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## Coronavirus Amendment To Tribunal Rules

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☎ 0300 0300 218

✉ Email Ibraheem:

ibraheem.dulmeer@

normantonchambers.com or

clerks@normantonchambers.com



## CORONAVIRUS AMENDMENT TO TRIBUNAL RULES

The Tribunal Procedure (Coronavirus) (Amendment) Rules 2020 ("Statutory Instrument") have brought about some changes to various Tribunals. In particular, to the leasehold sector the Statutory Instrument makes changes to the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 and Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2010.

These changes have been made as part of emergency measures to mitigate against the impact of COVID-19 on the First-tier Tribunal (Property Chamber) ("F-tT") and Upper Tribunal (Lands Chamber) ("UT"). They are designed to be temporary in nature during this pandemic and will be subject to review by the Tribunal Procedure Committee.

### The two main effects are:

- (1) Paper based decision may be at the direction of the F-tT but not the UT; and,
- (2) F-tT and UT hearings will be held in private where they cannot be broadcasted or accessed by the public.

### Paper based decisions:

The temporary rules allow the F-tT to make a decision which disposes of proceedings without a hearing if it is satisfied that:

- (a) the matter is urgent;
- (b) it is not reasonably practicable for there to be a hearing (including a hearing where the proceedings would be conducted wholly or partly as video proceedings or audio proceedings); and
- (c) it is in the interests of justice to do so.

The Statutory Instrument allows the F-tT to make a decision on the papers without the parties' consent. This amendment will reduce the risk of infection between Tribunal users, HMCTS staff and the Judiciary by allowing more decisions to be made on the papers. Notably this does not apply to the UT.

### Private Hearings

Both the F-tT and UT have a power to conduct remote hearings, either video or audio proceedings, in private if it is not practicable for that hearing to be broadcasted or accessed by a media representative.

Those hearings which are conducted in private must be recorded, where it is practicable, in a manner directed by the Tribunal. Therefore, it is important to note that recordings should not be made secretly.

Section 55 of the Coronavirus Act 2020 makes provision for the public to observe hearings that proceed via remote technology. This may be impracticable given that the Court or Tribunal building may not have the technology to allow for this. This would be impossible for all remote hearings to be accessed by the public through either video or audio technology. Therefore, this Statutory Instrument will allow the F-tT and UT to direct remote cases to be heard in private if they cannot be broadcasted and accessed by the public, to ensure the proper administration of justice.

### Final thoughts:

The world is changing rapidly and in turn, the legal landscape will respond with various amendments. The above mentioned temporary measures are important to be aware of. The author wishes everyone is safe during these difficult times.

This was first featured on the News On the Block Website