



Barristers' Chambers

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The Financial Remedy Courts - Coronavirus latest update or let's get a reality check!

Let's get real – the Court system cannot effectively operate in the present developing shut down of the country. Social contact is already being advised against. Court cases like non urgent operations will have to be put off. In the meantime, until this penny finally drops, here is the latest issued advice just received.

MR JUSTICE MOSTYN

NATIONAL LEAD JUDGE OF THE FINANCIAL REMEDIES COURTS

In the light of the guidance this morning from the Lord Chief Justice (see below) I would like to ask all the zone leaders to propose to FRC judges the following measures.

1. First appointments should be done wherever possible using the “accelerated” paper-only procedure in the fourth schedule to the FRC protocol (<https://www.judiciary.uk/wp-content/uploads/2019/11/FRC-Good-Practice-Protocol-November-2019.pdf>). The terms of that schedule do not need to be followed strictly; judicial latitude is encouraged. Judges should accept consent orders dealing with first appointments routinely.
2. Parties should be encouraged to have their FDRs done privately. Such private FDRs should routinely be done remotely. Most barristers' chambers and solicitors' offices have facilities to enable FDRs to be done remotely.
3. The default position for other hearings is that they should be done either by Skype (Skype for Business is available on all judicial laptops) or by telephone. The extension of the existing virtual courts project is being actively investigated.
4. Physical hearing should only take place where this is absolutely unavoidable.
5. The physical lodging and handling of documents should be avoided. The use of ebundles should be virtually mandatory. See <https://www.judiciary.uk/announcements/financial-remedies-courts-e-bundles-protocol/>
6. FRC judges should endeavour to do as much work as they possibly can from home.

I would ask that these measures are given wide publicity in your respective FRC zones.



17 March 2020

Coronavirus latest update

The latest guidance from government on how to respond to COVID-19 will clearly have an impact on the operation of all courts in every jurisdiction. It is not realistic to suppose that it will be business as usual in any jurisdiction, but it is of vital importance that the administration of justice does not grind to a halt.

We continue to work closely with others in the justice system, including the Ministry of Justice and HMCTS, to work through the implications of the developing medical position for the operation of the courts.

Given the rapidly evolving situation, there is an urgent need to increase the use of telephone and video technology immediately to hold remote hearings where possible. Emergency legislation is being drafted which is likely to contain clauses that expand the powers in criminal courts to use technology in a wider range of hearings. The Civil Procedure Rules and Family Procedure Rules provide for considerable flexibility.

We also encourage you to work with your local court staff to identify work which could be done from home. To support this please take some time to familiarise yourself with Skype. It may need to be unlocked on some laptops.

Further information can be found on the [coronavirus \(COVID-19\) page on the judicial intranet](#). This is a one stop shop for all guidance on this matter for Judicial Office Holders so please check it regularly for updates. Make sure you are able to gain access to your ejudiciary account from home.

Our immediate aim is to maintain a service to the public, ensure as many hearings in all jurisdictions can proceed and continue to deal with all urgent matters.

In all things liaise with leadership judges and HMCTS.

The Lord Burnett of Maldon
Lord Chief Justice