

FIXING COSTS: Tables and Examples

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Complexity banding: fast track claims

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

Complexity banding: intermediate claims

Complexity Band 1	Complexity Band 2	Complexity Band 3	Complexity Band 4
<p>Any claim where—</p> <p>(a) only one issue is in dispute; and</p> <p>(b) the trial is not expected to last longer than one day, including—</p> <p>(i) personal injury claims where liability or quantum is in dispute;</p> <p>(ii) non-personal injury road traffic claims; and</p> <p>(iii) defended debt claims</p>	<p>Any less complex claim where more than one issue is in dispute, including personal injury accident claims where liability and quantum are in dispute</p>	<p>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</p>	<p>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</p>

PD 45 TABLE 12: rule 45.44 – amount of fixed costs in the fast track

	Complexity Band			
	1	2	3	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	£ 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	£ 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	£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	£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 allocates the claim under Part 26, but before the date that the court lists the claim for trial	£2,500	£2,300 + an amount equivalent to 20% of the damages	£4,000 + an amount equivalent to 25% of the damages	£6,400 + an amount equivalent to 40% of the damages + £760 per extra defendant
(3) On or after the date that the court lists the claim for trial but before trial	£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				
	£3,800	£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	£580	£580	£580	£1,600
(2) Where the value of the claim is more than £3,000, but not more than £10,000	£820	£820	£820	£1,600
(3) Where the value of the claim is more than £10,000, but not more than £15,000	£1,200	£1,200	£1,200	£2,100
(4) Where the value of the claim is more than £15,000	£2,000	£2,000	£2,000	£2,900

PD 45 TABLE 14: rule 45.50 – amount of fixed costs in the intermediate track

Stage	Complexity Band			
	1	2	3	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 statements or expert reports	£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
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

PD 45 TABLE 14: rule 45.50 – amount of fixed costs in the intermediate track

	Complexity Band			
Stage	1	2	3	4
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 where, on any subsequent day, the trial lasts no more than half a day	£1,400	£1,700	£2,000	£2,900
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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