
STATUTORY INSTRUMENTS

2003 No. 1880

JUDICIAL COMMITTEE

The Judicial Committee (Devolution
Issues) Rules (Amendment) Order 2003

Made - - - - - *17th July 2003*

Coming into force - - - *1st September 2003*

At the Court at Buckingham Palace, the 17th day of July 2003

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 103 of the Scotland Act 1998(1), paragraph 34(1)(c) of Schedule 8 to the Government of Wales Act 1998(2) and section 82(3) (c) of the Northern Ireland Act 1998(3) or otherwise in Her vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation and commencement

1. This Order may be cited as the Judicial Committee (Devolution Issues) Rules (Amendment) Order 2003 and shall come into force on 1st September 2003.

Amendment of the Judicial Committee (Devolution Issues) Rules 1999

2. The Judicial Committee (Devolution Issues) Rules 1999(4) shall be amended as follows—
- (a) in rule 5.11(1)(a), before “refuse” insert “grant or”;
 - (b) in rules 5.27(1) and (2), 5.41(2)(b)(ii) and 5.43(1)(b), delete “15” wherever it appears and insert “17”;
 - (c) in rule 5.33, in paragraphs (1) and (2), delete “eight” wherever it appears and insert “ten”;
 - (d) in rule 5.61, for paragraph (2) the following paragraph shall be substituted—
 - “(2) The Registrar may direct that—
 - (a) the payment of any fee shall be remitted on grounds of hardship;

(1) 1998 c. 46.

(2) 1998 c. 38.

(3) 1998 c. 47.

(4) S.I.1999/665, Schedule.

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- (b) the appropriate fee must be paid at the time a chargeable step is taken.”;
- (e) for the Table of Fees the Table set out in the Schedule to this Order shall be substituted.

A. K. Galloway
Clerk of the Privy Council

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SCHEDULE

TABLE OF FEES

		£
1.	Lodging—	
	(a) (a) a petition for special leave to appeal	120.00
	(b) (b) a petition of appeal	100.00
	(c) (c) any other petition or motion	75.00
	(d) (d) a reference by a court	nil
	(e) (e) any other reference	100.00
2.	Entering appearance—	
	(a) (a) in the case of a reference by a court	75.00
	(b) (b) in any other case	30.00
3.	Lodging Case	300.00
4.	Lodging affidavit	25.00
5.	Original Order of the Judicial Committee	30.00
6.	Office Copy of Committee Order	10.00
7.	Certificate delivered to the parties	25.00
8.	Taxing fee (including certificate)	5% of the sum allowed.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order introduces a revised scale of fees in respect of appeals and other proceedings before the Judicial Committee of the Privy Council in devolution cases. The fees were originally set in 1999 so

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as to be broadly in line with the fees charged for other proceedings in the Judicial Committee, and are now being increased so as to keep them in line. The majority of fees are increased by amounts ranging from 50 per cent to 66 per cent. There is a new fee for issuing a certificate where there has been no taxation of costs. However, one fee is abolished and no change is made to the fees for originals and copies of Orders, or to the taxing fee. The Order also gives the Registrar power to remit a fee on grounds of hardship.

The Order also makes some minor procedural changes: it enables a petition for special leave to appeal to be granted as well as refused at the initial stage on the papers; and it increases by two the number of copies of certain documents that need to be lodged in connection with appeals.