

ADMINISTRATIVE COURT OFFICE GUIDANCE – COVID-19 MEASURES

UPDATED 19 MAY 2020

A. Applications for Immediate/Urgent Consideration (“Immediates”)

Due to Government advice regarding social distancing during the COVID-19 pandemic, until further notice the Administrative Court Office will no longer accept applications for immediate or urgent consideration over the counter or by post/DX.

“Immediates” applications – situations (a) where it is contended that irreversible action will take place unless the Court makes an interlocutory order, or (b) where judicial review proceedings need to be expedited, will now **only** be accepted electronically.

For avoidance of doubt, the process explained below should be used for any urgent interlocutory application.

The process for filing is as follows.

1. Applications must be filed by email to

administrativecourtoffice.immediates@hmcts.x.gsi.gov.uk .

This inbox will be monitored Monday to Friday between the hours of 9:30am and 4:30pm. Outside of these hours the existing out of hours procedure will apply.

2. If you are a legal representative you must include a PBA number in your covering email if you have one, or alternatively an undertaking to send a cheque for the fee by post within 7 days
3. If you are not legally represented, you must record in writing in your covering email that you agree to pay the court fee, or to file the relevant fee remission documentation with the Fees Office by post within 7 days. Any court order made as a result of your application will include a direction to this effect.
4. Your application must be accompanied by an electronic bundle containing **only** those documents which it will be necessary for the court to read for the purposes of determining the application.
5. If you are not legally represented **and you do not have access to email**, you should contact the Administrative Court Office by telephone on 020 7947 6158 (**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 Senior Legal Managers / Judge on duty.
6. Any other urgent queries should be sent by email to
administrativecourtoffice.generaloffice@hmcts.x.gsi.gov.uk

as high priority and with ‘URGENT’ in the subject line. Any such emails will be dealt with as soon as possible.

Electronic Bundles

In all cases where the application is filed by a legal representative the electronic bundle must be prepared as follows and be suitable for use with Adobe Acrobat Reader and/or PDF Expert. The document:

- 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.

Any application filed by a legal representative that does not comply with the above rules on electronic bundles may not be considered by a judge. If the application is filed by a litigant in person the electronic bundle must if at all possible, comply with the above rules. If it is not possible for a litigant in person to comply with the rules on electronic bundles, the application must include a brief explanation of the reasons for this.

B. Non-Urgent Work: Civil Claims/Appeals

The public counters in the ACO are now closed; all functions previously dealt with at the counters will now be dealt with electronically.

Until further notice, all usual civil business (i.e. non-urgent claims, appeals and applications) must be lodged electronically with the Administrative Court Office. Given present circumstances, you may experience a slight delay before claims/applications are issued, but the date you send the claim or application will be recorded as the date filed. It remains the responsibility of the party sending an application or claim to ensure that it is filed within the applicable time limits.

(1) Filing claims and appeals and issuing non-urgent applications.

Represented Litigants

All claims for judicial review, all regulatory/ statutory appeals, all planning matters, and all non-urgent interlocutory applications are to be filed electronically with the ACO using the Document Upload Centre. Please refer to the separate HMCTS "Professional Users Guide"

Once papers have been filed, ACO staff will provide the case reference number to the parties by email.

The guidance on the format of electronic bundles lodged for applications for immediate or urgent consideration (see above) applies to any bundle lodged in relation to non-urgent work.

The file size restriction (20MB) that applies to immediate applications applies to all non-urgent interlocutory applications.

The file size restriction does not apply to non-urgent applications for judicial review or appeals. If the papers in support of an application for judicial review or an appeal exceed 20MB, the claimant/appellant should file:

- (a) a core bundle (no larger than 20MB) which includes, as a minimum, the Claim Form and Grounds/Notice of Appeal and Grounds, the decision challenged, documents regarded as essential to the claim/appeal, the letter before claim and the response, and the witness statement (or primary witness statement) in support of the claim/appeal; and
- (b) a further bundle containing any remaining documents.

Each bundle must comply with the formatting requirements set out above.

Litigants in Person

All claims for judicial review, regulatory/ statutory appeals, and planning matters will be received electronically by the ACO and must be sent to the following email address:

administrativecourtoffice.generaloffice@hmcts.x.gsi.gov.uk

The ACO staff will then notify the parties by e mail of the case reference number.

The same guidance regarding the format of electronic bundles lodged for applications for immediate or urgent consideration applies to any bundles lodged in relation to non-urgent work.

The file size restriction that applies to immediate applications applies to all non-urgent interlocutory applications, but does not apply to non-urgent applications for judicial review or appeals. Nevertheless, it remains the case that the Administrative Court Office is unable to receive emails which are larger than 20MB. If the papers in support of an application for judicial review or an appeal exceed 20MB, the claimant/appellant should file:

- (a) a core bundle (no larger than 20MB) which includes, as a minimum, the Claim Form and Grounds/Notice of Appeal and Grounds, the decision challenged, documents regarded as essential to the claim/appeal, the letter before claim and the response, and the witness statement (or primary witness statement) in support of the claim/appeal; and
- (b) a further bundle (or bundles, none to exceed 20MB) containing any remaining documents.

Each bundle must comply with the formatting requirements set out above.

If you are not legally represented and you do not have access to email, you should contact the Administrative Court Office by telephone on 020 7947 6158 so that alternative arrangements can be considered. The Court may permit filing in a different or additional format for good reason.

(2) Responding to claims, appeals or application notices.

Represented Parties

Any response to a claim or appeal must be lodged electronically with the ACO. Represented parties should file all documents, including all Acknowledgements of Service and Respondent's Notices, and any interlocutory applications using the Document Upload Centre. Any request to upload documents must be made by the professional representative by email to:

Administrativecourtoffice.generaloffice@hmcts.x.gsi.gov.uk

Parties must lodge an electronic bundle so that the case can be allocated to the judiciary to consider the application. The rules set out above for electronic bundles apply.

Litigants in Person

Defendants/respondents who are litigants in person should send any Acknowledgement of Service or Respondent's Notice by email to the following address.

Administrativecourtoffice.generaloffice@hmcts.x.gsi.gov.uk

If you are not legally represented and you do not have access to email, you should contact the Administrative Court Office by telephone on 020 7947 6158 so that alternative arrangements can be considered. The Court may permit filing in a different or additional format for good reason.

C. Non-urgent work: claims in criminal causes or matters

(1) Filing claims and issuing applications and case stated appeals.

Represented Litigants

Non-urgent claims for criminal judicial reviews or criminal case stated appeals are to be filed electronically with the ACO using the Document Upload Centre. Please refer to the HMCTS "Professional Users Guide".

Please notify the ACO that a claim or case stated appeal has been filed, by email to

administrativecourtoffice.crimex@hmcts.x.gsi.gov.uk

When a claim or appeal has been filed, ACO staff will provide the case reference number to the parties by email.

Interlocutory applications in criminal judicial review claims or case stated appeals should be sent by email to

administrativecourtoffice.crimex@hmcts.x.gsi.gov.uk

In addition to enclosing the information relied on in support of the application, the email must state the timeframe within which consideration of the application is required. A copy of a draft of the order sought must also be provided.

Information on the preparation of bundles in support of claims and applications (including limits on file size) is in Section A above, and in Section B above (in the part for Represented Litigants).

Litigants in Person

Non-urgent applications for criminal judicial review claims, criminal case stated appeals (and non-urgent interlocutory applications) are to be filed by email sent to

administrativecourtoffice.crimex@hmcts.x.gsi.gov.uk

The ACO staff will provide the case reference number to the parties by email.

Information on the preparation of bundles in support of claims, case stated appeals and applications (including limits on file size) is in Section A above and in Section B above (in the part for Litigants in Person).

If you are not legally represented and you do not have access to email, you should contact the Administrative Court Office by telephone on 020 7947 6158 so that alternative arrangements can be considered. The Court may permit filing in a different or additional format for good reason.

(2) Responding to claims and case stated appeals

Represented Parties

Any response to a claim or appeal must be lodged electronically with the ACO. Represented parties should file all documents, including all Acknowledgements of Service and Respondent's Notices, and any interlocutory applications using the Document Upload Centre. Any request to upload documents must be made by the professional representative by email to:

administrativecourtoffice.crimex@hmcts.x.gsi.gov.uk

Parties must lodge an electronic bundle so that the case can be allocated to the judiciary to consider the application. The rules for electronic bundles set out above, apply.

Litigants in Person

Acknowledgements of Service in relation to criminal judicial review claims or Respondent's Notice in relation to case stated appeals should be sent by email to:

administrativecourtoffice.crimex@hmcts.x.gsi.gov.uk

If you are not legally represented and you do not have access to email, you should contact the Administrative Court Office by telephone on 020 7947 6158 so that alternative arrangements can be considered. The Court may permit filing in a different or additional format for good reason.

D. Extradition appeals

(1) Filing Appeals and issuing Application Notices

Extradition appeals must be sent electronically to the following email address:

administrativecourtoffice.crimex@hmcts.x.gsi.gov.uk

Interlocutory applications in relation to extradition appeals must be sent to the following email address:

administrativecourtoffice.crimex@hmcts.x.gsi.gov.uk

If you are not legally represented and you do not have access to email, you should contact the Administrative Court Office by telephone (020 7947 6158) so that alternative arrangements can be considered. The Court may permit filing in a different or additional format for good reason.

After the period for lodging amended grounds of appeal has expired the professional representative should lodge an electronic permission to appeal bundle with the ACO using the Document Upload Centre. Please refer to the separate HMCTS "Professional Users Guide". Any request to upload documents must be made by the professional representative by email to:

administrativecourtoffice.crimex@hmcts.x.gsi.gov.uk

Any further bundles (whether for renewed application for permission to appeal or for the hearing of the appeal) shall also be lodged electronically, using the Document Upload Centre.

If you are a litigant in person you may lodge the appeal bundle by email to:

administrativecourtoffice.crimex@hmcts.x.gsi.gov.uk

You should contact the Administrative Court Office by telephone (020 7947 6158) to make alternative arrangements if you do not have access to e mail.

All electronic bundles must be prepared in accordance with the requirements listed in Section A above.

Parties must lodge an electronic bundle so that the case can be allocated to the judiciary to consider the application. The rules for the preparation of electronic bundles listed at Section A apply.

The file size restriction (20MB) that applies to immediate applications applies to all interlocutory applications in relation to extradition appeals.

The file size restriction does not apply to extradition appeals. If the papers in support of an extradition appeal exceed 20MB, the appellant should file:

- (a) a core bundle (no larger than 20MB) which includes, the Appellants Notice, Grounds (or Amended Grounds of Appeal), the decision challenged (Ruling of District Judge or decision by the Secretary of State (Part 2 cases); the European Arrest Warrant (Part 1 cases) or the certification request by the Secretary of state and arrest warrant (Part 2

cases), the Respondent's Notice, and the witness statement (or primary witness statement) in support of the appeal, and any other documents regarded as essential to the appeal.

- (b) a further bundle containing any remaining documents.

Each bundle must comply with the formatting requirements set out in Section A above.

(2) Responding to Appeals and Application Notices.

Responses to appeals must be filed electronically with the ACO.

Represented parties should file all documents, using the Document Upload Centre. Please refer to the separate HMCTS "Professional Users Guide". Any request to upload documents must be made by the professional representative by email to

administrativecourtoffice.crimex@hmcts.x.gsi.gov.uk

Any further appeal bundle shall also be lodged electronically, using the Document Upload Centre.

If you are a litigant in person you may lodge your response and any appeal bundle by email to administrativecourtoffice.crimex@hmcts.x.gsi.gov.uk

If you are not legally represented and you do not have access to email, you should contact the Administrative Court Office by telephone (020 7947 6158) so that alternative arrangements can be considered. The Court may permit filing in a different or additional format for good reason.

All electronic bundles must be prepared in accordance with the requirements listed in Section A above.

E. Fees (applicable to all claims)

The Fees Counter is closed. The arrangement for payment of court fees are as follows.

If you have a PBA account then you need to include in your covering letter with any application or claim you lodge that the fee can be deducted from this account. If you do not have a PBA account then please include in the covering letter that you undertake to pay the requisite fee by sending a cheque in the post within 7 days.

If you are not legally represented you must include in your cover letter that you will pay the court fee, or file the relevant fee remission document within 7 days of the day on which the Fees Counter re-opens. If you qualify for fee remission the covering letter must set out why you are exempt from paying the court fee.

F. Determination of claims

(1) Paper applications

Applications for permission to apply for judicial review, applications for permission to appeal, and interlocutory applications will continue to be considered on the papers, as usual. In the short term at least, the response times for all paper decisions is likely to increase.

(2) Hearings

Administrative Court cases will continue to be listed for hearing, although hearings of non-urgent business may take longer to come on. Most if not all hearings will be conducted in public by Skype for Business video call, or by phone.

If you are asked for a time estimate for a hearing, please have in mind that hearings by Skype or phone usually take longer than those conducted in person, and adjust your time estimate accordingly.

(3) Orders

Orders will be served on all parties by email.