



**Courts and
Tribunals Judiciary**

**Business and Property Courts
The Commercial Court
Report 2023–2024
(Including the Admiralty Court Report)**

February 2025



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Tribunals Judiciary**

The Commercial Court Report 2023–2024

February 2025

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1. Introduction

Having inherited the mantle in September 2024 as Judge in Charge of the Commercial Court, I am pleased to continue the tradition of reporting another year of high activity. The 2023/24 year's characteristics include a tendency for trials to settle less frequently, greater numbers of non-trial hearings and of substantive judgments, a jump in new arbitration applications and continuing large numbers of paper applications.



743 new claims were issued in the Commercial Court in 2023-24. That figure was lower than in 2022-23 (885), though the latter figure was perhaps artificially inflated by including 111 individual Covid business interruption claims, and was higher than in 2021-22 (723). Across the Commercial Court, Admiralty Court, London Circuit Commercial Court (LCCC) and Financial List taken together, there were 1,192 new claims issued in 2023-24 (compared to 1,352 in 2022-23 and 1,172 in 2021-2022). At the same time, the numbers of hearings listed (1,251) and heard (884) in the Commercial Court were higher than in the previous year (1,179 and 839), with a continuing settlement rate of about 29%. The situation was markedly different for trials. Fewer were listed in the Commercial Court (95, compared to 123 in 2022-23) but more were heard (41, compared to 37 in 2022-23), representing a decrease in settlement rate from 70% to 57%. Similarly, in the LCCC 30 out of 52 listed trials were heard, reflecting a settlement rate of only 42%, down from 78%, 69% and 76% in the preceding three years. 54% of contested trials in the Commercial Court were completed within one week, and 65% within three weeks. However, there were eight trials lasting four weeks or more, one trial of 37 days, and the year long trial in *Skatteforvaltningen v Solo Capital Partners LLP and others* before Mr Justice Andrew Baker which remained ongoing at the year-end after 51 sitting days.

The overall number of sitting days in the Commercial Court was slightly higher than last year (1,176 compared to 1,113), and within that figure the sitting days by High Court judges, as opposed to retired or Deputy High Court judges, was markedly higher (767 days) than in recent years. There was also an increase in the number of substantive judgments – reserved judgments or ex tempore judgments given a Neutral Citation Number – up from 263 to 290. Paper applications remained at high levels, with 5,077 filed in 2023-24, an average of 390 applications a year for the 13 judges of the Commercial & Admiralty Court and the LCCC. There were also 60 urgent applications over the year, and numerous expedition requests.

The Court continued to handle many international disputes, comprising about 75% of the court's work: a similar level to previous years. The top work categories of new claims recorded for statistical purposes were “*general commercial contracts and arrangements*”, arbitration-related matters, insurance/reinsurance, aviation

and commercial fraud, with the first category in particular covering a wide range of business disputes. The Admiralty Court noted a new litigation trend for marina owners/operators to use that court's jurisdiction to arrest and sell yachts and other vessels to satisfy unpaid berthing fees.

The Commercial Court generally handles claims valued at £8 million or more, with the LCCC dealing with similar types of claim valued typically in the range £1 million to £8 million. Cases are routinely transferred between the courts where appropriate. Cases with a value of £500,000 or less that do not require the expertise of a Circuit Commercial judge for trial will be transferred to the County Court, though they are retained where the subject-matter makes that appropriate (e.g. cargo claims and, during this year, Covid business interruption claims). In appropriate cases, parties are encouraged to use the Shorter Trials Scheme or the Flexible Trials Scheme (see section 9 of this report), both of which can bring greater streamlining and cost savings, for example in relation to disclosure. The same applies to the regime for Less Complex Claims in Appendix 5 to PD 57AD.

Arbitration applications remained an important part of the Commercial Court's work, amounting to about 20% of claims issued, reflecting London's status as an arbitration centre. There was a very marked rise in applications received during the year, both for injunctions in support of arbitration claims (up 150% to 50), and in challenges to awards. Applications to appeal on a point of law were up from 37 to 52, serious irregularity challenges up from 27 to 37 and jurisdiction challenges up from 7 to 24. Time will tell how these new claims develop. The success rate of claims determined during the year remained low (one successful appeal on a point of law, one successful jurisdiction challenge and no successful serious irregularity challenges). Last year's report referred to our contribution to the process for reform of the Arbitration Act 1996. The Arbitration Bill has now completed its passage through the House of Lords, received the Royal Assent and became law in 2025.

The Court has continued to be active in promoting the use of junior advocates, the importance of which we routinely raise for example at Pre Trial Reviews; and to increasing opportunities for and awareness of careers in commercial dispute resolution. This has included participation in the IntoUniversity, Pathways to Law, Pupils in Court and Bridging the Bar schemes and COMBAR's social mobility workshop. More broadly, members of the Court have continued to promote and explain our work in a variety of national and international fora. Details of past and forthcoming events are published on the Commercial Court pages (<https://www.judiciary.uk/courts-and-tribunals/business-and-property-courts/commercial-court/>) of the Judiciary website.

The Court remains committed to the resolution of commercial disputes in the thriving Business & Property Court centres outside London whenever appropriate, whether by judges based there or, occasionally, London-based judges travelling to hear cases. This year, for example, Mr Justice Andrew Baker heard a significant

dispute relating to the provision of medical technology over four weeks in Newcastle. Mr Justice Foxton continued his practice of visiting, speaking at and if possible hearing cases in the regional centres (an approach which I am continuing).

We congratulate Mr Justice Waksman, who in January 2024 was appointed as Judge in Charge of the Technology and Construction Court, though he also remains a judge of the Commercial Court. In addition, we welcome Master Simon Brown, who was appointed as Deputy Admiralty Registrar during the year.

Thanks are due to Mr Justice Foxton, who completed his two-year tenure as Judge in Charge of the Commercial Court at the end of August 2024, for leading the court with skill and erudition. Further thanks are due to Mr Justice Foxton, and to his clerk Kaylei Smith, for their work in preparing this Report; and to the Commercial Court Listing Office for providing the statistics essential for this Report.

Finally, the judges of the Court are extremely grateful our clerks, the court staff, Michael Tame and his colleagues in the listing team for their day to day hard work and commitment, which are indispensable as ever as the Court continues to handle its high levels of complex business.

**Mr Justice Henshaw,
Judge in Charge of the Commercial Court**

2. The Courts

2.1 Judges of the Court

As of December 2024, there were 14 High Court judges nominated to sit in the Commercial and Admiralty Courts, though Mr Justice Waksman, as Judge in Charge of the Technology and Construction Court, sits principally in that court, and Mr Justice Saini will sit only occasionally in the Commercial Court because of other judicial commitments. The current judges can be found at <https://www.judiciary.uk/courts-and-tribunals/business-and-property-courts/commercial-court/about-the-commercial-court/the-commercial-courts-judges/>. As judges of the King's Bench Division, they are often taken away from the Court on other judicial business such as sitting on criminal trials on Circuit, sitting in the general King's Bench list, the Administrative Court, the Court of Appeal Criminal Division and the Competition Appeals Tribunal. Some also sit on occasion in the Technology and Construction Court. From 1 November 2024, Mr Justice Bright has been a Presiding Judge of the Northern Circuit.

The Court aims to have about eight judges sitting at any time. However, it is challenging to maintain this figure.

The Court continues to handle a varied case load, with the balance of work including both traditional subject-matters (such as international trade, shipping, insurance and reinsurance), commercial fraud, actions arising out of commercial and business acquisition agreements, and claims relating to banking, financial services and securities transactions. Long trials which generate a significant volume of interim applications have become an increasing feature of the commercial litigation landscape.

2.2 Judiciary Changes

On 1 September 2024, Mr Justice Henshaw succeeded Mr Justice Foxton as the Judge in Charge of the Commercial Court. Subject to that, there have been no changes to judicial personnel since the last Commercial Court Report.

Mr Justice Andrew Baker has continued in his role as the Admiralty Judge; and His Honour Judge Pelling KC has continued as Judge in Charge of the London Circuit Commercial Court.

3. **The Work of the Commercial Court**

The Commercial Court covers a wide jurisdiction, extending to any claim that arises out of the transaction of trade and commerce.

The Commercial Court deals with both international and domestic business disputes, including claims relating to:

- Commercial agreements;
- Import and export of goods;
- Carriage of goods by sea, land and air;
- Banking and financial services;
- Insurance and reinsurance;
- Markets and exchanges;
- Commodities, oil, gas and natural resources;
- The construction of ships;
- Agency; and
- Arbitration and competition matters.

Size of claims

The value of claims in the Court is generally well above £5 million. Many of the cases in the Court are worth considerably more than this, with a number of cases worth over £1 billion being commenced every year.

Efforts are made to ensure that all claims issued in the Commercial Court are audited before a CMC is booked, to ensure that the Court's resources can be given to cases which require its expertise, that smaller cases can benefit from shorter lead times in the Circuit Commercial Courts, and that claims which raise competition issues are heard by the Competition Appeals Tribunal. The Court's ability to audit cases depends in part on the value of claims being clear from the outset, which is not always the case. There are occasions when it only becomes apparent at a CMC or when a hearing has been fixed that a case would be more appropriately heard in another court. Cases will be transferred out, where appropriate, whether or not a hearing is pending.

Requests for expedition

The number of expedition requests received by the Commercial Court has risen significantly over recent years. Requests have an impact on lead times, and should be made (via the Listing Office) only when absolutely necessary. They should be succinct. A request and a response should generally be no more than four pages long in total.

Pre-reading and time estimates

Users are reminded of the guidance issued on these matters by the then Judge in Charge (together with the Judge in Charge of the London Circuit Commercial Court) on 28 September 2020, which remains in effect (<https://www.judiciary.uk/wp-content/uploads/2020/10/Time-estimates-Notice-2020-1.pdf> or <https://www.judiciary.uk/guidance-and-resources/time-estimates-for-pre-reading-and-hearings/>); and the Practice Note issued on 30 March 2022 regarding time estimates. Parties are warned that inadequate time estimates may result in cases being stood out of the list and relisted without expedition. The Practice Note calls for careful consideration to the number of issues and authorities that can be covered. It reminds parties that oral hearings exist for the presentation of the parties' arguments, including submissions on the law, and that it is not acceptable for advocates to provide a list of documentary references or case extracts and expect the Judge to read the material after the hearing. The Practice Note is at <https://www.judiciary.uk/guidance-and-resources/practice-note-commercial-court-2/>.

Electronic working

Parties are required to file electronic bundles in accordance with the latest directions, updated on 29 November 2021, which can be found at: <https://www.judiciary.uk/general-guidance-on-electronic-court-bundles/>.

Website

The redesigned and award-winning Business & Property Courts' website includes pages relating to the Commercial Court, Admiralty Court and Circuit Commercial Courts containing a variety of useful and current information (<https://www.judiciary.uk/courts-and-tribunals/business-and-property-courts/commercial-court/>). These include a summary guide to litigating in the Commercial Court (<https://www.judiciary.uk/courts-and-tribunals/business-and-property-courts/commercial-court/litigating-in-the-commercial-court/preparing-for-hearings-and-trials/>) and a "Listing FAQ" which addresses most of the questions regularly asked of the Listing Office (<https://www.judiciary.uk/courts-and-tribunals/business-and-property-courts/commercial-court/lead-times-list-and-contacts/listings-faqs/>). The pages also include regularly updated summaries of Commercial Court judgments (<https://www.judiciary.uk/courts-and-tribunals/business-and-property-courts/commercial-court/about-the-commercial-court/judgment-summaries-for-the-commercial-court/>). The website includes reports of recent and forthcoming events involving Commercial Court judges (Commercial Court News - Courts and Tribunals Judiciary) Users are invited to submit any suggestions for improvement to the Clerk to Cockerill J c/o Laura.Hope@justice.gov.uk

Overview of work

The year 2023-2024 saw a reduction in the number of claims issued in the Commercial Court from 885 to 743. That figure of 885 was unusually high, including 111 Covid business interruption claims. The figure of 743 is higher than the 723 claims issued in 2021-2022.

There was an increase in the overall number of hearings (both listed and heard), and while the number of trials listed was down, the number of trials heard was up. There was a modest increase in the overall number of sitting days, and a more significant increase in the number of allocated reading and judgment writing days.

Below is a small selection of cases heard in 2023/2024:-

- *Loreley Financing (Jersey) No 30 Limited v Credit Suisse Securities (Europe) Ltd and ors* [2023] EWHC 2759 (Comm) (Cockerill J), Financial List claims relating to a US\$100m synthetic CDO transaction
- *Star Axe 1 LLC v Royal and Sun Alliance Luxembourg SA and ors* [2023] EWHC 2784 (Comm) (Butcher J), the incorporation

of the York Antwerp Rules into a widely used standard form bill of lading

- *Canon Medical Systems Limited v Imaging Centre Assets Limited* [2023] EWHC 3007 (Comm) (Andrew Baker J), a dispute relating to the provision of medical technology which the Judge heard over four weeks in Newcastle
- *Eurasian Natural Resources Corporation Limited v Dechert LLP and ors* [2023] EWHC 3280 (Comm) (Waksman J), determining issues of causation and loss following earlier findings of reckless breach of duty against Decherts LLP and of inducing breach of contract by the SFO
- *Delos Shipholding SA v Allianz Global Corporate and Specialty SE* [2024] EWHC 719 (Comm) (Dias J), claims for constructive total loss of detained vessel and counterclaim for avoidance of the insurance policy
- *Upham v HSBC UK Bank Plc* [2024] EWHC 849 (Comm) (Bright J), claims for damages relating to participation in “Eclipse” tax scheme
- *Zephyrus Capital Aviation Partners 1D Limited and ors. v Fidelis Underwriting Limited and ors.* [2024] EWHC 734 (Comm) (Henshaw J) claim for around US\$9.7bn following the alleged detention/loss in the Russian Federation of 208 aircraft and 31 engines
- *FW Aviation (Holdings) 1 Limited v Vietjet Aviation Joint Stock Company* [2024] EWHC 1945 (Comm) (Picken J) action relating to the recovery of four Airbus aircraft and US\$180m in outstanding rent
- *Republic of Mozambique v Credit Suisse International and others* [2024] EWHC 1957 (Comm) (Robin Knowles J), allegations of fraud relating to supply contracts with Mozambique government
- *Gorbachev v Guriev* [2024] EWHC 2174 (Comm) (HHJ Pelling KC), dispute as to ownership of 24.75% share in £3.7 billion Russian company

In addition to hearings, Judges also deal with a substantial number of applications on paper: see further section 12.2 below.

The Judge in Charge of the Commercial Court also deals with applications to transfer in and out of the Court, as well as matters concerning listing and expedition.

3.1 Arbitration

Matters arising from arbitration still make up a significant proportion of the claims issued in the Court (around 20%), reflecting London's continued status as an important centre for international arbitration.

These matters include a range of applications made in support of the arbitral process, such as applications for injunctions, for the enforcement of arbitration awards, and other matters such as applications to the court for the appointment of an arbitrator.

The bulk of the arbitration claims issued are:

- challenges to awards on grounds of jurisdiction under section 67 of the Arbitration Act 1996;
- challenges alleging irregularity (section 68 applications),
- appeals on a point of law (section 69 applications); and
- applications for injunctions in support of the arbitral process.

3.1.1 Section 44 applications (injunctions)

During 2023 – 2024 there were 50 applications for injunctions under section 44 of the Act: a 150% increase compared to the previous year (20 application for 2022 – 2023) and 230% increase compared to the 15 applications in 2021-2022.

3.1.2 Section 69 applications (appeal on point of law)

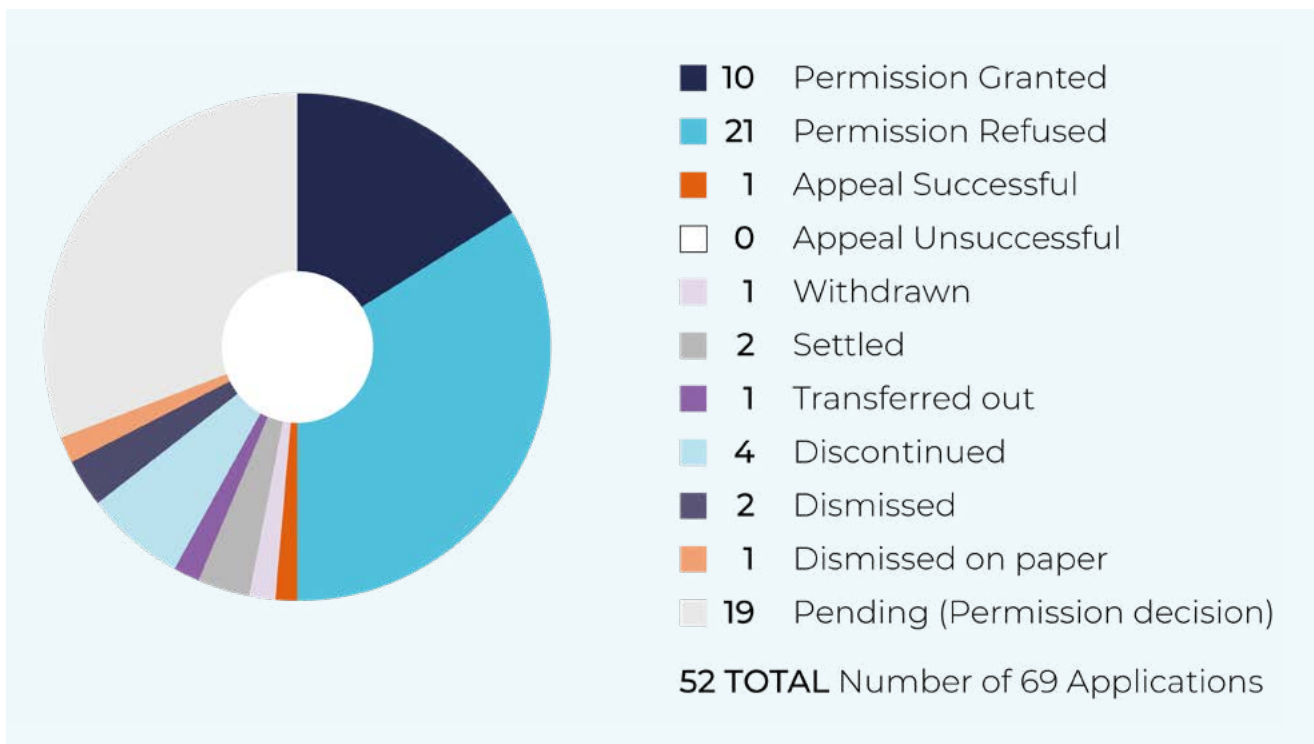
The number of section 69 applications received during the year was 52, compared to 37 the previous year. As at October 2024 (some of these categories overlapping):-

- 10 had permission granted
- 21 had permission refused
- 1 appeal was successful
- 1 was withdrawn
- 2 were settled

- 1 was transferred out
- 4 were discontinued
- 2 were dismissed following a hearing
- 1 was dismissed on paper
- 19 were awaiting a permission decision

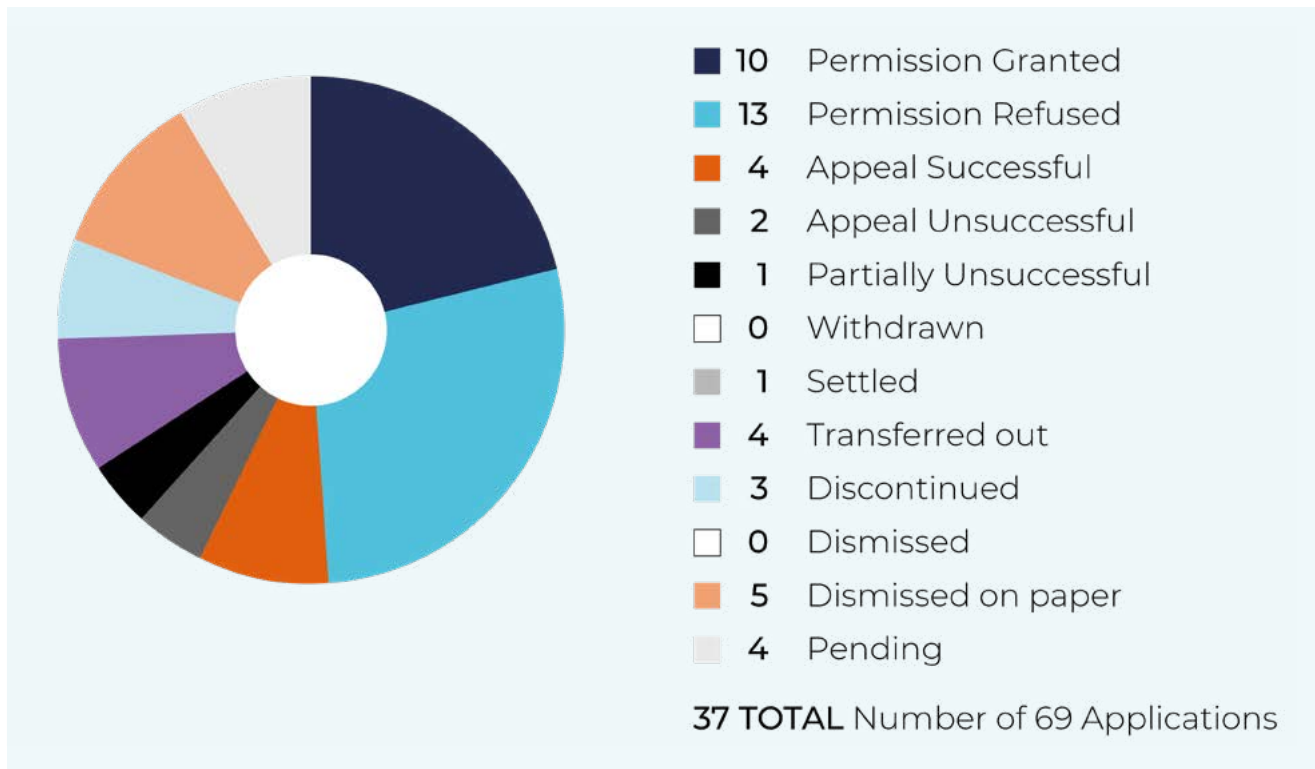
as illustrated below:

Section 69 2023-2024



As an arbitration case will sometimes span a year-end, a more complete picture is offered by looking also at previous years. A review of 2022-2023 shows that there were 46 applications received in that year. The current position of these is illustrated below:

Section 69 2022-2023



3.1.3 Section 69 applications (completion times)

During this year it has taken on average 111 days for a decision to grant or refuse permission to appeal, including the time required for service on the respondent, for the respondent to file its response, for any reply by the applicant, and the provision of a bundle for the judge. This has reduced compared to applications filed during 2022-2023, when the average time was 121 days. The average completion time for applications where permission was granted (from receipt of claim to final decision) was 110 days for 2023-2024 and 172 days for 2022-2023.

3.1.4 Section 68 applications (procedural irregularity)

During the year the Court received 37 section 68 applications (a 37% increase compared to 27 applications the previous year), of which:

- 5 applications were dismissed at a hearing
- 7 applications were dismissed on the papers
- 3 was discontinued
- 1 was settled
- 1 was withdrawn

The remaining 20 are pending.

A review of applications received during 2022-2023 shows 27 applications, on which the position is as follows:

- 5 application was dismissed at a hearing
- 11 applications were dismissed on the papers

The remainder were discontinued (3), settled (3), transferred out (3), withdrawn (1) or pending (1).

3.1.5 Section 67 applications (jurisdiction)

During the year 24 jurisdiction applications were filed under section 67 of the Act (a 242% increase from the 7 filed the previous year), of which:

- 1 was successful
- 7 were dismissed on the papers
- 1 was discontinued
- 2 were transferred out
- 13 remain pending

During 2022-2023 there were 7 applications received, of which:

- 2 were dismissed on the papers
- 1 was dismissed following a hearing
- 2 were discontinued
- 1 was settled
- 1 was withdrawn

3.2 The London Circuit Commercial Court

The London Circuit Commercial Court handles commercial transactions that satisfy the following criteria:

1. the case concerns a business dispute, including but not limited to such a dispute relating to:
 - Commercial contracts;

- The export or import of goods, international carriage of goods by land, sea or air;
 - Insurance and reinsurance;
 - Banking and financial services, commercial loan agreements, guarantees and indemnities;
 - The operation of markets and exchanges including those concerned with commodities of all types and financial products of all types including securities and currencies;
 - Share sale agreements;
 - Professional negligence;
 - Business agency and management agreements including those relating to professional sport;
 - Confidential information and the enforcement of post termination restraints in employment contracts;
 - Ships or yachts (other than to the extent the claim falls within the exclusive jurisdiction of the Admiralty Court); or
 - Arbitrations including appeals and other challenges concerning arbitrations made under the Arbitration Act 1996 and the enforcement of Arbitral Awards;
2. the case would be fit for commencement in the Commercial Court by reason of its subject matter but is unsuitable for issue in the Commercial Court by reason of its financial value and/or the nature of the factual, technical or legal issues that arise;
 3. its value merits trial in the High Court; and
 4. the factual, technical or legal issues that arise require or would benefit from the expertise of a Circuit Commercial Judge to resolve.

Cases are normally heard by specialist senior circuit judges authorised to sit as High Court judges, and by specialist Deputy High Court judges. Some cases may be heard by Commercial Court judges.

His Honour Judge Pelling KC is Judge in Charge of the London Circuit Commercial Court. He also sits as a judge of the Commercial Court.

4. The Work of the Admiralty Court

The Admiralty Court has exclusive jurisdiction over certain maritime claims. Cases heard by the Court include:

- Collisions between ships;
- Disputes over the transport of cargo;
- Salvage of a ship, cargo or crew;
- Disputes over goods supplied to a ship;
- Disputes over mortgages and other security over ships;
- Claims by passengers or crew for injuries suffered;
- Claims by the crew of a ship for unpaid wages;
- Claims by shipowners to limit liability for loss or damage.

The Court hears claims brought against the owner of a ship ('in personam' claims) and claims brought against the ship itself ('in rem' claims). The distinctive feature of the 'in rem' jurisdiction is the ability of the court to arrest and sell ships.

The Court comprises the Admiralty Judge (Mr Justice Andrew Baker), all other judges of the Commercial Court, and the Admiralty Registrar (Master Davison) and Deputy Admiralty Registrar (Master Simon Brown).

The Admiralty Registrar allocates cases either to the Admiralty Judge or to the Admiralty Registrar (usually those under £1 million). Where damages are to be assessed in a collision action (or any other action) they will, save in exceptional cases, be referred to the Registrar. The role of the Admiralty Registrar, combined with the high proportion of cases that settle prior to any substantive hearing, means that much of the work of the Admiralty Court is undertaken by the Registrar.

As a result of the County Court no longer having Admiralty jurisdiction, all smaller value claims raising an issue of navigation or ship management are case managed by the Registrar and, when they do not settle, are tried by him.

Many in personam claims for personal injury suffered on board waterborne craft were previously issued in the Admiralty Court even though they did not raise any such issue and were likely to be worth well under £1 million. Since 6 April 2023 there has been no requirement for such claims to be brought in the Admiralty Court, and guidance is now given in CPR PD 61, paragraphs 2.7-2.8. Where such claims are commenced in the Admiralty Court despite that guidance, they will ordinarily be transferred out to a suitable County Court.

Warrants of arrest are executed by the Admiralty Marshall, Paul Farren.

The Court and the Marshal acknowledge the role played by solicitors in giving early notification of a Claimant's intention to arrest, which then enables the Marshal to act without delay when a warrant of arrest is issued.

During 2023-2024, the Court observed a new litigation trend in the use by marina owners/operators of the Admiralty Court's jurisdiction to arrest and sell yachts and other waterborne craft as a means of dealing with unpaid berthing fees. The totals for arrests and sales for 2023-2024, across all types of claim, were 24 warrants of arrest and 6 sales (compared with 19 warrants of arrest and 5 sales in 2022-23, 17 warrants and 4 sales in 2021-2022).

4.1 Update from the Admiralty Judge

Mr Justice Andrew Baker reports that, as indicated by the statistics in section 6.3 below, 2023-2024 was similarly busy to 2022-2023 for both substantive and interlocutory hearings.

The one effective collision claim to come to trial was heard by Andrew Baker J in November 2023, [2024] EWHC 362 (Admlty), concerning a collision in the Chattogram Anchorage "A" area off the coast of Bangladesh. In *MSC Flaminia (No.2)*, [2022] EWHC 2746 (Admlty), [2023] EWCA Civ 1007 (Court of Appeal), the Supreme Court gave permission to appeal from the Court of Appeal's decision and it is understood that, after some delays, the appeal is listed for argument in February 2025.

In March 2024, the Court of Appeal upheld Andrew Baker J's decision in the salvage claim by SMIT Salvage arising out of the Ever Given grounding in the Suez Canal: [2023] EWHC 697 (Admlty); [2024] EWCA Civ 260 (Court of Appeal).

The most significant judgment from the Admiralty Registrar during 2023-2024 came in April 2024, considering an application to stay tonnage limitation proceedings in this jurisdiction relating to a motor yacht fire at a marina in Corfu, the application having been brought by the owners of a yacht affected by the fire who were pursuing in the Greek courts their damages claim against the owners of the motor yacht: *Zurich Insurance Co Ltd et al v Halcyon Yacht Charter LLP et al* [2024] EWHC 937 (Admlty).

Sir Nigel Teare continues to be available to assist the Admiralty Court as a result of his authorisation to sit in retirement, and additional arrangements were put in place to cover Andrew Baker J whilst he is undertaking the long *Skatteforvaltningen v Solo Capital Partners LLP and others* trial in the Commercial Court, pursuant to which a collision trial was listed to be heard by Bright J in 2023-2024 (although the claim settled shortly before trial) and collision trials in Michaelmas Term 2024 were to be heard by Cockerill J and Bryan J.

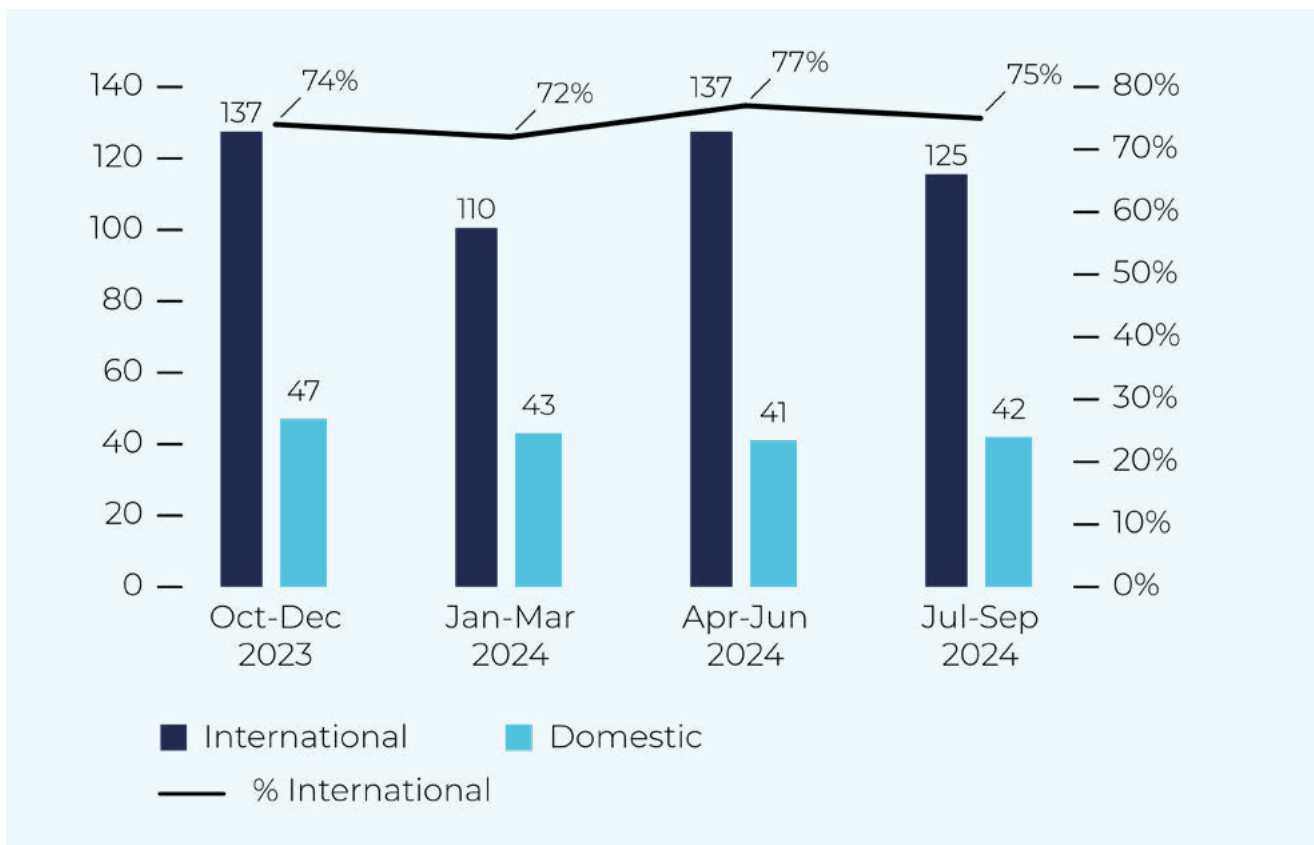
Following the process noted here in last year's Annual Report, King's Bench Master Simon Brown was appointed during 2023-2024 as Deputy Admiralty Registrar.

5. Sources of the Court's Work

As in all previous years, the Commercial Court has handled an international caseload. Cases often reach the Court because parties have contracted on standard forms in use in a particular trade which have a specific provision for English law and/or for the English courts to resolve any disputes that arise. There are also many cases based on bespoke contracts where the parties have actively chosen the jurisdiction of the English Courts.

Below is a breakdown of the cases issued during 2023-2024, showing the continuing high level of international work.

International v Domestic

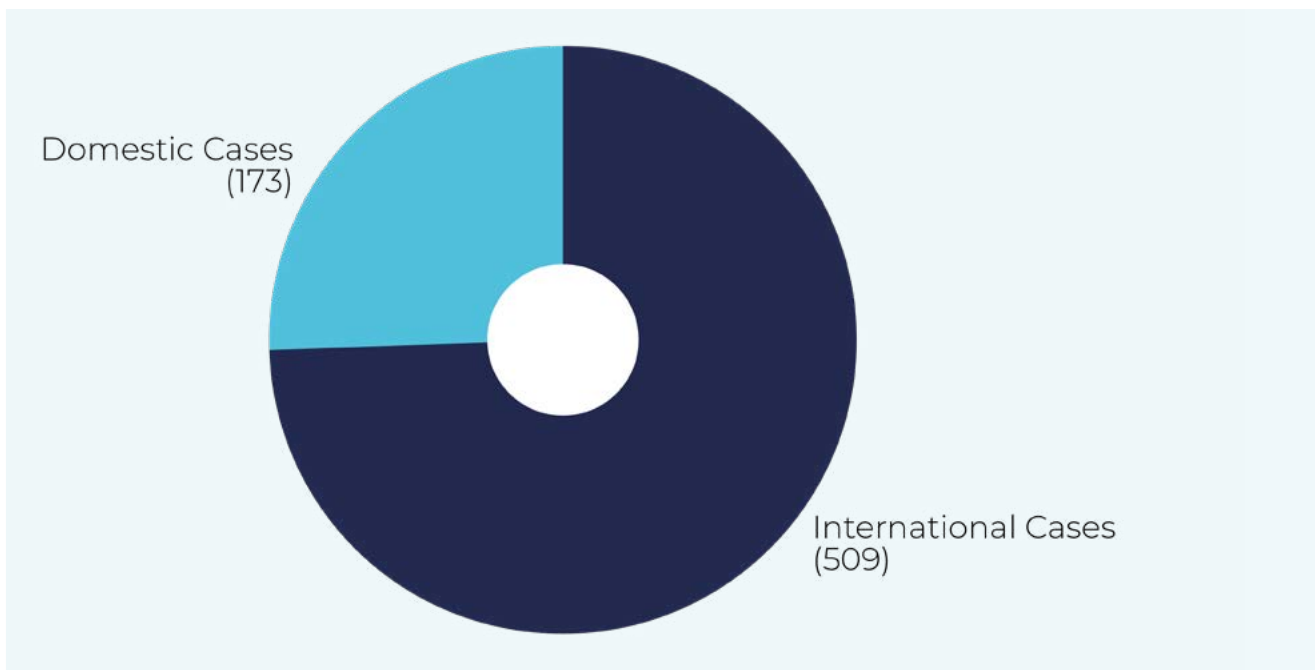


A domestic case is one where:

- a) the subject matter of the dispute between the parties is related to property or events situated within the United Kingdom, and
- b) the parties are based in the United Kingdom relative to the dispute (in other words, that the part of the business relevant to the dispute is carried on in the UK, regardless of whether the business is incorporated, resident or registered overseas).

All other cases are classified as “international”.

International v Domestic 2023-2024



6. Volumes and Business of the Court

This section contains a more detailed analysis of volumes and breakdowns of the business. This will be reported separately by each of the sub-divisions of the Court: Commercial, Admiralty, London Circuit Commercial Court and the Financial List.

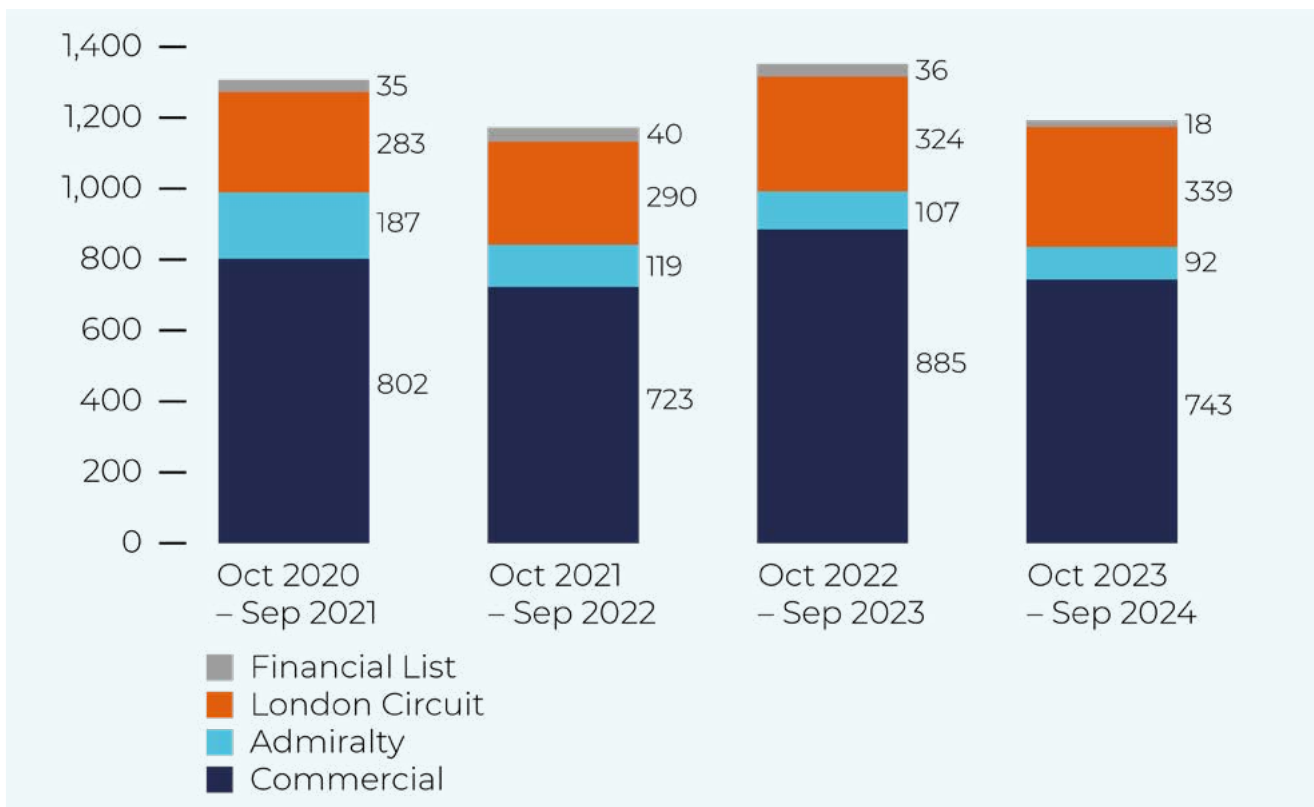
6.1 Number of new claims (all divisions)

During the year there were 1,192 new claims received in total, across all sub-divisions. As reflected in the graph below, the number received overall has decreased compared to 2022-2023 (1,352), is about the same as 2021-2022 (1,172) and represents a decrease compared to 2020-2021 (1,307).

The number of claims issued in the Commercial Court this year (743) has decreased from last year’s figure of 885. At the same time there has been a decrease in the number of claims in the Financial List (down from 36 to 18). In the London Circuit Commercial Court claims filed have increased (from 324 from 339).

The graph below illustrates the overall number of claims issued from October 2023 to September 2024:

New claims



6.2 The Commercial Court

6.2.1 Types of new claims

A breakdown of new claims by type is provided below.

It indicates that the largest single category was General Commercial Contracts and arrangements (138), representing 19% of new claims. That category also represented 19% of new claims last year, but the largest category then was Insurance and/or reinsurance (21%). The latter has dropped to become this year's third largest category, with 95 new claims, as the Covid BI claims work their way out of the system.

Leaving aside 90 new claims categorised as 'other' (as their subject matter was not specified), the top ten categories by number were as follows:

- General Commercial Contracts and arrangements (19%)
- Insurance and/or reinsurance (9%)
- Other arbitration appeals/applications (8%)
- Aviation (8%)
- Commercial fraud (5%)
- Arbitration s.69 of the Arbitration Act 1996 (5%)
- Arbitration enforcement applications under s. 66 and s.101 (5%)
- Arbitration injunctions under section 44 (4%)
- Shipping - charter party dispute (3%)
- Shipping – Cargo (2%)

The category "Other arbitration appeals/applications" reflects the parties' categorisation when the claim was issued.

Commercial Court breakdown by type*

| | |
|-----|--|
| 138 | General commercial contracts and arrangements |
| 90 | Other |
| 68 | Insurance and/or reinsurance |
| 63 | Other arbitration appeal / application |
| 59 | Aviation |
| 40 | Commercial fraud |
| 36 | Arbitration s.69 of the Arbitration Act 1996. |
| 36 | Arbitration enforcement applications under s. 66 and s.101 |
| 31 | Arbitration injunctions under section 44 |
| 19 | Shipping – charter party dispute |
| 17 | Shipping – Cargo |
| 14 | Arbitration s.68 of the Arbitration Act 1996. |
| 14 | Arbitration s.67 of the Arbitration Act 1996 |
| 12 | Pre-action Injunction |
| 12 | Arbitration application to appoint an arbitrator s.18 |
| 11 | Provision of financial services |
| 10 | Sale of goods |
| 10 | Professional negligence claims |
| 10 | Corporate or business acquisition agreements |
| 9 | Arbitration ss.68 and 69 of the Arbitration Act 1996 |
| 7 | Unallocated |
| 6 | Oil and gas and other natural resources |
| 6 | General average |
| 5 | Service out of the Jurisdiction |
| 4 | Carriage of goods by land, air or pipeline |
| 3 | Transfer in |
| 3 | Transactions on financial markets or securities and/or banking |
| 3 | Norwich Pharmacal |
| 2 | Pre-action Disclosure |
| 2 | Physical commodity trading |
| 1 | Shipping – financing |
| 1 | Shipping – construction |
| 1 | N8 Arbitration Applications and Appeals |

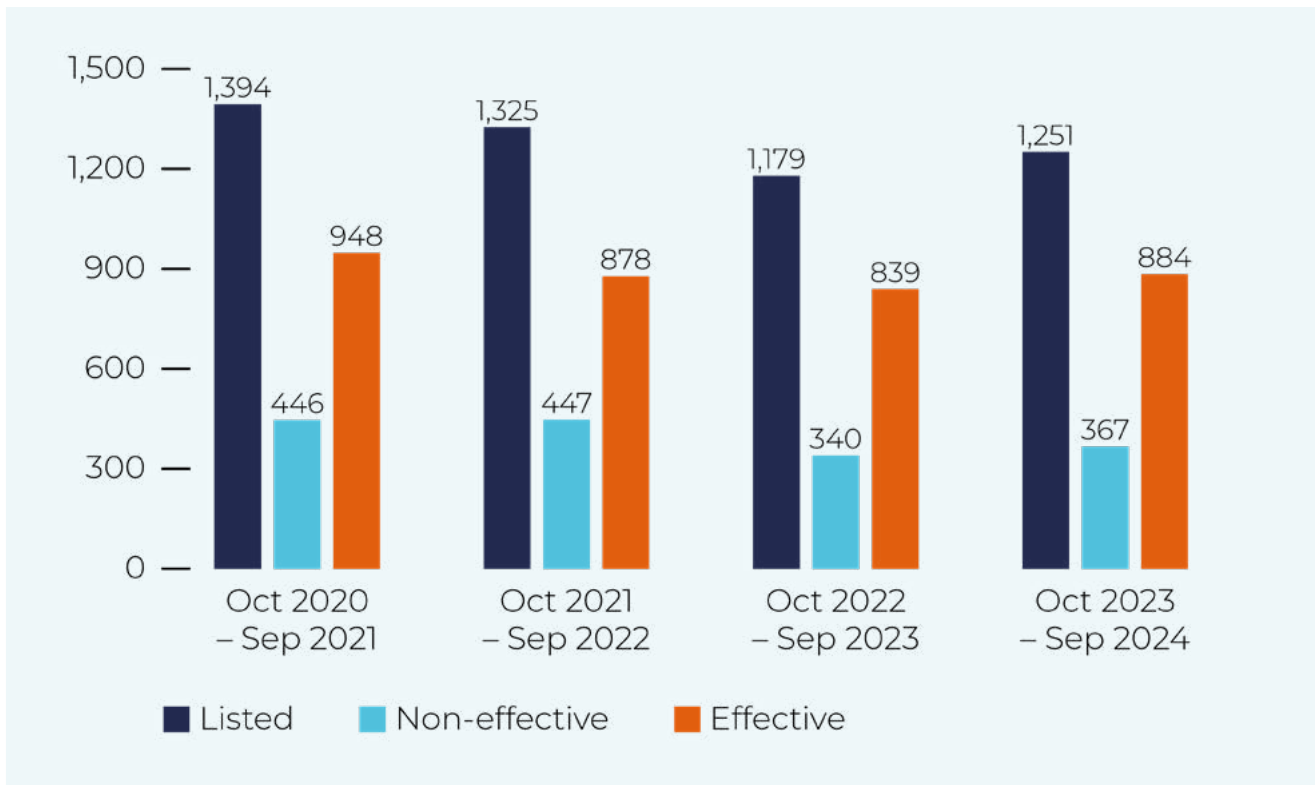
6.2.2 Hearings

The number of hearings listed and heard in the Commercial Court during the year has increased: 1,251 and 884 compared to 1,179 listed and 839 heard the previous year.

Of the 1,251 hearings listed, 367 were not effective for a variety of reasons, such as the hearing being vacated or adjourned, or the case having settled on the day and/or in advance of the hearing date.

The percentage of effective hearings is the same as last year and increased compared to the previous years, having been 71% this year and 71% in 2022 – 2023, compared to 65% in 2021 - 2022 and 67% during 2020 - 2021. The graph below illustrates these figures:

Commercial Court hearings



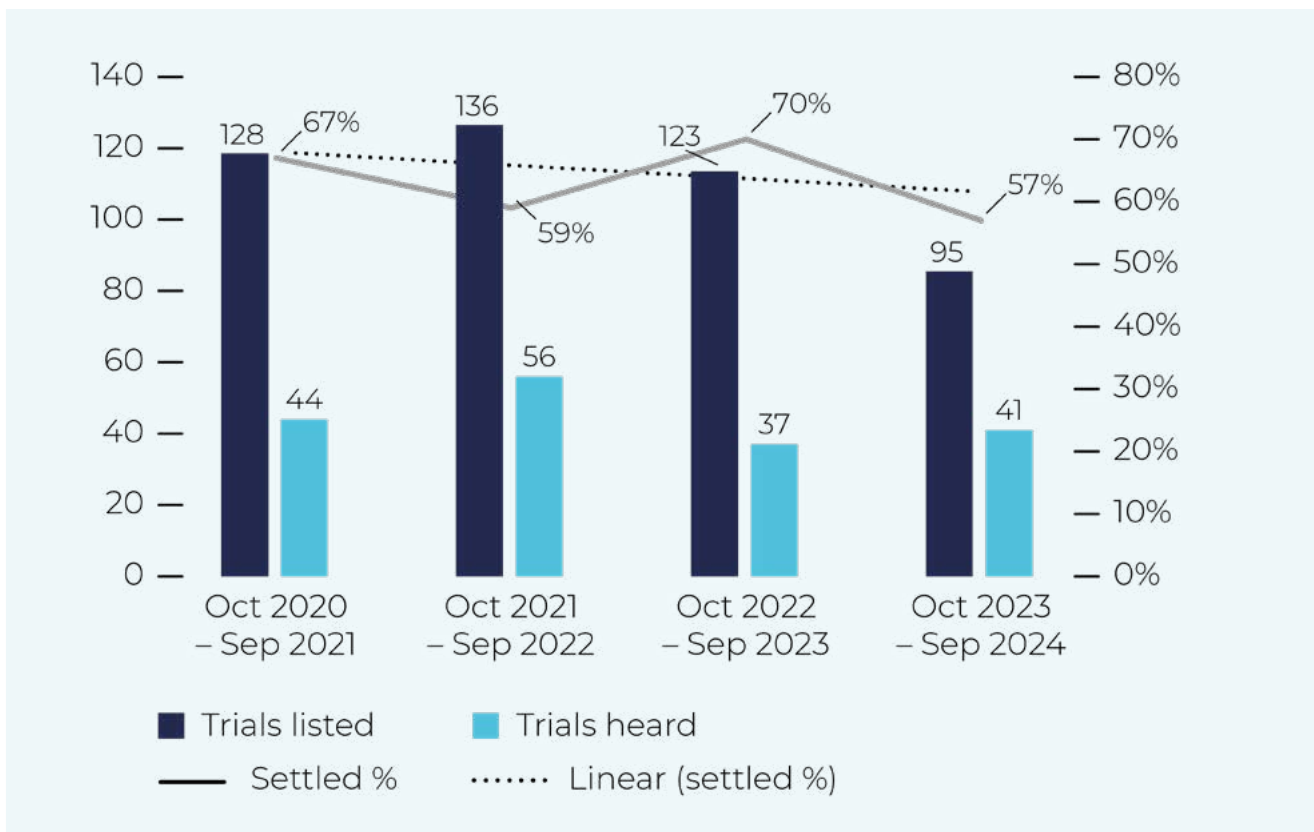
6.2.3 Trials

The number of trials listed has reduced by 23% however the number of trials heard increased by 11%: there were 95 trial listed and 41 heard in 2023-2024, compared to 123 listed and 37 heard in 2022-2023.

The number of trial sitting days for 2023–2024 is 349 which is a decrease of 19% compared to 2022-2023 (429), and 2021-2022 (431). However, it should be noted substantial trials that started during 2023-2024 but had not finished by the end of that period do not feature in the figure of 349. For example, 51 days sitting in *Skatteforvaltningen v Solo Capital Partners LLP and others* in 2023/2204 are not reflected.

Many cases listed for trial are settled shortly - or very shortly - before the trial date. The indicative settlement rate for listed Commercial Court trials this year is around 57%. The settlement rate is lower than in previous years, as illustrated in the chart below.

Commercial Court trials



As most readers will be aware, the Court process encourages and promotes settlement by requiring the parties to define the issues at an early stage (before the first Case Management Conference), and facilitating the evaluation of the parties' positions following disclosure and/or exchange of witness statements and expert reports. Trial dates are also fixed with very reasonable lead times, which

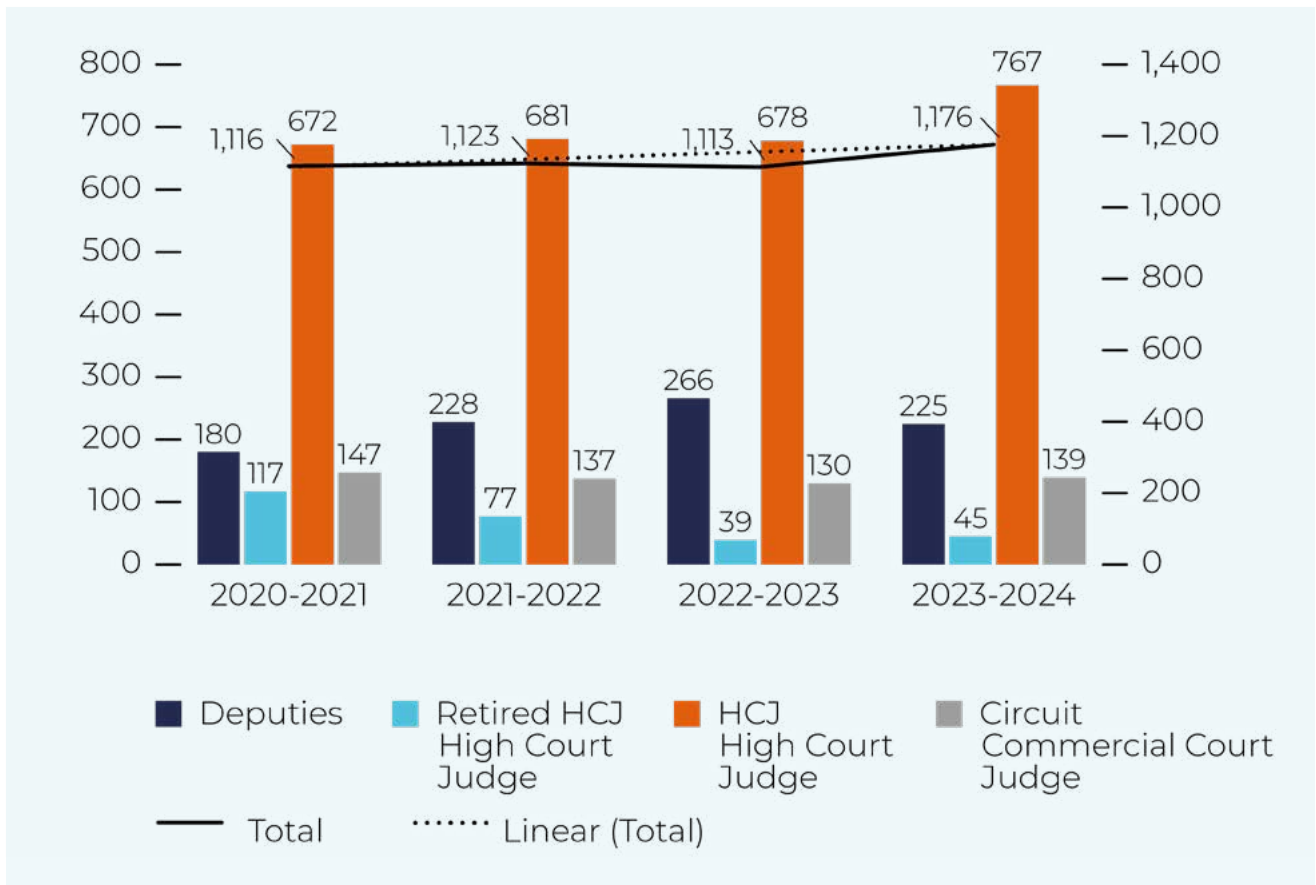
constantly focuses parties and lawyers on whether the impending trial should be fought.

6.2.4 Sitting days

The overall number of sitting days (trials and other hearings) for this year was 1,176, very slightly up from the previous year’s figure of 1,113. These include days sat by High Court Judges (767), Deputy High Court Judges (225), the Circuit Commercial Court Judge (139) and Retired High Court Judges (45).

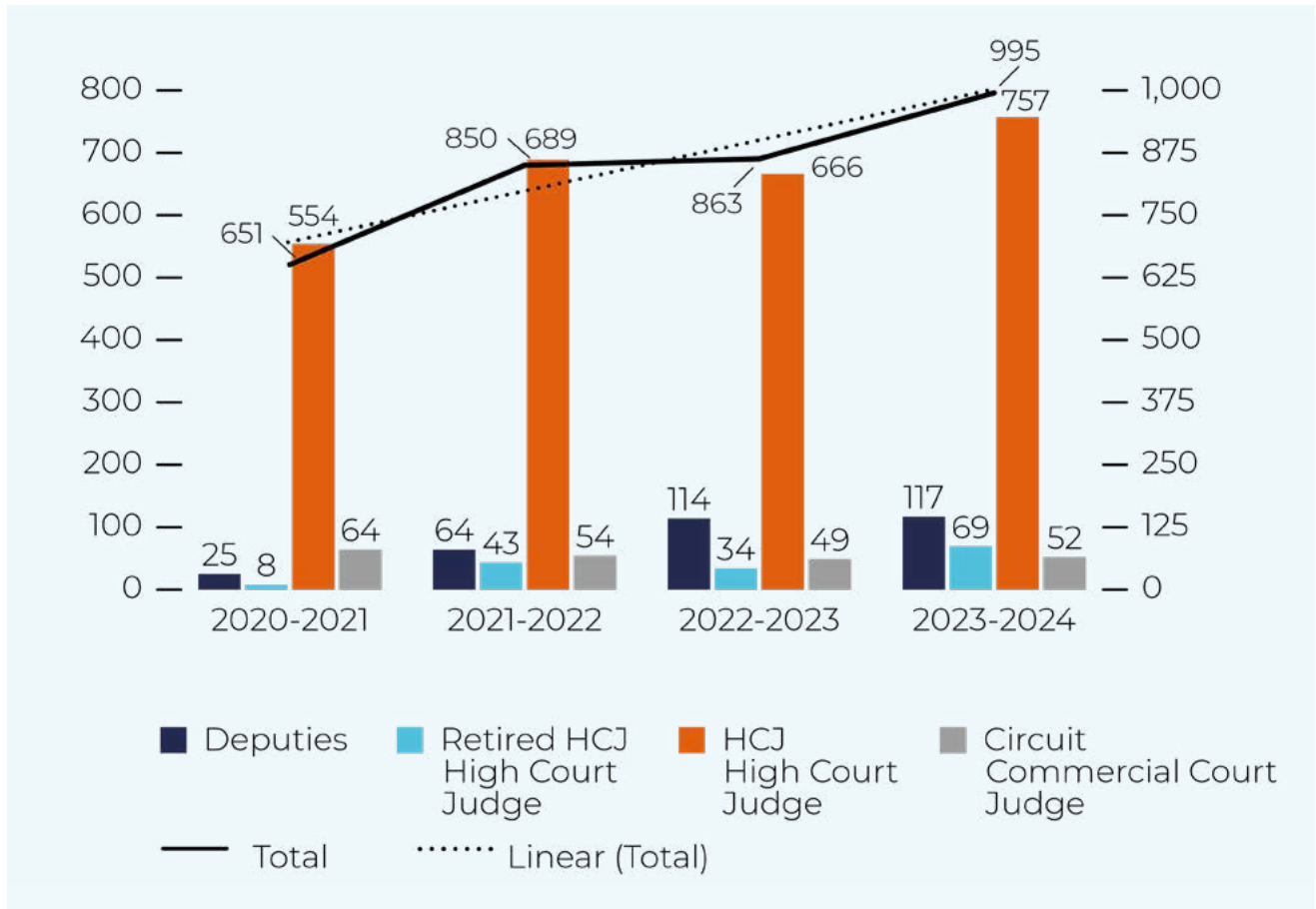
Since 2020 the total numbers of sitting days have remained broadly similar, but this year there has been a noticeable increase in the days sat by High Court Judges, as illustrated below:

Total number of sitting days



There has also been an increase in the total number of reading and writing days. This year the total number of days is 995, a 15% increase from 863 days in 2022-2023. The increase since 2020 is illustrated below:

Total number of reading and writing days



6.3 The Admiralty Court

6.3.1 Types of new claims

During the year there were 92 new claims in the Admiralty Court, a decrease from 107 claims started in 2022-2023. Below is a breakdown of the types of claims issued. It indicates that 36% of claims were classified by the parties as ‘Other’, which limits the value of the ‘claim type’ data being collected. The largest informative categories were Collision Claims and Personal Injury Claims. New Collision Claims decreased from 24 claims in 2022-2023 to 19 in 2023-2024. Personal Injury claims decreased to 12, from 29 in 2022-2023 and 57 in 2021-2022, the reform of the CPR referred to in section 4 of this Report having come into effect in April 2023 so as to be in force for part of 2022-2023 and all of 2023-2024. A more like-for-like comparison for new claim numbers, therefore, is to note that the number of new claims other than Personal Injury claims was 78 in 2022-2023 and 80 in 2023-2024.

Admiralty Court breakdown by type



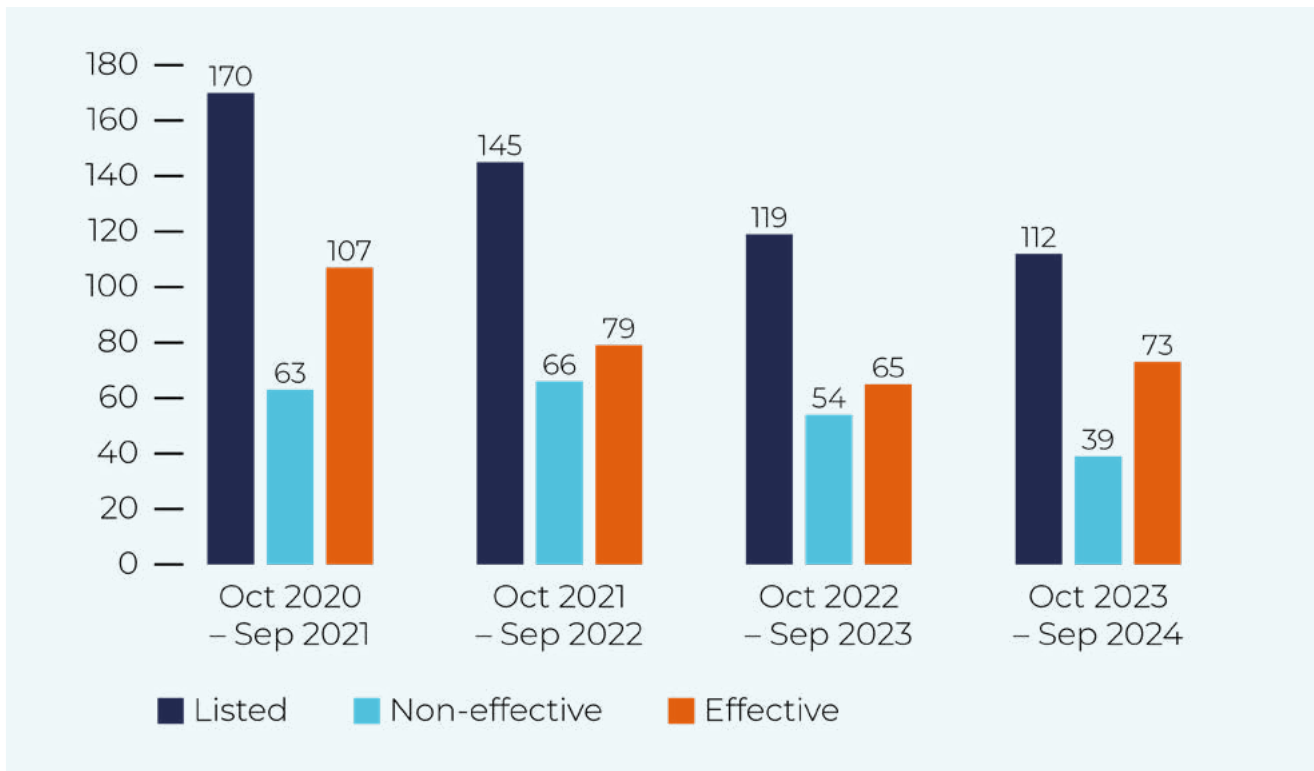
The early disclosure of electronic voyage data held by vessels involved in collisions continues to mean, as Teare J observed in the *Sakizaya Kalon*, that there is “now, typically, no need for a trial to establish the navigation of each vessel leading up to the collision. What remains to be decided at trial are questions of fault”: see [2020] EWHC 2604 (Admlty) at [6]. There was only one effective collision trial in 2023-2024, as noted in section 4.1 above.

6.3.2 Hearings

The number of hearings listed in the Admiralty Court reduced from the previous year, with 112 hearings listed in 2023-2024, compared to 119 during 2022-2023, 145 during 2021-2022 and 170 in 2020-2021.

Out of the 112 hearings listed, 39 were not effective for the usual reasons, i.e. hearing vacated, adjourned, or settled on the day and/or in advance of the hearing. Thus 65% of listed hearings were effective, an increase when compared to 55% the year before, as illustrated below:

Admiralty Court hearings



The overall number of interlocutory hearings listed has increased in 2023-2024 when compared to the previous years although the number of CMCs has decreased by 33:

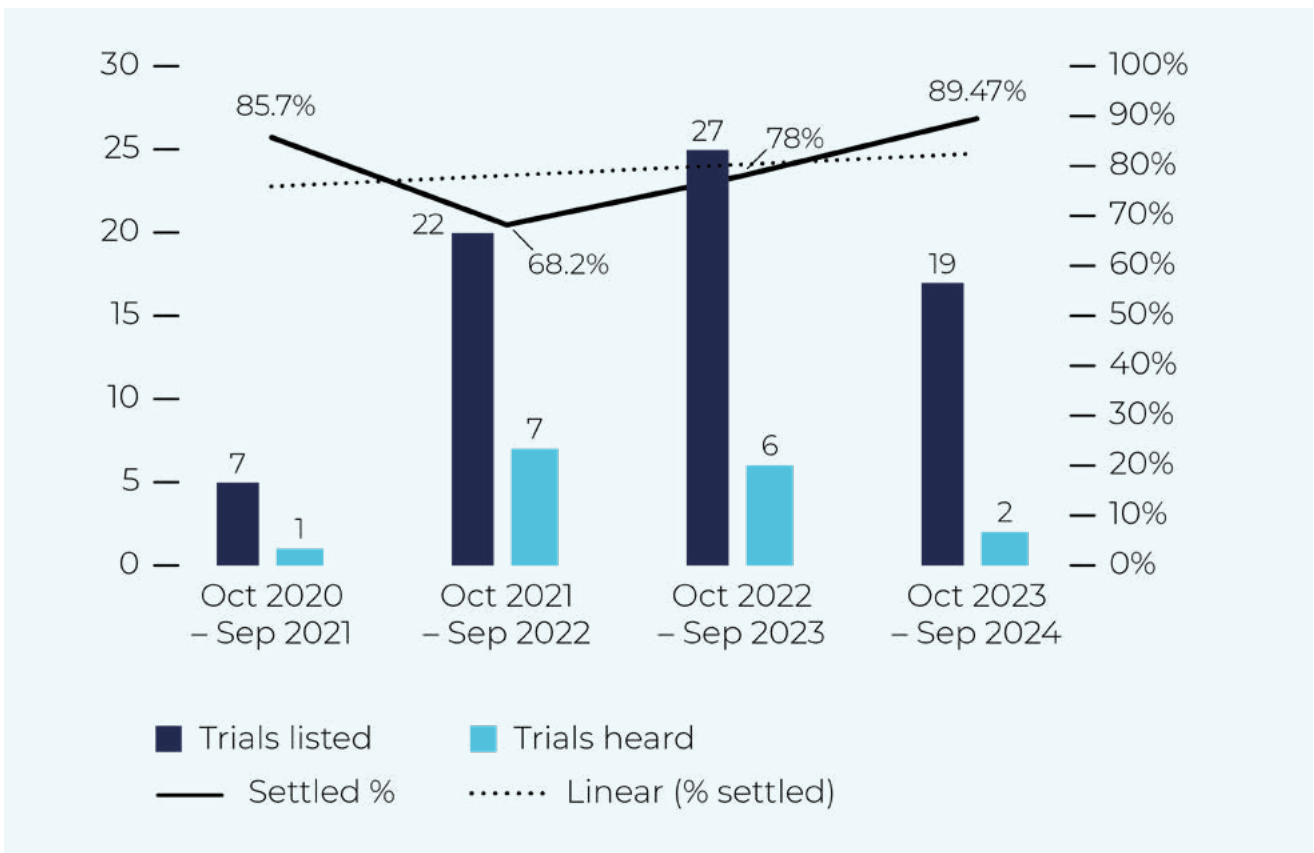
| Hearing Type | 2021-2022 | 2022-2023 | 2023-2024 |
|--------------------|-----------|-----------|-----------|
| CMCs | 70 | 72 | 47 |
| Other Applications | 43 | 47 | 65 |

6.3.3 Trials

During the year there were nineteen trials listed before the Admiralty Court, of which two were eventually contested before Andrew Baker J and Deputy Master Bard.

Thus 89% of the listed trials were resolved before judgment, an increase from last year when 78% settled, as illustrated below:

Admiralty Court trials



6.4 The London Circuit Commercial Court

6.4.1 Update from HHJ Pelling KC (Judge in Charge)

The London Circuit Commercial Court (LCCC) is part of the Commercial Court. It can offer earlier trial dates than the Commercial Court. Cases with a value of up to about £8 million are routinely issued in or transferred to the LCCC from the Commercial Court and cases of significantly higher value are regularly started there. Cases involving issues of general importance will usually be transferred to the Commercial Court at the first Costs and Case Management Conference (CCMC).

The practice of the LCCC is to hear applications of 1 hour or less between 09:30 and 10:30 on Monday to Thursdays; all other applications of up to 1 day in length on Fridays and trials and applications estimated to last longer than 1 day on Mondays to Thursdays between 10:30 and 16:30.

In the last 12 months:

- a) All applications of half a day in length or less continue to be heard remotely;
- b) The Court continues to operate on a paperless basis, with all bundles being lodged electronically and judges using electronic bundles for all applications and trials save where otherwise directed;
- c) The forms for use in the LCCC published in January 2022 continue to be updated in line with those used in Commercial Court claims and can now be found at <https://www.gov.uk/government/collections/commercial-court-forms>;
- d) The Circuit Commercial Court Guide published in February 2022 was updated and re-published in October 2023. There have been no changes of substance since then. The Guide can be found at <https://www.judiciary.uk/courts-and-tribunals/business-and-property-courts/commercial-court/circuit-commercial-courts>. By design it has brought the practice of the Circuit Commercial Courts much more closely into alignment with that of the Commercial Court with, broadly, the Commercial Court Guide applying to all Circuit Commercial Court cases save where the Circuit Commercial Court Guide expressly provides a different practice. Experience suggests that has been welcomed by practitioners as a means of simplifying the administrative element of conducting Circuit Commercial Court litigation;

- e) Standard trial directions (which will be made at the CMC stage) continue to be given in the vast majority of Part 7 Claims which has enabled Pre-trial Reviews to be dispensed with in most cases, thereby saving both costs and court resources;
- f) The list of fee-paid Deputy High Court Judges authorised to sit in the London Circuit Commercial Court has continued to expand to ensure that waiting times can be kept within acceptable parameters; and
- g) Parties are reminded of the Practice Note issued by the Judge in Charge of the Court in April 2024 reiterating the importance of the timely lodging of bundles and skeletons.

Parties and their advisors have continued to take advantage of the Shorter Trials Scheme and of Appendix 5 to the Disclosure Practice Direction (including for cases in excess of the threshold case value, now set at £1m) in order to reduce cost and delay in getting to the first Case Management Conference stage.

All parties with low value cross frontier cargo claims are expected to issue proceedings in the LCCC rather than the Commercial Court.

The practice of issuing cases in the LCCC that are not fit for the High Court and do not require the expertise of a Circuit Commercial judge has continued notwithstanding active discouragement including by transferring such cases either to regional CCC's or an appropriate County Court. This practice is necessary if acceptable waiting times are to be maintained. For that reason:

- a) Practitioners should be aware that all cases started in the London Circuit Commercial Court are triaged by the Judge in Charge of that Court following issue. Parties are reminded of the Practice Note issued by the Judge in Charge in December 2023 reiterating the importance of ensuring that the claims issued in the Court have been appropriately commenced there.
- b) Subject to paragraph (c) below, the current practice of the London Circuit Commercial Court is to transfer claims with a financial value of less than £500,000 or the foreign currency equivalent (exclusive of interest and costs) to an appropriate County Court unless retention is justified by reason of the factors set out in CPR r. 30.3(2). No case is transferred without giving the issuing party (and all other parties if they have been served) an opportunity to make representations. In practice, cases with a value of less than £500,000 that do not require the expertise of a Circuit

Commercial judge for trial will be transferred to the County Court. (The £500,000 figure is currently under review). For example, debt collection claims are routinely transferred. Claims with a value of less than £500,000 have been retained where the subject matter requires it. Example of such cases this year have included business interruption claims arising out of the Covid pandemic.

- c) All international road, sea and air cargo claims ("*Cargo Claims*") that would otherwise be started in the Commercial Court but are not suitable for commencement in the Commercial Court by reason of their financial value and/or the nature of the factual, technical or legal issues that arise should be commenced in the London Circuit Commercial Court.
- d) All Cargo Claims started in or transferred to the London Circuit Commercial Court will be retained in that court, regardless of financial value and the nature of the factual dispute.

6.4.2 Types of new claims

There was a total of 339 new claims in the London Circuit Commercial Court this year, which has increased slightly from the previous year (324). The majority of those new claims were General Commercial Contracts and arrangements claims (125), representing 37% of new claims. This was followed by Shipping – Cargo claims (41), then claims categorised as 'Other' (40). The top categories are broadly comparable to previous years.

London Circuit Commercial Court breakdown by type



6.4.3 Hearings

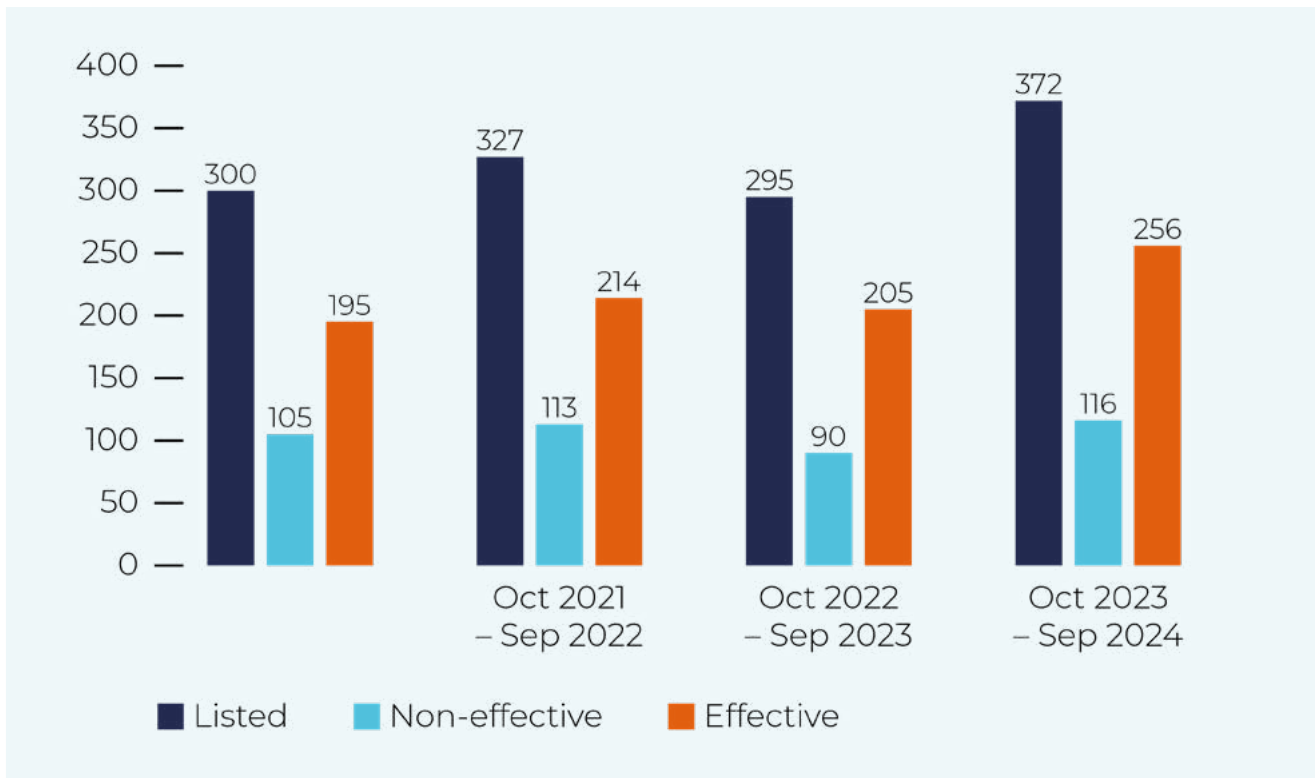
There were 372 hearings listed this year, compared to 295 in 2022-2023, 327 in 2021-2022 and 300 in 2020-2021. Of the 372 listed hearings, 116 were not effective for the usual reasons, i.e. hearing vacated, adjourned, or settled on the day and/or in advance of the hearing. This compares to 90 non-effective hearings the previous year and 113 in 2021-2022. The number of effective hearings this year was 256, compared to 225 in 2022-2023 and 214 in 2021-2022.

The percentage of effective hearings overall is comparable to the previous year, and remains up on the two years prior:

- 69% in 2023 - 2024
- 69% in 2022 - 2023
- 65% in 2021 -2022
- 65% in 2020 - 2021

The graph below illustrates these variances:

London Circuit Commercial Court hearings

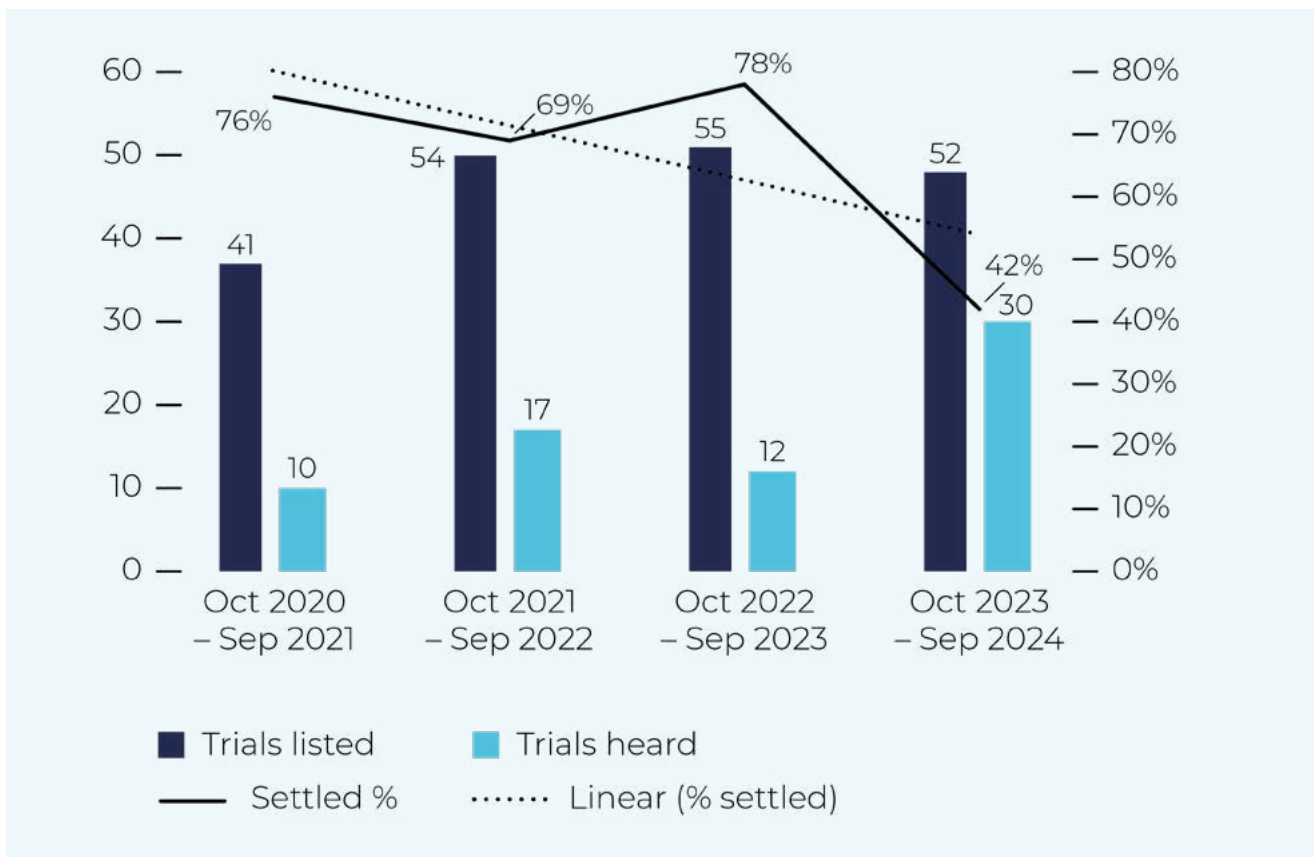


6.4.4 Trials

During the year there were 52 trials listed before the London Circuit Commercial Court, of which 30 were contested, indicating a little over 42% of cases being settled before judgment. This has significantly decreased from the previous years when 78% of cases were settled in 2022-2023, 69% settled in 2021-2022 and 76% of cases were settled in 2020-2021.

The number of trials listed this year decreased slightly compared to the previous two years, as illustrated below:

London Circuit Commercial Court trials

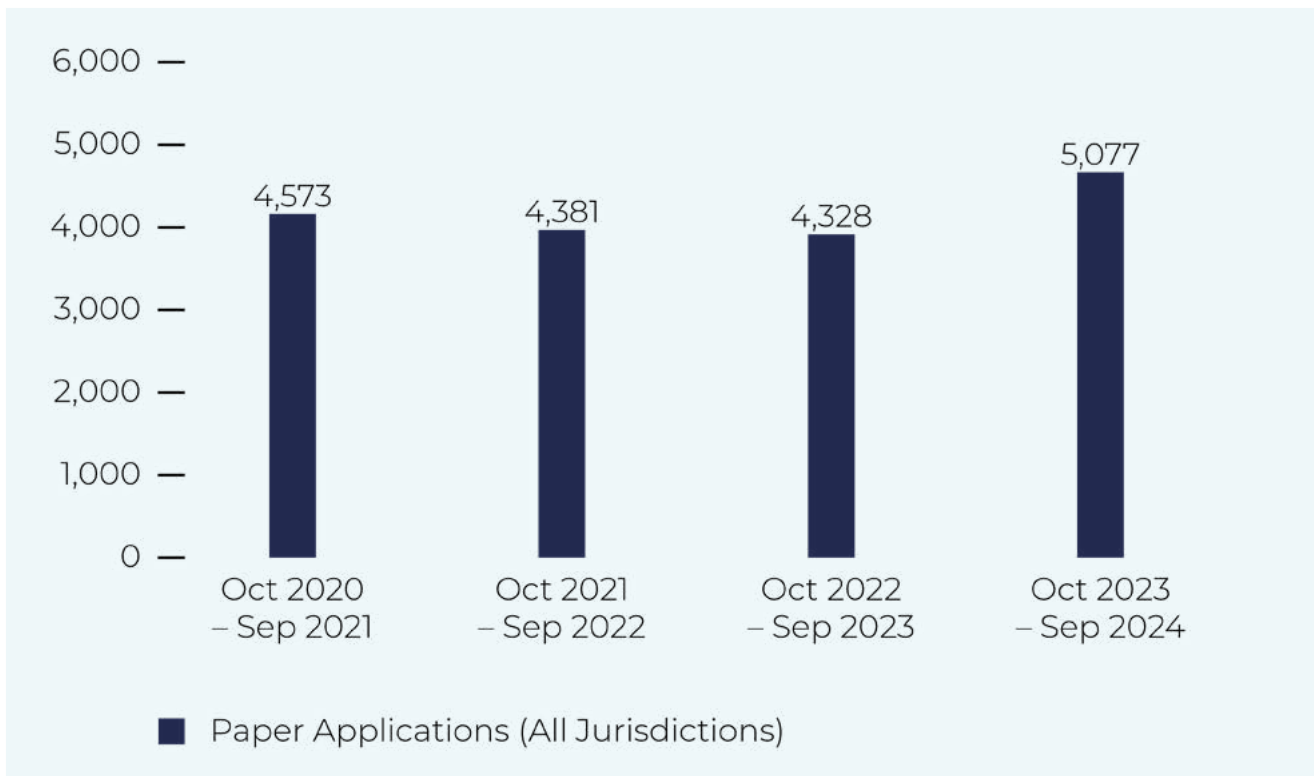


6.5 Paper Applications (all jurisdictions)

Paper applications are frequently used where the parties agree to resolve the whole or part of their dispute, and for minor adjustments to case management directions where the Court can be satisfied that the change will not have an adverse impact on a trial date or other undesirable consequences. Paper applications are generally used where all parties agree that the matter can be dealt with on the papers, though certain types of paper applications are routinely made in the absence of such agreement (e.g. applications for permission to serve a skeleton argument or statement of case longer than the prescribed maximum length). There are also more substantive applications such as applications to serve claims out of the jurisdiction, to extend the validity of claim forms, for orders for alternative service or for permission to adduce additional evidence.

During the year there were 5,077 paper applications received for the Commercial, Admiralty and London Circuit sub-divisions combined, compared to 4,328 the previous year. The table below shows the total number of paper applications for all sub-divisions from 2020/2021 onwards:

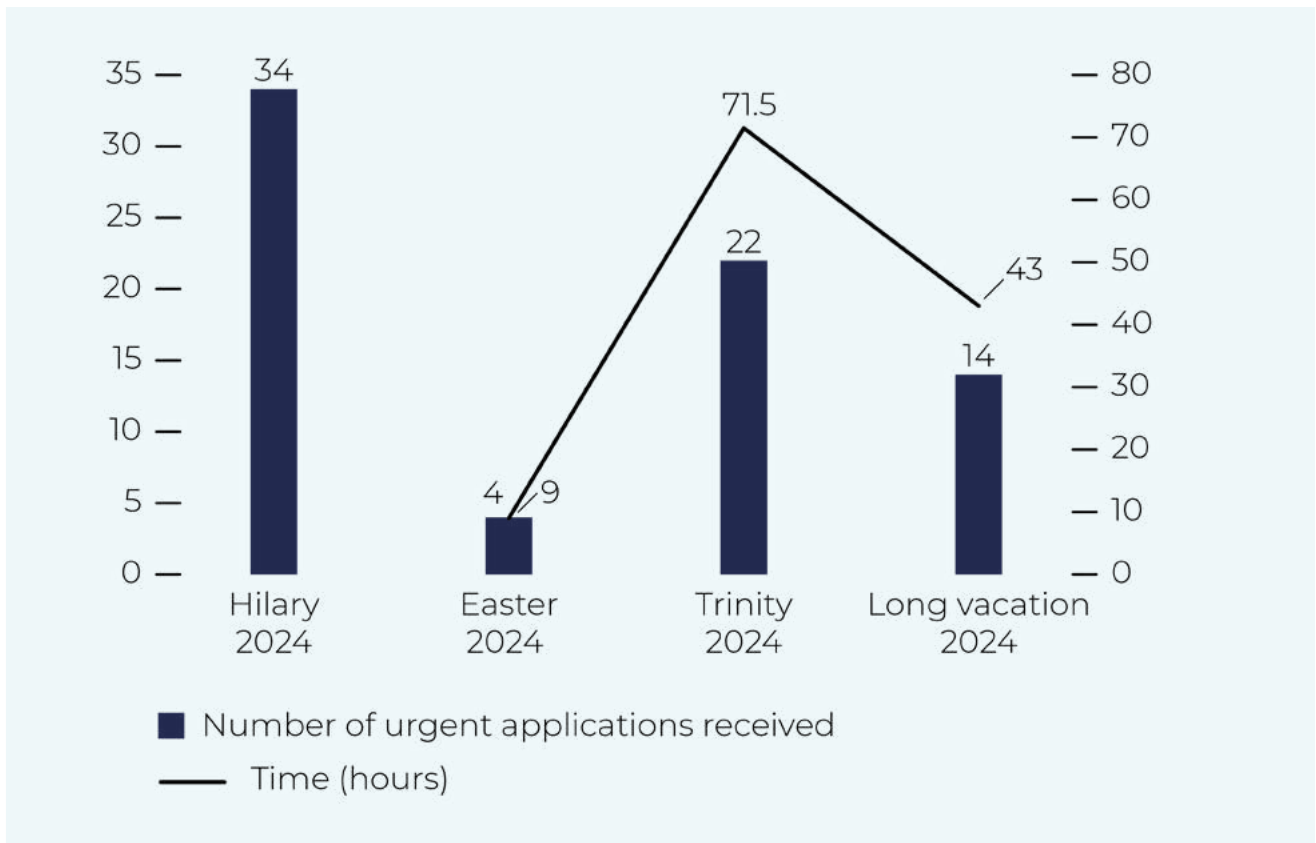
Paper applications (Commercial, Admiralty and London Circuit)



6.6 Urgent Applications (all jurisdictions)

The Court deals with a high volume of urgent applications for injunctive relief – for freezing injunctions, relief on *American Cyanamid* principles and for anti-suit relief. The table below shows (for all sub-divisions) the number of urgent applications received in 2024, with figures for the combined estimates of reading/hearing time for the applications.

Urgent applications

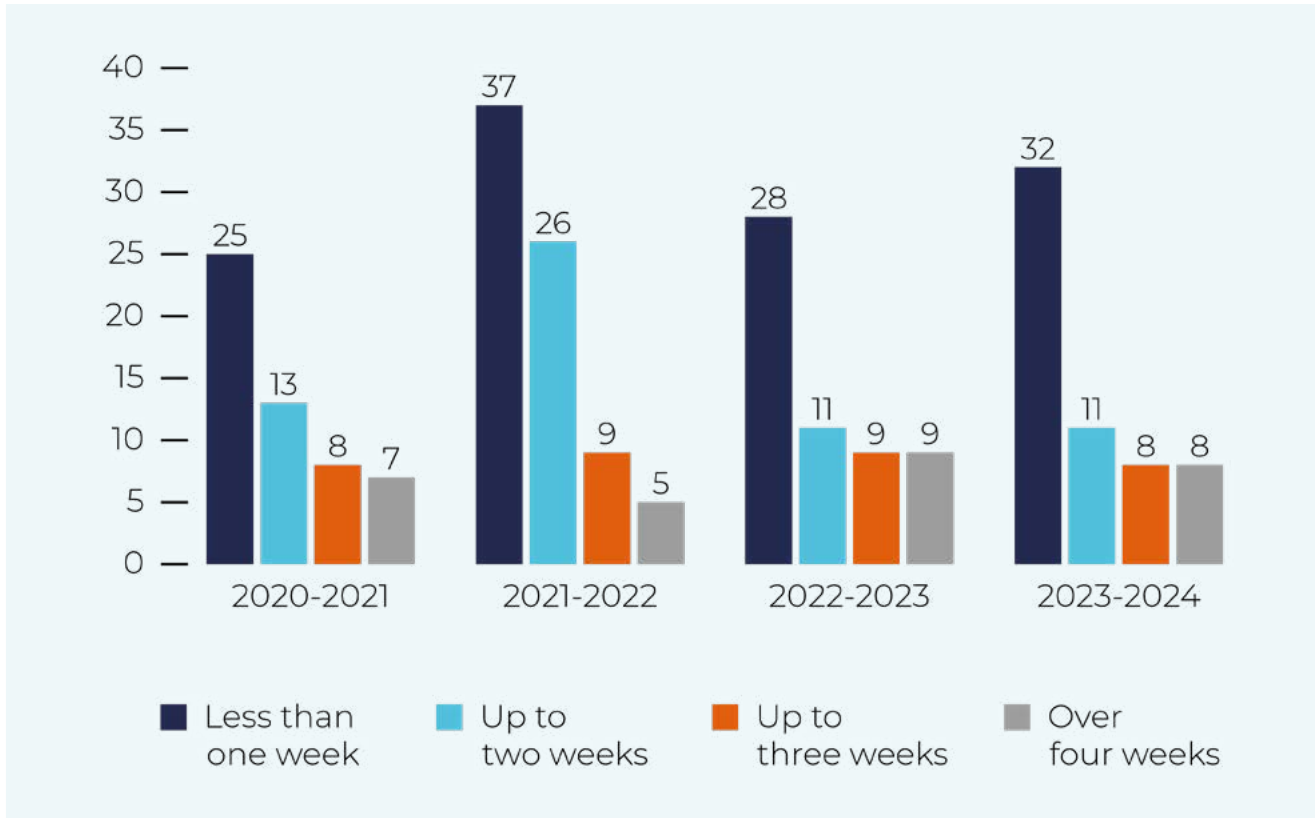


* Data collected from January 2024 – no time collected for Hilary 2024

6.7 Length of Trials (all jurisdictions)

The chart below indicates the length of trials conducted by the Court over the past four years for all three jurisdictions combined (Commercial, Admiralty and London Circuit Commercial):

Length of Trials (all jurisdictions)

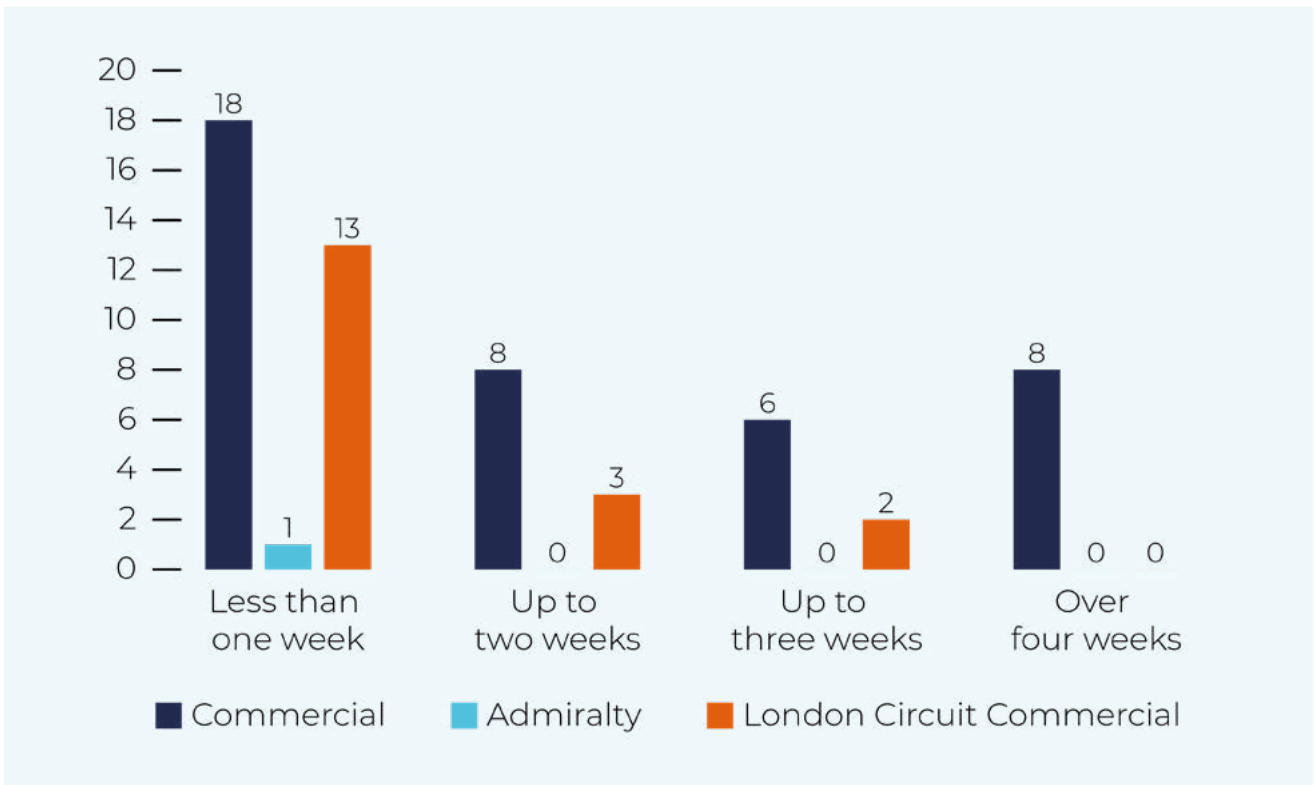


As illustrated above, 32 out of 59 (54%) contested trials during the year were tried within four days i.e. one Commercial Court week. This compares to:

- 44% completed within one week in 2022-2023
- 48% completed within one week during 2021-2022
- 47% completed within one week in 2020-2021

Set out below are the lengths of trials reported by sub-division.

Lengths of trials breakdown by division 2023-2024



As indicated above, 65% of trials this year in the Commercial Court were completed within two weeks. The Admiralty Court heard one trial, which lasted less than one week. The London Circuit Commercial Court heard eighteen trials, sixteen of which were completed within two weeks and two of which were completed within three weeks.

The table below shows average lengths of trial this year and the two preceding years, by subdivision, excluding reading days:

| Division | Year 2021-2022 | Year 2022-2023 | Year 2023-2024 |
|----------------------------------|----------------|----------------|----------------|
| Commercial | 7 days | 9 days | 9 days |
| Admiralty | 5 days | 7 days | 7 days |
| London Circuit Commercial | 3 days | 3 days | 3 days |

- The longest trial in the Commercial Court this year (leaving aside the ongoing *Skatteforvaltningen* trial mentioned earlier) was for 37 days, compared to 56 days in the previous year.
- For the Admiralty Court, the longest trial this year was 4 days. There were two trials lasting 4 days, one heard by the Admiralty Judge and one trial lasting 1 day heard by the Deputy Admiralty Registrar.
- In the London Circuit Commercial Court, the longest trials were two trials lasting 9 days this year, compared to a longest trial of 10 days in 2022-2023.

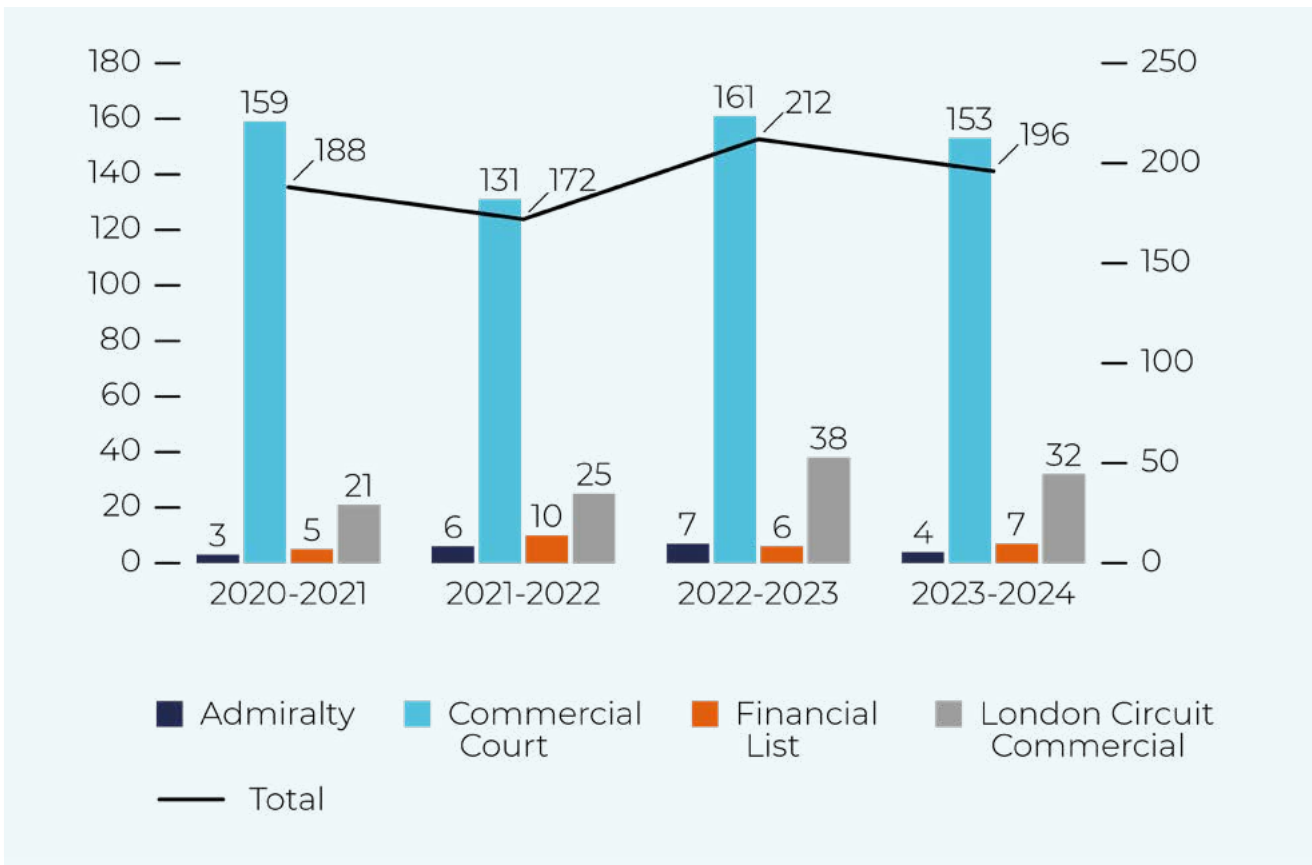
6.8 Reserved Judgments

Where, as is very often the case, a hearing results in a judgment, the judgment may be either delivered orally, as an *ex tempore* judgment, or reserved and handed down in writing.

Statistics are available as to the number of reserved judgments, identified by their being individually listed in the Cause List. The combined number of judgments reserved by the Judges of the Court this year was 196. This has decreased from 2022-2023 (212), however it remains up on 2021-2022 (172) and 2020-2021 (188).

It is not possible to track the number of *ex tempore* judgments, other than by taking the overall number of hearings as a guide. However, the number of judgments given Neutral Citation Numbers (NCNs) (which includes more significant *ex tempore* judgments as well as reserved judgments) for 2023-2024 is 290 showing an increase from 263 in 2022/2023 and 256 in 2021/2022.

Number of Reserved Judgments



- The number of judgments reserved in the Commercial Court was 153, compared to 161 in 2022-2023, 131 in 2021-2022 and 159 in 2020-2021.
- The number of judgments reserved in the Admiralty Court was 4, compared to 7 in 2022-2023, 6 in 2021-2022 and 3 in 2020-2021.
- The number of judgments reserved in the London Circuit Commercial Court was 32, compared to 38 in 2022-2023, 25 in 2021-2022 and 21 in 2020-2021.
- The number of judgments reserved in the Financial List was 7 compared to 6 in 2022-2023, 10 in 2021-2022 and 5 in 2020-2021.

7. The Financial List

The Financial List is a specialist list for financial claims exceeding £50 million, or cases that raise issues concerning the domestic and international finance markets. It was announced by the then Lord Chief Justice in his Mansion House Speech on 8 July 2015 as part of an active and forward-looking strategy for the United Kingdom regarding commercial dispute resolution, which is designed to respond to users. The List is a joint initiative of the King's Bench Division and the Chancery Division, with judges from both jurisdictions having been nominated to sit as Financial List judges. It ensures that cases which would benefit from being managed and heard by a judge with specific expertise in the law relating to the financial markets, or which raise issues of general importance to the financial markets, are dealt with by judges with suitable expertise and experience.

The nominated judges of the Financial List from the Commercial Court are:

- Henshaw J (Judge in Charge of the Commercial Court)
- Andrew Baker J
- Bryan J
- Butcher J
- Cockerill J
- Foxton J
- Knowles J
- Picken J

The nominated judges from the Chancery Division are:

- Sir Julian Flaux (Chancellor of the High Court)
- Michael Green J
- Hildyard J
- Marcus Smith J
- Miles J
- Trower J

7.1 Type of new claims

There were 18 claims issued in the Financial List over the past year. This is a 50% decrease from the 36 claims issued in 2022-2023 and 55% decrease from 2021-2022 when there were 40 claims issued.

The list below gives a breakdown of the types of claims issued in the Financial List during 2023-2024, with the large somewhat general categories reflecting the parties' classification when the claims were issued:

Financial list - breakdown by type

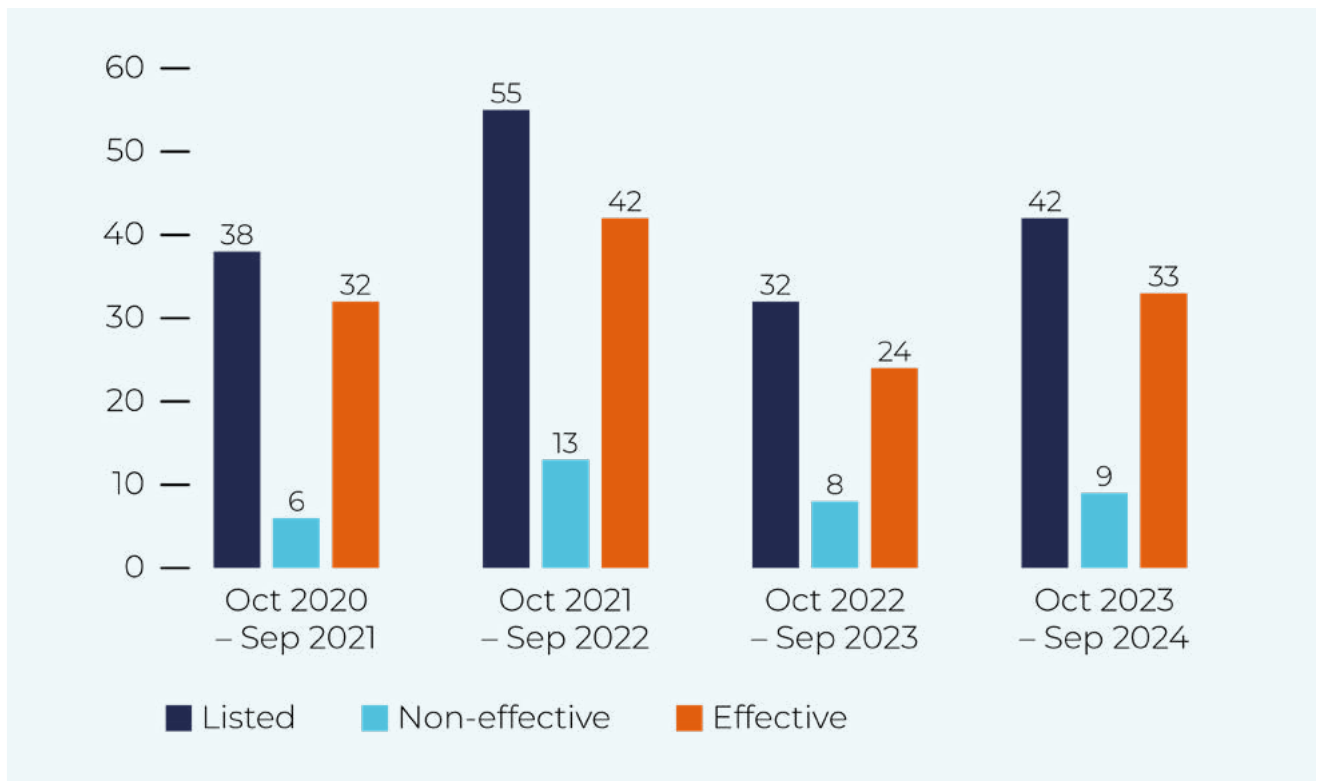


7.2 Hearings

The Financial List had 42 hearings listed during the year, of which 33 were effective, with the balance settling or not proceeding for other reasons.

The effective hearings included 11 application hearings and 3 CMCs.

Financial list hearings



7.3 Paper Applications

During the year there were 195 paper applications for Financial List cases.

7.4 Trials

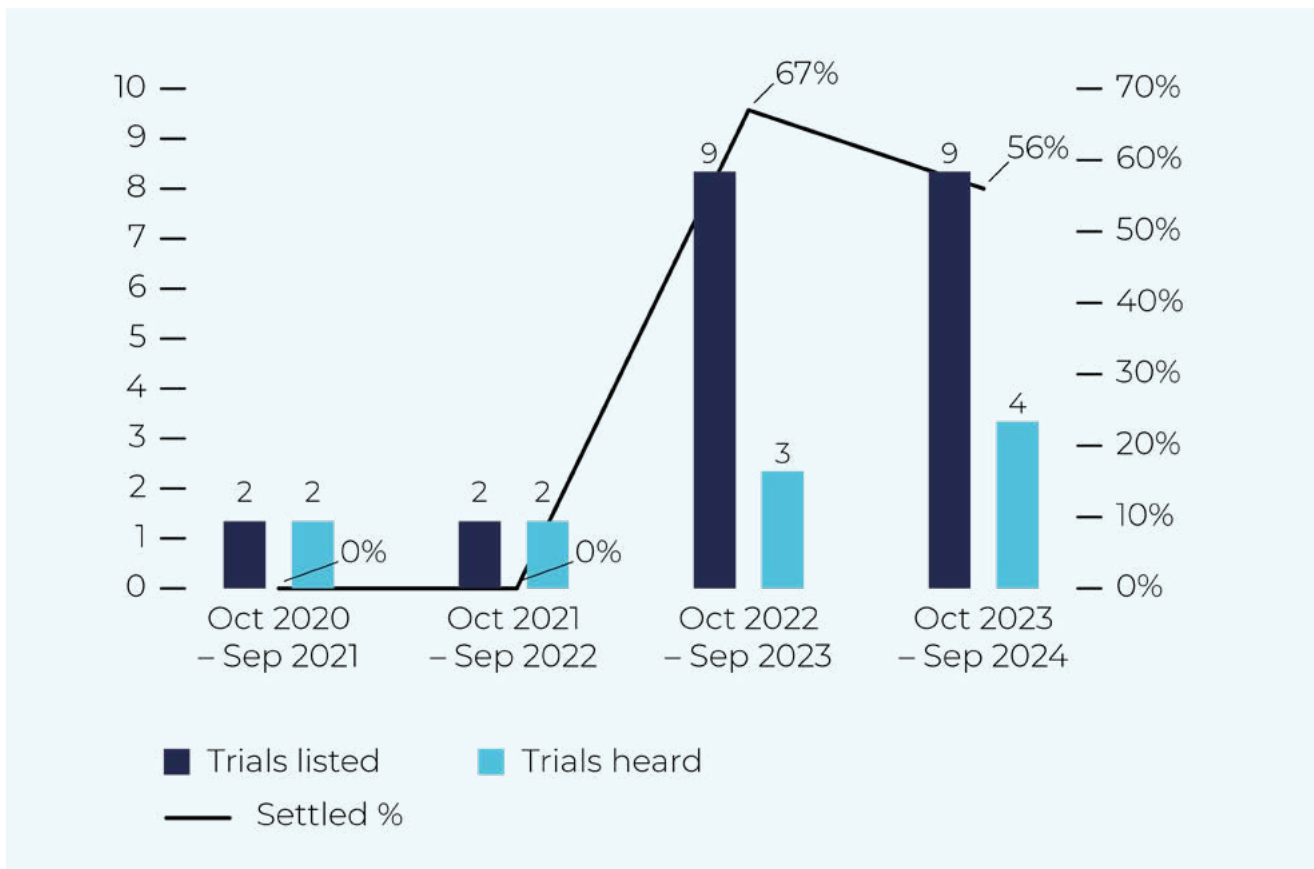
There were 9 substantive hearings listed in the Financial List, 4 of which were contested. Financial List judgments handed down in cases started in the Commercial Court during the period covered by this report are:

- *Banca Nazionale Del Lavoro SpA v Provincia Di Catanzaro* [2023] EWHC 3309 (Comm)
- *Loreley Financing (Jersey) No 30 Limited v Credit Suisse (Europe) Limited and others* [2023] EWHC 2759 (Comm)
- *Wirral Council v Invidior Plc* [2023] EWHC 3114 (Comm)

Judgment in a case heard under the Financial List Test Case scheme, *Standard Chartered Plc v Guaranty Nominees* [2024] EWHC 2605 (Comm), was handed down on 15 October 2024.

The numbers of trials listed and heard since October 2020 – September 2024 are illustrated below:

Financial list trials



8. Case Management

Case management has been a key feature of litigation in the Commercial Court since its inception.

Case Management Conferences/Costs and Case Management Conferences

All cases will feature at least one Case Management Conference (“CMC”) or Costs and Case Management Conference (“CCMC”), the purposes of which are familiar to Court users. Briefly, both types of hearing generally set a timetable down to trial. Where costs budgeting applies, the hearing will be a CCMC and will also include consideration of the parties’ costs budgets.

CMCs and CCMCs will normally also include consideration of the Disclosure Review Document (DRD), and, where possible, resolution of any outstanding contested matters in connection with it. The parties are required to cooperate in this regard, and the Court will generally expect to be able to approve the DRD in no more than 1 hour as part of the hearing.

The parties are expected to co-operate more generally in advance of a CMC/CCMC, and the Court requires an updated draft order to be provided by 4pm on the working day before the hearing, indicating matters that are agreed/remain unagreed (see paragraph D7.8 of the Commercial Court Guide (11th edition)).

Where permission to serve expert evidence is sought, the Court will generally wish to specify in any order granting such permission (generally the CMC/CCMC order) the particular question(s), within their expertise, on which the expert(s) is/are to be instructed to provide an opinion. The Court may limit the length of experts’ reports.

Parties should consider whether attendance by their more senior advocates is required at the CMC/CCMC. Whilst each party must be represented by an advocate who will be instructed for trial, the Court often finds that junior advocates are well placed to assist the Court on matters arising at CMCs/CCMCs, including disclosure, costs and directions.

Over the past year, the following percentages of listed CMCs (including CCMCs) were heard:

- 61% of the 207 listed in the Commercial Court;

- 69% of the 13 listed in Admiralty Court;
- 58% of the 77 listed in the London Circuit Commercial Court

Negotiated Dispute Resolution

The Court encourages parties to engage in Negotiated Dispute Resolution (“NDR”), which is a way of resolving disputes outside of court via mediation, conciliation, expert determination or other binding or non-binding process. Parties must consider NDR in advance of the CMC, inform the Court at the CMC what consideration has been given to the matter, and keep the Court updated.

Parties may be agreeable to submitting a shortlist of potential mediators or other facilitators in an NDR Order to the judge conducting the CMC, with an understanding that the parties will work with the judge’s choice of mediator from the agreed shortlist. On occasion the Court will perform “Early Neutral Evaluation”, although there has only been one such hearing (in 2020/21) in the last four years.

When parties attend a CMC, a “progress monitoring date” will be set, which is the date by which parties must report to the Court their compliance with the pre-trial timetable and preparation for the trial. These reports will then be reviewed and, if necessary, steps taken to ensure the case will be ready for trial on the fixed date.

In the interim, any changes to the timetable set out at the CMC are kept under review by the judges of the Court, with any amendments to the timetable to trial having to be approved by order of a judge (usually on the papers). If the judge reviewing the proposed amendments to the timetable is not happy with the progress towards trial, they will call the case in for a review. This is designed to ensure that there is no need to vacate hearings close to trial owing to lack of preparedness.

Pre-Trial Reviews

In larger cases a Pre-Trial Review (PTR) will be scheduled for a few weeks before the trial date. Wherever possible this is heard by the trial judge. A PTR enables the parties to deal with any late applications before trial, and to settle the trial timetable, including the timetable for calling witnesses, and the length and format of closing submissions. Frequently a listed PTR does not require a hearing and the matters arising can be disposed of on the documents.

9. Shorter and Flexible Trials and Expedition

Shorter and Flexible Trials

The Court continues to see cases brought under the Shorter Trials Scheme, although the Flexible Trials Scheme continues to be under-utilised by parties.

The Shorter Trials Scheme is designed for cases which can be heard in no more than 4 court days and provides for a timetable which enables determination of a dispute within a year of the claim being issued, together with a streamlined process for the assessment of the costs of the trial. The scheme is suitable for a wide range of disputes. The Flexible Trials Scheme was designed to allow parties to adapt the trial procedures to suit their specific case. In particular it is designed to encourage parties to limit disclosure and to confine oral evidence at trial to the minimum necessary for the fair resolution of their disputes. It provides an opportunity for parties to tailor the court procedure to the needs of the individual case – including the possibility of determining certain issues solely on the basis of written evidence and submissions. It therefore has the potential to considerably shorten the time to a final determination. The disclosure practice direction PD57AD (see below) does not apply to cases in either scheme.

Expedition

The Court is also able to order expedition of suitable cases outside of these schemes. Applications to expedite hearings are referred to a judge, usually the Judge in Charge, for decision on the documents. The conditions for ordering expedition were set out by Foxton J in *Lopesan Touristik SA v Apollo European Principal Finance* [2020] EWHC 2642 (Comm), citing *Apache Beryl I Limited v Marathon Oil UK LCC and others* [2017] EWHC 2258 (Comm) (Males J):

“... there are four factors ...:

- i) First, a threshold question of whether, objectively, there is urgency.*
- ii) Second, the state of the court’s list and the impact of expedition on other court users.*
- iii) Third, the procedural history including whether there has been any delay.*
- iv) Fourth, whether there will be any irremediable prejudice to the respondent...”*

As noted earlier, requests for expedition impact on lead times, and should be made (via the Listing Office) only when absolutely necessary. They should be succinct: a request and a response should generally be no more than four paragraphs long in total (see further section 12.3 below).

10. Disclosure

The rules and practice relating to disclosure are addressed in Section E of the Commercial Court Guide (11th edition, February 2022). Section E.2 of the Guide deals with cases to which the former pilot Practice Direction 51U applied. As to 1 October 2022, that Practice Direction ceased to apply, and permanent changes were introduced by Practice Direction 57AD for existing and new proceedings in the Business and Property Courts. The provisions of PD57AD are substantially similar to those of PD 51U, and the substance of Section E.2 of the Commercial Court Guide remains applicable.

Users are reminded of the statements in *McParland v Whitehead* [2020] EWHC 298 (Ch) by Sir Geoffrey Vos, Chancellor of the High Court, that the type of any Extended Disclosure must be fair, proportionate and reasonable; that the parties need to think cooperatively and constructively about their dispute and what documents will require to be produced for it to be fairly resolved; and that cooperation between legal advisers is imperative.

The parties are required to cooperate in relation to the Disclosure Review Document (DRD), and the Court will generally expect to be able to approve the DRD in no more than 1 hour as part of the CMC/CCMC hearing. Parties should bear in mind that any DRD should be kept simple and concise; and in most cases the List of Issues for Disclosure should be shorter (or much shorter) than the list of issues in the List of Common Ground and Issues. It should contain only the key issues in dispute that the parties consider will need to be determined by reference to contemporaneous documents over and above the Initial Disclosure. A List of Issues for Disclosure is not required at all unless one or more of the parties has stated that they are likely to request Extended Disclosure including the use of Model C, D or E.

We remind parties that paragraph 7.3 of PD 57AD requires that when serving a draft List of Issues for Disclosure, the claimant should state which model it proposes for each issue and, where Model C is proposed, how it proposes the relevant particular documents or narrow class of documents should be defined for that purpose. In this way, a defendant can consider the proposals in the round, rather than being asked to agree an issue or Model C request without knowing what it might mean in practice.

11. Witness Statements

CPR Practice Direction 57AC, with its Appendix (Statement of Best Practice), came into force on 6 April 2021 so as to apply to trial witness statements signed on or after that date. The Commercial Court Guide therefore now points to the Practice Direction without seeking to add to it (see Section H1.1), and the need to obtain permission for a trial witness statement to be longer than 30 pages was not retained in the 11th edition of the Guide.

Compliance with the Practice Direction should ensure that trial witness statements are limited to the witness testimony that parties realistically could and would adduce from their witnesses if they examined them orally in chief. That should often mean that they are much shorter than had become typical before Practice Direction 57AC, and that where they are of substantial length that is justified by the content without the need for the blunt instrument of a presumptive page limit.

Parties should ensure that the contents of witness statements for interlocutory hearings are also appropriately limited. They should be confined to (a) matters of fact to be relied on in support of, or in resisting, the application, and (b) satisfying any specific requirements under a rule or Practice Direction stipulating that certain matters have to be stated in a witness statement. Argument should be left to be outlined in skeleton arguments and developed orally at the hearing. If the relevance or importance of the evidence set out in or exhibited to the witness statement(s) may not be obvious, consideration should be given to providing with the statement(s) an explanatory covering letter or provisional written submission. Guidance to this effect is included in the 11th edition of the Commercial Court Guide.

12. Managing the Courts’ Business

12.1 Lead Times

“Lead times” are the time between the date a hearing is fixed and the date on which the hearing will take place.

The Court aims to keep the lead times within certain targets, helping it to provide rapid and efficient dispute resolution procedures for the business, trading and financial communities.

12.1.1 Commercial Court

Lead times vary over the year. The position as at 9 December 2024 was as follows:

Application/CMC Hearings:

| Length of Hearing | Hearing dates available after |
|-----------------------|-------------------------------|
| 30 mins to half a day | Fridays from 21 February 2025 |
| One day | From 7 April 2025 |
| Two days or more | From April 2025 |

Trials:

| Length of Trial | Trial dates available not before |
|--------------------|---|
| One to two days | Week of 3 November 2025 Then from January 2026 |
| Three days | Week of 3 November 2025 Then from January 2026 |
| One week | Week of 3 November 2025 Then from January 2026 |
| Two to three weeks | From January 2026 |
| Four weeks or more | From January 2026 |
| Over four weeks | From 23 February 2026 |

12.1.2 London Circuit Commercial Court

The position as at 9 December 2024 was as follows:

Application/CMC Hearings:

| Length of Hearing | Hearing dates available after |
|---------------------|-------------------------------|
| 30 mins to one hour | From 16 January 2025 |
| Up to half a day | Fridays from 16 January 2025 |
| One day | From February 2025 |

Trials:

| Length of Hearing | Hearing dates available not before |
|--------------------|---|
| Up to one week | February 2025 Then from January 2026 |
| Two to three weeks | From January 2026 |
| 4 weeks or more | From January 2026 |

These dates are subject to change on a daily basis, up-to-date information can be found here: <https://www.gov.uk/guidance/commercial-court-hearing-and-trial-dates>

As section F.3 of the Commercial Court Guide notes, the court will expedite the hearing of applications (including applications on notice) in cases of sufficient urgency and importance. Where a party wishes to make such an application, a request should be made to the Commercial Court Listing Office on notice to all other parties. Parties should note that expedition is available only in cases of sufficient urgency: see section 9 above.

12.2 CE-File

Since 2017, all documents in the Court are required to be filed electronically via the CE-File system. The system is also used extensively for applications on paper, ranging from consent orders, through applications for permission to serve out of the jurisdiction, and on occasion contested applications where the parties are content to deal with the matter on the documents.

There are now many such applications, and this year in the region of 5,077 were processed across the three sub-divisions. It will readily be understood that this takes up much judicial time, with two Commercial Court judges dealing with CE-File applications each week in addition to their ordinary workload.

It is important that applications made via CE File include all the relevant documents, and that those documents are appropriately labelled when uploaded to CE File. Non-compliant applications will be rejected, as was made clear by Popplewell J as Judge in Charge in 2018: <https://www.judiciary.uk/guidance-and-resources/electronic-filing-of-applications-to-be-dealt-with-without-a-hearing/>

The judges also deal with paper applications under the Arbitration Act, with one judge each week acting as the duty judge in charge of section 67, 68 and 69 applications.

12.3 Listing Issues

Many expedition and other listing Issues are raised in correspondence lodged on CE-File. Some of these require to be referred to the Judge in Charge for consideration/ determination.

It is very important that those raising such issues do so by way of **concise** written submissions. Unfortunately, many such applications comprise lengthy letters, often referring to other correspondence. This makes the task of deciding the listing issue more time-consuming and can result in a delay in making the decision, because of the need to find sufficient time to deal with the lengthy submissions and referenced correspondence.

Parties are therefore reminded that any submissions on listing issues should be:

- concise;
- self-contained; and
- focused on the issue which requires the judge's decision.

Submissions which do not meet these requirements may be referred back to the parties for resubmission or may result in the case being called in for an oral hearing in court before or after court hours.

12.4 Long Vacation Sittings

Judges of the Commercial Court sit regularly during the Long Vacation, which takes place from 1st August to 30th September.

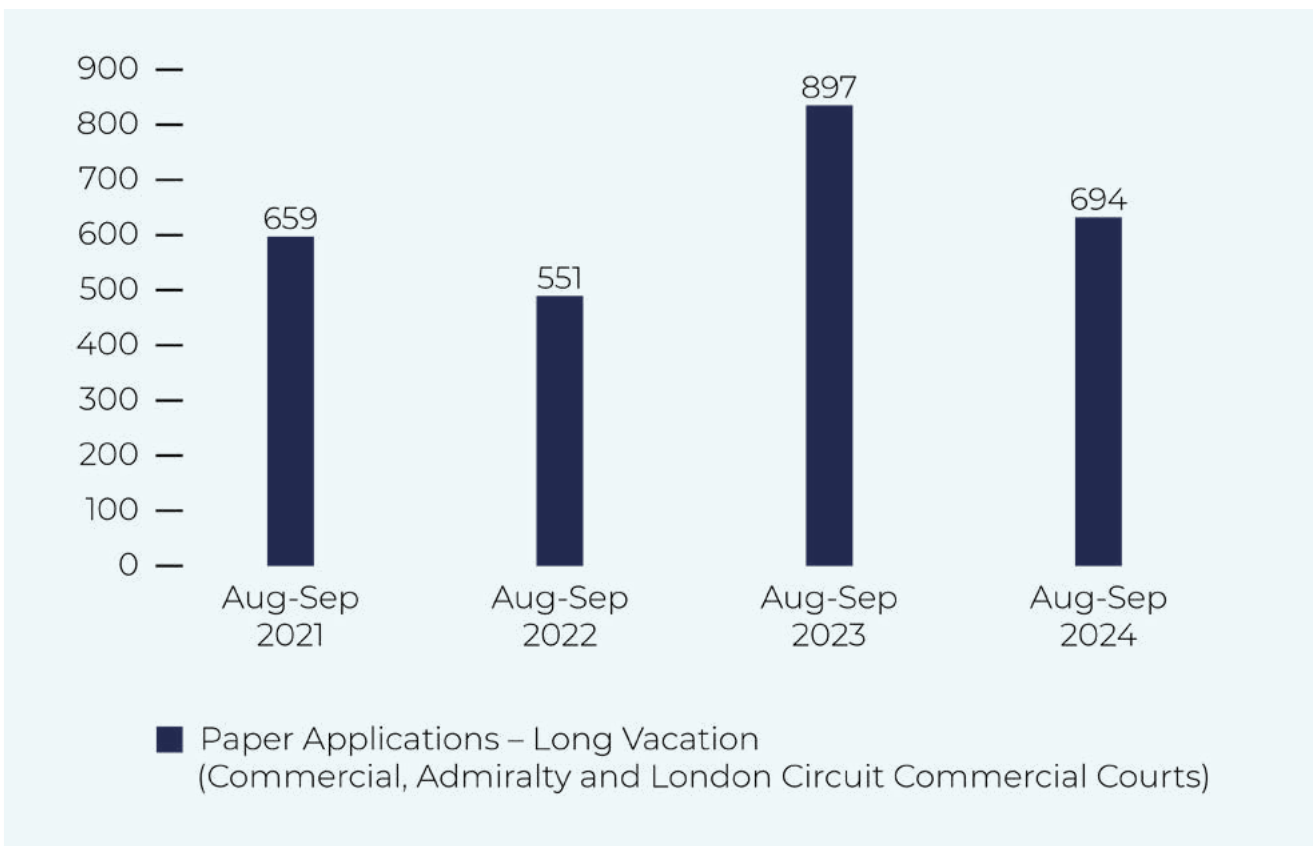
At least one judge sits in the Commercial Court at all times during this vacation period, to deal with both urgent business and regular business (such as applications). At least two judges sit in September.

12.4.1 Paper Applications during Long Vacation

There has been a decrease in the number of paper applications processed during the long vacation this year compared to last year.

In August - September 2024 there were 694 processed for Commercial, Admiralty and London Circuit combined, compared to 897 in 2023, which represents a 23% decrease. The number of such applications is nonetheless above the level during 2021, and well above the 2022 level, as illustrated in the chart below:

Paper Applications - Long vacation (Commercial, Admiralty and London Circuit Commercial Courts)



13. Use of Deputy Judges

A number of retired Commercial Court judges and King’s Counsel or other experienced practitioners who practice regularly in the Commercial Court are authorised to sit as Deputy High Court Judges in the Commercial Court.

Here is a list of retired Judges who have sat in the Court during 2023-2024, listed in order of the number of days sat:

- Dame Clare Moulder DBE
- Sir Nigel Teare
- Sir William Blair

Deputy High Court Judges who sat over the past year include:

- Adrian Beltrami KC
- Andrew Hochhauser KC
- Andrew Mitchell KC
- Charles Hollander KC
- Charles Morrison
- Christopher Hancock KC
- Clare Ambrose
- David Elvin KC
- David Quest KC
- Janet Bignell KC
- Kimbell John KC
- Lesley Anderson KC
- Lionel Persey KC
- Louise Hutton KC
- Nigel Cooper KC
- Paul Stanley KC

- Richard Salter KC
- Sean O'Sullivan KC
- Simon Birt KC
- Simon Colton KC
- Simon Salzedo KC
- Simon Tinkler
- Stephen Hofmeyr KC
- Stephen Houseman KC
- Stuart Ritchie KC

Deputy judges are used for applications and trials to ensure that the targets for lead times can be maintained.

14. Judicial Assistants and Pupils

14.1 Judicial Assistants

The Judicial Assistant scheme is now fully established in the Court.

Following an earlier pilot scheme this has been in place since October 2019 across all the three divisions of the High Court. It continues to be the case that the scheme offers placements specifically to the Commercial Court where the applicant specifies a preference to sit in the Court and is selected for that role.

The role of JA offers those in the early years of their professional practice a ringside view of the trial process and first instance decision-making from the perspective of the judge, for the most complex, high value and often high-profile cases.

They assist the judges(s) to whom they are allocated, for example by carrying out research, summarising documents and providing general support for the judge(s) in the organisation of their work and hearings.

Aimed primarily at barristers, pupil barristers and solicitors in the early stages of their legal career, but open to all with suitable qualifications and skills, applications are invited from those able to demonstrate an outstanding intellectual ability, excellent organisational skills and the ability to manage large and complicated workloads, as well as a high level of professional integrity.

Based on last year's timetable, the advertisement for the 2025 competition will be published in or around March 2025. Those applicants who are invited for interview will be interviewed in or around May 2025 and informed of the outcome in June 2025. Successful candidates can opt for a placement of two or four legal terms.

Information on this year's scheme can be found on the judicial website: <https://www.judiciary.uk/the-high-court-judicial-assistant-scheme-2025-2026/>

During the year, the Commercial Court had 3 JAs sitting with judges, both in court and at virtual hearings, for the first term, two for the second and three for the third term.

14.2 Pupils in Court Scheme

The pupils in court scheme was introduced to the Commercial Court in October 2020 by the then Judge in Charge.

The scheme, which is run with COMBAR, allows pupils to sit in with judges (on the Judge's bench) on live hearings for a day, enabling the pupil to ask the Judge questions about the trial process and the life of a commercial judge.

This scheme has continued into 2024 (in which we hosted 13 pupils) and will continue into 2025. The feedback from the pupils has been extremely positive; it is a unique and privileged experience to learn about court craft from the perspective of both the Judge and of the advocates.

15. The Registry and the Listing Office

The Court depends on the very close and beneficial relationship it enjoys with the Listing Office, which is led by Michael Tame. A list of current staff is at : [APPENDIX 2 - The Staff of the Court as at 1 October 2023](#)

The Listing Office provides essential assistance to the Court, dealing with incoming applications and correspondence between parties, solicitors and Counsel.

The Listing team deal with all documents filed by CE File. They have a daily meeting to address issues, mainly CE File pending alerts, but also outstanding work etc. That ensures that all CE File filings are dealt with promptly.

During the Covid-19 lockdowns, the Listing Office was receiving around 2,000 emails per month. Since then, that number has increased considerably. Users are asked to reflect before calling or sending chaser emails, as this ultimately delays the processing of applications and requests. Users should also be sure that the information they seek is not already available in the Commercial Court Guide or on the Commercial Court's website.

The Listing Office will check whether parties have complied with the timetable set by the Court at the CMC, ensuring that cases are prepared and ready for hearing/trial. The Listing Office also administers applications under the Arbitration Act 1996.

The work of the Listing Office is invaluable to the smooth operation of the Court, and the efficient disposal of the Court's work. All the Judges and users of the Court are grateful to them.

15.1 Lawyer for the Commercial Court

Francesca Girardot provides invaluable assistance to the Judges by, among other things, checking paper applications to ensure that all required documents and information have been received and assisting with the monthly triage of cases commenced in the Commercial Court. She also works with the Commercial Court Guide editorial team and on other projects, including the checklist intended to reduce the number of incomplete applications received and on work to speed up the time for processing applications for foreign service.

16. Sources of Information about the Court

16.1 Reports of cases

Reports of material decisions of the Commercial and Admiralty Courts are published online on the following sites:

- The National Archive, judgments section - <https://caselaw.nationalarchives.gov.uk/judgments/results>

This site includes unreported cases and is free to access.

- BAILII (the British and Irish Legal Information Institute) – <https://www.bailii.org/>

This site also includes unreported cases and is free to access.

In addition, the Commercial Court pages of the Business and Property Courts' website include regularly updated summaries of Commercial Court judgments (<https://www.judiciary.uk/courts-and-tribunals/business-and-property-courts/commercial-court/about-the-commercial-court/judgment-summaries-for-the-commercial-court/>).

16.2 The Commercial Court Guide

The 11th edition of the Commercial Court Guide was published in February 2022. It can be found here: <https://www.judiciary.uk/courts-and-tribunals/business-and-property-courts/commercial-court/litigating-in-the-commercial-court/commercial-court-guide/>.

The Guide sets out detailed information on the practice of the Court within the context of the full Civil Procedure Rules and should be referred to by parties when involved in commercial claims. We are very grateful to everyone who has contributed to its development, and to Andrew Baker J, Francesca Girardot, Laura Feldman and Conall Patton KC for drafting and finalising the Guide.

Suggestions for improvements to the Guide, which are welcomed, can be emailed to the Commercial Court Listing Office on comct.listing@justice.gov.uk

16.3 The Commercial Court User Group

The Commercial Court User Group continues to provide an invaluable opportunity for two-way discussions between the Commercial Court judges and users.

These meetings are held virtually using Microsoft Teams, and invitees have included counsel and solicitor representatives, representatives from bodies such as the LMAA (London Maritime Arbitrators' Association), the judges of the Commercial Court and sometimes also the Supervising Lord Justice (Flaux CHC).

The most recent meeting was on 11 December 2024. The topics covered included a report on the state of the Court's business from Mr Justice Henshaw (including statistics for the year October 2023-September 2024); an update from Mr Justice Bright on progress being made in processing applications for service by the Foreign Process Service department; a contribution from Mr Justice Waksman on the benefits of judicial Early Neutral Evaluation; a view from the Listing Office from Michael Tame; a request for feedback on the time periods for providing typographical corrections to draft judgments and addressing consequential issues; mention of the steps being taken to assess junior advocacy opportunities in the Court and an update from Mr Justice Robin Knowles on the work of Standing International Forum of Commercial Courts. The minutes of the meeting can be found here:

<https://www.judiciary.uk/guidance-and-resources/commercial-court-user-group-meeting-december-2024/>

16.4 The London Circuit Commercial Court Users' Committee

The London Circuit Commercial Court Users' Committee aims to meet at least three times a year, or once a term. Its most recent meetings were held on 6 February and 18 June 2024. The next meeting will take place in late January 2025.

HHJ Pelling KC, Judge in charge of the London Circuit Commercial Court, has issued guidance on draft orders in the London Circuit Commercial Court. The message can be found here:

<https://www.combar.com/news/message-from-the-london-circuit-commercial-court/>

16.5 The Admiralty Court Users' Committee

The Admiralty Court Users' Committee met in November 2023 and April 2024.

The Users Committee provided helpful input and feedback in relation to updates to the website information concerning the Admiralty Court available via [judiciary.uk](https://www.judiciary.uk). It also assisted Andrew Baker J with information for the purpose of updating the Practice Note (Admiralty: Assessors' Remuneration), the last version of which had been issued on 30 July 2021. A new version of the Practice Note was then issued on 16 January 2024, taking effect so as to apply to all actions and appeals the hearing of which began on or after 1 January 2024.

The Users Committee also assisted the Admiralty Registrar with introductory training for Deputy Admiralty Registrar Brown following his appointment, reviewed Claim Statistics for the Admiralty Court prepared by the Admiralty Marshal, and gave support to Snowden LJ in relation to a Judicial Insolvency Network project on the interaction between cross-border corporate insolvency proceedings and vessel arrests.

17. **Standing International Forum of Commercial Courts (SIFoCC)**

SIFoCC is the global forum of the world’s commercial judiciaries, and it is 7 years old. Its membership has now reached 58 jurisdictions, from six continents, and from common law and civil law traditions. This includes 70% of the jurisdictions that make up the G20. Ukraine is the jurisdiction to join most recently.

SIFoCC’s three objectives remain. First, to share best practice. Second, to assist courts to work together to make a stronger contribution to the rule of law. Third, to support countries that are developing their work on resolving commercial disputes. Its Secretariat is based in London, and it is grateful for the support it receives from the City of London, the Judicial Office and the Ministry of Justice and the Foreign, Commonwealth & Development Office. Nike Adewale is Head of Secretariat.

After full meetings in London, New York, Singapore and Sydney, the fifth full meeting took place in Doha, Qatar in April 2024, at Qatar University. The delegation from England & Wales included the Lady Chief Justice (Lady Carr), the Master of the Rolls and Head of Civil Justice (Sir Geoffrey Vos) and the then Judge in Charge of the Commercial Court (Mr Justice Foxton). Lord Thomas (the former Lord Chief Justice of England & Wales) was present in his capacity as Chair of SIFoCC’s international Steering Group, and Mr Justice Robin Knowles in his capacity as Judge with day to day responsibility for SIFoCC.

The unique judicial roundtable discussion extended over two days, in hybrid format but with a majority (50 jurisdictions) attending in person, with many led at very senior level and including appellate judiciaries. The themes included AI in the world and in the handling and resolution of disputes; developing the relationship between commercial courts and arbitration and mediation; corporate activity and the Rule of Law, including in the context of climate change; class actions and litigation funding; and moving towards greater transnational cooperation. There was also an update on developments worldwide with commercial litigation funding. SIFoCC was proud to welcome distinguished guests with expertise from outside the world’s judiciaries to assist in the discussion of some subjects.

Online roundtables were held across the year on a number of subjects and sometimes focused on particular parts of the world. SIFoCC's publications attract increasing interest. This year an extended edition of its international case management principles was published containing commentary from jurisdictions that had participated in the 2023 SIFoCC Observation Programme (Pakistan, Sierra Leone, Rwanda, Bahrain, Sri Lanka and Zambia), and introduced at the 5th Full Meeting. It is intended that SIFoCC's Multilateral Memorandum on Enforcement of Commercial Judgments for money will go into its third edition in 2025: the current second edition with supporting commentary, built from contributions across the global membership, is increasingly noted by practitioners.

SIFoCC continues its collaboration with others including ADB (Asian Development Bank), CMJA (the Commonwealth Magistrates and Judges Association), IBA (the International Bar Association) and ICCA (the International Council for Commercial Arbitration).

18. Visitors to the Commercial Court

The Court welcomed international colleagues including from Algeria, Australia, Bahrain, Canada, Eswatini, Indonesia, Japan, Malaysia, Singapore, the People’s Republic of China, Ukraine and Uzbekistan.

The topics discussed included the business of commercial courts, case management, judging, mediation and arbitration, procedure, SIFoCC, technology (in court and in disputes) and working with the profession.

19. **Social mobility and diversity initiatives**

The Commercial Court and its judges continue to be involved in a variety of initiatives intended to improve social mobility and diversity in the legal profession.

The Commercial Court was delighted to participate in the Bridging the Bar (“BTB”) Outreach Programme which ran for the week of 20 November 2023, with interns shadowing judges, attending a variety of court hearings and participating in out-of-court workshops.

The Commercial Court participated in the COMBAR social mobility workshop and hosted some of the participants as marshals and welcomed four students from the Sutton Trust’s Pathways to Law programme.

In July 2024, the Commercial Court continued its partnership with IntoUniversity to welcome sixth formers from under-represented groups interested in a career in law to observe court proceedings and meet judges and practitioners.

20. Appendix 1

The Court as at 1 October 2024

20.1 Judges – Commercial Court

Listed in order of seniority:

- Mr Justice Robin Knowles;
- Mr Justice Picken;
- Mr Justice Andrew Baker (Admiralty Judge);
- Mr Justice Bryan;
- Mrs Justice Cockerill;
- Mr Justice Butcher;
- Mr Justice Jacobs;
- Mr Justice Waksman;
- Mr Justice Henshaw (Judge in Charge of the Commercial Court);
- Mr Justice Foxton;
- Mr Justice Calver;
- Mr Justice Bright;
- Mrs Justice Dias.

20.2 London Circuit Commercial Court

His Honour Judge Pelling KC, (Judge in Charge of the London Circuit Commercial Court)

20.3 Admiralty Registrar

Master Richard Davison

21. Appendix 2

The Staff of the Court as at 1 October 2024

| | |
|------------------------|--------------------|
| Court Manager | Wilf Lusty |
| Senior Listing Officer | Michael Tame |
| Listing Officer | Daniel Hull |
| Listing Officer | Gina Hitchman |
| Listing Clerk | Ian Dawson |
| Listing Clerk | Shirley Sweeney |
| Listing Clerk | Shafia Chowdhury |
| Listing Clerk | Jade Kasanga |
| Listing Clerk | Noorani Kadir |
| Master Davison's Clerk | Shafia Chowdhury |
| Admiralty Marshal | Paul Farren |
| Registry Team Leader | Abdul Musa |
| Lawyer | Francesca Girardot |

| | |
|--------------------------|-------------------|
| Clerk to Andrew Baker J | Janet Amoroso |
| Clerk to Bright J | Mary Maynard |
| Clerk to Bryan J | Sandra Appiah |
| Clerk to Butcher J | Eilidh Rowan |
| Clerk to Calver J | Michaela Childs |
| Clerk to Cockerill J | Laura Hope |
| Clerk to Dias J | Róisín Spragg |
| Clerk to Foxton J | Kaylei Smith |
| Clerk to Henshaw J | Jay Howard |
| Clerk to Jacobs J | Alice Duddridge |
| Clerk to Robin Knowles J | Simran Chard |
| Clerk to Picken J | Christopher Palin |
| Clerk to Waksman J | Lucius Allen |
| Clerk to HHJ Pelling KC | Shirley Sweeney |

Clerks' contact details can be found here at: <https://www.judiciary.uk/courts-and-tribunals/business-and-property-courts/commercial-court/about-the-commercial-court/the-commercial-courts-judges/>



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