

GUIDANCE to TRIBUNAL Members No. 4/2023

Taking Evidence from Overseas

1. This guidance is to address particular scenarios within MHTS proceedings when an issue arises about a party or witness located abroad.
2. If it has been intimated in advance that a party wishes to lead evidence from someone who will be abroad at the time of a hearing (or the party themselves will be), caseworkers will have ascertained whether the location is one shown on the FCDO list as making no objection). If it is, there is no difficulty with participation. If it is not, we envisage that the situation will have been addressed by the President's office.
3. Should the matter come to light for the first time at a hearing, a brief adjournment should take place for the Schedule A list (link below) to be checked.
[Taking and giving evidence by video link from abroad - GOV.UK \(www.gov.uk\)](https://www.gov.uk/taking-and-giving-evidence-by-video-link-from-abroad)
4. If the country concerned is not listed as one with no objection, the clerk will remind the convener that members are asked to alert the PO to the situation. The PO can be contacted via the clerk. Alternatively, the convener can call the legal secretary or the duty IHC, who may be able to provide advice as to the best course of action (note that the permission process is said to require a minimum of 45 days turnaround). If further action is required, the matter will be handled by the PO.
5. No rule 49 Direction is required at any stage.
6. Further, is not necessary for the clerk or convener at any hearing to open by asking where everyone is calling from.

Laura Dunlop KC
President

November 2023, updated August 2024