



IN THE SUPREME COURT OF THE UNITED KINGDOM

31 October 2023

Before:

Lord Reed
Lady Rose
Lord Richards

Banks (Respondent) v Cadwalladr (Appellant)
UKSC 2023/0081

AFTER CONSIDERATION of the application filed on behalf of the Appellant seeking permission to appeal the order made by the Court of Appeal on 17 May 2023 and of the notice of objection filed by the Respondent

THE COURT ORDERED that

- 1) Permission to appeal be REFUSED because the proposed appeal does not raise an arguable point of law. The Court of Appeal took into account the many factors which were relevant to an award of costs in this case, and reached a decision – awarding the Respondent 60% of his costs – which lay within the ambit of its discretion. This court cannot interfere with the exercise of that discretion unless the Court of Appeal erred in principle or exercised its discretion in an unreasonable manner, and neither of those conditions is met. The costs which the claimant can recover under the award made by the Court of Appeal will be limited, first, by the indemnity principle, so that he can only recover amounts which he is in fact liable to pay to his lawyers. A further limitation is that the costs which are recoverable will be independently assessed by the court, and restricted to such costs as were incurred reasonably and proportionately. In these circumstances, the panel does not consider that the award of costs is arguably incompatible with article 10 of the European Convention on Human Rights.
- 2) The Appellant pay the Respondent's costs, the amount of those costs to be assessed if not agreed.



Cour Argus

Registrar
31 October 2023