

PRACTICE DIRECTION - COURT SITTINGS

THIS PRACTICE DIRECTION SUPPLEMENTS CPR PART 39

COURT SITTINGS

- 1.1 (1) The sittings of the Court of Appeal and of the High Court shall be four in every year, that is to say
- (a) the Michaelmas sittings which shall begin on 1st October and end on 21st December;
 - (b) the Hilary sittings which shall begin on 11th January and end on the Wednesday before Easter Sunday;
 - (c) the Easter sittings which shall begin on the second Tuesday after Easter Sunday and end on the Friday before the spring holiday; and
 - (d) the Trinity sittings which shall begin on the second Tuesday after the spring holiday and end on 31st July.
- (2) In the above paragraph “spring holiday” means the bank holiday falling on the last Monday in May or any day appointed instead of that day under section 1(2) of the Banking and Financial Dealings Act 1971.

VACATIONS

The Court of Appeal

- 2 Attention is drawn to paragraph 11.2 of the Court of Appeal (Civil Division) Practice Direction which deals with the sittings of the Court of Appeal during vacations.

The High Court

- 3.1 (1) One or more judges of each Division of the High Court shall sit in vacation on such days as the senior judge of that Division may from time to time direct, to hear such cases, claims, matters or applications as require to be immediately or promptly heard and to hear other cases, claims, matters or applications if the senior judge of that Division determines that sittings are necessary for that purpose.
- (2) Any party to a claim or matter may at any time apply to the Court for an order that such claim or matter be heard in vacation and, if the Court is satisfied that the claim or matter requires to be immediately or promptly heard, it may make an order accordingly and fix a date for the hearing.
- (3) Any judge of the High Court may hear such other cases, claims, matters or applications in vacation as the Court may direct.

- 3.2 The directions in paragraph 3.1 shall not apply in relation to the trial or hearing of cases, claims, matters or applications outside the Royal Courts of Justice but the senior Presiding Judge of each Circuit, with the concurrence of the Senior Presiding Judge, and the Vice-Chancellor of the County Palatine of Lancaster and the Chancery Supervising Judge for Birmingham, Bristol and Cardiff, with the concurrence of the Vice-Chancellor, may make such arrangements for vacation sittings in the courts for which they are respectively responsible as they think desirable.
- 3.3 (1) Subject to the discretion of the Judge, any appeal and any application normally made to a Judge may be made in the month of September.
- (2) In the month of August, save with the permission of a Judge or under arrangements for vacation sittings in courts outside the Royal Courts of Justice, appeals to a Judge will be limited to the matters set out in paragraph 3.5 below, and only applications or real urgency will be dealt with, for example urgent applications in respect of injunctions or for possession under RSC Order 113 (Schedule 1 to the CPR).
- (3) It is desirable, where this is practical, that applications or appeals are submitted to a Master, District Judge or Judge prior to the hearing of the application or appeal so that they can be marked “fit for August” or “fit for vacation.” If they are so marked, then normally the Judge will be prepared to hear the application or appeal in August, if marked “fit for August” or in September if marked “fit for vacation”. A request to have the papers so marked should normally be made in writing, shortly setting out the nature of the application or appeal and the reasons why it should be dealt with in August or in September, as the case may be.

Chancery Masters

- 3.4 There is no distinction between term time and vacation so far as business before the Chancery Masters is concerned. The Masters will deal with all types of business throughout the year, and when a Master is on holiday his list will normally be taken by a Deputy Master.

Queen’s Bench Masters

- 3.5 (1) An application notice may, without permission, be issued returnable before a Master in the month of August for any of the following purposes:
- to set aside a claim form or particulars of claim, or service of a claim form or particulars of claim;
 - to set aside judgment; for stay of execution;
 - for any order by consent;
 - for judgment or permission to enter judgment;
 - for approval of settlements or for interim payment;

for relief from forfeiture; for charging order; for garnishee order;
for appointment or discharge of a receiver;
for relief by way of sheriff's interpleader;
for transfer to a county court or for trial by Master;
for time where time is running in the month of August;

- (2) In any case of urgency any other type of application notice (that is other than those for the purposes in (1) above), may, with the permission of a Master be issued returnable before a Master during the month of August.