

Dear Sirs,

It is intended that this appeal will proceed as listed and will be heard remotely, subject to the Court being satisfied that papers can be filed in a manner which will permit an effective hearing: see point (10) below. Please notify me at once if this is likely to cause any serious difficulty for the parties or any of them.

Media representatives will be able to access the hearing, which is accordingly a public hearing: see para. 3 of PD 51Y.

Please note the following points about how the hearing will proceed:

- (1) The default platform to be used is Skype for Business (“SfB”). The Court is aware that SfB is no longer available from Microsoft and that not all practitioners may have it on their systems, but parties without the software can nevertheless participate if invited, using the “web app” option. The presiding LJ may permit the use of an alternative platform if the parties can show cogent reasons why it should be preferred to SfB in the particular case.
- (2) SfB hearings will be set up by the Court (either by this office or by the clerk to one of the Lords/Lady Justices). Only the members of the Court and their clerks will have full “participant” status: all other persons will be invited as “guests”. Please notify me as soon as possible of the e-mail addresses of all persons whom you wish to have invited and of one person for each party with whom the Court should liaise on technical matters.
- (3) The Court may wish to conduct a technical dry run involving counsel on the day before the hearing. If so, you will be notified of the proposed time in due course.
- (4) Only counsel should be on video during the hearing. Other guests should be on audio only and should mute their microphones.
- (5) It is important to maintain the formality of the hearing so far as possible. Although robes are not worn, counsel should wear formal business clothes. The surroundings from which they participate should not be inappropriate to a Court hearing.
- (6) Counsel should ensure that they are as visible and as audible as possible. They should sit reasonably close to the camera and should not have a window or other strong light behind them.
- (7) The hearing will be recorded using the facility within SfB and the recording will be retained by the Court. It may be accessed in accordance with para. 4 of PD51Y, but an official transcript can be applied for in the usual way. Any other form of recording, audio or video, still or moving, will be a contempt of court: see section 41 of the Criminal Justice Act 1925, section 9 of the Contempt of Court Act 1981 and sections 85A-85D of the Coronavirus Act 2020.
- (8) In recognition of the difficulties of participating in a remote hearing, the Court may direct one or short breaks in the course of each session.
- (9) Much of the point, from the public health perspective, of having a remote hearing is lost if counsel, solicitors and others are sitting close together in the same room. The Court appreciates that not all parties may have the technical facilities for everyone concerned for a particular party to be in different locations; but that should be done wherever possible; where it is not, appropriate distancing should be carefully observed.

(10) Satisfactory arrangements will need to be made about the filing of papers. Please consider the Note herewith and reply to the questions raised in it if possible by 12.00pm on Thursday 9th April but if not by no later than 12.00pm on Tuesday 14th April.