

101st UPDATE – PRACTICE DIRECTION AMENDMENTS

The new practice direction and the amendments to the existing Practice Directions supplementing the Civil Procedure Rules 1998 are made by the Master of the Rolls under the powers delegated to him by the Lord Chief Justice under Schedule 2, Part 1, paragraph 2(2) of the Constitutional Reform Act 2005, and are approved by Lucy Frazer QC MP, Parliamentary Under-Secretary of State for Justice, by the authority of the Lord Chancellor.

The new practice direction and the amendments to the following existing Practice Directions come into force on the following dates—	
Practice Direction 2E – Jurisdiction of the County Court that may be exercised by a legal adviser	The day after the day upon which this instrument is approved by the Parliamentary Under-Secretary of State for Justice
Practice Direction 51V – The Video Hearings Pilot Scheme	30 November 2018
Schedule – The Video Hearings Pilot Scheme	30 November 2018

The Right Honourable Sir Terence Etherton
Master of the Rolls and Head of Civil Justice

Signed by authority of the Lord Chancellor:

Lucy Frazer QC MP
Parliamentary Under-Secretary of State for Justice
Ministry of Justice
Date: 07 November 2018

PRACTICE DIRECTION 2E – JURISDICTION OF THE COUNTY COURT THAT MAY BE EXERCISED BY A LEGAL ADVISER

- 1) In the table in the Schedule to Practice Direction 2E, in entry 12, in the second column, for the words “all parties consent” substitute “the limitation period for bringing the counterclaim has not expired”.

PRACTICE DIRECTION 51V – THE VIDEO HEARINGS PILOT SCHEME

- 2) After Practice Direction 51T (*The County Court legal advisers pilot scheme - final charging orders*), insert Practice Direction 51V – The Video Hearings Pilot Scheme, as set out in the Schedule to this Update.

SCHEDULE

“PRACTICE DIRECTION 51V – THE VIDEO HEARINGS PILOT SCHEME

This Practice Direction supplements Part 13

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Scope and interpretation

- 1.1 This practice direction, made under rule 51.2 of the Civil Procedure Rules (“CPR”), establishes a pilot scheme to be called “the Video Hearings Pilot Scheme” (“the pilot”).
- 1.2 The pilot will test a procedure for applications to set aside default judgments entered under Part 12 of the CPR to be heard by the court via an internet-enabled video link (“a video hearing”).
- 1.3 All parties or their legal representatives will attend the hearing of the application, using the video-link, from suitable IT equipment and will see and hear, and will be seen and heard by, each other and the judge determining the application.
- 1.4 Hearings will be held in public. Members of the public may access a hearing by attending the court in person and will see and hear the judge and the parties or their legal representatives on a screen in the court room.
- 1.5 The pilot runs from 30th November 2018 to 30th November 2019.
- 1.6 The pilot applies where—
- (a) the County Court has entered judgment in respect of a claim for a specified amount of money only, under Part 12 of the CPR;
 - (b) a party has applied to set aside judgment under CPR 13.2 or 13.3;
 - (c) the application will be heard at either the Birmingham or Manchester Civil Justice Centres (“the relevant court”); and

(d) on the date of receipt of the application, the parties' e-mail addresses, or the e-mail addresses of their legal representatives, are known to the relevant court.

1.7 Subject to paragraph 2.1(b), the court may notify the parties or their legal representatives by e-mail. If notification is made by e-mail, the court must also decide whether it is appropriate to send notification by post or telephone at the same time.

1.8 Where provisions in this practice direction conflict with other provisions in the CPR or other practice directions, this practice direction takes precedence. The rest of the rules and practice directions, however, will continue to apply to the application, along with any changes to the rules or other practice directions made by this practice direction or orders made by the court to enable the application to be determined.

Applications to set aside judgments under the pilot

2.1 On receipt of an application the relevant court will—

(a) allocate a date and time for the application to be heard; and

(b) notify the parties by post and e-mail—

(i) of the date and time when the application will be heard;

(ii) that the hearing will proceed as a video hearing if the conditions in paragraph 2.2 are met; and

(iii) that if the conditions in paragraph 2.2 are not met, the parties will be required to attend the hearing in the manner directed by the court.

2.2 The conditions referred to in paragraph 2.1(b)(ii) and (iii) are that—

(a) each party has consented to the application proceeding by way of a video hearing;

(b) at least 14 days before the hearing date, each party or legal representative has completed, online, a pre-video hearing suitability questionnaire, the link to which will be provided by the court;

- (c) a court officer has considered the completed pre-video hearing suitability questionnaires and is satisfied that each party or legal representative is able, and has access to the IT equipment required, to participate in a video hearing;
- (d) a judge has considered both the application and the completed pre-video hearing suitability questionnaires and has determined that the application may proceed by way of a video hearing; and
- (e) at least 7 days before the hearing date, the court—
 - (i) has set-up a video hearing user account for each party or legal representative; and
 - (ii) has tested the IT equipment used by each party or legal representative and confirmed that it will enable them to access the relevant court's video hearing service.

2.3 If the conditions in paragraph 2.2 are met, the application will be heard by way of a video hearing and the court must notify the parties accordingly.

2.4 If any of the conditions in paragraph 2.2 are not met—

- (a) the parties must attend the hearing of the application in the manner directed by the court; and
- (b) not less than 5 days before the appointed date for the hearing, the court must notify the parties of the arrangements for the hearing.”.