
STATUTORY INSTRUMENTS

2012 No. 1726

The Criminal Procedure Rules 2012

PART 76

COSTS

SECTION 5: ASSESSMENT OF COSTS

Appeal to a costs judge

76.12.—(1) This rule applies where—

- (a) the assessing authority has re-assessed the amount allowed under rule 76.11; and
- (b) either party wants to appeal against that amount.

(2) That party must—

(a) serve an appeal notice on—

- (i) the Senior Costs Judge,
- (ii) the other party, and
- (iii) the assessing authority

not more than 21 days after service of the written reasons for the re-assessment;

(b) explain the objections to the re-assessment;

(c) serve on the Senior Costs Judge with the appeal notice—

- (i) the applications for assessment and re-assessment,
- (ii) any other information or document considered by the assessing authority,
- (iii) the assessing authority's written reasons for the re-assessment, and
- (iv) any other information or document for which a costs judge asks, within such period

as the judge may require; and

(d) ask for a hearing, if that party wants one.

(3) A party who wants to make representations about an appeal must—

(a) serve representations in writing on—

- (i) the Senior Costs Judge, and
- (ii) the applicant

not more than 21 days after service of the appeal notice; and

(b) ask for a hearing, if that party wants one.

(4) Unless a costs judge otherwise directs, the parties may rely only on—

- (a) the objections to the amount allowed on the initial assessment; and
- (b) any other representations and material considered by the assessing authority.

- (5) A costs judge—
- (a) must arrange a hearing, in public or in private, if either party asks for one;
 - (b) subject to that, may determine an appeal with or without a hearing;
 - (c) may—
 - (i) consult the assessing authority,
 - (ii) consult the court which made the costs order, and
 - (iii) obtain any other information or document;
 - (d) must reconsider the amount allowed by the assessing authority, taking into account the objections to the re-assessment and any other representations;
 - (e) may maintain, increase or decrease the amount allowed on the re-assessment;
 - (f) may provide for the costs incurred by either party to the appeal; and
 - (g) must serve reasons for the decision on—
 - (i) the parties, and
 - (ii) the assessing authority.
- (6) A costs judge may extend a time limit under this rule, even after it has expired.

[Note. The Criminal Costs Practice Direction sets out a form for use in connection with this rule.]