

ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

****

CAP. XXVII.

An Act for awarding Costs in certain Cases of Private Bills. [26th *May* 1865.]

WHEREAS it is expedient to empower Committees of both Houses of Parliament on Private Bills to award Costs in certain Cases: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

When Committee report "Preamble not proved," Opponents to be entitled to recover Costs.

1. When the Committee on a Private Bill shall decide that the Preamble is not proved, or shall insert in such Bill any Provision for the Protection of any Petitioner, or strike out or alter any Provision of such Bill for the Protection of such Petitioner, and further unanimously report, with respect to any or all of the Petitioners against the Bill, that such Petitioner or Petitioners has or have been unreasonably or vexatiously subjected to Expense in defending his or their Rights proposed to be interfered with by the Bill, such Petitioner or Petitioners shall be entitled to recover from the Promoters of such Bill his or their Costs in relation thereto, or such Portion thereof as the Committee may think fit, such Costs to be taxed by the Taxing Officer of the House as herein-after mentioned, or the Committee may award such a Sum for Costs as they shall think fit, with the Consent of the Parties affected.

2. When

When Committee report unanimously "Opposition unfounded," Promoters to be entitled to recover Costs.

2. When the Committee on a Private Bill shall decide that the Preamble is proved, and further unanimously report that the Promoters of the Bill have been vexatiously subjected to Expense in the Promotion of the said Bill by the Opposition of any Petitioner or Petitioners against the same, then the Promoters shall be entitled to recover from the Petitioners, or such of them as the Committee shall think fit, such Portion of their Costs of the Promotion of the Bill as the Committee may think fit, such Costs to be taxed by the Taxing Officer of the House as herein-after mentioned, or such a Sum for Costs as the Committee shall name, with the Consent of the Parties affected; and in their Report to the House the Committee shall state what Portion of the Costs, or what Sum for Costs, they shall so think fit to award, together with the Names of the Parties liable to pay the same and the Names of the Parties entitled to receive the same: Provided always, that no Landowner who *bonâ fide* at his own sole Risk and Charge opposes a Bill which proposes to take any Portion of the said Petitioner's Property for the Purposes of the Bill shall be liable to any Costs in respect of his Opposition to such Bill.

Proviso.

Costs to be taxed.

3. On Application made to the Taxing Officer of the House by such Promoters or Petitioners, or by their Solicitors or Parliamentary Agents, not later than Six Calendar Months after the Report of such Committee, and in Cases where no Sum shall have been named by the Committee, with the Consent of the Parties affected, not until One Month after a Bill of such Costs shall have been delivered to the Party chargeable therewith, which Bill shall be sealed with the Seal or subscribed with the proper Hand of the Parties claiming such Costs, or of their Solicitor or Parliamentary Agent, the Taxing Officer shall examine and tax such Costs, and shall deliver to the Parties affected, or either or any of them, on Application, a Certificate signed by himself expressing the Amount of such Costs, or in Cases where a Sum for Costs shall have been named by the Committee, with the Consent as aforesaid, such Sum as shall have been so named, with the Name of the Party liable to pay the same, and the Name of the Party entitled to receive the same, and such Certificate shall be conclusive Evidence as well of the Amount of the Demand as of the Title of the Party therein named to recover the same from the Party therein stated to be liable to the Payment thereof; and the Party claiming under the same shall, upon Payment thereof, give a Receipt at the Foot of such Certificate, which shall be a sufficient Discharge for the same.

Powers of Taxing Officer.

4. All Powers given to the Taxing Officer by the Acts Ten and Eleven *Victoria*, Chapter Sixty-nine, and Twelve and Thirteen *Victoria*,

Victoria, Chapter Seventy-eight, with reference to the Examination of Parties and Witnesses on Oath, and with reference to the Production of Documents, and with reference to the Fees payable in respect of any Taxation, shall be vested in the Taxing Officer for the Purposes of this Act.

Recovery of Costs when taxed.

5. The Party entitled to such taxed Costs, or such Sum named by the Committee, with such Consent as aforesaid, or his Executors or Administrators, may demand the whole Amount thereof, so certified as above, from any One or more of the Persons liable to the Payment thereof, and in case of Nonpayment thereof on Demand may recover the same by Action of Debt in any of Her Majesty's Courts of Record at *Westminster* or *Dublin*, or by Action in the Court of Session in *Scotland*. In such Action it shall be sufficient, in *England* or *Ireland*, for the Plaintiff to declare that the Defendant is indebted to him in the Sum mentioned in the said Certificate; and the said Plaintiff shall, upon filing the said Declaration, together with the said Certificate and an Affidavit of such Demand as aforesaid, be at liberty to sign Judgment as for Want of Plea by Nil dicit, and take out Execution for the said Sum so mentioned in the said Certificate, together with the Costs of the said Action, according to due Course of Law: Provided always, that the Validity of such Certificate shall not be called in question in any Court.

Form of Action in Scotland.

6. In such Action it shall be sufficient, in *Scotland*, for the Pursuer to allege that the Defender is indebted to him in the Sum mentioned in the said Certificate, under the like Proviso in regard to the Validity of the Certificate.

Persons paying Costs may recover a Proportion from other Persons liable thereto.

7. In every Case it shall be lawful for any Person from whom the Amount of such Costs or Sum named by the Committee with Consent as aforesaid has been so recovered to recover from the other Persons, or any of them, who are liable to the Payment of such Costs or Sum named by the Committee with Consent as aforesaid a proportionate Share thereof, according to the Number of Persons so liable, and according to the Extent of the Liability of each Person.

When Committee report "Preamble not proved," Promoters to pay Costs out of Deposits.

8. In any Case in which the Committee shall have reported that the Preamble is not proved, and where, in accordance with the Standing Orders of either House of Parliament and of an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Deposit of Money or Stock is made with respect to the Application to Parliament for an Act, the Money or Stock so deposited shall be a Security

a Security for the Payment by the Promoters of the Bill for the Act of all Costs or Sums in respect of Costs, if any, payable by them under this Act; and every Party entitled to receive any Costs or Sum so payable shall accordingly have a Lien available in Equity for the same on the Money or Stock so deposited, and the Lien shall attach thereon at the Time when the Bill is first referred to a Committee of either House of Parliament; provided that where several Parties have the Lien for an Amount exceeding in the aggregate the net Value of the Money or Stock, their respective Claims shall proportionately abate.

Definition of Promoters.

9. When a Bill is not promoted by a Company already formed, all Persons whose Names shall appear in such Bill as promoting the same, and in the event of the Bill passing the Company thereby incorporated, shall be deemed to be Promoters of such Bill for all the Purposes of this Act.

Meaning of Private Bill.

10. For the Purposes of this Act the Expression Private Bill shall extend to and include any Bill for a Local and Personal Act.

Commencement of Act.

11. That this Act shall not take effect before the First Day of *November* One thousand eight hundred and sixty-five.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1865.