

# **The Business and Property Courts of England and Wales**

## **Advisory note**

*This note is provisional and will be updated shortly.*

### **Introduction**

1. The “Business and Property Courts of England and Wales” (“B&PCs”), were launched on 4<sup>th</sup> July 2017 and become operational on 2<sup>nd</sup> October 2017. They have been created as a single umbrella for specialist jurisdictions across England and Wales. The specialist jurisdictions are the Commercial Court (including the Admiralty Court), the Chancery Division Courts, and the Technology and Construction Court. In London these specialist jurisdictions operate together in the Rolls Building on Fetter Lane, forming the largest specialist centre for financial, business and property litigation in the world.

2. Business and Property Courts have also been established in the five main regional centres where specialist business similar to that in the Rolls Building is undertaken, namely, Birmingham, Bristol, Cardiff, Leeds and Manchester. Specialist County Court cases that fall within the ambit of the B&PC’s are heard in the Business and Property Courts List (previously the Chancery Business List). The former Mercantile Court has become the Circuit Commercial Court, and Mercantile Judges have been re-named Circuit Commercial Judges.

3. The Business and Property Courts are divided into ten separate specialist courts or lists, some of which are further subdivided into sub-lists. These courts and lists are dealt with in more detail below.

4. Although the various specialist courts have been brought together under one umbrella, the courts themselves will continue to operate in the same way as at present, applying the same practices and procedures under the Civil Procedure Rules as before and retaining their own procedural Guides. The way in which cases are dealt with in each type of court will not change. Claims which have been proceeding in the Chancery Division before 2<sup>nd</sup> October remain under the control of the same Master (or Judge) as before until further order. The Practice Direction setting up the Business and Property Courts contains new provisions,

particularly as regards issue and transfer of proceedings (see paragraphs 13 to 19).

5. The new arrangements will allow, over time, for greater flexibility in cross-deployment of judges with suitable expertise and experience to sit on appropriate business and property cases. It will also be simpler to issue claims in any of the B&PC's and to transfer claims between the Rolls Building and the specialist courts in the regions.

## **Issuing Proceedings electronically in the Business and Property Courts**

6. Proceedings are, as before, started under Part 7 or 8. Court users will, when issuing proceedings electronically, see the heading "Business and Property Courts of England and Wales". They will then be asked to say which court, list or sub-list they wish their case to be assigned to. This will depend on the principal subject matter of the dispute. For example, if the dispute involves land, even if the land is for commercial use, it should be assigned to the Property, Trusts and Probate List. Similarly, a dispute about pensions should be assigned to the Business (Pensions) List, even if professional negligence is involved. Where several issues arise, involving different courts, lists or sub-lists, the user must consider whether there are issues requiring the expertise of a specialist judge and if so must select the court, list or sub-list in which the relevant specialist judges sit. Users must choose one of the following (described in detail below – see paragraph 8):

- (1) Admiralty Court (QBD)
- (2) Business List (ChD)
  - (a) Business
  - (b) Financial services and regulatory
  - (c) Pensions
- (3) Commercial Court (QBD)
  - (a) Commercial Court
  - (b) Circuit Commercial Court (QBD) (formerly the Mercantile Court)
- (4) Competition List (Ch)

(5) Financial List (financial disputes worth over £50million) (ChD/QBD)

(6) Insolvency and Companies List (ChD)

(7) Intellectual Property List (ChD)

(a) Intellectual property

(b) Intellectual Property and Enterprise Court (“IPEC”)

(c) Patents Court

(8) Property, Trusts and Probate List (ChD)

(9) Revenue List.

(10) Technology and Construction Court (QBD)

7. Once the user has identified the court, list or sub-list in which they wish to issue proceedings, they will be asked to identify in which hearing centre they wish to issue the proceedings. The choice will normally be between London, Birmingham, Bristol, Cardiff, Leeds and Manchester. The decision will depend on whether the claim has significant links to one of the regional circuits. Links, as specified in the Practice Direction, are established where:

- one or more of the parties has an address or registered office in the circuit (particularly if the party is non-represented); at least one or more of the witnesses is located in the circuit;
- at least one of the witnesses expected to give oral evidence is located within the circuit
- the dispute occurred in a location within the circuit;
- the dispute concerns land, goods or other assets located in the circuit;  
or
- the parties’ legal representatives are based in the circuit.

Claims with significant links to a particular circuit must be issued in the district registry located in the circuit. These can be identified by referring to Table B of Practice Direction 52B, as the BPCs centres match the appeal centres.

Although a claimant must base a decision on any information available about links to a particular circuit, there is no obligation to make extra inquiries to determine whether there may be other links outside the claimant’s current knowledge.

8. In order to help users find the correct court, list or sub-list, a brief description of each List follows. The various examples of cases dealt with in each category are not exhaustive. Care should be taken to ensure that any proceedings are brought in the correct court or hearing centre. If users are in doubt as to which list is the right one, they should seek advice from a Master. If users are uncertain as to the availability of a specialist judge in a area they should contact the relevant Listing Office. Contact details are available in Chapters 2 and 30 of the Chancery Guide. It is important to

note however that if a claim is issued in the wrong court, list or sub-list, or in the wrong hearing centre, this will not invalidate the issue of the claim. If there is such an error the court may remedy it by making an order under CPR rule 3.10(b).

### **(1) Admiralty Court (QBD)**

The Admiralty Court deals with shipping and maritime disputes. This list deal with cases such as:

- collisions between ships
- disputes over the transport of cargo
- salvage of a ship, cargo or crew
- disputes over goods supplied to a ship
- disputes over mortgages and other security over ships
- claims by passengers for injuries suffered
- claims by ship crew for unpaid wages
- claims by ship-owners to limit liability for loss or damage

The Admiralty Court deals with claims brought against the owner of a ship ('in personam' claims) and claims brought against the ship itself ('in rem' claims). The court can seize ('arrest') ships and cargos to prevent them being moved and can also sell them within England and Wales.

### **(2) Business List (ChD)**

The scope of the Chancery Business List is broad. It includes a wide range business disputes, often with an international dimension. Frequently these concern a business structure (company, LLP, LP, partnership etc), claims against directors for breach of fiduciary duty, or disputes about contractual arrangements between investors. They also include claims in tort, such as conspiracy or fraud, claims for breach of contract, specific performance, rectification and injunctive relief as well as other equitable remedies. The Business List includes pensions claims.

The Business List has three sub-categories:

#### **(a) Business.**

The following are only examples of the broad category of cases that fall within the Business list. If a claim does not fall within any other list or sub-list it should be issued in the Business list.

- Partnership
- Sale and purchase of businesses
- Disputes involving shareholders and/or directors and/or business investors
- Other contractual disputes
- Claims in tort or seeking equitable remedies not involving a contract
- Professional negligence [(other than Financial services claims)]

#### **(b) Financial services and Regulatory**

Financial claims (including claims where the **Financial Conduct Authority (FCA)** is a party and [claims under the Financial Services and Markets Act 2000 (FSMA) other than those in the general business list].  
Regulatory (where a regulator other than the Pensions Regulator is a party).

### **(c) Pensions**

This List covers all claims where pensions are the subject matter of the dispute. Many pension schemes, particularly occupational pension schemes, are established under a trust. Not all pensions cases however are brought under the court's trusts jurisdiction. For example trustees and/or employers may bring claims for professional negligence against former advisers, or action taken under statutory powers, for example by the Pensions Regulator, or statutory appeals, for example from the Pensions Ombudsman.

## **(3) Commercial Court (QBD)**

### **(a) Commercial Court**

The Commercial Court deals with complex cases arising out of business disputes, both national and international, encompassing all aspects of commercial disputes, in the fields of banking and finance, shipping, insurance and reinsurance and commodities. The Court is also the principal supervisory court for London arbitration, dealing with the granting of freezing and other relief in aid of arbitration, challenges to arbitration awards and enforcement of awards. This list deal with cases such as:

- disputes over contracts and business documents
- insurance and reinsurance
- sale of commodities
- import, export and transport ('carriage') of goods
- issues relating to arbitration awards
- banking and financial services
- agency and management agreements

### **(b) Circuit Commercial Court (QBD) (formerly the Mercantile Court)**

Formally know as the London Mercantile Court, it deals with business disputes of all kinds apart from those which, because of their size, value or complexity, will be heard by the Commercial Court. As well as large cases it also decides smaller business disputes. There are no restrictions on the size of claims which can be brought to the Commercial Circuit Court. Cases will ordinarily be heard if they are of a genuine business nature and appropriate for the court. This list deal with cases such as:

- disputes over contracts and business documents
- insurance and reinsurance
- sale of goods
- import, export and transport ('carriage') of goods
- professional negligence in commercial circumstances (eg solicitors and accountants)
- issues relating to arbitration awards
- restraint of trade

- banking and financial services
- agency and management agreements
- share sale agreements
- confidential information
- injunctions

#### **(4) Competition List (ChD)**

Claims for breaches of competition law

This list deals with claims brought under Article 101 and Article 102 of the Treaty on the Functioning of the European Union (“TFEU”), and also claims brought under the corresponding provisions of UK domestic law contained in Chapters I and II of Part 1 of the Competition Act 1998.

Article 101 (EU law claims) and Chapter I of Part 1 of the Competition Act 1998 (UK domestic law claims) prohibit agreements, concerted practices, or decisions by associations of undertakings whose object or effect is to prevent, restrict or distort competition.

Article 102 (EU law claims) and Chapter II of Part 1 of the Competition Act 1998 (UK domestic law claims) are aimed at preventing abusive behaviour by undertakings who hold a dominant position in a relevant geographic and product market (eg by imposing unfair prices or unfair trading arrangements).

A claim may be for an injunction to restrain an alleged breach or threatened breach of the competition rules, and/or for damages resulting from such a breach. Proceedings are almost invariably complex and frequently involve consideration of economic or technical issues on which expert evidence is called. The procedure is governed by the Practice Direction on Competition Law (See further Ch.29 (7) of the Chancery Guide).

*(Note: claims such as those identified above may also be brought in the Competition Appeal Tribunal, whose jurisdiction was expanded by the Consumer Rights Act 2015 to bring it largely into line with that of the High Court. However, by virtue of the 2015 Act the Competition Appeal Tribunal has the exclusive jurisdiction over certain proceedings for collective redress for infringement of the competition rules.)*

Although a claim under paragraph 1 of the Practice Direction on Competition Law may be issued in any of the district registries with which it has significant links (see paragraph 7 above), its case management and/or trial will be dependant of the availability of a suitable judge.

#### **(5) Financial List (ChD/Commercial Court - QBD)**

The Financial List is a specialist cross-jurisdictional list set up to address the particular business needs of parties litigating on financial matters. Disputes that are eligible for inclusion are those that principally relate to financial disputes of over £50m or equivalent, or which require particular market expertise, or raise issues of general market importance. The list can deal with cases:

- worth more than £50 million
- which need expert judicial knowledge of financial markets

- which raise important issues for the sector

## **(6) Insolvency and Companies List (ChD)**

All petitions and applications relating to individual and corporate insolvency under the Insolvency Act 1986 or related legislation (e.g. the Insolvent Partnerships Order 1994, the Administration of Insolvent Estates of Deceased Persons Order 1986, the Cross-Border Insolvency Regulations 2006) except bankruptcy petitions where the debtor is in the London Insolvency District and the debt is below £50,000, in which case the petition should be presented to the County Court sitting at Central London.

- Claims and applications under the Company Directors Disqualification Act 1986.
- Claims and applications under the Companies Act 2006 or related legislation (e.g. the Financial Services and Markets Act 2000 and the Companies (Cross-Border Mergers) Regulations 2007).

Specifically the work includes:

### *Insolvency*

- applications concerning company voluntary arrangements;
- administration applications and applications concerning administrations;
- petitions to wind up companies and partnerships;
- applications concerning the winding up of companies and partnerships (whether in members or creditors voluntary liquidation or following winding up by the court);
- applications concerning individual voluntary arrangements;
- bankruptcy petitions and applications concerning bankruptcy;
- applications relating to transaction avoidance in both personal and corporate insolvency;
- applications under the Cross-Border Insolvency Regulations.

### *Directors' disqualification*

- claims for the disqualification of unfit directors;
- applications for permission to act as a director after disqualification.

### *Company law*

- unfair prejudice petitions/shareholder disputes;
- applications for the confirmation of a reduction of capital;
- applications concerning schemes of arrangement.

This list of examples is not exhaustive.

## **(7) Intellectual Property List (ChD)**

1. The Intellectual Property List (ChD) comprises the following sub-lists:

- (a) Intellectual property

(b) Intellectual Property and Enterprise Court (“IPEC”)

(c) Patents Court

2. The following matters must be dealt with in either the Patents Court or the IPEC (multi-track):
  - (1) claims under the Patents Act 1977
  - (2) claims under the Registered Designs Act 1949
  - (3) claims under the Defence Contracts Act 1958
  - (4) claims relating to Community registered designs, semiconductor topography rights or plant varieties (collectively “registered rights claims”)
3. Claims under the Trade Marks Act 1994 and the other intellectual property claims set out at paragraph 16.1 of Practice Direction 63 (collectively “general intellectual property claims”) must be dealt with in either the Intellectual Property sub-list or the IPEC.
4. There is no lower limit on the value of claims that may be commenced in the Intellectual Property List. Where, however, the damages or sums payable on an account of profits are likely to be £500,000 or less, consideration should be given to issuing the claim in the IPEC (see below).

#### *Patents Court*

5. The Patents Court has its own procedural guide. With certain limited exceptions (as to which, see CPR PD2B para 7B.1 (b)), case management and interim applications are dealt with by a Patents Court Judge, not a Master.

#### *IPEC*

6. Unless the parties agree otherwise, the IPEC’s jurisdiction with regard to damages or an account of profits is limited to £500,000 (and costs caps apply).
7. In addition to the multi-track, the IPEC has a small claims track for general intellectual property claims (but not registered rights claims) with a value of £10,000 or less.
8. The IPEC has its own procedural guide.

#### *Intellectual property claims outside London*

9. Intellectual property claims may be issued in BPCs District Registries. However the case management and/or trial of a claim in the Patents Court or the IPEC in the BPCs District Registry in question will be dependent on an appropriate judge being made available in the district registry in question.

### **(8) Property, Trusts and Probate List (ChD)**

This list covers a large amount of Chancery work which is separate from the Business List and is not dealt with by the specialist Chancery Courts. The examples given below are not intended to be a definitive list. The Property list deals mainly with land, and the Trusts list with matters that fall within Part 64 of the CPR, ie the administration of estates and the execution of trusts, and with charities. The Probate list covers all matters which fall within Part 57 of the CPR.

#### **Property**



Landlord & Tenant residential  
Landlord & Tenant commercial  
Trespass/squatters  
Mortgages  
Land Registry  
Land – title, easements, restrictive covenants etc  
Orders for sale to enforce charging orders  
Trusts of Land and Appointment of Trustees Act 1996 (TOLATA)

### **Trusts**

Variation of trusts  
Removal of trustees  
Claims against trustees for breach of trust  
Issues of construction/rectification  
Trustees/Personal Representatives seeking directions including Beddoe applications  
Disputes about trust property  
Applications for prospective costs order  
Charities  
Applications for administration order

### **Probate**

Contentious Probate claims  
Rectification of wills  
Substitution or removal of Personal Representatives  
Inheritance Act  
Presumption of Death Act

## **(9) Revenue List (ChD)**

Claims involving major points of principle where HMRC is a party. (This List does not include claims for the recovery of taxes or duties or where a taxpayer disputes liability to pay tax. Such claims fall within the General Business list).

## **(10) Technology & Construction Court (QBD)**

This list deals with disputes about buildings, engineering and surveying, building, construction and engineering contract disputes. The list can deal with cases:

- Claims relating to the design, supply and installation of computers, software and related network systems;
- Professional negligence disputes
- Claims relating to the supply and provision of materials, goods, plant and other services;
- Dilapidation claims as between landlord and tenant;
- Environmental issues, including pollution and reclamation;
- Nuisance claims relating to land use
- Claims arising out of fires and explosions;
- Public procurement (in all fields);
- Enforcement of or challenges to adjudicators' decisions arising out of the Housing Grants, Construction and Regeneration Act 1996 (as amended);
- Insurance disputes related to construction, engineering and technology;
- Contractual disputes involving oil and gas installations, onshore and offshore, and shipbuilding.

## **Titles of Claims**

9. All claims issued in the Chancery Division of the High Court under the umbrella of the Business and Property Courts must be titled as in the following examples.

**IN THE HIGH COURT OF JUSTICE  
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES  
PROPERTY TRUSTS AND PROBATE LIST (ChD)**

or

**IN THE HIGH COURT OF JUSTICE  
BUSINESS AND PROPERTY COURTS IN MANCHESTER  
BUSINESS LIST (ChD)  
Business**

10. When issuing proceedings in the Chancery courts and lists, the general rule, which has not changed, is that below the title of the court in which the claim is issued the title of the claim should contain only the names of the parties to the proceedings. There are however various exceptions. Examples include:

- (i) proceedings relating to the administration of an estate should be entitled "In the estate of AB deceased"
- (ii) contentious probate proceedings should be entitled "In the estate of AB deceased (probate)";
- (iii) proceedings under the Inheritance (Provision for Family and Dependents) Act 1975 should be entitled "In the Matter of the Inheritance (Provision for Family and Dependents) Act 1975";
- (iv) proceedings relating to pension schemes should be entitled "In the Matter of the [ ] Pension Scheme";
- (v) proceedings in the Companies Court should be entitled "in the matter of [the relevant company or other person] and of [the relevant legislation]."
- (vi) A claim form to which Section I of Part 63 applies (patents and registered designs) must be marked "Chancery Division Patents Court" below the title of the court in which it is issued (PD 63 paragraph 3.1(a));
- (vii) a claim form to which Section II of Part 63 applies (e.g. copyright, registered trade marks, Community trade marks and other intellectual property rights) must, except for claims started in the Intellectual Property Enterprise Court (IPEC), be marked "Intellectual Property" below the title of the court in which it is issued (PD 63 paragraph 17). Claims relating to trade marks and Community trade marks must state the registration number of the trade mark.
- (viii) proceedings under the Presumption of Death Act 2013 should be entitled "In the matter of an application for a declaration of the presumed death of [*name*]."

11. **Numbering** of new/existing claims

Existing claims, issued before 2<sup>nd</sup> October 2017, will retain their claim numbers. These will not change at any stage.

All claims issued on or after 2<sup>nd</sup> October 2017 are given a claim number with a prefix that reflects the Court, List or sub-list in which they are issued, in accordance with the table below.

List	Sub-List	Pre-Fix
Admiralty Court	Admiralty Court	AD
Business List	Business	BL
	Financial Services and Regulatory	FS
	Pensions	PE
Commercial Court	Commercial Court	CL
	London Circuit Commercial Court	LM
Competition List	Competition List	CP
Financial List	Financial List	FL
Insolvency & Companies	Bankruptcy	BR
	Companies	CR
Intellectual Property List	Intellectual Property	IL
	Intellectual Property and Enterprise Court (IPEC)	IP
	Patents Court	HP
Property Trusts and Probate	Property Trusts and Probate	PT
Revenue List	Revenue List	RL
Technology and Construction Court	Technology and Construction Court	HT

### **Claim Form marking.**

12. All claim forms and all subsequent court documents relating to business or property work issued in the High Court must be marked “Business and Property Courts” in the top right hand corner; and all such claims issued in the County Court must be marked “Business and Property work”. In addition, for example:

- Where the claim is a probate claim the claim form and all subsequent court documents must be marked at the top “In the estate of [name] deceased (Probate)”.
- A claim form to which Section I of Part 63 applies (patents and registered designs) must be marked “Patents Court” below the title of the court in which it is issued.
- Claims in the Shorter Trials Scheme must be marked in the top right hand corner “Shorter Trials Scheme”.

### **Transfer of Proceedings**

13. One of the main purposes of the BP&Cs is to ensure that cases that have specific links with a region can be tried in that region by a specialist judge. Therefore,

although the transfer criteria in CPR rule 30.2 (transfer between the County Court and the High Court) and 30.5 (transfer between High Court Divisions and to or from a specialist list) continue to apply, new transfer rules set out in the Practice Direction will also apply alongside the existing criteria for a transfer order in CPR rule 30.3.

14. When considering whether to make an order for transfer between the Royal Courts of Justice and the district registries when the proceedings are in the Business and Property Courts, the court must, in addition to the criteria in CPR rule 30.3, also have regard to:

(a) significant links between the claim and the circuit in question, considering the factors listed in paragraph 7 above;

(b) whether court resources, deployment constraints, or fairness require that the hearings (including the trial) be held in some other court than the court it was issued into;

(c) the wishes of the parties, which bear special weight in the decision but may not be determinative;

(d) the international nature of the case, with the understanding that international cases may be more suitable for trial in centres with international transport links;

(e) the availability of a judge specialising in the type of claim in question to sit in the court to which the claim is being transferred.

15. An application for a transfer from the Rolls Building to or from a BPCs District Registry or from a BPCs District Registry to another such District Registry or to the Rolls Building must be made to court from which transfer is sought and must additionally be discussed with and consented to by the receiving court. It will be sensible practice for the parties to discuss transfer with the appropriate judge at the receiving court before they apply for an order for transfer. If the parties are uncertain about the availability of a specialist judge they should discuss this with the Listing Manager at the receiving court. Contact details may be found in Chapters 2 and 30 of the Chancery Guide.

16. In addition to the provisions set out in CPR 30.3, the Business and Property Courts considering whether to make an order for transfer from the Business and Property Courts to a county court hearing centre must have regard to:

(a) to the nature of the claim, in accordance with guidance as to what business falls within the specialist work of the B&PCs, provided at paragraphs 4.2 to 4.5 of the Practice Direction; and,

(b) to the availability of a judge specialising in the corresponding type of claim to sit in an appropriate court in the circuit.

17. The following guidelines, which relate to transfers from the Chancery Division to a Chancery District Registry outside London, the County Court, or another Division of the High Court, are still relevant and should also be followed.

- Only cases which may properly be regarded as being suitable for management and trial in London will be retained there. All other claims will be transferred out. Active consideration will be given at all stages of the management of a claim to the appropriate venue for the claim to be managed and tried. If a case is suitable for transfer, it is generally preferable for it to be transferred before detailed case management has taken place, leaving the receiving court to case manage the claim in accordance with its usual approach.
- Consideration will be given, where relevant, to:
  - PD 29 paragraphs 2.1 to 2.6 which provide guidance for case management within the High Court in London;
  - Part 49 and PD 49A and PD 49B – Specialist Proceedings;
  - Part 57 – Probate and Inheritance;
  - Part 63 – Intellectual Property.
- Under PD 29 paragraph 2.2 a claim with a value of less than £100,000 will generally be transferred to the County Court unless it is required by an enactment to be tried in the High Court, it falls within a specialist list, or it falls within one of the categories specified in the list at PD 29 paragraph 2.6.
- The figure of £100,000 in PD 29 paragraph 2.2 accords with the current minimum value of money claims which may be issued in the High Court. It does not follow that money claims of over £100,000 (or over £300,000 (the value figure beyond which court fees do not increase)) will be retained in the Chancery Division. The value of a claim is not a consideration which has greater weight than the other criteria set out in CPR rule 30.3(2) but it is likely to be a factor with considerable influence in making a decision about transfer to the County Court or a specialist list. Similarly, for probate and equity claims, the figures of £30,000 and £350,000 respectively are not determinative.
- If the value of the claim is ascertainable, the court will consider the possibility of transferring Part 7 claims with a value of less than £500,000. Factors which may point to retention of such claims in the High Court include complex facts and/or complex or non-routine legal issues or complex relief; parties based outside the jurisdiction; public interest or importance; large numbers of parties; any related claim; and the saving of costs and efficiency in the use of judicial resources .
- The availability of a judge with the specialist skills to deal with the claim is always an important consideration when considering whether or not to transfer it. There are two circuit judges at Central London County Court who are specialised in Chancery work, and the waiting times at Central London are likely to be shorter than in the High Court for a trial before a judge. The delay in having a case heard should also be a consideration when deciding whether to transfer a case to the County Court or not and regard will be had to listing information provided by Central London CC, Business and Property Court List. The order for transfer of a claim to Central London County Court, Chancery List may include a direction that the case is considered to be

suitable for trial only by a specialist circuit judge. Such a direction is not binding on the County Court but should be taken into account.

- PD 29 paragraphs 2.6(1), (3) and (7) indicates that professional negligence claims, fraud and undue influence claims and contentious probate claims are suitable for trial in the High Court, but it does not follow that claims within these categories should necessarily remain in the High Court. Less complex and/or lower value claims of these types are suitable for trial in Central London County Court, Business and Property Court List. Serious cases of fraud, however, should generally remain in the High Court. Certain professional negligence claims may be better suited to the Queen's Bench Division.
- Part 7 and Part 8 claims may sometimes be dealt with more efficiently by a Master rather than transferring the claim, especially since the amendments to PD 2B which came into effect on 6 April.
- Many claims under the Inheritance Act will be suitable for trial in the County Court and should generally be transferred to Central London County Court, Business and Property Court List unless the Master is willing to try the claim and it is efficient to do so. Inheritance Act claims by a spouse will usually be suitable for transfer to the Family Division. Where there is a related Probate claim, or other Part 7 claim, the overall scope of the issues before the Court should be considered and generally all related claims should either be retained in the High Court or transferred out. The County Court limit for probate claims is £30,000, but claims well above that figure should be transferred to the County Court nonetheless.
- Most claims relating to joint ownership under the Trusts of Land and Appointment of Trustees Act 1996 will be suitable for transfer to the County Court.

18. An application to transfer a case into the shorter trials scheme may be made to a Judge or, in the Chancery Division, a Master. Where an application is made to a Master it does not have to be released to the Judge but may be dealt with by the Master.

19. Applications for the transfer of proceedings to or from the Financial List must be made to a Financial List judge.