

---

STATUTORY INSTRUMENTS

---

**2019 No. 1185**

**The Solicitors (Disciplinary Proceedings) Rules 2019**

**PART 6**

**HEARINGS AND COSTS**

**Costs**

**43.**—(1) At any stage of the proceedings, the Tribunal may make such order as to costs as it thinks fit, which may include an order for wasted costs.

(2) The amount of costs to be paid may either be decided and fixed by the Tribunal following summary assessment or directed by the Tribunal to be subject to detailed assessment by a taxing Master of the Senior Courts.

(3) Without prejudice to the generality of paragraph (1), the Tribunal may make an order as to costs in circumstances where—

- (a) any application, allegation or appeal is withdrawn or amended;
- (b) some or all of the allegations are not proved against a respondent;
- (c) an appeal or interim application is unsuccessful.

(4) The Tribunal [<sup>F1</sup>must first decide] whether to make an order for costs and [<sup>F2</sup>and must identify the paying party in any order made]. When deciding whether to make an order for costs, against which party, and for what amount, the Tribunal will consider all relevant matters including the following—

- (a) the conduct of the parties and whether any or all of the allegations were pursued or defended reasonably;
- (b) whether the Tribunal's directions and time limits imposed were complied with;
- (c) whether the amount of time spent on the matter was proportionate and reasonable;
- (d) whether any hourly rate and the amount of disbursements claimed is proportionate and reasonable;
- (e) the paying party's means.

(5) If the respondent makes representations about the respondent's means, the representations must be supported by a Statement which includes details of the respondent's assets, income and expenditure (including but not limited to property, savings, income and outgoings) which must be supported by documentary evidence.

---

**Textual Amendments**

- F1** Words in rule 43(4) substituted (25.5.2020) by [The Solicitors \(Disciplinary Proceedings\) \(Amendment\) Rules 2020 \(S.I. 2020/462\)](#), rules 1(2), **20(a)**
- F2** Words in rule 43(4) substituted (25.5.2020) by [The Solicitors \(Disciplinary Proceedings\) \(Amendment\) Rules 2020 \(S.I. 2020/462\)](#), rules 1(2), **20(b)**

---

**Status:** Point in time view as at 25/05/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Solicitors  
(Disciplinary Proceedings) Rules 2019, Section 43. (See end of Document for details)

---

**Commencement Information**

**II** [Rule 43](#) in force at 25.11.2019, see [rule 1](#)

**Status:**

Point in time view as at 25/05/2020.

**Changes to legislation:**

There are currently no known outstanding effects for the The Solicitors (Disciplinary Proceedings) Rules 2019, Section 43.