Appendix 6 – Questionnaire for Respondents

Please Note this form should be returned with your response to ensure that we handle your response appropriately.

***1. Name/Organisation***

**Organisation Name**

|  |
| --- |
|       |

**Title**  **Mr [ ]  Ms [ ]  Mrs [ ]  Miss [ ]  Dr [x]   *Please tick as appropriate***

**Surname**

|  |
| --- |
|       |

**Forename**

|  |
| --- |
|       |

***2. Postal Address***

|  |
| --- |
|       |
|       |
|       |
|       |
| **Postcode**       | **Phone**       |
| **Email** |

***3. Permissions* - I am responding as…*(choose one)***

|  |  |
| --- | --- |
| **An Individual [ ]**  | **An Organisation [ ]**  |
| 1. Do you agree to your response being made available to the public?

**Please tick as appropriate [ ]  Yes [ ]  No**1. Where confidentiality is not requested, we will make your responses available to the public on the following basis **(please tick ONE of the following boxes):**

Yes, make my response and name available [ ]  orYes, make my response available but not my name [ ]   | 1. The name of your organisation ***will be*** made available to the public

Are you content for your response to be made available?**Please tick as appropriate [ ]  Yes [ ]  No** |

**CONSULTATION QUESTIONS [continue on separate sheet of paper as required)**

|  |
| --- |
| **Question 1:** **Do you agree with the proposed changes to the wording of the Regulations regarding eligibility for costs protection? If not, please give your reasons.** |
| **Yes / No****Comments:** |

|  |
| --- |
| **Question 2:** **Do you agree with the proposal to introduce a ‘hybrid’ approach to govern the level of the costs caps? If not, please give your reasons.** |
| **Yes / No****Comments:** |

|  |
| --- |
| **Question 3:** **Do you agree that the criteria set out at proposed regulation 3A(4) at Appendix 1 properly reflect the principles from the *Edwards* cases? If not, please give your reasons.** |
| **Yes / No****Comments:** |

|  |
| --- |
| **Question 4:** **Do you agree that it is appropriate for the courts to apply the *Edwards* principles (proposed regulation 3A(4) at Appendix 1) to decide whether to vary costs caps? If not, please give your reasons.**  |
| **Comments:** |

|  |
| --- |
| **Question 5:** **Should all applicants** **be required to file at court and serve on the respondent a schedule of their financial resources at the commencement of proceedings? If not, please give your reasons.** |
| **Yes / No****Comments:** |

|  |
| --- |
| **Question 6:** **Do you agree with the proposed approach to the application of costs caps in cases involving a number of applicants or respondents? If not please give your reasons.** |
| **Yes / No****Comments:** |

|  |
| --- |
| **Question 7: At what level should the default caps be set? Please give your reasons.** |
| **Comments:** |

|  |
| --- |
| **Question 8: What are your views on the introduction of a range of default cost caps in the future?**  |
| **Comments:** |

|  |
| --- |
| **Question 9: Do you agree that where a respondent unsuccessfully challenges whether a case is an Aarhus Convention case, costs of that challenge should normally be ordered on the standard basis? If not please give your reasons.** |
| **Yes / No****Comments:** |

|  |
| --- |
| **Question 10: Do you think the Regulations should make specific provision for how the courts should normally deal with the costs of applications to vary costs caps? If so, what approach should the Regulations take?** |
| **Yes / No****Comments:** |

|  |
| --- |
| **Question 11: Do you have any comments on the proposed revisions to the provision in the Regulations dealing with cross-undertakings in damages?** |
| **Yes / No****Comments:** |