

## Costs Capping

With effect from the 6<sup>th</sup> April 2009 the new rules and practice directions on costs capping orders finally come into effect (CPR 44.18 – 44.20). For all the fine words in Willis v Nicholson [2007] EWCA Civ 199 the new rules do little other than codify Gage J's test from Smart v East Cheshire NHS Trust [2003] EWHC 2806 (QB) though parties subject of such an application are likely to rely heavily on the 'exceptional circumstances' provision in CPR 23A.1.

Judgment is expected shortly on one of the last of the pre CPR 44.18 costs capping applications (McGreadie v Chelsea & Westminster Hospitals NHS Trust) and the anticipated appeal may lead to some additional High Court guidance on costs capping generally.