

***The Commercial Court Guide 2022 - An Overview of the Key Changes***

<b>Applications</b>	<ul style="list-style-type: none"> <li>• Warning against under-estimating time required to deal with applications (<a href="#">F5.3-4</a>), with permission required to list certain types of application for longer than certain stipulated limits (<a href="#">F5.5</a>).</li> <li>• Skeletons for ordinary applications (including CMCs of half a day or less) now required by noon the day before, not 1pm (<a href="#">F6.5</a>).</li> <li>• Reminder that witness statements in support should be limited to necessary facts and matters required by applicable CPRs/PDs (<a href="#">F8.2</a>).</li> <li>• Permission to rely on expert evidence required (<a href="#">F8.6</a>). The matter should be raised with the Court as soon as it becomes clear one or other party will be relying on expert evidence (<a href="#">F8.8</a>), unless without notice (<a href="#">F8.9</a>).</li> <li>• Only authorities the judge likely to be taken to or asked to read are to be included in the authorities bundle (<a href="#">F12.4</a>).</li> <li>• Some changes to the standard form of freezing order (<a href="#">Appendix 11</a>). Any modifications to the new standard form of order must be shown in track on the draft order, as well identified and explained to the judge in both skeleton and at the hearing (<a href="#">F14.6</a>).</li> <li>• Applications to extend validity of the claim form should be made promptly, not left to the end of the period of validity (<a href="#">B8.3</a>).</li> <li>• ‘Related Practice’ on service out of the jurisdiction updated, with new checklist (<a href="#">Appendix 9</a>).</li> <li>• Generally, there will be summary assessment where the costs of the successful party are under £250,000 (up from £100,000) (<a href="#">F13.2</a>).</li> </ul>
<b>Pleadings</b>	<ul style="list-style-type: none"> <li>• Emphasis that only ‘primary allegations’ (essential elements of the cause of action) should be pleaded, not evidence (<a href="#">C1.1</a>).</li> <li>• Page limit before permission required is increased from 25 to 40 pages, though within 25 pages should remain the ambition (<a href="#">C1.2</a>).</li> </ul>
<b>Case Management</b>	<ul style="list-style-type: none"> <li>• Court aims review of its own motion whether the case is suitable to be transferred out (e.g. to Circuit Commercial Court) before the first CMC (<a href="#">B13.2</a>).</li> <li>• New form of CMIS (<a href="#">Appendix 2</a>). CMIS must also be updated by the parties before any restored CMC (<a href="#">D12.3</a>).</li> <li>• An updated draft CMC order must be sent to the Court by 4pm the day before the CMC (<a href="#">D7.8</a>).</li> <li>• Trial estimates now a ‘block’ inclusive of pre-reading (<a href="#">D16.1</a>).</li> <li>• Trial time estimates need to take into account the time likely to be required for the judge to read written closings before oral closings (<a href="#">J10.1</a>).</li> </ul>
<b>NDR</b>	<ul style="list-style-type: none"> <li>• ADR re-badged as Negotiated Dispute Resolution/NDR (<a href="#">Section G</a> and <a href="#">Appendix 3</a>).</li> </ul>
<b>Evidence Generally</b>	<ul style="list-style-type: none"> <li>• Advice on evidence encouraged at early stage (<a href="#">C6.1-2</a>) and to be kept under review (<a href="#">E5</a>).</li> <li>• New options for proving the content of foreign law at trial (<a href="#">H3.3</a>) and clarification of acceptable forms of evidence on applications (<a href="#">F8.10</a>).</li> </ul>
<b>Disclosure</b>	<ul style="list-style-type: none"> <li>• Use of multiple disclosure models discouraged (<a href="#">E2.2</a>).</li> </ul>

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	<ul style="list-style-type: none"> <li>• Excessive time spent debating the DRD is discouraged (<a href="#">E2.6</a>) and the time expected to be required to resolve disputes on its content stated to not normally be more than 1 hour at the first CMC (<a href="#">E2.7</a>).</li> <li>• Guidance where PD51U inapplicable (<a href="#">Appendix 15</a>).</li> </ul>
<b>Witness Evidence</b>	<ul style="list-style-type: none"> <li>• New PD57AC applies generally (<a href="#">H1.1</a>).</li> <li>• Video-link evidence should be at least considered where witness abroad/a substantial distance away and their evidence is likely to last less than half a day (<a href="#">H4.1</a>) but need to consider any permission that might be required from the witness' local court (<a href="#">H4.4</a>).</li> </ul>
<b>Expert Evidence</b>	<ul style="list-style-type: none"> <li>• Reminder that experts should not deliberately hold back matters from discussion at the joint meeting for inclusion in their supplemental reports (<a href="#">H2.25</a>).</li> </ul>
<b>Trial</b>	<ul style="list-style-type: none"> <li>• Start of trial (first date of the listing) is when any pre-reading will begin, not in advance (<a href="#">J3.1-3</a>).</li> <li>• Urge to minimise the use of paper; default is no hard copy bundles (<a href="#">J2.1</a>).</li> <li>• Bundles should only contain documents judge will be shown/asked to read, not simply all the disclosure (<a href="#">J4.3</a>).</li> <li>• Pre-reading guidance should state when documents should be read (<a href="#">J5.1</a>). Updated trial timetable required with reading list (<a href="#">J5.4</a>).</li> <li>• Skeleton deadlines now noon rather than 1pm (<a href="#">J6.2</a>).</li> <li>• Agreed factual narratives may now become a feature of the run-in to trial so that skeletons can be more focussed on the matters in dispute; to be considered whether appropriate by/at the PTR (<a href="#">J6.5</a>).</li> <li>• Cross-examination not a vehicle for introducing the judge to the significant documents; that is the purpose of the opening (<a href="#">J8.1</a>).</li> </ul>
<b>Arbitration Claims</b>	<ul style="list-style-type: none"> <li>• Accompanying witness statements should not be used to argue the case (<a href="#">O3.2</a>).</li> <li>• Reminder that s.67 applications restricted to cases where 'serious grounds' that matters relied upon affect substantive jurisdiction (<a href="#">O8.4</a>).</li> <li>• Reminder that power to dismiss an unmeritorious s.67 on paper (<a href="#">O8.6</a>).</li> <li>• Application for security for costs or for the award to be listed for first available Friday after issue (<a href="#">O8.11</a>).</li> </ul>

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