

IN THE HIGH COURT OF JUSTICE NORTHERN IRELAND

THE TAXING OFFICE

PRACTICE DIRECTION

1996 No.8

INCLUSION OF PRE-CERTIFICATE ITEMS IN BILL OF COSTS

It appears with more and more frequency in Bills of Costs lodged in the Taxing Office for assessment against the Legal Aid Fund that items of outlay, and less frequently, items of costs, are included which are patently outside the scope of the Legal Aid Certificate or outside the period of currency of the Certificate.

The reason for such inclusion is unknown, unless it is in the hope that the item will be allowed through inadvertence in error by the Taxing Master.

It is not good professional conduct for a Solicitor to include in a Bill of Costs for assessment against the Legal Aid Fund items of costs or outlay which are patently outside the period of the Legal Aid Certificate or outside the scope thereof.

No item which is patently outside either the scope of the Certificate or outside the period of the Certificate ought to be included in any Bill of Costs drawn for assessment under Schedule 2 of the *Legal Aid Advice and Assistance (Northern Ireland) Order 1981*.

An item which might arguably be within a certificate ought to be included in a way which indicates that there is a doubt about its appropriateness as a charge against the Legal Aid Fund.

If it is felt that the Taxing Master should be informed of the quantum of such items to assist him in the adjudication on the claims within the Certificate, then the amount of such fees can be stated on the Bill, but not in the column where, by reason of any oversight on the part of the Taxing Master or his staff it might be allowed in error.

Where a bill of costs is also chargeable either by assessment or taxation against the party as well as the Fund, the inclusion of such matters against the party *but not against the Fund* should be patent from the face of the Bill.

It is considered that such inclusion is unprofessional conduct.

In future the Taxing Office will expect Solicitors to ensure that such items are neither included *by accident nor by design*.

The penalty which breach of this admonition may bring may be a reduction in the *quantum* of the Taxation item which may be allowed.

27 August 1996

J CHRISTOPHER NAPIER
Master (Taxing Office).