

# High Court – Queen's Bench Division

### Key findings for 2007

- 18,505 claims and originating proceedings were issued, less than 1% more than in 2006 (18,364).
- In London (Royal Courts of Justice) 53% of claims were for an unliquidated amount of money and 29% were for amounts in excess of £50,000. Of all claims, 16% were for debt and a further 24% were for personal injury.
- In London (RCJ) the number of judgments given either in default of a response by the defendant or as summary judgments during 2007 totalled 599, an increase of 5% from 2006 (569).
- the number of enforcement proceedings issued in London decreased by 25% to 9,254 from 12,385 in 2006. Writs of fi-fa formed 98% of proceedings. Outside London, enforcement proceedings increased by 14% to 39,652, with writs of fi-fa accounting for almost all proceedings.
- there were 89 Admiralty actions started in the Royal Courts of Justice. Of the claims issued in London, 19 (21%) related to damaged cargo.
- 613 (73%) of the 839 Commercial Court claims were unspecified. The majority (65%) of claims issued (545) was for breach of contract.
- the number of claims received by the Technology and Construction Court increased by 5%, from 390 in 2006 to 409.

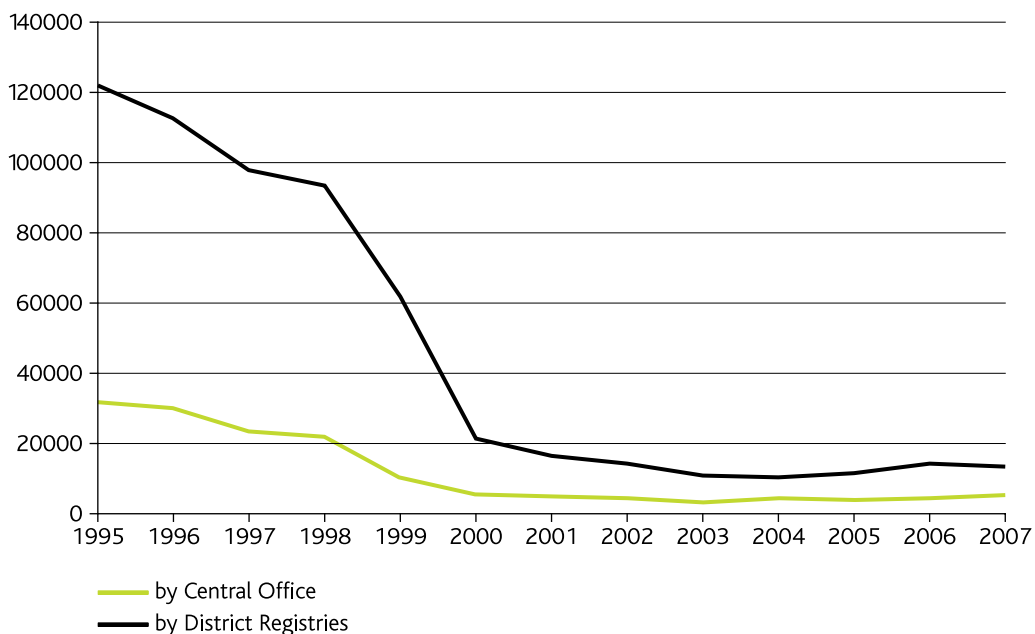
## Chapter 3: High Court – Queen’s Bench Division

The Queen’s Bench Division deals mainly with civil actions in contract and tort (civil wrongs) and also hears more specialist matters, such as applications for judicial review.

It contains within it the Commercial Court and the Admiralty Court (dealing with shipping matters such as damage to cargo and collision of ships) and administers the Technology and Construction Court (formerly the Official Referees Court) which hears cases involving prolonged examination of technical issues, such as construction disputes.

At the end of 2007, the Queen’s Bench Division comprised the President of Queen’s Bench Division and 69 High Court judges. Judges of the Queen’s Bench Division also hear the most important criminal cases in the Crown Court (Chapter 6) and they also sit on the Employment Appeals Tribunal (Chapter 8).

### Queen’s Bench Division: Writs & Originating Proceedings issued, 1995-2007



The above graph illustrates the sharp decline in the number of proceedings issued in the Queen’s Bench Division in the late 1990s. This was a consequence of the High Court and County Courts Jurisdiction (Amendment) Order 1999,

introduced in April 1999 as part of a major package of reforms to civil justice. This imposed a minimum value of £15,000 on claims issued in the High Court.

Queen's Bench Division work is dealt with at the Royal Courts of Justice in London and at district registries of the High Court, located at many of the county courts throughout England and Wales. Each registry covers a defined district consisting of one or more county court districts.

### Queen's Bench

The Queen's Bench Division deals with common law business: that is, actions relating to contract (except those specifically allocated to the Chancery Division – see Chapter 2) and tort. Examples of contract cases dealt with in the Queen's Bench Division are failure to pay for goods and services and breach of contract.

There are several types of tort (civil wrongs) including wrongs against the person only (e.g. defamation of character, libel) wrongs against property only (e.g. trespass) and wrongs which may be against people or property (e.g. negligence or nuisance). Some matters may involve both contract and tort, e.g. personal injury cases which show negligence and breach of a contractual duty of care. Others may be crimes as well as torts (e.g. assault).

Actions are normally started by way of a claim or an originating summons. A claim is the most common method and is used, for example, when a claim is based on an allegation of fraud or tort; it informs defendants what is claimed against them. An originating summons is used in certain cases, such as applications under specific Acts; it outlines the nature of the case. The hearing of an originating summons is usually before a master or district judge (for descriptions of masters and district judges see Chapter 2).

If a defendant fails to respond to a claim, a claimant may be entitled to a judgment in default. If a defendant responds any of the following may result:

- (a) the claimant discontinues the action
- (b) the parties settle (i.e. reach agreement)
- (c) the court decides that the defendant has no real defence to the action and gives summary judgment under order 14 of the Rules of the Supreme Court
- (d) a trial

There is a right of trial by jury for fraud, libel, slander, and malicious prosecution or false imprisonment cases. In all other cases the judge has discretion to allow trial by jury but it is only used exceptionally. A trial may result in an award of damages or a non-pecuniary remedy such as an injunction (an order to do or not do something). In jury trials the jury decides the amount of damages to be awarded.

Judgments may be enforced in many ways, the following being the most frequently used:

- (a) a writ of fieri facias (fi-fa) directing the sheriff (the equivalent of the bailiff in the county courts) by his officers to seize and if necessary sell the debtor's goods to raise money to pay off the debt
- (b) a writ of possession of land (eviction takes place if necessary to ensure that possession of property or land is recovered)
- (c) a writ of delivery of goods which is an order to hand over specific goods
- (d) a charging order on land, securities or funds in court (usually on land – this has the same effect as a mortgage, so that if the property is sold the amount of the charge (debt) must be paid out of the proceeds of the sale)
- (e) a third party debt (formerly garnishee) order, which orders that a third party, normally a bank, holding money for the judgment debtor pay it to the judgment creditor direct
- (f) appointment of a receiver who will manage the judgment debtor's property or part of it in such a way as to protect the judgment creditor's interest in it

An order to attend court for questioning (formerly an oral examination) is a procedure used in connection with enforcement. The debtor is required to attend court to give details of his earnings, expenses, savings, etc., so that the creditor can decide how best to enforce the judgment. Often the debtor will pay before he can be questioned. Alternatively, a High Court judgment for money may be enforced in a county court as if it were a judgment of that court.

Although Queen's Bench Division cases are only tried at the Royal Courts of Justice and first tier centres outside London, interlocutory proceedings (applications preparatory or incidental to the main proceedings) are dealt with at all district registries and at the Royal Courts of Justice. This area of work, having decreased in 2006, rose back in 2007 – applications to masters in London increased by 15% to 8,794 (table 3.4). The court determines what, if anything, must be done before a case can be set down for trial, gives directions as to when this is to be done and where the trial is to take place. If either party is dissatisfied with an order of a master, an appeal may be made to a judge in chambers (a private hearing). Summary caseload statistics are shown in Tables 3.1 to 3.5.

## Admiralty Court

The Admiralty Court deals with shipping matters. The two most common matters dealt with are damage to cargo and collision of ships. Most cases are dealt with at the Royal Courts of Justice in London but some are disposed of in district registries upon transfer from London. There is one Admiralty Judge who hears all admiralty cases and a number of interlocutory matters. The Judge is supported by the Admiralty Registrar who hears interlocutory matters and post judgment applications. The Admiralty Marshal is responsible for the detention and sale of ships which are the subject of proceedings in the Admiralty Court. Summary caseload statistics are shown in Tables 3.6 to 3.8.

## Commercial Court

The Commercial Court also deals with shipping matters but is largely concerned with matters regarding contracts related to ships, insurance, carriage of cargo and the construction and performance of mercantile contracts. Other matters dealt with involve banking, international credit, contracts relating to aircraft, the purchase and sale of commodities and the practice of arbitration and questions arising from arbitrations. There are fifteen Commercial Judges who hear all commercial cases and interlocutory applications. Summary caseload statistics are shown in Table 3.9.

## Technology and Construction Court

The Technology and Construction Court deals with building and engineering disputes and computer litigation. Other matters dealt with include professional negligence, sale of goods, valuation disputes, landlord and tenant (especially dilapidations), torts relating to the occupation of land and questions arising from arbitrations and adjudications in building and engineering disputes.

The business of the court also includes any cases in the Chancery or the Queen's Bench Divisions which involve issues or questions which are technically complex or for which trial by TCC judges is for any reason desirable.

During 2006 there were five full-time senior circuit judges and two High Court judges based in London assigned to the TCC. Other High Court judges sit in the London TCC as necessary. Outside London, nominated circuit judges deal with TCC business on each of the circuits, with further full-time designated TCC judges at Birmingham, Manchester and Liverpool. Summary caseload statistics are shown in Table 3.10.

**Table 3.1**  
**Queen's Bench Division**  
 Summary statistics on proceedings started, 2002-2007

| Nature of proceedings                      | Number of cases |               |               |               |               |               |
|--|-----------------|---------------|---------------|---------------|---------------|---------------|
|  | 2002            | 2003          | 2004          | 2005          | 2006          | 2007          |
| <u>Claims and originating summonses</u>    |                 |               |               |               |               |               |
| Issued by Royal Courts of Justice          | 4,394           | 3,514         | 4,292         | 3,841         | 4,246         | 4,794         |
| Issued by district registries <sup>1</sup> | 14,230          | 10,677        | 10,538        | 11,476        | 14,118        | 13,711        |
| <b>Total</b>                               | <b>18,624</b>   | <b>14,191</b> | <b>14,830</b> | <b>15,317</b> | <b>18,364</b> | <b>18,505</b> |

**Source:**

Queen's Bench Division (compilation from multiple sources)

**Notes:**

- 1 Figures for district registries contain annual estimates of the numbers of originating summonses as follows: 1,006 in 2002; 1,170 in 2003; 1,115 in 2004; 1,195 in 2005; 1,288 in 2006; and 1,619 in 2007

**Table 3.2**  
**Queen's Bench Division**  
 Proceedings started<sup>1</sup>, by nature and value of claim, 2007

| Nature of claim   | Value of claim                                      |                 |              | Number of claims |
|---|---|-----------------|--------------|------------------|
|   | £15,000 –<br>£50,000                                | Over<br>£50,000 | Unspecified  | Total            |
|   | Debt (goods sold & delivered, work carried out etc) | 172             | 339          |                  |
| Breach of contract  | 100   | 214             | 362          | <b>676</b>       |
| Clinical Negligence   | 71  | 154             | 353          | <b>578</b>       |
| Personal Injury Actions                                       | 66  | 359             | 732          | <b>1,157</b>     |
| Other Negligence (inc. professional negligence)               | 21  | 61              | 123          | <b>205</b>       |
| Defamation (libel, slander)                                   | 43  | 45              | 145          | <b>233</b>       |
| Tort (eg. nuisance, trespass, assault, wrongful arrest, etc.) | 4   | 11              | 31           | <b>46</b>        |
| Recovery of land / property                                   | -   | -               | 10           | <b>10</b>        |
| Miscellaneous   | 375   | 223             | 508          | <b>1,106</b>     |
| <b>Total</b>  | <b>852</b>  | <b>1,406</b>    | <b>2,536</b> | <b>4,794</b>     |

**Source:**

High Court combined workload return

**Notes:**

1 Figures given are for the Royal Courts of Justice only

**Table 3.3**  
**Queen's Bench Division<sup>1</sup>**  
 Judgment without trial, by type<sup>2</sup> and value of judgment, 2007

| Type of judgment                                  | Value of judgement   |                 |             | Total      |
|---|----------------------|-----------------|-------------|------------|
|   | Number of judgments  |                 |             |            |
|   | £15,000 –<br>£50,000 | Over<br>£50,000 | Unspecified |            |
| By default  | 162                  | 266             | 170         | <b>598</b> |
| Order by summary judgment<br>(including order 14) | -                    | -               | 1           | <b>1</b>   |
| <b>Total</b>                                      | <b>162</b>           | <b>266</b>      | <b>171</b>  | <b>599</b> |

**Source:**

High Court combined workload return

**Notes:**

- 1 Figures given are for the Royal Courts of Justice only
- 2 Judgments without trial can be by default (i.e. with no response from the defendant) or by summary judgment (under Order 14 of the Rules of the High Court)

**Table 3.4**  
**Queen's Bench Division<sup>1</sup>**  
 Interlocutory applications<sup>2</sup> for masters in London, 2002-2007

| Year | Number of applications |
|------|------------------------|
| 2002 | 7,097                  |
| 2003 | 6,485                  |
| 2004 | 9,446                  |
| 2005 | 9,335                  |
| 2006 | 7,626                  |
| 2007 | 8,794                  |

**Source:**

High Court combined workload return

**Notes:**

- 1 Figures given are for the Royal Courts of Justice only
- 2 Excludes applications for directions or for summary judgment under Order 14 of the rules of the High Court

**Table 3.5**  
**Queen's Bench Division<sup>1</sup>**  
 Enforcement proceedings issued, 2007

| Nature of Enforcement                                  | Number of cases |                |               |
|--|-----------------|----------------|---------------|
|  | London          | Outside London | Total         |
| Writs of fi-fa <sup>2</sup>                            | 9,035           | 39,647         | 48,682        |
| Writs of possession                                    | 42              | -              | 42            |
| Writs of Delivery                                      | -               | -              | -             |
| Charging orders  | 137             | -              | 137           |
| Third party debt orders                                | 40              | -              | 40            |
| Application for orders to attend court for questioning | -               | 2              | 2             |
| <b>Total</b>   | <b>9,254</b>    | <b>39,652</b>  | <b>48,906</b> |

**Source:**

High Court combined workload return

**Notes:**

- 1 Figures given are for the Royal Courts of Justice only
- 2 Writ of fieri facias, to enforce a judgement obtained for debt or damages. Renamed a "writ of control" by the Tribunals, Courts and Enforcement Act 2007

**Table 3.6**  
**Admiralty Court<sup>1</sup>**  
 Summary statistics on admiralty proceedings, 2002-2007

| Nature of proceedings                    | Number of cases |      |      |      |      |      |
|--|-----------------|------|------|------|------|------|
|  | 2002            | 2003 | 2004 | 2005 | 2006 | 2007 |
| Claims issued                            | 133             | 170  | 158  | 102  | 105  | 89   |
| Summonses issued:                        |                 |      |      |      |      |      |
| Judges                                   | 86              | 155  | 52   | 37   | 43   | 33   |
| Registrars                               | 19              | 2    | 16   | 47   | 99   | 96   |
| Applications heard                       | 67              | 105  | 82   | 84   | 142  | 60   |
| References to registrar                  | 4               | 2    | 2    | 2    | 1    | 1    |
| Warrants of arrest executed <sup>2</sup> | 33              | 43   | 36   | 22   | 50   | 34   |
| Sales by the Court                       | 3               | 3    | 8    | 1    | 4    | 2    |

**Source:**

Admiralty Court

**Notes:**

- 1 Figures are for the Royal Courts of Justice only
- 2 Vessels or property arrested

**Table 3.7****Admiralty Court<sup>1</sup>**

Admiralty claims issued by nature of action, 2002-2007

| Nature of action                  | Number of cases |            |            |            |            |           |
|-----------------------------------|-----------------|------------|------------|------------|------------|-----------|
|                                   | 2002            | 2003       | 2004       | 2005       | 2006       | 2007      |
| Collision                         | 33              | 24         | 29         | 19         | 25         | 13        |
| Damage to cargo                   | 40              | 25         | 13         | 27         | 21         | 19        |
| Personal injury (including fatal) | 6               | 7          | 11         | 5          | 4          | 2         |
| Mortgage                          | 6               | 1          | 1          | 2          | 1          | 1         |
| Limitation of liability           | 4               | 6          | 23         | 1          | -          | 1         |
| Others                            | 44              | 107        | 81         | 48         | 54         | 53        |
| <b>Total</b>                      | <b>133</b>      | <b>170</b> | <b>158</b> | <b>102</b> | <b>105</b> | <b>89</b> |

Source:

Admiralty Court

Notes:

1 Figures are for the Royal Courts of Justice only

**Table 3.8****Admiralty Court<sup>1</sup>**

Admiralty actions for trial in the High Court set down, tried or otherwise disposed of, 2002-2007

| Actions for trial     | Number of claims |      |      |      |      |      |
|-----------------------|------------------|------|------|------|------|------|
|                       | 2002             | 2003 | 2004 | 2005 | 2006 | 2007 |
| Total set down        | 50               | 24   | 18   | 25   | 10   | 12   |
| Tried during year     | 9                | 18   | 3    | 3    | 4    | 3    |
| Otherwise disposed of | 43               | 18   | 19   | 19   | 11   | 10   |
| Total tried           | 52               | 36   | 22   | 22   | 15   | 13   |

Source:

Admiralty Court

Notes:

1 Figures are for the Royal Courts of Justice only

**Table 3.9**  
**Commercial Court<sup>1</sup>**  
 Claims issued showing nature and value of claim, 2007

| Nature of claim    | Value of claim       |                 |             | Number of claims |
|--------------------|----------------------|-----------------|-------------|------------------|
|                    | £15,000 –<br>£50,000 | Over<br>£50,000 | Unspecified | Total            |
|                    | Debt <sup>2</sup>    | -               | 1           |                  |
| Breach of contract | 7                    | 211             | 327         | 545              |
| Miscellaneous      | -                    | 7               | 285         | 292              |
| <b>Total</b>       | <b>7</b>             | <b>219</b>      | <b>613</b>  | <b>839</b>       |

Source:

Admiralty Court

Notes:

1 Figures are for the Royal Courts of Justice only

2 Goods sold & delivered, work carried out, etc.

**Table 3.10**  
**Technology and Construction Court<sup>1</sup>**  
 Summary caseload statistics, 2002-2007

|   | Number of actions |              |            |            |            |            |
|---|-------------------|--------------|------------|------------|------------|------------|
|   | 2002              | 2003         | 2004       | 2005       | 2006       | 2007       |
| <b>Received</b>   |                   |              |            |            |            |            |
| Claims and originating summonses issued in Registry           | 392               | 314          | 265        | 274        | 337        | 376        |
| By transfer   | 108               | 67           | 76         | 66         | 53         | 33         |
| <b>Total</b>  | <b>500</b>        | <b>381</b>   | <b>341</b> | <b>340</b> | <b>390</b> | <b>409</b> |
| <b>Disposed of</b>  |                   |              |            |            |            |            |
| Tried   | 49                | 41           | 7          | 3          | 32         | 33         |
| Struck out, settled or discontinued                           | 321               | 297          | 71         | 23         | 153        | 160        |
| Transferred   | 5                 | 9            | 25         | 18         | 2          | 7          |
| Default judgments entered                                     | -                 | 16           | 12         | 7          | 5          | 16         |
| <b>Total</b>  | <b>375</b>        | <b>363</b>   | <b>115</b> | <b>51</b>  | <b>192</b> | <b>216</b> |
| <b>Number of Interlocutory Applications heard<sup>2</sup></b> | <b>1,391</b>      | <b>1,403</b> | <b>668</b> | <b>496</b> | <b>454</b> | <b>397</b> |

Source:

Technology and Construction Court

Notes:

1 Figures are for the Royal Courts of Justice only

2 Many other Interlocutory Applications were disposed of before hearing, or on the basis of written submissions