



STATUTORY INSTRUMENTS.

S.I. No. 584 of 2019

RULES OF THE SUPERIOR COURTS (COSTS) 2019

RULES OF THE SUPERIOR COURTS (COSTS) 2019

We, the Superior Courts Rules Committee, constituted pursuant to the provisions of the Courts of Justice Act 1936, section 67, and reconstituted pursuant to the provisions of the Courts of Justice Act 1953, section 15, by virtue of the powers conferred upon us by the Courts of Justice Act 1924, section 36, the Courts of Justice Act 1936, section 68 (as applied by the Courts (Supplemental Provisions) Act 1961, section 48), the Solicitors (Amendment) Act 1960, section 25(2), the Courts (Supplemental Provisions) Act 1961, section 14, the Legal Services Regulation Act 2015, sections 143, 152(1), 154 and 163 and of all other powers enabling us in this behalf, do hereby make the following Rules of Court.

Dated this 9th day of October, 2019

Frank Clarke

Stuart Gilhooly

George Birmingham

John Mahon

Peter Kelly

Elizabeth Dunne

Michael Peart

Teresa Pilkington

Conor Dignam

Gráinne Larkin

I concur in the making of the following Rules of Court.,

20 November 2019

CHARLES FLANAGAN,

Minister for Justice and Equality

RULES OF THE SUPERIOR COURTS (COSTS) 2019

1. (1) These Rules, which may be cited as the Rules of the Superior Courts (Costs) 2019, shall come into operation on the 3rd day of December 2019.

(2) These Rules shall be construed together with the Rules of the Superior Courts.

(3) The Rules of the Superior Courts as amended by these Rules may be cited as the Rules of the Superior Courts 1986 to 2019.

2. (1) Where, before the day on which section 165(1) of the Legal Services Regulation Act 2015 came into operation, a matter has been referred for taxation and a hearing has taken place on the matter, the matter shall, in accordance with that subsection, be continued and determined as if these Rules had not come into operation.

(2) Where, before the day on which section 165(2) of the Legal Services Regulation Act 2015 came into operation, a decision has been made on a matter referred to taxation, any review of the decision shall, in accordance with that subsection, be conducted and determined as if these Rules had not come into operation.

(3) Where, before the day on which section 165(3) of the Legal Services Regulation Act 2015 came into operation, a matter has been referred for taxation but a hearing has not yet taken place on the matter, the matter shall be dealt with as though the referral were an application for adjudication of legal costs made under section 154 of the Legal Services Regulation Act 2015 and in accordance with Order 99 of the Rules of the Superior Courts (as amended by these Rules) on the day on which the matter was referred for taxation and:

- (i) the date of the first listing of the matter for taxation shall be treated as the return date of the application for adjudication under section 154 of the Legal Services Regulation Act 2015, and
- (ii) on such return date, the Legal Costs Adjudicator may exercise all powers conferred by the Legal Services Regulation Act 2015 and Order 99 of the Rules of the Superior Courts (as amended by these Rules) in relation to the adjudication.

3. The Rules of the Superior Courts are amended:

- (i) by the substitution for rule 1 of Order 19 of the following rule:

“1. (1) The plaintiff shall, subject to the provisions of Order 20, and at such time and in such manner as therein prescribed, deliver to the defendant a statement of his claim, and of the relief or remedy to which he claims to be entitled.

(2) The defendant shall subject to the provisions of Order 21, and at such time and in such manner as therein prescribed, deliver to the plaintiff his defence, set-off, or counter-claim (if any).

(3) The plaintiff shall, subject to the provisions of Order 23, and at such time and in such manner as therein prescribed, deliver his reply (if any) to such defence, set-off, or counter-claim.

(4) Such statements shall be as brief as the nature of the case will admit, and the Legal Costs Adjudicator in adjudicating the costs of the action shall, at the instance of any party, or may without any request, inquire into the reasonableness of the cost of preparing and replying to any such pleading, and may order any costs occasioned by the unreasonableness of a party to be borne by that party.”;

(ii) by the substitution for paragraphs (i) and (ii) of sub-rule (8) of rule 10 of Order 22 of the following paragraphs respectively:

“(i) The costs of the plaintiff, or if more than one, of all the plaintiffs in any such cause or matter or incident to the claims therein or consequent thereon shall, as regards costs ordered to be paid to such plaintiff or plaintiffs by the defendant or any other party to such cause or matter be adjudicated by the Legal Costs Adjudicator as between party and party.

(ii) The costs (if any) of the plaintiff or if more than one of all such plaintiffs not ordered to be paid by or recoverable from any other party shall be adjudicated by the Legal Costs Adjudicator as between legal practitioner and client on notice to the General Solicitor for Wards of Court. If any portion of such costs be payable by any adult party to the cause or matter who is *sui juris*, the Legal Costs Adjudicator shall certify the amount of such portion and the portions payable by such infant or person of unsound mind. No costs other

than those so certified shall be payable to the solicitor for any plaintiff in the cause or matter.”;

- (iii) by the substitution for rule 3 of Order 31 of the following rule:

“3. In adjudicating the costs of the cause or matter, inquiry shall at the instance of any party be made into the reasonableness of exhibiting such interrogatories. If it is the opinion of the Legal Costs Adjudicator or of the Court, with or without an application for inquiry, that such interrogatories have been exhibited unreasonably, the costs occasioned by those interrogatories and the answers thereto shall be paid in any event by the party found to have behaved unreasonably.”;

- (iv) by the substitution for rule 25 of Order 31 of the following rule:

“25. In every cause, or matter, the costs of discovery, by interrogatories, or otherwise, shall save as otherwise agreed between the parties or unless otherwise ordered by the Court, be allowed, as part of the costs of the party seeking discovery, either as between party and party or as between legal practitioner and client.”;

- (v) by the substitution for rule 2 of Order 32 of the following rule:

“2. Either party may call upon the other party to admit any document, saving all just exceptions. In case of refusal or neglect to admit, after such notice, the costs of proving any such documents shall be paid by the party so neglecting or refusing, whatever the result of the cause or matter may be, unless at the trial or hearing the Court certifies that the refusal to admit was reasonable. No costs of proving any document shall be allowed unless such notice be given, except where the omission to give the notice is, in the opinion of the Legal Costs Adjudicator, a saving of expense.”;

- (vi) by the substitution for rule 4 of Order 32 of the following rule:

“4. Any party may, by notice in writing, at any time not later

than nine days before the day for which notice of trial has been given, call on any other party to admit, for the purposes of the cause, matter, or issue only, any specific fact or facts mentioned in such notice. In case of refusal or neglect to admit the same within six days after service of such notice, or within such further time as is allowed by the Court, the costs of proving such fact or facts shall be paid by the party so neglecting or refusing, whatever the result of the cause, matter, or issue may be, unless at the trial or hearing the Court certifies that the refusal to admit was reasonable, or unless the Court at any time otherwise orders or directs. Any admission made pursuant to such notice is to be deemed to be made only for the purposes of the particular cause, matter, or issue, and not as an admission to be used against the party on any other occasion or in favour of any person other than the party giving the notice. The Court may at any time allow any party to amend or withdraw any admission so made on such terms as the Court considers just. All such costs and expenses as in the opinion of the Legal Costs Adjudicator or the Court have been caused by the omission of any party to serve such notice shall, whatever the result of the cause, matter, or issue, may be, unless the Court otherwise orders, be paid by the party omitting to serve such notice.”;

(vii) by the substitution for rule 3 of Order 40 of the following rule:

“3. Every affidavit shall be entitled in the cause or matter in which it is sworn. In every case in which there are more than one plaintiff or defendant, it shall be sufficient to state the full name of the first plaintiff or defendant, respectively, and that there are other plaintiffs or defendants as the case may be.”;

(viii) by the substitution for rule 10 of Order 41 of the following rule:

“10. The amounts so to be stated for rent, if not otherwise duly ascertained, and costs respectively, shall be ascertained:

- (a) in respect of rent by the affidavit of the plaintiff, his agent, receiver, or clerk, at the time judgment is entered, and
- (b) in respect of costs (unless measured by the Court) by the Legal Costs Adjudicator’s certificate thereof,

at any time prior to the issue of an order of possession or to the service of a notice under the Land Law (Ireland) Act 1887, section 7.”;

- (ix) by the substitution for rule 2 of Order 55 of the following rule:

“2. The Examiner shall, for the purpose of any proceedings before him have power to issue advertisements, to summon parties and witnesses, to administer oaths, to require the production of documents, to take affidavits and acknowledgements, and, where an account consists in part of a bill of costs, to request the Legal Costs Adjudicator to assist in settling such costs by adjudicating such bill, and when so directed by the Court, to examine parties and witnesses either upon interrogatories or viva voce.”;

- (x) by the substitution for rule 13 of Order 58 of the following rule:

“13. On an appeal to the Supreme Court, interest for such time as execution has been delayed by the appeal is deemed to be allowed, unless the Supreme Court otherwise orders. The Legal Costs Adjudicator or other proper officer may compute the additional amount of interest without any order for that purpose.”;

- (xi) by the substitution for rule 12 of Order 61 of the following rule:

“12. The costs of appeals, when referred for taxation, shall be taxed by the appropriate County Registrar (who shall for this purpose have all the powers of a Legal Costs Adjudicator). Such costs shall, subject to any special direction by the Court, be taxed on the scale applicable to an action or matter commenced or heard in the Circuit Court, with the addition of necessary outlay and the items set out in Part III of the scales of costs in Appendix W. Any application for the review of a taxation effected under this rule shall be by notice of motion to the High Court sitting in Dublin served on all parties affected by the application and lodged in the Central Office within ten days from the date of the certificate of taxation. The notice of motion shall specify the matters or items or parts thereof objected to and the grounds and reasons for such objection. A copy of the notice

of motion shall be transmitted forthwith from the Central Office to the County Registrar for his report or observation thereon. In the taxation of costs under this rule, the County Registrar shall, in addition to the principles specified in Schedule 1 to the Legal Services Regulation Act 2015, have regard to the costs allowed or allowable in respect of the hearing of the case in the Circuit Court.”;

(xii) by the substitution in paragraph (xiv) of rule 2 of Order 61A for “Order 99, rule 2” of “Order 99, rule 4”;

(xiii) by the substitution for paragraph (28) of rule 1 of Order 63 of the following paragraph:

“(28) A seven day order for payment of costs or lodgment of security on a certificate or report from the Legal Costs Adjudicator in matrimonial causes or matters.”;

(xiv) by the substitution for rule 98 of Order 67 of the following rule:

“98. Subject to any order that the Judge may make in the matter, the Registrar may direct that any bill of costs in any proceeding under the Act be referred for adjudication to the Legal Costs Adjudicator who shall duly adjudicate and certify the amount due upon the same as if he had been so directed by order of the Judge.”;

(xv) by the substitution for rules 74 to 77 inclusive of Order 70 of the following rules respectively:

“74. All bills of costs for business in matrimonial causes and matters shall be adjudicated by the Legal Costs Adjudicator.

75. After directions have been given as to the mode of hearing of trial of a cause, or in an earlier stage of a cause, where special circumstances are shown, the Court may, on the application by motion of a wife who is a petitioner or who has entered an appearance (unless the husband shall prove that the wife has sufficient separate estate or show other good reason) make an order directing him to pay her costs of the cause up to the date of such application, and her further costs de die in diem up to the trial or hearing, and directing the

Legal Costs Adjudicator to adjudicate such costs and at the time of such adjudication (if directions as to the mode of hearing or trial have been given before such adjudication) to ascertain and certify what is a sufficient sum of money to be paid into Court or what is a sufficient security to be given by the husband to cover the costs of the wife of and incidental to the hearing or trial of the cause.

76. In all cases in which the Court at the hearing of a cause orders any party to the suit to pay the costs of the other party, the solicitor of the party to whom such costs are to be paid may forthwith lodge his bill of costs and obtain a return date for the adjudication, provided that such adjudication shall not take place before the time allowed for moving for a new trial or for bringing an appeal has expired.

77. When the Legal Costs Adjudicator has signed his certificate of determination or as to security, it may be lodged by the party obtaining the same in the Central Office, and the Master shall at once issue an order for payment of the amount or giving of security within seven days. This order shall be served on the party liable or his solicitor, but unless by leave of the Court no sequestration to enforce such payment shall be issued.”;

(xvi) by the substitution for paragraph (a) of sub-rule (1) of rule 3 of Order 77 of the following paragraph:

“(a) the name of each person to whom payment, transfer, or delivery of any funds is to be made, unless the name is to be stated in a certificate of the Examiner, Registrar or Legal Costs Adjudicator, or unless such payment, transfer or delivery is to be made to trustees or other persons in succession, or to representatives when no probate or letters of administration shall have been taken out at the date of the order;”;

(xvii) by the substitution for sub-rule (1) of rule 8 of Order 77 of the following sub-rule:

“(1) When an order directs any sums to be ascertained by the certificate of the Examiner, Registrar or Legal Costs Adjudicator, or in any other manner, and to be afterwards dealt with by the Accountant, it shall be so expressed in the payment schedule. Such certificate or other authority, or an

attested copy of the same, or of so much thereof as shall be necessary, shall (save where the same is authorised to be transmitted electronically in accordance with sub rule (2)) be sent to the Accountant. Such certificate shall be in the Form No. 4 in Appendix P.”;

(xviii) by the substitution for sub-rule (1) of rule 9 of Order 77 of the following sub-rule:

“(1) When an order directs payment out of a fund in Court of any costs directed to be adjudicated, the Legal Costs Adjudicator shall state in his certificate of determination the name and address of the person to whom such costs are payable. Save where a certificate is authorised to be transmitted electronically under sub-rule (2), such certificate shall be in the Form No 5 in Appendix P, and an attested copy thereof shall be sent to the Accountant.”;

(xix) by the substitution for rules 10 and 11 of Order 77 of the following rules respectively:

“10. Interest certified by the Examiner or Legal Costs Adjudicator, may, unless the order otherwise directs, be computed to a day subsequent to the date of the certificate and to be named therein as the day for payment, so as to allow a reasonable time for doing all necessary acts to enable the payment to be made. The Examiner or Legal Costs Adjudicator may require a statement in writing of such computation, authenticated by the signature of the solicitor having the carriage of the order, to be produced before preparing the certificate, but no affidavit verifying such computation shall be required.

11. When an order directs payment of interest in respect of any money in Court without being certified by the Examiner, Registrar, Legal Costs Adjudicator or other person, the payment schedule shall state the rate of interest, the period for which it is to be computed or (where that period cannot be fixed by the order) the day from which it is to be computed, and the amount of such interest (if ascertainable at the date of the order).”;

(xx) by the substitution for rule 16 of Order 77 of the following rule:

“16. When a person to whom payment, transfer, or delivery of funds in Court is directed is entitled thereto as real estate, or as trustee, executor, administrator, or otherwise than in his own right or for his own use, the fact that he is entitled to the same as real estate, or the character in which he is so entitled, shall be stated in the payment schedule to the order, or in the certificate of the Examiner or Legal Costs Adjudicator.”;

(xxi) by the substitution for rule 43 and sub-rule (1) of rule 44 of Order 77 of the following rule and sub-rule respectively:

“43. When funds in Court are by an order directed to be paid, transferred or delivered to any person named or described in an order, or in a certificate of the Examiner, Registrar or Legal Costs Adjudicator (except to a person therein expressed to be entitled to such funds as real estate, or to be entitled thereto as a trustee, executor or administrator, or otherwise than in his own right, or for his own use) such funds, or any portion thereof for the time being remaining unpaid or untransferred or undelivered, may, unless the order otherwise directs, on proof of the death of such person, whether on or after the date of such order, or, in the case of payment directed to be made to creditors, shareholders or debenture holders as such, before the date of such order, be paid or transferred or delivered to the legal personal representative of such deceased person or to the survivors or survivor of them. If no administration has been taken out to a deceased person entitled to funds in his own right or to whose legal personal representatives when constituted such funds were directed to be paid, transferred, or delivered, and such person has died intestate with assets not exceeding €25,000 in value, including the amount of the funds directed to be dealt with, such funds may be paid, transferred or delivered to the person who, being widower, widow, child, father, mother, brother or sister of the deceased, would be entitled to obtain a grant of administration to the estate of the deceased, upon a declaration by such person in the Form No 13 in Appendix P.

44. (1) When money in Court is by an order directed to be paid to any persons described in the order, or in a certificate of the Examiner, Registrar or Legal Costs Adjudicator as co-partners or as trading or carrying on business in the name of a company or firm such money may be paid to any one or more of such co-partners, or to the survivor of them.”;

- (xxii) by the substitution for rule 21 of Order 86A of the following rule:

“21. On an appeal to the Court of Appeal, interest for such time as execution has been delayed by the appeal is deemed to be allowed, unless the Court of Appeal otherwise orders. The Legal Costs Adjudicator or other proper officer may compute the additional amount of interest without any order for that purpose.”;

- (xxiii) by the substitution for paragraph (2) of rule 13 of Order 94 of the following paragraph:

“(2) Subject as aforesaid the costs of the issues raised by the particulars of breaches and particulars of objections shall be in the discretion of the Legal Costs Adjudicator.”;

- (xxiv) by the substitution for sub-rule (1) of rule 20 of Order 97 of the following sub-rule:

“(1) All costs of and incidental to an election petition may be adjudicated by the Legal Costs Adjudicator.”;

- (xxv) by the substitution for Order 99 of the Order set out in Schedule 1;

- (xxvi) by the substitution for the following forms of the forms bearing the like numbers respectively set out in Schedule 2, namely, Form No. 3 in Appendix D; Forms No. 4, 6, 7 and 8 in Appendix E; Form No. 1 in Appendix F Part I; Forms No. 1 and 10 in Appendix F Part II; Form No. 7 in Appendix L and Forms No. 4 and 5 in Appendix P, and

- (xxvii) by the substitution for Appendix W of the Appendix set out in Schedule 3.

Schedule 1

“Order 99

Costs

I. Definitions

1. In this Order:

the “2015 Act” means the Legal Services Regulation Act 2015;
 reference to “adjudication” of, or upon, costs or any matter or item in any bill of costs means adjudication of that bill, matter or item, as the case may be, in accordance with Part 10 of the 2015 Act;
 “legal practitioner and client adjudication” means an adjudication of costs under section 154(4) or section 154(5) of the 2015 Act;
 “party and party adjudication” means an adjudication of costs under section 154(2) or section 154(3) of the 2015 Act;
 words and expressions contained in this Order shall, where the context so admits, have the same meaning as in the 2015 Act.

II. Right to costs

2. Subject to the provisions of statute (including sections 168 and 169 of the 2015 Act) and except as otherwise provided by these Rules:

- (1) The costs of and incidental to every proceeding in the Superior Courts shall be in the discretion of those Courts respectively.
 - (2) No party shall be entitled to recover any costs of or incidental to any proceeding from any other party to such proceeding except under an order or as provided by these Rules.
 - (3) The High Court, the Court of Appeal or the Supreme Court, upon determining any interlocutory application, shall make an award of costs save where it is not possible justly to adjudicate upon liability for costs on the basis of the interlocutory application.
 - (4) An award of costs shall include any sum payable by the party in favour of whom such an award is made by way of value added tax on such costs, where and only where such party establishes that such sum is not otherwise recoverable.
 - (5) An order may require the payment of an amount in respect of costs forthwith, notwithstanding that the proceedings have not been concluded.
3. (1) The High Court, in considering the awarding of the costs of any action or step in any proceedings, and the Supreme Court and Court of Appeal in considering the awarding of the costs of any appeal or step in any appeal, in respect of a claim or counterclaim, shall have regard to the matters set out in section 169(1) of the 2015 Act, where applicable.

(2) For the purposes of section 169(1)(f) of the 2015 Act, an offer to settle includes any offer in writing made without prejudice save as to the issue of costs.

4. If a cause is removed from an inferior court or from a tribunal having power to award costs which has jurisdiction in the cause, the costs in the court below or tribunal shall be costs in the cause, unless otherwise ordered by the Court or by such inferior court or tribunal.

5. (1) The costs of inquiries to ascertain the person entitled to any legacy, money, or share, or otherwise incurred in relation thereto shall be paid out of such legacy, money, or share unless the Court otherwise directs.

(2) Where some of the persons entitled to a distributive share of a fund are ascertained, and difficulty or delay has occurred or is likely to occur in ascertaining the persons entitled to the other shares, the Court may order or allow immediate payment of their shares to the persons ascertained, without reserving any part of those shares to answer the subsequent costs of ascertaining the persons entitled to the other shares. In all such cases, an order may be made for ascertaining and payment of the costs incurred down to and including such payment as the Court shall think reasonable.

6. A set-off for damages or costs between parties may be allowed notwithstanding the solicitor's lien for costs in the particular cause or matter in which the set-off is sought.

7. (1) An order for the payment of costs may require the costs to be paid forthwith, notwithstanding that the proceedings have not been concluded.

(2) In awarding costs, the Court may:

- (a) direct that a sum in gross be paid in lieu of adjudicated costs;
- (b) in determining the amount of any such sum, of its own motion or on the application of the parties, appoint an independent legal costs accountant to report on the work to which the costs relate and shall direct that the parties be furnished with copies of any such report, and
- (c) direct that the costs of preparing a report referred to in paragraph (b) be added to the sum in gross awarded or be paid by another party.

(3) At any stage of proceedings, the Court may require the parties to produce to the Court and exchange with one another estimates of the costs respectively incurred by them, for such period as the Court may direct, and particularised in such manner as the Court may direct.

8. (1) Where, on the trial of any cause or matter or on any other proceeding, it appears to the Court that the same cannot conveniently proceed, the Court may, for the purpose of ascertaining whether same is due to:

- (a) the neglect of a legal practitioner acting for any party to attend personally or by some proper person on his behalf, or
- (b) the failure of such legal practitioner to be properly prepared for such trial or proceeding, or
- (c) the omission of such legal practitioner to deliver any paper necessary for the use of the Court which was required by these Rules, a practice direction or an order or direction of the Court to have been delivered,

adjourn the proceeding for a period of not less than 14 days for the purpose of affording the legal practitioner concerned an opportunity to adduce evidence and to make written and oral submissions in respect of such one or more of the matters specified at paragraphs (a) to (c) as the Court shall direct.

(2) Where the Court, having at the adjourned hearing of the matters considered any such evidence and submissions, determines that the proceeding could not proceed by virtue of such neglect, failure or omission (as the case may be) of the legal practitioner concerned, may order that such legal practitioner shall personally pay to the other party such costs as the Court shall think fit to award.

9. (1) If in any case it appears to the Court that costs have been improperly or without any reasonable cause incurred, or that by reason of any undue delay in proceeding under any judgment or order, or of any misconduct or default of the legal practitioner, any costs properly incurred have nevertheless proved fruitless to the person incurring the same, the Court may –

(a) call on the legal practitioner acting for the person by whom such costs have been so incurred to show cause why such costs should not be disallowed as between the legal practitioner and his client and (if the circumstances of the case require) why the legal practitioner should not repay to his client any costs which the client may have been ordered to pay any other person, and thereupon make such order as the justice of the case may require;

(b) refer the matter to the Legal Costs Adjudicator for inquiry and report and nominate another legal practitioner to attend and take part in such inquiry.

(2) Notice of the order shall be given to the client in such manner as the Court directs. Any costs of the legal practitioner nominated as aforesaid shall be paid by such parties, or out of such funds as the Court may direct; or, if not otherwise paid, may be paid out of such moneys (if any) as may be provided by the Oireachtas.

III. Amount of costs

10. (1) This Part applies to costs which by or under these Rules or any order or direction of the Court are to be paid to a party to any proceedings either by another party to those proceedings or out of any fund (other than a fund which the party to whom the costs are to be paid holds as trustee or personal representative).

(2) Subject to sub-rule (3), costs to which this Part applies shall be adjudicated on a party and party basis in accordance with section 155 and Schedule 1 to the 2015 Act.

(3) The Court in awarding costs to which this rule applies may in any case in which it thinks fit to do so, order or direct that the costs shall be adjudicated on a legal practitioner and client basis.

11. A legal practitioner and client adjudication shall be conducted in accordance with section 155 and Schedule 1 to the 2015 Act, and such of these Rules as are applicable to legal practitioner and client costs.

12. (1) Where the costs concerned were incurred in relation to contentious business, the bill of costs shall, for the purposes of section 154(1)(c) include as individual items the steps and activities (where relevant) contained in Parts I, II, and III of the scales of costs in Appendix W, and shall be prepared in accordance with the notes and general provisions contained therein.

(2) When the amount of a solicitor's remuneration in respect of sales, purchases, leases, mortgages and other matters of conveyancing or in respect of any other non-contentious business is regulated by any general orders for the time being in force under the Solicitors' Remuneration Act 1881, or by any rules for the time being in force under the Registration of Title Act 1964, the amount of the costs to be allowed on adjudication in respect of such business shall be regulated thereby, notwithstanding anything contained in this Order.

IV. Adjudication of costs

13. (1) The Legal Costs Adjudicator may adjudicate:

- (a) the costs of or arising out of any cause or matter in any of the Superior Courts;
- (b) any costs which are the subject of an order made by an arbitral tribunal in accordance with section 21(4) of the Arbitration Act 2010 for the adjudication of the costs of the arbitration by a Legal Costs Adjudicator;
- (c) the costs of a receiver appointed in any cause or matter, on the application of the receiver or of any party to such cause or matter;
- (d) the cost of registering judgments as mortgages, of obtaining grants of probate and of letters of administration, of satisfying judgments, and any other costs usually adjudicated ex parte, on the application of any party interested;
- (e) without any order for the purpose, costs as between legal practitioner and client, upon the application of the client and upon his written undertaking, to be lodged in the Legal Costs Adjudicators' Office, to pay any balance which the Legal Costs Adjudicator may determine and certify;
- (f) any other costs to be adjudicated under or by virtue of a statute or these Rules.

(2) The costs and expenses of an adjudication shall, unless the Legal Costs Adjudicator, for special reason to be stated in his determination otherwise directs, follow the event.

14. All bills of costs to be adjudicated shall be disposed of by the Legal Costs Adjudicators in a rotation to be fixed by them from time to time, or in such manner or order as the Chief Justice may from time to time direct; provided that the Court may at any time order that any particular costs or bill of costs shall be referred to any one of the Legal Costs Adjudicators.

15. (1) All bills of costs for adjudication shall, subject to the requirements of this Order, be lodged in the Legal Costs Adjudicators' Office. Each such bill shall include or be accompanied by a memorandum signed by or for the legal

practitioner lodging the same, stating whether or not there has been any previous adjudication or taxation of costs in the same cause or matter, or relating to the same estate or trust, and if so, by which Legal Costs Adjudicator and the date thereof.

(2) The Chief Legal Costs Adjudicator may direct generally, by notice published in such manner as he may determine, or a Legal Costs Adjudicator may direct in any case, that a bill of costs or a copy thereof be lodged in electronic form.

16. (1) The register of determinations to be maintained for the purposes of section 140 of the 2015 Act may be established and maintained electronically and shall, subject to that section, include the particulars required by that section.

(2) The register of determinations shall be open to inspection by any interested party during office hours in accordance with section 140(8) of the 2015 Act.

17. The Legal Costs Adjudicators shall be respectively assistant to each other, and any Legal Costs Adjudicator may adjudicate or assist in the adjudication of a bill of costs which has been referred to another, and in such case shall certify accordingly.

18. At least one Legal Costs Adjudicator shall be available to discharge such business as may be required during the Long vacation.

19. The Legal Costs Adjudicators, in the exercise of their powers and performance of their functions, shall have regard to any guidelines published in accordance with section 142 of the 2015 Act.

20. The Legal Costs Adjudicator shall record details of items allowed or disallowed in respect of a bill of costs. The bill shall be retained in the Legal Costs Adjudicators' Office or if in electronic form, under the control of the Chief Legal Costs Adjudicator. When an adjudication has been completed and no review or appeal has been sought within the time permitted, or any review or appeal has been determined, the original bill of costs as detailed by the Legal Costs Adjudicator shall be available for inspection (in read-only form if maintained electronically), subject to any redactions which the Legal Costs Adjudicator considers necessary to conform to the requirements of section 140(5) of the 2015 Act, by any party to an adjudication during office hours without fee or charge, whether as part of the register of determinations or otherwise.

21. A Legal Costs Adjudicator may, for the purpose of adjudicating a bill of costs, in addition to the powers exercisable under section 156 of the 2015 Act -

(a) direct the production of documents, records and vouchers to him or to other parties to the adjudication;

(b) require any party to be represented by a separate solicitor, and

(c) generally direct any party to the adjudication to do such acts as he considers necessary.

22. A copy of every judgment or order, whereby any costs are directed to be paid, shall be lodged in the Legal Costs Adjudicators' Office before the adjudication of such costs shall proceed, and the solicitor lodging such copy shall certify that it is a correct copy.

23. (1) An application for adjudication of any matter or item in a bill of costs shall be by notice in the Form No. 1 (in the case of a party and party adjudication) or Form No. 2 (in the case of a legal practitioner and client adjudication) in Part V of Appendix W.

(2) Every notice of application shall be lodged in duplicate in the Legal Costs Adjudicators' Office. An initial return date shall be assigned to each such application and a completed notice returned to the applicant for service.

(3) Subject to rule 26, every notice of application for a party and party adjudication shall be accompanied by:

- (i) the bill of costs in the form prescribed by these Rules;
- (ii) vouchers, invoices and/or receipts in respect of any disbursement which has not been agreed;
- (iii) any other records on which the applicant relies in support of the costs claimed, separately indexed and paginated; and
- (iv) where the applicant relies on time records in support of the costs claimed, those time records, separately indexed and paginated; showing —
 - I. each legal practitioner or other person concerned;
 - II. the hourly rate(s) applicable;
 - III. the date(s) on which the relevant work was undertaken and the actual hours, or portions of hours, expended thereon;
 - IV. a total of the hours, or portions of hours, expended thereon, and
 - V. where any such time is estimated, a statement that such time has been estimated;
- (v) a true copy of the order of the Court, award of the arbitrator or other order or instrument by which the costs have been awarded or allowed, and
- (vi) in the case of a party and party adjudication applied for by the person the subject of the order to pay the costs, a certificate that the person has complied with section 154(2) of the 2015 Act.

(4) Every notice of application for a legal practitioner and client adjudication shall be accompanied by:

- (i) the bill of costs in the form prescribed by these Rules;
- (ii) vouchers, invoices and/or receipts in respect of any disbursement which has not been agreed;
- (iii) any other records on which an applicant legal practitioner relies in support of the costs claimed, separately indexed and paginated, and
- (iv) where the applicant relies on time records in support of the costs claimed, those time records, separately indexed and paginated, showing —
 - I. each legal practitioner or other person concerned;
 - II. the hourly rate(s) applicable;
 - III. the date(s) on which the relevant work was undertaken and the actual hours, or portions of hours, expended thereon;

IV. a total of the hours, or portions of hours, expended thereon, and

V. where any such time is estimated, a statement that such time has been estimated.

(v) a true copy of each notice provided by the legal practitioner concerned to the client in accordance with section 150 and/or agreement under section 151(1) of the 2015 Act;

(vi) a true copy of any statement in writing sent under section 153(1) of the 2015 Act;

(vii) a true copy of any opinion in writing sent under section 153(3) of the 2015 Act, and

(viii) a true copy of any demand for payment.

(5) In the case of an application for legal practitioner and client adjudication, the applicant shall serve copies of the issued notice of application including the return date and the documents lodged therewith in the manner provided by these Rules on the client or, as the case may be, the legal practitioner concerned.

(6) In the case of an application for party and party adjudication, the applicant shall serve copies of the issued notice of application including the return date and the documents lodged therewith in the manner provided by these Rules on the legal practitioner or, as the case may be, the person who is the subject of the order to pay the costs.

24. (1) On the initial return date of the application for adjudication, or on any date to which that application is adjourned, the Legal Costs Adjudicator may, if he does not proceed to adjudicate the matters or items concerned in the bill of costs:

(i) give directions as to the service of notice of the adjudication on any other person;

(ii) give such further directions, if any, as he considers necessary as to the furnishing of further documents, records and vouchers to the Chief Legal Costs Adjudicator or to other parties to the adjudication;

(iii) give directions as to the delivery and filing of written submissions for the purposes of the adjudication;

(iv) give such further directions in exercise of the powers available under the 2015 Act and this Order as he considers convenient for the determination of the adjudication in a manner which is just, expeditious and likely to minimise the costs of the adjudication.

25. (1) A notice of application for adjudication shall be issued and served so as to allow 14 clear days to elapse between the day of service and the initial return date. Under urgent circumstances (to be decided on by the Legal Costs Adjudicator) a notice of application for adjudication may, by leave of the Legal Costs Adjudicator, be issued returnable to an earlier date.

(2) It shall not be necessary to serve the opposing party with a copy of any document or item which accompanied the notice filed in the Office of the Legal Costs Adjudicators which has been previously served on or sent to the opposing party or which has been provided to the party effecting service by the opposing party.

(3) A notice of application for adjudication issued and served in respect of any bill of costs may be restricted so as to seek the adjudication of only one or more matters or items in the bill of costs. Any such notice of application for adjudication shall specify precisely the matters or items on which the Legal Costs Adjudicator is required to adjudicate and the matters or items which have been agreed between the parties or the legal practitioner and client, as the case may be. The Legal Costs Adjudicator shall, if satisfied that such notice has been issued and served and that not all of the matters or items in the bill of costs require to be adjudicated, adjudicate that part of the bill and the matters and items thereon in respect of which the notice has issued.

26. (1) Every bill of costs lodged for adjudication shall be indorsed with the name and registered place of business of any legal practitioner by or for whom it is so lodged. Where value added tax is claimed in a bill of costs the registered number allocated by the Revenue Commissioners to the person registered for value added tax must appear in a prominent place on every bill of costs, account or voucher, as appropriate, on which value added tax is claimed or chargeable.

(2) Bills of costs and notices, the service of which is required, shall have the service as effected indorsed upon them in a manner sufficiently, though briefly, specifying the person served, the time, place and mode of service, and the person serving, and the documents so indorsed shall be produced on proving service.

(3) No addition or alteration shall be made in a bill of costs after it is lodged for adjudication except by permission or direction of the Legal Costs Adjudicator.

(4) No entry, initialling or marking in a bill of costs lodged shall be made, save by the Legal Costs Adjudicator, nor shall any erasures be allowed. Where this provision is infringed the Legal Costs Adjudicator may, subject to an appeal to the Court, disallow any matter or item in respect of which the infringement has taken place, or may report the matter to the Court.

(5) Subject to sub-rule (6), a bill of costs lodged for adjudication shall be in the Form No. 3 in Part V of Appendix W.

(6) Where an agreement has been made under section 151 of the 2015 Act by a legal practitioner and the legal practitioner's client, sub-rule (5) shall have application subject to sections 152(5) to (7) of the 2015 Act.

(7) Where a Legal Costs Adjudicator so directs, a bill of costs may be accepted for adjudication notwithstanding lack of conformity with the prescribed form, provided that the Legal Costs Adjudicator is satisfied that the bill of costs:

(i) if a bill of costs furnished by a legal practitioner to a client, contains the particulars specified in section 152(2) of the 2015 Act;

(ii) is in the Legal Costs Adjudicator's opinion sufficient, when read together with the documents served and filed together with that bill, to enable the paying party to assess and dispute or oppose the work undertaken and disbursements incurred in respect of which charges are claimed, and

(iii) is in the Legal Costs Adjudicator's opinion sufficient, when read together with the documents served and filed together with that bill, to enable the Legal Costs Adjudicator to adjudicate the matters and items in dispute in accordance with the 2015 Act.

(8) Where a bill of costs which does not conform to the prescribed form is not sufficient to satisfy the requirements of sub-rule (7), the Legal Costs Adjudicator may:

- (i) adjourn the adjudication and direct the service and lodgment of a new bill of costs, or of an amended bill of costs;
- (ii) adjourn the adjudication and direct the service and lodgment of further information or documents in respect of matters or items in the bill of costs;
- (iii) strike out the application for adjudication without prejudice to the right of the moving party to make a further application.

27. (1) An index or schedule of the documents included in each brief shall be produced on adjudication if required by the Legal Costs Adjudicator.

(2) Subject to the direction of the Legal Costs Adjudicator, there shall be produced on adjudication the documents or portions of documents entered in evidence or produced at any hearing in respect of which a charge is claimed in the bill of costs.

(3) Accounts for disbursements charged in a bill of costs, together with all rulings, orders, reports and other important documents shall be produced on adjudication.

(4) Subject to the direction of the Legal Costs Adjudicator, there shall be produced on adjudication all drafts and other documents in respect of the preparation of which a charge is claimed in the bill of costs.

(5) Subject to the direction of the Legal Costs Adjudicator, there shall be produced or provided on adjudication the following details in respect of each witness in respect of whom expenses are claimed in a bill of costs:

- (i) the person's name, address and occupation;
- (ii) the place at which the person was subpoenaed;
- (iii) the distance the person had to travel for the purpose of attending the trial;
- (iv) the dates on which the person was required to attend at the trial;
- (v) where applicable, the loss of income, duly certified, claimed by the person arising from the requirement to attend at trial;
- (vi) the note of the evidence of such person as briefed to counsel for the trial.

28. Certificates of determinations of the amount of costs allowed shall be prepared without interlineation, or alteration save such as the Legal Costs Adjudicator may think it right to mark with his initials, and no erasure whatsoever shall be allowed.

29. (1) The Legal Costs Adjudicator may allow a legal practitioner or legal costs accountant attending to oppose the adjudication of costs, otherwise than as between party and party, proper charges for his preparation and attendance.

(2) In cases of special difficulty and importance involving questions of principle, the Legal Costs Adjudicator may allow, as part of the costs of adjudication, the expenses of counsel appearing before him.

(3) The Legal Costs Adjudicator, in adjudicating any subsequent costs in the same cause or matter,

- (a) shall have regard to the preceding bill(s) or other costs or charges arising out of the same or similar matters, and
- (b) for that purpose may require production by a party of information relating to the matter or matters which he considers relevant.

30. If, during the adjudication of any bill of costs or the taking of any account between legal practitioner and client, it appears that there must in any event be moneys payable by the solicitor to the client, the Legal Costs Adjudicator may from time to time make an interim certificate as to the amount so payable by the solicitor. On the filing of such certificate the Court may order the moneys so certified to be paid forthwith to the client or brought into Court.

31. The adjudication shall, if possible, be continued without interruption until completed, but if adjourned for any reason notice of the adjournment shall be given to any legal practitioner not present at the time of the adjournment whose attendance at the adjourned hearing is necessary or proper.

32. (1) A client of a legal practitioner may apply for the adjudication of costs by issuing a notice of application and serving such notice on the legal practitioner in accordance with rule 23.

(2) In the case of an application for legal practitioner and client adjudication by the person liable for the costs, the applicant is not required to have the bill of costs in the form prescribed by these Rules but may lodge the bill of costs, memorandum of costs or account for costs, in whatever form it was received from the legal practitioner, and in default of such the applicant may set down a written statement of the relevant facts in lieu thereof.

(3) A Legal Costs Adjudicator may, if he considers it just and convenient, direct the legal practitioner, at no cost or expense to the client, to revise a bill of costs to the client to ensure that the bill of costs is prepared in accordance with section 152 of the 2015 Act.

(4) On the completion by the Legal Costs Adjudicator of the adjudication of a bill of costs, the legal practitioner shall take up the certificate of determination within a period of 21 days or such further period as the Court or the Legal Costs Adjudicator may allow. If either party seeks a consideration in accordance with section 160 of the 2015 Act of any decision as regards a matter or item in the bill of costs by the Legal Costs Adjudicator, or seeks a review in accordance with section 161 of the 2015 Act by the Court, the relevant period shall operate from the date of the decision or determination under section 160(5) of the 2015 Act or, as the case may be, the order of the Court under section 161(4) of the 2015 Act.

(5) If the legal practitioner fails to take up the certificate of determination within the said period of 21 days or such extended period as is allowed in accordance with sub-rule (4), the client may take up the certificate of determination on payment of the court fee on the bill of costs and on the certificate of determination. The client shall be entitled to deduct from the bill of costs, any fee

allowed or payable to such legal practitioner for attending on and opposing the adjudication. The client shall also be entitled to deduct from the said bill of costs the costs of adjudication, the court fee on the bill of costs and on the certificate of determination, the fee for drawing the bill of costs and for attending the adjudication or any of them.

(6) The foregoing provisions of this rule shall apply in cases of the adjudication of a bill of costs payable out of a fund or estate or out of the assets of a company in liquidation, as well as between legal practitioner and client.

33. Where, on the adjudication of any bill of costs it appears to the Legal Costs Adjudicator that it is necessary to inspect any books, papers or documents relating to the cause or matter, the Legal Costs Adjudicator may request the Registrar or Examiner who has the custody of such books, papers or documents to cause the same to be transmitted to the office of the Legal Costs Adjudicator. The Legal Costs Adjudicator may also request such Registrar or Examiner to certify any proceedings which may be comprised in the bill of costs under adjudication. In such cases, the Registrar or Examiner shall as soon as may be convenient cause such books, papers and documents to be transmitted to the office of the Legal Costs Adjudicator for his use during the adjudication and shall certify the proceedings which have taken place according to the request of the Legal Costs Adjudicator. After the costs have been certified, the Legal Costs Adjudicator shall cause the same books, papers and documents to be returned.

34. The Legal Costs Adjudicator may allow such sum as he considers reasonable for printing or reproducing, including by electronic means, copies of pleadings, answers and other documents where he considers the printing or reproduction to have been necessary or proper.

35. (1) Subject to sub-rule (2), the fees to be allowed in respect of transcript writers shall be of such amount as to the Legal Costs Adjudicator seems reasonable.

(2) A transcript of evidence required by any party to be furnished to him during the trial shall not be allowed for unless such transcript has been directed to be made by the Court, or is subsequently used for the purpose of an appeal.

36. (1) The Court may, on any application or proceedings in or at the hearing of any cause or matter and whether the same is objected to or not, direct the costs of any indorsement on a summons, pleading, affidavit or any other document, which is improper, or contains vexatious or unnecessary matter, or is of unnecessary length, to be disallowed, or may direct the Legal Costs Adjudicator to look into the same and to disallow the costs thereof or of such part thereof as he finds to be improper, or to contain vexatious or unnecessary matter, or to be of unnecessary length. In such case, the party whose costs are so disallowed shall pay the costs occasioned thereby to the other party. In any case where such question has not been dealt with by the Court, it shall be the duty of the Legal Costs Adjudicator to look into the reasonableness of any indorsement on a summons, pleading, affidavit or any other document as if he had been specially directed to do so.

(2) In any case in which a party entitled to receive costs is liable to pay costs to any other party, the Legal Costs Adjudicator may adjudicate the costs such party is so liable to pay, and may adjust the same by way of deduction or set off without any order of the court.

(3) The Legal Costs Adjudicator may direct what parties are to attend before him on the adjudication of costs to be borne by a fund or estate, and may disallow the costs of any party whose attendance he shall in his discretion consider unnecessary in consequence of the interest of such party in such fund or estate being small or remote, or adequately protected by other parties interested, or for other sufficient reason.

(4) Where any bill of costs is ordered to be adjudicated for the purpose of being paid or raised out of any fund or property, the Legal Costs Adjudicator may, in his discretion, require the solicitor to give notice to his clients or such of them as the Legal Costs Adjudicator shall direct, and may suspend the adjudication until such notice has been given. Such notice shall state that the bill of costs has been referred to the Legal Costs Adjudicator and the date and hour fixed by the Legal Costs Adjudicator for the adjudication to proceed, and shall also state that the party to whom such notice is addressed is entitled to appear to be represented to oppose the allowances on adjudication.

(5) When a person in whose favour an order to pay costs has been made or other person entitled to costs refuses or neglects to deliver a bill of costs to the person liable to pay, and thereby prejudices that person or any other party, the Legal Costs Adjudicator may certify the costs of the other parties, and certify such refusal or neglect, or may allow the person so refusing or neglecting a nominal or other sum for such costs, so as to prevent any other party being prejudiced by such refusal or neglect.

(6) Where the plaintiff is directed to pay to the defendant the costs of the cause, the costs occasioned to a defendant by any amendment of the plaintiff's pleadings shall be deemed to be part of such defendant's costs in the cause (except as to any amendment which shall appear to have been rendered necessary by the default of such defendant), but there shall be deducted from such costs any sum which may have been paid by the plaintiff in respect of any amendment.

(7) (i) Where in the scales of costs in Appendix W there is entered either a minimum and a maximum sum, or the word "discretionary", the amount of costs to be allowed in respect of that item shall, subject to any order of the Court, be in the discretion of the Legal Costs Adjudicator, within the limits of the sums so entered (if any).

(ii) In exercising his discretion in relation to any item, the Legal Costs Adjudicator shall have regard to the matters set out in Schedule 1 to the 2015 Act.

(8) As to all fees and allowances not referred to in sub-rule (7), it shall be in the discretion of the Legal Costs Adjudicator to disallow the same in whole or in part.

(9) Where, in proceedings before the Legal Costs Adjudicator, any party is guilty of neglect or delay, or puts any other party to any unnecessary or improper expense relative to such proceedings, the Legal Costs Adjudicator may, without limitation of any other power available to him, direct such party or his legal practitioner to pay the reasonable costs occasioned by such neglect or delay. Such costs may be deducted from or, as the case may be, added to and included in the amount of the costs determined to be due on adjudication.

(10) Subject to any provision of statute, the Legal Costs Adjudicator may limit or extend the time for any proceedings before him. Where, by these Rules, a time is appointed for any proceedings before or by a Legal Costs Adjudicator, unless the Court otherwise directs, such Legal Costs Adjudicator may from time to time extend the time appointed upon such terms (if any) as the justice of the case requires, and although the application for the same is not made until after the expiration of the time appointed.

(11) In any case in which costs are directed to be paid by any order, and the same are subsequently determined and certified, the party entitled to such costs may, after the determination has taken effect in accordance with section 158 of the 2015 Act, upon production of such order, the Legal Costs Adjudicator's certificate of determination of the amount thereof, and proof that such costs are not the subject of a consideration under section 160 or a review under section 161 of the 2015 Act, have an order of execution for the payment of the certified amount of such costs.

V. Consideration of adjudication

37. (1) Any party who is dissatisfied with the allowance or disallowance by the Legal Costs Adjudicator of the whole or part of any item (including any special allowance) may, within the time permitted by section 160(1) of the 2015 Act, apply to the Legal Costs Adjudicator by notice in the Form No. 4 in Part V of Appendix W for consideration of the decision or decisions specified in the notice and for a determination under that section. The notice shall list in a concise form the matters or items, or parts thereof, to which the decision of the Legal Costs Adjudicator being objected to relates and the grounds and reasons for such objections. A copy of the notice shall be served on the other party to the adjudication not later than 14 days before the return date assigned for the hearing of the application.

(2) The Legal Costs Adjudicator shall, if he thinks fit, and on the application of the party entitled to the costs, issue pending the hearing of the application under section 160 of the 2015 Act an interim certificate of determination in accordance with section 160(3) of the 2015 Act. Such further certificate as may be necessary shall be issued by the Legal Costs Adjudicator after his decision on the application for consideration of the decision or decisions concerned.

(3) On such application the Legal Costs Adjudicator shall reconsider and review his determination in accordance with section 160(4) of the 2015 Act.

VI. Review of determination of Legal Costs Adjudicator

38. (1) An application to the Court under section 161(1) of the 2015 Act shall be made by motion on notice to the persons specified in section 161(2) of the 2015 Act. The notice of motion shall be filed in the Central Office and a copy thereof filed in the Office of the Legal Costs Adjudicators. The motion shall be heard and determined by the Court on the evidence brought in before the Legal Costs

Adjudicator, and no further evidence shall be received on the hearing thereof, unless the Court otherwise directs.

(2) The party seeking a review of the determination shall produce for the Court duly certified copies of the original bill of costs, notice of application for further consideration and submissions in support of that application and any replying submissions and any other material documents.

(3) After the determination by the Court the matter shall, where necessary, be remitted to the Legal Costs Adjudicator to complete the adjudication in accordance with the decision of the Court and, where necessary, to issue a final certificate of determination.

(4) If the bill of costs or any part thereof is remitted to the Legal Costs Adjudicator for further adjudication, any party may upon such further adjudication apply for a consideration of the further adjudication and the provisions of this rule shall apply to such further adjudication as on the original adjudication.

VII. Reference of question of law

39. Any reference of a question of law to the Court under section 159(1) of the 2015 Act shall be by way of case stated in accordance with Order 62.

VIII. Costs of judgment in default

40. In all cases of judgment by default of appearance for a liquidated demand, where the plaintiff is entitled to costs, there shall be added to the principal sum for which such judgment is marked the respective sums for costs set out in Part II of the scales of costs in Appendix W.

41. In cases within rule 40 or within Order 4, rule 5, where:

- (i) there has been an order for service of the summons or of notice thereof, out of the jurisdiction, or
- (ii) there has been an order for substituted or other service, or
- (iii) there has been an order for the substitution of notice for service, or
- (iv) there has been an order declaring service effected sufficient, or
- (v) more than one attendance has been necessary to effect service, or
- (vi) there has been a notice by advertisement of the issuing of the summons under Order 9, rule 7,

there shall be added to the sums in rule 40 respectively mentioned the proper and necessary additional costs, to be ascertained on adjudication (in cases of claims within the jurisdiction of the Circuit Court or District Court, as the case may be costs to be on the scale appropriate to the court concerned).

42. In cases of judgment by default of appearance for a liquidated demand, where it appears by affidavit made by some person who can swear positively to the debt that a sum greater than that for which judgment is marked was due to the plaintiff in respect of the sum sued for at the time of the service of the summons, there shall be added to the principal sum for which such judgment is marked, the same sum for costs as would have been so added if the judgment had been marked for the sum due at the time of such service, together with the costs of registration under the Judgments Registry (Ireland) Act 1850.

43. In claims for liquidated demand, where:

- (i) the plaintiff would, if any sum remained due on foot of such demand, be entitled to enter judgment by default of appearance, and
- (ii) it appears by affidavit made by some person who can swear positively to the debt, that a sum specified was due to the plaintiff in respect of the sum sued for at the time of the service of the summons,

the plaintiff shall be entitled to enter judgment for his costs for such sum as would have been added if a judgment had been marked for the sum due at the time of such service, together with the costs of registration under the Judgments Registry (Ireland) Act 1850.

44. (1) In cases of judgment for a liquidated demand under Order 37, when no step has been taken by the defendant after appearance, there shall, unless the Court otherwise orders, be added to the principal sum for which judgment is marked for costs, the same sums as are hereinbefore respectively allowed in case of judgment by default of appearance, together with such further costs of the motion for judgment as the Court allows.

(2) In cases of applications under Order 13, rules 14 and 15, there shall be added to the sums allowed in case of judgment by default of appearance such further costs (if any) of the motion to enter judgment as the Court allows.

45. In any action brought upon a negotiable instrument where judgment is marked by default, there shall be lodged with the proper officer a certificate stating whether or not more than one action had been brought on the same instrument. Such certificate shall be filed by the proper officer.

46. In all undefended cases where a party becomes entitled to judgment by default, the affidavit upon which that party grounds his claim to the costs of the proceedings shall contain an averment stating whether value added tax is payable by him on such costs and, if so, whether the sum so payable is recoverable by him by way of set-off against any value added tax payable to him.

IX. Costs of execution

47. In all cases not provided for by rule 40 in which a person obtains judgment for the payment of money or costs, if and when execution issues on foot thereof, the officer issuing such execution shall add to the sum ordered to be paid the appropriate sum specified in respect of costs of execution set out in Part I of the scales of costs in Appendix W.

X. Non-contentious probate matters

48. In non-contentious probate matters, the costs and fees to be allowed shall be at the discretion of the Legal Costs Adjudicator.

XI. Bankruptcy

49. The following classes of costs may be adjudicated without an order:

- (a) any costs as between the Official Assignee and the solicitor appointed by the Official Assignee to have carriage of the proceedings on his behalf, on the application of the Official Assignee;
- (b) any costs as between a trustee in bankruptcy and the solicitor appointed to have carriage of the proceedings on his behalf, on the application of the trustee;
- (c) any other costs to which the Official Assignee or trustee in bankruptcy is declared entitled by the Court.

50. The costs and fees payable to solicitors in respect of proceedings in bankruptcy shall be at the discretion of the Legal Costs Adjudicator.

51. The costs of the employment of a separate solicitor under rule 21(b) shall, on production of the certificate of adjudication therefor, be paid out of the estate in due priority, unless the Court otherwise directs.

52. The Examiner may himself measure a sum for costs where:

- (i) the judge so directs, or
- (ii) the parties concerned so consent, or
- (iii) he considers that the amount which would be allowed on adjudication would not exceed €10,000.

53. (1) When the gross proceeds of the assets realised in any bankruptcy do not exceed €20,000, the disbursements of the petitioning creditor's solicitor together with three-fifths only of the professional charges of such solicitor shall be allowed, unless the Court otherwise directs.

(2) When there has been no realisation, or the realisation is incomplete, if the Court is satisfied that the assets are likely to realise at least €20,000, and shall so

direct, the Legal Costs Adjudicator shall allow the full professional charges and disbursements.

54. No sum shall be paid by or allowed to the Official Assignee for or on account of costs without an order of the Court unless such sum does not exceed the amount for the time being specified in section 61(3)(h) of the Bankruptcy Act 1988.

55. (1) When a Bankruptcy Inspector or messenger or assistant has for execution two or more warrants in distinct matters in bankruptcy or arrangement which are or may be executed at the same time or in continuous journey without returning to Dublin, the travelling and other expenses incurred for the entire journey shall be apportioned between the different bankruptcies or arrangements, as the case may be, and no duplicate charges shall in any case be allowed.

(2) The Official Assignee may advance money to the Bankruptcy Inspector or to an assistant on undertaking any journey.

56. A copy of each bill in bankruptcy, when measured or adjudicated, shall be filed forthwith with the Examiner in the matter to which it relates.

XII. Lodgment or tender in respect of costs

57. (1) In any application for adjudication of costs initiated under this Order by a person in whose favour the order to pay costs has been made or by a legal practitioner, the person who is the subject of the order to pay costs or, as the case may be, the client, may within 21 days of the service upon him of the application, or at any later time by leave of a Legal Costs Adjudicator, upon notice to the party obliged to pay costs or, as the case may be, the legal practitioner concerned, pay into Court a sum of money in satisfaction of the claim for costs (in this Part, a “lodgment in satisfaction of costs”).

(2) Where a lodgment in satisfaction of costs is made, the notice of lodgment in satisfaction of costs shall specify the sum paid in in respect of each of the following (inclusive of Value Added Tax, where applicable): (i) the costs of any firm of solicitors; (ii) the costs of any barrister, and (iii) the total amount of disbursements or outlay (other than in respect of legal practitioners’ fees) claimed, and the total amount so paid in.

(3) A party obliged to pay costs or, as the case may be, a legal practitioner, upon whom a notice of lodgment in satisfaction of costs is served shall serve a copy of the notice of lodgment in satisfaction of costs on each legal practitioner for whose firm or for whom an amount for costs is specified in the notice of lodgment in satisfaction of costs.

(4) The notice of lodgment in satisfaction of costs shall be in the Form No. 5 in Part V of Appendix W, with any necessary modifications, and shall be filed in the Legal Costs Adjudicators’ Office but shall not be disclosed to the Legal Costs Adjudicator until the proceedings on the application for adjudication of costs have been finally determined.

58. (1) Where a lodgment in satisfaction of costs is made under rule 57 the person in whose favour the order to pay costs has been made or, as the case may be, the

legal practitioner, may, within 14 days of the receipt of notice of lodgment in satisfaction of costs, or within such further period as may be agreed by the parties, accept the sum in satisfaction of the costs by giving notice to the party liable to pay the costs, in the Form No. 6 in Part V of Appendix W, with any necessary modifications; and thereupon he shall be entitled to receive payment of the accepted sum in satisfaction.

(2) Payment shall be made to the person in whose favour the order to pay costs has been made or on his written authority to his solicitor or, as the case may be, to the legal practitioner concerned, and thereupon proceedings on the adjudication or in respect of the adjudication of the costs shall be stayed.

59. If the money paid in is not taken out under rule 60, the said money shall not be paid out except in satisfaction of the costs in respect of which it was paid in and in pursuance of a certificate of the Legal Costs Adjudicator.

60. If the person in whose favour the order to pay costs has been made or, as the case may be, the legal practitioner, does not accept the sum so paid in but proceeds with the adjudication in respect of such costs and is not determined to be due more than the amount paid into Court, then the following provisions shall apply:

(1) If the amount paid into Court exceeds the amount determined to be due for costs to the person in whose favour the order to pay costs has been made or, as the case may be, the legal practitioner, the excess shall be repaid to the person who is the subject of the order to pay costs or, as the case may be, the client, and the balance shall be retained in Court.

(2) The person in whose favour the order to pay costs has been made or, as the case may be, the legal practitioner shall be entitled to the costs of the adjudication up to the time when such payment into Court was made.

(3) The person who is the subject of the order to pay costs or, as the case may be, the client, shall be entitled to the costs of the adjudication from the time such payment into Court was made.

(4) The costs mentioned at paragraphs (2) and (3) shall be set off against each other, and:

(i) if the balance is in favour of the person who is the subject of the order to pay costs or, as the case may be, the client, the amount thereof shall be satisfied pro tanto out of the money remaining in Court and, in so far as the money remaining in Court is not sufficient to satisfy the same, shall be recoverable from the person in whose favour the order to pay costs has been made or, as the case may be, the legal practitioner, or

(ii) if the balance is in favour of the person in whose favour the order to pay costs has been made or, as the case may be, the legal practitioner, the amount thereof shall be recoverable from the person who is the subject of the order to pay costs or, as the case may be, the client.

(5) Any money remaining in Court after satisfying the balance (if any) due to the person who is the subject of the order to pay costs or, as the case may be, the client, for costs as aforesaid shall be paid out to the person in whose favour the order to pay costs has been made or, as the case may be, the legal practitioner.

(6) If in any case the Legal Costs Adjudicator is of opinion that for the purposes of the preceding paragraphs of this rule it is not necessary to retain in Court the whole of the balance referred to in paragraph (1) he may direct the payment out to the person in whose favour the order to pay costs has been made or, as the case may be, the legal practitioner, of so much thereof as he deems proper.

61. (1) In this rule, “qualified party” has the same meaning as in Order 22, rule 14.

(2) Where a qualified party is entitled to make a lodgment in satisfaction of costs under rule 57, then such party may, in lieu of lodging any money in Court, make an offer of tender of payment in satisfaction of costs to the other party or parties to the cause or proceedings (in this rule, a “tender in satisfaction of costs”).

(3) Any tender in satisfaction of costs made under this rule shall be deemed to be a lodgment in satisfaction of costs and to have the same effect as a lodgment in satisfaction of costs and all of the provisions of rules 57 to 60 inclusive shall apply *mutatis mutandis* to such tender in satisfaction of costs as regards time for making and accepting same as they apply to a lodgment in satisfaction of costs.

(4) A tender in satisfaction of costs shall be made in accordance with the Form No. 5 in Part V of Appendix W, with the necessary modifications. Notice of acceptance of a tender in satisfaction of costs shall be in the Form No. 6 in Part V of Appendix W, with the necessary modifications, and the provisions of rule 58 shall apply thereto.

(5) Where a tender in satisfaction of costs has been accepted, the party having made the tender in satisfaction of costs thereupon being required to pay the sum specified, such sum specified shall be paid within four weeks of the date of receipt of notice of acceptance of same.

(6) Any qualified party who has made a tender in satisfaction of costs which has been accepted but who has failed to pay the sum specified in the said tender in satisfaction of costs within the time required shall continue to be liable to pay the sum specified together with interest thereon at the rate fixed for judgments of the Court for each month or portion of the month for which the said sum or any part thereof remains unpaid.”

Schedule 2

Appendix D, Form No. 3.

O. 121, r. 9

CERTIFICATE OF SERVICE OF FOREIGN PROCESS.

I,, Master of the High Court in Ireland, hereby certify that the documents annexed hereto are as follows:—

- (1) A copy of the letter of request for service of process received from the Court or Tribunal at..... in the [describe proceedings]
- (2) The process received with such letter of request; and
- (3) The evidence of service upon, the person named in such letter of request, together with the verification of a notary public.

And I certify that such service so proved, and the proof thereof, are such as are required by the law and practice of the High Court in Ireland, regulating the service of legal process in Ireland, and the proof thereof.

And I certify that the cost of effecting such service, as duly certified by the Legal Costs Adjudicator of the High Court in Ireland, amounts to the sum of €

Dated

(Signed)

Seal.

Appendix E, Form No. 4.

JUDGMENT IN PURSUANCE OF ORDER.

[*Heading as in Form No. 1*].

30th November, 20.....

Pursuant to the order of dated, 20.,

whereby it was ordered

It is this day adjudged that the plaintiff recover against the defendant €... and costs to be adjudicated.

The above costs have been adjudicated and determined at €... as appears by the Legal Costs Adjudicator's certificate dated the ... day of, 20..

Appendix E, Form No. 6.

JUDGMENT FOR DEFENDANT'S COSTS ON DISCONTINUANCE.

[Heading as in Form No. 1].

30th September, 20..

The plaintiff having by a notice in writing dated the ... day of 20., wholly discontinued this action (or withdrawn his claim in this action for or withdrawn so much of his claim in this action as relates to *or as the case may be*) it is this day adjudged that the defendant recover against the plaintiff costs to be adjudicated.

The above costs have been adjudicated and determined at €... as appears by the Legal Costs Adjudicator's certificate dated the ... day of

Appendix E, Form No. 7.

JUDGMENT FOR PLAINTIFF'S COSTS AFTER CONFESSION OF DEFENCE

[Heading as in Form No. 1].

30th November, 20..

The defendant in his defence herein having alleged a ground of defence which arose after the commencement of this action, and the plaintiff having on the ... day of 20., delivered a confession of that defence, it is this day adjudged that the plaintiff recover against the defendant costs to be adjudicated.

The above costs have been adjudicated and determined at €... as appears by the Legal Costs Adjudicator's certificate, dated the ... day of, 20..

Appendix E, Form No. 8.

JUDGMENT FOR COSTS AFTER ACCEPTANCE OF MONEY PAID INTO COURT.

[Heading as in Form No. 1].

30th November, 20...

The defendant having paid into Court in this action the sum of €... in satisfaction of the plaintiff's claim, and the plaintiff having by his notice dated the ... day of, 20...., accepted that sum in satisfaction of his entire cause of action, and the plaintiff's costs herein having been adjudicated, and the defendant not having paid the same within 48 hours after the said adjudication, it is this day adjudged that the plaintiff recover his adjudicated costs against the defendant.

The above costs have been adjudicated and allowed at €... as appears by the Legal Costs Adjudicator's certificate dated the ... day of, 20....

Appendix F, Part I, Form No. 1.

O. 42, r. 11

FOR FIERI FACIAS.

THE HIGH COURT.

20 No.

Between

A.B.,

Plaintiff,

and

C.D.,

Defendant.

Seal an order fieri facias directed to the sheriff (County Registrar) of to levy against C.D. the sum of €... and interest thereon at the rate of €... per cent. per annum from the ... day of [and €... costs and interest thereon at the rate of €... per cent. per annum from the said date]

Order dated

*[Legal Costs Adjudicator's certificate dated].

I certify that the sum of €... is due to the plaintiff after all just credits and allowances.

(Signed)

Solicitor for [party on whose behalf order is to issue.]

*Delete as appropriate

Appendix F, Part II, Form No. 1.

O. 42, r. 13

ORDER OF FIERI FACIAS.

THE HIGH COURT.

20 No.

Between

A.B.,

Plaintiff,

and

C.D.,

Defendant.

To the sheriff (County Registrar) of greeting. You are hereby commanded that of the goods and chattels of C.D. in your bailiwick you cause to be made the sum of €... and also interest thereon at the rate of €... per cent. per annum from the ... day of *which said sum of money and interest were lately in the High Court in a certain action [or certain actions, as the case may be] wherein A.B. is plaintiff and C.D. defendant [or in certain matter there depending entitled "In the matter of E.F." as the case may be] by a judgment [or order of said Court, bearing date the ... day of adjudged [or ordered,] as the case may be] to be paid by the said C.D. to A.B., together with certain costs in the said judgment [or order] mentioned, and which costs have been adjudicated and determined by the Legal Costs Adjudicator at the sum of €... as appears by the certificate of the Legal Costs Adjudicator, dated the ... day of And that of the goods and chattels of the said C.D. in your bailiwick you further cause to be made the said sum of €... [costs] together with interest thereon at the rate of €... per cent. per annum from the ... day of, *and that you have that money and interest before the High Court immediately after the execution hereof to be paid to the said A.B. in pursuance of the said judgment [or order]. And in what manner you shall have executed this order make appear to the High Court immediately after the execution thereof. And have there then this order.

BY ORDER, &c.

Levy €... and €... for costs of execution, &c., and also interest on € [judgment debt] at €... per cent. per annum from the ... day of and also interest on € [costs] at €... per cent. per annum from the said date until payment; besides sheriff's poundage, officers' fees, costs, of levying, and all other legal incidental expenses.

This order was issued by of [registered place of business]
solicitor for the said A.B.

The said C.D. is a and his place of abode is at in your bailiwick.

Appendix F, Part II, Form No. 10.

TO INCLUDE DAMAGES COSTS AND INTEREST

O.48, r. 2

[If in either of Forms 8 or 9 it is wished to include damages, costs, and interest, proceed to the † and continue thus:]

And you are hereby further commanded that of the goods and chattels of the said C.D. in your bailiwick, you cause to be made the sum of €... (*damages*). And also interest thereon at the rate of €... per cent. per annum, from the ... day of, which said sum of money and interest were by the judgment (or order) dated the ... day of, adjudged (or ordered) to be paid by the said C.D. to A.B., together with certain costs in the said judgment (or order) mentioned, and which costs have been adjudicated and allowed by the Legal Costs Adjudicator at the sum of €... as

appears by the certificate of the Legal Costs Adjudicator, dated the ... day of And that of the goods and chattels of the said C.D.in your bailiwick you further cause to be made the said sum of €... costs, together with interest thereon at the rate of €... per cent. per annum from the ... day of ,and that you have that money and interest before the High Court immediately after the execution hereof to be paid to the said A.B.in pursuance of the said judgment (or order).

And in what manner you have executed this order make appear to the High Court immediately after the execution hereof, and have you then there this order.

BY ORDER, &c.

This order was issued, &c. [*as in Form No. 1*].

Appendix L, Form No. 7.

O. 29, r. 7.

BOND FOR SECURING WIFE'S COSTS.

Know all men by these presents that we, *A.B.* of, &c., *P.Q.* of, &c., and *R.S.* of, &c., are held firmly bound unto the Master of the High Court in the penal sum of euros to be paid to *X.Y.*, solicitor for *C.B.*, and for which payment to be well and truly made we bind ourselves and each of us for the whole our heirs, executors or administrators firmly by these presents.

Sealed with our seals.

Dated the day of 20

Whereas a certain cause is now pending in the High Court between *A.B.*, petitioner, of the one part, and *C.B.*, respondent, of the other part.

And whereas the Legal Costs Adjudicator has by a certificate under his hand made in the cause on the day of 20.... , certified that euros was a sufficient sum to be paid into Court to cover the costs of the said respondent (or petitioner) of and incidental to the hearing of the said cause [*or otherwise as in the Legal Costs Adjudicator's certificate*] or that a bond under the hand and seal of the said *A.B.*, and of two sufficient sureties in the penal sum of euros, conditioned for the payment of such costs of the said *C.B.*, as shall be certified to be due and payable by the said *A.B.* not exceeding the said sum of euros [*or otherwise as in certificate*] with ... hours' notice of such sureties to the solicitor of the said *C.B.* was a sufficient security to be given for the costs aforesaid. Now the condition of this bond is such that if the above bounden *A.B.*, his heirs, executors or administrators shall well and truly pay or cause to be paid to the above-named *X.Y.*, his heirs, executors, administrators, or assigns the full sum of or the lawful costs of the said *C.B.*, the respondent [*or petitioner*] of and incidental to the hearing and trial of this cause [*or otherwise as in certificate*] to the extent of euros, then this bond is to be void and of no effect, otherwise to remain in full force and effect.

Signed, sealed and delivered, &c.

Appendix P, Form No. 4

O. 77, r. 8

CERTIFICATE OF ASCERTAINED SUMS.

[Follow Form No. 1 down to *]

I certify that under an order dated 20, the sums stated in the schedule hereto amounting in the whole to €, have been ascertained to be the sums payable under the said order to the persons respectively named, in respect of [state in what character paid].

Dated

(Signed)

Registrar or Examiner or Legal Costs Adjudicator.

SCHEDULE

Name	Address (if ascertained)	Amount to be paid
...

Appendix P, Form No. 5.

O. 77, r. 9

CERTIFICATE OF COSTS.

[Follow Form No.1 down to *]

In pursuance of an order dated 20, I have been attended by the solicitors for and I certify that I have adjudicated the costs specified in the schedule hereto, directed to be adjudicated by the said order, at the sums respectively stated in the schedule, which sums with the costs of adjudication specified (if any), amount to the total sum of

Dated

(Signed) Legal Costs Adjudicator.

SCHEDULE

Costs of	Payable to		Amount of adjudicated costs and fees
	Name	Address	
...	...	Total €	_____

Schedule 3
Appendix W: Costs

“SCALES OF COSTS

PART I

O. 99, rr. 12 and 47

Item

Notes to items nos. 70 and 78 to 83:

These items are intended to cover the doing of any work, not otherwise provided for, necessarily or properly done in preparing for a trial, negotiation of a settlement, mediation hearing or appeal, or before a settlement of the matters in dispute, including: —

- (a) taking instructions to sue, defend, counter-claim, appeal, seek leave to appeal, or oppose an application for leave to appeal or an appeal, or for any pleading, particulars of pleading, affidavit, preliminary act or a reference under Order 64, rule 46;
- (b) considering the facts and law;
- (c) attending on and corresponding with client;
- (d) interviewing and corresponding with witnesses and potential witnesses and taking proofs of their evidence;
- (e) arranging to obtain reports or advice from experts and plans, photographs and models;
- (f) making search for relevant documents;
- (g) inspecting any property or place material to the proceedings;
- (h) perusing pleadings, affidavits and other relevant documents;
- (i) where the cause or matter does not proceed to trial or hearing, work done in connection with the negotiation of a settlement; and
- (j) the general care and conduct of the proceedings (including Post-Trial Work).

		Charge allowable: if no amount is stated, the amount of the charge is at the discretion of the Legal Costs Adjudicator unless otherwise provided
	A. BEFORE COMMENCEMENT OF PROCEEDINGS	
1.	Taking client's instructions preliminary to the bringing or defence of the proceedings	
2.	Issuing notice under section 150, Legal Services Regulation Act 2015	
3.	Factual inquiries, including attending on and corresponding with client and with witnesses and potential witnesses	
4.	Inspecting any property or place material to the proceedings	
5.	Making searches or inquiries in any relevant public office and elsewhere for relevant particulars or documents	
6.	Correspondence with Personal Injuries Assessment Board [where applicable]	
7.	Obtaining expert report and other reports in anticipation of proceedings	
8.	Obtaining consent of person to act as next friend or guardian ad litem and consent or approval of any other interested party Note: This item includes preparing the form of consent or approval.	€25
9.	Obtaining consent to release of records Note: This item includes preparing the form of consent or approval.	€15
10.	Obtaining any other form of consent Note: This item includes preparing the form of	€15

	consent or approval.	
11.	Preparing and delivering instructions to counsel to advise as to institution of proceedings	
12.	Preparing letter of claim/letter before action	
13.	Preparing letter advising on availability and potential providers of mediation	
14.	Preparing and making application for leave to issue proceedings, where necessary	
	B. FROM COMMENCEMENT TO TRIAL/SETTLEMENT DATE	
	ISSUANCE OF PROCEEDINGS, PLEADINGS ETC.	
15.	Preparing, issuing, and service on one party of originating summons, petition, originating notice of motion or third party notice including, where relevant, endorsement for service out of the jurisdiction under Order 11A (excluding attendance on counsel)	€75
16.	Issue and service on one party of concurrent originating summons	
	Note to item 15 and 16: — References in these items to service on one party of an originating summons shall, in relation to a summons in an admiralty action in rem, be construed as reference to service of the summons on a ship.	
17.	Preparing, serving and, where appropriate, filing any verifying affidavit	€35
18.	Renewing an originating summons issued, including preparing and filing affidavit, attending on application for renewal and obtaining order	
19.	Preparing, issuing, filing and service on one party of notice of motion (other than an originating motion)	
20.	Preparing and filing and, where relevant, service on one party of affidavit supporting notice of	

	motion (other than an originating motion)	
21.	Preparing, filing and service on one party of notice of appeal or case stated	
22.	Preparing and filing and, where relevant, service on one party of grounding affidavit in proceedings by originating notice of motion or special summons, or affidavit of verification in personal injuries action or defamation action	
23.	Obtaining fiat of the Attorney General, where required	
24.	Entry of appearance and giving notice thereof	€25
25.	Entry of appearance contesting jurisdiction and application contesting jurisdiction	
26.	Preparing, filing and delivery to one party of statement of claim	€75
27.	Considering pleading received and taking instructions thereon (including as to any matter of fact or expert opinion) and preparing, filing and delivery to one party of defence (and counterclaim), answer to petition, reply, or other pleading required or permitted in response	
28.	Preparing, filing and delivery to one party of affidavit of verification of defence in personal injuries action or defamation action	€35
29.	Advising on any lodgment or tender with defence or advising on and effecting any lodgment of money with a pleading (to include giving notice thereof)	
30.	Preparing, filing and service on one party of application to transfer to Commercial List or for case management, where relevant	
31.	Preparing, filing and service on one party of reply to application to transfer to Commercial List or for case management, where relevant	
32.	Preparing for and attending any case management conference or hearing and work done to comply with case management directions	

33.	Preparing and delivery to one party of request for particulars of pleading (including affidavit of verification where required)	
34.	Preparing and delivery to one party of replies to request for particulars (including affidavit of verification where required)	
35.	Preparing and filing of preliminary act, or declaration of insolvency, preparing notice of filing and service on one party of such notice	
36.	Preparing amendment of summons or pleading, and service on or delivery to, one party of amended document	
37.	Preparing notice of originating summons or other originating document, for service out of the jurisdiction under Order 11	€75
38.	<p>Preparing any document, attending on any application, and doing any other work necessary to obtain—</p> <p>(a) order for substituted service of any document;</p> <p>(b) order giving leave to serve any document out of the jurisdiction;</p> <p>(c) any other ex parte order, whether preliminary to or in the course of the proceedings, not otherwise provided for under any other item</p> <p>and obtaining order</p> <p>(d) a citation and obtaining order</p>	
39.	Warning letter in relation to any application in default of pleading or for extension of time	€15
40.	Taking instructions on, preparing and attending on the hearing of any motion for any application in default of pleading or for extension of time (including grounding affidavit)	
41.	Taking instructions on, preparing and attending on	

	the hearing of the response to any motion for any application in default of pleading or for extension of time (including grounding affidavit)	
42.	Taking instructions on and preparing any motion and affidavit for any substantive interlocutory application, other than default of pleading/extension of time or discovery (e.g. interlocutory injunction)	
43.	Considering any motion and affidavit received, and taking instructions on and preparing any substantive replying affidavit for any substantive interlocutory application, other than default of pleading/extension of time or discovery (e.g. interlocutory injunction)	
44.	Taking instructions on and preparing any substantive affidavit in any proceedings to be heard on affidavit	
45.	Considering any affidavit received, and taking instructions on and preparing any substantive replying affidavit in any proceedings to be heard on affidavit	
46.	Perusing pleadings, affidavits and other relevant documents	
47.	Preparing instructions to counsel for written opinion or advice or instructions to settle any document	
48.	Attending counsel in consultation	
	DISCOVERY AND INSPECTION	
49.	Preparing and delivery of request for voluntary discovery to a party	
50.	Preparing and delivery of request for voluntary discovery to a non-party	
51.	Identification of document custodians and their records	
52.	Taking instructions on, preparing and attending on the hearing of the response to any motion for discovery	
53.	Taking instructions on, preparing and attending on	

	the hearing of the response to any motion for discovery	
54.	Preparing, filing and service of affidavit of documents or list of documents	
55.	Preparing, filing and service of— (a) interrogatories for examination of a party, or (b) affidavit in answer to interrogatories	
56.	Attending to inspect and take copies of, or reviewing electronic copies of, another party's scheduled documents	
57.	Review of discovery documents (party's own, opposing party's/parties' and/or any non-party discovery)	
	PREPARATION FOR TRIAL, ETC.	
58.	Attending on and corresponding with any witness and preparing proof of evidence available	
59.	Where relevant, briefing and obtaining any updated expert report	
60.	Preparing and issuing order or notice of subpoena ad testificandum for any number of persons not exceeding three and the same for every additional number not exceeding three	€15
61.	Preparing and issuing order or notice of subpoena duces tecum for any number of persons not exceeding three and the same for every additional number not exceeding three	€15
62.	Preparing and service of notice— (a) to produce for inspection document referred to in pleading or affidavit (b) to produce document at trial or hearing (c) to admit any document or fact	€15
63.	Attending to obtain appointment to examine witness and on examination of witness before any commissioner, officer of the court or other person appointed to examine him, for each day of examination.	

	Note:—The solicitor shall also be allowed travelling expenses reasonably incurred by him.	
64.	Work done in connection with the mediation of proceedings	
65.	Preparing instructions to counsel to advise on proofs	
66.	Setting down for trial or hearing	€75
67.	Preparing trial brief with observations to counsel and proofs of evidence	
68.	Work done in connection with the negotiation of a settlement	
69.	Attending on the appropriate officer to inform him that a cause or matter set down for trial or hearing is settled and may be listed accordingly	€15
70.	Preparation for trial or hearing of any cause or matter, petition or motion, whatever the mode of trial or hearing (including the taking of accounts or making of inquiries) excluding any work referred to in previous items	
	C. COSTS INCURRED DURING COURSE OF TRIAL/ SETTLEMENT AND UP TO DETERMINATION OF PROCEEDINGS	
	TRIAL OR HEARING	
71.	<p>Attending sittings for purposes of—</p> <p>(a) trial or hearing of a cause, matter or appeal for each day—</p> <p>on which the cause, matter or appeal is included in list to be tried or heard, but is not begun</p> <p>(ii) trial or hearing</p> <p>(iii) hearing reserved judgment</p> <p>(iv) subsequent hearing on form of relief and/or</p>	

	costs	
72.	<p>Notes to item 71:</p> <p>(a) if the solicitor has to attend on more than one hearing or trial at the same time and place, the expense shall in such case be reasonably divided;</p> <p>(b) the solicitor shall also be allowed travelling expenses reasonably incurred by him;</p> <p>(c) this item does not relate to the attendances mentioned in item 73.</p>	
73.	Attending hearing of summary or special summons or motion before the Court, for each day	
74.	Attending before the Master, the Examiner, or a Registrar, or to vouch publication of advertisement or any necessary service	
75.	Preparing and delivering papers required for the use of a Judge, the Master, the Examiner or a Registrar	
	D. COSTS INCURRED SUBSEQUENT TO TRIAL	
76.	Attending to enter or bespeak order or judgment	€15
77.	Attending to lodgment of funds in court (where applicable)	
	APPLICATION FOR LEAVE TO APPEAL/APPEAL	
78.	Taking client's instructions for appeal from the High Court to the Court of Appeal from interlocutory or final judgment or order	
79.	Preparing instructions to counsel for appeal from the High Court to the Court of Appeal	
80.	Taking client's instructions for application for leave to appeal from the High Court to the Supreme Court in a leapfrog appeal	
81.	Preparing instructions to counsel for application for leave to appeal from the High Court to the Supreme Court in a leapfrog appeal	

82.	Taking client's instructions for application for leave to appeal from the Court of Appeal to the Supreme Court	
83.	Preparing instructions to counsel for application for leave to appeal from the Court of Appeal to the Supreme Court	
84.	Preparing notice of appeal	€75
85.	Preparing notice of application for leave to appeal	€75
86.	Preparing respondent's notice (Court of Appeal)	€75
87.	Preparing respondent's notice (Supreme Court)	€75
88.	Preparing and compiling particulars of costs incurred and completion of requirements of s 152 and s 154 of the Legal Services Regulation Act, 2015	
89.	Notice of application for adjudication	€40
90.	Preparation of index, engrossing Bill of Costs and preparation of papers for Adjudication, including reasonable copies for service and filing	
91.	Lodging and serving bill of costs and issuing, serving and filing notice to tax or adjudicate	
92.	Attending taxation or adjudication, completing bills, vouching, and certificate and taxation or adjudication	
93.	Preparing application for consideration by Legal Costs Adjudicator of decision under section 160(1) of the Legal Services Regulation Act 2015 or answer to objections, including copies for service and filing; delivery to one party of such objections or answers and attending hearing or review by Legal Costs Adjudicator — if objections sustained	
	EXECUTION	
94.	(a) Preparing and attending to obtain issue of order of fieri facias, sequestration or attachment, any subsequent order for giving effect thereto and any other order to enforce a judgment or order (b)	€15

	Copies of any such order (where necessary)	
		€10
95.	(a) Preparing notice of renewal of order of execution (b) Procuring renewal of order of execution	€15 €10
96.	To register a judgment, order, bond, lis pendens or recognisance	€15
97.	To vacate a recognisance or enter satisfaction of a judgment (over and above outlay)	€15
98.	Application or request for certificate to allow enforcement of a judgment in another EU Member State	Query amount to be set
	MISCELLANEOUS MATTERS (REGARDLESS OF STAGE OF PROCEEDINGS AT WHICH UNDERTAKEN)	
	ATTENDANCES	
99.	Necessary and proper attendances not provided for or allowed under any other item Note: The solicitor shall also be allowed reasonable travelling expenses actually incurred	
	PREPARING DOCUMENTS NOT OTHERWISE PROVIDED FOR	
100.	Preparing affidavit of service or other formal affidavit Note: This item includes engrossing affidavit, attending to have it sworn and to file it	€25
101.	Preparation for marking by commissioner for oaths of exhibits to affidavit	€10 per exhibit
102.	Preparing advertisement for Iris Oifigiúil or newspaper or other advertisement to be approved by the Examiner or a Registrar Note: This item includes attending to obtain	€25

	approval, where required	
10 3.	Preparing accounts, statements and other documents required for use in Court	
10 4.	Preparing, issuing, filing and service on one party of notices issued, by direction of the Court, a Legal Costs Adjudicator or Registrar	€25
10 5.	Preparing motion docket on ex parte application to the Master	€25
10 6.	Preparing and engrossing recognisance	€25
10 7.	Preparing and engrossing satisfaction piece and affidavit	€25
10 8.	Preparing or filling up a notice to a creditor requiring him to prove his claim	€25
10 9.	Preparing any notice or document not otherwise provided for	€25
	COPIES	
11 0.	Printed copies documents (per page)	20 cent
11 1.	Examining and certifying copies, where required	€15
	SERVICE	
11 2.	Effecting personal service where more than one attendance is necessary to effect service	
11 3.	Personal service within the jurisdiction of a summons, petition, pleading or notice required to be served on, or delivered to, more than one person	
11 4.	Registered post service within the jurisdiction of a summons, petition, pleading or notice required to be served on, or delivered to, more than one person	€15
11 5.	Service out of the jurisdiction of a summons, petition, pleading (or notice thereof) using transmitting agency under EU Service Regulation	€15

11 6.	Service out of the jurisdiction of a summons, petition, pleading (or notice thereof) using Central Authority under Hague Service Regulation	€25
11 7.	Personal service or delivery of any document, not provided for or allowed under any other item (to be described in bill of costs)	
11 8.	Registered post service or delivery of any document, not provided for or allowed under any other item (to be described in bill of costs)	€15

PART II: COSTS OF JUDGMENT IN DEFAULT OF APPEARANCE.

O. 99, rr. 12, 40.

DISTRICT COURT JURISDICTION: If the amount of the judgment does not exceed €15,000

— Such sum as would be appropriate to a judgment for a like amount in the District Court.

(2) CIRCUIT COURT JURISDICTION: If the amount of the judgment exceeds €15,000 but does not exceed €75,000

— Such sum as would be appropriate to a judgment for a like amount in the Circuit Court.

(3) HIGH COURT JURISDICTION: If the amount of the judgment exceeds €75,000

— €121 and €12 for each additional service after the first; and this amount shall in every case be exclusive of and in addition to all actual and necessary outlay.

PART III: APPEALS FROM CIRCUIT COURT.

O. 61, r. 12

Item

		Charge allowable: if no amount is stated, the amount of the charge is at the discretion of the Legal Costs Adjudicator unless otherwise provided
1.	Instructions for and preparation and lodgment of notice of appeal, including copy for service	
2.	Service thereof on solicitor where only one party to be served	
3.	For each additional copy served	
4.	Each additional service thereof if on a solicitor	
5.	Service on person other than a solicitor	
6.	Instructions for and preparation and lodgment of notice to vary	
7.	Service thereof on solicitor where only one party to be served	
8.	For each additional copy served	
9.	Each additional service thereof if on a solicitor	
10.	Service on person other than a solicitor	

PART IV: FEES PAYABLE TO COMMISSIONERS FOR OATHS.

1.	On taking an affidavit, affirmation or declaration	€10
2.	On marking exhibits therein referred to and required to be marked — for each exhibit but not exceeding for all exhibits	€2 €30

3.	On attesting the execution of a bond	€10
----	--------------------------------------	-----

Part V: FORMS IN LEGAL COSTS ADJUDICATORS' OFFICE.

No. 1

O. 99, r. 23(1)

NOTICE OF APPLICATION FOR ADJUDICATION OF COSTS (PARTY AND PARTY)

[Insert title of action, arbitration or as appropriate]

Costs awarded to A.B. as Plaintiff *[or as the case may be]* in the above-entitled proceedings

TAKE NOTICE that *I/*we as

*the person in whose favour the order to pay costs has been made

*the person who is the subject of the order to pay costs

hereby apply to a Legal Costs Adjudicator to adjudicate *[the entire of the above bill of costs] *[the items/Parts of the above bill of costs as marked on the attached bill of costs] which were received *[by me] *[by my solicitors] on20.....

*As the person in whose favour the order to pay costs has been made, I certify that I served a copy of the bill of costs on the person who is the subject of the order to pay costs with a request to agree the costs and the matters or items in the bill of costs on20... and the person who is the subject of the order to pay costs

*has not disputed the bill of costs

*disputed the bill of costs and the dispute could not be resolved in respect of *all *any of the disputed matters or items in the bill of costs.

*As the person who is the subject of the order to pay costs, I certify that I have attempted to agree the bill of costs with the person in whose favour the order to pay costs has been made and

*it has not been possible to reach agreement on any of the disputed matters or items in the bill of costs

*agreement was reached on some but not all of the disputed matters or items in the bill of costs.

Dated20.....

Signed.....
of

To: the Chief Legal Costs Adjudicator
And to.....
of

There are served with this notice of application:

(1) the bill of costs in the form prescribed indicating where any matter or item in the bill of costs has been agreed by the respondent;

(2) an indexed and paginated booklet containing copies (certified as true copies of the originals) of the vouchers, invoices and/or receipts in respect of every disbursement claimed in the bill of costs which has not been agreed, set out in the sequence in which they are referred to in the bill of costs and cross-referenced to the bill of costs;

*(3) the following other records on which the applicant relies in support of/in opposition to the costs claimed,
namely:.....

(4) true copy of the order(s) of the Court; award(s) of the arbitrator(s) or other order or instrument by which the costs have been awarded or allowed,
namely:.....

*delete where inapplicable

[Office use only]

The initial return date assigned to this application is20.....
The application for adjudication must be served so as to allow 14 clear days to elapse between the day of service and the initial return date.

No. 2

O. 99, r. 23(1)

NOTICE OF APPLICATION FOR ADJUDICATION OF COSTS (LEGAL PRACTITIONER AND CLIENT)

Costs between A.B. of legal practitioner and C.D. ofas client

TAKE NOTICE that *I/*we as

*legal practitioner

*client

hereby apply to a Legal Costs Adjudicator to adjudicate *[the entire of the above bill of costs] *[the items/Parts of the above bill of costs as marked on the attached bill of costs] which were *sent to the client *sent to me on20.....

*As the client, I certify that

(1) I sent the legal practitioner concerned a statement in writing that I disputed aspects of the bill of costs as required by section 153(1) of the Legal Services Regulation Act 2015 on20...

(2) I made reasonable steps to resolve the dispute concerning the bill of costs in accordance with section 153(2) and/or 153(3) of the Legal Services Regulation Act 2015, and

(3) *I/*the legal practitioner delivered the opinion in writing mentioned in section 153(3) of that Act that the attempt to resolve the dispute concerning the bill of costs had failed on20...

*As the legal practitioner, I certify that

(1) The client sent me a statement in writing that *he/*she disputed aspects of the bill of costs required by section 153(1) of the Legal Services Regulation Act 2015 on20...;

(2) I took all appropriate and reasonable steps to attempt to resolve the dispute by informal means in accordance with section 153(2) of the Legal Services Regulation Act 2015;

(3) *I/*the client delivered the opinion in writing mentioned in section 153(3) of that Act that the attempt to resolve the dispute concerning the bill of costs had failed on20...;

(4) The dispute concerns the following item(s) referred to in the bill of costs and

matter(s):.....

.....

*As the legal practitioner, I certify that

- (1) I provided a bill of costs to the client on20...;
- (2) the client did not dispute the bill of costs;
- (3) *all/*part of the bill of costs remains unpaid after the expiry of the period mentioned in section 154(5)(a) of the Legal Services Regulation Act 2015;
- (4) I delivered a demand for payment of *[the outstanding balance of] the bill of costs to the client on20... and a further period of 14 days has elapsed without payment being effected.

This application is made within the time period permitted by section *154(5)(c) *154(7) of the Legal Services Regulation Act 2015.

Dated20.....

Signed.....

of

To: the Chief Legal Costs Adjudicator

And to.....

of

There are served with this notice of application:

(1) the bill of costs in the form prescribed indicating where any matter or item in the bill of costs has been agreed by the respondent;

(2) an indexed and paginated booklet containing copies (certified as true copies of the originals) of the vouchers, invoices and/or receipts in respect of every disbursement claimed in the bill of costs which has not been agreed, set out in the sequence in which they are referred to in the bill of costs and cross-referenced to the bill of costs;

*(3) the following other records on which the applicant relies in support of/in opposition to the costs claimed, namely:.....

*(4) true copy of each notice provided by the legal practitioner concerned to the client in accordance with section 150 and/or agreement under section 151(1) of the Legal Services Regulation Act 2015, namely:.....

*(5) true copy of any statement in writing sent under section 153(1) of the Legal Services Regulation Act 2015;

*(6) a true copy of any opinion in writing sent under section 153(3) of the Legal Services Regulation Act 2015;

*(7) a true copy of any demand for payment.

[Office use only]

The initial return date assigned to this application is20.....

The application for adjudication must be served so as to allow 14 clear days to elapse between the day of service and the initial return date.

No. 3

O. 99, r. 26(5)

BILL OF COSTS FOR ADJUDICATION

*Costs as between legal practitioner(s) and client for services rendered by
....., legal practitioner,

To

.....client,

in respect of: [*give short description of services for which the costs are claimed. Where the services relate to proceedings, insert title of proceedings*]

*Costs as between party and party awarded to

.....as Plaintiff [*or as the case may be*]
against

....., as Defendant [*or as the case may be*]

in the proceedings entitled [*insert title of proceedings, e.g.*

THE HIGH COURT

20... No

BETWEEN

A.B

Plaintiff

And

C.D

Defendant

Pursuant to an Order of the High Court dated the ..th day of ... 20....]

To[*insert the name of the person who is to liable to pay the costs*]

.....[*insert the name of the person or legal practitioner(s) claiming the costs*] requests that you pay or agree this bill of costs, details of which are set out below.

PLEASE NOTE:

1. In respect of any costs disputed by you, you may, within 21 days of receiving the bill of costs and the documentation referred to in paragraph 5 below, lodge the amount you consider sufficient to satisfy those costs with the Accountant, at the Courts Service, Phoenix Street North, Dublin 7, using the lodgement slip attached (Attachment 2). In this event, you must immediately upon making the lodgement notify *me *my solicitors *my legal costs accountants in the form attached (Attachment 3) by hand, registered post or e-mail at the following e-mail address:.....

2. If qualified to do so, you may, within 21 days of receiving the bill, make to *me *my solicitors *my legal costs accountants an offer of tender of payment of the amount you consider sufficient to satisfy those costs, instead of making a lodgment with the Accountant.

3. I may accept an amount lodged or tendered in satisfaction of the costs to which it relates. If I do not, and the amount at which those costs are adjudicated does not exceed the amount lodged or tendered, I shall be liable for the assessment costs and fees.

4. This bill is accompanied by copies of the following documentation relating to the costs concerned:

- (i) itemised and detailed fee notes of Counsel and expert witnesses;
- (ii) an indexed and paginated booklet containing copies (certified as true copies of the originals) of the vouchers, invoices and/or receipts in respect of any disbursement claimed in the bill of costs which has not been agreed, set out in the sequence in which they are referred to in the bill of costs and cross-referenced to the bill of costs, and
- (iii) an extract from the client engagement letters as issued and updated by the solicitor and counsel, respectively, for the person in whose favour the order to pay costs has been made.

Dated.....20....

(Signed)

of

Notes on preparation of the bill of costs

1. The bill is divided into sections. Only those sections which are applicable to the services to which the legal costs relate should be included. Sections A, B, C and D in this Form should be inserted where the services to which the costs relate are in respect of legal proceedings. A section may be deleted where it is not appropriate to the services, in which event the enumeration (A, B, C etc.) should be revised as necessary. Section E should be included where (a) the services to which the costs relate do not relate to legal proceedings or (b) the services do relate to legal proceedings but do not fall within those referred to in Sections A, B, C or D.

2. It is a requirement, in addition to the mandatory obligations as to content of the bill of costs prepared in accordance with the requirements contained in parts A, B, C, D and E, that a single chronological summary is contained within each bill of costs lodged for adjudication. This should contain a summary of the issues addressed in the case, a chronological overview of the steps undertaken,

significant milestones in the matter and the outcome of any interim or interlocutory application(s), appeal or trial or any procedural challenges encountered, together with the outcome and any significant issues emerging from inception to completion of the matter being adjudicated.

3. In the case of a bill of costs furnished by a legal practitioner to a client, particulars of time spent need only be included where time is a factor in the calculation of the legal costs concerned – see section 152(2)(d), Legal Services Regulation Act 2015.

4. Where an agreement has been made under section 151 of the 2015 Act by a legal practitioner and the legal practitioner's client, please note that the rules of court prescribing the content of the bill of costs shall have application subject to 152(5) to (7) Legal Services Regulation Act 2015.

5. **The summary of legal services should be completed for each section of the bill (viz. A, B, C etc.) under which the services fall.** In the case of a bill of costs furnished by a legal practitioner to a client, the summary should include in the appropriate section the amount, where known to the legal practitioner, of any damages or other moneys that are recovered by, or payable to, the client and that arose from the matter in respect of which the legal services were provided and the amount of any legal costs recovered by or payable to the legal practitioner concerned on behalf of the client, including costs recovered from another party, or an insurer on behalf of another party, to the matter concerned (see section 152(2)(e) and (f), Legal Services Regulation Act 2015).

6. Where the scales of costs in Appendix W of the Rules of the Superior Courts identify, or prescribe the amount of, an item of legal costs, that item should be separately identified in the relevant section of the bill of costs, and any amount prescribed in respect of same should be included under Column 4.

7. Where work in different sections overlapped or was undertaken in parallel, the dates of the stages may overlap, although care should be taken to ensure that a charge for work done made in one stage is not duplicated in another.

8. The totals for each relevant section should be added in the summary of costs.

9. In the case of solicitors' costs, in the column (Name of Solicitor etc.) specify the grade (e.g. senior partner, partner, assistant solicitor, legal executive, etc.) of each solicitor or other member of the solicitor's staff involved for whose work a charge is claimed. Where relevant to the rate claimed, the year of qualification or number of years' post-qualification experience should be shown.

10. Where guidelines issued by the Chief Legal Costs Adjudicator as to the costs, fees or expenses recoverable for specific items of work done or steps taken apply to the bill, these items or steps should be individually itemised within the part of the bill under which they arise.

11. Where more than one Counsel or expert has been retained, set out the fees charged for each Counsel or expert separately within the part of the bill concerned.

12. Where Solicitor's, Counsel's or an expert's fees are not based on an hourly rate, particulars of an hourly rate are not required to be included.

13. Communications by letter, e-mail, telephone etc. of a routine nature need not be individually itemised. An indication may be given in the part of the bill concerned of the number of such letters or communications sent or made by the legal practitioner concerned (identifying generally the parties or persons to whom they were sent), or received by the legal practitioner.

SUMMARY OF TOTAL COSTS CLAIMED	
Solicitors' Costs	
VAT	
Counsels' Fees	
VAT	
Other disbursements	
VAT	
Total costs claimed	
VAT Registration No(s)	

For Legal Costs Adjudicator's use only	
SUMMARY OF TOTAL COSTS ALLOWED ON ADJUDICATION	
Solicitors' Costs	
VAT	
Counsels' Fees	
VAT	
Other disbursements	
VAT	
Total costs allowed	

A. COSTS INCURRED BEFORE COMMENCEMENT OF PROCEEDINGS

**SUMMARY OF SERVICES IN THIS SECTION OF THE BILL
FOR WHICH COSTS ARE CLAIMED**

[Set out a concise summary of the services for which the costs are claimed under section A. The nature of the instructions received, the specific inquiries and investigations undertaken. The nature of the facts and the law investigated and any experts or counsel retained and witnesses interviewed. The summary should avoid lengthy recital of the content of correspondence, reports or other documentation.]

Column 1	Column 2	Column 3	Column 4	Column 5
----------	----------	----------	----------	----------

SOLICITORS' COSTS

Item number	Date(s) on which or between which work carried out	Detailed description of work done for which costs are claimed	Claimed by party entitled	For Legal Costs <u>Adjudicator's use only</u>
A.1.1			€	Notes/ Amount disallowed (if any) in respect of amount claimed in column 4
A.1.2 etc.				
Total				

Hourly Rates for persons for whom an hourly rate is charged or claimed

Solicitors <i>[insert an additional row(s) for each person and/or rate concerned]</i>		Name	Grade	Hourly rate (€)	Time spent by that person (by reference to time records kept, or if not kept, an estimate of the time spent) and dates between which this rate is claimed
Other staff <i>[insert an additional row(s) for each person and/or rate concerned]</i>					
COUNSEL'S FEES					
Item number	Date(s) on which or between which work carried out	Detailed description of work done for which costs are claimed	Claimed by party entitled	For Legal Costs Adjudicator's use only	Notes/ Amount disallowed (if any) in respect of amount claimed in column 4
A.2.1			€		
A.2.2 etc.					
Total					

Hourly Rates for persons for whom an hourly rate is charged or claimed

Counsel <i>[insert an additional row(s) for each person and/or rate concerned]</i>	Name	Hourly rate (€)	Time spent by that person (by reference to time records kept, or if not kept, an estimate of the time spent) and dates between which this rate is claimed

EXPERTS' FEES

Item number	Date(s) on which or between which work carried out	Detailed description of work done for which costs are claimed	Claimed by party entitled	For Legal Costs Adjudicator's use only	Notes/ Amount disallowed (if any) in respect of amount claimed in column 4
A.3.1			€		
A. 3.2 etc.					
Total					

Hourly Rates for persons for whom an hourly rate is charged or claimed

Experts <i>[insert an additional row(s) for each person and/or rate concerned]</i>	Name		Hourly rate (€)	Time spent by that person (by reference to time records kept, or if not kept, an estimate of the time spent) and dates between which this rate is claimed
EXPENSES				
Item number	Date(s) on which or between which expense incurred	Description of expense claimed	Whether liable to VAT and rate	Claimed by party entitled to VAT and rate €
A.4.1				
A. 4.2 etc				
Total				

B. COSTS FROM COMMENCEMENT TO TRIAL/SETTLEMENT DATE

**SUMMARY OF SERVICES IN THIS SECTION OF THE BILL
FOR WHICH COSTS ARE CLAIMED**

[Set out a concise summary of the services for which the costs are claimed under section B. Where the services relate to proceedings, outline the relief(s) claimed in the proceedings and the nature of the defence, the matters of fact and law pleaded, and the issues of fact and law in dispute,

the course of the proceedings and the outcome at trial or settlement. The summary should avoid lengthy recital of the content of pleadings, evidence, correspondence or other documentation.]

Column 1	Column 2	Column 3	Column 4	Column 5
----------	----------	----------	----------	----------

SOLICITORS' COSTS

Item number	Date(s) on which or between which work carried out	Detailed description of work done for which costs are claimed	Claimed by party entitled	For Legal Costs <u>Adjudicator's use only</u>	Notes/ Amount disallowed (if any) in respect of amount claimed in column 4
B.1.1			€		
B. 1.2 etc					
Total					

Hourly Rates for persons for whom an hourly rate is charged or claimed

Solicitors <i>[insert an additional row(s) for each person and/or rate concerned]</i>	Name	Grade	Hourly rate (€)	Time spent by that person (by reference to time records kept, or if not kept, an estimate of the time spent) and dates between which this rate is
--	------	-------	--------------------	---

				claimed
Other staff <i>[insert an additional row(s) for each person and/or rate concerned]</i>				

COUNSEL'S FEES

Item number	Date(s) on which or between which work carried out	Detailed description of work done for which costs are claimed	Claimed by party entitled	For Legal Costs Adjudicator's use only
€				
B.2.1				
B.2.2 etc.				
Total				

Hourly Rates for persons for whom an hourly rate is charged or claimed

Counsel <i>[insert an additional row(s) for each person and/or rate concerned]</i>	Name	Hourly rate (€)	Time spent by that person (by reference to time records kept, or if not kept, an estimate of the time spent) and dates between

				which this rate is claimed

EXPERTS' FEES

Item number	Date(s) on which or between which work carried out	Detailed description of work done for which costs are claimed	Claimed by party entitled	For Legal Costs Adjudicator's use only
B.3.1			€	Notes/ Amount disallowed (if any) in respect of amount claimed in column 4
B 3.2 etc.				
Total				

Hourly Rates for persons for whom an hourly rate is charged or claimed

Experts <i>[insert an additional row(s) for each person and/or rate concerned]</i>	Name	Hourly rate (€)	Time spent by that person (by reference to time records kept, or if not kept, an estimate of the time spent) and dates between which this rate is claimed

EXPENSES					
Item number	Date(s) on which or between which expense incurred	Description of expense claimed	Whether liable to VAT and rate	Claimed by party entitled €	For Legal Costs Adjudicator's use only
B.4.1					Notes/ Amount disallowed (if any) in respect of amount claimed in column 5
B 4.2 etc.					
Total					

C. COSTS INCURRED DURING COURSE OF TRIAL/ SETTLEMENT AND UP TO DETERMINATION OF PROCEEDINGS					
SUMMARY OF SERVICES IN THIS SECTION OF THE BILL FOR WHICH COSTS ARE CLAIMED					
<p><i>[Set out a concise summary of the services for which the costs are claimed under section C. Where the work involves preparing for the trial or the hearing, set out the work done in briefing counsel, interviewing witnesses, where not already captured elsewhere, arranging pre-trial consultations, attendance and scheduling witnesses, compiling the brief for counsel, documents for use at and during the trial and where the matter does not proceed to a trial, work done in connection with negotiating a settlement and the required implementation thereof.]</i></p>					
Column 1	Column 2	Column 3	Column 4	Column 5	

SOLICITORS' COSTS					
Item number	Date(s) on which or between which work carried out	Detailed description of work done for which costs are claimed	Claimed by party entitled	For legal Costs Adjudicator's use only	€ Notes/ Amount disallowed (if any) in respect of amount claimed in column 4
C.1.1					
C.1.2 etc.					
Total					
Hourly Rates for persons for whom an hourly rate is charged or claimed					
Solicitors <i>[insert an additional row(s) for each person and/or rate concerned]</i>	Name	Grade	Hourly rate (€)	Time spent by that person (by reference to time records kept, or if not kept, an estimate of the time spent) and dates between which this rate is claimed	
Other staff <i>[insert an additional row(s) for each person and/or rate concerned]</i>					

COUNSEL'S FEES

Item number	Date(s) on which or between which work carried out	Detailed description of work done for which costs are claimed	Claimed by party entitled	For Legal Costs Adjudicator's use only
			€	Notes/ Amount disallowed (if any) in respect of amount claimed in column 4
C.2.1				
C.2.2 etc.				
Total				

Hourly Rates for persons for whom an hourly rate is charged or claimed

Counsel <i>[insert an additional row(s) for each person and/or rate concerned]</i>	Name	Hourly rate (€)	Time spent by that person (by reference to time records kept, or if not kept, an estimate of the time spent) and dates between which this rate is claimed

EXPERTS' FEES					
Item number	Date(s) on which or between which work carried out	Detailed description of work done for which costs are claimed	Claimed by party entitled to VAT	For Legal Costs Adjudicator's use only	Notes/ Amount disallowed (if any) in respect of amount claimed in column 4
C.3.1					
C. 3.2 etc.					
Total					

Hourly Rates for persons for whom an hourly rate is charged or claimed

Experts <i>[insert an additional row(s) for each person and/or rate concerned]</i>	Name	Hourly rate (€)	Time spent by that person (by reference to time records kept, or if not kept, an estimate of the time spent) and dates between which this rate is claimed

EXPENSES	Item number	Date(s) on which	Description of expense claimed	Whether liable to VAT	Claimed by party entitled to VAT	For Legal Costs Adjudicator's

	or between which expense incurred		and rate €	use only
C.4.1				Notes/ Amount disallowed (if any) in respect of amount claimed in column 5
C. 4.2 etc				
Total				

D. COSTS INCURRED SUBSEQUENT TO TRIAL

SUMMARY OF SERVICES IN THIS SECTION OF THE BILL FOR WHICH COSTS ARE CLAIMED

[Where required, taking up Order of the Court, and/or arranging implementation of the settlement, dealing with the outstanding matters, such as discharge of special and other damages, payment of expert and witnesses' charges and expenses, negotiation and accounting for party and party costs, if applicable and attending to outstanding matters.]

Column 1	Column 2	Column 3	Column 4	Column 5

SOLICITORS' COSTS

Item number	Date(s) on which or between which work carried	Detailed description of work done for which costs are claimed	Claimed by party entitled	For Legal Costs Adjudicator's use only
			€	Notes/

	out			Amount disallowed (if any) in respect of amount claimed in column 4
D.1.1				
D.1.2 etc.				
Total				

Hourly Rates for persons for whom an hourly rate is charged or claimed

Solicitors <i>[insert an additional row(s) for each person and/or rate concerned]</i>	Name	Grade	Hourly rate (€)	Time spent by that person (by reference to time records kept, or if not kept, an estimate of the time spent) and dates between which this rate is claimed

Other staff <i>[insert an additional row(s) for each person and/or rate concerned]</i>				

COUNSEL'S FEES

Item number	Date(s) on which or between which	Detailed description of work done for which costs are claimed	Claimed by party entitled	For Legal Costs Adjudicator's use only
			€	

	work carried out		Notes/ Amount disallowed (if any) in respect of amount claimed in column 4
D.2.1			
D.2.2 etc.			
Total			

Hourly Rates for persons for whom an hourly rate is charged or claimed

Counsel <i>[insert an additional row(s) for each person and/or rate concerned]</i>	Name	Hourly rate (€)	Time spent by that person (by reference to time records kept, or if not kept, an estimate of the time spent) and dates between which this rate is claimed

EXPERTS' FEES

Item number	Date(s) on which or between which work carried out	Detailed description of work done for which costs are claimed	Claimed by party entitled	For Legal Costs Adjudicator's use only	Notes/ Amount disallowed (if any) in respect of amount
			€		

				claimed in column 4
D.3.1				
D. 3.2 etc.				
Total				

Hourly Rates for persons for whom an hourly rate is charged or claimed

Experts <i>[insert an additional row(s) for each person and/or rate concerned]</i>	Name	Grade	Hourly rate (€)	Time spent by that person (by reference to time records kept, or if not kept, an estimate of the time spent) and dates between which this rate is claimed
--	-------------	--------------	------------------------	--

EXPENSES

Item number	Date(s) on which or between which expense incurred	Description of expense claimed	Whether liable to VAT and rate	Claimed by party entitled €	For Legal Costs Adjudicator's use only
					Notes/ Amount disallowed (if any) in respect of amount claimed in column 5
D.4.1					
D. 4.2 etc					
Total					

E. (SEE NOTE 1 IN NOTES ON PREPARATION OF THE BILL OF COSTS)

**SUMMARY OF SERVICES IN THIS SECTION OF THE BILL
FOR WHICH COSTS ARE CLAIMED**

-[Set out a concise summary of the services undertaken, where not otherwise capable of being reasonably provided for in part A, B, C or D. Where the services relate to proceedings, outline the relief(s) claimed in the proceedings and the nature of the defence, the matters of fact and law pleaded, and the issues of fact and law in dispute, the course of the proceedings and the outcome at trial or settlement. The summary should avoid lengthy recital of the content of pleadings, evidence, correspondence or any other documentation.]

Column 1	Column 2	Column 3	Column 4	Column 5
----------	----------	----------	----------	----------

SOLICITORS' COSTS

Item number	Date(s) on which or between which work carried out	Detailed description of work done for which costs are claimed	Claimed by party entitled	For Legal Costs <u>Adjudicator's use only</u>
E.1.1			€	Notes/ Amount disallowed (if any) in respect of amount claimed in column 4
E.1.2 etc.				
Total				

Hourly Rates for persons for whom an hourly rate is charged or claimed

Solicitors <i>[insert an additional row(s) for each person and/or rate concerned]</i>	Name	Grade	Hourly rate (€)	Time spent by that person (by reference to time records kept, or if not kept, an estimate of the time spent) and dates between which this rate is claimed
OTHER STAFF				
COUNSEL'S FEES				
Item number	Date(s) on which or between which work carried out	Detailed description of work done for which costs are claimed	Claimed by party entitled	For Legal Costs Adjudicator's use only Notes/ Amount disallowed (if any) in respect of amount claimed in column 4
E.2.1			€	
E.2.2 etc.				
Total				
Hourly Rates for persons for whom an hourly rate is charged or claimed				

Counsel <i>[insert an additional row(s) for each person and/or rate concerned]</i>	Name		Hourly rate (€)	Time spent by that person (by reference to time records kept, or if not kept, an estimate of the time spent) and dates between which this rate is claimed
EXPERTS' FEES				
Item number	Date(s) on which or between which work carried out	Detailed description of work done for which costs are claimed	Claimed by party entitled	For Legal Costs Adjudicator's use only
			€	Notes/ Amount disallowed (if any) in respect of amount claimed in column 4
E.3.1				
E. 3.2 etc.				
Total				
Hourly Rates for persons for whom an hourly rate is charged or claimed				
Experts <i>[insert an additional row(s) for each</i>	Name		Hourly rate (€)	Time spent by that person (by reference to

<i>person and/or rate concerned]</i>				time records kept, or if not kept, an estimate of the time spent) and dates between which this rate is claimed

EXPENSES

Item number	Date(s) on which or between which expense incurred	Description of expense claimed	Whether liable to VAT and rate	Claimed by party entitled €	For Legal Costs Adjudicator's use only
E.4.1					Notes/ Amount disallowed (if any) in respect of amount claimed in column 5
E. 4.2 etc					
Total					

No. 4

O. 99, r. 37

**NOTICE OF APPLICATION FOR CONSIDERATION OF A DECISION(S)
AND FOR A DETERMINATION UNDER SECTION 160(1) OF THE
LEGAL SERVICES REGULATION ACT 2015**

[Insert title of action, arbitration or as appropriate]

*Costs awarded to A.B. as Plaintiff *[or as the case may be]* in the above-entitled proceedings

*Costs between A.B. of legal practitioner and C.D. ofas client

TAKE NOTICE that *I/*we as

*the person in whose favour the order to pay costs has been made

*the person who is the subject of the order to pay costs

*the client concerned

*the legal practitioner concerned

hereby apply to Legal Costs Adjudicator

for consideration of the following decision(s) comprised in a *determination

*report of the Legal Costs Adjudicator given on the ...day of20.... and for a determination in respect thereof under section 160(1) of the Legal Services Regulation Act 2015 -

[Set out sequentially in a short and concise form the matters or items, or parts thereof, to which each objection relates to and the grounds and reasons for each such objection. e.g.

- 1 *Decision not to confirm a charge of the sum of €..... for (item [insert reference to item number and section in which it appears] in bill of costs)*

Grounds for this objection:

- 2 *Decision to determine a different amount to be charged in the sum of €..... for (item [insert reference to item number and section in which it appears] in bill of costs)*

Grounds for this objection:

etc.]

Dated20.....

Signed.....

of

To: Legal Costs Adjudicator

Office of the Legal Costs Adjudicators

And to.....

of

*delete where inapplicable

[Office use only]

The initial return date assigned to this application is20.....
The application for adjudication must be served so as to allow 14 clear days to elapse between the day of service and the initial return date.

No 5

O. 99, r. 57(3), (4)

NOTICE OF LODGMENT IN SATISFACTION OF COSTS

[*Title of action or matter*].

Take notice that the [*defendant, plaintiff, client, or as the case may be*] has paid into Court the following sums, namely:

(i) in respect of [name] Solicitors, the sum (inclusive of Value Added Tax, where applicable) of €.....

(ii) in respect of A.B., Counsel, the sum (inclusive of Value Added Tax, where applicable) of €.....

in respect of C.D., Counsel, the sum (inclusive of Value Added Tax, where applicable) of €..... €.....

(iii) in respect of all disbursements and outlay (other than in respect of legal practitioners' fees), the sum of €.....

making in total the sum of €....,

and says that that sum is enough to satisfy the claim for costs of the [*plaintiff, defendant, legal practitioner, or as the case may be*].

Dated

(Signed)

To [*the party entitled to costs or legal practitioner concerned, as the case may be*].

No. 6

O. 99, r. 58(1)

ACCEPTANCE OF SUM PAID INTO COURT IN SATISFACTION OF COSTS.

[*Title of action or matter*].

Take notice that the [*plaintiff, defendant, legal practitioner, or as the case may be*] accepts the sum of € paid by you into Court in satisfaction of the claim to costs in respect of which it is paid in.

Dated

(Signed)

To [*the paying party or client concerned, as the case may be*].

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These new Rules provide for the transition from the taxation regime to the new legal costs adjudication regime. If on the commencement date of the Act, a matter has been referred for taxation and a hearing has taken place on the matter, the matter shall continue as a taxation. If however, a matter has been referred for taxation but a hearing has not yet taken place, the application shall be dealt with as an application for adjudication of legal costs made under section 154 of the Legal Services Regulation Act.

The new Rules also provide for a lodgement and tender regime in respect of disputed costs and to provide a sanction by way of a liability for costs of the adjudication where a lodgement or tender has been made which is equal to or greater than the amount of the costs determined to be paid.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2,
D02 DR67.

Tel: 076 110 6834
r-post: publications@opw.ie

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2,
D02 DR67.

Tel: 076 110 6834
E-mail: publications@opw.ie

ISBN 978-1-4468-9599-3



9 781446 895993

€ 16.00