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Lord Justice Jackson commissioned to undertake a review of fixed recoverable costs



BY MAREK HANDZEL ON NOVEMBER 11, 2016

NEWS

Lord Justice Jackson has been commissioned to undertake a review of fixed recoverable costs, which is due to be completed by 31 July 2017.

LJ Jackson, who first recommended the application of fixed recoverable costs in his review of civil litigation and procedures and costs in 2010, has been commissioned by Lord Thomas, the Lord Chief Justice and Sir Terence Etherton, the Master of the Rolls.

His appointment comes after a joint statement from the Judiciary and the Government in September which said that the extension of fixed recoverable costs in order to help the manage legal costs for losing parties. LJ Jackson has been asked to develop proposals for extending the present civil fixed recoverable costs regime in England and Wales so as to make the costs of going to court more certain, transparent and proportionate for litigants. He will also consider the types and areas of litigation in which such costs should be extended, and the value of claims to which such a regime should apply.

LJ Jackson said: "I have set out my present views on the principles of fixed recoverable costs in the final report of my review and in recent lectures and publications.

"I have been commissioned to undertake this review because it is integral to the overall package of reforms which I originally proposed. Chapter 16 of my final report recommended that serious consideration should be given to extending fixed recoverable costs to the lower reaches of the multi-track after the other reforms had bedded in.

"Although the momentum is heavily for reform, the review will provide ample opportunity for comments and submissions on the form and scope that reform should take. I am inviting the views of practitioners, users of the civil courts and any other interested parties on these points. Seminars will be held in London and elsewhere to discuss the issues. There is a great deal to be done on the detail of the review, which will inform the Government as it prepares proposals for formal consultation in due course."

Nigel Teasdale, president of The Forum of Insurance Lawyers (FOIL) and partner at DWF reacted to the announcement by saying that FOIL welcomed the "long-anticipated progress in the widening of fixed costs" which he called a first important step towards a positive outcome for the industry.

"It is very encouraging to see the determination for an extension, not only for clinical negligence and personal injury claims but across the civil justice system, and Lord Justice Jackson is absolutely the best-placed person to lead this review," he said.

LJ Jackson has invited written evidence or submissions to be sent by Monday 16 January 2017, to:

fixed.costs@judiciary.gsi.gov.uk.

<http://www.claimsmag.co.uk/2016/11/lord-justice-jackson-commissioned-undertake-review-fixed-recoverable-costs/7415>