
STATUTORY INSTRUMENTS

2009 No. 1976

The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009

PART 2

General powers and provisions

Orders for costs

10.—(1) [^{F1}Subject to paragraph (1A)] the Tribunal may make an order in respect of costs (or, in Scotland, expenses) only—

- (a) under section 29(4) of the 2007 Act (wasted costs) [^{F2}and costs incurred in applying for such costs];
- (b) if the Tribunal considers that a party has acted unreasonably in bringing, defending or conducting the proceedings; or
- (c) where the Charity Commission [^{F3}the Gambling Commission][^{F4}or the Information Commissioner] is the respondent and a decision, direction or [^{F5}order of the Commission or the Commissioner] is the subject of the proceedings, if the Tribunal considers that the decision, direction or order was unreasonable.

[^{F6}(1A) If the Tribunal allows an appeal against a decision of the Gambling Commission, the Tribunal must, unless it considers that there is a good reason not to do so, order the Commission to pay to the appellant an amount equal to any fee paid by the appellant under the First-tier Tribunal (Gambling) Fees Order 2010 that has neither been included in an order made under paragraph (1) nor refunded.]

- (2) The Tribunal may make an order under paragraph (1) on an application or on its own initiative.
- (3) A person making an application for an order under this rule must—
 - (a) send or deliver a written application to the Tribunal and to the person against whom it is proposed that the order be made; and
 - (b) send or deliver a schedule of the costs or expenses claimed with the application.
- (4) An application for an order under paragraph (1) may be made at any time during the proceedings but may not be made later than 14 days after the date on which the Tribunal [^{F7}sends—
 - (a) a decision notice recording the decision which finally disposes of all issues in the proceedings; ^{F8}...
 - (b) notice under rule 17(5) that a withdrawal which ends the proceedings has taken effect]^{F9}...[^{F10}; or
 - (c) notice under rule 17(8) that the proceedings have been treated as withdrawn.]

(5) The Tribunal may not make an order under paragraph (1) [^{F11}or (1A)] against a person (“the paying person”) without first—

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- (a) giving that person an opportunity to make representations; and
 - (b) if the paying person is an individual, considering that person's financial means.
- (6) The amount of costs or expenses to be paid under an order under paragraph (1) may be ascertained by—
- (a) summary assessment by the Tribunal;
 - (b) agreement of a specified sum by the paying person and the person entitled to receive the costs or expenses (“the receiving person”); or
 - (c) assessment of the whole or a specified part of the costs or expenses^{F12}, including the costs or expenses of the assessment,] incurred by the receiving person, if not agreed.
- (7) Following an order under paragraph (6)(c) a party may apply—
- (a) in England and Wales, to the county court for a detailed assessment of costs in accordance with the Civil Procedure Rules 1998^{M1} on the standard basis or, if specified in the order, on the indemnity basis;
 - (b) in Scotland, to the Auditor of the Court of Session for the taxation of the expenses according to the fees payable in the Court of Session; or
 - (c) in Northern Ireland, to the county court for the costs to be taxed.
- [^{F13}(8) Upon making an order for the assessment of costs, the Tribunal may order an amount to be paid on account before the costs or expenses are assessed.]

Textual Amendments

- F1** Words in art. 10(1) inserted (29.11.2010) by [The Tribunal Procedure \(Amendment No. 3\) Rules 2010 \(S.I. 2010/2653\)](#), arts. 1, **2(3)(a)(i)**
- F2** Words in art. 10(1)(a) inserted (1.4.2013) by [The Tribunal Procedure \(Amendment\) Rules 2013 \(S.I. 2013/477\)](#), arts. 1(2)(c), **3**
- F3** Words in art. 10(1)(c) inserted (29.11.2010) by [The Tribunal Procedure \(Amendment No. 3\) Rules 2010 \(S.I. 2010/2653\)](#), arts. 1, **2(3)(a)(ii)**
- F4** Words in rule 10(1)(c) inserted (18.1.2010) by [Tribunal Procedure \(Amendment\) Rules 2010 \(S.I. 2010/43\)](#), **rule 18**
- F5** Words in art. 10(1)(c) substituted (29.11.2010) by [The Tribunal Procedure \(Amendment No. 3\) Rules 2010 \(S.I. 2010/2653\)](#), arts. 1, **2(3)(a)(iii)**
- F6** Art. 10(1A) inserted (29.11.2010) by [The Tribunal Procedure \(Amendment No. 3\) Rules 2010 \(S.I. 2010/2653\)](#), arts. 1, **2(3)(b)**
- F7** Words in art. 10(4) substituted (1.4.2013) by [The Tribunal Procedure \(Amendment\) Rules 2013 \(S.I. 2013/477\)](#), arts. 1(2)(c), **4**
- F8** Word in rule 10(4)(a) omitted (16.11.2021) by virtue of [The Tribunal Procedure \(Amendment No. 2\) Rules 2021 \(S.I. 2021/1183\)](#), rules 1(1), **3(2)**
- F9** Rule 10(4)(b) full stop omitted (16.11.2021) by virtue of [The Tribunal Procedure \(Amendment No. 2\) Rules 2021 \(S.I. 2021/1183\)](#), rules 1(1), **3(3)**
- F10** Rule 10(4)(c) and word inserted (16.11.2021) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2021 \(S.I. 2021/1183\)](#), rules 1(1), **3(3)**
- F11** Words in art. 10(5) inserted (29.11.2010) by [The Tribunal Procedure \(Amendment No. 3\) Rules 2010 \(S.I. 2010/2653\)](#), arts. 1, **2(3)(c)**
- F12** Words in art. 10(6)(c) inserted (1.4.2013) by [The Tribunal Procedure \(Amendment\) Rules 2013 \(S.I. 2013/477\)](#), arts. 1(2)(c), **5**
- F13** Art. 10(8) inserted (1.4.2013) by [The Tribunal Procedure \(Amendment\) Rules 2013 \(S.I. 2013/477\)](#), arts. 1(2)(c), **6**

Marginal Citations

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