

SENIOR COURTS COSTS OFFICE COSTS PRACTITIONERS GROUP

MINUTES OF MEETING HELD ON THURSDAY 14 NOVEMBER 2024

Present		
	Costs Judge Rowley (in the chair) (JR)	SCCO
	District Judge Harper (KH)	ADJ
	Mr D Marshall	Law Society
	Ms N Greaney KC (NG)	Bar Council
	Mr A Jiwaji (AJ)	LSLA
	Mr S Green (SG)	APIL
	Mr P Allen (PA)	

1. Apologies for absence

Apologies received from Costs Judge James, Mr J Ridgway for the ACL, Mr M Hoe for FOIL and Ms S Kaye for the PDF.

2. Approval of the minutes and any matters arising

There were no amendments and no matters arising from the minutes of the meeting on 9 May 2024 which were duly approved.

3. CE File

JR reported that there had been no change to the filing options available to users.

4. Court of Protection

It was suggested anecdotally that there was a disparity in the length of time before assessment between those bills submitted electronically and those on paper. This was not supposed to occur as the bills were assessed in the order in which they were received. There had been some advancement of electronic bills during the pilot period in order to assess the suitability of the new precedent but that had ceased once the pilot had concluded.

The overall period from submission to assessment of 11 months was described as being an awfully long time for an annual bill, even with the interim payment available. A discussion on recruitment of further costs officers followed this comment.

5. CJC Review of Litigation Funding

The Interim Report and Consultation document had been published shortly before the meeting. A general discussion of the issues ensued. It was noted that much of the ground covered related to group litigation as well as the use of Damages Based Agreements as well as Conditional Fee Agreements. The meeting noted that the consultation period was due to run until the end of January 2025.

6. CJC Solicitors Act Working Party

JR reported that the working party under the chairmanship of Adam Johnson J, referred to in the last meeting, had continued to meet and that an interim report and consultation approach – as with the Litigation Funding review – was likely in the New Year. One of the issues was bound to be whether the distinction between contentious and non-contentious business needed to be retained.

7. Fixed Recoverable Costs

The reforms brought in from 1 October 2023 were still too new to provide any feedback, particularly in relation to personal injury claims.

Fixed Costs Determinations had been brought in as of October 2024 and they would supersede summary assessments as cases came through which were subject to fixed recoverable costs.

The carve out for housing disrepair claims had been intended to last for two years in order to allow for housing legislation to be implemented. The change in Government meant a review of such legislation and it might be that the period of exemption for housing claims would be extended.

DM reported to the meeting that he had heard nothing further in relation to the fixed costs scheme for clinical negligence cases.

8. Updating the costs precedents

SG informed the meeting that an ACL working party had been working on revised points of dispute. Whilst the points of principle would remain in a separate document, the challenges to individual items would be contained in a new column with a further column for any replies. SG would ask for this document to be circulated to the CPG. It would assist any amendment to the existing precedent if it was promoted, or at least supported, by the SCCO.

There was a general discussion about the new forms of budgets which were expected regarding the “Budget Light” proposed by the CJC. There had still not been any

published version of either the QOCs version or the commercial version, although it was understood that the latter had been produced for consideration by the CJC.

9. Outstanding appeals from the SCCO

- **Turner v Coupland Cavendish Ltd (23 October 2024)** – Part 18 Requests and information regarding Gibraltar company.
- **CFB v AXA Insurance UK Plc** – Case management decisions in CPR 46.4 assessment
- **Lydon v Anthony Collins Solicitors** – Decision re party’s interest in COP proceedings
- **Vardy v Rooney** – Decision on misconduct

10. Decisions on appeals from the SCCO (for noting)

- **Oakwood Solicitors Ltd v Menzies [2024] UKSC 34** – “Payment” requiring agreement to the specific amount being claimed.
- **St James v Wilkin Chapman [2024] EWHC 1716 (KB)** – CFA was a CFA Lite as a result of other documents / limitation on recovery of costs from client limited to those in budget and / or recovered from opponent.
- **Brealey v Shepherd & Co (PTA)** – Withdrawn.
- **Archstone Solicitors v Torabally (PTA)** – Struck Out.
- **Savage & Ors v Laytons LLP (PTA)** – Dismissed.

11. Date of next meeting – 8 May 2025.