STATUTORY RULES OF NORTHERN IRELAND

2001 No. 185

MAGISTRATES' COURTS
SUPREME COURT

Resident Magistrate, Justice of the Peace and Clerk of Petty Sessions (Costs) Regulations (Northern Ireland) 2001

Made - - - -	*30th April 2001*
To be laid before Parliament	
Coming into operation	*1st June 2001*

The Lord Chancellor, in exercise of the powers conferred upon him by Article 6A(4) of the Magistrates' Courts (Northern Ireland) Order 1981(**1**), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Resident Magistrate, Justice of the Peace and Clerk of Petty Sessions (Costs) Regulations (Northern Ireland) 2001 and shall come into operation on 1st June 2001.

Interpretation

2. In these Regulations—

"claim" means a claim for costs made by the receiving party;

"order" means an order of the court made under Article 6A(3) of the Magistrates' Courts (Northern Ireland) Order 1981 that the Lord Chancellor make a payment in respect of the costs of a person in the proceedings;

"proceedings" means proceedings in respect of any act or omission of a resident magistrate, a justice of the peace or a clerk of petty sessions in the execution (or purported execution) of his duty—

(a) as such a magistrate or justice; or

(b) as such a clerk exercising by virtue of any statutory provision, any of the functions of a magistrates' court;

"receiving party" means the person in whose favour the order is made;

(**1**) S.I. 1981/1675 (N.I. 26). Article 6A is inserted by section 98(1) of the Access to Justice Act 1999 (c. 22)

"Taxing Master" means the Master (Taxing Office).

The payment of costs by the Lord Chancellor

3. No order shall be made under Article 6A(3) of the Magistrates' Courts (Northern Ireland) Order 1981 in favour of—

(a) a public authority; or

(b) a person acting—

(i) on behalf of a public authority; or

(ii) in his capacity as an official appointed by a public authority.

Determination of costs

4. Where the court makes an order the amount of costs payable by the Lord Chancellor shall be determined in accordance with these Regulations.

Determination of costs by the court

5.—(1) Except as provided for in paragraph (2), when making the order the court shall—

(a) determine such an amount as it considers sufficient reasonably to compensate the receiving party for any costs properly incurred by him in the proceedings; and

(b) specify that amount in the order.

(2) The amount of costs shall be determined by the Taxing Master in accordance with Regulations 6 and 7 where—

(a) the hearing has lasted more than one day or there is insufficient time to determine the costs on the day of the hearing; or

(b) the court considers that there is other good reason for the Taxing Master to determine the amount of costs.

(3) The court shall serve the order on the receiving party and on the Lord Chancellor together with, where paragraph (2) applies, notification that costs will be determined by the Taxing Master.

Determination of costs by the Taxing Master

6.—(1) Where the amount of costs is to be determined by the Taxing Master, the receiving party shall, within three months from the date on which the order was made, file his claim and a copy of the order in the Supreme Court Taxing Office and serve a copy of the claim on the Lord Chancellor.

(2) On the application of the receiving party to the Supreme Court Taxing Office, the Taxing Master may, in exceptional circumstances, extend the period of three months referred to in paragraph (1).

(3) A claim shall—

(a) summarise the items of work done by a legal representative or the receiving party as a litigant in person, as appropriate;

(b) state, where appropriate, the dates on which items of work were done, the time taken and the sums claimed; and

(c) specify any disbursements claimed, including counsel's fees, the circumstances in which they were incurred and the amounts claimed in respect of them,

and shall be accompanied by receipts or other evidence of the receiving party's payment of the costs claimed, and any receipts or other documents in support of any disbursements claimed.