

Reference: 2025-041

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

The original request asked for:

“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”

When requested, the following clarification was provided:

The understanding as to the three requests is correct as applying to

(1) any SFO engaged outside law firm or firms,

(2) any and all SFO engaged counsel

(3) any and all court ordered payments to be made by the SFO.

Response

Questions 1 & 2

Please find this information contained in the table below:

Total Civil Litigation Costs SFO v ENRC from 2019 to 31st January 2025							
Suppliers & Expenditure Category	2019	2020	2021	2022	2023	2024	Grand Total
Fees to Counsel		16,823	5,521	16,938			39,282
Government Legal Department	6,194	3,148	42,350	25,607	81,812	554	159,666
Payments to Outside Law Firms	200,546	3,293,262	2,613,034	1,647,069	4,586,334	7,144,898	19,485,143
Vat Adjustment on Civil Litigation Costs	10,670	623,684	528,649	4,559	28,778	220,565	1,416,907
Grand Total	217,411	3,936,917	3,189,554	1,694,173	4,696,924	7,366,018	21,100,998

The information provided encompasses all law firms and counsel *instructed or selected* by the SFO (what we take the applicant to mean by “engaged”). We have not included any law firms or counsel selected or instructed by third parties which the SFO agreed to fund.

Question 3

The information you have requested is exempt by virtue of section 21(2)(b) of the FOIA, which provides that:

21 Information accessible to applicant by other means.

(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

(2) For the purposes of subsection (1)—

(a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and

(b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for

inspection) to members of the public on request, whether free of charge or on payment.

How the exemption is engaged

All court orders are public documents. A relevant official within the High Court is required by Civil Procedure Rules (CPR)¹ to provide to an applicant copies from court records of court orders made in public. This applies to all orders relating to payments in both cases you have requested.

Section 21 is an absolute exemption and therefore does not require consideration of the public interest test.

¹ Please see CPR 5.4C for more details.