# **Which form to use for a costs assessment?**

If you want to apply for assessment of costs, these questions and answers tell you which form to use.

***COSTS FROM A COURT OR TRIBUNAL PROCEEDING***

1. Are the costs payable under an order or rule of a court or tribunal?

Yes: Use form 3.
*(Example: You are a litigant in a court case. The court has ordered the other party to pay your costs, or has ordered that you pay the other party’s costs.)*

No: Go to question 2.

***PRACTITIONER APPLICATION***

1. Are you a law practice seeking assessment in that capacity?

Yes: Go to question 6.

No: Go to question 3.

***CLIENT APPLICATION OR SEEKING TO CHALLENGE A BILL***

1. Are you a client of the law practice that charged for the costs that you want assessed (regardless whether the costs are for work done by that law practice or by someone else)?

Yes: Use form 1.1.
*(Example: You want to challenge the amount your solicitor has charged you for work that the solicitor has done and for disbursements, such as barrister’s fees.)*

No: Go to question 4.
2. If you are not the client of that law practice, do you owe a legal obligation to another person to pay the costs that you want assessed (or did you owe such an obligation when you paid the costs)?

Yes: Go to question 5.

No: Your position is not covered by the costs assessment scheme. You may consider seeking independent legal advice about your rights.
3. Do you owe that obligation directly to the law practice that charged the costs, or only to someone else?

To the law practice: Use form 1.2.
*(Example: You have given a guarantee to the solicitor who is acting for your company or a family member. The guarantee promises that you will pay the solicitor’s fees. You want to challenge the amount the solicitor has charged.)*

Only to someone else: Use form 1.4.
*(Example A: You are a borrower. Your contract with the lender says you will pay the lender’s legal costs. You have no other relationship with the lender’s lawyer. You want to challenge the amount claimed from you for the lender’s legal costs.
Example B: Same as A, but the borrower is your company, it has promised to pay the lender’s legal costs, and you have given a guarantee to the lender for that obligation.)*

***PRACTITIONER APPLICATIONS***

1. Being a law practice:

a) Have you issued a bill and are you seeking assessment of costs payable to you by a client: Use form 2.1.

b) Are you seeking assessment of costs payable to you by a person who is not the relevant client but who owes you a legal obligation to pay those costs: Use form 2.2.

c) Are you seeking assessment of costs payable TO you by another law practice that retained you on behalf of a client: Use form 2.3.
*(Typically, Barrister v Solicitor.)*

d) Are you seeking assessment of costs payable BY you to another law practice that you retained on behalf of a client: Use form 1.3.
*(Typically, Solicitor v Barrister.)*

***REVIEW APPLICATION***

1. Are you dissatisfied with a determination of a costs assessor and seek to Review?

Use form 4

**LIST OF COSTS ASSESSMENT FORMS**

**Note:** These forms are approved by the Chief Justice after recommendation by the Costs Assessment Rules Committee (CARC) under:

Legal Profession Act 2004 (LPA) s394 and Legal Profession Regulation 2005, Reg 120; and

Legal Profession Uniform Law Application Act 2014 (LPULAA), s92 and Regulation 2015, reg 58

These are not Supreme Court forms or UCPR approved forms.

**CLIENT or PERSON SEEKING TO CHALLENGE A BILL**

1.1 Application for Assessment of Costs – Client v Law Practice

1.2 Application for Assessment of Costs – Associated Third Party Payer v Law Practice

1.3 Application for Assessment of Costs – Retaining Law Practice v Billing Law Practice

1.4 Application for Assessment of Costs – Non-Associated Third Party Payer v Client

**PRACTITIONER APPPLICATIONS**

2.1 Application for Assessment of Costs – Law Practice v Client

2.2 Application for Assessment of Costs – Law Practice v Associated Third Party Payer

2.3 Application for Assessment of Costs – Billing Law Practice v Retaining Law Practice

**ORDERED COSTS APPLICATION (including Party Party)**

3. Application for Assessment of Ordered Costs

**REVIEW**

4. Application for Review[[1]](#footnote-1)

1. [↑](#footnote-ref-1)