

ADMINISTRATIVE COURT OFFICE GUIDANCE – COVID-19 MEASURES

Applications for Immediate/Urgent Consideration (“Immediates”)

Due to the COVID-19 pandemic and further to the most recent Government advice regarding social distancing, from Wednesday 25 March 2020 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 – i.e. situations where it is contended that irreversible action will take place if the Court does not act to prevent it, or where an expedited judicial review is required, will now **only** be accepted electronically, 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 9:30 a.m. and 4:30 p.m. 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. In all cases where the application is filed by a legal representative 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.

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

- 6. 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.

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.

Non-Urgent Work

Please note that, with immediate effect until further notice, all usual business (i.e. non-urgent claims and applications) is to 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

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

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

Any extradition appeals must be sent electronically to:

administrativecourtoffice.crimex@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 will apply to all non-urgent interlocutory applications, but will 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 24MB. If the papers in support of an application for judicial review or an appeal exceed 24MB, the claimant/appellant should file:

(a) a core bundle (no larger than 24MB) 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 24 MB) containing any remaining documents. Each bundle must comply with the formatting requirements referred to 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) Fees (applicable to all claims):

Whilst previously you may have attended the Fees counter before a claim was issued to obtain a receipt, as this counter is now closed fees will be taken in the following way:

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 once the Fees counter reopens to the public (setting out the reasons in your covering letter why you are exempt from paying the court fee).

(3) Responding to claims, appeals or application notices:

Any response to a claim or appeal must be lodged electronically with the ACO. All acknowledgement of services or respondents notice (non extradition) should be sent to: administrativecourtoffice.generaloffice@hmcts.x.gsi.gov.uk

In relation to extradition appeals a party should send their respondent's notice to:

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

Any interlocutory applications should be sent to the general office inbox unless the matter specifically relates to crime or extradition in which case this should be sent to the crimex inbox. If the matter is urgent then the parties must highlight this in the title of the e mail /flag the email as being one of high importance.

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.

(4) 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 such decisions is likely to increase.

(5) 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 by Skype or phone, and where possible will be conducted as public hearings. If you are asked for a time estimate for a hearing, please take into account that hearings by Skype or phone can last longer than those conducted in person, and adjust your estimate accordingly.

(6) Orders:

These will be served by e mail on all parties.