1961 No. 4

LANCASTER

COURT OF CHANCERY

The Chancery of Lancaster (Costs) Rules, 1961

Made - - - -	*2nd January*, 1961
Laid before Parliament	*10th January*, 1961
Coming into Operation	*12th January*, 1961

The Right Honourable Charles Hill, M.D., Chancellor of the Duchy and County Palatine of Lancaster with the advice and consent of Sir Leonard Stone, O.B.E., Vice-Chancellor of the said County Palatine of Lancaster, and with the approval of the authority empowered to make rules for the Supreme Court and in pursuance of the powers and authorities conferred by the Chancery of Lancaster Acts 1850 to 1952(a) and all other powers and authorities enabling him in that behalf doth hereby order and direct as follows:—

1. The Orders and Rules specified in the 1st Schedule hereto are hereby revoked:

Provided that the revocations hereby effected shall not affect the said Orders and Rules in their application to costs incurred in relation to business done before the commencement of this instrument.

2. The rules hereinafter contained shall have effect in place of the Orders and rules hereby revoked.

3.—(1) In the Chancery of Lancaster Rules 1884(b) Order LII (which relates to costs) shall be amended

(*a*) by revoking rule 17 (which relates to the attendance of parties on taxation of costs to be borne by a fund) and substituting therefor the following new rules—

"Power of a taxing officer taxing costs payable out of a fund.

17.—(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 solicitor's bill of costs be taxed for the purpose of being paid out of a fund the taxing officer by whom the bill is being taxed may, if he thinks fit, adjourn the taxation for a reasonable period and direct the solicitor 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 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.

(a) 13 & 14 Vict. c. 43; 17 & 18 Vict. c. 82; 53 & 54 Vict. c. 23; 15 & 16 Geo. 6 & 1 Eliz. 2. c. 49. (b) Rev. 1903 VI, Lancaster (Ct. of Chancery), p. 23.

"Costs payable by one party to another or out of a fund.

17A.—(1) This rule applies to costs which by or under these rules or any order or direction of the Court are to be paid to a party to any proceedings either by another party to those proceedings or out of any fund (other than a fund which the party to whom the costs are to be paid holds as trustee or personal representative).

(2) Subject to the following provisions of this rule, costs to which this rule applies shall be taxed on the party and party basis, and on a taxation on that basis there shall be allowed all such costs as were necessary or proper for the attainment of justice or for enforcing or defending the rights of the party whose costs are being taxed.

(3) The Court in awarding costs to which this rule applies may in any case in which it thinks fit to do so order or direct that the costs shall be taxed on the common fund basis.

(4) On a taxation on the common fund basis, being a more generous basis than that provided for by paragraph (2) of this rule, there shall be allowed a reasonable amount in respect of all costs reasonably incurred, and paragraph (2) of this rule shall not apply; and accordingly in all cases where costs are to be taxed on the common fund basis the ordinary rules applicable on a taxation as between solicitor and client where the costs are to be paid out of a common fund in which the client and others are interested shall be applied, whether or not the costs are in fact to be so paid.

(5) The Court in awarding costs to which this rule applies to any person may if it thinks fit and if—

(*a*) the costs are to be paid out of a fund; or

(*b*) the person to whom the costs are to be paid is or was a party to the proceedings in the capacity of trustee or personal representative order or direct that the costs shall be taxed as if that person were a trustee of the fund or as if the costs were to be paid out of a fund held by that person, as the case may be, and where the Court so orders or directs paragraph (2) of rule 17c of these rules shall have effect in relation to the taxation in substitution for paragraph (2) of this rule.

"Costs payable to a solicitor by his own client.

17B.—(1) On the taxation of a solicitor's bill to his own client (except a bill to be paid out of the legal aid fund under the Legal Aid and Advice Act, 1949(a), or a bill with respect to non-contentious business) all costs shall be allowed except in so far as they are of an unreasonable amount or have been unreasonably incurred.

(2) For the purposes of paragraph (1) of this rule, all costs incurred with the express or implied approval of the client shall, subject to paragraph (3) of this rule, be conclusively presumed to have been reasonably incurred and, where the amount thereof has been expressly or impliedly approved by the client, to have been reasonable in amount.

(3) For the purpose of paragraph (1) of this rule, any costs which in the circumstances of the case are of an unusual nature and such that they would not be allowed on a taxation of costs in a case to which paragraph (2) of rule 17a of these rules

(a) 12, 13 & 14 Geo. 6. c. 51.

applies shall, unless the solicitor expressly informed his client before they were incurred that they might not be so allowed, be presumed, until the contrary is shown, to have been unreasonably incurred.

(4) In paragraphs (2) and (3) of this rule, the references to the client shall be construed—

(*a*) if the client was at the material time incapable, by reason of mental disorder within the meaning of the Mental Health Act, 1959, of managing his property and affairs and represented by a person acting as guardian ad litem or next friend, as references to that person acting, where necessary, with the authority of the authority having jurisdiction under Part VIII of that Act;

(*b*) if the client was at the material time an infant and represented by a person acting as guardian ad litem or next friend, as references to that person.

(5) Subsections (2) and (3) of section 118 of the Mental Health Act, 1959, shall have effect in relation to the last foregoing paragraph as if that paragraph were an enactment and the reference in that paragraph to the authority having jurisdiction under Part VIII of that Act shall be construed accordingly.

"Costs payable to a trustee out of the trust fund, etc.

17C.—(1) This rule applies to every taxation of the costs which a person who is or has been a party to any proceedings in in the capacity of trustee or personal representative is entitled to be paid out of any fund which he holds in that capacity.

(2) On any taxation to which this rule applies, no costs shall be disallowed except in so far as those costs or any part of their amount should not, in accordance with the duty of the trustee or personal representative as such, have been incurred or paid, and should for that reason be borne by him personally.

"Scale of costs.

17D.—(1) Subject to the foregoing rules and the following provisions of this rule, the scale of costs contained in Appendix N, together with the notes and general provisions contained in that Appendix, shall apply to the taxation of all costs incurred in relation to contentious business done after the commencement of these rules.

(2) On a taxation in relation to which rule 17B or paragraph (2) of the rule 17C has effect and in other special cases costs may at the discretion of the taxing officer be allowed—

(*a*) in relation to items not mentioned in the said scale; or

(*b*) of an amount higher than that prescribed by the said scale.

(3) Where the amount of a solicitor's remuneration in respect of non-contentious business connected with sales, purchases, leases, mortgages and other matters of conveyancing or in respect of any other 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, 1957(a), the amount of the costs to be allowed on taxation in respect of the like contentious business shall be the same, notwithstanding anything in the scale contained in Appendix N.

(a) 5 & 6 Eliz. 2. c. 27.

(4) Notwithstanding paragraph (1) of this rule, costs shall, unless the Court or Vice Chancellor otherwise orders, be allowed in the cases to which Appendix O applies in accordance with the provisions of that Appendix.

(*b*) by inserting in rule 27 (which relates to review of taxation by the Court) between the words "item which may have been objected to as aforesaid" and the word "may" the words "or as to the amount allowed in respect of any such item by the taxing officer on review under the two last foregoing rules".

(2) The Appendices set out in the 2nd Schedule hereto shall be added after Appendix M to the Chancery of Lancaster Rules, 1884 and shall stand as Appendices N and O thereto.

4.—(1) The Interpretation Act 1889(a) applies in relation to this instrument and in relation to the revocation effected by it as if this instrument, the Orders and Rules revoked by it and any orders and rules revoked by the orders and rules so revoked were Acts of Parliament and as if each revocation were a repeal.

(2) References in any instrument to any Order or rule hereby revoked shall be construed as references to these rules.

5.—(1) This instrument may be cited as the Chancery of Lancaster (Costs) Rules, 1961.

(2) This instrument shall come into operation on the 12th January, 1961.

Dated the 2nd January, 1961.

Charles Hill,
Chancellor.

Leonard Stone,
Vice Chancellor.

Approved by the Authority empowered to make rules for the Supreme Court.

D. W. Dobson.

THE SCHEDULES ABOVE REFERRED TO

FIRST SCHEDULE

The Order, dated 27th November 1884 as to Solicitors Costs(b).

The Order, dated 28th November 1884 as to Court Fees and Solicitors Costs(c) so far as it relates to Solicitors Costs.

The Chancery of Lancaster (Solicitors Remuneration) Rules 1932(d).

The Chancery of Lancaster (Solicitors Remuneration) Rules 1936(e).

The Order as to Court Fees and Solicitors Remuneration 1938(f) so far as it relates to solicitors costs.

The Chancery of Lancaster (Solicitors Remuneration) Rules, 1944(g).

(a) 52 & 53 Vict. c. 63. (b) Rev. XI, p. 745. (c) Rev. XI, p. 759.
(d) S.R. & O. 1932/735 (Rev. XI, p. 767: 1932, p. 680).
(e) S.R. & O. 1936/542 (Rev. XI, p. 767: 1936 I, p. 1536).
(f) S.R. & O. 1938/502 (Rev. XI, p. 768: 1938 I, p. 1627).
(g) S.R. & O. 1944/516 (Rev. XI, p. 770: 1944 I, p. 400).

SECOND SCHEDULE

APPENDIX N

SCALE OF COSTS

PART I

INSTITUTION, ETC., OF PROCEEDINGS

Item		£. s. d.
1.	Drawing, issuing, filing and service on one party of writ of summons (including statement of claim indorsed thereon), originating summons, notice of originating motion, third party notice	2 10 0 to 10 0 0
2.	Issue and service on one party of concurrent writ of summons or originating summons	15 0
3.	Renewing writ of summons issued— including drawing and filing affidavit, attending on application for renewal and obtaining order	2 0 0
4.	Drawing, presenting, filing and service on one party of— any petition	Discretionary
5.	Drawing, issuing, filing and service on one party of notice of motion (other than an originating motion)	1 5 0 to 5 0 0
6.	Drawing, filing and service on one party of— case or special case stated	Discretionary
	Note to item 6 This item includes service on one party of notice that the case has been entered for hearing.	
7.	Drawing, filing and delivery to one party of statement of claim (if not indorsed on writ), defence and counterclaim, answer to petition, reply, pleading subsequent to reply	2 10 0 to 10 0 0
8.	Drawing, filing and delivery to one party of particulars of pleading and drawing and delivery to one party of request for such particulars	1 5 0 to 10 0 0
9.	Drawing amendment of document referred to in item 1, 4, 5 or 7, and service on, or delivery to, one party of amended document	1 0 0 to 3 0 0
10.	Drawing notice of writ of summons, or intimation of issue of process, for service out of the jurisdiction	15 0
11.	Drawing any document, attending on any application and doing any other work necessary to obtain— (*a*) order for substituted service of any document, (*b*) order giving leave to serve any document out of the jurisdiction, and obtaining order	Discretionary

PART II

PROCEEDINGS IN CHAMBERS

12.	Drawing, issuing, filing and service on one party of summons or warrant—	
	(*a*) to consider or proceed under a judgment or order ...	1 5 0
	(*b*) for order in terms of annexed minutes	1 5 0
	(*c*) to extend time	1 5 0

Item		£ s. d.
13.	Drawing, issuing, filing and service on one party of summons for directions or notice under Order 28A, rule 7—	1 5 0 to 3 0 0
14.	Drawing, issuing, filing and service on one party of summons to attend at chambers (other than summons referred to in item 12 or 13)	1 5 0 to 3 0 0
15.	Drawing brief on an interlocutory application or on further consideration thereof and fair copy	1 0 0 to 7 10 0
16.	Attending to obtain appointment for hearing before Vice Chancellor or registrar	15 0
17.	Attending to deliver papers required for use of Vice Chancellor or registrar in chambers	15 0
18.	Attending hearing of summons or application in chambers ...	1 10 0 to 12 0 0 per day
19.	Attending registrar—	
	(*a*) to bespeak (where necessary) and to settle draft minutes of Judgment or order	
	(i) if certified for special allowance by registrar under paragraph 6 of Part IX of this Appendix	Discretionary not exceeding 6 0 0
	(ii) if not so certified	1 10 0
	(*b*) to pass and enter Judgment or order	1 10 0
20.	Attending to draw up and enter any order, where item 19 does not apply	15 0

PART III

DISCOVERY AND INSPECTION

21.	Drawing, filing and service of—	
	(*a*) affidavit of documents or list of documents	2 0 0
	(*b*) interrogatories for examination of a party	to
	(*c*) affidavit in answer to interrogatories	10 0 0
22.	Attending to inspect, or produce for inspection, documents production of which inspection is required by order of the Court or by notice given under Order 29, rule 15—	
	for the first hour or part of an hour	1 10 0
	for every subsequent half hour or part thereof	15 0

PART IV

PREPARATION FOR TRIAL, ETC.

23.	Drawing and issue of—	
	(*a*) writ of subpoena ad testificandum or writ of habeas corpus ad testificandum for one, two or three witnesses,	15 0
	(*b*) writ of subpoena duces tecum, for each witness,	15 0
	including filing of praecipe, attending to obtain writ and necessary copies thereof.	
24.	Drawing and service of notice—	
	(*a*) to produce for inspection document referred to in pleading or affidavit	15 0
	(*b*) to produce document at trial or hearing	15 0
	(*c*) to admit any document or fact	15 0
	including copy for service.	

Item	£ s. d.
25. Instructions for trial or hearing of any cause or matter, whatever the mode of trial or hearing	Discretionary
26. Instructions for appeal from an interlocutory or final order or judgment	Discretionary

Note to items 25 and 26

These items are intended to cover the doing of any work, not otherwise provided for, necessarily or properly done in preparing for a trial, hearing or appeal, or before a settlement of the matters in dispute, including—

(*a*) taking instructions to sue, defend, counter-claim or appeal, or for any pleading, particulars of pleading, or affidavit;

(*b*) considering the facts and law;

(*c*) attending on and corresponding with client;

(*d*) interviewing and corresponding with witnesses and potential witnesses and taking proofs of their evidence;

(*e*) arranging to obtain reports or advice from experts and plans, photographs and models;

(*f*) making search in Public Record Office and elsewhere for relevant documents;

(*g*) inspecting any property or place material to the proceedings;

(*h*) perusing pleadings, affidavits and other relevant documents;

(*i*) where the cause or matter does not proceed to trial or hearing, work done in connection with the negotiation of a settlement; and

(*j*) the general care and conduct of the proceedings.

27. Drawing instructions to counsel to advise in writing or in conference	1 0 0 to 5 0 0
28. Attending counsel in conference	2 10 0
And for every half hour beyond the first	1 0 0

Note to item 28.

This item includes attending to make appointment for conference.

29. Drawing brief with observations to counsel and proofs of evidence, per folio	2 0
30. Attending to obtain appointment to examine witness and on examination of witness before any commissioner, officer of the court or other person appointed to examine him	4 0 0 to 12 0 0 per day

Part V

Trial or Hearing

31. Attending at court sitting in the town in which the solicitor practises, for purpose of—	
(*a*) trial or hearing of a cause or matter, for each day—	
(i) on which cause or matter is included in list of causes or matters to be tried or heard but on which trial or hearing is not begun	1 10 0 to 5 0 0
(ii) of trial or hearing	3 0 0 to 12 0 0
(*b*) hearing deferred judgment	3 0 0 to 5 0 0

Item		£ s. d.
32.	Attending at court sitting elsewhere than as mentioned in item 31, for any purpose mentioned in that item for each day (except Sunday) on which solicitor is necessarily absent from his office	8 0 0 to 12 0 0

Note to item 32

The solicitor shall also be allowed travelling and out of pocket expenses reasonably incurred by him.

PART VI

TAXATION

33.	Drawing bill of costs (including copy for taxing officer), per folio	2 0
34.	Attending to obtain appointment for taxation or to lodge bill of costs	1 0 0
35.	Attending taxation, completing bill of costs, producing vouchers for disbursements and attending to obtain taxing officer's certificate	3 0 0 to 12 0 0
36.	Drawing objections to decision of taxing officer on taxation, or answers to objections, including copies for service and filing, delivery to one party of such objections or answers and attending hearing of review by taxing officer	3 0 0 to 12 0 0

PART VII

EXECUTION

37.	Drawing, and attending to obtain issue of, writ of fieri facias, capias, sequestration or attachment, any subsequent writ for giving effect thereto and any other writ to enforce a judgment or order	1 0 0
	Necessary copies of any such writ, per folio	
38.	Drawing notice of renewal of writ of execution required by Order 38, rule 20	15 0
	Procuring renewal of writ of execution in accordance with the said rule 20	15 0

PART VIII

GENERAL AND MISCELLANEOUS

Attendances

39.	To obtain—	
	(*a*) consent of person to act as next friend or guardian ad litem and consent or approval of any other interested party	1 10 0 to 3 0 0
	(*b*) any other consent	15 0

Note to item 39

This item includes drawing the form of consent or approval.

40.	To give consent	15 0
41.	To enter appearance	1 5 0
	If appearance entered for more than one person at the same time, for each additional person	2 6

Note to item 41

This item includes copy and service of notice of appearance.

42.	To search—	
	(*a*) for appearance	15 0
	(*b*) for appearance and to obtain certificate of non-appearance	1 0 0

Item	£ s. d.
43. To obtain certificate of entry of memorandum of service of notice of judgment or order	15 0
44. To register memorandum of a lis pendens	1 0 0
Note to item 44 This item shall not be allowed on a taxation of costs in accordance with paragraph (2) of rule 17A of Order LII.	
45. At any registry to file any document...	15 0
46. At any registry to bespeak or search for affidavit	15 0
47. To enter order amending record by striking out or adding a party or consolidating causes or matters	15 0
48. To—	
(*a*) set down action, summons for trial or hearing	15 0
(*b*) enter case, special case stated, or set down point of law, for hearing or argument	15 0
49. On the appropriate officer to certify that cause or matter set down for trial or hearing is settled or is for any other reason not to be included in list for trial or hearing	15 0
50. On a deponent swearing, or solicitor or clerk deposing to, any affidavit other than an affidavit of service	15 0
51. To examine abstract of title with deeds in connection with any cause or matter, per hour	2 10 0
52. To produce deeds for examination with abstract of title in connection with any cause or matter—	
for the first hour or part thereof	2 0 0
for each subsequent half hour or part thereof	1 0 0
53. To stamp document with inland revenue stamp	15 0
54. To search for and obtain certificates of birth, marriage or death, for every 3 certificates obtained at the same registry at the same time	15 0
55. To make a general search for certificates of birth, marriage or death, per hour	1 10 0
56. On printer to insert advertisement in London Gazette or other paper, for each publication	15 0
57. On counsel with brief, case for written opinion or instructions to settle any document	15 0
Or where counsel's fee is 20 guineas or more	1 10 0
58. Attendance not provided for or allowed under any other item ...	15 0
59. To obtain directions for lodgment of money in court, and at Bank to pay in or deposit money and obtain receipt	3 0 0
60. To draw and lodge documents required to authorise payment out of money lodged in court and to receive payment ...	1 0 0
61. To bespeak power of attorney to receive money out of court, obtain execution of power, stamp and lodge it, receive money and send it to grantor	Discretionary
62. To identify person entitled to receive cheque	2 0 0
63. To lodge securities in court or procure transfer of securities into or out of court	Discretionary
Note to item 63 This item includes all attendances required in connection with the lodgment or transfer and the preparation of any document so required.	

Item	£ s. d.
64. To procure certificate, or re-dating of certificate, of funds in court Or where more than one certificate is procured or re-dated at same time	1 0 0 Discretionary
65. To procure transcript of account	1 0 0
66. Drawing request for payment by post, obtaining signature and lodging request	1 10 0
67. Preparing, where person entitled to receive interest or other periodical payments, evidence of life or of the fulfilment of any conditions affecting the payments	Discretionary
68. Procuring certificate of Commissioners of Inland Revenue required by rule 42 of the regulations as to Suitors' Funds, and lodging it with the Registrar	1 10 0
Drawing Documents	
69. Case for opinion of counsel before institution of proceedings ...	2 0 0 to 7 10 0
70. Affidavit of service	2 0 0
Note to item 70 This item includes engrossing affidavit, attending to have it sworn and file it.	
71. Affidavit, other than affidavit of service, per folio	2 0
72. Preparation for marking by commissioner of oaths of exhibit to affidavit, for each exhibit	3 0
73. Advertisement to be signed by Registrar	15 0
Note to item 73 This item includes attending chambers to obtain signature.	
74. Minutes of order, accounts, statements and other documents required for use in court or chambers, per folio	2 0
75. Pedigree, for each completed ring	2 0
76. Memorandum of a lis pendens, including copy thereof	15 0
Note to item 76 This item shall not be allowed on a taxation of costs in accordance with paragraph (2) of rule 17A of these rules.	
Notices, etc.	
77. Drawing or filling up a notice to a creditor requiring him to prove his claim or informing him that cheque may be received from the Registrar	1 6
78. Drawing any notice not otherwise provided for for service or any demand under Order 8, rule 1 or Order 42A, rule 2	2 6
Copies, etc.	
79. Copy of document—	
(*a*) printed or carbon copy, per folio	4
(*b*) photographic copy	Discretionary
80. Where solicitor is acting as agent of solicitor practising outside the town in which action proceeding, copy of document for use of principal, per folio	8
81. Copy of document not otherwise provided for, per folio ...	8
82. Examining proof print, per folio	4

Letters, etc.

Item		£ s. d.
83.	Letter not included under any other item	7 0
	Or if long	10 0
	Or if similar...	4 0
	Or if a circular letter	3 0
84.	Letters, messages and telephone calls not provided for or allowed under any other item	Discretionary

Perusal

85.	Perusing any document not provided for or allowed under any other item, per folio	1 0

Service

86.	Where more than one attendance is necessary to effect service on, or delivery to, one party of document referred to in Part I of this Appendix or in item 12, 13, 14 or 36 thereof, or where service is effected within the jurisdiction otherwise than by personal attendance or by post or is effected out of the jurisdiction	Discretionary
87.	Where document referred to in Part I of this Appendix or in item 12, 13, 14 or 36 thereof is required to be served on, or delivered to, more than one person, service on, or delivery to, each additional person—	
	(*a*) if required to be served personally or delivered	10 0 to 1 10 0
	(*b*) if service by post authorised	5 0
88.	Service or delivery of any document, not provided for or allowed under any other item,—	
	(*a*) if required to be served personally or delivered	10 0
	(*b*) if service by post authorised	5 0
	In addition to the amount allowed under paragraph (*a*) hereof, a mileage allowance in respect of each mile after the first two miles between the place at which service or delivery is effected and the nearest place of business of the solicitor effecting it ...	2 0

PART IX

GENERAL

Discretionary costs

1.—(1) Where in the foregoing provisions of this Appendix there is entered in the second column against any item specified in the first column either an upper and a lower sum of money or the word " Discretionary ", the amount of costs to be allowed in respect of that item shall (subject to any order of the Court fixing the costs to be allowed) be in the discretion of the taxing officer, within the limits of the sums so entered, if any.

(2) In exercising his discretion under this paragraph or under paragraph (2) of rule 17d of Order LII in relation to any item, the taxing officer shall have regard to all 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.

Fees to counsel

2.—(1) Except in the case of taxations under the Legal Aid and Advice Act, 1949, and taxations 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 to him.

(2) No retaining fee to counsel shall be allowed on any taxation of costs in relation to which paragraph (2) of rule 17A of Order LII has effect.

(3) No costs shall be allowed in respect of counsel attending before a registrar in chambers or of more counsel than one attending before the Vice-Chancellor at the Chambers of the Registrar unless the registrar or Vice-Chancellor, as the case may be, has certified the attendance as being proper in the circumstances of the case.

(4) When a trial or hearing at which counsel appears lasts more than five hours there may be allowed a refresher fee or fees the amount of which shall be in the discretion of the taxing officer.

Fees to counsel's clerk

3. The following fees shall be allowed to counsel's clerk:—

On a fee of—	£	s.	d.
Under 5 guineas		2	6
5 guineas and under 10 guineas		5	0
10 guineas and under 20 guineas		10	0
20 guineas and under 30 guineas		15	0
30 guineas and under 50 guineas	1	0	0
50 guineas and over, per cent.	2	10	0
On consultation, senior's clerk		5	0
On consultation, junior's clerk		2	6
On conference		5	0

Items to be certified by the Court

4. If any action or counterclaim for the infringement of a patent proceeds to trial, no costs shall be allowed to the parties delivering any particulars of breaches in respect of any issues raised in those particulars and relating to that patent except in so far as those issues or particulars have been certified by the Court to have been proven or to have been reasonable and proper.

Attendances in chambers

5.—(1) The following provisions of this paragraph apply in relation to every hearing in chambers.

(2) Subject to sub-paragraph (3) of this paragraph, on a taxation of costs in relation to which paragraph (2) or paragraph (3) of rule 17A of Order LII has effect, no costs shall be allowed for attending any such hearing as aforesaid except in so far as the costs (if any) to be allowed have been fixed by the Court or Vice-Chancellor at the hearing; and in fixing the costs to be allowed for attending any such hearing as aforesaid the Court or Vice-Chancellor shall have regard to all relevant circumstances, including in particular the matters mentioned in sub-paragraph (2) of paragraph 1 of this Part of this Appendix, in so far as those circumstances affect the hearing, but not in so far as they may be taken into account in assessing any costs to be allowed in respect of preparation for the hearing.

(3) Where at any such hearing as aforesaid a solicitor acting as principal in the proceedings attends in addition to the solicitor acting as his agent, costs may be allowed in respect of the attendance of the principal if the Court or Vice-Chancellor at the hearing certifies that attendance to be reasonable.

(4) Where on any such hearing as aforesaid the Court or Vice-Chancellor certifies that the speedy and satisfactory disposal of the proceedings required and received from the solicitor engaged in them exceptional skill and labour in the preparation for the hearing, the taxing officer in taxing the costs to be allowed for instructions in relation to the summons or application shall take the certificate into account.

Attendances before a registrar

6. On any attendance before a registrar for the purpose of settling the terms of and passing any judgment or order or settling any schedule of evidence, if it appears to the registrar that the attendance is of a special nature or of unusual length or difficulty, he may, if requested to do so by any party, issue a certificate to that effect, and the taxing officer in fixing the costs to be allowed for the attendance shall take the certificate into account.

Copies of documents

7.—(1) There shall be allowed for printing copies of any document the amount properly paid to the printer; and where any part of a document is properly printed in a foreign language or as a facsimile or in any unusual or special manner, or where any alteration becomes necessary after the first proof of the document, there shall be allowed such an amount as the taxing officer thinks reasonable, such amount to include any attendances on the printer.

(2) The solicitor for a party entitled to take printed copies of any documents shall be allowed the amount he pays for such number of copies as he necessarily or properly takes.

(3) The allowance for printed copies of documents under item 79 of this Appendix shall be made in addition to the allowances under the foregoing provisions of this paragraph, and shall, subject to sub-paragraph (4) of this paragraph, be made for such printed copies as may be necessary or proper—

(*a*) of any pleading, for delivery to the opposite party or filing in default of appearance;

(*b*) of any special case, for filing;

(*c*) of any pleading or special case, for the use of the Court;

(*d*) of any affidavit, for attestation in print;

(*e*) of any pleading, special case or evidence for the use of counsel in Court; or

(*f*) of any other document necessarily and properly copied and not otherwise provided for.

(4) The allowance under item 79 of this Appendix shall not be made in relation to printed copies of documents for the use of the Court or of counsel where written copies have been made before printing, and shall not be made more than once in the same cause or matter.

(5) The allowances under this Appendix for drawing any writ, pleading, summons, affidavit or other document shall be taken to include an allowance for preparing any necessary copies made for the use of the solicitor, his agent and his client or for counsel to settle or, in the case of a writ, pleading or summons, for service.

Interpretation

8. In this Appendix "folio" means 72 words, each figure being counted as one word.

APPENDIX O

Fixed Costs

1. 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 40A, rule 1, against a garnishee attaching debts owing or accruing from him to the debtor, the following costs shall be allowed—

(*a*) to the garnishee, to be deducted by him from any debt owing by him as aforesaid before payments to the applicant—

	If no affidavit used	*If affidavit used*
	£ s. d.	£ s. d.
(i) where the garnishee resides in the town in which action is proceeding	1 10 0	3 0 0
(ii) where the defendant does not so reside ...	2 7 0	4 5 0

(*b*) to the applicant, to be retained, unless the Court or Vice-Chancellor 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—

Basic costs	£ s. d.
If the amount recovered by the applicant from the garnishee is—	
less than £5	Nil
not less than £5 but not more than £10	1 10 0
more than £10	6 5 0

Additional costs	
Where the garnishee fails to attend the hearing of the application and an affidavit of service is required	1 0 0

2. Where a charging order is made—

(*a*) in respect of any stock, funds, annuities or shares, or any dividends or interest thereon or produce thereof, under section 14 of the Judgments Act, 1838(a), or under that section as extended by section 1 of the Judgments Act, 1840(b); or

(*b*) in respect of any partnership property or profits, under section 23 of the Partnership Act, 1890(c); or

(*c*) in respect of land, under section 35 of the Administration of Justice Act, 1956(d);

there shall be allowed—

	£ s. d.
Basic costs	7 17 6
Additional costs where an affidavit of service is required	1 0 0

3. Where a writ of execution within the meaning of Order 38, rule 8, is issued against any party, there shall be allowed—

	£ s. d.
Costs of issuing execution	2 19 0

(a) 1 & 2 Vict. c. 110. (b) 3 & 4 Vict. c. 82. (c) 53 & 54 Vict. c. 39.
(d) 4 & 5 Eliz. 2. c. 46.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

The object of these Rules is to apply to the Chancery Court of the County Palatine of Lancaster the new scale of costs recently adopted in the Supreme Court (S.I. 1959 / 1958 (L.13)) so far as appropriate to the Palatine Court. All existing rules relating to the scales of costs are to be revoked and replaced by the new scale set out in the Schedule to these Rules.

In addition to the general increase of costs which may be allowed by the adoption of the new scale, an opportunity has been taken to adapt to the Palatine Court the following changes applied to the Supreme Court by the said Statutory Instrument viz. :—

1. a provision for review by the Vice Chancellor of the amount allowed in respect of any item of costs by a taxing officer, even though no question of principle may be involved (Rule 3 (*b*));
2. the elimination of all but one of the different bases of taxation as between solicitor and client, the one retained being that where the costs are payable out of a fund in which the client and others are interested (Rule 3 (*a*) adding Rule 17A (3) and (4) to Order LII);