



# **Annual Report of the Technology and Construction Court**

2023 – 2024



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# 1. Introduction

This report covers the work of the Technology and Construction Court (“the TCC”) in England and Wales for the period from 1 October 2023 to 30 September 2024.

The Court remains very busy. Although there was a fall of 7.49% in the number of new claims issued, the settlement rate remained just over 80%, in line with the consistently high rate over the last few years. There was a decrease of 17.2% in the number of applications heard but the number of applications dealt with electronically through the CE-filing system remained high at 2,185.

Most cases that go to fully contested trials are resolved in less than about 12-18 months from issue to final judgment, subject to the scale of the dispute, the needs of the parties and judicial resources. Expedited trials can be accommodated, where justified, within as little as a few weeks.

In this last year, the Court has seen an increasing number of disputes arising out of complex computer software and IT infrastructure systems. The TCC judges are well-equipped to deal with such cases, having many years’ experience of multi-disciplinary technical disputes.

Following the Grenfell Tower fire and the Building Safety Act 2022, there has been a notable increase in cases concerning flammable cladding and other materials, together with more general fire protection issues. The introduction of building liability orders, together with the potential extension of corporate liability to include associated companies and corporate officers, and the increase in limitation periods of up to 30 years, have opened up the possibility of expansive litigation in respect of historic developments. As common issues emerge, it is likely that new, bespoke procedures will be required to provide effective case management. These are now being considered by a BSA Working Group, led by Constable J.

A significant portion of TCC work concerns procurement challenges, usually brought thus far under the 2015 Procurement Regulations. The grounds for most challenges raise issues of equal treatment, non-discrimination, transparency, proportionality, manifest error and irrational decisions. Some also involve judicial review proceedings and, for that reason, are tried by a Judge of the TCC who is also a Nominated Judge of the Administrative Court. It should be noted that the procurement claims heard by the TCC extend to all such claims, whether concerned with construction or technology projects or not. Now that the Procurement Act 2023 has been enacted and is in force, the Court is working with procurement litigators to develop a new procedural framework for such claims.

Greater awareness of environmental issues, climate change and the availability of third party funding has seen an increase in the number of environmental pollution class action claims in the TCC.

The development and growing role of AI in relation to litigation, both as to subject-matter and

the management and conduct of cases, is increasingly important. There is now a dedicated AI Working Group to consider all of this and arrange events for court users, under the leadership of Joanna Smith J.

The TCC continues to deal with high-profile and high-value claims as part of its workload. In such cases the Court tries to ensure that there is one judge assigned to the case. Judicial continuity is essential to support the parties in managing the claims efficiently and resolving them in an appropriately swift and proportionate manner.

As ever the TCC Guide is a key tool for the operation and use of the TCC. There will be a new edition later this year.

Finally, I would like to thank the Judges and Deputy Judges of the TCC and the Court staff for their constant dedication and hard work. The TCC could not operate effectively without them.

**Mr Justice Waksman**

**Judge in Charge of the Technology and Construction Court**

## 2. The Work of the TCC

The TCC is a specialist court within the King's Bench Division, under the umbrella of the Business and Property Courts, which sits in the Rolls Building in London and other BPCs across England and Wales. It deals primarily with litigation of complex disputes arising in the field of technology and construction, together with procurement claims. The former includes traditional construction and engineering claims, IT disputes, energy disputes, adjudication enforcement, claims for professional negligence, environmental damage claims, fire claims, and challenges to arbitrators' decisions in respect of such matters.

Examples of cases dealt with in 2023-2024 include:

- International Game Technology plc & Others v Gambling Commission [2023] EWHC 1961 (procurement challenge arising out of the competition for the fourth licence to run the National Lottery; whether any of the claimants were economic operators under the Concession Contract Regulations 2016)
- Harrison Jalla & Others v Shell International Trading and Shipping Company Limited & Another [2023] EWHC 424 (date on which actionable damage, if any, was suffered by the claimants resulting from an oil spill in the Bonga oilfield off the coast of Nigeria for the purpose of establishing jurisdiction)
- Morgan Sindall Construction and Infrastructure Ltd v Capita Property and Infrastructure (Structures) Ltd [2023] EWHC 166 (whether claim should be struck out for abuse of process – warehousing)
- Vinci Construction Ltd v Eastwood & Others [2023] EWHC 1899 (date of accrual of a cause of action in negligence and consideration of the test for relevant knowledge under section 14A of the Limitation Act 1980)
- James Waste Management LLP v Essex County Council [2023] EWHC 1157 (whether breach of procurement regulations is sufficiently serious to give rise to a claim for damages)
- Topalsson GmbH v Rolls-Royce Motor Cars Ltd [2023] EWHC 1765 (termination dispute, intellectual property rights and damages arising out of a contract for digital twin software development)
- Drax Energy Solutions Ltd v Wipro Ltd [2023] 1342 (interpretation of limitation of liability clause in contract for IT system)
- USAF Nominee No.18 Ltd & Others v Watkin Jones & Son Ltd [2023] EWHC 1880 (impact of merger of Jersey companies and assignment on right to sue under a collateral warranty, in tort and under the Defective Premises Act 1972)



- Siemens Mobility Ltd v High Speed Two (HS<sup>2</sup>) Ltd [2023] EWHC (procurement challenge arising out of a competition for the design, manufacture and supply of trains)
- Municipio de Mariana V BHP Group (UK) Limited & Others [2022] EWHC 330; [2023] EWHC 1134; [2023] EWHC 2126 (Group litigation in a class action arising out of the Fundao Dam disaster in Brazil with challenges to jurisdiction arising at the outset and where the trial has now concluded)
- IBM United Kingdom Limited v LzLabs GmbH & Others [2023] EWHC 1183; [2023] EWHC 2072; [2023] EWHC 3142 (document sampling, restoration of electronic documents, disclosure of confidential source code information, keyword searches and pleadings in the context of claims for breach of contract, procuring breaches of contract and unlawful means conspiracy)
- Providence Building Services Ltd v Hexagon Housing Association Ltd [2023] EWHC 2965 (TCC) an important case on the proper interpretation a contractor's termination clause in the 2016 Edition of the JCT Design and Build Contract
- Haase Environmental Consulting v MW Hi-Tech Products 2025 (a substantial dispute over the design and planning for a local authority anaerobic digester)
- One Hyde Park Limited v Laing O'Rourke Construction South Limited (a claim for £39m arising out of alleged M&E defects at One Hyde Park, Knightsbridge, a set of luxury residential apartments and retail units)
- Battersea Project Phase 2 Development Company Ltd v QFS Scaffolding Ltd [2024] EWHC 591 (TCC), dealing with the interplay between final certificate and adjudication
- Mornington v Secretary of State for Health, 2024, a high value contract and procurement claim, with significant guidance on disclosure obligations
- BDW v Ardmore [2024] EWHC 3235, a decision on adjudication enforcement which held that an adjudicator had jurisdiction to determine a claim under the Defective premises Act
- Tata Consultancy v Disclosure and Barring Service [2024] and A&V Building v J & B Hopkins [2024] EWHC 2295 (TCC), both concerned with the application of the Late Payment of Commercial Debts (Interest) Act 1988

### 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 King's Counsel approved to sit as either Deputy High Court Judges or Recorders in the TCC.

In the regional centres outside London, cases are heard by specialist Senior 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 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, which can be made available for cases where it suits the needs of the parties and there is capacity. However, the TCC centres which are part of the Business and Property Courts deal with the vast majority of the specialist work.

In London there is also the specialist TCC List in the Central London County Court ("CLCC"), 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, where early hearing dates can be offered. It also deals with cases commenced in the TCC in the Rolls Building but which are suitable for transfer to the CLCC. 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. Mr Justice Waksman has been the Judge in Charge since his appointment to this role in January 2024.

## 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 Kerr
- Mrs Justice Jefford
- Mrs Justice O’Farrell
- Mr Justice Waksman - appointed Judge in Charge from January 2024
- Mr Justice Pepperall
- Mrs Justice Joanna Smith
- Mr Justice Eyre
- Mr Justice Constable

### 4.2 Judicial Deployment

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

Mr Justice Waksman sat full time in the TCC for the majority of his time whilst Judge in Charge. When commitments allowed, he also undertook general work as a King’s Bench Judge in London, including in the Commercial Court as well as acting as a Chair of the Competition Appeal Tribunal.

During the period covered by this report Mrs Justice Jefford was a Presiding Judge on the Wales Circuit, Mr Justice Pepperall was a Presiding Judge on the Midlands Circuit and Mrs Justice Joanna Smith was based in the Chancery Division.

Additionally, the other London TCC judges sat in the King’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 King’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. One of the reasons for this is firm and robust case management by TCC judges and focus on what are the real issues in a case which will occur at an early stage.

An important feature of case management in the TCC is that, at the first case management conference (“CMC”), the date for the trial is fixed, usually at the earliest available date in the court diary for the required length. Directions are also given for the progress of the case through to that trial date.

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 CMC 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 CMC 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 also made at the first CMC.

## 4.4 Administrative matters and CE-File

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

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.

The CE-File system, enabling full electronic working at the TCC, is available in all the Business and Property Courts across England and Wales. For a party who is legally represented,

electronic working is mandatory to start and/or continue any relevant claims or applications. For a party who is not legally represented, electronic working is optional but is often used by that party to start and/or continue any relevant claims or applications.

The CE-File system 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 the TCC Barristers Association (TECBAR) for London TCC judges to take trainee or newly qualified solicitors, pupil barristers and junior barristers who are planning to practice 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 marshalling scheme is currently being redeveloped to create a more flexible system with the aim to increase the amount of successfully placed marshals during the year.

## **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.

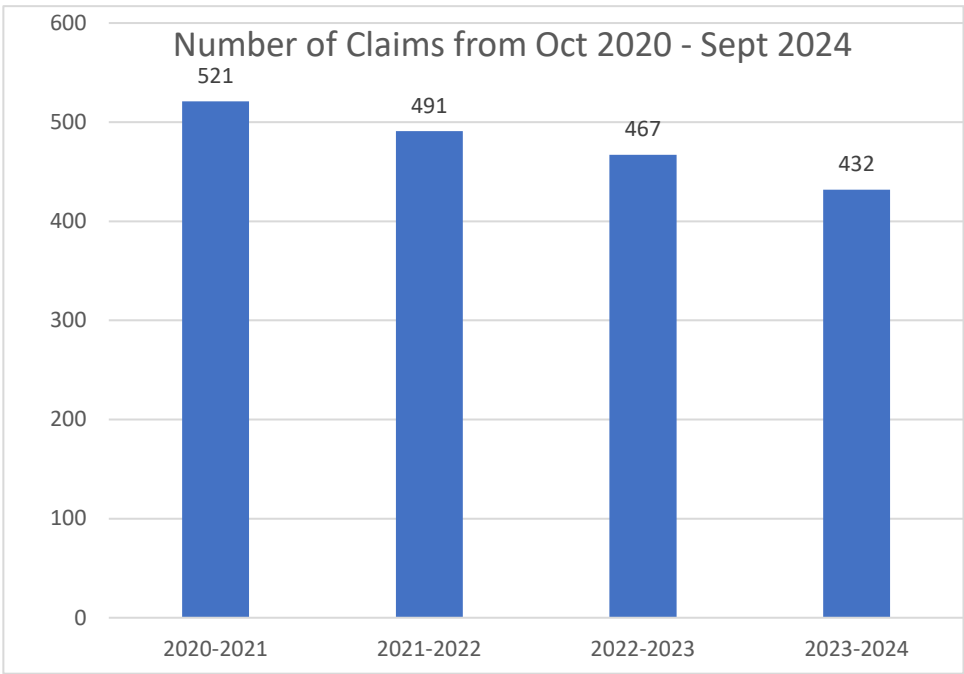
The TCC judges have the necessary expertise and experience to deal with international work, many of whom having practiced internationally before coming to the bench. It is understood that a number of overseas contracts now have jurisdiction clauses which expressly refer disputes to the TCC in the High 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.

## **4.7 Claims**

During October 2023 to September 2024 there were 432 new claims brought to the London TCC.

This represents a decrease of 7.49% from the previous year, when 467 new claims were registered, falling back to the pre-Covid level.

The graph below shows the number of new claims brought to the London TCC from October 2020 to September 2024, as further comparison:



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.

The London TCC also takes advantage of the additional flexibility provided by remote hearings to transfer adjudication enforcement claims to other TCC judges sitting outside London, in Liverpool, Manchester and Newcastle. This has the benefit of affording to the parties the earliest convenient hearing date for their case by a specialist TCC judge regardless of where they are based.

Between October 2023 and September 2024, a total of 92 claims were transferred out of the London TCC to regional courts, with the CLCC receiving the majority (55). Of the total number of claims transferred, over half (55) were adjudication enforcements.

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.

In addition, every case issued in the London TCC is triaged to determine the appropriate level of Judge (i.e. a High Court Judge or Deputy High Court Judge) and also venue. Where cases

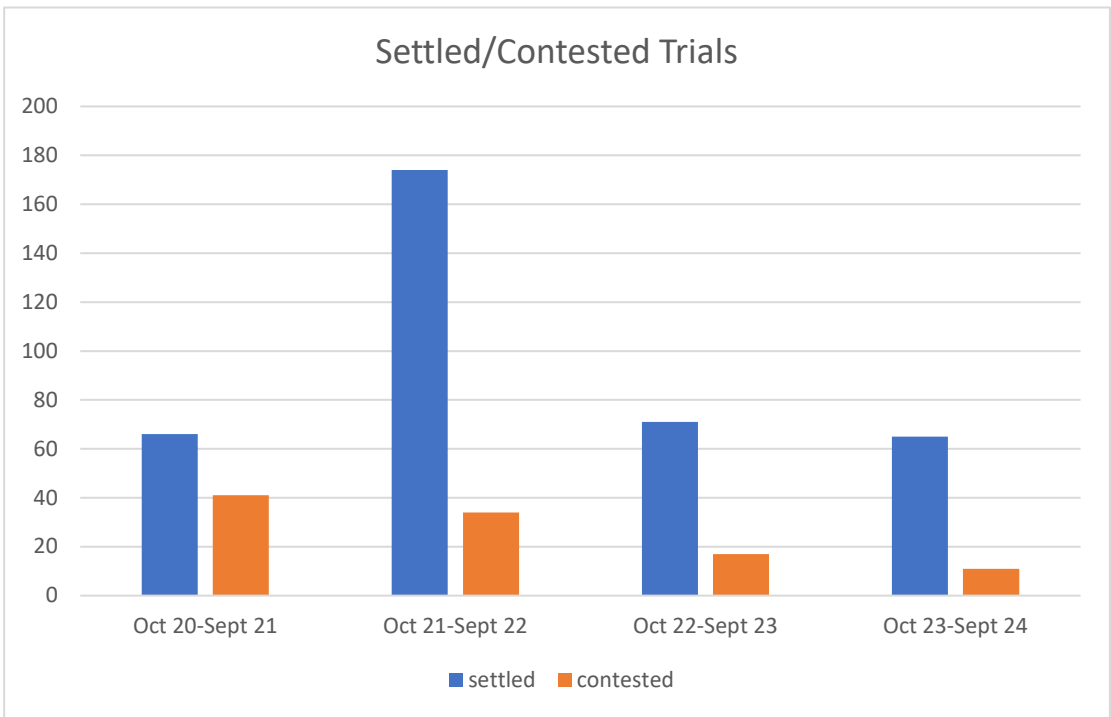
that started in London have a clear connection elsewhere, close to a Business and Property Court in a civil justice centre outside, they will be transferred there. Before any such transfer is finalised, the parties have an opportunity to make representations to the Judge in Charge if they consider that there are good reasons for the case remaining in London.

4.8 Trials

A continuing characteristic of the TCC is the high number of cases that are settled shortly, or sometimes very shortly, before trial.

During the year there were 65 trials listed at the TCC. Only 11 were eventually contested resulting in 83% of cases settling before judgment. This settlement figure is consistent with last two years at 84% (21/22) and 81% (22/23).

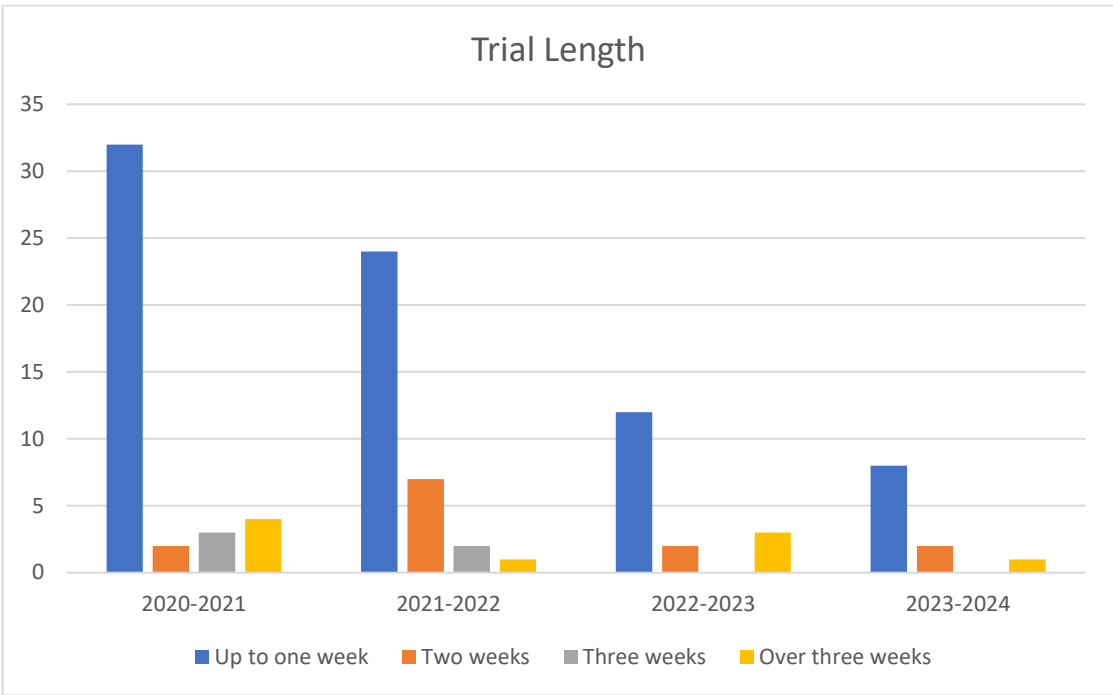
The following graph illustrates the number of contested trials heard at the London TCC from October 2020 to September 2024 and those that settled during the same period:



## Length of Trials

For the London TCC the average length of trial in the period covered by this report has been 3.5 days (including judicial reading). This is similar to last year albeit with a slight decrease.

Below is a breakdown of the duration of trials at London TCC from 2020-2024:



### 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 Court strongly encourages users to consider this option where both parties agree to adopt a simpler, and more cost-efficient procedure. There is no formal limit on the length of a flexible trial.

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



## 4.10 Disclosure: Practice Direction 57AD

The disclosure pilot started on 1 January 2019 in the BPCs across England and Wales, including the TCC, initially running for two years and extended until introduction of the new Practice Direction 57AD, effective from 1 October 2022.

The disclosure practice direction was introduced to address the perceived excess cost, scale and complexity of the disclosure process. The principle behind the current approach is that in TCC and other BPC cases there is no automatic entitlement to search based disclosure. The Court will only make an order for extended disclosure where there has been full engagement between the parties prior to the CMC. Any order for extended disclosure will be tailored to the issues in the claim and must be reasonable and proportionate to the circumstances of the case. This new approach to disclosure has required a cultural shift in practice. Standard disclosure is no longer seen as the default option. Parties have a duty to co-operate in finding a reasonable and proportionate solution to disclosure. However, there remains an express duty to preserve documents and a duty to disclose known adverse documents. The BPC Disclosure Review is now examining how PD 57AD has performed.

## 4.11 Applications

During 2023-2024, 448 applications were dealt with at an oral hearing, including case management conferences, pre-trial reviews and specific applications. This compares to 541 the previous year, reflecting a 17.2% 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 2,185 which incorporates those approved following oral hearings and those processed as 'alerts'/ paper applications. This is a reasonable increase from the last two years, by 11.1%, which were both just below 2,000 orders made.

## 5. Central London County Court

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

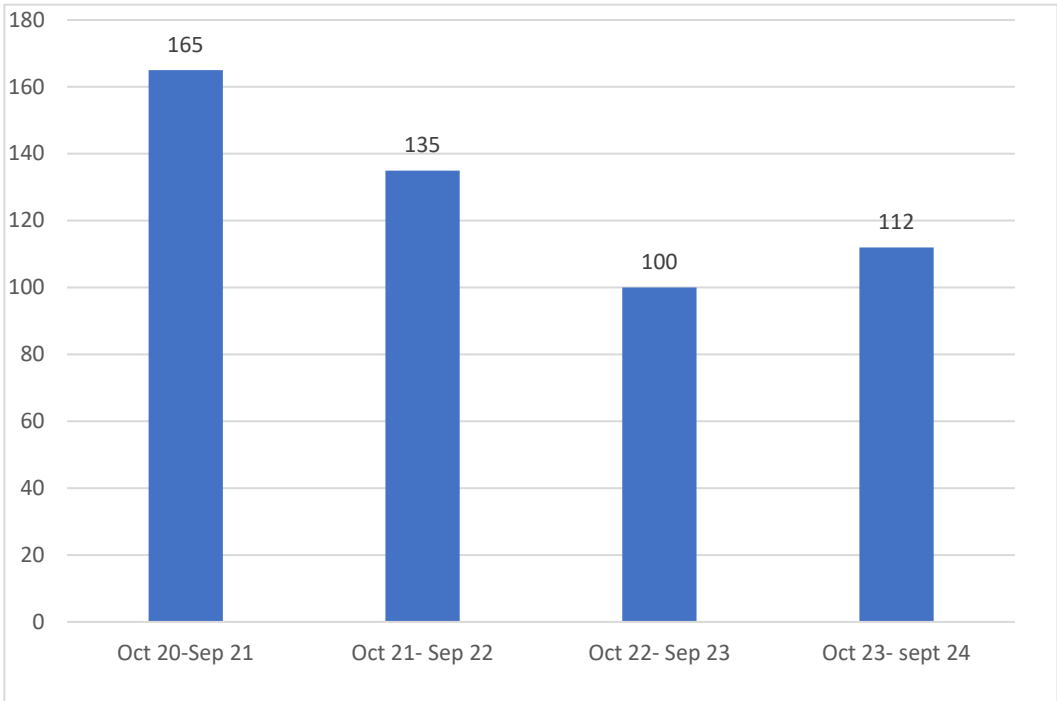
His Honour Judge Parfitt was the principal TCC judge at Central London for the period covered by this report.

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

During the period October 2023 to September 2024 there were 112 TCC claims. Of those claims, 46 TCC cases were issued in the Central London County Court and 66 cases were transferred in from the High Court, 32 cases of which were adjudication enforcement proceedings.

By contrast, there were 100 new claims processed the previous year, signifying a 12% increase in caseload.

The graph below shows the number of new TCC claims brought to the Central London Civil Justice Centre from October 2020 to September 2024, as further comparison:



# 6. TCC Centres outside of 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 2023-2024.

Figures from October 2020 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 principal TCC Judge for the period of this report.

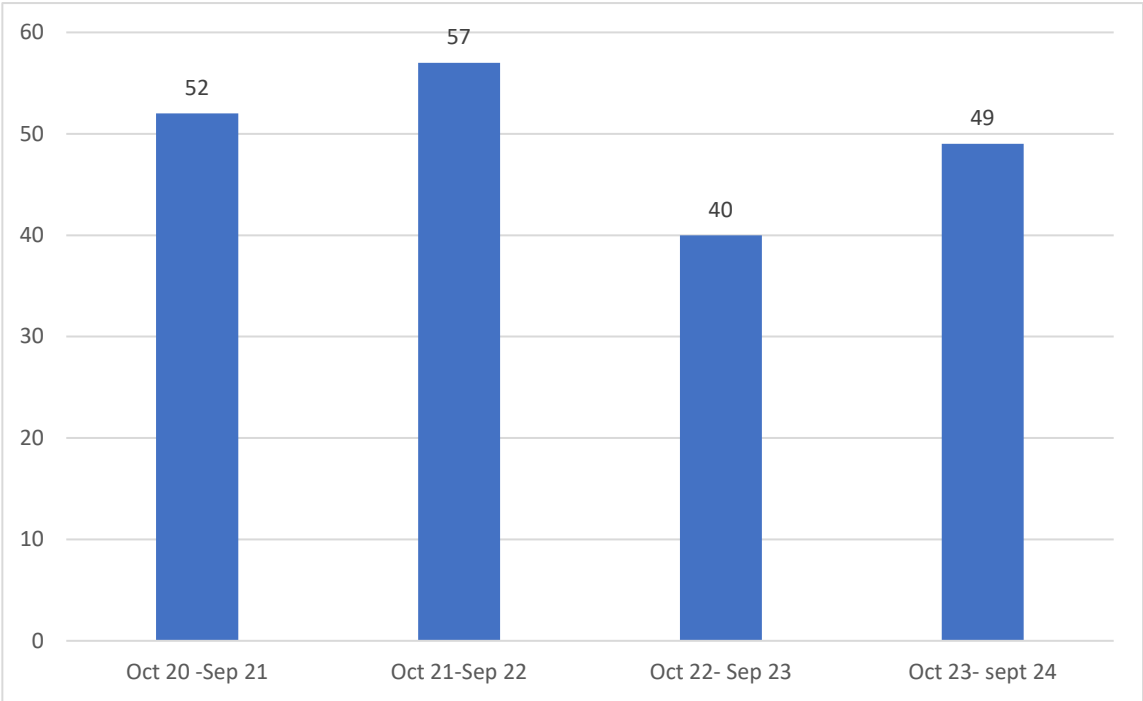
There are other specialist judges (who sit in TCC, Circuit Commercial and Chancery) authorised to sit in all jurisdictions in the Business and Property Courts, if required. During the period of this report HHJ Worster, HHJ Rawlings, HHJ Williams and HHJ Tindal were authorised to sit in the TCC.

During the period October 2023 to September 2024 there were a total of 49 new TCC claims categorised as 36 new High Court claims, 13 County Court claims.

In contrast there were 40 new claims received the previous year, reflecting a 22.5% increase in workload.

During the period of October 2023 to September 2024 there were 10 trials heard at Birmingham Civil Justice Centre.

The graph below shows the number of new TCC claims brought to the Birmingham Civil Justice Centre from October 2020 to September 2024, for comparison:



## 6.2 Bristol

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

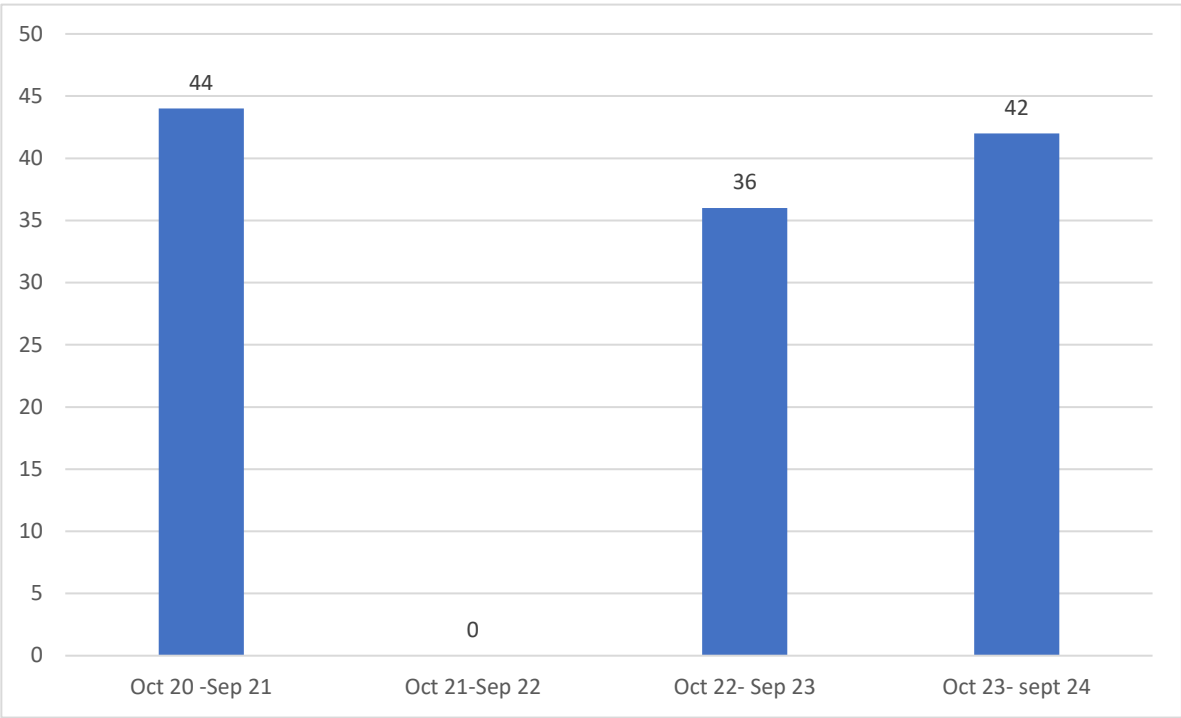
His Honour Judge Russen KC was the principal TCC judge for the period of the report.

During the period October 2023 to September 2024 there were 42 new TCC claims, of which 2 were within the County Court and 5 were transferred in. The majority of the claims were adjudication enforcement and construction claims.

In contrast there were a total of 36 new claims last year, representing a 16.7% increase.

There were also 124 consent orders and on-notice applications dealt with during the period of the report.

The graph below shows the number of new TCC claims brought to the Bristol Civil Justice Centre from October 2020 to September 2024, for comparison:<sup>1</sup>



<sup>1</sup> There were no statistics received during the period of 2021-2022

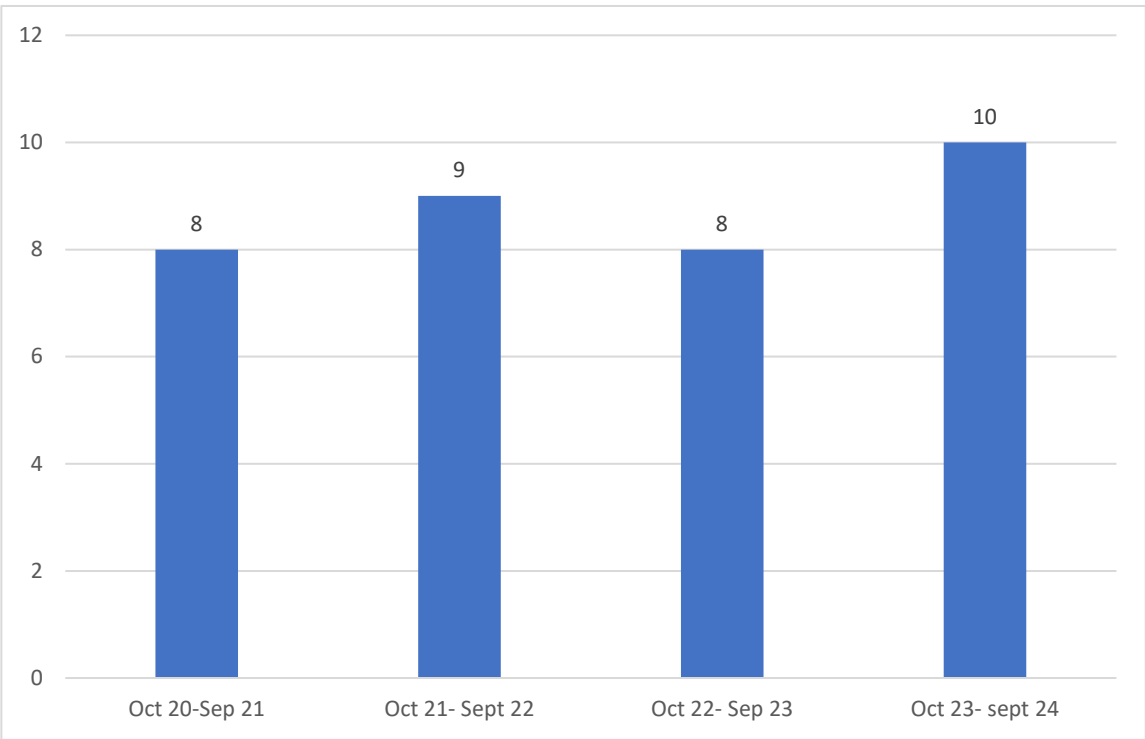
### 6.3 Cardiff

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

His Honour Judge Keyser KC was the principal TCC judge at Cardiff during the period covered by this report. HHJ Jarman KC also assisted.

During the period from October 2023 to September 2024 there were 10 new TCC claims. This is comparable to the previous year, where 8 new claims were received. During the period of this claim there were also approximately 13 paper applications dealt with.

The graph below shows the number of new TCC claims brought to the Cardiff Civil Justice Centre from October 2020 to September 2024, for comparison:



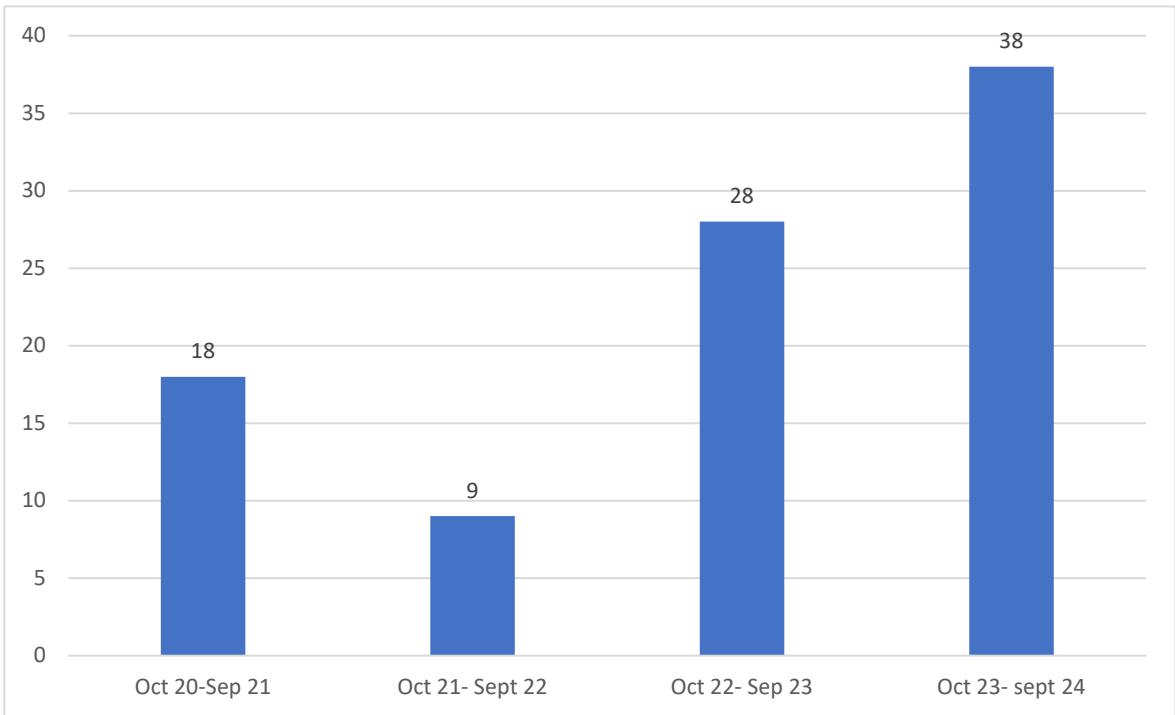
## 6.4 Leeds

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, alongside HHJ Klein and HHJ Claire Jackson.

During the period October 2023 to September 2024 there were a total of 38 High Court TCC and County Court claims. Of this, half were made up by adjudications. In contrast there have been 10 new claims (a 36% increase) compared to 2022-23, showing another significant year-on-year increase.

The graph below shows the number of new TCC claims brought to the Leeds Court from October 2020 to September 2024, for comparison:



## 6.5 Liverpool

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

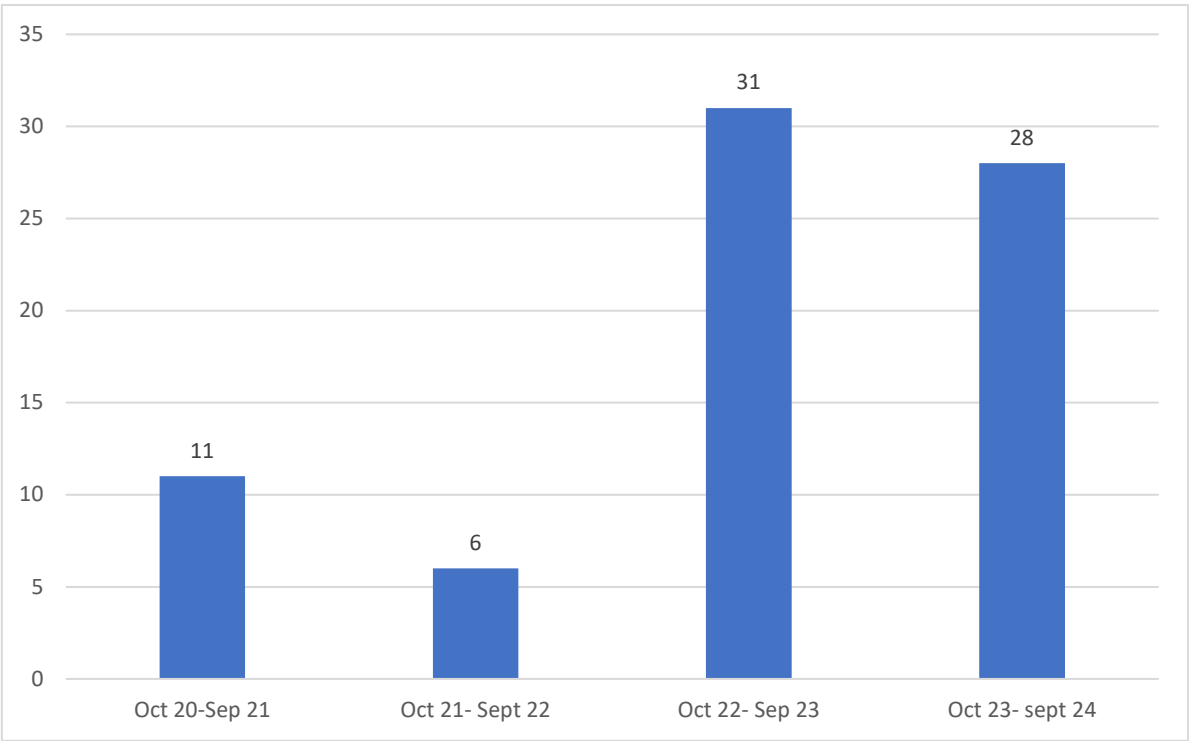
His Honour Judge Cadwallader was the principal TCC judge alongside His Honour Judge Wood KC during the period covered by this report.

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

During the period October 2023 to September 2024 there were 28 new TCC claims with 1 County Court claim and 16 claims which were transferred in. The vast majority (21) of these claims were adjudication enforcement claims. Overall, there were 3 less claims than the previous year, representing a 9.7% decrease.

There were also 28 paper applications dealt with during the period of this report.

The graph below shows the number of new TCC claims brought to the Liverpool Civil Justice Centre from October 2020 to September 2024, for comparison:





## 6.6 Manchester

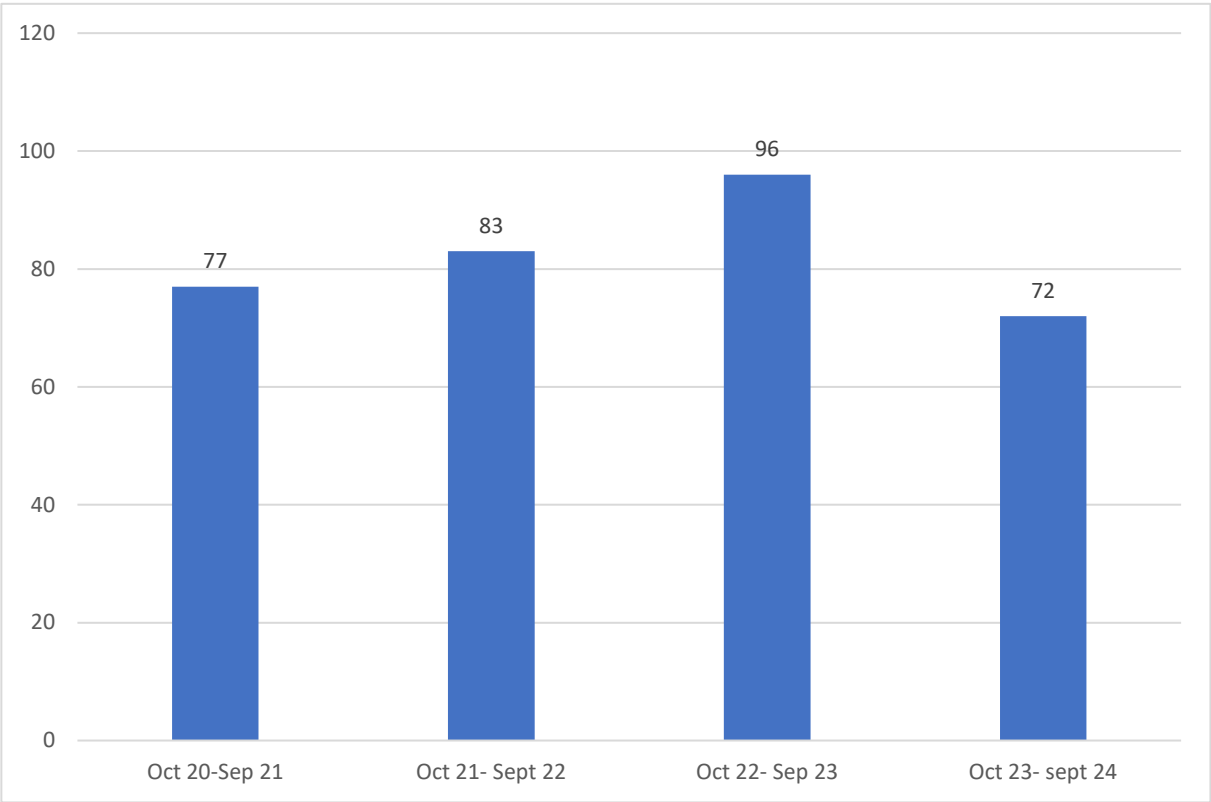
The TCC court is part of the Business and Property Courts based at the Manchester Civil Justice Centre.

His Honour Judge Stephen Davies sat as full-time principal TCC Judge alongside HHJ Bever in the Civil Justice Centre in Manchester during the period of this report.

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 KC, HHJ Richard Pearce, HHJ Mark Halliwell and HHJ Mark Cawson KC.

During the period October 2023 to September 2024 there were 72 new TCC claims. This marks 24 less claims than the previous period, but a substantial shift from County Court cases to High Court cases (where County Court and High Court were previously at basic parity with 47 County Court and 49 High Court claims between 2022-3).

The graph below shows the number of new TCC claims brought to the Manchester Civil Justice Centre from October 2020 to September 2024 for comparison:



## 6.7 Newcastle

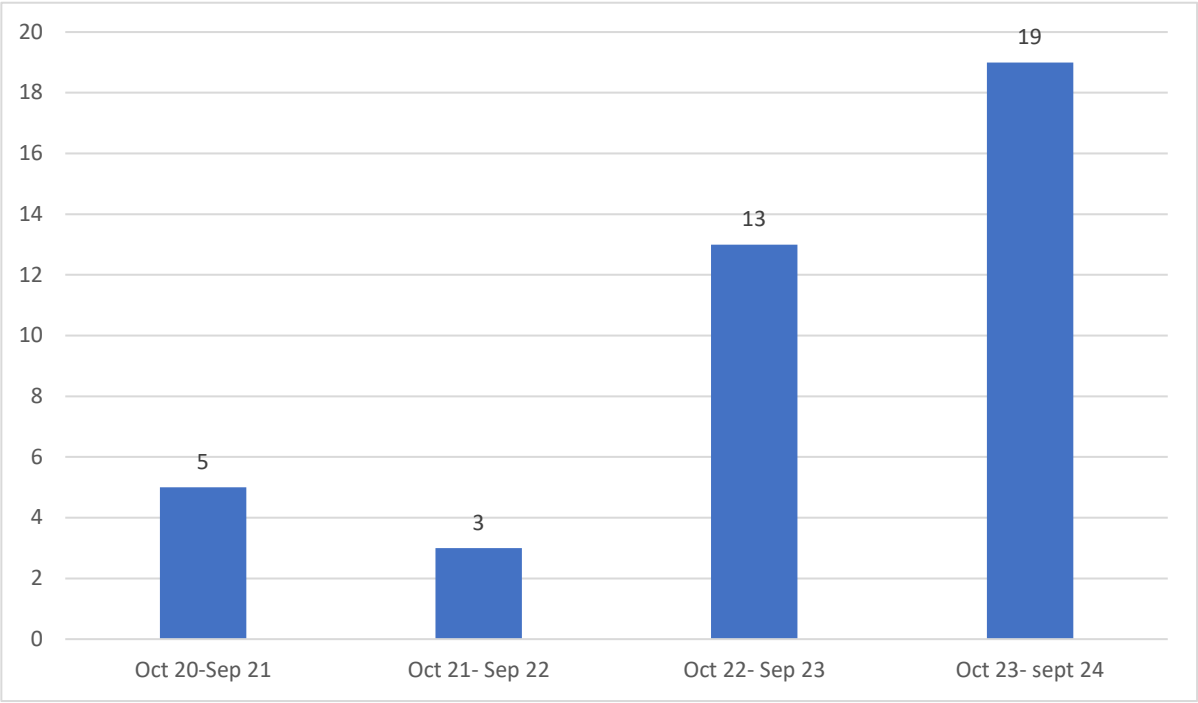
The TCC court is part of the Business and Property Courts and is based at the Newcastle County Court/District Registry. The majority of cases are heard at the historic Moot Hall in the centre of Newcastle.

Honour Judge Davies-White KC was the principal TCC Judge for Newcastle during the period of this report, alongside DJ Hambler.

During the period October 2023 to September 2024 there were 19 new TCC claims issued or transferred during the period specified in this report.

This sustains the relatively higher number of claims seen in the region during the last period compared to October 2020 to September 2022.

The graph below shows the number of new TCC claims brought to the Newcastle Civil Justice Centre from October 2020 to September 2024, for comparison:



## 7. Overall Division of Cases

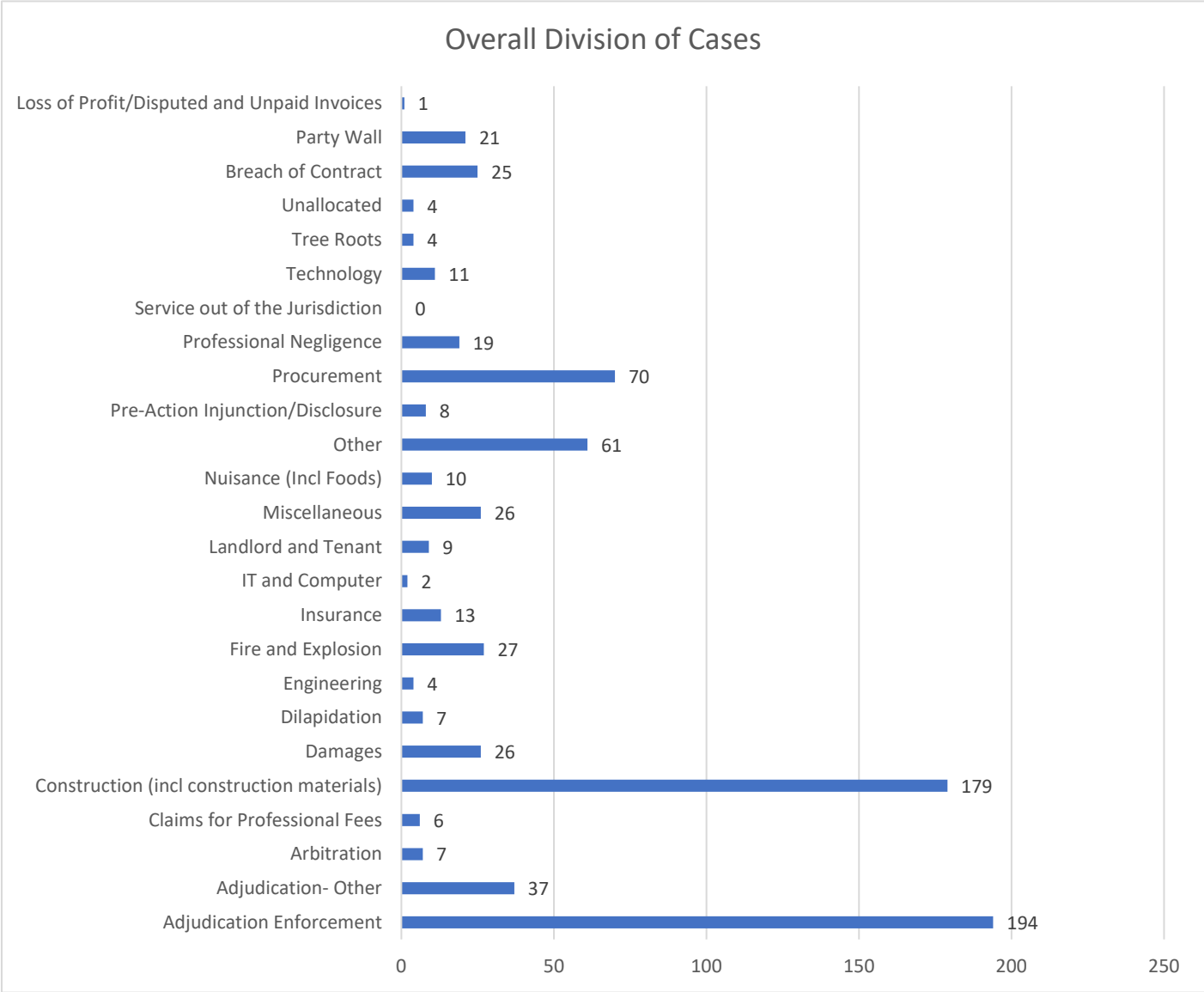
As in previous years we include an analysis of the percentages of each type of work carried out in those TCC courts which provided the relevant information.

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 is collected from; TCC London, Central London, Birmingham, Bristol, Cardiff, Leeds, Liverpool, Manchester and Newcastle:



# 8. The TCC during the year

## Appointments

Those authorised to sit in the TCC were, in alphabetical order, Butcher, Cockerill, Constable, Eyre, Freedman, Jefford, Kerr, O’Farrell, Pepperall, Joanna Smith and Waksman JJ.

The Lady 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.

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.

### 8.1 King’s Counsel

In March 2024 the following King’s Counsel who regularly practice in the TCC were appointed.

- Anna Laney
- Jane Davies Evans
- Camille Slow
- Jennifer Jones
- Brendan McGurk
- Simon Wilton
- Ewan West
- Joseph Barrett
- Sanjay Patel
- Tom Owen

We are delighted to welcome these specialist TCC practitioners.

## 8.2 The TCC Guide

The third edition of the TCC Guide (which originally came into force in October 2005) was produced and published in October 2022.

The new edition was 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. As an electronic document, it continues to be updated to reflect developments in the TCC and other court reforms. There will be a new edition in 2025.

## 8.3 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.

## 8.5 TCC User Committees

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

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.

## 8.6 TCC Liaison Judges

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

The function of these judges is to keep other 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.

## 8.7 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 2024: Zacharia Pullar and Zhi Yu Foo.

The TCC is very grateful to the Judicial Assistants for their valuable contribution to the work of the Court.

**Mr Justice Waksman**  
**Judge in Charge of the Technology and Construction Court**

## **9. Appendix 1 - The TCC as of 1 October 2023**

### **9.1 London TCC**

Mr Justice Waksman (Judge in Charge of the TCC)

Mr Justice Butcher

Mrs Justice Cockerill

Mr Justice Constable

Mr Justice Eyre

Mr Justice Freedman

Mrs Justice Jefford

Mrs Justice Joanna Smith

Mr Justice Kerr

Mrs Justice O'Farrell

Mr Justice Pepperall

### **9.2 Birmingham**

Her Honour Judge Sarah Watson (Principal TCC Judge)

His Honour Judge Rawlings

His Honour Judge Williams

His Honour Judge Worster

His Honour Judge Tindal

### **9.3 Bristol**

His Honour Judge Russen KC (Principal TCC Judge)

### **9.4 Cardiff**

His Honour Judge Keyser KC (Principal TCC Judge)

His Honour Judge Jarman KC

## **9.5 Central London**

His Honour Judge Parfitt (Principal TCC Judge)

His Honour Judge Johns KC

## **9.6 Leeds**

Her Honour Judge Siobhan Kelly (Principal TCC Judge)

His Honour Judge Jonathan Klein

Her Honour Judge Claire Jackson

## **9.7 Liverpool**

His Honour Judge Cadwallader (Principal TCC Judge)

His Honour Judge Wood KC

## **9.8 Manchester**

His Honour Judge Stephen Davies (Principal TCC Judge)

His Honour Judge David Hodge KC

His Honour Judge Richard Pearce

His Honour Judge Mark Halliwell KC

His Honour Judge Mark Cawson KC

His Honour Judge Adrian Bever

## **9.9 Newcastle**

His Honour Judge Davis White KC (Principal TCC Judge)

His Honour District Judge Hambler



## **9.10 Deputy High Court Judges/ Recorders**

Mr Jonathan Acton Davis KC

Mr Alan Bates KC

Mr Martin Bowdery KC

Mr Jason Coppel KC

Ms Anelli Howard KC

Mr Simon Lofthouse KC

Mr Andrew Mitchell KC

Mr Neil Moody KC

Mr Alexander Nissen KC

Mr David Quest KC

Mr Andrew Singer KC

Mr Roger Stewart KC

Mr Roger Ter Haar KC

Mr Adrian Williamson KC

## **9.11 TCC Liaison District Judges**

District Judge Baldwin (Liverpool)

District Judge Hywel James (Cardiff)

District Judge Andrew Bartley (Manchester)

# 10. Appendix 2 - The Staff of the London TCC as of 1 October 2024

|                                   |                   |
|-----------------------------------|-------------------|
| Senior Listings Officer           | Michael Tame      |
| Listings Officer                  | Gina Hitchman     |
| Clerk to Mrs Justice O’Farrell    | Samia Nur         |
| Clerk to Mrs Justice Cockerill    | Laura Hope        |
| Clerk to Mr Justice Butcher       | Eilidh Rowan      |
| Clerk to Mr Justice Freedman      | Akua Appiah       |
| 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      |
| Clerk to Mrs Justice Joanna Smith | Caroline Reid     |
| Clerk to Mr Justice Eyre          | Francesca Hathway |
| Clerk to Mr Justice Constable     | Samson Oyedokun   |



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