



JUDICIARY OF
ENGLAND AND WALES

Annual Report of the Technology and Construction Court 2020-2021

Annual Report of
the Technology and
Construction Court
2020-2021



© Crown copyright 2022

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/> or email PSI@nationalarchives.gsi.gov.uk

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.judiciary.uk

Any enquiries regarding this publication should be sent to us at website.enquiries@judiciary.uk

Published by Judicial Office
11th floor Thomas More Building
Royal Courts of Justice
Strand
London
WC2A 2LL

www.judiciary.uk

Contents

1. Introduction	5
2. Global Pandemic: Recovery	6
3. The Organisation of the TCC	7
4. The London TCC	8
4.1 Judiciary	8
4.2 Judicial Deployment	8
4.3 Case Management	9
4.4 Administrative matters and CE-file	10
4.5 Marshalling Scheme	10
4.6 Overseas Work	10
4.7 Claims	11
4.8 Trials	12
4.9 Shorter and Flexible Trials	13
4.10 Hearings other than trials	14
4.11 Disclosure Pilot	15
4.12 Applications	15
5. Central London Civil Justice Centre	16
6. TCC Centres outside London as part of the Business and Property Courts	17
6.1 Birmingham	17
6.2 Bristol	19
6.3 Cardiff	20
6.4 Leeds	21
6.5 Liverpool	22
6.6 Manchester	23
6.7 Newcastle	24
7. Overall Division of Cases	25

8. The TCC during the year	26
8.1 Appointments	26
8.2 Queen’s Counsel	26
8.3 The TCC Guide	27
8.4 TCC Judges’ Conferences	27
8.5 Alternative Dispute Resolution	27
8.6 TCC User Committees	28
8.7 TCC Liaison Judges	28
8.8 Judicial Assistants	28

9. APPENDIX 1 – The TCC as at 1 October 2021	29
9.1 London TCC	29
9.2 Birmingham	29
9.3 Bristol	29
9.4 Cardiff and Mold	29
9.5 Central London	30
9.6 Leeds	30
9.7 Liverpool	30
9.8 Manchester	30
9.9 Newcastle	30
9.10 Deputy High Court Judges/ Recorders	31
9.11 Retired High Court Judges	31
9.12 TCC Liaison District Judges	31

10. APPENDIX 2 – The Staff of the London TCC as at 1 October 2021	32
--	-----------

1. Introduction

This report covers the work of the Technology and Construction Court (“TCC”) in England and Wales for the period from 1 October 2020 to 30 September 2021.

The TCC is a specialist court within the Queen’s Bench Division, and is also part of the Business and Property Court which sits in the Rolls Building. The TCC deals primarily with litigation of disputes arising in the field of technology and construction, and also procurement claims. The former includes traditional building cases, adjudication enforcement, engineering and technology disputes, claims for professional negligence, claims by or against local authorities concerning the development of land, dilapidations claims, nuisance claims, fire claims, IT disputes (relating to both hardware and software) and challenges to arbitrators’ decisions in respect of any of the above matters.

Procurement challenges are usually brought in relation to the letting of public contracts governed by the Public Contracts Regulations 2015, although other sectors have their own similar regulations. These require fairness, transparency and equality of treatment. Some also involve judicial review proceedings that are started in respect of decisions, and are issued in the Administrative Court. These cases are usually tried by a Judge of the TCC who is also a Nominated Judge of the Administrative Court.

In recent years the court has seen an increasing number of disputes which require technical input or which it is appropriate for the court to deal with because of familiarity with the subject matter, including complex computer and IT infrastructure disputes and renewable energy disputes. Following the Grenfell Tower fire, there has been a steady increase in cases concerning flammable cladding and other materials, together with more general fire protection issues.

Despite this, the court maintains an impressive through-put of cases and most cases that go to fully contested trials are resolved in less than about 12-18 months from issue to final judgment, although obviously this varies. Expedited trials can be accommodated, where justified, within as little as a few weeks. Adjudication business continues to be dealt with speedily and to a highly abridged timetable.

2. Global Pandemic: Recovery

In 2020 and 2021, against the background of changing lockdowns and restrictions in response to COVID, the courts, along with other industries, were required to adjust to a combination of in person, remote and hybrid working, assisted by communication platforms such as MS Teams, CVP (Cloud Video Platform) and Zoom. This flexibility of operation facilitated continuation of work in the TCC, including trials and other hearings as listed, to ensure recovery as the courts emerged from the pandemic. Following consultation with court users, in September 2021 a BPC protocol for remote and hybrid hearings was introduced, providing for continuation of this more flexible approach to hearings.

3. The Organisation of the TCC

TCC cases are managed and heard by specialist judges in London and at centres throughout England and Wales.

In London the cases are dealt with exclusively by High Court Judges, or other judges and specialist Queen's Counsel approved to sit as either Deputy High Judges or Recorders in the TCC.

In the regional centres outside London, cases are heard by Circuit Judges designated to hear TCC cases.

The main High Court Centre of the TCC is located at the Rolls Building in Fetter Lane near the Royal Courts of Justice and deals with all High Court TCC claims which are commenced in or transferred to London. The claims include those which arise anywhere in England and Wales as well those arising in jurisdictions overseas.

There are TCC Centres outside London at courts or civil justice centres as part of the Business and Property Courts in Birmingham, Bristol, Cardiff, Leeds, Liverpool, Manchester, and Newcastle. There are other court centres which also have authorised judges to sit on TCC business. However, this is done on an as-needed basis and it is the TCC Centres as part of the Business and Property Courts that deal with the vast majority of the specialist work.

In London there is also the specialist TCC List in the Central London County Court, which is based in the Thomas More Building at the Royal Courts of Justice on the Strand. This deals with all London county court TCC cases, including adjudication enforcement in appropriate cases. County court claims can also be issued at the regional TCC Centres.

The High Court judge in charge of the TCC ("the Judge in Charge"), although based principally in London, has overall responsibility for the judicial supervision of TCC business in all courts. Mrs Justice O'Farrell DBE has been the Judge in Charge since her appointment to this role in March 2020.

4. The London TCC

4.1 Judiciary

The main High Court centre (“the London TCC”) operates from the Rolls Building.

The following High Court Judges sat regularly on TCC business during the period covered by this report (in order of seniority):

- Mr Justice Fraser
- Mr Justice Kerr
- Mrs Justice Jefford
- Mrs Justice O’Farrell - appointed Judge in Charge from March 2020
- Mr Justice Waksman
- Mr Justice Pepperall
- Mrs Justice Joanna Smith

From October 2021, Mr Justice Eyre has been sitting frequently on TCC business.

In addition, the TCC is able to call upon a number of deputy High Court judges who are authorised under s.9(4) of the Senior Courts Act 1981 (formerly the Supreme Court Act 1981) as well as Recorders who are authorised to carry out work as TCC judges under s.68(1)(a) of the Senior Courts Act 1981.

The availability of flexible listing arrangements is a necessity given the substantial workload, including applications arising from adjudications and arbitrations and Part 8 proceedings which must be dealt with urgently.

The case management powers exercised by the judges themselves are successfully deployed to ensure resolution of cases within as short a time as is fair and reasonably practicable.

4.2 Judicial Deployment

The need for judicial resources elsewhere means the London TCC judges spend some of their time in other courts.

Mrs Justice O’Farrell sat full time in the TCC for the majority of her time whilst Judge in Charge.

When commitments allowed, she also undertook general work as a Queen’s Bench Judge in London, including sitting in the Court of Appeal Criminal Division.

During the period covered by this report Mrs Justice Jefford was a Presiding Judge on the Wales Circuit and Mr Justice Pepperall was a Presiding Judge on the Midlands Circuit.

Additionally, the other London TCC judges sat in the Queen's Bench Division, the Administrative Court, the Court of Appeal Criminal Division, the Commercial Court, the Crown Court, the Upper Tribunal (Immigration and Asylum) and/or were sitting on circuit. These arrangements occur both by advance planning, part of the deployment of High Court Judges by the President of the Queen's Bench Division and also if judges become free when cases settle at a late stage.

4.3 Case Management

The comparative figures for number of claims issued and number of trials show that the majority of TCC cases settle at some point between commencement and the date fixed for trial. Strong case management by TCC judges is one of the reasons for this.

An important feature of case management in the TCC is that at the first case management conference the date for the trial is fixed, usually at the earliest available date in the court diary for the required length.

This will usually have a significant impact on the timetable for all steps of the proceedings up to trial. Occasionally the parties ask the court to fix the trial for a later date owing to the complexity of the case and the nature and extent of the steps to be taken by way of pre-trial preparation. The court will usually accede to this request unless it considers it inappropriate to do so.

The case management bundle provided to the court for the case management conference includes the documents produced by parties in complying with the pre-action protocol. This allows the court to review whether there should be an opportunity, by way of stay or timetabling, for the parties to reach a settlement either by negotiation or ADR. Whether or not a stay is granted for this purpose will usually depend on the amount of time available; the court is reluctant to put back a trial date to accommodate a stay for ADR.

Equally where the dispute between the parties cannot be settled, the case management conference allows the court to consider how a determination of that dispute can be dealt with in the most appropriate way, taking into account the overriding objective of the Civil Procedure Rules.

For those cases covered by the Cost Management provisions in the CPR, costs budgeting and any Costs Management Orders are made at the first CMC too.

4.4 Administrative matters and CE-file

The London TCC is served by experienced court staff, some of whom have been with us for many years. A list of the current court staff at the London TCC and their functions are set out at the end of this report at Appendix 2. The court staff deal with numerous communications.

A small amount of correspondence is still received by email and/or handed into the Registry. In those instances, and where appropriate, these were returned to the sender to correctly file through the CE-File portal. The CE-File system has enabled better use of electronic working at the TCC. CE-filing is now available in all the Business and Property Courts across the regions.

It is mandatory for court users to file all required documents through the CE-File, which is accessible outside of business hours, saving time, costs and resource for all.

All users, including judges, staff, professional court users and the public can view these case records, file documents and monitor cases. Unless a party to the case, the viewing will be restricted to public documents only.

Court applications/draft orders to be considered by judges are assigned as 'alerts' through this system. Once approved by the judge, these are saved on the CE-File system and orders emailed to parties by the judges' clerks. As these form event records, a copy of all orders can be later retrieved, as required.

4.5 Marshalling Scheme

The TCC has an arrangement with the TCC Solicitors Association (TeCSA) and TECBAR for London TCC judges to take trainee or newly qualified solicitors, pupil barristers and barristers new to practice who are planning to practise in the field to act as marshals for a one-week period. The intention is that marshals read the papers, sit in court next to the judge and discuss the case with the judge out of court. The scheme was paused in 2020 due to the COVID-19 pandemic but was resumed in 2021. Although COVID-19 issues prevented many of the marshals from participating, during the period of this report there were 2 marshals.

4.6 Overseas Work

The TCC, in common with the Commercial Court, encourages overseas clients to bring their disputes to the TCC for resolution and a significant number of cases now have one or more overseas parties or relate to a project overseas.

The TCC judges have the necessary expertise and experience to deal with international work, having practised internationally before coming to the bench. It is understood that a number of overseas contracts now have jurisdiction clauses which expressly refer disputes to the TCC in the High Court in London. This is to be welcomed and reflects the respect in which the practice, procedure and judicial experience of the TCC is held internationally.

COVID-19 has curtailed the court's ability to arrange for foreign lawyers or judges to sit with a TCC judge in the Rolls Building during the period of this report but that has not stopped the conversations continuing and a number of virtual meetings and discussions have taken place with judges from other jurisdictions

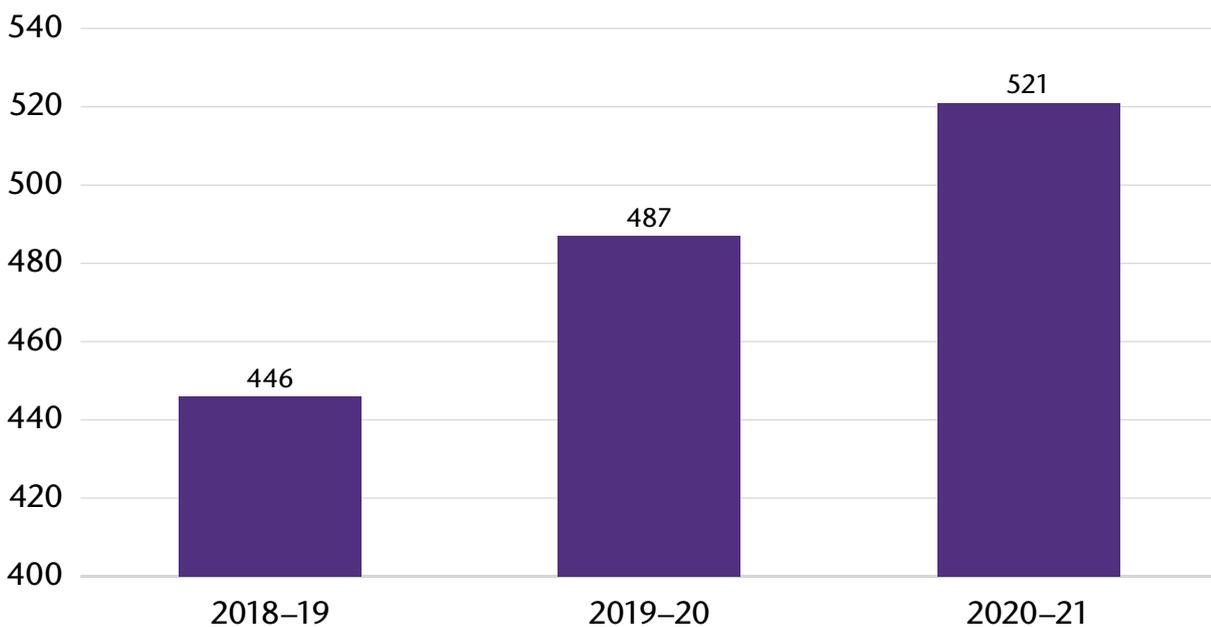
4.7 Claims

During October 2020 to September 2021 there were 521 new claims brought to the London TCC.

This represents an increase of 7% from the previous year, when 487 new claims were registered.¹

The graph below shows the number of new claims brought to the London TCC from October 2018 to September 2021, as further comparison:

Number of Claims



In The London TCC transfers adjudication enforcement claims of lower financial value to the Central London County Court, provided that a suitable early hearing date can be offered, the claim value is under £1 million (often significantly lower in value) and the complexity of the case would be suitable for determination by a Deputy High Court Judge. This has been successful in advancing the hearing dates that would otherwise be available for enforcement and allows for more efficient deployment of the resources of the London TCC High Court Judges.

¹ TCC Report 2019-2020 states 482 new claims this was in fact 487 new claims

Between October 2020 and September 2021, a total of 74 adjudication claims were transferred to Central London, an increase from 48 adjudication claims transferred the previous year.

It remains open to the parties to request the London TCC to retain a case where greater expedition is necessary, a novel point of law is raised, there are concurrent Part 8 proceedings, or any other particular circumstances that requires a High Court Judge to determine the case.

4.8 Trials

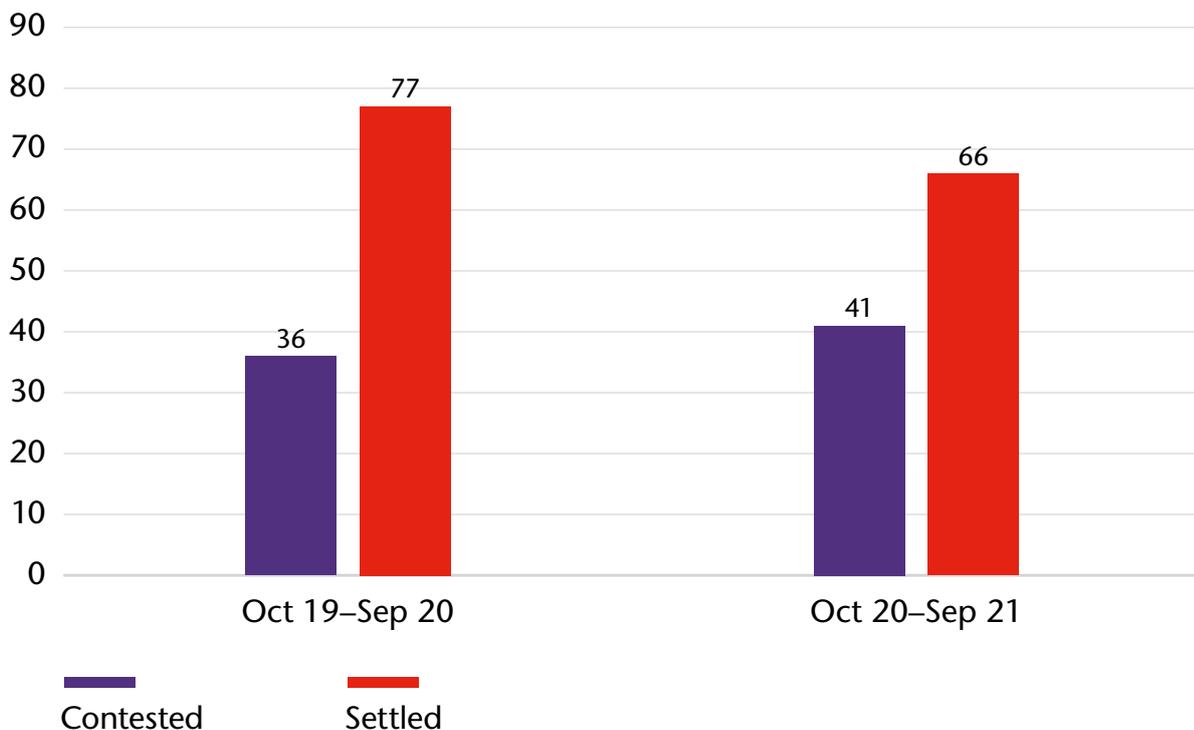
A continuing feature for the TCC is that a substantial number of cases are settled shortly, or sometimes very shortly, before trial.

During the year there were 107 trials listed at TCC during the year, of which 41 were eventually contested.

Thus, 62% of cases started were settled before judgment. This settlement figure compares to 68% during 2020/2021, a slight decrease that is not considered to be significant.

The following graph illustrates the number of contested trials heard at the London TCC from October 2019 to September 2021 and those that settled during the same period.

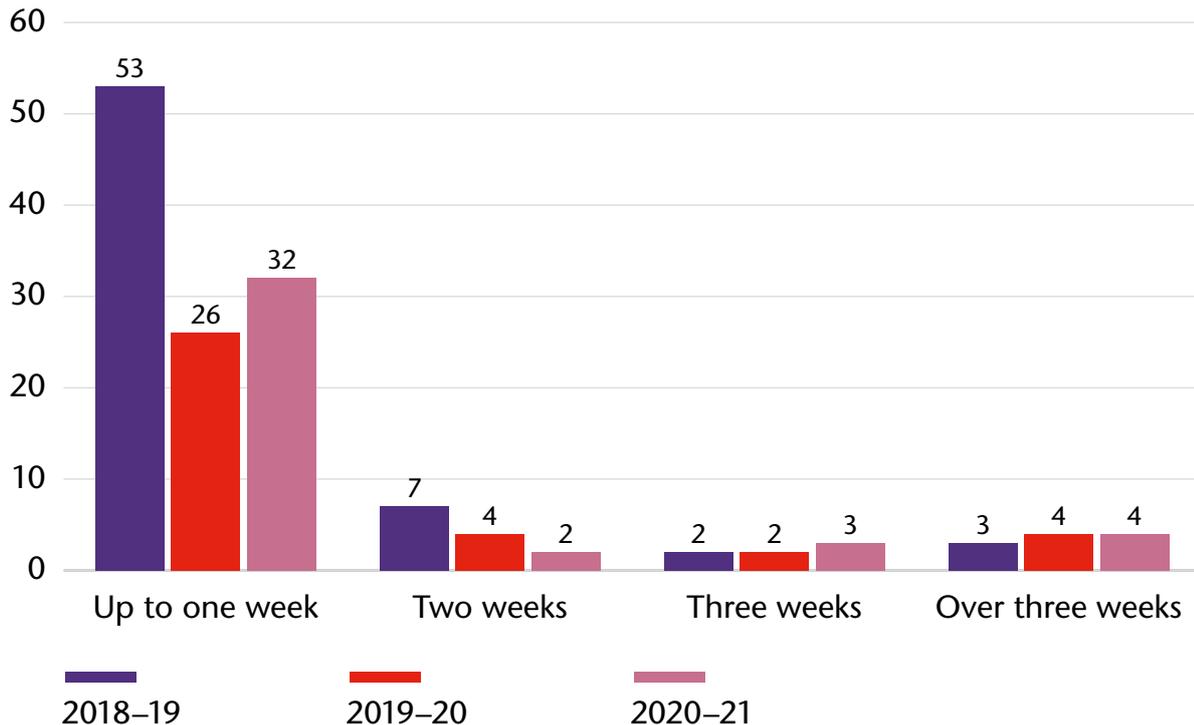
Contested and Settled Trials



For the London TCC the average length of trial in the period covered by this report has been five days (excluding reading time). This shows a decrease in comparison to the previous years where the average length of trial was eight days.

Below is a breakdown of the duration of trials at London TCC from 2018-2019 to 2020-2021:

Length of Trials



This shows that there is a trend towards shorter trials.

4.9 Shorter and Flexible Trials

The aim of the Shorter Trial procedure is to reach trial within approximately ten months of the issue of proceedings, and judgment within six weeks thereafter. The procedure is intended for cases which can be fairly tried on the basis of limited disclosure and oral evidence. The maximum length of trial is four days, including reading time.

The Flexible Trial procedure involves the adoption of more flexible case management procedures where the parties so agree, resulting in a more simplified and expedited procedure than the full trial procedure currently provided for under the CPR.

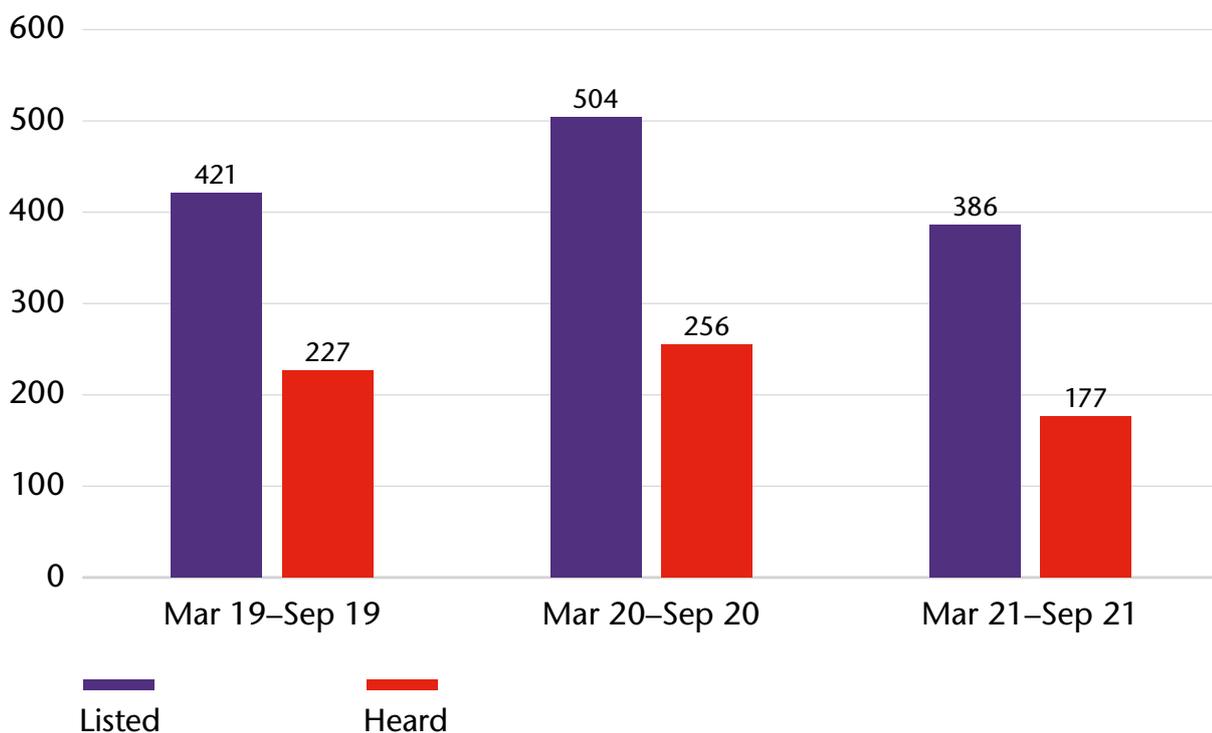
The procedural rules for these schemes in the Business and Property Courts are set out in Practice Direction 57AB.

4.10 Hearings other than trials

The statistics collected for this report highlights there continue to be a significant number of settlements, with a reduction in the total number of hearings listed and effective, during the period March 2021-September 2021 when compared with the same period for 2020.

Below is a breakdown comparing the number of hearings listed and heard between March 2021 and September 2021 with the same period in the previous years.²

Lockdown period comparisons



Despite the challenges of remote and hybrid working, there were considerably more hearings listed this year, the graph indicates that the lockdown period did not have an adverse impact on the TCC’s ability to deal with them.

Between March- September 2019, 54% of the cases listed were heard. Similarly, between March-September 2020, 51% of the cases listed were eventually heard, a slight increase in the total number of effective hearings.

² This includes all types of hearings except trials and judgments

4.11 Disclosure Pilot

A mandatory Disclosure Pilot Scheme commenced in the Business and Property Courts on 1 January 2019, initially for a two-year period, now extended to the end of 2022, as set out in Revised Practice Direction 51U.

The disclosure pilot scheme was introduced to address the perceived excess cost, scale and complexity of the disclosure process. There is now an emphasis on co-operation between the parties, intended to focus attention on the issues that necessitate disclosure, thereby restricting the quantity of documents disclosed and reducing costs. There is also a significant shift towards documents being disclosed in electronic form.

Information and feedback is still being gathered to review the success of the pilot. Difficulties have been identified, in particular, increased procedural complexity and associated front-loading of costs. It is anticipated that revisions to simplify the procedure will address these issues. The experience of the Judges of the TCC is that many of the early difficulties have been resolved, the scheme is working well and has been welcomed by the parties to litigation.

4.12 Applications

During 2020-2021, 343 applications were dealt with at an oral hearing, including case management conferences, pre-trial reviews and specific applications. This compares to 426 the previous year, reflecting a 19.5% decrease.

Hearings varied in length; some were less than half a day and others took more than one day. In rare cases, applications lasted up to four days.

Often preparation time by the court in advance of the hearing exceeds the hearing time itself but this preparation enables applications to be dealt with more rapidly and effectively.

Increasingly, written applications and correspondence are received and processed through the CE-file portal system.

Where an order is approved by a Judge, these are sealed on the CE-file system and emailed to parties.

The TCC encourages the use of electronic applications, as this saves time and costs, provided issues can properly be dealt with in the absence of oral argument, without prejudice to the parties.

The total number of orders sealed on the CE-file during the year was 1,856, which incorporates those approved following oral hearings and those processed as 'alerts'/paper applications.

This compares to 1,812 the previous year. The increase of 2.4% reflects both the increase in workload and effectiveness of the CE-File system.

5. Central London Civil Justice Centre

The Central London Civil Justice Centre deals with all county court TCC claims which are brought in London.

His Honour Judge Parfitt was the principal TCC judge at Central London for the period covered by this report.

His Honour Judge Johns QC also assisted and undertook some TCC work.

During the period October 2020 to September 2021 there were 165 TCC claims. Of those claims, 81 TCC cases were issued in the Central London County Court and 84 cases were transferred in from the High Court, 74 cases of which were adjudication enforcement proceedings.

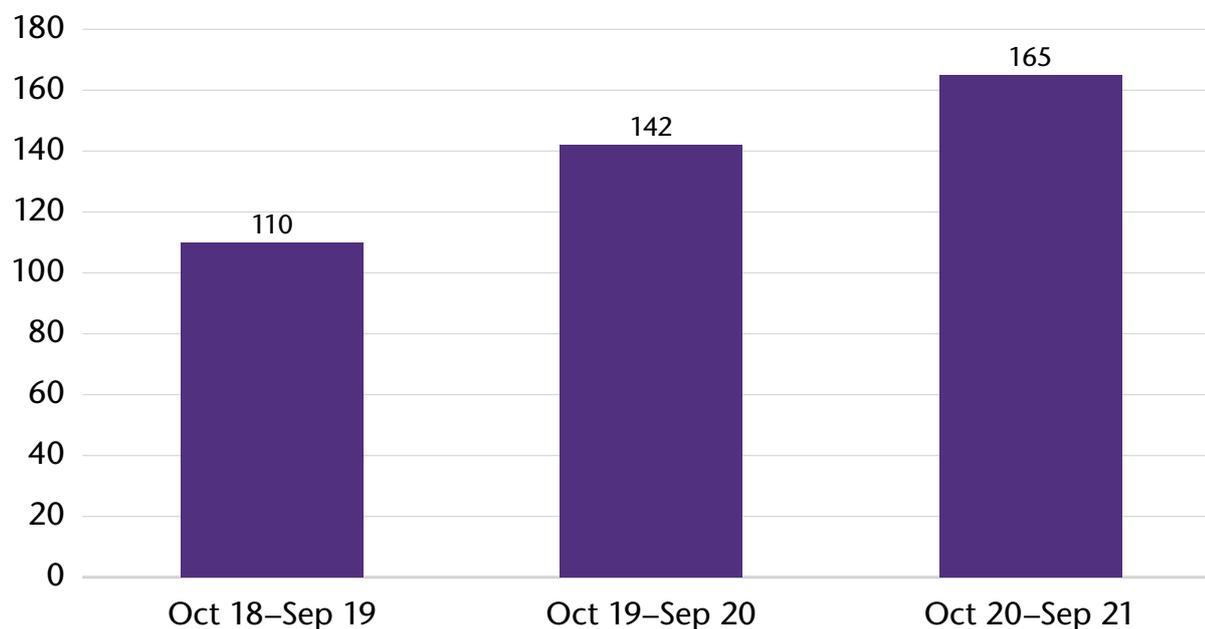
By contrast, there were 142 new claims processed the previous year, signifying an 16% increase in caseload.

Central London Civil Justice Centre highlight there have been more adjudication enforcement summary judgment applications transferred from the High Court to the County court, explaining the increase in claims this year.

Since March 2020, the court proceeded to hear all planned hearings either remotely using; MS Teams, CVP (Cloud Virtual Platform), hybrid with some representatives attending court in-person or in-person whilst observing social distancing rules.

The graph below shows the number of new TCC claims brought to the Central London Civil Justice Centre from October 2018 to September 2021, as further comparison:

Central London



6. TCC Centres outside London as part of the Business and Property Courts

The extent to which statistics for TCC work can be isolated from the general statistics for court work outside London depends upon the administrative arrangements at individual court centres.

What follows is a summary of the TCC data provided by certain court centres outside London during the period 2020-2021.

Figures from October 2018 to date have also been included for comparison purposes.

6.1 Birmingham

The TCC court is part of the Business and Property Courts based in the Birmingham Civil Justice Centre.

Her Honour Judge Sarah Watson was the full-time principal TCC Judge for the period of this report.

There are other specialist judges (who sit in TCC, Mercantile and Chancery) authorised to sit in all jurisdictions in the Business and Property Courts, if required. During the period of this report HHJ Worster, HHJ Rawlings and HHJ Williams were authorised to sit in the TCC.

In December 2020, HHJ Cooke retired as lead BPC in Birmingham.

During the period October 2020 to September 2021 there were a total of 52 new TCC claims categorised as 37 new High Court claims and 15 County Court claims.

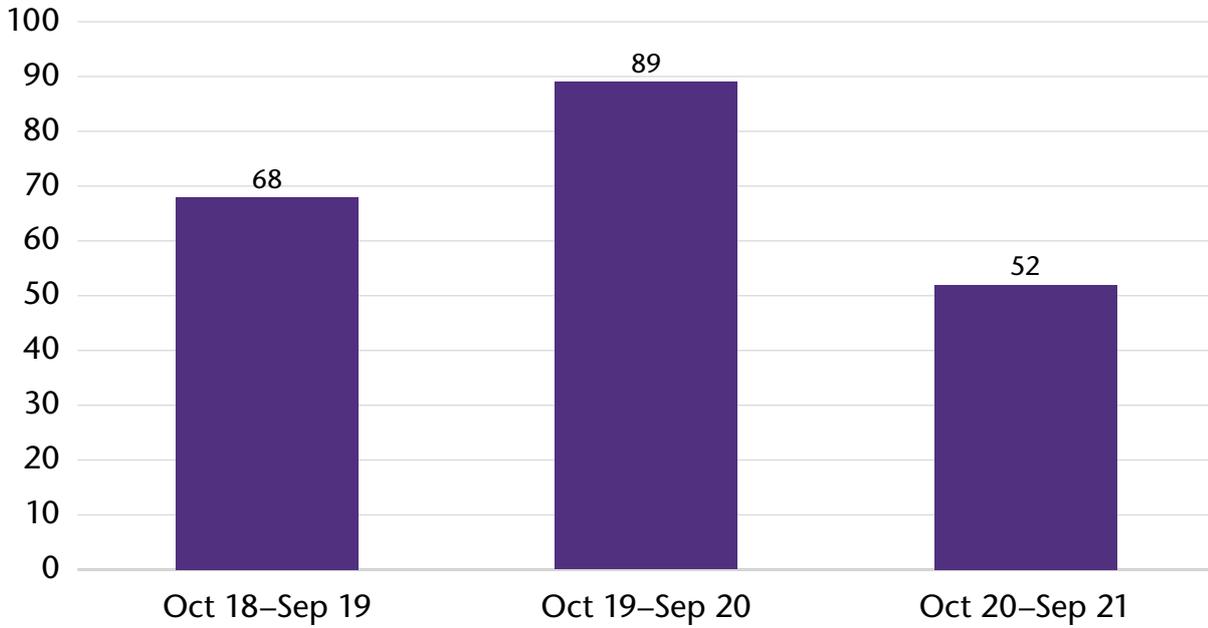
In contrast there were 89 new claims received the previous year, reflecting significant decrease in workload.

The Covid-19 pandemic has not had a significantly detrimental impact on the number of hearings at the court.

Since restrictions have eased, the court increased the number of in-person hearings but continue to hear cases remotely using MS Teams where convenient to do so.

The graph below shows the number of new TCC claims brought to the Birmingham Civil Justice Centre from October 2018 to September 2021, for comparison:

Birmingham



6.2 Bristol

The TCC court is part of the Business and Property Courts based in the Bristol Civil Justice Centre.

His Honour Judge Russen QC was the principal TCC judge at Bristol during the period covered by this report.

HHJ Cotter QC is a specialist judge in this region who also holds a TCC ticket however, transferred over to RCJ in October 2021.

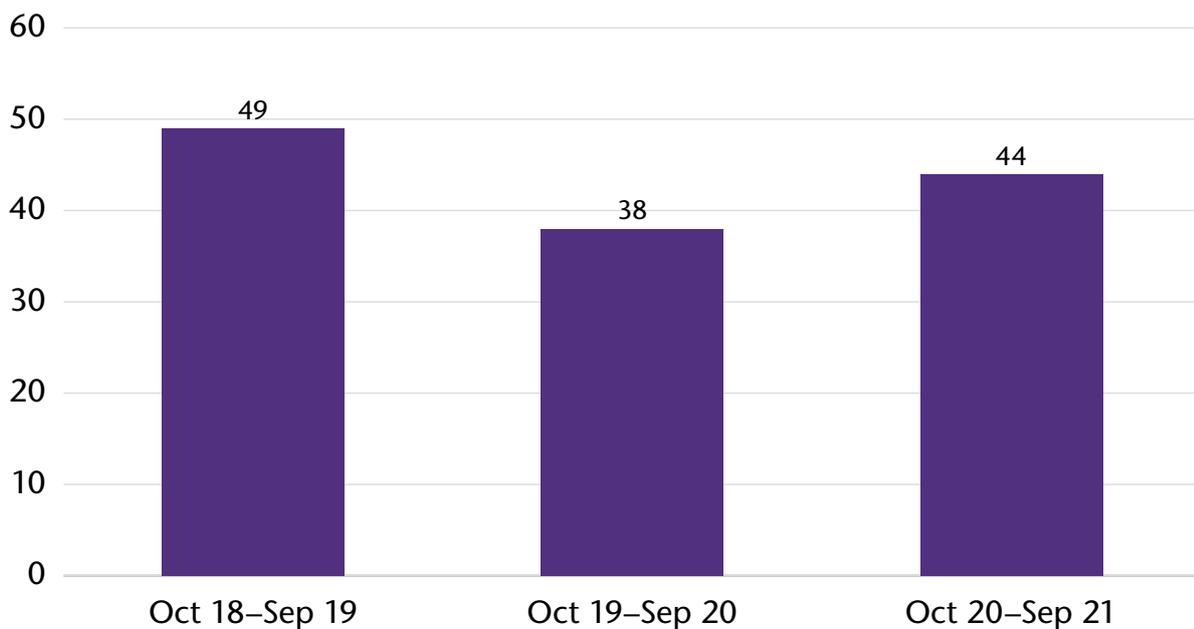
During the period October 2020 to September 2021 there were 44 new TCC claims, 8 of which were transferred in. Majority of the claims were adjudication enforcement and construction claims.

In contrast there were a total of 38 new claims received the previous year, so the number of claims has notably decreased.

Since March 2020 the court proceeded to hear all planned hearings either remotely using MS Teams or CVP (Cloud Video Platform), in-person or hybrid. Parties have generally been in favour of remote hearings, however often prefer trials to be in person.

The graph below shows the number of new TCC claims brought to the Bristol Civil Justice Centre from October 2018 to September 2021, for comparison:

Bristol



6.3 Cardiff

The TCC court is part of the Business and Property Courts based in the Cardiff Civil Justice Centre; some cases are also heard at the Mold Justice Centre where required.

His Honour Judge Keyser QC was the principal TCC judge at Cardiff during the period covered by this report. HHJ Jarman QC and DJ Hywel James also assisted before being appointed as a Circuit Judge.

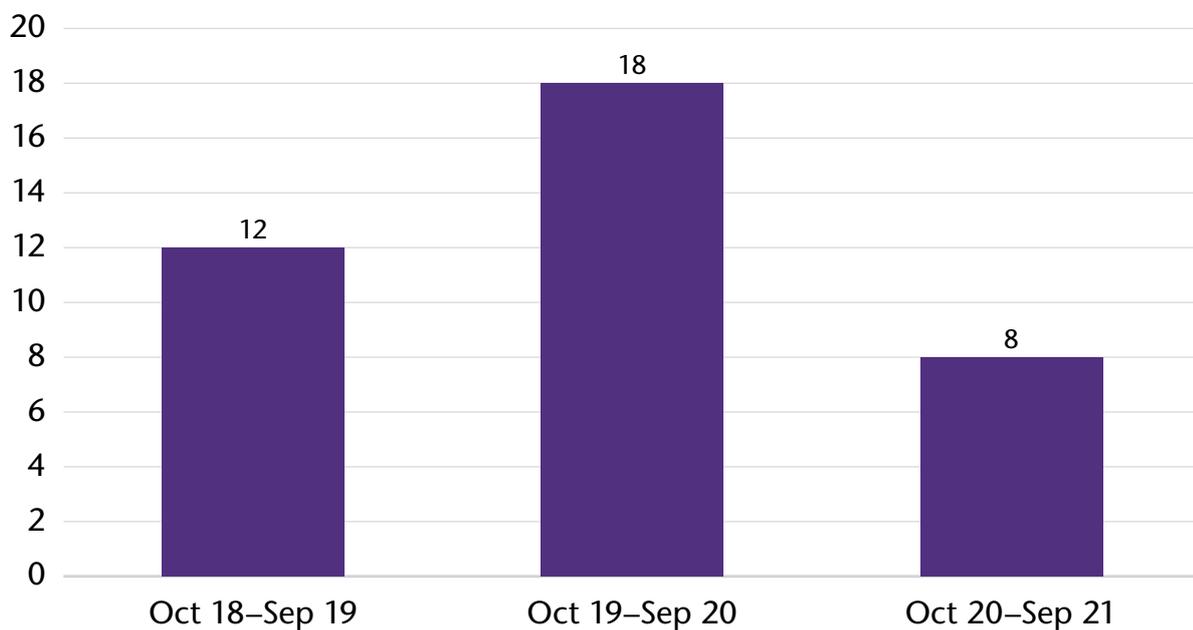
During the period October 2020 to September 2021 there were 8 new TCC claims.

This is comparable to the previous year, where 18 new claims were received.

Despite the relaxation of COVID-19 restrictions the court proceeded to hear all planned hearings remotely using MS Teams or CVP (Cloud Virtual Platform) as Cardiff Civil Justice Center has limited capacity for in-person hearings.

The graph below shows the number of new TCC claims brought to the Cardiff Civil Justice Centre from October 2018 to September 2021, for comparison:

Cardiff



6.4 Leeds

The TCC court is part of the Business and Property Courts based in the Leeds Combined Court Centre.

Her Honour Judge Siobhan Kelly was the principal TCC judge at Leeds during the period covered by this report.

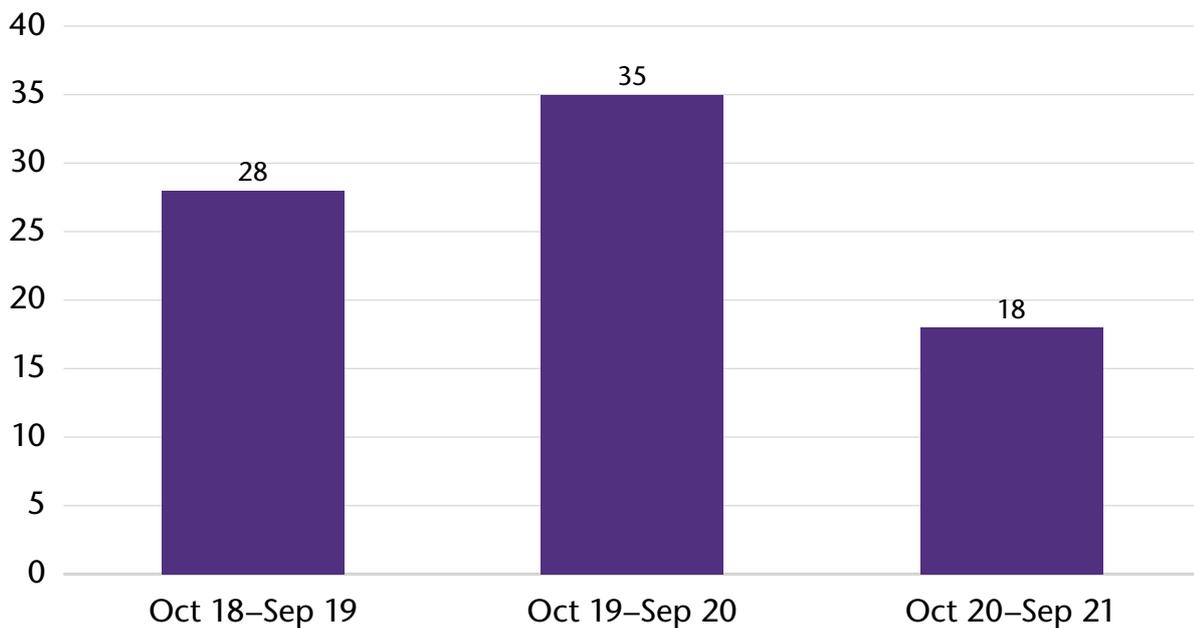
During the period October 2020 to September 2021 there were 18 new TCC claims.

In contrast there were 35 new claims received the previous year so, figures have slightly decreased.

The court has proceeded to hear all planned hearings on a remote basis, hybrid or in-person basis.

The graph below shows the number of new TCC claims brought to the Leeds Court from October 2018 to September 2021, for comparison:

Leeds



6.5 Liverpool

The TCC court is part of the Business and Property Courts based in the Liverpool Civil Justice Centre.

His Honour Judge Wood QC and His Honour Judge Cadwallader were the principal TCC judges at Liverpool during the period covered by this report.

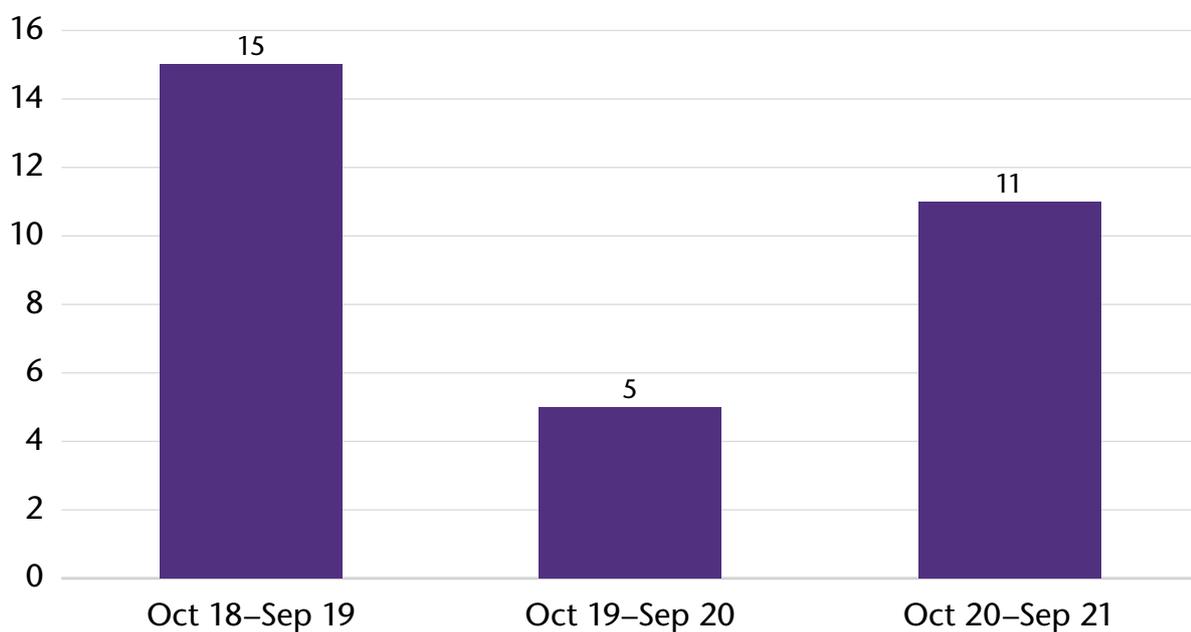
District Judge Baldwin is the specialist DJ Judge in Liverpool, dealing with case management claims.

During the period October 2020 to September 2021 there were 11 new TCC claims categorized as 7 High Court claims and 4 County Court claims.

In contrast there were 5 new claims received the previous year, so the number of new cases has increased.

The graph below shows the number of new TCC claims brought to the Liverpool Civil Justice Centre from October 2018 to September 2021, for comparison:

Liverpool



6.6 Manchester

The TCC court is part of the Business and Property Courts based at the Manchester Civil Justice Centre.

His Honour Judge Stephen Davies and His Honour Judge Stephen Eyre QC both sat as full-time TCC Judges in the Civil Justice Centre in Manchester during the period of this report. In October 2021, Mr Justice Eyre was appointed as a High Court Judge.

The other specialist judges in the Manchester Business and Property Courts are authorised to sit in all jurisdictions which permits them to cover for TCC work when necessary, namely HHJ David Hodge QC, HHJ Bird, HHJ Richard Pearce and HHJ Mark Halliwell. District Judge Bartley sits as the TCC District Judge in Manchester.

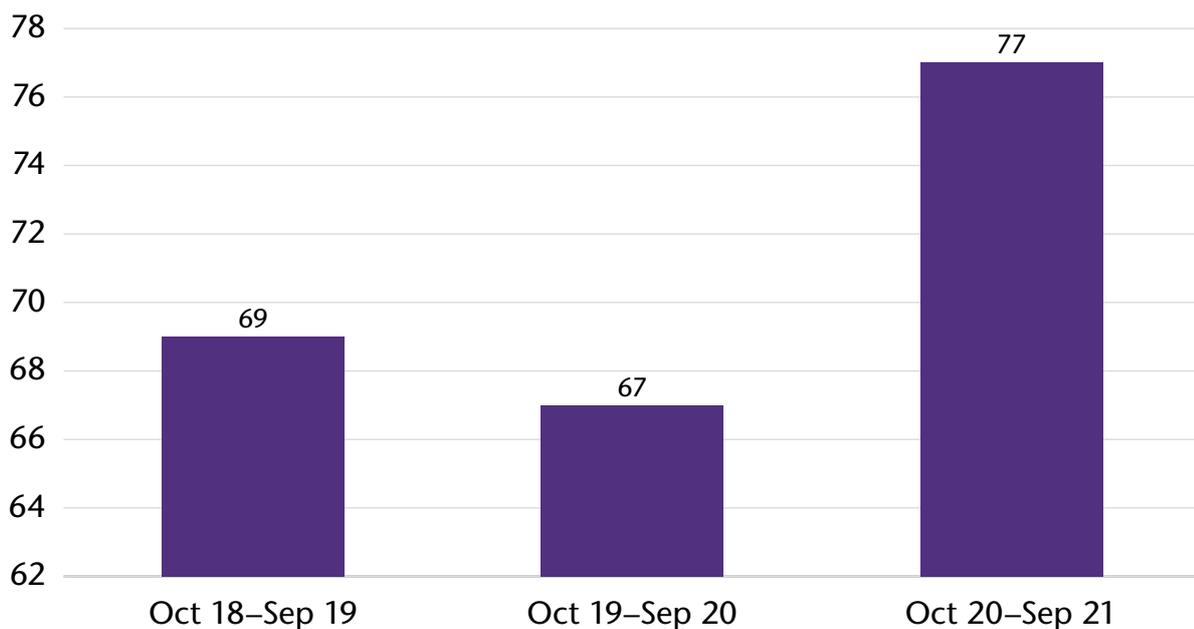
During the period October 2020 to September 2021 there were 77 new TCC claims. This is broken down further as 12 County Court and 65 High Court, both issued and transferred in.

In contrast there were 67 new claims received the previous year, so figures have slightly increased.

As government restrictions eased the court continued to use remote hearings MS Teams, CVP, hybrid or in-person hearings when the time estimate exceeded 2.5 hours

The graph below shows the number of new TCC claims brought to the Manchester Civil Justice Centre from October 2018 to September 2021, for comparison:

Manchester



6.7 Newcastle

The TCC court is part of the Business and Property Courts and is based at the Newcastle County Court/District Registry. The majority of cases are heard at the historic Moot Hall in the centre of Newcastle.

His Honour Judge Kramer was the principal TCC Judge for Newcastle during the period of this report.

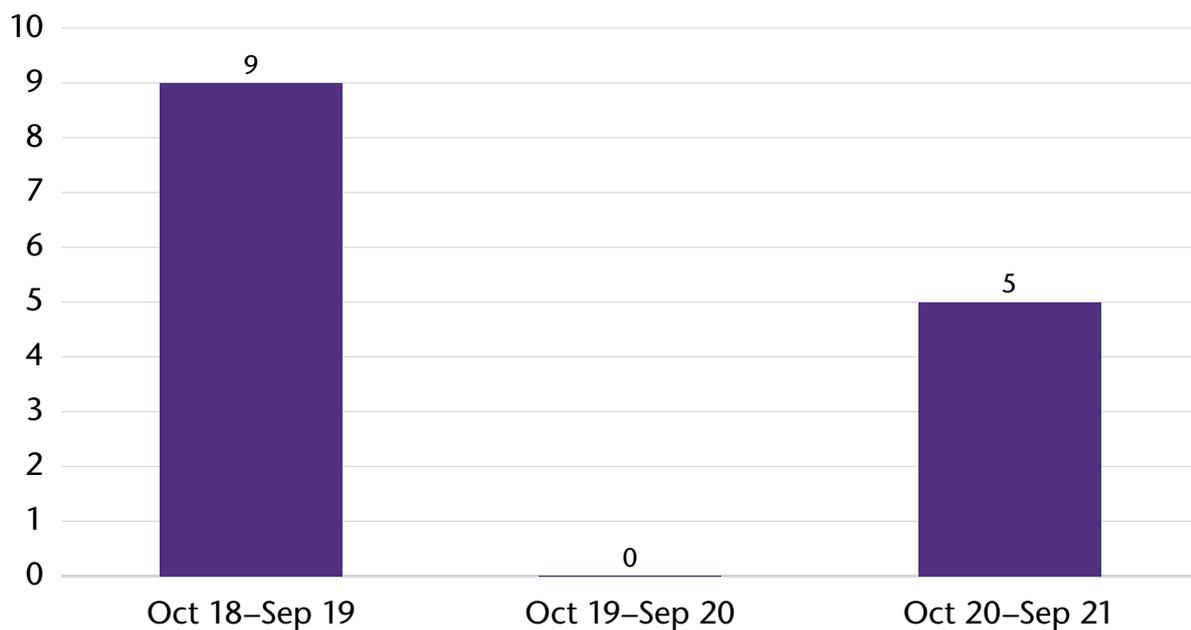
During the period October 2020 to September 2021 there were 5 new TCC claims issued or transferred during the period specified in this report.

In contrast there were 0 claims issued or transferred in the previous year.

The court has proceeded to hear all planned hearings on a remote basis.

The graph below shows the number of new TCC claims brought to the Newcastle Civil Justice Centre from October 2018 to September 2021, for comparison:

Newcastle



7. Overall Division of Cases

As in previous years we include an analysis of the percentages of each type of work carried out in those TCC courts which provided the relevant information.

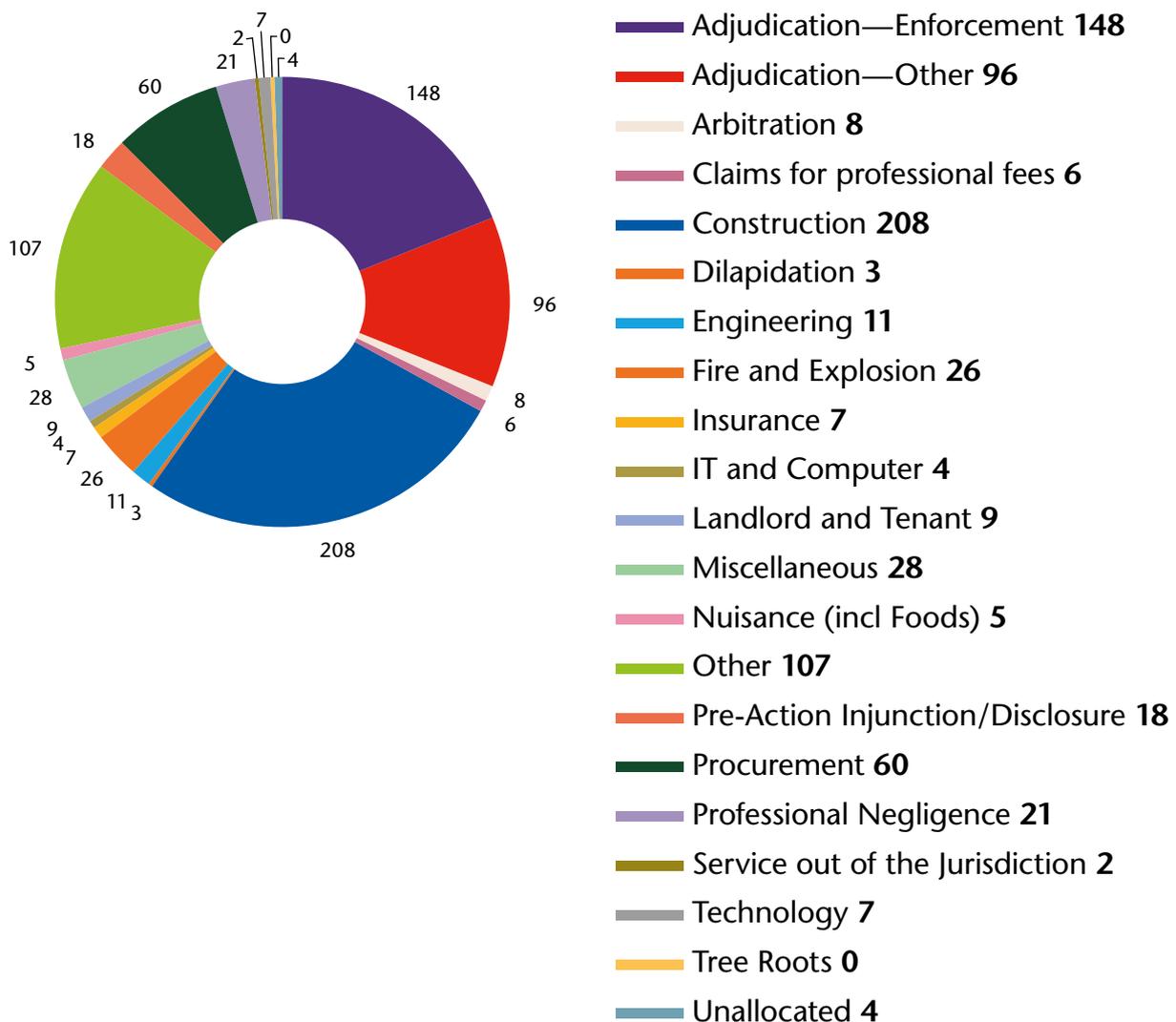
It has been produced solely by reference to the claim and not by reference to the subsequent proceedings.

This means that, for instance, some claims for professional fees may have triggered counterclaims for professional negligence which are not shown as such.

There is also a subjective element in the classification, since some cases lie on the borderline between categories or fall into more than one category.

The statistic recorded below are collected from; TCC London, Central London, Bristol, Cardiff, Leeds and Manchester.

Overall Division of Cases



8. The TCC during the year

8.1 Appointments

The Lord Chief Justice's power under s. 68(1)(a) of the Senior Courts Act 1981 to nominate circuit judges, deputy circuit judges or recorders to deal with "official referees' business" in the TCC is delegated to the Judge in Charge, who is required to consult with the Lord Chancellor and the senior judiciary before exercising that authority.

Those approved to sit in the TCC with "TCC Tickets" were, in alphabetical order, Cockerill, Fraser, Jefford, Kerr, O'Farrell, Pepperall, Joanna Smith and Waksman JJ. In September 2020, Eyre J was nominated by the PQBD to sit in the TCC.

As mentioned above, the statutory provisions still refer to "official referees" business although under the Civil Procedure Rules the court is referred to the TCC. It is assumed that in due course these statutory provisions will be brought into line with other specialist court jurisdictions.

A full list of TCC Judges including High Court judges, Circuit judges and recorders who have been nominated to manage and try TCC cases is attached as Appendix 1.

8.2 Queen's Counsel

In November 2021 the following Queen's Counsel who regularly practice in the TCC were appointed:

- Andrew Paul Davis
- Claire Packman
- Matthew Parker
- Samuel John Townend
- Mark Paul Chennells
- Clare Elizabeth Dixon
- Crispin David Richard Winser

We are delighted to welcome these specialist TCC practitioners.

8.3 The TCC Guide

The third edition of the TCC Guide (which originally came into force in October 2005) has been produced and, following the necessary approval, will be published in April 2022.

A working group was set up in 2019 to review and revise the current TCC Guide under the chair of Mrs Justice Jefford. The new edition has been prepared following consultation with the judges of the TCC, TECBAR, TeCSA and the Society of Construction Law, for whose contributions the court is very grateful.

8.4 TCC Judges' Conferences

The TCC holds a conference for the TCC judges, including Deputies and Recorders, on a bi-annual basis. The Business and Property Court holds an annual conference for all BPC Judges including those in the TCC. The majority of the TCC judges (particularly those who are fee paid) also attend specialist jurisdiction courses run by the Judicial College.

8.5 Alternative Dispute Resolution

Alternative dispute resolution ("ADR") has continued to play a large role in resolving technology and construction disputes during the year. Many cases which are begun in the TCC are resolved by means of ADR, often with the assistance of one of the many highly experienced professional mediators (solicitors, counsel or construction professionals).

TCC judges encourage parties to consider mediation either to settle or to narrow their disputes. Obviously, there are and will continue to be cases where the parties are not able to resolve their disputes without the decision of the court but many cases are resolved effectively through ADR.

The TCC also has available ADR processes of Early Neutral Evaluation and the Court Settlement Process to assist parties to resolve disputes. These are now dealt with more fully in the current TCC Guide.

In addition, in appropriate cases, TCC judges can sit as Arbitrators. Further guidance on this aspect is again contained in the TCC Guide.

8.6 TCC User Committees

TCC user committees are in operation and function at Birmingham, Bristol, Cardiff, Leeds, Liverpool, London, Newcastle and Manchester.

These committees make a valuable contribution to the work of the court. They enable solicitors, barristers, consultants, interest groups and clients to be represented in the development and operation of the TCC.

The TCC is grateful to those who chair and participate as members in the TCC user committees. Their support and assistance is much appreciated and contributes not only to the smooth running of the courts, but to improvements that can be identified.

8.7 TCC Liaison Judges

There are TCC liaison District Judges at Birmingham, Bristol, Cardiff, Leeds, Liverpool and Newcastle.

The function of these judges is to keep other district judges informed about the role and remit of the TCC; to deal with queries from colleagues concerning the TCC or transfer of cases; to deal with any subsidiary matter as directed by a TCC judge and to deal with urgent applications in TCC cases when no TCC judge is available.

We are grateful to them for carrying out this important role during the year.

8.8 Judicial Assistants

The Judicial Assistants Scheme is a centrally funded scheme administered across the whole of the High Court, including the Business and Property Courts. Open competitions are held annually in respect of the post of Judicial Assistants, who typically spend between three and five months sitting with a judge, providing research and administrative support.

The London TCC had the benefit of the following Judicial Assistants up to the end of September 2021: Mrithula Shanker, Matthew Sumpton and Jesse Ambler.

The scheme continued despite lockdowns and social distancing requirements, although some of the working during 2020-2021 has been remote. The TCC is very grateful to the Judicial Assistants for their valuable contribution to the work of the Court.

Mrs Justice Finola O'Farrell DBE

Judge in charge of the Technology and Construction Court

March 2022

9. APPENDIX 1 – The TCC as at 1 October 2021

9.1 London TCC

Mrs Justice O’Farrell (Judge in Charge of the TCC)

Mrs Justice Cockerill

Mr Justice Eyre

Mr Justice Fraser

Mrs Justice Jefford

Mrs Justice Joanna Smith

Mr Justice Kerr

Mr Justice Pepperall

Mr Justice Waksman

9.2 Birmingham

Her Honour Judge Sarah Watson (Principal TCC Judge)

His Honour Judge Rawlings

His Honour Judge Williams

His Honour Judge Worster

9.3 Bristol

His Honour Judge Russen QC (Principal TCC Judge)

9.4 Cardiff and Mold

His Honour Judge Keyser QC (Principal TCC Judge)

His Honour Judge Jarman QC

9.5 Central London

His Honour Judge Parfitt (Principal TCC Judge)

His Honour Judge Johns QC

9.6 Leeds

HHJ Siobhan Kelly

HHJ Malcom Davis-White QC

HHJ Jonathan Klein

9.7 Liverpool

His Honour Judge Wood QC (Principal TCC Judge)

9.8 Manchester

His Honour Judge Stephen Davies (Full time TCC Judge)

His Honour Judge David Hodge QC

His Honour Judge Richard Pearce

His Honour Judge Mark Halliwell

9.9 Newcastle

His Honour Judge Kramer (Principal TCC Judge)

His Honour Judge Davis White QC (based at Leeds)

His Honour Judge Klein (based at Leeds)

9.10 Deputy High Court Judges/ Recorders

Mr Jonathan Acton Davis QC

Mr Martin Bowdery QC

Mrs Veronique Buehrlen QC

Mr Adam Constable QC

Mr Simon Lofthouse QC

Mr Alexander Nissen QC

Mr Andrew Singer QC

Mr Roger Stewart QC

Mr Roger Ter Haar QC

Mr Adrian Williamson QC

Mr Jason Coppel QC

9.11 Retired High Court Judges

9.12 TCC Liaison District Judges

District Judge Baldwin (Liverpool)

District Judge Hart (Central London)

District Judge Hywel James (Cardiff)

District Judge Ingram (Birmingham)

District Judge Manasse

District Judge Musgrave (Birmingham)

10. APPENDIX 2 – The Staff of the London TCC as at 1 October 2021

Court Manager	Wilf Lusty
Senior Listings Officer	Michael Tame
Listings Officer	Ian Dawson
Listings Officer	Daniel Hull
Registry Team Leader	Abdul Musa

Clerk to Mrs Justice O’Farrell	Samia Nur
Clerk to Mrs Justice Cockerill	Laura Hope
Clerk to Mr Justice Fraser	Madeline Collins*
Clerk to Mrs Justice Jefford	Sam Taylor
Clerk to Mr Justice Kerr	Mandy Torrens
Clerk to Mr Justice Pepperall	Chelsea Fincham
Clerk to Mr Justice Waksman	Lucius Allen

* Please note the following staff changes as at February 2022

Listings Officer	Gina Hitchman*
-------------------------	----------------

* Please note the following staff changes as at April 2022

Clerk to Mr Justice Fraser	Manizja Latifi
-----------------------------------	----------------

