

THE BUSINESS AND PROPERTY COURTS IN NEWCASTLE

Electronic filing: the CE File

1. The Business and Property Courts in Newcastle bring together, under one umbrella in Newcastle, those parts of the High Court comprising the Chancery Division, the Circuit Commercial Court and the Technology and Construction Court. In the Rolls Building these jurisdictions have operated electronic filing of documents for some years. From 25 April 2017, in the Rolls Building, electronic filing or “CE Filing” has been mandatory for professional court users in all cases, although it is currently still optional for litigants in person. The CE-File replaces the paper file that used to constitute the court file.
2. Use of CE-Filing, and the ability to file documents with the court electronically, is being extended to the Business and Property Courts (**B&PCs**) outside London, currently Birmingham, Bristol, Cardiff, Leeds, Liverpool, Manchester and Newcastle.
3. CE Filing in the B&PCs outside London is regulated by amendments made to CPR PD 510: The Electronic Working Pilot Scheme. The terms of that PD have been extended to the B&PCs outside London on the same terms, save as to the dates when such electronic filing becomes respectively available and compulsory.
4. As from **25 February 2019**, parties will be able to issue new proceedings electronically on the CE-File. Please note that this is not mandatory at that stage. However, from **30 April 2019**, it will become mandatory for professional court users to issue proceedings electronically and use CE-Filing. Where filing takes place after 30 April 2019, in respect of any proceedings issued on or after 25 February 2019, all relevant documents must be filed using CE Filing (if filed by professional court users). The use of CE Filing will remain optional for litigants in person. Please note that PD510 para 3.5 provides that where original documents have to be filed with the court they cannot be filed electronically and must be physically filed with the Court. It is for this reason that contentious probate proceedings, which required the filing of original wills, grants of probate of evidence of testamentary documents cannot be issued using Electronic Working unless the Court permits.
5. The option or requirement to use CE Filing will not apply to proceedings issued before 25 February 2019, unless the court orders otherwise.
6. For the purposes of paragraphs 4 and 5 above, “proceedings issued” refers to Part 7 and Part 8 Claims and petitions or other originating processes. CE Filing will not be available for cases in the B&PCs in Newcastle where an application is issued within proceedings that were commenced prior to 25 February 2019 (for example, an application within winding up proceedings where the winding up petition was presented prior to 25 February 2019).

7. Although the CE File will be used by the Court internally for case management purposes it is not suitable for use at hearings or trials. Hard copy bundles will be required for all hearings and trials. The Court is likely to adopt a strict policy of “no hard copy bundle, no hearing”. If a hard copy hearing bundle is not provided the hearing may be adjourned and costs sanctions applied (see generally paragraphs 10 and 13 of the PD).
8. Litigants in person should be aware that under PD51O, court fees (other than those payable on issuing proceedings) payable by a non-legally represented party on filing of documents cannot be paid by debit/credit card or by account other than through electronic working and CE Filing. From 25 February 2019, payment by credit and debit card on issue of proceedings in the Newcastle B&PCs by a litigant in person can be accepted outside the CE Filing system. Payment by credit and debit card of any other court fees after 25 February 2019, in respect of proceedings issued in the Newcastle B&PCs, will only be capable of being made using CE Filing. Cash and cheque will continue to be accepted from litigants in person outside CE Filing (see generally paragraph 6 and esp. 6.1(4) of the PD)
9. After 25 February 2019, documents required to be filed with the court by CE File will not be accepted by the Newcastle B&PCs by e-mail, unless the court has ordered to the contrary. This applies to emails from professional court users or litigants in person. If emails are accepted, the document must also be submitted electronically via the CE File. Where documents are filed using e-filing, they should not also be sent by other means unless the court so orders (see generally paragraph 3 and esp. 3.1 and 3.4(2) of the PD).
10. Attention is also drawn to the provisions of Part 6 of the Chancery Guide, which contains further useful material regarding electronic filing. Please follow the link here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/772358/chancery-guide-0119.pdf
11. Users of CE Filing will need to set up an account to make court payments. Further practical details about CE Filing can be found at <https://www.gov.uk/guidance/ce-file-system-information-and-support-advice>.
12. For the avoidance of doubt, CE Filing is only available in the B&PCs, as part of the High Court. CE Filing and PD 51O has no application to the County Court, whether or not the work in question is “Business and Property work”.

The above is general guidance only. The governing and overriding document is Practice Direction 51O.

HHJ Kramer

(With thanks to HHJ Davis-White QC for preparing this document subject to minor alterations)

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