



THE CHANCELLOR
OF THE HIGH COURT

THE RT. HON. SIR JULIAN FLAUX

PRACTICE NOTE

1. In a number of cases in the recent past, the issue has come up in relation to witnesses giving evidence by videolink or other remote means from a foreign jurisdiction, that permission may be required from the local court or other authority in the foreign jurisdiction for the witness to give such evidence remotely to a Court in England and Wales. It is for the party calling the witness to ensure that such permission, if required, is obtained in good time for the trial or hearing at which the witness is to give evidence and to inform the Court that such permission has been obtained. This is already made clear in Annex 3 to Practice Direction 32 dealing with video conferencing. Paragraph 4 deals specifically with the need to obtain permission from the relevant foreign court or authority.
2. In order to avoid unnecessary delays or disruption to trials or hearings, it is directed that, in any case where there is a pre-trial review (“PTR”) a party calling a factual or expert witness remotely should have obtained any necessary permission by the date of the PTR and should inform the Court accordingly at the PTR.
3. In cases where there is no PTR, a party calling a factual or expert witness remotely should have obtained any necessary permission by the time of filing the pre-trial check list and should record in the pre-trial check list that the permission has been obtained.

Sir Julian Flaux
Chancellor of the High Court
11 May 2021