
STATUTORY INSTRUMENTS

1970 No. 671

The Rules of the Supreme Court (Amendment) 1970

3. The following Appendix shall be substituted for Appendix 3 to Order 62:—

“APPENDIX 3

FIXED COSTS

(In this Appendix decimal equivalents are shown in italics and brackets)

PART I

Costs on recovery of a liquidated sum without trial

1. The scale of costs following paragraph 2 of this Part of this Appendix shall apply in relation to the following cases if the writ of summons therein was issued on or after 26th May 1970 and was indorsed in accordance with Order 6, rule 2(1)(b), with a claim for a debt or liquidated demand only of £100 or upwards, that is to say—

- (a) cases in which the defendant pays the amount claimed or a sum of not less than £100 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 1, or under that rule by virtue of Order 83, rule 4, or Order 84, rule 3, or judgment in default of defence under Order 19, rule 2, or under that rule by virtue of Order 83, rule 4, or Order 84, rule 3, being in any case judgment for a sum of £100 or upwards;
- (c) cases in which the plaintiff obtains judgment under Order 14, for a sum of £100 or upwards, either unconditionally or unless that sum is paid into court or to the plaintiff's solicitors.

2. 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 paid on the issue of the writ.

SCALE OF COSTS

A. Basic costs

Amount to be allowed in cases under the following sub-paragraphs of paragraph 1 of this Appendix

	(a)	(b)	(c)
	£. s. (£. p)	£. s. (£. p)	£. s. (£. p)
If the amount recovered is:—	7 0 (7.00)	8 10 (8.50)	11 0 (11.00)
not less than £100 but less than £500			
not less than £500	10 5 (10.25)	16 0 (16.00)	21 0 (21.00)

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B. Additional costs

Amount to be allowed where the amount recovered is—

		(i) <i>not less than £100 but less than £500</i> £. s. (£. p)	(ii) <i>not less than £500</i> £. s. (£. p)
(1)	Where there is more than one defendant, in respect of each additional defendant served	1 0 (1.00)	1 10 (1.50)
(2)	Where substituted service is ordered and effected, in respect of each defendant served	2 0 (2.00)	6 5 (6.25)
(3)	Where the plaintiff's solicitor has no place of business within 5 miles of the Royal Courts of Justice or his nearest District Registry, or where he has a place of business within that area but any defendant is served outside that area	10 (0.50)	1 10 (1.50)
(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	6 0 (6.00)	8 10 (8.50)
	(b) in any other place out of the jurisdiction	9 0 (9.00)	13 0 (13.00)
(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 the 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)	1 5 (1.25)	2 10 (2.50)
(6)	In the case of judgment under Order 14 where an affidavit of service of the summons is required	1 5 (1.25)	2 10 (2.50)
(7)	In the case of judgment under Order 14, for each adjournment of the summons	1 0 (1.00)	1 10 (1.50)

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	(i) <i>not less than £100 but less than £500 £. s. (£. p)</i>	(ii) <i>not less than £500 £. s. (£. p)</i>
(8)	In the case of judgment in default of appearance or defence on an application by summons under Order 83, rule 4—	
	(a) where judgment is given for interest at a rate exceeding 48 per cent, per annum on production of an affidavit justifying that rate	2 10 (2.50) 4 0 (4.00)
	(b) in any other case	1 10 (1.50) 3 0 (3.00)
	(c) where there is more than one defendant, in respect of each additional defendant	10 (0.50) 1 10 (1.50)
(9)	In the case of judgment in default of appearance or defence on an application by summons under Order 84, rule 3	2 10 (2.50) 3 10 (3.50)
	and, where there is more than one defendant in respect of each additional defendant	10 (0.50) 1 0 (1.00)
	Costs to be allowed	
	£ s. (£. p)	
(10)	Where the amount recovered is not less than £500 and there is no available solicitor carrying on business within 2 miles of the place where the defendant is served, a mileage allowance in respect of each mile after the first two miles between that place and the nearest place of business of an available solicitor	2 (0.10)

PART II

Costs on judgment without trial for possession of land

1.—(1) Where the writ of summons is indorsed with a claim for the possession of land and the plaintiff obtains judgment—

- (a) under Order 13, rule 4 or 5, in default of appearance, or
- (b) under Order 19, rule 5 or 6, in default of defence, or

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(c) under Order 14,

for possession of the land and costs, then, subject to sub-paragraph (2), there shall be allowed the costs prescribed by paragraph 2 of this Part of this Appendix.

(2) Where the plaintiff is also entitled under the judgment to damages to be assessed, or where the plaintiff claims any relief of the nature specified in Order 88, rule 1, this Part of this Appendix shall not apply.

2. The costs to be allowed under this Part of this Appendix shall be the costs which would be allowed under Part I (together with the fee paid on the writ) if judgment had been obtained in the same circumstances, that is to say, in default of appearance or defence or under Order 14, but the writ has been indorsed with a claim for a debt or liquidated demand only of £100 or upwards and judgment for not less than £100 but less than £500 had been obtained,

PART III

Miscellaneous

1. Where a plaintiff or defendant signs judgment for costs under rule 10, there shall be allowed—

Costs of the judgment	£1. 12s. (£1.60)
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2. Where a certificate of a judgment or decree is registered in the High Court in the Register for Irish Judgments or the Register for Scottish Judgments under the Judgments Extension Act 1868, within 12 months of the date of the judgment and without an order, there shall be allowed—

Costs of registration	£7. 0s. (£7 00)
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3. Where the Court orders a judgment or order of an inferior court to be removed into the High Court for enforcement, there shall be allowed in the case of a judgment or order—

(a) of the Mayor's and City of London Court	£2. 10s. (£2.50)
(b) of the Salford Hundred Court, the Liverpool Court of Passage or any other court	£5. 5s. (£5.25)

4. 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 49, rule 1, against a garnishee attaching debts due or accruing due from him to the debtor, the following costs shall be allowed—

(a) to the garnishee, to be deducted by him from any debt due by him as aforesaid before payment to the applicant—

	<i>If no affidavit used</i> £. s. (£. p)	<i>If affidavit used</i> £. s. (£. p)
(i) where the garnishee resides within 5 miles of the court office from which the garnishee order was obtained	1 10 (1.50)	3 5 (3.25)
(ii) where the garnishee does not so reside	2 10 (2.50)	4 10 (4.50)

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- (b) to the applicant, to be retained, unless the Court otherwise orders, out of the money recovered by him under the gamishee order and in priority to the amount of the debt owing to him under the judgment or order—

<i>Basic costs</i>	<i>£. s. (£. p)</i>
If the amount recovered by the applicant from the gamishee is—	
less than £5	Nil
not less than £5 but not more than £10	2 5 (2.25)
more than £10	7 0 (7.00)
Additional costs	
Where the gamishee fails to attend the hearing of the application and an affidavit of service is required	2 10 (2.50)

5. Where a charging order is made—

- (a) in respect of any securities, under Order 50, rule 2; or
 (b) in respect of any partnership property or profits, under section 23 of the Partnership Act 1890; or
 (c) in respect of land, under section 35 of the Administration of Justice Act 1956; there shall be allowed—

	<i>£. s. (£. p)</i>
Basic costs	9 0 (9.00)
Additional costs where an affidavit of service is required	2 10 (2.50)

6. Where leave is given under Order 45, rule 3, to enforce a judgment or order for the giving 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—

	<i>£. s. (£. p)</i>
Basic costs	2 10 (2.50)
Where notice of the proceedings has been given to more than one person, in respect of each additional person	8 (0.40)

7. Where a writ of execution within the meaning of Order 46, rule 1, is issued against any party, there shall be allowed—

	<i>£. s. (£. p)</i>
Costs of issuing execution	3 10 (3.50)”