



Ministry of JUSTICE

Mrs Sarah Newton MP
House of Commons
London
SW1A 0AA

Our ref: 314962

Jonathan Djanogly MP
Parliamentary Under
Secretary of State for Justice
102 Petty France
London
SW1H 9AJ

T 020 3334 3555
F 020 3334 3669
E general.enquiries@justice.gsi.gov.uk
www.justice.gov.uk

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MR JOHN LAYTE – ASSESSMENT OF COSTS PROCESS

Thank you for your letter of 26 October on behalf of your constituent, Mr Layte, who is concerned about the assessment of costs process.

Mr Layte suggests that the problem with the assessment of costs process is that bills of costs are only served on the opposing party and a copy is not filed at the court. The position is if parties cannot come to agreement on costs, detailed assessment proceedings can be commenced. Initially, a bill of costs is prepared and given to the paying party along with form N252 – 'Notice of commencement of assessment of bill of costs'. The form explains to the paying party that they have 21 days to dispute the amount claimed in the bill. The form also explains that if the bill is not disputed a default costs certificate could be applied for. At this stage it is still a matter between the parties and there is no requirement for the court to have sight of the bill. I can confirm there are no plans to change this process.

In relation to Mr Layte's case, District Judge Wainwright gave the following directions on 12 September 2007: "The detailed assessments of both orders for costs in favour of the 1st and 2nd defendants be stayed until they each file and serve bills which are capable of being assessed under the court procedures provided for in the civil procedural rules." Unfortunately, Mr Layte did not comply with the judge's direction and the default costs certificate he had obtained was revoked.

I enclose a copy of this letter for you to send to Mr Layte, should you wish to do so.

JONATHAN DJANOGLY