STATUTORY RULES OF NORTHERN IRELAND

1996 No. 283

SUPREME COURT, NORTHERN IRELAND PROCEDURE

The Rules of the Supreme Court (Northern Ireland) (Amendment No. 3) 1996

Made - - - -	*15th July 1996*
To be laid before Parliament	
Coming into operation	*1st September 1996*

We, the Northern Ireland Supreme Court Rules Committee, being the authority having for the time being power under section 55 of the Judicature (Northern Ireland) Act 1978(**1**) to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature of Northern Ireland, hereby, with the concurrence of the Lord Chancellor, exercise those powers as follows:

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Rules of the Supreme Court (Northern Ireland) (Amendment No. 3) 1996 and shall come into operation on 1st September 1996.

(2) In these Rules any reference to an Order by number means the Order so numbered in the Rules of the Supreme Court (Northern Ireland) 1980(**2**).

Costs

2. Order 62 shall be amended as follows—

(1) By substituting in rule 18(3) for the sum "£8·00" the sum "£9·25";

(2) By substituting in Appendix 3—

(a) for Table A (BASIC COSTS) in Part I the following Table:

(**1**) 1978 c. 23
(**2**) S.R. 1980 No. 346 to which relevant amendments were made by S.R. 1988 No. 70; S.R. 1989 No. 498 and S.R. 1992 No. 399

	"Amount to be allowed in cases under following sub-paragraphs of paragraph 1 of this Appendix		
	(a) £ p	(b) £ p	(c) £ p
If the amount recovered is—	61·25	80·75	142·00
not less than £600 but less than £2,000—			
(i) where the writ was served by post			
(ii) where the writ was served on the defendant personally	69·00	87·00	149·00
not less than £2,000 but less than £3,000—	69·00	89·25	149·00
(i) where the writ was served by post			
(ii) where the writ was served on the defendant personally	75·75	94·50	156·00
not less than £3,000	89·25	129·00	184·00"

(b) for Table B (Additional Costs) in Part I the following Table:

	"(i)	(ii)
(1)	9·50	12·25
(2)	22·25	47·75
(3)	34·50	61·25
(3)	40·50	69·00
(4)	16·25	18·25
(5)	16·25	18·25
(6)	12·25	22·25"

(c) in paragraph 1 of Part III for the sum of "£7·50" the sum of "£8·50";

(d) in paragraph 2 of Part III for the sum of "£26·50" the sum of "£35·00";

(e) in paragraph 3 of Part III for the sum of "£11·50" the sum of "£13·00".

(3) By inserting after rule 32 the following new rule—

"**Short Form Taxation**

32A.—(1) Where the professional charges have been agreed between the parties and one or more items of disbursement remain in dispute, the Taxing Master may conduct a taxation in accordance with this rule (hereinafter referred to as "short form taxation").

(2) This rule shall not apply to any taxation under Schedule 2 to the Legal Aid and Assistance (Northern Ireland) Order 1981.

(3) Rule 29 shall apply to a short form taxation subject to the following modifications of sub-paragraphs 7(*c*) and (*d*);

(a) the bill of costs shall be in Form 1 (Application for Short Form Taxation) in Appendix 4 to this Order; and

(b) unless the Taxing Master otherwise orders, only those papers and vouchers relevant to the items in dispute shall be lodged in the Supreme Court Taxing Office.

(4) Nothing in Rule 27(3) or, with the exception of paragraphs (4) and (5) of Rule 30, in Rules 30 to 32 shall apply to a short form taxation.

(5) Where a party has begun proceedings in accordance with this rule, the proper officer shall enter the proceedings for taxation in a list kept for the purposes of this rule and shall forthwith give notice of the day and time appointed for the taxation of the party whose costs are to be taxed.

(6) The party whose costs are to be taxed under this rule shall, not less than four days before the day appointed for the taxation, send a copy of Form 1 to every other party entitled to be heard on the taxation with a notice of the day and time appointed for the taxation.";

(4) By adding after Appendix 3 the new Appendix set out in Schedule 1 to these rules.

Trade Marks Act 1994

3. For Order 100 there shall be substituted the new Order set out in Schedule 2 to these rules.

Brian Hutton
R. D. Carswell
J. M. Nicholson
Anthony Campbell
Hugh P. Kennedy
Patrick Coghlin
Tony Caher

Dated 27th June 1996.

I concur

Dated 15th July 1996. *Mackay of Clashfern,* C.

SCHEDULE 1 Rule 2(4)

APPENDIX 4

Form 1**Application for Short Form Taxation***(Order 62, Rule 32A)*

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND 19 No.

TAXING OFFICE

BETWEEN:

Plaintiff

AND

Defendant

Part A: BACKGROUND

[Here give brief particulars of the nature of the case in which the Order for Taxation was obtained]

	AMOUNT	VAT
Items Agreed		
Agreed Professional Charges	£ :	£
Agreed Disbursements*	£ :	£
Total agreed items	£ :	£

* You need include here only the total amount of all disbursements which have been agreed, and the total amount of VAT attributable to that disbursement total.

Part B: DISPUTED ITEMS

	AMOUNT	VAT	TAXED OFF [for completion by Master if appropriate]
Items in dispute			
[Each item of disbursement in dispute should be listed separately, and individually numbered]			
1. ____	£ :	£	
2.	£ :	£	

Costs of Taxation

(i) Preparation of Bill and ancillary papers; attending taxation, vouching and completing taxation;

(i) ___ hours @ £[1] ___ per hour £

(ii) Uplift for care and conduct @ 50% £

_____ £ :