



# Parliamentary Costs Act 2006

## 2006 CHAPTER 37

### *Assessment of disputed costs*

#### **3 Application for assessment**

- (1) Either of the following may apply for an assessment of costs relating to proceedings of Parliament on a private Bill—
  - (a) a representative (or a successor of his) to whom payment of the costs is overdue,
  - (b) a party who has been charged with, but who objects to, the costs.
- (2) Subsection (1) does not apply unless the representative (or a partner or successor of his) has signed a bill of the costs and—
  - (a) delivered it to the party, or
  - (b) sent it by post to, or left it for him at, his workplace, home or last known home address.
- (3) The application must be made—
  - (a) where the proceedings took place in only one House, to the taxing officer of that House;
  - (b) where they took place in both Houses, to either taxing officer.
- (4) The application must be accompanied by a true copy of the bill of costs.
- (5) If, pending an assessment of costs on an application under this section, proceedings are brought to recover the costs, those proceedings are stayed until the costs have been certified under section 8.

#### **4 Duty to assess: general**

- (1) A taxing officer who receives an application under section 3 must assess the costs to which the application relates (except in so far as they are to be assessed by another officer as a result of section 5).
- (2) Subsection (1) does not apply in the case of an application within section 3(1)(b) if—

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- (a) before the application is made, judgment is obtained in proceedings for the recovery of the costs, or
  - (b) the application is made after the end of the period of six months beginning with the day on which the bill of costs is delivered, sent or left in accordance with section 3(2).
- (3) But if, in the case of an application within section 3(1)(b) made after the end of that period, the taxing officer informs his responsible officer of special circumstances, the responsible officer may, having regard to that information, direct the taxing officer to assess the costs to which the application relates.

## **5 Duty to assess: special cases**

- (1) Subsection (2) applies where—
- (a) the taxing officer of one House receives an application under section 3, and
  - (b) the bill of costs to which the application relates includes costs which relate to a private Bill but not to proceedings of that House.
- (2) The taxing officer may—
- (a) assess the costs himself, or
  - (b) ask the taxing officer of the other House or an authorised court officer to assess some or all of them.
- (3) Subsection (5) applies where—
- (a) an officer is asked under subsection (2)(b) to assess costs, or
  - (b) the Secretary of State asks the taxing officer of the House of Commons to assess costs relating to a Bill or to a provisional order.
- (4) Subsection (5) also applies where an authorised court officer asks either taxing officer to assess costs—
- (a) relating to a private Bill, and
  - (b) included in a bill of costs which the authorised officer is directed to assess by the court by which he is authorised.
- (5) The officer concerned must—
- (a) assess the costs, and
  - (b) give his opinion to the person who asked him to assess them.
- (6) An authorised court officer may—
- (a) for the purpose of assessing costs under this section, exercise any powers he has for the purpose of assessing costs under his authority, and
  - (b) receive fees for assessing costs under this section on the same basis as he would for assessing costs under his authority.
- (7) “Authorised court officer” means an officer of a court who is authorised by that court to assess costs relating to its proceedings.

## **6 Report to responsible officer**

- (1) After the assessment of costs on an application under section 3, the taxing officer must, if required to do so by the representative (or his successor) or the party, report the assessment to his responsible officer.

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- (2) The report must specify—
  - (a) the amount of costs allowed on the assessment,
  - (b) how much of that amount has yet to be paid, and
  - (c) the amount of costs payable for carrying out the assessment.
- (3) Where the amount specified for the purposes of subsection (2)(a) includes an amount for costs assessed under section 5, that amount may be specified in the report and certified under section 8.

## **7 Complaints about report**

- (1) This section applies where—
  - (a) a taxing officer reports an assessment of costs under section 6, and
  - (b) the representative (or his successor) or the party wishes to complain about the report.
- (2) The person wishing to complain may give a statement of his complaint to the responsible officer of the House concerned.
- (3) The statement must be given to the responsible officer before the end of the applicable period.
- (4) The responsible officer may—
  - (a) give the report and the statement to the taxing officer, and
  - (b) require him to make a further report on the assessment.
- (5) On receiving that further report, the responsible officer may require the taxing officer to amend the report to which the statement of complaint relates.
- (6) In this section and section 8, “applicable period”, in relation to a report under section 6, means the period of 21 days beginning with the day after the one on which the report is made.

## **8 Certificate by responsible officer**

- (1) This section applies where—
  - (a) at the end of the applicable period, no statement of complaint has been given under section 7, or
  - (b) any matters complained of in a statement given under that section have been finally disposed of.
- (2) If the representative or party applies to the responsible officer for a certificate of costs, the responsible officer must certify to him the amount of the costs.
- (3) The certificate is to be treated for the purposes of any proceedings as conclusive evidence of—
  - (a) the matters to which the costs relate,
  - (b) the amount of costs allowed on the assessment,
  - (c) how much of that amount has, as at the date of the certificate, yet to be paid, and
  - (d) the amount of costs payable for carrying out the assessment.

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- (4) Subsection (5) applies where, in proceedings to recover costs certified under this section, the defendant says he is not liable to pay them (or part of them).
- (5) The certificate is to be treated for the purposes of any proceedings as conclusive evidence only of such amount (if any) as the claimant may recover from the defendant as a result of the proceedings mentioned in subsection (4).

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