

The new Business and Property Division

*Address to the Chancery Bar Association
LSE, 8 September 2026*

Sir Colin Birss, Chancellor of the High Court

1. Good afternoon. I would like to thank the Chancery Bar Association, and your new Chair, Janet Bignell KC in particular, for facilitating this event.
2. I wanted to speak to the Association about the new Division, for what I hope are fairly obvious reasons. The changes relate directly to your work and your clients will be just as important users of the Rolls Building in future as they are today. I mention the Rolls Building because this event is happening here in London. But I will say something about the Business and Property Courts outside London as well.

Context - the move to the Rolls Building from the Thomas More Building

3. In October 2011 the Rolls Building came into operation. It was and I believe still is the largest commercial and business court centre in the world, reflecting London's importance in this area. The centre provided a new common home for the Commercial Court, Admiralty Court, the Technology and Construction Court (TCC) and the Chancery Division, including all the High Court judges in those courts, the relevant specialist Circuit Judges of what was then the Mercantile Court and the Patents County Court (HHJ David Mackie and me), the Masters of the Chancery Division and the Registrars (now Insolvency and Companies Court judges). The Commercial Court, Admiralty and TCC, which had always been part of the King's Bench Division, had been physically located in the old St Dunstan's House site (now demolished), whereas the Chancery Division had been located largely in the Thomas More Building, on the Royal Courts of Justice estate. The closely related nature of the complex business dispute resolution conducted in all these courts provided the logic for bringing them together in one location.
4. In 2015 the Financial List was created. This important specialist list was formed as a joint venture between the Commercial Court and the Chancery Division. The joint nature of the Financial List reflected the fact that the judges with expertise relating to the financial markets were to be found in each.
5. In 2017 the concept of the Business and Property Courts (BPCs) was introduced. This umbrella structure operated across all the courts in the Rolls Building and was a further reflection of the same logic which underpinned that court centre. At the same time, the BPC concept also applied in the major centres outside London in which Chancery, Circuit Commercial and TCC work was undertaken. Nevertheless, the Divisional arrangements remained in existence, so that the

BPCs included both elements of the King's Bench Division such as the Commercial Court and TCC as well as the whole of the Chancery Division.

6. Over the years since 2017, despite the creation of the BPCs, the split administrative structure created some unnecessary complexity for court users. Businesses, legal practitioners, and international litigants sometimes found it difficult to understand which Division was responsible for particular disputes. In terms of the judges, cross-deployment between the different parts of the BPCs and between Divisions in general, while possible in theory, was very limited in practice. My own experience as a High Court judge showed how difficult it was in practice to cross-deploy from Chancery into crime and the Admin Court.

Why make the change?

7. The reason for doing this is to modernise the court structure, bringing together specialist courts under a coherent single Division to improve access to justice, efficiency, accessibility, and the UK's international competitiveness. Seen against the background I have described, the replacement of the Business and Property Courts with the Business and Property Division (BPD) is a further logical step, bringing all the components parts together into one Division of the High Court. It makes sense because the work is so closely related – it is business and property work – and it is good for court users to know which Division their claims ought to be in.
8. It also makes sense to clarify the leadership arrangements. Just as an example, the Chancellor of the High Court has always had something called “day to day” responsibility for all the BPCs, but this was never defined and its scope was not all that clear.

The names of things

9. If you bring the Commercial Court, Admiralty Court and TCC into the same Division as the existing courts and lists in Chancery, you cannot call that Division the “Chancery” Division, because whatever the word “chancery” means, it is not that. “Business and Property Division” is a logical name for it, given that the Division consists of all the components formerly comprising the BPCs, and President of the BPD is the logical name for the head of that new Division.
10. The judges will be judges of the Business and Property Division, including High Court Judges and Masters. The courts and lists will retain their existing names in the rules. For example, the Insolvency and Companies list will retain that name and the Insolvency and Companies Court judges will also remain with the same name. The various other lists and courts will also keep their names, the Patents Court, Commercial Court, the Business list and so on.

11. I prefer not to use the expression referring to something as “formerly part of the King’s Bench Division” or “formerly part of Chancery”. The rules, practice directions and Guides will not use that terminology.
12. I expect people will continue use the name “Chancery” in a natural way, if they wish to. For example, the name of this Association is of course up to you. There is no reason as far as I am concerned not to call yourselves the Chancery Bar Association, if that is what you want. Not all Bar Associations have names which correspond to a Division, think of the Personal Injury Bar Association, the Property Bar Association and ALBA (the Constitutional and Administrative Law Bar Association). Nor is there, for example, a King’s Bench Division Bar Association.
13. I expect the term “Business and Property *Courts*” will continue to be used in a natural way if appropriate, particularly in the courts outside London.

Technical details

14. As originally enacted in 1981 the Senior Courts Act (then the Supreme Court Act) had a power at s7 to alter Divisions and transfer courts between Divisions, and make supplemental changes, by using an Order in Council on the recommendation of the then senior judges (at that time the ones listed were the LC, LCJ, MR, PFD and VC). The current changes are made by exercising that power –in s7(1)(b) and s7(3) of the Senior Courts Act.
15. The Order in Council which brings into effect the necessary amendments to the Act changes the name of the existing Chancery Division into Business and Property Division and makes a corresponding change to the Head of that Division (from Chancellor of the High Court to President of the Business and Property Division). The names “Chancery” and “Chancellor” will no longer apply. This is “*The Senior Courts (Transfer, Amendment and Consequential Provision) Order 2026 (SI 2026 No.723)*”. It is on the Legislation.gov.uk website [here](#).
16. The necessary amendments to the Civil Procedure Rules (CPR) have been identified and come into effect on the same date as the Order in Council, 1st October 2026. This is the *Civil Procedure (Amendment No.2) Rules 2026 (SI 2026 No.817)*. It is available [online](#).
17. The amendments to the Practice Directions, also to come into force on 1st October 2026 are in the *196th PD Making Document*. It is on the [CPR website](#).
18. Forms have been identified as needing changes and have been prioritised. Seals have been amended (including changing the crown from the Queen’s crown to the King’s crown). The court guides are being worked on and will be ready soon. The organisational adjustment for HMCTS in the Rolls Building have been worked out. The changes to the CE File system which is used in all these courts will

come into operation on Monday 5th October, having been implemented over the previous weekend.

19. A huge amount of work has been done by large number of people – High Court and Court of Appeal Judges, Masters, ICC Judges, and staff. There are too many to thank individually. Although I will take this opportunity to thank Amy Jabbal my private secretary for the truly enormous amount of work she has put in to coordinating this effort.

The short term (my moving on)

20. On the 1st October as a result of the Order in Council my role as Chancellor of the High Court will become President of the BPD. I will have that role for one month because, as Janet kindly mentioned in her introduction, on 1st November 2026 I will become Master of the Rolls.
21. What we are going to do is the following. When I become the Master of the Rolls I will retain strategic oversight of the new Division until the new President of the BPD is appointed. In the meantime, there will be a temporary deputy President of the BPD, and we are in the process of identifying a judge to take on that role now. The process for selecting a new President will start very soon and the appointment will be as soon as practicable.

How will things work in the new Division

22. Apart from the name changes, users will notice little change in the ways of working.
23. An important dimension to these changes will be in the cross-deployment of judges. Today a form of “cross deployment” of judges in and out of the Rolls Building already takes place. That is because the King’s Bench judges based in the building also sit outside the building in the rest of the King’s Bench Division in crime, the Admin Court and general King’s Bench cases and so on. That organisational scheme will continue in the future, not least to maintain the resources of the King’s Bench Division necessary for that important work. So, a specified number of BPD judges will sit outside the BPD in crime, admin and so on.
24. In practice today these cross-deploying judges are the judges of the Commercial Court and TCC but by setting up this scheme on the cross-divisional basis it allows us to future proof the arrangements and expand them over time. As things develop in future the existing Chancery judges will, as appropriate, be able to take up opportunities to sit in the King’s Bench Division and by the same token the scheme will allow, as appropriate, King’s Bench judges to sit in the BPD.

25. For vacation work there will be no changes now although it is something we may want to look at in future. For out of hours (OOH) work the Commercial Court and TCC OOH work will be amalgamated with the existing Chancery OOH scheme.
26. In the courts outside London, the new arrangements should help streamline the ticketing of judges to sit in the BPD.
27. In terms of recruitment, new judges who wish to sit in the courts and lists of the BPD, will apply to join that Division and just as judges who join the Commercial Court and TCC today will sit in crime and admin work, so I expect we will have plenty of new recruits who wish to be cross deployed. It is rewarding and will be good for careers.

Looking ahead

28. These changes mean that from the 1st October all of the parts of the BPCs will be under common oversight and leadership, and that will mean there is a larger pool of judges available for the work of the Division as a whole than before. That is a good thing in itself. It is well known that having a larger pool available allows for work to be done more efficiently. The changes will also improve coherence of our court arrangements and clarity about where to bring cases.
29. Some of the changes will be immediate, like the name changes, but I would expect some of the effects of these changes will take a while to bed down. As practitioners and judges we are in a position to take the long view of changes to our legal system. This change provides us with opportunities to look at how we do things. For example, I can see a case for a radical streamlining of the court guides applicable in the Business and Property Division. I can also see a case for looking again at how we do OOH work and perhaps vacation work too. The challenges of new technology – two obvious examples being digital assets and AI – will apply across the whole of the BPD – including the BPCs outside London. For example, today the BPCs in Manchester are doing great work on cases involving digital assets. Our response to these new challenges in this area should be based on the Division as a whole.
30. I also look forward to much great cross-deployment into and out of the BPD. Over time, more Rolls Building judges will have experience of work outside the Rolls Building than they do today, and vice versa. There is a dimension to this about judicial specialisms. We think that we need and want specialist judges, and often we do. My own career was as a specialist, with widening experience as I have gone on. There was a time when many of the top lawyers who went on the bench had very wide and general experience, but that has been changing before our eyes. Today more or less everyone in law is a specialist of some kind and comes into the judiciary like that. For the future the judges we need in our system will not simply be specialists, we will need a mix of specialist skills and general perspectives. That is something this new arrangement will facilitate.

31. These changes to the Divisional structure will improve the administration of justice in what we currently call the BPCs. That will be better for court users. They are the people who matter and that is what matters most. Thank you.