
STATUTORY INSTRUMENTS

2005 No. 13

The Information Tribunal (National Security Appeals) Rules 2005

Costs

29.—(1) In any appeal before the Tribunal, including one withdrawn under rule 14 above, the Tribunal may make an order awarding costs—

- (a) in the case of an appeal under section 28(4) of the 1998 Act, section 60(1) of the 2000 Act or section 60(1) of the 2000 Act as applied by regulation 18(1), as modified by regulation 18(7) of the 2004 Regulations—
 - (i) against the appellant and in favour of the relevant Minister where it considers that the appeal was manifestly unreasonable;
 - (ii) against the relevant Minister and in favour of the appellant where it allows the appeal and quashes the disputed certificate, or does so to any extent;
 - (iii) against the relevant Minister and in favour of the appellant where, before the Tribunal has made a determination, the relevant Minister withdraws the certificate to which the appeal relates
- (b) in the case of an appeal under section 28(6) of the 1998 Act, section 60(4) of the 2000 Act or section 60(4) of the 2000 Act as applied by regulation 18(1), as modified by regulation 18(7) of the 2004 Regulations—
 - (i) against the appellant and in favour of any other party where it dismisses the appeal, or dismisses it to any extent;
 - (ii) in favour of the appellant and against any other party where it allows the appeal, or allows it to any extent; and
- (c) where it considers that a party has been responsible for frivolous, vexatious, improper or unreasonable action, or for any failure to comply with a direction or any delay which with diligence could have been avoided, against that party and in favour of the other or others.

(2) The Tribunal shall not make an order under paragraph (1) above awarding costs 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) above may be to the party or parties in question to pay to the other party or parties either a specified sum in respect of the costs incurred by that other party or parties 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 must 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 by the order.

(5) In relation to proceedings before the Tribunal in Scotland, for the purposes of the application of paragraph (4) above, for the reference to the county court and the county court rules there shall be substituted reference to the sheriff court and the sheriff court rules and for the reference to proceedings there shall be substituted a reference to civil proceedings.