

PROCEDURES FOR ASSESSMENT OF COSTS OF PARTICIPANTS AT PUBLIC EXPENSE

1. The Secretary of State accepted the recommendations of the Chairman that the reasonable and appropriate legal costs of the Bristol Heart Children Action Group and the Bristol Surgeons` Support Group be met from public funds on the terms as set out in letters dated 20 November 1998. The relevant statutory provisions with regard to these costs may be found in Section 84 (5) and (6) of the National Health Service Act 1977, as amended.
2. In the first instance costs will be assessed by the Costs Branch of Treasury Solicitor on the standard basis at an agreed hourly rate subject to a capping mechanism as to total hours worked. Where agreement can be reached those costs will be paid through the Treasury Solicitor. So far as the format of bills of costs is concerned these should be in the form of fully drawn bills along the lines of an inter partes bill of costs or as agreed with the Costs Branch. Counsels fees should be in the usual fee note form with clear indications of time spent. Counsel should be aware that they will be asked to provide details of the work undertaken and how it was generated. Bills should be presented on a monthly basis for consideration. All bills and fee notes will be subject to an audit procedure carried by the Costs Branch and/or the Internal Audit Service of the Treasury Solicitor`s Department. This may involve periodic visits to Solicitor`s offices.
3. General disbursements above £200.00 are liable to be disallowed unless they have received prior approval from the Solicitor to the Inquiry.
4. The Inquiry reserves the right to disallow any costs for good reason: examples of the circumstances in which costs may be disallowed are set out in Paragraph 61 of the Report of the Royal Commission on Tribunals of Inquiry (1966 Cmnd 3121).
5. In the event of a bill not being agreed, in full or in part, payment will be made on account of costs pending resolution at the end of the Inquiry, possibly by means of taxation.
6. All claims for costs should be sent to Mr D Houghton, Head of Costs, Treasury Solicitor`s Office at Queen Anne`s Chambers, 28 Broadway, London SW1H 9JS. Tel: 0171 210 3192. Fax: 0171 210 3141.