



Fixed Recoverable Costs Reforms 2023
Quick Reference Guide

Version 1.5 (September 2023)



Note all information and links below are correct at time of publication (September 2023). It is possible the rules may be further updated prior to implementation in October 2023.

Further, APIL have issued Judicial Review proceedings pertaining to elements of the reforms. At the time of writing it is unclear what impact this development will have ([Press Release](#)).

Key Links

Updated rules:

[The Civil Procedure \(Amendment No. 2\) Rules 2023 \(legislation.gov.uk\)](#)

Proposed updated Practice Direction:

[\[62nd\] \[or 63rd \(justice.gov.uk\)](#)

Explanatory memorandum:

[The Civil Procedure \(Amendment No. 2\) Rules 2023 \(legislation.gov.uk\)](#)

July 2023 minor amendments to updated rules:

[The Civil Procedure \(Amendment No. 3\) Rules 2023 \(legislation.gov.uk\)](#)

Fixed Recoverable Costs Consultation (note: closed on 8 September 2023):

[Fixed Recoverable Costs Consultation Document](#)

Carter Burnett Overview article(s):

[Fixed Recoverable Costs regime explained \(2023 Jackson Reforms guide\) \(carterburnett.co.uk\)](#)

[Fixed Recoverable Costs Amendments Explained](#)

[Fixed Recoverable Costs Consultation Explained](#)

Transitional Provision (i.e. scope of new rules)

The explanatory memorandum sets out the scope of the rules as follows (at paragraph 7.18):

Insofar as they apply to the extension of FRC, allocation, case management and offers to settle, amendments made by these Rules will apply to claims where **proceedings are issued on or after 1 October 2023**, save for personal injury and disease claims. The new FRC regime will apply to **personal injury claims where the cause of action accrues on or after 1 October 2023**; and will only apply to disease claims where the letter of claim has not been sent to the defendant before 1 October 2023. If, at any point, the amounts of fixed costs specified in the tables in Practice Direction 45 are changed, new rule 45.18 provides that a reference to an amount in those tables is a reference to the amount applicable to a claim on the date that proceedings are issued, notwithstanding that the amount might be subsequently changed.



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Clinical negligence

- **Clinical negligence can fall under Intermediate Track subject CPR 26.9 (10):**

A claim must be allocated to the multi-track where that claim is—

- (a) a mesothelioma claim or asbestos lung disease claim;
- (b) one which includes a claim for clinical negligence, unless—
 - (i) the claim is one which would normally be allocated to the intermediate track and
 - (ii) both breach of duty and causation have been admitted*

**See the Fixed Recoverable Costs Consultation Document for prospective changes as to the scope of inclusion of Clinical Negligence claims.*

Key Rules:

26.9(5 & 6) – Fast Track

(5) Subject to paragraphs (6) and (10), the fast track is the normal track for any claim—

- (a) for which the small claims track is not the normal track; and*
- (b) the claim—*
 - (i) is a claim for monetary relief, the **value** of which is **not more than £25,000**; or*
 - (ii) is or includes a claim for non-monetary relief and—*
 - (aa) if the claim includes a claim for monetary relief, the value of the claim for monetary relief is not more than £25,000;*
 - (bb) the claim meets the criteria in paragraph (6)(a) and (b); and*
 - (cc) the court is satisfied that it is in the interests of justice for it to be allocated to the fast track.*

(6) The fast track is the normal track for the claims referred to in paragraph (5) only if the court considers that—

- (a) the trial is likely to last for **no longer than one day**; and*
- (b) oral expert evidence at trial is likely to be limited to—*
 - (i) **one expert per party in relation to any expert field**; and*
 - (ii) expert evidence in **two expert fields**.*



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26.9(7, 8 & 9) – Intermediate Track

(7) Subject to paragraphs (8), (9) and (10), the intermediate track is the normal track where—

(a) the claim is suitable for neither the small claims track nor the fast track;

(b) the claim includes a claim for monetary relief, the **value** of which is **not more than £100,000**;

(c) the court considers that—

(i) if the case is managed proportionately, **the trial will not last longer than three days**;

(ii) oral expert evidence at trial is likely to be limited to **two experts per party**;

(iii) the claim may be justly and proportionately managed under the procedure set out in Section IV of Part 28; and

(iv) there are **no additional factors**, which would make the claim inappropriate for the intermediate track; and

(d) the claim is brought by **one claimant against either one or two defendants**, or is brought by two claimants against one defendant.

(8) Where the relief sought includes a claim **for non-monetary relief, the claim shall not be allocated to the intermediate track** unless the court also considers it to be in the interests of justice to do so.

(9) Subject to paragraph (10), the court may allocate a claim to the intermediate track where it considers it to be in the interests of justice to do so.



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Matters Relevant to allocation to a track / assignment – 26.13

26.13.—(1) *When deciding the track for a claim, the matters to which the court shall have regard include—*

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- (a) the **financial value**, if any, of the claim;
- (b) the **nature of the remedy** sought;
- (c) the likely **complexity** of the facts, law or evidence;
- (d) the **number of parties** or likely parties;
- (e) the value of any **counterclaim** or additional claim and the complexity of any matters relating to it;
- (f) the amount of **oral evidence** which may be required;
- (g) the **importance** of the claim to persons who are not parties to the proceedings;
- (h) the **views expressed by the parties**; and
- (i) the circumstances of the parties.

(2) *It is for the court to assess the financial value of a claim and in doing so it shall disregard—*

- (a) any amount not in dispute;
- (b) any claim for interest;
- (c) costs;
- (d) any contributory negligence; and
- (e) where the claim is, or includes a claim for non-monetary relief, any amount prescribed by rule 45.45(1)(a)(ii) and rule 45.50(2)(b)(ii).

(3) *Where—*

- (a) two or more claimants have started a claim against the same defendant using the same claim form; and
- (b) each claimant has a claim against the defendant separate from the other claimants, the court shall consider the claim of each claimant separately when it assesses financial value under paragraph (1).



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Fast Track Complexity Bands – 26.15 – Table 1

<i>Complexity Band 1</i>	<i>Complexity Band 2</i>	<i>Complexity Band 3</i>	<i>Complexity Band 4</i>
(a) road traffic accident related, non-personal injury claims; and (b) defended debt claims	(a) road traffic accident related, personal injury claims which are or should have been started under the RTA Protocol; and (b) personal injury claims to which the Preaction Protocol for Resolution of Package Travel Claims apply	(a) road traffic accident related, personal injury claims to which the RTA Protocol does not apply; (b) employer's liability (accident) and public liability personal injury claims; (c) possession claims; (d) housing disrepair claims; and (e) other money claims	(a) employer's liability disease claims (other than a claim for noise induced hearing loss); (b) complex possession and housing disrepair claims; (c) property and building disputes; (d) professional negligence claims; and (e) any claim which would normally be allocated to the fast track, but is nonetheless complex



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Intermediate Track Complexity Bands – 26.16 – Table 2

<i>Complexity Band 1</i>	<i>Complexity Band 2</i>	<i>Complexity Band 3</i>	<i>Complexity Band 4</i>
Any claim where— (a) only one issue is in dispute; and (b) the trial is not expected to last longer than one day, including— (i) personal injury claims where liability or quantum is in dispute; (ii) non-personal injury road traffic claims; and (iii) defended debt claims	Any less complex claim where more than one issue is in dispute, including personal injury accident claims where liability and quantum are in dispute	Any more complex claim where more than one issue is in dispute, but which is unsuitable for assignment to complexity band 2, including noise induced hearing loss and other employer's liability disease claims	Any claim which would normally be allocated to the intermediate track, but which is unsuitable for assignment to complexity bands 1 to 3, including any personal injury claim where there are serious issues of fact or law

Non-Monetary Values and Complexity Bands – 45.45 – Fast Track

<i>Value Equivalence</i>	<i>Complexity Band</i>
£10,000.00	Complexity Band 2
£15,000.00	Complexity Band 3
£20,000.00	Complexity Band 4

Non-Monetary Values and Complexity Bands – 45.50 – Intermediate Track

<i>Value Equivalence</i>	<i>Complexity Band</i>
£25,000.00	Complexity Band 1
£50,000.00	Complexity Band 2
£75,000.00	Complexity Band 3
£100,000.00	Complexity Band 4

Fixed Recoverable Costs - Note

Note: The full suite of tables is available here -

https://www.justice.gov.uk/data/assets/pdf_file/0003/177645/cpr-156-pd-making.pdf



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Fixed Recoverable Costs – Fast Track – Table 12 – 45.44

**We have adopted the FRC for claims which have exited the RTA Protocol as comparable. There are no longer separate Tables for different claim types, these are instead dealt with in the Complexity Bands.*

	FRC Now*	Complexity Band 1	Complexity Band 2	Complexity Band 3	Complexity Band 4
A. If Parties reach a settlement prior to the claimant issuing proceedings under Part 7					
(1) Where damages are not more than £5,000	The greater of— (a) £550; or (b) the total of— (i) £100; and (ii) 20% of the damages	£ Nil	The greater of £660 or £120 + an amount equivalent to 20% of the damages	£1,100 + an amount equivalent to 17.5% of the damages	In each case— £2,600 + an amount equivalent to 15% of the damages + £510 per extra defendant
(2) Where damages are more than £5,000, but not more than £10,000	The total of— (a) £1,100; and (b) 15% of damages over £5,000	£ Nil	£1,300 + an amount equivalent to 15% of damages over £5,000	£2,200 + an amount equivalent to 12.5% of damages over £5,000	
(3) Where damages are more than £10,000	The total of— (a) £1,930; and (b) 10% of damages over £10,000	£580	£2,300 + an amount equivalent to 10% of damages over £10,000	£3,000 + an amount equivalent to 10% of damages over £10,000	
B. If proceedings are issued under Part 7, but the case settles or is discontinued before trial					
(1) On or after the date that the court issues the claim, but before the date that the court allocates the claim under Part 26	The total of— (a) £1,160; and (b) 20% of the damages	£2,100	£1,400 + an amount equivalent to 20% of the damages	£3,200 + an amount equivalent to 20% of the damages	£3,000 + an amount equivalent to 40% of the damages + £760 per extra defendant
(2) On or after the date that the court	The total of— (a) £1,880; and	£2,500	£2,300 + an amount equivalent to	£4,000 + an amount equivalent to	£6,400 + an amount equivalent to 40% of the



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allocates the claim under Part 26, but before the date that the court lists the claim for trial	(b) 20% of the damages		20% of the damages	25% of the damages	damages + £760 per extra defendant
(3) On or after the date that the court lists the claim for trial but before trial	The total of— (a) £2,655; and (b) 20% of the damages	£3,800	£3,200 + an amount equivalent to 20% of the damages	£5,100 + an amount equivalent to 30% of the damages	£7,900 + an amount equivalent to 40% of the damages + £760 per extra defendant
C. If the claim is disposed of at trial					
	The total of— (a) £2,655; and (b) 20% of the damages agreed or awarded; and (c) the relevant trial advocacy fee	£3,800.00	£3,200 + an amount equivalent to 20% of the damages agreed or awarded	£5,100 + an amount equivalent to 30% of the damages agreed or awarded	£7,900 + an amount equivalent to 40% of the damages agreed or awarded + £760 per extra defendant
D. Trial advocacy fees					
(1) Where the value of the claim is not more than £3,000	£500	£580	£580	£580	£1,600
(2) Where the value of the claim is more than £3,000, but not more than £10,000	£710	£820	£820	£820	£1,600
(3) Where the value of the claim is more	£1,070	£1,200	£1,200	£1,200	£2,100



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than £10,000, but not more than £15,000					
(4) Where the value of the claim is more than £15,000	£1,705	£2,000	£2,000	£2,000	£2,900
Specialist Legal Advice – Table 13 – Claims on Complexity Band 4 only					
A. Providing post-issue advice in writing or in conference	N/A	£1,000	£1,000	£1,000	£1,000
B. Drafting a statement of case	N/A	£500	£500	£500	£500



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Fixed Recoverable Costs – Intermediate Track – Table 14 – 45.50

- The amount of recoverable fixed costs will be the figure in the table row for the stage at which the matter concludes only.
- The shaded rows represent **additional allowances for specialist legal representative input**.

Stage	Complexity Band 1	Complexity Band 2	Complexity Band 3	Complexity Band 4
S1 From pre-issue up to and including the date of service of the defence	£1,600 + an amount equivalent to 3% of the damages	£5,000 + an amount equivalent to 6% of the damages	£6,400 + an amount equivalent to 6% of the damages	£9,300 + an amount equivalent to 8% of the damages
S2 Specialist legal representative providing post-issue advice in writing or in conference or drafting a statement of case	£2,000	£2,000	(a) £2,300; or (b) £3,500 if counsel is also instructed to draft a defence to a counterclaim	(a) £2,300; or (b) £3,500 if counsel is also instructed to draft a defence to a counterclaim
S3 From the date of service of the defence up to the earlier of the date set for CMC or the order giving directions under 28.2	£4,000+ an amount equivalent to 10% of the damages	£7,700 + an amount equivalent to 12% of the damages	£9,100 + an amount equivalent to 12% of the damages	£13,000 + an amount equivalent to 14% of the damages
S4 From the end of Stage 3 up to and including the date set by the court for inspection of documents	£4,600 + an amount equivalent to 12% of the damages	£9,400 + an amount equivalent to 14% of the damages	£11,000 + an amount equivalent to 14% of the damages	£16,000 + an amount equivalent to 16% of the damages
S5 From the end of Stage 4 up to and including the later of the dates set by the court for service of witness	£5,200 + an amount equivalent to 12% of the damages	£11,000 + an amount equivalent to 16% of the damages	£12,000 + an amount equivalent to 16% of the damages	£20,000 + an amount equivalent to 18% of the damages



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statements or expert reports				
S6 From the end of Stage 5 up to and including the date set for the pre-trial review or up to 14 days before the trial date, whichever is earlier	£5,900 + an amount equivalent to 15% of the damages	£15,000 + an amount equivalent to 16% of the damages	£16,000 + an amount equivalent to 16% of the damages	£24,000 + an amount equivalent to 18% of the damages
S7 Specialist legal representative advising in writing or in conference following the filing of a defence	£1,400	£1,700	£2,300	£2,900
S8 From the end of Stage 6 up to the date of the trial	£6,600 + an amount equivalent to 15% of the damages, less £580 if that party did not prepare the trial bundle	£17,000 + an amount equivalent to 20% of the damages, less £870 if that party did not prepare the trial bundle	£19,000 + an amount equivalent to 20% of the damages, less £1,120 if that party did not prepare the trial bundle	£29,000 + an amount equivalent to 22% of the damages, less £1,400 if that party did not prepare the trial bundle
S9 Attendance of a legal representative (other than the trial advocate) at trial per day, less an amount equivalent to 50% per day where, on any day, the trial lasts no more than half a day	£580	£870	£1,200	£1,400
S10 Advocacy fee: day 1	£3,200	£3,500	£4,000	£5,800
S11 Advocacy fees for subsequent days, less an amount equivalent to 50% per day	£1,400	£1,700	£2,000	£2,900



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where, on any subsequent day, the trial lasts no more than half a day				
S12 Handing down of a reserved judgment and consequential matters, where dealt with separately from the trial	£580	£580	£580	£580
S13 Alternative Dispute Resolution: additional fee payable once only where a mediation or joint settlement meeting takes place	£1,200	£1,200	£1,200	£1,200
S14 Alternative Dispute Resolution: additional fee payable once only for specialist legal representative attendance at a mediation or joint settlement meeting covered by S13	£1,400	£1,700	£2,000	£2,300
S15 Approval of settlement for child, unless the settlement is approved at trial	£1,200	£1,400	£1,700	£2,000



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Fixed Costs – Noise Induced Hearing Loss Claims – Table 15

Stage	1 Defendant	2 Defendants	3 Defendants
A: Pre-Litigation			
2A: Liability admitted, papers not prepared to start proceedings	£2,900	£3,500	£4,000
2B: Liability admitted, papers prepared to start proceedings	£3,500	£4,000	£4,600
3A: Liability disputed, papers not prepared to start proceedings	£4,000	£4,600	£5,200
3B: Liability disputed, papers prepared to start proceedings	£4,600	£5,200	£5,800
B: Post-Litigation			
L1: On or after the date that the court issues the claim, but before the date that the court allocates the claim under Part 26	Add £1,900	Add £2,300	Add £2,700
L2: On or after the date that the court allocates the claim under Part 26, but before the date that the court lists the claim for trial	Add a further £1,900	Add a further £2,300	Add a further £2,700
L3 On or after the date that the court lists the claim for trial but before the trial	Add a further £2,200	Add a further £2,600	Add a further £3,000
C: Trial Advocacy Fees			
Single fee irrespective of value or number of defendants	£1,600	£1,600	£1,600



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Fixed Recoverable Costs – Pre-Action & Interim Applications – Table 1

A. A claim which would normally be or is assigned to complexity bands 1, 2 of 3 of Table 12	£250
B. A claim— (a) which would normally be or is assigned to complexity band 4 of Table 12; or (b) to which Table 14 or Table 15 applies	£333
C. An application for— (a) summary judgment under Part 24; (b) an interim payment under Part 25; or (c) an interim injunction under Part 25	£750



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