

In the field of civil justice, pending procedures and proceedings initiated before the end of the transition period will continue under EU law. The e-Justice Portal, on the basis of a mutual agreement with the UK, will maintain the relevant information related to the United Kingdom until the end of 2024.

## Costs

### England and Wales

In this case study on commercial law – contract, Member States were asked to provide information for the seller on litigation costs in order to consider the following situations: Case A – National situation: A company delivered goods worth 20.000 euros. The seller has not been paid because the buyer considers that the goods do not conform to what was agreed. The seller decides to sue to obtain the full payment of the price. Case B – Transnational situation: A company whose head office is located in Member State B delivers goods worth 20.000 euros to buyer in Member State A. The contract is subject to Member State B's law and written in Member State B's language. This seller has not been paid because the buyer located in Member State A considers that the goods do not conform to what was agreed. The seller decides to sue in Member State A to obtain full payment of the price as provided under the contract with the buyer.

#### Important points to note about the information provided

It should be noted that there are many influences that dictate the process and therefore costs involved in such a case in the courts in England and Wales, so it is not possible to give definitive costs and the matters included below are indicative only. Where possible actual fees have been included for certain aspects of the processes but these should be viewed as a guide only.

Court fees often depend on the tier of court used and the steps involved in the individual case, a full list of fees charged can be found at the [website of Her Majesty's Courts Service](#). Information will also be required on other cost sources, such as legal representation. The [Law Society](#) and [Bar Council](#) may be helpful in finding a legal representative, but they do not hold information on costs of legal representation as this will depend on many factors of the particular case concerned.

For the examples here, we assume that:

#### In Case A:

The claim was issued at a local county court rather than online (around 11% of claims are made online. The fees for an online application are lower). Figures are given for both a defended and undefended claim. Fixed costs and certain court fees only apply in an undefended claim. Costs and fees for a defended claim are given in **italics**.

The undefended claim was concluded on the admission of the defendant and the court decided the date and times of payment.

The defended claim was decided at a trial lasting less than 6 hours.

Court fees and process are determined by the value of the claim. As the claim is for approximately £17545 (€20000 at an exchange rate of €1.14 to £1), it would be likely to fall within the 'Fast Track' of the County Court and this overview follows that track. The amount of the claim and complexity of the case determine the track.

Costs and fees are given for the claimant only.

Once judgment is given, the defendant does not make payment of the amount due and an application is made to enforce the order through a bailiff.

#### In Case B:

As above.

Member state A is the UK, and the seller is suing through a court in England and Wales.

#### Note that:

Fees are correct as of May 2015. Court fees are subject to change, so you should always check with the court, legal representative and any other individuals or organizations who are involved that an amount is still the current fee.

You have to pay a court fee to start a court claim and pay further court fees at different stages of the court case. The court fees will depend on how much your claim is for. You may qualify for a "fee remission" (depending on your personal circumstances) which means that you may not have to pay a court fee or only have to pay part of it. However, you have to apply for a separate remission for each fee payable throughout the court process. So, for example, applying for a remission when starting a claim would only give you the remission for that first "issuing" fee. This is because your personal circumstances might change during the court action, and you might no longer be eligible for a remission later in the case. Or you might become eligible for a fee remission during the case.

There are also likely to be costs that you need to pay as your case goes forward. Costs might include legal fees, travel and accommodation, loss of earnings and witness costs. In some instances, at the end of the case, the court may decide that you also have to pay the costs of the other party to the case or they have to pay yours. If the court decides to make an order about costs at the end of the case the general rule is that the unsuccessful party will be ordered to pay the costs of the successful party, but the court may make a different order. The judge assesses the costs at the end of the case. So, if you lose, you may have to pay the costs of the winning party. And even if you win, you may not get back all the costs that you have had to meet during the claim. Costs can vary considerably depending on the case. There are some specific rules that apply on costs generally for the specific 'track' that the case is allocated to. N/A is shown in the tables where the answer is Not Applicable and N/K is shown in the tables where the answer is Not Known.

Note that costs and fees for a defended claim are given in **bold**.

### Indicative costs in England & Wales

#### Indicative costs for court, appeals and alternative dispute resolution

Case Study	Court		
	Initial court fees	Transcription fees	Other fees
Case A	5% of the value of the claim – issue fee £50 for an order to close the case after successful mediation.	Agreed between court reporter and appellant – max rate £1.63 per 72 words /min fee: £15.75	N/A

	£545 – hearing		
Case B	£610 – issue fee. £45 for an order to close the case after a successful mediation £545 - hearing	Agreed between court reporter and appellant – max rate £1.63 per 72 words /min fee: £15.75	N/A

Case Study	Appeals			ADR	
	Initial court fees	Transcription fees	Other fees	Is this option open for this type of case?	Costs
Case A	£140 – issue fee	Agreed between court reporter and appellant – max rate £1.63 per 72 words/min fee: £15.75	N/K	Yes, but not court based	Depends on provider. £300 to £500 per party
Case B	£140 – issue fee	Agreed between court reporter and appellant – max rate £1.63 per 72 words/min fee: £15/75	N/K	Yes, but not court based	Depends on provider– £300 to £500 per party

#### Indicative costs for lawyer, bailiff and expert

Case Study	Lawyer	
	Is representation compulsory?	Average costs
Case A	No	Fixed costs – £170 Solicitors costs for case preparation In addition advocates costs at trial – a standard fee of £1650 for a fast track trial (in other tracks the advocates can determine their fees) The <a href="#">Law Society</a> and the <a href="#">Bar Council</a> may be helpful in finding a legal representative but they do not hold information on the costs of legal representation as this will depend on many factors of the particular case concerned.
Case B	No	Fixed costs – £170 Solicitors costs for case preparation In addition, advocates costs at trial are a standard fee related to the value of the claim. For a claim valued at £17,545 the advocates costs would be £1650 for a fast track trial (in other tracks, advocates can determine their fees) There may be two sets of lawyers' fees involved in cross-border hearings.

Case Study	Bailliff			Expert	
	Is representation compulsory?	Pre-judgement costs	Post-judgement costs	Is use compulsory?	Cost
Case A	Information about the role of bailiffs and enforcement officers in England & Wales can be found at: <a href="#">Her Majesty's Courts Service (fees)</a>	See left	See left	No	No fixed costs - depends on expertise and detail of evidence required
Case B	Bailiffs enforce only at national or local level.	See left.	See left.	No	No fixed costs – depends on expertise and detail of evidence required

#### Indicative costs for witness compensation, pledge or security and other relevant fees

Case Study	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated?	Cost	Does this exist and when and how is it used?	Cost	Description	Cost
Case A	Yes, for travel expenses and other expenses for	As agreed with the witness	Where an offer to settle is made by one of the parties and the courts final award does not beat	N/A	N/K	N/K

	some witnesses (e.g. expert witnesses) attendance time		this offer, the unsuccessful party will not be required to pay the costs of the successful party from the date the offer was made.			
Case B	As above	As above	As above	N/A	N/K	N/K

#### Indicative costs for legal aid and other reimbursement

Case study	Legal Aid			Reimbursement			
	When and under what conditions is it applicable?	When is support total?	Conditions?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total, what is the percentage in general?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation?
Case A	No funding at all is available for cases arising out company or partnership law or the carrying on of a business. In this case we have assumed that both the buyer and seller are businesses.	N/A	N/A	Fixed costs are awarded by the court (see average costs above) The court generally orders the winning party's costs to be paid by the losing party. Where the amount of costs is challenged, they maybe assessed by the court.	N/A	N/A	N/A
Case B	See above	See above	See above	See above	N/A	N/A	See above

#### Indicative costs for translation and interpretation

Case study	Translation		Interpretation		Other costs specific to cross-border disputes?	
	When and under what conditions is it necessary?	Approximate cost?	When and under what conditions is it necessary?	Approximate cost?	Description	Approximate cost?
Case A	N/A	N/A	N/A	N/A	N/A	N/A
Case B	Documents produced or served with a claim in England & Wales require an English translation.	Depends on the provider. No court translation service is provided.	Where any party requires it to understand the proceedings.	Depends on the provider See also section on Translators and Interpreters Fees	N/K	N/K

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