



## JUDICIARY OF ENGLAND AND WALES

### Future operation of the Rolls Building

From Monday 1 June 2020, as the lockdown restrictions are eased, a new approach will be taken to operation of the Rolls Building.

Every aspect of the new approach is based on the safety of judges, staff and court users. Social distancing must continue to be observed at all times and in all situations.

#### Key points

Key points of the new approach will be as follows:-

- From 1 June 2020 the Rolls Building will be able to offer physical hearings in a limited number of court rooms.
- Parties and their legal representatives will not be forced to have physical hearings in court if there are legitimate concerns regarding the safety, fairness or practicability of such hearings.
- Social distancing measures will reduce the capacity of the Rolls Building; it will be able to accommodate one third of the usual number of physical court hearings – that is up to 13 court rooms.

#### Types of hearing

There are likely to be four kinds of hearing taking place after 1 June 2020 (including combinations of them):-

- (i) Fully remote hearings with the judge at home.
- (ii) Remote hearings with the judge in their office or court in the Rolls Building.
- (iii) Hybrid hearings with the judge and some participants in court, and some participating remotely.
- (iv) Normal physical hearings in which all the participants attend in person.

The decision as to which sort of hearing is appropriate in a given case will always be a judicial decision. Parties will have the opportunity to make submissions as to the appropriate type of hearing before such a decision is made. Where possible, the TCC will endeavour to accommodate the needs of the parties and their legal representatives to achieve a safe, transparent and just disposal of the dispute.

### Arranging a physical hearing

In the event that any party has a hearing that they consider would be appropriate for either a hybrid or normal physical hearing, in the first place they should contact the other parties and seek agreement. Assuming such a hearing is agreed, the parties should contact TCC listing to propose either a hybrid or normal physical hearing and to enquire as to the arrangements that would be in place should it be possible for the Court to accommodate such a hearing in that case.

If there is a dispute, or the parties need guidance from the Court, the parties should agree a timetable for filing short written submissions for determination of the issue on paper or through a remote hearing.

The limit of 13 courts applies to the total number of hearings in which a judge sits in a court, across the Chancery, Admiralty and Commercial Court and TCC jurisdictions. Accordingly, it is likely that the majority of hearings will continue to take place remotely.

### Safety measures

The available courts will be the larger ones and the number of people permitted in a single court will be limited to ensure social distancing. This means only core teams will be permitted in Court, advance notice will be required of those attending and individuals will be seated some distance apart.

Realistically this is likely to affect how teams are able to communicate during the hearing, electronic communication being most likely, as is currently the case for remote hearings. This may increase the estimate for any hearing.

Queues into the building must be avoided and therefore there may well need to be staggered start and finish times during the day.

Parties are encouraged to discuss with listings the details of arrangements in place for their hearing well in advance of the hearing date.

### Co-operation

The next phase will be more complicated to manage than the period since the lockdown started. There are more options available and choices will have to be made. It will require liaison between the parties, the judge and court staff, and tolerance on the part of everyone to work together to ensure that the Rolls Building continues to be a successful centre for the Business and Property Courts.

Mrs Justice O'Farrell DBE  
Judge in Charge of the Technology and Construction Court  
22 May 2020