

Ms Jane Wright
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Ministry of Justice
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By email: jane.wright@justice.gsi.gov.uk

3 July 2013

Dear Sirs

Consultation on Costs Budgeting and Costs Management

The Association of Personal Injury Lawyers (APIL) was formed by claimants' lawyers with a view to representing the interests of personal injury victims. It is a not-for-profit organisation with over 20 years history working to help injured people gain access to justice they need and deserve. APIL currently has over 4,000 members. Membership comprises solicitors, barristers, legal executives and academics whose interest in personal injury work is predominantly on behalf of injured claimants.

APIL has a long history of liaison with other stakeholders, consumer representatives, governments and devolved assemblies across the UK with a view to achieving the association's aims, which are:

- To promote full and just compensation for all types of personal injury;
- To promote and develop expertise in the practice of personal injury law;
- To promote wider redress for personal injury in the legal system;
- To campaign for improvements in personal injury law;
- To promote safety and alert the public to hazards wherever they arise;
- To provide a communication network for members

APIL welcomes the opportunity to comment on the proposed changes to costs budgeting and costs management, in particular in relation to Part 8 of the Civil Procedure Rules. Our remit relates to personal injury, therefore we have offered comment only on issues relating to personal injury cases.

We are pleased with the proposal to completely remove Part 8 claims (including judicial review), from the scope of the mandatory costs management regime. Part 8 claims are ill suited to a mandatory costs management regime. The short form procedure in Part 8 is designed to be relatively quick and inexpensive, and as such should not be burdened with cost management issues. As mentioned in part 6 of the consultation document, there is currently uncertainty, as some Part 8 claims do not attract the obligation to produce cost budgets, but in other cases a case management conference may be ordered and therefore the obligation to produce a costs budget may apply. This is unsatisfactory and may lead to a costs budget being produced where a case should be exempt. APIL is in agreement with the CPRC that the mandatory costs regime be dis-applied in relation to *all* Part 8 claims, as this will ensure certainty for practitioners and litigants, as well as removing an unnecessary burden for shorter cases.

APIL welcomes the additional safeguard that the court could order the parties to produce cost budgets in the exercise of its ordinary case management powers, should the specific circumstances of the case require it. Again, this will improve certainty as the basic position would be that a costs management regime would not be appropriate, yet this approach will also allow more complex Part 8 cases to be subject to cost budgeting should this be required.

We do not believe that there are any other areas where unforeseen difficulties in relation to mandatory costs budgeting and the costs management regime have arisen.

We hope that our above comments prove useful to you. If you have any other queries, please do not hesitate to get in contact.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Alice Warren', written in a cursive style.

Alice Warren
Legal Policy Officer