

**GUIDE TO THE SERVICE OF BUNDLES, SKELETON ARGUMENTS AND AUTHORITIES  
IN THE BUSINESS AND PROPERTY COURTS IN MANCHESTER**

This guide has been prepared to assist court users by summarising the requirements for the service of bundles, skeleton arguments and authorities for cases in the Business and Property Courts in Manchester during the COVID-19 pandemic. The current situation presents significant challenges to practitioners and to the judges, and the aim is to promote cooperation to ensure that the work of the BPCs continues as smoothly as possible.

In summary, the main points are:

- **Bundles (for trials and all non-urgent applications) should be filed no later than three business days before the hearing. Bundles should only contain the essential documents or parts of documents.**
- **Skeleton arguments (with copies of authorities) should be filed no later than two business days before the hearing.**
- **Skeleton arguments should avoid excessive citation of authorities. Where well-established principles of law are relied on, reference to a textbook will suffice.**
- **During the COVID-19 pandemic, bundles, skeleton arguments and authorities should only be filed in electronic format by sending attachments and/or links to the court at [Manchester.chancery@justice.gov.uk](mailto:Manchester.chancery@justice.gov.uk). If the judge who is going to hear the case has given an email address, documents should be sent directly to the judge as well as to the court.**
- **If the case is on CE-file, copies should also be CE filed. Please note that documents on CE file cannot be accessed by a judge until they have been processed, which may take some time.**

This guide sets out the latest time for lodging documents. Where possible, the parties should lodge documents earlier, to allow time for getting them to the judge and to ensure that the judge has time to read and digest the material before the hearing. This is particularly important during the COVID-19 pandemic, due to the additional demands of remote working and the limited capacity for court staff to chase up missing documents. The late filing of bundles, skeleton arguments and/or authorities may lead to the court being unable to deal with the hearing in a fair manner and being forced to adjourn the hearing. In that event the court may have to consider whether to disallow costs or make an adverse costs order (see para 21.84 of the Chancery Guide).

## 1. Hearing Bundles

- a. A hearing bundle is required for every trial and every hearing, except those that are very short and straightforward (para 15.34 of the Chancery Guide). If no bundle has been lodged, the judge will have no documents to read, so it is likely that the hearing will have to be adjourned to the next available date.
- b. During the COVID-19 pandemic, only electronic bundles (not hard copy bundles) are required.
- c. During the COVID-19 pandemic the parties should bear in mind that, where a case is being heard by remote means and is not on CE file, the judge may well not have access to the hard copy court file.
- d. Responsibility for lodging the hearing bundle will usually fall on the Claimant (in a trial – see para 3.1 of PD39A) or Applicant (in an application – see para 15.35 of the Chancery Guide). Where the Applicant or Claimant is a litigant in person, a represented party in the same case should assume responsibility for producing the hearing bundle. If there are no represented parties, the Applicant or Claimant should assume responsibility for the bundle. The parties are required to co-operate with each other and all parties have responsibility for ensuring that the court receives the bundle in time.
- e. For interim applications during the COVID-19 pandemic, the bundle is required to be lodged at least three business days before the hearing<sup>1</sup>, save where this is impossible owing to the urgency of the hearing. Late service of documents is not a good reason to delay lodging the bundle. If necessary, documents may be added to the bundle later.
- f. For trials, bundles for the judge should be lodged not less than three and not more than seven working days before the trial unless otherwise ordered (see PD39A, para 3.1). Electronic bundles need to be provided for every witness.
- g. A fresh bundle should be provided for every hearing (including adjourned hearings) unless the court orders otherwise.
- h. Bundles should comply with PD39A, chapter 21 of the Chancery Guide and paragraph 10.3 of PD510. They should be indexed and paginated and clearly identified as a hearing bundle, with reference to the date of the hearing. They should be formatted as one PDF document, bookmarked for each document and with sections headings within the document or, where the size exceeds 50MB, up to ten PDF documents, none exceeding 50MB.
- i. Bundles should only contain the documents (or parts of documents) necessary to determine the hearing. Large bundles can be difficult to navigate, especially in electronic format. To keep bundles to a manageable size, the parties should thus consider including only the relevant parts of documents.

## 2. Skeleton arguments

- a. Skeleton arguments are required on any matter of substance (para 15.34 of the Chancery Guide).

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<sup>1</sup> This is a variation of the period specified in Para 15.34 of the Chancery Guide during the COVID-19 pandemic.

- b. During the COVID-19 pandemic, they should in all cases be lodged not less than two business days before the hearing<sup>2</sup> save where the application is urgent and without notice in which case they should be lodged at the earliest opportunity.
- c. Skeleton arguments should identify relevant authorities (para 21.80(a)(ii) of the Chancery Guide), with citation of the authorities in accordance with Practice Direction (Citation of Authorities) [2012] 1 WLR 780, restricted to the expression of legal principle rather than the application of such principle to particular facts (para 21.87 of the Chancery Guide). They should identify which authorities are being referred to for which propositions and the relevant paragraphs of the authorities on which reliance will be placed. Where reference is made to well-established principles it is normally sufficient to refer to the content of any authoritative textbook, with copies of the relevant extract. Where reference is made to well-known quotations from well-established authorities it is normally sufficient simply to set out the quotation.

### 3. Authorities

- a. In trials and substantial applications, the parties should consider exchanging skeleton arguments in sufficient time to allow a single joint bundle of authorities to be lodged no later than the time prescribed for lodging skeleton arguments.
- b. In any event, given that the authorities upon which a party seeks to rely should have been identified in the skeleton arguments, copies of the authorities should be lodged at court no later than the time at which the skeleton argument is lodged. If a party subsequently seeks to rely on authorities that are not identified in their skeleton argument (for example in reply to a proposition in another party's skeleton argument), copies of such additional authorities should be lodged at court as soon as reasonably practicable.

### 4. Method of filing

- a. During the COVID-19 pandemic, electronic bundles, skeleton arguments and authorities should be sent to the court by email to [Manchester.chancery@justice.gov.uk](mailto:Manchester.chancery@justice.gov.uk) as an attachment or link to an electronic data room. If the email address of the judge is known, documents should be sent directly to that address.
- b. If the case is already on CE-file, electronic bundles, skeleton arguments and authorities should also be uploaded to the CE file. However the parties must be aware that documents on CE file cannot be seen by the judge until they been processed, which can take some time, and so will not necessarily be available to the judge either prior to or at the hearing.

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<sup>2</sup> This is a variation of the period specified in Paras 15.34 and 21.77(c) of the Chancery Guide during the COVID-19 pandemic.