

# **Guide to Business & Property Work at Central London**

## **Introduction**

1. The County Court at Central London (“CCCL”) is the venue for the Business and Property work done in London and the South East outside the High Court.<sup>1</sup>
2. Much of that work is transferred to CCCL by the Business & Property Courts of England and Wales forming part of the High Court. Waiting times to trial tend to be shorter than in the High Court. The rest of the work is issued at CCCL or sent in from other County Court hearing centres after issue. All cases are allocated to a specialist list, the Business & Property List, and are handled by judges specialising in Business and Property work.
3. The aim of this guide is to give practical help to parties and representatives. It does not have the force of law and is not a substitute for the Civil Procedure Rules (“CPR”) and Practice Directions (“PDs”)

## **Scope of Business & Property work**

4. The Business & Property work undertaken at CCCL includes the following:
  - 4.1 Work of the type within the Property, Trusts and Probate List of the High Court such as:

Real property

Landlord & tenant (both residential and commercial). The most complex/valuable business tenancy renewal cases will proceed as Business & Property work

Trusts

Contentious probate claims

- 4.2 Work of the type within the Business List of the High Court such as:

Contractual disputes

Claims for specific performance, rectification and other equitable remedies

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<sup>1</sup> Sometimes cases are heard at the Mayor’s and City of London Court by judges from CCCL

Professional negligence (for example, claims against solicitors and surveyors).

4.3 Insolvency and Companies work. This includes personal insolvency cases, company insolvency work transferred from the High Court or other County Court hearing centres, disqualification of directors, and company cases (for example, unfair prejudice petitions, claims to restore companies to the register, to rectify the register, and to extend time for the registration of charges).

5. That list is not exhaustive. A full definition of Business & Property work in the County Court can be found in para. 4.2 of CPR PD 57AA – Business and Property Courts.

6. A Technology and Construction Court List is operated separately at CCCL. It is overseen by HHJ Parfitt. Work in that list includes building disputes, dilapidations claims, and party wall appeals. This guide does not apply to work in that list.

7. Some judges at CCCL hear Intellectual Property Enterprise Court (“IPEC”) cases, namely small claims and applications for enforcement. IPEC is part of the High Court and is not the subject of this guide. Parties should refer to the Guide to the IPEC Small Claims Track.

## **Judiciary**

8. There are two Specialist Circuit Judges: HHJ Dight CBE and HHJ Johns QC. Business & Property cases are also heard by three further Circuit Judges specialising in this work: HHJ Gerald, HHJ Monty QC, and HHJ Parfitt.

9. There are six Business & Property District Judges, being DJ Hart, DJ Lambert, DJ Lightman, DJ Mauger, DJ Revere, and DJ Wilkinson.

10. These judges are assisted by specially authorised Recorders and Deputy District Judges.

## **Case management**

11. Cases are usually transferred to CCCL by the High Court at an early stage. They are listed for a costs and case management conference (Part 7 claims) or for directions or disposal (Part 8 claims). These first hearings are short, usually between 30 minutes and an hour, and are not a trial. They are used to move the case towards trial where there is any substantial dispute.

12. All cases, whether transferred to CCCL or issued here, will normally be retained by the judge dealing with the case at the first hearing. That judge will, if at all possible, hear the trial and any pre-trial review.

13. Unless otherwise ordered, there should be sent to the Court by email 3 days before the first hearing the following documents (agreed if possible): a brief case summary (of not more than 500 words), a list of issues, and proposed directions (using our template – see the next paragraph).

14. Case management directions in Part 7 claims will normally be given by adapting the draft directions template attached at Annex A to the particular case. Parties should therefore use such template when agreeing and submitting proposed directions. Part 8 claims are typically decided without cross examination or disclosure.

15. The email address to which the documents should be sent is:

15.1 For Circuit Judge hearings [centrallondoncjskel@justice.gov.uk](mailto:centrallondoncjskel@justice.gov.uk)

15.2 For District Judge hearings [centrallondondjskel@justice.gov.uk](mailto:centrallondondjskel@justice.gov.uk)

16. The subject heading of the email must start with the claim number. Business & Property cases are given a case number taking the form G10CLxxxx, where the initial letter indicates the year (F having been used for 2019, and G being used for 2020), 10 designates the case as Business & Property work, CL refers to CCCL, and there is then a unique 3 or 4 digit number.

17. The directions will normally provide for the listing of the trial and will do so by (a) setting a 3-month trial window, and (b) directing a telephone listing appointment. That appointment will usually be around 3 weeks after the case management hearing. The standard order for the telephone listing appointment forms part of the template at Annex A.

## **Interim applications**

### **Normal business**

18. An interim application may be issued by (a) sending an Application Notice in form N244 by email to [enquiries.centrallondon.countycourt@justice.gov.uk](mailto:enquiries.centrallondon.countycourt@justice.gov.uk) if the legal representative has a fee account or payment is to be made by card, (b) leaving the application in the dropbox located by the first floor counter, or (c) sending the application by post to the

court at County Court at Central London, Royal Courts of Justice, Thomas More Building, Royal Courts of Justice, Strand, London WC2A 2LL, or by DX to DX 44453 Strand.

19. The Court staff aim to put applications in Business & Property cases before a judge within 5 to 10 working days of receipt. But if the case has been assigned to a particular Circuit Judge at the first hearing, the parties are encouraged to email a copy of the issued application to the judge's clerk in order to bring it to the judge's early attention. The email addresses for the clerks are as follows:

Clerkto.HHJDightCBE@justice.gov.uk

Clerkto.HHJJohnsQC@justice.gov.uk

Clerkto.HHJGerald@justice.gov.uk

Clerkto.HHJMontyQC@justice.gov.uk

Clerkto.HHJParfitt@justice.gov.uk

20. The Circuit Judges generally hear Business & Property applications each Friday. An application will normally be listed on the first convenient Friday after two weeks. Applications to be heard by District Judges will be listed for a convenient date.

### **Urgent business**

21. There is, however, a process for applications that cannot wait. It is to be used only for applications that are genuinely urgent. An example is an application affecting a trial that is less than four weeks away.

22. The urgent Application Notice should be submitted by email to [centrallondonurgentbandp@justice.gov.uk](mailto:centrallondonurgentbandp@justice.gov.uk). The body of the email should contain a succinct statement of reasons as to why the application is urgent and cannot wait to be heard in due turn. The email and attachment will be shown to either HHJ Dight CBE or HHJ Johns QC as soon as possible so that arrangements can be made for the application to be heard.

23. If the application has yet to be issued, an urgent appointment for issue at the first floor counter in the Thomas More Building should be made using the appointments telephone number 0207 947 7502.

24. There is no out of hours service. Any parties requiring such a service should use the Royal Courts of Justice emergency telephone number, 020 7947 6000/6260, and request the Duty Chancery Judge's clerk.

## **Contacting the Court**

25. As CCCL is part of the County Court, telephone calls relating to cases here must be made to Loughborough on 0300 123 5577.
26. The address for the Court is County Court at Central London, Royal Courts of Justice, Thomas More Building, Royal Courts of Justice, Strand, London WC2A 2LL, or DX 44453 Strand. The email address for general correspondence is [enquiries.centrallondon.countycourt@justice.gov.uk](mailto:enquiries.centrallondon.countycourt@justice.gov.uk). Use of the email addresses [centrallondoncjskel@justice.gov.uk](mailto:centrallondoncjskel@justice.gov.uk) and [centrallondondjskel@justice.gov.uk](mailto:centrallondondjskel@justice.gov.uk) is reserved for skeleton arguments and certain other specified documents only and is subject to the Court's protocol attached at Annex B.
27. When corresponding with the Court, parties (a) should not duplicate their correspondence by sending it using more than one method as this adds to the burden on the Court, and (b) are reminded of the general rule that they must copy the other parties in to the correspondence – see CPR 39.8.

## **Trials**

28. In order to avoid disruption to other litigants and to ensure that each case does not take more than its proper share of court resources, parties will be required to complete each trial in the time allotted save in exceptional circumstances.
29. It is therefore important that time estimates for trial are realistic. Such estimates need not include time for preparation of judgment (as this will be added by the judge as appropriate) but should include time for judicial pre-reading. For guidance, parties will often be required to attend only from 11 am in a 3 day case, from 12 noon in a 4 day case and from 2 pm in a case of 5 days or more.
30. Skeleton arguments should, unless otherwise ordered, be sent to the Court at least 2 days before the trial to [centrallondoncjskel@justice.gov.uk](mailto:centrallondoncjskel@justice.gov.uk) (to reach a Circuit Judge) or [centrallondondjskel@justice.gov.uk](mailto:centrallondondjskel@justice.gov.uk) (to reach a District Judge).
31. An indexed and paginated bundle of documents for the trial should, unless otherwise ordered, be delivered to Court at least 3 days before the trial. Parties should arrange delivery of the trial bundles directly with the judge's clerk if possible. Otherwise, they can be lodged at the first floor counter in the Thomas More Building between 9 and 10 am.

32. If settlement or some other development means that a trial listing can be vacated or shortened, the parties must inform the Court immediately (by emailing the trial judge's clerk if possible) so that the time saved can be used for the benefit of other litigants.

33. Robes will be worn for trials, appeals, applications for committal, and directors' disqualification hearings. Robes are not otherwise worn.

### **Orders**

34. If a draft order is requested by the Court following a hearing such will normally be required within 2 working days and should be sent by email (to the Circuit Judge's clerk if the case has been heard by a Circuit Judge) and be in Word format. Like other documents in the case, orders should be marked "Business & Property Work".

### **Insolvency and Company cases**

35. There are specific contact details for use in insolvency and company cases being heard by the Business & Property District Judges. These must be used for all contact with the Court in such cases. They are as follows:

35.1 By telephone: 0207 947 6448

35.2 By email for company cases: [RCJCompGenCLCC@justice.gov.uk](mailto:RCJCompGenCLCC@justice.gov.uk)

35.3 By email for bankruptcy cases: [RCJBankCLCCDJHearings@justice.gov.uk](mailto:RCJBankCLCCDJHearings@justice.gov.uk)

35.4 By attendance at the separate Insolvency and Companies counter on the first floor of the Thomas More Building where bundles may also be delivered.

36. Claims to extend time for the registration of a company charge are dealt with in regular bulk lists. These claims are likely to be adjourned if the papers are not in order. To assist parties, an up to date template for Appendix A to form part of the claim form is attached at Annex C.

### **Litigants in person**

37. Litigants in person are expected to comply with the CPR and PDs. This Guide is also for them as well as represented parties.

38. There are four specific sources of free support available to litigants in person at CCCL:

38.1 CLIPS. This scheme, being the Chancery Bar Litigant in Person Support Scheme, operates each Friday in the Business & Property applications list usually heard by HHJ Dight CBE or HHJ Johns QC. A volunteer barrister is on hand to give assistance to those appearing in such list by giving advice and by representing them in court.

38.2 RCJ Advice's Debt and Bankruptcy Service. This is a drop-in service run from a dedicated room on the ground floor of the Thomas More Building. It operates Monday-Friday 10.00 - 13.00 and 14.00 - 16.00 and offers free confidential advice on bankruptcy and dealing with debt.

38.3 RCJ Advice Bureau. This is located not in the Thomas More Building but in an office off the main hall of the RCJ. It offers free legal advice on civil cases in the RCJ, including Business & Property work at CCCL, and can assist with applications to Advocate (a charity which finds free legal help from barristers). An appointment must be booked. That can be done by emailing [civiltriage@rcjadvise.org.uk](mailto:civiltriage@rcjadvise.org.uk) or by attending at the office.

38.4 Support Through Court. This charity, formerly known as the PSU (Personal Support Unit), offers volunteers who provide reassurance and practical help. The office can be found by the café off the main hall of the RCJ. Support Through Court can be contacted in advance by email at [London@supportthroughcourt.org.uk](mailto:London@supportthroughcourt.org.uk) or by telephone on 0207 947 7701.

## **Mediation**

39. CCCL has an independent mediation service administered by CEDR available to all parties to help them resolve their disputes. Each mediation takes place in the court buildings after court hours, is confidential, without prejudice and is conducted by an accredited mediator. The total cost to the parties is £900 plus VAT, usually shared equally. A party in receipt of legal aid may recover his/her share of the cost as a permitted disbursement. Further details of the mediation service and an application form are available at <https://www.cedr.com/solve/clcc/>

HHJ Dight CBE and HHJ Johns QC

January 2020

## List of Contact Details for CCCL

Postal address: County Court at Central London, Royal Courts of Justice, Thomas More Building, Royal Courts of Justice, Strand, London WC2A 2LL, or DX 44453 Strand

Telephone numbers: 0207 947 7502 (for urgent counter appointments only)

0207 947 6448 (for insolvency and company cases to be heard by District Judges only)

0300 123 5577 for all other calls

Court email addresses: [centrallondoncjskel@justice.gov.uk](mailto:centrallondoncjskel@justice.gov.uk) (for skeleton arguments and other specified documents in cases to be heard by Circuit Judges – see the protocol at Annex B of the Guide)

[centrallondondjskel@justice.gov.uk](mailto:centrallondondjskel@justice.gov.uk) (for skeleton arguments and other specified documents in cases to be heard by District Judges – see the protocol at Annex B of the Guide)

[RCJCompGenCLCC@justice.gov.uk](mailto:RCJCompGenCLCC@justice.gov.uk) (for company cases to be heard by District Judges only)

[RCJBankCLCCDJHearings@justice.gov.uk](mailto:RCJBankCLCCDJHearings@justice.gov.uk) (for bankruptcy cases to be heard by District Judges only)

[centrallondonurgentbandp@justice.gov.uk](mailto:centrallondonurgentbandp@justice.gov.uk) (for urgent applications only)

[enquiries.centrallondon.countycourt@justice.gov.uk](mailto:enquiries.centrallondon.countycourt@justice.gov.uk) for all other purposes

Circuit Judges' clerks: [Clerkto.HHJDightCBE@justice.gov.uk](mailto:Clerkto.HHJDightCBE@justice.gov.uk)

[Clerkto.HHJJohnsQC@justice.gov.uk](mailto:Clerkto.HHJJohnsQC@justice.gov.uk)

[Clerkto.HHJGerald@justice.gov.uk](mailto:Clerkto.HHJGerald@justice.gov.uk)

[Clerkto.HHJMontyQC@justice.gov.uk](mailto:Clerkto.HHJMontyQC@justice.gov.uk)

[Clerkto.HHJParfitt@justice.gov.uk](mailto:Clerkto.HHJParfitt@justice.gov.uk)

RCJ Advice Bureau: [civiltriage@rcjadvice.org.uk](mailto:civiltriage@rcjadvice.org.uk)

Support Through

Court: [London@supportthroughcourt.org.uk](mailto:London@supportthroughcourt.org.uk) or 0207 947 7701

Mediation scheme: <https://www.cedr.com/solve/clcc/>