STATUTORY INSTRUMENTS

1977 No. 345 (L. 7)

MATRIMONIAL CAUSES

SUPREME COURT OF JUDICATURE, ENGLAND

COUNTY COURTS

The Matrimonial Causes (Costs) Rules 1977

Made - - - -	28*th February* 1977
Laid before Parliament	10*th March* 1977
Coming into Operation	1*st April* 1977

We, the authority having power to make rules of court for the purposes mentioned in section 50 of the Matrimonial Causes Act 1973**(a)**, hereby exercise that power as follows:—

Citation and commencement

1.—(1) These Rules may be cited as the Matrimonial Causes (Costs) Rules 1977 and, subject to paragraph (2), shall come into operation on 1st April 1977.

(2) Nothing in these Rules shall apply in relation to an affidavit filed under rule 8(3) of the Matrimonial Causes Rules 1973 before the coming into operation of these Rules.

Interpretation

2.—(1) In these Rules, unless the context otherwise requires—

"the Act of 1974" means the Legal Aid Act 1974**(b)**;

"ancillary application" means an application for one or more of the following forms of relief:—

(*a*) ancillary relief,

(*b*) an injunction,

(*c*) an order under section 37(2)(*a*) of the Act of 1973 restraining any person from attempting to defeat a claim for financial relief or otherwise for protecting the claim, or

(a) 1973 c. 18.

(b) 1974 c. 4.

(*d*) an order relating to the custody or education of a child or an order committing him to the care of the local authority under section 43 of the Act of 1973 or providing for his supervision under section 44 of that Act, except where the order is made at or immediately after the trial of a cause or on a children appointment;

"children appointment" means an appointment fixed under rule 48(4) of the principal rules, whether or not any such order as is mentioned in paragraph (*d*) above is made on the appointment;

"principal rules" means the Matrimonial Causes Rules 1977**(a)**;

"the divorce scale" means the scale of costs set out in the Appendix to these Rules.

(2) These Rules shall be construed as one with the principal rules.

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

Time for beginning proceedings for taxation

3. A party who is entitled to require the costs of a cause to be taxed must begin proceedings for the taxation of those costs not later than three months after the final decree or order in the cause:

Provided that where a notice in Form 11 or 13 has been filed within three months after the final decree or order, the proceedings for taxation may be begun at any time within three months after the making of any order on the application to which the notice relates.

Taxation of costs of proceedings in divorce county court

4.—(1) Where a party (in this rule called "the applicant") is entitled to require taxation of the costs of any matrimonial proceedings in a divorce county court, he must, within the time (if any) specified in rule 3 of these Rules, lodge his bill of costs, together with all necessary vouchers and papers and a copy of the bill for every party who is liable to pay the costs.

(2) The registrar shall send to every such party a copy of the bill together with a notice requiring him to inform the registrar, within 14 days after receipt of the notice, if he wishes to be heard on the taxation.

(3) If a party to whom notice has been given under paragraph (2) informs the registrar within the time limited that he wishes to be heard on the taxation, the registrar shall fix an appointment for the taxation and give not less than seven days' notice of the appointment to the applicant and that party.

(4) If no party to whom notice has been given under paragraph (2) informs the registrar within the time limited that he wishes to be heard on the taxation, the registrar shall send to the applicant a notice specifying the amount which the registrar proposes to allow in respect of the bill and requiring him to inform the registrar, within 14 days after receipt of the notice, if he wishes to be heard on the taxation.

(5) If the applicant informs the registrar within the time limited that he wishes to be heard on the taxation, the registrar shall fix an appointment for the taxation and give seven days' notice of the appointment to the applicant.

(a) S.I. 1977/344 (1977 I, p. 1072). **(b)** 1889 c. 63.

(6) The foregoing provisions of this rule shall apply to the taxation of a bill which is to be paid out of the legal aid fund under the Act of 1974 subject to the modification that, if the bill is not also to be taxed as between party and party, paragraph (2) shall not apply and paragraph (4) shall apply as if the words preceding "the registrar shall" were omitted.

(7) Except as provided in paragraph (6), this rule shall not apply to a taxation between solicitor and client.

(8) In relation to matrimonial proceedings C.C.R. Order 47, rule 38 (which deals with taxation between party and party), shall have effect as if paragraph (1) of this rule were substituted for paragraph (1) of that rule.

(9) Paragraphs (1), (2) and (3) of C.C.R. Order 47, rule 40 (which deals with taxation between solicitor and client), shall not apply to the taxation of a bill to which this rule applies.

Scale of costs in matrimonial proceedings in divorce county court

5.—(1) Subject to paragraph (2), the costs of matrimonial proceedings in a divorce county court shall be on the divorce scale.

(2) On a taxation, whether as between party and party or on the common fund basis, of the costs of a cause for divorce or judicial separation which has proceeded throughout in a divorce county court, the amount to be allowed in respect of any item of costs opposite which a sum appears in brackets in the divorce scale shall not be more or less than that sum unless the registrar, taking into consideration the factors mentioned in C.C.R. Order 47, rule 16, is satisfied that, in the circumstances of the particular case, a higher or, as the case may be, a lower figure than the average for that item in a cause under the same provision of the Act of 1973 is justified.

Further modification of county court rules

6.—(1) Except where the judge has otherwise directed and subject to rule 5(2), the registrar may, if he thinks fit, allow on taxation of the costs of matrimonial proceedings in a divorce county court such larger sums as he thinks fit in respect of all or any of the following items in the divorce scale, namely items 1, 2, 3, 6, 7, 8, 9, 18, 20, 24, 25, 28 and 29.

(2) For the purposes of C.C.R. Order 47, rules 29 and 31, a witness or party who has attended the hearing of an ancillary application, or a party who has attended for medical examination under rule 30 of the principal rules, shall be treated as having attended the hearing of an action or matter.

(3) C.C.R. Order 47, rules 17, 19, 21(1), 23 and 29(2), shall apply to matrimonial proceedings as it applies to an action or matter in which the costs are on scale 3 or 4.

(4) Where in any matrimonial proceedings in a divorce county court any costs of a litigant in person are ordered to be paid by any other party to the proceedings or in any other way, then, unless the court otherwise orders, those costs shall be assessed without taxation and in determining for the purposes of C.C.R. Order 47, rule 2, the sum which would have been allowed if the work and disbursements to which the costs relate had been done or made by a solicitor on behalf of the litigant in person it shall be assumed that the solicitor would have elected that the costs be fixed under rule 7 of these Rules.

Fixed costs

7.—(1) In this rule—

"assisted person" means a person in respect of whom a certificate is in force under Part I of the Act of 1974 entitling him to legal aid in a cause or, as the case may be, an ancillary application from its commencement.

(2) Where in an undefended cause for divorce or judicial separation the petitioner is granted a decree with costs, whether as between party and party or not, the costs shall, if his solicitor so elects, be fixed in accordance with the provisions of this rule instead of being taxed:

Provided that where the petitioner is an assisted person for whom counsel has acted, the costs shall not be fixed unless counsel elects that the sums payable to him under section 10(1) of the Act of 1974 shall be as provided by paragraph (4)(*b*).

(3) Where costs are fixed there shall be allowed as between party and party such of the following items as are applicable:—

(*a*) in respect of solicitors' charges—

(i) if counsel was briefed at the hearing, £67,

(ii) if counsel was not briefed at the hearing, £77,

(iii) if the case was dealt with in the special procedure list, £55,

(iv) where an order has been made for substituted service or to dispense with service, £8·50,

(v) for any statement as to the arrangements for the children filed under rule 8(2) of the principal rules, £2;

(*b*) in respect of counsel's fees—

(i) for settling the petition, £4·50,

(ii) for giving written advice on evidence, £3·50,

(iii) with brief on hearing £10, and, where there is no local Bar in the court town or within 25 miles thereof, a further sum of £4, and

(iv) on conference, £2·50;

(*c*) in respect of other disbursements—

(i) the court fees paid on the petitioner's behalf,

(ii) such sums in respect of witnesses' allowances, medical reports and the other disbursements mentioned in items 30, 31 and 32 of the divorce scale as would have been allowed if the costs had been taxed, not exceeding, in the case of inquiry agents' fees, the sum of £25.

(iii) such sums in respect of travelling to court or to inspect documents or, alternatively, in respect of agency correspondence in the circumstances mentioned in items 34, 35 and 37 of the divorce scale as would have been allowed if the costs had been taxed, not exceeding, in the case of travelling expenses, £3.

(4) If a petitioner whose costs are to be fixed is an assisted person, then, notwithstanding that the costs have been ordered to be taxed for the purposes of Schedule 2 to the Act of 1974—

(*a*) the sums payable under section 10(1) of that Act to the solicitor acting for him shall be such of the fixed amounts specified in paragraph (3)(*a*) and (*c*) as are applicable, together with a further sum of £7;

(*b*) the sums payable under the said section 10(1) to counsel acting for the assisted person shall be such of the fixed amounts specified in paragraph (3)(*b*) as are applicable.

(5) A petitioner's solicitor who elects to have his costs fixed under paragraph (2) shall give notice to that effect to the registrar, stating the sums which he claims should be allowed, and he shall at the same time lodge all necessary papers and vouchers including, in a case to which the proviso to paragraph (2) applies, counsel's election under that proviso.

(6) Where the petitioner is allowed the costs of a children appointment, whether as between party and party or not, those costs shall, if the petitioner's solicitor so elects and no counsel's fee is claimed, be fixed at the sum of £6 together with such of the sums mentioned in paragraph (3)(*c*)(iii) as may be appropriate.

Paragraphs (4)(*a*) (except the words "together with a further sum of £7") and (5) shall apply, with the necessary modifications, in relation to the costs mentioned in this paragraph as they apply in relation to the costs mentioned in paragraph (2).

(7) Where an ancillary application is granted with costs, whether as between party and party or not, in the circumstances mentioned in any of the following items, then, unless the registrar otherwise directs, the costs shall, if the applicant's solicitor so elects, be fixed at the sum mentioned in that item instead of being taxed:—

(*a*) in respect of solicitors' charges—

(i) where a consent order for ancillary relief has been made, £10;

(ii) where any other consent order has been made and no affidavit has been filed by either party, £10;

(iii) where an order has been made after a hearing at which the respondent has not appeared, £15;

(iv) where an order has been made after a hearing at which the respondent has appeared, £25, or, if counsel is allowed, £22;

(*b*) in respect of counsel's fees where counsel is allowed—

(i) in the circumstances mentioned in item (*a*)(ii) or (iii), £10;

(ii) in the circumstances mentioned in item (*a*)(iv), £10 with brief and, in addition, £2·50 for any conference;

(*c*) in respect of other disbursements—

(i) such of the items mentioned in paragraph (3)(*c*) as are appropriate;

(ii) such amount as the Law Society certifies to be reasonable for conveying or transferring property pursuant to the order made on the application.

The proviso to paragraph (2), paragraph (4) (except the words "together with a further sum of £7") and paragraph (5) shall apply, with the necessary modifications, in relation to the costs mentioned in this paragraph as they apply in relation to the costs mentioned in paragraph (2).

(8) Except as provided in paragraphs (6) and (7), nothing in this rule shall apply to the costs of an ancillary application or a children appointment and accordingly the costs of any such application or appointment may be taxed notwithstanding anything done under paragraph (2).

(9) In addition to the amount of costs allowed under the foregoing paragraphs in respect of the supply of goods or services on which value added tax is chargeable there may be allowed as a disbursement a sum equivalent to value added tax at the appropriate rate on that amount.

Payment of costs

8.—(1) Where in any matrimonial proceedings, the costs payable by a party are required to be taxed, they shall be payable within such time as may be specified in an order for payment made on or after the signature of the taxing officer's certificate of the result of the taxation and, unless otherwise directed, the time so specified shall be seven days after the making of the order.

(2) Where costs are fixed under rule 7 of these Rules instead of being taxed, paragraph (1) of this rule shall have effect as if for the reference to the taxing officer's certificate of the result of the taxation there were substituted a reference to the registrar's certificate of the amount of fixed costs allowed.

(3) Section 99(3) of the County Courts Act 1959**(a)** shall not apply to costs payable under an order made in proceedings pending in a divorce county court.

Personal liability of solicitor for costs

9. Paragraphs (1) to (6) of R.S.C. Order 62, rule 8 (which deals with the personal liability of a solicitor for costs), shall apply to proceedings in a divorce county court as they apply to proceedings in the High Court, subject to the following modifications:—

(*a*) "the Court" shall have the same meaning as in the County Court Rules 1936; and

(*b*) "taxing officer" shall mean the registrar.

County court proceedings in divorce registry

10.—(1) Paragraphs 1 to 4 of Schedule 2 to the Act of 1974 and section 74(3) of the Solicitors Act 1974**(b)** shall apply to matrimonial proceedings in the divorce registry which are treated as pending in a divorce county court.

(2) A senior executive officer of the divorce registry authorised by the President under R.S.C. Order 62, rule 12(7), to tax the costs of or arising out of a matrimonial cause or matter in the High Court shall have the like authority to tax or assess the costs of or arising out of matrimonial proceedings in the divorce registry which are treated as pending in a divorce county court.

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.

(a) 1959 c. 22. **(b)** 1974 c. 47.

(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 1974.

(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.

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 senior executive officer 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 officer or clerk.

Savings

13. Where part of any matrimonial proceedings has taken place in the High Court, whether before or after the coming into operation of these Rules, nothing in these Rules or in section 76 of the County Courts Act 1959 shall authorise the costs of that part of the proceedings to be awarded or taxed on any of the county court scales.

Revocation

14. The following Rules are hereby revoked—

The Matrimonial Causes (Costs) Rules 1971**(a)**
The Matrimonial Causes (Costs) (Amendment) Rules 1973**(b)**
The Matrimonial Causes (Costs) (Amendment No. 2) Rules 1973**(c)**
The Matrimonial Causes (Costs) (Amendment) Rules 1976**(d)**
The Matrimonial Causes (Costs) (Amendment No. 2) Rules 1976**(e)**.

Dated 28th February 1977.

Elwyn-Jones, C.
George Baker, P.
John Latey, J.
Irvon Sunderland.
B. J. Wakley.
W. D. S. Caird.
J. L. Williams.
W. A. Macpherson.
David Webster.
J. D. Clarke.
Hugh O'Neill.

(a) S.I. 1971/987 (1971 II, p. 2869).
(b) S.I. 1973/350 (1973 I, p. 1231).
(c) S.I. 1973/1414 (1973 II, p. 4346).
(d) S.I. 1976/606 (1976 I, p. 1731)
(e) S.I. 1976/2167 (1976 III, p. 6045).

APPENDIX

Rule 5

DIVORCE SCALE

Item No.	*Taking instructions*	£	£
1.*	(i) To file or oppose originating application or petition or application for re-hearing	1·00 to 2·00	(2·00)
	(ii) To prepare any document to which item 3(*b*) applies or to make or oppose any application to which item 7(ii) or 9 applies, where in the opinion of the registrar the instructions were necessary	1·00 to 2·00	(1·00)
	(iii) To appeal or oppose an appeal to the judge from a decision of the registrar	1·00 to 2·00	
	Preparation of petition, etc.		
2.*	Preparing originating application, petition, answer or supplemental pleading	1·50 to 8·00	(6·00)
	Note 1.—This item includes copy for service on opposite spouse but not copy for service on any other party and it is only to be allowed where the document is signed by the solicitor or his clerk duly authorised in that behalf.		
	Note 2.—Where the document is settled by counsel, items 3(*a*) and 4 are allowable and not this item.		
	Preparation of documents		
3.*	(*a*) Preparing instructions to counsel to settle any pleading or other document or to advise on evidence or to advise on merits where counsel's fee is allowed under item 29	1·00 to 3·00	(2·00)
	(*b*) Preparing any necessary document not otherwise provided for and all necessary copies thereof	0·50	
	and per folio beyond five	0·10	
	Note.—Item 3(*b*) is not to be allowed for preparing a praecipe.		
	Copies		
4.	For copies of documents (including brief) not otherwise provided for which the registrar considers necessary—		
	(*a*) for photographic copies, the actual and reasonable cost;		
	(*b*) for carbon copies, per two folios	0·05	
	(*c*) in any other case, per folio	0·05	
	Perusing		
5.	Any document not otherwise provided for which the registrar is satisfied justifies a charge for perusal ...	0·25	
	and per folio beyond five	0·05	

*These items are subject to increase under rule 6(1).

Item No.		£	£
	Preparing for trial		
6.*	(*a*) Preparing for trial of cause or matter	Such sum as is fair and reasonable in all the circumstances not exceeding £45·00	(36.00 special procedure cases or 42·00 other cases)
	(*b*) Preparing for hearing of ancillary application ...	Such sum as is fair and reasonable	
	Note 1.—These items are intended to cover the work of preparing for trial or hearing not otherwise provided for, including considering facts, evidence and law, preparation of notes of facts or argument, interviewing witnesses and taking proofs of their evidence, preparing and serving notices to produce and admit documents, and to admit facts, perusing such notices and correspondence, making necessary searches, negotiating any settlement and, where counsel is instructed, instructions for and drawing brief, and attending counsel therewith.		
	Note 2.—Item 6(*a*) may only be allowed once in the same cause or matter, but item 6(*b*) may be allowed in respect of each ancillary application.		
	Attendances		
7.*	(i) At court on trial of cause or matter, for each day or part of a day—		
	(*a*) without counsel	3·00 to 20·00	(12·00)
	(*b*) with counsel	2·00 to 4·00	(4·00)
	(ii) At court or in chambers on hearing of ancillary application, for each day or part of a day—		
	(*a*) without counsel	1·00 to 20·00	
	(*b*) with counsel	2·00 to 4·00	
8.*	(i) At court where trial of cause or matter is adjourned for want of time or upon payment of the costs of the day—		
	(*a*) without counsel	2·00 to 5·00	
	(*b*) with counsel	1·00 to 3·00	
	(ii) At court or in chambers where hearing of ancillary application is adjourned for want of time or upon payment of the costs of the day—		
	(*a*) without counsel	1·00 to 5·00	
	(*b*) with counsel	1·00 to 3·00	
9.*	At court or in chambers on any other application to judge or registrar in the course of or relating to the proceedings, including notice and service, and brief where counsel is instructed—		
	(*a*) without counsel	1·00 to 9·00	
	(*b*) with counsel	1·00 to 4·50	
	Note.—A children appointment is to be treated as an application to which this item applies.		

*See footnote to p. 8.

Item No.		£	£
10.	On examination of witness under C.C.R. Order 14, rule 1(10), Order 20, rule 18(1), or Order 25, rule 2, for each hour	1·00	
11.	Where in consequence of anything done by the opposite party during the proceedings, attendance on the client is necessary to advise or receive instructions, for each attendance not otherwise provided for	0·50 to 1·00	
12.	(*a*) To obtain or give any necessary and proper consent or admission	1·00	
	(*b*) Upon the opposite party, for each attendance not otherwise provided for	1·00	
	(*c*) To arrange for attendance of a witness without subpoena	0·50	
	(*d*) On counsel in conference where counsel's fee allowed under item 27 (to include appointing conference), for the first hour or part thereof	2·00	
	and for each subsequent hour or part thereof ...	1·50	
	Note to items 11 *and* 12(*a*) *and* (*b*).—If the attendance is by telephone, half of the charge is to be allowed.		
	Note to item 12(*c*).—Only one charge is to be allowed where only one attendance is necessary to arrange for more than one witness.		
13.	At court to hear a deferred judgment—		
	(*a*) without counsel	1·00 to 5·00	
	(*b*) with counsel	1·00 to 2·00	
14.	At court, on hearing of judgment summons if costs allowed by judge and for each attendance where the hearing is not concluded on the day on which it is commenced—		
	(*a*) without counsel	2·00	
	(*b*) with counsel	1·00	
	Note.—This item includes attending to enter and service (unless allowed under C.C.R. Order 25, rule 66(2)).		
15.	On deponent being sworn to an affidavit, including an affidavit of service	0·50	
	Note.—This charge may be allowed where the solicitor or his clerk is the deponent.		
16.	To deliver any document pursuant to any County Court Rule or Matrimonial Causes Rule	0·50	
17.	Any attendance at the court office not otherwise provided for which the registrar is satisfied justifies a charge ...	0·50	
	Service		
18.*	Of any document required to be served personally, other than a judgment summons (unless allowed under C.C.R. Order 25, rule 66(2)), including copy	0·50 to 1·00	

*See footnote to p. 8.

Item No.		£	£
19.	Of any document authorised to be served by post, including copy	0·25	
	Notes to items 18 *and* 19—		
	Note 1.—Where any two or more documents to be served on the same party have been or could have been served together, one charge only for service is to be allowed.		
	Note 2.—Where two or more parties have been or could have been served together, one charge only for service is to be allowed.		
	Note 3.—These items are not to be allowed where item 20 or 31(*d*) is applicable.		
20.*	Drawing any document, attending on any application and doing any other work necessary to obtain, and to carry out the terms of, an order for substituted service of any document	2·00 to 10·00	(8·50)
21.	Of process out of England and Wales, to include drawing, copying, attending to swear and file all affidavits and to obtain order, and the fees paid for oaths, such sum as the registrar thinks reasonable.		
	Letters, etc.		
22.	Letters in lieu of attendances which could properly be allowed under items 11, 12, 16 and 17	0·50	
23.	Circular letters	0·25	
	Taxation of costs		
24.*	(*a*) For taxation of the costs of the cause or matter ...	2·00 to 6·00	
	(*b*) For taxation of the costs of any ancillary application	2·00 to 6·00	
	(*c*) For any other taxation	1·00 to 2·00	
	Note 1.—These items include preparing bill and all necessary copies, correspondence and attendances.		
	Note 2.—Items 24(*b*) and (*c*) are not to be allowed where the costs to which they relate have been or could have been included in the bill of costs of the cause or matter.		
	Disbursements		
	Fees to Counsel		
25.*	(*a*) With brief on trial of cause or matter	7·50 to 28·00	(10·00)
	(*b*) With brief on hearing of ancillary application ...	5·50 to 30·00	
26.	Where there is no local Bar in the court town or within 25 miles thereof, if in the opinion of the registrar the maximum fee allowable with the brief is insufficient, a further fee may be allowed, not exceeding for each day on which the trial or hearing takes place	4·00	

*See footnote to p. 8.

Item No.		£	£
	Note 1.—For the purpose of this item there shall be deemed to be a local Bar only in such places as may from time to time be specified in a certificate of the General Council of the Bar published in their Annual Statement.		
	Note 2.—This item is not to be allowed in any court within 25 miles of Charing Cross.		
27.	On conference in chambers or elsewhere, if the fee was marked on the brief when delivered, or in the opinion of the registrar the conference was necessary, for each half hour or part thereof	2·50	
	and for leading counsel if case certified fit for more counsel than one	3·50	
28.*	(*a*) Where trial of a cause or matter or hearing of an ancillary application is not concluded on day on which it is commenced or is adjourned for want of time or on payment of the costs of the day, for each day or part of day on which it is continued	3·00 to 15·00	
	(*b*) With brief to hear a deferred judgment; with brief on application in the course of or relating to proceedings (other than an ancillary application); with brief on an examination of witnesses under C.C.R. Order 14, rule 1(10), Order 20, rule 18(1), or Order 25, rule 2; with brief on hearing of judgment summons	3·00 to 8·00	
	Note.—A children appointment is to be treated as an application to which this item applies.		
29.*	(*a*) (i) For settling any document which in the opinion of the registrar is proper to be settled by counsel	3·00 to 8·00	
	(ii) Settling petition		(4·50)
	(*b*) For advising in writing on any question in the proceedings on which in the opinion of the registrar it was proper to obtain counsel's advice, including advising on evidence and advising on merits before proceedings brought or answer filed	3·00 to 8·00	(3·50)
	Note to items 25 *to* 29—		
	Fees to counsel are not to be allowed unless the payment of them is vouched by the signature of counsel.		
	Plans, Photographs, etc.		
30.	For plans, drawings, charts, photographs or models for use at the trial, which in the opinion of the registrar it was reasonable to obtain, the sum actually and reasonably paid.		
	Miscellaneous		
31.	(*a*) For obtaining any documentary evidence (including translations) or police reports or statements from the police which in the opinion of the registrar it was reasonably necessary to obtain for the purpose of the proceedings,		
	(*b*) for an advertisement in pursuance of an order for substituted service by advertisement,		

*See footnote to p. 8.

Item No.		£	£
	(*c*) for making any search in the companies register, the business names register or any other public register which in the opinion of the registrar it was reasonably necessary to make for the purpose of the proceedings, (*d*) for employing an inquiry agent to effect personal service of any document or to make inquiries or to obtain evidence which in the opinion of the registrar were or was reasonably necessary for the purpose of the proceedings, (*e*) for obtaining any professional advice or assistance which in the opinion of the registrar it was reasonably necessary to obtain for the purpose of the proceedings, and (*f*) for an examination and report by a medical inspector appointed in proceedings for nullity, the sum actually and reasonably paid. *Note.*—Item 31(*e*) is intended to cover the advice and assistance of such persons as accountants and foreign lawyers.		
32.	For oaths, the sum paid, unless included in another item.		
33.	(*a*) For postages, carriage and transmission of documents, a sum not exceeding	5·00	(2·00)
	(*b*) For telegrams and telephone calls, the sum actually and reasonably paid.		(1·00)
34.	Where solicitor does not reside or carry on business within 2 miles of the court at which the trial takes place, (*a*) the sum actually and reasonably paid for travelling to attend the trial; or (*b*) if an agent was reasonably employed, for correspondence with the agent	1·00 to 3·00	
35.	Where solicitor does not reside or carry on business within 2 miles of the place of inspection of documents— (*a*) the sum actually and reasonably paid for travelling to inspect the documents; or (*b*) if agent employed, for correspondence with agent	1·00	
36.	In addition to item 24 (taxation) where solicitor does not reside or carry on business within 2 miles of the court office— (*a*) the sum actually and reasonably paid for travelling to attend the taxation; or (*b*) if agent reasonably employed, for correspondence with agent	1·00	
37.	Where solicitor does not reside or carry on business within 2 miles of the court or court office at which the hearing of an ancillary application or a children appointment takes place— (*a*) the sum actually and reasonably paid for travelling to attend the hearing; or (*b*) if agent employed, for correspondence with agent	1·00 to 3·00	

Item No.		£	£
	Note to items 34(*a*), 35(*a*), 36(*a*) *and* 37(*a*)—		
	Where in the opinion of the registrar it would have been reasonable to employ a solicitor residing or carrying on business nearer to the court, the place of inspection of documents or the court office, as the case may be, he shall not allow more than he would have allowed to such a solicitor.		

EXPLANATORY NOTE

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

These Rules replace in consolidated form, with no material alterations, the existing rules relating to the costs of matrimonial causes.

SI 1977/345
ISBN 0-11-070345-6

