

ILPA RESPONSE TO THE CIVIL PROCEDURE RULES CONSULTATION PAPER: COSTS BUDGETING AND COSTS MANAGEMENT

The Immigration Law Practitioners' Association (ILPA) is a professional membership association the majority of whose members are barristers, solicitors and advocates practising in all aspects of immigration, asylum and nationality law. Academics, non-governmental organisations and individuals with an interest in the law are also members. Established over 25 years ago, ILPA exists to promote and improve advice and representation in immigration, asylum and nationality law through an extensive programme of training and disseminating information and by providing evidence-based research and opinion. ILPA is represented on numerous government, including Home Office, and other consultative and advisory groups.

ILPA is responding solely to the question of whether Part 8 claims (including Judicial Review) should be excluded from the mandatory costs budgeting regime.

ILPA agrees with the sub-committee's preliminary view that whilst costs management orders have a particular benefit to longer cases, they are of much less relevance to the short form procedure envisaged in part 8 and in Judicial Review. ILPA also considers that it would be unduly onerous and cumbersome for litigants within judicial review proceedings to be required to produce costs budgets at the outset of the case or during litigation in all or certainly in most cases. ILPA supports the proposal that the mandatory costs management regime be disapplied in relation to all Part 8 claims, including judicial review. ILPA agrees with the proposal that it remain open to a party to invoke the costs budgeting provisions.

ILPA has no particular recommendations to make as to the formulation of rule 3.12(1) or indeed rules 3.12 and 3.13 more generally.

Adrian Berry
Chair ILPA
20 July 2013