

**Standard Directions for Opposed Lease Renewals**

*NOTE to JUDGES*

*(1) The guidelines in these notes (including these initial Notes) MUST be deleted when you make the order.*

*(2) These directions will be given at the CCMC at court with parties present as it is a Part 7 claim and costs budgeting applies unless the court orders otherwise*

**Warning: you must comply with the terms imposed upon you by this order otherwise your case is liable to be struck out or some other sanction imposed. If you cannot comply you are expected to make formal application to the court before any deadline imposed upon you expires.**

1. Allocation

This case be allocated to the Multi-Track.

2. Terminology

In this Order, references to “the Landlord” mean the Claimant/Defendant [*delete as appropriate*] and references to “the Tenant” mean the Claimant/Defendant [*delete as appropriate*].

3. Preliminary Issue

The issue(s) as to whether the Landlord satisfies the ground of opposition contained in Section 30(1) [ a b c d e f g ] [*delete as appropriate*] be tried as [a] preliminary issue(s).

[The issue of whether the Court has jurisdiction to make an order granting the Tenant a new lease of [the Premises] be tried as a preliminary issue.]

The directions referred to below shall apply to the preliminary issue(s) only, and all further proceedings herein (save in relation to the preliminary issue(s)) shall be stayed until the determination of the preliminary issue(s) or further order in the meantime.

This case shall be docketed to HHJ  
management AND trial.

for case

#### 4. Disclosure of Documents

Each party [The Landlord] shall give standard disclosure of documents relating to the preliminary issue(s) to the/every other party [the Tenant] by list by 4.00pm on [3 weeks from service of order – insert date].

The last date for service of any request to inspect or for a copy of any document is 4.00pm on [4 weeks from service of order – insert date].

Any copy of a document so requested shall be provided by [5 weeks from service of order – insert date].

*[Note: The parties and the court should consider whether the Tenant is in a position to give disclosure in any meaningful way and, if not, the order should be altered accordingly. Disclosure by the Tenant may be relevant where the Landlord challenges jurisdiction or the entitlement of the Tenant to a new tenancy.]*

#### 5. Witness Statements of Fact

Each party shall serve on the other party the witness statements of all witnesses of fact on whom it intends to rely.

There shall be sequential service of such statements. The Landlord shall serve its statements by 4.00pm on [9 weeks from service of order – insert date]. and the Tenant by 4.00pm [12 weeks from service of order – insert date].

*[Note: The parties and the court should consider whether the Tenant is in a position to adduce factual evidence in any meaningful way and, if not, the order should be altered accordingly. Factual evidence from or on behalf of the Tenant may be relevant where the Landlord challenges jurisdiction or the entitlement of the Tenant to a new tenancy.]*

## 6. Expert Evidence

*[Party appointed experts will be the normal order]*

The Landlord shall serve its experts report(s) setting out the substance of any expert evidence relating to the preliminary issue(s) on which it intends to rely no later than 4.00 p.m. on [16 weeks from service of order – insert date]. and the tenant shall serve its like report(s) no later than 4.00 p.m. on [20 weeks from service of order – insert date].

Such evidence shall be limited to *[insert number]* for each party in the discipline(s) of *[insert disciplines eg (1)building surveyor (2) architect (3) planning expert]*.

Experts reports shall be agreed if possible no later than 4.00 pm on [22 weeks from service of order – insert date].

[If the reports are not agreed, the respective experts shall meet/speak by 4.00pm on [24 weeks from service of order – insert date] on a without prejudice basis with a view to narrowing the issues between the parties.] The experts [the parties] shall agree a joint statement indicating those parts of the expert evidence with which they are/are not in agreement (including as to facts, the description of the premises, any plans and photographs and the comparables (and any plans and photographs relating to them)) with reasons, and such statement shall be served on both/all parties by no later than 4.00pm on [26 weeks from service of order – insert date].

Each party has permission to use an/*[insert number]* expert witness(es) to give [oral] evidence [in the form of a report] at the trial provided that the substance of the evidence to be given has been disclosed as above and has not been agreed].

**The parties shall consider whether experts of like discipline should give their oral evidence simultaneously.**

OR

*[A single expert may be appropriate in respect of particular issues e.g. the condition of the property in relation to ground (a)]*

[On it appearing to the court that expert evidence is necessary on the issue of [ ] and that that evidence should be given by the report of a [single] expert [*insert profession*] [instructed jointly by the parties], the [Claimant/Defendant] shall not later than 4.00pm on [*insert date*] inform the court in writing whether or not such an expert has been instructed].

OR

[The expert evidence on the issue of [ ] shall be limited to a single expert [*insert profession*] jointly instructed by the parties.

If the parties cannot agree by 4.00pm on [*insert date*] who that expert is to be and about the payment of his fees, either party may apply for further directions.

Unless the parties agree in writing or the court orders otherwise, the fees and expenses of such an expert shall be paid to him [by the parties equally] [by the Claimant/Defendant].

The report of the expert shall be served on both/all parties by no later than 4pm on [*insert date*].

#### 7. Questions to Experts [optional]

The time for service on another party of any question addressed to an expert whether instructed by that party or jointly instructed by the parties is not later than [*insert number*] days after service of that expert's report.

Any such question shall be answered within [*insert number*] days of service of the question(s).

#### 8. Request for Information etc. [optional]

Each party shall serve any request for clarification or further information based on any document disclosed or statement served by another/the other party no later than [*insert number*] days after disclosure or service.

Any such request shall be dealt with within [*insert number*] days of service of the request.

9. List for Pre Trial Review before the docketed Circuit Judge T/E 45 minutes to consider: -

(a) what the issues are in the case

(b) whether all directions have been complied with

(c) whether a stay is requested/required

(d) whether to give directions for the listing of the trial

**NOTE: Once this case is fixed for trial, it shall not be vacated without permission of the Designated Civil Judge**

10. [Cost Budgets of each party are agreed/approved/approved as varied today]

11. Costs in the case.

Dated [ ] day of [ ]

HHJ [ ]