



# Parliamentary Costs Act 2006

## 2006 CHAPTER 37

An Act to consolidate the House of Commons Costs Taxation Act 1847, the House of Lords Costs Taxation Act 1849, the Parliamentary Costs Act 1865, the Parliamentary Costs Act 1867, the Parliamentary Costs Act 1871 and the House of Commons Costs Taxation Act 1879, with amendments to give effect to recommendations of the Law Commission and the Scottish Law Commission. [8th November 2006]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### *Functions of responsible officers*

#### **1 Appointment of taxing officers**

- (1) The responsible officer of each House of Parliament must appoint a person to be the taxing officer of that House.
- (2) The taxing officer—
  - (a) is to hold and vacate office according to the terms of his appointment, and
  - (b) must act according to any directions he receives from his responsible officer.
- (3) “Responsible officer” means—
  - (a) in relation to the House of Commons, the Speaker, and
  - (b) in relation to the House of Lords, the Clerk of the Parliaments (or, in his absence, the Clerk Assistant).

#### **2 Authorisation of representatives' charges**

- (1) The responsible officer of each House of Parliament may prepare a list which specifies—

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- (a) matters relating to proceedings of that House on private Bills and for which representatives may charge costs, and
  - (b) the amount of costs which they may charge for each matter.
- (2) On an assessment of costs under this Act, a taxing officer may not allow costs for a matter specified under subsection (1)(a) in so far as they exceed the amount specified for that matter under subsection (1)(b).
- (3) But he may allow reasonable costs for a matter which—
- (a) relates to the proceedings, but
  - (b) is not specified under subsection (1)(a).

#### *Assessment of disputed costs*

### **3 Application for assessment**

- (1) Either of the following may apply for an assessment of costs relating to proceedings of Parliament on a private Bill—
- (a) a representative (or a successor of his) to whom payment of the costs is overdue,
  - (b) a party who has been charged with, but who objects to, the costs.
- (2) Subsection (1) does not apply unless the representative (or a partner or successor of his) has signed a bill of the costs and—
- (a) delivered it to the party, or
  - (b) sent it by post to, or left it for him at, his workplace, home or last known home address.
- (3) The application must be made—
- (a) where the proceedings took place in only one House, to the taxing officer of that House;
  - (b) where they took place in both Houses, to either taxing officer.
- (4) The application must be accompanied by a true copy of the bill of costs.
- (5) If, pending an assessment of costs on an application under this section, proceedings are brought to recover the costs, those proceedings are stayed until the costs have been certified under section 8.

### **4 Duty to assess: general**

- (1) A taxing officer who receives an application under section 3 must assess the costs to which the application relates (except in so far as they are to be assessed by another officer as a result of section 5).
- (2) Subsection (1) does not apply in the case of an application within section 3(1)(b) if—
- (a) before the application is made, judgment is obtained in proceedings for the recovery of the costs, or
  - (b) the application is made after the end of the period of six months beginning with the day on which the bill of costs is delivered, sent or left in accordance with section 3(2).

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- (3) But if, in the case of an application within section 3(1)(b) made after the end of that period, the taxing officer informs his responsible officer of special circumstances, the responsible officer may, having regard to that information, direct the taxing officer to assess the costs to which the application relates.

## **5 Duty to assess: special cases**

- (1) Subsection (2) applies where—
- (a) the taxing officer of one House receives an application under section 3, and
  - (b) the bill of costs to which the application relates includes costs which relate to a private Bill but not to proceedings of that House.
- (2) The taxing officer may—
- (a) assess the costs himself, or
  - (b) ask the taxing officer of the other House or an authorised court officer to assess some or all of them.
- (3) Subsection (5) applies where—
- (a) an officer is asked under subsection (2)(b) to assess costs, or
  - (b) the Secretary of State asks the taxing officer of the House of Commons to assess costs relating to a Bill or to a provisional order.
- (4) Subsection (5) also applies where an authorised court officer asks either taxing officer to assess costs—
- (a) relating to a private Bill, and
  - (b) included in a bill of costs which the authorised officer is directed to assess by the court by which he is authorised.
- (5) The officer concerned must—
- (a) assess the costs, and
  - (b) give his opinion to the person who asked him to assess them.
- (6) An authorised court officer may—
- (a) for the purpose of assessing costs under this section, exercise any powers he has for the purpose of assessing costs under his authority, and
  - (b) receive fees for assessing costs under this section on the same basis as he would for assessing costs under his authority.
- (7) “Authorised court officer” means an officer of a court who is authorised by that court to assess costs relating to its proceedings.

## **6 Report to responsible officer**

- (1) After the assessment of costs on an application under section 3, the taxing officer must, if required to do so by the representative (or his successor) or the party, report the assessment to his responsible officer.
- (2) The report must specify—
- (a) the amount of costs allowed on the assessment,
  - (b) how much of that amount has yet to be paid, and
  - (c) the amount of costs payable for carrying out the assessment.

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- (3) Where the amount specified for the purposes of subsection (2)(a) includes an amount for costs assessed under section 5, that amount may be specified in the report and certified under section 8.

## **7 Complaints about report**

- (1) This section applies where—
- (a) a taxing officer reports an assessment of costs under section 6, and
  - (b) the representative (or his successor) or the party wishes to complain about the report.
- (2) The person wishing to complain may give a statement of his complaint to the responsible officer of the House concerned.
- (3) The statement must be given to the responsible officer before the end of the applicable period.
- (4) The responsible officer may—
- (a) give the report and the statement to the taxing officer, and
  - (b) require him to make a further report on the assessment.
- (5) On receiving that further report, the responsible officer may require the taxing officer to amend the report to which the statement of complaint relates.
- (6) In this section and section 8, “applicable period”, in relation to a report under section 6, means the period of 21 days beginning with the day after the one on which the report is made.

## **8 Certificate by responsible officer**

- (1) This section applies where—
- (a) at the end of the applicable period, no statement of complaint has been given under section 7, or
  - (b) any matters complained of in a statement given under that section have been finally disposed of.
- (2) If the representative or party applies to the responsible officer for a certificate of costs, the responsible officer must certify to him the amount of the costs.
- (3) The certificate is to be treated for the purposes of any proceedings as conclusive evidence of—
- (a) the matters to which the costs relate,
  - (b) the amount of costs allowed on the assessment,
  - (c) how much of that amount has, as at the date of the certificate, yet to be paid, and
  - (d) the amount of costs payable for carrying out the assessment.
- (4) Subsection (5) applies where, in proceedings to recover costs certified under this section, the defendant says he is not liable to pay them (or part of them).
- (5) The certificate is to be treated for the purposes of any proceedings as conclusive evidence only of such amount (if any) as the claimant may recover from the defendant as a result of the proceedings mentioned in subsection (4).

### *Vexatious proceedings*

## **9 Award of costs to promoter of private Bill**

- (1) This section applies where, in proceedings of Parliament on a private Bill, a committee of either House—
  - (a) decides that the preamble to the Bill is proved, and
  - (b) unanimously reports that the promoter has been vexatiously exposed to costs as a result of opposition to the Bill by one or more petitioners.
- (2) The promoter may recover from the petitioner (or, where there is more than one, those specified by the committee)—
  - (a) such portion as the committee specifies of the promoter's costs of promoting the Bill (subject to their assessment under section 12), or
  - (b) if the committee specifies an amount in respect of those costs and the parties affected agree to it, that amount.
- (3) The committee must specify in its report—
  - (a) the portion or amount of costs recoverable under this section,
  - (b) who must pay that portion or amount, and
  - (c) who may recover it.
- (4) A landowner who at his own risk and cost opposes a private Bill which proposes the acquisition of any part of his property is not liable under this section for any costs in respect of his opposition.
- (5) For the purposes of this section and section 10, a committee is to be regarded as reporting unanimously if its report is made by every member of it present.

## **10 Award of costs to petitioner opposing private Bill**

- (1) This section applies where, in proceedings of Parliament on a private Bill, a committee of either House—
  - (a) decides that the preamble to the Bill is not proved, or amends the Bill so as to protect a petitioner who opposes it, and
  - (b) unanimously reports that a petitioner who opposes the Bill has been unreasonably or vexatiously exposed to costs in defending rights of his with which the Bill proposes to interfere.
- (2) A petitioner of the kind mentioned in subsection (1)(b) may recover from the promoter—
  - (a) the amount of the petitioner's costs (subject to their assessment under section 12) for defending rights of his of the kind mentioned in subsection (1)(b),
  - (b) if the committee specifies a portion of those costs, that portion, or
  - (c) if the committee specifies an amount in respect of those costs and the parties affected agree to it, that amount.
- (3) The committee must specify in its report—
  - (a) the portion or amount of costs recoverable under this section,
  - (b) who must pay that portion or amount, and
  - (c) who may recover it.

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## **11 Application for assessment etc. on award of vexatious costs**

- (1) A person entitled to recover costs under section 9(2)(a) or 10(2)(a) or (b) may apply for their assessment and certification.
- (2) A person entitled to recover costs under section 9(2)(b) or 10(2)(c) may apply only for their certification.
- (3) The application must be made to the taxing officer of the House to which the members of the committee awarding the costs belong.
- (4) The application—
  - (a) must be made before the end of the period of six months beginning with the date of the committee's report, but
  - (b) if made under subsection (1), must not be made before the end of the period of one month beginning with the day on which a duly signed bill of the costs is delivered to the person required to pay those costs.
- (5) “Duly signed”, in relation to a bill of costs, means signed (or, where appropriate, sealed) by or on behalf of the applicant.

## **12 Duty to assess and certify vexatious costs**

- (1) Where a taxing officer receives an application under section 11(1), he must assess and certify the costs to which the application relates.
- (2) Where a taxing officer receives an application under section 11(2), he must certify the costs to which the application relates.
- (3) The certificate must specify—
  - (a) the amount of costs recoverable (“the recoverable costs”),
  - (b) the person entitled to recover that amount (“the entitled person”),
  - (c) any person liable to pay it (“the liable person”), and
  - (d) the extent to which he is liable to do so (“the specified extent”).
- (4) The certificate is to be treated for the purposes of any proceedings as conclusive evidence of—
  - (a) the recoverable costs, and
  - (b) the right of the entitled person to recover those costs from the liable person to the specified extent.
- (5) The certificate must be—
  - (a) signed by the taxing officer giving it, and
  - (b) given by him to such of the parties affected as he thinks appropriate.
- (6) The entitled person must, on recovering the recoverable costs, give a receipt at the foot of the certificate; and the receipt discharges the liability to pay the costs.

*Powers etc. on assessment*

## **13 Functions of taxing officers**

- (1) A taxing officer required to assess costs under this Act may—

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- (a) take evidence on oath from a party to, or a witness connected with, the proceedings on the assessment;
  - (b) require a party to those proceedings to produce documents in his possession which relate to the assessment.
- (2) A taxing officer required to assess costs under section 4 or 5 must—
- (a) hold a hearing for the purpose of carrying out the assessment, and
  - (b) give the parties to the proceedings on the assessment reasonable notice of the hearing.
- (3) If a party neglects to attend the hearing, it may be held in his absence.
- (4) If costs have been assessed under this Act, the taxing officer may, having worked out how much of the amount assessed has already been paid, report—
- (a) the amount already paid, and
  - (b) any amount still owing.

#### **14 Fees**

- (1) A taxing officer may require a party to proceedings on an assessment under this Act, or a person affected by a certification under this Act, to pay him—
- (a) the costs of carrying out the assessment or certification, and
  - (b) an amount equivalent to any fees which he is authorised or required by the orders of the House concerned to charge for carrying it out (or such portion of that amount as he directs).
- (2) If he receives any money under this section, he must apply it according to the orders of the House.

#### *Miscellaneous*

#### **15 Application to other types of Bill etc.**

- (1) Any function exercisable under section 2, 4, 6, 7 or 8 by the Speaker or taxing officer of the House of Commons in respect of a private Bill is also exercisable by him in respect of—
- (a) the promotion of, or opposition to, a provisional order or provisional order Bill;
  - (b) the opposition to a hybrid Bill.
- (2) The power under section 3 is exercisable in respect of proceedings of the House of Commons on a matter within paragraph (a) or (b) of subsection (1) as it is in respect of proceedings of that House on a private Bill.
- (3) A reference in this Act to an assessment of costs made, or required to be made, under this Act is accordingly to be read as including a reference to an assessment made, or required to be made, as a result of subsection (1) or (2).
- (4) Sections 9 to 12 apply in relation to a provisional order Bill referred to a select committee of either House as they apply in relation to a private Bill.

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- (5) Where section 12 applies as a result of subsection (4), any function which would be exercisable under section 13(1) or 14 by a taxing officer in respect of a private Bill is exercisable by him in respect of the provisional order Bill.

## 16 Court of Referees

The Court of Referees may take evidence on oath on such matters in relation to a private Bill as the Court is entitled under an order of the House of Commons to investigate.

*Final*

## 17 Consequential and transitional provisions

- (1) In section 6 of the Private Legislation Procedure (Scotland) Act 1936 (c. 52) (sittings of Commissioners on provisional orders), in subsection (6), for the words from the beginning to the first “shall” substitute “ Sections 9 to 12 of the Parliamentary Costs Act 2006 shall, ”.
- (2) In section 9 of that Act (procedure on bills to confirm provisional orders), in subsection (3), for “the Parliamentary Costs Act, 1865” substitute “ sections 9 to 12 of the Parliamentary Costs Act 2006 ”.
- (3) In section 7 of the Statutory Orders (Special Procedure) Act 1945 (c. 18) (costs), in subsection (1), for the words from “under the Parliamentary Costs Act 1865” to “the first mentioned Act” substitute “ under sections 9 to 12 of the Parliamentary Costs Act 2006 (as a result of section 15(4) and (5) of that Act); and sections 9 to 12 of that Act ”.
- (4) In subsection (2) of that section—
  - (a) for the words from the beginning to “1849”, substitute “ Sections 2 to 8, 13 and 14 of that Act ”, and
  - (b) for the words from “and section two” to the end substitute “ and, for that purpose, the reference to the Secretary of State in section 5(3) of that Act (which refers to the procedure under which the Secretary of State requests an assessment of costs) is to be read as including a reference to the Minister. ”.
- (5) The amendments made by this section have the same extent as the enactments to which they relate.
- (6) Schedule 1 contains repeals and revocations.
- (7) Schedule 2 contains transitional provisions.

## 18 Interpretation

In this Act—

- “costs” includes fees, disbursements and expenses,  
 “promoter” means, in the case of a private Bill not promoted by a company—
- (a) any person named in the Bill as a promoter of it, and
  - (b) any company which would, if the provisions of the Bill were in force, be incorporated as a result,



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“provisional order” means an order or scheme made under, and requiring confirmation by, Act of Parliament,

“provisional order Bill” means a Bill to confirm a provisional order,

“representative” includes a parliamentary agent and a solicitor,

“responsible officer” has the meaning given by section 1,

“solicitor” includes a body recognised under section 9 of the Administration of Justice Act 1985 (c. 61) (incorporated practices) and a reference to a solicitor's partner includes a director of such a body, and

“successor”, in relation to a representative, means his executor, administrator or assignee.

**Modifications etc. (not altering text)**

**C1** S. 18 applied (with modifications) (23.12.2011) by [The Legal Services Act 2007 \(Designation as a Licensing Authority\) \(No. 2\) Order 2011 \(S.I. 2011/2866\)](#), art. 1(2), **Sch. 3**

**19 Commencement, extent and short title**

- (1) This Act comes into force on 1st April 2007.
- (2) Subject to section 17(5), this Act extends to Northern Ireland.
- (3) This Act may be cited as the Parliamentary Costs Act 2006.

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## SCHEDULES

### SCHEDULE 1

Section 17(6)

#### REPEALS AND REVOCATIONS

<i>Reference</i>	<i>Extent of repeal or revocation</i>
House of Commons Costs Taxation Act 1847 (c. 69)	The whole Act.
House of Lords Costs Taxation Act 1849 (c. 78)	The whole Act.
Parliamentary Costs Act 1865 (c. 27)	The whole Act.
Parliamentary Costs Act 1867 (c. 136)	The whole Act.
Parliamentary Costs Act 1871 (c. 3)	The whole Act.
House of Commons Costs Taxation Act 1879 (c. 17)	The whole Act.
Solicitors' Incorporated Practices Order 1991 (S.I. 1991/2684)	In Schedule 1, the entries relating to— the House of Commons Costs Taxation Act 1847, the House of Lords Costs Taxation Act 1849, the Parliamentary Costs Act 1865, and the House of Commons Costs Taxation Act 1879. In Schedule 2, the entry relating to the House of Lords Costs Taxation Act 1849.
Statute Law (Repeals) Act 1993 (c. 50)	In Schedule 2, paragraph 13.

### SCHEDULE 2

Section 17(7)

#### TRANSITIONAL PROVISIONS

- 1 The repeal and re-enactment of provisions by this Act does not affect the continuity of the law.
- 2 A reference, express or implied, in this Act, another enactment or an instrument or document, to a provision of this Act is, subject to its context, to be read as being or including a reference to the corresponding provision repealed by this Act, in relation to times, circumstances or purposes in relation to which the repealed provision had effect.
- 3 A reference, express or implied, in any enactment, instrument or document to a provision repealed by this Act is, subject to its context, to be read as being or

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- including a reference to the corresponding provision of this Act, in relation to times, circumstances or purposes in relation to which that provision had effect.
- 4 In particular, where a power conferred by an Act is expressed to be exercisable in relation to enactments contained in Acts passed before or in the same Session as the Act conferring the power, the power is also exercisable in relation to provisions of this Act that reproduce such enactments.
- 5 Anything done, or having effect as if done, under (or for the purposes of or in reliance on) a provision repealed by this Act and in force or effective immediately before the commencement of this Act, has effect after that commencement as if done under (or for the purposes of or in reliance on) the corresponding provision of this Act.
- 6 Paragraphs 1 to 4 have effect in place of section 17(2) of the Interpretation Act 1978 (c. 30); but nothing in this Schedule affects any other provision of that Act.

**Changes to legislation:**

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