

### Costs of proceedings - England and Wales

This page provides you with indicative information about the costs of justice proceedings in England and Wales. It discusses topics including the fees of legal professionals, legal aid, mediation and fixed costs, such as court fees. For a more in-depth analysis on the costs of proceedings, please consult the following case studies:

[Family law - Divorce](#)

[Family law – custody of the children](#)

[Family law – alimony](#)

[Commercial law – contract](#)

[Commercial law – responsibility](#)



#### Where can I find information on costs of proceedings?

##### Available website on cost information

Information about the process and [costs](#) of court proceedings in England and Wales can be found on [GOV.UK](#), the website of the UK Government. GOV.UK provides you with easy access to government information and specific information on court fees in England and Wales (rather than all the different costs of proceedings). The website offers you information about the different court fees charged in the courts in England and Wales and whether you have to pay them. Information on the legislation or laws relating to court fees is also available.

#### Where can I find information on the average length of time that different procedures take?

There is no average length of time as each defended case is different. The court involved may be able to suggest the approximate duration of certain types of cases.

#### Where can I find information on the average aggregate cost for a particular proceeding?

There is no average available as each defended case is different. A solicitor experienced in a particular type of proceeding may be able to give you a range of costs.

#### Value Added Tax

**Lawyers' Costs:** VAT will ordinarily be charged on solicitors and barristers' costs and certain disbursements at a rate of 20 percent. VAT registration in the UK is compulsory if certain revenue thresholds are met. See the website of [HM Revenue & Customs](#) for more information.

**Court Fees:** VAT does not apply to court fees.

#### Legal Professionals' Fees

## Regulative framework governing fees of legal professionals

### Solicitors

The [Solicitors' Code of Conduct](#) requires solicitors to give clients the best possible information about their costs (rule 2.03). Specifically, rule 2.03 sets out a **duty to inform clients of their charging rates** and **when payments will be anticipated**, together with advice as to their funding options, including **entitlement to public funding**. Solicitors are also required to advise clients on their potential liability to pay a third party's costs. These provisions apply equally to registered European lawyers practising in England and Wales, and to law firms of solicitors and other lawyers and non-lawyers which are regulated by the Solicitors Regulation Authority. Initial letters of advice to clients must also include the client's objectives, options and the issues in the case (under rule 2.02 of the code).

Once a bill of costs is finalised, solicitors' fees can be assessed both by the Legal Complaints Service, and by taxing officers in the courts. The Solicitors' (Non-Contentious Business) Remuneration Order 2009 requires that solicitors' costs must be fair and reasonable, taking into account all the circumstances of the case where the work does not involve court proceedings. In the event that a disputed bill of costs relates to work not involving court proceedings, it is possible for the Legal Complaints Service to assess whether the bill is fair and reasonable. Such an assessment will determine what would have been a fair and reasonable amount if the bill is considered excessive. Any agreement on fees associated with work and involving court proceedings – also known as "**contentious business**" – is subject to statutory requirements under the Solicitors Act 1974 and may be subject to assessment by the court.

### Barristers

Fees charged by barristers are largely negotiated and agreed in advance of any work being undertaken; therefore, **less prescriptive regulation is required**. The Code of Conduct of the Bar of England and Wales sets out the principles that apply to barristers in respect of **fees and remuneration for self-employed barristers**. The code establishes that **self-employed barristers may charge for any work** undertaken on any basis **permitted by law** and **not involving the payment of a wage or salary**. Further provision is made in relation to work undertaken by a self-employed barrister on behalf of another. Any irregularities with regard to costs may be investigated by the **Bar Standards Board** and could potentially result in disciplinary action.

### Bailiffs

To use the County Court or Family Court bailiff to recover monies the creditor must pay a fee to the court. Details of the fees charged by the court are contained in leaflet **EX50 Civil and Family Court fees**. Any fee paid by the creditor will be added to the debt and paid by the debtor.

High Court Enforcement Officers are entitled to charge fees and add them to the money you owe. For writs executed under the Taking Control of Goods Regulations 2013 the fee scale is set out in the Taking Control of Goods (Fees) Regulations 2014. Fees are recoverable on a fixed basis for each stage, but in certain situations an additional fee is recoverable as a percentage of the sum to be recovered. These circumstances are set out in Regulation 7 of the Taking Control of Goods (Fees) Regulations 2014.

For possession or other types of writs the fee scale is set out in the High Court Enforcement Officers Regulations 2004 but not all of the fees are fixed and in some instances the HCEO can charge 'reasonable expenses'.

Certificated enforcement agents are entitled to charge fees and add them to the money you owe as set out in the Taking Control of Goods (Fees) Regulations 2014.

### Administration of Oaths

The Lord Chancellor is required to prescribe, by statutory instrument, the amount legal professionals charge for administering oaths. This level is currently set at £5 per affidavit or affirmation and £2 per exhibit.

### Cost sources

#### Where can I find information on legal fees in England & Wales?

Information on court fees can be found on the website of [Her Majesty's Courts and Tribunals Service](#), however, you will also need information on other cost sources, such as legal representation. The [Law Society](#) and the [Bar Council](#) may be helpful in finding a legal representative, although they do not hold information on the costs of legal representation as this will depend on many individual factors of the particular case concerned. If cross-border litigation is involved, there are normally two sets of lawyers' fees, those where the party initiating the litigation is, and those where litigation takes place.

### Fixed costs

## **Fixed costs in civil proceedings**

### **Fixed costs for litigants in civil proceedings**

Information on court fees can be found on the website of [Her Majesty's Courts and Tribunals Service](#). These fees are in addition to the costs of legal representation.

### **Stage of the civil proceeding where fixed costs must be paid**

Court fees must be paid at the start of any process at which court fees are due; any other fees and fixed costs are usually paid once the proceedings have finished.

## **Fixed costs in criminal proceedings**

### **Fixed costs for litigants in criminal proceedings**

An accused person may be entitled to legal aid to defend criminal proceedings if he or she qualifies. More details on legal aid and qualifications can be found below. Where the accused person is not receiving legal aid, the costs are agreed between an individual and his or her legal representative.

### **Stage of the criminal proceeding where fixed costs must be paid**

Witness expenses or expert fees must normally be paid at the conclusion of the case.

## **Fixed costs in constitutional proceedings**

### **Fixed costs for litigants in constitutional proceedings**

Court fees depend on the type of proceedings concerned and the tier (status) of the court where proceedings were commenced. Other costs, such as those for legal representation, also need to be considered.

### **Stage of the constitutional proceeding where fixed costs must be paid**

Court fees must be paid at the start of any process for which court fees are due; any other fees/fixed costs are usually paid once the proceedings have finished.

## **Experts' fees**

In civil proceedings for claims of under £10000, experts' costs are capped at £750, but in all other cases the judge has the discretion to allow what she or he feels is appropriate. Courts are required to consider using only a single joint expert instead of one for each party. Further information can be found on the website of [Her Majesty's Courts and Tribunals Service](#)

## **Translators' and interpreters' fees**

Interpreters in the majority of cases in the civil courts are booked and paid for centrally. Certain criteria have to be met for an interpreter to be funded centrally. The case must be either a committal hearing (to decide if the case should be heard in a higher court), a family case involving children, or a domestic violence case (including forced marriage). If the case is not covered by one of these criteria, an interpreter will still be funded if this is the only way the litigant can understand proceedings, and if she or he cannot get public funding, cannot afford to fund an interpreter privately and has no friend or family member able to assist. The fees are set down in the terms and conditions of booking. The fee can vary greatly from case to case, depending on the length of the hearing, the distance and time taken to travel to and from the court, and the means by which the interpreter travels. The terms and conditions are strictly applied to all claims to ensure no overpayment is made.

There are no regulations governing translators' fees. The translator or translation company determines their own fees.

## **When does the losing party have to pay the winning party's costs?**

The general principle is that the loser pays, but the award of costs is entirely at the discretion of the judge. In deciding costs, the judge will take into account the conduct of the parties, the efforts made, if any, before and during the proceedings to try to resolve the dispute (including attempting alternative dispute resolution). These may include prescribed fixed costs, costs assessed by the trial judge with limits as to the amount (depending on the type and amount of award). Costs can also be dealt with as a separate issue in a 'detailed assessment of costs', normally used only in more complex cases where costs require closer examination.

Further information on the procedure can be found at the website of the [UK Ministry of Justice](#).

## **Where can I find information on mediation?**

Information on mediation, including some information on costs is available on a range of websites and links:

- [Alternative Dispute Resolution \(ADR\)](#)
- [Community Legal Advice](#)
- [National Mediation Helpline](#)
- [Mediation page on the website of Her Majesty's Courts and Tribunals Service](#)

Information on ADR for disputes following the breakdown of a family relationship is available on the website of the [Family Mediation Helpline](#) (which deals exclusively with family mediation) or by calling 0845 60 26 627 (from within the UK) and +441823 623650 (from outside the UK). The following websites also hold information about family mediation:

- [GOV.UK](#)
- [Advice Now](#)
- [Community Legal Advice](#)
- [Advice Guide - online help from Citizens Advice Bureau](#)
- [ADR Now](#)
- [Her Majesty's Courts and Tribunals Service](#)

Visitors to these sites may wish to use the search facility to search for 'family mediation'.

## Legal aid

### Applicable income threshold in the area of civil justice

People receiving certain income-related benefits (income support, income-based jobseekers allowance, income-related employment and support allowance and guarantee credit [for pensioners]) have '**passported' status** as legal aid clients. This means **they are automatically financially eligible for legal aid**. These four means-tested benefits are also known as 'subsistence' benefits, as they raise a client's income to the statutory minimum required to live on.

Otherwise, people in need of legal aid can obtain '**free, or non-contributory assistance**', if they have a gross monthly income of less than £2657, a monthly disposable income below £315 and disposable capital of £3000 or less. If their monthly disposable income is between £316 and £733, or their disposable capital falls between £3000 and £8000, they will be offered funding on the basis that they agree to pay contributions towards their legal costs.

In addition to qualifying financially, an applicant must also show that **he or she has reasonable grounds** for launching, defending or being a party to proceedings, and that it is reasonable, in the particular circumstances of the case, for legal aid to be granted. The Legal Aid Agency must consider, for example, whether the case has a reasonable chance of success, whether the benefits of litigation would outweigh the cost to public funds, and whether the applicant would gain any significant personal benefit from the proceeding, bearing in mind any liability to repay the costs if successful. These factors are similar to those that would influence a reasonable privately paying client when considering whether to become involved in proceedings.

### Applicable income threshold in the area of criminal justice for defendants

Legal Aid Guidance - [work out who qualifies for criminal legal aid](#)

Since October 2006, defendants appearing before the Magistrate's Court (the lower criminal court) in England and Wales have been subject to **a means test, which weights an applicant's income to reflect their family circumstances**: for example, the number of children. If the applicant's weighted gross annual income is less than £12,475, or if the applicant receives a specified welfare benefit or is under the age of 18, he or she will be financially eligible for legal aid representation. If the applicant's weighted annual income exceeds £22,325, he or she will be financially ineligible for legal aid representation. Where an applicant's adjusted income falls between the two thresholds, there will be a more detailed assessment of their disposable income. This calculation takes account of actual housing and child-care costs, and also includes a cost of living allowance. If the applicant's resulting disposable annual income does not exceed £3398, she or he will be financially eligible for legal aid representation.

Between January and June 2010, the Government phased in a means testing regime for defendants appearing before the Crown Court (the higher criminal court) in England and Wales. As at the magistrates' court, the Crown Court means test weights a defendant's income to reflect their family circumstances. If a Crown Court defendant's 'weighted' gross annual income is less than £12,475, they automatically qualify for free legal aid (as at the magistrates' court, individuals in receipt of specific welfare benefits or are under the age of 18 are automatically passported through the Crown Court means assessment). Those Crown Court

defendants whose weighted gross annual income exceeds £12,475 do qualify for criminal legal aid but may be liable to pay a contribution towards their legally aided defence costs from their income if a subsequent assessment of their disposable annual income exceeds £3,398 (since January 2014, any defendant whose disposable annual income exceeds £37,500 no longer qualifies for criminal legal aid, subject to a hardship review of their application).

If a Crown Court defendant is subsequently convicted, he or she may be liable to pay their outstanding legal aid costs from their capital assets. If a Crown Court defendant is subsequently acquitted, any income contributions paid towards their legal aid costs are refunded.

#### **Applicable income threshold in the area of criminal justice for victims**

Legal aid is not available to victims of crime. However, **emotional and practical support** is provided by staff and the Witness Service: for example, victims are offered separate waiting facilities. Vulnerable and intimidated witnesses are offered **special measures** under the **Youth Justice and Criminal Evidence Act 1999**, such as the option of giving evidence by video link from another location.

The Crown Prosecution Service has recently revised a pack entitled 'Information for the bereaved' for police family liaison officers to give to families bereaved by murder or manslaughter. The pack includes information and advice on the range of issues families may have to deal with, and tells them where they can get further help if, for example, they need legal advice about where a child should live, or with whom a child should have contact.

The provision of legal advice to families bereaved by murder or manslaughter was piloted as part of the victims' advocates scheme. Bereaved families were able to access up to 15 hours of free legal advice on social and personal matters arising from a death, but not directly related to a trial. The pilot was completed in April 2008 and we are now working on proposals to establish a service to provide legal advice across England and Wales, drawing on the experience of the pilot.

Additionally, the **Crown Prosecution Service** victim focus scheme ensures that families are given the option of a pre-trial meeting with the prosecution: to have the victim personal statement scheme explained, and the offer of a prosecutor to read out the families' statement before sentencing. After the trial, victims can be referred to the probation service victim contact scheme. The project will appoint a victim liaison officer to continue to keep the family informed as relevant (such as, the offender's sentence) and support the family in updating a victim personal statement for parole hearings if they wish to do so.

#### **Other conditions attached to the granting of legal aid for defendants**

Any individual applying for legal aid representation in the Magistrate's Court or the Crown Court in England and Wales must also pass the **'interests of justice' test**. This test takes into account factors such as whether being convicted of an alleged offence is likely to result in the defendant being imprisoned or losing his or her job, and whether the defendant is able to understand the proceedings and state her or his own case. If one or a combination of these factors applies to the defendant, he or she will generally be held to have satisfied the 'Interests of justice' test.

#### **Cost-free court proceedings**

In certain circumstances, an individual may not have to pay a court fee. He or she may be granted **full remission**, where the entire fee is non-payable, or **part remission**, where he or she makes a contribution to the fee. Further information on remission of court fees can be found on the [Her Majesty's Courts and Tribunals Service](#) website.

#### **Related Links**

[Legal Aid Agency](#), [Alternative Dispute Resolution \(ADR\)](#), [Community Legal Advice](#), [National Mediation helpline](#), [Media tion page at the website of Her Majesty's Courts and Tribunals Service](#), [Family Mediation Helpline](#), [Advice Now](#), [Community Legal Advice](#), [Advice Guide – online help from Citizens Advice](#), [ADR Now](#), [Her Majesty's Courts and Tribunals Service](#), [S olicitors' Code of Conduct](#), [HM Revenue & Customs](#), [Her Majesty's Courts and Tribunals Service](#) Her Majesty's Courts Service (bailiffs), [Ministry of Justice](#)

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## Case study 1 - family law - divorce - England and Wales

In this case study on family law – divorce, Member States were asked to provide information for the party that files for divorce on litigation costs in order to consider the following situations:

**Case A – National situation:** a couple gets married. Later they separate and agree to a divorce.

**Case B – Transnational situation:** Two nationals from a same Member State (Member State A) get married. The marriage is celebrated in Member State A. After the wedding, the couple moves to live and work in another Member State (Member State B) where they establish their residence. Shortly thereafter the couple separates with the wife returning to Member State A and the husband remaining in Member State B. The couple agrees to a divorce. Upon her return to Member State A, the wife immediately files for a divorce before the courts of Member State B.

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### Important points to note about the information provided

It should be noted that there are many influences that dictate the process involved in bringing such cases in the courts of England & Wales, therefore it is not possible to set out the definitive costs involved. You are advised to view the following [court and tribunal fees](#) for a list of up to date fees. 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 (status) of court used and the steps involved in the individual case. A full list of fees charged can be found at [court fees](#). 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:

- An application for divorce is made to the court by the petitioner's legal representative, with marriage certificate and all necessary details for service on the respondent
- Acknowledgement of service is returned by the respondent consenting to the divorce
- There are no minor children and any issues over finances will be resolved by alternative dispute resolution (mediation) without recourse to the court
- Decree Nisi (a conditional divorce) is pronounced, following directions for trial (special procedure)
- No hearings are held, and that
- The petitioner's legal representative applies for Decree Absolute (a final divorce order) after six weeks and one day.

### Note that:

- Fees are correct as at 22 April 2014. Court fees are subject to change, so you should always check with the court or your legal representative that an amount is still the current fee or view the following website for a list of up to date fees: [HMCTS Court and Tribunal Fees](#)
- You have to pay a court fee to make an application for divorce to the court and you may have to pay further court fees at different stages of the court case. 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 the first application is made will give you the remission only for that first 'issuing' fee. This is because your personal circumstances might change during the divorce process, and you might no longer be eligible for a remission later in the case. Alternatively,

you might become eligible for a fee remission during the case. Further details can be found by contacting the relevant court office or by viewing the [HMCTS Courts and Tribunals website](#)

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.

### Indicative Costs in England & Wales

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

Case Study	Court		
	Initial court fees	Transcription fees	Other fees
<b>Case A</b>	Currently charged at £410 – For a list of up to date fees, please refer to the <a href="#">HMCTS Court and Tribunal Fees website</a>	Not applicable – no court hearing takes place	This fee now only applies where on or before 30 <sup>th</sup> June 2013 an application was presented for a matrimonial order other than an application to which rule 7.7 (1)(b) of the Family Procedure Rules 2010(a) applies – for a list of up to date fees please see the <a href="#">HMCTS Court and Tribunal Fees website</a> or by contacting the relevant court.
<b>Case B</b>	Currently charged at £410 – For a list of up to date fees, please refer to the <a href="#">HMCTS Court and Tribunal Fees Website</a> .	Not applicable – no court hearing takes place	This fee now only applies where on or before 30 <sup>th</sup> June 2013 an application was presented for a matrimonial order other than an application to which rule 7.7 (1)(b) of the Family Procedure Rules 2010(a) applies – for a list of up to date fees please see the <a href="#">HMCTS Court and Tribunal Fees website</a> or by contacting the relevant court.

Case Study	Appeals		ADR		
	Initial court fees	Transcription fees	Other fees	Is this option open for this type of case?	Costs
<b>Case A</b>	N/A	N/A	N/A	Information about alternative dispute resolution following breakdown of a family relationship (including costs) is available at the website of the <a href="#">Family Mediation Helpline</a> (or by calling the Helpline on 0845 6026627	Information about alternative dispute resolution following breakdown of a family relationship (including costs) is available at the website of the <a href="#">Family Mediation Helpline</a> (or by calling the Helpline on 0845 6026627 from

				from within the UK and +44 1823 623650 from outside the UK).	within the UK and +44 1823 623650 from outside the UK).
<b>Case B</b>	N/A	N/A	N/A	As above.	As above.

Indicative costs for lawyer, bailiff and expert

Case Study	Lawyer	
	Is representation compulsory?	Average costs
<b>Case A</b>	No	The <a href="#">UK Law Society</a> and the <a href="#">UK 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.
<b>Case B</b>	No	As above, though there may be two sets of lawyers' fees involved in cross-border hearings.

Case Study	Bailiff			Expert	
	Is representation compulsory?	Pre-judgement costs	Post-judgement costs	Is use compulsory?	Costs
<b>Case A</b>	No.  When cases are issued, the court serves documents automatically by postal service. There is a cost which is currently £110. Please refer to the <a href="#">UK HMCTS Court and Tribunal website</a> for service by the court bailiff if the applicant does not want the court to serve documents by post.  Note: information about the role of bailiffs and enforcement officers in England & Wales can be found at: <a href="#">UK Her Majesty's Courts Service (bailiffs)</a>	See left.	See left.	No	Information on experts can be found on the website of the <a href="#">UK Ministry of Justice</a>
<b>Case B</b>	Costs for service of divorce documents on a respondent are dependent on the type of	See left	See left	No	As above

service accepted in the Member State where the service takes place.				
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**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	N/A	N/A	N/A	N/A	N/K	N/K
Case B	N/A	N/A	N/A	N/A	N/K	N/K

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

Case study	Legal Aid		
	When and under which conditions is it applicable?	When is support total?	Conditions?
Case A	Full legal representation will not normally be granted for a divorce where the respondent has consented to it or where his or her consent is not required although some Legal Help may be provided. Legal Aid generally will only be available for this type of work where there has been, or there is a risk of, domestic violence and where suitable evidence is provided in respect of this. The normal means and merits tests apply (see section: Legal Aid).	Where funding is granted, uncontested divorce cases will usually be dealt with under Legal Help (a level of service involving advice and assistance with a legal problem – but not including representation or advocacy in proceedings).	Suitable evidence demonstrating that there has been or is a risk of domestic abuse or child abuse must be provided.
Case B	Legal aid is available only for proceedings that take place in England & Wales. The issue of consent (above) applies.	[See above]	[See above]

Case study	Reimbursement			
	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total, what is percentage in general?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation?

Case A	N/A	N/A	N/A	Contributions are required towards the cost of legal aid from those applicants who are assessed as having a monthly disposable income above £315 or disposable capital above the limit of £3000. The contribution required from income is a proportion of disposable income above the lower limit, payable every month for the life of the case.  The contribution required from capital is all disposable capital above £3000. Above figures are subject to change.
Case B	N/A	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 which conditions is it necessary?	Approximate cost?	When and under which 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	Translation of documentation required for divorce, for example, marriage certificate.	See section on Translators' and Interpreters' Fees for information	See section on Translators' and Interpreters' Fees for information	See section on Translators' and Interpreters' Fees for information	N/K	N/K

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### Case study 2 - family law - custody of the children - England and Wales

In this case study on family law – custody of the children, Member States were asked to provide information for the suing party on litigation costs in order to consider the following situations:

**Case A – National situation:** Two persons have lived together unmarried for a number of years and the father is named on the birth certificate. They have a three year old child when they separate. A court decision grants custody ("custody" is called "residence" in England and Wales) of the child to the mother and a right of access ("access" is called "contact" in England and Wales) to the father. The mother makes an application to the court to limit the father's right of contact.

**Case B – Transnational situation where you are a lawyer in Member State A:** Two persons have lived together unmarried in a Member State (Member State B) for a number of years. They have a child together but separate immediately after the child's birth. A court decision in Member State B gives the child's custody to the mother with a right of access to the father. The mother and the child move to live in another Member State (Member State A) as authorized to do so by the Court decision and the father remains in Member State B. A few years later, the mother sues in Member State A to change the father's right of contact.

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

It should be noted that there are many influences that dictate the process involved in bringing such cases in the courts of England & Wales, therefore it is not possible to set out the definitive costs involved. Details of current fees can be found on the [HMCTS Court and Tribunal Fee](#) website. 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 [HMCTS Court and Tribunal Fee](#) website. 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:

- The father makes an application to the court for a child arrangement order for him to spend time with his child, at the same time making an application for parental responsibility as he is not married to the mother and did not acquire parental responsibility through birth registration. If one or both parties receive legal aid they will be referred to an initial meeting to discuss whether mediation would be suitable for them. If the answer is no the case proceeds to court.
- The court decided the child should live with the mother and the father is given parental responsibility and an order specifying when he will spend time with the child.
- The mother returns to court and applies to vary the terms of the child arrangement order.

### **Note that:**

- Fees are correct as at 22 April 2014. 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 make an application to the court and pay further court fees at different stages of the court case. 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 the first application is made 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, depending on the particular court and procedures involved.

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.

## Indicative costs in England & Wales

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

Case Study	Court		
	Initial court fees	Transcription fees	Other fees
<b>Case A</b>	Commencement of proceedings for child arrangement order (£215) and parental responsibility (£215).  For a list of current fees, please refer to <a href="#">HMCTS Court and Tribunal Fee website</a>	The Applicant will need to make a request for a transcript to the court where the hearing took place. The court will then provide details of a list of accredited court transcribers' to the applicant. Applicant will then need to liaise directly with transcribers' who will return typed document to the court for the relevant judge's approval.	N/K
<b>Case B</b>	Commencement of proceedings for child arrangement order (£215) and parental responsibility (£215).  For a list of current fees, please refer to <a href="#">HMCTS Court and Tribunal Fee website</a>	The Applicant will need to make a request for a transcript to the court where the hearing took place. The court will then provide details of a list of accredited court transcribers' to the applicant. Applicant will then need to liaise directly with transcribers' who will return typed document to the court for the relevant judge's approval.	N/K

Case Study	Appeals			ADR	
	Initial court fees	Transcription fees	Other fees	Is this option open for this type of case?	Costs
<b>Case A</b>	Currently £125 for a Section 8 case or £180 for a Care and Supervision matter. For a list of current fees, please refer to <a href="#">HMC</a>	Please see above	N/A	Yes, mediation can be used at any time. The court can direct parties to attend a contact activity' (information session) about mediation if it feels this would help to resolve the dispute and hence benefit the child.  Information about alternative dispute	A party is expected to pay for mediation sessions unless they qualify for legal aid.  The parties are expected to pay for a contact activity designed to give information about mediation, unless they qualify for legal aid or can demonstrate that they would suffer financial hardship if

	TS Court and Tribunal fee website			resolution following breakdown of a family relationship (including costs) is available at the website of the <a href="#">Family Mediation Helpline</a> (or by calling the Helpline on 0845 6026627 from within the UK and +44 1823 623650 from outside the UK).	they paid the fee. Assistance of up to £450 is available though this is subject to change.. Information about alternative dispute resolution following breakdown of a family relationship (including costs) is available at the website of the <a href="#">Family Mediation Helpline</a> (or by calling the Helpline on 0845 6026627 from within the UK and +44 1823 623650 from outside the UK).
<b>Case B</b>	Currently £125 for a Section 8 case or £180 for a Care and Supervision matter. For a list of current fees, please refer to <a href="#">HMC</a> TS Court and Tribunal fee website	Please see above	N/K	See above.	See above.

Indicative costs for lawyer, bailiff and expert

Case Study	Lawyer	
	Is representation compulsory?	Average costs
<b>Case A</b>	No	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.
<b>Case B</b>	No	As above, though there may be two sets of lawyers' fees involved in cross-border hearings.

Case Study	Bailiff			Expert	
	Is representation compulsory?	Pre-judgement costs	Post-judgement costs	Is use compulsory?	Cost
<b>Case A</b>	No.	See left.	See left.	No	

	<p>When cases are issued, the court serves documents automatically by postal service. There is a cost of £110 for service by the court bailiff if the applicant does not want the court to serve documents by post.</p> <p>For a list of current fees, please refer to <a href="#">HMCTS Court and Tribunal Fees website</a>.</p> <p>Note: information about the role of bailiffs and enforcement officers in England &amp; Wales can be found at <a href="#">HMCTS Court Contacts website</a>.</p>				<p>Information on experts can be found at the website of the <a href="#">Ministry of Justice</a></p>
<b>Case B</b>	<p>Costs for service of divorce</p> <p>Documents for service on respondents depend on the type of service accepted in the Member State where service takes place.</p>	See left	See left	No	<p>Information on experts can be found at the website of the <a href="#">Ministry of Justice</a></p>

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

Case Study	Witness compensation		Pledge or security	
	Are witnesses compensated?	Cost	Does this exist and when and how is it used?	Cost
<b>Case A</b>	N/A	N/A	N/A	N/A
<b>Case B</b>	N/A	N/A	N/A	N/A

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

Case study	Legal Aid	
	When is support total?	Conditions?

	<b>When and under which conditions is it applicable?</b>		
<b>Case A</b>	Legal Aid will only be available for this type of work where there has been, or there is a risk of, domestic violence or child abuse and where suitable evidence is provided in respect of this. The normal means and merits tests apply (see section on Legal Aid).	See section on Legal Aid	Suitable evidence demonstrating that there has been or is a risk of domestic abuse or child abuse must be provided.  See section on <a href="#">Legal Aid on GOV. UK</a>
<b>Case B</b>	Legal aid is available only for proceedings that take place in England and Wales (see above).	See section on Legal Aid	See section on <a href="#">Legal Aid on GOV. UK</a>

<b>Case study</b>	<b>Reimbursement</b>			
	<b>Can the winning party obtain reimbursement of litigation costs?</b>	<b>If reimbursement is not total what is percentage in general?</b>	<b>What costs are never reimbursed?</b>	<b>Are there instances when legal aid should be reimbursed to the legal aid organisation?</b>
<b>Case A</b>	It is possible for a party to make an application to a family court for reimbursement of costs. Costs will be awarded to the applicant only if the judge considers that the other party has acted in a way that causes unnecessary costs to be incurred.	See the answer to the left.	See the answer to the left.	Clients may be liable to pay a contribution, depending on their income and capital. (See Case 1A)
<b>Case B</b>	It is possible for a party to make an application to a family court for reimbursement of costs. Costs will only be awarded to the applicant if the judge considers that the other party has acted in a way that causes unnecessary costs to be incurred.	See the answer to the left.	See the answer to the left.	Clients may be liable to pay a contribution, depending on their income and capital (See Case 1A)

**Indicative costs for translation and interpretation**

<b>Case study</b>	<b>Translation</b>	<b>Interpretation</b>	<b>Other costs specific to cross-border disputes?</b>
	Approximate cost?		Description

	When and under which conditions is it necessary?		When and under which conditions is it necessary?	Approximate cost?		Approximate cost?
Case A	N/A	N/A	N/A	N/A	N/A	N/A
Case B	Translation of documentation required	There are no regulations governing translators' fees. The translator or translation company fix their own fees.	See section on Translators' and Interpreters' Fees	See section on Translators' and Interpreters' Fees	N/K	N/K

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### Case study 3 - family law - maintenance - England and Wales

In this case study on family law – child maintenance, Member States were asked to provide information for the suing party on litigation costs on litigation costs in order to consider the following situations:

**Case A – National situation:** Two persons have lived together unmarried for a number of years. They have a three year old child when they separate. A court decision grants custody of the child to the mother. The only outstanding dispute relates to the amount of the child maintenance owed to the mother by the father for the support and education of the child. The mother sues on this.

**Case B – Transnational situation where you are a lawyer in Member State A:** Two persons have lived together unmarried in a Member State (State B). They have a three year old child. They separate. A court decision in Member State B gives the child's custody to the mother. With the agreement of the father, the mother and the child move to live in another Member State (Member State A) where they establish their residence.

An outstanding dispute remains. This relates to the amount of the child maintenance owed to the mother by the father for the support and education of the child. The mother sues on this in Member State A.



#### 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 given in the case study description above, we assume in addition that:

**Case A:**

- The parents were unable to agree between themselves with whom the child should live and so the case had to go to court for a decision. (90% of cases do not go to court.) The mother made an application for custody ("custody" is called "residence" in England and Wales). The father was the respondent to the mother's application and also made an application of his own for custody of the child.
- The court also decided at the same time how much access ("access" is called "contact" in England and Wales) the non-resident father should have to the child.
- For this example we assume the parents cannot agree between themselves on the maintenance for the child.
- In this example we assume the mother applies to the Family Court for a maintenance order. (In some circumstances the court does not have the power to hear a contested application for child periodical payments.)

**Case B:**

- This case study refers to the law as it was in mid-2009. The law will change when the EU Maintenance Regulation 4/2009 applies, which will be in 2011, subject to the Protocol to the 2007 Hague Maintenance Convention then being in force.
- For this case we assume that there has been no maintenance order made in State B at the time of the court's decision on custody. If there had been such an order, the more usual situation, it would be for the mother to apply to the court in State B to vary the amount. The court in State A would not be able to vary the amount of an order made in State B.]
- The mother applies to the court in Member State A for a maintenance order. There may then be additional costs involved with applying to the England and Wales Central Authority for service of the order on the debtor father in Member State B.
- In this case we assume that the creditor mother is habitually resident in the England and Wales jurisdiction of the UK.

**Note that:**

- Fees are correct as at 22 April 2014. 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 make an application to the court and pay further court fees at different stages of the court case. 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 the first application is made 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, depending on the particular court and procedures involved.

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.

**Indicative costs in England & Wales**

**Costs for court, appeals and alternative dispute resolution**

Case Study	Court		
	Initial court fees	Transcription fees	Other fees

<b>Case A</b>	£215 for mother's application for a maintenance order	Agreed between court reporter and appellant – max rate £1.63 per 72 words/min fee: £15.75	N/K
<b>Case B</b>	£215 for mother's application for a maintenance order	Agreed between court reporter and appellant – max rate £1.63 per 72 words/min fee: £15.75	N/K

Case Study	Appeals			ADR	
	Initial court fees	Transcription fees	Other fees	Is this option open for this type of case?	Costs
<b>Case A</b>	£215	Agreed between court reporter and appellant – max rate £1.63 per 72 words/min fee: £15.75	N/K	Information about alternative dispute resolution following breakdown of a family relationship (including costs) is available at the website of the <a href="#">Family Mediation Helpline</a> (or by calling the Helpline on 0845 6026627 from within the UK and +44 1823 623650 from outside the UK).	Information about alternative dispute resolution following breakdown of a family relationship (including costs) is available at the website of the <a href="#">Family Mediation Helpline</a> (or by calling the Helpline on 0845 6026627 from within the UK and +44 1823 623650 from outside the UK).
<b>Case B</b>	£215	Agreed between court reporter and appellant – max rate £1.63 per 72 words/min fee: £15.75	N/K	As above.	As above.

Indicative costs for lawyer, bailiff and expert

Case Study	Lawyer	
	Is representation compulsory?	Average costs
<b>Case A</b>	No	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.
<b>Case B</b>	No	As above, though there may be two sets of lawyers' fees involved in cross-border hearings.

Case Study	Bailiff			Expert	
	Is representation compulsory?	Pre-judgement costs	Post-judgement costs	Is use compulsory?	Cost

<b>Case A</b>	No.  When cases are issued, the court serves documents automatically by postal service. There is a cost of £110 for service by the court bailiff if the applicant does not want the court to serve documents by post.  Note: information about the role of bailiffs and enforcement officers in England & Wales can be found at: Her Majesty's Courts Service (bailiffs)	See left.	See left.	No	Information on experts can be found at the website of the <a href="#">Ministry of Justice</a>
<b>Case B</b>	Costs for the service of divorce documents on a respondent depend on the type of service accepted in the member state where service takes place.	See left.	See left.	See above.	See above.

**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
<b>Case A</b>	N/A	N/A	N/A	N/A	N/K	N/K
<b>Case B</b>	N/A	N/A	N/A	N/A	N/K	N/K

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

Case study	Legal Aid		
	When and under what conditions is it applicable?	When is support total?	Conditions?
<b>Case A</b>	Legal Aid will only be available for this type of work where there has been, or there is a risk of, domestic violence and where suitable evidence is provided in respect of this. The	Where funding is granted, and where appropriate, Full Representation may be granted.	Suitable evidence demonstrating that there has been or is a risk of domestic abuse or child abuse must be provided.

	normal means and merits tests apply (see section on Legal Aid).		
<b>Case B</b>	Legal aid is available only for proceedings that take place in England and Wales (see above).	See above	See above

<b>Case study</b>	<b>Reimbursement</b>			
	<b>Can the winning party obtain reimbursement of litigation costs?</b>	<b>If reimbursement is not total, what is the percentage in general?</b>	<b>What costs are never reimbursed?</b>	<b>Are there instances when legal aid should be reimbursed to the legal aid organisation?</b>
<b>Case A</b>	It is possible for a party to make an application to a family court for reimbursement of costs. Costs will only be awarded to the applicant if the judge considers that the other party has acted in a way that causes unnecessary costs to be incurred.	See the answer to the left.	See the answer to the left.	Clients may be liable to pay a contribution depending on their income and capital. (See Case 1A)
<b>Case B</b>	It is possible for a party to make an application to a family court for reimbursement of costs. Costs will be awarded to the applicant only if the judge considers that the other party has acted in a way that causes unnecessary costs to be incurred.	See the answer to the left.	See the answer to the left.	See above

**Indicative costs for translation and interpretation**

<b>Case study</b>	<b>Translation</b>		<b>Interpretation</b>		<b>Other costs specific to cross-border disputes?</b>	
	<b>When and under what conditions is it necessary?</b>	<b>Approximate cost?</b>	<b>When and under what conditions is it necessary?</b>	<b>Approximate cost?</b>	<b>Description</b>	<b>Approximate cost?</b>
<b>Case A</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Case B</b>	Translation of documentation required	There are no regulations governing translators' fees.	See section on Translators' and Interpreters' Fees for information	See section on Translators' and Interpreters' Fees for information	N/K	N/K

		The translator or translation company fix their own fees.				
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#### Case study 4 - commercial law - contract - 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	<b>5% of the value of the claim – issue fee</b> <b>£50 for an order to close the case after successful mediation.</b> <b>£545 – hearing</b>	<b>Agreed between court reporter and appellant – max rate £1.63 per 72 words/min fee: £15.75</b>	N/A
Case B	<b>£610 – issue fee.</b> <b>£45 for an order to close the case after a successful mediation</b>	<b>Agreed between court reporter and appellant – max rate £1.63 per 72 words/min fee: £15.75</b>	N/A

£545 - hearing		
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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	<p>Fixed costs – £170</p> <p>Solicitors costs for case preparation</p> <p>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)</p> <p>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.</p>
Case B	No	<p>Fixed costs – £170</p> <p>Solicitors costs for case preparation</p> <p>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)</p> <p>There may be two sets of lawyers' fees involved in cross-border hearings.</p>

Case Study	Bailiff			Expert	
	Is representation compulsory?	Pre-judgement costs	Post-judgement costs	Is use compulsory?	Cost

<b>Case A</b>	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
<b>Case B</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
<b>Case A</b>	Yes, for travel expenses and other expenses for some witnesses (e.g. expert witnesses) attendance time	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 this offer, the unsuccessful party will not be required to pay the costs of the successful party from the date the offer was made.	N/A	N/K	N/K
<b>Case B</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?
<b>Case A</b>	No funding at all is available for cases arising out company or partnership law or the carrying on of	N/A	N/A	Fixed costs are awarded by the court (see average costs above)  The court generally orders the winning party's	N/A	N/A	N/A

	a business. In this case we have assumed that both the buyer and seller are businesses.			costs to be paid by the losing party. Where the amount of costs is challenged, they maybe assessed by the court.			
<b>Case B</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?
<b>Case A</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Case B</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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### Case study 5 - commercial law - responsibility - England and Wales

In this case study on commercial law – responsibility, Member States were asked to provide information for the customer on litigation costs in order to consider the following situations:

**Case A – National situation:** A heating equipment manufacturer delivers a heater to an installer. The installer on-sells (and installs) the heater to a customer to equip his/her house. The house catches fire shortly thereafter. Every participant (heating equipment manufacturer, installer, end-customer) is insured. The origin of the fire is contested. Nobody wants to compensate the customer.

The customer decides to sue for full compensation the heating equipment manufacturer, the heating equipment installer and the insurance companies.

**Case B – Transnational situation:** A heating equipment manufacturer in a Member State B delivers heater to an installer in a Member State C. The installer on-sells the heater (and installs) the heater to a customer in Member State A to equip his/her house. The house catches fire shortly thereafter. Each participant (heating equipment manufacturer, installer, end-customer) is insured by an insurance company in its own Member State. The origin of the fire is contested. Nobody wants to compensate the customer.

The customer decides to sue in Member State A for full compensation the heating equipment manufacturer, the heating equipment installer and the insurance companies in Member State A.



### 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:

#### Case A:

- The property and contents are damaged but not destroyed. No-one is hurt.
- The expected damages are between £50,000 and £100,000 and is defended by 4 defendants (manufacturer, installer and their insurers).
- As the amount expected to claim for is in excess of £25,000 this will be a multi-track case and will attract a different hearing fee.
- The hearing lasted 2 days. Expert witnesses were called by all parties.

#### Case B:

- As above. Member state A is the UK.

#### 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 organisations 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, depending on the particular court and procedures involved.

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.

## 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% (4.5% if issued online) of the upper limit claimed – issue fee  £1090 hearing fee	Agreed between court reporter and appellant – max rate £1.63 per 72 words /min fee: £15.75	N/K
Case B	As above – issue fee £1090 –hearing fee	Agreed between court reporter and appellant – max rate £1.63 per 72 words /min fee: £15.75	N/K

Case Study	Appeals			ADR	
	Initial court fees	Transcription fees	Other fees	Is this option open for this type of case?	Costs
Case A	£465 if permission not required  £235 if permission required  Further £235 if permission for an appeal hearing is granted	Agreed between court reporter and appellant – max rate £1.63 per 72 words/min fee: £15.75	N/K	Yes in theory, but probably unlikely in practice that the parties would agree to mediate	c. £1000 to £2000 per day shared between parties
Case B	£465 if permission not required (no further hearing fee is payable)  £235 if permission required  Further £235 if permission for an appeal hearing is granted	Agreed between court reporter and appellant – max rate £1.63 per 72 words/min fee: £15.75	N/K	Yes in theory, but probably unlikely in practice that the parties would agree to mediate	c. £1000 to £2000 per day shared between parties

### Indicative costs for lawyer, bailiff and expert

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgement costs	Post-judgement costs	Is use compulsory?	Cost
Case A	No		Information about the role of bailiffs	See left	See left	No	No fixed costs –

		Including Solicitors and Barristers fees and disbursements.  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.	and enforcement officers in England & Wales can be found at: <a href="#">Her Majesty's Court Service (bailiffs)</a>				depends on expertise and detail of evidence required
<b>Case B</b>	No	As above, though there may be two sets of lawyers' fees involved in cross-border hearings.	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
<b>Case A</b>	Yes – for travel expenses and for some witnesses (e.g. expert witnesses) attendance time	As agreed with the witness	Where an offer to settle is made by one of the parties and the court's final award does not beat this offer, the unsuccessful party will not be required to pay the costs of the successful party from the date the offer was made.	Where an offer to settle is made by one of the parties and the courts final award does not beat this offer, the unsuccessful party will not be required to pay the costs of the successful party from the date the offer was made.	N/K	N/K
<b>Case B</b>	As above	As above	As above	As above	N/K	N/K

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

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<b>Case study</b>	<b>Legal Aid</b>		
	<b>When and under what conditions is it applicable?</b>	<b>When is support total?</b>	<b>Conditions?</b>
<b>Case A</b>	As long as the case is heard in England and Wales, the normal means and merits tests apply (see section on Legal Aid).	See section on Legal Aid	See section on Legal Aid
<b>Case B</b>	As long as the case is heard in England and Wales, the usual means and merits tests will apply.	See section on Legal Aid	See section on Legal Aid

<b>Case study</b>	<b>Reimbursement</b>			
	<b>Can the winning party obtain reimbursement of litigation costs?</b>	<b>If reimbursement is not total, what is the percentage in general?</b>	<b>What costs are never reimbursed?</b>	<b>Are there instances when legal aid should be reimbursed to the legal aid organisation?</b>
<b>Case A</b>	The court generally orders the winning party's costs to be paid by the losing party. Where the amount of costs is challenged, they may be assessed by the court.	N/A	N/A	Clients may be liable to pay a contribution depending on their income and capital. (See Case 1A)
<b>Case B</b>	As above	N/A	N/A	[See above]

**Indicative costs for translation and interpretation**

<b>Case study</b>	<b>Translation</b>		<b>Interpretation</b>		<b>Other costs specific to cross-border disputes?</b>	
	<b>When and under what conditions is it necessary?</b>	<b>Approximate cost?</b>	<b>When and under which conditions is it necessary?</b>	<b>Approximate cost?</b>	<b>Description</b>	<b>Approximate cost?</b>
<b>Case A</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Case B</b>	Documents produced or served with a claim in England & Wales require an English translation, and documents	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

may be required to be translated Member States' language if required.					
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