



Glaisyers
Solicitors

Coronavirus Pandemic - Changes to Litigation

There isn't an area of life that hasn't been affected by the Coronavirus pandemic, but there are some things that can't be put on hold. Our team have seen a raft of changes - statutory, procedural and practical - that have changed the litigation landscape dramatically over the past few days. We are here to help if you, or your business, are facing litigation or your current matter has stalled because of a company's issues with technology capabilities.

Court Closures/ Prioritisation

Some courts are closing

- 157 courts remain open
- 124 courts remain open for staff/ judiciary only with no access to the public
- 89 courts are suspended
- [Information on which courts are open can be found here.](#)

Court work is being prioritised

- Work in the County Court - [information here.](#)
- For the High Court - [information here.](#)

Certain case types are being adjourned

- Insolvency (see below)
- Possession actions (see below)

New procedures are in place to encourage video/audio hearings

- CPR 1998 Practice Direction 51Y - [information can be found here](#)

Guidance for social distancing when attending court/non-attendance if self-isolating

- [Advice from the government](#)
- [Advice from the Bar Council](#)
- [Advice from the Lord Chief Justice](#)

Practical Changes at the Court

Insolvency

Pending Winding up and Bankruptcy petitions are generally being adjourned until June 2020

Significant new legislation is intended (yet to be implemented)

- New company restructuring/moratorium arrangements are promised
 - a moratorium for companies giving them breathing space from creditors enforcing their debts for a period of time whilst they seek a rescue or restructure
 - protection of their supplies to enable them to continue trading during the moratorium
 - a new restructuring plan, binding creditors to that plan
- Temporary suspension of wrongful trading provisions (company directors)

Notice periods under various residential tenancy regimes have been temporarily extended

- Coronavirus Act 2020 s81 and Schedule 29 - [information can be found here](#)

Three month payment holidays for residential mortgages are to be offered

- Strongly worded FCA guidance on such holidays and repossessions - [information can be found here](#)

Possession claims under CPR part 55 (typically residential landlord and tenant and mortgagee possession claims) are to be adjourned for 90 days

- 117th CPR Practice Direction Update and Practice Direction 51Z- *All proceedings for housing possession brought under CPR Part 55 and all proceedings seeking to enforce an order for possession by a warrant or writ of possession are stayed for a period of 90 days from 27th March 2020*

The right of re-entry/forfeiture for non-payment of rent is unenforceable until 30 June 2020

- Coronavirus Act 2020 s81 and Schedule 29 - [information can be found here](#)

One word - yes. Look out for further updates.

Possession Claims

Commercial Leases

Can we expect other changes?

Contact our Litigation Team

David Jones
Partner, Head of Litigation

T 0161 833 5675
E david.jones@glaisyers.com

Daniel Fitzgerald
Partner

T 0161 833 6968
E daniel.fitzgerald@glaisyers.com

Alison Rocca
Senior Associate

T 0161 833 5691
E alison.rocca@glaisyers.com

Clare Oliver
Solicitor

T 0161 833 5659
E clare.oliver@glaisyers.com