
STATUTORY INSTRUMENTS

1964 No. 1755

The Ecclesiastical Jurisdiction (Discipline) Rules 1964

COSTS (PART X OF MEASURE)

53.—(1) No party shall be entitled to recover any costs of or incidental to proceedings for an offence under the Measure except under an order made by a court, commission, committee or examiner under section 60(2) of the Measure.

(2) In the case of an appeal or a petition for review, the costs of the proceedings giving rise to the appeal or petition, as well as the costs of the appeal or petition, may be dealt with by the court or commission hearing the appeal or petition.

54.—(1) Where an order is made as aforesaid for the payment of taxed costs, they shall be taxed by the registrar, who shall have power to require the attendance of witnesses and the production of documents, so far as necessary for the discharge of his functions.

(2) Proceedings for the taxation of costs shall be commenced by—

(a) lodging with the registrar an application in writing, together with the bill of costs and all necessary papers and vouchers;

(b) serving on the other party a copy of the application and of the bill of costs.

(3) The registrar shall thereupon fix a day for the taxation, and shall give not less than 7 days' notice thereof to both parties.

(4) If the party other than the applicant does not attend at the time and place so fixed, the registrar, if satisfied that he had due notice thereof, may proceed with the taxation.

(5) The registrar, in deciding the amount of costs to be allowed, shall have regard to the current scale of costs applicable to a taxation on a party and party basis in the High Court.

55.—(1) Any party to proceedings for an offence under the Measure, or his solicitor, may apply to the registrar to tax the costs of or incidental to the proceedings as between solicitor and client, and paragraphs (2), (3) and (4) of the last foregoing rule shall apply, with necessary modifications, to such taxation.

(2) In taxing such costs the registrar shall have regard to the practice applicable in the High Court to the taxation of costs as between solicitor and client.

56.—(1) Any party to taxation proceedings who is dissatisfied with any decision of the registrar, may apply for it to be reviewed by the judge.

(2) The application for a review must be made in writing within 7 days after the decision, and shall set out the grounds of the objection and shall be lodged with the registrar, and a copy thereof served on the other party.

(3) The judge shall fix the time and place of the review, and shall require the registrar to give both parties not less than 3 days' notice thereof.

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(4) Unless the judge otherwise directs, no further evidence shall be received on the hearing of the application, and no ground of objection shall be raised which was not set out in the application but, save as aforesaid, the judge may exercise all such powers and discretion as are vested in the registrar.

(5) In this rule “judge” means—

- (a) in a case where the taxation was by the registrar of a diocese, the judge of the consistory court of that diocese;
- (b) in any other case, the Dean of the Arches and Auditor or a deputy nominated by him for the purpose.