


Business and Property Courts: remote hearings to remain, for now...

For business disputes, it looks likely that remote hearings will be an option into the future.

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The civil justice system embraced remote hearings during the Covid-19 pandemic because it had to. There has been speculation as to whether courts would continue to work remotely, post-Covid.

The Business and Property Courts are now leading the way with confirmation that until further notice, all hearings under half a day will be held remotely, unless there is a particular reason why an in-person hearing is required.

For hearings longer than half a day, parties will be asked to express their reasoned preferences and the Judge will decide on the mode of hearing based on the parties' preferences and the interests of justice. Judges will have the full range of options at their discretion, including hybrid hearings ranging from fully remote hearings to there being some participants in court and some joining remotely.

While this new guidance will remain in place until further notice, so could be reversed, it looks like the Business and Property Courts are embracing remote ways of working to drive efficiency, subject to the overriding principle of the interests of justice. In time, we expect that other courts will follow suit and that remote or hybrid hearings will become the norm within the civil justice system.

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