

## PD 13

### COSTS

Note: enquiries about costs should be made to [costs@supremecourt.uk](mailto:costs@supremecourt.uk) the Costs Manager:

~~Email: costs@supremecourt.uk.~~

~~Enquiries about fees should be made to the Registry (tel: 020 7960 1991, 1992).~~

~~Drafts and cheques for fees, including assessment fees, should be made payable to 'The Supreme Court of the United Kingdom'.~~

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## Section 1

### 1. Introduction

1.1 Detailed assessments of costs in the Supreme Court are conducted by Costs Officers appointed by the President: see rule 49. One Costs Officer will be a costs judge of the Senior Courts Costs Office ~~the Senior Costs Judge (the Chief Taxing Master of the Senior Courts) or any Costs Judge nominated by him~~ and the second may be the Registrar ~~of the Supreme Court~~.

~~1.2 The Costs Clerk is a court officer in the Registry who acts under the direction of the Costs Officers.~~

1.3 The assessment of costs is governed by the relevant provisions of the Supreme Court Rules 2009 supplemented by this and the other Practice Directions issued by the President. To the extent that the Supreme Court Rules and Practice Directions do not cover the situation, the Rules and the Practice Directions which supplement Parts 44 to 47 of the Civil Procedure Rules (the "CPR") are applied by analogy at the discretion of the Costs Officers, with appropriate modifications for appeals from Scotland and Northern Ireland. The legal principles applied are those also applicable to assessments between parties in the High Court and Court of Appeal in England and Wales (footnote 1).

#### 1.4 References in this Practice Direction to

"bill of costs" mean a claim for costs in Form 5 filed in accordance with Rule 48 of the Supreme Court Rules 2009;

"the Costs Officer" include the plural;

"costs" and "bills of costs" include expenses and accounts of expenses in appeals from Scotland;

"legal aid provider" include ~~the Legal Services Commission, the Legal Aid Agency and its Director, the Northern Ireland Legal Services Commission Agency Northern Ireland~~ and the Scottish Legal Aid Board;

"legally aided" mean funded by a legal aid provider and include references to 'publicly funded' in terms of the Access to Justice Act 1999;

"legal representative" mean a person authorised to conduct litigation;

~~"the Access to Justice Act 1999" include references to the relevant provisions of the Legal Aid, Sentencing and Punishment of Offenders Act 2012;~~

"pro bono costs order" (footnote 2 4) mean an order made under section 194B of the Legal Services Act 2007;

~~"solicitor (footnote 2)" include a costs draftsman or other agent.~~

### 2.-Entitlement to Costs

Costs are in the discretion of the Court and it "may make such orders as it considers just in respect of the costs of any appeal, application for permission to appeal, or other application to or proceeding before the Court": rule 46(1).

2.2 In the exercise of its discretion the Court may, on application, make

- a costs capping order

- a protective costs order or

- an order limiting the recoverable costs of an appeal in an Aarhus Convention claim or in proceedings in which costs recovery is limited or excluded at first instance.

In making such an order, the Court may apply the provisions of CPR 3.19, CPR 45.43 or, as the case may be, CPR52.19 or CPR52.19A.

2.3 An application for a costs capping order, a protective costs order or an order limiting the recoverable costs of an appeal must be made as soon as practicable. See Practice Direction 7 for applications.

2.4 A bill of costs in Form 5 (see Section 2 of this Practice Direction) may be filed in the Registry for assessment where:

- costs are payable by appellants, respondents or other persons under an order for costs made by an Appeal Panel or by the Court;

- an Appeal Panel or the Court orders a determination of the costs payable by a legal aid provider to appellants, respondents or other persons in accordance with the relevant statutory provisions (i.e. the Access to Justice Act 1999, the Legal Aid, Sentencing and Punishment of Offenders Act 2012, the Legal Aid (Scotland) Act 1986 or the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981);

- costs are payable by a legal aid provider to solicitors, counsel or other legal representatives acting on behalf of a legally aided party.

### 3. Basis of Assessment

3.1 Costs in the Supreme Court are ordered to be assessed on the standard basis or on the indemnity basis in accordance with rules 50 and 51 of the Supreme Court Rules or the equivalent bases that apply in Scotland and Northern Ireland. The court will not allow costs which have been unreasonably incurred or which are unreasonable in amount.

3.2 On the standard basis, the court will only allow costs which are proportionate to the matters in issue and will resolve any doubt as to whether costs were reasonably incurred or reasonable and proportionate in amount in favour of the paying party.

3.3 Costs incurred are proportionate if they bear a reasonable relationship to:

- the sums in issue in the proceedings;

- the value of any non-monetary relief in issue in the proceedings;

- the complexity of the litigation;

any additional work generated by the conduct of the paying party; and

any wider factors involved in the proceedings, such as reputation or public importance.

Costs which are disproportionate in amount may be disallowed or reduced even if they were reasonably incurred or even if they were necessarily incurred.

3.4 On the indemnity basis the court will resolve any doubt which it may have as to whether costs were reasonably incurred or were reasonable in amount in favour of the receiving party.

3.5 Detailed assessments are conducted in public.

3.6 See paragraph 11 for the Costs Officers' discretion as to what to allow.

#### 4. Costs Orders Against Legally Aided Parties

##### England and Wales

4.1 Any costs ordered to be paid by a legally aided party must not exceed the amount which is reasonable for them to pay having regard to all the circumstances including:

the financial resources of all the parties to the proceedings; and

their conduct in connection with the dispute to which the proceedings relate.

4.2 Costs which were incurred by one party during a period when another party was legally aided, and which are not recoverable from the publicly funded party only because of section 11 of the Access to Justice Act 1999 or section 26 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, may, in certain circumstances, be payable by the legal aid provider itself.

4.3 Regulations made under section 11 of the Access to Justice Act 1999 and section 26 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 provide a code governing orders for costs against legally aided parties and against the Lord Chancellor or legal aid provider.

4.4 A party who seeks such costs against the Lord Chancellor or legal aid provider, or who may do so, depending upon the amount of costs payable by the legally aided party, must (within the time limit specified in the relevant Regulations) file with his bill of costs copies of any documents (including a statement of resources) and any notice served by him which he has served upon others in compliance with the Regulations.

4.5 Within 21 days of being served with a bill of costs to which section 11 of the Access to Justice Act 1999 or section 26 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 applies, a party who is or was legally aided during any period covered by the bill must respond by filing in the Registry a statement of resources and serving a copy of it on the receiving party and, where relevant, on the Lord Chancellor or the legal aid provider.

4.6 The Lord Chancellor or legal aid provider may appear at any hearing relating to an order made against them.

##### Scotland and Northern Ireland

4.7 Costs orders against legally aided parties or legal aid providers in Scotland and Northern Ireland and the assessment of those costs are governed by the relevant provisions of Legal Aid (Scotland) Act 1986, the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 and Regulations made under them. Paragraphs 4.1 - 4.6 (above) are to be construed with the appropriate modifications.

## 5. Pro Bono Costs Orders Under Section 194B of the Legal Services Act 2007 (footnote<sup>53</sup>)

### England and Wales

5.1 A pro bono costs order must specify that the costs payable under it are to be paid to the prescribed charity and the Registrar must send a copy of the costs order to the prescribed charity.

5.2 Where the court makes a pro bono costs order and the amount of costs payable is not agreed the provisions of this Practice Direction will apply to the assessment of those costs with the following modification:

references to 'costs orders' and 'orders for costs' are to be read, unless otherwise stated, as if they refer to a pro bono costs order,

references to 'costs' are to be read as if they referred to a sum equivalent to the costs that would have been claimed by, incurred by or awarded to, the party with pro bono representation had that representation not been provided free of charge; and

References to 'receiving party' are to be read as meaning a party who has pro bono representation and who would have been entitled to be paid costs had that representation not been provided free of charge.

5.3 VAT is not recoverable under a pro bono costs order.

## 6. Costs of Preparing Application<sup>s</sup> for Permission to Appeal or Notices of Objection

### General

6.1 Where a party applies for costs in accordance with paragraph 3.5.1 of Practice Direction 3 (that is, in circumstances where an application for permission to appeal is refused) the application is made by filing and serving Form 5-.

6.2 As a general rule the application is not granted where:

the application for permission was not served on the respondent making the application for costs; or

the respondent making the application did not file a notice of objection to the application for permission; or

the application is made by one of two or more parties and it cannot be demonstrated that the applicant had an interest in the application for permission to appeal that required separate representation.

6.3 Where an unsuccessful application for permission to appeal is determined without an oral hearing, costs may include:

the reasonable costs of preparing and filing a legally aided appellant's application for permission to appeal and attending the client, counsel or other parties;

the reasonable costs of preparing and filing respondent's objections and attending the client, counsel or other parties.

6.4 If an application for permission to appeal is dismissed after an oral hearing, the costs of the hearing are allowable in addition to the costs at 6.3(a) and (b) above.

6.5 The costs of a successful application for permission to appeal become costs in the appeal unless the court orders otherwise.

#### Counsel's fees

6.6 The general rule is that a fee for one junior counsel is allowed for preparing an application for permission to appeal or a notice of objection.

6.7 A fee will be allowed for King's Counsel instead of or in addition to junior counsel

if this is held to be necessary because of the difficulty or complexity of the case or other good reason; or

if a legal aid provider has given the appropriate authorisation.

6.8 For guideline figures for fees on applications for permission to appeal, see paragraph 15.

## 7. Filing and Service of Bill of Costs

### Filing

7.1 A claim for costs in Form 5 must be filed within three months of the date ~~on which of~~ the relevant costs order ~~is made~~ and must ~~at the same time~~ be served on the other parties.

7.2 ~~All documents must be filed electronically as follows: The following documents only must be filed with the Costs Clerk:~~

~~two copies of~~ the bill of costs (Form 5);

counsel's fee notes (which must be receipted except in the case of legal aid bills) and, where counsel's fees exceed the guideline rates in paragraph 15, a detailed note explaining why; and

receipts or other evidence ~~of for~~ disbursements of £500 or more.

7.3 The certificate of service ~~(in Part 7 of Form 5)~~ must include the details of all parties entitled to be represented at the detailed assessment.

7.4 The certificates in part ~~3 7~~ of Form 5 must be completed where appropriate. The completed certificate of discharge is accepted as evidence of payment of disbursements under £500, but may, subject to any direction by the Cost Officer, be challenged by the paying party.

~~7.5 All papers may be filed by email with the Costs Clerk.~~

7.6 Other papers on which the parties intend to rely ~~must be filed before the hearing and in consultation with the costs section of the Registry~~ may be brought to the hearing or filed with the

~~Costs Clerk as he thinks appropriate.~~ Where a bill is complex or large any papers the Costs Officers need to pre-read must be filed electronically at least 7 days before the hearing.

7.7 Where costs between the parties and legal aid costs are claimed together the legal aid costs should be entered separately identified clearly in Form 5-.

7.8 Points of dispute under rule 48 may, and if the bill is above £5,000 must, be filed at the Registry and served on the receiving party within 21 days of service of the bill of costs. The receiving party may within 14 days from service of the points of dispute respond to the points if they think it appropriate to do so. Any request for an extension of time to file points of dispute or replies must be made ~~to the Costs Clerk~~ within the relevant time period or, after expiry of that limit, by application made in Form 2 (for applications see Practice Direction 7).

7.9 Where the paying party does not file points of dispute a provisional assessment will be conducted (see paragraph 9 below).

#### Fees

7.10 The fee payable on filing a bill of costs is 2.5% of the amount claimed (including VAT).

7.11 The fee payable on the assessment of a bill of costs is 2.5% of the amount allowed (including the costs of assessment and VAT).

7.12 The filing fee and the assessment fee are costs of the detailed assessment. Parties must not include the filing fee when calculating the assessment fee.

7.13 Where a bill of costs is agreed fewer than 21 days prior to assessment the assessment fee is payable on the amount agreed between the parties. Agreement must be notified to the court by email as soon as possible. ~~In these circumstances all parties must confirm the position in writing or by email to the Costs Clerk.~~

~~7.14 Drafts and cheques for fees are payable to 'The Supreme Court of the United Kingdom'.~~

7.15 The Supreme Court fees provided for by the Supreme Court Fees Order 2009 (as amended) are set out in Annex 2 to Practice Direction 7.

#### Completing Form 5

7.16 Form 5 (including ~~the agreed costs figures and the summary~~ Part 6B) must be completed and returned to the Costs Clerk costs section along with the assessment fee within one month of the assessment.

7.17 If a paying party refuses to sign Form 5-, the signature of the receiving party will be sufficient, provided the Registrar is satisfied that the paying party has refused to sign without good reason.

#### 8. Extension of Time and Filing Out of Time

8.1 Any request for an extension of the three-month period for filing a bill must be made in writing or by email to the Costs Clerk and copied to the other parties. If such an extension is agreed by the parties ~~they should inform the Costs Clerk~~ that should be made clear.

8.2 An application to file a bill of costs out of time made after the expiry of the three month period must be made in Form 2-. In deciding whether to grant an application the Registrar takes into account all the circumstances, including:

- the interests of the administration of justice;
- whether the failure to file in time was intentional;
- whether there is a good explanation for the failure to file in time;
- the effect which the delay has had on each party; and
- the effect which the granting of an extension of time would have on each party.

8.3 See Practice Direction 7 for applications.

## 9. Provisional Assessment

9.1 A provisional assessment (carried out without a hearing on the papers provided by the parties) is conducted ~~without a hearing~~:

- in cases involving public funding for legal aid bills except where a legal aid provider requests a hearing or where the size or complexity of the bill requires a detailed assessment hearing;
- where one of the parties requests such an assessment (see rule 49(5));
- where the costs claimed are £75,000 or less; and
- where the paying party fails to file points of dispute (for points of dispute see paragraph 7.8 above).

9.2 A provisional assessment is usually carried out by a single costs officer. The outcome of the provisional assessment will then be sent to the parties. The parties are informed in writing of the outcome of the provisional assessment. If a party is dissatisfied with the result representations should be filed ~~with the Costs Clerk~~ within 14 days of receipt of the assessed bill. If points of disagreement cannot be resolved in correspondence, a detailed assessment will be carried out ~~at an oral hearing~~.

9.3 A detailed assessment in these circumstances proceeds on the basis of the original claim for costs and any points of dispute and replies, any of which may be amended in light of the provisional assessment.

9.4 The Scottish Legal Aid Board will be informed of any provisional assessment in an appeal from Scotland in order that it may decide whether or not to intervene.

## 10. Attendance at Detailed Assessment

10.1 The Registrar gives 14 days' notice of the date and time of the detailed assessment.

10.2 Parties may be represented by their legal representative (including but not limited to a solicitor, costs lawyer or costs drafts ~~person~~man, or counsel).

10.3 The receiving party or their solicitor or other agent legal representative must attend the detailed assessment hearing.



~~10.4 If additional papers are brought to the detailed assessment (see paragraph 7.6 above 33) three copies must be provided to the Court and one copy to each other party.~~

Counsel

10.5 For counsel's fees of attending the detailed assessment see paragraph 18.

Detailed assessment ~~of~~ on the papers

10.6 The Registrar may, at the request of a party or if the circumstances justify it, direct that a detailed assessment be carried out on the papers ~~(footnote 3)~~.

## 11. Costs Officers' Discretion

11.1 The Costs Officers have discretion as to the amount to allow. In exercising this discretion they bear in mind the terms "reasonably incurred" and "reasonable in amount" in rule 51 of the Supreme Court Rules, ~~(or in appeals from Scotland the provisions of Rule 42.10 of the Rules of the Court of Session 1994)~~. The factors they consider include:

to what extent an item assisted the Court in determining the appeal;

the length of a hearing;

the complexity of the issues as indicated by the judgments delivered by the Court; and

the general level of fees sought and allowed in the lower courts.

11.2 In the case of applications for permission to appeal, a major consideration is whether the application gave rise to a point of public importance.

11.3 The Costs Officers will reduce or disallow claims in respect of documents (including electronic documents) provided by a party where those documents were excessive, inadequate or proved unhelpful to the Court or the Appeal Panel.

11.4 For guideline figures for solicitors and counsel see paragraph 15 below.

## 12. Review of Costs Officers' Decision

Application for a review

12.1 Any party to an assessment who is dissatisfied with all or part of a decision of the Costs Officers may apply in accordance with rule 53 for that decision to be reviewed by a single Justice. The application must be made in Form 2 and served on the other parties. For applications see Practice Direction 7.

12.2 An application may be made only on a question of principle and not in respect of the amount allowed on any item.

12.3 Any application must be made within 14 days of the end of the detailed assessment or such longer period as may be fixed by the Court.

12.4 An application for a review must include written submissions stating concisely the grounds of the objections and must be served on the other parties.

12.5 A party who objects to the application may, within 14 days of service or such longer period as may be fixed by the Court, file a notice of objection in Form 3, which must be served on the other parties.

#### Referral to a Single Justice

12.6 The matter is then referred to a single Justice nominated by the presiding or senior Justice who heard the appeal or application for permission to appeal.

12.7 The single Justice will decide whether the matter should be referred to a panel of Justices and, before he makes a decision, he may consult the other Justices who heard the appeal or application. If the single Justice is of the opinion that the matter should not be referred to a panel, the decision of the Costs Officer is affirmed.

#### Referral to Panel of Justices

12.8 The Panel of Justices decides the matter with or without an oral hearing; and may direct a further oral hearing by the full Court.

~~12.9 If the application is referred for hearing the parties must liaise with the Costs Clerk over papers and listing.~~

### 13. Assessment Certificates

#### Civil

13.1 When the assessment fee has been paid, an assessment certificate for the costs allowed will be sent to the receiving party, except in the case of respondents whose costs can be wholly satisfied from money deposited as security for costs (see rules 36 and 54).

#### Criminal

13.2 Where costs have been ordered to be paid out of Central Funds or where costs are paid under Representation Orders issued by the Registrar of the Court of Appeal, Criminal Division, the certificate will be sent to the ~~Senior Courts Fees Office~~ relevant office of His Majesty's Courts and Tribunals Service to settle with the parties or their solicitors and counsel direct.

#### Courts-Martial

13.3 Where costs are payable by the Secretary of State for Defence in respect of an appeal from the Courts-Martial Appeal Court, the certificate is sent direct to the Ministry of Defence to settle.

#### Criminal (Northern Ireland)

13.4 Where the costs are payable in accordance with section 41 of the Criminal Appeal (Northern Ireland) Act 1980 the certificates are sent to the Northern Ireland Office to settle

#### Default costs certificate

13.5 Where a party fails to file or serve points of dispute within 14 days, or such other period as may be fixed by the Registrar, the receiving party may apply for a default costs certificate. Such a certificate will normally certify all the costs claimed in the bill of costs but the Registrar may reduce costs which appear to be unreasonably incurred, unreasonable in amount or disproportionate (4).

#### 14. Interest

14.1 Interest is payable on costs assessed between the parties and on costs in favour of successful unassisted parties. The rate of interest is in accordance with the provisions of the Judgments Act 1838, as amended, and interest accrues from the day on which the costs order of the Court is made or such other date as the Court may specify unless the Costs Officers exercise their discretion to vary the period for which interest is allowed.

#### 15. Guidelines on Fees Allowed

##### Solicitors practising in England and Wales (5)

15.1 The Court adopts the guideline rates issued by the Senior Courts Costs Office for summary assessment and the rates are the starting point for all assessments. These are consolidated figures that include a mark-up for care and attention. Form 5 must be completed using a consolidated figure for the hourly rate. If a rate is charged that exceeds the guideline rate an explanation must be given under the heading 'Fee earners and hourly rates' in part 1 of Form 5.

##### Solicitors practising in Scotland or Northern Ireland

#### 15.2

15.2 The following table sets out the current hourly rates and localities:

Grade of fee earner	A	B	C	D
London 1	£512	£348	£270	£186
London 2	£373	£289	£244	£139
London 3	£282	£232	£185	£129
National 1	£261	£218	£178	£126
National 2/3	£255	£218	£177	£126

An explanation of the grades and details of localities is set out in Section 3 below. If the rates set by the Senior Courts Costs Office have been amended the Supreme Court will allow the amended rates in lieu of those in this table.

15.3 Where solicitors have charge of producing large documents such as the authorities or core volumes, it will not usually be appropriate for a higher grade rate to be applied. Time spent photocopying is not recoverable (although the cost of photocopying is). See also paragraph 11.3 above for documents.

15.4 Travel and waiting are allowed at the rate agreed with the client, unless this is more than the hourly rate allowed on assessment.

15.5 Letters and telephone calls are allowed at one tenth of the hourly rate.

#### Counsel

15.6 The following guideline figures are used in assessing payments to counsel at the application for permission to appeal stage:

Applications for permission to appeal    Junior    KC

Settling application       £1250   £1750

Advice for legal aid provider       £500   £800

Preparing respondents' objections       £800   £1100

One conference £250   £500

Attending oral hearing by Appeal Panel   £1600   £2100

15.7 A claim for an increase on any of the above items or claim for any other item must be explained in a detailed note from counsel.

15.8 The general rule is that only one counsel's fees is allowed on assessment for ~~any stage of an~~ work at the application for permission to appeal stage, unless a ~~public funding or~~ legal aid provider certificate has authorised ~~ds~~ two counsel (but see paragraphs 6.6 and 6.7 above).

15.9 The following guideline figures are used in assessing payments to counsel at the appeal stage:

#### Appeals Junior    KC

Notice of appeal (where UKSC has granted permission)   £150   £150

Notice of appeal (where permission is not required)       £1250   £1750

Statement of facts and issues   £2250   £4500

Authorities       £900   £1800

Conferences (each, up to a maximum of six)       £600   £1200

Advice   £1000   £2000

Brief (based on a 1 day hearing) £7500   £15000

Brief (based on a 2 day hearing) £10000 £20000

Refresher (from day two of the hearing) £1625   £3250

#### Notes

15.10 Counsel's fees are assessed in respect of each item of work counsel has undertaken. It is essential that this approach is reflected by those completing Form 5. It should be borne in mind that the number of hours spend by counsel in preparation is rarely of assistance to the Costs Officers when assessing the amount of counsel's fees at any stage of the proceedings.

15.11 Counsel for an appellant generally commands a higher fee than counsel for a respondent.

15.12 The brief fee includes all work on the brief, the written case, counsel-only conferences and the first day of attendance at the Court.

15.13 The Costs Officers exercise discretion in instances where junior counsel has undertaken most of the work on a particular item.

15.14 For settling a notice of appeal where the Supreme Court has granted permission, only one counsel's fee is permitted.

15.15 The Costs Officers have no discretion to allow the fees of more than two counsel unless the Court has ordered otherwise.

15.16 These fees are intended as a guide. If counsel seek higher fees, they must provide an explanation in a detailed note.

## 16. Conditional Fee Arrangements

16.1 Notification should be given to the opposing parties and to the Registry as soon as practicable after a conditional fee agreement or funding arrangement has been entered into.

## 17. Costs of Litigants in Person

17.1 The amount allowed to a litigant in person may not exceed the loss actually sustained or, where no loss has been sustained, £~~18~~19 for each hour reasonably spent, subject in either case to a maximum for any particular item of two thirds of the sum which in the opinion of the Costs Officer would have been allowed for that item if the litigant had been represented by a solicitor. The two thirds limit does not apply to out-of-pocket expenses which would be disbursements if incurred by a solicitor. (For further information see CPR 46.5 and paragraph 3 of Practice Direction 46 which supplements it.)

## 18. Costs of Assessment

18.1 By way of guidance for smaller claims, the following sums are usually justified for completing Form 5 :

Amount of bill	Amount allowed
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Bills assessed at up to £2000 (excluding VAT)	£300
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Bills assessed at £2001 to £5000 (excluding VAT)	£500
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Bills assessed at £5001 to £10000 (excluding VAT)	£700
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18.2 For a larger bill the amount allowed for time reasonably spent in drafting the bill is calculated as a multiple of the relevant hourly rate for a Grade D fee-earner (unless a claim for a higher grade is justified).

18.3 The parties must prepare costs schedules for the consideration of the Costs Officers after detailed assessment.

18.4 Counsel may not claim a brief fee for attending detailed assessment on their own behalf but may do so if briefed in respect of the entire bill.

## Section 2

Form 5 - Bill of Costs

Form 5 - Bill of Costs (DOC)

## Section 3

Guideline Hourly Rates for Solicitors

Solicitors' hourly rates: England and Wales

1. The guideline rates set out in paragraph 15 for solicitors are broad approximations. Rates include care and attention.

2. The grades of fee earner are those that have been agreed between representatives of the Senior Courts Costs Office, the Association of District Judges and the Law Society. The categories are as follows:

Solicitors with over eight years' post qualification experience including at least eight years litigation experience.

Solicitors, employed barristers and legal executives with over four years' post qualification experience including at least four years litigation experience.

Other solicitors, legal executives and fee earners of equivalent experience.

Trainee solicitors, para legals and fee earners of equivalent experience.

3. "Legal Executive" means a Fellow of the Institute of Legal Executives. Those who are not Fellows of the Institute are not entitled to call themselves legal executives and in principle are therefore not entitled to the same hourly rate as a legal executive.

4. Unqualified clerks who are fee earners of equivalent experience may be entitled to similar rates and in this regard it should be borne in mind that Fellows of the Institute of Legal Executives generally spend two years in a solicitor's office before passing their Section 1 general examinations, spend a further two years before passing the Section 2 specialist examinations and then complete a further two years in practice before being able to become Fellows. Fellows therefore possess considerable practical experience and academic achievement. Clerks without the equivalent experience of legal executives will be treated as being in the bottom grade of fee earner i.e. trainee solicitors and fee earners of equivalent experience. Whether or not a fee earner has equivalent experience is ultimately a matter for the discretion of the court.

The National 1 rates apply to:

Aldershot, Farnham, Bournemouth (including Poole)

Birmingham Inner

Bristol

Cambridge City, Harlow

Canterbury, Maidstone, Medway & Tunbridge Wells

Cardiff (Inner)

Chelmsford South, Essex & East Suffolk

Chester

Fareham, Winchester

Hampshire, Dorset, Wiltshire, Isle of Wight

Kingston, Guildford, Reigate, Epsom

Leeds Inner (within 2 kilometres radius of the City Art Gallery)

Lewes

Liverpool, Birkenhead

Manchester Central

Newcastle - City Centre (within a 2 mile radius of St Nicholas Cathedral)

Norwich City

Nottingham City

Oxford, Thames Valley

Southampton, Portsmouth

Swindon, Basingstoke

Watford

The National 2 rates apply to:

Bath, Cheltenham and Gloucester, Taunton, Yeovil

Birmingham Outer

Bradford (Dewsbury, Halifax, Huddersfield, Keighly & Skipton)

Bury

Chelmsford North, Cambridge County, Peterborough, Bury St E, Norfolk, Lowestoft

Cheshire & North Wales

Coventry, Rugby, Nuneaton, Stratford and Warwick

Cumbria  
Devon, Cornwall  
Exeter, Plymouth  
Grimsby, Skegness  
Hull (City)  
Kidderminster  
Leeds Outer, Wakefield & Pontefract  
Leigh  
Lincoln  
Luton, Bedford, St Albans, Hitchin, Hertford  
Manchester Outer, Oldham, Bolton, Tameside  
Newcastle (other than City Centre)  
Northampton & Leicester  
Nottingham & Derbyshire  
Preston, Lancaster, Blackpool, Chorley, Accrington, Burnley, Blackburn, Rawenstall & Nelson  
Scarborough & Ripon  
Sheffield, Doncaster and South Yorkshire  
Shrewsbury, Telford, Ludlow, Oswestry  
South & West Wales  
Southport  
Stafford, Stoke, Tamworth  
St Helens  
Stockport, Altrincham, Salford  
Swansea, Newport, Cardiff (Outer)  
Teesside  
Wigan  
Wolverhampton, Walsall, Dudley & Stourbridge  
Worcester, Hereford, Evesham and Redditch  
York, Harrogate

~~London Bands Grade A B C D~~

~~London 1 EC1, EC2, EC3, EC4 £409 £296 £226 £138~~



~~London 2 – W1, WC1, WC2, SW1 £317 – £242 – £196 – £126~~

~~London 3 (All other London post codes: W, NW, N, E, SE, SW and Bromley, Croydon, Dartford, Gravesend and Uxbridge) – £229 to £267 – £172 to £229 – £165 – £121~~

<u>Grade of fee earner</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
<u>London 1</u>	<u>£512</u>	<u>£348</u>	<u>£270</u>	<u>£186</u>
<u>London 2</u>	<u>£373</u>	<u>£289</u>	<u>£244</u>	<u>£139</u>
<u>London 3</u>	<u>£282</u>	<u>£232</u>	<u>£185</u>	<u>£129</u>
<u>National 1</u>	<u>£261</u>	<u>£218</u>	<u>£178</u>	<u>£126</u>
<u>National 2/3</u>	<u>£255</u>	<u>£218</u>	<u>£177</u>	<u>£126</u>
<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>

#### Scotland and Northern Ireland

The Costs Officers bear in mind the guideline rates for England and Wales when determining appropriate rates in appeals from Scotland and Northern Ireland.

#### Footnotes

1. Kuwait Airways Corporation v Iraqi Airways Company and others: Appeal Committee, 102nd Report (2001-02), paragraph 16, HL Paper 155 Return to footnote 1
- ~~2. Introduced Nov 2013 Rule 3 of the Supreme Court Rules 2009 defines "solicitor" as including any person authorised to provide legal services other than as counsel in connection with proceedings before the Court Return to footnote 2~~
- ~~3. Consolidated rates based on those permitted in the respective jurisdictions are allowed for solicitors practising in Scotland or Northern Ireland Return to footnote 3~~
- 4.2. Amended Nov 2022 Return to footnote 4
- ~~5.3.~~ Amended Nov 2022 Return to footnote 5