

CHANCERY DIVISION

Guidance for Masters concerning the grant of Injunctions and other interim relief

1. Freezing and search orders, including orders made under CPR 25.1(g), will only be made by a Judge or by an authorised Circuit Judge. Masters will not normally vary or discharge such orders, save where the parties consent.
2. The current arrangements for the grant of interim injunctions will continue to apply. Masters will not usually hear applications for interim injunctions where the American Cyanamid test must be applied. If such an application is made to a Master, unless there are good reasons for the Master to hear it, the application should be referred forthwith to a Judge.
3. Masters may hear interim applications which include an interim injunction if the injunction is secondary to the main relief which is sought.
4. Issues arising from the grant of an injunction may (as now) be referred by a Judge to a Master for determination.
5. Applications for interim relief, other than an injunction, may be heard by a Master.
6. All applications for interim relief which involve particular legal or factual complexity should normally be referred to a Judge.
7. Where there is doubt about the suitability of an application for an injunction or other interim application being dealt with by a Master, guidance may be obtained from one of the triage Judges.
8. Masters may grant final injunctions in connection with any application or trial (where the application or trial is suitable for disposal by a Master).

Approved by the Chancellor of the High Court
12th June 2015

CHANCERY DIVISION

Guidance concerning the type of claims which are suitable for trial by a Master

1. This note provides broad guidance which will be developed in the light of experience.
2. The release of the restrictions preventing Masters trying Part 7 claims without the consent of the parties is intended to (a) facilitate the efficient use of judicial resources in the High Court and (b) further the requirements of the overriding objective. However, trials by Masters are likely to be the exception due to the pressure of other work currently undertaken by Masters.
3. Claims which are suitable for transfer to the County Court should not normally be tried by Masters unless it is more efficient to do so and in the interests of the parties.
4. Masters should not try claims involving issues of particular legal or factual complexity and not normally try cases where the trial is estimated to last more than 5 days.
5. Trials by Masters will normally be conducted in cases otherwise falling within listing category C or where the legal issues arising in the claim fall within the areas of expertise of the Master.
6. Preliminary issues may be suitable for trial by a Master such as where the speedy determination of issues may assist the parties to settle the overall claim.
7. Careful consideration should be given to objections by a party to trial by a Master. The wishes of the parties, however, are merely one factor to be taken into account.
8. If there is doubt about the suitability of a claim being tried by a Master, guidance may be obtained from one of the triage judges.

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