance; examples include weather conditions and transport disruption, etc.