

Telephone:  
01244 404200



Chester Civil Justice Centre,  
Trident House,  
Little St. John Street,  
Chester,  
CH1 1SN

From His Honour Judge Derek Halbert  
Designated Civil Judge for Cheshire.

9WA00401

RE: CCA CLAIMS

It is apparent that there are a number of claims to be commenced nationally in which the main claim will be for a declaration of the invalidity of a Credit Agreement for non compliance with the Consumer Credit Act. Estimates vary but up to 100,000 claims may be involved. In those circumstances assistance was sought from the presiding Judges and from Lord Justice Moore-Bick as to how to proceed. That matter has also been referred to the area, regional and national directorate.

The consensus is that the appropriate course is to refer a few carefully selected cases to the Commercial Court in London on a test basis. This has the approval of Lord Justice Moore-Bick. I have spoken to the Judge in charge of the Commercial Court Andrew Smith J., and he is all too happy to accept a pattern of test cases.

The proposal is to select the test cases and then stay all others until the test cases have established the requisite principles.

This letter is being sent to all parties in all CCA cases which have so far been commenced in Cheshire. Representations are invited as to:-

- (a) The merits of the proposed course of action;
- (b) The selection of the test cases.

Such representations should be made as quickly as possible and certainly within 14 days.

Derek R Halbert, Designated Civil Judge, Cheshire.



JUDICIAL  
COMMUNICATIONS OFFICE

## Statement

---

21 May 2009

16/09

### Consumer Credit Act cases at Chester County Court

On 19th May His Honour Judge Halbert held case management conferences at Chester County Court in 52 cases, each of which raises a question of the enforceability of a consumer credit agreement under the Consumer Credit Acts 1974 and 2006.

It is thought that a very large number of similar claims may be started over the coming weeks, but the hearing before Judge Halbert concerned only those 52 cases and no orders have been made in relation to any other cases of a similar kind which have been, or may yet be, started.

An earlier case decided by Judge Halbert, which also raises a question under the Consumer Credits Acts, is currently pending before the Court of Appeal.

Some thought is currently being given to the most efficient way of managing existing and future claims. No general stay has been ordered, but it has been possible to identify a number of cases which raise common questions of law on which there is at present no decision of the higher courts. Consideration is therefore being given to transferring those cases to the Commercial Court in London in order to obtain a definitive ruling.

It is likely that the outcome of many of these cases will depend on their own particular facts and they will therefore be determined in the ordinary way as quickly as possible. Consideration is being given to grouping similar cases together for trial where that is likely to save costs and time.

### Notes to Editors

1. This document is intended to help explain the position regarding these cases due to previous misreporting. It is not a judgment, or part of the official court records. If copies of the proceedings are required a request should be made to the judge for a transcript to be produced. This will include a financial charge.

**Ends**

---