



Civil Procedure
Rule Committee

CONSULTATION BY THE CIVIL PROCEDURE RULE COMMITTEE (CPRC)

FIXED RECOVERABLE COSTS (FRC) INTERIM IMPLEMENTATION STOCKTAKE

Background

The CPRC is responsible, under the provisions of the Civil Procedure Act 1997, for making rules of court governing the practice and procedure to be followed in the Civil Division of the Court of Appeal, the High Court and the County Court. It is to do so with a view to securing that the system of justice is accessible, fair, and efficient, and to try and make rules that are both simple and simply expressed.

Under section 3 of the 1997 Act, the CPRC is, before making rules, to consult with such persons as they consider appropriate.

Overview

At the CPRC's meeting on 2 February 2024, the Committee resolved to take stock and conduct a review of the extended FRC regime, 12 months after implementation. At the meeting on 7 February 2025, it was resolved to allow more time for the scheme to bed in before conducting a review. This public consultation was then commissioned following a discussion at the CPRC meetings on 4 July 2025 and 3 October 2025. (the minutes of meetings can be read online here <https://www.gov.uk/government/organisations/civil-procedure-rules-committee/about#minutes>)

Fixed recoverable costs (FRC) prescribe the amount of costs that may be recovered from a losing party in civil litigation. They help to ensure that legal costs remain proportionate and thereby promote access to justice. FRC give both parties certainty as to the maximum amount they may have to pay if unsuccessful. They have been a part of our civil justice system in most low-value personal injury claims since 2010. It is sometimes suggested that FRC favour defendants at the expense of claimants, but it is generally just as much in claimants' interests to control the costs that they might have to pay. Access to justice is enhanced if claimants can contemplate legal proceedings with an informed assessment of the likely costs, rather than to avoid them altogether due to a fear of a high but uncertain liability.

FRC prescribe the amount that can be recovered by the winning party at set stages of litigation, from pre-issue to the trial itself, with reference to a particular case type and track.

This Consultation

The Civil Procedure Rule Committee is undertaking a consultation regarding the effectiveness of the extension of FRC, inviting feedback as part of an evidence-gathering initiative conducted in collaboration with the Ministry of Justice (MoJ).

This exercise will be followed by the MoJ's full Post Implementation Review into the FRC regime as a whole, which is due to commence in 2026.

How to Respond

Please send your responses to CPRCconsultation@justice.gov.uk (in word or PDF format) with the subject heading “Fixed Recoverable Costs (FRC) Interim Implementation Stocktake”

Deadline for Responses

This consultation will close on 5 January 2026.

Questions

If you have any questions regarding this consultation, please use the email address above or email the general enquiries inbox at CPRC@justice.gov.uk

Welsh Language

Please contact the Secretariat if you require the consultation translated into the Welsh Language.

Next Steps

The matter will be programmed in for CPRC consideration following the conclusion of this consultation. You can follow progress by reading the minutes of CPRC meetings here <https://www.gov.uk/government/organisations/civil-procedure-rules-committee/about#minutes>

Data

Data will be handled in line with the CPRC Personal Data Privacy Notice found at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/707892/cprc-privacy-notice-may-2018.pdf

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