



Neutral Citation Number: [2020] EWCA Civ 1760

Case No: A3/2015/2002

IN THE COURT OF APPEAL (CIVIL DIVISION)
ON APPEAL FROM THE HIGH COURT OF JUSTICE
CHANCERY DIVISION (CARDIFF DISTRICT REGISTRY)
Claim No: A30CF 117 and 120

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 21 December 2020

Before:

LORD JUSTICE DAVID RICHARDS

Between:

NRAM Limited

**Claimant/
Respondent**

- and -

**PAUL EVANS
SUSANNAH EVANS**

**Defendants/
Appellants**

The Appellants (in person)

Nicholas Broomfield (instructed by **Walker Morris LLP**) for the **Respondent**

Approved Judgment

Covid-19 Protocol: This judgment was handed down remotely by circulation to the parties' representatives by email, release to BAILII and publication on the Courts and Tribunals Judiciary website. The date and time for hand-down is deemed to be on Monday 21 December 2020 at 10.30 a.m.

Lord Justice David Richards:

1. I deal now with the terms of the order to be made by the Court following the dismissal of the application for a stay made by the Appellants, Mr and Mrs Evans. I gave my reasons for dismissing the application in a judgment circulated on 7 December 2020.
2. The Respondent (NRAM) seeks an order dismissing the application as being “totally without merit”. Given my reasons for dismissing the application, I consider it appropriate that the order should be in these terms.
3. NRAM seeks an order that Mr and Mrs Evans pay its costs of the application. Mr and Mrs Evans rely on CPR 52CPD.20 to say that an order for costs should not be made in favour of NRAM, because it was not directed to attend the hearing of the application for a stay but did so voluntarily. 52CPD.20 is concerned with the costs of attending a hearing of an application for permission to appeal. It does not apply to the hearing of an application for a stay which is unrelated to an application for permission to appeal, such as the one made by Mr and Mrs Evans.
4. I consider that it is appropriate that an order for costs be made in this case and that there is no reason not to follow the general rule that the unsuccessful party pay the costs of the successful party. Accordingly, I will order Mr and Mrs Evans to pay NRAM’s costs of the application.
5. NRAM seeks a summary assessment by the court of its costs. The court has a discretion to assess the costs summarily rather than ordering a detailed assessment (see CPR 44.6), and as a general rule will do so after a hearing which has lasted not more than one day (see CPR 44PD.9.2). There is no good reason for not following that course in this case.
6. I assess the costs to be paid by Mr and Mrs Evans to NRAM at £8,000 plus VAT.
7. Costs which are summarily assessed are payable within 14 days of the date of the order, unless the court otherwise orders (see CPR 44.7). Given the time of year, I direct that Mr and Mrs Evans must pay the costs by 4pm on 22 January 2021.
8. Mr and Mrs Evans seek a temporary stay of the costs order made by this Court in 2017 pending determination of its appeal against the order of Master Howath. For the reasons I gave in my judgment, there is no merit or substance in the application for a stay, even on a temporary basis. I therefore refuse to order any stay.
9. In their submissions contained in an email sent on 11 December 2020, Mr and Mrs Evans raise some points arising from my judgment. Having considered these points, I am satisfied that they are fully dealt with in my judgment and I am also satisfied that there is no conflict, as Mr and Mrs Evans suggest, between paragraphs 19 and 21 of the judgment.