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## Editorial

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### The Commercial Court

In his opening address to the London Conference of the International Bar Association, the Master of the Rolls, Sir John Donaldson, focussed once again upon the plight of the Commercial Court. He deplored the "unacceptable delays" in its proceedings, a comment borne out by recent figures in the Civil Justice Review which show a waiting time of 24 months for hearings of four days or more and no less than 36 months for hearings of over six weeks — in both cases an increase of 8 months since October 1985. The Court was, he said, suffering from its own success, with too many disputes chasing too few judges.

The Master of the Rolls also quoted from a survey conducted for the Review showing that 55 percent of plaintiffs and 45 percent of defendants come from abroad, and that in 28 percent of cases no British party was involved. He argued that the Court has now become a major contributor to the nation's invisible exports and found it difficult to believe that the Treasury could reasonably object to providing it with the means — more judges and more courtrooms — to restore it to its traditional position of "the fastest court in the West".

Wild West metaphors apart, there is nothing very new in these sentiments, but their want of novelty makes them no less compelling. The Commercial Court itself came falteringly into existence as long ago as 1895, as a Commercial List in the Queen's Bench Division. The Court in its present form came into being as a result of the Administration of Justice Act 1970, though even then Parliament refused to accept provisions in the original Bill which would have allowed the Commercial Court to relax the rules of evidence and to sit in private, as happens with arbitrations. A Commercial Court Committee came into being in 1977, and inspired the Arbitration Act 1979 which limited the right of appeal to the courts from the decisions of arbitrators. The caseload of the Commercial Court has grown about eightfold from the modest level of about 20 cases a year in the period 1946–59, though it remains small in comparison with the figures for arbitrations. It goes without saying that, in this complex and expensive area of law, most of the cases are complicated and consume many judge-hours.

The Civil Justice Review Consultation Paper No. 6, published earlier this year, rightly observed that the arguments for

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