STATUTORY INSTRUMENTS

2013 No. 1169

The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013

PART 2

General Powers and Provisions

Orders for costs, reimbursement of fees and interest on costs

13.—(1) **[**[F1]Subject to paragraph (1ZA),**]** the Tribunal may make an order in respect of costs only—

(a) under section 29(4) of the 2007 Act (wasted costs) and the costs incurred in applying for such costs;

(b) if a person has acted unreasonably in bringing, defending or conducting proceedings [F2]...;

(c) in a land registration case **[**[F3], or**]**

[[F3](d) in proceedings under Schedule 3A to the Communications Act 2003 (the Electronic Communications Code) **[**[F4]—

(i) under Part 4A (code rights in respect of land connected to leased premises: unresponsive occupiers); or

(ii) that have been transferred from the Upper Tribunal.**]]**

[[F5](1ZA) The Tribunal may not make an order for costs under paragraph (1)(b) in proceedings under—

[[F6](za) Part 1 of the Landlord and Tenant Act 1954 (security of tenure for residential tenants);**]**

[[F7](a) Part 4 (registration of rents under regulated tenancies) or Part 5 (rents under restricted contracts) of the Rent Act 1977;**]**

(b) Part 1 of the Housing Act 1988 (assured tenancies, shorthold and non-shorthold) **[**[F8]; or**]]**

[[F9](c) paragraph 6(2) or 10(2) of Schedule 10 to the Local Government and Housing Act 1989 (security of tenure on ending of long residential tenancies).**]**

[[F10](1A) An order under **[**[F11]paragraph (1)(d)(ii)**]** may be made in respect of costs of—

(a) any part of the proceedings in the Tribunal, and

(b) any part of the proceedings which took place in the Upper Tribunal before the transfer (subject to any contrary order or direction by the Upper Tribunal).**]**

(2) The Tribunal may make an order requiring a party to reimburse to any other party the whole or part of the amount of any fee paid by the other party which has not been remitted by the Lord Chancellor.

(3) The Tribunal may make an order under this rule on an application or on its own initiative.

(4) A person making an application for an order for costs—

(a) must, unless the application is made orally at a hearing, send or deliver an application to the Tribunal and to the person against whom the order is sought to be made; and

(b) may send or deliver together with the application a schedule of the costs claimed in sufficient detail to allow summary assessment of such costs by the Tribunal.

(5) An application for an order for costs may be made at any time during the proceedings but must be made within 28 days after the date on which the Tribunal sends—

(a) a decision notice recording the decision which finally disposes of all issues in the proceedings; or

(b) notice of consent to a withdrawal under rule 22 (withdrawal) which ends the proceedings.

(6) The Tribunal may not make an order for costs against a person (the "paying person") without first giving that person an opportunity to make representations.

(7) The amount of costs to be paid under an order under this rule may be determined 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 (the "receiving person");

(c) detailed assessment of the whole or a specified part of the costs (including the costs of the assessment) incurred by the receiving person by the Tribunal or, if it so directs, on an application to a county court; and such assessment is to be on the standard basis or, if specified in the costs order, on the indemnity basis.

(8) The Civil Procedure Rules 1998 [M1], section 74 (interest on judgment debts, etc) of the County Courts Act 1984 [M2] and the County Court (Interest on Judgment Debts) Order 1991 [M3] shall apply, with necessary modifications, to a detailed assessment carried out under paragraph (7)(c) as if the proceedings in the Tribunal had been proceedings in a court to which the Civil Procedure Rules 1998 apply.

(9) The Tribunal may order an amount to be paid on account before the costs or expenses are assessed.

Textual Amendments

F1 Words in rule 13(1) inserted (1.11.2022) by The Tribunal Procedure (Amendment No. 2) Rules 2022 (S.I. 2022/1030), rules 1, **4(3)(a)(i)**

F2 Words in rule 13(1)(b) omitted (1.11.2022) by virtue of The Tribunal Procedure (Amendment No. 2) Rules 2022 (S.I. 2022/1030), rules 1, **4(3)(a)(ii)**

F3 Rule 13(1)(d) and word inserted (6.4.2021) by The Tribunal Procedure (Amendment) Rules 2021 (S.I. 2021/322), rules 1(1), **4(2)(b)**

F4 Words in rule 13(1)(d) substituted (16.11.2021) by The Tribunal Procedure (Amendment No. 2) Rules 2021 (S.I. 2021/1183), rules 1(1), **2(2)**

F5 Rule 13(1ZA) inserted (1.11.2022) by The Tribunal Procedure (Amendment No. 2) Rules 2022 (S.I. 2022/1030), rules 1, **4(3)(b)**

F6 Rule 13(1ZA)(za) inserted (25.12.2023) by The Tribunal Procedure (Amendment No. 2) Rules 2023 (S.I. 2023/1280), rules 1, **4(2)(a)**

F7 Rule 13(1ZA)(a) substituted (25.12.2023) by The Tribunal Procedure (Amendment No. 2) Rules 2023 (S.I. 2023/1280), rules 1, **4(2)(b)**

F8 Word in rule 13(1ZA)(b) inserted (25.12.2023) by The Tribunal Procedure (Amendment No. 2) Rules 2023 (S.I. 2023/1280), rules 1, **4(2)(c)**

F9 Rule 13(1ZA)(c) inserted (25.12.2023) by The Tribunal Procedure (Amendment No. 2) Rules 2023 (S.I. 2023/1280), rules 1, **4(2)(d)**

F10 Rule 13(1A) inserted (6.4.2021) by The Tribunal Procedure (Amendment) Rules 2021 (S.I. 2021/322), rules 1(1), **4(3)**

F11 Words in rule 13(1A) substituted (16.11.2021) by The Tribunal Procedure (Amendment No. 2) Rules 2021 (S.I. 2021/1183), rules 1(1), **2(3)**

Marginal Citations

M1 S.I. 1998/3132

M2 1984 c. 28

M3 S.I. 1981/1184

Status:
Point in time view as at 25/12/2023. This version of this provision has been superseded.

Changes to legislation:
There are currently no known outstanding effects for the The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, Section 13.