

PRACTICE DIRECTION – TECHNOLOGY AND CONSTRUCTION COURT CLAIMS

THIS PRACTICE DIRECTION SUPPLEMENTS PART 60

General

1. This practice direction applies to Technology and Construction Court claims ('TCC claims').

TCC claims

- 2.1 The following are examples of the types of claim which it may be appropriate to bring as TCC claims –
 - (a) building or other construction disputes, including claims for the enforcement of the decisions of adjudicators under the Housing Grants, Construction and Regeneration Act 1996;
 - (b) engineering disputes;
 - (c) claims by and against engineers, architects, surveyors, accountants and other specialised advisers relating to the services they provide;
 - (d) claims by and against local authorities relating to their statutory duties concerning the development of land or the construction of buildings;
 - (e) claims relating to the design, supply and installation of computers, computer software and related network systems;
 - (f) claims relating to the quality of goods sold or hired, and work done, materials supplied or services rendered;
 - (g) claims between landlord and tenant for breach of a repairing covenant;
 - (h) claims between neighbours, owners and occupiers of land in trespass, nuisance etc;
 - (i) claims relating to the environment (for example, pollution cases);
 - (j) claims arising out of fires;
 - (k) claims involving taking of accounts where these are complicated; and
 - (l) challenges to decisions of arbitrators in construction and engineering disputes including applications for permission to appeal and appeals.
- 2.2 A claim given as an example in paragraph 2.1 will not be suitable for this specialist list unless it demonstrates the characteristics in rule 60.1(3). Similarly, the examples are not exhaustive and other types of claim may be appropriate to this specialist list.

How to start a TCC claim

- 3.1 TCC claims must be issued in the High Court or in a county court specified in this practice direction.

- 3.2 The claim form must be marked in the top right hand corner 'Technology and Construction Court' below the words 'The High Court, Queen's Bench Division' or 'The ____ County Court'.
- 3.3 TCC claims brought in the High Court outside London may be issued in any District Registry, but it is preferable that wherever possible they should be issued in one of the following District Registries, in which a TCC judge will usually be available –

Birmingham, Bristol, Cardiff, Chester, Exeter, Leeds, Liverpool, Newcastle, Nottingham and Salford.
- 3.4 The county courts in which a TCC claim may be issued are the following –

Birmingham, Bristol, Cardiff, Central London, Chester, Exeter, Leeds, Liverpool, Newcastle, Nottingham and Salford.

Applications before proceedings are issued

- 4.1 A party who intends to issue a TCC claim must make any application before the claim form is issued to a TCC judge.
- 4.2 The written evidence in support of such an application must state that the proposed claim is a TCC claim.

Transfer of proceedings

- 5.1 Where no TCC judge is available to deal with a claim which has been issued in a High Court District Registry or one of the county courts listed in paragraph 3.4 above, the claim may be transferred –
 - (1) if it has been issued in a District Registry, to another District Registry or to the High Court in London; or
 - (2) if it has been issued in a county court, to another county court where a TCC judge would be available.
- 5.2 Paragraph 5.1 is without prejudice to the court's general powers to transfer proceedings under Part 30.

(Rule 30.5(3) provides that an application for the transfer of proceedings to or from a specialist list must be made to a judge dealing with claims in that list.)

Assignment of claim to a TCC judge

- 6.1 When a TCC claim is issued or an order is made transferring a claim to the TCC specialist list, the court will assign the claim to a named TCC judge ('the assigned TCC judge') who will have the primary responsibility for the case management of that claim.
- 6.2 All documents relating to the claim must be marked in similar manner to the claim form with the words 'Technology and Construction Court' and the name of the assigned TCC judge.

Applications

- 7.1 An application should normally be made to the assigned TCC judge. If the assigned TCC judge is not available, or the court gives permission, the application may be made to another TCC judge.
- 7.2 If an application is urgent and there is no TCC judge available to deal with it, the application may be made to any judge who, if the claim were not a TCC claim, would be authorised to deal with the application.

Case management conference

- 8.1 The court will fix a case management conference within 14 days of the earliest of these events –
 - (1) the filing of an acknowledgment of service;
 - (2) the filing of a defence; or
 - (3) the date of an order transferring the claim to a TCC.
- 8.2 When the court notifies the parties of the date and time of the case management conference, it will at the same time send each party a case management information sheet and a case management directions form.
(The case management information sheet and the case management directions form are in the form set out in Appendixes A and B to this practice direction.)
- 8.3 Not less than two days before the case management conference, each party must file and serve on all other parties –
 - (1) completed copies of the case management information sheet and case management directions form; and
 - (2) an application notice for any order which that party intends to seek at the case management conference, other than directions referred to in the case management directions form.
- 8.4 The parties are encouraged to agree directions to propose to the court by reference to the case management directions form.
- 8.5 If any party fails to file or serve the case management information sheet and the case management directions form by the date specified, the court may –
 - (1) impose such sanction as it sees fit; and
 - (2) either proceed with or adjourn the case management conference.
- 8.6 The directions given at the case management conference will normally include the fixing of dates for –
 - (1) any further case management conferences;
 - (2) a pre-trial review;
 - (3) the trial of any preliminary issues that it orders to be tried; and

- (4) the trial.

Pre-trial review

- 9.1 When the court fixes the date for a pre-trial review it will send each party a pre-trial review questionnaire and a pre-trial review directions form.
(The pre-trial review questionnaire and the pre-trial review directions form are in the form set out in Appendixes C and D to this practice direction.)
- 9.2 Each party must file and serve on all other parties completed copies of the questionnaire and form not less than two days before the date fixed for the pre-trial review.
- 9.3 The parties are encouraged to agree directions to propose to the court by reference to the pre-trial review directions form.
- 9.4 If any party fails to return or exchange the questionnaire and the form by the date specified the court may –
- (1) impose such sanction as it sees fit; and
 - (2) either proceed with or adjourn the pre-trial review.
- 9.5 At the pre-trial review, the court will give such directions for the conduct of the trial as it sees fit.

Listing

10. The provisions about listing questionnaires and listing in Part 29 and its practice direction do not apply to TCC claims.

Trial

- 11.1 Whenever possible the trial of a claim will be heard by the assigned TCC judge.
- 11.2 A TCC claim may be tried at any place where there is a TCC judge available to try the claim.