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Personal Injury Costs 2024

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What we are going to look at



- Fixed Costs
- MOJ Consultation Response.
- CPRC Minutes.
- Developing issues in practice.
- Guideline Hourly Rates
- Medical Agency fees
- Breakdown
- Quantum of fees
- QOCS: some recent developments
- QOCS and Detailed Assessment

Fixed costs

- Fixed recoverable costs (FRC): consultation on issues relating to the new regime (July 2023) – the way forward. February 2024
- Worth reading in its totality
- <https://assets.publishing.service.gov.uk/media/64ba40b9ef5371000d7af02a/draft-consultation-on-frc-issues-summer-2023.pdf>
- 6 key points and some smaller ones.

CPRC minutes



- <https://www.gov.uk/government/organisations/civil-procedure-rules-committee/about#minutes>



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Key points

- There will be fixed costs of assessment of FRC cases: October 2024.
- There will be fixed costs of Part 8 costs only claims.
- The costs of inquest proceedings and restoration proceedings will be recoverable.
- Advocacy fees: 100% where settled/vacated day of or day before: 75% where 2 days before on Fast Track
- Advocacy fees: 75% not more than 5 days before trial.
- Inflationary uprating for fixed trial advocacy fees: above the SPPI figure due in April 2024:
- Clin neg: admission must be made in PAP Letter of Response.
- October 2026: full review.

CPRC Minutes

- <https://www.gov.uk/government/organisations/civil-procedure-rules-committee/about#minutes>
- Transitional provisions: and role of part 8 claim.
- December: not to adopt proposed reforms in relation to fixed costs determinations and part 8 costs only claims.

Guideline Hourly Rates

- <https://www.gov.uk/guidance/solicitors-guideline-hourly-rates>
- 1st January 2024.
- <https://www.judiciary.uk/responding-to-recommendations-of-the-civil-justice-council-costs-review-and-new-guideline-hourly-rates/>

Working Group



- Costs Review May 2023.
- Retention of GHRs
- Annual index linked increases. SPPI.
- GHRs for counsel.
- Detailed review 2028: remote working.
- Clarity on a test for departure.
- MR's announcement: Working Group to examine the methodology underpinning GHRs.

Medical agency fees

- Stringer v Copley (2002)
- Northampton General Hospital NHS Trust v Luke Hoskin (Manchester CC 22nd May 2023)
- Breakdown ordered v expert fees at “nil”.
- Appeal to CA withdrawn.

Breakdown v recoverability

- What the rules say: cost of obtaining a medical report.
- Woollard v Fowler [2005] EWHC 90051 (costs)
- Fee to expert+agency charges.
- Who is the agent and who is the principal?
- Granularity of an expert reports costs.
- A jury point.

QOCS: recent developments

- 6th April 2023. New rules, but the old rules remain for cases issued before that date.
- Problems remain.
- Mixed claims.
- Non party costs Orders.

ABC & Ors v Derbyshire County Council & Ors, Re Costs [2023] EWHC 1337 (KB)



- Mixed claim.
- Human rights, negligence, false imprisonment further to an interim care order.
- Unsatisfactory expert report.
- Unsuccessful claimant to pay an enforceable 5% of the costs of the Defendant.
- Interim payment: £5875 to each Defendant.

Clark and Others v Adams and Others [2024] EWHC 62 (KB)

- <https://www.theguardian.com/politics/2024/jan/19/ira-victims-in-england-can-sue-gerry-adams-in-personal-capacity-judge-rules>
- Bombs: 1973 and 1996
- Nominal/vindictory damages of £1 sought.
- Declaratory relief as to whether QOCS applies or not.
- Also a side wind: CICA/CICB award collateral benefit to be disregarded.