
STATUTORY INSTRUMENTS

2000 No. 441

The Community Legal Service (Costs) Regulations 2000

PART II

COSTS ORDERS AGAINST CLIENT AND AGAINST COMMISSION

Procedures for ordering costs against client and Commission

10.—(1) The following paragraphs of this regulation apply where the amount to be paid under a section 11(1) costs order, or an application for a costs order against the Commission, is to be determined under this regulation, by virtue of regulation 9(5).

(2) The receiving party may, within three months after a section 11(1) costs order is made, request a hearing to determine the costs payable to him.

(3) A request under paragraph (2) shall be accompanied by:

- (a) if the section 11(1) costs order does not state the full costs, the receiving party's bill of costs, which shall comply with any requirements of relevant rules of court relating to the form and content of a bill of costs where the court is assessing a party's costs;
- (b) a statement of resources; and
- (c) if the receiving party is seeking, or, subject to the determination of the amount to be paid under the section 11(1) costs order, may seek, a costs order against the Commission, written notice to that effect.

(4) The receiving party shall file the documents referred to in paragraph (3) with the court and at the same time serve copies of them:

- (a) on the client, if a determination of costs payable under section 11(1) of the Act is sought; and
- (b) on the Regional Director, if notice has been given under paragraph (3)(c).

(5) Where documents are served on the client under paragraph (4)(a), the client shall make a statement of resources.

(6) The client shall file the statement of resources made under paragraph (5) with the court, and serve copies of it on the receiving party and, if notice has been given under paragraph (3)(c), on the Regional Director, not more than 21 days after the client receives a copy of the receiving party's statement of resources.

(7) The client may, at the same time as filing and serving a statement of resources under paragraph (6), file, and serve on the same persons, a statement setting out any points of dispute in relation to the bill of costs referred to in paragraph (3)(a).

(8) If the client, without good reason, fails to file a statement of resources in accordance with paragraph (6), the court shall determine the amount which the client shall be required to pay under the section 11(1) costs order (and, if relevant, the full costs), having regard to the statement made by the receiving party, and the court need not hold an oral hearing for such determination.

(9) If the client files a statement of resources in accordance with paragraph (6), or the period for filing such notice expires, or if the costs payable by the client have already been determined, the court shall set a date for the hearing and, at least 14 days before that date, serve notice of it on:

- (a) the receiving party;
- (b) the client (unless the costs payable by the client have already been determined); and
- (c) if a costs order against the Commission is or may be sought, the Regional Director.

(10) The court's functions under this regulation may be exercised:

- (a) in relation to proceedings in the House of Lords, by the Clerk to the Parliaments;
- (b) in relation to proceedings in the Court of Appeal, High Court or a county court, a costs judge or a district judge;
- (c) in relation to proceedings in a magistrates' court, by a single justice or by the justices' clerk;
- (d) in relation to proceedings in the Employment Appeal Tribunal, by the Registrar of that Tribunal.

(11) The amount of costs to be determined under this regulation may include the costs incurred in relation to a request made under this regulation.