

**NEWS FROM**  
**THE BUSINESS AND PROPERTY COURTS IN LEEDS**  
**and**  
**THE COUNTY COURT AT LEEDS, BUSINESS AND PROPERTY WORK**  
  
**JANUARY 2019**

**HIGH COURT, BUSINESS AND PROPERTY COURTS**

**1. DISCLOSURE PILOT: 1 January 2019**

The Disclosure Pilot for the Business and Property Courts starts on 1 January 2019.

The scheme will help with the exchange of information in a case, helping all parties to agree a sensible and cost-effective approach to disclosure and identify areas of disagreement

The Pilot is given effect to by:

**Practice Direction 51U – Disclosure Pilot For The Business And Property Courts.**

The PD can be found by clicking here: [Practice Direction](#)

**The appendices to the PD can be found here:**

<https://www.judiciary.uk/you-and-the-judiciary/going-to-court/high-court/courts-of-the-chancery-division/cpr-guides-and-forms/disclosure-pilot-for-the-business-and-property-courts/>

A relevant Practice Note (applying to some but not all BPC lists) can be found here:

<https://www.judiciary.uk/publications/practice-note-business-and-property-claims-in-court/>

## **2. CAPPED COSTS PILOT: 14 January 2019**

The voluntary capped costs pilot operating in (among other places) Leeds came into force on 14 January 2019 under the 102<sup>nd</sup> update to the CPR and comprises CPR PD51W. It can be found here: <http://www.justice.gov.uk/courts/procedure-rules/civil/pdf/update/cpr-102-pd-update.pdf>

The pilot is a voluntary capped costs pilot operating in the Business and Property Courts in Leeds and Manchester (Chancery, Circuit Commercial and the Technology and Construction Court) and the London Circuit Commercial Court for cases valued up to £250,000. The pilot derives from Sir Rupert (formerly Lord Justice) Jackson's Costs Review in which the terms of the pilot were published as part of Sir Rupert's final report in the summer of 2017. Some amendments (notably the removal of provisions regarding appeals) have been made.

The pre-modified PD and further information regarding the related Jackson Reforms are accessible via this link:

<https://www.judiciary.uk/wp-content/uploads/2017/07/fixed-recoverable-costs-supplemental-report-online-3.pdf>

See chapter 9, pp 122 – 125

It is based on the capped costs regime in the Intellectual Property & Enterprise Court (IPEC). The pilot will run for two years from 14th January 2019 to 13th January 2021.

A note regarding the Pilot is to be found here: <https://www.chba.org.uk/for-members/library/practice-directions-court-notice/practice-direction-capped-costs-pilot>

## **3. ELECTRONIC or CE FILING: FEBRUARY/MARCH 2018**

Electronic or CE Filing is due to be extended to the BPC Courts in Leeds (and other District Registry BPCs) in February or March 2019. The system has been in operation in the Rolls Building London for some time. It is anticipated to be voluntary at first but will almost certainly become compulsory for litigants who are legally represented.

For information about CE Filing see:

#### **4. ORDERS**

**Lodging of Orders after hearings:** In the BPCs in Leeds and unless otherwise directed:

1. the Applicant (or Claimant on directions cases where there is no separate application) is expected to lodge an electronic word version form of an agreed Minute of Order made at any hearing;
2. The electronic version should be filed by 12 noon no later than two business days after the hearing in question.

If not lodged as required, then without further notice the Court is likely to list the matter for a hearing in order to finalise the order and receive an explanation as to why the Minute has not been lodged.

#### **5. SKELETON ARGUMENTS AND BUNDLES**

Bundles need to be provided to the advocates in sufficient time for them to prepare and lodge skeleton arguments.

The dates by which bundles and skeleton arguments are to be lodged with the Court (as provided by court order or the relevant Court Guide) are dates which must be met and are not dates to be aimed for.

As regards interim applications, bundles and skeletons should normally be lodged at the latest by 10am of the working day before the date of the hearing

It is the duty of advocates to take steps to ascertain what directions apply as regards bundles and skeleton arguments.

On too many occasions bundles and skeleton arguments are being filed late. From January 2019, the BPCs in Leeds will be less forgiving about such failures which disrupt court preparation and other cases. **Parties can expect that late lodging will be met with the imposition of sanctions which may include costs sanctions and/or the adjournment of a hearing or trial.**

## **6. NEW E-MAIL ADDRESS FOR THE BPCs IN LEEDS**

Please note that as of Monday 14<sup>th</sup> January 2019 the email address for the Business and Property Courts will change. For the avoidance of doubt this is for all correspondence/documents relation to BPCs(including insolvency).

The new email address is [BPC.Leeds@justice.gov.uk](mailto:BPC.Leeds@justice.gov.uk)

## **THE COUNTY COURT AT LEEDS**

### **BUSINESS AND PROPERTY WORK**

## **7. NEW E-MAIL ADDRESS FOR THE COUNTY COURT: BUSINESS AND PROPERTY WORK ONLY**

Please note that as of Monday 14<sup>th</sup> January 2019 the email address for Business and Property Work in the County Court at Leeds will change. For the avoidance of doubt this is for all correspondence/documents relation to Business and Property Work (including insolvency).

The new email address is [BPC.Leeds@justice.gov.uk](mailto:BPC.Leeds@justice.gov.uk)

## **8. ORDERS**

The provisions applying to the High Court, Business and Property Courts in Leeds outlined in paragraph 4 above apply also to the County Court at Leeds in relation to Business and Property Work.

## **9. SKELETON ARGUMENTS AND BUNDLES**

The provisions applying to the High Court, Business and Property Courts in Leeds outlined in paragraph 5 above apply also to the County Court at Leeds in relation to Business and Property Work. Where the Business and Property work is chancery related then the provisions of the Chancery Guide should be applied, as if the case where a High

Court case save insofar as there is express order inconsistent with the Guide. Where the Business and Property work is TCC related then the provisions of the TCC guide should be applied as if the case where a High Court case save insofar as there is express order inconsistent with the Guide.

4 January 2018

(revised 14 January 2019)