



JUDICIARY OF
ENGLAND AND WALES

THE HON MR JUSTICE FANCOURT

VICE-CHANCELLOR OF THE COUNTY PALATINE OF LANCASTER

**PRACTICE NOTE: BUSINESS AND PROPERTY COURTS IN LEEDS,
LIVERPOOL, MANCHESTER AND NEWCASTLE**

Introduction

1. This Practice Note and the Chancellor's Practice Note: The Chancery Guide 2022 apply to all cases in Chancery lists in the B&PC District Registries in Liverpool, Manchester, Leeds and Newcastle.
2. They come into force on 29 July 2022 and apply to existing and future cases.
3. The guidance in the Chancery Guide applies to cases in the Chancery lists in the B&PCs London and in the B&PC District Registries alike, save where local guidance is different. This Practice Note adopts the abbreviations generally used in the Chancery Guide.
4. It is recognised that there are differences in the way that the Chancery lists and courts work outside London. In particular, Chancery Masters and ICC Judges only sit in London. HCJs sit in B&PC District Registries from time to time, as needed.
5. Outside London, most of the work done by Masters and ICC Judges is done instead by specialist BPC District Judges and section 9 Judges, but without replicating the particular ways that Masters and ICC Judges work.
6. It is therefore appropriate to provide guidance where local practices are materially different and where guidance is needed. The Chancery Guide is to be applied in B&PC District Registries as it applies in the B&PC London, subject only to this guidance and otherwise making all necessary adjustments, so that the substance of the Guide applies to serve the overriding objective notwithstanding the differences: see para 6.2 of the Chancery Guide.

Case Management

7. Part 7 claims issued in Manchester, Leeds and Newcastle District Registries are not triaged by a judge prior to the filing of directions questionnaires, except where an earlier application brings the claim before the court for a decision. Paras 6.41 and 6.42 of the Chancery Guide therefore do not apply. Accordingly, if the parties consider that an early review is required they should request it by email.



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8. In Liverpool, Part 7 and Part 8 claims are triaged by a BPC District Judge upon issue. They will be referred to a section 9 Judge or transferred, if appropriate.
9. The default management track in B&PC District Registries is case management by a BPC District Judge and trial by HCJ, section 9 Judge or Deputy High Court Judge, as appropriate. However, the court may direct instead case management and trial by a BPC District Judge, a section 9 Judge or (with the approval of the Vice-Chancellor) a HCJ, where appropriate. A request for a different case management track must be made before the first CMC or CCMC.
10. Requests for an early review, a different case management track or guidance from a specialist BPC District Judge should be sent to bpc.manchester@justice.gov.uk , bpc.leeds@justice.gov.uk , newcastlebpc@justice.gov.uk or LiverpoolBPC@justice.gov.uk as appropriate.
11. Although there is no formal procedure for docketing cases to a particular judge, this may be considered, if justified, on the first review of a case following directions questionnaires, at a CMC or at any stage, on application.

Hearings

12. All CMCs and CCMCs before a judge will be listed for a remote hearing of 1½ hours, unless the court otherwise directs.
13. Any request for a different mode of hearing or a different estimated length of hearing should be included in the directions questionnaire or, if later, sent by email to the relevant email address given above.
14. In Liverpool, first hearings of Part 8 claims are listed for 45 minutes plus 15 minutes of pre-reading time, to take place remotely unless the judge orders otherwise.
15. In addition to the electronic bundle, a hard copy bundle must also be prepared for a CMC or CCMC and delivered to the court not less than 3 clear days before the hearing, unless the court otherwise directs. A CMC/CCMC bundle should also include a short chronology where this is likely to be helpful in resolving issues at the CMC/CCMC.
16. Subject to any direction to the contrary, trial bundles must be filed in accordance with paragraphs 6 and 14 of Appendix X to the Chancery Guide.
17. Skeleton arguments must be provided for a CMC/CCMC unless there is no issue of any substance in dispute.
18. Listing trial windows will be fixed by the court at the CMC/CCMC. At hearings before the section 9 Judge in Newcastle an attempt will be made to list the trial itself at the hearing and parties should attend with dates of availability within an agreed 6 month trial window.
19. District Judges robe for trials and, in Manchester, when hearing winding up petitions.
20. Pre-trial checklists are not required to be filed in Manchester.
21. The pre-trial review, if any, will be conducted by the trial judge where possible.



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22. All trials will be listed with a fixed start date. Parties' dates of availability must be filed by email to bpc.leeds.listing@justice.gov.uk, for the attention of the Case Progression Officer, to bpc.manchester@justice.gov.uk for the attention of the BPC Listing Officer, to Newcastle.bpc@justice.gov.uk or to LiverpoolBPC@justice.gov.uk as appropriate, by the date specified at the first CMC/CCMC once the trial window has been identified. A party who fails to return availability dates in time will be deemed available throughout the listing window.
23. In Liverpool, for trials of 3 days or more, or trials in which there is likely to be contested oral expert evidence, the parties must agree and the Claimant must send three proposed fixtures within the trial window: these should be filed by email to LiverpoolBPC@justice.gov.uk by the date specified at the first CMC/CCMC.
24. Skeleton arguments must be CE-filed in accordance with Appendix Y to the Chancery Guide and also emailed to an HCJ's clerk, where their identity is known in time, and in all other cases emailed to bpc.manchester@justice.gov.uk, bpc.leeds.skeletons@justice.gov.uk, newcastle.bpc@justice.gov.uk or LiverpoolBPC@justice.gov.uk as appropriate.
25. Draft orders must be filed only through CE-file unless the judge directs otherwise.

Applications

26. An application may be reviewed by a judge before it is listed and the court may give directions before or in addition to listing it.
27. In Liverpool, applications before a BPC District Judge of 2 hours or less (excluding reading time) will be listed as remote hearings, unless the judge otherwise directs. Electronic bundles for an application hearing in Liverpool must be filed upon CE file not less than 3 clear days before the hearing, unless the court otherwise directs, and should include a non-controversial case summary and a draft order.
28. Urgent applications to be heard by a HCJ, section 9 Judge or Deputy High Court Judge must be certified as urgent business and listing arranged with the Case Progression Officer or BPC Listing Officer where the Friday Applications List procedure does not apply. The certificate should provide a realistic time estimate and state which other parties are to be served.

Friday Applications List (Manchester and Leeds)

29. Applications suitable for the Friday Applications List are those which require to be heard by a HCJ, s.9 Judge or Deputy HCJ and meet the requirements of paragraph 31 below.
30. Arrangements for the listing of an application in the Judge's Friday Applications List must be made with the BPC Listing Officer in Manchester



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(bpc.manchester@justice.gov.uk) and the Applications List Officer in Leeds (bpc.leeds@justice.gov.uk).

31. The time required for pre-reading, oral argument, judgment and dealing with costs and consequential matters (including any application for permission to appeal) must not exceed 2 hours in total.
32. Insolvency and Company applications are frequently listed in the Friday Applications List, including applications for:
 - a. Administration orders and administration extensions;
 - b. Injunctions to restrain presentation of a winding up petition or to restrain advertisement of such a petition;
 - c. Appointment of an interim receiver;
 - d. Appointment of a provisional liquidator;
 - e. Search and seize orders pursuant to Insolvency Act 1986, s.365;
 - f. Validation orderand other applications that meet the requirements of paragraph 31 above.
33. Applications in the Friday Applications List will normally be heard in person: see *Practice Note: Business and Property Courts in Manchester and Leeds* (26 May 2022). Any person seeking a direction that the application be heard fully remotely or on a hybrid basis must apply at the earliest possible time by email to bpc.manchester@justice.gov.uk or bpc.leeds@justice.gov.uk (in Leeds, marked for the attention of the Applications List Officer) for a direction. The application must be copied to any respondent (or to the applicant).
34. All applications are listed for 10:30am and the judge hearing the list will decide at 10:30 in which order to hear them. Parties must arrive at court and sign in with the clerk at least 10 minutes before the court sits (or 15 minutes before in the case of any person attending remotely).
35. A hard copy bundle must also be filed if requested by the court.
36. The court must be notified by email and a consent order CE-filed by no later than 4.00pm on the working day before the hearing if the parties agree the disposal of the application or terms on which it is to be adjourned. Otherwise, attendance is required.

Insolvency and Companies List

37. Insolvency and companies work will be allocated between HCJs, s.9 Judges and District Judges in accordance with paragraph 3 of the Insolvency Practice Direction. Such cases will be listed before a HCJ, section 9 Judge or Deputy High Court Judge in the same way as other cases are listed (see above), and before a District Judge as directed by the court.
38. District Judges will ordinarily only hear matters of up to 3 days' duration but may occasionally hear longer cases.
39. In Leeds, winding up petitions are listed for a first hearing in a general list on the second and fourth Tuesday of each month. Petitions are block listed to be heard at



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- 10.30am and will be heard in list order. Applications to rescind winding up orders are heard in the afternoon on the same days. All bankruptcy petitions are listed with a fixed appointment.
40. In Manchester, winding up petitions are heard every other Tuesday and are block listed to be heard at 10.00am. The unopposed petitions are heard first. The Official Receiver's list is heard from 11am and the bankruptcy list from 11.30am, both on an individual hearing basis. Applications to rescind winding up orders are listed individually as ordinary applications, not in the fortnightly list.
 41. In Newcastle, winding up petitions listed for a remote hearing are given a fixed hearing time on Tuesday and Friday of each week. Those listed to be heard in person are listed at 10am and 2pm each Tuesday and Friday and are heard in list order. Bankruptcy petitions are also listed on Tuesday and Friday of each week and given a fixed appointment, whether listed for a remote or in person hearing.
 42. In Liverpool, winding up petitions are listed on Tuesdays for a first hearing in a general list. Petitions are all listed to be heard at 10.30am and the judge decides the order in which to hear them.
 43. Winding up petitions and bankruptcy petitions are heard in person save in Newcastle (see paragraph 41 above) and in Liverpool, where bankruptcy petitions may be heard remotely. A bundle should be filed electronically by no later than 10am on the working day before the hearing.
 44. In Leeds, District Judges maintain a District Judges' Companies and Insolvency List on the afternoon of the second and fourth Tuesday of each month, when short Companies and Insolvency Applications may be heard. This is separate from the Friday Applications List.

Orders

45. Draft orders filed after a hearing should not bear the word "Draft" in the heading and should be emailed to bpc.manchester@justice.gov.uk , bpc.leeds@justice.gov.uk, newcastle.bpc@justice.gov.uk or LiverpoolBPC@justice.gov.uk as appropriate. Draft winding up or bankruptcy orders need only be filed if the order contains non-standard provisions.
46. For all applications, a draft of the proposed order should be filed in editable Word format by the applicant at the same time as they file their application. Where a judge directs the parties to file an agreed draft order for the judge's approval, that must be filed in editable Word format, with confirmation that the draft has been agreed between the parties.
47. In Newcastle, if time permits, the judge will seal and provide the order to the parties at the hearing. Parties should include in their draft the email addresses to which electronic copies can be sent. Where orders are provided in this way, there is no further requirement to serve the order on those parties.