# SENIOR COURTS COSTS OFFICE
# COSTS PRACTITIONERS GROUP

## MINUTES OF MEETING HELD ON THURSDAY 8 MAY 2025

| Present | | |
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| | **Senior Costs Judge Rowley (JR)** | **SCCO** |
| | **Mr D Marshall (DM)** | **Law Society** |
| | **Mr A Jiwaji (AJ)** | **LSLA** |
| | **Mr S Green (SG)** | **APIL** |
| | **Mr H Dean (HD)** | **FOIL** |
| | **Mr J Ridgway (JRi)** | **ACL** |
| | **Mr P Allen (PA)** | |
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### 1. Apologies for absence

Apologies received from Costs Judge James, District Judge Harper, Nicola Greaney KC for the Bar Council, and Ms Stephanie Kaye for the PDF.

### 2. Approval of the minutes and any matters arising

There were no amendments to the minutes of the meeting on 14 November 2024 which were duly approved.

The meeting noted that the report of the CJC Litigation Funding working group following the consultation period was still to be published.

### 3. CE File

JR reported that CE File was due to be replaced in 2028 and plans for the replacement were already underway. It seemed that any further amendments or improvements to CE File were unlikely to be implemented. DM informed the meeting that the Electronic Working PD51O was in the process of being replaced by a shorter Practice Direction since the "pilot" period had come to an end.

The general impression of the meeting was the CE File worked well, particularly in comparison to some other court case management systems. As such, there was little to feedback regarding improvements that might be taken on board for the replacement system.

## 4. Court of Protection

JR reported that two new costs officers had been recruited and were about to start. They would need training but would increase capacity once trained, subject to any reduction in hours / retirement of other costs officers. It seemed unlikely that any further recruitment would be possible in the current climate.

The time for issuing proceedings had been brought down from 77 days to 1 day. The time for assessing the bills had not reduced. The great majority of the bills were under £30,000 and it was pointed out that this was a significant sum for an annual management bill. Any proposals to fix sums for smaller bills, rather than assess them would probably need to look at a lower ceiling. If, as was suggested, the use of fixed fees was simply to speed up the processing of bills, then the fact that such a proposal was not intended to cut fees overall ought to be highlighted. Otherwise, there was likely to be no more than cautious engagement by law firms.

## 5. CJC Solicitors Act Working Party

JR confirmed that the interim report and consultation questions were due to be considered by the CJC at the beginning of the month. All being well, the consultation period would stretch over the summer and there would be at least one consultation event.

The meeting agreed that there may be some overlap with the Litigation Funding consultation and any primary legislation required as a result might usefully be combined.

## 6. Fixed Recoverable Costs

JR said the first Fixed Costs Determinations had been undertaken in the SCCO as a result of County Court cases being issued in the SCCO via PD47 para 4.2. They are currently being allocated to JR and Costs Judge Nagalingam to deal with. Decisions would only become more widely known if the provisional decisions were challenged and more formal judgments given / appealed.

DM reported that the Civil Procedure Rules Committee was going to undertake a stocktake of Part 45, probably in October. The carve out for housing disrepair claims and the question of vulnerability appeared to be the two main matters to be considered.

DM was also able to tell the meeting that the longstanding proposals for a fixed costs scheme for clinical negligence cases were officially under review by the Government.

## 7. Updating the costs precedents

The position regarding the ACL's working party on a revised electronic bill incorporating points of dispute and replies had not changed. ACL time had been concentrated on the Litigation Funding consultation. There was then a general discussion regarding the use of electronic bills generally – both for the purposes of negotiation between parties and also before the courts. Although most of the electronic bills actually assessed occurred in the SCCO, there was experience of regional costs judges assessing such bills. The general view of those who conducted costs negotiations was that the detail in electronic bills was helpful for settling cases, particularly where budgets had been ordered.

In respect of the new forms of "Lite" budgets, the requirement to produce figures for the front sheet with assumptions effectively required all of the work done previously, save for setting it out on the further pages. The saving of time and expense was seen to be marginal. A "sea change" was reported by SG and JRi, in particular, regarding the agreement of phases / entire bills during 2025 prior to CCMCs. The reason for this occurring was not entirely clear.

## 8. Outstanding appeals from the SCCO

- **Turner v Coupland Cavendish Ltd (23 October 2024)** – Part 18 Requests and information regarding Gibraltar company.
- **McGivern v MBR Acres (3 July 2025)** - the relationship between criminal legal aid and the indemnity principle in contempt proceedings
- **Lydon v Anthony Collins Solicitors –** Decision re party's interest in COP proceedings
- **R v Jarrold (LC v Parlby Somerville Ltd)** – video evidence allowed as PPE
- **Reeves v Frain –** unenforceable DBA

## 9. Decisions on appeals from the SCCO (for noting)

- **Singh v Ingram (CoA 14/03/25)** – CFA had retrospective effect
- **Vardy v Rooney (Cavanagh J)** – No misconduct when producing budget for less than costs actually incurred and then challenging opponent's budget.
- **Spanakis v Schillings International (Tipples J 14/04/25)** – client's challenge to costs exceeding estimate given.
- **Rollerteam Ltd v Siddiqi (Rajah J 17/3/25)** – strike out of D4s bill for non-compliance with order overturned

**10. Any Other Business**

In the wake of Andrew Gordon-Saker's retirement, JR confirmed that a competition for a further costs judge would be taking place in the second half of the year. The successful applicant was unlikely to be in post much before this time next year.

The meeting marked Patrick Allen's last meeting as a member of the CPG after a quarter of a century's attendance.

**11. Date of next meeting – 13 November 2025**.