STATUTORY INSTRUMENTS

1963 No. 372

JUDICIAL COMMITTEE

PROCEDURE

The Judicial Committee (Fees) Rules 1963

Made - - - - 27th February 1963

At the Court of Saint James the 27th day of February 1963

Present,

Her Majesty Queen Elizabeth The Queen Mother

His Royal Highness The Duke of Gloucester

Lord President **Mr. Powell**

Mr. Vosper **Mr. Macpherson**

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the twenty-second day of January, 1963, to delegate to the following Counsellors of State (subject to the exceptions hereinafter mentioned) or any two or more of them, that is to say, His Royal Highness The Prince Philip, Duke of Edinburgh, Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret, Countess of Snowdon, His Royal Highness The Duke of Gloucester, His Royal Highness Prince William of Gloucester and His Royal Highness The Duke of Kent, full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And whereas Her Majesty was further pleased to except from the number of the said Counsellors of State His Royal Highness The Prince Philip, Duke of Edinburgh, Her Royal Highness The Princess Margaret, Countess of Snowdon, His Royal Highness The Duke of Gloucester, His Royal Highness Prince William of Gloucester and His Royal Highness The Duke of Kent while absent from the United Kingdom:

And whereas there was this day read at the Board a representation from the Judicial Committee of the Privy Council recommending that the Fees set out in Part 1 of Schedule B to the Judicial Committee Rules 1957(a) ought to be revoked and that the Fees set out in Part 1 of Schedule B thereunto annexed ought to be substituted therefor:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and His Royal Highness The Duke of Gloucester, being authorised thereto by the said Letters Patent, have taken the said representation into consideration, and in exercise of the powers conferred by section 24 of the Judicial Committee Act 1833(b) or otherwise do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf approve thereof and order, and it is hereby ordered, as follows:—

1. The Fees set out in Part 1 of Schedule B to the Judicial Committee Rules 1957 are hereby revoked and the Fees set out in Part 1 of Schedule B

(a) S.I. 1957/2224 (1957 I, p. 1205). (b) 3 & 4 Will. 4. c. 41.

annexed to the said representation are substituted therefor, as set out in the Schedule to these Rules.

2. These Rules may be cited as the Judicial Committee (Fees) Rules 1963 and shall come into operation as respects appeals and other matters set down for hearing by the Judicial Committee of the Privy Council on and after the 18th March 1963.

Whereof all persons whom it may concern are to take notice and govern themselves accordingly.

E. N. Landale.

SCHEDULE

SCHEDULE B

1.

Fees Allowed in Appeals or Other Matters Before The Judicial Committee of the Privy Council

Agents are required to adhere as far as possible to the items shown in the Scale, but it is within the discretion of the Taxing Officer to allow further charges:—

(a) in relation to items not mentioned in the Scale;
or

(b) of an amount higher than that prescribed by the Scale.

A

Appellant's Costs of Petition for Special Leave to Appeal(a)

	£	s.	d.
Instructions for Petition	1	10	0
Perusing papers sent from abroad in support of Petition, according to length(b)			
Drawing Petition, per folio	0	4	6
(Extracts or copied matter, if any, at 1/- per folio)			
Making copies of all necessary papers for Counsel, per folio(c)	0	1	0
Attending Counsel with papers	1	0	0
Paid fee to Counsel to settle Petition, and Clerk			
Six copies Petition to lodge, at per folio for each copy	0	1	0
Six copies Judgment to lodge, at per folio for each copy	0	1	0
Drawing affidavit in support of Petition, per folio	0	4	0
Copying same, per folio	0	1	0
Attending to be sworn	1	0	0
Paid oath (unless sworn at the Privy Council Office) as paid			
Attending lodging Petition and necessary documents	1	0	0
Copying Petition and affidavit for Respondent, per folio	0	1	0

(a) These fees are applicable mutatis mutandis to an application for stay of execution and other matters of a similar character. The costs of obtaining special leave to appeal form part of the bill of costs of the Appeal, and are usually taxed at the conclusion of the matter.

(b) If leave to appeal is granted, this amount is taken into consideration in connection with the fee allowed for perusing the Record, as most of the documents sent over for the application for special leave to appeal ultimately form part of the Record. At this preliminary stage an entire perusal of the Record is unnecessary.

(c) Only those strictly necessary for the purpose of settling the petition—not the whole Record.

	£	s.	d.
Attending serving Respondent's Solicitors	1	0	0
Instructions to Counsel to support Petition	1	10	0
Copying same, per folio	0	1	0
Copy Petition for Counsel, per folio	0	1	0
Copy affidavit(s) for Counsel, per folio	0	1	0
Attending Counsel with papers, if fee under 30 guineas	1	0	0
if 30 guineas or more	3	0	0
Paid fee to Counsel and Clerk(d)			
Attending to appoint conference	1	0	0
Paid conference fee and Clerk	7	14	6
Attending conference	2	5	0
Copy summons for hearing, for Counsel	0	5	0
Attending Counsel therewith	1	0	0
Attending Council Chamber when Petition heard	3	0	0 to 5 0 0
Attending paying Office fees	1	0	0
Paid fees (as paid)			
Approving draft order	1	0	0
Attending lodging order approved	1	0	0
Writing Appellant's Agent with order and copy for use	1	0	0
Letters, etc.	2	5	0

B

Respondent's Costs of Opposing Petition for Special Leave to Appeal(e)

Instructions to oppose Petition for special leave to appeal	1	10	0
Preparing and copy Caveat	0	10	0
Attending at Privy Council Office lodging same	1	0	0
Paid fee	1	5	0
Notice of lodging Caveat, copy and service (if Petition already lodged) ...	0	10	0
Perusing documents sent by Respondent's Agent, according to length ...			
Perusing Petition for special leave to appeal and affidavit, according to length			
Instructions to Counsel to oppose Petition	1	10	0
Copying same per folio	0	1	0
Copy Petition and affidavit for Counsel, per folio	0	1	0
Attending Counsel with papers, if fee under 30 guineas	1	0	0
if 30 guineas or more	3	0	0
Paid his fee and Clerk(f)			
Attending to appoint conference	1	0	0
Paid Conference fee and Clerk	7	14	6
Attending conference	2	5	0
Copy summons for hearing	0	5	0
Attending Counsel therewith	1	0	0
Attending Council Chamber when Petition heard	3	0	0 to 5 0 0
Drawing Bill of Costs and copy, per folio	0	3	0
Attending lodging same	1	0	0
Copy order to tax for Appellant	0	10	0
Copy Bill of Costs for Appellant, per folio	0	1	0
Attending him therewith and with order to tax	1	0	0

(d) One Counsel only is allowed. Retainer fee not allowed.

(e) When special leave to appeal is granted, these costs form part of a successful Respondent's costs of Appeal, and are taxed at the conclusion of the matter. This contemplates the Petition being dismissed with costs.

(f) One Counsel only is allowed. Retainer fee not allowed.

	£	s.	d.
Attending taxing...	3	0	0
Attending paying Council Office fees	1	0	0
Paid fees (as paid)			
Approving draft order	1	0	0
Attending lodging order approved	1	0	0
Writing agent therewith	1	0	0
Letters, etc.	2	5	0

C

Appellant's Costs of Appeal

Retainer fee	3	0	0
Attending at Privy Council Office lodging Security for Respondent's Costs, special leave to appeal having been granted	1	0	0

Appearance

Attending at Privy Council Office to enquire if Record had arrived, filing enquiry card if it had not	1	0	0
On receiving notice that it had, attending taking particulars for the purpose of entering Appearance	1	0	0
Drawing Appearance	0	10	0
Attending at the Council Office to enter same	1	0	0
Notice to Respondent's Solicitor if he has entered appearance	0	10	0

Record

Printed Abroad

Attending at Privy Council Office, obtaining six prints of Record ...	1	0	0
Perusing printed Record, per each 8 full pages	2	5	0

If there are maps or plans, a further small fee may be allowed for examining.

Printed or duplicated in England

Attending bespeaking official copy of Record, and signing undertaking to pay costs of copying and printing or duplicating(g)	1	0	0
Attending obtaining same	1	0	0
Paid Privy Council stationer's charges for same (as paid).			
Perusing manuscript Record, for each 25 folios(h)	0	15	0
Drawing Index, per folio(j)	0	4	0
Copy for printer, per folio	0	1	0
Drawing marginal notes, per folio	0	1	0
Attending Respondent with official copy of Record, and arranging as to order or omission of documents(k)...	1	0	0
On receipt of copy Record from Respondent, attending at Privy Council Office therewith for printing or duplicating	1	0	0
Attending at Privy Council Office lodging cheque to cover cost of printing or duplicating	1	0	0
Attending at Privy Council Office examining proof with certified copy,(l) each day	6	10	0
each half day	3	5	0

(g) If the Appellant has a duplicate Record in his possession, this should be used instead of obtaining a copy, after checking same against certified copy.

(h) If the Record is in a confused state and requires re-arrangement, a further fee may be allowed.

(j) No copy allowed for Respondent, who sees the draft.

(k) Attention is directed to Rules 17 and 18 of the Judicial Committee Rules 1957 as to the disallowance of the costs of including unnecessary documents.

(l) Appointments for this are made by the Privy Council Office.

	£	s.	d.
Correcting revised print of Record, per sheet of 8 pages	1	0	0
Correcting revised duplicated copy of Record, per sheet of 10 pages ...	1	0	0
Attending Respondent with revise to compare corrections and obtaining consent to its being struck off	1	0	0
Attending lodging same at Privy Council Office	1	0	0
Paid printer's bill (as paid).			
Attending at Privy Council Office to pay same and to obtain prints of Record	1	0	0
Revivor			
Instructions for petition to revive	1	0	0
Perusing Supplemental Record or Certificate as to parties from Court appealed from, same scale as Record.			
Drawing Petition, per folio	0	4	6
Copy, per folio	0	1	0
Attending serving Respondent and obtaining his consent to prayer ...	1	0	0
Attending lodging Petition	1	0	0
Copy for Respondent, per folio	0	1	0
Approving draft order	1	0	0
Attending lodging same at Privy Council Office	1	0	0
Writing to agent abroad with order	1	0	0
Consolidation			
Instructions for Petition to consolidate	1	0	0
The remaining charges are mutatis mutandis similar to those on a Petition to revive.			
Retainer			
Instructions for and preparing retainer to Counsel(m)	1	5	0
Attending Counsel therewith	1	0	0
Paid his fee and clerk	3	8	6
Petition of Appeal			
Instructions for Petition of Appeal	1	0	0
Drawing same, per folio	0	4	6
Attending Counsel therewith to settle(n)	1	0	0
Paid his fee and clerk	5	15	6
Copying Petition, per folio	0	1	0
Copy Petition for Respondent, per folio	0	1	0
Attending him therewith	1	0	0
Attending lodging Petition	1	0	0
Case			
Instructions for Appellant's case			
Drawing same, per folio	0	4	6
When two Counsel instructed:—			
Two copies Petition of Appeal for Counsel, each, per folio	0	1	0
Attending Junior Counsel with papers to settle case,			
if fee under 30 guineas	1	0	0
if 30 guineas or more...	3	0	0
Paid his fee and clerk			
Two fair copies Case as settled by Junior Counsel to settle in consultation, per folio, each	0	1	0
Attending Senior Counsel therewith, if fee under 30 guineas	1	0	0
if 30 guineas or more	3	0	0

(m) Retainer allowed to one Counsel only. If Counsel retained dies or is promoted to the Bench no second retainer is allowed, and this also applies to the Brief fee.

(n) The Petition of Appeal is not now usually settled by Counsel.

	£	s.	d.
Paid his fee and clerk			
Attending both Counsel arranging consultation	2	10	0
Paid consultation fee to Senior Counsel and clerk	11	0	6
Paid consultation fee to Junior Counsel and clerk	7	14	6
Attending consultation	2	10	0
Copy case for printer, per folio	0	1	0
Attending him therewith	1	0	0
Correcting proofs of printed case, per sheet of 8 pages	1	0	0
Correcting proofs of duplicated copy of case, per sheet of 10 pages ...	1	0	0
Attending printer, instructiug him to strike off fifty copies	1	0	0
Paid printer's bill. (Charge to be in accordance with current agreement with Printers' Association.)			
Attending paying	1	0	0
Attending at Privy Council Office lodging thirty copies	1	0	0
Writing Respondent with appointment to exchange Cases	0	10	0
Attending exchanging ten copies	1	0	0
Perusing Respondent's case, per printed sheet of 8 pages	2	5	0
Perusing Respondent's case, per duplicated sheet of 10 pages	2	5	0

Case Notice

(Where Respondent makes default in lodging case)

Drawing and copy Case Notice	1	0	0
Service upon Respondent	1	0	0
Attending at Council Office to see if Case lodged	1	0	0
Drawing affidavit of service of Case Notice	1	0	0
Copying	0	10	0
Attending to be sworn	1	0	0
Paid (unless sworn at the Privy Council Office) as paid.			
Lodging affidavit	1	0	0

Binding Record and Cases

Attending at Privy Council Office, obtaining seven copies of Record and Cases to bind for the use of the Board(o)	1	0	0
Drawing instructions to bind and endorse	1	0	0
Attending binder	1	0	0
Paid him			
Attending paying	1	0	0
Attending lodging bound copies	1	0	0

Briefs

Instructions to Senior Counsel to argue(p)	2	10	0
Attending him with papers, if fee under 30 guineas	1	0	0
if 30 guineas or more	3	0	0
Paid his fee and Clerk			
Instructions to Junior Counsel to argue	2	10	0
Attending him with papers, if fee under 30 guineas	1	0	0
if 30 guineas or more	3	0	0
Paid his fee and Clerk			
Attending both Counsel, appointing consultation(q)	2	10	0
Paid Senior Counsel and Clerk	11	0	6
Paid Junior Counsel and Clerk	7	14	6
Attending consultation	2	10	0

(o) No charge for binding must appear in the Respondent's Bill, as this is entirely a matter for the Appellant.

(p) Two Counsel only allowed.

(q) As a rule only one consultation is allowed on the Brief.

	£	s.	d.
Hearing			
Copy for each Counsel of summons for hearing	0	5	0
Attending both Counsel therewith	2	0	0
Preparing list of authorities to be cited at hearing and lodging same ...	1	0	0
Estimating length of hearing and lodging same	1	0	0
Attending Council Chamber, but Appeal not reached, each day	7	10	0
Attending Council Chamber, when Appeal heard(r) each day	10	0	0
Paid refresher fee to Senior Counsel and Clerk			
Attending him	1	0	0
	or		
	2	0	0
Paid refresher fee to Junior Counsel and Clerk			
Attending him	1	0	0
	or		
	2	0	0
Judgment			
On receiving summons for Judgment:—			
Copy for Counsel	0	5	0
Attending Junior Counsel therewith	1	0	0
Paid fee to hear Judgment, and Clerk	11	0	6
Attending to hear Judgment	3	0	0
Taxation and Concluding Charges			
Drawing Bill of Costs and copy, per folio	0	3	0
Attending lodging same	1	0	0
Copy order to tax for Respondent	0	10	0
Copy Bill of Costs for Respondent, per folio	0	1	0
Attending him therewith	1	0	0
Attending taxing...	4	10	0
Attending paying Office fees	1	0	0
Paid fees (as paid)			
Approving draft order	1	0	0
Attending lodging same at Privy Council Office	1	0	0
Writing agent with order	1	0	0
Sessions fee (for each year or part of a year from the date of Appearance)	6	10	0
Letters, etc. for the first year	4	10	0
And for each following year	2	5	0

D

Respondent's Costs of Appeal

With the exception of the following items the charges are, mutatis mutandis, similar to those in Appellant's bill.

Record			
(When Record printed or duplicated in England)			
Attending Appellant on his calling with copy of the manuscript proceedings and arranging as to order or omission of documents	1	0	0
Perusing manuscript proceedings, for each 25 folios	0	15	0
If there are maps or plans, a further small fee may be allowed for examining.			
Attending at Privy Council Office examining proof with official copy, each day	6	10	0
Correcting revised print of record, per sheet of 8 pages	1	0	0
Correcting revised duplicated copy of record, per sheet of 10 pages ...	1	0	0
Attending Appellant therewith...	1	0	0
Attending at Privy Council Office for copies	1	0	0

(r) Cost of shorthand notes are not allowed.

	£	s.	d.
Petition of Appeal			
Perusing Petition	2	5	0
Revivor			
Perusing Supplemental Record or Certificate as to parties from Court appealed from, same scale as Record.			
Perusing Petition to revive	2	5	0
Attending Appellant giving consent to prayer	1	0	0
Consolidation			
Perusing Petition to consolidate	2	5	0
Attending Appellant giving consent to prayer	1	0	0

EXPLANATORY NOTE

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

These Rules substitute a revised Scale of Costs for that set out in Part 1 of Schedule B to the Judicial Committee Rules 1957. The fees in the scale are increased to bring them into conformity with those applicable in the House of Lords and in the Supreme Court of Judicature.