**The 2022 TCC Guide – Key Changes**

**Electronic Working**

3.8 – A new “Electronic Working” protocol in relation to filing.

**Access to the Court**

4.3 – A new “Mode of Hearing” section that makes remote hearings the default mode for hearings under half a day.

4.5 – A new process for submitting Paper / Electronic Applications.

4.9 – A new section on Litigants in Person.

**Case management in the TCC**

5.2.2 – New guidance on timing / delay of a first CMC.

5.3.3 – In relation to the Case Management Information Sheet and Other Documents, itis preferable to return the completed questionnaire and proposed directions at least four clear days before the CMC.

5.3.4 – Parties must file and exchange costs budgets not later than 21 days before the CMC.

5.3.5 – Cases where the costs management / budgeting does not apply.

5.3.6 – The claimant’s solicitor is responsible for ensuring that a Permanent Case Management Bundle is provided not less than 2 working days before the hearing of the first CMC.

5.3.7 – If the case is proceeding in the **High Court**, the advocates should prepare a Note (and skeleton arguments for applications under 6.5.4 and 6.5.5) to be exchanged and provided to the judge at the latest by 4 pm **two** clear working days before the CMC.

5.3.8 – For cases in the **County Court**, Notes should be proved at the latest by 4pm **one** clear working day before the CMC.

5.4.2 – The trial fee is usually payable at least 2 months prior to the trial date. If the trial fee is not paid on or before the trial fee payment date then the claim will be automatically struck out.

5.5.3 – The time for filing of the reply is 21 days after service of the defence.

5.5.6 – After service of the defence and prior to the CMC the claimant should circulate a list of the key issues of fact and law in the case in electronic format.

5.8 – New guidance on who should attend CMCs.

**Applications after the first CMC**

6.5.2 – The permanent case management bundle should be provided to the court in electronic form not less than 2 working daysbefore the hearing.

6.5.3 – Requirements where the Judge requests a hard copy bundle.

6.5.5 – For an application that is estimated to last **half a day or less**, the skeleton should be provided no later than 4pm **one** clear working day before the hearing.

6.5.6 – For an application that is estimated to last **more than half a day**, the skeleton should be provided no later than 4 pm **two** clear working days before the hearing.

6.5.7 – If the application bundle or skeleton argument is not provided by the time specified, the application may be stood out of the list without further warning and there may be cost consequences.

6.10.2 – If the application is urgent, the TCC Listing Office should be given a clear explanation in writing, certified by the legal representatives of the applicant if they are represented, of the degree of and reasons for the urgency.

6.11 – A new section on Interim Injunctions.

**Enforcement Hearings**

9.2.8 – The directions will ordinarily provide for an enforcement hearing within about 6 to 8 weeks.

9.2.10 – Where no time estimate is given, the judge will commonly give a 2 hour estimate for the hearing.

9.3.2 – The parties should lodge a bundle containing the documents that will be required by 4.00 pm **two** clear working days before the hearing.

9.3.4 – For a hearing that is expected to last **half a day or less**, the skeletons should be provided by 4.00 pm **one** clear working day before the hearing.

9.3.4 – For a hearing that is expected to last **more than half a day**, the skeletons should be provided by 4.00 pm **two** clear working days before the hearing.

9.3.5 – Labelling, for example, a part 8 claim for declaratory relief “an adjudication application” in order to obtain an expediated hearing may result in the judge refusing to hear the claim or application.

9.4.5 – New limitations where an adjudicator has made a clear error (but has acted within his jurisdiction), and proceedings are brought under Part 8 for a declaration as a pre-emptive response to an anticipated application to enforce the decision.

**Pre-Trial Review**

14.2.2 – In the **High Court** the Notes should be exchanged and provided to the court at the latest by 4pm **two** clear working days before the PTR.

In the **County Court** the Notes should be exchanged and provided to the court at the latest by 4 pm **one** clear working day before the PTR.

**Timetabling and Trial Logistics**

14.5.1 – Various additions to trial logistics guidance.

**The Trial**

15.2.1 – All opening notes must be served **two** clear working days before the start of the trial. If the opening notes are served and exchanged in pdf format, each party should also provide a word version to the judge’s clerk.

15.2.2 - 15.2.4 – Various additional guidance in relation to trial bundles.

15.5.7 – Where a party is represented by more than one advocate at the trial, the advocates may share the oral advocacy including submissions and examination of witnesses. The court encourages oral advocacy to be undertaken by junior advocates. However, the permission of the court is required for more than one advocate for a party to cross-examine the same witness.

15.9.4 – In relation to draft judgments: “*As explained in Counsel General v. BEIS (No. 2) [2022] EWCA Civ 181, the draft judgment is only to be used to enable the parties to make suggestions for the correction of errors, prepare submissions on consequential matters and draft orders and to prepare themselves for the publication of the judgment. A breach of any of these obligations may be treated as a contempt of court*.”

**Costs Management**

16.3.1 - 16.3.2 – New guidance in relation to costs management.

**APPENDICES**

Appendix B: Case management directions form – Revised

Appendix F: Draft directions order in adjudication enforcement proceedings – Revised

Appendix I: General Guidance on Statements of Case – New

Appendix J: General Guidance on Electronic Court Bundles – New

Appendix K: The BPC Protocol for Remote and Hybrid Hearings – New