

APPENDIX B
MR JUSTICE MOSTYN

NATIONAL LEAD JUDGE OF THE FINANCIAL REMEDIES COURTS

In the light of the guidance this morning from the Lord Chief Justice I would like to ask all the zone leaders to propose to FRC judges the following measures.

1. First appointments should be done wherever possible using the “accelerated” paper-only procedure in the fourth schedule to the FRC protocol (<https://www.judiciary.uk/wp-content/uploads/2019/11/FRC-Good-Practice-Protocol-November-2019.pdf>). The terms of that schedule do not need to be followed strictly; judicial latitude is encouraged. Judges should accept consent orders dealing with first appointments routinely.
2. Parties should be encouraged to have their FDRs done privately. Such private FDRs should routinely be done remotely. Most barristers’ chambers and solicitors’ offices have facilities to enable FDRs to be done remotely.
3. The default position for other hearings is that they should be done either by Skype (Skype for Business is available on all judicial laptops) or by telephone. The extension of the existing virtual courts project is being actively investigated.
4. Physical hearing should only take place where this is absolutely unavoidable.
5. The physical lodging and handling of documents should be avoided. The use of ebundles should be virtually mandatory. See <https://www.judiciary.uk/announcements/financial-remedies-courts-e-bundles-protocol/>
6. FRC judges should endeavour to do as much work as they possibly can from home.

I would ask that these measures are given wide publicity in your respective FRC zones.

17 March 2020