

ADMIRALTY AND COMMERCIAL COURTS GUIDE

TEXT CORRECTIONS

Page 137/8 : PRACTICE DIRECTION – ARBITRATION

In the table delete “Central London County Court”

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Appendix 18

Guidance on practical steps for transferring cases to the Mercantile Courts

1. If a case is suitable for transfer to a Mercantile Court, either party can apply to the Commercial Judge prior to the CMC for transfer or, if no such application is made, the Commercial Judge will normally consider this with the parties at the CMC. He will expect the parties to have considered this issue prior to the CMC. Among the factors that the parties should consider are the size and complexity of the claim, the location of the parties and their legal advisers and the convenience of the witnesses. If transfer is contemplated, the parties should also contact the appropriate listing officer (at the telephone numbers set out at paragraph 10) to ascertain likely trial dates.
2. If the case is one that is suitable for transfer and a decision is made to transfer prior to the CMC, the Commercial Judge will order that the case be transferred to a Mercantile Court and the CMC will take place at the Mercantile Court.
3. If the case is one that is suitable for transfer and a decision is made to transfer at the CMC, the Commercial Judge will, in order to save the costs of a further hearing in the Mercantile Court, usually make all the directions with the appropriate timetable down to trial in the same way as if the case were to remain in the Commercial Court, including a direction to fix the trial date through the appropriate listing officer (see paragraph 10 below) within a specified period of time. If, as is usually the case, it is thought desirable to give the parties time to try and settle the case through direct negotiation or ADR, this will be built into the timetable.
4. The Commercial Judge will consider the time at which transfer is to take place and this must be specified in the Order
5. The Commercial Judge will decide whether he considers a PTR or further CMC appears necessary at that stage; normally a further PTR or CMC (through a hearing at Court) will not be necessary as in the type of case transferred such a PTR or further CMC would not normally take place in the Commercial Court and would add to the costs. Therefore, unless the Order

otherwise provides or the Judge of the Mercantile Court otherwise directs, the next hearing in court will usually be the trial.

6. The Order must be drawn up in the usual way and lodged with the Commercial Registry Room EB13 in the RCJ.
 - If the draft Order was not initialled in court by the Judge, the Order will then be sent to the Judge who made the Order to be approved. That normally takes 3-4 days
 - If the draft Order was initialled in court by the Judge at the hearing, the Order can be brought straight up to the Registry to be sealed.
7. Once the Order comes back, the Registry will put the Order in the various out trays for the solicitors clerks to collect. If the Order was sent in via the post, then the Registry will return it via the post or, if the firm of solicitors are not one of the regular users, the Registry will inform them of the procedure as to how to collect the Order.
8. Once the Order is sealed, the transfer from the Commercial Court is during normal circumstances effected by the Registry within one week; the transfer is effected by the Registry sending the court file and the Order to the Mercantile Court as the case may be. The Registry will also inform all parties on record once the case has been transferred.
9. The Mercantile Court will then receive all the papers which were on the Commercial Court file and they will give the case one of their own numbers and inform the parties.
10. The case will then continue in exactly the same way as if at the Commercial Court save that the hearing date must be fixed with the listing office at the Mercantile Court within the time limit specified in the Order. The parties must contact the specialist listing officer at the Court to which the case has been transferred. The telephone and fax numbers of the listing officers for the specialist list are:

London
020 7947 6826
Fax 020 7947 7670

Birmingham:
0121 681 3035
Fax 0121 681 3121

Bristol:
0117 976 3098
Fax 0117 976 3074

Leeds:
0113 254 2607

Fax 0113 242 6380

Newcastle:

0191 201 2047

Fax 0191 201 252

Liverpool/Manchester:

0161 954 1779

Fax 0161 954 1705

Wales and Chester:

02920 376476

Fax 02920 376475

Parties are asked to speak to the specialist listing officers who will tell them of the facilities available at other Courts.

11. The Commercial Court monitors compliance with its Orders through the case management unit and the provision of progress monitoring information sheets which have to be provided by the Progress Monitoring Date specified in the Order. The standard directions for the Mercantile Courts provide for a Progress Monitoring Date; such a date should therefore be provided for in any Order. The Mercantile Courts monitor progress in accordance with paragraph 8 of the Mercantile Courts Practice Direction supplemental to Part 59. A PTR (either in court or by telephone conference) may be held in the Mercantile Courts if the parties make a request or the Mercantile Judge so directs.
12. The parties are expected to keep the listing officer of the Court to which the case is transferred apprised of any settlement of the case. In an unusual case where the Commercial Judge has not made all the directions or the parties need to make an application either orally or in writing, then the appropriate directions will be considered and made by the Mercantile Judge.