

SCHEDULE

PROCEDURE IN ADJUDICATION PROCEEDINGS

PART 2

PROCEDURE RELATING TO APPEALS

Costs

13.—(1) The adjudicator is not normally to make an order awarding costs and expenses, but may, subject to sub-paragraph (2) make such an order—

- (a) against a party (including an appellant who has withdrawn an appeal or an enforcement authority which has consented to an appeal being allowed) if the adjudicator considers that that party has acted frivolously or vexatiously or that the party's conduct in making, pursuing or resisting an appeal was wholly unreasonable; or
- (b) against an enforcement authority where the adjudicator considers that the disputed decision was wholly unreasonable.

(2) An order must not be made under sub-paragraph (1) against a party unless that party has been given an opportunity of making representations against the making of the order.

(3) An order under sub-paragraph (1) must require the party against whom it is made to pay to the other party a specified sum in respect of the costs and expenses incurred by that other party in connection with the proceedings.