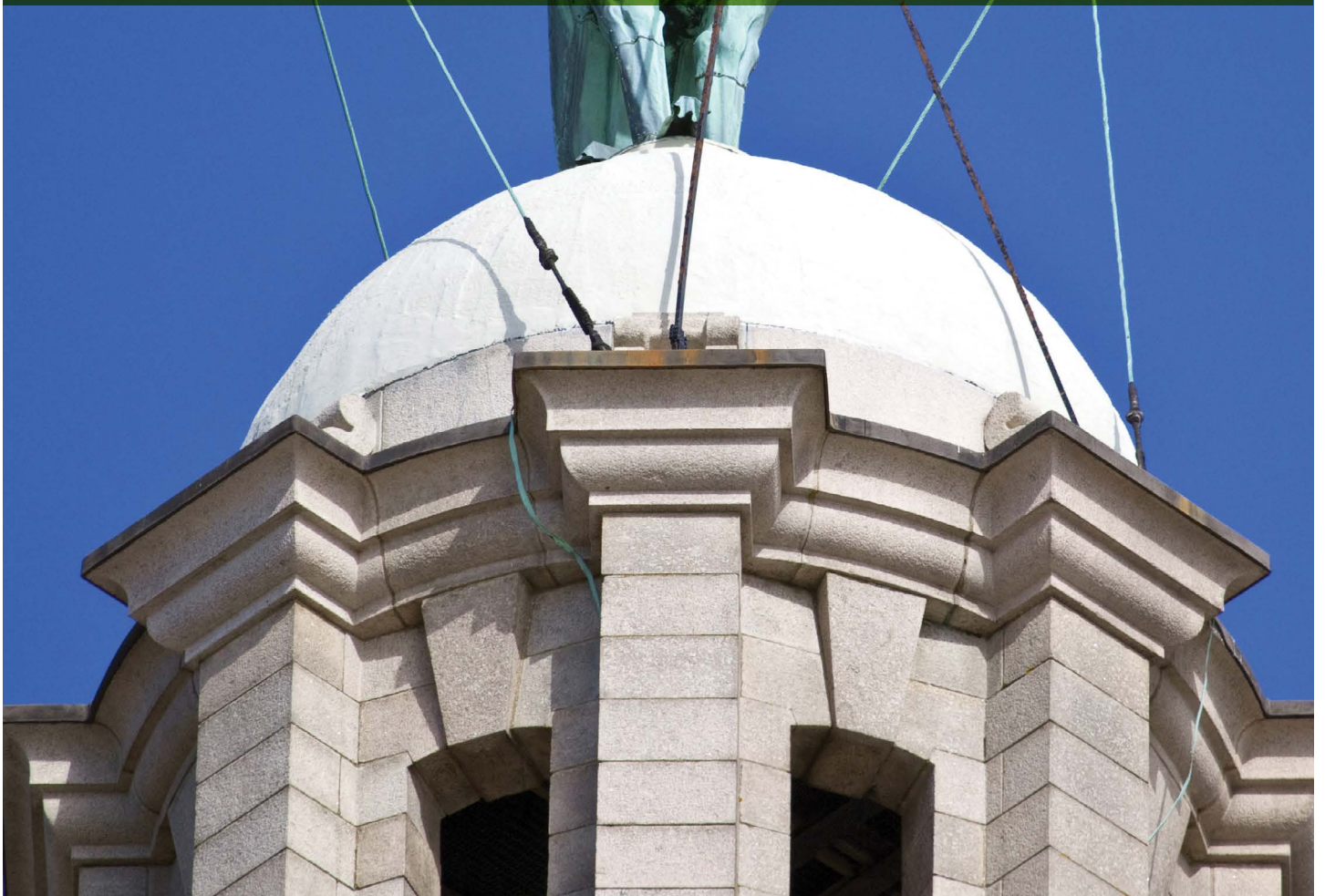


April 2018



HM Courts &  
Tribunals Service

# THE BUSINESS AND PROPERTY COURTS IN LIVERPOOL



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# Foreword

## **Sir Geoffrey Vos, Chancellor of the High Court**

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The **Business and Property Courts in Liverpool** were launched on Friday 9th February 2018. The **Business and Property Courts** nationally went live on 2nd October 2017.

There are some very important advantages of bringing together the Commercial Court, the Technology and Construction Court and the courts of the Chancery Division. First, the new name, the Business and Property Courts, is an intelligible user-friendly name for UK plc's international dispute resolution jurisdictions. Secondly, the specialist dispute resolution jurisdictions in London will be linked by a super-highway to the seven regional **Business and Property Courts**. No case will be too big to be tried in Liverpool. High Court judges will be made available to try any case in Liverpool that requires them, and the specialist section 9 judges operating in Liverpool will deal with interim applications every week. Thirdly, the creation of the Business and Property Courts will allow for more effective cross-deployment of judges.

Liverpool has a proud legal history. At one time, its courts resolved some of the biggest and most significant maritime, commodities and trade disputes. We can once again provide state of the art business dispute resolution to Liverpool's thriving commercial centre and its supporting legal community. The new **Business and Property Courts in Liverpool** will allow local and international businesses and lawyers to resolve their disputes locally and will complete the link between specialist courts in the North West and the hub in the Rolls Building in London.

The new **Business and Property Courts in Liverpool** will provide the joined-up thinking for business dispute resolution that has been long overdue. But the familiar procedures of the individual courts will not be lost to users. Instead, we will build on the reputation and standing of the Circuit Commercial Court, the Technology and Construction Court and the courts of the Chancery Division.

It is now clear that electronic filing will come to Liverpool for the issue and progress of all Business and Property Courts cases from late Summer 2018. Business and Property Courts users will be able to choose between the following intuitive courts and lists, in Liverpool, as in the other Business and Property Courts centres: Admiralty Court (QBD), Business List (ChD), Commercial Court (QBD), Competition List (ChD), Financial List (ChD/QBD), Intellectual Property List (ChD), Insolvency and Companies List (ChD), Property, Trusts & Probate List (ChD), Revenue List (ChD), and Technology & Construction Court (QBD).

I am sure that the Business and Property Courts in Liverpool will prove to be a great success.

Sir Geoffrey Vos, Chancellor of the High Court  
13th March 2018

## **Liverpool Law Society**

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The specialist Business and Property Courts (B&PCs) in Liverpool underpin the city's continued success as a financial centre of excellence, which is essential if the city is to continue to be a key component of the Northern Powerhouse. Having businesses able to enforce their rights and have decisions made locally ensures that justice can be carried out at a proportionate cost in a way that is visible to those involved.

The Liverpool City Region and surrounding area is home to many large local and international businesses, with complex and technical legal needs. It is of huge benefit to users of the court and to practitioners that cases can be heard locally so that they are supported equally in the resolution of their disputes, regardless of location. The perception that any issues can only be dealt with in London is one that needs to be altered. Flexible cross deployment of judges to ensure that specialist High Court Judges are available to hear cases in Liverpool when needed will go a long way to changing that perception.

There is a further benefit to practitioners and those in the business of law to the B&PCs being located in Liverpool. It means that those practising in the region can continue to service their clients effectively, allowing them to attract and retain legal talent that may otherwise be drawn elsewhere. This is not only key in the administration of justice, but in the economic growth and stability of the region.

## **Mark Goodwin, Litigation Partner and head of Liverpool litigation team, DLA Piper**

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DLA Piper is fully supportive of the new B&PCs in Liverpool. Our business is characterised by large complex commercial disputes, often with an international dimension. This work has for a long time been managed locally through our team in Liverpool but through a legal process of the specialist courts in London.

To bring such specialist courts to Liverpool through the B&PCs allows our clients both in the UK and overseas to now follow a legal process before the courts locally with the benefit of significantly lower costs.

The North West of England is a vibrant commercial region with many businesses that will now benefit from access to some of the best lawyers and judges in the UK without travelling to London.

# The Business and Property Courts in Liverpool

## About the Liverpool Business and Property Courts

The Business and Property Courts in Liverpool support local and international businesses across Liverpool City Region by allowing their disputes to be managed and tried cost-effectively and efficiently in a local setting, without the need to issue claims in London or use London lawyers, however complex or high value the litigation.

– Liverpool Law Society

## About the Liverpool City Region

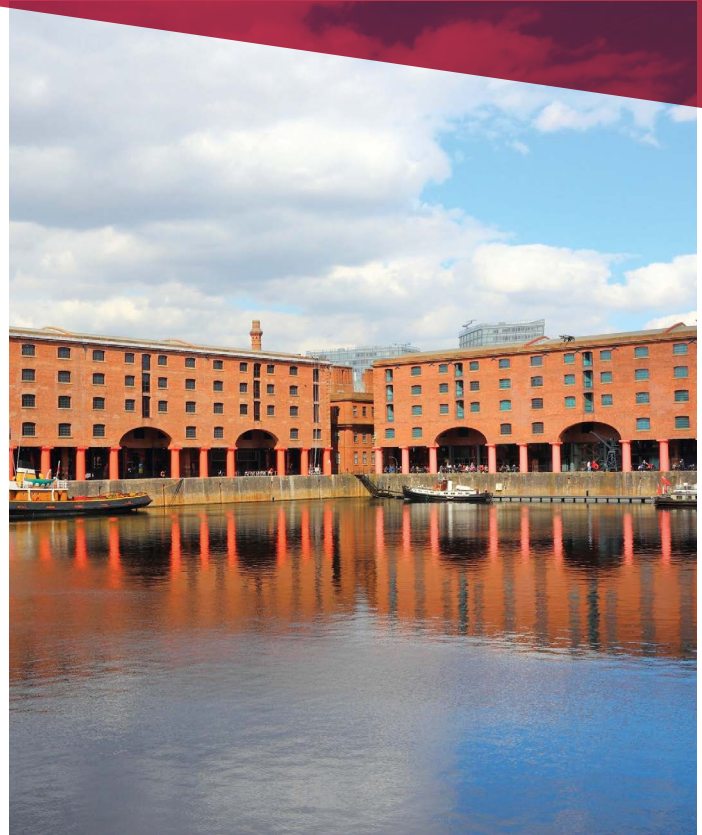
With a large commuter population of 475,900 people in higher skilled occupations and more than six million people within a one hour commute of Liverpool; competitive wage rates and specialisms in wealth management, maritime and business services; Liverpool City Region's Financial and Professional Services sector offers a compelling proposition to investors.

In 2015, at 3.1% Liverpool City Region's economic growth was faster than any similar City Region (Manchester 3%, London 1.6%); with the second highest rate of start-ups at 64%. Most importantly GVA (gross value added) in 2015 was higher (90.2%) than Manchester, Leeds and Birmingham, reflecting a dynamic and productive sector.

The [Local Growth Hub](#) provides access to a wide range of information, advice and support available for SMEs.

*Source: Liverpool City Region Local Enterprise Partnership <https://www.liverpoollep.org/growth-sectors/financial-professional/> (2016)*

Hundreds of professional businesses (including in the legal and financial sectors) choose to locate and invest in Liverpool City Region because of the many cost and productivity advantages when compared to other cities. The public and private sector partners across Liverpool City Region are working together to deliver the best possible physical support infrastructure for growing businesses.



## Legal Services in Liverpool

With more than 650 firms employing 10,000 staff across Liverpool City Region, the legal services sector is well-established and thriving. Major firms such as Hill Dickinson, DWF, Brabners, Weightmans, DLA, Morecrofts and Riverview Law are represented, with many having their headquarters here. Also, thanks to the cost-effective talent pool, Liverpool City Region is particularly suited to legal advisory outsourcing projects and 'northshoring'.

Liverpool is a key legal hub in the region. Projects, property and public sector deals are a key driver of many practices, and, with the promise of further investment under the Northern Powerhouse initiative, this trend is set to continue.

*Source: Legal 500 <https://www.legal500.com/c/north-west/overview>*

Legal expertise in the Liverpool City Region is broad and varies from practitioners engaged in high value commercial work to complex charity work. There is also a particular emphasis on shipping law given Liverpool's long and proud maritime heritage. Other areas of expertise include: Litigation, Commercial Property, Wills and Probate, Commercial & Company, Trusts, Tax, Partnerships, Professional Negligence, Fraud & Insolvency, Intellectual Property.

# Extracts of judicial speeches given at the launch of the Business and Property Courts in Liverpool

The Business and Property Courts launched in Liverpool on 9 February 2018.

## SIR GEOFFREY VOS:

It's a huge pleasure for me to be here in Liverpool for the launch of the Business and Property Courts (B&PCs) in Liverpool. The Lord Chief Justice has asked me to say how sorry he is that he can't be here on this occasion, but he sends his best wishes for the opening of the B&PCs in Liverpool and he supports wholeheartedly the extension of those courts to Liverpool.

I'm going to deal with just a few of the details of the new B&PCs and how they're going to work. As you know, the B&PCs are now operating nationally, connected, as we would say, to a hub in the Rolls Building in London. They were launched in London on the 4th of July 2017, and some of you who were there will remember the incredibly supportive speech given by David Lidlington, then the Lord Chancellor, about the project generally. Here in Liverpool we have a fantastically strong business and property judiciary; we have His Honour Judge David Hodge QC, who does mostly Chancery work, we have designated civil judge, Graham Wood QC, doing TCC work, and we're going to have the newly appointed and extremely experienced business and property judge, Her Honour Judge Linda Sykes, who will sit some of her time here in Liverpool, and, in addition, we're going to see His Honour Judge Stephen Davies and His Honour Judge Stephen Eyre QC sitting some of their time here from across the way. We also have a strong line-up of DJs undertaking business and property work; District Judge Susan Wright, District Judge Mark Benson, District Judge John Baldwin and District Judge Samantha Johnson and District Judge Charlotte Deane will be sitting some of their time here to help out, so, you can see, the team is a formidable one, and in terms of staff we are extremely fortunate to have Liz Taylor and Alison Blunsden in the business and property team and we know that everything will go seamlessly with them at the helm.

It's also worth saying, I think, how strong the legal maritime and business community here locally in Liverpool is, and I hope that the new Business and Property Courts will offer an ever-stronger dispute resolution service for the lawyers and businesses that operate here.

So, let me just deal, if I may, more generally, with the advantages of the creation of the B&PCs. I think those advantages are mostly quite obvious. First, as we leave the European Union, it is really important that judges and lawyers alike can demonstrate that English law and the courts of



England and Wales will continue to offer world class dispute resolution services, and we will not be able to achieve that if we continue to use unintelligible and incomprehensible names and titles. We need to reach out to the users of our courts, and to national and international business generally, so as to ensure that they understand that we are offering, in terms of business and commercial litigation, the best service anywhere, and we need to make sure that these business users can understand easily the services we offer. As I've always said, and I know some of you may have heard me say it before, lawyers have rather liked using words that nobody else can understand and we have tried, certainly in the Chancery Division, unsuccessfully, for more than 200 years, to explain to people in the street what Chancery means, and if you've tried something for 200 years unsuccessfully, it's probably time to quit trying, so the B&PCs will be a user-friendly, understandable name for UK Plc's national and international dispute resolution services. In addition, the use of the obsolete word "Mercantile" has been discontinued. Mercantile Judges have been re-named Circuit Commercial Judges and the Mercantile Court has become the Circuit Commercial Court.

The biggest advantage, from a regional perspective, for you here in Liverpool, is the connectivity that the new arrangements will offer between our specialist jurisdictions in the Rolls Building and those here in the regions. The B&PCs will create a single umbrella for the specialist courts across the regional centres, that's here in Liverpool, in Birmingham, in Leeds, in Bristol, in Cardiff, in Newcastle, and, perhaps I should say, in Manchester. The super-highway between London and the regions that I've been talking about means we will ensure that business dispute resolution is of equal quality across England and Wales for the benefit of international and domestic enterprises. We're going to create a critical mass of judges in each regional centre and make sure that High Court Judges

# Judicial speeches given at the launch of the Business and Property Courts in Liverpool

are available to try important cases in the regions, because, as Michael Briggs said when he wrote his recent report, no case must ever be too big to be tried in the regions.

Another advantage of the new B&PCs 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 and I hope that in future we'll see our High Court Judges using all their specialist talents to the full advantage of business litigants both in London and in the regions.

Finally, the B&PCs will build on the reputation and standing of the previous jurisdictions, the existing jurisdictions, the Commercial Court, the Technology and Construction Court and the courts of the Chancery Division, but allowing for the familiar procedures and practices in those jurisdictions to be retained.

## **MR JUSTICE POPPLEWELL:**

I just wanted to say two things, very briefly. The first is to reiterate what Sir Geoffrey has said; that so far as commercial cases are concerned, no case is too large to be tried in Liverpool. If it's a case which would justify hearing by a Commercial Court Judge in London and is most suitable for trial in Liverpool, then I will make available a Commercial Court Judge to come here to try the case, but in order to make that work, we are dependent on you here, and especially the practitioners, identifying such cases and issuing those cases here.

Secondly, all those who deal with international work in the B&PCs sit squarely within the proud tradition of the reputation of the Commercial Court as a – I like to think the – pre-eminent court in the world for international dispute resolution.

We have at our backs the ghosts of the great judges of the past who have built that hard-earned reputation over the history of the court, its 120 years or so; one thinks of the likes of Lord Devlin, Lord Bingham, Lord Robert Goff and others, and it was one not only for the quality of the judgments, but also for the court craft and the management of cases. They would forgive our inadequacies, but they would not, I think, forgive any lack of effort on our part to seek to maintain and enhance that reputation, and that applies as much to those who sit in the B&PCs doing international work here in Liverpool as it does to those who sit in the Commercial Court in London, and we mustn't allow that reputation to slip, at least, not for want of effort.



## **MRS JUSTICE O'FARRELL:**

The Technology and Construction Court or TCC, as some of you may know, but others may not, is a court that deals with specifically technically complex cases. The sort of work that we deal with tends to be disputes arising out of engineering projects, general construction projects, infrastructure, IT disputes and so forth.

One of the features of the TCC, which will continue to act as a specialist court, is that it has a number of specialist procedures including pro-active case management at the start of a trial to ensure that the numerous documents, witness statements and experts' reports, and so on, are all prepared in good time, to ensure an efficient and cost-effective trial. It also includes specialist procedures for adjudication enforcement.

For those who don't know, adjudication is a means of speedy dispute resolution procedure that is required to be used in most construction type contracts, and it enables the parties to have a decision in respect of their disputes often within 28 or 42 days of commencing the dispute and it's binding on an interim basis.

In order to be successful, that requires speedy and robust enforcement through the courts, and the TCC has designed a special procedure so that time is abridged and those adjudication decisions can be enforced rapidly and in a cost-effective manner.

Thirdly, there is a specialist procedure for procurement challenges. Large public contracts are subject to rules in terms of their procurement, and challenges to an unsuccessful bid have to be carried out in a very short time period, that's 30 days, usually, from the time that someone becomes aware of the grounds for making a challenge, and in order for that to be dealt

# Judicial speeches given at the launch of the Business and Property Courts in Liverpool

with speedily, taking into account the automatic suspension that applies when there's a challenge to a public procurement contract, and also the difficulties of disclosure - namely that a challenger needs to see the documents underlying the procurement exercise if there's to be any chance of a proper challenge, but the successful tenderer will not necessarily want confidential information put into the public domain - means that there are particular difficulties that arise in such cases.

There is a protocol that is now in place, which was introduced in July of last year, and that is something that can be dealt with in the TCC using special procedures, again to ensure that the parties have a swift and cost-effective determination of those disputes.

Those practices and procedures are just as suited to a case that is started in Liverpool as a case that is started in London. There are specialist TCC judges who are available to deal with those cases in Liverpool, such as, of course, His Honour Judge Graham Wood QC, also His Honour Judge Stephen Davies and District Judge John Baldwin. If necessary, if the demand is there, TCC judges can leave the Rolls Building and travel to Liverpool in the same way that QB judges from London travel to the regions to hear all sorts of other cases, including crime and administrative cases.

The key issue is that the court system should work for the parties, and if it is appropriate for the parties to start their proceedings in Liverpool because the witnesses are primarily located there, perhaps because their legal representatives are based here, there's no reason why the court system should not meet those needs. The intention is that the court system should be efficient, user-friendly, and should meet the needs of the parties.

## **MR JUSTICE BARLING:**

Well, I'm not a Liverpudlian, but I must say, I do feel a deep thrill that, today, the specialist courts of this great commercial centre are now linked with those of London and other major regional centres, and as you've heard from the Chancellor and the other speakers, the aim is really only to enhance and develop the service that our specialist courts offer to the business community of Liverpool and Liverpool's large hinterland, and to do that by ensuring, as you've heard, that Liverpool commercial disputes and property disputes, and TCC disputes, are heard and resolved here in Liverpool without the need for parties and their advisers to travel to specialist courts in London or, heaven forbid, further east, and also creating an environment which means that it is completely natural for B&PCs judges, at all levels, as you've heard - all levels - to hear specialist cases here whenever it is appropriate. We also, through this initiative, intend to make better use of the judicial resources available by encouraging more cross-deployment of judges between the various work areas comprised

in the B&PCs. So, we've taken a huge and important step today towards achieving these goals.

As you've heard, the judiciary, both here in Liverpool and elsewhere, including in London, are up for it and ready to go. We have in this city a very fine civil justice infrastructure, we have the finest court staff you will find anywhere in the land, and, as the guest list for today's event shows, the Liverpool professions, both branches of the legal profession, boast outstanding members. So, we have all the ingredients for a very successful venture, and I personally feel very confident that Liverpool will retain, and indeed build on, the specialist work comprised in the B&PCs system, so I think it is a day for rejoicing and celebration, which I know we're going to do later.

## **MR JUSTICE WILLIAM DAVIS:**

As the senior presiding judge of the northern circuit, what a privilege and an honour it is to greet such a glittering array of Metropolitan talent, and they promise that they'll be back if you can find the work for them to do, and I'm sure they will. I'm particularly pleased that we're inaugurating today the B&PCs in Liverpool, because you know, and I know, and it appears even the Chancellor knows, that whatever the other place can do, we have to do as well in Liverpool, and so it's an excellent notion that the commercial centre of the northwest is not concentrated on one place, even though they may think it is. You realise, of course, I speak in entirely different terms if I'm over there.

Anyway, I do, on behalf of the judiciary of the northern circuit, welcome this great development. It will be a great boon to the practitioners, to the businesses, and also to the judiciary. The local judiciary are going to - I hesitate to use the word "enjoy", but they will enjoy the challenge of this new work, this increased work, and I hope very much all of you will add to their enjoyment.



# The Business and Property Courts in Liverpool, as viewed by Nina Ferris, President of Liverpool Law Society

*(This article is edited from the speech given by Nina Ferris at the launch of the Business and Property Courts in Liverpool on 9 February 2018.)*



When the Business and Property Courts (B&PCs) were originally launched and Liverpool wasn't named as a centre, we canvassed our members about what they thought, and what should happen. The Chancery Practitioners Group in Liverpool in particular was very vocal that the B&PCs should come to Liverpool, so I'm really pleased that that's been taken on board.

Liverpool is an essential part of the Northern Powerhouse, it is a financial centre of excellence. All the practitioners in the room will act for businesses that are very highly valued, have global reach and have complex and technical disputes, and there is no reason why those complex and technical disputes should not be able to be dealt with on their doorstep. I would really encourage people to use the B&PCs in Liverpool, now that they are here.

I am particularly happy to hear that the judiciary are willing to travel to hear appropriate cases. It is good to see a number of senior specialist judges have travelled to Liverpool for the launch of the B&PCs. The Master of the Rolls delivered the Conkerton Memorial Lecture in Liverpool in March this year on the current progress of civil justice reforms. It is satisfying that we can continue to put those reforms into practice in front of specialist judges in the B&PCs in Liverpool.

The other reason why the B&PCs are particularly important to us as practitioners is that our business is the business of law. If we want to attract and retain the best talent, we have to be able to service our clients locally in a cost-effective and proportionate manner. It has to be seen that high quality work can be done here. If we can't, then we'll see that talent go elsewhere, so I'm really happy that the B&PCs are here in Liverpool.

– Nina Ferris, President of Liverpool Law Society





# The Business and Property Courts in Liverpool, as viewed by Mark Cawson QC, Chairman of the Northern Chancery Bar Association

*(This article is edited from the speech given by Mark Cawson QC at the launch of the Business and Property Courts in Liverpool on 9 February 2018.)*

It is fitting that we should be here, celebrating the launch of the Business and Property Courts (B&PCs) in Liverpool, this fine city with its rich history of commerce and trade. Times may have moved on since Liverpool commanded global trade and was a centre for commodity exchanges, banking and shipping, to rival London. Liverpool has had its fair share of difficulties over the years, however one now sees a city that has made huge strides in recent years, and certainly since I was a student here in the late 1970s and early 1980s, with all the difficulties of the Toxteth riots and the general sense of decline and decay at that time. Recent development, encouraging growth figures and a new vibrancy about the city show Liverpool playing an important part in the northern powerhouse project.



However, key to the success of that project, and of this city as a commercial centre, is the infrastructure to enable commerce and enterprise to thrive, and a key element of that is the B&PCs available locally to resolve business and property disputes.

Of course, courts dealing with business and property matters are not new to Liverpool. Liverpool was historically, up to the Courts Act 1971, served by a unique Liverpool Court of Passage which included admiralty jurisdiction, and by the Chancery Court of the Palatine of Lancaster, exercising jurisdiction under the Vice-Chancellor. More recently, Liverpool has been an important Chancery District Registry and the location of a Mercantile and a Technology and Construction Court (TCC), and it is the existence of this court infrastructure that has meant that, historically, Liverpool has had a strong legal profession. One can think of the firms of solicitors that have started in Liverpool and spread through the nation; one thinks, for example, of Hill Dickinson, Weightmans, and the “A” of DLA Piper, Allsops. Liverpool has also historically had a strong local Bar, of which many members have gone on to greater things. Lord Chancellors, Lords



Birkenhead and Kilmuir, Lord Morris of Borth-Y-Guest, Lord Shawcross, Lord Justice Sellers, and Lord Justice Kay to name but a few, and more recently, Mrs Justice Yip, who I am very pleased to see here today, a recent appointment to the High Court Bench.

However, despite the history of the courts in Liverpool, the Chancellor is to be commended for driving forward, with the heads of the Commercial Court and TCC, the initiative of the B&PCs, both in the Rolls Building in London and in centres outside London, such as Liverpool. Practitioners and businesses alike recognise the innovation of the B&PCs.

Firstly, the B&PCs are courts that do what they say on the tin. This is important, not merely in selling the B&PCs to the wider world, but also, it is important that businesses and other litigants know, and can have confidence, that the court is not an historic relic but a court specifically designed to resolve business and property disputes, with the various lists emphasising the particular specialisms of the court. It is very encouraging to hear the Chancellor say that the specialist expertise will be provided to enable all specialist cases up to the highest level to be dealt with locally, in Liverpool, with appropriate judicial resources.

Secondly, that the B&PCs form a single umbrella for business and specialist courts operating throughout England and Wales. In this way, we have the much-heralded “super-highway” between London and regional centres such as Liverpool, which ought to help to ensure that no case is too big to be heard outside London, and no case is too big to be heard, in Liverpool. To this end, it is to be commended that the relevant Practice Direction has been designed – in various ways – to ensure that Liverpool cases with a real connection with Liverpool, are dealt with and heard in Liverpool.

It is for all these reasons that the local legal profession, as well as local business, warmly welcome the launch of the B&PCs in Liverpool, and I would encourage fellow practitioners and businesses to ensure that it is utilised to its full potential. It is up to us that we make sure that this court works, by issuing our proceedings out of Liverpool when the case has something to do with Liverpool.

– Mark Cawson QC, Chairman of the Northern Chancery Bar Association

# “Courting Success” by Liverpool City Region Business Post



*(This article was first published by Liverpool City Region Business Post – a Liverpool Echo publication, in February 2018).*

The arrival of a forum to resolve business and property disputes on our own doorstep is a major step forward for the Liverpool City Region. MARK THOMAS finds out why.

Liverpool's own Business and Property Courts (B&PCs) opened their doors for the first time on 9 February 2018, in a major coup for the city region.

Businesses and law firms can now deal with cases on their doorstep, no longer facing the inconvenience and expense as in the past of heading to Manchester or, all too frequently, London, to thrash out complex legal disputes. His Honour Judge Graham Wood QC, Designated Civil Judge for Merseyside, explained:

*“Until recently it has been a little bit disparate as a lot of the specialist work was done in London. Major centres such as Manchester and Birmingham had specialist judges with specialist training and experience sitting in these separate divisions. It was considered by the senior judiciary that it would be a good idea, especially in the major commercial centres, if everything could be brought under the one umbrella, still keeping specialist*

*judges within the distinct courts but allowing a single point of entry and bringing all this expertise under one roof. It is also born out of a desire to have greater regionalisation – in other words you shouldn't just have to go to London to get your specialist work done. You should be able to have your specialist work done anywhere that you reside on the circuits.”*

But it was by no means cut and dried that a court would be established in Liverpool. The major regional centres were to be Manchester, Birmingham, Leeds, Cardiff and Bristol, with the possibility of adding Liverpool and Newcastle later. HHJ Wood QC said:

*“One of the great supporters of the B&PCs in Liverpool has been the President of the Queen's Bench Division, Sir Brian Leveson, who, of course, is a son of our own city. He was one of those who originally helped to evolve it. He is not a specialist judge himself, but being the senior judge of the Queen's Bench Division he was instrumental with the Chancellor of the High Court, who is the other senior head of division, in approving many of the proposals. At the moment a lot of our work is leaving the region and going out to Manchester or London. And yet we have local practitioners, some very good local firms which have had their birth in the city,*



# “Courting Success” by Liverpool City Region Business Post



*who would prefer it if the option was open to them to have the specialist work done on their own doorstep. Liverpool is now to be a centre where business and property disputes can be resolved without the parties having to use probably more expensive-rated London lawyers or have their local lawyers travel down to London or use agents in London or even in Manchester.”*

While Liverpool does not yet have a full-time specialist judge to sit across all three areas of the B&PCs, this is likely to come once the court establishes itself. HHJ Wood QC, as senior judge for the area, has a ‘specialist ticket’ to deal with construction cases, while specialist Chancery Judge David Hodge QC, who sits in Liverpool for about a third of the time, will sit on Chancery cases. HHJ Wood QC explained:

*“We will be borrowing specialist judges from Manchester who have expressed a willingness to support us and travel to Liverpool rather than expect the work to go to them, as and when the need arises. If we take off and they find they are travelling over very frequently and we are using more judicial resource than had been expected then we believe we will be able to persuade the Ministry of Justice to provide us with our own specialist cross-ticket judge who can sit in all of those three areas, Commercial, TCC and Chancery. Frankly I think that will happen.”*

The B&PCs in Liverpool will be taking full advantage of the latest technology available. HHJ Wood QC said:

*“We will be using a lot of technology. Electronic filing of documents will be introduced in the very near future, substantially reducing the amount of physical paperwork. Eventually, evidence and communication is likely to take place via video link at the early stages of any case and, if necessary, a trial with witnesses who are abroad - although the preferred trial model is still face to face. The physical courtroom is less important in that you can have the judge accessible in Liverpool without having to travel. We have trained*

*staff who are able to process the cases. Our highly competent staff have experience of dealing with specialist cases so they will simply be working under the new umbrella. With the introduction of digitalisation there is a trend towards fewer physical bodies, but there will always be a competent point of contact able to help over the telephone with queries.”*

The arrival of the B&PCs is a tremendous boost to Liverpool’s own legal community in particular, and a reminder of its own part in Liverpool’s economic history.

*“The legal community in Liverpool is very strong, and the major players, although they’ve got offices in Manchester and London and Birmingham, have their roots in Liverpool,”* said HHJ Wood QC.

*“Some of these firms go back 100-150 years and even longer than that. We really have to remember that Liverpool was the major mercantile and maritime legal centre in the north of England until the docks started declining and some of the other industrial areas grew. Although we are a smaller conurbation than Manchester, and Manchester has got an extremely well-resourced and efficient civil court centre, we are not far behind them. It’s an important part of any efficiently-run trading community that it has a good method of resolving its disputes. The preferred choice of any business would be to resolve disputes as economically as possible. A specialist judge can identify the issues in dispute straight away, getting the parties to concentrate on what’s in dispute. It cuts out all the cost-building that you get sometimes where the lawyers inundate each other with documents, and run irrelevant issues, because they don’t know which way the judge is going to go. That’s why I stress the importance of intervention by the specialist judge at a very early stage in litigation. Most of these cases will have the judge who tries it involved at the beginning.*

*Most specialist judges have been involved in in this kind of work while in practice before they were appointed.”*

# Judicial profiles

## Chancellor of the High Court: Sir Geoffrey Vos

Geoffrey Charles Vos was called to the Bar in 1977, and took Silk (QC) in 1993. He was appointed as a Justice of the High Court assigned to the Chancery Division in October 2009, and knighted in November 2009. He sat also as a Patents Court judge. He was appointed as a judge of the Court of Appeal in England and Wales in October 2013. He became a member of the Privy Council in November 2013. He was appointed as Chancellor of the High Court in October 2016.



He was a Judge of the Courts of Appeal of Jersey and Guernsey between 2005 and 2009, and a Judge of the Court of Appeal of the Cayman Islands between 2008 and 2009. He became Editor-in-Chief of the *White Book on Civil Procedure* (Sweet & Maxwell) in January 2018.

Geoffrey Vos was Chairman of the Bar Council of England and Wales in 2007. He was Head of Chambers at 3 Stone Buildings from 1998 to 2009, and was appointed a Bencher of Lincoln's Inn in 2000. He was also Chairman of the Chancery Bar Association from 1999 to 2001. He was Chairman of the Trustees of the Social Mobility Foundation from January 2008 to April 2011. He sat on Alan Milburn MP's Panel on Fair Access to the Professions in 2009. He has been a trustee of the Slynn Foundation since 2009. He was Chairman of the European Committee of the Judges' Council between 2011 and 2016. He has been Chairman of the Judicial Pensions Committee since January 2013. He was President of the European Network for Councils of the Judiciary from January 2015 to June 2016.

## Vice-Chancellor of the County Palatine of Lancaster: Mr Justice Barling

Sir Gerald Barling is a Justice of the Chancery Division of the High Court of Justice of England and Wales and is the current Vice-Chancellor of the County Palatine. He was called to the Bar by the Middle Temple in 1972 and elected a Bencher in 2001. In 1991 he was appointed Queen's Counsel.



Before his appointment to the High Court in 2007, he was a Deputy High Court Judge and also sat as a Recorder on the Midland Circuit and as an Acting Deemster in the Isle of Man Court of Appeal. He was President of the Competition Appeal Tribunal from 2007-2013.

## His Honour Judge Hodge QC

His Honour Judge David Hodge QC is a Specialist Chancery Circuit Judge sitting principally in Manchester and Liverpool. He read law at University College, Oxford, graduating with a first-class BA degree in Jurisprudence in 1977 and the degree of BCL in 1978. He was called to the Bar in 1979, took silk in 1997 and was elected a Bencher of Lincoln's Inn in 2000. He is the Deputy Chancellor of the Diocese of Blackburn.



David practised at the commercial Chancery Bar in Lincoln's Inn between 1980 and 2005, first at 9 Old Square and, following its merger, at Maitland Chambers. He specialised in property litigation and related professional indemnity work.

His judicial career began sitting in crime, first as an assistant recorder (from 1998–2000) and then as a recorder (from 2000–2005). He was appointed to sit as a deputy High Court Judge of the Chancery Division in 2004, and then as one of the two Specialist Chancery (Senior) Circuit Judges on the Northern Circuit in November 2005. He sits principally hearing High Court Chancery cases in Manchester and in Liverpool, although he is also authorised to sit in the Queen's Bench Division, the Circuit Commercial Court, the Technology and Construction Court and the Court of Protection. He has been appointed to sit in the Tax and Chancery Chamber and the Lands Chamber of the Upper Tribunal. David has contributed the chapter on Chancery Matters to the last five editions of *Foskett on Compromise* (1996–2015) (Sweet & Maxwell). He is also the author of *Rectification: The Modern Law and Practice Governing Claims for Rectification for Mistake* (Sweet & Maxwell). He has also written articles for the *Conveyancer & Property Lawyer* (Sweet & Maxwell).

# Judicial profiles

## His Honour Judge Graham Wood QC

His Honour Judge Graham Wood QC is the Designated Civil Judge for Cheshire and Merseyside. He was called to the Bar in 1979 and took Silk in 2002. He was appointed as an Assistant Recorder in 1996, as a Recorder in 2000, as a fee-paid Legal Member of the Restricted Patients Panel in 2007 (becoming fee-paid Tribunal Judge of the First-tier Tribunal, Health Education and Social Care Chamber in 2008) and as a Circuit Judge in 2011.



Formerly a member of Exchange Chambers in Liverpool, and 3 Paper Buildings in London, his practice since taking Silk in 2002 was predominantly in financial crime, serious personal injury and public law. Among his wider experience, he can count co-editing the fourth and fifth editions of *Bingham's Negligence Cases* (Sweet & Maxwell). He was a Legal Assessor to the General Dental Council and the General Medical Council, and is Deputy Chancellor to the Dioceses of Liverpool and Chester. He sits as a section 9 High Court Judge in the Administrative Court and the Queen's Bench (QB) Division. He is a Technology and Construction Court (TCC) ticketed Judge and hears TCC cases in Liverpool and Chester.

## His Honour Judge Stephen Eyre QC

His Honour Judge Eyre QC was called to the Bar in 1981. He practised from chambers in Birmingham and had a broad Chancery and Commercial practice with a particular emphasis on property, insolvency, banking, professional negligence and probate disputes. He also practised as a mediator in those fields from 2006 until his appointment as a Circuit Judge. He was appointed Queen's Counsel in 2015.



Judge Eyre QC was appointed a recorder in 2005 and as a fee-paid judge of the First-tier Tribunal: Health, Education and Social Care Chamber (Mental Health) in 2007. He was formerly a committee member of the Midland Chancery and Commercial Bar Association and also served on the Complaints Committee of the Bar Standards Board. He is the Chancellor of the Dioceses of Coventry and of Lichfield.

Appointed to the Circuit Bench in 2015, Judge Eyre QC was subsequently appointed a Deputy High Court Judge. In 2017, he was appointed a Specialist Civil Circuit Judge to sit in the Business and Property Courts in Manchester and Liverpool.

## His Honour Judge Stephen Davies

His Honour Judge Stephen Davies was called to the Bar in 1985 and practised in business and property litigation from chambers in Manchester from 1986 until 2007. He became a part-time Crown Court Recorder in 2002. He was appointed a Deputy Judge of the Technology and Construction Court in 2006. He was appointed a full time Circuit Judge in January 2007, sitting initially in the Birmingham Civil Justice Centre and then transferring to Manchester as a Specialist Circuit Judge in October 2007 when the Manchester Civil Justice Centre opened. Since 2007, he has sat in Manchester as one of the two permanent Technology and Construction judges as well as sitting in the Circuit Commercial Court and in the Chancery Division. He also sits in the Queen's Bench Division and in the Administrative Court (including the Planning Court) as well as in the County Court and the Upper Tribunal (Immigration and Asylum Tribunal). He will sit in Business and Property Courts in Liverpool when required.



# Judicial profiles



## District Judge Wright

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District Judge Wright qualified as a solicitor in 1978 and worked in private practice until 1989 when she became a lecturer at the College of Law. She was appointed a deputy district judge in 1992 and a full-time district judge in 1996. She sits full-time in Liverpool and spends about 30% of her time hearing Chancery cases.



## District Judge Mark Benson

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District Judge Mark Benson was admitted as a solicitor in 1985. He specialised in commercial litigation with particular emphasis on engineering claims. After a number of years sitting as a Deputy District Judge he was appointed as a full-time District Judge in January 2013. He sits in Liverpool and spends about 30% of his time dealing with Chancery cases.



## District Judge Baldwin

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District Judge John Baldwin was called to the Bar in 1990 and practised in personal injury and general civil litigation, including building disputes, from chambers in Liverpool. He was appointed a Deputy District Judge on the Northern Circuit in 2010 and has been sitting as a District Judge in civil work at Liverpool and Birkenhead since 2014. He is a Regional Costs Judge, an IT Liaison Judge and a national moderator for the District and Deputy District Judges' Team Sites, having been part of the team responsible for their design and implementation. He is the nominated gatekeeping District Judge for case management of Technology and Construction Court claims in Liverpool.



## District Judge Johnson

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District Judge Samantha Johnson was admitted as a solicitor in 1997. She specialised in commercial litigation for a number of years before becoming a lecturer and then associate professor at the University of Law in Chester. She was appointed as a Deputy District Judge in 2010, became authorised to hear Chancery work in 2015. She was appointed as a District Judge in 2017 and she hears Chancery, insolvency and general civil cases (including clinical negligence and industrial disease). She is a contributor to the *Civil Court Service (the Brown Book)* (LexisNexis).



## District Judge Deane

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District Judge Charlotte Deane was called to the Bar in 2002. Formerly of Atlantic Chambers in Liverpool where she had a Chancery practice, she became a Deputy District Judge in 2013 and a District Judge in 2017.

# Court Contact Details

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# Supporting Organisations



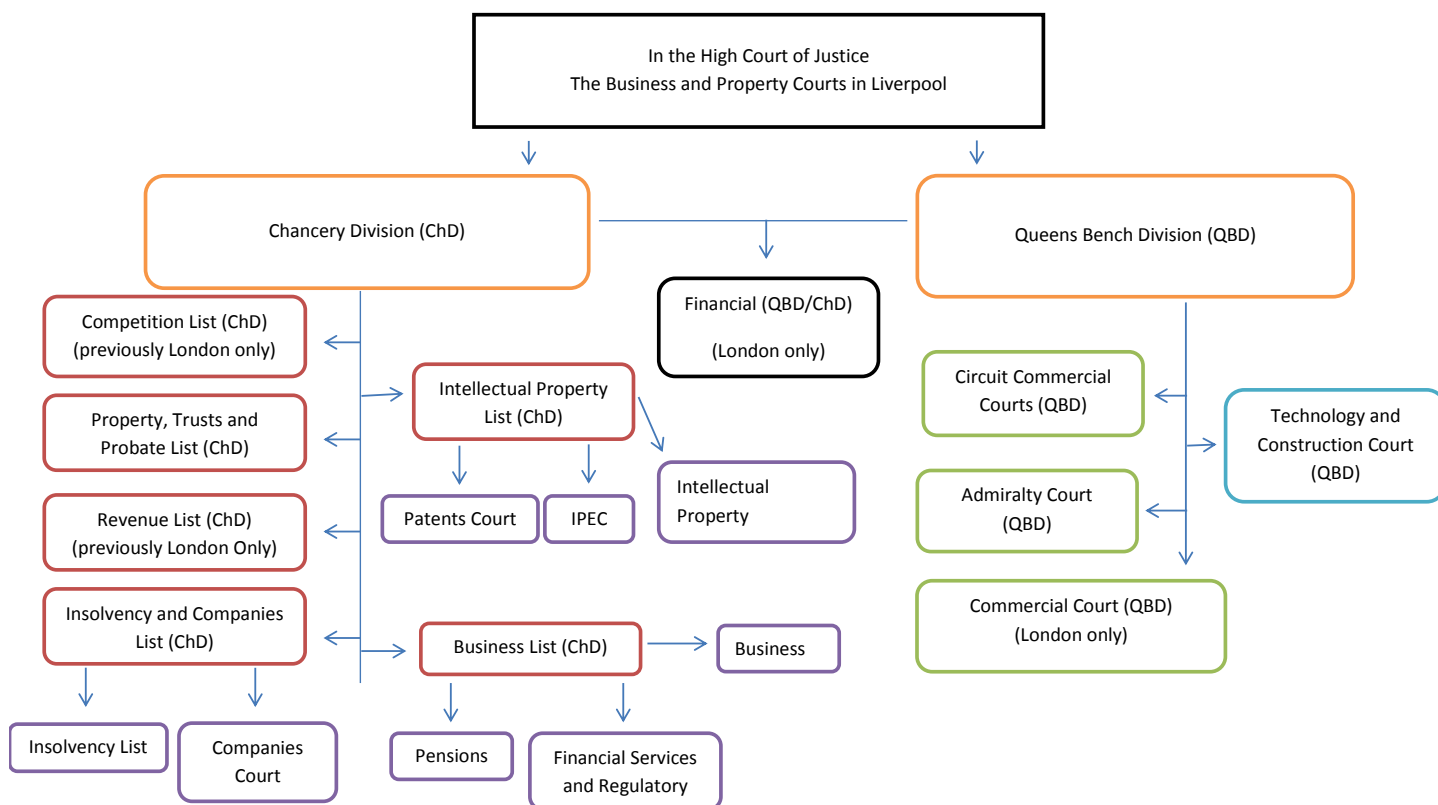
The following organisations are pleased to welcome and support the Business and Property Courts in Liverpool

		
		
		
		
		<p>And also in support: Southport and Ormskirk Law Society</p>



# Appendix A: Business and Property Courts in Liverpool diagram

## THE BUSINESS AND PROPERTY COURT IN LIVERPOOL



# Appendix B: Practice Direction – Business and Property Courts

## Practice Direction – Business and Property Courts

*(This version of the Practice Direction was published on 22 March 2018 and can be found at <https://www.justice.gov.uk/courts/procedure-rules/civil/rules/practice-direction-business-and-property-courts>.)*

### PRACTICE DIRECTION – BUSINESS AND PROPERTY COURTS

Contents of this Practice Direction

Title	Number
<a href="#">Scope</a>	Para 1
<a href="#">Starting proceedings</a>	Para 2
<a href="#">Transfers</a>	Para 3
<a href="#">Specialist work in the district registries and the County Court</a>	Para 4
<a href="#">Appeals</a>	Para 5

#### Scope

**1.1** The Chancery Division of the High Court, the Commercial Court, the Technology and Construction Court, the Circuit Commercial Court, and the Admiralty Court located in the Royal Courts of Justice, Rolls Building together with the Chancery Division of the High Court, the Technology and Construction Court and the Circuit Commercial Courts in the District Registries of the High Court in Birmingham, Bristol, Leeds, Liverpool, Manchester, Newcastle and Cardiff together constitute the Business and Property Courts.

**1.2** The Business and Property Courts located at the Royal Courts of Justice, Rolls Building, are collectively described as the Business and Property Courts of England and Wales. Those Business and Property Courts in the District Registries of the High Court in Birmingham, Bristol, Leeds, Liverpool, Manchester, Newcastle, and Cardiff, are, respectively, described as the Business and Property Courts in Birmingham, the Business and Property Courts in Bristol, the Business and Property Courts in Leeds, the Business and Property Courts in Liverpool, the Business and Property Courts in Manchester, the Business and Property Courts in Newcastle and the Business and Property Courts in Wales. In this Practice Direction the Business and Property Courts in Birmingham, Bristol, Leeds, Liverpool, Manchester, Newcastle and Cardiff are referred to together as the B&PCs District Registries.

**1.3** The work of the Business and Property Courts is divided and listed into the following courts or lists: the Admiralty Court, the Business List, the Commercial Court, the Circuit Commercial Courts, the Competition List, the Financial List, the Insolvency and Companies List, the Intellectual Property List, the Property, Trusts and Probate List, the Revenue List, and the Technology and Construction Court.

**1.4** The courts or lists of the Business and Property Courts include sub-lists, as follows:

# Appendix B: Practice Direction – Business and Property Courts

(1) The Pensions sub-list and Financial Services and Regulatory sub-list are sub-lists of the Business List;

(2) The Patents Court and the Intellectual Property Enterprise Court are sub-lists of the Intellectual Property List.

## 1.5

(1) The Business and Property Courts operate within and are subject to all statutory provisions and rules together with all procedural rules and practice directions applicable to the proceedings concerned.

(2) In particular, the following provisions of the CPR apply—

Part 49 (Companies Court)  
Part 57 (Probate, Inheritance and Presumption of Death)  
Part 58 (Commercial Court)  
Part 59 (Circuit Commercial Courts)  
Part 60 (Technology and Construction Court Claims)  
Part 61 (Admiralty Claims)  
Part 62 (Arbitration Claims)  
Part 63 (Intellectual Property Claims)  
Part 63A (Financial List)  
Part 64 (Estates, Trusts and Charities)  
Practice Direction – Insolvency Proceedings  
Practice Direction: Directors Disqualification Proceedings  
Practice Direction PD51O (Electronic Working)  
EU Competition Law Practice Direction

**1.6** This Practice Direction applies to cases in the Business and Property Courts or cases which are to be issued in those courts. In the event of inconsistency between this Practice Direction and any other Practice Direction the provisions of this Practice Direction shall prevail.

**1.7** Parties will also need to give careful consideration to the Chancery Guide, the Admiralty and Commercial Courts Guide, the Technology and Construction Court Guide, the Financial List Guide, the Circuit Commercial Court Guide, the Patents Court Guide, and the Intellectual Property Enterprise Court Guide (where applicable).

## Starting proceedings

**2.1** Starting proceedings in the Business and Property Courts is subject to CPR Parts 7 and 8.

## 2.2

(1) A claimant wishing to issue a claim in the Business and Property Courts chooses which court, list or sub-list from within the Business and Property Courts in which to issue its claim, based (subject to sub-paragraph (2)) on the principal subject matter of the dispute. (The courts, lists and sub-lists are set out in paragraphs 1.3 and 1.4.)

# Appendix B: Practice Direction

## – Business and Property Courts

(2) In cases where different aspects of the dispute indicate that the case be issued in different lists, sub-lists or courts, the claimant must consider whether there are aspects requiring the expertise of a specialist judge and choose the list, sub-list or court in which the relevant specialist judges sit.

### 2.3

(1) Before a claimant issues a claim in the Business and Property Courts, the claimant must determine the appropriate location in which to issue the claim.

(2) With the exception of claims started under Parts 58, 60, 61 and 62, claims which are intended to be issued in the Business and Property Courts and which have significant links to a particular circuit outside London or anywhere else in the South Eastern Circuit must be issued in the B&PCs District Registry located in the circuit in question. If a claim has significant links with more than one circuit, the claim should be issued in the location with which the claim has the most significant links.

(3) A link to a particular circuit is established where—

(a) one or more of the parties has its address or registered office in the circuit in question (with extra weight given to the address of any non-represented parties);

(b) at least one of the witnesses expected to give oral evidence at trial or other hearing is located in the circuit;

(c) the dispute occurred in a location within the circuit;

(d) the dispute concerns land, goods or other assets located in the circuit; or

(e) the parties' legal representatives are based in the circuit.

(4) A claim which raises significant questions of fact or law in common with another claim already proceeding before a B&PCs District Registry may be regarded as having significant links with the circuit in question.

### 2.4

(1) In a claim issued in London in the following courts, a hearing may, where appropriate, take place in a court in a circuit—

(a) the Commercial Court;

(b) the Admiralty Court;

(c) the Financial List;

(c) the Technology and Construction Court.

(2) A judge of the Commercial Court may, where appropriate and subject always to available judicial resources, be made available to hear a claim issued in a Circuit Commercial Court.

# Appendix B: Practice Direction

## – Business and Property Courts

2.5 While any appropriate claim may be issued in any of the B&PCs District Registries, the following are circumstances in which case management or trial may instead occur in the Business and Property Courts of England and Wales—

(1) Where a claim is issued in the Revenue List in one of the B&PCs District Registries, Her Majesty’s Revenue and Customs may nevertheless seek to have the proceedings case managed and/or tried in the Business and Property Courts of England and Wales, in accordance with CPR 30.3(2)(h) and Annex 1 of Practice Direction 66.

(2) A claim meeting the definition established in paragraph 1.1 of the EU Competition Law Practice Direction may be issued in an appropriate BPCs District Registry, but its case management and/or trial in the district registry in question will be dependent on an appropriate judge being made available in the district registry in question.

(3) A claim in the Intellectual Property List, which includes the Patents Court and the Intellectual Property Enterprise Court (“IPEC”) (and includes the IPEC small claims track to which rule 63.27 applies), may be issued in an appropriate BPCs District Registry. However the case management and/or trial of a claim in the Patents Court or the IPEC in the BPCs District Registry in question will be dependent on an appropriate judge being made available in the district registry in question.

## Transfers

### 3.1

(1) Subject to CPR 30.2, 30.5 and 59.3, the Business and Property Courts may, having regard to the criteria in 3.1(3), order proceedings in the Business and Property Courts of England and Wales or of a BPCs District Registry, or any part of such proceedings (such as a counterclaim or an application made in the proceedings), to be transferred—

(a) from the Business and Property Courts of England and Wales to the Business and Property Courts in a BPCs District Registry; or

(b) from the Business and Property Courts in a BPCs District Registry to the Business and Property Courts of England and Wales or to the Business and Property Courts in another BPCs District Registry.

(2) An application for an order under paragraph 1(b) must be made to the Business and Property Court from which the transfer is sought, and notified to the intended receiving Business and Property Court at the same time by the applicant, and must be consented to by the receiving Business and Property Court before any order for transfer is made.

(3) When considering whether to make an order under rule 30.2(4) (transfer between the Royal Courts of Justice and the district registries) when the proceedings are in the Business and Property Courts, the court must also have regard to—

(a) significant links between the claim and the circuit in question, considering the factors listed in paragraph 2.3(3) and (4) above;

(b) whether court resources, deployment constraints, or fairness require that the hearings (including the trial) be held in another court than the court into which it was issued;

# Appendix B: Practice Direction

## – Business and Property Courts

- (c) the wishes of the parties, which bear special weight in the decision but may not be determinative;
- (d) the international nature of the case, with the understanding that international cases may be more suitable for trial in centres with international transport links;
- (e) the availability of a judge specialising in the type of claim in question to sit in the court to which the claim is being transferred.

**3.2** In addition to the provisions set out in CPR 30.3, the Business and Property Courts must have regard, when considering whether to make an order for transfer from the Business and Property Courts to a county court hearing centre:

- (a) to the nature of the claim, in accordance with the guidance provided at paragraphs 4.1 to 4.4; and,
- (b) to the availability of a judge specialising in the corresponding type of claim to sit in an appropriate court in the circuit;

**3.3** When considering the availability of a judge under paragraph 3.1(e), the listing office of the court to which the claim is being transferred will be consulted before the order is made by the court.

### Specialist work in the County Court

**4.1** Subject to any enactment or rule relating to the jurisdiction of the County Court, the County Court at Central London, Birmingham, Bristol, Cardiff, Manchester, Newcastle, Leeds, Liverpool, and Preston are appropriate venues for any cases which are suitable to be heard in the County Court which fall within the definition in paragraph 4.2 as the specialist work of the type undertaken in the Business and Property Courts.

**4.2** The specialist work of the type undertaken in the Business and Property Courts includes all the work that falls under the jurisdiction of the courts and lists that make up the Business and Property Courts, except for—

- (a) Claims for possession of domestic property and rent and mesne profits, or in respect of domestic mortgages;
- (b) Claims for possession of commercial premises or disputes arising out of business tenancies that are routine in nature;
- (c) Claims falling under the Trusts of Land and Appointment of Trustees Act 1996, unless combined with other specialist claims;
- (d) Hearings of applications to set aside statutory demands, unopposed creditors' winding-up petitions or unopposed bankruptcy petitions;
- (e) Building claims, other than adjudication claims, of a value under £75,000;
- (f) Invoice and other straightforward business claims of a value under £75,000;
- (g) Boundary and easement disputes involving no conveyancing issues;
- (h) Claims to enforce a charging order;
- (i) Applications under the Access to Neighbouring Land Act 1992;
- (j) Proceedings under the Inheritance (Provision for Family and Dependents) Act 1975.

**4.3** Claims issued in the County Court which are issued in the County Court at the hearing centres defined in paragraph 4.1 and relate to the specialist work of the type undertaken in the

# Appendix B: Practice Direction

## – Business and Property Courts

Business and Property Courts will be marked “Business and Property work” by the court upon allocation if they have not already been marked in that way by the claimant, and will be managed and heard only by judges specialising in this work.

**4.4** Judges specialising in the County Court Business and Property work must spend a minimum of 20 percent of their time handling Business and Property work, either in the Business and Property Courts or in the County Court.

### **Appeals in BPCs District Registries**

**5.1** Specific appeal slots will be created in listing in the BPCs District Registries to accommodate blocks of applications for permission to appeal and appeals which are to be heard by a Group A judge (as defined in PD52A) in accordance with PD52A.

**5.2** So far as possible these slots will be concomitant with the slots identified for cases listed in BPCs District Registries requiring a Group A judge as defined in PD52A to hear them and transferred cases referred to in paragraph 3.

Updated: Thursday, 22 March 2018



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## The Business and Property Courts

by [Practical Law Dispute Resolution](#)

Practice notes | **Maintained** | England, Wales

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### Scope of this note

This note provides an introduction to the [Business and Property Courts](#) (B&PCs), which came into operation on 2 October 2017.

Points outlined in this note include:



- Constituent courts, lists and sub-lists of the B&PCs.
- Advantages of the B&PCs.
- Where to find the rules and guidance.
- Key procedural points to note, including:
  - the courts, lists and sub-lists;
  - issuing a claim;
  - determining the appropriate location or hearing centre;
  - transfers;
  - appeals; and
  - points to note for claims commenced before the B&PCs came into operation.
- The future.

## Constitution of the B&PCs

The Business and Property Courts is a new umbrella term for the specialist civil jurisdictions across England and Wales.

The B&PCs came into operation on 2 October 2017, in the following centres:

- Birmingham.
- Bristol.
- Cardiff.
- Leeds.
- London (the Rolls Building).
- Manchester.

The B&PCs launched in Liverpool on 9 February 2018 and in Newcastle on 1 March 2018.

The [Practice Direction making document in respect of the 92nd CPR Update](#) received ministerial sign off on 20 November 2017, and is stated to have come into effect the day after it was signed (see [Legal update, Practice direction making document for 92nd CPR Update published](#)). This introduced Practice Direction - Business and Property Courts (PD).

There are different ways of referring to the B&PCs, depending on whether reference is being made to all of the B&PCs, the B&PCs in London, those located in District Registries (other than Cardiff) or the B&PCs in Wales.

- **The Business and Property Courts (B&PCs):** These constitute the Chancery Division of the High Court, the Commercial Court, the Technology and Construction Court, the Circuit Commercial Court (previously known as the London Mercantile Court), and the Admiralty Court in the Royal Courts of Justice, Rolls Building, together with the Chancery Division of the High Court, the Technology and Construction Court and the Circuit Commercial Courts in the District Registries of the High Court in Birmingham, Bristol, Leeds, Liverpool, Manchester, Newcastle and Cardiff (see paragraph 1.1 of the PD).
- **The B&PCs of England and Wales:** These constitute the B&PCs located at the Royal Court of Justice, Rolls Building (see paragraph 1.2 of the PD).
- **The B&PCs in Wales:** The Advisory Note explains that the main centre for the B&PCs in Wales is Cardiff, but that judges of the courts will sit in other venues in Wales, where appropriate and applicable (see paragraph 1.2 of the PD).
- **The BPCs District Registries:** These constitute the B&PCs in the District Registries in Birmingham, Bristol,

Leeds, Liverpool, Manchester, Newcastle and Cardiff (see paragraph 1.2 of the PD).

- **A specific BPC District Registry:** When referring to a specific court, the correct format is: the B&PCs in Birmingham, or the B&PCs in Bristol, for example. When referring to Cardiff, though, it should be described as the B&PCs in Wales (see paragraph 1.2 of the PD).

## Advantages of the B&PCs

A press release announcing the plan to launch the B&PCs was issued in March 2017 ([Judiciary: Business and Property Courts: Media Release \(13 March 2017\)](#)). At that time, it was hoped that the B&PCs would come into operation in June 2017, but the launch was delayed due to the unexpected calling of the general election.

An explanatory statement published on 18 May 2017 (see [Legal update, Explanatory statement on the Business and Property Courts](#)) identified the following expected benefits of the B&PCs:

- **An intelligible name:** “Business and Property Courts” is intended to be a user-friendly understandable umbrella term for UK plc’s national and international dispute resolution jurisdictions. Legal services providers will be able to convey to international and domestic clients an all-encompassing picture of the courts’ offering. The B&PCs will continue to offer the best court-based dispute resolution service in the world, served by a top-class, independent specialist judiciary.
- **Regional B&PCs joined up with London:** The B&PCs are a single umbrella for business specialist courts across England and Wales. A “super-highway” between the B&PCs at the Rolls Building and those in the regions will ensure that international businesses and domestic enterprises are equally supported in the resolution of their disputes.
- **Flexible cross-deployment of judges:** The B&PCs facilitate the flexible cross-deployment of judges with suitable expertise and experience to sit in business and property cases across the courts.
- **Familiar procedures:** The B&PCs 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.

Similar messages were given by senior members of the judiciary at launch events in London and Leeds (see [Blog post, On the “super-highway” to more joined up and competitive courts across England and Wales](#)). Senior members of the judiciary reiterated the importance of the B&PCs, speaking at the official launch of the B&PCs in Bristol on 12 January 2018 (see [Legal update, Speeches by senior judiciary explain significance of Business and Property Courts at launch in Bristol](#)).

Emphasis has also been placed on the potential benefits for the regions, noting Briggs LJ’s statement (in the context of his Civil Courts Structure Review) that “no case should be too big for the regions” (see [Legal update, Briggs LJ’s Civil Courts Structure Review: Final Report and recommendations](#)). Assurances have been given of a financial commitment to have a critical mass of specialist judges in each of the regional centres, and judges have been, and are being, recruited. However, it is noteworthy that one of the key factors that will influence the appropriate location for a case to be issued (and subsequently managed and tried) will be the availability of a suitably qualified judge. The PD expressly recognises that there will not always be suitably qualified judges to case manage and try certain specialist claims issued in the BPCs District Registries (notably certain competition and intellectual property claims: see paragraphs 2.5(2) and (3) of the PD). However, whereas, previously, it was not envisaged that Financial List cases, for example, would ever be heard elsewhere than in London, there is now a procedure in place providing for consideration of whether a particular case warrants a hearing outside London.

## Relevant rules and guidance

### Specific B&PCs practice

There are two key sources of procedural guidance specifically on B&PCs practice:

- **Practice Direction – Business and Property Courts (PD).** Due to delays in securing ministerial sign off of the PD, it was initially circulated in draft (see [Legal update, Making document for 92nd CPR Update circulated in draft](#)). This was a pragmatic step to assist practitioners. The PD finally received ministerial sign off on 20 November 2017, and is stated to have come into force the day after it was signed. The final version of the PD is identical to the previously circulated draft, save for one correction of a minor typo in paragraph 5.1 (simply deleting the word “that” before “PD52A”). The PD has been added, in the general list of un-numbered practice directions on the Justice website, after Practice Direction – Solicitors negligence in right to buy cases.
- **The Business and Property Courts Advisory Note, by Sir Geoffrey Vos, Chancellor of the High Court, dated 13 October 2017** (see [Legal update, Business and Property Courts updated advisory note](#)).

The PD is the best starting point, whilst the Advisory Note fleshes out the detail.

The Advisory Note has already been updated to respond to queries raised by practitioners, and is headed up with the statement, “This note is likely to be updated on a regular basis”. This suggests that there will be a pragmatic approach, and that procedures will be tweaked, or clarified, to address any issues that come to light as the courts start to operate. This is encouraging, as the Advisory Note can be a more agile vehicle for communicating changes.

### Local practices

Practitioners are also advised to check any specific local requirements. For example:

- For cases in the B&PCs in Leeds, note the specific guidance note, [Orders in the specialist civil courts in Leeds](#) (see [Legal update, Guidance note on orders in the Business and Property Courts in Leeds](#)).
- On 12 January 2018, the judiciary published a [Directions Orders template](#), which is to be submitted before Costs and Case Management Conference (CCMC) hearings in the B&PCs in Birmingham. The heading options included in the template indicate which Chancery Lists it covers. For details, see [Legal update, Business and Property Courts in Birmingham: directions template for CCMC hearings in Chancery Lists](#).
- It is worth checking the [B&PCs pages](#) on the Judiciary website.

### CPR and relevant Court Guides apply

Paragraph 4 of the Advisory Note makes the point that, although the work of the specialist courts has been brought under one umbrella, the courts themselves will continue to operate as they did previously, applying the same practices and procedures under the CPR and retaining their own procedural approaches.

The B&PCs operate within, and are subject to, all statutory provisions, rules and practice directions applicable to the proceedings concerned: for example, CPR 58 in respect of the Commercial Court, CPR 59 in respect of the Circuit Commercial Courts (previously known as mercantile courts) and CPR 63A regarding Financial List cases (see paragraph 1.5 of the PD). Paragraph 2.1 of the PD notes that starting proceedings in the B&PCs is subject to CPR 7 and 8.

It is also essential to check the relevant court guide. Paragraph 1.7 of the PD highlights the need for parties to “give careful consideration to the Chancery Guide, the Admiralty and Commercial Courts Guide (now known as the Commercial Court Guide), the Technology and Construction Court Guide, the Financial List Guide, the Circuit Commercial Court Guide, and the Intellectual Property Enterprise Court Guide (where applicable)”. (See [Court guides](#).)

The Chancery Guide has already been partially updated to reflect the launch of the B&PCs.

### The court lists and sub-lists

The work of the B&PCs is divided into lists, some of which have sub-lists, as follows (see paragraphs 10 and 22 of the Advisory Note):

# Appendix C: Practice note, The Business and Property Courts, by Practical Law Dispute Resolution, part of Thomson Reuters

List/sub-lists (where applicable)	Claim number prefix for claims issued electronically
Admiralty Court (QBD)	AD
Business List (ChD):	
<ul style="list-style-type: none"> <li>• <i>Business</i></li> <li>• <i>Financial Services and Regulatory</i></li> <li>• <i>Pensions</i></li> </ul>	<ul style="list-style-type: none"> <li>• BL</li> <li>• FS</li> <li>• PE</li> </ul>
Commercial Court (QBD):	
<ul style="list-style-type: none"> <li>• <i>Commercial Court</i></li> <li>• <i>London Circuit Commercial Court</i></li> <li>• <i>Circuit Commercial Court (other than London)</i></li> </ul>	<ul style="list-style-type: none"> <li>• CL</li> <li>• LM</li> <li>• CC</li> </ul>
Competition List (ChD)	CP
Financial List (ChD/QBD)	FL
Insolvency and Companies List (ChD):	
<ul style="list-style-type: none"> <li>• <i>Insolvency List</i></li> <li>• <i>Companies Court</i></li> </ul>	<ul style="list-style-type: none"> <li>• BR</li> <li>• CR</li> </ul>
Intellectual Property List (ChD):	
<ul style="list-style-type: none"> <li>• <i>Intellectual Property</i></li> <li>• <i>Intellectual Property and Enterprise Court (IPEC)</i></li> <li>• <i>Patents Court</i></li> </ul>	<ul style="list-style-type: none"> <li>• IL</li> <li>• IP</li> <li>• HP</li> </ul>
Property, Trusts and Probate List (ChD)	PT
Revenue List (ChD)	RL
Technology and Construction Court (QBD)	HT

The Advisory Note (paragraph 10 and the second footnote to paragraph 22) both explain that, as far as the

Commercial Court is concerned, in London it is possible to issue in the Commercial Court or in the London Circuit Commercial Court (formerly the London Mercantile Court). Outside of London, there is only the option to issue in the Circuit Commercial Court. This reflects the fact that the Commercial Court is a statutory court, established, by statute, in London (and is the reason why the mercantile courts were originally introduced for cases outside London). We understand that, at least in part, the renaming of the mercantile courts as Circuit Commercial Courts is intended to highlight the close links between the Commercial Court and the Circuit Commercial Courts. The PD also provides for cases issued in the Commercial Court to be heard in District Registries, if resources allow.

## Issuing a claim

### Selecting the appropriate list

For claims issued electronically using CE-File (which will be the case for all claims issued in the Rolls Building Courts by professional users of the court), once B&PCs is selected, drop-down options detailing the associated lists and sub-lists will appear. The drop-down list in CE-File also includes “Appeals (ChD)”. This is not an actual list (and only applies to London). This option should be used when lodging an appeal from Chancery-type cases decided in the County Court (see paragraph 22 of the Advisory Note). Appeals can be heard outside London but cannot be lodged on CE-File in that list.

CE-File is not yet available in the District Registries so, for the time being, claims in the B&PCs outside of London should continue to be issued in the same way as previously (manually). It is hoped that CE-File will be extended to the regional B&PCs during 2018. It will be necessary to indicate on the claim form (or to tell listing staff) the appropriate court, list or sub-list, when issuing in the District Registries.

Paragraph 14 of the Advisory Note describes each of the constituent courts, and gives non-exhaustive examples of the types of cases that they deal with. This is designed to help users to identify the correct court, list or sub-list in which to issue.

Paragraph 2.2 of the PD provides guidance on selecting the appropriate list. The approach should be to:

- **Consider the “principal subject matter of the dispute”**(paragraph 2.2(1) of the PD). The Advisory Note expands on this explaining, for example, that a dispute about pensions should be assigned to the Business List and then the Pensions sub-list, even if it also involves professional negligence.
- Where several issues arise, consider whether there are aspects requiring the expertise of a specialist judge and, if so, select the appropriate list in which such judges sit (paragraph 2.2(2) of the PD).

All claims issued in London on or after 2 October 2017 will be given a claim number with a prefix that reflects the court, list or sub-list in which it has been issued. Case numbers for cases outside London will remain unchanged for the time being but will change once CE-File is introduced in those centres, which is expected to be during 2018 (*paragraph 23, Advisory Note*).

Cases that were issued electronically before 2 October 2017 will have been transferred, in CE-File, to the appropriate B&PCs list but will retain their original claim numbers.

For detailed guidance on e-filing, see [Practice note, Electronic working and the Courts Electronic Filing system](#).

### Determining the appropriate location or hearing centre

Before issuing, it is necessary to determine the appropriate location for the claim.

Paragraph 2.3 of the PD provides guidance.

The key is to consider whether the claim has “significant links” with any circuit.

Paragraph 2.3(3) of the PD explains that a link to a particular circuit will be established where:

- One or more of the parties has its address or registered office there. Interestingly, extra weight is placed on the address of any non-represented parties.
- At least one of the witnesses expected to give oral evidence at trial (or other hearing) is located there.
- The dispute occurred there.
- The dispute concerns land, goods or other assets located there.
- The parties' legal representatives are based there.

Paragraph 2.3(2) of the PD provides that (save for B&PCs claims issued under CPR 58 (Commercial Court), CPR 60 (Technology and Construction Court Claims), CPR 61 (Admiralty Claims) and CPR 62 (Arbitration Claims)), claims which have "significant links" to a circuit outside the South Eastern Circuit **must** be issued in the BPCs District Registry located in the circuit in question. This is to emphasise that issuing in London as an alternative is not an option unless the case has significant links to London as well.

The Advisory Note provides that, although a claimant must base a decision on "any information available" about links to a particular circuit, there is no obligation to make extra inquiries to determine whether there might be other links outside the claimant's current knowledge (see paragraph 12).

If the claim has significant links with more than one circuit, the claim "should" (interestingly, this is not mandated) be issued in the location with which the claim has the most significant links.

A claim which raises significant questions of fact or law in common with another claim that is already before a B&PCs District Registry may be regarded as having significant links with the circuit in question (paragraph 2.3(4) of the PD).

Paragraph 13 of the Advisory Note highlights the need for care to ensure that proceedings are brought in the correct court and hearing centre. It states that, if court users are uncertain about the availability of a specialist judge in a particular area, they should contact the relevant listing office. Importantly, it goes on to add that issuing a claim in the wrong court, list or sub-list (or in the wrong hearing centre) will not invalidate the issue of the claim. This provides some comfort, particularly if there are limitation issues in a case. Paragraph 13 also notes that, if there is such an "error", the court may correct it by making an order for transfer (under CPR 3.10(b)).

### Action headings

Paragraph 15 of the Advisory Note provides guidance on titling claims in the B&PCs. It sets out a number of examples for cases in London, in the District Registries (other than Cardiff), and in Wales, and in different lists, including the following:

A claim in London concerned with probate issues should be titled as follows:

IN THE HIGH COURT OF JUSTICE  
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES  
PROPERTY TRUSTS AND PROBATE LIST (ChD)

A claim in the Patents Court list in Birmingham should be titled as follows:

IN THE HIGH COURT OF JUSTICE  
BUSINESS AND PROPERTY COURTS IN BIRMINGHAM  
PATENTS COURT (ChD)

A claim in the Companies Court in London should be titled as follows:

IN THE HIGH COURT OF JUSTICE

BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES

COMPANIES COURT (ChD)

The Advisory Note states that, where a claim falls within a sub-list, it is sufficient simply to refer to the relevant sub-list (although parties can include the overarching list in the title if they prefer). We understand that concerns had been voiced regarding the title “Insolvency and Companies List, Companies Court” given that, often, cases in the Companies Court do not involve insolvent companies. For that reason, it was decided to allow a degree of flexibility. However, the recommended course of action is to include details of both the overarching list and sub-list, unless there is a good reason not to.

Paragraph 15 notes that, generally, only the name of the parties should appear below the title of the court in which the claim is issued, but there are a number of exceptions (and it gives examples, including proceedings relating to arbitration, administration of an estate or pension schemes). This does not change what was existing practice, but it is helpful to have a list of all of the “exceptions” in one place.

It is important to note that:

- The new headings should be used, throughout the B&PCs, for all new cases issued after 2 October 2017.
- The current position is that headings of orders made after 2 October 2017 may refer to the B&PCs and the list in which the case would have been if issued on or after 2 October, or they can continue to refer to the jurisdiction in which they were originally issued. However, the Advisory Note states that a date will “shortly” be identified after which the headings of all orders must be in the new B&PCs format.

Court forms are being updated to reflect the introduction of the B&PCs. Where revised versions are not yet available, court forms can be manually amended to reflect the new format (although we assume that the courts will adopt a pragmatic approach until the new forms have become available).

## Case management hearings and trial

The PD provides that hearings relating to claims issued in the B&PCs in the Commercial Court, Admiralty Court, Financial List or Technology and Construction Court may, “where appropriate”, take place in a circuit court (*paragraph 2.4(1)*). Unlike in relation to transfers, there is no guidance as to when this would be appropriate.

The reverse might also apply. Paragraph 2.5 of the PD sets out specified circumstances where case management or trial of a claim issued in a District Registry might take place in London. These relate to claims in the Revenue List, certain competition claims, and certain claims in the Intellectual Property List. For those competition and IP claims, where the case management and trial take place will depend on whether a judge with the appropriate expertise can be made available in the relevant District Registry, but every effort will be made to have the hearing in the District Registry. It is noteworthy that one of the current B&PCs Supervising Judges is an IP specialist, for example, and therefore available to sit on IP cases in the District Registries.

## Transfers

Paragraphs 3.1 to 3.3 of the PD provide for the transfer of proceedings (or parts of proceedings, such as counterclaims or applications):

- From the B&PCs of England and Wales (in London) to the BPCs District Registries.

# Appendix C: Practice note, The Business and Property Courts, by Practical Law Dispute Resolution, part of Thomson Reuters

- From a BPCs District Registry to the B&PCs of England and Wales (in London) or to a different BPCs Registry.

Parties wanting to transfer a case from a BPCs District Registry must apply to the District Registry from which the transfer is sought, and, at the same time, give notice to the intended “receiving” B&PC. This is so that the receiving B&PC can discuss the merits of the transfer with the original B&PC in which the case was issued.

It is important to note that, for B&PCs cases, the PD adds a gloss to CPR 30.2(4) (which sets out the rules on transferring cases between the Royal Courts of Justice and the District Registries).

In such cases, when considering whether to make an order for transfer, the court must have regard to the following factors:

- Significant links (by reference to paragraph 2.3(3) of the PD) between the claim and the circuit in question.
- Whether court resources, deployment constraints or fairness require that the hearings (including the trial) be held in a court other than where it was issued.
- The wishes of the parties. Interestingly, the PD notes that this will have “special weight” but “may not be determinative”.
- The international nature of the case, as international cases may be more suitable for trial in centres with international transport links.
- The availability of a judge with the necessary specialism in the court to which the claim is being transferred. The listing office in that court will be consulted before any order is made.

The Advisory Note suggests that it will be sensible practice for parties wanting to apply for a transfer to discuss it with the appropriate judge at the receiving court before applying for an order. Further, if they are uncertain about the availability of a suitably specialist judge, this should be discussed with the listing manager at the receiving court.

The PD also supplements the criteria in CPR 30.3 insofar as transfers from the B&PCs to County Court hearing centres are concerned, adding the requirement to consider the following points:

- The nature of the claim (by reference to the guidance regarding the specialist work in the County Court set out in paragraph 4.2 of the PD).
- The availability of a judge specialising in the relevant type of claim to sit in an appropriate court in the circuit.

The Advisory Note also sets out details of the guidelines which relate to transfers to a District Registry outside London, the County Court or another division of the High Court, noting that they are “still relevant and should also be followed” (see paragraph 30).

Some key points to note include:

- Only cases which may properly be regarded as suitable for management and trial in London will be retained there. All other claims will be transferred out.
- Claims with a value under £100,000 will generally be transferred to the County Court (*PD 29.2.2*). That does not mean that money claims over £100,000 will be retained. The value of a claim does not have greater weight than other criteria in CPR 30.3(2) but is likely to have “considerable influence” when deciding whether to transfer to the County Court or a specialist list.
- Where the value of a claim is unascertainable, consideration will be given to transferring Part 7 claims with a value below £500,000. However, the following factors might support retention of claims in the High Court:
  - complex facts, complex or non-routine legal issues, or complex relief;
  - parties based out of the jurisdiction;
  - public interest or importance;
  - large numbers of parties;
  - any related claim; and



- saving of costs/efficiency in the use of judicial resources.

Although PD 29.2.6 indicates that professional negligence claims, fraud and undue influence claims, and contentious probate claims, are suitable for trial in the High Court, it does not follow that they should necessarily remain in the High Court. For example, less complex or lower value claims such as this are suitable for trial in the County Court at Central London as B&PCs work.

In *Arif and others v Berkeley Burke SIPP Administration Ltd* [2017] EWHC 3108 (Comm) (7 December 2017, HHJ Jonathan Russen QC, the specialist Circuit Commercial/TCC Judge at the B&PCs in Bristol, considered the guidance on transfer of proceedings set out in the B&PCs Practice Direction and the B&PCs Advisory Note, alongside the criteria set out in CPR 30.3. His conclusion that the proceedings should remain in Bristol (subject to any contrary decision by the Commercial Court) is consistent with the ethos that no case should be too big for the regions. The judge commented that a core tenet of the B&PCs structure was to give due recognition to regional specialism and expertise. For more details, see [Legal update, Guidance on GLOs and on transfer of proceedings to London in light of B&PCs \(Bristol Circuit Commercial Court\)](#).

## Claims commenced before the B&PCs came into operation

Although mentioned in passing earlier in this note, it is worth highlighting the following points:

- All claims issued in London (using CE-File) on or after 2 October 2017 will be given a claim number with a prefix that reflects the court, list or sub-list in which it has been issued. Cases that were issued electronically before 2 October 2017 will have been transferred, in CE-File, to the appropriate B&PCs list but will retain their original claim numbers. Case numbers for cases outside London will remain unchanged for the time being but will change once CE-File is introduced in those centres, which is expected to be during 2018 (paragraph 23, Advisory Note).
- New format action headings should be used, throughout the B&PCs, for all new cases issued after 2 October 2017. Headings of orders made after 2 October 2017 may refer to the B&PCs and the list in which the case would have been if issued on or after 2 October, or they can continue to refer to the jurisdiction in which they were originally issued. However, it has been stated that a date will “shortly” be identified, after which the headings of all orders must be in the new B&PCs format.

## Specialist County Court business relating to the B&PCs

The PD includes special provisions in respect of the following County Court hearing centres:

- The County Court at Central London.
- Birmingham.
- Bristol.
- Cardiff.
- Manchester.
- Newcastle.
- Leeds.
- Liverpool.
- Preston.

Subject to any other enactment or rule, these are appropriate venues for cases suitable to be heard in the County Court which relate to specialist work of the type undertaken in the B&PCs. Paragraph 4.2 explains that this will include all work under the jurisdiction of the courts and lists making up the B&PCs, except for the matters detailed in sub-paragraphs (a) to (i). The exceptions include (but are not limited to) the following:

- Hearings of unopposed creditors' winding-up or bankruptcy petitions or applications to set aside statutory demands.
- Invoice or other straightforward business claims valued under £75,000.
- Claims to enforce charging orders.

Claims issued in the specified hearing centres, which relate to specialist work of the B&PCs, will be managed and heard only by judges specialising in such work.

## Appeals

The drop-down list in CE-File includes "Appeals (ChD)". This is not an actual list (and only applies to London). This option should be used when lodging an appeal from Chancery-type cases decided in the County Court (see paragraph 22 of the Advisory Note). Appeals can be heard outside London but cannot be lodged on CE-File in that list.

Paragraph 5.1 of the PD notes that specific appeal slots will be created in listing in the BPCs District Registries to accommodate blocks of applications for permissions to appeal and appeals to be heard by a Group A judge (in accordance with PD 52A).

## Procedural queries

If you have any queries regarding B&PCs procedures, do feel free to contact us using [Ask: Dispute Resolution](#), and we will do our best to assist.

Where there is no clear answer, we will take things up with Vannina Etori, Legal Adviser and Private Secretary to the Chancellor of the High Court, who has confirmed that she is willing to consider queries concerning any important points not already covered in the rules, the PD, or the Advisory Note.

We will keep this note updated to include answers on any queries raised through this route.

## The future

### Disclosure reform

It is worth noting that it now seems likely that the B&PCs will be the testing ground for radical changes to the current disclosure process in civil litigation.

A press release published on 2 November 2017 details proposals for a mandatory disclosure pilot scheme to run for two years in the Business and Property Courts with a view to achieving a wholesale cultural change in the disclosure process (see [Legal update, Consultation on proposals for a disclosure pilot scheme in the B&PCs, aimed at achieving "wholesale cultural change"](#)).

An informal consultation process on the proposals ran until 28 February 2018, with a number of discussion events taking place across the country. The proposed pilot scheme is expected to be submitted to the Civil Procedure Rule Committee (CPRC) for review and approval in April or May 2018. We understand that it is possible that the pilot might start operating during the last quarter of 2018 or the first quarter of 2019. We will monitor developments as they arise.

For more information on the proposed disclosure reforms, see [Tracker, Proposed disclosure pilot scheme for the](#)

## [Business and Property Courts.](#)

### **Proposed new CPR Part on the B&PCs**

[Papers from the 6 October 2017 CPRC meeting](#), which became publicly available on 7 November 2017, refer to the need for “further work” on the rules, and outline plans to add a new Part on the B&PCs in the CPR (along the lines of CPR 58 (Commercial Court)).

The supporting memo put to the CPRC explains that (like rules for other specialist courts such as the Commercial Court and TCC) the new Part would include an “enabling rule” along the following lines:

“These Rules and their practice directions apply to claims in the [specialist court or list] unless this Part or a practice direction provides otherwise.”

The new Part would link to the PD. The important point is that the addition of enabling wording would allow the PD to contain provisions different from the general rules in the CPR. The memo identifies a number of areas where this will be of particular benefit:

- **Transfers between B&PCs:** It was originally intended that decisions on the transfer of cases between different B&PCs should be made by the “receiving court” but, as that was contrary to CPR 30.2(6), it was not possible to make that provision in the PD. An enabling rule for the B&PCs will allow this approach.
- **Electronic working:** The Electronic Working PD is currently a pilot (PD 510). It contradicts a number of provisions in the rules, but that works because it is in the context of a pilot scheme. The pilot ends in November 2017, so “a single comprehensive provision” in respect of electronic filing using CE-File is required. Although CE-File is currently only in the B&PCs of England and Wales (the Rolls Building courts), it is hoped to extend it to all of the B&PCs “very soon”. The new Part and enabling rule could be used for this.
- **Other provisions:** A number of other initiatives that specifically relate to the B&PCs (for example, any permanent scheme that is introduced based on the Shorter and Flexible Trials Pilot Schemes (once the pilots end in October 2018), and the proposed disclosure pilot scheme) could also be implemented through the new Part on the B&PCs.

The minutes of the 6 November meeting record that the CPRC is supportive of the proposal, and work has started on drafting the new Part. This is a space to watch, and we will report on further developments

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END OF DOCUMENT

## Resource History

**Arif and others v Berkeley Burke SIPP Administration Ltd [2017] EWHC 3108 (Comm) (7 December 2017.**  
**Note updated to refer to *Arif and others v Berkeley Burke SIPP Administration Ltd [2017] EWHC 3108 (Comm)* (7 December 2017.**

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**B&PCs in Birmingham: Directions Order template.**  
**Updated to refer to publication of a Directions Orders template for the B&PCs in Birmingham.**

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**Launch of the B&PCs in Liverpool and Newcastle.**  
**Updated to refer to the launch dates for the B&PCs in Liverpool and Newcastle.**

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Updated to refer to guidance on titling of claims.

Updated to refer to some guidance on the titling of claims: specifically whether it is preferable to include the name of both the overarching list and sub-list although the Advisory Note provides for some flexibility on this point.

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Final sign off of the Practice Direction for the Business and Property Courts.

This Practice Note has been amended to reflect the fact that the Practice Direction for the Business and Property Courts received ministerial sign off on 20 November 2017.

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## Related Content

### Topics

- [Case Management](#)
- [Construction Litigation](#)
- [Starting a Claim](#)
- [Court Proceedings - Pensions](#)

### Practice Note: Overview

- [Technology and Construction Court \(TCC\)](#) • Maintained

### Glossary

- [Business and Property Courts](#) • Maintained

### Legal update: archive

- [Business and Property Courts updated advisory note](#) • Published on 18-Oct-2017
- [Guidance note on orders in the Business and Property Courts in Leeds](#) • Published on 01-Nov-2017
- [Explanatory statement on the Business and Property Courts](#) • Published on 26-May-2017
- [Briggs LJ's Civil Courts Structure Review: Final Report and recommendations](#) • Published on 27-Jul-2016
- [Consultation on proposals for a disclosure pilot scheme in the B&PCs, aimed at achieving "wholesale cultural change"](#) • Published on 02-Nov-2017

