
STATUTORY INSTRUMENTS

1991 No. 531 (L.4)

SUPREME COURT OF ENGLAND AND WALES

The Rules of the Supreme Court (Amendment) 1991

Made - - - - *7th March 1991*
Laid before Parliament *11th March 1991*
Coming into force - - *1st April 1991*

We, the Supreme Court Rule Committee, having power under section 85 of the Supreme Court Act 1981(1) to make rules of court under section 84 of that Act 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) 1991 and shall come into force on 1st April 1991.

(2) In these Rules, an Order referred to by number means the Order so numbered in the Rules of the Supreme Court 1965(2) and a reference to Appendix A or B is a reference to Appendix A or B to those Rules.

Miscellaneous amendments

2. In Order 24, rule 9, after the words “rule 2” there shall be inserted the words “or 6”.

3. In Order 36, rule 5, paragraph (2) shall be omitted.

4. After Order 62, rule 28(4), there shall be inserted the following new paragraph—

“(4AA) In a case to which paragraph (4) applies the taxing officer may have regard to whether the failure or delay by the party entitled to costs would (apart from this paragraph) cause prejudice to the party liable to pay the costs by increasing the amount of interest accruing on those costs under section 17 of the Judgments Act 1838(3), and so exercise his powers under paragraph (4) as to reduce or obviate any such prejudice.”.

5. In Order 108, rule 1, paragraph (2) shall be omitted.

(1) 1981 c. 54; section 85 was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraph 36(1).
(2) S.I.1965/1776; the relevant amending instruments are S.I. 1966/1514, 1970/1208, 1973/1384, 1976/337, 1979/1542, 1716, 1725, 1980/1908, 1982/1111, 1986/632, 1187, 1987/1423, 1989/177, 386, 1307, 1990/492 and 1689.
(3) 1838 c. 110.

Status: This is the original version (as it was originally made).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

Costs

6. Order 62, rule 18(3) shall be amended by substituting, for the sum “£7.50”, the sum “£8.00”.

7. Appendix 3 to Order 62 shall be amended as follows—

(1) For Table A (Basic Costs) in Part I there shall be substituted the following Table—

“A.

Basic Costs

(a)	Amount to be allowed in cases under following sub-paragraph 1 of this Appendix		
	(b) £p	(c) £p	£p
If the amount recovered is—	53.50	70.50	124.00
not less than £600 but less than £2,000—			
(i) where the writ was served by post			
(ii) where the writ was served on the defendant personally	60.00	76.00	129.50
not less than £2,000 but less than £3,000—	60.00	78.00	129.50
(i) where the writ was served by post			
(ii) where the writ was served on the defendant personally	66.00	82.50	136.00
not less than £3,000	78.00	112.50	160.50”

(2) Table B (Additional costs) in Part I shall be amended by substituting, for the figures shown in columns (i) and (ii), the following figures—

	(i)	(ii)
(1)	8.25	10.75

	(i)	(ii)
(2)	19.25	41.75
(3)(a)	30.00	53.50
(b)	35.50	60.00
(4)	14.00	16.00
(5)	14.00	16.00
(6)	10.75	19.25

(3) Part III, paragraph 1 shall be amended by substituting, for the sum of “£7.00”, the sum of “£7.50”.

(4) Part III, paragraph 2 shall be amended by substituting, for the sum of “£28.50”, the sum of “£30.50”.

(5) Part III, paragraph 3 shall be amended as follows—

(a) for the sum of “£17.00” in sub-paragraph (a) there shall be substituted the sum of “£18.25”;

(b) for the table “Basic Costs” in sub-paragraph (b) there shall be substituted the following table—

“(i) Basic Costs

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

	£	p
less than £150.00		
one half of the amount recovered		
not less than £ 150.00	77.00	

(c) for the sum of “£13.00” in the table “Additional costs” in sub-paragraph (b) there shall be substituted the sum of “£14.00”;

(6) Part III, paragraph 4 shall be amended by substituting, for the sums of “£81.00” and “£13.00”, the sums of “£86.50” and “£14.00”.

(7) Part III, paragraph 5 shall be amended by substituting, for the sums of “£31.00” and “£2.00”, the sums of “£33.25” and “£2.15”.

(8) Part III, paragraph 6 shall be amended by substituting, for the sum of “£38.00”, the sum of “£40.50”.

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7th March 1991

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EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Rules of the Supreme Court 1965 so as to—

- (a) entitle a defendant to inspect the documents included in a list of documents served on the plaintiff by a co-defendant to the action (*Rule 2*);
- (b) revoke the provision dealing with applications to an official referee for him to act as a sole arbitrator consequential on the replacement of section 11 of the Arbitration Act 1950 (c. 27), as amended by section 99 of the Courts and Legal Services Act 1990 (c. 41) (*Rule 3*);
- (c) make it clear that, where a party entitled to costs has delayed taxation proceedings and that delay has prejudiced the party paying costs by reason of the increased amount of accrued interest, this can be a factor to be taken into account in the Court's exercise of its discretion to reduce or wholly disallow those costs (*Rule 4*);
- (d) revoke the provision which provided that references in Order 108 (proceedings relating to charities) to the Charity Commissioners were in relation to any matter in which the Secretary of State for Education and Science had acted under or by virtue of the Charities Act 1960 (c. 58) to be construed as references to the Secretary of State (*Rule 5*);
- (e) increase the costs allowed to a litigant in person and the fixed costs recoverable under Appendix 3 to Order 62 (*Rules 6 and 7*).