

PART 8 CLAIMS THAT ARE CURRENTLY STAYED

Dear Practitioner,

Given the current Public Health crisis caused by Covid-19 and the consequent reduction in capacity of both the legal profession and the Court service alike, we have been identifying pressure points to the Court's workload.

There are, currently, several hundred Part 8 Claims which are stayed pursuant to 8BPD.16

They are all subject to a requirement to make an application by a certain date to avoid an automatic strike out. Those Orders, of course, still stand but we wish to issue some guidance in these cases.

1. We expect the parties to be reasonable in agreeing appropriate extensions of time for such applications given the current circumstances;
2. Even if applications have to be made, it is very unlikely that they will be listed within the next four months. Obviously, this timetable may be extended if the crisis deepens or lasts longer than currently anticipated;
3. The parties are reminded of the importance of discouraging opportunism as set out in the case of Denton v TH White ltd [2014] 1 WLR 795. Should any applications for relief from sanctions be needed, they will inevitably be viewed through the prism of the current crisis.

The Birkenhead District Judges

27 March 2020