

1970 No. 1160 (L.24)

**MATRIMONIAL CAUSES**

**SUPREME COURT OF JUDICATURE, ENGLAND**

**COUNTY COURTS**

**The Matrimonial Causes (Costs) (Amendment) Rules 1970**

*Made* - - - - - *27th July 1970*

*Laid before Parliament* *7th August 1970*

*Coming into Operation* *1st September 1970*

We, the authority having power to make rules of court for the purposes mentioned in section 7(1) of the Matrimonial Causes Act 1967(a), hereby exercise that power as follows:—

1.—(1) These Rules may be cited as the Matrimonial Causes (Costs) (Amendment) Rules 1970 and shall come into operation on 1st September 1970.

(2) In these Rules a rule referred to by number means the rule so numbered in the Matrimonial Causes (Costs) Rules 1968(b).

(3) The Interpretation Act 1889(c) shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

2. In rule 10(2) the words from “and accordingly” to the end shall be omitted.

3. The following rules shall be inserted after rule 10:—

*“Taxation by clerk of divorce county court*

11.—(1) Subject to the provisions of this rule, a clerk in the service of a divorce county court who is nominated by the Lord Chancellor for the purpose of this rule may tax the costs of or arising out of matrimonial proceedings in that court if the amount of the bill of costs does not exceed £200.

(2) Paragraph (1) shall not be taken as empowering a clerk to tax a solicitor’s bill of costs in pursuance of an order under the Solicitors Act 1957(d).

(3) Where any taxation proceedings are to be conducted by a clerk, a party to those proceedings may, before the taxation begins, object to the bill or any part of it being taxed by the clerk and, where any such objection is made, that bill or part shall be taxed by the registrar.

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(a) 1967 c. 56.

(b) S.I. 1968/281 (1968 I, p. 810).

(c) 1889 c. 63.

(d) 1957 c. 27.

*Construction of references to "registrar" in relation to taxation*

12. Unless the context otherwise requires, any reference in these rules (except rule 9) or the principal rules, or in any rules applied by the principal rules, to the registrar of a divorce county court in relation to the taxation of any costs shall, where the costs are to be or have been taxed by a principal clerk of the divorce registry or a clerk in the service of a divorce county court in the exercise of the powers conferred by rule 10(2) or 11, be construed as a reference to that clerk."

4. Rule 11 shall be renumbered and shall stand as rule 13.

Dated 27th July 1970.

*Hailsham of St. Marylebone, C.*

*J. E. S. Simon, P.*

*John Latey, J.*

*Ifor Lloyd.*

*Irvon Sunderland.*

*W. D. S. Caird.*

*J. L. Williams.*

*Alan de Piro.*

*Joseph Jackson.*

*J. D. Clarke.*

*D. E. Morris.*

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**EXPLANATORY NOTE**

*(This Note is not part of the Rules.)*

These Rules enable a county court clerk nominated by the Lord Chancellor to tax the costs of matrimonial proceedings in a divorce county court if the amount of the bill does not exceed £200.

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