

## SCHEDULE

### MODEL RULES FOR APPEALS

## CHAPTER I

### MODEL RULES FOR APPEALS

#### PART VII

#### DECISION OF THE TRIBUNAL

#### **Costs and expenses**

**32.**—(1) The tribunal may make an order awarding costs to or against the appellant or the Authority.

(2) The tribunal must, unless it is satisfied that it would not be just to do so, make an order under paragraph (1) against the appellant where the appeal has been decided against him and a notice was issued to him under rule 10.

(3) An order under paragraph (1) may require the party against whom it is made to pay to the other party either—

- (a) a specified sum not exceeding the relevant costs incurred by that other party, or
- (b) the whole or part of those costs as taxed (if not otherwise agreed);

and, in determining how much the party is required to pay, the tribunal must take account of the conduct of both parties in relation to the appeal.

(4) The relevant costs of a party are the costs incurred by the party in—

- (a) attending the hearing, including loss of income,
- (b) reimbursing the expenses of witnesses attending the hearing on his behalf, or
- (c) being represented at the hearing, where the tribunal consider that it was desirable for him to be represented and that the costs so incurred were reasonable.

(5) Any costs required by an order under this rule to be taxed are to be taxed—

- (a) in the case of proceedings of a tribunal in England and Wales, in the county court according to such of the scales prescribed by the county court rules for proceedings in the county court as shall be directed in the order;
- (b) in the case of Scottish proceedings, by the Auditor of the Sheriff Court according to such mode and such scale as shall be directed in the order.