



Neutral Citation Number: [2024] EWHC 229 (KB)

Case No: SC-2020-BPT-0000448
QA-2021-000030

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: Tuesday 6th February 2024

Before :

THE HONOURABLE MR JUSTICE DOVE

Between :

(1) Intersar Al-Balhaa
(2) Al-Balhaa
- and -

Appellants

RMG Residential Management Group Ltd

Respondents

Mark Lorrell (instructed directly by **the Appellants**)
George Barratt (instructed by **RPC**) for the **Respondents**

Hearing dates: 15th November 2023

Approved Judgment

This judgment was handed down remotely at 10.30am on [date] by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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THE HONOURABLE MR JUSTICE DOVE

Appeal against order of Deputy costs Judge Erwin-Jones

QA-2021-000030

Mr Justice Dove :

1. Following the hearing on 15th November 2023 at which I dismissed the appellants' appeal against the order of Deputy Costs Judge Erwin-Jones, I gave permission for the parties to make written submissions in relation to costs, on the basis that at the time of the hearing the appellants had not had the opportunity to properly consider the costs schedule filed by the respondent the day prior to the hearing. As a result of the direction given at the hearing the appellants made submission in relation to costs dated 29th November 2023 and the respondent made submissions in reply dated 12th December 2023. The following are my conclusions in relation to the issues which have been raised.
2. The first issue raised by the appellant in relation to the costs schedule is the hourly rate which has been charged for grade C and grade D lawyers, which it is contended are above the hourly rates set in the Solicitors' Guidelines. The highest grade B rate included in the schedule of costs is £285 per hour compared to the guideline rate of £289 per hour. The grade C rate is £285 per hour compared with the guideline rate of £244 per hour. Whilst noting the difference, as part of the process of undertaking a summary assessment I am unable to conclude that either of these rates, in so far as they exceed the guideline hourly rates, are either unreasonable or disproportionate. I note that whilst the appellant has contended that in respect of some of the hours claimed they should be charged at grade D, none of the fee earners who have worked on the case and who are identified in the costs schedule are grade D fee earners. As a result I am unable to accede to the submissions made on behalf of the appellant that there should be a reduction as a consequence of the hourly rates being inappropriate and excessive.
3. It is conceded by the respondent that the fees claimed in respect of a grade A fee earner attending the hearing should be disallowed. This leads to a reduction in the overall costs schedule of £1300.
4. The appellant disputes the amount of time which has been claimed in relation to attendances upon the respondent. Whilst noting this contention, as the respondent points out, the appeal in this case was ongoing for a considerable period of time and a significant amount of work was required in order to ensure that the court was provided with a complete picture in respect of the relevant documents and evidence. I have no difficulty in accepting that this would lead to a higher amount of time being taken in respect of responding to queries and allegations than would normally be the case in an appeal of this kind, and that the time which is claimed has been reasonably incurred.
5. The final point of contention is the submission that the interest rate payable should be reduced to reflect current commercial rates. In my view the submission made by the respondent is correct: the costs order is a judgment and therefore the rate under the Judgments Act 1838 should apply.
6. As a result of my consideration of the submissions made by the parties I am satisfied that it is appropriate to make a reduction of £1300 from the sum claimed, and therefore

I make a costs order in the respondents favour in the sum of £34,355.55. I order the appellant shall pay the respondents costs in the sum of £34,355.55 within 14 days of the date of this decision.