



Informing Progress - Shaping the Future



FOIL Update 5 November

Lockdown guidance from the QBD/RCJ

The following extensive guidance in three parts was published on 4 November – it has been edited to remove information on possession and deed poll matters, not relevant to FOIL members.

The guidance covers:

- **Submitting claims forms**
- **Listing**
- **Remote Hearings**
- **Submitting applications**
- **Clerks walk-in**
- **Foreign Process**
- **Children's Funds**
- **E signatures**
- **Urgent interim applications**
- **Paying a court fee**

Queen's Bench Masters Listing and Action Department

Information for Court Users

Date: 4 November 2020

During the current COVID-19 outbreak the work of the Queen's Bench Masters and Queen's Bench Action Department will continue so far as possible. However, it is inevitable that the outbreak of the virus, and the Government and NHS guidelines on self-isolation, means that there are, and will continue to be, absences of both Masters and court staff. In order to deal with the court business in

the most efficient way possible, taking into account the current constraints, we will continue to make certain changes to our procedures.

QUEEN'S BENCH ISSUES –

Submitting Claim Forms

Professional court users should continue to submit claim forms via CE-File.

Unrepresented Litigants in person are encouraged to use CE-File, but if this is not possible claims forms can be submitted by -

a) by email, accompanied with a receipt of payment by debit/credit card or fee remission certificate to QBenquiries@justice.gov.uk ; or

b) post, accompanied with a cheque, receipt of payment by debit/credit card or fee remission certificate to HMCTS, Queen's Bench Division, Issues Department, Royal Court of Justice, Strand, London, WC2A 2LL; or alternatively

c) deposit the application with receipt of payment by debit/credit card or a fee remission certificate in the Queen's Bench Division drop box which is situated at the main entrance of the Royal Courts of Justice.

For more information in relation to payment by debit/credit card please see Fees Office section.

For more information, support, advice and to register to use CE-File, please use this link: - www.gov.uk/guidance/ce-file-system-information-and-support-advice

Contacting the Queen's Bench Issues Department

All enquiries relating to Queen's Bench Issues should be sent to QBenquiries@justice.gov.uk and a member of the team will assist you.

QUEEN'S BENCH MASTERS LISTING -

All hearings will continue to be conducted remotely unless the Master considers that a hearing should be held with legal representatives and parties present, in which case, at the Master's discretion, a hearing will be listed in the Master's Chambers or in a court room. If a party considers that there are good reasons why a hearing should not be held remotely, they should contact the Queen's Bench Masters Listing Section QBmasterslisting@justice.gov.uk at least 7 days before the hearing and provide reasons.

Attended Hearings at the Royal Courts of Justice

If the Master decides that a hearing should be held with legal representatives and/or parties present in person at the Royal Courts of Justice the following restrictions will apply until further notice.

1. A hearing will only take place in a Master's room if no more than two persons intend to attend. The advocates must sit at each end of the advocates bench to ensure maximum distance between them. The remaining seating for solicitors, parties and observers will be out of use. If a member of the public wishes to attend the hearing will be adjourned to a court room.

2. The parties must notify the court at least 7 days before the hearing whether more than two persons will be attending a hearing, so that a court room can be booked if required. Parties must also inform the Listing Office regarding the number of attendees.
3. If a hearing is held in a court room all persons present must ensure that they sit two metres apart.
4. Hand sanitiser will be available in the Master's rooms and in a court room but parties should bring their own gloves, masks and any other protective clothing/equipment that they wish to use.
5. Door handles will be cleaned regularly in the Royal Courts of Justice, but we recommend that everyone entering Masters' rooms and court rooms wear gloves and/or sanitise their hands after touching them.
6. Documents and skeleton arguments to be relied on at a hearing must continue to be sent electronically even where a hearing takes place with attendance in person, in accordance with the guidelines for electronic bundles.

Remote Hearings

Masters Clerks will be responsible for organising remote hearings with Parties via Microsoft Teams and Skype. Parties will be contacted by a Master's Clerk who will facilitate the hearing arrangements and provide hearing directions on behalf of their respective Master. A list of the names and contact email addresses for each of the Queen's Bench Masters Clerks is included in this document, this list will be subject to change when normal working practices resume at the Royal Courts of Justice. Hearings via telephone will continue to be arranged by the parties (see CPR Practice Direction 23A para. 6.10(1)). The approved providers are Kidatu and Legalconnect.

Hearing Bundles

HMCTS has introduced a Document Upload Centre, (DUC) using a public and private area within Microsoft SharePoint on eJudiciary.net which enables Court users to upload single or multiple documents for court hearings. It will be an optional facility and can be accessed only by invitation from a Clerk who will require an e-mail address from the Court users for login purposes. If you wish to upload documents using this facility you must email the Master's clerk to request an invitation. Guidance on how to upload your documents via the DUC can be accessed via the following link: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/887109/Document Upload Centre - Professional User.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/887109/Document_Upload_Centre_-_Professional_User.pdf)

Submitting Applications

Professional court users should continue to submit applications via CE-File.

Unrepresented Litigants in person are encouraged to use CE-File, but if this is not possible applications can be submitted by -

a) by email, accompanied with a receipt of payment by debit/credit card or with a fee remission certificate to QBmasterslisting@justice.gov.uk ; or

b) post, accompanied with a cheque, receipt of payment by debit/credit card or fee remission certificate to HMCTS, Queen's Bench Division, Masters Listing Office, Royal Court of Justice, Strand, London, WC2A 2LL; or alternatively

c) deposit the application with receipt of payment by debit/credit card or a fee remission certificate in the Queen's Bench Division drop box which is situated at the main entrance of the Royal Courts of Justice.

For more information in relation to payment by debit/credit card please see Fees Office section.

For more information, support, advice and to register to use CE-File, please use this link: - www.gov.uk/guidance/ce-file-system-information-and-support-advice

Clerks Walk in

Clerks walk in remains suspended until further notice.

Urgent and Short Applications List (USAL)

Hearings in the USAL list will continue to be heard remotely until further notice.

Contacting the Queen's Bench Masters Listing Office and Clerks

All enquiries relating to Masters hearings should be sent to the Masters Clerks at the email addresses provided.

All other general enquiries should be sent to QBmasterslisting@justice.gov.uk

Master's	Clerk's	Clerk's email address
Senior Master Fontaine Master Davison	Jonathan Eves	JONATHAN.EVES@justice.gov.uk
Master Yoxall Master Dagnall	Beverley Henningham	beverley.henningham@Justice.gov.uk
Master Sullivan Master Gidden	Sheila Anirudhan	Sheila.Anirudhan@justice.gov.uk
Master Thornett Master Brown	Mihaela Baditoiu	Mihaela.Baditoiu@justice.gov.uk
Master Eastman	Sajid Ansari	Sajid.Ansari@justice.gov.uk
Master McCloud	Agnes Elsayed	Agnes.Elsayed@justice.gov.uk
Master Cook	Sujen Subenthiran	Sujen.Subenthiran@justice.gov.uk
Deputy Masters	Stephen Keith	Stephen.keith@justice.gov.uk

QUEEN'S BENCH ENFORCEMENT –

Writs of Control

The stay on enforcement of writs of control has expired.

FOREIGN PROCESS -

Service of Process

Requests for service of proceedings from foreign courts

The COVID-19 outbreak has inevitably led to delays in the service of documents from foreign courts requested under the EU Service Regulation and the Hague Service Convention, and from non-Convention countries. We are now able to process incoming requests for service either by bailiff service or tracked postal service.

Requests for service of proceedings issued in this jurisdiction in other countries

We are now accepting requests for service in foreign countries of proceedings issued in England & Wales. Where service is under either the EU Service Regulation or the Hague Service Convention the effectiveness of the request for service will depend upon the position of the relevant central body/authority in the EU member state or Convention state where the documents are to be served.

Requests for service in a country which requires service through foreign governments, judicial authorities or British Consular authorities, transmitted through the Foreign & Commonwealth Office, are now also able to be processed.

It will inevitably take some time to work through the backlog, but court staff in the Foreign Process Section will work to complete requests for service as promptly as they can.

Taking of Evidence

All examinations of witnesses in respect of requests received from foreign courts to be carried out by order of the High Court of England and Wales under the direction of the Government Legal Department pursuant to the Evidence (Proceedings in Other Jurisdictions) Act 1975, have now been resumed. However, many examinations will be carried out by telephone rather than in person whilst the Covid-19 restrictions are in place. Applications under the Evidence (Proceedings in Other Jurisdictions) Act 1975 where solicitors admitted in England & Wales are instructed can be processed by submitting these to the Foreign Process Section either by post or email to foreignprocess.rcj@Justice.gov.uk and any hearings of, or relating to, such applications are able to be listed.

Urgent applications for orders for Letters of Request to be sent to foreign courts either under the Taking of Evidence Regulation or the Hague Evidence Convention or any other bi-lateral treaty are able to be processed, but there may be some delay in their being dealt with by the requested court during the present circumstances.

Registration of Foreign Judgments

These are now able to be processed.

Contacting Foreign Process Department

All enquiries relating to Foreign Process should be sent to foreignprocess.rcj@Justice.gov.uk and a member of the team will assist you.

Documents can be sent to the court by post, accompanied with a cheque, receipt of payment by debit/credit card or PBA account number if applicable, to HMCTS, Foreign Process Department, Royal Court of Justice, Strand, London, WC2A 2LL

Alternatively, documents with accompanying fee or PBA number if applicable, can be left in the Queen's Bench Division drop box, which is situated at the main entrance of the Royal Courts of Justice.

CHILDREN'S FUNDS –

Deposits into Court Funds Office

During the current period of restrictions, the Courts Funds Office (CFO) has introduced the facility to accept deposits electronically, to be used only in the most urgent cases, because of pressure on CFO staff during the present time. The process is as follows:

Deposits via BACS (by request only)

The following documents relating to the deposit to be submitted by email to the CFO email address enquiries@cfo.gov.uk

- (1) The completed deposit form (Form 100) signed electronically;
 - (2) A sealed copy of the order directing the deposit or other form of authority to deposit (for example, if depositing in defence of tender a sealed copy of the claim form and a copy of the defence is required);
 - (3) If the direction relating to the deposit into CFO is contained within a schedule to the order, please also send an email QBenforcement@justice.gov.uk requesting that the court send confirmation to the CFO that the schedule to the order contains the direction to deposit the funds at the CFO (this is required because the court has no facility at present to button seal schedules to orders, as it would normally do so the CFO can be assured that the direction was made by the court).
- The documents filed will be checked by the CFO. If in order CFO will open a nil balance account and send the BACS details to the sender to enable them to make the deposit. The CFO will endeavour to send the email by 1pm to allow for the depositor to make the deposit by the 3pm BACS deadline. This email will not necessarily be sent on the same day that the request is received as CFO have a number of processes to complete first.
 - If the documents sent are incomplete or more clarity is required, they will be returned to sender by email with details of what is required. The request will then need to be resubmitted.
 - Normal procedures will continue to apply if a deposit via BACS is not requested specifically. This means that if a deposit is received without prior approval it will be rejected.

Payments out of Court Funds Office

During the current period of restrictions, the CFO has introduced the facility to release funds electronically, to be used only in the most urgent cases, which will be decided by the Judiciary.

Children's Funds -

- Completed CF320's with the sealed approval order should be emailed to qbchildrensfunds@Justice.gov.uk

- Children’s Funds will carry out a full check of the documents. If all is well, the paperwork will be authenticated in line with the CFO agreed digital process and sent to CFO to create an account.
- If the paperwork is incomplete then it will be returned to the sender by email with details of what they need to do. Any amendments will be accepted by email as long as the email clearly sets out and confirms what amendments have been made.
- Requests for payments from a children’s funds account may be made by email by the litigation friend and will be responded to by email. Please ensure that the request specifies the purpose of the payment and if a quick response is required because a payment is imminent.

All Other Requests for Payments Out from Court Funds for Queen’s Bench Cases - A completed CFO200 accompanied by the sealed order granting permission for payment out of court should be sent to QBenforcement@justice.gov.uk

- QB Enforcement will carry out a full check of the documents. If all is well, the paperwork will be authenticated in line with the CFO agreed digital process and sent to CFO for the release of funds into the requested bank account.
- If the paperwork is incomplete it will be returned to the sender by email with details of what they need to do. Any amendments will be accepted by email as long as the email clearly sets out and confirms what amendments have been made.

Contacting Children’s Funds Department

All enquiries relating to Children’s Funds should be sent to qbchildrensfunds@Justice.gov.uk and a member of the team will assist you.

ELECTRONIC SIGNATURES ON COURT DOCUMENTS –

During this period when most court users are working remotely, often without access to secure scanning technology the QB Action Department has received a number of queries from court users as to whether documents filed with the court bearing either no signatures or electronic signatures are acceptable.

Rule 5.3 permits any document that is required to be signed “if the signature is printed by computer or other mechanical means”. The QB Action Department will accept all documents signed with electronic signatures, but documents that are unsigned will not be accepted.

FEES OFFICE –

How to Pay a Court Fee

Payment by Debit or Credit Card via the Phone or Email – You can pay a court fee by debit or credit card by contacting the Fess Office on 0207 073 4715 between the hours of 10:00am and 16:00pm, Monday to Friday (except bank holidays) or by emailing RCJfeespayers@justice.gov.uk Once the payment has been processed you will receive a receipt which you should submit with the claim form and/or application form to the relevant department either by email, post or drop box which is situated at the main entrance of the Royal Courts of Justice.

Payment by CE-File – Court users can pay a fee by Payment by Account (PBA) or debit or credit card on submission of documents via Ce-File. For more information, support, advice and to register to use CE-File, please use this link: www.gov.uk/guidance/ce-file-system-information-and-support-advice

Payment by Account (PBA) – If you have a PBA account, then you must include the reference number in a covering letter with any claim form and/or application you lodge with the court, either by email, post or drop box which is situated in the main entrance to the Royal Court of Justice.

Payment by Cheque – Cheque's should be made payable to HMCTS and either posted with the claim form and/or application form or placed in the drop box which is situated at the main entrance to the Royal Court of Justice.

Help with Fees Online

To apply for fee remission, go to the Help with Fees website (<https://www.gov.uk/get-help-with-court-fees>) and complete the step by step application process. Forward your 'HWF' reference to the Fees Office feesrcj@justice.gov.uk along with a copy of your claim form and/or application form. Please note, the number is confirmation of applying and is not confirmation of Remission entitlement. The Fees Office will process your application and contact you with the outcome of the Help with Fees application and will advise your next steps.

General Fee Enquiries

For general fee related enquiries please contact the Fees Office on feesrcj@justice.gov.uk

Fees Office counter

From Monday 9 November 2020 the Fees Office counter service will be temporarily suspended until further notice.

Royal Courts of Justice Fees Office Information for Court Users

Date: 4 November 2020

Due to the latest Government guidelines the Fees Office will temporarily suspend counter service from Monday 9 November 2020.

How to Pay a Court Fee

Payment by Debit or Credit Card via the Phone or Email – You can pay a court fee by debit or credit card by contacting the Fees Office on 0207 073 4715 between the hours of 10:00am and 16:00pm, Monday to Friday (except bank holidays) or by emailing RCJfeespayments@justice.gov.uk Once the payment has been processed you will receive a receipt which you should submit with the claim form and/or application form to the relevant jurisdiction either by email, post or drop box which is situated at the main entrance of the Royal Court of Justice.

Payment by CE-File – Court users can pay a fee by Payment by Account (PBA) or debit or credit card on submission of documents via Ce-File. For more information, support, advice and to register to use CE-File, please use this link: www.gov.uk/guidance/ce-file-system-information-and-support-advice

Payment by Account (PBA) – If you have a PBA account, then you must include the reference number in a covering letter with any claim form and/or application you lodge with the court, either by email, post or drop box which is situated in the main entrance to the Royal Court of Justice.

Payment by Cheque – Cheque's should be made payable to HMCTS and either posted with the claim form and/or application form or placed in the drop box which is situated at the main entrance to the Royal Court of Justice.

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GENERAL ENQUIRIES

For general fee related enquiries please contact the Fees Office on [Feesrcj@justice.gov.uk](mailto:feesrcj@justice.gov.uk)

If you have any queries specific to your case, please contact the relevant department via the emails listed below:

1. Queen's Bench Issues - QBenquiries@justice.gov.uk
2. Queen's Bench Masters Listing – QBMasterslisting@justice.gov.uk
3. Queen's Bench Judges Listing – QBjudgeslistingoffice@justice.gov.uk
4. Administrative Court - administrativecourtoffice.generaloffice@hmcts.x.gsi.gov.uk
5. County Court at Central London (Bankruptcy and Companies Team)
RCJBankCLCCDJHearing@justice.gov.uk
6. Family Division – rcj.familyhighcourt@justice.gov.uk
7. Senior Courts Costs Office using - scco@justice.gov.uk
8. Civil Court of Appeal – civilappeals.registry@justice.gov.uk

Queen's Bench Division

Queen's Bench General, Media and Communications

Information for Court Users

Date: 4 November 2020

During the current COVID-19 outbreak the work of the Queen's Bench Judges Listing will continue so far as possible. However, it is inevitable that the outbreak of the virus, and the Government and NHS guidelines on self-isolation, means that there are, and will continue to be, absences of both Judges and court staff. In order to deal with court business in the most efficient way possible, taking into account the current constraints, we are making certain changes to our usual procedure.

URGENT INTERIM APPLICATIONS -

Urgent interim applications i.e. where immediate action is required from the court, otherwise a situation will become irreversible will only be accepted electronically.

Professional court users should continue to send urgent interim applications via CE-File.

Unrepresented Litigants in person are encouraged to use CE-File, but if this is not possible urgent interim applications should be sent to gbjudgeslistingoffice@justice.gov.uk Applications must be accompanied with a receipt of payment by debit/credit card or a fee remission certificate (see Fees Office section), and an electronic bundle containing only those documents which it will be necessary for the court to read for the purposes of determining the application.

If you are not legally represented and you do not have access to email, you should contact the Queen's Bench Division by telephone between 10:00am and 5:00pm on 07562 434 296 (only to be used in an emergency) so that details of your application may be taken by telephone and alternative arrangements made if permitted by the Judge on duty.

In all cases where the urgent interim application cannot be sent via CE-File the electronic bundle:

- a. must be a single PDF not exceeding 20mb in size;
- b. must be numbered in ascending order regardless of whether multiple documents have been combined together (the original page numbers of the document will be ignored and just the bundle page number will be referred to)
- c. Index pages and authorities must be numbered as part of the single PDF document (they are not to be skipped; they are part of the single PDF and must be numbered).
- d. The default display view size of all pages must always be 100%.
- e. Texts on all pages must be selectable to facilitate comments and highlights to be imposed on the texts
- f. The bookmarks must be labelled indicating what document they are referring to (it is best to have the same name or title as the actual document) and also display the relevant page numbers.
- g. The resolution on the electronic bundle must be reduced to about 200 to 300 dpi to prevent delays whilst scrolling from one page to another.
- h. The index page must be hyperlinked to the pages or documents it refers to.

HEARINGS –

Hearings are currently being listed remotely and in court.

Remote hearings are being conducted by Microsoft Teams, BT Meet Me and Cloud Video Platform, and will be arranged by the court. CPR 39.3 (3) (g) permits the court to hold a hearing in private if 'the court considers this to be necessary, in the interests of justice'.

All court rooms have been risk assessed and comply fully with current Government and HMCTS social distancing guidelines. Hand sanitiser is available on entry to all courtrooms.

The List Office will contact parties prior to a hearing being listed to ascertain the preferred method of listing which will be communicated to the Judge presiding over the hearing for direction.

Parties should inform the court as soon as possible if a hearing is likely to be vacated or a representative cannot attend through illness/self-isolation.

A Cause List will be produced daily but it may be subject to change at short notice.

An electronic bundle should be provided at least three working days before the hearing. The guidance set out in Annex A to this note must be followed in respect of an electronic bundle

CONTACTING THE QUEEN'S BENCH LISTING OFFICE –

Until further notice a counter service will not be provided

All enquiries relating to Queen's Bench Listing should be sent to qbjudgeslistingoffice@justice.gov.uk and a member of the team will assist you.

FEES OFFICE –

How to Pay a Court Fee

Payment by CE-File – Court users can pay a fee by Payment by Account (PBA) or debit or credit card on submission of documents via Ce-File. For more information, support, advice and to register to use CE-File, please use this link: www.gov.uk/guidance/ce-file-system-information-and-support-advice

Payment by Debit or Credit Card via the Phone or Email – You can pay a court fee by debit or credit card by contacting the Fees Office on 0207 073 4715 between the hours of 10:00am and 16:00pm, Monday to Friday (except bank holidays) or by emailing RCJfeespayers@justice.gov.uk Once the payment has been processed you will receive a receipt which you should submit with the claim form and/or application form to the relevant department either by email, post or drop box which is situated at the main entrance of the Royal Courts of Justice.

Payment by Cheque – Cheques should be made payable to HMCTS and either posted with the claim form and/or application form or placed in the drop box which is situated at the main entrance to the Royal Court of Justice.

Help with Fees Online To apply for fee remission, go to the Help with Fees website (<https://www.gov.uk/get-help-with-court-fees>) and complete the step by step application process. Forward your 'HWF' reference to the Fees Office feesrcj@justice.gov.uk along with a copy of your claim form and/or application form. Please note, the number is confirmation of applying and is not confirmation of Remission entitlement. The Fees Office will process your application and contact you with the outcome of the Help with Fees application and will advise your next steps.

General Fee Enquiries For general fee related enquiries please contact the Fees Office on Feesrcj@justice.gov.uk

Fees Office counter From Monday 9 November 2020 the Fees Office counter service will be temporarily suspended until further notice.

ANNEX A Queen's Bench Judges - Electronic hearing bundles -

If an electronic bundle is ordered or requested by the court the bundle must be prepared as follows and be suitable for use with Adobe Acrobat Reader:

1. The document must be a single PDF.

2. The document must be numbered in ascending order regardless of whether multiple documents have been combined together (the original page numbers of the document will be ignored and just the bundle page number will be referred to).
3. Index pages and authorities must be numbered as part of the single PDF document (they are not to be skipped; they are part of the single PDF and must be numbered).
4. The default display view size of all pages must always be 100%.
5. Texts on all pages must be selectable to facilitate comments and highlights to be imposed on the texts.
6. The bookmarks must be labelled indicating what document they are referring to (best to have the same name or title as the actual document) and also display the relevant page numbers.
7. The resolution on the electronic bundle must be reduced to about 200 to 300 dpi to prevent delays whilst scrolling from one page to another.
8. The index page must be hyperlinked to the pages or documents they refer to.

This publication is intended to provide general guidance only. It is not intended to constitute a definitive or complete statement of the law on any subject and may not reflect recent legal developments. This publication does not constitute legal or professional advice (such as would be given by a solicitors' firm or barrister in private practice) and is not to be used in providing the same. Whilst efforts have been made to ensure that the information in this publication is accurate, all liability (including liability for negligence) for any loss and or damage howsoever arising from the use of this publication or the guidance contained therein, is excluded to the fullest extent permitted by law.