

**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
PROPERTY, TRUSTS AND PROBATE LIST
BIRMINGHAM DISTRICT REGISTRY**

Claim No: PT-2020-BHM-000017



B E T W E E N:

- (1) THE SECRETARY OF STATE FOR TRANSPORT
(2) HIGH SPEED TWO (HS2) LTD

PT-2020-BHM-000017

Claimants / Applicants

-and-

- (1) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANT(S) ON LAND AT SOUTH CUBBINGTON WOOD, SOUTH OF RUGBY ROAD, CUBBINGTON, LEAMINGTON SPA SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON PLAN A ANNEXED TO THE PARTICULARS OF CLAIM
- (2) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANT(S) ON LAND AT CRACKLEY WOOD, BIRCHES WOOD AND BROADWELLS WOOD, KENILWORTH, WARWICKSHIRE SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON PLAN B ANNEXED TO THE PARTICULARS OF CLAIM

- (5) ELLIOTT CUCIUREAN

Defendants / Respondents

Notice of Hearing Date

The Court has listed **the Extension Application** in this matter to take place at **10.30am on Thursday 14 January 2021**, with a time estimate of one day (to including reading and judgment) before **The Honourable Mr Justice Marcus Smith** at The Business and Property Courts in Birmingham, The Birmingham Civil and Family Justice Hearing Centre, Priory Courts, 33 Bull Street, Birmingham B4 6DS. Application to be heard remotely via Microsoft Teams/Skype for Business. All parties to email the Clerk to Judge at gwilym.morris2@justice.gov.uk (cc BPC.Birmingham@justice.gov.uk) with their contact details in accordance with the remote directions attached.

Important Note: A hearing bundle must be lodged at least 3 clear days before the hearing.

Covid 19- Standard directions for remote hearings by video or telephone conference in the Business and Property Courts- Birmingham

Introduction

1. These directions apply where incorporated into the directions for holding any hearing by remote means, save to the extent inconsistent with any directions specifically made for that hearing.
2. It is important that parties take all steps necessary to cooperate with each other to comply with these directions and otherwise as required to ensure that the hearing can proceed efficiently as scheduled.

Arrangements for a hearing by video conference

3. The platform for the hearing will be Cloud Video Platform (CVP), Skype for Business or MS Teams, as selected by the court.
4. Instructions for joining a CVP hearing, including testing procedures and required downloads for use with mobile phones or tablets, are given on the Gov.uk website [here](#)¹.
5. The court will send by email a notice of hearing or meeting invitation with instructions for joining the hearing. In order that it can do so:
 - a. All parties must liaise and the Claimant or Applicant must, not later than three clear business days before the hearing, file at court a Remote Hearing Attendance Form using the specimen attached to these directions.
 - b. The attendance sheet must specify ONE lead participant email address on behalf of each party. The court will send the joining instructions to that address, and parties must arrange to forward them to all other participants.
 - c. Parties are requested to keep the number of participants to the minimum necessary to conduct the hearing.
 - d. All participants must ensure, in advance, that they have installed and tested all necessary software to participate in the hearing².
6. If any party has not received the invitation by 12 noon on the preceding day, they should contact the relevant judge's clerk (or the court via the BPC email address) urgently.

Arrangements for a hearing by telephone conference

7. The platform for the hearing will be BTMeetMe.
8. The court will arrange the conference call and dial direct to each participant at or as soon as possible after the scheduled start time for the hearing. In order that it can do so:
 - a. All parties must liaise and the Claimant or Applicant must, not later than three clear business days before the hearing, file at court a Remote Hearing Attendance Form using the specimen attached to these directions.
 - b. Where possible, the form should state the contact telephone number to be used by the court for each participant for all parties. If for any participant these details should be kept confidential from other parties, the party concerned may email that person's contact telephone number direct to the court, using the BPC address.
 - c. Parties are requested to keep the number of participants to the minimum necessary to conduct the hearing as it can take a considerable time to dial and join everyone.

Attendance Forms and Bundles

9. The parties must liaise and lodge the following JOINT documents, not later than three clear business days before the hearing:
 - a. An Index to a joint electronic bundle of documents for the hearing, and
 - b. An Index to a joint bundle of authorities.
10. The Hearing Attendance Forms and Indices:
 - a. Must be separate Word documents in the form of the specimens appended to these directions, and
 - b. Must be lodged by email to the BPC address. In addition (if the case is on CeFile) they may also be lodged using CeFile.
11. In relation to the individual documents to be included in the bundles of documents and authorities:

¹ <https://www.gov.uk/government/publications/how-to-join-a-cloud-video-platform-cvp-hearing/how-to-join-cloud-video-platform-cvp-for-a-video-hearing>

² Links: For Skype hearings these articles may assist participants without a Skype for Business account using [Ipad/Android](#) or [PC](#) devices

- a. All such documents must be sent to the court by email (NOT CeFile) at the same time as the relevant Index. Alternatively documents may be stored on a download site and a link (and password if required) sent to make them accessible to the judge.
 - b. If required to comply with size limits, multiple emails may be used, but each email should attach only documents or authorities, not both.
 - c. Documents may be sent in a zipped file.
 - d. Each email must include in the subject line "[Case No]: [Documents] Bundle- hearing on [date] before [judge]"
 - e. The individual documents may be retained in their native format (eg Word, pdf or Excel) and with any appropriate file name, BUT each file name must be prefaced with a number corresponding with the relevant Index, eg " 4 Smith v Jones Defence and Counterclaim.doc". This is to ensure they display in the same order as the index when saved by the court.
 - f. Each document should be internally paginated if possible.
12. Alternatively, documents may be combined into a single pdf bundle, but if so:
- a. It must be indexed and bookmarked, with hyperlinks from the index to the documents listed and bookmark labels corresponding to the index.
 - b. Each page of the bundle must be numbered in a single sequence, and have a default resolution of 100%.
 - c. Text should be selectable to facilitate comments and copying.
 - d. Skeletons and the index should be provided as separate documents, even if also included in the combined bundle.
13. Generally bundles should comply with the relevant court guidelines as to content and organisation into sections. In particular the bundle and index of documents should include any case summary, chronology and dramatis personae.
14. In order to manage the size of electronic bundles however:
- a. Only those documents essential to the conduct of the hearing should be included. For short/single issue applications, the parties should aim for no more than 50 pages. For more substantive hearings (such as PTRs and CCMCs), the parties should aim for no more than 150 pages.
 - b. **Authorities** available on public websites (such as legislation or cases reported on BAILII) should not be copied in to the bundle; instead the Index should include a hyperlink.
 - c. Authorities not so available may be included in the bundle but if lengthy they should be edited to include only the relevant sections.

If despite liaison parties are unable to agree on the content of either bundle, all documents (or sections) sought by any party should be included, if necessary in an appropriately marked section, rather than filing separate bundles or indices.

Conduct of a hearing by video conference

15. All participants other than the judge should join the meeting at least 5 minutes before the expected starting time of the hearing.
16. Non-speaking participants must mute their microphones and turn off their cameras (to reduce the recording file size).

Conduct of a hearing by telephone conference

17. The court will contact all participants in the hearing by telephone at or as soon as possible after the scheduled start time.
18. Non speaking participants must mute their microphones by pressing *6

In all cases

19. The hearing will then be conducted as nearly as possible as if a normal court hearing, with all normal formalities and conventions, save that parties are not required to robe. Participants should as far as possible avoid interrupting or over-speaking, which is apt to cause confusion.
20. The court will record the hearing. As with any hearing in court, no other party should record the hearing, as this would constitute contempt of court and may be a criminal offence.

Court Email Address

21. Any documents relating to the hearing sent to the court by email should be sent either to the Birmingham BPC address (BPC.Birmingham@Justice.gov.uk) or to the address of the relevant judge's clerk (if known). In either case the subject line must include the case number and name, and the relevant hearing date.

BPC Birmingham

Remote hearing Attendance Form

Case Name:

Case Number:

Hearing Date:

Time:

Before:

Party Filing this form:

[This form should be completed by the Claimant/Applicant and sent to the court, as a separate document in Word format, by email to BPC.Birmingham@Justice.gov.uk, at [least 3 days before the hearing](#).

For a video conference the court will send the joining instructions ONLY to the lead participant named for each party, who must forward them to all other participants for that party.]

Lead Participants *(one per party):*

Name	Party and Role	Direct Phone	Email

All Other Persons attending for *(party)*

Name	Role	Direct Phone (if hearing is by telephone)

All Other Persons attending for *(party)*

Name	Capacity	Direct Phone (if hearing is by telephone)

[repeat as required for further parties]

