

Fixed Recoverable Costs Information

Fixed recoverable costs apply to some legal cases. “Fixed recoverable costs” mean that the amount of legal costs that you can recover from your opponent is set at a fixed amount by the Court rules.

Whether fixed costs apply can depend on when your case starts. In general terms, if your case started before 1 October 2023, fixed costs are only likely to be relevant to you if your case was a personal injury case. If your case started after 1 October 2023, fixed costs might be relevant to you whatever sort of case you have.

In this document we set out tables showing the fixed costs for the different types of case.

These tables summarise the fixed recoverable costs. They don't set out the fixed costs rules (or the exceptions to them) in full. The full rules are set out in Part 45 of the Civil Procedure Rules and the associated Practice Direction. If you would like more information about how fixed recoverable costs might apply to your case, please ask us.

All of the fixed costs figures in the tables that follow exclude VAT and disbursements.

Cases that started before 1 October 2023

For cases that started before 1 October 2023 fixed recoverable costs depend on what sort of case you have.

Protocol Fixed Recoverable Costs

These are the fixed recoverable costs for personal injury claims that start and finish within one of the pre-action protocols for low value personal injury cases.

Road Traffic Accident Claims

| Where the value of the claim for damages is not more than £10,000 | | Where the value of the claim for damages is more than £10,000 | |
|---|------|---|------|
| Stage 1 fixed costs | £200 | Stage 1 fixed costs | £200 |
| Stage 2 fixed costs | £300 | Stage 2 fixed costs | £600 |
| Stage 3 - Type A fixed costs | £250 | Stage 3 - Type A fixed costs | £250 |
| Stage 3 - Type B fixed costs | £250 | Stage 3 - Type B fixed costs | £250 |
| Stage 3 - Type C fixed costs | £150 | Stage 3 - Type C fixed costs | £150 |

Employers Liability and Public Liability Claims

| Where the value of the claim for damages is not more than £10,000 | | Where the value of the claim for damages is more than £10,000 | |
|---|------|---|-------|
| Stage 1 fixed costs | £200 | Stage 1 fixed costs | £200 |
| Stage 2 fixed costs | £600 | Stage 2 fixed costs | £1300 |
| Stage 3 - Type A fixed costs | £250 | Stage 3 - Type A fixed costs | £250 |
| Stage 3 - Type B fixed costs | £250 | Stage 3 - Type B fixed costs | £250 |
| Stage 3 - Type C fixed costs | £150 | Stage 3 - Type C fixed costs | £150 |

Fixed Recoverable Costs Information

“Out of Protocol” Fixed recoverable costs

These are fixed recoverable costs for personal injury claims that start within one of the pre-action protocols for low value personal injury cases, but which leave the protocol before the case has finished. They also apply to “Package Travel” Holiday Sickness cases.

Road Traffic Accident Cases

A. If Parties reach a settlement prior to the claimant issuing proceedings under Part 7

| | | | | |
|----------------|--|--|---|--|
| Agreed damages | At least £1,000, but not more than £5,000 | More than £5,000, but not more than £10,000 | More than £10,000 | |
| Fixed costs | The greater of— (a) £550; or (b) the total of— (i) £100; and (ii) 20% of the damages | The total of— (a) £1,100; and (b) 15% of damages over £5,000 | The total of— (a) £1,930; and (b) 10% of damages over £10,000 | |

B. If proceedings are issued under Part 7, but the case settles before trial

| | | | | |
|--------------------------------|--|--|--|--|
| Stage at which case is settled | On or after the date of issue, but prior to the date of allocation under Part 26 | On or after the date of allocation under Part 26, but prior to the date of listing | On or after the date of listing but prior to the date of trial | |
| Fixed costs | The total of— (a) £1,160; and (b) 20% of the damages | The total of— (a) £1,880; and (b) 20% of the damages | The total of— (a) £2,655; and (b) 20% of the damages | |

C. If the claim is disposed of at trial

| | | | | |
|-------------|--|--|--|--|
| Fixed costs | The total of— (a) £2,655; and (b) 20% of the damages agreed or awarded; and (c) the relevant trial advocacy fee | | | |
|-------------|--|--|--|--|

D. Trial advocacy fees

| | | | | |
|---------------------------|----------------------|---|--|-------------------|
| Damages agreed or awarded | Not more than £3,000 | More than £3,000, but not more than £10,000 | More than £10,000, but not more than £15,000 | More than £15,000 |
| Trial advocacy fee | £500 | £710 | £1,070 | £1,705 |

Fixed Recoverable Costs Information

Employers' Liability claims

A. If Parties reach a settlement prior to the claimant issuing proceedings under Part 7

| | | | | |
|----------------|--|--|---|--|
| Agreed damages | At least £1,500, but not more than £5,000 | More than £5,000, but not more than £10,000 | More than £10,000 | |
| Fixed costs | The total of— (a) £950; and (b) 17.5% of the damages | The total of— (a) £1,855; and (b) 12.5% of damages over £5,000 | The total of— (a) £2,500; and (b) 10% of damages over £10,000 | |

B. If proceedings are issued under Part 7, but the case settles before trial

| | | | | |
|--------------------------------|--|--|--|--|
| Stage at which case is settled | On or after the date of issue, but prior to the date of allocation under Part 26 | On or after the date of allocation under Part 26, but prior to the date of listing | On or after the date of listing but prior to the date of trial | |
| Fixed costs | The total of— (a) £2,630; and (b) 20% of the damages | The total of— (a) £3,350; and (b) 25% of the damages | The total of— (a) £4,280; and (b) 30% of the damages | |

C. If the claim is disposed of at trial

| | | | | |
|-------------|--|--|--|--|
| Fixed costs | The total of— (a) £4,280; (b) 30% of the damages agreed or awarded; and (c) the relevant trial advocacy fee | | | |
|-------------|--|--|--|--|

D. Trial advocacy fees

| | | | | |
|---------------------------|----------------------|---|--|-------------------|
| Damages agreed or awarded | Not more than £3,000 | More than £3,000, but not more than £10,000 | More than £10,000, but not more than £15,000 | More than £15,000 |
| Trial advocacy fee | £500 | £710 | £1,070 | £1,705 |

Public Liability Claims

A. If Parties reach a settlement prior to the claimant issuing proceedings under Part 7

| | | | | |
|----------------|--|--|---|--|
| Agreed damages | At least £1,500, but not more than £5,000 | More than £5,000, but not more than £10,000 | More than £10,000 | |
| Fixed costs | The total of— (a) £950; and (b) 17.5% of the damages | The total of— (a) £1,855; and (b) 10% of damages over £5,000 | The total of— (a) £2,370; and (b) 10% of damages over £10,000 | |

Fixed Recoverable Costs Information

B. If proceedings are issued under Part 7, but the case settles before trial

| Stage at which case is settled | On or after the date of issue, but prior to the date of allocation under Part 26 | On or after the date of allocation under Part 26, but prior to the date of listing | On or after the date of listing but prior to the date of trial |
|--------------------------------|--|--|--|
| Fixed costs damages | The total of— (a) £2,450; and (b) 17.5% of the damages | The total of— (a) £3,065; and (b) 22.5% of the damages | The total of— (a) £3,790; and (b) 27.5% of the damages |

C. If the claim is disposed of at trial

| | |
|-------------|--|
| Fixed costs | The total of— (a) £3,790; (b) 27.5% of the damages agreed or awarded; and (c) the relevant trial advocacy fee |
|-------------|--|

D. Trial advocacy fees

| Damages agreed or awarded | Not more than £3,000 | More than £3,000, but not more than £10,000 | More than £10,000, but not more than £15,000 | More than £15,000 |
|---------------------------|----------------------|---|--|-------------------|
| Trial advocacy fee | £500 | £710 | £1,070 | £1,705 |

Fixed Application Costs

If an application has to be made in an “Out of Protocol” case before the case has finished then the fixed recoverable costs for it are £250.

Cases that started on or after 1 October 2023

For cases that start after 1 October 2023 fixed costs depend on what sort of case you have.

Protocol Fixed Recoverable Costs

These are fixed recoverable costs for personal injury claims that start and finish within one of the pre-action protocols for low value personal injury cases.

Road Traffic Accident Claims

| Where the value of the claim for damages is not more than £10,000 | | Where the value of the claim for damages is more than £10,000 | |
|---|------|---|------|
| Stage 1 fixed costs | £200 | Stage 1 fixed costs | £200 |
| Stage 2 fixed costs | £300 | Stage 2 fixed costs | £600 |
| Stage 3 - Type A fixed costs | £250 | Stage 3 - Type A fixed costs | £250 |
| Stage 3 - Type B fixed costs | £250 | Stage 3 - Type B fixed costs | £250 |

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| | | | |
|---------------------------------|------|---------------------------------|------|
| Stage 3 - Type C fixed costs | £150 | Stage 3 - Type C fixed costs | £150 |
|---------------------------------|------|---------------------------------|------|

Employers Liability and Public Liability Claims

| Where the value of the claim for damages is not more than £10,000 | | Where the value of the claim for damages is more than £10,000 | |
|---|------|---|-------|
| Stage 1 fixed costs | £200 | Stage 1 fixed costs | £200 |
| Stage 2 fixed costs | £600 | Stage 2 fixed costs | £1300 |
| Stage 3 - Type A fixed costs | £250 | Stage 3 - Type A fixed costs | £250 |
| Stage 3 - Type B fixed costs | £250 | Stage 3 - Type B fixed costs | £250 |
| Stage 3 - Type C fixed costs | £150 | Stage 3 - Type C fixed costs | £150 |

Fast Track Fixed Recoverable Costs

If your case is, or would usually be, allocated to the Fast Track, these are the fixed recoverable costs that apply. The level of fixed costs usually depends on how complex the case is, the stage at which it settles, and the amount of the damages.

| Settlement Stage | Complexity Band | | | |
|---|-----------------|---|---|---|
| | 1 | 2 | 3 | 4 |
| Pre-issue, Damages £1001 - £5,000 | - | The greater of (i) £660 or (ii) £120 +20% of damages | £1100 + 17.5% of damages | £2,600 + 15% of damages + £510 per extra defendant |
| Pre-issue, Damages £5,001 -£10,000 | - | £1300 + 15% of damages over £5000 | £2200 + 12.5% of damages over £5000 | |
| Pre-issue, Damages £10,001 - £25,000 | £580 | £2300 + 10% of damages over £10000 | £3000 + 10% of damages over £10000 | |
| After the issue of Part 7 proceedings but before allocation to track | £2100 | £1400 + 20% of damages | £3200 + 20% of damages | £3000 + 40% of damages + £760 per extra defendant |

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|--|--|--|--|--|
| After allocation to track but before listing for trial | £2500 | £2300 + 20% of damages | £4000 + 25% of damages | £6400 + 40% of damages + £760 per extra defendant |
| After listing for trial but before the trial takes place | £3800 | £3200 + 20% of damages | £5100 + 30% of damages | £7900 + 40% of damages + £760 per extra defendant |
| At trial | £3800 + advocacy fee | £3200 + 20% of damages + advocacy fee | £5100 + 30% of damages + advocacy fee | £7900 + 40% of damages + £760 per extra defendant + advocacy fee |
| Trial advocacy fee (see note 1) | a £580 b £820 c £1200 d £2000 | a £580 b £820 c £1200 d £2000 | a £580 b £820 c £1200 d £2000 | a £1600 b £1600 c £2100 d £2900 |

Note 1

Trial advocacy fees depend on the level of damages awarded. The brackets are:

- Up to £3000
- More than £3000 but less than £10000
- More than £10000 but less than £15000
- More than £15000

Note 2

Costs can be recovered for obtaining additional specialist legal input, for example from a barrister. The fixed recoverable costs amounts are:

| Type of work | Fixed recoverable costs |
|--|-------------------------|
| A. Providing post-issue advice in writing or in conference | £1,000 |
| B. Drafting a statement of case | £500 |

Note 3

For Fast Track cases the complexity band usually depends on what sort of case you have. Some examples are:

Band 1 – Road Traffic accidents with no personal injury

Band 2 – Road Traffic Accident Personal Injury claims covered by the pre-action protocol and package holiday sickness claims

Band 3 - Road Traffic Accident Personal Injury claims not covered by the pre-action protocol, Employers Liability Accidents, Public liability, tracked possession claims, housing disrepair, other money claims;

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Band 4 – Employers Liability Disease claims, particularly complex tracked possession claims or housing disrepair claims, property disputes, professional negligence claims and other claims at the top end of the fast track.

Intermediate Track Fixed Recoverable Costs

If your case is, or would usually be, allocated to the Intermediate Track, these are the fixed recoverable costs that apply. The level of fixed costs usually depends on how complex the case is, the stage at which it settles, and the amount of the damages.

The figures in each column are cumulative totals, apart from the rows shaded green, which can be recovered in addition.

| Settlement Stage (S) | Band 1 | Band 2 | Band 3 | Band 4 |
|---|------------------------|-------------------------|---|---|
| S1 – Up to service of Defence | £1600 + 3% of damages | £5000 + 6% of damages | £6400 + 6% of damages | £9300 + 8% of damages |
| S2 – Counsel or specialist lawyer advising post-issue or drafting statement of case | £2000 | £2000 | (a) £2300; or (b) £3500 if Defence to Counterclaim | (a) £2300; or (b) £3500 if Defence to Counterclaim |
| S3 Up to date of CMC or directions | £4000 + 10% of damages | £7700 + 12% of damages | £9100 + 12% of damages | £13000 + 14% of damages |
| S4 Up to end of period for inspection of documents | £4600 + 12% of damages | £9400 + 14% of damages | £11000 + 14% of damages | £16000 + 16% of damages |
| S5 Up to service of statements and expert reports | £5200 + 12% of damages | £11000 + 16% of damages | £12000 + 16% of damages | £20000 + 18% of damages |
| S6 Up to Pre Trial Review / 14 days before trial | £5900 + 15% of damages | £15000 + 16% of damages | £16000 + 16% of damages | £24000 + 18% of damages |
| S7 Counsel advising in conference | £1400 | £1700 | £2300 | £2900 |
| S8 Up to date of trial | £6600 + 15% of damages | £17000 + 20% of damages | £19000 + 20% of damages | £29000 + 22% of damages |

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| | | | | |
|---|-------|-------|-------|-------|
| S9 Solicitor's trial attendance per day | £580 | £870 | £1200 | £1400 |
| S10 Advocacy fee day 1 | £3200 | £3500 | £4000 | £5800 |
| S11 Advocacy fee subsequent days | £1400 | £1700 | £2000 | £2900 |
| S12 Hand down of judgment and consequential matters | £580 | £580 | £580 | £580 |
| S13 ADR (Solicitor) | £1200 | £1200 | £1200 | £1200 |
| S14 ADR (Counsel) | £1400 | £1700 | £2000 | £2300 |
| S15 Approval for child | £1200 | £1400 | £1700 | £2000 |

Noise Induced Hearing Loss Cases

Claims for Noise Induced Hearing Loss have specific fixed recoverable costs, that are set out in this table:

| Stage | 1 Defendant | 2 Defendants | 3 Defendants |
|---|-------------|--------------|--------------|
| Pre litigation | | | |
| 2A – liability admitted, proceedings not prepared | £2500 | £3000 | £3500 |
| 2B – liability admitted, proceedings prepared | £3000 | £3500 | £4000 |
| 3A – Liability disputed, proceedings not prepared | £3500 | £4000 | £4500 |
| 3B – Liability disputed, proceedings prepared | £4000 | £4500 | £5000 |
| Post litigation | | | |
| L1 - After the issue of Part 7 proceedings but before allocation to track | £1650 | £1980 | £2310 |

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| | | | |
|---|-------|--------|--------|
| L2 - After allocation to track but before listing for trial | £1656 | £1987 | £2318 |
| L3 After listing for trial but before the trial takes place | £1881 | £2257 | £2633 |
| Maximum possible = 3B + L 1,2,3 | £9187 | £10724 | £12261 |
| Trial advocacy fee | £1380 | £1380 | £1380 |

Fixed Application Costs

If an application has to be made in a fixed recoverable costs case before the case has finished then the fixed costs for it are set out in this table:

| Claim or Application type | Fixed recoverable costs |
|---|-------------------------|
| Band 1, 2 or 3 Fast Track Claim | £250 |
| Band 4 Fast Track Claim, Intermediate Track Claim, NIHL claim | £333 |
| Application for <ul style="list-style-type: none"> • Summary Judgment • Interim payment • Interim Injunction | £750 |