STATUTORY INSTRUMENTS

1971 No. 798 (L.16)

INFERIOR COURT, ENGLAND

The Salford Hundred Court of Record (Amendment) Rules 1971

Made - - - - 5*th May* 1971
Coming into Operation 1*st June* 1971

We, the Rule Committee of the Salford Hundred Court of Record, hereby make the following Rules:—

1.—(1) These Rules may be cited as the Salford Hundred Court of Record (Amendment) Rules 1971, and shall come into operation on the first day of June 1971.

(2) In these Rules an Order and Rule referred to by number means the Order and Rule so numbered in the Salford Hundred Court of Record Rules 1935(a), as amended (b), Appendix N means Appendix N to those Rules, and Schedules A, B, C and D mean respectively Schedules A, B, C and D in the Appendix.

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

2. Order LXV shall be amended as follows:—

(1) Rule 5 shall be revoked and the following Rule shall be substituted:—

Scales of costs

"5.—(1) For the regulation of solicitors' charges and disbursements otherwise than under Rule 32 of this Order there shall be a Lower Scale and four Higher Scales, namely Scale 1, Scale 2, Scale 3 and Scale 4.

(2) The Higher Scales, which shall be those set out in Schedule A, shall have effect subject to and in accordance with the Rules of this Order and the directions contained in the Scales.

(3) The Scales of Costs applicable to a sum of money only shall be as follows:—

Sum of Money	Scale Applicable
Exceeding £5·00 and not exceeding £20·00	Lower Scale
Exceeding £20·00 and not exceeding £50·00	Scale 1
Exceeding £50·00 and not exceeding £200·00	Scale 2
Exceeding £200·00 and not exceeding £500·00	Scale 3
Exceeding £500·00	Scale 4

(4) Where the sum of money does not exceed £5·00 no solicitors' charges shall be allowed, unless a certificate is granted under Rule 6 of this Order.

(a) Order of the Chancellor of the Duchy of Lancaster dated 6th December, 1934.
(b) The relevant amending instrument is S.I. 1963/1944 (1963 III, p. 3791).
(c) 1889 c. 63.

(5) In addition to the disbursements shown in the Higher Scales the appropriate court fees shall be allowable."

(2) In Rule 10 for the words "Rule 6" there shall be substituted the words "Rules 6 and 31".

(3) In Rule 11(1) for the words "and 10" there shall be substituted the words "10 and 31".

(4) The following Rule shall be substituted for Rule 13:—

Allowance or disallowance of items by Judge

"13. Where the costs of any action or matter are on one of the Higher Scales, the Judge may direct the Registrar to allow or disallow on taxation any item in the Scale."

(5) Rule 14 shall be revoked.

(6) In Rule 15 for the words "Scale 2, Scale 3 or Scale 4" there shall be substituted the words "one of the Higher Scales".

(7) Rule 16 shall be amended as follows:—

(*a*) In paragraph (1) for the words "Scale 3 or Scale 4" there shall be substituted the words "Scale 2, 3 or 4".

(*b*) In paragraph (2) for the words "Scale 2, Scale 3 or Scale 4" there shall be substituted the words "one of the Higher Scales".

(*c*) In paragraph (3) for the list of items following the word "namely" there shall be substituted the following list:—

"items 1, 2, 5, 6, 7, 8, 17, 24, 26 and 27".

(*d*) At the end of the Rule there shall be added the following paragraph:—

"(5) Where the costs of any proceedings are on Scale 3 or 4 and no direction has been given by the Judge that this paragraph shall not apply, the Registrar may, if satisfied as to the matters mentioned in paragraph (2), exercise the powers conferred on him by paragraph (3) notwithstanding that no direction has been given by the Judge under paragraph (2)".

(8) In Rule 18 for the words "Scale 2, Scale 3 or Scale 4" there shall be substituted the words "one of the Higher Scales".

(9) Rule 23 shall be amended as follows:—

(*a*) At the beginning there shall be inserted the words "(1) Subject to paragraph (2)".

(*b*) In paragraph (1) for the words "Schedule C" wherever they occur, there shall be substituted the words "Schedule B".

(*c*) At the end there shall be added the following paragraph :—

"(2) Where the costs are on Scale 3 or 4 the Registrar on taxing or fixing and allowing the costs may, if satisfied that the sum specified in Schedule B may be inadequate in the circumstances, allow such larger sum as he thinks reasonable, notwithstanding that, in the case of a sum prescribed in Column 1, no order has been made under the proviso to paragraph (1)."

(10) Rule 24 shall be amended as follows:—

(*a*) In paragraph (2), for the words "C of" there shall be substituted the words "B in".

(*b*) In paragraphs (2) and (4), for the words "5 guineas" there shall be substituted the words "£8·00".

(*c*) In paragraph (2), for the words "10 guineas" there shall be substituted the words "£15·00".

(11) In Rule 31(1) and (2) after the words "Parts I, II and III of" there shall be added the words "Schedule C in".

(12) Rule 32 shall be amended as follows:—

The following paragraph shall be substituted for paragraph (1):—

"(1) Where costs are on the Lower Scale, they shall be fixed and allowed without taxation and any reference in these Rules to taxation shall, in relation to such costs, be treated as a reference to fixing and allowing them under this paragraph."

In paragraph (2) after the words "Parts I, II and III of" there shall be added the words "Schedule C in" and for the words "Scale 2, Scale 3 or Scale 4" there shall be substituted the words "one of the Higher Scales".

In paragraph (3) for the words "the last foregoing paragraph" there shall be substituted the words "paragraph (1) or (2)", for the words "Part IV of" in the third line of the paragraph there shall be substituted the words "Schedule D in" and for the words "Part IV" at the end of the paragraph there shall be substituted the word "Schedule".

(13) For paragraph (4) of Rule 37 there shall be substituted the following paragraph:—

"(4) Any party who is dissatisfied with the Registrar's decision to allow or disallow any item in whole or in part, or with the amount allowed by the Registrar, on his reconsideration of a taxation may apply for a review of the taxation by the Judge."

(14) After Rule 37 there shall be inserted the following Rule:—

Personal liability of solicitor for costs

"38.—(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 Judge may make against any solicitor whom he 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 Judge 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 Judge may, if he thinks fit, refer the matter (save in the cases excepted from paragraph (2)) to the Registrar for inquiry and report and direct the solicitor in the first place to show cause before the Registrar.

(4) The Judge 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."

(15) The existing Rule 38 shall stand as Rule 39.

3. Appendix N shall be revoked and the following appendix shall be substituted therefor:—

"APPENDIX N

SCHEDULE A

HIGHER SCALES OF COSTS

Item No.	*Scale* 1	*Scale* 2	*Scale* 3	*Scale* 4
	£	£	£	£
Solicitors' Charges				
Statement of Claim &c.				
1* Preparing writ of summons and statement of claim or counterclaim, or third-party notice; preparing defence (to claim or counterclaim), answer, or reply if ordered	0·50 to 2·00	0·50 to 3·00	1·00 to 6·00	2·00 to 8·00
Note 1.—This item includes copies and is only to be allowed where the document is signed by the solicitor or his clerk duly authorised in that behalf. *Note* 2.—Where the document is settled by counsel, items 2(*a*) and 3 are allowable and not this item.				
Preparation of Documents				
2* (*a*) Preparing instructions to counsel to settle any pleading or other document or to advise on evidence or to advise on merits where counsel's fee is allowed under item 27	0·50 to 1·00	0·50 to 2·00	1·50 to 3·00	1·50 to 4·00

Item No.		*Scale* 1 £	*Scale* 2 £	*Scale* 3 £	*Scale* 4 £
	(*b*) Preparing any necessary document not otherwise provided for and all necessary copies thereof	0·50	0·50	0·50	0·50
	And for every folio or part thereof beyond 5	0·10	0·10	0·10	0·10
	Copies				
3	For copies of documents (including brief) not otherwise provided for, which the Registrar considers necessary - (*a*) for photographic copies, such sum as the Registrar thinks reasonable ...	—	—	—	—
	(*b*) for carbon copies, per 2 folios	0·05	0·05	0·05	0·05
	(*c*) in any other case, per folio...	0·05	0·05	0·05	0·05
	Perusing				
4	Any document not otherwise provided for, which the Registrar is satisfied justifies a charge for perusal	0·25	0·25	0·25	0·25
	And per folio beyond 5	0·05	0·05	0·05	0·05
	Preparing for Trial				
5*	Preparing for trial or hearing of action or matter	3·00 to 16·00	5·00 to 45·00	Such sum as is fair and reasonable in all the circumstances not exceeding £80·00	Such sum as is fair and reasonable in all the circumstances not exceeding £125·00
	Note—This item is intended to cover any work, not otherwise provided for, done in preparing for a trial or hearing, including— (*a*) taking instructions to sue, defend, counterclaim or appeal; (*b*) taking instructions for preparing any document to which item 2(*b*) applies; (*c*) considering the facts, evidence and law; (*d*) preparing notes of facts or argument; (*e*) attending on and corresponding with the client; (*f*) interviewing and corresponding with witnesses and potential witnesses and taking proofs of their evidence; (*g*) preparing and serving notices to produce and admit documents and to admit facts; (*h*) perusing pleadings, affidavits and other relevant documents; (*i*) making necessary searches;				

Item No.		*Scale* 1 £	*Scale* 2 £	*Scale* 3 £	*Scale* 4 £
	(*j*) inspecting any property or place material to the proceedings; (*k*) where counsel is instructed, instructions for and drawing brief; (*l*) where the action or matter does not proceed to trial or hearing, work done in connection with the negotiation of a settlement; and (*m*) the general care and conduct of the proceedings				
	Attendances				
6*	At court on trial of action or matter for each day or part of a day—				
	(*a*) without counsel	2·00 to 10·00	3·00 to 20·00	5·00 to 35·00	5·00 to 35·00
	(*b*) with counsel	1·00 to 4·00	2·00 to 6·00	3·00 to 8·00	3·00 to 12·00
	Note—An attendance on the examination of a witness under Order XXXVII, Rule 4, is to be treated as an attendance to which this item relates.				
7*	At court where trial is adjourned for want of time or upon payment of the costs of the day—				
	(*a*) without counsel	2·00 to 4·00	2·00 to 6·00	3·00 to 10·00	5·00 to 15·00
	(*b*) with counsel	1·00 to 2·00	1·50 to 4·00	1·50 to 6·00	1·50 to 8·00
8*	At court or in chambers on any application to Judge or Registrar in the course of or relating to the proceedings and, subject to Order XLVA, Rule 35, on judgment summonses, including instructions, notice and service, and brief where counsel is instructed—				
	(*a*) without counsel	1·00 to 3·00	1·00 to 8·00	1·50 to 12·00	3·00 to 15·00

Item No.		*Scale* 1 £	*Scale* 2 £	*Scale* 3 £	*Scale* 4 £
	(*b*) with counsel	1·00 to 2·00	1·00 to 3·00	2·00 to 6·00	3·00 to 7·00
	Note—Interpleader and garnishee proceedings are to be treated as an application to which this item refers.				
	Note to Items 5, 6, 7 *and* 8—These items apply to an arbitration, inquiry or reference, but item 5 may only be allowed once in the same proceedings. If the reference or inquiry was directed at the trial and the reference or inquiry began on the same day, item 6 may only be allowed once in respect of that day.				
9	To lodge papers when proceedings transferred to the court, including preparation of all necessary documents	2·00	2·00	2·00	2·50
	Note—This item is not to be allowed for preparing a praecipe and lodging a judgment of the High Court for the purpose of a judgment summons.				
10	On examination of witness under Order XXXI, Rule 11, Order XXXVII, Rule 4 or Order XLII, Rule 32, for each hour, or part thereof—				3·00 to
	(*a*) without counsel	1·50	2·00	3·00	5·00
	(*b*) with counsel	1·00	1·50	2·00	3·00
11	Where in consequence of anything done by the opposite party during the proceedings, attendance on the client is necessary to advise or receive instructions, for each attendance not otherwise provided for	1·00	1·00	1·00 to 2·00	2·00 to 4·00
12	(*a*) To obtain or give any necessary and proper consent or admission	1·00	1·00	1·00	1·50

Item No.		*Scale* 1 £	*Scale* 2 £	*Scale* 3 £	*Scale* 4 £
	(*b*) Upon the opposite party, for each attendance not otherwise provided for	1·00	1·00	1·00	1·50
	(*c*) To arrange for attendance of a witness without subpoena ...	0·50	0·50	0·50	1·00
	(*d*) On counsel in conference where counsel's fee allowed under item 25 (to include appointing conference), for each half-hour or part thereof	1·00	1·50	1·50	2·00
	Note to Items 11 *and* 12(*a*) *and* (*b*)—If the attendance is by telephone half of the charge is to be allowed.				
	Note to Item 12(*c*)—Only one charge is to be allowed where only one attendance is necessary to arrange for more than one witness.				
13	At court, to hear a deferred judgment, or on entry of judgment on an award or report—				
	(*a*) without counsel	1·00 to 3·00	1·00 to 6·00	2·00 to 8·00	3·00 to 10·00
	(*b*) with counsel	1·00 to 2·00	1·00 to 3·00	2·00 to 4·00	2·00 to 5·00
14	On deponent being sworn to an affidavit	0·50	0·50	0·50	0·75
	Note 1.—This charge may be allowed where the solicitor or his clerk is the deponent.				
	Note 2.—This charge is not to be allowed in respect of an affidavit of service.				
15	To deliver any document pursuant to any provision of these Rules...	0·50	0·50	0·50	0·75
16	Any attendance at the Registrar's office not otherwise provided for, which the Registrar is satisfied justifies a charge	0·50	0·50	0·50	0·75

Item No.		*Scale* 1 £	*Scale* 2 £	*Scale* 3 £	*Scale* 4 £
	Service				
17*	Of any document required to be served personally, other than a judgment summons, including copy	0·50 to 1·00	0·50 to 1·00	1·00 to 2·00	1·00 to 2·00
18	Of any document authorised to be served by post, including copy ...	0·25	0·25	0·25	0·25
	Notes to Items 17 *and* 18. *Note* 1—Where any two or more documents to be served on the same party have been or could have been served together, one charge only for service is to be allowed. *Note* 2—Where two or more parties have been or could have been served together, one charge only for service is to be allowed. *Note* 3—These items are not to be allowed where item 19 is applicable.				
19	Substituted service—to include attendances, making appointments to serve writ of summons, preparing and attending to swear and file affidavits and to obtain order, and the fees paid for oaths	2·00	2·00 to 3·00	2·00 to 5·00	3·50 to 5·00
	Letters, &c.				
20	Letter before action	0·50	0·50	0·50	0·50
21	Letters in lieu of attendances which could properly be allowed under items 11, 12, 15 and 16 ...	0·50	0·50	0·50	0·75
22	Circular letters	0·25	0·25	0·25	0·25
	Taxation of Costs				
23	(*a*) For taxation of the costs of the action or matter, to include preparing bill, all necessary copies and notice, service, obtaining appointment to tax and attending taxation	2·00	3·00 to 6·00	3·00 to 10·00	3·00 to 12·00

Item No.		*Scale* 1 £	*Scale* 2 £	*Scale* 3 £	*Scale* 4 £
	(*b*) For any other taxation, to include preparing bill, all necessary copies and notice, service, obtaining appointment to tax and attending taxation	1·00	1·00 to 2·00	2·00 to 3·00	2·00 to 5·00
	Disbursements				
	Fees to Counsel				
24*	With brief on trial or hearing ...	3·00 to 10·00	4·00 to 25·00	9·00 to 35·00	9·00 to 45·00
25	On conference in chambers or elsewhere, if the fee was marked on the brief when delivered, or in the opinion of the Registrar the conference was necessary, for each half-hour or part thereof ...	2·50	2·50	2·50	2·50
	and for leading counsel if case certified fit for more counsel than one...	—	3·50	3·50	3·50
26*	(*a*) Where trial or hearing of action is not concluded on day on which it is commenced or is adjourned for want of time or on payment of the costs of the day, for each day or part of day on which it is continued	3·00 to 5·00	3·00 to 13·00	3·00 to 18·00	3·00 to 23·00
	(*b*) With brief on examination of witness under Order XXXVII, Rule 4, for each day or part of day				
	(*c*) With brief to hear deferred judgment; with brief on application in the course of or relating to proceedings; with brief on examination of witness under Order XXXI, Rule 11, or Order XLII, Rule 32; with brief on hearing of judgment summons	3·00 to 5·00	3·00 to 10·00	3·00 to 14·00	3·00 to 14·00
27*	(*a*) For settling any document which in the opinion of the Registrar is proper to be settled by counsel	3·00	3·00 to 5·00	3·00 to 6·00	4·00 to 6·00

Item No.		*Scale* 1 £	*Scale* 2 £	*Scale* 3 £	*Scale* 4 £
	(*b*) For advising in writing on any question in the proceedings on which in the opinion of the Registrar it was proper to obtain counsel's advice, including advising on evidence, advising on merits before action brought or defence delivered and advising on quantum or on proposal and terms of settlement	3·00	3·00 to 5·00	3·00 to 6·00	4·00 to 6·00
	Notes to Items 24, 25, 26 *and* 27. *Note* 1—The note to items 5, 6, 7 and 8 applies to fees to counsel as it applies to preparing for trial, attending court or attending in chambers.				
	Note 2—Fees to counsel are not to be allowed unless the payment of them is vouched by the signature of counsel.				
	Plans, Photographs, &c.				
28	For plans, drawings, charts, photographs or models for use at the trial, which in the opinion of the Registrar it was reasonable to obtain, the sum actually and reasonably paid	—	—	—	—
	Miscellaneous				
29	(*a*) For obtaining any documentary evidence or police reports or statements from the police which in the opinion of the Registrar it was reasonably necessary to obtain for the purpose of the action or matter,				
	(*b*) For an advertisement in pursuance of an order for substituted service by advertisement, and (*c*) For making any search in the companies register, the business names register or any other public register which in the opinion of the Registrar it was reasonably necessary to make for the purpose of the action or matter, the sum actually and reasonably paid ...	—	—	—	—
30	For oaths, sum paid, unless included in another item	—	—	—	—

Item No.		*Scale* 1 £	*Scale* 2 £	*Scale* 3 £	*Scale* 4 £
31	(*a*) For postages, carriage and transmission of documents a sum not exceeding	2·00	3·00	4·00	5·00
	(*b*) For telegrams and telephone calls, the sum actually and reasonably paid	—	—	—	—
32	Where the solicitor does not carry on business within two miles of the place of trial of an action or matter, the place of hearing of an application to which item 8 relates, the place of inspection of documents or the place where a taxation is carried out—				
	(*a*) The travelling and out of pocket expenses reasonably incurred by him in attending that place; or	—	—	—	—
	(*b*) If an agent is employed, for correspondence with the agent ...	1·00	2·00	3·00	4·00
	Note—Where in the opinion of the Registrar it would have been reasonable to employ a solicitor carrying on business nearer to the relevant place, he shall not allow under paragraph (*a*) more than he would have allowed to such a solicitor.				

*These items are subject to increase under Order LXV, Rule 16(3).

SCHEDULE B

COMPENSATION FOR LOSS OF TIME

Class of Person	*Column* 1 Sum to be paid or tendered at time of service of witness summons	*Column* 2 Maximum sum per day allowable on taxation (including any sum paid under column 1)
	£	£
(*a*) Professional persons, and owners, directors or managers of businesses	4·00	10·00
(*b*) Police Officers	3·00	3·00
(*c*) Clerks, artisans, labourers and all other persons	1·50	4·00

Subpoena.—At the time of service of the Subpoena there must be paid or tendered to the witness, in addition to the sum prescribed by Column 1, a sum reasonably sufficient to cover the expenses of the witness in travelling to and from the Court.

Where the judgment creditor has paid money to the debtor as travelling expenses and the debtor does not attend the hearing, the Judge may, if he thinks fit, allow the money so paid as costs to the judgment creditor.

SCHEDULE C

FIXED COSTS

PART I

WRITS OF SUMMONS

Directions

1. The Tables in this Part of this Schedule show the amount to be entered on the writ of summons in respect of solicitors' charges:—

(*a*) in an action for the recovery of a sum of money, for the purpose of Part II of this Schedule, or

(*b*) in an action for the recovery of property, including land, with or without a claim for a sum of money, for the purpose of Part II of this Schedule or of fixing the amount which the plaintiff may receive in respect of solicitors' charges without taxation in the event of the defendant giving up possession and paying the amount claimed, if any, and costs.

2. In addition to the amount entered in accordance with the relevant Table the appropriate court fees shall be entered on the writ of summons.

3. In the Tables the expression "claim" means:—

(*a*) the sum of money claimed, or

(*b*) in relation to an action for the recovery of land (with or without a claim for a sum of money), a sum exceeding £100·00, or

(*c*) in relation to an action for the recovery of property other than money or land, the value of the property claimed or, in the case of goods supplied under a hire-purchase agreement, the unpaid balance of the hire-purchase price.

4. The Tables do not apply where substituted service is ordered.

TABLES OF FIXED COSTS

TABLE I

	Amount of charges £
Where claim exceeds £5·00 but does not exceed £20·00	2·00
For each extra defendant to be served add	0·50

TABLE II

Where claim exceeds £20·00 but does not exceed £100·00	4·00
For each extra defendant to be served add	1·00

TABLE III

Where claim exceeds £100·00	7·00
For each extra defendant to be served add	1·00

PART II

JUDGMENTS

Directions

Where an amount in respect of solicitors' charges has been entered on the writ of summons under Part I of this Schedule and judgment is entered or given in the circumstances mentioned in one of the paragraphs in column 1 of the following Table, the amount to be included in the judgment in respect of the plaintiff's solicitors' charges shall be the amount entered on the writ of summons together with the amount shown in column 2 of the Table under the sum of money by reference to which the amount entered on the writ of summons was fixed.

Where judgment is entered or given for a sum less than the amount claimed or for the delivery of goods of which the value or the balance of the hire-purchase price is a sum less than the amount claimed, the foregoing paragraph shall, unless the Court otherwise directs, have effect as if the amount entered on the writ of summons had been fixed by reference to that sum.

TABLE

Fixed Costs on Judgments

Column 1	*Column* 2 — Sum of Money		
	A Exceeding £5·00 but not exceeding £20·00	B Exceeding £20·00 but not exceeding £100·00	C Exceeding £100·00
	£	£	£
(*a*) Where judgment is entered in default of appearance or in default of defence	0·50	1·00	1·50
(*b*) Where judgment is entered on an admission by the defendant and the court's decision is given as to the date of payment or instalments by which payment is to be made; or (*c*) Where the plaintiff makes application on summons for judgment:— (i) pursuant to Order XIV; or (ii) in any action where judgment in default of appearance or defence cannot be entered for any relief claimed without leave of the Judge or Registrar	1·00	2·00	4·00

PART III

JUDGMENT SUMMONSES AND APPLICATIONS ON LOWER SCALE

The following Table shows the amount to be allowed where costs awarded on the Lower Scale fall to be fixed and allowed without taxation under Order XLVA, Rule 35 or Order LXV, Rule 32(4).

		Amount to be allowed
		£
1.	For each attendance on the hearing of a judgment summons where the amount for which it is issued:—	
	(*a*) exceeds £2·00 but does not exceed £10·00	0·25
	(*b*) exceeds £10·00 but does not exceed £20·00	1·00
2.	For making or opposing an application in the course of or relating to the proceedings	1·00
3.	For making or opposing an application for a new trial or to set aside a judgment	1·50

SCHEDULE D

ASSESSMENT OF COSTS

Directions

1. This Table shows the amount which, pursuant to Order LXV, Rule 32(3), may be allowed where costs are to be assessed without taxation. The amount includes the fee for counsel where applicable.

2. In addition to the amount shown in the Table there may be allowed, where appropriate:—

(i) court fees;

(ii) allowances to witnesses;

(iii) in a case on one of the Higher Scales, a charge on that scale in respect of service of process by the solicitor or substituted service: and

(iv) in a case on the Lower Scale, a charge of £0·50 in respect of service of process by the solicitor.

Column 1 Scale	*Column* 2 Amount of Charges
	£
Lower Scale	3·00 to 8·00
Scale 1	5·00 to 10·00
Scale 2	10·00 to 15·00
Scale 3	15·00 to 25·00
Scale 4	15·00 to 40·00"

4.—(1) Where costs fall to be taxed, fixed or assessed under Schedule A, C or D by virtue of a judgment or order given entered or made after the date of the coming into operation of these Rules, or fall to be taxed by virtue or in consequence of acceptance of a payment into court, the costs may be taxed, fixed or assessed, as the case may be, as if all the work to which they relate had been done after that date.

(2) Except as provided in paragraph (1), nothing in these Rules shall apply in relation to anything done before the date of the coming into operation of these Rules.

We, the undersigned members of the Rule Committee appointed by the Chancellor of the Duchy of Lancaster under section 13 of the Salford Hundred Court of Record Act 1911(a), having by virtue of the powers vested in us in this behalf made the foregoing Rules, do hereby certify the same under our hand and submit them to the Chancellor of the Duchy of Lancaster accordingly.

Dated 18th December, 1970.

Derek Hodgson Chairman.

Ralph Wood
Guy Bunting Members.

Approved by the Rule Committee of the Supreme Court.

Denis W. Dobson Secretary.

Dated 5th May, 1971.

(a) 1 & 2 Geo. 5. c. clxxii.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

Most of the provisions of these Rules are occasioned by the increase in the jurisdiction of the Salford Hundred Court of Record in personal actions from £500·00 to £750·00 by the Salford Hundred Court of Record (Extension of Jurisdiction) Order 1970 (S.I. 1970/869).

The Rules increase the costs allowable in proceedings in the Salford Hundred Court of Record by substituting new scales of costs and new tables of fixed and assessed costs for those set out in Appendix N to the Rules. The new scales, which are expressed in decimal currency only, consist of a Lower Scale, to apply where the claim exceeds £5·00 but not £20·00, and four Higher Scales of which Scale 1 is to apply between £20·00 and £50·00, Scale 2 between £50·00 and £200·00, Scale 3 between £200·00 and £500·00 and Scale 4 over £500·00. Only the Higher Scales are set out in the new Schedule A, since costs on the Lower Scale, unless fixed under Schedule C, will be assessed under Schedule D. Consequential amendments are made in Order LXV and the Registrar on taxation is given a discretion to allow increased costs, without a certificate of the Judge, in all cases on Scale 3 or 4.

The Rules also increase the amounts which, under Schedule B in Appendix N of the Rules, may be allowed to witnesses as compensation for loss of time, and give the Registrar a discretion to exceed the prescribed amount in cases on Scale 3 or 4. The fees allowable in respect of expert witnesses are also raised.

The Judge is enabled to review a taxation of costs on a question of quantum and a solicitor may be made personally responsible for costs incurred through his misconduct or default.