

FINAL

The Business and Property Courts of England & Wales

An Explanatory Statement

Introduction

1. The Judicial Executive Board has approved plans for a number of the specialist jurisdictions of the High Court of England & Wales to be known collectively as “**The Business and Property Courts of England & Wales**”. A press release was issued by the Judicial Office on Monday 12th March 2017. There is a launch event of the Business and Property Courts planned to take place at the Rolls Building on 4th July 2017. The Government and City institutions are very supportive of the proposal, which aims to give the specialist jurisdictions an intelligible user-friendly umbrella term, whilst at the same time preserving the valuable existing brands of individual courts.
2. The specialist jurisdictions in England & Wales comprise the Commercial Court, (including the Admiralty Court), the Technology and Construction Court (“TCC”), and the courts of the Chancery Division (including those dealing with financial services, intellectual property, competition, and insolvency). In London, these specialist jurisdictions operate together at the Rolls Building.
3. There will also be Business and Property Courts in the 5 main regional centres where specialist business is undertaken, namely Manchester, Birmingham, Leeds, Bristol and Cardiff. It is hoped that in due course Business & Property Courts may also be established in Newcastle and Liverpool.
4. The advantages expected from the new Business and Property Courts (“B&PCS”) can be briefly summarised as follows:-
 - (1) **An intelligible name:** “Business and Property Courts” will be a user-friendly understandable umbrella term for UK plc’s national and international dispute resolution jurisdictions. Our legal services providers will be able to convey to international and domestic clients an all-encompassing picture of the courts’ offering. The B&PCs will continue to offer the best court-based dispute resolution service in the world, served by a top class independent specialist judiciary.

- (2) **Regional B&PCs joined up with London:** The B&PCs will be a single umbrella for business specialist courts across England and Wales. There will be a super-highway between the B&PCs at the Rolls Building and those in the regions to ensure that international businesses and domestic enterprises are equally supported in the resolution of their disputes.
- (3) **Flexible cross deployment of judges:** The B&PCs will facilitate the flexible cross-deployment of judges with suitable expertise and experience to sit in business and property cases across the courts.
- (4) **Familiar procedures:** The B&PCs will build on the reputation and standing of the Commercial Court, the TCC and the courts of the Chancery Division, while allowing for the familiar procedures and practices of those jurisdictions to be retained.

The practical consequences of the introduction of the B&PCs

5. Users will notice one immediate change. When they seek to issue proceedings electronically, they will be greeted to the Business and Property Courts of England and Wales, and will then be asked to say to which Court or List they wish the case assigned. The primary choices will be:-
 - (1) Commercial Court (QBD)
 - (2) Admiralty Court (QBD)
 - (3) Commercial Circuit Court (QBD)
 - (4) Technology & Construction Court (QBD)
 - (5) Financial List (ChD/QBD Commercial Court)
 - (6) Business List (ChD)
 - (7) Company & Insolvency List (ChD)
 - (8) Intellectual Property List (ChD)
 - (9) Trusts & Probate List (ChD)
 - (10) Competition List (ChD)
 - (11) Revenue List (ChD)

6. The Intellectual Property List will include the Patents Court and IPEC, and will also take trademark and other IP focused cases. The Companies and Insolvency List will include the Companies Court. The Business List (ChD) will include all the cases that are now issued in the Chancery Division including real property cases, pensions cases, financial services cases (outside the Financial List criteria), and regulatory cases. The system of issue will ensure users will enjoy their current freedom of choice between, for example, the Commercial Court and the Business List (ChD).
7. Having identified the list in which they wish to issue proceedings, users will then be asked to identify in which centre they wish to issue the proceedings: the choice will in almost all cases be between London, Manchester, Birmingham, Bristol, Leeds, and Cardiff.
8. The B&PCs are expected to develop as time goes on both in terms of regions and procedure. For example, it is hoped that Newcastle and Liverpool will be added in due course. In addition, electronic issuing will, it is hoped, be added in the regions by early 2018. Common IT is in the course of being commissioned.
9. Specialist County Court cases that fall within the B&PCs ambit will be heard in a re-designated “Business and Property Courts List” in place of what is now the “Chancery Business List”.
10. Mercantile judges are to be renamed “Commercial Circuit judges”, and the “Mercantile Court” will become the “Commercial Circuit Court”.

The Title for the Action

11. Actions will be titled in the High Court as follows:-

**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND
WALES
COMMERCIAL COURT (QBD)**

or

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

Actions will be titled in the County Court as follows

**IN THE COUNTY COURT AT LIVERPOOL
BUSINESS AND PROPERTY COURTS LIST**

What does cross-deployment mean for the B&PCs?

12. As is the case now, Chancery judges will sit in all Chancery lists (apart from IPEC and the Patents Court in which only designated judges sit), designated Commercial judges will sit in the Commercial and Admiralty Courts, and designated TCC judges will sit in the Technology & Construction Court. But over time, there may be greater flexibility in some of the courts and lists in order to make use of specially qualified judges outside these specialist courts.

How will the regions benefit from the introduction of the B&PCs?

13. Lord Justice Briggs' reports have consistently recommended, and the Judicial Executive Board has accepted, that no case should be too big to be tried outside London. We should be able to provide an integrated Business & Property Courts structure across England & Wales. The aim is to achieve a critical mass of specialist judges sitting in each of the Business & Property regional centres so that all classes of case can be managed and tried in those regions. At the moment, many such cases migrate to the Rolls Building for a multitude of inadequate reasons. Once there, they are often tried by a section 9 circuit judge from the region whence the case originated. It should become easier to transfer regional cases back to the regions for management and trial.
14. Waiting times are considerably less in the regional centres than they are at the Rolls Building. In all the Business & Property Courts and Lists, a High Court judge can be provided to try an appropriate case outside London.

What will the Business & Property Courts mean to the national and international business community?

15. As Brexit approaches, it is all the more important that the commercial community understands the value of English law and the dispute resolution services provided by the English & Welsh courts. Some of the present names that we use are obscure and antiquated, and simply not understood by the business community outside the City of London.

At the same time other names, such as the Commercial Court, have important worldwide recognition that we wish to build on. The introduction of a new umbrella term, which does not replace existing individual names, aims to capitalise on the strength of the English & Welsh dispute resolution offering.

Sir Geoffrey Vos, the Chancellor of the High Court
Sir Brian Leveson, President of the Queen's Bench Division

18th May 2017