



THE CHANCELLOR  
OF THE HIGH COURT

**CHANCERY MASTERS' GUIDELINES  
FOR THE TRANSFER OF CLAIMS**

1. This document provides informal guidance for Chancery Masters and Deputies concerning the transfer of claims out of the Chancery Division in London. The guidance has been approved by The Chancellor.
2. Claims are transferred out where another court is more suitable for case management and trial of a claim. These guidelines relate to transfers to:
  - (a) a Chancery District Registry outside London;
  - (b) the County Court;
  - (c) another Division of the High Court.
3. The objective of these guidelines is to ensure that only cases which may properly be regarded as being suitable for management and trial in the Chancery Division of the High Court in London are retained there. All other claims should be transferred out.
4. It is recognised that a decision to retain or transfer a case is an exercise of judicial discretion in accordance with the overriding objective and the other provisions of the CPR. This guidance is not intended to fetter the exercise of that discretion on a case by case basis.
5. Consideration should be given, where relevant, to:
  - (a) PD29 2.1 to 2.6 (appendix 1) which provides guidance for case management within the High Court in London;
  - (b) Part 30(3)(2) (appendix 2) which sets out criteria the court should take in to account when considering transfer. The criteria are not exclusive;
  - (c) Part 49 and PD49A and PD49B – Specialist Proceedings;
  - (d) Part 57 – Probate and Inheritance;
  - (e) Part 63 – Intellectual Property.
6. Active consideration should be given at all stages of the management of a claim to the appropriate venue for the claim to be managed and tried. If a case is suitable for transfer, it is generally preferable for it to be transferred before detailed case management has taken place, leaving the receiving court to case manage the claim in accordance with its usual approach.
7. PD29 2.2 suggests that a claim with a value of less than £100,000 will generally be transferred to the County Court unless;
  - (a) it is required by an enactment to be tried in the High Court, or

- (b) it falls within a specialist list, or
- (c) it falls within one of the categories specified in the list at PD29 2.6 .

8. The figure of £100,000 in PD29 2.2 accords with the current minimum value of money claims which may be issued in the High Court. The value of a claim is not a consideration which has greater weight than the other criteria set out in CPR 30(3)(2) but it is likely to be a factor with considerable influence in making a decision about transfer to the County Court or a specialist list. The figure of £100,000 mentioned in PD29 is not generally regarded as a relevant measure for money claims in the Chancery Division in London. Nor is £300,000 (the value figure beyond which court fees do not increase). Similarly, for probate and equity claims, the figures of £30,000 and £350,000 respectively are not determinative.

9. If the value of the claim is ascertainable, particular focus should be given to the possibility of transferring Part 7 claims with a value of less than £500,000. Factors which may point to retention of such claims in the High Court include:

- (a) complex facts and/or
- (b) complex or non-routine legal issues and/or
- (c) complex relief and/or
- (d) parties based outside the jurisdiction and/or
- (e) public interest or importance and/or
- (f) large numbers of parties and/or
- (g) related claim and/or
- (h) the saving of costs and/or
- (i) efficiency in the use of judicial resources .

10. The availability of a judge with the specialist skills to deal with the claim is, however, always an important consideration when considering whether or not to transfer it. There are two circuit judges at Central London County Court who are specialised in Chancery work, and the waiting times at Central London are likely to be shorter than in the High Court for a trial before a judge. The delay in having a case heard should also be a consideration when deciding whether to transfer a case to the County Court or not and regard should be had to listing information provided by Central London CC, Chancery List.

11. When making an order for transfer of a claim to Central London CC, Chancery List consideration should be given to including a direction in the order that the case is considered to be suitable for trial only by a specialist circuit judge. Such a direction is not binding on the County Court but should be taken into account.

12. PD 29 at 2.6(1), (3) and (7) indicates that professional negligence claims, fraud and undue influence claims and contentious probate claims are suitable for trial in the High Court, but it does not follow that claims within these categories should necessarily remain in the High Court. Less complex and/or lower value claims of these types are suitable for trial in Central London County Court, Chancery List. Serious cases of fraud, however, should generally remain in the High Court. Certain professional negligence claims may be better suited to the Queen's Bench Division.

13. Part 7 and Part 8 claims may sometimes be dealt with more efficiently by a Master rather than transferring the claim. Note the revised form of PD2B which came in to effect on 6 April 2015 and the Guidance Note relating to trials by Masters approved by the Chancellor.

14. Many claims under the Inheritance Act will be suitable for trial in the County Court and should generally be transferred to Central London County Court, Chancery List unless the Master is willing to try the claim and it is efficient to do so. Inheritance Act claims by a spouse will usually be suitable for transfer to the Family Division. Where there is a related Probate claim, or other Part 7 claim, the overall scope of the issues before the Court should be considered and generally all related claims should either be retained in the High Court or transferred out. The County Court limit for probate claims is £30,000, but claims well above that figure should be transferred to the County Court nonetheless.

15. Most claims under TOLATA will be suitable for transfer to the County Court.

16. Claims may only be transferred to the Commercial Court, the Mercantile Court or the TCC with the consent of the Chancellor and the senior judge in those venues (Part 30.5(4))

17. Whenever the parties and their witnesses are principally based within the area of a District Registry, the claim should normally be transferred. The place where the legal representatives are based is a relevant consideration, but no more than one factor to be taken into account.

Matthew Marsh  
Chief Master

**Appendix 1**  
**PD29 2.2 to 2.7**

**2.1** This part of the practice direction applies to claims begun by claim form issued in the Central Office or Chancery Chambers in the Royal Courts of Justice.

**2.2** A claim with an estimated value of less than £100,000 will generally, unless:

- (a) it is required by an enactment to be tried in the High Court,
- (b) it falls within a specialist list, or
- (c) it falls within one of the categories specified in 2.6 below or is otherwise within the criteria of article 7(5) of the High Court and County Courts Jurisdiction Order 1991,

be transferred to a county court.

**2.3** Paragraph 2.2 is without prejudice to the power of the court in accordance with Part 30 to transfer to a county court a claim with an estimated value that exceeds £100,000.

**2.4** The decision to transfer may be made at any stage in the proceedings but should, subject to paragraph 2.5, be made as soon as possible and in any event not later than the date for the filing of pre-trial check lists (listing questionnaires).

**2.5** If an application is made under rule 3.4 (striking out) or under Part 24 (summary judgment) or under Part 25 (interim remedies), it will usually be convenient for the application to be dealt with before a decision to transfer is taken.

**2.6** Each party should state in his directions questionnaire whether he considers the claim should be managed and tried at the Royal Courts of Justice and, if so, why. Claims suitable for trial in the Royal Courts of Justice include:

- (1) professional negligence claims,
- (3) fraud or undue influence claims,
- (7) contentious probate claims.

Such claims may fall within the criteria of article 7(5) of the High Court and County Courts Jurisdiction Order 1991.

**2.7** Attention is drawn to Practice Direction 30.

## **Appendix 2**

### **Part 30(3)(2)**

- 2) The matters to which the court must have regard include –
- (a) the financial value of the claim and the amount in dispute, if different;
  - (b) whether it would be more convenient or fair for hearings (including the trial) to be held in some other court;
  - (c) the availability of a judge specialising in the type of claim in question;
  - (d) whether the facts, legal issues, remedies or procedures involved are simple or complex;
  - (e) the importance of the outcome of the claim to the public in general;
  - (f) the facilities available to the court at which the claim is being dealt with, particularly in relation to –
    - (i) any disabilities of a party or potential witness;
    - (ii) any special measures needed for potential witnesses; or
    - (iii) security;
  - (g) whether the making of a declaration of incompatibility under section 4 of the Human Rights Act 1998 has arisen or may arise;
  - (h) in the case of civil proceedings by or against the Crown, as defined in rule 66.1(2), the location of the relevant government department or officers of the Crown and, where appropriate, any relevant public interest that the matter should be tried in London.