

SENIOR COURTS COSTS OFFICE COSTS PRACTITIONERS GROUP

MINUTES OF MEETING HELD ON THURSDAY 10 May 2018

Present		
	Master Rowley (in the chair)	SCCO
	Senior Costs Judge Gordon-Saker	SCCO
	Master James	SCCO
	DJ Besford	County Court
	Mr I Stark	ACL
	Mr G Barker	APIL
	Mr P Allen	APIL
	Mr D Marshall	The Law Society
	Mr S Hines	FOIL

1. Apologies for absence and welcome

Apologies for absence were received from Master Brown, Mr Tunkel, Mr Parker and Mr Bacon QC.

Mr Hines was welcomed to the meeting as the new FOIL representative.

2. Comments upon the approved minutes of the last meeting and any matters arising

There were no comments on the approved Minutes.

It was agreed that, in order to produce timely minutes for publication, draft minutes would be distributed shortly after the meeting and any amendments etc dealt with promptly thereafter.

There has been no change to the complement of Costs Judges and that is likely to be the case for the foreseeable future. Consequently, the standing agenda item has been removed.

Sally Kenny was appointed as a Band A Principal Costs Officer to replace Costs Officer Lambert prior to Christmas.

3. Arrangements for electronic bills

Master Rowley informed the meeting that the costs judges and regional costs judges have recently had some training on e-bills. There have only been a handful of e-bills

received by the SCCO to date. Whilst parties do not lodge e-bills, it will be difficult for the judges to become familiar with them.

DJ Besford relayed his experience of the preparedness of the County Court. They have two large screens to assist with assessments. Initially at least, all cases which have a Costs Management Order will be sent to the Regional Costs Judges.

4. Fixed Costs Initiatives

David Marshall reported that there had been no mention made by Lord Keen at the APIL conference on when new fixed costs regimes will be introduced.

He said that there had been an initial meeting of the CJC group regarding fixed costs in clinical negligence cases and around 50 people had attended. A core group of members of the bar, judiciary etc. will be meeting monthly. A wider group will meet every three months.

The NIHL proposal are in the same queue with Jackson II and everything else, but the Government says that it is very keen on reform in that area. The next steps for both Jackson II and NIHL is consultation.

5. Detailed assessment of CMO bills

Master Rowley said that the SCCO were not receiving many bills with CMOs. DJ Besford said that many such cases are settling (and settling way above the amount likely to have been achieved at an assessment.)

Master Rowley queried whether there would be an appetite for preliminary hearings as to 'good reason'? Master Gordon-Saker said yes, as long as the parties paid the court fee.

6. Interim costs applications

Master Rowley confirmed that the view of the Masters in the SCCO is that they would expect to deal with such applications at a hearing and not simply on the papers. Master Gordon-Saker said that judges would need to know something about the case - the amount costs being claimed, the nature of the disputes by the paying party, etc.

The costs judges consider that they have jurisdiction to make an order for an interim payment and their authority for that is *Blakemore v Cummings* between an order made under rule 44.2(8) and an application for an interim costs certificate (once a detailed assessment had been requested.)

7. SCCO Guide 2018

The latest draft of the Guide was circulated shortly before the meeting. It is a lengthy document and attendees were asked to send any comments to Master Rowley by the end of the month. The draft is due for publication in July (estimated).

8. Applications for the delivery up of papers held by solicitors

There have been numerous applications for statute bills together with solicitors' files of papers heard by various costs judges at the SCCO as well as elsewhere. An appeal is to be heard against the decision of Master James in *Hanley v JC&A Solicitors* which will hopefully provide an authoritative view.

9. Notable decisions in the SCCO (not appealed)

- *Douglas v Ministry of Justice & Anor* (CL)
- *Dial Partners LLP v Eastern Airways International Ltd* (JJ)

10. Appeals heard from the SCCO

- *Lowin v W Portsmouth & Co Ltd* (CA)
- *Surrey v Barnet & Chase Farm etc* (CA)
- *Radford v Frade* (CA)
- *BNM v MGN* (CA)
- *May v Wavell & Bizarri* (Judge Dight)
- *Sprey v Rawlinson Butler LLP* (Nicklin J)
- *Tucker v Hampshire Hospitals NHS Foundation Trust* (May J)
- *Bush v King* (Moulder J)
- *Bloomsbury Law Solicitors v MacPherson* (Warby J)

11. Outstanding appeals

- *May v Wavell & Bizarri* (CA)
- *West & Demouilpied v Stockport NHS Foundation Trust* (CA)

12. Other costs cases of note

- *Reynolds v Budana v Leeds Teaching Hospitals NHS Trust* (CA)
- *A v B* (Arnold J) – 44.2(8) payment at 50% of the costs claimed on basis that D/A judge very likely to find good reason to depart from (exceeded) budget

13. Any Other Business

DJ Besford asked for the cases cited in the agenda to be annotated with a pen portrait so as to aid recollection of their nature.

14. Date of next meeting

The next meeting will be on 8 November 2018.