

**Technology and Construction Court: Statement by
the Lord Chief Justice of England and Wales**

1. This announcement is made on behalf of myself and the Lord Chancellor. It reflects the importance which both the Lord Chancellor and I attach to the work of the Technology and Construction Court (“TCC”).
2. The TCC is a specialist court, which operates at eleven court centres across the country. It comprises one High Court judge (who devotes about half of his working time to the business of the TCC) and 41 senior circuit and circuit judges. Of these circuit judges eight are full time TCC judges and the remainder spend only part of their time hearing TCC cases. Of the eight full time TCC judges, five are based at St Dunstan’s House in London (“the London TCC”), one in Birmingham, one in Manchester and one in Liverpool. There are also 23 recorders who, because of their experience of the relevant classes of work, are specifically authorised to hear TCC cases when required. Most of the full time TCC judges (and all of those at the London TCC) are senior circuit judges.
3. The construction sector accounts for about 10% of the UK’s GDP. The IT sector also accounts for a significant and growing proportion of GDP. Disputes within these industries or between providers and end users are often of considerable complexity. The sums at issue are huge. Some of the disputes arise from construction projects overseas or involve international parties. These disputes are of comparable size and importance to general commercial litigation. TCC judges try some of the most arduous and complex cases which come before the civil courts.
4. The existing TCC judges have a high degree of expertise in the management and trial of complex construction and IT cases. I pay tribute to the excellent work, which those judges are doing and have done for many years.

Nevertheless the lack of involvement of High Court judges in the work of the TCC has been a source of concern within the IT and construction industries and within the profession. Hitherto the TCC has only had the services of one High Court judge for approximately half of his working time. It is now desirable for High Court judges to play a larger role in the management and trial of IT and construction litigation.

5. Arrangements for the longer term future of the TCC are currently under consideration by the Lord Chancellor, the Lord Chief Justice and the Master of the Rolls. In the meantime, however, we have decided that interim arrangements must be put in place, in order to ensure that all TCC cases are tried by appropriate judges. The interim arrangements, which will come into effect today, are as follows:
- (i) The High Court judge in charge of the TCC (currently Jackson J) will no longer be required to spend half of each term away from the TCC. Instead he will be principally based at the TCC and will only sit in other courts when there is no TCC work requiring the immediate involvement of a High Court judge.
 - (ii) The judge in charge of the TCC will (with the assistance of the registry manager) consider every new case which is started in or transferred into the London TCC. He will classify each new case as “HCJ” or “SCJ”. The most complex and heavy cases will be classified “HCJ”. These will be managed and tried either by the judge in charge of the TCC or by another suitable High Court judge. The majority of cases, however, will be classified as “SCJ”. These cases may be allocated to a named senior circuit judge by the judge in charge of the TCC; alternatively, they will be so allocated by operation of the rota.
 - (iii) It is neither practicable nor necessary for the judge in charge of the TCC to consider TCC cases which are commenced in, or transferred to, court centres outside London. Nevertheless, if any TCC case started outside London appears to require management and trial by a High Court judge, then the full time or principal TCC judge at that court centre should refer the case to the judge in charge of the TCC for a decision as to its future management and trial.
 - (iv) When proceedings are commenced in, or transferred to, the London TCC, any party to those proceedings may make brief representations by letter as to the appropriate classification.
6. Work is currently in progress on the preparation of a new edition of the TCC Guide. There has been widespread consultation with judges, court users and the profession about

the contents of the Guide. The new edition of the Guide will set out the criteria which the judge in charge of the TCC will apply, when allocating cases to the appropriate level of judge. It will also provide that the judge in charge may change the classification of cases from “HCJ” to “SCJ”, or vice versa, as appropriate.

7. I am confident that the TCC will continue, as it has done in the past, constantly seeking to improve the service which it provides to court users.

7th June 2005

The Right Honourable The Lord Woolf
Lord Chief Justice of England and Wales