
STATUTORY INSTRUMENTS

2014 No. 2604

**The Tribunal Procedure (First-tier Tribunal)
(Immigration and Asylum Chamber) Rules 2014**

PART 2

General Powers and Provisions

Orders for payment of costs and interest on costs (or, in Scotland, expenses)

9.—(1) If the Tribunal allows an appeal, it may order a respondent to pay by way of costs to the appellant an amount no greater than—

- (a) any fee paid under the Fees Order that has not been refunded; and
- (b) any fee which the appellant is or may be liable to pay under that Order.

(2) The Tribunal may otherwise make an order in respect of costs only—

- (a) under section 29(4) of the 2007 Act (wasted costs) and costs incurred in applying for such costs; or
- (b) if a person has acted unreasonably in bringing, defending or conducting proceedings.

(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 notice of decision recording the decision which disposes of the proceedings; or
- (b) notice that a withdrawal has taken effect under rule 17 (withdrawal).

(6) The Tribunal may not make an order for costs against a person (in this rule called 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 (in this rule called 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, if not agreed.

(8) Except in relation to paragraph (9), in the application of this rule in relation to Scotland, any reference to costs is to be read as a reference to expenses.

(9) Following an order for detailed assessment made by the Tribunal under paragraph (7)(c) the paying person or the receiving person may apply—

- (a) in England and Wales, to the county court for a detailed assessment of the costs on the standard basis or, if specified in the order, on the indemnity basis; and 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 that application and assessment as if the proceedings in the Tribunal had been proceedings in a court to which the Civil Procedure Rules 1998 apply;
- (b) in Scotland, to the Auditor of the Sheriff Court or the Court of Session (as specified in the order) for the taxation of the expenses according to the fees payable in that court; or
- (c) in Northern Ireland, to the Taxing Office of the High Court of Northern Ireland for taxation on the standard basis or, if specified in the order, on the indemnity basis.

Marginal Citations

M1 [S.I. 1998/3132](#).

M2 [1984 c. 28](#)

M3 [S.I. 1981/1184](#)

Changes to legislation:

There are currently no known outstanding effects for the The Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014, Section 9.