



Ministry of
JUSTICE

Civil Law and Justice Division

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11 September 2008

Civil Procedure Rules: Costs Capping Orders

Dear Sir/Madam

I am writing to seek views on the attached paper which sets out proposals to amend Part 44 of the Civil Procedure Rules 1998 by inserting rules on costs capping orders. It also proposes amendments to the Costs Practice Direction to provide guidance on costs capping. The proposals are drawn from current case law. Copies of the proposed rules and practice direction provisions are attached.

The consultation is being conducted on behalf of the Civil Procedure Rule Committee. The Civil Procedure Rule Committee is an advisory Non-Departmental Public Body responsible for making the Civil Procedure Rules governing civil cases in the Court of Appeal, High Court and county courts. It has a statutory duty to 'consult such persons as they consider appropriate' when making rules of court (Civil Procedure Act 1997, s. 2(6)(a)).

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Civil Procedure Rule Committee.

The Civil Procedure Rule Committee will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Please send your response by **Friday 24th October 2008** to:

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Copies of the paper are being sent to various stakeholders. A list is attached to this letter. However, this is not meant to be exhaustive or exclusive and responses are welcomed from anyone with an interest in or views on the subject covered by this paper.

Further paper copies of this consultation can be obtained from this address and it is also available on-line at <http://www.justice.gov.uk/index.htm>.

Yours sincerely,

Narinder Tamana

Copies of the consultation paper are being sent to:

ALARM

Associated Newspapers
Association of British Insurers
Association of District Judges
Association of Insurance and Risk Managers
Association of Law Costs Draftsmen
Association of Personal Injury Lawyers
British Broadcasting Corporation
British Insurance Brokers Association
Carter Ruck
Chancery Bar Association
Citizens Advice Bureaux
Civil Justice Council
Clinical Disputes Forum
Confederation of British Industry
Federation of Small Businesses
Forum of Complex Injury Solicitors
Forum of Insurance Lawyers
Government Litigators Group
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Insurers Underwriters Association
Irwin Mitchell
Law Society's Intellectual Property Working Group
Liverpool Law Society – Civil Litigation
Lloyd's Market Association
Manchester Law Society
Medical Defence Union
Medical Protection Society
Motor Accident Solicitors Society
Motor Insurance Bureau
NHS Litigation Authority
Personal Injury Bar Association
Reynolds Porter Chamberlain LLP
Senior Costs Judge Hurst
Senior Presiding Judge for England and Wales
Schillings
The Bar Council
The Law Society
The Newspaper Society
Times Newspapers
Trade Union Congress
Trinity Mirror PLC
Which?