

The Technology and Construction Court ('TCC') of England & Wales is a specialist court. It deals with claims (i) that involve technically complex issues or questions (or for which trial by a TCC judge is desirable) and (ii) that have been issued in or transferred into the TCC specialist list.

See Civil Procedure Rules 60.1 in Part 60 – Technology and Construction Court Claims. The remit of the TCC is wide and the following are examples of the types of claim that it may be appropriate to bring:

- a. building or other construction disputes, including claims for the enforcement of the decisions of adjudicators under the Housing Grants, Construction and Regeneration Act 1996;
- b. engineering disputes;
- c. claims by and against engineers, architects, surveyors, accountants and other specialised advisers relating to the services they provide;
- d. claims by and against local authorities relating to their statutory duties concerning the development of land or the construction of buildings;
- e. claims relating to the design, supply and installation of computers, computer software and related network systems;
- f. claims relating to the quality of goods sold or hired, and work done, materials supplied or services rendered;
- g. claims between landlord and tenant for breach of a repairing covenant;

- h. claims between neighbours, owners and occupiers of land in trespass, nuisance, etc;
- i. claims relating to the environment (for example, pollution cases);
- j. claims arising out of fires;
- k. claims involving taking of accounts where these are complicated; and
- l. challenges to decisions of arbitrators in construction and engineering disputes including applications for permission to appeal and appeals.

(CPR Practice Direction 60 – Technology and Construction Court Claims, 2.1; Ministry of Justice, © Crown copyright 2009)

The work of the TCC is dealt with by both the High Court and the county courts. Circuit judges and recorders only have jurisdiction to manage and try TCC cases if they have been nominated by the Lord Chancellor under the Supreme Court Act 1981. There are 'full-time' TCC judges and 'part-time' TCC judges. 'Full time' TCC judges spend most of their time dealing with TCC business, although they will do other work when there is no TCC business requiring their immediate attention. "Part time" TCC judges are circuit judges who are only available to sit in the TCC for part of their time. They have substantial responsibilities outside the TCC.

The High Court judge in charge of the TCC ("the Judge in Charge"), although based principally in London, has overall responsibility for the judicial supervision of all TCC business whether in London or elsewhere.

The principal centre for TCC work is the High Court in London at St Dunstan's House. The Judge in Charge of the TCC sits principally at St Dunstan's House together with five full-time TCC judges. The TCC judges who are based at St Dunstan's House will, when appropriate, sit at court centres outside London.

TCC claims can be brought in the High Court outside London in any District Registry, although the Practice Direction states that it is preferable that, wherever possible, such claims should be issued in one of the following District Registries: Birmingham, Bristol, Cardiff, Chester, Exeter, Leeds, Liverpool, Newcastle, Nottingham and Salford (Manchester).

There are full-time TCC Judges in Birmingham, Liverpool and Salford (Manchester). There are part-time TCC judges and/or recorders nominated to deal with TCC business available at most court centres throughout England and Wales.

Where TCC proceedings are brought in a county court, statements of case and applications should be headed:

"In the ... County Court
Technology and Construction Court"

This heading is important because in TCC cases (subject to limited exceptions) district judges do not have jurisdiction to hear applications or make orders.

As a general rule TCC claims for more than £50,000 are brought in the High Court, whilst claims for lower sums are brought in the county court. However, this is not a rigid dividing line. The monetary threshold for High Court TCC claims tends to be higher in London than in the regions. Regard must also be had to the complexity of the case

and all other circumstances. Arbitration claims and claims to enforce or challenge adjudicators' awards are generally (but not invariably) brought in the High Court. The scale of fees differs in the High Court and the county court. This is a factor which should be borne in mind in borderline cases.

The detailed procedure for making and pursuing a claim in the TCC – including applications relating to arbitrations and adjudications – is set out in the Technology and Construction Court Guide Second Edition (issued 3rd October 2005, revised with effect from 1st October 2007) which is the basis of the above notes.

Users Committees

The Judge in Charge chairs two meetings a year of the London TCC Users' Committee. That Committee is made up of representatives of the London TCC judges, the barristers and solicitors who regularly use the Court, the professional bodies whose members are affected by the decisions of the Court (such as of architects, engineers, surveyors and arbitrators), and representatives of both employers and contractors' groups. RICS is represented on this Committee.

There are similar meetings of TCC Users' Committees in Birmingham, Salford (Manchester), Liverpool, Cardiff and Leeds. Each Users Committee is chaired by the full time TCC judge or the principal TCC judge in that location.

Further reference

Part 60 of the Civil Procedure Rules (England & Wales) – Technology & Construction Court Claims – www.justice.gov.uk/civil/procrules_fin/contents/parts/part60.htm

Practice Direction – Technology and construction court claims. This practice direction supplements Part 60 – www.justice.gov.uk/civil/procrules_fin/contents/practice_directions/pd_part60.htm#id4542059

Technology and Construction Court Guide Second Edition – www.hmcourts-service.gov.uk/docs/tcc_guide.htm

The Technology & Construction Court: practice and procedure (Sweet & Maxwell, 2006) by HH Peter Coulson QC

For further information on matters relating to the TCC, the TCC Case Administration Unit can be contacted on 020 7947 7156; or e: tcc@hmcourts-service.gsi.gov.uk

TCC judgments which may be of interest to practitioners are accessible on the BAILII website at www.bailii.org/ew/cases/EWHC/TCC/

TECBAR – www.tecbar.org/index.asp

Is the specialist bar association for employed or self-employed barristers who practise in the London or provincial Technology and Construction Court, or before adjudicators, arbitrators and other tribunals. Claims tried in the TCC involve construction and engineering projects both in the UK and beyond, I.T., environmental, professional negligence and property dilapidation disputes and adjudication enforcement.

TECSA – www.tecsa.org.uk/welcome-1.htm

The Technology and Construction Solicitors' Association ("TeCSA") was established in 1990 to promote the interests of solicitors and their clients involved in litigation in the Technology and Construction Court, which involves construction, engineering, technology and IT disputes.

RICS Dispute Resolution Service (DRS)

Surveyor Court
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Coventry CV4 8JE, UK
t + 44 (0) 207 334 3806
f + 44 (0) 020 7334 3802
e drs@rics.org
w rics.org/drs

The DRS offer a complete range of methods – including adjudication – for resolving disputes enabling people to resolve property disputes quickly and effectively, without going to court. Application forms for a range of services are available via the RICS website.

RICS Scotland Dispute Resolution Service (DRS Scotland)

9 Manor Place
Edinburgh, Scotland
EH3 7DN
t + 44 (0) 131 240 0832
f + 44 (0) 131 240 0830
e drsscotland@rics.org
w www.rics.org/site/scripts/documents_info.aspx?categoryID=253&documentID=439

The DRS Scotland offers a range of methods for resolving disputes enabling people to resolve property disputes quickly and effectively in Scotland, without going to court. Application forms for a range of services are available via the RICS website.

RICS Books

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Stocks a wide range of titles in the dispute resolution arena.

Date of publication of this document: October 2009

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