
STATUTORY INSTRUMENTS

1988 No. 1980

Patronage (Appeals) Rules 1988

PART IV

COSTS

Orders for payments of costs

14.—(1) No party shall be entitled to recover any costs of or incidental to the appeal except under an order or direction made by the registrar or the chancellor under these Rules.

(2) The chancellor shall have power—

- (a) to make an order for payment of taxed costs or a proportion of such taxed costs by any party to any other party;
- (b) to direct that any party shall be entitled to payment by any other party of a gross sum specified in the direction in lieu of taxed costs;
- (c) to direct if he thinks fit that any party shall pay all or any of the fees provided by rule 18 or any fees prescribed by a Fees Order in respect of the appeal.

Recovery of costs

15.—(1) Where an order or direction for the payment of costs is made under these Rules, such costs may be recovered by the person in whose favour the order or direction was made—

- (a) by proceedings in the county court for the district in which is situate the parish (or any of the parishes) belonging to the benefice to which the appeal relates; or
- (b) if the sum recoverable exceeds the amount which under any legislation for the time being in force is recoverable in the county court in respect of a contract debt, then by proceedings in the High Court;

in either case in all respects as if the said sum was a contract debt payable by the person against whom the order or direction was made.

(2) In any proceedings under sub-paragraphs (a) or (b) of paragraph (1) of this rule, a certificate purporting to be signed by the registrar stating that the sum specified in the certificate is a sum payable to the person named in the certificate pursuant to an order or direction for payment of costs under these Rules by the person named in the certificate shall be conclusive evidence of the matters certified.

Taxation of costs

16.—(1) Where any order or direction for the payment of costs (other than one relating solely to fees specified in paragraph (2)(c) of rule 14) is made under these Rules, the costs to which the order or direction relates shall (in default of agreement) be taxed by the registrar, who shall have power to direct the attendance of witnesses and the production of documents so far as required for the discharge of his functions on that taxation.

- (2) Proceedings for the taxation of costs shall be commenced by—
- (a) lodging an application for a taxation with the registrar, together with a bill of costs and all necessary papers and vouchers; and
 - (b) serving a copy of the application and of the bill of costs on any other party who is affected by the order or direction for the payment of the costs which are to be taxed (in this rule, rule 17 and rule 21 referred to as a “party to the taxation”).
- (3) The registrar shall thereupon appoint a time and place for the taxation of costs and shall give not less than seven days' notice of that time and place to the applicant and to each other party to the taxation.
- (4) If any party to the taxation of costs (other than the applicant) does not attend at the time and place so appointed, the registrar, if he is satisfied that such party had due notice of such time and place, may proceed with the taxation in his absence.
- (5) In deciding the amount of costs to be allowed, the registrar shall have regard to the legislation and current practice relating to taxation in the civil courts and to any direction given by the chancellor.

Review of taxation

- 17.**—(1) On a taxation of costs under rule 16, any party to the taxation who is dissatisfied with any decision of the registrar on the taxation may apply for that decision to be reviewed by the chancellor.
- (a) (2) (a) An application for such a review shall set out the grounds of the objection to the registrar's decision.
 - (b) The application shall be lodged with the registrar within eight days after the date of the registrar's decision, and the applicant shall within that period serve a copy of the application on each other party to the taxation.
- (3) The chancellor shall appoint the time and place of the review, and the registrar shall give to all parties to the taxation not less than fourteen days' notice of that time and place.
- (4) Unless the chancellor otherwise directs—
- (a) no further evidence shall be received on the review; and
 - (b) no ground of objection to the registrar's decision shall be raised which is not set out in the application;
- but subject thereto the chancellor may exercise all such powers and discretions as are vested in the registrar on a taxation.

Fees

- 18.** Unless any Fees Order for the time being in force prescribes fees in respect of appeals, the following fees shall be payable to the chancellor and the registrar in respect of an appeal—
- (a) on the giving of the notice of appeal to the registrar, the like fees, payable to the chancellor and the registrar, as would be payable to them respectively under any Fees Order for the time being in force on the lodging of a petition for a major faculty;
 - (b) in respect of the hearing of the appeal, of any interlocutory application, or of a review of a taxation of costs under rule 17, the like fees, payable to the chancellor and the registrar, as would be payable to them respectively under any Fees Order for the time being in force in respect of a hearing of the same duration in faculty proceedings; and
 - (c) in respect of preparatory and ancillary work and correspondence, interlocutory applications to the registrar and taxation of costs, the like fee, payable to the registrar, as would be payable to him under any Fees Order for the time being in force in respect of preparatory and ancillary work and correspondence in proceedings for a faculty, save that

if that Fees Order prescribes a maximum fee for such work in such proceedings which is not to be exceeded without the sanction of the chancellor, the corresponding maximum fee on an appeal which is not to be exceeded without the sanction of the chancellor shall be twice the amount of the maximum fee so prescribed by that Fees Order.

Payment of fees and expenses by Diocesan Board of Finance

19. Save in so far as the same have been paid by any other person under these Rules or under any order or direction made under these Rules, the Diocesan Board of Finance shall pay all fees and all expenses of travel, subsistence and accommodation of the chancellor and the registrar of or in connection with any appeal, provided that the Diocesan Board of Finance, before paying the whole or part of any such expenses, shall first be satisfied that they are reasonable in amount.