



Appendix B - Proposed Directions Guidance Note

This document is provided as a guidance note to assist the parties when considering what procedural directions to seek from the Court. It is not intended to be prescriptive on either the parties or the Court. The parties are reminded that in accordance with CPR 8(1), the Court may make any order, give any direction or take any steps it considers appropriate for the purpose of managing the proceedings and furthering the overriding objective of the Rules.

Nor is the guidance note intended to cover every scenario which might arise during the course of a matter which requires a direction or order from the Court. To that end, the parties will need to consider the specific circumstances of their case and what directions they should seek from the Court against the overriding objective of the Court to manage cases proportionally through a process that is accessible, fair and efficient having regard to the amounts at stake and the complexity of the issues in dispute.

This guidance note deals with some of the more common interlocutory steps in the pre-trial timetable, along with the trial itself. In more complex cases, it may be desirable for the Court to issue directions in stages. However, the parties are encouraged, for the purposes of the first case management conference, to submit proposed directions which deal with as many of the interlocutory steps in the proceedings as possible having regard to the circumstances of their particular case. Further, the parties are reminded that the Court is alert to performing its duty to fix a trial date as soon as practicable and to establish a pre-trial timetable which provides for the timely carrying out of the interlocutory steps in the proceedings.

The parties are to submit their proposed directions by the due date using Form CFI-37.

Proposed Order

Terms of draft Order (delete, amend or supplement as appropriate)

Applications for Further Information⁷

1. By no later than 4.00 pm on [], the Parties may make any application(s) for further information, in accordance with CPR 54 and Practice Direction 7.19.

List of Issues⁸

2. An updated list of issues is to be compiled and agreed between the Parties, with cross-references to paragraphs of the pleadings, and filed with the Court by 4.00 pm on [].

⁷ In relation to applications for further information, the parties are encouraged to read CPR 54 and Practice Direction 7.19.

⁸ The parties are reminded of the importance that the Court places on the list of issues, as set out in Practice Direction 5.10. With this in mind, the Court will ordinarily expect the parties to deal with the list of issues in the proposed directions.



Papers for Trial

28. By no later than 4 pm on [], the Claimant in consultation with the [Defendant/other Parties] shall file and serve an agreed:

- []
- []

29. By no later than 4 pm on [], the Parties are to file and serve skeleton arguments of fact and law.

Trial

30. The trial of this matter is to take place on a day not before [], with a time estimate of [] days. The Court and the Parties have indicated a possible potential date for trial as being for [] days from []. The Parties are to inform the Court as soon as possible if the provisional date for trial is suitable and, if not, are to liaise with the Court to arrange a listing appointment by telephone.

Closing submissions

31. By no later than 4 pm on [], the Parties are to file and serve their written closing submissions of fact and law. The written closings are to include any submissions which the Parties may wish to make as to costs.

Costs budgets

32. The Parties' costs budgets are recorded as agreed in the amounts filed and served; Claimant's budget in the total sum of [], Defendant's budget in the total sum of [].

33. Any revised costs budgets are to be submitted in accordance with Practice Direction 9.23.

General

34. Costs in the case.

35. Liberty to apply.