

APPEARANCES OTHER THAN IN PERSON ON REVIEWS/APPLICATIONS

Paragraph 19 of Practice Direction 2 of 2020 provides for:

- the ordinary requirement that an appearance in Court is required, on behalf of each party, on a review or on the return date for an application for orders or directions
- 3 exceptions to that ordinary rule

One of the exceptions is where the Judge who is to hear the application or conduct the review permits appearance otherwise than in person. The Practice Direction is subject to temporary arrangements due to COVID-19. It does not state criteria for the granting of permission.

Where the party, or their representative as the case may be:

- (i) has tested positive for COVID-19; or
- (ii) is awaiting the results of a COVID-19 test; or
- (iii) has some other basis for concern that they might have COVID-19, AND
- (iv) does not have available alternative representation

they should contact the Judge's associate as soon as possible in order to arrange for an appearance otherwise than in person.

Whilst the granting of permission to appear otherwise than in person is always a matter for the presiding Judge, examples of circumstances where permission might be granted include where:

- (i) the party is a self-represented litigant, or
- (ii) the location of the usual practice of the legal practitioner representing a party is remote from the Court hearing the matter, AND
- (iii) the party or legal practitioner, as the case may be, advises, when requesting permission to appear otherwise than in person, that the matter is likely to be uncontested or that they do not intend to advance argument in relation to any contest amongst other parties.

It should be noted that paragraph 19 of Practice Direction 2 of 2020 also includes, as other exceptions to the usual rule as to appearance, circumstances where a matter has been adjourned on the papers or become the subject of a consent order made on the papers.