

Remote Hearings Here to Stay—At Least for the Foreseeable Future

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On 15 September, new guidance was published on the conduct of hearings which confirms that remote hearings are here to stay, at least for shorter hearings.

The new guidance confirms that, although the mode of hearing is ultimately a judicial decision, for all hearings under half a day, the default position is that the hearing should take place remotely. The Court will consider a live hearing only if there is a particular reason why it would be more appropriate. The guidance includes some examples of such cases—including the Chancery Division’s Applications Court, and the Commercial Court’s and TCC’s Friday applications lists.

Where a hearing is scheduled for more than half a day, it will be for a judge to determine whether the hearing should proceed remotely, or in-person. Parties will be asked by the Listing Office for their preferences for hearing arrangements.

The new guidance also notes that remote and hybrid hearings may also cover “*a full menu of options*”.

This development is a clear sign from the Courts that the conduct of hearings has significantly changed, beyond the constraints made necessary by the COVID-19 pandemic. From the perspective of many parties, remote hearings make sense; they save clients time in travelling to and attending Court in person for procedural matters, and allow parties outside of the United Kingdom to watch proceedings that they might otherwise have missed out on attending. We have previously written about the [various issues that can arise from conducting virtual or hybrid hearings](#), and our experiences in running virtual proceedings.

The full guidance can be found on the UK Judiciary website, [here](#).

Please do not hesitate to contact us with any questions.



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