

PRACTICE DIRECTION

CROWN PROCEEDINGS

This Practice Direction supplements CPR Part 66

TRANSFER

- 1.1** Rule 30.3(2) sets out the circumstances to which the court must have regard when considering whether to make an order under section 40(2), 41(1) or 42(2) of the County Courts Act 1984 (transfer between the High Court and County Court), rule 30.2(1) (transfer between county courts) or rule 30.2(4) (transfer between the Royal Courts of Justice and the district registries).
- 1.2** From time to time the Attorney General will publish a note concerning the organisation of the Government Legal Service and matters relevant to the venue of Crown proceedings, for the assistance of practitioners and judges. When considering questions of venue under rule 30.3(2), the court should have regard to the Attorney General's note in addition to all the other circumstances of the case.

SERVICE OF DOCUMENTS

- 2.1** In civil proceedings by or against the Crown, documents required to be served on the Crown must be served in accordance with rule 6.10 or 6.23(7).

(The list published under section 17 of the Crown Proceedings Act 1947 of the solicitors acting for the different government departments on whom service is to be effected, and of their addresses is annexed to this Practice Direction).

ANNEX 1

Disputes as to Venue – Factors to be taken into Consideration

ATTORNEY GENERAL’S NOTE TO SUPPLEMENT THE PRACTICE DIRECTION

Introduction

Until the recent rule changes, the Crown was entitled in High Court matters to insist that venue was the Royal Courts of Justice in London (RCJ) (RSC O77, rule 2). This rule has now been revoked. A new rule 30.3(2)(h) provides that in cases involving civil proceedings by or against the Crown, when considering whether to order a transfer of those proceedings, the court must have regard to, ‘the location of the relevant government department or officers of the Crown and, where appropriate, any relevant public interest that the matter should be tried in London.’

The Practice Direction to Part 66, at paragraph 2, provides that the Attorney-General will publish a note concerning the organisation of the Government Legal Service and matters relevant to the venue of Crown Proceedings, for the assistance of practitioners and judges. When considering questions of venue under rule 30.3(2), the court should have regard to the Attorney-General’s note in addition to all the other circumstances of the case.

This note sets out the further factors to be taken into consideration where there is a dispute as to venue between a claimant and a government department. Where there is such a dispute, it should be dealt with at a case management conference.

Organisation of the Government Legal Service

The Government Legal Service (GLS) has the responsibility for advising the Government about its legal affairs and has the conduct of civil litigation on its behalf. The Treasury Solicitor conducts this litigation for the majority of Government Departments but lawyers in HM Revenue and Customs, the Department for the Environment, Food and Rural Affairs and the Department for Work and Pensions (which also acts for the Department of Health and the Food Standards Agency) have the conduct of litigation for their Departments. All Government litigation lawyers are based in the London with the exception of HM Revenue and Customs, whose personal injury lawyers are in Manchester. A full list of addresses for service is annexed to the Practice Direction accompanying Part 66 of the CPR.

Factors be taken into account generally

Location

Whilst a number of government departments have offices outside London, central government bodies are based in London and the GLS is geared towards processing claims in the RCJ (see above). Where there is a High Court claim, many witnesses as well as lawyers and officials are London based and there may be a disproportionate cost in transferring them to a venue outside London. That is not to say, bearing in mind the overriding objective, that the Crown

would oppose transfer away from the RCJ where it was appropriate, for example in personal injury disputes.

Precedent value

Some cases have important precedent value or are of general importance to the public, which may make them more suitable for being heard in the RCJ.

Special Considerations in relation to HM Revenue and Customs

HM Revenue and Customs has no lawyers outside London, except for those personal injury lawyers based in Manchester.

The work of HM Revenue and Customs is very specialised, needing in many cases to be dealt with by specialist judges in the Chancery Division familiar, for example, with tax work.

There is also the public interest to consider. All revenue cases (including those of HM Revenue and Customs) have important precedent value that applies across the entire tax system, with implications for the Exchequer.



CABINET OFFICE

CROWN PROCEEDINGS ACT 1947

List of Authorised Government Departments and the names and addresses for service of the person who is, or is acting for the purposes of the Act as, Solicitor for such Departments, published by the Minister for the Civil Service in pursuance of Section 17 of the Crown Proceedings Act 1947.

This list supersedes the list published on 6 January 2004

AUTHORISED GOVERNMENT
DEPARTMENTS

SOLICITOR AND
ADDRESSES FOR SERVICE

Advisory, Conciliation and Arbitration Service
Assets Recovery Agency
Board of Trade
Cabinet Office
Central Office of Information
Crown Prosecution Service
Department for Constitutional
Affairs ((see Note (3))
Department for Culture, Media and Sport
Department for Education and Skills
Department for International Development
Department for Transport
Department of Trade and Industry
Export Credits Guarantee Department
Foreign and Commonwealth Office
Government Actuary's Department
Health and Safety Executive
Her Majesty's Chief Inspector of
Schools in England
Her Majesty's Chief Inspector of
Schools in Wales
Her Majesty's Treasury
Home Office
The International Rail Regulator
Ministry of Defence
National Savings and Investments
Northern Ireland Office
Office of the Deputy Prime Minister
Office of Rail Regulation
Ordnance Survey
Privy Council Office
Public Record Office
Public Works Loan Board
Royal Mint
Serious Fraud Office
Wales Office (Office of the Secretary of
State for Wales) (see Note (4))

The Treasury Solicitor
One Kemble Street
London
WC2B 4TS

(see Notes (1) and (2))

AUTHORISED GOVERNMENT
DEPARTMENTS

Crown Estate Commissioners

Department for Environment, Food
and Rural Affairs
(see Note (4))
Forestry Commissioners

Department of Health
Department for Work and Pensions
Food Standards Agency
Office for National Statistics

Director General of Water Services

Gas and Electricity Markets Authority

Her Majesty's Revenue and Customs

National Assembly for Wales

Office of Fair Trading

Postal Services Commission

SOLICITOR AND
ADDRESSES FOR SERVICE

Head of Legal
The Crown Estate
16 Carlton House Terrace
London SW1Y 5AH

The Solicitor to the Department for
Environment, Food and Rural Affairs
Nobel House
17 Smith Square
London SW1P 3JR

The Solicitor to the Department for Work and
Pensions and the Department of Health
New Court
48 Carey Street
London WC2A 2LS

Head of Legal Services
The Office of Water Services
Centre City Tower
7 Hill Street
Birmingham B5 4UA

General Counsel
Office of Gas and Electricity Markets
9 Millbank
London SW1P 3GE

The Solicitor to Her Majesty's Revenue and
Customs
Somerset House
The Strand
London WC2R 1LB

The Director of Legal Services to the Welsh
Assembly Government
Cathays Park
Cardiff CF10 3NQ

The Solicitor to the Office of Fair Trading
Fleetbank House
2-6 Salisbury Square
London EC4Y 8JX

The Chief Legal Adviser
Postal Services Commission
Hercules House
6 Hercules Road
London SE1 7DB

NOTES

- (1) Section 17(3) and section 18 of the Crown Proceedings Act 1947 provide as follows:

17(3) Civil proceedings against the Crown shall be instituted against the appropriate authorised Government department, or, if none of the authorised Government departments is appropriate or the person instituting the proceedings has any reasonable doubt whether any and if so which of those departments is appropriate, against the Attorney General.

18 All documents required to be served on the Crown for the purpose of or in connection with any civil proceedings by or against the Crown shall, if those proceedings are by or against an authorised Government department, be served on the solicitor, if any, for that department, or the person, if any, acting for the purposes of this Act as solicitor for that department, or if there is no such solicitor and no person so acting, or if the proceedings are brought by or against the Attorney General, on the Solicitor for the affairs of His Majesty's Treasury.

- (2) The above-mentioned provisions do not apply to Scotland, where in accordance with the Crown Suits (Scotland) Act 1857, as amended by the Scotland Act 1998, civil proceedings against the Crown (other than the Scottish Administration) or any Government Department (other than the Scottish Executive) may be directed against the Advocate General for Scotland. The Advocate General's address for service is the Office of the Solicitor to the Advocate General for Scotland, Victoria Quay, Edinburgh EH6 6QQ. Civil proceedings against the Scottish Administration may be directed against the Scottish Ministers at St Andrew's House, Edinburgh EH1 3DG, or against the Lord Advocate for and on behalf of the Scottish Executive. The Lord Advocate's address for service is 25 Chambers Street, Edinburgh, EH1 1LA.

- (3) The reference to the Department for Constitutional Affairs includes a reference to the Lord Chancellor's Department.

- (4) The Solicitor and address for service for the purposes of or in connection with civil proceedings brought by or against the Crown which relate to those matters for which the Secretary of State is responsible in Wales and for which the Secretary of State for Environment, Food and Rural Affairs is responsible is the Solicitor to the Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London, SW1P 3JR. The Treasury Solicitor is the Solicitor acting for the Wales Office (Office of the Secretary of State for Wales) in all other civil proceedings affecting that Office.

CABINET OFFICE
WHITEHALL
LONDON SW1



(Signed) SIR GUS O'DONNELL
31 August 2005

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