

# 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

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## **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 This rule has now been revoked.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 19 February 2009*

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AUTHORISED GOVERNMENT  
DEPARTMENTS

SOLICITOR AND  
ADDRESSES FOR SERVICE

Advisory, Conciliation and Arbitration Service	)	
Board of Trade	)	
Cabinet Office	)	
Central Office of Information	)	
Commissioners for the		
Reduction of National Debt (see Note (3))	)	
Crown Prosecution Service	)	
Department for Business,		
Innovation and Skills	)	
Department for Children, Schools and Families	)	
Department for Culture, Media and Sport	)	
Department for Communities and		
Local Government	)	
Department of Energy and Climate Change	)	
Department for International Development	)	
Department for Transport	)	
Food Standards Agency	)	
Foreign and Commonwealth Office	)	
Government Actuary's Department	)	The Treasury Solicitor
Government Equalities Office	)	One Kemble Street
Health and Safety Executive	)	London
Office for Standards in Education,		WC2B 4TS
Children's Services and Skills	)	
Her Majesty's Chief Inspector of		(see Notes (1) and (2))
Schools in Wales	)	
Her Majesty's Treasury	)	
Home Office	)	
Ministry of Defence	)	
Ministry of Justice (see Note (4))	)	
National Savings and Investments	)	
National School of Government	)	
Northern Ireland Office	)	
Ordnance Survey	)	
Privy Council Office	)	
Public Works Loan Board (see Note (3))	)	
Royal Mint	)	
Serious Fraud Office	)	
The National Archives	)	
Wales Office (Office of the Secretary of		
State for Wales) (see Note (5))	)	

Child Maintenance and Enforcement Commission Department of Health Department for Work and Pensions UK Statistics Authority	The Solicitor to the Department for Work and Pensions and the Department of Health The Adelphi 1-11 John Adam Street London WC2N 6HT
Crown Estate Commissioners	Legal Director The Crown Estate 16 New Burlington Place London W1S 2HX
Department for Environment, Food and Rural Affairs (see Note (5)) Forestry Commissioners	The Solicitor to the Department for Environment, Food and Rural Affairs Nobel House 17 Smith Square London SW1P 3JR
Export Credits Guarantee Department	The General Counsel, Export Credits Guarantee Department, P.O. Box 2200, 2 Exchange Tower, Harbour Exchange Square, London E14 9GS
Gas and Electricity Markets Authority	Senior Legal Director Office of Gas and Electricity Markets 9 Millbank London SW1P 3GE
Her Majesty's Revenue and Customs	General Counsel and Solicitor to Her Majesty's Revenue and Customs HM Revenue and Customs South West Wing Bush House, Strand London, WC2B 4RD
Office of Fair Trading	General Counsel Fleetbank House 2-6 Salisbury Square London EC4Y 8JX

Office of Rail Regulation	Director of Legal Services ORR One Kemble Street London WC2B 4AN
Postal Services Commission	The Chief Legal Adviser Postal Services Commission Hercules House 6 Hercules Road London SE1 7DB
Revenue and Customs Prosecutions Office (RCPO)	The Director Revenue and Customs Prosecutions Office New King's Beam House 22 Upper Ground London SE1 9BT
Water Services Regulation Authority (OFWAT)	Director of Legal Services and Board Secretary Water Services Regulation Authority (OFWAT) Centre City Tower 7 Hill Street Birmingham B5 4UA
Welsh Assembly Government	The Director of Legal Services to the Welsh Assembly Government Cathays Park Cardiff CF10 3NQ

#### 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.*

Proceedings brought against the Attorney General should be served on the Treasury Solicitor.



- (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 functions of the Commissioners for the Reduction of National Debt and the Public Works Loan Board are carried out within the UK Debt Management Office.
- (4) The reference to the Ministry of Justice includes a reference to the Lord Chancellor's Department.
- (5) 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**  
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