

Reference: 2025-018

Thank you for your email dated 6 February 2025 in which you requested the following information under the Freedom of Information Act 2000 (FOIA):

On 6 December last I requested a clarification of the apparent contradictions between that response of 29 November and a previous response (ref EA/2024/0226 & 2024-078) dated 30 October.

That 6 December request read as follows;

Thank you for your response, however, I believe this requires clarification and confirmation regarding the amounts listed for the total costs of the two ENRC actions for the following reasons:

- a) the response to my previous requests EA/2024/0226 and 2024/078 described the total cost of both civil proceedings as at September 2023 as £12m yet the total cost in the latest response is listed as £20.5m when there have been no substantial proceedings in the intervening period;*
- b) there was an interim payment of £9m to ENRC ordered earlier this year in the 2019 (Dechert/Gerrard) action. Has that been included in the latest response? If so that would suggest a total of at least £21m when added to the previous £12m figure;*
- c) the costs for each of the 2019 and 2021 (Gibson/Puddick) proceedings are remarkably similar despite the former including a lengthy trial and substantial pre and post trial hearings whereas the latter was over a shorter time period and involved no trial if one extra defendant;*
- d) if the £9m interim payment in the 2019 proceedings is added then the similarity of the two cost figures becomes even more surprising.*

For those reasons I would like to have the latest response clarified and confirmed as to being the correct cost totals for both of the 2019 and 2021 proceedings. I would hope that could be achieved without the need for a new FOIA request. If that clarification is now to be considered as a new FOIA request then I would request: a breakdown of the total cost to the SFO in each of the two ENRC proceedings as at 31 January 2025 to disclose a) payments to outside law firms, b) payments to counsel and c) the details of any cost awards or interim payments against the SFO.

Response

Your original request sought (in part) the total legal costs up to the date of 30 September 2023. Your second request sought the total legal costs up to the date of 31 October 2024. For this reason, the costs in the second request are larger.

We confirm that the figures provided in our previous responses are correct, and that these include the fees paid to counsel and legal fees. They do not include the interim payment.