



Informing Progress - Shaping the Future

FOIL UPDATE 13th April 2023



Extending Fixed Recoverable Costs (FRC) CPR (23)1

The minutes of the Civil Procedure Rules Committee for 3rd March 2023 contain the following information in relation to the extension of FRC.

Although the final details of the tables of fixed costs are yet to be finalised (together with explanatory notes), the new FRC will apply to claims where proceedings are issued on or after 1st October 2023, save for personal injury (including disease). The new FRC will apply to personal injury claims where the cause of action accrues on or after 1st October 2023; and will only apply to disease claims where the letter of claim has not been sent to the defendant before 1st October 2023.

Matthew Hoe, of Taylor Rose MW and a member of the FOIL Costs SFT comments:

Many may have anticipated the new fixed costs would apply only to causes of action arising after implementation date. This decision may be seen as a victory for defendants, but perhaps it should be considered a reprieve after the original April implementation was postponed. The six months' notice of these intentions is likely to mean that those practising outside PI will see a steady rise turning into a mad rush to issue proceedings before the implementation date, like PI lawyers experienced with the Jackson reforms and more recently, on a limited scale, with the QOCS rule changes.

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