

### ***If the award is less than a previous offer***

If you are a plaintiff and you are awarded less than a previous offer to settle your claim, which offer can be shown to the trial judge, the court will only allow you to claim fixed costs up to the date you could have accepted the offer. After that date a defendant can claim against a plaintiff fixed costs representing the defendant's costs of continuing to defend the claim. The Court will also set off these two figures against each other.

### ***An order for more than fixed costs***

The court may order the party who loses at trial to pay more than the fixed costs if:

- there were no reasonable grounds to bring or defend the proceedings; or
- the proceedings were an abuse of the court's process by one party; or
- the conduct of one party obstructed the just disposal of the proceedings.

When the court makes such an order, the successful party will normally recover standard or indemnity costs, not fixed costs.

Standard costs are compensation for the costs the Court considers you needed to incur.

Indemnity costs are any costs you have incurred which the Court considers not to be unreasonable.

### **Calculation of standard and indemnity costs**

If the Court makes an order that a party pays standard or indemnity costs, the Greffier will assess the amount of costs you can recover.

If you have appointed a lawyer, you will be able to recover a standard amount per hour for the lawyer you have retained. The rate is set by the Court.

If you have acted without legal advice, you will be able to recover an hourly rate representing your actual financial loss if you have evidence showing such a loss. Otherwise you will recover an hourly rate of between £15 and £25 per hour for the time spent by you in bringing or defending the case.

# **The Petty Debts Court**

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## **COSTS**

This section deals with what costs you may claim in the Petty Debts Court.

Generally, as a successful party, you can only claim fixed costs unless the Judge makes a different order.

*Please note that this section applies to all claims started after 9<sup>th</sup> April 2018. For claims issued prior to this date, the Judge may either award fixed costs in accordance with this guide or may award standard or indemnity costs.*

Where an order is made requiring fixed costs to be paid, you can claim the same amount whether or not you are represented by a lawyer.

### **Where a claim is not disputed**

If you issue proceedings as plaintiff and obtain a judgment from the Court, and the defendant does not appear, you will be entitled to fixed costs.

Where the claim :

- does not exceed £100 - you will be awarded **£30** costs;
- exceeds £100 but does not exceed £500 - **£60**;
- exceeds £500 but does not exceed £1,000 - **£120**;
- exceeds £1,000 but does not exceed £2,500 - **£180**;
- exceeds £2,500 but does not exceed £10,000 - **£240**;
- exceeds £10,000 but does not exceed £30,000 - **£300**;

together with the court fee you have paid to issue the claim and any fees paid to the Viscount's department to serve a defendant.

The court will allow you to recover these costs automatically when you ask for a default judgment, unless it makes a different order. This includes a judgment where a defendant accepts that it owes some money but disputes the amount.

### **Where a claim is disputed**

Where all or part of a claim has been disputed, generally a successful party can only ask for the fixed costs set out below unless the Court makes a different order.

The amount of costs you can claim as a successful party, or be ordered to pay as an unsuccessful party, will depend on the amount of damages awarded at any trial or which you have agreed should be paid.

### ***Fixed costs for small claims***

For small claims, i.e. those up to £5,000, the costs the successful party may recover are:

- fixed costs as for undisputed claim, plus:
- **£250** for preparing your pleading; and
- **£250** where you have to attend trial.

### ***Fixed costs for claims between £5,000.01 and £10,000.00***

For claims between £5,000 and £10,000, a successful party can claim the following:

- **£240** for issuing the proceedings - (plaintiff only);
- **£400** for preparing pleadings;
- **£400** for producing documents;
- **£400** for producing witness statements from factual witnesses or the time spent to instruct an expert;
- **£600** for trial preparation once a trial date has been fixed;
- **£600** for each day you attend at trial up to a maximum of two days.

### ***Fixed costs for claims over £10,000***

For claims over £10,000 a successful party can claim the following:

- **£300** for issuing the proceedings - (plaintiff only);
- **£900** for preparing pleadings;
- **£900** for producing documents;
- **£900** for producing witness statements from factual witnesses or the time spent to instruct an expert;
- **£1,200** for trial preparation once a trial date has been fixed;
- **£1,200** for each day you attend at trial up to a maximum of three days.

### **Witness expenses and expert fees**

For all disputes, a successful party may also claim any necessary costs for any witness to attend at trial and the fees of any expert evidence, if the court has ordered expert evidence.

The Court will decide the amount of costs or fees that you may recover. In making its decision, the Court will have regard to UK's Legal Aid Agency's "Guidance on the Remuneration of Expert Witnesses" from time to time, and may also cap the amount of fees you may claim. You may not be awarded expert fees in excess of £2,000.

### **Other costs orders the Court may make**

There are two circumstances where the Judge may make a different costs order as follows:

- (1) where a plaintiff at trial is awarded a sum of money less than a previous offer to settle the claim, or
- (2) where a party's conduct means that it should pay more of the successful party's costs.