



Courts and Tribunals Parliamentary Fellowship Scheme

The IPT and the Judicial Office have set up a Courts and Tribunals Fellowship Scheme for parliamentarians. This is fully supported by the senior judiciary.

What are the aims of the scheme?

The aims of the scheme are to enable parliamentarians to:

- Deepen their understanding of the impact of the law and **judicial system on businesses** in the UK and internationally
- See first-hand, how litigation is conducted and disputes are resolved for both UK and internationally-orientated cases;
- Gain insight into how **business-related disputes are dealt within the courts and tribunals** of England and Wales;
- Enhance their awareness of the constitutional role of the judiciary upholding the rule of law.

Who is eligible to take part?

All members of the House of Commons and House of Lords. Certain key senior members of House staff may also be eligible to take part (*after consultation with their line manager.*)

What does the scheme involve?

- Visits to a selection of mix of courts and tribunals that deal with business-related disputes.
- Insight into the work of the courts and tribunals, and the judges who preside over them, at all levels.
- The opportunity to compare and contrast how different types of business-related disputes are dealt with courts and, tribunals in different jurisdictions.

For example, a criminal case example might include a health and safety, environmental or trading standards prosecution in a local Crown Court or an appeal in the Royal Courts of Justice related to such a prosecution. Alternatively, a high-value commercial dispute might be observed in the Rolls Building (where, amongst others, the Chancery Division, Commercial Court and Technology and Construction Court sit) or an employment claim in a local tribunal hearing centre.

The current scheme involves a partnership with the judiciary of England and Wales only; it will therefore not be possible to include visits to courts in Scotland or Northern Ireland.

What can I expect in practice?

You will spend **three** days shadowing, hosted by different members of the judiciary. You will see key case papers (*unless there are confidentiality restraints*) before watching court and tribunal hearings. In some cases, it will be possible to discuss the proceedings with the judge.

Do I have to complete three consecutive days?

The days do not need to be carried out consecutively, it is not envisaged that individual visits will be shorter than one day. Those arranging your visits will try to be as flexible as possible, however all three visits should be aimed to be completed **within six months** of signing up.



How long will each day be?

Court or tribunal proceedings usually take place between around 10.00 and 16.30, with an hour for lunch, in some instances the day may be shorter or longer.

You will be expected to arrive at the court or tribunal building before 09.30 and finish shortly after 16.00. The judge may require you to attend alternative hours.

How will my visits be organised?

Through the IPT you will be assigned a designated member of staff working for the Judicial Office at the Royal Courts of Justice. You will then be able to agree the content and timing of your own scheme to suit your availability and interests.

Can my visits under the Courts and Tribunals Fellowship Scheme count towards the award of a full IPT Fellowship?

Yes, if you continue and complete the full IPT 15 day programme within a related field or business sector, for example, visits to legal departments within companies or to legal companies specialising in business related issues.

What will happen at the end of my programme of visits?

If you finish or continue onto a full IPT Fellowship, you will become a Fellow of the IPT.



EXAMPLE VISITS

Please see below example of different placements.

Commercial Court

The Commercial Court hears disputes involving shipping, insurance and banking; often these cases involve a non-UK party. On the morning of the visit, before sitting in on the trial, you will meet the judge for a general briefing on the day's proceedings. Alternatively, if attending on a Friday, you would see the judges conducting interim and case management hearings for forthcoming cases, therefore providing a slightly broader insight into the cases that come before the Court.

Chancery Division (including the Companies Court)

There is a degree of overlap between the Commercial Court and Chancery Division, with the latter focusing on company and insolvency law. At the start of your visit, you will be briefed by the presiding judge and be able to discuss work of the Division generally.

Competition Appeal Tribunal (CAT)

The CAT hears cases involving competition and regulatory issues. Appeals taken to this tribunal come from either the Competition and Markets Authority or the Secretary of State [for Business, Enterprise, Innovation and Skills]. Cases can involve mergers and market references; and the regulators for telecommunications, electricity, gas, water, railways and air traffic services. CAT cases are heard by a panel of three members the CAT will try to accommodate an interest in a particular sector of the economy.

Employment Appeal Tribunal (EAT)

Typically, the EAT hears appeals from Employment Tribunals across the country. It can also hear decisions from the certification officer regarding trade unions and the Central Arbitration Committee. Over the course of a day, you will meet a judge of the EAT for a background briefing before observing proceedings.

Administrative Court/Planning Court

The Administrative Court deals with challenges to the decisions of central government, local councils, and other public authorities by way of judicial review. The more important cases in the Administrative Court are heard by two (*sometimes three*) judges in a Divisional Court. The Planning Court hears appeals from planning inspectors and judicial reviews relating to planning decisions. In both courts, an application which is refused on paper can be renewed orally before a judge. You could spend a day sitting with a judge hearing renewal applications, which would give a greater insight into the range of the Courts' work.

Technology and Construction Court (TCC)

This court is in the Queen's Bench Division of the High Court. The TCC deals with disputes ranging from construction, engineering, specialist advisers (*professional negligence claims*), claims relating to property disrepair, and information technology.

Patents Court

This court is part of the Chancery Division of the High Court and specialises in claims concerning intellectual property and appeals relating to the registration of patents, designs and trademarks. The Court has a small number of specialist judges. The subject matter of many claims is highly technical,



but, if a parliamentarian has a particular interest in this field, in some cases it may be suitable to see the work of this court.

Court of Appeal (Criminal Division)

The Court of Appeal (Criminal Division) usually sits in six constitutions; as Monday is typically a reading day, only one or two courts sit. This Court has a criminal focus and receives a high number of sentence and conviction appeals from the Crown Court. Business-related appeals can include matters concerning health and safety, the environment and confiscation orders. Judges undertake a great deal of pre-reading and many judgments will be given *ex tempore*. You will receive the case summaries beforehand and, on the morning of the visit, you will discuss the day's work with the presiding Court of Appeal judge. A day (*or half day until the luncheon adjournment at 1pm*) will provide a good insight into matters such as sentencing policy.

Upper Tribunal (Tax and Chancery Chamber)

The Upper Tribunal (Tax and Chancery Chamber) has jurisdiction across the United Kingdom for tax cases. It hears appeals against decisions of the First—Tier Tribunal in Tax, Charity, and Land Registration cases. It also hears references against decisions of the Financial Conduct Authority, Prudential Regulation Authority and the Pensions Regulator. In some instances, the Chamber has the power to undertake judicial review, normally undertaken by the High Court's Administrative Court.

Local court or tribunal hearing

Those who wish to visit a local court or a tribunal near to their constituency will need to discuss the aim of their visit with the designated member of Judicial Office staff. There are various District Registries of the High Court across England and Wales as well as Crown and County Courts in most cities and major towns. Cases could range from locally litigated High Court disputes to health and safety prosecutions or *consumer claims and business tenancy renewals*.

For more information about the Courts and Tribunals Fellowship Scheme please contact:

Radhika Madlani

Parliamentary Affairs Officer

RadhikaMadlani@ipt.org.uk

020 7839 9404