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From The Registrar

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Applications for costs

Counsel, solicitors and parties are asked to observe the following points of practice relating to applications for costs in the Judicial Committee.

1. Petitions

Where a petition for special leave to appeal is dismissed, an application for costs should be made at the conclusion of the hearing immediately after the Board's decision has been announced. Where a petition for special leave to appeal is granted, the costs of the petition will form part of the costs of the appeal.

On the hearing of an other kind of petition, an application for costs should be made at the conclusion of the hearing.

2. Appeals

Normally in civil appeals the judgment will include an order for costs to follow the event without any application for costs being made at the hearing. The Judicial Committee has recently said that in criminal appeals its practice will be to award costs in any case where it considers this to be appropriate (*Benedetto and Labrador v The Queen (No. 2)* [2003] UKPC 70).

If either party wishes to seek an order for costs in a criminal appeal or an order in a civil appeal other than that costs should follow the event, application should be made in the written Case or at the conclusion of the hearing or (preferably) both. No oral submissions as to costs may be made upon delivery of the judgment. In exceptional circumstances the Board may refrain from dealing with the question of costs in the judgment and invite written submissions as to costs after judgment has been delivered.

3. Other matters

On the hearing of a motion or other matter, an application for costs should be made at the conclusion of the hearing.

J.A.C. Watherston
Registrar