

115th UPDATE – PRACTICE DIRECTION AMENDMENTS

The new Practice Direction 51V supplementing the Civil Procedure Rules 1998 is 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 is approved by Chris Philp MP, Parliamentary Under-Secretary of State for Justice, by the authority of the Lord Chancellor.

The new Practice Direction comes into force on 2 March 2020.

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

Signed by authority of the Lord Chancellor:

Chris Philp MP
Parliamentary Under Secretary of State
Ministry of Justice
Date: 11 February 2020

PRACTICE DIRECTION 51V – THE VIDEO HEARINGS PILOT SCHEME

- 1) After Practice Direction 51U insert Practice Direction 51V 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 at either the Birmingham or Manchester Civil Justice Centre (“the relevant court”). Members of the public may access a hearing by attending the court in person and will see and hear the judge in the court room, and the parties or their legal representatives on a screen in the court room.

1.5 The pilot runs from 2nd March 2020 to 30th November 2020.

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; and

(c) 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 give any necessary notification to 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.

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 and whether it will be heard at the Birmingham or the Manchester Civil Justice Centre;

(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) 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, which provides for unrepresented parties to consent to the application proceeding by way of video hearing, and for represented parties to let the court know anything that could affect this hearing taking place by video (including whether the party objects to or wishes to opt out of a video hearing);

(b) in completing the questionnaire referred to in sub-paragraph (a)—

(i) any unrepresented party has consented to the application proceeding by way of a video hearing, and

(ii) no represented party has indicated an objection or an intention to opt out, or otherwise let the court know anything which indicates that it would not be appropriate for the application to proceed by way of a video hearing;

(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 person; 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.