
 STATUTORY INSTRUMENTS

1986 No. 632 (L. 2)

SUPREME COURT OF ENGLAND AND WALES

The Rules of the Supreme Court (Amendment) 1986

Made - - - - - 26th March 1986

Laid before Parliament 7th April 1986

Coming into force in accordance with Rule 1

We, the Supreme Court Rule Committee, having power under section 84 of the Supreme Court Act 1981(a) to make rules of court for the purpose of regulating and prescribing the practice and procedure to be followed in the Supreme Court, hereby exercise those powers as follows:—

Citation and commencement

1.— (1) These Rules may be cited as the Rules of the Supreme Court (Amendment) 1986 and, subject to rule 11, shall come into force on 28th April 1986.

(2) In these Rules an Order referred to by number means the Order so numbered in the Rules of the Supreme Court 1965(b) and a Form referred to by number means the Form so numbered in Appendix A to those Rules.

Costs

2. In Order 1, rule 4(1), in the definition of “master”, for the words “master of the Supreme Court (Taxing Office)” there shall be substituted the words “taxing master”.

3. For Order 4, rule 9 there shall be substituted the following new rule—

“Consolidation, etc., of causes or matters

9.— (1) Where two or more causes or matters are pending in the same Division and it appears to the Court—

(a) that some common question of law or fact arises in both or all of them, or

(a) 1981 c.54.

(b) S.I. 1965/1776; the relevant amending instruments are S.I. 1966/1514, 1968/1244, 1969/1894, 1970/671, 1971/354, 1269, 1955, 1972/813, 1194, 1898, 1973/2046, 1974/295, 1975/911, 1976/337, 1196, 2097, 1977/532, 559, 960, 1979/35, 402, 522, 1542, 1716, 1980/629, 1010, 1981/1734, 1982/1111, 1786, 1983/1181, 1984/1051, 1985/69, 846.

- (b) that the rights to relief claimed therein are in respect of or arise out of the same transaction or series of transactions, or
- (c) that for some other reason it is desirable to make an order under this paragraph,

the Court may order those causes or matters to be consolidated on such terms as it thinks just or may order them to be tried at the same time or one immediately after another or may order any of them to be stayed until after the determination of any other of them.

(2) Where the Court makes an order under paragraph (1) that two or more causes or matters are to be tried at the same time but no order is made for those causes or matters to be consolidated, then, a party to one of those causes or matters may be treated as if he were a party to any other of those causes or matters for the purpose of making an order for costs against him or in his favour.”.

4. Order 14, rule 7(1) and Order 86, rule 6 shall be amended by substituting, for the words “to rule 4(1) thereof”, the words “to paragraphs (1) to (3) of rule 8 of that Order”.

5. After Order 22, rule 13 there shall be added the following new rule—

“Written Offers ‘without prejudice save as to costs’

14.— (1) A party to proceedings may at any time make a written offer to any other party to those proceedings which is expressed to be ‘without prejudice save as to costs’ and which relates to any issue in the proceedings.

(2) Where an offer is made under paragraph (1), the fact that such an offer has been made shall not be communicated to the Court until the question of costs falls to be decided and the Court shall, in accordance with Order 62, rule 9(d), take into account any offer which has been brought to its attention.

Provided that the Court shall not take such an offer into account if, at the time it is made, the party making it could have protected his position as to costs by means of a payment into court under Order 22.”.

6. Order 38, rule 32 shall be amended by substituting, for the words “to rule 7(1)”, the words “to rule 10(1)”.

7. For Order 62 there shall be substituted the Order set out in the Schedule to these Rules.

8. Order 80 shall be amended as follows:—

- (a) in rule 11(1)(a) the words “section 174 of the County Courts Act 1959, or” shall be omitted;
- (b) in rule 12(1) for the words “, whether under section 174 of the County Courts Act 1959, or this rule, or under both that section and” there shall be substituted the word “under”;

- (c) in rule 12(3) the words “and whether before or after the money is transferred to or paid into a county court,” shall be omitted;
- (d) rule 13 shall be revoked.

9. Order 106 shall be amended as follows:—

- (a) in the title to rule 2 the words “*exercisable by judge in chambers, etc.*” shall be omitted;
- (b) in rule 2(2) for the words from “by a judge” to the end there shall be substituted the following words—
 - “by—
 - (a) a judge in chambers,
 - (b) a master, a taxing master or a registrar of the Family Division, or
 - (c) a district registrar, if the costs are for contentious business done in a cause or matter which proceeded in the district registry of which he is the registrar or for non-contentious business.”;
- (c) after rule 5 there shall be inserted the following new rule—

“Certificate to be submitted with solicitor’s application for taxation

5A. A solicitor who applies for an order under the Act for the taxation of his bill of costs shall lodge with his application a certificate that all the relevant requirements of the Act have been satisfied.”.

10. Paragraph 4 of Schedule 2 to the Legal Aid Act 1974 (Remuneration of persons giving legal aid under Part I of the Act) shall be amended as follows:—

- (a) in sub-paragraph (1), for the words from “, costs shall” to “interested;”, there shall be substituted the following words—
 - “and to any statutory provision to the contrary, costs shall be taxed for the purposes of this Schedule on the standard basis within the meaning of rules of court made under section 84 of the Supreme Court Act 1981;”;
- (b) in sub-paragraph (2)—
 - (i) for the words “the rules applicable on such a taxation as there mentioned”, there shall be substituted the words “any statutory provision to the contrary;”;
 - (ii) for the words “such a taxation” in the second place where they occur, there shall be substituted the words “a taxation”;
- (c) after sub-paragraph (2) there shall be added the following new sub-paragraph—

“(3) In this paragraph, “statutory provision” has the same meaning as in section 151 (1) of the Supreme Court Act 1981.”.

11.— (1) Subject to the following provisions of this rule, Rules 2 to 10 shall come into force on 28th April 1986 and shall apply to all proceedings for the taxation of costs, whether begun before or after that date.

(2) Rule 8 shall not come into force until the day appointed under section 76(1) of the Administration of Justice Act 1982(a) for the coming into force of section 75 of that Act in relation to sections 99(3), 168 to 174A and 176 of the County Courts Act 1959(b).

(3) Where the judgment or order or the event giving rise to a right to an immediate taxation of costs was made or occurred before 28th April 1986

(a) rules 3(4), 7, 12, 13 and 17 of, and Appendix 2 to, Order 62 as substituted by Rule 7, and

(b) the amendments to the Legal Aid Act 1974 effected by Rule 10,

shall not apply and in any such case the costs shall be taxed in accordance with rules 3(10), 9, 28 and 32 of, and Appendix 2 to, Order 62 as in force immediately before 28th April 1986.

(4) Until section 2 of the Civil Jurisdiction and Judgments Act 1982 (c) comes into force, for paragraph 2 of Part III of Appendix 3 to Order 62 as substituted by Rule 7 there shall be substituted the following provision—

“2. Where a certificate of a judgment or decree is registered in the High Court in the Register for Irish Judgments or the Register for Scottish Judgments under the Judgments Extension Act 1868(d), within 12 months of the date of the judgment and without an order, there shall be allowed—

Costs of registration £23.00”.

(5) Order 62 as in force immediately before 28th April 1986 shall continue to have effect for the purposes of the Matrimonial Causes (Costs) Rules 1979 (e).

Service of documents through document exchanges

12. Order 6, rule 5(2) shall be amended by inserting, after the words “by a solicitor, the business address”, the words “(to which may be added a numbered box at a document exchange)”.

13. Order 12, rule 3(2) shall be amended by inserting, after the words “a business address”, the words “(to which may be added a numbered box at a document exchange)”.

(a) 1982 c.53.

(c) 1982 c.27.

(e) S.I. 1979/399.

(b) 1959 c.22.

(d) 1868 c.54.

14. Order 65, rule 5(1) shall be amended by substituting, for the words “(c) in such other manner as the Court may direct,”, the words:

“(c) where the proper address for service includes a numbered box at a document exchange, by leaving the document at that document exchange or at a document exchange which transmits documents every business day to that document exchange, or

(d) in such other manner as the Court may direct.

In these rules “document exchange” means any document exchange for the time being approved by the Lord Chancellor.”.

15. Order 65, rule 5 shall be further amended by inserting, after paragraph (2), the following new paragraph:

“(2A) Any such document which is left at a document exchange in accordance with paragraph (1)(c) shall, unless the contrary is proved, be deemed to have been served on the second business day following the day on which it is left.”.

16. Order 65, rule 5 shall be further amended by adding, after paragraph (3), the following new paragraph:

“In this rule “business day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971.”.

Limitation period in defamation actions

17. Order 32, rule 9 shall be amended as follows:—

(1) In paragraph (1), after sub-paragraph (b), there shall be inserted the following words:—

“or

(c) to grant leave under section 32A of the Limitation Act 1980(a) to bring an action for libel or slander;”;

(2) In paragraph (3), after the words “the said section 139”, there shall be inserted the words “or the said section 32A”.

Committal

18. Order 52, rule 6(2) shall be amended by substituting, for the words “if he is being committed for a fixed period, the length of that period”, the words “the length of the period for which he is being committed”.

19. Form No. 85 in Appendix A shall be amended by substituting, for the words “to be there imprisoned [until further order]”, the words “for a period of [state the period] from the date of his apprehension”.

(a) 1980 c.58.

Merchant Shipping (Liner Conferences) Act 1982(a)

20. The Arrangement of Orders at the beginning of the Rules of the Supreme Court 1965 shall be amended by substituting for the title to Order 71 the words "Reciprocal Enforcement of Judgments and Enforcement of European Community Judgments and Recommendations etc. under the Merchant Shipping (Liner Conferences) Act 1982."

21. Order 71 shall be amended by substituting for the title the words "RECIPROCAL ENFORCEMENT OF JUDGMENTS AND ENFORCEMENT OF EUROPEAN COMMUNITY JUDGMENTS AND RECOMMENDATIONS ETC. UNDER THE MERCHANT SHIPPING (LINER CONFERENCES) ACT 1982".

22. Order 71 shall be further amended by adding at the end the following new Part:—

"IV. ENFORCEMENT OF RECOMMENDATIONS ETC. UNDER THE MERCHANT SHIPPING (LINER CONFERENCES) ACT 1982.

Exercise of powers

40. The powers conferred on the High Court under the Merchant Shipping (Liner Conferences) Act 1982 (in this Part of this Order referred to as "the Act of 1982") may be exercised by a Commercial Judge.

Application for Registration

41. An application under section 9 of the Act of 1982 for the registration of a recommendation, determination or award shall be made by originating summons, which shall be in Form No. 10 in Appendix A.

Evidence in support of application

42.— (1) An application under section 9 of the Act of 1982 for the registration of a recommendation must be supported by an affidavit—

- (a) exhibiting a verified or certified or otherwise duly authenticated copy of the recommendation and the reasons therefor and of the record of settlement;
- (b) where the recommendation and reasons or the record of settlement is not in the English language, a translation thereof into English certified by a notary public or authenticated by affidavit;
- (c) exhibiting copies of the acceptance of the recommendation by the parties upon whom it is binding, where the acceptance was in writing, or otherwise verifying the acceptance;

(a) 1982 c.37.

- (d) giving particulars of the failure to implement the recommendation; and
- (e) verifying that none of the grounds which would render the recommendation unenforceable under section 9(2) of the Act of 1982 is applicable.

(2) An application under section 9 of the Act of 1982 for the registration of a determination or award as to costs must be supported by an affidavit—

- (a) exhibiting a verified or certified or otherwise duly authenticated copy of the recommendation or other document containing the pronouncement on costs; and
- (b) stating that such costs have not been paid.

Order for registration

43.— (1) An order giving leave to register a recommendation, determination or award under section 9 of the Act of 1982 must be drawn up by or on behalf of the party making the application for registration.

(2) Such an order shall contain a provision that the reasonable costs of registration be taxed.

Register of recommendations etc.

44.— (1) There shall be kept in the Central Office under the direction of the Senior Master a register of the recommendations, determinations and awards ordered to be registered under section 9 of the Act of 1982.

(2) There shall be included in such register particulars of the enforcement of a recommendation, determination or award so registered.”.

Arbitration proceedings

23. Order 73 shall be amended as follows:—

(1) In rule 2(1)(e) for the words “section 2(1) of the Act” there shall be substituted the words “section 2(1) of the Arbitration Act 1979”.

(2) In rule 2(2) the words from “and notice thereof” to the end shall be omitted.

(3) In rule 5(2) for the words “the notice must be served, and the appeal entered,” there shall be substituted the words “the summons for leave to appeal, where leave is required, and the notice of originating motion must be served, and the appeal entered,”.

(4) In rule 5(5) for the words “the notice of originating motion or, as the case may be, the originating summons” there shall be substituted the words “the notice of originating motion, the originating summons or the summons, as the case may be”.

Matrimonial and Family Proceedings Act 1984, Part V

24. In the Arrangement of Orders, there shall be substituted, for the title to Order 90, the following title “Family business and family proceedings”.

25. For the title to Order 90, there shall be substituted the following title “FAMILY BUSINESS AND FAMILY PROCEEDINGS”.

26. For Order 90, rules 1 and 2 there shall be substituted the following new rules:—

“Interpretation

1. In this Order—

“family proceedings” has the meaning assigned to it by section 32 of the Matrimonial and Family Proceedings Act 1984(a);

“principal registry” means the principal registry of the Family Division;

“registrar” means a registrar of the Family Division or a district registrar.

Assignment of proceedings

2. All proceedings to which this Order relates shall be assigned to the Family Division.”.

27. After Order 90, rule 2A there shall be inserted the following new rule:—

“Transfer of family proceedings to a county court

2B.— (1) The Court shall not under section 38 of the Matrimonial and Family Proceedings Act 1984 order the transfer of any family proceedings to a county court unless the parties have either (a) had an opportunity of being heard on the issue or (b) consented to such an order.

(2) Order 78 (in so far as it relates to the transfer of proceedings under section 41 of the County Courts Act 1984(b)) and rules 1 and 2(2) of Order 107 shall apply where an order is made under section 38 of the Matrimonial and Family Proceedings Act 1984 as they apply where an order for transfer is made under the County Courts Act 1984.”.

28. Order 90, rules 3(1) and 5(3) shall be amended by omitting the words from “issued out of the principal registry” to the end.

29. Order 90, rule 10 shall be revoked.

(a) 1984 c.42.

(b) 1984 c.28, as amended by the Matrimonial and Family Proceedings Act 1984 (c.42), Schedule 1, paragraph 30.

30. Order 90, rule 30(1) shall be amended by omitting the words from “issued out of the principal registry” to “matrimonial causes rules”.

Removal of and substitute for personal representative

31. Order 93 shall be amended by adding at the end the following rule—

“Proceedings under section 50 of the Administration of Justice Act 1985(a)

20.—(1) Proceedings by which an application is made to the High Court under section 50 of the Administration of Justice Act 1985 for an order appointing a substituted personal representative or terminating the appointment of an existing personal representative shall be assigned to the Chancery Division.

(2) An application under the said section 50 shall be made by originating summons or, if it is made in a pending action, by summons or motion in that action.

(3) All the existing personal representatives and, notwithstanding anything in Order 15, rule 4(2) and subject to any direction of the Court, such of the persons having a beneficial interest in the estate as the plaintiff thinks fit, must be made parties to the application.

(4) Such an application must be supported by:—

(a) a sealed or certified copy of the grant of probate or letters of administration, and

(b) an affidavit containing the grounds of the application and the following particulars so far as the plaintiff can gain information with regard to them:—

(i) short particulars of the property comprised in the estate, with an approximate estimate of its income, and capital value;

(ii) short particulars of the liabilities of the estate;

(iii) particulars of the persons who are in possession of the documents relating to the estate;

(iv) the names of the beneficiaries and short particulars of their respective interests; and

(v) the name, address and occupation of any proposed substituted personal representative;

(c) where the application is for the appointment of a substituted personal representative:—

(i) a signed or (in the case of the Public Trustee or a corporation) sealed consent to act,

and

(ii) an affidavit as to the fitness of the proposed substituted personal representative, if an individual, to act.”.

(a) 1985 c.61.

Dated 26th March 1986.

*Hailsham of St. Marylebone, C.
Lane, C.J.,
John F. Donaldson, M.R.,
John Arnold, P.,
Nicolas Browne-Wilkinson, V-C.,
Hirst, J.,
Steyn, J.,
John R. Cherryman,
R. J. P. Aikens,
Michael S. Howells.*

SCHEDULE

"ORDER 62

Rule 7

COSTS

PART I: PRELIMINARY

Interpretation

1.— (1) Except where it is otherwise expressly provided, or the context otherwise requires, the following provisions of this rule shall apply for the interpretation of this Order.

(2) "Certificate" includes allocatur;

"contentious business" and "non-contentious business" have the same meanings respectively as in the Solicitors Act 1974(a);

"party", in relation to a cause or matter, includes a party who is treated as being a party to that cause or matter by virtue of Order 4, rule 9(2);

"patient" means a person who, by reason of mental disorder within the meaning of Part VII of the Mental Health Act 1983(b), is incapable of managing and administering his property and affairs;

"proceedings in the Family Division" includes proceedings in the Court of Appeal on an application or appeal made in connection with proceedings in that Division or on an appeal from a judgment, direction, decision or order of a county court given or made in probate proceedings (as defined in section 147 of the County Courts Act 1984) or in family proceedings (as defined in section 32 of the Matrimonial and Family Proceedings Act 1984);

"registrar" means the Admiralty Registrar, a registrar of the Family Division or a district registrar of the High Court;

"the standard basis" and "the indemnity basis" have the meanings assigned to them by rule 12(1) and (2) respectively;

"taxed costs" means costs taxed in accordance with this Order;

"taxing master" means a taxing master of the Supreme Court;

"taxing officer" means a taxing master, a registrar and any other person who by virtue of rule 19 has power to tax costs.

(3) References to a fund, being a fund out of which costs are to be paid or which is held by a trustee or personal representative, include references to any estate or property, whether real or personal, held for the benefit of any person or class of persons; and references to a fund held by a trustee or personal representative include references to any fund to which he is entitled (whether alone or together with any other person) in that capacity, whether the fund is for the time being in his possession or not.

(4) References to costs shall be construed as including references to fees, charges, disbursements, expenses and remuneration and, in relation to

(a) 1974 c.47.

(b) 1983 c.20.

proceedings (including taxation proceedings), also include references to costs arising out of or incidental to those proceedings.

Application

2.— (1) In addition to the civil proceedings to which this Order applies by virtue of Order 1, rule 2(1) and (2), this Order applies to all criminal proceedings in the High Court and in the civil division of the Court of Appeal.

(2) This Order shall have effect, with such modifications as may be necessary, where by virtue of any Act the costs of any proceedings before an arbitrator or umpire or before a tribunal or other body constituted by or under any Act, not being proceedings in the Supreme Court, are taxable in the High Court.

(3) This Order shall have effect subject to sections 19, 20 and 29 of the County Courts Act 1984 (which limit the costs recoverable in relation to certain proceedings which could have been commenced in a county court) and to any other Act.

(4) The powers and discretion of the Court under section 51 of the Act (which provides that the costs of and incidental to proceedings of the Supreme Court shall be in the discretion of the Court and that the Court shall have full power to determine by whom and to what extent the costs are to be paid) and under the enactments relating to the costs of criminal proceedings to which this Order applies shall be exercised subject to and in accordance with this Order.

PART II: ENTITLEMENT TO COSTS

General Principles

3.— (1) This rule shall have effect subject only to the following provisions of this Order.

(2) No party to any proceedings shall be entitled to recover any of the costs of those proceedings from any other party to those proceedings except under an order of the Court.

(3) If the Court in the exercise of its discretion sees fit to make any order as to the costs of any proceedings, the Court shall order the costs to follow the event, except when it appears to the Court that in the circumstances of the case some other order should be made as to the whole or any part of the costs.

(4) The amount of his costs which any party shall be entitled to recover is the amount allowed after taxation on the standard basis where—

- (a) an order is made that the costs of one party to proceedings be paid by another party to those proceedings, or
- (b) an order is made for the payment of costs out of any fund (including the legal aid fund), or
- (c) no order for costs is required,

unless it appears to the Court to be appropriate to order costs to be taxed on the indemnity basis.

(5) Paragraph (3) does not apply to proceedings in the Family Division.

(6) Subject to rule 8, a term mentioned in the first column of the table below, when used in an order for costs, shall have the effect indicated in the second column of that table.

<i>Term</i>	<i>Effect</i>
“Costs”	(a) Where this order is made in interlocutory proceedings, the party in whose favour it is made shall be entitled to his costs in respect of those proceedings whatever the outcome of the cause or matter in which the proceedings arise; and (b) where this order is made at the conclusion of a cause or matter, the party in whose favour it is made shall be entitled to have his costs taxed forthwith;
“Costs reserved”	(Except in proceedings in the Family Division) the party in whose favour an order for costs is made at the conclusion of the cause or matter in which the proceedings arise shall be entitled to his costs of the proceedings in respect of which this order is made unless the Court orders otherwise;
“Costs in any event”	This order has the same effect as an order for “costs” made in interlocutory proceedings;
“Costs here and below”	The party in whose favour this order is made shall be entitled not only to his costs in respect of the proceedings in which it is made but also to his costs of the same proceedings in any lower court, save that where such an order is made by the Court of Appeal on an appeal from a Divisional Court the party shall not be entitled by virtue of that order to any costs which he has incurred in any court below the Divisional Court;
“Costs in the cause” or “costs in application”	The party in whose favour an order for costs is made at the conclusion of the cause or matter in which the proceedings arise shall be entitled to his costs of the proceedings in respect of which such an order is made;
“Plaintiff’s costs in the cause” or “Defendant’s costs in the cause”	The plaintiff or defendant, as the case may be, shall be entitled to his costs of the proceedings in respect of which such an order is made if judgment is given in his favour in the cause or matter in which the proceedings arise, but he shall not be liable to pay the costs of any other party in respect of those proceedings if judgment is given in favour of any other party or parties in the cause or matter in question;

“Costs thrown away”

Where proceedings or any part of them have been ineffective or have been subsequently set aside, the party in whose favour this order is made shall be entitled to his costs of those proceedings or that part of the proceedings in respect of which it is made.

Cases where no order for costs is to be made

4.— (1) No order shall be made directing one party to pay to the other any costs of or incidental to an appeal or application for leave to appeal under section 6(2) of the Pensions Appeal Tribunals Act 1943(a).

(2) No order shall be made for costs to be paid by or to any person (other than the registration officer) who is respondent to an appeal to the Court of Appeal from the decision of a county court on the hearing of an appeal from the registration officer under section 56 of the Representation of the People Act 1983(b), unless that person appears in support of the decision of the county court.

(3) In a probate action where a defendant has given notice with his defence to the party setting up the will that he merely insists upon the will being proved in solemn form of law and only intends to cross-examine the witnesses produced in support of the will, no order for costs shall be made against him unless it appears to the Court that there was no reasonable ground for opposing the will.

Cases where no order for costs is required

5.— (1) No order for costs is required in the circumstances mentioned in this rule.

(2) Where a summons is taken out to set aside any proceedings on the ground of irregularity and the summons is dismissed, the party who issued the summons shall pay the costs of every other party.

(3) Where a party by notice in writing and without leave discontinues an action or counterclaim or withdraws any particular claim made by him as against any other party, that other party shall be entitled to his costs of the action or counterclaim or his costs occasioned by the claim withdrawn, as the case may be, incurred to the time of receipt of the notice of discontinuance or withdrawal.

(4) Where a plaintiff by notice in writing in accordance with Order 22, rule 3 accepts money paid into court in satisfaction of the cause of action or of all the causes of action in respect of which he claims, or accepts money paid in satisfaction of one or more specified causes of action and gives notice that he abandons the others, he shall be entitled to his costs of the action incurred up to the time of giving notice of acceptance.

(a) 1943 c.39.

(b) 1983 c.2.

(5) Where in an action for libel or slander against several defendants sued jointly a plaintiff, by notice in writing in accordance with Order 22, rule 3, accepts money paid into court by one of the defendants he shall be entitled to his costs of the action against that defendant incurred up to the time of giving notice of acceptance.

(6) A defendant who has counterclaimed shall be entitled to the costs of the counterclaim if—

(a) he pays money into court and his notice of payment in states that he has taken into account and satisfied the cause or causes of action in respect of which he counterclaims, and

(b) the plaintiff accepts the money paid in;

but the costs of such counterclaim shall be limited to those incurred up to the time when the defendant receives notice of acceptance by the plaintiff of the money paid into court.

Cases where costs do not follow the event

6.— (1) The provisions of this rule shall apply in the circumstances mentioned in this rule unless the Court orders otherwise.

(2) Where a person is or has been a party to any proceedings in the capacity of trustee, personal representative or mortgagee, he shall be entitled to the costs of those proceedings, insofar as they are not recovered from or paid by any other person, out of the fund held by him in that capacity or out of the mortgaged property, as the case may be, and the Court may order otherwise only on the ground that he has acted unreasonably or, in the case of a trustee or personal representative, has in substance acted for his own benefit rather than for the benefit of the fund.

(3) Where any person claiming to be a creditor—

(a) seeks to establish any claim to a debt under any judgment or order in accordance with Order 44, or

(b) comes in to prove his title, debt or claim in relation to a company in pursuance of any such notice as is mentioned in Order 102, rule 13,

he shall, if his claim succeeds, be entitled to his costs incurred in establishing it; and, if his claim or any part of it fails, he may be ordered to pay the costs of any person incurred in opposing it.

(4) Where a claimant (other than a person claiming to be a creditor) has established a claim to be entitled under a judgment or order in accordance with Order 44 and has been served with notice of the judgment or order pursuant to rule 2 of that Order, he shall, if he acknowledges service of the notice, be entitled as part of his costs of action (if allowed) to costs incurred in establishing his claim; and where such a claimant fails to establish his claim or any part of it he may be ordered to pay the costs of any person incurred in opposing it.

(5) The costs of any amendment made without leave in the writ or any pleadings shall be borne by the party making the amendment.

(6) The costs of any application to extend the time fixed by these rules or by

any direction or order thereunder shall be borne by the party making the application.

(7) If a party on whom a notice to admit facts is served under Order 27, rule 2, refuses or neglects to admit the facts within 14 days after the service on him of the notice or such longer time as may be allowed by the Court, the costs of proving the facts shall be borne by him.

(8) If a party—

(a) on whom a list of documents is served in pursuance of Order 24,

or

(b) on whom a notice to admit documents is served under Order 27, rule 5, gives notice of non-admission of any of the documents in accordance with Order 27, rule 4(2) or 5(2), as the case may be, the costs of proving that document shall be borne by him.

(9) Where an application is made in accordance with Order 24, rule 7A or Order 29, rule 7A for an order under section 33 or 34 of the Act the person against whom the order is sought shall be entitled to his costs of the application, and of complying with any order made thereon.

Special circumstances in which costs shall not or may not be taxed

7.— (1) The provisions of this rule shall apply in the circumstances mentioned in this rule.

(2) Costs which by or under any direction of the Court are to be paid to a receiver appointed by the High Court under section 37 of the Act, in respect of his remuneration, disbursements or expenses, shall be allowed in accordance with Order 30, rule 3 and shall not be taxed.

(3) Where a writ in an action is indorsed in accordance with Order 6, rule 2(1)(b), and judgment is entered on failure to give notice of intention to defend or in default of defence for the amount claimed for costs (whether alone or together with any other amount claimed), the plaintiff is not entitled to tax his costs; but if the amount claimed for costs as aforesaid is paid in accordance with the indorsement (or is accepted by the plaintiff as if so paid) the defendant shall be entitled to have those costs taxed.

(4) In awarding costs to any person the Court may order that, instead of his taxed costs, that person shall be entitled—

(a) to a proportion (specified in the order) of those costs from or up to a stage of the proceedings so specified; or

(b) to a gross sum so specified in lieu of those costs,

but where the person entitled to such a gross sum is a litigant in person, rule 18 shall apply with the necessary modifications to the assessment of the gross sum as it applies to the taxation of the costs of a litigant in person.

(5) Where a claimant is entitled to costs under rule 6(3) the amount of the costs shall be assessed by the Court unless it thinks fit to order taxation and the amount so assessed or taxed shall be added to the debt due to the claimant.

Stage of proceedings at which costs to be taxed

8.— (1) Subject to paragraph (2), the costs of any proceedings shall not be taxed until the conclusion of the cause or matter in which the proceedings arise.

(2) If it appears to the Court when making an order for costs that all or any part of the costs ought to be taxed at an earlier stage it may, except in a case to which paragraph (3) applies, order accordingly.

(3) No order may be made under paragraph (2) in a case where the person against whom the order for costs is made is an assisted person within the meaning of the statutory provisions relating to legal aid.

(4) In the case of an appeal the costs of the proceedings giving rise to the appeal, as well as the costs of the appeal, may be dealt with by the Court hearing the appeal.

(5) In the case of any proceedings transferred or removed to the High Court from any other court, the High Court may (subject to any order of the court ordering the transfer or removal) deal with the costs of the whole proceedings (including the costs before the transfer or removal).

(6) Notwithstanding anything in Part III of this Order, but subject to paragraph (7) below, where the Court makes an order as to the costs of any proceedings before another court under paragraphs (4) or (5), the order—

- (a) shall specify the amount of the costs to be allowed; or
- (b) shall direct that the costs be assessed by the court before which the proceedings took place or be taxed by an officer of that court; or
- (c) may, in the case of an appeal from a county court, direct that the costs be taxed by a taxing officer.

(7) Paragraph (6) shall not apply in relation to the costs of proceedings transferred or removed from a county court.

(8) In relation to an action in which provisional damages are awarded under Part II of Order 37, the reference in paragraph (1) to the conclusion of the cause or matter shall be construed as a reference to the conclusion of the proceedings in which the provisional damages are awarded, notwithstanding the possibility that the plaintiff may claim further damages at a future date.

(9) Where it appears to a taxing officer on application that there is no likelihood of any further order being made in a cause or matter, he may tax forthwith the costs of any interlocutory proceedings which have taken place.

Matters to be taken into account in exercising discretion

9. The Court in exercising its discretion as to costs shall take into account—

- (a) any offer of contribution brought to its attention in accordance with Order 16, rule 10;
- (b) any payment of money into court and the amount of such payment;
- (c) any written offer made under Order 33, rule 4A(2); and
- (d) any written offer made under Order 22, rule 14, provided that the

Court shall not take such an offer into account if, at the time it is made, the party making it could have protected his position as to costs by means of a payment into court under Order 22.

Misconduct or neglect in the conduct of any proceedings

10.— (1) Where it appears to the Court in any proceedings that any thing has been done, or that any omission has been made, unreasonably or improperly by or on behalf of any party, the Court may order that the costs of that party in respect of the act or omission, as the case may be, shall not be allowed and that any costs occasioned by it to any other party shall be paid by him to that other party.

(2) Instead of making an order under paragraph (1) the Court may refer the matter to a taxing officer, in which case the taxing officer shall deal with the matter under rule 28(1).

(3) In this rule “taxing officer” means a taxing master or a registrar.

Personal liability of solicitor for costs

11.— (1) Subject to the following provisions of this rule, where it appears to the Court that costs have been incurred unreasonably or improperly in any proceedings or have been wasted by failure to conduct proceedings with reasonable competence and expedition, the Court may—

(a) order—

(i) the solicitor whom it considers to be responsible (whether personally or through a servant or agent) to repay to his client costs which the client has been ordered to pay to any other party to the proceedings; or

(ii) the solicitor personally to indemnify such other parties against costs payable by them; and

(iii) the costs as between the solicitor and his client to be disallowed; or

(b) direct a taxing officer to inquire into the matter and report to the Court, and upon receiving such a report the Court may make such order under sub-paragraph (a) as it thinks fit.

(2) When conducting an inquiry pursuant to a direction under paragraph (1)(b) the taxing officer shall have all the powers and duties of the Court under paragraphs (4), (5), (6) and (8) of this rule.

(3) Instead of proceeding under paragraph (1) of this rule the Court may refer the matter to a taxing officer, in which case the taxing officer shall deal with the matter under paragraphs (2) and (3) of rule 28.

(4) Subject to paragraph (5), before an order may be made under paragraph (1)(a) of this rule the Court shall give the solicitor a reasonable opportunity to appear and show cause why an order should not be made.

(5) The Court shall not be obliged to give the solicitor a reasonable opportunity to appear and show cause where proceedings fail, cannot

conveniently proceed or are adjourned without useful progress being made because the solicitor—

- (a) fails to attend in person or by a proper representative;
- (b) fails to deliver any document for the use of the Court which ought to have been delivered or to be prepared with any proper evidence or account, or
- (c) otherwise fails to proceed.

(6) The Court may direct the Official Solicitor to attend and take part in any proceedings or inquiry under this rule and the Court shall make such order as to the payment of the Official Solicitor's costs as it thinks fit.

(7) If in any proceedings a party who is represented by a solicitor fails to pay the fees or any part of the fees prescribed by the Orders as to Court fees then, on the application of the Official Solicitor by summons, the Court may order the solicitor personally to pay that amount in the manner so prescribed and to pay the Official Solicitor's costs of the application.

(8) The Court may direct that notice of any proceedings or order against a solicitor under this rule be given to his client in such a manner as may be specified in the direction.

(9) In this rule "taxing officer" means a taxing master or a registrar.

PART III: TAXATION AND ASSESSMENT OF COSTS

Basis of Taxation

12.—(1) On a taxation of costs on the standard basis there shall be allowed a reasonable amount in respect of all costs reasonably incurred and any doubts which the taxing officer may have as to whether the costs were reasonably incurred or were reasonable in amount shall be resolved in favour of the paying party; and in these rules the term "the standard basis" in relation to the taxation of costs shall be construed accordingly.

(2) On a taxation on the indemnity basis all costs shall be allowed except insofar as they are of an unreasonable amount or have been unreasonably incurred and any doubts which the taxing officer may have as to whether the costs were reasonably incurred or were reasonable in amount shall be resolved in favour of the receiving party; and in these rules the term "the indemnity basis" in relation to the taxation of costs shall be construed accordingly.

(3) Where the Court makes an order for costs without indicating the basis of taxation or an order that costs be taxed on any basis other than the standard basis or the indemnity basis, the costs shall be taxed on the standard basis.

Assessment or settlement of costs by master or registrar

13. Where the Court orders that costs are to be assessed or settled by a master or registrar, rules 3(4), 12, 14, 17 and 18 shall apply in relation to such assessment or settlement by a master or registrar as they apply in relation to a taxation of costs by a taxing officer.

Costs payable to a trustee or personal representative out of any fund

14.— (1) This rule applies to every taxation of a trustee's or personal representative's costs where—

- (a) he is or has been a party to any proceedings in that capacity, and
- (b) he is entitled to be paid his costs out of any fund which he holds in that capacity.

(2) On a taxation to which this rule applies, costs shall be taxed on the indemnity basis but shall be presumed to have been unreasonably incurred if they were incurred contrary to the duty of the trustee or personal representative as such.

Costs payable to a solicitor by his own client

15.— (1) This rule applies to every taxation of a solicitor's bill to his own client except a bill which is to be paid out of the legal aid fund under the Legal Aid Act 1974.

(2) On a taxation to which this rule applies costs shall be taxed on the indemnity basis but shall be presumed—

- (a) to have been reasonably incurred if they were incurred with the express or implied approval of the client, and
- (b) to have been reasonable in amount if their amount was expressly or impliedly approved by the client, and
- (c) to have been unreasonably incurred if in the circumstances of the case they are of an unusual nature unless the solicitor satisfies the taxing officer that prior to their being incurred he informed his client that they might not be allowed on a taxation of costs inter partes.

(3) Taxations under this rule may be carried out only by a taxing master or a registrar.

Costs payable to solicitor where money claimed by or on behalf of a minor or a patient

16.— (1) This rule applies to any proceedings (including proceedings in the Court of Appeal) in which—

- (a) money is claimed or recovered by or on behalf of, or adjudged, or ordered, or agreed to be paid to, or for the benefit of, a minor or a patient; or
- (b) money paid into court is accepted by or on behalf of a minor or patient.

(2) The costs of proceedings to which this rule applies which are payable by any plaintiff to his solicitor shall, unless the Court otherwise orders, be taxed under paragraphs (1) and (2) of rule 15 and paragraph (3) of that rule shall not apply.

(3) On a taxation under paragraph (2), the taxing officer shall also tax any costs payable to that plaintiff in those proceedings and shall certify—

- (a) the amount allowed on the taxation of the solicitor's bill to his own client, and
- (b) the amount allowed on the taxation of any costs payable to that plaintiff in those proceedings, and
- (c) the amount (if any) by which the amount mentioned in sub-paragraph (a) exceeds the amount mentioned in sub-paragraph (b), and
- (d) where necessary, the proportion of the amount of such excess payable by, or out of money belonging to, respectively any claimant who is a minor or patient and any other party.

(4) Paragraphs (2) and (3) shall apply in relation to any proceedings in the Court of Appeal as if for references to the plaintiff there were substituted references to the party, whether appellant or respondent, who was the plaintiff in the proceedings which gave rise to the appeal proceedings.

(5) Nothing in the foregoing provisions of this rule shall prejudice a solicitor's lien for costs.

(6) The foregoing provisions of this rule shall apply in relation to—

- (a) a counterclaim by or on behalf of a person who is a minor or a patient, and
- (b) a claim made by or on behalf of a person who is a minor or a patient in an action by any other person for relief under section 504 of the Merchant Shipping Act 1894(a),

as if for references to a plaintiff there were substituted references to a defendant.

Provisions for ascertaining costs on a taxation

17.— (1) Subject to the following provisions of this rule, the provisions contained in Appendix 2 to this Order for ascertaining the amount of costs to be allowed on a taxation of costs shall apply to the taxation of all costs with respect to contentious business.

(2) Where the amount of a solicitor's remuneration in respect of non-contentious business is regulated (in the absence of agreement to the contrary) by any general orders for the time being in force under the Solicitors Act 1974(b), the amount of the costs to be allowed on taxation in respect of the like contentious business shall be the same notwithstanding anything contained in Appendix 2 to this Order.

(3) Notwithstanding paragraph (1), costs shall be allowed in the cases to which Appendix 3 to this Order applies in accordance with the provisions of that Appendix unless the Court otherwise orders.

(4) The foregoing provisions of this rule shall be without prejudice to the powers of the Court under section 19(3) of the County Courts Act 1984.

(a) 1894 c.60.

(b) 1974 c.47.

Litigants in person

18.— (1) Subject to the provisions of this rule, on any taxation of the costs of a litigant in person there may be allowed such costs as would have been allowed if the work and disbursements to which the costs relate had been done or made by a solicitor on the litigant's behalf.

(2) The amount allowed in respect of any item shall be such sum as the taxing officer thinks fit but not exceeding, except in the case of a disbursement, two-thirds of the sum which in the opinion of the taxing officer would have been allowed in respect of that item if the litigant had been represented by a solicitor.

(3) Where it appears to the taxing officer that the litigant has not suffered any pecuniary loss in doing any item of work to which the costs relate, he shall be allowed in respect of the time reasonably spent by him on that item not more than £6.25 an hour.

(4) A litigant who is allowed costs in respect of attending court to conduct his case shall not be entitled to a witness allowance in addition.

(5) Nothing in Order 6, rule 2(1)(b), or in rule 17(3) of, or Appendix 3 to, this Order shall apply to the costs of a litigant in person.

(6) For the purposes of this rule a litigant in person does not include a litigant who is a practising solicitor.

PART IV: POWERS OF TAXING OFFICERS

Who may tax costs

19.— (1) Subject to paragraphs (2) and (3), a taxing master and a registrar (other than a district registrar) shall have power to tax—

- (a) the costs of or arising out of any proceedings to which this Order applies,
- (b) the costs ordered by an award made on a reference to arbitration under any Act or payable pursuant to an arbitration agreement, and
- (c) any other costs the taxation of which is ordered by the Court.

(2) Where by or under any Act any costs are to be taxed by a master of the Supreme Court, only a taxing master shall tax those costs.

(3) The registrar of a district registry shall have power to tax—

- (a) the costs of any proceedings in that registry,
- (b) the costs ordered by an award made on a reference to arbitration under any Act or payable pursuant to an arbitration agreement,
- (c) the costs of any application or appeal to a Divisional Court or a single judge of the Family Division if that Court or judge so orders,
- (d) the costs of any application or appeal to the Court of Appeal in connection with any proceedings which were conducted in that registry, and
- (e) where an order has been made under any provision of Part III of the

Solicitors Act 1974 for the taxation of a bill of costs, the costs to which the order relates if the costs are for contentious business done in a cause or matter which proceeded in that registry or for non-contentious business.

- (4) Except where it is otherwise provided in these rules—
- (a) a principal or a senior executive officer of the Principal Registry of the Family Division authorised in that behalf by the President of the Family Division shall have power to tax the costs of proceedings in the Family Division; and
 - (b) a principal or a senior executive officer of (i) the Supreme Court Taxing Office, or a principal or a senior executive officer of (ii) a district registry who has previously served in either of such capacities for at least two years in the Supreme Court Taxing Office or in any of the following district registries, namely, Birmingham, Bristol, Cardiff, Leeds, Liverpool or Manchester, authorised in that behalf by the Lord Chancellor shall have power to tax any costs the taxation of which is within the powers of a taxing master or a registrar of that registry, as the case may be, and to issue a certificate for any costs taxed by him.
- (5) Where a party to proceedings objects to a bill of costs or any part of it being taxed by a principal or a senior executive officer under paragraph (4), he shall, before the taxation begins, deliver to the taxing master written reasons for his objections and if sufficient reason is shown the taxing master shall direct that the bill or any part of it be taxed by a taxing master.
- (6) On a taxation under paragraph (4), a principal or a senior executive officer shall comply with any directions given to him by a taxing master.
- (7) In paragraphs (5) and (6) references to a taxing master shall, in relation to a taxation in the Principal Registry of the Family Division or a district registry, be construed as references to a registrar of the Family Division or the district registrar respectively.

Supplementary powers of taxing officers

20. A taxing officer may, in the discharge of his functions with respect to the taxation of costs,—

- (a) take an account of any dealings in money made in connection with the payment of the costs being taxed, if the Court so orders;
- (b) require any party represented jointly with any other party in any proceedings before him to be separately represented;
- (c) examine any witness in those proceedings; and
- (d) order the production of any document which may be relevant in connection with those proceedings.

Extension of Time

21.— (1) A taxing officer may—

- (a) extend the period within which a party is required by or under this Order or by the Court to begin proceedings for taxation or to do any

thing in or in connection with those proceedings on such terms (if any) as he thinks just; or

- (b) where no period is specified by or under this Order or by the Court for the doing of any thing in or in connection with such proceedings, specify the period within which the thing is to be done.

(2) A taxing officer may extend any such period as is referred to in paragraph (1) of this rule although the application for extension is not made until after the expiration of that period.

Certificates

22.— (1) A taxing officer—

- (a) shall, at the conclusion of taxation proceedings before him, issue a certificate for the costs allowed by him;
- (b) may from time to time in the course of the taxation issue an interim certificate for any part of the costs which have been taxed or for any part the amount of which is not in dispute;
- (c) may amend or cancel an interim certificate issued by him;
- (d) may correct any clerical mistake in any certificate issued by him or any error arising therein from any accidental slip or omission, and
- (e) may set aside a certificate issued by him in order to enable him to extend the period provided by rule 33(2).

(2) If, in the course of the taxation of a solicitor's bill to his own client, it appears to the taxing officer that in any event the solicitor will be liable in connection with that bill to pay money to the client, he may from time to time issue an interim certificate specifying an amount which in his opinion is payable by the solicitor to his client.

(3) On the filing of a certificate issued under paragraph (2) the Court may order the amount specified in it to be paid forthwith to the client or into court.

Power of taxing officer where party liable to be paid and to pay costs

23. Where a party entitled to be paid costs is also liable to pay costs, the taxing officer may—

- (a) tax the costs which that party is liable to pay and set off the amount allowed against the amount he is entitled to be paid and direct payment of any balance; or
- (b) delay the issue of a certificate for the costs the party is entitled to be paid until he has paid or tendered the amount he is liable to pay.

Taxation of bill of costs comprised in an account

24.— (1) Where the Court orders an account to be taken and the account consists in part of a bill of costs, the Court may direct a taxing officer to tax those costs and the taxing officer shall after taxation of the bill of costs return it, together with his report on it, to the Court.

(2) A taxing officer taxing a bill of costs in accordance with a direction under paragraph (1) shall have the same powers, and the same fee shall be payable in connection with the taxation, as if an order for taxation of the costs had been made by the Court.

Taxing officer to fix certain fees payable to conveyancing counsel

25.— (1) Where the Court refers any matter to the conveyancing counsel of the Court or obtains the assistance of any other person under Order 32, rule 16, the fees payable to counsel or that other person in respect of the work done by him in connection with the reference or, as the case may be, in assisting the Court shall be fixed by a taxing officer.

(2) An appeal from a decision of a taxing officer under paragraph (1) shall lie to the Court and the decision of the Court thereon shall be final.

Powers of taxing officers on taxation of costs out of a fund

26.— (1) Where any costs are to be paid out of a fund the taxing officer may give directions as to the parties who are entitled to attend on the taxation of those costs and may disallow the costs of attendance of any party not entitled to attend by virtue of the directions and whose attendance he considers unnecessary.

(2) Where the Court has directed that a bill of costs be taxed for the purpose of being paid out of a fund, the taxing officer may direct the party whose bill it is to send to any person having an interest in the fund a copy of the bill, or of any part thereof, free of charge together with a letter containing the following information, that is to say—

- (a) that the bill of costs, a copy of which or of part of which is sent with the letter, has been referred to a taxing officer for taxation;
- (b) the name of the taxing officer and the address of the office at which the taxation is proceeding;
- (c) the time appointed by the taxing officer at which the taxation will be continued, and
- (d) such other information, if any, as the taxing officer may direct.

Powers of taxing officers in relation to costs of taxation proceedings

27.— (1) Subject to the provisions of any Act and this Order, the party whose bill is being taxed shall be entitled to his costs of the taxation proceedings.

(2) Where it appears to the taxing officer that in the circumstances of the case some other order should be made as to the whole or any part of the costs, the taxing officer shall have, in relation to the costs of taxation proceedings, the same powers as the Court has in relation to the costs of proceedings.

(3) Subject to paragraph (5), the party liable to pay the costs of the proceedings which gave rise to the taxation proceedings may make a written offer to pay a specific sum in satisfaction of those costs which is expressed to be “without prejudice save as to the costs of taxation” at any time before the

expiration of 14 days after the delivery to him of a copy of the bill of costs under rule 30(3) and, where such an offer is made, the fact that it has been made shall not be communicated to the taxing officer until the question of the costs of the taxation proceedings falls to be decided.

(4) The taxing officer may take into account any offer made under paragraph (3) which has been brought to his attention.

(5) No offer to pay a specific sum in satisfaction of costs may be made in a case where the person entitled to recover his costs is an assisted person within the meaning of the statutory provisions relating to legal aid.

(6) In this rule any reference to the costs of taxation proceedings shall be construed as including a reference to any fee which is prescribed by the Orders as to Court fees for the taxation of a bill of costs.

Powers of taxing officers in relation to misconduct, neglect etc.

28.— (1) Where, whether or not on a reference by the Court under rule 10(2), it appears to the taxing officer that any thing has been done, or that any omission has been made, unreasonably or improperly by or on behalf of any party in the taxation proceedings or in the proceedings which gave rise to the taxation proceedings, he may exercise the powers conferred on the Court by rule 10(1).

(2) Where, whether or not on a reference by the Court under rule 11(3), it appears to the taxing officer that—

- (a) any costs have been incurred unreasonably or improperly in the taxation proceedings or in the proceedings which gave rise to the taxation proceedings, or
- (b) any costs have been wasted by failure to conduct those proceedings with reasonable competence and expedition, or
- (c) there has been a failure to procure taxation,

he may, subject to paragraph (3) of this rule, exercise the powers conferred on the Court by rule 11(1)(a).

(3) In relation to the exercise by a taxing officer of the powers of the Court under paragraph (2) of this rule, paragraphs (4) to (8) of rule 11 shall apply as if for references to the Court there were substituted references to the taxing officer.

(4) Where a party entitled to costs—

- (a) fails without good reason to commence or conduct proceedings for the taxation of those costs in accordance with this Order or any direction, or
- (b) delays lodging a bill of costs for taxation,

the taxing officer may allow the party so entitled less than the amount he would otherwise have allowed on taxation of the bill or may wholly disallow the costs.

(5) In this rule “taxing officer” means a taxing master or a registrar.

PART V: PROCEDURE ON TAXATION

Commencement of proceedings

29.—(1) Subject to paragraph (2), where a party is entitled to recover taxed costs or to require any costs to be taxed by a taxing officer by virtue of—

- (a) a judgment, direction or order given or made in proceedings in the High Court or in the Civil Division of the Court of Appeal; or
- (b) rule 5(3), (4) or (5); or
- (c) an award made on an arbitration under any Act or pursuant to an arbitration agreement; or
- (d) an order, award or other determination of a tribunal or other body constituted by or under any Act,

he must begin proceedings for the taxation of those costs either within 3 months after the judgment, direction, order, award or other determination was entered, signed or otherwise perfected or, in cases to which sub-paragraph (b) applies, within 3 months after service of the notice given to him under Order 21, rule 2 or Order 22, rule 3.

(2) Paragraph (1) shall have effect, in relation to the taxation of costs pursuant to an order under the Solicitors Act 1974, as if for the period of 3 months first mentioned in that paragraph there were substituted a reference to 14 days.

(3) Where a party entitled to costs fails to begin proceedings for taxation within the time limit specified in paragraph (1), any other party to the proceedings which gave rise to the taxation proceedings may with the leave of the taxing officer begin taxation proceedings.

(4) Where leave has been granted under paragraph (3), the party to whom it has been granted shall proceed as if he were the person entitled to begin taxation proceedings.

(5) Proceedings for the taxation of costs shall be begun by producing the requisite document at the appropriate office.

(6) For the purposes of this rule—

- (a) the requisite document shall be ascertained by reference to Appendix 1 to this Order, and
- (b) the appropriate office is:—
 - (i) in a case where the costs in question are to be taxed by the Admiralty Registrar, by any registrar or principal or senior executive officer of the Principal Registry of the Family Division or by a district registrar, or principal or senior executive officer of a district registry, the Admiralty Registry, the Principal Registry of the Family Division or that district registry respectively; and
 - (ii) in any other case, the Supreme Court Taxing Office.

(7) A party who begins proceedings for taxation must, at the same time, lodge in the appropriate office—

- (a) a copy of the requisite document produced under paragraph (5), and

(b) a statement containing the following particulars:—

- (i) the name of every party, and the capacity in which he is a party to the proceedings, his position on the record of the proceedings which gave rise to the taxation proceedings and, if any costs to which taxation proceedings relate are to be paid out of a fund, the nature of his interest in the fund; and
- (ii) the address of any party to the proceedings who acknowledged service in person or who at the conclusion of the proceedings which gave rise to the taxation proceedings was acting in person and the name or firm and business address, telephone number and office reference of the solicitor of any party who did not so acknowledge service or was not so acting in person and also (if the solicitor is the agent of another) the name or firm and business address of his principal;

and

(c) unless the taxing officer otherwise orders, a bill of costs

- (i) in which the professional charges and the disbursements are set out in separate columns and each column is cast, and
- (ii) which is endorsed with the name, or firm and business address of the solicitor whose bill it is, and
- (iii) which is signed by that solicitor or, if the costs are due to a firm, by a partner of that firm;

and

(d) unless the taxing officer otherwise orders, the papers and vouchers specified below in the order mentioned—

- (i) a bundle comprising all civil legal aid certificates and amendments thereto, notices of discharge or revocation thereof and specific legal aid authorities;
- (ii) unless the relevant information is included in the judgment or order or the parties have agreed the times of the hearings, a certificate of times or a copy of the associate's certificate;
- (iii) a bundle comprising fee notes of counsel and accounts for other disbursements;
- (iv) one complete set of pleadings arranged in chronological order, with any interlocutory summonses and lists of documents annexed to it;
- (v) cases to counsel to advise with his advice and opinions, and instructions to counsel to settle documents and briefs to counsel with enclosures, arranged in chronological order;
- (vi) reports and opinions of medical and other experts arranged in chronological order;
- (vii) the solicitor's correspondence and attendance notes; and
- (viii) any other relevant papers duly bundled and labelled.

(8) In this rule and in this Part of this Order—

“proper officer” means an officer of the appropriate office within the meaning of paragraph (6)(b), and

“party entitled to be heard on the taxation” means—

- (a) a person who has acknowledged service or taken any part in the proceedings which gave rise to the taxation proceedings and who is directly liable under an order for costs made against him, or
- (b) a person who has begun proceedings for taxation in accordance with this rule, or
- (c) a person who has given the party taxing and the proper officer written notice that he has a financial interest in the outcome of the taxation, or
- (d) a person in respect of whom a direction has been given under rule 26.

(9) Paragraph (7)(a), (b) and (d) (i), (ii) and (iv) do not apply to proceedings in the Family Division.

Subsequent procedure

30.— (1) Subject to rules 31 and 32, where a party has begun proceedings for taxation in accordance with rule 29, the proper officer shall give to that party and to any other party entitled to be heard on the taxation not less than 14 days' notice of the day, time and place appointed for the taxation.

(2) Subject to rule 32, where a party has begun proceedings for taxation in accordance with rule 29, the proper officer shall as soon as practicable give notice to any other party whose costs are to be taxed in the proceedings of the period within which his bill of costs (together with all necessary papers and vouchers) are to be sent to the taxing officer by whom the bill is to be taxed.

(3) A party whose costs are to be taxed (except a solicitor whose costs are to be taxed by virtue of an order made under section 70 of the Solicitors Act 1974) must within 7 days after beginning the proceedings for taxation or, as the case may be, receiving notice under paragraph (2),—

- (a) send a copy of his bill of costs to every other party entitled to be heard on the taxation, and
- (b) notify the proper officer that he has done so.

(4) Where, in beginning or purporting to begin any taxation proceedings or at any stage in the course of or in connection with those proceedings, there has been a failure to comply with the requirements of this Order, whether in respect of time or in any other respect, the failure shall be treated as an irregularity and shall not nullify the taxation proceedings or any step taken in those proceedings.

(5) The taxing officer may, on the ground that there has been such a failure as is mentioned in paragraph (4), and on such terms as he thinks just, set aside either wholly or in part the taxation proceedings or exercise his powers under this Order to make such order (if any) dealing with the taxation proceedings generally as he thinks fit.

(6) Order 3, rule 6 shall not apply to taxation proceedings.

Provisional taxation

31.— (1) Where in taxation proceedings duly begun in accordance with rule 29, only the party who commenced the proceedings is entitled to be heard on the taxation, the proper officer shall, unless the taxing officer otherwise directs, send to that party a notice specifying the amount which the taxing officer proposes to allow in respect of the bill of costs and requiring him to inform the proper officer, within 14 days after receipt of the notice, if he wishes to be heard on the taxation.

(2) If the party referred to in paragraph (1) informs the proper officer within the time limited that he wishes to be heard on the taxation, the proper officer shall fix a day and time for the taxation and give not less than 14 days' notice thereof to that party.

(3) Except on the taxation of a solicitor's bill to his own client or where paragraph (1) applies, where in taxation proceedings begun in accordance with rule 29—

- (a) the party lodging the bill so requests and the taxing officer considers it to be appropriate, or
- (b) the taxing officer so decides,

the taxing officer may, instead of proceeding under rule 30(1), proceed under paragraphs (4) to (7) of this rule.

(4) Where the taxing officer decides to proceed under this and the following paragraphs of this rule, the proper officer shall send to each party entitled to be heard on the taxation (except the party whose bill it is), a notice requiring him to inform the proper officer within 14 days after receipt of the notice if he wishes to be heard on the taxation.

(5) If any party to whom notice has been given under paragraph (4) informs the proper officer within the time limited that he wishes to be heard on the taxation, the proper officer shall fix an appointment for the taxation and give not less than 14 days' notice of the appointment to every party entitled to be heard.

(6) If no party to whom notice has been given under paragraph (4) informs the proper officer within the time limited that he wishes to be heard on the taxation, the proper officer shall, unless the taxing officer otherwise directs, send to the party lodging the bill a notice specifying the amount which the taxing officer proposes to allow in respect of the bill and requiring that party to inform the proper officer within 14 days after receipt of the notice if he wishes to be heard on the taxation.

(7) If the party lodging the bill informs the proper officer within the time limited under paragraph (6) that he wishes to be heard on the taxation, the proper officer shall fix an appointment for the taxation and give not less than 14 days' notice of the appointment to that party.

Short and urgent taxations

32.— (1) Where a party entitled to require the taxation of any costs of or arising out of proceedings to which this Order applies begins proceedings for

the taxation of those costs in accordance with rule 29 then if, when he begins such proceedings, he satisfies the proper officer—

- (a) that, in view of the amount of any bill of costs to be taxed, the time required for taxation is likely to be short, and
- (b) that the speedy completion of the taxation is necessary in the interests of any person concerned in the taxation,

the proper officer shall enter the proceedings for taxation in a list kept for the purposes of this rule and shall forthwith give notice of the day and time appointed for the taxation to the party whose costs are to be taxed.

(2) A party whose costs are to be taxed in proceedings entered in the list referred to in paragraph (1) must not less than 4 days before the day appointed for the taxation send a copy of his bill of costs to every other party entitled to be heard on the taxation with a notice of the day and time appointed for the taxation.

PART VI: REVIEW OF TAXATION

Application to taxing officer for review

33.— (1) Any party to any taxation proceedings who is dissatisfied with any decision of a taxing officer (other than a decision on a provisional taxation) may apply to the taxing officer to review his decision.

(2) An application under this rule for review of a taxing officer's decision must be made within 21 days after that decision or within such other period as may be fixed by the taxing officer.

(3) Every applicant for review under this rule must at the time of making his application deliver to the taxing officer his objections in writing specifying what is objected to and stating concisely the nature and grounds of the objection in each case, and must deliver a copy of the objections to any other party who was entitled to receive notice of the appointment for the taxation pursuant to rules 30 and 31.

(4) Any party to whom a copy of the objections is delivered under this rule may, within 21 days after delivery of the copy to him or such other period as may be fixed by the taxing officer, deliver to the taxing officer answers in writing to the objections stating concisely the grounds on which he will oppose the objections, and must at the same time deliver a copy of the answers to the party applying for review and to any other party who was entitled to receive notice of the appointment for the taxation pursuant to rules 30 and 31.

Review by taxing officer

34.— (1) A review under rule 33 shall be carried out by the taxing officer who conducted the taxation, except that, where the taxation was conducted by a principal or a senior executive officer, the review shall be conducted by a taxing master or a registrar, as the case may be.

(2) On a review under rule 33, a taxing officer may receive further evidence and may exercise all the powers which he might exercise on an original taxation, including the power to award costs of the proceedings before him; and

any costs awarded by him to any party may be taxed by him and may be added to or deducted from any other sum payable to or by that party in respect of costs.

(3) On a hearing of a review under rule 33 a party to whom a copy of objections was delivered under paragraph (3) of that rule shall be entitled to be heard in respect of all or any of the objections notwithstanding that he did not deliver written answers to the objections under paragraph (4) of that rule.

(4) A taxing officer who issues his certificate pursuant to rule 22(1)(a) after he has conducted a review under this rule, if requested to do so by any party to the proceedings before him, shall state in the certificate or otherwise in writing by reference to the objections the reasons for his decision on the review, and any special facts or circumstances relevant to it.

(5) A request under paragraph (4) must be made within 14 days after the review or such other period as may be fixed by the taxing officer.

Review by a judge

35.— (1) Any party who is dissatisfied with the decision of a taxing officer on a review under rule 33 may apply to a judge for an order to review that decision either in whole or in part, provided that one of the parties to the taxation proceedings has requested that officer to state the reasons for his decision in accordance with rule 34(4).

(2) An application under this rule may be made at any time within 14 days after the taxing officer has issued a certificate in accordance with rule 34(4).

(3) An application under this rule shall be made by summons and shall, unless the judge thinks fit to adjourn it into Court, be heard in chambers.

(4) Unless the judge otherwise directs, no further evidence shall be received on the hearing of an application under this rule, and no ground of objection shall be raised which was not raised on the review by the taxing officer but, save as aforesaid, on the hearing of any such application the judge may exercise all such powers and discretion as are vested in the taxing officer in relation to the subject matter of the application.

(5) If the judge thinks fit to exercise in relation to an application under this rule the power of the Court to appoint assessors under section 70 of the Act, the judge shall appoint not less than two assessors, of whom one shall be a taxing officer and one a practising solicitor.

(6) On an application under this rule the judge may make such order as the circumstances may require and in particular may order the taxing officer's certificate to be amended or, except where the dispute as to the item under review is as to amount only, order the item to be remitted to the same or another taxing officer for taxation.

(7) In this rule "taxing officer" means a taxing master or a registrar.

APPENDIX 1

REQUISITE DOCUMENT FOR PURPOSES OF RULE 29

1.— (1) Where a party is entitled to require any costs to be taxed by virtue of a judgment or order given or made in any proceedings in the High Court (except proceedings in the Family Division) or in the civil division of the Court of Appeal, the requisite document for the purposes of rule 29 is the judgment or order as the case may be.

(2) Where the entitlement exists by virtue of a judgment or order given or made in proceedings in the Family Division, the requisite document is the bill of costs to be taxed.

(3) Where the entitlement arises by virtue of a direction of the Court given under these rules, the requisite document is that direction.

2. Where a party is entitled by virtue of rule 5(3), (4) or (5) to require any costs to be taxed, the requisite document for the purposes of rule 29 is:—

(a) where he is entitled by virtue of rule 5(3), the notice given to him under Order 21, rule 2;

(b) where he is so entitled by virtue of rule 5(4) or (5), a certified copy of the notice given by him under Order 22, rule 3.

3. Where a party is entitled to require taxation by a taxing officer of the costs directed to be paid by an award made on the arbitration under any Act or pursuant to an arbitration agreement and no order of the Court for the enforcement of the award has been made, the requisite document for the purposes of rule 29 is the award.

4. Where apart from any order of the Court a party is entitled to require taxation by a taxing officer of the fees and charges payable to a sheriff or an officer of his under the Sheriffs Act 1887(a), the requisite document for the purposes of rule 29 is the sheriff's bill of fees and charges.

5. Where a party is entitled to require taxation by a taxing officer of any costs directed to be taxed or paid by an order, award or other determination of a tribunal or other body constituted by or under any Act, the requisite document for the purposes of rule 29 is the order, award or other determination, as the case may be.

6. Where a party is entitled by virtue of rule 6(9) to require any costs to be taxed, the requisite document for the purposes of rule 29 is the order made under section 33 or 34 of the Act, as the case may be.

(a) 1887 c.55.

APPENDIX 2

PART I

Amount of Costs

1.— (1) The amount of costs to be allowed shall (subject to rule 18 and to any order of the Court fixing the costs to be allowed) be in the discretion of the taxing officer.

(2) In exercising his discretion the taxing officer shall have regard to all the relevant circumstances, and in particular to—

- (a) the complexity of the item or of the cause or matter in which it arises and the difficulty or novelty of the questions involved;
- (b) the skill, specialised knowledge and responsibility required of, and the time and labour expended by, the solicitor or counsel;
- (c) the number and importance of the documents (however brief) prepared or perused;
- (d) the place and circumstances in which the business involved is transacted;
- (e) the importance of the cause or matter to the client;
- (f) where money or property is involved, its amount or value;
- (g) any other fees and allowances payable to the solicitor or counsel in respect of other items in the same cause or matter, but only where work done in relation to those items has reduced the work which would otherwise have been necessary in relation to the item in question.

(3) The bill of costs shall consist of such of the items specified in Part II as may be appropriate, set out, except for item 4, in chronological order; each such item (other than an item relating only to time spent in travelling or waiting) may include an allowance for general care and conduct having regard to such of the circumstances referred to in paragraph (2) above as may be relevant to that item.

Fees to Counsel

2.— (1) Except in the case of taxations under the Legal Aid Act 1974 and taxation of fees payable by the Crown, no fee to counsel shall be allowed unless—

- (a) before taxation its amount has been agreed by the solicitor instructing counsel; and
- (b) before the taxing officer issues his certificate a receipt for the fees signed by counsel is produced.

(2) Except in taxations under rules 14 and 15—

- (a) no costs shall be allowed in respect of counsel attending before a master or registrar in chambers or of more counsel than one attending before a judge in chambers unless the master, registrar or judge, as the case may be, has certified the attendance as being proper in the circumstances of the case;

- (b) a refresher fee, the amount of which shall be in the discretion of the taxing officer, shall be allowed to counsel either
- (i) for each period of 5 hours (or part thereof) after the first, during which a trial or hearing is proceeding, or
 - (ii) at the discretion of the taxing officer, in respect of any day after the first day, on which the attendance of counsel at the place of trial was necessary.

Items to be authorised, certified etc

3.— (1) In an action arising out of an accident on land due to a collision or apprehended collision, the costs of preparing a plan (other than a sketch plan) of the place where the accident happened shall not be allowed unless—

- (a) before the trial the Court authorised the preparation of the plan, or
- (b) notwithstanding the absence of an authorisation under sub-paragraph (a), the taxing officer is satisfied that it was reasonable to prepare the plan for use at the trial.

(2) The costs of calling an expert witness with regard to any question as to which a court expert is appointed under Order 40, or a scientific adviser is appointed under Order 104, rule 11, shall not be allowed on a taxation of costs on the standard basis, unless the Court at the trial has certified that the calling of the witness was reasonable.

(3) Where—

- (a) an action or counterclaim for the infringement of a patent, or
- (b) a petition for revocation of a patent under section 32 of the Patents Act 1949(a), or
- (c) an application for revocation of a patent under section 72 of the Patents Act 1977(b), or
- (d) a counterclaim for the revocation of a patent under section 61 of the Patents Act 1949, or
- (e) a counterclaim in proceedings for the infringement of a patent under section 61 of the Patents Act 1977,

proceeds to trial, no costs shall be allowed to the parties serving any particulars of breaches or particulars of objection in respect of any issues raised in those particulars and relating to that patent except insofar as those issues or particulars have been certified by the Court to have been proven or to have been reasonable.

PART II

1. *Interlocutory Attendances*

- (a) (i) Attending the hearing of any summons or other application at Court or appointment in chambers or elsewhere.

(a) 1949 c.87.

(b) 1977 c.37.

- (ii) Care and conduct.
- (b) Travelling and waiting.

2. *Conferences with Counsel*

- (a) (i) Attending counsel in conference.
- (ii) Care and Conduct.
- (b) Travelling and waiting.

3. *Attendance at Trial or Hearing*

- (a) (i) Attending the trial or hearing of a cause or matter, or an appeal or to hear a deferred judgment.
- (ii) Care and conduct.
- (b) Travelling and waiting.

4. *Preparation*

Part A: The doing of any work which was reasonably done arising out of or incidental to the proceedings, including:—

- (i) The Client: taking instructions to sue, defend, counterclaim, appeal or oppose etc., attending upon and corresponding with client; taking and preparing proofs of evidence;
- (ii) Witnesses: interviewing and corresponding with witnesses and potential witnesses, taking and preparing proofs of evidence and, where appropriate, arranging attendance at Court, including issue of subpoena;
- (iii) Expert Evidence: obtaining and considering reports or advice from experts and plans, photographs and models: where appropriate arranging their attendance at Court, including issue of subpoena;
- (iv) Inspections: inspecting any property or place material to the proceedings;
- (v) Searches and Enquiries: making searches at offices of public records and elsewhere for relevant documents: searches in the Companies' Registry and similar matters;
- (vi) Special Damages: obtaining details of special damages and making or obtaining any relevant calculations;
- (vii) Other Parties: attending upon and corresponding with other parties or their solicitors;
- (viii) Discovery: perusing, considering or collating documents for affidavit or list of documents: attending to inspect or produce for inspection any documents required to be produced or inspected by order of the Court or by virtue of Order 24;
- (ix) Documents: preparation and consideration of pleadings and affidavits, cases and instructions to and advice from counsel, any

law involved and any other relevant documents including collating and service;

- (x) Negotiations: work done in connection with negotiations with a view to settlement;
- (xi) Agency: correspondence with and attendances upon London or other agents and work done by them;
- (xii) Interest: where relevant, the calculation of interest;
- (xiii) Notices: preparation and service of miscellaneous notices, including notices to witnesses to attend court.

Part B: The general care and conduct of the proceedings.

Part C: Travelling and waiting time in connection with the above matters.

NOTE: the sums sought under each sub-paragraph (i) to (xiii) of Part A should be shown separately against each item followed by the total of all items under Part A; the sums charged under Parts B and C should each be shown separately, and the total of the items under Parts A, B and C should then follow.

5. *Taxation*

(a) *Taxation of Costs*

- (i) preparing the bill (where allowable) and preparing for and attending the taxation;
- (ii) Care and conduct;
- (iii) Travelling and waiting.

(b) *Review*

- (i) preparing and delivering objections to decision of taxing officer on taxation or answers to objections, and considering opponent's answers or objections, as the case may be; attending hearing of review.
- (ii) Care and Conduct.
- (iii) Travelling and waiting.

APPENDIX 3

FIXED COSTS

PART I

Costs on recovery of a liquidated sum without trial

1. The scale of costs following paragraph 2 of this Part of this Appendix shall apply in relation to the following cases if the writ therein was issued on or after January 1st 1982 and was indorsed in accordance with Order 6, rule 2(1)(b), with a claim for a debt or liquidated demand only of £600 or upwards, that is to say—

- (a) cases in which the defendant pays the amount claimed or a sum of £600 or upwards within the time and in the manner required by the indorsement of the writ;
- (b) cases in which the plaintiff obtains judgment on failure to give notice of intention to defend under Order 13, rule 1, or under that rule by virtue of Order 83, rule 4, or judgment in default of defence under Order 19, rule 2, or under that rule by virtue of Order 83, rule 4, being in any case judgment for a sum of £600 or upwards;
- (c) cases in which the plaintiff obtains judgment under Order 14, for a sum of £600 or upwards, either unconditionally or unless that sum is paid into court or to the plaintiff's solicitors.

2. There shall be added to the basic costs set out in the said scale—

- (i) if the amount recovered is less than £3,000 the fee payable on entering a plaint in a county court for that amount, and
- (ii) in any other case, the fee paid on the issue of the writ.

Scale of Costs

A. Basic Costs

	Amount to be allowed in cases under following sub-paragraphs of para- graph 1 of this Appendix		
	(a) £ p	(b) £ p	(c) £ p
If the amount recovered is:—			
not less than £600 but less than £2,000			
(i) where the writ was served by post	40.00	52.00	92.00
(ii) where the writ was served on the defendant personally	44.00	56.00	96.00
not less than £2,000 but less than £3,000			
(i) where the writ was served by post	44.00	57.50	96.00
(ii) where the writ was served on the defendant personally	48.00	61.50	100.00
not less than £3,000	58.00	83.00	118.50

B. Additional costs

	Amount to be allowed where the amount recovered is—	
	(i) £ p not less than £600 but less than £3,000	(ii) £ p not less than £3,000
(1) Where there is more than one defendant, in respect of each additional defendant served	6.25	7.75
(2) Where substituted service is ordered and effected, in respect of each defendant served	14.50	30.00
(3) Where service out of the jurisdiction is ordered and effected, in the case of service—		
(a) in Scotland, Northern Ireland, the Isle of Man or the Channel Islands	22.50	40.00
(b) in any other place out of the jurisdiction	26.50	44.50
(4) In the case of judgment in default of defence or judgment under Order 14, where notice of intention to defend is given after the time limited therefor and the plaintiff makes an affidavit of service for the purpose of a judgment on failure to give notice of intention to defend (the allowance to include the search fee)	10.50	11.50
(5) In the case of judgment under Order 14 where an affidavit of service of the summons is required	10.50	11.50
(6) In the case of judgment under Order 14 for each adjournment of the summons	8.00	14.50

PART II

Costs on judgment without trial for possession of land

1.—(1) Where the writ is indorsed with a claim for the possession of land the plaintiff obtains judgment—

- (a) under Order 13, rule 4 or 5, on failure to give notice of intention to defend, or
- (b) under Order 19, rule 5 or 6, in default of defence, or
- (c) under Order 14,

for possession of the land and costs, then, subject to sub-paragraph (2), there shall be allowed the costs prescribed by paragraph 2 of this Part of this Appendix.

(2) Where the plaintiff is also entitled under the judgment to damages to be assessed, or where the plaintiff claims any relief of the nature specified in Order 88, rule 1, this part of this Appendix shall not apply.

2. The costs to be allowed under this Part of this Appendix shall be the costs which would be allowed under Part 1 (together with the fee paid on the writ) if judgment had been obtained in the same circumstances, that is to say, on failure to give notice of intention to defend or in default of defence or under Order 14 but the writ has been indorsed with a claim for a debt or liquidated demand only of £600 or upwards and judgment for not less than £3,000 has been obtained.

PART III

Miscellaneous

1. Where a plaintiff or defendant is entitled to costs by virtue of rule 5(3), (4) or (5) there shall be allowed—

Costs of the judgment £5.75

2. Where a certificate in respect of money provisions contained in a judgment is registered in the High Court in the Register of United Kingdom judgments under Schedule 6 to the Civil Jurisdiction and Judgments Act 1982(a), there shall be allowed—

Costs of registration £23.00

3. Where, upon the application of any person who has obtained a judgment or order against a debtor for the recovery or payment of money, a garnishee order is made under Order 49, rule 1, against a garnishee attaching debts due or accruing due from him to the debtor, the following costs shall be allowed—

- (a) to the garnishee, to be deducted by him from any debt due by him as aforesaid before payment to the applicant £14.00

(a) 1982 c.27.

(b) to the applicant, to be retained, unless the Court otherwise orders, out of the money recovered by him under the garnishee order and in priority to the amount of the debt owing to him under the judgment or order—

(i) *Basic costs*

If the amount recovered by the applicant from the ganishee is—

less than £112 one half of the amount recovered
not less than £112 £58.00

(ii) *Additional costs*

Where the garnishee fails to attend the hearing of the application and an affidavit of service is required £10.50

4. Where a charging order is granted and made absolute there shall be allowed—

	£	p
Basic costs	64.00	
Additional costs where an affidavit of service is required	10.50	

5. Where leave is given under Order 45, rule 3, to enforce a judgment or order for the giving of possession of land by writ of possession, if the costs are allowed on the judgment or order there shall be allowed the following costs, which shall be added to the judgment or order—

	£	p
Basic costs	24.50	
Where notice of the proceedings has been given to more than one person, in respect of each additional person	1.60	

6. Where a writ of execution within the meaning of Order 46, rule 1, is issued against any party, there shall be allowed—

	£	p
Costs of issuing execution	30.00	

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Rules of the Supreme Court so as—

- (a)* to revise the provisions relating to costs (Rules 2 to 11);
- (b)* to permit service of process through authorised document exchanges (Rules 12 to 16);
- (c)* to provide for applications for leave to institute proceedings for defamation pursuant to section 57 of the Administration of Justice Act 1985 (Rule 17);
- (d)* to correct the rules and Form relating to orders for committal (Rules 18 and 19);
- (e)* to give effect to the Merchant Shipping (Liner Conferences) Act 1982 (Rules 20 to 22);
- (f)* to clarify the rules relating to arbitration proceedings (Rule 23);
- (g)* to give effect to the provisions of Part V of the Matrimonial and Family Proceedings Act 1984 relating to the distribution and transfer of family business and family proceedings (Rules 24 to 30);
- (h)* to provide for applications under section 50 of the Administration of Justice Act 1985 for the removal of and substitution for personal representatives (Rule 31).

SI 1986/632
ISBN 0-11-066632-1



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