1971 No. 213

JUDICIAL COMMITTEE

PROCEDURE

The Judicial Committee (Fees) Rules 1971

Made - - -	10*th February* 1971
Coming into Operation	15*th February* 1971

At the Court at Buckingham Palace, the 10th day of February 1971

Present,

The Queen's Most Excellent Majesty in Council

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 II of Schedule B to the Judicial Committee Rules 1957(a) and the Fees set out in Part I of Schedule B contained in the Schedule to the Judicial Committee (Fees) Rules 1963(b) ought to be revoked and that the Fees set out in the Schedule thereunto annexed ought to be substituted therefor:

Now, therefore, Her Majesty, having taken the said representation into consideration, and in exercise of the powers conferred on Her by section 24 of the Judicial Committee Act 1833(c) or otherwise in Her vested, is pleased, by and with the advice of Her Privy Council, to approve thereof and to order, as it is hereby ordered, as follows:—

1. The Fees set out in Part II of Schedule B to the Judicial Committee Rules 1957 and the Fees set out in Part I of Schedule B contained in the Schedule to the Judicial Committee (Fees) Rules 1963 are hereby revoked and the Fees set out in the Schedule 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 1971 and shall come into operation on 15th February 1971.

W. G. Agnew.

(a) S.I. 1957/2224 (1957 I, p. 1205). (b) S.I. 1963/372 (1963 I, p. 333). (c) 1833 c. 41.

SCHEDULE

PART I

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)

	£
Instructions for Petition	1·50
Perusing papers sent from abroad in support of Petition, according to length(b)	
Drawing Petition, per page	1·25
(Extracts or copied matter, if any, at £0·25 per page)	
Making copies of all necessary papers for Counsel, per page(c)	0·25
Attending Counsel with papers	1·00
Paid fee to Counsel to settle Petition	
Six copies Petition to lodge, at per page for each copy	0·25
Six copies Judgment to lodge, at per page for each copy	0·25
Drawing affidavit in support of Petition, per page	1·00
Copying same, per page	0·25
Attending to be sworn	1·00
Paid oath (unless sworn at the Privy Council Office) as paid	
Attending lodging Petition and necessary documents	1·00
Copying Petition and affidavit for Respondent, per page	0·25
Attending serving Respondent's Solicitors	1·00
Instructions to Counsel to support Petition	1·50
Copying same, per page	0·25
Copy Petition for Counsel, per page	0·25
Copy affidavit(s) for Counsel, per page	0·25
Attending Counsel with papers, if fee under 30 pounds	1·00
if 30 pounds or more	3·00
Paid fee to Counsel(d)	
Copy summons for hearing, for Counsel	0·25
Attending Counsel therewith	1·00
Attending Council Chamber when Petition heard	3·00 to 5·00
Attending paying Office fees	1·00
Paid fees (as paid)	
Approving draft order	1·00
Attending lodging order approved	1·00
Writing Appellant's Agent with order and copy for use	1·00
Letters, etc.	2·25

(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.

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

B

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

	£
Instructions to oppose Petition for special leave to appeal	1·50
Preparing and copy Caveat	0·50
Attending at Privy Council Office lodging same	1·00
Paid fee	1·25
Notice of lodging Caveat, copy and service (if Petition already lodged)	0·50
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	1·50
Copying same per page	0·25
Copy Petition and affidavit for Counsel, per page	0·25
Attending Counsel with papers, if fee under 30 pounds	1·00
if 30 pounds or more	3·00
Paid his fee(b)	
Copy summons for hearing	0·25
Attending Counsel therewith	1·00
Attending Council Chamber when Petition heard	3·00 to 5·00
Drawing Bill of Costs and copy, per page	1·00
Attending lodging same	1·00
Copy order to tax for Appellant	0·50
Copy Bill of Costs for Appellant, per page	0·25
Attending him therewith and with order to tax	1·00
Attending taxing	3·00
Attending paying Council Office fees	1·00
Paid fees (as paid)	
Approving draft order	1·00
Attending lodging order approved	1·00
Writing agent therewith	1·00
Letters, etc.	2·25

C

Appellant's Costs of Appeal

Retainer fee	3·00
Attending at Privy Council Office lodging Security for Respondent's Costs, special leave to appeal having been granted	1·00

Appearance

Attending at Privy Council Office to enquire if Record had arrived, filing enquiry card if it had not	1·00
On receiving notice that it had, attending taking particulars for the purpose of entering Appearance	1·00
Drawing Appearance	0·50
Attending at the Council Office to enter same	1·00
Notice to Respondent's Solicitor if he has entered appearance	0·50

Record

Printed Abroad

Attending at Privy Council Office, obtaining six prints of Record	1·00
Perusing printed Record, per each 8 full pages	2·25

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

(a) 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.

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

	£
Printed or duplicated in England	
Attending bespeaking official copy of Record, and signing undertaking to pay costs of copying and printing or duplicating(a)	1·00
Attending obtaining same	1·00
Paid Privy Council stationer's charges for same (as paid)	
Perusing manuscript Record, for each 5 pages(b)	0·75
Drawing Index, per page(c)	1·00
Copy for printer, per page	0·25
Drawing marginal notes, per document	0·05
Attending Respondent with official copy of Record, and arranging as to order or omission of documents(d)	1·00
On receipt of copy Record from Respondent, attending at Privy Council Office therewith for printing or duplicating	1·00
Attending at Privy Council Office lodging cheque to cover cost of printing or duplicating	1·00
Attending at Privy Council Office examining proof with certified copy(e), each day	6·50
each half day	3·25
Correcting revised print of Record, per sheet of 8 pages	1·00
Correcting revised duplicated copy of Record, per sheet of 10 pages	1·00
Attending Respondent with revise to compare corrections and obtaining consent to its being struck off	1·00
Attending lodging same at Privy Council Office	1·00
Paid printer's bill (as paid).	
Attending at Privy Council Office to pay same and to obtain prints of Record	1·00
Revivor	
Instructions for petition to revive	1·00
Perusing Supplemental Record or Certificate as to parties from Court appealed from, same scale as Record.	
Drawing Petition, per page	1·25
Copy, per page	0·25
Attending serving Respondent and obtaining his consent to prayer	1·00
Attending lodging Petition	1·00
Copy for Respondent, per page	0·25
Approving draft order	1·00
Attending lodging same at Privy Council Office	1·00
Writing to agent abroad with order	1·00
Consolidation	
Instructions for Petition to consolidate	1·00
The remaining charges are mutatis mutandis similar to those on a Petition to revive.	
Retainer	
Instructions for and preparing retainer to Counsel(f)	1·25
Attending Counsel therewith	1·00
Paid his fee	3·50

(a) 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.

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

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

(d) 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.

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

(f) 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.

	£
Petition of Appeal	
Instructions for Petition of Appeal	1·00
Drawing same, per page	1·25
Attending Counsel therewith to settle(a)	1·00
Paid his fee	6·00
Copying Petition, per page	0·25
Copy Petition for Respondent, per page	0·25
Attending him therewith	1·00
Attending lodging Petition	1·00
Case	
Instructions for Appellant's case	
Drawing same, per page	1·25
When two Counsel instructed:—	
Two copies Petition of Appeal for Counsel, each, per page	0·25
Attending Junior Counsel with papers to settle case,	
if fee under 30 pounds	1·00
if 30 pounds or more	3·00
Paid his fee	
Two fair copies Case as settled by Junior Counsel to settle in consultation, per page, each	0·25
Attending Senior Counsel therewith, if fee under 30 pounds	1·00
if 30 pounds or more	3·00
Paid his fee	
Attending both Counsel arranging consultation	2·50
Paid consultation fee to Senior Counsel	11·00
Paid consultation fee to Junior Counsel	7·50
Attending consultation	2·50
Copy case for printer, per page	0·25
Attending him therewith	1·00
Correcting proofs of printed case, per sheet of 8 pages	1·00
Correcting proofs of duplicated copy of case, per sheet of 10 pages	1·00
Attending printer, instructing him to strike off fifty copies	1·00
Paid printer's bill. (Charge to be in accordance with current agreement with Printers' Association.)	
Attending paying	1·00
Attending at Privy Council Office lodging thirty copies	1·00
Writing Respondent with appointment to exchange Cases	0·50
Attending exchanging ten copies	1·00
Perusing Respondent's case, per printed sheet of 8 pages	2·25
Perusing Respondent's case, per duplicated sheet of 10 pages	2·25
Case Notice	
(Where Respondent makes default in lodging case)	
Drawing and copy Case Notice	1·00
Service upon Respondent	1·00
Attending at Council Office to see if Case lodged...	1·00
Drawing affidavit of service of Case Notice	1·00
Copying	0·50
Attending to be sworn	1·00
Paid (unless sworn at the Privy Council Office) as paid.	
Lodging affidavit	1·00

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

	£
Binding Record and Cases	
Attending at Privy Council Office, obtaining seven copies of Record and Cases to bind for the use of the Board(a)	1·00
Drawing instructions to bind and endorse	1·00
Attending binder	1·00
Paid him	
Attending paying	1·00
Attending lodging bound copies	1·00
Briefs	
Instructions to Senior Counsel to argue(b)	2·50
Attending him with papers, if fee under 30 pounds	1·00
if 30 pounds or more	3·00
Paid his fee	
Instructions to Junior Counsel to argue	2·50
Attending him with papers, if fee under 30 pounds	1·00
if 30 pounds or more	3·00
Paid his fee	
Hearing	
Copy for each Counsel of summons for hearing	0·25
Attending both Counsel therewith	2·00
Preparing list of authorities to be cited at hearing and lodging same	1·00
Estimating length of hearing and lodging same	1·00
Attending Council Chamber, but Appeal not reached, each day	7·50
Attending Council Chamber, when Appeal heard(c) each day	10·00
Paid refresher fee to Senior Counsel	
Attending him	1·00 or 2·00
Paid refresher fee to Junior Counsel	
Attending him	1·00 or 2·00
Judgment	
On receiving summons for Judgment:—	
Copy for Counsel	0·25
Attending Junior Counsel therewith	1·00
Paid fee to hear Judgment	11·00
Attending to hear Judgment	3·00
Taxation and Concluding Charges	
Drawing Bill of Costs and copy, per page	1·00
Attending lodging same	1·00
Copy order to tax for Respondent	0·50
Copy Bill of Costs for Respondent, per page	0·25
Attending him therewith	1·00
Attending taxing	4·50
Attending paying Office fees	1·00
Paid fees (as paid)	
Approving draft order	1·00
Attending lodging same at Privy Council Office	1·00
Writing agent with order	1·00
Sessions fee (for each year or part of a year from the date of Appearance)	6·50
Letters, etc. for the first year	4·50
And for each following year	2·25

(a) No charge for binding must appear in the Respondent's Bill, as this is entirely a matter for the Appellant.
(b) Two Counsel only allowed.
(c) Cost of shorthand notes are not allowed.

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	1·00
Perusing manuscript proceedings, for each 5 pages	0·75
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...	6·50
Correcting revised print of record, per sheet of 8 pages	1·00
Correcting revised duplicated copy of record, per sheet of 10 pages	1·00
Attending Appellant therewith	1·00
Attending at Privy Council Office for copies	1·00
Petition of Appeal	
Perusing Petition	2·25
Revivor	
Perusing Supplemental Record or Certificate as to parties from Court appealed from, same scale as Record.	
Perusing Petition to revive	2·25
Attending Appellant giving consent to prayer	1·00
Consolidation	
Perusing Petition to consolidate	2·25
Attending Appellant giving consent to prayer	1·00

PART II

COUNCIL OFFICE FEES

	£
Entering Appearance	1·25
Amending Appearance	0·60
Examining proof of Record with the certified record at the Registry (chargeable to Appellant only) ... ... per day	2·50
per half-day	1·25
Lodging Petition of Appeal	3·75
Lodging Petition for special leave to appeal	2·50
Lodging any other Petition or Motion	1·25
Lodging Case or Notice under Rule 60	2·50
Setting down Appeal (chargeable to Appellant only)	6·25
Setting down Petition for special leave to appeal (chargeable to Petitioner only)	2·50
Setting down any other Petition (chargeable to Petitioner only)	1·25
Summons	1·25
Committee Report on Petition	2·50
Committee Report on Appeal	3·75
Original Order of Her Majesty in Council determining an Appeal	6·25
Any other original Order of Her Majesty in Council	3·75
Plain copy of an Order of Her Majesty in Council	0·35
Original Order of the Judicial Committee	2·50
Plain copy of Committee Order	0·35
Lodging Affidavit	0·60
Certificate delivered to parties	0·60
Lodging Caveat	1·25
Taxing Fee 2½% of the sum allowed.	

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules express in decimal currency the Fees allowed in Appeals before the Judicial Committee of the Privy Council and also the Council Office Fees. They also substitute a page rate for computing charges in place of the previous folio rate.