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Chancery Business at Central London Civil Justice Centre

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Central London Civil Justice Centre

Chancery Business Contact Details – at a glance

Addresses

- (1) For County Court Offices, District Judges and all fee remittances:
(NB This is the Court's official postal address)

**13-14 Park Crescent
London W1B 1HT**

- (2) For Trial Centre Circuit Judges office:

**26 Park Crescent
London W1N 4HT**

DX 97325 Regents Park 2

FAX 08703 305717 (All general Chancery List and Trial Centre matters)

020 7917 5014 (ONLY for District Judge hearings at 13-14 Park Crescent)

TEL 020 7917 7821 or
020 7917 7889 Chancery Section (for all general matters)

020 7917 7938 (ONLY for transcripts of Trial Centre hearings)

020 7917 5107 (ONLY for transcripts of DJ hearings)

E-MAIL

chance.clerk@hmcts.gsi.gov.uk

(All general enquiries and communications)

CentralLondonCJSKEL@hmcts.gsi.gov.uk

(ONLY for skeleton arguments for Circuit Judge hearings)

Contacts

Clerk to HH Judge Hazel Marshall QC (Senior Chancery Judge)

Mr Pio Fernandes Pio.fernandes@hmcts.gsi.gov.uk

Clerk to HH Judge Marc Dight (Second Senior Chancery Judge)

Mr Matthew Carr matthew.carr@hmcts.gsi.gov.uk

Chancery Manager

Mr J Joubinaux chance.clerk@hmcts.gsi.gov.uk

Trial Centre Office Manager

Miss N Skomorowski
chance.clerk@hmcts.gsi.gov.uk

Chancery Business at Central London Civil Justice Centre

Introduction

The High Court transfers an increasing number of Chancery cases to the Central London Civil Justice Centre ("CLCJC") at 26 Park Crescent, London W1. Two specialist Chancery Senior Circuit Judges have been appointed to maintain CLCJC as a centre for Chancery business. CLCJC therefore handles not only Chancery cases commenced in the County Court, but also cases commenced in the High Court but regarded as suitable for conduct at CLCJC, either by agreement of the parties (see s 23 County Courts Act 1984) or by the High Court, which may decide to transfer the matter to CLCJC on its own initiative under Section 40(2) of that Act.

In addition, any significant Chancery case in a County Court in the London area will be transferred to CLCJC Chancery List for trial, and any lengthy or complex cases from any County Court on the South Eastern Circuit or elsewhere may also be transferred. Litigants may wish to consider commencing such cases at CLCJC in the first place.

Suitable High Court cases may also be tried by one of the specialist Chancery Senior Circuit Judges sitting at CLCJC as a High Court judge under s. 9 Supreme Court Act 1981.

1. The Chancery List at Central London

- 1.1 The business of the Chancery List at CLCJC now comprises business from the three sources mentioned above ie, :
 - 1.1.1 cases transferred from the Chancery Division of the High Court; cases are often transferred at a very early stage.
 - 1.1.2 cases transferred from other county courts on the SE Circuit, because of complexity or length (an estimated trial of two days or more); and
 - 1.1.3 Chancery claims issued in the Central London County Court.
- 1.2 All business of the Chancery List is identified by a unique case number. Formerly, this started "CHY", but after recent IT changes, it will now take the form "1CL1****", where the second "1" is the distinguishing first digit of a 5 digit number.
- 1.3 A list of the kinds of case which are suitable for the Chancery List appears at Annex A. The following should be noted.
 - 1.3.1 Since 2001 the court has had original jurisdiction in contentious probate matters pursuant to CPR Part 57.2.
 - 1.3.2 The court has only limited original jurisdiction in matters relating to companies. However where CLCJC has no original jurisdiction,

appropriate cases can, by arrangement, be directed by the High Court to be heard at CLCJC by one of the Specialist Chancery Judges sitting as a High Court Judge, authorised under s 9 of the Supreme Court Act 1981.

- 1.3.3 The court's original jurisdiction in trust, equity and partnership matters is currently technically limited to £30,000 under the County Courts Act 1984. However it is commonplace for higher value cases to be transferred to CLCJC from the High Court, or for the parties to agree to confer extended jurisdiction (see Paragraph 1.5 below).
- 1.4 Claims may be issued in the Chancery List if the Claimant thinks it appropriate. The claim form must be clearly marked "Chancery Business". If it later appears that the case is unsuitable for the Chancery List it will be transferred back to the General List by a judge. Otherwise, cases from the above sources may be identified as suitable for the Chancery List at any stage. At this point they will be transferred into the Chancery List, (subject to the approval of a Chancery judge if the transfer order is not made by a specialist Chancery judge), and allocated a Chancery list number in the form "1CL1****".
- 1.5 It is open to parties to increase the court's jurisdiction beyond the current limits under the County Courts Act 1984 by filing a signed joint memorandum of consent pursuant to s 23 of the Act. This can be a useful way of obtaining an earlier hearing in an urgent case which is suitable for trial by a specialist Circuit Judge.

2. The Court House

- 2.1 CLCJC is located in two buildings in Park Crescent, London W1.
- 2.2 The Trial Centre is at 26 Park Crescent London W1N 4HT, at the western end of Park Crescent, (ie nearest to the London Clinic and Harley Street). Trials and applications before Circuit Judges take place here.
- 2.3 The County Court Offices and the District Judges' Chambers, are on the eastern side of Park Crescent, at 13-14 Park Crescent. London W1B 1HT (which is the court's official postal address). Applications and hearings before District Judges may be heard either here, or at 26 Park Crescent (see Paragraph 3.6 below).
- 2.4 The nearest Underground stations are Regents Park (on the Bakerloo Line: 2 minutes) and Great Portland Street (on the Metropolitan, Hammersmith and City, and Circle Lines: 5 minutes). Warren Street (Northern Line: 10 minutes) and Baker Street (Jubilee line:10 minutes) are also within walking distance.

3. The Judiciary

- 3.1 The senior specialist Chancery Circuit Judge is Her Honour Judge Hazel Marshall QC, who is also authorised to sit as a Deputy Judge of the High Court under s 9

of the Supreme Court Act 1981. Any communications for her attention should be addressed to her clerk:

Mr Pio Fernandes

Clerk to the Senior Chancery Judge

E-Mail: Pio.Fernandes@hmcts.gsi.gov.uk

- 3.2 The second senior specialist Chancery Circuit Judge is His Honour Judge Marc Dight, who is similarly authorised in respect of High Court business. His clerk is Mr Matthew Carr matthew.carr@hmcts.gsi.gov.uk
- 3.3 Six other resident and visiting Circuit Judges are generally authorised to hear any Chancery List cases ("Category 2" business). These are HH Judge Peter Cowell, HH Judge Edward Bailey, HH Judge John Hand QC, HH Judge Karen Walden-Smith, HH Judge Daniel Serota QC, HH Judge Nick Madge and HH Judge Nigel Gerald.
- 3.4 In addition there is a panel of Recorders drawn from the Chancery Bar and approved by the Chancellor of the High Court. The Recorders are asked to sit from time to time if the Chancery Circuit Judges are not available, or to relieve pressure on the list. References in this Guide to a "Circuit Judge" include a Recorder unless the context suggests otherwise.
- 3.5 There are two designated specialist Chancery District Judges: District Judge Margaret Langley and District Judge Barry Lightman. They are based at 13-14 Park Crescent. In addition, District Judge Ruth Fine is authorised to deal with Chancery cases if the state of the lists requires.
- 3.6 The Chancery District Judges normally deal with Chancery applications and case management in the District Judges' Chancery List, which is heard on Fridays at 13-14 Park Crescent. However, hearings may take place at other times, or at 26 Park Crescent, according to the state of the list. Litigants should always check the location on the court hearing list. Appointments before Chancery District Judges are made through the District Judges Listings Section.
- 3.7 It is the policy of the court to ensure that all Chancery List matters are dealt with by a judge of suitable experience. Although not Chancery specialists, a number of the Resident Judges at the court have considerable experience in some Chancery areas (e.g. landlord and tenant matters). If, at case management, a Senior Chancery Judge considers that because of its nature, a particular case could be efficiently heard by any such other Resident Judge, the case will be marked accordingly ("Category 3" business), and may subsequently be listed before either a Chancery Judge or any other Judge so nominated.

- 3.8 A party who considers it appropriate, on the grounds of the particular nature, importance or value of the case, may apply to either of the Senior Chancery Judges (through his or her clerk) for the case to be reserved to the Senior Chancery Judges' List ("Category 1" business).

4. Communicating with the Court regarding the Chancery List.

- 4.1 The Chancery List is administered between both buildings depending at which level of judge you are seeking. In the first instance all enquiries should go to the Chancery Section which is based at 13-14 Park Crescent. Enquiries should be made at the counter on the 1st floor. Queries and applications can be presented in person at the reception desk on the fourth floor at 26 Park Crescent, so long as they do **not** involve the payment of fees (but note Paragraph 6.6 below with regard to obtaining expedition) if the matter is to be dealt with by a Circuit Judge only. Please note the counter times may vary for general enquiries at particular times of the year, namely the summer period. Please check with the Court first.
- 4.2 All enquiries and correspondence concerned with the Chancery List should be addressed by post to the postal address of the court to the appropriate listings section:-

Central London Civil Justice Centre
13-14 Park Crescent
London
W1B 1HT

or sent through the DX system to

DX 97325 Regents Park 2

- 4.3 The following numbers are for use of the Chancery List business:

Tel: 020 7917 7932 (if to be dealt with by a Circuit Judge)
020 917 5000 (if to be dealt with by a District Judge)

Fax: 08703 305 717

E-mail: chance.clerk@hmcts.gsi.gov.uk

Please note the special fax number. Chancery List communications should not be sent to any other numbers and this number should not be used for any other type of claim.

- 4.4 The Chancery Manager is Mr J Joubinaux. The Chancery Manager is responsible for Chancery enquires and comments and complaints.
- Communications should be addressed to CHANCERY MANAGER, at the above address.
- 4.5 For administrative reasons, all post to CLCJC is received at 13-14 Park Crescent. After sorting, Chancery List post is allocated to staff and should be processed with 3-5 days upon receipt.
- 4.6 All applications requiring a fee to be paid **must** be initiated at 13-14 Park Crescent, whether made by post or in person. After fee processing, Chancery applications are then processed by the Chancery section either by way of listing or referring the Application. If the Application is to be listed before a Circuit Judge, the Application will be sent to Circuit Judge Listings.
- 4.7 To assist Court staff to deal correctly and quickly with letters and applications, it is important that **the case's Chancery number, names of the parties and the date of the next fixed hearing are stated prominently on the first page of the letter or application.** If the matter is regarded as urgent this may also be stated: see further Paragraph 6.4 below.
- 4.8 Communications to the court may be made, and **short** documents (12 pages maximum and not involving payment of fees) may be filed, addressed to the Chancery Manager **by** email to the email address given above. The subject line **must** include the Chancery number, the parties' names (abbreviated if necessary), the nature of the document, and the date and time of any forthcoming hearing (see also general guidance in CPR PD 5B supplemental to Rule 5.5).
- 4.9 Faxed documents (other than skeleton arguments: see (Paragraph 9.3 below) for any Chancery list hearings taking place at 26 Park Crescent must be faxed to **08703 305 717** to ensure that they reach the Judges' hearing rooms in time.
- Faxed Documents for hearings at 13/14 Park Crescent must be faxed to **08703 305 717**
- It is likely that your document will not reach the Judge in time if faxed to the wrong number.**

5. Case management

- 5.1 Subject to the protocols set out in this Guide and to any specific requirements of the Civil Procedure Rules, the Chancery List at CLCJC will follow the practice set out in the Chancery Guide (see Volume II of the White Book).

- 5.2 When a case is transferred to Central London Chancery List from either a county court or the High Court, directions will usually be given at the transferring court to continue progress towards trial during the transfer period. However, the transferring court cannot make any order fixing a trial date or window at CLCJC. When the file is received at CLCJC, it will be immediately placed before one of the senior Chancery Judges, who will review the existing case management directions (if any), and either give appropriate directions on paper for the further conduct of the matter (which may include giving a listing appointment for trial) or direct an immediate case management conference.
- 5.3 Case management hearings before a District Judge will usually be held on Fridays, or by telephone under CPR Pt 23. Case management hearings and applications before a Circuit Judge will usually also be heard on Fridays at 10 a.m. or 2 pm, at 26 Park Crescent, or by telephone under CPR Pt 23.
- 5.4 The judge may have a telephone list in the morning (at 10 am) or the afternoon (at 2 pm) but not both. Telephone appointments are dealt with strictly by time allocated.
- A Note setting out the procedure for arranging a telephone hearing will, where applicable, be attached to the Notice of Hearing issued by the Court. The parties and their advisers should refer to this.
- 5.5 Matters in the list for attended hearings are dealt with in a convenient order, according to urgency and time estimate.
- 5.6 Appeals from a Chancery District Judge will normally be listed before one of the specialist Chancery Circuit Judges as part of the normal weekday Chancery List. If a trial is imminent, appropriate time arrangements will be made.
- 5.7 It is essential that the parties provide accurate time estimates for applications and case management conferences. If hearings overrun their allocated time, telephone hearings will, and attended hearings may, be adjourned, with possible sanctions in costs.
- 5.8 Parties will usually be asked to provide an agreed minute of case management directions ordered at a hearing, and they can often avoid the need for a hearing by drafting or agreeing proposed directions beforehand. To assist litigants, a form of standard model directions frequently given in Chancery cases (Form MT3(CHY)) is at Annex B. Attention is drawn in particular to the procedure for fixing trial dates – see paragraph 7.2 below.

6. Applications

Normal business

- 6.1 Chancery applications before Circuit Judges are normally heard with case management business, which is listed every Friday. In exceptional cases of urgency (for example an urgent injunction) an appointment may be given for another day and time. Longer hearings (2 hours or more) may be listed in the normal daily trial lists.

- 6.2 Any routine application in a Chancery case should be made to the Court Office at 13-14 Park Crescent by leaving or posting copies of the Application Notice (one more than the number of parties involved), and the required fee. After issue by the office, the application will be delivered to the Issue and Enforcements Section either on the same day or the following morning, and will be dealt with as follows (subject to Paragraphs 6.4 and 6.5) below:
 - 6.2.1 Where a hearing is requested, the Issue and Enforcements clerk will refer it to the appropriate Listing Section for hearing before a judge of the appropriate level (Circuit or District) on the first convenient Friday (or other listing day) at least two weeks after the day when the application is processed. The court will notify the parties of the date and time of the appointment.
 - 6.2.2 Where the applicant requests that the application be dealt with without a hearing, the Application Notice will be placed before a judge of the appropriate level. If the judge is of the view that a hearing is required, he or she will direct a hearing within an appropriate timescale. The appropriate Listings Section clerk will then list the matter and notify the parties of the date and time.
 - 6.2.3 If the judge deals with the matter on paper, he or she will make such order as is considered appropriate in the circumstances. This will not necessarily be the order requested in the application. The court will then notify the parties of the application and of the order which has been made. Any such order will always contain a provision that any party may apply to the court, as provided in the order (usually within 7 days) to have the order set aside or varied.

- 6.3 Both District and Circuit Judges Listings Section and Circuit Judges Support Section will endeavour to deal with Chancery Application Notices as set out above, within five working days of their receipt.

Urgent business

Certified urgent business

- 6.4 Any party making an application which is considered urgent may certify it “**URGENT**” and give brief reasons in a covering letter. The Issue and Enforcements Section clerk will then give the application such priority as it appears to warrant, and is likely to put it before a Circuit Judge immediately for directions. Parties should note that any abuse of the “urgent” certification may have the result that costs will be disallowed.

Applications within four weeks of trial

- 6.5 Any application received by the Issue and Enforcements Section within four weeks before the date fixed for trial will automatically be treated as urgent business. Regardless of the nature of the application or the level of judge which may be suggested by the applicant, the application will be placed immediately before a Circuit Judge for directions. The Judge will then make such order as is considered appropriate to the circumstances.

Voluntary expedited procedure

- 6.6 Any party wishing to obtain an early appointment for the hearing of an application may use the following procedure.
- 6.6.1 The applicant should take the Application Notice (and copies) and fee, in person to the Court Office at 13-14 Park Crescent for immediate issue, wait whilst the issue is processed and receive back the issued Application Notice and copies.
 - 6.6.2 The issued Application Notice should then be taken in person to the Circuit Judges Listings Section Office on the fourth floor of 26 Park Crescent.
 - 6.6.3 The Circuit Judges Listings Section clerk will then immediately list the application for hearing whilst the applicant waits, and will list it for hearing on the immediately following Friday if requested by the applicant. Such applications will be listed before a Circuit Judge.
 - 6.6.4 The applicant will then be responsible for service of notice of the appointment on the responding party or parties.

When using this procedure, applicants are reminded that **at least three clear days' notice** to any other party (ie before close of business on Monday) are required if an application is to be heard “with notice” on a Friday. If insufficient notice is given the hearing can, and normally will, take place as an application made "without notice", whether or not the responding party attends. The Judge will make such order as is appropriate in the circumstances.

Extreme urgency

- 6.7 During normal working hours, emergency applications (ie applications where even the expedited timetable above would be inadequate) can and should be made directly to one of the Senior Chancery Judges. Contact should be made through their clerks (see Paragraphs 3.1 and 3.2) who will make special arrangements appropriate to the circumstances. . There is no facility at the court for dealing with “out of hours” emergency applications. In any such case, litigants should use the emergency “out of hours” service at the Royal Courts of Justice in the Strand (Tel: 020 7947 6000/6260).

7. Listing and Trials

- 7.1 Fast track Chancery trials will usually be heard by one of the Chancery District Judges. Fast track trials take place on Thursdays, and the Chancery District Judges list their own cases for hearing.
- 7.2 Multi-track Chancery trials will be given fixed dates in accordance with the usual practice of the CLCJC for multi-track cases. Under the present system, the trial date is set by a telephone listing appointment,
- 7.2.1 This will be given for a **precise time**, usually on Tuesday and Wednesday.
- 7.2.2 Prior to the appointment, the court will ascertain (or estimate, if such information has not been given) the likely trial length, and will specify an appropriate trial window.
- 7.2.3 The parties will be directed to keep the listing appointment, with dates to avoid during the trial window, by telephone either by setting up a telephone conference appointment as under CPR Pt 23, or, if the parties can agree a combined list of dates to avoid, one party may telephone at the relevant time in the usual way.
- 7.2.4 The trial date will be fixed by the court officer over the telephone, on the basis of the information then available. If the telephone appointment is not set up and the required information is not received by the time stated, the court will proceed to list in any event. No telephone call after the appointment date and time will be considered or otherwise dealt with unless directed by the Court.
- 7.25 In either case a formal notice of hearing will also be sent by post or DX. Thereafter, the hearing date will not be altered except on application on notice to a Circuit Judge.

When drafting case management orders, solicitors and counsel should note that the above is now the usual procedure, and expressions such as "first open date after ..." are obsolete. The court's standard form listing direction can be found in Annex B.

- 7.3 Parties should note that the practice in the Chancery List is to give listing appointments at an early stage, as soon as the likely witnesses and trial length can be known. The court is able to fix an appropriate window well in advance to take account of likely trial preparation time, and the early fixing of a trial date has been shown to improve efficient trial management.
- 7.4 Subject to absences, there are three or four Chancery Circuit Judges available to sit at all times. It is therefore the practice of the Chancery Section to list five cases to be heard in parallel at any time, in the confident expectation that, with settlements and the flexibility of listing arrangements, there will be a Chancery List Judge available to hear all listed Chancery cases. There remains, however the risk that all cases will stand up. In such a situation, every effort is made (including, where possible, the use of a Recorder or of another Resident Judge with appropriate experience) to ensure that no case is adjourned out.
- 7.5 The CLCJC aims to achieve continuous listing so that cases should not have to be adjourned part heard. The Chancery Section pursues this objective. **Solicitors and counsel should note, therefore, that if a case overruns its trial estimate the Judge is likely to continue the hearing notwithstanding this, and they should arrange their diary commitments accordingly.** A case in the Chancery List will never be adjourned part heard for any significant length of time simply because it has overrun its trial estimate. However, a case which overruns from a Thursday may possibly be adjourned to the following week, to accommodate Friday case management business.
- 7.6 The parties' time estimates are critical to the objective of providing flexibility and continuous listing for the benefit of all litigants. Time estimates should always be practical and realistic. The parties should note the following:
- 7.6.1 Time estimates for Chancery cases should, if at all possible, be given in a form which indicates whether or not pre-reading time is included in the estimate (and in any event what pre-reading time requirement is expected) and also whether or not the estimate includes any time for the delivery of an immediate judgment.
- 7.6.2 In order to accommodate pre-reading, and to minimise waiting by the parties, the Chancery List will operate the following general rule regarding the parties' attendance on the first day, according to the estimated length of the hearing, and, where possible, this will be noted on case management directions:
- | | |
|--------------------|----------|
| 1 or 2 day case: | 10.30 am |
| 3 day case | 11.30 am |
| 4 day or more case | 2 pm. |
- If in doubt, the parties can contact the Chancery Section after 4 pm on the day before the hearing, to ascertain when their attendance is required.
- 7.6.3 Time estimates should assume that witness statements will be taken as read and that consequently no significant time will normally be required

for oral evidence in chief. Pre-reading time should be calculated to allow for the reading of witness statements.

- 7.6.4 The trial judge will not normally expect to pre-read bundles of documents, apart from any key documents indicated as being required for a basic understanding of the case, unless arrangements are specifically made for this. If extensive reading of bundles is required, then the parties' advocates should decide whether this is best done before or during the hearing itself, and should make their time estimates and/or inform the court just before trial, accordingly.
- 7.6.5 Allowance should be made for any witnesses using interpreters. Experience indicates that the use of an interpreter trebles the length of time for a witness's oral evidence. The evidence of witnesses using a foreign language must carry the appropriate certification as to the witness's understanding, pursuant to the CPR.
- 7.7 Apart from the above, as a general rule, the parties should assume that, before the hearing, the judge will have been able to read the skeleton arguments, any key documents, and the witness statements, but not bundles of documentary evidence.
- 7.8 It is the duty of the parties to inform the appropriate listings section immediately of any changes in the time estimate of the case.
- 7.9 Advocates may assume that in Chancery cases, robes will be worn for trials and appeals, and that robes will not be worn for applications, except committal proceedings for contempt of court.

8. Bundles and skeleton arguments

- 8.1 The practice set out in the Chancery Guide and in CPR part 39 should be followed in respect of bundles and skeleton arguments.
- 8.2 Bundles and skeleton arguments should be lodged in accordance with case management directions in the case, but at the very latest they must be lodged 24 hours prior to the time fixed for any hearing. They should be marked for the attention of the appropriate Listing Section Manager.
- 8.3 Skeleton arguments should now be filed in accordance with the court's Skeleton Argument Protocol by email to CentralLondonCJSKEL@hmcourts-service.gsi.gov.uk (unless email is not available to the party). **The subject line MUST commence with the Case No (without spaces) followed by case name.** If a party has no access to email then skeleton arguments can be filed in person or be sent by fax to "Reception" at 26 Park Crescent on 020 7917 7940.

It is always advisable for a hard copy skeleton argument to be available at the hearing.

9. Authorities

- 9.1 Bringing photocopies of authorities to court is helpful to the judges and is encouraged. It is also helpful if any bundle of authorities is provided with an index and appropriate tabs, and if bulky, is placed in a ring binder or lever arch file.
- 9.2 The court has a text book library including most of the usual Chancery, landlord and tenant and mercantile books. It maintains a set of Law Reports, the All England Law Reports, the Weekly Law Reports and an up-to-date set of Halsbury's Statutes and Halsbury's Laws. However, the provision of photocopied extracts from textbooks, especially specialist books, is of great assistance to the court.

10. Orders

- 10.1 Orders made after a hearing, whether a trial or an application, will be drawn up and dispatched either on the same day wherever possible, or within 5 business days.
- 10.2 In order to assist the court, parties should draw up, in advance of the hearing, a minute of any order that they expect to ask the court to make.
- 10.3 Where the terms of an order can only be finally decided at the hearing itself, solicitors and counsel should be prepared to draft a minute of the order after the hearing, to be handed in to the court clerk in order to assist the preparation of the sealed order. Alternatively, they may be asked to send in a minute to the court clerk by email, on returning to their office.
- 10.4 Where a party is granted relief at a hearing in the absence of the other party, the representative of the party obtaining the order should ensure either that the court confirms that it will be able to dispatch the sealed order within 24 hours, or that the judge gives any necessary direction for informing the absent party of the terms of the order in the interim.
- 10.5 Orders made after consideration of a case on paper will be drawn up and dispatched as soon as possible. However, as orders on hearings take priority, this may take up to a week. Counsel and solicitors should bear in mind the time constraints mentioned here and above at Paragraph 6.1-6.3 when making any application for an order without a hearing. This is especially important if the order sought is time-sensitive; an application for determination at a hearing may be more appropriate.

Annex A

Cases suitable for the Chancery List at Central London Civil Justice Centre

Any case in the following list which is either expressly transferred from the High Court or is within the statutory jurisdiction of the County Court, which can be extended by agreement (see s 23 of the County Courts Act 1984)..

Note: Where a subject is noted * as being potentially suitable for either the Chancery or the General List, it is for the Claimant's solicitor to choose which is regarded as more appropriate in the first instance. Thereafter, the case will continue in that list unless transferred by the Court on case management, either of its own initiative, or upon application: see Paragraph 1.4 of the Guide

Wills

- Probate disputes
- Interpretation
- Inheritance Act.

Administration of Estates

Trusts

All matters relating to the validity of trusts and their administration but including especially

- Resulting and constructive trusts.
- Home sharing cases, ie *Stack v Dowden* cases: see s.14 of the Trusts of Land Act 1996.

(However two party cases with no complicating aspect may also be suitable for the General List*).

Land

- Sale of land (including specific performance claims)
- Contracts affecting land
- Disputes as to title
- Boundary disputes
- Land registration
- Right of way and other easements and rights over land
- Adverse possession
- Proprietary estoppel

Landlord & Tenant

Many landlord and tenant matters, and in particular business tenancy disputes under the 1954 Act, are suitable either for the Chancery or the General List.*

The Chancery List is particularly suitable for

- Substantial breach of covenant/forfeiture claims
- Rent review and other valuation matters
- Service charges and management (if not within the exclusive jurisdiction of the LVT.)
- Leasehold enfranchisement.
- Agricultural tenancies

It is less suitable, or necessary, for

- Residential tenancies
- Housing cases.

Partnership Actions

- Disputes as to the existence, terms, or termination of any partnership
- Administration or winding up of any partnership business.

Company Law

- Shareholders' agreements
- Disputes regarding the running or management of a company
- Breach of directors' duties (fiduciary and contractual)

But **NOT** cases within the exclusive statutory jurisdiction of the Companies Court.

It should also be noted that CLCJC has no jurisdiction in personal insolvency, and therefore has no original company winding up jurisdiction nor in matters depending on that jurisdiction, eg claims to set aside transactions in fraud of creditors under s 423 of the Companies Act 1986. However, such claims can be dealt with at CLCJC as High Court cases by specific authority being conferred on the specialist Chancery Judges, under s 9 of the Supreme Court Act 1981.

Torts

Torts in the property and commercial fields especially trespass, nuisance, and negligence in relation to assets and business or financial matters. (Many such matters will also be suitable for the General List.*)

- Fraud including constructive trusts and tracing

Mortgages, banking and financial matters

Mortgages, charges and securities including banking securities (other than simple mortgage possession cases where no defence is raised other than on the figure), but especially

- *O'Brien* defences.
- Disputes regarding priority of mortgages or charges
- Guarantees and indemnities
- Assignments of choses in action
- Subrogation

Business litigation*

Business disputes may be suitable for either the General List or the Chancery List. The Chancery List may be an appropriate list for business litigation as an alternative to a mercantile list where, in particular, a complex point of legal principle or interpretation of contract may arise.

Injunctions and equitable remedies

All forms of equitable relief, including

- injunction,
- specific performance,
- declarations as to interests,
- tracing, and
- equitable accounting
- Claims in restitution

Professional negligence related to any of the above topics

- including solicitors, surveyors, valuers, architects, accountants, financial advisers.

Annex B

Model standard case management directions for Chancery List cases at Central London Civil Justice Centre. - Form MT3 (CHY)

Form MT 3 (CHY)

Case Number:

Parties:

GENERAL

1. Claim allocated to the Multi Track, to proceed as Chancery Business.
2. The parties do give serious consideration to using mediation with a view to reaching an early settlement. The parties may be assisted by reference to the directory of accredited civil mediators which can be found at:
<http://www.civilmediation.justice.gov.uk>

The parties will be expected to provide an explanation if mediation has not been attempted. Costs consequences may follow.

DISCLOSURE

3. Each party shall give to the other parties standard disclosure of documents on Form N265 by 4.00pm on []
4. All requests for inspection of or a copy of a document must be made by 4.00pm on [*normally 7 days later*]. Copies of requested documents to be supplied by 4 pm on [*normally a further 7 days later*].

WITNESS STATEMENTS

5. The parties shall [serve][exchange] statements of witnesses of fact by 4.00pm on [].

EXPERT EVIDENCE [Use (1) (2) or (3)]

- (1) *No expert evidence*

6. [It being agreed] [The court being of the view] that no expert evidence is required, neither party has permission to rely on expert evidence without further order.

(2) *Single joint expert*

6. Expert evidence [on the issue of _____] shall be limited to the written report of a single expert [name if available] to be jointly instructed by the parties. Unless the parties agree in writing or the court otherwise orders, the fees and expenses of the single expert shall be paid by the parties equally.

7. Parties are to agree a letter of instruction to the single joint expert by 4 pm on [_____]. Expert to provide a copy of his report to the parties and file his report with the court by 4 pm on [_____].

8. Each party to serve any questions to the single joint expert on the other parties and the single joint expert by 4 pm on [_____]. Expert to respond to such questions by 4 pm on [_____] by serving a copy of his answers on the parties and filing the answers with the court.

9. If the parties cannot agree by 4.00pm on [_____] [who the expert is to be] [the form of the letter of instruction] [the payment of the expert's fees] either party may apply to the court for further directions.

(3) *Parties' experts*

5. Each party has permission to rely on expert evidence of a [state discipline(s)].

6. Experts' written reports to be served by 4 pm on [_____].

7. Expert reports to be agreed if possible. If not, the experts shall hold without prejudice discussions and prepare and serve a statement of issues agreed and issues not agreed with a summary of the reasons for any disagreement by 4.00pm on [_____].

8. Experts to attend for cross examination at the trial unless agreed by the parties or otherwise ordered by the Court.

VIEW (*in appropriate cases*)

[]. Parties to co-operate in making arrangements for an early site inspection (aided by the provision of an agreed case summary and core bundle of key documents) by a Circuit Judge (to whom the case will then be reserved)¹.

LISTING

[]. The case is to be listed for trial before a Circuit Judge in the period from [] to [] with a time estimate of [] day/s, [including hours] [excluding any] pre-reading time for the court. [*For hearing of 3 days or more: Parties not to attend until on the first day*]²

[]. There will be a telephone listing appointment on [the first available date after namely] on at Each party must have dates to avoid for parties, witnesses and advocates. The listing appointment will be conducted as a telephone conference pursuant to PD 26.3; relevant information is attached. The parties are encouraged to agree a list of such dates, in which case one party may phone (without setting up a formal telephone conference) on behalf of all, provided he certifies that all others have agreed.

[]. On receipt of the required information the Court will arrange the date over the phone at the time of the call. If the telephone appointment is not set up and the required information is not received by the time stated, the court will proceed to list. In either case a formal notice of hearing will also be sent by post or DX. Thereafter, the hearing date will not be altered except on application on notice to a Circuit Judge.

[]. No telephone call after the appointment date and time will be considered or otherwise dealt with unless directed by the Court.

PREPARATION FOR TRIAL

[]. *If considered necessary, direction for a Pre-Trial Review on an appropriate date, approximately 3-4 weeks before trial date. Provision can be made to vacate the PTR upon*

¹ *This direction is for consideration in appropriate cases, namely where the dispute turns wholly or mainly on the interpretation of title deeds and/or plans. It may be employed at any stage of case management if and it appears likely to promote early narrowing of the issues and/or assistance with settlement.*

² (1) *Trial window will in principle to be one month for each day of estimated length of trial, and will commence about 4 weeks after the projected time of the last step in pre-trial preparation, which will usually be either exchange of witness statements or finalisation of expert evidence.*

(2) *Attendance on the first day will normally be 11.30 am for a case of 3 days and 2 pm for a hearing of 4 or more days, but the parties may vary this*

receipt of a joint certificate from the parties' solicitors, not less than three days before the PTR that the case is ready for trial and no further directions are required.]

[]. Not less than [3] nor more than [7] days before the date fixed for trial, the Claimant is to prepare and file a trial bundle in accordance with the Practice Direction to Part 39 CPR. [Such trial bundle is to include [a chronology] [a case summary not exceeding words] [a list of issues].]

[]. Skeleton arguments are to be exchanged. Skeleton arguments shall be filed at least [one] clear day before the hearing, and should be filed by email to CentralLondonCJSKEL@hmcourts-service.gsi.gov.uk in accordance with the court's CJ Skeleton Argument Protocol, unless email is not available to the party.

[]. Parties to inform the court immediately if the case should settle.

COSTS

[]. Costs of this [application] [case management conference] [hearing] be [*as appropriate*].

Dated:

HH Judge

Mr/Ms Recorder

District Judge

Deputy District Judge