

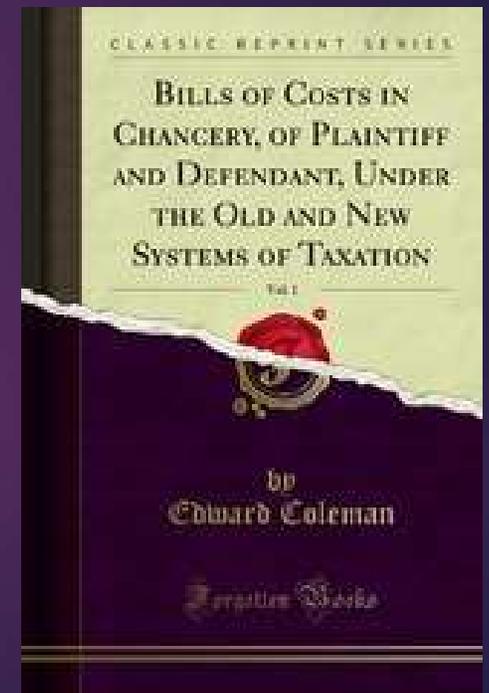
If the new-style Bill of Costs in
Precedent S format “is not
working” ...

JASON ROWLEY

SENIOR COSTS JUDGE, SENIOR COURTS COSTS OFFICE

The New Style Bill of Costs...

- Jackson Final Report
- Morgan / Hutton Committee
- Voluntary Pilot
- Transition date



“...is not working...”

- Says who?
- Divides opinion
- ACL version?



“what are the courts expecting at detailed assessment?”

Mandatory use of e-bill?

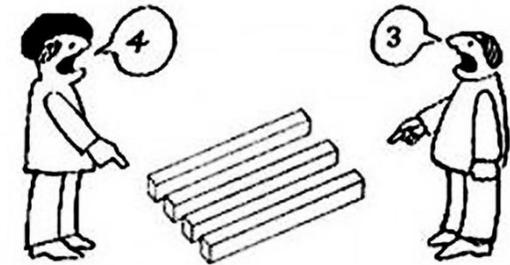
PD47 para 5.1(a)(iii)

Part 7 multi-track claim
except...where the court has
otherwise ordered



“what are the courts expecting at detailed assessment?”

- Not Tab 13
- Laptops & screens
- It's fun to filter



“...particularly in preparing the papers?”

- PD47 para. 13.12 - No difference between paper bills and e-bills
 - Instructions and briefs to counsel
 - Reports etc of experts
 - Statements of Case
 - Correspondence
 - file notes and attendance notes

“...particularly in preparing the papers?”

In Practice?

Although producing paper bundles took time, e-bundles involve multiple time-consuming steps: (a) identifying the documents challenged (including the correct versions) (b) exporting them to a secure folder (c) creating a PDF version of each (this alone takes considerable time, particularly for emails and their attachments) and (d) collating all of the documents and ensuring they follow a helpful format (whether by communication type or following the item number ordering in the e-bill).

Growth mindset?

- More and more precision
- Pleadings not PODs
- Dates for routine items
- The ubiquity of Ainsworth
- Papers filed as described

FR Nigeria v VR Global Partners LP

[2026] EWCA Civ 25

The judge expressed 'the hope that the length of time being discussed for argument in the detailed assessment will be borne down on by the Costs Judge so as to ensure that there is no element of disproportionality in the amount of court time used' (para 4). I would go further.

If the preliminary issues which are due to be determined at the hearing fixed for April and May of this year do not resolve matters, the costs judge must adopt a firm approach, limiting the parties to a reasonable allocation of further court time.

FR Nigeria v VR Global Partners LP

[2026] EWCA Civ 25

If necessary, a sampling approach should be adopted. For example, each party could select a number of items from the bill and any reduction applied to those items could be applied to the bill as a whole.

That seems to me to be as likely to produce a fair and reasonable result as detailed scrutiny in oral argument of every item in the bill in addition to the thousands of pages of written submissions which have already been served.

Males LJ (46)

Growth mindset?

- Expectation Management
- Lodging the full file
 - Less expensive?
 - Helps the judge?
- Sampling / Taking “a view”





A view
from
abroad

A view from abroad

Item No.	Description of work done	V.A.T.	Disbursements	Profit Costs	Fee earners hours						
					(A) AB	(B) CD	(c) EF	(D) GH	(D) IJ	Total	
	1 October 2022 SGS Solicitors instructed.										
	Advising on the dispute generally and internal process.										
1	10/10/22 Attending conference with client – 4 hours (Mr EF) - by Teams	£ -	£ -	£ -							
	Internal grievance										
2	7/12/22 Attending con with client – 2 hours (Mr EF) - by teams	£ -	£ -	£ -							
	Internal Grievance Appeal										
3	11/1/23 Attending tel con with client – 1.5 hours (Mr EF) by Teams	£ -	£ -	£ -							
	ACAS										
4	03/02/2023 tel con with client 2 hours	£ 96.80	£ -	£ 484.00		2.00					484.00
	Work done on Docs up to Service										
	As document Schedule part 1										
5	Partner AB	£ -	£ -	£ -							
6	Associate Solicitor CD	£ 195.84	£ -	£ 620.00		2.00					620.00



A view from abroad

PART 2 - Work done at permission to appeal stage

Counsel's Fees

Name and work done	Counsel's fees	Other Disbursements	VAT

Attendances on and communications with the court including fees paid and attendance at oral hearing

Description/date etc	Profit Costs	Other Disbursements	VAT
Number of routine letters/calls/emails out:			

Attendances on and communications with counsel

Description/date etc	Profit Costs	Other Disbursements	VAT
Number of routine letters/calls/emails out:			

Attendances on and communications with client

And now for something completely different...

- ❖ A Costs Judge
- ❖ CoP and Gov.uk
- ❖ SA74 Working Party



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