# **Commercial Court User Group Meeting**

# **July 2025 Meeting Minutes**

**Remote Meeting via Microsoft Teams on Wednesday 16 July 2025 at 16:45**

1. **Henshaw J: Introduction and statistical updates**

Mr Justice Henshaw welcomed all attendees to the July 2025 Commercial Court User Group (CCUG) Meeting.

1. Claims issued in 2024-2025:

|  |  |  |  |
| --- | --- | --- | --- |
| **Claims issued in Commercial Court, Admiralty and the London Circuit Commercial Court** | **October 2023-September 2024** | **October 2024 – June 2025** | **Annualised figure October 2024 – September 2025** |
| Total | 1174 | 848 | 1130 |

The general level of new claims issued year on year is fairly constant, although within this year’s figures, there has been migration from the Commercial Court (CC) to the London Circuit Commercial Court (LCCC). The annualised number of new claims for CC is 617, down from 743 in the 23/24 year. The corresponding LCCC figure is up from 339 to 437, which reflects the policy of transferring smaller claims from the CC to the LCCC and indicates that parties are starting new claims in the appropriate court more than in previous years. There is a need to keep an eye on the LCCC’s workload and measures to deal with this are under consideration internally. Claim thresholds have been revised and we will come to that later. Despite a slight alleviation in terms of new claims, the CC’s workload remains heavy, particularly given their increased complexity and, perhaps, harder fought claims.

1. Hearings in 2024 – 2025:

|  |  |  |
| --- | --- | --- |
| **Commercial Court**  | **October 2023-September 2024** | **October 2024 – June 2025** |
| **Hearings Listed** | 1251 | 968 |
| **Effective Hearings** | 884 | 663 |
| **Trials Listed** | 95 | 126 |
| **Effective Trials** | 41 | 50 |

We have had more long trials than in most previous years. Andrew Baker J has finished the year-long SKAT trial and Jacobs J has embarked on the year-long PIFSS trial. Term-long trials are much more common than in earlier years.

1. Urgent Applications:

|  |  |  |  |
| --- | --- | --- | --- |
| **Urgent Applications**  | **October 2023-September 2024** | **October 2024 – June 2025** | **Annualised figure October 2024 – September 2025** |
|  | 76 | 52 | 70 |

Expedition applications have been frequent.

1. Paper Applications:

|  |  |  |  |
| --- | --- | --- | --- |
| **Paper Applications**  | **October 2023-September 2024** | **October 2024 – June 2025** | **Annualised figure October 2024 – September 2025** |
|  | 4906 | 3673 | 4900 |

This averages 377 applications per judge across the 13 Commercial Court and London Circuit Commercial Court judges.

1. Arbitration:

Reliable figures for arbitration claims were not available at the time of the meeting, but it appeared likely that claims over the year as a whole would be broadly in line with the years prior to 23/24 (when there had been a spike in arbitration challenges).

1. Current Lead Times as of 15 July 2025:

|  |  |
| --- | --- |
| Application hearings of up to and including a half day (2.5 hours) | Fridays from 3 October 2025 |
| 1 day or more | From 21 October 2025 |
| Trials up to 3 days | w/c 16 February 2026 then from 15 April 2026 |
| Trials up to 1 week | From 20 April 2026 |
| Trials of 2-3 weeks | From 6 July 2026 |
| Trials of 4 weeks | From October 2026 |
| Trials over 4 weeks | From January 2027 |

2. Michael Tame: The View from the Listing Office

Mr Tame thanked the CCUG for its support and patience over what has been a hectic 6 months for the Listing Office since the last user group meeting. He took the opportunity to update the group about some staff changes within the team. Gina Hitchman is now the Listing Officer for the Commercial Court and Donna Trott is the Listing Officer for the Technology and Construction Court.

1. Advance notice of Urgent Applications

Counsel’s clerk tends to make the Listing Office aware that an urgent application is in the pipeline and the team is very grateful for that. If there are court users who were not aware of this, they are asked to pass this on to colleagues as it gives the Listing Office the chance to plan ahead.

1. Confidential Without Notice Applications

Generally speaking, the Listing Office will only accept an urgent application if the claim form has also been issued. Unless the claim is an arbitration matter, the case will be searchable online. If an application needs to be confidential, applicants should contact the Listing Office on 020 7947 7156/7357 to discuss this before confidential documents are filed on CE-file, so that the team can ensure that confidential filings are kept that way.

1. Correspondence with the Listing Office

The Listing Office receives a lot of duplicated correspondence about listings which is properly submitted by email but also needlessly submitted via CE-File. Conversely, some parties email the Listing Office to confirm that an application has been submitted via CE-File. The Listing Team asks users not to do this, as it takes up time which could be better spent elsewhere.

1. On-Notice Paper Applications Checklist

The checklist has been in operation for just over a year and has been very successful. The judges have found it useful and it helps court staff ascertain that section F.4.1(d) of the Commercial Court Guide (CCG) has been complied with. Nevertheless, there are still instances where the checklist is required but is not submitted or is submitted in incomplete form. The CCUG is asked to note that these applications will be rejected. More often than not, the checklist is incomplete because the applicant is unable to comply with the notice period required by F.4.1(d) CCG before an important deadline. In this case, they will often file their application as an application for an on-notice general hearing and then contact the Listing Team after few days to ask for it to be determined on paper. Should applicants need to do this, they should ensure that they file a completed checklist when the application is ready for determination. Applicants should not file a without notice application simply because they are unable to comply with F.4.1(d) CCG. The Listing Office is grateful to work in partnership with court users so that these applications can be dealt with as soon as possible.

Finally, Mr Tame acknowledged how busy the Listing Office is and apologised if there have been times where the team has been unable to reply to emails within 24 hours or 48 hours. This is simply down to the volume of email traffic. So please bear that in mind when thinking

about correspondence which should properly be submitted via CE-File rather than by email.

Mr Justice Henshaw confirmed that the checklists are very important and they are very helpful to the judges in processing on notice paper applications as efficiently as they can.

3. Butcher J: Review of Disclosure in the Business and Property Courts

Mr Justice Butcher confirmed that the Business and Property Courts have launched a disclosure review. The review’s terms of reference are to obtain data and information about how disclosure is functioning within the Business and Property Courts and to establish how far the PD57AD reforms have achieved their goals of saving costs, improving the accuracy of disclosure and achieving a culture change in terms of cooperation between parties to litigation. The review will also explore how and whether developments in technology (including the use of AI) are impacting the disclosure process and consider whether to make any recommendations as to change of the current regime. This will involve a consideration of whether the time is right to make any changes. The focus at this stage is the process of obtaining data and information. In Michaelmas Term, a questionnaire will be sent to Business and Property Court Users. The Business and Property Courts want a wide distribution list in order to assemble as much information as possible. The judges wish to make the CCUG aware of this and invite suggestions as to who should be sent the questionnaire. The Commercial Court has many recipients in mind, including umbrella groups like COMBAR and the LSLA, firms of solicitors, barristers and general counsel. However, the court would be interested in the CCUG’s further suggestions, including perhaps in-house lawyers or clients who may have something to contribute to the exercise. It would be helpful if any suggestions to be sent via Commercial Court Listing Team, or perhaps more conveniently to the clerk to Mr Justice Butcher: Eilidh.Rowan@justice.gov.uk.

4. Cockerill J: Public Domain Documents Pilot in October 2025

Mrs Justice Cockerill confirmed that transparency and open justice are very important to the Lady Chief Justice and the judges have been looking at what one might call a kind of “open justice access gap” which has been created by the Commercial Court’s phenomenally effective systems of dealing with evidence. The Commercial Court no longer hears all evidence live and as a result, the public does not get to know about an awful lot of the documents which the judge sees, considers and which form the basis of their decisions. Although a lot of these documents technically enter the public domain, there has been a sense that the public does not know how to access them. The Civil Procedure Rules Committee (CPRC) Subcommittee run by Mrs Justice Cockerill has been examining ways of improving this and has decided to trial a system for courts which use CE-file. Documents which enter the public domain must be re-filed on CE-file, with a new categorisation which will make them visible on the public-facing side of CE-file. It will then be possible for members of the public to obtain office copies of these documents in the same way that they can request office copies of statements of case and orders etc. What sounded like a simple, yet interesting idea became increasingly complex when drafting the Practice Direction. Nevertheless, the pilot scheme has been approved by the CPRC and will take place in the Commercial Court in October 2025. Once formal ministerial approval has been obtained, the new Practice Direction will be circulated alongside a guidance note.

5. Cockerill J: Hyperlinking Authorities in Skeletons and Judgments

Mrs Justice Cockerill observed that it is very easy to hyperlink to judgments which are posted on the National Archives. The Commercial Court will be moving towards a mode where judgments contain hyperlinks to other cases. When drafting skeleton arguments, it would therefore be very helpful to judges if parties could hyperlink to cases, using the National Archive rather than Westlaw or other sites.

6. Henshaw J: Practice Note on Claims Limits

Mr Justice Henshaw reminded users about the [Practice Note](https://www.judiciary.uk/guidance-and-resources/practice-note-commercial-court-and-london-circuit-commercial-court/#:~:text=Practice%20Note%3A%20Commercial%20Court%20and%20London%20Circuit%20Commercial%20Court) which had been issued on 6 June 2025 concerning the threshold for claims in the Commercial Court and London Circuit Commercial Court. The general lower limit for Commercial Court claims has been increased to £7 million in terms of amount in dispute and up to £1 million for the London Circuit Commercial Court. As before, smaller claims may be retained if justified by the other factors that are listed in [CPR 30.3(2)](https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part30#30.3:~:text=the%20district%20registries).-,(2),-The%20matters%20to). In practice, that means in particular that arbitration, cargo and other shipping claims will be retained in the London Circuit Commercial Court even if they are less than £1 million.

7. SIFoCC Update (Robin Knowles J)

1. Mr Justice Robin Knowles updated the CCUG that the Standing International Forum of Commercial Courts (SIFoCC) held its first continent-specific round table meeting in May 2025 for 2 days of discussion. The focus of the meeting was on effective dispute resolution in Africa and it was attended by 22 jurisdictions, many led at Chief Justice level. Also present was the organisation of Islamic Cooperation and the President of the East African Court of Justice.
2. SIFoCC also held its 5th observation programme which invited nominated judges from 5 or 6 developing or emerging market jurisdictions to spend an intensive week at the Commercial Court. This helps build relationships with the jurisdictions who attend these programmes, and SIFoCC as a whole is strengthened, amongst other gains. Robin Knowles J was really pleased to see the amount of references to and discussion about SIFoCC during this year’s London International Disputes Week (LIDW) and extended his thanks to those who organised the event.
3. The 3rd edition of SIFoCC's Multilateral Memorandum on the Enforcement of Commercial Judgments for Money should be complete by the end of 2025.
4. SIFoCC’s 6th full meeting is scheduled to take place 8-9 November 2025 in New Delhi. The subjects are very current and the meeting takes place between the International Bar Association’s meeting on 2-7 November in Canada and COP 30 on 10-21 November.
5. SIFoCC’s membership across the world has now reached well into the 60s and the latest country to join was Ethiopia, which is particularly resonant as their joining date was when we marked the 40th anniversary of Live Aid. Mr Justice Robin Knowles wished to extend his thanks to everybody, judges and non-judges, for their support of this initiative.

8. Henshaw J: Junior Advocacy on Selected ‘In Person’ Friday Hearings

On 8 July 2025, Mr Justice Henshaw and His Honour Judge Pelling KC issued [Practice Guidance](https://www.judiciary.uk/wp-content/uploads/2025/07/250708-Practice-Guidance-Junior-Advocacy-Comm-Ct-and-LCCC.pdf) which encourages more junior advocacy whilst recognising the client’s ultimate right to choose whom to instruct. The guidance includes practice points about advance planning and indicates that the court may enquire about trial advocacy at PTRs.

Feedback would be particularly welcome about Friday list hearings. The court has heard a number of suggestions that having some Friday hearings in person or as hybrid hearings would be advantageous for both junior advocates and solicitors, and may also tend to facilitate the narrowing of issues outside court. There is no intention to make an across-the-board change, but the court is interested to know the market’s reaction to some Friday hearings being in held in-person or hybrid, to be decided on an individual basis. Would this be problematic or increase expense from the point of view of solicitors or clients? Or would it often merely migrate people from counsel’s chambers to the Rolls Building? The judges are interested to know how users see the pros and cons and to this end, they are invited to email Henshaw J’s clerk: jay.howard@justice.gov.uk at their convenience.

9. Henshaw J: Pro Bono Schemes for Litigants in Person (LIPs)

Mr Justice Henshaw confirmed that when a hearing is fixed, the Listing Office sends a confirmation email which includes a paragraph providing [links](https://www.judiciary.uk/courts-and-tribunals/business-and-property-courts/commercial-court/litigating-in-the-commercial-court/litigants-in-person/) to Pro Bono bodies which can provide LIPs with legal representation at the hearing. If CCUG members have a LIP on the other side, it is important that this is drawn to their attention so that they seek this help as soon as possible. It may not be possible for last-minute requests to be accommodated and legal representation really does help hearings run more smoothly.

10. Henshaw J: Pdf Bundle Page Numbering

Mr Justice Henshaw reminded users that the standard listing email also now draws attention to the requirements for bundles in Appendix 7 of the Commercial Court Guide, including that the numbering of hard copy and pdf file page numbers must match (meaning that the page numbering should include any title, index or contents pages, and that any bundle additions must be added at the end or in a separate bundle).

11. Henshaw J: Opus Audio Tape Requests

Mr Justice Henshaw noted that from time to time the court receives requests from parties or platform providers to be given access to the audio tape of a hearing for various reasons. It is not the court’s practice to allow general access to recordings. If a particular issue arises about the accuracy of the transcript, judges may allow a limited portion of the audio to be listened to by the parties, but that will have to be addressed if and when the need arises. This is consistent with the restrictive approach taken to parties having access to the court’s own tape as set out in the [Practice Direction (Audio Recording of Proceedings: Access) [2014]](https://www.judiciary.uk/guidance-and-resources/practice-direction-access-to-audio-recordings-of-proceedings/).

12. AOB

1. Mr Justice Henshaw extended hearty congratulations to both Mrs Justice Cockerill and Mr Justice Foxton on their forthcoming appointments to the Court of Appeal, which are extremely well-deserved. Both Cockerill and Foxton JJs will be sorely missed, and everybody at the Commercial Court is extremely grateful for their enormous hard work, effort and creativity. Thank you both very much indeed.
2. Bruce Harris noted that the Arbitration Act 2025 had received royal assent on 1 May 2005 and enquired when this would come into force. An update would be very much appreciated by the arbitration community. Mr Justice Henshaw confirmed that the judges would give thought as to whether it would be appropriate and or feasible to at least enquire what the position is expected to be.

Mr Harris reminded the group that people are often refer to London Maritime Arbitrators’ Association (LMAA) Rules when they mean LMAA Terms. The LMAA Rules are the association’s constitution. It would be appreciated if the correct terminology could be used.

There was no further business and the meeting ended at 17:18.