

THE SUPREME COURT OF THE UNITED KINGDOM

PRACTICE DIRECTION 13 COSTS

Note: enquiries about costs should be made to the Costs Clerk (tel: 020-7960 1990). Enquiries about fees should be made to the Registry (tel: 020-7960 1991, 1992).

Drafts and cheques for fees, including assessment fees, should be made payable to **‘The Supreme Court of the United Kingdom’**.

Drafts and cheques for security money only should be made payable to ‘UK Supreme Court Security Fund Account’.

CONTENTS

SECTION 1

1. Introduction
2. Entitlement to costs
3. Orders under paragraph 3.5.1(d) of Practice Direction 3
4. Orders under section 11 of the Access to Justice Act 1999 etc
5. Filing
6. Extension of time
7. Form of bill
8. Endorsement
9. Documents
10. Basis of assessment
11. Fees for preparing applications for permission to appeal
12. Funded Parties: applications for permission to appeal
13. Respondents’ objections
14. Provisional assessment
15. Assessment before Costs Officers.
16. Costs Officers’ discretion (civil appeals)
17. Costs Officers’ discretion (criminal appeals)
18. Appeals against assessment in the Supreme Court
19. Allocatur (agreed cost figures)

20. Certificate of discharge
21. Vouching
22. Summary
23. Fees
24. Certificates
25. Interest
26. Quantum: guidelines on fees allowed
27. Conditional fee agreements
28. Costs of litigants in person
29. Costs of drafting bill for assessment

SECTION 2: FORMS OF BILLS OF COSTS

Form A: Respondent's bill of costs under paragraph 3.5.1(d) of Practice Direction 3

Form B: Appellant's bill for application for permission and appeal

Form C: Respondent's bill of costs including separate accounts for Scottish and English agents

SECTION 3: SUMMARY AND ALLOCATUR OF BILLS OF COSTS

- 1 Summary for Funded Bill
- 2 Allocatur

SECTION 4: FEES

SECTION 5: GUIDELINE FIGURES FOR PROVISIONAL ASSESSMENT OF COSTS

1. SECTION 1 - INTRODUCTION

- 1.1 Detailed assessments of costs in the Supreme Court are conducted by Costs Officers appointed by the President: see rule 49. One Costs Officer will be the Senior Costs Judge (the Chief Taxing Master of the Senior Courts) or any Costs Judge nominated by him and the second may be the Registrar of the Supreme Court.

- 1.2 The Costs Clerk is a court officer in the Registry of the Supreme Court who acts under the direction and supervision of the Costs Officers.
- 1.3 Detailed assessments are conducted in public.
- 1.4 The assessment of costs is governed by the relevant provisions of the Supreme Court Rules supplemented by this and the other Practice Directions issued by the President. To the extent that the Supreme Court Rules and Practice Directions do not cover the situation, the Rules and the Practice Directions which supplement Parts 43 to 48 of the Civil Procedure Rules are applied by analogy at the discretion of the Costs Officers, with appropriate modifications for appeals from Scotland and Northern Ireland. The legal principles applied are those also applicable to assessments between parties in the High Court and Court of Appeal in England and Wales¹.
- 1.5 References in this Practice Direction to
 - “the Costs Officer” include the plural;
 - “costs” and “bills of costs” include expenses and accounts of expenses in appeals from Scotland, and
 - “solicitor²” includes an agent or a costs draftsman.

2. ENTITLEMENT TO COSTS

- 2.1 Claims for costs or “*bills of costs*” may be filed in the Registry for assessment in the following circumstances:
 - (a) costs payable by appellants, respondents or other persons under an order for costs made by an Appeal Panel or by the Court;
 - (b) costs payable by the Legal Services Commission (LSC) or the appropriate Legal Aid Board to appellants, respondents or other persons consequent upon an order for costs made by an Appeal Panel or by the Court to which section 11 of the Access to Justice Act 1999 or the equivalent provisions in the Legal Aid (Scotland) Act 1986 or the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 apply;
 - (c) costs payable by the Legal Services Commission (LSC) or the appropriate Legal Aid Board to solicitors, counsel or other legal representatives acting on behalf of a party whose legal proceedings in the Supreme Court were funded (“a publicly funded party”).

3. ORDERS UNDER PARAGRAPH 3.5.1(d) OF PRACTICE DIRECTION 3

- 3.1 This paragraph applies to a respondent who is allowed to apply for his costs in accordance with paragraph 3.5(1)(d) of Practice Direction 3 (that is, in circumstances where an application for permission to appeal is refused).
- 3.2 The application may be made by letter addressed to the Registrar or may be included in a bill of costs filed in the Registry conditional upon the application being granted.

¹ *Kuwait Airways Corporation v Iraqi Airways Company and others*: Appeal Committee, 102nd Report (2001-02), paragraph 16, HL Paper 155.

² Rule 3 defines “solicitor” as including any person authorised to provide legal services other than as counsel in connection with proceedings before the Court.

3.3 As a general rule the Registrar does not grant the application in any of the following cases:

- (a) where the application for permission was not served on the respondent making the application;
- (b) where the respondent making the application did not file notice of objection to the application for permission;
- (c) where the application is made by one of two or more respondents and the Registrar is not satisfied that the applicant had an interest in the application for permission that required separate representation.

4. ORDERS UNDER SECTION 11 OF THE ACCESS TO JUSTICE ACT 1999 ETC

4.1 Any costs ordered to be paid by a publicly funded party must not exceed the amount which is a reasonable one for them to pay having regard to all the circumstances including

- (a) the financial resources of all the parties to the proceedings; and
- (b) their conduct in connection with the dispute to which the proceedings relate (Access to Justice Act 1999, section 11).

4.2 Costs which were incurred by one party during a period when another party was publicly funded, and which are not recoverable from the publicly funded party only because of section 11 of the Access to Justice Act 1999, may, in certain circumstances, be payable by the LSC itself.

4.3 The Community Legal Service (Costs) Regulations 2000 and the Community Legal Service (Cost Protection) Regulations 2000¹ are Regulations made under section 11 of the Access to Justice Act 1999 and provide a code governing orders for costs against publicly funded parties and against the LSC.

4.4 A party who seeks costs against the LSC under section 11 of the Access to Justice Act 1999, or who may do so, depending upon the amount of costs payable by the publicly funded party, must file with his bill of costs copies of any documents (including a statement of resources and any notice served by him on the LSC) which he has served upon others in compliance with the Regulations².

4.5 Within 21 days of being served with a bill of costs to which section 11 of the Access to Justice Act 1999 applies, a party who is or was publicly funded during any period covered by the bill must respond by filing in the Registry a statement of resources and serving a copy of it on the receiving party and, where relevant, on the LSC.

4.6 The LSC may appear at any hearing relating to an order made against the LSC.

¹ SI 2000/441; SI 2000/824; SI 2001/822; SI 2001/823; SI 2001/3812; SI 2003/649; SI 2005/2006; and the equivalent provisions in the Legal Aid (Scotland) Act 1986 or the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981.

² There is a strict time limit for making an application under section 11 see *R v Secretary of State for the Home Dept ex parte Gunn* [2001] EWCA Civ 891 and the Guidance Notes issued by the Senior Costs Judge.

4.7 References in this paragraph to the LSC and to section 11 of the Access to Justice Act 1999 are to be read as references to the appropriate Legal Aid Board and to the equivalent provisions in the Legal Aid (Scotland) Act 1986 and the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 in cases to which those provisions apply.

5. FILING

5.1 Bills of costs for assessment must be filed within three months of :

- (a) the date on which the final judgment in the appeal is handed down; or
- (b) the date on which an application for permission to appeal is dismissed by an Appeal panel; or
- (c) the date on which an application for permission or a notice of appeal is withdrawn.

6. EXTENSION OF TIME

6.1 If an extension of the three month period for filing a bill is desired, application must be made in writing to the Registrar before the end of that period. Copies of all such correspondence must be sent to all interested parties.

6.2 Applications for extensions of time may be made after the expiry of the three month period. In deciding whether to grant an application the Registrar takes into account all the circumstances, including:

- (a) the interests of the administration of justice;
- (b) whether the failure to file in time was intentional;
- (c) whether there is a good explanation for the failure to file in time;
- (d) the effect which the delay has had on each party; and
- (e) the effect which the granting of an extension of time would have on each party.

7. FORM OF BILL

7.1 The items on a bill should be numbered consecutively as shown in Section 2 below and similarly worded where possible. Parties or their solicitors should adhere to the items shown so far as possible. The standard three column bill paper should be used. See paragraph 16.3 for items relating to counsel's fees.

7.2 Where costs are to be assessed both as between the parties and under the Access to Justice Act 1999 or the Legal Aid (Scotland) Act 1986 or the Second Schedule to the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981, a six column bill should be drawn.

8. ENDORSEMENT

8.1 The bill must be endorsed before filing with a certificate of service on the parties entitled to be represented at the assessment or their solicitors. Information about the date and time of the assessment is sent to all such parties or solicitors.

9. DOCUMENTS

9.1 The following documents must be filed with the Costs Clerk:

- (a) the **bill plus two copies**;
- (b) counsel's fee notes and, where counsel's fees exceed the guideline rates in paragraph 26.5, a detailed note explaining why;
- (c) written evidence of any other disbursement which is claimed and which exceeds £500;
- (d) certificates as to
 - (i) accuracy,
 - (ii) interest and payments,
 - (iii) (where appropriate) interest of assisted person or funded client.

9.2 Other papers on which parties intend to rely may be brought to the assessment hearing or filed with the Costs Clerk as he thinks appropriate. At least 4 copies of any such papers must be provided. Where a bill is complex or large, any papers which the Costs Officers will need to pre-read, should be filed at least 7 days before the hearing.

10. BASIS OF ASSESSMENT

10.1 Unless otherwise provided for by order or direction, costs in the Supreme Court are ordered to be assessed on the standard basis or on the indemnity basis in accordance with rules 50 and 51 of the Supreme Court Rules or the equivalent bases that apply in Scotland and Northern Ireland.

11. FEES FOR PREPARING APPLICATIONS FOR PERMISSION TO APPEAL

- 11.1 The general rule is that a single fee is allowed for one junior counsel for preparing applications for permission to appeal. Rarely, if ever, are fees allowed for two counsel, but a fee may be allowed for a Queen's Counsel instead of junior counsel if this is held to be necessary because of the difficulty or complexity of the case or other good reason¹.
- 11.2 In a publicly funded application for permission to appeal, a fee for Queen's Counsel is not allowed unless permission has been given by the relevant funding authority.
- 11.3 For guideline figures for fees on applications for permission to appeal, see paragraph 26.5.

12. FUNDED PARTIES: APPLICATIONS FOR PERMISSION TO APPEAL

- 12.1 Where an applicant for permission to appeal is publicly funded and the application is dismissed without an oral hearing:
 - (a) reasonable costs may be awarded for preparing the applicant's papers for the Appeal panel;
 - (b) a publicly funded respondent may be awarded costs incurred in attending the client, filing notice of objection and, where applicable, preparing respondent's objections to the application;
 - (c) an unassisted respondent may be awarded costs similar to those at (b) above out of the Community Legal Service Fund pursuant to section 11 of

¹ As to "necessary", see Lord Woolf CJ, *Home Office v Lownds* [2002] EWCA Civ 365.

the Access to Justice Act 1999 or the equivalent provisions in the Legal Aid (Scotland) Act 1986 and the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981.

- 12.2 If an application for permission to appeal is dismissed after an oral hearing, the costs of the hearing are allowable in addition to the costs at (a) to (c) above.

13. RESPONDENTS' OBJECTIONS

- 13.1 Respondents to an application for permission to appeal who submit objections under rule 13 may apply for costs in accordance with paragraphs 3 and 4 above. For guideline figures for preparing respondents' objections, see paragraph 26.5.

14. PROVISIONAL ASSESSMENT

- 14.1 A provisional assessment procedure exists for the assessment of costs involving public funding and in cases where the parties request a provisional assessment. In such cases a provisional assessment is conducted without the attendance of the parties, and the Registrar informs them in writing of the outcome: rule 49(6). If the result of this procedure proves unsatisfactory to the parties, or if points of disagreement cannot be resolved in correspondence, the Registrar appoints a date for a hearing.
- 14.2 Large or complex bills, and bills to be assessed as between the parties, are not usually dealt with by provisional assessment procedure but at a hearing before the Costs Officers.
- 14.3 Any request for a hearing following a provisional assessment must be made within 14 days of the receipt of the letter from the Registrar: rule 49(6). Where an oral hearing is requested, it will take place before a Costs Judge and the Registrar.
- 14.4 The Scottish Legal Aid Board will be informed of any provisional assessment in an appeal from Scotland in order that it may decide whether or not to intervene.

15. ASSESSMENT BEFORE COSTS OFFICERS

Points of dispute

- 15.1 A paying party may file points of dispute under rule 48 but, if the bill is above **£20,000**, the paying party must file points of dispute. Paying parties who file points of dispute must do so within 21 days of service of the bill upon them, and must at the same time serve a copy of the points of dispute on every other party. The points of dispute must be properly endorsed with a certificate of service. The receiving party may within 21 days from service of the points of dispute respond to the points if they think it appropriate to do so.
- 15.2 Where the paying party does not file points of dispute and fails to attend an assessment, the Costs Officer may nevertheless assess the bill, but generally allows the bill to the extent that it appears reasonable and (if appropriate) proportionate.

Date of assessment hearing

- 15.3 The Registrar gives at least 21 days' notice of the day and time appointed for assessment to all those entitled to be heard at the assessment.

Attendance at assessments

15.4 The receiving party or their deputy must attend the assessment. Where additional papers are brought to the assessment, at least 4 copies must be provided. Only the parties or their solicitors who were responsible for the case in the Supreme Court or their deputies have a right to be heard. For the purpose of this paragraph, a deputy may be another member of the solicitor's firm, or the London agent, or the costs draftsman or counsel instructed for the purpose; but those attending must be fully conversant with the matters to be considered.

Counsel

15.5 Where counsel's fees exceed the guideline rates in paragraph 26.5, a detailed note must accompany the bill, explaining why this is justified. Submissions on counsel's fees may be made at the assessment hearing or in writing to the Costs Officer on a provisional assessment.

16. COSTS OFFICERS' DISCRETION (CIVIL APPEALS)

16.1 The Costs Officers have discretion as to the amount to allow. In exercising this discretion they bear in mind the terms "unreasonably incurred" and "unreasonable in amount" in CPR 44.4, (or in appeals from Scotland the provisions of Rule 42.10 of the Rules of the Court of Session 1994) and in particular consider to what extent an item assisted the Court in determining the appeal. In the case of applications for permission to appeal, a major consideration is whether the application gave rise to a point of public importance.

16.2 The length of a hearing, the complexity of the issues as indicated by the judgments delivered in the Court, and the general level of fees sought and allowed in the lower courts are taken into account.

16.3 Counsel's fees are assessed in respect of each item of work counsel has undertaken. It is essential therefore in drawing a bill to apportion counsel's work according to the categories set out in paragraphs 26.5 and 26.7. The number of hours spent by counsel in preparation is rarely of assistance to the Costs Officers when assessing the quantum of counsel's fees at any stage of the proceedings.

16.4 The Costs Officers have discretion to allow Queen's Counsel's fees for applications for permission to appeal (subject to paragraph 11).

16.5 The Costs Officers have no discretion to allow fees for more than two counsel unless the Court has, on application at the hearing, made an order that the fees of more than two counsel may be allowed. See paragraph 6.3.7 of Practice Direction 6.

17. COSTS OFFICERS' DISCRETION (CRIMINAL APPEALS)

17.1 The Costs Officers do not generally take into account the hours spent by counsel in preparation.

17.2 The Costs Officers have discretion to allow Queen's Counsel's fees for applications for permission to appeal (subject to paragraph 11).

- 17.3 The Costs Officers have no discretion to allow fees for more than two counsel unless the Court has, on application at the hearing, made an order that the fees of more than two counsel may be allowed. See paragraph 6.3.7 of Practice Direction 6.

18. APPEALS AGAINST ASSESSMENT IN THE SUPREME COURT

Appeals against assessment

- 18.1 Any party to an assessment who is dissatisfied with all or part of a decision of the Costs Officer may apply in accordance with rule 53 for that decision to be reviewed by a single Justice.
- 18.2 An application may be made only on a question of principle and not in respect of the quantum allowed on any item. For applications see paragraph 7.1 of Practice Direction 7.
- 18.3 Any application must be made within 14 days after the decision of the Costs Officer or such longer period as may be fixed by him or by the Registrar.

Written grounds of appeal

- 18.4 An application for a review must be accompanied by written submissions setting out the items or parts of items objected to and stating concisely in each case the nature and grounds of the objections. A copy of the grounds of appeal must be delivered to each party who attended the assessment of those items.
- 18.5 Any party to whom a copy of the grounds of appeal is delivered may, within 14 days after delivery of the copy to them or such longer period as may be fixed by the Registrar, submit in writing to the Registrar their answers to the grounds of appeal. They should state concisely the reasons why they are opposed to a review of the item(s), and must at the same time deliver a copy of their answers to the party applying for review and to each party to whom a copy of the grounds of appeal has been delivered.

Reference to a Single Justice

- 18.6 When he has received all the necessary documents, the Registrar refers the matter to a single Justice nominated by the presiding or senior Justice who heard the appeal or application for permission to appeal.
- 18.7 The nominated single Justice decides whether the matter should be referred to an Appeal Panel and, before he makes a decision, he may consult other Justices who heard the appeal or application. If the single Justice is of the opinion that the matter should *not* be so referred, the decision of the Costs Officer is affirmed.

Application to the Court

- 18.8 If the nominated single Justice decides that the matter should be referred to an Appeal panel, the party disputing the decision of the Costs Officer may, within 14 days of the date on which that decision is communicated to the parties, file an application in Form 2.

18.9 The application will be referred to a Panel of Justices, which considers whether it should be referred for hearing.

19. ALLOCATUR (AGREED COSTS FIGURES)

19.1 Forms of allocatur are obtained from the Costs Clerk at the assessment hearing and must be returned by the receiving party to the Costs Clerk within one month, signed by all parties who attended the assessment, together with the completed bill and assessment fee. Specimen forms are set out in Section 3 below.

19.2 If a paying party refuses to sign the form of allocatur, the signature of the receiving party will be sufficient, provided the Registrar is satisfied that the paying party has refused to sign without good reason.

20. CERTIFICATE OF DISCHARGE

20.1 A certificate in the following form may be accepted as evidence of payment of any disbursement not exceeding £500 (other than fees to counsel) provided that the paying party does not object, and subject to any direction to the contrary that may be given by the Costs Officer:

We A.B. & Co.,
Hereby certify that all disbursements listed in the
assessed bill in the matter of C. v. D. which individually
do not exceed £500 (other than those relating to
counsel's fees) have been duly discharged.
Signed A. B. & Co.

21. VOUCHING

21.1 Counsel's fee notes must be receipted except in the case of publicly funded bills.

22. SUMMARY

22.1 The completed bill of costs must include a summary (see Section 3 below) showing the respective amounts of profit costs, counsel's fees, other disbursements and VAT allowed.

23. FEES

23.1 Information about payment of assessment fees is set out in Section 4 below and the fees are set out in Annex 2 to Practice Direction 7.

23.2 The receiving party is responsible for paying the filing fee and the assessment fee.

23.3 The receiving party is responsible for paying the fee on a withdrawn bill.

23.4 Reduced fees are payable when costs are agreed before assessment. Responsibility for informing the Registrar that agreement has been reached lies with the receiving party, but both parties must confirm the agreement in writing.

23.5 Drafts and cheques for fees are payable to “**The Supreme Court of the United Kingdom**”.

24. CERTIFICATES

Civil

24.1 When the assessment fee has been paid, a certificate of assessment for the costs as allowed will be sent to the receiving party, except in the case of respondents whose costs can be wholly satisfied from money deposited as security for costs (see rules 36 and 54).

Criminal

24.2 Where costs have been ordered to be paid out of Central Funds or where costs are paid under Legal Aid Orders issued by the Registrar of the Court of Appeal, Criminal Division, the certificate and counsel’s fee notes are sent to the Senior Courts Fees Office to settle the certificated amounts with the parties or their agents and counsel direct.

Courts-Martial

24.3 Where costs are payable to the Secretary of State for Defence in respect of an appeal from the Courts-Martial Appeal Court, the certificate is sent direct to the Ministry of Defence to settle as in 24.2 above.

Criminal (Northern Ireland)

24.4 Where the costs are payable in accordance with section 41 of the Criminal Appeal (Northern Ireland) Act 1980 the certificates are sent to the Northern Ireland Office to settle as in 24.2 above.

25. INTEREST

25.1 Interest is chargeable on orders made in respect of costs assessed as between the parties and orders for costs in favour of successful unassisted parties. The rate of interest is in accordance with the provisions of the Judgments Act 1838, as amended, and interest accrues from the day on which the order of the Court is made or such other date as the Court may specify.

25.2 It is within the discretion of the Costs Officer to vary the period for which interest is allowed in any case where the circumstances make it appropriate to do so.

26. QUANTUM: GUIDELINES ON FEES ALLOWED

Solicitors practising in England and Wales¹

26.1 The guideline rates set out below are used. These are consolidated figures that include a mark-up for care and attention. No further mark-up is allowed for care and attention.

26.2 The following table sets out the hourly rates and localities:

¹ Consolidated rates based on those permitted in the respective jurisdictions are allowed for solicitors practising in Scotland or Northern Ireland.

| <i>Grade of fee earner:-</i> | A | B | C | D |
|------------------------------|---------|---------|-----|-----|
| | £ | £ | £ | £ |
| City of London | 402 | 291 | 222 | 136 |
| Central London | 312 | 238 | 193 | 124 |
| Outer London | 225-263 | 169-225 | 162 | 119 |
| National 1 | 213 | 189 | 158 | 116 |
| National 2/3 | 198 | 174 | 144 | 109 |

An explanation of the grades and details of localities will be found in Section 5 below.

26.3 Claims at the “A” rate must be justified.

26.4 When travel and waiting is claimed, this is allowed at the rate agreed with the client, unless this is more than the hourly rate allowed on the assessment.

Letters and telephone calls are allowed at one tenth ($\frac{1}{10}$) of the hourly rate.

Counsel

26.5 The following guideline figures are used in assessing payments to counsel:

Applications for permission, civil and criminal

| | Junior | QC (subject to paragraph 11) |
|--|---------------|-------------------------------------|
| Settling application | £1000 | £1250 |
| Advice (if any) for Legal Services Commission or Legal Aid Board in Scotland or Northern Ireland | £400 | £600 |
| Preparing respondents’ objections | £700 | £1000 |
| Attending oral hearing by Appeal Panel | £1500 | £2000 |

26.6 If an increase is sought on any of the above items, it must be explained in a detailed note from counsel which accompanies the bill. No other payments are allowed at the permission to appeal stage.

26.7 The general rule is that only one counsel’s fees are allowed on assessment for any stage of an application for permission to appeal, unless a public funding or legal aid certificate authorises two counsel (see paragraph 11).

Appeals—civil and criminal

| | Junior | QC |
|--|---------------|-----------|
| Settling notice of appeal | £100 | £100 |
| Statement of facts and issues | £2000 | £4000 |
| Authorities | £800 | £1600 |
| Conferences (each, up to a maximum of six) | £500 | £1000 |
| Advice | £900 | £1800 |
| Brief (based on a 1 day hearing) | £7000 | £14000 |

| | | |
|--|-------|--------|
| Brief (based on a 2 day or longer hearing) | £9000 | £18000 |
| Refresher (from day two of the hearing) | £1500 | £3000 |

Notes

- 26.8 Generally counsel for an appellant commands a higher fee than counsel for a respondent.
- 26.9 The brief fee includes **all work on the brief, the case and the first day of attendance at the Court.**
- 26.10 The Costs Officers exercise discretion in instances where junior counsel has undertaken most of the work on a particular item.
- 26.11 For settling a notice of appeal, only one counsel's fee is permitted. The Costs Officers have no discretion to allow fees for more than two counsel unless the Court has, on application at the hearing, made an order that the fees of more than two counsel may be allowed. See paragraph 6.3.7 of Practice Direction 6.
- 26.12 These fees are intended as a guide. If counsel seek higher fees, they must explain in a detailed note which should accompany the bill.

27. CONDITIONAL FEE AGREEMENTS

- 27.1 Notification should be given to the opposing parties and to the Registry as soon as practicable after a conditional fee agreement has been entered into¹. The Costs Officers decide questions of percentage uplift in accordance with the principles set out in *Designers' Guild Limited v. Russell Williams (Textiles) Limited (Trading as Washington D.C.)* [2003] 2 Costs LR 204².

28. COSTS OF LITIGANTS IN PERSON

- 28.1 The amount allowed to a litigant in person may not exceed the loss actually sustained or, where no loss has been sustained, £9.25 for each hour reasonably spent, subject in either case to a maximum for any particular item of two thirds of the sum which in the opinion of the Costs Officer would have been allowed for that item if the litigant had been represented by a solicitor. The two thirds limit does not apply to out-of-pocket expenses which would be disbursements if incurred by a solicitor. (For further information see CPR 48.6 and section 52 of the Costs Practice Direction which supplements it.)

29. COSTS OF DRAFTING BILL FOR ASSESSMENT

- 29.1 By way of guidance for smaller bills, the following sums are usually justified:

¹ Notification is not generally needed in Scottish appeals where an agreement has been entered into under Rule 42.17 of the Rules of the Court of Session 1994 but it is helpful to the Costs Officers to be informed of any such agreement when the account of expenses is submitted for assessment.

² It is open to the Costs Officers to reduce the percentage uplift recoverable if it is considered to be excessive. A party who seeks a ruling that the percentage uplift should be disallowed on legal grounds should apply to the Court at the hearing for such a ruling.

| Amount of bill | Amount allowed |
|---|-----------------------|
| Bills assessed at up to £2000 (excluding VAT) | £300 |
| Bills assessed at £2001-£5000 (excluding VAT) | £500 |
| Bills assessed at £5001-£10000 (excluding VAT) | £700 |

29.2 For a larger bill the amount allowed is a multiple of the relevant hourly rate for time reasonably spent in drafting the bill.

SECTION 2: FORMS OF BILLS OF COSTS

Note: the figures in the following forms are for illustrative purposes only

Form A: Respondent's bill of costs under paragraph 3.5.1(d) of Practice Direction 3

IN THE SUPREME COURT

ON APPEAL FROM HER MAJESTY'S COURT OF APPEAL (ENGLAND)

BETWEEN

| | |
|---------|--------------------------|
| AB | Claimant and Appellant |
| - and - | |
| CD | Defendant and Respondent |

RESPONDENT'S BILL OF COSTS

V.A.T. No. 33 5574 90

Proceedings in the Courts below

The appellant brought a claim in the High Court seeking compensation for personal injuries and other losses suffered in a road accident which occurred on 1st January 1999, as a result of which the respondent (the defendant in those proceedings) was later convicted of various offences including careless driving and driving under the influence of drink or drugs.

At the trial of the claim in July 2001 the appellant was awarded damages totalling £78,256.53 plus interest and costs. The respondent brought an appeal to the Court of Appeal relying upon several infringements of articles 6 and 8 of the Human Rights Act 1998 which had occurred at and before the trial. The appeal was successful. By its order dated 27 June 2002, the Court of Appeal set aside the trial award and awarded to the respondent her costs incurred in the High Court and Court of Appeal.

Proceedings in the Supreme Court

The appellant sought permission to appeal against the Order of the Court of Appeal dated 27 June 2002. The application for permission was served on the respondent who then filed notice of objection. On 28 July 2003 permission to appeal was refused without a hearing and the respondent was allowed to apply for her costs in accordance with paragraph 3.5.1(d) of Practice Direction 3. The respondent respectfully requests the Registrar to accept this bill as constituting such an application.

Fee earners and hourly rates

The respondent first instructed T U V & Co in this matter in June 2002. The following rates were agreed

Partner - £195 per hour plus VAT

Assistant solicitor - £130 per hour plus VAT

Other fee earners - £95 per hour plus VAT

Routine letters and emails out and telephone calls – one tenth of the relevant hourly rate.

| Item No. | Description of work done | V.A.T. | Disbursements | Profit Costs |
|----------|--|--------|---------------|--------------|
| | Attendances upon the Registry | | | |
| | 18 July 2002 | | | |
| 1 | Filing notice of objection – Trainee solicitor 6 minutes | | | £ 9.50 |
| 2 | Travelling and waiting 1.3 hours | | | £ 123.50 |
| 3 | Paid fee | | £ 115.00 | |
| | Attendances upon the respondent | | | |
| 4 | Routine letters (5: assistant) | | | £ 65.00 |
| 5 | Routine telephone calls (7: assistant) | | | £ 91.00 |
| | Attendances upon the appellant | | | |
| 6 | Routine letters (5: assistant) | | | £ 65.00 |
| | Communications with Registry | | | |
| 7 | Routine letter (1: assistant) | | | £ 13.00 |
| | Attendances upon documents | | | |
| | 12 July 2002 considering the application for permission 24 mins partner | | | |
| | 28 July 2002 considering the ruling thereon 6 mins partner | | | |
| 8 | Total for partner 0.5 hours | | | £ 97.50 |
| | Other work done | | | |
| | Preparing and checking the bill | | | |
| 9 | Partner 24 mins | | | £ 78.00 |
| 10 | Costs draftsman 1.5 hours | | | £ 142.50 |
| | Assessment of costs | | | |
| | Preparing for and attending assessment (including perusal of any Points of Dispute served) | | | |
| 11 | Partner 0.5 hours (estimated) | | | £ 97.50 |
| 12 | Costs draftsman 1.5 hours (estimated) | | | £ 142.50 |
| 13 | Travel and waiting (costs draftsman) 1.5 hours (estimated) | | | £ 142.50 |
| 14 | VAT on total profit costs of £1,067.50 | | | £ 186.81 |
| 15 | Assessment fee (to be added) | | | |
| | Grand totals | | | |
| | Profit Costs £ 1,067.50 | | | |
| | VAT thereon £ 186.81 | | | |
| | Disbursements £ 115.00 | | | |
| | VAT thereon £ - | | | |
| | Total costs claimed £ 1,369.31 | | | |

Form B Appellant's bill for application for permission and appeal

IN THE SUPREME COURT

ON APPEAL FROM HER MAJESTY'S COURT OF APPEAL (ENGLAND)

BETWEEN

AB Claimant and Appellant

~ and ~

CD Defendant and Respondent

APPELLANT'S BILL OF COSTS

V.A.T. No. 22 4462 80

Proceedings in the Courts below

The appellant brought a claim in the High Court seeking compensation for personal injuries and other losses suffered in a road accident which occurred on 1st January 1999, as a result of which the respondent (the defendant in those proceedings) was later convicted of various offences including careless driving and driving under the influence of drink or drugs.

At the trial of the claim in July 2001 the appellant was awarded damages totalling £78,256.53 plus interest and costs. The respondent brought an appeal to the Court of Appeal relying upon several infringements of articles 6 and 8 of the Human Rights Act 1998 which had occurred at and before the trial. The appeal was successful. By its order dated 27 June 2002, the Court of Appeal set aside the trial award and awarded to the respondent her costs incurred in the High Court and Court of Appeal.

Proceedings in the Supreme Court

The appellant applied for permission to appeal against the Order of the Court of Appeal dated 27 June 2002. The application was heard on 28 October 2002 and was successful. The appellant then gave notice that he wishes to proceed with his appeal. It was not possible to agree the Statement of Facts and Issues within the time allowed and therefore, with the consent of the respondent, an application was made for an extension of time. In November 2002 an agreed Statement of Facts and Issues and an Appendix was filed and the Registrar was informed that the appeal was ready to list. The appeal then proceeded to a hearing before the Court on 18 July 2003 and, on 28 July 2003, Orders were made setting aside the Order of the Court of Appeal dated 27 June 2002 and restoring the Order of Mr Justice Alexander dated 26 July 2001. It was further ordered that the respondent should pay or cause to be paid to the appellant the costs incurred by the appellant in the proceedings in the Supreme Court and in the proceedings in the Court of Appeal.

Fee earners and hourly rates

The appellant first instructed E F & Co under a conditional fee agreement dated 8 July 2000 which applied to the claim and to the appeal brought in the Court of Appeal by the respondent. That agreement did not apply to the proceedings in the House of Lords and therefore a further conditional fee agreement dated 28 July 2001 was made which specifies the following base fees and success fees

Partner - £195 per hour plus VAT

Assistant solicitor - £144 per hour plus VAT

Success fee - 100% discounted to 25% if, before or within 2 weeks after the appeal is set down, the parties agree settlement terms which in effect restore the decision herein of Mr Justice Alexander.

Except where the contrary is stated the proceedings were conducted on behalf of the appellant by an assistant solicitor, admitted November 2001.

Counsel's fees

E F & Co instructed Counsel (Miss G H, called 1992) under a conditional fee agreement dated 28 July 2001, which specifies a success fee as defined in the agreement between solicitor and client and base fees, payable in various circumstances, of which the following are relevant

Conferences £250 plus £50 per half hour or part thereof, plus VAT

Brief for appeal (estimated duration 5 hours) £2,750 plus VAT

Fee for second and subsequent days £850 plus VAT

Judgment fee £200 plus VAT

| Item No. | Description of work done | V.A.T. | Disbursements | Profit Costs |
|----------|---|--------|---------------|--------------|
| | APPLICATION FOR PERMISSION | | | |
| | Attendances at the Registry | | | |
| | 8 July 2002 | | | |
| 1 | Filing the application 6 mins | | | £ 14.40 |
| 2 | Travelling and waiting 1.3 hours | | | £ 187.20 |
| 3 | Paid fee | | £ 570.00 | |
| | Attending the Appeal Panel | | | |
| | 28 October 2002 | | | |
| 4 | Attending Hearing 1.1 hours | | | £ 158.40 |
| 5 | Travel and waiting 1.8 hours | | | £ 259.20 |
| 6 | Counsel's base fee for hearing | | £ 750.00 | |
| | Attendances upon the appellant | | | |
| 7 | Routine letter (1: partner) | | | £ 19.50 |
| 8 | Routine letters (5: assistant) | | | £ 72.00 |
| 9 | Routine telephone calls (7: assistant) | | | £ 100.80 |
| 10 | Timed telephone calls (Schedule 1: total 1.7 hours) | | | £ 244.80 |
| | Attendances upon the respondent | | | |
| 11 | Routine letters (5) | | | £ 72.00 |
| | Communications with Registry | | | |
| 12 | Routine letters (5) | | | £ 72.00 |
| | Communications with Counsel | | | |
| 13 | Routine letters (2) | | | £ 28.80 |
| 14 | Routine telephone calls (6) | | | £ 86.40 |
| | Attendances upon documents (Schedule 2) | | | |
| 15 | Total for partner 1.1 hours | | | £ 214.50 |
| 16 | Total for assistant 36 minutes | | | £ 86.40 |
| | NOTICE OF APPEAL | | | |
| | Attendances upon the Registry and Counsel | | | |
| | 11 November 2002 | | | |
| 17 | Filing the notice 6 mins | | | £ 14.40 |
| 18 | Travelling and waiting 1.3 hours | | | £ 187.20 |
| 19 | Paid fee | | £ 570.00 | |
| | Carried forward:- | £ - | £ 1,890.00 | £ 1,818.00 |

| | | | | |
|----|--|-----|------------|------------|
| | Conference with counsel | | | |
| 20 | Attending with client 1.5 hours | | | £ 216.00 |
| 21 | Travelling and waiting 1.2 hours | | | £ 172.80 |
| 22 | Counsel's base fee | | £ 400.00 | |
| | Application for extension of time (filed by post) | | | |
| 23 | Paid fee | | £ 230.00 | |
| | 15 January 2003 | | | |
| 24 | Filing Agreed Statement of Facts and Issues and Appendix 18 mins | | | £ 43.20 |
| 25 | Travelling and waiting 1.7 hours | | | £ 244.80 |
| 26 | Paid fee | | £ 3,420.00 | |
| | Attending the Appeal | | | |
| | 18 July 2003 | | | |
| 27 | Attending Hearing 4.7 hours | | | £ 676.80 |
| 28 | Travel and waiting 1.8 hours | | | £ 259.20 |
| 29 | Counsel's base fee for hearing | | £ 2,750.00 | |
| | 28 July 2003 | | | |
| 30 | Attending for Judgment 1.7 hours | | | £ 244.80 |
| 31 | Travel and waiting 1.8 hours | | | £ 259.20 |
| 32 | Counsel's Judgment fee | | £ 850.00 | |
| | Attendances upon the appellant | | | |
| 33 | Routine letter (7: partner) | | | £ 136.50 |
| 34 | Routine letters (35: assistant) | | | £ 504.00 |
| 35 | Routine telephone calls (27: assistant) | | | £ 388.80 |
| 36 | Timed telephone calls (Schedule 3: total 2.7 hours) | | | £ 388.80 |
| | Attendances upon the respondent | | | |
| 37 | Routine letters (15) | | | £ 216.00 |
| 38 | Routine telephone calls (27) | | | £ 388.80 |
| 39 | Timed telephone calls (Schedule 4: total 1.6 hours) | | | £ 230.40 |
| | Communications with Registry | | | |
| 40 | Routine letters (23) | | | £ 331.20 |
| | Carried forward:- | £ - | £ 9,540.00 | £ 6,519.30 |

Form C: Respondent's bill of costs including separate accounts for Scottish and English agents

IN THE SUPREME COURT

ON APPEAL FROM THE COURT OF SESSION IN SCOTLAND

BETWEEN

AB Pursuer and Appellant

- and -

CD Defender and Respondent

RESPONDENT'S BILL OF COSTS

Proceedings in the Courts below

The appellant brought a claim for compensation for personal injuries and other losses suffered in a road accident which occurred on 1st January 1999, as a result of which the respondent (the defender in those proceedings) was later convicted of various offences including careless driving and driving under the influence of drink or drugs.

The claim was heard by the Lord Ordinary (Lady X) in the Court of Session in July 2001 and was successful. The appellant was awarded damages totalling £78,256.53 plus interest and expenses. A reclaiming motion was marked by the respondent in which she relied upon several infringements of articles 6 and 8 of the Human Rights Act 1998 which had occurred at and before the trial. The reclaiming motion was heard by their lordships of the First Division of the Court of Session in June 2002. On 27 June 2002 the First Division allowed the reclaiming motion, set aside the trial award and awarded to the respondent her expenses incurred in the proceedings before them and before the Lord Ordinary.

Proceedings in the Supreme Court

The notice of appeal was served on the respondent who filed an acknowledgement to it. In November 2002 a Statement of Facts and Issues and an Appendix were agreed. The appeal was proceeded to a hearing on 18 July 2003. On 28 July 2003, Orders were made dismissing the appeal and awarding the respondent her costs incurred in the Supreme Court.

Fee earners and hourly rates

EDINBURGH AGENTS' ACCOUNT

V.A.T. No. 43 9876 90

The respondent first instructed W X & Co in this matter in June 2002. The following rates were agreed

Partner - £190 per hour plus VAT

Assistant solicitor - £130 per hour plus VAT

Other fee earners - £95 per hour plus VAT

Routine letters and emails out and telephone calls – one tenth of the relevant hourly rate.

LONDON AGENTS' ACCOUNT

V.A.T. No. 33 5574 90

By her solicitors W X & Co, the respondent instructed Y Z & Co and the following rates were agreed

Partner - £195 per hour plus VAT

Assistant solicitor - £144 per hour plus VAT

Routine letters and emails out and telephone calls – one tenth of the relevant hourly rate.

Except where the contrary is stated the proceedings were conducted on behalf of the appellant by an assistant solicitor, admitted November 2001.

| Item No. | Description of work done | V.A.T. | Disbursements | Profit Costs |
|--|--|----------|---------------|--------------|
| <u>PART 1 EDINBURGH AGENTS' ACCOUNT</u> | | | | |
| <u>NOTICE OF APPEAL</u> | | | | |
| Attendances upon Counsel | | | | |
| 5 December 2002 | | | | |
| Consultation with counsel | | | | |
| 1 | Partner attending with client 1.5 hours | | | £ 285.00 |
| 2 | Travelling and waiting 1.2 hours | | | £ 228.00 |
| 3 | Counsel's fee | £ 78.75 | £ 450.00 | |
| 4 | Paid fee for certifying Appeal to the Supreme Court | | £ 97.00 | |
| Attending the Appeal | | | | |
| 18 July 2003 | | | | |
| 5 | Counsel's fee for hearing | £ 525.00 | £ 3,000.00 | |
| 28 July 2003 | | | | |
| 6 | Counsel's fee for judgment | £ 148.75 | £ 850.00 | |
| Attendances upon the respondent | | | | |
| Personal attendances (Schedule 1) | | | | |
| 7 | Total for partner 3.2 hours | | | £ 608.00 |
| 8 | Total for assistant 1.4 hours | | | £ 182.00 |
| 9 | Routine letters (15: Partner) | | | £ 285.00 |
| 10 | Routine letters (7: assistant) | | | £ 91.00 |
| 11 | Routine telephone calls (27: assistant) | | | £ 351.00 |
| Timed telephone calls (Schedule 2) | | | | |
| 12 | Total for partner 2.1 hours | | | £ 380.00 |
| 13 | Total for assistant 1.6 hours | | | £ 208.00 |
| Attendances upon the appellant | | | | |
| 14 | Routine letters (2: partner) | | | £ 38.00 |
| 15 | Routine letters (4: assistant) | | | £ 52.00 |
| Communications with Registry | | | | |
| 16 | Routine letters (8: assistant) | | | £ 104.00 |
| Communications with Counsel | | | | |
| 17 | Routine letters (12: partner) | | | £ 228.00 |
| 18 | Routine telephone calls (16: partner) | | | £ 304.00 |
| 19 | Timed telephone calls (Schedule 3: total 1.6 hours: partner) | | | £ 304.00 |
| Attendances upon documents (Schedule 4) | | | | |
| 20 | Total for partner 3.1 hours | | | £ 589.00 |
| 21 | Total for assistant 14.7 hours | | | £ 1,911.00 |
| Carried forward- | | £ 752.50 | £ 4,397.00 | £ 6,148.00 |

| Item No. | Description of work done | V.A.T. | Disbursements | Profit Costs |
|----------|--|--------------------|---------------|--------------|
| | Brought forward | £ 752.50 | £ 4,397.00 | £ 6,148.00 |
| | Other work done | | | |
| | Preparing and checking the bill | | | |
| 22 | Partner 0.7 hours | | | £ 133.00 |
| 23 | Assistant 1.4 hours | | | £ 182.00 |
| 24 | Costs draftsman's fee | £ 94.50 | £ 540.00 | |
| | Assessment of costs | | | |
| | Preparing for assessment (including perusal of any Points of Dispute served) | | | |
| 25 | Partner 1.5 hours (estimated) | | | £ 285.00 |
| | Sub totals:- | £ 847.00 | £ 4,937.00 | £ 6,748.00 |
| | Totals | | | |
| | Profit Costs £ 6,748.00 | | | |
| | VAT thereon £ 1,180.90 | | | |
| | Disbursements £ 4,937.00 | | | |
| | VAT thereon £ 847.00 | | | |
| | Total costs claimed in Part 1 | £ 13,712.90 | | |

| Item No. | Description of work done | V.A.T. | Disbursements | Profit Costs |
|----------|---|---------|---------------|--------------|
| | <u>PART 2 LONDON AGENTS' ACCOUNT</u> | | | |
| | NOTICE OF APPEAL | | | |
| | Attendances upon the Registry | | | |
| | 18 July 2002 | | | |
| 26 | Presenting the notice of appeal 6 minutes | | | £ 14.40 |
| 27 | Travelling and waiting 1.3 hours | | | £ 187.20 |
| 28 | Paid fee | | £ 1,140.00 | |
| | Attending the Appeal | | | |
| | 18 July 2003 | | | |
| 29 | Attending Hearing 4.7 hours | | | £ 676.80 |
| 30 | Travel and waiting 1.8 hours | | | £ 259.20 |
| | 28 July 2003 | | | |
| 31 | Attending for Judgment 1.7 hours | | | £ 244.80 |
| 32 | Travel and waiting 1.8 hours | | | £ 259.20 |
| | Attendances upon the respondent and her Edinburgh agents | | | |
| 33 | Routine letters (35) | | | £ 504.00 |
| 34 | Routine telephone calls (27) | | | £ 388.80 |
| 35 | Timed telephone calls (Schedule 5: total 1.6 hours) | | | £ 230.40 |
| | Attendances upon the appellant | | | |
| 36 | Routine letters (25) | | | £ 360.00 |
| 37 | Routine telephone calls (27) | | | £ 388.80 |
| | Communications with Registry | | | |
| 38 | Routine letters (23) | | | £ 331.20 |
| | Communications with Counsel | | | |
| 39 | Routine letters (2) | | | £ 28.80 |
| 40 | Routine telephone calls (16) | | | £ 230.40 |
| | Attendances upon documents (Schedule 6) | | | |
| 41 | Total for partner 3.1 hours | | | £ 604.50 |
| 42 | Total for assistant 18.7 hours | | | £ 2,692.80 |
| | Other work done | | | |
| | Preparing and checking the bill | | | |
| 43 | Partner 24 mins | | | £ 78.00 |
| 44 | Assistant 1.4 hours | | | £ 201.60 |
| 45 | Costs draftsman's fee | £ 94.50 | £ 540.00 | |
| | Carried forward:- | £ 94.50 | £ 1,680.00 | £ 7,680.90 |

| Item No. | Description of work done | V.A.T. | Disbursements | Profit Costs |
|----------|--|--------------------|---------------|--------------|
| | Brought forward | £ 94.50 | £ 1,680.00 | £ 7,680.90 |
| | Assessment of costs | | | |
| | Preparing for and attending assessment (including perusal of any Points of Dispute served) | | | |
| 46 | Assistant 2.5 hours (estimated) | | | £ 360.00 |
| 47 | Travel and waiting 1.5 hours (estimated) | | | £ 216.00 |
| 48 | Costs draftsman's fee for attending the hearing and travel and waiting (estimated) | £ 52.50 | £ 300.00 | |
| 49 | Assessment fees (to be added) | | | |
| | Sub totals:- | £ 147.00 | £ 1,980.00 | £ 8,256.90 |
| | Totals | | | |
| | Profit Costs £ 8,256.90 | | | |
| | VAT thereon £ 1,444.96 | | | |
| | Disbursements £ 1,980.00 | | | |
| | VAT thereon £ 147.00 | | | |
| | Total costs claimed in Part 2 | £ 11,828.86 | | |
| | SUMMARY | | | |
| | Part 1 £ 13,712.90 | | | |
| | Part 2 £ 11,828.86 | | | |
| | TOTAL | £ 25,541.76 | | |

SECTION 3: SUMMARY AND ALLOCATUR OF BILLS OF COSTS

1 Summary for Bill

—

| | Assessed Off | Value Added Tax¹ | Disbursements | Profit costs |
|---|---------------------|------------------------------------|----------------------|---------------------|
| <hr/> | | | | |
| Disbursements | | | | Profit Costs |
| <hr/> | | | | |
| | | | | Page 1 |
| | | | | Page 2 |
| | | | | Page 3 |
| | | | | Page 4 |
| <hr/> | | | | |
| Assessed off | | | | |
| <hr style="width: 50%; margin-left: 0;"/> | | | | |
| Add profit costs | | | | |
| Add VAT on profit costs | | | | |
| Add counsel's fees | | | | |
| Add VAT on counsel's fees... | | | | |
| Other disbursements | | | | |
| Add VAT on other disbursements... | | | | _____ |
| Total | | | | |
| Assessment fee 5% | | | | _____ |
| (on total rounded up to next pound) | | | | ===== |

¹ Value Added Tax on disbursements as allowed.

Funded Summary

Profit costs (excluding costs
of assessment)

VAT on profit costs

Counsel's fees

VAT on counsel's fees ...

Other disbursements
(excluding assessment fee) ...

VAT on other
disbursements

Costs of assessment
allowed against Community
legal service fund
(including assessment fee)

VAT thereon (excluding
assessment fee)

(or simple form if appropriate)

3. Allocatur¹

IN THE SUPREME COURT

BETWEEN

.....

v.

.....

APPELLANT’S/RESPONDENT/S* COSTS

**(Delete where applicable)*

Amount of profit costs and disbursements claimed

Less assessed off disbursements and profit costs.....

Total

Add VAT²

Total allowed.....

Assessment fee on total allowed³

Amount to be certified.....

=====

.....Solicitor for the appellant

.....Solicitor for the respondent

**REGISTRAR
SUPREME COURT**

¹ The return of this form together with the bill and the fee within one month of the assessment is the responsibility of the receiving party. The party must indicate their agreement to the castings in the bill by signing the allocatur.

² On amounts which attract VAT.

³ Assessment fee payable to “the Supreme Court Fees Account”.

SECTION 4: FEES

For the relevant fees see the order made under section 52 of the Constitutional Reform Act 2005 on the website of the Supreme Court or Annex 2 to Practice Direction 7.

Drafts and cheques for assessment fees are payable to ‘the Supreme Court of the United Kingdom’.

SECTION 5: GUIDELINE FIGURES FOR THE PROVISIONAL ASSESSMENT OF COSTS

Solicitors’ hourly rates: England and Wales

1. The guideline rates set out in paragraph 26 for solicitors are broad approximations. Rates include care and attention.
2. The grades of fee earner are those that have been agreed between representatives of the Senior Courts Costs Office, the Association of District Judges and the Law Society. The categories are as follows:
 - A Solicitors with over eight years’ post qualification experience including at least eight years litigation experience.
 - B Solicitors, employed barristers and legal executives with over four years’ post qualification experience including at least four years litigation experience.
 - C Other solicitors, legal executives and fee earners of equivalent experience.
 - D Trainee solicitors, para legals and fee earners of equivalent experience.
3. “Legal Executive” means a Fellow of the Institute of Legal Executives. Those who are not Fellows of the Institute are not entitled to call themselves legal executives and in principle are therefore not entitled to the same hourly rate as a legal executive.
4. Unqualified clerks who are fee earners of equivalent experience may be entitled to similar rates and in this regard it should be borne in mind that Fellows of the Institute of Legal Executives generally spend two years in a solicitor’s office before passing their Section 1 general examinations, spend a further two years before passing the Section 2 specialist examinations and then complete a further two years in practice before being able to become Fellows. Fellows therefore possess considerable practical experience and academic achievement. Clerks without the equivalent experience of legal executives will be treated as being in the bottom grade of fee earner i.e. trainee solicitors and fee earners of equivalent experience. Whether or not a fee earner has equivalent experience is ultimately a matter for the discretion of the court.

The National 1 rates apply to

| |
|---|
| Aldershot, Farnham, Bournemouth (including Poole) Birmingham Inner Bristol Cambridge City, Harlow Canterbury, Maidstone, Medway & Tunbridge Wells Cardiff (Inner) Chelmsford South, Essex & East Suffolk Chester |
|---|

Fareham, Winchester
Hampshire, Dorset, Wiltshire, Isle of Wight
Kingston, Guildford, Reigate, Epsom
Leeds Inner (within 2 kilometers radius of the City Art Gallery)
Lewes
Liverpool, Birkenhead
Manchester Central
Newcastle - City Centre (within a 2 mile radius of St Nicholas Cathedral)
Norwich City
Nottingham City
Oxford, Thames Valley
Southampton, Portsmouth
Swindon, Basingstoke
Watford

The National 2/3 rates apply to

Bath, Cheltenham and Gloucester, Taunton, Yeovil
Bury
Chelmsford North, Cambridge County, Peterborough, Bury St E, Norfolk, Lowestoft
Cheshire & North Wales
Coventry, Rugby, Nuneaton, Stratford and Warwick
Exeter, Plymouth
Hull (City)
Leeds Outer, Wakefield & Pontefract
Leigh
Lincoln
Luton, Bedford, St Albans, Hitchin, Hertford
Manchester Outer, Oldham, Bolton, Tameside
Newcastle (other than City Centre)
Nottingham & Derbyshire
Sheffield, Doncaster and South Yorkshire
Southport
St Helens
Stockport, Altrincham, Salford
Swansea, Newport, Cardiff (Outer)
Wigan
Wolverhampton, Walsall, Dudley & Stourbridge
York, Harrogate

Birmingham Outer
 Bradford (Dewsbury, Halifax, Huddersfield, Keighley & Skipton)
 Cumbria
 Devon, Cornwall
 Grimsby, Skegness
 Hull Outer
 Kidderminster
 Northampton & Leicester
 Preston, Lancaster, Blackpool, Chorley, Accrington, Burnley, Blackburn, Rawenstall & Nelson
 Scarborough & Ripon
 Stafford, Stoke, Tamworth
 Teesside
 Worcester, Hereford, Evesham and Redditch
 Shrewsbury, Telford, Ludlow, Oswestry
 South & West Wales

LONDON BANDS

| Grade | A | B | C | D |
|---|-----------------|-----------------|-------------|-------------|
| City of London: EC1, EC2, EC3, EC4 | £380 | £274 | £210 | £129 |
| Central London: W1, WC1, WC2, SW1 | £292 | £222 | £181 | £116 |
| Outer London: (All other London post codes: W, NW, N, E, SE, SW and Bromley, Croydon, Dartford, Gravesend and Uxbridge) | £210-246 | £158-210 | £152 | £111 |

Scotland and Northern Ireland

The Costs Officers bear in mind the guideline rates for England and Wales when determining appropriate rates in appeals from Scotland and Northern Ireland.