



CHANCELLOR
OF THE HIGH COURT

**The Launch of the Business and Property Courts in
Bristol**

Friday 12th January 2018

Sir Geoffrey Vos, Chancellor of the High Court

1. It is a pleasure to be here in Bristol for this much delayed launch of the Business and Property Courts in Bristol.
2. As the Lord Chief Justice has said, I am going to deal with some of the detail of the new Business and Property Courts. The B&PCs are now operating nationally connected to a hub in the Rolls Building in London.
3. As you will all know, the B&PCs launched in London on Tuesday 4th July 2017. You will, I hope, recall the reports of the unbelievably supportive speech that the Lord Chancellor made.
4. Here in Bristol, we have an unbelievably strong Business and Property judiciary with Judges Paul Matthews, Jonathan Russen, and the DCJ, Judge Barry Cotter. In addition, we have a strong line up of DJs undertaking B&PC work: DJ Brian Watson, DJ Miles Watkins, DJ Stephanie Cope, and DJ Tacey Cronin.

Advantages

5. First, can I deal with the important advantages of the creation of the Business and Property Courts. As I have repeatedly said, these advantages are mostly quite obvious.
6. First, as we leave the European Union, it is incredibly important that judges and lawyers alike can demonstrate that English law and the courts of England & Wales will continue to offer world class dispute resolution services.
7. We cannot achieve this if we continue to use unintelligible and incomprehensible names and titles. As I said in London at the first of the 5 launches that have already taken place, we need to reach out to the users of these courts and to national and international business generally, so as to ensure that they understand what we are offering in terms of business and commercial litigation here in England and Wales. We need to make sure that these business users can easily understand the services we offer.
8. As I have also repeatedly said, lawyers have, I am afraid, always rather liked using words that nobody else can understand. We have tried, unsuccessfully, for more than 200 years to explain to the business community what “Chancery” means. Since that word is still very widely misunderstood, I took the view that it was time to quit trying.
9. The “Business and Property Courts” will be a user-friendly understandable name for UK plc’s national and international dispute resolution jurisdictions.
10. In addition, the use of the obsolete word “mercantile” has now been discontinued. Mercantile judges have been renamed “Circuit Commercial judges”, and the “Mercantile Court” has become the “Circuit Commercial Court”.

11. But the biggest advantage from a regional perspective is the connectivity that the new arrangements offer between our specialist jurisdictions in the Rolls Building and those here in the regions.
12. The Business and Property Courts will create a single umbrella for the specialist courts across the regional centres in Bristol, Birmingham, Manchester, Leeds, Cardiff, Newcastle and Liverpool. Launches in Newcastle and Liverpool will be taking place in the coming weeks.
13. As many of you will have heard me say, ever since this project began, we have created a super-highway between London and the regions. We will ensure that business dispute resolution is of equal quality across England & Wales for the benefit of international and domestic enterprises. We will create a critical mass of judges in each regional centre and make sure that HCJs are available to try important cases in the regions. No case will ever to be too big to be tried in the regions.
14. The third advantage of the new Business and Property Courts will be the ability to deploy judicial talent more flexibly than we have before. The old system has confined judges to their particular specialist court. I very much hope that we will in future see our High Court Judges using all their specialist talents to the full advantage of business litigants – in London and in the regions.
15. Finally, the B&PCs will build on the reputation and standing of the Commercial Court, the TCC and the courts of the Chancery Division, while allowing for the familiar procedures and practices of those jurisdictions to be retained.

The practical consequences of the introduction of the B&PCs

16. With that introduction, I want to explain the changes that were put in place when the B&PCs “went live” on 2nd October 2017.
17. CE-filing was made compulsory for professional users in London from April 2017. Electronic filing is in the process of being rolled out to the regions, and should go live here in Bristol in the Spring.
18. As from 2nd October 2017, you will have noticed that, when you issue proceedings in the B&PCs, you need to choose one of the 10 specialist courts and lists.
19. Those 10 lists are as follows, in alphabetical order, the Admiralty Court (QBD), the Business List (ChD), the Commercial Court (QBD), the Insolvency & Company List (ChD), the Competition List (ChD), the Financial List (ChD/QBD), the Intellectual Property List (ChD) (including the Patents Court and IPEC), the Property, Trusts & Probate List (ChD), the Revenue List (ChD), and the Technology & Construction Court (QBD).
20. Where those lists and courts have sub-lists or courts, you will be asked to choose the sub-list. For example, for the Business List in the Chancery Division, you will be able to choose Financial Services and Regulatory or Pensions.
21. Once the specialist IT has been rolled out to Bristol in the Spring, you will be asked, after you have chosen your List, to identify the court centre in which you wish to issue the proceedings. Just as the parties always have, they have autonomy in their choice of location and the court or list in which they commence their case. There will be the same court oversight as there is now, so that if they have started in completely the wrong list, they will risk transfer out just as they do now, but that will not normally occur.

22. To give one example of how to choose the correct list, a technical property case such as one on leasehold enfranchisement would probably be best at home in the Property, Trusts and Probate list, whilst a commercial property dispute about the ownership of a development property or the shares in a property development company would probably be better in the general Business list. As always, guidance will be available from the listing officers and the District Judges and section 9 judges here in Birmingham.

The Practice Direction

23. There is already a new Business and Property Courts Practice Direction which was eventually published shortly before Christmas. It deals with the choice of lists and courts, and with transfers. The integrated Business & Property Courts structure across England & Wales will, I hope, ensure that cases with a regional connection will stay in the regions for management and trial, because the waiting times are considerably less here than they are in London.
24. Finally in this connection, the Practice Direction identifies the County Court work that is to be regarded as work of the Business and Property Courts, so as to bring what were known as the Hart-Lloyd guidelines up to date. The B&PC work in the County Court is now labelled as such, in place of the “Chancery Business List”.

What will the Business & Property Courts mean to the national and international business community?

25. Our UK jurisdictions have for some years faced increasing competition from other jurisdictions in Europe and beyond. In the last year, business or commercial courts that operate in the English language have been started or are about to be started in

Amsterdam, Brussels, Paris and Frankfurt. They would all very much like to attract the international work that we do in the B&PCs to use these new courts.

26. The advent of the B&PCs will make us more outward facing, less backward looking, and provide a memorable and intelligible name for all our specialist jurisdictions. This change is, in my view, long overdue. It will lead to the rejuvenation of English business and property law on which so much of the commercial community has for so long relied.
27. The judiciary is also not standing still in terms of the competition I have spoken about. We are taking proactive steps to explode the myths that are circulating about Brexit. Specifically, Brexit will not make the common law less certain or less predictable; nor will Brexit make England and Wales a less attractive jurisdiction for business people to resolve their disputes whether by arbitration ADR or in the courts.
28. The fact of the matter is that the common law is a set of well-established judge-made rules that will not be affected by our departure from the EU. EU directives and regulations relate primarily to the creation and support of the single market. They relate to numerous sectors such as banking, financial services, energy, pharmaceuticals and many more, but the fact that our regulations may marginally diverge from the regulations applicable within the EU after March 2019 will make no difference to the law that we apply now and will continue to apply to national and international commercial transactions and disputes after Brexit.
29. The Government has already indicated that it intends to replicate the Brussel Convention on enforcement and mutual recognition, and that it intends to accede to the Lugano Convention and to the Hague Convention on Choice of Courts, and that it intends to legislate to replicate Rome I and II on choice of law. All this is good news for the certainty and attractiveness of these Business and Property Courts.

30. I am sure that the Business and Property Courts here in Bristol will be a huge success.

Sir Geoffrey Vos, the Chancellor of the High Court
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