

THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL

PRACTICE DIRECTION 8 COSTS

Note: enquiries about costs and fees should be made to the Costs Clerk (tel: 020-7276 0483).

Drafts and cheques for fees, including assessment fees, should be made payable to ‘**Judicial Committee Fees Account**’.

Drafts and cheques for security money only should be made payable to ‘**Judicial Committee Security Fund Account**’.

CONTENTS

SECTION 1

1. Introduction
2. Entitlement to costs
3. Orders under paragraph 3.5.3 of Practice Direction 3
4. Orders under section 11 of the Access to Justice Act 1999
5. Filing
6. Extension of time
7. Form of bill
8. Endorsement
9. Documents
10. Basis of assessment
11. Fees for preparing applications for permission to appeal
12. Funded Parties: applications for permission to appeal
13. Respondents’ objections
14. Provisional assessment
15. Assessment before Costs Officers.
16. Costs Officers’ discretion (civil appeals)
17. Costs Officers’ discretion (criminal appeals)
18. Appeals against assessment in the Judicial Committee

19. Allocatur (agreed cost figures)
20. Certificate of discharge
21. Vouching
22. Summary
23. Fees
24. Certificates
25. Interest
26. Quantum: guidelines on fees allowed
27. Conditional fee agreements
28. Costs of litigants in person
29. Costs of drafting bill for assessment

SECTION 2: FORMS OF BILLS OF COSTS

Form A: Appellant's bill of costs of the appeal to be assessed on the standard basis and paid by the respondent

Form B: Respondent's bill of costs to be assessed on the standard basis and paid by the appellant

SECTION 3: ALLOCATURS

Allocatur (agreed costs figures)

SECTION 4: FEES

1. SECTION 1 - INTRODUCTION

- 1.1 This Practice Direction relates to the costs incurred in the prosecution of an appeal to the Judicial Committee. Detailed assessments of costs in the Judicial Committee may be conducted by the Senior Costs Judge or any costs judge nominated by him. Under section 15 of the Judicial Committee Act 1833 the Judicial Committee may appoint a person or persons other than the Registrar to tax or assess costs and the Costs Judges have been appointed under this provision. A Costs Judge sits alone when assessing costs.
- 1.2 The Costs Clerk is an officer in the Registry of the Judicial Committee who acts under the direction and supervision of the Registrar.
- 1.3 Detailed assessments are conducted in public.
- 1.4 The assessment of costs is governed by the relevant provisions of the Judicial Committee (Appellate Jurisdiction) Rules supplemented by this and the other Practice Directions issued by the Judicial Committee. To the extent that the Judicial Committee (Appellate Jurisdiction) Rules and Practice Directions do not cover the situation, the rules and Practice Directions relating to Sections 43 – 48 of the Civil Procedure Rules are applied by analogy at the discretion of the Costs Judge, with appropriate modifications for appeals from foreign jurisdictions. The legal principles applied are those also applicable to assessments between parties in the High Court and Court of Appeal in England and Wales.
- 1.5 In this Practice Direction “the Costs Officer” means the Senior Costs Judge or any costs judge nominated by him to conduct the detailed assessment on behalf of the Registrar.

2. ENTITLEMENT TO COSTS

- 2.1 Bills of costs may be filed in the Registry for assessment in the following circumstances:
 - (a) costs payable by appellants, respondents or other persons under an order for costs made by the Judicial Committee;
 - (b) costs payable by the Legal Services Commission (LSC) or the appropriate Legal Aid Board to appellants, respondents or other persons consequent upon an order for costs made by the Judicial Committee to which section 11 of the Access to Justice Act 1999 or the equivalent provisions in the Legal Aid (Scotland) Act 1986 or the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 apply¹;
 - (c) costs payable by the Legal Services Commission (LSC) or the appropriate Legal Aid Board to solicitors, counsel or other legal representatives acting on behalf of a party whose legal proceedings in the Judicial Committee were funded.

¹ Paragraphs 2.1(b)(c), 4, 7(2) and 12(1)(c) will no longer be applicable when the JCPC ceases to have devolution jurisdiction.

- 2.2 The assessment of costs in the Judicial Committee shall be limited to costs incurred in the United Kingdom except that counsel's fees for work done outside the United Kingdom in advising on an appeal to the Privy Council, preparing an application for permission to appeal to the Privy Council, preparing a case on an appeal and preparing for a hearing are treated as having been incurred in the United Kingdom.

3. ORDERS UNDER PARAGRAPH 3.5.3 OF PRACTICE DIRECTION 3

- 3.1 This paragraph applies to a respondent who is allowed to apply for his costs in circumstances where an application for permission to appeal is refused and neither party is publicly funded or legally aided.
- 3.2 The application may be made by letter addressed to the Registrar or may be included in a bill of costs filed in the Registry conditional upon the application being granted.
- 3.3 As a general rule the Registrar does not grant the application in any of the following cases:
- (a) where the application for permission was not served on the respondent making the application;
 - (b) where the respondent making the application did not file notice of objection to the application for permission;
 - (c) where the application is made by one of two or more respondents and the Registrar is not satisfied that the applicant had an interest in the application for permission that required separate representation.

4. ORDERS UNDER SECTION 11 OF THE ACCESS TO JUSTICE ACT 1999

- 4.1 Any costs ordered to be paid by a LSC funded party must not exceed the amount which is a reasonable one for them to pay having regard to all the circumstances including
- (a) the financial resources of all the parties to the proceedings; and
 - (b) their conduct in connection with the dispute to which the proceedings relate (Access to Justice Act 1999, section 11)¹.
- 4.2 Costs which were incurred by one party during a period when another party was LSC funded, and which are not recoverable from the LSC funded party only because of section 11 of the Access to Justice Act 1999, may, in certain circumstances, be payable by the LSC itself.
- 4.3 The Community Legal Service (Costs) Regulations 2000 and the Community Legal Service (Cost Protection) Regulations 2000 are Regulations made under section 11 of the Access to Justice Act 1999 and provide a code governing orders for costs against LSC funded parties and against the LSC.

¹ SI 2000/441; SI 2000/824; SI 2001/822; SI 2001/823; SI 2001/3812; SI 2003/649; SI 2005/2006; and the equivalent provisions in the Legal Aid (Scotland) Act 1986 or the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981.

- 4.4 A party who seeks costs against the LSC under section 11 of the Access to Justice Act 1999, or who may do so, depending upon the amount of costs payable by the LSC funded party, must file with his bill of costs copies of any documents (including a statement of resources and any notice served by him on the LSC) 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 applies, a party who is or was LSC funded 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 LSC.
- 4.6 The LSC may appear at any hearing at which a costs order may be made against the LSC.

5. FILING

- 5.1 Bills of costs for assessment must be filed within three months of either:
- (a) the date on which the final judgment in the appeal is delivered; or
 - (b) the date on which an application for permission to appeal is dismissed by the Judicial Committee; or
 - (c) the date on which an application for permission or a notice of appeal is withdrawn.

6. EXTENSION OF TIME

- 6.1 If an extension of the three month period for filing a bill is desired, application must be made in writing to the Registrar before the end of that period. (For applications see paragraph 7.1 of Practice Direction 7.) Copies of all such correspondence should be sent to all interested parties.
- 6.2 Applications for extensions of time may be made after the expiry of the three month period. In deciding whether to grant an application the Registrar takes into account all the circumstances, including:
- (a) the interests of the administration of justice;
 - (b) whether the failure to file in time was intentional;
 - (c) whether there is a good explanation for the failure to file in time;
 - (d) the effect which the delay has had on each party; and
 - (e) the effect which the granting of an extension of time would have on each party.

7. FORM OF BILL

- 7.1 The items on a bill should be numbered consecutively as shown in Section 2 below and similarly worded where possible. Parties or their agents should adhere to the items shown so far as possible. The standard three column bill paper should be used.
- 7.2 Where costs are to be assessed both as between the parties and under the Access to Justice Act 1999 or the Legal Aid (Scotland) Act 1986 or the Second Schedule to the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981, a six column bill should be drawn.

8. ENDORSEMENT

8.1 The bill must be endorsed before filing with a certificate of service on the parties entitled to be represented at the assessment or their agents. Information about the date and time of the assessment is sent to all such parties or their agents.

9. DOCUMENTS

9.1 The following documents must be filed with the Costs Clerk:

- (a) the **bill plus two copies**;
- (b) counsel's fee notes;
- (c) written evidence of any other disbursement which is claimed and which exceeds £500
- (d) certificates as to
 - (i) accuracy,
 - (ii) interest and payments,
 - (iii) (where appropriate) interest of assisted person or funded client.

9.2 Other papers on which parties or agents intend to rely may be brought to the assessment hearing or filed with the Costs Clerk as he thinks appropriate. Where a bill is complex or large, any papers which the Costs Officer will need to pre-read, should be filed at least 7 days before the hearing.

10. BASIS OF ASSESSMENT

10.1 Unless otherwise provided for by order or direction, costs in the Judicial Committee are ordered to be assessed on the standard basis or on the indemnity basis in accordance with rules 47 and 48 of the Judicial Committee (Appellate Jurisdiction) Rules.

11. FEES FOR PREPARING APPLICATIONS FOR PERMISSION TO APPEAL

11.1 The general rule is that a single fee is allowed for one junior counsel for preparing applications for permission to appeal. Rarely, if ever, are fees allowed for two counsel, but a fee may be allowed for a Queen's Counsel instead of junior counsel if this is held to be necessary because of the difficulty or complexity of the case or other good reason¹.

11.2 In a publicly funded application for permission to appeal, a fee for Queen's Counsel is not allowed unless permission has been given by the relevant funding authority.

11.3 For guideline figures for fees on applications for permission to appeal, see paragraph 26.5.

¹ As to "necessary", see Lord Woolf CJ, *Home Office v Lownds* [2002] EWCA Civ 365.

12. FUNDED PARTIES: APPLICATIONS FOR PERMISSION TO APPEAL

- 12.1 Where an applicant for permission to appeal is publicly funded and the application is dismissed without an oral hearing:
- (a) reasonable costs may be awarded for preparing the applicant's papers for the Judicial Committee ;
 - (b) a publicly funded respondent may be awarded costs incurred in attending the client, filing notice of objection and, where applicable, preparing respondent's objections to the application;
 - (c) an unassisted respondent may be awarded costs similar to those at (b) above out of the Community Legal Service Fund pursuant to section 11 of the Access to Justice Act 1999 or the equivalent provisions in the Legal Aid (Scotland) Act 1986 and the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981.
- 12.2 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 (a) to (c) above.

13. RESPONDENTS' OBJECTIONS

- 13.1 Respondents to an application for permission to appeal who submit objections under rule 13 may apply for costs in accordance with paragraphs 3 and 4 above. For guideline figures for preparing respondents' objections, see paragraph 26.5.

14. PROVISIONAL ASSESSMENT

- 14.1 There is no provisional assessment procedure in the Judicial Committee.

15. ASSESSMENT BEFORE COSTS OFFICERS

Points of dispute

- 15.1 A paying party may file points of dispute under rule 45 but, if the bill is above **£20,000**, the paying party must file points of dispute. Paying parties who file points of dispute must do so within 21 days of service of the bill upon them, and must at the same time serve a copy of the points of dispute on every other party. The points of dispute must be properly endorsed with a certificate of service. The receiving party may within 21 days from service of the points of dispute respond to the points if they think it appropriate to do so.
- 15.2 Where the paying party does not file points of dispute and fails to attend an assessment, the Costs Officer may nevertheless assess the bill, but generally allows the bill to the extent that it appears reasonable and (if appropriate) proportionate.

Date of assessment hearing

15.3 The Registrar gives at least 21 days' notice of the day and time appointed for assessment to all those entitled to be heard at the assessment. Only the parties or their agents who were responsible for the case in the Judicial Committee or their deputies have a right to be heard. For the purpose of this paragraph, a deputy may be another member of the agent's firm, or the Privy Council/London agent, or the costs draftsman; but those attending must be fully conversant with the matters to be considered.

Attendance at assessments

15.4 The receiving party or their agent must attend the assessment.

Counsel

15.5 Where costs are to be assessed as between the parties, submissions on counsel's fees may be made at the assessment hearing. It is not usual for counsel or their clerks to attend before the Costs Officer, but they may do so if they wish.

16. COSTS OFFICERS' DISCRETION (CIVIL APPEALS)

16.1 The Costs Officer has discretion as to the amount to allow. In exercising this discretion he bears in mind the terms "unreasonably incurred" and "unreasonable in amount" in CPR 44.4, and in particular considers to what extent an item assisted the Judicial Committee in determining the appeal. In the case of applications for permission to appeal, a major consideration is whether the application gave rise to a point of public importance.

16.2 The length of a hearing, the complexity of the issues as indicated by the judgments delivered in the Judicial Committee, and the general level of fees sought and allowed in the lower courts are taken into account.

16.3 Counsel's fees are assessed in respect of each item of work counsel has undertaken. It is helpful therefore in drawing a bill to apportion counsel's work according to the categories set out in paragraphs 26.5 and 26.7. The number of hours spent by counsel in preparation is not usually of assistance to the Costs Officer when assessing the quantum of counsel's fees at any stage of the proceedings.

16.4 The Costs Officer has discretion to allow Queen's Counsel's fees for applications for permission to appeal (subject to paragraph 11).

17. COSTS OFFICERS' DISCRETION (CRIMINAL APPEALS)

17.1 In the assessment of bills in criminal appeals the Costs Officer does not generally take into account the hours spent by counsel in preparation.

17.2 The Costs Officer has a discretion to allow Queen's Counsel's fees for applications for permission to appeal (subject to paragraph 11).

18. APPEALS AGAINST ASSESSMENT IN THE JUDICIAL COMMITTEE

Appeals against assessment

- 18.1 Any party to an assessment who is dissatisfied with all or part of a decision of the Costs Officer may apply in accordance with rule 51 for that decision to be reviewed by the Judicial Committee.
- 18.2 An application may be made only on a question of principle and not in respect of the quantum allowed on any item. For applications see paragraph 7.1 of Practice Direction 7.
- 18.3 Any application must be made within 14 days after the decision of the Costs Officer or such longer period as may be fixed by him or by the Registrar.

Written grounds of appeal

- 18.4 An application for a review must be accompanied by written submissions setting out the items or parts of items objected to and stating concisely in each case the nature and grounds of the objections. A copy of the grounds of appeal must be delivered to each party who attended the assessment of those items.
- 18.5 Any party to whom a copy of the grounds of appeal is delivered may, within 14 days after delivery of the copy to them or such longer period as may be fixed by the Registrar, submit in writing to the Registrar their answers to the grounds of appeal. They should state concisely the reasons why they are opposed to a review of the item(s), and must at the same time deliver a copy of their answers to the party applying for review and to each party to whom a copy of the grounds of appeal has been delivered.

Reference to the Judicial Committee

- 18.6 When he has received all the necessary documents, the Registrar refers the matter to a member of the Board nominated by the senior member of the Board which heard the appeal or application for permission to appeal.
- 18.7 The nominated member of the Board decides whether the matter should be referred to the Judicial Committee. If he is of the opinion that the matter should *not* be so referred, the decision of the Costs Officer is affirmed.

Application to the Judicial Committee

- 18.8 If the nominated member of the Board/Committee decides that the matter should be referred to the Judicial Committee, the party disputing the decision of the Costs Officer may, within 14 days of the date on which that decision is communicated to the parties, file an incidental application in Form 2.
- 18.9 The application will be referred to three members of the Judicial Committee who will consider whether it should be referred for hearing.

19. ALLOCATUR (AGREED COSTS FIGURES)

- 19.1 Forms of allocatur are obtained from the Costs Clerk at the assessment hearing and must be returned by the receiving party to the Costs Clerk within one month, signed by all parties who attended the assessment or their agents, together with the completed bill and assessment fee. A specimen form is set out in Section 3 below.
- 19.2 If a paying party refuses to sign the form of allocatur, the signature of the receiving party will be sufficient, provided the Costs Officer is satisfied that the paying party has refused to sign without good reason.

20. CERTIFICATE OF DISCHARGE

- 20.1 A certificate in the following form may be accepted as evidence of payment of any disbursement not exceeding £500 (other than fees to counsel) provided that the paying party does not object, and subject to any direction to the contrary that may be given by the Costs Officer:

We A.B. & Co.,
Hereby certify that all disbursements listed in the
assessed bill in the matter of C. v. D. which individually
do not exceed £500 (other than those relating to
counsel's fees) have been duly discharged.
Signed A. B. & Co.

21. VOUCHING

- 21.1 Unless covered by a certificate of discharge (see paragraph 20), receipted vouchers must be produced on completion of the bill. Counsel's fee notes must be receipted except in the case of publicly funded bills. Parties or their agents wishing to attend to vouch and complete bills should make an appointment with the Costs Clerk.

22. SUMMARY

- 22.1 The completed bill of costs must include a summary (see Section 3 below) showing the total amount allowed and the total amount of any VAT which is recoverable.
- 22.2 Where costs are payable under a certificate of public funding or representation order, a summary showing the respective amounts of profit costs, counsel's fees, other disbursements and VAT should be shown at the end of the bill.

23. FEES

- 23.1 Assessment fees are set out in Annex 2 to Practice Direction 7.
- 23.2 The receiving party is responsible for paying the filing fee and the assessment fee.
- 23.3 The receiving party is responsible for paying the fee on a withdrawn bill.

23.4 Reduced fees are payable when costs are agreed before assessment. Responsibility for informing the Registrar that agreement has been reached lies with the receiving party, but both parties must confirm the agreement in writing.

23.5 Drafts and cheques for fees are payable to “**Judicial Committee Fees Account**”.

24. CERTIFICATES

Civil

24.1 When the assessment fee has been paid, a certificate of assessment for the costs as allowed will be sent to the parties or their agents who filed the bill, except in the case of respondents whose costs can be wholly satisfied from money deposited as security for costs (see rules 50 and 52).

25. INTEREST

25.1 Interest is chargeable on orders made in respect of costs assessed as between the parties and orders for 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 order of the Judicial Committee is made or such other date as the Judicial Committee may specify.

25.2 It is within the discretion of the Costs Officer to vary the period for which interest is allowed in any case where the circumstances make it appropriate to do so.

26. QUANTUM: GUIDELINES ON FEES ALLOWED

Solicitors practising in England and Wales

26.1 The guideline rates are set out below. These are consolidated figures that include a mark-up for care and attention. No further mark-up is allowed for care and attention.

26.2 The following table summarises the hourly rates and localities:

<i>Grade of fee earner:-</i>	A	B	C	D
	£	£	£	£
City of London	402	291	222	136
Central London	312	238	193	124
Outer London	225-263	169-225	162	119
National 1	213	189	158	116
National 2/3	198	174	144	109

26.3 A common mistake is to use senior solicitors or solicitors’ staff at a level higher than the work requires. Allowances at the “A” rate will rarely be appropriate.

26.4 When travel and waiting is claimed, this is allowed at the rate agreed with the client, unless this is more than the hourly rate allowed on the assessment.

Letters and telephone calls are allowed at one tenth ($\frac{1}{10}$) of the hourly rate.

Counsel

26.5 The following guideline figures are used in assessing payments to counsel:

Applications for permission, civil and criminal

	Junior	QC (subject to paragraph 11)
Settling application	£1000	£1250
Advice (if any) for Legal Services Commission or Legal Aid Board in Scotland or Northern Ireland	£400	£600
Preparing respondents' objections	£700	£1000
Attending oral hearing by Judicial Committee	£1500	£2000

26.6 If an increase is sought on any of the above items, it must be explained in a note from counsel. No other payments are allowed at the permission to appeal stage.

26.7 The general rule is that only one counsel's fees are allowed on assessment for any stage of an application for permission to appeal, even if a public funding or legal aid certificate authorises two counsel (see paragraph 11).

Appeals—civil and criminal

	Junior	QC
Settling notice of appeal	£100	£100
Statement of facts and issues	£2000	£4000
Authorities	£800	£1600
Conferences (each, up to a maximum of six)	£500	£1000
Advice	£900	£1800
Brief (based on a 1 day hearing)	£7000	£14000
Brief (based on a 2 day hearing)	£9000	£18000
Refresher (from day two of the hearing)	£1500	£3000
Attendance at Judgment	£200	£200

Notes

26.8 Generally counsel for an appellant commands a higher fee than counsel for a respondent.

26.9 The brief fee includes all work on the brief, the case and the first day of attendance at the Judicial Committee.

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

- 26.11 On a notice of appeal and on attending judgment, only one counsel's fee is permitted.
- 26.12 These fees are intended as a guide. If counsel seek higher fees, they must explain in a note.
- 26.13 Fees for work done by counsel overseas for the purposes of proceedings before the Judicial Committee are treated as having been incurred in England.

27. CONDITIONAL FEE AGREEMENTS

- 27.1 Whether conditional fee agreements are permissible in overseas appeals to the Judicial Committee is currently under consideration in an appeal from Jamaica, *Seaga v Harper*, No 90 of 2006.

28. COSTS OF LITIGANTS IN PERSON

- 28.1 The amount allowed to a litigant in person may not exceed the loss actually sustained or, where no loss has been sustained, £9.25 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 48.6 and section 52 of the Costs Practice Direction.)

29. COSTS OF DRAFTING BILL FOR ASSESSMENT

- 29.1 By way of guidance for smaller bills, the following sums are usually justified:

Amount of bill	Amount allowed
Bills assessed at up to £2000 (excluding VAT)	£300
Bills assessed at £2001-£5000 (excluding VAT)	£500
Bills assessed at £5001-£10000 (excluding VAT)	£700

- 29.2 For a larger bill the amount allowed is a multiple of the relevant hourly rate for time reasonably spent in drafting the bill.

SECTION 2: FORMS OF BILLS OF COSTS

Note: the figures in the following forms are for illustrative purposes only

FORM A APPELLANT'S COSTS OF THE APPEAL TO BE ASSESSED ON THE STANDARD BASIS AND PAID BY THE RESPONDENT

PRIVY COUNCIL APPEAL NO OF 20

**IN THE PRIVY COUNCIL
ON APPEAL FROM THE COURT OF
APPEAL OF**

Between

Appellant

and

Respondent

APPELLANT'S COSTS OF THE APPEAL TO BE ASSESSED ON THE STANDARD BASIS AND PAID BY THE RESPONDENT PURSUANT TO JUDGMENT DATED

Item No.	Description of work done	V.A.T. £	Disbursements £	Profits Costs £
	<p><u>Narrative</u></p> <p>[Set out concise statement of the history of the proceedings, the facts of the case and the issues raised by the appeal.]</p> <p>A solicitor (A.B.) was engaged at £00 per hour, a Legal Executive (C.D.) at £00 per hour, and a Trainee (E.F.) at £00 per hour.</p> <p>Ordinary telephone calls and letters charged in six-minute units.</p> <p>Substantive telephone attendances and long letters charged on an hourly basis as stated above.</p> <p>2008</p> <p>[Date]</p>			
1.	<p>Form 1 filed fee paid</p> <p>[Date]</p>		00	

2.	Attending to inspect Certified Record			
	Clerk: hours	00		
	Travelling and waiting mins	<u>00</u>		00
		00		
	<u>[Date]</u>			
3.	Fee of Counsel Mr. [] Q.C. for written Advice		00	
	<u>[Date]</u>			
4.	Attending for Examination of Record			
	Trainee: hours - mins	00		
	Travelling and waiting: mins	<u>00</u>		00
		00		
5.	fee paid		000.00	
	<u>[Date]</u>			
6.	Drafting Notice of Appeal			000.00
7.	Filing Notice of Appeal (fee paid)		00	
8.	Preparing Instructions to Counsel to settle Case			
9.	Fee of Senior Counsel to settle Case Mr. [] Q.C.		00	
10.	Fee of Junior Counsel to settle Case Ms. []		00	
	2008			
	<u>[Date]</u>			
11.	Attending to file copies of the Case (fee paid)		00	
	<u>[Date]</u>			
12.	Preparing and delivering Brief to Counsel			
	<u>[Date]</u>			
13.	Attending Counsel in Consultation			
	Solicitor: hours – mins	00		
	Travelling and waiting: mins	<u>00</u>		00
		00		
14.	Fee of Senior Counsel (included in Brief Fee)			
15.	Fee of Junior Counsel (included in Brief Fee)			
	<u>[Date]</u>			
16.	Attending Council Chamber when Appeal part- heard			

	Legal Exec: hours	00		
	Travelling and waiting: mins	<u>00</u> 00		00
17.	Brief Fee of Senior Counsel: Mr. [] Q.C.		00	
	Brief Fee of Junior Counsel: Ms. [.....]		00	
	[Date]			
18.	Attending Council Chamber when appeal hearing concluded			
	Legal Exec: hours	00		
	Travel and waiting: mins	<u>00</u> 00		00
19.	Refresher Fee of Senior Counsel: Mr. [] Q.C.	00		
20.	Refresher fee of Junior Counsel: Ms [....]	00		
	[Date]			
21.	Attending Council Chamber when Judgment handed down and Appeal allowed			
	Legal Exec: hours	00		
	Travel and waiting: mins	<u>00</u> 00		00
22.	Fee of Counsel: Mr []		75.00	
	PART 4			
	A - WORK DONE			
	(All by C.D. unless otherwise specified)			
	(i) <u>Appellant</u>			
23.	Attending upon and communicating with Messrs. [] as necessary in respect of matters arising in the Appeal.			
	Four short letters [dates]	00		
	One long letter [date] ____ mins	00		
	One long letter [A.B.] [date] ____ mins	00		
	Five short telephone calls [dates]	00		
	One long telephone call [A.B.] [date] ____ mins	00		
	(ii) <u>Respondent</u>			
24.	Attending upon and communicating with Messrs. []			
	Seven short letters [dates]	00		
	Two long letters [dates] _____ mins.	00		
	One long letter [A.B.] [date] ____ mins	00		
	Five short telephone calls [dates]	00		

	One long telephone call [A.B.] [date] ____ mins.	00		
25.	(iii) <u>Privy Council</u> Attending upon and communicating with the Judicial Committee Registry Three short letters [dates] One long letter [date] ____ mins Four short telephone calls [dates]	00 00 00		
26.	(iv) <u>Counsel</u> Communicating with Counsel as necessary Three routine telephone calls Two short letters	00 00		
27.	(v) <u>Documents</u> [Date] hours Reading papers and other information supplied	00		
	[Date] mins. Considering documents required	00		
	[Date] hours Reviewing papers prior to preparing Instructions to Counsel to settle Case			
	[Date] mins. Reading and considering Respondent's Case			
	[Date] mins. Considering additional documents			
	[Date] hours Preparing Brief to Counsel and collating papers to accompany			
	[Date] mins. Considering Respondent's List of Authorities			
	[Date] mins. Considering matters generally			
	[Date] hours Obtaining authorities, preparing bundles and delivering bundles to Respondent's Solicitors			
	[Date] mins. Preparing for Hearing			
	[Date] mins. Preparing Brief to Counsel to attend upon Judgment			
	[Date] mins. Approving Draft Order			
	Time Spent:- Solicitor: hours minutes	00		

	Legal Executive: hours minutes	00		
	Trainee: hours minutes	<u>00</u>		
		00		00
28.	TOTAL			
		<u>00</u>		
29.	<u>Reproduction of:-</u>			
	(a) Record -			
	- pages x 30 copies (y pages)	00		
	(b) Appellants Case			
	- pages x 30 copies (y pages)	00		
	(c) Appellant's authorities			
	- pages x 12 copies (y pages)	00		
	All at 10p per page#			
	Total		00	
	5. ASSESSMENT			
33.	Preparation of bill – costs draftsman [] hours @ £100 per hour	00		
34.	Perusing, approving and signing bill – partner, 30 minutes	00		
35.	Preparing for and attending assessment including consideration of: Points of dispute – Legal Executive: hours	00		
	Travelling and waiting: mins	<u>00</u>		
		<u>00</u>		

SUMMARY

Profit costs (as allowed on assessment)

Page 1
2
3
4
5
6

Total profit costs (as allowed)

Add Disbursements (as allowed)

Add assessment fee

Total

We agree the costs in the sum of £

Signed _____
(Appellant's Solicitors)

Signed _____
(Respondent's Solicitors)

FORM B RESPONDENT'S COSTS TO BE ASSESSED ON THE STANDARD BASIS AND PAID BY THE APPELLANT

**IN THE PRIVY COUNCIL
ON APPEAL FROM THE COURT OF
APPEAL OF**

Between

Petitioner

and

Respondent

**RESPONDENT'S COSTS TO BE ASSESSED ON THE STANDARD BASIS AND PAID
BY THE APPELLANT PURSUANT TO ORDER DATED**

Narrative

[Concise statement of the history of the proceedings, the facts of the case and the issues raised by the appeal.]

Fee earners engaged –

- Solicitor(AB) at £X per hour
- Legal Executive (CD) at £Y per hour
- Trainee at £Z per hour

Ordinary telephone calls and letters charged in six minute units.

Item No.	Description of work done	V.A.T. £	Disbursements £	Profits Costs £
1.	2008 <u>[Date]</u> Instructions to counsel (Mr. Q.C.) to advise and to settle draft skeleton argument for the Respondent			

Item No.	Description of work done	V.A.T. £	Disbursements £	Profits Costs £
2.	<u>[Date]</u> Attending counsel to advise in consultation (AB) one hour £00			
3.	Travel time – 18 minutes £00			
4.	Paid Counsel's fee; Mr _____, Q.C. for consultation <u>[Date]</u>		00	00
5.	Attending hearing of appeal when same dismissed – AB, 48 minutes £00			
6.	Travel time – 42 minutes £00			
7.	Waiting time – 30 minutes £00			
8.	Paid travelling expenses (taxis)		00	00
9.	Paid Counsel's Brief Fee, Mr. Q.C.		00	
10.	PREPARATION			
11.	<u>Correspondence and attendances</u> (a) Respondent £00			
	<u>Letters written</u> <u>[Date]</u> £00			
12.	<u>Long letter written</u> <u>[Date]</u> (18 minutes) £00			
	<u>Telephone attendance</u> <u>[Date]</u> £00			

Item No.	Description of work done	V.A.T. £	Disbursements £	Profits Costs £
13.	(b) <u>Appellant's solicitors</u> <u>Telephone attendances</u> [Date] £00 <u>Letters written</u> [Date] £00 £00			
14.	(c) <u>Privy Council</u> <u>Telephone attendances</u> [Date] £00 <u>Letters written</u> [Date] £00 £00			
15.	(d) <u>Documents</u> [Date] perusing and considering content of the notice of appeal and supporting documents (AB) – _____ hours £00 Drafting and settling instructions to counsel to settle response and brief on hearing and collating documents to accompany (CD) – _____ hours [Date] perusing counsel's draft response (skeleton argument) (AB) – _____ minutes £00 Finalising copies of response for filing and service (EF) – _____ minutes £00 £00 Total Part A £00			

Item No.	Description of work done	V.A.T. £	Disbursements £	Profits Costs £
	<p><u>PART B</u></p> <p>Preparing and settling draft bill of costs of the respondent – Costs draftsman 2 hours 15 minutes @ £100 per hour</p> <p>Perusing, approving and signing bill – partner 12 minutes @ £00 per hour £00</p> <p>Preparation for and attending and completing assessment of costs (including perusal of any points of dispute served) – CD one hour</p> <p>Travel time – 30 minutes £00</p> <p>Fees</p>		00	00

Summary

Profit costs (as allowed on assessment)	£
Page 1	
Page 2	
Page 3	
Page 4	
<hr/>	
Total profit costs (as allowed)	
Add disbursements (as allowed)	
Total on which assessment fee to be charged	
Assessment Fee	
Total	

SECTION 3: ALLOCATURS OF BILLS OF COSTS

Allocatur¹

IN THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL

BETWEEN

.....

v.

.....

APPELLANT’S/RESPONDENT/S* COSTS

**(Delete where applicable)*

Amount of profit costs and disbursements claimed

Less assessed off disbursements and profit costs.....

Total

Add VAT²

Total allowed.....

Assessment fee on total allowed³

Amount to be certified.....

=====

.....Agent for the appellant

.....Agent for the respondent

**REGISTRAR
JUDICIAL COMMITTEE**

¹ The return of this form together with the bill, the necessary receipted fee notes, vouchers and the assessment fee within four weeks of the assessment is the responsibility of the receiving party. The party must indicate their agreement to the castings in the bill by signing the allocatur.

² On amounts which attract VAT.

³ Assessment fee payable to “**Judicial Committee Fees Account**”.

SECTION 4: FEES

For the relevant fees see the Judicial Committee (Appellate Jurisdiction) Rules or Annex 2 to Practice Direction 7.

Drafts and cheques for assessment fees are payable to 'Judicial Committee Fees Account'.