



**Courts and  
Tribunals Judiciary**

**Business and Property Courts  
The Commercial Court  
Report 2022–2023  
(Including the Admiralty Court Report)**

February 2024





**Courts and  
Tribunals Judiciary**

# **The Commercial Court Report 2022-2023**

February 2024



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# 1. Introduction



It has become something of a tradition for this introduction to report another busy year for the Commercial Court and its associated courts (the Admiralty Court and the London Circuit Commercial Court). The impression of a high level of activity formed by the Court's judges is supported by the available data, a happy confluence of the lived and empirically measured experiences. The number of claims issued in the Commercial Court increased from 723 to 885.

While a significant part of the increase resulted from 111 Covid business interruption insurance claims, there would have been a 7% increase in claims in any event. Claims issued in all courts covered by this report increased from 1,172 claims to 1,352.

The position regarding hearings presents a more complex pattern, but the overall picture is clear. There was a reduction in the number of Commercial Court hearings listed (from 1,325 to 1,179) and those heard (from 878 to 839) as against the previous year, although these numbers did not include urgent injunction applications or the online hearings which judges increasingly frequently convene before or after court to deal with consequential issues or more intractable paper applications. Similarly, the number of trials listed (123, against 136 the previous year) and heard (37 as against 56) were also down. However, trial sitting days barely changed (429 against 431), overall hearing sitting days also remained steady (1,113 as against 1,123), reserved judgments increased (from 172 to 212) and reading and judgment writing days also increased (from 850 to 870). Those figures suggest some success in the Court's efforts to ensure that its resources are focussed on those complex and significant cases which the Court was established to resolve. The duty of all parties to identify cases which should not have been commenced in the Court, and to raise the issue with the Court promptly, was re-emphasised in *Gordiy v Dorofejeva* [2023] EWHC 3036 (Comm).

In addition, there has been a trend towards determining more limited and ancillary applications on paper rather than at hearings. This is one of the factors which has seen an increase in the number of paper applications determined in the Commercial Court from 4,212 to 4,309, and for all the commercial courts from 5,599 to 5,652. That increase in paper applications was particularly noticeable in the latter part of the court year – in the period from 1 August to 27 November, 2,013 applications were received in 2023 as against 1,609 in the same period in 2022. That same period also witnessed a significant increase in the number of without notice injunction applications heard – listed return dates over those four months increased from 13 to 20 (figures which do not include cases where the continuation of the injunction was agreed without a hearing).

A similar trend is apparent in the number of judgments handed down. Listings for handing down reserved judgments increased from 172 to 212, and the overall number of judgments given Neutral Citation Number (NCN) references (which would include the more significant ex tempore judgments) increased from 256 to 263.

The Court continues to see a broad range of commercial disputes. There are a number of significant groups of managed cases: Insurance claims arising from the pandemic (managed by Mr Justice Jacobs) and relating to the impact on leased aircraft of the Russian invasion of Ukraine (one group managed by Mr Justice Butcher, the other by Mr Justice Henshaw), in addition to a number of very large disputes, the largest of which – a claim commenced by the Danish Customs and Tax Authority – will be the subject of a one-year trial before Mr Justice Andrew Baker starting in April this year.

The Court has continued to encourage junior advocacy, both at shorter hearings and in and after trials. Those efforts have now received endorsement at the highest level, with the statement of the Lady Chief Justice (whom we note, with considerable pride, is a former judge of this Court) and the Heads of Divisions of 8 November 2023. In addition, the “pupils in court” scheme has provided aspiring advocates with a bench-side view of advocacy in the Commercial Court. Outside court, the judges have participated in a range of events and initiatives, with a view to promoting England and Wales as a forum for the resolution of commercial disputes, the development of English law, legal education and diversity and social mobility. Full details of these events appear on the Commercial Court pages ([here](#)) of the Courts and Tribunals Judiciary website, which I would encourage those interested in the Court and its work to make a regular e-destination. These include our seminar on unjust enrichment, chaired by Lord Burrows, on 20 June 2023. We are delighted that the Lady Chief Justice has kindly agreed to chair our next seminar, whose subject will be the law relating to professional negligence. This will be held on a hybrid basis on 7 May 2024. Once again, details of past and forthcoming events are published on the website, together with short summaries of court judgments.

This year, there were the same number of applications for injunctions in support of arbitration as last year, but reductions in the numbers of challenges to arbitration awards under sections 67, 68 and 69 of the Act (particularly s.67 and s.68 challenges). During the course of the year, Mr Justice Henshaw and I worked with the Chancellor of the High Court and Mrs Justice O’Farrell (Judge in Charge of the Technology and Construction Court) to respond to the Law Commission’s two consultation papers on reform of the Arbitration Act 1996. The same group also met members of the Law Commission to discuss particular issues arising. The process is expected to culminate in a new Arbitration Act 2024 making modest but valuable amendments to the 1996 Act.



The Commercial Court continues to work closely with the Circuit Commercial Courts. Over the last 12 months, I have enjoyed memorable visits to the Circuit Commercial Courts in Newcastle, Leeds, Manchester and Liverpool, and I plan to visit Bristol, Cardiff and Birmingham before the end of July. The Court remains committed to trying high value commercial litigation in the regions when it is appropriate to do so, and, reflecting that policy, Mr Justice Andrew Baker tried a substantial commercial case in Newcastle in October 2023 (*Canon Medical Systems Ltd v The Imaging Centre Assets* [2023] EWHC 3007 (Comm)).

We have been fortunate to welcome two new Commercial Court judges in the year covered by this report – Mr Justice Bright beginning in January 2023, and Mrs Justice Dias in March 2023. We have also been delighted to welcome back Dame Clare Moulder DBE and Sir Nigel Teare, who have provided considerable support to the Court, Dame Clare being a particularly frequent visitor. We congratulate Lord Justice Fraser on his appointment as Chair of the Law Commission and to the Court of Appeal, and we look forward to supporting his work where it overlaps with the work of the Court.

The Court's judges would like to express our sincere thanks to our clerks (who have been steadfast in their support) and the Court staff, for their considerable hard work and dedication during another busy year, and in particular the Commercial Court Listing Office. Michael Tame and his team have also provided statistics about the court's operations which form the basis of the updates given to the Commercial Court User Group, and for this Annual Report.

Finally, I would like to thank Jay Howard, the clerk to Mr Justice Henshaw, for her hard work in helping to produce this Report.

**Mr Justice Foxton, Judge in Charge of the Commercial Court.**

## 2. The Courts

### 2.1 Judges of the Court

As of May 2023, there was a full complement of 14 High Court judges nominated to sit in the Commercial and Admiralty Courts, though Fraser J has subsequently been elevated to the Court of Appeal. The current judges can be found 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 King's Bench Division, they are often taken away from the Court on other judicial business such as sitting on criminal trials on Circuit, sitting in the general King's Bench list, the Administrative Court, the Court of Appeal Criminal Division and the Competition Appeals Tribunal. Some also sit on occasion in the Technology and Construction Court. From January 2023 to January 2024, Mr Justice Bryan was the Senior Presider on the South Eastern Circuit.

The Court aims to have about eight judges sitting at any time. However, it is challenging to maintain this figure.

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 in previous years, as well as disputes between high-net-worth individuals from around the world.

## 2.2 Judiciary Changes

There have been several changes to judicial personnel during, or since the end of, the year.

- Mr Justice Bright was appointed as a High Court Judge, and nominated to sit in the Commercial Court, in January 2023;
- Mrs Justice Dias was appointed as a High Court Judge, and nominated to sit in the Commercial Court, in March 2023;
- Mr Justice Fraser was appointed as Chair of the Law Commission, and sworn in as a judge of the Court of Appeal, in December 2023, and
- Mr Justice Waksman was appointed as Judge in Charge of the Technology and Construction Court in January 2024.

Mr Justice Andrew Baker has continued in his role as the Admiralty Judge; and His Honour Judge Pelling KC 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; and
- 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. Consideration is being given to increasing the £5 million guideline threshold to reflect inflation and workflow.

All claims issued in the Commercial Court are audited before a CMC is booked, to ensure that the Court's resources can be given to cases which require its expertise, that smaller cases can benefit from shorter lead times in the Circuit Commercial Courts, and that claims which raise competition issues are heard by the Competition Appeals Tribunal. The Court's ability to audit cases depends in part on the value of claims being clear from the outset, which is not always the case. The Judge in Charge noted at the most recent Commercial Court User Group meeting that some claims involving less than US\$1 million have been issued in the Commercial Court and resulted in substantive hearings before being transferred out. The Judge in Charge reminded

users that Claimants should make sure that their cases warrant commencement in the Commercial Court, and Defendants should raise any doubts about this without delay. Cases may be transferred out, where appropriate, whether or not a hearing is pending.

### **Requests for expedition**

The Judge in Charge noted at the same user group meeting that the number of expedition requests received has risen significantly. Requests have an impact on lead times, and should be made (via the Listing Office) only when absolutely necessary. They should be succinct. A request and a response should generally be no more than four pages long in total.

### **Pre-reading and time estimates**

Users are reminded of the guidance issued on these matters by the Judge in Charge (together with the Judge in Charge of the London Circuit Commercial Court) on 28 September 2020, which remains in effect (<https://www.judiciary.uk/wp-content/uploads/2020/10/Time-estimates-Notice-2020-1.pdf> or [Time estimates for pre-reading and hearings | Courts and Tribunals Judiciary](#)); and the Practice Note issued on 30 March 2022 regarding time estimates. Parties are warned that inadequate time estimates may result in cases being stood out of the list and relisted without expedition. The Practice Note calls for careful consideration to the number of issues and authorities that can be covered. It reminds parties that oral hearings exist for the presentation of the parties' arguments, including submissions on the law, and that it is not acceptable for advocates to provide a list of documentary references or case extracts and expect the Judge to read the material after the hearing. The Practice Note is at <https://www.judiciary.uk/guidance-and-resources/practice-note-commercial-court-2/>.

### **Electronic working**

Parties are 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/>.

## Website

The redesigned and award-winning Business & Property Courts' website includes pages relating to the Commercial Court, Admiralty Court and Circuit Commercial Courts containing a variety of useful and current information (<https://www.judiciary.uk/courts-and-tribunals/business-and-property-courts/commercial-court/>). These include a summary guide to litigating in the Commercial Court (<https://www.judiciary.uk/courts-and-tribunals/business-and-property-courts/commercial-court/litigating-in-the-commercial-court/preparing-for-hearings-and-trials/>) and a "Listing FAQ" which addresses most of the questions regularly asked of the Listing Office (<https://www.judiciary.uk/courts-and-tribunals/business-and-property-courts/commercial-court/lead-times-list-and-contacts/listings-faqs/>). The pages also include regularly updated summaries of Commercial Court judgments (<https://www.judiciary.uk/courts-and-tribunals/business-and-property-courts/commercial-court/about-the-commercial-court/judgment-summaries-for-the-commercial-court/>). Users are invited to submit any suggestions for improvement to the Clerk to Cockerill J c/o [Laura.Hope@justice.gov.uk](mailto:Laura.Hope@justice.gov.uk)

## Overview of work

The year 2022-2023 saw an increase in claims issued from 723 (in 2021-2022) to 885. Even if one excludes the 111 Covid business interruption insurance claims issued, the figure represents an increase of around 7% increase in claims.

As noted in the Introduction, there were modest reductions in the numbers of Commercial Court hearings and trials listed and heard, but sitting days remained steady, and reserved judgments and reading and judgment writing days all increased.

Below is a small selection of cases heard in 2022/2023:-

- *LMN v Bitflyer Holdings Inc and Others* [2022] EWHC 2954 (Comm): service out of an information order in an alleged cryptocurrency fraud using one of the new service out gateways
- *Lonestar Communications Corporation LLC v Orange Liberia Inc* [2023] EWHC 421 (Comm): claim for damages for a Dedicated Denial of Service attack on the mobile network of a Liberian telecommunications operator

- *Skatteforvaltningen v Solo Capital Partners LLP* [2023] EWHC 590 (Comm): the second principal hearing in a £1.5 billion claim alleging dishonest schemes to extract tax refund payments from the Danish tax authority, in which the court made findings as to the requirements of a valid tax refund claim
- *Palladian Partners LP & Ors v The Republic Of Argentina & Anor* [2023] EWHC 711 (Comm): claim by investors in EU 1.33 billion of “GDP-linked Securities” issued by the Republic of Argentina
- *Infrastructure Services Luxembourg SARL v Kingdom of Spain* [2023] EWHC 1226 (Comm): challenge to registration under the Arbitration (International Investment Disputes) Act 1966 of an ISCID tribunal award made under the Energy Charter Treaty following changes to the regulatory regime for solar energy in Spain
- *London International Exhibition Centre PLC v Royal & Sun Alliance Insurance PLC and others* [2023] EWHC 1481 (Comm): claims by various small and medium sized UK businesses under business interruption insurance for lost business arising from the Covid 19 pandemic
- *World Challenge Expeditions Ltd v Zurich Insurance Company Ltd* [2023] EWHC 1696 (Comm): claim by travel company which organised challenging expeditions for students on its personal accident and business travel policy, following the Covid pandemic
- *Eternity Sky Investment Ltd v Mrs Xiaomin Zhang* [2023] EWHC 1964 (Comm): challenge to the enforcement of a Hong Kong arbitration award on public policy grounds by reference to the Consumer Rights Act 2015 and the Financial Services and Markets Act 2000
- *Nopporn Suppipat and others v Nop Narongdej and others* [2023] EWHC 1988 (Comm): claims for in excess of US\$800m for fraud, fraudulent misrepresentation and under s.423 of the Insolvency Act 1986 arising from transactions relating to wind-farms in Thailand
- *Federal Republic of Nigeria v Process and Industrial Developments Limited* [2023] EWHC 2638 (Comm): challenge to an US\$11 billion arbitration award entered against Nigeria under a gas supply and processing agreement on the basis that the

award was affected by serious irregularities in the form of bribery, corruption, perjury and fraud

- *Loreley Financing Jersey No 30 v Credit Suisse Securities (Europe) Limited and others* [2023] EWHC 2759 (Comm): claim for alleged fraud relating to the purchase of U\$100 million in CDO Notes purchased in late 2007, before the financial crisis
- *Havila Kystruten A.S. v Abarca Companhia De Seguros S.A.* [2022] EWHC 3196 (Comm): effect of termination provisions in shipbuilding contract, waiver, recovery of advance payments as reliance loss, and whether refund security an ‘on demand’ bond.

In addition to hearings, Judges also deal with a substantially increased number of applications on paper: see further section 12.2 below.

The Judge in Charge of the Commercial Court also deals with applications to transfer in and out of the Court, as well as matters concerning listing and expedition.

## 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, 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 2022 – 2023 there were 15 applications for injunctions under section 44 of the Act: the same number as for the previous year (2021 – 2022).

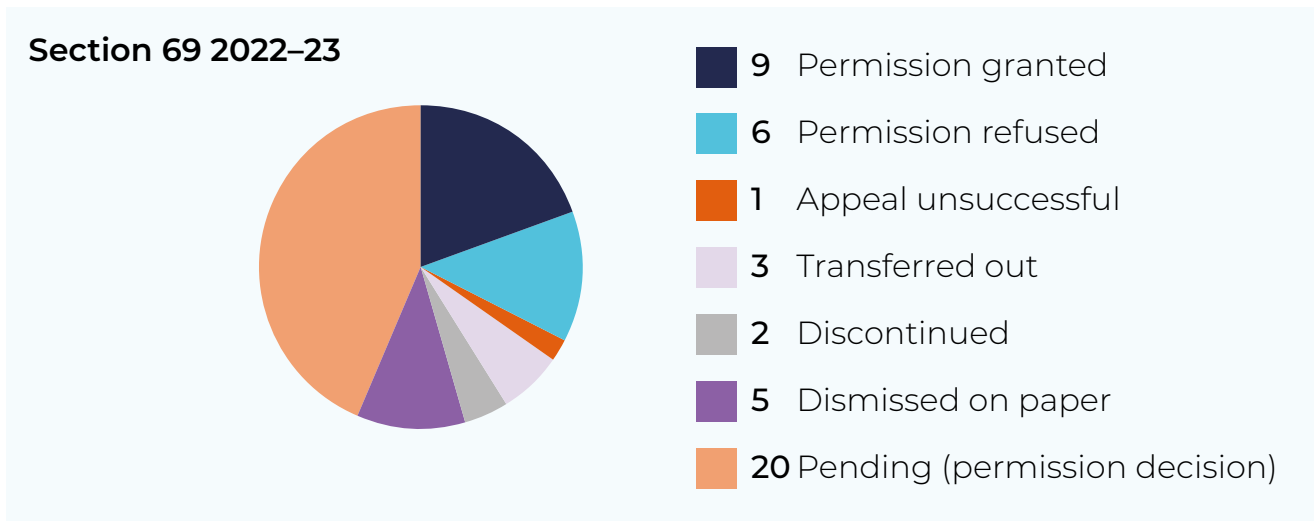


### 3.1.2 Section 69 applications (appeal on point of law)

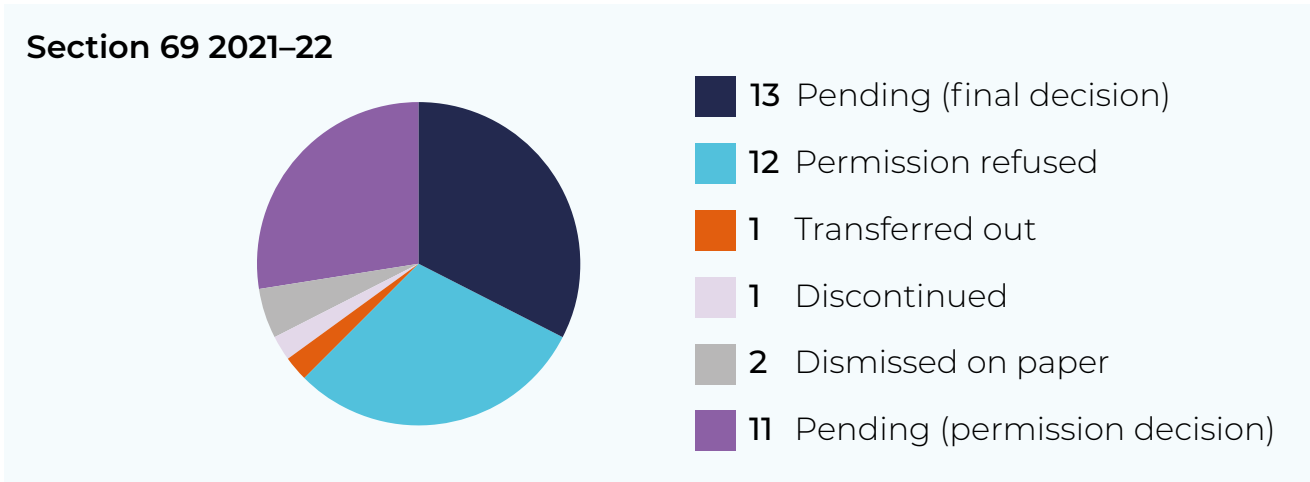
The number of section 69 applications received during the year was 46, compared to 40 the previous year. As at October 2023:-

- 9 had permission granted
- 6 had permission refused
- 1 appeal was dismissed following a hearing
- 5 appeals were dismissed on paper
- 2 were discontinued
- 3 were transferred out
- 20 were awaiting a permission decision

as illustrated below:



As an arbitration case will sometimes span a year-end, a more complete picture is offered by looking also at previous years. A review of 2021-2022 shows that there were 40 applications received in that year. The current position of these is illustrated below:



### 3.1.3 Section 69 applications (completion times)

During this year it has taken on average 93 days for a decision to grant or refuse permission to appeal, including the time required for service on 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 has reduced compared to applications filed during 2021-2022, when the average time was 111 days. The average completion time for applications where permission was granted (from receipt of claim to final decision) was 230 days.

### 3.1.4 Section 68 applications (irregularity)

During the year the Court received 25 section 68 applications (a 37% decrease compared to 40 applications the previous year), of which:

- 4 applications were dismissed at a hearing
- 7 applications were dismissed on the papers
- 1 was discontinued
- 1 was settled
- 1 transferred out

The remaining 11 are pending. It is noteworthy that the proportion of applications dismissed on paper under the Commercial Court's summary procedure is nearly 30%.

A review of applications received during 2021-2022 shows 40 applications, on which the position is as follows:

- 1 application was dismissed at a hearing
- 5 applications were dismissed on the papers

The remainder were discontinued (2), transferred out (1), or pending (31).

### **3.1.5 Section 67 applications (jurisdiction)**

During the year 8 jurisdiction applications were filed under section 67 of the Act (a 70% reduction from the 27 filed the previous year), of which:

- 2 were dismissed on the papers
- 1 was discontinued
- 5 remain pending

During 2021-2022 there were 27 applications received, of which:

- 5 were dismissed on the papers
- 1 was discontinued
- 1 was unsuccessful
- 20 remain pending

## **3.2 The London Circuit Commercial Court**

The London 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. the case 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.

Cases are normally heard by specialist senior circuit judges authorised to sit as High Court judges, and by specialist Deputy High Court judges. Some cases may be heard by Commercial Court judges.

His Honour Judge Pelling KC is Judge in Charge of the London Circuit Commercial Court. He also sits as a judge of the Commercial Court.

## 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 in personam claims for personal injury suffered on board waterborne craft were previously issued in the Admiralty Court even though they did not raise any such issue and were likely to be worth well under £1 million. Since 6 April 2023 there has been no requirement for such claims to be brought in the Admiralty Court, and guidance is now given in CPR PD 61, paragraphs 2.7-2.8. Where such

claims are commenced in the Admiralty Court despite that guidance, they will ordinarily be 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.

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 2022-2023, 19 warrants of arrest were issued, and 5 vessels were sold by the Court (2021-2022, 17 warrants, 4 sales).

## 4.1 **Update from the Admiralty Judge**

Mr Justice Andrew Baker reports that, as indicated by the statistics in section 6.3 below, 2022-2023 was similarly busy to 2021-2022 for both substantive and interlocutory hearings.

The one effective collision claim to come to trial was heard by Sir Nigel Teare, *FMG Sydne and MSC Apollo* [2023] EWHC 328 (Admlty). Andrew Baker J concluded that tonnage limitation did not entitle the time charterers to limit their liability to the owners of the *MSC Flaminia* arising out of the catastrophic fire she suffered in July 2012: *MSC Flaminia (No.2)*, [2022] EWHC 2746 (Admlty). The Court of Appeal upheld the result, although it analysed the issues arising differently: [2023] EWCA Civ 1007. It is understood that an application by the time charterers for permission to appeal to the Supreme Court awaits a decision.

In March 2023, Andrew Baker J determined a preliminary issue in a salvage claim arising out of the *Ever Given* grounding in the Suez Canal, deciding that contractual terms for remunerating the alleged salvors, SMIT Salvage BV, had not been finally concluded, such that they were entitled in principle to claim a salvage reward at common law. The Court of Appeal granted permission to appeal, and the appeal is due to be heard in February 2024.

The most significant judgments from the Admiralty Registrar during 2022-2023 came early in the year and were in fact mentioned in this section of last year's annual report: *Hoadley v Siemens* [2022] EWHC 3169 (Admlty) and *Arnold v Halcyon Yachts* [2022] EWHC 2858 (Admlty).

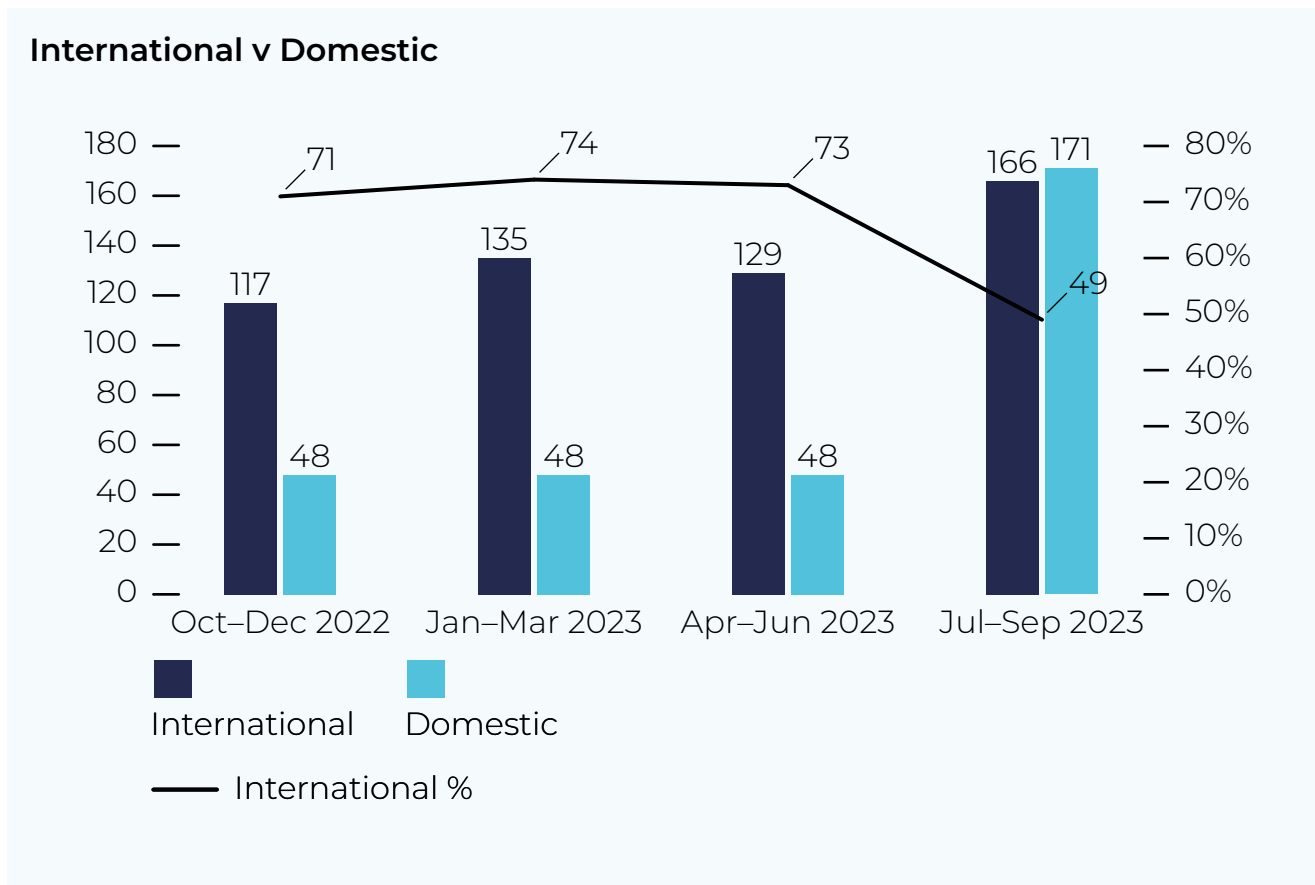
Sir Nigel Teare continues to be available to assist the Admiralty Court as a result of his authorisation to sit in retirement. As anticipated in this section of last year's report, Jervis Kay KC's authorisation to sit in retirement as Deputy Admiralty Registrar was renewed for 2023, but cannot be renewed again as he becomes age-barred in February 2024. Andrew Baker J and Master Davison record here their great thanks for his continued service in retirement. He will be sadly missed as a contributor to the work of the Admiralty Court.

Supported by Andrew Baker J and Master Davison, and the Senior King's Bench Master, the President of the King's Bench Division has been invited to approve an appointment as Deputy Admiralty Registrar to take over from Jervis Kay KC, and an announcement is awaited.

## 5. Sources of the Court's Work

As in all previous years, the Commercial Court has 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 2022-2023, showing the continuing high level of international work. Most of the increase in domestic cases in the last quarter is explained by the 111 Covid business interruption cases issued during the period. If these are put to one side, the proportion of international business in the last quarter remains at 73%.



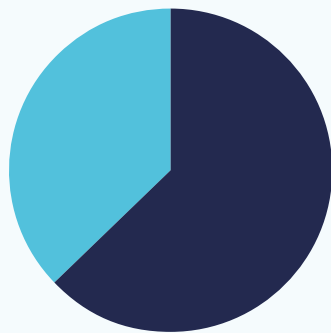


A domestic case is one where:

- 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”.

### International v Domestic 2022–23



- 63% International cases
- 37% Domestic cases

## 6. Volumes and Business of the Court

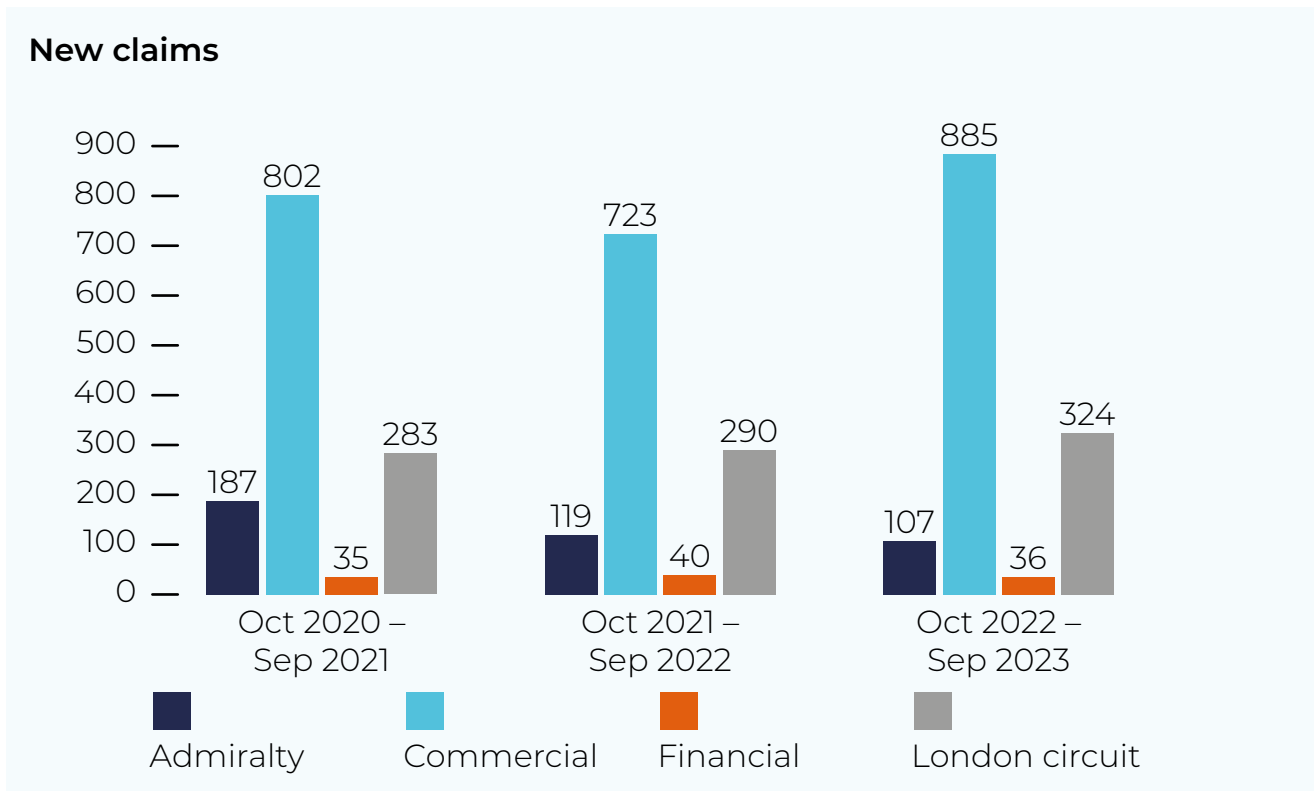
This section contains a more detailed analysis of volumes and breakdowns of the business. This will be reported separately by each of the sub-divisions of the Court: Commercial, Admiralty and London Circuit Commercial.

### 6.1 Number of new claims (all divisions)

During the year there were 1,352 new claims received in total, across all sub-divisions. As reflected in the graph below, the number received overall has increased compared to 2020-2021 (1,307) and 2021-2022 (1,172).

The number of claims issued in the Commercial Court this year (885) has increased from last year's figure of 723. At the same time there has been a decrease in the number of claims in the Financial List (down to 36 from 40), and in the London Circuit Commercial Court claims filed have increased (up to 324 from 290). As highlighted in last year's report, this reflects parties more frequently correctly issuing smaller claims in 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 2022 to September 2023:



Figures from the quarter following the end of the 2022-2023 year suggest that the upward trend is continuing, with 267 new claims issued from October to 18 December 2023 compared to 246 in the equivalent period of 2022.

## **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 insurance and/or reinsurance claims (189), representing 21% of new claims. This category has increased compared to last year where only 7% of new claims were filed, and is likely to be connected with the pandemic and leased aircraft claims mentioned in the Introduction.

Leaving aside 87 new claims categorised as ‘other’ (as their subject-matter was not specified), the top ten categories by number were as follows:

- Insurance and/or reinsurance (21%)
- General Commercial Contracts and arrangements (19%)
- Aviation (9%)
- Arbitration enforcement applications under s. 66 and s.101 (4%)
- Other arbitration appeals/applications (4%)
- Commercial fraud (3%)
- Arbitration s.67 of the Arbitration Act 1996 (3%)
- Shipping – Cargo (2%)

The category “Other arbitration appeals/applications” reflect the parties’ categorisation when the claim was issued.

## Commercial Court breakdown by type

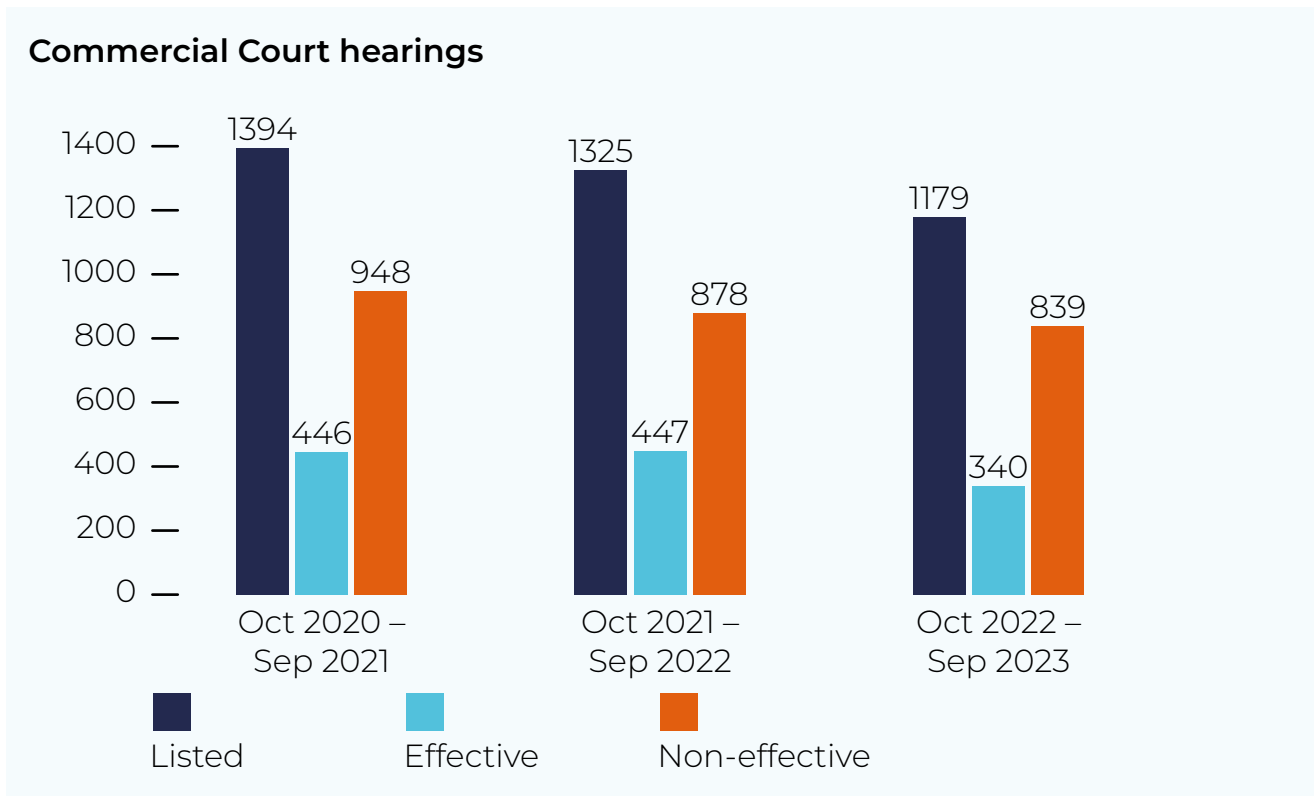
189	Insurance and/or reinsurance
170	General commercial contracts and arrangements
87	Other
81	Aviation
37	Arbitration enforcement applications under s.66 and s.101
37	Other Arbitration Appeal/Application
26	Commercial fraud
25	Arbitration s.69 of the Arbitration Act 1996.
23	Shipping – Cargo
22	Shipping – Charter party dispute
21	Arbitration application to appoint an Arbitrator s.18
20	Corporate or business acquisition agreements
19	Pre-action Injunction
17	Arbitration injunctions under section 44
14	Professional negligence claims
11	Arbitration ss.68 and 69 of the Arbitration Act 1996
10	Arbitration s.68 of the Arbitration Act 1996
10	Sale of goods
8	Carriage of goods by land, air or pipeline
7	Oil and gas and other natural resources
7	Part 7 Claim
7	Provision of financial services
7	Transactions on financial markets or securities and/or banking
7	Unallocated
6	General average
5	Arbitration s.67 of the Arbitration Act 1996
5	Physical commodity trading
2	Norwich Pharmacal
2	Service out of the Jurisdiction
1	Application to Transfer In
1	Shipping – Financing
1	Transactions on commodity exchange

## 6.2.2 Hearings

The number of hearings listed and heard in the Commercial Court during the year has slightly reduced: 1,179 listed and 839 heard, compared to 1,325 and 878 the previous year.

Of the 1,179 hearings listed, 340 were not effective for a variety of reasons, such as the hearing being vacated or adjourned, or the case having settled on the day and/or in advance of the hearing date.

The percentage of effective hearings has increased compared to previous years, having been 71% this year, compared to 65% in 2021 - 2022 and 67% during 2020 - 2021. The graph below illustrates these figures:

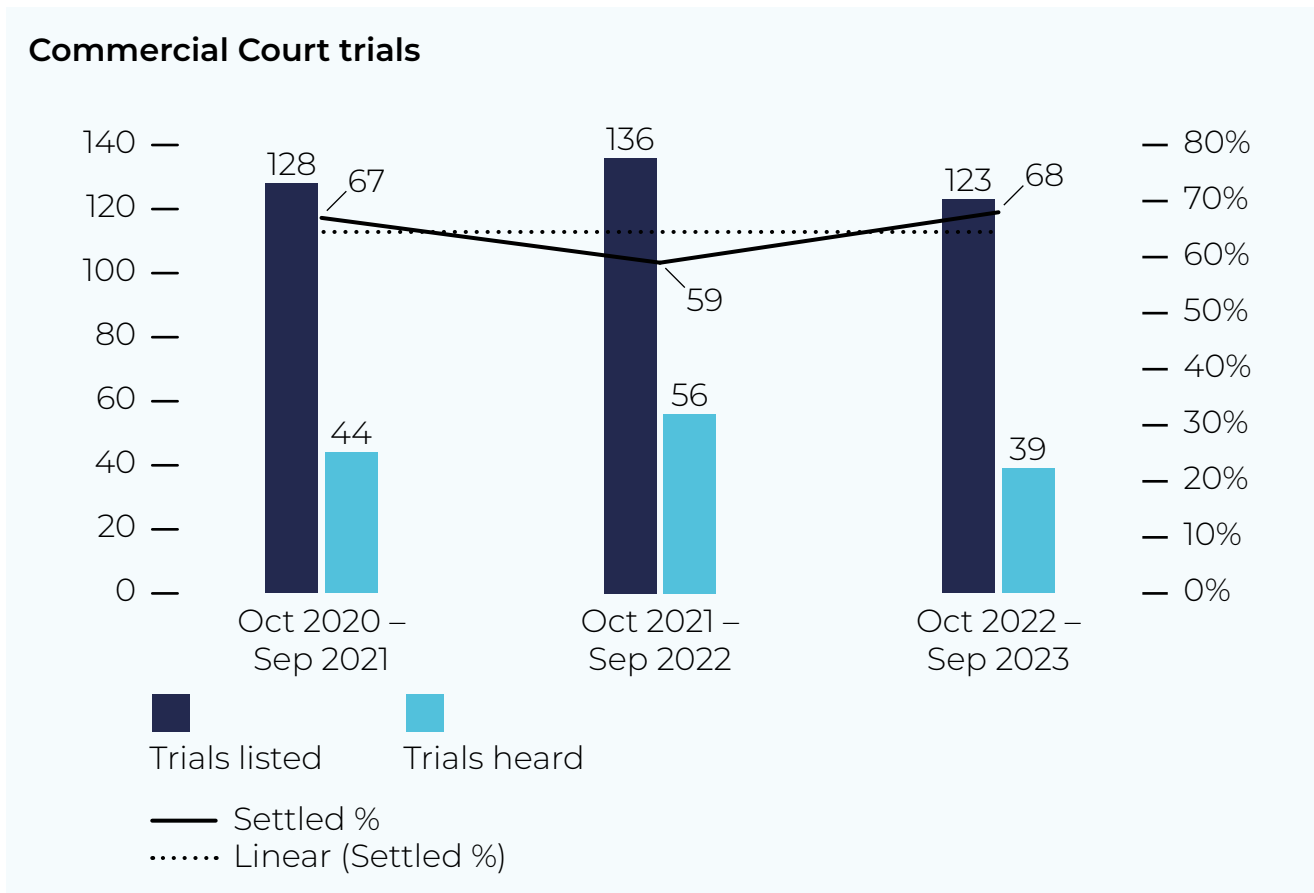


Despite the modest reduction in the number of hearings, the total number of 'sitting days' (days spent in court by Judges) has remained almost constant, and the number of paper applications dealt with has increased: see sections 6.2.4 and 6.5 below respectively.

### 6.2.3 Trials

The number of trials listed and heard have reduced slightly to 123 and 37 respectively, compared to 136 and 56 in 2021-2022. However, the number of trial sittings days has remained almost constant at 429, compared to 431 in 2021-2022.

Many cases listed for trial are settled shortly - or very shortly - before the trial date. Out of 123 full Commercial Court trials listed this year, 39 were heard, denoting a settlement rate at around 68%. The settlement rate reflects an increase compared to previous years, as illustrated in the chart below.

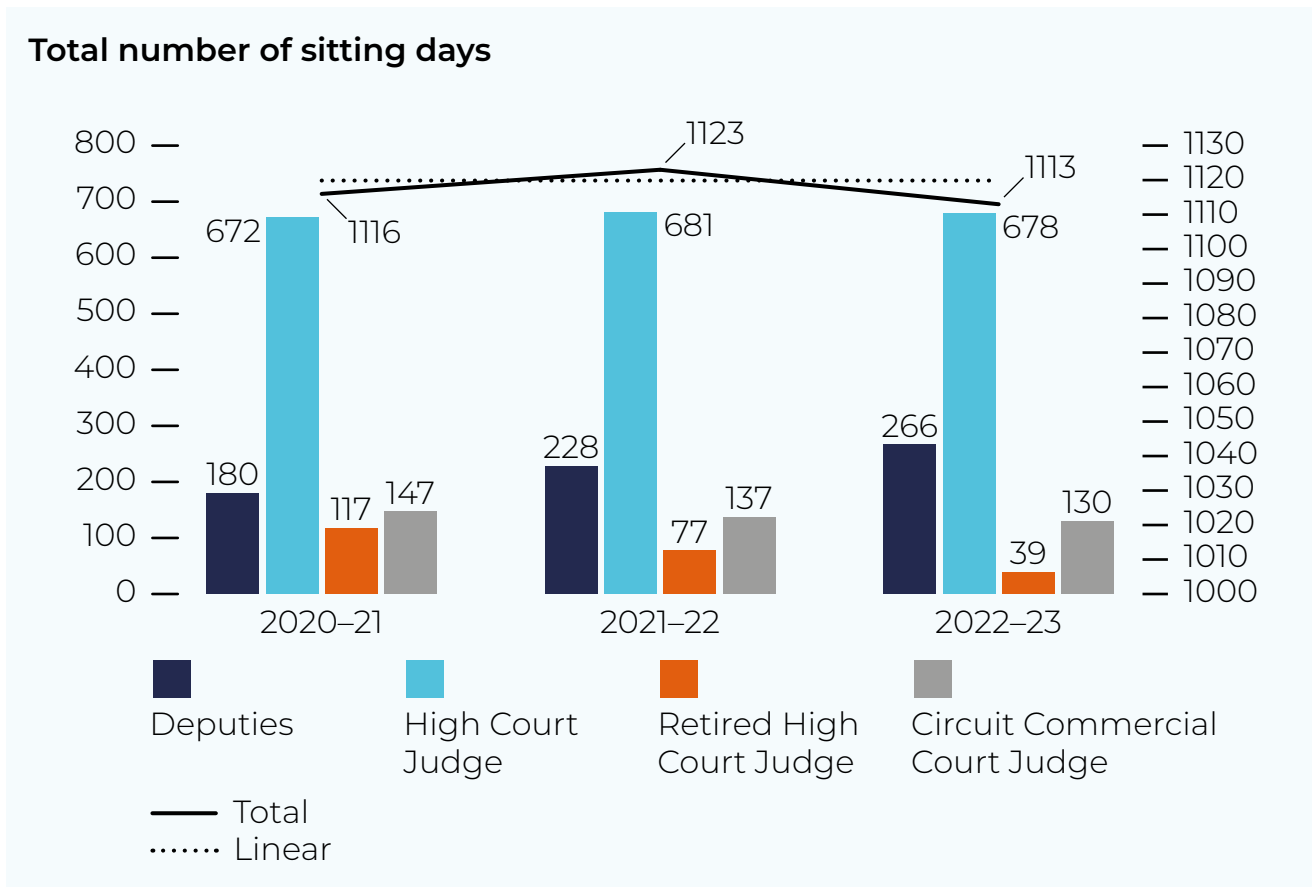


As most readers will be aware, the Court process encourages and promotes settlement by requiring the parties to define the issues at an early stage (before the first Case Management Conference), and facilitating the evaluation of the parties' positions following disclosure and/or exchange of witness 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.

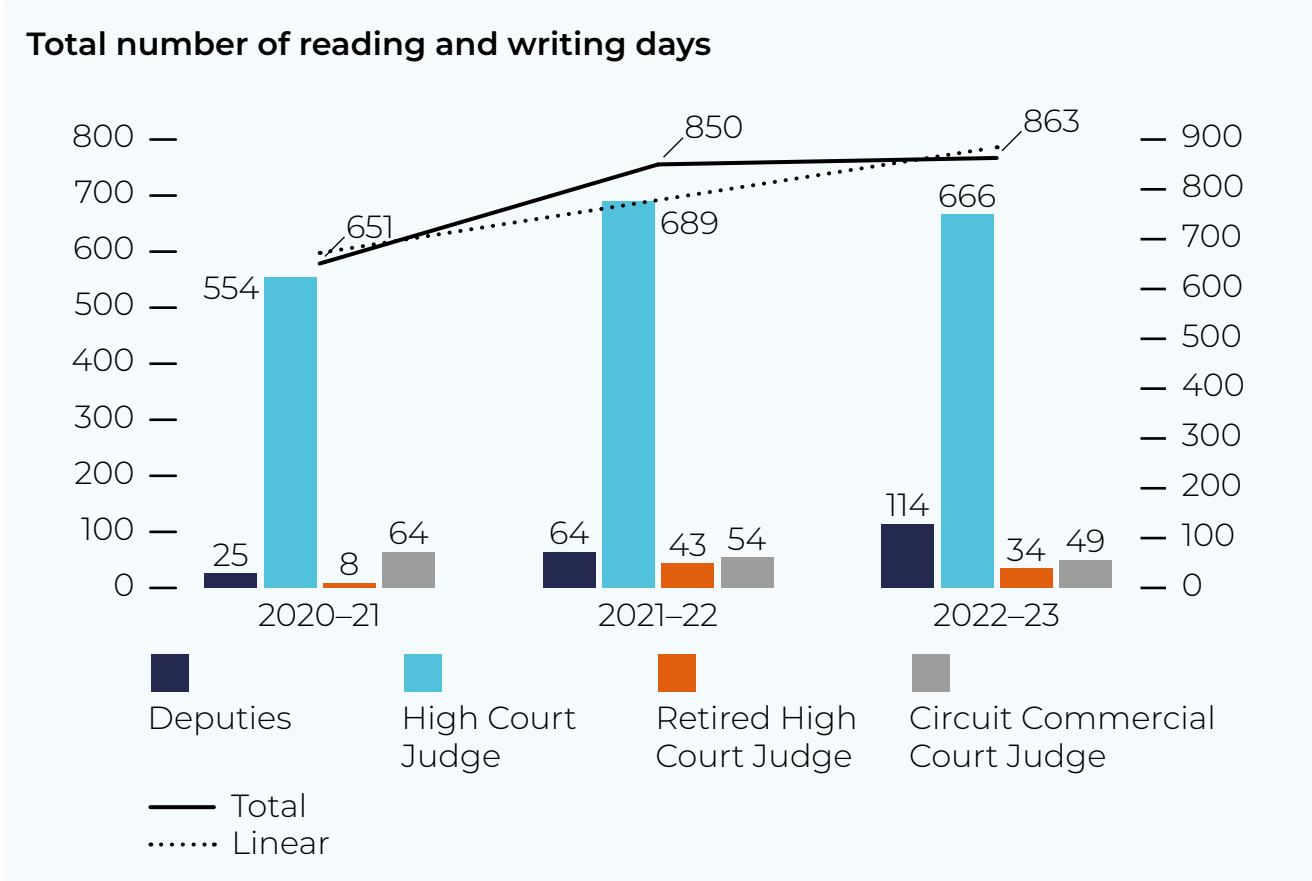
### 6.2.4 Sitting days

The overall number of sitting days (trials and other hearings) for this year was 1,113, only very slightly down from the previous year's figure of 1,123. These include days sat by High Court Judges (678), Deputy High Court Judges (266), the Circuit Commercial Court Judge (130) and Retired High Court Judges (39).

Since 2020 the total numbers of sitting days have remained broadly similar, but this year there has been a noticeable reduction in the days sat by retired High Court Judges, as illustrated below:



There has also been an increase in the total number of reading and writing days. This year the total number of days is 863, a 1.5% increase from 850 days in 2022-2023. The increase since 2020 is illustrated below:





## 6.3 The Admiralty Court

### 6.3.1 Types of new claims

During the year there were 107 new claims in the Admiralty Court. Below is a breakdown of the types of claims issued. It indicates that 27% of claims were classified as relating to personal injury. That compares to 48% of these claim types issued in 2021-2022, after a fall of c.50% in the number of new personal injury claims issued (29 vs. 57) following the reform of the CPR referred to in section 4 of this Report. The next most frequent types of claims were Collision Claims (24) and Other (16). Overall, the number of new claims, other than personal injury claims, increased, year on year, by c.25% (from 62 to 78). Since almost all personal injury claims are promptly transferred out, that last statistic is the best indication of a currently increasing workload for the Court.

#### Admiralty Court breakdown by type

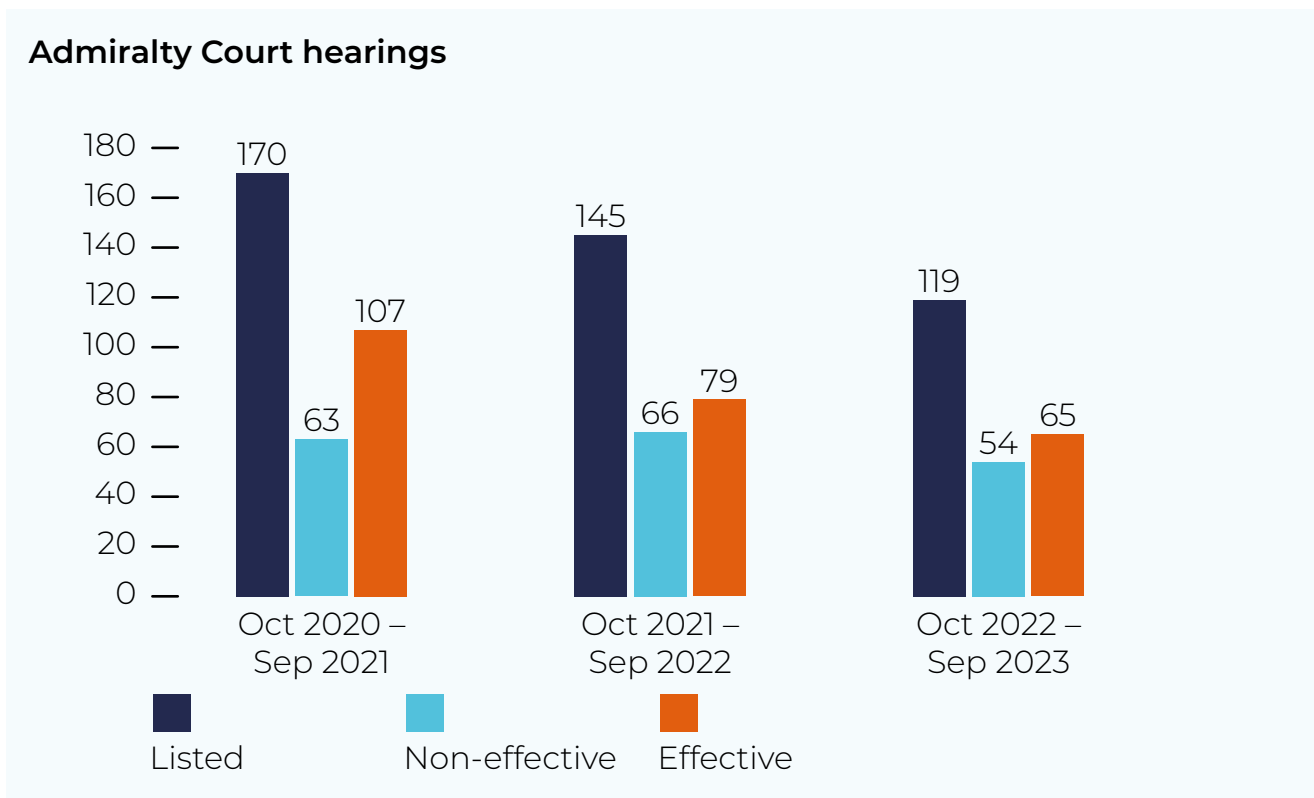
29	Personal injury
24	Collision
16	Other
11	General Commercial contracts and arrangements
5	Charter party dispute
5	Miscellaneous
4	General commercial contracts and arrangements, including agency
3	Cargo claims
3	Pre-action Injunction
3	Salvage
2	Other Arbtration appeal/Application
1	General average
1	Limitation of liability

The early disclosure of electronic voyage data held by vessels involved in collisions continues to mean, as Teare J observed in the *Sakizaya Kalon*, that there is “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]. There was only one effective collision trial in 2022-2023, as noted in section 4.1 above.

### 6.3.2 Hearings

The number of hearings listed in the Admiralty Court reduced from the previous year, with 119 hearings listed in 2022-2023, compared to 145 during 2021-2022.

Out of the 119 hearings listed, 54 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 55% of listed hearings were effective, compared to 54% the year before, as illustrated below:



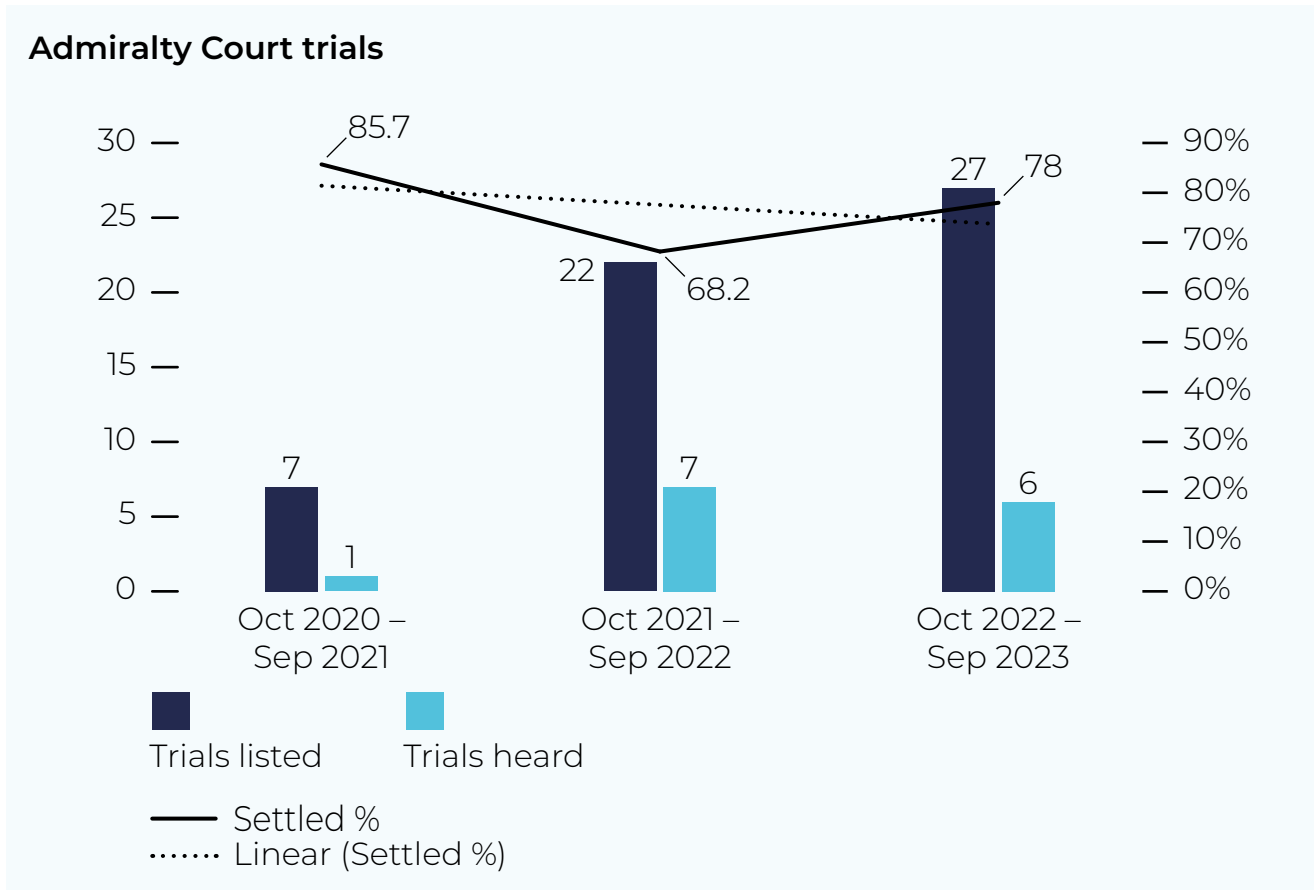
The number of interlocutory hearings listed was about the same in 2022-2023 as in the previous year:

Hearing Type	2021-2022	2022-2023
CMCs	70	72
Other Applications	43	47

### 6.3.3 Trials

During the year there were twenty-seven trials listed before the Admiralty Court, of which six were eventually contested, heard either by the Admiralty Judge or Sir Nigel Teare, sitting in retirement as a judge of the Admiralty Court, or by the Admiralty Registrar.

Thus 78% of the listed trials were resolved before judgment, an increase from last year when 68% settled, as illustrated below:



## 6.4 The London Circuit Commercial Court

### 6.4.1 Update from HHJ Pelling KC (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 £8 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 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 of up to 1 day in length on Fridays and trials and applications estimated to last longer than 1 day on Mondays to Thursdays between 10:30 and 16:30.

In the last 12 months:

- a) All applications of half a day in length or less continue to be heard remotely;
- b) The Court continues to operate 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) The forms for use in the LCCC published in January 2022 were updated in line with those used in Commercial Court claims and can now be found at <https://www.gov.uk/government/collections/commercial-court-forms>;
- d) The Circuit Commercial Court Guide published in February 2022 was updated and re-published in October 2023. The Guide can be found at <https://www.judiciary.uk/courts-and-tribunals/business-and-property-courts/commercial-court/circuit-commercial-courts>. By design it has brought the practice of the Circuit Commercial Courts much more closely into alignment with that of the Commercial Court with, broadly, the Commercial Court Guide applying to all Circuit Commercial Court cases save where the Circuit Commercial Court Guide expressly provides a different practice. Experience suggests that has been welcomed by practitioners as a means of simplifying the administrative element of conducting Circuit Commercial Court litigation;
- e) Standard trial directions (which will be made at the CMC stage) continue to be given in the vast majority of Part 7 Claims which has enabled Pre-trial Reviews to be dispensed with in most cases, thereby saving both cost and court resources; and
- f) The list of fee-paid Deputy High Court Judges authorised to sit in the London Circuit Commercial Court has continued to expand to ensure that waiting times can be kept within acceptable parameters.

Parties and their advisors have continued to take advantage of the Shorter Trials Scheme and of Appendix 5 to the Disclosure Practice

Direction (including for cases in excess of the threshold case value, now set at £1m) in order to reduce cost and delay in getting to the first Case Management Conference stage.

All parties with low value cross frontier cargo claims are expected to issue proceedings in the LCCC rather than the Commercial Court.

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. In practice, cases with a value of £500,000 that do not require the expertise of a Circuit Commercial judge for trial will be transferred to the County Court (The £500,000 figure is currently under review). For example, debt collection claims are routinely transferred. Claims with a value of less than £500,000 have been retained where the subject matter requires it. Example of such cases this year have included business interruption claims arising out of the Covid pandemic.
- 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

There was a total of 324 new claims in the London Circuit Commercial Court this year, which has increased from the previous year (290). The majority of those new claims were General Commercial Contracts and arrangements claims (95), representing 29% of new claims. This was followed by Shipping – Cargo claims (55), then claims categorised as ‘Other’ (40). The top categories are broadly comparable to previous years.

### London Circuit Commercial Court breakdown by type

95	General commercial contracts and arrangements Count
55	Shipping – Cargo Count
40	Other Count
25	Professional negligence claims Count
19	Carriage of goods by land, air or pipeline Count
17	Insurance and/or reinsurance Count
15	Commercial fraud Count
8	Provision of financial services Count
7	Arbitration enforcement applications under s.66 and s.101 Count
7	Corporate or business acquisition agreements Count
6	Miscellaneous Count
5	Aviation Count
4	Arbitration s.69 of the Arbitration Act 1996. Count
4	General average Count
4	Sale of goods Count
3	Unallocated Count
2	Pre-action Disclosure Count
2	Pre-action Injunction Count
2	Shipping – charter party dispute Count
1	Arbitration ss.68 and 69 of the Arbitration Act 1996 Count
1	Service out of the Jurisdiction Count
1	Shipping – construction Count
1	Shipping – financing Count

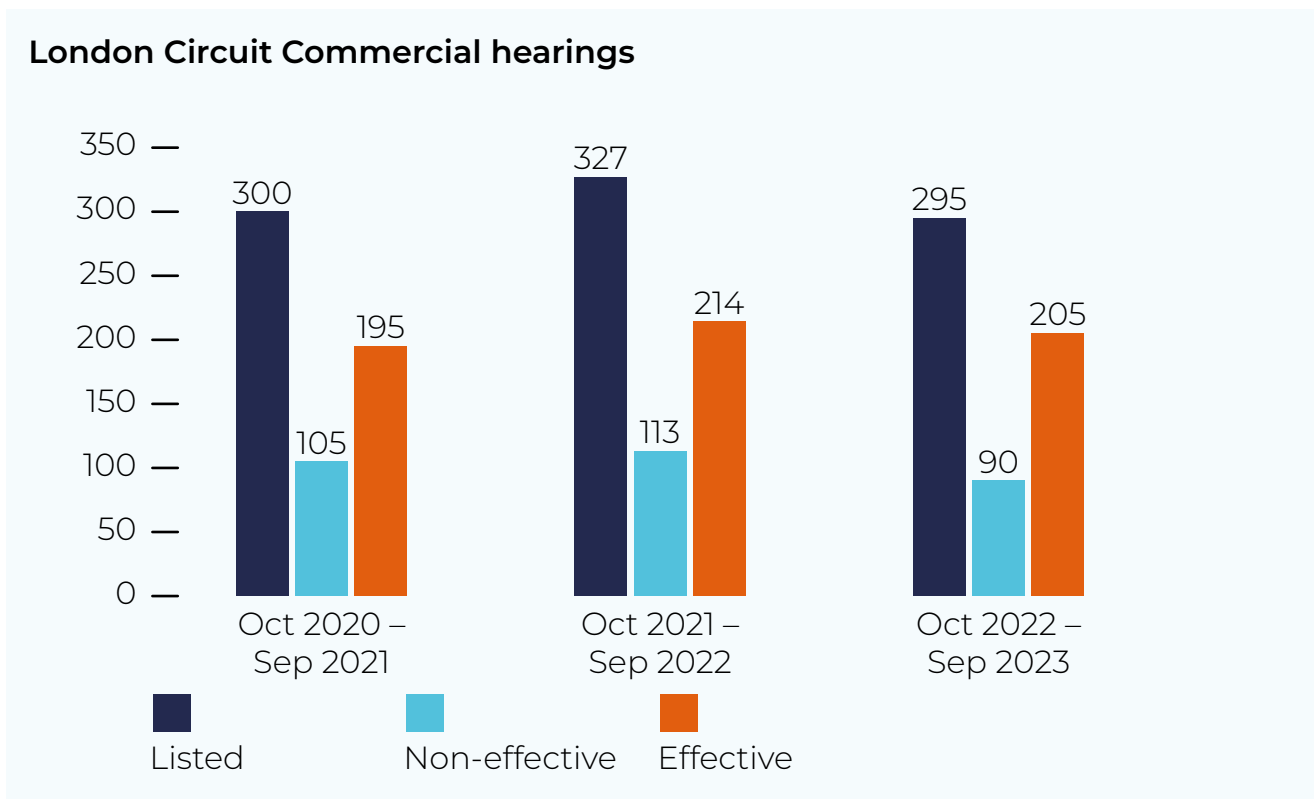
### 6.4.3 Hearings

There were 295 hearings listed this year, compared to 327 in 2021-2022 and 300 in 2020-2021. Of the 295 listed hearings, 90 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 113 non-effective hearings the previous year. The number of effective hearings this year was 205, compared to 214 in 2021-2022.

The percentage of effective hearings overall shows an upward trend:

- 69% this year
- 65% during 2021-2022
- 65% in 2020-2021.

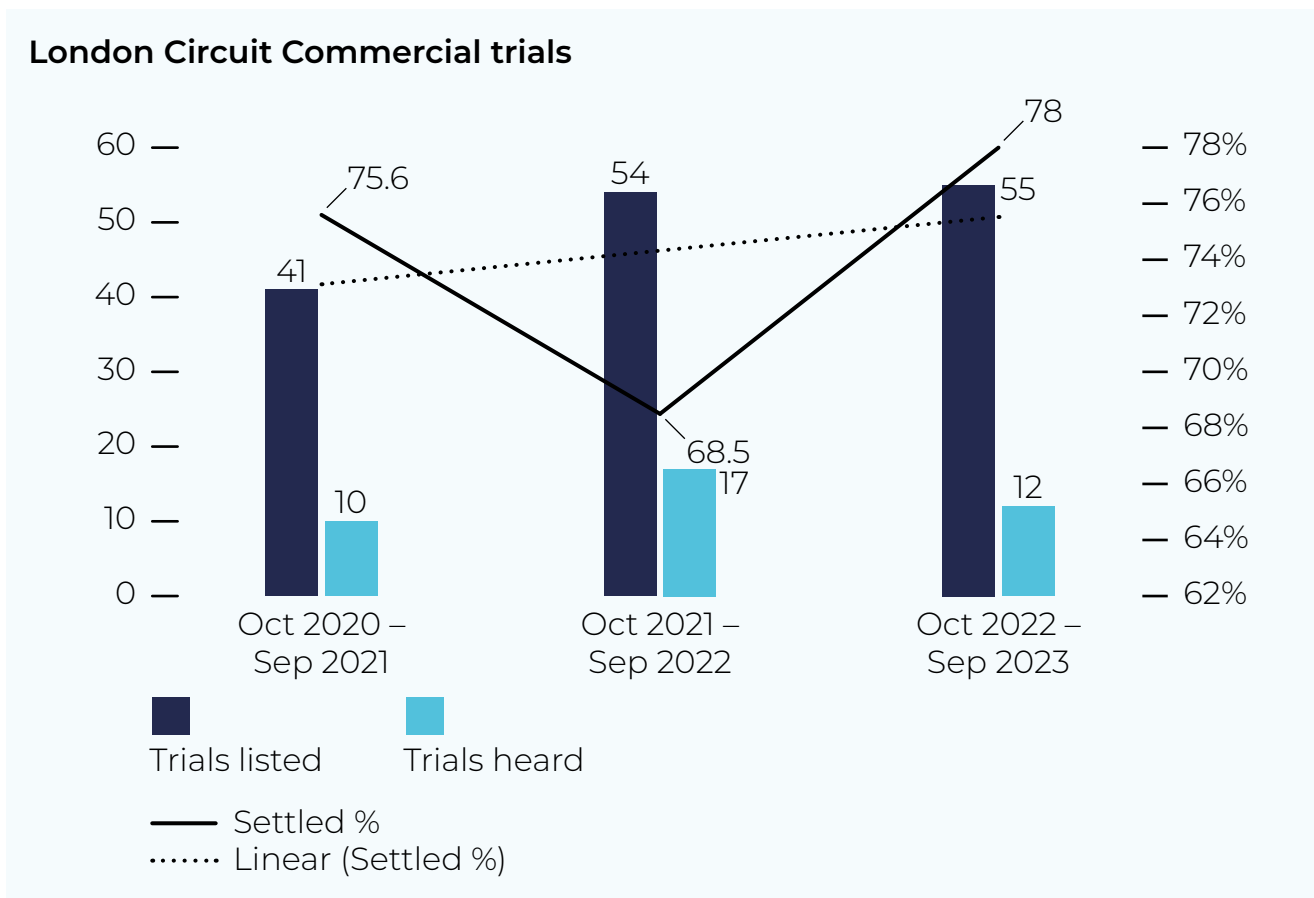
The graph below illustrates these variances:



### 6.4.4 Trials

During the year there were 55 trials listed before the London Circuit Commercial Court, of which 12 were eventually contested, indicating 78% of cases being settled before judgment. This has increased from the previous years when 68% of cases were settled in 2021-2022 and 75% settled in 2020-2021.

The number of trials listed has also increased this year compared to previous years, as illustrated below:



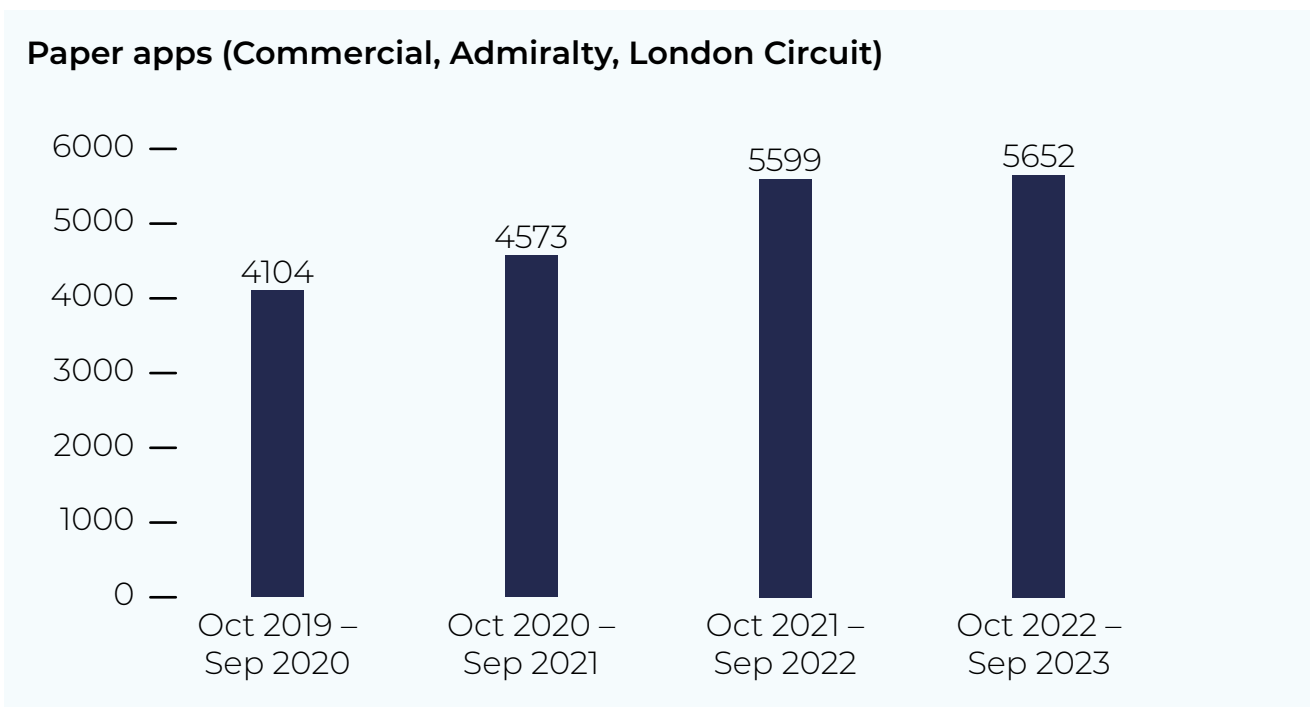
## 6.5 Paper Applications (all jurisdictions)

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). There are also more substantive applications such as applications to serve claims out of the jurisdiction, to extend the validity of claim forms, for orders for alternative service or for permission to adduce additional evidence.

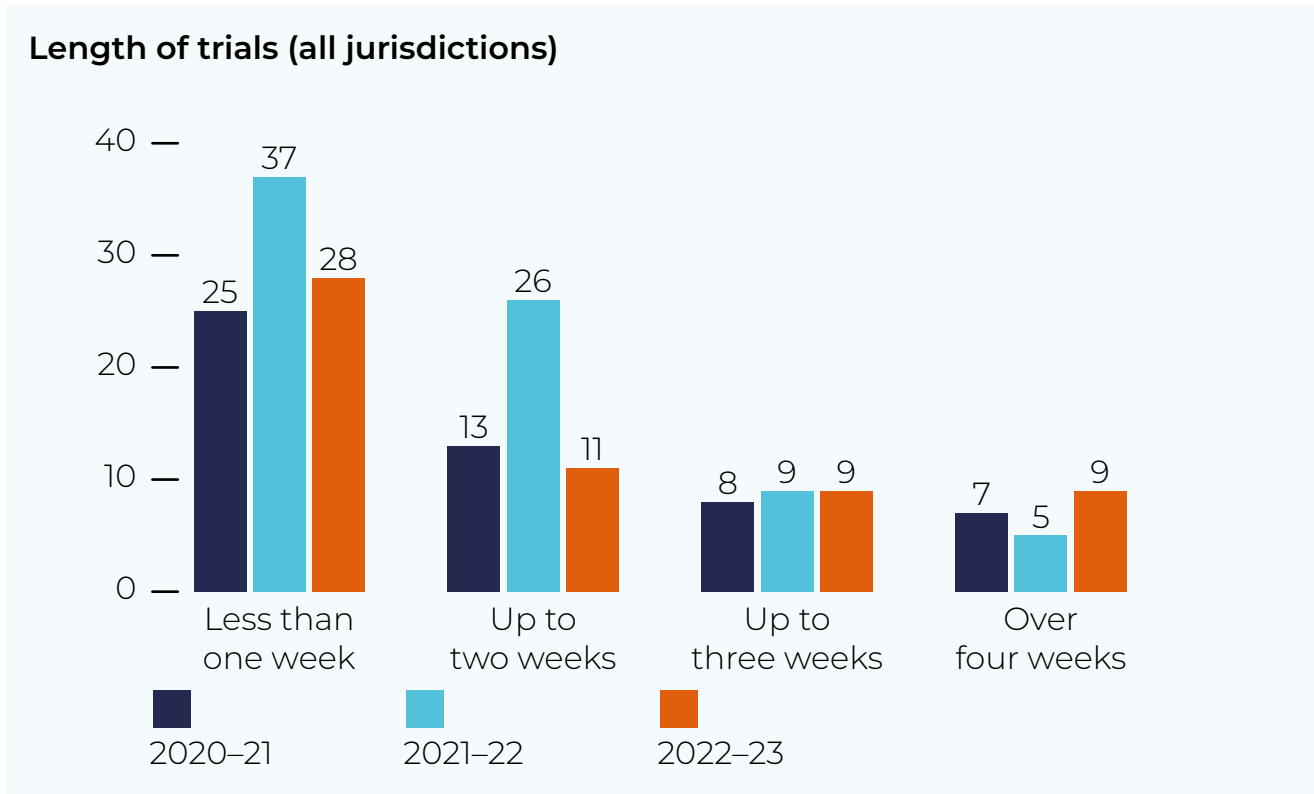
During the year there were 5,652 paper applications received for the Commercial, Admiralty and London Circuit sub-divisions combined, compared to 5,599 the previous year. The numbers of paper applications have remained higher than those during the Covid pandemic, as illustrated below:



Figures for the period following the end of the year, up to 27 November 2023, suggest that the upward trend continues.

## 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):

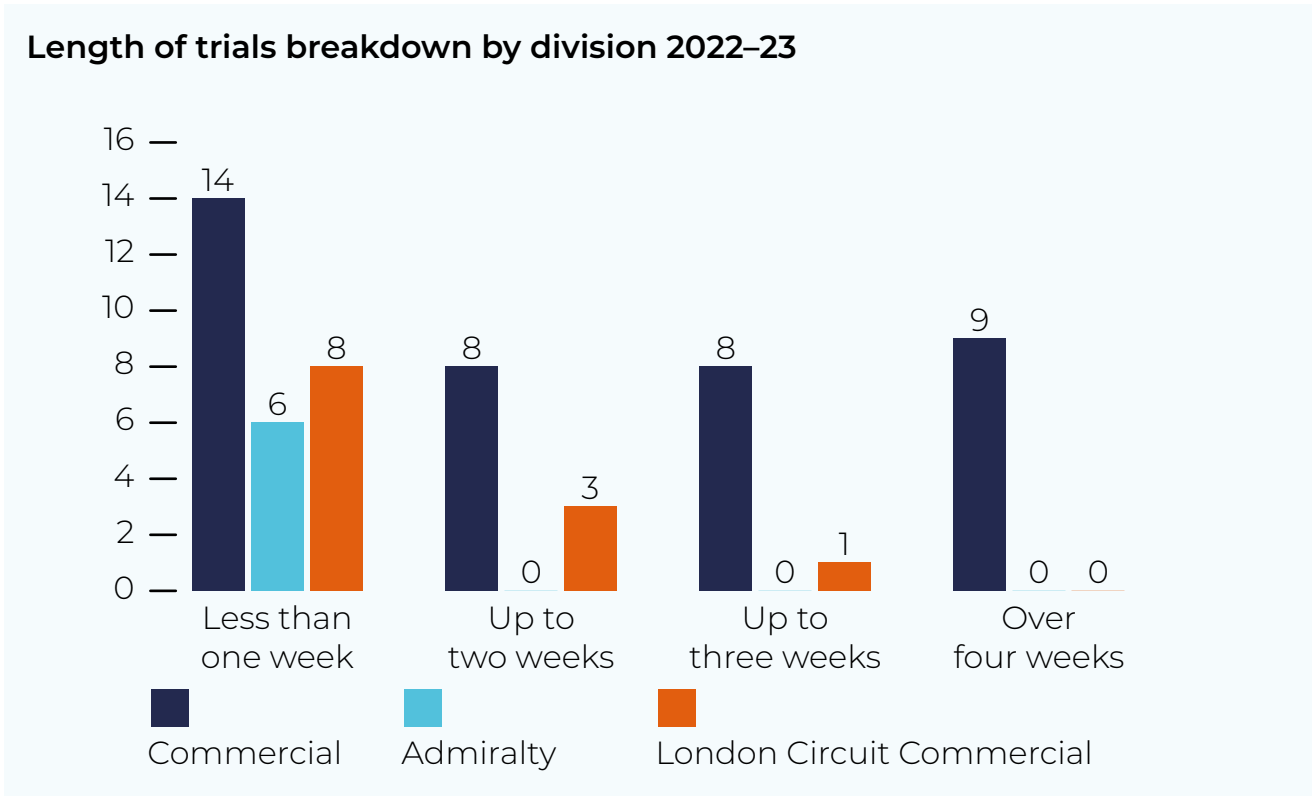


As illustrated above, 28 out of 57 (46%) of contested trials during the year were tried within four days i.e. one Commercial Court week. This compares to:

- 48% completed within one week during 2021-2022
- 42% completed within one week in 2020-2021

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:



As indicated above, most trials this year in the Commercial Court were completed within two weeks. The Admiralty Court heard six trials, all six of which lasted less than one week, with an average of 3.5 days. The London Circuit Commercial Court heard twelve trials, eleven of which were completed within two weeks and one of which was completed within three weeks.

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

Division	Year 2022-2023	Year 2021-2022	Year 2020-2021
Commercial	9 days	7 days	9 days
Admiralty	7 days	5 days	2 days
London Circuit Commercial	3 days	3 days	3 days

- The longest trial in the Commercial Court this year was for 56 days, compared to 27 days in the previous year.
- For the Admiralty Court, the longest trial this year was 5 days. There were four trials lasting 4 days and one trial lasting 1 day.
- In the London Circuit Commercial Court, the longest trial was 10 days this year, compared to 6 days in 2021-2022.

## 6.7 Reserved Judgments

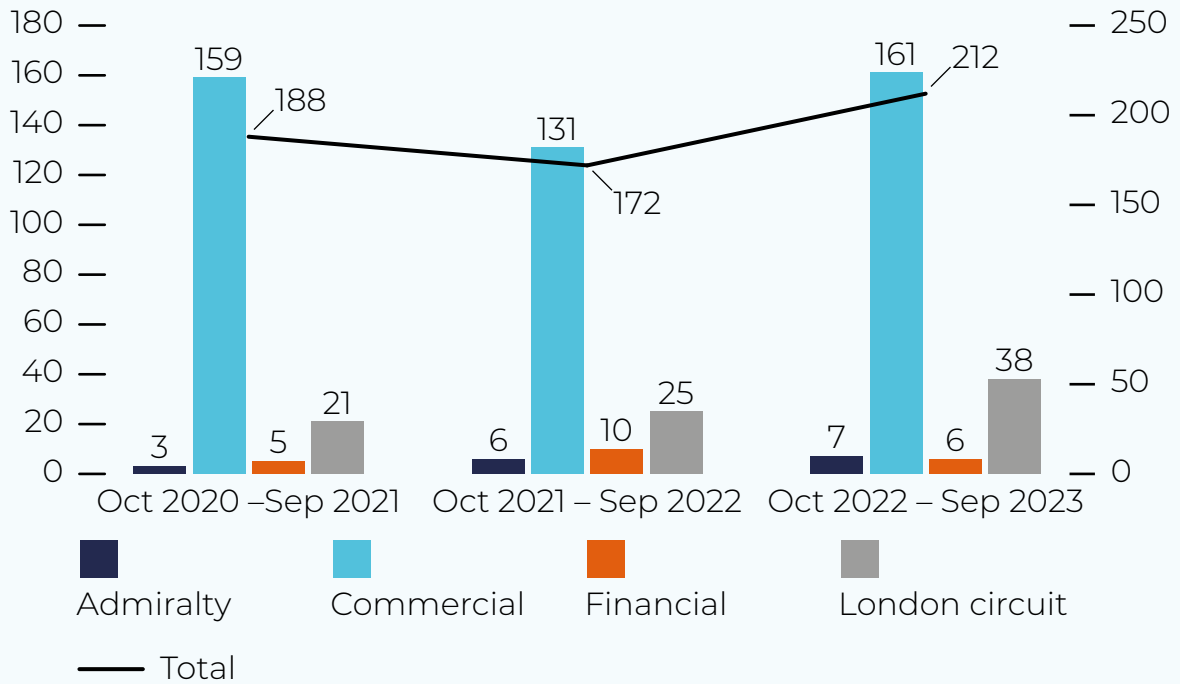
Where, as is very often the case, a hearing results in a judgment, the judgment may be either delivered orally, as an *ex tempore* judgment, or reserved and handed down in writing.

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 212. This has increased from 2021-2022 (172) and 2020-2021 (188).

It is not possible to track the number of *ex tempore* judgments, other than by taking the overall number of hearings as a guide. However, the number of judgments given Neutral Citation Numbers (NCNs) (which includes more significant *ex tempore* judgments as well as reserved judgments) increased from 256 in 2021/2022 to 263 in 2022/2023.

As noted in the Introduction, the increases in reserved and other NCN judgments, and in reading and judgment writing days, suggest that the Court’s resources are becoming more being focussed on complex and significant cases of the kind that it was set up to resolve.

**Number of Reserved Judgments**



- The number of judgments reserved in the Commercial Court was 161, compared to 131 in 2021-2022 and 159 in 2020-2021.
- The number of judgments reserved in the Admiralty Court was 7, compared to 6 in 2021-2022 and 3 in 2020-2021.
- The number of judgments reserved in the London Circuit Commercial Court was 38, compared to 25 in 2021-2022 and 21 in 2020-2021.
- The number of judgments reserved by in the Financial List was 6, compared to 10 in 2021-2022 and 5 in 2020-2021.

## 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 8 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 King'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:

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

The nominated judges from the Chancery Division are:

- Sir Julian Flaux (Chancellor of the High Court)
- Hildyard J
- Marcus Smith J
- Miles J
- Trower J
- Zacaroli J

## 7.1 Type of new claims

There were 36 claims issued in the Financial List over the past year. This has decreased from the 40 claims issued in 2021-2022 and has increased from 2020-2021 when there were 35 claims issued.

The list below gives a breakdown of the types of claims issued in the Financial List during 2021-2022, with the large somewhat general categories reflecting the parties' classification when the claims were issued:

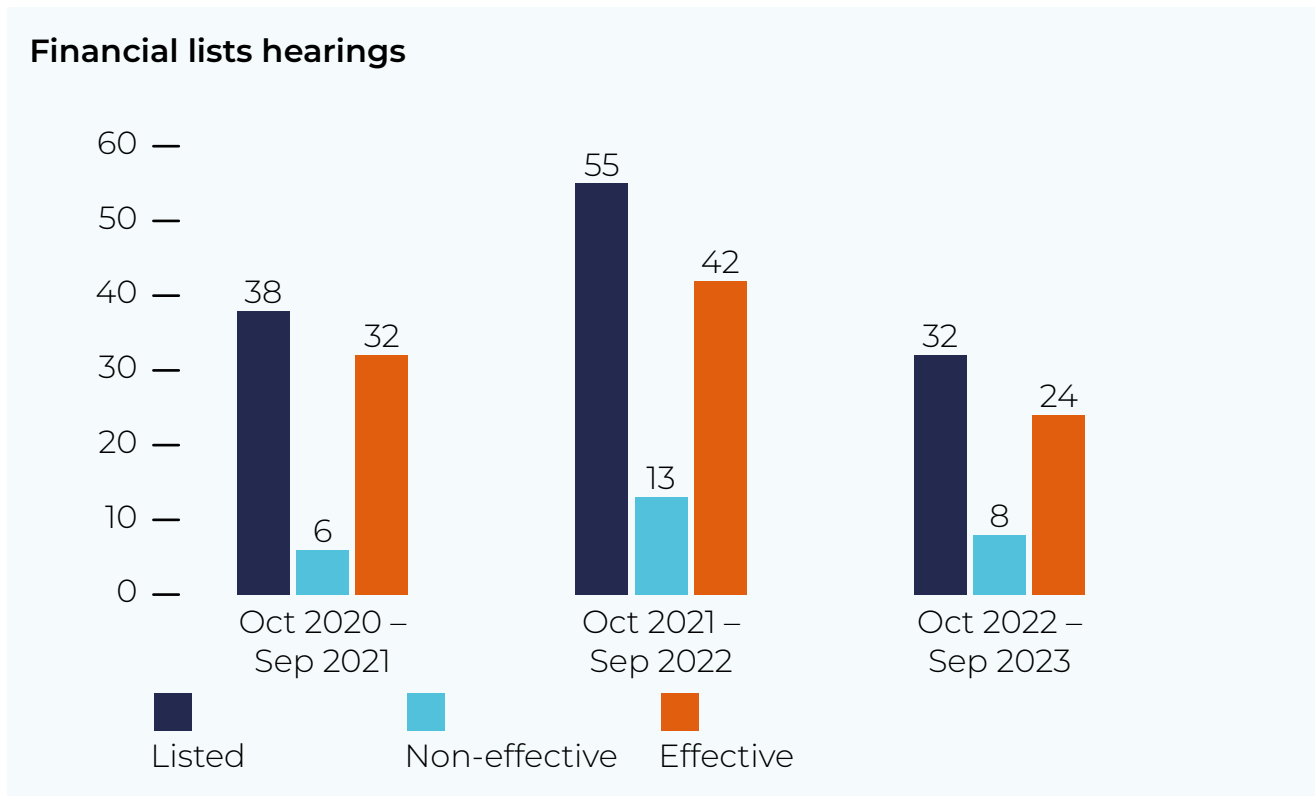
### Breakdown by type – financial list

13		Other Importance for Financial Markets/Expertise Required Count
12		Derivatives/complex financial products Count
4		Banking transactions/loans/project finance Count
3		Bonds/debt securities Count
3		Miscellaneous Count
1		Private equity deals/Hedge fund disputes Count

## 7.2 Hearings

The Financial List had 32 hearings listed during the year, of which 24 were effective, with the balance settling or not proceeding for other reasons.

The effective hearings included 14 application hearings and 7 CMCs.



## 7.3 Paper Applications

During the year there were 166 paper applications for Financial List cases.

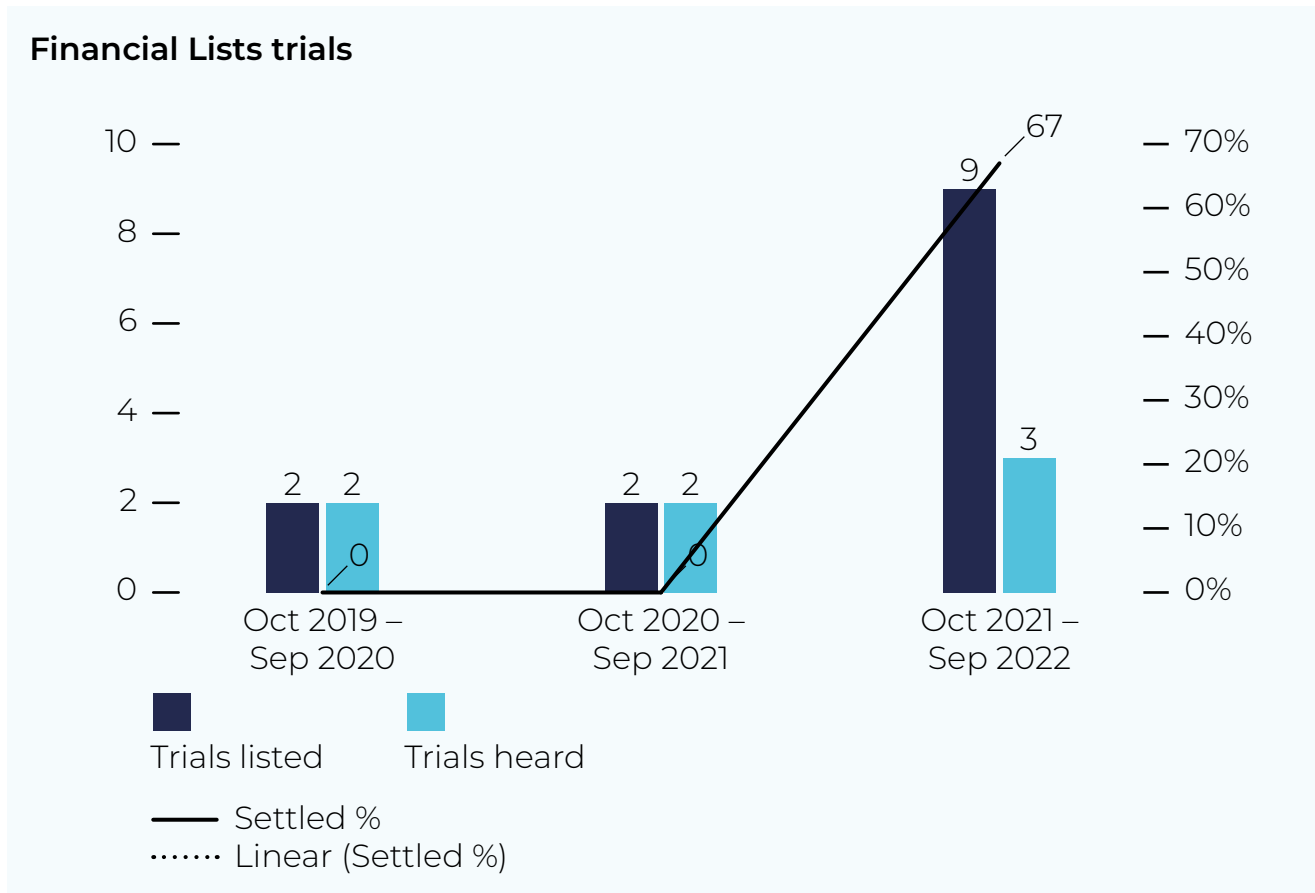


## 7.4 Trials

There were 9 trials listed in the Financial List, 4 of which were contested:

- *Loreley Financing (Jersey) No 30 Limited v Credit Suisse (Europe) Limited and others [2023] EWHC 2759 (Comm) (Cockerill J)*
- *Palladian Partners, L.P. and others v The Republic of Argentina and another [2023] EWHC 711 (Comm) (Picken J)*
- *Galapagos Bidco Sarl v Kebekus and others [2023] EWHC 1931 (Ch) (Trower J)*
- *Fortenova Grupa d.d v LLC Shushary Holding and others [2023] EWHC 1165 (Ch) (Michael Green J)*

The numbers of trials listed and heard since October 2020 – September 2023 are illustrated below:



## 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 requires an updated draft order to be provided by 4pm on the working day before the hearing, indicating matters that are agreed/remain disagreed (see paragraph D7.8 of the Commercial Court Guide (11th edition)).

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 who will be 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 percentages of listed CMCs (including CCMCs) were heard:

- 54% of the 212 listed in the Commercial Court;
- 43% of the 72 listed in Admiralty Court;
- 58% of the 69 listed in the London Circuit Commercial Court

## **Negotiated Dispute Resolution**

The Court encourages parties to engage in Negotiated Dispute Resolution (“NDR”), 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.

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”, although there has only been one such hearing (in 2020/21) in the last four years.

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 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. 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 were 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...”*

As noted earlier, requests expedition has impact on lead times, and requests for expedition should be made (via the Listing Office) only when absolutely necessary. They should be succinct: a request and a response should generally be no more than four paragraphs long in total.

## 10. Disclosure

The rules and practice relating to disclosure are addressed in Section E of the Commercial Court Guide (11th edition, February 2022). Section E.2 of the Guide deals with cases to which the former pilot Practice Direction 51U applied. As to 1 October 2022, that Practice Direction ceased to apply, and permanent changes were introduced by Practice Direction 57AD for existing and new proceedings in the Business and Property Courts. The provisions of PD57AD are substantially similar to those of PD 51U, and the substance of Section E.2 of the Commercial Court Guide remains applicable.

Users are reminded of the statements in *McParland v Whitehead* [2020] EWHC 298 (Ch) by Sir Geoffrey Vos, Chancellor of the High Court, that the type of any Extended Disclosure must be fair, proportionate and reasonable; that 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 that cooperation between legal advisers is imperative.

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 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 that the parties consider will need to be determined 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.

We remind parties that paragraph 7.3 of PD 57AD requires that when serving a draft List of Issues for Disclosure, the claimant should state which model it proposes for each issue and, where Model C is proposed, how it proposes the relevant particular documents or narrow class of documents should be defined for that purpose. 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 it might mean in practice.

## 11. Witness Statements

CPR Practice Direction 57AC, with its Appendix (Statement of Best Practice), came into force on 6 April 2021 so as to apply to trial witness statements signed on or after that date. The Commercial Court Guide therefore now points to the Practice Direction without seeking to add to it (see Section H1.1), and the need to obtain permission for a trial witness statement to be longer than 30 pages was not retained in the 11th edition of the Guide.

Compliance with the Practice Direction should ensure that trial witness statements are limited to the witness testimony that parties realistically could and would adduce from their witnesses if they examined them orally in chief. That should often mean that they are much shorter than has often been the case in recent years, and that where they are of substantial length that is justified by the content without the need for the blunt instrument of a presumptive page limit.

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 Courts' 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, helping it to provide rapid and efficient dispute resolution procedures for the business, trading and financial communities.

#### 12.1.1 Commercial Court

Lead times have been variable over the last year. There are a substantial number of 1 day applications or CMCs, and as at the beginning of January 2024 the court was listing one day non-trial hearings from mid April 2024 but longer hearings from October 2024. Earlier dates are made available for applications that are genuinely suitable for expedition. The court had some availability in April 2024 and May 2024 for trials of up to three weeks, but otherwise was listing trials from April/May 2025. Forthcoming trials include one listed for a year from April 2024, one listed for the whole of the Hilary Term 2024, and three others listed for periods from seven to nine weeks each.

The position as at 25 January 2024 was as follows:

#### Application/CMC Hearings:

Length of Hearing	Hearing dates available after
30 mins to half a day	Fridays from 9 February 2024
One day	18, 24, 25 and 30 April 2024 14 and 16 May 2024 Then from 17 June 2024
Two days or more	From 21 October 2024

**Trials:**

Length of Trial	Trial dates available not before
One to two days	April 2024 Week of 10 June 2024 Week of 4 November 2024 Week of 20 January 2025 Week of 24 February 2025 Then from 31 March 2025
Three days	April 2024 Week of 4 November 2024 Week of 20 January 2025 Then from 31 March 2025
One week	April 2024 Week of 20 January 2025 Then from 31 March 2025
Two to three weeks	From May 2025
Four weeks or more	From May 2025

## 12.1.2 London Circuit Commercial Court

The position as at 25 January 2024 was as follows:

### Application/CMC Hearings:

Length of Hearing	Hearing dates available after
30 mins to one hour	From 8 February 2024
Up to half a day	Fridays from 1 March 2024
One day	From 27 February 2024

### Trials:

Length of Hearing	Hearing dates available not before
Up to one week	Week of 28 October 2024 Week of 4 November 2024 Then from January 2025
Two to three weeks	January 2025
4 weeks or more	January 2025

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>

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: see 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 5,377 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/guidance-and-resources/electronic-filing-of-applications-to-be-dealt-with-without-a-hearing/>

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 67, 68 and 69 applications. This too is in addition to the judge's usual workload.

## 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; and
- focused 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**

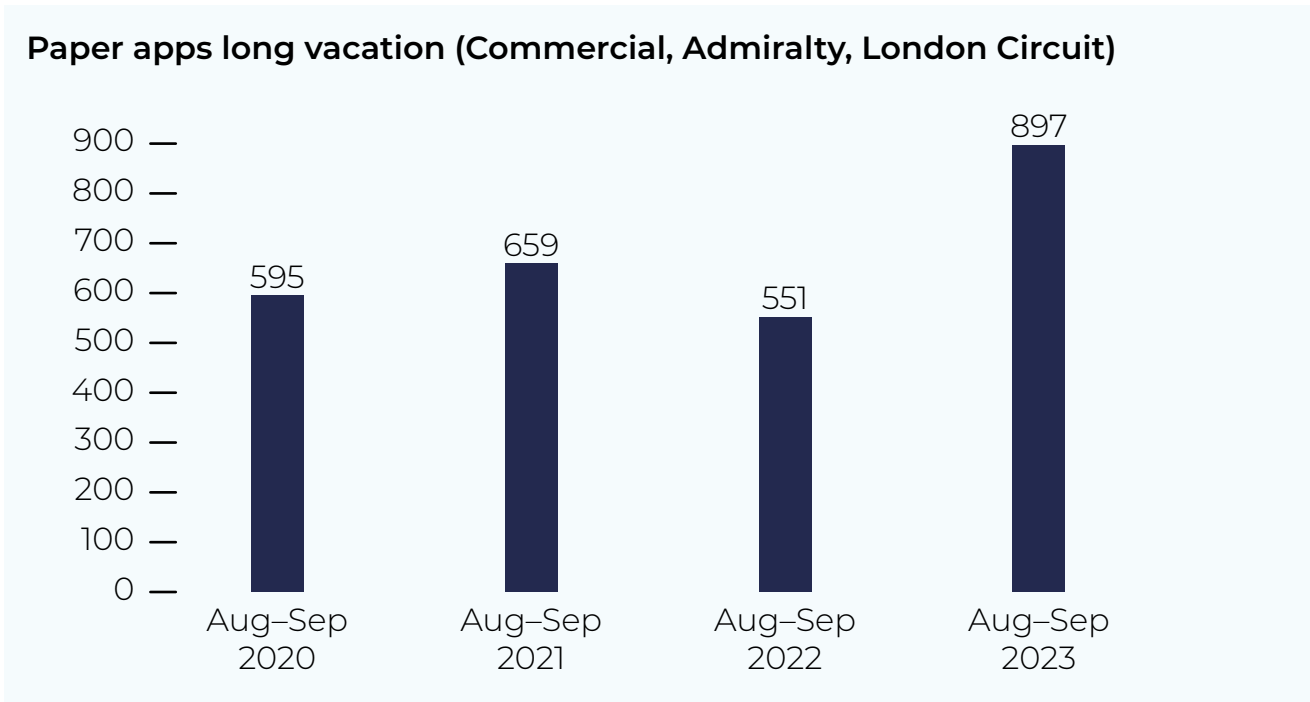
Judges of the Commercial Court sit regularly during the Long Vacation, which takes place from 1st August to 30th September.

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 during Long Vacation

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

In the year there were 897 processed for Commercial, Admiralty and London Circuit combined, compared to 551 in 2021-2022, which represents a 62% increase. The number of such applications is currently well above the level during the Covid pandemic in 2020/2021, as illustrated in the chart below:



## 13. Use of Deputy Judges

A number of retired Commercial Court judges and King'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 2022-2023, listed in order of the number of days sat:

- Sir Nigel Teare
- Dame Clare Moulder
- Sir Ross Cranston
- Sir Andrew Smith

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

- Adrian Beltrami KC
- Ali Malek KC
- Andrew Hochhauser KC
- Charles Hollander KC
- Christopher Hancock KC
- Clare Ambrose
- David Edwards KC
- David Elvin KC
- David Railton KC
- John Kimbell KC
- Lionel Persey KC
- Nigel Cooper KC
- Patricia Robertson KC
- Peter McDonald Eggers KC
- Phillip Marshall KC

- Richard Salter KC
- Sean O'Sullivan KC
- Simon Birt KC
- Simon Colton KC
- Simon Rainey KC
- Simon Salzedo KC
- Simon Tinkler
- Sir Andrew Smith
- Sir Richard Field
- Sir Ross Cranston
- Stephen Houseman KC
- Lesley Anderson KC
- Paul Stanley KC

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.



## 14. Judicial Assistants and Pupils

### 14.1 Judicial Assistants

The Judicial Assistant 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 barristers, pupil 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.

The current plans are that the advertisement for the 2024 competition will be published in February 2024. Those applicants who are invited for interview will be interviewed in April 2024 and informed of the outcome in May 2024. Successful candidates can opt for a placement of two or four legal terms.

Information on last year's scheme can be found here:

<https://www.judiciary.uk/recruitment-for-the-high-court-judicial-assistants-ja-scheme/>

During the year, the Business and Property Courts have had 9 JAs sitting with judges, both in court and at virtual hearings – this equates to 3-4 JAs in the Commercial Court at any one time.

## **14.2 Pupils in Court Scheme**

The pupils in court scheme was introduced to the Commercial Court in October 2020 by the then Judge in Charge.

The scheme, which is run with COMBAR, allows pupils to sit in with judges (on the Judge's bench) on live hearings for a day, enabling the pupil to ask the Judge questions about the trial process and the life of a commercial judge.

This scheme has continued into 2023 and will continue into 2024. The feedback from the pupils has been extremely positive; it is a unique and privileged experience to learn about court craft from both the perspective of the Judge and of the advocates.

## 15. 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 at : [APPENDIX 2 - The Staff of the Court as at 1 October 2023](#)

The Listing Office provides essential assistance to the Court, dealing 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.

During the Covid-19 lockdowns, the Listing Office was receiving around 2,000 emails per month. Since then, that number has approximately doubled. Users are asked to reflect before calling or sending chaser emails, as this ultimately delays the processing of applications and requests. Users should also be sure that the information they seek is not already available in the Commercial Court Guide or on the Commercial Court's website.

The Listing 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.

### 15.1 Lawyer for the Commercial Court

Francesca Girardot provides invaluable assistance to the Judges by, among other things, checking paper applications to ensure that all required documents and information have been received and assisting with the monthly triage of cases commenced in the Commercial Court. She also works with the Commercial Court Guide editorial team and on other projects.

## 16. Sources of Information about the Court

### 16.1 Reports of cases

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

- The National Archive, judgments section - <https://caselaw.nationalarchives.gov.uk/judgments/results>

This site includes unreported cases and is free to access.

- BAILII (the British and Irish Legal Information Institute) - <https://www.bailii.org/>

This site also includes unreported cases and is free to access.

In addition, the Commercial Court pages of the Business and Property Courts's website include regularly updated summaries of Commercial Court judgments (<https://www.judiciary.uk/courts-and-tribunals/business-and-property-courts/commercial-court/about-the-commercial-court/judgment-summaries-for-the-commercial-court/>).

### 16.2 The Commercial Court Guide

The 11th edition of the Commercial Court Guide was published in February 2022. It can be found here: <https://www.judiciary.uk/courts-and-tribunals/business-and-property-courts/commercial-court/litigating-in-the-commercial-court/commercial-court-guide/>. The Guide 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 KC 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](mailto:comct.listing@justice.gov.uk)

## 16.3 The Commercial Court User Group

The Commercial Court User Group continues to be an invaluable opportunity for two-way discussions between the Commercial Court judges and users.

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

The most recent meeting was on 29 November 2023. The discussion included a statistical update on the court's work; a forward look at long trials listed over the next year that will affect availability; updates on managed claims (the Covid business interruption and Russian aircraft operator policy managed claims); a listing office update on workflow and problems arising from repeated or unnecessary queries; guidance on expedition and transfer out; costs in applications under section 69 of the Arbitration Act 1996; limitation issues arising from provision of incorrect information in claim forms; and an update from SIFoCC (see section 17 below). The minutes of the meeting can be found here:

[https://www.judiciary.uk/wp-content/uploads/2023/12/Commercial-Court-Users-Group-Draft-Minutes-Nov-2023\\_-\\_Approved.docx](https://www.judiciary.uk/wp-content/uploads/2023/12/Commercial-Court-Users-Group-Draft-Minutes-Nov-2023_-_Approved.docx)

## 16.4 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 were held on 31 March 2022 and 6 February 2023.

HHJ Pelling KC, 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/>

## **16.5 The Admiralty Court Users' Committee**

The Admiralty Court Users' Committee met in October 2022 and June 2023.

As reported in last year's Report, after the October 2022 meeting, and by reference to the Users' Committee's recommendations, the CPRC approved and adopted the CPR rule and Practice Direction amendments proposed by the Committee so as (a) to remove the requirement previously stated in CPR rule 61.2 that certain categories of personal injury claim in personam had to be commenced in the Admiralty Court, whether or not they were likely to require the specialist expertise and experience of the Admiralty Court, and (b) to reform the rules on the pleading of collision claims, to improve the focus and particularity with which allegations of causative fault are pleaded and to introduce a requirement to plead collision defences. Those reforms came into effect in April 2023.

The Users Committee also sought to ensure via its representative solicitor and barrister members that users were reminded that there is no provision for arrest warrants to be issued by the Admiralty Court out of hours, and of the importance, therefore, of early contact with the Admiralty Marshal, during office hours, if an arrest is being considered.

The Committee provided input for the Admiralty section of the 2023 update to the 11th Edition of the Commercial Court Guide.

## 17. **Standing International Forum of Commercial Courts (SIFoCC)**

SIFoCC is the global forum of the world's commercial judiciaries, and it is 6 years old. Its membership has now reached 50 jurisdictions, from six continents, and from common law and civil law traditions. This includes 70% of the jurisdictions that make up the G20.

SIFoCC's three objectives remain. First, to share best practice. Second, to assist courts to work together to make a stronger contribution to the rule of law. Third, to support countries that are developing their work on resolving commercial disputes. Its Secretariat is based in London, and it is grateful for the support it receives from the City of London and the Judicial Office.

After full meetings in London, New York, Singapore and Sydney, the fifth full meeting is due to take place in Doha, Qatar in April 2024. The unique judicial roundtable discussion extends over two days, in hybrid format but with a majority attending in person. In the past, the themes have included: integrated dispute resolution, managing complexity, the future for corporate legal responsibility, purpose and governance (with a particular focus on climate change), and jurisdictional conflicts internationally. For the next full meeting we will be incorporating the themes of Artificial Intelligence, the relationship between courts in arbitration and mediation, and further work on case management, corporate responsibility and cross border cooperation.

SIFoCC's publications attract increasing interest. Its published international case management principles have been of assistance to jurisdictions reviewing or revising their procedures. Its Multilateral Memorandum on Enforcement of Commercial Judgments for money, in its second edition with supporting commentary, was built from contributions across the global membership, and is increasingly noted by practitioners.

Events and online roundtables have been organised around these publications, and further support and progress the themes of its full meetings. Most recently, SIFoCC has collaborated with the Asian Development Bank to discuss commercial dispute resolution with jurisdictions in Asia, and climate change issues. There were SIFoCC contributions to meetings of the CMJA (the Commonwealth Magistrates and Judges Association) in Cardiff, and SIFoCC chaired a panel discussion (including contributions from Australia, France and

the Cayman Islands) at London International Disputes Week which took place in May 2023

The fourth iteration of the SIFoCC Judicial Observation Programme was held in London, and this time with participation from judges nominated by Pakistan, Sierra Leone, Rwanda, Bahrain, Sri Lanka and Zambia. The delegation spent an intense week observing proceedings in the Commercial Court with mentor judges, met with heads of the judiciary and the profession and related organisations and had focussed sessions on case management and trial procedure. With every iteration of this Programme, the body of alumni grows.



## 18. Visitors to the Commercial Court

The Court welcomed international colleagues including from Bahrain, Brazil, France, The Gambia, Ghana, India, Indonesia, Japan, Kenya, Nigeria, Pakistan, Rwanda, Sierra Leone, South Korea, Qatar, Malaysia and Zambia.

The topics discussed included the business of commercial courts, case management, judging, mediation and arbitration, procedure, SIFoCC, technology (in court and in disputes), working with the profession.

Online engagement also continued wherever suitable.

In relation to the visits and online engagement the Court was, where suitable, pleased to work together with, among others, CMJA, FCDO, ILBF, MoJ, ROLE UK, the Bar Council and the Law Society.

## 19. **Social mobility and diversity initiatives**

The Commercial Court and its judges continue to be involved in a variety of initiatives intended to improve social mobility and diversity in the legal profession.

In November 2022 the Court hosted two Bridging the Bar candidates who spent a week closely shadowing the Judicial Assistants who work for Mr Justice Butcher and Mr Justice Picken. A Bridging the Bar workshop was held on the afternoon of 18 January 2023 in which a number of judges from the Commercial Court participated.

On 14 December 2022, Mr Justice Foxton hosted a visit from sixth formers from St Michael's Catholic College, a comprehensive school in Bermondsey.

On 24 January 2023, Mr Justice Foxton was the keynote speaker at an event for mentees in the COMBAR mentorship programme and the Court hosted two mentees as interns.

On 8 February 2023 Mr Justice Henshaw judged a regional heat of the Young Citizens Bar Mock Trial Competition 2022/23 in Oxford Crown Court with participants from a variety of state schools in the South East.

## **20. APPENDIX 1**

# **The Court as at 1 October 2023**

### **20.1 Judges – Commercial Court**

Listed in order of seniority:

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

### **20.2 London Circuit Commercial Court**

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

### **20.3 Admiralty Registrar**

Master Richard Davison

## 21. APPENDIX 2

### The Staff of the Court as at 1 October 2023

Court Manager	Wilf Lusty
Senior Listing Officer	Michael Tame
Listing Officer	Daniel Hull
Listing Clerk	Ian Dawson
Listing Clerk	Shafia Chowdhury
Listing Clerk	Jade Kasanga
Listing Clerk	Noorani Kadir
Master Davison's Clerk	Shafia Chowdhury
Admiralty Marshal	Paul Farren
Registry Team Leader	Abdul Musa
Lawyer	Francesca Girardot

Clerk to Andrew Baker J	Janet Amoroso
Clerk to Bright J	Mary Maynard
Clerk to Bryan J	Sandra Appiah
Clerk to Butcher J	Sarah Herald
Clerk to Calver J	Michaela Childs
Clerk to Cockerill J	Laura Hope
Clerk to Dias J	Osaid Khan
Clerk to Foxtan J	Kaylei Smith
Clerk to Fraser J	Manizja Latifi
Clerk to Henshaw J	Jay Howard
Clerk to Jacobs J	Alice Duddridge
Clerk to Robin Knowles J	Simran Chard
Clerk to Picken J	Christopher Palin
Clerk to Waksman J	Lucius Allen
Clerk to HHJ Pelling KC	Shirley Sweeney

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/>







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