

Practice Note - London Circuit Commercial Court

1. In Section B.7(b) of the current edition of the Circuit Commercial Court Guide, practitioners were informed that the current practice of the LCCC 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). Notwithstanding that indication, practitioners have continued to attempt to issue claims in the LCCC with a value of less than £500,000 even though none of the factors set out in CPR r. 30.3(2) justify either issue in or retention of the case by the LCCC, and defendants to such actions have not themselves raised the issue of transfer with the court, but often issued their own applications.

2. In *Gordiy v. Dorofejeva and another* [2023] EWHC 3036 (Comm), Foxton J addressed a similar problem faced by the Commercial Court. Foxton J indicated that in future cases that should not have been commenced in the Commercial Court would be transferred out, however close to a hearing the case might be (whether on the application of a claimant or a defendant), once the proceedings come to the attention of a judge. He added that Parties "... who are keen to avoid the delay which might follow from having to re-fix a hearing in the court to which the claim has been transferred will only have themselves to blame, by failing to raise the issue of transfer at an appropriately early stage."

3. Whilst cases commenced in the LCCC should all be triaged on issue, there may be cases where this step has not been taken as a result of administrative oversight or because an application is made without notice before the Claim can be triaged. The practice identified by Foxton J in *Gordiy v. Dorofejeva and another* (ibid.) will be firmly applied in the LCCC with immediate effect to any case with a value of less than the figure identified in Paragraph 1 above unless retention is justified by reason of the factors set out in CPR r. 30.3(2).

4. This Practice Note has been issued with the concurrence of the Judge in Charge of the Commercial Court.

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