



JUDICIARY OF
ENGLAND AND WALES

Business and Property Courts
The Commercial Court
Report 2020-2021
(Including the Admiralty Court Report)

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Report 2020-2021
(Including the Admiralty Court Report)



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1. Introduction

This Annual Report on the Commercial and Admiralty Courts aims, as in previous years, to do two things: to give an overview of the Court to those who may not be familiar with it, and provide more detailed information for regular users of the Court. The report also covers recent initiatives and projects aimed at maintaining and improving the service which the Court provides to its users, and its ongoing response to the Covid-19 pandemic.

The report includes the work of both the Commercial Court and the Admiralty Court, which share judges, procedures and administration. It also gives details of the business of the London Circuit Commercial Court, which works in tandem with the Commercial Court, dealing with cases of a commercial nature whose size or complexity does not require them to be heard in the Commercial Court itself.

The legal year has in one sense been headlined by Brexit and the Covid-19 pandemic. However, in operational terms both have had a smaller impact on the Court than might have been anticipated. The Court has continued to deal with many significant international commercial disputes, as well as complex legal disputes arising in a domestic context. There have been some impacts from Brexit, particularly in terms of service out of the jurisdiction, but supply chain disputes around the moment of Brexit did not materialise.

And although the pandemic has obviously remained an ongoing theme, it has not dominated the Court's year. Some Covid related disputes have emerged, the most significant of which have been expedited for early trial. Trials have had to be planned around shifting Covid restrictions, but business has proceeded as usual. Hearings have been held in person, remotely or hybrid as the circumstances have required: including restrictions in force, length and type of hearing, and personal circumstances of litigants, parties and lawyers. As a result, the Court has once again been able to deal with a full workload, despite remaining slightly under strength in terms of numbers of judges.

Also proceeding as usual has been the Court's focus on continuing to improve procedures. One of these has been the new Practice Direction 57AC and Appendix (Statement of Best Practice) on witness statements (**see section 11 of this report**). The judges of the Court hope this will help enable witness evidence to focus on the issues where oral evidence really matters, and contribute to making this jurisdiction an even better and more efficient place to litigate. Another initiative has been the new Commercial Court Guide (11th edition), which was published in February 2022. It reflects a great deal of input from both users and judges. Andrew Baker J has been at the forefront of both these projects, and we are most grateful to him.

The Disclosure Pilot has been further revised and extended; amendments came into force in April and November 2021. We continue to keep the Pilot under close review and to listen to the invaluable feedback received from users (**see section 10 of this report**). We hope and anticipate that this project too will ultimately result in more streamlined and cost-effective processes.

As I anticipated in last year's introduction, some changes introduced in response to the pandemic seem likely to remain with us. Typical 'Friday list' hearings and other short hearings (a half day or less) will be held remotely for the foreseeable future unless there is a good reason for them to proceed in person. On the other hand, trials and other longer hearings are now being held in person unless circumstances require otherwise; although an increase in the number of international witnesses giving evidence remotely seems likely to stay with us for some time yet. We continue to value the important features that in person hearings can bring to the attainment of justice and the resolution of disputes, including live face-to-face cross-examination, the impact of physical presence in court, and the opportunities for parties' interaction in and around court buildings.

The Court has remained very busy throughout the year with more trial days in 2020-2021 than in 2019-2020 and unprecedented demand for one-day hearings.

During the course of the year the Court completed its 125th anniversary celebrations. Between October and December 2020, the Court held a series of three virtual seminars linking judges, practitioners and academics on a range of current topics in commercial law (**see section 13 below**). It was also a delight that on 6 October 2021 we held our twice-rescheduled anniversary dinner at the Guildhall, generously hosted by the City of London, and with speeches given by (among others) the Lord Chief Justice.

Throughout the year, as last year, we have been grateful to the resilience and adaptability of the Court's users, who have worked with us and their clients/colleagues to adapt to the changing situation. Our ongoing liaison with, and feedback from, users – both informally and in the regular User's Group meetings – is invaluable to us.

All of the Court's judges would also like to thank the Court staff for their enormous hard work and dedication, particularly during another year of difficulties and uncertainties. We are particularly grateful to the Commercial Court Listing Office, who deal not just with listing, but with an infinity of telephone and email inquiries - and in the last year also with constantly changing situations regarding court attendance and layout. Special thanks go to Michael Tame, for the provision of the up-to-date statistics that are crucial for the Annual Report.

Finally, this Report owes very much to the hard work and ability of Angela Fraser, the clerk to Henshaw J, whose talents have now been recognised by a move to the role of Assistant Private Secretary to the Lord Chief Justice. The Court's loss is his gain.

Mrs Justice Cockerill, Judge in Charge of the Commercial Court.

2. The Courts

2.1 Judges of the Court

At full strength the Commercial Court has 14 nominated judges. As at the start of October 2021, there were 12 High Court judges nominated to sit in the Commercial and Admiralty Courts and they can be found in Appendix 1 to this Report and at <https://www.judiciary.uk/you-and-the-judiciary/going-to-court/high-court/queens-bench-division/courts-of-the-queens-bench-division/commercial-court/judges-clerks/>. As judges of the Queen's Bench Division, they will often be taken away from the Court on other judicial business such as sitting on criminal trials on Circuit, sitting in the general Queen's Bench list, the Administrative Court and the Court of Appeal Criminal Division. Some also sit on occasion in the Technology and Construction Court.

The Court aims to have about eight judges sitting at any time. However, as all Divisions of the High Court are currently operating below strength, it has rarely been possible to maintain this figure in recent years.

The Court continues to handle a varied case load, with the balance of work including both traditional subject-matters (such as international trade, shipping, insurance and reinsurance) and newer growth areas including commercial fraud, actions arising out of commercial and business acquisition agreements, and claims relating to banking, financial services and securities transactions. The Court now handles many more banking and financial disputes than previous years, as well as disputes (based in contract or tort) between high net worth individuals from around the world.

2.2 Judiciary Changes

There have been no changes to judicial personnel during the year.

- Mrs Justice Cockerill remains the Judge in Charge of the Commercial Court;
- Mr Justice Andrew Baker has continued in his role as the Admiralty Judge; and
- His Honour Judge Pelling QC has continued as Judge in Charge of the London Circuit Commercial Court.

3. The Work of the Commercial Court

The Commercial Court covers a wide jurisdiction, extending to any claim that arises out of the transaction of trade and commerce.

The Commercial Court deals with both international and domestic business disputes, including claims relating to:

- Commercial agreements;
- Import and export of goods;
- Carriage of goods by sea, land and air;
- Banking and financial services;
- Insurance and reinsurance;
- Markets and exchanges;
- Commodities, oil, gas and natural resources;
- The construction of ships;
- Agency;
- Arbitration and competition matters.

Size of claims

The value of claims in the Court is generally above £5 million. Many of the cases in the Court are worth considerably more than this, with a number of cases worth over £1 billion being commenced every year.

During the course of the year the Court has commenced a process of auditing claims issued in the Court. A number of smaller and more straightforward claims have been transferred to the London Circuit Commercial Court, Circuit Commercial Courts in a location convenient to the claim or the parties, or an appropriate County Court.

From 2022 all claims issued in the Commercial Court will be audited before a CMC is booked to ensure that the Court's resources can be given to cases which require its expertise and that smaller cases can benefit from shorter lead times in the Circuit Commercial Courts.

Pre-reading and time estimates

Due to the expensive nature of all court hearings, time spent dealing with evidence from witnesses and oral submissions in court is kept to a minimum. As a result, Commercial judges spend much time out of court preparing for a hearing or writing a judgment after a hearing. Pre-reading time and judgment writing time has to be built into the Court timetable to facilitate this.

The complex and often heavily documented nature of commercial cases requires judges to pre-read a large amount of material from a “pre-reading list” supplied by advocates. The judges rely heavily on the provision of realistic reading lists, accurate estimates of pre-reading time, and on the parties updating the Listing Office if the estimate changes as trial approaches.

The Judge in Charge (together with the Judge in Charge of the London Circuit Commercial Court) issued guidance on these points on 28 September 2020 following an increasing incidence of inaccurate time estimates for hearings and pre-reading. This remains effective and the Guidance can be found at: <https://www.judiciary.uk/wp-content/uploads/2020/10/Time-estimates-Notice-2020-1.pdf> (or via **Time estimates for pre-reading and hearings | Courts and Tribunals Judiciary**).

Mrs Justice Cockerill recently noted at a Commercial Court Users Committee Meeting [See minutes at <https://www.judiciary.uk/wp-content/uploads/2021/12/Commercial-Court-User-Committee-Meeting-Minutes-24Nov21.pdf>] that there are too many cases in which inaccurate estimates are provided of hearing or reading time (or both), and stressed that cases which err badly in this regard will be stood out of the list and are likely to be relisted without any expedition and the costs of the second hearing disallowed.

Judges also deal with a large number of applications on paper: **see further section 12.2** below. The Judge in Charge of the Commercial Court deals in addition with applications to transfer in and out of the Court, as well as matters concerning listing and expedition.

Overview

Following the trend of previous years, the Court has experienced a very busy year with a number of very lengthy trials and heavy interlocutory applications. There has also been a notable increase in the overall number of one day hearings this year.

The numerous highlights of 2020/2021 have included:-

- *Skatteforvaltningen (Danish Customs and Tax Administration) (SKAT) v Solo Capital Partners LLP (In Special Administration)* [2021] EWHC 974 (Comm) - £1.5 billion claim in relation to withholding tax applications in Denmark dismissed for want of jurisdiction
- *Surkis & Others v Poroshenko & another* [2021] EWHC 2512 (Comm) – strike out/ reverse summary judgment on claims against the former president and central bank governor of Ukraine
- *London Steam-Ship Mutual Insurance Association Ltd v Spain* [2021] EWHC 1247 (Comm) | [2022] 1 W.L.R. 99 issues as to whether a Spanish judgment holding a P&I Club liable for pollution damage up to a policy limit of US\$1 billion following the loss of an oil tanker should not be recognised by the English court as contrary to English public policy pursuant to Regulation 44/2001 art.34(1)

- *VTB Commodities Trading DAC -v- JSC Antipinsky Refinery & Others* [2021] EWHC 1758 (Comm) – Court declined jurisdiction to hear additional claims brought by a claimant in an arbitration claim, holding it not to have become a “defendant” within the meaning of CPR Pt 20
- *Province of Balochistan v Tethyan Copper Co Pty* [2021] EWHC 1884 (Comm) – respondent to US\$4 billion ICC arbitration award precluded by Arbitration Act 1996 s.73 from challenging tribunal’s jurisdiction based on alleged corruption affecting underlying contract, not having so argued before the tribunal itself
- *PCP Capital Partners LLP v Barclays Bank Plc* [2021] EWHC 307 (Comm) – claims for fraudulent misrepresentation regarding recapitalisation exercise during global financial crisis in 2008
- *Hulley v Russian Federation* [2021] EWHC 697 (Comm) – application to lift stay, pending further appeal in curial court (Dutch Supreme Court), of application to enforce \$50 billion Energy Charter Treaty arbitration award
- *Leeds City Council v Barclays Bank Plc* [2021] EWHC 363 (Comm) | [2021] Q.B. 1027- In the context of loans said to be affected by the LIBOR rigging scandal the court considered the test for demonstrating reliance on a misrepresentation
- *Lakatamia v Su* [2021] EWHC 1907 (Comm) involving principles concerning conspiracy to evade freezing injunctions and confirmation of the “Marex” tort
- *Tatneft v Gennadiy Bogolyubov, Igor Kolomoisky & Others* [2021] EWHC 411 (Comm) – the 12 week trial of the claim in Michaelmas terms 2020 is understood to have been the longest fully remote Commercial Court trial to date. Witnesses and experts from Russia, Ukraine and America all gave evidence via video link, including remote simultaneous translation from Russian and Ukrainian into English and vice versa

3.1 Arbitration

Matters arising from arbitration still make up a significant proportion of the claims issued in the Court (around 25%), reflecting London’s continued status as an important centre for international arbitration.

These matters include a range of applications made in support of the arbitral process, such as applications for injunctions in connection with arbitrations, for the enforcement of arbitration awards, and other matters such as applications to the court for the appointment of an arbitrator.

The bulk of the arbitration claims issued are:

- challenges to awards on grounds of jurisdiction under section 67 of the Arbitration Act 1996;
- challenges alleging irregularity (section 68 applications); and
- appeals on a point of law (section 69 applications).

3.1.1 Section 44 applications (injunctions)

During 2020 - 2021, there were 27 applications for injunctions under section 44 of the Act, compared with 24 such applications the previous year.

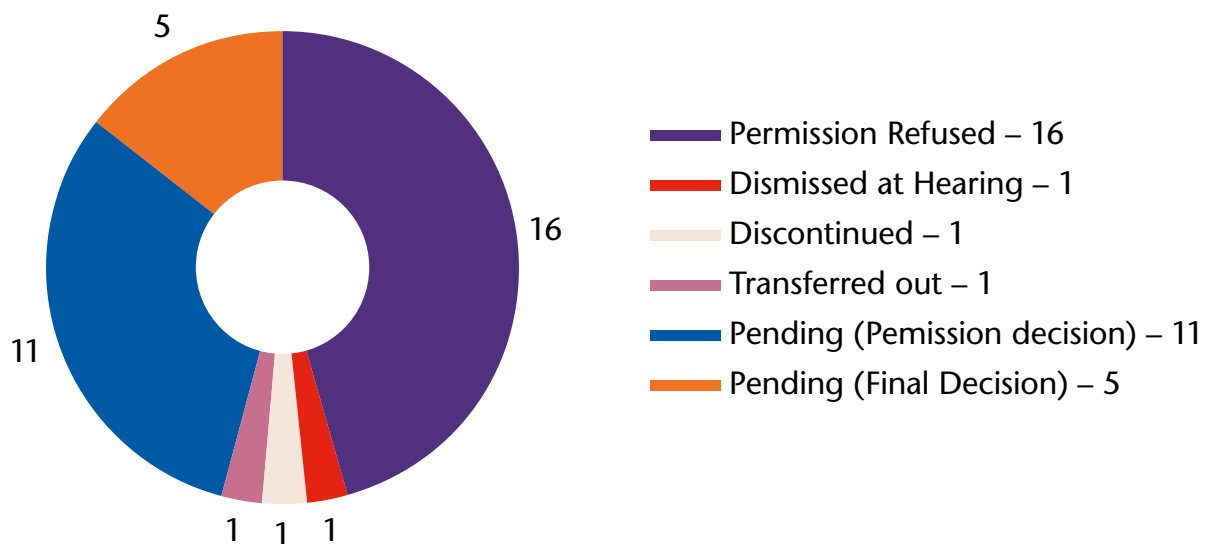
3.1.2 Section 69 applications (appeal on point of law)

The number of section 69 applications received during the year was 35. Of those reported as at October 2021:

- 5 were granted permission to appeal with a final decision pending
- 16 had permission refused
- 1 was dismissed at hearing
- 1 was discontinued
- 1 was transferred out
- 11 were awaiting a permission decision

as illustrated below:

Section 69 – 2020-2021



As of October 2021, 67% of the applications considered by a Judge (i.e. excluding those awaiting permission decisions) were refused.

Owing to the fact that the lead time to completion of arbitration cases is often longer than a year, a more complete picture is offered by previous years.

A review of 2019-2020 shows that there were 37 applications received in that year. Of these:

- 18 had permission refused
- 12 were granted permission, of which:
 - o 4 were successful
 - o 8 were unsuccessful

The remainder were discontinued (4), withdrawn (2) or remained pending (1). This indicates that 11% of applications received in 2019-2020 were successful.

The data for 2018-2019 show that 54 applications were received. The final position of these is that:

- 31 had permission refused
- 9 were granted permission, of which:
 - o 2 were successful
 - o 7 were unsuccessful

Again the remainder were discontinued (7), stayed (4) and, transferred out (2), or dormant (1).

Therefore only 4% of applications received in 2018-2019 were successful.

3.1.3 Section 69 applications – Completion Times

These types of applications can take up to a year to finalise from the date when an application is filed, via the permission stage, to final decision.

During this year it has taken on average 100 days for a decision to grant or refuse permission to appeal, including the time required for service of the respondent, for the respondent to file its response, for any reply by the applicant, and the provision of a bundle for the judge. This is similar to applications filed during 2019-2020, when the average time was 104 days. The average completion time for applications where permission was granted (from receipt of claim to final decision) was 244 days.

3.1.4 Section 68 applications (irregularity)

During the year the court received 25 section 68 applications, of which:

- 5 were dismissed without a hearing (on the papers)
- 1 was dismissed at hearing
- 2 were discontinued
- 1 was withdrawn
- 1 transferred out
- 1 was stayed

The remaining 14 are awaiting decision.

A review of applications received during 2019-2020 shows 28 applications:

- 1 successful challenge
- 2 partially successful challenges
- 15 dismissed (5 on the papers)

The remainder were discontinued (5), settled (1), withdrawn (1), stayed (1), dormant (1) or listed for hearing (1). Thus only 11% of applications were successful or partly successful.

In 2018-2019 there were 26 applications:

- 2 successful challenges
- 17 dismissed (including 8 on paper)

The remainder were discontinued (4), transferred out (1), stayed (1) or dormant (1). Therefore only 8% of applications were successful.

3.1.5 Section 67 applications (jurisdiction)

During the year 15 jurisdiction applications were filed under section 67 of the Act (a 21% reduction from the 19 filed the previous year), of which:

- 2 were dismissed (one on the paper and one at hearing)
- 1 was discontinued
- 1 was transferred out
- the remaining 11 are pending

By way of update on the 19 applications received in the judicial year 2019-2020, the current position at the time of writing is that:

- 8 were dismissed
- 5 were discontinued
- 2 were successful
- 1 settled
- 1 was transferred out
- 2 are pending

Thus, to date only 11% of applications have been successful.

3.2 The Circuit Commercial Court

The Circuit Commercial Court handles commercial transactions that satisfy the following criteria:

1. the case concerns a business dispute, including but not limited to such a dispute relating to:
 - Commercial contracts;
 - The export or import of goods, international carriage of goods by land sea or air;
 - Insurance and reinsurance;
 - Banking and financial services, commercial loan agreements, guarantees and indemnities;
 - The operation of markets and exchanges including those concerned with commodities of all types and financial products of all types including securities and currencies;
 - Share sale agreements;
 - Professional negligence;

- Business agency and management agreements including those relating to professional sport;
 - Confidential information and the enforcement of post termination restraints in employment contracts;
 - Ships or yachts (other than to the extent the claim falls within the exclusive jurisdiction of the Admiralty Court); or
 - Arbitrations including appeals and other challenges concerning arbitrations made under the Arbitration Act 1996 and the enforcement of Arbitral Awards;
2. it would be fit for commencement in the Commercial Court by reason of its subject matter but is unsuitable for issue in the Commercial Court by reason of its financial value and/or the nature of the factual, technical or legal issues that arise;
 3. its value merits trial in the High Court; and
 4. the factual, technical or legal issues that arise require or would benefit from the expertise of a Circuit Commercial Judge to resolve.

4. The Work of the Admiralty Court

The Admiralty Court has exclusive jurisdiction over certain maritime claims. Cases heard by the Court include:

- 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 or crew for injuries suffered;
- Claims by the crew of a ship for unpaid wages;
- Claims by shipowners to limit liability for loss or damage.

The Court hears claims brought against the owner of a ship ('in personam' claims) and claims brought against the ship itself ('in rem' claims). The distinctive feature of the 'in rem' jurisdiction is the ability of the court to arrest and sell ships.

The Court comprises the Admiralty Judge (Mr Justice Andrew Baker), all other judges of the Commercial Court, and the Admiralty Registrar (Master Davison).

The Admiralty Registrar allocates cases either to the Admiralty Judge or to the Admiralty Registrar (usually those under £1 million). Where damages are to be assessed in a collision action (or any other action) they will, save in exceptional cases, be referred to the Registrar.

As a result of the County Court no longer having Admiralty jurisdiction, all smaller value claims raising an issue of navigation or ship management are case managed by the Registrar and, when they do not settle, are tried by him.

Many claims, the likely value of each of which is well under £1 million, for personal injury suffered on board waterborne craft are issued in the Admiralty Court that do not raise any such issue. They are identified at the initial stage of claim allocation by the Admiralty Registrar and, in general, are transferred out to a suitable County Court.

The importance of the work of the Registrar is underlined by the proportion of hearings conducted by him in the year. The Registrar dealt with 84% of the hearings/applications.

There was only one trial listed, which was heard by the Judge.

Warrants of arrest are executed by the Admiralty Marshall, Paul Farren.

The Court and the Marshal acknowledge the role played by solicitors in giving early notification of a Claimant's intention to arrest, which then enables the Marshal to act without delay when a warrant of arrest is issued.

- During the year there were 17 warrants for arrest issued and 11 vessels sold by the court.
- Last year there were 14 warrants for arrest issued and only 1 vessel sold by the court.

The number of arrests is not unusual. It is in part a function of the practice whereby notice of an intended arrest usually leads to the provision of a letter of undertaking by a P&I Club.

There was however an unusually high number of vessels sold during the 2020-2021 reporting period. This was due to the arrest of six cruise vessels linked to the collapse of the cruise industry during the pandemic. Five out of the six subsequently went on to be sold by the court.

4.1 Update from the Admiralty Judge

Mr Justice Andrew Baker reports that, as indicated by the statistics in section 6.3 below, 2021 proved to be a quiet year for effective, substantive hearings but a busy year for interlocutory applications.

The Supreme Court differed from Teare J and the Court of Appeal on the interpretation of and interaction between the crossing rules and the narrow channel rules, in *Alexandra I & Ever Smart (Nautical Challenge Ltd v Evergreen Marine (UK) Ltd* [2021] UKSC 6). The apportionment of responsibility for the collision in that case was remitted to the Admiralty Court to be reconsidered and that has been assigned, with his agreement, to Sir Nigel, given his familiarity with the case.

Andrew Baker J dealt with the approval of a high-value settlement in a claim that was set for a substantial jurisdiction battle over personal injuries litigation in Florida in respect of which the defendant obtained an anti-suit injunction from the Admiralty Court (Jacobs J), *RXC et al v PMX et al* [2021] EWHC 816 (Admlty). The one effective trial hearing in 2021 concerned the collision between the *MSC Opera* and the *River Countess* in Venice in June 2019. Liability had been admitted by *MSC Opera* and the trial was of preliminary issues of Italian law relating to quantum, principally whether under Italian law a time charterer could recover loss of earnings (held, it could): *River Countess BV et al v MSC Cruise Management (UK) Ltd et al* [2021] EWHC 2652 (Admlty). The Court having determined the issues of principle arising, the parties were able subsequently to reach an agreed settlement.

The cruise liner arrests and sales gave rise to some interesting contested issues determined by the Admiralty Registrar, as to charges levied by a UK port authority in respect of the laid-up vessels in financial distress (see *P&O Princess Cruises International Ltd v Demise Charterers of the Vessel "Columbus"* [2021] EWHC 113 (Admlty)) and in respect of travel agency services (see *Taxidoti-Touristiki-Nautiliaki Ltd (t/a Aspida Travel) v Demise Charterers of the Vessel "Columbus"* [2021] EWHC 310 (Admlty)). The orders for sale *pendente lite* were all made by Andrew Baker J under the procedural rules as they stood by which the Admiralty

Registrar had no power to order such sales, which has now been changed (see below).

Andrew Baker J issued two Admiralty Court Practice Notes:

- a **February 2021 Practice Note** to supplement CPR PD57AC (trial witness statements), in anticipation of it being extended to the Admiralty Court (as it now has been);
- a **July 2021 Practice Note**, to update the standing guidance on fees for Trinity Masters and other experts appointed to sit as assessors sitting with the Court (or the Court of Appeal or Supreme Court, in Admiralty matters).

Both Practice Notes were issued after consultation with the Admiralty Court Users Committee, which has been active (**see 18.5. below**).

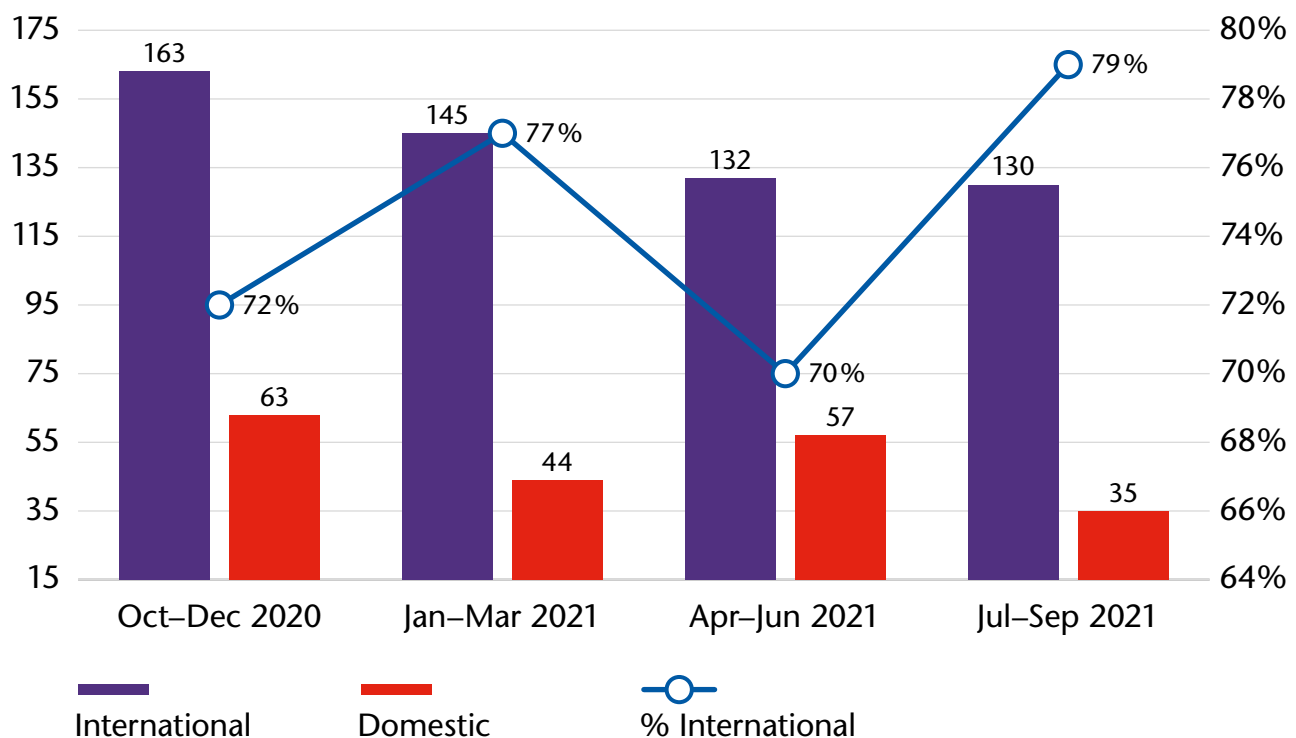
As reported in last year's Annual Report, Sir Nigel Teare has been authorised to sit in the Admiralty Court in retirement, and he has done so during the past year. With the support of Andrew Baker J and Master Davison as Admiralty Judge and Admiralty Registrar respectively, Master Jervis Kay QC was authorised to sit in retirement as Deputy Admiralty Registrar, although in the event he was not called on to sit on any Admiralty business, given Master Davison's efficiency in managing the list. It is hoped that the Deputy Admiralty Registrar authorisation will be renewed for 2022, so that there is experienced, expert cover for Master Davison in case the need does arise.

5. Sources of the Court's Work

As in all previous years, the Commercial Court has always handled an international caseload. Cases often reach the Court because parties have contracted on standard forms in use in a particular trade which have a specific provision for English law and/or for the English courts to resolve any disputes that arise. There are also many cases based on bespoke contracts where the parties have actively chosen the jurisdiction of the English courts.

Below is a breakdown of the cases issued during 2020-2021, showing the proportion of international to domestic work, which has been consistent over recent years.

International v Domestic



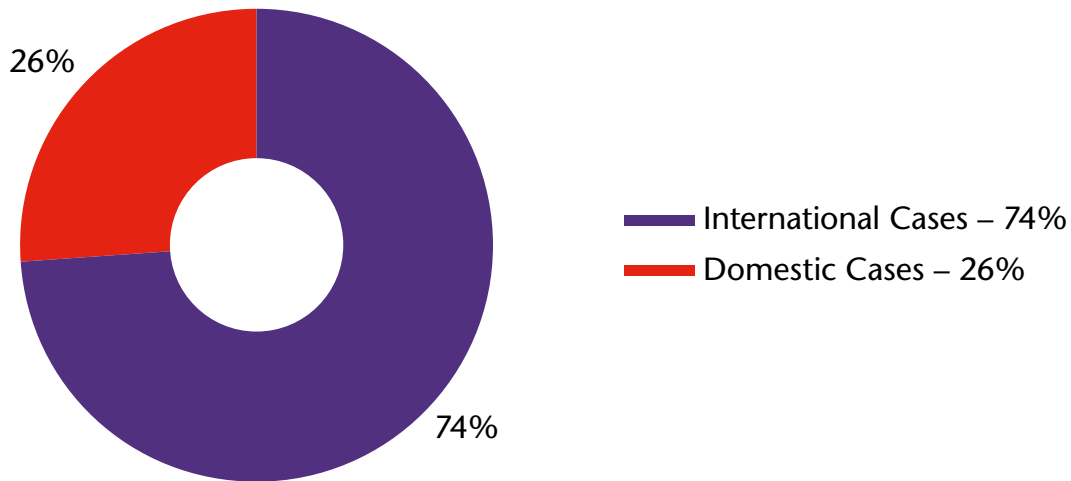
A domestic case is one where:

- a. the subject matter of the dispute between the parties is related to property or events situated within the United Kingdom, and
- b. the parties are based in the United Kingdom relative to the dispute (in other words, that the part of the business relevant to the dispute is carried on in the UK, regardless of whether the business is incorporated, resident or registered overseas).

All other cases are classified as "international".

Regardless of how many cases are issued within each quarter, the international proportion of the Court's business remains dominant and during the year has ranged on a quarterly basis from 70 to 79%. Over the year as a whole, the proportion has been identical to last year, at 74%.

International v Domestic 2020-2021



6. Volumes and Business of the Court

This section contains a more detailed analysis of volumes and breakdowns of the business. This will be reported separately by each of the sub-divisions of the Court: Commercial, Admiralty and London Circuit Commercial. There is also information relating to the Financial List.

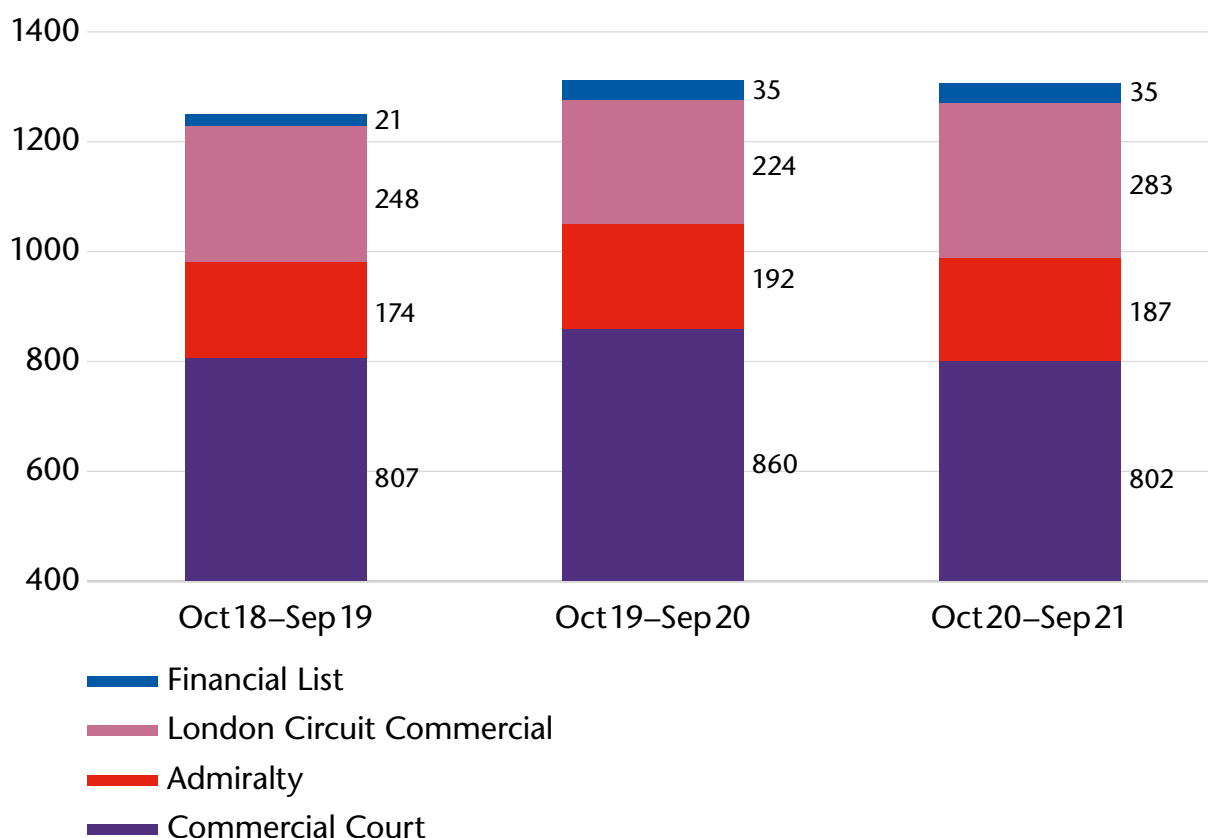
6.1 Number of New Claims

During the year there were 1,307 claims received in total, across all sub-divisions. As reflected in the graph below, the number received overall remains comparable to 2019-2020.

The number of claims issued in the Commercial Court this year (802) has reduced slightly from last year's figure of 860. At the same time there has been an increase in the number of London Circuit Commercial Court claims filed this year (up to 283 from 224). It is possible that this reflects parties now correctly issuing smaller claims at the London Circuit Commercial Court rather than the Commercial Court (see section 3 "Size of Claims" above).

The graph below illustrates the overall number of claims issued from October 2018 to September 2021:

New Claims



6.2 The Commercial Court

6.2.1 Types of new claims

A breakdown of new claims by type is provided below.

It indicates that the largest single category was general contractual claims (214), representing 27% of new claims. That was also the largest category (26%) last year.

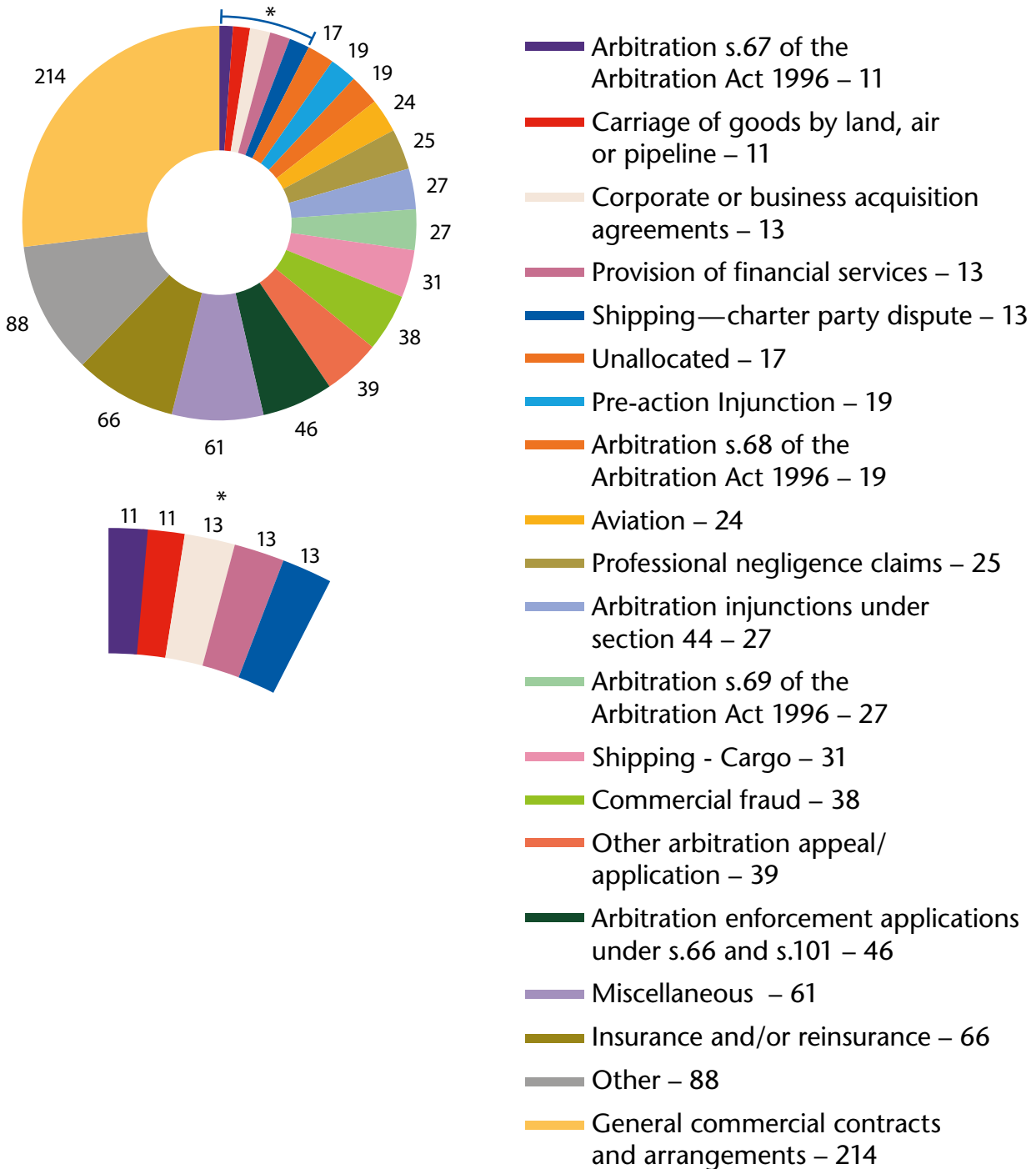
Leaving aside 88 new claims categorised as 'other' as their subject-matter was not specified, the top ten categories by number were as follows:

- General commercial contracts and arrangements (27%)
- Insurance and/or reinsurance (8%)
- Miscellaneous (8%)
- Arbitration enforcement applications under s. 66 and s.101 (6%)
- Other arbitration appeal / application claims (5%)
- Commercial fraud (5%)
- Shipping cargo (4%)
- Arbitration injunctions under section 44 (3%)
- Arbitration s.69 of the Arbitration Act 1996 – (3%)
- Professional negligence claims (3%)

The "Miscellaneous" category covers a number of individual categories in which smaller numbers of claims are received. This year this includes: claims relating to sale of goods, financial matters, securities, banking, arbitrations (s.18), oil gas and other natural resources, commodity exchanges and ship finance.

The following pie chart illustrates the categories:

Commercial breakdown by type



6.2.2 Hearings

The number of hearings listed and heard in the Commercial Court during the year has remained broadly similar to previous years: 1,394 listed and 948 heard, compared to 1,476 and 1,013 the previous year.

At the same time:

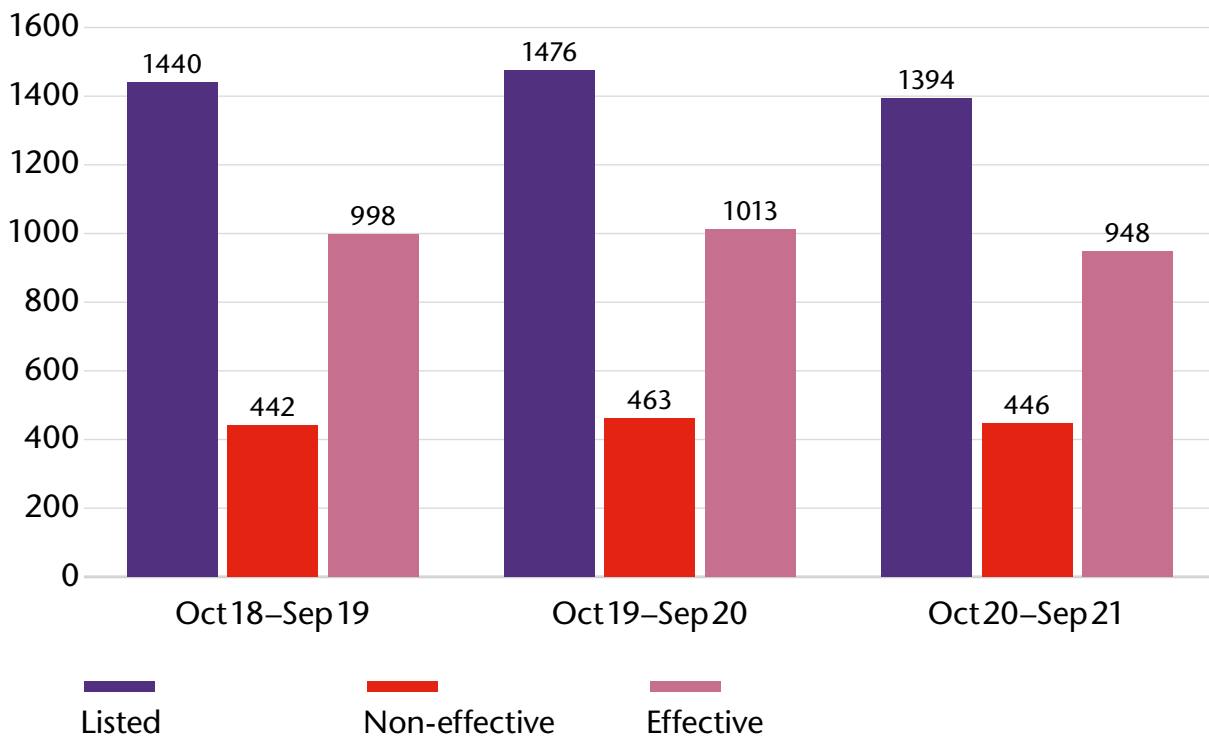
- There has been a larger number of longer hearings, and the total number of “days sat” (i.e. judge days in court) continues on an upwards curve.
- The number of paper applications processed during the year also continues to increase: up by 10% from the previous year (see section 6.5 below).

Of the 1,394 hearings listed, 446 were not effective for a variety of reasons, such as hearings vacated, adjourned, or settled on the day and/or in advance of the hearing date.

The percentage of effective hearings has remained consistent with previous years, having been 68% this year and 69% during each of the two preceding years.

The graph below illustrates these figures:

Commercial Court – Hearings



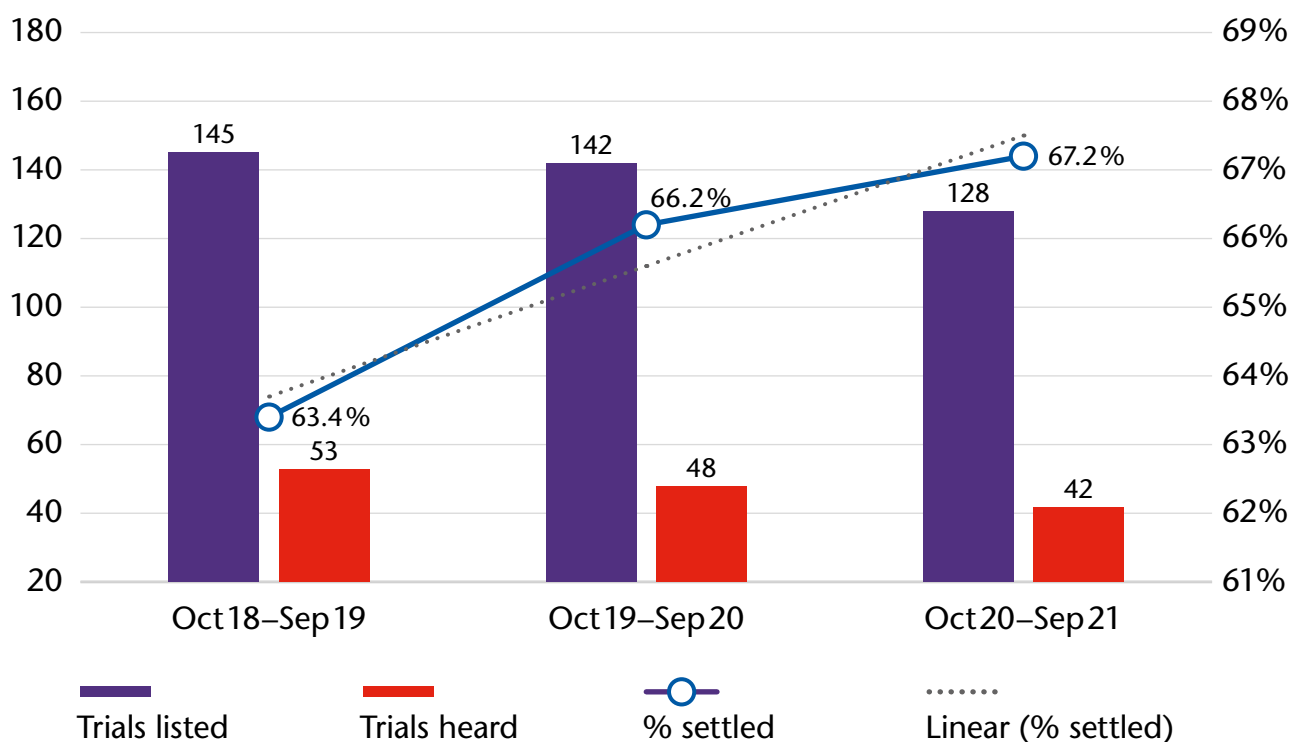
6.2.3 Trials

It continues to be the position that many cases listed for trial are settled shortly - or very shortly - before the trial date. Out of 128 full Commercial Court trials listed this year, 42 were heard denoting a settlement rate at around 67%.¹

This is comparable to the year before and appears to be an ongoing trend, as illustrated in the chart below.

The total number of trial-sitting days this year was 375, compared to 314 in 2019-2020. Thus, although there were fewer trials listed, there was a 19% increase in the number of trial sitting days – reflective of the greater length of the listed trials (see section 6.6.1 below):

Commercial Court Trials



As many readers will be aware, the Court process encourages and promotes settlement by requiring the parties to define the issues at an early stage (before the first Case Management Conference), facilitating the evaluation of the parties’ positions following disclosure and/or exchange of witness statements and expert reports. Trial dates are also fixed with very reasonable lead times, which constantly focuses parties and lawyers on whether the impending trial should be fought.

¹ Where reference is made to settlement rate in this report, this relates to where a matter listed for hearing has been settled in advance of the hearing date, settled on the day of the hearing (including on any day of a hearing lasting more than one day), withdrawn or (with the judge’s approval) relisted to a later date.

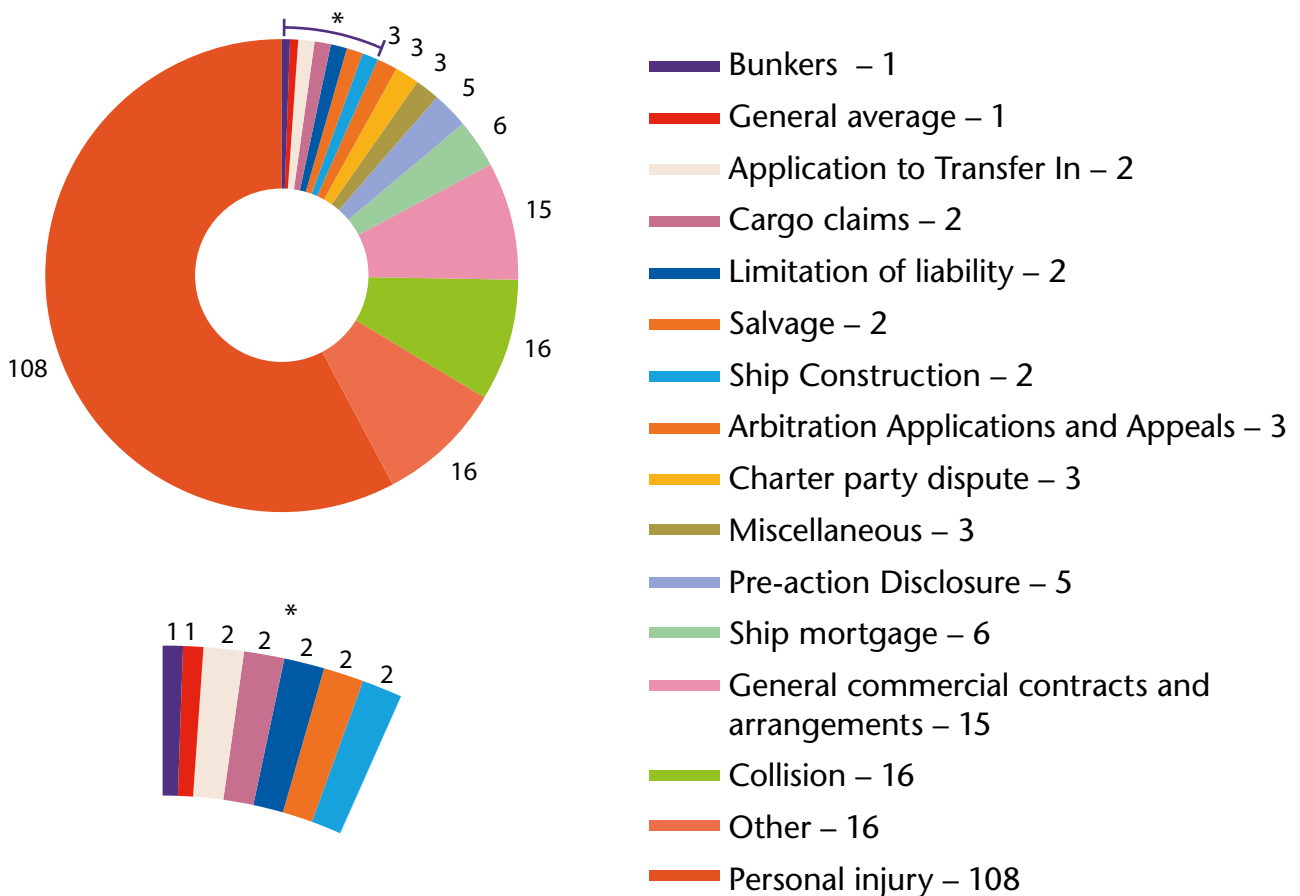
Sir Geoffrey Vos MR has indicated in a recent speech ([to be found here](#)) that over 20 years on from the introduction of the concept of “alternative” dispute resolution, dispute resolution should now be seen as an integrated whole, with mediated interventions being part and parcel of the process of resolving disputes rather than being regarded as “alternative”. Consistently with that view, we refer in this report to “Negotiated Dispute Resolution” (NDR), and that term will be used in the new Commercial Court Guide. NDR is frequently built into the Court’s processes in order to help facilitate settlement.

6.3 The Admiralty Court

6.3.1 Types of new claims

Below is a breakdown of the types of claims issued at the Admiralty Court during 2020-2021. It indicates that 58% of claims were classified as relating to personal injury. That compares to 42% of these claim types issued in 2019-2020. The next most frequent types of claim were collision (16) and contractual claims (15).

Admiralty Court – Breakdown by Type



At CMCs in those collision actions where electronic data have been exchanged, the parties typically engage with the fast track procedure introduced by the Court. No such action reached trial in 2019 and only one in 2020, the *Sakizaya Kalon*, in which Teare J observed that the effect of the exchange of electronic track data was that there was “now, typically, no need for a trial to establish the navigation of each vessel leading up to the collision. What remains to be decided at trial are questions of fault”: see [2020] EWHC 2604 (Admlty) at [6].

In 2021, no collision claim came to be tried as to liability, although one settled only just before trial. The *River Countess*, referred to in section 4.1 above, concerned only issues of principle going to quantum.

The numbers of interlocutory hearings before the Admiralty Judge (or a Commercial Court judge authorised to sit in Admiralty) and the Admiralty Registrar increased by 31% overall.

The number of matters heard by the Registrar illustrates the importance of the work he undertakes, for example:

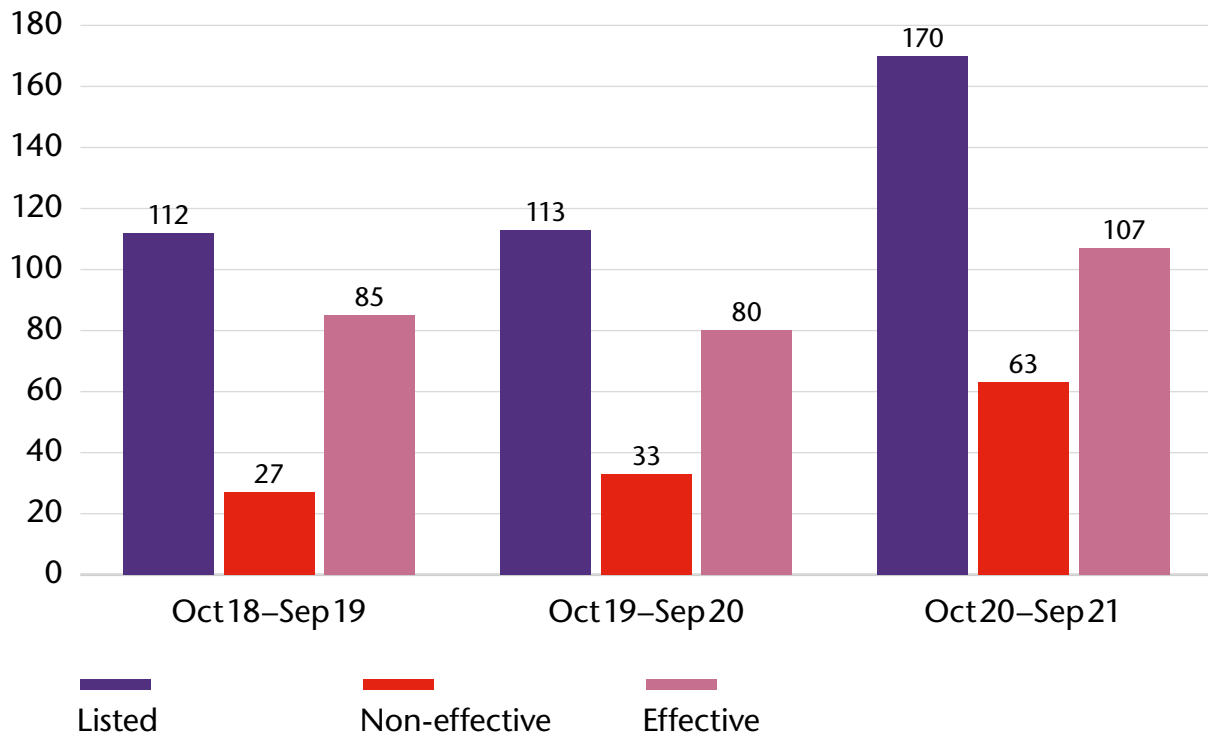
Hearing	Judge	Registrar
Applications	5	51
CMC	4	38

6.3.2 Hearings

The number of hearings listed in the Admiralty Court has increased significantly from the previous two years. There were 170 hearings listed in 2020-2021, compared to 113 during 2019-2020, an increase of 50%. Cases/applications associated with the collapse of the cruise industry during the pandemic will have been responsible for at least a substantial proportion of that increase, so it is envisaged that hearing numbers will fall back in the current year.

Out of the 170 hearings listed, 63 were not effective for the usual reasons, i.e. hearing vacated, adjourned, or settled on the day and/or in advance of the hearing. Thus 63% of listed hearings were effective last year, compared to 71% the year before, as illustrated below:

Admiralty Court Hearings



Looking in slightly more detail at the types of hearings listed, there was a notable increase in applications and CMCs:

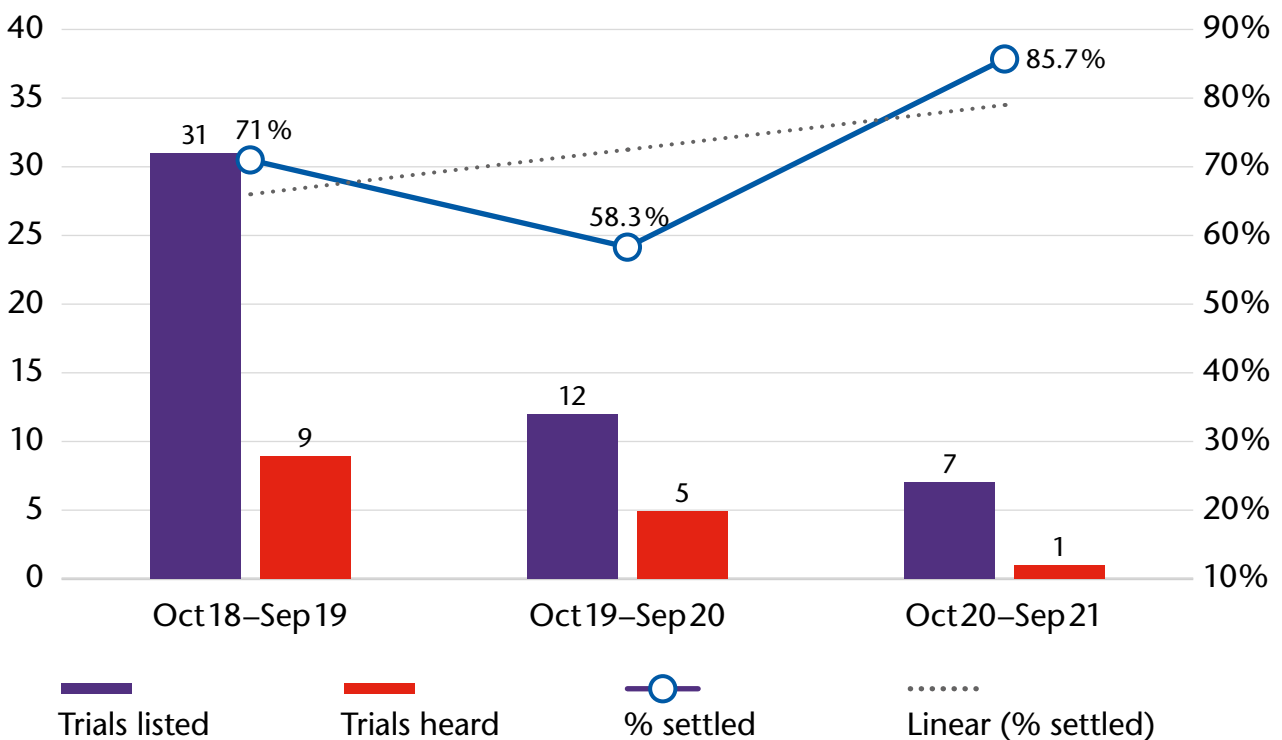
Hearing	2019-2020	2020-2021
Admiralty Application	15	21
Application Hearing	16	35
CMC	32	42

6.3.3 Trials

During the year there were seven trials listed before the Admiralty Court, of which only one was eventually contested. This was a trial of Preliminary Issues in *River Countess B.V. and others v. MSC Cruise Management (UK) Limited* [2021] EWHC 2652 (Admlty), heard by the Admiralty Judge.

Thus 85% of the listed trials were resolved before judgment, which is significantly up on the previous year when 58% settled, as illustrated below:

Admiralty Court Trials



6.4 The London Circuit Commercial Court

6.4.1 Update from HHJ Pelling QC (Judge in Charge)

The London Circuit Commercial Court (LCCC) is part of the Commercial Court. It can offer earlier trial dates than the Commercial Court. Cases with a value of up to about £5 million are routinely issued in or transferred to the LCCC and cases of significantly higher value are regularly started there. Cases involving issues of general importance will usually be transferred to the Commercial Court at the first Costs and Case Management Conference (CCMC).

The current practice of the LCCC is to hear applications of 1 hour or less between 09:30 and 10:30 on Monday to Thursdays; all other applications on Fridays and trials on Mondays to Thursdays between 10:30 and 16:30.

In the last 12 months:

- a. The default position has become that all applications of half a day in length or less will be heard remotely;
- b. The Court has commenced working on a paperless basis, with all bundles being lodged electronically and judges using electronic bundles for all applications and trials save where otherwise directed;
- c. New forms for use in the LCCC have been approved by the Civil Procedure Rules Committee and were formally published in January 2022;
- d. A new Circuit Commercial Court Guide has been written and was published in February 2022;
- e. Standard trial directions (which will be made at the CMC stage) have been prepared which has enabled Pre-trial Reviews to be dispensed with in most cases thereby saving both cost and court resources. The directions can be found at: <https://www.gov.uk/government/publications/form-mercantile-template-5-specimen-directions-template-london-mercantile-court>; and
- f. The list of fee-paid Deputy High Court Judges authorised to sit in the London Circuit Commercial Court has been expanded in order to ensure that waiting times can be kept within acceptable parameters.

Recent experience has shown the Shorter Trials Scheme to be a particularly cost-effective means of managing cases in the LCCC.

All parties with low value cross frontier cargo claims are encouraged to issue proceedings in the LCCC.

The practice of issuing cases in the LCCC that are not fit for the High Court and do not require the expertise of a Circuit Commercial judge to resolve is discouraged. For that reason:

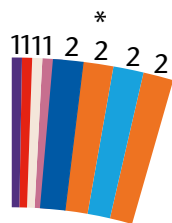
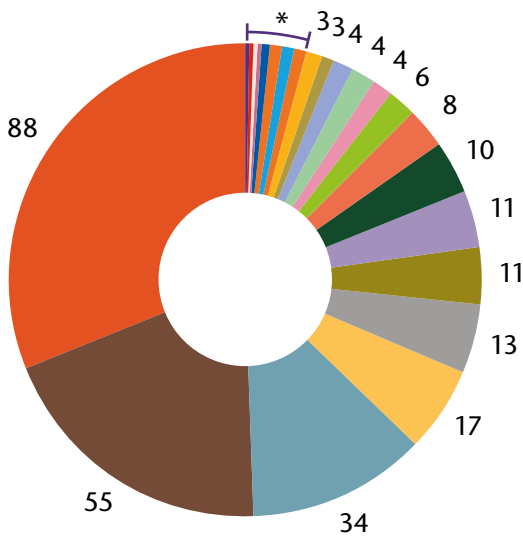
- a. Practitioners should be aware that all cases started in the London Circuit Commercial Court are triaged by the Judge in Charge of that Court following issue.
- b. Subject to paragraph (c) below, the current practice of the London Circuit Commercial Court is to transfer claims with a financial value of less than £500,000 or the foreign currency equivalent (exclusive of interest and costs) to an appropriate County Court unless retention is justified by reason of the factors set out in CPR r. 30.3(2). No case is transferred without giving the issuing party (and all other parties if they have been served) an opportunity to make representations.
- c. All international road, sea and air cargo claims (“Cargo Claims”) that would otherwise be started in the Commercial Court but are not suitable for commencement in the Commercial Court by reason of their financial value and/or the nature of the factual, technical or legal issues that arise should be commenced in the London Circuit Commercial Court.
- d. All Cargo Claims started in or transferred to the London Circuit Commercial Court will be retained in that court regardless of financial value and the nature of the factual, technical or legal issues that arise, unless transferred (i) to the Commercial Court or Admiralty Court or (ii) by order of the London Circuit Commercial Court to another Circuit Commercial Court on an application by one or more of the parties.

6.4.2 Types of new claims

The majority of the 283 new claims were contractual claims (88), representing 31% of new claims. This was followed by 55 claims categorised as ‘other’, then 33 for shipping cargo.

The top categories are comparable to previous years.

London Circuit Commercial – Breakdown by Type



- General average – 1
- Norwich Pharmacal – 1
- Physical commodity trading – 1
- Transactions on financial markets or securities and/or banking – 1
- Arbitration application to appoint an arbitrator Section 18 – 2
- Arbitration enforcement applications under s.66 and s.101 – 2
- Arbitration injunctions under section 44 – 2
- Corporate or business acquisition agreements – 2
- Shipping - charter party dispute – 3
- Unallocated – 3
- Aviation – 4
- Miscellaneous – 4
- Sale of goods – 4
- Other arbitration appeal/application – 6
- Commercial fraud – 8
- Professional negligence claims – 10
- Pre-action Injunction – 11
- Provision of financial services – 11
- Insurance and/or reinsurance – 13
- Carriage of goods by land, air or pipeline – 17
- Shipping—Cargo – 34
- Other – 55
- General commercial contracts and arrangements – 88

6.4.3 Hearings

There were 300 hearings listed this year, compared to 306 in 2019-2020,

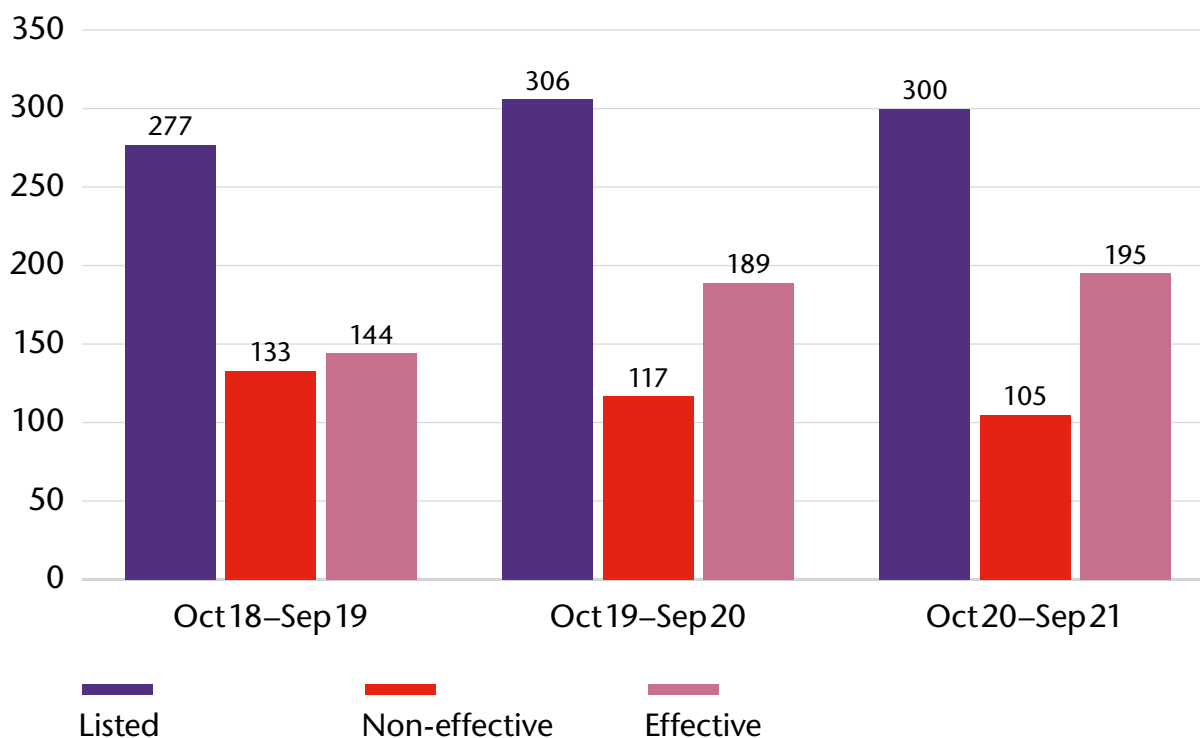
Of the 300 listed hearings, 105 were not effective for the usual reasons, i.e. hearing vacated, adjourned, or settled on the day and/or in advance of the hearing. This compares to 117 non-effective hearings the previous year. The number of effective hearings this year was 195, compared to 189 in 2019-2020.

The percentage of effective hearings overall shows an upward trend:

- 65% this year
- 62% during 2019-2020
- 52% in 2018-2019.

The graph below illustrates these variances:

London Circuit Commercial – Hearings

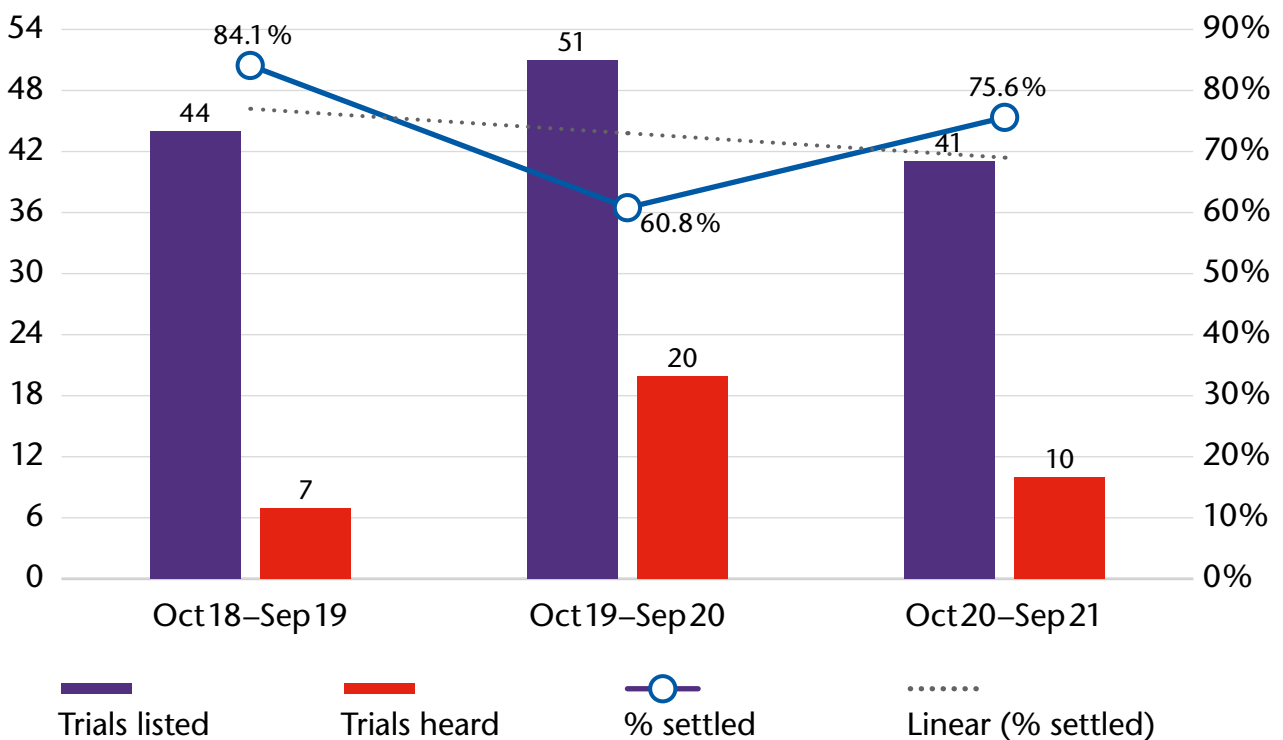


6.4.4 Trials

During the year there were 41 trials listed before the London Circuit Commercial Court, of which 10 were eventually contested, indicating 75% of cases being settled before judgment. The latter figure is significantly higher than in the previous year, when 60% were settled.

The numbers of trials listed and heard this year have reduced and are comparable to 2018-2019.

London Circuit Commercial – Trials

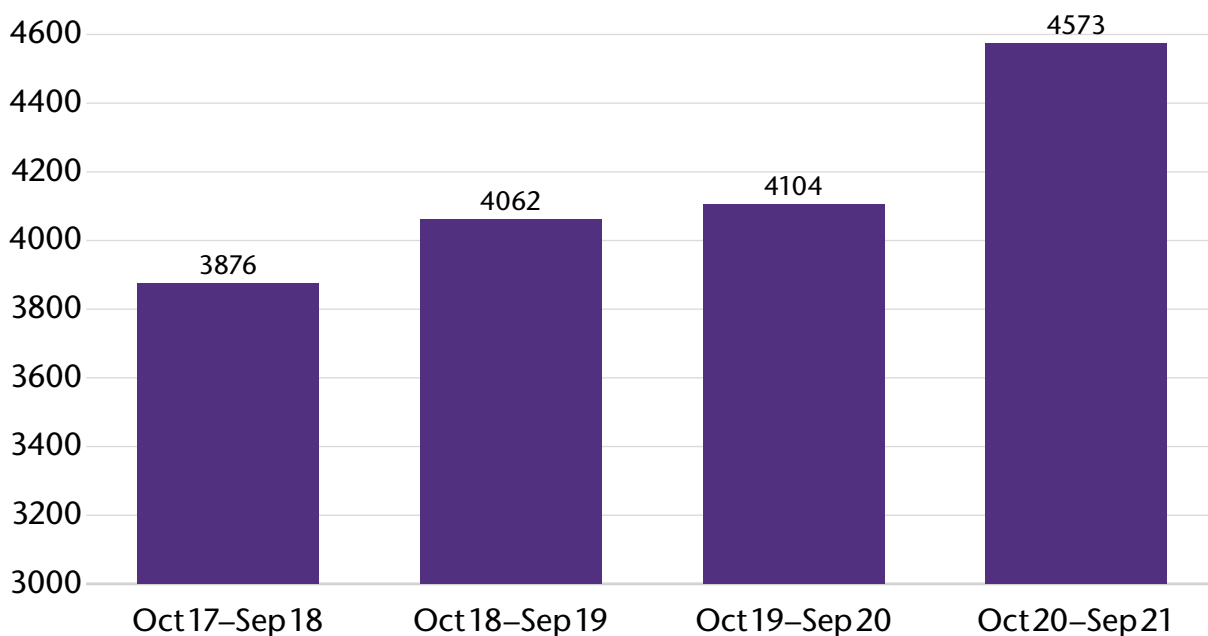


6.5 Paper Applications (all jurisdictions)

Paper applications are frequently used where the parties agree to resolve the whole or part of their dispute, and for minor adjustments to case management directions where the Court can be satisfied that the change will not have an adverse impact on a trial date or other undesirable consequences. Paper applications are generally used where all parties agree that the matter can be dealt with on the papers, though certain types of paper applications are routinely made in the absence of such agreement (e.g. applications for permission to serve a skeleton argument or statement of case longer than the prescribed maximum, or applications made without notice for permission to serve proceedings out of the jurisdiction).

During the year there were 4,573 paper applications received for Commercial, Admiralty and London Circuit sub-divisions combined. This has increased by 11% from the previous year when 4,104 were processed. There has been an upward trend since 2017-2018, as illustrated in the chart below:

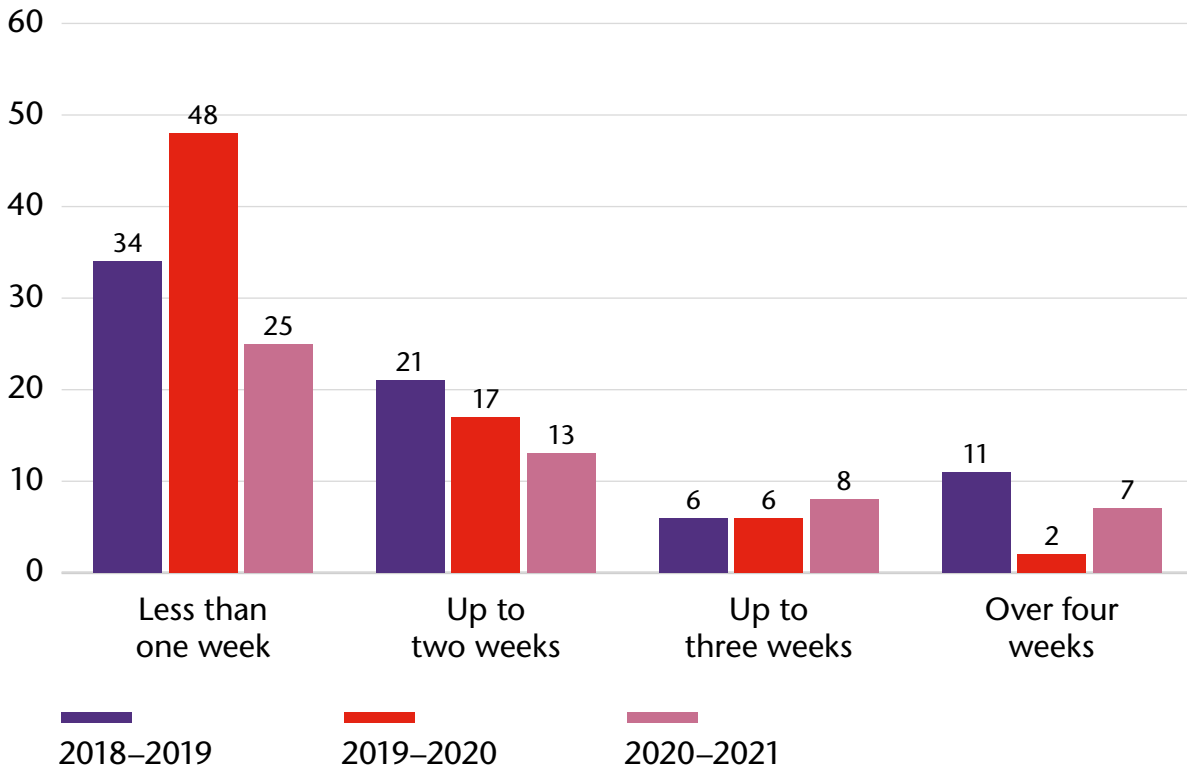
Paper Apps (Commercial, Admiralty, London Circuit)



6.6 Length of Trials (all jurisdictions)

The chart below indicates the length of trials conducted by the Court over the past three years for all three jurisdictions combined (Commercial, Admiralty and London Circuit Commercial):

Length of Trials (all jurisdictions)



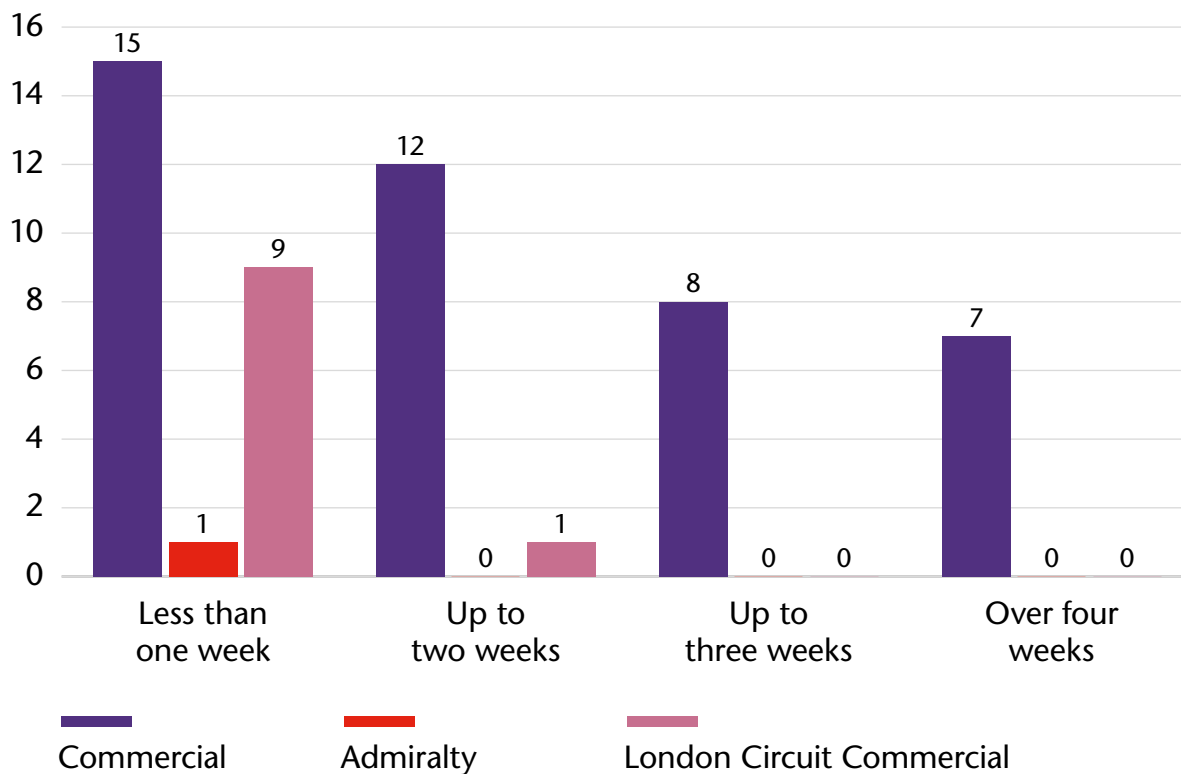
As can be seen, 25 out of 53 (47%) of contested trials during the year were tried within four days i.e. one Commercial Court week. This compares to:

- 66% completed within one week during 2019-2020
- 47% completed within one week in 2018-2019

The chart also indicates that there were more longer trials than in the preceding two years.

Set out below are the lengths of trials reported by sub-division:

Lengths of Trials – Breakdown by Jurisdiction 2020-2021



As indicated above, most trials this year in the Commercial Court were completed within two weeks. The Admiralty Court only heard one trial, which lasted two days. All but one of the London Circuit Commercial Court trials were completed within a week.

6.6.1 Average Length of Trials (comparison)

The table below shows average lengths of trial this year and the two preceding years, by division, excluding reading days:

Division	Year 2020-2021	Year 2019-2020	Year 2018-2019
Commercial	9 days	6 days	9 days
Admiralty	2 days	3 days	6 days
London Circuit Commercial	3 days	3 days	4 days

- The longest trial in the Commercial Court this year was for 40 days, the same as the previous year
- There were two trials in Commercial Court which lasted 40 days
- For the Admiralty Court, there was only one trial, lasting 2 days
- In the London Circuit Commercial Court, the longest trial was 5 days this year, compared to 6 days in 2019-2020

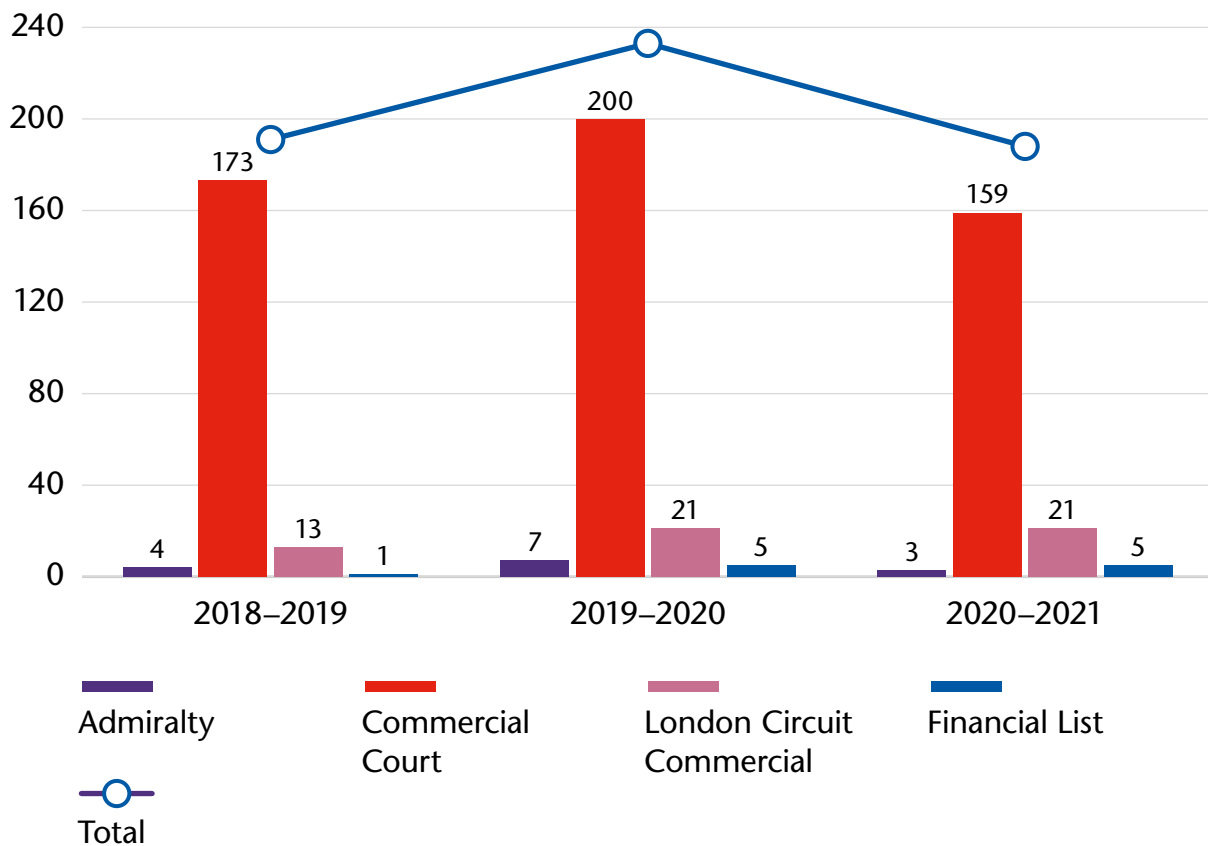
6.7 Reserved Judgments

Where, as is very often the case, a hearing results in a judgment, the judgment may be either delivered orally, as an *ex tempore* judgment, or reserved and handed down in writing.

It is not possible to track the number of *ex tempore* judgments, other than by taking the overall number of hearings as a guide. Statistics are available as to the number of reserved judgments, identified by their being individually listed in the Cause List. The combined number of judgments reserved by the Judges of the Court this year was 188, similar to the level in 2018/19 (191) and fewer than the number in 2019-2020 (233).

More judgments were reserved while hearings were mainly being conducted remotely during the Covid pandemic lockdown; it seems likely that this is one reason for the number of reserved judgments in 2020/2021.

Number of Reserved judgements



- The number of judgments reserved in the Commercial Court was 159, compared to 173 in 2018-2019 and 200 in 2019-2020.
- Similarly, the number of judgments reserved by the Admiralty Court was 3, compared to 4 in 2018-2019 and 7 in 2019-2020.
- The numbers of reserved judgments in the London Circuit Commercial Court and the Financial List were 21 and 5 respectively, the same as in 2019-2020, both higher than in 2018-2019 (13 and 1 respectively).

7. The Financial List

The Financial List is a specialist list for financial claims exceeding £50 million, or cases that raise issues concerning the domestic and international finance markets. It was announced by the then Lord Chief Justice in his Mansion House Speech on 8th July 2015 as part of an active and forward-looking strategy for the United Kingdom regarding commercial dispute resolution, which is designed to respond to users. The List is a joint initiative of the Queen's Bench Division and the Chancery Division, with judges from both jurisdictions having been nominated to sit as Financial List judges. It ensures that cases which would benefit from being managed and heard by a judge with specific expertise in the law relating to the financial markets, or which raise issues of general importance to the financial markets, are dealt with by judges with suitable expertise and experience.

The nominated judges of the Financial List from the Commercial Court are:

- Cockerill J (Judge in Charge of the Commercial Court);
- Andrew Baker J;
- Bryan J;
- Butcher J;
- Foxtton J;
- Knowles J;
- Picken J.

The nominated judges from the Chancery Division are:

- Sir Julian Flaux (Chancellor of the High Court);
- Falk J;
- Hildyard J;
- Marcus Smith J;
- Miles J;
- Snowden J;
- Zacaroli J.

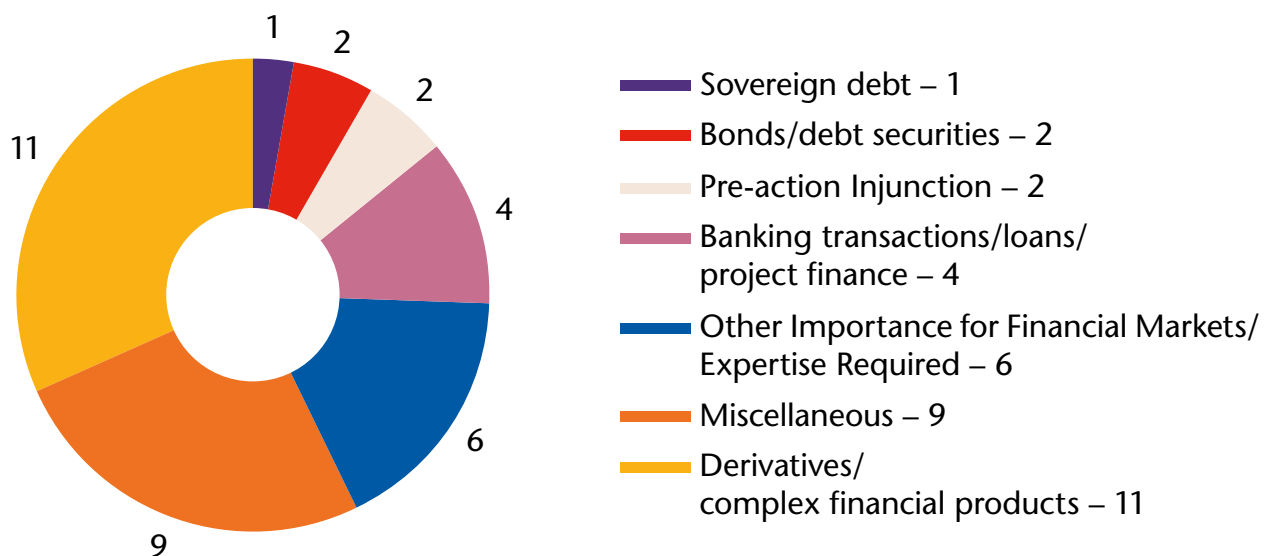
7.1 Type of new claims

There were 35 claims issued in the Financial List over the past year. This is identical to the number of claims issued in 2019-2020. (See section 6.1 above)

The chart below gives a breakdown of the types of claims issued in the Financial List during 2020-2021.

- 31% of these claims related to “derivatives/complex financial products” (11 claims, up from 5 the previous year)
- 26% were noted as “miscellaneous”
- 17% of claims related to “other important issues with financial markets/ expertise required”
- 11% concerned “banking transactions/loans project finance”
- 6% “bonds/debt securities”
- There were two pre-action injunctions and one claim relating to sovereign debt.

Financial List – Breakdown by type



7.2 Hearings

The Financial List had 38 hearings listed during the year, of which 32 were effective, with the balance settling or not proceeding for other reasons.

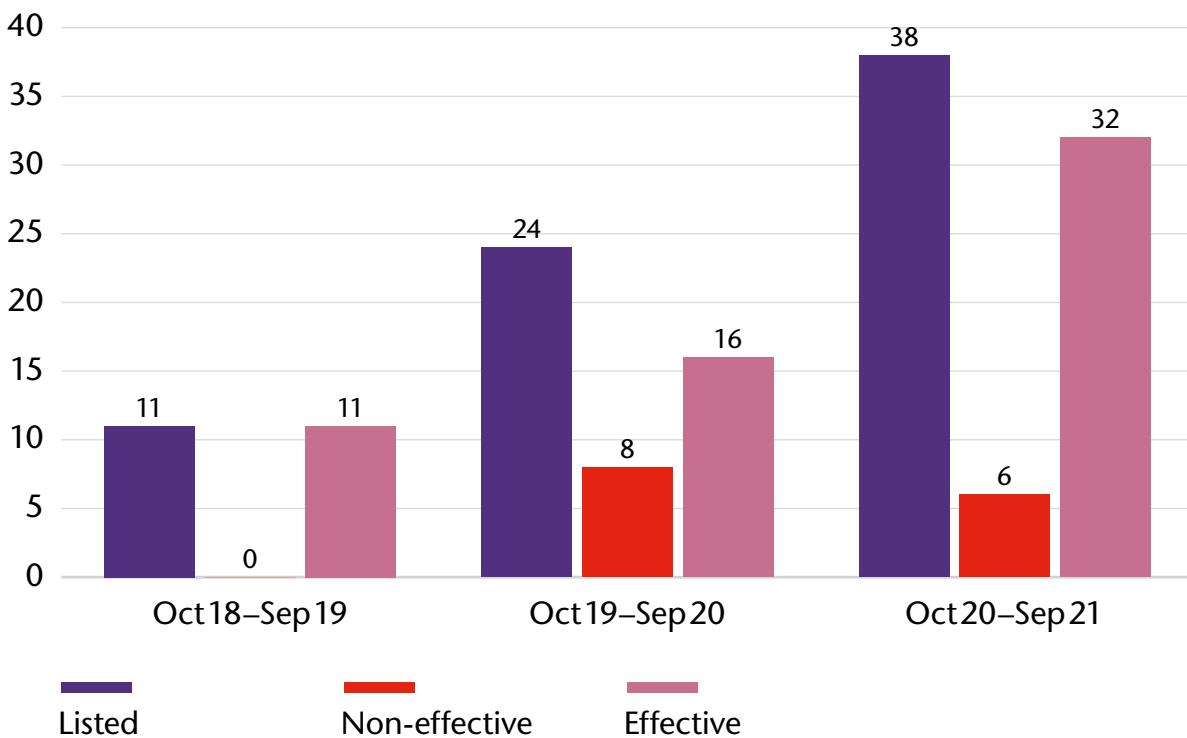
The effective hearings included 12 application hearings and 10 CMCs.

Overall the number of hearings has considerably increased year on year:

- 2018-2019: 11
- 2019-2020: 24
- 2020-2021: 38

as illustrated below:

Financial Lists – Hearings



7.3 Paper Applications

During the year there were 220 paper applications for Financial List cases.

7.4 Trials

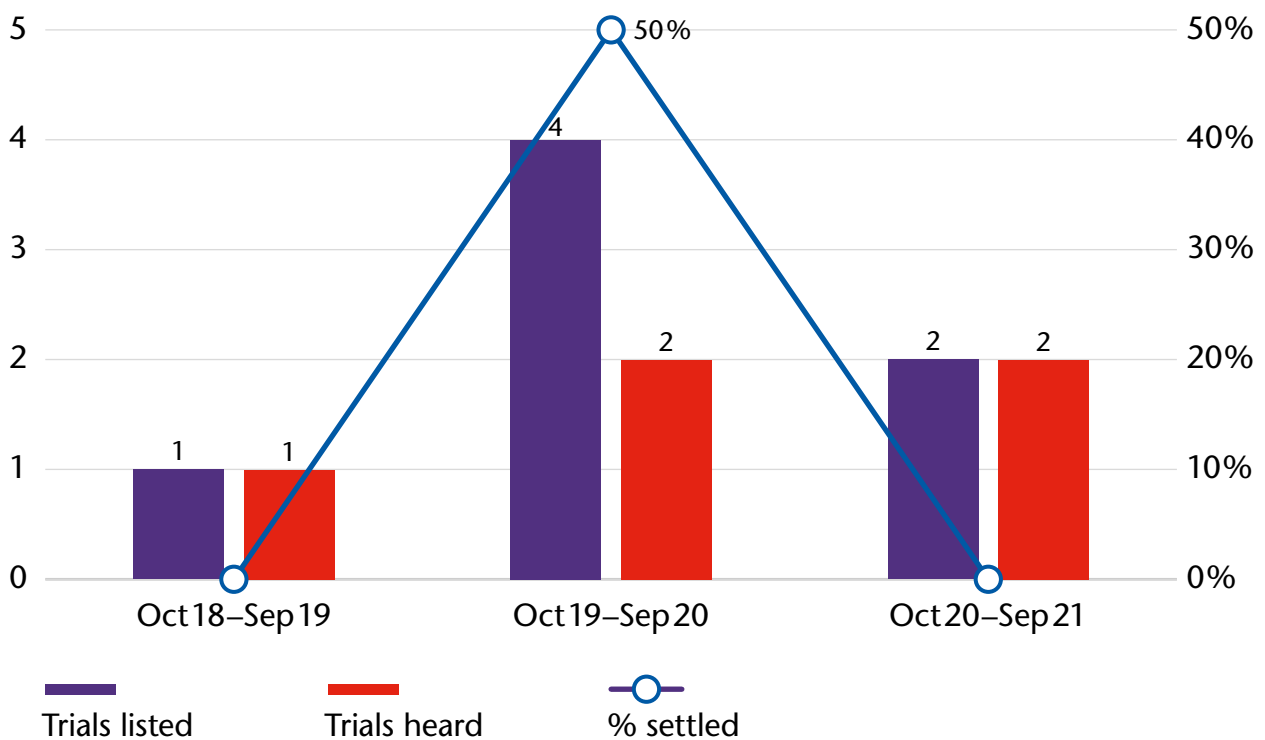
There were two trials listed in the Financial List, of which both were contested:

Deutsche Bank AG London v. Comune di Busto Arsizio [2021] EWHC 2706 (Comm) (Cockerill J)

PJSC Bank "Finance and Credit" v. Zhevago [2021] EWHC 2522 (Ch) (Flaux CHC)

Numbers of trials listed and heard since 2018-2019 are illustrated below:

Financial Lists – Trials



8. Case Management

Case management has been a key feature of litigation in the Commercial Court since its inception.

Case Management Conferences/Costs and Case Management Conferences

All cases will feature at least one Case Management Conference (“CMC”) or Costs and Case Management Conference (“CCMC”), the purposes of which are familiar to Court users. Briefly, both types of hearing generally set a timetable down to trial. Where costs budgeting applies, the hearing will be a CCMC and will also include consideration of the parties’ costs budgets.

CMCs and CCMCs will normally also include consideration of the Disclosure Review Document (DRD), and, where possible, resolution of any outstanding contested matters in connection with it. The parties are required to cooperate in this regard, and the Court will generally expect to be able to approve the DRD in no more than 1 hour as part of the hearing.

The parties are expected to co-operate more generally in advance of a CMC/CCMC, and the Court will in future require an updated draft order to be provided by 4pm on the working day before the hearing, indicating matters which are agreed/remain unagreed. This and other particular case management matters are addressed in the new Commercial Court Guide (11th edition), published February 2022.

Where permission to serve expert evidence is sought, the Court will generally wish to specify in any order granting such permission (generally the CMC/CCMC order) the particular question(s), within their expertise, on which the expert(s) is/are to be instructed to provide an opinion. The Court may limit the length of experts’ reports.

Parties should consider whether attendance by their more senior advocates is required at the CMC/CCMC. Whilst each party must be represented by an advocate instructed for trial, the Court often finds that junior advocates are well placed to assist the Court on matters arising at CMCs/CCMCs, including disclosure, costs and directions.

Over the past year, the following percentage of listed CMCs (including CCMCs) were heard:

- 66% of the 236 listed in the Commercial Court;
- 52% of the 84 listed in Admiralty Court;
- 62% of the 67 listed in the London Circuit Commercial Court

Negotiated Dispute Resolution

The Court encourages parties to engage in Negotiated Dispute Resolution (“NDR”) (see section 6.2.3 above), which is a way of resolving disputes outside of court via mediation, conciliation, expert determination or other binding or non-binding process. Parties must consider NDR in advance of the CMC, inform the Court at the CMC what consideration has been given to the matter, and keep the Court updated with the process.

Parties may be agreeable to submitting a shortlist of potential mediators or other facilitators in an NDR Order to the judge conducting the CMC, with an understanding that the parties will work with the judge’s choice of mediator from the agreed shortlist. On occasion the Court will perform “Early Neutral Evaluation”. There was one such hearing this year.

When parties attend a CMC, a “progress monitoring date” will be set, which is the date by which parties must report to the Court their compliance with the pre-trial timetable and preparation for the trial. These reports will then be reviewed and, if necessary, steps taken to ensure the case will be ready for trial on the fixed date.

In the interim, any changes to the timetable set out at the CMC are kept under review by the judges of the Court, with any amendments to the timetable to trial having to be approved by order of a judge (usually on the papers). If the judge reviewing the proposed amendments to the timetable is not happy with the progress towards trial, they will call the case in for a review. This is designed to ensure that there is no need to vacate hearings close to trial owing to lack of preparedness.

Pre-Trial Reviews

In larger cases a Pre-Trial Review (PTR) will be scheduled for a few weeks before the trial date. Wherever possible this is heard by the trial judge. A PTR enables the parties to deal with any late applications before trial, and to settle the trial timetable, including the timetable for calling witnesses, and the length and format of closing submissions. Frequently (in about 57% of instances this year across the Court as a whole) a listed PTR does not require a hearing and the matters arising can be disposed of on the documents.

9. Shorter and Flexible Trials and Expedition

Shorter and Flexible Trials

The Court has continued to see a number of cases brought under the Shorter Trials Scheme, although the Flexible Trials Scheme continues to be under-utilised by parties.

The Shorter Trials Scheme is designed for cases which can be heard in no more than 4 court days and provides for a timetable which enables determination of a dispute within a year of the claim being issued, together with a streamlined process for the assessment of the costs of the trial. The scheme is suitable for a wide range of disputes. In particular in 2020:

- In the case of *BNP Paribas SA v Trattamento Rifiuti Metropolitani S P A* [2020] EWHC 2436 (Comm) the Court heard the trial of preliminary issues as to construction and declaratory relief within 6 months from the end of the jurisdiction dispute, with judgment given in September 2020.
- In *MSP Capital Limited v Persons Unknown, Juz Electronics and others* [2021] EWHC 1081 (Comm) the Court ordered a case concerning dishonesty but where the existence of the fraudulent scheme was not in issue to proceed in the Shorter Trials Scheme.

The Flexible Trials Scheme was designed to allow parties to adapt trial procedure to suit their specific case. In particular it is designed to encourage parties to limit disclosure and to confine oral evidence at trial to the minimum necessary for the fair resolution of their disputes. It provides an opportunity for parties to tailor the court procedure to the needs of the individual case – including the possibility of determining certain issues solely on the basis of written evidence and submissions. It therefore has the potential to considerably shorten the time to a final determination.

Expedition

The Court is also able to order expedition of suitable cases outside of these schemes. Applications to expedite hearings are referred to a judge, usually the Judge in Charge, for decision on the documents. The conditions for ordering expedition, which are considered when dealing with such applications, were recently set out by Foxton J in *Lopesan Touristik SA v Apollo European Principal Finance* [2020] EWHC 2642 (Comm) citing *Apache Beryl I Limited v Marathon Oil UK LCC and others* [2017] EWHC 2258 (Comm) (Males J):

“... there are four factors ...:

- i) First, a threshold question of whether, objectively, there is urgency.*
- ii) Second, the state of the court’s list and the impact of expedition on other court users.*
- iii) Third, the procedural history including whether there has been any delay.*
- iv) Fourth, whether there will be any irremediable prejudice to the respondent...”*

Cases in which expedited trials have been ordered in the last year include cases dealing with business interruption insurance claims arising out of the Covid-19 pandemic. The claim in *FCA v Arch* [2020] EWHC 2448 was commenced on 9 June 2020, with trial taking place in later July, and judgment delivered in September 2020. Subsequently other issues have been expedited for trial in the 2021-2022 year.

10. Disclosure

The Disclosure Pilot Scheme in the Commercial Court was launched on 1st January 2019 and following two extensions will now run until the end of 2022. The scheme was a response to feedback (initially largely from the FTSE GC100, then the wider profession) which indicated a concern amongst court users that the existing disclosure process did not sufficiently engage parties, may not use technology as efficiently as possible, and can distract from the principal issues in a case. Its main features and history as at autumn 2020 were summarised in section 10 of the Commercial Court Annual Report 2019 to 2020, which can be found [here](#).

In *McParland v Whitehead* [2020] EWHC 298 (Ch) Sir Geoffrey Vos, Chancellor of the High Court, set out a number of important points in relation to the pilot, including that the type of any Extended Disclosure is fair, proportionate and reasonable; the parties need to think cooperatively and constructively about their dispute and what documents will require to be produced for it to be fairly resolved; and cooperation between legal advisers is imperative.

Professor Rachael Mulheron (Professor of Tort Law and Civil Justice at the Department of Law Queen Mary University of London) took on the task of reviewing the pilot, for which the Court is extremely grateful, and her work is ongoing.

The pilot is intended to be a 'living' project. Following consultation exercises, the most recent changes to the pilot came into force on 1 November 2021. The latest version of the pilot can be found here: https://www.justice.gov.uk/__data/assets/pdf_file/0011/177239/cpr-136-pd-update.pdf

The principal changes made were:

- A. A new regime for Less Complex Claims. A Less Complex Claim is determined by reference to its nature, value, complexity and the likely volume of Extended Disclosure, with a steer that if the value is less than £500,000 the claim should normally be treated as a Less Complex Claim. The regime provides clear guidance about defining issues for disclosure (they are to be drafted at a high level of abstraction and normally no more than 5 in number), permits only Models A, B or D to be used and provides a simplified form of the DRD. (Parties should give careful consideration in every case, whatever its financial value or general complexity, to whether it may properly be treated as a Less Complex Claim for these purposes.)
- B. Clarification that 'disclosure guidance' is not the same as the court determining issues relating to disclosure on the hearing of an application and revision of the scheme for guidance. Disclosure guidance may now be given at a hearing (now not exceeding 60 minutes + 30 minutes pre-reading) but may also be provided in writing. Where there is significant disagreement between parties on an aspect of the pilot and they need a steer from the court to address this, disclosure guidance will be appropriate. The costs of seeking disclosure guidance will be almost invariably costs in the case.

- C. Clarification that a list of issues for trial may, if the parties agree, be used, with or without adaptation, for disclosure. In addition, paragraph 7.5 now requires that when serving a draft list of issues, the Claimant should state which model it proposes for each issue and, where Model C is proposed, put forward the specific requests envisaged. In this way, a Defendant can consider the proposals in the round rather than being asked to agree an issue or Model C request without knowing what this might mean in practice.
- D. Further guidance notes to the DRD regarding Model C to discourage numerous and wide-ranging requests being made (save where that is what the parties are agreed upon in a particular case).
- E. Provision in paragraph 7.11 that a bespoke procedure may be set by the court in multi-party claims.
- F. In Model D, where the court has not ordered that Narrative Documents are to be included, the parties need only take reasonable steps to exclude them so to avoid wasted expenditure.

As noted in section 8 above, the parties are required to cooperate in relation to the Disclosure Review Document (DRD), and the Court will generally expect to be able to approve the DRD in no more than 1 hour as part of the CMC/CCMC hearing. Parties should bear in mind that, notwithstanding the flexibility referred to in point (C) above, any DRD should be kept simple and concise; and in most cases the List of Issues for Disclosure should be shorter (or much shorter) than the list of issues in the List of Common Ground and Issues. It should contain only the key issues in dispute which the parties consider will need to be determined by the Court by reference to contemporaneous documents over and above the Initial Disclosure. A List of Issues for Disclosure is not required at all unless one or more of the parties has stated that they are likely to request Extended Disclosure including the use of Model C, D or E.

The 11th edition of the Commercial Court Guide, published February 2022, reflects the current position on the pilot.

Further consultation with the judiciary and other stakeholders has been and will be ongoing. The experience of operation of the pilot over 2022 will be critical, and practitioners and court users are invited to continue to provide feedback to Professor Mulheron, as official monitor of the pilot, at: r.p.mulheron@qmul.ac.uk

11. Witness Statements

The Court has continued to seek to refine the approach to witness statements, ever since the concerns expressed in the Commercial Court Annual Report 2017-2018. The ensuing developments up to autumn 2020 are summarised in section 11 of the Commercial Court Annual Report 2019 to 2020, which can be found [here](#).

The objectives underlying the current approach to witness statements may be seen from the key recommendations in the Commercial Court Users' Committee's Working Group in July 2019, which in summary were that:

- An authoritative statement of the best practice regarding the preparation of witness statements should be formulated, based on the principles identified in the report.
- Witness statements should contain a more developed statement of truth, whereby the witness confirms that they have had explained to them and understand the objective of a witness statement and the appropriate practices in relation to its drafting.
- The solicitor in charge of drafting the witness statement should be required to sign a solicitor's certificate of compliance with the Rules and the relevant Court Guide. These make clear that a witness statement should contain the evidence which the witness would otherwise give in oral examination-in-chief.
- Examination-in-chief on specific issues/topics should be available as an option, to be considered at the CMC and ordered in appropriate cases. The issues/topics that are addressed by way of examination-in-chief should be covered in a witness statement or (at least) in a witness summary.
- An extension of the page limit for a witness statement should rarely be granted unless the judge has had the opportunity to scrutinise its contents. The general practice should be to consider such applications retrospectively at the PTR.
- The Court should more readily apply costs sanctions and express judicial criticism of non-compliance with the Rules, Practice Direction and Guides, both at the PTR and following the trial.
- There should be a harmonisation of the Guides of the Commercial Court, Chancery Division and TCC insofar as they address the general principles as to the content and drafting of witness statements.

In due course, these recommendations were reflected in a new CPR Practice Direction 57AC, with its Appendix (Statement of Best Practice) on Trial Witness Statements in the Business and Property Courts. The new Practice Direction came into force in April 2021 and applies to trial witness statements signed on or after 6 April 2021.

If the new Practice Direction has the desired effect of returning trial witness statements to what they should be, i.e. a disclosure for trial of the witness testimony parties realistically could and would adduce from their witnesses if they examined them orally in chief, then the Commercial Court 30-page limit, which has always been a somewhat blunt instrument, should no longer be required. It remains for the time being, and the practice recommended by the Working Group has been implemented, namely that permission for longer statements will generally not be granted in advance: see <https://www.judiciary.uk/wp-content/uploads/2020/03/Witness-Evidence-Length-Trial-Statements-1.pdf>.

Parties should ensure that the contents of witness statements for interlocutory hearings are also appropriately limited. They should be confined to (a) matters of fact to be relied on in support of, or in resisting, the application, and (b) satisfying any specific requirements under a rule or Practice Direction stipulating that certain matters have to be stated in a witness statement. Argument should be left to be outlined in skeleton arguments and developed orally at the hearing. If the relevance or importance of the evidence set out in or exhibited to the witness statement(s) may not be obvious, consideration should be given to providing with the statement(s) an explanatory covering letter or provisional written submission. Guidance to this effect is included in the 11th edition of the Commercial Court Guide.

12. Managing the Court's Business

12.1 Lead Times

"Lead times" are the time between the date a hearing is fixed and the date on which the hearing will take place.

The Court aims to keep the lead times within certain targets, which plays a vital role for the financial, trading and business community by providing rapid and efficient dispute resolution procedures.

12.1.1 Commercial Court

The position as at 3 February 2022 was as follows:

Application/CMC Hearings:

Length of Hearing	Hearing dates available after
30 mins to half a day	February 2022
One day	July 2022
Two days or more	Week of 27 June, October 2022

Trials:

Length of Trial	Trial dates available not before
One to three days	July 2022
One week	July 2022 Then October 2022
Two to three weeks	Week of 4 July 2022 Then February 2023
Four weeks or more	April 2023

12.1.2 London Circuit Commercial Court

The position as at 3 February 2022 was as follows:

Application/CMC Hearings:

Length of Hearing	Hearing dates available after
30 mins to half a day	February 2022
Half a day	(Fridays) February 2022
One day	March 2022

Trials

Length of Trial	Trial dates available not before
Up to one week	May 2022
Two to three weeks	October 2022 Then January 2023
4 weeks or more	January 2023

These dates are subject to change on a daily basis, up-to-date information can be found here: <https://www.gov.uk/guidance/commercial-court-hearing-and-trial-dates>

Lead times have been challenging during the course of the year due to a high number of one-day hearings. The number of such hearings has increased by 32% since 2017-18, and the rate of settlements has decreased with only 30-40% of one-day hearings settling. Mrs Justice Cockerill recently suggested that at least three factors may be involved here:

- A knock-on effect from a stricter listing approach to half day hearings
- A tendency for parties to take more points in each application than would have been done a few years ago
- Cases appear to be becoming even more hard-fought, leading to more interlocutory disputes requiring court resolution

As section F.3 of the Commercial Court Guide notes, the court will expedite the hearing of applications (including applications on notice) in cases of sufficient urgency and importance. Where a party wishes to make such an application, a request should be made to the Commercial Court Listing Office on notice to all other parties. Parties should note that expedition is available only in cases of sufficient urgency. (Guidance as to what constitutes sufficient urgency can be found above under **Shorter and Flexible Trials and Expedition**). See also the case law mentioned in **section 9 above**.

12.2 CE-File

Since 2017, all documents in the Court are required to be filed electronically via the CE-File system. The system is also used extensively for applications on paper, ranging from consent orders, through applications for permission to serve out of the jurisdiction, and on occasion contested applications where the parties are content to deal with the matter on the documents.

There are now many such applications, and this year in the region of 5,200² were processed across the three sub-divisions. It will readily be understood that this takes up much judicial time, with two Commercial Court judges dealing with CE-File applications each week in addition to their ordinary workload.

It is important that applications made via CE File include all the relevant documents, and that those documents are appropriately labelled when uploaded to CE File. Non-compliant applications will be rejected, as was made clear by Popplewell J as Judge in Charge in 2018: <https://www.judiciary.uk/publications/electronic-filing-of-applications-to-be-dealt-with-without-a-hearing/>

This year the Court welcomed Francesca Girardot, a lawyer, who has been assisting the judges by triaging these applications. This is a pilot to see whether such intervention expedites the process. Francesca checks each application, to ensure that all required documents and information have been received, before referring this on to the judge. This has assisted the Court in dealing with the increased number of paper applications dealt with.

The judges also deal with paper applications under the Arbitration Act, with one judge each week acting as the duty judge in charge of section 68 and 69 applications. This too is in addition to the judge's usual workload.

² This incorporates paper applications received for each of the sub-divisions (Commercial, Admiralty, and London Circuit) and includes those received in the long vacation

12.3 Listing Issues

Many listing Issues are raised in correspondence lodged on CE-File. Some of these require to be referred to the Judge in Charge for consideration/ determination.

It is very important that those raising such issues do so by way of concise written submissions. Unfortunately, many such applications comprise lengthy letters, often referring to other correspondence. This makes the task of deciding the listing issue more time-consuming and can result in a delay in making the decision, because of the need to find sufficient time to deal with the lengthy submissions and referenced correspondence.

Parties are therefore reminded that any submissions on listing issues should be:

- concise;
- self-contained;
- focussed on the issue which requires the judge's decision.

Submissions which do not meet these requirements may be referred back to the parties for resubmission or may result in the case being called in for an oral hearing in court before or after court hours.

12.4 Long Vacation Sittings

Judges of the Commercial Court sit regularly during the Long Vacation, which takes place from 1st August to 30th September.

At least one judge sits in the Commercial Court at all times during this vacation period, to deal with both urgent business and regular business (such as applications). At least two judges sit in September.

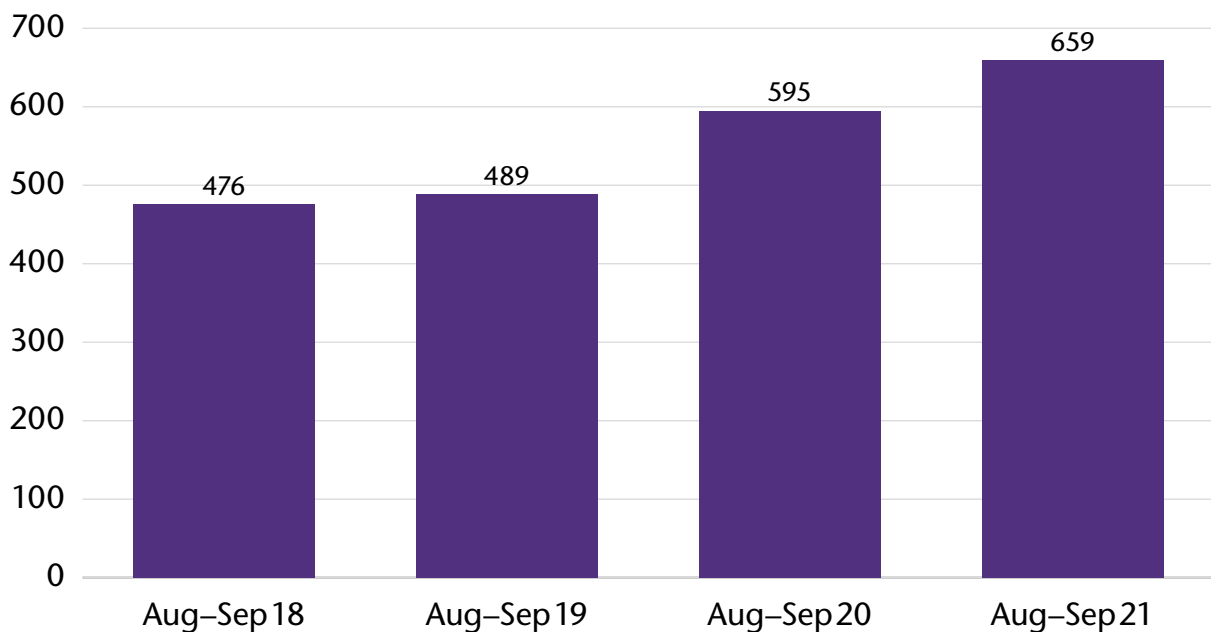
12.4.1 Paper Applications

There has been an increase in the number of paper applications processed during the long vacation this year compared to previous years.

In the year there were 659 processed for Commercial, Admiralty and London Circuit combined, compared to 595 in 2019-2020, which represents an 11% increase.

This has been an upward trend since 2018, as can be seen in the chart below:

Paper Apps – Long Vacation (Commercial, Admiralty, London Circuit)



13. The Commercial Court: 126 Years and Onwards

As noted in last year's report, the 2019-2020 court year marked the 125th anniversary of the founding of the Commercial List in London, and also the 50th anniversary of the formal creation of the Commercial and Admiralty Court. Following the launch event on 2 March 2020, and the "Law in Action" programme on 4 March 2020, a number of other events went ahead in a "hybrid" format or were deferred. We provided links to two of these in last year's report.

Between October and December 2020, the Court held a series of three virtual seminars between linking the judges, practitioners and academics on a range of current topics in commercial law:

- **Seminar 1: Arbitration and the Courts: A Constructive symbiosis – Held on 7 October 2020**

Chaired by: Flaux LJ.

Panellists: Cockerill J; Professor Rob Merkin QC (Professor of Law at the Universities of Exeter and Reading Special Counsel Duncan Cotterill); and Duncan Matthews QC (Twenty Essex Chambers).

Topics: The scope and availability of court powers in aid of arbitration under sections 44 and 67-70 of the Arbitration Act 1996;

When injunctive relief will be granted;

The shifting approach to determining the proper law of an arbitration agreement;

Whether it is time to review the test for appeals on points of law;

Jurisdictional challenges: how is jurisdiction defined; can jurisdiction be separated from substance; is full rehearing the correct approach?

- **Seminar 2: State Immunity and Commercial Law: An ever-decreasing sphere – Held on 17 November 2020**

Chaired by: Males LJ.

Panellists: Butcher J; Professor Dapo Akande (Co-Director of the Oxford Institute for Ethics, Law and Armed Conflict; Professor of Public International Law at the University of Oxford, and Essex Court Chambers); and Professor Philippa Webb (Twenty Essex Chambers and King's College London).

Topics: Sovereign immunity and the Commercial Court; non-justiciability, act of state, immunity and exceptions to immunity.

- **Seminar 3: Commercial Contracts: A thing apart? – Held on 2 December 2020**

Chaired by: Lord Leggatt.

Panellists: Foxton J; Professor Louise Gullifer QC (Hon) FBA (Rouse Ball Professor of English Law at the University of Cambridge); and Philippa Hopkins QC (Essex Court Chambers).

Topics: the continuing status of special rules of construction of exemption clauses, the interpretation of standard forms and implied terms and good faith in relational contracts.

All of these were well received.

The Commercial Court on 6 October 2021 belatedly held its 125th anniversary dinner at the Guildhall, hosted by the City of London. The event had been originally scheduled for June 2020 and was twice rescheduled owing to the Covid-19 pandemic.

The dinner was hosted by the Lord Mayor Locum Tenens, Sir David Wootton, and attended by many of the current and former judges of the Commercial Court. Speeches were given, including by the Lord Chief Justice whose speech can be found here:

<https://www.judiciary.uk/announcements/speech-by-the-lord-chief-justice-on-the-125th-anniversary-of-the-commercial-court/>

14. Covid-19 Pandemic and Future Impact on How the Court is Working

14.1 Remote Hearings

As reported last year, the Court, like other jurisdictions, had to adapt its ways of working very quickly in order to ensure its continued smooth running during the Covid-19 pandemic. This included many hearings being held virtually.

Although more in person hearings have been taking place this year, the default position has remained for short hearings, i.e. those on the Friday list, and/or requiring half a day or less, to be held remotely. The Court has continued to manage these hearings using the same and sometimes newer technology. Feedback from court users has been and will be taken into account in deciding how hearings continue to be managed in the future.

14.2 Longer hearings: in person or remote?

For longer hearings, the Judge will ultimately make the decision on the mode of hearing, taking into account representations from the parties. The Court will remain astute not to lose sight of the advantages of in person hearings, including those alluded to in the Introduction to this report.

The Court has had to remain flexible in the light of the changing Covid-19 restrictions and the impact of the pandemic and restrictions on individual litigants, lawyers and witnesses. This has included the use of 'hybrid' (partly in person and partly remote) hearings in appropriate cases, and on at least one occasion a change in the mode of hearing during the course of a trial.

Data about how longer hearings have been conducted, and requests from the parties to conduct hearings in person or remotely, generally appear to reflect changing patterns in the governmental restrictions/guidelines:

- Michaelmas Term 2020: Most hearings were being conducted virtually, but there was a notable increase/request for in-person/hybrid hearings (around 23%)
- Hilary Term 2021: The number of in person/hybrid hearings dropped significantly. Around 8% only of hearings were being held in-person
- Easter Term 2021: During the first half of the term (April) only 13% of hearings were held in person. By May this had increased to about 22%
- Summer Term 2021: Although some hearings were still being held remotely, there was a marked upturn in in-person hearings, at around 38%

14.3 Working Electronically

Due to changes in how hearings are conducted, there has been a general shift towards 'paperless' bundles in many cases, with paper bundles (or selected paper bundles) being used only where requested by the judge. This is the default position in the new Commercial Court Guide.

Parties are now required to file electronic bundles in accordance with the latest directions, updated on 29 November 2021, which can be found at: <https://www.judiciary.uk/announcements/general-guidance-on-electronic-court-bundles/>

15. Use of Deputy Judges

A number of retired Commercial Court judges and Queen's Counsel or other experienced practitioners who practice regularly in the Commercial Court are authorised to sit as Deputy High Court Judges in the Commercial Court.

Here is a list of retired Judges who have sat in the Court during 2020 - 2021, listed in order of the number of days sat:

- Sir Michael Burton GBE
- Sir Nigel Teare
- Sir Ross Cranston
- Sir Andrew Smith
- Sir William Blair

Practitioners who sat as Deputy High Court Judges over the past year include:

- Clare Ambrose*
- Adrian Beltrami QC
- Julia Dias QC
- David Edwards QC
- Christopher Hancock QC
- Andrew Hochhauser QC*
- Stephen Hofmeyr QC
- Charles Hollander QC
- Stephen Houseman QC*
- Peter MacDonald Eggers QC
- Ali Malek QC
- Phillip Marshall QC*
- Leigh-Ann Mulcahy QC
- Lionel Persey QC
- Simon Rainey QC
- Patricia Robertson QC
- Richard Salter QC
- Simon Salzedo QC
- Sonia Tolaney QC
- Daniel Toledano QC
- Nicholas Vineall QC

(Asterisks indicate practitioners who sat in the London Circuit Commercial Court)

Deputy judges are used for applications and trials to ensure that the targets for lead times can be maintained.

Deputies will only be used either when the parties agree that the matter may be dealt with by a deputy, or when the Judge in Charge of the Commercial Court considers it suitable for the matter to be dealt with by a deputy.

16. Judicial Assistants and Pupils

The Judicial Assistant (JA) scheme is now fully established in the Court.

Following an earlier pilot scheme this has been in place since October 2019 across all the three divisions of the High Court. It continues to be the case that the scheme offers placements specifically to the Commercial Court where the applicant specifies a preference to sit in the Court and is selected for that role.

The role of JA offers those in the early years of their professional practice a ringside view of the trial process and first instance decision-making from the perspective of the judge, for the most complex, high value and often high-profile cases.

They assist the judges(s) to whom they are allocated, for example by carrying out research, summarising documents and providing general support for the judge(s) in the organisation of their work and hearings.

Aimed primarily at qualified barristers and solicitors in the early stages of their legal career, but open to all with suitable qualifications and skills, applications are invited from those able to demonstrate an outstanding intellectual ability, excellent organisational skills and the ability to manage large and complicated workloads, as well as a high level of professional integrity.

Following a paper application and interviews, placements are organised, lasting between three and five months.

More information on the scheme and timetable can be found here: **2020/21 Applications Open for High Court Judicial Assistant Scheme | Courts and Tribunals Judiciary.**

During the year, the Court has had 9 JAs sitting with judges, both in court and at virtual hearings – this equates to 3 JAs at any one time.

16.1 Pupils in Court Scheme

Owing to the impact of the Covid pandemic, the pupils in court scheme was introduced to the Commercial Court in October 2020 by the Judge in Charge. This was initiated due to concerns that this year's pupils would be negatively affected by the absence of live hearings due to Covid.

The scheme, which is run with COMBAR, allows pupils to sit in with judges on live hearings.

This scheme has continued into 2021. The feedback from the pupils has been extremely positive.

17. The Registry and the Listing Office

The Court depends on the very close and beneficial relationship it enjoys with the Listing Office, which is led by Michael Tame. A list of current staff is set out in Appendix 2:

APPENDIX 2 - The Staff of the Court as at 1 October 2021

The Listing Office provides essential assistance to the Court with incoming applications and correspondence between parties, solicitors and Counsel.

The Listing team deal with all documents filed by CE File. They have a daily meeting to address issues, mainly CE File pending alerts, but also outstanding work etc. That ensures that all CE File filings are dealt with promptly.

The team continue to field on average about 200 email enquiries a day and answers in the region of 40 calls a day. In addition, the senior listings officer and the listing officer receive a high volume of emails/calls which also need to be responded to.

The Office will check whether parties have complied with the timetable set by the Court at the CMC, ensuring that cases are prepared and ready for hearing/trial. The Listing Office also administers applications under the Arbitration Act 1996.

The work of the Listing Office is invaluable to the smooth operation of the Court, and the efficient disposal of the Court's work. All the Judges and users of the Court are grateful to them.

17.1 Lawyer for the Commercial Court

As mentioned earlier, in 2020 the Court welcomed a new lawyer to the team, Francesca Girardot. Francesca has been assisting the Judges by checking paper applications to ensure that all required documents and information have been received. She has also been assisting the Commercial Court Guide editorial team and working on various other projects.

18. Sources of Information about the Court

18.1 Reports of cases

Reports of material decisions of the Commercial and Admiralty Courts are published online on the following sites:

- BAILII (the British and Irish Legal Information Institute) – <https://www.bailii.org/>
This site includes unreported cases and is free to access.
- Published summaries of cases heard in the previous term can be found here: <https://www.judiciary.uk/you-and-the-judiciary/going-to-court/high-court/queens-bench-division/courts-of-the-queens-bench-division/commercial-court/judgments/>

18.2 The Commercial Court Guide

A new 11th edition of the Commercial Court Guide was published in February 2022. It sets out detailed information on the practice of the Court within the context of the full Civil Procedure Rules and should be referred to by parties when involved in commercial claims. We are very grateful to everyone who has contributed to its development, and to Andrew Baker J, Francesca Girardot, Laura Feldman and Conall Patton QC for drafting and finalising the new Guide.

Suggestions for improvements to the Guide, which are welcomed, can be emailed to the Commercial Court Listing Office on comct.listing@justice.gov.uk

18.3 The Commercial Court Users' Group

The Commercial Court Users' Group has continued to provide an invaluable forum to discuss ideas relating to the work of the Court throughout the years.

During the year, Users' Group meetings were held on 25th November 2020 and 28 April 2021.

These meetings have all continued to be held virtually using Microsoft Teams and as is usual, the invitees included counsel and solicitor representatives, representatives from bodies such as the LMAA (London Maritime Arbitrators' Association), the judges of the Commercial Court and the Supervising Lord Justice (Flaux CHC).

The latest meeting held in 2021 was on 24 November 2021, and covered topics including lead times and listing matters, the forthcoming updated Commercial Court Guide, the approach to urgent hearings, and updates on the Disclosure Pilot and the Covid-19 business interruption claims.

The minutes of these meetings can be found here: <https://www.judiciary.uk/announcement-court/commercial-court/>

18.4 The London Circuit Commercial Court Users' Committee

The London Circuit Commercial Court Users' Committee aims to meet at least three times a year, or once a term. Its most recent meetings having been held in November 2020 and February and November 2021.

There was also a Spring Seminar held on 27 April 2021, at which I. Stephanie Boyce (President of the Law Society) was speaking along with Mrs Justice Cockerill.

HHJ Pelling QC, Judge in charge of the London Circuit Commercial Court, has issued guidance on draft orders in the London Circuit Commercial Court. The message can be found here: <https://www.combar.com/news/message-from-the-london-circuit-commercial-court/>

18.5 The Admiralty Court Users' Committee

The Admiralty Court Users' Committee met in September 2020, February 2021 and June 2021, taking forward the various issues mentioned in this section of last year's Annual Report.

At the Users' Committee's instigation:

- CPR PD57AC has been extended to the Admiralty Court, as noted in 4.1 above, with effect from 1 October 2021;
- other modernising procedural changes have been accepted and implemented by the Civil Procedure Rules Committee: (i) the language of CPR 61.9 (judgment in default) has been updated (as noted in last year's Annual Report); (ii) the exclusion of Admiralty claims *in rem* from the availability of summary judgment under CPR Part 24 has been removed; (iii) under CPR 61.10, the Admiralty Registrar now has power to order sale *pendente lite*, and the rules on requirements for making claims against a fund following such a sale have been clarified (with an associated amendment to standard form ADM14).

Other Admiralty Court Users Committee developments to report are that:

- in view of the substantial proportion of personal injury claims making up the work of the Court, a representative of that field of practice was invited to join the Committee after expressions of interest were requested;
- the Committee is reviewing: (i) the question of judgment in default in collision cases (inter alia in the light of the decision of the Admiralty Registrar in *Tecoil v Poseidon* [2020] EWHC 393 (Admlty)); and (ii) the rules and practice relating to collision statements of case.

19. Standing International Forum of Commercial Courts (SIFoCC)

The Standing International Forum of Commercial Courts (**SIFoCC**) is the global forum for the world's commercial courts. Its Secretariat is based at the Rolls Building. It now has member jurisdictions from all continents bar one.

SIFoCC exists for three reasons: users (business and markets) will be better served if best practice is shared between the courts and courts work together to keep pace with rapid change; together courts can make a stronger contribution to the rule of law than they can separately; and as a means of supporting developing countries long encouraged by agencies to enhance their attractiveness to investors by offering effective means for resolving commercial disputes.

In March 2021 SIFoCC held its 3rd full meeting online, hosted by the Judiciary of Singapore and extending over two days and across time zones. The event was attended by over 150 senior judicial figures from over 30 jurisdictions including 12 Chief Justices. Subjects ranged from technology in court and in commercial disputes, third party litigation funding and meeting the needs of court users.

Recorded live sessions can be found **online** and a full report of the meeting can be found **here**.

The second iteration of the SIFoCC Observation Programme took place, providing a mentoring and court observation opportunity for three judges from Kenya, Uganda and Sri Lanka.

SIFoCC published the second edition of its **Multilateral Memorandum on Enforcement of Commercial Judgments for Money**. This included a distillation of common themes produced by a SIFoCC international working group chaired by Sir William Blair (former Judge in Charge of the Commercial Court) and Judge Francois Ancel (President of the Paris appellate commercial court), as well as additional and revised contributions.

SIFoCC continued to work in partnership with other organisations including:

- London International Disputes Week (jointly a hosting a session, and also assisting with the international keynote)
- The Commonwealth Lawyers Association (jointly hosting a **webinar** and a session at their annual conference entitled 'Judges and Lawyers working together across the Commonwealth to address courts user's needs')
- The Commonwealth Magistrates and Judges Association (jointly hosting a session at their annual conference, and a joint roundtable with Rwanda).
- ROLE UK

20. Visitors (virtual) to the Commercial Court

Despite the impact of the pandemic on international travel, the Court engaged with international colleagues from all over the world including:

- France
- Italy
- The Gambia
- Jordan
- Nigeria
- Rwanda

These engagements were held to discuss a range of subjects from the running of courts during the pandemic, technology and case management.

21. APPENDIX 1 – The Court as at 1 October 2020

21.1 Judges – Commercial Court

Listed in order of seniority:

- Mr Justice Robin Knowles;
- Mr Justice Picken;
- Mr Justice Andrew Baker (Admiralty Judge);
- Mrs Justice Moulder;
- Mr Justice Bryan;
- Mrs Justice Cockerill (Judge in Charge of the Commercial Court);
- Mr Justice Butcher;
- Mr Justice Jacobs;
- Mr Justice Waksman;
- Mr Justice Henshaw;
- Mr Justice Foxton;
- Mr Justice Calver;

21.2 London Circuit Commercial Court

His Honour Judge Pelling QC (Judge in Charge of the London Circuit Commercial Court);

21.3 Admiralty Registrar

Master Richard Davison

22. APPENDIX 2 – The Staff of the Court as at 1 October 2021

Court Manager	Wilf Lusty
Senior Listing Officer	Michael Tame
Listing Officer	Daniel Hull
Listing Clerk	Mark Burman
Listing Clerk	Gina Hitchman
Listing Clerk	Shafia Chowdhury
Listing Clerk	Talvinder Sehmbi
Master Davison’s Clerk	Shirley Sweeney
Admiralty Marshal	Paul Farren
Registry Team Leader	Abdul Musa
Lawyer	Francesca Girardot

Clerk to Andrew Baker J	Mandana Khajehnouri
Clerk to Bryan J	Georgina Febery
Clerk to Butcher J	Sarah Herald
Clerk to Calver J	Michaela Childs
Clerk to Cockerill J	Laura Hope
Clerk to Foxton J	Kaylei Smith
Clerk to Henshaw J	Angela Fraser
Clerk to Jacobs J	Alice Duddridge
Clerk to Robin Knowles J	Rachel Guy
Clerk to Moulder J	Camille Richards
Clerk to Picken J	Jay Howard
Clerk to Waksman J	Lucius Allen
Clerk to HHJ Pelling QC	Sarah Rabbitts

Clerks' contact details can be found here at: <https://www.judiciary.uk/you-and-the-judiciary/going-to-court/high-court/queens-bench-division/courts-of-the-queens-bench-division/commercial-court/judges-clerks/>

