
STATUTORY INSTRUMENTS

2005 No. 1139

The Judicial Committee (General Appellate Jurisdiction) Rules (Amendment) Order 2005

Amendment of the Judicial Committee (General Appellate Jurisdiction) Rules

3. For rule 75(1) there shall be substituted—

“75.—(1) All bills of costs under the orders of the Judicial Committee shall be taxed by the Registrar, or such other person as the Judicial Committee may appoint.

(2) The amount of costs which a party shall be entitled to recover shall be the amount allowed after taxation on the standard basis unless the Judicial Committee has expressly awarded costs on the indemnity basis or the poor person scale.

(3) In no case will costs be allowed which have been unreasonably incurred or are unreasonable in amount.

(4) On a taxation on the standard basis costs will only be allowed if they are reasonable and proportionate to the matters in issue and any doubt as to whether costs were reasonably incurred or are reasonable and proportionate in amount shall be resolved in favour of the party against whom the award of costs has been made (“the paying party”).

(5) On a taxation on the indemnity basis, any doubt as to whether costs were reasonably incurred or are reasonable in amount shall be resolved in favour of the party to whom costs have been awarded (“the receiving party”).”.