



Birmingham Business and Property Courts (“BBPC”)

Listing Policy

Aims

The policy is aimed at assisting BBPC Judges, Court Users and Court Staff by:

- Reducing waiting times for hearings;
- Ensuring that BBPC allocated time is used for BBPC work;
- More efficient, flexible and proportionate use of judicial resources;
- Increasing throughput of work;
- Enabling otherwise unrepresented parties to receive free legal assistance at an early stage of proceedings; and
- Encouraging settlement.

Judges and Work of the BBPC

There are 7 ticketed BBPC District Judges and 9 ticketed BBPC Deputy District Judges. There is a dedicated BBPC District Judge listed each week, and a dedicated BBPC Deputy District Judge listed one week a month.

There are 6 Circuit Judges, who are authorised to hear BBPC cases in the High Court (“**Specialist Circuit Judge**”). In addition, there are 5 Circuit Judges who are authorised to undertake BBPC County Court work.

The work of the BBPC is divided into Chancery, Circuit Commercial, and Technology and Construction. Further information about the work of the BPC Courts can be found on the BBPC website at [Birmingham - Courts and Tribunals Judiciary](#) .

Circuit Commercial and Technology and Construction cases are case managed and tried exclusively by the Specialist Circuit Judges, who also deal with all interim applications. Chancery cases account for the majority of the BBPC work, and BBPC

District Judges/Deputy District Judges in turn deal with the majority of case management/interim applications for Chancery cases.

First hearings in Chancery cases

There were very significant delays of up to 9 months in listing first hearings. Therefore, on issue, the majority of claims will be listed for an in-person first hearing without referral to a Judge, unless the claimant requests otherwise when issuing the claim.

For Part 7 claims, 2 costs and case management conferences (“**CCMCs**”) are block-listed at 11 am with a combined time estimate of 2 hours and 1 hour judicial pre-reading from 10 am. The parties will be directed to attend Court at 10 am for the purpose of negotiation and to seek to narrow the issues. The target date for CCMCs is no earlier than 3 months and no later than 4 months from the claim being issued to give the parties sufficient time to comply with their obligations regarding costs budgeting and disclosure.

For Part 8 claims, except where the claimant is unrepresented, these will be listed for a 30 minute directions hearing. 4 Part 8 directions hearings will usually be listed in an afternoon. The target date for the Part 8 directions hearing is 8 weeks from the claim being issued.

For Part 8 claims where the claimant is unrepresented the first directions hearing will be listed in the CLIPS list (further details below).

This practice of automatic listing on issue is aimed at reducing (i) the volume of email alerts and (ii) waiting times for a first hearing. It is recognised, however, that the claimant has 4 months in which to serve the claim form, which means that some cases may not be ready for an early first hearing. In other cases, a longer time estimate may be required (for example because of the number of parties involved). Where the claimant does not require an automatic early block listing or such a listing is not considered appropriate for the particular case then they must request on filing the claim that the case be referred to a District Judge for specific directions.

Chancery Litigants In Persons (“CLIPS”) List

There will be a dedicated list, once per month on a Friday, before a District Judge for interim hearings (other than costs budgeting) including Chancery Financial Dispute Resolution Appointments.

Volunteers, drawn initially from junior members of the local Bar under the umbrella of Advocate, the Bar’s Pro Bono service, volunteer to be on the CLIPS rota on a dedicated day. They will attend Court and be available to give advice/assistance to litigants in person, who will be directed to the volunteer on a first come, first served basis.

Designated Listing Officers (“DLOs”)

A large number of cases listed before District Judges/Deputy District Judges are vacated before the hearing. In the past, this BBPC allocated time was automatically released for Family Court work.

There are two DLOs dealing with District Judge/Deputy District Judge listing:

- Thomas Smith, who is primarily responsible for listing High Court work; and
- Jessica Attwood, who is primarily responsible for listing County Court Chancery Business.

It is an important part of the role of the DLOs to ensure that BBPC allocated time is used for BBPC work before being released elsewhere.

Re-allocation of District Judge/Deputy District Judge time

The DLOs will maintain a schedule of Part 8 first directions/general applications to be listed. The DLOs will be notified promptly when hearings have been vacated so that the DLOs can list the scheduled outstanding matters into that available time. This ought to (i) ensure that BBPC allocated time is used for BBPC cases and (ii) reduce waiting times for listing Part 8 first directions hearings and general applications.

In the unlikely event that there is no BBPC work, the available District Judge/Deputy District Judge time will be offered to the Kings Bench Division (“**KB**”), provided the Judge is cross-ticketed. In the absence of any available KB work, or a cross-ticketed Judge, the time will be offered to the County Court civil section. Any available KB and county court Judicial time will be offered to the BPC in return.

Chancery Financial Dispute Resolution Appointment (“FDR”)

An FDR hearing combines judge led mediation and early neutral evaluation with the aim of assisting the parties to reach a negotiated settlement.

These will generally be listed either (i) for 2 hours from 11 am with judicial pre-reading time of 1 hour from 10 am or (ii) for 4 hours from 11 am with judicial pre-reading time of 1 hour from 10 am. The parties will be directed to attend Court at 10 am to commence negotiations.

At any first hearing of a suitable case, the parties will be encouraged to agree to the case being listed for an FDR hearing. Very often the parties in BBPC Chancery cases have a personal relationship even in a commercial context and so the cases are ideally suited for FDRs. In addition, the use of FDRs is not confined simply to financial disputes but extends to non-monetary claims e.g. boundary disputes.

The target date for FDRs is 4 to 6 weeks from the first hearing. At the first hearing, the District Judge/Deputy District Judge will be able to contact via email the DLO to obtain the next available date for an FDR.

FDRs can be listed before Specialist Circuit Judges, District Judges or Deputy District Judges. If the case is in the County Court the FDR can be listed before one of the 5 Circuit Judges, who are authorised to undertake BBPC County Court work. However, where one or both parties are unrepresented, consideration ought to be given to listing the FDR in the next available CLIPs list.

In order to facilitate negotiations, consultation rooms will be booked out in advance of the FDR hearing, and where the FDR is listed before a District Judge/Deputy District Judge it will be listed in a court room on the same floor as the pre-booked consultation rooms.

In suitable cases (e.g. Inheritance Act, TOLATA, and boundary disputes) judges ought to consider imposing an FDR upon the parties even if they are not in agreement.

Chancery Trials

It is important that District Judges/Deputy District Judges undertake trial work. When cases are referred to Specialist Circuit Judges for listing directions consideration shall be given to directing that the trial be listed “before a Chancery DJ/DDJ only”. Generally, trials of more than 3 days including reading time ought not to be listed before a District Judge/Deputy District Judge.

No Case Too Big For Birmingham

There is a dedicated track for suitable Chancery cases to be (i) allocated to a named Specialist Circuit Judge for case management and (ii) tried by a High Court Judge sitting in Birmingham. There is no prescribed criteria, but suitable cases are likely to involve one or more of (i) significant monetary value (over £10 million), (ii) high profile, (iii) public importance, and/or (iv) novel point of law. Where a claimant considers that their case is suitable for this track, they must request on filing the claim that the case be referred to the BBPC Lead Judge for directions.

Shorter Trials Scheme

This procedure offers dispute resolution on a shorter timescale. Cases are case managed and tried by an allocated Specialist Circuit Judge with the aim of reaching trial within 10 months of the issue of proceedings, and judgment given within 6 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 the trial is 4 days including reading time.

Where a claimant starts a claim in the Shorter Trials Scheme they must request on filing the claim that the case be referred to the BBPC Lead Judge for directions.

Corporate/Personal Insolvency

Corporate insolvency

Company creditor winding up petitions are automatically listed on the petition being filed in the winding up court (“***the Winding-Up Court***”) before a District Judge and to run from 10.00 am – to 12.00 noon with 30 creditors’ petitions block listed.

Injunction applications to restrain presentation of winding up petition or advertisement are to be listed urgently before a Specialist Circuit Judge.

Applications for an administration order or to challenge the appointment of administrators are referred to a Specialist Circuit Judge for listing directions.

Applications to extend administration orders are referred to a District Judge/Deputy District Judge to be dealt with on the papers without a hearing unless such a hearing is then considered necessary.

Validation orders pursuant to s.127 of the Insolvency Act 1986 are referred to HHJ Rawlings for listing directions.

Part 8 claims for the restoration of a company are automatically listed before a District Judge/Deputy District Judge with a time estimate of 10 minutes.

Applications for registration of a charge out of time are automatically listed before a District Judge/Deputy District with a time estimate of 30 minutes.

Applications for public examinations of directors are automatically listed to be heard at the end of the Winding-Up Court (12 to 1pm) with a time estimate of 15 minutes each. Adjourned public examinations that require longer time estimates will be listed before any District Judge/Deputy District Judge in accordance with any directions given by the Judge at the first hearing.

Directors’ disqualification proceedings and ***applications to continue to act as a director*** are automatically listed for directions before a District Judge/Deputy District Judge with a time estimate of 30 minutes. Final hearings shall be listed before a District Judge/Deputy District where the time estimate is 3 days or less (including reading time).

Personal insolvency

Creditors’ bankruptcy petitions are automatically listed before a District Judge/Deputy District Judge in 30 minute blocks of 4 cases each to be heard within 6 weeks of the petition being filed.

Public examination applications and ***bankruptcy restriction order applications*** are automatically listed to be heard (with respectively time estimates of 15 minutes and 30 minutes each) at the end of the Winding-Up Court from 12 noon to 1pm.

All other insolvency claims/applications

All other insolvency claims/applications shall be referred to a District Judge/Deputy District Judge for listing directions.

Birmingham Intellectual Property Enterprise Court – Small Claims (“IPECSC”)

Birmingham IPECSC is concerned with claims of £10,000 or less relating to copyright, UK registered trade marks, passing off and UK unregistered design rights. It is primarily aimed at monetary claims seeking damages, an account or delivery up. Interim remedies, for example injunctions, are not available in IPECSC.

When a claim is issued in Birmingham IPECSC it will be referred to one of the two specialist ticketed District Judges (District Judges Rich or Mantle) for directions.

Applications for Interim Injunctions

These are listed before a Specialist Circuit Judge or (if BBPC County Court work) before a Circuit Judge. The applicant must complete and send to the court the checklist, which is available on the BBPC website. The application/checklist will then be referred to a Specialist Circuit Judge for listing directions.

Standard Forms

Court users/judges are encouraged to make use of the BBPC standard forms being (i) directions for Costs and Case Management Conferences, (ii) directions for the Shorter Trials Scheme, (iii) directions for IPECSC, and (iv) checklist for interim injunctions. The standard forms are available on the BBPC website at [Birmingham - Courts and Tribunals Judiciary](#)

Monitoring and review

This policy aims at simplifying and improving the way in which cases are listed and the timescales for first hearings, interim applications, Chancery FDRs and Trials. The DLOs will monitor performance against this policy and provide feedback to the BPC Judges, who will keep the policy under review so that changes can be made as and when required.

Court users and Judges are also encouraged to provide feedback to the BBPC Lead Judge.

HHJ Richard Williams (BBPC Lead Judge)

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