

ELECTRONIC WORKING IN THE SENIOR COURTS COSTS OFFICE

PRACTICE NOTE BY THE SENIOR COSTS JUDGE

1. Following the amendments to PD51O of the Civil Procedure Rules 1998 (The Electronic Working Pilot Scheme), which came into effect on 7 October 2019, the Senior Courts Costs Office (the Costs Office) is now using the CE-File electronic court file.
2. Court users are able to file documents electronically direct to the court file by logging on to <https://efile.cefile-app.com>.
3. Further practical guidance for users of CE-File can be found at: <https://www.gov.uk/guidance/ce-file-system-information-and-support-advice>.
4. This practice note applies to detailed assessments in the Costs Office (including provisional assessments), Part 8 claims commenced in the Costs Office, the assessment of legal aid bills in the Costs Office, the assessment of the bills of deputies appointed by the Court of Protection and Criminal costs appeals. After 20 January 2020 all such proceedings will be managed by the Costs Office through CE-File and all documents filed after that date will be stored by the Costs Office only on CE-File.
5. CPR PD51O will apply, as appropriate, to the assessment of the bills of deputies appointed by the Court of Protection and to Criminal costs appeals. The practice direction may be found at: <https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part51/practice-direction-51o-the-electronic-working-pilot-scheme#3.1>

Mandatory use of CE-File

6. Parties who are legally represented must upload documents to the court file using CE-File (and not by any other means) in the following cases:
 - a. Detailed assessment proceedings in which a request for a hearing is filed on or after 20 January 2020.
 - b. Applications filed on or after 20 January 2020 (whenever the proceedings were commenced).
 - c. Part 8 claims commenced in the Costs Office on or after 20 January 2020.
 - d. Assessment of legal aid bills filed on or after 20 January 2020.
 - e. Assessment of the bills of deputies appointed by the Court of Protection filed on or after 20 January 2020.
 - f. Criminal costs appeals filed on or after 20 January 2020.
7. Lawyers representing themselves in criminal costs appeals and professional deputies appointed by the Court of Protection are considered to be legally represented for the purposes of paragraph 6.
8. Any documents sent to the Costs Office other than through CE-File by parties who are legally represented in the proceedings listed in paragraph 6 will not be filed

or, in the case of applications and Part 8 claims, issued. Documents sent by post or DX will be returned.

Voluntary use of CE-File

9. Any party may upload documents to the court file using CE-File in the following cases:

- a. Detailed assessment proceedings in which a request for a hearing is filed on or after 7 October 2019 but before 20 January 2020.
- b. Applications filed on or after 7 October 2019 but before 20 January 2020 (whenever the proceedings were commenced).
- c. Part 8 claims commenced in the Costs Office on or after 7 October 2019 but before 20 January 2020.
- d. Assessment of legal aid bills filed on or after 7 October 2019 but before 20 January 2020.
- e. Assessment of the bills of deputies appointed by the Court of Protection filed on or after 7 October 2019 but before 20 January 2020.
- f. Criminal costs appeals filed on or after 7 October 2019 but before 20 January 2020.

Litigants in person

10. A party who is not legally represented may upload documents to the court file in any of the cases listed in sub-paragraphs 9 (a) to (f) on and after 20 January 2020.

11. Where a party who is not legally represented files a paper document it will be scanned to the electronic file by the court staff.

Cases commenced before 20 January 2020

12. Some cases commenced before 8 July 2019 have been migrated to CE-File and parties can file documents in and manage such cases electronically. All historic cases held on CE-File will be allocated a new style case number. The old case number will not be recognised by CE-File.

13. All cases commenced between 8 July 2019 and 20 January 2020 will be entered onto CE File and documents filed in those cases will be scanned on to the electronic file by the court staff if not uploaded by the parties.

Format

14. Draft Orders must be filed as Word documents. Electronic bills must be filed in both Excel spreadsheet and pdf format. All other documents filed must be in pdf format.

15. Exhibits, Annexes and Appendices must each be filed as an associated filing to the main document.

16. Correspondence with the court and documents to be filed must not be sent by more than one medium.

Transferred cases

17. If a case is transferred to the Costs Office by another court, when the file from that court is received in the Costs Office the relevant documents will be scanned on to the Costs Office electronic file.

Anonymity orders

18. Where a document is subject to a confidentiality or anonymity order the party filing the same must request confidentiality in the appropriate field in the Filing Information screen and must state the reason for such request in the Documents Comments field (e.g. Order dated 01/10/2020). If an anonymity order is in place, the party filing any document affected by such order must also file a redacted copy of the document. The redacted copy should be added as an associated filing.

Applications

19. A hard copy hearing bundle is required for every hearing of an application. If no bundle has been lodged, the hearing may be adjourned to the next available date.

20. Responsibility for lodging the hard copy hearing bundle will normally fall on the applicant. This general rule will apply whether or not the applicant is a Litigant in Person, unless a represented party has been directed by a judge or has agreed in writing to assume responsibility for the production of the hard copy hearing bundle. The parties must co-operate with each other and all parties have responsibility for ensuring that the court receives a bundle lodged two clear days before the hearing, save where this is impossible due to the urgent nature of the hearing. Late service of documents is not a reason to delay lodging the hard copy bundle. If necessary, documents may be added to the bundle.

Skeleton arguments, chronologies and the like

21. Skeleton arguments, chronologies and similar documents prepared by advocates for hearings may be filed using CE-File or by email. Unless the court has ordered otherwise they should be filed two clear days before the hearing. Where the document relates to an application, a paper copy should be included in the hard copy hearing bundle. On and after 20 January 2020 statements of costs for summary assessment (form N260) must be filed using CE-File.

Andrew Gordon-Saker
Senior Costs Judge
October 2019