



New South Wales

## COSTS RULE—CERTIFICATES OF DETERMINATION

- (1) This rule is made by the Costs Assessors Rules Committee under section 208R of the Legal Profession Act 1987 [the Act] and will commence on 3 October 1997 and replaces the Rule made on 19 September 1997.
- (2) A costs assessor who has determined an application for assessment of costs under Division 6 of Part 11 of the Act must issue any certificate under section 208J or 208JA in the form bearing the number in the **first column** of the following schedule when the certificate is to be given in the circumstances described opposite that number in the **second column**.

### The Schedule

- Form 1**     *The assessor has determined costs due to a legal practitioner by the practitioner's client and the client is liable to pay an amount of costs to the practitioner after any adjustments for previous payments and the costs of the assessment.*
- Form 2**     *The assessor has determined costs due to a legal practitioner by the practitioner's client in an amount which is less than the costs already paid by the client to the practitioner who has a consequent liability to repay money to the client.*
- Form 3**     *The assessor has determined the costs payable as between party and party as a result of an order made by a court or tribunal and the determination was made in the absence of the parties' agreement to settle issues in dispute.*
- Form 4**     *The assessor has determined the costs of the costs assessor in relation to either an assessment of practitioner and client costs or an assessment of party and party costs.*
- Form 4A**    *The assessor has determined the costs of the costs assessor when the parties have agreed to settle the issues in dispute in the proceedings.*
- Form 5**     *The assessor has determined costs payable as between party and party in accordance with the agreement of the parties.*
- Form 6**     *The assessor has determined part of the costs to be assessed as agreed between the parties or as assessed shall be paid as an interim payment.*

---

**FORM 1**  
**CERTIFICATE AS TO DETERMINATION OF COSTS**  
*Legal Profession Act 1987 (the Act), Sections 208A & 208J*  
**ASSESSMENT OF PRACTITIONER AND CLIENT COSTS**

IN THE SUPREME COURT OF NEW SOUTH WALES  
 AT SYDNEY  
 COMMON LAW DIVISION

No. .... of 19 .....

APPLICANT: .....

RESPONDENT: .....

**APPLICATION BY GIVER/RECEIVER OF BILL**

1. THE APPLICATION IS DETERMINED BY CONFIRMING/  
 SUBSTITUTING FOR THE DISPUTED COSTS AS A FAIR AND  
 REASONABLE AMOUNT OF COSTS TO BE PAID TO THE  
 PRACTITIONER THE SUM OF:  
 \$ ..... .....

**\*Note:** Credit is to be given by the Practitioner to the Client for the sum  
 of \$ ..... paid on account.

**\*Note 1A.** The amount of \$ ..... includes the sum of \$ ..... being  
 the **fee/a proportion of the fee** paid for the application (*Section  
 208A (3) of the Act*).

**1B.** The amount of \$ ..... was determined after deducting the sum  
 of \$ ..... being **the fee/a proportion of the fee paid** for the  
 application (*Section 208A (3) of the Act*).

**\*Note 2.** Costs incurred by the client are determined at \$ ..... and  
 have been deducted from the costs determined as otherwise payable  
 (*Section 208A (4) of the Act*).

**\*Note 3.** The amount assessed does not include the costs of the Costs  
 Assessor for which a separate Certificate has issued (*Section 208JA  
 of the Act*).

**\*Note 4.** Interest is not payable on the amount of costs assessed/only  
 payable on \$ ..... part of costs  
 assessed. The rate of interest to apply is ..... % (*Section 208E  
 (1) of the Act*).

**\*(Delete above as appropriate)**

Costs Rule—Certificates of Determination

---

TO: APPLICANT: .....

.....

TO: RESPONDENT: .....

.....

ISSUED ON: ...../...../ 19 .....

.....  
**COSTS ASSESSOR**

**COSTS ASSESSOR:** .....

.....

**FORM 2**

**CERTIFICATE AS TO DETERMINATION OF COSTS**

*Legal Profession Act 1987 (the Act), Sections 208A & 208J*

**ASSESSMENT OF PRACTITIONER AND CLIENT COSTS**

IN THE SUPREME COURT OF NEW SOUTH WALES  
AT SYDNEY  
COMMON LAW DIVISION

No. .... of 19 .....

APPLICANT: .....

RESPONDENT: .....

**APPLICATION BY GIVER/RECEIVER OF BILL**

1. THE APPLICATION IS DETERMINED BY **CONFIRMING/  
SUBSTITUTING** FOR THE DISPUTED COSTS AS A FAIR AND  
REASONABLE AMOUNT OF COSTS TO BE PAID TO THE  
PRACTITIONER THE SUM OF:

\$ ..... .....

**\*Note 1.** The sum of \$ ..... costs and disbursements ~~has~~ been received  
by the practitioner.

The amount received exceeds the substituted amount of \$ .....  
by an amount of \$ ..... The sum of \$ ..... is to be  
**repaid** by the practitioner (*Section 208J (2) of the Act*).

**\*Note 2.** The amount to be repaid \$ ..... **is increased/reduced by the  
fee/a proportion of the fee** paid for the application in the sum of  
\$ ..... (*Section 208A (3) of the Act*).

**\*Note 3.** The amount to be repaid \$ ..... is increased by the costs  
incurred by the client determined at \$ ..... (*Section 208A (4)  
of the Act*).

**\*Note 4.** The amount assessed does not include the costs of the Costs  
Assessor for which a separate Certificate ~~has~~ issued (*Section 208JA  
of the Act*).

2. THE SUM OF \$ ..... IS TO BE PAID BY THE **APPLICANT/  
RESPONDENT TO THE APPLICANT/RESPONDENT.**

**\*(Delete above as appropriate)**

Costs Rule—Certificates of Determination

TO: APPLICANT: .....

.....

TO: RESPONDENT: .....

.....

ISSUED ON: ...../...../ 19 .....

.....  
**COSTS ASSESSOR**

**COSTS ASSESSOR:** .....

.....

**FORM 3**

**CERTIFICATE AS TO DETERMINATION OF COSTS**

*Legal Profession Act 1987 (the Act), Sections 208F & 208J*

**ASSESSMENT OF PARTY AND PARTY COSTS**

IN THE SUPREME COURT OF NEW SOUTH WALES  
AT SYDNEY  
COMMON LAW DIVISION

No. .... of 19 .....

APPLICANT: .....

RESPONDENT: .....

**APPLICATION BY GIVER/RECEIVER OF BILL**

- 1. THE APPLICATION IS DETERMINED BY ASSESSING AS A FAIR AND REASONABLE AMOUNT OF COSTS TO BE PAID TO THE **APPLICANT/RESPONDENT** THE SUM OF:

\$ ..... .....

**\*Note:** Credit is to be given by the **Applicant/Respondent** to the **Applicant/Respondent** for the sum of \$ ..... paid on account.

**\*Note 1.** The amount assessed includes any costs of the assessment (*Section 208F (4) of the Act*) except the costs of the Costs Assessor for which a separate Certificate has issued (*Section 208JA of the Act*).

**\*Note 2.** The amount of \$ ..... includes the sum of \$ ..... for which an Interim Certificate was issued.

**\*Note 3A.** The amount of \$ ..... includes the sum of \$ ..... being **the fee/a proportion of the fee** paid for the application (*Section 208F (4) of the Act*).

**3B.** The amount of \$ ..... was determined after deducting the sum of \$ ..... being **the fee/a proportion of the fee** paid for the application (*Section 208F (4) of the Act*).

**\*(Delete above as appropriate)**

Costs Rule—Certificates of Determination

---

TO: APPLICANT: .....

.....

TO: RESPONDENT: .....

.....

ISSUED ON: ...../...../ 19 .....

.....  
**COSTS ASSESSOR**

**COSTS ASSESSOR:** .....

.....

**FORM 4**

**CERTIFICATE AS TO DETERMINATION OF COSTS OF COSTS**

**ASSESSOR**

*Legal Profession Act 1987 (the Act), Sections 208A (4), 208F (4) & 208JA*

**ASSESSMENT OF PRACTITIONER AND CLIENT COSTS** *(Section 208A (4))*

**ASSESSMENT OF PARTY AND PARTY COSTS** *(Section 208F (4))*

IN THE SUPREME COURT OF NEW SOUTH WALES  
AT SYDNEY  
COMMON LAW DIVISION

No. .... of 19 .....

APPLICANT: .....

RESPONDENT: .....

**APPLICATION BY GIVER/RECEIVER OF BILL**

- 1. The application was determined and a Certificate as to Determination of Costs was issued on ..... 19 .....
- 2A.\* The costs of the Costs Assessor incurred in the course of the assessment *(Section 208A (4))* to be paid by the Practitioner **Respondent/Applicant** to the Proper Officer of the Court are in the sum of:  
\$ .....
- 2B.\* The costs of the Costs Assessor incurred in the course of the assessment *(Section 208F (4))* to be paid by the:  
**Applicant** to the Proper Officer of the Court are in the sum of:  
\$ ..... ; .....  
**Respondent** to the Proper Officer of the Court are in the sum of:  
\$ ..... ; .....

**\*(Delete above as appropriate)**



Costs Rule—Certificates of Determination

TO: APPLICANT: .....

TO: RESPONDENT: .....

ISSUED ON: ...../...../ 19 .....

.....  
**COSTS ASSESSOR**

**COSTS ASSESSOR:** .....

**FORM 4A**

**CERTIFICATE AS TO DETERMINATION OF COSTS OF COSTS**

**ASSESSOR**

*Legal Profession Act 1987 (the Act), Sections 208A (4), 208F (4) & 208JA  
Regulation 26G*

**ASSESSMENT OF PRACTITIONER AND CLIENT COSTS** *(Section 208A (4))*

**ASSESSMENT OF PARTY AND PARTY COSTS** *(Section 208F (4))*

IN THE SUPREME COURT OF NEW SOUTH WALES  
AT SYDNEY  
COMMON LAW DIVISION

No. .... of 19 .....

APPLICANT: .....

RESPONDENT: .....

**APPLICATION BY GIVER/RECEIVER OF BILL**

1. The application was determined on ..... The parties settled the matter.

A Certificate as to Determination of Costs was **issued/not issued**.

2A.\* The costs of the Costs Assessor incurred in the course of the assessment *(Section 208A (4))* to be paid by the Practitioner **Respondent/Applicant** to the Proper Officer of the Court are in the sum of:

\$ ..... ; .....

2B.\* The costs of the Costs Assessor incurred in the course of the assessment *(Sections 182 (S), 208F (4))* to be paid by the **Applicant** to the Proper Officer of the Court are in the sum of

\$ .....

**Respondent** to the Proper Officer of the Court are in the sum of:

\$ ..... ; .....

**\*(Delete above as appropriate)**

Costs Rule—Certificates of Determination

---

TO: APPLICANT: .....

TO: RESPONDENT: .....

ISSUED ON: ..... 1 ..... 19 .....

.....  
**COSTS ASSESSOR**

**COSTS ASSESSOR:** .....

**FORM 5**

**CERTIFICATE AS TO DETERMINATION OF COSTS**

*Legal Profession Act 1987 (the Act), Section 208J*

**ASSESSMENT OF PARTY AND PARTY COSTS**

IN THE SUPREME COURT OF NEW SOUTH WALES  
AT SYDNEY  
COMMON LAW DIVISION

No. .... of 19 .....

APPLICANT: .....

RESPONDENT: .....

**APPLICATION BY GIVER/RECEIVER OF BILL**

1. THE APPLICATION IS DETERMINED BY ASSESSING AS A FAIR AND REASONABLE AMOUNT OF COSTS TO BE PAID TO THE APPLICANT/  
**RESPONDENT THE AGREED SUM OF:**  
\$ .....

**\*Note** The amount assessed includes by agreement \$ ..... the **costs/part**  
**1. of the costs** of the Costs Assessor and \$ ..... the **fee/part of the**  
**fee** for the Application.

**\*Note** The total costs of the Costs Assessor are contained in a separate  
**2.** Certificate which has issued (*Section 208JA of the Act*).

**\*(Delete above as appropriate)**

TO: APPLICANT: .....

TO: RESPONDENT: .....

ISSUED ON: ..... / ..... / 19 .....

**COSTS ASSESSOR**

**COSTS ASSESSOR:** .....

---

**FORM 6**  
**INTERIM CERTIFICATE AS TO DETERMINATION OF COSTS**  
*Legal Profession Act 1987 (the Act), Section 208J (1A)*  
**ASSESSMENT OF PRACTITIONER AND CLIENT COSTS**  
**ASSESSMENT OF PARTY AND PARTY COSTS**

IN THE SUPREME COURT OF NEW SOUTH WALES  
AT SYDNEY  
COMMON LAW DIVISION

No. .... of 19 .....

APPLICANT: .....

RESPONDENT: .....

APPLICATION BY GIVER/RECEIVER OF BILL

- \* THE APPLICANT AND RESPONDENT HAVING AGREED THAT OF THE TOTAL AMOUNT OF COSTS TO BE ASSESSED THE SUM OF \$ ..... IS NOT IN DISPUTE. IT IS DETERMINED THAT SUCH SUM IS TO BE PAID AS AN INTERIM PAYMENT TO THE **APPLICANT/RESPONDENT** PENDING THE FINAL ASSESSMENT.
- \* IT IS DETERMINED THAT OF THE TOTAL AMOUNT OF COSTS TO BE ASSESSED THE SUM OF \$ ..... IS A FAIR AND REASONABLE AMOUNT OF COSTS TO BE PAID AS AN INTERIM PAYMENT TO THE **APPLICANT/RESPONDENT** PENDING THE FINAL ASSESSMENT.

\*(Delete above as appropriate)

TO: APPLICANT: .....  
.....

TO: RESPONDENT: .....  
.....

ISSUED ON: ..... / ..... / 19 .....

.....  
**COSTS ASSESSOR**

**COSTS ASSESSOR:** .....  
.....

A Final Certificate which issues shall be for a sum which includes the amount of this Interim Certificate and shall specify that such Final Certificate includes the amount of this Interim Certificate.