

**Redfern v Corby BC**  
Queen's Bench Division  
03 December 2014

The appellant (R) appealed against a deputy master's costs management order in a personal injury claim against the respondent local authority. R had been employed by the local authority and alleged that he had suffered psychiatric injury as a result of stress, bullying and harassment at work. There was to be a seven-day trial on causation, liability and quantum. Each party had been given permission to instruct two experts, R was estimated to have between 7 and 15 witnesses and the claim was valued at around £700,000. At a costs management hearing a deputy master stated that it was worrying that R's costs budget was equal to the value of the claim and that the amount of costs already incurred was excessive and disproportionate. He approved a much lower budget for R. R submitted that the deputy master's function was to focus only on costs yet to be incurred; that he had taken the wrong approach by indicating a costs amount which he considered to be proportionate in relation to the sum claimed and then adjusting the overall budget to conform to it; and, as a result, the amount allowed for costs yet to be incurred was inadequate.

Appeal dismissed. The deputy master had not sought to approve or disapprove costs which had already been incurred. He had recorded his comments on those costs and had taken them into account when considering the reasonableness and proportionality of all subsequent costs, as he was bidden to do by *Practice Direction 3E (Costs Management)*. It had been sensible to fix a figure which would be reasonable and proportionate for the costs of the whole action. The practice direction had been applied correctly. The only way in which one could take into account excessive costs already incurred was to limit approved subsequent costs at a lower level than would have otherwise been approved. The deputy master had not erred in principle.