

Guidelines under the telephone hearings scheme

From 1st April 2006 a staged nation-wide rollout of the telephone hearings pilot scheme will commence. The pilot scheme has been running at Newcastle Combined Court Centre since September 2003 and at Luton and Bedford county courts since February 2004. The response from users of the pilot was very encouraging, and a subsequent consultation exercise of stakeholders met with overwhelmingly favourable responses to a proposal to extend the scheme nationally.

Rules

Under the scheme, paragraphs 6.1 to 6.3 of the practice direction to Part 23 will not apply. However, both paragraphs 6.4 and 6.5 will apply.

All hearings defined as suitable in the practice direction made under Part 51.2 will normally be held by telephone.

Procedures under the Pilot Scheme

Hearings included:

- All allocation hearings, listing hearings, case management hearings, and interim applications with a time estimate of no more than one hour will be included in the pilot;
- Any other application with the consent of all the parties and the agreement of the court shall also be included.

Hearings excluded where:

- all of the parties are unrepresented;
- more than four parties wish to make representations at the hearing (for this purpose where two or more parties are represented by the same person they are treated as one party);
- the hearing could result in the final determination of the whole or part of the proceedings.

Applications in respect of hearings included under the pilot

Parties may make applications under the practice direction for a hearing not to be conducted by telephone. If they do:

- It must be made at least 7 days before the hearing; and
- It may be made by letter.

Such applications will be determined by the court without the need of the parties to attend court for a hearing.

The usual application fee will apply.

Arrangements for the Conference Call

In the case of interim applications the responsibility for the conference call shall be the applicants' (providing the applicant is represented).

In all other cases responsibility for the conference call shall normally be with the claimants' representatives. If the claimant is unrepresented the first named defendant who is represented shall be responsible for all arrangements. The court may on occasions direct another party to be responsible for making arrangements if it sees fit to do so.

All other arrangements shall be in accordance with those set out in paragraph 6.5 of the practice direction to Part 23. (References to the applicant are to be read as references to the claimant or such other party as the court directs to arrange the telephone conference).

Documents

The party arranging the conference call must also lodge at the court a case summary and a draft order if the claim is allocated to the multi track. The same applies in an unallocated case, where the arranging party considers that it should be so allocated and in any other case where the court has so directed.

If any party seeks to rely on any other document, such as experts' reports, cost schedules, skeleton arguments or alternative draft orders then they must be lodged with the court.

All draft orders should be agreed in whole or part if at all possible.

Any documents required for the hearing or to be relied upon by a party must be lodged with the court by no later than 4.00pm on the last working day before the hearing.

All documents must clearly indicate the time and date of the hearing and marked for urgent attention.

Listing and Timing

In lists where all, or a significant number of the hearings are by way of telephone, it will be critical for them to run on time. In order to facilitate the scheme running smoothly, parties must use their best efforts to:

- Give realistic time estimates as there will be no opportunity to overrun. All time estimates must take into account time for giving judgment, where appropriate and any potential argument as to costs;
- Ensure all documentation is properly lodged on time;
- Communicate properly with all other parties to ensure that areas of agreement are clearly determined and areas of dispute can be concisely argued;
- Ensure that they are ready for the call to be linked up promptly at the listed time.

There may be occasions when the court is not ready for a conference call. In these situations the court will endeavor to provide the parties with an estimate of the delay or an alternative time when the call should be re-connected.