

## Accueil>Intenter une action en justice>Où et comment>Coûts

En matière de justice civile, les procédures en cours et les procédures ouvertes avant la fin de la période de transition se poursuivront en vertu du droit de l'Union. Sur la base d'un accord mutuel avec le Royaume-Uni, le portail e-Justice conservera les informations relatives au Royaume-Uni jusqu'à la fin de 2024.

### Coûts

#### Angleterre et Pays de Galles

Cette page présente des estimations de coûts des procédures judiciaires en Angleterre et au pays de Galles. Les honoraires des professionnels du droit, l'aide judiciaire, la médiation et les coûts fixes, tels que les frais d'instance, y sont détaillés. Les études de cas suivantes vous donneront une idée plus précise du coût des procédures: Droit de la famille – Divorce Droit de la famille – Garde des enfants Droit de la famille – Pension alimentaire Droit commercial – Contrat Droit commercial – Responsabilité

#### Où trouver des informations sur les coûts des procédures?

##### Site internet fournissant des informations sur les frais

Des informations sur les procédures judiciaires en Angleterre et au pays de Galles et sur les frais en découlant seront prochainement publiées sur le site internet du gouvernement du Royaume-Uni, [Directgov](#). Ce site offre un accès aisé aux informations gouvernementales.

Le site internet du [Her Majesty's Courts Service](#) (HCMS) fournit des informations spécifiques sur les frais de justice en Angleterre et au pays de Galles (et non sur l'ensemble des coûts de procédure). Ce site propose des informations sur les divers frais de justice des juridictions anglaises et galloises et sur les conditions selon lesquelles vous devez ou non les payer. Des informations sur la législation et les lois relatives aux frais d'instance sont également disponibles.

##### Où trouver des informations sur la durée moyenne des différentes procédures?

Il est difficile de parler de durée moyenne car chaque affaire est différente. La juridiction concernée peut fournir une estimation de la durée de certains types d'affaires.

##### Où trouver des informations sur le coût global moyen d'une procédure particulière?

Il est difficile de parler de coût moyen car chaque affaire est différente. Un avocat habitué à traiter ce type spécifique de procédure peut vous fournir une fourchette des frais engagés.

##### Taxe sur la valeur ajoutée

**Honoraires des avocats:** la TVA s'applique généralement aux honoraires des avocats (*solicitors* et *barristers*) et à certains débours (au taux de 15 % - taux qui pourrait passer à 17,5 % en 2010). L'immatriculation à la TVA est obligatoire au Royaume-Uni au-delà d'un certain seuil de revenus. Consultez le site consacré aux taxes et impôts [HM Revenue & Customs](#) pour plus d'informations.

**Frais d'instance:** la TVA ne s'applique pas aux frais d'instance.

##### Honoraires des professionnels du droit

#### Cadre réglementaire régissant les honoraires des professions juridiques

##### *Solicitors*

Aux termes du [Solicitors' Code of Conduct](#), ces derniers doivent fournir à leurs clients les informations les plus détaillées possibles sur leurs honoraires (règle 2.03). Ladite règle définit spécifiquement l'**obligation d'informer les clients du montant de leurs honoraires et de la date à laquelle les paiements sont prévus**, ainsi que de fournir des conseils sur les options de financement, y compris les **droits aux aides publiques**. Les *solicitors* doivent également informer leurs clients qu'ils peuvent être tenus de payer les frais de l'autre partie. Ces règles s'appliquent aussi aux avocats européens qui exercent en Angleterre et au pays de Galles, ainsi qu'aux cabinets de *solicitors* et autres avocats et juristes dépendant de l'Autorité de réglementation des avocats. Les premières lettres de conseils adressées aux clients doivent inclure les objectifs des clients, leurs options et les considérations spécifiques à l'affaire (règle 2.02 du code).

Après finalisation de l'état des frais, les honoraires des *solicitors* peuvent être contrôlés par le *Legal Complaints Service* (organisation indépendante traitant les réclamations d'ordre juridique) et par l'auxiliaire auprès des juridictions chargé de cette vérification. Conformément à l'ordonnance sur la rémunération des *solicitors* (affaires gracieuses) de 2009, les honoraires des *solicitors* doivent être justes et raisonnables, et prendre en compte toutes les circonstances de l'affaire lorsque le service ne comprend pas de poursuites judiciaires. En cas de contestation de l'état des frais d'un service ne comprenant pas de poursuites judiciaires, le *Legal Complaints Service* peut déterminer si ledit état est juste et raisonnable. S'il est jugé excessif, l'organisation pourra indiquer le montant qu'elle estime juste et raisonnable. Tout accord relatif aux honoraires liés à un service comprenant des poursuites judiciaires (**affaires contentieuses**) est soumis à des obligations aux termes de la loi sur les *solicitors* de 1974 et peut faire l'objet d'un contrôle par la juridiction.

##### *Barristers*

Les honoraires de ces avocats sont en grande part négociés et fixés avant tout service. Ils sont par conséquent soumis à une **réglementation moins stricte**. Le code de conduite de l'Ordre des avocats d'Angleterre et du pays de Galles définit les principes à respecter par ces professionnels indépendants en matière d'**honoraires**. Ce code établit que les ***barristers* indépendants peuvent facturer tout type de services autorisés par la loi et ne faisant pas l'objet d'une rémunération sous la forme d'un salaire**. D'autres règles existent au sujet de services assurés par un *barrister* indépendant au nom d'un autre *barrister*. L'organe de réglementation des avocats établi par l'ordre des avocats, le ***Bar Standards Board***, peut enquêter sur toute irrégularité constatée au sujet d'honoraires, ce qui peut donner lieu à des sanctions disciplinaires.

##### Huissiers

Les frais des huissiers des tribunaux de comté qui sont des frais d'instance, sont inclus dans les frais de procédure susmentionnés.

Au titre de la loi relative aux juridictions de 2003, le ministre de la justice est tenu de prescrire, par règlement, les frais pouvant être facturés par un auxiliaire de la Haute Cour. Des informations sur ces frais sont disponibles sur le site internet du service judiciaire du Royaume-Uni.

Le système actuel de frais des huissiers habilités est complexe: chaque organe dans lequel exercent ces professionnels présente une structure de frais distincte. Certaines structures, comme celle liée aux impôts locaux, sont définies par la loi. D'autres par des accords contractuels conclus entre une étude d'huissiers et ses clients.

Le service judiciaire du Royaume-Uni modifie actuellement la structure de frais des huissiers habilités. Ces modifications ne devraient pas entrer en vigueur avant avril 2012, mais il sera alors nécessaire de mettre à jour le site internet pour tenir compte de ces modifications.

#### **Serments**

En matière de prestation de serment, des frais fixes sont imposés à l'ensemble des professionnels du droit. En vertu de la loi sur les juridictions et les services juridiques de 1990, le ministre de la justice est tenu de prescrire, par règlement, le montant facturé par les professionnels du droit pour faire prêter serment. Ces frais sont actuellement de 5 £ par déclaration écrite sous serment et de 2 £ par document justificatif.

#### **Sources des coûts**

##### **Où trouver des informations sur les frais de justice en Angleterre et au pays de Galles?**

Des informations sur les frais de justice sont disponibles sur le site internet du [Her Majesty's Court Service](#). Cependant, il est également nécessaire de consulter d'autres sources d'information, dont celles qui concernent les frais de représentation en justice. Les sites internet [Law Society](#) (organisation professionnelle des *solicitors*) et [Bar Council](#) (ordre des avocats, organisation professionnelle des *barristers*) peuvent être utiles pour trouver un représentant légal, mais ils ne contiennent pas d'informations sur les frais de représentation en justice, ces derniers dépendant de nombreux facteurs spécifiques à l'affaire en question. En cas de litige transnational, deux ensembles de frais d'avocats sont susceptibles d'être engagés; l'un dans le pays dans lequel la partie lance la procédure et l'autre dans le pays dans lequel se déroule le procès.

#### **Coûts fixes**

##### **Coûts fixes dans les procédures civiles**

###### **Coûts fixes pour les parties adverses dans les procédures civiles**

Vous trouverez des informations sur les frais de justice sur le site internet du [Her Majesty's Court Service](#). Ces frais s'ajoutent aux frais de représentation en justice.

###### **Stade de la procédure civile auquel les coûts fixes doivent être réglés**

Les frais de justice doivent être payés au début de toute action en justice engageant de tels frais. Tous les autres frais et frais fixes sont généralement payés une fois la procédure terminée.

##### **Coûts fixes dans les procédures pénales**

###### **Coûts fixes pour les parties adverses dans les procédures pénales**

Un accusé peut, sous certaines conditions, prétendre à une aide judiciaire dans le cadre d'une procédure pénale. Vous trouverez ci-après plus d'informations sur l'aide judiciaire et les conditions requises pour en bénéficier. Si l'accusé ne bénéficie pas de l'aide judiciaire, le montant des frais fait l'objet d'un accord entre la personne et son représentant légal.

###### **Stade de la procédure pénale auquel les coûts fixes doivent être réglés**

Les frais d'indemnisation des témoins et les honoraires des experts doivent normalement être payés au terme de la procédure.

##### **Coûts fixes dans les procédures constitutionnelles**

###### **Coûts fixes pour les parties adverses dans les procédures constitutionnelles**

Les frais de justice dépendent du type de procédure et du niveau de juridiction de la procédure. D'autres frais, dont des frais de représentation en justice, peuvent s'ajouter.

###### **Stade de la procédure constitutionnelle auquel les coûts fixes doivent être réglés**

Les frais de justice doivent être payés au début de toute action en justice engageant de tels frais. Tous les autres frais et les frais fixes sont généralement payés au terme de la procédure.

#### **Honoraires des experts**

Dans les procédures civiles dont le montant des infractions ne dépasse pas 5 000 £, les honoraires des experts ne peuvent excéder 200 £. Dans tous les autres cas, il appartient au juge d'autoriser le montant qu'il estime adapté. Les tribunaux sont invités à recourir à un seul et même expert au lieu d'un expert pour chaque partie. Des informations supplémentaires sont disponibles sur le site Internet du [ministère britannique de la justice](#).

#### **Honoraires des traducteurs et interprètes**

Dans la plupart des procédures civiles, les interprètes sont engagés et rémunérés de façon centralisée. Certains critères doivent cependant être réunis: il doit s'agir d'une audience préliminaire (pour décider si l'affaire doit être jugée devant une juridiction de niveau supérieur), d'une affaire familiale impliquant des enfants ou d'une affaire de violence conjugale (dont le mariage forcé). Si tel n'est pas le cas, l'interprète pourra néanmoins être payé de façon centralisée s'il n'existe aucun autre moyen pour le plaideur de comprendre la procédure, s'il ne peut bénéficier d'une aide publique, s'il n'a pas les moyens de rémunérer un interprète et si aucun de ses proches ne peut l'assister. Les frais sont définis dans les clauses du contrat de prestations. Ces frais sont très variables selon la durée de l'audience, la distance à parcourir et le temps nécessaire pour se rendre au tribunal, ainsi que le mode de déplacement de l'interprète. Les clauses contractuelles sont systématiquement et strictement appliquées afin de garantir une rémunération juste.

Aucune réglementation ne régit les tarifs des traducteurs. Le traducteur ou l'agence de traduction fixe ses propres tarifs.

#### **Quand la partie succombante doit-elle supporter les dépens de la partie gagnante?**

Le principe général consiste à faire payer la partie qui succombe; toutefois, il appartient entièrement au juge de confirmer ou non ce principe. Pour rendre sa décision, le juge tient compte du comportement des deux parties, des efforts fournis, le cas échéant, avant et pendant la procédure pour tenter de résoudre le litige (y compris le recours aux autres modes de résolution des litiges). Cela peut inclure les frais fixes obligatoires, les frais évalués par le juge dans les limites définies (selon le type et le montant des frais). Les frais peuvent également être traités séparément, sous la forme d'une évaluation détaillée. En général, cela s'applique uniquement aux affaires plus complexes, dans le cadre desquelles il convient de procéder à une étude plus approfondie des coûts. Des informations supplémentaires sur la procédure sont disponibles sur le site internet du [ministère britannique de la justice](#).

#### **Où trouver des informations concernant la médiation?**

Plusieurs sites internet (cf. liens ci-après) proposent des informations sur la médiation, y compris sur les frais en découlant:

[Alternative Dispute Resolution \(ADR\)](#)

[Community Legal Advice](#)

[National Mediation Helpline](#)

[Alternative dispute resolution information at the UK Ministry of Justice](#)

[Mediation page on the website of Her Majesty's Court Service](#)

Des informations sur les autres modes de résolution des conflits portant sur des problèmes familiaux sont disponibles sur le site internet du [Family Mediation Helpline](#); vous pouvez également appeler le 0845 60 26 627 (du Royaume-Uni) ou le +441823 623650 (d'un autre pays). Les sites internet suivants fournissent également des informations sur la médiation familiale:

[Direct.gov.uk](#)

[Advice Now](#)

[Community Legal Advice](#)

[Advice Guide - online help from Citizens Advice Bureau](#)

[ADR Now](#)

[Her Majesty's Courts Service](#)

Sur ces sites, vous pouvez utiliser les zones de recherche et entrer «*Family mediation*».

#### Aide juridictionnelle

##### Seuil de revenu applicable dans les procédures civiles

Les bénéficiaires de certaines allocations (revenu minimum, allocation de chômage, d'invalidité/maladie et de vieillesse) peuvent prétendre à une aide juridictionnelle. Ces personnes **bénéficient de plein droit de l'aide juridictionnelle**. Les allocations ouvrant droit à une aide judiciaire sont des indemnités permettant d'élever les revenus d'une personne jusqu'au niveau minimum légal.

Par ailleurs, les personnes nécessitant une aide judiciaire peuvent obtenir une assistance **«gratuite», sans aucune contribution de leur part**, si leur revenu mensuel brut est inférieur à 2 657 £, leur revenu mensuel disponible inférieur à 315 £ et leur capital disponible inférieur ou égal à 3 000 £. Si leur revenu mensuel disponible se situe entre 316 et 733 £ ou que leur capital disponible se situe entre 3 000 et 8 000 £, une aide financière leur est proposée sous réserve qu'elles acceptent de contribuer en partie à leurs frais de justice. Ces chiffres qui ont été fixés en avril 2009 sont susceptibles d'être modifiés. Par conséquent, il est recommandé de vérifier auprès de la [Legal Services Commission](#) (chargée du système d'aide juridictionnelle en Angleterre et au pays de Galles) que ces chiffres sont toujours valables.

Outre les conditions financières, le demandeur doit également prouver **qu'il a des motifs raisonnables** d'engager des poursuites, de préparer une défense et d'être partie à un procès et que, dans ces circonstances particulières, il est raisonnable de lui accorder une aide judiciaire. La commission des services juridiques doit notamment considérer les chances de succès de l'affaire, déterminer si les bénéfices découlant de la procédure font plus que compenser le coût pour l'État et si le demandeur en retirera un bénéfice personnel suffisant. Ces facteurs sont similaires à ceux qui influenceraient un client aux revenus modestes qui envisagerait de financer une procédure par ses propres moyens.

##### Seuil de revenu applicable aux défendeurs dans les procédures pénales

Depuis octobre 2006, les accusés qui comparaissent devant un tribunal d'instance en matière pénale en Angleterre et au pays de Galles sont soumis à une **évaluation des conditions de ressources, qui permet de pondérer leurs revenus en fonction de leur situation familiale** (nombre d'enfants au sein du foyer, par exemple). Si le revenu annuel brut pondéré du demandeur est inférieur à 12 475 £, si le demandeur touche une allocation spécifique ou s'il est âgé de moins de 18 ans, il peut prétendre à une aide de représentation en justice. Si le revenu annuel pondéré du demandeur dépasse 22 325 £, il ne peut pas bénéficier de cette aide. Lorsque le revenu du demandeur se situe entre ces deux limites, une évaluation plus détaillée de son revenu disponible est opérée. Le calcul prend en considération les frais de logement et d'éducation des enfants, et tient compte du coût de la vie. Si le revenu annuel disponible du demandeur ne dépasse alors pas 3 398 £, il peut bénéficier de l'aide de représentation en justice.

En novembre 2008, le gouvernement a lancé une consultation sur la possibilité **d'étendre l'évaluation des conditions de ressources** aux instances pénales supérieures (*Crown Courts*) en Angleterre et au pays de Galles et a publié les commentaires reçus en juin 2009. Le gouvernement a l'intention de tester ce système d'évaluation dans cinq tribunaux de ce type dès janvier 2010 avant de l'étendre au niveau national entre avril et juin 2010.

##### Seuil de revenu applicable aux victimes dans les procédures pénales

L'aide judiciaire n'est pas proposée aux victimes de crimes. En revanche, une **assistance psychologique et pratique** est fournie. Par exemple, les victimes ont la possibilité de patienter dans des salles d'attentes différentes. En vertu de la **loi de 1999 sur la justice des mineurs et la preuve criminelle**, des mesures spéciales sont prévues pour les témoins vulnérables et intimidés, dont la possibilité de témoigner par vidéo interposée à partir d'une autre pièce.

Le Parquet a récemment mis à jour un ensemble de documents intitulé «Informations destinées à la famille du défunt» que les agents de police remettent aux familles de personnes assassinées ou victimes d'un homicide involontaire. Ces documents contiennent des informations sur divers problèmes auxquels les proches de la victime peuvent être confrontés et des conseils sur les structures à contacter pour obtenir une aide complémentaire (conseils juridiques concernant la garde d'un enfant, par exemple).

Cet accompagnement des familles endeuillées a été expérimenté dans le cadre du système de défense des victimes. Les familles ont pu bénéficier de quinze heures de conseils juridiques gratuits sur des questions sociales et personnelles liées au décès, mais sans lien direct avec le procès. Cette expérience s'est terminée en avril 2008 et des propositions sont actuellement à l'étude pour instituer un service de conseil juridique selon les mêmes principes en Angleterre et au pays de Galles.

En outre, le **système de protection assuré par le parquet aux victimes** garantit aux familles la possibilité de s'entretenir avec le ministère public dans le cadre d'une réunion préparatoire au procès: il est prévu de leur expliquer le système et de leur proposer de faire lire par le ministère public une déclaration de la famille avant le prononcé du jugement. Après le procès, les victimes peuvent bénéficier du programme de contact des victimes du service national de probation. Dans ce cadre, une personne de liaison avec les victimes est chargée de poursuivre l'information de la famille sur l'affaire (peine du délinquant, par exemple) et de lui apporter un soutien, notamment en consignant une déclaration personnelle de la victime qui souhaite s'exprimer à l'audience en vue d'une éventuelle libération conditionnelle du détenu.

##### Autres conditions relatives à l'octroi de l'aide juridictionnelle aux défendeurs

Toute personne demandant une aide de représentation en justice auprès d'un tribunal d'instance ou d'une Cour de la Couronne en Angleterre et au pays de Galles doit passer une **évaluation «d'intérêts de la justice»**. Cette évaluation prend en considération des facteurs tels que le risque pour l'accusé d'être emprisonné ou de perdre son emploi et la compréhension de la procédure par l'accusé. En général, l'évaluation est jugée concluante lorsqu'un ou plusieurs facteurs correspondent à la situation de l'accusé.

##### Procédures judiciaires exemptes de frais

Dans certains cas, il est possible d'être exonéré des frais de justice. Une personne peut bénéficier d'une **exonération totale** (aucun frais à déboursier) ou **partielle** (avec une contribution à payer). Des informations complémentaires sur ces exonérations figurent sur le site internet du [Her Majesty's Courts Service](#)

##### Liens connexes

[Legal Services Commission](#),

[Alternative Dispute Resolution \(ADR\)](#), [Community Legal Advice](#), [National Mediation Helpline](#),

[Page «Alternative Dispute Resolution» du ministère britannique de la justice](#), [Page «Mediation» du site web Her Majesty's Court Service](#),

[Family Mediation Helpline](#), [Direct.gov.uk](#), [Advice Now](#), [Community Legal Advice](#), [Advice Guide - online help from Citizens Advice Bureau](#), [ADR Now](#),

## Documents connexes

United Kingdom report of the Study on Transparency of costs  (448 Kb) 

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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.

### 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 30th 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 30th 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 [HMCTS Court and Tribunal Fees website](#) 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
Case A	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 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).
Case 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
Case A	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.
Case 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
Case A	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="#">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="#">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="#">Ministry of Justice</a>
Case B	Costs for service of divorce documents on a respondent are dependent on the type of service accepted in the Member State where the service takes place.	See left	See left	No	As above

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

Case Study	Witness compensation		Pledge or security		Other fees	
		Cost		Cost	Description	Cost

	Are witnesses compensated?		Does this exist and when and how is it used?			
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.

### 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="#">HMCTS Court and Tribunal fee website</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 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).	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 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="#">HMCTS Court and Tribunal fee website</a>	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. 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. For a list of current fees, please refer to <a href="#">HMCTS Court and Tribunal Fees website</a> .	See left.	See left.	No	Information on experts can be found at the website of the <a href="#">Ministry of Justice</a>



	Note: information about the role of bailiffs and enforcement officers in England & Wales can be found at <a href="#">HMCTS Court Contacts website</a> .				
<b>Case B</b>	Costs for service of divorce Documents for service on respondents depend on the type of service accepted in the Member State where service takes place.	See left	See left	No	Information on experts can be found at the website of the <a href="#">Ministry of Justice</a>

#### 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 and under which 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 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</a> on GOV.UK	
<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</a> on GOV.UK	

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?
<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

Translation	Interpretation
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Case study					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?
<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. 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
Case A	£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 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
Case A	£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).
Case 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
Case A	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.
Case 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
Case A	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>
Case B	Costs for the service of divorce documents on a respondent depend on the type of service	See left.	See left.	See above.	See above.

	accepted in the member state where 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 what conditions is it applicable?	When is support total?	Conditions?
Case A	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 normal means and merits tests apply (see section on Legal Aid).	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.
Case B	Legal aid is available only for proceedings that take place in England and Wales (see above).	See above	See above

Case study	Reimbursement			
	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	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)
Case 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

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		There are no regulations governing	See section on Translators' and	See section on Translators' and	N/K	N/K

	Translation of documentation required	translators' fees. The translator or translation company fix their own fees.	Interpreters' Fees for information	Interpreters' Fees for information		
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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	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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#### 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**



	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgement costs	Post-judgement costs	Is use compulsory?	Cost
<b>Case A</b>	No	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.	Information about the role of bailiffs and enforcement officers in England & Wales can be found at: <a href="#">Her Majesty's Court Service (bailiffs)</a>	See left	See left	No	No fixed costs – 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**

Case study	Legal Aid		
	When and under what conditions is it applicable?	When is support total?	Conditions?
<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

Case study	Reimbursement		
	Can the winning party obtain reimbursement of litigation costs?		What costs are never reimbursed?

		If reimbursement is not total, what is the percentage in general?		Are there instances when legal aid should be reimbursed to the legal aid organisation?
<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

Case study	Translation		Interpretation		Other costs specific to cross-border disputes?	
	When and under what conditions is it necessary?	Approximate cost?	When and under which 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, and documents may be required to be translated Member States' language if required.	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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