

**PRACTICE DIRECTION - SOLICITORS' NEGLIGENCE IN RIGHT TO BUY CASES
(TRANSFER OF EXISTING AND NEW CLAIMS TO THE CHANCERY DIVISION AND
APPOINTMENT OF DESIGNATED JUDGE)**

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Preamble

1 In this direction “Right to Buy Claim” means a claim made and/or brought by any person or persons claiming damages and/or equitable compensation against a solicitor or firm of solicitors (or former solicitor or firm of solicitors) who acted for the claimant or claimants on the exercise of the right to buy their council houses under the Housing Act 1985 and who did so having allegedly been advised by a mortgage broker and/or introducer where such claim is not concerned solely with an alleged defect in title or an alleged error in conveyancing.

Existing Claims in the High Court

2.1 Any Right to Buy Claim which was commenced in or transferred into the Central Registry of the Chancery Division prior to the date on which this Practice Direction was issued shall be assigned in the first instance to the Chief Chancery Master.

2.2 Any Right to Buy Claim which was commenced in the High Court of Justice prior to the date on which this Practice Direction was issued but which is proceeding otherwise than in the general list of the Central Registry of the Chancery Division shall be transferred to the general list of the Central Registry of the Chancery Division and assigned in the first instance to the Chief Chancery Master. Solicitors should act promptly in making any applications necessary for such transfer pursuant to CPR Parts 30.2(4) and 30.5. Such applications are to be made by letter drawing attention to this Practice Direction and no application notice pursuant to CPR Part 23 need be issued. The Court may, in any event, make an order for transfer on its own initiative at any stage in the proceedings pursuant to CPR Parts 3.1(2)(m) and 3.3(1).

Existing Claims in the County Court

3 Any Right to Buy Claim which was commenced in a County Court prior to the date on which this Practice Direction was issued shall be transferred to the general list of the Central Registry of the Chancery Division and assigned in the first instance to the Chief Chancery Master. Solicitors should act promptly in making any applications necessary for such transfer pursuant to Section 42(1) of the County Courts Act 1984. Such applications are to be made by letter drawing attention to this Practice Direction and no application notice pursuant to CPR Part 23 need be issued. The Court may, in any event, make an order for transfer on its own initiative at any stage in the proceedings pursuant to Section 42(3) of the County Courts Act 1984 and/or CPR Parts

3.1(2)(m) and 3.3(1).

New Claims

4.1 Any Right to Buy Claim commenced after the date of this Practice Direction shall be commenced in the general list of the Central Registry of the Chancery Division pursuant to CPR Part 7 and shall be assigned to the Chief Chancery Master.

4.2 Any new Right to Buy Claim which is issued in the High Court or the County Court otherwise than in accordance with paragraph 4.1 above shall be transferred to the general list of the Central Registry of the Chancery Division, whereupon it shall be assigned in the first instance to the Chief Chancery Master. Solicitors should act promptly in making any applications necessary for such transfer pursuant to CPR Part 30.2(4) and/or CPR Part 30.5 and/or Section 42(1) of the County Courts Act 1984. Such applications are to be made by letter drawing attention to this Practice Direction and no application notice pursuant to CPR Part 23 need be issued. The Court may, in any event, make an order for transfer on its own initiative at any stage in the proceedings pursuant to Section 42(3) of the County Courts Act 1984 and/or CPR Parts 3.1(2)(m) and 3.3(1).

List of Claims

5.1 Until and subject to further order, the solicitors on the record for and/or acting for each and every Claimant in a Right to Buy Claim falling within subparagraphs (i) to (vii) below shall as soon as practicable notify AVH Legal LLP trading as Tandem Law, 34 High Street, Manchester, M4 1AH of

- (i) the assignment of a claim to the Chief Chancery Master pursuant to

paragraph 2.1 above;

- (ii) the transfer of any claim to the general list of the Central Registry of the Chancery Division pursuant to paragraph 2.2 above;
- (iii) the transfer of any claim to the general list of the Central Registry of the Chancery Division pursuant to paragraph 3 above;
- (iv) the commencement of any new claim falling within paragraph 4.1 above;
- (v) the transfer of any claim;
- (vi) the sending of any pre-action protocol letter (including any pre-action protocol preliminary notice) and/or
- (vii) the making of any standstill agreement between the Claimants and the Defendants to a Claim falling within this Practice Direction

and shall at the same time provide Tandem Law with the names of the Claimants and Defendants in that Right to Buy Claim together with the address (including postcode) of the property purchased pursuant to the right to buy.

5.2 Tandem Law shall maintain a register of all Right to Buy Claims (including the information provided in respect of them) notified to it pursuant to paragraph 5.1 above together with the names of the Claimants and Defendants and the addresses (including postcodes) of the properties purchased pursuant to the right to buy in any Right to Buy Claims which (i) are currently proceeding in the Central Registry of the Chancery Division and have been assigned to the Chief Chancery Master and/or (ii) are claims in which Tandem Law is the solicitor on record and/or acting for the Claimant or Claimants, whether or not such a claim has been formally issued.

Stay upon Assignment to the Chief Chancery Master

6 Upon a Right to Buy Claim being assigned to the Chief Chancery Master in

accordance with this Practice Direction, that Right to Buy Claim will, unless the Chief Chancery Master otherwise directs, be stayed automatically and shall remain stayed until the Court lifts the stay.

Assignment to Mr Justice Sales

7.1 Right to Buy Claims shall be assigned to Mr Justice Sales for the purpose of further case management and trial or trial of issues arising in the Right to Buy Claims.

7.2 Save for applications to transfer Right to Buy Claims to the Central Registry of the Chancery Division, any application in respect of Right to Buy Claims shall be heard by Mr Justice Sales or, upon his direction, by the Chief Chancery Master.

7.3 In order to permit the Court to progress the Right to Buy Claims pursuant to CPR 1, and notwithstanding that actions may be stayed, the Court may order that any order made in one or more Right to Buy Claims shall apply to any or every other Right to Buy Claim.

Substitution of Nominated Master and/or Judge

8 The Chancellor may nominate another Master or Judge of the Chancery Division in place of and/or in addition to the Chief Chancery Master and/or Mr Justice Sales.

Failure to Comply

9 Any delay or increase in costs occasioned by unjustified failure to comply with this Practice Direction may be considered on assessment of costs.