

Chapter 3

High Court - Queen’s Bench Division

The Queen’s Bench Division deals mainly with civil actions in contract and tort (civil wrongs) and also hears more specialist matters, such as applications for judicial review.

At the end of 2000 the Queen’s Bench Division comprised the Lord Chief Justice (its President) and 69 High Court judges.

It contains within it the Commercial Court and the Admiralty Court (dealing with shipping matters such as collision and damage to cargo) and administers the Technology and Construction Court (formerly the Official Referees Court) which hear cases involving prolonged examination of technical issues, such as construction disputes.

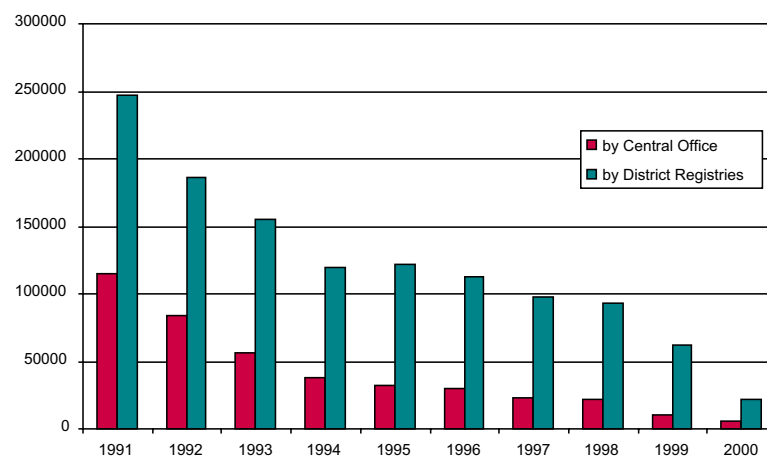
Judges of the Queen’s Bench Division also hear the most important criminal cases in the Crown Court (Chapters 6 and 9) and they also sit in the Restrictive Practices Court (Chapter 8) and Employment Appeals Tribunal (Chapter 7).

Queen’s Bench Division work is dealt with at the Royal Courts of Justice in London and at district registries of the High Court, located at many of the county courts throughout England and Wales. Each registry covers a defined district consisting of one or more county court districts.

During 2000-

- total claims and originating summonses issued fell 63% to 26,876 (Table 3.1)
- disposal of actions set down for trial fell 5% from 2,853 in 1999 to 2,700 in 2000; 78% of disposals were cases settled, struck out or withdrawn before the hearing (Table 3.5)
- 52% of court judgments related to personal injury cases, 65% of which were for sums in excess of £50,000 (Table 3.6)
- the average waiting time from issue of claim to start of trial dropped by 5% to 164 weeks (Table 3.8)

Queen’s Bench Division:
Writs & Originating Processes issued, 1991 - 2000



Queen's Bench

The Queen's Bench Division deals with common law business, that is, actions relating to contract (except those specifically allocated to the Chancery Division - see Chapter 2) and tort. Examples of contract cases dealt with in the Queen's Bench Division are failure to pay for goods and services and breach of contract. There are several types of tort (civil wrongs) including wrongs against persons only (eg defamation of character, libel) wrongs against property only (eg trespass) and wrongs which may be against persons or property (eg negligence or nuisance). Some matters may involve both contract and tort, eg personal injury cases which show negligence and breach of a contractual duty of care. Others may be crimes as well as torts, for example assault.

Actions are normally started by way of a claim or an originating summons. A claim is the most common method and is used, for example, when a claim is based on an allegation of fraud or tort; it informs defendants what is claimed against them. An originating summons is used in certain cases, such as applications under specific Acts; it outlines the nature of the case. The hearing of an originating summons is usually before a master or district judge (for descriptions of masters and district judges see Chapter 2).

If a defendant fails to respond to a claim a claimant may be entitled to a judgment in default. If a defendant responds any of the following may result-

- (a) the claimant discontinues the action
- (b) the parties settle (ie reach agreement)
- (c) the court decides that the defendant has no real defence to the action and gives summary judgment under order 14 of the Rules of the Supreme Court
- (d) a trial

There is a right of trial by jury for fraud, libel, slander, malicious prosecution or false imprisonment cases. In all other cases the judge has a discretion to allow trial by jury but it is only used exceptionally. A trial may result in an award of damages or a non-pecuniary remedy such as an injunction (an order to do or not do something). In jury trials the jury decides the amount of damages to be awarded.

Judgments may be enforced in many ways, the following being the most frequently used-

- (a) a writ of fieri facias (fi-fa) directing the sheriff (the equivalent of the bailiff in the county courts) by his officers to seize and if necessary sell the debtor's goods to raise money to pay off the debt
- (b) a writ of possession of land (eviction takes place if necessary to ensure that possession of property or land is recovered)
- (c) a writ of delivery of goods which is an order to hand over specific goods
- (d) a charging order on land, securities or funds in court (usually on land - this has the same effect as a mortgage, so that if the property is sold the amount of the charge (debt) must be paid out of the proceeds of the sale)

- (e) a garnishee order, which orders that a third party, normally a bank, holding money for the judgment debtor pay it to the judgment creditor direct
- (f) appointment of a receiver who will manage the judgment debtor's property or part of it in such a way as to protect the judgment creditor's interest in it

Oral examination is a procedure used in connection with enforcement. The debtor is required to attend court to give details of his earnings, expenses, savings, etc, so that the creditor can decide how best to enforce the judgment. Often the debtor will pay before he can be questioned (orally examined). Alternatively, a High Court judgment for money may be enforced in a county court as if it was a judgment of that court.

During 2000, 26,876 claims and originating summonses were issued, 63% less than in 1999 (72,161).

Table 3.1
Queen's Bench Division: Proceedings started, 2000

Nature of proceedings

Claims and originating summonses:	
Issued by Royal Courts of Justice	5,599
Issued by district registries	21,277 ¹
Total	26,876

¹ Includes an estimated 2,042 originating summonses

In London over 67% of claims were unliquidated (ie for an unspecified amount of money) and nearly 32% were for specified amounts in excess of £5,000. 21% of claims were for debt and a further 18% were personal injury.

Table 3.2
Queen's Bench Division: Claims issued (including originating summonses) showing nature and amount of claim¹, 2000

Nature of claim	Up to	£3,000.01	£5,000.01	£10,000.01	£15,000.01	Over	Unspecified	Total
	£3,000	-£5,000	-£10,000	-£15,000	-£50,000	£50,000	claims	
Claim for debt (goods sold and delivered, work carried out, etc)	617	470	70	1,157
Breach of contract	126	280	644	1,050
Personal injuries actions	1,024	1,024
Other negligence claims (including professional negligence)	225	225
Defamation (libel, slander)	241	241
Tort (eg nuisance, trespass, assault, wrongful arrest, etc)	25	2	19	46
Recovery of land/property	814	814
Miscellaneous	117	176	737	1,042
Total	885	928	3,774	5,599

¹ Figures given are for the Royal Courts of Justice only

In London the number of judgments given either in default of a response by the defendant or as summary judgment during 2000 totalled 933, a drop of 77% from 1999 (4,026).

Table 3.3
Queen's Bench Division - Judgment without trial: judgments by default and summary judgment (Under Order 14) by amount of judgment¹, 2000

Type of judgment	Up to £3,000	£3,001 -£5,000	£5,001 -£10,000	£10,001 -£15,000	£15,001 -£50,000	Over £50,000	Unspecified claims	Total
By default	12	5	15	36	323	234	179	804
Order (including order 14)	2	1	-	3	11	21	91	129
Total	14	6	15	39	334	255	270	933

¹ Figures given are for the Royal Courts of Justice only

During 2000, 3,220 cases were set down for trial (2% less than in 1999). There were 2,700 disposals in 2000, down 153 cases on 1999. Of these, just over 22% were determined after a trial. 51% of cases disposed were struck out (eg where a case is considered to be frivolous) or withdrawn before hearing. Over 59% of disposals were personal injury cases. Around 92% of claimants in cases disposed of were individuals or groups of individuals whereas around 67% of defendants were firm(s) or corporation(s). Legal Aid was granted in 36% of cases - in most cases to the claimant only.

Table 3.4
Queen's Bench Division: Actions set down for trial and disposed of by type of claimant and defendant, whether legal aid granted, and nature of claim¹, 2000

Nature of Claim	Claimant					Defendant					Legal Aid granted				
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Claims for debt	30	20	80	10	130	30	10	90	-	130	10	-	-	70	50
Breach of contract	70	-	70	-	140	30	20	80	10	140	20	-	-	80	40
Recovery of land/property	20	-	-	-	20	10	-	10	-	20	-	-	-	10	10
Negligence:															
Medical	470	30	10	-	510	70	30	410	-	510	230	-	10	40	230
Personal injury	1,560	30	10	-	1,600	500	100	870	120	1,600	550	10	80	170	790
Action against solicitors	80	30	-	-	100	10	20	80	-	100	50	-	-	20	30
Other	80	10	20	-	100	-	-	100	-	100	30	-	-	30	40
Miscellaneous	70	20	10	-	100	30	30	30	10	100	-	-	-	60	30
Total	2,380	120	190	10	2,700	680	200	1,680	140	2,700	880	10	90	490	1,230

¹ All figures in italics are weighted estimates based on two months sample data and may not add up due to rounding

A An individual

B A number of individuals

C A corporation or firm

D A number of corporations or firms

E Total

F An individual

G A number of individuals

H A corporation or firm

I A number of corporations or firms

J Total

K Claimant only

L Defendant only

M Both parties

N Neither party

O Not known

Table 3.5
Queen's Bench Division: Actions set down for trial disposed of, and results of trial, by nature of claim¹, 2000

Nature of Claim	Method of disposal					Result of actions after attending court					
	Attending Court										
	A	B	C ²	D	E	F	G	H	I	J	
Claim for debt	..	70	10	50	130	40	30	10	-	80	
Breach of contract	..	50	40	40	140	60	20	-	20	100	
Recovery of land/property	..	-	10	10	20	10	-	-	-	10	
Negligence:											
Medical	..	90	130	290	510	130	40	10	10	190	
Personal injury	..	260	490	850	1,600	490	50	10	30	590	
Actions against solicitors	..	20	10	80	100	20	-	-	-	20	
Other	..	40	10	50	100	30	30	-	-	50	
Miscellaneous	..	60	20	20	100	30	30	-	10	80	
Total		3,220	590	720	1,390	2,700	810	200	30	70	1,110

¹ All figures in italics are weighted estimates based on two months sample data and may not add up due to rounding

² Includes settled at door of court and approval of prior settlement given

A Numbers set down during year	E Total	J Total
B Determined after trial	F Judgment for claimant	
C Settled during course of trial or hearing	G Judgment for defendant	
D Settled with consent order, struck out or withdrawn before hearing	H Judgment for claimant and defendant	
	I No court judgment	

There were 1,110 judgments in 2000, 14% less than in 1999. 73% of judgments were in favour of the claimant only; awards in excess of £15,000 were made in most judgments. In 2000, around 53% (590) of judgments related to claims for personal injury; 64% of these judgments were for sums in excess of £50,000.

Table 3.6
Queen's Bench Division: Court judgments showing nature of claim and amount of judgment¹, 2000

Nature of Claim	Up to £1,000	£1,000.01 - £3,000	£3,000.01 - £5,000	£5,000.01 - £10,000	£10,000.01 - £15,000	£15,000.01 - £50,000	Over £50,000	Non-money judgments	Total
Claim for debt	-	-	-	-	-	20	30	30	80
Breach of contract	-	-	-	-	-	10	50	30	90
Recovery of land/property	-	-	-	-	-	-	10	10	10
Negligence:									
Medical	-	-	-	20	-	-	70	70	190
Personal injury	40	-	-	-	20	10	380	130	580
Actions against solicitors	-	-	-	10	-	-	10	10	20
Other	-	-	-	-	-	-	30	30	60
Miscellaneous	-	-	10	-	-	10	30	30	80
Total	40	-	10	30	20	50	610	340	1,110

¹ All figures are weighted estimates based on two months sample data and may not add up due to rounding

Table 3.7
Queen's Bench Division: Trial hearings by type of judge and nature of claim¹, 2000

Nature of Claim	High Court judge	Deputy High Court judge	Circuit judge sitting as High Court judge	Official Referee	Other	Total	Average hearing time
Claim for debt	20	30	30	-	-	80	11hrs 9mins
Breach of contract	40	30	30	-	-	100	13hrs 3mins
Recovery of land/property	10	-	-	-	-	10	2hrs 40mins
Negligence:							
Medical	100	30	60	-	-	190	6hrs 8mins
Personal injury	250	130	170	-	30	580	3hrs 46mins
Actions against solicitors	-	10	10	-	-	20	8hrs 50mins
Other	30	-	20	-	50	100	17hrs 45mins
Miscellaneous	40	-	30	-	10	80	17hrs 27mins
Total	490	230	350	-	90	1,160	6hrs 46mins

¹ All figures in italics are weighted estimates based on two months sample data and may not add up due to rounding

In 2000 the average period between issue of a claim and start of trial or date of disposal of actions set down for trial, was 164 weeks - 174 weeks in 1999.

Table 3.8
Queen's Bench Division: Average waiting times for trials by centre and nature of claim¹, 2000

Centre and nature of claim	Average time between issue of claim and setting down (weeks)	Average time between setting down and start of trial (or date of disposal) (weeks)	Average time between issue of claim and start of trial (or date of disposal) (weeks)
London:	140	47	187
Personal injury (including fatal)	176	54	229
Others	88	36	116
Outside London:	133	29	162
Personal injury (including fatal)	139	30	169
Others	121	28	149
All Centres	133	31	164

¹ All figures are estimates based on two months sample data. Figures have been rounded to the nearest week

Table 3.9
Queen's Bench Division: Average waiting times for trials¹ since 1993

All Centres	1993	1994	1995	1996	1997	1998	1999	2000
Average time between issue of claim and setting down (weeks)	139	137	122	135	138	143	141	133
Average time between setting down and start of trial (or date of disposal) (weeks)	38	40	39	44	41	35	33	31
Average time between issue of claim and start of trial (or date of disposal) (weeks)	177	177	161	179	178	178	174	164

¹ All figures are estimates based on two months data. Figures have been rounded to the nearest week

Although Queen's Bench Division cases are only tried at the Royal Courts of Justice and first tier centres outside London, interlocutory proceedings (applications preparatory or incidental to the main proceedings) are dealt with at all district registries and at the Royal Courts of Justice. This area of work increased in 2000 - applications for masters in London rose 8% to 12,563. The court determines what, if anything, must be done before a case can be set down for trial, gives directions as to when this is to be done and where the trial is to take place. If either party is dissatisfied with an order of a master, an appeal may be made to a judge in chambers (a private hearing). There were 33 such appeals in 2000.

Table 3.10
Queen's Bench Division¹: Applications for masters in London, 2000

Type of application	Total
For directions	-
Summary judgment (Order 14)	-
Other summonses	12,563
Total	12,563

¹ Figures given for the Royal Courts of Justice only

During 2000, the number of enforcement proceedings issued in London increased by 39% to 31,984. Writs of fi-fa formed 97% of proceedings. Outside London enforcement proceedings fell by 31% to 19,098, writs of fi-fa accounting for 96% of proceedings. Charging orders and oral examinations were the second and third most common methods of enforcement.

Table 3.11
Queen's Bench Division: Enforcement proceedings issued, 2000

	London	Outside London	Total
Nature of Enforcement			
Writs of fi-fa	31,056	18,409	49,465
Writs of possession	465	184	649
Writs of delivery	-	66	66
Charging orders	95	351	446
Garnishee orders absolute	368	44	412
Oral examinations by officers of the court	..	44	44
Total	31,984	19,098	51,082

Admiralty Court

The Admiralty Court deals with shipping matters. The two most common matters dealt with are collision of ships and damage to cargo. Most cases are dealt with at the Royal Courts of Justice in London but some are disposed of in county courts with appropriate jurisdiction. During 2000, there were 343 Admiralty actions started in the Royal Courts of Justice. Of the claims issued in London, 80 (23%) related to damaged cargo and 70 (20%) were limitation of liability cases.

Table 3.12
Queen's Bench Division: Admiralty proceedings¹, 2000

Nature of proceedings

Claims issued	343
Summons issued:	
Judges	93
Registrars	20
Applications heard	48
References to registrar	7
Warrants of arrest executed ²	75
Sales by the Court	13

¹ Figures are for the Royal Courts of Justice only

² Vessels or property arrested

Table 3.13
Queen's Bench Division: Admiralty claims issued showing nature of action¹, 2000

Nature of action

Collision	45
Damage to cargo	80
Personal injury (including fatal)	10
Mortgage	10
Limitation of liability	70
Others	128
Total	343

¹ Figures are for the Royal Courts of Justice only

Table 3.14
Queen's Bench Division: Admiralty actions for trial in the High Court set down, tried or otherwise disposed¹, 2000

Actions for trial

Set down during year	12
Tried during year	12
Otherwise disposed of	9

¹ Figures are for the Royal Courts of Justice only

Commercial Court

The Commercial Court also deals with shipping matters but is largely concerned with matters regarding contracts related to ships, insurance, carriage of cargo and the construction and performance of mercantile contracts. Other matters dealt with involve banking, international credit, contracts relating to aircraft, the purchase and sale of commodities and the practice of arbitration and questions arising from arbitrations.

During 2000, 880 (78%) of the 1,128 claims were unliquidated. The majority of these (53%) were for breach of contract. Of the 108 judgments made during the year, 99% were in excess of £20,000.

Technology and Construction Court

The Technology and Construction Court, as the name implies, deals with building and engineering disputes and computer litigation. Other matters dealt with include sale of goods, valuation disputes, landlord and tenant (especially dilapidations), torts relating to the occupation of land and questions arising from arbitrations in building and engineering disputes.

The business of the court also includes any cases in the Chancery or the Queen's Bench Divisions which involve issues or questions which are technically complex or for which trial by such judges is in any reason desirable.

There are seven full time circuit judges based in London assigned to the Supreme Court Group. They are nominated by the Lord Chancellor, and presided over by a resident High Court judge. Outside London, nominated circuit judges sit on each of the circuits with further full time designated judges at Birmingham, Manchester and Liverpool.

Table 3.15
Technology and Construction Court business: Actions received, tried and disposed of¹, 2000

Received:	
Claims and originating summonses issued in registry	344
By transfer	99
Total	443
Disposed of:	
Tried	68
Struck out, settled or discontinued	378
Transferred	20
Default judgments entered	-
Total	466
Pending at end of year	186
Number of summonses and interlocutory applications heard during year	1,325

¹ Figures relate to the Royal Courts of Justice only

