

## ENGLISH COURTS

### County Courts and High Court

The principal Courts that private claimants will use in England and Wales are the High Court and the County Court. The Civil Procedure Rules apply equally in both Courts. Generally cases will only be started in the High Court if it is of significant financial value or raises complex legal issues and it is important that the higher level High Court be used. The High Court only has jurisdiction in claims more than £15,000.00. It will frequently be appropriate to start cases of claims more than £15,000.00 in the County Court, unless particularly complex issues arise.

There are 200 County Courts throughout England and Wales and the claimant can proceed in any Court he wishes. Likewise with the High Court there are different District Registries and it is possible in theory to proceed in any of them. Most claimants will start proceedings in the Courts closest to their home or business. It is possible for the Courts to transfer disputes from one Court to another as may be appropriate.

There are different divisions in the High Court which deal with specialist types of claims. General contract and civil wrong disputes will usually be heard by the Queen's Bench Division. The Commercial Court deals with and sits in various other regional cities and deals with particular types of commercial disputes.

There is a great emphasis on the Court's role in disputes under the Civil Procedure Rules. The majority of applications arising during the case will be dealt with by District Court Judges in the County Court or Masters in the High Court. District Court Judges will usually hear trials where the amount being claimed does not exceed £15,000.00.

## **The Chancery Division**

Certain types of business disputes involving specialist knowledge are usually commenced in the Chancery Division of the High Court. These include land disputes, insolvency matters, company law matters and trusts.

In the case of certain specialised types of cases there are detailed procedures appropriate to them. In many Chancery Division cases, there will be no disputes as to what the actual facts are. What will be required in such circumstances is a ruling on the law by the Courts.

There is a special procedure available in the Chancery Division to facilitate these types of claims. The actual evidence may be very limited and will be sufficient to enable the Court to determine what the facts and circumstances are so it can make the appropriate ruling of law

## **Specialist Courts**

The Commercial Court in London was established over 100 years ago and is familiar with commercial and mercantile disputes. This enables them to deal with these kind of disputes justly and efficiently. There are regional equivalents of the Commercial Court and the Mercantile Court in various cities such as Birmingham, Bristol, Cardiff, Chester, Leeds, Liverpool, Manchester and Newcastle.

The Mercantile Court is also based in London and it is designed to deal with commercial disputes of lesser value.

The Technology and Construction Court hears construction and engineering disputes as well as information technology disputes. It is part of the High Court and sits in London and in a number of district areas.

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This Guide is intended as an overview and broad outline of the matters covered in it. Its purpose is to inform and raise awareness. We are happy to offer specific legal advice on particular circumstances.

This Guide should not be relied on as a substitute for comprehensive legal advice with reference to the particular circumstances.

While we have taken due care in the preparation of this publication, we do not accept legal liability as a result of any reliance placed on anything in this Guide. The reader should rely only on specific legal or taxation advice.

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