
STATUTORY INSTRUMENTS

1989 No. 385 (L. 8)

**MATRIMONIAL CAUSES
SUPREME COURT OF ENGLAND AND WALES
COUNTY COURTS**

The Matrimonial Causes (Costs) (Amendment) Rules 1989

Made - - - - *8th March 1989*
Laid before Parliament *10th March 1989*
Coming into force - - *1st April 1989*

We, the authority having power to make rules of court for the purposes mentioned in section 50 of the Matrimonial Causes Act 1973(1), in exercise of that power and the further power conferred on us by section 64 of the Family Law Act 1986(2), hereby make the following Rules:

1.—(1) These Rules may be cited as the Matrimonial Causes (Costs) (Amendment) Rules 1989 and shall come into force on 1st April 1989.

(2) In these Rules, unless the context otherwise requires, a rule or Schedule referred to by number means the rule or Schedule so numbered in the Matrimonial Causes (Costs) Rules 1988(3).

2. For rule 11(1), there shall be substituted the following—

“1) Subject to the following 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 together with any payments reasonably made by him for legal advice relating to the conduct of or the issues raised by the proceedings.”.

3. In rule 11(3), for the sum “£6.50”, there shall be substituted the sum “£7.00”.

4. For Schedule 2, there shall be substituted the following Schedule—

(1) 1973 c. 18; section 50 was amended by the Domicile and Matrimonial Proceedings Act 1973 (c. 45), section 6(2); by the Inheritance (Provision for Family and Dependents) Act 1975 (c. 63), section 26(2), Schedule; by the Children Act 1975 (c. 72), section 108, Schedule 3, paragraph 79; by the Administration of Justice Act 1977 (c. 38), Schedule 5 Part VI; by the Domestic Proceedings and Magistrates’ Courts Act 1978 (c. 22), section 89, Schedule 2, paragraph 40; by the Matrimonial Homes Act 1983 (c. 19), Schedule 2; by the County Courts Act 1984 (c. 28), section 148, Schedule 2 Part V, paragraph 44, and by the Family Law Act 1986 (c. 55), section 68, Schedule 1, paragraph 15.

(2) 1986 c. 55.

(3) S.I.1988/1328.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“SCHEDULE 2

PART I

preparation

| <i>Column 1</i> | <i>Column 2 High Court</i> | <i>Column 3 County Court</i> |
|---|--------------------------------|---|
| ITEM | | |
| 1. Writing routine letters | £3.50 per item | £3.00 per item |
| 2. Receiving routine letters | £1.75 per item | £1.50 per item |
| 3. Routine telephone calls | £3.50 per item | £3.00 per item |
| 4. All other preparation work including any work which was reasonably done arising out of or incidental to the proceedings, interviews with client, witnesses, and other parties; obtaining evidence; preparation and consideration of, and dealing with, documents, negotiations and notices; dealing with letters written and received and telephone calls which are not routine | | Where the proceedings were conducted in the divorce registry or in another court on the South-Eastern Circuit at the time when the relevant work was done: All other circuits: |
| £38.50 per hour | £34.00 per hour | |
| £36.00 per hour | £32.00 per hour | |
| 5. In addition to items 1–4 above, to cover the general care and conduct of the proceedings | +50% | +50% |
| 6. Travelling and waiting time in connection with the above matters | £26.50 per hour | £24.50 per hour |

PART II

conferences with counsel

| | | |
|---|-----------------|-----------------|
| 7. Attending counsel in conference | £31.00 per hour | £27.00 per hour |
| 8. Travelling and waiting | £26.50 per hour | £24.50 per hour |

PART III

attendances

| | | |
|---|-----------------|-----------------|
| 9. Attending with counsel at the trial or hearing of any cause or the hearing of any summons or other application at court, or other appointment | £31.00 per hour | £27.00 per hour |
| 10. Attending without counsel at the trial or hearing of any cause or the hearing of any summons or other application at court, or other appointment | £46.00 per hour | £43.00 per hour |
| 11. Travelling and waiting | £26.50 per hour | £24.50 per hour |

PART IV

fees for junior counsel

| | | |
|--|---------|-----------------|
| 12. With a brief on an unopposed application for an injunction, or procedural issue | | |
| Standard | £74.00 | £64.00 |
| | | Maximum £122.00 |
| | | £106.00 |
| 13. With a brief on the trial of a cause or matter or on the hearing of an ancillary application or on a children appointment where the hearing lasts for | | |
| (a) one hour | | |
| Standard | £111.00 | £95.00 |
| Maximum | £223.00 | £191.00 |
| (b) a half day | | |

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| Standard | £154.00 | £133.00 | |
| Maximum | £254.00 | £223.00 | |
| (c) | a full day | | |
| Standard | £307.00 | £265.00 | |
| Maximum | £488.00 | £424.00 | |
| (d) | more than a full day | Discretionary | Discretionary |
| 14. | For each day or part of a day on which the trial of a cause or matter, or the hearing of an ancillary application, or a children appointment, is continued after the first day | Discretionary | Discretionary |
| 15. | Conference (including time reasonably spent in preparation and conference, but not otherwise remunerated) | Standard £17.00 per ½ hour | Standard £15.00 per ½ hour |
| (a) | Complex items of written work (such as advices on evidence, opinions and affidavits of a substantial nature, requests for particulars or answers) | Standard £80.00 per item | Standard £69.00 per item |
| (b) | All other written work | Standard £48.00 per item | Standard £42.00 per item |
| 17. | Except where the court is within 25 miles of Charing Cross or where there is no local Bar in the court town, or within 25 miles thereof, for travelling time | Standard £15.40 per hour+ expenses | Standard £13.20 per hour+ expenses |

PART V

taxation and review of taxation

| | | | |
|------------|--|---------------|---------------|
| 18. | Preparing the bill (where allowable) and completing the taxation (excluding preparing for and attending the taxation). | £26.50–£74.00 | £26.50–£42.50 |
|------------|--|---------------|---------------|

19. Preparing for and Discretionary
attending the taxation
(including travelling and
waiting). Discretionary

20. Review by registrar or Discretionary
judge (including preparation) Discretionary”.

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Dated 8th March 1989

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EXPLANATORY NOTE

(This Note is not part of the Rules)

These Rules amend the Matrimonial Causes (Costs) Rules 1988 so as to enable a litigant in person to claim as costs the cost of receiving legal advice (rule 2) and to revise the prescribed rates of costs (rules 3 and 4).