

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

THE TAXING OFFICE

PRACTICE DIRECTION

1996 No.7

SHORT FORM TAXATION

Explanatory Statement

The amendment to Order 62 which permits Short Form Taxations comes into force on 1 September 1996 (see Rule 2(3) and (4) of SR 1996 No. 283) . The purpose of the new Rule 34A is to facilitate agreement with regards to costs and outlays, and thus reduce the number of unnecessary taxations.

For this reason a simplified form of taxation procedure has been introduced. It is hoped that access to this form of procedure will be open to everyone, even those heretofore inexperienced in taxation of costs proper.

As a consequence the cost of taxing these Disputed Items will be considerably reduced and the speed of hearing accelerated.

The new procedure will apply to all cases lodged with the Taxing Office after 1 September 1996. To qualify for the new procedure it is necessary that the professional costs have been agreed between the parties and that the only matters unresolved are items of disbursement. There may be more than one of these Disputed Items, or there may be a Single Item. These may be either items paid out by the Solicitors, such as stamp duties, fees to witnesses or the like, or Counsel's fees or the fees of experts.

The Certificate of Short Form Taxation will merely state the amount of the Costs and any Disbursements which have been agreed. It will not be evidence of any such agreement, nor will it be enforceable in respect of the agreed items. The Certificate will certify the amount claimed and the amount allowed by the Master in respect of the Disputed Items. It will be enforceable in respect of these items only, and it is on the amount of these items only that Poundage under Section 5, Item 35 (b) of the Supreme Court Fees Order (Northern Ireland) 1996 [SRNI 1996 No. 1001 will be taken by the Taxing Office.

Practice Direction

The only documents required to be lodged in the Taxing Office are

1. A copy of the final Order or Judgment awarding the costs to the Receiving Party

2. The account/s for the item/s in dispute and any supporting correspondence
3. The Bill of Costs and Statement of Parties duly completed.

The steps to be taken by the Solicitor are

1. Obtain a precedent of the form of Bill of Costs and Statement of Parties - [*these may be had on request from the Taxing Office*] - and complete same and sign the Bill of Costs
2. Serve a copy of the Bill of Costs on the Paying Party
3. Lodge the Documents in the Taxing Office
4. Attend at the Hearing prepared to argue the reasonableness of the incurring of the Disputed Items and/or of the *quantum* of the Disputed Items.

The steps to be taken by the Taxing Office are

1. Within a few days of receipt of the Documents a date for hearing will be advised in writing to both parties' Solicitors, at the addresses stated in the Statement of Parties. That Notice will allot 15 minutes for the hearing. In any case where the parties expect that the hearing will involve complicated arguments of law or require evidence to be taken, the Taxing Office ought to be notified when lodging the Documents, so that a longer period can be allotted.
2. At the conclusion of the hearing, a Certificate of Short Form Taxation will issue, either when the time for Review has expired, or, if the parties request an earlier issue of same, on receipt of a letter from each party's Solicitors waiving the right to apply for Review.
3. A Requisition for the payment of the poundage will be sent to the Paying Party at the conclusion of the Hearing or of any Review.
4. The Certificate of Short Form Taxation will not be released by the Taxing Office to the party entitled thereto until the Requisition for the Poundage duly stamped and the vouchers for the payment of the amount allowed on the Disputed Items have been lodged in the Taxing Office.

Dated 19 August 1996.

Signed


J CHRISTOPHER NAPIER
Master (Taxing Office).