

**Class Proceedings Committee  
Practice Direction #3  
Repayment of Funded Disbursements**

1. Pursuant to section 7 of Regulation 771/92 the *Law Society Amendment Act (Class Proceedings Funding) 1992* S.O. 1992, c.7 moneys awarded by the Class Proceedings Committee (the “Committee”) shall only be used for the purpose for which financial support is authorized in the award.
2. Accordingly, where an applicant in a funded proceeding recovers any portion of funded disbursements during the course of a proceeding, such funded disbursements must be repaid to the Fund as soon as is reasonably practicable, and cannot be used for any other purpose without the consent of the Committee.
3. Where an applicant recovers interim costs as a result of a motion brought or defended during the course of a proceeding (whether by way of court order or a negotiated settlement of such costs), such applicant should separately negotiate and segregate the quantum of such interim costs which reflect funded disbursements which must be returned to the Fund. Such funded disbursements must then be repaid to the Fund.
4. Counsel in funded proceedings should advise any court which is determining the issue of costs the amount which has been funded by the Fund and which will be repaid to the Fund out of any interim costs order.
5. Where it is impracticable for counsel to separately the negotiate and/or segregate the quantum of costs repayable to the Fund at the time of any order or interim settlement of costs, applicants are required to notify the Committee of the total costs awarded or settled and counsel’s best estimate of the amount of such costs which reflect funded disbursements for consideration and determination by the Law Foundation.
6. Applicants must forward to the Committee copies of all Orders made in the proceeding in which costs are awarded, and the details of all interim settlements of costs.

Dated this May 7, 2008.

“original signed by”

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Valerie A. Edwards  
Chair  
Class Proceedings Committee