

TCC Guide 2026: Key changes on matters including BSA, AI and ADR

July 2026

Introduction

The Technology and Construction Court (TCC) published the fourth edition of the TCC Guide on 1 July 2026, replacing the previous edition issued in October 2022. While the overarching purpose of the guide remains unchanged, the 2026 edition introduces a number of significant developments reflecting legislative changes and the increasing use of technology within dispute resolution.

Perhaps the most striking theme running throughout the new guide is the court's expectation that parties should engage with procedural and strategic issues at a much earlier stage. The message from the TCC is clear: disputes should be alternative dispute resolution (ADR), disclosure and costs ready and electronically organised before the first case management conference (CMC), rather than afterwards.

1. New guidance on artificial intelligence (AI)

One of the most visible changes between the 2022 and 2026 editions is the introduction of a dedicated section addressing the use of AI. The 2022 guide contained no equivalent guidance. The 2026 guide recognises the growing use of AI tools by legal professionals but emphasises that lawyers have ultimate responsibility for all material submitted to the court.

The guide makes it clear that:

- AI-generated legal research must be independently verified
- Practitioners remain responsible for inaccuracies and hallucinated authorities
- Confidentiality and data protection obligations continue to apply when using AI tools
- Parties may need to disclose the use of AI where appropriate

This reflects the judiciary's broader response to technological developments and serves as a reminder that AI is a tool to assist legal practitioners rather than replace professional judgement.

2. Dedicated Building Safety Act procedures

The most substantial addition to the guide is the introduction of a dedicated section dealing with Building Safety Act 2022 (BSA) claims. Given that the BSA was only enacted in 2022, the previous guide understandably contained no detailed guidance on the management of this type of litigation. The guide now contains a standalone section devoted to Building Safety Act proceedings, which:

- Introduces a new Appendix L questionnaire that is designed to inform the TCC judge about the building to which the proceedings relate
- Recognises the likelihood of parallel proceedings in the First-tier Tribunal (FTT) and the TCC
- Allows for an early "Allocation CMC" to coordinate related cases
- Contemplates circumstances where the same judge may hear proceedings in both jurisdictions

These changes acknowledge the growing volume and complexity of building safety disputes and are intended to ensure more effective case management across multiple forums.

3. ADR is now central to case management

ADR featured in the 2022 guide, but the 2026 edition significantly strengthens the court's approach following the Court of Appeal's decision in *Churchill v. Merthyr Tydfil County Borough Council*.¹

The new guide expressly states that:

- The court may order parties to engage in ADR
- Parties should be prepared to address ADR before the first CMC
- ADR should remain under consideration throughout the proceedings
- Unreasonable refusal to participate may have costs consequences

The guide also introduces:

- A draft ADR Order
- The court settlement process
- Guidance relating to settlement judges and facilitated negotiations

The practical effect is that ADR is no longer viewed as an outlying issue but as a fundamental component of case management strategy.

4. Significant changes to costs budgeting

The 2026 guide reflects major changes arising from Practice Direction 51ZG1, which applies to certain TCC Part 7 claims issued between 1 April 2025 and 30 March 2028. Represented parties must file a simplified costs budget no later than 21 days before the first CMC.

The new regime introduces:

- Simplified costs budgets using Precedent Z
- Reduced budgeting requirements for lower-value claims through Precedent RZ
- Different approaches to costs management depending on claim value as opposed to a one-size-fits-all approach

The guide also reinforces the relationship between costs budgeting, disclosure planning and expert evidence. Rather than being treated as an administrative exercise, budgeting is now expected to form part of the overall litigation strategy from an early stage.

5. Procurement guidance updated for the Procurement Act 2023

The procurement section has been substantially rewritten to reflect the Procurement Act 2023, which came into force for procurements commencing on or after 24 February 2025. The 2022 guide naturally focused on the previous procurement regime.

The revised guidance addresses:

- The new statutory framework
- Short standstill periods
- Automatic suspension considerations
- Early disclosure obligations
- Confidentiality rings
- Applications to expedite

These updates provide practitioners with practical guidance on handling procurement challenges under the new legislative landscape.

6. Changes to claim value thresholds

The 2026 guide also revises the guidance regarding allocation of cases between the TCC and the County Court. Under the previous 2022 guide, the indicative threshold for transfer from the Rolls Building to the Central London County Court was £500,000. The 2026 guide increases this figure to £1 million.

This reflects the court's attempt to ensure that High Court judicial resources are focused on the most substantial and complex disputes while maintaining proportional access to specialist courts.

7. Greater focus on regional TCC work

The guidance concerning TCC business outside London has been substantially revised and expanded. The new guide encourages parties to issue proceedings in the TCC centre most closely connected with the dispute and provides updated guidance on regional case management practices.

¹ [2023] EWCA Civ 1416

Conclusion

While the 2022 guide focused primarily on procedural efficiency and case management, the 2026 edition responds to some of the most significant developments affecting construction litigation over the last four years: the BSA, the Procurement Act 2023, the rise of AI and the courts' evolving approach to ADR.

The unifying theme of the 2026 guide is early preparation. Whether in relation to ADR, disclosure, expert evidence, costs budgeting, building safety claims or procurement challenges, parties are expected to engage with strategic issues at the outset of the dispute rather than as proceedings progress. For construction litigators, the new guide represents not merely an update to procedure but a significant shift in judicial expectations regarding how TCC litigation should be conducted.

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