
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the rules governing the taxation of bills of costs in the Judicial Committee of the Privy Council in devolution cases. The new rule 5.39 adopts definitions of the “standard” and “indemnity” bases for taxing costs that are now used in the House of Lords. Under new rule 5.39A, the Registrar’s notice to the parties will not in future specify a date for taxation but simply a date (usually three months ahead) within which the party that has been awarded its costs must lodge and serve its bill. The paying party will then have 21 days from receipt of the bill in which to lodge points of dispute (a procedure which is introduced in the Judicial Committee for the first time). It is only thereafter that a taxation appointment will be fixed. The new rule 5.39B specifies the procedure for an appeal against a Registrar’s taxation of costs, providing for a response by the other party and enabling the Judicial Committee to allow or dismiss an appeal against the taxation without a hearing.