DRAFT CHANCERY CASE MANAGEMENT DIRECTIONS CH 1 (Amended November 2023)

These draft directions are intended for use primarily for claims commenced or continued under Part 7 in the Business and Property Courts Chancery Division London.

**PART 1** of this form contains the most usual case management directions

**PART 2** of this form contains miscellaneous additional directions which are less commonly used

**PART 1: usual case management directions[[1]](#footnote-1)**

|  |
| --- |
| *Claim No.* |

**UPON** the case and costs management conference

**AND UPON** hearing [by remote video] [name] [counsel]/[solicitor] for the Claimant and [name] [counsel]/[solicitor] for the Defendant **OR** [party] in person **OR** [ name], with the permission of the court on behalf of [party]

IT IS ORDERED that

**Allocation**

1. The claim is allocated to the multi-track and to the following management track:

[Case management by Master and trial by Judge.]

[Case management and trial by Judge (full docketing).]

[Case management and trial by Master.]

[Case Management by Judge and Master and trial by Judge.]

**Alternative dispute resolution**

1. The claim is stayed until [date][[2]](#footnote-2) for the parties to try to settle the dispute by any appropriate form of alternative dispute resolution. The parties shall notify the court in writing at the end of that period whether settlement has been reached.
2. The parties may agree to extend the stay without reference to the court so long as the total period of stay is no more than 3 months from the date of this order. The parties shall notify the court in writing of the expiry date of any such extension. Any request for a further extension after 3 months must be referred to the court.
3. The parties shall by [date][[3]](#footnote-3) file either:
	1. if a settlement has been reached, a draft consent order signed by all parties; or
	2. if no settlement has been reached,
		1. [a letter explaining what steps towards ADR have been taken]; and
		2. [Directions Questionnaires] and/or
		3. [a single list of the parties’ combined dates to avoid and agreed time estimates for a CMC/CCMC and (separately identified) any pre-reading]; and/or
		4. [specify the next step to be taken, e.g. amended statement of case is to be filed and served, or application is to be made, and by when and if appropriate file agreed draft directions]

**Trial date**

***[Where the trial is before a High Court Judge]***

1. The trial of the claim will take place between [date] and [date] (“the trial window”).[[4]](#footnote-4)
2. By 4pm on [date], the parties shall email to Judges Listing chanceryjudgeslisting@justice.gov.uk a copy of this order, to request an appointment to fix, to list the trial [and to fix a date for a Pre-Trial Review (“PTR”) on a date approximately 4-6 weeks before the trial with a time estimate of ½ day.][[5]](#footnote-5) [The PTR shall where possible take place before the Judge who will be conducting the trial.][[6]](#footnote-6)
3. At the PTR the court will not hear any other applications unless it has proved impracticable to have them heard previously.
4. The claim be entered in the [Trial List]/[General List], with a listing category of [A][B][C], with a time estimate of [days/weeks], to include [day(s)/hours] judge's pre-reading time [and an interval between close of evidence and final submissions of [day(s)] [or if [identify circumstances][[7]](#footnote-7), then [days/weeks]].[[8]](#footnote-8)

***[Where the trial is before a Master]***

1. The trial of the claim, with a time estimate of [days/weeks] plus [day(s)/hours] pre-reading time,[[9]](#footnote-9) shall take place before the Master on the first available date after [date] ***OR*** [between [date] and [date].
2. By 4pm on [*date*], the parties shall file:
	1. a single list of the parties’ combined dates to avoid/dates of availability, or
	2. if dates cannot be agreed, their respective dates,

for the listing of the trial [and to fix a date for a PTR on a date approximately 4 weeks before the trial]. [The PTR shall where possible take place before the Master who will be conducting the trial.]

1. [A remote PTR shall take place approximately 4 weeks before the trial. At the PTR the court will not hear any other applications unless it has proved impracticable to have them heard before.] [[10]](#footnote-10)

**Venue and format**

1. The trial shall take place in person/remotely/hybrid in [place[[11]](#footnote-11)] unless the court orders otherwise.[[12]](#footnote-12)

**Review of trial time estimate**

1. The claimant shall by [date],[[13]](#footnote-13) having consulted the other parties, notify [Judges Listing/Masters’ Appointments] whether the time estimate should be varied.

**Disclosure**

1. [This claim is to be treated as a Less Complex Claim for the purposes of Practice Direction 57AD.]
2. [No Extended Disclosure shall be given]

***OR*** by [date] the parties shall give Model [A][B] Extended Disclosure.

***OR*** [The parties shall give search-based Extended Disclosure in in accordance with the DRD [LCCDRD] approved by the Master (and filed [on [date]] ***OR*** [filed with the draft of this order]) by [date].

***OR*** The parties shall give search-based Extended Disclosure in accordance with the DRD [LCCDRD] approved by the Master and filed [on [date]] ***OR*** [filed with the draft of this order]), in accordance with the following timetable:

* 1. By 4pm on [date] the parties shall take the steps in Practice Direction 57AD paragraph 12.1(1) and (2).

(2) By 4pm on [date] any request must be made to inspect the original of, or to provide a copy of, a disclosable document.

(3) Any such request, unless objected to, must be complied with within 14 days of the request, in accordance with Practice Direction 57AD, paragraph 12.1(3).[[14]](#footnote-14)

**Evidence of fact**

1. [CPR PD57AC (Trial witness statements in the Business and Property Courts) shall apply to this claim.]
2. Each party shall serve on every other party witness statements (complying with the provisions of Practice Direction 57AC)[[15]](#footnote-15) setting out the evidence which the party serving the statement intends to rely on in relation to [any issues of fact] [the following issues of fact (specify issues)] to be decided at the trial, those statements [and any notices of intention to rely on hearsay evidence] to be [exchanged by [date]] ***OR*** [served by [party] by [date] and by [party] by [date].[[16]](#footnote-16)
3. [Before witness statements are served, the parties shall liaise with a view to agreeing a method of identification of any documents referred to in the witness statements.][[17]](#footnote-17)
4. The [party] has permission to serve on [party] [every other party] [by [date]] [at the same time as exchange of witness statements] a witness summary relating to the evidence of [name] of [address].

**Core bundle and narrative chronology**[[18]](#footnote-18)

1. By [date] [4 weeks after service of witness evidence/expert evidence] the parties shall seek to identify and agree, the key documents that should be collated to form a core bundle of documents.
2. By [date] [8 weeks after service of witness evidence/expert evidence] the parties shall seek to agree a narrative chronology of facts in neutral terms, with reference, where appropriate, to the core bundle of documents. Where there is disagreement between the parties, the narrative chronology should set out each parties’ respective positions; making clear that there is a divergence between them on that issue.

**Experts[[19]](#footnote-19)**

***[No expert evidence]***

1. No expert evidence being necessary, [no party has permission to call or rely on expert evidence][permission to call or rely on expert evidence is refused].

***[Permission to apply]***

1. The parties have permission to apply for directions as to expert evidence (if necessary).

***[Single expert]***

1. Evidence be given by the report of a single expert in the field of [identify expertise] instructed jointly by the parties, on the issue of [identify issue].
2. If the parties are unable to agree [by [date]] who that expert is to be and about the payment of [their] fees any party may apply for further directions.
3. Unless the parties agree in writing or the court orders otherwise, the fees and expenses of the single expert shall be paid to the expert by the parties equally in the first instance.
4. The parties shall give joint instructions, or, if instructions cannot be agreed, separate instructions, to the single expert by [date].
5. The single expert shall file and serve their report on the parties by [date].
6. The evidence of the expert be given at the trial by [written report] [oral evidence] of the expert.

***[Separate experts]***

1. Each party has permission to adduce [oral] expert evidence in the field of [specify expertise] to address issues relating to [specify] [limited to [number] expert(s) [per party][on each side].
2. The experts shall be [name] and [name].[[20]](#footnote-20)
3. The experts shall, before they exchange their reports, discuss and narrow the issues between them.
4. The experts’ reports shall be exchanged by [date].
5. The experts shall hold a further discussion for the purpose of:
	1. identifying and further narrowing the issues, if any, remaining between them; and
	2. where possible, reaching agreement on those issues.
6. The experts shall by [date] prepare and file a statement for the court showing:
	1. those issues on which they are agreed; and
	2. those issues on which they disagree and a summary of their reasons for disagreeing.

**Definition and reduction of issues**

1. By [4 weeks after exchange of witness statements or expert’s reports, whichever is the later] the parties shall list and discuss the issues in the claim [including the experts’ reports and statements] and attempt to define and narrow the issues [including those issues the subject of discussion by the experts].

**Trial bundle[[21]](#footnote-21) and skeleton arguments**

1. Trial bundles shall be prepared in accordance with Appendix X of the Chancery Guide.
2. No later than [6] weeks before the [date fixed for trial /the start of the trial window] the claimant shall send the defendant a draft bundle index for the trial bundle for the use of the Judge, in accordance with paragraph 12.37 of the Chancery Guide.
3. The defendant shall send any comments on the draft index no later than [4] weeks before the trial date.[[22]](#footnote-22)
4. The claimant shall provide to the defendant no later than [2] weeks before the trial date an electronic copy of the trial bundle (as well as, if requested, one hard copy).
5. Not less than 3 clear days (and not more than 7 clear days) before the [date fixed for trial] [earlier of the start of the trial/trial window or the designated pre-reading period] the claimant shall file the electronic trial bundles in accordance with paragraph 15 of Appendix X of the Chancery Guide.
6. ***[If there is to be a hard copy trial bundle for the Judge/Master]*** [No later than the last day for filing the electronic trial bundle, the claimant shall lodge with [Judges Listing] [Masters’ Appointments], The Rolls Building, 7 Rolls Buildings, Fetter Lane, London EC4A 1NL a hard copy of the trial bundle for the use of the judge.]
7. The parties shall exchange skeleton arguments and chronologies, in accordance with Chapter 12 and Appendix Y of the Chancery Guide, [7 days] before the trial date.
8. The parties shall file skeleton arguments and chronologies [and/or Narrative Chronology and Core bundle] not less than 2 clear days before the first date on which the trial is due to come on for hearing or, if earlier, one clear day before the trial judge is due to begin pre-reading.
9. An agreed single joint bundle of authorities shall be filed by 4 pm on the day before the start of the trial or, if the pre-reading includes any of the authorities at least one clear day before the start of any pre-reading.

**Settlement**

1. If the claim, or part of the claim, is settled the parties must immediately notify the court, whether or not it is then possible to file a draft consent order to give effect to the settlement.

**Costs estimates[[23]](#footnote-23)**

1. [Pursuant to CPR 3.12(e) the court directs that costs management shall not apply.]
2. The parties shall file and exchange costs estimates in the form of the front page of Precedent H by [date].

**Costs management[[24]](#footnote-24)**

1. [Pursuant to CPR 3.12(1A) the court directs that costs management shall apply.]
2. The parties shall file and exchange budgets in the form of Precedent H by [date] and shall file agreed budget discussion reports in the form of Precedent R by [date].
3. A costs management hearing shall be listed on [date] with a duration of [hours/days] at which the court will consider the parties' budgets and decide whether to make a costs management order under CPR 3.15.

***[Where costs budgets have been agreed in full]***

1. The parties having filed costs budgets and agreed those budgets in full, the court makes a costs management order which records that agreement, in the form of the table annexed to this order. [The parties should prepare a table setting out the agreed budgeted costs (and if agreed, incurred costs) for each party for each phase of proceedings. An example format of such a table is reproduced below:]

|  |  |  |
| --- | --- | --- |
| **Phase** | **Agreed budgeted claimant’s costs****(£)** | **Agreed budgeted defendant’s costs****(£)** |
| Pre-action costs |  |  |
| Issue/statements of case |  |  |
| CMC |  |  |
| Disclosure |  |  |
| Witness statements |  |  |
| Expert reports |  |  |
| PTR |  |  |
| Trial preparation |  |  |
| Trial |  |  |
| ADR/Settlement discussions |  |  |
| Contingent cost A:[explanation] |  |  |
| Contingent cost B:[explanation] |  |  |
| TOTAL |  |  |

***[Where costs budgets have not been agreed in full]***

1. The parties’ budgeted costs as agreed or approved by the court are set out in the table annexed to this order. [The parties should, following the CCMC, prepare tables setting out the agreed or (as appropriate) approved budget for each party for each phase of proceedings. An example format for such tables is reproduced below:]

|  |  |  |
| --- | --- | --- |
| **Phase** | **Claimant’s agreed/approved budgeted costs****(£)** | **Defendant’s agreed/approved budgeted costs****(£)** |
| Pre-action costs |  |  |
| Issue/ statements of case |  |  |
| CCMC |  |  |
| Disclosure |  |  |
| Witness statements |  |  |
| Expert reports |  |  |
| PTR |  |  |
| Trial Preparation |  |  |
| Trial |  |  |
| ADR/Settlement discussions |  |  |
| Contingent cost A:[explanation] |  |  |
| Contingent cost B:[explanation] |  |  |
| TOTAL |  |  |

1. [The court records that Incurred costs are not agreed] ***OR*** [The parties’ incurred costs to the extent they are agreed are set out in the table below.]

|  |  |  |
| --- | --- | --- |
| **Phase** | **Claimant’s agreed incurred costs****(£)** | **Defendant’s agreed incurred costs****(£)** |
| Pre-Action Costs |  |  |
| Issue/ statements of case |  |  |
| CCMC |  |  |
| Disclosure |  |  |
| Witness statements |  |  |
| Expert reports |  |  |
| PTR |  |  |
| Trial Preparation |  |  |
| Trial |  |  |
| ADR/Settlement discussions |  |  |
| Contingent cost A:[description] |  |  |
| Contingent cost B:[description] |  |  |
| TOTAL |  |  |

1. The requirement under CPR 3.15(7) to re-file and re-serve the parties’ costs budgets is dispensed with.

***[Where the court wishes to record comments on any of the parties’ incurred costs under CPR 3.15(4)]***

1. The court records the following comments on the parties’ incurred costs:
	1. as regards the claimant’s incurred costs [insert comments for any relevant phase];
	2. as regards the defendants’ incurred costs [insert comments for any relevant phase].

**Extension of time limits**

1. The parties may agree to extend any time period to which the proceedings may be subject for a period or periods of up to 28 days in total without reference to the court, provided that this does not affect the date given for any case or costs management conference or pre-trial review or the date of the trial. The parties shall notify the court in writing of the expiry date of any such extension.

**Costs**

1. [Costs in the case] [other costs orders]

**Service**

1. The [claimant] shall serve this order on the [defendant].

**Service of the order**

The court has provided a sealed copy of this order to the serving party:

[name of solicitors] at [address] Ref: [ ]

**PART 2: less common case management directions**

**Transfer of claims**

() The claim be transferred to:

the [name] Division of the High Court;

 the Business and Property Courts in [name]

 the County Court at [Central London] (Business and Property List) or [name].

() The claim be transferred to

[the Technology and Construction Court]

[the Commercial Court]

[other Specialist List]

subject to the consent of the Chancellor and the approval of the Judge in charge of the [relevant Court/List].

() The claim [title and claim number] commenced in [the County Court at [name][the Business and Property Courts in [name]], be transferred from that court to the Chancery Division of the High Court.

**Shorter Trials Scheme/Flexible Trials Scheme**

() The claim shall continue/be transferred into the Shorter Trials Scheme [the Flexible Trials Scheme] with a pre-trial review date/window of [ ] and a trial of

[ ] days, including pre-reading and closing submissions, starting on/within a window of [ ], and the following further directions apply: [ ][[25]](#footnote-25)

**Part 8 claim to continue as Part 7 claim**

() This claim shall continue as if commenced under Part 7 and shall be allocated to the multi-track.

**Probate cases only**

() By [date], the [party] shall

* 1. file [their] witness statement of testamentary documents; and
	2. lodge any testamentary documents at The Rolls Building, 7 Rolls Buildings, Fetter Lane, London EC4A 1NL [the Business and Property Courts in [name]]

**Amendments**

() The [party] has permission to amend [their/its] [identify statement of case] in the form of the draft [filed on [date]] OR [attached to the application notice dated [date]] OR [other method of identification].

() The amended [statement of case] shall be verified by a statement of truth.

() The amended [statement of case] shall be filed and served by [date]. [Service of the amended [statement of case] be dispensed with].

() The [party] has permission to consequentially amend [identify statement of case], the amended [statement of case] to be filed and served by [date].

() The costs of and consequential to the amendments to the [statement of case] [shall be paid by [party] in any event] [are costs in the case].

**Addition, substitution, removal of parties**

() The [party] has permission:

 (a) to [add][substitute][remove] [name of party] as a [identify party]; and

(b) to amend [their/its] [statement of case] in accordance with the draft [filed on [date]] OR [attached to the application notice dated [date]] OR [other method of identification].

() The amended [statement of case] be verified by a statement of truth.

() By [date] the amended statement of case be filed and served on [new party, existing parties or removed party, as appropriate].

() By [date] this order shall be served on [new party, existing parties or removed party, as appropriate].

() The [party] has permission to consequentially amend [identify statement of case], the amended [statement of case] to be filed and served by [date].

() The costs of and consequential to the amendments to the [statement of case] [shall be paid by [party] in any event] [are costs in the case].

**Consolidation or joint case management and trial**

() This claim be consolidated with claim number [number and title], the lead claim to be [claim number]. [The title to the consolidated case shall be as set out in the schedule to this order].

() This claim be case managed and tried with claim(s) [number(s) and title(s)]

**Agreed statements of law/facts**

() By [date] the parties shall file with the court an agreed statement of [law/facts] [in relation to [identify particular issue[s]].

**Trial of issue(s)**

() By [date] the parties shall file with the court an agreed statement of [law/facts] [in relation to [identify particular issue[s]].

***[Trial before Master]***

() The issue of [identify issue] be tried by a Master on [date] with a time estimate of [hours/days] plus [hours/days] pre-reading. The filing of listing questionnaires is dispensed with.

() By 4pm on [date], the parties shall file:

(i) a single list of the parties’ combined dates to avoid/dates of availability, or

(ii) if dates cannot be agreed, their respective dates,

for the listing of the trial.

***[Trial before High Court Judge]***

() The issue of [identify issue] be tried in London [or identify venue] before a Judge between [date] and [date] (“the trial window”).

() By 4pm on [*date*], the parties shall email to Judges Listing chanceryjudgeslisting@justice.gov.uk a copy of this order, and either:

* 1. a single list of the parties’ combined dates to avoid/dates of availability, or
	2. if dates cannot be agreed, their respective dates

within the trial window, with a request to list the trial.

() The trial be entered in the List with a listing category of [A][B][C], and a time estimate of [days/weeks], to include [day(s)] judge's pre-reading time [and an interval between close of evidence and final submissions of [day(s)].

**Interpreters**

() The [party] has permission to use an interpreter [identify person, or set out required qualifications] in respect of the evidence of [name(s) of witness(es) [and their oral submissions to the court].

**Further information**

() The [party] provide by [date] the [further information][clarification] [of paragraphs [identify] sought in the request dated [date] [approved by the Master].

() Any request for [further information][clarification] shall be served by [date].

**Preservation of property**

() The [party] preserve [give details of relevant property] until trial of the claim or further order or other remedy under CPR 25.1(1).

**Compliance with directions**

() The parties shall by [date] notify the court in writing that they have fully complied with all directions or state:

* + - 1. with which directions they have not complied;
			2. why they have not complied; and
			3. what steps they are taking to comply with the outstanding directions in time for the trial.

If the court does not receive such notification or if the steps proposed to comply with outstanding directions are considered by the court unsatisfactory, the court may order a hearing (and may make appropriate orders as to costs against a party in default).

1. These draft case management directions should be considered together with Chapter 6 of the Chancery Guide. [↑](#footnote-ref-1)
2. Usually a period of between 1 and 3 months is likely to be appropriate. [↑](#footnote-ref-2)
3. Insert a date 7 days after expiry of the stay. [↑](#footnote-ref-3)
4. Trial date windows are available [here](https://www.gov.uk/guidance/trial-date-windows-for-chancery-division). Unless otherwise ordered (or otherwise notified to the parties by the Judges’ Listing), all trials shall be fixed via non-attendance listing appointments. Upon an appointment to fix being applied for, Judges’ Listing will provide the parties with a date by which they should provide dates of availability to the Judges Listing. Judges’ Listing will then fix the trial without requiring the attendance of the parties and notify the parties of the relevant fixture. See paragraph 12.16 of the Chancery Guide. [↑](#footnote-ref-4)
5. Include this wording where the trial is estimated to last more than 5 days including pre-reading. [↑](#footnote-ref-5)
6. Where the trial is estimated to last more than 9 days including pre-reading. [↑](#footnote-ref-6)
7. In some cases it may be appropriate to have an interval between close of evidence and final submissions, and it may be appropriate to state that a longer or shorter period will apply in certain circumstances as identified in the order. [↑](#footnote-ref-7)
8. The parties should ensure that a realistic amount of pre-reading time is proposed having regard to the complexity and number of documents likely to be referred to in the case. The parties should review the time estimate following exchange of witness statements when they are likely to have a better idea of how long the Judge may require. If the parties form the view that the pre-reading time estimate provided for in any case management order is too short (or too long) they should notify Judges’ Listing or Chancery Masters Appointments (as appropriate) as soon as practicable, identifying any agreed provisional new pre-reading estimate. [↑](#footnote-ref-8)
9. See above footnote regarding the importance of a realistic amount of reading time, which applies equally where the trial is before a Master. [↑](#footnote-ref-9)
10. The parties should consider whether a PTR is necessary and if so seek an appropriate direction. For trials of less than 5 days a PTR is not usually necessary but where there are unrepresented parties or concerns about the format of the trial it may be appropriate to list a short PTR even for shorter trials. [↑](#footnote-ref-10)
11. Careful consideration should be given to the venue for the trial, in particular whether it is more appropriate for trial at one of the regional Business and Property Courts rather than London: see paragraphs 3.11 and 6.87 to 6.89 of the Chancery Guide. [↑](#footnote-ref-11)
12. If the parties consider that some or all of the trial may be suitable for either a fully remote hearing (by video link) or a ‘hybrid’ hearing (i.e. where some participants in the trial participate in person and some participate remotely) they should consider this in advance of the first Case Management Conference and again before any PTR. Any decision as to whether a trial should take place fully or partially remotely shall be made by the court. [↑](#footnote-ref-12)
13. Insert a date normally within 4 weeks of exchange of witness statements, but it may vary depending on the timetable. [↑](#footnote-ref-13)
14. This form of order is only likely to be appropriate where the disclosed documents include substantial numbers of hard copy documents. [↑](#footnote-ref-14)
15. Delete if PD57AC does not apply. [↑](#footnote-ref-15)
16. If a witness is likely to be giving evidence from abroad the parties should consider whether they require permission from a foreign competent authority to permit direct evidence to be given remotely from that country. <https://www.hcch.net/en/instruments/conventions/specialised-sections/evidence> This should be considered in advance of the first Case Management Conference and again before any PTR. Although the decision as to whether a trial should take place fully or partially remotely is a matter for the judge. [↑](#footnote-ref-16)
17. Include this paragraph if PD57AC does not apply. [↑](#footnote-ref-17)
18. In a document heavy case the court may be assisted by a core bundle of key documents and a narrative chronology setting out the facts by reference to the documents. This should be completed sufficiently in advance of any PTR to be of available to assist the judge at that stage. [↑](#footnote-ref-18)
19. To assist the court in determining what order should be made in relation to expert evidence, the parties should attach a list of issues which expressly identifies those issues on which expert evidence is sought, preferably agreed. [↑](#footnote-ref-19)
20. Where practicable. [↑](#footnote-ref-20)
21. The parties are expected to work cooperatively in seeking to limit the contents of the trial bundle to only those documents necessary for the determination of the case (and in accordance with Appendix X of the Chancery Guide). The parties will need to give careful thought to the lead times required for its production to ensure that the parties have sufficient time to engage in meaningful discussions towards achieving this end and then produce the trial bundle in good time before the trial, remembering that the number, content and organisation of the trial bundles must be approved by the advocates with the conduct of the trial (see paragraph 12.38 of the Chancery Guide). [↑](#footnote-ref-21)
22. This date should be before the PTR, if there is one. [↑](#footnote-ref-22)
23. Where costs management does not apply, or the court orders that it should not apply, under CPR 3.12(1)(e). [↑](#footnote-ref-23)
24. Where applicable or 3.12(1A) of the CPR. [↑](#footnote-ref-24)
25. See PD57AB [↑](#footnote-ref-25)