

## **PRACTICE NOTE**

1. From 1 October 2014 the Chancery Division in London will commence using the new CE-File electronic court file and some data stored on the old IT system will be transferred to CE-File.
2. Court users will not be able to file documents electronically direct to the court file until the latter part of 2015. This note is intended to govern the position in the intervening period. Some of the changes notified here will be carried over into a revised version of PD 5C which will apply when electronic filing becomes possible.
3. From 1 October 2014 the court file, whether it is in electronic or paper form, will contain only those documents which the court is required to hold pursuant to the CPR, whether they are documents created by the court or lodged by the parties.
4. All claims issued from 1 October 2014 (“New Claims”) will be allocated a new style number. The Master with responsibility for each claim will be allocated, as now, in rotation on a random basis. The claim form will be stamped with the Master’s name. Claims issued prior to 1 October 2014 (“Old Claims”) will be given a new style claim number in place of the existing number on the first occasion a document is filed after 30 September 2014.
5. The old claim number will not be recognised by CE-File. It will only be necessary to provide the court with the old number where a payment out is to be made of funds paid into court prior to 1 October 2014.

### **New Claims**

6. New claims will be managed as far as possible from the electronic file. All documents lodged with the court will be scanned to the electronic file and case management will be carried out using that file unless the volume of documents makes that impractical. If paper versions of documents are required by the Master a direction will be given to lodge further paper copies, usually in the form of a bundle. The parties may be asked on occasions to file a pdf version of long documents to assist the court.
7. The court will not maintain a paper file for New Claims. Paper documents lodged with the court, after having been scanned to the file, will be retained in day files for a period of 6 months. They will be available only in the event that scanning errors need to be corrected. They will be destroyed at the end of the period.
8. The only exception will be original documents which are required to be lodged with the court pursuant to an order or a provision of the CPR (such as original wills). Original documents will be retained, as now, in a separate secure storage area. Original documents must be clearly marked as such with a front sheet marked in a font of not less than 14 point:

**“CLAIM NO. XXXXXX**

**ORIGINAL DOCUMENT – NOT TO BE DESTROYED”**

9. Exhibits to witness statements in Part 7 claims which exceed in aggregate 30 pages must not be filed with the witness statement. Longer exhibits will be returned. In appropriate cases the court may direct that exhibits amounting to more than 30 pages are to be filed and scanned to the court file or that the filing party should provide an electronic version of the exhibit in pdf format.
10. Exhibits to witness statements in Part 8 claims will be accepted by the court and scanned to the file if they do not exceed in aggregate 100 pages. Directions should be sought from the court concerning longer exhibits. In most cases the filing party will be requested to provide an electronic version of the exhibit in pdf format.

**Old Claims**

11. Documents filed or created from 1<sup>st</sup> October 2014 will be retained only on CE-File. They will not be added to the paper file. As with New Claims, documents will be retained only for 6 months.
12. The identity of the Master allocated to the claim will remain unchanged.

**Old and New Claims from 1 October 2014**

13. From 1 October 2014 a hearing bundle will be required for every hearing, however short. A strict “No bundle, no hearing” policy will be adopted. If no bundle has been lodged, it is very likely the hearing will be adjourned to the next available date.
14. Responsibility for lodging the hearing bundle will normally fall on the applicant. The parties must co-operate with each other and all parties have responsibility for ensuring that the court receives a bundle lodged two clear days before the hearing, save where this is impossible due to the urgent nature of the hearing. Late service of documents is not a reason to delay lodging the bundle. If necessary, documents may be added to the bundle.
15. A party appearing on an application without notice at 2.15pm must bring a bundle if it has not been possible to lodge one in advance.
16. Form 149C (Notice of Provisional Allocation) requires the parties to lodge a range of documents. It will be the responsibility of the claimant to lodge a bundle containing the statements of case, the directions questionnaires and all associated documents within 5 working days of the deadline specified in Form 149C.
17. Exhibits should only include the essential documents. Correspondence should only be exhibited where there is a real need for it being considered by the

court and a real likelihood of it being referred to at a hearing. The provisions of paragraphs 9 and 10 will apply to Old and New claims from 1<sup>st</sup> October 2014.

18. Correspondence with the court, and documents to be lodged, must not be sent by more than one medium. Where a court fee must be paid, the document should only be sent in paper form.
19. Witness statements for trial and expert's reports should never be filed, unless this has been expressly directed by the court.

**Matthew Marsh**  
**Chief Master – 8th September 2014**