(*b*) the Minister shall be entitled to take such part in the proceedings as he may think fit;

(*c*) any document required or authorised to be served on the Minister shall be served on the Solicitor to the Ministry of Housing and Local Government in accordance with paragraph (2) of Rule 1A of Order LXVII."

3. These Rules may be cited as the Rules of the Supreme Court (No. 2), 1959, and shall come into operation on the thirtieth day of November, 1959.

Dated the 17th day of November, 1959.

Kilmuir, C.
Parker of Waddington, C.J
Evershed, M.R.
Merriman, P.
B. Ormerod, L.J.
H. B. Vaisey, J.
Colin H. Pearson, J.
Reginald W. Goff.
John F. Donaldson.
W. Charles Norton.

EXPLANATORY NOTE

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

These Rules make provision for applications and appeals to the High Court under sections 31 and 32 of the Town and Country Planning Act, 1959.

1959 No. 1958 (L. 13)

The Rules of the Supreme Court (No. 3), 1959

Made - - - -	17*th November*, 1959
Laid before Parliament	27*th November*, 1959
Coming into Operation	1*st January*, 1960

We, the Rule Committee of the Supreme Court, being the authority having for the time being power under subsection (4) of section ninety-nine of the

Supreme Court of Judicature (Consolidation) Act, 1925(a), to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature hereby with the concurrence of the Treasury, so far as is required by subsection (2) of that section, exercise those powers, and all other powers enabling us in that behalf, as follows :—

1.—(1) In the Rules of the Supreme Court, 1883(b), the orders and appendices specified in the first column of Part I of the First Schedule hereto are hereby revoked to the extent specified in the second column of that Part :

Provided that the revocations hereby effected shall not affect—

(*a*) rules 8, 9, 10 or 10A of Order 65 of the said Rules or Appendix N thereto in their application to costs incurred in relation to business done before the commencement of this instrument ; or

(*b*) rule 28 of Order 65 of the said Rules or Appendix P thereto in their application to cases in which the writ of summons was issued before the commencement of this instrument.

(2) The rules specified in the first column of Part II of the said First Schedule are hereby revoked to the extent specified in the second column of that Part.

2. The rules set out in the Second Schedule hereto shall have effect in place of the rules hereby revoked.

3.—(1) In Order 33 of the Rules of the Supreme Court, 1883, there shall be inserted after rule 9 the following rule—

" 10. Where some of the persons entitled to a distributive share of a fund are ascertained, and difficulty or delay has occurred or is likely to occur in ascertaining the persons entitled to the other shares, the Court or a Judge may order or allow immediate payment of their shares to the persons ascertained without reserving any part of those shares to answer the subsequent costs of ascertaining the persons entitled to the other shares."

(2) In Order 35 of the Rules of the Supreme Court, 1883, there shall be inserted after rule 6A the following rule—

" 6B.—(1) An originating summons for an order under the Solicitors Act, 1957(c), for the taxation of a solicitor's bill of costs in respect of contentious business may issue out of a district registry ; and Order 54, rule 4B shall have effect in relation to the issue of such a summons as if for references to the central office there were substituted references to the district registry.

(2) This rule shall not apply in relation to the issue of such a summons out of the district registry of Liverpool or the district registry of Manchester."

(3) In Order 38 of the Rules of the Supreme Court, 1883, in rule 15—

(a) 15 & 16 Geo. 5. c. 49. (b) Rev. 1903 XII, Supreme Ct., E., p. 54. (c) 5 & 6 Eliz. 2. c. 27.

(*a*) after the words "it shall" there shall be inserted the words "not be necessary to take an office copy; but the original affidavit shall"; and

(*b*) at the end of the rule there shall be added the words "The copy of an affidavit of discovery of documents delivered by the party filing it may be used against him by the party to whom it was delivered".

(4) The heading of Order 65 of the Rules of the Supreme Court, 1883, shall be altered from "Costs" to "Security for costs".

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

5.—(1) This instrument may be cited as the Rules of the Supreme Court (No. 3), 1959.

(2) This instrument shall come into operation on the first day of January, nineteen hundred and sixty.

Dated the 17th day of November, 1959.

Kilmuir, C.
Parker of Waddington, C.J.
Evershed, M.R.
Merriman, P.
B. Ormerod, L.J.
H. B. Vaisey, J.
Colin H. Pearson, J.
Reginald W. Goff.
John F. Donaldson.
W. Charles Norton.

We concur.

R. Brooman-White,
Græme Finlay,
Two of the Lords Commissioners of Her Majesty's Treasury.

(a) 52 & 53 Vict. c. 63.

FIRST SCHEDULE

RULES REVOKED

PART I

Rules of the Supreme Court

Order	Extent of revocation
Order 2 ...	Rule 2.
Order 3 ...	In rule 6, paragraph (2); in rule 7, paragraph (3).
Order 5 ...	In rule 6, the words " except taxation of the costs ".
Order 12 ...	Rule 21A.
Order 14 ...	In rule 9, paragraph (*a*), and in paragraph (*b*) the words from " with costs " to the end.
Order 14A ...	In rule 5, paragraph (1), and in paragraph (2) the words from " with costs " to the end.
Order 14B ...	In rule 3, in the proviso to paragraph (5) the words " with costs, which may, unless the plaintiff is an assisted person, be ordered to be paid forthwith by the plaintiff ".
Order 16 ...	In rule 1, the words from " But the defendant " to the end; in rule 32, paragraph (3); in rule 39, the words from " and may make such order " to the end.
Order 16A ...	Rule 10; in rule 12A, the words from " and if such an offer " to the end.
Order 19 ...	In rule 2, the words from " and the taxing officer " to the end; in rule 5, the words from " and where such forms " to the end; in rule 7A, the words from " The costs of the letter " to the end; in rule 27, the words from " and may in any such case " to the end.
Order 21 ...	Rule 9; rule 18.
Order 22 ...	In rule 2, paragraph (3); in rule 4, in paragraph (4), the second sentence; in rule 6, the words from " but the judge shall " to the end; in rule 14, in paragraph (4), the words from " or of the difference " to the end and paragraphs (10) to (12).
Order 26 ...	In rule 1, the words from " and thereupon he shall pay " to " such costs shall be taxed, and "; rule 3.
Order 28 ...	Rule 13.
Order 30 ...	In rule 7, in paragraph (3), the words from " and any application " to the end.
Order 31 ...	Rule 3.
Order 32 ...	In rule 2, paragraphs (3) and (4); in rule 4, the words from " And in case of refusal " to " otherwise order or direct "; rule 9.
Order 35 ...	In rule 4, the words from " and all costs " to the end; in rule 6A, the words " and taxing master ".
Order 36 ...	Rule 55D.
Order 37A ...	In rule 8, the proviso; rule 10.
Order 38 ...	In rule 2, the words from " and the costs " to the end; in rule 3, the words from " The costs " to " the party filing the same "; in rule 7, the words from " No costs " to the end; in rule 11 the words from " and may order " to the end.
Order 42 ...	Rule 34; in rule 35, the words from " When the examination " to the end.
Order 43 ...	Rule 13.
Order 45 ...	In rule 9, the words " shall be in the discretion of the Court or a Judge, and as regards the costs ".
Order 50 ...	In rule 3, the words from " If, where an order " to the end.
Order 51A ...	In rule 1, in paragraph (*d*), the words from " The cost " to the end.
Order 52 ...	Rule 26.
Order 53A ...	In rule 3, paragraphs (*r*) and (*s*); in rule 4, paragraphs (*j*) and (*k*); rule 18.
Order 53B ...	In rule 11, paragraph (*h*).

Order	Extent of revocation
Order 54 ...	In rule 6, the words from " and in such case " to the end; rule 7; in rule 9A, the words " or taxing master " in both places where they occur and the words from " and any taxing officer " to the end.
Order 54D ...	Rule 12.
Order 54E ...	Rule 6.
Order 55 ...	In rule 40, the words from " and where any one of the parties " to the end; in rule 42, the words from " attend at their own expense " to " attendance, or " and the words " they may "; rule 55; in rule 60, the words from " and when " to the end.
Order 55B ...	Rule 57; in rule 64, paragraph (*e*).
Order 55D ...	Rule 8.
Order 55E ...	Rule 5.
Order 56 ...	Rule 7; in rule 9, the words from " such order " to " also include ".
Order 57 ...	In rule 13, the words from " including " to the end; in rule 15, the words " as to costs and all other matters "; in rule 16A, the words from " and if he attend " to the end; in rule 17, paragraph (2).
Order 58 ...	In rule 9, in paragraph (5), the words " may make such order as to the whole or any part of the costs of an appeal as may be just, and "; in rule 13, in paragraph (2), the words from " and if on the " to the end; in rule 19, paragraph (2).
Order 59 ...	In rule 7, the words from " and shall be liable to costs " to the end.
Order 61 ...	In rule 1B, the words from " The Masters " where those words first occur to " such taxation ".
Order 62 ...	In rule 14A, the words from " such parties or solicitors " to " He may also direct "; in rule 14C, the words from " and may give such directions " to " costs in the appeal "; in rule 14D, the words from " The Court of Appeal may " to the end; rule 15.
Order 64 ...	In rule 7, the proviso.
Order 65 ...	The whole Order except rules 6, 6A, 6B and 7.
Order 66 ...	In rule 7, paragraphs (*e*), (*n*), and (*o*).
Order 66A ...	In rule 4, in paragraph (1), the words " and the costs thereof shall, unless the Court of Appeal otherwise directs, be costs in the appeal ".
Order 69 ...	In rule 3, the words " who shall have power to award costs to either party "; rule 5.
Order 70 ...	Rule 4.
Order 71 ...	In rule 1, the definitions of " taxing master " and " taxing officer ".
Appendix	
Appendix N...	The whole appendix.
Appendix P ...	The whole appendix.

PART II

Rules of the Probate, Divorce and Admiralty Division

Rules	Extent of revocation
Rules, Orders and Regulations of the High Court of Admiralty, 1859.	Rules 119 to 123; Schedules III and IV.
Rules and Orders for Her Majesty's Court of Probate made under the Court of Probate Acts, 1857 and 1858, in respect of Contentious Business—	
Rules and Orders taking effect on the 1st September, 1862 (a).	Rules 92 to 95 and the Tables of Costs to be allowed.
Additional Rules and Orders taking effect on the 2nd March, 1874(a).	Rules 128 to 131.
Matrimonial Causes Rules, 1957 (S.I. 1957 No. 619) (b) ...	Rule 68.

(a) Rev. XXII, p. 118.

(b) 1957 II, p. 2406.

SECOND SCHEDULE

THE SUPREME COURT COSTS RULES, 1959

ARRANGEMENT OF RULES

PRELIMINARY

1. Citation and interpretation.
2. Application.

ENTITLEMENT TO COSTS

3. When costs to follow the event.
4. Stage of proceedings at which costs to be dealt with.
5. Special matters to be taken into account in exercising discretion.
6. Restriction of discretion to order costs.
7. Costs arising from misconduct or neglect.
8. Personal liability of solicitor for costs.
9. Fractional or gross sum in place of taxed costs.
10. When a party may sign judgment for costs without an order.
11. When order for taxation of costs not required.

POWERS OF TAXING OFFICERS

12. Powers of taxing masters and other officers to tax costs.
13. Powers of certain principal clerks to tax costs.
14. Supplementary powers of taxing officers.
15. Disposal of business by one taxing officer for another.
16. Extension, etc., of time.
17. Interim certificates.
18. Power of taxing officer where party liable to be paid and to pay costs.
19. Taxation of bill of costs comprised in account.
20. Taxing officer to fix certain fees payable to conveyancing counsel, etc.

PROCEDURE ON TAXATION

21. Mode of beginning proceedings for taxation.
22. Notification of time appointed for taxation.
23. Delivery of bills, etc.
24. Short and urgent taxation proceedings.
25. Provisions as to bills of costs.
26. Provisions as to taxation proceedings.
27. Powers of taxing officer taxing costs payable out of fund.

ASSESSMENT OF COSTS

28. Costs payable to one party by another or out of a fund.
29. Costs payable to a solicitor by his own client.
30. Costs payable to solicitor where money recovered by or on behalf of infant, etc.
31. Costs payable to a trustee out of the trust fund, etc.
32. Scales of costs.

REVIEW

33. Application to taxing officer for review.
34. Review by taxing officer.
35. Review of taxing officer's certificate by a judge.

APPENDICES: 1. Requisite document for purposes of rule 21 of these rules.
2. Scale of costs.
3. Fixed costs.

PRELIMINARY

Citation and interpretation

1.—(1) These Rules of the Supreme Court may be cited as the Supreme Court Costs Rules, 1959.

(2) In these rules—

"certificate" includes allocatur;

"contentious business" and "non-contentious business" have the same meanings respectively as in the Solicitors Act, 1957;

"costs" includes fees, charges, disbursements, expenses and remuneration;

"the Court" means the Supreme Court or any one or more judges thereof, whether sitting in court or in chambers, or any master, registrar or district registrar;

"master" means a master of the Supreme Court other than a taxing master;

"proceedings in the Probate, Divorce and Admiralty Division" includes proceedings in the Court of Appeal on an application or appeal made in connection with proceedings in that Division or on an appeal from a judgment, direction, decision or order of a county court given or made in probate proceedings (as defined by the County Courts Act, 1959(a)) or Admiralty proceedings (as so defined);

"registrar" (except where the context otherwise requires) means a registrar of the Probate, Divorce and Admiralty Division;

"taxed costs" means costs taxed in accordance with these rules;

"taxing master" means a master of the Supreme Court (Taxing Office);

"taxing officer" (except where otherwise expressly provided) includes any person who by virtue of these rules has power to tax costs.

(3) In these rules references to a fund, being a fund out of which costs are to be paid or which is held by a trustee or personal representative, include references to any estate or property, whether real or personal, held for the benefit of any person or class of persons; and references to a fund held by a trustee or personal representative include references to any fund to which he is entitled (whether alone or together with any other person) in that capacity, whether the fund is for the time being in his possession or not.

(4) In these rules references by numbers to Orders and to rules of Orders are references to Orders and rules of the Rules of the Supreme Court, 1883.

(5) The Interpretation Act, 1889, applies for the interpretation of these rules as it applies for the interpretation of an Act of Parliament.

Application

2.—(1) These rules shall have effect in relation to all civil proceedings in the Supreme Court except bankruptcy proceedings, proceedings relating to the winding up of companies, non-contentious or common form probate proceedings and proceedings in matters of prize (being proceedings with

(a) 7 & 8 Eliz. 2. c. 22.

respect to which rules may be made under section 132 of the Bankruptcy Act, 1914(a), section 365 of the Companies Act, 1948(b), section 100 of the Supreme Court of Judicature (Consolidation) Act, 1925(c) and section 3 of the Prize Courts Act, 1894(d), respectively).

(2) These rules shall have effect in relation to all criminal proceedings in the Queen's Bench Division other than proceedings to which section 15 of the Costs in Criminal Cases Act, 1952(e), applies.

(3) Where by virtue of any Act the costs of or incidental to any proceedings before an arbitrator or umpire or before a tribunal or other body constituted under any Act, not being proceedings in the Supreme Court, are taxable in the High Court, the following provisions of these rules, that is to say, paragraphs (4) and (5) of rule 7, paragraph (6) of rule 8, rules 14 to 16, paragraph (1) of rule 17, rule 18, rule 21 (except paragraph (3)), rules 22 to 26 and rules 33 to 35, shall have effect in relation to proceedings for taxation of those costs as they have effect in relation to proceedings for taxation of the costs of or arising out of proceedings in the Supreme Court, other than proceedings in the Probate, Divorce and Admiralty Division.

(4) These rules shall have effect subject to sections 47 and 60 of the County Courts Act, 1959 (which limit the costs recoverable in relation to certain proceedings which could have been commenced in a county court), and to any other Act of Parliament.

(5) The powers and discretion of the Court as to costs under section 50 of the Supreme Court of Judicature (Consolidation) Act, 1925 (which provides that the costs of and incidental to proceedings in the Supreme Court shall be in the discretion of the Court and that the Court shall have full power to determine by whom and to what extent the costs are to be paid), and under the enactments relating to the costs of criminal proceedings to which these rules apply, shall be exercised subject to and in accordance with these rules.

ENTITLEMENT TO COSTS

When costs to follow the event

3.—(1) Subject to the following provisions of these rules, no party shall be entitled to recover any costs of or incidental to any proceedings from any other party to the proceedings except under an order of the Court.

(2) If the Court in the exercise of its discretion sees fit to make any order as to the costs of or incidental to any proceedings, the Court shall, subject to these rules, order the costs to follow the event, except when it appears to the Court that in the circumstances of the case some other order should be made as to the whole or any part of the costs.

(3) The costs of and occasioned by any amendment made without leave in the statement of claim by the plaintiff or in any counterclaim or set-off by a defendant shall be borne by the party making the amendment, unless the Court otherwise orders.

(4) The costs of and occasioned by any application to extend the time fixed by the Rules of the Supreme Court, 1883, or any direction or order thereunder, for delivering or filing any document or doing any other act (including the costs of any order made on the application) shall be borne by the party making the application, unless the Court otherwise orders.

(a) 4 & 5 Geo. 5. c. 59. (b) 11 & 12 Geo. 6. c. 38. (c) 15 & 16 Geo. 5. c. 49.
(d) 57 & 58 Vict. c. 39. (e) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 48.

(5) If a party to whom notice to admit documents or to admit facts has been given under Order 32, rule 2 or rule 4,—

(*a*) gives notice of non-admission of the documents in accordance with the said rule 2, or

(*b*) refuses or neglects to admit the facts within six days after the service on him of the notice to admit them or such longer time as may be allowed by the Court,

the costs of proving the documents or facts, as the case may be, shall be paid by him, unless the Court otherwise orders.

(6) Where any person claiming to be a creditor—

(*a*) seeks to establish his claim to a debt under any judgment or order in the Judge's Chambers in accordance with Part XI of Order 55 ; or

(*b*) comes in to prove his title, debt or claim in relation to a company in pursuance of any such notice as is mentioned in paragraph (*g*) of rule 11 of Order 53B ;

he shall, if his claim succeeds, be entitled to his costs incurred in establishing it, unless the Court otherwise directs, and, if his claim or any part of it fails, may be ordered to pay the costs of any person incurred in opposing it.

(7) Where a claimant is entitled to costs under the last foregoing paragraph of this rule, the amount of the costs shall be fixed by the Court unless it thinks fit to direct taxation, and the amount fixed or allowed shall be added to the claimant's debt.

Stage of proceedings at which costs to be dealt with

4.—(1) Costs may be dealt with by the Court at any stage of the proceedings or after the conclusion of the proceedings ; and any order of the Court for the payment of any costs may, if the Court thinks fit, and the person against whom the order is made is not an assisted person, require the costs to be paid forthwith notwithstanding that the proceedings have not been concluded.

(2) In the case of an appeal the costs of the proceedings giving rise to the appeal, as well as the costs of the appeal and of the proceedings connected with it, may be dealt with by the Court hearing the appeal ; and in the case of any proceedings transferred or removed to the High Court from any other court, the costs of the whole proceedings, both before and after the transfer or removal, may (subject to any order of the court ordering the transfer or removal) be dealt with by the Court to which the proceedings are transferred or removed.

(3) Where under the last foregoing paragraph the Court makes an order as to the costs of any proceedings before another court, rules 28, 31 and 32 of these rules shall not apply in relation to those costs, but, except in relation to costs of proceedings transferred or removed from a county court, the order—

(*a*) shall specify the amount of the costs to be allowed, or

(*b*) shall direct that the costs shall be assessed by the court before which the proceedings took place or taxed by an officer of that court, or

(*c*) if the order is made on appeal from a county court in relation to proceedings in that court, may direct that the costs shall be taxed by a taxing officer.

Special matters to be taken into account in exercising discretion

5. The Court in exercising its discretion as to costs shall, to such extent, if any, as may be appropriate in the circumstances, take into account—

(*a*) any such offer of contribution as is mentioned in Order 16A, rule 12A, which is brought to its attention in pursuance of a reserved right to do so;

(*b*) any payment of money into court and the amount of such payment.

Restriction of discretion to order costs

6.—(1) Notwithstanding anything in these rules or in section 50 of the Supreme Court of Judicature (Consolidation) Act, 1925,—

(*a*) no order shall be made for costs to be paid by or to any local government elector who files an affidavit or appears in opposition to an application under section 230 of the Local Government Act, 1933(**a**);

(*b*) no order shall be made directing one party to pay to the other any costs of or incidental to an appeal or application for leave to appeal under subsection (2) of section 6 of the Pensions Appeal Tribunals Act, 1943(**b**);

(*c*) no order shall be made for costs to be paid by or to any person (other than the registration officer) who is respondent to an appeal to the Court of Appeal from the decision of a county court on the hearing of an appeal from the registration officer under section 45 of the Representation of the People Act, 1949(**c**), unless that person appears in support of the decision of the county court;

(*d*) unless the Court is of opinion that there was no reasonable ground for opposing the will, no order shall be made for the costs of the other side to be paid by the party opposing a will in a probate action who has given notice with his defence to the party setting up the will that he merely insists upon the will being proved in solemn form of law and only intends to cross-examine the witnesses produced in support of the will;

(*e*) except in special circumstances, no order shall be made giving more than one set of costs among all the opponents of a petition or originating summons for extension of the term of a patent under section 23, 24 or 25 of the Patents Act, 1949(**d**), if the Court refuses the prayer of the petition or the relief sought by the summons.

(2) Where a person is or has been a party to any proceedings in the capacity of trustee, personal representative or mortgagee, he shall, unless the Court otherwise orders, be entitled to the costs of those proceedings, in so far as they are not recovered from or paid by any other person, out of the fund held by the trustee or personal representative or the mortgaged property, as the case may be; and the Court may otherwise order only on the ground that the trustee, personal representative or mortgagee has acted unreasonably or, in the case of a trustee or personal representative, has in substance acted for his own benefit rather than for the benefit of the fund.

Costs arising from misconduct or neglect

7.—(1) Where in any cause or matter any thing is done or omission is made improperly or unnecessarily by or on behalf of a party, the Court may direct that any costs to that party in respect of it shall not be allowed to him and that any costs occasioned by it to other parties shall be paid by him to them.

(**a**) 23 & 24 Geo. 5. c. 51. (**b**) 6 & 7 Geo. 6. c. 39.
(**c**) 12, 13 & 14 Geo. 6. c. 68. (**d**) 12, 13 & 14 Geo. 6. c. 87.

(2) Without prejudice to the generality of paragraph (1) of this rule, the Court shall for the purpose of that paragraph have regard in particular to the following matters, that is to say—

(*a*) the omission to do any thing the doing of which would have been calculated to save costs;

(*b*) the doing of any thing calculated to occasion, or in a manner or at a time calculated to occasion, unnecessary costs;

(*c*) any unnecessary delay in the proceedings.

(3) The Court may, instead of giving a direction under paragraph (1) of this rule in relation to any thing done or omission made, direct the taxing officer to inquire into it and, if it appears to him that such a direction as aforesaid should have been given in relation to it, to act as if the appropriate direction had been given.

(4) The taxing officer shall, in relation to any thing done or omission made in the course of taxation and in relation to any failure to procure taxation, have the same power to disallow or to award costs as the Court has under paragraph (1) of this rule to direct that costs shall be disallowed to or paid by any party.

(5) Where a party entitled to costs fails to procure or fails to proceed with taxation, the taxing officer in order to prevent any other parties being prejudiced by that failure, may allow the party so entitled a nominal or other sum for costs or may certify the failure and the costs of the other parties.

(6) In this rule "taxing officer" means a taxing master, a registrar of the principal probate registry, the Admiralty registrar or the registrar of a district registry.

Personal liability of solicitor for costs

8.—(1) Subject to the following provisions of this rule, where in any proceedings costs are incurred improperly or without reasonable cause or are wasted by undue delay or by any other misconduct or default, the Court may make against any solicitor whom it considers to be responsible (whether personally or through a servant or agent) an order—

(*a*) disallowing the costs as between the solicitor and his client; and

(*b*) directing the solicitor to repay to his client costs which the client has been ordered to pay to other parties to the proceedings; or

(*c*) directing the solicitor personally to indemnify such other parties against costs payable by them.

(2) No order under this rule shall be made against a solicitor unless he has been given a reasonable opportunity to appear before the Court and show cause why the order should not be made, except where any proceeding in court or in chambers cannot conveniently proceed ,and fails or is adjourned without useful progress being made,—

(*a*) because of the failure of the solicitor to attend in person or by a proper representative; or

(*b*) because of the failure of the solicitor to deliver any document for the use of the Court which ought to have been delivered or to be prepared with any proper evidence or account or otherwise to proceed.

(3) Before making an order under this rule the Court may, if it thinks fit, refer the matter (except in the cases excepted from the last foregoing paragraph or in the case of undue delay in the drawing up of, or in any proceedings under, an order or judgment as to which the responsible registrar

or master has reported to the Court) to a taxing officer for inquiry and report and direct the solicitor in the first place to show cause before the taxing officer.

(4) The Court may, if it thinks fit, direct or authorise the official solicitor of the Supreme Court to attend and take part in any proceedings or inquiry under this rule, and may make such order as it thinks fit as to the payment of his costs.

(5) The Court may direct that notice of any proceedings or order against a solicitor under this rule shall be given to his client in such manner as may be specified in the direction.

(6) Where in any proceedings before a taxing officer the solicitor representing any party is guilty of neglect or delay or puts any other party to any unnecessary expense in relation to those proceedings, the taxing officer may direct the solicitor to pay costs personally to any of the parties to those proceedings; and where any solicitor fails to leave his bill of costs (with the documents required by these rules) for taxation within the time fixed by or under these rules or otherwise delays or impedes the taxation, then, unless the taxing officer otherwise directs, the solicitor shall not be allowed the fees to which he would otherwise be entitled for drawing his bill of costs and for attending the taxation.

(7) If, on the taxation of costs to be paid out of a fund, one-sixth or more of the amount of the bill for those costs is taxed off, the solicitor whose bill it is shall not be allowed the fees to which he would otherwise be entitled for drawing the bill and for attending the taxation.

(8) In any proceeding before an official referee or master in which the party by whom the fees prescribed by the Orders as to Court fees are payable is represented by a solicitor, if the fees or any part of the fees payable under the said Orders are not paid as therein prescribed, the Court may, on the application of the official solicitor by summons, order the solicitor personally to pay that amount in the manner so prescribed and to pay the costs of the official solicitor of the application.

(9) In this rule "taxing officer" has the same meaning as in the last foregoing rule.

Fractional or gross sum in place of taxed costs

9.—(1) Subject to these rules, where by or under these rules or any order or direction of the Court costs are to be paid to any person, that person shall be entitled to his taxed costs.

(2) Paragraph (1) of this rule shall not apply to costs which by or under any order or direction of the Court—

(*a*) are to be paid to a receiver appointed by the High Court under section 45 of the Supreme Court of Judicature (Consolidation) Act, 1925, in respect of his remuneration, disbursements or expenses; or

(*b*) are to be assessed or settled by a master;

but rules 28, 31 and 32 of these rules shall apply in relation to the assessment or settlement by a master of costs which are to be assessed or settled as aforesaid as they apply in relation to the taxation of costs by a taxing officer.

(3) Where a writ in an action is indorsed in accordance with Order 3, rule 7, and judgment is entered in default of appearance or of defence for the amount claimed for costs (whether alone or together with any other amount claimed), paragraph (1) of this rule shall not apply to those costs;

but if the amount claimed for costs as aforesaid is paid in accordance with the indorsement (or is accepted by the plaintiff as if so paid) the defendant shall nevertheless be entitled to have those costs taxed.

(4) The Court in awarding costs to any person may direct that, instead of taxed costs, that person shall be entitled—

(*a*) to a proportion specified in the direction of the taxed costs or to the taxed costs from or up to a stage of the proceedings so specified; or

(*b*) to a gross sum so specified in lieu of taxed costs.

When a party may sign judgment for costs without an order

10.—(1) If a plaintiff accepts money paid into court in satisfaction of his claim, or if he accepts a sum or sums paid in respect of one or more specified causes of action and gives notice that he abandons the others, he may, after four days from payment out and unless the Court otherwise orders, tax his costs incurred to the time of payment into court, and forty-eight hours after taxation may sign judgment for his taxed costs.

(2) Where a plaintiff in an action for libel or slander against several defendants sued jointly accepts money paid into court by one of the defendants, he may tax his costs and sign judgment for them against that defendant in accordance with paragraph (1) of this rule.

(3) Where a plaintiff by notice in writing and without leave either wholly discontinues his action against any defendant or withdraws part of his alleged cause of complaint against any defendant, the defendant may tax his costs of the action or his costs occasioned by the matter withdrawn, as the case may be, and, if the taxed costs are not paid within four days after taxation, may sign judgment for them.

When order for taxation of costs not required

11.—(1) Where an action, petition or summons is dismissed with costs, or a motion is refused with costs, or an order of the Court directs the payment of any costs, or any party is entitled under the last foregoing rule to tax his costs, no order directing the taxation of those costs need be made.

(2) Where a summons is taken out to set aside with costs any proceeding on the ground of irregularity and the summons is dismissed but no direction is given as to costs, the summons is to be taken as having been dismissed with costs.

Powers of Taxing Officers

Powers of taxing masters and other officers to tax costs

12.—(1) Subject to paragraphs (2) and (3) of this rule, each of the following taxing officers, that is to say, a taxing master, a registrar of the principal probate registry and the Admiralty registrar, shall have power to tax—

(*a*) the costs of or arising out of any cause or matter in the Supreme Court,

(*b*) the costs directed by an award made on a reference to arbitration under any Act or pursuant to an arbitration agreement to be paid, and

(*c*) any other costs the taxation of which is directed by an order of the Court.

(2) Where by or under any Act any costs are directed to be taxed or settled by a master of the Supreme Court, only a taxing master shall have power to tax those costs.

(3) Where by or under any Act or an order of the Court any costs are directed to be taxed or settled by a taxing officer referred to in paragraph (1) of this rule, only that officer shall have power to tax those costs.

(4) The registrar of a district registry shall have power to tax—

(*a*) the costs of or arising out of any cause or matter in the High Court which is proceeding in that registry, and

(*b*) the costs of a solicitor in respect of contentious business where an order for the taxation of those costs is made under the Solicitors Act, 1957, in proceedings begun in that registry, and

(*c*) the costs directed by an award made on a reference to arbitration under any Act or pursuant to an arbitration agreement to be paid.

(5) In addition to his powers under the last foregoing paragraph, the registrar of the district registry of Liverpool and the registrar of the district registry of Manchester shall have power to tax—

(*a*) the costs of any application or appeal to the Court of Appeal in connection with a cause or matter in the Queen's Bench Division or Chancery Division, the proceedings in which were begun in that registry: and

(*b*) the costs of a solicitor in respect of non-contentious business where an order for the taxation of those costs is made under the Solicitors Act, 1957, in proceedings begun in that registry.

(6) Where the costs of or arising out of any cause or matter which is proceeding in a district registry are to be taxed, and the taxation thereof is within the powers of the registrar of that registry, those costs shall be taxed by him unless the Court otherwise directs.

(7) A principal clerk of the principal probate registry authorised in that behalf by the President of the Probate, Divorce and Admiralty Division shall have power to tax the costs of or arising out of the following causes or matters in the High Court or Court of Appeal, that is to say—

(*a*) a probate cause or matter, other than a cause or matter which is non-contentious or common form probate business,

(*b*) a matrimonial cause or matter,

(*c*) an appeal heard by a divisional court of the Probate, Divorce and Admiralty Division—

(i) against an order made by a magistrates' court under the Summary Jurisdiction (Separation and Maintenance) Acts, 1895 to 1949, or the refusal by such a court to make an order thereunder;

(ii) against an order or determination of a magistrates' court in connection with the enforcement of an order for the payment of money made under the said Acts or of an order for the payment of money which has been confirmed or registered under the Maintenance Orders (Facilities for Enforcement) Act, 1920(a), or the Maintenance Orders Act, 1950(b), or of an order made under subsection (2) of section 3 of the Guardianship of Infants Act, 1925(c); and

(*d*) an application or appeal to the Court of Appeal arising out of any such appeal as is referred to in the last foregoing sub-paragraph.

Powers of certain principal clerks to tax costs

13.—(1) Subject to paragraphs (2) and (3) of the last foregoing rule and to the provisions of this rule, and unless in any particular case or class of cases a taxing master otherwise directs, a principal clerk of the Supreme Court (Taxing Office) shall have power—

(*a*) to tax any costs, the taxation of which is within the powers of a taxing master, if the amount of the bill of costs or, as the case may

(a) 10 & 11 Geo. 5. c. 33. (b) 14 Geo. 6. c. 37. (c) 15 & 16 Geo. 5. c. 45.

be, the aggregate amount of all the bills of costs to be taxed in the taxation proceedings does not exceed £300 ; and

(*b*) to issue a certificate for any costs taxed by him, if the proceedings for taxation of those costs were entered in the list kept for the purposes of rule 24 of these rules.

(2) The foregoing paragraph shall not be taken as empowering a clerk to tax a solicitor's bill of costs in pursuance of an order made under the Solicitors Act, 1957.

(3) Where any taxation proceedings are to be conducted by a principal clerk, a party to those proceedings may, before the taxation of any bill of costs to which those proceedings relate 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 a taxing master.

(4) In exercising the powers conferred on him by these rules a principal clerk shall comply with any directions given to him by a taxing master.

Supplementary powers of taxing officers

14. A taxing officer may, in the discharge of his functions with respect to the taxation of costs,—

(*a*) take an account of any dealings in money made in connection with the payment of the costs being taxed, if the Court so directs ;

(*b*) require any party represented jointly with any other party in any proceedings before him to be separately represented ;

(*c*) examine any witness in those proceedings ;

(*d*) direct the production of any document which may be relevant in connection with those proceedings.

Disposal of business by one taxing officer for another

15.—(1) If, apart from this paragraph, a taxing officer has power to tax any costs, the taxation of which has been assigned to some other taxing officer, he may tax those costs and if, apart from this paragraph, he has power to issue a certificate for the taxed costs he shall issue a certificate for them.

(2) Any taxing officer may assist any other taxing officer in the taxation of any costs the taxation of which has been assigned to that other officer.

(3) On an application in that behalf made by a party to any cause or matter, a taxing officer may, and if the circumstances require it shall, hear and dispose of any application in the cause or matter on behalf of the taxing officer by whom the application would otherwise be heard.

Extension, etc., of time

16.—(1) A taxing officer may—

(*a*) extend the period within which a party is required by or under these rules to begin proceedings for taxation or to do anything in or in connection with proceedings before that officer ;

(*b*) where no period is specified by or under these rules or by the Court for the doing of anything in or in connection with such proceedings, specify the period within which the thing is to be done.

(2) Where an order of the Court specifies a period within which anything is to be done by or before a taxing officer then, unless the Court otherwise

directs, the taxing officer may from time to time extend the period so specified on such terms (if any) as he thinks just.

(3) A taxing officer may extend any such period as is referred to in the foregoing provisions of this rule although the application for extension is not made until after the expiration of that period.

Interim certificates

17.—(1) A taxing officer may from time to time in the course of the taxation of any costs by him issue an interim certificate for any part of those costs which has been taxed.

(2) If, in the course of the taxation of a solicitor's bill to his own client, it appears to the taxing officer that in any event the solicitor will be liable in connection with that bill to pay money to the client, he may from time to time issue an interim certificate specifying an amount which in his opinion is payable by the solicitor to his client.

(3) On the filing of a certificate issued under the last foregoing paragraph the Court may order the amount specified therein to be paid forthwith to the client or into court.

Power of taxing officer where party liable to be paid and to pay costs

18. Where a party entitled to be paid costs is also liable to pay costs, the taxing officer may—

(*a*) tax the costs which that party is liable to pay and set off the amount allowed against the amount he is entitled to be paid and direct payment of any balance, or

(*b*) delay the issue of a certificate for the costs he is entitled to be paid until he has paid or tendered the amount he is liable to pay.

Taxation of bill of costs comprised in account

19.—(1) Where the Court directs an account to be taken and the account consists in part of a bill of costs, the Court may direct a taxing officer to tax those costs and the taxing officer shall tax the costs in accordance with the direction and shall return the bill of costs, after taxation thereof, together with his report thereon to the Court.

(2) A taxing officer taxing a bill of costs in accordance with a direction under this rule shall have the same powers, and the same fees shall be payable in connection with the taxation, as if an order for taxation of the costs had been made by the Court.

Taxing officer to fix certain fees payable to conveyancing counsel, etc.

20.—(1) Where the Court refers any matter to the conveyancing counsel of the Court or obtains the assistance of any other person under Order 55, rule 19, the fees payable to counsel or that other person in respect of the work done by him in connection with the reference or, as the case may be, in assisting the Court shall be fixed by a taxing officer.

(2) An appeal from the decision of a taxing officer under this rule shall lie to the Court, and the decision of the Court thereon shall be final.

PROCEDURE ON TAXATION

Mode of beginning proceedings for taxation

21.—(1) A party entitled to require any costs to be taxed must begin proceedings for the taxation of those costs by producing at the appropriate office the requisite document and (except where the proceedings for taxation arise out of proceedings in the Probate, Divorce and Admiralty Division) a copy thereof.

(2) The requisite document for the purposes of this rule shall be ascertained in accordance with the provisions of Appendix 1 to these rules.

(3) Where a party is entitled to require any costs to be taxed by virtue of—

(*a*) a judgment, direction or order given or made in proceedings in the Supreme Court, other than proceedings in the Probate, Divorce and Admiralty Division, or

(*b*) rule 10 of these rules,

he must begin proceedings for the taxation of those costs within seven days after the judgment, direction or order was entered, signed or otherwise perfected or, as the case may be, within seven days after service of the notice given by him under Order 22, rule 2 (where he is so entitled by virtue of paragraph (1) of the said rule 10) or Order 22, rule 4 (where he is so entitled by virtue of paragraph (2) of the said rule 10), or given to him under Order 26, rule 1 (where he is so entitled by virtue of paragraph (3) of the said rule 10).

(4) The party by whom proceedings for taxation (other than proceedings which arise out of proceedings in the Probate, Divorce and Admiralty Division) have been begun must, unless those proceedings are entered for taxation in the list kept for the purposes of rule 24 of these rules,—

(*a*) within the period (if any) within which he was required by the last foregoing paragraph to begin those proceedings, or

(*b*) if he was not required by that paragraph to begin those proceedings within any particular period, within seven days after beginning them,

hand in at, or send by post to, the appropriate office a statement containing the following particulars, that is to say—

(i) the name of every party, and the capacity in which he is a party, to the proceedings, his position on the record of the proceedings which gave rise to the taxation proceedings and, if any costs to which the taxation proceedings relate are to be paid out of a fund, the nature of his interest in the fund, and

(ii) the address of any party to the proceedings who appears in person and the name or firm and business address of the solicitor of any party who does not so appear and also (if the solicitor is the agent of another) the name or firm and business address of his principal.

(5) For the purposes of this rule the appropriate office is—

(*a*) in a case where the costs in question are to be taxed by the Admiralty registrar, by any registrar or principal clerk of the principal probate registry or by a registrar of a district registry, the Admiralty registry, the principal probate registry or that district registry respectively;

(*b*) in any other case, the Supreme Court Taxing Office.

Notification of time appointed for taxation

22.—(1) Where proceedings for taxation have been duly begun in accordance with the last foregoing rule, then, subject to paragraph (3) of this rule and rule 24 of these rules, the proper officer shall give to the party beginning the proceedings and, except where the proceedings arise out of proceedings in the Probate, Divorce and Admiralty Division and are to be conducted by a taxing officer other than the Admiralty registrar, to any other party entitled to be heard in the taxation proceedings, not less than seven days' notice of the day and time appointed for taxation.

(2) Subject to the next following paragraph, a party who has begun proceedings for taxation and who receives a notice under the foregoing paragraph must, where the proceedings arise out of proceedings in the Probate,

Divorce and Admiralty Division and are to be conducted by a taxing officer other than the Admiralty registrar, give to any other party entitled to be heard in the taxation proceedings to which the notice relates not less than four days' notice of the day and time appointed by the notice.

(3) A notice under this rule need not be given to any party who has not entered an appearance or taken any part in the proceedings which gave rise to the taxation proceedings:

Provided that this paragraph shall not apply where an order for the taxation of a solicitor's bill of costs made under section 69 of the Solicitors Act, 1957, at the instance of the solicitor gave rise to the taxation proceedings.

Delivery of bills, etc.

23.—(1) Where proceedings for taxation have been duly begun in accordance with rule 21 of these rules, then, subject to paragraph (5) of this rule and to the next following rule, the proper officer shall as soon as practicable give notice to any party whose costs are to be taxed in the proceedings of the period within which the bill of costs together with all necessary papers and vouchers are to be sent to the taxing officer by whom the bill is to be taxed.

(2) Subject to paragraph (5) of this rule, a party whose costs are to be taxed in any taxation proceedings, except a solicitor whose costs are to be taxed by virtue of an order made under section 69 of the Solicitors Act, 1957, must within four days after receiving a notice under paragraph (1) of the last foregoing rule send a copy of his bill of costs to every other party entitled to be heard in the proceedings unless that party has not entered an appearance or taken any part in the proceedings which gave rise to the taxation proceedings.

(3) A party who is required by paragraph (2) of the last foregoing rule to give notice to any other party of the day and time appointed for taxation proceedings must at the same time send a copy of his bill of costs to that other party, if he has not already done so.

(4) A party whose costs are to be taxed in proceedings to be conducted by the Admiralty registrar must, before beginning proceedings for taxation of those costs, send a copy of his bill of costs to any other party entitled to be heard in the proceedings unless that party has not entered an appearance or taken any part in the proceedings which gave rise to the taxation proceedings.

(5) Paragraphs (1) and (2) of this rule shall not apply in relation to taxation proceedings which arise out of proceedings in the Probate, Divorce and Admiralty Division.

Short and urgent taxation proceedings

24.—(1) Where a party entitled to require taxation of any costs of or arising out of proceedings in the Supreme Court (other than proceedings in the Probate, Divorce and Admiralty Division) begins proceedings for the taxation of those costs in accordance with rule 21 of these rules, then if, when he begins such proceedings, he satisfies the proper officer—

(*a*) that, in view of the amount of any bill of costs to be taxed, the time required for taxation is likely to be short, and

(*b*) that the speedy completion of the taxation is necessary in the interests of any person concerned in the taxation,

the proper officer shall enter the proceedings for taxation in a list kept for the purposes of this rule and shall forthwith give notice of the day and time appointed for taxation to the party whose costs are to be taxed.

(2) A party whose costs are to be taxed in proceedings entered for taxation in the list referred to in the foregoing paragraph must,—

(*a*) at the time when the proceedings are so entered, deliver to the proper officer any bill of costs to be taxed in the proceedings together with any necessary papers and vouchers, and

(*b*) subject to the next following paragraph, not less than two days before the day appointed for taxation send a copy of his bill of costs to every other party entitled to be heard in the proceedings with a notice of the day and time appointed for taxation.

(3) A notice under the last foregoing paragraph need not be given to any party who has not entered an appearance or taken any part in the proceedings which gave rise to the taxation proceedings.

Provisions as to bills of costs

25.—(1) In any bill of costs the professional charges and the disbursements must be entered in separate columns and every column must be cast before the bill is left for taxation.

(2) Before a bill of costs is left for taxation it must be indorsed with—

(*a*) the name or firm and business address of the solicitor whose bill it is, and

(*b*) if the solicitor is the agent of another, with the name or firm and business address of that other solicitor.

Provisions as to taxation proceedings

26.—(1) If any party entitled to be heard in any taxation proceedings does not attend within a reasonable time after the time appointed for the taxation, the taxing officer, if satisfied by affidavit or otherwise that the party had due notice of the time appointed, may proceed with the taxation.

(2) The taxing officer by whom any taxation proceedings are being conducted may, if he thinks it necessary to do so, adjourn those proceedings from time to time.

Powers of taxing officer taxing costs payable out of fund

27.—(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 name of the taxing officer and 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.

ASSESSMENT OF COSTS

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

28.—(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 31 of these rules shall have effect in relation to the taxation in substitution for paragraph (2) of this rule.

(6) The foregoing provisions of this rule shall be without prejudice to the powers of the Court under subsection (3) of section 47 of the County Courts Act, 1959 (which empowers the Court in relation to an action commenced in the High Court which could have been commenced in the county court to make an order in certain circumstances allowing the costs on such one of the county court scales and under such one of the columns in the scale as the order may direct).

Costs payable to a solicitor by his own client

29.—(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)

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

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 28 of these rules 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 of unsound mind 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 Judge or Master in Lunacy;

(*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.

Costs payable to solicitor where money recovered by or on behalf of infant, etc.

30.—(1) This rule applies to—

(*a*) any proceedings in which money is claimed or recovered by or on behalf of, or adjudged or ordered or agreed to be paid to, or for the benefit of, a person who is an infant or of unsound mind or in which money paid into court is accepted by or on behalf of such a person, and

(*b*) any proceedings in which money is claimed under the Fatal Accidents Acts, 1846 to 1959, by or on behalf of the widow of the man whose death gave rise to the proceedings, or in which money is recovered by or on behalf of, or adjudged or ordered or agreed to be paid to, or for the benefit of, that widow in satisfaction of a claim under the said Acts or in which money paid into court is accepted by her or on her behalf in satisfaction of such a claim, and

(*c*) any proceedings in the Court of Appeal on an application or appeal made in connection with any such proceedings as are referred to in the foregoing provisions of this paragraph.

(2) No costs in any such proceedings as are referred to in sub-paragraph (*a*) or sub-paragraph (*b*) of the foregoing paragraph or incident to the claim therein or consequent thereon shall be payable by any plaintiff to his solicitor in respect of those proceedings, except such amount of costs as may be certified on the taxation under rule 29 of these rules of the solicitor's bill to that plaintiff.

(3) On the taxation under the said rule 29 of a solicitor's bill to any plaintiff in any such proceedings as are referred to in the said sub-paragraph (*a*) or (*b*) who is his own client, the taxing officer shall also tax any costs payable to that plaintiff in those proceedings and shall deduct the amount allowed on the taxation of those costs from the taxed amount of the solicitor's bill and certify the difference as the amount payable to the solicitor and, where necessary, shall also certify the proportion of that amount payable respectively by, or out of money belonging to, any party to the proceedings who is an infant or of unsound mind or the widow of the man whose death gave rise to the proceedings and any other party.

(4) Paragraphs (2) and (3) of this rule shall apply in relation to any such proceedings as are referred to in subparagraph (*c*) of paragraph (1) of this rule as if for references to a plaintiff there were substituted references to the party, whether appellant or respondent, who was the plaintiff in the proceedings which gave rise to the first-mentioned proceedings.

(5) Nothing in the foregoing provisions of this rule shall prejudice a solicitor's lien for costs.

(6) Where in any proceedings to which this rule applies directions given by the Court under Order 22, rule 14, provide for the transfer or payment of money to or into a county court and for the payment to the solicitor of any plaintiff in the proceedings of an amount in respect of costs out of the money so transferred or paid, the taxing officer by whom those costs are taxed shall send a copy of his certificate to the registrar of the county court.

(7) The foregoing provisions of this rule shall apply in relation to—

(*a*) a counterclaim by or on behalf of a person who is an infant or of unsound mind and a counterclaim consisting of or including a claim under the Fatal Accidents Acts, 1846 to 1959, by or on behalf of the widow of the man whose death gave rise to the claim, and

(*b*) a claim made by or on behalf of a person who is an infant or of unsound mind in an action by any other person for relief under section 504 of the Merchant Shipping Act, 1894(a), as amended by any subsequent enactment, and a claim consisting of or including a claim under the Fatal Accidents Acts, 1846 to 1959, made by or on behalf of that widow in such an action,

as if for references to a plaintiff there were substituted references to a defendant.

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

31.—(1) This rule applies to every taxation of the costs which a person who is or has been a party to any proceedings 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, or should for that or any other reason be borne by him personally.

Scales of costs

32.—(1) Subject to the foregoing rules and the following provisions of this rule, the scale of costs contained in Appendix 2 to these rules, 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 29 or paragraph (2) of rule 31 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.

(a) 57 & 58 Vict. c. 60.

(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, 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 2 to these rules.

(4) Notwithstanding paragraph (1) of this rule, costs shall, unless the Court otherwise orders, be allowed in the cases to which Appendix 3 to these rules applies in accordance with the provisions of that Appendix.

REVIEW

Application to taxing officer for review

33.—(1) Any party to any taxation proceedings who is dissatisfied with the allowance or disallowance in whole or in part of any item by a taxing officer, or with the amount allowed by a taxing officer in respect of any item, may apply to the taxing officer to review his decision in respect of that item.

(2) An application under this rule for review of a taxing officer's decision may be made at any time within fourteen days after that decision or such shorter period as may be fixed by the taxing officer:

Provided that no application under this rule for review of a decision in respect of any item may be made after the signing of the taxing officer's certificate dealing finally with that item.

(3) Every applicant for review under this rule shall at the time of making his application deliver to the taxing officer objections in writing specifying by a list the items or parts of items the allowance or disallowance of which, or the amount allowed in respect of which, is objected to and stating concisely the nature and grounds of the objection in each case, and shall deliver a copy of the objections to each other party (if any) who attended on the taxation of those items or to whom the taxing officer directs that a copy of the objections shall be delivered.

(4) Any party to whom a copy of the objections is delivered under this rule may, within fourteen days after delivery of the copy to him or such shorter period as may be fixed by the taxing officer, deliver to the taxing officer answers in writing to the objections stating concisely the grounds on which he will oppose the objections, and shall at the same time deliver a copy of the answers to the party applying for review and to each other party (if any) to whom a copy of the objections has been delivered or to whom the taxing officer directs that a copy of the answers shall be delivered.

(5) An application under this rule for review of the taxing officer's decision in respect of any item shall not prejudice the power of the taxing officer under rule 17 of these rules to issue an interim certificate in respect of items his decision as to which is not objected to.

Review by taxing officer

34.—(1) Where an application is made under the last foregoing rule for review of a decision of a principal clerk acting under paragraph (7) of rule 12 of these rules or under rule 13 of these rules, the review shall be carried out by a registrar of the principal probate registry or by a taxing

master, as the case may be; but save as aforesaid a review under the last foregoing rule shall be carried out by the taxing officer to whom the taxation was originally assigned.

(2) On reviewing any decision in respect of any item, a taxing officer may receive further evidence and may exercise all the powers which he might exercise on an original taxation in respect of that item, including the power to award costs of and incidental to the proceedings before him; and any costs awarded by him to any party may be taxed by him and may be added to or deducted from any other sum payable to or by that party in respect of costs.

(3) A taxing officer who has reviewed a decision in respect of any item shall issue his certificate accordingly and, if requested to do so by any party to the proceedings before him, shall state in his certificate or otherwise in writing by reference to the objections to that decision the reasons for his decision on the review, and any special facts or circumstances relevant to it.

(4) In this rule "taxing officer" means a taxing master, a registrar of the principal probate registry, the Admiralty registrar or the registrar of a district registry.

Review of taxing officer's certificate by a judge

35.—(1) Any party who is dissatisfied with the decision of a taxing officer to allow or to disallow any item in whole or in part on review under the two last foregoing rules, or with the amount allowed in respect of any item by a taxing officer on any such review, may apply to a Judge for an order to review the taxation as to that item or part of an item.

(2) An application under this rule for review of a taxing officer's decision in respect of any item may be made at any time within fourteen days after the taxing officer's certificate in respect of that item is signed, or such longer time as the taxing officer at the time when he signs the certificate, or the Court at any time, may allow.

(3) An application under this rule shall be made by summons and shall, except where the Judge thinks fit to adjourn into court, be heard in chambers.

(4) Unless the Judge otherwise directs, no further evidence shall be received on the hearing of an application under this rule, and no ground of objection shall be raised which was not raised on the review by the taxing officer but, save as aforesaid, on the hearing of any such application the Judge may exercise all such powers and discretion as are vested in the taxing officer in relation to the subject matter of the application.

(5) If the Judge thinks fit to exercise in relation to an application under this rule the power of the Court to appoint assessors under section 98 of the Supreme Court of Judicature (Consolidation) Act, 1925, the Judge shall appoint not less than two assessors, of whom one shall be a taxing officer.

(6) On an application under this rule the Judge may make such order as the circumstances require, and in particular may order the taxing officer's certificate to be amended or, except where the dispute as to the item under review is as to amount only, order the item to be remitted to the same or another taxing officer for taxation.

(7) In this rule "Judge" means a judge in person, and "taxing officer" means a taxing master, a registrar of the principal probate registry, the Admiralty registrar or the registrar of a district registry.

APPENDIX 1

Requisite Document for purposes of Rule 21 of these Rules

1. Where a party is entitled to require any costs to be taxed by virtue of a judgment, order or direction specified in the first column of the following Table, the requisite document for the purposes of rule 21 of these rules is the document specified in relation to that judgment, order or direction in the second column of that Table.

Table

Judgment, order or direction	*Requisite document*
Judgment or order given or made in proceedings in the Probate, Divorce and Admiralty Division.	The bill of costs to be taxed.
Judgment or order given or made in any other proceedings in the Supreme Court.	The judgment or order, as the case may be.
Direction of the Court given under these rules.	The direction.

2. Where a party is entitled by virtue of rule 10 of these rules to require any costs to be taxed, the requisite document for the purposes of the said rule 21 is—

(*a*) where he is so entitled by virtue of paragraph (1) or paragraph (2) of the said rule 10, a certified copy of the notice given by him under Order 22, rule 2 or Order 22, rule 4, as the case may be;

(*b*) where he is so entitled by virtue of paragraph (3) of the said rule 10, the notice given to him under Order 26, rule 1.

3. Where a party is entitled to require taxation by a taxing officer of the costs directed by an award made on an arbitration under any Act or pursuant to an arbitration agreement to be paid and no order of the Court for the enforcement of the award has been made, the requisite document for the purposes of the said rule 21 is the award.

4. Where apart from any order of the Court a party is entitled to require taxation by a taxing officer of the fees and charges payable to a sheriff or an officer of his under the Sheriffs Act, 1887(a), the requisite document for the purposes of the said rule 21 is the sheriff's bill of fees and charges.

5. Where a party is entitled to require taxation by a taxing officer of any costs directed to be taxed or paid by an order, award or other determination of a tribunal or other body constituted by or under any Act, the requisite document for the purposes of the said rule 21 is the order, award or other determination, as the case may be.

APPENDIX 2

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 to 10	10	0
2.	Issue and service on one party of concurrent writ of summons or originating summons		15	0

Note to items 1 *and* 2

References in these items to service on one party of a writ of summons shall, in relation to a writ of summons issued in an Admiralty action in rem, be construed as references to service of the writ on a ship or on a registrar, as the circumstances of the case require.

(a) 50 & 51 Vict. c. 55.

Item	£ s. d.
3. Renewing writ of summons issued—	
(*a*) in Admiralty action	6 0 0
(*b*) in any other action	2 0 0
including drawing and filing affidavit, attending on application for renewal and obtaining order.	
4. Drawing, presenting, filing and service on one party of—	
(*a*) petition assigned to the Probate, Divorce and Admiralty Division	2 10 0 to 10 0 0
(*b*) any other 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—	
(*a*) case or special case stated by party or parties to any cause or matter	Discretionary
(*b*) case or special case stated by Restrictive Practices Court, inferior court of civil jurisdiction, statutory tribunal, Commissioners for the general or special purposes of the Income Tax Acts, Minister of the Crown, arbitrator or umpire	Discretionary
(*c*) notice of appeal (including notice of the grounds of the appeal) from decision given on an investigation or inquiry under Part VI of the Merchant Shipping Act, 1894, or from an order or decision of a naval court under the said Part VI	Discretionary
Note to item 6	
This item includes service on one party of notice that the case referred to in paragraph (*b*) thereof 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, claim in a reference under Order 56	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 and filing of Preliminary Act, drawing notice of filing and service on one party of such notice	Discretionary
10. 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
11. Drawing notice of writ of summons, or intimation of issue of process, for service out of the jurisdiction	15 0
12. 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

Item	£ s. d.
13. Drawing, issuing, filing and service on one party of summons—	
(*a*) to 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
14. Drawing, issuing, filing and service on one party of summons for directions or notice under Order 30, rule 7—	
(*a*) in Admiralty action	Discretionary
(*b*) in any other action	1 5 0 to 3 0 0
15. Drawing, issuing, filing and service on one party of summons to attend at chambers (other than summons referred to in item 13 or 14)	1 5 0 to 3 0 0
16. Drawing brief on an interlocutory application or on further consideration thereof and fair copy	1 0 0 to 7 10 0
17. Attending to obtain appointment for hearing before Judge, master or registrar	15 0
18. Attending to deliver papers required for use of Judge, master or registrar in chambers	15 0
19. Attending hearing of summons or application in chambers ...	1 10 0 to 12 0 0 per day
20. Attending registrar of the Chancery Division—	
(*a*) to bespeak (where necessary) and to settle draft minutes of order—	
(i) if certified for special allowance by registrar under paragraph 6 of Part X of this Appendix	Discretionary not exceeding 6 0 0
(ii) if not so certified	1 10 0
(*b*) to pass and enter order	1 10 0
21. Attending to draw up and enter any order, where item 20 does not apply	15 0

PART III

DISCOVERY AND INSPECTION

22. 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
23. Attending to inspect, or produce for inspection, documents production of which for inspection is required by order of the Court or by notice given under Order 31, 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.

Item		£ s. d.
24.	Drawing and issue of— (*a*) writ of subpoena ad testificandum or writ of habeas corpus ad testificandum for one, two or three witnesses, (*b*) writ of subpoena duces tecum, for each witness, including filing of praecipe, attending to obtain writ and necessary copies thereof.	15 0 15 0
25.	Drawing and service of notice— (*a*) to produce for inspection document referred to in pleading or affidavit ... ... (*b*) to produce document at trial or hearing ... ... (*c*) to admit any document or fact ... ... including copy for service.	15 0 15 0 15 0
26.	Instructions for trial or hearing of any cause or matter, whatever the mode of trial or hearing	Discretionary
27.	Instructions for appeal from an interlocutory or final order or judgment	Discretionary

Note to items 26 *and* 27

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, affidavit, Preliminary Act or claim in a reference under Order 56;
(*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.

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

Note to item 29

This item includes attending to make appointment for conference.

30.	Drawing brief with observations to counsel and proofs of evidence, per folio	2 0
31.	Attending counsel to procure certificate that cause is proper to be heard as a short cause and on registrar to mark same	1 0 0
32.	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 or under Order 37, rule 25A	4 0 0 to 12 0 0 per day

Part V

Trial or Hearing

Item	£ s. d.
33. Attending at court sitting in London, Middlesex or 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
34. Attending at court sitting elsewhere than as mentioned in item 33, 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 34	
The solicitor shall also be allowed travelling and out of pocket expenses reasonably incurred by him.	
35. Attending to obtain certificate of associate or master, drawing, and attending to enter, judgment, other than judgment given in Admiralty cause or matter	1 10 0
36. Attending to obtain judgment in Admiralty cause or matter, decision on reference under Order 56 and grounds of decision...	15 0

Part VI

Taxation

37. Drawing bill of costs (including copy for taxing officer), per folio	2 0
38. Attending to obtain reference to taxing officer or appointment for taxation or (where the taxation proceedings arise out of proceedings in the Probate, Divorce and Admiralty Division) to lodge bill of costs	1 0 0
Note to item 38	
This item includes drawing the statement referree to in paragraph (4) of rule 21 of these rules.	
39. Attending taxation, completing bill of costs, producing vouchers for disbursements and attending to obtain taxing officer's certificate or order	3 0 0 to 12 0 0
40. 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

41. 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	8
42. Drawing notice of renewal of writ of execution required by Order 42, 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

Item	£ s. d.
43. 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 43 This item includes drawing the form of consent or approval.	
44. To give consent	15 0
45. 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 45 This item includes copy and service of notice of appearance.	
46. To search—	
(*a*) for appearance	15 0
(*b*) for appearance and to obtain certificate of non-appearance	1 0 0
47. To obtain certificate of entry of memorandum of service of notice of judgment or order	15 0
48. To register memorandum of a lis pendens...	1 0 0
Note to item 48 This item shall not be allowed on a taxation of costs in accordance with paragraph (2) of rule 28 of these rules.	
49. At central office or any registry to file any document or at Admiralty registry to obtain folio number of writ of summons and lodge copy of writ	15 0
50. At central office or any registry to bespeak or search for affidavit	15 0
51. To enter order amending record by striking out or adding a party or consolidating causes or matters	15 0
52. To—	
(*a*) set down action, summons or appeal for trial or hearing...	15 0
(*b*) enter special case, or set down point of law, for argument	15 0
(*c*) enter for hearing case or special case stated by Restrictive Practices Court, inferior court of civil jurisdiction, statutory tribunal, Commissioners for the general or special purposes of the Income Tax Acts, Minister of the Crown, arbitrator or umpire	15 0
(*d*) enter for hearing reference to Admiralty registrar, district registrar or official referee	15 0
53. 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
54. On a deponent swearing, or solicitor or clerk deposing to, any affidavit other than an affidavit of service	15 0
55. To examine abstract of title with deeds in connection with any cause or matter, per hour...	2 10 0
56. 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
57. To stamp document with inland revenue stamp	15 0

Item		£ s. d.
58.	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
59.	To make a general search for certificates of birth, marriage or death, per hour	1 10 0
60.	On printer to insert advertisement in London Gazette or other paper. for each publication	15 0
61.	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
62.	Attendance not provided for or allowed under any other item ...	15 0
	Attendances, etc., at the Accountant-General's office	
63.	To obtain directions for lodgment of money in court, and at Bank of England to pay in or deposit money and obtain receipt ...	3 0 0
64.	To draw and lodge documents required to authorise payment out of money lodged in court and to receive payment ...	1 0 0
65.	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
66.	To identify person entitled to receive cheque	2 0 0
67.	To lodge securities in court or procure transfer of securities into or out of court	Discretionary
	Note to item 67 This item includes all attendances required in connection with the lodgment or transfer and the preparation of any document so repuired.	
68.	To procure certificate, or re-dating of certificate, of funds in court	1 0 0
	Or where more than one certificate is procured or re-dated at same time	Discretionary
69.	To procure transcript of account	1 0 0
70.	Drawing request for payment by post, obtaining signature and lodging request	1 10 0
71.	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
72.	Drawing certificate required by the Accountant-General under rule 89 of the Supreme Court Funds Rules, 1927	Discretionary
73.	Procuring certificate of Commissioners of Inland Revenue required by rule 66 of the Supreme Court Funds Rules, 1927, and lodging it with the Accountant-General	1 10 0
	Drawing documents	
74.	Case for opinion of counsel before institution of proceedings ...	2 0 0 to 7 10 0
75.	Affidavit of service	2 0 0
	Note to item 75 This item includes engrossing affidavit, attending to have it sworn and file it.	
76.	Affidavit, other than affidavit of service, per folio...	2 0
77.	Preparation for marking by commissioner of oaths of exhibit to affidavit, for each exhibit	3 0

Item		£ s. d.
78.	Advertisement to be signed by master ... ... *Note to item* 78 This item includes attending chambers to obtain signature.	15 0
79.	Minutes of order, accounts, statements and other documents required for use in court or chambers, per folio	2 0
80.	Pedigree, for each completed ring	2 0
81.	Memorandum of a lis pendens, including copy thereof ... ... *Note to item* 81 This item shall not be allowed on a taxation of costs in accordance with paragraph (2) of rule 28 of these rules.	15 0
	Notices, etc.	
82.	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 Accountant-General	1 6
83.	Drawing any notice not otherwise provided for for service or any demand under Order 7, rule 1 or Order 48A, rule 2	2 6
	Copies, etc.	
84.	Copy of document— (*a*) printed or carbon copy, per folio ... ... (*b*) photographic copy	4 Discretionary
85.	Where solicitor is acting as agent of solicitor practising outside London, copy of document for use of principal, per folio ...	8
86.	Copy of document not otherwise provided for, per folio ...	8
87.	Examining proof print, per folio	4
	Letters, etc.	
88.	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
89.	Letters, messages and telephone calls not provided for or allowed under any other item	Discretionary
	Perusal	
90.	Perusing any document not provided for or allowed under any other item, per folio	1 0
	Service	
91.	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 13, 14, 15 or 40 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
92.	Where document referred to in Part I of this Appendix or in item 13, 14, 15 or 40 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

Item		£ s. d.
93.	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

ADDITIONAL PROCEEDINGS ARISING ONLY IN CONNECTION WITH ADMIRALTY CAUSES AND MATTERS

94.	Procuring issue and service of warrant of arrest	6 0 0
	Note to item 94	
	This item includes procuring the warrant, affidavits and other documents required in connection with the issue and service of the warrant and any attendances required to procure its issue and service, the swearing of any such affidavit and the filing of any such document.	
95.	Procuring issue of instrument of release under Order 29 ...	6 0 0
	Note to item 95	
	This item includes drawing the instrument and other documents required in connection with the issue of the instrument, obtaining any consent so required and any attendances required to procure the issue of the instrument and the filing of any such document.	
96.	Procuring entry, renewal or withdrawal of caveat against the issue of a warrant, the release of property or the payment of money out of court	1 0 0
	Note to item 96	
	This item includes drawing and filing any document required to procure the entry, renewal or withdrawal and any attendances so required.	
97.	Giving bail—	
	(*a*) one surety	7 0 0
	(*b*) two sureties	7 10 0
	Note to item 97	
	This item includes drawing the bail bond, affidavits and other documents required in connection with the giving of bail and any attendances required to procure the signing of the bond, the swearing of any such affidavit and the filing and service of any such document.	
98.	Giving guarantee or undertaking in lieu of bail	4 0 0
	Note to item 98	
	This item includes preparing the guarantee or undertaking and any attendances required to procure the signing and stamping thereof.	
	Note to items 97 *and* 98	
	The commission or fee paid to a person becoming surety to a bail bond or giving a guarantee or undertaking in lieu of bail, not exceeding £1 per centum of the amount for which the bond, guarantee or undertaking is given, shall be allowed on taxation.	
99.	Obtaining bail	3 10 0
	Note to item 99	
	This item includes perusing notice of bail and other relevant documents and any attendance to make enquiries as to sufficiency of sureties or to ensure that documents relating to bail have been filed.	

Item	£ s. d.
100. Obtaining—	
(*a*) guarantee in lieu of bail	3 10 0
(*b*) undertaking in lieu of bail	2 0 0
Note to item 100 This item includes perusing the guarantee or undertaking and other relevant documents.	
101. Procuring the issue and execution of commission of appraisement or of appraisement and sale	3 0 0
Note to item 101 This item includes drawing and filing any document required in connection with the issue and execution of the commission and any attendances so required.	
102. Attending adverse solicitor to limit questions in dispute on reference under Order 56	2 10 0
And for every half hour beyond the first	1 0 0
103. Negotiating agreement under Order 52, rule 23	1 10 0 to 5 0 0
Note to item 103 This item includes taking instructions in connection with the agreement, drawing and filing the agreement and any attendances required in connection with the negotiation, making and filing of the agreement.	
104. Negotiating agreement with respect to amount of damages, interest or other sums payable by opposite party	Discretionary
Note to item 104 This item includes any attendances and other work done in connection with the calculation of, and in obtaining agreement as to, the amount payable.	

PART X

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 32 of these rules 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 28 of these rules has effect.

(3) No costs shall be allowed in respect of counsel attending before a master or registrar in chambers or of more counsel than one attending before a Judge in chambers unless the master, registrar or Judge, 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.—(1) The costs of calling an expert witness with regard to any question as to which a Court expert or scientific adviser is appointed under Order 37A shall not be allowed on a taxation of costs in relation to which paragraph (2) or paragraph (3) of rule 28 of these rules has effect unless the Court at the trial has certified that the calling of the witness was reasonable.

(2) If any action or counterclaim for the infringement of a patent or any petition for revocation of a patent under section 32 of the Patents Act, 1949(a), or any counterclaim for the revocation of a patent under section 61 of that Act, proceeds to trial, no costs shall be allowed to the parties delivering any particulars of breaches or particulars of objection 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 in the Chancery Division

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

(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 28 of these rules 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 at the hearing; and in fixing the costs to be allowed for attending any such hearing as aforesaid the Court 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.

(a) 12, 13 & 14 Geo. 6. c. 87.

(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 at the hearing certifies that attendance to be reasonable.

(4) Where on any such hearing as aforesaid the Court 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 of the Chancery Division

6. On any attendance before a registrar of the Chancery Division 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 84 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 84 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 3

FIXED COSTS

PART I

Costs on judgment without trial for a liquidated sum

1. The scale of costs set out in Part II of this Appendix (which includes the scale prescribed pursuant to subsection (4) of section 47 of the County Courts Act, 1959) shall apply in relation to the following cases if the writ of summons therein was issued after the 31st December, 1959, and was indorsed in accordance with Order 3, rule 7, with a claim for a debt or liquidated demand only of £40 or upwards, that is to say—

(*a*) cases in which the defendant pays the amount claimed or a sum of not less than £40 within the time and in the manner required by the indorsement of the writ;

(*b*) cases in which the plaintiff obtains judgment in default of appearance under Order 13, rule 3, rule 4, rule 9A or rule 16, or judgment in default of defence under Order 27, rule 2, rule 3, rule 9 or rule 16, being in any case judgment for a sum of £40 or upwards;

(*c*) cases in which the writ is specially indorsed with or accompanied by a statement of claim under Order 3, rule 6, and in which the plaintiff obtains an order under Order 14, rule 1, rule 4 or rule 5, empowering him to sign judgment for a sum of £40 or upwards, either unconditionally or unless that sum is paid into court or to the plaintiff's solicitors.

2. Notwithstanding anything in paragraph 1 of this Appendix or in the said scale, no costs shall be allowed in any case to which the said paragraph 1 applies in which less than £75 is recovered unless—

(*a*) the Court orders costs to be allowed; or

(*b*) in a case to which sub-paragraph (*b*) or (*c*) of the said paragraph 1 applies, judgment or an order for judgment, as the case may be, is obtained within 28 days after the service of the writ or within such further time as the Court may allow.

3. In every case to which the said scale applies there shall be added to the basic costs set out in the said scale the fee which would have been payable on the issue of a writ for the amount recovered.

4. For the purposes of the said scale—

(*a*) " the central district " means in the case of an action in which the writ is issued out of the central office of the Supreme Court, the district within a radius of five miles from the General Post Office, and in the case of an action in which the writ is issued out of a district registry means the district within a radius of five miles from that registry; and

(*b*) two defendants are to be treated as served in the same district if the places at which they are served are in the same county court district or are within five miles of each other.

PART II

Basic costs	*Costs to be allowed in cases under the following sub-paragraphs of paragraph 1 of this Appendix*		
	(*a*)	(*b*)	(*c*)
	£ s. d.	£ s. d.	£ s. d.
If the amount recovered is—			
not less than £40 but less than £75 ...	2 8 0	2 18 0	5 18 0
not less than £75 but less than £300 ...	4 10 0	5 10 0	9 0 0
not less than £300	6 15 0	8 17 0	15 0 0

Additional costs	*Costs to be allowed where the amount recovered is—* (i) not less than £40 but less than £75	(ii) not less than £75 but less than £300	(iii) not less than £300
	£ s. d.	£ s. d.	£ s. d.
(1) Where there is more than one defendant, in respect of each additional defendant served:—			
(*a*) if the additional defendant is served in the same district or represented by the same solicitor as any other defendant	8 0	10 0	15 0
(*b*) in any other case	8 0	1 0 0	1 7 6
(2) Where substituted service is ordered and effected, in respect of each defendant served	1 0 0	2 0 0	4 10 3

	Costs to be allowed where the amount recovered is— (i) less than £300	(ii) not less than £300
	£ s. d.	£ s. d.
(3) Where the defendant does not reside in the central district, in respect of each defendant:—		
(*a*) in the case of judgment in default of appearance or of defence	10 0	1 10 0
(*b*) in the case of judgment under Order 14 ...	1 0 0	1 10 0
(*c*) in any other case	10 0	15 0
(4) Where service out of the jurisdiction is ordered and effected, in the case of service—		
(*a*) in Scotland, Northern Ireland, the Isle of Man or the Channel Islands	5 0 0	7 5 0
(*b*) in any other place out of the jurisdiction ...	8 0 0	11 15 0
(5) In the case of judgment in default of defence or judgment under Order 14, where notice of appearance is not given on the day on which appearance is entered, and the plaintiff makes an affidavit of service for the purpose of a judgment in default of appearance (the allowance to include the search fee)	15 0	1 0 0
(6) In the case of judgment under Order 14 where an affidavit of service of the summons is required ...	15 0	1 0 0
(7) In the case of judgment under Order 14, for each adjournment of the summons	1 0 0	1 10 0
(8) In the case of judgment in default of appearance on an application by notice under Order 13, rule 16 (which applies to moneylenders' actions):—		
(*a*) where judgment is given for interest at a rate exceeding 48 per cent per annum on production of an affidavit justifying that rate...	1 19 0	2 15 0
(*b*) in any other case	1 8 0	2 0 0
(*c*) where there is more than one defendant, in respect of each additional defendant	3 0	5 0

	Costs to be allowed £ s. d.
(9) Where there is no available solicitor carrying on business within two miles of the defendant's residence, a mileage allowance in respect of each mile after the first two miles between the defendant's residence and the nearest place of business of an available solicitor ...	2 0

PART III

Miscellaneous

5. Where a plaintiff or defendant signs judgment for costs under rule 10 of these rules, there shall be allowed—

Costs of the judgment ... ... £1 5s. 0d.

6. Where a certificate of a judgment or decreet is registered in the High Court in the Register for Irish Judgments or the Register for Scotch Judgments under the Judgments Extension Act, 1868(a), within twelve months of the date of the judgment and without an order, there shall be allowed—

Costs of registration ... ... £6 2s. 0d.

7. Where the Court orders a judgment or order of an inferior court to be removed into the High Court under section 4 of the Inferior Courts Act, 1779(b), section 22 of the Judgments Act, 1838(c), or the Borough and Local Courts of Record Act, 1872(d), there shall be allowed, in the case of a judgment or order—

(*a*) of the Mayor's and City of London Court ... ... £2 5s. 0d.
(*b*) of the Salford Hundred Court, the Liverpool Court of Passage or any other court ... ... £5 2s. 0d.

8. 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 45, 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 £ s. d.	*If affidavit used* £ s. d.
(i) where the garnishee resides in the central district within the meaning of paragraph 4 of this Appendix	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 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

9. 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(e), or under that section as extended by section 1 of the Judgments Act, 1840(f); or
(*b*) in respect of any partnership property or profits, under section 23 of the Partnership Act, 1890(g); or
(*c*) in respect of land, under section 35 of the Administration of Justice Act, 1956(h);

there shall be allowed—

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

(a) 31 & 32 Vict. c. 54.
(b) 19 Geo. 3. c. 70.
(c) 1 & 2 Vict. c. 110.
(d) 35 & 36 Vict. c. 86.
(e) 1 & 2 Vict. c. 110.
(f) 3 & 4 Vict. c. 82.
(g) 53 & 54 Vict. c. 39.
(h) 4 & 5 Eliz. 2. c. 46.

10. Where leave is given under Order 47, rule 1, to enforce a judgment or order for the recovery of possession of land by writ of possession, if costs are allowed on the judgment or order there shall be allowed the following costs, which shall be added to the judgment or order—

	£	s.	d.
Basic costs	2	5	0
Where notice of the proceedings has been given to more than one person, in respect of each additional person		8	0

11. Where a writ of execution within the meaning of Order 42, rule 8, is issued against any party, there shall be allowed—

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

EXPLANATORY NOTE

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

These Rules revoke Order 65 (except a few rules thereof relating to security for costs) and Appendices N and P of the Rules of the Supreme Court, 1883, as well as certain other rules relating to costs, and replace them by the new code of rules set out in the Second Schedule. The principal changes are:—

(1) a general increase of the costs which may be allowed in respect of contentious business done on or after January 1st, 1960, and the complete revision and modernisation of the scale of costs under Appendix N (Appendix 2 to the new code), with some extension of the discretionary powers of taxing officers;

(2) the provision for review by a judge 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 35);

(3) 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 28 (3) and (4));

(4) the extension to all district registrars of the powers to tax costs awarded by an arbitrator and to tax under the Solicitors Act, 1957, the bill presented by a solicitor to his own client in respect of contentious business done by the solicitor (Rule 12 (4)).