



 LexisNexis®

**(Brief) Bringing a case to the Chancery Division: Changes to the Chancery Guide in August 2019**

Before viewing this webinar, please visit [www.lexiswebinars.co.uk/test-your-system](http://www.lexiswebinars.co.uk/test-your-system) to ensure that your network and PC are configured correctly.

Tip: Press F11 on your keyboard to enlarge the webinar player.

1

---

---

---

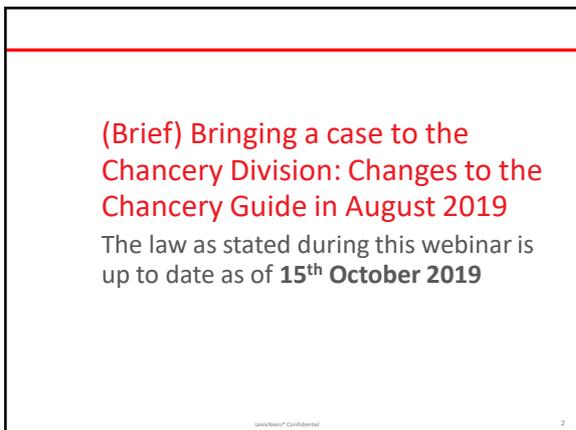
---

---

---

---

---



**(Brief) Bringing a case to the Chancery Division: Changes to the Chancery Guide in August 2019**

The law as stated during this webinar is up to date as of **15<sup>th</sup> October 2019**

LexisNexis® Confidential 2

2

---

---

---

---

---

---

---

---



**Simon Heatley**  
Knowledge Development Lawyer  
Charles Russell Speechlys

LexisNexis® Confidential 3

3

---

---

---

---

---

---

---

---

**Overview**

- Part 8 claims
- Clarification on permission to appeal applications
- Applications under the Variations of Trusts Act 1958
- Guardianship (Missing Persons) Act 2017
- Pensions litigation

Sensitive/Confidential 4

---

---

---

---

---

---

---

---

4

**Part 8 claims**

New paragraph 9.13:

- Where it would assist the overriding objective, parties encouraged to agree the issues to be determined at an early stage.
- Unhelpful for parties to be surprised by issues and arguments at the stage skeletons are served.
- Court will consider making directions to address this: e.g. it may order that the parties file an agreed list of issues which include the position they intend to take on those issues and identifies (in summary form) the basis for the position taken.

Sensitive/Confidential 5

---

---

---

---

---

---

---

---

5

**Permission to appeal**

Paragraph 24.4:

- The time in which to lodge an appellant's notice is 21 days after the date the decision of the lower court the appellant wishes to appeal was made, not from the date that the formal order recording the decision was issued (CPR 52.12 (2)(b)).
- Attention is drawn to the guidance given by the Court of Appeal in McDonald v Rose [2019] EWCA Civ 4 at [21] where a reserved judgment is handed down at a hearing without counsel or parties present. A party wishing to seek permission to appeal should do so before the hand-down hearing.

Sensitive/Confidential 6

---

---

---

---

---

---

---

---

6

Variation of Trust Act applications

---

New paragraph 29.25:

- It will assist the court and save time if the parties' representatives can agree between themselves a single summary of the trusts (and their tax effects) and where appropriate, a summary of the documents and events that have led to the current trusts.

LawWorks® Confidential 7

---

---

---

---

---

---

---

---

7

Guardianship (Missing Persons) Act 2017

---

New paragraph 29.66.2

- Act came into force on 31 July 2019
- Enables Business and Property Courts to appoint a guardian to manage the property and financial affairs of a missing person, as defined
- New rules in CPR 57 and Practice Direction 57C
- A hybrid version of the normal Part 8 procedure with prescribed information for claim form and accompanying witness evidence

LawWorks® Confidential 8

---

---

---

---

---

---

---

---

8

Pensions

---

Two updates:

1. Paragraph 29.92
  - a) Outcome of pensions litigation may be relevant to separate professional negligence claim against advisers
  - b) Options to avoid risk of points being re-argued
2. Paragraphs 29.107 to 112
  - a) Procedure for appeals from the Pensions Ombudsman
  - b) Keep Ombudsman informed on appeal's progress
  - c) Consider as soon as possible any applications to limit recoverable costs under CPR 52.19
  - d) Liaise with Ombudsman on wording of any consent order where compromising an appeal

LawWorks® Confidential 9

---

---

---

---

---

---

---

---

9

**Thank you and reminders**

- This webinar is designed to help solicitors meet requirements A2 (Maintain competence and legal knowledge) and A4 (Draw on detailed knowledge/understanding) of the SRA's Statement of solicitor competence. You may also use the quiz, which can be accessed via the "Take a quiz" link on the webinar details page, to reinforce your understanding of the webinar content. You should answer 7 out of 10 questions correctly and will have two attempts at the quiz.
- Please submit feedback via the survey screen.
- This webinar will be archived immediately, and will be available to view on-demand for 24 months.
- A transcript of the webinar can be made available on request within 48 hours.
- You can use the training and evaluation record form which is included in the supporting materials for this webinar to log this training activity and how it relates to the continuing competences that the SRA requires from all solicitors.

If you have any queries, please contact us:  
[webinars@lexisnexis.co.uk](mailto:webinars@lexisnexis.co.uk)  
0845 520 5500  
 @LexisUKWebinars

LexisNexis Confidential 10

---

---

---

---

---

---

---

---

---

---

10

**Thank you for attending.**  
**We hope you've enjoyed this session.**



**Bespoke in-house training solutions**

- Tailored for your business
- Extensive portfolio of expert presenters
- All areas of legal practice covered
- Location of your choice

**Find out more - <http://www.lexiswebinars.co.uk/in-house-training>**  LexisNexis

---

---

---

---

---

---

---

---

---

---

11