



Remote Hearings in the First-tier Tribunal (Property) Jurisdiction

1. Introduction

- 1.1. This guidance concerns the mode and listing of First-tier Tribunal (Property) hearings in England and Wales. The guidance is intended to assist in preparing for and conducting remote and partly remote hearings in the First-tier Tribunal (Property Chamber). It is relevant to hearings of all kinds.
- 1.2. This guidance on remote hearings in the First-tier Tribunal (Property) jurisdiction follows the Judicial Principles on remote participation, issued by the Lady Chief Justice and the Senior President of Tribunals, set out below:
 - a) [*Remote Participation Overarching Guidance*](#)
 - b) [*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. If attending a remote hearing, further information can be found here: [What to expect when joining a telephone or video hearing](#).

2. Rules of Procedure

- 2.1. The manner in which hearings are conducted is a matter for the Tribunal, acting in accordance with the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013.
- 2.2. The unauthorised recording or transmission of a hearing is an offence. The taking of photographs (including screen shots) or the recording or transmission of someone taking part in a Remote Hearing is also prohibited. However, remote and partly remote Hearings will be recorded by the Tribunal.

3. Mode of Hearing

- 3.1 A First-tier Tribunal (Property Chamber) hearing may take place in person or remotely.
- 3.2 Remote hearings use either video or telephone. 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 The jurisdictions and case-types dealt with by the Tribunal are varied and there is no general rule about whether a case should be dealt with face-to-face or remotely.

4.2 In deciding the mode of hearing, the Tribunal will take into account the submissions of all parties. However, no participant has a right either to require a remote hearing or to insist on providing evidence remotely. The Tribunal's decision will be based on the interests of justice and will be made in accordance with the overriding objective which is to deal with cases fairly and justly, also taking into account practical matters and the resources available to the Tribunal.

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 What accords with the interests of justice in each case will depend on the circumstances and the available resources.

5.3 Remote and partly remote hearings require a high degree of preparation. Whether a hearing will take place as a remote or partly remote hearing is a judicial decision for the Tribunal. Where a party considers that a Remote or partly remote hearing would be appropriate, they should discuss this with the other party or parties and raise it with the Tribunal as soon as possible. This could be by correspondence with the Tribunal or at a Case Management Hearing, if there is one.

5.4 If a remote or partly remote hearing is requested, the parties should cooperate with each other in order to inform the Tribunal of any matters which they may wish the Tribunal to include in any directions it may give, including any support or adjustments that any participant would require in order to participate.

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.

6.2 Where the parties have indicated a preference for face-to-face hearing and provided mutual availability for hearing, but the availability cannot be

accommodated by an appropriate venue and/or a Tribunal Panel cannot be booked, the Tribunal will consider whether it is in accordance with the overriding objective to direct that the hearing be remote. Before so directing, the parties will be asked if there are any particular concerns about the hearing taking place by remote means, for example the lack of appropriate IT equipment or other access issues.