

**ANNEX A**

**COUNTY COURT AT CENTRAL LONDON**

**DIRECTIONS TEMPLATE FOR USE IN BUSINESS & PROPERTY WORK**

**Warning: you must comply with the terms imposed upon you by this order otherwise your case is liable to be struck out or some other sanction imposed. If you cannot comply you are expected to make formal application to the court before any deadline imposed upon you expires.**

**Before** \_\_\_\_\_ **on** \_\_\_\_\_

UPON HEARING ....

AND UPON ....

IT IS ORDERED that:

**Important: Mediation Scheme**

1. *The parties are strongly encouraged to use mediation or other alternative dispute resolution to resolve this dispute. It can achieve an earlier and less costly resolution than a trial. The County Court at Central London has an independent mediation service administered by CEDR available to all parties to help them resolve disputes. Each mediation takes place in the court buildings after court hours, is confidential, without prejudice and is conducted by an accredited mediator. The total cost to the parties is £900 plus VAT, usually shared equally. A party in receipt of legal aid may recover his/her share of the cost as a permitted disbursement. Further details of the mediation service and an application form are available at <https://www.cedr.com/solve/clcc/>. Parties will be expected to provide an explanation if mediation or other ADR is not attempted. Costs consequences may follow.*

**Allocation and assignment**

2. The claim [is allocated to the multi-track and] will proceed as Business and Property work in the Business and Property List [with a new claim number]
3. The claim is assigned to HHJ/DJ [ ] for case management and trial.

**Statements of case**

4. [Insert any directions for further or amended statements of case].

**Disclosure**

5. Disclosure of documents is directed as follows:
  - (1) By 4pm on [ ] the parties must each give standard disclosure of documents by way of list by category.
  - (2) By 4pm on [ ] any request for inspection or copies of documents must be made. Any such request, unless objected to, must be complied within 14 days thereafter.

## **Witness Statements**

6. By 4pm on [ ] the parties must serve on each other signed witness statements from all witnesses (including themselves) on whom they intend to rely and serve any notices relating to evidence. Oral evidence of fact is limited to [:] witnesses per party. Oral evidence will not be permitted at trial from a witness whose statement has not been served in accordance with this order or has been served late, except with permission from the Court.
7. The witness statements must comply with CPR PD 57AC as though the trial were one in the Business and Property Courts (the exemptions in paragraph 1.3 of PD 57AC apply unless there is a specific direction in these proceedings to the contrary).
8. If a witness is to give evidence at trial in a language other than English, the witness statement must be in that other language and must be served together with an English translation and a witness statement from the translator verifying the translation.

## **Expert Evidence**

9. No expert evidence is necessary

*Or*

Expert evidence is directed as follows:

### *Single joint expert*

The parties have permission to rely on the written evidence of a jointly instructed expert [:] on the issue(s) of [:]

- (1) By [:] the expert should be agreed and instructed, and if no expert has been instructed by that date the Claimant must apply to court by 4pm the following day for further directions;
- (2) By [:] the expert will report to the instructing parties;
- (3) By [:] the parties may put written questions to the expert;
- (4) By [:] the expert will reply to the questions;
- (5) A copy of this order must be served on the expert by the Claimant with the expert's instructions;
- (6) The expert may apply direct to the court for directions where necessary under CPR 35.14;
- (7) A party seeking to call the expert to give oral evidence at trial must apply for permission to do so before pre-trial check lists are filed;
- (8) Unless the parties agree in writing or the Court orders otherwise, the fees and expenses of the expert shall be paid by the parties giving instructions for the report equally;

### *Separate experts*

The parties have permission to rely at trial on oral evidence from the following experts on the following issues:

[:]

- (1) By [:] the experts will hold a discussion for the purposes of identifying the detailed issues and reaching an agreed opinion on them if possible;

- (2) By [:] the experts will prepare for the court and sign a statement of the issues on which they agree and on which they disagree with a summary of their reasons;
- (3) By [:] the parties must serve on each other reports of the experts addressing the issues on which they disagree;
- (4) The experts may apply direct to the court for directions where necessary under CPR 35.14.

### **Schedules of Loss**

10. By 4pm on [:] the Claimant must send an up to date Schedule of Loss to every other party.
11. By 4pm on [:] such other party, in the event of a challenge, must send an up to date Counter Schedule of Loss to the Claimant.

### **View**

12. The parties must cooperate in making arrangements for a site view during the trial

### **Pre-Trial Directions**

13. The Parties shall file Pre-Trial Checklists by [*8 weeks before trial window*].
14. There will be a pre-trial review [4] weeks before the date fixed for trial, with a time estimate of [45] minutes. At least 3 days before the pre-trial review the Claimant must file using [centrallondoncjskel@justice.gov.uk](mailto:centrallondoncjskel@justice.gov.uk) / [centrallondoncjskel@justice.gov.uk](mailto:centrallondoncjskel@justice.gov.uk) and send to the other party or parties preferably agreed:
  - (1) a case summary (500 words max.);
  - (2) a list of issues;
  - (3) draft directions (if any);
  - (4) a trial timetable
15. Where all parties are represented they may vacate the pre-trial review by filing at least 3 days before the hearing a joint certificate from their solicitors confirming that (1) all directions have been complied with and (2) the case is ready for trial. The certificate must be accompanied by an agreed trial timetable.

### **Trial listing**

16. The case shall be listed for trial before [ ] in a 3-month trial window commencing on [ ] with a time estimate of [:] days. [The parties are not to attend until [:] on the first day]. [The last [:] day(s) to be for preparation and delivery of judgment.]
17. There will be a telephone listing appointment on the first available date after 3 weeks in order to list the pre-trial review and the trial:
  - (1) The listing appointment will be conducted as a telephone conference pursuant to PD 26.3; relevant information will be sent out with the notice of the date of the listing appointment;
  - (2) Each party must have dates to avoid for parties, witnesses and advocates;
  - (3) The parties are encouraged to agree a list of such dates, in which case one party may phone (without setting up a formal telephone conference) on behalf of all, provided that party certifies that all others have agreed. On

receipt of the required information the Court will arrange the date over the phone at the time of the call;

- (4) If the telephone appointment is not set up and the required information is not received by the time stated, the court will proceed to list. In either case a formal notice of hearing will also be sent by post or DX. Thereafter, the hearing date will not be altered except on application on notice to a Circuit Judge;
- (5) No telephone call after the appointment date and time will be considered or otherwise dealt with unless directed by the Court.

18. The parties must inform the Court immediately if the case settles.

**Preparation for trial**

- 19. Not more than 7 nor less than 3 days before the trial, the Claimant must file at Court and serve on the other parties an indexed and paginated bundle of documents for trial which complies with the requirements of CPR Practice Direction 32, para.27.
- 20. The parties are to exchange skeleton arguments and send copies to the Court by email to [centrallondoncjskel@justice.gov.uk](mailto:centrallondoncjskel@justice.gov.uk) / [centrallondondjskel@justice.gov.uk](mailto:centrallondondjskel@justice.gov.uk) at least 3 days before the trial together with an updated list of issues and a chronology (both agreed if possible).

**Costs management**

21. The parties' costs to be incurred shall be managed in accordance with their budgets agreed or approved as set out below:

<u>Phase</u>	<u>Claimant</u>	<u>Defendant</u>

22. The parties are to file and serve a revised Precedent H (front sheet only) within 7 days.

**Costs**

23. The costs of today are costs in the case.