



Senior Courts Costs Office

Information for clients enquiring about how to have their solicitor's bill of costs assessed

If I am dissatisfied with the bill I have received from my solicitor, what can I do about it?

In most cases the only method of challenge is to make an application for detailed assessment. A detailed assessment involves the Court (ie. the Costs Judge or District Judge) deciding if the bill is reasonable and adjusting it if necessary.

As a first step, you could lodge a complaint with the solicitor or firm in question in the hope that this will resolve the problem. The Solicitors Regulation Authority requires all solicitors to offer all clients a written complaints procedure and to ensure that complaints are handled promptly, fairly and effectively in accordance with it. The Solicitors Regulation Authority has also issued the following guidance to solicitors:

“51. - The rule [about complaints handling] requires you to provide the client with information about the Legal Ombudsman, both at the outset and, if a complaint is made, at the conclusion of your firm's procedure. This information must include contact details of the Legal Ombudsman, and details of the time limits for making a complaint. These can be found at www.legalombudsman.org.uk

52. - Where your client is unhappy with your bill you should treat this like any other complaint about your service. In such circumstances it may be helpful, when responding to the complaint, to provide a detailed narrative of your bill so that your client can clearly understand how the costs were incurred. You may be required to provide the Legal Ombudsman with such a narrative where a complaint about your bill is referred to them. You should inform clients that the Legal Ombudsman may not deal with a complaint about a bill if the client has applied to the court for assessment of that bill.”

In a very few cases there is a further course of action; requiring the solicitor to apply for a Remuneration Certificate from the Law Society. This applies only to bills delivered before 11th August 2009 which are for less than £50,000 and which relate to work not involving Court proceedings eg the sale of a house. In these cases the client will be liable to pay the amount certified by the Law Society unless either the client or the solicitor then applies for a detailed assessment (as above). The Remuneration procedure has been abolished for bills delivered on or after 11th August 2009.

Whom do I turn to first?

It is wise to seek independent legal advice as to the prospect of a reduction in the costs being granted at the eventual detailed assessment. Free legal advice can be obtained from certain Citizens Advice Bureaux. You may be able to locate their nearest branch to you by visiting their website, the address for which is www.citizensadvice.org.uk/index/getadvice.htm#searchbox. Alternatively there are Legal Advice Centres in some areas, further details of which you may be able to find at www.lawcentres.org.uk/. There is also an advice bureau in the Royal Courts of Justice which can be found at www.rcjadvice.org.uk or telephone 0844 856 3534.

Are there time limits?

Yes.

- If you apply within one calendar month of receiving the bill from your solicitor the Court will order a detailed assessment.
- If you apply later but within one year of receiving the bill from your solicitor the Court may order a detailed assessment but may also add conditions, eg that the whole or part of the amount of the bill be paid into Court to abide the event.
- If you apply more than one year after receiving the bill or if the bill has been paid or judgment has been entered no order may be made without special reasons being shown. In this case you would have to outline the special reasons upon which you rely on the Part 8 Claim Form and then sign the Statement of Truth on the back of that form. The special reasons most commonly relied on are:
 - Justifiable delay
 - Payment under pressure
 - Payment under protest
 - Gross overcharging by the solicitors

If the bill has been paid in full more than one year before you apply, the Court has no power to order that bill be assessed

For a Remuneration Certificate (in the case of certain bills dated before 11th August 2009, see above)

- You must inform your solicitors that you require them to obtain a certificate within one month of your being informed about your rights to make such a requirement and before paying it or you will forfeit your right to this procedure.

It is important to note that these time limits are never deferred or suspended by the taking of other similar steps such as operating the solicitor's complaints procedure or applying to the Legal Ombudsman.

Which Court can hear my application and Detailed Assessment?

In London, the application should be to the Senior Courts Costs Office. Outside London most applications can be made either to the Senior Courts Costs Office or a District Registry. In the case of a bill for £5,000 or less where the case has been dealt with by a County Court, the application may be made to that County Court.

Will I risk incurring more costs if I apply for a Detailed Assessment?

You will have to pay your own costs and the solicitor's reasonable costs unless the bill is reduced by one fifth or more or unless there are special circumstances. The special circumstance most commonly relied on is that the client offered to settle the bill for an amount which is more than the amount allowed. (There are some special rules about the calculation of the one fifth e.g. the position where two bills are assessed at the same time.)

How much will the costs of the assessment be if the bill is reduced by less than one fifth?

The amount allowed will depend upon the amount of work reasonably done by the solicitor and/or any agent or barrister reasonably instructed by him. The amount varies from case to case. Solicitors' charges for such work are normally calculated by reference to an hourly rate which is multiplied by the number of hours reasonably spent.

Can you advise me whether I am likely to win?

No. Court staff are not permitted to advise any party in any proceedings. The Citizens Advice Bureau can give you advice (for their website details, see above). Alternatively you may instruct another legal representative, for example, another firm of solicitors, a barrister or a Costs Lawyer. Here are some website addresses which you may find useful in locating a legal representative:-

www.lawsociety.org.uk/choosingandusing/findasolicitor.law

www.barcouncil.org.uk/about/specialistbarassociations/PublicAccessBarAssociation/

www.alcd.org.uk/memberlist.php

I think my Solicitor has been negligent in his duty

If you have suffered damage as a result of the negligence of a legal representative a separate action may be necessary. In respect of this you should obtain legal advice. On a detailed assessment the Costs Judge or District Judge can disallow items incurred by the solicitor's negligence but cannot otherwise compensate you for that negligence.

If you have a complaint about the conduct of your solicitor, you should contact the Legal Ombudsman. Their contact details are:

Telephone: 0300 555 0333 (9am – 5pm)

E-mail: enquiries@legalombudsman.org.uk

Web: www.legalombudsman.org.uk

Write to:

LegalOmbudsman
PO Box15870
Birmingham
B30 9EB

If I decide to start proceedings for an order for Detailed Assessment what do I do?

Complete a Part 8 claim form (form N208) and send it in triplicate with the disputed bills and court fee to Senior Courts Costs Office, TM 7.12, Royal Courts of Justice, London WC2A 2LL or to your local Court.

What happens next?

If (or when) the Claim form is correctly completed and submitted the Applications Clerk will seal all three copies and will send letters to you and to the solicitor, each enclosing a sealed copy of the claim form and a Notice of Hearing specifying the hearing date.

How will I know whether the solicitor has replied?

A copy of an acknowledgement of service (form N210) will be sent to you by the solicitor. If the application is contested you will need to attend the hearing to support your application. **The application and detailed assessment take place at separate hearings.**

If the solicitors do not dispute your right to have the bill(s) assessed, it is a good idea to contact them and invite them to consent. If you then send the signed form of order to the court neither party need attend the first hearing. The sealed order will be posted to both parties.

If, at the hearing, the Costs Judge refuses to order a detailed assessment will I have to pay my solicitor's costs of the hearing and can I appeal?

The Court may order you to pay your solicitor's costs. You should ask the Costs Judge, at the hearing, for permission to appeal. If you do not, or if permission is refused you may make an application for permission to appeal to the appeal court. Leaflet EX340 – I want to appeal to the High Court or a County Court, gives further information about appealing.

If I obtain an order for detailed assessment what do I do?

The Court will normally draw up the order and serve it. When the terms of the order have been complied with (i.e. Breakdown, points of dispute, replies etc.) you apply for a Detailed Assessment hearing on form N258C enclosing the papers and court fee. A list of which papers to lodge is on form N258C. The detailed assessment will take place in the same Court that heard the application.

Court fees

Please make all cheques payable to **HMCTS**

Part 8 claim form

Civil division	£45
Family division	£45
County court	£45

Detailed assessment

Where the amount of the costs to be assessed

a.	Does not exceed £15,000	£325
b.	Exceeds £15,000 but does not exceed £50, 000	£655
c.	Exceeds £50,000 but does not exceed £100,000	£980
d.	Exceeds £100,000 but does not exceed £150,000	£1,310
e.	Exceeds £150,000 but does not exceed £200,000	£1,635
f.	Exceeds £200,000 but does not exceed £300,000	£2,455
g.	Exceeds £300,000 but does not exceed £500,000	£4,090
h.	Exceeds £500,000	£5,455

Consent order

Civil division	£45
Family division	£45
County court	£45

Information about fee remissions can be found at:

www.justice.gov.uk/court/fees

These notes are for guidance only and cannot be quoted or relied upon as authority.