Neutral Citation Number: [2026] EWFC 301

Case No.ZE24P00994

IN THE FAMILY COURT
SITTING IN THE ROYAL COURTS OF JUSTICE

Date: 19/10/2026

Before :

MR JUSTICE POOLE

FAZ

Applicant

-and-

(1) MAZ
(2) AZ (By her NYAS Caseworker)

Respondents

FAZ V MAZ (Costs)

- -

Janet Bazley KC and Lucy Sprinz (instructed by Blandy and Blandy LLP) for the Applicant
Martha Holmes on Direct Access for the First Respondent
Jessica Lee (instructed by NYAS) for the Second Respondent

Hearing dates: Submissions on Paper

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Approved Judgment

This judgment was handed down remotely at 10.30am on 19 October 2026 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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This judgment was delivered in private. The judge has given leave for this version of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of the judgment the anonymity of the children and members of their family must be strictly preserved. All persons, including representatives of the media and legal bloggers, must ensure that this condition is strictly complied with. Failure to do so may be a contempt of court.

Mr Justice Poole :

Introduction

1. MAZ and FAZ are respectively the mother and father of their only child, AZ, now aged 14. The parties married in 2008 and separated in 2015. AZ lived with her mother but spent time with her father. Following allegations made against FAZ by AZ in late 2023, all contact between them was stopped. AZ later made allegations of sexual abuse by FAZ including in a police interview. In August 2024, FAZ applied to vary the Child Arrangements Order ("CAO") to re-instate his relationship with his daughter. In November 2024 MAZ applied to vary the CAO to extinguish all contact and for a s91(14) order restricting the father from making further applications in relation to AZ during her minority.

2. In the applications, MAZ made allegations against FAZ of physical, emotional, and sexual abuse of AZ. I directed that only the sexual abuse allegations needed to be determined at a separate finding of fact hearing. My judgment at the conclusion of that hearing is published as *FAZ v MAZ (Private Law: Allegations of Sexual Abuse of Child)* [2026] EWFC 131, handed down on 9 June 2026. I refer to that judgment for the full background. The allegations made by MAZ were:

   (i) FAZ had entered AZ's bedroom and sniffed her underwear.
   (ii) FAZ entered AZ's bedroom, took off his clothes except for boxer shorts and got into her bed and placed his hand on her bottom.
   (iii) FAZ placed his hand over AZ's genitals [details redacted].

   At the outset of the fact-finding hearing MAZ withdrew the first allegation, accepting that FAZ had merely been sorting out the laundry. During the hearing MAZ informed the court that she no longer believed that FAZ had sexually abused AZ as alleged in the second and third allegations. In my judgment I found that none of the allegations was proved.

3. Following the judgment, work has begun to re-instate AZ's relationship with her father, his partner, and his mother. The work has so far been collaborative and led by an independent expert. It is early days and there may be profound difficulties ahead, but the first signs are promising.

4. FAZ now seeks his costs in the sum of £256,667.80. These are the costs up to the conclusion of the finding of fact hearing on 24 April 2026.

5. MAZ opposes the making of any costs order.

Law on Costs in Private Law Children's proceedings

6. Under the Civil Procedure Rules 1998 ('CPR') r44.2(2)(a), the 'general rule' in civil proceedings is that the 'unsuccessful party will be ordered to pay the costs of the successful party'. Under the Family Proceedings Rules 2010 ('FPR') r28.2, the general rule that costs follow the event is disapplied. By FPR r28.1 the court may make at any time such order as to costs as it sees fit.

7. The exercise of the court's discretion applicable to children's proceedings, as it is to general civil proceedings, is found in CPR 44.2(4) and (5):

> "(4) In deciding what order (if any) to make about costs, the court will have regard to all the circumstances, including-
> (a) the conduct of all parties;
> (b) whether a party has succeeded on part of its case, even if that party has not been wholly successful; and
> (c) Any admissible offer to settle made by a party which is drawn to the court's attention and which is not an offer to which costs consequences under part 36 apply.
> (5) The conduct of all the parties include-
> (a) conduct before, as well as during, the proceedings and in particular the extent to which the parties follow… any relevant pre action protocol;
> (b) whether it was reasonable for a party to raise, pursue or contest a particular allegation or issue;
> (c) the manner in which the party has pursued or defended its case or a particular allegation or abuse; and
> (d) whether a claimant who has succeeded in the claim, in whole or in part, exaggerated its claim."
> A court having decided to exercise its discretion to make an order for costs, then moves on to CPR 44.4 to decide the amount of costs to be paid. By CPR 44.4(3):
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> "The court will also have regard to –
> (a) the conduct of all the parties, including in particular –
> (i) conduct before, as well as during, the proceedings; and
> (ii) the efforts made, if any, before and during the proceedings in order to try to resolve the dispute;
> (b) the amount or value of any money or property involved;
> (c) the importance of the matter to all the parties;
> (d) the particular complexity of the matter or the difficulty or novelty of the questions raised;
> (e) the skill, effort, specialised knowledge and responsibility involved;
> (f) the time spent on the case;
> (g) the place where and the circumstances in which work or any part of it was done; and
> (h) the receiving party's last approved or agreed budget."

8. In *Pringle v Nervo* [2026] EWCA Civ 266 King LJ summarised the key authorities on the application of the rules set out above:

> "29. In children cases, the rules set out above are applied taking into account the principle that it is unusual for there to be an order for costs to be made in proceedings relating to children, a principle which goes back as far as *Gojkovic v Gojkovic (No 2)* [1992] 1 All ER 267 at [271]. The issue has come before the Supreme Court twice, each time in relation to public law care proceedings. On each occasion the Supreme Court emphasised that the law and approach is identical regardless of whether the court is concerned with

public law proceedings or private law proceedings. In this context in *Re T (children) (care proceedings: costs)* [2012] UKSC 36, [2012] 4 AER 1137, (*'Re T'*) Lord Phillips said at [44]:

"For these reasons we have concluded that the general practice of not awarding costs against a party, including a local authority, in the absence of reprehensible behaviour or an unreasonable stance, is one that accords with the ends of justice and which should not be subject to an exception in the case of split hearings."

30. Lady Hale picked up the reference to the necessity for 'reprehensible or unreasonable behaviour' in *Re S (A Child) (Father's Costs of Appeal)* [2015] UKSC 10, [2015] 2 All ER 778 ('Re S') saying at [26]:

"All the reasons which make it inappropriate as a general rule to make costs orders in children's cases apply with equal force in care proceedings between parents and local authorities as they do in private law proceedings between parents or other family members. They lead to the conclusion that costs orders should only be made in unusual circumstances. Two of them were identified by Wilson J in *Sutton London Borough Council v Davis* (No 2) [1995] 1All ER 65 at [67], [1994] 1 WLR 1317 at [1319]: "where, for example, the conduct of a party has been reprehensible or the party's stance has been beyond the band of what is reasonable: *Havering London Borough Council v S* [1986] 1 FLR 489 and *Gojkovic v Gojkovic* (No 2) [1992] 1 All ER67 273, [1992] Fam 40 at [59]. Those were also the two circumstances identified in re T, at [44]."

31. When considering the facts in *Re T*, Lady Hale at [27] identified two questions. First, is there any reason to depart from the general approach in *Re T* (namely whether there has been reprehensible conduct or the parties' stance has been beyond the band of what is reasonable) and second, are there other circumstances beyond the two identified in Re T in which a costs order might be justified.

32. More recently in *Re E (children: costs)* [2025] EWCA Civ 183 ('Re E') Peter Jackson LJ considered an appeal in private law proceedings, where a mother had made untrue allegations that the father had not only sexually abused the children of the family, but had made them the victims of a sex ring. The allegations were unfounded but the judge made no order for costs. Peter Jackson LJ summarised the position at [23]:

"There is a general practice of not awarding costs against a party in family proceedings concerning children, but the court retains a discretion to do so in exceptional circumstances. These include cases in which a party has been guilty of reprehensible or unreasonable behaviour in relation to the proceedings. This practice applies equally in public law and private law proceedings, and irrespective of whether a party is legally aided. Nor is there any difference in principle between fact-finding hearings and other hearings. The court can make costs orders at any time: FPR 28.1."

33. Having considered various submissions as to whether different tests

should apply to the costs incurred in fact finding hearings in private law proceedings from the approach identified by the Supreme Court in care proceedings, Peter Jackson LJ rejected such a submission saying at [29]:

"The correct approach is set out at paragraph 23 above. It is simple, flexible and well-established, and there is no reason to depart from it."”

9. At para.35, King LJ stated the general principle to be that there “should be no order for costs in children cases absent reprehensible behaviour or an unreasonable stance being taken by a party in relation to the proceedings.”

The Findings

10. The first allegation of sexual abuse having been withdrawn, I set out my findings on the second and third allegations at para.8 of my judgment:

> “FAZ did not dispute that on occasion he had got into AZ's bed at her invitation to comfort her and help her get off to sleep. He did not dispute that he had taken to removing clothing before doing so because (i) the room was often very warm and AZ liked the window closed; (ii) he likes to keep cool; (iii) he would sometimes fall asleep himself and wake up hot and sweaty if he had his clothes on. I find that he did not intentionally touch his daughter's bottom in bed and that if he did touch her bottom with his hand, he did so when asleep. I find that the third allegation is not proved.”

I then summarised the parties’ positions as to the “genesis and development of the allegations”:

> “The father alleges that the mother has acted in bad faith and played a dishonest role in the making and pursuit of the allegations. The mother accepts that she made mistakes and that her own anxiety caused her to accept unquestioningly what AZ was saying to her about the father's conduct, but she denies engaging in manipulation or engineering a rupture in the relationship between father and daughter.”

11. I found that there had been inconsistencies in MAZ’s evidence (para 70), that she had planted the idea in the minds of professionals that FAZ had a propensity to sexually abuse AZ (para.71) and that she had embellished her evidence (para.72). I found that these aspect of her evidence “trespassed beyond parental protectiveness and cannot wholly be explained by anxiety.” (para.76). At paras.77 and 78 I found

> “77. In these respects MAZ has been inconsistent and/or has exaggerated or distorted evidence to support her case that the father is a "horrible man" who has sexually abused their daughter. I have considered whether the exaggerations and distortions were attributable to anxiety but I find that in these respects she knew that she was not telling the truth, the whole truth and nothing but the truth and that she chose to build her case against the father rather than to be honest with professionals and/or the court. I find that she

was convinced that he had abused AZ but that she was at times dishonest in building the case against him in the respects set out at paragraphs 70 to 72 above. It is telling that after the police decided to take no further action against FAZ, MAZ asked what it would take to prosecute him and said that she believed he should be in prison. She had a similar response in 2016 when it was decided that no action should be taken against FAZ.

78. MAZ contributed to the shutting down of any possibility of an assessment of whether AZ has ASD. She has now suddenly changed her position. I find that she was so blinkered by her determination to prove that FAZ had abused AZ – something she sincerely believed – that she did not want other possible explanations for AZ's distress and behaviour to be explored."

12. Nevertheless, I also found, as stated at para.91:

> "The evidence does not persuade me that MAZ deliberately concocted the allegations of sexual abuse or instructed AZ what to say to professionals or the police. She genuinely believed that FAZ had abused their daughter. But her anxieties and distrust of FAZ resulted in her adopting a perspective on past events involving FAZ which are untethered from reality. She viewed him as an abuser. She thereby influenced AZ and she was careless about doing so because when AZ started to speak of her father's conduct as if it were abuse, that suited MAZ's own narrative. At every step, MAZ reinforced the view that AZ had been the victim of abuse by FAZ. In her desperation to prove the case against FAZ she was sometimes dishonest as demonstrated by the inconsistencies, embellishments and insinuations I have set out at paragraphs 70 to 72 in this judgment."

13. I concluded the judgment by observing at para.98:

> "FAZ has been sorely wronged but he has accepted his own responsibility for past failures of behaviour, communication and collaboration. MAZ now accepts that the allegations she has brought before the court, and which AZ has made against her father, are untrue and/or have been wrongly framed as sexual abuse. Both parents will have to work together in AZ's best interests if the harm to her caused not only by events since December 2023 but also by the previous years of parental acrimony, is to be healed."

Submissions

14. Ms Bazley KC and Ms Sprinz, for FAZ, refer to the judgment of Peter Jackson LJ in *Re E* (referred to by King LJ in *Pringle v Nervo* (above)) in which he held at para.35:

> "The judge placed significant weight on his assessment of the mother's motivation: see para 61(4), referring back to para 184 of the fact-finding judgment. He differentiated between allegations known to be wholly false and allegations that she had convinced herself were true. That is a subtle distinction, and I cannot see how it avails the mother in this case. The Delphic

> finding that she had convinced herself that the father had sexually abused the children, not further explained, could not be the end of the matter. In the first place, the court was not considering whether the mother regarded her litigation conduct to be reprehensible or unreasonable, but making its own objective assessment [emphasis added]. As Staughton LJ said in *RvR "*[1997] 2 FLR 95, 99:
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> "The real point that has been argued before us seems to me to be this: the judge evidently found that the father had behaved unreasonably in the litigation. I do not doubt that Mr R genuinely believes that his arguments are perfectly reasonable. I do not question his good faith, but I am afraid I do agree with the judge that they did not, in reality, represent a reasonable attitude for the father to take.""

15. They submit that the mother pursued false allegations of sexual abuse throughout twenty months of litigation right up to the penultimate day of the fact finding hearing. Those allegations were found to be false. They point to a difference between the first allegation of sexual abuse, on the one hand, and the second and third allegations on the other. The first arose from a harmless comment made by AZ which MAZ alone elevated into an allegation of sexual abuse. I found that to be an unreasonable characterisation of FAZ's conduct. It is submitted that MAZ bears the entire responsibility for raising and pursuing a wholly unreasonable allegation of sexual abuse. As to the second and third allegations, whilst the court found that MAZ sincerely believed them, a fervent belief is no defence where the belief is not reasonably held – see Peter Jackson LJ in *Re E* (above). MAZ's belief was not reasonably held because she was knowingly inconsistent and/or exaggerated or distorted her evidence, and she opposed any sort of enquiry into AZ's distress and the reasons why she had made the allegations. The mother's late change of position ought to have come much earlier had she not acted unreasonably. Indeed, but for her unreasonable stance, the allegations would never have been litigated at all. It is hardly to her credit that she reflected on, and decided not to support, the allegations towards the end of the finding of fact hearing. Certainly, her late *volte face* did not save any costs.

16. The entirety of the fact finding hearing was devoted to the three allegations of sexual abuse pursued by MAZ. The damage done to AZ, to FAZ, to their relationship, and to FAZ's financial position by pursuing the allegations was very considerable. During the proceedings MAZ sought to prevent disclosure of relevant material into the proceedings on the basis that it would cause irreparable damage to AZ. She questioned whether the guardian and solicitor for AZ should meet AZ. She questioned the purpose of the fact finding exercise. She opposed FAZ's partner providing a statement and giving oral evidence. She sought orders preventing FAZ from having any contact of any kind with AZ and making applications without permission up until her decision not to pursue the allegations further, close to the end of the fact finding hearing. Her position on disclosure created the need to consider closed material and caused the applications to be transferred to the High Court.

17. It is further submitted that MAZ repeatedly refused FAZ's invitations to engage in family therapy and mediation. Those invitations are set out in Ms Bazley KC and Ms Sprinz's skeleton argument and date back to 14 August 2024.

18. It is submitted that MAZ has acted with impunity to date. FAZ has only been able to afford

representation because his partner has supported him. NYAS, acting as AZ's guardian broadly supported MAZ's case on child arrangements and without funded representation, (i) AZ would have been very likely to have continued to believe and accept MAZ's then view of FAZ's conduct; and (ii) all contact between AZ and her father would have ceased during her childhood. The toll of the sexual abuse allegations has been immense and would have continued but for the expenditure of the father, supported by his partner, on legal representation to fight the unjust allegations made against him. It would compound the injustice to impose the entire costs burden on him.

19. For MAZ, Ms Holmes submits that MAZ has not been found to have concocted allegations or to have instructed AZ into making false allegations. She responded to the information being given to her by AZ. Other professionals supported her deep concerns. Her U-turn at court speaks to her honesty and openness. She accepted that she had made "grave mistakes about the allegations of sexual abuse". She submits that the court should consider the conduct of both parties. The court recorded that the father had "accepted his own responsibility for past failures of behaviour, communication and collaboration." There were many other allegations raised which the court deemed unnecessary to determine.

20. Ms Holmes submitted that the context in this case is of troubled individuals. MAZ was prone to over-protectiveness and anxiety not reprehensible conduct. She was not calculating nor did she act in bad faith. Her beliefs were mistaken but sincere. They were not unreasonably held – her daughter made the allegations to the police and she adopted them in the proceedings. MAZ's conduct in the litigation was directed by her concern to protect AZ. She was living with AZ and witnessed the distress she was suffering.

21. Ms Holmes also makes submissions about the quantification of the costs order sought by the father.

Analysis and Conclusions: Costs in Principle

22. I have referred to the Court of Appeal decision in *Re E* (above) as an authority for the principles to be applied on an application for costs of the kind now before me, but it is helpful also to consider the decision made on appeal on the facts of that case. In *Re E*, the parents had made mutual allegations of domestic abuse which Peter Jackson LJ said were "sadly commonplace and were never likely to lead to a costs award." However, he observed that the "mother's extreme allegations that the father had sexually abused the older children and had handed them over to a paedophile sex ring were of an entirely different character and that different costs considerations consequently arose." The mother had made those allegations piecemeal, over time. The trial judge had found:

> "The mother has convinced herself that the father sexually abused her children. Secure in her belief that the central allegation is true, she has pressed relentlessly for other professionals to accept her perspective and act accordingly. When they have not acted or not acted in the way that she has wanted, she has redoubled her efforts. She has, in my judgment, pressured her children to 'start talking'. She has convinced them that the father is a bad person and that he poses a danger to her and to them. The father's actions in attending the property and threatening the mother, once seen by the children or relayed to them, have reinforced that view."

23. Peter Jackson LJ described this as a "Delphic finding". Perhaps he would say the same about my own finding that MAZ has built a case around a sincere belief that FAZ had sexually abused AZ. However, Peter Jackson adopted Staughton LJ's dicta in *R v R (Costs: Child Case)* [1997] 2 FLR 95 at para 26 where he held:

> "I do not doubt that Mr R genuinely believes that his arguments are perfectly reasonable. I do not question his good faith, but I am afraid I do agree with the judge that they did not, in reality, represent a reasonable attitude for the father to take."

The court was not considering whether *the mother* regarded her litigation conduct to be reprehensible or unreasonable, but making its own assessment. The Court of Appeal reversed the judge's decision to make no order for costs and substituted an order that the mother should pay half of the father's costs not to be enforced without the leave of the court (the mother was in receipt of legal aid).

24. The principles must be applied to the facts of each case and no two cases are identical. In the present case, AZ made allegations that her father had touched her bottom when lying next to her naked in bed. Then, during a police interview, she spontaneously added details about touching which were viewed by the police as amounting to an allegation of sexual assault. This was the most serious allegation made against FAZ. I have made findings about how MAZ's conduct and its influence on AZ, but she was not present at that police interview.

25. AZ's initial allegations about FAZ touching her whilst lying in bed with her were not obviously fantastical. Indeed, her allegation that his hand touched her bottom was probably factually true. Furthermore, FAZ accepted that he had taken his clothes off to climb into bed next to AZ. That was not, in fact, sexualised behaviour, but one can understand why professionals such as the police or social workers, and why MAZ, might well have had concerns when AZ reported the facts of what had happened. It does not seem to me to have been reprehensible or unreasonable *per se* for MAZ to have believed at that early stage that AZ might be telling her and the authorities about behaviour that amounted to sexual abuse.

26. The conduct by MAZ that can be categorised as unreasonable came after AZ made her initial allegations. She built a case against FAZ. She isolated AZ and framed what AZ had reported FAZ had done as sexual abuse, including what became the first allegation for the fact finding hearing. As I found, she "encouraged AZ to hold the view that she had been abused." She now accepts that what FAZ did was not sexualised and was not abuse, but for over two years that was how she characterised his conduct, encouraging AZ and professionals to believe the same. In building that case she was inconsistent, she embellished, and she was sometimes dishonest in her reports to professionals. Her beliefs were "untethered from reality".

27. The findings I have made are that MAZ created the circumstances in which AZ made allegations to the police that later became MAZ's third allegation of sexual abuse. However, she did not concoct the third allegation nor did she coach AZ to make it.

28. My findings do establish that MAZ acted unreasonably by building a case against FAZ when, as she recognised much later but ought to have recognised soon after the allegations emerged, there was no foundation to them. She was dishonest, and she embellished evidence as she built the case against FAZ. She took a view in relation to the first sexual abuse allegation that was wholly unreasonable. Overall, she was guilty of unreasonable conduct in relation to the sexual abuse allegations and her conduct caused or contributed to the need for a fact finding hearing on those allegations.

29. The present case has some similarities to *Re E* but (i) the allegations are not as extreme nor as far-fetched as they were in that case, and (ii) the second and third allegations came directly from AZ. MAZ did not make the allegations which were later subject to investigation. AZ made those allegations, albeit the third allegation arose in part because of the influence on AZ MAZ had created by her conduct.
30. I do take into account the conduct of FAZ. I found him to have been insensitive and to have played his part in creating distrust between him and MAZ. However, once the allegations of sexual abuse arose I cannot criticise his conduct. He was frozen out but he still tried to resolve matters. He acted reasonably in the proceedings.

31. MAZ has not disputed that FAZ proposed to resolve matters out of court and that she did not engage with such proposals.

32. I am conscious that many abusive fathers and husbands will have not been ordered to pay costs when findings have been made against them. Making false allegations of sexual abuse is unreasonable or reprehensible but so, of course, is committing such abuse. I am also conscious that, whatever the family history, a parent is put in a very distressing and difficult position if a child tells them something about the other parent's behaviour that might amount to sexual abuse. Nevertheless, I must deal with the case before me and I have found that from late 2024 onwards, MAZ sought to build a case against FAZ using embellishment and some dishonest reporting. She persisted in framing FAZ's actions as sexual abuse when it was unreasonable to do so. She ceased doing so only towards the end of the fact finding hearing. The information before her then was not materially different from the information she had had for over two years. It is fair to note that she had listened to FAZ give evidence in court but he did not say anything in his oral evidence that he had not set out in detailed written statements. Her conduct in making and pursuing the first allegation was wholly unreasonable. It was transparently unsustainable to allege that such conduct was sexual abuse. Her conduct in pursing the second and third allegations was unreasonable for the reasons given above and in my fact finding judgment. Her belief was sincere but it was unreasonable and her stance within the proceedings, including opposition to disclosure, was unreasonable and prolonged the proceedings to the detriment of AZ, FAZ, and his

partner. Her unreasonable conduct has led to avoidable costs being incurred.

33. A parent who has reasonable grounds for alleging sexual abuse of a child against the other parent should not be discouraged from making such an allegation for fear of a costs penalty if the allegations are not proved. Here, I accept, MAZ had a genuine concern that FAZ may have sexually abused AZ but she bolstered, or built, a case against FAZ by unreasonable means. Her stance in relation to the sexual abuse allegations was "untethered from reality". Her unreasonable conduct caused or contributed to the proceedings being prolonged and a finding of fact hearing being necessary.

34. MAZ's unreasonable conduct in respect of this litigation (to the conclusion of the fact finding hearing) allows me to consider making a costs order against her. In doing so I have to consider all the circumstances including, it seems to me, her sincere belief that FAZ had abused AZ and the fact that two of the three allegations came from AZ and one of them (the third) would undoubtedly have constituted sexual abuse if true. I have avoided categorising MAZ's conduct as reprehensible. I have however found that her stance was unreasonable and that her conduct in building a case against FAZ, which included embellishment and dishonesty, was unreasonable. I also take into account the father's conduct.

35. One matter I must take into account at this stage is the effect of a costs order on AZ. The order will deplete the funds that MAZ has available to her to support AZ. She has had her own legal costs to pay. I have been provided with some details of her financial situation by Ms Holmes in her skeleton argument. Those assertions have not been tested but I take them into account when considering the impact on AZ of any costs award. MAZ will have a good income and she is not without assets. She made financial arrangements for the payment of legal fees and still has some funds available from that source, albeit nowhere near the sum now claimed. A costs order against MAZ is liable to exacerbate friction between the parents just at the time where the court is anxious for relations between them to improve so that the parents can better advance their daughter's best interests. It is to that extent regrettable that the court has to make a determination on costs at this point – but the application has been made and the determination cannot be delayed further.

36. Each party made applications to the court concerning child arrangements and, in MAZ's case, a s91(14) order. MAZ's applications were withdrawn on 15 September 2026 but FAZ's applications have not yet been concluded and I proceed on the basis that MAZ's unreasonable conduct related to the allegations of sexual abuse and the fact finding hearing. It would not be appropriate to order MAZ to pay all or any of the costs of the applications as a whole, in particular since they are ongoing. The costs to which I must have regard are those of and related to the fact finding hearing. That is the hearing that resulted from her allegations of sexual abuse. Having regard to all the circumstances, I shall exercise my discretion to order that she pays a proportion of FAZ's reasonable and proportionate costs. Notwithstanding her unreasonable stance and conduct in relation to the sexual abuse allegations, it would be unjust to require her to pay all of the costs because:

36.1. The second and third allegations stemmed from reports made by AZ who was sufficiently mature and intelligent to be aware of the significance of what she was reporting.

36.2. As her mother, MAZ was entitled to be disturbed and anxious about what AZ was reporting and to take steps to ensure that the reports were properly examined.

36.3. MAZ was entitled to act protectively of AZ.

36.4. Some of MAZ's actions to seek to protect AZ in late 2024/early 2025 were misguided but not malicious or reprehensible.

36.5. FAZ's past conduct was at times insensitive, unco-operative and contributed to the breakdown in trust between him and MAZ. It sometimes upset AZ and may well have contributed to the distress she felt at the time when she made her allegations against him.

37. However, as I have found, some of MAZ's actions in embellishing, in dishonest reporting to professionals, and in building a case against FAZ which was "untethered from reality", and then maintaining that case until the latter stages of the fact finding hearing were unreasonable and led to avoidable litigation and costs. She unreasonably closed her eyes to the reality that FAZ's actions had been innocent not sexually abusive. It was only very late in the day that she opened her eyes. She did then frankly say that she had changed her mind, but by then a huge amount of damage had been done as a result of her pursuit of the allegations against FAZ.

38. The order I make, weighing all the circumstances, is that MAZ shall pay 25% of FAZ's reasonable costs, subject to assessment, attributable to the fact finding exercise concerning the allegations of sexual abuse. The award of 25% of the reasonable and proportionate costs of that issue will not have a disproportionate adverse effect on MAZ's ability to provide for AZ financially. An award of costs may cause some harm to relations between MAZ and FAZ, but a decision not to award costs might have an equally harmful effect. FAZ cannot reasonably be viewed as being vindictive for seeking his costs of and related to the fact finding hearing in all the circumstances of the case.

The Amount of Costs

39. FAZ claims costs in the sum of £256,667.80. I am well placed summarily to assess those costs and it will save further delay and expenditure if I do so. I shall summarily assess costs on the standard basis. I do not regard MAZ's conduct to be of a kind that would justify an assessment on the indemnity basis.

40. FAZ has submitted an N260 setting out his costs claim. I must consider whether the costs claimed are reasonable and proportionate.

41. In *K v K* [2016] EWHC 2002 (Fam) MacDonald J set out some basic principles applying to the assessment of costs, at para.30:

> "vii) Where the court is to assess the amount of costs (whether by summary or detailed assessment), pursuant to CPR r 44.3(1) the court will not allow costs which have been unreasonably incurred or are unreasonable in amount. Pursuant to CPR r 44.3(2), when assessing costs on the standard basis the court will only allow costs which are proportionate to the matters in issue and costs which are disproportionate in amount may be disallowed or reduced even if they were reasonably or necessarily incurred. CPR r 44.3(5) provides, in so far as is relevant to this case, that costs incurred will be proportionate if they bear a reasonable relationship to the complexity of the litigation, any additional work generated by the conduct of the paying party and any wider factors involved in the proceedings, such as reputation or public importance (see also FPR 2010 PD28A para 4.4).
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> viii) In deciding the amount of costs, CPR r 44.4 also requires the court to take into account whether the costs were proportionately and reasonably incurred. The court will also have regard to, inter alia, the parties conduct before, as well as during, the proceedings, the efforts made before and during the proceedings to try and resolve the dispute, the importance of the matter to all the parties, the particular complexity of the matter or the difficulty or novelty of the questions raised, the skill, effort, specialised knowledge and responsibility involved, the time spent on the case and the place where and the circumstances in which the work was done.
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> ix) On the question of proportionality, the touchstone of reasonable and proportionate costs is not the amount of costs which it was in the party's best interests to incur but the lowest amount which he or she could reasonably have been expected to spend in order to have his or her case conducted and presented proficiently having regard to all the relevant circumstances. Expenditure above and beyond that level is for a party's own account and not recoverable from the other party (*Khazakstan Kagazy PLC v Zhunus* [2015] EWHC 404 (Comm))."

42. I do regard the issue of disclosure, which MAZ raised, as being related to the allegations of sexual abuse. It was the alleged sexual abuse which, on MAZ's case, caused AZ to suffer suicidal ideation and a need for therapy, and it was those consequences which led to MAZ opposing disclosure. However, not all matters within the litigation to date, or covered at directions hearings, have related to the allegations of sexual abuse.

43. This was a sensitive case and the positions of the parties were entrenched. MAZ had raised

difficult issues concerning disclosure of material that would ordinarily be open to all parties. There was a history to the relationship between MAZ and FAZ that required exploration in order to understand their conduct at the more directly material time. However, this was not a case involving a large number of witnesses, complex medical issues, or voluminous documentation. Ultimately there were only three allegations for determination at the fact finding hearing. Junior Counsel for FAZ was herself experienced and in my judgement this was a case suitable for experienced Junior Counsel acting without a leader. FAZ chose to instruct Leading and Junior Counsel as is his right. He was very ably represented and may well feel that his decision was justified. But I do consider that the instruction of Leading Counsel as well as an experienced Junior Counsel resulted in a disproportionate expense.

44. Whilst the sum claimed is large, the breakdown is relatively straightforward. The hourly rates claimed by the solicitors are reasonable and only grade B and C fee-earners have been deployed. Their rates are £260 and £230 per hour respectively. Those rates are reasonable and proportionate to the case. The hours spent attending FAZ include about 22 hours on correspondence and there is a similar number of hours (21.2 hrs) for letters and emails to opponents. Work on documents is claimed at just over £23,000 and attendances at hearings at approximately £15,000. I have to take a broad-brush approach on a summary assessment. Some of the hours spent concerned matters other than the allegations of sexual abuse. Having regard to the issues in the case and the issues to which my costs order relates, I find the sums claimed to be disproportionate. For the reasons given below I also reduce the costs to reflect what I find is an unnecessary and disproportionate instruction of Leading Counsel alongside experienced Junior Counsel. Overall, my assessment is that the reasonable and proportionate solicitors' costs attributable to the sexual abuse allegations amount to no more than £40,000 net of VAT and court fees.

45. I note that Counsels' fees include "brief on application" as well as for briefs and refreshers for the fact finding hearing itself and preliminary, associated hearings. The briefs on application must, in part, relate to issues other than the fact finding exercise. Furthermore, some of the initial fees (both solicitors and Counsel) will have related to allegations of fact that I deemed not to be suitable for a fact finding hearing. I have already decided that the instruction of Leading Counsel as well as experienced Junior Counsel was disproportionate.

46. The summary assessment of reasonable and proportionate fees for Counsel is again a broad brush exercise. In my judgement, the total hours spent attending on FAZ and on opponents are not reasonable and proportionate and in any event some of the work will relate to matters other than the three allegations with which the fact finding exercise was concerned. No findings have been made about the many other allegations raised, and I have made no order for costs in relation to those allegations. I shall not allow for the fees of Leading Counsel as well as experienced Junior Counsel. In my judgement reasonable and proportionate costs for Counsel, net of VAT, would be £50,000 in total. Hence, excluding

court fees and VAT the total costs, I allow on summary assessment are £90,000. With fees and VAT, the assessed costs are £108,439.

47. My order is for MAZ to pay 25% of the assessed costs, namely the sum of £27,109.75.

48. MAZ shall pay the sum of £27,109.75 by no later than 4pm on 13 November 2026. If she wishes to apply to the court to pay in instalments or for a short delay in payment of the whole sum then she should do so before 4pm on 30 October 2026. If so, I shall give directions for any such application.