

SCHEDULE 1

Rule 8(1)

PART I

Amount of costs

1.—(1) Subject to rule 11, the amount of costs to be allowed shall be in the discretion of the taxing officer.

(2) In exercising his discretion the taxing officer shall have regard to all the 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.

(3) The bill of costs shall consist of such of the items specified in Part II as may be appropriate, set out, except for item 1, in chronological order.

(4) An allowance for general care and conduct, having regard to such of the circumstances referred to in sub-paragraph (2) as may be relevant, may be included—

- (a) in respect of costs payable out of the legal aid fund in accordance with rule 10, only in items 1 to 4 of Schedule 2;
- (b) in other cases, in each item which does not relate only to time spent in travelling and waiting.

(5) A bill of costs shall be endorsed with the name and business address of the solicitor or firm whose bill it is, and shall be signed by the solicitor or by a partner of the firm.

Fees to Counsel

2.—(1) Except in the case of taxations under the Act of 1974 and taxation 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.

(2) Except in taxations under rule 9—

- (a) no costs shall be allowed
 - (i) in High Court proceedings, in respect of counsel attending before a registrar in chambers or of more counsel than one attending before a judge in chambers, or
 - (ii) in county court proceedings or in proceedings which are treated as pending in a divorce county court, in respect of counsel attending before the judge or registrar on

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an interlocutory application or in respect of more counsel than one attending before the judge or registrar on any occasion,

unless the judge or registrar, as the case may be, has certified the attendance as being proper in the circumstances of the case;

- (b) except in the case of taxations under the Act of 1974, a refresher fee, the amount of which shall be in the discretion of the taxing officer, shall be allowed to counsel either—
 - (i) for each period of 5 hours (or part thereof) after the first, during which a trial or hearing is proceeding, or
 - (ii) at the discretion of the taxing officer, in respect of any day after the first day on which the attendance of counsel at the place of trial was necessary.

PART II

1 Preparation

1. Part A: The doing of any work which was reasonably done arising out of or incidental to the proceedings, including—

- (i) The client: taking instructions to petition, defend, cross-petition, appeal or oppose etc., attending upon and corresponding with client; taking and preparing proofs of evidence;
- (ii) Witnesses: interviewing and corresponding with witnesses and potential witnesses, taking and preparing proofs of evidence and, where appropriate, arranging attendance at court, including issue of subpoena or witness summons;
- (iii) Expert Evidence: obtaining and considering advice or reports from experts; where appropriate, arranging their attendance at court, including issue of subpoena or witness summons;
- (iv) Inspections: inspecting any property or place material to the proceedings;
- (v) Searches and Enquiries: making searches at offices of public records and elsewhere for relevant documents; searches in the Companies Registry and similar matters;
- (vi) Other Parties: attending upon and corresponding with other parties or their solicitors;
- (vii) Discovery: perusing, considering or collating documents for affidavit or list of documents; attending to inspect or produce for inspection any documents required to be produced or inspected by order of the court or otherwise;
- (viii) Documents: preparation and consideration of pleadings and affidavits, cases and instructions to and advice from counsel, any law involved and any other relevant documents including collating and service;
- (ix) Negotiations: work done in connection with negotiations with a view to settlement;
- (x) Agency: correspondence with and attendances upon London or other agents and work done by them;
- (xi) Interest: where relevant, the calculation of interest;
- (xii) Notices: preparation and service of miscellaneous notices, including notices to witnesses to attend court.

Part B: The general care and conduct of the proceedings.

Part C: Travelling and waiting time in connection with the above matters.

Note:

The sums sought under each of sub-paragraphs (i) to (xii) of Part A should be shown separately against each item followed by the total of all items under Part A; the sums charged under Parts B and C should each be shown separately, and the total of the items under Parts A, B and C should then follow.

Conferences with counsel

- (a) (i) Attending counsel in conference.
- (a) (ii) Care and conduct.
- (b) Travelling and waiting.

Attendances

- (a) (i) Attending the trial or hearing of any cause or the hearing of any summons or other application at court, or other appointment.
- (a) (ii) Care and conduct.
- (b) Travelling and waiting.

Taxation

- (a) (a) Taxation of Costs
 - (i) Preparing the bill (where allowable) and preparing for and attending the taxation.
 - (ii) Care and conduct.
 - (iii) Travelling and waiting.
- (b) Review
 - (i) Preparing and delivering objections to a decision of a taxing officer on taxation or answers to objections, and considering opponent's answers or objections, as the case may be; attending hearing of review.
 - (ii) Care and conduct.
 - (iii) Travelling and waiting.