
STATUTORY INSTRUMENTS

2009 No. 1976

**The Tribunal Procedure (First-tier Tribunal)
(General Regulatory Chamber) Rules 2009**

PART 2

General powers and provisions

Orders for costs

Orders for costs

- 10.**—(1) The Tribunal may make an order in respect of costs (or, in Scotland, expenses) only—
- (a) under section 29(4) of the 2007 Act (wasted costs);
 - (b) if the Tribunal considers that a party has acted unreasonably in bringing, defending or conducting the proceedings; or
 - (c) where the Charity Commission is the respondent and a decision, direction or order of the Charity Commission is the subject of the proceedings, if the Tribunal considers that the decision, direction or order was unreasonable.
- (2) The Tribunal may make an order under paragraph (1) on an application or on its own initiative.
- (3) A person making an application for an order under this rule must—
- (a) send or deliver a written application to the Tribunal and to the person against whom it is proposed that the order be made; and
 - (b) send or deliver a schedule of the costs or expenses claimed with the application.
- (4) An application for an order under paragraph (1) may be made at any time during the proceedings but may not be made later than 14 days after the date on which the Tribunal sends to the person making the application the decision notice recording the decision which finally disposes of all issues in the proceedings.
- (5) The Tribunal may not make an order under paragraph (1) against a person (“the paying person”) without first—
- (a) giving that person an opportunity to make representations; and
 - (b) if the paying person is an individual, considering that person’s financial means.
- (6) The amount of costs or expenses to be paid under an order under paragraph (1) may be ascertained by—
- (a) summary assessment by the Tribunal;
 - (b) agreement of a specified sum by the paying person and the person entitled to receive the costs or expenses (“the receiving person”); or
 - (c) assessment of the whole or a specified part of the costs or expenses incurred by the receiving person, if not agreed.
- (7) Following an order under paragraph (6)(c) a party may apply—

- (a) in England and Wales, to the county court for a detailed assessment of costs in accordance with the Civil Procedure Rules 1998(1) on the standard basis or, if specified in the order, on the indemnity basis;
- (b) in Scotland, to the Auditor of the Court of Session for the taxation of the expenses according to the fees payable in the Court of Session; or
- (c) in Northern Ireland, to the county court for the costs to be taxed.