



OMNIBUS CLAIM FORMS: THE IMPORTANCE OF PROPER CASE ANALYSIS

Introduction

1. Earlier this summer the Court of Appeal handed down judgment in *Black Horse Ltd. v. Angel & Ors* [2026] EWCA Civ 831, which concerns the vexed question of when multiple claimants can use a single claim form under CPR 7.3. I appeared for the successful claimants in the leading case, *Morris & Ors v. Williams & Co Solicitors* [2024] EWCA Civ 376, [2025] Ch 34, which you can read about [here](#). The recent judgment in *Black Horse v. Angel* has entrenched the approach in *Morris v. Williams*, with several important observations which repay consideration.

Background

2. *Black Horse v. Angel* comprises 5,800 individual claims across 8 claim forms against finance houses in relation to alleged undisclosed or partially disclosed discretionary commission arrangements with regard to motor car finance, pursuant to section 140 (B) (1) (a) of the Consumer Credit Act 1974. At first instance, HHJ Worster decided that the use of a handful of claim forms was impermissible because the test of convenience adopted by CPR 7.3 and expounded in *Abbott v. Ministry of Defence* [2023] EWHC 1475 (KB), [2023] 1 WLR 4002, was not satisfied (a case with 3,500 claimants). Key to his reasoning was the acknowledgment by the claimants that each claim was individual and would need to be resolved in its own terms [*Black Horse*, para 21]. He required separate claim forms to be issued for each claim.

3. In *Morris v. Williams*, the Court of Appeal decided that the Divisional Court in *Abbott* had erred in law and imposed unnecessary fetters on the test of convenience under CPR 7.3: see my articles mentioned above. “Convenience” is an ordinary English word with a clear meaning. The factors identified in *Abbott* were relevant but not exhaustive. Convenience must be assessed on a case-specific basis in the light of all relevant facts and circumstances. The Court of Appeal approved the use of a single claim form by 134 claimants bringing materially identical claims against their former solicitors.
4. Returning to *Black Horse v. Angel*, the claimants appealed against the order of HHJ Worster. In his judgment with neutral citation number [2025] EWHC 490 (KB), Ritchie J decided that HHJ Worster had adopted the wrong approach in the light of the authoritative re-statement of the law in *Morris v. Williams*. He decided that the use of 8 claim forms was convenient given the common issues in play and the proposal for a trial of lead cases.
5. Zacaroli LJ refused permission to appeal to the finance houses on three grounds but gave permission on a fourth ground, namely that Ritchie J had erred in the re-exercise of the court’s discretion when applying CPR 7.3 as elucidated by *Morris v. Williams* [para 36]. This required the appellant finance houses to satisfy the heavy burden of showing that Ritchie J had exceeded the ambit within which reasonable disagreement was possible [para 85].

The Court of Appeal’s decision

6. The Court of Appeal dismissed the appeal and upheld Ritchie J’s order. Coulson LJ, with whom Stuart-Smith LJ and the President of the Family Division agreed, gave the sole judgment. The following points are notable:
7. Coulson LJ adopted the approach to CPR 7.3 in *Morris v. Williams* [para 46].
8. In *Abbott*, Andrew Baker J (as he then was) had downplayed the relevance of case management, stating that it would not suffice to render the use of a single claim form convenient within the meaning of CPR 7.3. Coulson LJ said that whether multi-claimant proceedings could be satisfactorily case managed from the perspectives of the court and the parties was a relevant and important factor [paras 47, 64 to 67]. This is a welcome development.

9. Coulson LJ agreed with Ritchie J that there were sufficient common issues to justify using a single claim form [paras 94 to 106]. However, the claimants (the respondents) also put their case in a new way compared with their submissions before HHJ Worster: the claims were suitable for a “lead cases” trial [para 61]. The Court of Appeal wholeheartedly agreed [paras 116 to 123].
10. Coulson LJ reiterated that it was not necessary to show that the determination of the lead cases (or common issues) would have a binding effect; a persuasive impact was enough [paras 46 (iii), 92, 117].
11. Coulson LJ appeared to consider that common issues and lead cases were separate ways of trying multi-claimant proceedings [paras 78, 109]. However, in my experience they are often combined to produce a trial of (i) common issues arising in all cases, together with (ii) a number of representative lead cases in which both common issues and all individual issues in the lead cases will be determined.
12. Coulson LJ drew attention to the unsatisfactory state of the claimants’ pleadings, which were limited to generic particulars of claim with a schedule of basic information, but lacked individual schedules setting out the key facts of each case, still less mini pleadings for each individual claimant (generally produced only for the selection of lead cases or when such cases have been identified) [paras 75 to 77]. He made the obvious point that setting out more than merely generic information was in the claimants’ own interests.
13. There is a strong tone of disapproval. While the claim forms were issued in 2022 and millions of pounds had been spent on each side, the litigation had hardly progressed. Plainly it was in the appellant finance houses’ interests to defeat the claims on a procedural basis if they could and each side had taken every available point [paras 8, 9, 71 to 73].
14. Coulson LJ noted that the Civil Procedure Rules Committee had decided not to revisit CPR 7.3 and 19.1 as urged by the Master of Rolls in *Morris v. Williams*. He renewed the invitation, given the continuing popularity of and increase in group actions operating outside the GLO regime [para 140].

Conclusion

15. Mass claimant litigation by way of omnibus claim forms operating outside the GLO regime is here to stay. *Black Horse v. Angel* follows and entrenches the analysis in *Morris v. Williams*. The admonitions as to the importance of properly formulated particulars of claim and the identification of the appropriate trial model are salutary. Mass claimant litigation presents lawyers with a false sense of security: the individual cases are or appear to be “all the same” because they arise from a common factual and legal context, yet they have differences arising from individual circumstances, some of which may be material. It is essential to be on top of the detail in order to identify the extent and relevance of commonality, which will drive the proper approach to commencement, pleading, case management and trial. This can be an expensive and time-consuming exercise, but with an experienced team, it need not be uneconomic. Effort expended in case analysis at the outset will stand litigants in good stead and is never wasted.
16. You can read the Court of Appeal’s judgment in *Black Horse v. Angel* [here](#).

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