



Introducing  
**Business  
& Property  
Courts in  
Birmingham**

# Acknowledgement

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Tonight's reception to mark the opening of the Business & Property Courts in Birmingham has been kindly sponsored by:



John Hudson OBE DL & Keith Bradshaw DL  
High Sheriffs of the West Midlands



# Foreword

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LexisNexis is delighted to sponsor the launch of the new Business and Property Courts in Birmingham.

We share the view expressed in this guide that the new umbrella courts initiative practically brings together the consideration of similar cases and, of equal importance, reinforces the standing of regional courts to hear cases most sensibly connected to them. Combined with other recent, notable developments such as the introduction of mandatory e-filing and the creation of the Financial List, the launch of the Business and Property Courts of England & Wales represents an important step in maintaining our standing as a leading centre for international dispute resolution, particularly considering the potential challenges created by Brexit.

We are very grateful to the contributors to this short guide and hope you find the contents useful, including the short sample from Lexis®Library and Lexis®PSL, our deep research and practical guidance products.

## Neil Smith

Market Development Director for Public Sector & Bar

## Barry Fletcher

Head of the Dispute Resolution Group and Head of Arbitration

## Virginia Jones

Head of Dispute Resolution

Welcome to the Birmingham Civil Justice Centre. We are delighted to be marking the launch of the **Business and Property Courts in Birmingham**. These new courts will combine the strengths of the Chancery Division in Birmingham with those of the specialist courts of the Queen's Bench Division, namely the Technology and Construction Court and the Circuit Commercial Court (formerly the Mercantile Court), and will introduce flexible listing and modern procedures.

These new courts will aim to meet three objectives: (1) ensuring that each case is managed to deliver progress to trial without delay, (2) trial by the most appropriate judge (whether a member of the resident specialist judiciary or a High Court Judge), and (3) the provision of an efficient and effective service utilising modern technology to best advantage.

This innovation has been the result of the combined efforts of the HMCTS Birmingham, Regional and High Court teams, the local specialist judges and the Circuit and District Bench, who have been working hard for a year on an implementation plan to convert the vision to a reality. We pay tribute to their exceptional teamwork and enthusiasm throughout the project. Invaluable support has also been received from the Midland business community, led by the High Sheriffs for the West Midlands, from the Midland Chancery and Commercial Bar Association, and from the Birmingham Law Society and senior commercial litigators.

We have every confidence that the **Business and Property Courts in Birmingham** will enhance the delivery of and access to justice in Birmingham and the wider West Midlands business and property community.

## Mr Justice Haddon-Cave

Presiding Judge of the Midland Circuit

## Mrs Justice Carr

Presiding Judge of the Midland Circuit

## Mr Justice Newey

Chancery Supervising Judge

# The Business and Property Courts of England & Wales

## An Explanatory Statement

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### Introduction

The Judicial Executive Board has approved plans for a number of the specialist jurisdictions of the High Court of England & Wales to be known collectively as “The Business and Property Courts of England & Wales”. A press release was issued by the Judicial Office on Monday 12th March 2017. There is a launch event of the Business and Property Courts planned for July 2017. The Government and City institutions are very supportive of the proposal, which aims to give the specialist jurisdictions an intelligible user-friendly umbrella term, whilst at the same time preserving the valuable existing brands of individual courts.

The specialist jurisdictions in England & Wales comprise the Commercial Court, (including the Admiralty Court), the Technology and Construction Court (“TCC”), and the courts of the Chancery Division (including those dealing with financial services, intellectual property, competition, and insolvency). In London, these specialist jurisdictions operate together at the Rolls Building.

There will also be Business and Property Courts in the 5 main regional centres where specialist business is undertaken, namely Manchester, Birmingham, Leeds, Bristol and Cardiff. It is hoped that in due course Business & Property Courts may also be established in Newcastle and Liverpool.

The advantages expected from the new Business and Property Courts (“B&PCs”) can be briefly summarised as follows:

- **An intelligible name:** “Business and Property Courts” will be a user-friendly understandable umbrella term for UK plc’s national and international dispute resolution jurisdictions. Our legal services providers will be able to convey to international and domestic clients an all-encompassing picture of the courts’ offering. The B&PCs will continue to offer the best court-based dispute resolution service in the world, served by a top class independent specialist judiciary.
- **Regional B&PCs joined up with London:** The B&PCs will be a single umbrella for business specialist courts across England and Wales. There will be a super-highway between the B&PCs at the Rolls Building and those in the regions to ensure that international businesses and domestic enterprises are equally supported in the resolution of their disputes.



- **Flexible cross deployment of judges:** The B&PCs will facilitate the flexible cross-deployment of judges with suitable expertise and experience to sit in business and property cases across the courts.
- **Familiar procedures:** The B&PCs will build on the reputation and standing of the Commercial Court, the TCC and the courts of the Chancery Division, while allowing for the familiar procedures and practices of those jurisdictions to be retained.

### The practical consequences of the introduction of the B&PCs

Users will notice one immediate change. When they seek to issue proceedings electronically, they will be greeted to the Business and Property Courts of England and Wales, and will then be asked to say to which Court or List they wish the case assigned. The primary choices will be:

1. Commercial Court (QBD)
2. Admiralty Court (QBD)
3. Circuit Commercial Court\* (QBD)
4. Technology & Construction Court (QBD)
5. Financial List (ChD/QBD Commercial Court)
6. Business List (ChD)
7. Company & Insolvency List (ChD)
8. Intellectual Property List (ChD)
9. Trusts & Probate List (ChD)
10. Competition List (ChD)
11. Revenue List (ChD)

The Intellectual Property List will include the Patents Court and IPEC, and will also take trademark and other IP focused cases. The Companies and Insolvency List will include the Companies Court. The Business List (ChD) will include all the cases that are now issued in the Chancery Division including real property cases, pensions cases, financial services cases (outside the Financial List criteria), and regulatory cases. The system of issue will ensure users will enjoy their current freedom of choice between, for example, the Commercial Court and the Business List (ChD).

Having identified the list in which they wish to issue proceedings, users will then be asked to identify in which centre they wish to issue the proceedings: the choice will in almost all cases be between London, Manchester, Birmingham, Bristol, Leeds, and Cardiff.

The B&PCs are expected to develop as time goes on both in terms of regions and procedure. For example, it is hoped that Newcastle and Liverpool will be added in due course. In addition, electronic issuing will, it is hoped, be added in the regions by early 2018. Common IT is in the course of being commissioned.

Specialist County Court cases that fall within the B&PCs ambit will be heard in a re-designated "Business and Property Courts List" in place of what is now the "Chancery Business List".

Mercantile judges are to be renamed "Circuit Commercial judges", and the "Mercantile Court" will become the "Circuit Commercial Court".

### **The Title for the Action**

Actions will be titled in the High Court as follows:

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

or

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

Actions will be titled in the County Court as follows:

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

*\*The original document referred to the Commercial Circuit Court, but, at the time of going to press, the publishers understand that this is likely to be the final name.*

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

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

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

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

Waiting times are considerably less in the regional centres than they are at the Rolls Building. In all the Business & Property Courts and Lists, a High Court judge can be provided to try an appropriate case outside London.

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

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

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

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*Sir Geoffrey Vos, the Chancellor of the High Court  
Sir Brian Leveson, President of the Queen's Bench Division  
18th May 2017*

# The significance of the new Business and Property Courts – a view from the Bar

*Ed Pepperall QC*

This was a Birmingham idea, conceived by the city’s presiding QB judges (Mr Justice Haddon-Cave and Mrs Justice Carr) and its Chancery supervising judge (Mr Justice Newey), that was subsequently adopted nationally by the Chancellor (Sir Geoffrey Vos) and the President of the Queen’s Bench Division (Sir Brian Leveson). Today’s launch is part of a series with similar events in London, Manchester, Leeds, Bristol and Cardiff.



Cynics might argue that the launch of the Business and Property Courts is nothing more than rebranding the existing specialist courts. That would be to misunderstand the significance of three important underlying principles that resonate with the wider court reform agenda. The first two apply nationally, while the third is particularly important to the big regional centres such as Birmingham and Manchester.

## **First, the new courts bring the specialist jurisdictions of the Chancery and Queen’s Bench Divisions together.**

The launch of the new courts can be seen as a step along the long road to the eventual merger, or at least the realignment, of the Chancery and Queen’s Bench Divisions. In his 2016 Civil Courts Structure Review, Lord Justice Briggs described the divisional structure of the High Court as a “historical relic” observing that it was “virtually impossible to create a water-tight dividing line in terms of workload which will neatly separate two groups of High Court judges on any entirely satisfactory or logical basis.”

Merger is not a new idea. A joint report from the Bar and the Law Society recommended the creation of a new Civil Division as long ago as 1993. The issue was considered by Lord Woolf in the late 1990s and again by Lord Justice Brooke a decade later. Like other senior judges before him, Lord Justice Briggs stopped short of recommending merger, but concluded that the time had come for a decision about the future of the divisions.

Merger is back on the agenda because of the success of the Rolls Building that, in 2011, brought together under one roof the specialist judges of the Chancery Division, the Commercial Court, the TCC and the London Mercantile Court. This cohabitation has now spawned joint initiatives. The Financial List was introduced in October 2015 as a list shared between the Chancery Division and the Commercial Court. In the same month, the Shorter and Flexible Trials pilot scheme was launched for the efficient trial of more straightforward cases in any of the Rolls Building courts. Later that year, the Electronic Working pilot scheme was also introduced across the Rolls Building courts.

Interestingly, Lord Justice Briggs mooted the creation of a new Business and Property Division. This solution would have seen the non-business workload of the Queen’s Bench Division (principally judicial review, personal injury, clinical negligence and defamation) being hived off into a second division. In their joint statement (reprinted in this publication at page 4), the Chancellor and the President describe the new Business and Property Courts as an “intelligible user-friendly umbrella term.” With the launch of these reforms, we now have an umbrella structure combining the business work of the Queen’s Bench Division with the Chancery Division, while leaving the rest of the QB workload on the outside. This would appear to be an obvious step towards Sir Michael Briggs’ Business and Property Division.

Indeed, readers will notice the reduced significance given to the divisions in the suggested titles to actions in the senior judges’ joint statement. It is not difficult to imagine these parenthetic nods to the old divisional structure being abandoned in due course.

**Secondly, the new courts will continue to recognise the specific expertise of each division’s judges while respecting differences in practice and procedure.**

The new courts comprise 11 specialist lists. The Financial List remains shared between the two divisions. There are then 4 QBD lists and 6 Chancery lists:

Queen’s Bench	Chancery
Commercial Court	Company & Insolvency List
Circuit Commercial Court	Business List
Admiralty Court	Intellectual Property List
Technology & Construction Court	Trusts & Probate List
	Competition List
	Revenue List

It will be noted that the Mercantile Court gets a rebrand; it is now the Circuit Commercial Court, thereby both dropping a Victorian adjective and underlining the court’s close links to the London Commercial Court. Everything else is self-explanatory. Although at first blush it is not obvious why the Business List is not a shared list between the two divisions, Sir Geoffrey and Sir Brian make clear in their explanatory paper that this new list is intended to cover business disputes that are litigated in the Chancery Division, but could equally be issued in the Commercial Court (in London) or a Circuit Commercial Court (in a regional centre). User choice is thereby preserved.

The use of specialist lists under the Business and Property Courts umbrella ensures that litigants will continue to get the specialist judges that they need to hear their cases, while also allowing for flexible listing arrangements.

The reform does, however, respect the differences in practice and procedure between the divisions. So, for example, QB cases in the new Business and Property Courts in Birmingham will continue to be case managed at High Court judge level (typically by the full-time specialist circuit judges who sit as High Court judges), thereby retaining the current practice of the Mercantile and Technology & Construction Courts. Meanwhile, the city’s Chancery cases will continue to be case managed by district judges. The launch of the Business and Property Courts does not therefore immediately require new rules of court or practice guides, save for a modest amendment to Part 59 to effect the name change from Mercantile to Circuit Commercial Court.

It is difficult to believe, however, that this is the final position. Ever closer working between the two divisions may well lead ultimately to some attempt to streamline practice and procedure across the different courts and lists in the Business and Property Courts. Once that is achieved, and a solution is found to the fact that Chancery High Court judges do not currently have the same commitment to sitting in serious criminal cases that is required of even the commercial-specialist QB judge, some realignment of the divisions may become inevitable. But all that is for another day.

This launch is therefore not just a question of branding. It entails a significant reorganisation of the way in which business and property disputes are litigated in this country. While it might take another decade, the next senior judge to review the future of the divisional structure is almost bound to see today’s reforms as an important stepping stone to a major realignment, if not the full merger of the Chancery and Queen’s Bench Divisions.

**And then to the regional point. The launch of these courts once again affirms Lord Justice Briggs’ claim that no case is too big to be tried in the regions.**

This principle is now firmly established as part of mainstream thinking and has been accepted by the influential Judicial Executive Board. It is expressly acknowledged by Sir Geoffrey and Sir Brian in launching these new courts. Further, the senior judiciary is committed to ensuring that Birmingham cases are heard in this city, and that cases wrongly issued in London will be transferred back up here. This is already happening.

Historically, business and property cases outside London have been largely tried by specialist circuit judges. For the most part that is a strength of the regional courts rather than a problem. Birmingham boasts a strong team of experienced specialist judges and, even if one issues in London, the case could easily come before a deputy judge in the Rolls Building. If, however, a case is very complex or valuable, it is appropriate that it should be tried by a full High Court judge. While the Chancery supervising judge sits regularly in Birmingham, QB judges on circuit have too often been diverted to crime and judicial review work. The launch of the new courts is matched by a very welcome commitment from the senior judiciary to ensure that arrangements will be made to increase the “red-judge time” in the city’s specialist courts and, specifically, to arrange for a full High Court judge to sit in Birmingham to hear the city’s most complex, valuable and important business and property cases.

Birmingham is fortunate to have a thriving Chancery Court with four specialist judges and supervision by the High Court bench. The team, now led by HH Judge Simon Barker QC, also comprises the former Chairman of the Chancery Bar Association, HH Judge Charles Purle QC, HH Judge David Cooke and the former Bristol Chancery judge, HH Judge Patrick McCahill QC.

The city’s Mercantile Court was recently in the doldrums, but has been reinvigorated by the welcome appointment of HH Judge David Worster. He is now Birmingham’s first Circuit Commercial Judge. As we go to press, HH Judge David Grant is nearing retirement as the city’s TCC judge. He will be missed, but a strong new appointment to the court is expected soon.

As already mentioned, these full-timers will be supported by the greater deployment of specialist High Court judges. For example, Mrs Justice Carr sits as a judge in London’s Commercial Court and TCC. As presiding judge of the Midland Circuit, she will sit regularly in the Business and Property Courts in Birmingham.

**This is all great news for our clients.** Birmingham already boasts the top-quality professional services - particularly the law firms, barristers’ chambers, forensic accountants and surveyors - to act in these cases. Indeed, many of us are regularly taking the train down to London to appear in such cases, often for Midlands clients. The renewed investment in and commitment to the city’s Business and Property Courts will allow our clients to obtain reliable access to high quality local justice that is also convenient and efficient.

It is equally good news for the city’s law firms who can litigate even their clients’ most complex and valuable cases in Birmingham.

And of course, as Chairman of the Midland Chancery & Commercial Bar Association, might I recommend instructing one of the Association’s talented members. Birmingham has a thriving Chancery and Commercial bar and MCCBA members will be delighted to provide a first-class service to your clients.



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## Ed Pepperall QC

*The author is Chairman of the Midland Chancery & Commercial Bar Association. He is a commercial silk practising from St Philips Chambers and sits as a Deputy High Court Judge in the Chancery and Queen’s Bench Divisions. He is a former member of the Civil Procedure Rule Committee and a member of the consultant editorial board for LexisPSL Dispute Resolution.*





# Judicial Profiles – High Court judges

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## **Mr Justice Haddon-Cave**

Sir Charles Anthony Haddon-Cave was called to the Bar (Gray's Inn) in 1978, and elected a bencher in 2003. He was called to the Bar in Hong Kong in 1980 and took silk in 1999. He then served as a recorder until his appointment to the High Court on 31 October 2011. Mr Justice Haddon-Cave is the Senior Presiding Judge of the Midland Circuit.



## **Mrs Justice Carr**

Dame Sue Carr was called to the Bar in 1987 (Inner Temple). She was appointed Queen's Counsel in 2003. She became chairman of the Professional Negligence Bar Association, chairman of the Bar Standard Board's Complaints Committee, Complaints Commissioner to the International Criminal Court in the Hague and head of chambers at Four New Square.

She was appointed to the High Court Bench (Queen's Bench Division) in June 2013. She became a nominated Judge of the Commercial Court and the Technology and Construction Court in 2014. She became a presiding Judge of the Midland Circuit in January 2016.

She currently sits on the Judicial College Board and on the editorial board of the Turkish Law Review. She is tri-lingual (English, French and German).



## **Mr Justice Newey**

Sir Guy Newey was called to the Bar by the Middle Temple in 1982. He practised at the Chancery Bar between 1983 and his appointment as a High Court Judge at the beginning of 2010.

Before taking silk in 2001, he was one of the Junior Counsel to the Crown (Chancery/A Panel) from 1990 and Junior Counsel to the Charity Commissioners from 1991. In 2003 he became an (Acting) Deemster of the Isle of Man, and in 2006 he was appointed as a Deputy High Court Judge.

He also served as a DTI inspector, inquiring into the affairs of MG Rover and associated companies. He has been the Chancery Supervising Judge for the Midland, Wales and Western Circuits since 2014.

# Judicial Profiles – Specialist Circuit judges

## Chancery Judges



### HHJ Simon Barker QC

After initially qualifying as a chartered accountant, HHJ Simon Barker QC was called to the Bar by Lincoln's Inn in 1979 and appointed Queen's Counsel in 2008. He was a Recorder from 1995 to 2010

authorised to sit in criminal, civil, family and Chancery cases. In 2010, he was appointed a Senior Circuit Judge authorised to sit in the Chancery Division. He also sits in the Queen's Bench Division (including the Circuit Commercial, the Technology and Construction and the Administrative Courts), the Family Court (Private and Public Law cases), and the Court of Protection. He is a Fellow of the Institute of Chartered Accountants in England and Wales (ACA 1976 and FCA 1982).



### HHJ Charles Purle QC

HHJ Purle QC was called to the Bar in 1970 and practised from Chambers in Lincoln's Inn from 1974 until his appointment as a Senior Circuit Judge in 2007, having taken silk in 1989. He was Head of New Square

Chambers from 2003-2007 and Chairman of the Chancery Bar Association from 2004-2007. He was appointed as a Specialist Chancery Judge in June 2007 with authority to sit in the Chancery Division of the High Court, and is also authorised to sit in the Queen's Bench Division, the Circuit Commercial Court, the Technology and Construction Court and the Administrative Court. He also sits occasionally in the Court of Protection and the Upper Tribunal (Immigration & Asylum and Tax and Chancery Chambers).



### HHJ David Cooke

HHJ David Cooke qualified as a solicitor at Pinsent & Co (now Pinsent Masons) in Birmingham in 1981 and was soon made a partner. He worked in corporate finance, venture capital, mergers and acquisitions

and corporate insolvency and was, for a number of years, head of the firm's banking department. He was appointed as a District Judge in Birmingham in 2001 and a Senior Circuit Judge specialising in Chancery matters in 2008. HHJ Cooke is authorised to sit as a Judge of the High Court in the Chancery Division, and also in the Queen's Bench Division (with specific authorisation to sit in the Circuit Commercial Court, the TCC, the Administrative Court and the Planning Court) and, for property related matters, in the Family Division. He is also assigned as a Judge of the Upper Tribunal in the Immigration and Asylum and Property Chambers. HHJ Cooke was a member of the Judicial Pensions Committee from 2004 to 2015, and has since 2015 been a member of the Judicial Pensions Board.



### HHJ Patrick McCahill QC

HHJ Patrick McCahill QC was called to the Bar in 1975 and appointed Queen's Counsel in 1996. He practised in Birmingham from Prioory Chambers (formerly known as 2 Fountain Court) and then from St Philips

Chambers, where he was a Deputy Head of Chambers. He was a Recorder from 1997 to 2001, when he was appointed a Circuit Judge on the Midland Circuit, hearing Criminal, Civil, Mercantile and Chancery cases. In 2007 he was appointed a Senior Circuit Judge authorised to sit in the Chancery Division and was based in Bristol, until his return to Birmingham in February 2017. He is also authorised to sit in the Queen's Bench Division (including the Circuit Commercial, the Technology and Construction, and the Administrative Courts) and as a Judge of the Upper Tribunal in the Immigration and Asylum and Property Chambers. He has been a Member of the Parole Board and a Course Director for the Judicial College Civil training courses for the Specialist Jurisdictions. In 2014, he was elected a Bencher of Gray's Inn.

## Circuit Commercial Court



### HHJ David Worster

HHJ Worster was called to the Bar in 1980 and practised in Birmingham from 7 Fountain Court and then from St Philips Chambers. Much of his work was in the Birmingham Mercantile and Chancery Courts. He was a member of the Attorney-General's panel from 1995-2007. He was appointed as a Recorder in 2001, a Circuit Judge in 2008 and a Senior Circuit Judge in 2017. He is the designated Circuit Commercial Judge for Birmingham. He is authorised to sit as a Judge of the High Court in the Chancery and Queen's Bench Divisions, the Circuit Commercial Court and the Administrative Court. He is assigned as a Judge of the Upper Tribunal Immigration and Asylum Chamber. He is a Course Director for the Judicial College Civil training courses, and a Bencher of Lincoln's Inn.

## Technology & Construction Court



### HHJ David Grant

HHJ David Grant qualified as a barrister (Harmsworth scholar at the Middle Temple) in 1975. He practised at 13 King's Bench Walk until 2000, initially doing personal injury, landlord and tenant, and a whole range of common law work both in London and on the Midland & Oxford Circuit. From about 1990 he developed a substantial practice in construction law, acting for employers in the public and private sector, main contractors, a range of specialist subcontractors, and all the various construction professionals: architects, engineers of all types, and surveyors of all types. In 2000 he moved to 3 Paper Buildings; his construction practice continued, with an increased emphasis on arbitration and adjudication work.

HHJ David Grant was appointed a Judge of the TCC and a Specialist Circuit Judge in 2008; he is also authorised to sit as a High Court Judge in the Queen's Bench & Chancery Divisions, and in the Circuit Commercial Court.

TCC work in Birmingham covers the whole range of TCC business, including procurement cases, dilapidation claims, and cases under the Party Wall Act. The court runs a "dual list", dealing with TCC cases both in the County Court (up to a value of £250K) and in the High Court.

HHJ David Grant served as a judicial member of the Civil Justice Council in 2013-16, and then as the judicial member of its working group on concurrent evidence (the "hot tub"), which published its report in July 2016, with proposals for re-casting the relevant portions of CPR Part 35.

## Designated Civil Judge



### HHJ Martin McKenna

HHJ Martin McKenna served articles with Evershed & Tomkinson where he qualified as a solicitor in 1980 and was appointed an associate in 1984 and a partner at Eversheds, now Eversheds Sutherland, in 1987. He was head of litigation in the Birmingham office until shortly before appointment as a Circuit Judge in 2000. He became a Senior Circuit Judge and Designated Civil Judge for Birmingham in 2008. HHJ McKenna is authorised under s9 Senior Courts Act 1981 to sit as a Judge of the High Court in the Queen's Bench Division (with specific authorisation to deal with cases in the Circuit Commercial Court, the TCC and the Administrative Court) and in the Chancery Division. He is also authorised to sit as a Judge of the Upper Tribunal (Immigration and Asylum Chamber). HHJ McKenna has been a member of the Civil Procedure Rules Committee since 2013 and is a judicial member of the Civil Business Authority (which is the decision making forum for HMCTS as part of the Civil Justice system).

## Other Occasional Judges of the B&PC



### **HHJ Mary Stacey**

Mary Stacey trained as a solicitor at Clifford Chance, qualified in 1987 and became a partner at Simons, Muirhead & Burton in 1990. She moved to Thompsons solicitors in 1992 and became partner and Head of Equal Rights Department.

She was appointed as a fee-paid Employment Judge in 1997 and salaried Employment Judge in 2003. In 2000 she was appointed as deputy Chair of the Central Arbitration Committee, Recorder in 2007, Circuit Judge (Midland Circuit) in 2014, Assistant Certification Officer in 2016 and visiting Circuit Judge of the Employment Appeal Tribunal in 2017.



### **HHJ Evans-Gordon**

Jane Evans-Gordon was called to the Bar in 1992 (Inner Temple). Following pupillage she took up tenancy in, what is now, New Square Chambers in Lincoln's Inn. Her practice covered most areas of Chancery work although she eventually specialised in wills and probate, family provision, trusts and estates and associated property, company and jurisdictional issues.

Jane was appointed as a Civil Recorder on the Midland Circuit in 2009. She was appointed as a Circuit Judge authorised to sit in the High Court in October 2014. She was nominated as a Judge of the Court of Protection in October 2015 and appointed as a tutor of the Judicial College (Specialist Course) in December 2015. Most recently, Jane was authorised to sit as a Judge of the Administrative Court (January 2017).

## District judges of the Business & Property Courts in Birmingham

DJ Williams

DJ Musgrave

DJ Salmon

DJ Shorthose

DJ Truman

DJ Ingram

DJ Kelly

## Court contact details

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### Telephone

Listing Officer	0121 681 3160
Chancery	0121 681 3033
Technology & Construction Court	0121 681 3181
Circuit Commercial Court	0121 681 3043

The Business & Property Court Goldfax number will be **01264 785131**

The London Urgent Court Business Out of Hours telephone number is **0207 947 6260**

We expect to have a Birmingham out-of-hours number in the future



### Email

[BPC.Birmingham@hmcts.gsi.gov.uk](mailto:BPC.Birmingham@hmcts.gsi.gov.uk)  
[ClerktoHHJMcKenna@hmcts.gsi.gov.uk](mailto:ClerktoHHJMcKenna@hmcts.gsi.gov.uk)  
[ClerktoHHJSimonBarkerQC@hmcts.gsi.gov.uk](mailto:ClerktoHHJSimonBarkerQC@hmcts.gsi.gov.uk)  
[ClerktoHHJPurleQC@hmcts.gsi.gov.uk](mailto:ClerktoHHJPurleQC@hmcts.gsi.gov.uk)  
[ClerktoHHJCooke@hmcts.gsi.gov.uk](mailto:ClerktoHHJCooke@hmcts.gsi.gov.uk)  
[ClerktoHHJMcCahillQC@hmcts.gsi.gov.uk](mailto:ClerktoHHJMcCahillQC@hmcts.gsi.gov.uk)  
[ClerktoHHJGrant@hmcts.gsi.gov.uk](mailto:ClerktoHHJGrant@hmcts.gsi.gov.uk)  
[ClerktoHHJWorster@hmcts.gsi.gov.uk](mailto:ClerktoHHJWorster@hmcts.gsi.gov.uk)

The existing email addresses below will remain live for six months post launch and will have a forward and delete mechanism created thereafter:

[Birmingham.Chancery@hmcts.gsi.gov.uk](mailto:Birmingham.Chancery@hmcts.gsi.gov.uk)  
[Birmingham.TCC@hmcts.gsi.gov.uk](mailto:Birmingham.TCC@hmcts.gsi.gov.uk)  
[Birmingham.Mercantile@hmcts.gsi.gov.uk](mailto:Birmingham.Mercantile@hmcts.gsi.gov.uk)

# LexisPSL Practice Note: Where to start the claim

## Business and Property Courts

From 2 October 2017, the 'Business and Property Courts of England and Wales' is the new name for England and Wales' international dispute resolution jurisdictions, encompassing the following specialist courts and lists of the High Court:

- Commercial Court – including the Admiralty Court
- Technology and Construction Court
- Mercantile Court (to be renamed the 'Circuit Commercial Court')
- courts of the Chancery Division – including those dealing with financial services, intellectual property, competition, and insolvency

In London, these specialist jurisdictions operate together at the Rolls Building. There are also Business and Property Courts in the five main regional centres where specialist business is undertaken—Birmingham, Manchester, Leeds, Bristol and Cardiff. It is hoped that Business and Property Courts will be established in Newcastle and Liverpool in the future.

The aim is for the courts to facilitate the flexible cross-deployment of judges with suitable expertise and experience to sit in business and property cases across the various specialist courts.

When proceedings are issued electronically, the claimant will be asked to choose which court or list they wish the case to be assigned to. The primary choices will be:

- Commercial Court (Queen's Bench Division)
- Admiralty Court (Queen's Bench Division)
- Circuit Commercial Court (Queen's Bench Division)
- Technology & Construction Court (Queen's Bench Division)
- Financial List (Chancery Division/Queen's Bench Division (Commercial Court))
- Business List (Chancery Division)
- Company & Insolvency List (Chancery Division)
- Intellectual Property List (Chancery Division)
- Trusts & Probate List (Chancery Division)

- Competition List (Chancery Division)
- Revenue List (Chancery Division)

Once the court/list has been selected, the claimant will be asked to identify in which centre they wish to issue the proceedings—London, Manchester, Birmingham, Bristol, Leeds or Cardiff.

The introduction of the new umbrella term for the specialist courts has not replaced the existing individual names of the courts but will appear in the title of the proceedings as follows:

- **in the High Court, actions will be titled as follows:**  
IN THE HIGH COURT OF JUSTICE  
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES  
COMMERCIAL COURT (QBD)  
or  
IN THE HIGH COURT OF JUSTICE  
BUSINESS AND PROPERTY COURTS IN BIRMINGHAM  
BUSINESS LIST (ChD)
- **in the County Court, actions will be titled as follows:**  
IN THE COUNTY COURT AT LIVERPOOL  
BUSINESS AND PROPERTY COURTS LIST

Please note that the Judicial Office has confirmed that the name 'Business and Property Courts' is now informally being used but the courts will formally come into effect at the beginning of the new legal year on 2 October 2017. Parties will be able to start using the new name from this date. More information about the new courts will be released at the launch events taking place in July 2017, which were postponed from the original date in June due to the general election.

For more information on the Business and Property Courts, see the [press release](#) issued by HMCTS on 13 March 2017 and the [explanatory statement](#) issued by the Chancellor of the High Court and President of the Queen's Bench Division on 18 May 2017. The [explanatory statement](#) also confirms that the Mercantile Court will be renamed the 'Circuit Commercial Court' with Mercantile judges being called 'Circuit Commercial judges' (see para 10) and [CPR 59](#) and [CPR PD 59](#) will be amended to reflect this change.

# LexisPSL Practice Note: Court guides and other guidance

## Business and Property Courts

From 2 October 2017, the 'Business and Property Courts of England and Wales' is the new name for England and Wales' international dispute resolution jurisdictions, encompassing the following specialist courts and lists of the High Court:

- Commercial Court—including the Admiralty Court
- Technology and Construction Court
- Mercantile Court (to be renamed the 'Circuit Commercial Court')
- courts of the Chancery Division—including those dealing with financial services, intellectual property, competition, and insolvency

The aim of bringing these courts together under the new name is to preserve the familiar practices and procedures of these courts, while allowing for more flexible cross-deployment of judges with suitable expertise and experience to sit on appropriate business and property cases. There has been no indication that there will be any changes in practice, including, for example, the use of separate court guides for the different courts and lists within the new court. For more information on this development, including the official launch date, see Practice Note: [Where to start the claim—Business and Property Courts](#) (see previous page), [LNB News 13/03/2017 110](#) and [LNB News 30/05/2017 152](#).

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