

# SENIOR COURTS COSTS OFFICE COSTS PRACTITIONERS GROUP

MINUTES OF MEETING HELD ON THURSDAY 13 NOVEMBER 2025

Present		
	Senior Costs Judge Rowley (JR)	SCCO
	Mr D Marshall	Law Society
	Mr S Green (SG)	APIL
	Mr H Dean (HD)	FOIL
	Mr J Caddick (for Mr D Bailey-Vella) (JC)	ACL
	Mr A Glass (for Mr A Jiwaji) (AG)	LSLA

## 1. Apologies for absence

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

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

There were no amendments to the minutes of the meeting on 8 May 2025 which were duly approved.

In terms of matters arising, there was a brief discussion regarding Budget Lites which had been considered by courts at CCMCs. The general impression remained that they seemed to involve as much work as full budgets.

SG reported that the working party convened by the ACL to look at incorporating points of dispute and replies into e-bills was continuing to make progress towards a draft which could be seen by the meeting.

## 3. CE File

JR reported that the move from CE File to a new case management system was a long term project which was unlikely to be completed before 2028. Whilst there was not much for the meeting to consider at this stage, that was likely to change over time.

## 4. Court of Protection

The overall period from submission to assessment ~~of~~ had increased to just over a year as a result of the training of new costs officers (which took away the capacity of some

of the existing costs officers who were training them). Two new costs officers had been recruited and trained since the last meeting and so there should be some improvement in the waiting time.

A review of the COP assessment process had been conducted over the last few months, including the gaining of views and insights from users (SG confirmed he had had such a meeting). The review had led to an updating of the guidance to practitioners which would be placed on a new website to assist at the outset of the process. A “time and motion” type review of the assessments themselves had also been carried out to consider the amount of resource needed to deal with the bills received and a report based on that assessment was being finalised.

JR also reported that SK had written to him following a recent conference to say that a number of professional associations were willing to assist in seeking to explore the possibility of extending the fixed costs options so as to avoid some bills needing to be assessed. SG also confirmed his firm’s willingness to assist with this project.

## **5. SCCO Guides 2025 / 2027**

The recent publication of the 2025 Guide was noted. It did not make many changes to the 2023 version but updated the details of the regional costs judges and SCCO costs officers. JR said that a “root and branch” review of the contents of the Guide was beginning for the purposes of the next Guide in 2027. The purpose of the Guide ought, in JR’s view, to concentrate on practice in the SCCO, rather than stray more widely into general costs matters. The members of the committee, and those they represent, were invited to put forward views as to what in the current Guide was considered helpful / useful and what was not. Any matters which were not covered at all would be considered for inclusion.

SG raised the lack of guidance on the procedure where solicitors seek approval to be paid sums from protected party’s funds. Whilst the Practice Note dealt with overall matters, it (and the Guide) did not deal with what was actually required to be done by the parties and practical matters such as the extent of the bundling to be submitted.

SG also raised the possibility of reviewing the guidance on the manner in which bundles for assessment should be produced generally. The order of documents in the practice direction came from an era of paper documents and was ripe for review.

HD raised a concern by paying parties of the danger of guidance proposing the simplifying or reforming the e-bill so that information currently available between the parties was diminished.

## **6. CJC Working Parties**

The meeting was not aware of any further developments in respect of the CJC Review of Litigation Funding. In respect of the CJC Solicitors Act Working Party, JR reported that he continued to expect the interim report and consultation questions to be forthcoming in the near future. A 3 month consultation could be expected early in the New Year but a further meeting of the working party was due to take place shortly to consider such matters.

## **7. Fixed Recoverable Costs**

A discussion occurred regarding the recently announced stocktake of the Fixed Costs regime brought into force in October 2023. It was recognised that the number of cases which had gone all the way to a hearing were still small but the commitment to various reviews meant that this stocktake had to take place before a larger review next year. There was a particular discussion about the difficulties in demonstrating the effect of vulnerability in terms of time and effort by the party's legal team. DM encouraged the meeting to engage with the stocktake to provide views and comments even if they were more theoretical / conceptual than evidence as such.

As far as exceptions to the new regime are concerned, it had been confirmed that housing disrepair claims would not be captured until at least 2027. The long awaited scheme for clinical negligence cases had not materialised but, since this had now reached 9 years and had been reported recently in the press, there was some prospect of officials in the Department of Health and Social Care, who sponsor the scheme, being asked questions by Parliamentary Committees in the near future.

## **8. Mazur v Charles Russell Speechlys**

The furore following the handing down of the *Mazur* judgment by Sheldon J in July 2025 was recognised. A general discussion followed regarding the practicalities involved in establishing whether work by non-authorized persons had arisen from conducting the litigation or merely assisting in its conduct.

## **9. Outstanding appeals from the SCCO**

- **Turner v Coupland Cavendish Ltd (CoA 2026)** – Part 18 Requests and information regarding Gibraltar company.
- **Mehta v Howard Kennedy LLP** – what is a Contentious Business Agreement, amongst other issues
- **(Barnes v BDB Pitmans (CoA 2026))**
- **Ward v Rai (CoA 2026)** – case management decisions at a DAH
- **R v Jarrold (LC v Parlby Somerville Ltd)** – video evidence allowed as PPE
- **R v Mpanzu (LC v CG Law)** – Upscaling of PPE and related matters

(The case of Barnes does not come from the SCCO but the appeal before the Court of Appeal concerns the same issue as in *Mehta*.)

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

- **McGivern v MBR Acres (3 July 2025)** - the relationship between criminal legal aid and the indemnity principle in contempt proceedings
- **Reeves v Frain** – unenforceable DBA

**11. Date of next meeting** – 21 May 2026.