
STATUTORY INSTRUMENTS

1997 No. 798

The Reserve Forces Appeal Tribunals Rules 1997

PART IV

DETERMINATION OF APPEALS

Orders for costs

28.—(1) The Tribunal shall not normally make an order awarding costs, but may, subject to paragraph (2), make such an order—

- (a) against a party (including a party who has withdrawn his appeal or reply) if it is of the opinion that that party has acted frivolously or vexatiously or that his conduct in making, pursuing or resisting an appeal was wholly unreasonable; or
- (b) against the Authority, where it considers that the determination against which the appeal is brought was wholly unreasonable; or
- (c) as respects any costs incurred as a result of a postponement or adjournment of a hearing at the request of a party; or
- (d) in the circumstances described in rule 5(2), 6(b), 10(2) or 23(1) above.

(2) No order shall be made under paragraph (1) against a party without first giving that party an opportunity of making representations against the making of the order.

(3) An order under paragraph (1) may require the party against whom it is made to pay the other party either a specified sum in respect of the costs incurred by that other party in connection with the proceedings or the whole or part of such costs as taxed (if not otherwise agreed).

(4) Any costs required by an order under this rule to be taxed may be taxed in the county court according to such of the scales prescribed by the county court rules for proceedings in the county court as shall be directed in the order. Such costs shall, if a county court so orders, be recoverable by execution issued from a county court.

(5) In the application of this rule to a Tribunal sitting in Scotland the word “costs” shall be deemed to mean “expenses”, and any expenses to be taxed may be taxed according to such part of the table of fees prescribed for proceedings in the sheriff court as shall be directed in the order and thereafter the Tribunal shall issue an order for payment of the amount as taxed.

(6) In the application of this rule to a Tribunal sitting in Northern Ireland any costs which may be determined by the Tribunal under paragraph (1) above shall be determined by reference to the scales prescribed by rules of court for proceedings in the county court in Northern Ireland and any costs required to be taxed where the costs are not otherwise agreed shall be taxed in the same manner as costs in equity suits or proceedings in the county court in Northern Ireland.